

# AGENDA

## Regulatory Committee

Date: **Wednesday 14 October 2015**

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Time: **10.00 am**

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Place: **Committee Room 1, The Shire Hall St Peters Square  
Hereford HR1 2HX**

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

For any further information please contact:

**Clive Lloyd Democratic Services Officer**

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If you would like help to understand this document, or would like it in another format, please call Clive Lloyd Democratic Services Officer on 01432 260249 or e-mail [Clive.Lloyd@herefordshire.gov.uk](mailto:Clive.Lloyd@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Regulatory Committee**

## **Membership**

**Chairman**                      **Councillor DW Greenow**  
**Vice-Chairman**              **Councillor MD Lloyd-Hayes**

**Councillor PA Andrews**  
**Councillor BA Baker**  
**Councillor TL Bowes**  
**Councillor CR Butler**  
**Councillor BA Durkin**  
**Councillor PJ McCaull**  
**Councillor MT McEvelly**  
**Councillor AR Round**  
**Councillor WC Skelton**

**AGENDA**

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b> To approve and sign the minutes of the meeting held on 19 February 2015.	9 - 12
<b>5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH AND TRADING STANDARDS 2014/2015 (ANNUAL REPORT)</b> To note the main regulatory activities of the council's environmental health and trading standards (EHTS) service for the year 2014/15 (period 1 <sup>st</sup> April 2014 – 31 <sup>st</sup> March 2015)	13 - 76



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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Regulatory Committee held at Committee Room 1, The Shire Hall St Peters Square Hereford HR1 2HX on Thursday 19 February 2015 at 10.00 am**

**Present:** Councillor A Seldon (Chairman)  
Councillor PJ Edwards (Vice Chairman)

Councillors: JM Bartlett, CM Bartrum, PL Bettington, JW Hope MBE,  
SM Michael, NP Nenadich and GA Vaughan-Powell

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor's P Sinclair-Knipe and Cllr Brig P Jones

**2. NAMED SUBSTITUTES (IF ANY)**

Councillor Nenadich as nominated substitute for Councillor P Sinclair-Knipe

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest received

**4. MINUTES**

Resolved: that the minutes of the meeting held on the 12 September 2014 be confirmed as a correct record and signed by the Chairman.

**5. REVIEW THE IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY FOLLOWING PUBLIC CONSULTATION - LICENSING ACT 2003**

The Committee was asked to consider the adoption of the Licensing Policy to be used by Herefordshire Council in respect of carrying out its functions under the Licensing Act 2003 and to consider the adoption of a special licensing policy for the cumulative impact of premises in the vicinity of Hereford City.

It was outlined by the legal advisor why the report had come back to committee who explained that it was important that the members are fully aware of the consultations and exactly what would be going forward to full council.

The Licensing Officer presented the report as per the agenda.

The Chairman requested that all references to Hereford journal to be removed and confirmed if the members were in agreement with the cumulative impact zone (CIZ) as stated in the report.

Members were in agreement that the CIZ as stated is correct

A member raised the point of reference to Hereford football club in the report. It was agreed that reference should be made to the site rather than tenant names.

A point was raised regarding the provision of hot food after the closing time of pubs and clubs with the Chairman confirming that applications are welcome and would be viewed on merit.

It was confirmed that all statistics included in the report are the most up to date available.

Members raised the point regarding Designated Premises Supervisor (DPS) being contactable during Licensable hours with the legal adviser confirming that the Licensing Act does not clearly address this issue clearly. DPS must communicate with the Police to ensure rapid response. The DPS should be contactable by text or pager. The Chairman noted that some premises have a DPS living some distance from their designated premises and enquired as what guidance should we give in future deliberations.

The Legal advisor clarified that if premises have been identified as a problem premises then the personal licence holder should be on the premises.

**Resolved: to recommend to Council that the Licensing Policy and cumulative impact policy be adopted in respect of carrying out its functions under the Licensing Act 2003**

**6. A REVISED 'STATEMENT OF PRINCIPLES' UNDER THE GAMBLING ACT 2005**

The Committee was asked to consider approving the draft Gambling Act policy statement of principles for recommendation to Council

The Licensing Officer presented the report as per the agenda papers

Members expressed their surprise that no responses were received regarding consultations.

The Licensing Officer confirmed that there are no Cumulative Impact Zones in place in respect of gambling licences.

**Resolved: to recommend to Council that the Gambling Act policy statement of principles be adopted in respect of carrying out its functions under the Gambling Act 2005**

**7. TO CONSIDER ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - REGULATIONS AFFECTING SEX ESTABLISHMENTS AND APPROVE THE SEX ESTABLISHMENT POLICY**

The Committee was asked to recommend to Council the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Licensing and Crime Act 2009, and the draft sex establishment Licensing policy.

The Licensing Officer presented the report as per agenda papers

Members expressed their surprise that only three consultation responses were received.

Although no applications were received under this legislation, all applications received would continue to be viewed on their merits.

A member stated that it is important to respect other people's views and therefore it is important that the authority should continue to accept applications under this legislation.

**RESOLVED: to recommend to Council that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 – regulations affecting sex establishments be adopted.**

It was brought to the attention of the Chairman that Licensing Officer Adrienne Poole is due to retire.

The Chairman congratulated Adrienne Poole on her impending retirement and thanked her on behalf of the committee for her contributions.

**8. THE JOINT CONTRIBUTION OF PUBLIC HEALTH AND ENVIRONMENTAL HEALTH & TRADING STANDARDS TOWARDS THE IMPROVEMENT OF PUBLIC HEALTH OUTCOMES**

Dr Arif Mahmood outlined the report to the Committee and explained how the public health, environmental health & trading standards collectively contribute towards positive public health outcomes.

The Head of Consumer and Business Protection then presented a retrospective contribution of Environmental Health and Trading standards over the last 12 months towards public health in Herefordshire.

A snapshot of key areas was covered with a more detailed report to be included in the next Regulatory Committee meeting.

Points covered included:

Illicit tobacco – a number of high profile actions have been taken within the county. to reduce the sale of illicit tobacco. It is recognised that illicit tobacco reduces the price and can therefore encourage young smokers. There is also the issue of a substandard product being provided e.g. poor filters.

Alcohol - close working relationships with the Police are maintained and it is encouraging to hear that the Police view Hereford City as a model area in the West Midlands.

Members commented that it is evident that officers are doing a good job and recognised that the matter of managing resources and risk is an ongoing one.

A member asked if there was any evidence of an increase in infectious disease with the response from Dr Mahmood that there has been an increase nationally in infectious disease. Studies show that it is harder to contain infectious disease in urban communities however; it is easier to educate the community. In rural communities the evidence is that the opposite is true.

It is recognised that more education is needed to avoid infectious disease and to encourage people to come forward and report incidences.

Members pointed out the recent change in refuse and recycling arrangements in the county and whether there was any correlation in requests for pest control.

There was no evidence that there has been any increase in pest control activity although the situation is being monitored.

It was accepted that Environmental Health and Public Health are not as connected as they could be and that there was no one government department responsible in this area.

The Chairman confirmed that he will raise the issue at the next Centre for Public Scrutiny board meeting in London.

**Resolved: that the report be noted**

The meeting ended at Time Not Specified

**CHAIRMAN**

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>MEETING DATE:</b>	<b>14 OCTOBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS 2014/2015 (ANNUAL REPORT)</b>
<b>REPORT BY:</b>	<b>HEAD OF ENVIRONMENTAL HEALTH &amp; DEVELOPMENT MANAGEMENT, AND HEAD OF TRADING STANDARDS &amp; LICENSING (ECONOMIC, ENVIRONMENT &amp; CULTURAL SERVICES)</b>

**1. Classification**

Open

**2. Key Decision**

This is not an executive decision

**3. Wards Affected**

Countywide

**4. Purpose**

To note the main regulatory activities of the council's environmental health & trading standards (EHTS) service for the year 2014/15 (period 1<sup>st</sup> April 2014 – 31<sup>st</sup> March 2015).

**5. Recommendation(s)**

**THAT:** the report be received and noted.

**6. Alternative Options**

There are no alternative options relevant to this information report.

**7. Reasons for Recommendations**

The report provides the committee with performance information about the main activities and regulatory responsibilities within the EHTS service to enable the committee to fulfil its role to oversee the discharge of the council's regulatory functions

and exercise of regulatory powers and duties of the council.

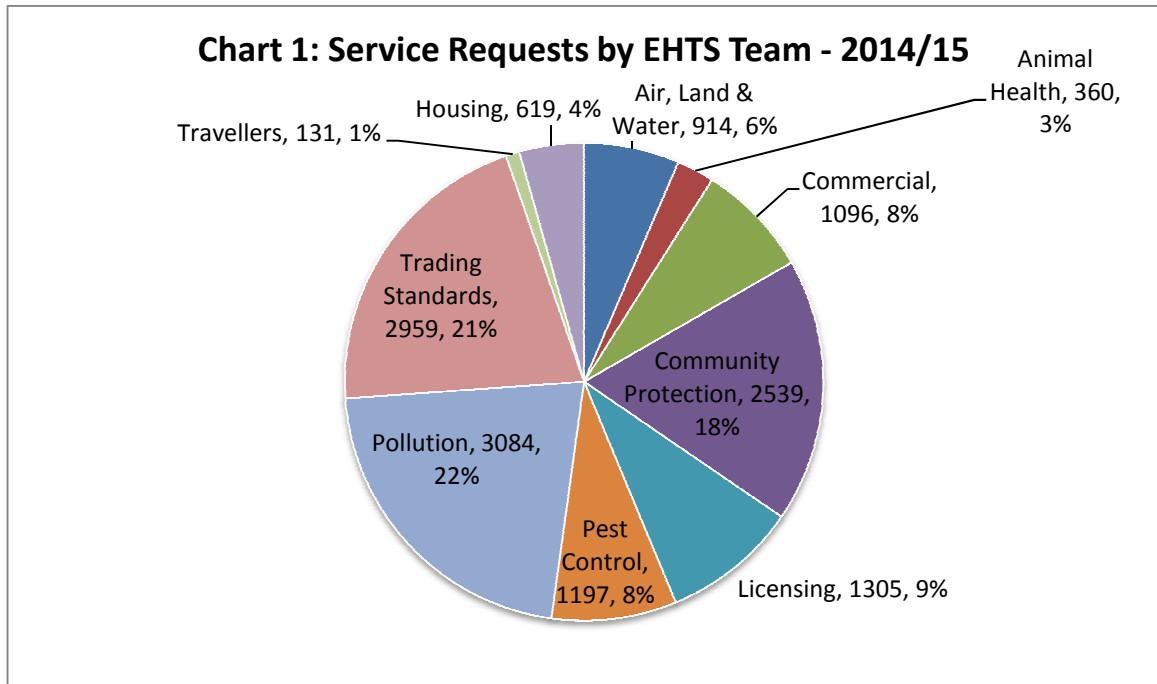
## 8. Key Considerations

8.1 This report is to enable members to be aware of the regulatory activity of environmental health & trading standards (EHTS) for the year 2014/15 including compliance with its respective food hygiene and food standards inspection programmes.

8.3 The report provides the committee with a summary of activities for those service areas in the council's EHTS service involved in regulatory matters, namely:

- Environmental health;
- Pest control;
- Gypsy travellers;
- Trading standards;
- Community protection;
- Children in employment;
- Animal health;
- Licensing;
- Licensing matters via the regulatory sub-committee (see [appendix 1](#));
- Prosecutions and other enforcement activity summary (see [appendix 2](#));
- Business satisfaction survey results (NI182) (see [appendix 3](#));

To give an initial overview, a percentage breakdown of service request activity with the number of requests per service area can be seen in Chart 1 below:



8.4 In the year 2014/15 the entire EHTS service was budgeted to cost in the order of £1.18m net expenditure, although the actual net expenditure closed at £1.22m. (a variance of only 3%).

8.5 In the current 2015/16 financial year, income is expected to be in the region of £900k. In 2015/16 EHTS is budgeted to cost the Council £1.02m as net expenditure

8.6 EHTS reviews its performance monthly through its management team. As well as performance against service plans and key performance indicators (reported on in the main text of this paper), the team can report that in 2014/15:

- There were 77 freedom of information (FOI) and 2 environmental information regulation (EIR) requests for data, all of which were responded to within their target time.
- There were 4 service requests received from MPs.
- The local government ombudsman investigated 4 cases (all related to noise), but all were concluded in the council's favour.
- EHTS received 46 compliments and 19 complaints about its staff. All complaints were investigated and responded to in accordance with the council's policy on this matter. Complaints were generally either about the length of time a service request took to complete or were a challenge of an EHTS decision.

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

## **9. Environmental Health - Environmental Protection Team**

9.1 Environmental protection encompassing key areas such as:-

- Noise nuisance – investigation and service of noise 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 defective septic tanks / rural drainage
- Public health complaints – clearance of land or housing with rats, mice, vermin or rubbish
- Planning consultations - for environmental protection observations / conditions
- Licensing consultations – for noise observations / conditions
- Closed landfill site management – monitoring and project managing engineering works etc.
- Contaminated land – service requests, responses to planning application consultation requests and contaminated land strategy investigations
- Private water supply monitoring and regulation and overview of mains water quality
- Industrial pollution control – issuing of environmental permits for large factories & processes
- Air quality – monitoring and assessment of air quality across the county with statutory reporting to Defra.

