

SHARED REGULATORY SERVICES JOINT COMMITTEE

Minutes of the meeting held on 26th September, 2017.

Present:

Representing Bridgend County Borough Council – Councillor D. Lewis;
Representing Cardiff City and County Council – Councillors M. Michael (Vice-Chairman in the Chair) and Ms. J. Parry;
Representing the Vale of Glamorgan Council – Councillor T.H. Jarvie.

Also present: Mr. G. Rees (Wales Audit Office).

(a) Apologies for Absence –

These were received from Councillors Ms. D. Patel (Chairman) (Bridgend County Borough Council) and A.D. Hampton (Vale of Glamorgan Council).

(b) Minutes –

RESOLVED – T H A T the minutes of the Annual Meeting held on 27th June, 2017 be approved as a correct record.

(c) Declarations of Interest –

No declarations were received.

(d) Audit of the 2016/17 Shared Regulatory Services Financial Statements (DEH) –

Mr. Gareth Rees from the Wales Audit Office (WAO) advised that the report detailed the relevant issues that needed to be raised with the Council, on behalf of the Appointed Auditor stating that the WAO had no concerns about the quality aspects of the Council's accounting practices and financial reporting. They had not encountered any significant difficulties during the audit and there were no significant matters to be discussed or corresponded upon with Management which needed to be reported. There were also no other matters significant to the oversight of the financial reporting process that they needed to report on and they did not identify any material weaknesses in the internal controls.

The Head of Finance advised that in line with the Terms of Reference of the Joint Committee, a report detailing the key matters arising from the audit must be reported

by the Auditor General for Wales to those charged with governance in accordance with the International Standards on Auditing (ISA 260).

At paragraph 8 it was noted that the intention of the Appointed Auditor to issue an unqualified audit report on the Financial Statements once the relevant Council Officers had provided a signed Final Letter of Representation.

The Accountant for the Joint Committee, advised that at the meeting of the Committee in June 2017 the draft Statement of Accounts had been tabled and approved at that meeting. With regard to the current report reference was made to two minor amendments one at page 8 in respect of the paragraph "Opinion on the Accounting Statements of Shared Regulatory Services Joint Committee". The first sentence should read as

"In my opinion the accounting statements including expenditure and funding analysis and related notes"

and on page 23, paragraphs 5 and 6, the period in the tables should read **"1st May 2015 to 31st March 2016"**.

Having fully considered the report and the views of the Auditor, it was subsequently

RESOLVED –

- (1) T H A T the Appointed Auditor's report relating to the audit of the 2016/17 Financial Statements for the Shared Regulatory Service be approved.
- (2) T H A T the Financial Statements, including the Final Letter of Representation, be approved for signature by the Chair of the Shared Regulatory Services Joint Committee.

Reasons for decisions

- (1) To ensure that Members of the Joint Committee, as those charged with governance, have considered the results of the audit of the 2016/17 Financial Statements of the Shared Regulatory Services.
- (2) To ensure that the Financial Statements are signed as required.
- (e) Overview And Update On The Shared Regulatory Service (DEH) –

The Director of Environment and Housing, in presenting the report, advised that it provided an update on the work undertaken by the Shared Regulatory Service (SRS) and the progress towards completing the implementation programme.

The Head of Service stated that the SRS had a Business Plan that was developed in consultation with stakeholders and which informed and directed the work of the service and contributed toward the corporate priorities of each partner Council. The

report contained information outlining how the service was working to achieve better outcomes for the residents and businesses within the region through a series of different actions and work programmes. The report also provided an overview of actions undertaken in the period June to August 2017.

With specific regard to Human Resources, Committee was advised that for the 2016/17 period, attendance levels had been higher than the previous year.

The financial monitoring report for the period 1st April to 30th June 2017 was attached at Appendix 1 to the report and had been prepared from the consolidated figures gathered from each Authority for the period. The service was currently projected to achieve an underspend of £17k against a gross revenue budget of £8,830m.

With regard to performance monitoring, Joint Committee Members had asked the service to provide data on activity levels to help reassure local Members that SRS activity continued to tackle issues across the region. Performance data for 2016/17 was therefore set out at Appendix 2 to the report.

With specific reference to key statistics and specific regard to food combined total inspections, for Bridgend the report advised of 24.68% completion, for Cardiff 35.1% and for the Vale of Glamorgan 13.75% with Committee being informed that for Bridgend the result fell fractionally short of the Quarter 1 target of 25%, however, all businesses currently due an inspection in the quarter had been completed. For Cardiff, the Quarter 1 target of 25% had been exceeded, however for the Vale all businesses due an inspection in the quarter, with the exception of two businesses, had been completed. The outstanding visits related to a party ship for which arrangements for access were required to be made and the other to a B rated premises that was inspected just outside of Quarter 1. However the Operational Manager could advise Members that the party ship had recently been inspected.

