

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 15 May 2017

**Notice of meeting / Hysbysiad o gyfarfod:**

## **Licensing and Regulatory Committee**

**Tuesday, 23rd May, 2017 at 2.00 pm,  
County Hall, The Rhadyr, Usk, NP15 1GA**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
1.	Election of Chair	
2.	Appointment of Vice Chair	
3.	Apologies for absence	
4.	Declarations of interest	
5.	To confirm and sign the minutes of the previous meeting held on the 11th April 2017	1 - 4
6.	Public Protection Performance report 2016/17	5 - 26
7.	To note the date and time of the next meeting as 18th July 2017 at 10am	

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

Members of the Licensing and Regulatory Committee

## **Public Information**

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# Aims and Values of Monmouthshire County Council

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

#### **People Are Confident, Capable and Involved**

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

#### **Our County Thrives**

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

### Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

### Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

#### Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

#### Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

### Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

### Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

# Public Document Pack Agenda Item 5

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 11th April, 2017 at 10.00 am

**PRESENT:** County Councillor L. Guppy (Chairman)  
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Edwards, D. Evans, J. Higginson, A. Webb  
and M. Hickman

### **OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
David Jones	Head of Public Protection
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer

#### **1. Apologies for absence**

County Councillors R. Chapman, J. Prosser, F. Taylor and P. Watts

#### **2. Declarations of interest**

None received.

#### **3. To confirm and sign the minutes of the previous meeting held on the 7th March 2017**

The minutes of the Committee were confirmed and signed by the Chairman.

The Chair welcomed committee member County Councillor D. Evans back to the chamber and wished him good health.

As it was the last meeting of the current administration the Chair took the opportunity to thank members of the committee and the officers for their work.

The Head of Public Protection answered an action from the meeting from the 7<sup>th</sup> March 2017 and advised the committee that the Old Parlour held 60 wedding last year.

County Councillor J. Higginson commented on the Citizenship ceremonies he had attended in his year as Chairman of the Council and ask the officers to relay his thanks and compliments to the staff who conduct these ceremonies.

#### **4. Gambling Act 2005 - Premises Licence Fees**

PURPOSE:

To agree the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21<sup>st</sup> May 2017 – 20<sup>th</sup> May 2018.

2. RECOMMENDATION(S):

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 11th April, 2017 at 10.00 am

1. It is recommended that:-

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21<sup>st</sup> May 2017; and
- (ii) The fees are subsequently reviewed annually.

### 3. KEY ISSUES

1 This Authority has a statutory duty under the Gambling Act 2005 to set fees for Premises Licences in accordance with the Gambling (Premises Licence)(England and Wales) Regulations 2007. The fees for these licences are to be reviewed and set annually on the 21<sup>st</sup> May each year. Premises Licences will include Betting Shops, Tracks, Adult Gaming Centres, Family Entertainment Centres and Bingo Premises. A fee assessment has not been carried out for Casinos as the Authority carried a resolution not to allow Casinos within its County at Full Council on 19<sup>th</sup> November 2015.

2. The general functions of the licensing authority in dealing with Gambling Premises Licences has been delegated to the Licensing and Regulatory Committee. This was agreed in the Gambling Act 2005 Statement of Licensing Policy approved at Full Council on 19<sup>th</sup> November 2015.

3. Licensing Authorities do not have the power to set fees for Permits which will be set by Central Government.

4. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provided for the following types of fees to be determined by licensing authorities:

- Licence application fee
- First annual fee
- Annual fee
- Notification of change of circumstances fee
- Application to vary a licence fee
- Application to transfer a licence fee
- Fee for a copy of a licence
- Application for re-instatement of a licence fee
- Provisional statement application fee.

The Authority currently licence eleven premises under the Gambling Act 2005 consisting of nine betting premises, one track betting and one adult gaming centre all of whom will be required to pay an annual fee.

5. The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years). However, The Regulations referred to in 3.4 above has stipulated a maximum figure a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 11th April, 2017 at 10.00 am

6. An assessment of the cost and the maximum amount a local authority can charge for premises licences has been undertaken and this is shown in Appendix B attached to this report. As a result of this assessment this report proposes that the fees commencing the 21<sup>st</sup> May 2017 be set as stipulated in Appendix A.

#### MEMBERS COMMENTS:

The Chair asked since the cost of producing some licence renewals is higher than the fee we can charge can the department sustain the difference. An officer advised that it is not too much of a problem as we have not received many new applications and it tends to be the annual fees at issue rather than the setting up fees which is less of a pressure on the council in terms of cost recovery.

The Head of Public Protection answered that officers spend a lot of time ensuring we decipher what the correct costs are as if not we could receive a legal challenge as happened in Cardiff and other authorities. Unfortunately due to the non-discretionary fees there is a net cost to the authority of £70,000.

The members unanimously agreed the recommendations;

(i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21<sup>st</sup> May 2017; and

(ii) The fees are subsequently reviewed annually.

**5. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information**

**6. To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence**

The Principal Licensing officer advised the committee that the driver had withdrawn his application for reasons given but reserves the right to apply again at a future date.

If this is the case the application will be brought to the committee.

The committee accepted the withdrawal of application.

**7. To note the date and time of the next meeting as 23rd May 2017**

Next Committee Meeting;  
23<sup>rd</sup> May 2017 at 2pm

Licensing and Regulation Committee training;  
23<sup>rd</sup> May 2017 at 10am

Environmental Health training;  
15<sup>th</sup> June 2017 at 2pm

The meeting ended at 10.25 am

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Committee held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 11th April, 2017 at 10.00 am**



**SUBJECT: PUBLIC PROTECTION 2016/17 PERFORMANCE REPORT**

**MEETING: Licensing & Regulatory Committee**

**DATE: 23rd May 2017**

**DIVISION/WARDS AFFECTED: All**

**1. PURPOSE:**

- 1.1** To receive and comment on the annual performance report for Public Protection services. The Public Protection division comprises of Environmental Health, Trading Standards & Animal Health and Licensing.

**2. RECOMMENDATIONS:**

- 2.1** To consider and comment on the contents of the attached report – Appendix A - entitled 'Public Protection Performance report 2016/17'.

**3. KEY ISSUES:**

- 3.1** Cabinet approved a report in March 2014 recommending budget reductions to Public Protection services for 2014/15 and subsequent years. In January 2015 Cabinet asked for Public Protection performance to be reviewed regularly to assess any negative impacts. As a consequence six monthly reports have been provided to Strong Communities Select committee, together with annual reports to Licensing & Regulatory committee.
- 3.2** The attached report summarises performance over the twelve months of 2016/17, and highlights the following -

- The four service teams, for the vast majority of the services they deliver, meet the Authority's legal obligations in relation to Public Protection services.
- There have been some notable successes in 2016/17, for example improving food safety and animal feed compliance, supporting major developments (A465) and events (Eisteddfod, Abergavenny Food Festival, etc.).
- As detailed in Appendix A, most proactive and reactive work is being carried out professionally, within prescribed response times. There are only a few exceptions, due to increased demand, eg. some slippage in housing and private water inspections, which will be improved for 2017/18.
- Annual reports will continue to be made to this Committee to assess performance over time, and help inform future priorities noting the competing demands.

