

MEETING:	REGULATORY COMMITTEE
DATE:	5 APRIL 2011
TITLE OF REPORT:	REPORT ON REGULATORY ACTIVITY OF ENVIRONMENTAL HEALTH & TRADING STANDARDS
PORTFOLIO:	ASSISTANT DIRECTOR (ENVIRONMENTAL HEALTH & TRADING STANDARDS)

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the main regulatory activities of Environmental Health & Trading Standards service for the year 2010/11.

LICENSING TEAM

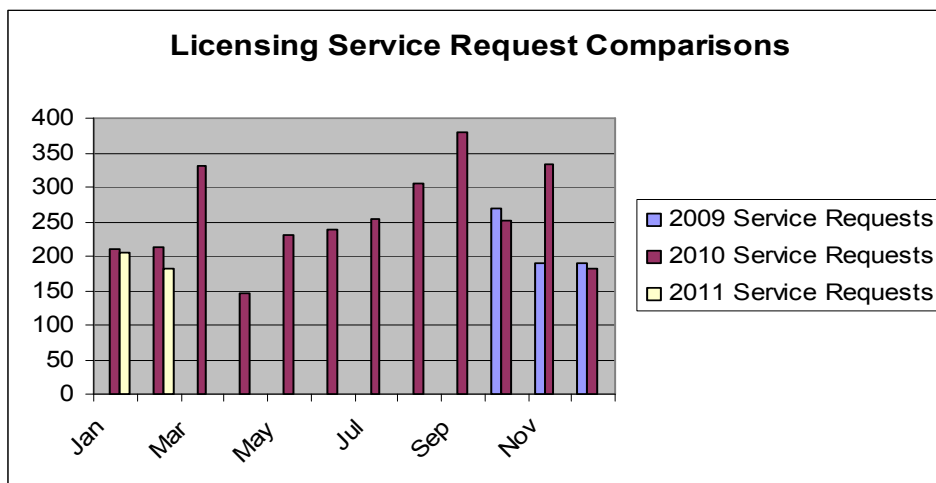
1. During the period April 2010 – February 2011 there were 12 reviews referred to committee:

2010/11	Reviews held by Sub Committees
April	McColls Off Licence
May	None held this month
June	Kington Show Mr Chips (4am extension)
July	Jamstand – cancelled as application withdrawn Wyeside at Sutton St Nicholas
August	Jamstand, Ross - Event cancelled after joint letter sent from police / Council.
September	Jamstand, Ross Withington Stores

October	Crown & Sceptre, Ross – Expedited Review
November	TJ's Longbar, Commercial Rd Dukes Head (Wetherspoons) Leominster
December	None held this month
January	Commercial Pub, Hereford Crown & Sceptre, Bromyard
February	The Eagle, Ross-on-Wye
March	No data yet

In addition to the above review work, the Licensing Team deals with many enquiries and complaints from the public. In 2010 there were 3072 service requests and by the end of February in 2011 there have so far been 338 service requests, comparing to 525 for this time last year.

In 2010 there were 2724 licensing transactions (e.g. granting of licences etc). By the end of February 2011, we have had 407 transactions comparing to 448 for this time last year.



Night Time Enforcement Work

The Licensing Team undertook numerous night time inspections of the pubs and clubs of Hereford and its market towns. A number of these were in conjunction with the police.

Festivals and Regulatory Work

A number of festivals during the summer months required extra regulatory effort in order to ensure compliance. The Big Chill particularly took a great deal of resource and regulate, culminating in 5 days of monitoring and enforcement work during the event by officers working throughout the day and night time.

Underage Test purchases

Trading Standards worked closely with the police and licensing team to undertake four evenings of covert underage test purchase of alcohol in licensed premises. These 30 test purchases took place on:

- i. Weekend of 3rd / 4th and 10th / 11th December 2010.
- ii. Weekend of 18th / 19th and 25th / 26th February 2011

As a consequence, reviews are being made by the police / Trading Standards and fixed penalty notices were issued.

