

WORCESTERSHIRE DISTRICT COUNCILS

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

THURSDAY, 11TH FEBRUARY 2021, AT 4.33 P.M.

PRESENT: Councillors H. Dyke (Chairman, during Minute No's 31/20 to part of 38/20), J. Squires (Vice-Chairman in the Chair for part of Minute No. 38/20), A. D. Kent, H. J. Jones, J. Raine, T. Wells, N. Nazir, M. Johnson, E. Stokes, D. Morris and P. Dyke

Officers: Mr. S. Wilkes, Ms. C. Flanagan, Mr. D. Mellors, Mr. M. Cox, Ms. K. Lahel, Mr. C. Forrester, Ms. K. Goldey, Mrs. P. Ross and Ms. K. Somers

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

31/20

APOLOGIES

There were no apologies for absence.

32/20

DECLARATIONS OF INTEREST

There were no declarations of interest.

33/20

MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 19th November 2020, were submitted.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board meeting held on 19th November 2020, be approved as a correct record.

34/20

**WORCESTERSHIRE REGULATORY SERVICES BUDGETS 2021/2022 -
2023/2024**

The Senior Business Support Accounting Technician, Bromsgrove District Council (BDC), introduced the report and in doing so drew Members' attention to the Recommendations as detailed on pages 17 and 18 of the main agenda report.

The Senior Business Support Accounting Technician, BDC further drew Members' attention to page 19 of the main agenda report. Whereby it

was noted that, following further discussions with the Chief Executive, Wyre Forest District Council, the host for Worcestershire Regulatory Services (WRS), IT and accommodation providers; the Chief Executive had withdrawn their proposed £13k increase in charges for 2020/2021 and 2021/2022. Therefore, Members were being asked to approve the reduced revised budget.

The Senior Business Support Accounting Technician, BDC highlighted that the remainder of the budgets, as agreed by the Board at the meeting held on 19th November 2020, remained the same.

Appendix 1 to the report detailed the 2021/2022 – 2023/2024 budget breakdown for the district council's partners and the revised budget for 2020/2021.

Appendix 2 to the report detailed the partner contributions breakdown for 2021/2022 to 2023/2024.

The Head of Regulatory Services responded to a question with regard to Redditch Borough Council's (RBC) partner contributions, and in doing so explained that partner contributions were based on the original amount of funding that partners had put into the partnership in 2010, when the partnership was first formed.

A small exercise was carried out in 2013/2014 to look at revising the partner percentages against the workload created by each of the partner councils.

The only change was that RBC had spent slightly more on its Environmental Health and Licensing services. So, this was reflective of the historical contribution that RBC had always made.

The Head of Regulatory Services responded to a question with regards to Wyre Forest District Council removing the additional £13k increase in hosting WRS. Members were informed that further discussions had taken place with the Chief Executives of each of the partner authorities and that following those discussions the Chief Executive, Wyre Forest District Council had agreed to withdraw the additional £13k charges. However, this was on the assumption that the officer partners of the Board would meet during the summer to further discuss the cost of hosting all aspects of the service going forward.

The Head of Regulatory Services and the Technical Services Manager, Worcestershire Regulatory Services (WRS), responded to Members in respect of income generation, namely the three additional technical officers working on income generation and the Business and Relationship Manager vacant post.

The Technical Officer, WRS commented that the current Business and Relationship Manager's post had been kept vacant because of the ongoing situation with Covid-19. Some of those funds had been used

for agency staff. Income generation had largely stayed the same, ongoing contracts had continued and there had been some surprising opportunities to bid for additional work outside of WRS's existing business relationships and significant contracts could be awarded this year. There were some opportunities that officers would be going for.

The Head of Regulatory Services further commented that he could not deal with the Business and Relationship Manager's post until he had finalised the Licensing and Support Services Manager's role. He was hoping to compete this within the next seven days. He would then look at the Business and Relationship Manager's role and if the original reasons for having that post remained the same of if there was a better way going forward.

RECOMMENDED that partner authorities approve the following for 2021/22 and 2023/24:

- 1.1 the 2021/22 gross expenditure budget of £3,726k as shown in Appendix 1.
- 1.2 the 2021/22 income budget of £529k as shown in Appendix 1.
- 1.3 the revenue budget and partner percentage allocations for 2021/22 onwards:

Council	£'000	Revised %
Bromsgrove District Council	466	14.59
Malvern Hills District Council	410	12.82
Redditch Borough Council	562	17.57
Worcester City Council	530	16.58
Wychavon District	745	23.29
Wyre Forest District Council	484	15.15
Total	3,197	

- 1.4 the additional partner liabilities for 2021/22 in relation to unavoidable salary pressure.

