

## **SHARED REGULATORY SERVICES JOINT COMMITTEE**

Minutes of the meeting held on 18<sup>th</sup> September, 2018.

Present:

Representing Bridgend County Borough Council – Councillors D. Lewis and Ms. D. Patel;  
Representing Cardiff City and County Council – Councillors Ms. N. Mackie and M. Michael (Chairman);  
Representing the Vale of Glamorgan Council – Councillors V.P. Driscoll and T.H. Jarvie (Vice-Chairman).

(a) Minutes –

RESOLVED – T H A T the minutes of the meeting held on 19<sup>th</sup> June, 2018 be approved as a correct record.

(b) Declarations of Interest –

No declarations were received.

(c) Audit of the 2017/18 Joint Committee Financial Statements (MD) –

Mr. Steve Wyndham from the Wales Audit Office (WAO) advised that the report detailed the relevant issues that needed to be raised with the Council, on behalf of the Appointed Auditor. He stated that the WAO had no concerns about the quality aspects of the Council's accounting practices and financial reporting. The WAO had not encountered any significant difficulties during the audit and there were no significant matters to be discussed or corresponded upon with management which needed to be reported. In addition, there were also no other matters significant to the oversight of the financial reporting process that they needed to report on and they did not identify any material weakness in the material controls. Finally, Mr. Wyndham stated that there were no other matters specifically required by auditing standards to be communicated to those charged with governance.

The latest 2017/18 Statement of Accounts incorporating all currently agreed amendments was attached at Appendix A to the report and the Audit of Financial Statements report was attached at Appendix B. The Letter of Representation was attached at Appendix C.

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

With regard to the current report, reference was made to a small number of misstatements that had been corrected following discussion between the WAO and the designated Section 151 Officer for the Joint Committee and these were set out in Appendix 3 to Appendix B.

The Head of Finance / Section 151 Officer also advised the Committee that back in June 2018, an underspend was reported for the Shared Regulatory Services. Under the Joint Working Agreement, Section 151 Officers needed to agree what would happen with this money and Committee was advised that the Section 151 officers were recommending that the underspend, in the region of £346k, would be reallocated back to the three partnership Local Authorities.

A Committee Member, in referring to Appendix 3, queried whether the amount in relation to the Illegal Money Lending Unit should be in addition to the SRS's budget. In reply, the Accountant for the Joint Committee stated that this was a potential issue around wording and that in the past, Cardiff Council had received this money and had reallocated it back to the Vale of Glamorgan as host. This amount was not over or above the budget contributions.

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

RESOLVED –

- (1) T H A T the Statement of Accounts for 2017/18 be approved and signed and dated by the Chairman of the Committee.
- (2) T H A T the Letter of Representation to the Wales Audit Office for 2017/18 be noted and agreed and signed and dated by the Chairman of the Committee.
- (3) T H A T the report of the Appointed Auditor on the audit of the Shared Regulatory Service Financial Statements for 2017/18 be noted.

#### Reasons for decisions

- (1) That the Statement of Accounts be approved prior to the deadline.
  - (2) That the signed Representation Letter is returned to the Wales Audit Office.
  - (3) To ensure that Members are aware of the results of the audit of the 2017/18 Financial Statements of the Shared Regulatory Service.
- (d) Food Law Enforcement Service Plan (DEH) –

The Operational Manager for Commercial Services advised that the report sought approval for the draft Food Law Enforcement Service Plan for the Councils for 2018/19. The Councils had a duty, which had been delegated to the Joint Committee, to enforce the Food Safety Act 1992, the Official Food and Feed

Controls (Wales) Regulations 2009 and a wide variety of other food / feed legislation including the Food Hygiene (Wales) Regulations 2006.

A copy of the draft Food and Feed Law Enforcement Service Plan for 2018/19 for the Shared Regulatory Service (SRS) was attached to the report at Appendix 1. The Service Plan detailed how the SRS would fulfil the major purpose of ensuring the safety and quality of the food chain to minimise risk to human and animal health.

