

**WORCESTERSHIRE DISTRICT COUNCILS**

**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD**

THURSDAY 27TH JUNE 2019 AT 4.30 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,  
WORCESTERSHIRE, B61 8DA

MEMBERS: Bromsgrove District Council: Councillor A. Kent  
Bromsgrove District Council: Councillor H. Jones  
Malvern Hills District Council: Councillor J. Raine  
Malvern Hills District Council: Councillor T. Wells  
Redditch Borough Council: Councillor J. Grubb  
Redditch Borough Council: Councillor W. King  
Worcester City Council: Councillor J. Squires  
Worcester City Council: Councillor L. Griffiths  
Wychavon District Council: Councillor E. Stokes  
Wychavon District Council: Councillor D. Morris  
Wyre Forest District Council: Councillor H. Dyke  
Wyre Forest District Council: Councillor P. Dyke

**AGENDA**

1. Previous Chairman's Report (Pages 1 - 4)  
The Worcestershire Regulatory Service Board Chairman for the Municipal Year 2018/2019 to present their report.
2. Election of Chairman for the ensuing Municipal Year
3. Election of Vice-Chairman for the ensuing Municipal Year
4. Apologies for absence and notification of substitutes
5. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
6. To confirm the accuracy of the minutes of the meeting of the Worcestershire Regulatory Services Board held on 14th February 2019 (Pages 5 - 14)
7. Worcestershire Regulatory Services Revenue Monitoring April - March 2019 & Annual Return (Pages 15 - 28)

8. Worcestershire Regulatory Services Annual Report 2018/2019 (Pages 29 - 66)
9. Activity and Performance Data Quarters 1, 2, 3 and 4 (Pages 67 - 108)
10. Worcestershire Regulatory Services Enforcement Policy 2019 (Pages 109 - 122)
11. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

18th June 2019



## **WRS Board 27<sup>th</sup> June 2018 Chairman's Report**

### **Recommendation**

That the Board notes the report.

### **Introduction**

When the new legal agreement that came into effect on 1<sup>st</sup> April 2016, it was envisaged that the new operating arrangement for the partners would be reviewed at the end of 12-months to ensure that the arrangement is working in the envisaged way. Officer members of the Board felt it appropriate that this review be presented by the Chairman of the Board who oversaw this period. This gave the then Chairman the opportunity to reflect on the events of their year chairing the Board. Going forward it was felt that the out-going Chairman of the Board should be given the opportunity to highlight, from an elected member's perspective, the key events and elements delivered on behalf of partners by the service during the 12 months that they held the chair. The Chairman for 2018/19, Councillor Laight from Bromsgrove has moved to become Chairman of the Council, so is no longer part of the Board. Hence, this year the report is from the Vice Chairman.

### **Report**

This report gives an overview of the highlights that the Board covered during the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019. The Board received a number of information reports alongside the standard activity data and financial reporting, which has allowed members to get a better understanding of the day to day work of the Regulatory Service and to understand the issues faced by our officers in trying to protect the public in each of the districts and also supporting the local businesses to thrive and grow.

### **Financial Reporting**

Bromsgrove, as host, has provided the Board with timely and concise budget information so that the Board can ensure the financial probity of operational delivery. Occasionally concerns have been expressed over the presentation of the data, but generally officers have rectified any faults raised by Board members. The host's officers continue to provide the level of assurance that the Board requires.

## Operational Reporting

Income generation remains the basis for maintaining the level of service delivery that we, as partner authorities receive. Improving the picture of income coming into the service has been important so that members continue to have a good oversight of the service's finances.

The quarterly review of performance and activity data continues to provide members with a clear picture of operational activity in all district areas. One or two suggested improvements in presenting the data have been made and members should continue to ask questions to ensure that the picture provided is as clear as possible with the resources available. Constant change for its own sake is not something the Board should seek but continuous small improvements in the report and the suite of indicators is something the Board may wish to consider in the future.

During last year, members of the Board asked if they could be involved in business planning and possibly a review of performance indicators during 2019/20 and I hope that this is something that officer members of the board and WRS Managers will facilitate in the autumn.

A number of Chairs have supported the use of information reports at each Board meeting to help to engage members more in the workings of the service and these help to paint a clearer picture of what officers are doing on the ground. This year we received reports on a wide range of areas. We heard about the results of the staff survey commissioned by the host Bromsgrove District Council as part of its own approach to improving support for staff. We saw that generally the balance between staff freedoms within boundaries and management control was good along with a range of other measures but it did highlight the pressures that staff are feeling with the high workload and pressure from customer expectations that they face.

A report on the new animal activity licensing regime highlighted the huge changes that government's new legislation had imposed both on the services and the businesses they regulated but we were re-assured that this was a case of making laws that were fit for the 21<sup>st</sup> century view of how animals should be treated. We also received a report on Environmental Permitting, which is where local authorities license industrial processes that can be highly polluting. This showed the importance of our Councils' role in protecting the environment as well as showcasing the talents of our team in this area, which is recognised by a number of national bodies as one of the best.

Whilst as a governance board we must be focused in the main on financial and strategic issues, it is important that we have a feel for what the service is doing and that we are able to reflect this back at each of the partner authorities in our roles as senior elected members. These reports do exactly that.

## Highlights

As a former Police Officer I should highlight some of the formal action

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taken, and particularly the prosecution of B&Q plc in relation to a serious accident that occurred in their Kidderminster store. From my former role I understand the difficulties that come with having to prove offences to the criminal standard of beyond a reasonable doubt. The fact that the business chose to plead guilty is testament to the quality of the work done by the team in bringing this case to a successful conclusion.

It is also good to see the team engaging with a range of partners to tackle wider issues of criminality. We often hear talk of child sexual exploitation and modern day slavery and see these as policing issues without realising the links to regulated activities. Evidence from Rotherham, Rochdale and other areas has highlighted the need to be vigilant around the taxi trade and other licensed activities, and we know that a proportion of modern day slavery is happening in working environments, whether that is illegal immigrants forced to work as waiters in restaurants to pay off their debts or women trafficked to work in clubs in the sex trade. It is important that we see these links and support a multi-agency policing approach that directly tackles these crimes.

On a more positive note, our service's on-going development of primary authority work and particularly through the permitting team who have signed up Cemex and Weinerberger is exemplary. Our service is first in this arena and leading the country in moving forward on these activities. I hope that the team will continue to build on these firsts and continue to push the boundaries, allowing money to flow into the service to support its activities.

On behalf of the Board I would offer my thanks to the team for the work they have done over the previous twelve months. We know that this team works very hard for all of the partners and it is their dedication that ensures we continue to provide residents with a superior service that addresses many of their day to day issues in these areas, keeping our communities safe and supporting a thriving local economy.

## Contact Point

Councillor Gareth Prosser  
Vice-Chair of the Shared Service Partnership Board 2018/19

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## **WORCESTERSHIRE DISTRICT COUNCILS**

### **MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD**

**THURSDAY 14TH FEBRUARY 2019, AT 4.30 P.M.**

PRESENT: Councillors R. J. Laight (Chairman), B. Behan, J. Grubb, P. Witherspoon, J. Squires, E. Stokes, M. King and P. Harrison

Partner Officers: Mr. P. Merrick, Malvern Hills District Council and Wychavon District Council and Mr. L. Griffiths, Worcester City Council

Officers: Mr. S. Wilkes, Ms. C. Flanagan, Mr. C. Forrester, Ms. S. Garratt, Mr. D. Mellors, Mr. M. Cox and Mrs. P. Ross

The Chairman welcomed Lloyd Griffiths, Corporate Director, Homes and Communities, Worcester City Council

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#### **APOLOGIES**

Apologies for absence were received from Councillors P. Whittaker, Bromsgrove District Council, G. Prosser and J. Fisher, Redditch Borough Council, A. Feeney, Worcester City Council, J. Smith and J. Baker, Wyre Forest District Council.

It was noted that Councillors J. Grubb and P. Witherspoon were in attendance as substitutes for Councillors G. Prosser and J. Fisher, Redditch Borough Council. Councillor P. Harrison was in attendance as substitute for Councillor J. Baker, Wyre Forest District Council.

Apologies for absence were also received from Ms. J. Pickering, Bromsgrove District and Redditch Borough Councils and Mr. M. Parker, Wyre Forest District Council.

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#### **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

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#### **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 15th November 2018, were submitted.

Members noted that Councillor E. Stokes had been present at the meeting and should have been listed amongst the Councillors present.

**RESOLVED** that subject to the amendment, as detailed in the preamble above, the minutes be approved as a correct record.

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## **WORCESTERSHIRE REGULATORY SERVICES REVENUE** **MONITORING QUARTER 1 - 3**

The Financial Services Manager, Bromsgrove District Council (BDC) introduced the report and drew Members attention to a number of areas, including:

- The detailed revenue report at Appendix 1 to the report, which showed a projected outturn 2018/2019 surplus of £2k.
- Vacant posts within the services and projected savings in salaries, which had been offset by the costs associated with additional agency staff being used to cover vacancies, sickness and to support the service where staff were working on additional income generation projects.
- The salary figure included the cost of three Technical Officer's. A Technical Officer was recruited in July 2018, on a fixed two year contract, to support delivery of additional income generation via Primary Authority. It was agreed that this officer would be funded by partner authorities on the current partner percentage basis.
- A Technical Officer to carry out additional work on Gull Control for Worcester City Council. The projected recruitment would be mid-February 2019 for a two year fixed contract, to be recharged to Worcester City Council only.
- A Technical Officer to work on the new licensing laws for animal activities had now been successfully recruited. This officer would be funded by partner authorities based on the number of animal licences within each council, the income for animal activity licensing would be realised in the councils general licensing income.
- The detailed explanations within the report were highlighted, in respect of an overspend of £9K on Pest Control. Actual bereavements costs for April to December 2018 to be funded by each partner authority.
- The total income achieved by WRS as detailed at Appendix 2 to the report.

Following a brief discussion, the Head of Regulatory Services, informed the Board that WRS had infilled some of the vacancies and were in the process of filling all vacancies by Quarter 3.

In response to questions from Members, the Head of Regulatory Services explained that the 'Percentage saving from original budget (Excl County) £5,057 in 2010-11', as detailed on page 14 of the main agenda pack; had been shown in order to remind the Board how far WRS had progressed and to remind Members of how different the financial position was now compared to when the service came together in 2010. He was happy to remove the information should the Board



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agree. Members were of the view that the information could be detailed in the Annual Report and therefore should be removed from future revenue monitoring reports.

The Head of Regulatory Services, provided further detail on the 'Remaining Reserve Balance' of £272k; which some Members of the Board felt was a substantial amount to keep and agreed that if Members felt this was too substantial he would discuss this with the section 151 officers from the partners. He reminded Members that they had previously agreed that any potential future overspend would be covered by the 'Remaining Reserve Balance', which, if required, would provide a short term buffer for partners so they would not suffer the shock of having to find additional funds at short notice at the end of a financial year. Members agreed that changing the name used to describe the reserve was sufficient as long as it demonstrated that it was clearly earmarked as a protective measure for the 6 local authorities.

The Head of Regulatory Services further informed Members that the Worcestershire Local Enterprise Partnership had provided financial support to allow WRS to deliver the Worcestershire Food and Drink project. The next financial year would see the residual amount going into the new organisation to continue to support its development.

With regard to Pest Control, the Technical Services Manager, WRS, informed Members that wasps were secondary pollinators and therefore their nests could be removed safely or destroyed, if deemed a danger to health. The decision on how wasp nests were dealt with was decided by each partner authority, within their individual pest control policy.

## **RESOLVED:**

- (a) that the final financial position for the period April – December 2018 be noted;
- (b) that partner councils be informed of their liabilities for 2018-19 in relation to Bereavements / Pest Control, as follows:

<b>Council</b>	<b>Apr–Dec 2018 Actual for Bereavements £000</b>	<b>Estimated 2018/19 for Pest Control £000</b>
Redditch	6	5
Malvern	4	
Worcs City	9	
Bromsgrove	1	
Wychavon		2
Wyre Forest		1
<b>Total</b>	<b>20</b>	<b>8</b>

and

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(c) that partner councils be informed of their liabilities for 2018-19 in relation to three additional Technical Officers, as follows:

<b>Council</b>	<b>Estimated 2018/19 Tech Officer Primary Authority £000</b>	<b>Estimated 2018/19 Tech Officer Animal Activity £000</b>	<b>Estimated 2018/19 Tech Officer Gull Control £000</b>
Redditch	3	1	
Malvern	3	2	
Worcs City	3	1	3
Bromsgrove	3	1	
Wychavon	4	2	
Wyre Forest	3	1	
<b>Total</b>	<b>19</b>	<b>7</b>	<b>3</b>

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## **WORCESTERSHIRE REGULATORY SERVICES SERVICE PLAN 2019/2020**

The Board was asked to consider and approve the Worcestershire Regulatory Services (WRS) Service Plan 2019/2020.

The Head of Regulatory Services presented the report and in doing so informed Members that the Service Plan, as in previous years, enabled Members to be aware of what the service was proposing for the relevant financial year and provided a sign off that some central government bodies liked to see in relation to service delivery plans, e.g. the Food Standards Agency.

The Service Plan followed a similar pattern as per previous years, but now included an Executive Summary to pick up the main points. The service would continue to shape its work around the strategic priorities for local authority regulatory services, which were provided more than five years ago by the Department for Business, Energy and Industrial Strategy (BEIS) Regulatory Delivery Team, as these provided a framework that allowed WRS to have a golden thread back to the priorities of partner authorities and also to link to the requirements of the various national bodies that oversee the work of WRS.

As with the previous year, more detail was now provided in relation to the Food Hygiene work of the service. This was in order to meet one of the recommendations made by the auditors from the Food Standards Agency during their visit in 2017. They were keen that Members had a better understanding of the demand in this service area when they authorised the service plan for 2019/2020 and future years.

Therefore Members of the Board were particularly being asked to note the proposed number of inspections and similar activities proposed for

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the new financial year that would be undertaken to discharge the statutory duties of the six partner authorities with regard to food control.

Councillor E. Stokes, Wychavon District Council, expressed her concerns with regard to the potential impact that Brexit could have on the service. There was no contingency in the budget should the service need to overcome any potential regulatory barriers, should there be any.

The Head of Regulatory Services responded and stated that the regulatory impact of Brexit on the overall regulatory framework for the United Kingdom (UK) was dependant on the future relationship that the UK sought with the European Union (EU). UK legislation was largely compliant with the requirements of the EU. There was a risk for those who imported / exported to the EU and potentially a lot more barriers for them to overcome. There was a limited impact at district with more issues to overcome at county level.

Councillor J. Squires, Worcester City Council, commented that it was always good to see the WRS Service Plan. However, she was interested in seeing additional input from Board Members. Councillor J. Squires further suggested the possibility of holding an away day for officers and Members in order to look at and discuss future service plans and to look at the internal Strategic Assessment document.

The Head of Regulatory Services stated that he was more than happy to hold an away day in order to engage with Members for their participation and input into future service plans. The Strategic Assessment document was an internal document that contained sensitive business information, but he was happy to redact any such information so that Members could have sight of the document.

The Chairman commented that Councillor J. Squires had made an excellent suggestion and was in agreement with the suggestions made.

In response to Councillor M. King, Wychavon District Council, the Head of Regulatory Services, explained that the budget, as agreed by the Board, was still being operated on the assumption of a cash standstill budget. As discussed earlier, there was a reserve of £173k, so a contingency was available should things start to become difficult and the service started to struggle. Further discussions with partner authorities would take place if and when this became necessary. Most partner authorities' only factored in increases for salaries in their budgets, not the general inflation that would apply to other aspects of revenue requirements.

In response to the Chairman, with regard to the 'Operating Environment' as detailed on page 24 of the main agenda pack; 'that the public were less likely to accept the views of officers as an independent view'. The Environmental Health and Trading Standards Manager, WRS, explained that officers had had to emphasise to residents that they were neutral, but there was a perception by the public that officers could and should

do more. As a result of this unnecessary issues had been escalated to senior officers and Members. In response to this, WRS had enhanced their website to provide more detailed information to the public in order to address current public perception of the service.

## **RESOLVED**

- (a) that the Worcestershire Regulatory Services Service Plan 2019/2020 be approved; and
- (b) that Members of the Board specifically note the level of work to be undertaken by the service this year in relation to the partners' roles as local food authorities.

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## **ACTIVITY AND PERFORMANCE DATA - QUARTER 1-3**

The Technical Services Manager, WRS, presented the Activity and Performance Data Quarter 3 report and in doing so stated that the usual format had been used detailing the service workload and demand, whilst also providing individual partner authorities detailed activity report information.

A peak in food complaints and enquiries in August followed the pattern of the previous year and, like other areas, dropped significantly in September. These falls enabled staff to catch up with the proactive food inspections so more of these were conducted in Quarter 3 this year than in previous years. This helped to demonstrate how the service responded flexibly with their resources and also highlighted that when resources were tight, proactive activities took a back seat.

Licensing requests and applications remained on trend along with information requests. However, having seen a significant peak during the summer months, planning requests showed another significant peak during the mid-late autumn, making it a very busy period for the Technical Services team, at a time when they were also trying to finalise some important Primary Authority arrangements.

Sickness figures increased slightly to 3.26 days per full time equivalent (FTE), which was 0.5 days per FTE more than at the end of Quarter 2. Hence the service remained on target for significantly better figures than last year and hopefully below the level in 2016/2017.

In terms of the cumulative performance measures, business satisfaction was up slightly again to 96.1% so heading back towards where the service was historically. Broadly compliant food businesses remained around the 98% mark (97.7%), which continued to demonstrate that food businesses across the county were well run.

Overall customer satisfaction (non-business customers) remained at 61% at the end of December. The proportion who felt better equipped to deal with problems in the future had improved to 56% at the end of September to 59% at the end of December.

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Members were asked to note the typographical error on page 44 of the main agenda pack. The last paragraph should read “78 compliments **had** been received against 23 complaints, a similar ratio to previous years in spite of the dip in customer satisfaction”.

Following the presentation of the report and in response to questions from Members, the Head of Regulatory Services agreed to the following:

- Future Reports - Appendix B (to the report) would include the Outturn figures for the previous year.
- In order to provide some clarity, the new Technical Officer would look at the ratio of complaints and the number of residents per ward area and would include this information in future reports.

The Licensing and Support Services Manager, WRS, informed Members that the scheduled Child Sex Exploitation (CSE) training had been carried out at all six partner authorities, with additional sessions to be provided for those drivers who had not managed to get booked on the course during 2018. Additional sessions had already been delivered at Redditch Borough Council during January 2019. Officers were looking at the possibility of a new policy making CSE training mandatory.

The Licensing and Support Services Manager, WRS, further informed Members that the Department for Transport had recently launched a consultation on some new statutory guidance that it intended to publish for taxi and private hire licensing authorities on how to use their licensing powers to protect children and vulnerable adults.

The draft statutory guidance included guidance to licensing authorities on the approach they should adopt with applications from those with previous criminal convictions. Licensing authorities would have a legal obligation to have regard to the Department for Transport statutory guidance once it had been consulted upon and published.

This new guidance also included information of cross border working and the potential for national standards to be adopted.

The consultation would close on 22nd April 2019.

With the agreement of the Chairman, the Head of Regulatory Services commented that the recent press and news coverage of the Department for Transport Department launch of the consultation on new statutory guidance had been very negative. It gave the impression that licensing authorities issued hackney carriage and private hire driver licenses haphazardly. It was not made evidently clear that licensing authorities required applicants to provide an enhanced Disclosure and Barring Service (DBS) check.

Members were reassured that WRS worked with a number of agencies and relevant links where the consultation and subsequent responses to the consultation would be discussed. The Chief Executive, Wyre Forest District Council had volunteered to be the lead on this on the District Councils Networks response to the consultation.

The Licensing and Support Services Manager, WRS, further reassured Members that Licensing Committee Chair's at each partner authority would be contacted to discuss the Department for Transport Department new statutory guidance consultation.

**RESOLVED** that the Activity and Performance Data Quarter 3 report be noted.

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## **INFORMATION REPORT - REUNITING DOGS WITH OWNERS OUT OF HOURS**

The Technical Services Manager, WRS, presented the Reuniting dogs with owners, out of hours, Information Report.

Members were reminded that every quarter WRS reported to the Board, the number of compliments and complaints received. The manager for each service area reviewed complaints received and provided a response to complainants. An Information Report was presented at the WRS Board meeting on 15th February 2018. The report provided a review of the complaints received by WRS. The review highlighted an investigation into 9 complaints of dissatisfaction whereby dog owners were unable to collect their stray dogs at the weekend or Bank Holidays from the contracted kennelling provider.

Members had considered the possible solutions with associated costs and barriers to be overcome to resolve those 9 complaints; and had reached the conclusion that the cost of implementing a solution was not justifiable for just 9 complaints over a two and half year period.

Since then officers had worked with the main contracted kennelling provider to attempt to overcome the barriers preventing out of hours reunification of stray dogs with their owners. Following negotiation, the kennelling contractor had agreed to a trial of facilitating reunification with some dogs to owners, out of hours, within certain conditions, as detailed on page 78 of the main agenda pack.

The trial had proved successful during the three month period in which it had run, with no significant issues.

The new process enabled swift reunification, with owners who had been responsible, with keeping their dogs details up to date with a microchipped dog. This reduced risk to staff at the kennels, avoided scenarios where there were complexities in fee calculation or welfare investigations. Whilst complaints were still likely to be received whereby

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owners were unable to claim their dog, out of hours, there would be defensible reasons for this.

The new process would be kept under review.

In response to questions from Members, the Technical Services Manager, WRS, explained that dog owners had to pay by cash as the contracted kennelling provider did not have the facility to take card payments.

Members were in agreement that it was an excellent report, with a proactive approach by officers to address a relatively small number of complaints.

**RESOLVED** that the Information Report on reuniting dogs with owners, out of hours, be noted.

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## **WORCESTERSHIRE REGULATORY SERVICES BOARD - 2019/2020 PROPOSED MEETING DATES**

The Board considered the proposed meeting dates for 2019/2020.

**RESOLVED** that the Worcestershire Regulatory Services Board meeting dates and meeting start time of 4:30 p.m. for the municipal year 2019/2020 be approved as follows:-

- Thursday 27th June 2019
- Thursday 26th September 2019
- Thursday 14th November 2019 – Budget Meeting
- Thursday 13th February 2020

The meeting closed at 5.26 p.m.

Chairman

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## WRS Board

27th June 2019

### WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL – MARCH 2019 & ANNUAL RETURN

#### Recommendation

It is recommended that the Board:

- 1.1 Note the final financial position for the period April – March 2019
- 1.2 Approve the 2018/19 refund of £63k to the participating Councils.

Council	Refund from 2018/19 £'000
Bromsgrove	9
Malvern Hills	8
Redditch	11
City of Worcester	11
Wychavon	15
Wyre Forest	10
	64

#### Contribution to Priorities

The robust financial management arrangements ensure the priorities of the service can be delivered effectively.

#### Introduction/Summary

This report presents the final financial position for Worcestershire Regulatory Services for the period April – March 2019. In addition a number of financial statements are appended to this report.

#### Background

During the financial year quarterly financial reports are presented for consideration by the Partners and the WRS

## Report

Board.

The following reports are included for the Board's Attention:

- Revenue Monitoring Statement 2018/19 - Appendix 1
- Annual Statement 2018/19 - Appendix 2
- Annual Statement Analysis 2018/19 – Appendix 3
- WRS Income Analysis 2018/19 – Appendix 4
- Reserve Statement – Appendix 5

### Revenue Monitoring

The detailed revenue report is attached at Appendix 1. This shows a final outturn refund due to partners of £64k, this represents 2.1% of the actual budget and is mainly due to:-

- Agency Staff required to cover vacant posts, maternity etc was lower than actual salary savings.
- Any grant funded expenditure is shown separate to the core service costs as this is not funded by the participating Councils.
- WRS managers set themselves an income budget of £309k for 2018/19, through the hard work and successes that WRS achieved with generating income this year, the total income generated from all sources including additional spends by partners this year was £402k.
- As requested by this Board Appendix 1 details explanations relating to the variances.

The 2018/19 refund of £64k, is proposed to be refunded back to partners as below:

Bromsgrove	£9,260
Malvern Hills	£8,144
Redditch	£11,155
Worcs City	£10,689
Wychavon	£14,771
Wyre Forest	£9,758

The refund to partners takes into account the adjustment for the overspend on Pest Control and all other charges to partners.

All partners have been advised of all recharges and refunds for completion of their statement of accounts.

<b>Financial Implications</b>	None other than those stated in the report
<b>Sustainability</b>	None as a direct result of this report
<b>Contact Points</b>	Jayne Pickering – 01527-881400
<b>Background Papers</b>	Detailed financial business case

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	Full year Budget	Expenditure to Mar 19	Variance	
	£'000	£'000	£'000	
<b>Direct Expenditure</b>				
Employees				
Salary	2,534	2,394	-140	The underspend is made up of a combination of vacancies, maternity, long term sick. Spend includes £19k cost to support delivery of additional income generation work via primary authority and £6k cost for additional work in new animal activity licenses. These additional charges are recharged back to partners and is reflected in the income line.
Agency Staff	0	89	89	
Employee Insurance	40	40	-0	
<b>Sub-Total - Employees</b>	<b>2,574</b>	<b>2,523</b>	<b>-51</b>	
<b>Premises</b>				
Rent / Hire of Premise	54	53	-1	
Cleaning	1	1	-0	
Utilities	0	0	0	
<b>Sub-Total - Premises</b>	<b>55</b>	<b>54</b>	<b>-1</b>	
<b>Transport</b>				
Vehicle Hire	13	1	-12	
Vehicle Fuel	8	4	-4	
Road Fund Tax	1	1	-0	
Vehicle Insurance	5	5	0	
Vehicle Maintenance	3	2	-1	
Car Allowances	87	70	-17	Mainly due to impact of reduction in mileage undertaken by officers. This figure can fluctuate depending on demand.
<b>Sub-Total - Transport</b>	<b>116</b>	<b>83</b>	<b>-34</b>	
<b>Supplies and Services</b>				
Furniture & Equipment	30	49	20	Purchased particulate monitoring kit £8k, which will also be an income generator. Due to increase in number of taxi licenses and the increase in cost of raw materials there was a £10k overspend within this service line. Calibration of noise monitoring kit £5k.
Clothes, uniforms and laundry	2	9	7	Purchase of PPE for participation in multi agency and night time economy interventions £6k
Printing & Photocopying	17	21	4	
Postage	11	13	2	
ICT	40	30	-10	Credit Note of £10k from Idox due to overlap of contract
Telephones	21	21	-0	
Training & Seminars	24	22	-2	
Insurance	5	5	0	
Third Party Payments				
Support Service Recharges	100	100	0	
ICT Hosting	44	44	0	
<b>Sub-Total - Supplies &amp; Service</b>	<b>293</b>	<b>314</b>	<b>21</b>	

	Full year Budget	Expenditure to Mar 19	Variance
	£'000	£'000	£'000
<b>Direct Expenditure</b>			
<b>Contractors</b>			
Dog Warden	145	154	9 Vacancies within the dog warden team, has meant we have had to be reliant upon external contractors. Posts now recruited to.
Pest Control	47	56	9 Climate conditions favourable to wasps during summer months. Recovered by partners
Taxi / Alcoh & Other Licensing	65	101	36 Cost of additional taxi test at Worcs City due to change in policy £8k, which will be recovered from partner and offset in the income line. Due to change in Animal Activity licensing, additional £14k worth of vet inspections, which is fully recovered and offset in income.
Other contractors/consultants	3	1	-2
Water Safety	5	6	1
Food Safety	2	0	-2
Environmental Protection	12	57	45 Bereavement / Works in Default to be charged to relevant partners, offset in Income
Grants / Subscriptions	11	11	0
Advertising, Publicity and Promotion	6	4	-1
<b>Sub-Total</b>	<b>295</b>	<b>390</b>	<b>95</b>
<b>Income</b>			
Training Courses / Bereavement / Works in Default / Sewer Baiting etc	-309	-402	-93 See Append 4
<b>Sub-Total</b>	<b>-309</b>	<b>-402</b>	<b>-93</b>
<b>Total</b>	<b>3,025</b>	<b>2,961</b>	<b>-64</b>

Grant Funded Spend	Spend 18-19	Remaining Reserve Balance	Funded By
Health & Well Being	14	11	Primary Care Trust
Worcs Works Well	7	40	Public Health Dept
LEP	31	36	Worcestershire Local Enterprise
Better Business For all	4	16	Regulatory Delivery
County Buyout	0	173	
Grant Income	-57		
<b>Total</b>	<b>0</b>	<b>275</b>	

### Worcestershire Regulatory Services Annual Return For Year Ended 31st March 2019

#### Accounting Statement For Worcester Regulatory Services

	Year ending	
	31st March 2018 £	31st March 2019 £
1 <b>Balances brought forward</b>	230,125	286,736
2 (+) Income from local taxation and / or levy	0	0
3 (+) Total other receipts	3,559,112	3,530,730
4 (-) Staff costs	2,643,657	2,680,896
5 (-) Loan interest / capital repayments	0	0
6 (-) All other payments	858,844	872,081
7 (=) <b>Balances carried forward</b>	<b>286,736</b>	<b>264,490</b>
8 Total fixed assets and long term assets	542,409	542,409
9 Total borrowings	0	0

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**Regulatory Services Income received 18-19**

<b>Income from Partners</b>	<b>£</b>
Budget	3,025,000
Refund of Savings	-63,777
Pension Deficit	130,702
Bereavement/ Public Burials	33,297
Marlpool - Redditch	3,365
Pest Control Overspend - Wychavon / Wyre Forest & Redditch	9,601
House Clearance - Redditch / Additional Pest Control at Malvern & Worcs City	208
Caerwedros , Wychbold - Wychavon	7,396
Gull Programme - Worcs City	7,927
Taxi Tests - Worcs City	8,400
Technical Officer - Primary Authority	19,078
Technical Officer - Animal Activity	5,770
	<b><u>3,186,968</u></b>

<b>Grant Income</b>	<b>£</b>
LEP	2,240
Healthy Eating	14,722
Better Business For All	9,995
Worcestershire Works Well	10,000
Severn Trent - Sewer Baiting	12,075
	<b><u>49,032</u></b>

<b>Other Income</b>	<b>£</b>
Stray Dog Income	94,698.49
County - Mgmt / Admin / Legal etc	60,129.51
External Intelligence Support	5,800.61
Planning Support Work	18,122.42
Contaminated Land Work	38,767.00
PPC Work	7,597.86
Primary Authority work	10,626.45
Risk Assessments of Water Supplies / Burials etc	863.28
Vet Fee Inspection Costs Recovered	20,513.01
Food Training Courses / Certificates / Food Hygiene Rating	14,257.50
Licensing - Pre-App Advice	1,213.50
Licensing - Victorian Fayre / Young Solutions	3,787.27
Ad-Hoc - 3 year pension savings	18,000.00
Ad-Hoc	353.31
	<b><u>294,730.21</u></b>

