

# **REPORT TO STRONG COMMUNITIES SELECT COMMITTEE,**

**21<sup>st</sup> July 2016**

## **PUBLIC PROTECTION PERFORMANCE REPORT**

**2015/16**

### **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.

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 last Public Protection performance report was provided to Strong Communities Select Committee on 14<sup>th</sup> September 2015. Particular focus was given to Licensing and Trading Standards/Animal Health, so this time the work of Environmental Health will be reviewed, (though the full data is provided)

### **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 – dropped to 5 (4.1 FTE's) from 1.9.15

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 2015/16, noting the Support Team costs are split across the professional disciplines, was as follows:-

	Budget	Actual	Outturn
Environmental Health – general public health	415,640	377,115	- 38,525
Environmental Health - commercial	437,584	421,926	- 15,658
Management & Generic Costs (eg software)	115,667	117,290	1,623
Trading Standards & Animal Health	326,636	45,385	- 6,354
Licensing	44,799	45,385	586
<b>Total</b>	<b>1,340,326</b>	<b>1,281,998</b>	<b>-58,328</b>

The actual total spend of £1,281,998 was £58,328 under budget last year, a variance of 4.4%.

## 3. Performance

3.1 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.

3.2 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.

### 3.3 2015/16 performance, (and comparison to previous years)

The right hand column summarises team performance over the 2015/16 year. The middle column covers 2014/15, the first year when the cost reductions were introduced. The left column outlines the 2013/14, the year prior to implementing the savings.

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

**Figure One**

<b><u>Service</u></b>	<b><u>2013/14 performance</u></b>	<b><u>2014/15 performance</u></b>	<b><u>2015/16 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%	489 (100% of those programmed)
Inspection within 28 days of scheduled date	95%	88%	95%
Broadly compliant food businesses (high risk)	85.6%	88.5%	89.0%
Broadly compliant food businesses - All	91.2%	93.8%	94.0%
Service Requests food safety	439 348 within 3 working days=79.2%	503 400 within 3 working days=79.5%	569
Communicable Diseases Cases dealt with	209	194	183
<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%	167 Total 135 within 3 working days = 80.8%
Noise	388 Total 314 within 3 working days=80.9%	341 Total 297 within 3 working days=87.1%	305 Total 277 within 3 working days = 90.8%

	240 closed within 3 months=61.9%	221 closed within 3 months= 64.8%	130 closed within 3 months = 42.6%
Statutory nuisance ex noise	195 Total 174 within 3 working days=89.2%	198 Total 180 within 3 working days=90.9%	148 Total 131 within 3 working days = 88.5%
	137 closed within 3 months=70.3%	140 closed within 3 months=70.7%	75 closed within 3 months = 50.7%
Environmental Protection (fouling, littering, fly tipping etc.)	360 Total 314 within 3 working days=87.2%	345 Total 314 within 3 working days=91%	255 Total 233 within 3 working days = 91.4%
	306 closed within 3 months=85%	222 closed within 3 months=64.3%	174 closed within 3 months = 68.2%
Pest Control	34 Total 28 within 3 working days=82.6%	95 Total 84 within 3 working days=88.4%	Total 104 85 within 3 working days = 81.7%
<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.	1945 (this increased figure also includes all monetary transactions).
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)	774
Service Requests carried out	Not recorded	931 service requests were carried out (847 (91%)) with a 3 day turnaround for first response).	741 service requests Within 3 working days 92%
<b>iv. Trading Standards and Animal Health</b>			
Trading Standards Visits	322	192	317

