

# AGENDA

## Regulatory Committee

Date: **Wednesday 22 June 2016**

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Time: **10.00 am**

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Place: **Committee Room 1, The Shire Hall, St Peter's 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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# **Agenda for the meeting of the Regulatory Committee**

## **Membership**

<b>Chairman</b>	<b>Councillor DW Greenow</b>
<b>Vice-Chairman</b>	<b>Councillor BA Baker</b>
	<b>Councillor PA Andrews</b>
	<b>Councillor TL Bowes</b>
	<b>Councillor CR Butler</b>
	<b>Councillor BA Durkin</b>
	<b>Councillor MD Lloyd-Hayes</b>
	<b>Councillor PJ McCaull</b>
	<b>Councillor MT McEvelly</b>
	<b>Councillor AR Round</b>
	<b>Councillor WC Skelton</b>

**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 14 October 2015.	7 - 10
<b>5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH AND TRADING STANDARDS - 2015/16 (ANNUAL REPORT)</b> To note the main regulatory activities of the council's environmental health and trading standards (EHTS) service for the year 2015/16 (period 1 <sup>st</sup> April 2015 – 31 <sup>st</sup> March 2016)	11 - 94



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**HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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## COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Regulatory Committee held at Committee Room 1, The Shire Hall St Peters Square Hereford HR1 2HX on Wednesday 14 October 2015 at 10.00 am**

**Present:** Councillor DW Greenow (Chairman)  
Councillor MD Lloyd-Hayes (Vice Chairman)

**Councillors:** BA Baker, CR Butler, BA Durkin, PJ McCaull and AR Round

**9. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, TL Bowes, MT McEvily and WC Skelton.

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

There were no nominated substitutes.

**11. Declarations of Interest****12. MINUTES**

Resolved: that the minutes of the meeting held on the 19 February 2015 be confirmed as a correct record and signed by the Chairman.

**13. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH AND TRADING STANDARDS 2014/2015 (ANNUAL REPORT)**

The Committee was invited to note the main regulatory activities of the Council's, Environmental Health and Trading Standards (EHTS) services for the year 2014-15 period 1 April 2014 to 31 March 2015

Prior to the report being presented Mike Pigrem Head of Trading Standards and Licensing (HTSL) confirmed that he will be retiring in November 2015.

The Chairman and Committee thanked him for his services.

Mike Pigrem introduced Mr David Hough Trading Standards Service Manager, who would be attending future meetings where Trading Standards matters feature on the agenda.

The Head of Environmental Health & Development Management (HEHDM) and the Head of Trading Standards & Licensing (HTSL) presented the report. The Committee expressed their appreciation for the work which was undertaken by the department.

In discussion the following principle points were made:

In reply to a question HTSL commented that staff numbers are up to the required capacity with recognition that there will always be a balance to be sought between area priorities and public expectations.

Housing of multi occupancies (HMO) were discussed with the HEHDM stating that member attendance to MATAC (multi agency tasking and co-ordination group meetings can be arranged if members wish to attend.

It was suggested that any future traffic monitoring in the Bar Gates area of Leominster should be carried out in conjunction with air monitoring. It was also suggested that future reports should include annual trends in terms of statistics to enable the committee to opinion on progress made.

It was noted that seagull breeding pairs has fallen within Hereford over the last two years. The seagull control programme is currently financed by Herefordshire City Council.

A question was asked regarding the governments consultation on Sunday trading with confirmation from the HEHDM that this matter would in time be delegated to Local Authorities.

Hereford livestock market and smoking legislation was raised and whether the market came under the smoking legislation i.e. Health Act 2006 and associated regulations.

Rogue Trader case studies were highlighted with the HTSL confirming that zero tolerance approach is practiced given the high level of vulnerable people living in the county.

School attendance and truancy was discussed with a big increase seen in the number of referrals sent through from schools in comparison to last year, with no identified reason as to why this marked increase has transpired. It was suggested by members that this area might be a subject for a Task Group to explore and report back to Committee.

The Chairman congratulated the Animal Welfare Team but also expressed disappointment in resource reductions in this area...

A further question was raised regarding Animal Welfare referrals received and the amount of enforcement action taken with a suggestion that this area should be Benchmarked with other authorities for comparison.

The HTSL believed that the service remains great value for money for all stakeholders. The Chairman and Committee agreed and requested that the Committee's compliments are conveyed to all relevant teams.

The following action was requested:

- Future traffic monitoring in the Bar Gates area of Leominster should be done in tandem with air quality monitoring.
- A working group be convened to investigate the increase in



school absence referrals

- Smoking within the Hereford livestock market to be clarified and enforced if required

The following issues were identified for future consideration:

- Future annual performance statistics to include previous year comparisons to enable the committee to evaluate trends.
- Benchmarking exercise with neighbouring authorities on Animal Welfare complaints.

**RESOLVED: That the report be received and noted**

<LAYOUT\_SECTION>



<b>Meeting:</b>	<b>Regulatory Committee</b>
<b>Meeting date:</b>	<b>22 June 2016</b>
<b>Title of report:</b>	<b>Report on Regulatory Activity by Environmental Health and Trading Standards – 2015/16 (Annual Report)</b>
<b>Report by:</b>	<b>Head of Regulatory Services and Development Management</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 2015/16 (period 1<sup>st</sup> April 2015 – 31<sup>st</sup> March 2016).

### 5. Recommendation(s)

**THAT:** As the regulatory committee is responsible for the use of the council's regulatory powers and duties, 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 EHTS 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.

For further information please contact  
Marc Willimont, Head of Regulatory Services & Development Management on 01432 261986

## 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 2015/16 including compliance with its respective food hygiene and food standards inspection programmes.

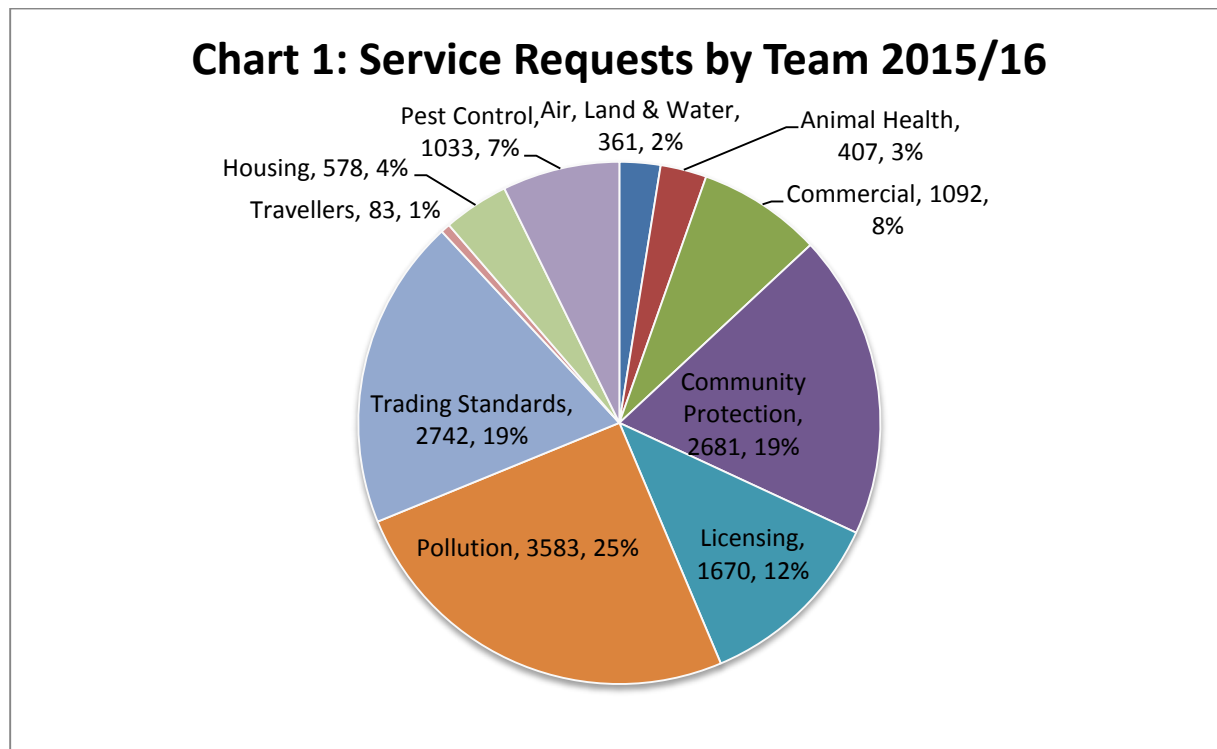
8.3 The report provides the committee with a summary of EHTS regulatory activities, namely:

- Animal health;
- Children in employment / attendance;
- Community protection;
- Environmental health;
- Gypsy travellers;
- Licensing;
- Pest control;
- Trading standards;

It also includes four appendices, namely:

- 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](#));
- Linkage with corporate policies (see [appendix 4](#));

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 The above graph shows that in 2015/16 a total of 14,230 service requests were received and dealt with by EHTS which is almost exactly the same as the previous year (14,204). The largest percentage of the incoming work was in the area of the environmental (pollution) team at 25%, increasing by 3% from last year. It is also notable that the licensing calls increased by 3% as did community protection work by 1%. The remainder stayed fairly constant except for the 'air, land & water' team whose calls decreased from 6 to 2% of the total, which was probably linked to reduced regulatory activity.

8.5 In the year 2015/16 the entire EHTS service was budgeted to cost in the order of £1.33m net expenditure and the actual net expenditure closed at £1.35m. This is a variance of only 1%.

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), generically the team can report that in 2015/16:

- There were 98 freedom of information (FOI) and 4 environmental information regulation (EIR) requests for data, all of which were responded to within their target time. This compares to 77 FOIs and 2 EIRs the previous year, showing that there is an increasing amount of officer time spent on such matters, often requiring significant research and therefore resource. Much information is being placed on the council's webpages to help reduce this burden.
- There were 8 service requests received from MPs, compared to 4 the previous year.
- The local government ombudsman investigated 4 cases (all related to noise), but all were concluded in the council's favour. This is the same as the previous

year.

- EHTS received 44 compliments and 4 complaints about its staff. All complaints were investigated and responded to in accordance with the council's policy on such matters. Complaints were generally either about the length of time a service request took to complete or were a challenge of an EHTS decision. Complaints were investigated by the manager and were responded to by letter, in accordance with our policy. Compliments tended to recognise an officer going the extra mile. In the previous year there were 46 compliments and 19 complaints, so this is considered a significant improvement in performance.

8.7 At last year's regulatory committee, members asked the following questions. A response is provided in italics below each:

8.7.1 Future traffic monitoring in the Bargates area of Leominster should be done in tandem with air quality monitoring.

*Air quality monitoring continues at the Bargates junction and an update on the pollution levels were summarised in a report to Defra (See paragraphs 9.24 – 9.25 below).*

8.7.2 A working group be convened to investigate the increase in school absence referrals.

*The service manager for this part of EHTS met with his counterpart for 'early help' and with the head of service for children's commissioning in order to understand this further.*

8.7.3 Smoking within the Hereford livestock market to be clarified and enforced if required.

*This was investigated by a principal environmental health officer in conjunction with the senior animal health officer. EHTS can confirm that smoking is not permitted in the sale ring or in the foyer.*

8.7.4 Future annual performance statistics to include previous year comparisons to enable the committee to evaluate trends.