- Services may struggle to take on any new statutory duties that protect the public and the environment, and therefore funding must be sought to support any new work. In addition, where work is onerous on Officer time, funding will be pursued from major developers, etc.
- Future strategies for sustaining Public Protection services will be developed, (to include further income generation and collaboration), locally, regionally and nationally.

**4. REASONS:**

4.1 The Cabinet decision log from 7<sup>th</sup> January 2015 stated:- 'Noting the continually changing legislative landscape in the future, it was decided Strong Communities Select Committee would receive six monthly performance reports on Public Protection services'. This is supplemented by an annual report to Licensing & Regulatory committee.

**5. RESOURCE IMPLICATIONS:**

None as a consequence of this report.

**6. WELL-BEING OF FUTURE GENERATIONS IMPLICATIONS:**

Assessments were previously completed for the Cabinet report 7<sup>th</sup> January, 2015. This report only serves to update the position in relation to performance two year on, and therefore does not require a further assessment.

**7. CONSULTEES:**

Public Protection service managers  
Chief Officer, Social Care & Health

**8. BACKGROUND PAPERS:**

Report to Cabinet, 7<sup>th</sup> January 2015, entitled 'Review of Service Delivery in Public Protection Department'.

**9. AUTHOR:**

David H Jones, Head of Public Protection

**10. CONTACT DETAILS:**

**Tel:** 01633 644100

**E-mail:** [davidhones@monmouthshire.gov.uk](mailto:davidhones@monmouthshire.gov.uk)

# **REPORT TO LICENSING & REGULATORY COMMITTEE**

**23<sup>rd</sup> May 2017**

## **PUBLIC PROTECTION 2016/17 PERFORMANCE REPORT**

### **1. INTRODUCTION**

- 1.1 In January 2015 Cabinet requested that regular performance reports on Public Protection services are provided to Members, in order to review the impact of budget reductions implemented since April 2014. Such reports have subsequently been provided to both Licensing & Regulatory and Strong Communities Select committees.
- 1.2 The Public Protection division comprises four distinct teams,
- (i) Environmental Health, Commercial
  - (ii) Environmental Health, Public Health
  - (iii) Licensing
  - (iv) Trading Standards & Animal Health

### **2. PURPOSE**

- 2.1 The purpose of Public Protection services can be summarised as follows –
- a. Protect people from harm and promote health improvement.
  - b. Promote a fair and just trading environment for the public and businesses.
  - c. Improve the local environment to positively influence quality of life and promote sustainability.
  - d. Ensure the safety and quality of the food chain to minimise risk to human and animal health.
- 2.2 These four outcomes contribute to Wales' seven well-being goals. They directly help achieve a more prosperous, resilient, healthier and more equal county. This resonates with the Chief Medical Officer's views in his CMO Annual Report 2015/16. He refers to 'many health problems demonstrate a social gradient, ie. higher prevalence of lifestyle related and social harms', and 'tackling inequity could improve health and well-being and reduce the demand for healthcare services'. More investment in prevention and early intervention would reduce the need for treatment and the associated costs – financial and social.

### **3. RESOURCES**

#### **3.1 Staff resource**

- (i) Environmental Health – Commercial:-
- 6 Environmental Health Officers, 5.4 Full Time Equivalent (FTE's)
  - 3 Commercial Services Officers, 2.1 FTE's
  - 1 Systems Administrator, 1 FTE

- (ii) Environmental Health – Public Health:-
  - 5 Environmental Health Officers, 5 FTE's
  - 2 Enforcement Officers, 1.6 FTE's
- (iii) Licensing:-
  - 5 Licensing Officers, 4.5 FTE's
- (iv) Trading Standards & Animal Health:-
  - 3 Trading Standards Officers, 3 FTE's
  - 1 Fair Trading Officer, 1 FTE
  - 1 Intelligence & Advice Officer, 0.8 FTE's
  - 2 Animal Health Officers, 1.5 FTE's
- (v) Support team:-
  - 5 Support Officers, 4.1 FTE's

Above staff resource adds up to a total of 34 staff, 30.0 Full Time Equivalents.

### 3.2. **Financial resource**

The total budget for 2016/17 across the four services, with Support team costs spread across the professional teams, is just over £1.3 million. This can be broken down as follows –

<u>Budget</u>	
Environmental Health – Commercial	£442,166
Environmental Health – General public health	£379,841
Trading Standards & Animal Health	£338,076
Licensing	£40,371
Management & generic costs (eg software)	£110,273
<b>Total</b>	<b>£1,310,727</b>

In 2016/17 financial year a £41,000 underspend was reported, mainly from increased income from courses and extra external funding. This represents 3.1% of the total budget.

## 4. **PERFORMANCE**

- 4.1 Internal performance monitoring – the four teams within Public Protection each complete an annual Service Improvement Plan (SIP). These outline annual targets, specific projects etc and progress is reviewed regularly both by the teams themselves and Departmental Management Team.

- 4.2 External reporting – regular returns are made to the Food Standards Agency, Health & Safety Executive, Chartered Institute of Environmental Health, Drinking Water Inspectorate, Welsh Government and other organisations.
- 4.3 During late 2016, Internal Audit conducted a review of Licensing. Although their report is awaited, initial feedback was positive and will provide assurance the service is performing well. Also last year, ‘People Too’ consultants undertook a third party review of all MCC services. Again, their feedback was very encouraging and provided independent opinion of how our Public Protection services are currently performing.
- 4.4 2016/17 performance (and comparison to previous years)

The right hand column summarises team performance over the 2016/17 year. The middle column covers last year 2015/16, and the left column outlines 2014/15 performance. Therefore comparisons can be made to previous years.

The following table summarises performance data from the four service teams.

