

## WRS Board: 18<sup>th</sup> June 2020

### Information Report - Covid-19 Response

**Recommendation** | That the Board notes the Report and that members use the contents of the information provided in their own reporting back to fellow members of the partner authorities.

**Background** | As Members are aware COVID-19 poses a serious and imminent risk to public health and has been declared a global pandemic. On 5 March 2020 the first death from coronavirus in the UK was confirmed and 12 March England's Chief Medical Officer told MPs that the UK had moved to the second stage of dealing with COVID-19 from "containment" to the "delay" phase.

The Secretary of State for Health and Social Care subsequently issued urgent regulations providing powers to limit onward transmission of the virus including the statutory closure of specified businesses including social venues such as pubs, clubs and theatres.

**Report** | Councils up and down the country have had to deal with many challenging issues during the current crisis. From a regulatory perspective, the first thing we were given was to lead on the business closure element of the new regulations.

The regulations identified those businesses that had to close, mainly those that attracted crowds or where there was likely to be close person to person contact involved such as pubs, clubs and hairdressers. It also identified a range of businesses deemed essential which could remain open such as food retailers. Many non-food retailers were allowed to operate delivery services so people could still get hold of various household products and catering establishments were permitted to operate as takeaways.

Many services and virtually all manufacturing businesses were not caught by the regulations at all and could therefore remain open as long as social distancing measures were observed. This was true for many of the trades like plumbers and builders. A lot of manufacturers needed time to re-set in-factory systems to work with people 2m apart so did close temporarily.

In terms of demand on the service there was initially an increase in the number of complaints received and a reduction in the number of enquiries. This may be because



many of the businesses who would normally ask for informal advice were closed.

An increase in specific types of complaints was noted however, namely those relating to domestic noise, smoke nuisance and of course, alleged breaches of the COVID-19 Regulations. The former two may simply be down to the fact people are at home and being annoyed by things that they wouldn't normally encounter as they would be at work during the day.

We have also responded to over 450 service requests in respect of business advice on the Regulations and Covid-19 restrictions.

### **Initial Response**

The first phase of response from the Community Environmental Health Team was to make proactive checks that businesses were closed. Officers were tasked to undertake proactive patrols at reasonable times to check that businesses were closed. Formal checks were not recorded for every property that was noted to be compliant and closed but we know that over 2,200 visits were made to businesses county wide. The level of compliance was found to be generally excellent, with only 7 Prohibition Notices and 30 written warnings being required for non-compliant businesses across the County. These checks were supplemented with work of the licensing Team who carried out spot checks on 550 pubs and clubs during the Easter Bank Holiday weekend to ensure businesses were not trading.

Further pro-active checks were made by the Community Environmental Health Team over the Spring Bank Holiday.

Your Licensing Officers have been in regular liaison with the taxi trade from the start of the Covid pandemic and more specifically have:

- Sent updates on changes in legislation;
- Proactively contacted drivers, vehicle proprietors and private hire operators in order to signpost them to relevant Government Funding and financial support, which is available to small and self-employed businesses;
- Proactively contacted drivers, vehicle proprietors and private hire operators to provide guidance on safety measures which have been introduced for the transport sector;
- Proactively contacted any drivers, vehicle proprietors and private hire operators licence holders who are due to renew licences in the coming months in an effort to identify/establish their current personal position in relation to their pending licence renewals and offer advice. To date very few drivers and vehicle proprietors have informed officers that they are not in a position to pay;
- Introduced a process whereby taxi renewals can be deferred up to 6 months from date of renewal;
- Extended the 5 day suspension period to 90 days for Business Premises License annual fees;



TENs submissions have significantly reduced due to restrictions on public gatherings.

The Teams have also been working with Economic Development and Town Centre management teams to:

- Support the delivery of grant funding to those eligible for either Council or Government financial support packages;
- Assist in recovery plans for city centre and town centre businesses;
- Provide advice and support for businesses in respect of safe working practices and government guidance;

The Food Standards Agency has suspended all routine food inspection work until mid-July. However, we have continued an ongoing dialogue with businesses, particularly those posing the highest risk and new registrations. We will still conduct safe visits where there appears to be an issue, but to date such intervention has not been required.

There have also been fewer food complaints as pubs and restaurants remain closed. We continue to try and re-rate businesses under the Food Hygiene Rating Scheme wherever possible and appropriate, such as where they have completed structural works or introduced food safety management systems to address a low rating or those who need an initial rating as they have recently opened. To assist in this we have piloted novel methods of working such as virtual visits by video call to be followed up with physical visits when permitted.