*Wherever possible, data from the previous year has been provided to enable comparison.*

8.7.5 Benchmarking exercise with neighbouring authorities on Animal Welfare complaints.

*Benchmarking was possible with two neighbouring counties. Worcestershire's level of welfare complaints were similar whereas Warwickshire's were higher.*

8.8 The following sections 9 to 18 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:-

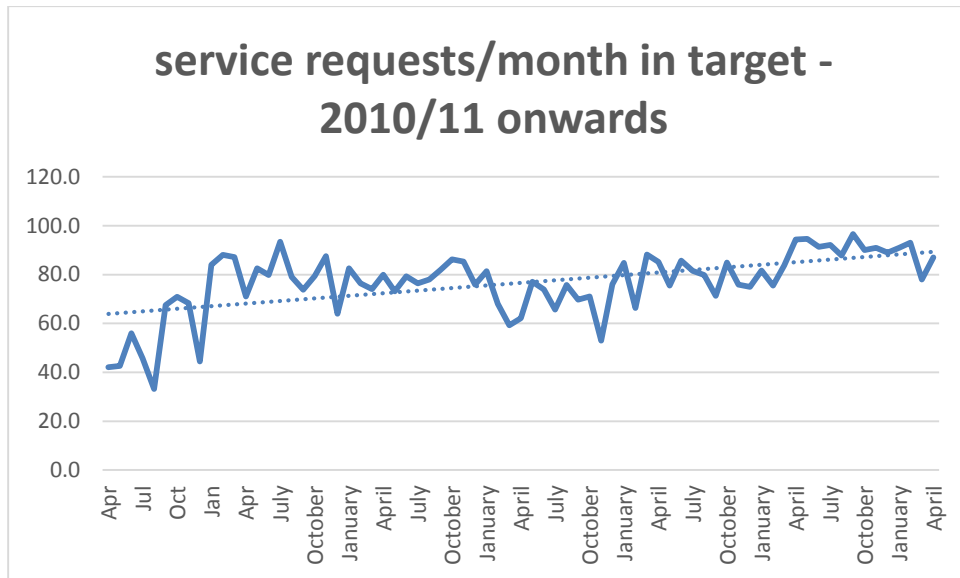
- Noise nuisance – investigation and service of noise abatement notices
- Other nuisances – including odour, dust, smoke and accumulations
- High hedge complaints
- Burial of deceased without means
- Smoke offences – e.g. Clean Air Act and dark smoke offences
- Drainage – clearance of drains and defective 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 2015/16 the team handled 3844 service requests, comparing to 3,986 during 2014/15. This is a similar high number of requests reflecting public expectation combined with increased consultation.

9.3 In 2015/16, 82.7% of the team's service requests were responded to within 5 working days, compared to 80% 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, a considerable change is required to deliver an effective statutory service. This challenge is being addressed by the service deploying its staff in a more generic and flexible way.

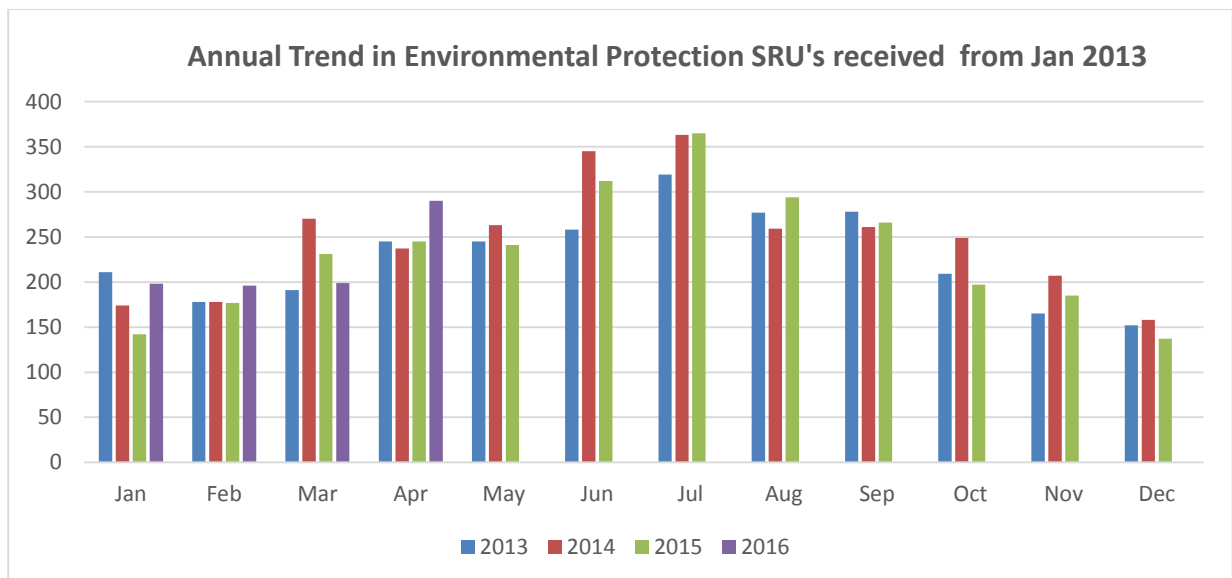
9.4 The graph below shows those service requests which met EHTS's 5 day response target. It can be seen that the performance of this team significantly improved from early 2011, whereupon it seems to have stabilised.

**Graph 1: Number of environmental protection service requests/month responded to in target**



9.5 The graph below gives the monthly totals showing the seasonality and long term rising trend for environmental protection service requests year on year, particularly demonstrating that last summer was especially busy.

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



During the months of June to September there is a temporary change in staffing levels to include one additional officer to cover the increase in demand in service requests. The team therefore increases from 4 to 5 duty officers, achieved through temporary redeployment within the EHTS service.

9.6 About 22% of the service requests received in 2015/16 related to noise. This percentage has risen slightly from 20% in the previous year. The category breakdown



of service requests received last year is shown in table 1 below:

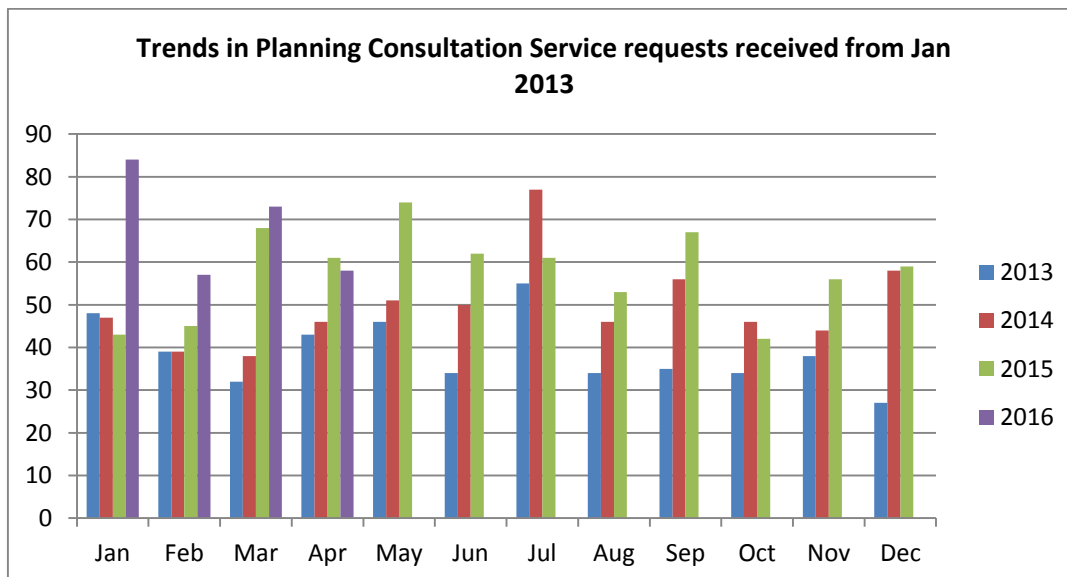
**Table 1: environmental protection service requests in 2015/16**

<b>Type of service request</b>	<b>No. received April 2015 to March 2016</b>	<b>percentage of total (%)</b>
Noise Nuisances	800	20.8
Other Nuisances (dust, smell, light, flies etc)	114	3.0
Clean Air Act, smoke, air pollution & bonfire nuisances)	167	4.3
Public health complaints (including rubbish, rats, pests and hoarding)	215	5.6
Drainage	95	2.5
Drinking water quality	313	8.1
Planning Consultation Responses	754	19.6
Licensing Consultation Responses	1030	27.0
Land Charges consultations	126	3.3
High hedges	37	1.0
Public Health funerals and home burials	24	0.6
Miscellaneous and advice	169	4.4
<b>Total</b>	<b>3844</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 22% as the main operational activity undertaken. If you remove consultation responses from this data, noise complaints would have equated to 44%. This reinforces our view that Herefordshire is following the national trend of rising public expectation for the council to resolve environmental protection noise complaints.

- 9.8 The service operated a Police and Crime Commissioner funded out-of-hours noise service over 10 weekends in the summer of 2015, between 26 June and 31 August. This covered a total of 21 nights every Friday and Saturday night as well as the August Bank holiday Sunday/Monday night. Two noise officers were on duty and on call between the hours of 9.00 p.m. and 2.00 a.m. with the service responding to 45 service requests via the council's out of hours contact centre. A total of 338 routine visits were made; responding to service requests where necessary and monitoring other known potential /problem premises. Officers also gathered intelligence about noise from licensed and commercial premises in the market towns with a total of 81 noise recordings being made. Feedback from customers showed the service was well received.
- 9.9 A number of planning and pre-application visits were also undertaken to assist development management and the licensing team. This pro-active work aimed to prevent the need for future enforcement action and constitutes best practice. The breakdown in table 1 above reveals that consultation work stayed high, being 50.3% of the total service requests in 2015/16, compared to 42.1% in 2014/15. This shows an increase in demand and demonstrates the significant joint working between the environmental protection team and the licensing and planning teams, as each consultation request was investigated and responded to. The planning consultation service requests in table above demonstrate that planning consultations have increased to 754 from 624 the previous year.

**Graph 3: trends in planning consultation from January 2013 onwards**



- 9.10 EHTS co-chairs with the police, a “multi agency tasking and coordination” group, called MATAC. 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. It also includes licensing, trading standards and the environmental health housing teams.

### **Specialist contaminated land 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.

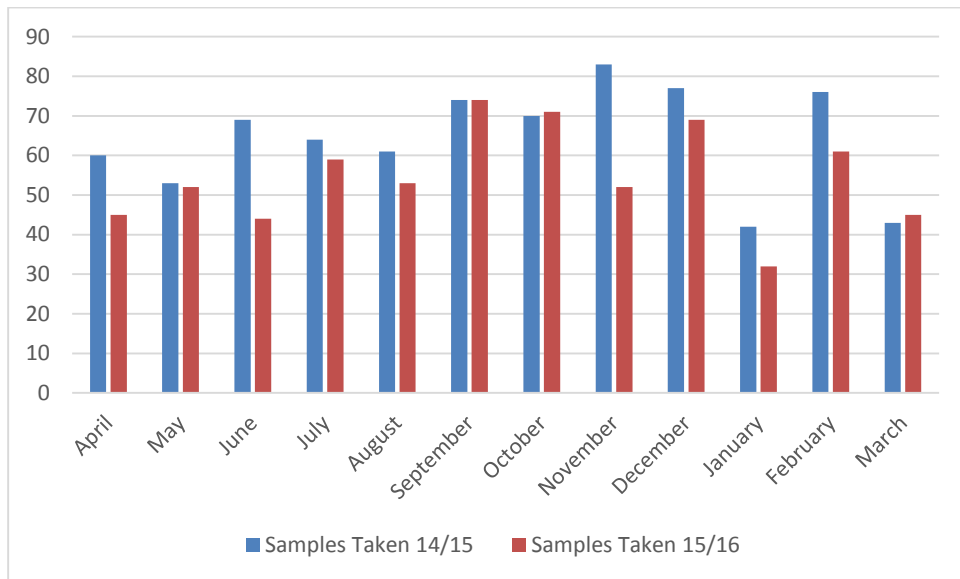
### **Specialist closed landfill work**

- 9.13 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.
- 9.14 In fulfilment of this, extensive monitoring and assessment work has continued in 2015/16 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**

- 9.15 Herefordshire has about 3000 private water supplies and is unusual in that it has a much higher than average number compared with 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 and food manufacturers, so there are implications to the wider public health of visitors and customers.
- 9.16 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 this is usually associated with agricultural activity (fertilizer/manure) or leaching of metals into water from distribution pipework. Agricultural contamination tends to increase following extreme wet weather. Bacterial contamination is usually associated with animal or human gut contact or general decomposition through contamination of water tanks. Chemical problems are normally associated with nitrates (fertiliser) or iron / lead (drinking water pipe corrosion).
- 9.17 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.
- 9.18 Water sampling is recharged where at all statutorily possible. In this way, the service recovered about £55k in 2015/16.
- 9.19 For the year 2015/16, 878 statutory water samples from private supplies were programmed and 657 of these were taken (76.5%). This compares to 993 programmed in 2014/15 with 772 being taken (79%), so sampling activity has fallen, primarily due to a temporary staffing shortage, now been addressed. This is shown in the graph below.

