

SHARED REGULATORY SERVICES JOINT COMMITTEE

Minutes of the meeting held on 19th December, 2017.

Present:

Representing Bridgend County Borough Council – Councillors Ms. D. Patel (Chairman) and D. Lewis;
Representing Cardiff City and County Council – Councillor Ms. J. Parry;
Representing the Vale of Glamorgan Council – Councillors A.D. Hampton and T.H. Jarvie.

(a) Apology for Absence –

This was received from Councillor M. Michael (Vice-Chairman) (Cardiff City and County Council).

(b) Minutes –

RESOLVED – T H A T the minutes of the meeting held on 26th September, 2017 be approved as a correct record.

(c) Declarations of Interest –

No declarations were received.

(d) Draft Budget Proposals – 2018/19 –

Approval was sought for the proposed budget for 2018/19.

As a background summary, the report advised that on 1st May, 2015, 170 staff had transferred from Bridgend and Cardiff Councils to the Vale of Glamorgan Council to create the Shared Service. As a direct result of the TUPE provision, consideration for the resulting salary protection had been built into the budget.

The net effect of the budget adjustments in respect of the draft proposed 2018/19 budget was that the budget requirement was £407k lower than the £8.830m agreed budget for 2017/18.

Agreed budget savings of £166k for 2018/19 had been included within the rechargeable Management Overheads, and from within the Core Budget. The

component parts of the savings were £54k of Staffing plus £112k from Supplies and Services.

Also included within the 2018/19 projections was an assumed pay award of 1% which had a value of £98k, with no increase for other price inflation.

The Head of Finance went on to advise that recent Government announcements regarding pay awards had shown an increase of 2%. This was an extra 1% pay rise which had not been factored into the budget proposals. The net effect of the extra 1% equated to an additional £81k per annum on top of the level of funding proposed in the report. It had been calculated that to fund this increase, the three Local Authorities would need to provide the following additional amounts:

- Bridgend - £17k
- Cardiff - £48k
- Vale of Glamorgan - £16k

The Head of Finance requested whether the Committee would agree for consultation to be undertaken with the three partner Local Authorities in order to decide whether increased funding would be provided or whether further budgetary savings should be sought.

The Head of Finance stated that this consultation would be undertaken during January in order for each Authority to agree a budget before the 10th March, 2018 deadline. It was subsequently

RESOLVED – T H A T the Vale of Glamorgan Council's Head of Finance / Section 151 Officer, in relation to the proposed financial contributions for 2018/19 (as detailed in paragraph 19 of the report), consult with relevant officers and Elected Members of the three partner local authorities in order to reach a consensus regarding options to fund an increased pay award for staff, projected to be an extra £81k. The options being:

(a) That in addition to the proposed financial contributions for 2018/19, for an extra £81k to be allocated, it being calculated that each partner Local Authority providing the following additional amounts:

- Bridgend County Borough Council - £17k
- City of Cardiff Council - £48k
- Vale of Glamorgan Council - £16k

or

(b) During 2018/19, and in addition to the current saving target of £166k, for the Shared Regulatory Service to find further budgetary savings of £81k.

Reason for decision

In order for further discussion on proposals to fund the increased 2% pay award for staff, which was above the initial projected forecast for 2018/19.

(e) Fees and Charges –

The Committee's approval was sought for the proposed fees and charges for services delivered within the Shared Regulatory Service (SRS) for 2018/19.

The fees and charges adopted by the SRS in previous years had reflected a continual process of harmonisation in the licensing regimes operating across the three Local Authority areas. The fees and charges proposed for the financial year 2018/19 incorporated further streamlining, where possible, of the arrangements in place for licensing across a range of functions.

The fees and charges set out in the report aimed to optimise cost recovery from regulatory activity whilst ensuring that these were transparent, proportionate and compliant with statutory legislation. It was proposed that the new fees would take effect from 1st April, 2018.

The fee increases represented inflationary and wage award pressures and were based upon the Consumer Price Index for the year to September 2017, i.e. an increase of 2.8%. It was advised that while many of the charges were set locally (Annex Part One to the Appendix), some were set through voluntary regional or national arrangements, and others reflected the statutory regimes set by Welsh and UK Governments (Annex Part Two to the Appendix).