Following a query from a Member as to why the targets and some of the performance indicators were slightly different for each Authority, the Operational Manager advised that these figures depended on the previous year's performance.

With specific regard to Trading Standards and a high risk implication, the Operational Manager stated that that this related to the fact that there was only one qualified Weights and Measures Officer for the quarter but the second position had now been filled and they were hoping that the new officer would start within the next month.

In referring to breaches of legislation, Bridgend and Cardiff were reporting quarter performance of 100% with the Vale being 75% due to the fact that one investigation remained outstanding due to an ongoing investigation that was yet to be concluded, although Members were advised that it was important to note that the investigation was within the timescales of the associated legislation.

In noting that air pollution continued to be the largest environmental risk linked to deaths in the population with long term exposure contributing to a reduction in life expectancy, the role of the SRS was to monitor the air quality across the region.

These activities were reported to each Council through their Cabinets and in Cardiff to the Public Protection Committee.

Whilst referring to safeguarding issues, the report highlighted that earlier in the year the Joint Committee had approved spending on a number of call blockers. These devices had been installed at the homes of residents who had been repeatedly targeted by scams and had been fitted to prevent all calls coming through other than those from recognised friends and family members. Two recent cases detailed in the report provided an update on the usefulness of the call blocking devices and illustrated how they were making a real difference to the lives of some of the most vulnerable residents.

The Operational Manager for Commercial Services referred to the Allergens Survey that had been carried out in February 2017, a project of test purchasing at ten Chinese takeaway premises chosen at random across the SRS. Following the exercise, officers had revisited all of the premises providing full and comprehensive advice regarding the danger of serving meals to customers who declared an allergen at the point of ordering. The advice was provided in writing in accordance with the Food Business Operators' language preference. In May 2017 officers carried out a formal sampling programme, revisiting all of the premises that had previously failed to confirm compliance to the legislation and officers were now in the process of investigating the premises and formally interviewing the owners of the businesses that failed the formal sampling with a view to taking formal enforcement action. It was expected that due to the high failures in the sampling exercise that a further sampling exercise would take place later in the year testing other food businesses.

The SRS also published a number of operational plans to advise stakeholders of the work to be carried out in certain environments. One of those plans had recently been completed and was appended for consideration by the Joint Committee. The document set out at Appendix 3 to the report was the Communicable Disease Plan, which set out how the SRS would fulfil its role of protecting public health through the investigation of cases and outbreaks of communicable disease and the application of control, preventative and enforcement measures.

In conclusion, with regard to enforcement activity, details of recent cases investigated by the SRS that had resulted in prosecution were set out in Appendix 4 to the report.

Councillor Parry from Cardiff referred to the recent coverage on the TV the previous night where two staff had been interviewed on the programme and queried whether the Council had been involved. In response the Operational Manager advised that the programme had worked closely with the SRS with recognition of awareness raising being paramount.

Having considered the report, it was subsequently

RESOLVED – T H A T the contents of the overview and update report be noted.

Reason for decision

In view of the work of the service and the progress towards completing the implementation programme.

(f) Buy With Confidence Scheme (DEH) –

The report advised of the “Buy With Confidence” approved trader scheme with approval being sought for the initiative to be trialled across the Shared Regulatory Services (SRS) region with a view to full adoption at a later date.

The “Buy with Confidence” approved trader scheme was administered by Devon, Somerset and Hampshire Councils, working in partnership with the South West Region Co-ordinators of Trading Standards (SWERCOTS). Currently, the scheme was available in over 50 Local Authority areas, and while most of these were in England, the six North Wales Authorities ran a successful “Buy With Confidence” scheme and within recent months Newport City Council had launched its own scheme too.

“Buy With Confidence” provided a means of awarding “Trading Standards approval” to local businesses found to be reputable and operating in a safe, financially sound and sufficiently scrupulous way for residents to engage with them with confidence. Administration of the scheme involved auditing the applicant business and its trading practices, including financial scrutiny, customer feedback and criminal records checks as appropriate.

The benefits of the scheme were categorised as:

- **For Businesses**
The scheme promoted the use of local reputable traders by giving them the competitive advantage of being able to advertise their “Trading Standards approved” status.
- **For Residents**
The scheme enabled consumers to be signposted to reputable local traders, and allowed regulatory services to encourage residents to engage with “Buy With Confidence” approved businesses. This would be a major step forward in protecting consumers against the risk of rogue traders and doorstep criminals working at their properties with the misery that invariably brought. This was particularly important in terms of the safeguarding of vulnerable residents and those in our communities repeatedly targeted by rogues and scammers.

A local “Buy With Confidence” scheme offered potential benefits for both residents and local businesses. In order to be successful, a local scheme would require a critical mass of members, and to secure this would require officer time and

administrative support to attract interest, deal with applications, inspect, audit, deal with any complaints and document.

