

# AGENDA

## Regulatory Committee

Date: **Tuesday 12 March 2013**

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Time: **2.00 pm**

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

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

For any further information please contact:

**Ricky Clarke, Democratic Services Officer**

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

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

## **Membership**

**Chairman**

**Councillor JW Hope MBE**

**Vice-Chairman**

**Councillor RC Hunt**

**Councillor CM Bartrum**

**Councillor PL Bettington**

**Councillor BA Durkin**

**Councillor Brig P Jones CBE**

**Councillor PJ McCaull**

**Councillor C Nicholls**

**Councillor FM Norman**

**Councillor GA Powell**

**AGENDA**

	<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 15 January 2013	1 - 2
<b>5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS</b> To note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the first 10 months of 2012/13 (period 1 April 2012 – 31 January 2013) and to also inform committee of its new alignment within the Places & Communities Directorate, under the Economic, Environment & Cultural Services Division.	3 - 32



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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 15 January 2013 at 2.00 pm**

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

Councillors: CM Bartrum, PL Bettington, BA Durkin, PJ McCaull, C Nicholls, FM Norman and GA Powell

**56. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Brig. P Jones CBE.

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

There were no substitutes present.

**58. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**59. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 11 December 2012 be approved as a correct record and signed by the Chairman.

**60. REVIEW OF AMENDED TAXI FEES**

The Head of Environmental Protection & Licensing presented a report on the review of the amended taxi fees. He advised members that a decision was made by the Regulatory Committee in May 2012 to increase taxi fees in line with Cabinet's decision of June 2011 to move towards full cost recovery for Council services wherever possible. He reminded Members that as part of their decision the Committee had requested a review after nine months to ensure that the proposed fees were appropriate.

He advised the Committee that there was going to be a shortfall in the current financial year due to two factors, firstly, and primarily, the new fee structure had not been implemented from the start of the financial year. Secondly, there were fewer taxi drivers licensed in the current financial year. It was noted that these two factors had led to a projected 9.5k shortfall.

Members sought clarification in respect of the administration costs referred to in the report. The Head of Environmental Protection & Licensing confirmed that these costs related to various factors including ICT Support, accommodation, HR, payroll and invoicing to name a few. He agreed to email a breakdown of the costs to Members of the Committee.

In response to a question regarding benchmarking, the Head of Environmental Protection & Licensing advised Members that the fees were comparable with neighbouring authorities.

The Strategic Financial Advisor advised the Committee that the Council had factored in a 2% increase in all fees and charges and that it was considered that the taxi fees would be subject to the same increase. However she noted that it was essential that the increased fees did not result in the department operating at a profit.

Members discussed the report and were of the opinion that no further action was required at this stage regarding the taxi fees but that there may need to be further research undertaken to ensure that the service operated on a full cost recovery in the next financial year.

**RESOLVED:**

**THAT Committee agrees that the proposed fees are working towards attaining full cost recovery and continue to be applied in line with general Council policy.**

The meeting ended at 2.15 pm

**CHAIRMAN**



<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2013</b>
<b>TITLE OF REPORT:</b>	<b>REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS PERIOD - APRIL 2012 TO JANUARY 2013 (10 MONTHS)</b>
<b>REPORT BY:</b>	<b>ECONOMIC, ENVIRONMENT &amp; CULTURAL SERVICES</b>

### 1. Classification

Open

### 2. Key Decision

This is not a key 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 first 10 months of 2012/13 (period 1 April – 31 January 2013) and to also inform committee of its new alignment within the Places & Communities Directorate, under the Economic, Environment & Cultural Services Division.

### 5. Recommendation(s)

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

### 6. 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;

For further information please contact

Marc Willimont, Head of Environmental Protection and Licensing on 01432 261986

Mike Pigrem, Head of Consumer & Business Protection on 01432 261658

- 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

## **7. Alternative Options**

7.1 There are no alternative options relevant to this information report.

## **8. Reasons for Recommendations**

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

## **9. Introduction and Background**

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

### **LICENSING TEAM**

9.2. The Licensing Team encompasses key areas such as:-

- Taxi Licensing
- Licensing Act (pubs and clubs and events)
- General Licensing (animal boarding, street collections etc)
- Gambling Act licensing

9.3 During the first ten months of 2012/13 the Officers' Taxi Panel has met on 10 occasions and dealt with the following matters:

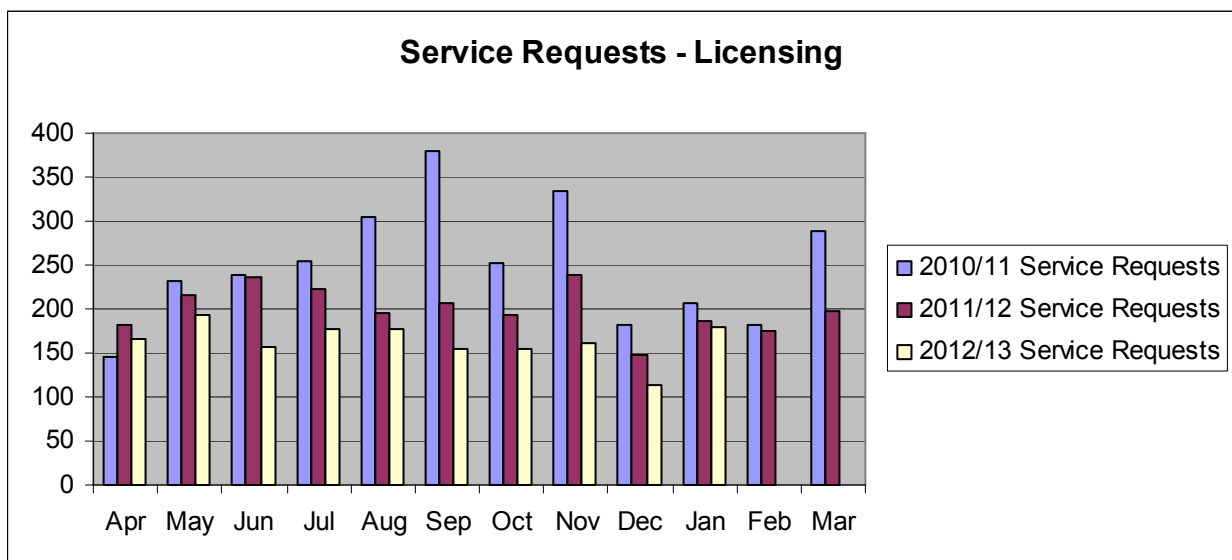
- a. applications for a County Transport Badge – 21
- b. applications for hackney carriage/private hire drivers licence – 5
- c. suspension of a hackney carriage/private hire drivers licence - 4

- d. disciplinary matters regarding the holder of a hackney carriage/private hire drivers licence - 11

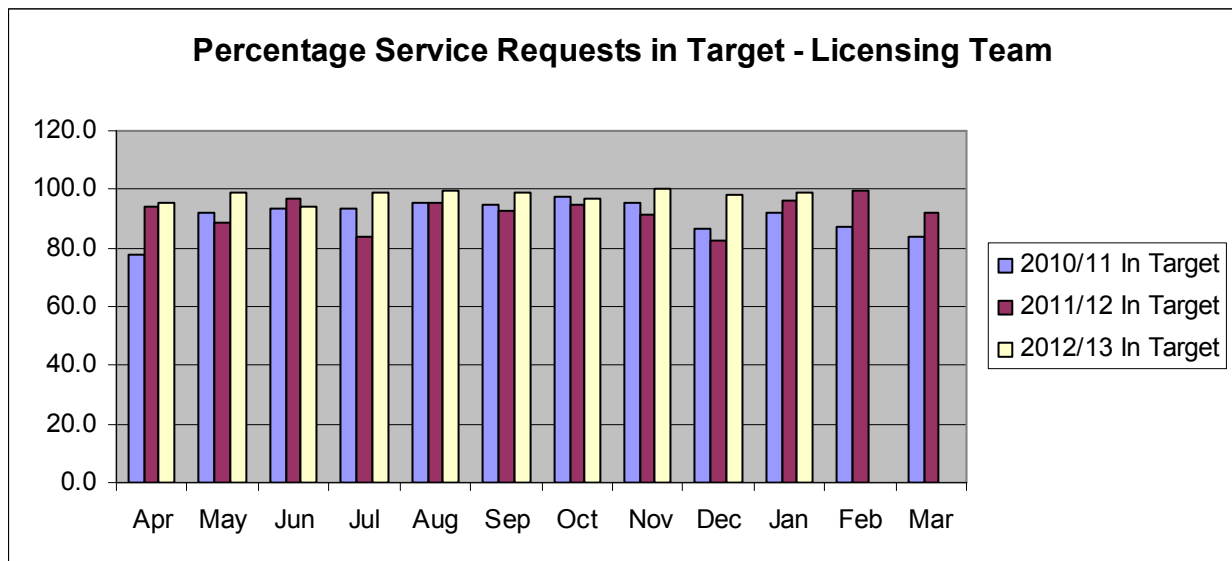
Where necessary (e.g. revocations and appeals) these matters are referred onto the Regulatory Sub-Committee, in accordance with the Council’s constitution and the protocol for the Taxi Panel. (See [Appendix 1](#) for these case referrals).