Trading Standards Complaints/Advice	659	669	540
Animal Health Visits	472	290	311
Citizens Advice Consumer Service	432 Referrals 1198 Notifications	419 Referrals 1158 Notifications	410 Referrals 1069 Notifications
Animal Health Visits	472	290	311
Animal Health Complaints/Advice	351	251	186
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	95% (57/60) Inspection programme intel led
Feed Law Enforcement: In particular, deliver: a) 186 High Risk Feed Inspections; b) 96 Medium Risk inspections	No programme in place	62% High Risk	103% of new externally funded feed programme. 156 Inspections
Programmed animal health inspections	100%.	100%	100% (14 High) 40% Overall Programme
New Business Visits	32% TS 87% AH	26% TS 10% AH	76% TS 90% AH
Animal Welfare Complaints	Not Reported.	92.5% within target response time	96% within target response time
Vulnerable Scam Reports	Not reported	Not reported	35 visits to 119 individuals
<b>Other</b>			
<b>Freedom of Information Requests (PP Total)</b>	60	77	85
<b>Events requiring advice via Safety Advisory Group</b>	Not reported	110	94

## **4. Analysis and notable activity in 2015/16**

### **4.1 Environmental Health - Commercial**

As per figure 1, 489 food safety inspections were carried out over the year. All premises scheduled for inspection during the year were completed, as per the hazard rating system. There is a steady improvement regarding 'broad compliance', in part due to the introduction of the 'Food Hygiene Rating Scheme' (FHRS). In 15/16, 75% of food businesses were rated 4 or 5 (highest scores).

1169 service requests were responded to by the team, 569 of which were food related. The others would include responding to event notifications, temporary event notices etc.

44 'ACCESS' visits were conducted. These are cost-recovered visits, arranged to help new and existing food businesses with compliance issues. It promotes a better relationship with the enforcing authority and helps businesses improve their FHRS.

88 people were trained by our Officers through food hygiene courses, generating £14,000 in income.

The Commercial team has several Primary Authority Partnerships, (PAP's). These are set up to work in partnership with businesses who operate throughout the UK, eg Marriotts, by advising on such matters as their food safety and health and safety policies and procedures. This work is rechargeable and generates £5,000 of income.

183 cases of communicable disease, eg Campylobacter and Salmonella, were investigated within the target time.

2 prosecutions were taken. Wigmore's Bakery in Monmouth were fined £2000 (+ £1000 costs) for 5 breaches of food safety regulations. More recently the Kings Head Hotel in Usk was prosecuted after a routine visit in January 2016 found unacceptable conditions. Fines and costs amounted to £4,000 and the business closed voluntarily while improvements were carried out.

Our food safety, food standards and animal feedstuff services were re-audited by the Food Standards Agency in August 2015. Further to their initial audit in 2013, the FSA concluded 17 of the original recommendations were fully completed, with the remaining 11 recorded as being progressed satisfactorily. The overall conclusion was positive, a reflection of all the good work done by the Commercial team.

Their view is the service is coping within the resources available.

