

REPORT TO: PLACE SCRUTINY COMMITTEE

DATE OF MEETING: 13 June 2019

REPORT TO: EXECUTIVE

DATE OF MEETING: 9 July 2019

REPORT TO: COUNCIL

DATE OF MEETING: 23 July 2019

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 2019/20. The Statutory Service Plan sets out the Council's regulatory function in respect of food safety, health and safety, private sector housing licensing, environmental permitting and other statutory functions over the forthcoming year.

2. Recommendations:

- 1) That Place Scrutiny Committee supports the Statutory Service Plan 2019/20
- 2) That Executive supports the Statutory Service Plan 2019/20
- 4). That Council approves:
 - a) the Statutory Service Plan 2019/20; 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 2019/20 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 2019/20.

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 for Council to consider.

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 The Private Sector Housing Team play an important role in maintaining a decent home standard, and where non-compliance is found, effective action is taken. The HMO Licensing function is also 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.

7. Monitoring Officer's comments:

7.1 This report raises no issues for the Monitoring Officer.

8. Report details

Key Achievements in 2018/19:

8.1 Value for Money

Environmental Health and Licensing is delivered at a net cost of £3.73 per head of the population.

When broken down further this equates to 74p per head of the population for food safety, 74p per head of the population for health and safety and £1.16 per head of the population for nuisance and anti-social behaviour. Other aspects of the service such as HMO Licensing, Pest Control, Training and the Licensing Team are funded from their respective fees.

8.2 Programmed Interventions

The service inspected 544 food businesses during the year. Out of those targeted for inspection 93% were inspected.

The service also conducted 428 HMO inspections.

8.3 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. 3,695 such requests were received by the service during 2018/19.

8.4 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 15% of the 115 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.

8.5 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.

8.6 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 2018/19, 565 delegates have attended education and awareness sessions run by the service.

8.7 Primary Authority

The service is actively embracing the Government's primary authority programme. The service currently has 5 active Primary Authority Partnerships.

8.8 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
- Continued to maintain the level of interventions with respect to food safety, ensuring that the level of compliance within the city remains high.
- Replaced the air quality monitoring equipment at RAMM and Alphington Street.
- Consulted and adopted a new policy on a policy for animal licensing
- Conducted 2 mystery shopping exercises of the Hackney Carriage and Private Hire trade
- The annual Renting Minefield event took place in May and November 2018, organised in conjunction with partners and attended by over 350 landlords and agents.
- Disabled Adaptations were provided (Disabled Facilities Grants) totalling £307,237.89 with a further £97,640.59 of grants authorised but not completed before the end of the financial year.

- Warm Up grants for home insulation and replacement boilers were issued totalling £86,430.60 with a commitment to a further £137,583.89, helping to reduce fuel poverty in the city The Licensing Team completed 84 compliance checks in relation to premises licensed under the 2003 and 2005 Acts.
- Worked towards implementing an agile and flexible working programme to improve the speed, accuracy and success of our service. This included utilising technology and removing barriers to working as one team.
- Developed a new Air Quality Action Plan for the city, through an in-depth engagement process with the community and partners
- Promoted safe neighbourhoods and tackle anti-social behaviour through education and early engagement with problems, backed up by enforcement action if required.
- Established 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.
- Worked on revising the empty homes strategy
- Adopted a Financial Assistance Policy for Housing Grants
- Delivered disability and dementia Awareness training to our licensed taxi drivers
- Co-ordinated multi-agency visits where migrant worker/modern slavery issues are suspected or identified
- Conducted a review into the corporate approach to safeguarding, which included reporting mechanisms, policies and procedures and training
- Adopted new Corporate Health and Safety, training and Fire Risk Management Policies
- Reviewed the council's approach to legionella, staff safeguarding and electrical safety, ensuring that contracts are in place to manage these effectively.

8.9 Proposed key activities for 2019/20

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

- Finalise the implementation of the agile and flexible working programme.
- Adoption of a single Corporate Asbestos Policy
- Adoption of a single Corporate Asset Inspection Policy
- Develop a corporate safeguarding case management system
- Adoption of a Modern Slavery Transparency Statement
- Update to the statement of Licensing Policy for the Licensing Act 2003
- Update to the Animal Licensing Policy following recent legislative changes and subsequent amended DEFRA guidance

- Focus on swimming and spa pool hygiene/safety, promoting the revised HSE & PWTAG guidance. Look to provide training event for local pool operators
- Undertake food and pool water sampling in line with national and regional plans and using local intelligence (e.g. food complaints, alleged food poisonings etc.)
- Work towards achieving the actions as set out in the Air Quality Action Plan and report back to members in September 2019
- Use all information available to identify properties that have not licensed their HMOs and to ensure compliance with licensing regime
- Conduct an inspection of all mobile home sites and review Mobile Home Site Licensing
- Conduct a review of procurement for major DFG adaptations
- Review of the Enforcement Policy to include Civil Penalties
- Review of Public Spaces Protection Order (PSPO) and seeking a new order if applicable
- Revise the Contaminated Land Strategy
- Adopt a revised Empty Homes Strategy

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:

- Tackling congestion and accessibility
- Promoting active and healthy lifestyles
- Building great neighbourhoods
- Provide value-for-money services despite continuing central government budget reductions

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.

11.2 An Equalities Impact Assessment is attached as Appendix B to this report

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

Contact for enquires:

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