

SHARED REGULATORY SERVICES JOINT COMMITTEE

Minutes of a meeting held on 20th December, 2016.

Present:

Representing Bridgend County Borough Council – Councillors Ms. H. Townsend and R. Williams;
Representing Cardiff City and County Council – Councillors D. De’Ath and Ms. J. Parry;
Representing the Vale of Glamorgan County Borough Council – Councillor G. John (Chairman) and Councillor A.G. Powell.

(a) Announcement –

The Chairman welcomed Councillor Ms. H. Townsend (Bridgend County Borough Council) to her first meeting following her appointment to the Committee.

(b) Minutes –

RESOLVED – T H A T the minutes of the meeting held on 20th September, 2016 be approved as a correct record.

(c) Declarations of Interest –

No declarations were received.

(d) Proposal to Establish the Shared Regulatory Service as a Separate Employer under the Cardiff and Vale Pension Fund (HoF / S151O) –

The report outlined to Members the benefits of moving to a separate employer under the Cardiff and Vale Pension Fund for Shared Regulatory Services (SRS) staff. The Head of Finance / Section 151 officer advised that prior to the establishment of the SRS Joint Committee, Bridgend staff had been accounted for under the Bridgend employer as part of the Rhondda Cynon Taff Pension Fund and the Cardiff and Vale of Glamorgan staff were accounted for under their respective employers as part of the Cardiff and Vale Pension Fund. The Cardiff and Vale Pension Fund Actuary (Aon Hewitt) had advised that in order to fully account for the SRS’s Pension Costs it was necessary to ring fence the assets and liabilities of the SRS as if it was a separate employer in the Cardiff and Vale Pension Fund. The benefits of such an approach would be that it would minimise risks of cross subsidisation, allow the deficit of the service to be monitored separately from the Vale of Glamorgan Council’s deficit, enabling an appropriate allocation of costs to the Service, mitigate the risk that decisions taken by the Vale Council could adversely impact on the Pensions Liability or contribution rate of the Shared Regulatory Service. It would also allow assets to be appropriately allocated to the service for IAS 19 accounting

purposes and ensure that the deficit could be measured on the withdrawal of one or more participants.

The proposed project would require a dedicated project team from Aon Hewitt, all of whom would be independent of the Rhondda Cynon Taff and Cardiff and Vale Pension Funds, in addition to input from Cardiff and Vale Pension Fund Actuary, Rhondda Cynon Taff Pension Fund Actuary and legal advice as required. There was also the possibility that Cardiff Council may levy admin costs as the Cardiff and Vale Pension Fund Administering Authority.

In considering the report, a Member queried whether formal consultation needed to be undertaken with all staff from within the service. In response the Head of Service advised that it was her view that this would not be required as all staff would be receiving the same rights and entitlements as Vale of Glamorgan and Cardiff staff. However, she agreed to look into the matter and advise Members accordingly and if necessary, inform staff.

In response to a query as to whether the cost for undertaking the work would be a one off payment or have to be paid on an annual basis it was noted that it would be a one off cost.

Having considered the report, it was subsequently

RESOLVED – T H A T the proposal to set up a separate Shared Regulatory Services Joint Committee employer under the Cardiff and Vale Pension Fund at an estimated cost of £37k – £46k for Shared Regulatory Services staff be approved.

Reason for decision

In order to minimise the risks set out in the report relating to cross subsidisation, participant withdrawal and to ensure accurate accounting in accordance with IAS 19.

(e) Draft Budget Proposals 2017/18 (HoF / S151O) –

Approval was sought for the Proposed Budget for 2017/18. On 1st May, 2015, 170 staff had transferred from Bridgend and Cardiff Councils to the Vale of Glamorgan Council to create the shared service and as a direct result of the TUPE provision, consideration for the resulting salary protection had been built into the budget. The 2016/17 budget had also been increased to accommodate an unanticipated increase of National Insurance costs of £125k and for 2018/18 projections included an assumed pay award of 1% of £71k with no increase for other price inflation.

As a direct result of an unforeseen change in the economic climate, the £190k additional income that had been budgeted to be achieved in 2016-17 and 2017-18 was now considered to be unachievable, and had been achieved via other efficiencies within the 2017/18 gross expenditure budget.

The net effect of the adjustments as outlined above, on the draft proposed 2017/18 budget was that the budget requirement was £6k lower than the £8.836m stated as being the budget requirement in the 2017/18 Business Plan.

In line with the Joint Working Agreement, the population figures had been updated in the report to match the 2017/18 projected population as quoted in Welsh Government's Green Book.