Its terms of performance for Food Hygiene, the Operational Manager stated that the Service had reported its best performance ever. Members were advised that the rate of inspection of high risk businesses for each of the three Local Authority areas was 100%. The main indicator used to assess the Council's performance was the proportion of food establishments in the Local Authority area which are broadly compliant with food hygiene law, with an improvement in performance reported over the last five years.

Members noted that some of the key challenges identified during the previous year 2017/18 included staffing. The Committee was advised that a number of officers had recently left to take up job opportunities outside of the SRS. A Committee Member queried how the SRS would tackle this issue. In reply, the Operational Manager stated that at the time when the SRS was set up, there was a need to employ technical officers who had been provided with a lot of training. Some of these had now moved on. The Operational Manager stated that the Service had actively tried to recruit to the vacant posts and the Service had also invested in the posts and so these had been advertised at a higher grade. The Operational Manager also added that the team had been working hard to fill the gaps from the empty posts. Further to these comments, the Head of Service stated that the Service required staff to achieve high professional levels and that the Councils were unable to provide support to prospective staff members in completing a three year university course. This meant that the Councils had less numbers of people from which to recruit from. The Chairman asked whether the Service could work with colleges to see if students could be sponsored. In reply, the Head of Service referred to the difficulty with the technical nature of posts which required a degree based qualification. He also referred to a meeting with Welsh Government who were keen on introducing more apprenticeship schemes which could potentially assist the Service in recruiting new staff members. Members agreed that an update on recruitment would be provided at the next meeting.

Other challenges included Events and Financial. For Events the Committee noted that the region hosted many outdoor events across a wide range of venues. The time spent planning, organising, monitoring events and inspecting and sampling at food premises during events each year was not to be underestimated. These were additional commitments above the planned inspection programme, often not experienced by other Councils in Wales.

The Chairman commented that the issue with hosting events, was that clean-up was required afterwards. Councils did not have a budget to deal with this, which required the use of Council resources. The Chairman stated that a fee for clean-up should be charged and that this issue should be properly recognised.

In respect to the Financial challenged, the Committee was advised that the continuing financial difficulties faced by all local authorities had required implementation of remedial measures to offset budgetary deficits. This had an impact on the delivery of food services in recent years. This pressure would continue in the years to come. However, the new collaborative model provided a budgetary framework to work within for the next 3 years. This allowed a greater level of certainty for the service, than would otherwise be possible.

A Committee Member queried how the service monitored premises in displaying their food hygiene rating. In reply, the Operational Manager confirmed that the Service did monitor, but this was usually carried out after an inspection. Following an inspection, it was the Proprietor's responsibility to ensure that the correct rating was displayed and some chose not to do this if the score was lower. The Operational Manager stated that the Service surveyed and sent officers to check whether the correct ratings were displayed. This was an area that was of concern to the Service which usually received a number of complaints from members of the public who felt that the score displayed did not present a true reflection of practices. The Operational Manager advised that if the Service did find premises displaying incorrect score then Officers could issue a Fixed Penalty Notice.

Following full consideration of the report, it was subsequently

RESOLVED –

- (1) T H A T the Food and Feed Law Enforcement Service Plan for 2018/19 be approved.
- (2) T H A T the Head of Shared Regulatory Services be authorised to make administrative amendments to the 2018/19 Food and Feed Law Enforcement Service Plan should the need arise.

#### Reasons for decisions

- (1) The Food Standards Agency requires all Local Authorities to produce and approve an annual plan that sets out how it is going to discharge its responsibilities.
- (2) To ensure the Plan remains up to date should any changes in law or best practice be introduced during the period.

#### (e) Overview and Update on Shared Regulatory Services (DEH) –

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

The Head of Service began by referring to the area of Human Resources. It was reported that the last quarter attendance levels had been higher when mapped

against the previous year. A projection based on current figures to the end of the current financial year remained uncertain, but SRS management would work to maintain attendance at the 2017/18 levels (6.9 FTE).