**Graph 4: Private water sampling for 2015/16 compared to 2014/15**

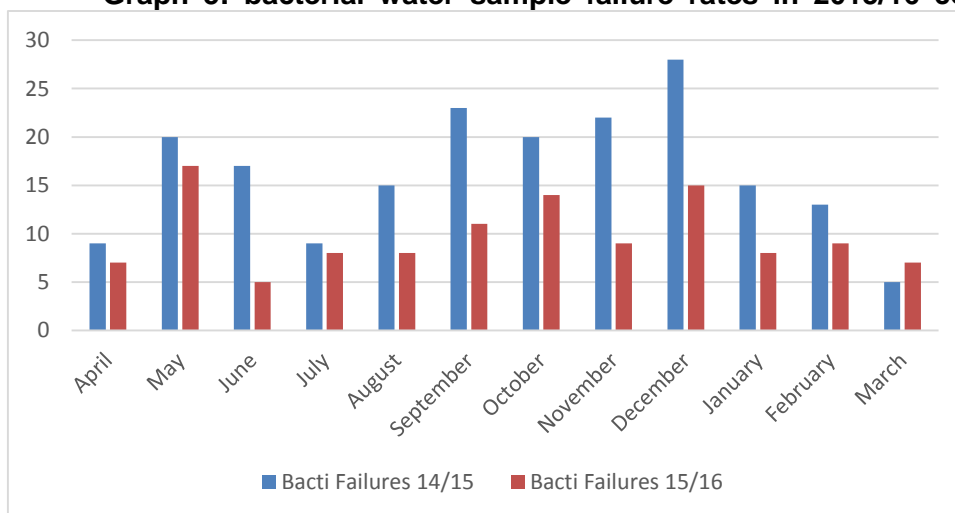


9.20 In 2015/16, 118 samples failed for bacteriological water quality (18.1%) and 91 chemical failures were recorded (14.4%). This regulatory work resulted in 20 notices having to be served to improve unfit / unwholesome supplies.

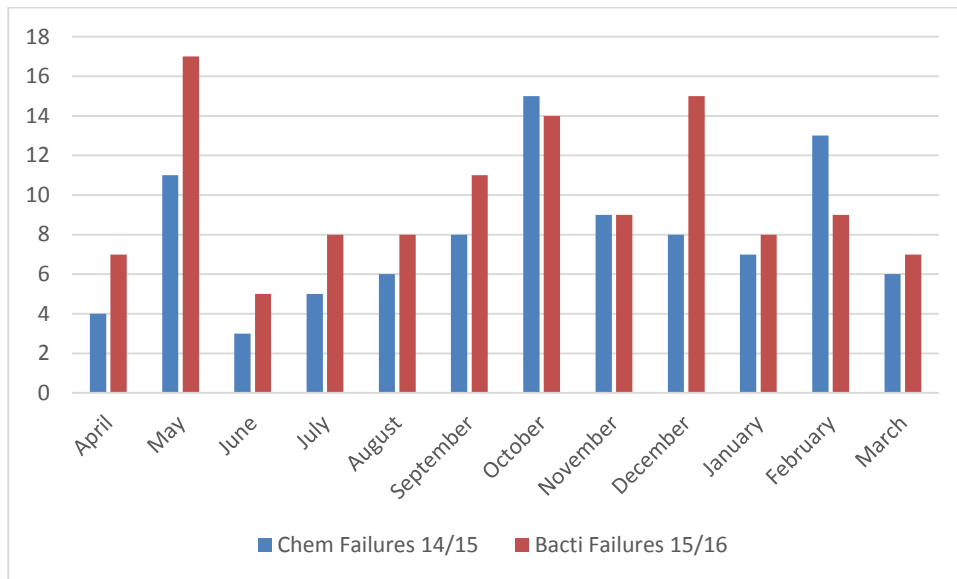
9.21 In comparison in 2014/2015, 260 samples failed for bacteriological water quality (25.8%) and 107 chemical failures were recorded (11.2%), resulting in 18 notices having to be served. Therefore bacterial water quality has improved although chemical quality has slightly deteriorated. The number of notices served remains fairly constant implying similar regulatory effort.

This is shown in the two graphs below.

**Graph 5: bacterial water sample failure rates in 2015/16 compared to 2014/15**



**Graph 6: chemical water sample failure rates in 2015/16 compared to 2014/15**



9.22 For the year 2015/16, 84 risk assessments for these private supplies were programmed and 37 of these were able to be completed (50.5%). This compares in 2014/15 to 86 programmed and 43 taken (52%). These risk assessments are statutorily required and are recharged in accordance with the regulations. The level undertaken remains about constant with last year.

9.23 The water sampling team have 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.

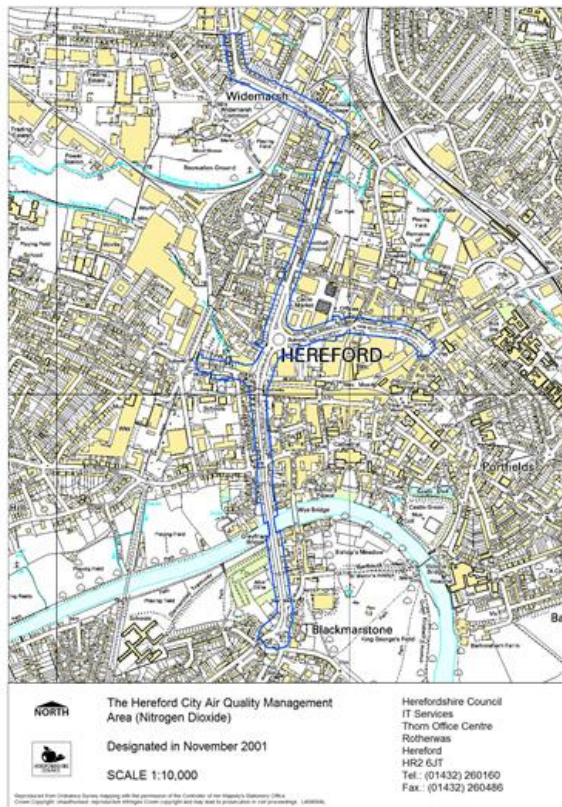
**Specialist air quality monitoring & reporting**

9.24 Air quality monitoring has continued at a number of sites countywide. A review and an annual report has been undertaken, as is statutorily required. This was submitted to Defra and concluded that air quality across Herefordshire is generally very good, demonstrating a downward trend over the 5 year period to 2014. See [https://www.herefordshire.gov.uk/media/8060140/herefordshire\\_usa\\_2015-v2.pdf](https://www.herefordshire.gov.uk/media/8060140/herefordshire_usa_2015-v2.pdf) The continuous air quality monitoring station at Victoria Street remains operational and now collates roadside data.

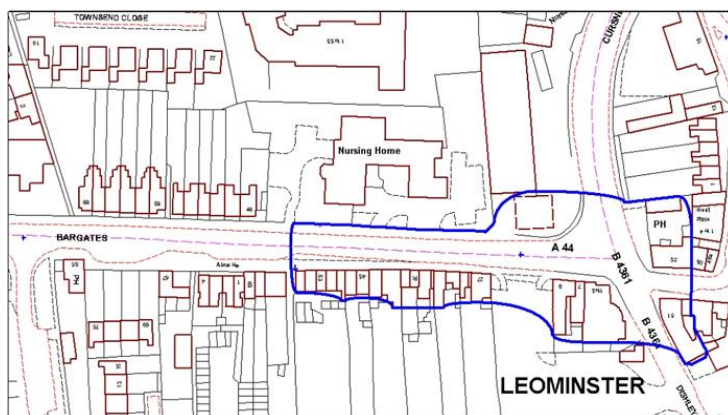
9.25 The county continues to have two declared 'air quality management areas', both the result of traffic emissions, as the areas fail to meet the health based pollutant nitrogen dioxide (NO2) objective set by the government. This pollutant is also measured by diffusion tubes at various road side locations across the county, the data being available at <https://www.herefordshire.gov.uk/environmental-protection/pollution-control/pollution-control-air-quality>

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

- 9.26 Environmental permitting of 87 of the county's potentially polluting industrial processes/factories continued, the statutory recharged income from this being about £35k for 2015/16.
- 9.27 Several permits were varied and nearly all the necessary inspections were made to premises on the basis of their risk assessments. This work included two large print-works and a Hereford based galvanising plant, all operating under the tighter control of integrated pollution prevention control (IPPC) permits due to their potential to have more serious emissions. A new sector for wood preserving industries came under the control of this legislation and applications for new environmental permits are being issued.

### Regulatory environmental protection

- 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 2015/16 the following statutory notices / enforcement action was taken by the environmental protection team.

**Table 2: environmental protection notices served**

Type of statutory notice	Number served in period 2015/16	Number served in period 2014/15
Unwholesome private water supply	20	5
Noise abatement notice	9	2
High hedge notices	1	2
Drainage (building act)	2	1
Pest control (keeping land clear of rats)	2	3
Clearance of filthy & verminous houses (hoarding)	0	2
Requisition for information	10	2
<b>TOTAL</b>	<b>44</b>	<b>37</b>

For the first time, work in default was undertaken where a high hedge notice had not been complied with, the costs for this being recovered.



## 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 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. 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 2015/16 the team achieved the following:

**Table 3: Food Hygiene Inspection programme for 2015/16**

<b>Risk Category</b>	<b>Programmed for the year 2015/16</b>	<b>Achieved for the year 2015/16</b>
A	5	5
B	77	77
C	257	251
<b>TOTAL FOR HIGH RISK</b>	<b>339</b>	<b>333</b>
D1 – Medium Risk	114	137
D2 – Low Risk	51	151
Unrated	57	44

- 10.5 The reason why 6 high risk premises were not inspected is because these businesses had seasonal opening times and were closed at the time of the programmed inspection. The reason why 100 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 and a change in the Food Standards Agency's Code of Practice which allowed the commercial team to use questionnaires to deal with around 50 of these low risk businesses.
- 10.6 In addition to 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 1,171 intervention visits made to food premises.

**Table 4: food hygiene interventions for 2015/16**

<b>Intervention type</b>	<b>No of visits</b>
Total Inspections (programmed & new business inspections)	743
Verification & Complaint visits	131
Sampling visits	24
Advice & Education visits	86
Information & Intelligence gathering visits	187
<b>Total number of food hygiene visits</b>	<b>1,171</b>

- 10.7 There was an acknowledgement by the committee of a reduced 2015/16 food hygiene inspection programme in 2015 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 Food Standards Agency (FSA) Food Hygiene Rating Scheme (FHRS) website. This can be found at <http://ratings.food.gov.uk/>

The FHRS breakdown of applicable Herefordshire establishments for the year ending 2015/16 is shown in the table 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 %)	<b>2015/16</b> (year total %)
5 - Very good	63.3	63.7	62.9	63.7
4 – Good	21.5	21.4	23.0	23.5
3 - Generally satisfactory	11.5	10.8	10.2	9.5
2 - Improvement required	2.4	3.2	2.9	2.3
1 - Major improvement required	1.1	0,8	1.0	0.9
0 - Urgent improvement required	0.1	0.1	0.0	0.1
Total rated establishments	100.0	100.0	100.0	100.0
Establishments with rating of 3 (satisfactory) or better	96.4	95.9	96.1	96.7

- 10.10 During the period 2015/16, 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 1092 service requests this year, many of these relating to food hygiene. 97% of these service requests were responded to within their target time.
- 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 153 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 2015/16 compared with previous years**

Enforcement Action	2013/14 (Number)	2014/2015 (Number)	2015/16 (Number)
Voluntary closure	2	2	3
Improvement notices	0	4 notices	7 Notices
Seizure/surrender of food	0	2 Premises	0
Written warnings*	528	558	660
Hygiene Emergency Prohibition Notice	0	0	1**

\* *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.*

\*\* *A Ledbury takeaway was formally closed down by environmental health officers in December 2015, following a routine inspection that revealed a serious cockroach infestation. The magistrate’s court confirmed the order which was eventually lifted once sufficient pest control measures had been implemented. This received a significant amount of media coverage as it was the first formal closure needed for a number of years. Usually such measures can be achieved through voluntary (informally agreed) closures.*

### **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 287 Infectious disease notifications, which appeared fairly consistent with previous years. These are detailed below:-

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

Infectious Disease Notification	Number in 2012/13	Number in 2013/14	Number in 2014/15	Number in 2015/16
Campylobacter	291	248	284	225
Cryptosporidium	19	6	16	20
E.coli	4	4	9	3

Giardia lamblia	7	9	8	14
Hepatitis	1	2	6	4
Salmonella	17	14	20	20
Shigella	4	3	0	1
Viral Hepatitis	2	0	1	0
Vibrios	0	1	0	0
Legionella	0	2	2	0
Typhoid Fever	0	0	1	0
<b>Total</b>	<b>345</b>	<b>289</b>	<b>347</b>	<b>287</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. 106 notifications were received. "Slip, trips & falls", "fall from a height under 2m" and "Injured Handling/Lifting" are the areas where the highest number of reports were received. (See table below).

