

AGENDA

Regulatory Committee

Date: **Tuesday 11 September 2012**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Regulatory Committee

Membership

Chairman

Councillor JW Hope MBE

Vice-Chairman

Councillor RC Hunt

Councillor CM Bartrum

Councillor PL Bettington

Councillor BA Durkin

Councillor Brig P Jones CBE

Councillor PJ McCaull

Councillor C Nicholls

Councillor FM Norman

Councillor GA Powell

AGENDA

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| 1. APOLOGIES FOR ABSENCE To receive apologies for absence. | |
| 2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee. | |
| 3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda. | |
| 4. MINUTES To approve and sign the Minutes of the meeting held on 22 May 2012. | 1 - 4 |
| 5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS, HEALTH & WELLBEING SERVICE To note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the first four months of year 2012/13 (period 1 April 2012 – 31 July 2012) | 5 - 24 |
| 6. REPORT ON ACTIVITY OF COMMUNITY PROTECTION TEAM To note the main activities of the Community Protection Team for the first four months of the year 2012/12 (period 1 April 2012 – 31 July 2012) | 25 - 28 |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 22 May 2012 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor RC Hunt (Vice Chairman)

Councillors: CM Bartrum, BA Durkin, KS Guthrie, RB Hamilton, PJ McCaull, C Nicholls, FM Norman and GA Powell

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PL Bettington and Brig. P Jones CBE.

39. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors RB Hamilton and KS Guthrie attended the meeting as substitute members for Councillors PL Bettington and Brig. P Jones CBE.

40. DECLARATIONS OF INTEREST

There were no declarations of interest made.

41. MINUTES

RESOLVED: That the Minutes of the meetings held on 27 April 2012 and 8 May 2012 be approved as a correct record and signed by the Chairman.

42. TO RECONSIDER OBJECTIONS TO PROPOSED INCREASES TO THE TAXI LICENCE FEES AND CHARGES

A report was presented by the Acting Head of Environmental Protection and Licensing about objections which had been received from the trade to the proposed increase in hackney carriage/private hire licence fees and charges for 2012/2013. He explained that the increases were aimed at moving towards full cost recovery so that the service was no longer subsidised. This was in line with a resolution previously made by Cabinet regarding all services provided by the Council.

Prior to the report being considered the Acting Principal Lawyer advised Members that the matter had been discussed and agreed in principle at the meeting of the Regulatory Committee on Tuesday 27 April subject to further consultation with the trade and a review of the proposed figures. This had now been completed with two further meetings held with the trade and a detailed examination of the proposed figures being undertaken by the Council's senior accountant.

He went on to advise attendees at the meeting as to how the meeting would be conducted in accordance with paragraph 3.6.2.2 of the Council's Constitution. He added that the Constitution did not make provision for public speaking at the Regulatory Committee but that the Chairman had agreed to allow representations to be made by the trade. These representations would be limited to 10 minutes. A request for 20 minutes speaking time was

refused although the Chairman indicated he would be happy for the nominated speaker to speak for in excess of 10 minutes.

The Acting Head of Environmental Protection and Licensing outlined the report and highlighted the progress which had been made since the previous meeting. He advised the Committee that alternative options 1 and 2 as outlined in the report should be disregarded as this was incorrect, as the decision had already been made to adopt full cost recovery at the previous meeting in April. He added that the issue of the cost of a marshalling scheme was still a concern to the trade and reminded members that this decision had not yet been made although he recommended that these extra costs should not be adopted at the present time. He also added that agreement had now been gained in respect of taxi drivers who also held County Transport Badges, with a new taxi policy going to cabinet on 12 July proposing that they would no longer have to apply separately for the two licences. He gave details of the two meetings which had been held between the trade, council officers and elected members since the previous meeting of the regulatory committee on 27 April 2012. In summing up he advised that the proposed figures predicted a 97.5% cost recovery which should ensure that the council would not make a profit and that this would move to full cost recovery within a 12 month period. He added the caveat that that this was a prediction based on projected incomes and expenditure in arrears.

In response to a question regarding the reduction of income to the licensing department between 2010/11 and 2011/12, the Acting Head of Environmental Protection and Licensing advised that taxi licenses were granted on a 3 year basis and that 2010 was the year that the the majority of these licenses were renewed. He also added that the number of drivers had reduced from 650 to 526 recently.

The Committee discussed the proposal with a question being asked as to whether the proposal was in keeping with the Cabinet resolution to seek full cost recovery as the Acting Head of Environmental Protection and Licensing had advised that the proposal would result in 97.5% recovery for the forthcoming year. The Strategic Finance Advisor advised the Committee that there would be a £3000 - £4000 shortfall in the coming year but that could increase to 100% recovery in the following year, subject to the caveats already mentioned previously in respect of the predictions. This predicted shortfall was due to the fact that the proposal for full cost recovery had not been introduced at the start of the financial year.

In response to a further question, the Acting Head of Environmental Protection and Licensing advised that a report was due to go before Cabinet on 12 July 2012 which would enable taxi drivers to be able to hold a County Transport Badge without going through a separate application process, therefore not requiring them to undertake and additional CRB check. This had been recommended by Audit and Licensing Officers and would result in a reduction in the burden on the trade and any perceived 'red tape' for drivers.

In response to a question regarding the expected income of £130000, the Strategic Finance Advisor advised that the actual figure was £129954 but that it had been rounded up for clarity. She added that this figure was an estimate based on the evidence put before her.

The Chairman invited comments from the trade and allocated ten minutes per speaker. Mr Jones spoke on behalf of the trade and made a number of comments, including:

- That he felt that the time constraint of 10 minutes was unfair and would limit his opportunity to address all of the issues within the report.
- That the additional meetings between the Council and the trade had been beneficial and were welcomed.

- Despite his earlier request he had still not been supplied with a detailed breakdown of income to the licensing section.
- The figures had changed since the previous meeting and were still not deemed to be accurate.
- The taxi association were not happy with the answers received to the 10 questions posed at an earlier meeting.
- The figures were disputed as further income would be received that had not been accounted for in the figures put before the committee.
- 54 licences were still unaccounted for.
- The figures supplied by the taxi association were a more accurate reflection of income.

The Strategic Finance Advisor advised the Committee that she was in the process of analysing all taxi licence related transactions from 2011 – 2012 and that although the majority of these had now been completed there were a small number outstanding. She added that 106,000 had currently been identified and that there was likely to be 24-25k in other transactions.

Mr Jones, representing the trade, advised the Committee that he had requested the figures from the Council but had still not received them to date. He disagreed with the figures contained within the Officer's report and was of the opinion that the spreadsheet he had presented to the committee contained a more accurate account.

