JOINT REGULATORY SERVICE COMMMITTEE
23 FEBRUARY 2015

(10am – 11.40am) (at Merton Civic Centre)

PRESENT: London Borough of Merton (LBM)
Councillors Judy Saunders (in the Chair) and Nick Draper.

Borough of Richmond upon Thames (LBR)
Councillors Pamela Fleming and Rita Palmer.

ALSO PRESENT: Jon Freer (Assistant Director, Development and Street Scene, LBR), Paul Foster (Head of the Regulatory Services Partnership), John Hill (Head of Public Protection, LBM), and M.J.Udall (Democratic Services Officer, LBM)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

None.

2 DECLARATIONS OF INTEREST (Agenda Item 2)

None.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 9 December 2014 be agreed as a correct record.

4 MATTERS ARISING FROM THE MINUTES

1. Contact details for the Regulatory Services Partnership (RSP) – Councillor Pamela Fleming asked whether the contact details of managers in the RSP had been posted on the Merton and Richmond Councils websites. Paul Foster (Head of the Regulatory Services Partnership) advised that this hadn't been done yet, and circulated a one page (draft) structure chart for the Regulatory Services Partnership (RSP) showing the names of senior managers, and their phone numbers and areas of responsibility. (NB. It was noted that the circulated paper would be subsequently published on Merton's web-site – with the other agenda papers for the meeting.)

1.1. Paul Foster suggested that the submitted structure chart could be included on both Councils' web-sites. It was noted that it was similar in layout to structure charts for Merton's Departments already shown on Merton's web-site.

1.2. During discussions, it was suggested that -
(a) Paul Foster's title be put in full, namely that "Head of the RSP" be shown instead as "Head of the Regulatory Services Partnership";
(b) it be clarified that this is shared service for Merton and Richmond; and
(c) officers' e-mail addresses be added to their phone numbers already shown.

1.3. Members generally supported the proposed structure chart but some Members expressed concern that managers' limited time could be taken up with dealing with persistent phone calls or e-mails, and there might be need to filter calls, especially if the service expanded in size.

1.4. Officers indicated that as part of Phase 2 of the implementation of the Joint

Regulatory Service, Members views would be sought on the kind of telephone and support service which the Service should operate, namely either a tailor-made dedicated support team or a wider customer contact centre.

1.5. It was also noted that there would need to be clarification on the extent to which currently Richmond made officer phone/e-mail details available on its web-site.

1.6. At the conclusion of discussions, it was noted that Paul Foster would progress and finalise the structure chart.

2. Written Papers – The Chair requested that in future, any verbal reports be backed up by written reports circulated well in advance of the meeting (possibly by e-mail if appropriate) in sufficient time to allow Members to read them prior to the meeting.

5 REGULATORY SERVICES PARTNERSHIP PERFORMANCE UPDATE – VERBAL REPORT (Agenda Item 6)

1. Paul Foster circulated a one page performance report for the Regulatory Services Partnership (RSP) for the quarter October to December 2014. (NB. It was noted that the circulated paper would be subsequently published on Merton's web-site – with the other agenda papers for the meeting.)

1.1. Paul Foster then outlined the background to each of the performance indicators (PI's) included in the report (as detailed below) and responded to queries.

2. EH Commercial Food Safety

2,1. (PI) Percentage of Category A & B high risk food inspections carried out of those due – Paul Foster explained that each Local Authority's performance on this PI was shown on the FSA (Food Standards Agency) web-site, but that the figures could be distorted as if a premises was closed when an inspector visited, this was recorded as a "no visit".

2.2. Members requested that in future reports, this PI be quantified by showing the actual number of premises involved. Paul Foster advised there were about 150 high risk premises (100 –category B; 50 – category A) in Merton, with slightly less in Richmond with the total number of food premises being about 1,500 in Merton and 1,700 in Richmond.

2.3. Paul Foster confirmed that the performance of both Boroughs was very good when compared to other Local Authorities, and explained that the Regulatory Service aimed to complete 100% of such scheduled inspections by the end of the year, but that how quickly they were carried out during the year depended on whether the Commercial Team's resources needed to be reallocated at times to other more high priority matters such as a major outbreak (e.g. food poisoning etc)

2.4 (PI) Number of food safety complaints received – Paul Foster advised that complaints could include contamination, foreign bodies and wrongly described products.

