

**Worcestershire Regulatory Services Board
Thursday, 23 June 2022**

1.1 Minutes
Page(s): 1 - 14

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WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 23RD JUNE 2022, AT 4.38 P.M.

PRESENT: Councillors R. J. Deeming (substituting for Councillor H. J. Jones), P.L. Thomas, J. Raine, B. Nielsen, S. Khan, N. Nazir, S. Cronin, S. Ditta (substituting for Councillor C. Mitchell), T. Rowley and J. Thomas (substituting for Councillor N. Martin)

Observers: Mr. G. Day, Democratic Services Team (via Microsoft Teams)

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

Partner Officers: Mr. L. Griffiths, Worcester City Council, Mr. I. Miller, Wyre Forest District Council (via Microsoft Teams), Mr. I. Edwards, Malvern Hills and Wychavon District Councils

1/22

ELECTION OF CHAIRMAN

RESOLVED that Councillor T. Rowley, Wychavon District Council be elected Chairman of the Board for the ensuing municipal year.

The Chairman opened the meeting and welcomed everyone present.

2/22

ELECTION OF VICE-CHAIRMAN

RESOLVED that Councillor S. Cronin, Worcester City Council be elected Vice-Chairman of the Board for the ensuing municipal year.

3/22

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

The following apologies for absence were received: -

Councillors H. J. Jones Bromsgrove District Council, C. Mitchell, Worcester City Council and N. Martin, Wyre Forest District Council with R. Deeming, Bromsgrove District Council, S. Ditta, Worcester City Council and J. Thomas, Wyre Forest District Council, in attendance respectively, as substitute Members.

Councillors D. Morris, Wychavon District Council and L. Whitehouse, Wyre Forest District Council.

4/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/22 **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 10th February 2022, were submitted.

RESOLVED that minutes of the Worcestershire Regulatory Services Board meeting held on 10th February 2022, be approved as a correct record.

6/22 **WORCESTERSHIRE REGULATORY SERVICES - ANNUAL REPORT 2021/2022**

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2021/2022.

The Head of Regulatory Services informed the Board that under the Shared Services Partnership Service Level Agreement (SLA) the Board was required to receive the annual report at its annual meeting.

The Head of Regulatory Services highlighted that the report covered the performance of the service from 1st April 2021 to 31st March 2022, both in terms of KPIs and highlights of activity, with a short summary activity report, as detailed at Appendix 5 to the report.

Last year continued to be dominated by the global Covid 19 pandemic, which required a significant resource input from WRS. The service took on several new work-streams to support pandemic response and delivered these well. This had however, meant that some areas of work were more limited during 2021/22, one example being the Food Standards Agency's work programme, which recommenced in September 2021 via their road-map back to a "new normal" scheduled for 1st April 2023.

Despite these additional commitments, performance remained good in most areas. Food business compliance rates remained high. Taxi license renewals were dealt with within a reasonable time. The taxi fleet appeared to be generally in good order, although the number of vehicles that failed either when submitted to a garage for interim test or, to a lesser extent, whilst in-service had increased, with one partner area standing out.

As with previous years, complaints against the service were significantly exceeded by compliments. The main issues for complainants related to people:

- Unhappy with our response to their complaint about nuisance.
- Having pest controller issues.

- Unhappy with Covid Advisor advice.

Last year, many people were suffering from “Covid fatigue,” so it was not surprising that being reminded about some of the covid controls were not always welcomed.

However, with non-business customer satisfaction at only 61.5%, managers had realised that they needed to move forward on improving speed of response, speed of resolution and keeping people updated on progress. The nature of the service was such that officers would never be able to make everyone happy because a significant proportion of nuisance complaints would not amount to a statutory nuisance, but officers were aware that they could improve performance in this area. Some positions could not be back-filled so teams had been incredibly pressured.

Members were further informed that the Annual Report provided a summary of the financial position, the key achievements and covered issues relating to human resources. There were also sections on risk management and equalities. The Report would be published on the WRS website and would be shared with other all partner authorities.

The Head of Regulatory Services responded to questions from Members with regard to staffing and explained that to a greater extent this had now been resolved, but it had put demand on the service with the covid grant funding ending at the end of March 2022. Officers still had to continue to carry out some work with businesses, so some staff contracts were extended. Members were reassured that there would be no further cost implications for partners with regard to staffing levels.