**Table 8: 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>	<b>Number in 2015/16</b>
Fall from a height under 2m	10	24	16	11
Injured Handling/Lifting etc.	13	10	14	15
Slip Trip Fall, same level	61	61	49	40
All other accident types	66	46	51	40
<b>Grand Total</b>	<b>150</b>	<b>141</b>	<b>130</b>	<b>106</b>

10.17 The team received and actioned a total of 154 health and safety service requests and inspected, visited and enforced as detailed in the tables 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>	<b>2015/16 Total</b>
H&S Lift Report	3	3	4	8
H&S Accident not RIDDOR notified	1	0	3	4
H&S Advice	61	53	50	53
H&S Asbestos Removal Notifications	9	7	7	5
H&S Complaint	54	51	65	44
<b>Grand Total</b>	<b>134</b>	<b>212</b>	<b>218</b>	<b>154</b>

**Table 10: Health and safety visits undertaken in 2015/16 compared with previous years**

<b>Visit Type</b>	<b>2013/14 (Number)</b>	<b>2014/2015 (Number)</b>	<b>2015/16 (Number)</b>
Complaint visits	23	37	36
Accident investigation visits	14	5	13
Other visits such as request for advice, request from licensing	33	21	25

**Table 11: Health and safety enforcement action in 2015/16 compared with previous years**

<b>Enforcement Action</b>	<b>2013/14 (Number)</b>	<b>2014/2015 (Number)</b>	<b>2015/16 (Number)</b>
Improvement notices	1	0	0
Prohibition Notices	0	4	0

10.18 Officers continued to liaise with organisers over event safety, including our Licensing Team to ensure public safety at large outdoor events.

10.19 The team also fulfilled the council's statutory duties in relation to the Safety at Sports Grounds (Hereford Football Club and Hereford Racecourse). It also continued to lead on sports grounds safety advisory groups (SAG). 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 HFC.

10.20 The Team also continued to provide advice and where necessary, enforce legislation in relation to smoke free workplaces & vehicles, cooling towers and Sunday Trading

**Table 12: Smoke-free activities in 2015/16 compared with previous years**

<b>Enforcement Action</b>	<b>2013/14 (Number)</b>	<b>2014/2015 (Number)</b>	<b>2015/16 (Number)</b>
Fixed Penalty notices	1	0	1
Visits (advisory & enforcement)	4	0	5
Service Requests	12	5	16

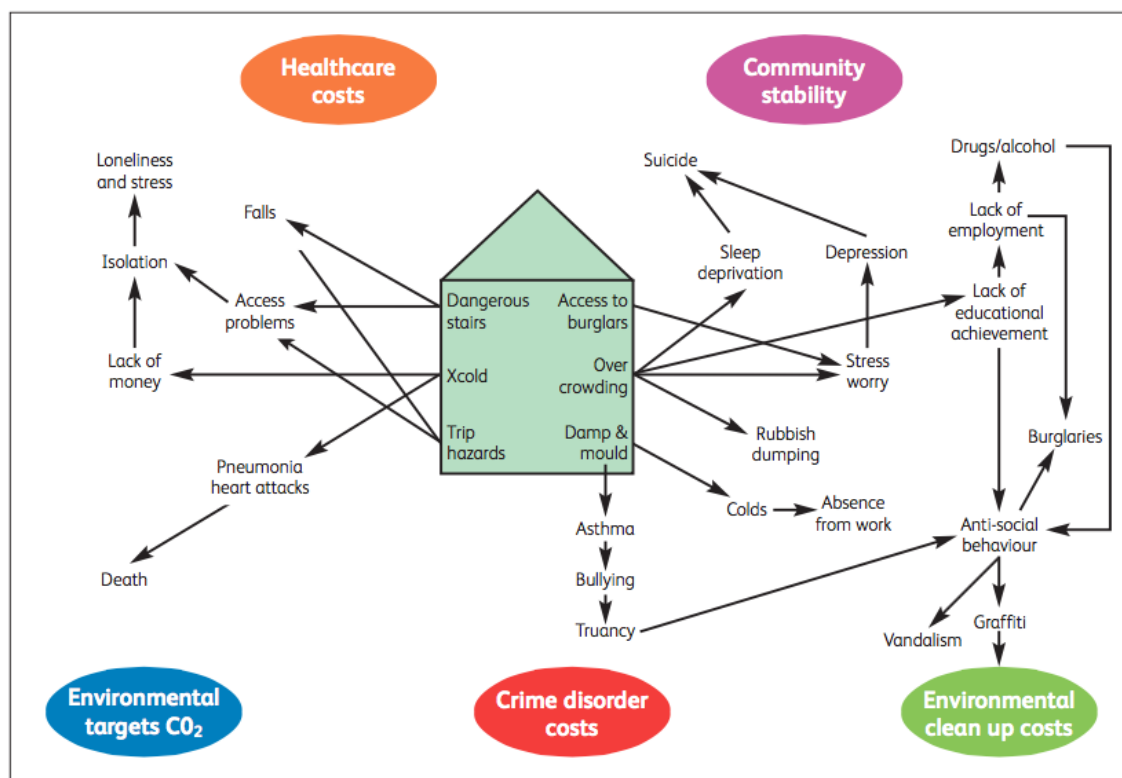
A taxi driver was successfully prosecuted in March 2016 for smoking in his hackney carriage, which is listed in appendix 2 below.

## 11. Environmental Health Housing (EHH) 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:-

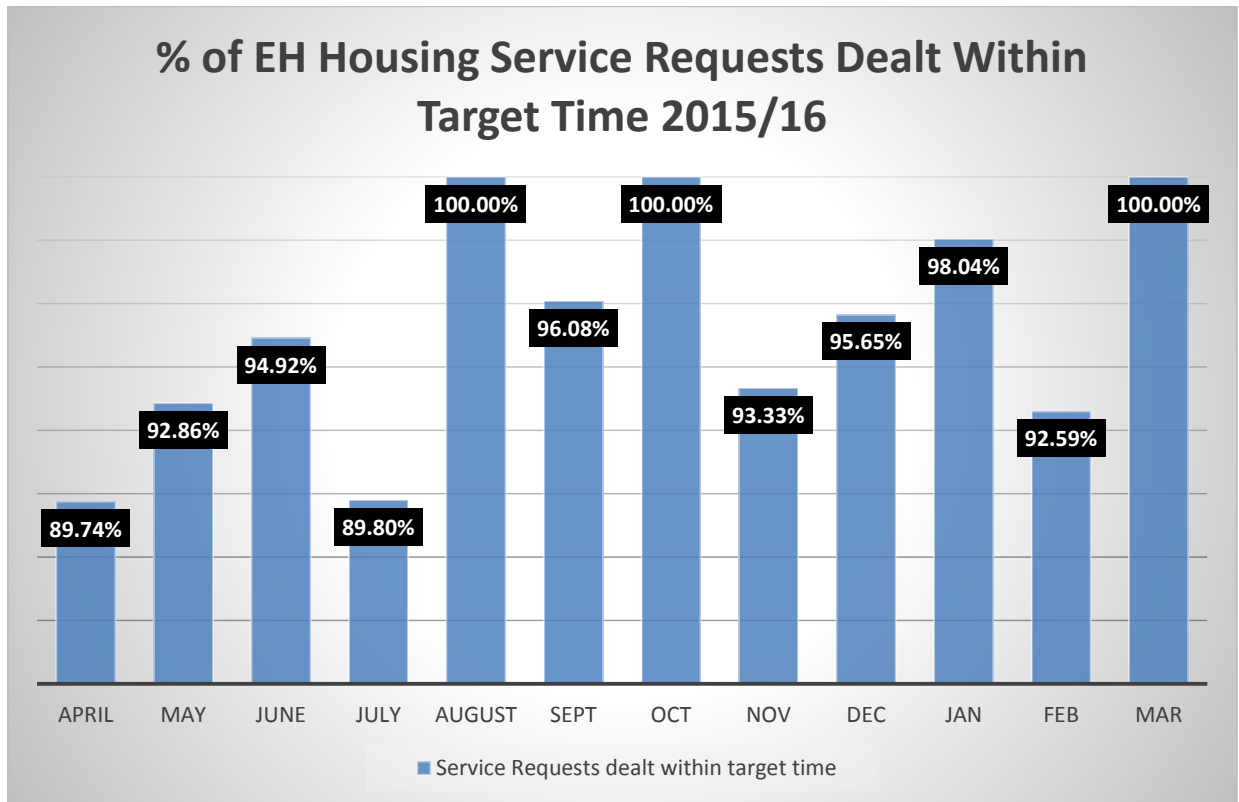
- having a staged proportionate response to complaints and enquiries ranging from information and advice to full inspection and enforcement,
- taking action in respect of those properties which present the greatest risk to the health and safety of vulnerable occupants,
- ensuring that we enforce the 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 are being signed off. This will enable the team to target higher risk property that is occupied by more than one household i.e. HMOs.

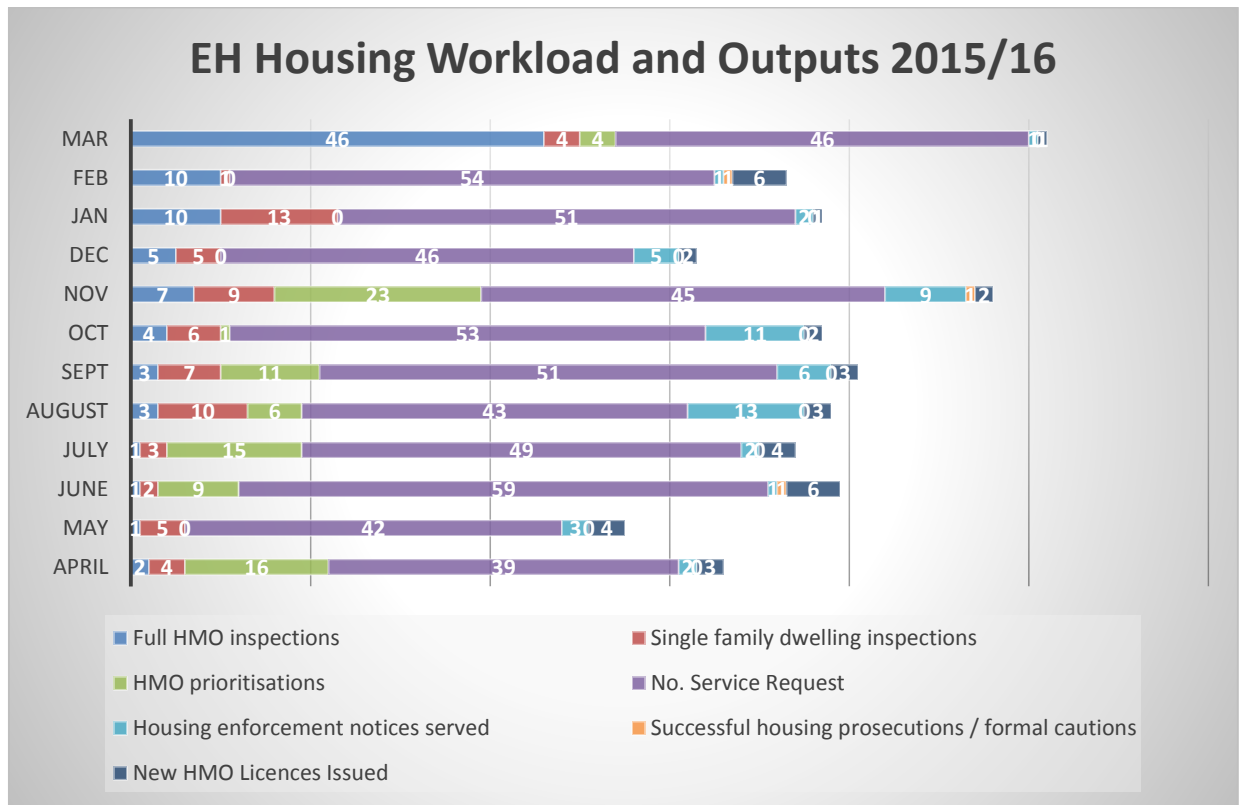
11.12 During the period 2015/16 the environmental health (housing) function received 578 requests for service of which 95% were responded to within the target time. This compares to 611 and 93% in time in the preceding year. The graph below demonstrates the responses targets as a monthly figure.

