

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO THE CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

7 OCTOBER 2021

### REPORT OF THE HEAD OF SHARED REGULATORY SERVICES

#### UPDATE ON THE WORK OF THE SHARED REGULATORY SERVICE

#### 1. Purpose of report

- 1.1 The purpose of this report is to update the Committee on the work undertaken by the Shared Regulatory Service (SRS) during the coronavirus outbreak and the continued service pressures faced as we recover from Covid 19.

#### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.

#### 3. Background

- 3.1 In April 2015, Bridgend County Borough Council (BCBC), 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 Wellbeing 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. Management of key operational performance for Shared Regulatory Services in BCBC is the Chief Officer - Legal, HR 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.
- 3.3 Members will be aware of the significant role played by the SRS during the pandemic delivering an array of essential Covid related actions on the ground. This paper summarises this work, and points to a number of risks in the regulatory landscape going forward.

## 4. Current situation/proposal

### SRS operational delivery March 2020 – September 2021

- 4.1 When the UK was put into lockdown on 23rd March 2020, the government put into place an unprecedented set of controls to limit the spread of the virus; we were advised that we faced a pandemic, a word that has become familiar to many people. For clarity, the World Health Organization defines a pandemic as ‘the worldwide spread of a new disease.’
- 4.2 Coronaviruses are not new, but this strain had a devastating impact on society, spreading quickly around the world and infected large numbers of people. All pandemics will be slightly different in how they spread across the world, but all have the potential to have a significant impact on all parts of society. The following paragraphs provide a SRS perspective on the impact of the virus in the region.
- 4.3 As a consequence of the new public health controls, many businesses had to close; people were required to work from home where possible, and social interaction was curtailed. It became the responsibility of SRS to enforce the Health Protection (Coronavirus Restrictions) (Wales) Regulations. One of the immediate demands of this legislation was ensuring that a wide range of businesses falling into the non-essential category across the SRS region closed, and remained closed. Since March 2020, those Regulations have changed many times and applying those controls has been a challenge both for the SRS and the businesses affected by them. Narrating our activities across 2020/21 would take many hours and many pages of text. At the Committee members will receive a short presentation on those activities. For the purpose of this report, some of the notable events that members might recall include:
- In April 2020, only “essential” businesses such as food stores were able to remain open. There was an onus upon maintaining social distancing between customers and staff both within the premises and while queueing outside prior to entry. Long queues became a familiar sight. During this time, SRS became aware of incidents of ‘price gouging’ or profiteering whereby the price of essential commodities fluctuated depending on demand, this being at a time when supply chain issues coupled with panic buying left some shelves bare in retail outlets.
  - The suspension of economic activity saw people experiencing difficulty in obtaining refunds for bookings cancelled as a result of the pandemic and lockdown restrictions. Scammers and rogue traders began to exploit the “opportunities” presented by the pandemic. Complaints included, driveway cleaning services marketed as preventing the spread of the virus, the door to door sale of ‘COVID testing kits’, texts sent to residents notifying them that they had been seen outdoors and as a result they must pay a fixed penalty notice charge. These complaints became too common.
  - The early days of lockdown saw huge demands being placed on supply chains for items essential to the pandemic response such as hand sanitisers, masks and gloves. This saw many alcohol producers switch to the manufacture of hand sanitiser, while at the same time, suppliers sourced

hand sanitiser from across the UK and beyond, often outside of their normal areas of expertise. In this maelstrom, it was inevitable that substandard product would reach the marketplace. SRS impounded over 15,000 litres of hand gel and many thousands of face masks.

- At the start of the lockdown, hotels were not allowed to open their doors to guests in the traditional sense. However, at the request of, or with the permission of the local authority, they could accommodate key workers, so that they could be located closer to their place of work. SRS facilitated this process to ensure that this exemption was not abused and was only used for bona fide circumstances.

4.4 Just as SRS was at the forefront of the initial business closure work, it played a crucial role in supporting businesses as they reopened to the public. SRS provided tailored guidance to a number of shopping centres and sporting venues to assist the management with the necessary risk assessments.

4.5 In the Summer of 2020, society began to relax, people went on holiday and began to see loved ones again. However, the virus hadn't gone away and new variants began to emerge. A firebreak was introduced in October 2020 and the wider economy went on hold again. In December 2020, the supply of alcohol in hospitality premises was prohibited and early closure times imposed. Later that month, the Welsh Government indicated that a second lockdown would be introduced after Christmas 2020. This meant a return to the closure of non-essential retail premises, tighter restrictions on household mixing, and restrictions on travel. However, the rapid growth in the number of infections and hospital admissions saw the Welsh Government implement lockdown earlier and introduce a status of Alert Level 4 from December 20th 2020.

4.6 This period saw the creation of the SRS Joint Enforcement Teams (JET) with South Wales Police. The teams played a huge role in ensuring the goals set out in the national plan were achieved through:

- Investigating quarantine and self-isolation referrals from contact tracers; this work has gained greater import with the arrival in the UK of the different variants of coronavirus.
- Monitoring gatherings at different visitor locations, beaches, country parks, etc.
- Disrupting illegal house parties and the issuing of fixed penalty notices to those in attendance.
- Restricting the opening of non-essential businesses and issuing compliance notices where rules are ignored.

