

REPORT TO PERFORMANCE & OVERSIGHT SCRUTINY COMMITTEE

21st June 2023

PUBLIC PROTECTION PERFORMANCE REPORT 2022/23

1. INTRODUCTION

- 1.1 Since 2015 annual performance reports on Public Protection services have been provided to Scrutiny Committees. This has proved beneficial for Members to understand the broad range of services provided by the teams, overall performance and how this compares to previous years.
- 1.2 The Public Protection division, which sits within the Social Care & Health Directorate, comprises of 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 (PP) 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. It also resonates with this Council's Community & Corporate Plan 2022/28, which sets out the Authority's goals under the current administration. PP services contribute to the goals of making Monmouthshire (a) a safe place to live, (b) a fair place to live, (c) a green place to live and work, and (d) a thriving and ambitious place.

3. **RESOURCES**

3.1 **Staff resource**

(i) Environmental Health – Commercial:-

- 7 Environmental Health Officers including Principal EHO, 6.8 FTE's, (Full Time Equivalent). 1 FTE has been seconded to Covid related work since September 2020, and 1 FTE seconded to Corporate Health and Safety work during 2022/23.
- 2 Commercial Services Officers, 2 FTE's
- 1 Systems Administrator, 1 FTE

(ii) Environmental Health – Public Health:-

- 5 Environmental Health Officers, including Principal EHO, 5 FTE's, increased to 6 EHOs (6 FTE's) February 2023.
- 2 Enforcement Officers, 1.9 FTE's

(iii) Licensing:-

- 5 Licensing Officers, including Principal, 4.5 FTE's

(iv) Trading Standards & Animal Health:-

- 3 Trading Standards Officers, 3 FTE's (including TS&AH Manager post)
- 1 Senior Fair Trading Officer, 1 FTE (reducing to 0.6 from 1st April 2023)
- 2 Fair Trading Officers, 2 FTE (1 started in January 2023)
- 3 Fair Trading (Animal Health) Officers, 2.8 FTE

Animal Licensing Project attached to TS but Wales wide:-

- 1 Project Manager/Regional Co-ordination role, funded by Trading Standards Wales
- 8 Animal Licensing Officers
- 2 Animal Welfare Intelligence Officers
- 2 Support Officers

(v) Support team:-

- 4 Support Officers, 4 FTE's

Above staff resource adds up to a total of 35 Full Time Equivalents, excluding the national Animal Licensing team of 13 Officers. The Public Protection division also comprises the Authority's Registrar service, but this report covers 1.2 services only, as directed by Members in January 2015.

3.2. Financial resource

In 2022/23, the budget allocation and actual spend is shown below -

<u>SERVICE</u>	Budget	Net Spend	Under or (over)spend
Environmental Health – Commercial	£578,314	£526,127	£52,187
Environmental Health – General public health	£503,943	£470,066	£33,877
Trading Standards & Animal Health	£489,447	£468,691	£20,756
Licensing	£65,500	£66,526	(£1,026)
Management & generic costs (eg software)	£152,313	£144,676	£7,637
Total	£1,789,517	£1,676,086	£113,431

The budget position for the 2022/23 year was an underspend of £113,431. This underspend was due to delays appointing to positions across the division and contributed positively to the overall overspend in SC&H Directorate. The Public Protection underspend for 22/23 represents 6.3% of the total annual budget.

4. PERFORMANCE

- 4.1 Internal performance monitoring – the four teams within Public Protection each complete an annual Business Service Plan. 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 In early 2022/23, up to late May, additional performance was monitored in relation to our Track and Trace service. Reports were submitted to Welsh Government and Aneurin Bevan University Health Board, (ABUHB) on number of cases, clusters investigated, enforcement of isolation rules and business compliance. One of our Environmental Health Officers (EHO’s) continues to provide advice and support to our care home sector and schools, also working closely with ABUHB and Public Health Wales.
- 4.4 2022/23 Performance (and comparison to previous years)

The right-hand columns summarises performance during the 2022/23 year. The left-hand columns cover the previous 4 years, to enable comparisons to be made.

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

Figure One

<u>Service</u>	<u>2018/19 Performance</u>	<u>2019/20 Performance</u>	<u>2020/21 Performance</u>	<u>2021/22 Performance</u>	<u>2022/23 Performance</u>
Environmental Health (Commercial)					
Food safety full inspections	513 (100%)	561	28 - suspension of programme due to Covid response and businesses closed, (same as all other Welsh LA’s)	152 full inspections	681

Other interventions – sampling, verification etc (Not H & S)	285	336	287	160	260
Total	798	897	315	312	941
Inspection within 28 days of scheduled date	88.6%	86% (incomplete programme)	As business closed and inspections suspended due to Covid this figure not collected 20/21	On catch up and carry over from lockdown when premises closed – data not collected	Reintroducing this PI for the team for year 2023/24, having caught up on High risk inspections
Number of new businesses opened	151	134	101	76	126
Broadly compliant food businesses (high risk)	93.2%	93.4%	Proactive visits suspended	94.4.%	95%
Broadly compliant food businesses – All	97.2%	96.9%	As above	97.4%	99%
Service Requests - food safety	456 (85% within 3 working days)	720 (85% within 3 working days)	453 (78% within target)	533	450
Service requests, total	Total SR's 1463	Total SR's 1444	Total SR's 1,792 but more likely 2,500 due to under-reporting during pandemic	Total SR's 1321	Total SR's 1142