<b>Total Box 3 Accounting Statement</b>	<b><u>3,530,730.21</u></b>
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**Regulatory Services Employees 18-19**

<b>Box 4</b>	<b>£</b>
Employees Related Costs	2,680,895.84
	<b><u>2,680,895.84</u></b>

**Regulatory Services Other Costs 18-19**

<b>Box 6</b>	<b>£</b>
Premise Related Cost	53,121.81
Transport Related Cost	82,576.41
Supplies & Service	736,382.31
	<b><u>872,080.53</u></b>

**Regulatory Services Fixed Assets 18-19**

<b>Box 9</b>	<b>£</b>
ICT Project	497,108.83
Dog Warden Vans	38,000.00
Refurb of Dog Warden Vans	7,300.00
	<b><u>542,408.83</u></b>

**Regulatory Services Borrowings 18-19**

<b>Box 10</b>	<b>£</b>
Total Borrowings - Finance Lease	0.00
	<b><u>0.00</u></b>

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**Worcestershire Regulatory Services Income Received 18-19**

<b>Income from Partners</b>	<b>£</b>
Budget	3,025,000
Refund of Savings	-63,777
Bereavement/ Public Burials	33,297
Marlpool - Redditch	3,365
Caerwedros - Wychavon	7,396
Pest Control Overspend - Wychavon / Wyre Forest & Redditch	9,601
House Clearance - Redditch / Additional Pest Control at Malvern & Worcs City	208
Gull Programme, including Technical Officer - Worcs City	7,927
Taxi Tests - Worcs City	8,400
Technical Officer for Animal Activity Work	19,078
Technical Officer for Primary Authority Work	5,770
	<u><u><b>3,056,266</b></u></u>
 <b>Grant Income</b>	 <b>£</b>
Severn Trent - Sewer Baiting	12,075
	<u><u><b>12,075</b></u></u>
 <b>Other Income</b>	 <b>£</b>
Stray Dog Income	94,698
County - Mgmt / Admin / Legal etc	60,130
Intelligence Services	5,801
Planning Support Work	18,122
Contaminated Land Work	38,767
PPC Work	7,598
Primary Authority work	10,626
Training / Risk Assessments of Water Supplies / Burials etc	863
Young Solutions - Taxi CSE Training	3,787
Vet Fee Inspection Costs Recovered	20,513
Licensing - Pre-App Advice	1,214
Food Training Courses / Certificates / Food Hygiene Rating	14,258
Ad-Hoc	353
Ad-Hoc - 3 year pension savings	18,000
	<u><u><b>294,730</b></u></u>
 <b>Total Income</b>	 <u><u><b>3,363,071</b></u></u>
 <b>2018/19 Base Budget from Partners</b>	 <b>-2,961,223</b>
 <b>Total Income Excluding Budget</b>	 <b>401,848</b>

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**Worcestershire Regulatory Services Reserve Statement - 2018-19**

Appendix 5

<b>Earmarked Reserve</b>	<b>Balance 1st April 2018</b>	<b>Transfers Out 2018/19</b>	<b>Transfers In 2018/19</b>	<b>Balance 31st March 2019</b>
Worcs Works Well	36,926	-7,341	10,000	39,585
LEP	66,726	-33,225	2,240	35,740
County - Exit Fee	173,147			173,147
Better Business For All	9,938	-3,916	9,995	16,017
<b>Total</b>	<b>286,736</b>	<b>-44,482</b>	<b>22,235</b>	<b>264,490</b>
<b>Conditional Reserve</b>	<b>25,408</b>	<b>-14,497</b>		<b>10,911</b>
<b>Total Earmark Reserve &amp; Conditional Reserve</b>	<b>312,144</b>	<b>-58,979</b>	<b>22,235</b>	<b>275,401</b>

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**WRS Board**  
**27<sup>th</sup> June 2019**

## **Worcestershire Regulatory Services Annual Report 2018/19**

<b>Recommendation</b>	That the Board note the Annual Report for 2018/19 and agree that a copy be forwarded to each Chief Executive of the 6 partner authorities and also to the wider elected member base in their areas.
<b>Contribution to Priorities</b>	Not applicable
<b>Summary</b>	Under the Worcestershire Shared Services Partnership Service Level Agreement, the Head of Worcestershire Regulatory Services and the Lead Finance Officer for the host authority, Bromsgrove District Council, are required to submit to the Board an annual report that covers the performance of the shared service and provides a summary of the finances. This report covers the period from 1 <sup>st</sup> April 2018 to 31 March 2019. If endorsed by the Board, a copy will be forwarded to each Chief Executive of each member authority and the authors would request that members use their usual channels within their authorities to distribute the report to the wider elected member cohort.
<b>Report</b>	<p>Under Clause 11 of Part 1 of the Shared Services Partnership Agreement, the Board is required to receive a report at its annual meeting which will be held no later than 30 June. The report covers the period from 1 April 2018 to 31 March 2019. The annual report is co-signed by the Head of Worcestershire Regulatory Services and the Lead Financial Officer for the Host Authority as required by the legal agreement.</p> <p>The report covers the performance of the service for that period, both in terms of KPIs and highlights of activity, a short summary activity report appearing at Appendix 5. This has been reduced somewhat as the Committee now receives a separate Activity Data report, which covers these aspects in much more detail. Some detail of the performance indicators has also been covered in the Activity Data Report.</p>

# Agenda Item 8

Generally performance has remained good. Food business compliance rates remain high. Taxi license renewals are dealt with in a reasonable time in the main. The taxi fleet appears to be generally in good order, although the results from enforcement exercises suggest some driver/ operators need to improve in terms of maintaining vehicles. Complaints against the service are significantly exceeded by compliments. We understand the main issues for complaints, which are related to either paying for the cost of stray dog recovery or the fact that we cannot resolve an issue that is causing annoyance to a resident due to the law on nuisances. The latter appears to be the main cause of our fall in customer satisfaction. Interestingly, this year's DEFRA survey of the public in relation to attitudes to noise has detected a statistically significant drop in people's tolerance of noise. This is something that we have seen anecdotally at local level and have reported to Board members previously.

The indicators for licensed premises and noise complaints have been in place long enough now for us to establish good base-lines. The former shows that generally licensed premises in the County are well managed. The figures can now be used, along with intelligence, to focus enforcement resources in a proactive way to tackle any individual problem premises, although these are relatively few and far between. Most complaints relate to minor nuisance issues, usually created when a venue introduces a novel activity like live music to diversify its activities. The rate of noise complaints is relatively low and probably reflective of the general environment in Worcestershire.

The Annual Report also gives a summary of the financial position, the key achievements and covers issues relating to human resources. There are also sections on risk management and equalities. The Report will be published on the WRS website and will be shared with other partners e.g. Worcestershire LEP. A press release will be sent out to accompany the publishing of the report. Putting the report into the public domain meets the requirement in the Regulators Code, made under the Regulatory Enforcement and Sanctions Act 2008, which requires local authorities to publish summary information about their regulatory activities each year.

## **Financial Implications**

The financial implications are contained within the Annual Report.

## **Contact Points**

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email: [simon.wilkes@worcsregservices.gov.uk](mailto:simon.wilkes@worcsregservices.gov.uk)

## **Background Papers**

WRS Annual Report 2016/17



# ANNUAL REPORT

**2018/19**

*Making Worcestershire a healthy, safe and a fair place to live where businesses can thrive.*

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Agenda Item 8

## INTRODUCTION

This Annual Report has been produced for the Joint Board in accordance with clause 11.1 of Part 1 of the Worcestershire Shared Services Partnership Agreement. The report covers the progress and performance of Worcestershire Regulatory Services (WRS) for the period 1<sup>st</sup> April 2018 up to the 31<sup>st</sup> March 2019 and reports operational activity by the relevant service elements for the financial year. The report summarises key performance data for WRS and provides a summary of the financial position. The report also meets the requirement of the Regulators Code, which requires local authorities to publish a summary of their regulatory activities on an annual basis.

Whilst none of the Partner Authorities requested budget adjustments during this year, inflationary pressures have been felt and continue to create pressures on the budget, which have been relieved by increasing income streams. If, as anticipated, the Government's changes to local government funding shift monies from lower tier to higher tier authorities, we are assuming that partners will be asking difficult questions of the service during 2019/20 about what savings might be deliverable in the near future.

The year still saw excellent work activity with very good results across a range of service areas, high levels of performance and some good outcomes from Court cases alongside a wide range of other project work being delivered. WRS managers continued to work along the lines identified in the comprehensive 3-year Business Plan for the period 2018-2021, which was adopted in February 2017, highlighting some of the potential issues faced by the service if new sources of income could not be developed and some of the threats as more local authorities consider income generation as a potential opportunity. It also highlighted the potential impacts of the proposed 2% per annum pay rises over the next 3 years and, what was at the time, the looming spectre of increasing inflation which may have diminished somewhat at the time of writing. It highlighted how close to the originally envisaged minimum service we have moved in recent years.

The cash-limited budget for Worcestershire Regulatory Services was set at £3.025M in 2016/17. This has reduced slightly going into 2019/20 to £3.017M due to a slight change in the way that Worcester City Council's taxi drivers pay for their vehicles to be tested. They, rather than WRS, will pay the garage for the test. WRS have continued to explore and develop opportunities to generate income, focusing on supplying services to other local authorities. Much of the bidding for work has succeeded because of a clear understanding of our cost-base. As managers' experience of competing for work has increased their comfort with taking some risks has also grown. We have reported previously that providing expertise in the most complex and technical areas of Environmental Health has been fruitful with our neighbouring districts as they struggle individually to maintain knowledge in such areas. The client authorities have largely continued to request such services, like Air Quality, Contaminated Land, Environmental Permit inspections and all of the associated administration. The service has also looked more widely at contracts that we might have the skills to discharge perhaps outside of our role for the partners. There are restrictions in law on how far a local authority can go in its income generation activities before it needs to compete on a level playing field with other businesses through a vehicle such as a community interest company or a trust. The service will be looking to discuss where these boundaries might lie as there is a sense amongst officers that we may be approaching them.

Whilst increasing the range of services delivered we have been successful in maintaining key arrangements with clients. Key to the success of this work has been to review charges, ensuring as well as recovering our costs they remain competitive and encourage greater commitment by the client. The level of service delivered is also important, which is why continued investment in staff is key so that they have the necessary skills and expertise in the rapidly changing field of technical specialisms.

Our three strategic priorities, developed from our partners own priorities remain the focus of what we do:

- Supporting the Local Economy
- Improving Health and Well-being
- Tackling and Preventing Crime and Disorder

We continue to support legitimate businesses where we can and, at the same time, tackle rogues and criminals to protect the public, particularly the vulnerable and honest traders. Central to this approach was and remains the availability of accurate data and intelligence sharing. Our intelligence unit coordinates and analyses intelligence obtained by WRS officers and external agencies, helping managers to target WRS resources more effectively and to forge links with other enforcement agencies and partners to share intelligence and target enforcement action. The continued co-location of the County Council's Trading Standards team with WRS helps to support this approach as well as providing an income stream to cover the cost of various support services that WRS provides to this team.

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Simon Wilkes  
Head of Regulatory Services

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Jayne Pickering  
Lead Financial Officer

**KEY ACHIEVEMENTS FOR WRS IN 2017/18:**

These are covered in a number of sections below:

**PERFORMANCE**

Our ability to report performance has improved throughout the years with the refinement of the IDOX UNiform management information system. The corresponding demand and activity data provided to Joint Board members has continued to provide a clear picture for them of the work being undertaken by WRS.

Our key performance measures continue to focus on customer satisfaction and the positive compliance of businesses. The vast majority of higher risk businesses have been subject to inspection or some other form of suitable intervention and the key priorities of each partner council have been fulfilled. Business and consumer satisfaction have remained high in spite of changes made in some areas to service delivery. Previous year's results appear in brackets in the relevant box providing a comparative view of performance over time.

	<b>Measure</b>	<b>Figure</b>	<b>Commentary</b>
1	% of service requests where resolution is achieved to non-business customers satisfaction	<b>63.0%</b> (75.4%, 78.9%, 78.2%, 77.4%)	Based on an average score for 6 questions relating to the interaction of the service with non-business customers. Over 25% non-business customers replied to our questionnaires. 66.8% found their contact with WRS helpful and 81.8% found the information and advice provided easy to use. Both slightly lower than last year. Only 58.2% felt that the length of time to resolve their problem was satisfactory (worse than last year by 10%) and 68.3% (again, slightly worse than last year,) felt that the speed of initial response from WRS was satisfactory. This has been shared with Managers who will continue to encourage staff to make decisions quickly in relation to the progress that can be made on service requests. As we said in our edition of Members Eye on Nuisance last year, some of these matters can be difficult to resolve quickly and public expectation seems to be increasing at a time where resources are held and the law is not changing to meet their desires.

2	% of service requests where resolution is achieved to business customers satisfaction	<b>97.2%</b> (97.7%, 97.1% 97.9%, 97%)	Based on an average score for 9 questions relating to the interaction of the service with business customers. Over 500 businesses replied to our questionnaires. Of those who responded, 96.6% felt that their business had been treated fairly and 97.5% of customers felt staff were polite in their dealings with them and informative. Some 98.7% of customers found the information and advice we provided easy to understand and 97% found their interaction with us helpful. 96.3% were happy with the speed of our responses and, of those who made enquiries rather than being visited, 95.4% were satisfied with the response. As you can imagine, as a regulator we cannot always tell businesses what they want to hear.
3	% Food businesses broadly compliant at first assessment/ inspection	<p>Bromsgrove <b>97.2%</b> (98.7% 99.1%, 97.1%, 96.4%)</p> <p>Malvern Hills <b>97.2%</b> (97.0%, 97.7%, 97%, 97.6%)</p> <p>Redditch <b>96.0%</b> (96.7%, 97.6%, 95.1%, 96.1%)</p> <p>Worcester City <b>98.0%</b> (98.0%, 98.6%, 98.2%, 96.4%)</p> <p>Wychavon <b>97.4%</b> (97.8%, 98%, 99.1%, 97%)</p> <p>Wyre Forest <b>97.8%</b> (97.2%, 98.1%, 96.6%, 96.1%)</p> <p>Worcestershire <b>97.3%</b> (97.6%, 98.2%, 97.4%, 96.8%)</p>	This focuses on food hygiene interventions and the number of premises where there are no significant non-compliances and the food produced in such premises can be considered safe. A very high proportion of premises in all districts are broadly compliant, indicating that the vast majority of food businesses are well run. There is a slight fall in all areas this year but this is not at a level that would indicate problems. Food allergens have grown in importance in recent years and knowledge/ compliance has been included in more detail as part of the assessment. Not all of the premises are visited every year, with the majority of premises in this group of visits having last been inspected in 2016/17.
4	% of food businesses scoring 0,1 or 2 at 1 <sup>st</sup> April each year	<p>Bromsgrove <b>3.6% (17)</b> (1.3%, 0.9%, 2.9%, 3.6%)</p> <p>Malvern Hills <b>2.8% (13)</b> (3.0%, 2.3%, 3%, 2.4%)</p> <p>Redditch <b>5.1% (16)</b> (3.3%, 2.4%, 4.9%, 3.9%)</p> <p>Worcester City <b>2.2% (11)</b> (2.0%, 1.4%, 1.8%, 3.6%)</p> <p>Wychavon <b>3.0% (19)</b> (2.2%, 2%, 0.8%, 2.3%)</p>	Food premises scoring 2 or below on the Food Hygiene Rating System are deemed to be at risk of not producing safe food and are subject to further intervention until such time as they meet requirements or face formal action. Some of these increases may be down to issues with allergen awareness, which will have been rectified as part of the visit process, and the good news is overall numbers remain low. There has been a slight increase this year with one or two requiring closure. The local press are interested in low

		<p>Wyre Forest <b>2.4% (11)</b> (2.8%, 1.9%, 3.4%, 3.9%)</p> <p>Worcestershire <b>2.7% (87)</b> (2.4%, 2.4%, 2.6%, 3.2%)</p>	<p>scoring food businesses and feature this work quite regularly. It encourages the businesses to sort themselves out and, by the time the story is in the public domain we are able to tell the public of how well the business has responded and that things are much improved.</p>
5	% of drivers licence renewal applications issued within 5 working days of receipt of a complete application	<b>91.4%</b> (87.7%)	<p>This was a new measure for 2017/18 and looks at how quickly driver licenses are renewed. This is one of the licensing processes where generally no additional paperwork is required before someone is re-licensed so generally this is one where the WRS team is in most control over timescales. There was a slight improvement on the baseline from last year. This was difficult as the majority of Wyre Forest driver renewals had to be done between January and March, creating an additional burden of volume for the team. This is a result of the renewals historically being done at this time. This glut of work will not hit us again for 3 more years and all new WFDC licenses are spread through the year for renewal.</p>
6	% of vehicles found to be defective whilst in service	<p><b>44 = 2.8%</b></p> <p>BDC 4 2.5%</p> <p>MHDC 1 0.9%</p> <p>RBC 25 5.4%</p> <p>WC 10 3.0%</p> <p>WDC 0 NA</p> <p>WFDC 4 2.6%</p>	<p>From 1578 vehicles operating in the County and based on vehicle stop checks and failures at garage inspections; some 44 vehicles were found to be defective whilst in service. This is higher than in the previous two years and up from the 11 identified in 2015/16. This shows that enforcement and improved communication between inspecting garages are yielding what is needed and this level offers a more realistic indication of the scale of the issue. District percentage figures are based on the numbers of vehicles registered in that district on 31<sup>st</sup> March 2019.</p>
7	% of service requests where customer indicates they feel better equipped to deal with issues themselves in future	<b>59.0%</b> (72.5%, 73.8%, 76.8%, 74.2%)	<p>This focuses on non-business customers. It is a specific question asked to members of the public in the questionnaire to test if the information and support provided to them by WRS is likely to help them deal with their own problems in the future. The measure is down compared to previous years, which is reflective of the poor score for wider customer satisfaction this year. Officers have noted increasing expectations of what can be</p>

			achieve for customers so this too has almost certainly influenced the figure.
8	Review of register of complaints and compliments	<p><b>27 complaints</b> (25, 31, 17, 24, 47, 70)</p> <p><b>128 compliments</b> (138, 103, 51, 57, 36, 24)</p>	<p>This is our longest running performance indicator in this format, hence the long list of previous year's figures. There has been a slight increase in complaints this year (25 recorded last year), against a slightly decreased number of compliments (138 recorded last year). The biggest area for complaint remains our dealings with stray dogs. This will always create some issues as it is a very emotional situation for many people and paying to get their pet back is something that does not sit well with many people. Nuisance complaints that cannot be resolved is the another area we continue to address.</p>
9	Staff sickness absence at public sector average or better	<p><b>4.12 days per FTE</b> (12.45, 5.95, 2.3, 3.9, 7.7, 9.5)</p>	<p>This is an excellent response to last year's unprecedented high and shows the service returning closer to the norm. Members will likely recall that the source of the majority of this was long term sickness and this was actively being tackled by managers. Whilst an aging service is likely to have a slightly higher rate of sickness due to natural causes, managers will continue to work to bring figures back to normal.</p>
10	% of staff who are satisfied with working for WRS	<p><b>88%</b> (NB: Annual figures for 2017/18 and before, 80%, 85%, 77%, 82%)</p>	<p>Members will note that last year a different approach was taken to the staff survey this year and WRS took the opportunity to use a consultancy paid for by Redditch/ Bromsgrove to look at what the issues might be. Having begun responding to some of the issues that this survey raised, the service has returned to its normal practice survey so figures are comparable with previous years, which is based on those who scored 5/10 or better for the question in the staff survey which asked, are you satisfied with working with WRS. A number of areas have been highlighted by other aspects of the survey. Staff still have significant concerns at the level of service offered due to resourcing constraints. They have also highlighted some of the pressures being felt with officers trying to balance public expectation with what we can deliver with the current finances available. Whilst officers understand the</p>



			need to pursue income generation and other strategies, there were a number of expressions indicating they were very stretched with what was expected. Managers will review the data more widely and look at what can be done.
11	% of licensed businesses subject to allegations of not upholding the 4 licensing objectives	<p>Bromsgrove <b>8.7%</b> (6.73%, 3.8%, 7.9%, 6.6%)</p> <p>Malvern Hills <b>4.8%</b> (4.94%, 3.6%, 3%, 3.3%)</p> <p>Redditch <b>7.1%</b> (8.65%, 2.7%, 8.1%, 10%)</p> <p>Worcester City <b>8.1%</b> (8.19%, 5.8, 9.4%, 8.6%)</p> <p>Wychavon <b>4.0%</b> (4.97%, 4.0, 5.5%, 3.6%)</p> <p>Wyre Forest <b>7.0%</b> (8.29%, 5.8, 9.4%, 7%)</p> <p>Worcestershire <b>6.4%</b> (6.78%, 4.4%, 6.9%, 7%)</p>	<p>Linked to the Crime &amp; Disorder agenda and introduced following discussions with elected members, this measure is now in its fifth year. It still shows that generally premises across the County are well run and controlled by their operators. Looking at the figures over 5 years, the ones for 2016/17 stand out even more as a blip in terms of improved performance and the following 2 years show a return to a pattern similar to the two years prior to this dip. Complaints about premises generally relate to minor issues, mainly to do with noise. Many pubs are trying to diversify, offering music and other entertainment, which is within their license conditions, but sometimes this is not welcomed by some living nearby. Simple precautions can result in resolution of most of these issues.</p>
12	Rate of noise complaint per 1000 head of population	<p>Bromsgrove <b>2.7</b> (2.82, 3.0, 2.7, 3.1)</p> <p>Malvern Hills <b>2.2</b> (2.39, 3.0, 2.3, 3.9)</p> <p>Redditch <b>3.2</b> (3.61, 4.1, 3.7, 3.5)</p> <p>Worcester City <b>3.2</b> (3.13, 4.2, 4.0, 2.9)</p> <p>Wychavon <b>2.1</b> (2.46, 2.7, 2.6, 2.5)</p> <p>Wyre Forest <b>2.6</b> (3.23, 3.4, 3.0, 3.0)</p> <p>Worcestershire <b>2.7</b> (2.93, 3.4, 3.1, 3.8)</p>	<p>We continue to report the County average and this is the fifth year we are able to report data by individual districts. Overall, 2018/19 looks like it was a quieter year for noise complaints than some. This would marry up with the late summer dip in numbers we saw last year and the fact that numbers remained low for much of the autumn and winter. Although, as we have said previously, the complexity of the issues that the team does deal with appears to have increased and the tolerance of noise in some quarters is reduced.</p> <p>Where we can resolve domestic noise issues this is generally achieved through mediation between the parties concerned.</p> <p>1570 noise complaints were investigated 2018/19, some 169 fewer than the previous year. 1020 related to domestic issues, some 65% of the total.</p>

13	Total Income	<b>13.3%</b> Note: £401,848 as a % of £3.025M	This is an impressive figure. The service will continue to pursue this strategy but the difficulties associated with capacity for both income generation and delivering statutory regulation remains.
14	Cost of regulatory services per head of population.	Based on outrun cost of £2.961M against the current population estimate of 583,100 the service cost is:  <b>£5.08 per head</b>	This is the amount spent by the partners following the off-setting of cost with income, then divided by the most recent mid-year estimate offered on the County Council's website. It is difficult to benchmark this figure as WRS functions are not all of those reported in the relevant part of the RO return to the MHCLG.

## PERFORMANCE MANAGEMENT

Strong management of performance is vital for the success of this service, ensuring that customers are satisfied and partners are reassured by the cost effective delivery of the service on their behalf. Whilst everyone must accept responsibility for managing performance, the WRS management team is committed to driving performance forward so that a high standard of service delivery can be maintained.

Management team meetings are used to review performance against the service plan and to highlight any issues of concern. Senior practitioners (first line managers) are invited to attend these meetings to ensure a two way flow of information between management and staff. This arrangement was introduced at the behest of senior practitioners and is working well. Teams have their own detailed plans that sit below the service plan signed off by Joint Board. Progress against this is monitored by Team Managers and Senior Practitioners.

The Management team also looks to the strategic direction of the service and ensures that the operational and financial resources available to partners are used in the most efficient manner to achieve both their individual strategic aims together with WRS priorities.

Continued refinement of our IT platform ensures our ability to report to Joint Board on our performance measures remains accurate. There is still work to do to use the system more effectively, but Uniform is now operating well across all functions.

There are a wide range of bodies to which the service must report data (e.g. Food Standards Agency, Department of the Environment, Food and Rural Affairs, Health and Safety Executive, Department for Business, Innovation and Skills, Gambling Commission etc.). All statutory reports are submitted so as to ensure that WRS

continues to meet its partner's statutory obligations. It was hoped that the central bodies would accept a single data return for all partners but it now appears that all Departments with the exception of the Health and Safety Executive continue to require individual returns for each partner. WRS provides these as necessary.

A short summary of activity data is included at Appendix 5 to avoid duplication with the wider and more detailed set of activity data that is provided in the final Activity Data Report for 2018/19, which members will receive at the same meeting where this Annual Report is presented.

### **Internal Audits**

An Internal Audit of the way in which service complaints were dealt with was undertaken. Generally audit were content with the way things were handled, making a small number of recommendations about better centralisation of records and for the formal recording of sign-off by the Head of Service rather than the current less formal arrangement.

### **SERVICE DELIVERY HIGHLIGHTS**

There have been a number of highlights throughout the year to showcase the work of our teams and illustrate the breadth of their responsibilities.

#### **Community Environmental Health Team**

##### **Nuisance**

The team investigated 2,369 nuisance complaints in 2018/19 covering light, noise, odour and smoke. Two thirds of these related to noise nuisance which places the greatest demand on the service. Amongst these nuisance investigations were a number of challenging service requests requiring complex investigations.

The team are very skilful in resolving these issues informally, meaning that of all these cases, only 12 Abatement Notices were required.

Members often receive requests for assistance from constituents where their neighbours or nearby businesses are causing them a nuisance. In response to a request from Members, the team produced a special edition of the Members' Eye Bulletin aimed at helping members to understand the legal basis for their respective local authority's activities in relation to statutory nuisance and explaining where we have to draw the line in relation to our investigative activities. This was distributed to all Members across the County.

##### **Food Hygiene**

This year, a total of 1,514 interventions were undertaken at food premises across the County. A high proportion of these were found to be broadly compliant, indicating that the vast majority of food businesses are well run. At the year end, the proportion of businesses included in the FHRS found to be broadly compliant was 97.3%.

2.7% of food businesses across the county do however have a score of 2 or below (out of five) on the Food Hygiene Rating Scheme. Such businesses are deemed to be at risk of not producing safe food so are subject to further intervention until such time as they meet requirements or face formal action.

Whilst the majority of businesses are supported to achieve compliance, formal action has been taken in respect of a number of premises and those cases that have come to court are included in the table above. In addition 23 Hygiene Improvement Notices were served due to conditions which put public health at risk.

### **Healthy Food Choices**

We continue to promote our very own food scheme which aims to contribute to health improvements in local communities and raises the profile of participating businesses. The scheme is linked to the Food Hygiene Rating Scheme, so only those businesses that have achieved a level 4 or 5 are eligible, further promoting the highest hygiene standards in food businesses. It also provides an income stream which is re-invested in the service.

### **Working in partnership with the LEP**

WRS has been recognised by the Department for Business Innovation and Skills as a positive, innovative and pioneering service which is leading in work to reduce regulatory burdens on business. We continue to work closely with the Worcestershire Local Enterprise Partnership to build on the initial phase of a regulatory exemplar project to deliver on the Worcestershire Food and Drink initiative. Worcestershire has some superb locally produced food and drink, made and served by the some of the most enthusiastic and passionate people in the industry. This project, in partnership with local business, aims to promote the wide variety of produce Worcestershire has to offer and boost Worcestershire's economy. Several successful events have again been held around the county and the Worcestershire Food and Drink Association website is in its final stages of development. Through this groundwork the Association now boasts some 80 business members and we are now in a transitional phase having appointed an interim Board and Chair through which the organisation will become self-governing self-supporting.

### **Primary Authorities**

The Community Environmental Health Team continues to support five local businesses through Primary Authority Agreements through which we provide assured, paid for advice and expertise in the areas of Food Safety and Health and Safety.

### **Health & Safety at Work**

Whilst proactive health and safety inspections no longer form part of the work programme due to service changes and Central Government's drive to reduce the regulatory burden on business, the investigation of several serious accidents arising from work activities continued to put pressure on resources. Health and safety investigations are often complex and can take months, and sometimes years, to bring to completion.

Health and Safety activity continues to be intelligence led, based on accident reports and complaints notified to us and is focused on enforcement activity. The number of complaints and enquiries received was in line with previous years as were the number of accident reports.

A successful prosecution was taken in respect of a large retailer in Wyre Forest. B & Q were fined £300,000 in relation to a banner pole that fell, hitting a member of the public on the head causing serious long term injury. The team are investigating a serious accident at company in Bromsgrove district that luckily did not result in a fatality accident. A simple caution was also issued to a large national retail chain formerly operating in Redditch.

### **Serious Crime**

WRS has forged close links with partner organisations through the North and South Worcestershire Serious Organised Crime Joint Action Groups and the various Multi Agency Targeted Enforcement Strategy Groups which are committed to sharing intelligence and carrying out joint operations to both tackle and disrupt serious crime in Worcestershire. WRS have contributed to several such operations targeted at Food Businesses, Car Washes, Licensed Premises and Nail Bars with colleagues from West Mercia Police, Fire and Rescue Service, Immigration, Border Force, HMRC, Local Authority Housing and the Gangmasters and Labour Abuse Authority. This work will continue in the forthcoming financial year.

### **Technical Services Team**

#### **Environmental Permitting**

Local authorities are required to permit certain industrial processes which require payment of an annual fee by the affected companies for compliance inspections. WRS works hard to reduce the regulatory burden on businesses by advising and assisting the operators in compliance and coming out of the regulatory regime. Generally compliance remains high within regulated industry sectors and WRS have completed all scheduled inspections and all permits are up to date and appropriate for the industries regulated in Worcestershire and for Gloucester City who pay WRS to undertake this function on their behalf.

