

# **REPORT TO LICENSING AND REGULATORY COMMITTEE,**

**10<sup>th</sup> November 2015**

## **PUBLIC PROTECTION PERFORMANCE REPORT**

### **FOR THE 2014/15 YEAR & QUARTER ONE 15/16**

#### **1. Introduction**

1.1 In January 2015 Cabinet requested that Strong Communities Select Committee receive six monthly performance reports on Public Protection services. Members expressed interest in reviewing performance across this Division noting budget reductions implemented since April 2014. To supplement this report, it would be useful to also keep Licensing and Regulatory Committee advised on performance every 6 months.

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

1.3 The Strong Communities Committee welcomed the report presented to them on 14<sup>th</sup> September 2015. Further comments from Licensing & Regulatory Committee would also be beneficial to the services within the Public Protection division.

#### **2. Resources**

##### **2.1 Staff resource**

**(i)** Environmental Health – Commercial:-

- 6 Environmental Health Officers, 5.6 Full Time Equivalents (FTE's)
- 3 Commercial Services Officers, 2.1 FTE's
- 1 System Support Officer, 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:-
- 6 Support Officers, 4.7 FTE's

Above staff resource adds up to a total of 35 staff, 30.8 Full Time Equivalents.

## 2.2. Financial resource

The actual budget spend in 2014/15, noting the Support Team costs are split across the professional disciplines, was as follows:-

NET figures –

(i)	EH, Commercial	= £415,516
(ii)	EH, Public Health	= £418,100
(iii)	Licensing	= £91,703
(iv)	Trading Stds, Animal Health	= £310,504

Giving a total of £1,235,823

This actual spend 14/15, against the 14/15 budget of £1,271,016, was £35,193 under budget, a variance of 2.8%. Under spends are encouraged in year to offset overspends in other Departments.

## 3. Performance

- 3.1 Various performance reports are completed internally and externally to the Authority. Internally each service completes Service Improvement Plans (SIP's), which are regularly reported to Departmental Management Team. Externally returns are made to the Food Standards Agency, Health and Safety Executive, Chartered Institute of Environmental Health, Department of Environment, Food & Rural Affairs (DEFRA), Welsh Government and other organisations.
- 3.2 For the purposes of this report, two reporting periods are summarised, the 2014/15 year and the most recently completed 'quarter', for the period 1<sup>st</sup> April 2015 to 30<sup>th</sup> June 2015. For comparative purposes these are compared back to the same periods in the previous year.
- 3.3 2014/15 annual performance

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

**Table One**

<b><u>Service</u></b>	<b><u>2013/14 performance</u></b>	<b><u>2014/15 performance</u></b>
<b>i. Environmental Health (Commercial)</b>		
Food safety inspections (programmed)	601 (471 & 129 ceased trading/no 2 <sup>nd</sup> visit required)=99.8% (1 inspection not done due to obstruction)	394(348 & 46 ceased trading)=100%
Inspection within 28 days of scheduled date	95%	88%
Broadly compliant food businesses (high risk)	85.6%	88.5%
Broadly compliant food businesses - All	91.2%	93.8%
Service Requests food safety	439 348 within 3 working days=79.2%	503 400 within 3 working days=79.5%
Communicable Diseases Cases dealt with	209	194
<b>ii. Environmental Health (General public health)</b>		
Housing (service requests (SR))	167 Total 147 within 3 working days=88%	153 Total 128 within 3 working days=83.7%
Noise	388 Total 314 within 3 working days=80.9%  240 closed within 3 months=61.9%	341 Total 297 within 3 working days=87.1%  221 closed within 3 months= 64.8%
Statutory nuisance ex noise	195 Total 174 within 3 working days=89.2%  137 closed within 3 months=70.3%	198 Total 180 within 3 working days=90.9%  140 closed within 3 months=70.7%
Environmental Protection (fouling, littering, fly tipping etc.)	360 Total 314 within 3 working days=87.2%  306 closed within 3 months=85%	345 Total 314 within 3 working days=91%  222 closed within 3 months=64.3%
Pest Control	34 Total 28 within 3 working days=82.6%	95 Total 84 within 3 working days=88.4%

