

Meeting of:	Shared Regulatory Services Joint Committee
Date of Meeting:	Tuesday, 13 December 2022
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Shared Regulatory Services Overview and Update Report
Purpose of Report:	This report provides an update on the work undertaken by the Shared Regulatory Service (SRS)
Report Owner:	Director of Environment and Housing Services
Responsible Officer:	Head of Shared Regulatory Services
Elected Member and Officer Consultation:	No Elected Members have been consulted. The following officers have been consulted; Assistant Director Street Scene, Cardiff Council, Chief Officer Legal, Regulatory and Human Resources, Bridgend County Borough Council
Policy Framework:	This is a matter delegated to the Joint Committee
Executive Summary:	<ul style="list-style-type: none"> The report appraises the Committee of the work of the service and progress toward completing the actions contained in the SRS Business Plans.

Recommendation

1. The Joint Committee is asked to consider, note, and agree the contents of this report.

Reason for Recommendation

1. The report appraises the Committee of the work of the service and the progress toward completing the actions contained in the SRS Business Plans.

1. Background

- 1.1 SRS Business Plans are developed in consultation with stakeholders; they inform and direct the work of the service and contribute toward the corporate priorities of each partner Council. The service has five key aims, namely:

- Improving Health and Wellbeing
- Safeguarding the Vulnerable
- Protecting the Environment
- Supporting the Local Economy
- Maximising the use of resources

This report contains information outlining how the service is working to achieve better outcomes for residents and businesses within the region through a series of different actions and work programmes. The report provides an overview of activities undertaken in the period July to November 2022.

2. Key Issues for Consideration

Human Resources

- 2.1 The sickness absence level at the end of Quarter 2 was 6.29 days per FTE person overall.

	Short Term Days Lost per FTE	Long Term Days Lost per FTE	Total Days lost Per FTE
Q2 2022-23	1.40	4.89	6.29
Q2 2021-22	0.61	3.15	3.76
Q2 2020-21	0.62	2.41	3.03

When compared with the same time frame in 2021/22, Q1 saw an increase in the FTE absence figure for SRS. A significant element of the overall figure of 6.29 days lost per full time equivalent member of staff is the number of days lost through long term sickness. There are no immediate discernible trends in the short-term absence figures other than the impact of COVID 19 infections which are now counted as part of staff sickness absence totals.

2.2 Recruitment continues to be challenging, with the filling of some posts proving to be particularly difficult. During Q2 however, there were some notable recruitment successes across the Service, including further permanent appointments of Environmental Health graduates who previously supported COVID related work on an agency basis. It is particularly pleasing to note that more recently, two appointments have been made of officers returning to the Shared Service after spells with other authorities.

2.3 As reported at the September Joint Committee meeting, a service-specific staff survey ran for the three weeks to the end of August and had as its focus two main themes. This was the first SRS staff survey since the early part of 2020, and thus the first post-COVID. As a result, one of the purposes of the survey was to carry out a well-being ‘temperature check’ on staff as they adjust to a hybrid model of working and a return to a more ‘normal’ way of life. The survey’s other main area of interest of course was to seek views around recruitment and retention, and on what would make SRS as welcoming and as attractive a Service as possible.

2.4 The survey response rate was good (62%), with staff indicating to what extent they agreed with a range of statements. In addition, colleagues contributed a wealth of free text comments under headings such as what they like best and least about their roles, what they find most challenging, and what would make SRS a more attractive place to work. A common theme throughout the staff comments was concern over workloads across the Service, with the danger of officer ‘burn out’ being flagged multiple times.

2.5 Analysis of the survey results has revealed that the areas scoring particularly well included

- Support of colleagues and managers
- Flexibility and work-life balance
- Clarity over what is expected in one’s role

While the areas scoring less well included

- Feeling recognised, valued, and rewarded fairly
- Adequacy of growth and development opportunities
- Being kept informed

2.6 A survey Action Plan is now being prepared in order that areas for improvement can be worked upon as part of the wider review of the SRS Workforce Plan. While there is a need to be realistic in the current public sector funding landscape, there are a number of areas that can be built on and improved to achieve positive outcomes both in the short term and the longer term.

Financial Position Quarter 2

2.7 The financial monitoring report for the period 1st April to 30th September 2022 is attached at **Appendix 1**. It has been prepared from the consolidated figures gathered from each Authority for this period. The Service is forecasting an outturn position of a £273k overspend against the 2022-23 gross revenue budget, and this is largely attributable to the recently agreed pay award for 2022-23 which is significantly higher than the 2% pay award budgeted for.

Performance Monitoring

2.8 Joint Committee members are provided with data on activity levels to help reassure local members at each council that SRS activity continues to tackle issues across the region. Performance data for quarter 2 of 2022-23 is set out at **Appendix 2** and reported to each Council in line with their performance management regimes and existing service plans.

2.9 Regulatory services across the four nations are currently following the Food Standards Agency COVID-19 Local Authority Recovery Plan shown in **Figure 1** below; and it is in this context that the Q2 food safety performance is presented. The current focus of the Recovery Plan is on the less than broadly compliant 'D' rated premises, and officers continue to find significant problems during visits to these premises, the majority of which haven't been inspected since before the pandemic. As previously highlighted, the enforcement work required as a consequence of non-compliance is time consuming, and this has a detrimental effect on progress against the inspection plan.

Figure 1: FSA COVID-19 Local Authority Recovery Plan



2.10 The Service updates below provide more detail and context for the Joint Committee on some of the key areas of work during the quarter.

Improving Public Health

2.11 Against the backdrop of the fourth dose booster vaccination being rolled out, **COVID 19 infections** are thankfully low in the general population. As a result, the emphasis in Wales remains on the provision of testing and associated contact tracing for care home residents, hospital patients and symptomatic health and social care staff. In supporting this still crucial area of work, SRS continues to play a key role in safeguarding the wellbeing of the most vulnerable in our communities.

2.12 Local Authorities are annually requested to submit **health and safety enforcement activity** and intervention information to the Health and Safety Executive's Local Authority and Safety Unit (LASU). The LAE1 return captures data primarily relating to occupational health and safety interventions and provides a measure of a Local Authority's performance against their annual Section 18 service plan.

2.13 The COVID-19 pandemic, and subsequent government response, had a significant impact on the work of regulatory services across Wales as staff were promptly redeployed to support the pandemic response, requiring a rapid review of work plans and allocation of resources to prioritise the safeguarding of the population. The report contained in **Appendix 3** was prepared by the all-Wales Expert Panel for Health and Safety to highlight the range, and volume, of COVID-19 work completed by Welsh Local Authorities throughout the pandemic to supplement the LAE1 returns submitted by each authority.

2.14 The report and its contents are provided to Joint Committee members for information and noting. The content will be of assistance for the forthcoming Public Inquiry and demonstrates the volume of work undertaken during this period and the unprecedented effort by public protection staff to control and prevent the spread of COVID-19.

2.15 Officers have recently concluded an investigation into the management of **spa pools and hot tubs** across the SRS region, and the full survey report is included as **Appendix 4**. These installations comprise a self-contained body of warm (generally 30°C - 40°C), agitated water for lying or sitting in. Appliances are fitted with air-jet circulation devices and have the ability to create and disseminate breathable droplets and aerosols.

2.16 In addition, since spa pools and hot tubs have a much higher ratio of bathers to water volume than swimming pools, water quality will quickly deteriorate due to a build-up of organic materials (*e.g. sweat, dead skin, cosmetics, urine and faecal matter, detergent residues, saliva, mucus and hair*) if they are poorly designed or managed.

2.17 Spa pools and hot tubs were inspected at some 28 locations where the appliances were available for use in

- leisure and hospitality settings
- private holiday home rentals offering such facilities for financial gain and rental arrangements exceeded 20 weeks per year
- display for retail sale or where they could be used for demonstration purposes prior to purchase

2.18 All businesses received a letter to advise that unannounced project visits would be taking place from mid-July 2022; the reason for the intervention; and what documentation would be required by the inspecting Officer. All duty holders were also sent a copy of a SRS produced guidance leaflet, with checklist, for the control of Legionella for commercial hot tubs and spa pools. The main findings of the survey can be summarised as follows:

- Documented risk assessments were not always readily available on site; were often not up to date to reflect operational changes; and were not always effectively communicated to staff
- The retail sector was particularly poor with documenting company health and safety arrangements
- A lack of awareness of the risks associated with spa pools and hot tubs was noted in the holiday let sector and several retail operators
- Gaps in water quality monitoring records was commonplace across all sectors, and microbiological and Legionella sampling was less likely in the retail and holiday let sectors
- Hygiene advice to spa pool/hot tub users symptomatic with sickness and diarrhoea, or confirmed cases of *Cryptosporidiosis* and *Giardiasis*, continued to be poor across all sectors
- Many duty holders across all sectors were found to have inadequate control measures in place to protect both employees, and non-employees, in respect of storage and use of acid and alkali chemicals

2.19 During the survey, it proved challenging to access private holiday let accommodation, and there is clearly a need for wider engagement with this sector to ensure that members of the public are not being exposed to significant risks to their health. Moving forward, SRS will explore ways in which to better connect with the holiday let sector to ensure that key health and safety messages can be effectively communicated in the face of on-going resource challenges

2.20 The various parts of the Public Health (Wales) Act 2017 have been implemented over time, and Welsh Government has resumed work, post pandemic, to bring into effect Part 4 of the Act. Once implemented, this will create a mandatory licensing regime for the four specified **Special Procedures** i.e., *acupuncture, body piercing, electrolysis and tattooing (including semi-permanent make-up)*. The mandatory licensing regime will replace the current registration process under

the Local Government (Miscellaneous Provisions) Act 1982, and will make provision for the following:

- Practitioners to be licensed to carry out special procedures, and it will be an offence to carry out special procedures without a licence
- Business premises or vehicles must be approved, and it will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved
- A full licence will last for 3 years, and a temporary licence will last for 7 days (this is to accommodate special procedures work being conducted at events and conferences)
- It will be a requirement to display the licence on the premises where the special procedure is undertaken
- Licence conditions will relate to the competence of practitioners, the premises where practitioners work, the equipment and practices used, advice given before and after the special procedure and the records kept by practitioners
- Local authorities will be responsible for enforcing the licensing requirements and for keeping up to date a public register
- There will be greater powers to enforce this legislation than those currently in place, as well as the ability to revoke a licence and immediately stop unsafe practices
- Those carrying out Special Procedures will have to have obtained the Level 2 Qualification in Infection Control and Prevention for Special Procedures Practitioners

2.21 The purpose of the Infection Control and Prevention for Special Procedures Practitioners qualification is for learners to obtain a knowledge and understanding of the importance of infection control and prevention, associated infectious and non-infectious hazards, and good infection practice and controls based upon an awareness of the chain of infection and standard infection control precautions.

2.22 SRS has become one of only five accredited training centres in Wales for the delivery of this qualification. Officers have recently run the day-long course for the first time, and the session, held on 5th December was well attended. Work is now in hand to broaden the delivery models available for the course so that as many practitioners as possible can be trained ahead of the new special procedures licensing regime going live in early 2024.

2.23 Members will receive a short presentation at the Joint Committee meeting on the Special Procedures regulatory framework.

Protecting the Environment

- 2.24** In 2018, the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 introduced **minimum energy efficiency standards (MEES)** for domestic private rented properties. The regulations were designed to increase the energy efficiency of the worst performing dwellings, reduce fuel poverty, and increase housing standards.
- 2.25** An Energy Performance Certificate has been a legal requirement for all UK homes being rented for over a decade. Certificates are valid for 10 years and they provide a rating from A (most efficient) to G (inefficient). A report published by Welsh Government in 2021 indicates that 43% of households suffering from fuel poverty reside in properties with an EPC rating of F or G, in comparison with 5% of households living in fuel poverty residing in properties with a rating of B or C. Since 1st April 2020, the regulations were extended meaning it became unlawful to let out a domestic property under all new and existing tenancies if the property has an EPC rating of F or G.
- 2.26** The table below identifies the private rented sector data for the SRS region, in respect of EPC ratings

Local Authority	Bridgend	Cardiff	Vale of Glamorgan	Total
F rated	71	168	76	315
G rated	20	43	33	96
No rating	741	6712	912	8,365
TOTAL	832	6,293	1,021	8,776

- 2.27** The Service is developing a targeted program to contact the owners, agents and landlords of private rented properties to remind them of their duties under the legislation and to signpost to opportunities for funding streams that may be available to assist in improving the rating of their property. We will initially target F and G rated properties.
- 2.28** The approach will be one of seeking compliance, working with landlords and letting agents, remaining sensitive to the financial and capacity pressures on the sector currently. Experience from elsewhere suggests that the need for enforcement is rare, although we will of course reserve that right where there is a refusal to engage and comply.

- 2.29** The potential for grant funding is being explored to assist in resourcing this work and in publicising the requirements of the legislation. We are also updating our website with energy saving advice and information for both tenants and landlords regarding third-party funding opportunities. SRS will be utilising a Welsh specific enforcement toolkit that has just been developed to assist in this area of work.
- 2.30** It is anticipated that in due course the Service will be able to report back to each partner Authority key data on the impact of this work, both in terms of climate change but also crucially the cost of living crisis, i.e.
- Reduction in carbon tonnage
 - Reduction in energy use at improved properties in kWh
 - Reduction in energy use at improved properties in £ saved on energy bills

Supporting the local economy

- 2.31** As of September 30th, SRS had further increased its Primary Authority partnerships to 31 with a new partnership confirmed with Cadwaladers which will primarily be in relation to allergens and trading standards advice. A further two partnerships are likely to be confirmed in early in 2023. We are also in advanced talks to significantly increase our PA responsibilities with a national retailer, and we will provide a more detail summary when talks are concluded
- 2.32** During Q2 SRS has been able to undertake a significant amount of proactive work with a number of our PA partners. This has included issuing Trading Standards assured advice to a national retailer on the labelling of mince and waste sent for animal feed. Work has been undertaken reviewing another partner's allergens policies, their wider Trading Standards policy and their food hygiene training procedures. SRS has conducted a number of mock food hygiene inspections for some of our PA partners during Q2.
- 2.33** SRS has continued to provide local businesses fully accredited training with a number of Food Safety Courses from Level 1 to Level 4 being provided. In Q2 a total of 7 training courses were provided, and a total of 57 candidates successfully obtaining the relevant accreditations.
- 2.34** SRS has continued its successful Podcast series 'Ask the Regulator', which is produced in partnership with Bro Radio. The purpose of the podcasts is to make information and advice on all regulatory matters as easy as possible to access for all our businesses and consumers alike. In Q2 a new episode highlighting the importance of the Buy with Confidence scheme was released. The episode featured one our Buy with Confidence members who provided an overview of the benefits that the scheme provides from the perspective of a business. The episode also provided an overview of the scheme in terms of its key aims to minimise the

risk of residents encountering businesses that may subject them to financial abuse, poor workmanship or rogue trader practices. In addition, work was undertaken with Trading Standards Wales to develop podcasts for Trading Standards Wales Week in October which would result in a daily podcast being released during the week. Further SRS and Bro Radio were nominated for Podcast of the year at the 2022 National Community Radio awards with the ceremony held on the 19th November.

- 2.35** In August, the United Kingdom Accreditation Service (UKAS) undertook an audit of the *SRS Mass Calibration (Metrology) Laboratory*. The auditors found the management system was found to be well established and clearly defined and demonstrated to be working effectively for the laboratory. The assessment team expressed their confidence in the results being reported by the laboratory. Some minor corrective actions were identified by the auditors which mainly required improvements in the checking/acceptance of equipment back into use following calibration. The corrective actions have now all been completed and documented with UKAS. Overall, the conclusion of the audit was the continuation of UKAS accreditation to the ISO/IEC 17025:2017 standard for the SRS mass calibration laboratory.

Safeguarding the vulnerable

- 2.36** This year's National Safeguarding Week took place in the week commencing 14th November, and SRS Officers took the opportunity to get key safety messages out to the public. Over the course of the week:
- A range of presentations were given, including one to over 50 volunteers and staff at the Age Cymru Hope Advocacy Project, and another at the Princess of Wales Hospital, Bridgend
 - Fraud and scams awareness training was given to hairdressers with packs to be given to clients
 - A Rogue Trader operation was conducted cross the region with South Wales Police
 - The latest 'Ask the Regulator' podcast was released on the subject of Safeguarding, and this can be accessed via Spotify

Enforcement Activity

- 2.37** Details of recent cases investigated by the SRS that have resulted in prosecution are set out in **Appendix 5** to this report.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 The Well-being of Future Generations Act requires the SRS to underpin decision making by contributing to the seven well-being goals of the Act, following the five ways of working, and consequently undertaking actions that will have a positive impact on people living in the future as well as those living today. Consequently, SRS seeks to work in the following ways:

- Looking to the long term
- Taking an integrated approach;
- Involving a diversity of the population in the decisions affecting them;
- Working with others in a collaborative way to find shared sustainable solutions
- Acting to prevent problems from occurring or getting worse.

3.2 The fundamental purpose of the SRS (here defined as trading standards, environmental health and licensing) is to protect residents, consumers, businesses and communities. The broad range of responsibilities can make it difficult to demonstrate succinctly their impact and value in terms of the wellbeing; the SRS Business Plans provide members with detail and articulate how those statutory responsibilities, and subsequent activities, contribute toward wellbeing across the region. This update report reflects some of the activities undertaken in recent months to promote the sustainable development principle.

4. Climate Change and Nature Implications

4.1 One of the key strategic themes for the Shared Regulatory Service is *Protecting the Local Environment*.

4.2 The SRS Business Plan articulates the work carried out under this theme to deliver on the corporate priorities for the participant Councils, including their ambitions to minimise climate change and impacts on the natural environment.

4.3 In this context, the Joint Committee is regularly updated on the contribution of the Shared Service to this agenda, for example through its work in the areas of animal health and welfare, air quality, contaminated land, energy efficiency in the private rented sector and investigating greenwashing claims or environmental fraud.

5. Resources and Legal Considerations

Financial

5.1 The Participants' contribution towards the Shared Regulatory Service is recharged on a quarterly basis, based upon the approved budgets for 2022/23. Accounting for the full year is reported to the Committee at the Annual General Meeting.

Employment

5.2 There are no immediate employment implications associated with this report.

Legal (Including Equalities)

5.3 There are no immediate legal implications associated with this report.

6. Background Papers

Appendices:

- Appendix 1 Q2 2022-23 Financial report (includes Annex 1)
- Appendix 2 SRS Performance measures - Q2 2022-23
- Appendix 3 Environmental Health Wales report on the local authority response to the COVID 19 pandemic
- Appendix 4 SRS Report on the Management of Legionella and Infectious Disease associated with the use of Spa Pools and Hot Tubs
- Appendix 5 Details of SRS prosecutions

Meeting of:	Shared Regulatory Services Joint Committee
Date of Meeting:	Tuesday, 13 December 2022
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Q2 2022/23 Shared Regulatory Services Revenue Monitoring Report
Purpose of Report:	To Provide the Partner Authorities with the Financial Performance of Shared Regulatory Services
Report Owner:	Matt Bowmer - Head of Service/s151 Officer
Responsible Officer:	Miles Punter – Director of Environment & Housing Services
Elected Member and Officer Consultation:	Head of Service for Shared Regulatory Services
Policy Framework:	This is a matter for Shared Regulatory Services
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The £8.331m 2022/23 Shared Regulatory Services (SRS) Budget was agreed by Committee on the 14th December 2022, which included an assumed 2% pay award. • In July 2022 the National Employers for Local Government Services made an offer in excess of the assumed pay award, which has now been accepted. The backdated pay award will be realised in the December 2022, consideration of which has been built into this report. • The revenue position for 2022/23 will continue to be challenging for the SRS both operationally and financially due to the ongoing implications of the Covid-19 pandemic, where in previous periods additional grants had been made available by Welsh Government to mitigate their impact. • Emerging pressures during 2022/23 are in relation to energy standing charges, general inflation price rises, cost of living and staffing pressures being experienced across the service which will need to be closely monitored throughout the financial year. • The forecast £273K overspend is the result of consideration for the agreed pay award as detailed above, plus £100k of operational costs relating to the seizure of 80 horses during the period. • Use of the SRS reserve may be required to resolve part of the forecast overspend position. 	

Recommendations

1. That the position with regard to the 2022/23 forecast outturn position is noted.

Reasons for Recommendations

1. That the members are aware of the position with regard to the 2022/23 forecast outturn position pertinent to the Board and relevant Scrutiny Committee, and to achieve compliance with the requirement as set out in clause 5.1 for the SRS Joint Working Agreement.

1. Background

- 1.1 The 2022/23 Shared Regulatory Services (SRS) Gross Revenue Budget was approved on the 14th December 2021.
- 1.2 Three members of staff remain on secondments out of the Service. The associated cost of these secondments are being recovered from Welsh Government and Monmouthshire County Council. This has enabled staff to act up into more senior roles.
- 1.3 A small group of officers from across the Service continue to be seconded to support the regional Trace, Track and Process (TTP) teams to both Health Boards that cover the SRS region. From July 2022, this was reduced to supporting the Cardiff and Vale Health Board only.
- 1.4 The impact of the pandemic continues to have a visible bearing on the income generation ability of the Service.
- 1.5 The impact of cost pressures relating to cost of living price rises is intensified pressure on existing budgets.