In response to the point raised by Mr Jones, the Acting Head of Environmental Protection and Licensing advised that the additional income he had listed had already been included in the 130k total detailed in the income details contained within the report. He added that at present the reason Mr Jones had not been presented with full details of each transaction, as he had requested, was due to the sensitive information contained within each record. This included names, addresses and financial details of people who had made a transaction.

In response to a further question the Strategic Finance Officer advised that the receipts were not split into different categories so they had to be analysed manually. She added that she had processed the majority of the approximately 1000 receipts and only had around 40 remaining. Once this task was completed there was no reason why the findings could not be released to Mr Jones.

The Strategic Finance Officer also advised the Committee that the Council were not expecting huge changes in respect of the overheads which had been calculated using the previous year's data. There were however a number of variables which could result in a change to the income, this obviously included the number of licensed drivers.

The Committee felt that if the figures were proved to be inaccurate for the forthcoming year a correction could be made in the following year to ensure that no profit or loss was made.

The Committee discussed the allegations from the trade that some drivers had found a way of getting a new badge whilst avoiding being charged a fee. The Acting Head of Environmental Protection and Licensing advised that an informal review had been undertaken to ensure that this was not possible.

The Committee continued to discuss the matter and were of the opinion that a full review of the full cost recovery scheme should be undertaken after 6 months to ensure that drivers were not being overcharged. The Acting Head of Environmental Protection and Licensing reminded members that 6 months would place the review in the period of November/December and that this might prove too soon to predict a full year trend combined with this period being the busiest in the taxi year. He therefore suggested a

review after 8 months. The Councillor who had moved the recommendation as well as the Councillor who had seconded it were both of the opinion that this was a sensible option and therefore amended their original motion accordingly.

A motion to propose a raise in fees based on the rate of inflation was moved. The Acting Principal Lawyer advised members that the Committee had agreed a move to full cost recovery in principle at its last meeting and that in accordance with standing order 4.1.16.32 the proposed motion would not be valid.

A vote was taken and the Chairman used his casting vote to agree the resolution as set out below.

RESOLVED

1. **THAT Committee agrees the proposed fees as scheduled in Appendix 2 excluding the additional cost of £52 per hackney carriage renewal application for implementing a Taxi Marshalling Scheme.**
2. **THAT a review of the proposed fees be undertaken within 8 months.**

The meeting ended at 3.40 pm

CHAIRMAN

| | |
|-------------------------|--|
| MEETING: | REGULATORY COMMITTEE |
| DATE: | 11 SEPTEMBER 2012 |
| TITLE OF REPORT: | REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS HEALTH & WELLBEING SERVICE |
| REPORT BY: | HEALTH & WELLBEING |

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the main regulatory and performance activities of the Council's Environmental Health & Trading Standards (EHTS) service for the first 4 months of 2012/13 (period 1st April – 31st July 2012).

Recommendation

THAT: the report be received and noted.

Key Points Summary

The report provides the Committee with the activities of those service areas in the Council's Environmental Health & Trading Standards service involved in regulatory matters, namely:

- Licensing matters via the Regulatory Sub-Committee;
- The Taxi & County Transport Badge Officers' Panel;
- Licensing Team;
- Environmental Protection Team;
- Air, Land & Water Protection Team,
- Pest control Team
- Gypsy Traveller Service,
- Business & Agriculture Support Team
- Consumer Protection & Special Investigations Team

For further information please contact

Marc Willimont, Acting Head of Environmental Protection and Licensing on 01432 261986
Mike Pigrem, Acting Head of Consumer & Business Protection on 01432 261658

- Environmental Health Commercial Team

Alternative Options

There are no alternative options relevant to this information report.

Reasons for Recommendations

The report provides the Committee with information about the main activities, regulatory responsibilities and performance within the Environmental Health & Trading Standards service and gives the opportunity for Members to ask for any additional information they require.

Introduction and Background

1. The following paragraphs outline the regulatory activities on a team by team basis:

LICENSING TEAM

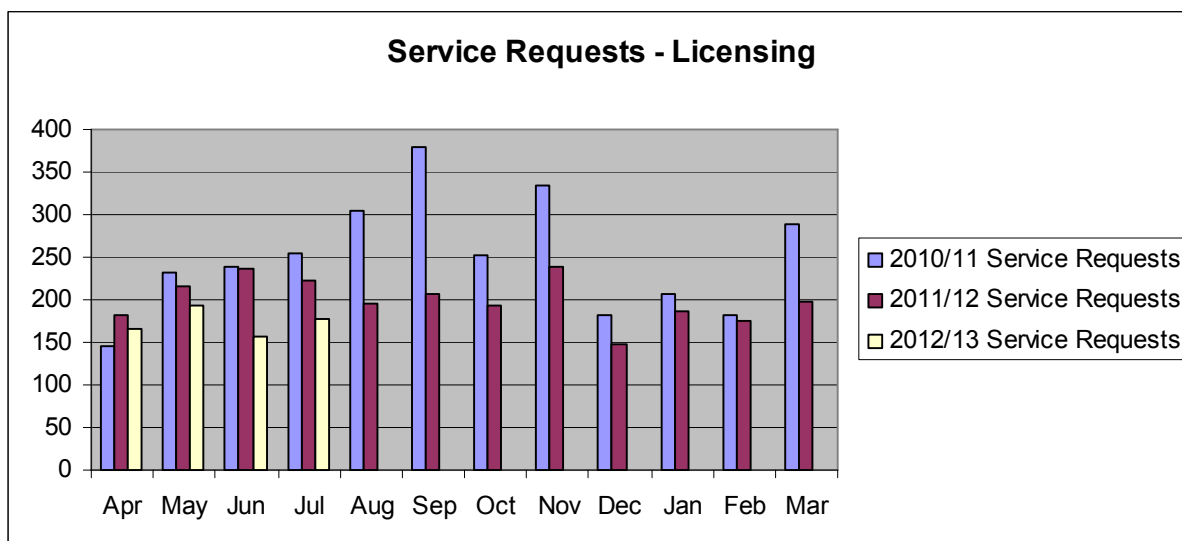
2. The Licensing Team encompasses key areas such as:-
 - Taxi Licensing
 - Licensing Act (pubs and clubs and events)
 - General Licensing (animal boarding, street collections etc)
 - Gambling Act licensing
3. During the first four months of 2012/13 the Officers' Taxi Panel has met on 3 occasions and dealt with the following matters:
 - a. applications for a County Transport Badge – 12
 - b. applications for hackney carriage/private hire drivers licence – 2
 - c. suspension of a hackney carriage/private hire drivers licence - 1
 - d. disciplinary matters regarding the holder of a hackney carriage/private hire drivers licence - 3

Where necessary (e.g. revocations and appeals) these matters are referred onto the Sub Regulatory and/or Regulatory Committee.