- 9.4 During the first ten months of 2012/13, the Sub-Committee has met on 23 different occasions and has dealt with the 46 cases presented by the Licensing Team. This is referred to in [Appendix 1](#) attached.
- 9.5 In addition to the above committee work, the licensing team also deals with many enquiries and complaints from the public. In the first 10 months of 2012/13 there were 1633 such service requests, which compares to 2023 during the previous year, implying a reduction in retail/hospitality activity in the county. So far in 2012/13, 98% of these service requests have been responded to within target which compares to a 92% response rate in the previous year. This trend implies that licensing performance is improving, which correlates with service requests being slightly down.
- 9.6 The first 10 months of 2012/13 have involved the successful licensing of events associated with the EuroCup, the Diamond Day Jubilee event in June and extensive work in July & August in preparation for events tallying with the Olympics. As is typical, the Christmas period also entailed a significant increase in licensing workload and regulation, although inspections were kept to an absolute minimum this year, as a consequence of reducing expenditure.
- 9.7 The workloads and trends are shown in Graphs 1 and 2 below.

**Graph 1: Licensing Service Requests**

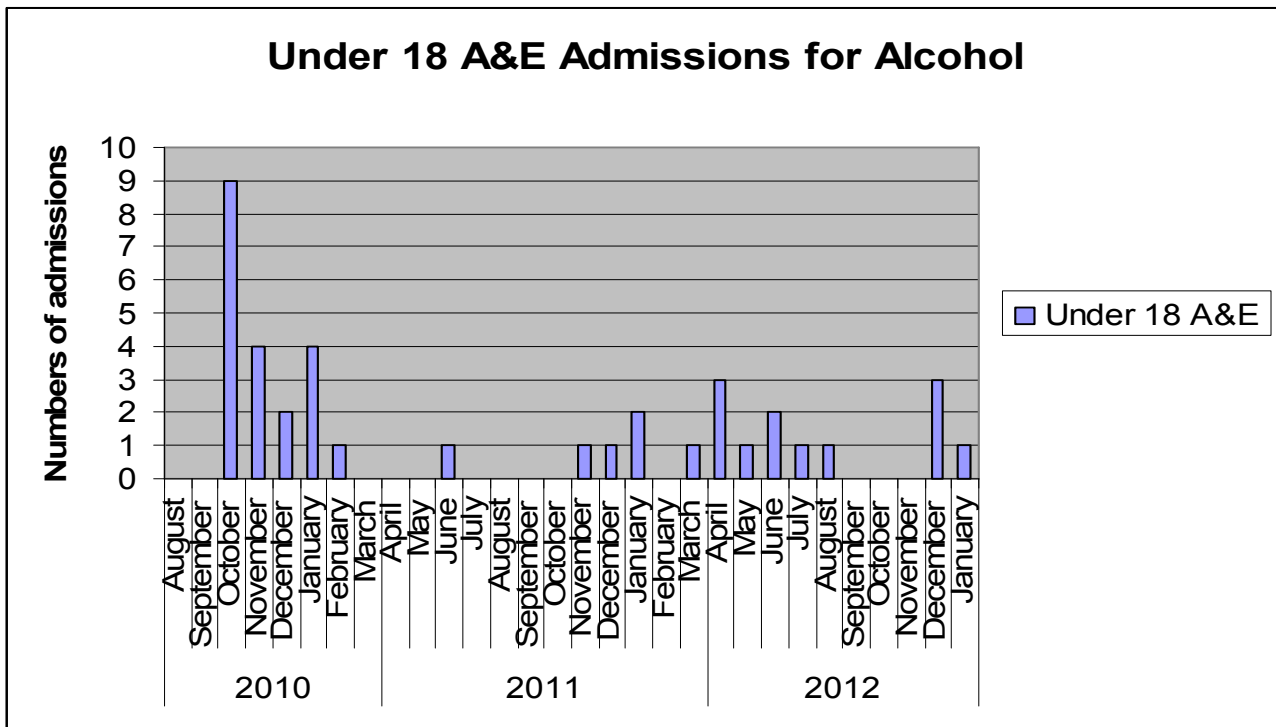


**Graph 2: Licensing Service Requests**



- 9.8 As previously reported in 2012, the Licensing Team implemented new changes required by the Licensing Act in April 2012 whereby environmental health is now consulted for noise on all new temporary event notices (TENs). This consultation has continued to increase 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.
- 9.9 The Licensing Team have undertaken night time joint enforcement inspections with the police, including checks on SIA door staff at Hereford’s pubs and clubs with the SIA Authority, although this reduced in December due to budgetary constraints. Much of this late night work was focussed on achieving public health outcomes, such as reducing under age drinking.
- 9.10 A number of festivals during the summer months required increased regulatory effort from the team in order to ensure compliance. This included the Nozstock Festival in July, which was successfully licensed and did not pose any problems. The Big Chill festival was postponed in August 2012 and it is unlikely to return in 2013.
- 9.11 From December onwards, the Licensing Team had to postpone the joint work with the police and the Trading Standards Team for covert underage test purchase of alcohol in licensed premises, due to budgetary constraints. However, prior to this, significant improvements in the outcomes of reduced alcohol admissions to A&E had been observed following the underage test purchase work undertaken in the April to October period.
- 9.12 The team continues to receive regular data in relation to A&E admissions related to alcohol at Hereford’s hospital. Graph 3 below is derived from this data and clearly shows the linkage between joint licensing/trading standards covert test purchasing for under aged persons (which was initiated in December 2010). The graph continues to show a downward trend for A&E alcohol related admissions for people under 18 who have sought medical attention from the hospital’s A&E, typically on Friday and Saturday nights, although this data will be reviewed at year end to determine if there has been a discernable impact following the suspension of licensing inspections and under age test purchases from December onwards, due to budgetary pressures.

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



- 9.13 Taxi licensing enforcement work has continued into 2012/13, both in the day time and late at night. This has involved checks on driver identity as well as checks on vehicle suitability, including tinted windows.
- 9.14 As members will recall, the fees and charges for taxi licensing were increased to a level above inflation at a Regulatory Committee hearing on 22 May 2012 and reviewed at Regulatory Committee on 15 January 2013, when it was shown that they were moving the service towards full cost recovery and were therefore ratified. There will be a proposal to increase these fees by the annual uplift of 2% in April.
- 9.15 Other 'general licensing fees' have also moved the service towards full cost recovery and will uplift by a further 2% in April.
- 9.16 Cabinet agreed a revised taxi licensing policy with consolidated and updated conditions at a meeting in July 2012, which included the requirement for CCTV in all new hackney carriages and the phasing-in of CCTV over three years for existing cabs.
- 9.17 Taxi Marshalling was implemented in Hereford City on Friday and Saturday nights in early December 2012, well in time for the Christmas rush. We are now reviewing the impact of this, but are satisfied that it is proving to be very effective in managing the way taxis operate in Commercial Road. Early feedback from our stakeholders implies that there has been a reduction in crime & disorder and A&E admissions from alcohol, which is encouraging and empirical data is being sought to evidence this. It is believed that effective dispersal of revellers and better regulation of taxis has brought this improvement about.
- 9.18 The taxi marshalling scheme is also very popular with the taxi trade itself as it ensures a level playing field and etiquette amongst competing taxi drivers and taxi companies, which before was sometimes lacking. The new taxi marshalling initiative was sponsored by Hereford City Council, Public Health (PCT), West Mercia Police and Heineken and was cost neutral to the Council Tax Payer. The impact on A&E admissions and crime & disorder will continue to be monitored, with the programme continuing until 31 March 2013. Environmental Health & Trading Standards are currently looking to secure sponsorships to continue cost neutral taxi marshalling

for all weekends over the full 2013/14 year and will report back on this in our end of year report.

