

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 18TH NOVEMBER 2021, AT 4.30 P.M.

PRESENT: Councillors H. J. Jones, J. Raine (in the Chair), M. Davies (substituting for Councillor T. Wells), A. Fry, N. Nazir, S. Cronin (substituting for Councillor R. Udall), A. Ditta (substituting for Councillor J. Carver), E. Stokes, A. Coleman (substituting for Councillor P. Dyke) and N. Martin

Officers: Mr. J. Howse (via Microsoft Teams), Mr. S. Wilkes, Ms. C. Flanagan, Mr. D. Mellors, Ms. K. Lahel, Mr. M. Cox and Mrs. P. Ross

Partner Officers: (via Microsoft Teams) – Mr. L. Griffiths, Worcester City Council, Ms. M. Patel, Malvern Hills District Council and Wychavon District Council and Mr. M. Parker, Wyre Forest District Council.

11/21 **ELECTION OF CHAIRMAN FOR THE MEETING**

Having received apologies from the Chairman and Vice-Chairman it was

RESOLVED that Councillor J. Raine, Malvern Hills District Council be elected Chairman for the meeting.

12/21 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

The following apologies for absence were received:-

Councillors A. D. Kent, Bromsgrove District Council and D. Morris, Wychavon District Council.

Councillors T. Wells, Malvern Hills District Council, J. Carver and R. Udall, Worcester City Council, P. Dyke, Wyre Forest District Council with Councillors M. Davies, Malvern Hills District Council, A. Ditta and S. Cronin, Worcester City Council and A. Coleman, Wyre Forest District Council, in attendance, respectively, as substitute Members.

13/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14/21 **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 24th June 2021, were submitted.

RESOLVED that minutes of the Worcestershire Regulatory Services Board meeting held on 24th June 2021, be approved as a correct record.

15/21

PREVIOUS AGENDA PAPERS 30TH SEPTEMBER 2021

The Head of Regulatory Services reminded the Board that the scheduled meeting of the Board on 30th September was cancelled due to the fuel crisis being at its height at the time.

This cancellation caused no significant issues as there were no papers requiring discussion and a formal vote for decision; all reports were for noting.

Following on from the cancellation, the Head of Regulatory Services took the opportunity to email all Board Members regards the cancelling of the meeting; and also informed Board Members that, if they had any questions in relation to the papers, as detailed on the agenda issued, that officers would provide written responses which would then be circulated to all Board Members.

A paper would have been used to formally introduce the questions and answers into the Board's record of business, however, no questions were received.

The reports that would have been presented to Board Members on 30th September 2021, had been scheduled as background papers, with the agenda distributed for 18th November 2021.

Thus, enabling Board Members to address their contents and to ask any questions at the meeting scheduled for 18th November 2021.

Members were also asked to note that both the Activity Data Report and the Revenue Monitoring Report were snapshots of the position as at the end of June 2021 and that Members may feel that the contents were now of less relevance given that; the reports presented at today's meeting would address the financial position as at the end of September 2021 and the activity data for the second quarter of this financial year. However, officers were happy to take questions.

RESOLVED that the Board papers 30th September 2021 report be noted and that Members also note the relevant recommendations in each of the reports as detailed in the background papers as provided.

16/21

**WORCESTERSHIRE REGULATORY SERVICES REVENUE
MONITORING APRIL TO SEPTEMBER 2021**

The Executive Director of Resources, Bromsgrove District Council (BDC) and Redditch Borough Council (RBC), introduced the report and in doing so drew Members' attention to the Recommendations as detailed on pages 13 and 14 of the main agenda report.

The Executive Director of Resources confirmed that the report covered the period April September 2021.

