

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

Purpose of the Report

To inform Members of the key issues and activities undertaken by the Environmental Health Service in 2015/2016.

Recommendations

That Committee receives the report and supports the priorities for 2016/2017 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 2016-2017.

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: 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 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 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	2013-2014	2014-2015	2015-2016
Food Safety			
Inspections Food premises	524	514	495
% high risk food premises inspected	100%	100%	100%
% broadly compliant with law	95%	98%	96%
Supplementary Visits	235	248	258
Complaints about food / premises*	344	336	339
Total number of Service Requests/advice*	925	991	836
Samples taken			
• Food	146	141	117
• Private water	2	5	18
• Swimming pool	128	117	117
Written warnings	518	538	503
Improvement notices	3	3	4
Prohibition / closure	3	0	0
Voluntary closure	-	-	1
Prosecution	0	0	0
Infectious disease notifications	185	175	131
Health & Safety			

RIDDOR accident notifications*	88	73	77
Complaints investigated*	102	78	71
Improvement notices	1	0	1
Prohibition notices	1	0	0

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

- Participation and promotion of the National Food Hygiene Rating Scheme;
- Event safety inspections with a number of event organisers;
- Complex investigation into a fatal accident in a premise regulated by the LA;
- Participation in several local Health and Safety projects e.g. firework safety awareness and sunbed safety; and
- One food business has been subject to a Voluntary Closure – the premise has since re-opened and standards have improved.

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 borough council and county council planning departments 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	2013-2014	2014-15	2015-16
Risk based inspections of permitted processes	42	15	27
Notices to permitted processes	25	3	8
Complaints about noise*	789	650	721
Noise APP subscribers active during period (Application introduced Autumn 2015)	-	-	43
Number of noise incidents reported by Noise APP			364
Number of occasions sound monitoring equipment deployed	50	70	70
Complaints about dust*	18	5	7
Complaints about smoke*	72	114	106
Complaints about artificial light*	12	15	10

Number of abatement notices served for noise	10	14	9
Number of deferred action notices for noise	1	0	1
Number of abatement and other notices served	14	14	17
Seizure of noise making equipment	0	0	1
Number of Community Protection Warning Notices served	-	-	9
Number of Community Protection Notices served	-	-	6
Number of fixed penalty notices served and paid for breach of community protection notice	-	-	5
Injunctions obtained under Anti-Social Behaviour Crime and Policing Act 2014	-	-	1
Prosecutions	1 (with a CRASBO on conviction)	0	0
Planning consultations*	375	575	613
Environmental Information Requests (fee paying)	30	26	20
Air Quality monitoring samples	480	480	480
Contaminated land - the amount of land that has been remediated and is now in use	n/a	4.34 Ha	5.9 Ha
Contaminated Land – Phase 2 Investigations concluded and sites determined as <u>NOT</u> meeting statutory definition of Contaminated Land			3
Contaminated Land -sites determined <u>as meeting</u> statutory definition of Contaminated Land following investigation	0	0	0

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

- Worked on developing Air Quality Action Plans for the Air Quality Management Area's declared in 2014
- Continued to work with partner agencies to discuss and manage cases relating to noise nuisance and anti-social behaviour.
- Used the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 in conjunction with colleagues from the ASB team.
- Undertook a number of contaminated land desk studies for land owned by the Council.
- Active involvement in HS2 Phase 2A meetings concerned with noise and environmental issues
- Active involvement with Highways England on A500 corridor improvements
- Involved in discussing and assessing noise impacts from Batley Junction 16 Concerts
- Introduced the Noise APP online noise recording and complaints submission application for smart phones.

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	2013-2014	2014-2015	2015-2016
Inspection licensed premises	115	121	134
Licensed premises complaints*	125	97	88
Temporary event notice consultations*	237	250	242
Taxi Inspections	165	165	163
Taxi/Driver Complaints*	75	96	106
Complaints about fly tipping*	170	153	298
Complaints about condition of land or property*	89	211	245
Complaints of illegal eviction*	7	6	4
Other complaints*	134	76	96
Prosecutions	171	110	177
Fixed Penalty notices	625	504	500

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

- Child Protection joint working with Staffordshire Police
- Betley Concert planning and Participation in Safety Advisory Group
- Taxi Rank Permit Project
- Scrap Metal Joint working project
- Investigation of taxi drivers to ensure protection of public
- Colourville Music Festival
- Stoke station cross Border enforcement

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 Dog Breeding Establishments.

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 offers both advice and 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 anticipated peak demand. For 2015/16 The activities were delivered by 5.0 fte winter, 6.6 fte summer.

Activity	2013-2014	2014-2015	2015-2016
Pest Control clients served *			
• Rats & Mice (treatments)	1,189	776	744
• Insects treatments inc Wasps, ants, cockroaches, bedbugs, fleas	541	784	589
• Advice requests/complaints	218	361	330
• Other including 'commercial services'	144	98	137
Total Pest Control Requests	2,092	2,019	1,800
Pest Control commercial client retention	92.9%	92%	94%
Dog warden complaints*	1,412	1,191	1,205
Stray dogs seized*	202	159	134
Dog Control orders enforcement			
• Fixed penalty notices issued	6	12	17 ¹
Pet Shop licensing	5	4	3
Riding establishment licensing	4	4	4
Dog breeding licences	2	3	3
Kennels & Cattery licences	17	20	20
Dangerous wild animal licence	0	0	0

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

- Embedding and increasing enforcement of Dog Control Orders throughout the borough for dog fouling; dogs on leads; dog control on direction and dog prohibitions.
- Agreeing kennelling arrangement for stray dogs through to March 2019
- Using Antisocial Behaviour powers to resolve dog related nuisance, through the issue of Community Protection Notices and fixed penalties on breach
- Promoting new microchipping requirements for dogs
- Taking enforcement actions where residents are not taking appropriate action to control infestations
- Revising working practices to follow the Campaign for Responsible Rodenticide Use (CRRU) code of practice to safeguard wildlife

2.5 Customer Satisfaction & Corporate Complaints

The Council operates a Corporate Complaints, Comments and Compliments policy. In 2015/16 a total of 15 stage 1 (investigated by Service) complaints were received, none of which progressed to stage 2 (investigated by Customer relations officer).

The service also received 4 compliments and one suggestion.

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.

¹ See <https://www.newcastle-staffs.gov.uk/all-services/environment/dog-wardens/dog-control-order-penalties> for details of Dog Control Order Fixed Penalties issued

3. Priorities for 2016-2017

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 2015-16 will continue in 2016-17.

3.2 The additional projects or priorities are listed below:

- Progress mobile and agile working, adopt corporate record retention policies and review business continuity arrangements
- Participate in the regulatory services review with the Staffordshire & Stoke on Trent Local Enterprise Partnership,
- Participate in public health agenda and undertake specific projects
- Targeted inspections for health and safety in respect of warehousing and workplace transport.
- Taxi enforcement operations with partner agencies
- Pro-active work with Councillors on dog controls including fouling
- Development of Air Quality action plans and engagement with public health to achieve improvement in Newcastle's Air Quality.

4. Proposal

4.1 That Committee receives the report and supports the priorities for 2016/2017 work plan.

5. Reasons for Preferred Solution

5.1 The service plan and priorities for 2016-18 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 2014-2015
Environmental Health Service Plan 2015-2016
Environmental Health Service Plan 2016-18