In referring to paragraph 9 of the report, the Operational Manager for Enterprise and Specialist Services advised that in the case of charges based on officer time, the rate of £53 an hour as indicated in the report was an error, and that the actual amount per hour would be £55.

In reply to a query to regarding the role of the SRS in controlling rats, the Committee was advised that the SRS provided a service for the Vale but for Cardiff and Bridgend this was still provided in house. There was however a role for the SRS in regard to ensuring that landlords complied with their responsibilities around public health.

Having considered the report, it was subsequently

RESOLVED – T H A T the charging and fee proposals for the Shared Regulatory Service as set out at Annex Part One and Annex Part Two of the report be agreed.

Reason for decision

To build upon the harmonisation of charges across the service.

(f) Overview and Update on the Shared Regulatory Services –

The Head of Shared Regulatory Services presented the report, advising that it provided an update on the work undertaken by the Shared Regulatory Services (SRS).

The Head of Service began by referring to the SRS' Business Plan that had been developed in consultation with stakeholders in order to direct the work of the service and help contribute towards the corporate priorities of each partner Council. The service had five key aims:

- improving health and wellbeing;
- safeguarding the vulnerable;
- protecting the local environment;
- supporting the local economy;
- maximising the use of resources.

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 provided an overview of actions undertaken in the period September to November 2017.

With regard to Human Resources, the Head of Service advised that the level of attendance had improved across the three Local Authorities. The Head of Service also stated that the SRS had recently completed a Workforce Development Plan, which was attached at Appendix 1 to the report.

This new framework would provide the foundation for identifying the required behaviours of officers when dealing with service stakeholders, together with learning and development these that supported business needs.

In terms of the financial position for Quarter 1, the Head of Service stated that the financial monitoring report for the period 1st July to 30th September, 2017 was attached at Appendix 2. The service was projected to overspend by £22k against a gross revenue budget of £8.830m. However, it was considered that this position could be mitigated by the level of income received directly by the Authorities.

The Committee was then taken through Quarter 2 performance as shown in Appendix 3.

The Operational Manager – Commercial Services began by referring to the percentage of high risk inspections of Category A and B businesses. For this indicator, performance for Cardiff and Bridgend had met target, but for the Vale was slightly below. This was because the one business that had not been inspected was of a seasonal nature and so a visit would be rescheduled later in the year. For Category 3 premises, the Operational Manager stated that overall the service had exceeded the Quarter 2 target of 45%, although Cardiff was slightly below at 44.98%. With regard to new businesses and risk assessments, the Operational

Manager explained that performance for Bridgend and the Vale was above target. For Cardiff, Quarter 2 performance was shown as Red, which was as a result of a large increase in the number of new businesses registered in the area. This meant that it had been difficult for the service to keep up with demand. For the percentage of food establishments deemed broadly compliant with food hygiene standards, the Operational Manager outlined that performance for Cardiff was slightly below the 93% target whilst performance for Bridgend and the Vale was highlighted as Green.

With regard to the number of high risk businesses that were liable for inspection from Trading Standards, the Operational Manager for Enterprise and Specialist Services advised that performance across the three Local Authority areas was below target. For Cardiff and Bridgend, the reason for this was because the industry team had been down by one member of staff. This post had since been filled. For the Vale, there were five overdue visits that related to feed. Issues with data migration had meant that no follow up dates for visits had been set. These would be picked up during Quarter 3. In relation to the percentage of significant breaches that were rectified by intervention from Trading Standards, the Committee was advised that both Cardiff and Bridgend had exceeded target. Performance for the Vale was highlighted Red and was due to four investigations that were still ongoing. These were, however, within the timescales of the associated legislation. In terms of the percentage of new businesses identified that were subject to a risk assessment, the Operational Manager for Enterprise and Specialist Services advised that performance for Quarter 2 had missed target because the Trading Standards Team remained two officers down. The outstanding inspections would be prioritised next Quarter.

For his service area, the Operational Manager for Neighbourhood Services stated that all indicators had met or exceeded target and he gave praise to the Team Managers and Staff. He outlined that previously there had been issues within the Cardiff area which had been rectified with new work practices and a shift in resources. He also advised that domestic and commercial services had been separated as it was deemed easier to engage with industry.

In referring back to the report, the Head of Service advised that the SRS was receiving an increasing number of Freedom of Information (FOI) requests. Using a conservative estimate of an average of one hour to process each request, it was suggested that some 700 officer hours would be spent this year responding to the requests. It was agreed for the Committee to receive a report providing further information on the increase and impact of FOI requests.