<b>iii. Licensing</b>		
Applications dealt with by Licensing	1640 (which includes 402 Temporary Event Notices requiring a 24 hour turnaround)	1374 (which includes 382 Temporary Event Notices requiring a 24 hour turnaround).
Inspections carried out	774 inspections carried out (353 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)	624 inspections carried out (274 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)
Service Requests carried out	Not recorded	931 service requests were carried out (847 (91%)) with a 3 day turnaround for first response).
Licensing and Regulatory Committee, Cabinet and Full Council Reports	<p>4 x Policies introduced ( 2 x Taxi Licensing : Hackney intended use and conviction policy for drivers) (1 x Scrap Metal Policy following control of Licensing taken over by Local Authorities)(1 x revision of licence fees, cost recovery)</p> <p>.....</p> <p>1 x Street Trader application refused as it was felt dangerous to trade on a layby between Llanellen and Llanover as an accident blackspot. (13 other traders processed)</p>	<p>1 x Gambling Fee approval 1 x Introduction of Block Street Trading and day licences introduced to encourage business growth in the area and new policy introduced to accommodate this to ensure public safety.</p> <p>3 x Policies given final approval on previous year i.e. Hackney intended use, convictions and scrap metal policy.</p> <p>1 x Consultation and approval of Licensing Act Policy.</p> <p>1 x revision of fees</p> <p>.....</p> <p>1 x Scrap Metal Collector heard at Cabinet under new licensing regime (16 other collectors processed). Applicant refused as considered not a fit and proper person.</p> <p>.....</p>

		1 x Block Street Trader granted for Chepstow (the first under new licensing regime)  ***** 1 x taxi driver (new driver) granted a licence as it was felt the person was fit and proper to hold a licence (24 new applications processed without the need to attend Committee)
<b>iv. Trading Standards and Animal Health</b>		
Trading Standards Visits	322	192
Trading Standards Complaints/Advice	659	669
Animal Health Visits	472	290
Animal Health Complaints/Advice	351	251
Inspections at our: High Risk premises, Upper Medium premises.	87% (7/8) High Risk 42% (8/19) Upper Medium	92% (13/14) High Risk 46% (12/16) Upper Medium
Feed Law Enforcement: In particular, deliver: a) 186 High Risk Feed Inspections; b) 96 Medium Risk inspections	No programme in place	62% High Risk
Programmed animal health inspections	100%.	100%
New Business Visits	32% TS 87% AH	26% TS 10% AH
Animal Welfare Complaints	Not Reported.	92.5% within target response time
<b>Freedom of Information Requests (PP Total)</b>	60	77
<b>Events requiring advice via Safety Advisory Group</b>	Not reported	110

### **3.4 Notable activity in 2014/15**

#### **(i) EH - Commercial**

394 food safety inspections were carried out in this year and EHO's work with these businesses to secure improvements. Very occasionally, however, it is necessary to take formal action. In July 2015 Wigmore's Bakery in Monmouth was prosecuted for five breaches of food safety regulations. Magistrates fined the proprietor £2000 and ordered him to pay £1000 costs. Two other separate prosecutions involved possession of unsafe meat and the condemnation of 3 tons of meat.

Training courses in food hygiene continue to prove popular and a specific course was provided for butchers in November 2014. 'Access' enhanced visits are also provided voluntarily to businesses which, on a re-charge basis, provide specialist advice. Finally, other businesses – for example Marriott, Brains, Aneurin Bevan Health Board and Welsh Water – have Primary Authority Partnerships with this Authority.

#### **(ii) EH - Public Health**

In 14/15 the team visited most of the takeaways in the county and undertook 17 full inspections of flats above. Significant risks were often found, notably regarding fire safety, and standards raised to protect vulnerable tenants.

Risk assessments were carried out to all known large and small shared domestic supplies (164 in total) of private water. EHO's worked with supply users to ensure they carried out appropriate remedial measures to provide safe water supplies.

Two prosecutions were taken for fly tipping incidents, with fines and costs totalling £2000. There was also a prosecution for breach of a noise abatement notice with a £2000 fine and £1760 costs.

#### **(iii) Licensing**

A number of new policies were introduced in the year, to guide informed decision making. Two successful prosecutions were completed (1) against a licensed operator who used an unlicensed driver and vehicle on a school run. The company was found guilty and fined £1000 with £660 costs. (2) Against an illegal street trader selling ice creams in Abergavenny. Fined £300 and ordered to pay £100 costs.