TAXI LICENSING TEAM

2. During the period April 2010 – February 2011 the following regulatory work was undertaken

	2010/11
Suspension Notices (Drivers)	4 referred to committee 6 for medical reasons 60 for non payment of annual fee
Suspension Notices (Vehicles)	1
Penalty Points issued	44 drivers were issued with points
Fit & proper driver status referred to committee or panel	45 drivers

In addition, out-of-hours work enabled the team to inspect 50 of the hackney cabs for compliance whilst they operated on the ranks in the evening / night time.

Likewise, the team successfully inspected the entire fleet of 110 private hire vehicles through joint working with Amey's vehicle inspector on several successive evenings.

ENVIRONMENTAL PROTECTION TEAM

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

- **Noise nuisance** – investigation and service of abatement notices
- **Other nuisances** – e.g. odour, dust, smoke etc
- **High Hedge complaints**
- **Burial of deceased without means**

- **Smoke offences** – e.g. Clean Air Act and dark smoke offences
- **Drainage** – clearance of drains and sewers and broken septic tanks
- **Public Health** – clearance of rubbish and land with rats or mice on
- **Planning Consultations**
- **Licensing Consultations**

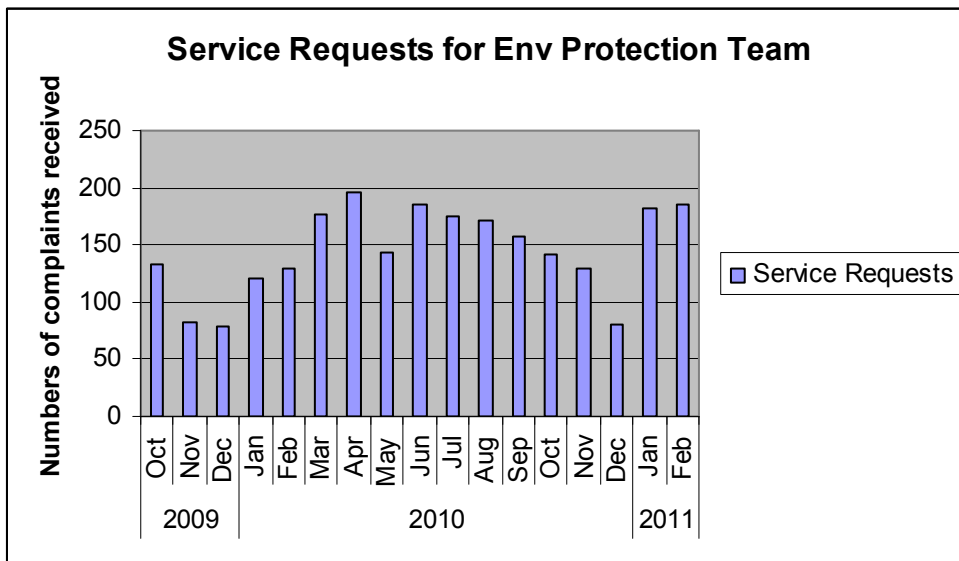
During the period April 2010 – February 2011 the following regulatory work has been undertaken:

	2010/11
Noise Abatement Notices	2
Rubbis Clearance Notices	1
Drainage Notices	11
Clearance Notice on Filthy and Verminous houses	1
High Hedge Notices	0 (although a notice from a previous year was appealed)
Seizure of noise equipment	2 x seizure of equipment - both times at a flat in Leominster following a noise abatement notice served the previous year.
Prosecutions	1 – for noise nuisance form a flat in Leominster

By the end of February 2011 there had been 366 service requests compared to 250 last year at this stage.

In the calendar year of 2010 there were 1884 service requests in total.

The graph below helps show the seasonality and long term trend compared to the previous year.