The Head of Regulatory Services further responded to questions from Members with regard to non-business customer satisfaction being low. Officers would ensure that they complied with the systems in place and with regard to noise complaints, they would keep people informed about any outcomes and timescales.

Members were further informed that with regard to the increase in noise complaints, that a lot of pubs had looked to diversify in order to raise additional income. Residents nearby had been used to having no noise during the pandemic, whilst premises were closed. The complaints were very low level, very minor, so not likely to see an increase in premises being called in for review at Licensing Sub-Committee meetings. The provisions in the Licensing Act 2003 were designed such that people living by premises that were not meeting the licensing objectives, were expected to be active citizens, willing to report any businesses in breach of the licensing objectives; and to call them in for review themselves with some support from the local authority if required. The system did not assume that all actions would be initiated and taken by the local authority or responsible authorities like the Police.

The Community Environmental Health Manager responded to questions with regard to food hygiene inspections and in doing so informed the Board that displaying the 'Scores on the Doors' food hygiene rating was not a legal requirement.

With regards to further questions on the percentage of defective vehicles, the Head of Regulatory Services and Licensing Manager clarified the different regimes for taxi/private hire vehicles and large vehicles classed as Public Service Vehicles (PSV), that were regulated under different legislation.

Officers responded to further questions on the Annual Report, which included: -

- Air quality / planning guidance
- Standardisation of taxi standards across partner authorities.

The Chairman thanked the Head of Regulatory Services and officers for a detailed report.

RESOLVED: that the Worcestershire Regulatory Services Annual Report 2020/2021, be noted; and

- (a) that a copy of the Worcestershire Regulatory Services Annual Report 2021/2022 be forwarded to the Chief Executive, Managing Director and Members of the six partner authorities.

7/22

WORCESTERSHIRE REGULATORY SERVICES - REVENUE MONITORING APRIL - MARCH 2022 & ANNUAL RETURN

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 page 65 of the main agenda report.

The Executive Director of Resources confirmed that the report covered the period April to March 2022 and also included the Annual Return.

The detailed revenue report was attached at Appendix 1 to the report. This showed a final outturn refund of £397k, which represented 12.2% of the actual budget and was mainly due to: -

- A significant underspend on the stray dog contracts due to the service dealing with fewer straying incidents. Which was likely to be related to people working from home due to the Covid-19 pandemic. However, officers had noted an increase in stray dog numbers, so a similar underspend should not be anticipated for 2022/2023.
- The inability to recruit like for like numbers of employees to backfill capacity committed to pandemic response work.

- The outturn underspend was £160k greater than that forecasted at Quarter 3. This was largely due to an additional £130k of income in relation to support for Covid grant funded work.

It was proposed that the 2021/2022 refund of £397k be refunded back to partners as detailed on page 65 of the main agenda report.

Appendix 1 to the report detailed the WRS – Profit & Loss Report 2020/2021 and the reasons for variances.

RESOLVED that

- the final financial position for the period April 2020 to March 2022, be noted;
- the refund of £397k to the participating Councils, be approved as follows: -

Council	Refund from 2021/2022 £'000
Bromsgrove District Council	58
Malvern Hills District Council	51
Redditch Borough Council	70
Worcester City Council	92
Wychavon District Council	60
Wyre Forest District Council	60
Total	397

8/22

ACTIVITY & PERFORMANCE DATA REPORT Q1 TO 4

The Community Environmental Health Manager, Worcestershire Regulatory Services presented the Activity and Performance Data for Quarters 1, 2, 3, and 4 for 2021/2022; and in doing so highlighted the following key points: -

ACTIVITY DATA

The final quarter of 2021/2022 followed on from a Christmas period free of Covid controls and Government continued to move away from controls, with all restrictions removed at the end of the period.

The Food Standards Agency (FSA) had announced its plan to commence its roadmap to normal operations during the Summer of

2021, and this had commenced in September, increasing demands on a still stretched team that was continuing to juggle Covid controls and particularly Local Outbreak Management work. A creditable 1718 interventions were completed during the year, with over 500 in quarter 4. The numbers of complaints about food continued a slight up-tic from quarter 3 through to quarter 4, although following the trend predicted previously. Officers had worked evenings and weekends on Covid related business.

