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<u>Item</u>
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**Councillor Gwilym Butler**  
**Portfolio Holder for Communities, Place Planning and**  
**Regulatory Services**

**Responsible Officers**

Gemma Davies, Assistant Director Economic Growth  
Rachel Robinson, Director of Public Health

**1. Summary**

The portfolio holder is presenting this report after taking on the new portfolio for communities, place planning and regulatory services for just a few months. In this time, there has been a strong focus on undertaking the refresh of Place Plans across the county, establishing the approach to a new communities strategy which will balance the focus across our rural geography, meeting with Shropshire Association of Local Councils (SALC) on key strategic issues and engaging with a number of town and parish councils about key challenges and opportunities. The Community Infrastructure Levy (CIL) has been particularly topical with lots of different views expressed, including many frustrations. Further in this report is an update on the current and most recent process of expressions of interest for CIL Local and some of the challenges that this has given to those involved, including town and parish councils. This report also contains updates on regulatory services and trading standards within the portfolio as well as Planning Services.

With the recent national emphasis on the rural agenda, including the Lords Select Committee Report on the rural economy in April and the published framework from the Rural Services Network, the importance of economies such as Shropshire's has come to the fore. Economies in rural areas remain key to the success of the UK economy and delivery of the Industrial Strategy and it is important that rural counties like ours continue to have a voice at the table of productivity and economic growth. Rural communities are central to the UK's social make up and we must celebrate the diversity and opportunity that these provide to us. Market towns are also a key component of Shropshire's fabric and with the challenging high street environment, the social and community hub role that these towns provide is increasingly relevant and important. We have started work on a new strategy for

Shropshire, one which will follow the principles of the RSN framework for a rural strategy and we will be holding a session with Elected Members on this in the Autumn.

As a Council we are not afraid to try new approaches and to put ourselves forward when we believe there can be benefits to Shropshire communities. The work we are doing across the Council in a number of service areas including social prescribing, culture, place shaping, commercial services and ways of working are all examples of this and the communities strategy will help to bring this together in a coherent way. We also recognise that we have areas for change and improvement and want to work with our partners in local communities, across the Marches and nationally to help deliver on these opportunities.

## REPORT

### 2. Key Service Outcomes

Given the breadth of the portfolio, further detail is provided on each area of responsibility below and in the attached appendices.

#### PLACE PLANS

Shropshire Council's Place Plans are documents which bring together information about a defined geographical area. There are currently 18 Place Plans in Shropshire, and the information they contain is focussed on infrastructure needs, such as roads, transport facilities, flood defences, schools and educational facilities, medical facilities, sporting and recreational facilities, and open spaces. The first versions of the Place Plans were developed in 2011/12 as part of the Local Plan process. They are Shropshire Council's documents, but it is vital that there is local input to the documents from each Place Plan area.

Over the past few months, we have been working to refresh and reinvigorate the 18 Place Plans for the county. As part of this process, **we held 20 Place Plan meetings across the county between March and May**, discussing the draft documents with local Elected Members and Town and Parish Councils. These meetings proved to be useful and informative, with good dialogue established. Key to the success of these meetings was **the establishment of our new Place Plan Officer team**, consisting of six officers working across designated Place Plan areas. The team was established in January 2019, and has been an invaluable element of the Place Planning process so far.

**Officers are now working hard to make further updates to the plans**, checking the revised content with external partners and council colleagues. At the same time, **we are refreshing the Place Plan webpages on Shropshire Council's website**. These pages will be streamlined and simplified, so that content is much easier to find. **We are on-track to publish the revised Place**

## **Plans on Shropshire Council's website towards the end of the summer of 2019.**

The published Place Plans will be considered **'live' documents** which communities can update to reflect changing infrastructure needs. These updates can be made by working with the appropriate Place Plan Officer, who will be able to co-ordinate any necessary conversations with other council teams, and with relevant external partners.

Going forward, **we will be looking at how the Place Plans could begin to evolve in the future.** There may be scope to include further topics and content to help to build our understanding of each Place Plan area. We will be exploring how we can do this without duplicating the content of other documents and strategies, including the developing communities strategy.

The Place Plans will continue to be the key documents for guiding the delivery of infrastructure in communities across the county. The refreshed documents will be shorter, more focussed, and more easily utilised than previous versions. The fact that the documents will be updated on a rolling basis means that they will continue to be relevant as infrastructure needs change, rather than becoming obsolete.

## **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

In November 2018, Shropshire Council opened a call for Expressions of Interest (Eols) to the CIL Local fund. The call for Eols closed on 22 March 2019. **We received 42 CIL Local Eols**, covering a wide range of different types of projects, from children's playgrounds through to village hall renovations.

A number of **council officers from different infrastructure teams assessed these Eols against the CIL criteria and regulations**, and discussed their assessments with myself, plus two other Elected Members – Robert Macey from the north of the county, and Edward Potter from the south. **The results of the assessment were communicated to applicants and relevant Elected Members in June.**

**Of the 42 Eols received, 18 were supported, and one was partially supported.** The total CIL requested by these projects is a minimum of £1m. Of the 23 projects that were not supported, 11 focussed on highways and traffic management issues, ranging from speeding to parking. We are aware that communities are keen to see these projects delivered, so **we are now working to develop a package of funding that will support traffic management and other highways projects** and will update Elected Members in due course.

