

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Economy Environment and Place Scrutiny Committee
29 September 2021**

Report Title: Environmental Health Performance and Enforcement Report

Submitted by: Head of Environmental Health Services

Portfolios: 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 2020-2021.

Recommendation

That Committee receives the report and supports the priorities for the 2021-2022 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 2021-2022.

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; Environmental Services and Licensing Administration. The service also delivers the Corporate Health & Safety function.

1.3 Each Team undertake statutory enforcement activities and provides a range of regulatory and advisory services to local businesses, members of the public, residents and visitors to the Borough.

1.4 The work of the teams comprises of both programmed planned activities and reactive work in response to service requests or complaints. The activities are diverse and wide ranging,

therefore, some activities are undertaken only on 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 years have been provided as a comparison. All activities or service requests that are reactive are marked with an *.

2. Issues:

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. Investigation of infectious disease cases and outbreaks. Inspection and registration of tattooing, acupuncture, ear piercing, electrolysis. Sampling of swimming baths. Inspection of health and safety premises, investigation of serious accidents and complaints, health and safety advice and campaigns. Public health advice and advising on 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 objectives of the service are:

- Ensure food produced and sold in the Borough is fit for human consumption.
- Reduce the incidence of food borne infectious disease.
- Help consumers make informed choices about where they eat and 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	2018-19	2019-20	2020-21
Food Safety			
Inspections of Food Premises	424	380	161
% of High Risk Food Premises Inspected	100%	100%	50%
Supplementary Visits	4	2	110
Complaints about Food / Premises *	303	137	62
Total Number of Service Requests / Advice *	104	118	112
Samples Taken:			
• Food	113	104	0
• Swimming Pool	79	88	45
Written Warnings	372	320	145

Improvement Notices	13	8	3
Prohibition / Closure	0	0	0
Voluntary Closure	2	1	0
Prosecution	0	0	0
Infectious Disease Notifications*	126	124	72
Health & Safety			
RIDDOR Accident Notifications *	53	74	54
Complaints Investigated *	7	5	3
Improvement Notices	2	1	0
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.
- Covid 19 Investigation and track / trace. Promotion of Covid safe measures
- Participation in local Health & Safety projects concerning Covid 19. Promotion of Covid Health and Safety measures.

COVID-19:

2020 was an unprecedented year, with the covid-19 pandemic bringing in restrictions to the way that we work, enforced closure of a number of premises that we regulate and a raft of new regulatory responsibilities relating to Covid-19 controls, outbreaks, enforcement, testing and reporting.

Much of this work was and is still being undertaken by officers from the Food and Safety team however, support had also been diverted from all other teams to support the work responding to the pandemic as necessary. This has impacted all team's ways of working. The following provides details of the work undertaken in relation to the pandemic:

Covid-19	2020-21
Outbreaks investigated*	305
Complaints*	272
Marshal Visits*	29 on APP
Advice*	150
Closure Breach*	85
Covid Notifications*	160
Enforcement	1

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. Investigation and sampling of private water supplies.

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 objectives of the services 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.
- Proactively prevent detriment to the amenity of the area of proposed new developments.

Activity	2018-19	2019-20	2020-21
Risk Based Inspections of Permitted Processes	9 Part A2 17 Part B	5 Part A2 15 Part B	0 Part A2 0 Part B
Notices to Permitted Processes	8	6	3
Complaints about noise *	814	717	757
Noise APP subscribers active during period (Application introduced Autumn 2018)	154	163	209
Number of noise incidents reported by Noise APP*	2543	1980	2511
Complaints about dust *	3	3	14
Complaints about odour (WQ Not Specified)*	27	28	36
Complaints about odour (WQ specified)*	63	143	9665
Complaints about smoke *	140	134	222
Complaints about artificial light *	16	30	8
Number of abatement notices served for noise	1	8	7
Seizure of noise making equipment	0	0	0
Number of Community Protection Warning Notices served	1	1	8
Number of Community Protection Notices served	2	5	9
Number of Fixed Penalty Notices served and paid for breach of community protection notice	0	2	1
Injunctions obtained under Anti-Social Behaviour Crime and Policing Act 2014	0	0	1
Prosecutions	1	0	0
Planning Consultations *	479	462	366
Environmental Information Requests (fee paying)	19	17	13
Air Quality Monitoring Samples (number of diffusion tubes installed)	624	902	1,216
Contaminated land studies:			
Phase 1 (desk study)	6	4	1
Phase 2 (Site Investigation)	1	1	0