### **ENVIRONMENTAL PROTECTION TEAM**

9.19. The Environmental Protection Team encompasses key areas such as:-

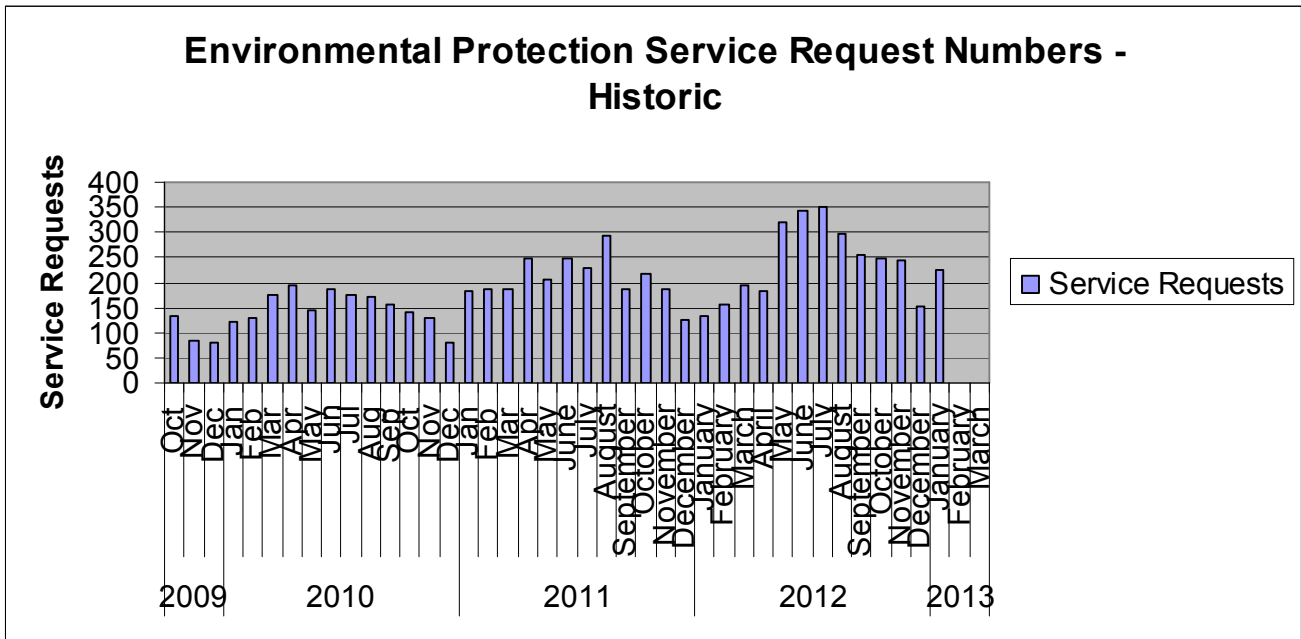
- Noise nuisance – investigation and service of noise abatement notices
- Other nuisances – e.g. odour, dust, smoke etc
- High Hedge complaints
- Burial of deceased without means
- Smoke offences – e.g. Clean Air Act and dark smoke offences
- Drainage – clearance of drains and defective septic tanks / rural drainage
- Public Health – clearance of land or housing with rats, mice or rubbish
- Planning Consultations - for environmental protection observations / conditions
- Licensing Consultations – for noise observations / conditions

9.20. In the first 10 months of 2012/13 there were 2621 service requests, comparing to 2073 during the same period in 2011/12 year. This is a significant 26% increase and reflects greater public expectation combined with increased licensing consultation workload.

9.21. So far in 2012/13, 79% of the team's service requests were responded to within 5 working days, compared to 78% for the same period in the previous year. This is similar and appears to demonstrate that the team is coping with increased workloads by working in different ways. However there is considerable and growing pressure on this small team following a reduction in staff since December.

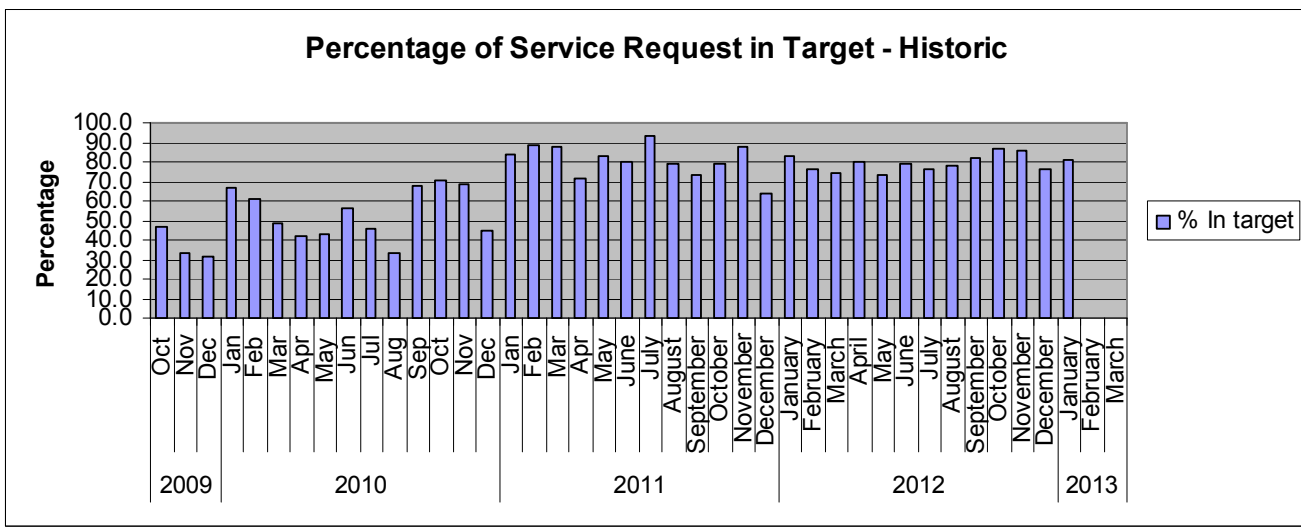
9.22. The graph below helps show the seasonality and long term rising trend for service requests year on year.

### **Graph 4: Environmental Protection Service Requests since 2009**



9.23. Graph 5 below shows those service requests which met EHTS’s tight response targets. It can be seen that the performance of this team significantly improved from mid 2010, whereupon it seems to have stabilised, dipping only in the summers due to increased seasonal demand. The graph does, however, imply that performance may be falling since a post was frozen in December and this situation will therefore be reviewed.