**Figure One**

<b><u>Service</u></b>	<b><u>2014/15 performance</u></b>	<b><u>2015/16 performance</u></b>	<b><u>2016/17 performance</u></b>
<b>Environmental Health (Commercial)</b>			
Food safety inspections (programmed)	394 (348 & 46 ceased trading)=100%	489 (100% of those programmed)	383 (100% of those programmed)
And total including other interventions (non- food)			524 total inspections and 343 “other controls” (advice/verification/ surveillance etc)  Non-food interventions 230
Inspection within 28 days of scheduled date	88%	95%	88.4%
Number of new businesses opened	124	138	130
Broadly compliant food businesses (high risk)	88.5%	89.0%	90.4%
Broadly compliant food businesses – All	93.8%	94.0%	95.2%

Service Requests - food safety	503 400 within 3 working days=79.5%	569  Total SR's 1169	718 (86% within target time)  Total SR's 1340
Communicable Diseases cases dealt with	194	183	171 (4 outbreaks and one fatality)
Health and Safety notifications		NR	63 accident, 33 major events
Notices served		3 notices served	10 notices served
<b>Environmental Health (General public health)</b>			
Housing service requests (SR'S)	153 Total 128 within 3 working days=83.7%	167 Total 135 within 3 working days = 80.8%	138 Total 127 within 3 working days = 92%
Noise	341 Total 297 within 3 working days=87.1%  221 closed within 3 months= 64.8%	305 Total 277 within 3 working days = 90.8%  130 closed within 3 months = 42.6%	363 Total 318 within 3 working days = 87.6%  188 closed within 3 months = 51.8%
Statutory nuisance, excluding noise	198 Total 180 within 3 working days=90.9%  140 closed within 3 months=70.7%	148 Total 131 within 3 working days = 88.5%  75 closed within 3 months = 50.7%	179 Total 152 within 3 working days = 84.9%  84 closed within 3 months = 46.9%
Environmental Protection (fouling, littering, fly tipping etc.)	345 Total 314 within 3 working days=91%  222 closed within 3 months=64.3%	255 Total 233 within 3 working days = 91.4%  174 closed within 3 months = 68.2%	475 Total 448 within 3 working days = 94.3%  341 closed within 3 months = 71.8%
Pest Control	95 Total 84 within 3 working days=88.4%	Total 104 85 within 3 working days = 81.7%	Total 74. 51 within 3 working days = 69%

<b>Licensing</b>			
Applications dealt with by Licensing	1905 (which includes 382 Temporary Event Notices requiring a 24 hour turnaround.	1945 (this increased figure also includes all monetary transactions).	1645 (which includes 423 Temporary Event Notices (TENs) requiring a 24 hour turnaround
Inspections carried out	624 inspections carried out (274 of which were risk rated premises for alcohol, entertainment and late night refreshment)	529 inspections carried out (240 of which were risk rated premises for alcohol, entertainment and late night refreshment)	508 inspections carried out (120 of which were risk rated premises for alcohol, entertainment and late night refreshment)
Service Requests carried out	932 service requests were carried out (847 - 91% - with a 3 day turnaround for first response).	740 service requests were carried out (679 - 92% - with a 3 day turnaround for first response).	879 service requests were carried out (816 - 92% - with a 3 day turnaround for first response).
<b>Trading Standards and Animal Health</b>			
Trading Standards Visits	192	317	176
Trading Standards Complaints/Advice	669	540	428
Citizens Advice Consumer Service	419 Referrals 1158 Notifications	410 Referrals 1069 Notifications	285 Referrals 785 Notifications
Animal Health Visits	290	311	411
Animal Health Complaints/Advice	251	186	298
Inspections at our: High Risk premises, Upper Medium premises.	92% (13/14) High Risk 46% (12/16) Upper Medium	95% (57/60) Inspection programme intel led	No formal programme of inspection this year. Intel approach with focus on safeguarding in particular medical devices.
Feed Law Enforcement	62% High Risk (116/186)	103% of new externally funded feed programme. 156 Inspections	118% - 223 Inspections
Programmed animal health inspections	100%	100% (14 High) 40% Overall Programme	No formal programme of inspection this year

New Business Visits	26% TS 10% AH	76% TS 90% AH	52% TS 58% AH
Animal Welfare Complaints	92.5% within target response time	96% within target response time	90.4% within target response time
Vulnerable Scam Reports	Not reported	35 visits contact with 119 individuals	9 visits contact with 121 individuals
<b>Other</b>			
<b>Freedom of Information Requests (PP Total)</b>	77	85	61
<b>Events requiring advice via Safety Advisory Group</b>	110	94	134

## **5. ANALYSIS AND NOTABLE ACTIVITY IN 2016/17**

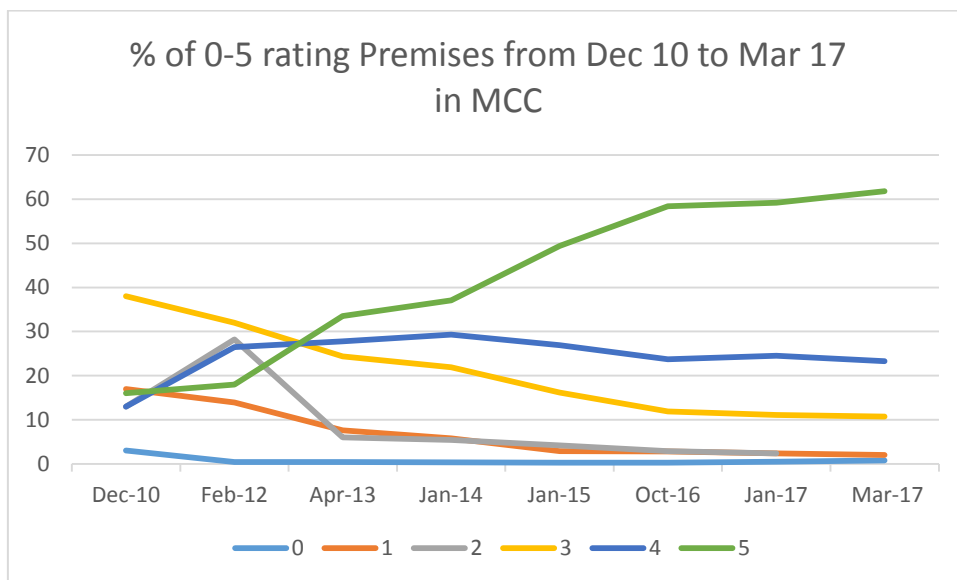
### **5.1 Environmental Health – Commercial**

#### **5.1.1 Food safety (food hygiene and food standards)**

The Commercial team has reduced the back log of inspections which tended to accumulate at the end of the financial year, and negated the need for external contractors to complete our programme of inspections. We have moved from achieving 42% within the Code of Practice target of 28 days to achieving 88.4% of high risk businesses within the target time. It will be a challenge to maintain this standard due to a number of new demands being placed on the food safety team. These include increasing the amount of food hygiene training which is now done within normal work hours and an increase in the Primary Authority workload, (both income generating). An Officer will also be seconded temporarily to the Public Health team, to assist with their current work pressures and to bring commercial private water supplies within the team. As a result of our interventions, there has been a year on year increase in the number of high scoring premises under the Food Hygiene Rating scheme. We also promote top scoring food businesses on social media. Anecdotal evidence shows a top food hygiene score can increase a small food business income by up to £300 a week.



The graph below shows the significant increase (top line) in the number of '5 rated' food businesses in the county, demonstrating the success of the scheme. By implication, the number of other ratings, 4 and below, have gone down as a consequence of this improvement.