**Graph 7: EHH response performance as percentages**



11.13 In 2015/16 the team undertook 93 inspections of houses in multiple occupation and 69 single family inspections. The team also served 56 formal notices for housing related legislation. This compares to 237 total inspections and 66 notices in the previous year. Graph 9 below demonstrates this workload as monthly figures, this work benefitting the tenants by improving their housing conditions.

**Graph 8: EHH enforcement notices, inspections and service request data**



11.16 In addition to the above, there were 3 cases taken to Magistrates Court resulting for successful convictions, which are listed in appendix 2 below.

11.17 The team have been working on a number of projects, including joint working and intelligence gathering to tackle rogue landlords, as well as the 2015/16 'Get Warm Stay Warm' winter campaign with the public health team. These initiatives have helped improve the housing conditions of many residents, particularly the more vulnerable members of our community.

<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 2015/16 the team has:

- Continued to respond to service requests ranging from wasps fleas, rats, mice and moles.
- The number of pest control contracts with businesses and farms across Herefordshire has stayed constant at 120, this being 122 the previous year.
- Continues to advertise its services and has looked to expand its area of operation.
- Implemented a new fee structure to ensure this service achieves full cost recovery.
- Earned income of £140k for EHTS.
- Made an income surplus over expenditure for the Council as well as assisting EHTS teams perform their statutory functions and facilitate the seagull programme.
- Improved the ICT systems at its office and poison store in the compound at Stretton Sugwas landfill site.
- Continued to implement its cashless system and in doing so increased income and reduced risk.
- Continued to manage the seagull control programme (financed by Hereford City Council), reducing the population from circa 500 breeding pairs several years ago to circa only 150 at the end of 2015. This is a major achievement. It also published an annual report on the gull programme and facilitated an annual Stakeholder's Forum in December 2015. This programme is midway through a three year contract, 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, as well as our property services in relation to council owned buildings and our traveller sites.
- 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 near Luston, Leominster;
  - Romany Close, Grafton, Hereford;
  - Orchard Park, Watery Lane, Rotherwas, Hereford;
  - Open Fields, Bromyard;
  - Turnpike, Pembridge; and
  - Tinkers Corner, Bosbury.
- 13.2 This currently equates to some 53 pitches in total. Of the 53 pitches potentially available for rent, on average 51 were occupied throughout the year.
- 13.3 Total rental fee income for the year amounted to £186,309 compared to the income target that was set at £186,679 for 2015/16. There has been a fast turnaround between residents, which has ensured the maximum income per unit has been achieved. There was a waiting list for pitches and demand continues to be high when plots become available.
- 13.4 During the year 2015/16, regulatory activity occurred through intervention with 29 unauthorised encampments which resulted in formal action being undertaken in 11 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 The service is currently liaising with colleagues in the forward planning team to explore how the council can meet the traveller pitch entitlement statutorily required.
- 13.6 The refurbishment programme is continuing with all plots having had the 1<sup>st</sup> phase refurbishment to the external areas, 38 being complete and the remaining 15 to be individually surveyed to complete the required refurbishments. The delay is due to being restricted to use Integral builders who have had a busy year. External builders used previously have been unable to continue with the works due to anti-social difficulties on the sites, resulting in their withdrawal from the project.
- 13.7 The Bromyard site has had problems with rubbish accumulations and other anti-social behaviour which has resulted in working more closely with other agencies to form a Multi-Agency team. This is having some positive outcomes and although the improvements are slow we are seeing some definite improvements.

## 14. Trading Standards Team

14.1 The service encompasses key trading standards activities such as:-

- **Business advice and support** – the team assists 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 by the trading standards team through direct interventions amounted to over £65,976 over the year.

14.3 The team also contributed to and supported the 'Central England Trading Standards Authorities' (CEnTSA) group and the national trading standards (NTS) forum, the council's head of service chairing the CEnTSA group from February 2014 until December 2015.

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.

### **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 '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 such 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 13 below:

**Table 13: Summary of the quantities seized and financial revenues involved**

<b>Activity 2015/16</b>	
Total non UK duty cigarettes seized	2220
Total fake cigarettes seized	16040
Total illicit whites seized	12850
Fake HRT	20kg
Non duty paid HRT	201kg
Total street value approximately	£12150
Tax revenue lost to the exchequer	Circa £18,000
Prosecutions for Illicit Tobacco	1

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

14.6 During the year 65 rogue trading / cold calling / scam activities were reported to the trading standards team. 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.

Currently the Police and Crime Commissioner is funding a targeted project regarding Rogue traders and scams. The trading standards team is working with the National Scams team who identify consumers who are potential scam victims and then we make contact with the consumer to try and stop them paying more money out to the scam companies. Over 180 referrals actioned to date received from the national scams team. Total losses uncovered to date is approx. £325,000 (mass marketing) with Money saved to date is approximately £35,000 (per annum on mass marketing scams).

Two no cold calling zones have been set up (see examples below). To high priority victims call blockers have been installed and officers are monitoring the calls. Training is also taking place to adult social care workers from various sectors so they can recognise that a person is being scammed and refer this to Trading Standards.

#### Examples of interventions

- Intervention at Linton Park Home site, Bromyard in December 2015. Park homes are a prime target for rogue traders due the vulnerable nature of the residents there, i.e. retired and vulnerable. Trading standards tackled the rogue trader head on and got over £10,000 saved by preventing three elderly residents from handing over money for unnecessary fraudulent repairs. As a consequence the trader backed down and stopped demanding payment.
- The brother of a vulnerable adult contacted trading standards about being cold called by a South Wales double glazing firm who signed him up for a conservatory of £36,000. Further, the salesman coerced the man to pay £18,000 up front. When trading standards were contacted it was outside the cancellation period so ordinarily there would be little the council could do. However trading standards still persisted with the case and wrote to the trader outlining the gross overcharge and suggested a price of around £13,000 as being more reasonable. Alleged high pressure selling tactics were identified and put forcefully to the company, making it clear the matter further would be taken further. This led to the company refunding the £18,000 and cancelling the whole contract.

### **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 14 Planned inspections – high, medium high, medium low, low food standards inspections 2015/16**

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	56	28	100%(28)	28
Medium Low	56	28	100%(28)	28
Low	850	104	100%(104)	104
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 2015/16. 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 2015/16, 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’s trading standards service is the EU recognised authority for six 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 three 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).

### **Food Samples**

- 14.10 69 food samples were undertaken last year comparing to 60 samples in the previous year, reflecting a similar amount of regulatory effort here. 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

### **Business Advice & Support**

- 14.11 There were 306 business contacts during the year involving requests for advice and assistance. 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 animal health and feed hygiene standards. 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 15: Breakdown of inspections**

<b>Type of Premise visited</b>	<b>Number visited</b>
Approved Premises (A01 to A08)(R02/R03/R04/R06)	11
Distributors of feeding stuffs A02/A03/A07/A11/R01/R03/R05	3
Registered Manufacturers of compound feedstuffs (R04)	1
Transporters R08	2

Surplus food (R07)	9
Registered Storage (R09)	2
Registered Farms that are mixing Feed Additives (R10,R11)	48
Food Manufacturers producing co products e.g. Apple Pulp (R12)	5
Registered Farms not mixing additives Feed Hygiene (R13,R14)	108
Importers	2

### Feed samples

14.14 There were 31 feed samples taken from in-county producers (31 the year before) and of these, 11 were included as part of the FSA feed sampling grant which covered the sample and the analysis cost. Those 31 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

15 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 compliant. No premises had to be issued with an improvement notice.

**Table 16: Petrol inspections**

Petroleum Planned	Inspections	Achieved	Compliance
25 due		25 (100%)	10 compliant 15 Non-compliant
Vapour Recovery		25 (100%)	Compliant
25 due			

### Licensing Act Consultations (Alcohol)

14.16 As a 'responsible authority', trading standards are consulted where applications for a new licence or a variation of 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 are considered areas of best practice to eliminate or reduce the chance of alcohol being sold to children under the age of 18. The 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.

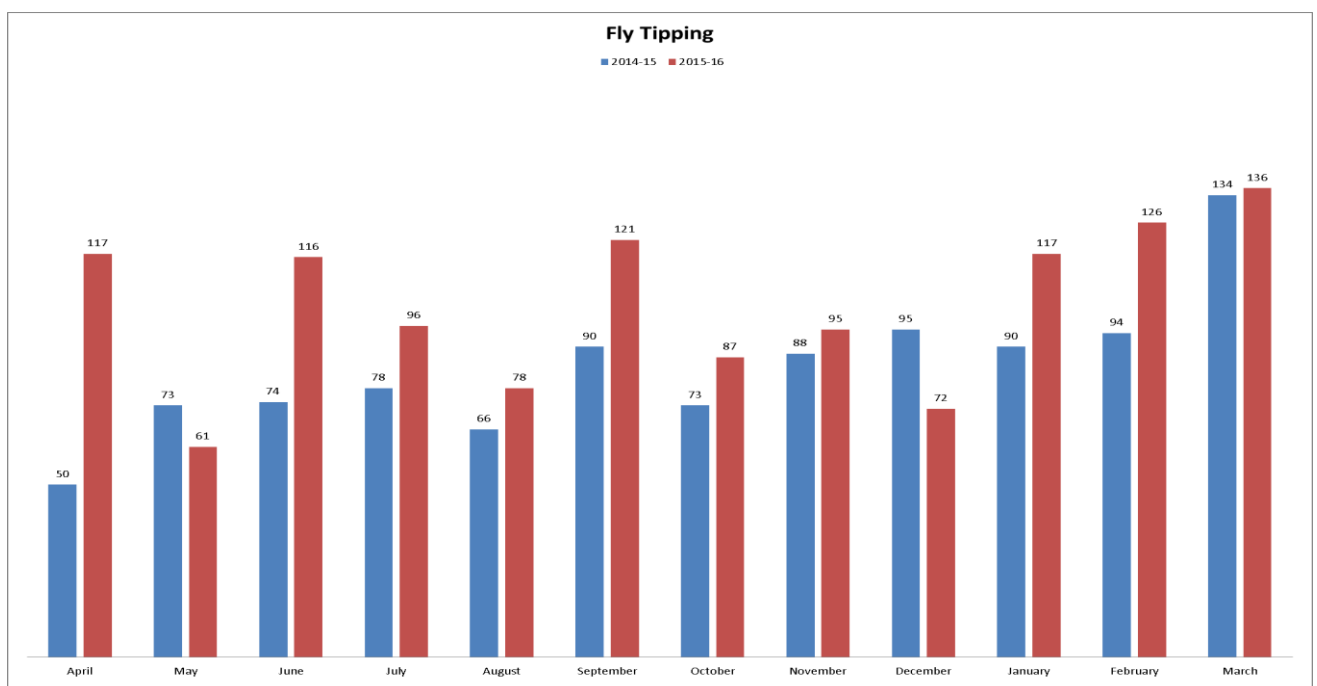
## 15. Community Protection

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 the table 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 17: Community Protection Team Activity Summary 2015/16**

ACTIVITY	2015/16	2014/15
Fly Tips	1222	1072
Abandoned Vehicles	287	166
Stray Dogs	265	334
Duty of Care Checks	139	131
Fixed Penalty Notices Issued	6	17
Prosecutions	10	10

**Graph 9: Monthly fly tipping events over 2015/16**



## 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 18 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.

**Table 18: Child licenses**

	2015/16
Employment Licences	112
Chaperone Licences	54
Entertainment Licences	115
Body of Persons Licences	8
Exemption Licences	15

