

Report to: **Regeneration Service Scrutiny Committee**
Date: **28 January 2008**
Report of: **Environmental Health and Licensing Manager**
Subject: **Service Unit Performance Reporting - Environmental Health and Licensing**
Ward: **All**

1.0 Purpose of the Report

1.1 To provide information on the performance of the Commercial Enforcement and Licensing Teams of the Environmental Health and Licensing Unit.

2.0 Consultation

2.1 Consultation has taken place with the staff of the Environmental Health and Licensing Unit.

3.0 Background

3.1 The unit has prepared a service plan that has been agreed by the Management Team, and has adopted a range of local and best value performance indicators. As part of the ongoing service delivery and review the unit has committed to provide regular reports to the Service Delivery Scrutiny Committee.

3.2 The Environmental Health and Licensing Unit is made up of 4 teams as follows

- Commercial Enforcement Team
- Licensing Team
- Environmental Enforcement Team
- Environmental Strategy Team including Envirocall

Under the new scrutiny arrangements, the performance of the Commercial Enforcement and Licensing Teams will be reported to the Regeneration Services Service Delivery Scrutiny Committee as they come within the 'Health' portfolio. This report gives a position statement regarding the performance of these teams from the period 1st July 2007 to 31st December 2007.

4.0 Position Statement and Option Appraisal

4.1 Performance Indicators

The Unit has a number of best value, local, and corporate performance indicators. Performance in relation to these indicators is shown in Appendix 1 (attached)

4.2 The Commercial Enforcement Team

4.2.1. Food Safety and Infectious Disease Control

The Food Standards Agency framework Agreement on Food Law Enforcement requires that Local Authorities:

- Inspect all food premises in accordance with a risk rated inspection programme. This ensures high-risk premises receive priority inspections.
- Investigate Complaints relating to food and food business.
- Investigate individual cases, and outbreaks of food related infectious disease.

4.2.2 Food Premises Inspection.

We currently have a database of approximately 800 food businesses operating in the District. The target is to achieve 100% of the inspection program for high-risk premises.

The increasing complexity of the enforcement protocol and the need to respond to reactive service requests makes meeting this target increasingly difficult.

One member of the commercial enforcement team has been seconded to cover the implementation of the new smoke free laws. Consultant Environmental Health Officers have been used to help the authority meet its targets as a result of this secondment.

| Risk Category | Percentage of program completed April to December 2006 | Percentage of program completed April to December 2007 | Target for 2007/08 |
|-------------------------|--|--|--------------------|
| High Risk Food Premises | 72.2% | 74.8% | 100% |
| Low Risk Food Premises | 27.5% | 25.6% | 80% |
| Total Food Premises | 67.6% | 70.3% | 90% |
| Food Sampling Program | 30% | 100% | 60% |

* Sampling Figures are to the end of November 2007.

We have removed approximately 120 of the lowest risk category inspections from our program in accordance with the food safety act code of practice. These premises will be subject to alternative enforcement strategies.

In addition to programmed inspections 32 visits to new businesses have been carried out, compared to 39 in the same period of 2006.

4.2.3 Complaints relating to food safety or food premises

| | April to December 2006 | April to December 2007 |
|---------------------------------------|------------------------|------------------------|
| Food Complaints Received | 19 | 23 |
| Percentage Investigated | 100% | 100% |
| Percentage Investigated within 3 days | 68% | 78% |

4.2.4 Cases of food related infectious disease and outbreaks of infectious disease.

| | April to December 2006 | April to December 2007 |
|---|------------------------|------------------------|
| Number of Cases of Food related Infectious Disease Received | 125 | 116 |
| Percentage Investigated | 100% | 100% |
| Percentage Investigated within 3 days | 98% | 97% |

| | April to December 2006 | April to December 2007 |
|--|------------------------|------------------------|
| Number of Outbreaks of Infectious Disease Received | 7 | 10 |
| Percentage Investigated | 100% | 100% |
| Percentage Investigated within 3 days | 100% | 100% |

4.2.5 Health and Safety at Work Enforcement

Guidance issued under S.18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to:

- Implement a risk rated inspection programme for relevant premises for which they are the enforcing authority. This ensures high-risk premises receive priority inspections.
- Investigate Complaints relating to Health and Safety in relevant premises.
- Investigate work related accidents in relevant premises
- In addition the authority has recently signed up to an agreement to work in partnership with the Health and Safety Executive (HSE) on initiatives such as FIT3.