Quarter 4 followed the slow downward trend in relation to dog related complaints and enquiries, however, the number of strays reported over the year had increased above the level pre-pandemic in 2019/2020. The latter was a slight concern as officers had predicted an increase as people who purchased dogs during lockdowns returned to the workplace.

Numbers of licensing applications fell slight from quarter 3 to quarter 4, although overall numbers for the year were above the previous year but had yet to return to the level pre-pandemic. 20% of applications were for temporary events as the hospitality industry sought to recover from the impacts of pandemic controls. Of the 466 complaints received last year, 36% related to the taxi trade and 20% related to alcohol licensed premises, with 19% relating to animal establishments.

For much of this year, officers continued to deliver Covid pandemic controls as well as our business-as-usual activities, but this year was effectively a transition so, by 31st March, all controls had been lifted. The service had remained engaged with the County Council Public Health team as the Local Outbreak Response team was maintained in a reduced form to respond to the continuing issues with Covid and to be prepared to re-vamp up activity should a more dangerous, novel variant emerge. There was no further financial commitment to covid control activity from Government for 2022/2023 so this was very much a year where accommodating life with Covid 19 was the norm and people would continue to return to pre-pandemic behaviours or establish new ones as we move to the oft quoted “new normal.”

COVID RELATED ACTIVITIES

Covid Advisors were out daily mainly supporting the vaccination drive. Clinics occurred in most districts, with local ones being set up in many areas to provide access for those harder to reach groups. Figures consistently showed lower uptake in our more deprived communities and those with a higher proportion of residents from ethnic minorities. The Advisors had delivered several roles in support of these very successful exercises. Contact tracing and lost to follow-up activity continued through the period until Government finally ended the need for this towards the end of the quarter.

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

RESOLVED that the Activity and Performance Data Quarters 1, 2, 3 and 4 for 2021/2022, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

9/22

INFORMATION REPORT - NIGHT TIME ECONOMY

The Licensing & Support Services Manager briefly introduced an information report on the work of the Night Time Economy (NTE) team.

Members were briefly informed that as detailed in the report that, since the lifting of all Covid 19 restrictions, with funding for work still committed, officers originally tasked with this work had turned their hands to dealing with a range of other issues that could arise in the NTE.

The NTE Teams visible presence alone, out of office hours, had been delivering a message that the district councils took their responsibilities seriously in dealing with issues that arise in the sector. The focus of the NTE team had been ensuring that the licensing objectives were upheld by premises. However, the flexibility shown by the officers recruited had allowed us to direct them to a much broader supporting role as part of WRS, as detailed fully on pages 130 of the main agenda report, as follows: -

- Monitoring of taxi licensing activities.
- Licensing Enforcement Activities including suspended licences.
- Noise checks.
- Simple food hygiene checks.

Members were further informed that the funding for this team will come to an end on 30th June 2022. Therefore, the dedicated resource would no longer be available.

In response to questions from the Board, the Head of Regulatory Services commented that the NTE officers were not fully qualified Environmental Health Officers (EHO's) but having used their help officers would going forward, find ways cost effectively, by an intelligence lead approach using the information gathered by the NTE team. Which had highlighted that the service needed a cross cutting priority to focus resource on this important economic area and had also further highlighted the need for a cross team problem-solving approach that would sometimes lead to multi-agency action being required.

With regard to questions on income generation, the Head of Regulatory Services referred to the role of the officer, which partners had agreed to in 2018, to support the delivery of additional income generation via Primary Authority work. Officers in the Technical Services Manager's team, as a centre of excellence; and which they wanted to build upon going forward, would look at other authorities who could not get that level of expertise.

RESOLVED that the Information Report on the work of the Night-Time Economy (NTE) Team be noted and that Members use the contents of the information report in their own reporting back to their respective partner authority.

10/22

PROPOSAL FOR TRANSACTION TRANSFORMATION OF WRS SERVICES

The Head of Regulatory Services sincerely apologised to the Board for the lateness of the Supplementary Agenda Item – Proposal for Transaction Transformation of Worcestershire Regulatory Services (WRS).

The Head of Regulatory Services drew Members' attention to the Recommendations, as detailed on page 1 of the Supplementary Agenda Pack.

