

REPORT TO CABINET

19 OCTOBER 2021

REPORT OF THE CHIEF OFFICER LEGAL AND REGULATORY SERVICE, HR AND CORPORATE POLICY

SHARED REGULATORY SERVICES ANNUAL REPORT 2020-2021

1. Purpose of report

1.1 The purpose of this report is to provide Cabinet with the Shared Regulatory Services Annual Report for 2020-2021 for noting.

2. Connection to corporate improvement 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, 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 underpins the work of 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 Committee 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.
- 3.5 A copy of the report considered and approved by the SRS Joint Committee on 22nd June 2021, which incorporates the SRS Annual Report 2020-2021, is attached as **Appendix 1** to this report.
- 3.6 The SRS Annual Report 2020-2021 reflects upon the sixth year of operation of the SRS. It outlines the performance of the SRS in 2020-2021, 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 Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy. 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 2020-21 were 6.32 days per FTE person. This is a decrease on the previous year where absence rates were recorded as 10.13 per FTE person. It is evident that the coronavirus pandemic has affected the sickness absence data in a number of ways. While the virus may have led to additional sickness absence, measures such as social distancing, shielding and increased homeworking appear to have helped reduce other causes of absence. Individuals who were advised to "shield" during the pandemic, together with government asking people to social distance and self-isolate, may have led to less exposure to germs and minimised some of the usual sickness absences. Homeworking could also allow people to work when they were a little unwell; they might not have travelled to a workplace to work but felt well enough to work from home.
 - The SRS reported an overall underspend against the 2020-21 gross revenue budget. The position for 2020-21 includes the achievement of a savings target of £166k required by the Partner Authorities from the 2020-21 budget. The previously forecast overspend position has been mitigated by a £493k contribution towards costs received from Welsh Government in respect of an animal welfare investigation. Covid-19 has also impacted on the income generating ability of the SRS. In 2020-21, £48k has been received from Welsh Government in respect of loss of income claims submitted.

- Additionally, £343k has been received from Welsh Government in respect of claims made against the Covid-19 Hardship Grant which funded the additional activities undertaken in the Covid Compliance and Enforcement teams. Three teams were created mid-year to cover the SRS region. The service has also supported the two Health Boards that cover the SRS region in the provision of the Test, Trace and Protect service, with unbudgeted expenditure recouped from Cardiff and Bridgend Councils TTP provisions.
- Consequently, the report advises on the draft financial outturn position of the Service, and the resulting impact this has for each of the Partner Authorities, appertaining to the provisional outturn position in respect of financial year 2020-21.
- Operational performance throughout 2020-21 has been reported both to the Joint Committee and to each partner Council through the legacy systems. Performance is gauged normally against the targets set out in the Business Plan. Unfortunately, a number of the targets and actions identified in the plan were not achieved. While all the statutory documents were published on time, the service did not complete many of the proactive programmes. Some of this was due to partner organisations being unable to progress matters, but the primary cause was the realignment of resource toward coronavirus work. The following paragraphs reference the key performance criteria and thereafter some commentary on the activities undertaken to control and reduce the spread of the virus.
- The SRS may, through the relevant participative Council, prosecute breaches of legislation, particularly in respect of those who flout the law or who act irresponsibly, or where there is an immediate risk to health and safety. In the period, the service has been successful in challenging a range of unfair practices, many of which attracted significant media attention. The time and work required investigating these matters, and the consequences of officers' ability to carry out day to day work whilst these matters are ongoing, is significant.
- The SRS has been active in the Courts and Appendix 2 of the Annual report sets out the successful interventions undertaken in the 2020-21 period.

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

- Public Accountability Measures –

- *PAM 023 – Food establishments - 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 Shared Regulatory Service, 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. Additionally, the business support regimes introduced into the SRS structure play a part in promoting an increase in hygiene standards, examples of that are set out under the Council's well-being objective of supporting the local economy. Premises are deemed to be broadly compliant if specified risk scores are achieved for cleanliness, structural issues, and confidence in the management of the business.

The number of premises that are broadly compliant with food hygiene requirements, i.e. scoring 3* or above, is consistent with the previous year and in line with the UK average of 95%. The numbers associated with this indicator do carry a “*health warning*” for the year in that many of the premises scheduled for inspection were closed for much of this reporting period and some did not open at all. The number of food businesses with a food hygiene rating of more than 3* in Bridgend during 2020/21 were:

- Bridgend 97.24% (*from 97.49% 2019-20*)

Moving forward, it is important to note that within the SRS region there has been a significant turnover of food business operators; there are over 1000 new food business enterprises that will require inspection in 2021-22. Many of these new entrants to the market do not attract immediately a broadly compliant rating and that may affect the overall broadly compliant score for the region. Additionally, a focus upon new businesses will impact the traditional risk assessed proactive programme.

- *PAM 13, Percentage of empty private properties brought back into use and PAM 45, the number of new homes created as a result of bringing empty properties back into use*. These indicators have as their core purpose the aim of indicating the reduction in the number of empty properties as a consequence of action by the Council. The current performance measure guidance sets out the categories of direct action that local authorities can take to bring a property back into use, including grants, loans or other financial assistance, enforcement action including statutory notices and dialogue between the owner and the local authority where progress to restore the use of the property is evident. Officers from the SRS contribute a dedicated resource to bring empty properties back into beneficial use within Bridgend.