Bromsgrove District Council	£9k
Malvern Hills District Council	£8k
Redditch Borough Council	£10k

Worcester City Council	£10k
Wychavon District Council	£14k
Wyre Forest District Council	£9k
Total	£60k

1.5 the additional partner liabilities for 2021/22 in relation to three Technical Officers.

Council	Tech Officer Income Generation £000	Tech Officer Animal Activity £000	Tech Officer Gull Control £000
Bromsgrove District Council	5	6	
Malvern Hills District Council	4	10	
Redditch Borough Council	6	2	
Worcester City Council	5	4	30
Wychavon District Council	7	9	
Wyre Forest District Council	5	5	
Total	32	36	30

35/20

WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL - DECEMBER 2020

The Senior Business Support Accounting Technician, Bromsgrove District Council (BDC), introduced the report and in doing so drew Members' attention to the Recommendations as detailed on pages 29 and 30 of the main agenda report.

The Senior Business Support Accounting Technician, BDC explained that the report covered the period April to December 2020, Quarter 3.

The detailed revenue report was attached at Appendix 1 to the report. The revised budget for 2020/2021 excluded the increase in ICT and rent at Wyre Forest District Council, as discussed during Agenda Item 4, (Minute No. 34/20). There was a projected outturn for 2020/2021 of £44k surplus.

It was appreciated that this was an estimation to the year-end based on the following assumptions:-

- There were two vacant posts within the service, we have assumed no recruitment to either the Business & Relationship Manager and the Regulatory Apprentice for the current year.
- If April to December 2020 spend on pest control continued on the same trend for the rest of the year , there would be an overspend on this service of £14k.

Appendix 1 to the report detailed the WRS – Profit & Loss Report 2020/2021 showing an overall projected outturn of £88k surplus reducing to a £44k surplus by the year end.

The following variances were highlighted: -

- Savings due to employees working on the Local Outbreak Response Team.
- Reduction in car allowances, due to a change in working patterns with the current pandemic.
- Savings due to a reduction in dogs straying.

Appendix 2 to the report detailed the WRS Income for 2020/2021, Income from Partners, an additional income of £290k.

Councillor J. Squires, Worcester City Council queried the funding received from Public Health. Councillor Squires had noted that the report stated that, any grant funded expenditure was shown separate to the core service costs as this was not funded by the partnership. Where was the accountability for this funding?

The Head of Regulatory Services clarified that effectively Worcestershire County Council (WCC) had commissioned WRS to do a number of pieces of work, so from a financial probity situation, the responsibility for ensuring that the funds were spent well and obtained best value for money would sit with WCC and the Director of Public Health.

The governance of the expenditure fell with WCC.

Members agreed that they were happy with the explanation provided and would ask the Head of Regulatory Services to only provide the Board with further information should there be any future variances to his statement.

RESOLVED that

- a) the final financial position for the period April to December 2020, be noted,
- b) partner authorities be informed of their liabilities for 2020/2021 in

relation to Bereavements as follows:-

Council	Apr-Dec Actual Bereavements £000	20 for
Redditch Borough Council	9	
Malvern Hills District Council	6	
Worcester City Council	10	
Bromsgrove District Council	5	
Total	30	

- c) partner authorities are informed of their liabilities for 2020/2021 in relation to Pest Control as follows:-

Council	Estimated Projected Outturn Recharge in Relation to Pest Control 2020/21 £000
Redditch Borough Council	7
Wychavon District Council	6
Bromsgrove District Council	1
Total	14

- d) partner authorities are informed of their liabilities for 2020/2021 in relation to three additional Technical Officers as follows:-

Council	Estimated Projected Outturn 2020/21 Tech Officer Income Generation £000	Estimated Projected Outturn 2020/21 Tech Officer Animal Activity £000	Estimated Projected Outturn 2020/21 Gull Control £000
Redditch Borough Council	2	2	
Malvern Hills District Council	1	8	

Worcester City Council	2	3	35
Bromsgrove District Council	1	5	
Wychavon District Council	2	7	
Wyre Forest District Council	1	4	
Total	9	29	35

36/20

WORCESTERSHIRE REGULATORY SERVICES, SERVICE PLAN 2021-2022

The Board considered the Worcestershire Regulatory Services (WRS) Service Plan 2021/2022.

The Head of Regulatory Services introduced the report and in doing so drew Members' attention to the Recommendations, as detailed on page 37 of the main agenda report.

The Board signed off on the service plan for WRS each year. The process helped to make Members 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 plan followed very much the pattern of previous years and had an Executive Summary to pick up the main points. Last year's plan was overtaken by events, with the response to the global pandemic. At the time of writing the plan, the country remained in lockdown, with only a limited picture of how we would move forward.