#### **Primary Authority Relationships**

The regular inspection and the enforcement work described above is generally well received by the wider business community and this was confirmed by the commencement of two Primary Authority Contracts in this regulatory area, where WRS provide assured advice for a fee to cover officer time. The contracts are with CEMEX who operate cement batching and road stone coating processes across the country in most local authority areas; and Wienerberger UK who are a multinational company with around a dozen sites in the UK producing bricks and tiles. These contracts were the first to be agreed in this area of local authority regulation. The work has been beneficial to the businesses concerned with the advice provided and assistance with inconsistent regulatory enforcement elsewhere.

## **Local Air Quality Management**

WRS have continued to undertake all the statutory reporting on behalf of the six Worcestershire Districts. In Wychavon, concerning the newly declared Worcester Road, Wychbold AQMA work has been ongoing to quantify the required improvement and identify the source of poor air quality. Working with Wychavon DC, a steering group is being formed who will assist in development of an air quality action plan.

In Worcester City WRS facilitated the operation of a Task & Finish Group for Air Quality Measures. The group existed between December 2017 and September 2018 considering the possibilities of introducing six measures that could be employed in the City to tackle air pollution. The group was successful in assisting members to understand the issues of concern and the enormity of task in implementing the measures discussed. The results of the group formed the basis of a revised Air Quality Action Plan with tasks allocated to various departments of the City Council and WRS.

## **Dog Warden Service**

As well as providing the dog warden service for Worcestershire, the Dog Wardens and supporting staff (such as Duty Officers and Management) have successfully contributed to the income generation of the service in the provision of a dog warden service to Cheltenham Borough Council, Gloucester City Council, Tewkesbury Borough Council and provided ancillary services relating to dogs to a number of organisations, making it the most successful year to date financially. The focus has been on providing services that other organisations struggle with, such as long term boarding of dogs with enhanced environments (working with kennelling contractors), assisting with abandoned dogs and other animals in private properties. 67 dogs came from one organisation during 2018/19 with most of the dogs being boarded for a number of months each. It wasn't just dogs either, in the past we had 12 cockatiels to rehome and this year we have assisted organisations with cats, two were rehomed and we temporarily boarded another two.

## **Licensing**

The main highlight of last year was the introduction of new regulations for the licensing of certain activities involving animals. This was a major overhaul of relevant legislation which had in reality become not fit for purpose. Each District Council was responsible for functions in relation to the licensing and regulation of various animal-related activities namely Animal Boarding, Dog Breeding, Pet Shops and Riding Establishments. These licensing regimes were amalgamated into a single licence type with each aspect becoming a specific activity named on the "Animal Activity Licence".

The new regime is designed to bring these activities into the 21<sup>st</sup> century and reflects the Government's and the public's concerns to ensure that animal welfare is paramount in the operation of these businesses. The new regulations were made under the Animal Welfare Act 2006, which is designed with the RSPCA's concept of the 5 freedoms at its heart. Freedom from hunger and thirst, Freedom from discomfort, Freedom from pain, injury or disease, Freedom to express normal behaviour and Freedom from fear and distress.

Under these new regulations the existing licensing schemes for animal boarding establishments, pet shops, riding establishments and dog breeders were repealed and replaced by a new single licensing scheme which regulates all of these activities and also incorporate the licensing of those who train or exhibit performing animals.

The description of these functions has changed and the new regulations cover more activities than the previous legislation. The new categories are:

- Selling animals as pets (not just through pet shops.)
- Providing for or arranging for the provision of boarding for cats or dogs (includes kennels or catteries, home boarding for dogs and day care for dogs).
- Hiring out horses
- Dog breeding
- Keeping or training animals for exhibition.

This change is probably the biggest legislative change in licensing since the introduction of the Licensing Act in 2003 and the Gambling Act in 2005; it has been a wholesale change and Officers were involved in developing not only appropriate in-house processes to incorporate a risk and star rating program but also webpage development including advice and guidance for all prospective applicants and for current licence holders that were affected. Across the county the change has affected at least 300 licence holders whose businesses are now subject to programmed and additional ad-hoc inspections depending on a risk based star rating system.

In a wider context other Local Authorities were struggling with this change and looked to us as development leaders to not only share our knowledge and expertise but also our written in-house guidance documents which took licence holders and prospective applicants through the new processes. In addition to this we have received feedback from our own licence holders which has been very positive throughout praising our officers for being knowledgeable, helpful and exceptionally professional.

### **Skills and Knowledge**

We continue to support our officers as they develop skills and knowledge that staff in smaller authorities cannot sustain. As part of our continued development in our staff two of our newest Technical Licensing Officers have recently been awarded the Professional Licensing Practitioners Qualification (PLPQ), this training covered subject areas of The Licensing Act 2003 (alcohol and licensable activities), The Gambling Act 2005 (betting premises, small lotteries and various permits for gaming machines), Taxis (Hackney Carriage and Private Hire Licensing), Sex Establishments, Street Trading and Scrap Metal Dealers. Looking forward both of these Officers are already enrolled onto their next set of training "Animal Activity Licensing" which is arranged for the beginning of July. The course is provided by the Borough of London and the Pet Industry Federation and encompasses a whole week of training/working with animals with four 2000 word essays and 100 multiple choice questions on animal welfare - which they have to pass to enable them to gain the qualification.

This continued development in staff has led WRS to sustain important roles in regional liaison forums and spreading our influence more widely. One of our officers continues to Chair the influential Neighbouring Authorities Working Group for licensing (NAWG) and represents the West Midlands Region at Local Government Association Licensing Policy Forum. Our Licensing Manager worked with DEFRA recently on the Air Quality Action Group representing the District Councils' Network on the identification of taxis and private hire vehicles entering charging CAZ which came into force from the 1<sup>st</sup> May 2019. All of the good work above means that WRS officers continue to be able to influence decision makers in Government on behalf of the profession and local government in general.

## **FINANCIAL MANAGEMENT**

### **Budget 2018/19**

Monthly financial monitoring reports are provided to managers and finances are regularly considered by officers from the partners ahead of each Joint Board meeting. Bromsgrove DC operates a robust ordering and authorisation process to ensure the transparency and accuracy of costing. Good management of costs, income generation and the management of vacancies led the service being able to return £63,000 to partners, 2.1% of overall budget. This was achieved mainly due to the level of income generation during the year.

The draft outrun budget for 2018/19 is included as Appendix 3, along with the proposed budget for 2019/20 onwards at Appendix 4. The outrun position is subject to final audit, although the budget has now reduced so far that this is no longer a statutory requirement for specific audit of the WRS accounts. Hence, this will be done as part of the overall audit of Bromsgrove District Council's accounts. Whilst the operating assumption remains a standstill budget for 2019/20 onwards with increasing income targets set to balance the budget, the service is aware that some partners are likely to ask the service to consider some savings from 2020/21 onwards. This may broaden out if, as some believe, the Government's funding review of local government results in the balance of funding moving more towards higher tier authorities in the remaining two-tier areas.

The income targets during the forthcoming period remain stretching but achievable and they remain uppermost in the minds of the management team. The further loss of staff capacity, which is now the only source of savings available will make these targets significantly harder to achieve. The service has a reserve of £173k from the departure of the County Council from the partnership so partners should not be concerned that problems with income generation would create an immediate problem. The reserve provides a cushion and time to consider alternative approaches if necessary.

### **Increasing income generation**

WRS continues to deliver on funding from the Worcestershire Local Enterprise Partnership in developing the fledgling Worcestershire Food and Drink Association. This project, in partnership with local business, aims to promote the wide variety of produce Worcestershire has to offer and boost Worcestershire's economy. Several successful events have been held around the county and the Worcestershire Food and Drink Association website is in its final stages of development. Through this groundwork the Association now boasts more than fifty business members and we are about to enter a transitional phase before the organisation becomes self-supporting during 2019/20.

In terms of commercial contract work, the largest income generation area was the Dog Warden Service provision for Cheltenham, Tewkesbury and Gloucester City Councils. This was helped by the extension of the service provided to other organisations including Social Services and Housing Associations. This has successfully utilised the existing Dog Wardens and contractors to make better use of resources and benefit from economies of scale. The next two significant income generators were contaminated land advice to planners and service requesters in Gloucester City, South Gloucestershire and North Warwickshire Council areas and Air Quality/



Planning consultation support in Tewkesbury. We also provided Industrial permitting inspections for Gloucester City, which made up the remainder. There are a number of significant points concerning the work this year. The team has managed to maintain high standards of service for new clients, existing clients and the Partner Authorities; with the volume of commercial work has increased. This has enabled income to be either reinvested where required or contribute to monies provided back to Partners at the end of the year.

One contract with a blue light service was not renewed which will create a difficult financial hole to fill.

### **WORKFORCE PLANING AND HUMAN RESOURCES MANAGEMENT**

The WRS structure has now been in place since October 2015 with Simon Wilkes as the Head of Service with a team of four Managers looking after different areas of the service. David Mellors as Environmental Health and Trading Standards Manager covering all of the responsibilities of his Community Environmental Health team, (Food Safety, Health and Safety and Statutory Nuisance, with some other minor areas) and the Trading Standards remit (Weights and Measures, Food and Agricultural Standards, Product Safety, Fair Trading, Animal Health) on a contractual basis since the County's departure from the partnership in 2016. Mark Cox continues to head up the Technical Services Team covering Technical Pollution (managing Planning, IPPC, Contaminated Land, Air Quality), Dog Wardens and Pest Control. Susan Garratt also continues in the role of Licensing and Support Services Team Manager. In 2016, Kiran Lahel was appointed as the new Business and Relationship Manager looking after partnerships, the intelligence team and more recently the first contact team of Duty Officers.

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Staff turnover remains low, although occasionally a member of staff will decide to move onto pastures new. This has allowed us to recruit new but experienced staff from either other backgrounds to suit our income generation work or from other local authorities. All of the newcomers have added value to what is being delivered. At the 1<sup>st</sup> April 2019, the total staff establishment was around 68 FTE, although some of this capacity is on fixed term contract.

All staff participated in the Personal Development Review (PDR) process last year and this has been fed into a personal training plan for each officer and an overall training plan for the service. The latter allows us to look at opportunities for running training in-house (bringing the trainer to us) where there is sufficient need, which is significantly more cost effective than going to external providers.

WRS Officers receive two performance reviews per annum through the service's formal PDR system. The annual detailed review and 6-monthly progress check is designed to identify development needs and discuss how each person contributes more widely to the service's key strategic priorities and service delivery. All PDR reports are countersigned by the next level of management to ensure consistency, openness and transparency and ensure that nothing is missed.

#### **Staff Survey**

After utilising Bromsgrove's consultant last year, WRS returned to its normal method of staff survey as is indicated in the performance table above. 41 Of our 68 staff members replied and the proportion satisfied with working for WRS by our measure is 88%. We have several new members of staff whose replies spoke very positively about their initial experiences of working for WRS which is heartening. The key areas identified in the survey, which managers will try to address are:

- Improving support during periods of change,
- Communications within the service, especially the relationship between teams,
- Providing support to officers to help them cope with their high workloads,

### **Staff Sickness**

During 2017/18 staff sickness reached 12.45 days per FTE, which is by far the highest level in the past 5 years and managers believe a record overall for the service. Work was done by managers to understand who was creating the problem and steps were taken to deal with one or two through the non-attendance process whilst others with genuine medical issues were provided with additional support. This has resulted in a fall back to more normal levels at 4.12 days per FTE. Managers will continue to apply some pressure to continue improvement but with an aging workforce, one has to accept there will be some level of illness associated with the aging process.

### **ACCOMMODATION**

WRS remains located at Wyre Forest House, Finepoint Way, Kidderminster with the contract up for renewal on the 23<sup>rd</sup> March 2020. The use of flexible and mobile working is generally now the norm, with staff frequently using home as their start and finish point for work in the field. Officers will come into the office two or three days per week to liaise with managers and colleagues or for meetings, and on the other days they work flexibly. The touch down points retained in each of the councils have provided an excellent venue for licensing surgeries and these have been welcomed by the taxi trade in particular. This move has also enabled staff to strike a better work/life balance which is essential for good morale.

### **BUSINESS TRANSFORMATION (SERVICE DELIVERY)**

Further training has been provided to both managerial and operational staff on the components of an intelligence model, the process of developing raw information into finished intelligence (the intelligence cycle) and how to use intelligence during decision making processes. Aspects of this training were previously rolled out to colleagues across the region, and are still offered by the service as an income generating activity. The Intelligence Unit within the service has helped to both direct the work of the service and to provide information for managers and members on outputs. This will continue to develop during the coming years, even following the departure of Trading Standards from the partnership,

Whilst WRS has traditionally undertaken strategic tasking in the form of business planning, the tasking and coordination process was not routinely employed at a tactical level until 2016. Each operational team now has a tactical tasking group that convenes to review on-going enforcement activity, consider proposals for new 'project based' work and assess the level of available resource. This ensures a range of factors are considered during decision making processes including the level of risk, our priorities and available intelligence. This change of thinking is of critical importance as the service places a greater emphasis on taking 'evidence based decisions' and continues towards an intelligence led approach. In addition to tasking, a service wide tactical assessment is now produced on a six monthly basis and statistical bulletins on a quarterly basis. Other intelligence products have also been commissioned including 'problem profiles' on food hygiene standards and noise pollution and dog welfare.

## **RISK MANAGEMENT**

WRS recognises that the development of policy, delivery of service priorities and the management of its services for six partners attract risk. In reviewing its service risks and the effects of management strategies and policies WRS seeks to:

- Identify, assess and manage risk
- Safeguard the services assets and equipment
- Focus on the delivery of its service to its customers

The Service aims to ensure that Risk Management becomes a natural component of its management process and that when and where appropriate; risks are avoided, reduced, transferred or retained. As part of these arrangements, a WRS risk register has been developed that can be integrated with the partners individual risk registers. This register will be maintained and reviewed periodically to assess current risks and identify forthcoming priorities. The service's Business Continuity Plan is going to be reviewed over the coming 12 months with the support of colleagues in North Worcestershire Emergency Planning. The restructured document should bring the service in line with the approach taken across other partner areas. The current risk register appears as Appendix 2.

## **EQUALITY & DIVERSITY**

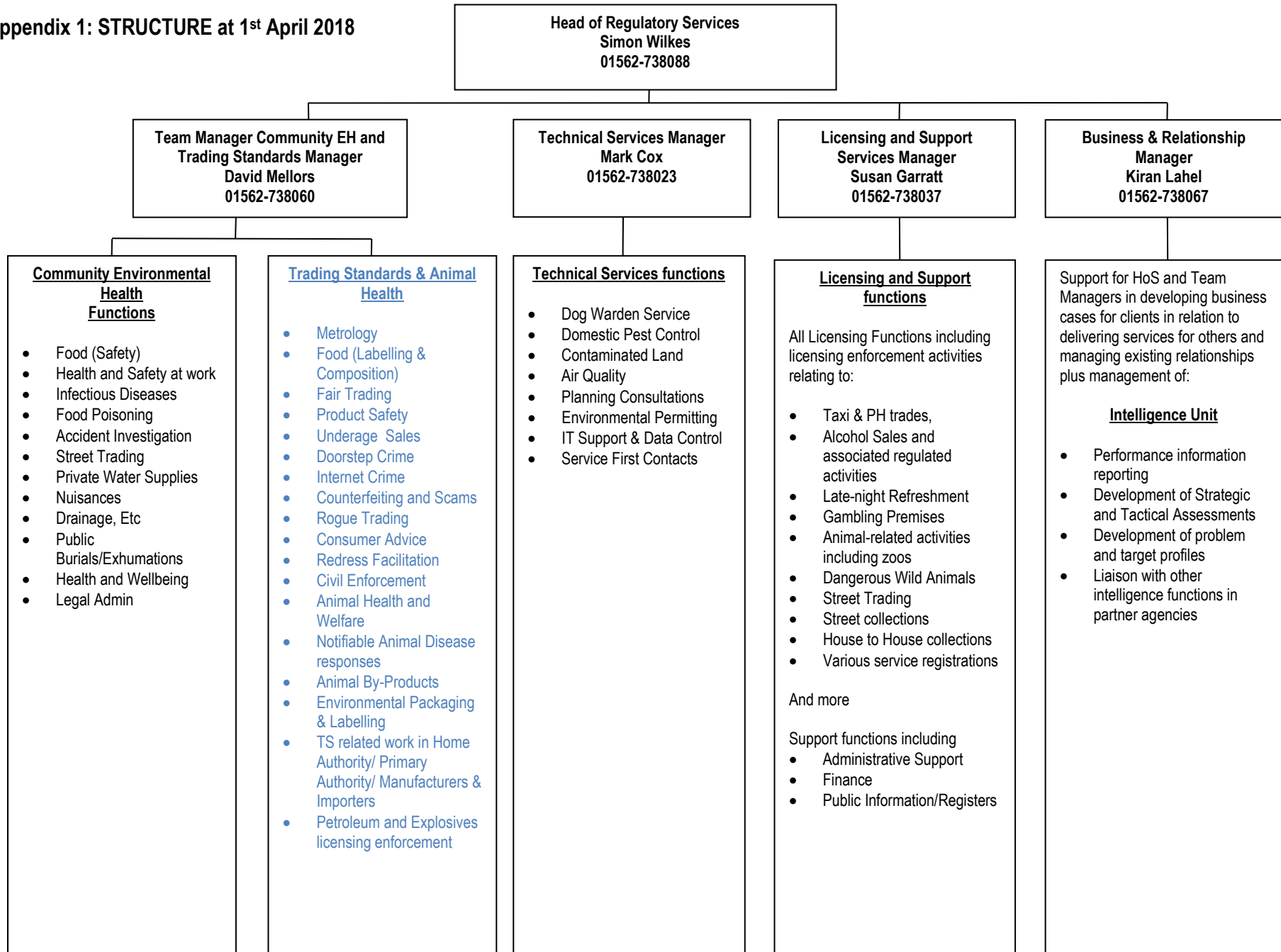
WRS is committed to equality of opportunity and respect for diversity. The service links in with the host Authority's adopted Equality Standard for Local Government as a framework to help embed equality and diversity into everyday aspects of its work.

## **THE NEXT STEPS**

As we head into the next period the service's principle challenge remains maintaining a service delivery model that meets all our partner's requirements as well as creating sufficient efficiency to increase the income derived budget contribution. The development of IT based solutions to promote self-help/ channel shift and increasing the ability of our in-house Duty Officers to resolve problems at first point of contact are key threads in our proposals for increasing efficiency and delivering the service at lower cost. However, the law of diminishing marginal returns does mean that efficiencies will only take us so far in dealing with the inflationary pressures on the service. We will continue to face an ever changing environment and communications with staff will remain a key element of strategy for maintaining performance, whilst keeping them informed of developments and involving them in the change process. Key developments going forward will include:

- Continued delivery of the WRS Business Plan and our annual operational service plans
- Maintaining existing income streams and looking at other ways of generating income for the service,
- Following our philosophy of continuous improvement, continuing to review operations to improve marginal efficiencies,
- Continuing the process of channel shift by increasing the customer's ability to use self-help, do transactions on-line and monitor progress of work.
- Continue to work closely with County Council Trading Standards colleagues and other partner agencies by maintaining links that help to support both WRS and other services to the benefit of local people.

Appendix 1: STRUCTURE at 1<sup>st</sup> April 2018



## Appendix 2 – WRS Risk Register

Risk Description	Consequences	When is this likely to happen	Current Position			Control measures
			Likelihood	Impact	Matrix RAG Status	
Loss of Data through IT failures	Disruption to Service Provision. Inability to produce records and data.	On-going	Low	High	Green	Wyre Forest ICT has effective processes and business continuity plans in place. WFDC upgraded VMWare
Issues with the WRS database system	Impact on work planning. Self-help may not enable savings required	On-going	Low	High	Green	Initial implementation is completed. Further development of the system will be treated as business as usual, with priority going to public access and self-help/ self-service to continue the channel shift process. Service website remains key access point. Tested disaster recovery of our Uniform back up and fail over to the business continuity server.. EDRMS upgrade completed proposed 2018..
Effective and efficient Business Continuity arrangements in place	Disruption to service if e.g. Major Power failures or other reasons that access to Wyre Forest House is not possible.	On-going	Very Low	Medium	Green	Staff are equipped for mobile/home working. Touchdown stations available in partner council locations. Working from WFDC depot successfully tested over Christmas period.
Maintain our capacity to achieve service delivery	Disruption to service e.g. Major staff sickness (e.g. flu pandemic) or Unable to recruit or retain suitably qualified staff.	On-going	Low	Medium	Amber	In such event, service priorities to be managed and partners informed of any changes to service. Consultants are available to provide short term cover and this has worked well where we have used them to cover peak demand periods. However, having taken on contracts with additional authorities the demand has increased and neighbouring authorities have lost the ability to be able to assist with technical specialisms. We are active within regional and sub-regional groups to share resources if required. Effective training and development processes are in place to ensure recruitment and retention of staff. There is increased training budget pressure, reduced technical knowledge in neighbouring authorities and increased importance in maintaining heightened skills for contractual obligations and commercial edge. Regular inventory and maintenance of equipment. In future budget for replace may be an issue but would be a relatively small amount for partners to share.

Pest contractors cease operations.	Disruption to service. Negative media coverage. Increased public health risks	On-going	Low	High	<b>Green</b>	New framework contract has 6 pest control suppliers so the loss of one allows work to be moved to the others.
Effective and efficient contract arrangement for dog control	Disruption to service if no kennels available. Negative media coverage. Increased public health risks	On-going	Low	High	<b>Amber</b>	Budget available to buy in use of other private sector providers in short term. Contracts tendered. The Dog Warden contracts are robust but we have one less kennel contractor but an additional three District Councils that we provide the service for. Work for other Public Sector clients are restricted to one kennelling provider raising the risk this element poses.
Hosting support does not deliver necessary financial and HR support to ensure efficient management	Efficiency of management reduced; staffing issues remain unaddressed and performance suffers	On-going	Low	High	<b>Amber</b>	Some continuing issues around access to the financial system from Wyre Forest house, meaning managers are reliant on host finance officers for financial reporting. ICT team from WFDC and BDC continue to work to resolve the issue
One or more partners continue to be under great financial pressure and may consider alternatives to the partnership to deliver their service	Creates reputational issues for remaining partners and increases the need to manage overheads. Difficulties in delivering highly varied levels of service	On-going	Low-Medium	High	<b>Amber</b>	New legal agreement limits variations in contribution before partners have to move to contractual relationship. Leanness of organisation minimises overheads and focuses resource at the front line. Growth strategy should generate income to support partners in the future. Some reputational damage and perceived loss of commercial skills from the County Council withdrawing from the partnership.
Robust arrangements in place in relation to obtaining legal advice and monitoring legislative changes.	Loss of cases is costly and damages reputation.	On-going	Low	Medium	<b>Green</b>	Continued close working with BDC legal team and other partners who don't use BDC for advocacy. Technical and legal training days for staff. Difficulty in keeping informed of Case Law developments. Membership and attendance of Officer Technical Groups outside the County would assist.
Service provision complies with Government requirements	Adverse comments following audits e.g. FSA Intervention by Government bodies i.e. FSA, whilst highly unlikely, is damaging to reputation.	On-going	Low	High	<b>Amber</b>	Limited detail of what statutory minima are. LGA clearly aware of impact of budget reductions on regulation and has made it clear Government cannot expect what it had previously. Fewer interventions/ audits by government. Service has developed systems that follow the principles of the requirements of bodies like FSA so can show some level of compliance. WRS principle of moving away from rigid inspection programme of Food Standards Code (as approved by WRS Joint Board) to intelligence led interventions is compliant with Food Safety Act albeit not as FSA would be able to sanction. Environmental reporting for Local Air Quality Management, Pollution Prevention and Control and Private Water Supply Inspections to Defra and DWI have received positive

						responses with no issues of concern raised.
Failure to deliver external contract work at the level expected by the business or local authority with whom we have the contract	Damage to reputation, loss of future income streams, financial impact of paying damages	On-going	Low	High	<b>Green</b>	Ensure contract negotiations are clear on performance criteria and these are clearly recorded in the final documentation. Monthly reviews against performance criteria. Select staff to ensure competence of those undertaking work outside Worcestershire. Maintain strong links with the customer's monitoring staff. Intervene early with corrective action

### Appendix 3: Detailed out-turn for Regulatory Services 2018/19

	£'000	£'000	£'000
Salary	2,534	2,394	-140
Agency Staff	0	89	89
Employee Insurance	40	40	-0
	<b>2,574</b>	<b>2,523</b>	<b>-51</b>
Rent / Hire of Premise	54	53	-1
Cleaning	1	1	-0
Utilities	0	0	0
	<b>55</b>	<b>54</b>	<b>-1</b>
Vehicle Hire	13	1	-12
Vehicle Fuel	8	4	-4
Road Fund Tax	1	1	-0
Vehicle Insurance	5	5	0
Vehicle Maintenance	3	2	-1
Car Allowances	87	70	-17
	<b>116</b>	<b>83</b>	<b>-34</b>



Furniture & Equipment	30	49	20
	2	9	7
Clothes, uniforms and laundry			
Printing & Photocopying	17	21	4
Postage	11	13	2
ICT	40	30	-10
Telephones	21	21	-0
Training & Seminars	24	22	-2
Insurance	5	5	0
Third Party Payments			
Support Service Recharges	100	100	0
ICT Hosting	44	44	0
	<b>293</b>	<b>314</b>	<b>21</b>

Dog Warden	145	154	9
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Pest Control	47	56	9
Taxi / Alcoh & Other Licensing	65	101	36

Other contractors/consultants	3	1	-2
Water Safety	5	6	1
Food Safety	2	0	-2
Environmental Protection	12	57	45

Grants / Subscriptions	11	11	0
------------------------	----	----	---

Advertising, Publicity and Promotion

6	4	-1
<b>295</b>	<b>390</b>	<b>95</b>

**Income**

Training Courses / Bereavement /  
Works in Default / Sewer Baiting etc

-309	-402	-93
<b>-309</b>	<b>-402</b>	<b>-93</b>

<b>3,025</b>	<b>2,961</b>	<b>-64</b>
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## Appendix 4: 3-year budgets 2019/20 to 2021/22

Account description	Budget	Budget	Budget
	2019 / 2020	2020 / 2021	2021 / 2022
	£000's	£000's	£000's
<b>Employees</b>			
Monthly salaries	2,695	2,709	2,732
Training for professional qualifications	2	2	2
Medical fees (employees')	2	2	2
Employers' liability insurance	40	40	40
Employees' professional subscriptions	3	3	3
<b>Sub-Total - Employees</b>	<b>2,741</b>	<b>2,755</b>	<b>2,778</b>
<b>Premises</b>			
Rents	52	52	52
Room hire	2	2	2
Trade Waste	0	0	0
<b>Sub-Total - Premises</b>	<b>54</b>	<b>54</b>	<b>54</b>
<b>Transport</b>			
Vehicle repairs/maint'ce	3	3	3
Diesel fuel	8	8	8
Licences	1	1	1
Contract hire of vehicles	4	4	4
Vehicle insurances	5	5	5
Van Lease	9	9	9
Fares & Car Parking	5	5	5
Car allowances	75	75	75
<b>Sub-Total - Transport</b>	<b>110</b>	<b>110</b>	<b>110</b>
<b>Supplies &amp; Service</b>			
Equipment - purchase/maintenance/rental	23	23	23

Materials	9	9	9
Clothing, uniforms & laundry	2	2	2
Training fees	23	23	23
General insurances	5	5	5
Printing and stationery	18	18	18
Books and publications	2	2	2
Postage/packaging	11	11	11
ICT	40	40	40
Telephones	21	21	21
Taxi Tests	22	22	22
CRB Checks (taxi)	26	26	26
Support service recharges	100	100	100
Support service recharges - ICT	44	44	44
<b>Sub-Total - Supplies &amp; Service</b>	<b>345</b>	<b>345</b>	<b>345</b>

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**Budget  
2019 / 2020  
£000's**

**Budget  
2020 / 2021  
£000's**

**Budget  
2021 / 2022  
£000's**

**Contractors**

Consultants / Contractors' fees/charges/SLA's	239	239	239
Advertising (general)	5	5	5
Grants and subscriptions	11	11	11
Marketing/promotion/publicity	2	2	2
<b>Sub-Total - Contractors</b>	<b>257</b>	<b>257</b>	<b>257</b>

**Income**

Grants / Primary Authority / Food Training / Contaminated Land / Stray Dogs / Ad Hoc	-410	-410	-410
<b>Sub-Total - Income</b>	<b>-410</b>	<b>-410</b>	<b>-410</b>

