

SHARED REGULATORY SERVICES JOINT COMMITTEE

Minutes of a Remote meeting held on 13th December, 2023.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present:

Representing Bridgend County Borough Council – Councillors R. Goode (Chair) and M. Lewis.

Representing Cardiff City and County Council – Councillors D. De’Ath (Vice-Chair) and M. Michael.

Representing the Vale of Glamorgan Council – Councillors P. Drake and R. Sivagnanam.

(a) Announcement –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

(b) Minutes –

RESOLVED – T H A T the minutes of the Meeting held on 27th September, 2023 be approved as a correct record.

(c) Declarations of Interest –

No declarations were received.

(d) Shared Regulatory Services Overview and Update Report (DEH) –

The report apprised the Committee of the work of the Service and progress to date which also contained information in respect of how the Service was working to achieve better outcomes for residents and businesses within the region through a series of different actions and work programmes. The Head of Service commenced by referring to the sickness absence levels for the Service at the end of Quarter 2 advising that it was 2.29 days per Full Time Equivalent (FTE) person overall. When compared with the same quarter for the year 2022/23 Quarter 2 had seen a significant improvement in the FTE sickness absence figures for Shared Regulatory

Services (SRS). The overall figure for days lost per FTE member of staff was therefore 2.29 compared with a figure of 6.29 days in the same quarter for the previous year. The report also highlighted that the SRS team provided the licensing function for Cardiff Council whose offices had recently moved to County Hall as a result of works due to commence at City Hall in the coming months.

The Section 151 Officer / Head of Finance subsequently presented the financial position to the Committee advising that it had been prepared from the consolidated figures gathered from each Authority for the period. The service was forecasting an outturn position of £290k overspend against the 2023/24 gross revenue budget. This was due in part to a number of pressures on the service plus the input of the recently agreed pay award for 2023/24 which was higher than the 5% pay award that had been budgeted for. The report also provided data on activity levels to help reassure local Members at each Council that SRS activity continued to tackle issues across the region. The Head of Service stated that the Statutory 2023/24 Food Law Enforcement Service Plan for SRS referenced the historic staffing shortfall the Service had in relation to its responsibilities for food hygiene and food standards. Further detail and the context for various service aspects were outlined within the report with the relevant officers in attendance at the meeting presenting the information to the Committee. The Chair having regard to the reference in the report to an overall overspend of £45k queried the use of reserves with officers advising that the overall finances would be monitored on a regular basis and Committee advised accordingly it being noted in paragraph 2.23 that the service had built up reserves which could be utilised to fund planned investment in service expenditure but also emerging pressures within the service. With regard to the £60k draw down of reserves noted at paragraph 2.18, the Chair requested that officers provide the detail for this by email to all Members of the Committee.

During consideration of the report, officers from each service area presented the SRS performance data to the end of Quarter 2. Councillor De'Ath enquired as to whether the officer could envisage a scenario where the Council could use contractors to undertake the work which could be a false economy. The Operational Manager stated that there was a need to use contractors and when these issues were being considered, a considerable amount of negotiation was undertaken to ensure that there was very good value for the service and that the standards were maintained. It was important to note that the piece of work in relation food hygiene was not optional, it was a statutory function and was something Councillor De'Ath said needed to be addressed at the budget setting process. Councillor Drake enquired as to whether there were any new business which had been established since Covid, with the officer advising that in general there were on average 55 new businesses a month. Some were opening and adversely some were closing but it was very busy, particularly in Cardiff.

In considering other service area aspects of the report reference was made to illegal dog breeding, with Committee being informed that SRS continued to receive ongoing intelligence / reports on illegal dog breeding. However, unfortunately where it had been necessary to seize dogs, delays had been experienced in progressing applications under Section 20 of the Animal Welfare Act to get the animals legally signed over to the SRS via a Court Order. The report also noted that a recent successful prosecution against two individuals from the Vale of Glamorgan

highlighted the significant welfare issues that illegal breeders could subject animals to through the pursuit of financial gain. As part of this one case, it was noted that 11 dogs including 9 puppies, had been seized with 5 of the dogs having to be euthanised. All of the dogs in the particular case were suffering from various medical conditions. The report also provided images of dogs that had been found during the illegal dog breeding investigation.

In referring to the ban on XL Bully dogs, the report identified that following a recent spate of tragic dog attacks the UK Government had announced on 31st October, 2023 that XL Bully type dogs would be added to Section 1 of the Dangerous Dogs Act 1991 as a banned breed of dogs. It would therefore from 31st December, 2023 be against the law to sell an XL Bully dog, abandon an XL Bully dog, give away an XL Bully dog or have an XL Bully in public without a lead and muzzle.

In considering the introduction of the legislation associated with XL Bully dogs etc., it was noted that the work being undertaken was in its early stages. Having regard to the recent Government consultation on creating a smokefree generation and tackling youth vaping, it was noted that one of the proposals would make it illegal for anyone born after 1st January, 2009 to ever be sold tobacco. The Committee received a detailed presentation on the SRS experience in respect of vapes enforcement. The Chair subsequently referred to premises that sold vapes only and the implications on young people with the suggestion that a potential licensing scheme should be considered to be introduced.