2. Key Issues for Consideration

- 2.1 The Gross Revenue Budget and forecast outturn position for 2022/23 are shown in the tables below, with the position in respect of each of the partners detailed to include both Authority Specific and Core expenditure positions. As at Q2, the Service is forecasting a £273k overspend against a gross revenue budget of £8,331m, as illustrated in the following table:

	Gross Budget	Forecast Outturn	Outturn Variance
Authority	£'000's	£'000's	£'000's
Bridgend	1,777	1,749	28
Cardiff	4,811	5,075	(264)
Vale	1,743	1,780	(37)
Total Gross Expenditure	8,331	8,604	(273)

- 2.2 Multiple recruitment drives have been undertaken, however the Service continues to experience significant issues in attracting appropriate candidates to particular disciplines within the Service, which may also be due to a national scarcity of resource being available. This position is then amplified further due to the cost of living price rises and the overall position of the economy.
- 2.3 The Service continues to work with local universities in the practical support of students who are enrolled on degree courses relevant to areas in the SRS where there are vacancies. Some of the students have now secured permanent posts within the Service. The current student compliment are supporting the Homes for Ukraine initiative within the Housing Team.
- 2.4 Staff have continued to work from home, with only skeleton staffing levels at the hubs.
- 2.5 A full breakdown of the forecast outturn position is shown in **Appendix A**.

Authority Specific Services

- 2.6 The approved gross budget of £2.414m in respect of Authority Specific (AS) Services has a forecast overspend of £227k, as detailed in the following table:

	Gross Budget	Forecast Outturn	Outturn Variance
Authority	£'000's	£'000's	£'000's
Bridgend	434	398	36
Cardiff	1,468	1,700	(232)
Vale	512	543	(31)
Total AS Services	2,414	2,641	(227)

- 2.7 The £36k underspend at Bridgend, relates directly to a £20k underspend within Kennelling and Vets which is very much consistent to activity levels realised in previous years. Plus a £16k underspend within Licensing as a result of carrying a part year vacant post.
- 2.8 The £232k overspend at Cardiff predominantly relates to a forecast £223k overspend within Taxi Licensing Section and is consistent with performance in previous years.
- 2.9 The combined £9k overspend within Night Time Noise and Cardiff Port Health relates to increased staffing costs resulting from the agreed 2022/23 pay award being built into the projections.
- 2.10 Overall the Vale is forecasted an aggregate £31k overspend. Taxi Licensing has a forecast overspend of £38k as a result of increased staffing costs to enable staff to successfully navigate an increased workload.
- 2.11 Burials are forecasting a £7k overspend which is due to anticipated demand during the current economic climate. The forecast £2k overspend within Pest Control relates to the impact of the agreed pay award.
- 2.12 The forecast overspends within the Vale are then partially offset by an anticipated £16k underspend within Kennelling and Vets.

Core Services

2.13 The approved gross Core Services Budget for 2022/23 is £5.917m, which at Q2 is forecasting an overall overspend of £46k. The Core Service's budget is allocated in line with the population split across the participating authorities, as illustrated in the following table:

Authority	%	Gross	Forecast	Outturn
		Budget	Outturn	Variance
		£'000's	£'000's	£'000's
Bridgend	22.70%	1,343	1,351	(8)
Cardiff	56.49%	3,343	3,375	(32)
Vale	20.81%	1,231	1,237	(6)
Total Core		5,917	5,963	(46)

- 2.14 The £139k overspend within Animal Services is the result of increased costs relating to an additional horse seizure undertaken on welfare grounds, which is anticipated to be finalised in court in this autumn. A reduction in the cost of external support was accessed by the Service, therefore minimising the potential overall cost of the seizure.
- 2.15 An aggregate overspend of £127k is forecast within Environmental, Housing, Health & Safety and Communicable Disease which predominantly relates to the impact of the recently agreed 2022/23 pay award, plus additional officer time being undertaken to meet increased pressures.
- 2.16 The forecast underspend of £130K within Food relates to staff being diverted to support TTP activities together with ongoing staff retention issues and other recruitment concerns.
- 2.17 Pollution Services are forecasting an underspend of £16k, which is the result of an anticipated underspend within Supplies and Services.
- 2.18 The £74k Trading Standards underspend relates to a small number of vacant posts together with an anticipated underspend within Supplies & Services.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The revenue budget has been set in order to support services in the delivery of the SRS Well-being objectives. It is therefore important for expenditure to be monitored to ensure that these objectives are being delivered.
- 3.2 The revenue budget has been set and is monitored to reflect the 5 ways of working.
- 3.3 **Looking to the long term** – The setting of the revenue budget requires planning for the future and takes a strategic approach to ensure services are sustainable and that future need and demand for services are understood.

- 3.4 **Taking an integrated approach** – The revenue budget include services which work closely with other organisations to deliver services eg Health Boards via TTP.
- 3.5 **Involving partners in decisions** – As part of the revenue budget setting process there is open engagement between the SRS partners.
- 3.6 **Working in a collaborative way** – The SRS was created as a collaborative service in 2015, with the split of funding split in line with the population data which is updated on an annual basis.
- 3.7 **Understanding the root cause of issues and preventing them** – Monitoring the revenue budget is a proactive way of understanding the financial position of services in order to tackle issues at the source as soon as they become apparent.

4. Climate Change and Nature Implications

- 4.1 The SRS Annual Business Plan details illustrates how the Service is working towards reducing the carbon footprint of the service with consideration also given to nature implications, such as investigating noise and air emissions through environmental monitoring, including regulating emissions from industrial processes.

5. Resources and Legal Considerations

Financial

- 5.1 As detailed in the body of the report.

Employment

- 5.2 There are no employment implications

Legal (Including Equalities)

- 5.3 There are no legal implications.

6. Background Papers

None

	Bridgend 2022/23			Cardiff 2022/23			Vale 2022/23			Total Gross Expenditure 2022/23		
	Budget £000's	Outturn £000's	Variance £000's	Budget £000's	Outturn £000's	Variance £000's	Budget £000's	Outturn £000's	Variance £000's	Budget £000's	Outturn £000's	Variance £000's
<u>Authority Specific</u>												
Bridgend Licensing	348	332	16							348	332	16
Bridgend Empty Homes	40	40	0							40	40	0
Kennelling & Vets Fees (Bridgend)	46	26	20							46	26	20
Cardiff Licencing				709	932	(223)				709	932	(223)
HMO Cathays				205	205	0				205	205	0
HMO Plasnewydd				278	278	0				278	278	0
Student Liaison				66	66	0				66	66	0
Night Time Noise				63	68	(5)				63	68	(5)
Cardiff Port Health				147	151	(4)				147	151	(4)
Vale Licensing							385	423	(38)	385	423	(38)
Burials (Vale)							1	8	(7)	1	8	(7)
Pest Control Service (Vale)							106	108	(2)	106	108	(2)
Vets & Kennelling Fees (Vale)							20	4	16	20	4	16
Authority Specific Sub total	434	398	36	1,468	1,700	(232)	512	543	(31)	2,414	2,641	(227)
<u>Core Services</u>												
Animal Services	89	121	(32)	222	300	(78)	82	111	(29)	393	532	(139)
Environmental	51	51	0	127	128	(1)	47	47	0	225	226	(1)
Food Services	340	311	29	847	773	74	312	285	27	1,499	1,369	130
Housing Services	146	153	(7)	363	397	(34)	134	140	(6)	643	690	(47)
Health & Safety & Communicable Disease	135	153	(18)	336	381	(45)	124	140	(16)	595	674	(79)
Pollution Services	200	197	3	499	489	10	183	180	3	882	866	16
Trading Standards	382	365	17	949	907	42	349	334	15	1,680	1,606	74
Core Sub total	1,343	1,351	(8)	3,343	3,375	(32)	1,231	1,237	(6)	5,917	5,963	(46)
Gross Expenditure Budget	1,777	1,749	28	4,811	5,075	(264)	1,743	1,780	(37)	8,331	8,604	(273)



Shared Regulatory Services

Quarterly Performance Report 2022/23

Quarter 2



Gwasanaethau
Rheoliadol
a Rennir



High Risk Food Hygiene Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2022-23	Food Combined	Bridgend	SRS/FH/001	Qtr 2	The percentage of high risk businesses (Cat A & B) that were liable to a programmed inspection that were inspected for food hygiene.	33	40	82.50%	Green	In line with the priorities of the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, all high risk businesses rated A and B due an inspection by the end of Qtr 2 have been completed at premises that were operating and available for inspection.	100%
2022-23	Food Combined	Cardiff	SRS/FH/001	Qtr 2	The percentage of high risk businesses (Cat A & B) that were liable to a programmed inspection that were inspected for food hygiene.	40	126	31.75%	Green	In line with the priorities of the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, all high risk businesses rated A and B due an inspection by the end of Qtr 2 have been completed at premises that were operating and available for inspection.	100%
2022-23	Food Combined	Vale of Glam	SRS/FH/001	Qtr 2	The percentage of high risk businesses (Cat A & B) that were liable to a programmed inspection that were inspected for food hygiene.	44	60	73.33%	Green	In line with the priorities of the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, all high risk businesses rated A and B due an inspection by the end of Qtr 2 have been completed at premises that were operating and available for inspection.	100%
2022-23	Food Combined	SRS	SRS/FH/001	Qtr 2	The percentage of high risk businesses (Cat A & B) that were liable to a programmed inspection that were inspected for food hygiene.	117	226	51.77%	Green	In line with the priorities of the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, all high risk businesses rated A and B due an inspection by the end of Qtr 2 have been completed at premises that were operating and available for inspection.	100%

High Risk Food Hygiene Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2022-23	Food Combined	Bridgend	SRS/FH/002	Qtr 2	The percentage of high risk businesses (Cat C) that were liable to a programmed inspection that were inspected for food hygiene.	39	541	7.21%	Red	The priorities outlined in the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, has required the inspection programme during Qtr 2 to be focussed on those businesses rated A and B together with new businesses and those C rated premises that are not broadly compliant (have a food hygiene rating score of 0 - 2). As a result, broadly compliant C rated premises were not prioritised, however all but one of the non compliant businesses did receive an inspection.	90%
2022-23	Food Combined	Cardiff	SRS/FH/002	Qtr 2	The percentage of high risk businesses (Cat C) that were liable to a programmed inspection that were inspected for food hygiene.	113	1317	8.50%	Red	The priorities outlined in the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, has required the inspection programme during Qtr 2 to be focussed on those businesses rated A and B together with new businesses and those C rated premises that are not broadly compliant (have a food hygiene rating score of 0 - 2). As a result, broadly compliant C rated premises were not prioritised, however all but one of the non compliant businesses did receive an inspection.	90%
2022-23	Food Combined	Vale of Glam	SRS/FH/002	Qtr 2	The percentage of high risk businesses (Cat C) that were liable to a programmed inspection that were inspected for food hygiene.	57	491	11.61%	Red	The priorities outlined in the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, has required the inspection programme during Qtr 2 to be focussed on those businesses rated A and B together with new businesses and those C rated premises that are not broadly compliant (have a food hygiene rating score of 0 - 2). As a result, broadly compliant C rated premises were not prioritised, however those that were non compliant did all receive an inspection.	90%
2022-23	Food Combined	SRS	SRS/FH/002	Qtr 2	The percentage of high risk businesses (Cat C) that were liable to a programmed inspection that were inspected for food hygiene.	209	2349	8.85%	Red	The priorities outlined in the Food Standards Agency Recovery Plan, which aims to assist local authorities to tackle the backlog of inspections resulting from the pandemic, has required the inspection programme during Qtr 2 to be focussed on those businesses rated A and B together with new businesses and those C rated premises that are not broadly compliant (have a food hygiene rating score of 0 - 2). As a result, broadly compliant C rated premises were not prioritised, however those that were non compliant with the exception of two premises did all receive an inspection.	90%

New Businesses—Food Hygiene

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2022-23	Food Combined	Bridgend	SRS/FH/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	58	149	38.93%	Red	Whilst new business inspections have been prioritised in line with the Food Standards Agency Recovery Plan, recruitment and retention pressures, together with staff absences and the volume of new business registrations received, has affected performance in this area. Notwithstanding this, the number of businesses due an inspection has reduced significantly since this time last year which is testament to efforts made in reducing the backlog.	90%
2022-23	Food Combined	Cardiff	SRS/FH/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	240	398	60.30%	Red	Whilst new business inspections have been prioritised in line with the Food Standards Agency Recovery Plan, recruitment and retention pressures, together with staff absences and the volume of new business registrations received, has affected performance in this area. Notwithstanding this, the number of businesses due an inspection has reduced significantly since this time last year which is testament to efforts made in reducing the backlog.	90%
2022-23	Food Combined	Vale of Glam	SRS/FH/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	107	204	52.45%	Red	Whilst new business inspections have been prioritised in line with the Food Standards Agency Recovery Plan, recruitment and retention pressures, together with staff absences and the volume of new business registrations received, has affected performance in this area. Notwithstanding this, the number of businesses due an inspection has reduced significantly since this time last year which is testament to efforts made in reducing the backlog.	90%
2022-23	Food Combined	SRS	SRS/FH/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment during the year for food hygiene.	405	751	53.93%	Red	Whilst new business inspections have been prioritised in line with the Food Standards Agency Recovery Plan, recruitment and retention pressures, together with staff absences and the volume of new business registrations received, has affected performance in this area. Notwithstanding this, the number of businesses due an inspection has reduced significantly since this time last year which is testament to efforts made in reducing the backlog.	90%

Broadly Compliant Food Premises

Year	Team	Authority	Ref	Quarter	Title	No. broadly compliant	No. of premises	Percentage achieved	RAG Status	Comment	Target
2022-23	Food	Bridgend	PAM/23	Qtr 2	Percentage of food establishments which are 'broadly compliant' with food hygiene standards.	1317	1341	98.21%	Green	Target exceeded.	94%
2022-23	Food	Cardiff	PAM/23	Qtr 2	Percentage of food establishments which are 'broadly compliant' with food hygiene standards	3230	3345	96.56%	Green	Target exceeded.	94%
2022-23	Food	Vale of Glam	PAM/23	Qtr 2	Percentage of food establishments which are 'broadly compliant' with food hygiene standards	1296	1322	98.03%	Green	Target exceeded.	94%
2022-23	Food	SRS	PAM/23	Qtr 2	Percentage of food establishments which are 'broadly compliant' with food hygiene standards	5843	6008	97.25%	Green	Target exceeded.	94%

High Risk Trading Standards Inspections

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2022-23	TS combined	Bridgend	SRS/TS/001	Qtr 2	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	10	14	71.43%	Green	All planned inspections completed up to the end of Qtr 2 at open and operational businesses.	100%
2022-23	TS combined	Cardiff	SRS/TS/001	Qtr 2	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	16	24	66.67%	Green	All planned inspections completed up to the end of Qtr 2 at open and operational businesses.	100%
2022-23	TS combined	Vale of Glam	SRS/TS/001	Qtr 2	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	4	6	66.67%	Green	All planned inspections completed up to the end of Qtr 2 at open and operational businesses.	100%
2022-23	TS combined	SRS	SRS/TS/001	Qtr 2	The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for trading standards.	30	44	68.18%	Green	All planned inspections completed up to the end of Qtr 2 at open and operational businesses.	100%

New business—Trading Standards

Year	Team	Authority	Ref	Quarter	Title	No. carried out	No. due	Percentage achieved	RAG Status	Comment	Target
2022-23	TS combined	Bridgend	SRS/TS/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	54	204	26.47%	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. Whilst additional support is provided by Food Safety Officers with the relevant competency, who undertake food standards inspections during food safety visits, the number of inspections carried out has been significantly reduced. This is due to recruitment and retention pressures, together with staff absences between both the Food Safety and Trading Standards teams during Qtr 2.	80%
2022-23	TS combined	Cardiff	SRS/TS/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	88	870	10.11%	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. Whilst additional support is provided by Food Safety Officers with the relevant competency, who undertake food standards inspections during food safety visits, the number of inspections carried out has been significantly reduced. This is due to recruitment and retention pressures, together with staff absences between both the Food Safety and Trading Standards teams during Qtr 2.	80%
2022-23	TS combined	Vale of Glam	SRS/TS/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	40	346	11.56%	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. Whilst additional support is provided by Food Safety Officers with the relevant competency, who undertake food standards inspections during food safety visits, the number of inspections carried out has been significantly reduced. This is due to recruitment and retention pressures, together with staff absences between both the Food Safety and Trading Standards teams during Qtr 2.	80%
2022-23	TS combined	SRS	SRS/TS/003	Qtr 2	The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year, for food standards and animal feed.	182	1420	12.82%	Red	The suspension of inspections and closure of businesses during 2020/21 resulted in significant backlog of new business inspections. Whilst additional support is provided by Food Safety Officers with the relevant competency, who undertake food standards inspections during food safety visits, the number of inspections carried out has been significantly reduced. This is due to recruitment and retention pressures, together with staff absences between both the Food Safety and Trading Standards teams during Qtr 2.	80%

Noise and Air Pollution

Year	Team	Authority	Ref	Quarter	Title	No. responded to within target	No. received	Percentage achieved	RAG Status	Comment	Target
2022-23	Pollution	Bridgend	SRS/LC/008	Qtr 2	Percentage of domestic noise and air complaints responded to within 3 working days.	164	174	94.25%	Green	Target exceeded.	90%
2022-23	Pollution	Cardiff	SRS/LC/008	Qtr 2	Percentage of domestic noise and air complaints responded to within 3 working days.	505	531	95.10%	Green	Target exceeded.	90%
2022-23	Pollution	Vale of Glam	SRS/LC/008	Qtr 2	Percentage of domestic noise and air complaints responded to within 3 working days.	131	139	94.24%	Green	Target exceeded.	90%
2022-23	Pollution	SRS	SRS/LC/008	Qtr 2	Percentage of domestic noise and air complaints responded to within 3 working days.	800	844	94.79%	Green	Target exceeded.	90%

Noise and Air Pollution

Year	Team	Authority	Ref	Quarter	Title	No. responded to within target	No. received	Percentage achieved	RAG Status	Comment	Target
2022-23	Pollution	Bridgend	SRS/LC/009	Qtr 2	Percentage of commercial and industrial noise and air complaints responded to within one working day.	62	87	71.26%	Amber	The shortfall against target represent 4 complaints that failed to reach target. This is largely due to staffing pressures as a result of long term sick which has impacted on the capacity of the team to meet the required targets.	75%
2022-23	Pollution	Cardiff	SRS/LC/009	Qtr 2	Percentage of commercial and industrial noise and air complaints responded to within one working day.	143	214	66.82%	Amber	The shortfall against target represents 18 complaints that failed to reach target. This is largely due to vacancies within the team. The recruitment process has now been completed for these vacancies with officers due to commence duties in Qtrs 3 and 4.	75%
2022-23	Pollution	Vale of Glam	SRS/LC/009	Qtr 2	Percentage of commercial and industrial noise and air complaints responded to within one working day.	73	113	64.60%	Red	The shortfall against target represents 12 complaints that failed to reach target. This is largely due to vacancies within the team. The recruitment process has now been completed for these vacancies with officers due to commence duties in Qtrs 3 and 4.	75%
2022-23	Pollution	SRS	SRS/LC/009	Qtr 2	Percentage of commercial and industrial noise and air complaints responded to within one working day.	278	414	67.15%	Amber	The shortfall against target represents 34 complaints that failed to reach target. This is largely due to staffing pressures as a result of long term sick and vacancies within the teams which has impacted on the capacity to meet the required targets. The recruitment process has now been completed for these vacancies with officers due to commence duties in Qtrs 3 and 4.	75%

Noise and Air Pollution

Year	Team	Authority	Ref	Quarter	Title	No. responded to within target	No. received	Percentage achieved	RAG Status	Comment	Target
2022-23	Pollution	Bridgend	SRS/LC/010	Qtr 2	Percentage of alarm complaints responded to within one day.	4	4	100.00%	Green	All complaints received responded to within target.	90%
2022-23	Pollution	Cardiff	SRS/LC/010	Qtr 2	Percentage of alarm complaints responded to within one day.	22	25	88.00%	Amber	The shortfall against target represents just 1 complaint that failed to reach target. This is largely due to vacancies within the team. The recruitment process has now been completed for these vacancies with officers due to commence duties in Qtrs 3 and 4.	90%
2022-23	Pollution	Vale of Glam	SRS/LC/010	Qtr 2	Percentage of alarm complaints responded to within one day.	4	4	100.00%	Green	Target exceeded.	90%
2022-23	Pollution	SRS	SRS/LC/010	Qtr 2	Percentage of alarm complaints responded to within one day.	30	33	90.91%	Green	Target exceeded.	90%

Licensing

Year	Team	Authority	Ref	Quarter	Title	No deter- mined	No. re- ceived	Percentage achieved	RAG Sta- tus	Comment	Target
2022-23	Licensing	Bridgend	SRS/LC/004	Qtr 2	Percentage of licensed premises applications received and determined within 2 months.	25	25	100.00%	Green	Target achieved.	100%
2022-23	Licensing	Cardiff	SRS/LC/004	Qtr 2	Percentage of licensed premises applications received and determined within 2 months.	134	135	99.26%	Green	One application was not determined within the designated time due to the Licensing Sub Committee hearing being deferred due to the period of national mourning.	100%
2022-23	Licensing	Vale of Glam	SRS/LC/004	Qtr 2	Percentage of licensed premises applications received and determined within 2 months.	32	32	100.00%	Green	Target achieved.	100%
2022-23	Licensing	SRS	SRS/LC/004	Qtr 2	Percentage of licensed premises applications received and determined within 2 months.	191	192	99.48%	Green	One application was not determined within the designated time due to the Licensing Sub Committee hearing being deferred due to the period of national mourning.	100%

Licensing

Year	Team	Authority	Ref	Quarter	Title	No determined	No. received	Percentage achieved	RAG Status	Comment	Target
2022-23	Licensing	Bridgend	SRS/LC/005	Qtr 2	Percentage of licensed personal applications received and determined within 2 months.	19	19	100.00%	Green	Target achieved.	100%
2022-23	Licensing	Cardiff	SRS/LC/005	Qtr 2	Percentage of licensed personal applications received and determined within 2 months.	82	82	100.00%	Green	Target achieved.	100%
2022-23	Licensing	Vale of Glam	SRS/LC/005	Qtr 2	Percentage of licensed personal applications received and determined within 2 months.	23	23	100.00%	Green	Target achieved.	100%
2022-23	Licensing	SRS	SRS/LC/005	Qtr 2	Percentage of licensed personal applications received and determined within 2 months.	124	124	100.00%	Green	Target achieved.	100%

Licensing

Year	Team	Authority	Ref	Quarter	Title	No determined	No. received	Percentage achieved	RAG Status	Comment	Target
2022-23	Licensing	Bridgend	SRS/LC/006	Qtr 2	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2022-23	Licensing	Cardiff	SRS/LC/006	Qtr 2	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2022-23	Licensing	Vale of Glam	SRS/LC/006	Qtr 2	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%
2022-23	Licensing	SRS	SRS/LC/006	Qtr 2	Percentage of Gambling Premises applications received and determined within 2 months.	0	0	0.00%	Green	No applications received.	100%

All-Wales Health and Safety Expert Panel Response – Welsh Local Authorities and the Coronavirus (COVID-19) Pandemic

Introduction

Local Authorities are annually requested to submit enforcement activity and intervention information to HSE's Local Authority and Safety Unit (LASU). The LAE1 return captures data primarily relating to occupational health and safety interventions and provides a measure of a Local Authority's performance against their annual Section 18 service plan.