The Head of Service then referred to the area of Health and Safety. He advised that earlier in the year, the SRS began working with the Trade Unions to ensure that everything possible was being done to protect the health, safety and wellbeing of frontline staff, particularly those working alone. This had resulted in a number of actions.

Firstly, all non-office based staff had been provided with Conflict Management and Lone Worker training. This was provided by an external provider, Safety Training Solutions Ltd. The training had been tailored to the particular needs of the SRS, through the use of relevant case studies and making reference to relevant risk assessments.

Secondly, a number of SRS staff were piloting the use of the "Solo Protect ID" device that pinpointed the location of the user, and should they encounter violent or aggressive behaviour or suffer injury while working alone, a call handler was able to intervene to get the necessary assistance to the person concerned. It was reported that feedback to date had been very positive and the device would be made available to other identified SRS staff. Members noted that at present, there had not been any need for any of the staff to use the call handling system.

Finally, the SRS had put in place a system to record warning alarms in respect of premises or individuals linked to violent or aggressive behaviour through the Tascomi database. It was noted that it was vital that this process now extended to enable the two way sharing of information across the three partner Authorities, albeit this remained more of a challenge from the data governance perspective.

With regard to the Financial Position for Quarter 1, a financial monitoring report was attached at Appendix 1. The Head of Finance stated that the service was projecting to overspend by £22k against a gross revenue budget of £8.504m.

Committee was then taken through Quarter 1 performance as shown in Appendix 2.

Highlighting some key areas, the Head of Service began by advising that for Food Hygiene, a Green RAG status had been attributed to the number of high risk inspections of Category A and B businesses. For Category C businesses, the Service had missed target. This was largely due to staff sickness which had resulted in Category A and Category B businesses being prioritised. For new business identified which were subject to a risk assessment, it was noted that the performance for the Cardiff area was slightly below target, again this was due to staff sickness. It was reported that overall performance for the number of food establishments deemed to be broadly compliant had exceed the Quarter 1 target.

With regard to the number of high risk establishments that were inspected by Trading Standards, the Head of Service advised that overall performance was Amber, as a result of one inspection being outstanding. A Red status had been

attributed to the percentage of new businesses subject to a risk assessment for Trading Standards. This was as a result of a backlog of visits from the previous years and outstanding visits would be undertaken during quarter 2.

Members noted that a Green status had been attributed to the number of domestic noise and air complaints responded to within 3 working days and also to the percentage of commercial and industrial noise and air complaints responded to within one working day. With regard to the percentage of alarm complaints responded to within one day, Members were advised that performance for Cardiff and the Vale had exceeded target, but Bridgend had a Red status due to a recording issue with a complaint received.

For the Licensing service, Members noted that performance for all indicators had met or exceeded targets.

The Head of Service then referred to an audit review of the SRS financial controls and governance that had been undertaken as part of the 2018/19 Annual Internal Audit Plan. During the audit, a number of strengths and areas of good practice were identified including the regular scheduled appointments between SRS management and the Accountant to maintain communication over the position of the budget. It was reported that no key issues were identified during the audit and it was concluded that the effectiveness of the internal control environment was considered to be sound and therefore substantial assurance could be placed upon the management of risks. He also commented on the excellent work and support provided by the Financial Service Team, stating that he could not undertake his role without them.

In July 2018, the All-Party Parliamentary Group on Occupational Safety and Health reported to Parliament on the role of local Government in health and safety regulation and made a number of recommendations for change. The report noted that workplace health and safety enforcement at premises within the purview of local Councils was done through Regulatory Services officers who were also responsible for many other enforcement areas including food safety, housing, environmental nuisance and trading standards.

The All-Party Group recognised the financial restraints that many local Councils were working under and the many competing demands on their services. They believed that Local Authorities, in general, provided a very useful service and that the current dual inspection role between the HSE and Local Authorities was a pragmatic approach to inspection and enforcement. Consequently their recommendations to Government included:

- HSE ensure that local government priorities on inspection reflect the current HSE strategy with greater emphasis on health, rather than just safety;
- That “fee for intervention” should be extended to Local Authorities;
- The HSE should provide some framework for consistency of approach in good primary authorities working and ensure greater scrutiny of the scheme.