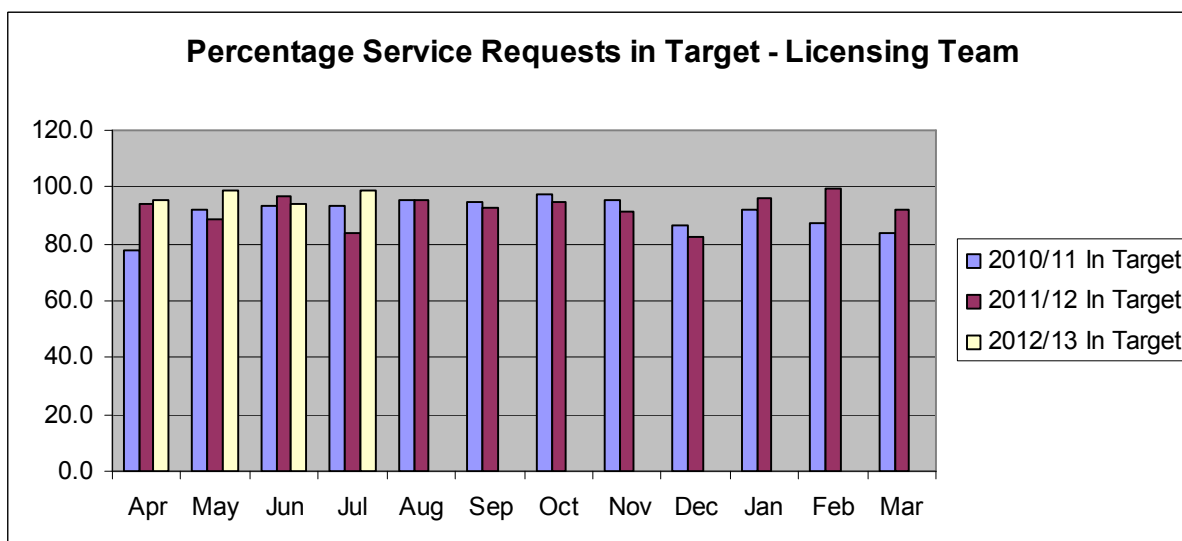
4. The Sub-Committee has met on 12 different occasions and has dealt with the 20 reviews/matters referred to in [Appendix 1](#) attached.
5. The licensing team has dealt with 692 enquiries and complaints compared to 857 during the previous year. This may imply a further slow down in licensing and therefore economic activity in the county. 97% have been responded to in 5 working days compared to a 91% in the previous year, a slight improvement which correlates with service requests being slightly down.
6. The service has also successfully licensed events associated with the EuroCup in June, as well as and the Diamond Day Jubilee event on the King George Playing Fields in Hereford. A lot of licensing advice and work in July has also proceeded the Olympics.

7. The workloads and trends are shown in Graphs 1 and 2 below.

Graph 1: Licensing Service Requests



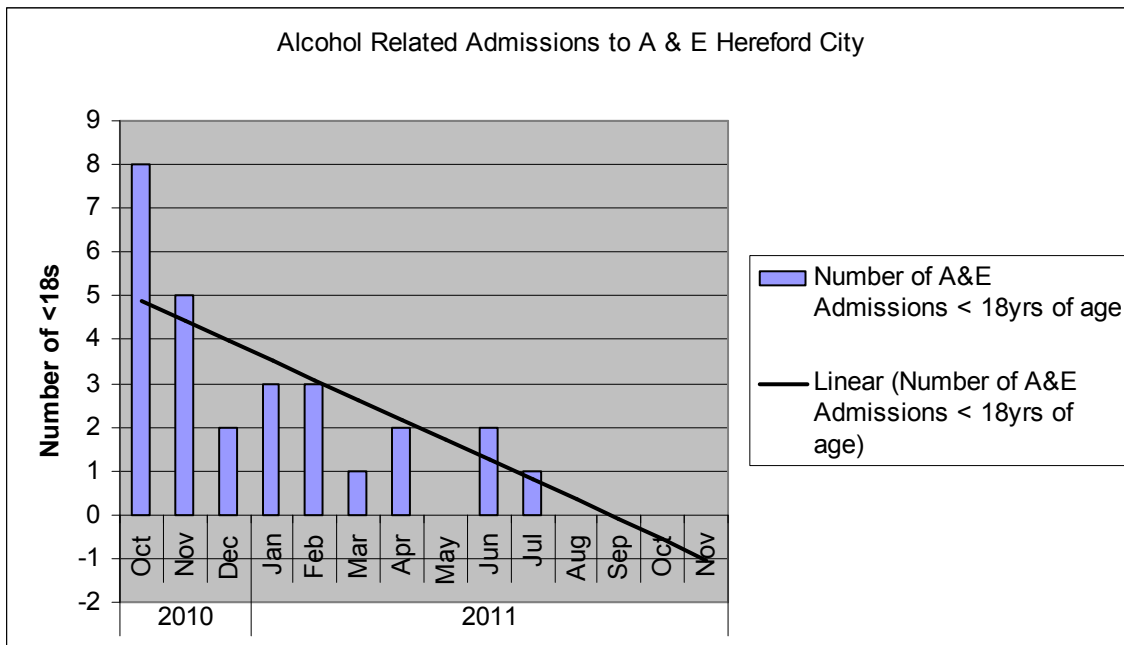
Graph 2: Licensing Service Requests



8. New changes required by the Licensing Act in April 2012 have been implemented. Environmental health is now consulted for noise on all new temporary event notices (TENs). The consultation has increased the regulatory effort required, as can be seen in Appendix 1 where committee has had to consider objections to TENs on the basis of noise nuisance for the first time.
9. Night time joint enforcement inspections with the police, including checks on SIA door staff at Hereford's pubs and clubs. Much of this late night work has been focussed on achieving public health outcomes, such as reducing under age drinking.
10. There have been a number of festivals during the summer months. Of particular note was the Nozstock Festival in July, which was successfully licensed and did not pose any regulatory problems. Although the Big Chill festival has been postponed in August 2012, it is likely to return in 2013.

11. The Licensing Team has worked closely with the police and the Trading Standards Team in the continuation of covert underage test purchase of alcohol in licensed premises. Evidence suggests there has been a marked improvement since on-sale test purchases were initiated in late 2010 (when the fail rate was as high as 40%). So far in 2012/13 the programme shows a fail rate of 5% or less. Media coverage has almost certainly helped get the message across to the licensed trade.
12. To measure the outcomes from this licensing work, the team receives regular data from the NHS in relation to A&E admissions related to alcohol. This followed funding for this initiative from Public Health. Graph 3 shows the linkage between joint licensing/trading standards covert test purchasing for under aged persons, which was initiated in December 2010).
14. The graph below plots A & E alcohol related admission data to monitor the number of people under 18 who have sought medical attention from the hospital's A&E, typically on Friday and Saturday nights.