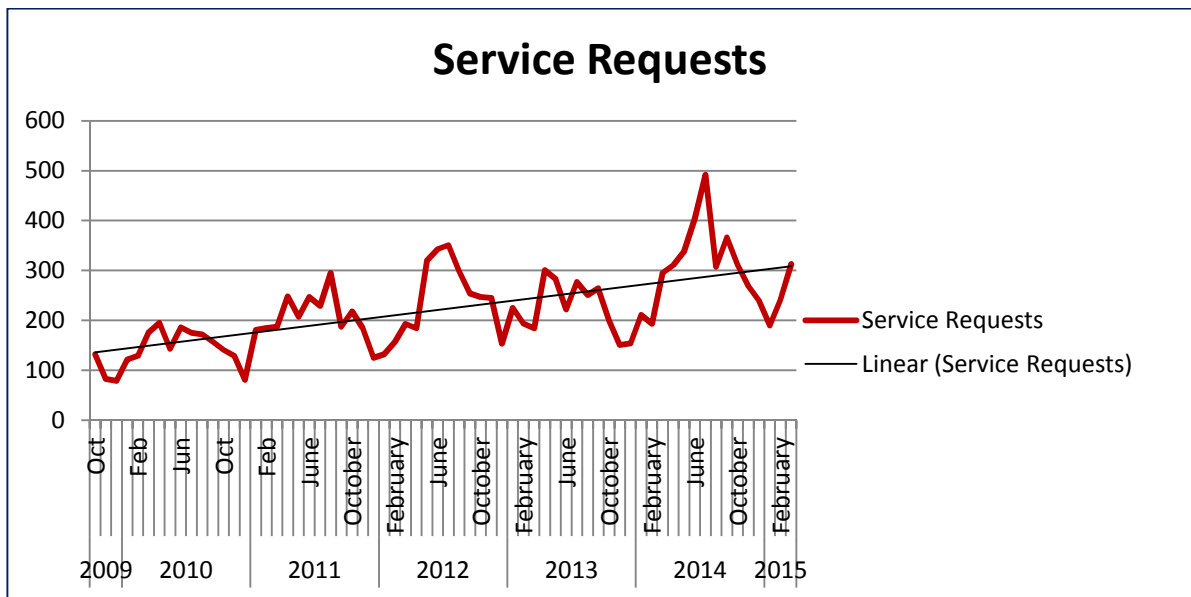
9.2. In the year 2014/15 the team handled 3,986 service requests, comparing to 2,802 during 2013/14. This shows a significant increase of about 42%, reflecting greater public expectation combined with increased consultation, which is statutorily required.

9.3 In 2014/15, 80% of the team's service requests were responded to within 5 working days, compared to 72% the previous year, which is a significant improvement, mostly achieved through better ways of working. As public expectation continues to rise for environmental/community issues and more work is required out-of-hours, there is considerable change is required to deliver an effective statutory service. This challenge has been addressed by the service deploying its staff in a more generic and flexible way.

9.4 The graph below helps show the seasonality and long term rising trend for environmental protection service requests year on year, particularly demonstrating that last summer (June - July) was extremely busy).

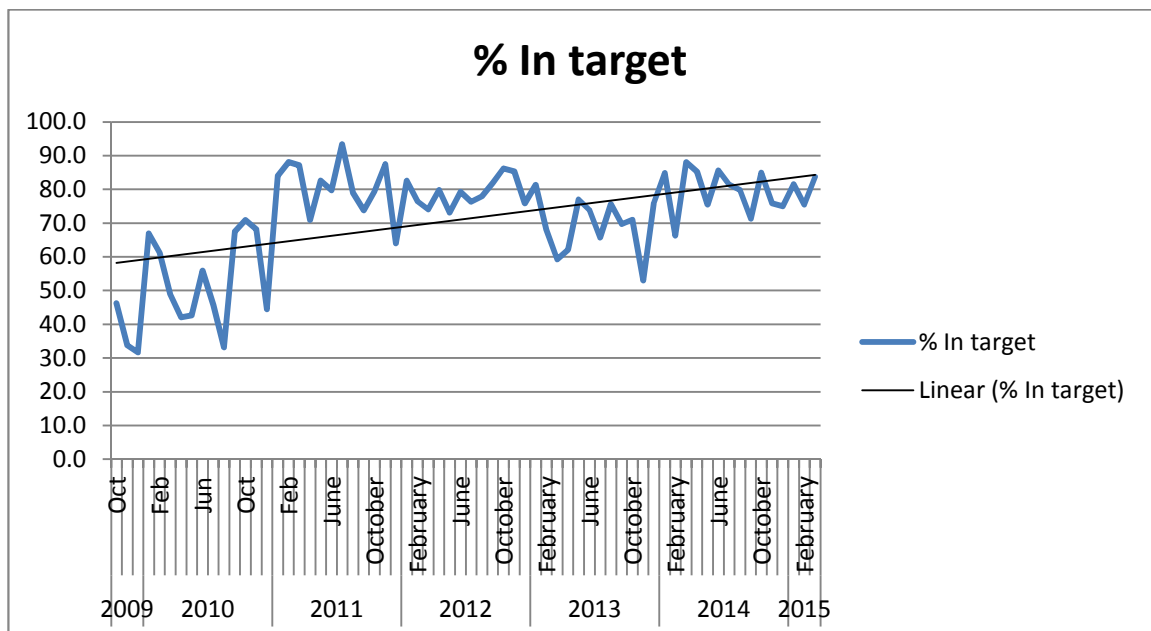


**Graph 1: number of environmental protection service requests/month since 2009/10**



9.5 Graph 2 below shows those service requests which met EHTS's 5 day response target. It can be seen that the performance of this team significantly improved from early 2011, whereupon it seems to have stabilised.

**Graph 2: percentage/month of environmental protection service requests in target**



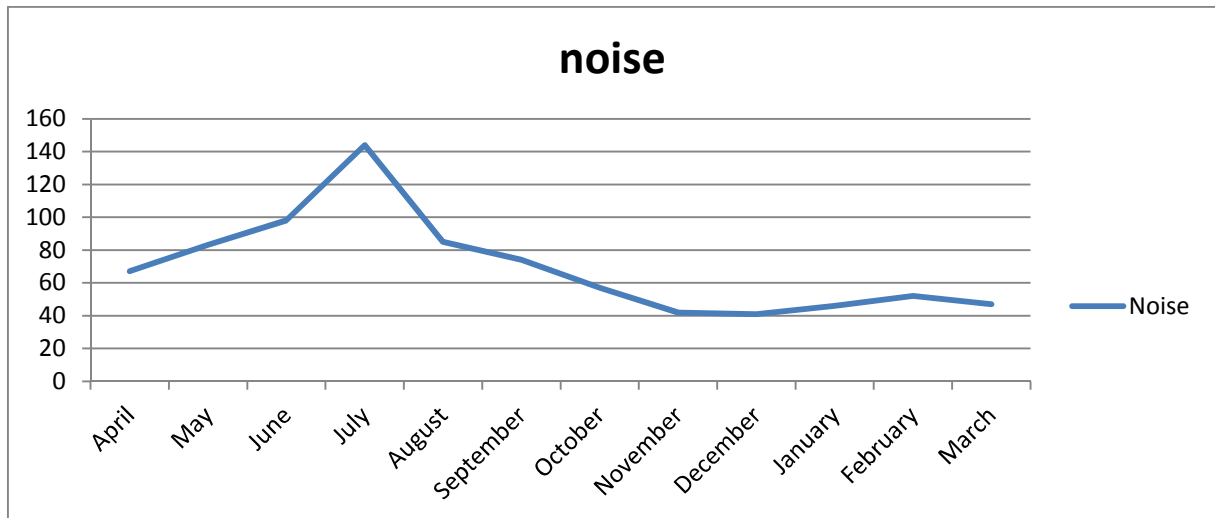
9.6 About 21% of the service requests received in 2014/15 related to noise. This percentage has slightly fallen from 22% in the previous year. The breakdown of the type of service requests received last year is shown in the table 1 below:

**Table 1: environmental protection service requests in 2014/15**

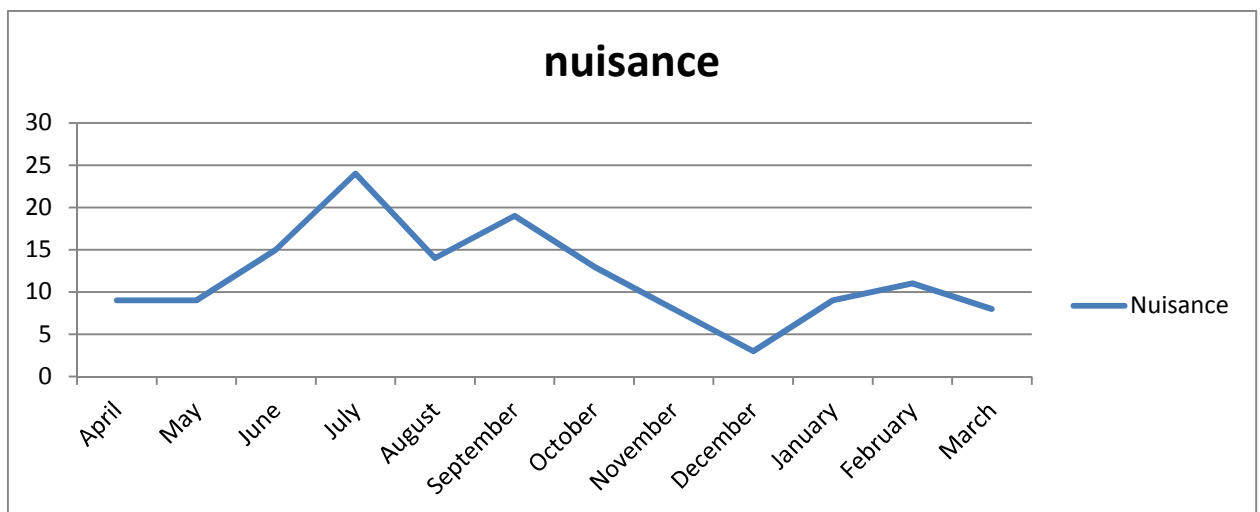
<b>Type of service request</b>	<b>No. received April 2013 to March 2014</b>	<b>percentage of total</b>
Noise Nuisances	836	21
Other Nuisances (dust, smell, light, flies etc)	142	3.6
Clean Air Act, smoke, air pollution & bonfire nuisances)	185	4.6
Public health complaints (including rubbish, rats, pests and hoarding)	250	6.3
Drainage	82	2.1
Drinking water quality	362	9.1
Planning Consultation Responses	624	15.7
Licensing Consultation Responses	1053	26.4
Miscellaneous and advice	655	11.3
<b>Total</b>	<b>3986</b>	<b>100</b>

- 9.7 Clearly, we must be aware that each service request will vary considerably in complexity and therefore they cannot be equally weighted. That said, it is illustrative of the areas of workload responded to and continues to highlight noise at about 21% as the main operational activity undertaken. If you remove consultation responses from this data, noise complaints would have equated to 36%. This reinforces our belief that Herefordshire is following the national trend of rising public expectation for the council to resolve environmental protection complaints.
- 9.8 A number of planning and pre-application visits were also undertaken to assist planning services and the licensing team. This work aims to prevent the need for future enforcement action. The breakdown in table 1 reveals that consultation work stayed high at 42.1% of the total service requests in 2014/15 compared to 47% in 2013/14. This demonstrates the significant joint working with the licensing and planning teams, as each consultation request was investigated and responded to.
- 9.9 The seasonality of both noise and other nuisances can be seen in graphs 3 and 4 below.

**Graph 3: service requests in 2014/15 for noise showing seasonal trend**



**Graph 4: service requests in 2014/15 for 'other nuisances' showing seasonal trend**



9.10 EHTS co-chairs with the police, a “multi agency tasking and coordination” group, called MATAAC. This comprises a number of public agencies such as the police, council and housing associations and coordinates the best and most effective response to tackle anti-social behaviour, usually involving the environmental protection team, licensing and the environmental health housing team.

### **Specialist contaminated land & closed landfill work**

9.11 It remains a statutory duty for the council to investigate and assess contaminated land and for this aspect to be considered as and when it arises through the planning process.

9.12 Nearly half of EHTS’s consultations requested by planning were undertaken for potential land contamination.

9.13 The service has worked closely with the environment agency (EA) on a detailed investigation of the Sutton Walls closed landfill site and any potential contamination from it. This work is now drawing to a conclusion.

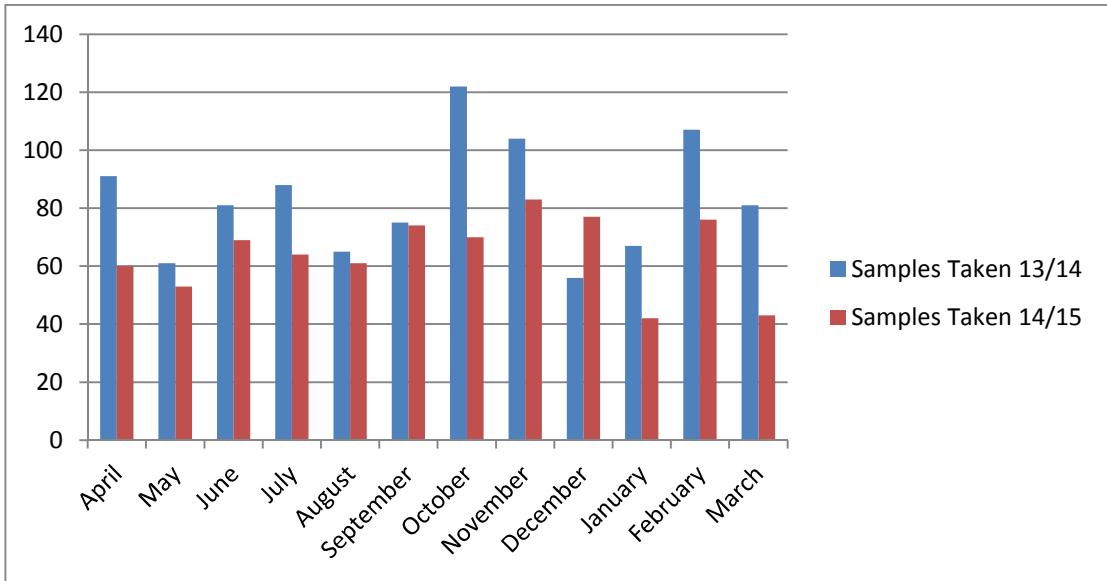
### **Specialist closed landfill work**

- 9.14 There is both a statutory duty and civil obligation for the council to manage its closed landfill sites and to monitor any pollution from them, such as gas or leachate migration.
- 9.15 In fulfilment of this, extensive engineering and monitoring work has continued in 2014/15 at the closed landfill site at Stretton Sugwas, as well as routine work at the closed Strangford, Belmont and Leominster sites.