Members were informed that, as detailed in the report, that WRS had been exploring the options to improve the customer experience and enable a smooth customer journey for licence applicants and general service requesters for some time. There was an assumption now that all transactions would be fully e-enabled and on-line payment was the norm in virtually all walks of life, from booking a holiday to paying vehicle excise fees.

Pre-COVID, a group was established to look at this. The group was led by the host's previous S151 officer because one of the potential outcomes was likely to be one partner collecting WRS related income on behalf of all six partners.

Internal audit had repeatedly expressed concerns with Partner Authority income reconciliation against licence records during annual audits. WRS had always responded that this situation could only be addressed by moving to a platform where payments were linked directly to the back-office system records (held in IDOX Uniform). This was not within the gift of the service without changes at individual partners leading towards fuller integration of the payment process with the issuing of licenses.

This idea was resisted in the early days of WRS but in more recent years, officers from the six partner authorities seemed more confident that this would be a suitable way forward, with one partner collecting funds and sending these on at routine intervals to the other partners. The precedent of WRS taking payments on behalf of partner authorities (through the host, Bromsgrove) had already been set with stray dog fees for example, albeit in much lower overall values than income from Licensing.

The pandemic had taught us that, in terms of the automation of transactions, we were somewhat behind other local authorities across the country, and currently budget a significant spend on the administrative side of the licencing service, where others had moved to a digital first assumption, automating payment and upload of applications to the back office. The WRS Licensing team had made significant changes through the pandemic, moving to a single method of application collection, however, this still required the additional support of printing off the application details and then manually inputting the data into the Uniform database system.

Prior to the pandemic applications would reach WRS through numerous channels, causing delays in them reaching the teams and inevitably impacting service delivery and partner performance indicators, as detailed on page 2 of the Supplementary Agenda Pack.

This had been improved somewhat, with some streamlining of the process due to the pandemic but WRS managers felt that this could go significantly further with some initial investment.

WRS had also previously investigated the use of the website as a channel to receive requests from our customers for environmental health related matters. We currently only had the option of supplying forms that, when submitted, came into the back office as emails for manual inputting into the Uniform database system for processing, allocation, and action. This could significantly delay the customer journey and did little to enhance the service given. Because of this, the service did not encourage this route as a method of engaging with our service.

Last year only 18 requests for service were received following completion of our on-line forms. By contrast, 2,412 environmental health service requests were received by telephone and 7,922 were received by email. This overwhelmingly demonstrated that our customers wished to engage with us through electronic means.

Given the wide adoption of “digital first” policies by the whole local authority sector, making the on-line route the key channel for engaging with services, it seemed at odds with the direction of travel that a group of key service areas that generated significant income streams for the district councils should be left out of this policy approach.

The development of the EU Services Directive before 2010 had led local authorities to be required to offer on-line application processes. Government provided this option through the .GOV website, enabling all

local authorities to achieve compliance in the timescales required. There were, however, only a limited number of compatible payment engines that linked to this website so as partners moved away from these, the gateway had effectively been closed as a legal route into the service.

At present WRS could only accept applications from two districts via .Gov as the remaining partners no longer had a compatible online payment engine. Officers therefore manually received applications and payments for these applications.

Government was also keen to close the .GOV portal, requiring that local authorities made their own compliant arrangements, to continue with this duty. On-going dialogue indicated that Government's preferred date for final removal would be April 2023. The LGA keeps pressing Government on this, for fear that ultimately the service would be withdrawn leaving local authorities that relied on it, to put in place their own solutions for accepting online applications at their own expense, at a time when the financial environment for local authorities was difficult.

Previously a significant volume of applications had come into WRS through .Gov, mainly relating to the Licensing Act 2003 and other licenses where large scale national operators were involved. E-enabling our own platform would provide a suitable replacement portal to .GOV.

Members' attention was drawn to the 'Proposal'.

There were two elements to the proposal. Firstly, there was the request for investment into a platform that provided the customer the opportunity to raise a service request for environmental health or licensing matters and, to apply and pay online for a licence, permit or registration. The detail of such requests would then be automatically fed into the WRS back-office Uniform system. This would significantly reduce the number of back-office staff and would release officers and free up resources on the administrative and front end of the service.