Following a query as to how wide the term “businesses and traders” covered and whether there was a website that could be used by the public to check whether an establishment had the approved mark. Committee was informed that this could be related to a number of premises e.g. pubs as the scheme grew and that there was a central website which would also be available on the SRS website.

Having acknowledged the work of the scheme, Committee subsequently

RESOLVED –

(1) T H A T the trialling of the “Buy With Confidence” scheme by means of a pilot exercise be approved.

(2) T H A T a report reviewing the results of the pilot exercise be presented to a future meeting of the Committee with a view to full implementation and promotion of the scheme, as appropriate, in the 2018/19 financial year.

Reasons for decisions

(1) Adoption of the “Buy with Confidence” scheme in other areas of the UK has brought significant benefits in terms of supporting reputable businesses and in protecting consumers from rogue traders. A pilot exercise would enable the scheme's effectiveness to be assessed, prior to the SRS giving a longer term commitment to its running.

(2) By reviewing the results of the pilot exercise, decisions can be made as to its cost effectiveness and the resources that would need to be aligned to run the scheme locally.

(g) Harmonisation of Animal Licensing (DEH) –

The Director of Environment and Housing advised that the service licensed the following types of animal related premises and activities under the relevant statutory licence regimes:

- Animal Boarding Establishments
- Dangerous Wild Animals
- Dog Day Care
- Dog Breeding Establishment
- Home Boarding Establishments
- Performing Animals
- Pet Shops
- Riding Establishments
- Zoos.

The Report referred to the licence conditions prevailing in each of the three Local Authority areas upon the creation of the Shared Service had continued to operate since that time. This meant that for each of the licence regimes set out above, three sets of licence conditions applied, depending on the location of the premises or activity.

The three sets of conditions within each of the animal licence regimes were not greatly different from each other as each was based on national best practice standards. However, the current arrangement required that enforcement officers and licensing staff ensured on every occasion that a licence was being granted under the specific set of conditions pertaining to a particular location.

The current situation also gave rise to confusion among businesses, particularly those trading in different locations across the SRS region.

Harmonisation of animal related licensing, by the creation of a single set of conditions for each regime, would result in greater efficiency for both Animal Health and Welfare Officers conducting inspections and for licensing staff in issuing the physical licences. Harmonisation would also result in greater certainty for businesses, particularly those with a presence in more than one of the SRS Local Authority areas.

The harmonised set out licence conditions for Home Boarding Establishments permitted the boarding of dogs from different families, subject to written consent and familiarisation. Currently, this practice was permitted within the licence conditions pertaining to the Bridgend and Cardiff areas, but not in the Vale of Glamorgan.

The report further proposed to harmonise the set of conditions for Home Boarding Establishments by prohibiting the home boarding activity at properties where any child under the age of five years resided. Currently this was the requirement in respect of Home Boarding Establishments based in the Bridgend and Cardiff areas but not in the Vale of Glamorgan, where the age requirement for resident children was ten years and over.

With regard to Dog Breeding Establishments, it was proposed that a harmonised set of licence conditions would require that breeding bitches had proof of vaccination. This would be in line with current best practice. Currently, none of the three sets of conditions for the licensing of Dog Breeding Establishments required this.

With regard to Riding Establishments, a change in wording was proposed to make it clear that the harmonised conditions applied to all buildings *and areas* to which horses had access and / or were used. The extension to “and areas” would address the current loophole in licensing Riding Establishments operating on a beach and similar areas where the shelter provided against the sun was from a structure other than a building.

Finally, it was proposed that the Head of Shared Regulatory Services be authorised to make minor changes to the agreed harmonised animal licence conditions going

forward, thereby avoiding the need for repeated reports to be brought to the Joint Committee on every occasion that amendments were needed.

The Head of Service advised that the reason the report was being presented was that currently he did not have the delegation as outlined in Recommendation 2 of the report, following which it was

RESOLVED –

(1) T H A T the content of the report be noted and the minor amendments proposed to achieve harmonisation of animal licence conditions across the Shared Regulatory Services region be approved.

(2) T H A T the Head of Shared Regulatory Services be authorised to make any further amendments that may prove necessary over time to animal related licence conditions and that the Council's Constitutions be amended accordingly.

Reasons for decisions

(1) Harmonisation of licence requirements into a single, Shared Regulatory Services wide set of conditions under each of the various animal related licence regimes would bring the benefits of:

- Greater efficiency for enforcement and licensing staff; and
- Greater certainty and clarity for the business concerned.

(2) Authorising the Head of Shared Regulatory Services to make minor amendments as the need arose would enable changes in licensing best practice to be reflected promptly, without the need to bring repeated reports to the Joint Committee.