In terms of air quality, Committee was advised that the annual Local Air Quality Management Progress Report for each of Bridgend, Cardiff and the Vale of Glamorgan had been reported and submitted to the Welsh Government before the 31st December deadline.

Air quality remained a high profile issue, featuring in the headlines on an almost daily basis. SRS continued to review monitoring locations in Bridgend and the Vale of Glamorgan and at the same time had been co-ordinating the development of Cardiff Council's Air Quality Strategy ahead of its implementation in April 2018.

In relation to safeguarding / scams, the Operational Manager for Enterprise and Specialist Services stated that a series of Safeguarding Roadshows had been scheduled to take place throughout the year. The first of these took place on 28th September when the Major Investigations and Safeguarding Team took part in the Llantwit Major Emergency Services Day. Resident groups were able to meet the various partners in rotation meaning that there was time to focus in some detail on awareness raising around doorstep crime and mass marketing scams.

A different approach saw the team making use of the Vibe Youth Organisation Bus based at Kings Square in Barry on 10th October. This was a way to draw the attention of passers-by with scams awareness messages played both inside and outside of the vehicle. The team spoke to over 150 people during the day and provided them with “No Cold Calling” stickers, key message grab cards and contact details for future contact. Plans were also underway for a similar event to take place in Bridgend and Cardiff.

With regard to the RSPCA Awards, the SRS had been recognised in three separate categories at this year’s RSPCA Cymru Awards. In the first of the categories, SRS received a Bronze Community Action Welfare Footprints (CAWF) Award for animal related licensing services and in the second category, SRS received a Silver Award for Stray Dog Provision.

SRS was also honoured to be the outright winner of the 2017 RSPCA Innovator Award for its work to promote responsible dog and horse ownership within the Gypsy Traveller Community.

The Operational Manager for Enterprise and Specialist Services also referred to the Primary Authority Scheme, which enabled a business to enter into a statutory partnership with a Local Authority through which it could receive assured advice. Providing this advised was followed, the Primary Authority was also able to challenge intended enforcement action by other Local Authorities. SRS now had some 16 Primary Authority partnerships in place with both local and national businesses and was able to charge for the work done as part of these arrangements on the basis of full cost recovery.

On 1st October amendments to the Regulatory Enforcement and Sanctions Act brought some changes to the Primary Authority Scheme. The main changes were as follows:

- a business could now enter into a Primary Authority Partnership before it began trading;
- there was no longer a need for a business to trade across Local Authority boundaries in order to be eligible for Primary Authority. Single site businesses were now able to form partnerships in the same way as multi-site operations;
- matters devolved to Wales were now recognised on the basis of Welsh Government policy areas meaning that a business trading in Wales in sectors such as food, public health, agriculture, environmental protection and pollution

control, housing, would need to have a Welsh Primary Authority partner if assured advice was to have effect in Wales.

The latter change was already being felt by the SRS with a number of big names interested in partnering to ensure Primary Authority coverage in Wales. SRS had recently entered into a partnership with Tesco and a number of other prospective Welsh partnerships were currently in the discussion phase.

The Operational Manager for Neighbourhood Services then referred to Welsh Government consultation on taxi legislation. Between June and September 2017, Welsh Government held a consultation on the legislation governing taxi and private hire vehicles, which would become a devolved matter following provisions contained in the Wales Act 2017. It was widely recognised that the existing legislation was archaic and that a new piece of primary legislation provided an opportunity to implement a system that reflected an evolving transport regime. The public were often unaware of the distinction between hackney carriage and private hire vehicles and it rarely made a difference to them whether they made a booking via a telephone, smartphone app or hailed a vehicle from the roadside. The consultation proposals were based in part on a previous report by the Law Commission which made 84 recommendations. These included:

- the introduction of national standards for all taxis and private hire vehicles set by the Welsh Ministers;
- local licensing authorities being able to set additional licence conditions where appropriate and remain responsible for issuing licences and enforcement;
- providers being able to work across Local Authority borders more easily with licensing officers provided with new enforcement powers to deal with vehicles and rivers licensed in different areas;
- local licensing authorities retaining the right to limit the number of taxis working in their licensing area;
- improved arrangements for regulating fares.