4.2.6 Inspection of Premises for Health and Safety

It is estimated that the authority is responsible for enforcing health and safety is around 1400 premises. However our current database is not fully populated. The team is in the process of surveying all workplaces subject to local authority control to assess risk ratings so that a comprehensive risk rated inspection programme can be compiled. Approximately 1,000 premises have already been rated and logged for inspection.

| Risk Category | Percentage of program completed by 31/12/06 | Percentage of program completed by 31/12/07 | Target for 2006/07 |
|------------------------------|---|---|--------------------|
| High Risk | 100% | 100% | 100% |
| Intermediate Risk Premises | 21.7% | 5% | 100% |
| Total HSW Inspection Program | 26.5% | 6% | 100% |

The performance for during the first three quarters was lower than expected. However, In addition to the above visits 26 new premises were rated and added to the inspection programme. The increasing complexity of the enforcement protocol and the need to respond to reactive service requests makes meeting this target increasingly difficult.

Approximately one third of a full time equivalent officer has been allocated to FIT3 project initiatives in partnership with the HSE such as dermatitis and slips and trips. The authority's performance against its commitment to FIT3 will be evaluated at the end of the financial year.

4.2.7 Complaints relating to Health and Safety

| | April to December 2006 | April to December 2007 |
|---|------------------------|------------------------|
| Number of Complaints relating to Health and Safety Received | 6 | 12 |
| Percentage Investigated | 100% | 100% |
| Percentage Investigated within 3 days | 100% | 67% |

4.2.8 Notifications of workplace accidents.

| | April to December 2006 | April to December 2007 |
|---------------------------------------|------------------------|------------------------|
| Number of Notifications Received | Figures not available | 52 (42 reportable) |
| Percentage Investigated | Figures not available | 17% |
| Percentage Investigated within 3 days | Figures not available | Figures not available |

4.2.9 Pollution Control

Guidance issued by DEFRA requires local authorities to:

- Authorise and inspect specified processes and premises in accordance with a risk rated inspection program.
- Assess Air Quality as required by the Local Air Quality Management Regime for designated pollutants.
- Investigate complaints relating to pollution and noise from commercial premises.
- Assess the district for areas of contaminated land in accordance with the District's Contaminated Land Strategy.

4.2.10 Authorised Process Inspections

| Risk Category | Percentage of program completed by 31/12/2006 | Percentage of program completed by 31/12/2007 | Target for 2007/08 |
|---|---|---|--------------------|
| Medium Risk | N/A | N/A | N/A |
| Low Risk | 50% | 16% | 100% |
| Total authorised Process Inspection Program | 50% | 16% | 100% |

The program of inspections of authorised processes is weighted towards the second half of the financial year. The performance has dropped below the initial target of 100% due to a change from the system of authorisation of processes to the issuing of permits to both processes and premises. The change has required the examination of detailed technical documentation and increased the time for each inspection.

A new performance indicator (BVPI 217) was introduced in 2005/06 focussing on pollution control improvements.

4.2.11 Assessment of Local Air Quality

Local Air Quality has been assessed in accordance with DEFRA guidance, including sampling of certain pollutants, for example Nitrogen Dioxide. To date no areas of the district have levels of pollution that exceed the national standards.