**Graph 5: Percentage of Service Requests in Target**



9.24. About 30% of these service requests so far received in 2012/13 relate to noise. This percentage has fallen from the previous year, as the demand for consultation responses (particularly licensing) have increased. The breakdown of the type of service requests received so far this year is shown in the table 1 below:

**Table 1: Environmental Protection Service Requests**

Type of Service Request	No. Received April 2012 to Jan 2013	Percentage of Total
Noise Nuisances	783	30
Other Nuisances	228	9
High Hedge Complaints	28	1
Burials of those without means	5	<1
Clean Air Act / Air Pollution	27	1
Drainage	97	4
Public Health	131	5
Planning and Licensing Consultation Responses	1179	45
Miscellaneous and advice	143	5
<b>Totals</b>	<b>2621</b>	<b>100</b>

- 9.25. 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 30% as the main operational activity undertaken. This reinforces our belief that there Herefordshire is following the national trend of rising public expectation for the council to resolve such nuisances. The 'Noise Response Team' (referred to later) has also undoubtedly helped increase this public expectation further.
- 9.26. The breakdown in Table 1 also reveals that consultation work has increased to 45% of the total service requests in 2012/13 as compared to 24% in 2011/12. This is entirely down to the new licensing consultation workload, as it appears that planning consultations have slightly reduced.
- 9.25. The team has again operated a successful night time 'Noise Response Team' from June to September of 2012 and worked as late as 3am on Fridays and Saturdays. This is the second year that such a service has been offered in Herefordshire. The 2012 service took on board public comments from 2011 and therefore operated over the longer June – Sept period and worked later into the night, with the option to work as late as needed, subject to the health, safety and welfare of staff.
- 9.26. We have reviewed the performance of this team through questionnaires released in both 2011 and 2012, which were completed once the team had finished each summertime operation.

**Table 2: Out-Of-Hours 'Noise Response Team' Survey (2012)**

Did you get a quick response?	90% said yes
Did the Team manage to attend on the night?	76% said yes
If the team could attend, was the problem resolved on the night?	50% said yes



Has the noise problem affected the health or wellbeing of you or your family?	95% said yes
Do you feel that your health and wellbeing has improved as a consequence of action taken by the team on the night?	27% said yes
Were you satisfied with service?	50% said yes

9.27. Looking at Table 2, the team clearly managed to respond quickly, although due to demand, could not always attend. However, resolution on the night was good at 50%. Interestingly 95% of the public viewed noise to be detrimental to their health & wellbeing, with 27% estimating that this had improved because of the team's intervention. There is therefore good linkage to the health & wellbeing objectives of the council's corporate plan. Compared to last year's review, the overall satisfaction rating of 80% has unfortunately gone down to 50% although when the comments are taken into account it seems there was an increased expectation from last year's service. This was demonstrated with comments like "the 3am finish was too early", "we would like two or even three teams patrolling rather than just one" as well as a request for the service to operate each night of the week every day of the year.

9.28. 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 2012/13 the following statutory notices / enforcement action has so far been served by the Environmental Protection Team.

**Table 3: Environmental Protection Notices Served**

Type of Statutory Notice	Number Served since 1 <sup>st</sup> April 2012
Drainage Notices	51 notices in Ross-on-Wye on an estate with a failed pumping station. 2 notices on 2 houses in Hereford. 1 other drainage notice
Noise Abatement Notices	3 notices served for domestic noise. (Two in Hereford and one in Moreton-on-Lugg)
High Hedge Notices	0
Unsecured Property	1
<b>TOTAL</b>	<b>53</b>

9.29. In addition to this work, the team was consulted by Licensing on 135 licensing applications and 580 Temporary Event Notices. The team were also consulted by Planning on 309 applications of which all were investigated and responded to. 40 pre-application visits have also been undertaken for Planning. This is a considerable amount of work undertaken, with the sole purpose being the prevention of possible future enforcement.

## **AIR, LAND & WATER PROTECTION TEAM**

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

- 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.

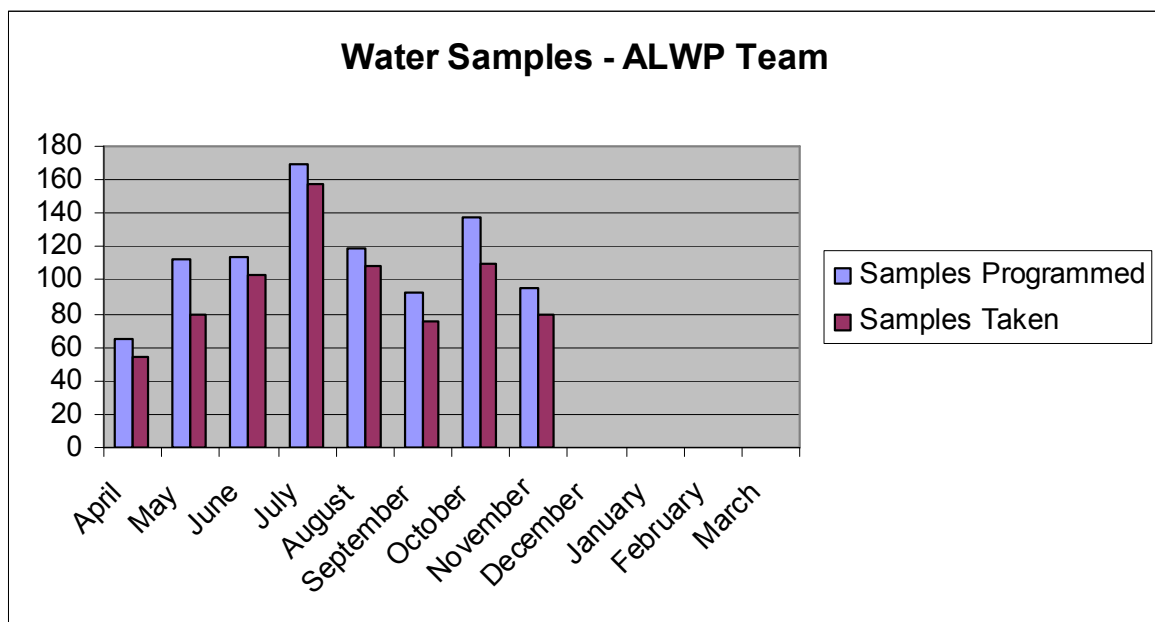
9.31. Although much of this team's remit is not enforcement based, during the first 10 months of 2012/13 the following regulatory work was undertaken by this team:

- Nearly half of EHTS's 309 consultations requested by Planning were undertaken for potential land contamination.
- Water samples are taken from private supplies only. They are also 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, although the team does undertake this if requested and will recharge for this service.
- Water sampling is recharged where at all statutorily possible and these fees went up in April 2012 to move those chargeable parts of the service towards full cost recovery. The service has so far earned an income of £62k compared to £50k this time last year, thus further subsidising costs.
- For the period April to December, 903 water samples from private supplies were programmed and 769 of these were taken (85%). There were 206 bacteriological failures recorded (23%) and 99 chemical failures recorded (12%). This regulatory work has so far resulted in only 25 notices having to be served to improve unfit / unwholesome supplies. It is not yet possible to compare this data to previous years, although this should be possible at year end.
- For the period April to December, 83 risk assessments (as required under the new Private Water Supply Regulations) were programmed in for the calendar year and 64 of these were completed (77%). These are recharged for in accordance with the regulations.
- 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. Written communication updates continue to be sent on a regular basis to Moreton-on-Lugg, Sutton St Nicholas and Marden Parish councils as well as to the local member.
- Extensive work continues to be undertaken at the closed landfill site at Stretton Sugwas, as well as routine work at the closed Strangford, Belmont and Leominster sites.

- Air quality monitoring has continued at a reduced number of sites and a three yearly 'Updating & Screening Assessment' report was sent to Defra and will be published once approved. The continuous air quality monitoring station at Victoria Street has not been operating due to budgetary constraints, although it is hoped that this will be reactivated next financial year.
- Environmental permitting of the county's 93 industrial processes/factories has continued, the statutory recharged income from this being £39k so far this year. Several permits have been varied and a new integrated pollution prevention control (IPPC) permit was issued for a large printworks using organic solvent. However, due to budgetary constraints only high risk industrial processes are to be inspected this year, although this will be reviewed in April.