Food Hygiene training	208 food handlers trained	123 food handlers trained (courses in March cancelled due to Covid)	Nil	Nil	Nil
Communicable Diseases cases dealt with	210 including Typhoid outbreak	191 (includes one case of Covid before end of March 2020)	3,826 Covid 142 notifiable diseases	15,584 Covid 217 notifiable diseases	915 Covid 287 notifiable diseases all contacted within the target response times
Health and Safety notifications	41 accidents notified. 12 serious incidents investigated. 90 events reviewed	58 accident notifications 11 serious incidents investigated 25 events reviewed	Vast amount of proactive and reactive work in relation to Covid regs. Not all work recorded due to time constraints, e.g Covid responses to schools and care homes.	36 reportable accidents with 2 formal investigations. 95 Service Requests from businesses	45 interventions/visits 12 visits for complaints and accidents
Notices served	12 Notices served (gas and cellar safety)	2 Notices served (gas safety)		4 Notices served, (2 prohibition)	5 improvement notices served
Environmental Health (General public health)					
Housing service requests (SR's)	164 Total 141 within 3 working days = 86%	158 Total	105 Total	110 Total 79 within 3 working days = 71.8%	207 Total 162 within 3 working days = 78.3%
Noise	374 Total. 318 within 3 working days = 85%	317 Total. 258 within 3 working days = 81.4%	366 Total. 300 within 3 working days = 82%	388 Total. 308 within 3 working days = 79.4%	405 Total. 319 within 3 working days = 78.8%

	152 closed within 3 mths = 40.6%	181 closed within 3 mths = 57.1%	199 closed within 3 mths = 54.4%	211 closed within 3 mths = 54.4%	217 closed within 3 mths = 53.6%
Statutory nuisance, excluding noise	176 Total. 145 within working 3 days = 82.4% 92 closed within 3 mths = 52.3%	154 Total. 127 within working 3 days = 82.5% 86 closed within 3 mths = 55.8%	236 Total. 209 within working 3 days = 88.6% 155 closed within 3 mths = 65.7%	182 Total. 153 within working 3 days = 84.1% 114 closed within 3 mths = 62.6%	166 Total. 131 within working 3 days = 78.9% 96 closed within 3 mths = 57.8%
Environmental Protection (fouling, littering, fly tipping etc.)	484 Total. 446 within 3 working days = 92.1% 421 closed within 3 months = 87%	448 Total. 387 within 3 working days = 86.4% 395 closed within 3 months = 88.2%	705 Total. 651 within 3 working days = 92.3% 534 closed within 3 months = 75.7%	743 Total. 697 within 3 working days = 93.8% 598 closed within 3 months = 80.5%	771 Total. 721 within 3 working days = 93.5% 616 closed within 3 months = 79.9%
Pest Control	Total 78. 61 within 3 working days = 78.2%	Total 85 66 within 3 working days = 77.6%	Total 113. 95 within 3 working days = 84%	Total 129, 96 within 3 working days = 74.4%	Total 109, 82 within 3 working days = 75.2%
Licensing					
Applications dealt with by Licensing	1813 applications. This includes 425 Temporary Event Notices	1666 applications, including 384 TEN's, (a decrease on previous year	1142 applications - 31% decline from previous year as a direct result of Covid lockdown and restrictions. Only 2	1515 applications, including 210 TEN's. Big increase due to events recommencing after lockdowns.	1603 applications, including 373 TEN's – over 50% more previous year due to lifting of all restrictions.

	(TEN's) requiring a 24 hour turnaround	due to events cancelled in March 2020)	TEN's due to events not being permitted.		
Inspections carried out	325 inspections (174 of which were risk rated premises for alcohol, entertainment and late night refreshment)	247 inspections (133 of which were risk rated premises for alcohol, entertainment and late night refreshment).	237 inspections (no risk rated premises were included this year; team concentrated on Covid advice/enforcement).	212 inspections. Still dealing with Covid restrictions and impact on hospitality sector.	60 premises inspected – lower number due to changeover of staff and training requirements. Risk rated inspections of premises to recommence 2023-24.
Service Requests carried out	974 service requests - 92% with a 3 day turnaround for first response, (on target).	821 service request - 90% with a 3 day turnaround for first response, (on target).	922 service requests - 92% with a 3 day turnaround for first response, (on target).	873 service requests - 93% on target for first response.	644 service requests – 92% on target for first response. Drop due to less Covid-related requests.
Trading Standards & Animal Health					
Trading Standards Visits	126	113	115	78	50
Trading Standards Complaints/Advice	443	547	1018	622	725
Citizens Advice Consumer Service	305 Referrals 863 Notifications	322 Referrals 922 Notifications	341 Referrals 956 Notifications	352 Referrals 962 Notifications	372 Referrals 981 Notifications
Animal Health Visits	219	324	231	244	322
Animal Health Complaints/Advice	242	266	282	293	198

Inspections at our: High Risk premises, Upper Medium premises.	No formal programme of inspection due to other pressures including loss of Feed Officer	No formal programme of inspection due to other pressures	No formal programme of inspection due to other pressures.	No formal programme due to other pressures but looking to commence in 2023/24.	No formal programme due to other pressures but looking to commence in 2023/24.
Feed Law Enforcement	100% - 212	59% - 144 supplemented by 254 ceased trading visits	Visits were suspended with database cleansing	68% - 93/136 64 ceased operations	94% - 117/124 additional inspections undertaken 30 due to regional shortfalls.
Programmed animal health inspections	No formal programme of inspection due to long term sickness	No formal programme of inspection	No formal programme due to Covid	Combined with feed inspections.	Combined with feed inspections – additional high risk to be programmed for 2023/24.
New Business Visits	29% TS (23/80) 66% AH (18/27)	56% TS (32/57) 73% AH (40/55)	61% TS (32/52) 74% AH (52/70)	51% TS (48/95) 48% AH (32/66)	23% (35/153) 79% (57/72)
Animal Welfare Complaints	92.6%	63%	74.5%	68%	95%
Vulnerable Scam Reports	12 visits contact with 149 individuals	10 visits contact with 159 individuals (running total)	0 visits due to Covid 187 individuals (running total)	0 visits due to Covid 214 individuals (running total)	4 visits 219 individuals (running total)
Other					
FOI Requests (PP Total)	66	74	39	79	51
Events requiring advice via Safety Advisory Group	156	105	39, 30 cancelled due to national restrictions	63	118

5. **ANALYSIS AND ACTIVITY 2022/23**

Although some Officers were still providing services in response to the Covid-19 pandemic, this work typically ceased in May 2022, eg. the holding of Monmouthshire Incident Management Teams (IMT's) with ABUHB and PHW. IMT's triggered work involving care homes, schools and various workplaces. Figure One above shows some return to pre-pandemic levels of activity, eg. food safety inspections, together with general increases in our reactive work. Across the PP Division, we received 5,194 service requests, (complaints, seeking advice, etc.), compared to 4,398 in 18/19 four years earlier. This represents an 18% increase in a relatively short space of time. Whereas EH Commercial and Licensing were able to return to a level of more proactive working, EH Public Health and Trading Standards witnessed a significant increase in requests for service, so had to focus on reactive work.

