

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

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

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

Recommendation

THAT: the report be received and noted.

Key Points Summary

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

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

Environmental Health Commercial Team

Alternative Options

There are no alternative options relevant to this information report.

Reasons for Recommendations

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

Introduction and Background

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

LICENSING TEAM

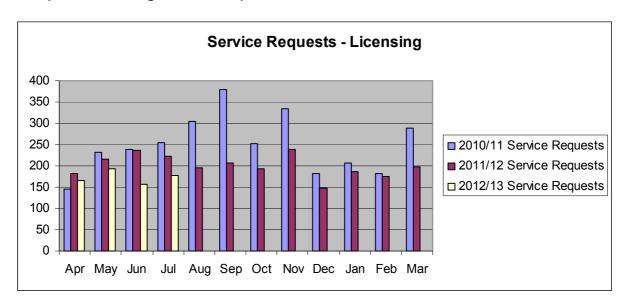
- The Licensing Team encompasses key areas such as:-
 - Taxi Licensing
 - Licensing Act (pubs and clubs and events)
 - General Licensing (animal boarding, street collections etc)
 - Gambling Act licensing
- 3. During the first four months of 2012/13 the Officers' Taxi Panel has met on 3 occasions and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

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

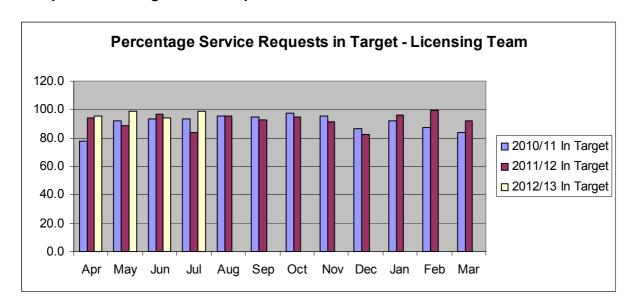
- 4. The Sub-Committee has met on 12 different occasions and has dealt with the 20 reviews/matters referred to in Appendix 1 attached.
- 5. The licensing team has dealt with 692 enquiries and complaints compared to 857 during the previous year. This may imply a further slow down in licensing and therefore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

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

Graph 1: Licensing Service Requests



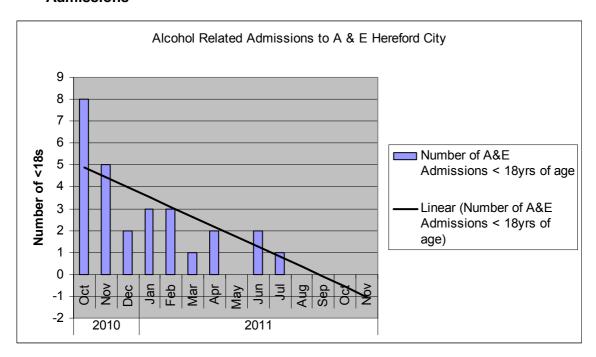
Graph 2: Licensing Service Requests



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

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

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



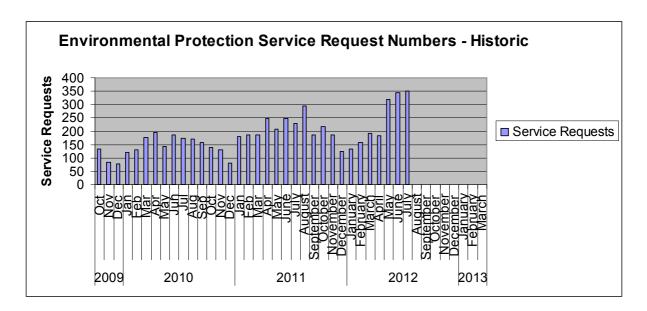
- 15. Day and late night taxi licensing enforcement work continues. This has involved checks on driver identity as well as checks on vehicle suitability, including tinted windows.
- 16. In line with Council policy, the fees and charges for taxi licensing were increased at a Regulatory Committee hearing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