The COVID-19 pandemic, and subsequent government response, had a significant impact on the labour market between 2020 and 2022; particularly with regard to how and where people worked in order to mitigate the spread of the virus in workplaces, across communities and within households. This timeframe similarly had an unprecedented impact on the work of Local Authorities across Wales as staff were promptly redeployed to support the pandemic response, requiring a rapid review of work plans and allocation of resources to prioritise the safeguarding of the population. Whilst Welsh Government funding was available to secure the repurposing of staff across all Local Authorities, recruitment and retention challenges across the Public Protection profession meant that health and safety authorised officers were reassigned to COVID-19 work in lieu of their substantive health and safety enforcement activities.

This report has been prepared by the all-Wales Expert Panel for Health and Safety to highlight the range, and volume, of COVID-19 work completed by Welsh Local Authorities throughout the pandemic to supplement the LAE1 returns submitted by each Authority.

Whilst some activity may not fall within the remit of Health and Safety legislation, it could be argued that the work undertaken by local authorities during the pandemic provided a holistic view of health, safety and wellbeing to effectively manage and prevent further spread of COVID-19. Health and Safety risk assessment principles were adopted and utilised to support compliance of the Regulations and as such should be deemed relevant to Health and Safety activity for this period.

Legislative Approach to COVID-19 in Wales

Existing legislative powers to deal with public health emergencies are set out in different pieces of legislation across the four nations of the UK. Whilst powers to deal with the spread of infection in Wales are provided by the Public Health (Control of Disease) Act 1984, as amended by the Health Protection Act 2008, **The Coronavirus Act 2020** conferred new powers on the devolved administration and Welsh Ministers to make new regulations to tackle the pandemic.

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 provided the legal framework for Local Authorities to impose restrictions on a wide range of businesses and premises and the requirement for 'reasonable' measures' to be taken to secure social distancing and limit close, face-to-face contact. This legislation, and supporting guidance, was subject to 3 weekly reviews and amendment by Welsh Government and necessitated Local Authorities to dynamically review and adapt its enforcement approach, advice to duty holders and notice templates. The extent of these rapidly evolving changes in Wales are illustrated in Appendix 1.

Whilst HSE continued to use Improvement and Prohibition Notices under the Health and Safety at Work etc. Act 1974 when duty holders failed to take reasonably practicable measures to mitigate the risk of COVID-19 in the workplace, Welsh Local Authorities used a comparable suite of notices made under the 2020 Regulations (*as amended*).

To reflect the principle of proportionate enforcement for health and safety, Local Authorities adopted an equivalent approach to respond to duty holder breaches of the 2020 Regulations, namely: verbal advice; formal written warning; Premises Improvement Notice; Premises Closure Notice; Termination Notice; Fixed Penalty Notice and prosecution.

Local Authority Response to COVID-19 in Wales

- **Regional Delivery**

During the initial waves of the COVID-19 pandemic, significant numbers of Environmental Health, Trading Standards and Licensing Officers across Welsh Local Authorities were redeployed to support the Test, Trace and Protect (TTP) service. Delivery of the TTP response was devolved to local health board (LHB) level but lacked any central framework to inform what a regional response would look like. Most regions structured their delivery model as a tripartite partnership between the LHB, Public Health Wales (PHW) and relevant Local Authorities; however, since each LHB contained variable numbers of Councils, the outcome was regional differences in how TTP services were structured, and COVID-19 responses managed, across the Principality. Further complications were experienced where Local Authorities spanned more than one LHB region.

Regional delivery of the COVID-19 response also required considerable regular engagement with other key Local Authority stakeholders, such as Education and Social Services, to investigate and manage confirmed cases and clusters; provide advice and support with infection prevention and control (IPC) arrangements; and support the wider testing and vaccination of key workers and vulnerable individuals. Facilitation of interdepartmental engagement within a Local Authority was generally co-ordinated by the Environmental Health service.

• **Test, Trace and Protect (TTP) Service**

Throughout the pandemic public protection staff played a pivotal role in the investigation of confirmed cases of COVID-19; oversight and management of outbreaks across a wide variety of settings; and monitoring of returning travellers into Wales in accordance with **The Health Protection (Coronavirus, International Travel) (Wales) Regulations**.

The extent of Environmental Health involvement in the regional TTP response included:

- ❖ The management and oversight of teams of tracers and advisors for the interview and monitoring of confirmed cases and their close contacts.
- ❖ Fulfilment of a more strategic level clinical lead role for the investigation of workplace clusters; oversight of clusters in educational, childcare and early years settings and management of outbreaks across the social care sector.
- ❖ Provision of IPC advice and support to workplaces; the educational sector; childcare and early years settings; residential and domiciliary care sectors.
- ❖ Engagement with wider key stakeholders such as Care Inspectorate Wales, Primary Authorities and Welsh Government.
- ❖ Core member of regional Incident Management Teams (IMTs).
- ❖ Oversight and monitoring of returning travellers through all sea and airports in Wales.

Although Spring 2021 witnessed a declining number of confirmed cases of COVID-19 across all Welsh regions, which was reflected in the easing of Welsh Government restrictions, a significant number of factors subsequently impacted the projected delivery of Section 18 work plans throughout the remainder of the financial year.

In July 2021, Public Health Wales (PHW) 'pulled back' resources from the management of COVID-19 outbreaks in care homes and handed this function over to Local Authority partners in its entirety. Environmental Health teams had to quickly review their work plans and resources for the remainder of the year to prioritise this unplanned work.

Autumn and Winter of 2021/22 saw the emergence of more transmissible Variants of Concern, namely Delta and Omicron, which caused confirmed case numbers to soar, even in fully vaccinated populations in the care sector. Environmental Health staff continued to provide support and IPC advice to high risk settings (*e.g. care homes, domiciliary care, early years sector*) and manage the oversight of outbreaks of COVID-19 in care homes and workplaces as a priority during this period so opportunity to complete any substantive occupational health and safety work continued to be very limited.

• **COVID-19 Risk Assessment Procedures and Spot Checks**

The ever-changing landscape of Welsh Government legislation and guidance throughout the pandemic placed significant demands on Local Authority resources to ensure the general public and duty holders adequately understood current restrictions and were compliant with regulatory requirements and their interpretation of 'reasonable measures'. Many Local Authorities adopted a multifaceted approach to this unprecedented piece of work which included:

- ❖ Production of guidance for specific sectors and the general public;

- ❖ Signposting key messages on Local Authority websites and social media communications;
- ❖ Conducting programmed spot checks to businesses;
- ❖ More detailed engagement with duty holders with active clusters of cases to progress the identification of more robust IPC control measures;
- ❖ Engagement with Primary Authorities to ensure 'reasonable' measures' were aligned with devolved legislation and guidance, particularly for essential retail outlets;
- ❖ Partnerships with the Police to form Joint Enforcement Teams.

Throughout the pandemic Environmental Health Officers (EHOs) were also required to regularly engage with duty holders of HSE enforced premises with active clusters of COVID-19 cases to discuss and assess their IPC measures. This was particularly challenging when the work activities, and an understanding of the normative health and safety requirements, were less familiar to the investigating EHO and support from HSE was unavailable.

• Reporting of Injuries, Diseases and Dangerous Occurrences

During the earlier waves of the pandemic employers were obliged to report confirmed cases of COVID-19 where exposure, and transmission, occurred as a result of that person's work.

Throughout the pandemic Environmental Health teams across Wales received 491 RIDDOR notifications of occupational disease relating to COVID-19 and work-related exposures. As anticipated, the majority of these notifications were from social care providers.

Whilst a recent TUC report (*RIDDOR, COVID and Under-Reporting*) raised concerns of a significant under-reporting of COVID-19 cases through the RIDDOR notification mechanism, Local Authorities would have been in a position to identify, and investigate, clusters of confirmed cases as part of the TTP response work. The wider discussion of workplace clusters with multi-agency stakeholders would also have been facilitated by the regional Incident Management Team (IMT) structures.

Coronavirus pandemic and work-related ill-health in Great Britain, 2020/21

93,000 workers suffering COVID-19 in 2020/21 which they believe may have been from exposure to coronavirus at work (new or long-standing) (Labour Force Survey).

645,000 workers suffering from a work-related illness caused or made worse by the effects of the coronavirus pandemic (new or long-standing) in 2020/21 (LFS) [Excludes 93,000 suffering COVID-19]

32,110 COVID-19 cases reported to Enforcing Authorities in 2020/21 which employer believed may be caused by exposure at work (RIDDOR)

The rate of self-reported COVID-19 believed to have been caused by exposure to coronavirus at work is around 4 times higher in workers in health and social work compared to the average rate in workers across all industries.

Source of information: Health and Safety Executive

Local Authorities in Wales were responsible for the enforcement of the relevant coronavirus regulations in premises in their area. This was primarily undertaken by Public Protection services within each Authority, which comprises of Environmental Health, Trading Standards and Licensing departments. Although each Local Authority in Wales has a different structure, Health and Safety enforcement activity generally forms part of the Environmental Health Department.

Throughout the pandemic Local Authorities provided reports to Welsh Government in relation to the work undertaken for the enforcement of the coronavirus legislation. This included, number of enforcement visits undertaken, enforcement notices/warning letters issued along with number of enquiries received by the Authority.

The graphs below have been provided by Welsh Government to show activity undertaken by Local Authorities. The graphs provide data between April 2021- February 2022, so whilst not the complete window for the HSE LAE1 return, they provide a picture of the work undertaken by Local Authorities in Wales during this time.

- Graph 1- Number of Enquiries by Local Authorities
- Graph 2- Number of visits and premises proactively advised
- Graph 3- Number of warning letters issued
- Graph 4- Number of business improvement and closure notices served

Each Graph show a similar trend with a peak in numbers at the same 3-week data collection point. Peaks can also be linked to changes in the Alert Level in Wales and subsequent changes in legislation that on occasion required increased enforcement activity.

In April 2021 Wales was at Alert Level 4, therefore significant control measures remained in place for businesses/premises. Opening of non-essential retail, holiday accommodation (including hotels) and libraries started at this time, albeit with strict control measures in place, therefore Local Authorities were tasked with ensuring compliance with these changes. As an example, a summary* of the combined work undertaken by the 22 Welsh LA's for the 3-week data collection point on 16/04/2021 is as follows:

- 1400 enquires received
- 4,100 visits undertaken
- 1,900 premises proactively advised
- 60 warning letters issued
- 55 business improvement notices served
- 10 business closure notices served

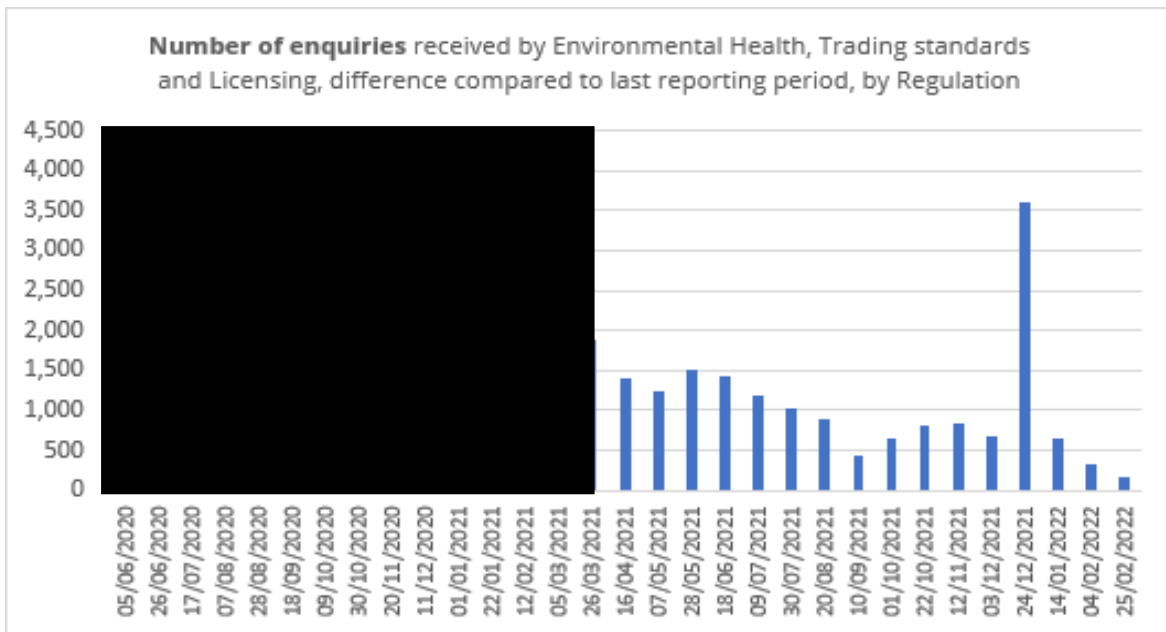
**approximate figures*

As the graphs show, the number for interventions undertaken by Local Authorities were sustained until the summer months of 2021 when Wales entered Alert Level 0.

However, with the emergence of the Omicron variant at the end of 2021/early 2022, Wales introduced additional controls. At this time, restrictions were introduced that included sports events being played behind closed doors and revised alert level 2 restrictions (social distancing in premises open to the public, rule of 6 applying to gathering in regulated premises, limits on numbers of persons permitted to attend events etc). Therefore, an increase in the quantity of interventions by Local Authorities to enforce these changes was required.

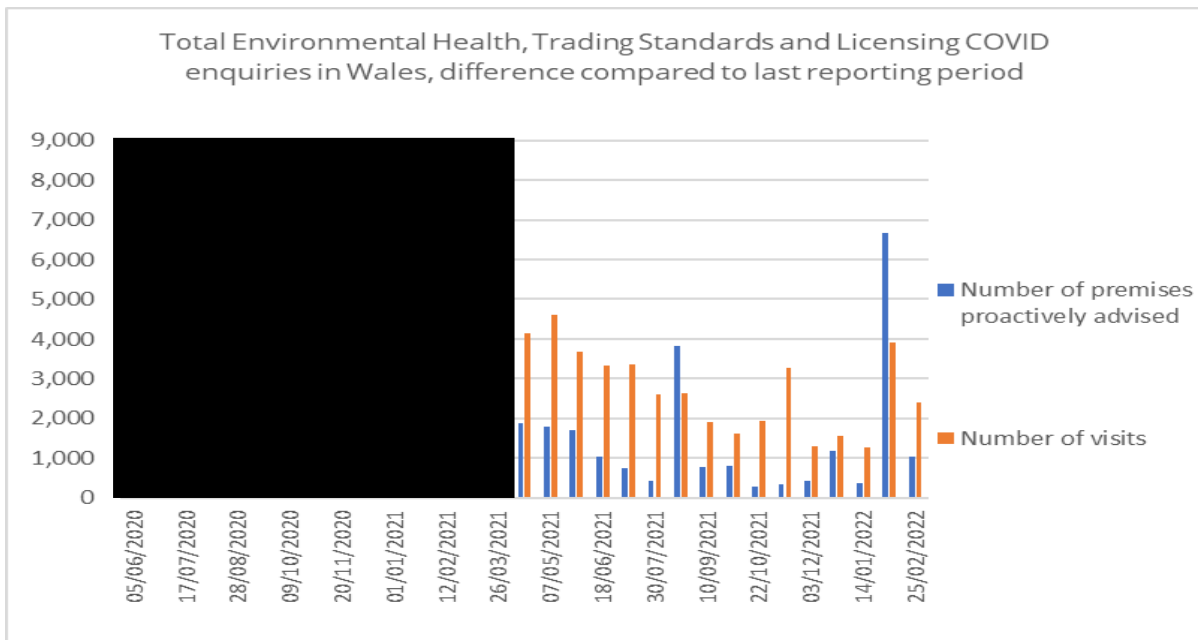
The Graphs provide an overview of data for 2021/22 period in Wales. Where there are any significant peaks, an explanation has been provided to account for this.

Graph 1



The peak in enquiries received for 24/12/2022 likely contributed to the prevalence of the Omicron variant. At this time, restrictions were introduced that included sports events being played behind closed doors revised alert level 2 restrictions (social distancing in premises open to the public, rule of 6 applying to gathering in regulated premises, limits on numbers of persons permitted to attend events etc)

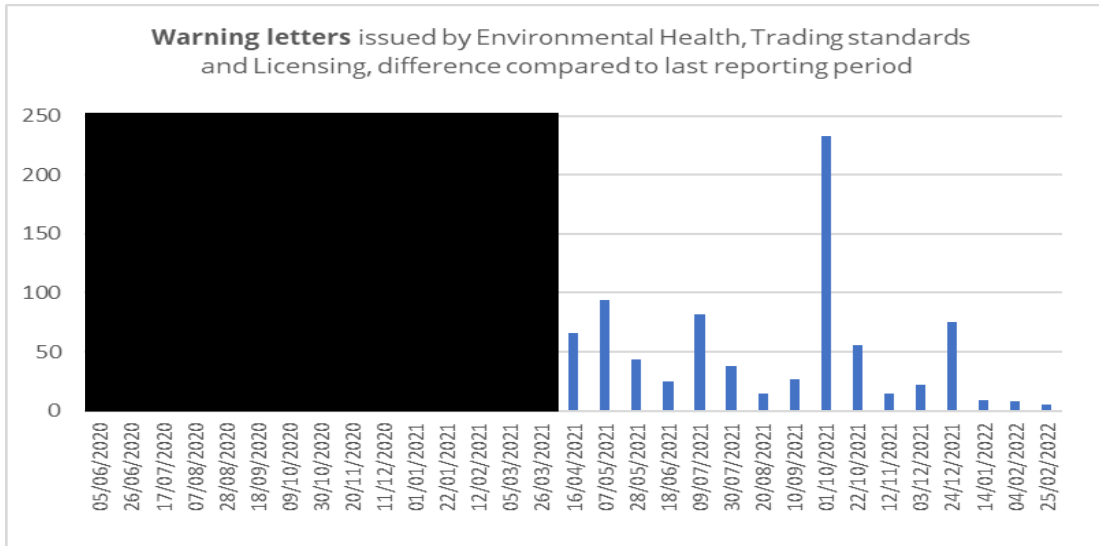
Graph 2



The number of premises visited aligns with changes in restrictions and/or legislation relating to Coronavirus in Wales. Higher figures in May 2021 align with Wales moving from Alert level 4 to 3. This included premises such as gyms, leisure centre and swimming pools re-opening following a long period of closure, however, restrictions remained in place. Visits would have taken place to monitor compliance to these newly re-opened sectors

The increase in figures reported in January 2022 are likely to be in relation to the new variant Omicron and restrictions implemented on Boxing Day 2021. These restrictions re-introduced many of the previous requirements, such as limits on numbers, social distancing and use of face coverings.