#### **(iv) Trading Standards & Animal Health**

A car dealer was prosecuted for the sale of unroadworthy car to a Monmouthshire resident. B E Baker & Sons, near Abergavenny, were found guilty of numerous Animal Health and Tuberculosis offences, including the illegal movement of cattle. The company were subject to a Proceeds of Crime Order for £112,000 and ordered to pay £13,000 costs.

The service has adopted the 'Intelligence Operating Model' which should generate the level of intelligence that could make a significant impact on organised criminal activity.

## Other

Freedom of Information requests continue to increase year on year, which places an added burden on members of the team, (77 in 14/15 year).

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. A number of large events – food festivals, music concerts, agricultural, cycling etc – are held each year and benefit from safety advice provided by ESAG.

In December 2014 the Wales Audit Office (WAG) published its report 'Delivering with less – the impact on Environmental Health Services and citizens'. The WAG report concluded 'The Council is generally delivering environmental health services at above minimum levels and, despite significant budget cuts, stakeholders are mostly positive about current services but have a low awareness of future plans. The Council will find it difficult to take on new statutory duties that protect the public and the environment'.

### 3.5 Latest 3 month performance, Quarter One 2015/16

**Table 2**

<b><u>Service</u></b>	<b><u>Quarter 1: 14/15</u></b>	<b><u>Quarter 1 15/16</u></b>
<b>i) Environmental Health (Comm)</b>		
Food safety inspections (programmed)	101	89
Inspection within 28 days of scheduled date	100%	92.3%
Broadly compliant food businesses – High Risk	85.4%	88.4%
Broadly compliant food businesses – All	91.2%	93.8%
Service Requests food safety	121 96 within 3 working days=79.3%	148 119 within 3 working days=80.4%
Communicable Diseases Cases dealt with	53	49
<b>ii) Environmental Health (General public health)</b>		
Housing (service requests) SR)	24 23 within 3 working days=95.8%	24 17 within 3 working days=70.8%
Noise	99 89 within 3 working days=89.9%	95 86 within 3 working days=90.5%

	42 closed within 3 months=42.4% Nb 3 month period not expired for some	33 closed within 3 months=34.7% Nb 3 month period not expired for some
Statutory nuisance ex noise	59 53 within 3 working days=89.8%  37 closed within 3 months=62.7%  Nb 3 month period not expired for some	42 37 within 3 working days=88.1%  18 closed within 3 months=42.9%  Nb 3 month period not expired for some
Environmental Protection (fouling, littering, fly tipping etc)	85 79 within 3 working days=92.9%  67 closed within 3 months=78.8% Nb 3 month period not expired for some	47 42 within 3 working days=89.4%  34 closed within 3 months=72.3% Nb 3 month period not expired for some
Pest Control	20	30
<b>iii) Licensing</b>		
Applications dealt with by Licensing	316 (which includes 107 Temporary Event Notices requiring a 24 hour turnaround)	338 (which includes 98 Temporary Event Notices requiring a 24 hour turnaround). Pressure on staff as all licences are legally bound to be processed in order for activities to take place.
Inspections carried out	190 inspections carried out (125 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)	161 inspections carried out (122 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)
Service Requests carried out	250 service requests carried out (236 (94%) were carried out with a 3 day turnaround for first response	208 service requests carried out. (181 (87%) were carried out with a 3 day turnaround for first response



Licensing and Regulatory Committee, Cabinet and Full Council Reports	1 x Gambling Fees heard in this period and approved.	1 x Commencement of Gambling Policy and Casino consultation (3 year policy)  1 x Gambling Fees heard and approved.  3 Current holders of driver licences brought before Committee following information received.
<b>iv) Trading Standards and Animal Health Team</b>		
Trading Standards Visits	47	43
Trading Standards Complaints/Advice	157	141
Animal Health Visits	55	58
Animal Health Complaints/Advice	64	54
Inspections at our: High Risk premises, Upper Medium premises	0% (0/14) High Risk 4% (1/26) Upper Medium	0% (0/9) High Risk 5% (1/20) Upper Medium
Feed Law Enforcement: In particular, deliver: a) 186 High Risk Feed Inspections; b) 96 Medium Risk inspections	Programme was still in development in Q1	New regime in place as explained below 7% (11/151) inspections
Programmed animal health inspections	0% Most due in final quarter	0% Most due in final quarter
New Business Visits	21% (9/42) TS 66% (2/3) Ah	100% (32/32) TS 60% (3/5) AH
Animal Welfare Complaints	96% within target response time	98% within target response time