With regard to the possible introduction of fees, a Member stated that this should be considered very carefully as fees could have a knock on effect of increasing

workload. In addition, the Head of Service stated that the SRS mainly worked with small sized businesses, so the impact on these compared to larger retailers would be bigger. Any legislative change as a result of the report would be reported to the Joint Committee at a later date.

- Safeguarding / Scams

SRS officers had been busy during July and August raising awareness of how to avoid scams and other rogue trading practices. Having a presence at a number of shows, open days and similar events ensured that as large an audience as possible was reached over the course of the summer and attendance at the Vale of Glamorgan Agricultural Show even resulted in a surprise slot for one of our Officers to spread the word, live on Bro Radio.

A number of joint days of action and “Rogue Trader Days” were undertaken with South Wales Police and a further three call blockers were installed in the homes of vulnerable residents during the summer, bringing the total number of SRS fitted call blockers in use in residents' homes to 38.

Scams Awareness Month, a national initiative, took place in June and to mark the occasion, Shared Regulatory Services staged a “Friends Against Scams” session for Vale of Glamorgan Council staff and Elected Members, which was well received. Friends Against Scams (FAS) was a UK-wide scheme that aimed to protect and prevent people from becoming victims by empowering communities to take a stand against scams. FAS awareness sessions were designed to equip attendees with the knowledge and skills to discern the different types of scams and how to spot and support a victim. The session had been supplemented for Vale of Glamorgan employees by making available online training via the iDev facility.

The annual Air Quality progress reports, as required by Welsh Government were being finalised prior to their being presented to the respective Cabinets of Bridgend, Cardiff and the Vale of Glamorgan Councils in the autumn. The indicative position in each of the three Council areas was as follows:

Bridgend – In 2017, SRS increased the number of monitoring locations for nitrogen dioxide (NO<sub>2</sub>) in Bridgend County Borough. These sites were commissioned based on known areas of particularly elevated traffic flows, the introduction of traffic management systems and foreseeable development, all with nearby relevant exposure. Based on the results obtained during 2017, the boundary of one of these locations was extended by the addition of a further two monitoring locations for 2018.

Although the full dataset was not available for 2018, the average NO<sub>2</sub> level breaches the annual average objective set for NO<sub>2</sub>, and gave cause for concern. A report was being presented to the Bridgend County Borough Council (BCBC) on 18<sup>th</sup> September setting out the need for an Air Quality Management Area (AQMA) to be declared for the location giving concern. As there were a number of residential properties included in the boundary of the AQMA, residents would be consulted during which time the reasons for and the implications of an AQMA can be explained to the community.

Following the declaration of an AQMA, the BCBC would have up to 24 months to formalise an Action Plan in order to implement appropriate measures to improve / reduce the NO<sub>2</sub> levels within the AQMA. This would require a co-ordinated approach with SRS working with a number of BCBC departments and other agencies to identify the most appropriate solutions to improve air quality in the area.

Vale of Glamorgan – The results of monitoring air quality in the AQMA located in the Vale of Glamorgan had for a number of years indicated that it was time to revoke the AQMA in Penarth. This would be recommended to the Vale of Glamorgan Council Cabinet when the annual Air Quality Progress report was presented in October. An effective communications plan would ensure that residents understood the reasons for revoking the existing the AQMA and importantly, that monitoring of air quality would continue in the area to ensure that the greatly improved standard of air quality was maintained.

In response to local concerns about the Biomass plant in Barry, SRS has invested in two AQ monitors that monitored Air Quality every 15 minutes. One of these monitors was situated on Holton Road and the other on Dock View Road, and both were now operational and sending live Air Quality data. Residents and interested parties could view the results via the SRS website.

Cardiff – SRS continued to play a significant role in assisting the City of Cardiff Council as it identified the most effective way to improve air quality going forward. External consultants were currently concluding transport and air quality modelling exercises to inform the Council's initial report to Welsh Government which was due to be submitted by 30<sup>th</sup> September.