We are aware that **the current CIL Local spending process is complex and inefficient**, and causes frustration amongst our Town and Parish partners. The process is also onerous in terms of staff time and resource, and

running regular calls for Eols in the current bureaucratic form is not a deliverable option. We have had the benefit of a member task and finish group which has been looking at the CIL processes, the challenges with getting CIL spent on appropriate projects and made a number of recommendations to be considered.

**In September 2019, new UK Government regulations regarding CIL will come into effect.** In practice, this will mean that CIL-collecting authorities no longer have to produce a CIL Regulation 123 List. However, authorities will be required to publish an annual record of CIL spend. We are therefore establishing a part-time dedicated CIL Officer post in order to ensure that there is complete clarity and transparency around Shropshire Council's CIL spend, as well as CIL collection and administration. This post will work with existing resources in Economic Growth and Finance.

## **PLANNING SERVICES**

Working with colleagues across the Economic Growth service, and other partners and stakeholders, internally and externally, the Planning Service delivers time sensitive processes to a large number of customer groups who sometimes have different interests and objectives.

The service provides an integrated approach to planning and development-related services, bringing together Regulatory Planning & Enforcement, Historic & Natural Environment Teams, Obligations Monitoring, Building Control and Systems Support, including Land Charges, Street Naming and Numbering and the Corporate Land and Property Gazetteer. Many of these teams generate income through statutory and discretionary fees providing 61% of the service delivery cost overall, the income target for 2019/20 is almost £4 million (£3,997,660).

We have sought to commercialise activities where this is practical and meaningful and the service as a whole is responsible for significant levels of paid for customer transactions through planning, building control, land charges, street naming & numbering as well as internal recharges to other teams to provide specialist technical services such as tree safety inspections.

Key issues this year have been about development quality across the county, with increasing numbers of compliance and enforcement issues in part due to there being more development taking place on the ground.

Planning functions and outcomes are evidenced based and performance is measured against this. With such a large geographic, quantitative and complex regulatory area involving a broad range of stakeholders with different interests it is perceptions about the service do not always align with the facts. See Appendix 1 for performance data.

## **REGULATORY SERVICES**

Regulatory Services delivers a diverse range of statutory functions which the Council has a duty to provide. The Service delivers environmental health functions and some of the trading standards functions. The latter includes Animal Health, Feed Hygiene, Food Standards, Scam Prevention and Petroleum Licensing, as well as services which protect and enhance ecology and the natural environment. A full list of achievements for 2018/19 is presented in appendix 2 but it is worth highlighting a few prominent issues in the year. It is also worth highlighting however, that risks remain regarding capacity for the Council to fulfil all its complex, high risk statutory duties. This has been reported through the corporate risk register.

Comprehensive investigations of several outbreaks were completed, including follow up work after the Legionella death in Ludlow and proactive work on 65 other premises to ensure their safety to the public. The service responded to new legislation around homes of Houses in Multiple Occupation (HMO). No additional resource was allocated to the service to carry out these additional statutory duties. There are over 2000 private water supplies in Shropshire, providing drinking water from wells, boreholes and springs rather than from mains water supply to approximately 14,000 people. During 2018/19, 454 water samples were taken of which 69% were safe for human consumption. Regulatory Services has undertaken biodiversity and ecological appraisals of 1350 promoted sites identified within the strategic land availability assessment to inform the partial review of the Shropshire Development Plan. Regulatory Services reviewed and produced interim guidance relating to the impacts of ammonia emissions from livestock units on internationally and nationally designated sites, Ancient Woodland, and Local Wildlife Sites. This work has been recognised nationally by Natural England and the Environment Agency and the work has triggered a national review. This work was highly commended at the 2019 Chartered Institute of Ecology and Environmental Management Awards in the Planning Authority of the Year category.

Poor air quality is a significant health issue. Parts of Shrewsbury Town Centre along with a limited area in Bridgnorth continue to be affected by levels of Nitrogen Dioxide pollution above government guideline values. Regulatory Services has been awarded £53,300 to test low cost Zephyr monitors and develop an air pollution map. The project work will not only help the Council to fulfil its statutory air quality management duties but will also support the Shrewsbury Big Town Plan priorities.

## **TRADING STANDARDS AND LICENSING**

The Trading Standards and Licensing Service aims to drive forward protection of the public and safeguarding of businesses through six strategic priorities. The Service administers the Blue Badge Scheme, provides the full range of licensing functions, undertakes parking enforcement, and delivers those

trading standards functions that relate to product safety and fair trading. These are all essential statutory functions that are designed to protect residents, the environment, animals and the local economy from unacceptable harm. In addition to the statutory responsibilities that are placed on the Council to deliver these functions, the functions also directly assist the Council to deliver across its priorities including: Care for those in need at any age; A good place to do business; A healthy environment; Sustainable places and communities; and Embrace our rurality.