The second element of this proposal would be to invest in electronic ID cards for the taxi trade. This would enable officers to implement the new Taxi Standards more effectively and tie in with the reporting requirements to record a range of offending, suspensions, and revocations on the national NR3 database system. WRS currently already spent £2.5k on ID cards for the taxi trade but would like to use that current budget plus £22k to now introduce electronic ID cards for them. Electronic ID cards would facilitate immediate checks on identity

and status of drivers, ensuring better protection for the public when officers were out carrying out checks

The Head of Regulatory Services further drew Members' attention to the 'System and Costs' information, and the approximate costings from several suppliers, as detailed on page 4 of the Supplementary Agenda Pack.

The advantage of the "off the peg" solutions was that they come with pre-prepared forms that drop onto your website and would link into the back office with some configuration. Both were both more expensive in terms of initial investment and on-going running costs, but they would give a front end that was stable, used by others and presumably any changes in legislative requirements would be addressed by the supplier in amendments to the product package.

Doing nothing risked the service appearing to have been left behind and did not paint the best picture to potential customers for our income generation work in the absence of an online payment solution for in-house partner activities.

Since all three approaches would require integration with existing systems including host finances, none of the options was cost free in this aspect. Therefore, whilst working with Idox would probably draw more of our in-house resource, it was likely to remain the lowest cost in terms of cash input.

The Head of Regulatory Services continued and in doing so referred to the 'Benefits and risks'; and the assumptions, as fully detailed on pages 5 and 6 of the Supplementary Agenda Pack.

The Head of Regulatory Services highlighted that, should Members decide to take this project forward, that as detailed in the report; that there was potential for the shift to on-line payments to have more impact on particular communities in several districts, so officer members of the Board felt that, whilst in principle there were positives in the proposal, consideration should be given to equality impacts and, if necessary, some form of consultation be undertaken with the relevant traders in the area, particularly the taxi trade.

Members' attention was further drawn to the financial considerations, as detailed on page 6 of the Supplementary Agenda Pack and the 'Options Appraisal' and the 'Timetable for Proposal' as detailed at Appendices 1 and 2 in the report.

The Head of Regulatory Services further informed the Board, that should they be in agreement with the proposal, that WRS would follow the procurement rules of the Host Authority, Bromsgrove District Council.

The Head of Regulatory Services responded to questions from Board Members with regard to: -

- Electronic ID cards
- Equalities impact
- Liaison with the taxi trade
- Licensing Surgeries / phone help

The Head of Regulatory Services reassured Members that although the group that was initially established to look at this project, pre-covid; that the figures provided, within the report, had been given on several occasions; and that the costings given last year would not significantly increase. Should there be any additional costs, WRS held reserves which would be used to meet those costs. He would reassure the Board that he would do his very best not to come back to partners within the next 12 months for additional funding.

Councillor S. Khan, Redditch Borough Council, expressed his concerns with regard to customers who were less IT literate being able to access services that were available on-line only. Councillor Khan therefore asked if this could be reflected in the Recommendations and that the Recommendations be amended to include the relevant wording.

Councillor Khan was reassured by the Technical Services Manager, that there was no intention of withdrawing Licensing Surgeries or existing phone help for customers.

The Head of Regulatory Services reiterated this and explained that, as detailed in the report; that there was the potential for the shift to on-line payments to have more impact on particular communities in several districts, so Partner Officers of the Board felt that, whilst in principle there were positives in the proposal, consideration should be given to equality impacts and, if necessary, some form of consultation would be undertaken with the relevant traders in the area, particularly the taxi trade.

Having considered the concerns raised by Councillor S. Khan, Redditch Borough Council and on being put to the vote, it was: -

RESOLVED that the Proposal for Transaction of WRS Services report: -

- (i) be noted;
- (ii) that Members agree in principle to the creation of a reserve, in the amounts outlined in the report;
- (iii) that Members agree that a detailed project plan be produced to be shared with and reviewed by Partner Officers of the Board, with progress reported back to future meetings of the Board; and
- (iv) that while Partner Officers of the Board work together to identify a suitable solution, that they also investigate any potential equalities issues that may arise; ensuring that support continued to be provided to those who required it.

The meeting closed at 5.58 p.m.

Chairman

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