### **4.2 Environmental Health - Public Health**

#### **(a) Housing**

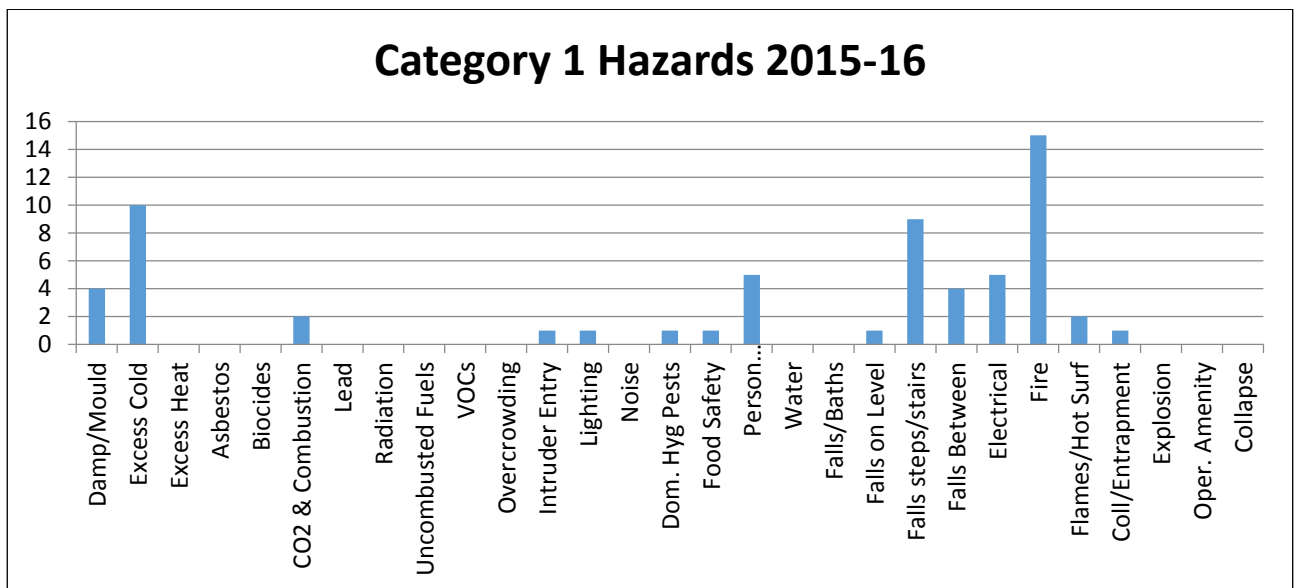
In 15/16 the team continued to progress inspections of living accommodation above takeaway type commercial premises which provide some of the poorest conditions affecting some of the most vulnerable persons in our community. The scheme (since its commencement in 2013) has resulted in over 43 full inspections with 72 Class 1

hazards (most serious) identified and 38 Class 2 hazards. Remedial works completed to date have protected 60 adults and 17 children living in the dwellings.

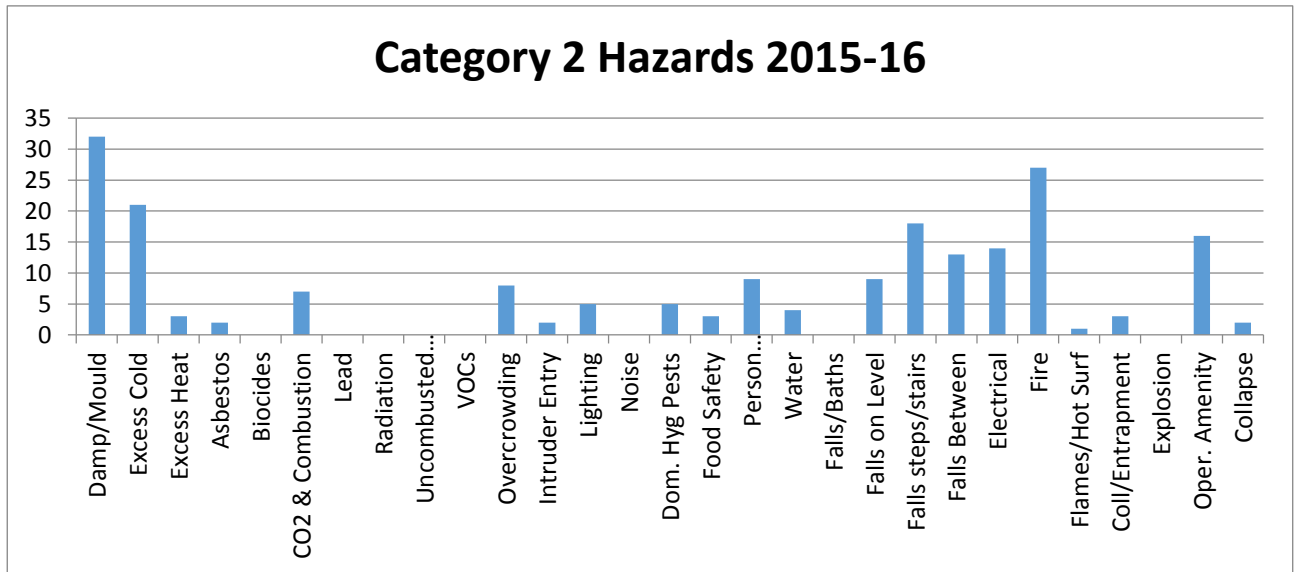
In view of its success in targeting inspections to high priority need the scheme has been expanded to include living accommodation above cafes / restaurants which is to be progressed in 16/17. Through this scheme and by responding to tenants complaints the team is working hard to identify the poorest living conditions in rented property. During 15/16, a total of 62 Class 1 and 204 high Class 2 hazards were identified in 104 inspections. The hazards most frequently found relate to damp/mould growth, excess cold and fire safety as highlighted in Figures 2a and 2b below. Category 1 hazards concern higher level risk assessment scores whereby the Council has a duty to act. Category 2 hazards are lower level risk assessment scores where we have the power to act.