During 2018/19, the service is working through an increased demand for blue badge applications. Almost 6,000 licences, permits registrations, notices and consents have been administered and enforced. While numbers have fallen slightly, work associate with satisfying the demand and enforcing the provisions has significantly increased, particularly in relation to safeguarding under hackney carriage and private hire licensing, the Licensing Act 2003 processes including licence reviews, and most recently activities involving animals due to a change in legislation. Work by trading standards over the past 12 months has prevented an estimated £149,668 of consumer detriment. And 1,010 suspected unsafe products, with a value of £11,010 has been prevented from entering the market place. The key achievements from 2018/19 and the position of the Service are set out below, but a full narrative and explanation are provided in appendix 3.

## **KEY PRIORITIES FOR FORTHCOMING YEAR**

- Prepare a Communities Strategy balancing the focus across Shropshire's rural geography.
- Publish Place Plans and embed them into Town and Parish Council discussions ensuring they remain relevant and up to date.
- Recruit a dedicated CIL officer to take ownership of all CIL related expenditure and monitoring.
- Continue to work with SALC and town and parish councils on all key strategic areas of work and ensure that communication is open and transparent.
- As well as the statutory ongoing priorities in Planning Services, there is a focus on supporting a number of major projects that are coming forward including the former Ironbridge Power Station.
- Embed new Building Control legislation into ways of working and ensure the team is resilient to demands.
- As well as the statutory and ongoing priorities for regulatory services and trading standards listed in appendices 2 and 3 , there are several additional areas of focus for the year ahead including focusing on clean air in Shropshire, ensuring that empty properties are not detrimental to communities and implementing changes to blue badge administration.

### 3. Risk Assessment and Opportunities Appraisal

The key risks within the portfolio relate to insufficient resources to fulfil complex, high risk statutory duties and to respond to and deal with new legislation. This is applicable in both regulatory services which limits the service's ability to effectively prevent ill health and meet legislative requirements and in planning services, particularly building control and enforcement areas which have escalated in recent months; these have been reported through the corporate risk register. There is also a risk regarding failure of the Council to carry out the full programme of food interventions.

There are a number of risks and cost pressures around trading standards and licensing services due to changing legislation, nationally set fees and rising demand that members have been included in risk registers.

The current national context and decisions to be made by Central Government that are on the horizon carry both risks and opportunities for progress and plans at a local level. Shropshire Council has proactively been preparing for the changes that lie ahead, including with Brexit, and will continue to always strive to be prepared for change.

### 4. Financial Implications

Income received by the Council for Planning Services functions is directly linked to activity in the development sector and subject to market and seasonal fluctuation. This will continue to be closely monitored by officers.

The implementation of the CIL funds into approved projects following the recent process will provide for approximately £1 million of CIL Local gathered by the Council to date. Further work is being done on how this figure can be boosted.

All of the parts of Planning Services are a key contributor to the delivery of new homes which is closely monitored by Central Government and determines the amount of New Homes Bonus (NHB) that the Council receives. NHB incentivises housing delivery with a particular emphasis on affordable housing and reuse of empty properties. NHB has been used to help support further activities in these areas, although it is not ring-fenced.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Corporate and Service Plans

**Cabinet Member (Portfolio Holder)**

Councillor Gwilym Butler, Portfolio Holder for Communities, Place Planning and

Regulatory Services

**Local Member** : All Shropshire Council Members

**Appendices:**

Appendix 1 – Planning Services

Appendix 2 – Regulatory Services

Appendix 3 – Trading Standards and Licensing Services

## **Appendix 1 PLANNING SERVICES**

### **Performance Data 2018/19**

- 93% of planning applications were approved
- 96% of planning applications are delegated to officers for consideration
- Over 89% of applications (overall) are approved in timeframe agreed with applicant
- Strong community alignment – over 88% of planning decisions align with view of parish or town council
- 64% of planning appeal decisions against are dismissed.
- Typically 400 planning enforcement cases under investigation at any time, around 50 cases received and closed every month 628 cases received and 577 cases closed in 2018/19
- £3.7 million S106 funds received in 2018/19
- £16.5 million Contributions pending of which Affordable Housing Contributions : £4.5 million
- Extensive Rich and Diverse Historic & Natural Environment 441 Scheduled Ancient Monuments, 6904 Listed Buildings, 127 Conservation Areas, 34 Registered Parks, 1 Registered Battlefield, 2 World Heritage Sites, 35,000 non-designated heritage assets, 972 confirmed tree preservation orders
- Over 5,500 land charges searches dispatched annually on average
- On average 60 streets, 200 residential properties and 500 commercial properties added to the gazetteer annually
- 99.1% of Building Regulations Full Plans submissions checked within 21 days, 86.00% of Initial Notices dealt with within 3 days 96% of Building Control Inspections carried out within 24hours of preferred date.

## **Appendix 2 REGULATORY SERVICES**

**Overview:** Regulatory Services delivers a diverse range of statutory functions which the Council has a duty to provide which inspire the best outcomes for health by focusing on the most significant natural and built environment impacts. The Service delivers environmental health functions and some of the trading standards functions. The latter includes Animal Health, Feed Hygiene, Food Standards, Scam Prevention and Petroleum Licensing, as well as services which protect and enhance ecology and the natural environment.