Government was clear that lockdown would be followed by a move back to a tier-based framework of controls that would stay in place for a period, whilst the vaccination programme was on-going. At the moment, the service was planning for some involvement in COVID-19 controls for the first quarter of 2021/22, but it seemed likely that could run well into quarter two.

Flexibility would be necessary to reshape what was being delivered as the local environment changed during the first half of the financial year.

Away from the pandemic, the service would continue to shape its work around the long-standing strategic priorities for local authority regulatory services provided by the Department for Business, Energy & Industrial Strategy (BEIS).

A range of high-level activities had been identified within the plan so that Members would be aware of the general focus of activity.

The plan was devised in the face of on-going financial uncertainty in local government generally. Working with businesses and other partners was a key theme for both generating income to mitigate financial risk but also to ensure that outcomes were delivered that matched the priorities of partners and stakeholders.

Whilst much of our work for customers had fallen off during the initial period of the pandemic response, most of our long-standing customers had come back to WRS.

The performance indicators suite generated for 2017/18 had been retained to give continued comparability of performance across the years. WRS would continue to use intelligence to drive the business forward and the embedding of this approach and its associated processes would continue.

The Risk Register had been updated to reflect the current position. Our long-standing investment in mobile and flexible working had found WRS well-placed to deal with the need for home working and the majority activities were now enabled for this working pattern.

As with previous years, Members were asked to pay particular attention to the provisions for food hygiene delivery in the coming year. This was to meet one of the recommendations of the auditors from the Food Standards Agency who visited the service in May 2017. This year would be different from previous years due to the impact of pandemic controls. The Food Standards Agency had already decided that its moratorium on the normal inspection programme would remain in place until at least 30th June 2021.

WRS were unclear at this stage as to what the Food Standard Agency's expectations would be in relation to these businesses, whether the visit programme would simply be re-scheduled or whether some investment in resource to catch-up would be required; potentially for 2 years with additional support from partner authorities to enable officers to catch up. Further information would be provided to the Board once the picture was clearer.

The Head of Regulatory Services responded to questions from Members with regards to additional funding for the 'visit programme' and the future vision for WRS in respect of working from home and virtual meeting areas/ rooms; and if a fixed presence was required.

Members were informed that currently no additional funding was available for the catch up of the 'visit programme'.

With regards to the success of officers working remotely from home this was something that would be considered going forward; however, there was a balance to be achieved in maintaining team identity and morale.

WRS carried out investigative work for some larger investigations which required a group of people working together and to maintain those relationships, by being able to bounce ideas off each other. This did not work as well in the

virtual world, as it did face to face.

There would be opportunities to reduce the footprint in terms of the number of desks required but in his opinion some of the negative things that had come out of the lockdown was personal isolation and these things needed to be addressed to ensure that we could deal such things, before rushing into an arrangement to get rid of office space and go effectively into virtual meetings and purchasing office space as and when required. He would not envisage this as the way forward, certainly not for the kind of services that WRS delivered. But there were options going forward to change the way that WRS delivered some of its services.

RESOLVED that

- a) the Worcestershire Regulatory Services Plan for 2021/2022, as detailed at Appendix 1 to the report, be approved; and
- b) that Members specifically note the level of work to be undertaken by the service this year in relation to the partners' roles as local food authorities.

37/20

ACTIVITY & PERFORMANCE DATA - QUARTER 1 TO QUARTER 3

The Community Environmental Health Manager, WRS, presented the Activity and Performance Data for Quarters 1, 2 and 3 for 2020/2021; and in doing so highlighted that, as Members would appreciate the year had continued to be a most extraordinary year in officer's professional careers; with significant resources increased in quarter 3 with officers either being fully or partly engaged in the Covid-19 response.

ACTIVITY DATA

As highlighted by the Head of Regulatory Services during the previous agenda item, the suspension of the Food Hygiene inspection programme at the beginning of lockdown would see a significant backlog having to be addressed once lockdown restrictions were lifted. However, he would reassure Members that where intelligence indicated that a premises presented a problem, officers would continue to respond.

There had been an unexpected flurry of statutory nuisance work during November.

On the Health and Safety at Work front, there was a reversal from the last quarter with accident numbers up and a fall in complaints and enquires. However, two lengthy and complex investigations had concluded in quarter 3, which related to serious injuries being sustained at a workplace and a fatality in connection with leisure activities.

Although numbers had increased into quarter 3, the number of licensing cases received in the year to date represented a reduction of approximately 31% and 24% compared to previous years. This was hardly surprising with the hospitality sector and night time economy significantly affected by COVID-19 restrictions and overall officers had seen a significant reduction in the volume of alcohol licensing applications, particularly for temporary event notices.