The detailed revenue report was attached at Appendix 1 to the report. This showed a projected outturn 2021/2022 of £48k refund to partners. It was appreciated that this was an estimation to the year end based on the following assumptions:-

- A number of employees were working on grant funded covid related work and a small amount of work in other grant related areas. This in incurring agency staff costs due to backfilling of these employees. However due to the difficulty of recruiting agency staff this was resulting in a savings within salaries.
- If April to Sept 21 spend on pest control continued on the same trend for the rest of year, there would be an overspend on this service of £30k. WRS officers would continue to monitor and analyse this spend and advise of final recharges for 2021/2022 as soon as possible. The projected outturn figure to be funded by partners was:-

Redditch Borough Council	£11k
Wychavon District Council	£12k
Bromsgrove District Council	£7k

Appendix 1 to the report detailed the WRS – Profit & Loss Report 2021/2022 and the reasons for variances.

The Executive Director of Resources and the Technical Services Manager, WRS, responded to questions with regard to the underspend due to the number of stray dogs reducing.

The Head of Regulatory Services responded to further questions with regard to the purchase of noise monitoring equipment and in doing so, explained that there was a need to ensure that noise monitoring equipment was calibrated and fit for purpose, if challenged in Court during any Statutory Nuisance cases.

RESOLVED that

- a) the final financial position for the period April to September 2021, be noted;
- a) partner councils are informed of their liabilities for 2021-2022 in relation to Bereavements.

Council	Apr–Sept Actual Bereavements £000	21 for
Malvern Hills District Council	8	
Worcester City Council	2	
Bromsgrove District Council	2	
Total	12	

- b) partner councils are informed of their liabilities for 2021-2022 in relation to Pest Control

Council	Estimated Projected Outturn 2021/22 Control £000	Pest
Redditch Borough Council	11	
Wychavon District Council	12	
Bromsgrove District Council	7	
Total	30	

- c) partner councils are informed of their liabilities for 2021-2022 in relation to three additional Technical Officers.

Council	Estimated Projected Outturn 2021/22 Tech Officer Income Generation £000	Estimated Projected Outturn 2021/22 Tech Officer Animal Activity £000	Estimated Projected Outturn 2021/22 Gull Control £000
Redditch Borough Council	4	1	
Malvern Hills District Council	3	5	
Worcester City Council	4	2	68
Bromsgrove	4	6	

District Council			
Wychavon District Council	6	11	
Wyre Forest District Council	4	6	
Total	25	31	68

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WORCESTERSHIRE REGULATORY SERVICES BUDGETS - 2022/2023 - 2024/2025

The Executive Director of Resources, Bromsgrove District Council (BDC) and Redditch Borough Council (RBC), introduced the report and in doing so drew Members' attention to the recommendations as detailed on pages 21 to 23 of the main agenda report.

The budget helped each partner authority to set their Medium Term Financial Plan (MTFP).

Members were further informed that the following assumptions had been made in relation to the projections:

- 2% pay award across all staff for 2022/23 – 2024/25. This would be subject to the National Pay Negotiations that were ongoing and therefore the final position would reflect any formally agreed increases, the budget also included any employee entitled to an incremental increase.
- Increase in Rent of £7k.
- Increase in ICT Hosting of £15.5k.
- Increase in Support Hosting of £10k.
- Total partner contributions as detailed at Appendix 2.
- Income projections as included at Appendix 3.
- No inflationary increases in supplies and services, premises or transport.
- Pension back-funding would be paid by all partners.

The unavoidable salary pressures were not able to be met currently by WRS making additional income, therefore, an increase to partner funding would be required, as detailed on page 24 of the main agenda report.

With regard to the changes in rent, ICT and support hosting, it should be noted that officer representatives of each partner authority had met to check and challenge the reasonableness of the proposed increases. The increases were seen as modest increases.

These pressures were not able to be met currently by WRS, therefore, an increase to partner funding would be required, as detailed on page 25 of the main agenda report.

The Executive Director of Resources and the Head of Regulatory Services responded to questions from Members with regard to the revenue budget and partner percentage allocation calculations.