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

- The latter part of the year was dominated by Walleys Quarry Landfill Odour Investigations.
- Development of Outline business case to improve air quality along A53 along with Staffordshire County Council and Stoke-on-Trent City Council to meet the requirements of Ministerial Direction.
- Progress works for retrofitting 25 busses operating along the A53 to provide cleaner engines and to meet the requirements of Ministerial Direction.
- Successfully worked with Stoke-on-Trent City Council and Stafford Borough Council to prepare a grant bid for electric vehicle charging infrastructure for taxis and other vehicles.
- Active involvement in HS2 Phase 2A meetings concerned with noise and environmental issues.
- Continued to work with a number of partner organisations (Staffordshire Local Authorities, Aspire Housing, Staffordshire Housing, Staffordshire Police, Staffordshire Fire & Rescue, Mental Health, Social Services, Environment Agency, Health & Safety Executive, Victim Support, and ADSIS).

2.3 Licensing Administration Team:

The team undertakes the following activities: the administration of all applications and policy development for the Private Hire and Hackney Carriage regime, the Licensing Act 2003, Gambling Act 2005, Scrap Metal Dealers Act 2013, charity collections and Business and Planning Act 2020.

The objectives of the service are:

- Protection of the public in relation to taxi licensing.
- To ensure all applications are dealt with efficiently and within legislative timescales where necessary.

Activity	2019-2020	2020-2021
TAXIS		
Number of dual driver licenses issued	303	170
Number of licenses referred to Committee	105	61
Number of hackney carriage vehicle licenses issued	176	171
Number of private hire vehicle licenses issued	751	585
Number of Officer Written warnings issues	7	68
Number of licence suspensions	0	26
Number of License Revocations	5	1
Number of hearings	21	17
Number of appeals	11	9
LICENSING ACT 2003		
Number of Temporary Event Notices	303	46
Number of premises licences issued	115	98
Licensed Premises complaints	69	29
Licensed Premises inspections	123	81
SCRAP METAL DEALERS		
Number of licences issued	13	3
GAMBLING ACT 2005		
Number of premises licences issued	2	1
Number of permits issued	33	14
PAVEMENT LICENCES		
Number of Pavement licences issued	N/A	12

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

- Review of Licensing Act Policy;
- Review of Taxi Licensing Policy;
- Ensure vehicles licensed during Covid period were inspected for safety;
- Creation of Pavement Licensing Regime under Business and Planning Act 2020.

2.4 Environmental Services:

The team undertakes the following activities; enforcement activities in relation to hackney carriage and private hire. Monitoring and regulation of Private Hire Marshalling Scheme. Investigation of fly tipping, fly posting, littering. Planning (Town and Country Planning Act) and building control enforcement including open to access, high hedges and untidy land complaints. Issuing fixed penalty notices and enforcement of clean neighbourhood legislation. Operation of the litter enforcement scheme.

The team delivers the Councils Dog Warden and Pest Control functions.

Dog Wardens are responsible for:

- Seizing stray dogs.
- Enforcing dog fouling controls and other dog control orders.
- Promoting responsible dog ownership – including microchipping.
- Investigating dangerous dog related complaints.
- Inspecting and licensing animal relating 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 using taxis.
- Ensure that anti-social activities and littering is deterred.
- 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.

Activity	2018-19	2019-20	2020-21
Taxis			
Taxi/Driver Complaints *	176	186	96
Enviro Crime			
Fly Tipping Complaints*	189	118	255
Overgrown Garden Complaints *	166	192	206
Complaints of illegal eviction *	0	0	0
Enforcement Notices			
• Community Protection Notices (ASB)	1	2	8
• Flytipping	0	9	14
• Litter Fixed Penalties	44	72	5
• Prevention of Damage by Pests	29	18	18
• Smoking	5	12	2