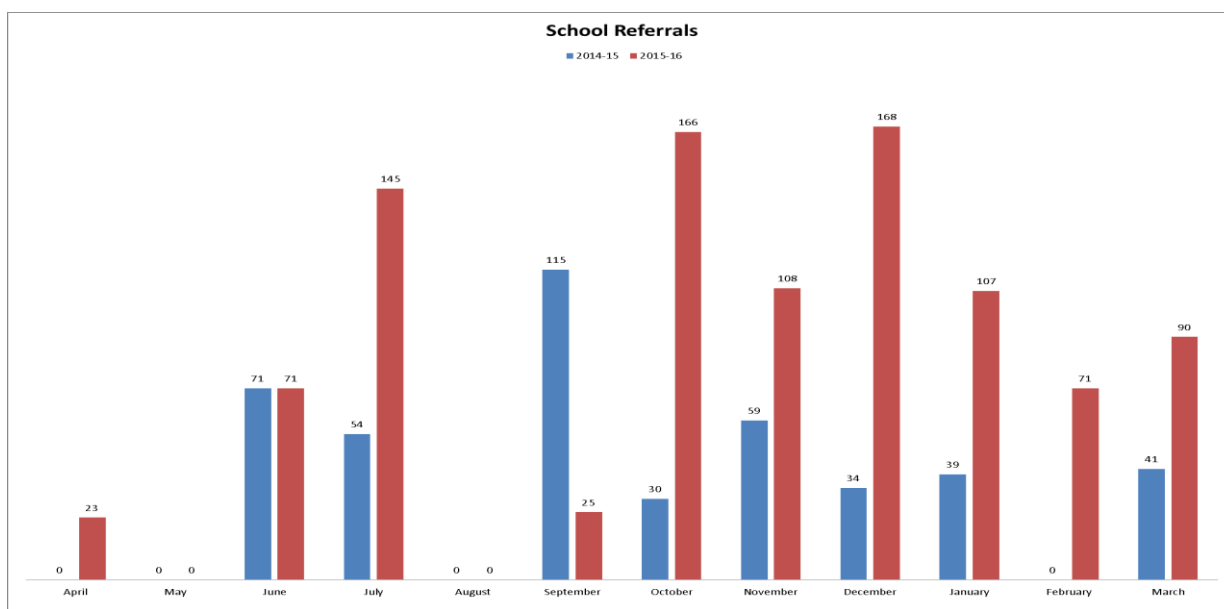
## Truancy related legal cases

- 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. The team therefore keeps 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 120% 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 19: Breakdown of referrals from schools**

	2014/15	2014/15
School Absence referrals from schools	976	443
School Absence fixed penalty notices issued	442	390

**Graph 10: School referrals over 2015/16**







## **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.

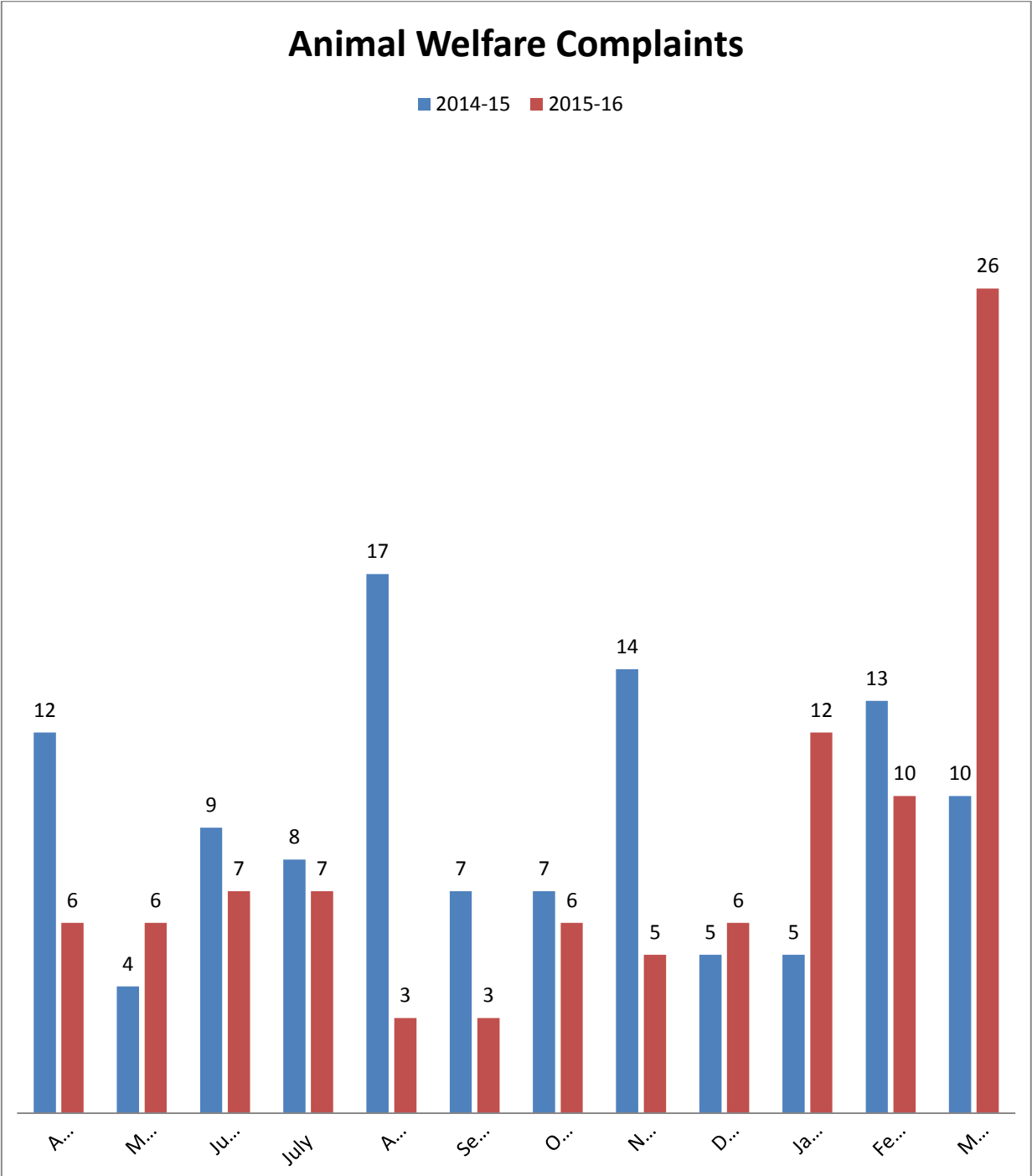
### **Animal health market inspections**

- 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 65 separate visits. These were targeted intelligence led visits.

### **Animal health welfare complaints**

- 17.5 A total of 106 welfare complaints were received for the year compared with 111 recorded for last year. The table below provides a breakdown of the welfare complaints received over the year.
- 17.6 223 further complaints were received regarding possible disease issues, and non-disposal of dead carcasses compared to 194 in the previous year. 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.

Graph 11 Welfare complaints: 2015/16



## **18. Licensing Team**

18.1. The Licensing Team is self-financing and achieved an income for 2015/16 of over £387,000. 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 2015/16 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 – 7 (11 in previous year)
- b. applications for hackney carriage/private hire drivers licence that needed referral – 9 (4 in previous year)
- c. suspension of a hackney carriage/private hire drivers licence - 3 (3 in previous year)
- d. disciplinary matters regarding the holder of a hackney carriage/private hire drivers licence - 8 (12 in previous year)

18.3 The panel is facilitated by the licensing team and is chaired by the service manager or 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. Recently the Children's Safeguarding representative upon leaving the Council was quoted in an e-mail as saying "I found the discussions at the panel thoroughly professional in terms of being willing to look at issues in a very rounded way and fair way. It was good to be part of a balanced and objective process".

18.4 During the year 2015/16, the Sub-Committee has met on 21 separate occasions and has dealt with 26 cases presented by the Licensing Team, as listed in [Appendix 1](#). This compares to 16 occasions and 22 cases in the previous year. These were mostly licensing reviews and representations, but also included matters relating to taxi vehicles and drivers referred from panel. This work also included three 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 the good and effective work undertaken by the Regulatory Sub Committee.

- 18.5 The number of licensing matters going to the committee over the last 12 months has increased, this period has seen some particularly complex cases which required adjournment and re-hearings.
- 18.6 In addition to the above committee work, the licensing team also dealt with many enquiries and complaints from the public. In 2015/16 there were over 1,200 telephone contacts and 5,200 email requests from service users. This compares to 1,305 calls and 4,160 email in the previous year. Whilst the telephone contacts are reducing as there is an increase in email contacts. In 2015/16, 97% of these service requests have been responded to within our 5 day response target which compares to a 97% response rate in the previous year. This implies that the Licensing team's performance has remained constant as would be aspired to when providing a front-line service to businesses. Since April 2013 businesses have been encouraged to use email as their 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. Currently a project is being undertaken to increase the number of web-site contacts and electronic applications and payments.
- 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 2015/16, both in the day time and late at night. This has involved checks on drivers as well as checks on vehicle compliance. Most breaches do not compromise public safety and are mainly minor issues of compliance with conditions and are dealt with by way of penalty points.
- 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.

## **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.

## **20. Equality Duty**

- 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: EHTS linkage with corporate policies and strategies

## **26. Background Papers**

None identified.

## Appendix 1

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

Month	Reason for referral	Decision
April 2015 = 1 meeting	3 x Dual driver referrals from Officer Panel	1 = granted 1= revoked 1= badge surrendered by driver
June 2015 = 2 meetings	1 Expired private hire plate 1 new premise application, Flanesford Priory	Granted Granted with conditions
July 2015 = 1 meeting	Expedited review by Police, Royal Oak, Leominster	Licence suspended
August 2015 = 1 meeting	Review expedited review for Royal Oak	Suspension continued
September 2015 = 2 meetings	2 x Expired Hackney plates	Granted and renewed
October 2015 = 2 meetings	1 Variation of premise licence, Golden Galleon 1 New premise application, Monument 1 New premise application, Royal Oak, Leominster	Granted with conditions Granted with conditions Adjourned for site visit
November 2015 = 2 meetings	1 Variation, Yates 1 Variation, Munchies 1 review Champagne Signature	Adjourned Withdrawn by applicant Licence suspended
December 2015 = 3 meetings	1 Variation, Yates 1 New premise application, Royal Oak 1 New premise application,	Adjourned Adjourned

	Luminescence 1 expired hackney plate	Granted with conditions  Granted and renewed
January 2016 = 3 meetings	1 Gambling machine application, Grandstand  1 Variation, Yates  1 New premise application, Royal Oak	Granted  Granted  Granted
March 2016 = 3 meetings	1 Expedited review, Zabka  1 Variation, Queens Head  1 Full review hearing, Zabka	Licence suspended  Granted with conditions  Licence revoked
April 2016 = 1 meeting	1 Expedited review, Sparkys	Licence suspended



## Appendix 2

### EHTS PROSECUTIONS, FORMAL CAUTIONS & WRITTEN WARNINGS

#### FROM APRIL 2015 TO MARCH 2016 – CUMULATIVE LIST

<b>PROSECUTIONS</b>									
Name & Location	Defendants Trade	Nature of Offence	Act	No Charges of	Plea	Result	Costs Requested	Costs Awarded	Remarks
David Marsh 20 Smallbrook Road Hereford CS/674  <b>COMMUNITY PROTECTION TEAM</b>	Labourer	1 x charge for fly tipping  2 x offences for unauthorised	S33 Environmental Protection Act 1990  "Fly tipping"  S1 Control of Pollution (Amendment) Act 1989, as	3	Guilty	£295.00 fine  <b>Hearing: 14.04.15</b>	£597.40	£250.00	

For further information please contact  
Marc Willimont, Head of Regulatory Services & Development Management on 01432 261986

<b>Box A65</b> <b>01.04.15 – 30.06.15</b>		Carriage of Waste	amended						
Samantha Tucker 45 Osborne Place Leominster Herefordshire  LR/712 <b>CHILDRENS TEAM</b>  <b>Box A65</b> <b>01.04.15 – 30.06.15</b>	Parent	3 x charges, failed to secure child[s] regular attendance at school	3 x S444 1 of the Education Act 1996	3	Guilty	£300 fine  <b>Hearing: 19.05.15</b>	£335.45	£150.00 + £20 VS	
David Phillips Walnut Tree Cottage Dinedor Hereford	Unemployed, formerly a Carer	1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	12 months conditional discharge  + £15 VS	£899.38	£300.00 Parking + £100 legal	

JH/704  <b>PARKING TEAM WITH TRADING STANDARDS</b>  <b>Box A65</b>  01.04.15 – 30.06.15						<b>Hearing:</b>  26.05.15			
Angela Prophet  62 Lower White Road  Birmingham  JH/713  <b>PARKING TEAM WITH TRADING STANDARDS</b>  <b>Box A65</b>  01.04.15 – 30.06.15		1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	£100 fine  +  £20 VS  <b>Hearing:</b>  26.05.15	£354.70	£150.00 Parking  +  £100 legal	
Sam Janes  10 Croft Lane Caravan Park  Luston	Tree and Gardening Services	1 x charge for failing to give 14 day notice of cancellation rights	1 x Reg 19, Consumer Contracts (Info, Cancellation and Additional Charges) Reg 2013	3	Guilty	12 months  conditional discharge	£744.66	£350.00 costs  +  £200 Compens	