ENVIRONMENTAL PROTECTION TEAM

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

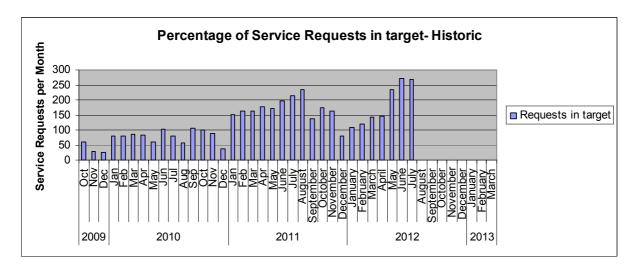
- Other nuisances e.g. odour, dust, smoke etc
- High Hedge complaints
- Burial of deceased without means
- Smoke offences e.g. Clean Air Act and dark smoke offences
- Drainage clearance of drains and sewers and broken septic tanks
- Public Health clearance of land or housing with rats, mice or rubbish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

Graph 4: Environmental Protection Service Requests since 2009



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

Graph 5: Percentage of Service Requests in Target



- 20. About 40% of these service requests relate to noise. Therefore noise continues to be the main reason for this increase and probably shows a rising trend in public expectation.
- 21. The team operated night time 'Noise Response Team' in June and July of this four month period, working from 8pm to 3am on Fridays and Saturdays. This is the second year that this service has been offered in Herefordshire. The service was operated over a longer period than in 2011 and worked later into the night. At the time of writing this report the programme has not yet been completed so it is not possible to review its success yet.
- 22. Rather than prosecute, the Council's enforcement policy encourages the service to utilise statutory notices to resolve problems and escalate this to prosecution only when absolutely necessary.

Table 1: Environmental Protection Notices Served

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

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

AIR, LAND & WATER PROTECTION TEAM

- 25. The Air, Land & Water Protection Team encompasses key areas such as:-
 - Closed landfill site management monitoring and project managing engineering works etc.
 - Contaminated land responses on planning applications and investigations
 - Private and mains water supply monitoring and regulation
 - Industrial pollution control issuing of environmental permits for large factories
 - Air Quality monitoring and assessment of air quality across the county
- 26. Although much of this team's remit is not enforcement based, during the first 4 months of 2012/13 the following regulatory work was undertaken by this team:
 - About half of EHTS's 124 consultations requested by Planning were undertaken for potential contamination.
 - 291 water samples from private supplies were programmed and 236 of these were taken (81%). There were 59 bacteriological failures recorded (25%) and 31 chemical failures recorded (13%). Only 8 notices have had to be served to improve unfit / unwholesome supplies. Comparisons will be available at year end.
 - 43 risk assessments required under the new Private Water Supply Regulations were programmed in for the calendar year and 35 of these were completed (81%).
 - Members of the team have continued their close working with the Environment Agency (EA) on a detailed investigation of the Sutton Walls closed landfill site. This has

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

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

GYPSY & TRAVELLER TEAM

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

PEST CONTROL TEAM

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

TRADING STANDARDS TEAM

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

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

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

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

2 Overview

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

3. Complaints Analysis & Trends

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

A summary of performance stats are included at Appendix 3

4 Underage Sales/Age Restricted Products

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

5.Business advice and support

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

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

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

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

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

ENVIRONMENTAL HEALTH (COMMERCIAL) TEAM

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

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

2. Service update

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

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

3. Programmed food inspections

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

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

4. Food Business - Star ratings profile

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

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

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

5. Health and Safety activity

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

6. Infectious Disease control

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

ANIMAL HEALTH & WELFARE TEAM

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

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

2. Disease control

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

3. Emerging threats

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

Key Considerations

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

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

Community Impact

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

Equality and Human Rights

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

Financial Implications

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

Legal Implications

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

Risk Management

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

Consultees

None

Appendices

Appendix 1: Licensing Committees

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

Appendix 3: Breakdown of trading standards activity statistics & Business Satisfaction survey

results (National Indicator NI 182) for guarters 1,2 and 3.