2.5 In response to Members' queries, Paul Foster was unable to advise why the number of complaints in Merton was twice that in Richmond. During discussions,

various theories were suggested to explain the difference, including possibly the respective number of fast food outlets in each Borough, and more residents in Richmond being prepared to complain to the shops/manufacturers directly without involving their Local Authority.

2.6 (PI) Percentage of food businesses rated 0 or 1 on the FSA's Food Hygiene Rating System (0 = urgent improvement necessary; and 1= improvement necessary) – Paul Foster advised that each premises was scored from 0 (worst) to 5 (best) and issued a certificate showing their score, but that in England, unlike the rest of the UK, there was no legal requirement for the premises to display their certificate.

2.7. Paul Foster outlined the various stages of the enforcement procedure and indicated that the kind of circumstances that might lead to the final sanction of closing a premises which was only undertaken relatively rarely (in about 0.8% of cases) and only where absolutely required. He advised that a closure could be challenged in the magistrate's court and if the closure decision was overturned, could lead to the Local Authority paying compensation to the premises operator.

2.8. In response to Members queries, Paul Foster advised that there was no legal requirement on a Local Authority to advise the public if the Local Authority knew there were food hygiene problems with a particular premises; and the only way a member of the public could ascertain a premises food hygiene score (if no certificate displayed) was to either check the Food Standards Agency's Food Hygiene Rating System website and/or make a Freedom of Information request.

2.9 A member referred to a large notice in a Croydon paper by Croydon Council just before Valentine's Day listing premises in Croydon which had a food hygiene score of 0 or 1. Officers indicated that whilst such a proposal could be considered, there could be legal repercussions if errors were made, and suggested that instead a notice could be published before Valentine's Day advising people to choose their restaurant carefully and to check its food hygiene rating via the Food Standards Agency's web-site.

2.10. (PI) Number of interventions (written warnings, legal notices etc) – Members requested that the reason for the high number of interventions in Merton compared to Richmond be investigated. Officers advised that historically Merton had been very proactive and that Merton Councillors supported a more proactive approach.

3. EH Pollution

3.1 (PI) Number of complaints received – Members queried why the number of complaints in Merton was six times the figure for Richmond. Officers advised that different amount of land in each Borough used for certain purposes (e.g. industrial use) partly explained the difference in figures but also noise complaints were handled differently in each Borough at present.

3.2.. Officers clarified that in relation to noise complaints, the Regulatory Services Partnership (RSP) Pollution Team dealt with all such complaints in Merton, but in Richmond, residential noise complaints were still handled internally by Richmond

and not by the RSP, though this was due to change as part of the of Phase 2 of the implementation of the Joint Regulatory Service. It was noted therefore the figures for each Borough were not comparing like with like.

3.3 Officers advised that as part of Phase 2 of the implementation of the Joint Regulatory Service, the separate complaint figures for Merton and Richmond could possibly be combined, but that currently the RSP would still be required to supply separate figures for each Borough to such organisations as the FSA (Food Standards Agency). Various members requested that the Committee continue to be provided with separate figures for each Borough, and that more explanation be provided as to the reasons behind the figures. The Chair reiterated the need for some form of explanatory narrative to accompany any figures in future. Officers acknowledged the need to provide and circulate such information in advance.

3.4 Reference was also made to the importance of comparative figures between Boroughs, especially if a further Local Authority wished to join the RSP, in order that costs/budgets could be allocated appropriately.

3.5. (PI) Number of planning referrals responded to –
This was noted.

4. Licensing

4.1 (PI) Number of licensing applications received and processed within statutory timescales – Paul Foster explained that applications had to be dealt within statutory deadlines; that if the deadlines were not met, the applicant could go the magistrates court and the application could be deemed to be granted, and possibly the Local Authority could be fined.

5. Trading Standards

5.1 (PI) Number of complaints received - Paul Foster advised that such complaints either come direct to each Local Authority or via “Consumer Advice” (formerly called “Consumer Direct”), a national (government) contact centre.

6 BUDGET UPDATE – VERBAL REPORT (Agenda Item 4)

1. Paul Foster gave an oral report on this item. He advised that the RSP was currently operating under transitional arrangements with separate budgets for each Borough, but that it was hoped to operate a joint budget as from 1 April 2015, but this was subject to on-going discussions, including with relevant financial teams (in each Borough), as a number of details still needed to be settled, including matters such as arrangements for suppliers, including the issuing of invoices.

