

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Highways Scrutiny Committee

24th November 2016

Report of the Head of Planning and Public Protection

N.Pearce

Matter for Monitoring

Wards Affected: All

Planning and Public Protection – Environmental Health and Trading Standards Report Card

Purpose of Report

1. To present for Scrutiny the Report Card for the Environmental Health and Trading Standards Service.

Executive Summary

2. In accordance with the approved Divisional Business Plan for Planning and Public Protection each Business Unit within the division is required to complete a Service Report Card for each financial year.
3. This interim report updates Members on the progress made over the current financial year and in particular outlines:
 - The ongoing performance against last year's Action Plan and Targets;
 - The ongoing challenges and opportunities faced in the short and medium term; and
 - The progress being made in respect of the actions and targets for the 6 months from 1st April 2016 to 30th September 2016.
4. The Environmental Health and Trading Standards service comprises the General Environmental Health team, the Food and Health Protection team and the Trading Standards team.
5. The Report Card, set out in Appendix A, summarises the service priorities, key measures and key actions for the Environmental Health and Trading Standards Service.

Consultation Outcome

6. Employees within the individual services and external customers where relevant have been consulted in the development of the Report Card.

Financial Impact

7. The work delivered is fully covered by a combination of existing revenue budgets and grant income.

Equality Impact Assessment

8. Not applicable.

Workforce Impacts

9. These are covered in the appended report card.

Legal Impacts

10. Not applicable.

Risk Management

11. A Risk Matrix for the Directorate has been prepared which incorporates the significant risks within this service area.

Recommendation

12. This item is for monitoring purposes.

Reasons for Proposed Decision

13. Not applicable.

Implementation of Decision

14. Not applicable.

Sustainability Appraisal

15. The activities of the Environment Directorate have an impact on all themes of the Corporate Performance Plan. Operational Business Plans contribute to service improvement by setting out service

specific priorities for the next 12 months and how they will be met. Managers are required to consider corporate policies such as equalities and health when determining how they meet their service priorities.

Appendices

16. Appendix 1 Environmental Health and Trading Standards Report Card.

List of Background Papers

16. Environmental Health and Trading Standards Business Plan 2016-17.

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Service Report Card 2016-2017

Environmental Health and Trading Standards Service

Section 1: Brief description of the service

The Environmental Health and Trading Standards department is a team comprising of 40 people which equates to 36.5 Full time Equivalent (FTEs) and two unpaid Environmental Health students. The three areas of the service are General Environmental Health team (14 FTE), the Food and Health protection team (10 FTE) and the Trading Standards team (12.5 FTE).

Our key priority is to ensure the Council meets its statutory requirements in a number of areas (as listed below) to protect the public health of the residents and visitors of Neath Port Talbot, through the different levels of regulation and to ensure a fair, safe and equitable trading environment where consumers are confident and informed and legitimate businesses can flourish.

. The range of services provided are :

- **General Environmental Health:** Statutory nuisance (Eg : noise, smoke, damp complaints). Securing potentially unsafe properties that are open to access, filthy and verminous premises, dealing with burial of the unclaimed dead, drainage CCTV surveys and private water supply regulation.
- **Housing Enforcement :** Deal with the enforcement of housing conditions and manage the mandatory Houses in Multiple

Occupation licencing scheme. Houses in multiple occupations are inspected based on risk. Empty property work aims to deal with ruinous and dilapidated dwellings and bring long standing empty houses back into use. Allegations of illegal evictions and harassment are investigated and enforced. The service is also involved in the promotion of the national registration and/or licencing of private sector landlords and letting agents scheme in Wales and its enforcement after Nov 24th 2016.

- **Health and Safety:** Proactively inspections of identified high risk premise. Allegations of non-compliance with health and safety legislation are investigated. RIDDOR reports are monitored and accidents investigated when appropriate.
- **Pollution Control:** Contaminated land and Air pollution.
- **Food Safety:** Proactively inspect food businesses and food hygiene legislation is enforced. The Food Hygiene Rating scheme is managed in partnership with the Food Standards Agency. Food sampling is regularly undertaken and food related complaints are investigated.
- **Health protection:** Investigations of Infectious Disease and Outbreak control.
- **Trading Standards (Retail and Industrial Enforcement):** Inspections of businesses for compliance with the law, Provision of business advice, Food and feed standards enforcement (the farm to fork approach), including the description, declarations of ingredients and the presence of additives and allergens, Product safety, Pricing, Petroleum approval enforcement, Inspection & verification of weighing and measuring equipment. Inspections of sector specific businesses for compliance with the law, Welfare inspections of livestock including on farm, small holding and in transit, Livestock movement controls, Feed hygiene enforcement at farms, Animal disease control
- **Consumer Fraud and Underage sales:** Product Counterfeiting, Rogue Traders / Cowboy builders, Underage sales of age restricted products and the mis-description of goods and service. The investigation of complex consumer frauds including Financial Investigation. Identifying the victims scams, particularly the vulnerable, and where appropriate taking enforcement action and signposting to other agencies for support.

