

**WORCESTERSHIRE DISTRICT COUNCILS**

**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD**

**THURSDAY, 26TH SEPTEMBER 2019, AT 4.44 P.M.**

PRESENT: Councillors Grubb (Chairman), H. J. Jones, J. Raine, T. Wells, Griffiths, D. Morris, H. Dyke (Vice-Chairman) and P. Dyke

**Partner Officers:** Mr. P. Merrick, Malvern Hills and Wychavon District Councils, Mr. L. Griffiths, Worcester City Council and Mr. M. Parker, Wyre Forest District Council

Officers: Mr. S. Wilkes, Mr. R. Keyte and Mrs. P. Ross

Councillor J. Grubb, Redditch Borough, Council, Chairman of the Worcestershire Regulatory Services Board, expressed his sincere thanks to the Board Members for voting him in as Chairman of the Board for 2019/2020. Councillor Grubb suggested that since there were a number of new members of the Board, it would be helpful if Members and officers gave a brief introduction.

11/19

**APOLOGIES**

Apologies for absence were received from Councillors A. Kent, Bromsgrove District Council, J. Squires, Worcester City Council and E. Stokes, Wychavon District Council.

It was noted that Councillors R. Udall, Worcester City Council, should have been present as substitute member for Councillor J. Squires, but did not attend.

Apologies for absence were also received from Ms. J. Pickering, Bromsgrove District and Redditch Borough Councils.

12/19

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

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**MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 27th June 2019, were submitted.

**RESOLVED** that the minutes of the Worcestershire Regulatory Services Board held on 27th June 2019, be approved as a correct record.

**WORCESTERSHIRE REGULATORY SERVICES REVENUE  
MONITORING APRIL - JUNE 2019**

The Board considered the Worcestershire Regulatory Services (WRS) Revenue Monitoring report, April to June 2019.

Apologies had been given from the Executive Director, Finance and Resources Bromsgrove District and Redditch Borough Councils and the Financial Services Manager, Bromsgrove District Council.

The Head of Regulatory Services introduced the report and in doing so highlighted that the revenue report as detailed at Appendix 1 to the report, showed a projected outturn 2019/2020 excess of £18k. WRS officers would continue to work on income generation and would do their utmost to mitigate this excess as much as possible by the end of the financial year. It was appreciated that this was an estimate to the year end based on the assumptions, as detailed on pages 10 and 11 of the main agenda report.

The Head of Regulatory Services, further informed Members that currently he had previously explained that there was a risk that staffing capacity would create a ceiling on income generation and also that one significant contract was lost early this year, which meant staff were working hard to fill the gap.

The Head of Regulatory Services briefly explained to new Members of the Board, that previous Board Members had agreed that overspends of the scale previously described could be covered from the reserve balance held by the service, which was somewhat in excess of £100k. This meant that any overspend by WRS at the levels indicated would not create a financial pressure for the six partners currently.

It was anticipated that there would be a projected overspend on pest control of £7k. WRS officers would continue to monitor this spend and would advise partner authorities of their liability in quarter 2.

The actual bereavements costs for April to June 2019 to be funded by partners, were charged on an as and when basis. Due to the nature of the charge it was not possible to project a final outturn figure.

Appendix 2 to the report detailed the income achieved by WRS from April to June 2019.

The following questions were raised:-

- Councillor Raine, Malvern Hills District Council queried the £7k projected overspend on pest control. Malvern Hills District Council did not offer the same pest control services as the other partner authorities.

- Councillor Raine, Malvern Hills District Council requested that future reports showed Malvern as Malvern Hills District Council.
- Councillor Jones, Bromsgrove District Council queried the ‘3<sup>rd</sup> party payments’ budget line, as detailed on Appendix 1 to the report.
- Councillor Jones, Bromsgrove District Council also queried ‘AD-Hoc - 3 year pension savings’ and ‘Ad-Hoc payments’, budget lines, as detailed on Appendix 2 to the report. Councillor Jones requested that future reports provided more detail for Board Members. The Chairman was also in agreement with this request.

The Head of Regulatory Services agreed to raise the queries and requests, as detailed in the pre-ambule above, with the Executive Director, Finance and Resources, Bromsgrove District and Redditch Borough Councils.

