

REPORT TO: PLACE SCRUTINY COMMITTEE
DATE OF MEETING: 14 June 2018

REPORT TO: EXECUTIVE
DATE OF MEETING: 10 July 2018

REPORT TO: COUNCIL
DATE OF MEETING: 24 July 2018

REPORT OF: Environmental Health and Licensing Manager
TITLE: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council Function

1. What is the report about?

- 1.1 To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2018/19. The Statutory Service Plan sets out the Council's regulatory function in respect of food safety, health and safety, licensing, environmental permitting and other statutory functions over the forthcoming year.
- 1.2 A draft copy of this is available in the Members' Room, on the Council's website or available on request.

2. Recommendations:

- 1) That Place Scrutiny Committee supports the Statutory Service Plan 2018/19
- 2) That Executive supports the Statutory Service Plan 2018/19
- 4). That Council approves:
 - a) the Statutory Service Plan 2018/19; and
 - b) the Environmental Health and Licensing Manager being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

3. Reasons for the recommendation:

- 3.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service.
- 3.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual

Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken (e.g. retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.

3.3 The Statutory Service Plan incorporates:

- the service aims and objectives;
- information about all enforcement and related services provided by the Council's Environmental Health and Licensing Service
- the Action Plan for 2018/19 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year; and
- the financial arrangement for providing the service.

4. What are the resource implications including non financial resources.

4.1 The Action Plan will be carried out within the existing resource allocation as detailed in both the Statutory Service Plan and Revenues and Estimates for 2018/19.

4.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.

5. Section 151 Officer comments:

5.1 There are no additional financial implications contained within this report.

6. What are the legal aspects?

6.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service. In the current Framework Agreement and Code of Practice, the Food Standards Agency indicates that full compliance with all inspection frequencies will be expected

6.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken, whilst HSE is responsible for industrial activities.

6.3 The Licensing Team play an important role in maintaining a safe and vibrant city by ensuring that licensable activities are effectively regulated, and where non-compliance is found, effective action is taken. Licensing functions are self-funding and following the implementation of the EU Services Directive and subsequent court cases, licence fees must reflect the cost of the service and cannot be used to fund other areas of the Council's activities. Therefore any reduction in overheads to this function means that we are legally obliged to implement a reduction in the licence fees set.

6.4 Following the reorganisation of the senior management team, Private Sector Housing was transferred back into Environmental Health and Licensing as the main function of the team is health related.

6.5 In addition responsibility for overseeing Corporate Health and Safety was also transferred to the Environmental Health and Licensing Manager.

7. Monitoring Officer's comments:

7.1 This report raises no issues for the Monitoring Officer.

8. Report details

Key Achievements in 2017/18:

8.1 Programmed Interventions

The service inspected 534 food businesses during the year. Out of those targeted for inspection 96% were inspected. There were a low number of self-inspection questionnaires (SIQ's) used during the year as an alternative regulation strategy for low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's are a cost-effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

8.2 Service Requests

Environmental Health and Licensing is responsible for investigating complaints relating to food safety, health and safety regulation, infectious disease control, air quality, environmental permitting, contaminated land, licensing, anti social behaviour, statutory nuisance and also for providing health promotion and training activities for businesses. 4,465 such requests were received by the service during 2016/17.

In addition during 2016/17, 342 anti-social behaviour cases were dealt with by the service. In addition there were 59 more complex cases which are time consuming and required the coordination of a number of different agencies.

8.3 Sampling

The authority participates in national and local food-sampling initiatives to monitor the quality of food on sale in the City which is classified as satisfactory, unsatisfactory or unacceptable. Additional samples are taken in response to food complaints and where it is alleged a premises or foodstuff is implicated in a food poisoning incident.

The intelligence led food sampling programme led to 52% of the 147 food samples taken being found to be unsatisfactory or borderline. This programme has led to the service intervening at an early stage to help businesses produce food safely.

The service continues to use an Adenosine Triphosphate (ATP) meter which is a simple, rapid method for monitoring cleanliness, hygiene and risk.

8.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases

The service is responsible for the investigation of outbreaks and food related infectious diseases in the City.

Whilst the service has adequate resources to deal with its workload on a day to day basis, however when the service is presented with a large scale outbreak requiring an extensive investigation then the service struggles to complete key elements of the service plan.

8.5 Education and Awareness

A key component of proactively engagement is assisting business compliance through education and awareness. The service runs a number of accredited training courses as well as informal workshops to allow business to access the information that they need to operate safely without being an expensive burden to the business. In addition, the service looks to innovative ways of engaging with business to bring about compliance such advice visits accompanied by translators and a joined up approach to health and safety, occupational health and public health with businesses throughout the city.

During 2017/18, 408 delegates have attended education and awareness sessions run by the service.