Other areas highlighted within the report related to supporting the local economy, safeguarding the vulnerable, enforcement of new legislation, improving public health and enforcement activity. The detail of the recent cases of enforcement activity was attached as an appendix to the report. In referring again to the prosecutions that had been undertaken as detailed within the appendix, the Head of Service referred to two significant rogue trader cases that had been successfully prosecuted with some actually having prison sentences handed down.

Following consideration of the report, it was subsequently

RESOLVED – T H A T the update information and progress to date as contained within the report be noted and Members of the Committee emailed with the information as mentioned above.

Reason for decision

Having regard to the contents of the report, discussions at the meeting and having regard to the progress towards completing the actions contained in the SRS Business Plans.

(e) Shared Regulatory Services Fees and Charges 2024-25 (DEH) –

The report set out the proposed fees and charges to be charged by Shared Regulatory Services (SRS) in the 2024-25 financial year for a range of licensing activities and other services. Part 1 of the Annex to the report itemised the fees

within the remit of the Joint Committee. In broad terms these included all fees apart from alcohol, gambling and taxi licencing some licencing scheme charges for Houses in Multiple Occupation (HMO) and consents issued under the Local Government Act 1982.

Part 2 of the Annex set out those fees and charges that were set through voluntary, regional or national arrangements or reflected the statutory regime set by the Welsh and UK Governments.

The Head of Service highlighted paragraphs 2.5 and 2.6 of the report, noting that while the proposal for 2024-25 for pest control was that the majority of fees were increased in line with the CPIH rate of inflation, it was further proposed that the treatment charges for bed bugs, cockroaches, wasps, flees, flies and carpet beetles be increased by more than the rate of inflation as it was noted that the service had not been able to cover its costs on these services owing to the time and resources required to provide effective treatment. In referring to animal related licencing, a review of the fee structure had also been carried out to ensure that the cost of issuing each licence was being covered. It was therefore proposed that all fees in this category were increased in line with inflation, other than the fees for a dog breeding licence and the licence fee for a pet vendor. It was further noted that during the course of the coming year SRS would continue to explore additional areas where charges may be levied for the provision of services. In the case for charges based on officer time, a rate of £80 per hour to include overheads was proposed to be used.

In reflecting on the information contained within the report and having regard to the reviews undertaken, the Committee

RESOLVED – T H A T the fees and charges proposed as set out in the report and attached as an Appendix to the report be approved for implementation from 1st April, 2024.

Reason for decision

Having regard to the review of fees and charges and the costs associated for the services.

(f) Shared Regulatory Services Budget Savings (DEH) –

The Head of Service commenced by advising that the Shared Regulatory Service's (SRS) agreed budget for 2023-24 stood at £8.645m with the Full Time Equivalent staffing in the region of 180. The report highlighted that over the period since the Service's inception, the Service had taken on additional responsibilities under new legislation and areas of regulation. As a result of the very challenging financial outlook going into 2024-25 the partner Authorities now required a consideration of options for further savings to be made by the Service with options having been requested for achieving savings of 3% or 5% from the core Service's budget of the responsibility of the Joint Committee. During the meeting the Head of Service advised that paragraph 1.5 should read as the year 2023-24 and not 2024-25, it

being noted that a further report in relation to options to the budget savings had been prepared for consideration under Part II of the agenda, it was therefore

RESOLVED – T H A T the contents of the Part I report be noted, it being accepted that the full detail would be considered under the Part II of the agenda.

Reason for decision

Having regard to the information contained in Part I and the Part II of the same title on the agenda in relation to the annual budget for the Shared Service that must be agreed by the partner Authorities no later than 31st December, 2023 prior to the start of the new financial year in April 2024.

(g) Exclusion of Press and Public –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

(h) Options for Shared Regulatory Services Budget 2024-25 (DEH) (Exempt Information – Paragraphs 12, 13, 14 and 15) –

The report outlined the background and context to the funding of the Shared Regulatory Services (SRS) by the three partner Authorities and considered two options to explore the feasibility and impact of savings being achieved in the order of 3% and 5% of the 2023-24 core Services' budget.

The Head of Service provided a detailed overview of the contents of the report having regard to the core services common to all three Authorities and the fact that the financing of Authority specific services was required to be agreed directly with the partner Councils. The report therefore suggested that a special meeting of the Committee would be required before the end of January 2024 in order to allow feedback from partner Authorities prior to a final decision being made by the Committee in respect of the SRS budget for 2024 -25. The Chair referred to recent email exchanges which suggested a meeting be arranged for 31st January 2024.

Members, aware of the financial situation, however also suggested that the three Local Authorities should have regard to the work required to be undertaken by all the service areas and that the service should not be compromised as a result of the financial position, with it subsequently being

RESOLVED – T H A T approval be granted to waive the requirement for a balanced budget to be set by 31st December, 2023 as outlined in the Shared Regulatory Services Joint Working Agreement and that a Special Meeting of the Shared Regulatory Services Joint Committee be scheduled for 31st January, 2024 to allow

for feedback from the partner Authorities in relation to the contents of the report and to ratify the Shared Regulatory Services budget for 2024-25.

Reason for decision

Having regard to the contents of the report, the discussions at the meeting and to enable an informed decision to be made on the level of savings required by the partner Authorities by balancing the lead time before the savings needed to take effect, with the timeline for receiving the Welsh Government settlement for Local Government.