### **Specialist water sampling and monitoring work**

- 9.16 Herefordshire has about 3000 private water supplies and is unusual in that it has a much higher than average number compared to much of England. These supplies are typically in the most rural areas of the county. They often serve rural commercial premises as well as large bottling plants, so there are implications to the wider public health of visitors and customers.
- 9.17 Although water within the county is of a generally good quality, increasingly supplies become contaminated by bacteria from either agricultural activity or rural drainage. Similarly, chemical contamination can occur and is usually associated with agricultural activity (fertilizer/manure) or leaching of metals into water from distribution pipework. Both problems increase following extreme wet weather. Bacterial contamination is usually associated with the animal or human gut or general decomposition through contamination of water tanks. Chemical problems are normally associated with nitrates (fertiliser) or iron / lead (drinking water pipe corrosion).
- 9.18 There is a statutory duty for the council to routinely take water samples from these private drinking supplies, which include wells, boreholes and springs. These samples and the risk assessment of the supplies are only required where a supply is shared with other houses or is provided to the public for consumption / commercial use. Sole users of their own private water supply are therefore not required to be sampled. However, samples are undertaken from non-shared supplies if requested, although costs are fully recharged for this service.
- 9.19 Water sampling is recharged where at all statutorily possible. In this way, the service recovered £50k in 2014/15.
- 9.20 For the year 2014/15, 993 statutory water samples from private supplies were programmed and 772 of these were taken (79%). This compares to 1129 programmed in 2012/13 with 998 being taken (88%), so sampling activity has fallen, primarily due to a temporary staffing shortage, now been addressed. This is shown in Graph 5 below.

**Graph 5: Private water sampling for 2013/14 compared to 2014/15**

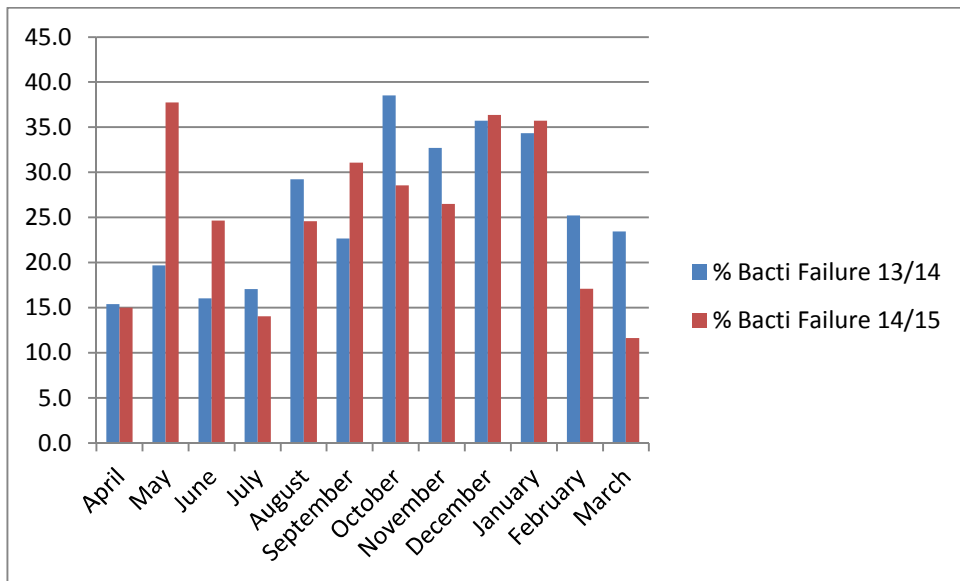


9.21 In 2014/15, 260 samples failed for bacteriological water quality (25.8%) and 107 chemical failures were recorded (11.2%). This regulatory work has so far resulted in 18 notices having to be served to improve unfit / unwholesome supplies.

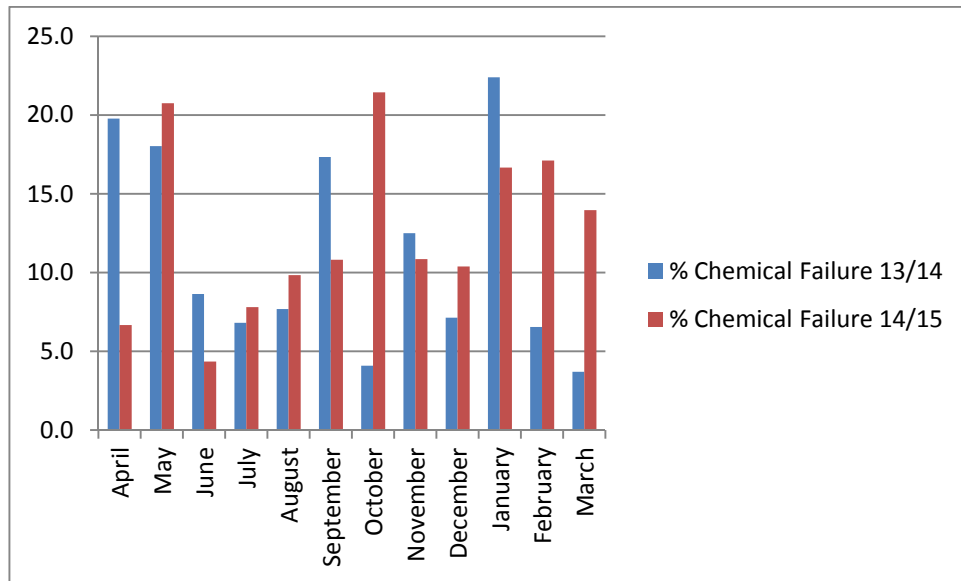
9.22 In comparison, in 2013/2014 - 285 samples failed for bacteriological water quality (27.5%) and 135 chemical failures were recorded (13.6%), resulting in 44 notices having to be served. Therefore water quality remains much the same, notices have reduced and water quality is improving slightly.

This is shown in graphs 6 and 7 below.

**Graph 6: bacterial water sample failure rates in 2013/14 compared to 2014/15**



**Graph 7: chemical water sample failure rates in 2013/14 compared to 2014/15**



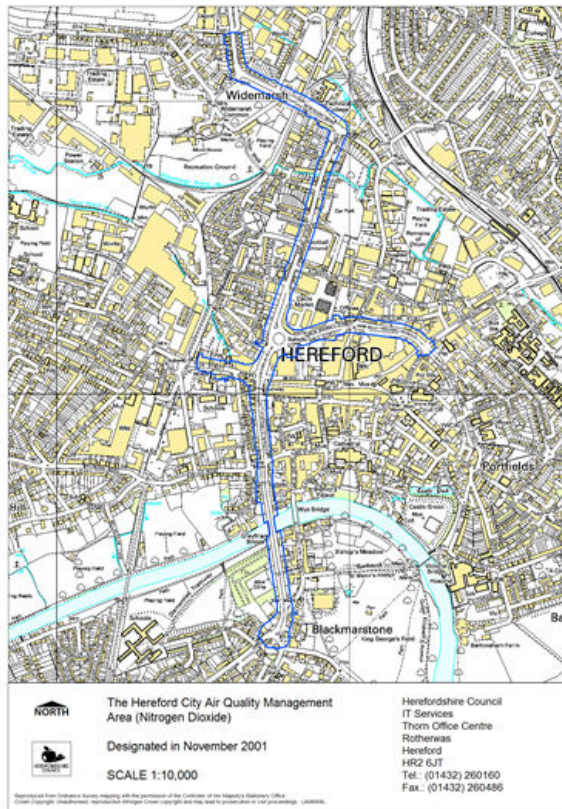
- 9.23 For the year 2014/15, 86 risk assessments for these private supplies were programmed and 43 of these were able to be completed (52%). This compares in 2013/14 to 87 programmed and 59 taken (70%) . This reduction is connected to the temporary staff issue mentioned above. These risk assessments are statutorily required and are recharged in accordance with the regulations.
- 9.24 It is worth noting that in 2014/15 out of the 284 cases notified to EHTS, there were two serious outbreaks of campylobacter that were traced back to rural private water supplies from commercial premises. As a consequence, 35 people fell ill. In addition, one child was infected with E. Coli O157, the source being traced back to a childminder's private water supply. All those affected recovered fully.
- 9.25 The water sampling team have almost completed their first 5 year programme of risk assessment work for the County's 3000 supplies. As a consequence, we are beginning to secure significant improvements to supplies, with many premises now installing water treatment and undertaking works to protect their supplies at source.

### **Specialist air quality monitoring & reporting**

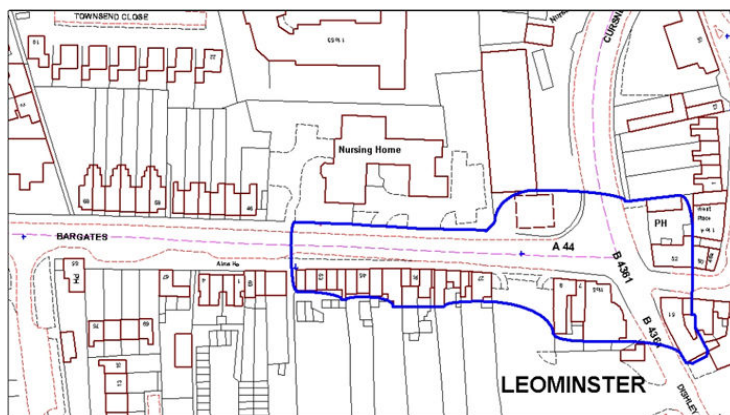
- 9.26 Air quality monitoring has continued at a reduced number of sites. A review and an annual report has been undertaken, as is statutorily required. The continuous air quality monitoring station at Victoria Street was also repaired and now collates roadside data.
- 9.27 The county continues to have two declared 'air quality management areas', both the result of traffic emissions, as the areas fail to meet the nitrogen dioxide (NO<sub>2</sub>) objective set by the government.

These hotspot areas are at:

**MAP 1: Hereford City – along the A49 corridor**



**MAP 2: Leominster – adjacent to the Bargates traffic lights**



**Specialist industrial pollution control work**

- 9.28 Environmental permitting of the county's potentially polluting 93 industrial processes/factories continued, the statutory recharged income from this being about £35k for 2014/15.
- 9.29 Several permits were varied and inspections were made to premises? on a risk assessment basis, including two large print-works and two Hereford based galvanising plants (one now closed), the latter four all operating under integrated pollution

prevention control (IPPC) permits due to their potential emissions. A new sector for wood preserving industries came under the control of this legislation and applications for new environmental permits have been received.

### **Regulatory environmental protection**

- 9.30 Rather than prosecute, the council's joint enforcement policy encourages the service to utilise statutory notices to resolve problems and escalate this to prosecution only when absolutely necessary. During the year 2014/15 the following statutory notices / enforcement action was taken by the environmental protection team.

**Table 2: environmental protection notices served**

<b>Type of statutory notice</b>	<b>Number served in period 2014/15</b>
Unwholesome private water supply	25
Noise abatement notice	2
High hedge notices	2
Drainage (building act)	1
Pest control (keeping land clear of rats)	3
Clearance of filthy & verminous houses (hoarding)	2
Requisition for information	2
<b>TOTAL</b>	<b>37</b>



## 10. Environmental health commercial team

This team is responsible for key areas such as:-

- Food hygiene & food safety
- Infectious disease notification and outbreak control
- Health & safety at work
- Ensuring smoke free workplaces
- Safety & licensing of sports stadiums

### Food hygiene & food safety

- 10.1 The team ensures the basic food hygiene of food registered premises as well as the promotion of the newly adopted Food Hygiene Rating Scheme (FHRS), which provides a score rating of premises that is publically available on a national website - see the link <http://ratings.food.gov.uk/> .Through this work, the team provide business advice and support new and existing businesses.
- 10.2 Food hygiene inspections are carried out by suitably qualified and competent officers at intervals appropriate to the risk of the food business namely, the quantity of food supplied, the distance it travels, its type and the management of food safety (practices, procedures and the structure of the premises).
- 10.3 In Herefordshire there are approximately 2,500 registered food businesses. The high-risk food business inspections are generally unannounced and during food production times, so as to ensure that a true picture of the business is being assessed. The aim of the inspection is to ensure food business are suitably controlling food safety relevant to the risk, as required in food hygiene legislation, so as to ensure food produced does not cause harm or ill-health to the consumer.
- 10.4 In 2014/15 the team achieved the following:

**Table 3: Food hygiene inspection programme for 2014/15**

Risk Category	Programmed for the year 2014/15	Achieved for the year 2014/15
A	5	5
B	59	59
C	271	266
<b>TOTAL FOR HIGH RISK</b>	<b>335</b>	<b>330</b>
D1 – Medium Risk	137	139
D2 – Low Risk	No target set	88
Unrated	54	44

- 10.5 The reason why 5 high risk (category C) premises were not inspected is because these businesses had seasonal opening times and were closed at the time of the programmed inspection and this was therefore unavoidable. The reason why 88 low risk premises were inspected more than required in the programme, was either in response to complaints from the public, a request by the business for a visit or for efficiency reasons, i.e. if an officer was visiting another premises in a specific remote/rural geographical area.
- 10.6 In addition to both 'programmed' and 'new business' food hygiene inspection visits, there are other visit types that are also referred to as interventions under the food code of practice. Over the year there were a total of 982 intervention visits made to food premises, as shown below.