The number of events also returned to pre-pandemic levels and these need PP interventions, eg. providing advice on Health and Safety arrangements, noise mitigation and licensing requirements. Each section provides the following narrative for their work last year -

5.1 **Environmental Health – Commercial**

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

The backlog of inspections for the high risk premises, for food safety and standards - those risk rated A to C – were completed, as per the national FSA recovery programme. A full complement of staff towards the end of 2022 enabled the team to achieve this significant milestone. Last year included inspecting all new businesses, providing support and advice on running successful food premises. Formal enforcement with a prosecution and improvement notices continued with non-compliant premises with serious breaches. Our Primary Authority Partnership portfolio was widened with a major national food bank provider and working with The Royal Borough of Greenwich.

A substantial quantity (small skip full) of illegally imported sweets were destroyed by Officers who discovered them on a routine inspection.

5.1.2 **Business improvement** – typically the team provide advice to improve the food hygiene rating score of businesses, which has been recognised to improve both the economy and food safety. We have provided a bespoke service to new businesses and in 2023/2024 will reinstate our ACESS, (Accelerating Compliance and Economic Success through business Support), along with our well-regarded food hygiene training to assist businesses and provide welcome income generation.

5.1.3 Responding to complaints

The team continue to respond to a large number of varied service requests (1,142 last year) covering food hygiene, allergens, health and safety, infectious disease control and, to a lesser degree recently, on smoke free legislation.

5.1.4. Communicable Diseases

Investigation of all cases of statutorily notifiable diseases received. The numbers of confirmed Covid cases fell to 915 in the year, mainly due to significantly less testing, and only cases in care homes are now followed up. There were 45 incidents which are defined as two or more linked cases. 35 of these incidents were Covid related. The team was involved in a large outbreak of Shigella Flexneri in early 2023 which has not occurred in the UK since 2015. This singular outbreak involved over 60 days of EH work. The numbers of infectious disease cases in 22/23 exceeded pre-pandemic days, at 287 non-Covid cases, with instances of E Coli, including the more serious 0157 type, Salmonella, Giardia, Cryptosporidium, Legionella and higher numbers of Campylobacter.

5.1.5 Income-generating consultancy work. As stated in 5.1.1 we have expanded our Primary Authority Partnerships that provide an income and will reintroduce our paid for advisory service and food hygiene training in 2023/2024.

5.1.6 Health and Safety at Work

Officers of the team investigated 5 accident notifications and handled 36 reported accidents via the RIDDOR system (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations). For 2022/23 two Officers in the team covered Corporate Health and Safety whilst awaiting the appointment of a new manager, (appointed 1st March 2023). They were also heavily involved in the setting up of the Special Procedures register for skin piercing and tattooing etc., that MCC is hosting on behalf of Wales working with Welsh Government. 21 Special Procedure inspection visits were carried out. Other interventions include hazard spotting visits and responding to service requests.

5.2 Environmental Health – Public Health

5.2.1 Housing

Almost a doubling in the complaints and requests for advice in the private rented housing sector compared with the previous 2 years with 207 requests received. Probably attributable to significant focus nationally on damp/mould growth and excess cold related to rising fuel bills. Just a marginal increase in the number of inspections though with 42 in the year compared to 37 in 21/22 period, with 19 category 1 hazards (most serious) and 47 category 2 hazards identified. Of the total of 66 hazards identified, a substantial number (36) related to damp, cold and fire safety issues.

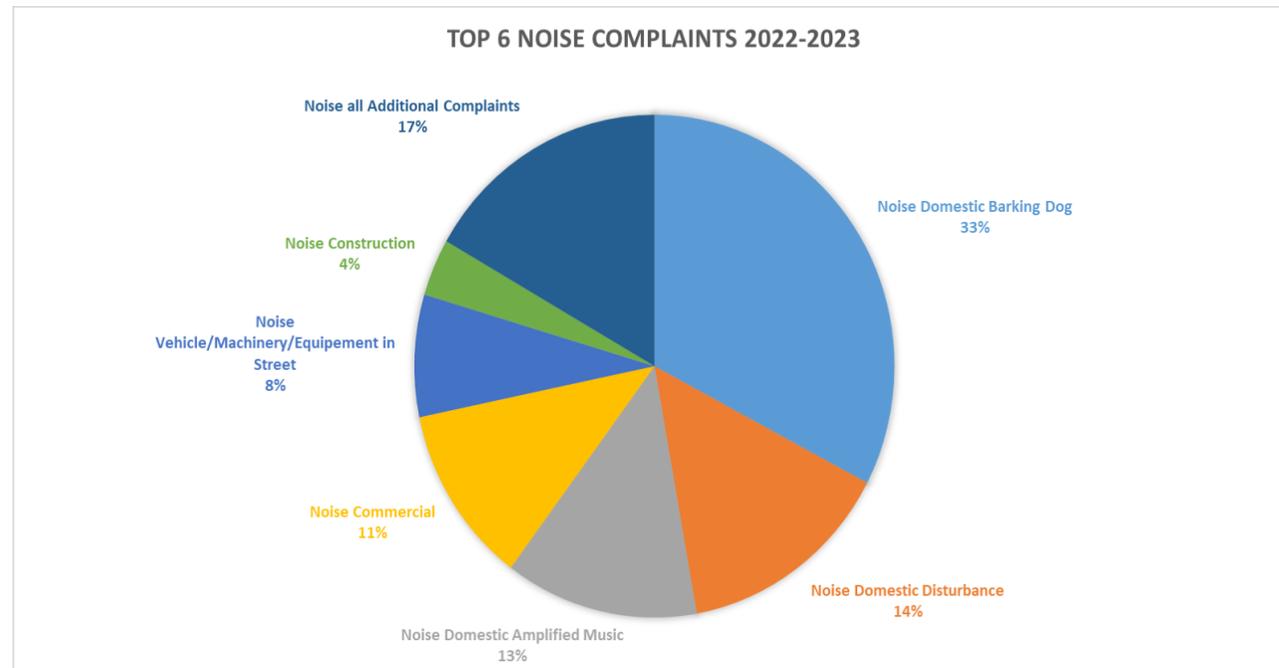
In the 42 dwellings inspected, 76 adults and 28 children were exposed to significant hazards. Officers engage with landlords, make clear their responsibilities under housing legislation and seek their cooperation to undertake the required works to remove the hazards identified. A range of enforcement actions are available and used where landlords do not cooperate such as the service of Improvement Notices, (2 served) and in the most serious cases Prohibition Orders (nil served). A total of 32 adults and 13 children protected in the period as a result of landlords undertaking the required remedial works, with works ongoing to protect the others identified.