Graph 3: Underage Test Purchasing Initiative Linkage to Underage Alcohol A&E Admissions



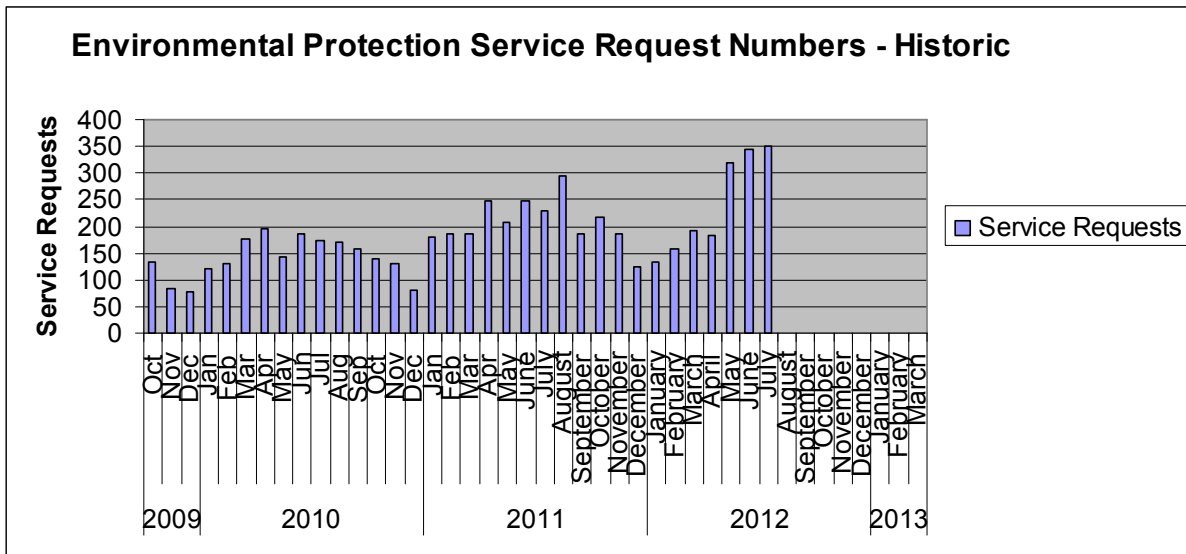
15. Day and late night taxi licensing enforcement work continues. This has involved checks on driver identity as well as checks on vehicle suitability, including tinted windows.
16. In line with Council policy, the fees and charges for taxi licensing were increased at a Regulatory Committee hearing on 22 May 2012. This will be reviewed in January 2013.
17. Cabinet agreed a revised taxi licensing policy with consolidated and updated conditions at a meeting on 12th July 2012. This included the requirement for CCTV in all new hackney carriages and the phasing of CCTV in over three years for existing cabs.

ENVIRONMENTAL PROTECTION TEAM

16. The Environmental Protection Team encompasses key areas such as:-
 - Noise nuisance – investigation and service of abatement notices

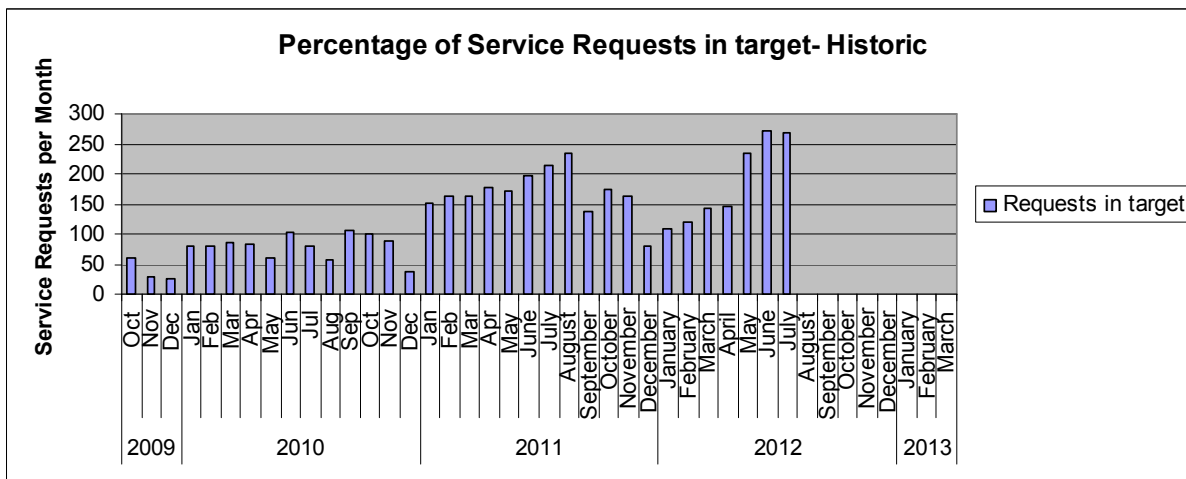
- Other nuisances – e.g. odour, dust, smoke etc
 - High Hedge complaints
 - Burial of deceased without means
 - Smoke offences – e.g. Clean Air Act and dark smoke offences
 - Drainage – clearance of drains and sewers and broken septic tanks
 - Public Health – clearance of land or housing with rats, mice or rubbish
 - Planning Consultations
 - Licensing Consultations
17. There were 1198 service requests, comparing to 931 during the same period in 2011/12 year. This is a marked increase and clearly reflects greater public expectation and demand on public services to resolve environmental and noise problems county-wide and the growth in work resulting from TENs consultation. 77% service requests were responded to within 5 working days, compared to 82% in the previous year, which no doubt reflects the growth.
18. The graph below helps show the seasonality and long term rising trend year on year.

Graph 4: Environmental Protection Service Requests since 2009



19. Graph 5 below shows those service requests which met the tight 5 working day response target. The performance of this can be seen to be improving, despite increasing workloads.

Graph 5: Percentage of Service Requests in Target



20. About 40% of these service requests relate to noise. Therefore noise continues to be the main reason for this increase and probably shows a rising trend in public expectation.

21. The team operated night time 'Noise Response Team' in June and July of this four month period, working from 8pm to 3am on Fridays and Saturdays. This is the second year that this service has been offered in Herefordshire. The service was operated over a longer period than in 2011 and worked later into the night. At the time of writing this report the programme has not yet been completed so it is not possible to review its success yet.

22. Rather than prosecute, the Council's enforcement policy encourages the service to utilise statutory notices to resolve problems and escalate this to prosecution only when absolutely necessary.