**Table 4: food hygiene interventions for 2014/15**

<b>Intervention type</b>	<b>No of visits</b>
Total Inspections (programmed & new business inspections)	713
Verification & complaint visits	167
Sampling visits	24
Advice & education visits	70
Information & intelligence gathering visits	8
<b>Total number of food hygiene visits</b>	<b>982</b>

- 10.7 There was approval of a reduced 2014/15 food hygiene inspection programme in June 2014 and the above table demonstrates that this was largely met.
- 10.8 The findings of all these inspections are assessed against a national risk assessment code of practice that calculates when the next inspection is due. This is how a premise is allocated its specific risk category.
- 10.9 Part of the inspection involves producing a risk rating score which is also converted into a publicly accessible food hygiene rating detailing how well the business has managed food hygiene at the time of the inspection (currently only catering and larger retail businesses are included). This information is freely available for all to see on the National FSA Food Hygiene Rating Scheme website. This can be found at <http://ratings.food.gov.uk/>

The FHRS breakdown of applicable Herefordshire establishments for the year ending 2014/15 is shown in Table 5 below:

**Table 5: Breakdown of comparison Herefordshire food hygiene rating Scores**

<b>FHRS rating</b>	<b>2012/13</b> ( year total %)	<b>2013/14</b> (year total %)	<b>2014/15</b> (year total %)
5 - Very good	63.3	63.7	62.9
4 – Good	21.5	21.4	23.0
3 - Generally satisfactory	11.5	10.8	10.2
2 - Improvement required	2.4	3.2	2.9
1 - Major improvement required	1.1	0,8	1.0
0 - Urgent improvement required	0.1	0.1	0.0
Total rated establishments	100.0	100.0	100.0
Establishments with rating of 3 (satisfactory) or better	96.4	95.9	96.1

- 10.10 During the period 2014/15, the percentage of premises with a ‘food hygiene rating Score’ of satisfactory or above has remained constant at around 96%, which is significantly above the estimated west midlands average of around 90%.
- 10.11 The team operate a duty desk system where all enquiries received by the team are passed to a duty officer to respond and action as appropriate. (This is for both Health & Safety and Food Safety enquiries.) The team received a total of 1095 service requests this year, around 877 of these related to food hygiene.
- 10.12 Routine food hygiene microbiological sampling is carried out by the team to ensure that foodstuffs do not contain harmful microorganisms (e.g. Salmonella) or their toxins. The team work closely with the food examiners at the Food Water and Environmental Laboratory, Sutton Coldfield, Public Health England (PHE) (formerly the Health Protection Agency (HPA)) and with the Health Protection Unit (HPU also part of PHE). There is a sample allocation for submitting food samples to the PHE laboratory and currently no cost is incurred within the allocation. This year 166 food hygiene samples were taken.
- 10.13 Where issues are identified by an officer during the inspection of a food business a range of options are available, depending on the public health risk identified and the responsiveness of the food business to ensure compliance. These steps are:
- (i). advice,
  - (ii). formal letters (written warnings),
  - (ii). formal notices,
  - (iii) voluntary closure,
  - (iv). formal closure
  - (v). caution
  - (vi). prosecution.

Revisits also play an important role in ensuring significant issues are put right.

**Table 6: Enforcement action taken in 2014/15 compared with 2013/14**

<b>Enforcement Action</b>	<b>2013/14 (Number)</b>	<b>2014/2015 (Number)</b>
Voluntary closure	2	2
Improvement notices	0	4 notices
Seizure/surrender of food	0	2 Premises
Written warnings*	528	558

*\* Written Warnings –include an inspection report and or letter, detailing contraventions that require action by the food business operator to ensure compliance with food hygiene legislation.*

### **Infectious disease notification and outbreak control**

10.14 A number of diseases are reportable to environmental health via Public Health England (PHE) to enable the local authority to investigate the possible cause and in order to prevent further ill-health and risk to others. This year the team has received and investigated 289 Infectious disease notifications. These are detailed below:-

**Table 7: Number of reportable diseases to Environmental Health**

<b>Infectious Disease Notification</b>	<b>Number in 2012/13</b>	<b>Number in 2013/14</b>	<b>Number in 2014/15</b>
Campylobacter	291	248	284
Cryptosporidium	19	6	16
E.coli	4	4	9
Giardia lamblia	7	9	8
Hepatitis	1	2	6
Salmonella	17	14	20
Shigella	4	3	0
Viral Hepatitis	2	0	1
Vibrios	0	1	0
Legionella	0	2	2
Typhoid Fever	0	0	1
<b>Total</b>	<b>345</b>	<b>289</b>	<b>347</b>

## Health and Safety

- 10.15 All high risk 'A' rated health & safety premises were inspected.
- 10.16 Accident notifications have continued to be investigated in accordance with selection criteria. 141 notifications were received (see table below).

**Table8: Breakdown of accident notifications in Herefordshire**

<b>RIDDOR Notification Category</b>	<b>Number in 2012/13</b>	<b>Number in 2013/14</b>	<b>Number in 2014/15</b>
Another kind of accident	40	12	15
Contact with moving machinery	1	1	0
Exposure to harmful substance	3	0	2
Fall from a height over 2m	4	3	2
Fall from a height under 2m	10	24	16
Hit by moving/flying object	8	9	6
Hit something fixed or static	8	7	3
Injured Handling/Lifting etc.	13	10	14
Physically assaulted by person	2	4	11
Slip Trip Fall, same level	61	61	49
Hit by moving vehicle	0	1	1
Exposed to fire	0	2	0
Contact with electricity	0	1	0
Not specified	0	6	10
Drowned or asphyxiated	0	0	1
<b>Grand Total</b>	<b>150</b>	<b>141</b>	<b>130</b>

- 10.17 Sadly in 2014/15 environmental health officers had to investigate several fatalities caused by accidents in the workplace.
- 10.18 The team received and actioned a total of 218 health and safety service requests as detailed in the table below:-

**Table 9: Health and safety service requests**

<b>Health &amp; Safety Service Requests</b>	<b>2012/13 Total</b>	<b>2013/14 Total</b>	<b>2014/15 Total</b>
H&S Lift Report	3	3	4
H&S Accident not RIDDOR notified	1	0	3
H&S Advice	61	53	50
H&S Asbestos Removal Notifications	9	7	7
H&S Complaint	54	51	65
Other	6	98	89
<b>Grand Total</b>	<b>134</b>	<b>212</b>	<b>218</b>

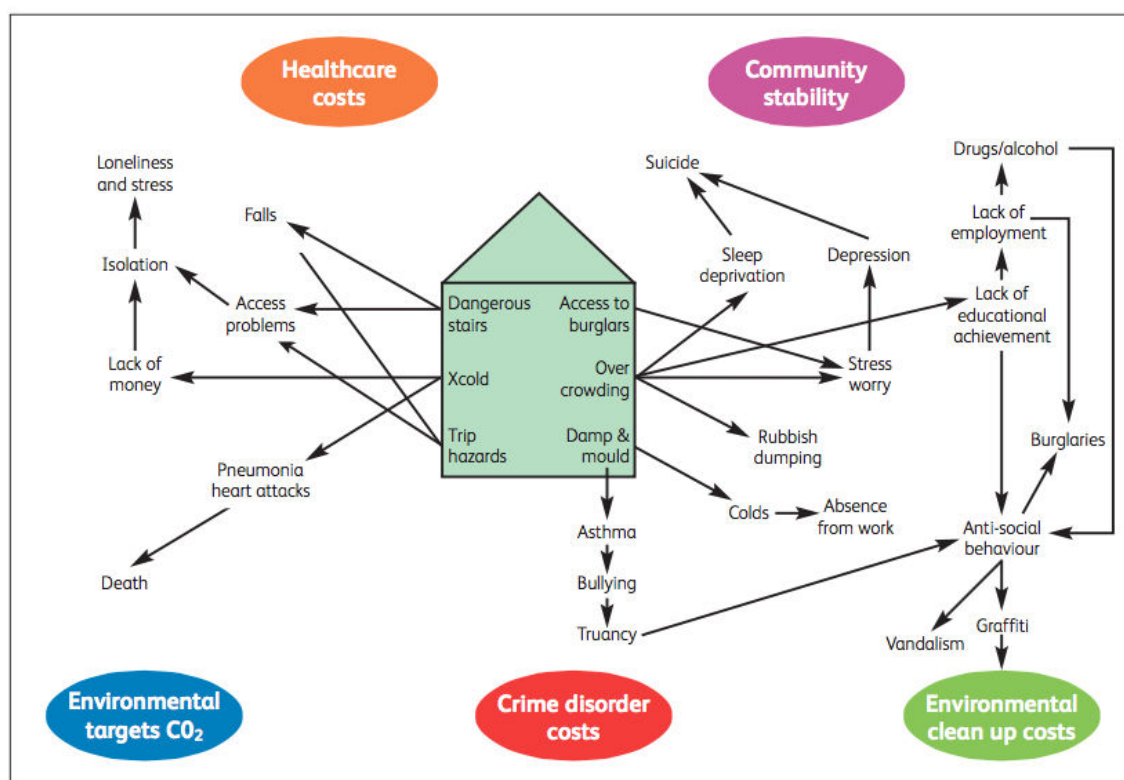
- 10.19 Officers continued to liaise with organisers over event safety, including our Licensing Team to ensure public safety at large outdoor events.
- 10.20 Enforcement notices for health & safety were served at several premises most notably prohibition notices for unsafe gas appliances in a Hereford restaurant as well as at a hotel in Leominster for dangerous wiring, causing the premises to temporarily shut down.
- 10.21 The team also fulfilled the Council's statutory duties in relation to the Safety at Sports Grounds (Hereford United Football Club and Hereford Racecourse). It also continued to lead on sports grounds safety advisory groups (SAGs). A wholesale review, involving all core SAG members, was carried out for the general safety certificate in place and a revised and updated certificate was issued for HUFC. A general safety certificate was issued in respect of the racecourse.
- 10.22 The Environmental Health Commercial Team was also pivotal in the safety and leasing issues that faced Hereford United in 2014, which came to a head at the end of the year when the club fell into receivership. Regulatory officers were instrumental in assisting the Council's property service in the service of notices.
- 10.23 Throughout 2014/15 the team also continued to provide advice and where necessary, enforce legislation in relation to Sunday trading and smoke free workplaces.

## 11. Environmental Health Housing Team

11.1 The Environmental Health Housing Team carry out a wide range of statutory duties under various housing related legislation. These are applied by carrying out programmed inspections of premises, responding to complaints and offering advice, and where necessary bringing cases before the courts.

11.2 The links between housing and public health are well documented and summarised in Figure 1 below.

**Figure 1: Environmental Health and Public Health Linkages**



11.3 The continuing aim of the Environmental Health Housing Service is to ensure good quality and healthy housing for all residents of Herefordshire. We hope to achieve this within available resources by:-

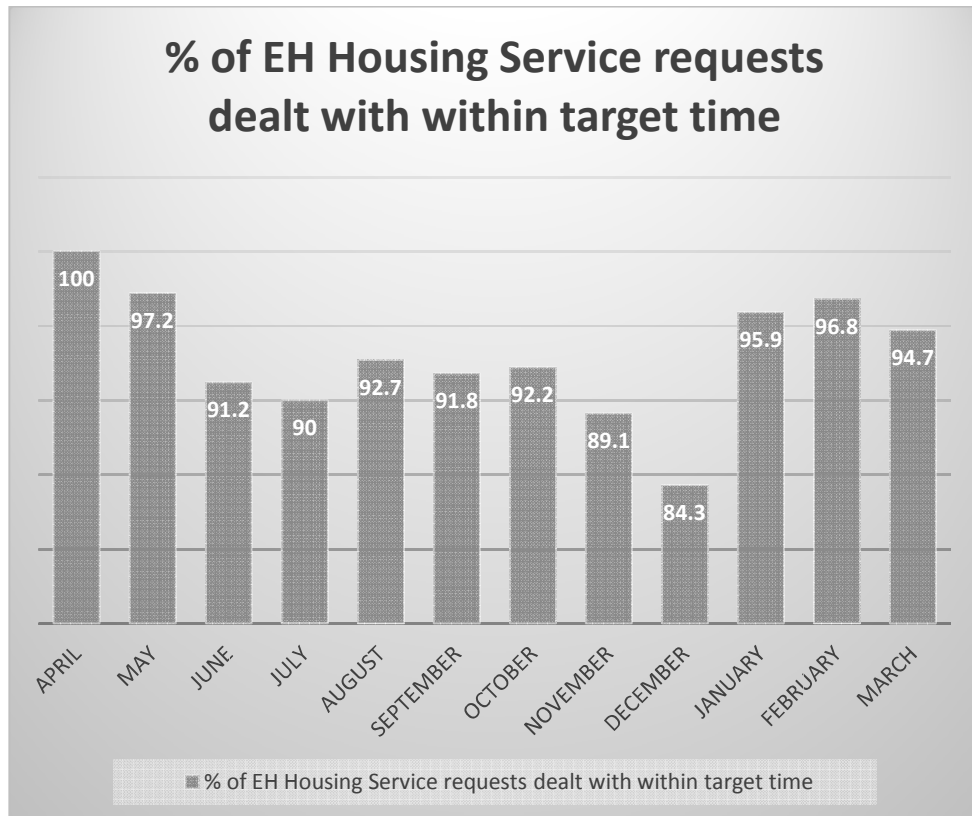
- having a staged proportionate response to complaints and enquiries ranging from information and advice to full inspection and enforcement,
- taking action in respect of those properties which present the greatest risk to the health and safety of vulnerable occupants,
- ensuring that we enforce the law in a fair, equitable and consistent manner,
- working with landlords and other to improve housing conditions and improve the quality of housing management in Herefordshire,
- assisting landlords and others in meeting their legal obligations,
- taking firm action against those who flout the law or act irresponsibly, and
- periodically reviewing housing conditions in the County in order to come to well informed judgements.
- Exploring options to assist home owners maintain and repair their homes

- Evaluate resources available to address empty residential property in Herefordshire
- 114 Work carried out by environmental health housing includes:
- Reactive and proportionate response to complaints including advice, support and inspection of rented accommodation. Officers will take appropriate action in line with the enforcement policy leading to improved housing standard and management by the landlord.
  - A proactive priority risk based inspection of all houses in multiple occupation
  - Licencing of all houses in multiple occupation that require a licence
  - Publicity at local event to drive the message about the service to both landlords and tenants.
  - Facilitating landlords events in Herefordshire
  - Carry out home office visits on behalf of visa applicants and their sponsors for a small fee.
- 11.5 Environmental health housing already have good links with government agencies such as CLG and regularly participate in training events and consultations. Regional enforcement liaison and benchmarking of services is conducted with neighbouring local authorities, police, fire and rescue services, and landlords through the HomeStamp Consortium<sup>i</sup> and attendance of sub groups such as the West Midlands Private Sector Housing Forum.
- 11.6 The Environmental Health Housing assist the Immigration Service by carrying out housing inspections for those persons apply for VISA entry into the UK at low cost. There have also been joint visits and training undertaken with the UK Borders Agency.
- 11.7 Planning colleagues are regularly consulted and informed about policy and enquiry issues where relevant, and working procedures have been produced to ensure all HMO licence applications are notified to the relevant planning team. The team are also consulted by Planning on new development in order to avoid future housing space, fire safety and amenity issues.
- 11.8 Hereford and Worcester Fire and Rescue Service provide fire safety checks for vulnerable households and assists with the inspection of HMOs. The enforcement team have a close working relationship with Hereford and Worcester Fire and Rescue Service that includes joint inspection and consultation in respect of fire safety measures in HMOs. A number of successful prosecutions have been jointly taken where landlords have failed to licence and provide fire safety measures.
- 11.9 Enforcement team representatives also sit on the 'Multi Agency Task and Co-ordination' (MATAC) group responsible for dynamic tasking and co-ordination of resources. The group aims to facilitate partners' ability to work together to enable all organisations in achieving the reduction of crime and anti-social behaviour.
- 11.10 Joint working, co-operation and co-ordination has also been undertaken with the Gangmasters Licensing Authority<sup>ii</sup> and the UK Border Agency<sup>iii</sup>.
- 11.11 Protocols that allow for sharing of information for the detection of crime between environmental health housing and other service areas such as benefits and council tax need to be signed off. This should enable the team to target higher risk property that is occupied by more than one household i.e. HMOs.