One prosecution was taken last April for hygiene offences, which resulted in a £3,950 fine. Prosecution is a 'last resort' but sends out a useful signal to all other businesses that action will be taken when advice is not heeded.

Access - this innovative scheme is now in its 4<sup>th</sup> year, whereby a charge is made for supplementary advisory visits. Feedback from business shows that the service is very effective in increasing confidence and having a beneficial effect on the food hygiene rating. The service is particularly effective for new businesses whose owners may not have encountered enforcement officers before. It establishes a better relationship and, through better compliance, the county gets safer food businesses.

Food standards - Officers this year have provided legal advice on the new requirements relating to allergen declarations in food, protecting affected persons. Officers also gave advice on the new requirements relating to nutritional declarations on prepacked food produced in Monmouthshire.

Primary Authority- the demands on Officers carrying out work as contacts for primary authority companies has increased. The legal requirements relating to allergen declarations etc have resulted in far more contact with the Officers, including the investigation of reported incidents.

Food sampling- the food team carries out regular sampling surveys of food made and sold in Monmouthshire. The reasons for sampling are varied and include microbiological safety, compositional quality (meat content etc), illegal colours in food, foreign body complaints, and speciation of meat components, authenticity and

strength of spirits. Surveys have also been carried out this year on spices in takeaway food, spirits strength and authenticity, and allergens in food. Sandwiches bought from various outlets, especially cheap sandwiches with extended shelf life, were also sampled in 16/17.

#### 5.1.2 Communicable disease control

The majority of cases for investigation (171) are Campylobacter and Salmonella are individual, sporadic cases. Cases of Cryptosporidium and E. Coli have also been notified. Sadly, a patient died as a result of contracting E. Coli. These cases require the utmost sensitivity to investigate the possible source and prevention of spread. The team has also investigated a number of viral outbreaks in schools, care homes and a hospital, thus protecting the most vulnerable groups in Monmouthshire. It is necessary to investigate the cause, spread and duration of viral illnesses in order to eliminate other sources of illness such as foodborne illness.

Other infectious diseases investigated this year have been hepatitis F, rotavirus, and a large outbreak of Cryptosporidium illness centred in Monmouthshire with cases in other districts.

#### 5.1.3 Health and Safety at Work

Tragic accidents in residential care homes outside Monmouthshire have resulted in a coordinated programme of proactive inspections across South East Wales, aimed at protecting some of our most vulnerable people. Inspections at all of the county's large residential care homes for the elderly were made, and a number of legal notices were served to ensure compliance. Visits to smaller residential homes providing accommodation for other vulnerable groups, (including young adults with learning disabilities), is also planned as 'phase two' of the project in 2017. The section organised a regional training event in partnership with neighbouring Environmental Health, Corporate Safety teams and the HSE, which was a great success and fostered a consistent approach to interventions regionally.

Fatal accidents at golf courses in neighbouring authorities, and serious incidents in Monmouthshire, has resulted in our staff training in preparation to carry out health and safety inspections at our golf courses in 2017/18.

From January this year, a specific study of underground cellars is being undertaken to protect the public, residents and workers from serious incidents in these enclosed spaces.

The section dealt with 63 RIDDOR (notifiable, more serious) accidents in 2016/17, which has resulted in numerous reactive interventions and legal notices being served to ensure compliance. These interventions protects often vulnerable (from poor work practices) persons in workplaces.

#### 5.1.4 Income generation

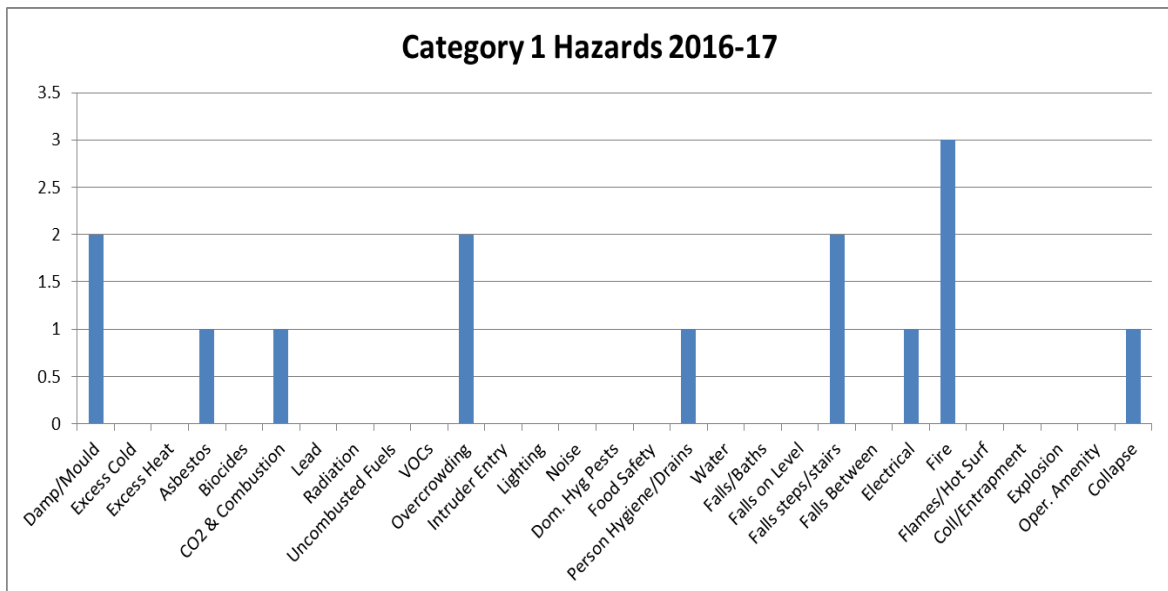
Although a regulatory function, the EH Commercial team are leading the field in Wales for innovative income generation. Further ideas are being developed. The total income for providing food hygiene training has been £10,272. Primary Authority work has produced an income of £4,189, and for advisory visits 'Accelerated Compliance and Economic Success through Business Support' (ACCESS) £2,470.