Table 1: Environmental Protection Notices Served

| Type of Statutory Notice | Number Served since 1 st April 2012 |
|--------------------------|--|
| Drainage Notices | 51 notices in Ross-on-Wye on an estate with a failed pumping station |
| Noise Abatement Notices | 0 |
| High Hedge Notices | 0 |
| Unsecured Property | 1 |
| TOTAL | 52 |

24. In addition to this work, the team were consulted by Licensing on 340 Temporary Event Notices and by Planning on 124 applications of which all were investigated and responded to. Thirteen pre application visits have also been undertaken for Planning. This work has the sole purpose being the prevention of possible future enforcement.

AIR, LAND & WATER PROTECTION TEAM

25. The Air, Land & Water Protection Team encompasses key areas such as:-

- Closed landfill site management – monitoring and project managing engineering works etc.
- Contaminated land – responses on planning applications and investigations
- Private and mains water supply monitoring and regulation
- Industrial pollution control – issuing of environmental permits for large factories
- Air Quality – monitoring and assessment of air quality across the county

26. Although much of this team's remit is not enforcement based, during the first 4 months of 2012/13 the following regulatory work was undertaken by this team:

- About half of EHTS's 124 consultations requested by Planning were undertaken for potential contamination.
- 291 water samples from private supplies were programmed and 236 of these were taken (81%). There were 59 bacteriological failures recorded (25%) and 31 chemical failures recorded (13%). Only 8 notices have had to be served to improve unfit / unwholesome supplies. Comparisons will be available at year end.
- 43 risk assessments required under the new Private Water Supply Regulations were programmed in for the calendar year and 35 of these were completed (81%).
- Members of the team have continued their close working with the Environment Agency (EA) on a detailed investigation of the Sutton Walls closed landfill site. This has

included negotiating with landowners for the installation of new monitoring boreholes and agreements to take samples. A final report on this work is due in the autumn of 2012. Written communication updates have been sent on a regular basis to Moreton-on-Lugg, Sutton St Nicholas and Marden Parish councils as well as the local member.

- Extensive work has simultaneously been undertaken at the closed landfill site at Stretton Sugwas, as well as routine work at the closed Strangford, Belmont and Leominster sites.

GYPSY & TRAVELLER TEAM

28. Although much of this team's remit is the management of the six council owned gypsy & traveller sites across the county, regulatory activity occurred through intervention at approximately 5 illegal encampments, including one on the Bishops Meadows just days before the Queen's visit in June. The travellers were moved on by this team.
29. The team also manages the six council owned sites. Following a consultation exercise in March 2012, new fees were implemented from April 2012 onwards making this service cost neutral to the council tax payer now.

PEST CONTROL TEAM

30. The Pest control team deals with the eradication of most domestic pest infestations through treatment and prevention. They also operate a number of contracts with businesses for pest control services including the council's crematorium and cemeteries, the team has:
 - Responded to service requests ranging from wasps fleas, rats, mice and moles
 - Has increased its 130 contracts in place with businesses for pest control
 - Has increased its advertising into parish magazines, local newspapers and is looking expand its area of operation
 - Implemented a new fee structure to move this service towards full cost recovery.
 - Annualised the hours of one pest control officer to meet seasonal demands at no increased cost
 - Earned income of £38k,
 - Taken on the management of the seagull control programme, previously with the Air, Land & Water Protection Team. It has also secured the co-funding of this project with Hereford City Council.
 - Continued to assist the Environmental Protection Team with regulatory work about overgrown gardens and land and is also available 24/7 in case of any unforeseen public health incidents or outbreaks requiring immediate pest control treatment.

TRADING STANDARDS TEAM

1. The trading standards service encompasses key areas such as :-

- Consumer safety - ensuring the safety of consumer goods and the application of the 'CE' mark.
- Food standards and agriculture standards – advising businesses on production and

labelling ensuring that composition and description are correct and truthful including the manufacture & supply of animal feeding stuffs. Accreditation of Cider & Perry producers within the three counties in relation to PGI status (Protected Geographical Indications)

- Fair trading relating to numerous commercial practices including consumer credit, packaging, green claims, time share bogus property repairs etc., and especially protecting the elderly and vulnerable against cold calling and rogue traders
- Metrology – ensuring that weights and measures used in trade are correct and that suitable equipment is used, checking the quantity of goods sold ranging from bread to petrol
- Licensing of Petroleum & explosives storage ensuring that safety requirements are met
- Advice to business and 2nd tier support to consumers – especially those at risk.

2 Overview

- Since 1st of April 2012, trading standards have either saved or recovered circa £16,000 in respect of consumers and business through the provision of advice or intervention.
- The team have undertaken a number of prosecutions during the year which are summarised at 'appendix.2'. There have been significant enforcement actions against those undertaking 'Rogue Trading' activities in line with our policy of zero tolerance of such matters which has resulted in one trader receiving a custodial sentence of 15 months. **See Appendix 2**

3. Complaints Analysis & Trends

Customer demand and expectation is rising, not least in response to high profile media coverage and reporting of trading standards matters such as rogue trading, counterfeiting and supply of illicit tobacco and alcohol. Illicit tobacco is seen as a problem within Herefordshire (although it is a national issue as well) and intelligence led enforcement activities to curb its supply are continuing.

A summary of performance stats are included at Appendix 3

4 Underage Sales/Age Restricted Products

Since 1st April 2012 – 12 separate test purchases for alcohol and 14 for tobacco have been undertaken. These resulted in two premises selling alcohol to a minor and were subject to further enforcement action. At one of these premises, significant quantities of non duty paid alcohol was also found which was seized and passed to HMRC.

5. Business advice and support

Business advice and support is regularly provided in accordance with the 'home authority' principle. This ensures that legitimate business is supported through the regulatory framework with the aim of ensuring compliance without the need for enforcement.

In accordance with National Indicator 182 A business satisfaction survey for EH & TS regulatory services is undertaken monthly and the results are reported quarterly in arrears. Highlights of the first quarter are as follows

The NI182 score for the period April 2012 – June 2012 is **73%**, this compares with **72%** for the period April 2011 – March 2012.

Overall 96% of respondents agreed that their business was treated fairly, 4% disagreed, the corresponding figures for the period April 2011 –March 2012 were 89% and 3%

Overall 91% of respondents agreed that the contact was helpful, no respondents (0%) disagreed. The corresponding figures for the period April 2011 to March 2012 were 88% and 3%.

ENVIRONMENTAL HEALTH (COMMERCIAL) TEAM

1.The commercial team encompasses key areas such as:-

- Food hygiene - ensuring basic food hygiene of food registered premises as well as promotion of 'Scores on the Doors' indicating a star rating of premises, provision of business advice and support to new and existing businesses
- Health & Safety at Work – providing advice and assistance to businesses, investigating accidents and fatalities and instigating criminal prosecutions
- Dealing with infectious disease notifications and outbreak investigations
- Ensuring Smoke Free Workplaces
- Food hygiene and Health and Safety advice and enforcement at Sports Grounds and Events e.g. Big Chill, Hereford United.