Section 2: Overall Summary of Performance for 2015-16 Financial Year

We are making good progress in delivering our key actions for 2016-2017 which includes:

- The follow up of the Food Standards Agency audit has been carried out and the findings are being considered prior to the report being published. Early indications are that the overall report is however positive.
- A review of the general Environmental Health function is progressing with a number of options to be considered.
- Promotional work including training events and the preparatory work in readiness of the new requirement for Landlords and letting agents to become registered or licenced by 24th November 2016.
- The inspection of high risk food hygiene inspections are on target and the broadly complaint percentage remains high (92.8%).
- The inspection of high risk Food and Feed inspections are on target.
- The Contaminated land register is being translated prior to going online.
- 98.8% of Infectious disease cases are responded to and investigated within appropriate guidelines.
- A dedicated officer to focus on problematic empty homes and explore options of bringing them back into use has been set up, which will hopefully tackle the long term problems these buildings have on their community

Trials of mobile devices to enable inspection, data collection and better communication are ongoing

**Section 3:
Service Priorities 2016-17**

Priority Measure	Actions to deliver priority	Officer Responsible	Timescale	What will be different? Measures and/or Outcomes
PM1 – To successfully complete the follow up audit of the Environmental Health and Trading Standards Service by the Food Standards Agency (FSA)	Work is being undertaken to ensure that all the action points on the previous audit are completed.	Mark Thomas	December 2016	Sufficient evidence is submitted to the FSA to demonstrate that all action points highlighted in a previous audit have been advanced or complied with. The report from the FSA will confirm whether the recommendations of the audit have been advanced or complied with. This will be the appropriate measure.
PM2 – Continue to inspect all high risk food premises based on risk assessments and categorisation of premises. Categories A to C will be inspected but work will also commence on inspecting category D premises.	The risk assessment inspections will be undertaken and staff resources will be deployed to cover the priority premises.	Mark Thomas	Ongoing	KPIs will demonstrate the number of premises inspected and will be defined as the appropriate measure.
PM3 –To establish and maximise the percentage of food establishments which are “broadly compliant” with food hygiene standards	Inspections will be undertaken to risk assess relevant businesses and their compliance with the Food Hygiene Rating scheme standards. Businesses are offered advice and guidance to	Mark Thomas	Ongoing	This measure is a PAM, and the KPI’s will demonstrate the number of premises inspected that are broadly compliant in accordance with the FSA definition

	achieve full compliance.			
PM4 – Review/Restructure the General Environmental Health Service to reflect the demands of the service and the specialisms within the team.	An assessment of service demands will be undertaken and staff will be allocated to address the high demand services according to subject area. Improved performance management will be introduced to track workload and officer performance. Work will also progress towards improving the online presence of the service	Mark Thomas	March 2017 and ongoing thereafter	The capacity of the service will improve and will be better able to deliver its regulatory functions in a proactive manner. Staff will have more ownership for their work and accountability will improve. This will be reflected in the KPIs going forward, which will also be the appropriate measure.
PM5 – Implement the objectives of the Rent Smart Wales Initiative in terms of improving the quality of landlords in homes provided by the private rented sector.	Promote the registration and licencing of landlords and letting agents and consider utilising enforcement powers for non-compliance when necessary and appropriate.	Mark Thomas	March 2017	Number of Rent Smart Wales enquiries recorded and associated actions will be the appropriate measures.
PM6 – Mobile working will be piloted in Environmental Health and Trading Standards	Funding will be secured through Rent Smart wales and through proceeds of Crime Awards to pay for mobile devices for staff	Mark Thomas	Ongoing	The introduction of mobile devices will allow officers to spend more time on site rather than travelling to and from the office. This should increase the capacity of the service to deal with demands going forward. KPIs will demonstrate if this is successful and will be the appropriate measure.
PM7- Achieve 100% of the FSA / WhoTS feed premises inspection plan and 100% all of	Work will be reprioritised to ensure that these inspections are completed.	Mark Thomas	March 2017	KPI's will demonstrate the number of premises inspected in each of the categories and will be defined