Graph 3



October 21- Introduction of C-19 passes for some venues (nightclub, non-seated events (over certain number) and all settings/events with over 10,000 people). At the end of October 2021, the use of C-19 passes was extended to theatres, cinemas and concert halls.

Graph 4



Key workstreams*: Care Settings, Educational Establishment and Workplace Clusters

Throughout the pandemic, Local Authorities in Wales were responsible for managing outbreaks of coronavirus in care settings and educational establishments and investigating workplace clusters. This work would be undertaken by existing Environmental Health Officers employed by the Local Authority. Due to the sheer volume of outbreaks in these settings and support they required, Environmental Health Officers usually employed to undertake a Health and Safety role with the Authority were seconded into this work. For many teams across Wales, this resulted in a near complete redeployment of staff and thus, the cessation of substantive work activities, including programmed health and safety enforcement functions, whilst retaining a reactive service to deal with serious Health & Safety complaints and concerns.

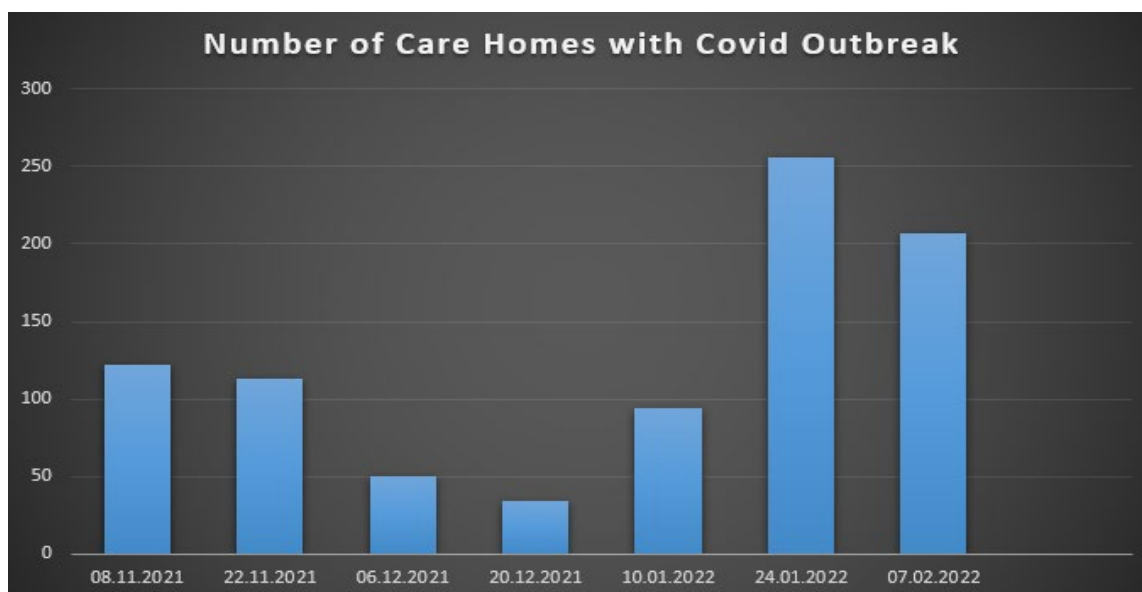
Care Establishments

During this period, Public Protection teams were at the centre of a critical public health response to outbreaks of Covid 19 in care establishments – namely residential, nursing and specialist homes for elderly and vulnerable persons. Teams were often working flat out, under extreme pressure, to break Covid transmission links, often making difficult decisions regarding isolation and incident status.

This included:

- Managing outbreaks in care homes.
- Arranging whole home testing, monitoring of results, and re-testing where applicable.
- Communicating with management.
- Contact tracing of care workers and exclusion.
- Providing Infection, Prevention & Control advice – in some cases supported by visits.
- Placing establishments into incident and using risk rating methodologies to determine evidence of transmission.
- Attending multi-disciplinary team meetings (MDTs) and regional operational groups (ROGs) to monitor trends, determine sources of outbreaks and ensure a joined-up approach to the response throughout Wales
- Working closely with Local Authority Commissioning and Safeguarding teams along with Complex Care and GP services within the Health Boards.

Key graphical stats:

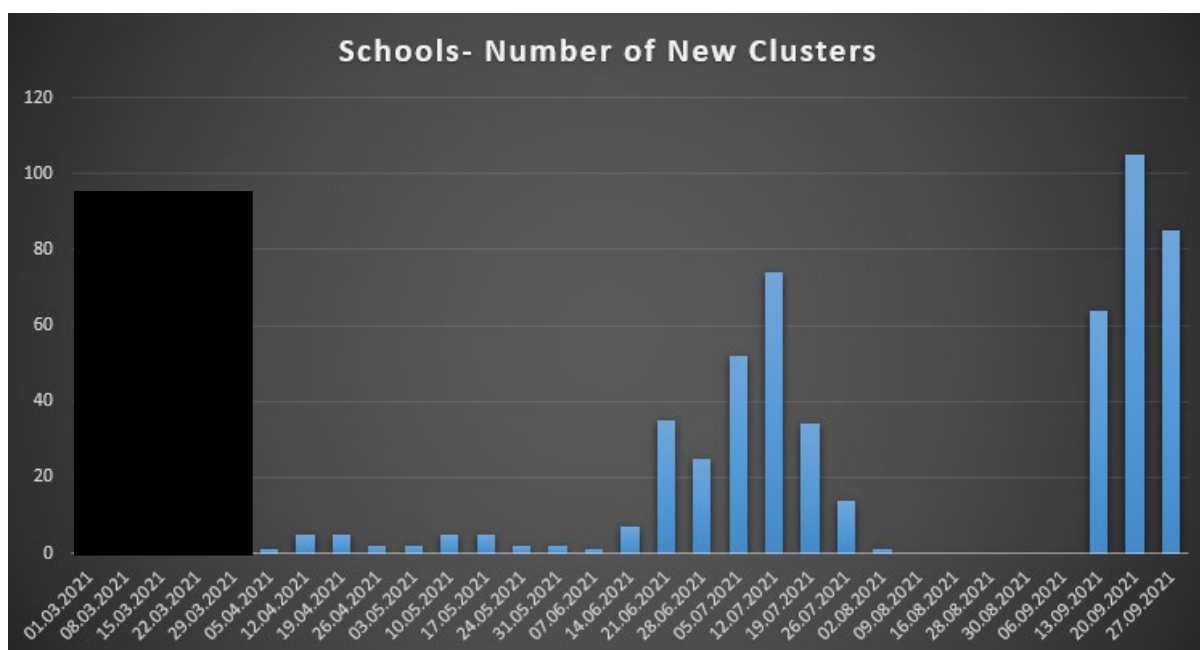


Educational Establishments

Teams were required to liaise with schools daily to manage cases and pupil exclusion. Advice was given regarding the management of school activities with respect to social distancing protocols and to help determine the safe working practices to limit the transmission of covid.

When a new variant of concern was identified, within Wales enhanced control measures and actions by local Outbreak Control Teams were required. For example, with the emergence of the Delta variant, any such confirmed cases in educational establishments would result in outbreak control meetings being called, entire school cohorts requiring isolation and proactive testing of contacts taking place (usually doorstep visits by local testing teams)

Key graphical stats:



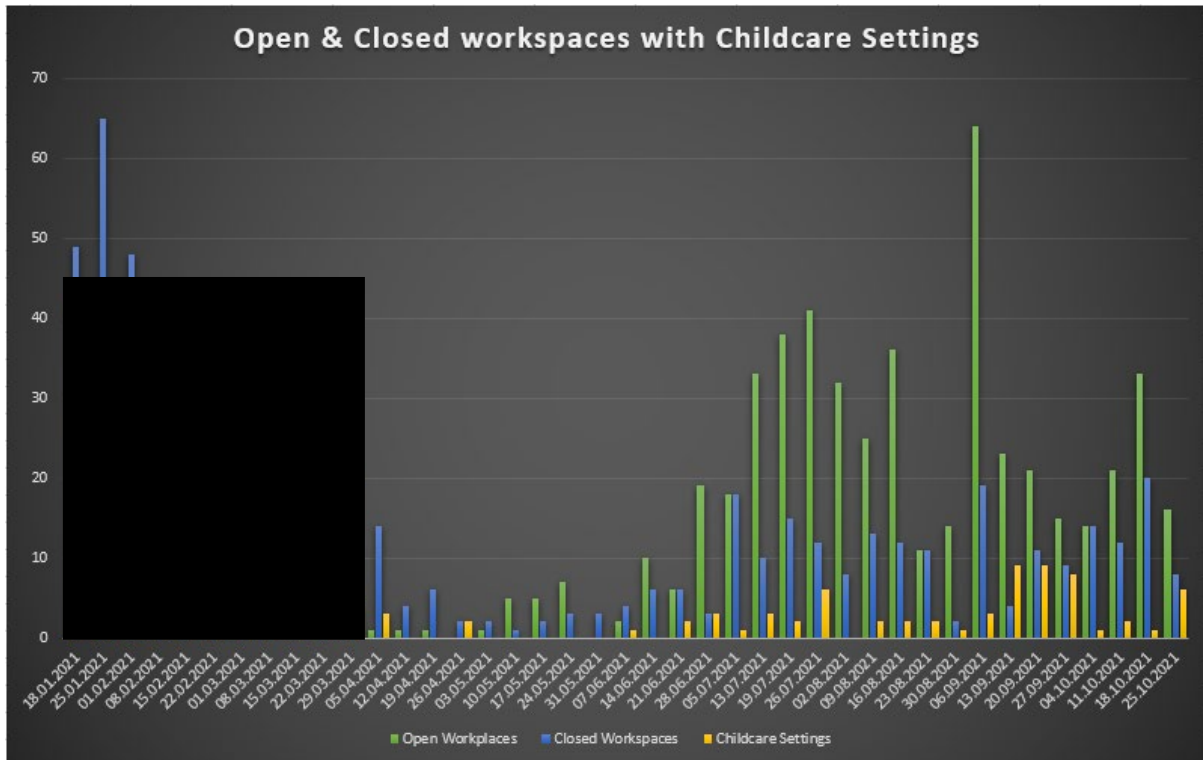
WC 12/7/21 and W/C 20/9/21 Public Protection teams had new clusters to investigate totalling 74 and 105, respectively.

See graph below for an indication of new clusters in childcare settings.

Workplace Clusters

Public Protection teams work diligently during the pandemic in investigating workplace clusters, and enforcing the many iterations of the Covid Restriction Regulations. These included premises that would typically be enforced by the Health and Safety Executive in relation to health and safety legislation

Key graphical stats:



Week commencing 6/9/21, Public Protection teams were dealing with 64 new clusters of covid in open workplaces.

As with Care Settings and Educational Establishments, these outbreaks would be supported by the Environmental Health Teams. This included:

- Identifying close contacts within the workplace to ensure compliance with self-isolation requirements
- Review Infection, Prevention and Control measures and provide additional guidance/recommendations where needed. This included both non-face to face (telephone calls, MS Teams Meetings) and face to face (site visits) interventions. Again, this included premises that would typically be enforced by the HSE for health and safety legislation
- In some instances, arranging testing of staff with local testing teams visiting the workplace
- Specific outbreak control team meetings taking place for larger outbreaks/clusters

*Data was collected from our local and regional IMTs as part of the SBAR process up until Feb 2022; figures for childcare and workplace clusters were not being collated by the end of October 2021. Schools' data was collected up until the end of September 2021.

Conclusion

The COVID-19 pandemic significantly impacted the work of public protection services and subsequent health and safety work undertaken by each local authority.

The above report demonstrates the volume and complicated nature of enforcement and associated support required throughout the pandemic which resulted in Local Authorities in Wales deviating from their planned Section 18 activities.

Whilst LAE1 returns have been submitted by each local authority it is hoped that the information contained within this report can be noted by the Health and Safety Executive to recognise the volume of work undertaken during this period and the unprecedented effort by public protection staff to control and prevent the spread of COVID-19.

APPENDIX 1: Lockdown and COVID-19 Restrictions timeline in WALES 2020

20 March 2020 - Closure of schools, hospitality and leisure facilities

- <https://gov.wales/statement-minister-education-kirsty-williams-school-closures-wales>
- <https://gov.wales/statement-first-minister-additional-measures-announced-prime-minister>

From 23rd March first lockdown – non-essential retail, schools, range of businesses closed (UK nations enter lockdown together)

From Mon 1 June

- 2 households in the same local able to meet outdoors.
- Stay local - not generally travelling more than 5 miles from home to reduce the risk of coronavirus spreading from one area to another.
- Allowing weddings and civil partnerships to take place if the bride or groom is terminally ill.

From Mon 22 June

- All non-essential retail allowed to reopen.
- Enabling private prayer in places of worship where social distancing is maintained and gatherings do not take place
- Restarting the housing market by enabling house viewings to take place in vacant properties and house moves where a sale has been agreed but not yet completed
- Lifting the restrictions on outdoor sports courts but social distancing must be maintained. No contact or team sports will be allowed
- Enabling non-professional elite athletes, including Olympic and Paralympic hopefuls, to resume training.

From Mon 29 June

- Pupils to return to school for check in, catch up sessions.

From Mon 6 July

- Stay local lifted. The legal requirement to stay local (and the associated guidance about the 5-mile rule of thumb) no longer applies.
- People from 2 separate households will be able to join together to form one exclusive, extended household. But they can only be part of one extended household.

From Saturday 11 July

- Self-contained accommodation in the tourism industry will re-open.

From Monday 13 July

- Vast majority of indoor attractions will be able to reopen.
- Organised outdoor activities will be able to resume, including team sports, sports classes and other activities, such as dance and fitness classes, where these can be conducted outdoors.
- Hairdressers and barbers, including mobile hairdressers, will open.

- Bars, pubs, cafes and restaurants will be able to open outdoors for the first time since lockdown, marking a major step forward for our hospitality industry.
- Changes to the social distancing rules. The law in Wales will continue to make a two metre social distance the default position, because that is the safest way to protect health. But our regulations will now also make provision for businesses where exceptional circumstances mean that a maintaining 2m is not possible.

From the 20 July

- Outdoor gyms, playgrounds and community centres will be able to reopen, helping with the provision of summer holiday childcare and play schemes.

From 27 July

- Close contact services, such as beauty salons, tattoo shops and nail parlours.
- The viewing of occupied homes for rent or sale will restart in the housing market.
- Campsites and other accommodation with shared facilities.
- Cinemas, museums and galleries.
- The requirement to wear a face covering on public transport will come into effect

From 3 August:

- The restrictions preventing more than two households or extended households meeting outdoors will be changed to allow up to 30 people to meet outdoors. Physical distancing must be maintained at all times.
- Pubs, bars, restaurants, cafes will be able to re-open indoors. As will indoor bowling alleys, auction houses and bingo halls.
- Licenced wedding venues will be able to re-open to provide wedding ceremonies. However, indoor receptions will not be able to take place for the time being – they will be considered as part of the changes for August 15.
- The guidance will be updated to relax the position on children under 11 having to maintain a 2m distance from each other or from adults. This reflects the scientific evidence, which shows the risk of transmission is lower among this age group. However, it is very important older children and young adults continue to follow social distancing and the other measures to keep them safe.

From 10 August:

- Swimming pools, indoor fitness studios, gyms, spas and indoor leisure centres will be able to re-open.
- Children's indoor play areas will be able to open.

From 22 August

- Extended households can expand to include up to four households in an exclusive, extended arrangement.
- Weddings and funerals will be able to include a meal for up to 30 people, in suitably socially distant settings.

From 28 August

- Indoor visits to adult and children's care homes resume.

From 29 August

- Casinos allowed to reopen, provided they follow the guidance available to them.

From 14 September

- Face coverings will be mandatory for everyone over 11 in public indoor spaces, such as shops. There will be exemptions for people who cannot wear face coverings for health or medical reasons, similar to those for public transport.
- Only a maximum of six people from the extended household will be able to meet indoors at any one time. This rule applies in pubs and restaurants as well as in people's homes. Children under 11 will not be counted in the six.

From 7 September

- Local restrictions imposed on Caerphilly.

From 16 September

- Local restrictions imposed on Rhondda Cynon Taf.

From 21 September

- New measures introduced to prevent a fresh coronavirus crisis
- Hospitality businesses in Wales to close at 10pm

From 22 September

- Local restrictions imposed on Blaenau Gwent, Bridgend, Merthyr Tydfil and Newport.

From 26 September

- Local restrictions imposed on Llanelli.

From 27 September

- Local restrictions on Cardiff and Swansea.

From 28 September

- Local restrictions imposed on Vale, Torfaen and Neath-Port Talbot.

From 1 October

- Local restrictions imposed on Wrexham, Flintshire, Denbighshire, Conwy.

From 3 October

- In local restriction areas adults living alone, including single parents, able to form a temporary bubble with another household.

From 9 October

- Local restrictions on Bangor.

From 23 October to 9 November

- Circuit break / fire break short lockdown introduced.
- Restrictions include People must stay at home, except for very limited purposes, such as for exercise. People must work from home wherever possible; People must not visit other households or meet other people they do not live with either indoors and outdoors;

From 9th November

New national rules come into force. Including:

- Maintain two metre social distancing and wear face masks in enclosed public places.
- Work from home whenever possible will remain;
- People should only meet with their 'bubble' in their own home and only two households will be able to form a 'bubble'.
- All premises, such as restaurants, cafes, pubs and gyms, closed during the firebreak, will be able to reopen. In such settings there will be a limit to groups of up to 4 people (not including any children aged under 11).
- People should avoid non-essential travel as much as possible.

In addition:

- All schools will reopen;
- Churches and places of worship will resume services;
- Local authority services will resume but based on local circumstances;
- Community centres will be available for small groups to meet safely indoors in the winter months.

From 4th December

Hospitality

- Pubs, bars, restaurants and cafes will have to close by 6pm and will not be allowed to serve alcohol. After 6pm they will only be able to provide takeaway services.
- Indoor entertainment venues, including cinemas, bingo halls, bowling alleys, soft play centres, casinos, skating rinks and amusement arcades, must close.
- Indoor visitor attractions, such as museums, galleries and heritage sites will also have to close. Outdoor visitor attractions will remain open.
- There will be no changes to household bubbles, how many people can meet in public indoor or outdoor places or restrictions on other businesses.

Travel

- Wales' coronavirus regulations amended to prohibit travel to and from tier three areas in England; level three and four areas in Scotland and the whole of Northern Ireland, which is currently in lockdown.
- Guidance strongly advising people in Wales not travel to other parts of the UK with lower levels of coronavirus – tier one and two areas in England or level one and two areas in Scotland – to help control the spread of the virus.

From 6pm Christmas Eve midnight December 19 alert level 4 introduced

- People must stay at home, except for very limited purposes.
- People must not visit other households, or meet other people they do not live with
- All non-essential retail, including close contact services and all leisure and fitness centres will close.
- All hospitality premises close.
- Travel limited to essential travel only.

Dec 25th Christmas bubbles

- Two households can come together to form a Christmas bubble on Christmas Day only.
- Throughout the alert level four period, a single person household will be able to join with one other household.
- (It had been previously announced that from December 23 to 27 people can travel around the UK and form an exclusive Christmas bubble.)

2021

8 Jan – FM confirms alert level 4 restrictions to stay in place

29 Jan – FM confirms alert level 4 restrictions to stay in place but with two minor amends

- A maximum of two people from different households will be able to exercise outdoors together, as long as they maintain social distancing. This must involve exercise starting from and finishing from home – driving for exercise to beauty spots should still not take place.
- If a support bubble arrangement has broken down, a new one can be formed as long as there is gap of 10 days before doing so.

20 Feb alert level 4 to continue. Some minor amends

- From Saturday 20th February four people from two different households will be able to meet outdoors for socially distanced local exercise. This doesn't apply to private gardens.
- Sport Wales will make arrangements for more of our talented athletes to resume training and playing.

From 27 February – support bubbles for households with children under one

- Households with 1 or more children under the age of 1 will be able to form a support bubble with 1 other household.
- If you are 16 or 17 years old and live alone, or with others of the same age without any adults, you will be able to form a support bubble with 1 other household.

From 1 March – wedding venues

Venues that are 'approved premises' may open only for the purpose of hosting:

- a wedding or civil partnership ceremony
- an alternative wedding ceremony such as a humanist wedding

From Saturday March 13 – Stay at home replaced with stay local

- Stay home rule replaced with stay local, meaning people can leave their homes and travel within their local area – usually within five miles.
- No more than four people from two households will be able to meet in their local area outdoors, including in gardens. Children under 11 and carers do not count towards this limit. There must be no indoors mixing and social distancing should be followed.
- Outdoor sports facilities can reopen, including tennis courts, golf courses and bowling greens. A maximum of four people from two households can take part in activities using local sports facilities.
- Indoor care home visits can resume for one designated visitor, with the permission of the care home.