2. Fees and Charges – There was considerable discussion about the arrangements for setting fees and charges. Paul Foster advised that many fees were set nationally but that Local Authorities did have powers to set certain fees locally (e.g. for street trading); and suggested that there should be a separate session for officers to brief members in advance of the next meeting in June which would need to consider possible changes in fees and charges. The Committee subsequently agreed to this suggestion. (NB. See resolution below.)

2.1. Councillor Nick Draper (LBM) suggested that perhaps the relevant Cabinet Members in each Borough with responsibility for such fees and charges, namely Councillor Judy Saunders (LBM) and Councillor Pamela Fleming would also need to meet to discuss any proposed changes in fees and charges.

2.2. Jon Freer (Assistant Director, Development and Street Scene, LBR) advised that the RSP Board (i.e. this Joint Committee) had delegated powers to approve changes in fees and charges, the main area being licensing.

3. Shared Services – Advice to other Authorities – Reference was made to the Partnership being asked for advice by other Local Authorities on setting up shared services as very few Local Authorities currently operated shared services. Officers indicated that they didn't charge for such advice, and on occasions had benefitted from reciprocal advice from other Local Authorities who already had experience on setting up shared services.

RESOLVED: That there be a separate session for officers to brief members in advance of the next Joint Committee meeting in June which would need to consider possible changes in fees and charges. *(NB. See also final Minute below on Timing/Venue of future meetings.)*

7 PHASE 2 RESTRUCTURE OF SHARED SERVICE – VERBAL REPORT

1. John Hill gave an introductory oral report on this item, including referring to on-going discussions with other Local Authorities who possibly might be interested in joining the Partnership. Officers responded to queries on the progress of the discussions.

2. Paul Foster outlined the next steps in Phase 2 of the implementation of the Joint Regulatory Service including -
(a) looking at the services to be delivered by both Authorities;
(b) possible efficiencies, including perhaps in relation to IT systems;
(c) accommodation arrangements, including whether teams should be co-located or maintain a presence in each Borough, and issues such as the effect on officers travel time and new work practices such as working from home; and.
(d) the provision of a consultation paper which would be submitted to this Joint Committee first.

3. The Chair requested that an update on the progress of the restructure be also included in the proposed officer briefing of members in advance of the next Joint Committee meeting in June. *(NB. See also final Minute below on Timing/Venue of future meetings.)*

4. There was then discussion of the budget savings being sought by both Boroughs and possibly cuts in services. John Hill explained the Partnership was not looking to make savings via just cuts in services, but instead was looking to grow the service and at sources of income such as fees/charges and "proceeds of crime" monies.

5. John Hill also indicated that if another Local Authority wished to join the Partnership, then that Local Authority would need to pay a fee to join.

8 TIMING/VENUE FOR FUTURE MEETINGS OF JOINT REGULATORY COMMITTEE – ROUND TABLE DISCUSSION

1. Members Briefing - John Hill suggested that his team (not Democratic Services) make arrangements for the separate session for officers to brief members in advance of the next Joint Committee meeting in June to be held in the middle of May after the General Election. The Joint Committee endorsed the proposed timing.

2. Timing/Venue for Future Meetings of the Joint Committee – After discussion, the Committee agreed the arrangements for future meetings as detailed in the resolution below.

2.1 It was also noted that -
(a) there may be need for additional separate sessions for officers to brief members;
(b) there may be need for additional meetings of the Joint Committee as Phase 2 of the implementation of the Joint Regulatory Service progressed; and
(b) arrangements for meetings would need to be re-examined if a new Local Authority joined the Partnership

2.2 John Hill confirmed that he would expect Merton Democratic Services to continue to administer and minute Joint Committee meetings in 2015/16, now due to be held in the London Borough of Richmond as detailed below.

RESOLVED: That meeting arrangements for 2015/16 for the Joint Regulatory Services Committee shall be as follows -
(a) 3 meetings in the year, each starting at 10am as previously
(b) meetings for 2015/16 to be held in the London Borough of Richmond at the Council offices at York House, Twickenham; and
(c) the Chair for 2015/16 to be a Richmond Councillor and to be appointed at the next scheduled meeting on 2 June 2015.