## Major Events

SRS played an important role in the successful staging of major events across the three Local Authority areas. In addition to dealing with any licensing matters associated with a particular event, SRS played an important role in ensuring that food sold at events was safely prepared and stored, and that it was labelled correctly. In the case of stadium concerts and sporting events, input may be required to assist brand holders to protect trademarked goods and safeguard against the supply of counterfeits.

Major events staged through the participant Councils went through a detailed planning process via the respective Events Safety Advisory Group in Bridgend and the Vale of Glamorgan, and in Cardiff via the Events Liaison Panel. SRS played a role throughout the planning stages with respect to food safety, health and safety and brand protection.

While Summer was traditionally the busiest time for events, June, July and August had been exceptionally busy for events. This was due in part to the success of the City of Cardiff Council in promoting itself on the world stage as the home of successful events. There was also a discernible increase year on year in the other two Local Authority areas, with figures for the Vale of Glamorgan area suggesting a



25% increase in events this year. Some examples of events recently staged included the Volvo Ocean Race, Oktoberfest, Welshfest and the various agricultural shows across the region. All of this has had an impact on the SRS in terms of meeting demand from other areas of responsibility, and at a time of our diminishing staffing resource, and in covering weekend and evening work. Discussions were underway with the respective partner Councils to ensure that event work could be appropriately prioritised, for example through service level agreements, and measures put in place to recover cost where necessary.

## Housing Enforcement

The Grenfell Inquiry chaired by Sir Martin Moore-Bick was an independent public inquiry, set up to examine the circumstances leading up to and surrounding the fire at Grenfell Tower on 14<sup>th</sup> June, 2017. It was currently in Phase 1 of the Inquiry and had taken evidence from a range of experts who had been critical of the current regime for regulating the testing and use of ACM materials which were involved in the rapid spread of the fire at the high rise.

Within Cardiff there were a number of privately owned high rise buildings which had been constructed using ACM materials similar to that used at Grenfell. The Fire Service and Welsh Government had taken a lead to date in co-ordinating the response to the issues raised by the fire in Wales. There was a possibility the SRS may take a more prominent role in respect of affected high rise buildings in the private sector through the use of powers contained in the Housing Act 2004 and the Housing Health and Safety Rating System (Wales) Regulations 2006. The SRS were taking further expert advice and remained in consultation with Welsh Government and the Fire Service as the response to Grenfell and the potential remediation of some of the high rise buildings proceeds. The Service would continue to update the Joint Committee on this matter.

## Taxi Licensing

The Welsh Government was yet to produce their proposals for the review of Taxi and private hire legislation in Wales following the consultation last year. This was envisaged to become available in September 2018. Taxi licensing remained the responsibility of each Council through its Licensing / Public Protection Committees. However, the changes suggested by the consultation may have wider implications for consumers and it was proposed to report any changes to the Joint Committee on that basis.

Members of the Joint Committee would have been aware that Cardiff and the Vale of Glamorgan had granted a Private Hire Operator Licence to a company called OLA, who operated via a smart app., similar to those used by UBER and Dragon for example. The Company was able to evidence compliance with both Councils' Conditions for a Private Hire Operator Licence and therefore the licence was granted via Officer delegated powers, as was the usual due process in such cases. Once again, there was heightened consumer interest in the use of app based technology to make taxi bookings and developments would be reported to the Joint Committee.

## Communicable Disease Service Plan

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

## Managing Infection Control Workshops

SRS officers in partnership with Welsh Government and Vector Air and Water Systems delivered a “Managing Infection Control Workshop” to residential care homes in SRS in June this year. Earlier health and safety visits indicated that care homes continued to struggle with effective management and control of Legionella in hot and cold water systems.

This interactive session also included talks on prevention and control of Norovirus and Influenza in care homes. 56 delegates attended, 50 (89%) said that the workshop provided either very good or excellent value to their business, 55 (98%) reported learning something from attending the workshop and 48 (86%) said they would be making changes within their business as a result of what they had learned.

