



<u>Committee and Date</u>
Council 24 <sup>th</sup> September 2020

<u>Item</u>
<u>Public</u>

## **Councillor Gwilym Butler** **Portfolio Holder for Communities, Place Planning and** **Regulatory Services**

### **Responsible Officers**

Rachel Robinson, Director of Public Health

Ian Kilby, Head of Planning Services

Hayley Owen, Interim Head of Economic Growth

### **1. Summary**

- 1.1 This report is presented at a point in time when we have been dealing with a global health pandemic and we have all had to completely adapt the way we provide services to the public and businesses together with the significant social and economic changes we are facing. My portfolio has been impacted greatly and in the report we will cover the impacts and responses to Covid-19, how services have adapted successfully and the resource implications and uncertainties we now face.
- 1.2 We will also update on the progress with some key areas of work that were presented as forthcoming in the previous annual report to Council. This includes the preparation of our Community and Rural strategy in partnership with town and parish councils, the voluntary, community and social enterprise sector, business community and Elected Members. The strategy will provide a robust platform and framework for our county across a number of thematic priorities, these have been informed by and with our communities. It will act as the connecting strategy across many services we provide and reach into those services provided by our partners as well.
- 1.3 For the planning function of the Local Authority, the recently produced White Paper for consultation is a major document proposing some significant changes to our planning system.
- 1.4 Regulatory Services' environmental health team has been hugely involved in the response to the Covid-19 outbreak and their responsibilities for protecting the public has been invaluable to our

efforts locally. In addition, the Trading Standards & Licensing Service has played a key role in implementing national changes, particularly in relation to product safety, use of outdoor space and the supply of alcohol and entertainment. Officers have provided significant regulatory and enforcement expertise to guide and deliver our COVID-19 response. This has included working alongside other departments and services in the council, undertaking a range of enforcement and advisory functions and adopting a proportionate and pragmatic approach within businesses and the workplace for social distancing and covid-secure measures.

- 1.5 The report also picks up some cross-cutting priorities with Culture, Leisure and Tourism.
- 1.6 The report is separated into key service outcomes with further detailed performance data and challenges and priorities included in the appendices at the end of the report.

## **REPORT**

### **2. Key Service Outcomes**

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

### **3. Community and Rural Strategy**

- 3.1 We have been developing the Community and Rural Strategy during 2019/20 building on a strong evidence base with the emerging intelligence and insights, and engagement with stakeholders including the Town and Parish Councils and Voluntary and Community and Social Enterprise sector, as well as with Members and senior managers. We used this work to develop the draft shared priorities. We have also listened to feedback and researched potential options during this work to inform proposals to deliver the shared priorities. Much of the development work had been completed before the flooding in February and the Covid-19 pandemic and resulting lockdown, and the opportunity was taken to consider and include the learning from this challenging time and recognising how resilient our communities are. We are planning for the draft strategy to come forward to Cabinet where we will be seeking agreement to consult on the shared priorities and the proposed approach. The delivery of the strategy will be underpinned by delivery plans which will set out what countywide strategic actions the Council will be taking to deliver the shared priorities, and if the approach is confirmed and adopted, there will also be plans at a local level that will set out what actions will be taken within communities.

- 3.2 Findings from the Community and Rural Strategy consultation have also fed into the development of the Leisure Strategy, which will be published for public consultation in September and the new Cultural Strategy for Shropshire, which is due for public consultation in October.

#### **4. Voluntary and Community Sector Assembly**

- 4.1 Shropshire Council's work with the Voluntary and Community Sector has grown over the last 12 months as Shropshire has responded to local emergency responses, including flooding and Covid-19. Shropshire VCS Assembly has increased its communication with the voluntary and community sector to ensure local groups and organisations have timely access to the information they need. Research has been undertaken by the VCS Assembly to better understand areas of pressure, with sector leaders supporting work to address concerns. Some of the key areas of development over the past year include:
- The local response to Covid-19 saw many new community groups being established to offer support to those in most need, and existing groups responding by quickly changing how they offer support. This has been supported by the work of the Community Reassurance Team, which continues to offer support and advice to the voluntary and community sector. A positive outcome has been stronger private sector partnerships and close working with and town and parish councils.
  - VCS organisations have increased their online and digital offers but remain concerned about the proportion of the population without the adequate equipment, skills or connectivity to benefit from online services.
  - Lobbying and influencing MPs on the provision of some financial support to the voluntary and community sector. Local MPs were very responsive and played a part in influencing the development of the national VCS Coronavirus Support Grant schemes.
  - The VCS Assembly has played a role in working with local and regional funders to influence the allocation of funds for flooding and coronavirus grant schemes, some ongoing partnership working is still in place.
  - Locally the VCS continues to play a key role in social prescribing and supports local health responses.
  - Shropshire VCS Assembly representatives have responded to the strategic discussions within Shropshire Council's Social Task Force. Three working groups have been established to focus on the following areas:
    - VCS infrastructure and back office support (to enable community responses to be sustained and make the best use of available expertise).
    - Poverty and Hardship (to prepare for community need generated as a result of economic and social changes following the pandemic).

- Commissioning (to review current arrangements and ensure local approaches to social value can be maximised).
- 4.2 As Portfolio Holder, I would like to take the opportunity to recognise and congratulate the voluntary and community sector, including the collective support from Shropshire VCS Assembly, and town and parish councils, including the work of Shropshire Association of Local Councils, in their response to Covid-19. I recognise how fortunate we are locally with the resilience of many of our communities. The Community and Rural Strategy will be important in working to endorse and enhance that resilience.