In quarter 3 planning application numbers continued to rise, following the trajectory predicted by our historical data. Information Requests, often associated with the planning and development process had also continued on an upward trajectory during this period, supplemented by requests for information about the Covid-19 response.

Performance

Quarter 3 was a period in the year where reporting against the suite of indicators was more limited. The year continued reasonably well from a customer satisfaction perspective with the non-business customer measure at 73.6% and business customers at 98.1%. Given the demands and pressures on the service this year, this was seen as impressive.

People who felt better equipped to deal with issues had fallen slightly from 72.3% to 67.5%, however it was still above the 62% that it was this time last year.

Compliments outnumber complaints by around 4:1 (31:120). Staff sickness was up but still looking good at 1.65 days per Full Time Equivalent (FTE). This included additional staff taken on for the pandemic response. This was better than last year's figure at quarter 3 (3.82 days per FTE.)

Members were further informed that, engagement with licensed premises featured heavily in Covid-19 related activity. Officers reported each year on the proportion of premises subject to allegations of failing to uphold the 4 licensing objectives.

The table below showed the levels of allegations that our normal indicator would yield up until 31st December 2020 and alongside these, the same figure if Covid-19 breaches were included in the calculation.

District	Normal Measure	With Covid-19 Breaches
Bromsgrove	4.9	15.8
Malvern Hills	3.0	8.3
Redditch	8.3	19.9

Worcester City	4.5	10.7
Wychavon	3.3	14.0
Wyre Forest	4.5	23.0

This reflected the hugely increased level of engagement with the licensing trade that WRS had seen during the pandemic. It was important to note that the vast majority of breaches identified had been minor and that the vast majority of pubs and restaurants with alcohol licenses had worked incredibly hard to achieve compliance and protect the health of customers. Now that premises could only operate as takeaways and alcohol sales had to be by delivery only, these figures should fall dramatically.

Members took the opportunity to thank officers for everything they had done throughout the pandemic and the work that they continued to do now. Officers were doing a remarkable job and Members expressed their thanks for keeping people safe.

The Community Environmental Health Manager, WRS stated that he would be pleased to pass on the thanks expressed by Members to the teams.

RESOLVED that the Activity and Performance Data Quarters 1, 2 and 3 for 2020/2021, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

38/20

WORCESTERSHIRE REGULATORY SERVICES INFORMATION REPORT - COVID ADVISORS

The Chairman took the opportunity to thank the Technical Services Officer, Worcestershire Regulatory Services (WRS) for the weekly COVID-19 activity updates distributed to Board Members. It was useful to know where there were issues and what those specific issues were and how they were being dealt with.

The Technical Services Officer, WRS then provided the Board with an information report on Covid Advisors.

Members were informed that the Worcestershire district councils had received a grant allocation to fund compliance and enforcement work, therefore Covid advisors were largely funded by the district councils. However, there were now seven posts funded by Worcestershire County Council, following a request from the Incident Management Teams, 3 advisors for Redditch Borough Council and Bromsgrove District Council and 4 advisors for Worcester City Council.

There were 24 Covid Advisors in post, but unfortunately some had recently been lost due to illness. Advisors focused on assisting with business compliance and engaging with the public, ensuring that they were maintaining Covid secure activities. When infection rates had started to increase last year, advisors also engaged with local schools and recreational areas.

During Lockdown 2 preparations were made for reopening of the Night time Economy by attempts to recruit Security trained personal. As well as being more expensive, the supply and quality was generally not good.

Members' attention was drawn to the Tables as detailed on pages 114 and 115 of the main agenda report.

Some Members further reiterated that the weekly Covid updates from the Technical Services Officer, WRS were greatly appreciated and had proved very useful and informative.

At this stage in the meeting, the Vice-Chairman took over the meeting, as the Chairman had to leave the meeting due to technical issues.

In response to Member's questions the Technical Services Officer, WRS stated that no real issues had been identified, most issues were minor. Sensible conversations were had with members of the public and the Covid Advisors. People and businesses generally engaged with the Covid Advisors whether the outcome was positive or negative.

The Incident Management Teams had raised an issue with regards to concerns being raised in communities where English was the second language. There had been a particular business that had involved a large outbreak and Public Health were involved, whereby a large number of the workforce were foreign nationals. WRS were able to access both Romanian and Bengali translators and also had the back up of a translation service.

Councillor Kent took the opportunity to thank the Head of Regulatory Services and his teams for their valued response to Member engagement.

The Vice-Chairman took the opportunity to express further thanks and appreciation to officers for the work they continued to do under very difficult circumstances.

RESOLVED that the Information Report – Covid Advisors be noted.

The meeting closed at 5.45 p.m.

Chairman