

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 NOVEMBER 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

SHARED REGULATORY SERVICES ANNUAL REPORT 2018-19

1. Purpose of report

1.1 The purpose of this report is to provide Cabinet with the Shared Regulatory Services Annual Report for 2018-19 for noting.

2. Connection to corporate improvement objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate priority:

- Supporting a successful economy – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

3. Background

3.1 In April 2015, Bridgend County Borough Council, Cardiff Council and the Vale of Glamorgan County Borough Council signed a Joint Working Agreement (JWA) for the provision of regulatory services across the three Council areas. The document created the Shared Regulatory Service (SRS) and the SRS Joint Committee.

3.2 The Cabinet Member for Well being and Future Generations and the Chair of the Licensing Committees are the two Bridgend County Borough Council representatives on the SRS Joint Committee following appointment by the Council.

3.3 In accordance with the JWA, the SRS is required to produce an Annual Report that covers the operational and financial performance of the service for the preceding year.

3.4 In March 2017, the Council ratified the insertion of a new clause into the JWA to enable each partner authority's Cabinet to receive the SRS Annual Report, for information purposes. This report apprises Cabinet of the decisions taken and functions carried out by the SRS Joint Committee over the preceding financial year, as well as the performance and financial position of the SRS.

- 3.5 A copy of the report considered by the SRS Joint Committee on 11 June 2019, which incorporates the SRS Annual Report 2018-19, is attached as **Appendix A** to this report.
- 3.6 The SRS Annual Report 2018-19 was approved by the SRS Joint Committee and is presented to Cabinet for information. The SRS Annual Report 2018-19 reflects upon the fourth year of operation of the SRS. It outlines the performance of the SRS in 2018-19, the progress made in achieving the objectives set out in the SRS Business Plan, and the summary revenue account and statement of capital spending.
- 3.7 The management of key operational performance for Shared Regulatory Services in BCBC is the Head of Legal and Regulatory Services. The Client lead works closely with Finance, Legal and other Service Areas to ensure that the delivery of services is to the required level and, where required, improvements are implemented.

4. Current situation/proposal

- 4.1 The key aspects of operational performance across the region from the Annual Report are as follows:
- Sickness absence levels for 2018/19 were 7.55 days per FTE person. This is below the Council's average of 11.90 days FTE but is an increase on the previous year where absence rates were recorded as 6.89 per FTE person. There are mitigating factors with several officers undergoing planned medical interventions. There are no discernible trends in either the short or long term absence figures.
 - The Gross Revenue Budget position for 2018/19 for the SRS was an underspend of £496k against the gross revenue budget of £8.504m. For Bridgend County Borough Council this resulted in a net underspend of £129k against a net budget of £1.328m. The Authority Specific Services for Bridgend County Borough Council underspent by £57k; this is partially the result of a £29k underspend within the Licensing Section and a £28k underspend within Kennelling and Vets where activity is below budget. This service was subject to a re-tendering exercise earlier in the year, which has also actively contributed toward lower Kennelling Costs being achieved. Additionally, the Wales Audit Office completed its independent financial audit of the service in September 2019; there were no recommendations for improvement.
 - The report indicates that the SRS has consolidated service delivery in accord with the agreed standards and delivered the requisite financial savings. However, the report indicates that more demands are being placed upon the service at a time of reducing resources.
 - Operational performance throughout 2018/19 has been reported both to the Joint Committee and to the Council through the corporate system. The targets and actions identified in the 2018/19 plan were achieved for the most part. All statutory documents were published on time and the change programmes identified for the period

concluded on time. The only failings were an inability to complete all of the proactive programmes due to resourcing.

- Agile working, which underpins the new operating model, continues to be deployed to allow maximum flexibility for the deployment of officers. In 2019, the SRS is seeking to understand how to quantify objectively that this mode of working is increasing productivity.
- The SRS has been active in the Courts and Appendix 2 of the Annual report set out the successful interventions undertaken in the 2018/19 period.

4.2 The key operational implications for Bridgend County Borough Council are as follows:

- Public Accountability Measures –
 - *PAM 23 - the percentage of food premises that are broadly compliant.* This measure provides an indication of how well a food business complies with food hygiene legislation. The food industry is responsible for producing and distributing safe food. The SRS, as the enforcement agency, conducts inspections, ensuring that standards are met through a robust enforcement programme to deal with those who do not comply with standards. The business support regimes introduced into the SRS structure also play a part in promoting an increase in hygiene standards, but ultimately this is a measure of the performance of the food businesses themselves. Premises are deemed broadly compliant if specified risk scores are achieved for cleanliness, structural issues, and confidence in the management of the business. The target for 2018/19 was 93% of businesses to be broadly compliant; the performance recorded was 97.52%. This is the best score ever recorded in the Borough and translates to an additional 83 premises in Bridgend, over the last 2 years achieving a satisfactory rating.
 - *PAM 13, Percentage of empty private sector properties brought back into use during the year through direct action by the local authority and PAM 14, Number of additional dwellings created as a result of bringing empty properties back into use.*

These indicators were introduced last year, but the core subject matter of reducing the number of empty properties remains the same. This indicator is not explicitly mentioned in the Annual Report, as the SRS only began to support the delivery of the function in Bridgend from November 2018.