An example of the importance of this work is shown in the feedback from a local councillor:

'I just wanted to convey some thanks for the actions of Xx from the Environmental Health team. Two of our residents were temporarily housed in Xxxx Abergavenny after being made homeless in the Severnside area. They have been struggling with the accommodation being of a really low standard (no insulation, heating not being maintained by the landlord, serious rat infestation) and had been struggling to get the issues recognised by housing. Xx did an environmental health inspection last week and took appropriate action. Our residents have told me he was absolutely wonderful. They have been moved to some B&B accommodation which is warm and clean. One of the residents said they cried when they were able to wash their hands in warm water for the first time in months. I just wanted to say thank you because Xx's actions and the respect he showed our residents was brilliant.'

5.2.2 Noise

Noise complaints continue to rise with 405 in the period, eclipsing the 388 noise complaints received in 21/22. Complaints of noise from residential properties, mainly barking dogs, loud music and domestic disturbance, account for 60% of these (245). Significant effort is put in by Officers in the early stages of an investigation to try to deal with the complaints quickly, in the hope of limiting escalating tensions and ultimately enforcement action. A noise abatement notice had to be served though on 2 occasions (barking dog and loud music) and warrants obtained from the Magistrates Court to enable our Officers to enter a person's home on 2 separate occasions. This was needed to seize



equipment which was used to play loud music on a regular basis throughout the night causing very substantial disturbance to neighbours. Prosecution proceedings are being taken against the individual concerned for breach of the noise abatement notice served.

5.2.3 Environmental Protection

2022/23 also saw an increase in the number of complaints on the previous year up from 743 to 771. Of these 63% (487) related to fly tipping incidents. Evidence gathered resulted in 3 fixed penalty notices being issued.

Collaboration with colleagues from the Waste and Street Cleaning section and Town & Community Councils continues in the eighth year of the '**Give Dog Fouling the Red Card**' scheme which endeavours to maximise our shared resources. Members continue to report generally good news but dog fouling hot spot areas continue with fouling on play areas and sports pitches of particular concern. Progress is therefore being made on the potential introduction of a Public Spaces Protection Order (PSPO) for dog controls (fouling, dogs on leads/exemption areas) in the county, with a public consultation on the draft PSPO planned June – August 2023.

5.2.4 Private Water Supplies

The team has the responsibility for fulfilling the Council's duty of risk assessing all 'large' and 'small' private water supplies (PWS), where water is intended for human consumption. Improvements are undertaken where necessary to ensure a wholesome and sufficient water supply is provided.

We currently have 122 'small' and 64 'large' supplies, the vast majority of which have received an initial risk assessment. There is an ongoing statutory requirement to risk assess supplies every 5 years and this area of largely proactive work has been highlighted consistently in the last 5+ years in the service plan as an area of significant resource pressure.

The post Covid recovery position has meant little progress in this proactive area of work.

46 of the 64 known large supplies are in the high risk category = 72%

70 of the 122 known small shared/domestic tenancy supplies are in the high risk category = 57%

It is hoped that recruiting an additional EHO in February 2023 will help the section allocate resource to this area of work and reduce the number of high risk supplies in the county.

5.2.5 Pest Control

Complaint levels remain very similar to previous years with 109 in total, the majority of these relate to rats (96).

5.2.6 Air Quality

The team met its inspection targets for the industrial permitted sites (18 inspections) and petroleum certified sites (17 inspections) which we have responsibility for from a pollution legislation perspective, ensuring continuing compliance. The 22/23 period also saw 4 new permit applications, meaning there are now 26 permitted sites in the county. Permit work can be complex with the varying nature of the industry involved and the experience of our Pollution Specialist EHO of significant value to the businesses as highlighted by recent feedback:

My name is Xxx, I work for Xxxxx based near Newcastle upon Tyne. We have another facility in Monmouth. I have been working with EHO Xx to apply for a permit. I asked Xxxx for your details because I felt compelled to give my feedback on him - don't worry, all good! Xx has been so helpful throughout the process, and I cannot thank him enough for his advice and support. I had the pleasure of meeting him on site recently. Great guy. I cannot rate my experience of your organisation highly enough and wanted to let you know.