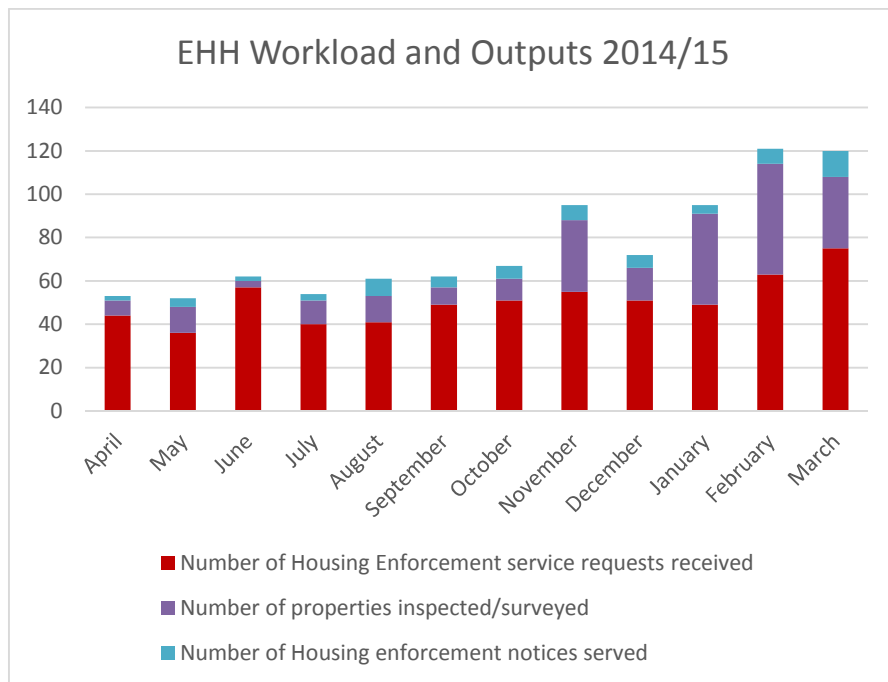
11.12 During the period 2014/15 the environmental health (housing) function received 611 requests for service of which 93% were responded to within the target time. This compares to 494 and 95.4% in time in the preceding year. Graph 8 below demonstrates the responses targets as a monthly figure.

**Graph 8: EHH response performance as percentages**



11.13 In 2014/15 237 housing inspections were carried out, and 66 formal notices were served under housing related legislation. Graph 9 below demonstrates this workload as monthly figures.

**Graph 9: EHH enforcement notices, inspections and service request data**



11.16 In addition to the above, there were two cases taken to Magistrates Court resulting in one successful conviction. One formal caution was administered.

11.17 The team have been working on a number of projects, including joint working and intelligence gathering to tackle rogue landlords, and the 2014/15 Get Warm Stay Warm winter campaign with the public health team.

<sup>1</sup> <http://www.homestamp.com>

<sup>1</sup> <http://www.gla.defra.gov.uk>

<sup>1</sup> <http://www.ukba.homeoffice.gov.uk>

## **12. Pest Control Team**

12.1 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 many council services and schools. During the year 2014/15 the team has:

- Continued to respond to service requests ranging from wasps fleas, rats, mice and moles.
- Has increased its 130 contracts with businesses for pest control.
- Has increased its advertising into parish magazines, local newspapers and has looked to expand its area of operation.
- Implemented a new fee structure to ensure this service towards full cost recovery.
- Earned income of £144k for EHTS, an increase of £36k.
- Made an income surplus over expenditure for the Council as well as assisting EHTS teams perform their statutory functions / facilitate the seagull programme.
- Relocated its poison store from Bath Street Offices to the compound at Stretton Sugwas Landfill Site.
- Introduced a cashless system to increase income and reduce risk.
- Continued to manage the seagull control programme (financed by Hereford City Council), reducing the population from circa 500 breeding pairs to circa 400, publishing an annual report and facilitating an annual Stakeholder's Forum in December 2014. It has also re-tendered out the contract for a further 3 years, this being paid for by Hereford City Council.
- Continued to assist the Environmental Protection and Planning Enforcement Team with regulatory work concerning overgrown gardens and backyards.
- Is available 24/7 in case of any unforeseen public health incidents or outbreaks requiring immediate pest control treatment.

## **13. Gypsy & traveller team**

13.1 The team are responsible for the management of the six council owned gypsy & traveller sites across the county namely: -

- Croft Lane in Leominster;
- Romany Close, Grafton;
- Orchard Park, Watery Lane;
- Open Fields, Bromyard;
- Turnpike, Pembridge; and
- Tinkers Corner, Bosbury.

13.2 This currently equates to some 52 pitches in total. Of the 52 pitches potentially available for rent, fifty one are in use and one is currently being redeveloped (Leominster).

- 13.3 Total rental fee income for the year amounted to £164,309k compared to the income target that was set at £183,419k for 2014/15 (£19k under which is equivalent to 10%). This is principally due to increasing income targets, a percentage of rent arrears and reduced income when plots are vacated. There are likely to be some additional pressures during year whilst a targeted refurbishment programme of sites/pitches is undertaken. All plots are being updated as part of a refurbishment.
- 13.4 During the year 2014/15, regulatory activity occurred through intervention at 50 unauthorised encampments which resulted in formal action being undertaken in 8 cases i.e. a direction to leave notice being served with no recourse to court action being required. Normal practice is to make a preliminary visit to undertake a statutory welfare needs assessment on behalf of the council, whilst also ascertaining the likely period of the encampment.
- 13.5 Following a request from the team manager for a review of rent collection and electric cash payments procedure within the gypsy & traveller team, an audit of the current processes was undertaken by internal audit during March 2014. The final report indicated that overall there was only 'limited assurance' with regard to such procedures. A robust action plan was implemented in collaboration with internal audit to address the recommended improvements and to seek removal of the 'limited assurance' rating which has now been achieved.
- 13.6 Following a successful grant bid for re-developing the Bromyard Open Fields site in December 2012, work commenced in early 2013 to make good 8 pitches to bring them back into use as well as, upgrading the existing facilities for the remaining two pitches that were currently being used. Despite a considerable delay in starting the works due to the discovery of a bat colony within the existing buildings and the necessity for the intervention of Natural England, the site was finally opened in July 2014 and is now fully occupied. This has not only considerably improved the living conditions for those who reside there; but it has also improved the overall aesthetics of the site. Bringing these pitches into use will help alleviate some of the national shortage of pitches and increase rental income to the council.

#### **14. Trading Standards Team**

- 14.1 The service encompasses key trading standards activities such as:-
- The provision of **business advice and support** – assisting businesses with regulatory matters helping them get it right first time, especially small & medium sized enterprises.
  - **Consumer Safety** - ensuring the safety of consumer goods and legality of 'CE' the mark.
  - **Food and Agriculture Standards** – advising businesses on food labelling ensuring that food composition and description are correct and truthful, ensuring animal feeding stuffs relating to labelling and composition are also correct.
  - **Fair Trading** – ensuring goods and services are legally compliant covering numerous commercial practices such as package travel, misleading packaging, green claims, time share etc., and also protecting the elderly and vulnerable against cold calling, rogue traders and scams; taking appropriate enforcement action in line with the council's enforcement and prosecution policy.
  - **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 & explosive storage** – ensuring petroleum and explosives are suitably stored and dispensed, minimising the risk to health & safety.
- **Provision of 2<sup>nd</sup> tier consumer advice** – supporting vulnerable consumers through advice and intervention where appropriate

14.2 Money saved or recovered for consumers & businesses during the year by direct interventions amounted to over £54,000

14.3 Central England trading standards authorities (CEnTSA) and the national trading standards (NTS).

14.4 CEnTSA is the regional body that co-ordinate the work of those 14 local authority trading standards services based within the West Midlands. It has a national reputation for partnership working and for delivering excellent professional development (CPD) training for trading standards practitioners throughout the region and the country, as well as providing training and development opportunities to other regulatory disciplines and professions. It also acts as a conduit for drawing down Government / Food Standards Agency (FSA) funding via the National Trading Standards board (NTS) for tasked project work and enforcement activities ranging from:-

- supporting the delivery and implementation of an intelligence operating model 'IOM' for trading standards services including supported membership of an intelligence data base;
- Supporting regional working to combat tobacco fraud, and consumer detriment in relation to motor vehicles;
- Supporting local authorities in tackling rogue trading and cold calling activities;
- Undertaking e-crime surveillance initiatives;
- Co-ordinating food standards and feed hygiene inspection & sampling projects;
- Consumer safety & Intellectual Property enforcement projects;
- Producing a regular dedicated business support newsletter.

During February 2014, the Head of Trading Standards & Licensing was elected chairman of CEnTSA and as such, represents the region as a board member on the NTS which is chaired by Lord Toby Harris. The NTS is comprised of the chairs of the other English & Welsh regional groups, the WLGA, Northern Ireland, Scotland and government officials from Business, Innovation and Skills (BIS).

### **Illicit tobacco & alcohol**

14.5 The sale and supply of illicit tobacco is a problem within the county and unfortunately, appears to be prevalent throughout the country as a whole. During the last year 10 'intelligence led' enforcement visits were undertaken resulting in a considerable quantity of illicit tobacco and cigarettes being seized and removed from the market place. Not only does the supply of such illicit product undermine the legitimate retailer,

it also, due to its low relative low pricing point, makes it economically easier for people to take up the habit and to continue smoking. The quality control of such products is highly dubious and the constituents are likely to be more damaging than the legitimate product. Tackling this issue at a local level will continue to be a main priority for the trading standards service. A summary of the quantities seized and financial revenues involved are highlighted in table 10 below:

**Table 10: Summary of the quantities seized and financial revenues involved**

Activity 2014/15	
Total non UK duty cigarettes seized	4,030
Total fake cigarettes seized	7,600
Total illicit whites seized	48,480
Fake HRT	9.35kg
Non duty paid HRT	20.75kg
Total street value approximately	£15,000
Tax revenue lost to the exchequer	Circa £27,000
Prosecutions for Illicit Tobacco	5

### **Rogue trading / cold calling / scams**

14.6 During the year 23 rogue trading / cold calling / scam activities were reported to the trading standards team which compares to 33 for the previous year. Although these figures may indicate a reduction in the number of incidents occurring, it is generally accepted that only 1:10 incidents are actually reported. It was discovered during the year that the Police were receiving more calls about rogue traders but were not referring them through to Trading Standards, this issue has now been resolved and a protocol has been established to improve partnership working with the Police. . Tackling Rogue Traders and eliminating such scams remain a key priority for the service that operates a 'zero tolerance policy' in respect of such matters. Several high profile and complex investigations were undertaken during the year resulting in subsequent enforcement activity being undertaken to protect and safeguard the vulnerable individuals that were targeted. A general summary of all prosecutions is included at Appendix 2 to this report. Two specific rogue trader incidents that were concluded during the year of particular interest are highlighted below.

- A gardener who 'cold called' an elderly widow, coerced her into agreeing to cut a hedge. He did the job straight away and wouldn't give the price in advance, just said it would be cheap. Then an hour later demanded £200 which she felt was extortionate and had to give him £100 to get rid of him.
- Working jointly with West Mercia Police, resulted in a crown court trial (Feb 2015) for two rogue traders operating from Cardiff. They had targeted an extremely vulnerable couple in Hereford starting by block paving their driveway for £8000, then when it came to pay claimed the couple had misheard the price and demanded £18000. They then coerced them into agreeing paving round

the back for £4000. The work was of an appalling standard, but being vulnerable they paid up in full and in cash. Incredibly it didn't end there, and a month later they impersonated a trading standards officer and demanded another £6000 to fund a prosecution of the gang who had conned them regarding the block paving work. Then they demanded another £6000 claiming the costs had doubled. A further demand was made but the bank finally queried this last cash withdrawal and scam came to light.. They were found guilty of the Hereford incident and each received a four year prison sentence.

### Food standards inspections

- 14.7 The service completed the statutory required number of food standards inspections during the year in accordance with the food standards agencies food law Code of practice.