**Officers:** Regulatory Services Officers have broad ranging specialist, technical and legal skills. The service is proud that the team currently has 8 Chartered Environmental Health Practitioners including the Service Manager, a Team Manager and six Officers. The service recognises and promotes the professionalism of its highly experienced officers and supports the development and maintenance of their competence through annual personal development and training plans.

**Risks:** The service has insufficient resource to fulfil all its complex, high risk statutory duties which limits the service's ability to effectively prevent ill health which has been reported through the corporate risk register. The service has responded to new legislation which has placed further demands on the service without any additional resource. There is a significant and challenging workload.

### **REGULATORY SERVICES' KEY OUTCOMES AND ACHIEVEMENTS IN 2018/19:**

#### **Food Safety work to ensure food on sale to the public is safe to eat**

- The Food Standards Agency has raised concerns about the failure of the Council to carry out the full programme of food interventions required by the Food Law Code of Practice. There is insufficient resource to carry out these functions.
- A total of 4260 food establishments were registered in Shropshire at 31 March 2019.
- 1689 food hygiene interventions were carried out (1945 in 2017/18) which represents 54% of the food hygiene interventions required by the Food Standards Agency Code of Practice.
- The percentage of food establishments across Shropshire achieving Broad Compliance was 94% (95% in 2017/18). Food establishments which are 'broadly compliant' achieve an equivalent to the Food Hygiene Rating Scheme (FHRS) rating of 3 'generally satisfactory' or better.
- The total number of complaints about the safety and quality of food and the hygiene standards of food establishments which we investigated has increased by 15%. The number of complaints investigated about the safety and quality of food (178) increased by 12% and the number of complaints investigated about the hygiene standards of food premises (174) increased by 17%.
- A Chinese takeaway in Highley was fined a total of £4,000 for 17 breaches of food hygiene law and smoke-free legislation in October 2018. Officers found filthy conditions including rubbish piled up by the

rear door, dirty and greasy facilities and equipment and food at risk of contamination. The owner admitted to instances of smoking in a food room, despite clear no smoking signage being displayed in the premises. Despite numerous warnings, conditions did not improve which led to formal action being taken by the council.

- Regulatory Services Officers worked with Public Health England (PHE) following a suspected clostridium perfringens food poisoning outbreak amongst people who ate at an establishment in Bridgnorth. Diners experienced diarrhoea and stomach cramps after eating at the premises. Food poisoning can be a result of poor preparation, handling and storage of food. Officers visited the establishment to check food preparation, handling and storage procedures. Food samples were taken and diners were interviewed to determine what food was consumed. The management of the premises were advised on increased hygiene and food safety measures. Regulatory Services Officers served a Hygiene Improvement Notice in respect of updating food safety management systems.

### **Health and Safety**

- A comprehensive investigation into a Legionella outbreak associated with a hotel in Ludlow is ongoing following the death of a guest who stayed there in 2017. Following on from this Regulatory Services have conducted pro-active interventions in 65 hotel / accommodation type premises to ensure that they are undertaking necessary precautions to ensure the control of Legionella.

### **Animal Disease Contingency Planning**

- A farmer received a Simple Caution in relation to the movement of animals without pre-movement TB testing which presents the risk of disease outbreaks.

### **Houses in Multiple Occupancy (HMO) – changes in licensing**

- In October 2018, new legislation extended the scope of mandatory Houses in Multiple Occupation (HMO) licensing in October 2018 to include properties below three storeys. No additional resource was allocated to the service to carry out these additional statutory duties. There are currently 61 licensed HMO's in Shropshire which is an increase of 45% since the change in legislation. Work continues to identify further premises which require a licence.

### **Public health funerals**

- Shropshire Council has a statutory duty to arrange public health funerals and cremate or bury people who have died alone, in poverty or unclaimed by their relatives. Regulatory Services arranged 15 public health funerals in 2018/19 at a cost of £21,258.

### **Pest control.**

- During 2018/19 Regulatory Services' pest control team completed 3774 treatment visits across the county. Treatments carried out cover rodents flying and crawling insects. The team also maintained their CEPA certification which demonstrates the service's commitment to delivering a professional, competent and quality service which protects health and damage to property or business reputation.

### **Private water supplies**

- There are over 2000 private water supplies in Shropshire, providing drinking water from wells, boreholes and springs rather than from mains water supply to approximately 14,000 people. The Council has a duty to assess the risks from these supplies and advise the owners of the precautions to take to prevent illness. The service carries out a programme of sampling and risk assessment of private water supplies. During 2018/19, 454 water samples were taken of which 69% were safe for human consumption. Due to limited resources, only 34% of the risk assessment programme required by the Drinking Water Inspectorate has been completed. In 2018/19, 31 notices have been served on private water supplies of which 23 have been revoked after suitable works have been carried out to protect the private water supply.