From Monday 15 March – all primary school children return to class:

- All primary pupils and those in qualifications years will return. Schools will have the flexibility to bring in year 10 and 12 pupils, to support them to progress to the next stage of their learning, and more learners will return to colleges. There will also be flexibility for in-school check-ins for all other pupils. All learners will return after the Easter break.
- Hairdressers and barbers can reopen by appointment only to cut hair.

From Monday 22 March – start of non-essential retail reopening

- The first steps to re-open non-essential retail will begin. Restrictions on the sale of non-essential items will be lifted for those shops, which are currently open.
- Garden centres will also reopen.

From 27 March – lifting of stay local

- Self-contained holiday accommodation, including hotels with en-suite facilities and room service, will be able to reopen to people from the same household or support bubble.
- The stay local rule will be replaced by an interim all-Wales travel area, which will remain in place until April 12, subject to the public health situation. For the next two weeks, only those with a reasonable excuse, such as work, will be able to travel into or out of Wales.

- The current restrictions on international travel for holidays will remain in place.
- Six people from two different households, excluding children under 11, will be able to meet and exercise outdoors and in private gardens
- Organised outdoor activities and sports for children and under 18s will be able to resume.
- There will be a limited opening of outdoor areas of some historic places and gardens.
- Libraries and archives will be able to re-open.

From Monday 12 April:

- The full return of children to schools for face-to-face education, all post-16 learners will return to further education and training centres, and university campus' will be able to open for blended face-to-face/online learning for all students
- All remaining shops will reopen, completing the phased reopening of non-essential retail
- All remaining close contact services will open, including mobile services
- Travel restrictions on traveling into and out of Wales will be lifted. However, restrictions on travel to countries outside the Common Travel Area without a reasonable excuse, remain in place. The Common Travel Area means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland
- Wedding 'show-arounds' by appointment are allowed
- Restrictions on political canvassing are removed, subject to canvassers doing so safely

From Saturday 24 April:

- The rule of 6 will allow for up to six people from six households to meet outdoors, not including children under 11 years of age or carers from those households.

From Monday 26 April:

- Outdoor attractions, including outdoor swimming pools, funfairs and theme parks, will be allowed to reopen.
- Outdoor hospitality can also resume, including at cafes, pubs and restaurants.
- Organised outdoor activities for up to 30 people will be able to take place and weddings receptions, funerals and wakes can begin again outdoors for up to 30 people.

From Monday 3 May (Wales completed the move to Alert Level 3)

- Gyms, fitness facilities, leisure centres, spas and swimming pools can reopen.
- Extended households will be possible, allowing 2 households to come together to form an exclusive bubble who can meet and have contact indoors.

Relaxations planned for 17 May brought forward to the 3 May, including:

- Organised children's indoor activities can recommence, such as sporting, cultural and wider recreational groups and clubs. Children's birthday parties, or wider gatherings of families and friends in private homes are still not allowed.

- Organised indoor activities for adults can also recommence for up to 15 people, including, exercise classes and swimming lessons.
- Community centres can reopen.

Relaxations from 17 May, with move to Alert Level 2 & resumption of some international travel

- Indoor hospitality can re-open – six people from up to six households (not including children under 11) can book;
- All holiday accommodation can re-open fully;
- Entertainment venues, including cinemas, bingo halls, bowling alleys, indoor-play centres and areas, casinos, amusement arcades, and theatres can re-open. Cinemas, theatres concert halls and sports grounds can sell food and drink as long as it is consumed in a seated area for watching the performance;
- Indoor visitor attractions, including museums and galleries can re-open;
- Up to 30 people can take part in organised indoor activities and up to 50 people in organised outdoor activities. This includes wedding receptions and wakes.
- International travel will resume from Monday 17 May. A traffic light system, aligned with England and Scotland, will be introduced. Countries will be classified as green, amber and red. This means people living in Wales will be able to travel to a small number of foreign destinations without the need to quarantine on their return. Mandatory quarantine for countries not on the green list remains in place.

From 7 June – phased move to Alert Level 1

- Up to 30 people can meet outdoors, including in private gardens, outdoor hospitality and public places.
- Larger outdoor organised gatherings and events, such as concerts, football matches and sporting activities, like organised running groups can go ahead for up to 4,000 people standing and 10,000 people seated. All organisers planning events and activities must undertake a full risk assessment and put in place measures to prevent the spread of coronavirus, including social distancing.

From 21 June – pause in full move to Alert Level 1

Rule changes on hold for 4 weeks as delta spreads, but some technical amendments:

- The number of people who can attend a wedding or civil partnership reception or wake, organised by a business in an indoors regulated premise, such as a hotel, will be determined by the size of the venue and a risk assessment.
- Clarifying small grassroots music and comedy venues will be able to operate on the same basis as hospitality venues, like pubs and cafes.

- Primary school children in the same school contact group or bubble will be able to stay overnight in a residential outdoor education centre.
- Pilot events in theatre, sport and other sectors will also continue throughout June and July.

From 17 July, Wales will move fully to alert level one, including:

- Up to six people can meet indoors in private homes and holiday accommodation.
- Organised indoor events can take place for up to 1,000 seated and up to 200 standing.
- Ice rinks can reopen.

Wales will also take the first step into alert level zero.

Also from 17 July other changes include:

- New rules for children's residential activity centres so children in groups of up to 30 can visit.
- A specific requirement for employers to provide comprehensive information on the risks and mitigations identified in the COVID risk assessment with their employees.

From 7th August move to Alert Level 0

Wales will be moved to alert level zero at 6am on 7 August.

At alert level zero:

- There will be no legal limits on the number of people who can meet, including in private homes, public places or at events.
- Businesses which were required to be closed will be able to re-open. This includes nightclubs.
- Premises which are open to the public and workplaces will have more flexibility about which reasonable measures they take to minimise the risk of coronavirus. But these should be tailored to their risk assessment and their specific circumstances.
- Face coverings will not be a legal requirement in hospitality settings where food and drink is served, but the Welsh Government continues to encourage their use in settings where this is practical.
- Also on 7 August (from 00.01), adults who are fully vaccinated and children and young people under 18, will no longer need to isolate if they are identified as close contacts of someone who has coronavirus.

However, three important rules remain:

1. Everyone must continue to isolate for 10 days if they have Covid-19 symptoms or if they have a positive test result.
2. Face coverings will continue to be required in most indoor public places in Wales, including on public transport, in shops and in healthcare settings. There will be exemptions for people who cannot wear them, as there are currently.
3. All those responsible for premises open to the public and workplaces must carry out a Covid risk assessment and continue to take reasonable measures to minimise the risk of exposure to coronavirus.

From 28th August 2021

- No substantive changes in this regulation cycle.
- Some small amendments are being made to help simplify and clarify existing rules.
- This includes people attending wedding and civil partnership ceremonies no longer being legally required to wear a face covering, in line with the exception already in place for wedding receptions.

From 11 October – introduction of COVID passes for some venues

From 07.00 on the 11 October, the existing NHS Covid Pass will become compulsory for everyone attending:

- Nightclubs and similar venues;
- Indoor non-seated events for more than 500 people. This would include conventions and concerts;
- Outdoor non-seated events for more than 4,000 people;
- And any setting or event for more than 10,000 people, such as a rugby or football match. (To note that the limits are applicable on the number of people attending rather than the capacity of a building or stadium)

From 29 Oct – Strengthened measures to reduce high coronavirus cases in Wales

Wales will remain at alert level zero but some extra measures will be taken to protect people's health.

- The guidance around self-isolation is changing. Adults who are fully vaccinated and children and young people aged five to 17 will be asked to self-isolate until they have received a negative PCR test if someone in their household has symptoms or tests positive for Covid-19.

- People who are not vaccinated will still have to self-isolate for 10 days following contact with someone who has tested positive, including close contacts outside of their household.
- Head teachers will be given extra support to quickly put measures in place in their schools if case rates are high locally.
- Staff and secondary school students will also be encouraged to take twice-weekly lateral flow tests to help keep coronavirus out of schools.
- And, while coronavirus cases remain very high, the Welsh Government intends to extend the use of COVID Pass to theatres, cinemas and concert halls from 15 November. These are settings where large numbers of people gather indoors, close to each other, for long periods at a time.

From 15 November 2021 – extension of use of NHS COVID pass

- Following the vote NHS COVID Passes will be needed in cinemas, theatres and concert halls from Monday 15 November.

From 10 Dec – flow before you go, but Wales stays at Alert Level 0.

Wales will remain at alert level zero after the latest review of the COVID regulations. However, with the spread of the Omicron variant, the Welsh Government is strongly advising:

- People flow before they go. This means taking a lateral flow test before going out – whether that's to a Christmas party; Christmas shopping; visiting friends or family; going to any crowded or busy place or before travelling.
- If the test is positive, don't go out. Arrange for a PCR test and self-isolate.
- People to wear face coverings in pubs and restaurants, when they aren't eating or drinking. Everyone must wear face coverings in most other indoor public places, in accordance with the law, including in cinemas and theatres.

We are also making three changes to the regulations to:

- Clarify that people face coverings must be worn in theatres, cinemas or concert halls (except when eating or drinking or when at in-house cafes or bars)
- Require face coverings to be worn during a professional driving lesson or practical test;
- Remove proof of natural immunity from the domestic version of the Covid Pass.
- The changes on face coverings will come into force on Saturday 11 December and their purpose is to remove any ambiguity from the regulations.

From 16 Dec - new advice to keep Wales safe this Christmas

- The Welsh Government issued strong guidance to support people across Wales through the Christmas period.
- FM asked people to have a smaller Christmas and avoid meeting "wider circles of friends" - however, this is only guidance, not law.

- Welsh Gov also trailed Wales will introduce new restrictions, including for businesses and services – from 27 December. This will include a 2m rule on social distancing in offices and putting extra measures in place to protect customers and staff, such as one-way systems and physical barriers.
- Nightclubs will also close.

From 20 Dec – Sporting events to be played behind closed doors as omicron cases rise (this decision superseded by the below)

- Sporting events will be played behind closed doors from Boxing Day in Wales to help control the spread of the new omicron variant.
- Economy Minister Vaughan Gething announced the new measures for indoor and outdoor sporting events as the latest figures showed a further steep rise in the number of confirmed cases of the fast-moving variant.

From 6am Boxing Day 26 Dec 2021 a revised version of alert level 2 comes into force.
The measures mean:

- A general requirement of 2m social distancing in all premises open to the public and workplaces, where reasonable.
- The rule of 6 will apply to gatherings in regulated premises, such as hospitality, cinemas and theatres.
- All licensed premises will need to take additional measures to protect customers and staff, including table service and collecting contact details.
- Face coverings will be required in hospitality settings at all times apart from when seated.
- Large events will not be allowed indoors or outdoors. The maximum number of people who can gather at an indoor event will be 30 and 50 outdoors.
- There will be an exception for team sports, up to 50 spectators will be able to gather, in addition to those taking part. There is also an exception for events involving children.
- Last week new measures were announced for workplaces and retail – these will now come into force on Boxing Day. Nightclubs will also close on Boxing Day.
- The Welsh Government will not be making new rules about mixing in people's private homes, including gardens, in holiday accommodation or meeting outdoors. Instead guidance will be issued to help people stay safe.

To help you stay safe in your own home, we strongly advise everyone follows these 5 measures:

- Limit the number of people visiting your home.
- If people are visiting, make sure they take a lateral flow test in the morning before the visit.
- Meeting outdoors is better than indoors. If you're meeting indoors make sure it's well ventilated.
- Space out any visits.
- And don't forget about social distancing and washing your hands.

There will be a separate offence for large gatherings – more than 30 people indoors or 50 people outdoors – in private homes and gardens.

2022

From 15 January 2022 changes to outdoor activities and announcing exit plan to return Wales back to Alert Level 0

From 15 Jan, the number of people who can be present at outdoor events will rise from 50 to 500.

From Friday 21 January, Wales would move to alert level zero for all outdoor activities

This means there will be no limits on the number of people who can take part in outdoor activities.

- Crowds will be able to return to outdoor sporting events.
- Outdoor hospitality would be able to operate without additional reasonable measures.
- The Covid Pass will be required for entry to larger outdoor events.

If the downward trend continues, from Friday 28 January, Wales would move to alert level zero for all indoor activities.

- Nightclubs will be able to re-open.
- Working from home would remain important but it would no longer be a legal requirement.
- Businesses, employers and other organisations must undertake a specific coronavirus risk assessment and take reasonable measures to minimise the spread of, coronavirus.
- The Covid Pass will be required to enter larger indoor events, nightclubs, cinemas, theatres and concert halls.
- The rule of 6, table service and 2m physical distancing no longer required in hospitality.
- The self-isolation rules for all those who test positive for covid and the face-covering rules for most public indoor places will remain in force after 28 January.

25 January – International Travel

Via a written statement issued on 25 January, the Welsh Government confirmed it saw a greater opportunity for individuals to return to making decisions based on their own circumstances. On that basis, and because of the vaccination success we will no longer advise people to only travel overseas if their journey is essential.

In addition, it noted that from 4am on Friday 11 February (see below), the rules for travellers arriving in the UK are being relaxed. Fully-vaccinated arriving travellers will not be required to take a test on or before day two and unvaccinated arriving travellers will not be required to take a day eight test or self-isolate for 10 days following arrival.

These changes would be made given the significant practical difficulties associated with diverging from the arrangements announced (24 Jan) by the UK Government for England, as a significant number of Welsh travellers use English airports and ports.

28 January – Wales completes move to Alert Level 0

On Friday 28 January, the First Minister announced that Wales had completed the move to alert level 0.

This means:

- Nightclubs can re-open.
- The general requirement of 2m social distancing in all premises open to the public and workplaces will be removed.
- The rule of six will no longer apply to gatherings in regulated premises, such as hospitality, cinemas and theatres.
- Licensed premises will no longer need to only provide table service and collect contact details.
- The Covid Pass will continue to be required to enter larger indoor events, nightclubs, cinemas, theatres and concert halls.
- Working from home will remain important but it will no longer be a legal requirement.
- Businesses, employers and other organisations must continue to undertake a specific coronavirus risk assessment and take reasonable measures to minimise the spread of coronavirus, which may include 2m social distancing or controlled entry.
- Face-covering rules, which apply on public transport and in most public indoor places will remain in force after 28 January, with the exception of hospitality settings such as restaurants, pubs, cafes and nightclubs.
- Everyone must also continue to self-isolate if they test positive for coronavirus but the Welsh Government has reduced the self-isolation period from 7 to 5 full days. People should take 2 negative lateral flow tests 24 hours apart on days 5 and 6. The self-isolation support scheme payment will return to the original rate of £500 for all those who are eligible.

11 February – Coronavirus protections relaxed as cases fall

Further changes confirmed on 11 Feb, following the first three-week review of Wales' alert level zero measures, and due to levels of infection falling.

- From Friday 18 February, the domestic Covid Pass will no longer be required for entry into indoor or outdoor events and venues, including nightclubs, cinemas, theatres and concert halls. But events and venues can continue to use it if they choose to.
- The international Covid Pass will continue to be integral to arrangements for safer international travel. Travellers will need to check the relevant countries' rules for entry, including any different requirements for children.
- From Monday 28 February, the requirement to wear face coverings will be removed from most indoor public places, apart from in retail, public transport and health and care settings.

- If the public health conditions continue to improve, the legal requirement to wear face coverings in all remaining settings could be lifted by the end of March.
- Schools will return to using their local decision framework from 28 February and from 11 February the guidance will be updated to make it clear adults can remove their face coverings when they are interacting with babies and small children at baby and toddler groups.
- Requirement to self-isolate if tested positive for Covid remains.
- Welsh Government also announced intention to publish a plan setting out how Wales will move beyond alert level zero and the emergency footing on which we have been operating for nearly two years.

11 February – changes to International Travel to the UK

From 4 a.m. on 11 Feb:

- Fully vaccinated passengers (who have had their full primary courses) will no longer need a pre-departure test two days before travelling to the UK. The only requirement will be for them to complete a Passenger Locator Form.
- Unvaccinated travellers or ineligible travellers should complete a Passenger Location Form, a pre-departure test within two days of their scheduled departure, and a PCR arrival test taken on or before day two.
- All under-18s, regardless of their vaccination status, can now enter the UK without a pre-departure test.

18 February – legal requirement to show Covid Pass in certain venues and events in Wales lifted

Domestic COVID Pass no longer required for entry into indoor or outdoor events and venues, including nightclubs, cinemas, theatres and concert halls. But events and venues will be able to continue to use it if they choose to.

The international COVID Pass will continue to be integral to arrangements for safer international travel. Travellers will need to check the relevant countries' rules for entry, including any different requirements for children.

28 February – Face Coverings

People will no longer be legally required to wear face coverings in a range of indoor places, including cinemas, theatres, community centres, museums and gyms.

Face coverings will continue to be a legal requirement for adults and children aged 11 and over, unless exempt, in all retail settings, on public transport and in health and care settings.

Official guidance will also continue to highlight the importance of face coverings as one means of helping keep people safe.

Face coverings will no longer be routinely required in classrooms but they should continue to be worn in communal areas in secondary schools.

4 March – No changes to remaining restrictions under Alert Level Zero

Following the 3-weekly review on 3 March, the following legal restrictions remain:

- face coverings legally required only in retail, public transport and health and care settings
- you must continue to self-isolate if you have symptoms or a positive test
- workplaces and premises open to the public must continue to do coronavirus risk assessments

If the current public health situation remains stable, all remaining restrictions will be removed on 28 March. Law will become guidance.

Covid Transition Plan: Together for a safer future: Wales' long-term COVID-19 transition from pandemic to endemic launched on 4 March. It is a long-term plan marking the start of Wales' transition beyond the emergency response to the pandemic which has been in place for two years.

Together for a Safer Future sets out how Wales will live with coronavirus, just as we live with many other infectious diseases, and what that will mean for the many public health services and protections Wales has put in place, including vaccine and testing services.

The next 3-weekly review of restrictions under Alert Level 0 is on 24 March.



The Management of Legionella and Infectious Diseases Associated with the Use of Spa Pools & Hot Tubs

Assessment of health and safety compliance across leisure, hospitality, retail sales & holiday let sectors in Shared Regulatory Services region: September - November 2022



Background and Evidence Base

The Shared Regulatory Services health and safety service plan for 2022-23 is directed by Local Authority Circular (LAC) 67/2 (revision 11), "Setting Local Authority Priorities and Targeting Interventions", which is guidance made under Section 18 of the Health and Safety at Work etc. Act 1974 and assists Local Authorities (LAs) target its finite resources with a clear focus on delivering specific outcomes. To facilitate a more consistent and proportionate approach to regulatory interventions, LAC 67/2 sets out the Government expectations of a risk-based approach to targeting, and sets out principles to enable LAs to comply with the requirements of the National Local Authority Enforcement Code. The document also incorporates an annual list of national planning priorities within its Annex A, as well as a list of specific work activities considered to be suitable for proactive inspection (Annex B).

Following a number of cases and outbreaks of Legionella across the UK associated with the display or demonstration spa pools and hot tubs, Annex A has now identified this theme as an appropriate intervention for LAs. The emphasis is for Environmental Health teams to raise awareness of the risks associated with display spa pools and hot tubs with duty holders, and promote careful management to ensure that water quality does not encourage microbial growth and pose risks to people in the vicinity.

LAC 67/2 also recognises that LAs will have access to local level intelligence about poor performers, matters of evident concern and specific local priorities. During 2018-2019 a cluster of 12 confirmed cases of Legionella were reported in the Vale of Glamorgan, and despite extensive investigation by multi-agency stakeholders, including the sampling of cooling towers in the locale, a common source of infection could not be determined. A number of subsequent confirmed cases of Legionella pneumophila reported across the Shared Regulatory Services (SRS) region have cited the use of hot tubs during their incubation period, including within a domestic setting.

Public Health Wales (PHW) also publicised a warning in August 2022 following an increase in confirmed case numbers of Legionnaires Disease over the previous 12 months associated with the use of spa pools and hot tubs.

<https://www.walesonline.co.uk/news/wales-news/warning-issued-hot-tub-owners-24822453>

On consideration of national planning priorities, PHW case data and local level intelligence, it was therefore deemed appropriate for SRS to carry out an intervention to assess how the risk of Legionella associated with hot tub and spa pool use was being managed across Bridgend, Cardiff and the Vale of Glamorgan.

SRS further elected to extend the scope of the intervention to consider the management of other infectious diseases, including Cryptosporidium and Giardiasis, as a natural extension of the 2018/19 project that considered the management of Cryptosporidium in leisure pools. The key outcomes of that intervention highlighted:

- A third of all operators visited failed to provide adequate health information to clients to deter people experiencing sickness and diarrhoea from using the facility.
- Not all operators provided facilities for patrons to shower before accessing leisure waters.
- High staff turnover in the leisure sector was negatively impacting business resilience and staff competencies for managing pool plant systems.