**Table 11 Planned inspections – high, medium high, medium low, low food standards inspections 2014/15**

Risk rating	Total No. of premises	No. of Inspections due in year and required by the FSA code of practice	Target % (Number)	Achieved
High	1	1	100% (1)	1
Medium High	52	26	100%(26)	26
Medium Low	54	27	100%(27)	27
Low	850	85	100%(85)	85
Food Sampling - 52 samples to be taken as part of a FSA guided inspection programme.				
Achieved - 60 samples taken)				

### Adoption of the revised food standards agency (FSA) / national trading standards board (NTSB) risk rating scheme.

- 14.8 A new risk rating scheme for food standards inspection has been adopted nationally which was implemented by Herefordshire trading standards during November 2013. As a result of its implementation, the risk rating criteria, risk rating categories and subsequent inspection frequency for food standards premises nationally has changed – effectively, the 'goal posts' have moved. The new rating system has significantly reduced the overall number of premises that are due for inspection during the year and especially those rated as high risk, reducing from 93 high risk premises in 2013/14 to only 1 due in 2014/15. The new risk categories are now High, Medium High, Medium

Low and Low and are now principally based on the confidence that the authority has in the operation of that business. Although the overall risks have been reduced for 2014/15, it is envisaged that as the inspection programme is undertaken, the risk rating of premises is likely to increase and therefore in subsequent years, the number of high risk premises and resulting inspections are likely to increase.

### **Protected geographical indications**

- 14.9 Herefordshire trading standards service is the EU recognised authority for 6 protected Geographical Indications (PGI), namely “Herefordshire Cider”, “Herefordshire Perry”, “Worcestershire Cider”, “Worcestershire Perry”, “Gloucestershire Cider” and “Gloucestershire Perry”. As such we are responsible for the administration and award of this legally protected mark and undertake audits for all 3 counties with regard to renewals (every 3 years) and new registrations, as well as carrying out surveillance visits each year. Currently there are **14** producers who market PGI products. **11** of these are within Herefordshire (**102** individual Cider or Perry products), **2** in Worcestershire (**6** products) and **1** in Gloucestershire (**3** products). We are currently in the process of auditing/registering a new Herefordshire producer. In November 2014, we were audited on behalf of DEFRA, to ensure we met the relevant standard as an audit body. Overall, we were found to be “fit for purpose” with some minor recommendations for improvement, which are currently being implemented.

### **Food Samples**

- 14.10 60 food samples out of a target of 52. The majority were part of the Food Standards Agency (FSA) Food Sampling Grant which was undertaken in partnership with Worcestershire Scientific Services & Worcestershire Regulatory Services. The grant paid for the sample cost and the analysis cost and of the 52 samples taken, circa 2 % were found to be unsatisfactory. These were in relation to labelling issues which have now been raised with the respective home authority to address.

### **Business Advice & Support**

- 14.11 There were **377** business contacts during the year involving requests for advice and assistance which is a slight increase of **4%** on the previous year (**362**). Such contacts involve providing advice and guidance on legislation ranging from food labelling and composition queries, ensuring the descriptions of goods and services are correct and that distance selling regulations are understood and adhered to. The provision of business advice and support is seen as a key component to supporting the economic growth of the county.

### **Feed Standards and EC Feed Hygiene Controls**

- 14.12 All high risk animal feed producers along with a number of farms within the county have been visited to ensure integrity of the food chain. The FSA also provided a grant to ensure a range of premises where inspected for compliance with the Feed Hygiene Regulations and overall, those premises were found compliant.
- 14.13 The FSA have now given this area of work a high priority and are through NTS providing additional regional funding for local authority trading standards services to implement a comprehensive inspection and sampling programme. This is to help ensure that the integrity and composition of animal feed is not compromised and that the primary food chain is protected. All elements ranging from manufacture, mixing, storage, transportation, supply and usage of feeding stuffs are covered. A breakdown of inspections is produced in the following table:



**Table 12: Breakdown of inspections**

<b>Type of Premise visited</b>	<b>Number visited</b>
Approved Premises (A01 to A08)	<b>3</b>
Manufacturer of Additives (R01)	<b>2</b>
Registered Manufacturers of compound feedstuffs (R04)	<b>9</b>
Placing compound feeds on the Market (R05)	<b>1</b>
Surplus food (R07)	<b>10</b>
Registered Storage (R09)	<b>1</b>
Registered Farms that are mixing Feed Additives (R10,R11)	<b>23</b>
Food Manufacturers producing co products e.g. Apple Pulp (R12)	<b>3</b>
Registered Farms not mixing additives Feed Hygiene (R13,R14)	<b>75</b>
Importers	<b>2</b>

### **Feed Samples**

14.14 There were 31 Feed Samples taken from in county producers and included 26 as part of the FSA feed sampling grant which covered the sample and the analysis cost. Those 26 samples were used for 70 different analytical tests taken over the year.

### **Summary of other Trading Standards Inspection Activities.**

#### **14.15 Petroleum & Vapour Recovery Inspections**

17 premises were found to have minor non conformities such as hoses perished, tanks not locked out of date electrical certificate. On revisit all premises were complaint. No premises had to be issued with an improvement notice.

**Table 13: Petrol inspections**

Petroleum Planned	Inspections	Achieved	Compliance
26 due		26 (100%)	9 compliant 17 Non-compliant
Vapour Recovery 26 due		26 (100%)	Compliant

### **Licensing Act Consultations (Alcohol)**

- 14.16 As a 'responsible authority', trading standards are consulted where applications for a new licence and to vary a licence in regard to the sale of alcohol are requested. This has taken the format of securing suitable conditions being placed on the licence such as appropriate training, 'Challenge 25' and the instigation of a refusals register. All areas which are deemed best practice to eliminate or reduce the chance of alcohol being sold to children under the age of 18 Trading Standards Service responded to **44** license consultations over the last year ensuring appropriate conditions are attached to the licence to protect children from harm.

### **15. Community Protection**

- 15.1 EHTS has prioritised the need to address key issues such as 'fly –tipping', abandoned vehicles and 'duty of care' checks with regards to waste disposal and carriage and provision of kennelling and rehoming for stray dogs. The matter of stray dogs is an emotive subject and due to public and political pressure the team has had to provide a dog collection service during office hours without any extra resource thus resulting in other statutory enforcement activity being reduced. A summary of the team's activities are included in table 5 below. It is apparent that the number of fly tipping reports and stray dogs have considerably increased since last year , however enforcement activity has had to be reduced in line with the resources now available.

15.2 **Table 14 Community Protection Team Activity Summary 2014/15**

ACTIVITY	2014/15	2013/14
Fly Tips	<b>1072</b>	677
Abandoned Vehicles	<b>166</b>	153
Stray Dogs	<b>334</b>	287
Duty of Care Checks	<b>131</b>	146
Fixed Penalty Notices Issued	<b>17</b>	33
Prosecutions	<b>10</b>	30

## **16. Children in Employment**

### **Child Licensing**

- 16.1 Dedicated officers within the trading standards service are now the single point of contact for schools and academies, professionals and the public for all legal matters relating to truancy related prosecutions, child employment and entertainment licences and chaperone requests. They will also attend safeguarding meetings, (Child Protection, Child In Need, CAF and In Year Fair Access), with colleagues and other professionals to ensure children are safeguarded. See table 15 below for a summary of details.

### **Child Employment**

- 16.2 Children who are 13 or older and still of compulsory school age are entitled to work part-time as long as their job does not cause their education to suffer or put them at risk of harm or injury. Children under the age of 13 may not have jobs.
- 16.3 Any child wanting to have a part-time job must hold a valid license in order to do so. If a child is working without a license, their employer is breaking the law and will not be insured against any damage or injuries caused or incurred by the child. They also risk legal action being taken against them.
- 16.4 Trading Standards will therefore issue licenses as well as respond to, enquiries about child employment licences in line with legislation (Children and Young Peoples Act 1933 and Herefordshire Council's bylaws), as well as promoting guidance on licencing and undertaking inspection and enforcement visits to employers.

### **Child Entertainment**

- 16.5 Similar to the child employment, children require a licence to carry out public performances and modelling. This also includes the registering of Chaperones.

There is a requirement to issue child entertainment, modelling and chaperone licences in accordance with Children and Young Persons Act 1963 Section 37 and The Children and Young Persons (Performances) Regulations 1968, as well as promoting guidance on licencing and undertaking inspection and enforcement visits to employers.

### **Truancy related legal cases**

- 16.6 To respond to referrals from schools to issue fixed penalty notices and warnings in accordance with Herefordshire Council's Penalty Notice Code of Conduct and The Education (Penalty Notice) (England) Regulations 2007. Keep the Penalty Notice Code of Conduct up to date with statutory changes and consult with stakeholders as appropriate.
- 16.7 Where required to advise schools and academies through the legal process of summonses for prosecution of parents for their child's non-attendance at school, as required in the appropriate sections of the Education Act 1996, the Children and Young People Act 1969, the Children Act 1989, the Education Act 1993.
- 16.8 There has been a 79% increase in the number of referrals sent through by schools when compared to last year however, it is unclear as to why this number has risen by such a large percentage as currently only 42 schools are referring absences to the team. It is likely that as the system for referral is now embedded and as schools

become more comfortable in referring absences to the team, then the number of individual referrals per school has increased. These referrals are assessed on an individual basis and are subject to proportionate enforcement action in accordance with Council's Enforcement and Prosecution Policy. Notifications are also made to Children's Safeguarding where any concerns are raised.

**Table 15: Breakdown of Referrals from schools**

	<b>2014/15</b>	2013/14
School Absence referrals from schools	<b>443</b>	248
School Absence fixed penalty notices issued	<b>390</b>	160
Number of child employment, entertainment, chaperone, body of person's licences issued. (Child Licensing)	<b>314</b>	

## **17. Animal Health & Welfare Team**

- 17.1 Undertake the inspection of farms and livestock, work with farmers to ensure that disease control measures are in place and are adhered to. Provide support and guidance in relation to animal health & welfare legislation, the control of animal by-products and bovine TB. Ensure the welfare of animals and integrity of the food chain through livestock market surveillance, monitoring the transport of animals and also inspecting primary food producers.

### **Animal Health Market Inspections**

- 17.2 Visits are now restricted to limited periods of the day, although all markets continue to be visited. Such visits are seen as integral to maintaining the good reputation of Herefordshire Livestock markets as well as ensuring animal disease security measures are maintained.
- 17.3 Officers attended various livestock markets at Hereford, Kington and Ross on Wye totalling some 122 separate visits. It was planned to attend on 144 occasions however, due to an increase of 100% in welfare complaints, officers were unable to complete all the visits programmed. See 17.5

### **Animal Health Breach Reports**

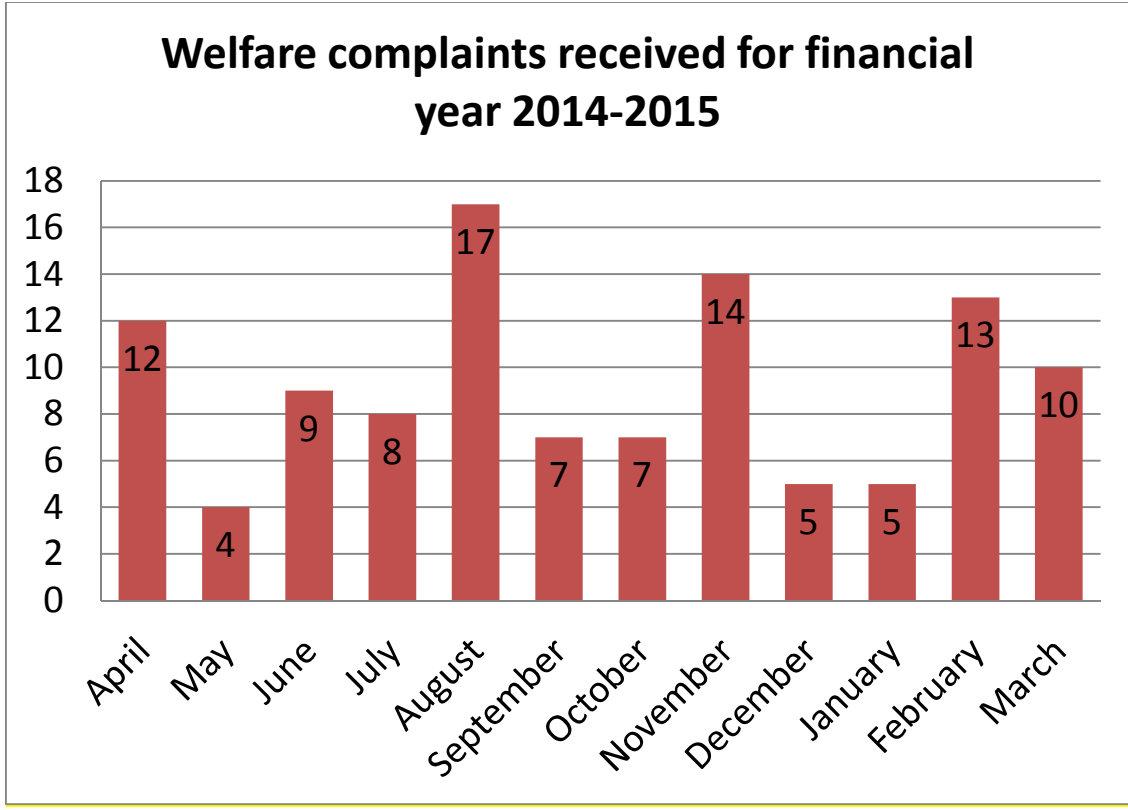
- 17.4 During the year, 185 Breaches have been investigated with various outcomes. Formal enforcement action is at Appendix 2

### **Animal Health Welfare Complaints**

- 17.5 A total of 111 welfare complaints were received for the year compared with 55 recorded for last year. The near **100% increase** in complaints is thought due in part, to the previous poor economic conditions being experienced within the farming community and economy as a whole. Table 5 below provides a breakdown of the welfare complaints received over the year.

