

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE

Date 24th June 2014

1. **HEADING** Environmental Health annual performance and enforcement report
- Submitted by:** Nesta Henshaw
Head of Environmental Health Services
- Portfolio:** Environment & Recycling
- Ward(s) affected:** All

Purpose of the Report

To inform Members of the key issues and activities undertaken by the Environmental Health Service in 2013/2014.

Recommendations

That Committee receives the report and supports the priorities for 2014/2015 work plan.

Reasons

To enable Committee to be informed of the nature and extent of routine and enforcement work undertaken by environmental health services and endorse the priorities for 2014-2015.

1. **Background**

- 1.1 The Environmental Health Service makes a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our national priorities are to:
- Protect the public, businesses and the environment from harm
 - Support the local economy to grow and prosper

We determine our activities each year by assessing the needs of local people and our local business community, and considering the risks that require addressing, in light of local needs and of national priorities.

- 1.2 The Environmental Health Service is divided into four teams which include; Food & Safety, Environmental Protection, Licensing & Enforcement and Dog & Pest Control. The service also delivers the Corporate Health & Safety function however; this is not included within this report, as this is reported separately to Audit & Risk Committee.
- 1.3 Each Team undertake statutory enforcement activities and provides a range of regulatory and advisory services to the council, local businesses, members of the public, residents and visitors to the Borough.
- 1.4 The work of the teams comprises both programmed planned activities and reactive work in response to service requests or complaints. The activities are diverse and wide ranging and therefore some activities are undertaken only a reactive or infrequent basis. This report

details the principal activities and associated enforcement activities undertaken by the teams over the past year.

1.5 As this is the first year that a report has been provided for Committee in this format, data for the previous year has been provided as a comparison. All activities or service requests that are reactive are marked with a *.

2. **Report**

2.1 **Food and Safety:**

The team undertakes the following activities: Inspection of food premises, Sampling of foodstuffs, Investigation of complaints regarding foodstuffs and food premises, Registration/licensing of food premises, Organising and participating in Food Safety campaigns and giving advice. Improvement of private water supplies, monitoring of private and public water supplies. Investigation of infectious disease cases and outbreaks. Inspection and registration of tattooing, acupuncture, ear piercing and electrolysis premises. Sampling of swimming baths, spa, and Water. Inspection of health and safety premises, investigation of serious accidents and complaints, health and safety advice and campaigns. Sunday trading, public health advice and advising on, and enforcement of smoke free legislation.

The team fulfils the Councils statutory role as a 'Food Authority' for the enforcement of food law. This work is carried out in partnership with the Governments Food Standard Agency (FSA) The team comprises 7.25fte.

The objectives of the service are:

- Ensure food produced and sold in Borough is fit for human consumption
- Reduce the incidence of food borne infectious disease
- Help consumers make informed choices about where they eat & shop

The team also fulfils the Council's role as a Health & Safety Enforcement Authority. This work is carried out in partnership with the Health & Safety Executive (HSE). While the Health & Safety team is the enforcing authority for retail, wholesale, warehousing, caterers, entertainment and leisure premises within the Borough, The HSE is the enforcing authority in higher risk workplaces such as construction, manufacturing and chemical industries. The objective of the service is to ensure business owners fulfil their duties to protect the health, safety & welfare of their employees and members of the public who may be affected by their activities.

Where advice and guidance has not been effective other enforcement options include statutory notices, seizure of food, closure of premises, prohibition of activities and/or prosecution.

Activity	2012-2013	2013-2014
Food Safety		
Inspections Food premises	515	524
% high risk food premises inspected	100%	100%
% broadly compliant with law	91%	95%
Supplementary Visits	234	235
Complaints about food / premises*	432	344
Total number of Service Requests/advice*	637	925
Samples taken		
• Food	63	142

<ul style="list-style-type: none"> • Private water • Swimming pool 	9 87	2 128
Written warnings	502	518
Improvement notices	1	3
Prohibition / closure	0	3
Prosecution	0	0
Infectious disease notifications	168	185
Health & Safety		
RIDDOR accident notifications*	73	88
Complaints investigated*	76	102
Improvement notices	3	1
Prohibition notices	0	1

Some of the main projects or investigations undertaken in the previous year include:

- Participation and promotion of National Food Hygiene Rating Scheme.
- Execution of 2 warrants to enter premises in relation to allegations of illegal slaughtering of animals.
- Participated in multi-agency food fraud investigation across the region.
- Investigation of several major accidents in workplaces across the Borough.
- 100 Health and Safety regulation visits.
- Event safety inspections with a number of event organisers.
- Organised a Safety Awareness day for local Tattooists.