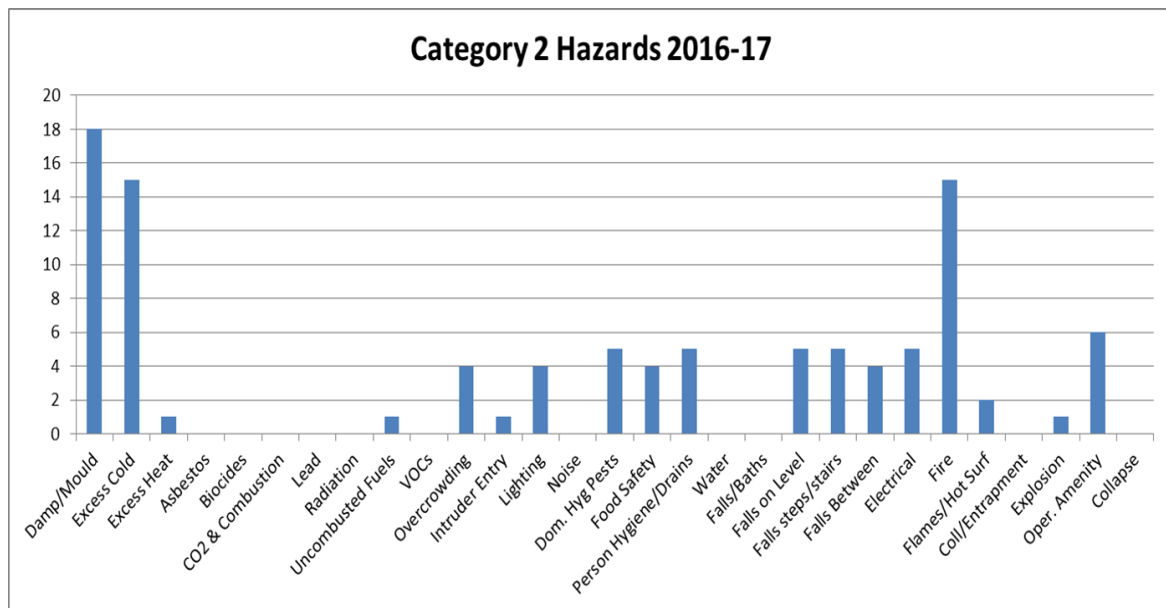
Charging for export certificates has brought in £750 new income and requests for food hygiene rescore applications £4,080. A further income source is a grant of £8,085 from the Food Standards Agency (FSA). This total income of nearly £30,000 helpfully offsets some of the service costs.

## 5.2 Environmental Health – Public Health

### 5.2.1 Housing

In 16/17 the team have continued to provide an effective and early response to complaints and requests for advice in the private rented sector. A total of 138 enquiries had been received with 127 of these responded to within 3 working days (92%). Enquiries can be regarding a range of concerns including threat of landlord harassment / unlawful eviction but generally relate to concerns with the condition of the rented property. Out of these enquiries a total of 45 dwellings were inspected with 14 category 1 hazards (most serious) and 100 category 2 hazards identified. Of the total of 114 hazards almost half relate to damp, cold and fire safety issues. The hazard profiles are illustrated as follows:

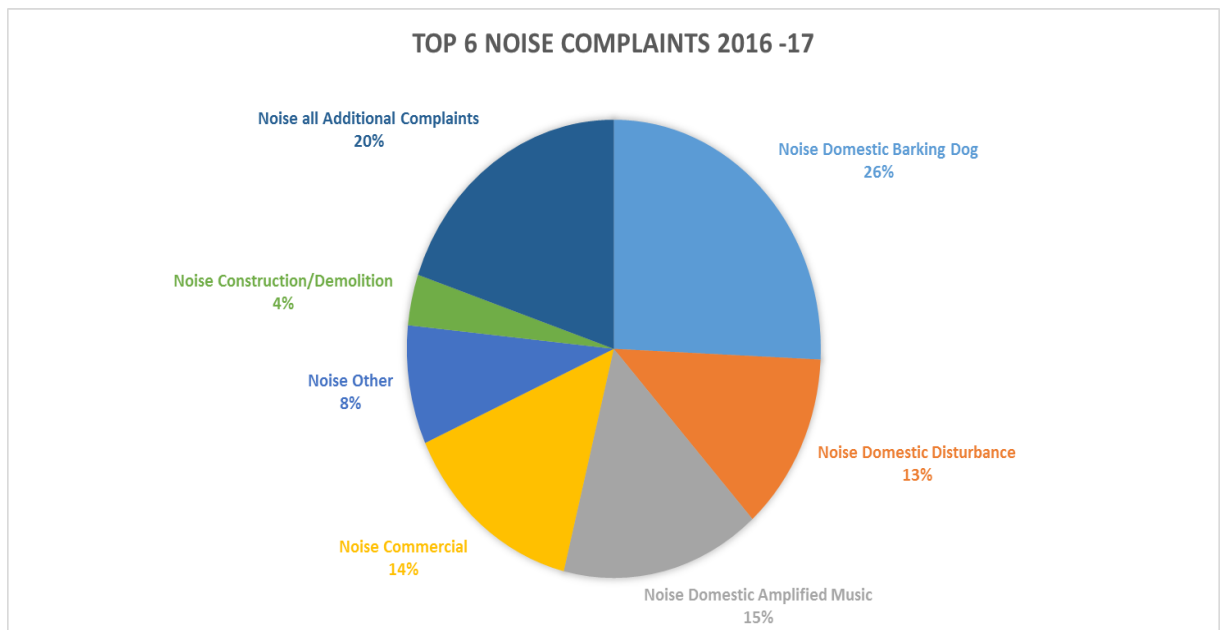




The 'Housing Above Takeaways' (HAT) scheme, referenced in the last report to Committee, has almost been completed and a rolling programme of inspections of 25 of the highest risk premises identified has commenced. The next stage of this scheme, (living accommodation above cafes / restaurants), has not progressed. This is due to a current focus on fulfilling the Council's responsibilities in promoting and supporting Rent Smart Wales (RSW), in meeting the new provisions of the Housing (Wales) Act 2014. This Act introduced a new requirement from the 23<sup>rd</sup> November 2016 for landlords of properties in Wales to be registered, and agents and landlords who carry out letting / management activities to be licensed. Promotion has included hosting a number of landlord forums, developing a landlord database and mail shots to landlords. Monmouthshire currently leads the table for LAs in Wales for % of properties registered. The next stage for the team will be to support RSW in taking enforcement action against those landlords and agents not complying with their legal obligations.

### 5.2.2 Noise

16/17 saw the highest number of complaints received by the team since 13/14 with a total of 363 complaints received involving a total of 436 enquirers. As always, dog barking is the subject of many of these complaints with 86 in total (26%) though there is still a diverse nature of complaints from industrial, agricultural and commercial noise sources. The breakdown of the top 6 sources of noise complaint is as follows:



The team is particularly active in this area of work during the summer months as noise complaints increase and a lot of proactive engagement is undertaken with organisers of the various concerts / music events held throughout the County. Our response within 3 days remains high at 87.6%, but cases resolved within 3 months has markedly improved from 42.6% in 15/16 to 51.8% last year.

### 5.2.3 Environmental Protection

16/17 has also seen a significant increase in the number of complaints that fall within this area of work compared with 15/16 (475 complaints : 255 in 15/16), with over 100 more complaints than any other year in the last 5 years. In particular the number of abandoned vehicles has risen sharply from 108 in 15/16 to 263 in 16/17, which reflects the falling price of scrap metal. However the team is performing well with responses within 3 working days, increasing from 91.4% in 15/16 to 94.3% and cases closed within 3 months also increasing from 68.2% to 71.8%.