## 4. Assessment

### 4.1 2014/15 performance (reference Table One)

- (i) EH – Commercial – 100% of food safety visits scheduled for inspection in the year were completed. There is a slight decline in undertaking inspections within 28 days of scheduled date, to 88%. More food businesses are broadly compliant, in part due to the introduction of the Food Hygiene Rating Scheme. In January 2014 66% were rated 4 or 5 (highest scores) which rose to 77% by January 2015. A notable increase in requests for service with nearly 80% responded to within three days. A recent Food Standards Agency re-audit indicated a satisfactory standard of overall performance.
- (ii) EH - Public Health a slight decrease in response time for Housing requests (to 84%), but an improvement in noise and other statutory nuisance response times to 65% and 71%, and 91% of environmental protection requests responded to in three days. Members are aware our Pest Control service was withdrawn from 1<sup>st</sup> April 2014. This has resulted in a significant increase in EH complaints to 95 in 2014/15, up from 34 in 2013/14. The small team continues to deal with a large number of complaints, 1132 in total for 2014/15, but this does limit their capacity to undertake any proactive work.
- (iii) Licensing – the team dealt with a large number of applications (1374) and undertook 624 inspections. Requests for service from Licensing are now recorded and 931 were received over this 12 month period. Licensing works with Gwent Police in targeting more problematic premises and respond swiftly to any incidents. Licensees are regularly reminded of their responsibilities, eg to minimise nuisance to local residents, outlined in their Licensing conditions. Certain decisions are made by the Licensing & Regulatory committee as outlined in the table.
- (iv) Trading Standards & Animal Health – whole year comparisons between 2013/14 and 2014/15 show a decrease in overall visits, both for Trading Standards and Animal Health. DEFRA grant funding has been withdrawn resulting in only 1.5 FTE's delivering our animal health service. Inevitably the service then becomes reactive. Both services have been more selective when making decisions on what to investigate, and non-statutory duties (eg civil advice provision) are sign posted to those providers funded to deliver. Higher risk inspections were prioritised in 2014/15 and a programme is now in place for feed law enforcement. New business advice visits declined but this has been rectified for 2015/16.

### 4.2 2015/16 Quarter One Performance (reference Table 2)

An assessment of the first 3 months of 15/16 shows whether the teams are on target to achieve their targets for 2015/16. In summary (i) on target, (ii) some decline in closure of service requests, (iii) slight decline in response times, (iv) inspections are typically undertaken later in year. Contact with new businesses and feed work improved.

## 5. Next Steps

- Compliance - 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. Managers will monitor performance, review workloads, etc to protect Officer wellbeing as far as possible.
- Further income generation opportunities will be explored, noting the financial pressures of the Authority.
- Member comments are welcomed, via both the Scrutiny process and regular reporting to Licensing & Regulatory Committee. The next report to Strong Communities Select will focus on our Environmental Health sections. Noting this Committees scrutiny role relating to crime and disorder, particular attention will be made on EHs contribution to reducing crime and anti-social behaviour. It would be helpful for the six month reporting cycle to coincide with other reporting timescales. So reporting twice a year, early November and May would avoid repetition.
- Forthcoming legislation – Public Protection officers will need to respond to a range of new Acts and regulations. These include the Public Health (Wales) Act, covering e-cigarettes and proposed minimum unit pricing of alcohol; Consumer Rights Act which enhances measures to resolve consumer problems; various Licensing changes to rented housing, mobile homes and dog breeding. Relevant professional bodies to lobby to ensure any new expectations are fully funded.
- Responding to audits – the Food Standards Agency will report the findings of its re-audit in November 2015. The section will respond accordingly.
- Evidence of effectiveness is provided to Senior Leadership Team, noting the significant savings required for 2016/17 and beyond.