The SRS provided a comprehensive response to the consultation and continued to liaise with Welsh Government officials, who aimed to provide an update in Spring 2018. This would inform proposals for amending and harmonising taxi policies in Bridgend, Cardiff and the Vale.

The Operational Manager for Neighbourhood Services also referred to the impact following the tragic fire and loss of life in the Grenfell Tower in North Kensington. Following this, there had been a nationwide review of the use of a particular type of cladding known as Aluminium Composite Material (ACM) which was used in the Tower. Tests commissioned by Government and undertaken by the Building Research Establishment (BRE) had demonstrated that certain types of commonly used cladding did not meet the current Building Regulations in respect of spread of fire and therefore presented a significant fire hazard in buildings over 18m tall.

Within Wales, Welsh Government and the Fire Service, together with input from Local Authorities and Housing providers, had identified sites where ACM had been

used. Currently within the SRS area there were a number of tall buildings in Cardiff which were affected.

An Independent Expert Panel had recommended implementation of a series of interim mitigating measures in the buildings affected to ensure the safety of residents, pending replacement of the cladding. The Fire and Rescue Service was the lead body for taking forward this work but Local Authorities were also closely working with Welsh Government and the Fire Service and may be required to take a more active role with owners to ensure remedial work on buildings going forward.

For her service area, the Operational Manager – Commercial Services referred to the Port Health Plan which was set out at Appendix 5 to the report. This outlined how the SRS sought to prevent infectious diseases coming into Cardiff, Barry and the surrounding areas via the ports and airports in order to protect the health of the public. The Plan demonstrated how these statutory obligations in relation to food safety, imported food control ship sanitation, disinsection, waste control and animal health would be delivered.

In addition, the Operational Manager – Commercial Services outlined contractor and employee safety concerns for golf courses. The workplace health and safety at golf courses was an agreed national priority for pro-active intervention for Welsh Local Authorities. This followed two work related deaths at two golf courses in south east Wales in the last three years and a number of accidents and near misses.

Initial visits to the 24 golf courses in the SRS area took place between October and December 2016 and clubs were revisited between April and June 2017. Whilst no Improvement Notices or Prohibition Notices under the Health and Safety at Work etc. Act 1974 were served, all golf clubs received a formal written report outlining the contraventions whilst also requiring clubs to submit an action plan to demonstrate commitment in raising standards.

19 golf clubs failed to adequately address the risks associated with green keeping staff working on slopes and in / near water courses. Key areas of non-compliance included:

- failure to control the potential for machinery to overturn and drowning – 14 (58%)
- failure to implement proportionate control measures to manage the risks posed by lone working – 13 (54%)
- poor management of external contractors responsible for undertaking high risk work activities – 11 (46%).

During the initial visits it was clear that many golf clubs presented the same risks as those golf clubs involved in the recent fatalities, but revisits confirmed that these risks had now been minimised.

With regard to sunbed safety, the Operational Manager – Commercial Services outlined that using sunbeds increased the risk of users suffering from skin cancer, causing eye damage and creating premature skin ageing. During July and August

2017, Commercial Services Trading Standards Team carried out a survey across the SRS, testing sunbeds offered for hire to ascertain if they met the requirements of the General Product Safety Regulations in relation to the UV level exposure as detailed in BS EN 60335-2-27:2010.

During the survey, 41 premises were tested. Of these, four Notices were issued under the General Produce Safety Regulations 2005. The highest failure UV reading was 0.94kw/m², which exceeded the permitted level by 213%. The business owner explained that they had purchased the sunbed from Italy complete with the bulbs and they therefore were old and did not meet the current standards.

Work was also ongoing with one premises and officers would be carrying out a test purchase in the near future to ascertain if the sunbed was still being used. All other premises were currently compliant.

Finally, the Head of Service referred to details of recent cases investigated by the SRS that had resulted in a prosecution, which were set out in Appendix 6 to the report.

Having considered the report, it was subsequently

RESOLVED –

- (1) T H A T the contents of the overview and update report be noted.
- (2) T H A T a report be provided at the Annual Meeting, regarding the increase and impact of Freedom of Information requests on the Shared Regulatory Service.

Reasons for decisions

- (1) In view of the work of the service and the progress towards completing the implementation programme.
- (2) In order for the Joint Committee to consider the impact of the increasing number of Freedom of Information requests.