<ul style="list-style-type: none"> • Other 	34	39	39
Total Notices Issued	<u>113</u>	<u>152</u>	<u>86</u>
Pest Control			
<ul style="list-style-type: none"> • Rats & Mice (treatment requests) 	403	360	360
<ul style="list-style-type: none"> • Insect treatments including wasps, ants, cockroaches, bedbugs, fleas 	422	305	234
<ul style="list-style-type: none"> • Advice on requests/complaints 	138	114	174
<ul style="list-style-type: none"> • Commercial Service Clients 	52	52	61
<ul style="list-style-type: none"> • Other requests 	44	34	44
Total Pest Control Requests	<u>1059</u>	<u>865</u>	<u>873</u>
Dog Warden Complaints			
Stray Dogs			
<ul style="list-style-type: none"> • Dogs kept by finder 	5	4	0
<ul style="list-style-type: none"> • Dogs returned to / collected by owner 	35	38	9
<ul style="list-style-type: none"> • Dogs rehomed 	21	24	7
Total Stray Dogs Seized	<u>65</u>	<u>66</u>	<u>16</u>
Other Dog Warden Complaints	285	211	245
Total Dog Related Requests	<u>545</u>	<u>382</u>	<u>317</u>
Animal Activities Licencing			
<ul style="list-style-type: none"> • Dog Breeder Licences 	8	8	9
<ul style="list-style-type: none"> • Kennel & Cattery Licences 	19	18	20
<ul style="list-style-type: none"> • Dog Day-care Licences 	0	0	1
<ul style="list-style-type: none"> • Riding Establishment Licences 	2	2	2
<ul style="list-style-type: none"> • Pet Sales Licences 	4	4	4
TOTAL SERVICE REQUESTS	2,356	1,937	1,951

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

- Using Anti-Social Behaviour powers to resolve dog-related nuisance, through the issue of Community Protection Notices and Fixed Penalties on breach.
- 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 and implement new Stewardship obligations.

Priorities for 2021/22:

2.5 The pandemic has had a significant impact on both the way that the Service works and also what we have had to deliver over the past year, and this is continuing. The planned pre-programmed activities and reactive duties as detailed within this report are now able to recommence through our normal procedures. However in some areas, there is significant backlog and catch-up activities which are being factored into the work plan. In addition to these activities, the service is directed by a number of Government department's as to priorities and work to be undertaken. In addition, some of the work, projects or enforcement action commenced in 2020-21 will continue into 2021-22.

2.6 The additional projects or priorities are listed below:

- Walleys Quarry Odour Complaints
- Air Quality project to deliver compliance with the Ministerial Direction
- One Council, to include website replacement
- Covid works
- Service recovery plan
- Progress mobile and agile working, adopt corporate record retention policies and review business continuity arrangements.
- Participate in public health agenda and undertake specific projects.
- Taxi enforcement operations with partner agencies

3. **Proposal**

3.1 That Committee receives the report and supports the priorities for 2021-22 work plan.

4. **Reasons for Preferred Solution**

4.1 The service plan and priorities for 2021-22 supports both statutory requirements and also the national and local priorities for Environmental Health Services.

5. **Options Considered**

5.1 Consideration has been given to a variety of methods of reporting the enforcement activity of the service, the direction selected, shows service demands as well as enforcement activity.

6. **Legal and Statutory Implications**

6.1 Environmental Health is a regulatory service, which is underpinned by a wide range of legal duties or responsibilities from a wealth of Acts and separate pieces of legislation.

6.2 In terms of enforcement the service has to have regard to the Councils 'Corporate Enforcement Policy 2018-2021'. The aim of this policy is to set out the principles that apply when the Council conducts its enforcement work and should be read in conjunction with the scheme of delegation. By applying the same principles, everyone involved in the decision making process is treated fairly and our business is conducted effectively. This enforcement policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by Newcastle-under-Lyme Borough Council.

6.3 The Council seeks to follow the principles of good enforcement contained in the Regulators' Code. These principles help businesses and individuals to comply with regulations, and help enforcers to achieve higher levels of voluntary compliance. Our key approach is summarised as follows:

- Focused enforcement - Our enforcement resources will be targeted primarily on activities giving rise to the most serious risks to the environment, health and safety or the public.
- Any enforcement will be fair, accountable, consistent, proportionate, transparent and firm.
- The burden on business will be reduced through improved partnership working and more consistent working as a Council
- The public and businesses will be involved in our enforcement approach and policies.
- Improved communication.

7. **Equality Impact Assessment**

7.1 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. **Financial and Resource Implications**

8.1 Environmental Health regulation and enforcement is met through existing budgets.

8.2 The licensing regime is met through either fees set on a cost recovery basis or on statutory fees.

8.3 In 2020-2021 additional funding was provided for Covid activities, which has supported additional temporary staff to assist with the delivery of the service.

8.4 In 2020-21 Cabinet approved £50,000 additional budget in respect of Walleys Quarry.

9. **Major Risks**

9.1 Environmental Health Services undertake statutory duties. Failure to deliver these duties adequately, competently or thoroughly would be a risk to the authority.

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None.

13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 Councils 'Corporate Enforcement Policy 2018-2021'