(h) Review of Arrangements for Dealing with Stray Dogs (DEH) –

Members were informed that the Environment Protection Act 1990 required Local Authorities to deal with unaccompanied dogs on public land as strays, regardless of whether they were wearing a collar and disc, or had been micro-chipped. Straying dogs were seized by Shared Regulatory Services (SRS) Animal Wardens and those that could not be returned to their owner immediately were retained for a mandatory period of seven days. If a dog had not been reclaimed by its owner then upon expiry of the seven day period, the law allowed that it could be rehomed or, if necessary, put to sleep.

As part of a review of procurement of stray dog kennelling arrangements, it was proposed that expressions of interest were obtained from parties interested in providing this service going forward. As the total cost to the Service of kennelling stray dogs did not exceed £75,000 per year, Vale of Glamorgan Council procurement rules permitted this being done on the basis of a quotation process rather than a full tender process. Guidance obtained from the Procurement Team

would suggest that Cardiff Dogs Home would be exempt from the quotation process on the basis of internal provision / inter-Authority co-operation.

Based on that assumption, it was further proposed that under new arrangements, dogs found straying in the eastern sector of the Vale of Glamorgan (the ward areas set out in Annex 1 to the report) would be impounded for the statutory seven days at Cardiff Dogs Home rather than in Bridgend. This would make a significant difference to both travel distance and the time taken for both SRS staff and members of the public to reach the kennels, as follows:

Area	Number of Out of Hours Collections	Cost of Each Collection	Total Cost for the 2016/17 Year
Vale	119	£45	£5,355.00
Bridgend	171	£45	£7,695.00
TOTAL			£13,050.00

Based upon 2016-17, adopting the proposal would see around 70% of stray dogs seized in the Vale of Glamorgan being kennelled at Cardiff Dogs Home.

Members were advised that the Service would work closely with the Vale of Glamorgan Council Procurement Team in carrying out the quotation process; and the results would be brought to a future meeting of the Joint Committee for Members' approval.

RESOLVED –

(1) T H A T the proposed measures to further harmonise provision across the Shared Regulatory Services region to achieve greater efficiency and release cost savings be approved.

(2) T H A T a tender process for the procurement of future stray dog kennelling be endorsed and that the Committee considers the outcome of the tender process at a future meeting, with a view to approving revised arrangements to be put in place from 1st April, 2018.

Reasons for decisions

(1) To further harmonise provision across the SRS.

(2) To implement improved and more efficient working practices and to achieve cost savings.

(i) Food Law Enforcement Service Plan (DEH) –

The Operational Manager for Commercial Services advised that the report sought approval for the draft Food Law Enforcement Service Plan for the Councils for 2017/18.

The Councils had a duty, which had been delegated to the Joint Committee, to enforce the Food Safety Act 1990, the Official Food and Feed Controls (Wales) Regulations 2009 and a wide variety of other food / feed legislation including the Food Hygiene (Wales) Regulations 2006.

A copy of the draft Food and Feed Law Enforcement Service Plan for 2017/18 for the Shared Regulatory Service (SRS) was attached to the report at Appendix 1. The Service Plan detailed how the SRS would fulfil the major purpose of ensuring the safety and quality of the food chain to minimise risk to human and animal health.

In referring specifically to page 18 of the Plan, it was noted that the performance compared to the previous year had improved. Page 17 referred to the chosen interventions in respect of A-C Rated Food Business, D Rated Food Businesses and E Rated Food Businesses as well as new businesses. New businesses were described as unrated food establishments and would be subject to a full inspection which would be undertaken within 28 days of opening.

In terms of Feed Law, the department was governed by the Food Standards Agency. Page 45 of the Plan detailed the achievements to date and page 50, at section 6.3 referred to areas for improvement.

As part of the annual review process, any areas for improvement would be identified and included in the Plan and / or the Service Area Business Plan with such improvement encompassing areas such as:

- Improvements to working practices
- New projects or initiatives
- Greater partnership working
- Improvements in efficiency and effectiveness
- Promotion of food issues
- Greater focus on outcomes.

Following a query from a Member as to whether the Department was currently looking at school meals, the Operational Manager advised that they were checking all ingredients and would be talking to the Headteachers and raising awareness of what hygiene requirements etc. that should be looked for.

The Chairman also commented that it would be useful if the Department would work with the Planning Department to provide advice to applicants when making planning applications.

Following full consideration of the report, it was subsequently

RESOLVED –

(1) T H A T the Food and Feed Law Enforcement Service Plan for 2017/18 be approved.

(2) T H A T the Head of Shared Regulatory Services be authorised to make administrative amendments to the 2017/18 Food Law Enforcement Service Plan should the need arise.

Reasons for decisions

(1) The Food Standards Agency requires all Local Authorities to produce and approve an Annual Plan that sets out how it is going to discharge its responsibilities.

(2) To ensure the Plan remains up to date should any changes in law or best practice be introduced during the period.