## Food Hygiene Rating Display Survey

The Food Hygiene Rating (Wales) Act 2013 established a mandatory food hygiene rating scheme for Wales. The scheme was designed to help consumers make informed choices as to where to purchase or eat food by providing information about the hygiene standards. Food businesses (unless exempt) had a legal duty to display a valid FHRS sticker.

A survey was completed across SRS earlier this year to ensure compliance with the legislative requirements. A total of 947 businesses were checked to verify the valid rating sticker was being displayed in a conspicuous place. 18 businesses were found not to comply with the law and were served a Fixed Penalty Notice.

Further legal proceedings were currently ongoing for businesses who had failed to pay the Fixed Penalty Notice for non-display. One case had been concluded involved a restaurant within the Cardiff area which was fined £2,400 and ordered to pay £200 in legal costs along with £40 victim surcharge.

SRS had received significant press attention as a result of this case and had also received a letter from the Food Standards Agency to congratulate the department on the successful result. A copy of the letter was contained within Appendix 4 to the report.

## Swimming Pool Survey

Cryptosporidiosis was a protozoan infection which could cause symptoms such as profuse watery diarrhoea and cramping abdominal pain in humans. It was most commonly associated with young children in the 0-5 years age range and had several modes of transmission including person-to-person spread and bathing in contaminated water sources; including leisure waters such as swimming pools. The illness spreads via Oocysts, which appear in the faeces at the onset of symptoms, and could continue to be excreted for several weeks – even after symptoms had subsided. The main problem with Oocysts was their ability to be highly resistant to chemical disinfectants; including chlorine.

Analysis of 2017 data identified a continuation of an increasing trend of Cryptosporidium cases being reported to SRS – 38 confirmed cases (Bridgend 5; Cardiff 22; Vale 11), with leisure pools being implicated venues in a significant proportion of these cases. Using this information enforcement visits were undertaken during Quarter 1 in line with 2018/2019 Business Plan. A total of 44 leisure pools were included in this intervention (Bridgend 9; Cardiff 22; Vale 13), which included pools in privately operated leisure centres, hotels and caravan parks. All visits were undertaken on an unannounced basis, with the aim of the intervention being to identify how duty holders were managing the risk of Cryptosporidium in vulnerable populations and promoting good hygiene practices by pool users.

Visits identified the following key points:

- Pool staff could evidence they had attended a recognised training course (STA / CIMSPA), but knowledge about their own pool plant system and internal procedures was often lacking;
- A large proportion of 'Normal Operating Procedures' were considered to be too generic and failed to provide any specificity about the pool plant system in operation at a particular venue. This problem was identified across the board – in small, independent businesses and national leisure companies;
- A number of pools were using the incorrect procedure for dealing with diarrhoea incidents in their respective leisure pools (primarily due to a lack of knowledge about their individual filter specifications);
- A number of pools had fluctuating chemical test results, and corrective actions being implemented by staff reaffirmed a lack of knowledge about the site-specific installation;
- Whilst most leisure pools had pre-swim showers and nappy policies for babies/young children, many pools failed to provide any information to pool users about not using the facility if they had had diarrhoea within the last 48 hours. Very few pools advised pool users not to swim if they had been diagnosed with Cryptosporidium and had symptoms within the last 14 days;
- 1 pool and 1 spa pool had to be closed during the Officer visit due to problems with low temperature and low chlorine levels.

The Committee queried whether a rating system, similar to the one used for Food Hygiene, could be introduced for swimming pools. In reply, the Head of Service stated that any rating would be based on what Offices found on the day of

inspection. For the Service, the key aspect was around outlining areas of improvement and providing training to staff. Members noted that another survey of pools would be undertaken next year and the findings reported again.

Details of recent cases investigated by the SRS that had resulted in prosecution were set out in Appendix 5 to the report.

In the regard to dog breeding, the Committee noted that the Service was waiting to see Welsh Government proposals. The role of the SRS was keep a close eye on businesses.

Having considered the Overview Report, it was

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

#### Reason for decision

In order to apprise Committee of the work of the service and the progress towards completing the SRS Business Plans.