

COMMERCIAL ENFORCEMENT – SITUATION REPORT

BRIEF OVERVIEW OF FUNCTIONS

Environmental Health Commercial (EHC) – Food Safety, and Health and Safety

The service inspects food premises and certain categories of workplaces on a risk-assessed basis to check compliance with legislation. It investigates complaints regarding food, activities and premises in addition to cases of food-borne diseases

Trading Standards (TS)

The service encompasses both proactive enforcement and reactive responses to consumers and businesses in a wide area of work. This includes, Metrology (weights & measures), Consumer Safety, Fair Trading including prices, consumer credit and the descriptions of goods and services, Quality Standards, which includes the composition and labeling of food and animal feeding stuffs, Petroleum & Explosives licensing and the provision of a Consumer Advice Service.

Licensing (LIC)

The licensing unit issues 25 different types of licenses ranging from Public entertainments to Zoos. The licenses are processed on receiving the application and fee, if it fulfills all the legal and council requirements the license is issued. If there is a variation from policy a report is made to the regulatory committee for their consideration. In addition to issuing licenses the service enforces the Licensing legislation and breaches of the conditions.

Taxi Licensing (TLIC)

Carries out all statutory functions connected with hackney carriage / private hire licensing. This includes ensuring the propriety of all driver applicants, enforcing locally agreed terms and conditions, and dealing with complaints / concerns from members of the public.

The fitness for purpose of the vehicles, as set out by DVLA guidelines and local conditions, is carried out by Herefordshire Jarvis Services.

Street Trading

Street Trading is incorporated in Markets and Fairs. This includes the administration and enforcement of Street Trading/Day Trading consent licences countywide. Fly posting and Health and Safety advice to event groups.

HOW THE DIFFERENT STRANDS FIT TOGETHER

EHC, TS, and LIC are service areas within the Environmental Health and Trading Standards Division. TLIC is a service area within the Transport and Engineering Division.

LIC is predominantly an administrative function with inspection being undertaken by officers of EHC or Environmental Protection however the section does carry out enforcement action for contraventions of the licensing legislation or license conditions.

EHC and TS are principally enforcement-based Sections but with a large proportion of resource spent on advice, information and education. There are a number of registration and licensing activities contained within these Sections.

Until the acquisition of Street Trading, there was no enforcement element in Markets and Fairs.

TLIC is an administrative and enforcement/inspection service.

There is good and close liaison between officers in EHC, TS and LIC. A representative of EHC attends the Street Trading Panel

CHANGES SINCE THE FIRST STAGE REPORT

Environmental Health Commercial (EHC) – Food Safety, and Health and Safety

The Section continues to carry out the functions described previously. However, since changes to the charges associated with certain licences, there has been an increase in the amount of work carried out by the Section on behalf of the Licensing Section.

Trading Standards (TS)

One consequence of the Council's modernisation/eGovernment initiatives was the establishment of project groups to look at the delivery of key services particularly in Environmental Health and Trading Standards. For most of 2003 the Trading Standards Manager has worked away from his section on a 'secondment' basis as part of the Access to Services (ATS) now SIPs group. One of the Principal Trading Standards Officers has been managing the Section. The other PTSO is managing the Licensing Section. There has been no 'back filling' of posts. Increasing demands are being made upon the Consumer Advice Service with contacts rising year on year. Additional duties have been imposed by new legislation such as the Enterprise Act and the introduction of Enforcement Orders, the registration of feed mixers (Mill & Mix on Farm) resulting in increased administrative duties for registration, and additional inspection & sampling responsibilities. Changes in 'Age Restricted Sales' legislation incorporating the sale of alcohol to minors have also imposed additional burdens on the Service.

Licensing (LIC)

The PTSO is effectively involved full time in the management of this Section principally as a result of new Licensing Legislation that will result in the establishment of a new Liquor/Entertainment regime in the UK. But still has some involvement with setting up the Herefordshire Consumer Support network and is still a member of the Community Legal Service Partnership steering group.

A revised set of charges was introduced.

Taxi Licensing (TLIC)

None known.

Street Trading

In 2003, the Street Trading Consent/Enforcement function moved following the review of Economic Development.

OVERVIEW OF THE ISSUES FACING COMMERCIAL ENFORCEMENT

Increased demands placed upon the service – number of enquiries for Commercial Enforcement has increased (EHC, LIC, TS)

Increased pressure from Health and Safety Commission to undertake adequate enforcement – guidance issued in September 2001 is now being followed up by auditing etc. to ensure that enforcing authorities are devoting adequate resources to enforcement. (EHC)

Pressure from the Food Standards Agency to continually improve inspection levels – quarterly returns are closely monitored and the attainment of a 100% target is still relevant. (EHC, TS)

Need for a Service level agreement between Licensing and EHC – traditionally because LIC do not have their own inspectors, staff from elsewhere have carried out annual inspections and inspections in connection with occasional entertainment applications. Because of the need to carry out food and other related work, Licensing work has not been given the priority it deserves and in addition there has been no transfer of monies between LIC and EHC.(EHC, LIC)

Unfilled posts (EHC, TS, LIC)

Recruitment of suitably qualified officers – at some stage in the next year or so we will be faced with technical officers becoming EHOs and leaving the organisation – Because of the specific qualifications required the market for such officers is extremely limited with huge problems associated with recruitment– we have no trainee post in EHC. And therefore we are not developing our own replacements for technical staff who will leave/retire (EHC, TS) (National shortage of such staff).

Use of a common data sets/systems; document storage and retrieval – on-going issue that is improving but not yet completely sorted. Issues associated with databases used by LIC and their adequacy to cope with new licensing system.

DTI requirement to provide a Service Delivery Plan as part of the National Performance Framework (TS).

Registration and inspection of registered premises under feeding stuffs legislation.

No dedicated specialist 'in-house' IT Officer provision .

Accommodation – size, location, 'togetherness' – already cramped and certainly not allowing teams to be brought together or new staff accommodated.

PLANNED CHANGES FOR THE FUTURE

Additional temporary enforcement officer – permission currently being sought for an officer to undertake programmed inspection of H&S premises – we failed to achieve our target last year. (EHC)

Division-wide 'restructuring' (ALL)

eGovernment/modernisation – exploration of flexible working – these and other external stimuli will need to be worked through not individually but together – they will have an impact upon the ways we work (EHC)