2. Service update

A sector specific seminar has been successfully delivered to a number of Chinese food establishments in relation to the introduction of new E-Coli 0157 guidance

Professional and technical support in relation to Food Hygiene and Health & Safety has been provided to organisers of two notable events such as the Hereford Diamond Jubilee Day and NOZSTOCK. Officers in conjunction with Public Health & trading standards also assisted the successful delivery of the annual Crucial Crew event that was held at Hereford racecourse in June.

3. Programmed food inspections

All food premises are risk rated so that programmed inspections are proportionate to risk, with higher risk premises A, B and C1 given priority.

40 out of 64 programmed visits have been undertaken to date equivalent to 62.5%. An analysis of what effect the food inspection programme has had in relation to improving the overall percentage of rated premises i.e 2* and above, will undertaken at end of year.

4. Food Business - Star ratings profile

Currently 98.1% of inspectable food premises are rated greater or equal to 2* under the current Food Hygiene rating system - Scores on the Doors .

It is proposed that we move to the new nationally adopted Food Hygiene Rating System (FHRS)

which has necessitated a mail shot of circa 2600 premises giving them information about the new proposed system and the 'change over' timeframe.

5. Health and Safety activity

A local take away food premise in Hereford accepted a formal caution in respect on ongoing health & safety issues in relation the safety of his gas cooking appliances. Remedial works to rectify the safety concerns have now been carried out.

6. Infectious Disease control

A total of 142 Infectious Disease referrals have been received from the Health Protection Unit. 3 separate reported cases of E-coli 0157 have been investigated. Fortunately no outbreaks occurred and those who were affected have recovered although at the time, a young girl was seriously ill with life threatening complications. Several people were excluded from either the workplace or school as a result of the infection

ANIMAL HEALTH & WELFARE TEAM

1. The Animal Health & Welfare team encompasses key areas of activity such as:-

- Dealing with farms, livestock, abattoirs, hunt kennels and farmers to ensure that disease control measures are in place and are adhered to.
- Providing support and guidance in relation to animal health & welfare legislation,.
- The control of animal by-products, bovine TB notifications.
- Livestock market surveillance, transport of animals, primary food producers and welfare of animals on farm.

2. Disease control

No current issues to report. Monitoring and surveillance of local livestock markets continues and is seen as a very good deterrent in the field of disease control. No reported outbreaks of the Schmallenberg virus have been reported in Herefordshire so far.

3. Emerging threats

A problem of cruelty to animals (horses) or horses been abandoned on council land is currently causing problems. The team are assisting the police and the local authority in trying to resolve these issues and to limit their impact .by providing support and technical expertise.

Key Considerations

Since the new arrangements came into effect, The Regulatory Committee meets on a quarterly basis to consider policy matters within the framework decided upon by the Cabinet Member and information reports. The information reports provide the Committee with an overview of the regulatory activities on a Council-wide basis to consider whether the activities are meeting policy objectives and are operating proactively to improve the health and wellbeing of residents of Herefordshire. The

Committee has also decided to delegate certain matters to the Sub-Committee which enables it to meet less frequently but also to be provided with a more strategic overview of the matters which fall within its remit.

Community Impact

The report provides information about the regulatory matters which have an impact on the public such as safeguarding, consumer & business protection, the environment and animal welfare.

Equality and Human Rights

There are a number of areas within the Council's regulatory function which assist with the promotion or observance of equality and human rights.

Financial Implications

There are no direct financial implications regarding the information set out in this report.

Legal Implications

The Council's regulatory functions are undertaken within the scope of the relevant legislation and Council policies.

Risk Management

There are no particular risk management matters associated with the contents of this report.

Consultees

None

Appendices

Appendix 1: Licensing Committees

Appendix 2: Summary of prosecution and formal enforcement activities for EH & TS

Appendix 3: Breakdown of trading standards activity statistics & Business Satisfaction survey results (National Indicator NI 182) for quarters 1,2 and 3.

Background Papers

None identified.

APPENDIX 1

| 2011/12 | Reviews held by Sub Regulatory (Licensing) Committees |
|---------|---|
| April | <p><u>3rd April 2012</u></p> <ul style="list-style-type: none"> • McColls, 7 The Oval, Hereford – review following failed underage purchase. <p><u>12th April 2012</u></p> <ul style="list-style-type: none"> • Golden Fleece, 1 St Owens St, Hereford – Expedited review following serious assault in premises. <p><u>16th April 2012</u></p> <ul style="list-style-type: none"> • Crown & Anchor, Lugwardine – representation against variation on basis of noise. • Somerfields, Dishley St, Leominster Hereford – review following failed underage test purchase. • Yamz Tapas Bar, Turner Court, Ledbury – review • Etnam News, 35 Etnam St, Leominster – review following failed underage test purchase. |
| May | <p><u>8th May 2012</u></p> <ul style="list-style-type: none"> • Eagle inn, 23 Broad St, Ross-on-Wye - representation against variation on basis of noise. <p><u>29th May 2012</u></p> <ul style="list-style-type: none"> • McDonalds, 46 Commercial St, Hereford – application to extend opening to 4am. |
| June | <p><u>11th June 2012</u></p> <ul style="list-style-type: none"> • Hackney Carriage – application for grant outside of standard conditions – refused |
| July | <p><u>18th June adjourned to 9th July 2012</u></p> <ul style="list-style-type: none"> • Franky & Benny's, Unit 29 Old Livestock Market, Hereford – review • Chiquitos Restaurant, Unit 28 Old Livestock Market, Hereford – review <p><u>19th July 2012</u></p> <ul style="list-style-type: none"> • Leominster & District British Legion, South St, Leominster – representation against the variation of club certificate - withdrawn • Crown & Anchor, Lugwardine – objection against TEN on basis of |

noise - withdrawn.

25th July 2012

- European Fresh Foods, 141 -143 Eign St, Hereford – expedited review on basis of failed underage alcohol test purchase and illicit alcohol found on premises.

31st July 2012

- Co-op, Crabtree Rd, Kington - – review following failed underage test purchase.
- Coop, Old Station Yard, Newport St, Hay-on-Wye – review following failed underage test purchase.