## 5. Place Plans

- 5.1 Following the series of place plan meeting held last spring/summer, we launched the new and revised Place Plans in November 2019. The Place Plan webpages on Shropshire Council's website have been updated
- 5.2 The published Place Plans continue to be '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.
- 5.3 We are looking to communicate to Parish Councils this Autumn the topic specific projects for Highways Infrastructure that have been prioritised for delivery.
- 5.4 The Place Plans continue to be the key documents for guiding the delivery of infrastructure in communities across the county.
- 5.5 Place Plan officers have been very busy in supporting the Community Reassurance work across the County as part of the Council's response to COVID and also played a key role in supporting the Business Grants to thousands of businesses across Shropshire during this very challenging time for many local businesses.

## 6. Community Infrastructure Levy (CIL)

- 6.1 In November 2018, Shropshire Council opened a call for Expressions of Interest (EoIs) to the CIL Local fund. **25 have been supported so far** and the total CIL requested by these projects was over £1.3m. A number of the projects not supported focussed on highways and traffic management issues, ranging from speeding to parking. **We have been working on a Highway Framework package of projects that will support traffic management and other highways projects** in place plans areas. We are looking to communicate over the coming months with Elected Members and Towns and Parishes to move this forward.

Place Plan officers will be co-ordinating this activity alongside Highways colleagues.

- 6.2 We have appointed a CIL officer who has oversight of CIL, projects, EOI's and technical checks to ensure that the process works as efficiently and smoothly as possible. The table below details all CIL collected, spent and allocated to planned future projects at the end of March 2020.

<b>TOTAL CIL COLLECTED AT 31 MARCH 2020</b>	
ADMIN	£1,813,299
NEIGHBOURHOOD	£5,278,506
STRATEGIC	£2,919,611
LOCAL	£26,276,499
<b>TOTAL</b>	<b>£36,287,915</b>
<b>TOTAL CIL LOCAL SPEND AT 31 MARCH 2020</b>	<b>£2,340,723</b>
<b>TOTAL CIL LOCAL ALLOCATION AT 31 MARCH 2020</b>	<b>£15,742,345</b>
<b>TOTAL CIL LOCAL SPEND AND ALLOCATION</b>	<b>£18,083,068</b>

<b>Balance of <u>Local and Strategic</u> funds available</b>	<b>£11,113,042</b>
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- 6.3 Projects completed to date utilising CIL Local funding include:
- Classroom extensions at Baschurch Shifnal Primary Schools
  - Place Planning at Market Drayton Infants and Junior Primary Schools
  - Installation of a new drainage scheme at Birchmeadow Park, Broseley
  - New roundabout as part of the provision for 50 new homes in Shawbury
  - Construction of a Multi-Use Games Area at Dorrington
  - Replacement Sports Pavilion at Russell's Meadow, Church Stretton
- 6.4 The Government is currently consulting on significant changes to the planning system in a **white paper** published on 6<sup>th</sup> August – "Planning for the future". In this there are proposals to reconsider how infrastructure contributions are funded and to replace the existing s106 and CIL regime with a new Infrastructure Levy that could be spent on infrastructure projects. **A key change in the Government's proposals is that this would be payable at the end of a development rather than at commencement as is currently the case with CIL.**

## 7. Planning Services

- 7.1 Working with colleagues across the Council, other partners and stakeholders, Planning Services delivers time sensitive processes to a

large number of customer groups who will sometimes have different interests and objectives.

- 7.2 It has continued to do this through the Covid 19 pandemic working virtually across all teams. The Government has encouraged planning services to maintain service delivery and teams have adapted processes where required to support this. In particular Building Control has introduced a system of virtual inspections and an audit process utilising digital images and video inspections in place of face to face meetings. Working with colleagues from legal and democratic services the planning team has introduced a process for delivering virtual planning committees and I took a report to Council in July to provide members with feedback on this process to date.
- 7.3 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 around 70% of the service delivery cost overall, the income target for 2020/21 is almost £4 million (£3,936,400). In addition, it is responsible for monitoring and collecting developer contributions.
- 7.4 Income has inevitably been impacted by Covid 19 with the housing and development markets shutting down through the spring and income figures were revised down. The planning service continued to issue regulatory decisions through this period in order to support the economy and I can report with the re-opening of the housing market the bounce back is currently strong across the county, the land charges team for example recording an income level for July that equals that for the previous three months.
- 7.5 A full process review of the Development Management service was completed earlier this year and this has had the effect of improving performance from a customer perspective resulting in a 22% time saving for the processing of straightforward planning applications.
- 7.6 Key issues this year have been about development quality across the county, Shropshire engaged with the West Midlands Combined Authority in the production of a regional design charter which the Council has adopted as a material consideration in planning decisions.
- 7.7 As regulators the focus is getting the right development in the right place, ensuring that buildings and construction is safe and that the environmental impacts of development are properly considered through the process. There have been an increasing number of compliance and enforcement issues for both planning and building control teams that can be both time consuming and resource demanding in part due to

there being more development taking place on the ground generally. The Council was successful in drawing down £40,000 to fund additional resource to deal with planning enforcement issues in the greenbelt.

- 7.8 Building Control has continued to make gains in respect to its market share for July 2020 which is as follows:-

Shropshire Building Control	56%
Private Building Control	44%

- 7.9 This is another month where we have made gains over the private sector and we are more than 12% ahead in terms of applications in July, this is a 14% improvement on the lowest percentage of 42% which we experienced last year.
- 7.10 The Historic & Natural Environment Team continues to support other regulatory decision taking and has been instrumental in securing £653,000 of external funding to support a 4 year project to provide conservation led regeneration in Oswestry and a project officer is being recruited now to lead on this Heritage Action Zone.
- 7.11 The Government has recently launched a consultation on widespread changes to the planning system in a White Paper which it intends improve speed for plan making and decision taking, reduce complexity and increase quality of outcomes.
- 7.12 Planning Service 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 perceptions about the service do not always align with the data. **See Appendix 1** for performance data.