17.6 194 further complaints were received regarding possible disease issues, and non-disposal of dead carcasses .Reactive visits were made to the premises within the 3 day target of being notified and action taken to ensure that matters were rectified including animals being treated and brought back to better condition. Officers have also assisted with a West Mercia Police investigation regarding the welfare of horses that were seized from several holdings within Herefordshire

**Graph 16 Welfare complaints: 2014/15**



## **18. Licensing Team**

18.1. The Licensing Team is self-financing and achieved an income for 2014/15 of over £554k. It encompasses the key areas of:-

- Taxi Licensing
- Licensing Act (pubs, clubs and events)
- General Licensing (animal boarding, riding establishments, skin/beauty therapies, charitable collections, caravans etc)
- Gambling Act licensing

18.2 During the year 2014/15 the Officers' Taxi Panel has met on 7 occasions and dealt with the following matters:

- a. applications for a County Transport Badge that needed referral – 11
- b. applications for hackney carriage/private hire drivers licence that needed referral – 4
- c. suspension of a hackney carriage/private hire drivers licence - 3
- d. disciplinary matters regarding the holder of a hackney carriage/private hire drivers licence - 12

18.3 The panel is facilitated by the Licensing Team and is chaired by the Head of Service. It comprises a lead officer from the areas of licensing, adult's and children's safeguarding, school transport admissions, legal, Hoople DBS Team and an officer from West Mercia Constabulary. This forum enables the council to not only fulfil its statutory responsibilities when considering taxi drivers who have breached conditions or who do not meet the high standards normally accepted for our dual driver badges, but also enables these crucial decisions to be made in a joined up manner involving the council's and police's expert officers. The panel also regulates county transport badge holders who drive Herefordshire's school buses or escort vulnerable children and adults. Where necessary (e.g. revocations and appeals) these matters are referred onto the Sub committees and/or Regulatory Committee, in accordance with the Council's constitution and the protocol for the Taxi Panel.

18.4 During the year 2014/15, the Sub-Committee has met on 16 separate occasions and has dealt with 22 cases presented by the Licensing Team. These were mostly licensing reviews and representations, but also included matters relating to taxi vehicles and drivers referred from panel. This work also included several expedited reviews. Members should be aware that, based on police data, the number of licensing reviews undertaken in Herefordshire far exceed those carried out by the licensing authorities in the other areas of West Mercia's police force, which clearly demonstrates the close partnership working developed between Herefordshire Council's licensing team and West Mercia Police and the willingness to use the Licensing Act as intended by the Home Office. As a consequence, the local police are reassured that Hereford's night time economy is still the safest in their region which indicates to members of the good and effective work undertaken by the Regulatory Sub Committee. These cases are itemised for reference in [Appendix 1](#).

- 18.5 The number of licensing matters going to the Committee over the last 12 months is similar to last year and continues to show a decrease from previous years. It would appear that as a responsible authority which makes representations, applicants appear to be more likely to negotiate and accept the conditions requested without going to committee.
- 18.6 In addition to the above committee work, the licensing team also deals with many enquiries and complaints from the public. In 2014/15 there were 1305 telephone contacts, 4,160 e-mail requests from service users, 880 text messages. Whilst the telephone contacts are reducing as there is an increase in e-mail contacts. In 2014/15, 97% of these service requests have been responded to within our 5 day response target which compares to a 95% response rate in the previous year. This implies that the Licensing team's performance has slightly improved. Since April 2013 businesses have been encouraged to use e-mail as the first contact and this has resulted in a rise in contacts direct to the Licensing inbox. This is in line with the corporate shift towards more electronic forms of communication being the norm as opposed to 'in person' methods.
- 18.7 The Licensing Officer chairs the 'Safety Advisor Group' (SAG) for the county and facilitates the responses and safety requirements for events between the emergency services and responsible authorities to ensure event organisers comply with the advice given regarding safety measures. Licensing staff also carry out pre-event and during event inspections to ensure compliance. Other enforcement activities include, premise inspections, breach of conditions and unlicensed activity investigations.
- 18.8 Taxi licensing enforcement work has continued into 2014/15, both in the day time and late at night. This has involved checks on drivers as well as checks on vehicle compliance. The number of drivers and vehicle proprietors issued penalty points for breach of conditions are for the last 5 months are as follows:

**Table 16: Taxi licensing enforcement work**

2015 Month	DDL Suspension Notices	Notice of Intention to Suspend - DDL	Notice of Intention to suspend - veh licence	Plying elsewhere than at a rank - warning	Other - Penalty Points	Refusing to drive - warning	Other driver complaints	Alleged unlicensed veh or driver warning
January	4	2	6	13	1	10	2	0
February	2	6	6	2	2	0	3	1
March	3	8	3	6	4	2	3	0
April	1	4	4	4	3	0	0	0
May	4	7	5	7	2	0	3	0

- 18.9 The Licensing Team play a key role in a monthly meeting co-chaired with the police which involves most of the leading public agencies in Herefordshire, called 'MATAC' (Multi Agency Tasking and Coordination). It is through this forum that intelligence is shared which ensures that partnership working is achieved and targeted licensing enforcement is undertaken.
- 18.10 The Mobile Homes Act 2013 has now been enacted and provided further licensing income in relation to the licensing and inspection of residential park/home sites. The full

estimated income of £30,000 was achieved and is a licence which is renewed annually.

## **19. Community Impact**

- 19.1 The report provides information about the regulatory matters which have an impact on the public of Herefordshire, including those activities which specifically help to safeguard our vulnerable people, protect consumers and businesses, and protect the environment as well as those activities which ensure that disease control and welfare of its livestock / animals is maintained at a high standard.
- 19.2 EHTS and its respective service areas make a key contribution to a significant number of corporate policies and strategies. For ease of reference, the various policies and strategies where EHTS contribute to have been tabulated and are included at Appendix 4 to this report.

## **20. Equality and Human Rights**

- 20.1 There are a number of areas within the Council's regulatory function which assist with the promotion or observance of equality and human rights.
- 20.2 This information report has paid due regard to our public sector equality duty as set out below:
- eliminate discrimination, harassment, victimisation and any other conduct as prohibited by or under the relevant legislation;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

This is particularly relevant for EHTS in the context of its social landlord role for the gypsy traveller community. It is also very relevant when considering the impact of regulation in relation to sectors such as the taxi trade, private sector housing and others where EHTS interventions involves ethnic minorities.

## **21. Financial Implications**

- 21.1 Other than the reporting of financial performance in section 8 of this report, there are no direct financial implications regarding the information set out in this report.

## **22. Legal Implications**

- 22.1 The Council's regulatory functions are undertaken within the scope of the relevant legislation and Council policies. The roles and activities undertaken are all statutory unless otherwise indicated.
- 22.2 EHTS adheres to the Council's 'Enforcement and Prosecution Policy'. See [https://www.herefordshire.gov.uk/media/7765022/enforcement\\_and\\_prosecution\\_policy.pdf](https://www.herefordshire.gov.uk/media/7765022/enforcement_and_prosecution_policy.pdf)

## **23. Risk Management**

- 23.1 Both operational and strategic risks are managed through respective service area risk registers which are reviewed on a regular basis.



## **24. Consultees**

24.1 The report is for information only.

## **25. Appendices**

25.1 Appendix 1: Sub Regulatory (Licensing) Committees activities

Appendix 2: Summary of prosecution and formal enforcement activities for EHTS

Appendix 3: Business Satisfaction Survey Results for EHTS

Appendix 4: Policies and Strategies where EHTS contributes

## **26. Background Papers**

None identified.

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# Appendix 1

## CASES CONSIDERED BY SUB-REGULATORY (LICENSING COMMITTEE)

2014/15	16 matters considered by Sub-Regulatory Committee
April	29 <sup>th</sup> April <ul style="list-style-type: none"> <li>• Review premise licence in respect of the Yew Tree Inn</li> <li>• Review premise licence in respect of the Indian Summer</li> </ul>
May	20 <sup>th</sup> May <ul style="list-style-type: none"> <li>• Full review hearing for Indian Summer</li> </ul>
July	30 <sup>th</sup> July <ul style="list-style-type: none"> <li>• Grant of premise licence for SFS Off Licence</li> </ul>
September	2 <sup>nd</sup> September <ul style="list-style-type: none"> <li>• Grant of premise licence Wok and Rice - adjourned</li> <li>• Grant of premise licence Tesco Express</li> </ul> 8 <sup>th</sup> September <ul style="list-style-type: none"> <li>• Police objection to a TEN for the Hop Pole Bromyard</li> </ul> 23 <sup>rd</sup> September <ul style="list-style-type: none"> <li>• Re – hearing for Grant of premise licence Wok and Rice following adjournment</li> </ul>
October	13 <sup>th</sup> October <ul style="list-style-type: none"> <li>• Re – hearing Wok and Rice</li> <li>• Grant of premise for Left bank</li> </ul>
November	20 <sup>th</sup> November <ul style="list-style-type: none"> <li>• Grant of premise licence for Zabka</li> </ul>

For further information please contact  
 Marc Willimont, Head of Environmental Health & Development Management on 01432 261986  
 Mike Pigrem, Head of Trading Standards & Licensing on 01432 261658

December	<p>8<sup>th</sup> December</p> <ul style="list-style-type: none"> <li>• Grant of premise licence for Live and Let Live</li> </ul>
January 2015	<p>8<sup>th</sup> January</p> <ul style="list-style-type: none"> <li>• Grant of premise licence for Super Sam Hereford</li> </ul>
February	<p>4<sup>th</sup> February</p> <ul style="list-style-type: none"> <li>• Expedited Review - Ducking Stool, Leominster</li> </ul> <p>6<sup>th</sup> February</p> <ul style="list-style-type: none"> <li>• Representation against interim steps following Review of Ducking Stool</li> </ul> <p>24<sup>th</sup> February</p> <ul style="list-style-type: none"> <li>• Objection to a Temporary Event Notice (TEN) from Environmental Health – Dewsall Court</li> </ul> <p>27<sup>th</sup> February</p> <ul style="list-style-type: none"> <li>• Full Review Hearing for Ducking Stool</li> </ul>
March	<p>17<sup>th</sup> March</p> <ul style="list-style-type: none"> <li>• Objection to a Temporary Event Notice (TEN) from Environmental Health – Dewsall Court</li> </ul> <p>26<sup>th</sup> March</p> <ul style="list-style-type: none"> <li>• Variation to Premise licence for Yates, Hereford</li> </ul>

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## Appendix 2

### ENVIRONMENTAL HEALTH AND TRADING STANDARDS ENFORCEMENT ACTIONS

#### PROSECUTIONS FROM APRIL 2014 TO MARCH 2015 – CUMULATIVE LIST

PROSECUTIONS	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded	Remarks
Mr Nigel Davies, 4 Canon View, Much Dewchurch, HR2 8DW  KE/658 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A61</b> <b>01.04.14 – 30.06.14</b>	Unemployed	1 x charge for fly tipping	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	120 hours <b>Hearing: 20.06.14</b>	£729.82	£500.00	
Mr Steven Lock Snr, 18 Cedar Close, Moreton on Lugg, Hereford.  CS/659 <b>COMMUNITY PROTECTION</b>	Building	1 x charge for fly tipping  1 x charge for transporting	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990  S1 Control of Pollution (Amendment)	1  1	<b>Guilty</b>  <b>Guilty</b>	£235.00 fine <b>Hearing: 20.06.14</b>	£776.89	£350.00	Payable at £5 p/w (£10 per fortnight)

For further information please contact  
 Marc Willimont, Head of Environmental Health & Development Management on 01432 261986  
 Mike Pigrem, Head of Trading Standards & Licensing on 01432 261658





Mr Vernon Williams 14 Homestead, Hereford, HR2 6HJ  CS/679 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A62</b> 01.07.14 – 30.09.14	Building	1 x charge for fly tipping  1 x charge for transporting waste when not a registered carrier	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990  S1 Control of Pollution (Amendment) Act 1989, as amended	1  1	<b>Guilty</b>	18 months conditional discharge  <b>Hearing: 05.09.14</b>	£281.41	£200.00 £15.00 victim surcharge	Payable at £5 p/w
Mr Martin Preece 61 Woodlands Avenue, Talgarth, Brecon, LD3 0AT  CS/673 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A62</b> 01.07.14 – 30.09.14	Roofer	1 x charge for fly tipping	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	Fine £100.00  <b>Hearing: 22.08.14</b>	£289.91	£283.91	-

Ms Kerrie Brownlie, 45 Winston Road, Hereford, HR2 6DJ ** TEGAN-CALLIE ** LR/676 <b>CHILDRENS TEAM</b> <b>Box A62</b> 01.07.14 – 30.09.14	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	6 months conditional discharge <b>Hearing: 26.09.14</b>	£387.36	£60.00	
Ms Deborah Keeley, 37 Brookside, Colwall, Malvern, Worcestershire, WR13 6QU ** BEN ** LR/685 <b>CHILDRENS TEAM</b> <b>Box A62</b> 01.07.14 – 30.09.14	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	3 years conditional discharge <b>Hearing: 26.09.14</b>	£354.83	£250.00 £15.00 victim surcharge	
Mr Jimmy Price 2 Trilleck Avenue Hereford HR2 7HY TT/682	Builder	1 x charge for failing to give notice of cancellation rights	Regs 7 and 17 of 2008 Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008	1	<b>Guilty</b>	No Separate Penalty	£583.69	£300.00 £15.00 VS	