This has allowed us to concentrate on our Engage/Educate/Encourage/Enforce approach to implementing the Health Protection Regulations, supported by targeted patrols, intelligence-led investigations and the excellent relationships forged through close liaison with the local Policing Teams.

A number of pro-active Sector Specific Projects have also been undertaken to support business and secure compliance:

- Legionella project
- Food Takeaway Project
- Garden Centre project
- Facebook project

Due to concerns over the risk of officers spreading the virus to potentially vulnerable households and equally, the risk to officers associated with accessing people's homes and handling and re-using equipment recovered from a property, we have limited our use of noise monitoring equipment. We have instead been more reliant on officer

observations which are much more difficult in the absence of a regular timeframe for pinpointing an issue. We have continued to use the kit where it is appropriate and where a risk assessment has shown it to be proportionate and acceptable. We keep this under regular review based on current guidance and will be looking to move back to its more regular use in the coming weeks.

Air quality monitoring has had to be suspended, initially because the laboratory we use for analysis closed, but it is clear that the reduction in traffic volumes will significantly affect the data for the duration that controls on movements remain in place. Decisions on the AQMAs within the County would thus not be appropriate based on this data.

We have been in liaison with the County Crematoria to provide advice about dispensations during periods of significantly increased demand on abatement of emissions to atmosphere. Permitting inspections were suspended.

There has also been a slow down on requests to provide technical advice to Planning Officers on planning applications or to house buyers on potential contamination issues during conveyancing. It has not completely ceased but has reduced in volume and with the easing of restrictions is now picking up again.

### **Moving Forwards**

There is severe economic pressure to open businesses and with the changes to the legislation and government announcing the programmed re-opening of the economy, the focus is moving from business closure to supporting businesses to re-open safely.

All of the evidence is indicating that the Partners' enforcement role under Health and Safety at Work legislation is how government intends to ensure employees remain safe in those premises for which the councils are responsible.

Further, we are not out of the pandemic yet and it will not be enough to just inform the public that Worcestershire is now "open for business". If we are to bring back visitors, we are going to have to demonstrate that businesses are "open, safe and healthy" places to visit. Your Officers have therefore prioritised a strategy of business advice and support for re-opening.

Further, we are beginning to engage with the local outbreak management process that is seen as the key mechanism for controlling the spread of Covid 19 going forward. It is being developed by the Director of Public health and her team at the County Council and we are working alongside them in the process. A number of our officers will be working as part of the team that controls outbreaks. Our main focus is likely to be those in workplaces and similar premises where our Health and Safety at Work role is relevant, but beyond this we are likely to be involved in outbreaks at schools and care homes.



Your EHP expertise and resource will be focussed on outbreak investigation, proactive advice and enforcement to supplement the National contact tracing programme. This is a key role in effective disease control and prevention and your Officers have the essential experience, professional and legislative tools required to manage and control any outbreaks that do occur.

Beyond this we are trying wherever possible to return to our business as usual activities, with routine animal licensing visits being one of the first activities to resume.

We have developed a process to allow driver/vehicle operators to defer their renewals but decisions on this will sit with colleagues at the relevant Partner council. Similarly, the deferral of any payments under the Licensing Act 2003 will sit back with the partners.

There is almost certainly going to be an issue with resourcing in the future. Committing resource to the local outbreak management plan will take 4 Environmental Health Practitioners out of the business for a prolonged period of time and we are committing significant resources in supporting partners in the re-opening of their High Streets and supporting the local economy by providing advice and support to businesses as closures are gradually lifted. We shall also be providing the enforcement required to ensure that public health is protected, to give the public assurance that it is safe to return to the high street.

All of the partners agreed to move to the minimum level of service to meet their statutory duties under the Health and Safety at Work Act 1974, which means we currently only respond to reports of serious accidents or near misses led by intelligence. Covid 19 priorities, advice and enforcement work will draw further resources, meaning additional capacity is likely to be required to deliver our business as usual activity around food law enforcement and dealing with statutory nuisances.

We have already re-configured officer roles in the service to meet Covid and statutory responsibilities whilst delivering on your service priorities and will continue to be as flexible as possible in moving people around in response to differing demands in a quickly changing regulatory environment. However, we are restricted in drawing resources from those roles and areas of the service critical to income generation as that would potentially threaten the financial model on which the service is based.

Hence we will need to talk to Partners about investing some of the Government Covid response money into the regulatory service to allow us to deliver the response at the level you need whilst providing those activities we would normally be doing.

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