9.32. Graph 6 below shows the number of water samples so far taken in 2012/13:-

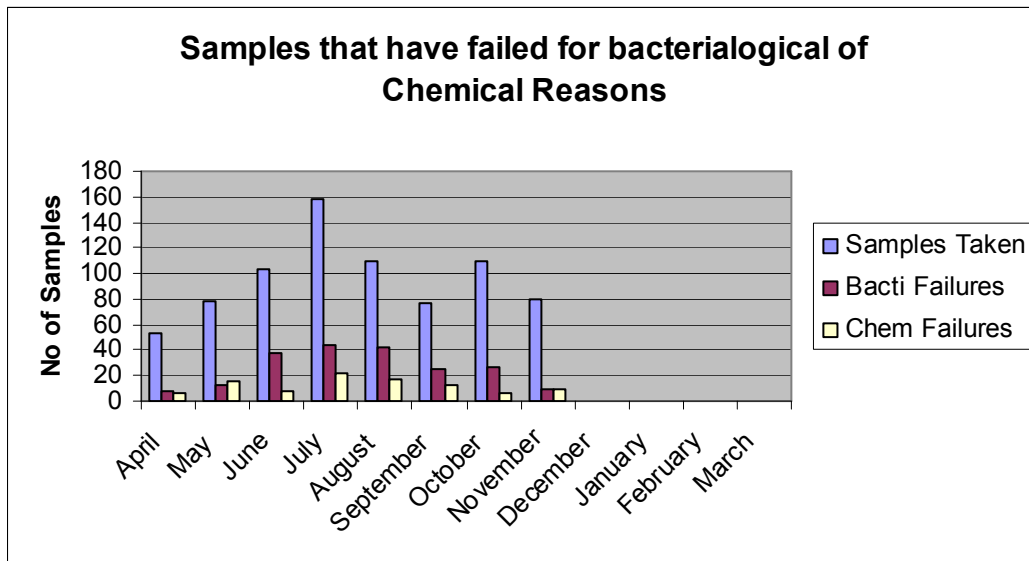
**Graph 6: Number of water samples so far taken in 2012/13**



9.33. The reason why not all these samples have been undertaken is due to postponements from the public / house owners.

9.34. Graph 7 below shows the number of water samples that have failed statutory public health water quality standards so far in 2012/13:-

**Graph 7: Number of water samples that have failed statutory health standards so far in 2012/13**



## **GYPSY & TRAVELLER TEAM**

- 9.35 Although much of this team's remit is the management of the six council owned gypsy & traveller sites across the county, during the first 10 months of 2012/13, regulatory activity occurred through intervention at 15 unauthorised encampments, including one on the Bishops Meadows just days before the Queen's visit in June. The travellers were moved on by this team. Most other encampments have been on council owned car parks or industrial estates.
- 9.36 The team also manages the six council owned sites. Following a consultation exercise in March 2012, new fees were implemented from April 2012 onwards now making this service cost neutral to the council tax payer. The new fees have meant that this service has earned income of £153k so far this year, compared to only £98k earned for the same period last year.
- 9.37 In December, the team was successful in being allocated £493k from the HCA to rebuild and refurbish the largely derelict Bromyard site. This will not only improve accommodation prospects for Herefordshire's travellers, but should also reduce unauthorised encampments in the Bromyard area through the provision of 8 extra pitches.

## **PEST CONTROL TEAM**

- 9.38 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 first 10 months of the year 2012/13 the team has:
- Continued to respond 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 has looked to expand its area of operation into parts of Worcestershire.
  - Implemented a new fee structure to move this service towards full cost recovery.
  - Annualised the hours of staff to meet seasonal demands at no increased cost.
  - Earned income of £84k so far this year.
  - Taken on the management of the seagull control programme (previously with the Air, Land & Water Protection Team).
  - Has held a stakeholder meeting with residents, businesses and the City Council and secured the co-funding of seagull control programme with Hereford City Council in 2012/13 with the agreement of 100% funding from the City Council in 2013/14.
  - Continued to assist the Environmental Protection 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.

**BUSINESS & AGRICULTURE SUPPORT TEAM**  
**CONSUMER COMPLAINTS & SPECIAL INVESTIGATIONS TEAM**

9.39. These teams encompass key trading standards and animal health & welfare service activities such as :-

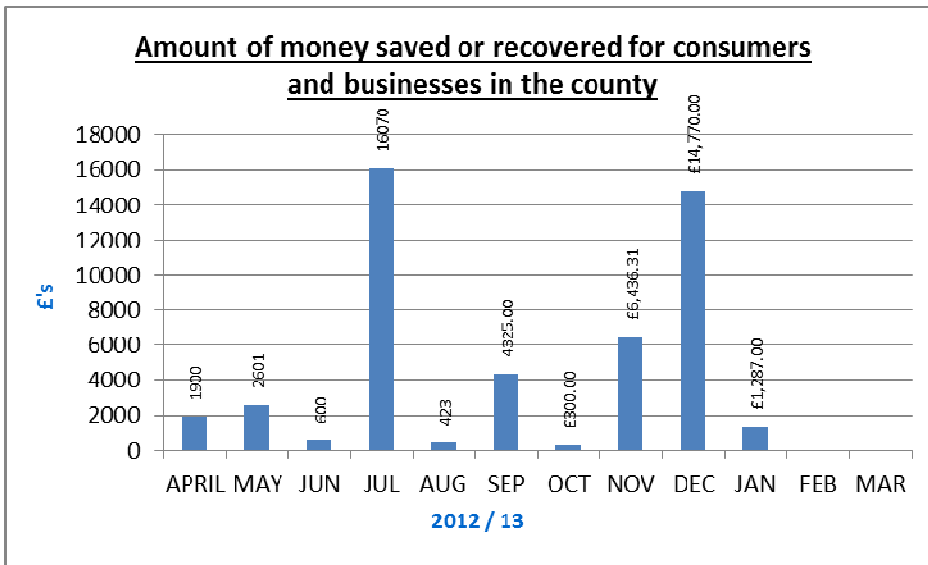
- Consumer safety - ensuring the safety of consumer goods and the correct application and use of the 'CE' mark.
- Food standards and agriculture standards – advising businesses on production and labelling ensuring that composition and description are correct and truthful including the manufacture & supply of food and animal feeding stuffs. Monitoring of the food chain through inspection and sampling. Accreditation of Cider & Perry producers within the three counties in relation to EEC 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 2<sup>nd</sup> tier support to consumers – especially those who are vulnerable or at risk.
- Animal Health & Welfare at farms and livestock markets, ensuring disease control measures are in place and are adhered to, providing support and guidance to farmers in relation to animal health & welfare legislation, the control of animal by-products, bovine TB notifications, livestock market surveillance, transport of animals and primary food producers

9.40. **Money saved or recovered for consumers & businesses in the county data (see table 1) via the Business & Agriculture Support Team and the Consumer Complaints & Special Investigations Team**

- The cumulative total for April to January 2013 is £48,712. 31p

Comment: No target has been set for money recovered; officers do however seek to recover as much as possible . Money recovered for the same period last year was £87,479.74p (April to January 2012). We have been without one trading standards officer for a period of time due initially to secondment to the Public Health team and latterly through maternity leave. It is likely that this has had an adverse affect on the amount saved or recovered.

**Table 1**



## **ENVIRONMENTAL HEALTH COMMERCIAL TEAM**

9.41. The commercial team encompasses key activities such as:-

- Food hygiene - ensuring basic food hygiene of food registered premises as well as implementation and promotion of the Food Standards Agencies new 'Food Hygiene Rating Scheme' (FHRS). This provides a score rating of food premises ranging from 0 – 5 to enable consumers to make an informed choice as well as an incentive to food business operators to drive up their food hygiene standards.
- 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 undertaking enforcement action where necessary
- Dealing with infectious disease notifications and disease 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.