## 8. Regulatory Services

- 8.1 **Overview:** Regulatory Services delivers a diverse range of statutory functions focussed on environmental factors which impact on health. The Service delivers environmental health functions such as Food Safety, Health and Safety, Private Rented Housing, Environmental Protection, Pest Control; Ecology and some of the trading standards functions such as Animal Health, Feed Hygiene, Food Standards, Scam Prevention and Petroleum Licensing. Key Performance indicators are presented in **Appendix 2**. Regulatory Services' key achievements and challenges for 2019/20 to the present time are presented in **Appendix 3**.
- 8.2 **Contribution to Public Health:** The focus of Regulatory Services' Environmental Health work since the inception of the profession in the early 19th century, has been on ensuring the health and well-being of individuals and the communities we serve. Environmental health has

been at the heart of the 19th and 20th century public health movement and health improvement. Our Environmental Health Practitioners, who have gone through broad-based, public health-focused education and training, are referred to as the original public health professionals. These skills have proved to be invaluable to respond to and tackle the challenges COVID-19 has presented.

- 8.3 **Capacity:** Last year's report highlighted the risks regarding capacity for the Service to fulfil all its complex, high risk statutory duties. This has been compounded by the additional duties and priorities in relation to COVID-19 that the Service has had to respond to. This has been a significant challenge and the hard work, commitment, skill and expertise of the Regulatory Services team is recognised and commended.
- 8.4 **COVID-19:** Regulatory Services' Environmental Health functions have had a vital role in protecting the public during the pandemic. A significant amount of work has taken place by the service behind the scenes to protect the health of people in Shropshire. The service was already set up to work from home and was already set up with Microsoft Teams so was able to quickly and seamlessly transition to home working as lockdown was introduced. The service has taken a lead role in protecting the public through a range of enforcement and advisory functions, adopting a proportionate and pragmatic approach to enforcing business restrictions and social distancing in the workplace. This work has included:
- **Protecting the Food Chain: Maintaining safe and hygienic practices which ensure food is safe to eat.** At the start of the pandemic, Regulatory Services proactively contacted volunteers and businesses, particularly those who were diversifying their operations, to offer expert advice and guidance so that they could continue to provide food which is safe to eat. The team worked with voluntary, community and business sectors to support them with food hygiene and food standards advice to help them respond to the increasing demand to provide food for some of the most vulnerable residents in Shropshire. Allergic reactions to food ingredients can be fatal and changes in food operations also posed that additional risk which needed to be identified and controlled.
  - **Business Closures:** Regulatory Services has had a vital role in protecting the public and employees, we provided advice on the recent COVID-19 business closure regulations during our interactions with food businesses and premises that we are the enforcing authority for health and safety legislation.
  - **COVID Secure Workplaces:** Regulatory Service are responsible for health and safety regulation in shops, offices, warehouses, residential care homes, restaurants, pubs, hotels and leisure premises. This work includes ensuring that these workplaces are COVID secure so that employees returning to work and members of the public are protected as much as possible.

- **Outbreak Management:** Since the start of the pandemic four officers were embedded in Shropshire Council's Health Protection Cell, initially supporting the work with Care Homes and then later to deliver the requirements of the Outbreak Plan. Regulatory Services' highly skilled and competent public health specialists' knowledge, skills and competency base have been crucial to supporting the Director of Public Health and wider public health community. Regulatory Services has been flexible and proactive in joining forces with the Health Protection Cell at a time of national emergency. The Director of Public Health has recognised that she has access to a highly trained and competent public health workforce in Regulatory Services and has utilised this offer of support.
- **Environmental and Community Protection:** Lockdown created an environment where levels of tolerance and consideration were tested and there was an increase in complaints about both noise nuisance and smoke from bonfires. Officers found that some neighbours gave little consideration to the impact of their actions on others, whilst other neighbours became more sensitive to sources of annoyance. Increased public anxiety contributed to individuals lack of resilience to deal with causes of annoyance. As lockdown restrictions eased and the hospitality sector has adapted to provide more outdoor provision, this has introduced further complaints relating to noise nuisance. Complaint levels have increased since March 2020 and we have seen a 44% increase in noise compared to last year.

## 9. Trading Standards and Licensing Service

- 9.1 **Overview:** 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. Key issues and achievements in 2019/20 are detailed below, with further details available in **Appendix 4**.
- 9.2 **Capacity:** Whilst there has and continues to be capacity issues across the Service to deliver the required range of statutory functions to an adequate level, Covid-19 has significantly compounded this position, particularly in relation to the lack of multi-skilled professionally qualified officers with the necessary level of regulatory knowledge and investigative skills to respond to high risk and challenging enforcement situations.

- 9.3 **Covid-19:** The Service has and continues to provide a key role in protecting communities from Covid-19 through advice to the public and businesses, particularly licensed premises such as pubs and those responsible for licensed temporary events, in respect of the ever-changing business closure requirements and other restrictions that have been in force since March 2020. Whilst a proportionate and pragmatic approach to enforcement has been adopted, there has been the need for robust enforcement interventions where businesses have failed to comply with the restrictions.
- 9.4 As lockdown has eased, the Service has been instrumental in providing support to businesses through the implementation and enforcement of the pavement licence scheme, which has facilitated an increased use of outdoor space for trading purposes. Key advice has also been provided on the use of powers that have more recently been granted to the Council to prevent and manage outbreaks, specifically in relation to the outbreak in Craven Arms.
- 9.5 Certain licensing and penalty charge notice processing steps have had to be adapted to take account of the impact of Covid-19 and there is now a back-log of administrative and inspection work that will require additional resources to complete over the forthcoming months. The recruitment of two additional Civil Enforcement Officers has been delayed and this has and will continue to impact on the effectiveness and resilience of the parking enforcement function.
- 9.6 **Key achievements:**
- Almost 7,000 Blue Badge applications were received in 2019/20, and between August 2019 and July 2020, there were 304 applications submitted under the 'non-physical/hidden' disabilities criteria that came into effect at the beginning of August 2019.
  - Almost 6,000 licences, permits registrations, notices and consents have been administered and enforced.
  - In tackling unfair and fraudulent trading, consumer detriment prevented, together with fines, costs, compensation and direct prevention of financial loss, has totalled £142,348.
  - Fifty suspected unsafe products (cosmetics and baby/child related items) were prevented from entering the market place.
  - Sales of age-restricted products (tobacco, alcohol, fireworks, knives, nicotine inhaling products) in test-purchasing operations was 18%, compared with 28% in 2018/19; although sales of nicotine inhaling products (e-cigarettes) saw an increase, and this will continue to be a focus of future enforcement activity.
  - Nearly 9,000 hours of 'on the beat' parking enforcement was undertaken in relation to on street parking and in Council car parks to ensure the safety of the highway and to protect the public and motorists.