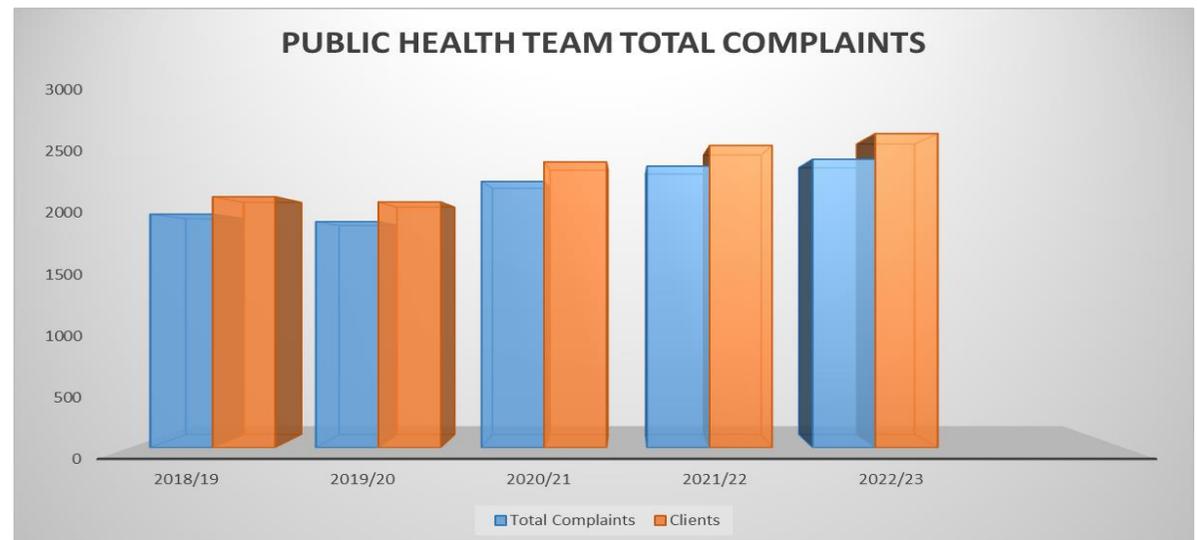
Monitoring continued of traffic related pollution (nitrogen dioxide) in our 4 major towns and advice given in meetings of the steering groups in the Chepstow and Usk Air Quality Management areas.

Again there were no exceedances in the county in 2022 (calendar year) of the nitrogen dioxide annual objective level, which builds on the previous two compliant years.

2022 was the 8th year that levels in the Usk Air Quality Management Area (AQMA) were below the nitrogen dioxide objective level and the fifth year below 36 µg/m³ (which is below 10% of the objective level). Welsh Government have suggested that five years below 10% of the objective level is appropriate to consider revocation of the AQMA. Making allowances for lower traffic levels during the covid pandemic if 2023 is again below 10% of the objective level, consideration will be given to revoking the AQMA status.

5.2.7 Total Enquiries

2022/23 continued the trend of increasing service requests across the range of functions delivered by the team, with an increase to 2485 received comparable with 2426 in 21/22 (2.4% increase). The trend can be illustrated as follows:



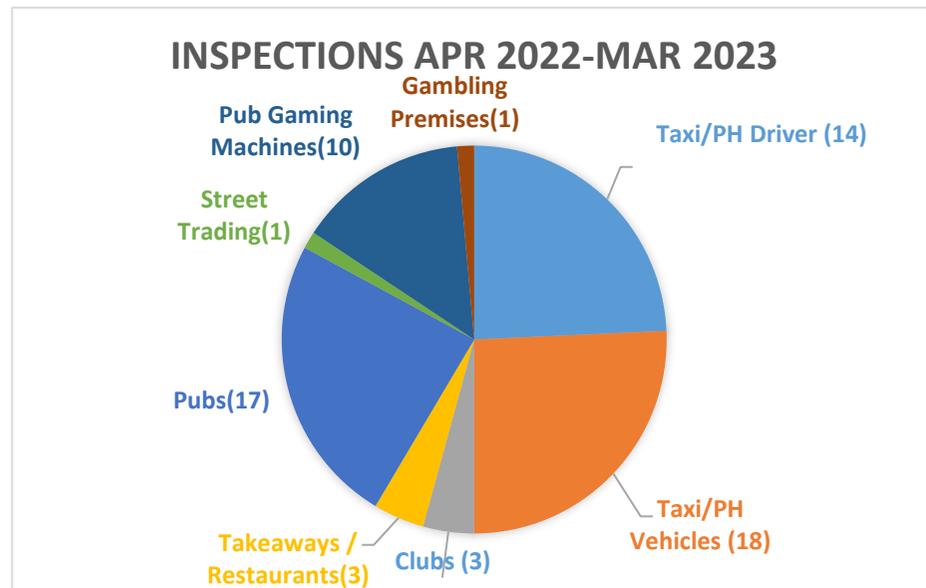
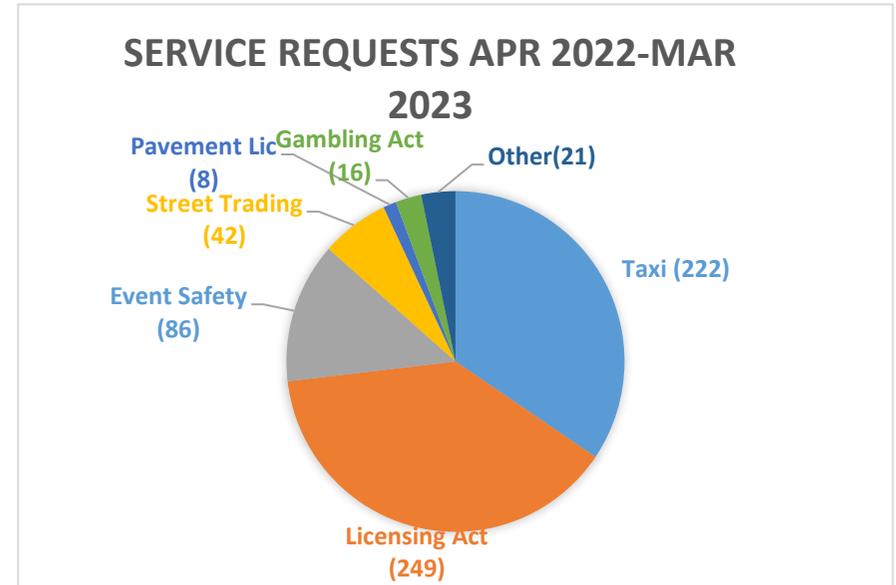
5.3 Licensing

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.