### **Ecology**

- Regulatory Services has undertaken biodiversity and ecological appraisals of 1350 promoted sites identified within the strategic land availability assessment to inform the partial review of the Shropshire Development Plan to ensure the Council meets its statutory duty to conserve and protect biodiversity allowing sustainable development to be supported.
- 92 Habitats Regulations Assessments (HRAs) were completed to protect Shropshire's wildlife sites of international importance and to help reduce the risk of legal challenge to planning permissions. A HRA was also completed for the Market Drayton Development Management Plan, HRAs are a legal requirement for Local Plans and Neighbourhood Plans.
- 2671 planning consultations were responded to on ecological matters to protect important habitats and species to help discharge the Council's statutory Biodiversity Duty.
- Regulatory Services reviewed and produced interim guidance relating to the impacts of ammonia emissions from livestock units on internationally and nationally designated sites, Ancient Woodland, and Local Wildlife Sites. This work has been recognised nationally by Natural England and the Environment Agency and the work has triggered a national review. This work was highly commended at the 2019 Chartered Institute of Ecology and Environmental Management Awards in the Planning Authority of the Year category.

## **REGULATORY SERVICES' STRATEGIC PRIORITIES FOR 2019/20:**

- Clean Air
- Residents' health and the use and enjoyment of their home is not affected by a statutory nuisance
- Workplaces are safe
- Historic land contamination does not cause ill health
- Private Water Supplies are safe to drink
- Private Rented Sector Housing is safe for tenants
- Human food chain is safe
- The natural environment is protected and maximised for future generations
- Farm animals and livestock are healthy, protected from cruelty and the spread of disease is prevented
- Environmental Health statutory duties which benefit health are fulfilled
- Empty properties are not detrimental to communities

### **Clean Air – Defra Grant funding**

- Parts of Shrewsbury Town Centre along with a limited area in Bridgnorth continue to be affected by levels of Nitrogen Dioxide pollution above government guideline values. Poor air quality is a significant health issue. There is strong evidence associating air pollution with increased mortality and ill-health, including exacerbation of asthma, effects on lung function and increases in respiratory and cardiovascular hospital admissions. Older people, children and those with pre-existing illness are more vulnerable to the adverse health effects of air pollution.
- Regulatory Services has been awarded £53,300 to test low cost Zephyr monitors and develop an air pollution map. The Zephyr will be used to monitor nitrogen dioxide (NO<sub>2</sub>) and fine particulates (PM<sub>2.5</sub>). The data will be used to produce live air quality maps of Shrewsbury and Bridgnorth to highlight areas which require action helping the Council balance the needs of air quality and the health of communities against other priorities. This will be a significant challenge in 2019/20.
- The project work will not only help the Council to fulfil its statutory air quality management duties but will also support the Shrewsbury Big Town Plan priorities for 'Movement and Place' which include making pedestrians priority in the town centre, cycle and pedestrian network and measures to reduce through traffic.

### **Appendix 3: Trading Standards and Licensing Service**

The Trading Standards and Licensing Service aims to **drive forward protection of the public and safeguarding of businesses** through the following strategic priorities:

- Protecting the safety, health and wellbeing of individuals and communities.
- Preventing harm, detriment and financial loss to individuals, communities and businesses.
- Promoting equality and social inclusion for individuals.
- Protecting the welfare of companion animals.
- Protecting the local environment to mitigate the effects of climate change.
- Supporting businesses to thrive by maintaining a fair commercial environment.

The Service delivers essential statutory services that are designed to protect residents, animals, the environment and the local economy from unacceptable harm. The Service is committed to an intelligence led and risk-based approach to determine the most effective ways to respond to the demands placed upon it and has continued to work with a range of partners, both internally and externally, in order to ensure the Council complies with its consumer protection and business-related statutory duties in line with the strategic priorities set out above.

The Service administers the Blue Badge Scheme across Shropshire on behalf of the Department for Transport (DfT), provides the full range of licensing functions, undertakes parking enforcement, including the first stage of the associated penalty charge notice processing, and delivers those trading standards functions that relate specifically to safety and fair trading.

The 2018/19 key achievements of the Trading Standards and Licensing Service, together with the current and future concerns are set out below.

#### **Blue Badge Administration**

Blue Badges help people to more readily access goods, services and other facilities and in doing so increases independence and improved health and well-being of individual badge holders and, where relevant, also that of their carers.

A total of 6,753 Blue Badge applications were received and 5,915 (88%) were granted to Shropshire residents who have a disability that severely impacts their mobility. A total of 13,510 people in Shropshire currently hold and use a Blue Badge.

Legislation, made at the end of April 2019, will bring into effect changes from 30 August 2019 that will mean people with 'non-physical/hidden' disabilities

will be eligible for a Blue Badge. These are people with an enduring and substantial disability that causes them, during the course of a journey to be unable to walk, experience very considerable difficulty whilst walking, which may include very considerable psychological distress, or be at risk of serious harm whilst walking, or pose, whilst walking, a risk of serious harm to any other person.

In Shropshire, the number of people who will potentially become eligible for a Blue Badge is anticipated to be around 6,000; however, the accuracy of available data on which this estimate is based is not guaranteed. The Service is concerned about the uncertainty of future demand, together with the practicalities associated with undertaking assessments and the potential for increased costs. Any additional costs cannot be offset by the Blue Badge fee, which is set in law at £10 per application.