- Management systems often lacked specificity for the plant installation at the venue.
- Staff often struggled to apply theoretical knowledge to real life situations and it was not uncommon for out of parameter water quality test results to be recorded without corrective actions being instigated.

Since hot tubs and spa pools were out-of-scope of the 2018/19 project, it was deemed appropriate to consider the management of these additional biological hazards when engaging with duty holders.

Microbiological Hazards Associated with Hot Tubs & Spa Pools

Spa pool and hot tub installations comprise of a self-contained body of warm, agitated water designed for lying or sitting in. The water is generally maintained between 30-40°C, which is filtered and chemically treated. Appliances are fitted with air-jet circulation devices, with or without air-induction bubbles, so have the ability to create and disseminate breathable droplets and aerosols. Since spa pools and hot tubs have a much higher ratio of bathers to water volume than swimming pools, water quality will quickly deteriorate due to a build-up of organic materials (*e.g. sweat, dead skin, cosmetics, urine and faecal matter, detergent residues, saliva, mucus and hair*) if they are poorly designed or managed.

Commercial Spa Pools: Typically built in-situ using standard, factory manufactured parts. Fitted with a filter, continuous chemical feeder system (linked to a plant room) and a separate balance tank (for water circulation and turnover). More suitable for higher bather loads, more continuous bathing and when user numbers cannot be predicted.

Domestic Spa Pools (holiday lets): Suitable for small bather loads only. Water is changed weekly or after each period of hire (whichever is soonest); typically disinfection via an in-line system.

Hot Tubs: Are self-contained units which can be used indoors and outdoors. Are filled with chemically treated water, above 30°C, and fitted with air jets for water aeration. Are not fitted with a balance tank and the water is typically not changed, drained or cleaned after each use. Suitable for use by a small number of users and less frequent bathing.

Legionellosis is a collective term for diseases caused by legionella bacteria, including *Legionella pneumophila*. Legionnaires Disease is a potentially fatal form of pneumonia, particularly if an individual is immuno-compromised. There is a heightened risk of infection with increasing age (particularly if over 45 years); in smokers and heavy drinkers; for people with pre-existing respiratory disease; and where individuals have health conditions such as cancer, diabetes, heart and kidney disease.

Legionella pneumophila is commonly found in natural water sources, but are usually low in number. However, when water is found in purpose-built water systems where temperatures are maintained between 20-45°C; water is recirculated; water stagnation is likely; biofilm will be present; and scale and rust may exist, conditions become favourable for the proliferation of the Legionella bacteria. Spa pools and hot tubs satisfy these operational parameters if poorly managed and are therefore pose a significant risk for Legionella.

Cryptosporidiosis and *Giardiasis* are microscopic protozoan infections which can cause symptoms such as profuse watery diarrhoea and cramping abdominal pain in humans. The modes of transmission include person-to-person spread and bathing in contaminated water sources; including leisure waters such as spa pools and hot tubs. The illnesses are spread via Oocysts which appear in the faeces of infected people at the onset of symptoms, and can continue to be excreted for several weeks - even after symptoms have subsided. The main problem with Oocysts is their ability to be highly resistant to chemical disinfectants; including normal operating levels of chlorine in a spa pool or hot tub. Oocysts can survive for months in moist environments with ambient air temperatures, so can successfully persist in water, presenting an infection risk, unless removed. Oocysts are either removed from leisure pool waters by using a combination of super-chlorination and filtration, or flocculation and filtration; depending on the type of installation.

The presence of *E. coli* in leisure water is an indication of the presence of faecal matter and confirms that the water treatment regime has failed to control the contaminant.

Cases of folliculitis (*infection of hair follicles*) are often associated with the use of spa pools and hot tubs, and occur as a result of infection from *Pseudomonas aeruginosa* bacteria. Whilst this bacteria is ubiquitous in the environment, its ability to form biofilms in water enables it to survive residual chlorine levels < 1 mg/litre. Poor water quality management facilitates person-to-person spread and infection via contact with contaminated water and surfaces. *Pseudomonas* can enter the body via skin follicles, broken skin, and mucous membranes and may present as ear discharge; skin rash; eye redness and swelling; joint pain or pus in wounds.

Legislative Controls

The legislative framework relevant to the control and management of biological hazards associated with the commercial operation of spa pools and hot tubs is:

- The Health and Safety at Work etc. Act 1974; Sections 2 & 3
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Management of Health and Safety at Work Regulations 1999, *as amended*
- L8 (2013) Approved Code of Practice, Legionnaires' Disease: The Control of Legionella Bacteria in Water Systems
- HSG274 Part 3, Legionnaires' Disease Technical Guidance: The Control of Legionella in Other Risk Systems
- HSG282 (2017), The Control of Legionella and Other Infectious Agents in Spa-Pool Systems

Aims of the Intervention

- To identify how duty holders were managing the risk of exposure to Legionella in all spa pools and hot tubs under their control.
- To identify how duty holders were management the risk of exposure to other communicable diseases in all spa pools and hot tubs under their control.
- To identify if duty holders were managing wider health and safety risks associated with spa pools and hot tubs.

Preparation and Scope of the Intervention Visits

The spa pool and hot tub intervention for 2022/23 only included businesses which fell to SRS for health and safety enforcement. Project visits expressly excluded all facilities owned/operated by the Local Health Board or private hospitals (*e.g. therapeutic facilities*), and facilities operated by members of the public in their own domestic setting. Operators of swimming pools were specifically excluded from the scope of this project intervention; however, Officers did provide support where requests for advice were made.

The intervention focused on premises that had spa pools and hot tubs available for use in leisure and hospitality settings; premises where spa pools and hot tubs were on display for retail sale or could be used for demonstration purposes prior to purchase; and private holiday home rentals offering such facilities for financial gain and rental arrangements exceeded 20 weeks per year.

A total of 50 premises were initially identified as being suitable for this project intervention.

- BRIDGEND 4 retail; 1 hotel; 3 leisure facilities; 3 holiday rentals
- CARDIFF 6 retail; 8 hotels; 6 leisure facilities; 2 adult 'massage' venues; 2 holiday rentals
- VALE 4 retail; 2 hotels; 9 holiday rentals

Premises were identified from the Tascomi database used by the service, complaint referrals and internet searches.

All businesses received a letter to advise that unannounced project visits would be taking place from mid-July 2022; the reason for the intervention; and what documentation would be required by the inspecting Officer. All duty holders were also sent a copy of a SRS produced guidance leaflet, with checklist, for the control of Legionella for commercial hot tubs and spa pools.

All Officers allocated project visits attended a 1 day PWTAG accredited hot tub/spa pool training course prior to the project commencing. An in-house team briefing was also held to discuss any particular concerns about the visits; suitability of the work plan and visit proforma before all visits started.

A project work plan, and visit proforma, were developed by the assigned Project Lead Officer to ensure consistency amongst all Officers engaged in the visits.

Whilst domestic use spa pools and hot tubs were beyond the scope of this intervention, the team recognised the need to communicate key messages to home owners about the risk of Legionella and measures they could take to mitigate those risks. The SRS advice sheet for households on the safe use of

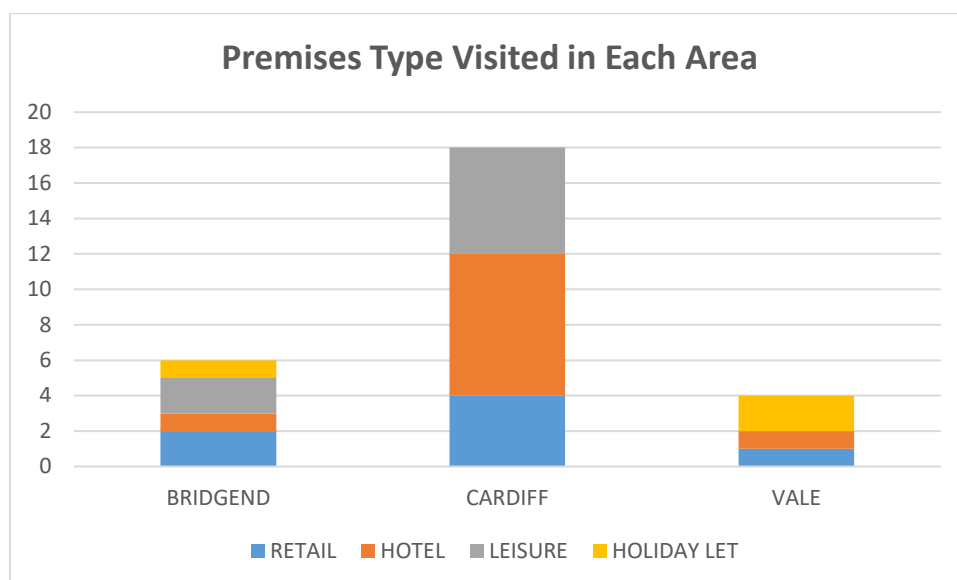
domestic spa pools and hot tubs was uploaded to the SRS website alongside the guidance produced for commercial operators. All communications were available in both English and Welsh.

The service also engaged with partners in Welsh Government to explore opportunities for communicating key messages about spa pools and hot tubs across the tourism sector. Links to the SRS advice leaflets were included in Welsh Government communications with commercial partners in the holiday let sector to broaden the impact of the proactive intervention.

Significant Findings of the Intervention Visits

A total of 28 spa pools and hot tubs out of the initial sample of 50 were inspected as part of the project intervention. The impact of the COVID-19 pandemic and current cost of living crisis meant that a number of businesses had either ceased trading or elected to decommission their spa pools/hot tubs for the foreseeable future. Where Officers identified that installations had been taken out of use, duty holders were signposted to key guidance documents and provided with relevant advice in the event that facilities could be re-commissioned in due course.

AREA	RETAIL	HOTEL	LEISURE	HOLIDAY LET	Total
BRIDGEND	2	1	2	1	6
CARDIFF	4	8	6	0	18
VALE	1	1	0	2	4
Total	7	10	8	3	28



Officers experienced significant challenges engaging with operators of holiday rentals identified from searches of Airbnb and Vrbo, primarily due to a lack of direct contact information on the websites. Consequently the sample size of holiday lets actually visited in this intervention was significantly reduced.

- **Adequacy of Operator Training & Normal and Emergency Operating Procedures**

To effectively manage the risk of Legionella and other biological hazards (*such as Cryptosporidium, Giardia and Pseudomonas*) it is critical that every spa pool / hot tub operator has a well-defined Normal Operating Procedure (NOP) and Emergency Action Plan (EAP) that directly relates to the system in use at the business. The project required Officers to audit water safety management plans at all spa pools and hot tubs visited, including the monitoring records of water chemistry tests and sampling.

Whilst all hotels and leisure facilities visited across the SRS region were found to have documented Legionella risk assessments, NOPs and EAPs, Officers did identify a number of concerns associated with some of the documented management systems being audited.

- ✚ Several sites did not have readily accessible documented management systems and either had to forward copies of procedures to the visiting Officer electronically, or ensure they were available for review during a pre-arranged revisit.
- ✚ In settings where documented management systems were not readily accessible, it was not uncommon for staff to have a poorer level of awareness of actions to take when water quality monitoring checks were out of the prescribed parameters.
- ✚ A couple of premises had changed their spa pool/hot tub primary disinfection chemical but had not updated their risk assessments, NOP or EAP to reflect this change. The acceptable range for free chlorine in a spa pool is 3-5mg/l, and 4-6mg/l for bromine, so a failure to update procedures after altering the spa pool chemistry could significantly increase the potential for exposure to biological hazards.
- ✚ One leisure setting had incorrectly based its spa pool procedures on the wrong HSE guidance, using HSG179 "Health and Safety in Swimming Pools" instead of HSG282 "The Control of Legionella and Other Infectious Agents in Spa-Pool Systems".

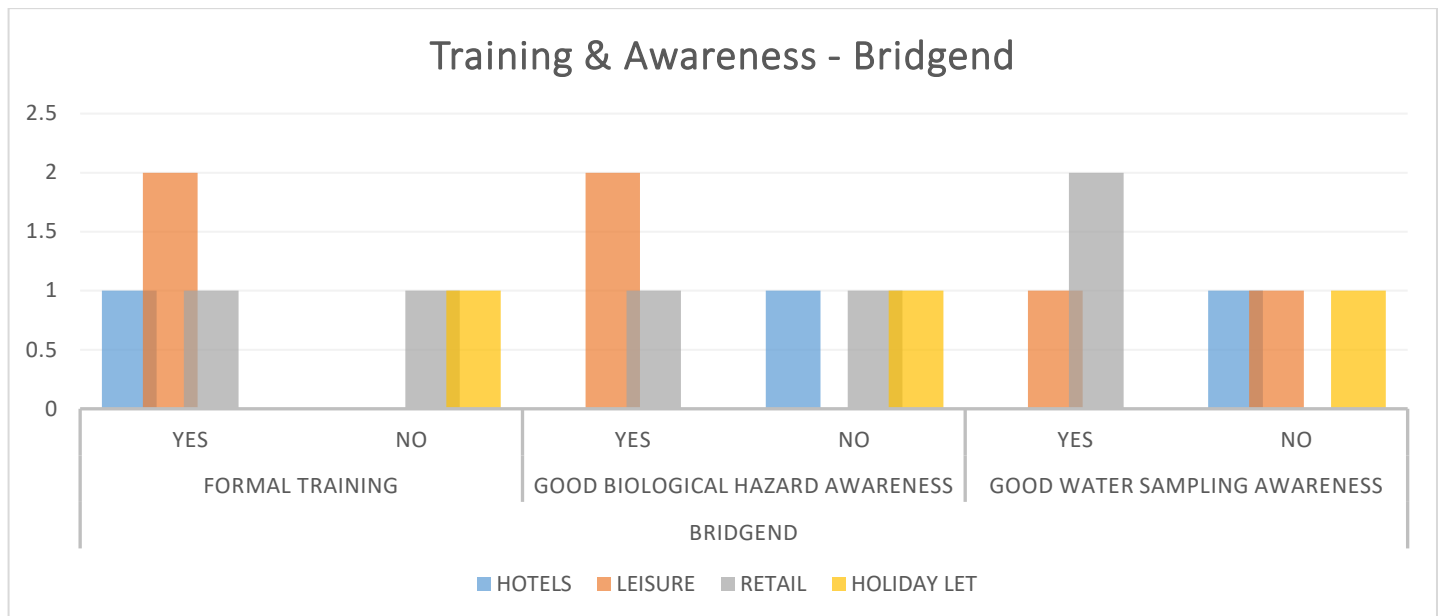
None of the holiday let accommodation visited had any documented risk assessments, NOPs or EAPs. It was also commonplace for cleaning and maintenance activities not to be recorded. Since most holiday let operators were self-employed, the lack of documentation was not unexpected since record keeping would not be a legal requirement. However, the keeping of records would be strongly recommended as part of their due diligence and being able to evidence that risks to non-employees were being effectively mitigated.

Of the 7 retail establishments visited, 3 (43%) failed to have any documented risk assessments, NOPs or EAPs despite having 5 or more employees. A documented health and safety policy, and recording the significant findings of risk assessments, is a legal requirement if a person employs five or more people. For those retailers that did have written procedures, not all duty holders had maintained them up to date.

Completion of formal training, along with awareness of biological hazards and sampling, was significantly poorer in the holiday let sector. However, whilst the provision of formal training was more likely in the hotel and leisure sectors, completion of a bespoke course did not always increase staff understanding of the biological hazards associated with spa pools/hot tubs, or how to prevent or adequately control the risk of exposure to those hazards.

Spa Pool & Hot Tub Operator Competence - Bridgend

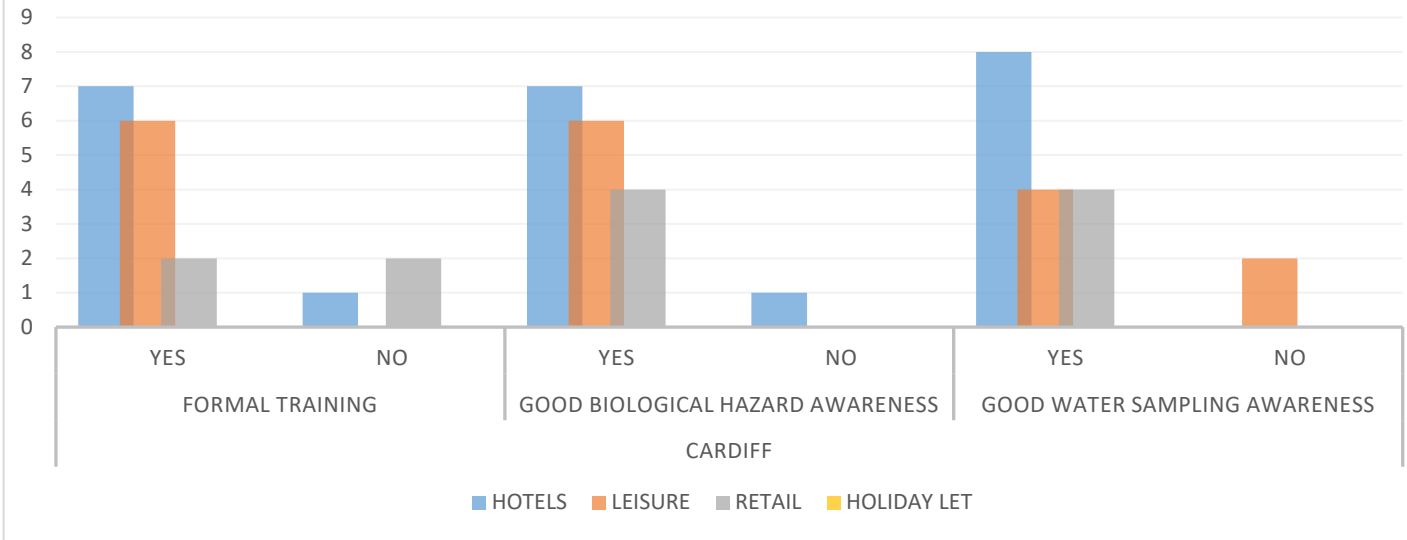
	BRIDGEND					
	FORMAL TRAINING		GOOD BIOLOGICAL HAZARD AWARENESS		GOOD WATER SAMPLING AWARENESS	
	YES	NO	YES	NO	YES	NO
HOTELS	1	0	0	1	0	1
LEISURE	2	0	2	0	1	1
RETAIL	1	1	1	1	2	0
HOLIDAY LET	0	1	0	1	0	1



Spa Pool & Hot Tub Operator Competence - Cardiff

	CARDIFF					
	FORMAL TRAINING		GOOD BIOLOGICAL HAZARD AWARENESS		GOOD WATER SAMPLING AWARENESS	
	YES	NO	YES	NO	YES	NO
HOTELS	7	1	7	1	8	0
LEISURE	6	0	6	0	4	2
RETAIL	2	2	4	0	4	0
HOLIDAY LET	0	0	0	0	0	0