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**Income**

From partners for Technical Officers

-79

-52

-36

**Sub-Total - Income**

-79

-52

-36

**Additional Income**

Income to be found due to unavoidable salary pressures

-41

-80

**Sub-Total - Income**

0

-41

-80

**DISTRICT PARTNERSHIP BUDGET**

3,017

3,017

3,017

**19-20 Partner Percentages**

Bromsgrove

14.55%

Redditch

17.53%

Wyre Forest

15.35%

Wychavon

23.24%

Malvern

12.79%

Worcs City

16.54%

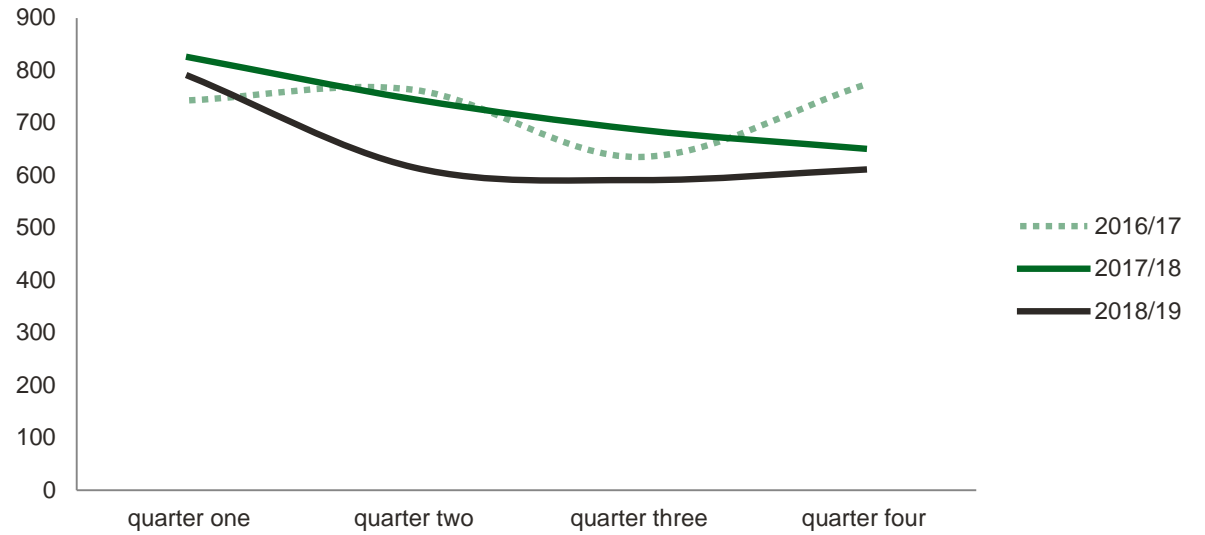
**Total**

100.00%

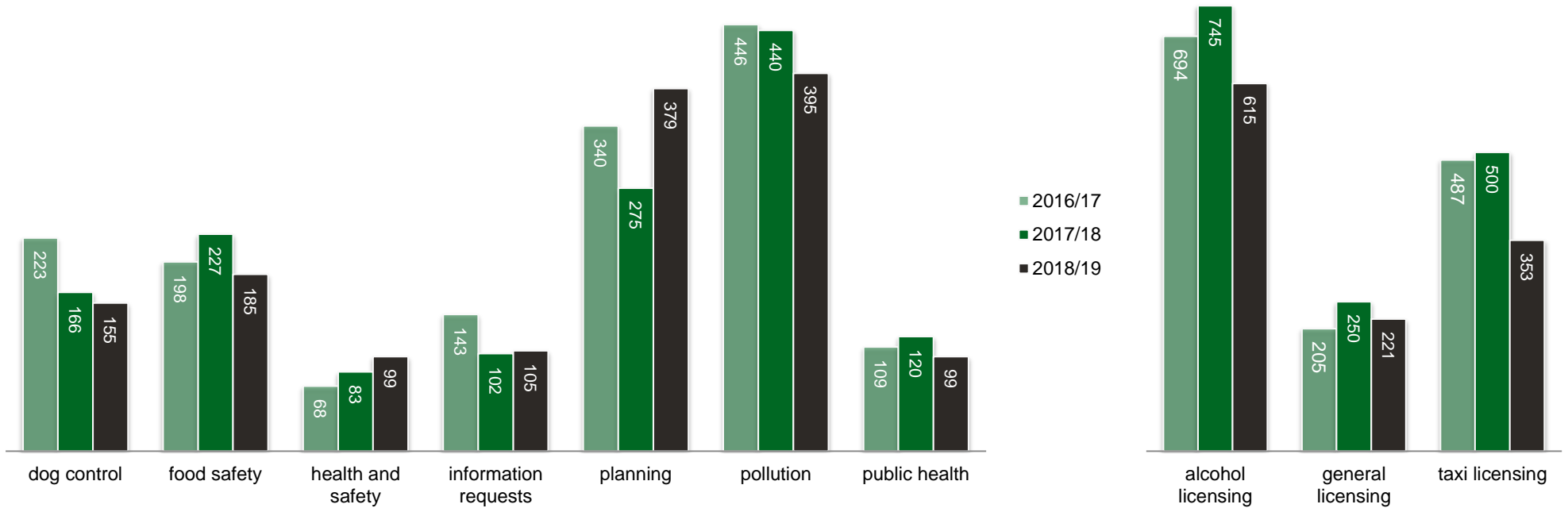
## Appendix 5: Activity Summary for individual partners



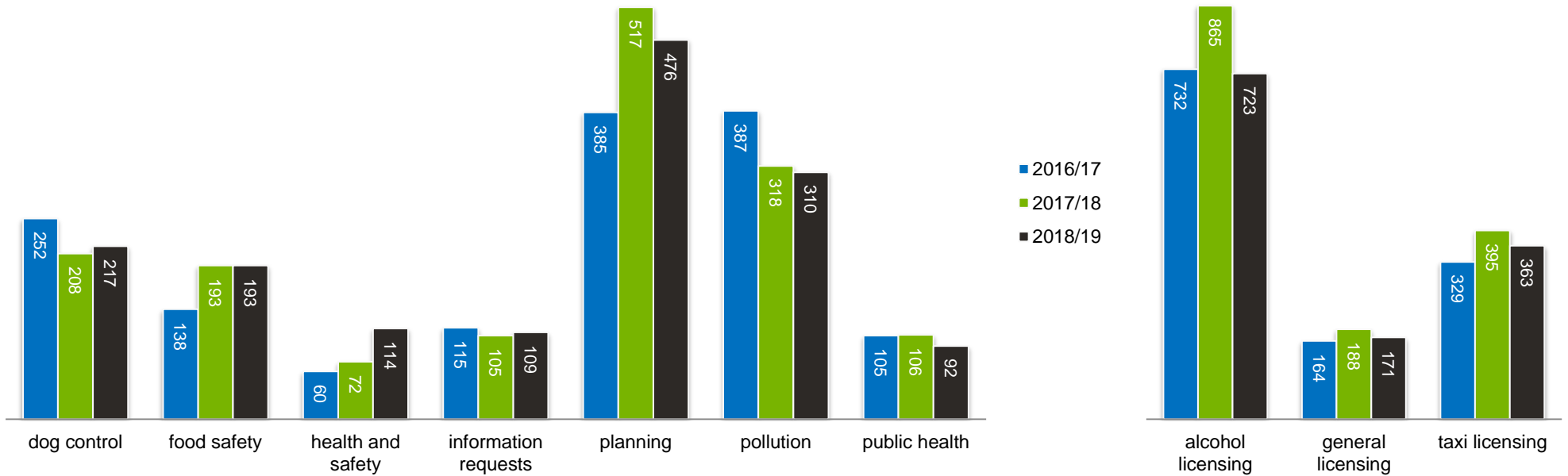
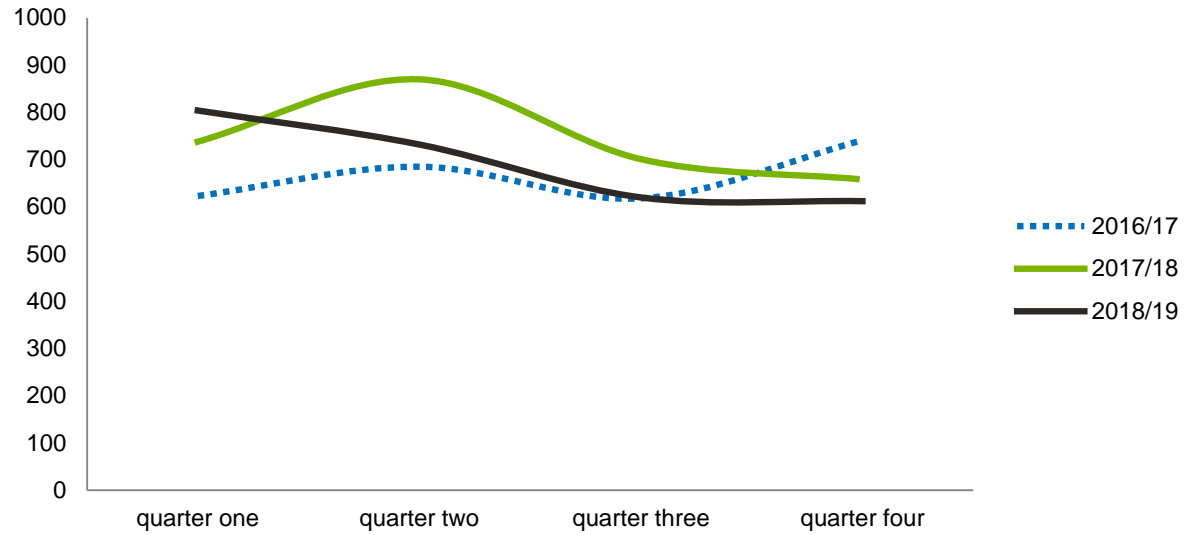
The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Bromsgrove**.



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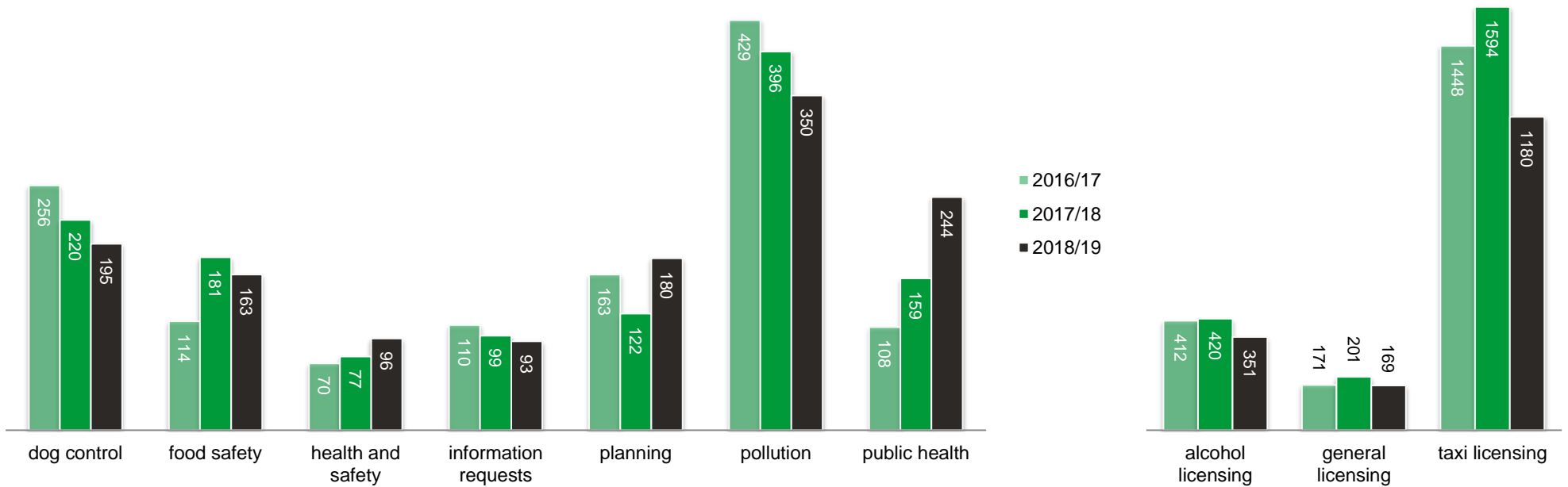
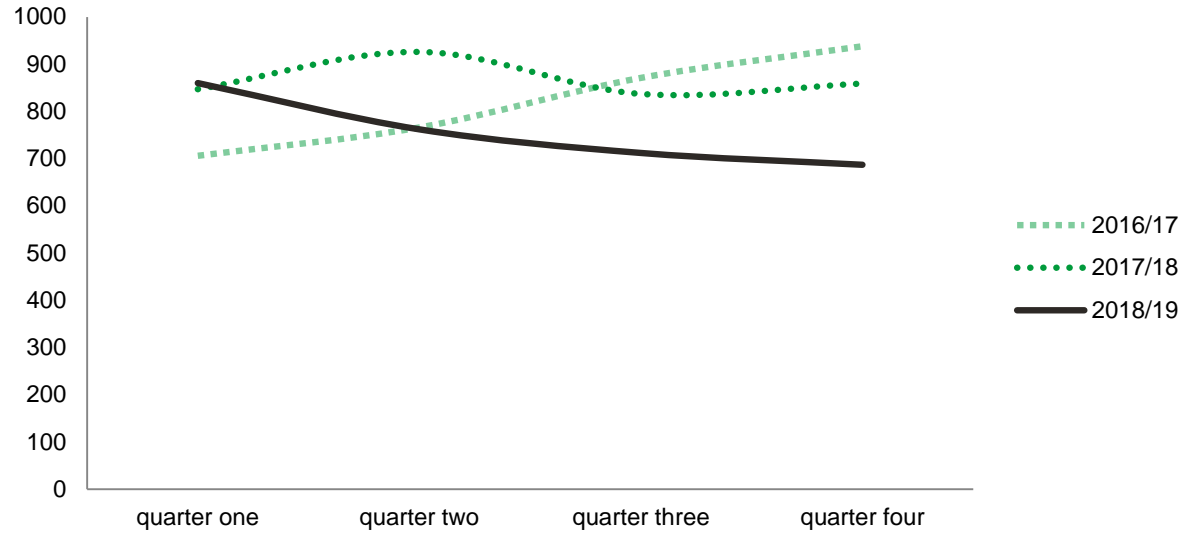
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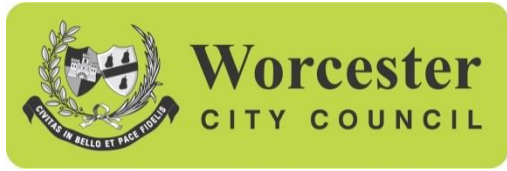




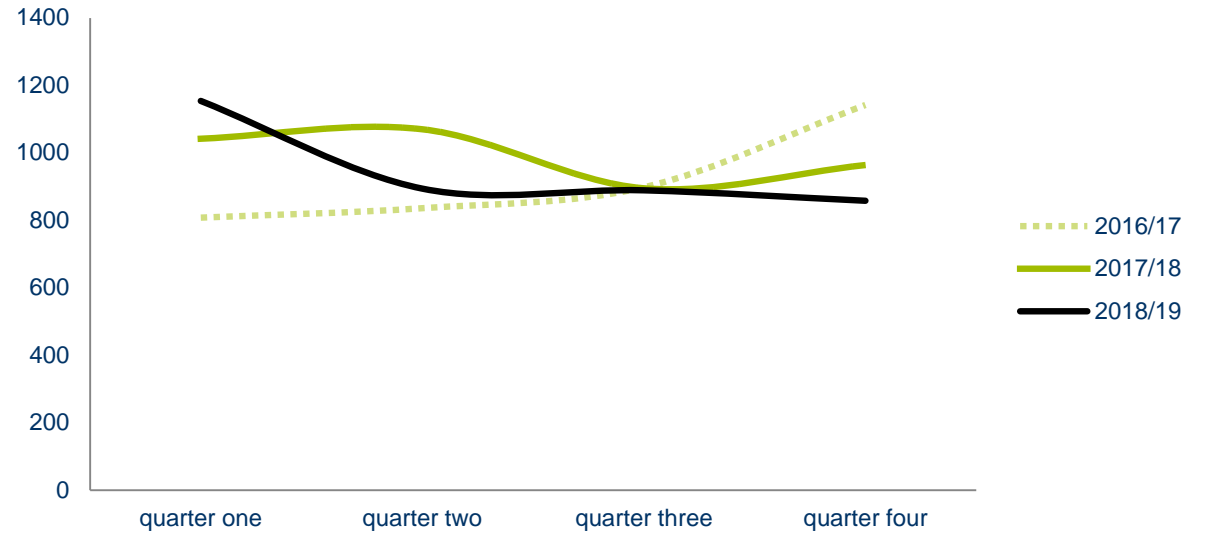


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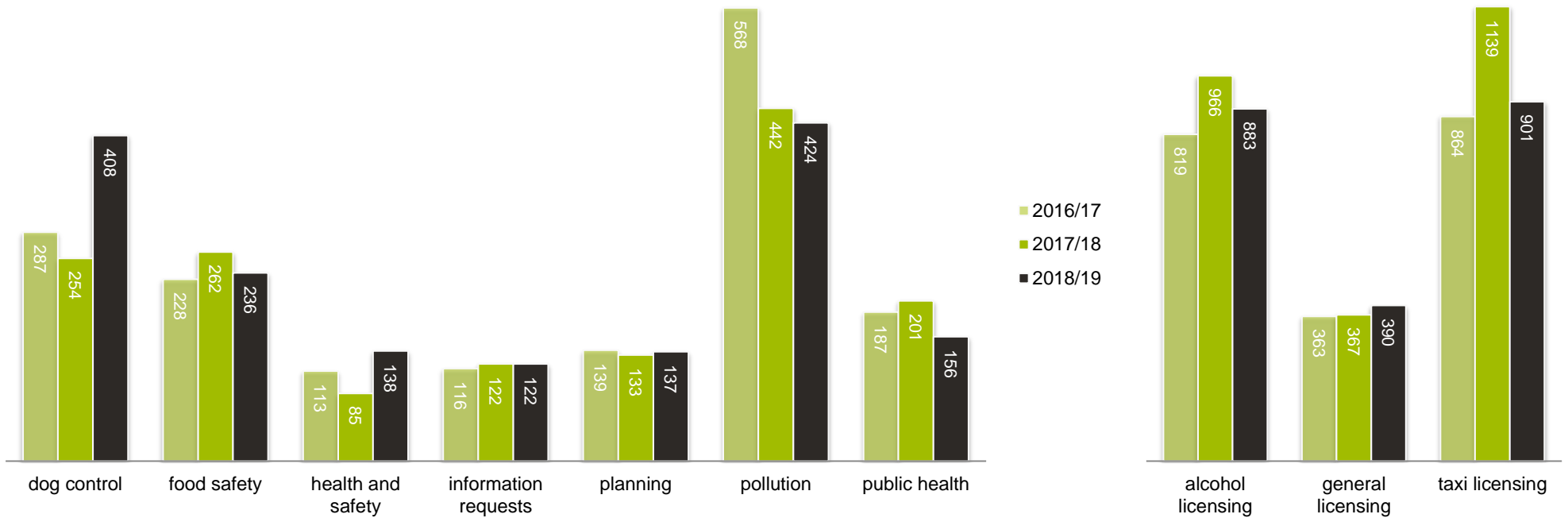




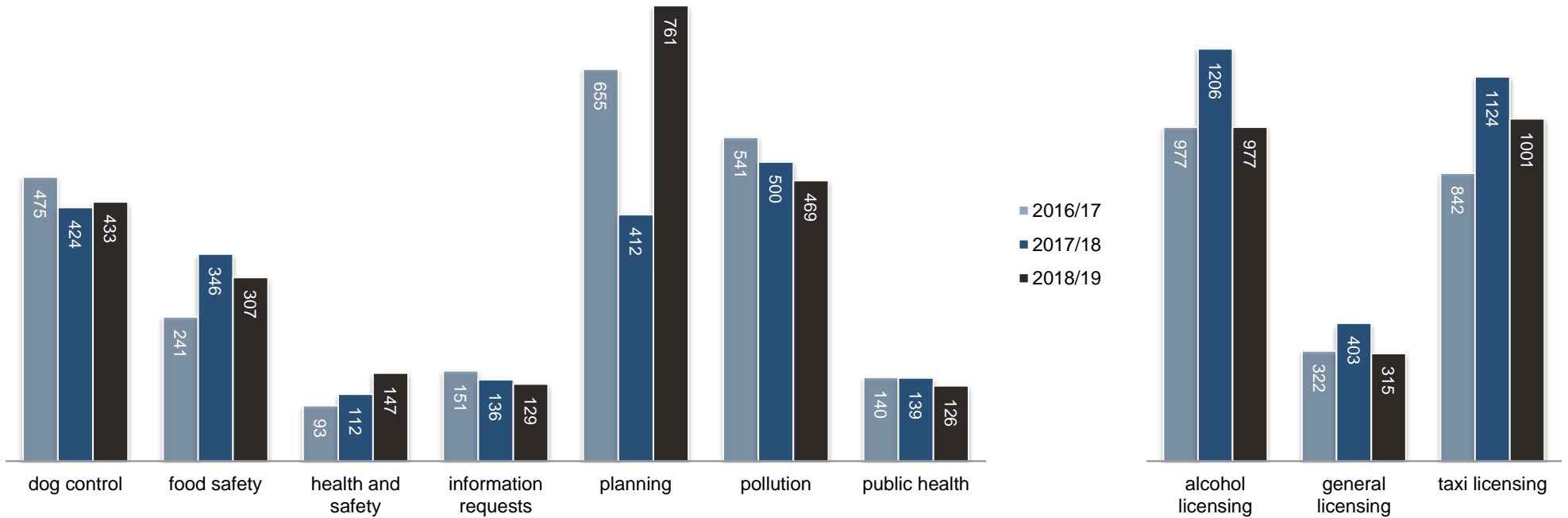
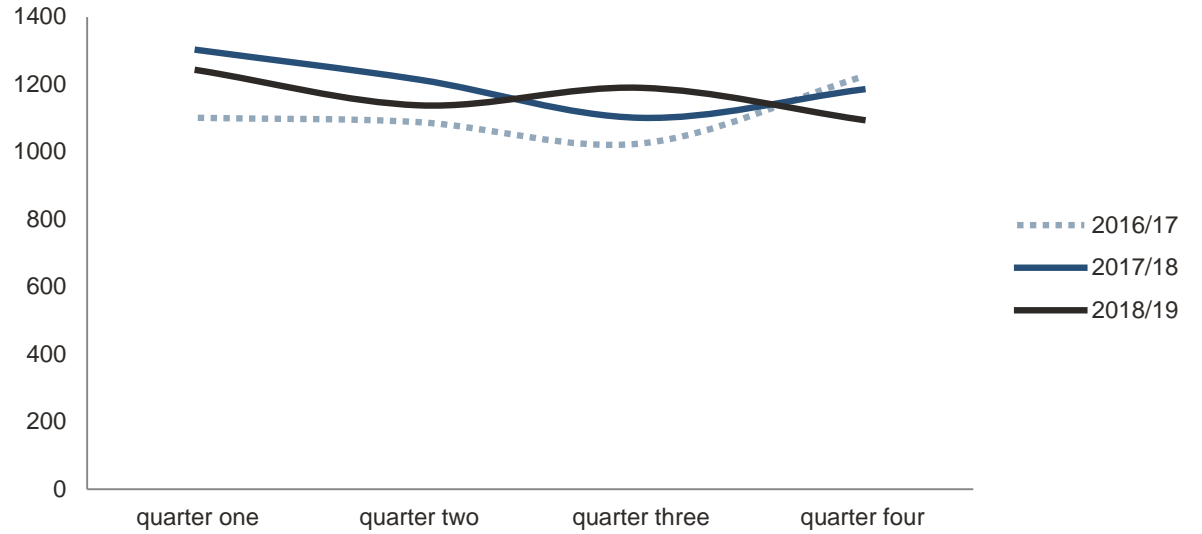
The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Worcester City**.



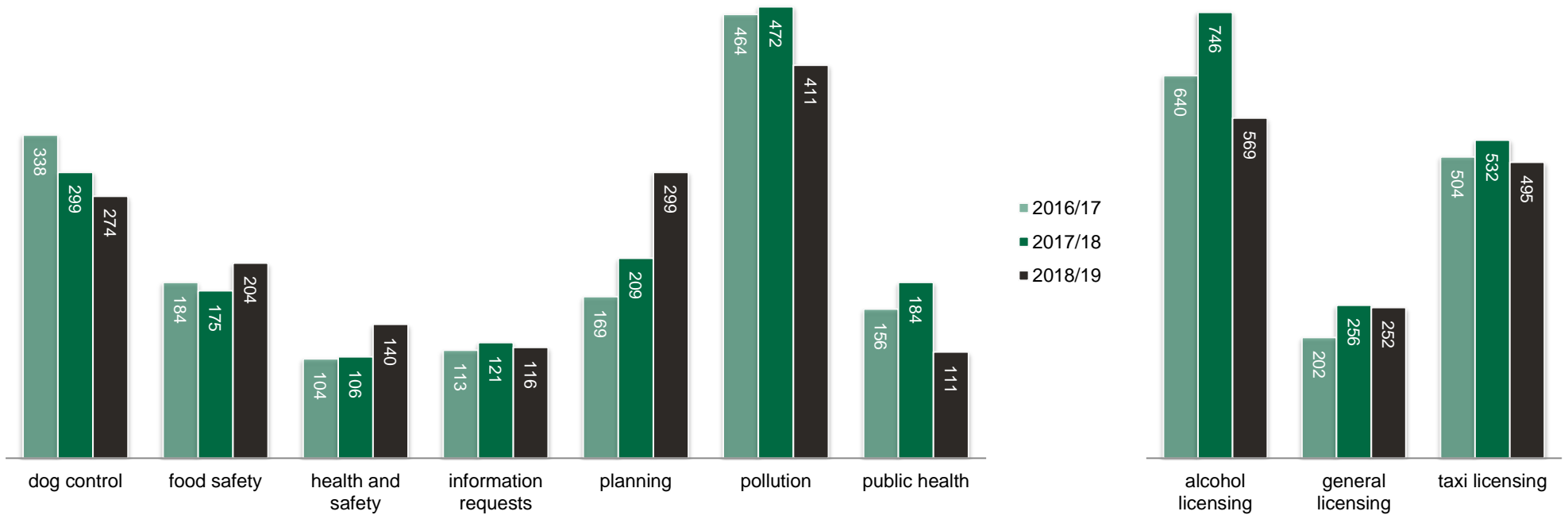
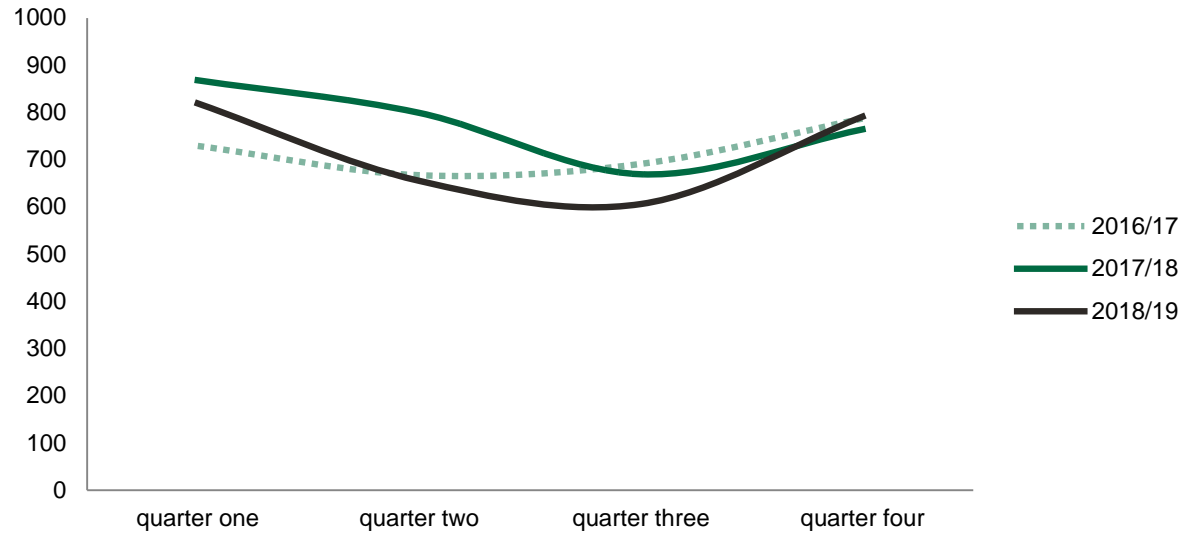
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The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Wychavon**.



The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Wyre Forest**.





## WRS Board

27<sup>th</sup> June 2018

### Activity and Performance Data Quarters 1, 2 3 and 4

#### Recommendation

That the Board notes the Report and that members use the contents of the activity data in their own reporting back to fellow members of the partner authorities.

#### Background

The detail of the report focuses on Q4 but the actual data allows comparison with previous quarters and previous years.

#### Contribution to Priorities

Board members have asked the service to provide data on activity levels to help reassure local members that WRS continues to address a range of issues in each partner area and more broadly across the county.

#### Report

##### Activity Data

The total number of interventions at premises for food safety across the County for the year was 1,514. A high proportion (97.3% across the county,) of these premises in all districts is broadly compliant, indicating that the vast majority of food businesses are well run. Food safety complaints were slightly down in quarter 4 but overall ran at a similar rate to previous years.

Dog control complaints followed a similar pattern to 2017/18 but at a slightly lower level. The number of strays collected was in line with previous trends.

There was quite a spiky profile to health and safety complaints and enquiries during quarter 4 but in line with last year. Numbers overall were not dissimilar to previous years. Health and safety activity continues to be intelligence led and focused on enforcement activity. Members may have seen the reported prosecution of B&Q by Wyre Forest following an investigation by the team. The number of accident reports fell in quarter 4 but overall the numbers were slightly above those in the previous two years.

A more normal level of demand for nuisance work established itself in quarter 4, following a relatively quiet period after the peak of the summer, which happens every year. The team investigated 2,152 nuisance complaints in 2017/18 covering light, noise, odour and smoke. 1,570 of these related to noise nuisance which places the greatest demand on the service. Amongst these nuisance investigations were a number of

challenging service requests requiring complex investigations.

Members often receive requests for assistance from constituents where their neighbours or nearby businesses are causing them a nuisance. In response to a request from the Members, the team produced a special edition of the Members' Eye Bulletin last year aimed at helping members to understand the legal basis for their respective local authority's activities in relation to statutory nuisance and explaining where we have to draw the line in relation to our investigative activities. This can be re-circulated to new Board members if required.

Work to support planning officers across Worcestershire has kept the Technical Services team busy throughout the year with a further significant increase in demand in quarter 4. We can only assume that this reflects the level of development across the county.

Christmas and bank holidays were busy periods for the Dog Wardens collecting dogs and the Duty Officers reuniting owners with the seized dogs. Thankfully most were successfully returned to their owners.

The Primary Authority negotiations with CEMEX and Wienerberger concluded with both signing contracts with WRS for the provision of assured advice. The winter period saw initial drafts of inspection plans being drawn up which are designed to assist the business by providing Local Authority inspectors with a template for how the inspection should be conducted, reducing unnecessary burdens and providing a consistent and fair trading environment.

As with last year, air quality work has had a high profile nationally and this has been reflected in the work to improve air quality. The Task & Finish Group looking into measures to tackle breaches of nitrogen dioxide in Worcester concluded and reported back to Committee in January 2019 with a number of measures tasked to different Council departments to progress.

In Bromsgrove, WRS provided support and evidence with a successful bid to OLEV for £300,000 on an ultra low emission taxi infrastructure scheme.

The licensing statistics show that applications under the Licensing Act and Hackney Carriage and Private Hire taxi legislation have remained fairly consistent across all four quarters during 2018/19 and in line with previous years. Complaints and enquiries followed similar trends to the previous year.

## **Performance**

Full details of the end of year performance are included in the Annual Report. For completeness, they are also included with this activity data. Members are reminded that indicators reported either quarterly or six monthly are cumulative across the year so the out-turn figure is a cumulative one.

Customer satisfaction figures at the end of Q4 are 63% which is down on the overall satisfaction for the previous two years. Managers have been

# Agenda Item 9

looking into the reasons for this reduction. It is possible that the increased use of self-help for nuisance complaints has removed a number that the service would have resolved in a positive way. Looking through the satisfaction questionnaires returns, whilst the main issues continue to be around paying for dogs to be returned and the service not being able to resolve nuisance issues, there have also been a number of concerns raised regarding keeping people informed of progress and informing them of final outcomes. Managers in Community Environmental Health have been re-enforcing the need for officers to do both of these things. This appears to have resulted in an improvement towards the end of the year so we will continue to push this with staff.