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

QUARTERLY PROSECUTIONS - 01.04.12 – 31.07.12

| PROSECUTIONS | | | | | | | | | |
|---|--|--|--|---------------|--------|---|-----------------|---------------|---|
| Name & Location | Defendants Trade | Nature of Offence | Act | No of Charges | Plea | Result | Costs Requested | Costs Awarded | Remarks |
| Joseph Carter Bromyard & Leominster | Cold Calling - Property repairs , roof treatments | Fraud & Aggressive practices | Fraud Act 2006 Consumer Protection from Unfair Trading Regulations 2008 | | Guilty | Guilty 15 months imprisonment | | | Cold calling 3 vulnerable and elderly individuals targeted. |
| James T Smith Malvern area | Cold Calling - Property repairs , roof | Undertaking poor quality roofing repairs, | Consumer Protection from Unfair Trading | | Guilty | Guilty Total of 3 months | | | Cold calling. |

For further information please contact
 Marc Willimont, Acting Head of Environmental Protection and Licensing on 01432 261986
 Mike Pigrem, Acting Head of Consumer & Business Protection on 01432 261658

| | | | | | | | | | |
|--|-------------------------|--------------------------------|------------------------------------|---|--------|-------------------------|--------------------|--|--|
| | treatments | misleading pricing and actions | Regulations 2008 Fraud Act 2006 | | | curfew £3,500 | | | |
| Keith Price The Premier Store, Stoke Hoarwithy | General store / alcohol | Selling to a minor.(under 18) | Licensing Act | 1 | Guilty | Guilty £115 fine | £130 costs awarded | | |

| | | | | | | | | | | |
|-----------------|--|--|--|--|--|--|------------|--|--|--|
| FORMAL CAUTIONS | | | | | | | | | | |
| One | Farmer & ancillary business undertaken | Animal By-Products (Enforcement) (England) Regs 2011 & Article 14 of Regulations (EC) No 1069/2009 – burning of Animal Carcasses | | | | | 12.01.2012 | | | |

APPENDIX 3

REPORT TO EHTS MANAGEMENT TEAM

TRADING STANDARDS

PERFORMANCE TARGETS & INDICATORS FOR 11/12 TO END OF MARCH 2012

Trading Standards

COMPLAINTS & INSPECTIONS/VISITS

| | | Apr-12 | | | May-12 | | | Jun-12 | | | Jul-12 | | |
|----------------------------|------------------------|--------|-----|-----------|--------|-----|-----------|--------|-----|-----------|--------|-----|-----------|
| CMU response times | | 5 | | % | 105 | | % | 83 | | % | 93 | | % |
| | | in | out | in target | in | out | in target | in | out | in target | in | out | in target |
| a | Safety - 1 working day | 4 | 1 | 80.0 | 0 | 0 | 0.0 | 1 | 0 | 100.0 | 0 | 1 | 0.0 |
| b | Other - 5 working days | 0 | 0 | 0.0 | 104 | 1 | 99.0 | 80 | 2 | 97.6 | 91 | 2 | 97.8 |
| Total within target | | 4 | | | 104 | | | 81 | | | 91 | | |
| Total out of target | | | | | | | | 2 | | | 2 | | |

| | | Apr-12 | | | May-12 | | | Jun-12 | | | Jul-12 | | |
|-----------------------------|---|--------|-----|-----------|--------|-----|-----------|--------|-----|-----------|--------|-----|-----------|
| CMU completion times | | 309 | | % | 339 | | % | 294 | | % | 346 | | % |
| | | in | out | in target | in | out | in target | in | out | in target | in | out | in target |
| c | 90% enquiries to be completed with 60 days (8 weeks of receipt) | 308 | 1 | 99.7 | 337 | 2 | 99.4 | 292 | 2 | 99.3 | 346 | 0 | 100.0 |
| Total within target | | 308 | | | 337 | | | 292 | | | 346 | | |
| Total out of target | | | | | | | | 2 | | | 0 | | |

| | | Apr-12 | | | May-12 | | | Jun-12 | | | Jul-12 | | |
|--|--|--------|--|--|--------|--|--|--------|--|--|--------|--|--|
|--|--|--------|--|--|--------|--|--|--------|--|--|--------|--|--|

| | CMU completion times | 309 | | % | 339 | | % | 294 | | % | 346 | | % |
|---|---|------------|----------|-----------|------------|----------|-----------|------------|----------|-----------|------------|----------|-----------|
| | | in | out | in target | in | out | in target | in | out | in target | in | out | in target |
| d | 95% enquiries to be completed with 120 days (16 weeks of receipt) | 309 | 0 | 100.0 | 339 | 0 | 100.0 | 294 | 0 | 100.0 | 346 | 0 | 100.0 |
| | Total within target | 309 | | | 339 | | | 294 | | | 346 | | |
| | Total out of target | | 0 | | | 0 | | | 0 | | | 0 | |

Trading Standards

ENFORCEMENT ACTIVITIES

| | | Apr-12 | | May-12 | | Jun-12 | | Jul-12 | | Aug-12 | |
|---|---------------------|--------|--|--------|--|--------|--|--------|--|--------|--|
| | PROSECUTIONS | 1 | | 0 | | 1 | | 0 | | 0 | |
| a | Enterprise Act | 0 | | 0 | | 0 | | 0 | | 0 | |
| b | All Others | 1 | | 0 | | 1 | | 1 | | 0 | |

| | | Apr-12 | | May-12 | | Jun-12 | | Jul-12 | | Aug-12 | |
|---|------------------------|--------|--|--------|--|--------|--|--------|--|--------|--|
| c | FORMAL CAUTIONS | 0 | | 0 | | 0 | | 0 | | 0 | |

| | | Apr-12 | | May-12 | | Jun-12 | | Jul-12 | | Aug-12 | |
|---|----------------------|--------|--|--------|--|--------|--|--------|--|--------|--|
| d | WW & IANs | 1 | | 1 | | 2 | | 2 | | 0 | |

| | | Apr-12 | | May-12 | | Jun-12 | | Jul-12 | | Aug-12 | |
|---|-------------------------------|--------|--|--------|--|--------|--|--------|--|--------|--|
| e | NO OF RED FILES ISSUED | 0 | | 1 | | 0 | | 1 | | 0 | |

End.

| | |
|-------------------------|--|
| MEETING: | REGULATORY COMMITTEE |
| DATE: | SEPTEMBER 2012 |
| TITLE OF REPORT: | REPORT ON ACTIVITY OF COMMUNITY PROTECTION TEAM |
| REPORT BY: | SHANE HANCOCK, COMMUNITY PROTECTION MANAGER |

CLASSIFICATION: Open.

Wards Affected

County-wide

Purpose

To note the main activities of the Community Protection Team for the period 1st April 2012 – 31st July 2012 (the reporting period).

Recommendation

THAT: the report be received and noted

Key Points Summary

The report provides the Committee with an update on the activities of the Community Protection Team in respect of its key roles in dealing with:

- Fly-tipping
- Other environmental anti-social behaviour – litter, graffiti, fly-posting, & dog fouling
- Abandoned vehicles
- Stray dogs

Alternative Options

- 1 There are no alternative options relevant to this information report

Reasons for Recommendations

- 2 The report provides the Committee with information about the main activities carried out by the Community Protection Team and gives the opportunity for Members to ask for any additional information they require.