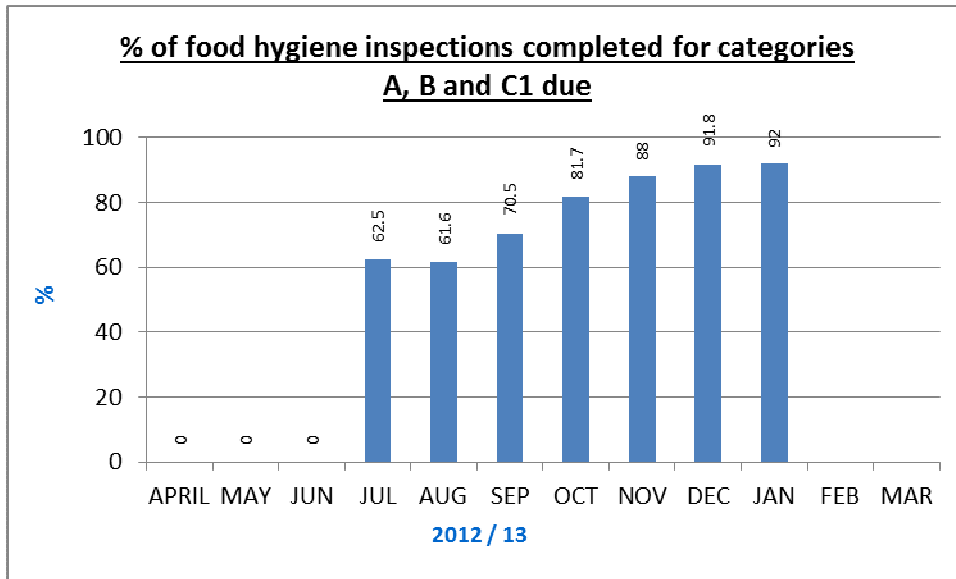
9.42. **The percentage of completed food hygiene inspections undertaken by the Environmental Health Commercial Team for risk categories A, B and C1 due (see table 2 below)**

- From 1 April to 31 January 2013, 172 out of 187 inspections due have been completed which equates to 92% but is below target of 100%, although improving on the previous months. This is for premises risk assessed as A, B & C1 (highest risk categories) which have been prioritised as part of the Council's food hygiene inspection programme.
- Premises categorised as C2, D & E (medium & low risk - although part of the Food Standards Agency food hygiene inspection programme as identified within their code of practice) have not been scheduled for inspection due to limited resources available within the team.

Comment: We are planning to increase inspection rates over this last month by buying in additional resource in order to achieve the identified programme for A, B & C1's.



**Table 2**

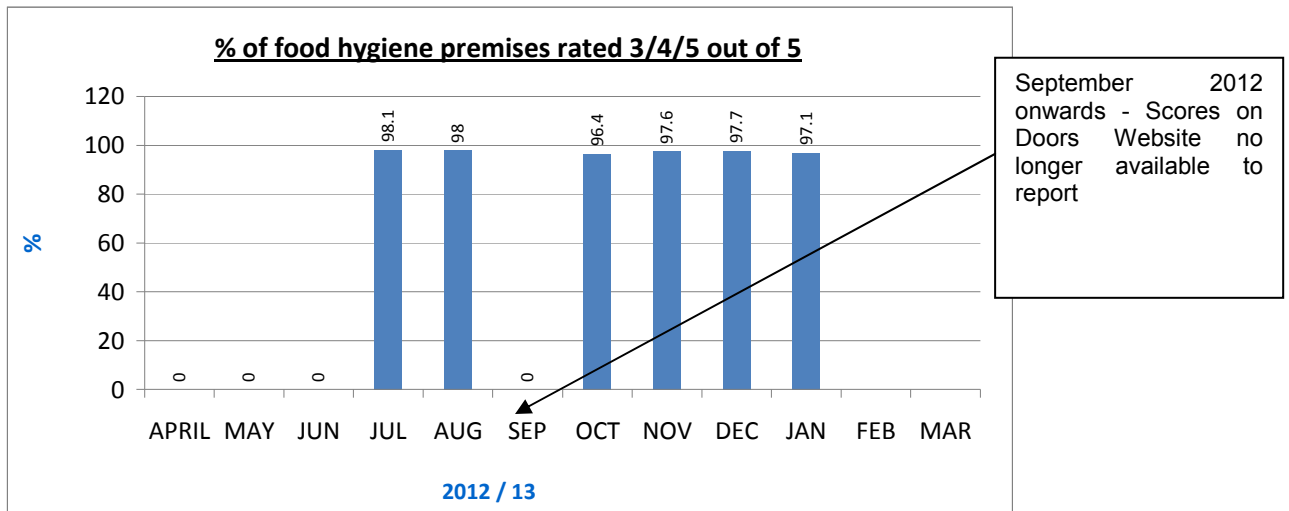


**9.43 The percentage of food hygiene premises rated 3/4/5 out of 5 under the FSA’s FHRS (see tables 3(i) &3(ii) below)**

- In January 2013, 97.1% of our food businesses are rated under the Food Hygiene Rating Scheme (FHRS) as either 3 / 4 / 5 out of 5 rated.

Comment: This is an indication that food hygiene standards are generally good for food businesses within Herefordshire. EHTS have now moved from the previous system of ‘Scores on the Doors’ to the Food Standards Hygiene Rated system (FHRS) which is scored out of a maximum of 5. A considerable amount of work has been undertaken by officers in the prelude to the full implementation of this new rating system (scheduled for January 1 2013), involving a mail shot to all premises, upgrading the back office computer system and internal processes and undertaking awareness seminars for all those affected. The standard has been raised from what was ‘broadly compliant 2\*’ under the previous system to ‘3 out of 5- generally satisfactory’ for the FHRS. Targeted seminars for minority businesses within the take away sector have also been undertaken to improve awareness of E-Coli and its associated new guidelines.

**Table 3(i)**



**Table 3(ii)**

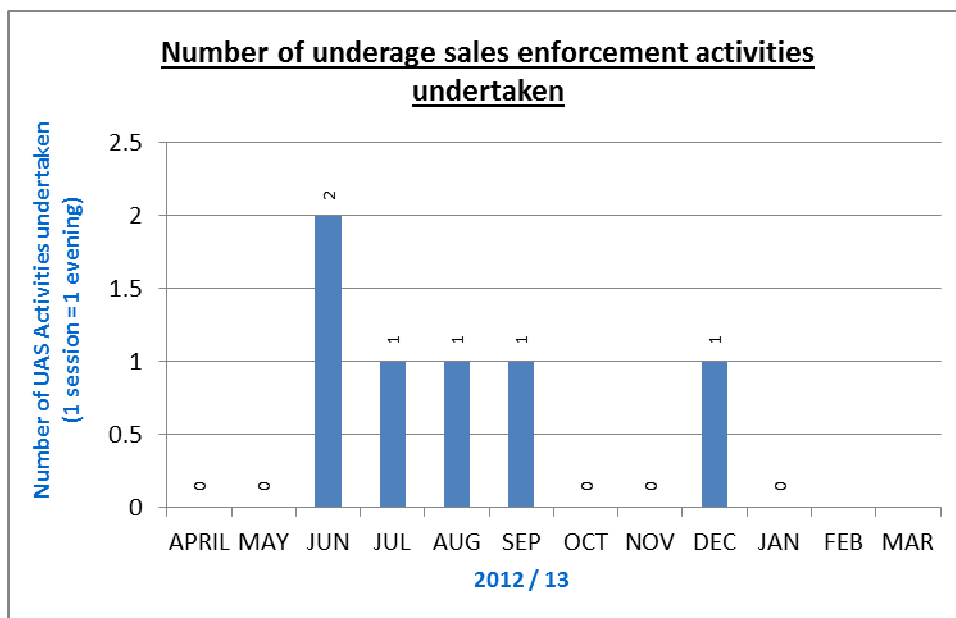
<b>% breakdown of distribution of <u>rated</u> establishments</b>	<b>Herefordshire – 05/02/2013</b>
FHRS rating	Total
5 - Very good	64.2
4 - Good	21.3
3 - Generally satisfactory	11.6
2 - Improvement required	1.6
1 - Major improvement required	1.2
0 - Urgent improvement required	0.1
Total rated establishments	100.0
Establishments with rating of 3 or better	97.1

9.44. **The number of underage sales enforcement activities undertaken (see table 4 below) by the Business & Agriculture Support Team with the Consumer Complaints & Special Investigations Team**

- January 2013: No UAS sessions undertaken during this month

Comment: UAS activity (enforcement) target is 2 sessions per quarter with 8 in total for the year. This has been achieved for both Q1,Q2 and Q3. No UAS enforcement activities were

planned for November. 1 session was undertaken during December 2012. Due to a budget lockdown (corporate decision to reduce discretionary spend) no out of hours activity has been undertaken. This decision has therefore had an adverse effect on service ability to achieve this performance indicator.