high risk food standards premises based on risk assessments and categorisation of premises by the Trading Standards Team				as the appropriate measure.
PM8 – Improve the intelligence gathering work undertaken by the Consumer Fraud team which has recently been expanded to reflect priorities going forward.	Further work will be undertaken with regional and national partners, and the “scammers and suckers” work will be prioritised to further protect vulnerable people.	Mark Thomas	Ongoing	There isn't a single measure that can be used to demonstrate effectiveness. It will be a combination of factors but primarily a reduction in the number of people who fall victim to fraud. The protocol will be the appropriate measure, together with a reduction in the number of people who fall victim to all kinds of consumer fraud or victims of unsafe goods.
PM9 – A protocol relating to Phase 1 / Geoenvironmental Desk Studies for Council projects will be adopted.	The draft protocol will be further revised to reflect recent experiences and will be consulted upon with appropriate departments.	Mark Thomas	December 2016	The protocol will ensure that officers involved in delivering council schemes are made aware at an early stage of the implications associated with contamination and what actions are required to demonstrate delivery of those sites having regard to necessary mitigation. The protocol will be the appropriate measure.
PM10 - Investigate all complaints and referrals of infectious diseases (E.coli,	Complaints and referrals to be allocated to suitably trained staff to investigate within	Mark Thomas	Ongoing	All complaints and referrals will be evaluated against the appropriate time scales. This will be the

salmonella, Campylobacter, Giardia, Hepatitis E etc) within appropriate time scales .	appropriate time scales.			appropriate measure.
PM11- Manage the National House in Multiple Occupation licencing scheme and ensure all known licensable HMO's are identified and inspected based on risk.	To continue to enforce the HMO licencing scheme and inspect identified HMO's based on risk.	Mark Thomas	Ongoing	Record the percentage of HMO's licenced in relation to the number of properties occupied within the Private Rented Sector. These figures will be the appropriate measure.
PM12 - Fulfil the Authorities legal obligation under the Environmental Protection Act 1990 to take reasonable steps to investigate allegations of Statutory Nuisances.		Mark Thomas	Ongoing	Number of complaints received, together with other data relating to the outcome e.g. resolved informally/formal action will be the appropriate measure.
PM13 - Maximise the number of empty houses brought back into use		Mark Thomas	Ongoing	The current KPI is currently under review by Welsh Government and Stakeholders. It is due to be updated shortly. The amended KPI will be the appropriate measure.
PM14 - Continue to fulfil the Authorities responsibility to monitor RIDDOR reports and where appropriate investigate. This will include a minimum of two Health and Safety interventions.		Mark Thomas	Ongoing	RIDDOR reports and subsequent actions will be recorded. Intervention plans/results will be collated. Both of the above will be the appropriate measure.
PM15 - Investigate complaints relating to poor rented accommodation, and		Mark Thomas	Ongoing	Complaints and subsequent actions including enforcement action when necessary will be

<p>inappropriate landlord behaviour such as illegal eviction and harassment.</p>				<p>recorded and will be the appropriate measure.</p>
<p>PM16 – The Council's Contaminated land Public register will be translated into Welsh and uploaded onto the web.</p>		<p>Mark Thomas</p>	<p>March 2017</p>	<p>The Contaminated Land Public Register is frequently referred to by third parties interested in developing within Neath Port Talbot. Its availability on line will allow customers to self-serve thus releasing staff to concentrate on other duties. The availability of the register online will be the appropriate measure.</p>
<p>PM17 – Regular monitoring in respect of air quality and nickel levels will continue.</p>	<p>Air quality and nickel levels is monitored extensively throughout the County Borough, the results of which are publically available and are acted upon by Natural Resources Wales, the Welsh Government, and the European Union. This will continue and any necessary mitigation will be identified where necessary.</p>	<p>Mark Thomas</p>	<p>Ongoing</p>	<p>The results of this monitoring are crucial given the potential threat of infraction proceedings should exceedances arise. The results from monitoring and the identification of necessary mitigation will be the appropriate measure.</p>

Section 4: Service Performance Quadrant

Priority 1: FSA follow up audit:-

The FSA carried out a follow up visit on the 8th and 9th August 2016 to assess the progress of the action plan. The FSA report is currently being considered by the department prior to it being finalised and published.

Priority 2: Food hygiene inspections:-

Pro-active inspections are scheduled throughout the year(s) - based on risk, in accordance with National protocols. Category A rated premises are inspected on a 6 monthly basis; Category B rated premises on a 12 monthly basis; and Category C rated premises on a 18 monthly basis. Food inspections of high risk businesses remain a key priority for the service. Of the 370 high risk premises scheduled for inspection, 174 premises have been inspected. The quarterly percentages are accumulative and are currently ahead of the same quarter last year (40% - 2015/16; and 47% - 2016/17). The target remains at 100% at the end of quarter 4.