2.2 Environmental Protection:

The team undertakes the following activities; Monitoring smoke control areas, issuing, monitoring and regulating environmental permitted processes. Assessment and monitoring of local air quality, investigating atmospheric pollution complaints. Monitoring, investigating noise complaints, investigating other statutory nuisance complaints including premises, accumulations, smoke, fumes and gases, odour, noise, light, dust, fumes, animals or insects. Dealing with asbestos removal notifications and answering queries, or dealing with complaints of damaged asbestos in both commercial and residential premises. Consultee to planning department for applications and enforcement including environmental impact assessments. Investigation and remediation of contaminated land.

The team fulfils pollution control activities for maintaining and improving air quality and contaminated land. This work is carried out in partnership with DEFRA and Environment Agency (EA). The team comprises 6.75fte.

The objectives of the service are:

- Protection of the air and land within the Borough
- Maintain the health and wellbeing of residents within the Borough
- Monitor, Maintain and where needed reduce pollution and any adverse health affects
- Proactively prevent detriment to the amenity of the area of proposed new developments

Activity	2012-2013	2013-2014
Risk based inspections of permitted processes	50	42
Notices to permitted processes	0	25
Complaints about noise*	805	789

Number of occasions sound monitoring equipment deployed	60	50
Complaints about dust*	7	18
Complaints about smoke*	28	72
Complaints about artificial light*	11	12
Number of abatement notices served for noise	7	10
Number of deferred action notices for noise	1	0
Number of abatement and other notices served	14	15
Prosecution	1 (with a CRASBO on conviction)	0
Planning consultations*	375	431
Environmental Information Requests (fee paying)	30	43
Air Quality monitoring samples	480	480
Contaminated land - the amount of land that has been remediated and is now in use	n/a	79 Ha

Some of the main projects or investigations undertaken in the previous year include:

- Completion of the Air Quality progress report for 2012, which was accepted by DEFRA
- Completion of a detailed assessment and further assessment of air quality in 4 areas of the Borough
- Completed revision of Contaminated Land Inspection Strategy for 2014 to 2019 (due for adoption in Summer 2014)
- Completion of 9 Phase 1 contaminated land site investigations and commenced 1 intrusive investigation of a closed landfill site identified as a potential risk to a neighbouring dwelling
- Junction 16 Festival – representatives attended Safety Advisory Group meetings and were present on site across the three days of the festival
- Provided comments and advice to Staffordshire County Council on the matters to be included in an Environmental Impact Assessment for a proposed open cast coal mine at Bignall End
- Provided comments and advice to the Borough Council's planning service on the potential impacts on health and residential amenity for a proposed residential development adjacent to an active landfill site at Keele Road and a site adjacent to a burning spoil heap in Keele.
- HS2 Phase 2 – continued working with neighbouring authorities in the county affected by the proposed route and also met with HS2 Ltd and their consultants to identify environmental health issues and to learn from the issues identified in connection with HS2 Phase 1 consultation in advance of the formal route announcement expected in late 2014.

2.3 Licensing & Enforcement:

The team undertakes the following activities; Enforcement of the Licensing Act 2003, enforcement activities in relation to hackney carriage and private hire. Monitoring and regulation of Private Hire Marshalling Scheme. Use of covert surveillance systems and investigation of fly tipping, fly posting, littering, public nuisance and noise from licensed premises. Planning (Town and Country Planning Act) and building control enforcement including high hedges and untidy land complaints. Issuing fixed penalty notices and enforcement of clean neighbourhood legislation. Operation of the litter enforcement scheme.

The team fulfils licensing enforcement and acts as the responsible body to the licensing authority. A corporate enforcement role is undertaken providing investigations, advice and support to other Council teams along side their own environmental enforcement activities. The team comprises 5.5fte.

The objectives of the service are:

- Prevention of public nuisance through licensable activities
- Protection of the public using taxis
- Ensure that anti-social activities and littering is deterred.

Activity	2012-2013	2013-2014
Inspection licensed premises	123	115
Licensed premises complaints*	58	125
Temporary event notice consultations*	152	237
Taxi Inspections	165	165
Taxi/Driver Complaints*	60	75
Complaints about fly tipping*	200	170
Complaints about condition of land or property*	112	89
Complaints of illegal eviction*	7	7
Other complaints*	215	134
Prosecutions	130	171
Fixed Penalty notices	680	625

Some of the main projects or investigations undertaken in the previous year include:

- Investigation of taxi drivers to ensure protection of public
- Safety Advisory Group to Control conditions concerning Outdoor events
- Operation of the litter enforcement scheme
- Multi-agency operation in relation to scrap metal dealers
- Public health awareness campaign in relation to smoking & littering.

2.4 Dog & Pest Control:

The team undertakes the following activities; Delivers the Borough Council's Dog Warden and Pest Control Services. The collection of stray dogs, enforcing dog fouling controls and other dog control orders, and promoting responsible dog ownership. Officers also attempt to resolve dog related nuisance complaints such a barking, and licence animal related businesses including Riding Establishments, Pet Shops, Animal Boarding and Breeding Establishments. The team has a growing animal welfare related workload.