644 requests for service were processed by Licensing between April 2022 – March 2023. A breakdown of the 644 requests is shown below –

65 of the requests were complaints that range from all manner of things such as taxi drivers not using meters and charging more for the journey, allegation of unlicensed drivers offering lifts or drivers driving erratically, along with people parking illegally on taxi ranks. There were several allegations about an unlicensed ice cream seller, buskers causing a disturbance, together with complaints of pubs selling alcohol after hours and fights taking place in pubs. All complaints and service requests are investigated by the small Licensing team, (4.5 FTE's).



60 inspections took place (with an additional 10 inspections on pub gaming machines which was conducted whilst carrying out the pub alcohol and entertainment inspections). A breakdown of those inspections is shown here -

Inspections took place on pubs and clubs investigating licence conditions breaches, passing information to fire service if no risk assessment in place. Immigration and anti-slavery checks were carried out working closely with partner agencies. Vehicles had spot checks ensuring faults were rectified and suspensions of the licence being issued where appropriate, along with penalty points being issued to drivers. 1603 applications were processed in 2022/23, up by 88 on the previous year. This includes 373 Temporary Event Notices (TENs), a marked increase from 163 TENs in the previous year.

Other work carried out by Licensing during this period included:-

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

Night Time Economy and Joint Enforcement

Festivals and Event Safety

2 sites were jointly visited by Licensing, Environmental Health, and the Police during this period - a large festival near Usk and a food festival. Licensing advice was provided on how to prevent noise and secure public safety. Festivals are on the increase following lockdown and it remains essential to give the appropriate advice and training at the start of the summer season. Training on event safety is referred to below.

Pubs.Clubs and cafes/restaurants

Joint operations were conducted by Licensing and the Police at 6 different venues. One had a follow up visit after they failed a test purchase exercise and sold alcohol to underage persons. It was found their systems of monitoring such sales had improved. Others were giving advice on prevention of noise and licensing matters. A strong recommendation was given to ensure public safety and to prevent further action being taken to employ doorstaff at one venue as fights had taken place there, this was agreed by the licence holder. One venue was found to have no designated premises supervisor responsible for alcohol sales and this prevented them from selling alcohol. Another was visited for allegedly serving alcohol after their permitted hours and a warning letter was issued.

Licensing and Legal attended a public meeting after the issue of a licence, where concerned residents intended at that time to appeal a MCC decision to grant the licence. Advice given at this meeting on how the venue will be monitored by Licensing, the conditions the venue has to adhere to and how reviews can be conducted if management is found to be inadequate. This eased their concerns and prevented an appeal.

Immigration and anti-slavery

Multi Agency operations took place in 3 restaurants and 1 shop by Licensing, the Police Anti-Slavery team and Immigration. All had civil penalties issued against them by the Immigration team of the Home Office for employing persons who did not have the right to work in the UK. One venue was visited following a tip off by an EHO over concerns over the sleeping arrangements of staff there with a caravan set up on the site when she visited. A visit was arranged with the Police Anti-Slavery team and a young woman was found living in the caravan with no electricity or running water and claimed her wages were withheld. The lady was unwilling to make a complaint, advice was given by the Police and she refused to enter the National Referral Mechanism (NRM). She was safeguarded and has since moved away from the area. Immigration are building a case with a view to a possible review of the premises licences. Ongoing investigations continue with Licensing and Immigration.

Safeguarding

Further to a joint Licensing and Police visit to a hotel in Chepstow, it was found people could freely visit the resident area of the venue. Advice given to them on resetting fobs to prevent access to the residential area and on other safeguarding measures.

When bookings are made, proprietors need to consider aspects such as -

- Adult guests who appear secretive about their visit or trying to conceal that they are with a young person
- Adult guests refusing to leave a credit card imprint and paying cash
- Adult guests requesting a room that is isolated
- Numerous adults and young people coming to a hotel who do not appear to have a reason for being there or high levels of visitors to a guest room
- Guests who move in and out of the premises regularly at unusual hours
- Guests arriving and asking for specific rooms number without knowing the name of the person the room is booked under
- Adult guests who don't want their room cleaned.

5.3.3 Taxis

Two joint operations between Licensing, Passenger Transport Unit and DVSA at schools in Chepstow and Monmouth – 6 vehicles stopped, one of which the driver and vehicle owner were given penalty points for failing to wear their driver badge and having worn tyres.

5.3.4 Gambling

Licensing visited a newly opened Adult Gaming Centre. Prior to the visit the Gambling Commission and Licensing had required the venue to remove display material from the window of their premises which was deemed to attract children's attention. The visit gave advice on their risk assessment, signage that needs to be displayed and how they have to provide gambling information giving advice and help for problem gamblers. A follow up visit was carried out and the recommendations implemented.

5.4 Trading Standards & Animal Health

5.4.1 Feed

The Feed Programme was reinstated for 2022/23 but again based on an agreed achievable level subject to any further interruptions due to the pandemic. Following the permanent appointments of additional animal health resource this enabled a significant increase in the number of inspections able to be delivered, achieving 94% completion of the allocated programme for farm-based feed inspections but a further 30 inspections were able to be undertaken due to regional shortfalls. The higher risk programme was affected by long-term sickness and the retirement of a very experienced feed officer. Quarter 4 saw the

appointment of a new officer to support the high-risk feed work. Feed related advice and complaints were all responded to and dealt with in a timely manner.

5.4.2 Animal Health

The animal health function continues to be over 90% reactive but has seen significant improvement with the additional support that has now been made a permanent resource. The Trading Standards and Animal Health Manager is strategic lead nationally for animal health matters and continues to be heavily involved in working with WG, to develop and deliver the 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.

During a particularly hot spell in June/July 2022, unfortunately it saw the passing of one of our livestock keepers who whilst they had a main premises in Merthyr, most of the stock were in Monmouthshire. Initially no next of kin could be identified to take ownership of the livestock which required shearing in order to prevent further animal welfare problems. One hot Saturday in July saw over 350 ewes sheared and in total over 650 ewes and lambs treated thanks to the perseverance and dedication of the animal health officers.