Having said this, as a law enforcement service, WRS is one that will not be able to make all of its customers happy.

Only 59% of customers feel better equipped to deal with problems after speaking with us which is again down on last year and is likely to be linked to the lower overall satisfaction level.

Business satisfaction ended at 97.2%, again on a par with previous years.

Staff satisfaction measurement has returned to its previous formula, using the questionnaires previously utilised so this should be comparable with previous years. There is some improvement with two-thirds of staff participating and a score of 88% satisfaction. A number of areas for work including communication and support through periods of change have been highlighted and managers will look to address there where they can.

The cumulative number of sick days per staff member is 4.12 days per FTE which is a third of last year's figure of 12.45. Members may recall that officers spent a great deal of time understanding the sources of sickness and made extra efforts to use the host authority's HR processes to respond to poor attendance where this was not the result of understandable medical issues. The Management Team is very pleased with what is for the service a return to more normal levels of sickness.

The proportion of licensed businesses subject to allegations of not upholding the 4 licensing objectives is similar to last year with some variations by individual district. Looking back, it is now clear that the low numbers in 2016/17 were a blip and that current levels are more the norm.

Given that, overall, nuisance complaints were slightly lower last year than in previous years one would expect the rate of noise complaint per 1000 head of population to be lower than previous years, which it is. Last year was probably at the low end of normal, looking back at previous years' figures and still indicates that the general environment of Worcestershire is good.

In respect of income generation, total income was £401,848 which expressed as a % of district base revenue budget (18/19) is at a very healthy 13.3%. The cost of the service per head of population for last year was £5.08. Unfortunately, because WRS does not discharge all of the functions of other local Environmental Health services it can be quite difficult to compare this with similar local authorities.

In summary, with the exception of non-business customer satisfaction,

# Agenda Item 9

performance overall has been maintained and is broadly comparable with previous years.

## Contact Points

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01562 738023  
Mark.cox@worcsregservices.gov.uk

## Background Papers

Appendix A: Activity Report (separate document)  
Appendix B: Performance indicators Table



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Appendix B: Performance Indicator Table

Indicator	Reporting period	Q1	Q2	Q3	Q4/ Outrun
1. % of service requests where resolution is achieved to customers satisfaction	Quarterly NB: fig is cumulative	72	61	61	63
2. % of service requests where resolution is achieved to business satisfaction	Quarterly NB: fig is cumulative	92.4	95.5	96.1	97.2
3. % businesses broadly compliant at first assessment/ inspection	Annually	98.2	Bromsgrove 98 Malvern Hills 97.1 Redditch 96.8 Worcester City 98.2 Wychavon 97.8 Wyre Forest 98.1 <b>Worcestershire 97.7</b>	NA	Bromsgrove 97.2 Malvern Hills 97.2 Redditch 96.0 Worcester City 98.0 Wychavon 97.4 Wyre Forest 97.8 <b>Worcestershire 97.3</b>
4. % of food businesses scoring 0, 1 or 2 at 1st April each year	Annually	NA	Bromsgrove 2 Malvern Hills 2.9 Redditch 3.2 Worcester City 1.8 Wychavon 2.2 Wyre Forest 1.9 <b>Worcestershire 2.3</b>	NA	Bromsgrove 2.8 Malvern Hills 2.8 Redditch 4.0 Worcester City 2.0 Wychavon 2.6 Wyre Forest 2.2 <b>Worcestershire 2.7</b>
5. % of drivers licence renewal applications issued within 5 working days of receipt of a complete application	6-monthly cumulative at year end	NA	<b>91.2</b>	NA	<b>91.4</b>
6. % of vehicles found to be defective whilst in service Number of vehicles found to be defective by district and the percentage	6-monthly	NA	Bromsgrove 1 Malvern Hills 0 Redditch 12 Worcester City 2 Wyre Forest 2 Wychavon 0 <b>17/1429 vehicles county-wide =1.2% of fleet</b>	NA	Bromsgrove 4 Malvern Hills 1 Redditch 25 Worcester City 10 Wyre Forest 4 Wychavon 0 <b>44/1578 vehicles county-wide = 2.8% of fleet</b>

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this represents of the fleet county-wide						
7 % of service requests where customer indicates they feel better equipped to deal with issues themselves in future	Quarterly NB: fig is cumulative	63.6	56		59	59
8 Review of register of complaints/compliments	Quarterly NB: fig is cumulative	6/20	15/62		23/89	27/ 128
9 Annual staff sickness absence at public sector average or better	Quarterly NB: figure is cumulative	11.83 days/ FTE	2.77 days/ FTE		3.26 days per FTE	4.12 days/ FTE
10 % of staff who enjoy working for WRS	Annually	NA	NA		NA	88%
11 % of licensed businesses subject to allegations of not upholding the 4 licensing objectives	6-monthly	NA	Bromsgrove 2.6 Malvern Hills 2.0 Redditch 4.0 Worcester City 3.6 Wychavon 2.4 Wyre Forest 2.6 <b>Worcestershire 2.8</b>		NA	Bromsgrove 8.7 Malvern Hills 4.8 Redditch 7.1 Worcester City 8.1 Wychavon 4.0 Wyre Forest 7.0 <b>Worcestershire 6.4</b>
12 Rate of noise complaint per 1000 head of population	6-monthly	NA	Bromsgrove 1.6 Malvern Hills 1.4 Redditch 2.2 Worcester City 2.1 Wychavon 1.4 Wyre Forest 1.6 <b>Worcestershire 1.7</b>		NA	Bromsgrove 2.7 Malvern Hills 2.2 Redditch 3.2 Worcester City 3.2 Wychavon 2.1 Wyre Forest 2.6 <b>Worcestershire 2.7</b>
13 Total income expressed	6-monthly	NA	140,817/3,025,000 x100 = <b>4.7%</b>		NA	£401,848/ 3.025,000 x 100 = <b>13.3%</b>

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as a % of district base revenue budget (16/17)					
14 Cost of regulatory services per head of population (Calculation will offset income against revenue budget)	Annually	NA	NA	NA	<b>£5.08 per head of population</b> (2,961,000/583,100)

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Worcestershire  
**Regulatory Services**  
*Supporting and protecting you*

# Activity Report 2018/19



**Bromsgrove**  
District Council  
[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

Malvern  
Hills  
District Council  
[www.malvernhills.gov.uk](http://www.malvernhills.gov.uk)

REDDITCH BOROUGH COUNCIL  
making  
a  
difference  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

**Worcester**  
CITY COUNCIL

WYCHAVON  
DISTRICT COUNCIL  
*good services, good value*

**Wyre Forest**  
District Council

# Contents

## Headlines

## WRS Summary

- Air Quality
- Contaminated Land
- Dog Control
- Environmental Permitting
- Food Safety
- Health and Safety
- Information Requests
- Licensing
- Planning
- Pollution
- Public Health

## Partner Authority

## Summaries

- Bromsgrove District Council
- Malvern Hills District Council
- Redditch Borough Council
- Worcester City Council
- Wychavon District Council
- Wyre Forest District Council

## Contract Authority

## Summaries

# Foreword

Welcome to the final set of activity data for 2018/19.

As you'll see our excellent summer crashed into autumn relatively early taking down our numbers of nuisance related complaints and these numbers have remained below the level of previous years for much of the second half of the year. Food complaints and health and safety complaints remained on trend, all of which has allowed the Community EH team to get on top of the food inspection programme for the year so, as you'll see they were able to spread the inspection programme more evenly across Q3 and Q4..

This year has been by far the busiest year of the past three for planning work. A peak occurred during the Summer for the Technical Services team at a time where they are busy trying to build their portfolio of Primary Authority work, There were further peaks in Q3 and another upswing of work in Q4, so that team have continued to be busy for most of the year. Stray dog numbers were slightly below last year but slightly above the year before during the same period.

Fortunately, Licensing continued to follow its normal seasonal track and the volume of FOI/EIA Information requests was also on trend.

So there is lots to see in this report and we hope you find it informative.



Simon Wilkes  
Head of Regulatory Services

## Headlines - Quarter One

### Licensing Update

The first quarter of 2018/19 has been a busy one for the Licensing Team. Preparations have begun for the introduction of the new “Animal Activity Licence” following the introduction of secondary legislation in relation to Animal Boarding (Catteries, Kennels, Home Boarding, Doggy Day Care), Dog Breeding, Pet shops, Riding Establishments and a new category of Performing Animals (previous County Council function). This new regime comes into force from the 1st of October 2018 with new delegations and fee requirements for each district.

Consultations have begun on the six Statements of Gambling Principles across the County, and officers have taken part in the National Licensing Week (18th – 22nd June) with compliance visits made to Gambling Premises across the County supported by Officers from the Gambling Commission. All work conducted and by promoting all that we do through “twitter and facebook”.

Officers have also conducted targeted taxi enforcement in two districts with more evenings arranged for the immediate future. CSE (Child Sex Exploitation) Awareness Training has been delivered in four out of the six districts with sessions planned in July for Bromsgrove and Wychavon with Malvern Hills to follow. Licensing Officers participated in the Redditch MATES group (multi-agency) operation with the Police, HWFRS and HMRC in a multi agency effort to work together more effectively and lastly WRS hosted the Regional Institute of Licensing (IOL) AGM and Training day at Redditch on behalf of all partners.

### Worcestershire Food and Drink Association

In April, Officers held a promotion of the Worcestershire Food and Drink Association at the Three Counties Showground in Malvern. We now have 70 members with the dedicated WF&D website going live at the end of August.

### Flooding

Since the last report your Officers have assisted partners in responding to the flooding incidents in Wythall and Hollywood, participating in the tactical response and flood recovery groups and advising affected schools, businesses and residents.

## Health and Safety

In May a Caution was issued to a major national retailer in respect of an accident that happened to customers within their Redditch store. Full costs were paid by the company following what was a long and complex investigation. This Caution may be cited should the business be found guilty of any further offences.

In June, a HGV driver working for a Redditch company was handed a 12 month community order following the death of an elderly cyclist who was struck by an insecure crane. He pleaded guilty at Birmingham Crown Court to causing death by careless driving following the tragic collision in Shirley on March 24 in 2014. This followed an extensive and complex investigation by WRS and The Police. Previously, the Director the company had been jailed for 21 months and ordered to pay costs of £25,687. In addition the Company was fined £300,000 and ordered to pay costs of £25,687. The company did not hold any valid certificates of examinations for their vehicles and a number of them had serious faults. The director of Buildland Limited and the company itself pleaded guilty to failing to ensure the health and safety of persons not in its employment, and failing to make suitable and sufficient risk assessments.

## Food Safety

The 2018/19 Food Safety Inspection Programme has commenced and compliance across all Districts remains high. With promoting economic prosperity as one of our key drivers, coupled with this excellent level of compliance, it is proposed that we should shift some of our focus to rewarding and promoting our good businesses. We are therefore planning to introduce an innovative “Triple 5 Award” for food businesses that have scored three consecutive L5 (Level 5 is the highest attainable score in the FHS) inspection scores. We believe that such an award would serve to encourage businesses to sustain the highest level of compliance whilst providing the public with increased confidence in food safety.

In June a complaint was received alleging poor hygiene conditions at premises in Redditch. An inspection revealed that the cellar, which was being used as a food store, was littered with a significant number of mouse droppings. Droppings were also found on the shelving, in cups and on food equipment. Chewed food packaging and plastic were also evident and a problem with the sewage pumping system for the building had caused foul sewage backwash leading into the corridor and the food store room. A Hygiene Emergency Prohibition Notice was served due to an imminent risk of injury to health which was subsequently endorsed by the Magistrates Court which issued a Hygiene Emergency Prohibition Order. This Order was lifted 15 June 2018 following a visit by your Officers confirming that the imminent risk of injury to health had been removed.



## Headlines - Quarter Two

### Primary Authority

On 11th September 2018, WRS signed a Primary Authority Contract with Cemex who are a Mexican multi-national building materials company. It manufactures and distributes cement, ready-mix concrete and aggregates. WRS directly regulates 6 of the company's sites in Worcestershire and Gloucester City which are primarily cement batching process sites by issuing environmental permits and will be providing assured advice under the Primary Authority Regime for all English sites.



### Dogs

The Dog Warden Team has had a series of press releases recently promoting the options available to dog owners if they are struggling to cope financially or behaviourally with their pet. The press releases featured Chantilly, a Shar Pei who's veterinary requirements had been neglected so much her legs filled with fluid inhibiting the ability to walk; a dog named syrup suffering from infected throat lumps that had been thrown over a fence and abandoned in the garden of an empty property; and a grey Staffordshire Bull Terrier suffering from an ulcerated prolapse. All these dogs and 388 other dogs were reported to WRS as stray dogs during Quarter 2. Many of these spent time in our kennels and vets, with 78 of those never being claimed but instead rehomed by WRS through reputable charities.

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## Licensing Update

The Licensing Team have been extremely busy this quarter with the introduction of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which came into force on the 1st October 2018. Under these new regulations the existing licensing regimes for animal boarding establishments, pet shops, riding establishments and dog breeders were repealed and replaced by a new single licensing scheme that regulates all of these activities and which also incorporates the licensing of those who train or exhibit performing animals. This new regime is designed to bring these activities into the 21st century and reflects Government's and the public's concern to ensure that animal welfare is paramount in the operation of these businesses. The new regulations are made under the Animal Welfare Act 2006, which is designed with the RSPCA's concept of the 5 Freedoms at its heart. Licensing Officers have designed both the application forms and the inspection forms and since the new regulations came into force on the 1st October 2018 Licensing has already received over 50 applications for the new "Animal Activity Licence". Each application will need an inspection by an authorised qualified Officer prior to its determination to assess its risk rating, star rating and ultimately the length of licence that can be granted.

Licensing Officers were involved in multi agency enforcement exercises this quarter. Licensing Officers accompanied by the Police and other enforcement agencies visited a number of premises across the County on numerous dates to ensure compliance with the relevant sections of The Licensing Act and/or The Gambling Act as appropriate. Some of these visits were quite high profile cases led by West Mercia Police which made the local press at the time. These visits were a result of the introduction of MATES (multi agency tasking enforcement strategy); where Officers of multi disciplines work together to enforce and keep people safe using a more targeted approach to problem solving.

Since 2017 Licensing has been working in partnership with West Mercia Police and the Police and Crime Commissioner's preferred training provider to deliver face to face Child Sex Exploitation training/awareness to all taxi drivers. The initial rollout is now coming to an end with free training having been provided in all districts by the end of November. Licensing with its partners are now looking at additional sessions being provided in Redditch and Worcester to ensure that all those wishing to attend have had the opportunity. Following the end of this programme an updated report will be presented to each Licensing Authority.

## Headlines - Quarter Three

### TEAM ENMESHED WITH NOISE ISSUE

Noise complaints came in from a number of Pershore residents about a heavy impact noise in the surrounding area. On investigating, the noise was from a heavy industrial process that involved banging metal to make mesh. The business had moved onto a new green field industrial site the previous year but this was near to residential properties. WRS suggested the company employ an acoustic consultant to identify a way to resolve the problem and, on the basis of this report, a suitable enclosure around the machines had to be built to prevent a statutory nuisance and reduce the noise impact on local residents. The enclosure cost in the region of £30,000 but hopefully a solution has been found that meets the requirements of both parties. Whilst WRS works with planning colleagues to avoid these issues, where industrial and housing development occurs in close proximity it is very difficult to deal with the expectations of those moving into these areas and balance their wants and needs.



Vychavon-Malvern signed up for documentary filming with Lambent Productions looking at the public health protective role of local authority enforcement officers. WRS accepted an invitation to participate. Two officers volunteered for this work and several food visits have been filmed. Agreement of the food business operator is obtained by the film company. The programme will be shown on C5 in 2019.

### Licensing Update

The implementation of the Animal Activity Licence which came into force from the 1<sup>st</sup> of October 2018 is now well on it's way and to date we have already had over 160 applications under these new 2018 regulations. Officers have been busy carrying out an inspection of each premise as part of the application processes, qualified Officers and in some cases Veterinary Surgeons have to carry out an inspection of the premises and rate its associated risks taking into account client history with compliance, provision for and the welfare of the animals concerned; awarding each premise a star rating of between 1 and 5 stars under which they will now operate. These risk and star ratings then determine the length of time the licence is granted for this being between 1 and 3 years.

This third quarter has also been particularly busy in the number of licensing applications, renewals or reviews being heard by the relevant district Licensing Committee or Sub-Committees. There have been over 30 cases during October, November and December 2018 for which a determination had to be sought by the Committee process through each district. These are cases where Officers cannot grant a licence as the application is outside of the districts policy parameters and therefore cannot be determined by Officers through normal delegated powers or where an application/licence has received objections or where an application has been received to review the premises licence.

Licensing Officers have also conducted a number of enforcement exercises (mates visits) with our partner agencies West Mercia Police, Home Office - Immigration and Enforcement Officers, Fire Authority Officers, Trading Standards Officers as well as our own Environmental Health and Licensing Officers. Those visits conducted were high profile multi agency visits in a number of districts and culminated in a number of arrests, goods being seized including possible illicit alcohol and which also led to the identification of potential fire hazards which have now been corrected.

Licensing Officers alongside Young Solutions (PCC training provider) have continued to deliver on CSE (Child Sex Exploitation) Awareness training to the Hackney Carriage and Private Hire trade both drivers and operators who are licensed by the District Councils within the County. Officers have now arranged for additional sessions to be provided for those drivers who did not manage to get booked on the course during 2018; with the next available sessions being in Redditch during the later half of January 2019.

*Dog Warden Update*

The dog warden service was busy during the Christmas and New Year period. Seeing over thirty dogs collected between the 22 December and 1st January. Over Christmas itself seven dogs were being treated at the vets for welfare issues, another seven were in Kennels. Twenty nine of the dogs collected have been reunited with their owner or rehomed, with the other remaining in kennels. The dogs below were four of the lucky ones who have been passed to a charity to find them a new home.



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## Headlines - Quarter Four

### Dog Warden Update

The Dog Warden Service has recently issued a series of press releases throughout the County warning dog owners to be alert about a Parvo Virus outbreak that has sadly seen at least 8 dogs pass away. Dog Owners were provided advice about how to avoid the infection and the importance of vaccinating against the virus. In the last quarter a total of 462 dogs were reported to WRS as strays, many of which spent time in kennels, of these 2 puppies had contracted the Parvo Virus and were sadly put to sleep for welfare reasons and 82 were not claimed by their owners and were subsequently rehomed by WRS through reputable charities.

The Dog Warden team delivered a series of training to WRS staff on how to recognise dog behaviours. The training was well received and gave useful information and advice on warning signs in dogs and how to avoid potentially dangerous incidents with dogs.

### Page 88 £300,000 fine for DIY giant B&Q

DIY giant B&Q has been fined £300,000 after a customer suffered a head injury after being struck by a large metal banner pole while shopping at the company's Kidderminster store in July 2017. The metal banner pole weighing 2.6kg which was part of a seasonal promotional display fell 3.6 metres from racking while the customer was reaching for a product. An investigation into the incident by Worcestershire Regulatory Services discovered that poles had fallen out of the racking on previous occasions. The investigation revealed that B&Q had no system in place for monitoring the supporting brackets and pins and the banner poles were not routinely checked. The investigation further revealed that a retainer clip had not been installed in the aisle where the incident happened and had not been used to secure the bracket from which the pole fell in the accident.

At the hearing at Kidderminster Magistrates' Court on Tuesday 19 March 2019 B&Q Plc entered guilty pleas to two charges under the Health & Safety at Work Act 1974 for failing to ensure, so far as is reasonably practicable, the health and safety of employees and customers. The court heard the company had exposed customers to danger and failed to protect the health, safety and welfare of its employees through unsafe systems and failing to provide necessary information, instruction, training and supervision. District Judge Cadbury fined the company £300,000 and ordered them to pay full costs of nearly £8,000 and a victim surcharge of £170. B&Q Plc conceded that the display banner poles were intrinsically unsafe and has since removed them from all stores.



### Members' Eye Special Bulletin, Statutory Nuisance

Members often receive requests for assistance from constituents where their neighbours or nearby businesses are causing them a nuisance. In response to a request from the Members, the team produced a special edition of the Members' Eye Bulletin last year aimed at helping members to understand the legal basis for their respective local authority's activities in relation to statutory nuisance and explaining where we have to draw the line in relation to our investigative activities. This can be re-circulated to new Board members if required.

District Judge Cadbury fined the company £300,000 and ordered them to pay full costs of nearly £8,000 and a victim surcharge of £170.

### Major National Retailer Cautioned

A major high street retailer has been formally cautioned (Simple Caution) for failing to ensure the safety of its customers following an accident where a display unit collapsed injuring members of the public. The company had allowed untrained staff to dismantle and reconstruct the display units.

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### Serious Crime

WRS has forged close links with partner organisations through the North and South Worcestershire Serious Organised Crime Joint Action Groups and the various Multi Agency Targeted Enforcement Strategy Groups which are committed to sharing intelligence and carrying out joint operations to both tackle and disrupt serious crime in Worcestershire. WRS have contributed to several such operations targeted at Food Businesses, Car Washes, Licensed Premises and Nail Bars with colleagues from West Mercia Police, Fire and Rescue Service, Immigration, Border Force, HMRC, Local Authority Housing and the Gangmasters and Labour Abuse Authority. This work will continue in the forthcoming financial year.

### Licensing Update

This fourth quarter has been particularly busy in the number of licensing applications, renewals or reviews being heard by the relevant district Licensing Committee or Sub-Committees. There have been over 50 cases during January, February and March 2019 for which a determination had to be sought by the Committee process through each district. These are cases where Officers cannot grant a licence as the application is outside of the districts policy parameters and therefore cannot be determined by Officers through normal delegated powers or where an application/licence has received objections or where an application has been received to review the premises licence. This included 39 taxi cases, 5 Street Trading, 7 Premises/Personal (Licensing Act) and 2 cases regarding a Sexual Entertainment Venue (same premise

The implementation of the Animal Activity Licence which came into force from the 1st of October 2018 is now embedded into our routine work with over 197 applications now received and a 100 of those are now appropriately licensed. Those applications received but not yet issued are under offer, basically they have been visited, risk rated and an offer to licence has gone out to the applicant; we are therefore waiting for the applicant to agree the contents of their inspection report, the star rating and then to pay for their licences prior to issue.

As part of our continued development two of our newest Technical Licensing Officers have recently been awarded the Professional Licensing Practitioners Qualification (PLPQ), this training covered subject areas of The Licensing Act 2003 (alcohol and licensable activities), The Gambling Act 2005 (betting premises, small lotteries and various permits for gaming machines), Taxis (Hackney Carriage and Private Hire Licensing), Sex Establishments, Street Trading and Scrap Metal Dealers. Looking forward both these Officers are looking forward to their next set of training, which is arranged for the beginning of July. The course starts at the beginning of July and is provided by the Borough of London and the Pet Industry Federation – the course encompasses a whole week of training/working with animals and includes five 2000 word essays and a 100 multiple choice questions on animal welfare to gain the qualification.

Technical Licensing Officers continue to work with our partner agencies West Mercia Police, Home Office - Immigration and Enforcement Officers, Fire Authority Officers, Trading Standards Officers as well as our own Environmental Health Officers carrying out multi agency visits. Those visits conducted were high profile multi agency visits in a number of districts and culminated in a number of arrests being made by West Mercia Police and Immigration and Enforcement Officers; these visits also led to the identification of minor licence infringements and potential fire hazards which are being monitored to ensure compliance is achieved.

## Air Quality & Contaminated Land

Bromsgrove were successful in their grant bid for funding to assist with the installation of EV charging facilities for the taxi trade in January and received £300,000 from the Ultra Low Emission Taxi Infrastructure Scheme ran by the OLEV. WRS assisted Bromsgrove's sustainability team with the supporting information required on air quality for the bid and we are very pleased that the application was successful. WRS hope that this exciting development will be the beginning of other initiatives which will further promote ULEV's and supplement the investment in EV charging infrastructure.

WRS officers have been facilitating discussions with Wychavon following the declaration of Wychbold as an air quality management area in 2018. Officers have agreed to form a joint officers group with Bromsgrove District Council to explore air quality action planning options with regard to the problems created by traffic on the A38.

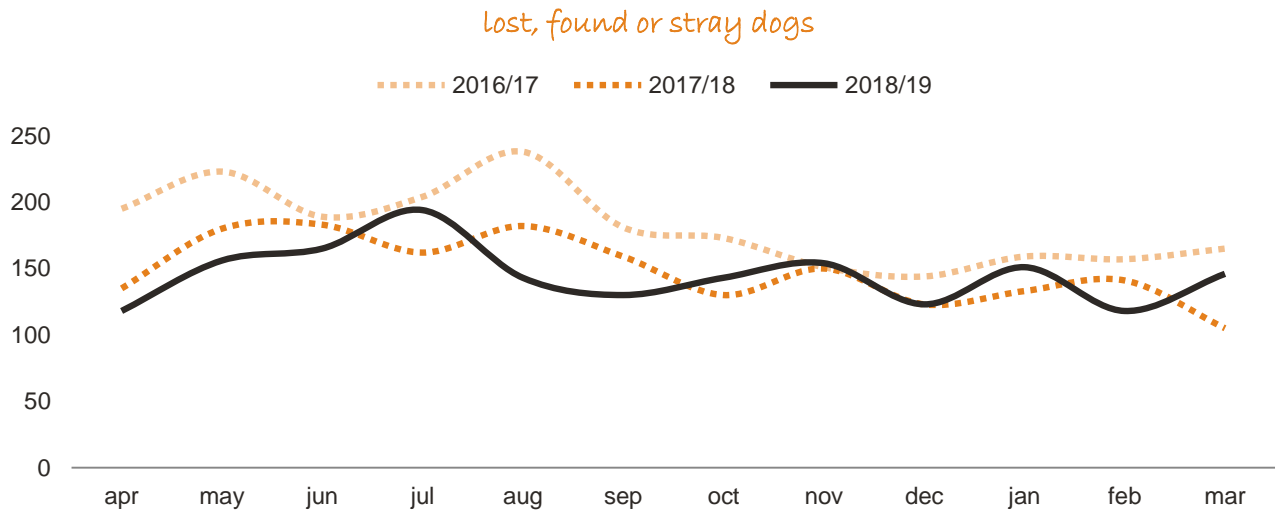
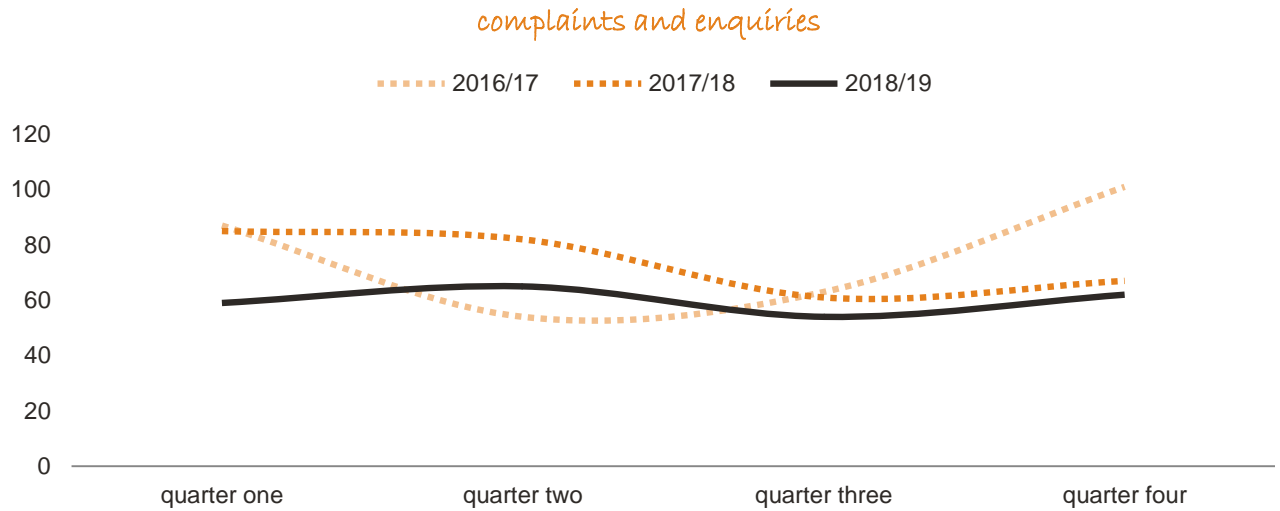
Worcester City approved their low emission strategy for the city in January. WRS await the completion of the proposed city wide AQMA declaration. It is anticipated that this should be completed prior to 2019-20 ASR reporting round commences in Q1.

WRS have been investigating ground contamination incidents in Shenstone and Bromsgrove during February and March. Both cases are in early stages of investigation and full reports of the outcomes will follow in due course.



# Dog Control

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to dog control. Types of cases recorded under this category include fouling and persistent straying, dangerous dogs and welfare. The chart (bottom right) shows the number of dogs recorded by WRS as lost, found or seen straying.



## Environmental Permitting

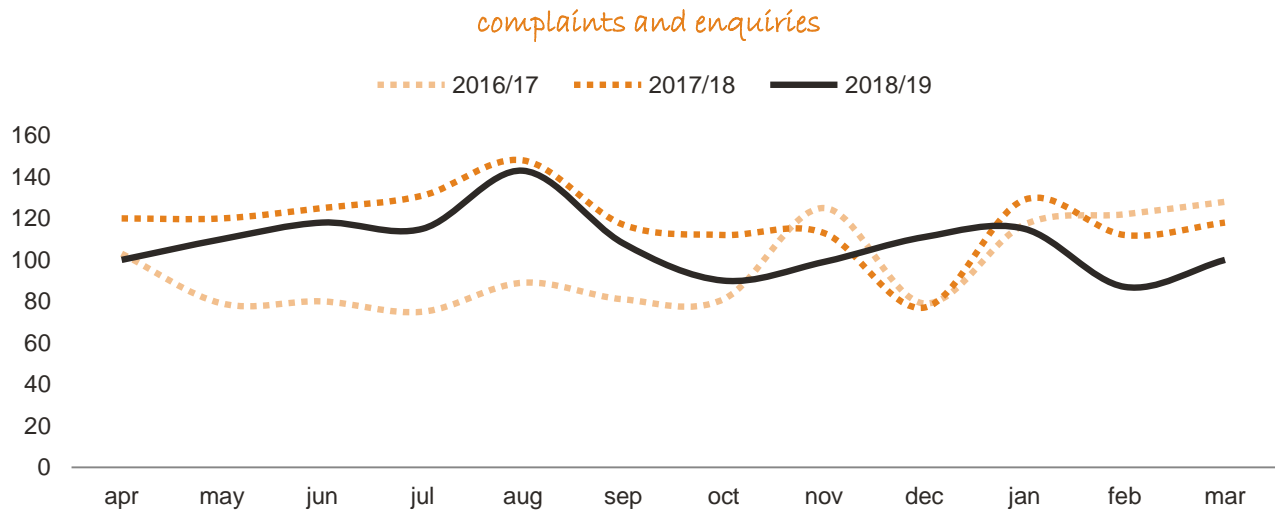
WRS are pleased to report that 100% of permitted industrial processes were inspected last year and compliance remained high.