## 10 Key priorities for forthcoming year

- Bring forward the draft Community and Rural Strategy for consultation.
- Continue to deliver infrastructure supported with CIL funding based on the Place Plans, particularly to include highways schemes.
- Respond to the Government's consultation on the 'Planning for the Future' White Paper August 2020.
- Respond to Governments Consultation on changes to planning policy and regulations published August 2020.
- 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 and Sustainable Urban Extension West in Shrewsbury.
- Revise the Council's Regulation of Investigatory Powers Policy and set out formally the manner in which the Council will use social media in regulatory and other related work.
- There are a number of competing demands placed on the Licensing Service that will be difficult to balance; however, it will be necessary to commence the review of the Gambling Act 2005 Policy Statement in the early part of 2021 to ensure a revised policy is ready to be implemented by the end of 2021. The review and revision is a legal requirement within the Gambling Act 2005
- Review and revise the Council's Street Trading Policy to address issues that have arisen over the operation of the policy over the previous two years.
- Resolve the impact of existing vacancies on delivery of the statutory Trading Standards functions.
- Increase the capacity in the Parking Enforcement Team to further support the Council's Parking Strategy.

## 11 Risk Assessment and Opportunities Appraisal

- 11.1 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 has been particularly relevant this year with the unprecedented challenges we have faced with the Covid-19 pandemic. There is also a risk regarding failure of the Council to carry out the full programme of food interventions.

- 11.2 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 advised are included in risk registers.

## 12 Financial Implications

- 12.1 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 and has been impacted by Covid-19 and the slowing of the development market.
- 12.2 In 19/20 planning services achieved £4.382m of income, due to the impact of Covid-19 this income is estimated to fall to £3.231m, the shortfall will be made up to some extent (around £0.25m) by co-funding from central government, but there will remain a reduction compared to previous years.
- 12.3 Up until the end of March 2020, £2,340,723 of the CIL local funds have been spent on approved projects, with a further **£15,742,345 having been allocated to projects at the end of March 2020**. Further work is being undertaken on highways projects across place plan areas to explore further spend in this area.
- 12.4 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.
- 12.5 Income received by the Council for licensing purposes is directly linked to activity in the leisure and hospitality industries and, therefore, it has and will continue to be impacted by COVID-19. In 2019/20 the income was not significantly impacted because it was close to year end before the COVID-19 restrictions took effect. However, the licence fee income position for 2020/21 is anticipated to return a shortfall of £190,000 against a target of £708,000. One-off funding from MHCLG is expected to substantially mitigate the impact of the lost income and, therefore, the licensing budget will be left to bear 25% of the total losses incurred as a result of the COVID-19 restrictions.
- 12.6 Fees from penalty charge notices is clearly directly linked to motorists travelling and parking vehicles. This was significantly impacted during lockdown and the position is that 2020/21 is anticipated to return a shortfall of £188,000 against a target of £630,000; as with licence fee income, one-off funding from MHCLG is expected to reduce this impact

and the parking enforcement budget will incur only 25% of these losses.

**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 Performance Highlights

Appendix 2 - Regulatory Services' Key Performance Indicators 2019/20 and 2018/19

Appendix 3 – Regulatory Services' Key Achievements and Challenges for 2019/20 to 31<sup>st</sup> July 2020

Appendix 4 - Trading Standards and Licensing Service

**Appendix 1 PLANNING SERVICES Performance Highlights 2019/20**

- Largest planning authority in West Midlands region outside Birmingham with a geography larger than Luxembourg, over 5,500 regulatory decisions issued each year
- Agile and flexible paperless process with self-serve options complementing face to face
- Planning applications approved – Q1 92.60%, Q2 91.48%, Q3 90.84%, Q4 91.75% (91.68%)
- Major applications approved - Q1 88.46%, Q2 87.50%, Q3 80.%, Q4 95% (87.76%)
- Over 11,000 outstanding planning permissions for residential development
- 96% of planning applications are delegated to officers for consideration – Q1 95.96%, Q2 95.44%, Q3 96.85%, Q4 97.66 (96.43%)
- Applications (overall) determined in timeframe agreed with applicant – Q1 89.64%, Q2 89.68%, Q3 87.54%, Q4 89.41%, (89.12%)
- Strong community alignment - 88% of decisions align with view of parish or town council – Q1 89.79%, Q2 88.30%, Q3 87.29%, Q4 90.70%, (89.03%)
- Appeals dismissed – Q1 71.43%, Q2 75%, Q3 56%, Q4 85.71% (71.11%)