Further information on the subject of this report is available from
Shane Hancock, Community Protection Manager on (01432) 261752

Report on Activity

3 Fly-tipping

- During the reporting period there were 204 incidents of fly-tipping recorded. This compares to 240 in the corresponding period in 2011, representing a 15% reduction. This reflects the continuation of an ongoing reduction over the last 4 years in the number of recorded incidents of fly-tipping. Recording practices have remained unchanged during this period and as such it is felt that this is a true reduction.
- In the reporting period 102 duty of care inspections were carried out, designed to ensure that the producers of commercial waste have appropriate arrangements in place for its correct disposal.
- Operation Bounty has been running throughout this reporting period. This is an operation carried out at household waste sites across the County in response to concerns that significant amounts of commercial waste are being deposited at these sites. This work has led to a large number of users of the sites being challenged when suspected of depositing trade waste and allowed awareness of correct disposal methods to be raised.
- Five (5) Fixed Penalty Notices were issued for failing to produce waste transfer notes when required to do so.
- In April 2012 Dawn Ruth SHURMER who claimed to have given her fly-tipped waste to two unknown men in a van who happened to be passing by and who agreed to dispose of her waste free of charge was convicted for failing to exercise a proper duty of care in respect of the waste. She was fined £100.00 with £100.00 costs awarded.
- Also in April a similar set of circumstances resulted in Stewart John GRIFFITHS being convicted for failing to exercise a proper duty of care when he allowed two unidentified men to take his waste away, waste which was fly-tipped. He was given an absolute discharge, but required to pay £434.00 costs.
- In May Adrian COLLEY, a scrap metal dealer, was convicted on two charges of carrying waste in the course of his business without a licence to do so and on one charge of failing to produce a waste transfer note in respect of the disposal of waste he had picked up in the course of his business. He was fined £100.00 on each charge and required to pay £381.00 costs.
- In June Terence John PRITCHARD was cautioned for fly-tipping trade waste at the household waste site in Hereford and for carrying waste in the course of his business without having a waste carriers licence. This offence was detected as the consequence of Operation Bounty.
- In June Shaun STEELE and Mehran KHEDERHAZEH were cautioned for fly-tipping.
- In July a Timothy Dean STANLEY was convicted at Magistrates Court of dumping waste at three separate locations across the County. He was fined £320.00 with £335.00 costs.
- In July Nicola STANLEY was issued with a written warning in respect of a technical offence of fly-tipping connected to her trade waste.

4. Other environmental anti-social behaviour

Council or Committee report template 10Nov11

- During the reporting period the team recorded and responded to 212 complaints falling into the 'other' category of environmental anti-social behaviour, namely litter, graffiti, fly-posting and dog-fouling.
- In response to these complaints 205 targeted patrols were carried out, 33 Fixed Penalty Notices were issued in respect of litter offences, 6 for dog fouling offences, and one for fly-posting. One written warning in respect of littering was also issued.
- In July Tracey MORRIS was convicted of a litter offence having failed to pay a Fixed Penalty Notice. She was fined £100.00 with £115.00 costs.

5. **Abandoned vehicles**

- During this reporting period 37 reports were received about abandoned vehicles. These were all resolved without the need for seizure.

6. **Stray Dogs**

- In the reporting period a total of 137 dogs were seized as stray. Of the 137 seized 87 were returned to their owner and 50 were re-homed.

Requests for Service

7. In this reporting period the total number of requests for service to the Community Protection Team was 1002 with 95.2% of these being dealt with within the 5 day response target.

Other activity

8. Outside of these reactive matters the Community Protection Team has been involved in the following proactive initiatives between April 2012 and July 2012 –

- Community Dog Warden scheme in Ross-on-Wye - this scheme was launched on 2nd July following a number of public meetings. The initiative was the idea of Councillor Andy Atkinson in response to the ever present problem of a small proportion of dog walkers failing to pick up after their dog has fouled. The scheme is led by the Town Council working in partnership with Herefordshire Council's Community Protection Team. There are currently 8 volunteers, identified by an arm-band, essentially dog walkers who whilst out about act as local 'ambassadors' and challenge and educate irresponsible dog walkers. The desired outcome is responsible behaviour by all dog walkers and a cleaner, better environment free of dog mess.

Where appropriate details of offending dog walkers can be passed to the Community Protection Team for follow up enquiries and it is possible that this could result in the issue of a £80.00 Fixed Penalty Notice. Importantly the information fed back by the volunteers can be used by the Community Protection Team to better target patrols by its own enforcement officers.

The scheme has already attracted interest outside of Ross. The Community Protection Team has had a meeting with Ledbury Town Council and with Leominster Town Council and both areas are looking to roll the scheme out over the next few months.

- Stop the Drop Litter campaign – Whilst this campaign was designed to increase awareness of the ongoing issue of litter there were two specific elements to it. In April/May the focus was on highway litter. At the commencement of the campaign significant quantities of litter were cleared by Amey from some of main arterial routes. The

Community Protection Team then looked to enforce litter offences, particularly litter coming from vehicles. It was always acknowledged that this was going to be difficult due to the limitations of existing legislation, but it nevertheless demonstrated that some action can be taken, rather than the issues ignored. The follow up enquires made in circumstances where a registration number was available largely proved successful with a number of fixed penalties notices being issued. Alongside the enforcement a schools 'poster' competition was run with a good standard of entry; the winning 'design' is now on Amey vehicles, again raising the profile of littering.

In June the campaign specifically addressed the problem of littering in public open spaces. Proactive patrols were carried out at Castle Green, Cathedral Close, Yazor Brook, Aylestone Park, Queenswood, Wilton (Ross-on-Wye), The Grange (Leominster) and Bridge Street (Leominster). The very poor weather during the month had an impact on this in terms of the numbers of people using these open spaces for leisure purposes. Two Fixed penalties issued for littering offences.

Community Impact

- 9 The report provides information about those matters which have an impact on the public, specifically the environment and animal welfare.

Equality and Human Rights

- 10 In its enforcement role the Community Protection Team works to the principles of the councils Enforcement & Prosecution policy which acknowledge equality and human rights issues.

Financial Implications

- 11 There are no direct financial implications regarding the information set out in this report.

Legal Implications

- 12 The Community Protection Teams activities are undertaken within the scope of the relevant legislation and Council policies.

Risk Management

- 13 There are no particular risk management matters associated with the contents of this report.

Consultees

- 14 None

Appendices

- 15 None.

Background Papers

- None identified.