4.2.12 Investigation of Pollution, Noise, and Public Health Complaints from Commercial and Industrial Activities

| | April to December 2006 | April to December 2007 |
|---|------------------------|------------------------|
| Number of Pollution Complaints Received | 64 | 64 |
| Percentage Investigated within 3 days | 91% | 91% |

| | April to December 2006 | April to December 2007 |
|---------------------------------------|------------------------|------------------------|
| Number of Noise Complaints Received | 12 | 23 |
| Percentage Investigated within 3 days | 92% | 87% |

| | April to December 2006 | April to December 2007 |
|---|---------------------------|---------------------------|
| Number of Public Health Complaints Received | 15 | 20 |
| Percentage Investigated within 3 days | 87% | 90% |

4.2.13 Contaminated Land Assessment

During 2003/04 the assessment of contaminated land in the district was completed ahead of schedule. A more detailed study of the most contaminated sites that were identified during the survey has been ongoing during 2004/5, 2005/6, 2006/7 and will continue through 2007/8.

Two new performance indicators were introduced in 2005/06, BVPIs 216a and 216b.

BVPI 216a requires local authorities to identify sites of potential concern. By the end of December 2007 we had reduced the number from 370 to 361. The target for the financial year-end is to achieve a further reduction to 360.

BVPI 216b requires local authorities to gather sufficient detailed information on the above sites to enable them to make a decision on whether the site is contaminated. By the end of December 2007 we had gathered information on 3% of the sites. The target for the financial year-end is to have information on 2% of the sites.

4.2.14 Consultations

The Commercial Enforcement Team is consulted by a variety of bodies such as council departments, businesses and external agencies. Consultations cover environmental health matters relating to, for example, planning, building control, and development on contaminated land.

| | April to December 2006 | April to December 2007 |
|--|---------------------------|---------------------------|
| Number Consultations Received | 155 | 148 |
| Percentage responded to within 10 days | 97% | 78% |

4.2.15 Smoke Free legislation

In the run up to the July 1st implementation of the new smokefree laws, we have worked closely with both business groups and media in order to assist businesses to comply with the new laws. Between the new laws coming into effect on July 1st 2007 and the end of 2007, 308 inspections were carried out to assess compliance with the new laws. Approximately 98% of those visited were compliant with the new laws in respect of the no smoking requirement, and approximately 91% had the correct signage in place.

4.3 Licensing Team

4.3.1 The Licensing team is responsible for the administration and enforcement of legislation relating to

- Taxis, Hackney Carriage and Private Hire
- Premises/clubs licensed under the Licensing Act 2003 for alcohol, entertainment or late night refreshment
- Premises licences and permits under the Gambling Act 2005
- Premises licensed for tattooing, body piercing, acupuncture, electrolysis
- Premises licensed for boarding of cats and/ or dogs and breeding of dogs

- Pet shops
- Riding Establishments
- Registration of Motor Salvage Operators and Scrap Metal Dealers
- Caravan sites

All inspections and resultant actions in respect of these functions accord with the Council's adopted Enforcement policy.

4.3.2 Taxis

At the end of June 2007 there were 93 Hackney Carriages and 173 Private Hire Vehicles. From 1st July 2007 to 31st December 2007 another 7 Private Hire Vehicles were licensed for the first time.

Each vehicle is inspected visually by enforcement officers 6 times per year to ensure its safety and condition. This is in addition to the two mechanical inspections they are required to undertake with the Council's Vehicle Inspector.

Programmed Inspections up to 31 December 2007 indicate 100% of inspections will be completed by 31st March 2008.

A customer satisfaction survey of applicants for all taxi licenses is carried out on a rolling basis.