- S106 contributions collected in 2019/20 - £3.6M (of which £1.48M relates to Affordable Housing)
- £17.8M S106 contributions outstanding of which £4.5M relates to Affordable Housing to be collected when development commences/trigger point met
- Enforcement cases received - Q1 148, Q2 152, Q3 130, Q4 178, (608)
- Enforcement Cases Closed - Q1 146, Q2 169, Q3 149, Q4 166 (630)
- 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
- Building Control inspections carried out within 24 hours of required date – Q1 95.88%, Q2 95.90%, Q3 91.60%, Q4 95.29% (94.73%)
- Q1 – April / June 2019, Q2 July / September 2019, Q3 October / December 2019, Q4 January / March 2020

## Appendix 2

### Regulatory Services' Key Performance Indicators 2019/20 and 2018/19

Strategic Priority	Key Performance Indicators	2018/19 Performance	2019/20
Private Rented Sector Housing is safe for tenants	Number of service requests	316	247
	Number of serious hazards identified during inspection	99	80
	Number of serious hazards removed.	31 (out of 64 possible to resolve)	29 (out of 50 possible to resolve)
	Total number of HMOs licensed	61	66
	Public Health Outcome 1.17 Fuel Poverty	12.3%	Not available
	<b>LAHS annual return</b>		No

Empty Properties are not detrimental to communities	Number of properties returned to use	11	12
	Number of empty homes service requests	71	81
Clean Air	Number of Air Quality Management Areas	2	2
	Number of Permitted Processes Inspected (% of required programme completed)	72 (95%)	54 (To follow)
	<b>Annual Screening Review Submitted to DEFRA</b>	<b>Yes May 2020</b>	<b>No</b>
	<b>Public Health Outcome 3:01</b>	3.7% (2017)	3.8% (2018)
Residents' health and the use and enjoyment of their home is not affected by a statutory nuisance	Number of domestic noise nuisance service requests	561	514
	Number of domestic nuisance service requests (other than noise)	145	134
	Number of commercial noise nuisance service requests	282	262
	Number of commercial nuisance (other than noise) service requests	320	125
	Number of anti-social behaviour risk assessment conferences	3	1
	Public Health Outcome 1.14	2.7 per 1000 population (modelled value for 2015/16)	2.7 (2018/19)
	<b>CIEH Noise Survey</b>	Yes	Yes
Workplaces are safe	Number of accidents reported	173	173
	Number of Health and Safety Service Requests	82	127
	Number of Health and Safety Interventions	54	To follow
	<b>LAE1 return</b>		-
	Number of petroleum inspections	35	32
	Sportsground Safety Certificate issued and reviewed on time	3	3
Historic Land Contamination does not cause ill health	Planning Applications reviewed for contaminated land	240	226
	Number of Contaminated Land Environmental Information Requests (EIR)	68	57

Private Water Supplies are safe for residents and visitors to drink	No of samples taken	454	460	
	% of samples Pass	69%	62%	
	Number of risk assessment carried	232 overall programme	294 overall programme (not in year)	
	% of required programme completed	34%	36%	
	No of Section 18 notices issued	31	19	
	No of Section 18 notices revoked	23	2	
	<b>DWI Return</b>		Yes	
Food is safe to eat	Number of interventions carried out (% of required programme completed)	1689 out of 3131 (54%)	2441 out of 4055 (60%)	
	Number of food service requests	178	190	
	Number of food hygiene service requests	174	155	
	Number of food outbreaks	1	0	
	% of broadly compliant food premises	94%	94.7%	
	Food Standards Agency Performance Food Hygiene Indicator	0.82	0.84	
	Food Standards Interventions carried out	415	251	
	Feed Standards interventions carried out	83	To follow	
		<b>LAEMS Return</b>		Yes
		<b>FSA Feed Return</b>		Yes
The natural environment is protected and maximised for future generations	Public Health Outcome 1.16: utilisation of outdoor space	16.5% (2015/16)	16.5% (2015/16)	
	Number of planning applications reviewed for ecology	2671	2179	
Environmental health statutory functions which benefit health are fulfilled	Total No of pest control treatment visits carried out (charged for service)	3774	3297	
	No of service requests reporting rats/mice requiring action under Prevention of Damage by Pests Act 1949	240	271	
	BPCA Annual Return	Yes	-	
	Number of Public Health act funerals carried out	15	20	
	Number of Filthy and Verminous service requests	19	11	

	Number of complaints of insecure buildings requiring action to secure against unauthorised access	15	7
	Number of Private drainage service requests	78	47
Animal Health	Animal Health risk rated interventions	108	To follow
	Animal Health non-risk Rated Intervention	233	To follow
	AH Service requests	307	305
	<b>AH134 DEFRA return</b>		To follow
	<b>DEFRA welfare in transit return</b>		To follow

### Appendix 3:

## Regulatory Services' Key Achievements and Challenges for 2019/20 to 31<sup>st</sup> July 2020.

Below are the key achievements and challenges for the service which are set out against the relevant Service Strategic Priority.

### **STRATEGIC PRIORITY: Clean Air**

- An unintended but welcome consequence of the COVID-19 lockdown has been a widely reported significant reduction across the world in the levels of air pollution. As journeys were limited to those which were deemed essential during the lockdown restrictions to control the spread of Covid-19, the reduction in traffic, which is a major source of pollution, had a positive impact on air quality. Air quality, of course, is also dependant on the weather which can for example, disperse or concentrate it in an area.
- 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, increases in respiratory and cardiovascular

hospital admissions, and even the onset of dementia. Older people, children and those with pre-existing illness are more vulnerable to the adverse health effects of air pollution.