The 'Give Dog Fouling the Red Card' scheme led by the team together with the Waste and Street Cleaning section, designed to empower local communities to deal with local fouling problems, has progressed into its second year with the number of participating Town and Community councils increasing from 12 to 19. Members report that dog fouling has generally reduced in their areas, although 'hot spots' persist, and complaints to the team have shown some reduction since commencement of the scheme:

13/14 – 169 complaints

14/15 – 147 complaints

15/16 – 92 complaints

16/17 – 121 complaints

#### 5.2.4 Private Water Supplies

The team has the responsibility under the Private Water Supplies (Wales) Regulations 2010 for risk assessing all 'large' and 'small' private water supplies (PWS), where water is intended for human consumption and require improvements to be undertaken where necessary to ensure a wholesome and sufficient water supply is provided. We currently have 107 'small' and 47 'large' supplies which have received an initial risk assessment. However follow up action is required on over 90 of these to ensure works required are undertaken. In addition each supply must be risk assessed every 5 years. The legislation also requires the Authority to undertake sampling of these supplies. This area is a substantial work commitment for the team particularly as many property owners will resist having to make improvements, given that they may have been using the water supplies for a number of years.

#### 5.2.5 Pest Control

There has been a decrease in the number of complaints received in this area with 74 for the year compared with 104 in 15/16. Response times within 3 working days is at 69%.

#### 5.2.6 Construction

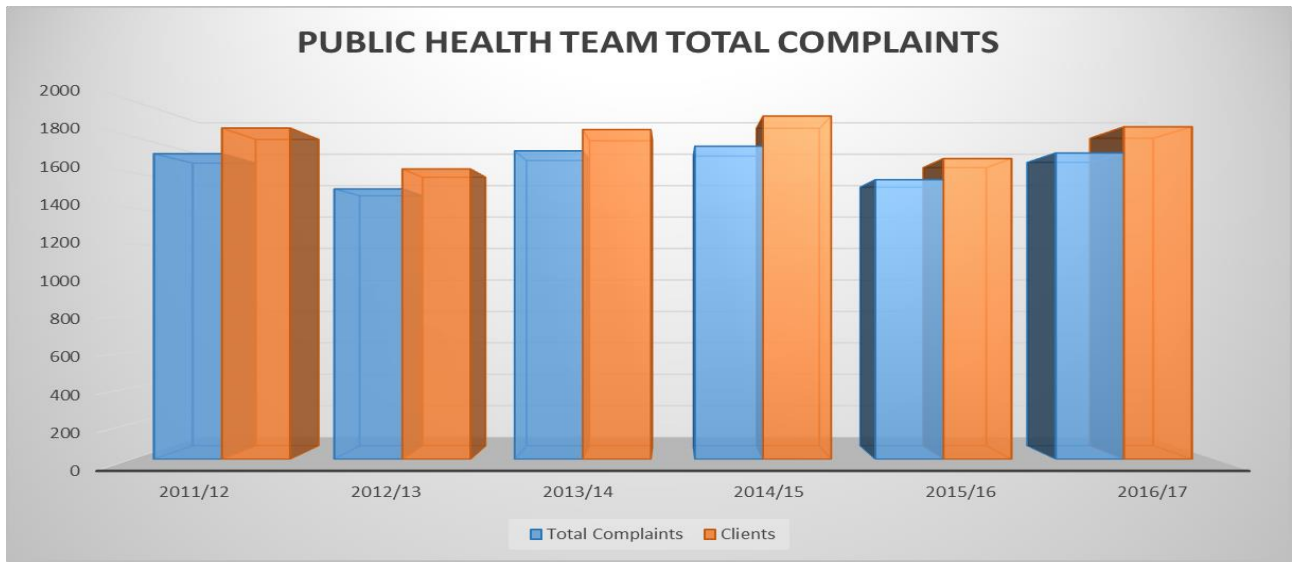
Engagement with the developers of the A465 dual carriageway and electrification of the South Wales main rail line has continued, and recently commenced with regard to the proposed M4 development. Our interest is to ensure that the contractors do all that can be reasonably expected to control noise, dust and air pollution levels. A substantial work commitment is needed in these areas which is generally not reflected in the Service Request statistics, with successful engagement hopefully resulting low complaint numbers.

#### 5.2.7 Air Quality

The team completed the 38 visits planned for 16/17 of the industrial permitted sites and petroleum certified sites which we have responsibility for from a pollution legislation perspective. We continue to monitor traffic related pollution (nitrogen dioxide) in our 4 major towns and provide advice in regular meetings of the steering groups in the Chepstow and Usk Air Quality Management areas. In addition we are engaging with Education colleagues with regard to the potential for real time air quality monitoring in the 21<sup>st</sup> Century schools. As well as providing valuable data, these would provide an excellent educational tool for our young people on air quality issues.

#### 5.2.8 Total Enquiries

The total number of service requests dealt with by the team across the range of functions was 1708 (1854 clients) last year. This is a significant increase from the 15/16 figure of 1559 (1677 clients), showing a 9.6% increase, similar to earlier years. This is illustrated in the bar chart below:-

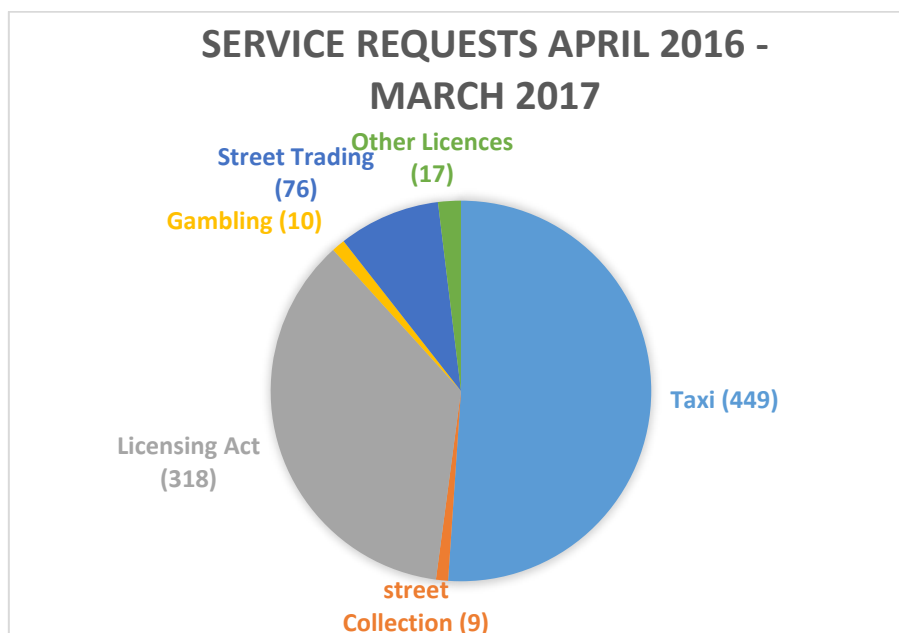


### 5.3 Licensing

#### 5.3.1 General

The Licensing team deals with a variety of licences, dealing with pubs, restaurants, off-licences and takeaways, taxis, street trading (e.g. burger vans), street/house to house collections, (e.g. charity collections in the street or bag drops at homes), gambling (e.g. betting shops, racecourse, one armed bandits in pubs/clubs, raffles etc.), scrap metal collectors and sites. The team are also authorised to deal with sex establishments, boats and hypnotism.