8.6 Primary Authority

The service is actively embracing the Government's primary authority programme. The service currently has 6 active Primary Authority Partnerships.

8.7 Other notable achievements during 2017/18

- Worked with other partners to minimise the impact of the start of the academic year on the residents of the city.
- Continued to strengthened and enhanced the role of the Exeter Business Against Crime (EBAC) Partnership
- Launched a consultation on the Air Quality Action Plan.
- Continued to maintain the level of interventions with respect to food safety, ensuring that the level of compliance within the city remains high.
- All licensed taxi drivers have completed the mandatory safeguarding training.
- Implemented the Public Spaces Protection Order for the City Centre
- Successful prosecutions were taken for illegal plying for hire and fly tipping
- Continue to strengthen the Community Safety Partnership in dealing with issues such as drugs, anti-social behaviour and exploitation.
- Provided safe guarding training to hotels, retail and other licensed establishments
- Undertook a tender process to replace air quality monitoring equipment at RAMM and Alphington Street.
- Consulted and adopted a new policy on a policy for animal licensing
- Conduct a mystery shopping exercise of the Hackney Carriage and Private Hire trade

- Duty to manage asbestos advisory visits have been undertaken at 82 premises
- The annual Renting Minefield event took place in May 2017, October 2017 and May 2018, organised in conjunction with partners and attended by over 350 delegates
- The service received 380 service requests / complaints related to housing standards and reviewed online information providing accessible, digital and self-help system.
- 75 Disabled Adaptations were provided (Disabled Facilities Grants) totalling £313,629.
- Warm Up grants for home insulation and replacement boilers were issued totalling £140,741, helping to reduce fuel poverty in the city.
- The Landlord handbook has been revised as a result of legislative changes
- A Community Safety Partnership event was organised for housing professionals covering topics such as organised crime, fuel poverty and fire safety
- The Licensing Team completed 95% of Compliance checks in relation to premises licensed under the 2003 Act.
- CCTV coverage became mandatory in all Exeter Hackney Carriages at the end of 2017, and the team have now inspected the whole fleet, and have identified good levels of compliance.
- The Health and Safety Policy has been extensively reviewed and is proposed to be adopted during 2018/19.

8.8 Proposed key activities for 2018/19

8.1 In addition to the traditional intervention methods the following key activities are planned for the service during the forthcoming year:

- Implement a workstyle transformation programme to improve the speed, accuracy and success of our service. This will include agile working, utilising technology and removing barriers to working as one team.
- Develop a new Air Quality Action Plan for the city, through an in-depth engagement process with the community and partners
- Promote safe neighbourhoods and tackle anti-social behaviour through education and early engagement with problems, backed up by enforcement action if required.
- Develop a 3 year Private Sector Housing Renewal policy for the City with governance, accountability arrangements and implementation plans
- Establishment of a Rogue and Problematic Landlord Taskforce with partners such as the Police and Fire Service to improve the standard of private accommodation and tenant safety.
- Adopt a revised and updated empty homes strategy/policy be developed with action plan which includes the establishment of a corporate working group to co-ordinate activity to address empty homes across the city
- Adoption of a Financial Assistance Policy for Housing Grants

- Develop a Fuel Poverty Strategy with action plan to provide strategic direction for the authority, linking to partner organisations and complementing the statutory HECA report
- Develop public health planning guidance/HIA guidance, particularly looking at obesity/activity and linking to Sport England work.
- Ensure that food safety is maintained within the city through the completion of the required food hygiene inspections and associated food sampling.
- Ensure safe working practices are adhered to in businesses with a focus on management of stress, flour dust in bakeries and working practices and conditions in warehouses.
- Deliver disability and dementia Awareness training to our licensed taxi drivers
- Co-ordinate multi-agency visits where migrant worker/modern slavery issues are suspected or identified
- Conduct a review into the corporate approach to safeguarding, which includes reporting mechanisms, policies and procedures and training
- Adoption of a new Corporate Health and Safety and training Policies
- Review the council's approach to legionella, staff safeguarding and electrical safety, ensuring that contracts are in place to manage these effectively.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The Environmental Health and Licensing Service Plan will contribute to the delivery of active and healthy communities, tackling mobility and congestion and building neighbourhoods.

10. What risks are there and how can they be reduced?

10.1 The Service Plan specifies targets and priorities to manage risk and establishes staffing levels to achieve the necessary outcomes. The main risk of not achieving the areas outlined in the service plan will be that of public safety, which could lead to serious injury, ill health or death.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The report has no impact on equality and diversity, young people and vulnerable adults. The report does impact positively on health and wellbeing, community safety and the environment.

12. Are there any other options?

12.1 The service plan must be reviewed on an annual basis as there is a legal duty for the food safety and health and safety elements to be reviewed annually.

Environmental Health and Licensing Manager

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:- None

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