Pest Control Officers deliver a variety of insect and rodent treatments to homes and businesses across the Borough. They also monitor and treat sewers to manage rodent populations. The team can offer both advice or treatment services.

The objectives of the service are:

- Protection of the public from public health pests
- Delivery of a high quality commercial and domestic pest control service
- Control of dogs throughout the Borough

Seasonal working arrangements increase the available staffing resource during times of peak demand. The activities are delivered by 5.0 fte winter, 6.6 fte summer.

Activity	2012-2013	2013-2014
Pest Control clients served *		
• Rats & Mice (Treatments)	1270	1189
• Insects treatments inc Wasps, ants, cockroaches, bedbugs, fleas	417	541
• Advice requests	127	218
• Other including 'agreements'	221	144
TOTAL	2035	2092
Pest Control commercial client retention	95.1% ¹	92.9% ²
Dog warden complaints*	1,410	1,412
Stray dogs seized*	190	202
Dog Control orders enforcement	Nil	
• Fixed penalty notice	<i>(Orders in force from 1/4/13)</i>	6
Pet Shop licensing	5	5
Riding establishment licensing	5	4
Dog breeding licenses	1	2
Kennels & Cattery licenses	16	17
Dangerous wild animal licence	0	0

Some of the main projects or investigations undertaken in the previous year include:

- Implementation of dog control order throughout the borough for Dog fouling; dogs on leads; dog control on direction and dog prohibitions. Work included public consultation, refreshing signage and public awareness campaigns
- Updating of Model Licence Conditions for pet shops and initial consultation with catteries to explore adopting revised conditions
- Review of pest control charges and the introduction of charges for controlling rats. Development of charging exemptions in accordance with Members wishes for families on low incomes

2.5 Customer Satisfaction & Corporate Complaints

The Council operates a Corporate Complaints, Comments and Compliments policy. In 2013/14 a total of 21 stage 1 (investigated by Service) complaints were received, of which 3 progressed to stage 2 (investigated by Customer relations officer). One of these made a complaint to the Local Government Ombudsman, but this was not formally investigated by the ombudsman as they considered reasonable actions had been demonstrated by the Local Authority.

The service plan performance indicator for customer satisfaction is the Percentage of businesses/customers satisfied with the service, of the returned surveys 100% satisfaction was achieved.

3. Priorities for 2014-2015

- 3.1 The service plan has been created for the new financial year, the planned pre-programmed activities and reactive duties as detailed within this report are to continue. However in addition to the activities, the service is directed by a number of government department as to priorities and work to be undertaken. In addition, some of the work, projects or enforcement action commenced in 2013-14 will continue in 2014-15.

¹ 78 of 82 retained

² 78 of 84 retained

3.2 The additional projects or priorities are listed below:

- Business perception survey of environmental health service delivery,
- Progress mobile and agile working,
- Participate in the regulatory services review with the Staffordshire & Stoke on Trent Local Enterprise Partnership, including signing up to a regulatory charter,
- Review the Councils enforcement policy in accordance with the regulatory charter,
- Publish service standards in relation to environmental health,
- Participate in public health agenda and undertake specific projects.

4. **Proposal**

4.1 That Committee receives the report and supports the priorities for 2014/2015 work plan.

5. **Reasons for Preferred Solution**

5.1 The service plan and priorities for 2014-15 supports both statutory requirements and also the national and local priorities for Environmental Health Services.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 The proposals relate to the delivery of environmental health services which would contribute to the following:

A clean, safe and sustainable borough

- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.

A borough of opportunity

- Fair, proportionate and consistent regulation and enforcement creates an equal opportunity for business to thrive.

A healthy and active community

- Fair, proportionate and consistent enforcement creates an environment for prevention, maintenance or improvement in health and well being.

A co-operative Council delivering high quality, community driven, services.

- High performing services will be delivered for all residents, businesses and customers.

7. **Legal and Statutory Implications**

7.1 All activities are in line with the statutory duty of the Council and in accordance with the advice and guidance of the relevant Government bodies.

8. **Equality Impact Assessment**

8.1 No issues have been identified

9. **Financial and Resource Implications**

9.1 There is an income derived from Pest Control activities, environmental information requests and some licensing and sampling activities. There are also statutory fees set in relation to fixed penalty notices and permits for prescribed processes.

9.2 All the services fees and charges are published annual in the Councils fees and charges register.

10. **Major Risks**

10.1 Environmental Health services undertake statutory duties, failure to deliver these duties adequately, competently or thoroughly would be a risk to the Authority.

11. **Background Papers**

Environmental Health Service Plan 2013-2014
Environmental Health Service Plan 2014-2015