740 requests for service were processed by the Licensing team last year in 2015/16. In 2016/17 the Licensing team processed 879 service requests, an increase of 139 requests more than the previous year. A breakdown of the 879 requests are shown below:-



1645 applications had been processed between April 2016 to March 2017.

### 5.3.2 Pubs, Restaurants, Off-licences, Clubs and Takeaways

Risk Assessments are conducted on all licensed premises, currently 1% out of the 506 premises licensed are regarded as high risk, 10% medium risk and 89% low risk. As part of the risk rating programme, 104 premises were visited during this period. Joint inspections are sporadically arranged with Environmental Health Officers, Gwent Police and South Wales Fire Service Officers. Inspections with Environmental Health Officers at licensed premises have been conducted with noise limiting equipment installed and tested. Inspections have been conducted with Fire Officers where Licensing Staff have picked up on suspected fire hazards. Gwent Police and Licensing conducted joint operations leading up to the Christmas period in Caldicot, Chepstow, Abergavenny and Monmouth. 8 pubs and 2 clubs were visited, 1 of the clubs was given a warning for breaching conditions and one pub given guidance on underage sales, due to them holding an 18<sup>th</sup> birthday party with the possibility of friends attending being underage. Licensing support and attend 'Pubwatch' meetings with a view to using online Pubwatch to share photographs of banned persons with group members. We hold meetings with all Responsible Authorities to discuss premises licensed with issues arising or new applications. In January a joint operation between the Police, Licensing and Trading Standards was carried out on 2 pubs and 1 shop following information of underage sales. All 3 venues failed the test purchase and sold alcohol to a person under 18 years old. Warning letters issued to all 3, follow up inspections will be carried out to assess improvement.

Accident and Emergency services, through Public Health Wales, provide reports to the Police and Licensing for Gwent, and Monmouthshire has the lowest amount of hospital admissions from alcohol related premises in the region.

Monmouthshire Licensing chair and host the Gwent Licensing Forum whereby we discuss cross border issues and new legislation.

### 5.3.3 Taxis

The new policy for Hackney Carriage / Private Hire Drivers, Vehicles and Operators came into force on 1<sup>st</sup> April 2016, which introduced the following:-

(a) Update knowledge tests for new drivers - Knowledge test prior to a person getting a licence in the taxi trade ensures conditions of the licence have been understood as to their duties to protect the public from harm.

(b) Implement a training programme for safeguarding children / vulnerable persons for new and existing licence holders. Safeguarding training is essential for the taxi trade as very often a driver is carrying passengers on a one-to-one basis. The training assists them on how they should conduct themselves and also what to look out for and how to report matters if they feel someone is in danger.



(c) Disabled access to vehicles - Disability awareness was essential. The policy gives guidance to drivers on how they should conduct themselves when a passenger has a disability.

(d) Restricting Operator bases licensed by MCC to be within the County. Restricting Operator bases will ensure Officers have the authority to inspect records.

During this period we revoked three taxi drivers, with one driver sent for drugs sampling who was later revoked for a violent offence, and the others following Police convictions for drug driving. We continue to work with Gwent Police with evening inspections conducted in Abergavenny and Chepstow, where we have the highest concentration of taxis and late night licensed premises. Licensing conducted spot checks on 124 drivers, 204 vehicles and 22 Operators during this period. 5 drivers given warnings for not wearing their drivers licence. 11 vehicle owners did not have cargo nets fitted to prevent luggage slipping and injuring passengers, 7 were issued a warning for defects to their vehicles along with 3 warned for not carrying spare wheels and 3 for not displaying 'no-smoking' stickers within the vehicles. One Operator Licence was revoked for using unlicensed drivers in Private Hire Vehicles. The Operator was also prosecuted and received a £3,000 fine plus £884 costs and £150 surcharge, with the magistrate stating the Operator had a total disregard for public safety.

Licensing have updated the standard of testing for all hackney carriage and private hire vehicles, garages test vehicles in line with the new Taxi Policy issued that came into force on 1st April. Licensing also support a taxi association whereby a representative from 4 areas of Monmouthshire attend to discuss licensing issues.

#### 5.3.4 Gambling

In May a joint operation was conducted between the Gambling Commission and Licensing at a Track premises. Test purchase exercise took place with 13 bookmakers and 1 failed, by taking a bet from a person under 18 years old. A warning letter was issued to the Track Premises.

#### 5.3.5 Street Trading

During this period Licensing have successfully issued 3 Block Street Trading Consents, following hearings for each one at the Licensing and Regulatory Committee in the towns of Monmouth, Abergavenny and Usk. Block street trading applications allow community events to take place without the need of applying for individual applications. It allows the organiser to manage all stall-holders within their event, for example Christmas fetes.

#### 5.3.6 Street Collection

Licensing worked with Gwent Police to stop a firm collecting in Monmouthshire without the required street trading consent with no confirmation the money raised would go to charity. Enforcement ongoing with Licensing and Gwent Police.

## **5.4 Trading Standards & Animal Health**

### **5.4.1 Feed**

Following the successful first year of the regional approach to Feed Law enforcement, the second year has followed the same formula. With over two thirds of the region's inspections falling in Monmouthshire, this has allowed us to take on temporarily an additional Officer with vital knowledge and skills (not just in feed) and without any cost to the Authority. However a recent bout of illness showed how easily an outside influence could significantly impact on our ability to deliver and directly affect additional funding. Upskilling of other Officers is underway to try and support unforeseeable circumstances but this does have a direct effect on the wider trading standards remit.

### **5.4.2 Animal Health**

As previously reported, since the loss of the additional funding animal health is now over 90% reactive. As strategic lead for Wales Heads of Trading Standards in relation to animal health, the Trading Standards team leader has been heavily involved in working with Welsh Government to develop a Partnership Delivery Plan with associated additional funding. This is based on a regional approach and mirrors the footprint of the Cardiff Capital Region City Deal. Monmouthshire has approximately 50% of the critical control points and animal related premises within this region, but current capacity, at 1.5 FTE's, limits this opportunity.