4.7 Perhaps the biggest commitment made by SRS during lockdown was its participation in the Test, Trace and Protect scheme (TTP). Senior officers have been at the heart of the TTP initiative from the outset. SRS officers have been involved in the tracing of people who have tested positive for coronavirus. Linking with health professionals to identify trends and incidents and restrict the spread of the disease allowed SRS to monitor and address upsurges in case numbers effectively and promptly. Notable areas of work relate to care homes, schools and colleges, where SRS officers have been integral in reducing infection rates and saving lives.

- 4.8 Through the first part of 2021, the Welsh Government reviewed the Health Protection controls at regular intervals cautiously making small changes to try once again to relax the health protection measures and allow a return to a more “normal” way of life. That return is now backed by the vaccination programme.
- 4.9 In May 2021, the Welsh Government began to relax some of the Coronavirus restrictions that had been in place since Christmas 2020. Wales moved from Alert level 4 to Alert level 2 in a phased approach to reopening the economy and allowing more social interaction between households. This gradual lifting of restrictions reflected the fact that the virus was still in general circulation, but the vaccine programme was beginning to have an impact. There was a clear reduction in the number of people becoming severely unwell and the infection rate generally was beginning to fall. However, all this was being done at a time when the impact of the new Delta strain of the virus was uncertain.
- 4.10 In May 2021, international travel resumed for *essential purposes* under a traffic light system. People returning from countries classified as red or amber needed to follow isolation and testing rules. Unfortunately the guidance outlining what constituted an *essential purpose* was not particularly robust and many people travelled to amber and red list countries, particularly India. This brought additional work for the Test, Trace and Protect service (TTP) and the SRS/Police JET teams who were tasked with ensuring that returning travellers followed the isolation requirements. Many did, but a small number did not and South Wales saw an early introduction of the Delta variant.
- 4.11 In June 2021, the Welsh Government announced a phased move to Alert level 1. The phased approach was a recognition that despite increased transmission due to the rapid spread of the Delta variant, this strain did not generate the more severe symptoms associated with the earlier variants. Consequently, Alert level 1 allowed more people to meet outdoors, more events took place, more retail outlets opened and due to the vaccine rollout a relaxation of the controls on socialising indoors.
- 4.12 The Welsh Government has now, at the time of writing this report, moved to Alert level 0. This now allows any number of people to meet indoors, including in private homes, public places or at events. All businesses and premises can open, with face coverings remaining a legal requirement indoors in commercial premises, with the exception of hospitality premises. Welsh Government continue to advise that people should still work from home wherever possible. Fully vaccinated adults, under 18s and vaccine trial participants will not need to self-isolate if they are a close contact of someone with coronavirus. The isolation of school bubbles is no longer required and SRS officers are working closely with Head Teachers and other Council colleagues to allow schools to function effectively and avoid the disruption faced in 2020/21.
- 4.13 The preceding paragraphs are a snapshot of the coronavirus related work undertaken by the service in the last 18 months. The commitment of officers has been immense and continues to be an important aspect of curbing the spread of the virus. The Head of shared regulatory services will make a short presentation to members at Committee and respond to questions as needed.

## **Longer term challenges**

- 4.14 In order to prioritise Covid work, SRS has diverted a significant resource away from their business as usual activity. Urgent and immediate risks have been attended to, such as E-coli outbreaks, however, more routine statutory work, and lower risk activities have needed to be put on hold. Consequently, there is a backlog of public health protection work which has built up, and remains uncompleted. SRS is already seeing examples of noncompliance and slipping standards, for example increased breaches of food allergen labelling, and a drop in “performance” in trading practices.
- 4.15 The increased ask of Regulatory Services across Wales has been relentless and continuous for the duration of the pandemic. Whilst the additional finance for temporary Covid enforcement staff, provided by WG is welcome, once the additional funding ends, so the volume of additional activities will also end. The skill and knowledge of the recruited temporary staff will also leave the services.
- 4.16 As we move from response to recovery, there is more opportunity to assess the risks associated with the displacement of Public Protection work over the last eighteen months. It is anticipated that the call for some sort of continued covid response by public protection will remain for the foreseeable future. At present we do not know the direction of the Test Trace and Protect service (TTP), what business advice and enforcement will be required, the resource commitment to protect vulnerable settings and how returning travellers will be contacted. A return to “business as usual” is unlikely for some months yet and the wider service pressures and backlogs of work will continue to mount up.

## **5. Effect upon policy framework and procedure rules**

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

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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

- 7.1 The SRS delivers the Council's regulatory function as regards environmental health, trading standards and licensing which contribute 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.

## **8. Financial implications**

8.1 There are no financial implications associated with this report.

## **9. Recommendation**

9.1 It is recommended that Committee note the activities of Shared Regulatory Services in protecting the local community.

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**Background documents:**

SRS Business Plan 2021/22