Background Papers

None identified.

APPENDIX 1

2011/12	Reviews held by Sub Regulatory (Licensing) Committees
April	3 rd April 2012
	 McColls, 7 The Oval, Hereford – review following failed underag purchase.
	12th April 2012
	Golden Fleece, 1 St Owens St, Hereford – Expedited review following serious assault in premises.
	16th April 2012
	Crown & Anchor, Lugwardine – representation against variation on basis of noise.
	Somerfields, Dishley St, Leominster Hereford – review following failed underage test purchase.
	Yamz Tapas Bar, Turner Court, Ledbury – review
	Etnam News, 35 Etnam St, Leominster – review following failed underage test purchase.
May	8th May 2012
	Eagle inn, 23 Broad St, Ross-on-Wye - representation against variation on basis of noise.
	29th May 2012
	McDonalds, 46 Commercial St, Hereford – application to extend opening to 4am.
June	11th June 2012
	Hackney Carriage – application for grant outside of standard conditions – refused
July	18 th June adjourned to 9th July 2012
	Franky & Benny's, Unit 29 Old Livestock Market, Hereford – review
	Chiquitos Restaurant, Unit 28 Old Livestock Market, Hereford – review
	19th July 2012
	Leominster & District British Legion, South St, Leominster – reprentation against the variation of club certificate - withdrawn
	Crown & Anchor, Lugwardine – objection against TEN on basis of

noise - withdrawn.

25th July 2012

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

31st July 2012

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

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ENVIRONMENTAL HEALTH AND TRADING STANDARDS QUARTERLY PROSECUTIONS - 01.04.12 - 31.07.12

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

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

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

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

APPENDIX 3

REPORT TO EHTS MANAGEMENT TEAM

TRADING STANDARDS

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

Trading Standards

COMPLAINTS & INSPECTIONS/VISITS

		Apr-12				May-12			Jun-	12	Jul-12		
	CMU response times	Ę	5	%	10	5	%	8	3	%	9	3	%
		in	out	in target	in	out	in target	in	out	in target	in	out	in target
а	Safety - 1 working day	4	1	80.0	0	0	0.0	1	0	100.0	0	1	0.0
b	Other - 5 working days	0	0	0.0	104	1	99.0	80	2	97.6	91	2	97.8
	Total within target	4			104			81			91		
	Total out of target		1			1			2			2	

			Apr-	12		May-	12		Jun-	12		12	
	CMU completion times	30	9	%	33	9	%	29	4	%	34	6	%
		in	out	in target	in	out	in target	in	out	in target	in	out	in target
С	90% enquiries to be completed with 60 days (8 weeks of receipt)	308	1	99.7	337	2	99.4	292	2	99.3	346	0	100.0
	Total within target	308			337			292			346		
	Total out of target		1			2			2			0	

	Δnr-17	May-17	1un=17	Jul-12
	Whi-15	riay-12	Juli-12	Jui-12

	CMU completion times	30	9	%	33	9	%	29)4	%	34	6	%
		in	out	in target									
d	95% enquiries to be completed with 120 days (16 weeks of receipt)	309	0	100.0	339	0	100.0	294	0	100.0	346	0	100.0
	Total within target	309			339			294			346		
	Total out of target		0			0			0			0	

Trading Standards

ENFORCEMENT ACTIVITIES

		Apr-:	12	May	-12	Ju 1		Jul-:	12	Aug-12	
	PROSECUTIONS	1		0		1		0		0	
а	Enterprise Act	0		0		0		0		0	
b	All Others	1		0		1		1		0	

		Apr-12	May-12	Jun- 12	Jul-12	Aug-12
С	FORMAL CAUTIONS	0	0	0	0	0

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

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

End.