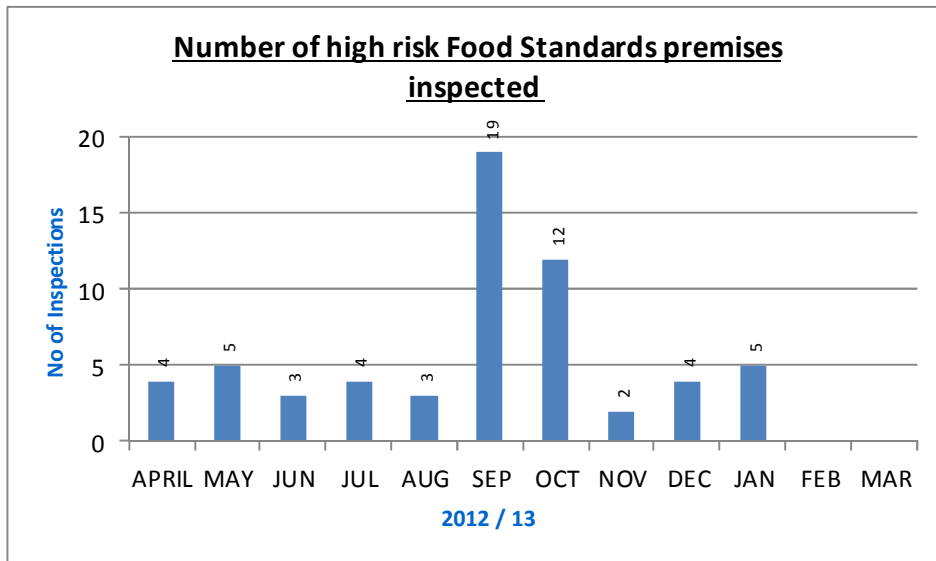


**Table 4**

9.45 **The number of high risk “Food Standards” premises inspected (see table 5 below) undertaken by the Business & Agriculture Support Team and the Consumer Complaints & Special Investigations Team**

January 2013: 5 high risk food premises were inspected. Target for month = 8 inspections, 61 inspections have now been carried out this year (April 2012 to January 2013). Yearly total is now 61 out of 80 equivalent to 76%

Comment: Previously, the target of 8 inspections per month was not achieved due to the team being under resourced with one officer on secondment since April 2012 and now on maternity leave. As of 1<sup>st</sup> September 2012, a contractor was appointed (for 3 months) to undertake those high risk inspections that were outstanding and with the intention of getting ahead of target out over the next few months. Unfortunately the contractor left following permanent employment in another authority only completing 1 month rather than 3 months’ work therefore this target is now unlikely to be achieved.

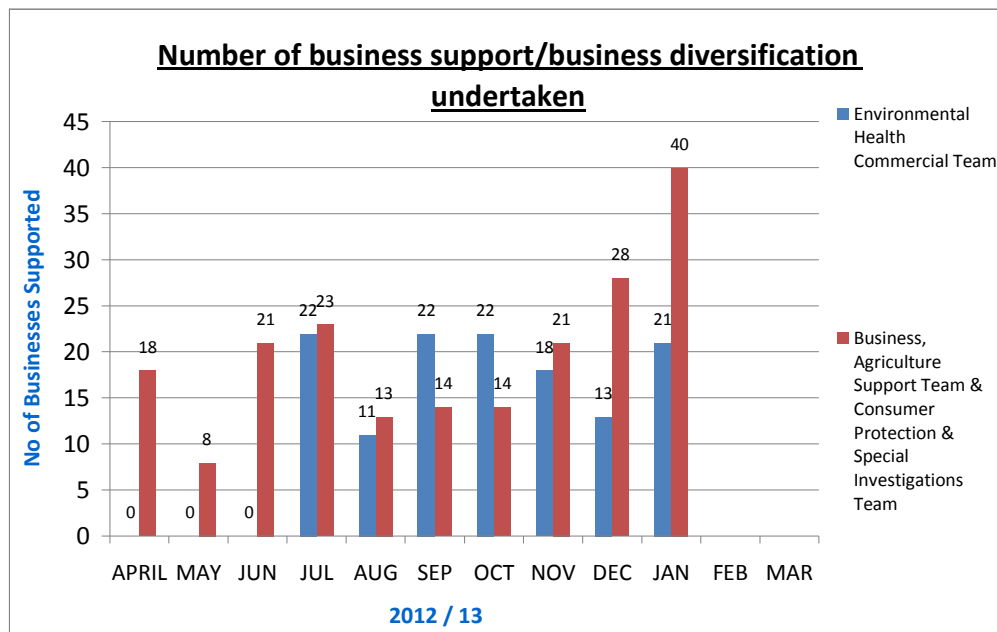


**Table 5**

**9.46. The number of business support/business diversification undertaken (see table 6 below) by the Business & Agriculture Support Team, the Consumer Complaints & Special Investigations Team and the Environmental Health Commercial**

- January 2013 – Business, Agriculture Support Team & Consumer Protection and Special Investigations Team & Environmental Health Commercial: 61 businesses in Herefordshire were given business support / advice (cumulative total for April 2012 to January 2013 = 329).

Comment: This is a new indicator so no target set for the year. Business advice & support is actively promoted through adoption of the home authority principle and through dedicated business support & advice officers /teams. It is seen as a good means of highlighting the support that regulatory services provide to businesses to help them through the 'regulatory minefield' and to support business growth for the economy. Initial engagement has been made with the new Local Enterprise Partnership & Enterprise Zone and it is being contemplated to further assist business and the economy.



**Table 6**

9.47. **Horsemeat contamination of the food chain.**

- Herefordshire Council's trading standards service are one of 28 local authorities who have been requested to undertake formal food sampling on behalf of the Food Standards Agency (FSA). This has resulted in 8 formal samples been taken during the week commencing 11 February and a further 5 formal samples being obtained during the week commencing 18 February. These have comprised of a number of different fresh & frozen beef products primarily from the budget / economy end of the market and from a number prescribed suppliers. We are currently awaiting the results of the analysis of these samples but at this stage, no local manufacturers/suppliers have been implicated with this current equine contamination issue. The purchase cost and analysis of these samples has been met in this instance, by the FSA. We are also looking at sampling from local authority catering establishments (e.g. school kitchens) as a potential option.

## **10. Key Considerations**

- 10.1 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. The Committee has also decided to delegate certain matters to the Sub-Committee which enables it to meet less frequently, which allows the Regulatory Committee to be provided with a more strategic overview of the matters which fall within its remit.
- 10.2 This report is therefore for the Regulatory Committee to note, in order to enable members to be aware of the regulatory activity of Environmental Health & Trading Standards (EHTS) for the year 2012/13 up to 31 January.

## **11. Community Impact**

- 11.1 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, 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.

## **12. Equality and Human Rights**

- 12.1 There are a number of areas within the Council's regulatory function which assist with the promotion or observance of equality and human rights.
- 12.2 This information report has paid due regard to our public sector equality duty.

## **13. Financial Implications**

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

## **14. Legal Implications**

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

## **15. Risk Management**

- 15.1 There are no particular risk management matters associated with the contents of this report, as it is an information report only.