RECOMMENDED that partner authorities approve the following for 2022/2023:

- a) the 2022/2023 gross expenditure budget of £3,891k as shown in Appendix 1.
- b) the 2022/2023 income budget of 634k as shown in Appendix 1.
- c) the revenue budget and partner percentage allocations for 2022/2023 onwards:

Council	£'000	Revised %
Bromsgrove District Council	475	14.55
Malvern Hills District Council	418	13.03
Redditch Borough Council	572	17.53
Worcester City Council	540	16.54
Wychavon District	759	23.24
Wyre Forest District Council	493	15.11
Total	3,257	

- d) the additional partner liabilities for 2022/2023 in relation to unavoidable salary pressure:

Council	£'000
Bromsgrove District Council	12
Malvern Hills District Council	11
Redditch Borough Council	14
Worcester City Council	13
Wychavon District Council	19

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Wyre Forest District Council	12
Total	81

- e) the additional partner liabilities for 2022/2023 in relation to hosting costs:

Council	Increase in Rent £000	Increase in ICT Hosting £000	Increase in Support Hosting £000
Bromsgrove District Council	1	2	1
Malvern Hills District Council	1	2	1
Redditch Borough Council	1	3	2
Worcester City Council	1	3	2
Wychavon District Council	2	4	2
Wyre Forest District Council	1	2	2
Total	7	16	10

- f) Approve the additional partner liabilities for 2022/23 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	7	
Malvern Hills District Council	4	10	
Redditch Borough Council	6	2	
Worcester City Council	5	4	70

Wychavon District Council	8	10	
Wyre Forest District Council	5	5	
Total	33	38	70

18/21

INFORMATION REPORT - COVID RELATED ACTIVITY

The Community Environmental Health and Trading Standards Manager, Worcestershire Regulatory Services presented the Board with a detailed information report on Covid related activity.

Members were informed that WRS had been at the heart of the response to the Covid 19 pandemic. Initially, back in March 2020, the then Minister, Matt Hancock designated both Environmental Health Officers and Trading Standards Officers automatically as those responsible for enforcing business restrictions. This continued until July 2021 while controls remained in place under various iterations of regulations made under the Public Health (Control of Disease) Act 1984.

A dedicated team was carved out of the Community Environmental Health division, supplemented with others from around the service to deliver controls on the ground, whilst the Trading Standards team focused its very small resource on scams, which grew massively and the issues around fake and non-compliant PPE entering the market.

As well as this, we embedded a group of Environmental Health Officers in the Local Outbreak Response team, where the skills they had for dealing with outbreaks like TB, Legionella and Food Poisoning, could be put to good use addressing issues that arose on business premises and generally providing support to what was bound to be a relatively inexperienced team built from scratch.

WRS also picked up responsibility for delivering a coordinated Covid Marshal scheme across the County, although given marshal sounds like someone with an enforcement role, we designated them Covid Advisors, to better fit their role. This led onto the service picking up responsibility for delivering “Lost to Follow-up” activity, attempting to contact those infected people who the national NHS Test and Trace service had failed to contact. This led to the service being asked to run the local contact tracing telephone system when Government decided it wanted to start handing responsibility down to local areas and allowing “lost to follow-up to become directly integrated into this operation.

Finally, we have been able to appoint a part-time communications officer to help report on all of these activities and also to keep our day to day activities in the public eye.

The report covered the following areas in detail:

- Covid Advisors
- Contact Tracing and Lost to Follow Up
- Covid Business Enforcement (including Events and Large Capacity spaces.
- Local Outbreak Response Team.

The Community Environmental Health and Trading Standards Manager, drew Members' attention to the trial for one of the few cases for business non-compliance of the Covid regulations that ended up in Court, as detailed on page 38 of the main agenda report.

Members further referred to the conclusion of the Judge, that the Council was entirely right to issue the prohibition notices, with Members congratulating officers on their hard work.

Councillor E. Stokes, Wychavon District Council, requested that sincere thanks to regulatory services be recorded, for pursuing this case, which officers had tried to resolve before issuing the prohibition notices; and the positive conclusion made by District Judge Strongman. Officers were to be congratulated for their hard work.

The Chairman took the opportunity to express sincere thanks and admiration on behalf of the Board to all WRS officers.