### **Parking Enforcement**

The work of the Parking Enforcement Team has supported, and continues to support, the Council's Parking Strategy by encouraging motorists to pay to park in the most appropriate carpark or on-street in those streets controlled by Traffic Regulation Orders. For parking enforcement to be at its most effective, it is crucial that all relevant 'signs and lines' are maintained in good condition. There are ongoing concerns that signs and lines are not adequately maintained, which leads to ineffective or no enforcement in certain areas and that the nationally set penalty charge notice fees are too low to act as an effective deterrent. This undermines the Parking Strategy objectives and the reputation of the Council.

Parking enforcement also plays an important role in reducing congestion on Shropshire's roads and in town centres which, together with other strategic development and transport plans, helps to tackle poor air quality. It reduces the risk of blocked bus lanes/major traffic routes and increases the ability of emergency services to gain access to incidents across the county making roads safer and protecting drivers and pedestrians from the risk of injury and death.

The Parking Enforcement Team undertook 7,423 hours of 'on the beat' enforcement and issued 15,207 parking contravention notices (PCNs) to encourage compliant, sensible and safe parking; this includes checks to ensure only valid Blue Badges are used and fraudulent use is minimised. One such case led to an investigation and prosecution where the court recognised the seriousness of the fraudulent use and sentenced the defendant to 12 weeks custody, suspended for 2 years, and ordered them to pay prosecution costs/victim surcharge totalling £1,516.

To put the number of PCNs issued into perspective and to allay concerns about 'over-zealous' enforcement, information available over the previous 4 years indicates that for each enforcement hour undertaken, on average, only two PCNs are issued.

The Service has undertaken a project to enforce provisions in the Shrewsbury & Atcham Borough Council Act 1984 that prohibit the using or leaving of

vehicles in the Square in Shrewsbury. The Square, particularly around the Old Market Hall, had become an unofficial car-park and was creating an ever-increasing public safety risk as well as making the Square an unsightly environment for both residents and visitors. Effective enforcement, commencing with an education campaign, followed by written warnings and then formal action, which included seven prosecutions that gave rise to £4,000 in fines, costs and victim surcharges, has significantly improved the area. Very few vehicles now park in the restricted area other than during the times they are permitted to do so.

## **Licensing**

In the region of 6,000 licences, permits, registrations, notices and consents were administered and enforced to protect the health, safety and welfare of people, animals and the environment and to prevent financial loss and fraud. These involve controls over premises supplying alcohol, late night refreshment and certain types of entertainment, together with personal licences, hackney carriages (taxis) and private hire, gambling premises and small society lotteries, skin piercing, explosives and fireworks, caravan sites, pavement permits, pleasure boats and vessels, sex establishments, activities involving animals, dangerous wild animals, scrap metal and the distribution of free printed matter. A significant proportion of the work undertaken by the Licensing Team relates to premises for the supply of alcohol, including temporary events, together with taxi and private hire licensing and gambling permits.

### Activities involving animals

At the beginning of October 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. The Regulations, made under the Animal Welfare Act 2006, repealed or revoked all previous legislation relating to the licensing of animal boarding establishments, dog breeding, dog day care, pet shops, performing animals and riding establishments.

The new Regulations introduced a radically different licensing regime, which places a much greater emphasis on animal welfare and requires significantly more input from licence holders in terms of documenting their processes and procedures to evidence that they meet the minimum required standards as determined by the Regulations. The licence inspection process for these businesses is also much more thorough, requiring a significantly higher standard of facilities and amenities.

Practically, the introduction of the new Regulations has involved a complete overhaul of the licensing process. Three members of the Licensing Team have attended a week-long training course in order to qualify to be able to carry out inspections under the new Regulations. Completely new application forms, web pages and guidance for applicants have been developed. Advisory visits were offered to all existing licence holders and new applicants to assist them to understand the new Regulations and to help them meet the new standards. Every existing licence holder has had to submit a new

application and, together with new applicants, this has meant that nearly 160 premises required a formal licence inspection prior to their licence being issued.

### Gambling

The Council's Gambling Act 2005 Policy Statement was reviewed, refreshed and consulted upon, adopted by the Council in July 2019 and fully implemented at the end of January 2019. It will remain in place until the end of January 2022. No significant changes were made to the Policy Statement demonstrating that the fundamental principles that were introduced in 2016 and formed the basis of the 2016 to 2019 Policy Statement are sound and continue to be relevant.

### Alcohol, late night refreshment and entertainment

Extensive and detailed work was undertaken to wholly re-draft and consult on the Licensing Act 2003 Statement of Licensing Policy, which was adopted in December 2018 and fully implemented on 1 April 2019. This Policy, which is supported by separate guidance, will remain effective until the end of March 2024. The Policy forms the Council's mandate for managing local licensable activities under the Licensing Act 2003. It sets out the requirements of the Licensing Act 2003 and the Council's position on local risks and its expectations in relation to applicants and licence holders. It guides stakeholders through the licensing regime to facilitate compliance with the provisions of the Act and to establish responsibly managed and safe licensed premises.