Following the implementation of a new procedure for subsistence fee collection all finance departments are now provided with process billing information in the first week of March. It is anticipated that this will further reduce errors in billing and that debt recovery is facilitated effectively to minimise loss of council revenue.

CEMEX and Wienerberger Primary Authority work was completed for the last quarter to the satisfaction of both companies. National Inspection Plans have been developed for CEMEX and a memorandum of understanding has been agreed with Shared Regulatory Services in Wales (<https://www.srs.wales/en/Home.aspx>) to extend the PA relationship with CEMEX into the principality.

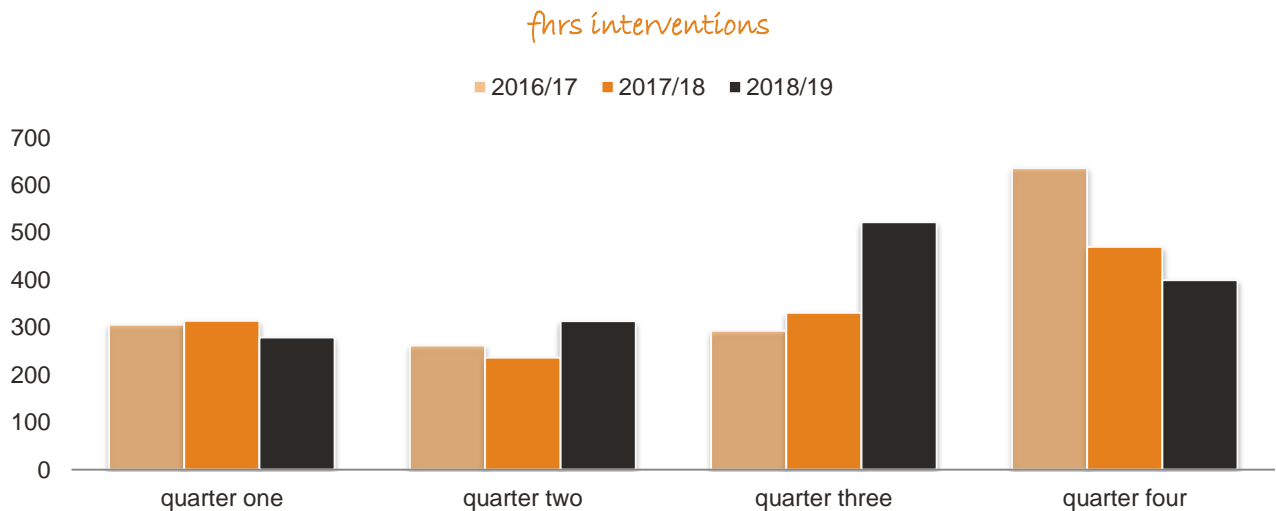
# Food Safety

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to food safety. Types of cases recorded under this category include complaints about food products, hygiene of premises complaints and requests for business advice. The chart (bottom right) shows the number of interventions conducted by WRS at premises included in the Food Hygiene Rating Scheme, commonly known as FHRS.



*Comments: This year, a total of 1,514 interventions were undertaken at food premises across the County. A high proportion of these were found to be broadly compliant, indicating the vast majority of food businesses are well run. At the year end, the proportion of businesses included in the FHRS found to be broadly compliant was 97.3%.*

*Compared to 2017/18, fewer food safety cases were recorded this year; however, the 1,296 cases recorded is a significant increase compared to 2016/17. From a food safety perspective, complaints about food products and enquiries from existing, or prospective, food business remain the most common reasons for customers to contact the service.*

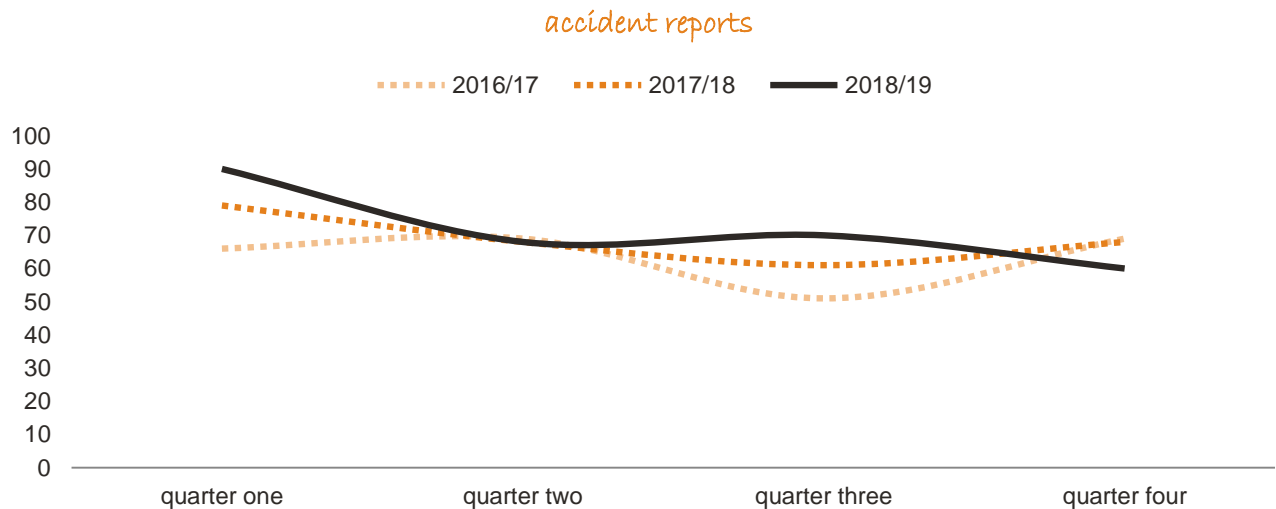
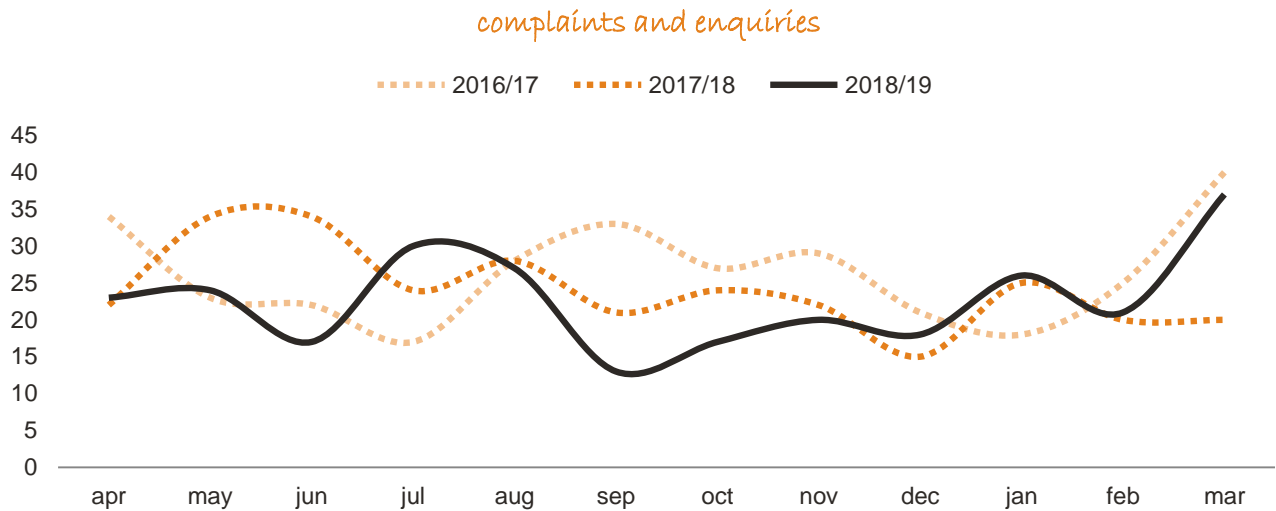


# Health and Safety

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to health and safety. This includes requests for business advice. The chart (bottom right) shows the number of notifications received by WRS relating to accidents.

*Comments: There was fluctuation in the number of health and safety complaints and enquiries received during quarter four, but overall demand was in line with previous years. Health and Safety activity continues to be intelligence led, based on accident reports and complaints notified to us, and is focused on enforcement activity. A successful prosecution was taken in respect of a large retailer in Wyre Forest and the team are investigating a potentially fatal accident at company in Bromsgrove district. A simple caution was also issued to a large national retail chain formerly operating in Redditch.*

*In parrell with complaints and enquiries, the number of accident reports notified this year was also in line with previous years.*



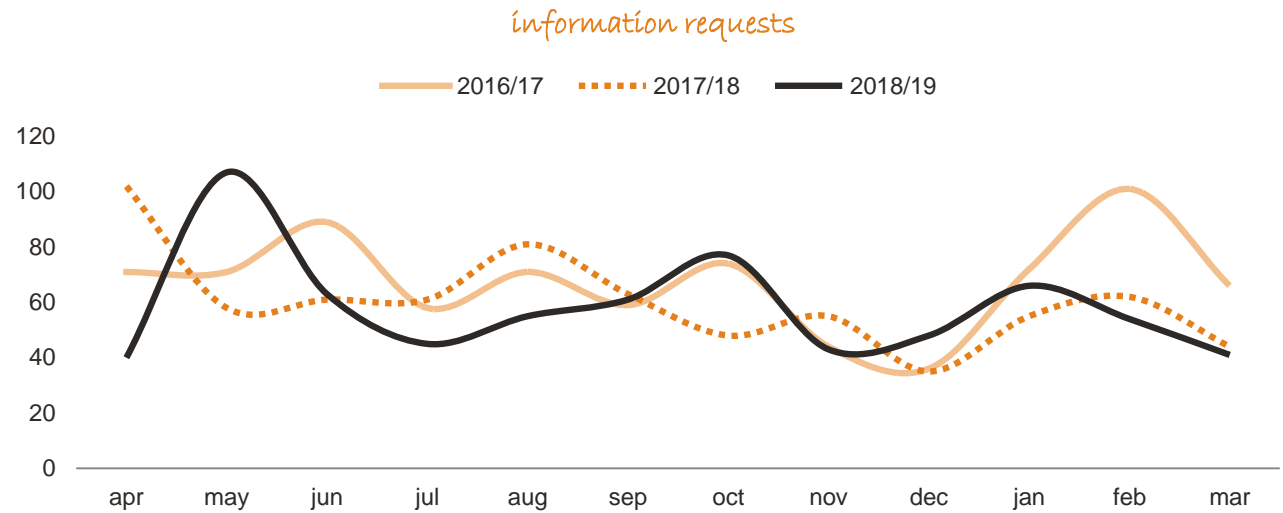
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# Information Requests

The chart (right) shows the number of information requests recorded by WRS over a three year period.

Information requests relate to the following;

- Environmental Information Requests
- Freedom of Information Requests
- Requests for information under the General Data Protection Regulation (GDPR) or the Data Protection Act 2018

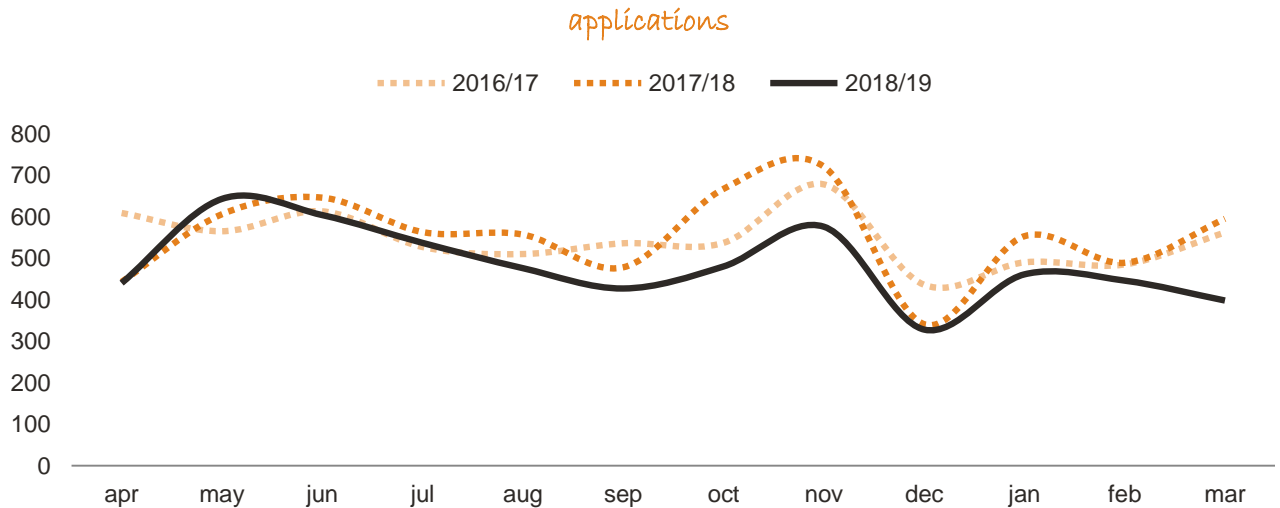
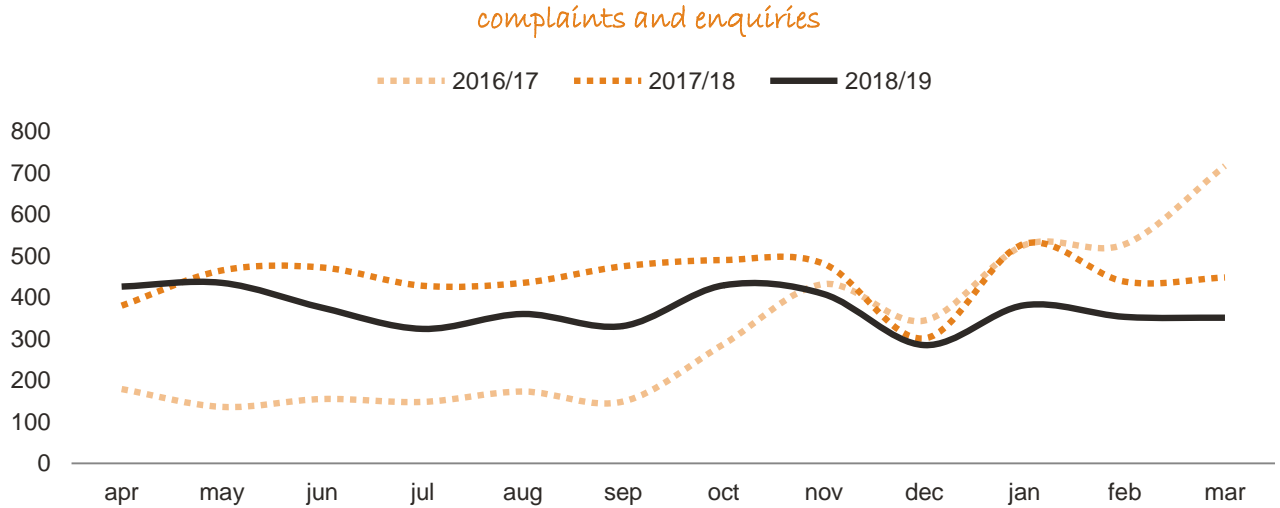


# Licensing

The chart (top right) shows the number complaints and enquiries recorded by WRS over a three year period relating to licensing. The chart (bottom right) shows the number of licensing applications.

Licensing complaints, enquiries and applications relate to the following;

- Alcohol and entertainment (including gambling)
- Animals
- Caravans
- Scrap metal
- Sex establishments
- Skin piercing
- Street trading
- Taxis

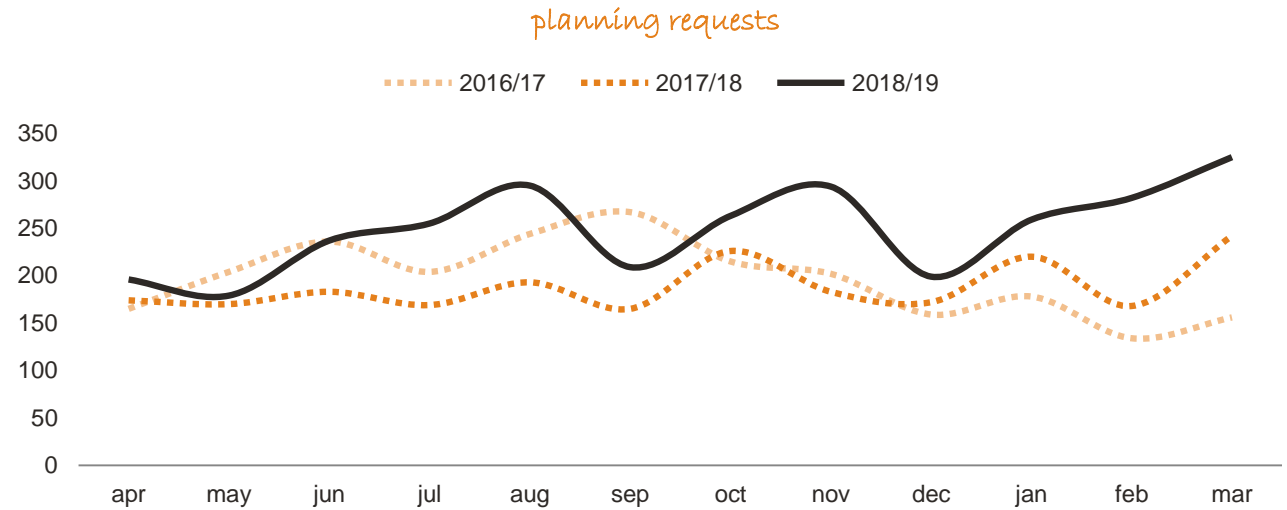


# Planning

The chart (right) shows the number of planning requests completed by WRS over a three year period. The majority of these requests are consultations but can also include requests to discharge conditions.

Planning requests relate to the following;

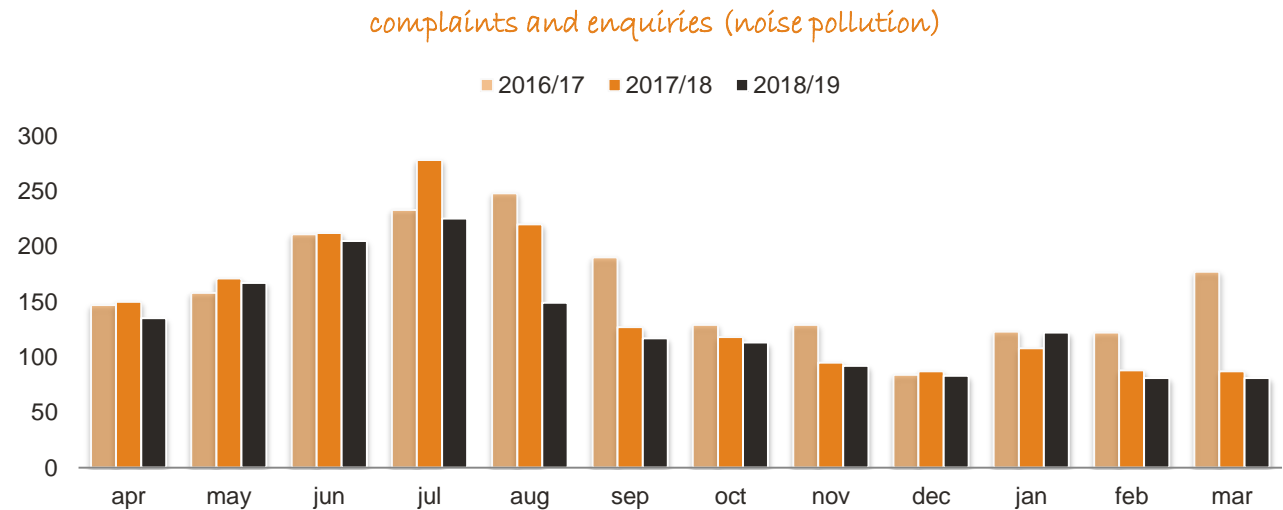
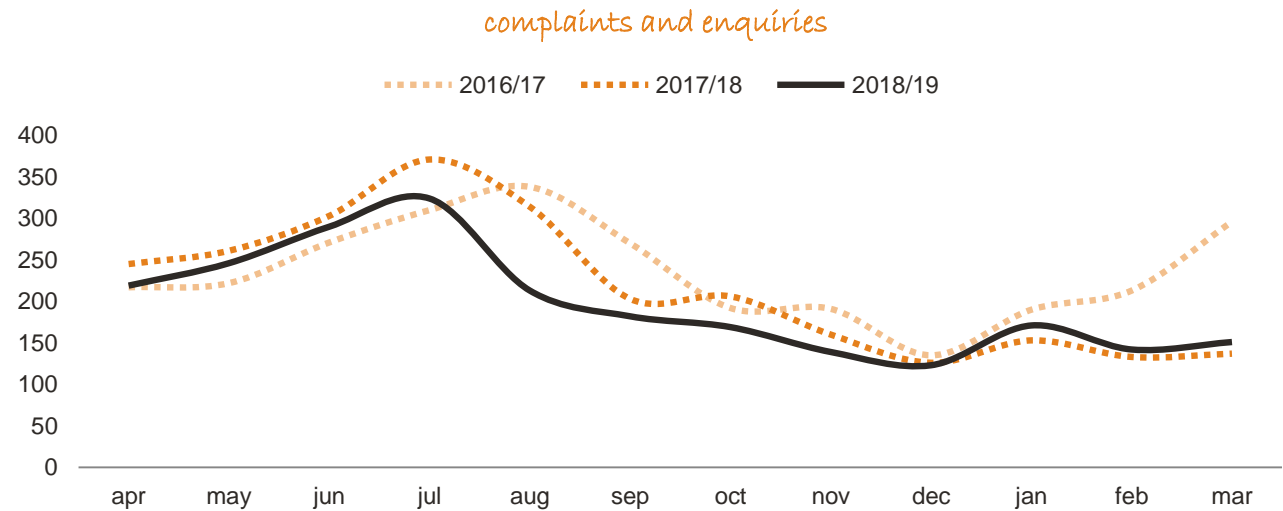
- Air Quality
- Contaminated Land
- Environmental Permitting
- Food
- Health and Safety
- Nuisance / Noise
- Private Water Supplies



# Pollution

The chart (right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to pollution. Types of cases recorded under this category include contamination incidents, air pollution (smoke, fumes and gases), light pollution and noise pollution. The chart (bottom right) shows the number of complaints and enquiries relating to noise pollution.

*Comments: A more 'normal' level of demand for nuisance work established itself in quarter four, following a relatively quiet period after the summer peak. This has been recognised as the annual pattern. The team investigated 2,369 nuisance complaints in 2018/19 covering light, noise, odour and smoke. Two thirds of these related to noise nuisance which places the greatest demand on the service. Amongst these nuisance investigations were a number of challenging service requests requiring complex investigations.*





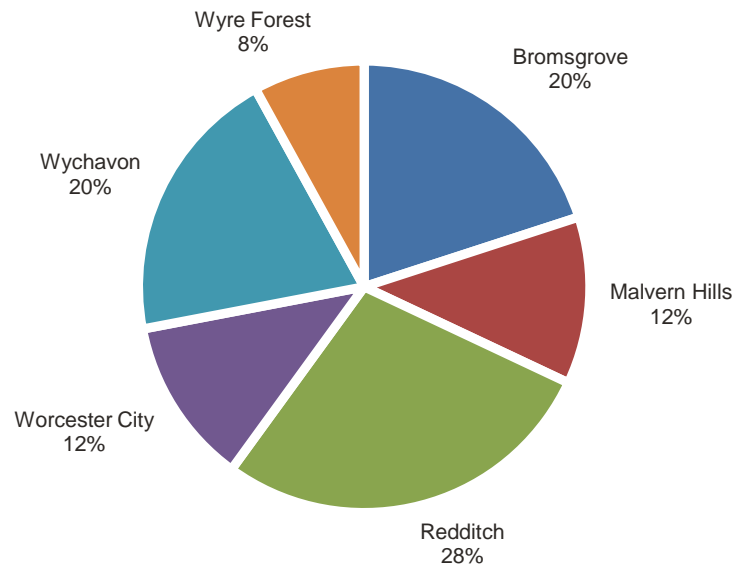
## Noise Pollution

The table (right) shows the top 25 wards in Worcestershire with the highest case rate for noise pollution cases. It also shows the relative population and the number of cases recorded. The chart (below) shows the top 25 wards by district. For example, 20% of wards highlighted in the table are located within Worcester City.

*Note: Data shown on this page represents the 'year to date' and will continue to increase each quarter until the end of year report is published.*

Ward	Total	Population	Rate
Sanders Park	36	3,456	10.42
Cathedral	63	11,160	5.65
Charford	20	3,638	5.50
Norton	16	3,175	5.04
Abbey	29	6,232	4.65
Warndon	27	5,928	4.55
Batchley And Brockhill	38	8,628	4.40
Morton	9	2,060	4.37
Wells	14	3,258	4.30
Upton Snodsbury	11	2,692	4.09
Central	27	6,659	4.05
Longdon	8	2,068	3.87
Headless Cross And Oakenshaw	31	8,539	3.63
Lickhill	9	2,535	3.55
Barnt Green And Hopwood	10	2,838	3.52
Bowbrook	10	2,907	3.44
Broadwaters	32	9,326	3.43
Matchborough	21	6,152	3.41
Lodge Park	19	5,630	3.37
Bengeworth	23	7,301	3.15
Droitwich Central	8	2,549	3.14
Bretforton And Offenham	9	2,883	3.12
Greenlands	29	9,298	3.12
Alvechurch Village	9	2,899	3.10
Gorse Hill	17	5,520	3.08

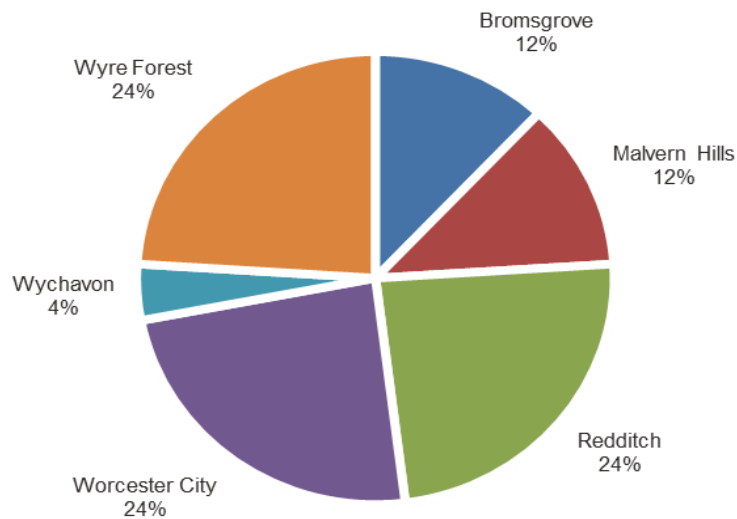
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## Noise Pollution (2017/18)

The table (right) shows the top 25 wards in Worcestershire with the highest case rate for noise pollution cases. The data covers 2017/18 and is intended to be a point of reference for the data highlighted on the previous page.

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Ward	Total	Population	Rate
Abbey	33	6,197	5.33
Upton And Hanley	21	4,186	5.02
Greenlands	45	9,122	4.93
Rock Hill	14	2,938	4.77
Batchley And Brockhill	40	8,553	4.68
Sanders Park	16	3,463	4.62
Charford	17	3,707	4.59
Astwood Bank And Feckenham	27	6,042	4.47
Blakebrook And Habberley South	39	9,000	4.33
Bedwardine	35	8,279	4.23
Cathedral	45	10,835	4.15
Warndon	23	5,934	3.88
Arboretum	23	6,195	3.71
Bewdley And Rock	31	8,542	3.63
Priory	15	4,234	3.54
Bengeworth	24	6,793	3.53
Central (Redditch)	22	6,494	3.39
Nunnery	27	8,087	3.34
Tardebigge	12	3,611	3.32
Saint Stephen	17	5,233	3.25
Tenbury	12	3,873	3.10
Areley Kings And Riverside	25	8,261	3.03
Aggborough And Spennells	25	8,685	2.88
Mitton	27	9,752	2.77
Winyates	23	8,360	2.75

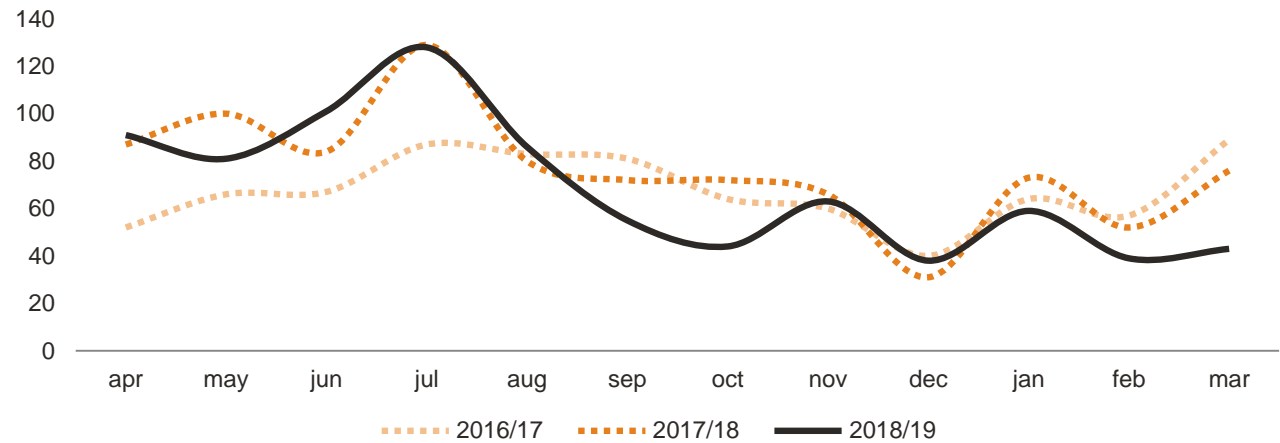
## Public Health

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to public health. Types of cases recorded under this category include accumulations, public burials and pest control. The chart (bottom right) shows the number of subsidised pest control treatments have been carried out by contractors at domestic properties in four Worcestershire Districts (Bromsgrove, Redditch, Wychavon and Wyre Forest). Malvern Hills and Worcester City do not offer subsidised pest control service.