The Head of Regulatory Services responded to questions with regard to the recent bird flu (avian influenza) outbreak and in doing so, highlighted that wild birds were not regulated. There was no requirement or legal duty for district councils to become involved, only if dead birds were found on public land, but that a number of the districts were supporting residents by collecting dead birds for disposal. He added that dead wild waterfowl or other dead wild birds should be reported directly to DEFRA. The Head of Regulatory Services also explained that, when it came to domestic flocks of poultry, Avian influenza was a notifiable disease and therefore fell within the remit of the County Council's Trading Standards service that WRS manages on its behalf. Officers from the Trading Standards team had been involved with two bird flu outbreaks so far this Winter, one of which required some cross border working with Warwickshire County Council's officers. The Trading Standards team were visiting to check on flocks, within the 3 kilometre protection zone and would also have a role in enforcing movement controls in the 10 kilometre surveillance zone.

The work was particularly time consuming and this had meant that everyone in the team was helping.

Public Health England advice remained that avian influenza was primarily a disease of birds and the risk to the general public's health was very low.

RESOLVED that the Information Report – Covid related activity be noted, and that Members use the contents of the report in their own reporting back to their respective partner authority.

19/21

WORCESTERSHIRE REGULATORY SERVICES ACTIVITY & PERFORMANCE DATA - QUARTER 2

The Head of Regulatory Services presented the Activity and Performance Data for Quarter 2 for 2021/2022; and in doing so highlighted that the Community Environmental Health and Trading Standards Manager, had already covered the services Covid related activities during Agenda Item 7 (Minute No. 18/21).

The Head of Regulatory Services went through some of the key areas as follows:

ACTIVITY DATA

The second quarter of 2021/22 saw us leaving the Covid control regime completely with government replacing statutory controls with basic guidance on what business ought to do. Businesses were required to have regard to the advice given because of their responsibilities under the Health and Safety at Work Act 1974 but because the guidance was not statutory guidance under the ACT, officers were limited as to what they could now ask. As highlighted in the preamble above, details of this were covered in the Information Report – Covid related activities.

Quarter 2 saw the formal launch by the Food Standards Agency of its roadmap to restoring the provisions of the current food control regime. A timetable had been set that required councils to address businesses of a particular risk by a particular date, with April 2023 being set as the final date by which all relevant businesses would need to be visited by, (the lowest risk ones being left out of the re-start programme), and a new approach to food law enforcement would be introduced. The Agency was currently running pilots for Food Standards (Trading Standards function in Worcestershire,) and would be talking in more detail to unitary and district councils about a potential new approach in the oncoming months.

The number of health and safety cases recorded by WRS during quarter two was an increase of 30% compared to quarter one. It was also a

notable increase compared to previous years. Approximately 37% of cases were reports of accidents; with 49% relating to injuries where a worker was incapacitated for more than seven days. The remaining cases related to injuries to members of the public, accidents where major injuries were sustained and a single dangerous occurrence. Last year saw an increase in accidents, beginning in quarter 2 and running into quarter 3 before declining into quarter 4.

The number of licensing cases recorded by WRS during quarter two saw an increase of 4% compared to quarter one. A reduction in the number of complaints and enquiries was offset by a 19% increase in the number of applications.

The number of planning enquiries completed by WRS during quarter two saw a reduction of 15% compared to quarter one, but was broadly consistent compared to previous years. Approximately 90% of enquiries were consultations, while 45% related to contaminated land. A fifth of planning enquiries were completed, on a contractual basis, on behalf of other local authorities.

In spite of the high workload, the Technical Services team had recently found time to update its technical guidance note for planning applicants, agents and consultants which ensured that developments were undertaken to the highest standards with regard to environmental protection and the delivery of sustainable and desirable homes across the County.

The number of pollution cases recorded by WRS during quarter two saw an increase of 36% compared to quarter one. It was also a significant increase compared to previous years; but was consistent with seasonal variations. Approximately 35% of the cases related to domestic noise, whilst 26% related to noise from commercial premises (including hospitality premises). A further 14% of the cases related to smoke nuisance and the burning of domestic or commercial waste.