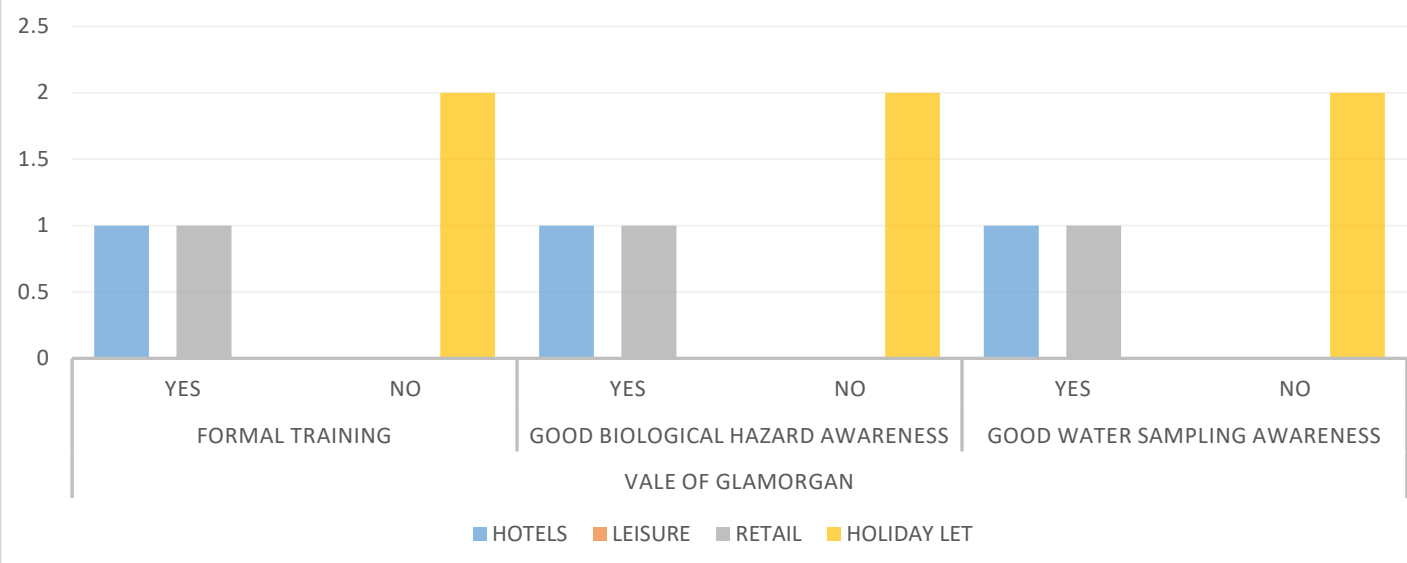
Training & Awareness - Cardiff



Spa Pool & Hot Tub Operator Competence – Vale of Glamorgan

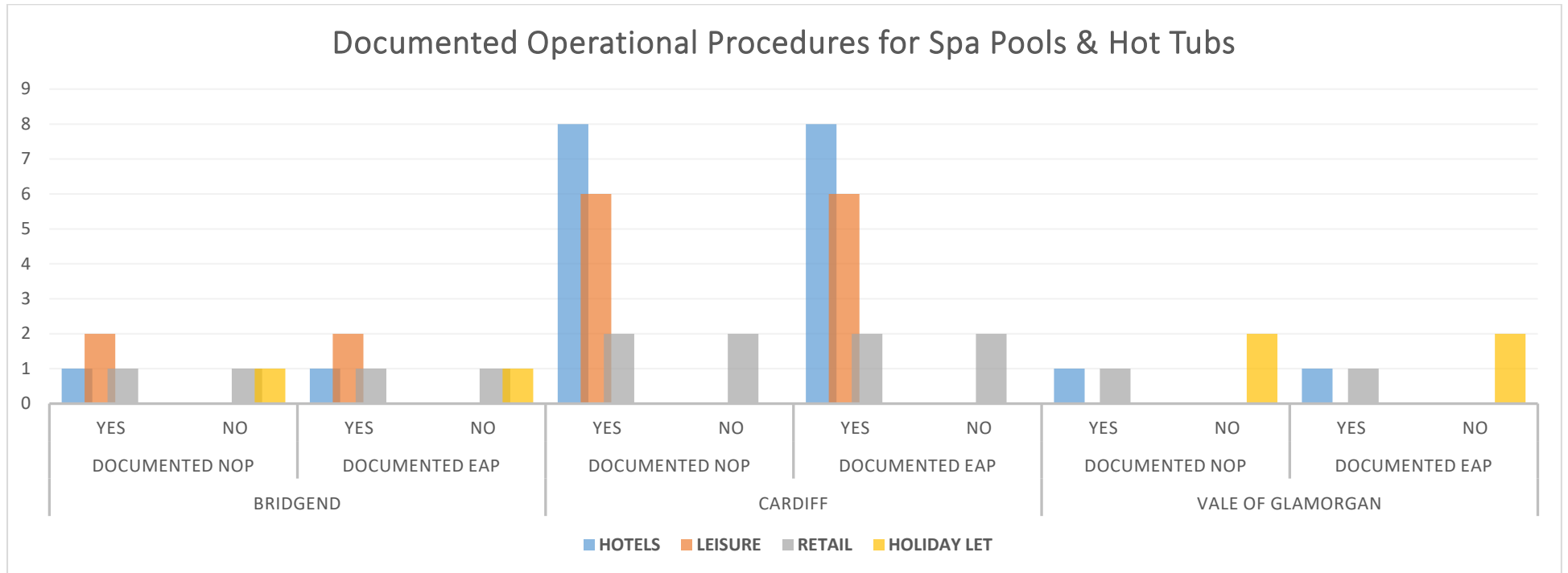
	VALE OF GLAMORGAN					
	FORMAL TRAINING		GOOD BIOLOGICAL HAZARD AWARENESS		GOOD WATER SAMPLING AWARENESS	
	YES	NO	YES	NO	YES	NO
HOTELS	1	0	1	0	1	0
LEISURE	0	0	0	0	0	0
RETAIL	1	0	1	0	1	0
HOLIDAY LET	0	2	0	2	0	2

Training & Awareness - Vale of Glamorgan



Documented Operational Procedures for Spa Pools & Hot Tubs in SRS

	BRIDGEND				CARDIFF				VALE OF GLAMORGAN			
	DOCUMENTED NOP		DOCUMENTED EAP		DOCUMENTED NOP		DOCUMENTED EAP		DOCUMENTED NOP		DOCUMENTED EAP	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
HOTELS	1	0	1	0	8	0	8	0	1	0	1	0
LEISURE	2	0	2	0	6	0	6	0	0	0	0	0
RETAIL	1	1	1	1	2	2	2	2	1	0	1	0
HOLIDAY LET	0	1	0	1	0	0	0	0	0	2	0	2



- **Water Quality Management**

The risk of exposure to Legionella and other infectious pathogens should be prevented, or controlled, through the implementation of robust water quality testing and monitoring arrangements. Effective water treatment relies on a combination of filtration (*to maintain water cleanliness and clarity*) and chemical disinfection (*to prevent microbial growth and reduce the risk of infection*). Operators may elect to use just a primary disinfectant, such as Chlorine or Bromine, or use a secondary means of disinfection such as Ultra Violet (UV) or Ozone as well. Whilst UV and Ozone do not have any residual disinfection effects, they do reduce the risk of pathogens such as Cryptosporidium which form oocysts that can withstand normal operating levels of Chlorine.

Since disinfectant levels are influenced by several factors including: bather numbers; temperature; organic loading; turbulence and aeration, it is critical that a satisfactory residual disinfection concentration is maintained at all time to adequately control microbial growth. An effective daily monitoring regime should determine the water pH, free Chlorine/Bromine levels, and combined Chlorine/Bromine level, with adjustments to the spa pool/hot tub chemistry being made incrementally. Water quality standards should also be verified by a sampling programme: monthly sampling to monitor aerobic colony count, coliforms, E. coli and Pseudomonas aeruginosa; quarterly sampling for Legionella.

Across all sectors, Chlorine was the preferred primary disinfectant for spa pools and hot tubs. Secondary disinfection was more prevalent in the hotel sector, and was observed in 7 of the 10 (70%) premises visited. One hotel had installed both UV and PAC as additional precautions alongside the primary Chlorine disinfection system.

All hotels and leisure facilities used automatic dosing systems for their disinfection chemicals which enabled the spa pool chemistry to be adjusted when subject to higher bather loads and more regular usage. Hand dosing was relied upon in the retail and holiday let sectors where usage would be lower and more sporadic.

Despite the hotel and leisure sectors having more sophisticated spa pool plant installations and monitoring equipment, Officers identified several common problems across all sectors visited.

- ✚ Gaps found in daily water test records.
- ✚ Staff not always recording total and combined Chlorine/Bromine levels.
- ✚ Duty holders documenting pool test results (*pH and disinfection levels*) that were out of parameter without instigating the appropriate corrective actions; suggesting either a lack of training or an inability to effectively interpret results.
- ✚ Spa pool free Chlorine being maintained at 10ppm but equipment not being taken out of use.
- ✚ Difficulties applying theoretical knowledge to real life problems associated with the spa pool/hot tub; especially when test results fell out of acceptable range or were regularly fluctuating throughout the day.
- ✚ Poor calibration of water testing equipment.
- ✚ Staff using out-of-date forms for Bromine after changing to a Chlorine disinfection regime.
- ✚ Staff using incorrect test strips.

From a sampling perspective, the hotel and leisure sectors were more likely to undertake microbiological and Legionella sampling. A leisure provider in the Vale of Glamorgan that was not included in this intervention, was subsequently visited following receipt of a customer complaint. The visit highlighted that the spa pool had been taken out of use during October 2022 following a positive Legionella test result after the automatic dosing system had failed. In general, most retail and holiday let sector duty holders did not carry out routine microbiological sampling.

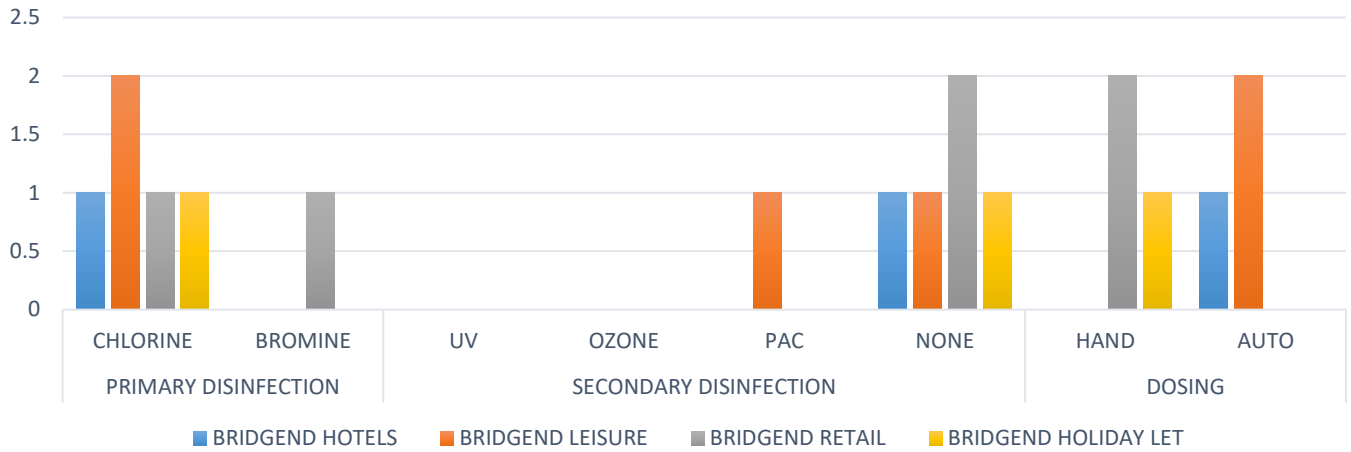
The frequency of water replacement is critical for maintaining satisfactory water quality in a spa pool or hot tub. When made available on a commercial basis, the total water volume should be replaced each week, or after each period of rental if this is sooner. One holiday let provider visited as part of the project was only changing the water every 3 months, regardless of tenancy changes during this period.

Disinfection Arrangements for Spa Pools and Hot Tubs

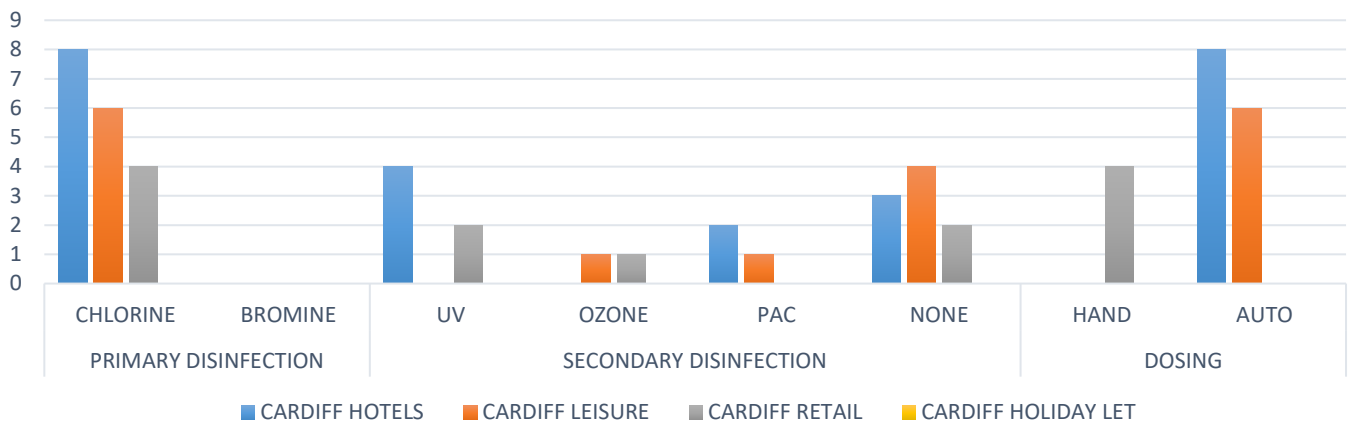
		PRIMARY DISINFECTION		SECONDARY DISINFECTION				DOSING	
		CHLORINE	BROMINE	UV	OZONE	PAC*	NONE	HAND	AUTO
CARDIFF	HOTELS	8	0	4	0	2	3	0	8
	LEISURE	6	0	0	1	1	4	0	6
	RETAIL	4	0	2	1	0	2	4	0
	HOLIDAY LET	0	0	0	0	0	0	0	0
BRIDGEND	HOTELS	1	0	0	0	0	1	0	1
	LEISURE	2	0	0	0	1	1	0	2
	RETAIL	1	1	0	0	0	2	2	0
	HOLIDAY LET	1	0	0	0	0	1	1	0
VALE OF GLAMORGAN	HOTELS	1	0	1	1	1	0	0	1
	LEISURE	0	0	0	0	0	0	0	0
	RETAIL	1	0	0	0	0	1	1	0
	HOLIDAY LET	1	1	0	0	0	2	2	0

PAC = Polyaluminium Chloride. A chemical that provides high coagulation efficiency for pathogens such as Cryptosporidium*

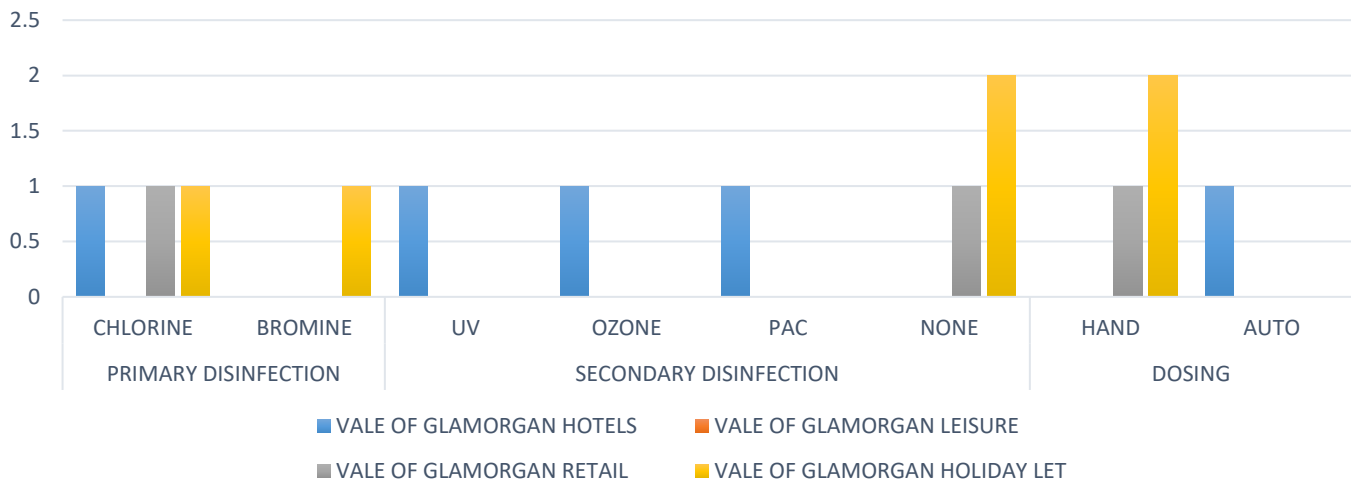
Water treatment - Bridgend



Water treatment - Cardiff



Water treatment - Vale



- **Hygiene Measures for Users**

To effectively minimise the spread of biological hazards such as Cryptosporidium, Giardia and Pseudomonas it is essential that clients are adequately informed about when they should, and should not, use a spa pool or hot tub. Anyone who has suffered diarrhoea symptoms should avoid using a spa pool/hot tub until they have been symptom-free for 48 hours, and confirmed case of Cryptosporidiosis and Giardiasis should not use leisure waters until they have been clear of symptoms for 14 days. As previously discussed, Cryptosporidium oocysts are highly resistant to normal operating levels of Chlorine whilst Giardia cysts are moderately resistant to disinfection levels of Chlorine usually found in pools. The project therefore considered how duty holders were conveying these key hygiene messages to its patrons.

As observed during the 2018/19 Cryptosporidium project intervention, premises across all sectors remained generally poor at communicating this critical exclusion message to patrons, thereby increasing the potential for onward transmission to other spa pool/hot tub users. Whilst some duty holders asked clients to answer health related questions in pre-use checklists, clear communication of personal hygiene messages in poster format was infrequently used. Some operators expressed concern that displaying posters may give a perception that there was a problem with the water.

To help improve the communication of key hygiene messages for spa pool /hot tub use, SRS subsequently prepared a poster for duty holders, in English and Welsh, to display in customer changing areas.

Shared Regulatory Services
Gwasanaethau Rheoliadol a Rennir

Rhifonod

CARDIFF
CAEYDD

BFD MORGANWG

Diogelwch Dŵr ar gyfer Pyllau Nofio a Phyllau Sba

PEIDIWCH â mynd i mewn i'r dŵr os ydych chi'n sâl gyda dolur rhydd neu wedi cael dolur rhydd yn ystod y 48 awr ddiwethaf.

Mae Cryptosporidium a Giardia yn barasitiaid a all achosi salwch. Mae'r parasitiaid hyn i'w cael mewn ysgarthion person sydd wedi'u heintio a gallant achosi dolur rhydd, sy'n para am bythefnos neu fwy. Gall y parasitiaid gael eu trosglwyddo i berson arall trwy ddŵr sydd wedi'i halogi ag ysgarthion person heintiedig.

Mae gan y ddau barasit gragen allanol galed ac maent yn gallu gwrthsefyll clorin. Gall Giardia oroesi am hyd at 45 munud mewn dŵr sydd wedi'i glorineiddio'n iawn, a gall Cryptosporidium oroesi am 7 diwrnod neu fwy. Mae'n bwysig ataly paraseit rhag mynd i mewn i'r dŵr yn y lle cyntaf i sicrhau ei fod yn ddiogel i bob defnyddiwr.

Os ydych wedi cael diagnosis o Cryptosporidiosis neu Giardiasis, peidiwch â mynd i mewn i'r dŵr nes eich bod wedi bod yn rhydd o symptomau am o leiaf 14 diwrnod.

Dilynwch y camau hyn i sicrhau bod y dŵr yn ddiogel i bob defnyddiwr

- Peidiwch â mynd i mewn i'r dŵr os oes gennych ddolur rhydd
 - Cymerwch gawod cyn mynd i mewn i'r dŵr
- Golchwch eich dwylo'n drylwyr ar ôl defnyddio'r toiled
 - Peidiwch â llyncu'r dŵr
 - Peidiwch ymgarthu yn y dŵr
- Sicrhewch fod plant yn cael eu cludo i'r toiled yn rheolaidd
 - Newidiwch gewynnau mewn manau newid priodol
- Sicrhewch fod babanod a phlant ifanc yn gwisgo cewynnau noffio

SRS, Wales 0300 123 6696 @SRS_Wales

Water Safety for Swimming Pools and Spa Pools



Do NOT enter the water if you are currently unwell with diarrhoea or have had diarrhoea in the past 48 hours.

Cryptosporidium and Giardia are parasites that can cause illness. These parasites are found in the faeces of an infected person and can cause diarrhoea, lasting for two weeks or more. The parasites can be transmitted to another person through water contaminated with the faeces of an infected person.

Both parasites have a tough outer shell and are chlorine resistant. Giardia can survive for up to 45 minutes in properly chlorinated water, and Cryptosporidium can survive for 7 days or more. It is important to prevent the parasite from entering the water in the first instance to ensure it is safe for all users.



If you have been diagnosed with Cryptosporidiosis or Giardiasis, do not enter the water until you have been symptom free for at least 14 days.