- In Bridgend interventions made by SRS have led to 4 properties listed in the Bridgend Council's top 20 priority properties becoming occupied in the last financial year, with a further 2 properties being sold and new owners engaging with the authority to bring the properties back into beneficial use. One other property is also being renovated. We continue to work with and encourage the owners of empty properties to bring them back into use, through enforcement action where necessary. Following the non-compliance with a Notice served under the Town and County Planning Act, SRS successfully completed the work in default and is continuing to encourage the owner to bring the property back into use. To further improve the information available on empty homes, the opportunity was also taken to overhaul the SRS webpages to provide comprehensive information to members of the public and empty property owners with a range of information on how to bring an empty property back into beneficial use. Furthermore, all auction houses with links to South Wales and local estate agents have been contacted and provided with 'A property owner's guide to empty homes' brochure and letter from the empty property co-ordinator introducing the services that Bridgend County Borough Council offer to empty property owners.

4.3 The SRS Business Plan is also aligned to the Council Corporate Plan and in 2020-21, some of the notable activities for the borough included:

- *Working with landlords to return empty properties back into use helping to increase the availability of affordable housing for sale or rent in Bridgend and Cardiff*

Officers from SRS in conjunction with Bridgend CBC aims to identify long-term vacant properties and encourage owners and landlords to bring their properties back into use through the provision of advice, support and encouragement.

The process entails sending a series of letters to the owners to encourage them to take positive steps to bring the property back into occupation. Owners are provided with 'A property owners guide to empty homes' brochure which outlines the options available and the services on offer.

Where there is a threat to public health and/ or a lack of cooperation from the owners, consideration will be given to the use of enforcement action to improve the condition of the empty property and secure its occupation.

The service offers empty property owners the opportunity to access the following services:

- Financial assistance in the form of grants and loans
- The provision of information to access a VAT reduction on renovation costs
- The provision of information and advice on how to sell or rent the property including legal requirements

- Access to potential developers in the area seeking to purchase empty properties to renovate or re-develop
- Access to housing associations who have the potential to acquire or assist with leasing long term vacant properties.
- *Licensing*

The Gambling Policy is currently undergoing its triennial review this year and will be reported to full Council in due course. Other policy developments in this time period include the Policy on Determining the suitability of Protective Screens in Hackney Carriage and Private Hire Vehicles as a consequence of the coronavirus outbreak and changes to the conditions for private hire operators and for vehicles used as taxis.

- *Food Safety*

In food safety, the movement of Wales to alert level 2 on May 17th saw the lifting of certain restrictions for businesses and in particular the ability for indoor hospitality to reopen its doors to the public. With a large number of outstanding food inspections, the service embarked upon a day of action in the town centre whereby officers inspected a street of food businesses in one week.

Social media was used to promote to businesses that the Food Service would be recommencing inspections and highlighted what steps needed to be considered to ensure compliance with food law. 14 inspections of businesses located on Nolton Street, Bridgend, were inspected for food hygiene and also food standards where appropriate during the week of 17th to 21st May 2021. 7 of the inspections were of new businesses, but despite this only 1 business was found to be less than broadly compliant with food safety law and issued a food hygiene rating of 1 and required to voluntarily close due to evidence of a pest infestation.

- *Air Quality*

During the year, SRS ensured that Bridgend County Borough Council met its statutory obligation under the Environment Act by producing the Air Quality Annual Progress Report 2020 which was considered by Cabinet in September 2020. The 2021 report will be considered by Cabinet in the coming weeks for submission to Welsh Government.

Despite some initial delays as a result of the Covid-19 restrictions, work continued through the year to deliver a robust air quality action plan for the Park Street, Air Quality Management Area (AQMA). In order to promote local air quality management and the decision to implement the AQMA, since December 2020 the public has had access to up-to-date air quality levels on Park Street. Real-time datasets for both Nitrogen Dioxide and Particulate Matter (recorded by the

automated air quality monitoring station now installed on Park Street) can be viewed and downloaded using a link from the BCBC website, or direct at [Site Air Pollution | Air Quality In Wales \(gov.wales\)](#)

The main objective of the AQAP is to achieve compliance with the set annual average air quality objective for nitrogen dioxide. Works are now underway to examine in detail the potential benefits of a preferred package of mitigation options including possible changes in signalling and road layout. The necessary modelling is being supported by external transportation and air quality consultants, and final results from this analysis are expected in autumn 2021, meaning that the public consultation can then go ahead on the draft Action Plan.

- *Prosecutions*

Several significant rogue builder or doorstep crime investigations concluded in court during 2020-21, despite the delays in the court process arising from the Covid-19 pandemic. Sitting behind each of these cases is a story of residents being defrauded of large sums of money; often life savings. The two case summaries below provide a flavour of the impact this offending had on residents of Bridgend county borough:-

Case 1

The defendant callously targeted four elderly residents, convincing them that they needed roofing and other work carried out at their properties when they did not. In addition to conning four residents out of more than £30,000, the defendant was suspected of stealing approximately £13,000 in cash from the home of one of them, something he denied at first but subsequently admitted to. In court, the defendant was sentenced to a total of 40 months in custody in respect of a number of fraud and theft offences. There is a linked Proceeds of Crime case which is being pursued in the hope that it will realise some compensation for those affected by these dreadful crimes.

Case 2

The defendant in this rogue builder case had previously pleaded guilty to one count under the Fraud Act 2006 and also to six counts of engaging in misleading commercial practices under the Consumer Protection from Unfair Trading Regulations 2008. The offences related to the properties of multiple complainants between 2013 and 2018 where the defendant, who trades as a roofer, took substantial deposits from consumers for work that was of a poor standard, or was left incomplete or was never even started. In total the consumers lost money to the value of £16,784.36. The defendant was sentenced to 24 months, suspended for two years, and ordered to complete a 10 day rehabilitation requirement together

with 100 hours of unpaid work. Again, there is a linked Proceeds of Crime case and it is hoped that the residents affected will finally be compensated as a result.

5. Effect upon policy framework and procedure rules

5.1 There is no effect 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 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 2020-2021.

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15th September 2021

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Background documents:

None