In recent years, there has been concern regarding performance against this indicator. However, in 2018/19, performance has improved, and SRS activities have resulted in:

- The performance against PAM 13 was 104 properties (8.41%) brought back into reuse against a target of 7.86%

- The performance against PAM 14 was 5 additional dwellings created against a target of 5.

For 2019/20, PAM 14 has been replaced with PAM 45. The targets have been set at 5% of empty properties to be brought back into use for PAM 13 and 5 additional dwellings created for PAM 45.

4.3 The SRS Business Plan is also aligned to the Council Corporate Plan and in 2018/19, some of the notable activities for the borough included:

- Ensuring taxi users and visitors to the Borough experience a consistently high-quality and safe service by using our regulatory powers to support customers and providers.

A number of policy initiatives that started in 2018/19 have come to fruition in relation to taxi licensing. This has resulted in changes in the Policy applied in respect of the requirement for a knowledge test for new drivers. In addition to route information, the test also covers numeracy/literacy questions, questions on Hackney Carriage & Private Hire Legislation, the location of Buildings and Places of Interest in the County Borough and disability, equality awareness and safeguarding issues.

There have also been Policy changes in relation to the assessment of the suitability of applicants to be drivers in the hackney carriage and private hire trades. Bridgend has adopted the more stringent 2018 criteria recommended by the Institute of Licensing and mirrors that being implemented in the other SRS authorities.

The Council introduced a new fare structure for hackney carriages in the Borough following a lengthy consultation period. This change has not resulted in any complaints from drivers or members of the public and seems to be operating effectively.

In relation to taxi licensing enforcement the appointment of a new Enforcement Manager in 2018/19 has resulted in an increase in exercises with the Police and 'mystery shoppers', - officers from elsewhere in the SRS - to undertake compliance checks on drivers operating in the Borough. More of these are planned for 2019/20.

In general Licensing Policy the SRS started a process of revising the Statement of Licensing Policy and consulting with the public and stakeholders on amendments to the Cumulative Impact Policy(CIP), as required by changes in legislation. The responses received were overwhelmingly in support of maintaining the CIP in Bridgend and a report will be taken back to Committee and Full Council for approval this year.

- Successful delivery of the SRS business plans ensures the Council improves health and wellbeing and protects the environment. Air Quality has become a high profile issue, featuring in the headlines on an almost daily basis. The annual Local Air Quality Management Progress Report for 2017 was submitted to the Welsh Government by the 31st December deadline. SRS continues to review monitoring locations in the Borough, but the most significant challenge for the SRS in 2018/19 was to assist with the declaration of an Air Quality Management Area for Park street following the recording of sustained high levels of Nitrogen Dioxide. A number of BCBC departments and interested parties such as Public Health Wales have been brought together to compile and agree a set of draft mitigation measures to reduce nitrogen dioxide levels and improve air quality in the Park Street Air Quality Management Area (AQMA).

- 4.4 Cabinet has requested a report outlining the performance of the SRS over a longer period. Such a report would allow trends to be identified and provide a different perspective on the performance of the SRS since its formation in 2015. In May 2019, the Wales Audit Office (WAO) undertook its own assessment of the environmental health discipline, revisiting its earlier study in 2014. At that time the WAO considered that the Council was *“mostly delivering environmental health services at minimum standard or above and whilst expenditure and staff numbers have been maintained, survey respondents have a mixed view on the quality of current services and the Council will find it difficult to take on new statutory duties that protect the public and the environment in the future”*.

The 2019 report, published in October stated that *“the shared regulatory services (SRS) model is enabling the Council to sustain its delivery of environmental health services in a context of reducing resources and additional responsibilities placed on it by ongoing changes in legislation. There is scope for the Council to strengthen its scrutiny and oversight arrangements of environmental health services and work with SRS and other providers to explore the opportunities for future improvement”*.

The WAO report and other data will be used to develop the wider SRS assessment which will be presented to Cabinet in due course.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the policy framework and procedure rules.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The SRS Annual report illustrates how the Council’s regulatory function contributes to the national Well-being Goals through the delivery of the well-being objectives contained in the SRS Business Plan. The SRS operates in accordance with the five

ways of working which are also reflected in the content of the plan. There is a strong emphasis on collaboration as the SRS recognises the need to work with partners to deliver services and improve local well-being.

- 7.2 The Annual report reflects the importance of prevention and this has been a strong theme in much of the activities to date, but also recognises that many of the issues are longer term matters, e.g. deprivation, climate change, an ageing population and physical and mental well-being. The involvement of partners and stakeholders in the development and delivery of the SRS functions is critical to its success as is the need to work in a more integrated way, recognising the connections across Council services and with other partners.

8. Financial implications

- 8.1 There are no financial implications associated with this report.

9. Recommendation

- 9.1 It is recommended that Cabinet note the Shared Regulatory Services Annual Report for 2018-19

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Background documents:

None