Results for first 3 quarters of 2007/2008 relating to 50 returned surveys

| 2007/2008 | Very satisfied | Satisfied | Dis-satisfied | Very Dissatisfied |
|---------------------|----------------|-----------|---------------|-------------------|
| Overall service | 22 | 27 | 1 | 0 |
| Contacting council | 22 | 28 | 0 | 0 |
| Issuing of licenses | 18 | 23 | 0 | 0 |
| Enforcement | 14 | 23 | 2 | 0 |

Drivers are required to complete a Criminal Records Bureau (CRB) check before being licensed and every three years subsequently to ensure they are and remain fit and proper persons to be licensed. During the 2nd and 3rd quarter two drivers, who were already licensed, had CRB checks which revealed convictions since their last check. These convictions were serious enough to warrant their licenses being revoked. One driver is appealing against the revocation and his appeal will be heard by the Regulatory Appeals Panel.

Regular out of hours working is carried out by all members of the section. Enforcement is both reactive and proactive. In June 2007 a joint operation with the Police resulted in the successful prosecution in September of one un-licensed Hackney Carriage driver and one proprietor for employing an un-licensed driver. The un-licensed driver was fined £300 with £150 costs and the employer was fined £600 with £150 costs.

A test purchase operation using wardens from Environmental Services was carried out in December 2007. The wardens were used to approach the drivers of private hire vehicles and ask if they were booked, which they must be as private hire vehicles. If the driver said he was not booked then he was asked if he would take the wardens to a pre-arranged destination. Picking up an un-booked fare is an offence (plying for hire) and enforcement staff were waiting at the pre-arranged destination to caution and interview the drivers. Two private hire drivers are currently awaiting prosecution for these offences.

Staff in this section have also been authorised in respect of the new smoke-free legislation which also applies to taxis as a place of work to which the public have access. Monitoring for compliance is carried out during routine taxi enforcement. Several drivers have been issued with

written warnings regarding smoking in their vehicles. Persistent offenders will be issued with fixed penalty notices and fines.

4.3.3 Licensing Act 2003

| Type of premises | At 31/12/2007 figures in brackets increase since last report |
|------------------------|--|
| Premises no alcohol | 38 (+2) |
| Premises with alcohol | 110 off-licence (+3) 108 other (+2) |
| Takeaways with licence | 41 (+1) |
| Members clubs | 68 |
| Total | 375 (8) |
| Personal Licenses | 396 (+30) |

A joint enforcement protocol between the Police and Licensing Authority is in place. Risk assessed, targeted enforcement is carried out in accord with the protocol and joint enforcement operations with the Police and Fire Authority are carried out approximately monthly.

Premise with entertainment and/or late alcohol licenses are visited on a more frequent basis than Registered Clubs or premises with no entertainment. Complaints from members of the public are also investigated during these out of hours visits.

All pubs in the district have been visited at least once during out of hours enforcement.

The Licensing Committee met to determine 2 contentious applications during the 2nd and 3rd quarter. One application for a smoking shelter/ beer garden area was refused as it was considered too close to old persons accommodation. The second application was granted in full. One further application was negotiated upon prior to the Committee meeting and conditions agreed between the applicant and objector, negating the need for the Committee to sit.

Staff in this section have also been authorised in respect of the new smoke-free legislation and will monitor premises for compliance during routine enforcement visits.

4.3.4 Gambling Act 2005

This authority took over its new functions under the Gambling Act 2005 fully on September 1st 2007. 31 gambling and gaming premises became the responsibility of the Licensing section for the first time. These premises were

- 21 Betting offices
- 3 Bingo halls
- 2 Greyhound Racing Tracks
- 5 Adult Gaming Centres (Amusement Arcades)

At this time all necessary paperwork in respect of the 31 premises had been processed to enable a smooth continuation of business for those affected by the changes.

Other premises and organisations such as pubs and local societies, which were also affected by the change in legislation, were contacted and made aware as to what they would have to do to retain their current registrations and permissions.

6. Recommendations

6.1 Member's views are welcomed on the contents of the report.

Keith Parkinson; Environmental Health and Licensing Manager

Background documents referred to:

- i) Best Value Performance Plan 2007
- ii) The Food Standards Agency Framework Agreement on Food Law Enforcement
- iii) Unit Service Plans