

Report to: **Regeneration Services Scrutiny Committee**
Date: **17th November 2008**
Report of: **Environmental Health and Licensing Manager**
Subject: **Environmental Health and Licensing Unit Performance Report 1st April 2008 to 30th September 2008**
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 Regeneration Services 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 reporting arrangements, the Commercial Enforcement and Licensing Teams report 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 the teams at the over the first two quarters of 2008/2009

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 over 800 food businesses operating in the District. The target in previous years has been to achieve 100% of the inspection program however we have fallen short of this as shown in the table below. The increasing complexity of the enforcement protocol and the need to respond to reactive service requests makes meeting this target increasingly difficult.

Risk Category	Outturn 2007/08	Percentage of program completed April to September 2008	Target for 2008/09
High Risk Food Premises	100%	30.1%	100%
Low Risk Food Premises	96%	0%	0%
Total Food Premises	99.5%	25.9%	100%
Food Sampling Program	100%	30.1%	60%

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 14 visits to new businesses have been carried out.

4.2.3 Complaints relating to food safety or food premises

	Outturn 2007/08	April to September 2008
Food Complaints Received	33	24
Percentage Investigated	100	100
Percentage Investigated within 3 days	97	96

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

	Outturn 2007/08	April to September 2008
Number of Cases of Food related Infectious Disease Received	140	77
Percentage Investigated	100	100
Percentage Investigated within 3 days	95	100

	Outturn 2007/08	April to September 2008
Number of Outbreaks of Infectious Disease Received	6	2
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 in 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. Over 1,000 premises have already been rated and logged for inspection.

Risk Category	Outturn 2007/08	Percentage of program completed to September 2008	Target for 2008/09
High Risk	100	N/A	N/A
Intermediate Risk B1 and B2 Premises	63%	0%	100%
Total HSW Inspection Program	64%	0%	100%

During the first half year resources have been targetted at national 'Fit3' project initiatives, such as reducing the risk of injury from slips and trips, reducing dermatitis in the beauty industry, and reducing exposure to noise at work. As the majority of these initiatives are ongoing a full report will be given to this committee at the financial year end. It is still, however anticipated that this years inspection programme will be completed succesfully.

Complaints relating to Health and Safety

	Outturn 2007/08	April to September 2008
Number of Complaints relating to Health and Safety Received	33	13
Percentage Investigated within 3 days	82%	85%

4.2.7 Notifications of workplace accidents.

	Outturn 2007/08	April to September 2008
Number of Notifications Received	74	51
Percentage Investigated	47%	35%

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	Outturn 2007/08	Percentage of program completed April to September 2008	Target for 2008/09
Number of Medium Risk	0	N/A	N/A
Number of Low Risk	25	0%	100%
Total authorised Process Inspection Program	25	0%	100%

The program of inspections of authorised processes is weighted towards the second half of the financial year. The recent change to the system of authorisation of processes to the issuing of permits to both processes and premises has required the examination of detailed technical documentation and increased the time for each inspection.

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

	Outturn 2007/08	April to September 2008
Number of Pollution Complaints Received	40	11
Percentage Investigated within 3 days	97.5%	81.1%

	Outturn 2007/08	April to September 2008
Number of Noise Complaints Received	29	14
Percentage Investigated within 3 days	93%	85%

	Outturn 2007/08	April to September 2008
Number of Public Health Complaints Received	21	1
Percentage Investigated within 3 days	90.5%	100%

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 through to the current period. Whilst there are no longer National Indicators relating to contaminated land the unit continues to investigate sites and gather information to ensure there are no risks to the public. Further investigation work will be carried out up until the end of the financial year.

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.

	Outturn 2007/08	April to September 2008
Number Consultations Received	237	98
Percentage responded to within 10 days	69%	50%

4.2.15 Smoke Free legislation

The council continues to monitor businesses in relation to smokefree laws and continues to find high rates of compliance by businesses (estimated at 95%).

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 and persons registered 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 31st September 2008 there were 114 Hackney Carriages and 162 Private Hire Vehicles. The number of Hackney Carriages has increased since March 2008 from the previous restricted number of 93 vehicles.

This increase is as a result of this authority removing the previous restriction in numbers and permitting new Hackney Carriage vehicles to be licensed if they were wheelchair accessible. In contrast the number of Private Hire vehicles has correspondingly fallen, possibly indicating the correct number of vehicles viable for the trade in the area has been achieved.

Each vehicle is visually inspected 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 one before and one during the period of the licence.

The Programmed Visual Inspections are on schedule with 50% of all hackney carriage inspections having been completed on time. With regard to private hire vehicles 48% of the inspection programme has been completed. Of the 814 inspections carried out 75 vehicles were served with a warning/improvement notice for minor infringements such as vehicles requiring valeting, defective lights. All applications for licences have been processed within the 10 days permitted.

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

Results from 1 April 2008 to 31 September 2008 related to 40 returned surveys

2008/2009	Very satisfied	Satisfied	Dissatisfied	Very Dissatisfied
Overall service	11	28	1	0
Contacting council	12	27	1	1
Issuing of licenses	2	28	1	0
Enforcement	1	31	2	0

Regular out of hours working is carried out by all members of the section with a view to detecting un-licensed vehicles and drivers who would not normally be working during normal office hours. Enforcement is both reactive and proactive.

Staff in this section are also 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. No enforcement action has been necessary.

4.3.3 Licensing Act 2003

Type of premises	At 31/09/2008- figures in brackets increase since last report
Premises no alcohol	43 (+2)
Premises with alcohol	111 off-licence 109 other (+1)
Takeaways with licence	42

Members clubs	68
Total	373 (+3)
Personal Licenses	451 (+41)

The above table gives overall figures for premises but does not show underlying changes. Three premises with a licence for the on-sale of alcohol have surrendered their licence. Two are closed not to re-open, the third, a residential home, did not feel the cost of the annual fee for the licence justified retaining it as it was only used on an occasional basis.

The overall figure shows an increase of only 1, however four new premises have applied to sell alcohol for consumption on the premises, two new restaurants, an existing community centre and an educational establishment.

Three premises with licenses for off-sales have surrendered their licence. Two have closed and the third no longer sells alcohol. This is balanced by three new premises applying and being granted licenses for off-sales.

The number of takeaways with a late night refreshment licence has increased by one.

There were 2 hearings of the Licensing sub-committee in respect of contested applications. One hearing was in respect of a variation to a Premises Licence for a public house requesting longer hours and regulated entertainment. The Licensing sub-committee granted the licence with additional conditions. The second hearing was in respect of a new Premises Licence application. This was also granted subject to additional conditions. No appeals against the decision of the sub-committee's have been received.

The three yearly review of the authority's Licensing Policy under the Licensing Act 2003 was carried out and the necessary consultation undertaken before revisions to the Policy were made. The new Policy was adopted by the Council in April.

Staff in this section have been authorised in respect of the new smoke-free legislation and monitor premises for compliance during routine enforcement visits. Compliance has been high with no action having to be taken.

4.3.4 Gambling Act 2005

Gambling Act enforcement visits have in the main been incorporated, where appropriate, with visits in respect of the Licensing Act.

There have been no controversial applications or problem premises identified.

One of our adult gaming centres has applied and been granted a variation of its Premises Licence to amalgamate two premises into one thereby incurring only one annual fee for payment.

The Licensing Committee have not been require to sit for any hearings in respect of their functions under the Gambling Act.

5. Recommendations

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