Noise featured strongly again and it now seemed reasonable to conclude that, whilst some noise was new, for example where some pubs were trying out live music for the first time, much of the increase was down to the public having acclimatised to a somewhat quieter environment during the pandemic.

The number of public health cases recorded by WRS during quarter two saw an increase of 13% compared to quarter one. Approximately 60% of the cases related to pest control.

Of the 249 domestic treatments undertaken during quarter two, the largest proportion at 49% were due to the presence of wasps and overall 67% of treatments were in relation to properties located in the Wychavon or Redditch districts.

PERFORMANCE

The non-business customer measure at 63.5%, was significantly down on the last quarter and on the 74% out-turn from last year. Having reviewed the data, the falls had occurred against the questions relating to speed of response and speed of resolution. This was almost certainly linked to the backlog of nuisance work the team dealt with during the summer

In spite of attempts, it had proved impossible to bring in additional staff resource to support this work area as most of the agency Environmental Health resource was already committed to the pandemic response. Officers had explained the reasons for delays but clearly this had had a negative impact on perceptions of the service. Likewise, numbers who felt better equipped to deal with future issues was also down at 60.8%.

Business customer satisfaction remained good at 97.7%.

Overall numbers of compliant and non-compliant food businesses were at 98.6% and 1.4% respectively. This remained good and on a par with previous years. As highlighted previously, the focus currently was on those higher risk businesses that had historically had a low score.

Generally, compliments outnumber complaints by around 3 or 4 to 1 and so far this year there was difference (15:52). In this quarter, one complaint related to an animal licensing inspection of a premise, another related to a food business unhappy at its Food Hygiene rating, and some to the time taken to respond to nuisance issues. However, the other complaints had been about Covid Advisors and mainly the difficult job around establishing if someone was self-isolating when infected. Officers did try to be diplomatic when looking at this but obviously sometimes people got upset at the fact that someone had come to check, although this only occurred from a WRS perspective.

Performance on processing complete driver license renewals was at 100% for all authorities. This was great work by the team. Members should remember that officers were reliant on those applying with providing the required data necessary to process applications.

As ever, the number of defective vehicles found whilst potentially in service was relatively small at 13, which was a small proportion of the total fleet, which post Covid sat at 1435.

Members may have seen recent national press coverage regarding falls in the numbers of licensed drivers and vehicles on the road. Councils across Worcestershire had seen some falls in numbers of vehicles although not to the extent reported elsewhere. Looking back, the fall during the Covid pandemic was probably around 100 vehicles as numbers did fluctuate over time, with some variations between districts.

Staff sickness had increased from 0.9 days per FTE to 1.55 days per FTE cumulative for the year. A very minor IT glitch meant that these figures needed updating but in WRS's case the change had little impact.

The rate of noise complaints against population was 1.08.

The rate of hospitality businesses not upholding the 4 licensing objectives was 6.7%. This was significantly above the previous three years' figures at this point (4.3%, 4.9% and 2.8% respectively.) Whilst one or other district hitting above 8% at this point was not unusual, Redditch had a similar figure in 2020/21, it was unusual for the lowest district to be over 5%. In the previous 3 years this was 3%, 3.6% and 2.4% respectively. This again supported officer's anecdotal view that more premises were trying new things like live music to bring people in, combined with the fact that people had enjoyed the quiet that the pandemic controls had brought to their localities.

Income brought in during the first half of 2021/22 is £163,583, which was significantly up on last year at this point (£131,901). Hopefully this showed that we were starting to see more normality returned in the areas that generated our income streams.

The Technical Services Manager, WRS, responded to questions with regard to Air Quality Management Areas.

The Chairman expressed his sincere thanks to officers for a very informative report.

RESOLVED that the Activity and Performance Data Quarter 2 for 2021/2022, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

The meeting closed at 5.35 p.m.

Chairman