In referring to management overheads, Members were informed that these would be reallocated based on information provided by the Senior Management Team and based on the consumption of the service. All other overheads would continue to be recharged out based on the value of budget held.

The proposed financial contributions from the three Authorities was reported as below:

Core Services		Original	Proposed	Variance
Authority	Updated %	£000	£000	£000
Bridgend	22.46	1,454	1,404	50
Cardiff	57.34	3,676	3,585	91
Vale of Glamorgan	20.20	1,315	1,263	52
Total Core Services		6,445	6,252	193

The Head of Service advised that should the decision of the Committee be to approve the proposed budget, the next stage would be for each Authority to approve their contributions for 2017/18 with in their respective Council's Committee meetings. The Committee was also informed that the report had been shared with the Section 151 Officers from Bridgend and Cardiff Councils.

It was subsequently

RESOLVED –

- (1) T H A T the Proposed Budget for 2017/18 be approved.
- (2) T H A T individual Authorities be requested to approve in writing the Proposed Budget for 2017/18 by 10th March, 2017.

Reasons for decisions

- (1) Having considered the report in line with the Joint Working Agreement.
- (2) To allow the budget to be finalised prior to the start of 2017/18.

(f) Appointment of Proper Officers (DEH) –

The report advised that the specific statutory responsibilities, duties and powers significant to the handling of an outbreak of notifiable and infectious diseases were set out in the provisions of the Public Health Act 1936, the Public Health (Control of Disease) Act 1984 (as amended), the Public Health (Infectious Diseases) Regulations 1988, the Public Health (Ships) Regulations 1979 as amended, the Public Health (Aircraft) Regulations as amended, the Public Health (International Trains) Regulations 1994, the International Health Regulations 2005, the Health Protection (Notification) (Wales) Regulations 2010, the Health Protection (Local Authority Powers) (Wales) Regulations 2010 and the Health Protection (Part 2 A Orders) (Wales) Regulations 2010 . The Operational Manager stated that in order for the duties to be carried out the Local Authority appointed Proper / Port Medical Officers to act as medical advisors in relation to controlling and preventing the spread of infectious disease and preventing significant harm to others from contamination by chemicals or radiation. These officers ensured that suitable powers were available to the Local Authority for power of entry to investigate the notifications of infectious disease and contamination incidents and to take appropriate enforcement action when required under the medical advice of such Officers.

Having considered the report, it was subsequently

RESOLVED –

(1) T H A T the following persons be appointed as Proper Officers and Port Medical Officers for the purposes of the legislation as contained within the report:

- Mr. Siôn Lingard, Consultant in Health Protection,
- Dr. Gwen Lowe, Consultant in Communicable Disease Control
- Mrs. Heather Lewis, Consultant in Health Protection
- Dr. Rhianwen Stiff, Consultant in Communicable Disease Control
- Dr. Graham Brown, Consultant in Communicable Disease Control
- Dr. Meirion Evans Consultant Epidemiologist
- Dr. Christopher Johnson Consultant in Health Protection
- Dr. Brendan Mason Consultant in Communicable Disease Control
- Dr. Giri Shankar Professional Lead Consultant for Health Protection
- Dr. Christopher Williams Consultant Epidemiologist.

(2) T H A T it be noted that due to organisational changes the following individuals were no longer appointed as Proper Officers:

- Dr. Jörg Hoffman
- Dr. Marion Lyons
- Dr. Christine Whiteside.

Reason for decisions

(1&2) In order to confirm, update and amend the Proper / Port Medical Officer list.

(g) Fees and Charges (DEH) –

Committee approval was sought for the proposed fees and charges for services delivered within the Shared Regulatory Service (SRS) for 2017/18. The fees and charges adopted by the SRS for the 2015/16 financial year reflected a degree of harmonisation in the licensing regimes operated across the three Local Authorities areas and the fees and charges proposed for the coming financial year 2017/18 incorporated further streamlining, where possible, of the arrangements in place for licensing across a range of functions.

The fees and charges set out in the report aimed to optimise cost recovery from regulatory activity whilst ensuring that they were transparent, proportionate and compliant with statutory legislation. It was further proposed that the new fees would take effect from 1st April, 2017 with some fees being accepted as being different within Authorities due to local circumstances, for example, the differences in veterinary contracts

In Part 1 of the Annex to the Fees and Charges report the Operational Manager, Neighbourhood Services, clarified to Committee that the £152 Compliance Notice charge included in the Mobile Homes Charging Table applied to all relevant Housing Enforcement Notices served by the SRS.

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

Reason for decision

To build upon the harmonisation of charges across the service.