The Trading Standards Wales (TSW) Local Authority Enforcement Project, being led by Monmouthshire, underpins the delivery of some of the Programme for Government commitments identified in the Animal Welfare Plan for Wales. During 2022/23 the team grew with 2 support officers and 2 animal welfare intelligence officers. These support the work of the animal licensing officers (8) based right across Wales who provide specialist support for all Local Authorities. Currently priorities are being determined to progress the commitments including the regulation of establishments not currently caught by legislation such as sanctuaries.

5.4.3 Fair Trading

Following the data sharing agreement for work linked with the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, work continued on a Wales wide toolkit which will be launched during 2023/24. Work continues to identify non-compliant premises with advice and enforcement where necessary, to bring landlords of non-complying properties up to the minimum standards required. It remains a priority to look at non-domestic property when capacity allows.

Disposal Vapes have been a growing problem and recognising the issues concerning oversized/illegal products, proactive visits were conducted at those premises known to be selling vapes. Business advice was provided with non-compliant products being removed from sale.

Three separate intelligence-led test purchase operations were undertaken across the County focussing on independent small retailers:

- First operation late Spring - 5 premises visited, 1 failure, formal business advice given, passed on revisit.
- Second operation Summer/Early Autumn – 14 premises visited, 4 failures, dealt with via formal warning letters (separate premises failed to first exercise)
- Third operation Winter – 7 Premises visited, 0 failures. However, concerns remain with one premises and safeguarding concerns have been passed to relevant sections of MCC and Gwent Police.

2022/23 saw the conclusion of a significant rogue trader investigation that related to offences as far back as December 2020. Martin Evans was prosecuted for Fraud and Consumer Protection offences after complaints were received from 6 victims living in Monmouthshire, Caerphilly, Herefordshire and North Somerset. Complainants reported being charged significant amounts upfront for home improvement projects. Whilst work commenced it then slowed until the victims were left wondering if it would ever be completed. Work that was completed was done to a poor standard and required rework. After pleading guilty and following several court delays, on Friday 26th May 2023, Evans was sentenced to 45 months and 12 months (to run concurrently) so a total of three years and 9 months with at least 50% to be served in prison.

Responses to consultations on the future of single use plastics, that will undoubtedly fall to local authorities to enforce, has been contributed to as part of a wider Trading Standards Wales. One of our TSO's has also taken on a support lead officer role on environmental issues.

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. All are potential victims and, by reaching out and working alongside adult safeguarding, vulnerable victims can be kept out of overburdened local care systems. The key focus continues to be working with vulnerable victims through priority referrals and ensuring they are given the advice and assistance required and/or referred as appropriate.

Work has begun on developing a partnership approach to protecting and educating as many Monmouthshire residents as possible. A multiagency approach should ensure most efficient use of resources and hopefully ensure anyone receives the necessary support. Initially this will focus on known victims and raising awareness with those involved with potential victims in their day-to-day work. 8 previous victims of an American based fraud were fortunate to receive money back after they were identified as having sent money at an earlier date, this varied from £18 to several hundred pounds.

A new Cold Calling Control Zone was established at a Monmouthshire Homes Senior Citizens Complex, TS performed home visits at each flat to explain purpose of zone and gain resident's agreement. This will empower those residents to exercise their right to say no and encourage them to report any incidents to the service.

Rogue Trader Day of Action saw participation in a multi-agency day of action in Abergavenny, working jointly with Gwent Police and DVSA, Cold Calling Advice Packs given out to multiple businesses stopped for business/vehicle checks.

Complaints of note

A Monmouthshire resident had signed up to a security system at their home following a home visit from a sales rep with full installation planned the next day. System and monitoring were costed at £6000. Following conversations with their family they realised it was unnecessary and attempted to cancel as per their statutory rights. Whilst the installation was cancelled the firm deducted £700 from the refund. TS attempted to resolve the matter firstly with the firm who failed to provide a promised refund. TS then supported the consumer with a home visit whilst contact with their bank was made after they'd initially been advised their complaint was out of time. Finally, TS provided the bank with an outline of their interaction with the firm and assisted in securing the refund of the £700 directly from the bank via the chargeback scheme.

A Monmouthshire household had been victim of a Rogue Trader making unsolicited calls for gardening work. Following receipt of this report a joint visit was undertaken at the household with the allocated Social Services Officer. Further preventative information was then provided to the wider social services team and the Communications Officer for a Press Release. TS also liaised with the MCC Passenger Transport Unit to put promotional posters on all buses within the Grass Routes Passenger Transport Network, warning users on how to avoid Rogue Traders and tips for choosing reputable home improvement firms. Two households were Cold Called by a trader who had previously been convicted of Rogue Trader offences. As well as working with each household, TS liaised with local neighbourhood to put up posters and distribute information to other residents in the same area on Rogue Traders and how to choose reputable home improvement firms.

5.4.5 Weights & Measures

There was a significant increase in the number of new business enquiries during the pandemic from individuals that were looking to new areas of work that required advice and this continued in 2022/23.

5.4.6 Product Safety

As mentioned above there has been increasing problems with the rise in sale of vapes and whilst this has included an increase of a few premises selling to underage children, it has also included non-compliant and potentially dangerous products entering the market. Waste product is also a concern as the huge rise in disposable vapes means that as well as increased littering issue, there is an increased risk of fires due to the product containing batteries which should be disposed of appropriately. Construction product work continues to develop on the back of the Grenfell Enquiry with a National Lead Regulator being developed.

5.4.7 Income Generation

In 2022/23 feed work undertaken increased funding to approximately £28,000. Animal Health PDP regional co-ordination, and additional project work, brought in around £40,000.

5.5 Event Safety Advisory Group

A number of Public Protection 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. 118 events held in 22/23 received ESAG advice, a return to levels in the pre-pandemic years. Advice was sought and provided from all our typical organisers of music, sporting, agricultural, food events, etc.