AIR, LAND & WATER TEAM (SPECIALIST POLLUTION)

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

- **Closed landfill site management** – monitoring and project managing engineering works etc.
- **Contaminated land** – responses on planning applications and investigations
- **Private and mains water supply** monitoring and regulation
- **Industrial pollution control** – issuing of environmental permits for large factories
- **Air Quality** – monitoring and assessment of air quality across the county and its roads
- **Seagulls** – managing the contract for egg and nest removal

Although much of this team's remit is not enforcement based, during the period April 2010 – February 2011 the following regulatory work was undertaken by this team:

Industrial Pollution Control

40 x Industrial Process Inspections for compliance with environmental permit.

Water Supply Monitoring

1136 samples taken and 14 notices served on defective supplies so far in 2010/11

GYPSY & TRAVELLER TEAM

5. Although much of this team's remit is the management of the council owned gypsy & traveller sites across the county, during the period April 2010 – February 2011 the following regulatory work has been undertaken:

Movement of illegal encampments: 18 incidents logged on Council's Civica data base.

ENVIRONMENTAL HEALTH (COMMERCIAL) TEAM

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

Food hygiene - ensuring basic food hygiene of food registered premises as well as promotion of 'Scores on the Doors' indicating a star rating of premises, provision of business advice and support to new and existing businesses

Health & Safety at Work – providing advice and assistance to businesses, investigating accidents and fatalities and instigating criminal prosecutions

Dealing with infectious disease notifications

Ensuring Smoke Free Workplaces

During the period April 2010 – February 2011 the following regulatory work has been undertaken:

- i. Major investigation undertaken in relation to a fatality at the Kington Agricultural Show resulting in a successful prosecution of the society responsible for running the event for a breach of Health & Safety requirements. They were fined £10,000 with £15,800 costs awarded
- ii. A number of other Health & Safety investigations undertaken in relation to serious accidents or incidents including two separate incidents relating to fork lift trucks and injuries sustained by the drivers, and an entrapment injury sustained to an employee packing goods on a conveyor belt
- iii. Issuing 25 written warnings in relation to Health & Safety at Work incidents
- iv. Undertaking a county wide project relating to the inspection of LPG tank installations and addressing safety problems associated with buried supply pipes that have corroded – several faulty installation identified and rectified
- ii. Health & Safety enforcement action (prohibition notice and improvement notices) against a restaurant and fast food take away in relation to faulty and dangerous gas cooking equipment posing a safety risk to both employees and customers
- iii. Food safety enforcement action (issuing of improvement notices) involving a bakery and take away restaurants
- iv. Promotion of food hygiene rating system – 'Scores on the Doors' to enable customers to have an informed choice with regard to food premises and to encourage businesses to improve their star rating with the result of driving up food hygiene standards across the county
- v. Undertaking circa 504 food hygiene inspections of registered food businesses within the county and some 1003 inspections in total
- vi. Undertaking 138 food samples in relation to microbiological testing
- vii. Dealing with 954 service requests

For further information please contact
Marc Willimont, Regulatory Services Manager on 01432 261986

- viii. Dealing with 315 infectious disease notifications
- ix. Dealing with 134 RIDDOR accident notifications.
- x. Ongoing work with a local business over recalling its products that were found to contain salmonella
- xi. Helping to co-ordinate the successful enforcement and running of the Big Chill event – Herefordshire's' largest outdoor festival
- xii. Pending prosecution of public house for numerous food hygiene breaches
- xiii. Undertaking an investigation into a food poisoning outbreak at a local pub restaurant

TRADING STANDARDS TEAMS

7. The Trading Standards service encompasses key areas such as :-

- **Consumer safety** - ensuring the safety of consumer goods and the 'CE' mark.
- **Food standards and agriculture standards** – advising businesses on food labelling ensuring that composition and description are correct and truthful including animal feeding stuffs relating to labelling and composition .
- **Fair trading** relating to numerous commercial practices including consumer credit, packaging , green claims, time share etc., and especially protecting the elderly and vulnerable against cold calling and rogue traders
- **Metrology** – ensuring that weights and measures used in trade are correct and that suitable equipment is used, checking the quantity of goods sold ranging from bread to petrol
- **Licensing of Petroleum & explosive storage**
- **Advice to business and support to consumers**