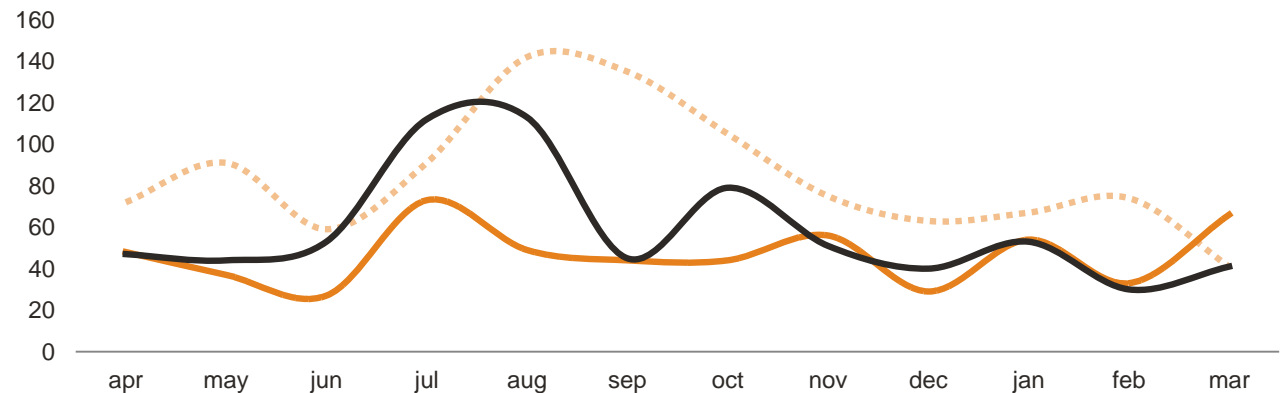
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Comments: Subsidised domestic pest control treatments have continued to remain below previous years (following restriction of eligibility criteria in two districts). The mild winter may also explain low levels of requests during the last quarter where rat call outs would traditionally be expected.

complaints and enquiries

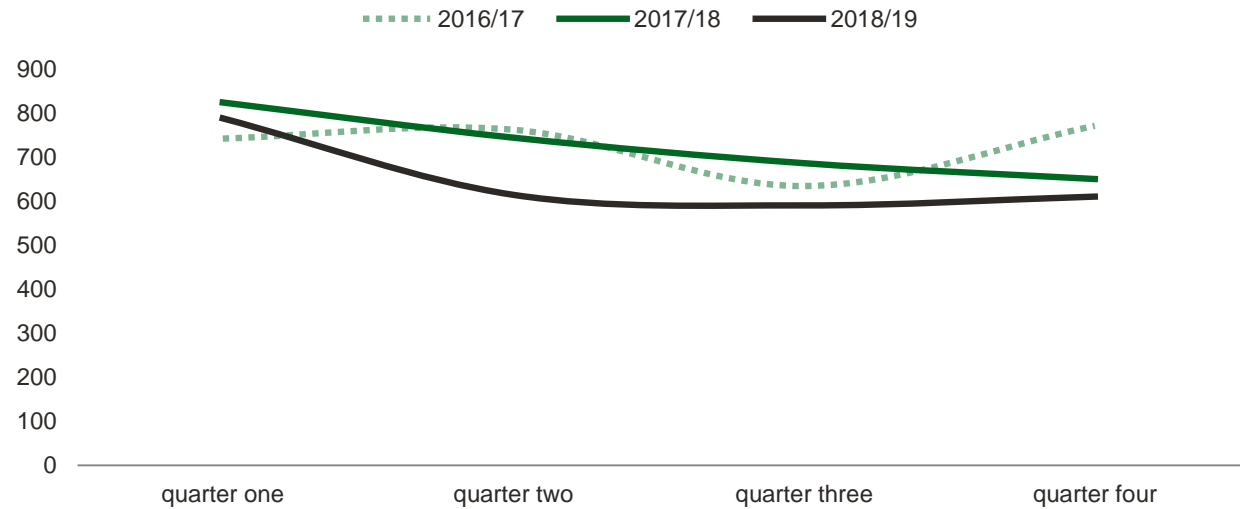


pest control (domestic subsidised treatments)



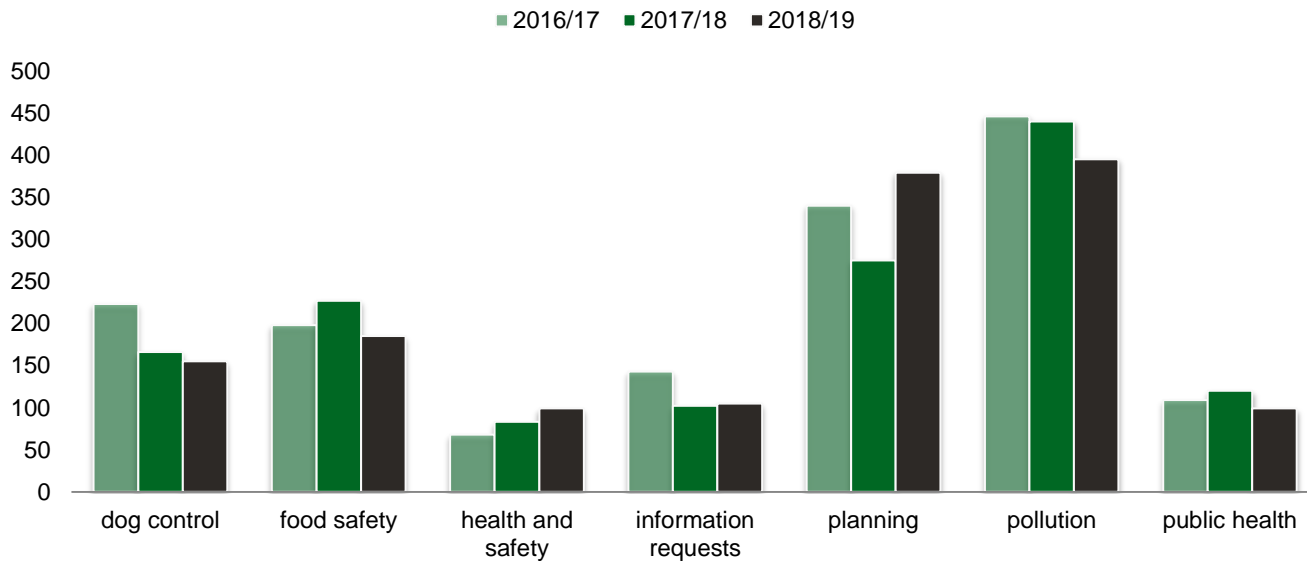
The data on this page relates to *Environmental Health* and *Licensing* complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of *Bromsgrove*.

*Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.*

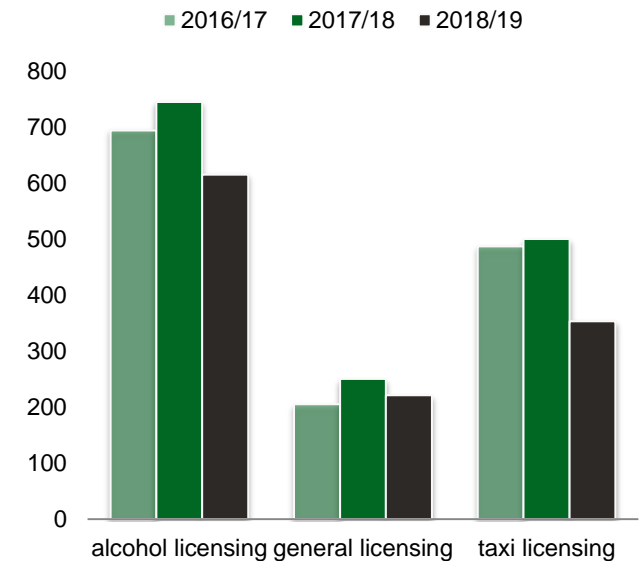


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*Environmental Health*

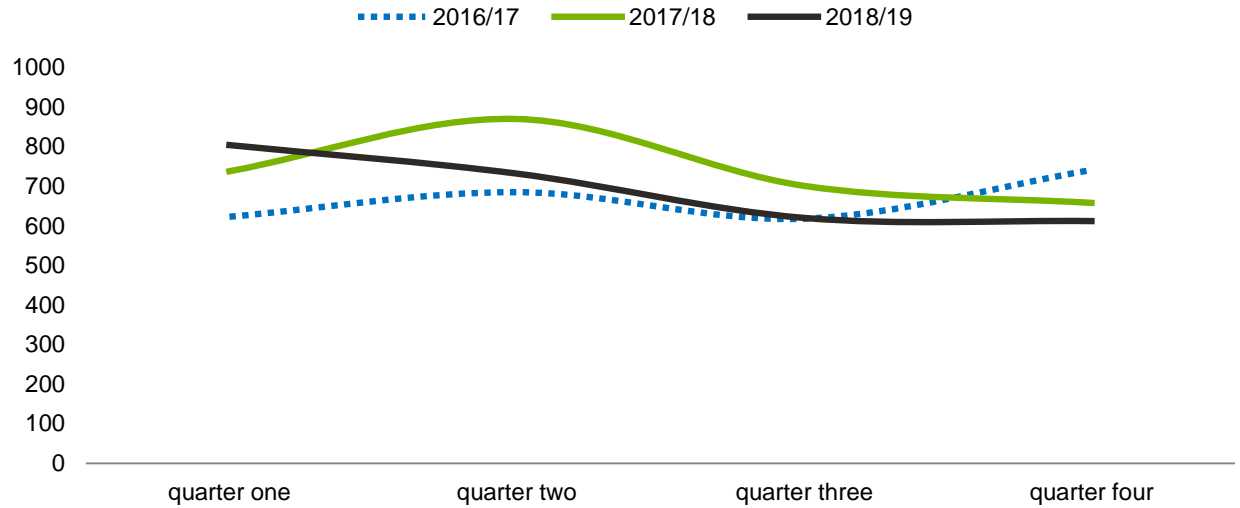


*Licensing*



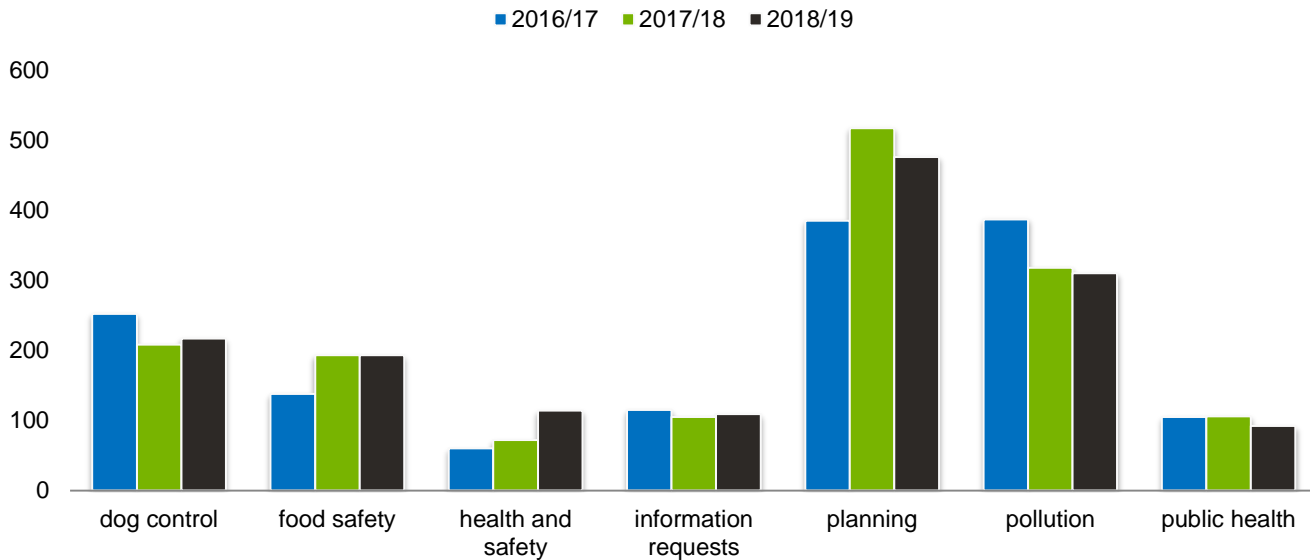
The data on this page relates to Environmental Health and Licensing complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of Malvern Hills.

Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.

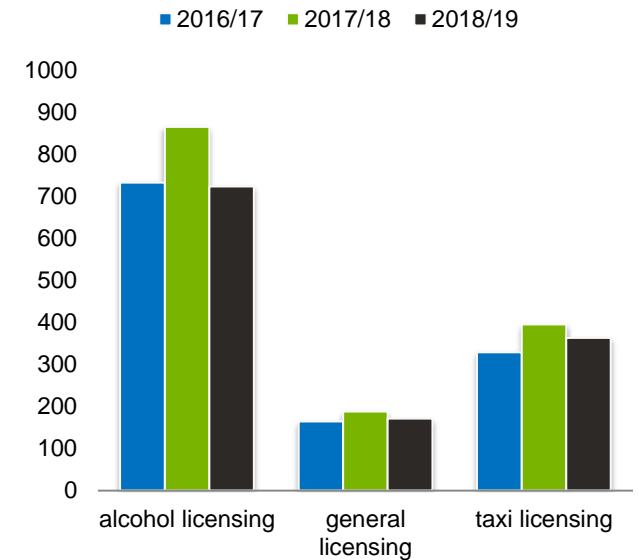


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Environmental Health

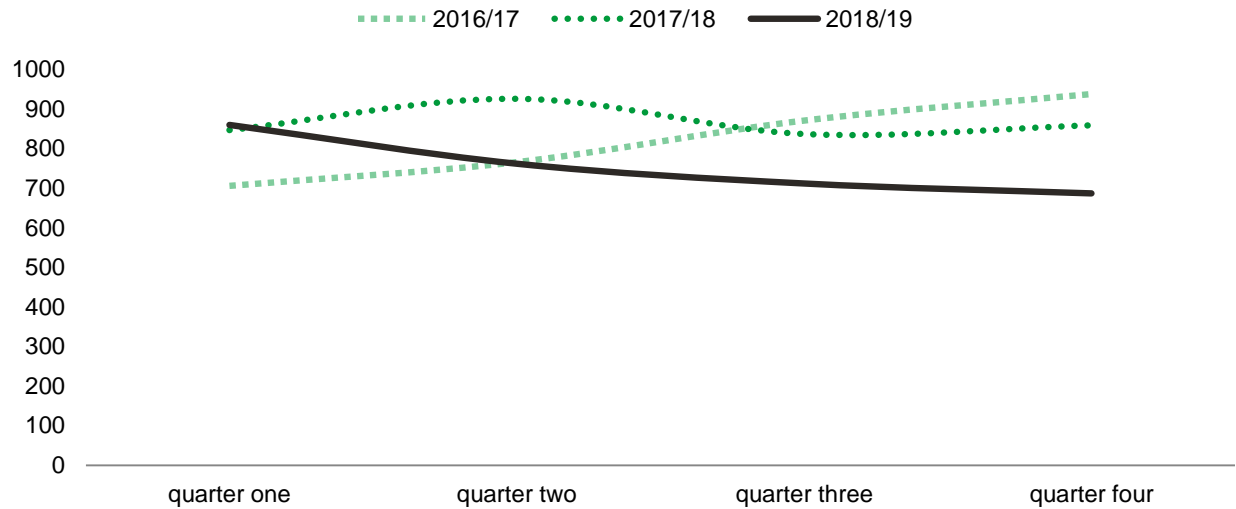


Licensing



The data on this page relates to Environmental Health and Licensing complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of Redditch.

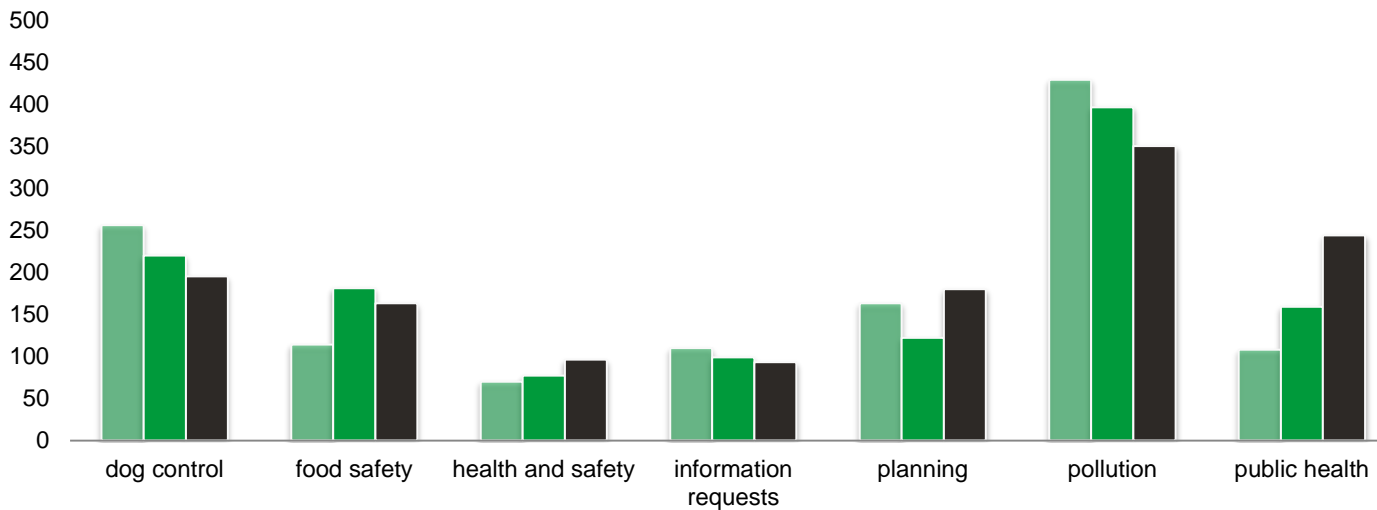
Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.



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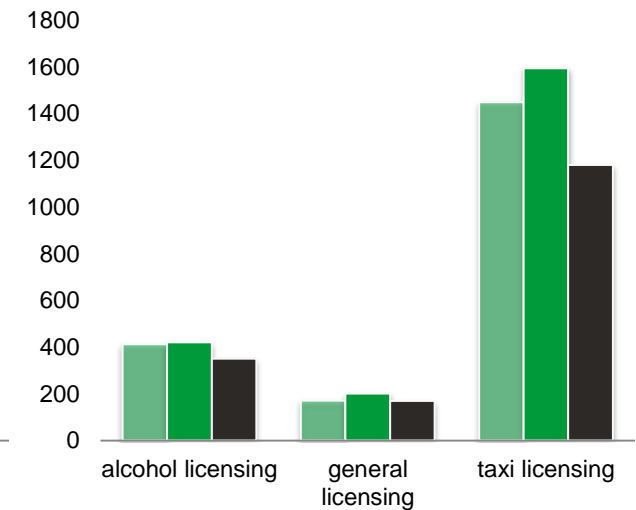
Environmental Health

2016/17 2017/18 2018/19



Licensing

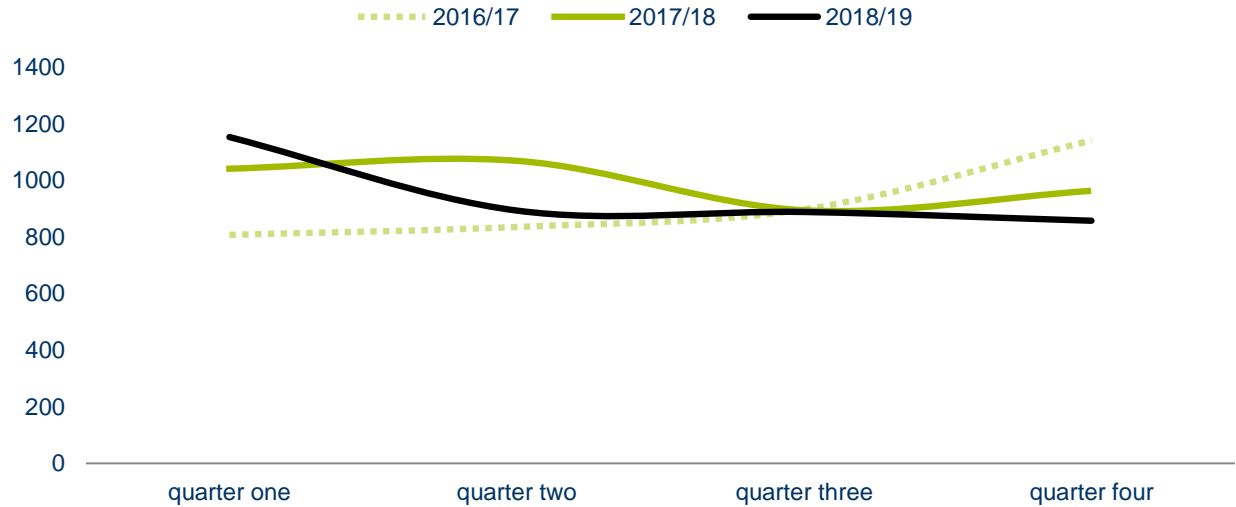
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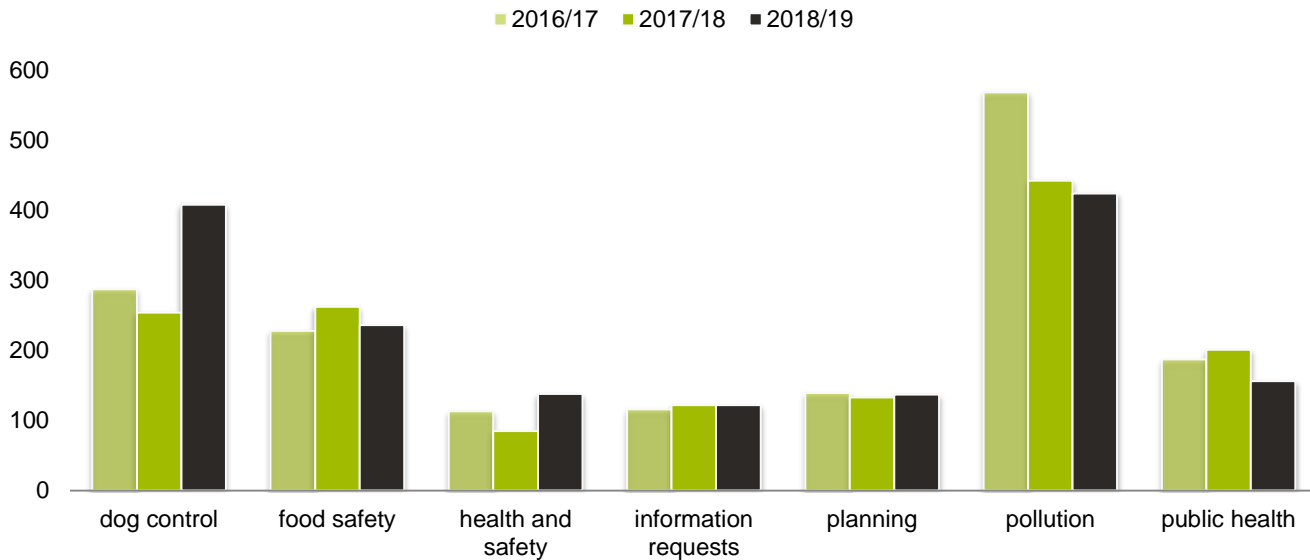
The data on this page relates to *Environmental Health* and *Licensing* complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of *Worcester City*.

*Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.*

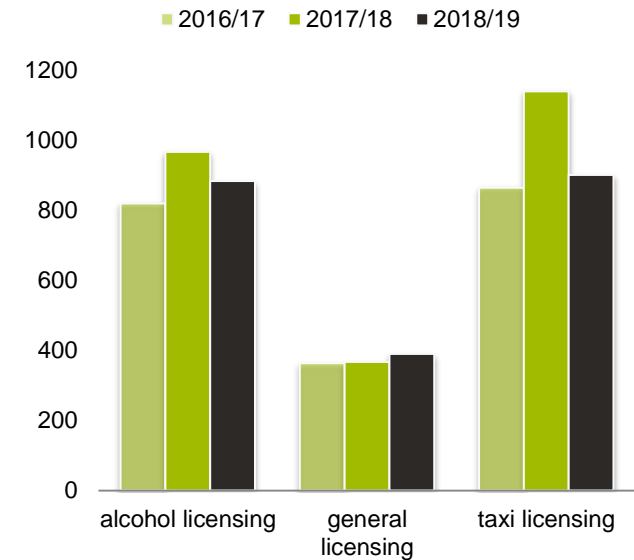


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*Environmental Health*



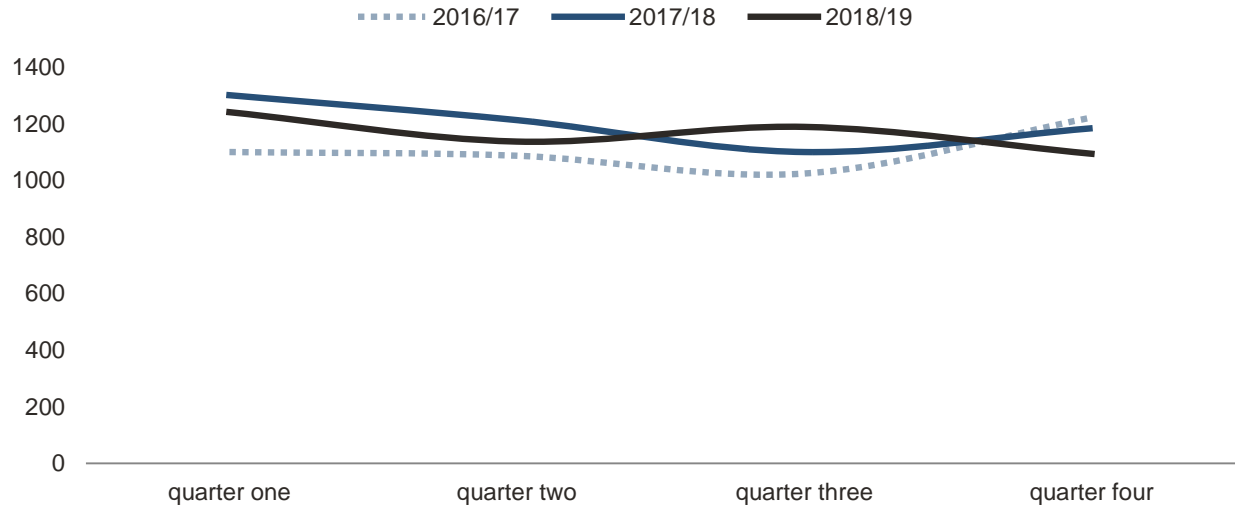
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Agenda Item 9

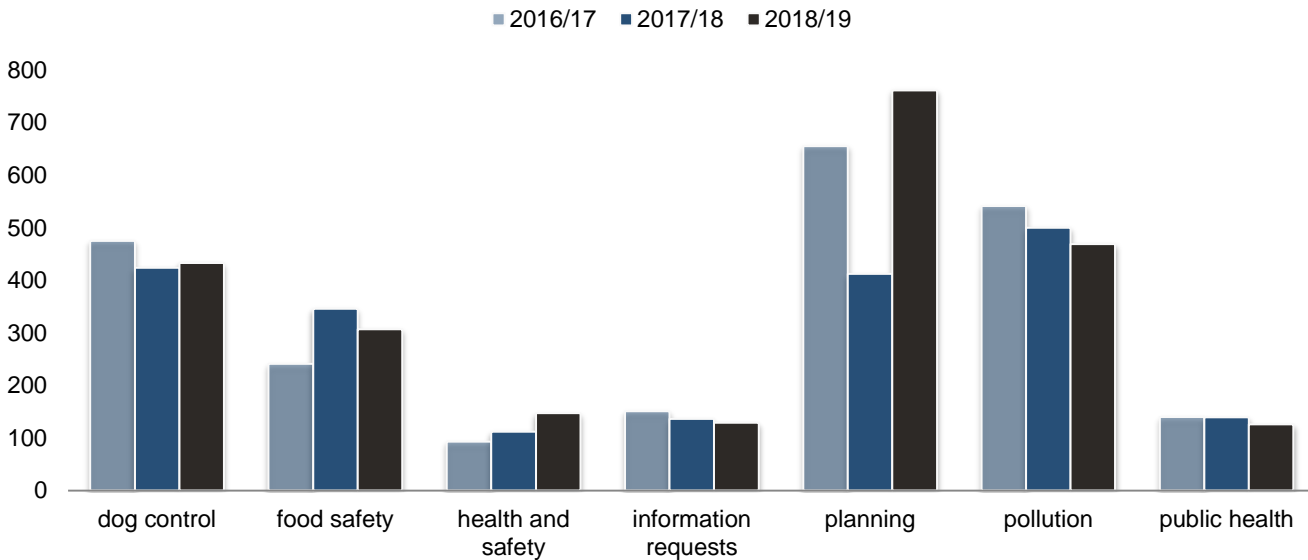
The data on this page relates to *Environmental Health* and *Licensing* complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of *Wychavon*.

*Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.*

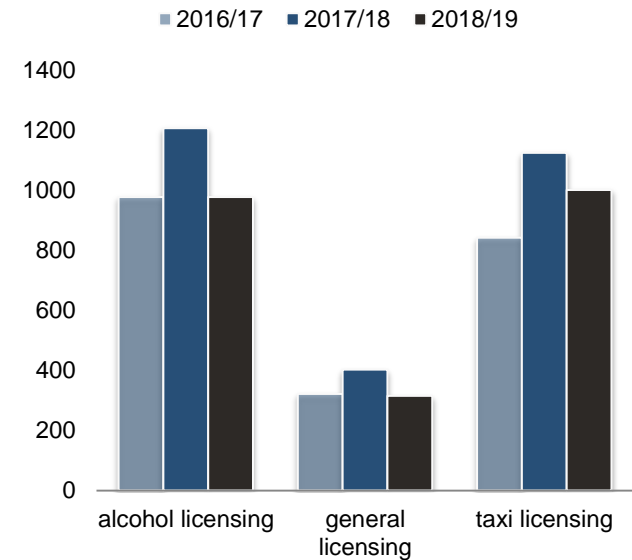


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*Environmental Health*



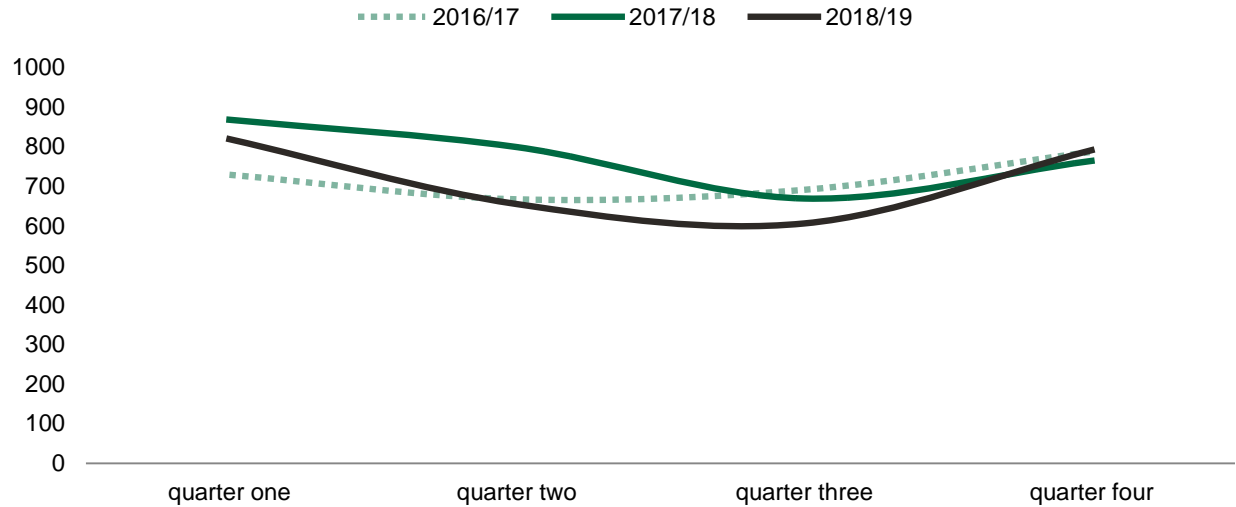
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The data on this page relates to *Environmental Health* and *Licensing* complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of *Wyre Forest*.

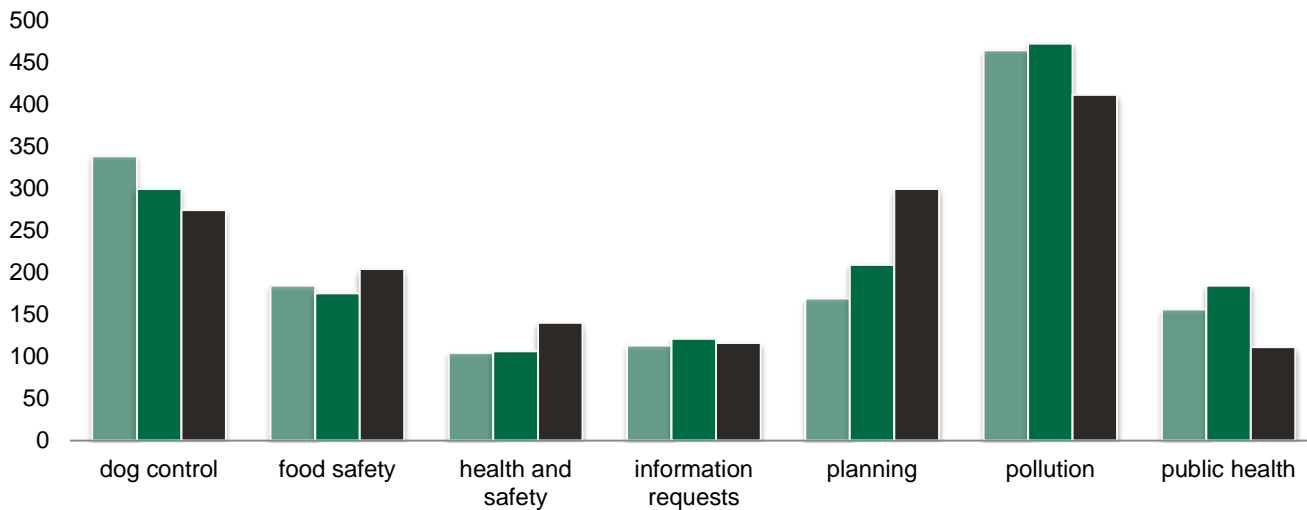
*Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.*



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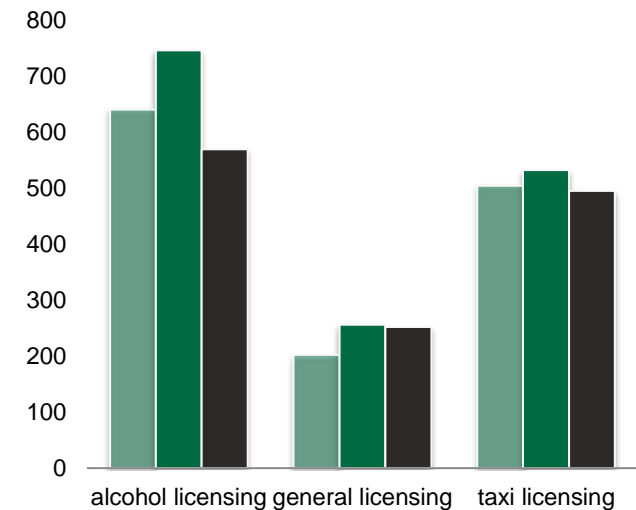
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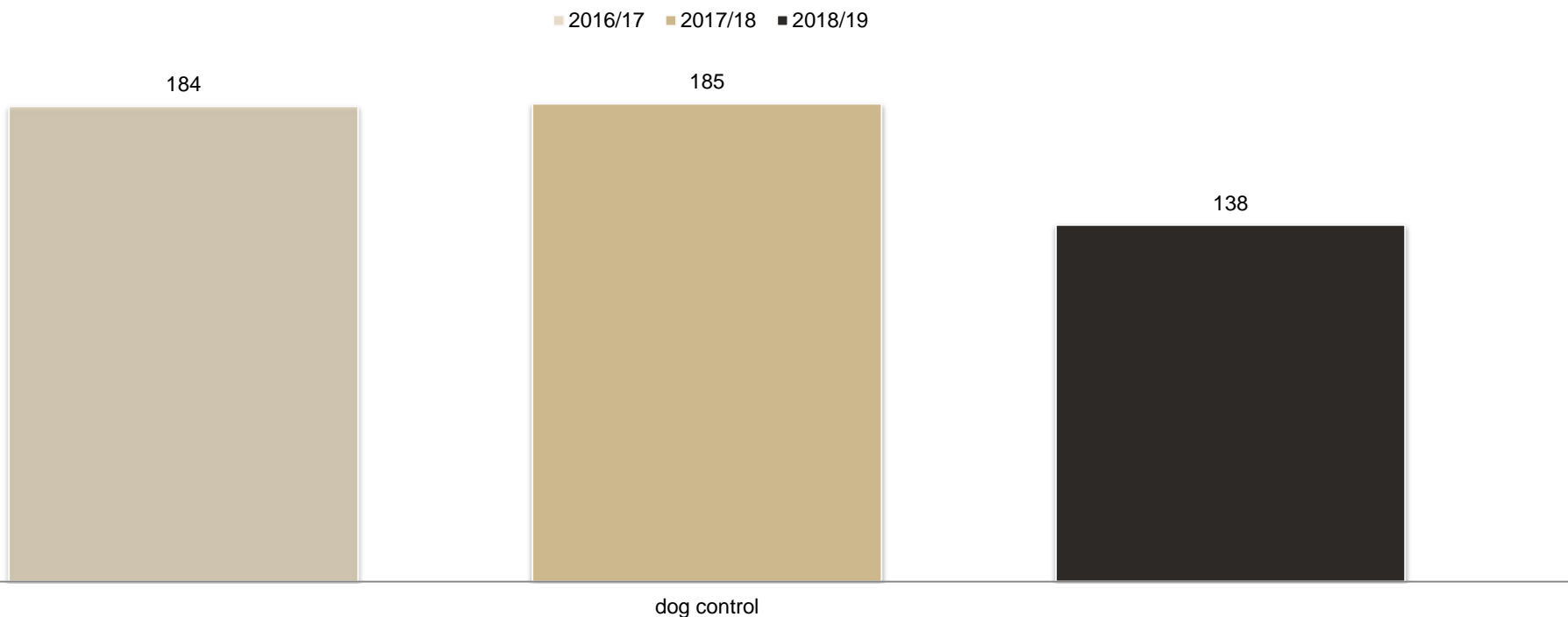
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## Cheltenham Borough Council

The dog control work WRS undertake for Cheltenham Borough Council is part of a three year contract with two other Gloucestershire authorities (from 2017) to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was renewed following delivery by WRS for the previous 3 years and has been highly successful in reducing stray dog numbers for Cheltenham Borough Council, utilising existing WRS resource and expertise. Such arrangements enable economies of scale to be realised and the continued retention of valuable assets to the benefit of Partner Authorities. The number of stray dogs has fallen this year as expected with the overall trend in falling stray dog numbers reported to the District Council Dog Warden.

*The chart (below) shows the number of cases recorded against the function undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.*

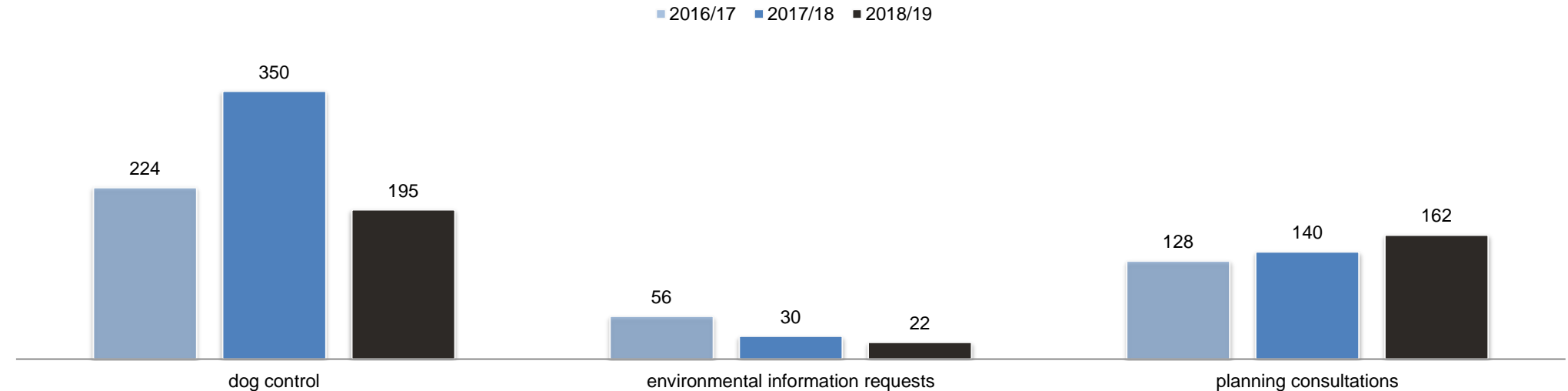


# Gloucester City Council

The dog control work WRS undertakes for Gloucester City Council is part of a three year contract with two other Gloucestershire authorities (from 2017) to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was renewed following delivery by WRS for the previous 3 years and has been highly successful in reducing stray dog numbers for Gloucester City Council, utilising existing WRS resource and expertise. Such arrangements enable economies of scale to be realised and the continued retention of valuable assets to the benefit of Partner Authorities. As with other Gloucestershire and Worcestershire authorities, the numbers of stray dogs are reducing annually. There has been a marked reduction in the number of dogs collected this year which demonstrates that change in approach to charging all owners claiming dogs reduces the number of dogs that are permitted to repeatedly stray.

The number of Environmental Information Requests received, have continued to fall for the second year running. As with most Worcestershire Districts, the planning consultations are up on last year – note they solely relate to ‘contaminated land’ matters. In addition to those represented here, we have also been delivering environmental permitting work, inspecting industrial sites and managing the permit application and maintenance processes. All Gloucester inspections have been completed for this financial year.

The chart (below) shows the number of cases recorded against each of the functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.



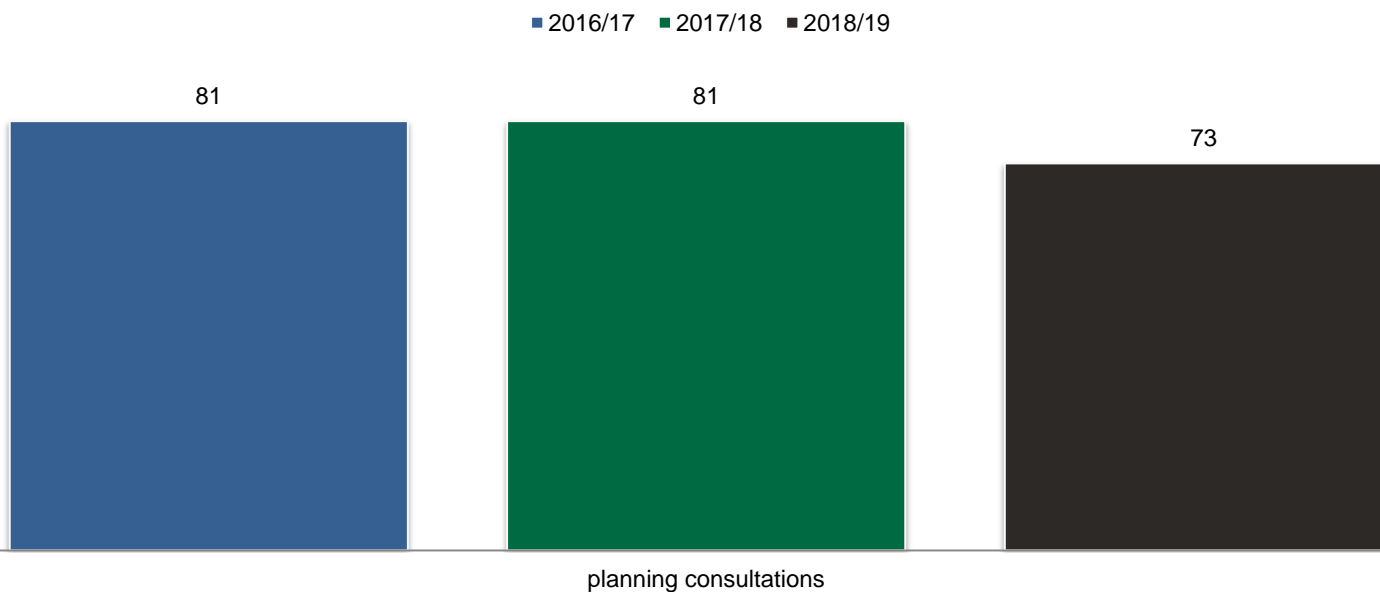
## South Gloucestershire Council

South Gloucestershire being located on the outskirts of Bristol was subject to significant contaminative industries and activities historically. Pressures on brownfield development recently have presented the authority with a large volume of planning applications on significantly contaminated and complex sites. For a number of years now WRS has been asked to assist with this work focusing on the complex sites, so whilst numbers of referrals remain low (and lower than last year) they continue to be time consuming and complex. The expertise the Partner Authorities pooled with the formation of WRS has enabled us to provide a high standard of service during this period. The figures below show a consistent level of assistance that WRS has provided to South Gloucestershire Council on 'contaminated land matters'.

In addition, during this quarter WRS were also commissioned to review, update and draft South Gloucestershire's Contaminated Land Inspection Strategy which we have completed.

The chart (below) shows the number of cases recorded against the function undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.

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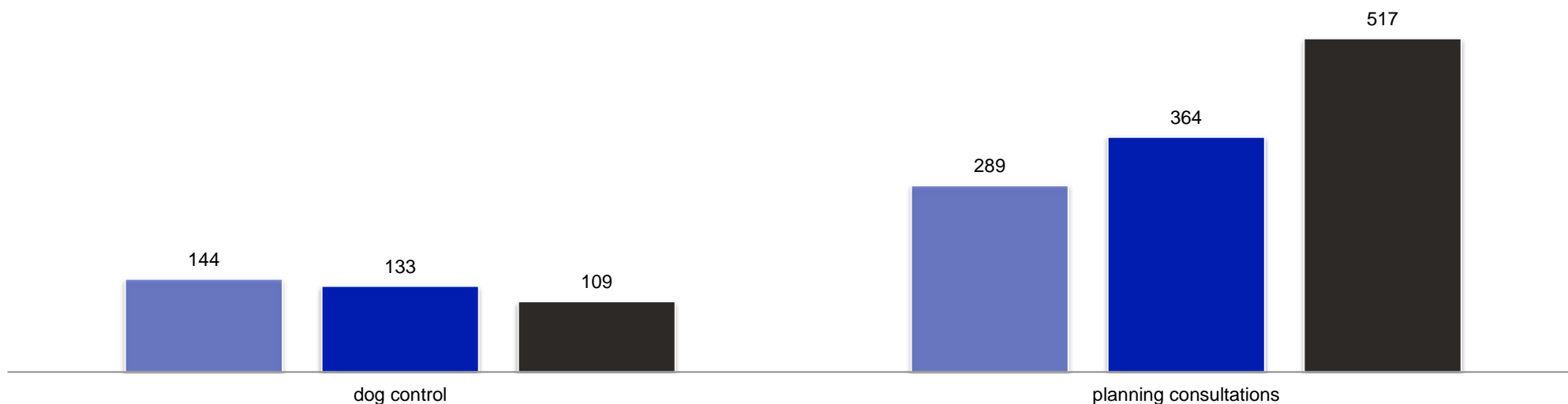
# Tewkesbury Borough Council

The dog control work WRS undertake for Tewkesbury Borough Council is part of a three year contract with two other Gloucestershire authorities (from 2017) to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was renewed following delivery by WRS for the previous 3 years and has been highly successful in reducing stray dog numbers for Tewkesbury Borough Council, utilising existing WRS resource and expertise. Such arrangements enable economies of scale to be realised and the continued retention of valuable assets to the benefit of Partner Authorities. The number of dogs has fallen slightly this year as is consistent with Worcestershire and Cheltenham.

The number of planning applications that WRS are requested to provide nuisance or air quality advice on continue to be high. Unfortunately, due to a process change, the numbers of consultations for planning requests this year can not be directly compared with previous ones as historically, air quality consultations were under recorded. This has now been rectified which may account for some of the increased level in consultations this year.

The chart (below) shows the number of cases recorded against each of the functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.

■ 2016/17 ■ 2017/18 ■ 2018/19



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## WRS Board

**27<sup>th</sup> June 2019**  
**Enforcement Policy 2019**

### Recommendations

(i) Members agree this policy be adopted to support decision making within WRS.

### Background

(ii) Members recommend the adoption of this amended policy by the individual partner authorities.

In 2011, the then Joint Committee agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. Being based on the requirements of the then Regulator's Compliance Code, the policy would not have contradicted any approach being taken by partners in other areas of enforcement such as planning. In 2016, when the partnership became a district only arrangement, the Head of Service made minor amendments to the policy and asked members of the committee to ratify the policy and recommend adoption by the six councils. It is important that members are reminded of how decision making on enforcement takes place and that they approve the processes that we follow when dealing with such serious matters. Virtually all of the legislation the service deals with has criminal sanction as its ultimate end-point and members need to be happy that the processes being followed will apply such sanctions in the right circumstances.

### Report

Local authorities have been encouraged to produce Enforcement Policies for many years so that those they regulate know and understand what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive, under the Legislative and Regulatory Reform Act 2006, and maintained by what is now the Office for Product Safety and Standards, part of the Department for Business, Energy and Industrial Strategy (BEIS). The concordat and the code provided businesses with a clear framework within which regulation would take place and provided this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this has not changed since the last review, the Head of Service feels that reviewing this policy every three years ensures that members are aware of the processes that the service follows during regulatory decision making and that this will give them reassurance that the service is taking a fair and equitable approach when dealing with offending.

Before putting a case before the Courts, local authorities also need to have regard to the Code for Crown Prosecutors, which lays down the very basic provisions for evidential sufficiency and public interest before a case can be considered a sound candidate to be taken to Court.

The attached policy meets the criteria of both the Regulators Code and the Code for Crown Prosecutors, which should allow it to easily integrate with existing policies within the partner authorities and it will allow the service to operate in a consistent way across the county in relation to all enforcement matters.

Improved consistency is something that businesses crave, so there is a level playing field for all of those in competition. Businesses have complained for a number of years about the alleged inconsistencies in enforcement between local authorities, although the LGA has always challenged this and the responses containing real evidence have been limited. By adopting a common approach to enforcing the functions discharged by WRS, partners will directly address these concerns of the business community and show that WRS remains a tool that local authorities can use to support their economies in a positive way.

## Contact

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[Simon.Wilkes@worcsregservices.gov.uk](mailto:Simon.Wilkes@worcsregservices.gov.uk)

## Background Papers

Enforcement Policy document attached as Appendix 1



## Worcestershire Regulatory Services Enforcement Policy

### 1. Introduction

Worcestershire Regulatory Services (WRS,) is a shared service that is part of the six district councils in Worcestershire (Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council.) WRS delivers Environmental Health functions, including Food Safety, Health and Safety, many aspects of Pollution Control, and Licensing administration and enforcement on behalf of the six partner authorities. It reports to a Joint Board of the six authorities which means it is constitutionally part of each council.

This Enforcement Policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff. It will be applied by WRS in relation to the functions it discharges on behalf of the six local authorities and it has been adopted by each of them. It is distinct from any general Enforcement Policies of the individual local authority partners, which apply to other regulatory functions provided by them such as planning.

The primary aim of WRS is to ensure businesses comply with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this. Whilst in the main compliance will be achieved through the use of advice and lower level formal sanctions and actions, there will be a need to take people and businesses through the court process in some circumstances. These are outlined further in the policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well-being under the various Local Government Acts. WRS is obliged to comply with the Human Rights Act 1998, so will take its provisions into account when taking decisions relating to enforcement action.

### 2. Policy Scope

WRS is committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this officers and the service will have regard to the principles in the following documents:

- The Regulators Code (BEIS)

- Local Government Regulation's Home Authority Principle,
- Office for Product Safety and Standards' (OPSS) Primary Authority Principle
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

### **3. General Principles**

Prevention is generally better than cure and WRS's role therefore involves actively working with businesses to advise on and assist with compliance. Where the service considers that formal action is necessary, each case will be considered on its own merits. However, there are general principles that apply to the way in which each case will be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individual members of the public, particularly those involving nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed unless the law mandates that an authority must take action in certain circumstances, for example where a statutory nuisance is identified. Even then, the service will use the discretion that all local authorities have as to the timeliness of formally taking action.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens on business. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

### **4. Intelligence and Risk**

We will ensure that our resources are targeted where they will be most effective. We will ensure that work is intelligence-led and that risk assessment informs all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;

- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate risk assessment scheme developed either by government or recognised professional bodies to inform any inspection programme. In the absence of these, it is unlikely that routine inspection processes will inform activity. Instead, an intelligence-led approach will be taken and interventions will be driven by the risk and threat that comes from the assessment of intelligence. Decisions on tactical actions to be taken will be influenced by, in the absence of other factors:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

Intelligence will be used to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

## **5. Advice and Guidance**

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of these changes e.g. through newsletters, mail-shots or seminars.

WRS will promote self service via our website and, where possible, provide targeted and practical advice with a focus on encouraging this engagement through Primary Authority relationships. When offering advice, the service will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. WRS recognises its advice should help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, this will not normally trigger enforcement action. Where appropriate WRS will seek to support the remedial action to prevent future problems however must reserve the right to take enforcement action in serious cases.

Where possible, the service will provide advisory services free of charge; however WRS reserves the right to charge a reasonable fee for services beyond the most basic advice and guidance necessary to help ensure compliance. In saying this, the service would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the OPSS in relation to the Primary Authority principle.

## **6. Inspection and other market surveillance tactics**

WRS business activity will be driven by intelligence. Inspection and other forms of market surveillance will provide a good flow of intelligence about specific outlets but also, when aggregated, will help paint a picture of broader trends within business sectors. The service will ensure that any routine inspections and similar programmed visits to businesses only occur in accordance with a risk assessment methodology and the relevant intelligence picture. Other visits may be requested by businesses, or will result from relevant intelligence so this will not apply in such circumstances.

WRS will focus its efforts on businesses where intelligence and risk assessment show there is a higher likelihood of non-compliance or those which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our proactive market surveillance activities including inspection.

Where appropriate, and where required by legislation, including the Protection of Freedoms Act, WRS officers will give a minimum of 48 hours notice prior to a routine inspection unless to do so would undermine the purpose of the visit. So, where giving notice might, for example, lead to additional work being done to hide non-compliance or offending, temporary behaviour changes or evidence being removed, no notice will be given. It should also be noted, however, that there is a general requirement in some Codes of Practice e.g. Food Law Code of Practice, that notice is not provided prior to a routine inspection. Where this is the case, notice will not be given unless it is necessary to achieve the services ends, for example, if the presence of a particular manager is essential at a manufacturing facility.

When officers visit or carry out inspections, they will give feedback to businesses to encourage and reinforce good practice. They will also share information about good practice amongst businesses, and with other regulators. Where serious non-compliances are identified during an inspection that requires some formal action, feedback on minor issues may be delayed until the serious issues are resolved.

Where WRS and another regulator have a shared interest in a business, officers will seek to work together with relevant colleagues to ensure that activities can be rationalised to minimise the burden on the business, where such action is of benefit to the business and does not harm the standard of enforcement for either regulator. The service will also take account of the circumstances of smaller businesses, including any difficulties they may have in achieving compliance unless the non-compliance in question creates a serious risk.

## **7. Information Requirements**

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

## **8.0 Enforcement Action**

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.) Where a prosecution may be an option, the offender is likely to be offered an interview under the provisions of the Police and Criminal Evidence Act 1984, which will give an opportunity for the alleged offender to give their side of the story.

Where the outcome is a decision to send a file to the relevant legal service for them to consider prosecution, this will be reported to the potential defendants. For lesser disposals, an explanation of the need for the action will be provided as soon as is reasonable practicable after the intervention.

### **8.1 Deciding what enforcement action is appropriate**

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure or offence;

- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options in some legislative areas. The level of action taken will vary from no action/ verbal advice & assistance through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action/ verbal advice & assistance;
- Informal Action and Written Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

## **8.2 No Action/ Verbal Advice or assistance**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance. Domestic nuisance issues may be best resolved by the neighbours entering into dialogue without the direct intervention of officers. Where this is not appropriate, due to the behaviour of one party or where the complainant is from a vulnerable group, the service will consider the best option for intervention depending on the circumstances.

## **8.3 Informal Action and Written Advice**

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in further enforcement action.

Where ever possible we will advise alleged offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

## **8.4 Statutory Notices**

Officers of the Service have the power under various pieces of legislation, or through delegation, to issue notices that:



- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) the service may commission the carrying out of any necessary works to satisfy the requirements of the notice. Where the law allows, the partner council may then charge the person/business served with the notice for any costs WRS incurs in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

## **8.5 Fixed Penalty Notices**

A few offences prescribed by legislation are subject to fixed penalty notices. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. They will only be used in appropriate circumstances to give a fast and measured response to a situation. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

## **8.6 Penalty Charge Notices**

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

## **8.7 Institution of Legal Proceedings**

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide the most appropriate course of action using amongst other things, the criteria identified below.

Where the law has been broken, there is a range of enforcement options available and, under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. This approach would not be appropriate where there is a serious risk to public safety or the health of the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment or potential detriment caused by the activity. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to pass the file to the relevant legal officer for their review and the formal consideration of whether to authorise the institution of legal proceedings.

Before doing this, the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each offence identified. They must have concluded that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged based on the evidence before them. To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

#### **Factors in Favour of Prosecution**

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

#### **Factors which would mitigate against the need for a prosecution**

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is vulnerable, for example through age-related issues, or was at the time of the offence suffering from significant mental or physical ill health, which



- contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
  - The offender put right the loss or harm caused prior to the intervention of the Service.
  - Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
  - The defendant was a youth at the time of the offence.
  - There has been a long delay between the offence and any potential court action, unless either:
    - (i) The offence is serious,
    - (ii) The delay has been caused by the defendant or his/ her legal representatives,
    - (iii) The offence has only recently come to light, or
    - (iv) The complexity of the offence meant that there has been a long investigation.

## **8.8 Proceeds of Crime Applications**

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets or a POCA investigation may run alongside an investigation into breaches. These are likely to be the most serious cases, where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. WRS will look to use these provisions in an appropriate manner.

## **8.9 The use of Simple Cautions**

Where the public interest justifies it, the senior officer reviewing a case will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is below the age of 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

## **8.10 Injunctions**

Injunctive action is a civil law process that may be used to ensure that person or business desists from a particular pattern of behaviour or action. Whilst these are not the norm in dealing with regulatory matters, seeking an injunction may be the most appropriate method of disposal for an issue. A decision to seek an injunction would be taken by the legal officer for the relevant partner council and is most likely to be relevant where the

normal legal processes such as the issuing of notices and prosecution have not led to resolution of a problem. WRS officers will work with the relevant partner legal team to develop such cases and support them being taken through the Court process.

## **8.11 Other Orders available**

There are a range of orders available in law under various provisions that can be used to tackle what is widely described as “anti-social behaviour.” Where these provisions offer a suitable way of dealing with an issue, the service has sufficient resource to deal with the matter and has delegated authority from the relevant partner, the service will take them forward with the support of the relevant partner legal service. The service may refer such matters back to the relevant partner where there is another enforcement team better placed to deal with the issue.

## **8.12 Refusal, Suspension and Revocation of Licence/ Permit**

Where there is a requirement for a business to be licensed or permitted by the local authority, the licence/ permit may be granted under delegated authority unless representations or objections are received against the application. In the majority of such cases, a Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

Some Licensing or permitting regimes are based on specialist knowledge and have detailed guidance that would make decision making by a lay-person difficult. In such circumstances officers may have delegated authority to refuse, suspend or revoke such licenses. Where this occurs, the applicant/ licensee will be told why and provided with details of any available appeal process.

In most circumstances, a licence/ permit may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. In the majority of cases, these matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken unless it is one of the matters mentioned above where officers can make a decision under delegated authority. In relation to the more specialised regimes where officers have full delegated responsibility for decision making, explanations of why further conditions/ suspension or revocation are necessary will be provided to the licence/ permit holder along with any routes of appeal that are available.

## **9.0 Additional Information**

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services and will not instigate any legal proceedings without their authority.

## 9.1 Standards and Accountability

Where relevant WRS will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties.

We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

## 9.2 Liaison with other regulatory bodies and enforcement agencies

Where appropriate, enforcement activities within Worcestershire Regulatory Services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

## 9.3 Further Information

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services  
Wyre Forest House  
Finpoint Way,  
Kidderminster,  
Worcestershire  
DY11 7WF

Or by e-mail to:

[wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)

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