<p>Leominster</p> <p>Herefordshire</p> <p>HR6 0DB</p> <p>TT/718 b</p> <p><b>TRADING STANDARDS TEAM</b></p> <p><b>Box A65</b></p> <p>01.04.15 – 30.06.15</p>		<p>1 x charge for failing to give a genuine contact address</p> <p>1 x charge for falsely obtaining a deposit for works</p>	<p>1 x Reg 10, Consumer Protection from Unfair Trading Regs 2008</p> <p>1 x Reg 9, Consumer Protection from Un Environmental Protection Act 1990</p>			<p><b>Hearing:</b></p> <p><b>25.06.15</b></p>		<p>ation</p> <p>+</p> <p>£15 VS</p> <p>+</p> <p>£180 Criminal Charge</p>	
<p>Lyly Hau To</p> <p>10 Watermeadow</p> <p>Broadlands Lane</p> <p>Hereford</p> <p>HR1 1JG</p> <p>CS/706</p> <p><b>COMMUNITY PROTECTION TEAM</b></p>	Shop Owner	<p>1 [1 Lyly] x charge failed to secure transfer of waste to appropriate person New Silver Dragon</p> <p>1 [2 Lyly] x charge failed to produce transfer notes Manor</p>	<p>1 x S34 1 a of Environmental Protection Act 1990, by virtue of S95 2 of the Environmental Act 1995</p> <p>1 x S35 6 of Waste (Eng &amp; Wales) Reg 2011 and S34 6</p>	3	Guilty	<p>£70 fine</p> <p><b>Hearing:</b></p> <p><b>12.06.15</b></p>	£558.01	£450.00	

<p><b>Box A65</b> 01.04.15-30.06.15</p>		<p>Fish Bar</p> <p>1 [3 Lyly] x charge prevented an from carrying out his investigation</p> <hr/> <p>1 [1 L357] x charge failed secure unauthorised transfer</p> <p>1 [2 L357] x charge failed to produce transfer notes</p>	<p>of Environmental Protection Act 1990</p> <p>1 x S110 1 of Environment Act 1995</p> <p>1 x S34 1 a of Environmental Protection Act 1990</p> <p>1 x S35 6 of Waste (Eng &amp; Wales) Reg 2011 and S34 6 of Environmental Protection Act</p>	<p>Withdrawn linked to</p>	-	-	-	-	
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<p><b>L357 Ltd charges withdrawn linked to case above</b></p> <p>CS/708</p> <p><b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A65</b></p> <p><b>01.04.15-30.06.15</b></p>			1990	case above					
<p>Andrew Ellis and Melissa Florence</p> <p>2 Maesfield Close</p> <p>Lawnside</p> <p>Ledbury</p> <p>Herefordshire</p> <p>HR8 2AD</p> <p>LR/718a</p> <p><b>CHILDRENS TEAM</b></p>	Parents	<p>2 (dad) x charges, failed to secure childrens regular attendance at school</p> <p>2 (mum) x charges, failed to secure childrens regular attendance</p>	<p>2 x S444 1 of the Education Act 1996</p> <p>2 x S444 1 of the Education</p>	2	Guilty	18 month conditional discharge	£531.65	£400.00	

<p><b>Box A66</b> 01.07.15-30.09.15</p>		<p>at school</p>	<p>Act 1996</p>			<p>discharge</p> <p><b>Hearing: 14.07.15</b></p>			
<p>Amanda Cooper and Terry Cooper</p> <p>45 Bullingham Lane</p> <p>Hereford</p> <p>HR2 6RU</p> <p>LR/725</p> <p><b>CHILDRENS TEAM</b></p> <p><b>Box A66</b> 01.07.15-30.09.15</p>	<p>Parents</p>	<p>1 (mum) x charges, failed to secure childs regular attendance at school</p> <p>1 (dad) x charges, failed to secure childs regular attendance at school</p>	<p>1 x S444 1 of the Education Act 1996</p> <p>1 x S444 1 of the Education Act 1996</p>	<p>1</p> <p>1</p>	<p>Guilty</p> <p>Guilty</p>	<p>9 month conditional discharge</p> <p>9 month conditional discharge</p> <p><b>Hearing: 14.07.15</b></p>	<p>£374.69</p>	<p>£120.00</p>	

<p>Mr Lok Ting To 10 Watermeadow Close Broadlands Lane Hereford HR1 1JG</p> <p>CS/707</p> <p><b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A66</b> 01.07.15-30.09.15</p>	<p>Shop Owner</p>	<p>1 [1] x charge failed to secure transfer of waste to appropriate person New Silver Dragon</p> <p>1 [2] x charge failed to secure transfer of waste to appropriate person Manor Fish Bar</p> <p>1 [3] x charge transporting controlled waste, not authorised to do so.</p> <p>1 [4] x charge failed</p>	<p>1 x S34 1 a of Environmental Protection Act 1990, by virtue of S95 2 of the Environmental Act 1995</p> <p>1 x S34 1 a of Environmental Protection Act 1990</p> <p>1 x S1, Control of Pollution (Amendment) Act 1989, as</p>	<p>6 summons</p> <p>NOTE: 1, 2 and 3 &amp; 5 and 6 <b>withdrawn</b></p>	<p>Guilty to Summons 4 only</p>	<p>£100 fine</p> <p><b>Hearing: 09.09.15</b></p>	<p>£834.31</p>	<p>£80 costs + £180 magistrates costs + £20 VS</p>	
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		to produce transfer notes	amended.						
		1 [5] x charge fly tipping	1 x S35 6 of Waste (Eng and Wales) Reg 2011 and S 34 6 of the Env Protection Act 1990, by virtue of S95 2 of the Environmental Act 1995						
		1 [6] x charge failed to secure transfer of waste	1 x S33 1 a and 33 6 of the Environmental Act 1990  1 x S34 1 C and S33 6 of the Environmental Protection Act 1990						

<p>Mr Philip A Watkins</p> <p>11 Hendon Drive</p> <p>Credenhill</p> <p>Hereford</p> <p>HR4 7DY</p> <p>CS/717</p> <p><b>COMMUNITY PROTECTION TEAM</b></p> <p>Box A66</p> <p>01.07.15-30.09.15</p>	<p>Builder</p>	<p>1 [1] x charge fly tipping</p> <p>1 [2] x charge transporting controlled waste when not authorised to do so</p>	<p>1 x S33 1 a and 33 6 of Environmental Protection Act 1990</p> <p>1 x S1, Control of Pollution (Amendment) Act 1989, as amended</p>	<p>1 guilty</p> <p>2 withdrawn</p>	<p>Guilty</p> <p>Withdrawn</p>	<p>£100 fine</p> <p>Hearing: 11/08/2015</p> <p>-</p>	<p>£393.17</p> <p>-</p>	<p>£100 costs</p> <p>+</p> <p>£20</p> <p>VS</p>	
<p>Mr Tim Russell</p> <p>105 Ridgemoor Road</p> <p>Leominster</p> <p>Herefordshire</p> <p>CS/727</p> <p><b>COMMUNITY PROTECTION TEAM</b></p>	<p>Gardener</p>	<p>1 [1] x charge fly tipping</p> <p>1 [2] x charge transporting controlled</p>	<p>1 x S33 1 a and 33 6 of Environmental Protection Act 1990</p> <p>1 x S1, Control of Pollution (Amendment) Act 1989, as amended</p>	<p>1 guilty</p> <p>1 guilty</p>	<p>Guilty</p> <p>Guilty</p>	<p>12 month conditional discharge</p> <p>Hearing: 22/09/2015</p>	<p>£279.00</p>	<p>£329 costs EHTS</p> <p>+</p> <p>£180 cost LEGAL</p> <p>+</p> <p>£15</p> <p>VS</p>	

<b>Box A66</b> 01.07.15-30.09.15		waste when not authorised to do so				-	-		
Mr Tim Gaine 214 Ridgemoor Road Leominster Herefordshire  CS/727 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A66</b> 01.07.15-30.09.15	unemployed	1 [1] x charge fly tipping	1 x S33 1 a and 33 6 of Environmental Protection Act 1990	1 guilty	Guilty	12 month conditional discharge  <b>Hearing:</b> <b>22/09/2015</b>	£279.00  -	£329 costs EHTS  + £180 cost LEGAL  + £15  VS	
Rachel Lewis 43 Sherborne Close Newton Farm Hereford	Parent	1 x charge failed to secure the regular attendance of child at school	1 x S444 1 of The Education Act 1996	1	Guilty	12 months Conditional Discharge  <b>Hearing:</b> <b>08.12.15</b>	£455.27	£150.00 costs  £15.00 VS	

HR2 7EU  LR/714  <b>CHILDRENS TEAM</b>  <b>Box A67</b>  <b>01.10.15-31.12.15</b>									
Maxon Sequira  30 Oatley Crescent  Ledbury  Herefordshire  HR8 2BY	Parents	1 x charge failed to secure the regular attendance of child at school	1 x S444 1 of The Education Act 1996	1	Not Guilty	£170.00 fine £20 VS	£1329.00 for both	£1000 for both	

<p>Jacqueline Turner 30 Oatley Crescent Ledbury Herefordshire HR8 2BY</p> <p>LR/714</p> <p><b>CHILDRENS TEAM</b></p> <p><b>Box A67</b> <b>01.10.15-31.12.15</b></p>		<p>1 x charge failed to secure the regular attendance of child at school</p>	<p>1 x S444 1 of The Education Act 1996</p>	1	Not Guilty	<p>£170.00 fine £20 VS</p> <p><b>Hearing:</b> <b>09.11.15</b></p>			
<p>Barclay Rogers New House Farm Preston Wynne Herefordshire</p>	Landlord	<p>1 x charge for having an unlicensed HMO</p>	<p>1 x S62 1 and 72 1 of the Housing Act 2004</p>	1	Guilty	<p>£3000.00 fine £150.00 VS</p> <p><b>Hearing:</b></p>	£1035.36	£1035.36	

HR1 3PE  LJ/714 <b>ENV HEALTH HOUSING TEAM</b>  Box A67 01.10.15-31.12.15						<b>10.11.15</b>			
Kyle Blundell 10 Newman House Ryelands Road Leominster Herefordshire HR6 8PD  DP/730 <b>COMMUNITY PROTECTION TEAM</b>	n/k	1 x charged with fly tipping  1 x charged with not being a registered carrier of controlled waste	1 x S33 1 a & S33 of Environmental Protection Act 1990  1 x S1, Control of Pollution (Amendment) Act 1989	2	Guilty	12 Months Conditional Discharge  <b>Hearing:</b> <b>15.12.15</b>	£561.93	£500.00 costs  £195.00 Court Surcharge	

<b>Box A67</b> 01.10.15-31.12.15									
Maria Evans (also known as Chloe Harris)  272 Grandstand Road  Hereford  HR4 9LS  LR/735  <b>CHILDRENS  TEAM</b>  <b>Box A68</b> 01.01.16-31.03.16	Parent	1 x charge failed to secure the regular attendance of child at school	1 x S444 1 of The Education Act 1996	1	Guilty	6 Months Conditional Discharge  <b>Hearing:  08.01.16</b>	£349.19 TS  £200.00 Legal	£0 costs awarded  £15.00 VS	

<p>Martin Rohde 2 Cambria Cottages Bishopstone Hereford HR4 7JE</p>	<p>Landlord</p>	<p>1 x charged with fly tipping</p> <p>1 x charged with failing to produce transfer notes</p> <p>2 x charged with not being a registered carrier of controlled waste</p> <p>---</p>	<p>1 x S33 1 a &amp; S33 of Environmental Protection Act 1990</p> <p>1 x S34(6) of Environmental Protection Act 1990 &amp; S35(6) Waste (Eng &amp; Wales) Reg 2011</p> <p>2 x S1, Control of Pollution (Amendment) Act 1989</p> <p>---</p>	<p>4</p>	<p>Guilty</p>	<p>£900 fine £50 VS</p> <p><b>Hearing: 20.01.16</b></p>	<p>£564.54 for both</p>	<p>£799</p>	
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<p>---</p> <p>David Healey 35 Millers Close Leominster Herefordshire HR6 8BP</p> <p>CS/701&amp;702</p> <p><b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A68</b> 01.01.16-31.03.16</p>		<p>1 x charged with fly tipping</p> <p>1 x charged with failing to produce transfer notes</p>	<p>1 x S33 1 a &amp; S33 of Environmental Protection Act 1990</p> <p>1 x S34(6) of Environmental Protection Act 1990 &amp; S35(6) Waste (Eng &amp; Wales) Reg 2011</p>	2	Guilty	<p>£600 fine £30 VS</p> <p><b>Hearing: 08.01.16</b></p>	“ “	£799	
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Robin Juden 6 Kingston Court Etnam Street Leominster Herefordshire HR6 8AD  LR/736 <b>CHILDRENS  TEAM</b>  <b>Box A68</b> 01.01.16-31.03.16	Parent	1 x charges, failed to secure child's regular attendance at school	1 x S444 1 of the Education Act 1996	1	Guilty	Community Order for 6 months  £50 fine  <b>Hearing: 11.01.16</b>	£329.17 Education  £150.00 legal	£100.00 Education  £60 VS	
Heather Brace 6 St Vincents Close Lower Bullingham Hereford HR2 6FL  JH/750	Retired	1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	12 months conditional discharge  <b>Hearing: 19.01.16</b>	£335.44 parking	£335.44 parking	Full payment within 7 days