The team endeavour to get these issues addressed through effective engagement with the landlords (35 informal improvement notices) but on occasions the situations merit stronger enforcement action (4 Prohibition Orders and 4 Improvement Notices served).

**Figure 2a**



**Figure 2b**

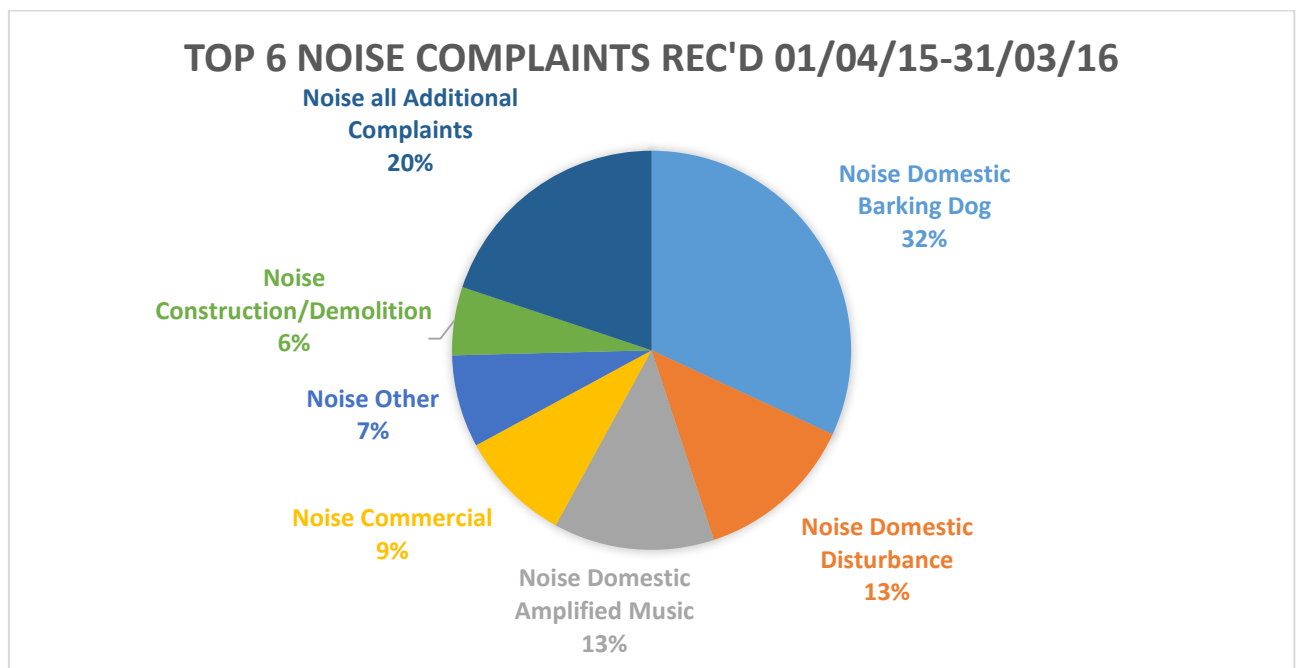


As per figure 1, the number of requests for housing services has remained consistent over 3 years, with a slight drop in responding within 3 days.