To date enhanced surveillance at critical control points including the market and slaughterhouse has been undertaken; a pilot survey into small holders and hobby farmers (as despite being assessed as low risk for health and welfare, they are felt to a more likely disease risk); a review of the recent dog breeding changes and a mobile animal exhibits assessment, as these are likely to become more prevalent.

### **5.4.3 Fair Trading**

A significant case was brought to court in November, as a result of a joint investigation with Gwent Police. This culminated in a 28 month prison sentence for Neil Bradbury trading as Celtic Lettings, who pleaded guilty to 49 counts of fraud. These involved the failure to register deposits as legally required and not passing on rent from tenants to landlords. This was widely covered in the press and led to an appearance on X-ray, the BBC Wales Consumer Affairs programme.

Also in November another successful conviction was secured against Farhank Ameen, the owner of the European Mini Market, Welsh Street, Chepstow. He was found guilty of six charges including the possession for supply of counterfeit and illegally labelled tobacco, along with possession and exposure for supply of canisters of nitrous oxide deemed to be unsafe. Mr Ameen received a fine of £1,400 and ordered to pay £1,100 costs.

There are ongoing investigations into further supplies of illicit tobacco and intoxicating substances with potential significant safeguarding implications.

#### 5.4.4 Consumer Protection

A priority for the service has been dealing with a variety of scams and bringing them to the attention of both the public and businesses whenever possible. The key focus has continued to be working with vulnerable victims through priority referrals and ensuring they are given the advice and assistance required and/or referred as appropriate. Call Blockers have been distributed to the vulnerable who have been targeted by scam calls, and support given to WASP (Wales Against Scams Partnership) on behalf of the Authority and initiatives such as Friends Against Scams and Mail Marshalls.

There have been a few multi-agency approaches undertaken targeting rogue traders, doorstep callers, poachers and itinerant businesses.

#### 5.4.5 Weights & Measures

GP practices have been targeted for testing of weighing equipment used for patient treatment, health and wellbeing checks. This follows previous local problems identified and recognition at a national level that there can be significant errors which can directly impact on patient's medication and as a consequence their health.

#### 5.4.6 Underage Sales

Following some intelligence received via the police a recent test purchase operation led to 3 sales from 4 attempted purchases. This is currently being followed up with appropriate advice and the premises will also be subject to further test purchase attempts, any further sales could lead to licences being reviewed.

#### 5.4.7 Air Quality – Lorry Watch

Vehicle spotter reports continue to be followed up with checks that the vehicles are legitimately travelling through the two restricted areas in Usk, as these vehicles contribute significantly to the levels of air pollution.

#### 5.4.8 Income Generation

Feed funding generated in excess of £20,000 allowing us to take on additional capacity. Animal Health PDP regional co-ordination and additional project work has generated £11,000 and Primary Authority has brought in £3,260.

### 5.5 Joined up interventions, across teams

#### 5.5.1 Eisteddfod 2016

Officers from across the section were heavily involved in the planning, organising and checking regulatory compliance for food safety, public safety, water quality, workplace safety, licensing and noise management during the Eisteddfod. Officers attended daily briefings with Eisteddfod personnel, together with the other emergency services. We also worked at the MCC stand, (we benefit from having 3 fluent Welsh speakers), and carried out follow-up visits to food vendors during the week of the Eisteddfod in August. Over 100 hours of Public Protection input went into this successful event.

Bacteriological testing of water supplies was carried out at all outdoor events sites prior to setting up the event - the Maes, Maes B and the sizeable caravan and camping site in Llanover – together with safety checks.

#### 5.5.2 Other ESAG work

A number of staff are involved in Monmouthshire's Event Safety Advisory Group, (ESAG). This is a partnership designed to help organisers run safe and successful events. It is recognised a proactive advisory stance is preferable to reacting to problems after events have occurred. As well as the Eisteddfod, a number of large events were held last year including food festivals, music concerts, agricultural shows, cycling events etc. and advice was provided. 134 events received advice from the group in 2016/17, which is a 43% increase from the previous year.

### **6 PERFORMANCE SUMMARY 2016/17**

- 6.1 Public Protection teams, with only a small number of exceptions, continue to meet the Authority's legal obligations. However, Officers are typically operating at maximum level and are put under increased pressure when colleagues have any long term absence, eg. see 5.4.1 above. Managers will continue to monitor performance, review workloads, etc. to protect Officer wellbeing as far as possible.
- 6.2 To summarise the performance data in Figure 1, the Commercial team and Licensing are maintaining proactive and reactive services well. As outlined in the analyses in Section 5, the Public Health and Trading Standards/Animal Health teams have some pressures, due to work volumes and limited Officer capacity. Joint working such as event support has increased, eg. through providing expert advice on MCC's own organised events.
- 6.3 Members can gain some assurance that performance is in line with other Authorities via regular monitoring by the external governing bodies referred to in section 4.2, for example, the Food Standards Agency.

### **7 2017/18 AND BEYOND**

- 7.1 Future Monmouthshire principles – the section seeks to progress from predominantly dealing with the 'here and now' needs of residents, visitors and businesses, (though clearly crucial), to activity with greater public health gain, ie. a focus on 'growing' our services. Examples would include more air quality activity, private housing interventions and consumer protection. Our 2107/18 Service Improvement Plans are seeking to better reflect our longer term vision and future planning. This tallies with the Well Being of Future Generations expectations, with Public Protection services contributing directly to a more prosperous, resilient, healthier and more equal county.
- 7.2 Public Protection services will continue to explore further income generation opportunities. One initiative to take forward 2017/18 is our 'Monmouthshire Alternative Prosecution Procedure' (MAPP), aimed at poor performing food businesses. An enhanced service offer, bespoke to their business, would be offered as an alternative to other enforcement actions. Where our work is significant, for example in connection with the likely M4 relief road, we will endeavour to secure the funding to support our service, to ensure we are sustainable moving forward.

- 7.3 Where certain services are better placed with others, we will continue to seek alternative providers. Current examples are Community Councils taking a greater role with dog fouling, and Licensing issuing 'block consents' so street markets, etc. can be administered locally.
- 7.4 When new legislative requirements are introduced, via Welsh Government or Westminster, our professional bodies will seek proper funding to implement. One example is the re-introduction of the Public Health (Wales) Bill.
- 7.5 Public Protection services are specifically referred to in the Welsh Government White Paper, 'Reforming Local Government: Resilient and Renewed'. Collaborative opportunities are being considered at regional and national level, and this Authority will play a part in developing future service models.
- 7.6 Noting the role of these services - protecting vulnerable people, reducing anti-social behaviour, improving our environment, ensuring safe food from farm to fork, etc. – the service would welcome actively engaging with Members in the new administration. The service, together with delivering statutory responsibilities, acts on local intelligence and welcomes input from local Councillors, other stakeholders, etc. to improve outcomes for our citizens.

**DHJ/MM/12/05/2017**

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