Follow these steps to ensure the water is safe for all users

- Do not enter the water if you have diarrhoea
 - Shower before entering the water
- Wash your hands thoroughly after using the toilet
 - Do not swallow the water
 - Do not defecate in the water
- Ensure children are taken to the toilet regularly
- Change nappies in appropriate changing areas
- Ensure babies and young children wear swim nappies



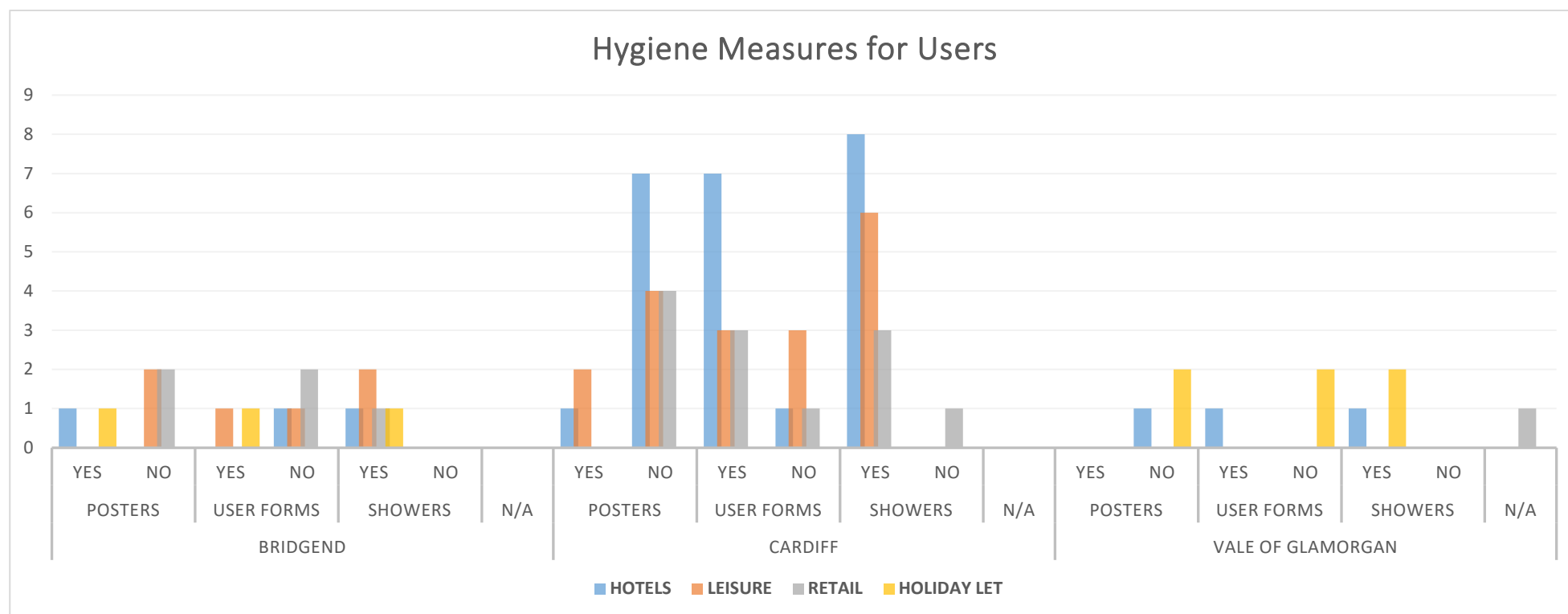
Maintaining good standards of hygiene around the spa pool/hot tub itself is also an important control measure for minimising the risk of exposure to biological hazards associated with the environment. Despite this being a cheap and simple precaution to implement, some duty holders were failing to provide, and use, protective shoe covers for personnel accessing the spa pool/hot tub area. This reflected the findings of the 2018/19 Cryptosporidium project which found only 65% of the sample size using protective shoe covers on poolside.

Cleaning practices and standards were found to be unsatisfactory in a number of premises across all sectors. Key observations of officers included:

- Dirt, mould and biofilm observed in and around the spa pools/hot tubs.
- Carrying out cleaning with inappropriate products.
- Carrying out physical cleaning without the use of disinfectant products.
- Inadequate record keeping of cleaning tasks undertaken for due diligence purposes.

Hygiene measures in place for users of spa pools and hot tubs

	BRIDGEND							CARDIFF							VALE OF GLAMORGAN						
	POSTERS		USER FORMS		SHOWERS		N/A	POSTERS		USER FORMS		SHOWERS		N/A	POSTERS		USER FORMS		SHOWERS		N/A
	YES	NO	YES	NO	YES	NO		YES	NO	YES	NO	YES	NO		YES	NO	YES	NO	YES	NO	
HOTELS	1	0	0	1	1	0	0	1	7	7	1	8	0	0	0	1	1	0	1	0	0
LEISURE	0	2	1	1	2	0	0	2	4	3	3	6	0	0	0	0	0	0	0	0	0
RETAIL	0	2	0	2	1	0	0	0	4	3	1	3	1	0	0	0	0	0	0	0	1
HOLIDAY LET	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	0	2	2	0	0



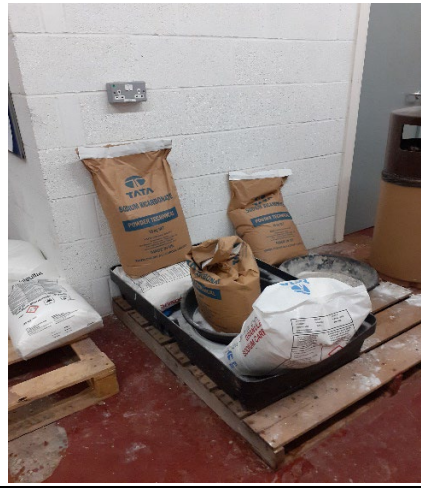
- **Management of Other Hazards of Significance**

Operating a spa pool or hot tub requires the use of alkalis (e.g. sodium hypochlorite; calcium hypochlorite; Bromochlorodimethylhydantoin) to disinfect the water and acids (e.g. sodium bisulphate; muriatic acid) to re-adjust the water pH.

Acids, alkalis and disinfectants should be stored appropriately in a secure, non-public, well-ventilated, dry storage area. Sufficient heating and frost protection should be provided, and clear signage should be displayed to warn of the hazards associated with the chemicals being stored, and used, on site. Acids and alkalis must also be stored separately, in bunded areas that will contain 110% of the maximum volume of liquid being stored, to prevent chemicals mixing and potentially producing toxic chlorine gas.

Whilst the risks associated with the storage and use of such chemicals should either be eliminated, or controlled, through completion of a COSHH assessment, Officers observed a number of poor practices across all sectors when undertaking site visits.

- ✚ Inadequate separation of acid and alkali chemicals in storage and use.
- ✚ Inadequate bunding of acid and alkali chemicals in storage and use.
- ✚ The risk of chlorine gas release not being assessed.
- ✚ Lack of chlorine gas detection systems.
- ✚ Lack of respiratory protective equipment for staff dealing with a chlorine gas leak.
- ✚ Poor location of respiratory protective equipment for staff (*often placed within the plant room where the leak is most likely to occur*).
- ✚ Inadequate provision of other personal protective equipment for staff.
- ✚ Plant rooms not being maintained in a good state of cleanliness and orderliness.
- ✚ Plant room doors left unlocked and accessible to members of the public.



Enforcement Actions Taken

Of the 28 spa pools and hot tubs inspected as part of the intervention, 27 duty holders received formal warning letters which detailed the 'Schedule A' contraventions and 'Schedule B' recommendations identified. Duty holders were either required to provide a detailed action plan to confirm how issues were to be resolved, or were subject to an Officer revisit after a specified period of time. One retail outlet was found to have all control measures in place during the visit, negating the need to send a formal warning letter.

No Prohibition Notices were served on duty holders to address any serious risks of personal injury. At the time of writing this report, no Improvement Notices had been served to secure compliance with legal requirements.

Conclusion

The documentation used by Officers was found to be fit for purpose and the method applied to engage with spa pool and hot tub operators was found to be appropriate.

Undertaking this proactive intervention identified that the impact of the COVID-19 pandemic and current cost of living crisis had meant that a number of businesses had either ceased trading or elected to decommission their spa pools/hot tubs for the foreseeable future. However, those holiday let properties that were continuing to provide leisure water facilities were able to command considerably higher rental fees than competitors without spa pools or hot tubs on site.

Documented risk assessments, NOPs and EAPs were not always readily available on site; were often not maintained up to date to reflect operational changes; and were not always effectively communicated to staff. The retail sector was particularly poor with documenting company health and safety arrangements.

The completion of formal training did not necessarily mean that staff had a greater level of competency in practice. A lack of awareness of the risks associated with spa pools and hot tubs was noted in the holiday let sector and several retail operators.

Gaps in water quality monitoring records was commonplace and daily monitoring records were found across all sectors that illustrated pool chemistry levels out of parameter without corrective actions being taken. Microbiological and Legionella sampling was less likely in the retail and holiday let sectors.

Hygiene advice to spa pool/hot tub users symptomatic with sickness and diarrhoea, or confirmed cases of *Cryptosporidiosis* and *Giardiasis*, continued to be poor across all sectors.

Many duty holders across all sectors were found to have inadequate control measures in place to protect both employees, and non-employees, for the risks associated with the storage and use of acid and alkali chemicals associated with the operation of commercial spa pools and hot tubs.

Moving Forward

Only a small number of spa pools/hot tubs in private holiday let accommodation could be visited for this intervention because of significant challenges identifying, and engaging with, the duty holders. Providers were generally advertising on social media, or internet platforms such as Airbnb and Vrbo, with either no or limited contact information. Despite the best efforts of Officers, many properties that had been located through on-line searches simply couldn't be found in practice. A complaint received by the team subsequently identified a glamping site in the Vale of Glamorgan, but this had closed for the season when Officers visited.

The few visits that could be made to holiday let accommodation did identify a lack of knowledge about biological hazards associated with the use of spa pools/hot tubs, and how to effectively mitigate those risks. The findings do support a need for wider engagement with this sector to ensure that members of the public are not being exposed to significant risks to their health. Moving forward, SRS will explore ways it can connect with the holiday let sector to best effect to ensure that key health and safety messages can be effectively communicated in the face of on-going resource challenges.

Domestic hot tubs/spa pools and Legionella

Advice for households



Spa pool systems such as hot spas, hot tubs and portable spas can be a source of diseases caused by infectious agents; these can be introduced via bathers, from dirt entering the pool or from the water source itself. The warm water temperatures (between 20°C and 45°C) and deposit such as organic matter, provide ideal conditions for bacterial growth in poorly designed and maintained spa pools.

The environmental conditions of a spa pool are favourable for Legionella bacteria to grow which can cause a severe form of pneumonia (a bacterial respiratory infection) called Legionnaire's disease.

The powerful agitation of water in hot tubs/spa pools leads to the formation of aerosols which can be inhaled, this means that even people not in the immediate surrounding area of the hot tub/spa pool can breathe in the aerosols. This is especially important with Legionella.

Using a poorly maintained hot tub/spa pool can result in other illnesses caused by bacteria, viruses or protozoa such as hot tub rash caused by *Pseudomonas aeruginosa*, which manifests in a red, itchy rash with pus filled blisters, developing a few days after hot tub use or gastrointestinal illness (diarrhoea and vomiting) caused by organisms such as *E.coli* or *Cryptosporidium* with symptoms starting up to 10 days later. The microscopic parasite *Cryptosporidium* can survive in water treated with chlorine or bromine and therefore, adequate filtration is required to remove this parasite from the water. Organisms causing gastrointestinal illness are commonly found in water, food, soil and are excreted by infected persons and animals, even after symptoms have ceased.

Appropriate maintenance, water treatment and regular physical cleaning and disinfection will effectively control not only Legionella and other microbial activity, but also pH levels.

DO:

- Always follow the manufacturers' instructions on cleaning and maintenance requirements
- Flush out the wastewater several times in your garden hose before filling your hot tub/spa pool
- Take a shower before using your hot tub/spa pool to remove body lotions and oils from the skin

- Disinfect and clean your hot tub/spa pool regularly – at least once a week while in regular use
- Use chlorine or bromine-based sanitisers (always follow the manufacturers' instruction on the cleaning product)
- Check pH balance of the water at least once a week to make sure pH levels fall between 7.0 and 7.6
- Extract and wash the cartridge filter to get rid of any dirt in between each use, at least once every 3 days. Replace old filters with new ones depending on the intensity of use
- Completely drain and deep clean your hot tub/spa pool every 3-4 months depending on usage
- Inspect the cover for mould, water absorption and any damage in the lining and clean the cover regularly inside and out

DON'T:

- Don't wear skin lotions, spray tans and suntan lotions in your hot tub/spa pool
- Don't exceed the maximum number of bathers (one per seat)
- Don't ignore the manufacturers' maintenance instruction or cleaning product directions
- Don't leave your hot tub/spa pool without a cover when not in use
- Don't use your hot tub/spa pool if you have had diarrhoea within the last 14 days

For further information see HSG282 – The Control of Legionella and other infectious agents in spa pool systems (www.hse.gov.uk/pubns/books/hsg282.htm)

Appendix 5 - Summary of cases concluding between April and the end of November 2022

The following prosecution cases arising from investigations conducted across the Shared Service, have been concluded recently.

Case	Court date	Legislation	Case summary	Outcome
1.	8.9.22	Local Government (Miscellaneous Provisions) Act 1982	<p>On the day of the Six Nations Wales v. Scotland rugby international in February 2022, officers from Shared Regulatory Services were on duty in Cardiff city centre to monitor for street trading. The officers discovered the defendant engaging in street trading on Penarth Road (a street designated as a consent street for the purposes of street trading). He was offering and exposing food for sale from a trolley but did not have the relevant authorisation to do so.</p> <p>He pleaded guilty to the offence under the Local Government (Miscellaneous Provisions) Act 1982.</p>	The defendant was fined £169 and ordered to pay £95 Prosecution costs together with a £34 Victim Surcharge.
2.	15.9.22	General Food Regulations 2004 Food Safety Act 1990	The defendant pleaded guilty to 4 offences under the General Food Regulations 2004 and 1 offence under the Food Safety Act 1990. A Shared Regulatory Services officer visited the defendants' convenience store to carry out an inspection of the premises. The visit followed a complaint from a consumer who had purchased some cakes that were passed their 'use by' dates. Despite the inspection taking place on 2 nd July 2021, a number of items were found to be on sale despite their use by dates having expired the previous month. These items included a black pudding with a use by date of 4 th June 2021 and grated cheese with a use by date of 20 th June 2021 which had visible signs of mould. In mitigation the defendant confirmed that changes had been made to prevent the	The District Judge fined the defendant £350 for the first offence and £100 for each of the remaining 4 offences giving a total fine of £750. The defendant was also ordered to pay a victim surcharge of £75 and costs in the amount of £2000.

			incident happening again and he was truly sorry.	
3.	7.10.22	Consumer Protection from Unfair Trading Regulations 2008	<p>The defendant had masqueraded as a private seller rather than a trader when he sold a Mini Cooper to an unsuspecting purchaser. The car soon developed problems, and this led to the true status of the defendant being established - he was a trader attempting to avoid his legal responsibilities to the purchaser. The defendant had made a number of misleading and unfair commercial practices which included:</p> <ul style="list-style-type: none"> • Stating that vehicle had a full service history which was false • Stating that it had been used as a second personal vehicle which was false • Failing to give his trading name, status and geographical address • Advertising it in such a way that he falsely represented himself as a consumer <p>The defendant pleaded guilty to all four charges against him under the Consumer Protection from Unfair Trading Regulations 2008.</p>	The Magistrates stated that there was a high level of culpability but given the defendant's previous clean character, they imposed a fine of £958 for the 4 th offence with no separate penalty for the other offences. He was also ordered to pay costs of £1568 and a victim surcharge of £96. A £500 compensation order was made for the victim.
4.	10.10.22	Town Police Clauses Act 1847 Road Traffic Act 1988	In November 2021, the defendant was seen plying for hire in a controlled district whilst not having the licence to do so. The vehicle insurance did not cover plying for hire (as not a Hackney carriage) and therefore the vehicle he was using was not insured. The charges related to the plying for hire offence and also the offence under the Road Traffic Act of being uninsured.	The defendant was given a global fine of £220 for the two offences, and 6 penalty points were imposed for the no insurance charge. He was also ordered to pay £250 Prosecution costs and £88 Victim Surcharge.

5.	13.10.22	Environmental Protection Act 1990	<p>The defendants in this case, tenants in a privately rented property have a history of complaints made against them by neighbours as a result of their playing loud amplified music. This resulted in them being subject to a noise abatement notice which was served in November 2021. From January 2022 on, further occasions of their playing loud amplified music were witnessed by officers of Shared Regulatory Services.</p> <p>Both defendants were charged with offences under the Environmental Protection Act for failing, without reasonable excuse to comply with the requirements of the noise abatement notice.</p> <p>Neither Defendant attended court and the matter proceeded in their absence. The Magistrates heard the Victim Impact statement of one of the neighbours, explaining the significant issues he and his partner have encountered with the defendants.</p>	<p>Having heard the facts, the Magistrates found the case against both Defendants proved. Each defendant received a fine of £880 (£1760 in total) and ordered to pay costs of £550 (£100 in total), together with a Victim Surcharge of £88 (£176 in total).</p>
6.	17.10.22	Animal Welfare Act 2006	<p>The defendants in this case were a prolific horse breeder, previously banned from keeping animals for life, and his teenage son. The son had pleaded guilty to 25 animal welfare offences, and a matter of days before the trial took place the father also pleaded guilty to the animal welfare charges and also a further offence for breaching his lifetime disqualification order under the Animal Welfare Act.</p> <p>Following the father's ban in April 2021 he transferred ownership of all the animals to the son who was only 16 years old at the time. The animals in question were being kept at two sites to which numerous visits were made by</p>	<p>The defendants were sentenced as follows:</p> <p>The son was banned from keeping animals for 5 years except for domestic dogs and cats and a maximum of 10 chickens. He was also given a Referral Order for 4 months and ordered to pay a victim surcharge of £22. He was given 14 days to make arrangements</p>

			<p>officers from Shared Regulatory Services. A total of 71 Improvement Notices were served as a result of animal welfare concerns including unsuitable environment, overcrowding, not allowing normal behaviours, failure to supply water and a failure to supply food. The improvement notices related to horses, dogs and birds.</p> <p>In sentencing the son, the judge accepted that he was of clean character and had pleaded guilty. It was noted that pressure had been put on him at a very young age, and that he had been manipulated by his father. The judge accepted that his culpability was at the lower end of the range and that he was in college.</p> <p>In sentencing the father, it was noted that he had previously been prosecuted and imprisoned for similar offences.</p>	<p>for his animals</p> <p>The father was given 4 months imprisonment for each of the 26 offences to run concurrently and 2 months imprisonment for the breach of the ban to run consecutively. This gives a total of 6 months imprisonment of which he is expected to serve half.</p>
7.	3.11.22	Building Act 1984	<p>In October 2021 an enforcement notice was served on the defendant under Section 79(1) of the Building Act 1984. This Notice required the owner, to undertake repairs to the front and rear elevations of his neighbouring properties or take steps to demolish them. The notice required completion of the work no later than 13th April 2022. A visit to the properties on 14th April 2022 revealed no compliance and there was no change in the condition of the premises. Written and verbal reminders were given in the months that followed, but the necessary work was not carried out.</p> <p>The defendant did not attend court, so the case was heard in his absence. He was found guilty of two offences under the Building Act 1984.</p>	<p>The defendant was fined £440 for each of the two offences making a total fine of £880. He was also ordered to pay costs of £433 and a victim surcharge of £88.00.</p>

8.	4.11.22	Children and Families Act 2014	<p>In April 2022, as a result of intelligence received about premises selling tobacco or nicotine inhaling devices (e-cigarettes) to those under the age of 18, officers conducted an underage sales operation. Two sixteen-year-old female volunteers attempted to purchase the age restricted products at the identified outlets. At one of the premises visited, the volunteers went to the counter and asked for a vape bar. They were handed an 'Elf Bar 600 – Strawberry Ice' which contained 2% nicotine and paid for it. On leaving the premises, the officers accompanying the volunteers placed the product in a tamper proof bag.</p> <p>The defendant did not attend court but pleaded guilty by post to one offence under the Children and Families Act 2014.</p> <p>In mitigation the business owner wrote that the sale had been an error of judgement on his part, and he had taken steps since the sale to educate himself further on the sale of these products but that he welcomed any course that the SRS officers could suggest he take going forward.</p>	Each of the two defendants (the limited company and its sole director) was fined £180 and ordered to pay costs of £250 together with victim surcharge of £34.
9.	10.11.22	Fraud Act 2006	<p>In August 2021 officers from the Shared Service were contacted by a Cardiff resident who had paid a deposit of £5250 by bank transfer for the purchase of goods and fitting of kitchen upgrade/refit. The payment had been made to the bank account of the defendant in 3 transactions on a day in June 2021, but he subsequently failed to provide any goods or services. The consumer had previous landscape work completed by the defendant and it was during this time that she had mentioned that she was going to get her kitchen upgraded. The defendant said that he also did building work</p>	The Magistrates made a 12-month community order with 150 hours of unpaid work requirement, and the defendant was ordered to pay costs of £750. A compensation order for the sum of £5250 was also made for the complainant.

			<p>and arrangements were made for him to call round to discuss. He then attended with an unknown male.</p> <p>The court heard through the victim impact statement how the incident had affected the complainant. The money that she had lost was the inheritance she had received from her mother's death during the Covid pandemic. Waiting months for the work to start, the victim had been living out of boxes waiting for the defendant to turn up and she had felt totally humiliated. She had spent years protecting her mum from falling for scams and couldn't believe that she had become a victim herself. She was not sleeping, was stressed and this had triggered her IBS resulting in an emergency hospital admission. She now struggles to trust people and feels like she had let her mum and dad down.</p> <p>The defendant pleaded guilty to one offence under the Fraud Act and sought to blame the unknown male who he had paid the money to. The court heard how the defendant had been a gifted amateur boxer who had won an Olympic Silver medal in 2012 but had later developed mental health issues before starting a landscaping business. The fact that he couldn't resolve this problem had been a blow to his confidence and he had been too ashamed to tell his partner and family. He had buried his head in the sand and was too ashamed to tell the complainant what had happened to the money. His empathy and apology to the complainant was absolutely unreserved.</p>	
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