**RESOLVED:**

- (a) that the final financial position for the period April – June 2019 be noted;
- (b) that partner councils be informed of their liabilities for 2019-20 in relation to Bereavements, as follows; and

<b>Council</b>	<b>April – June 2019 Actual for Bereavements £000</b>
Malvern Hills District Council	1
Worcester City Council	3
<b>Total</b>	<b>4</b>

- (c) that partner councils be informed of their liabilities for 2019-20 in relation to three additional Technical Officers, as follows:

<b>Council</b>	<b>Estimated Projected Outturn 2019/20 Tech Officer Primary Authority £000</b>	<b>Estimated Projected Outturn 2019/20 Tech Officer Animal Activity £000</b>	<b>Estimated Projected Outturn 2019/20 Tech Officer Gull Control £000</b>
Redditch Borough Council	5	1	

Malvern Hills District Council	4	9	
Worcester City Council	5	3	15
Bromsgrove District Council	4	6	
Wychavon District Council	6	8	
Wyre Forest District Council	4	4	
<b>Total</b>	<b>28</b>	<b>31</b>	<b>15</b>

15/19

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

The Environmental Health & Trading Standards Manager Worcestershire Regulatory Services (WRS), presented the Activity and Performance Data, Quarter 1 report; and in doing so stated that the detail of the report focused on Quarter 1 but the actual data allowed comparison with previous quarters and previous years.

The Dog Warden Teams had had a busy first quarter with a total of 430 dogs being reported as strays, many of which had spent time at kennels or vets. Of these over 300 were reunited with their owners and a further 65 were successfully rehomed by WRS through reputable charities. Sadly 10 dogs collected in the first quarter were welfare cases and as a result a number of improvement notices were issued to owners. In addition to this a further 7 dogs required vet treatment for other ailments.

The number of food safety requests received by WRS during quarter one was broadly in line with 2018/19. Approximately 44% of cases were complaints with two thirds relating to food products and a third relating to the hygiene of food premises. Inspection numbers were up on last year, accommodated by a reduction in nuisance complaints quarter 1.

Health and Safety enquiries and complaints/service requests remained broadly in line with 2018/19. The greater proportion of accidents related to injuries to members of the public or injuries to a worker being incapacitated for more than seven consecutive days.

Environmental information requests remained low at present.

The number of requests for support from planning colleagues was significantly up in quarter 1. The number of planning enquiries completed represented an increase of approximately 46% compared to 2018/19.

WRS had also recently provided advice on Southern Worcestershire authorities' current round of Strategic Housing and Employment Land Availability Assessments (SHELAA). To date WRS had provided planners with advice on over 500 sites.

Pollution complaints received by WRS during quarter 1 were down by approximately 25% compared to 2018/19. However, a number of these were significant and complex, which required increased operational resource. This reduction in demand had helped facilitate an increase in the number of food safety interventions, carried out by multi-disciplinary officers, prior to an anticipated increase in nuisance demand in quarter 2. Officers may need to reduce the number of food safety inspections during busy periods. Officers were able to recognise trends and would focus on demand.

The Environmental Health & Trading Standards Manager, WRS, drew Members attention to the 'Annual staff sickness absence at public sector average or better'; with a significant improvement since 2018/19. The FTE (full time equivalent) was now 0.85 compared to 3.55 in 2018/19.

In response to questions from Members, the Head of Regulatory Services commented that the 46% increase on planning enquiries was as reflection of the type of sites becoming available for potential development, with the development of housing on land affected by contamination.

**RESOLVED** that the Activity and Performance Data report for Quarter 1, be noted.

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### **WORCESTERSHIRE REGULATORY SERVICES REMIT - WHAT DOES WRS DO FOR THE 6 PARTNERS?**

The Head of Regulatory Services highlighted that he had prepared the report, as ten new Members had been nominated by their respective authority onto the Worcestershire Regulatory Services (WRS) Board.

Therefore he had felt that for the benefit of new Members, he would prepare a summary of the work that each team undertook on behalf of the six partner authorities. He was also happy to meet with individual Members in order to provide more detail.

The Chairman stated that WRS delivered a very wide spectrum of services on behalf of partner authorities. The level of expertise required to carry out and deliver those services was vast and it would prove very costly to do it on your own. He would encourage Members to engage with WRS and find out more detail about the services provided, which included investigation and prosecution.

Members were in agreement that was a very formidable and wide ranging list of services, which some Members were not aware of. Members also agreed that it would be useful if time quantum could also be detailed, in order to show where resources were centred.

The Head of Regulatory Services commented that this was straight forward to achieve, since WRS had adopted a time recording system and he was happy to include this information in future annual reports.

In response to the Chairman, the Head of Regulatory Services explained that during quiet periods officers would be assigned to help other teams. He had made some officers generic and had also tried to identify where geographical knowledge was needed and those officers who had elements of local knowledge. Officers did enough work across the county and individually where their qualifications enabled them to do so. He could put officers together for individual projects.