(h) Overview and Update on the Shared Regulatory Service (DEH) –

The Head of Shared Regulatory Services presented the report, advising that it provided an update for Elected Members on the development of the service between Bridgend, Cardiff and the Vale of Glamorgan Councils with reference being made to a number of key areas as outlined below:

- ICT and mobile working update
- Financial monitoring
- Performance monitoring
- Service updates
- Operational plans
- Service activities
- Tattooing and special procedures

- Safeguarding and
- Noise pollution.

With regard to ICT and mobile working, Committee was informed that the service was moving towards implementation of a consolidated database to replace the four instances of Civica App Flare that were currently in place. The teams had identified the data that needed to be deleted, archived and migrated to the new system. The Operational Manager for Enterprise and Specialist Services informed the Committee that the project was on target to go live from 25th January, 2017 and officers were currently receiving “Train the Trainer” training in the new database system that was being provided by the new database provider. The service had also developed a single telephone contact number, 0300 123 6696, and the call routing service had been set up to cater for calls in English or Welsh.

The Head of Finance, in referring to the financial monitoring aspects of the report attached at Appendix 1, stated that the service was currently projected to achieve an overspend of £178k against the gross revenue budget, however, information provided by the legacy Authorities informed that the position could be mitigated by the level of income received directly by the Authorities.

The Head of Shared Regulatory Services then took Committee through the performance monitoring report, referring to performance data for Quarter 2 as set out at Appendix 2 to the report. Following a query from a Member as to whether petrol pumps were still able to be self-certified by pump fitters, the Head of Shared Regulatory Services confirmed that there was a process of self-certification with the role of Trading Standards officers being to monitor. The Head of Service referred to capacity issues within the service advising that there were a number of reasons why staff were not in the office i.e. a number were on maternity leave amongst other reasons which were having an impact on service provision. A Member queried whether apprenticeship schemes had been considered to assist with future sustainability and succession planning. In response, Committee was informed that there were no apprenticeship schemes at present but that the Departments were seeking to train technical officers for future positions. It was however, accepted that further consideration for such arrangements would be undertaken and documented in the SRS business plan for the forthcoming year.

Following a query from a Member as to whether the Department had issues with some new businesses not being registered the Head of Service advised that this did not happen on a regular basis. In referring to an error on page 3 of the performance information in for SRS/FH/003 (PN/008), it was accepted that the Amber status should include a green arrow for the Vale of Glamorgan target to show that although the target was not achieved it was on target for the end of year.

In referring to food hygiene ratings, a Member queried whether the ratings were also noted on the website. The Head of Service stated that legislation did not currently extend to websites but that he was aware that some organisations were providing this information on a voluntary basis. He would however be keen for such legislation in order that the public could be apprised via the websites of premises hygiene

ratings. Of note was the fact that legislation remained in force for such displays on the premises themselves.

A number of Operational Plans required Committee approval with reference being made to such recent plans as the Food Law Enforcement Service Plan and the Section 18 Health and Safety Plan. The SRS also published a number of operational plans to advise stakeholders of the work to be carried out in certain environments. Two of those plans having recently been completed were appended to the report for consideration by the Joint Committee.

The document set out at Appendix 3 to the report was the Port Health Plan, which set out how the SRS would fulfil its purpose of preventing infectious disease coming into Cardiff, Barry and the surrounding areas via the ports and airports to protect the health of the public. The Plan also demonstrated how these statutory obligations in relation to food safety, imported food control, ship sanitation, disinfection, waste control and animal health would be delivered. The document set out at Appendix 4 to the report was the Communicable Disease Plan, which set out how the SRS would fulfil its role of protecting public health through the investigation of cases and outbreaks of communicable disease and the application of control, preventative and enforcement measures. In February 2016, the Committee had approved the Compliance and Enforcement Policy, that document also contained reference to a number of annexes within the document. Two of the annexes noted as Annex 2 and 3, namely the Food Safety Enforcement Policy and the Health and Safety Enforcement Policy had been updated to reflect the merging of processes across the SRS and were attached as Appendices 5 and 6 to the report. However, Committee was informed that there had been a typographical error in relation to the Food Safety Enforcement Annex which should have read as Annex 1 not Annex 2. The Joint Committee was asked to consider the annexes and agree that they were incorporated into the overarching Compliance and Enforcement Policy for the SRS as Annex 1 and Annex 3.