(b) Noise

There has been a decline in total number of noise complaints and our response within 3 days has improved to over 90% of cases. A breakdown of the most common sources of noise is provided below, Figure 3.

**Figure 3**



32% of the complaints refer to barking dogs, 98 in the year. General domestic noise and amplified music accounted for 13%, 40 cases in each category. The rest were a



combination of noise from construction, etc as illustrated, giving a total of 305 for the year.

Of the 305, 130 were closed within 3 months, 42.6%. This is a decline in previous performance and due to staff shortages in 2015. A similar picture is evident regarding other statutory nuisance, as shown in Figure 1.

(c) Environmental Protection

There has been a drop in total number of complaints regarding fouling, littering etc to 255.

The team continued with the robust approach developed in 14/15 regarding fly tipping investigations, including prosecutions where there is sufficient evidence. Two successful prosecutions resulting in £4900 in fines/costs awarded plus 250 hours of community service for a convicted fly tipper.

'Give Dog Fouling The Red Card', led by the team together with the Waste and Street Cleaning section, designed to empower local communities to deal with local fouling problems completed its first year with 12 participating Town and Community Councils. Positive feedback, with hopes to increase involvement in 16/17.

(d) Pest Control

There was a slight increase to 104 complaints in 2015/16, with 81% responded to within 3 working days.

(e) Construction

Substantial extra work generated for the section by the electrification of the South Wales main rail line and the A465 dual carriageway projects. Engagement needed with the developers to ensure that noise levels are properly considered and best practice is taken to ensure disturbance of the persons living and working in the localities is kept to a minimum. Continuing engagement needed with the developers in 16/17 and beyond.

(f) Air Quality

The team continues to monitor air quality in the 4 major towns and in particular nitrogen dioxide which is traffic related pollution. The County has 2 Air Quality Management Areas (in Usk and Chepstow) where levels consistently exceed the limits set in legislation. Officers from the section provide advice in regular meetings of the steering groups set up for each area to attempt to provide a coordinated approach to tackle the nitrogen dioxide problem. In addition the team engages with the many industrial related businesses in the County ensuring compliance with pollution legislation – in total there are 24 permitted sites and 18 petroleum certified sites.

### 4.3 Licensing

1,945 applications and monetary transactions were processed by the Licensing team in 2015/16. Inspection levels are back up to 2013/14 levels, having dipped in 2014/15, as shown in Figure 1.

In 2015-16 a review of the licensing conditions and application requirements for Hackney Carriage / Private Hire Drivers, vehicles and Operators took place. The new policy was approved by the Council in March 2016. The review amended the existing policy to introduce 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 bases. 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 has the authority to inspect records.

The following taxi enforcement took place:-

All Private Hire Operator bases were inspected. 13 out of the 28 inspected had minor record keeping infringements and advice given. 110 drivers received spot checks of themselves and their vehicles. 23 schools were used to inspect the taxi trade on schools runs by Licensing and Passenger Transport Unit and a Joint Operation was conducted by the Police and Licensing in Abergavenny. Of those inspected 2 were given penalty points for not having a cargo net in the vehicle to prevent luggage falling onto passengers; 2 were given penalty points for defective tyres; 1 received penalty points for not having a fire extinguisher in the vehicle, and 2 were given penalty points for not wearing their Licensed driver badge. Latter needed as a means of identification that the person has been duly licensed and received the required checks as to their suitability.

Constant monitoring will prevent the use of unlicensed drivers, who would not have had the required check as to their suitability by means of a check with the Disclosure and Barring Service and medical requirements. The driver would also not have received Safeguarding training if unlicensed and the vehicles insurance would be invalid.