<p><b>TRADING STANDARDS TEAM</b> <b>Box A62</b> <b>01.07.14 – 30.09.14</b></p>		<p>1 x charge for omitting material information- namely omitting to state the price of the gardening work at the time the contract was made and before the work was carried out,</p>	<p>Regs 6 and 10 of Consumer Protection From Unfair Trading Regulations 2008</p>	<p>1</p>	<p><b>Guilty</b></p>	<p>18 months conditional discharge <b>Hearing: 05.09.14</b></p>			
<p>Ali Omar Shukir Flat 2 43 Catherine Street Hereford HR1 2DU TT/665 <b>TRADING STANDARDS TEAM</b> <b>Box A62</b> <b>01.07.14 – 30.09.14</b></p>	<p>Retailer</p>	<p>2 x charges for possession for supply tobacco &amp; cigarettes, which failed to carry English Health warnings</p>	<p>Regs 7 and 14 of the Tobacco Products (Manufacture, Presentation and Sale) Reg 2002, as amended, and contrary to S 12 of the Consumer Protection Act 1987</p>	<p>2</p>	<p><b>Guilty</b></p>	<p>Community Order 300 hours unpaid. £60 Govn Surcharge <b>Hearing: 15.08.14</b></p>	<p>£1577.32</p>	<p>£750.00 £60 Govn Surcharge</p>	<p>Ali unemployed. Probation report recommended unpaid work.. One previous conviction for similar offences in Feb 2013</p>
		<p>2 x charges for having in possession tobacco which was</p>	<p>S 92 of the Trade Marks Act 1994</p>	<p>2</p>	<p><b>Guilty</b></p>	<p>-</p>			

	counterfeit		Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	£150 fine + £20 Surcharge (payable within 14 days) <b>Hearing: 26.09.14</b>	£298.22	£350.00	
Mr Robin Juden, 6 Kingstone Court, Etnam Street, Leominster, Herefordshire HR6 8AD  ** THOMAS **  LR/686 <b>CHILDRENS TEAM</b>  <b>Box A62</b> 01.07.14 – 30.09.14		Shop Owner	1 x charge for possession of 4227 packets of cigarettes, which failed to carry English Health warnings	Regs 7 and 14 of the Tobacco Products (Manufacture, Presentation and Sale) Reg 2002, as amended, and contrary to S 12 of the Consumer Protection Act 1987	1	<b>Guilty</b>	16 weeks prison suspended for 12 months 80 hours unpaid work	£1169	£1169 £80 VS	Forfeiture order for the tobacco products. £80 VS  Amount due added to an existing motor offence fine which currently payable at £50 per month.	
Mr Mohammed Khedir Bakhtyer  t/a European Fresh Foods 141-143 Eign Street Hereford  PDL/669 <b>TRADING STANDARDS TEAM</b>	1 x charge			Regs 7 and 14	1	<b>Guilty</b>	14 days prison				

<p><b>Box A63</b> 01.10.14 – 31.12.14</p>		<p>for possession for supply of 36 packets of hand rolling tobacco, which failed to carry English Health warnings</p>	<p>of the Tobacco Products (Manufacture, Presentation and Sale) (safety) Reg 2002, as amended, and contrary to S 12 of the Consumer Protection Act 1987</p>			<p>– concurrent Suspended for 12 months <b>Hearing: 10.10.14</b></p>			<p>Defendant had a fast track probation report done at the hearing.</p>
<p>Mr Khurseed M Kadir t/a Kabka 16 Eign Gate Hereford HR4 0AB  PDL/688 <b>TRADING STANDARDS TEAM</b></p>	<p>Shop Owner</p>	<p>1 x charge for possession for supply of 17 packets of cigarettes, which failed to carry English Health warnings  1 x charge for possession for supply of 15 pouches of tobacco, which were counterfeit</p>	<p>S12 of Consumer Protection Act 1987  S92 of Trade Marks Act 1994</p>	<p>1  1</p>	<p><b>Guilty</b>  <b>Guilty</b></p>	<p>12 weeks prison suspended for 12 months.  150 hours community order unpaid work.  <b>Hearing: 25.11.14</b></p>	<p>£1350  £1350</p>	<p>£1350 £80 gov surcharge</p>	<p>Forfeiture order for the tobacco products.  Order to pay costs of £1350 plus £80 government surcharge, repayable at £300 pcm.  Kadir remains owner of Zabka although trying to sell business, probation report recommended unpaid</p>
<p><b>Box A63</b> 01.10.14 – 31.12.14</p>		<p>1 x charge for possession for supply of 421 packets &amp; 132 pouches of tobacco, which failed to carry English Health warnings</p>	<p>S12 of Consumer Protection Act 1987</p>	<p>1</p>	<p><b>Guilty</b></p>				





<b>CHILDRENS TEAM</b> <b>Box A63</b> 01.10.14 – 31.12.14	Steel Erector	1 x fly tipping charge	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	£355.00 fine  <b>Hearing: 17.02.15</b>  <b>(warrant issued and defendant surrendered)</b>	£399.47	£445.00	No costs or fine – low income
<b>Box A64</b> 01.01.15 – 31.03.15	Farmer	2 x failed to properly dispose of dead sheep (summons 1) and burnt sheep bones (summons 3)	Art 4 (1), 4(2) and 13 of EC Regulations 1069/2009, contrary to S 17 of Animal By-Products (Enf) (Eng) Reg 2013	2 charges withdrawn	-	-	-	-	RSPCA prosecution: - 3 months animal cruelty (suspended for 2 years) - 30 hours community order - £1000 costs - 1 month custodial concurrent with 3 months
<b>ANIMAL HEALTH TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15		2 x failed to hold dead sheep (2) and burnt sheep bones (4) in manner to prevent other	Art 21(1) of EC Regulations 1069/2009 and Reg 4(3) of the Animal By-Products (Enf)(Eng) Reg 2013, by virtue	2	<b>Guilty</b>	1 month suspended sentence for 2 years & £500 costs  <b>Hearing: 23.01.15</b>	£1052.13	£500.00	



Thomas W Hopkins 17 Moorfields Burghill Hereford HR4 7RR CS/690 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15	Steel Erector	animals / birds getting access	of EC Act 1972	1	<b>Guilty</b>	£355.00 fine <b>Hearing: 17.02.15</b> <b>(warrant issued and defendant surrendered)</b>	£399.47	£445.00	No costs or fine – low income	deprivation Order for Sheep
Frankie Smith 26 Katherine Walk Hereford HR8 2XN CS/698 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15	Unemployed	1 x fly tipping charge	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	£182 fine <b>Hearing: 24.02.15</b>	£360.59	£100.00 CPT £150 LEGAL		

Charlene Johnson 29 Church Street Bromyard Hereford  LR/696 <b>CHILDRENS TEAM</b>  <b>Box A64</b> 01.01.15 – 31.03.15	Not Known	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1		<b>Guilty</b>	£120 fine  <b>Hearing: 24.02.15</b>	£291.67	£100.00 CPT £20.00 vs	
Rekan Gafoor t/a International Food 10 Commercial Road Herefordshire  TT/693 <b>TRADING STANDARDS TEAM</b>  <b>Box A64</b> 01.01.15 – 31.03.15	Retailer	9 x Charges against shop owner relating to illicit tobacco sold from his store over a 7 month period,	5 under Consumer Protection Act 1987, S12, for failure to have English health warnings and  4 for selling counterfeit tobacco under Trade Marks Act 1994.	9		<b>Guilty</b>	12 months Community Order involving 100 hours unpaid work  <b>Hearing: 24.02.15</b>	£1300 TS £250 Legal	£650 TS £150 Legal £60 Govn Surcharge	
Charlotte Middleton 49 Escley Drive Hereford Herefordshire HR2 7LY  LR/697 <b>CHILDRENS TEAM</b>	Parent	2 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	2		<b>Guilty</b>	12 months Conditional Discharge  <b>Hearing: 09.01.15</b>	£455.02 TS	£150 TS £15 Victim Surcharge	

<b>Box A64</b> 01.01.15 – 31.03.15																			
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FORMAL CAUTIONS											Date of Caution
TB/667 <b>ANIMAL HEALTH TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14	Farmer	1 x charge for applying rubber rings to lambs tails to constrict the flow of blood to the tail when they are over the age of 7 days, an offence under Sch 5, Para 5 of The Mutilations (Permitted Procedures) (England) Regulations 2007 as amended.									30.06.14
CS/660 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14		1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990									29.04.14
<b>COMMUNITY PROTECTION TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14	Gardener	1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990									30.06.14
CS/670	Gardener	1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990									30.06.14

<b>COMMUNITY PROTECTION TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14					
CS/666 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A62</b> 01.07.14 – 30.09.14	Carer	1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	24.07.14		
DE/681 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A62</b> 01.07.14 – 30.09.14	Retired	1 x charge for duty of care resulting in fly tipping, under S34(2a) of the Environmental Protection Act 1990	29.07.14		
<b>ENV HEALTH HOUSING TEAM</b> <b>Box A62</b> 01.07.14 – 30.09.14	Landlord	1 x charge for cutting off electricity supply and parking vehicles in an obstructive way	29.07.14		
CS/695 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A63</b> 01.10.14 – 31.12.14	Self Employed	1 x charge for depositing trade waste at a household waste recycling centre, under Section 33 (1) (a) and 33 (6) of the Environmental Protection Act 1990.	02.12.14		

CS/689 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A63</b> 01.10.14 – 31.12.14	Gardener	1 x charge for fly tipping, under Section 33 (1) (a) and 33 (6) of the Environmental Protection Act 1990.	23.10.14
JH/714 <b>PARKING / TRADING STANDARDS TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15	Retail Worker	1 x charge of misusing a Blue Disabled Parking Badge	05.03.15
NS/694 <b>ANIMAL HEALTH TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15	Farmer	1 x failed to dispose of dead sheep in accordance with Animal By-Products (Enforcement)(England) Regulations 2013 1 x failed to hold dead sheep in manner to ensure that animal / birds did not have access, in accordance with Animal By-Products (Enforcement)(England) Regulations 2013	26.03.15
TB/700 <b>ANIMAL HEALTH TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15	Farmer	1 x failed to dispose of dead sheep in accordance with Animal By-Products (Enforcement)(England) Regulations 2013 1 x failed to hold dead sheep in manner to ensure that animal / birds did not have access, in accordance with Animal By-Products (Enforcement)(England) Regulations 2013	12.02.15

<b>WRITTEN WARNINGS</b>	
<b>ENV HEALTH HOUSING TEAM</b> 01.07.14 – 30.09.14	Mr B broke into the property (during prolonged absence due to ill health) of Mrs B (protected tenant) and changed locks thereby restricting access. 07/08/2014

NFA FILES CLOSED DURING			
<b>CS/663 COMMUNITY PROTECTION TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14	Unemployed   Demolition Worker	1 (for each defendant) x charge under S 1, Control of Pollution (Amendment) Act 1989, as amended, for carrying waste when not authorised to do so.  1 (for each defendant) x charge under S 33.1.a and S33.6 of the Environmental Protection Act 1990 for fly tipping.  ** CASE WITHDRAWN AS UNABLE TO TRACE ONE OF THE WITNESSES **	24.10.14
<b>KE/661 COMMUNITY PROTECTION TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14	N/K	1 x charge under S 33.1.a and S33.6 of the Environmental Protection Act 1990 for fly tipping.  ** CASE WITHDRAWN AS STATEMENT WITHDRAWN **	
<b>45 Broad Street, Leominster, Herefordshire</b>  <b>ENV HEALTH HOUSING TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14	Landlord	1 x charge for failing to licence a HMO (with 5 person on 3 storeys) S72(1) of the Housing Act.  NFA	22/10/2014

<b>ENV HEALTH HOUSING TEAM</b> <b>Box A63</b> 01.10.14 – 31.12.14	Landlord	1 x charge for failing to licence a HMO (with 12 person on 3 storeys) NFA	23/10/2014
JWM/691 <b>ENV HEALTH - PROTECTION TEAM</b> <b>Box A64</b> 01.01.15 – 31.03.15	N/K	1 x charge for breaching abatement notice S 80 of Environmental Protection Act 1990. ** CASE WITHDRAWN AS CURRENTLY BEING HELD ON REMAND WITH VARIOUS OTHER CASES PENDING **	05.01.2015





## Appendix 3

# Business Satisfaction Survey (National Indicator 182)

### Background

- This is an ongoing survey, conducted to measure the previous National Indicator NI 182, “Satisfaction of business with local authority regulation services”
- This survey has been conducted regularly from October 2008 and samples businesses where one of the EHTS regulatory services has had a contact with them.
- This report presents the results of the survey for the period from April 2014–March 2015 and a summary of the results are provided below-

### Results:

- All results published here relate to the period April 2014 to March 2015 and the report includes all responses received by 8th May 2015.
- Of the total of 169 questionnaires that were distributed, 84 completed responses were received. Of these responses, 20 were from non-compliant contacts, 64 were compliant (not non-compliant). The response rate was 50% which is our target although the actual sample taken was relatively small at just 25% of the potential total that could have been issued for the year (circa 672).

Teams	Q's sent for year	Q's returned for year
• Commercial	37	20
• Pest Control	91	34
• Trading Standards	21	15
• Water Quality	1	1
• Licensing	13	11
• Pollution	2	2
• Housing	1	1
• Air Quality	3	0

For further information please contact

Marc Willimont, Head of Environmental Health & Development Management on 01432 261986  
Mike Pigrem, Head of Trading Standards & Licensing on 01432 261658

**The NI 182 score for the period April 2014 to March 2015 was 87%.**

This compares with 90% for the previous year (period April to March 2013/14).

- 99% of respondents agreed that their business was treated fairly. The corresponding figure for the previous year 2013/14 was 100%.
- 96% of respondents agreed that the contact was helpful. The corresponding figure for the previous year 2013/14 was 100%.
- 99% were satisfied with the service received overall. The corresponding figure for the previous year 2013/14 was 100%.

## Appendix 4

SERVICE AREA. POLICY / CORPORATE STRATEGY	Environmental Health	Pest Control	Gypsy & Travellers	Trading Standards	Community Protection	Animal Health & Welfare	Licensing
Licensing Act Policy & Special Cumulative Impact Policy	YES			YES			YES
Herefordshire Local Plan Core Strategy	YES		YES				YES
Accommodation Strategy	YES	YES	YES	YES	YES	YES	YES
Children and Young People's Plan				YES			YES
Youth Justice Plan				YES			YES
Homelessness Prevention Strategy	YES		YES				
School Transport Policy							YES
Policy for the site management of local authority run gypsy and traveller sites			YES				
The Care and Support and Meeting Your Needs Policy	YES			YES			
The Care and Support Charging Policy	YES			YES			
Corporate Plan and Corporate Delivery Plan	YES	YES	YES	YES	YES	YES	YES
Staying Put Strategy	YES		YES	YES			

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