## **16. Consultees**

- 16.1 None

## **17. Appendices**

- 17.1 Appendix 1: Sub Regulatory (Licensing) Committees

## **18. Background Papers**

18.1 None identified.

# APPENDIX 1

2012/13	Applications and Appeals considered by the Regulatory Sub-Committee
April	<p><u>3 April 2012</u></p> <ul style="list-style-type: none"> <li>• McColls, 7 The Oval, Hereford – review following failed underage test purchase</li> </ul> <p><u>12 April 2012</u></p> <ul style="list-style-type: none"> <li>• Golden Fleece, 1 St Owens St, Hereford – Expedited review following serious assault in premises.</li> </ul> <p><u>16 April 2012</u></p> <ul style="list-style-type: none"> <li>• Crown &amp; Anchor, Lugwardine – representation against variation on basis of noise.</li> <li>• Somerfields, Dishley St, Leominster Hereford – review following failed underage test purchase.</li> <li>• Yamz Tapas Bar, Turner Court, Ledbury – review</li> <li>• Etnam News, 35 Etnam St, Leominster – review following failed underage test purchase.</li> </ul>
May	<p><u>8 May 2012</u></p> <ul style="list-style-type: none"> <li>• Eagle inn, 23 Broad St, Ross-on-Wye - representation against variation on basis of noise.</li> </ul> <p><u>29 May 2012</u></p> <ul style="list-style-type: none"> <li>• McDonalds, 46 Commercial St, Hereford – application to extend opening to 4am.</li> </ul>
June	<p><u>11 June 2012</u></p> <ul style="list-style-type: none"> <li>• Hackney Carriage – application for grant outside of standard conditions – refused</li> </ul>
July	<p><u>18 June adjourned to 9 July 2012</u></p> <ul style="list-style-type: none"> <li>• Franky &amp; Benny’s, Unit 29 Old Livestock Market, Hereford – review</li> <li>• Chiquitos Restaurant, Unit 28 Old Livestock Market, Hereford – review</li> </ul>



	<p><u>19 July 2012</u></p> <ul style="list-style-type: none"> <li>• Leominster &amp; District British Legion, South St, Leominster – representation against the variation of club certificate – withdrawn</li> <li>• Crown &amp; Anchor, Lugwardine – objection against TEN on basis of noise - withdrawn.</li> </ul> <p><u>25 July 2012</u></p> <ul style="list-style-type: none"> <li>• European Fresh Foods, 141 -143 Eign St, Hereford – expedited review on basis of failed underage alcohol test purchase and illicit alcohol found on premises.</li> </ul> <p><u>31 July 2012 (Withdrawn)</u></p> <ul style="list-style-type: none"> <li>• Co-op, Crabtree Rd, Kington - – review following failed underage test purchase.</li> <li>• Co-op, Old Station Yard, Newport St, Hay-on-Wye – review following failed underage test purchase.</li> </ul>
August	<p><u>14 August 2012</u></p> <ul style="list-style-type: none"> <li>• Wormelow Cricket Club – representation against a new premises licence. - Granted, subject to conditions.</li> <li>• European Fresh Foods, 141 -143 Eign St, Hereford – review of premises licence following an expedited review. - Licence revoked.</li> <li>• Application to licence a taxi outside of vehicle licence conditions – refused</li> </ul>
Sept	<p><u>4 September 2012</u></p> <ul style="list-style-type: none"> <li>• King’s Fee, 49 – 53 Commercial Rd, Hereford – Application for 5 g Machines – approved</li> <li>• Gwalia Stores, 27 – 29 Broad St, Ross-on-Wye – review of premises licence following failed underage test purchase. Adjourned</li> </ul> <p><u>18 September 2012</u></p> <ul style="list-style-type: none"> <li>• Gwalia Stores, 27 – 29 Broad St, Ross-on-Wye – review of premises licence following failed underage test purchase. Licence suspended 3 months, DPS removed with 4 new conditions.</li> <li>• The Royal Hall, Ledbury – representation of new premises licence. Granted with conditions</li> </ul>

October	<p><u>2 October 2012</u></p> <ul style="list-style-type: none"> <li>• Application to licence a taxi outside of vehicle licence conditions – allowed</li> <li>• The Crown Inn, lea – representation against a variation of a premises licence - Withdrawn.</li> <li>• The Jailhouse Night Club, 1 Gaol Street, Hereford – review of premises licence - Adjourned</li> <li>• The Spread Eagle, 2 Kings St, Hereford – review of premises licence - withdrawn / agreed to apply for a minor variation.</li> </ul>
	<p><u>16 October 2012</u></p> <ul style="list-style-type: none"> <li>• Application to licence a taxi outside of vehicle licence conditions – refused</li> <li>• Steiner Academy – representation against a new premises licence – adjourned</li> </ul>
	<p><u>26 October 2012</u></p> <ul style="list-style-type: none"> <li>• Steiner Academy – representation against a new premises licence. Granted, subject to conditions</li> </ul>
November	<p><u>13 November 2012</u></p> <ul style="list-style-type: none"> <li>• Rose &amp; Crown PH, Ledbury Rd, Hereford – Gaming machine permit – Approved</li> <li>• Imperial, Widemarsh Street, Hereford – review of premises licence – Approved under delegated powers</li> <li>• Kings Acre Post Office, Kings Acre Rd, Hereford – review of premises licence following failed test purchase Adjourned</li> <li>• Copper Kettle, 177 Aylestone Hill, Hereford – review of premises licence following failed test purchase Conditions attached re sale of alcohol</li> <li>• The Herdsman, Widemarsh Street, Hereford – review of premises licence following failed test purchase Conditions attached re sale of alcohol</li> <li>• Andrew's Self Service Stores, Belle Bank Ave, Hereford – review of premises licence following failed test purchase Conditions attached re sale of alcohol and DPS removed</li> </ul>

	<p><u>27 November 2012</u></p> <ul style="list-style-type: none"> <li>• Review of the suspension of a taxi driver W – Suspension remained in place until receipt of satisfactory medical report</li> <li>• Review of the suspension of a taxi driver X – Suspended for one month and knowledge test to be passed on return</li> </ul>
December	<p><u>4 December 2012</u></p> <ul style="list-style-type: none"> <li>• The Jailhouse Nightclub, Gaol Street Hereford – Review of premises licence following drug incidents reported to police New conditions attached to licence</li> <li>• Kings Acre Post Office, Kings Acre Rd, Hereford – review of premises licence following failed test purchase Adjourned</li> </ul>
January	<p><u>29 January 2013</u></p> <ul style="list-style-type: none"> <li>• Review of the suspension of a taxi driver Y – Suspension lifted subject to new conditions imposed</li> </ul>
	<p><u>30 January 2013</u></p> <ul style="list-style-type: none"> <li>• Review of the suspension of a taxi driver Z – Suspension lifted subject to satisfactory medical reports</li> </ul>

## APPENDIX 2

**EH & TS Prosecutions/Enforcement activity**  
**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**  
**QUARTERLY PROSECUTIONS - 01.10.12 – 31.12.12**

PROSECUTIONS									
	Defendants Trade	Nature of Offence	Act	No Charges of	Plea	Result	Costs Requested	Costs Awarded	Remarks
	Shop Assistant	1 x charge for tobacco labelling offence	S12 of Consumer Protection Act 1987 &	1	Guilty	Conditional discharge months 6	£528.49  (TS)	£528.49  (TS)	Cost paid at £5 p/w
		2 x charges for fake tobacco and cigarette offences	S92(1)(c) of the Trade Marks Act 1994	2		Conditional discharge months 6  Hearing:  18.10.12			

PROSECUTIONS CONTINUED									
	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded	Remarks
	Cold Calling – gardening work	2 x failure to give cancellation rights. 2x aggressive practice for starting work immediately 1x aggressive practice for taking a jar of coins in lieu of payment 1x misleading omission for failing to give a price	Consumer Protection from Unfair Trading Regulations 2008 & Doorstep Selling Regulations	6 charges in total	Guilty	Fined £240 & compensation of £460 awarded + £15 victim surcharge and fines collection order imposed	£690.68	£300	Magistrates wanted to impose unpaid work order but did not have the power to do so. Only a Crown court can do so.

FORMAL

CAUTIONS				
NIL				

WRITTEN WARNINGS				
NIL				

PROSECUTION FILES ISSUED / OPENED DURING QRT	5
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