The Head of Service had also requested that team leaders be present to provide a presentation to Committee on three particular service areas namely, tattooing, semi-permanent skin colouring and cosmetic piercing and safeguarding and noise pollution. In presenting the reports, the Team Manager for Communicable Disease and Health and Safety referred to the infections that could be associated with cosmetic piercing and tattooing and that the service would continue to engage with practitioners with the aim to apply the same standards throughout the three Local Authorities, to obtain evidence on the frequency and range of aesthetic and therapeutic services offered throughout the three Authorities, particularly in beauty salons, and to consider the process of unannounced visits to registered premises. Committee was informed that the Department relied on evidence provided by the public in order to be able to use the powers available to address unscrupulous providers. Members concurred that unannounced visits to establishments etc. was a good way forward in view of the difficulties of regulating such an industry. It was further suggested that the media be used to assist in the process, particularly in providing information on unscrupulous providers as well as detailing good news stories.

In referring to the work of the safeguarding team the Team Manager referred to a small number of dedicated enforcement staff whose role was to investigate cases where vulnerable individuals were targeted, often repeatedly, by fraudsters and suffered financial abuse as a result. To provide Members with an example of an incident the Team Leader presented a short video clip of a member of the public who had been the subject of a “marketing scam”. To raise awareness of such issues significant education and awareness raising initiatives as well as working closely with key stakeholders e.g. South Wales Police were being undertaken. Members however queried whether further promotional work could be undertaken, it being recognised that Home Care Service staff regularly frequented properties and could be utilised to spread the message.

In response to a query as to how successful the Department had been in working with private care companies to raise awareness and pass the message on, Committee was informed that it was a matter of resources and that the Team would prefer to undertake some raising awareness on a weekly basis but that these were governed by capacity issues, time and resources.

A Member queried whether the notices that had been distributed some time ago referring to cold callers were still available. The Team Leader advised that the notices were still produced and could be obtained from the service area. A suggestion was also made that officers attend Safeguarding Board meetings to raise awareness.

In referring to issues of Noise Pollution, Committee was informed by the Team Leader that the Council had a statutory responsibility under the Environmental Protection Act 1990 Statutory Noise Nuisance, the Control of Pollution Act 1974, the Licensing Act 2003, planning legislation and antisocial behaviour legislation.

Committee was reminded that the impact of noise on human health and wellbeing was outlined as:

- Cardiovascular effects
- Sleep disturbance
- Cognitive development
- Hearing impairment.

With regard to the number of service requests made Committee was informed that for 2015/16 Bridgend had received 1,053 service requests; Cardiff 3,130 and for the Vale 512. For interventions the activity statistics for 2015/16 for the SRS function in total were: Notices – 199, Prosecutions – 8, Seizures – 10 and works in default – 21.

Joint working currently existed with a number of providers including the Police, anti-social behaviour teams, community safety, social housing providers, university and student liaison officers, landlords, licensing teams, social services / support workers, private sector housing enforcement, event / safety liaison panels and Natural Resources Wales.

The Chairman, on behalf of the Committee, thanked the officers for their presentations, advising that the information although comprehensive, was concerning in view of the effect certain aspects could have on local residents and members of the public. It was important to promote the awareness of each of these areas to assist the public.

The Head of Service advised of another aspect of the service that had had a significant impact over the year referring to the seizure of a large number of horses and to the Control of Horses (Wales) Act 2014 for unlawful fly grazing. All the animals had now been rehomed resulting in the avoidance of disposing of the horses through euthanasia, although the officer advised that one of the horses had subsequently died from natural causes. The cost of caring for the horses was unexpected expenditure and had been managed through a combination of Welsh Government monies, in-year budget and the use of the Shared Services reserve. The Service would also seek to obtain some further contribution from Welsh Government due to the newness of the legislation.

Appendix 7 to the report detailed a number of prosecutions (between August – November 2016) that had been successfully concluded in recent months which had arisen from investigations conducted across the Shared Service.

Following full consideration of the report, the Chairman thanked the Head of Service and his team for a comprehensive presentation to the Committee, following which it was subsequently

RESOLVED –

- (1) T H A T the report be accepted.
- (2) T H A T the Food Safety Enforcement annex 2 at Appendix 5 be amended to read as Annex 1 and that both Annexes for Food Safety Enforcement (Annex 1) and Health and Safety Enforcement (Annex 3) , Appendices 5 and 6 to the report, be approved for incorporation into the overarching Compliance and Enforcement Policy for the Shared Regulatory Service.

Reasons for decisions

- (1) In noting the progress to date towards completing the implementation programme.
- (2) To confirm that the Food Safety Enforcement Annex is amended to read as Annex 1 and that both documents are incorporated into the Compliance and Enforcement Policy for the SRS.