Environmental Health and Technical Services officers were very specialised in their field and very good at delivering in these specialised areas; he could not send generic officers out to deal with any issues or members of the public, as they would not have acquired the same level of specialised skills.

The Head of Regulatory Services responded to further questions from Members and in doing so, explained that if in the future, should any partner authorities have a change in their priorities; that WRS could be flexible where needed and deliver the service required. Should the situation arise, he was willing to liaise with individual partner authorities in order to deliver different / enhanced services.

**RESOLVED** that the Worcestershire Regulatory Services Remit report be noted.

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## **WORCESTERSHIRE REGULATORY SERVICES - INFORMATION REPORT - FOOD SAFETY INTERVENTIONS**

The Board considered a report that provided information on Food Safety Interventions.

The Environmental Health & Trading Standards Manager Worcestershire Regulatory Services (WRS), presented the report and informed Members that for many businesses WRS was still perceived as primarily a regulator, even though WRS had long adopted the principle of supporting businesses to thrive.

The WRS database of food businesses currently stood at over 5,000. However, Members should note that this was a fluid figure, with some 500-600 new businesses registering each year and a similar number closing. WRS were reliant on intelligence for picking up new businesses.

Approximately one-third of registered food premises were inspected annually in accordance with the Food Hygiene Rating Scheme (FHRS) inspection regime.

As seen in WRS Activity and Performance Reports, WRS were not afraid to prosecute for food offences.

The Sentencing Guidelines 2014 for Food and Health and Safety Offences had created a seismic shift in the potential impact on businesses as the Courts now understood what kind of punishments they should impose. In many cases this was significantly higher than previously.

This was a welcome change in the legal landscape as fines for larger businesses were in real terms relatively insignificant in the past. Although prosecution in Worcestershire was a rarely used tool, it did mean that WRS had had to tighten their enforcement processes, as stronger legal challenges, especially on technical aspects of investigations) were now inevitable.

In England there was still no legal requirement to display a FHRS sticker but in most businesses it was now visibly displayed as a badge of honour. Where a business changed hands the previous rating immediately ceased and the premises would be subject to a new inspection. It was an offence for a business to display an incorrect rating.

In autumn a 'Triple Five Award' would be introduced. Board Members had approved the introduction of the award scheme, to reward longstanding high performers, who had achieved three successive L5, FHRS ratings.

Members were asked to note that, social media on reading press reports of poor scores often ask why the business wasn't closed down. There was a legally established process for closure which must involve an imminent risk to public health. This was a legal term which had to be evidenced by such conditions as a dangerous process, the high risk of cross contamination, a serious active pest infestation or extremely dirty conditions.

Without doubt the biggest challenge to food officers had been achieving allergen compliance. The Food Information Regulations 2014 required businesses to assess 14 specific allergens and to ensure that customers were aware of which foods contained them.

The Healthier Choices Scheme was a fee paying 'membership' scheme set up to encourage more food businesses to introduce healthier options on their menus. There was a WRS officer trained in nutrition and the scheme was programmed around nutrition. A new marketing assistant would be looking at re-marketing and re-launching the scheme, with successful businesses being awarded with a certificate / badge.

The Head of Regulatory Services also informed Members that the scheme had three levels, bronze, silver and gold. It was hoped that this would incentivise businesses to aim for the gold award and to also maintain their gold award status.

Members were further informed that a lot of multi-agency work had been undertaken. WRS officers had worked alongside the police, fire service and housing services; working in partnership to tackle modern slavery and immigration. A lot of focus and activities had taken place around food premises and staff working in food premises.

In response to the Chairman, with regard to potential malicious complaints about food premises, the Environmental Health & Trading Standards Manager, WRS, explained that the complaint would be logged and officers would look at the information provided by the complainant. Food safety experts and intelligence officers would also be used to see if there was actually a problem with the premises.

The Head of Regulatory Services reiterated this and also commented that any previous complaints about the premises would be looked at and the history of the premises would also be taken into account, in order to ensure that the complaint was not just a malicious complaint.

**RESOLVED** that the Food Safety Interventions report be noted.

18/19

**ANY OTHER BUSINESS**

With the agreement of the Chairman, the Head of Regulatory Services took the opportunity to inform Members of the forthcoming Worcestershire Regulatory Services (WRS), Board Members, Business Planning Event.

Members were asked to consider the suggested date of Wednesday 23rd October 2019, and if a morning or afternoon start time would best suit.

It was agreed that the event would be held on Wednesday 23rd October 2019 during the morning at Bromsgrove District Council. It was agreed that further details and confirmation of the event would be sent to all WRS Board Members.

The meeting closed at 5.37 p.m.

Chairman