- In 2019, DEFRA awarded Shropshire Council's Regulatory Services Team with £50,000 grant funding to improve our understanding and knowledge of the air quality in the County and raise awareness of any air quality challenges. As part of this work we are using Zephyr sensors to measure air pollutant concentrations in real time. The zephyr monitors are currently located in our two air quality management areas of Bridgnorth and Shrewsbury; additionally, another zephyr monitor is temporarily located in Much Wenlock.
- We are also developing a public website so that the zephyr monitoring data is accessible to everyone and we hope this will be available soon.
- Inspections of industrial sites which are operated under Environmental Permits regulated by the Council have not been possible during lockdown so there is a backlog of these inspections building up. However, the risk to the environment from this is relatively low as the responsibility to comply lies with the operators and, in many cases, non-compliance would result in complaints giving us the intelligence that something might be wrong. However, the government has not relaxed the statutory duty to undertake these inspections so they will have to be done later in the year.

**STRATEGIC PRIORITY: Residents' health and the use and enjoyment of their home is not affected by a statutory nuisance.**

- During lockdown, the team attempted to resolve more nuisance complaints remotely. Where resolution could not be achieved remotely, visits for monitoring and escalated enforcement are still required. This and the increase in complaints has created a backlog which will affect response times and service quality for customers.

**STRATEGIC PRIORITY: Historic land contamination does not cause ill health**

- In line with the Government's stated policy we continue to assess planning applications for contaminated land issues making sure that land is cleaned up as necessary as it is redeveloped. However, due to the government ceasing all grant aided funding of proactive part IIA work a few years ago, no work to comply with the statutory duty to inspect and deal with existing sites in a prioritised manner is currently being undertaken.

**STRATEGIC PRIORITY: Private Water Supplies are safe to drink**

- There are approximately 2500 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 in themselves and others who they supply. The service carries out a programme of sampling and risk assessment of private water supplies.
- In 2019 Public Health England updated their advice in relation to nitrate in drinking water following new information from the World Health Organization

and Health Canada on the potential effects on the thyroid and because total intake from water and diet could exceed the European Food Safety Authority Acceptable Daily Intake for adults above a water concentration of 50 mg/l. As a result, PHE does not recommend anyone should regularly consume water above 50 mg/l. Therefore, Local Authorities can no longer grant relaxations for nitrate above 50 mg/l. Many supplies in Shropshire contain levels of nitrates which exceed the nitrate standard. If a supply fails to meet the nitrate standard in 2020, a Regulation 18 Notice must be served due to the ongoing and potential danger to health.

- During 2019/20, 460 water samples were taken of which 62% were safe for human consumption. Due to limited resources, only 35% of the risk assessment programme required by the Drinking Water Inspectorate has been completed. In 2019/20, 19 notices have been served on private water supplies of which 2 have been revoked after suitable works have been carried out to protect the private water supply.

#### **STRATEGIC PRIORITY: Human food chain is safe**

- Last year, it was reported that the Food Standards Agency had 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.
- During 2019/20 the Service was on target to achieve 100% of all high and medium risk interventions in line with the Food Law Code of Practice.
- Our programme of interventions was deferred in early March 2020 with agreement of the Food Standards Agency to enable us to divert diminished resources to urgent reactive work required during the COVID-19 emergency and this was also implemented so that footfall in food business establishments was minimal to reduce risks of transmitting COVID-19. As a result, we were unable to complete our planned programme.
- During 2019/20 we employed two additional temporary officers to help clear the backlog of due interventions in relation to E-rated premises (which are the lowest risk premises) and premises outside the inspection programme, as required by the Food Standards Agency. Progress is being made in relation to ensuring that all premises receive an appropriate intervention but this has been temporarily suspended due to COVID pressures.
- A concerted effort has also been made to reduce the number of Unrated premises and over 600 interventions have been undertaken in this category, which highlights the elevated throughput of premises registrations in Shropshire. At the end of March 2020 there were just over 100 unrated premises.
- A total of 4132 food establishments were registered in Shropshire at 30<sup>th</sup> June 2020. (This has reduced from 4260 registered at 31 March 2019).
- 2441 food hygiene interventions were carried out which represents 60% of the food hygiene interventions required by the Food Standards Agency Code of Practice (1689 intervention in 2018/19 representing 54%).
- The percentage of food establishments across Shropshire achieving Broad compliance has seen a marginal increase to 94.7% (94% in 2018/19). Food

establishments which are 'broadly compliant' achieve an equivalent to the Food Hygiene Rating Scheme (FHRS) rating of 3 'generally satisfactory' or better.

- There was a slight decrease in the total number of complaints about the safety and quality of food and the hygiene standards of food establishments which we investigated from 352 in 2018/19 to 345 in 2019/20. The number of complaints investigated about the safety and quality of food (190) increased from 178 in the previous year and the number of complaints investigated about the hygiene standards of food premises (155) decreased from 174 in 2018/19.
- A Journal report co-authored by two of our Environmental Health Professionals and Public Health England was published in "Epidemiology and Infection" in February 2020 describing an outbreak of *Clostridium perfringens* food poisoning in Shropshire which was linked to leeks in cheese sauce.  
<https://www.cambridge.org/core/journals/epidemiology-and-infection/article/outbreak-of-clostridium-perfringens-food-poisoning-linked-to-leeks-in-cheese-sauce-an-unusual-source/1816EF5763B5435E72B88E09266A9177>

### **STRATEGIC PRIORITY: The natural environment is protected and maximised for future generations**

- 52 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 and are a legal requirement for Local Plans and Neighbourhood Plans.
- 2179 planning consultations were responded to on ecological matters to protect important habitats and species to help discharge the Council's statutory Biodiversity Duty.
- Produced the Habitats Regulations Assessment screening report for the Strategic Sites consultation as part of the Local Plan Review.
- Officer looked at 102 new SLAA sites and provided more detailed comments on 45 preferred sites.
- On average, 73% of planning consultations are completed within the deadline. There are a number of reasons behind the delays in those which were not completed within the deadline which the Service has been working with Planning colleagues to address. This includes Ecology Officers providing training sessions for Planning Officers, so they are able to use standing advice for the lower risk applications in order for the Ecologists to focus on the more complex cases. An average of 18% of consultations each month lack essential information required by Ecology to assess the issue and advice has been provided about how this could be addressed through the validation stage. The main cause for delay centres around the need to address case law and technical and legal aspects of the more complex cases. A briefing on Poultry Units was given to members of the Planning Committee in November 2019.
- Consideration of 76 '3 derogation tests' under the Habitats Regulations for applications where a European Protected Species licence is required (for bats and GCN).