Priority 3: Food establishments which are “broadly compliant”:-

Of 1118 registered food establishments in Neath Port Talbot, 1038 were broadly compliant with food hygiene standards. This equates to 92.84% of relevant establishments classed as broadly compliant.

Priority 4: Review/Restructure the General Environmental Health Service:-

The review of the General Environmental service is underway. The Environmental Health and Trading Standards Manager has

collated information regarding service requests and is currently evaluating the information. Draft proposals are currently being drawn up.

Priority 5: Rent Smart Wales initiative:-

An officer has been nominated as a point of contact for the scheme. In partnership with a training provider, the required Landlord Training is being offered locally to landlords.

Enforcement of the legislation has not come in to force to date, officers continue to remind landlords of their responsibilities under the scheme, and encourage them to comply.

Letting agents in the area have also been contacted reminding them of their responsibilities under the scheme.

Communication with Housing benefits has been improved, and housing benefits regularly notify us of properties where families rent properties to family members. The notification enables us to make contact with these landlords to ensure they are aware of the scheme requirements.

Promotional work of the scheme continues, with links to Rent Smart Wales being placed on the internet, the scheme being advertised in the foyers of main council buildings, and advertised in the Councils internal magazine.

Priority 6: Mobile working:-

EH&TS are liaising with the IT section to develop appropriate mobile working solutions. Proformas for food hygiene and trading standards inspections have been developed. Currently two devices have been identified as being suitable, these are being trialled by staff. Feedback will be collated and the most appropriate and effective device will be selected.

Priority 7: High risk food standards:-

Premises have been identified and the inspection programme has been created and is being monitored. 2 of the 9 businesses identified have been inspected so far. The feed standards inspection programme has been put in place, staff briefed and is underway. An animal health/feed inspection officer has recently left the department and the post has been frozen. Consequently resources have been rearranged to accommodate the extra work. The Team Leader is also exploring the opportunity to exploit the cross border / regional arrangements that are shared with Swansea to meet the feed inspection and sampling targets.

Of the 6 high risk premises liable for an animal health visit, 4 have been visited. One of the high risk premises is the sheep market which is visited weekly

High risk Food standards business inspections are spread throughout the financial year. Some high risk businesses were inspected at the end of the last financial year and it would be too early to inspect them in the first half of the current year as it would not give the department a good indication of how the business is developing over time. Officers are regularly reminded that they are the priority for the work programme. Certain inspections require specialist equipment and for efficiency and reasons of costs these businesses are all inspected at the same time. Of the 37 businesses designated high risk, 21 have been inspected.

Priority 8: Intelligence gathering work:-

Trading Standards enforcement across the United Kingdom is now largely intelligence led. The Senior Investigation Officer within Trading Standards has arranged training for all Trading Standards staff on the Intelligence Operating Model (IOM) used within the service across the UK. It is difficult to measure improvement and performance in this area, however the Trading Standards Team Leader and the Senior Investigations Officer in conjunction with the Local Intelligence Officer, and using information from the Regional Intelligence Analyst, are monitoring the application and use of the IOM via team meetings, reviews and examining the intelligence database. The department is also currently reviewing the work it does in educating the public in relation to scams and consumer frauds. A revitalised, more focussed approach to educating the consumer will be in place by the

end of the financial year.

Priority 9: Geo-environmental Desk Studies (Phase 1):-

The protocol has been revised and is due to be shared with interested parties shortly.

Priority 10: Infectious diseases: investigations and control:-

Strong links already exist with the local health authority, and particularly the Public Health department which provide the services of the Consultant in Communicable Disease Control who acts as Proper Officer for receiving notifications of relevant infectious diseases, and particularly food poisoning organisms. Investigations and screening follow-ups occur in accordance with All-Wales expert rules. 110 complaints / referrals of infectious disease were received within the first half of the year, the majority from Campylobacter and Salmonella. The department responded to 98.8% of these cases within the All Wales expert rule time periods.

Priority 11: HMO (House in Multiple Occupation) licencing scheme:-

There are 448 known houses in multiple occupations in Neath Port Talbot, the percentage of these that have licence is 1.34%. The low percentage of licensed HMO's is due to the criteria for the National mandatory HMO licensing scheme.

Priority 12: Statutory Nuisances:-

The Environmental Protection Act 1990 defines Statutory Nuisance, and it covers many issues and scenarios. The most common allegations of Statutory Nuisance relates to excessive noise, and to date the department has received in excess of 350 noise related service requests. Continued failure to comply with an Abatement notice has recently resulted in the team seizing noise making equipment from a commercial property. 15 noise abatements notices have been served in the first half of the year.

