

Report to: **Regeneration Services Scrutiny Committee**  
Date: **23<sup>rd</sup> June 2008**  
Report of: **Environmental Health and Licensing Manager**  
Subject: **Environmental Health and Licensing Unit Performance Report**  
**End of Year Report for 2007/2008**  
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 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 reporting arrangements, the Commercial Enforcement and Licensing Teams report to the Regeneration Services Scrutiny Committee as they come within the 'Health' portfolio. This report gives a position statement regarding the performance of the teams at the 2007/08 financial year-end.

## **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 in previous years has been to achieve 100% of the inspection program.

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

Due to a surplus carry over from 2006/07, the target for 2007/08 had therefore been reduced to 90%. Consultant Environmental Health Officers have been used to help the authority meet its targets.

Risk Category	Percentage of program completed 2006/ 2007	Percentage of program completed 2007/ 2008	Target for 2007/08
High Risk Food Premises	100	100	100%
Low Risk Food Premises	87.5	96	90%
Total Food Premises	92.3	99.5	90%
Food Sampling Program	48.4	100	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.

#### 4.2.3 Complaints relating to food safety or food premises

	April 2006 to March 2007	April 2007 to March 2008
Food Complaints Received	31	33
Percentage Investigated	100	100
Percentage Reponded to within 3 days	68	97

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

	April 2006 to March 2007	April 2007 to March 2008
Number of Cases of Food related Infectious Disease Received	137	140
Percentage Investigated	100	100
Percentage Reponded to within 3 days	97	95

	April 2006 to March 2007	April 2007 to March 2008
Number of Outbreaks of Infectious Disease Received	7	6
Percentage Investigated	100	100
Percentage Reponded to 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 2006/ 2007	Percentage of program completed 2007/ 2008	Target for 2007/08
High Risk	100	100	100%
Intermediate Risk Premises	25	63	100%
Total HSW Inspection Program	29	64	100%

Whilst the performance was lower than expected it is almost double that of the previous financial year. 33 lower risk premises were also inspected. 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. The authority is performance against its commitment to 2007/08 FIT3 is shown below:

FIT 3 Initiative	FIT3 Performance 2007/2008
Falls from Height	41 Visits to care homes to asses window safety and 9 to other businesses to assess fall risks in general
Slips and Trips	17 Visits to retailers and caterers
Workplace transport	4 Visits to retailers
Manual Handling	3 visits to Retailers
Contact Dermatitis	10 Visits, and 30 Hours Support to Hairdressers, Tattoo Studios, and beauty salons
Smokefree	430 Visits carried out
Seminars	A Safety and Health awareness day was held at Durham Cricket Club focussing on workplace transport safety, noise in the workplace and falls from height

#### 4.2.7 Complaints relating to Health and Safety

	April 2006 to March 2007	April 2007 to March 2008
Number of Complaints relating to Health and Safety Received	10	33
Percentage Investigated	100	100
Percentage Reponded to within 3 days	100	82

#### 4.2.8 Notifications of workplace accidents.

	April 2006 to March 2007	April 2007 to March 2008
Number of Notifications Received	56	74
Percentage Investigation	15	47
Percentage Reponded to within 3 days	15	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 2006/2007	Percentage of program completed 2007/2008	Target for 2007/08
Medium Risk	N/A	N/A	N/A
Low Risk	25	25	25
Total authorised Process Inspection Program	100	100	100

The program of inspections of authorised processes is weighted towards the second half of the financial year. A change in the system from 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.

A new performance indicator (BVPI 217) was introduced in 2005/06 focussing on pollution control improvements. The council achieved 100% of their inspection program during 2007/08.

#### 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 2006 to March 2007	April 2007 to March 2008
--	--------------------------	--------------------------

Number of Pollution Complaints Received	44	40
Percentage Reponded to within 3 days	93	97.5

	April 2006 to March 2007	April 2007 to March 2008
Number of Noise Complaints Received	13	29
Percentage Reponded to within 3 days	92	93

	April 2006 to March 2007	April 2007 to March 2008
Number of Public Health Complaints Received	19	21
Percentage Reponded to within 3 days	84	90.5

#### **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, and will continue through 2008/09.

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 the financial year we had reduced the number from 370 to 358. The target for the financial year-end was 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 the financial year we had gathered information on 3% of the sites. The target for the financial year-end was 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 2006 to March 2007	April 2007 to March 2008
Number Consultations Received	217	237
Percentage responded to within 10 days	97	69

#### **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. The council also inspected 430 premises and vehicles between the new laws coming into effect and the end of the financial year with 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 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 March 2008 there were 100 Hackney Carriages and 173 Private Hire Vehicles. The number of Hackney Carriages had increased from the previous restricted number of 93 vehicles.

This increase is as a result of this authority de-regulating regarding this restriction in numbers and permitting new Hackney Carriage vehicles to be licensed if they were wheelchair accessible.

The age to which vehicles may be licensed, if in exceptional condition, was increased from six years to seven years. This brought Easington broadly in line with the other County Durham authorities regarding the maximum age to which vehicles would be licensed.

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.

The Programmed Visual Inspections did not achieve the predicted 100% with only 93% of Hackney Carriages and 88% of Private Hire vehicles inspected. This was due to an overall increase in the number of licensed vehicles from 256 in 2006/7 to 273 in 2007/8. Numbers also increased beyond 273 during the year, falling as wheelchair accessible hackney carriages replaced some private hire vehicles.

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

Results from 1 April 2007 to 31 March 2008 related to 75 returned surveys

<b>2007/2008</b>	Very satisfied	Satisfied	Dis-satisfied	Very Dissatisfied
Overall service	32	42	1	0
Contacting council	32	42	0	0
Issuing of licenses	23	40	1	0
Enforcement	20	41	3	0

Regular out of hours working is carried out by all members of the section. Enforcement is both reactive and proactive.

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 successful

prosecutions of drivers were taken as a result of this exercise.

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 31/03/2008- figures in brackets increase since last report
Premises no alcohol	41 (+3)
Premises with alcohol	111 off-licence (+1) 108 other
Takeaways with licence	41
Members clubs	68
Total	389
Personal Licenses	410 (+13)

There were no hearings of the Licensing Committee in respect of contested applications or reviews of existing permissions.

The three year review of the authority's Licensing Policy under the Licensing Act 2003 was due and the necessary consultation was carried out before revisions to the Policy were made

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**

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

There have been no controversial applications or problem premises identified.

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

### **6. Recommendations**

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