The work to monitor the effectiveness of the Licensing Act regime included 230 inspections to existing licensed premises to ensure compliance with premises licences; this included a number of proactive joint partnership visits with the police. In addition, 77% (206) of all new designated premises supervisors and businesses were provided with an advisory visit to ensure they understood their legal responsibilities and to build working professional relationships to promote effective management of the evening and night-time economy. In addition, two investigations into the unlicensed sale of alcohol and late-night refreshments from Indian takeaway/restaurants were undertaken, which resulted in prosecutions with fines/costs totalling £5,550. Further work was also undertaken to ensure the premises were properly licensed for the licensable activities going forward.

### Taxis and private hire

The preparatory work aimed at removing the existing five separate hackney carriage zones across Shropshire, with effect from 1 April 2021, was undertaken. This will create a single area that will permit Shropshire Council licensed hackney carriages to operate across the whole of the administrative area of Shropshire Council rather than being restricted to the zone for which they are currently licensed. The most significant impact is that all hackney carriages will be required to be wheelchair accessible. To positively enhance the impact of the move to a single area, work has been undertaken to create

and maintain a list of designated wheelchair accessible vehicles in accordance with the provisions contained within the Equality Act 2010.

Significant work was undertaken to review and consult on a revised Hackney Carriage and Private Hire Licensing Policy, which was adopted in March 2018 and implemented on 1 April 2019. It will remain in effect until the end of March 2023. The main changes to this Policy include the introduction of enhanced criteria to prevent exploitation and abuse and which will be considered when determining whether drivers, vehicle proprietors and private hire operators are fit and proper persons to hold a licence; safeguarding requirements placed on private hire operators and vehicle proprietors have been enhanced to broadly reflect those that have been in place for drivers since April 2015; vehicle emissions continue to be controlled in line with European emission standards to reduce the adverse impact on air quality and health but with a more straightforward age criteria now in place; and the introduction of more suitable requirements for novelty and executive private hire vehicles.

Of significant concern is the ongoing impact of the Deregulation Act 2015, which has led to a significant increase in cross-border hiring. This is creating an increasing risk to the hackney carriage and private hire licensing function undertaken by the Council. The number of hackney carriage and private hire licences issued by Shropshire Council has reduced over the previous three years by around 26% and this has led to a downward trend in hackney carriage and private hire licence fee related income. This relates directly to the level of work required and is currently being managed as part of the overall Trading Standards and Licensing Service budget. Whilst there are likely to be a number of impacting factors, it is known that the criteria set out in the previous and current Hackney Carriage and Private Hire Licensing Policies, together with the impact of the Deregulation Act 2015, have directly influenced this reduction.

This situation poses a potential risk to public safety, undermines the work being undertaken to reduce harmful vehicle emissions, and impacts the reputation of local government as a whole. The existing legislative framework makes it extremely difficult to have any meaningful influence over this risk; consequently, it is important to recognise the significant responsibility that the Council has to use all appropriate mechanisms and opportunities, particularly those that ensure close working arrangements are in place with other local authorities, to support and protect communities outside of its immediate responsibility.

Proactive hackney carriage and private hire enforcement checks (197) aimed at ensuring public safety and compliance with the Council's conditions were undertaken, including checks to ensure private hire drivers did not pick up passengers in the street without an existing booking ('plying for hire'), following up on complaints about dangerous driving and compliance inspections of private hire operators, fleets and vehicles as well as checks on hackney carriages. This included multi-agency operations with neighbouring local authorities, police and VOSA. One private hire driver, licensed by another local authority, was found to be plying for hire and faced a £300 fine/costs and 6

penalty points on his driving licence. This outcome was referred to the licensing authority concerned.

Whilst the majority of licence applications are granted, the Council does not do so lightly and there are robust criteria in place that must be satisfied before licences are granted; in addition, licences were refused, revoked and warnings and suspensions issued in relation to 57 cases. This compares with 102 in 2017/18 and is a clear indication that standards of compliance for those licensed by Shropshire Council have significantly improved.

For the first time, investigations have been undertaken under the Equality Act 2010 where it had been reported that private hire drivers were refusing to take assistance dogs on journeys with their owners. The first of these investigations has been concluded and it led to a successful prosecution with a fine and costs against the driver totalling £2,330, which was then followed by an officer decision, under delegated powers of the Council, to revoke the driver's licence.

### Street Trading

Following the successful introduction of a new Street Trading Policy on 1 April 2018, it was necessary to undertake an investigation into unauthorised street trading in Shrewsbury town centre. Despite repeated advice being given to the trader concerned by both the Council and the Police, the advice was ignored. This led to a prosecution where the defendant was found guilty and was sentenced to a 12 months conditional discharge and ordered to pay costs/victim surcharge of £300. Further monitoring confirmed the trader concerned had changed his operating methods to comply with the law.