- 69 Ecological Clerk of Works conditions recommended to protect European and UK protected species where a licence isn't required but Reasonable Avoidance Measures are necessary to ensure no criminal offence.
- Working with Planning Policy to provide expert strategic and technical support throughout the process of developing a Green Infrastructure Strategy. Ecology Officers have worked collaboratively with the consultant (Land Use Consultants) including reviewing, updating and expanding Shropshire Council's Open Space data – 1500 GIS data records for open space sites have been individually checked and reviewed, 1059 new records added to the Open Space dataset and 150 sites that were missing entirely from the data records added and classified. Alongside this Officers have reviewed ongoing work by the consultant and provided constructive critical oversight on the progress and direction of the commission. We have been actively seeking inter-team collaboration and have provided expert support on incorporating best practice for Green Infrastructure to the Shrewsbury Big Town Plan, Place Plan Review, and Shropshire Active Travel Strategy. We are coordinating the integration of Green Infrastructure policies with Biodiversity Net Gain, Active Travel and the revised Planning for the Future strategy.

**STRATEGIC PRIORITY: Farm animals and livestock are healthy, protected from cruelty and the spread of disease is prevented**

Regulatory Services' Animal Health Officers carry out regular checks to ensure animal welfare legislation is adhered to. The following cases were found to be in breach of the legislation to protect animals will be investigated and required escalated enforcement action in line with the Council's Better Regulation and Enforcement Policy:

- In June 2019, a farmer was issued with a community punishment order of 100 hours unpaid work and to pay legal costs of £4,306 by Shrewsbury Crown Court following proceedings against him for causing unnecessary suffering to multiple bovines. Officers witnessed down bovines unable to stand, insufficient dry bedding, exposed remains and inappropriate medical care.
- In July 2019, a livestock transporter was fined by Telford Magistrates Court £2100 for causing unnecessary suffering to a bovine which had fallen whilst unloading and was unable to stand. The defendant kicked the cow numerous times to get it to stand up and released other bovines from the vehicle causing the down cow to be trodden on.

In August 2019, a Simple Caution was issued by the courts to a Farmer who caused unnecessary suffering to sheep stock. He had failed to provide medical care to the animals for sheep scab and had failed to remove skeletal sheep carcasses and remains in timely manner allowing other animal access which is a disease risk.

## **Appendix 4 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 2019/20 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 6,991 Blue Badge applications were received and 5,727 (82%) were granted to Shropshire residents who have a disability that severely impacts their mobility. A total of 14,206 people in Shropshire currently hold a Blue Badge.

From August 2019, individuals with 'non-physical/hidden' disabilities became eligible to apply 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 the period from 30 August 2019 to 31 July 2020, the Service has received 304 applications from individuals with 'non-physical/hidden' disabilities and 230 (76%) have been granted.

To increase the ability to respond to applications overall, the Blue Badge service underwent a digital transformation step change in late 2019. This has enabled Blue Badge administration to continue throughout the response to Covid-19 with little need for any additional changes. Certain applications that require evidence from an 'expert assessor' (who will be one or more medical and/or healthcare professionals) have, however, been subject to delays; these delays have been outside the control of the Service and is in part the reason for the slightly lower percentage that have been granted compared with the overall figure.

## **Parking Enforcement**

The work of the Parking Enforcement Team 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 (TROs). For parking enforcement to be at its most effective, it is crucial that all relevant 'signs and lines' are maintained in good condition. The lockdown period at the start of the Covid-19 response enabled a programme of 'signs and lines' maintenance, which has improved the enforcement of the TROs; however, it is vital that this continues to ensure enforcement remains effective. The nationally set penalty charge notice fees remain unchanged and continue to be 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 8,962 hours of 'on the beat' enforcement (84% for on-street parking and 16% in Council car parks) and issued 18,391 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. In 2019/20, two cases of Blue Badge misuse/fraud and a case where a Blue Badge holder failed to produce their Badge for inspection were successfully prosecuted.

To put the number of PCNs issued into perspective and to allay concerns about 'over-zealous' enforcement, information available over the previous 5 years indicates that for each enforcement hour undertaken, on average, two PCNs are issued.

Further prosecutions for using/leaving vehicles in The Square in Shrewsbury have also reached successful conclusions. These cases were part of an overall campaign to prevent motorists using The Square as a car park and, to date, the campaign has had a lasting effect, with little enforcement now required to maintain the area free from vehicles and safe for pedestrians.

## **Licensing**

Almost 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.

### Gambling

The preparatory work for reviewing the Council's current Gambling Act 2005 Policy Statement will commence in the final quarter of the 2020/21 financial year.

### Street Trading

The current Street Trading Policy has been in force for a little over 2 years and has provided a sound basis upon which to undertake the administration and enforcement of street trading activities; however, issues that have arisen during this period now need to be addressed and it is proposed that a review will be undertaken over the next 12 months. Pragmatic interim steps will be taken to respond to any pressing concerns in conjunction with the Chair and Members of the Strategic Licensing Committee.

### Alcohol, late night refreshment and entertainment

The work to monitor the effectiveness of the Licensing Act regime included 212 inspections to existing licensed premises to ensure compliance with premises licences; this included proactive joint partnership visits with the police. In addition, 88% (256) (77% in 2018/19) 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.