A prosecution is ongoing against a vehicle owner who used an unlicensed driver on a school run he had as a contract from Monmouthshire County Council

#### 4.4 Trading Standards & Animal Health

The performance figures in Figure 1 are self-explanatory. Total visits have increased from the previous year and Feed Law enforcement has significantly improved.

On 3rd August 2015 a car dealer based in Rhondda Cynon Taff pleaded guilty to three offences under the Consumer Protection from Unfair Trading Regulations 2008. Following a complaint from a family in Caldicot an expert brought in by Trading Standards found that the vehicle was in a dangerous and un-roadworthy condition when it was examined and that the structural and mechanical corrosion potentially placed the whole family at risk of an accident and/or injury due to the unsafe condition. Newport Magistrates Court fined One Direction Cars Ltd £500 for each offence and awarded Monmouthshire County Council £2200 in costs and the family £900 compensation.

An ongoing joint investigation with Gwent Police has had a significant effect on the team with one Officer spending a large proportion of their time in the first nine months of the year. This is due to be brought to court in the near future through the Crown Prosecution Service.

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 being on working with vulnerable victims through priority referrals and ensuring they are given the advice and assistance required and/or referred as appropriate.

There were a number of projects and surveys that fed into problems at a national level, these included; Weighing Equipment used for patient treatment, health and wellbeing, Self-storage, Unfair Contract Terms, Hover boards, Dressing-up Costume Safety and Plasticisers in Toys, some undertaken with wider stakeholders and partner agencies.

Regional Feed delivery and animal health work enabled additional resource to be brought in to ensure assurances given to Food Standards Agency Wales that commitments they gave to Welsh Government Ministers were achieved, contributing to increased income.

There was participation in Rogue Trader week and related multi-agency activity, Scam awareness month and national safeguarding day. Consumer Rights Act changes continue to progress and new legislation in relation to New Psychoactive Substances will impact on future work.

#### 4.5 FOI Requests

Freedom of Information requests continue to increase year on year, which places an added burden on members of the team. 85 requests were received in 15/16 year.

#### 4.6 Event Safety Advisory Group

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 were held last year including food festivals, music concerts, agricultural shows, cycling events etc and advice was provided. 94 events received advice from the group.

## 5. **Summary**

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 continue to monitor performance, review workloads, etc to protect Officer well-being as far as possible.

Although published 18 months ago, (December 2014) it is worth noting the Wales Audit Office report's conclusion – reference 'Delivering with less – the impact on Environmental Health Services and citizens' – that stated – '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'.

The FSA re-audit findings in February 2016 concluded good progress made on our action plan. The service was coping with expectations within the existing resources available.

## 6. **Next Steps**

- 6.1 Public Protection services are now part of the Social Care & Health Directorate. Future performance, resources etc will be monitored through SCH arrangements and the SIP process, together with oversight from Governing bodies. How our services contribute to health and well-being, protecting vulnerable people, safeguarding, etc will be emphasised.
- 6.2 'Future Monmouthshire' work will commence 16/17, seeking ways of reducing costs or increasing income.
- 6.3 Public Protection will need to respond to new challenges, for example the requirement for all private landlords to be licensed from November 2016.
- 6.4 We will respond to the current national Government Red Tape Review into Regulatory Services, which includes public protection, planning and building control.
- 6.5 The services will link to wider agendas, for example the Well-being of Future Generations (Wales) Act 2015. The principles of well-being, early intervention and prevention (to reduce future ill-health or other problems) are embedded within Public Protection.

And finally .....

The Chief Medical Officer for Wales, in October 2015, within her annual report noted – 'I have highlighted the importance of the work of environmental health practitioners in dealing with public health concerns as diverse as cancer, obesity, infectious diseases, asthma, falls and excess winter deaths. I have also highlighted the growing public health importance of alcohol control, sunbeds, body piercing, air pollution, housing standards and food hygiene. Environmental health contributes to the wider national agenda of health, wellbeing and public service improvement and plays an important direct and indirect preventative role.'

DJ/MM/07/07/2016