### **Trading Standards**

The most significant concern relating to consumer and business protection statutory duties, including product safety, age-restricted sales, fair-trading regulation, and more, is the limited work that can be undertaken by the small number of professional practitioners and controllable operational budget available. The in-post staffing (front-line, support and management) resource in 2018/19 equated to 5.38 FTE and the controllable operational budget was in the region of £25,000. To put this budget into perspective, the cost of a basic suite of safety tests on a toy or an electrical product will start at around £1,000, or a report from an expert witness in a 'rogue trader' investigation is normally upwards of £750. Where the Service institutes legal proceedings and the case is heard in Crown Court, the barrister fees will start at £5,000 and escalate significantly if the case is in court for more than one day. For 2019/20 and beyond, there is the potential to recruit into existing vacancies (1.46 FTE); however, this needs to be balanced against the challenging financial pressures that continue to be placed on the Service.

### Alcohol and tobacco

The work undertaken round alcohol and tobacco recognises the harmful effects on the health and well-being of people and specifically aims to reduce the availability and supply of these products to children and young people. In the short-term, the work highlights the adverse impacts of the consumption of alcohol and tobacco and targets those individuals who are prepared to act illegally with robust enforcement. In the long-term, it aims to normalise reduction and cessation of the consumption of these products in order to significantly improve the health of future generations.

A programme of market surveillance and intelligence led age-restricted products test-purchasing exercises were undertaken in relation to the supply of alcohol and tobacco, including e-cigarettes/nicotine containing e-liquids, and fireworks. A total of 60 retail premises were visited with 17 (28%) of those selling products to under 18-year-old volunteers. Enforcement action continues to be taken against businesses and individuals in accordance with the Council's Better Regulation and Enforcement Policy; this included 18 written warnings and the issuing of a fixed penalty notice. To try and support businesses, prosecution is not always the outcome of sales to children and in one case, where a small business sold alcohol, it was agreed with the owner of the business that a simple caution would be signed, and a voluntary variation of the premises licence would be submitted. This enabled the licence to be updated and the conditions strengthened to reduce the risk of illegal sales of alcohol to children and to protect them from harm.

There is ongoing intelligence indicating a growing problem with illicit tobacco across the country and there is evidence that this is being experienced locally. Investigations undertaken into the supply of counterfeit tobacco, incorrectly labelled cigarettes, duty evaded tobacco and illicit alcohol, led to the seizure of 2,862 cigarettes and counterfeit products, 4.65 kilograms of hand rolling tobacco and 24 litres of alcohol products with a total value estimated to be £6,040. The most significant of the investigations led to a prosecution where the defendant was found guilty of several offences, including selling cigarettes to children, and was ordered to pay fines/costs totalling £485, was sentenced to a 12-month community order with 80 hours unpaid work and 10 activity hours and the illegal products were all subject to forfeiture and destruction. The premises licence that was held for the sale and supply of alcohol was also revoked by the Council's Strategic Licensing Committee on the basis that the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm were both being seriously undermined.

#### Unfair and fraudulent trading

The service has responded to complaints and other intelligence concerning unfair and fraudulent business practices that have adversely impacted on individuals and communities, particularly those involving doorstep crime and rogue traders where older and more vulnerable people, as well as small businesses, are more likely to be targeted and are at risk of becoming repeat victims suffering substantial financial losses. Interventions by Trading Standards prevented consumers losing a total of £33,068 to criminals. Furthermore, the consumer detriment prevented over the following 12 months was estimated to be £149,668. The impact of unfair and fraudulent practices is not only financial; it has a detrimental impact on the health and wellbeing of

victims, particularly as those individuals who are targeted are often socially isolated and in declining mental health, or are businesses where resources are limited and resilience to the impact of any crime is lower.

### Product safety

Unsafe products directly affect the health and wellbeing of consumers. Poorer consumers, who are likely to be more vulnerable as a result of this, are also at greater risk of being injured or suffering a fatality as a result of an unsafe product as they are more likely to buy cheap products that have not been subject to robust design and testing processes required by national and international safety legislation and standards.

Market surveillance activities have continued, and the service has responded to intelligence concerning unsafe consumer products. Action was taken to prevent a total of 1,010 suspected unsafe products (nicotine containing e-liquids), with a value of £11,010, from entering the market place with enforcement action taken against those responsible.

The Service purchased and tested ten items, including toys, a lazer gun, children's clothing and mains chargers to assess for compliance with product safety requirements. Seven of the items were found to comply with the specific tests applied and three gave rise to technical non-compliances, which were referred to the relevant local authorities under the Primary/Home Authority principles.

### **Public Spaces Protection Order (PSPO)**

The Service has worked in partnership with West Mercia Police to enforce the PSPO, which has been in force in Shrewsbury Town centre since August 2017. It provides a further tool to address anti-social behaviour. Overall the work undertaken is set out below:

Total number of requirements: **111** (10 cease drinking alcohol, 9 hand over alcohol and 92 leave restricted area)

Total number of breaches: **47** (4 urinating, 20 personal effects unattended, 13 refusals to leave restricted area, 10 returned to restricted area)

Outcomes in relation to the breaches:

- Police ASB letter: 6
- Warning (LA): 21
- FPN: 1
- NFA: 13 (i.e. insufficient evidence, etc.)
- Awaiting evidence: 1
- Prosecutions undertaken in relation to 5 breaches