During the year period April 2010 – February 2011 the following regulatory work has been undertaken:

- i. £82,939.16p currently saved or recovered for consumers and businesses within Herefordshire and beyond
- ii. 2 major criminal investigations involving fraud currently awaiting trial at crown court – one relating to 'cold calling' the elderly and vulnerable in relation to bogus property repairs and one relating to the sale of numerous misdescribed and unsafe caravans
- ii. Successful conviction of an individual under the Trade Marks Act for illegally copying and selling films on DVD. Sentenced to 120 hrs of unpaid community service and fined £600 costs.
- iii. Successful prosecution of company and its director over 'misleading and high

pressure' selling techniques relating to Kirby vacuum cleaners. The company were targeting the elderly and vulnerable selling them vacuum cleaners overpriced at £2500 that were totally unsuitable. Innovative use of new legislation Consumer Protection for Unfair Trading Regulations - Company fined £13,000 with £200 of costs imposed, Director was also ordered to pay £500 to costs.

- iv. Formal cautions issued to two traders falsely claiming membership of professional or trade bodies
- v. 6633 complaints and notifications received so far by Trading Standards
- vi. 639 inspections/visits undertaken of premises including 49 relating to petroleum and explosives storage.
- vii. 30 underage alcohol test purchasing exercises and 1 for tobacco resulting in a number of licence reviews, conditions imposed and on-going enforcement action
- viii. 55 food samples checking for composition and quality, 18 animal feeding stuffs samples taken for nutritional analysis and illegal presence of GMO's, 4 relating to consumer safety and 17 for compliance with description or other claims
- ix. 'Crucial Crew' exhibitor 2010 in relation to age restricted products and now lead organiser for 2011 to ensure that event continues
- x. Testing of thickness of black refuse sacks on behalf of the waste management service to ensure compliance with contract
- xi. Number of interventions relating to 'cold calling / rogue trader' incidents within the county to protect the elderly and vulnerable
- xii. Provision of support and advice to local businesses through promotion of the home 'authority principle'
- xiii. Assisting local craft producers of Cider and Perry to claim European Union recognition under Protected Geographical Indication status (PGI's). Herefordshire Environmental Health & Trading Standards service are the designated inspection body for the three counties in this respect - Herefordshire, Worcestershire & Gloucestershire Cider and Perry are all protected product names

ANIMAL HEALTH TEAM

- 8. During the period April 2010 – February 2011 the following regulatory work has been undertaken:

The Animal Health & Welfare team deal with farms, livestock and farmers to ensure that disease control measures are in place and are adhered to, providing support and guidance in relation to animal health & welfare legislation, the control of animal by-products, bovine tb notifications, livestock market surveillance, transport of animals, primary food producers and welfare of animals on farm.

- i. Undertaken investigation requiring DNA testing of cattle and their offspring in relation to a potential fraud relating to Bovine TB and compensation scheme
- ii. Enforcement actions taken – oral advice 156, written advice 35, oral warnings 84 and written warnings issued 14
- iii. Dealt with 889 service requests including 326 in relation to business advice
- iv. Completed 608 farm inspections
- v. Undertaken 10 visits to abattoirs and 1 visit to a knackers/hunt/animal by-products processor
- vi. Have attended 281 separate markets and 2 agricultural shows/events
- vii. Resolved 2721 enforcement/breach reports
- viii. Checked 4265 animal transport vehicles and 29 animals
- ix. Animal movements (85% goats, 84% pigs and 94% sheep) entered onto DEFRA 'AMLS' database within 3 days
- x. 93% of all enforcement actions recorded onto DEFRA 'AMES' database within 5 days

PEST CONTROL TEAM

9. The Pest control team deal 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 as well as dealing with mole infestations in playing fields and sports pitches for AMEY, as well as for the councils crematorium and cemeteries.
 - Have responded to 2004 service requests ranging from wasps fleas, rats, mice and moles
 - Have circa 120 contracts in place with businesses for pest control
 - Actual income accrued **£130,351** against profiled for year £123,730