<b>PARKING TEAM WITH TRADING STANDARDS</b>  <b>Box A68</b>  01.01.16-31.03.16									
Karen G Ford New House Llanbister Llandrindod Wells Powys LD1 6UN  JH/742  <b>PARKING WITH TRADING STANDARDS</b>  <b>Box A68</b>  01.01.16 – 31.03.16	Full Time Carer	1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	12 months conditional discharge  <b>Hearing:</b>  <b>19.01.16</b>	£375.50 parking  £100.00 legal	£375.50 parking + £100 legal	£100 per month, 1 <sup>st</sup> payment in 21 days

<p>Jennifer Edwards 117 Kingsway Hereford HR1 1HD</p> <p>JH/751</p> <p><b>PARKING WITH TRADING STANDARDS</b></p> <p><b>Box A68</b></p> <p>01.01.16 – 31.03.16</p>		1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	12 months conditional discharge	£344.54	£100.00 parking + £15 VS	£10 every two weeks`
<p>Jane Gregory 1 Tavistock Drive Belmont Hereford HR2 7XN</p> <p>JH/754</p> <p><b>PARKING WITH TRADING STANDARDS</b></p>	Unemployed	1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	£100 fine	£307.33 parking	£100 parking	

<b>Box A68</b> 01.01.16 – 31.03.16									
Tony Hodson 47 Barrs Court Road Hereford JH/758  <b>ENV HEALTH COMMERCIAL TEAM</b>  <b>Box A68</b> 01.01.16 – 31.03.16	Taxi Driver	1 x charge, smoking in a smoke free vehicle	1 x S7(2) of the Health Act 2006	1	Guilty	6 months conditional discharge  <b>Hearing:</b> <b>15.03.16</b>	£509.96	£250.00	
Mr Brian Johnston 8 Villberie Way Whitecross Hereford HR4 9XE  JH/759  <b>PARKING WITH</b>		1 x charge, blue badge misuse	1 x S117 of the Road Traffic Act 1984, as amended	1	Guilty	£100 fine  <b>Hearing:</b> <b>15.03.16</b>	£313.35	£100	

<b>TRADING STANDARDS</b>  <b>Box A68</b>  <b>01.01.16 – 31.03.16</b>									
Ms Alison Cole 6 Caswell Road Leominster Herefordshire HR6 8AZ  LR/723  <b>CHILDRENS TEAM</b>  <b>Box A68</b>  <b>01.01.16 – 31.03.16</b>	Parent	1 x charges, failed to secure child's regular attendance at school	1 x S444 1 of the Education Act 1996	1	Guilty	£450  £45 victim surcharge  <b>Hearing: 08.03.16</b>	£351.30	£351.30	Ms Cole did not attend the hearing, matter to proceed in her absence
Dawid Madejski 5 Daws Road Hereford HR1 2JJ  JOM/732  <b>CHILDRENS TEAM</b>	Not Known	1 x charge, having an unlicensed HMO	1 x Section 72(1) of the Housing Act 2004.	1	Guilty	£750 fine  <b>Hearing: 16.02.16</b>	£2630.12  (full costs for  Boyal / Madj case)	£750  +  £75 VS	Joint Pros with Boyal, who is pleading not guilty

<b>Box A68</b> 01.01.16 – 31.03.16									
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<b>FORMAL CAUTIONS</b>			Date of Caution	
Man from Leominster  <b>ENV HEALTH HOUSING TEAM</b>  <b>Box A65</b> 01.04.15 – 30.06.15	Landlord	1 x charge of unlawfully depriving the residential occupier of their occupation of part or all of the premises, contrary to S 1(2) of the Protection from Eviction Act 1977;  1 x charge of causing the residential occupier to give up occupation by interfering with the peace or comfort of the residential occupier by withdrawing services required for residential occupation, contrary to S 1(3) of Protection from Eviction Act 1977.	19.5.15	

<p>Lady from Bishops Frome, Herefordshire</p> <p>JH/720</p> <p><b>PARKING WITH TRADING STANDARDS</b></p> <p><b>Box A65</b></p> <p>01.04.15 – 30.06.15</p>		<p>1 x charge for blue badge misuse, an offence under S117 of the Road Traffic Act 1984, as amended</p>	10.6.15	
<p>Man from St Weonards, Herefordshire</p> <p>NS/710</p> <p><b>ANIMAL HEALTH TEAM</b></p> <p><b>Box A66</b></p>	Farmer	<p>1 x charge, failed to dispose of 14 dead animals in accordance with Art 4 1, 4 2 and 13 (EC) Reg 1069/2009, contrary to R 17 of the Animal By-Products (Enf) (Eng) Reg 2013 by virtue of the European Communities Act 1972.</p> <p>1 x charge, failed to hold 14 dead animals in accordance with Art 21 1 of (EC) Reg 1069/2009, contrary to R 17 of the Animal By-Products (Enf) (Eng) Reg 2013 by virtue of the European Communities Act 1972.</p>	03.07.15	



01.06.15 – 30.09.15				
Lady from Hereford  CS/715 <b>COMMUNITY PROTECTION TEAM</b>  Box A66  01.06.15 – 30.09.15	Housewife	1 x charge for fly tipping, an offence under S33 1 a and 33 6 of the Environmental Protection Act 1990	03.07.15	
Man from Allensmore Herefordshire  NS/711	Farmer	1 x charge, failed to dispose of 9 dead animals in accordance with Art 4 1, 4 2 and 13 (EC) Reg 1069/2009, contrary to R 17 of the Animal By-Products (Enf) (Eng) Reg 2013 by virtue of the European Communities Act 1972.  1 x charge, failed to hold 9 dead animals in accordance with Art 21 1 of (EC) Reg 1069/2009 and Reg 4 3 of Animal By-Products (Enf) (Eng) Reg 2013, contrary to R 17 of the Animal By-Products (Enf) (Eng) Reg 2013 by virtue of the European Communities Act 1972.	09.07.15	

<b>ANIMAL HEALTH</b>  <b>Box A66</b>  01.06.15 – 30.09.15				
Man from Hereford  CS/753  <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A68</b>  01.01.16-31.03.16		1 x charge for fly tipping, an offence under S33 1 a and 33 6 of the Environmental Protection Act 1990	07.01.16	
Man from Hereford		1 x charge for fly tipping, an offence under S33 1 a and 33 6 of the Environmental Protection Act 1990	07.01.16	

<p>HR2 6AL</p> <p>CS/739</p> <p><b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A68</b></p> <p>01.01.16-31.03.16</p>				
<p>Man from Leominster</p> <p>CS/749</p> <p><b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A68</b></p> <p>01.01.16-31.03.16</p>		<p>1 x charge for failing to secure transfer of waste to appropriate person, an offence under S34 1a of Environmental Protection Act 1990.</p>	<p>07.01.16</p>	

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<b>WRITTEN WARNINGS</b>			
Lady from Kingsland Leominster  JH/743  <b>PARKING WITH TRADING STANDARDS</b>  <b>Box A67</b>  <b>01.10.15-31.12.15</b>	Not Known	1 x charge for blue badge misuse, an offence under S117 of the Road Traffic Act 1984, as amended	21.10.15
Two people from Holme Lacy Hereford  CS/748  <b>CHILDRENS TEAM</b>  <b>Box A68</b>  <b>01.01.16-31.03.16</b>	Parents	1 (each parent) x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** MR XX has produced medical evidence to support child absence, a WW was issued **	09.02.16

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<b>NFA FILES CLOSED</b>			
Couple from Ross on Wye Herefordshire  LR/709  <b>CHILDRENS            TEAM</b>  <b>Box A65</b> 01.04.15 – 30.06.15	Parents	1 (each parent) x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  <b>** CASE WITHDRAWN AS PARENTS PAID FPN **</b>	14.04.15
Company in Birmingham  CS/705  <b>COMMUNITY            PROTECTION            TEAM</b>	Shop Owner	Fly tip and Duty of Care offences	June 2015

<b>Box A65</b> 01.04.15 – 30.06.15			
Lady from Leominster Herefordshire  LR/709 <b>CHILDRENS  TEAM</b>  <b>Box A68</b> 01.01.16 – 31.03.16		1 (each parent) x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN NEW INFORMATION RECIEVED **	12.01.16
Man from Hereford  LR/756 <b>CHILDRENS  TEAM</b>  <b>Box A68</b>		1 x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN NEW INFORMATION RECIEVED **	17.02.16

01.01.16 – 31.03.16			
LR/716 <b>CHILDRENS TEAM</b>  <b>Box A68</b> 01.01.16 – 31.03.16	Parents	1 x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN INSUFFICIENT EVIDENCE FROM SCHOOL **	31.03.16
LR/721 <b>CHILDRENS TEAM</b>  <b>Box A68</b> 01.01.16 – 31.03.16	Parents	1 (each parent) x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN INSUFFICIENT EVIDENCE FROM SCHOOL **	31.03.16
LR/726 <b>CHILDRENS TEAM</b>	Parents	1 x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN BEFORE FILE COMPLETED **	31.03.16

<b>Box A68</b> 01.01.16 – 31.03.16			
LR/728a <b>CHILDRENS TEAM</b> <b>Box A68</b> 01.01.16 – 31.03.16	Parents	1 x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN INSUFFICIENT EVIDENCE **	31.03.16
LR/741 <b>CHILDRENS TEAM</b> <b>Box A68</b> 01.01.16 – 31.03.16	Parents	1 (each parent) x charge under S444(1) of The Education Act 1996, for failing to secure regular attendance at school of child.  ** CASE WITHDRAWN AS PARENTS PAID FPN **	31.03.16

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PROSECUTION FILES ISSUED / OPENED DURING THIS PERIOD	55 total
	9 Parking/TS
	46 EHTS



## 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 2015–March 2016 and a summary of the results are provided below-

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### Results:

- All results published here relate to the period April 2015 to March 2016 and the report includes all responses received by 20 May 2016.
- Of the total of **223** questionnaires distributed, **40** completed responses were received. Of these responses, 8 were from non-compliant contacts, 32 were compliant (not non-compliant). The response rate of **18%** was very low, our target is 50% and in previous years we have usually achieved a 50% response. The actual sample taken was 43.2% of the potential total that could have been issued for the year (circa 516).

Team	Q's Sent for year	Q's returned for year
Environmental Health Pollution	0	0
Licensing	8	5
Water Quality	12	0
Air Quality	0	0
Environmental Health Commercial	92	10
Pest Control	61	20
Trading Standards & Animal health	27	2
Environmental Health Housing	22	2
Team Not Specified	1	1

**The NI 182 score for the period April 2015 to March 2016 was 88% (target 75% or over).**

This compares with 87% for 2014/15 and 90% for 2013/14

- **100% of respondents agreed that their business was treated fairly.**
- This compares to 99% for April 2014 to March 2015. The corresponding figure for 2013/14 was 100%.
- **100% of respondents agreed that the contact was helpful.**
- This compares to 96% for April 2014 to March 2015. The corresponding figure for the previous year 2013/14 was 100%.
- **100% were satisfied with the service received overall.**
- This compares to 99% for April 2014 to March 2015. The corresponding figure for the previous year 2013/14 was 100%.

## Appendix 4

### EHTS linkage with corporate policies

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			
Leisure Facilities Strategy	YES						
Public Realm Annual Plan	YES		YES		YES		YES
Herefordshire Older People's Housing Strategy and Pathway;	YES			YES			
Herefordshire Integrated Early Years Strategy;				YES			
Herefordshire Education Strategy;				YES			
Looked After Children and Complex Needs Placements Commissioning and Sufficiency Strategy;				YES			
Local Transport Plan;	YES						YES
Herefordshire Safeguarding Children Board Business Plan;				YES			
Children's Centres Strategy;							
Community Safety Strategic Plan;	YES			YES	YES		YES
Health and Wellbeing Strategy	YES	YES		YES		YES	YES