### Taxis and private hire

In July 2020, the Department for Transport (DfT) issued Statutory Taxi and Private Hire Vehicle Standards to licensing authorities aimed at safeguarding children and vulnerable adults. Work has recently commenced to assess the implications of these Standards on the Council's current Hackney Carriage and Private Hire Licensing Policy 2019 – 2023. The outcome of this assessment will be reported to the Strategic Licensing Committee with any recommendations to revise the Council's Policy as necessary.

As was raised in last year's report, the ongoing impact of the Deregulation Act 2015, which has led to a significant increase in cross-border hiring, remains a concern. Regrettably, the DfT chose not to address this issue as part of the Statutory Taxi and Private Hire Vehicle Standards. Cross-border hiring,

therefore, continues to create an increasing risk to the hackney carriage and private hire licensing function undertaken by the Council.

This situation continues to pose 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 (2019/20 207; 2018/19 197) aimed at ensuring public safety and compliance with the Council's conditions were undertaken. This has included checks to ensure private hire drivers did not pick up passengers in the street without an existing booking ('plying for hire'), for which two prosecutions are currently waiting to be heard in the Magistrates' Court; one relates to a Shropshire licensed driver and the other to a Wolverhampton licensed driver. We have also 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.

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 52 cases. This compares with 57 in 2018/19 and 102 in 2017/18 and is an indication that standards of compliance for those licensed by Shropshire Council have improved.

### **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 core staffing (front-line, support and management) resource in 2019/20 equated to 5.5 FTE (2018/19 5.38 FTE) and the controllable operational budget available to directly support front-line enforcement was less than £25,000. To put this into perspective, the cost of a basic suite of safety tests on a toy or an electrical product will start at £1,000 and 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.

Long-standing vacancies of 1.46 FTE remained unfilled in 2019/20, as recruitment into these posts was to be considered as part of a service wide

peer review; this has continued to adversely impact on our 'business as usual' work and the impact has been further brought into sharp focus as a result of Covid-19. Whilst recruitment must always be balanced against the challenging financial pressures that continue to be placed on the Council, it has become ever more evident that these vacancies increase the risk to the Council to deliver its statutory responsibilities and to respond to emerging risks.

### 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, tobacco, nicotine inhaling products (e-cigarettes), knives and fireworks. A total of 62 retail premises were visited with 11 (18%) of those selling products to under 18-year-old volunteers. This compares with 28% (17 out of 60) that sold in the previous year. To address these offences, a range of enforcement actions have been utilised against businesses and individuals including written warnings, fixed penalties, simple cautions, prosecutions and licence reviews in accordance with the Council's Better Regulation and Enforcement Policy.

### 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 £8,800 to criminals; in addition, fines, costs and compensation for victims totalled £27,880. Furthermore, the consumer detriment prevented over the following 12 months was estimated to be £105,668.

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.

Two significant prosecutions in relation to these types of practices were concluded in 2019/20; both involved elderly and vulnerable consumers. The first involved failures to provide cancellation paperwork and undertaking aggressive and fraudulent commercial practices on a range of home improvements, which led to a prison sentence for the defendant of 27 months; and a second case involved misleading commercial practices that were aimed at removing the consumer's rights to cancel the contracts and selling reclining armchairs at significantly inflated and false prices; the defendant was fined and ordered to pay compensation to the victims totalling almost £18,000.

### 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 50 suspected unsafe products (cosmetics and baby/child related items) from entering the market place with proportionate enforcement action taken against those responsible.

An inspection of a home-based cosmetics producer identified non-compliant product labelling, incomplete product information files, no evidence of good manufacturing processes, and issues were identified with batch numbering and traceability. Following advice on all safety requirements for the sale and supply of cosmetics, re-visits identified significant improvements and products previously considered non-compliant had been removed from sale.

As a result of a referral from the national ports and borders team, officers engaged with a large cosmetics manufacturer regarding non-compliant nail varnish that had been imported from China. This led to an inspection across the whole business to look at the products manufactured as well as those imported and then own-branded. There were a lack of safety assessments and batch testing as well as labelling inadequacies, yet the business exported goods and offered beauty treatments (using its products) to places such as Hong Kong, South Africa, Australia, Dubai and America. Following advice across a range of issues including compliance with safety requirements for cosmetics and unfair commercial practices the company significantly improved and became broadly compliant.

The Service purchased and arranged safety tests on 19 consumer products including toys and other child related products and a range of items from markets across the county to assess for compliance with product safety requirements. Cosmetics were also purchased and tested as part of a

national surveillance operation co-ordinated by the Office of Product Safety and Standards (OPSS). There was a 79% failure rate with 15 of the 19 items found to give rise to a range of safety and technical non-compliances. Referrals to the relevant local authorities under the Primary/Home Authority principles have been made for the lesser technical breaches and investigations are ongoing in relation to those that had safety concerns.

### **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. The outcomes of the PSPO were considered by Cabinet in June 2020 and it was resolved to extend the Order from 1 August 2020 for a further period not exceeding 3 years. The Order continues to provide a further tool to address anti-social behaviour.

Overall the work undertaken in 2019/20 is summarised below:

Total number of requirements: 29 (2 cease drinking alcohol, 27 leave restricted area)

Total number of breaches: 9 (3 personal effects unattended, 1 refusal to leave restricted area, 5 returned to restricted area)

Outcomes in relation to the breaches:

- Police ASB letter: 5
- Warning (LA): 2
- FPN: 1
- NFA: 6 (i.e. insufficient evidence, etc.)
- Prosecutions undertaken following failure to pay FPN

### **Prosecutions**

Across the Service 16 prosecutions have been successfully completed; a further 14 were initiated with informations laid against defendants; and 3 have accepted simple cautions.