A free seminar, through 'Teams', took place on 23rd June 2022 for event organisers throughout Gwent. The seminar aided the promotion of good practice at events and the need to use ESAG's. Speakers at the event were from the five ESAG's in Gwent and topics covered included safety, highways, licensing, Police Counter Terrorism/crowded places, together with event organisers from Monmouthshire, Torfaen and Blaenau Gwent. The event organisers who spoke at the seminar gave valuable insight into the successful and safe running of events, which was beneficial to the less experienced organisers.

6 LESSONS LEARNT 2022/23

- 6.1 **Prioritisation** - The 22/23 period witnessed the typically continuing upward trend in service requests across the teams – the introduction to section 5 refers to an 18% increase in requests for service in four years. There is a clear need to meet this challenge in a way that focuses resources on matters that serve our purposes (outlined in section 2) most effectively. This needs to be balanced with activity that are statutory duties. Our four Business Plans for 23/26 will be informed by what's gone well, what's slipped, etc. up to the end of 22/23. Our capacity to deliver the range of services has been increased since 1st April 2022, so this will undoubtedly assist us in achieving our goals. Added to this, the teams will be moving to a new (cloud-based) software system that should provide benefits for both Officers and service users, eg. easier payments for licences, etc. Anything that releases Officer time for front-line delivery will be highly beneficial.
- 6.2 **Partnership working** – last year again demonstrated the benefits of strong partnership working. Regionally and nationally various consultation documents are considered centrally, hence avoiding duplication. The linkages made with PHW and ABUHB can be capitalised on to focus on key health improvement objectives, (better living conditions, improved animal welfare, etc.). After somewhat of a lull in traditional service delivery, for our proactive work, these can be reconsidered post-pandemic. As an example, the Gwent Licensing Forum is to be reformed to discuss and agree matters regionally. Working better with local businesses was

also a feature of 22/23 – the taxi trade liaised with Licensing regarding set tariffs, and consequently an increase was agreed by Cabinet last year.

- 6.3 **Flexibility** – in October 2022 it was apparent the EH Commercial team were not going to reach their inspection targets for 22/23. Budgets were considered at that time, and through additional income Trading Standards had generated, agreement made to transfer some budget from Trading Standards to EH. This enabled more capacity within EH to programme inspections for the remaining 4 or 5 months of 22/23. EH achieved their inspection targets and satisfied FSA (national) expectations.

7 PERFORMANCE SUMMARY 2022/23 year

- 7.1 All sections in Public Protection experienced some personnel changes so time was spent training up new members of staff to ensure consistency of approach. A £223,000 increase in the PP budget was secured from 1st April 2022, though there were some delays in getting Officers into post. This explains the underspend as referenced in section 3.2. All establishment positions are now filled, which ensures services can be delivered effectively and reduces work pressure on existing team members. The budget uplift allowed for the recruitment of an additional 2.4 FTE EHO's, 1.5 Fair Trading Officer's (Trading Standards) and 0.5 FTE Licensing Officer. For small teams with high service demand, this added capacity is considered essential and secures more sustainable services.
- 7.2 The year saw the start of a return to 'traditional' Public Protection services, for example food safety inspections, proactive trading standards and animal health visits. Programmed food safety visits achieved expected national targets. There remains a scaled down Covid response, to support particularly our care homes sector.
- 7.3 Service request levels across all teams remained high throughout 2022/23 – as per Figure One – with significant increases in Environmental Health (Public Health) and Trading Standards. Reactive work was prioritised over proactive activities in these two sectors.
- 7.4 Members can gain some assurance that performance is in line with other Authorities via regular monitoring by the external governing bodies.
- 7.5 Innovative working was progressed in the year – (i) the TSW Local Authority Enforcement national project (referred in 5.4.2) led by our Trading Standards team; and (ii) Special Procedures work, to be implemented under the Public Health (Wales) Act 2017. PP also continues to work changing our software system to be more user friendly to our various customers.

8 2023/24 AND BEYOND

- 8.1 Post-pandemic – the effects on performance are illustrated in Figure One - there is a welcome return to proactive inspections, most notably getting back to our food safety/standards inspection programme. Covid-19 in care homes remains a concern and EH has WG funding, secured to 31st March 2024, to continue to support that sector, eg. cluster management and supporting ABUHB with infection control advice.
- 8.2 Our 2023/26 Business Plans seek 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. Digital solutions are being pursued to help capacity issues. 23/26 Plans will reflect the recently agreed Community & Corporate Plan 2022/28 and PP's contribution to those goals.
- 8.3 Collaborative opportunities are being pursued at regional and national level, and this Authority will play a part in developing future service models. A return to previous income generation opportunities will be pursued, eg through the ACCESS scheme (see 5.1.2), providing hygiene training and animal feed/welfare income (5.4.7). The national Local Authority Enforcement Project and Special Procedures work shows our desire to seek more effective ways of working. The collaborative working with PHW and ABUHB, in response to the pandemic, will continue to be built on to tackle public health priorities together. In Licensing, for example, protecting vulnerable people engaging in the night-time economy and checking controls on problem gamblers will be key priorities.
- 8.4 Our services, together with delivering statutory responsibilities, act on local intelligence and welcomes input from local Councillors, other stakeholders, etc. to improve outcomes for our citizens and local businesses. The services enjoy an excellent reputation, due to the commitment of the Officers, and will continue to contribute to the wider agendas and our core purposes, as provided in 2.1. The profile of our Public Protection services, both locally and nationally, and partly due to our key role in reducing the spread of Covid-19 for over two years, is high, so Officers are now positioned to capitalise on this momentum.
- 8.5 Trading Standards will be audited internally in 23/24, as part of MCC's audit plan. Any recommendations will be acted upon for the benefit of TS service users.
- 8.6 Officers are confident they can sustain our high-quality, well-respected services, and PP will continue to report progress to DMT's, Members via this scrutiny committee and our external Governing Bodies.