In addition to noise complaints, allegations of smoke and odour causing Statutory Nuisance are common. The department

received in excess of 100 smoke/odour complaints, 14 of which have resulted in the service of a statutory notice

In addition to investigating allegations of statutory nuisance, the department are also consulted regarding Planning and Licensing applications.

Priority 13: Empty Houses brought back into use:-

The national indicator continues to be under review . An officer has been allocated to deal with complaints concerning problematic empty properties. As part of the role, the officer is currently researching the various methods that may be available to us which may assist in bringing empty properties back in to use.

Priority 14: 'RIDDOR' / Accident investigations:-

50 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations Reports (RIDDOR) were received, however this may be an under report of the number received. Due to pressures on the department during the summer months, only the most serious reports were recorded.

In addition to RIDDOR reports, approximately 30 Health and Safety service requests were received.

Officers were involved in a joint Health and Safety project with Swansea Council (South West Wales Estates Engagement Project), however the project was not well attended by businesses from Neath Port Talbot.

Priority 15: Complaints relating to rented accommodation:-

To date the department has received in excess of 25 service requests in relation to allegations of inappropriate behaviour by landlords, in particular harassment and/or illegal eviction.

In excess of 200 service requests were received in relation to property conditions in rented accommodation.

Priority 16: Contaminated Land Public register:-

The register has been reviewed updated and has been submitted for translation.

The contaminated land strategy has also been submitted for translation.

The contaminated land website is currently being reviewed. The website will be updated when the translated documents are available.

Priority 17: Air quality monitoring:-

Monitoring results provide vital evidence of compliance with statutory air quality limits and targets, breach of which could lead to infraction proceedings. Where exceedances occur the monitoring data helps to identify these and informs mitigation measures. To help further understand the sources of pollution, in June 2016, King's College London published the final report from a monitoring campaign on Nickel. A similar campaign was conducted for PM and the report on this is currently being compiled.

**Section 5:
Financial Quadrant 2016-17:**

Summary of financial performance. The service was merged with the Planning Service in April 2016 and we were tasked with saving £200k towards the FFP. This has resulted in a reduction in staff and restructure of internal services. The service is also moving towards an increase in cost recovery and income generation in order to ensure that we maintain financial resilience. The target was not achieved in year one due to a delay in accommodation savings however this is being covered via other one off savings. Permanent solutions will be found for year 2.

Measure	2014-15 Actual (Full Year)	2015-16 Actual (Full Year)	2016-17 Qtr. 2 (projected to year end)
Corporate Measure (CM02): % revenue expenditure within budget Revenue Budget £	10.07% overspend £1,617,180	1.63% overspend £1,670,630	0% over/underspend £1,673,050
Corporate Measure (CM03): Amount of FFP savings Amount of FFP savings at risk			£ £200,000 £80,000 (although this has been achieved from other one off savings)

Section 6: Employee Quadrant 2016-17

Our cumulative sickness figure for the 2nd quarter identifies an average sickness of 7.9 days. This is higher than Council's average of 4.6 days and the Environment Directorate figure of 5 days. During the 6 month period from 1st April 2016 to 30 September 2016, three members of staff were absent on long term sickness which has contributed to the high increase compared to same period the previous year. They have now returned to work and sickness levels are reducing.

It is understood that a scheme to measure staff engagement is being piloted elsewhere within the Council and will be rolled out in due course. Currently there is no data to record.

There was 1 unplanned departure during the period. 12.5% of employee performance appraisals have been completed to date. The delay in rolling out the appraisals is due to a new system being introduced at the beginning of the 2nd quarter. The target of 100% by April 2017 will remain the objective.

Measure	2015-16 Actual (Full Year)	2015-16 Qtr. 2 (cumulative)	2016-17 Qtr. 2 (cumulative)
Corporate Measure (CM04): Average FTE (full time equivalent) working days lost due to sickness absence			
Service: Environmental Health and Trading Standards	7	2.5	7.9
Total Service FTE days lost in the period	205	108	324
Directorate: Environment	10.2	4.7	5
Council:	9.7 Days	4.2 Days	4.6

	2015-16 Actual (Full Year)	2015-16 Qtr. 2 (cumulative)	2016-17 Qtr. 2 (cumulative)
Corporate Measure (CM11): Staff engagement Measure	New	New	-
Corporate Measure (CM05): % of staff who have received a performance appraisal during 2016-17 (Target 100%) Number of staff who have received a performance appraisal during 2016-17	60.5%	42%	12.5%
Corporate Measure (CM06): Number of employees left due to unplanned departures	New	New	5 1

Section 7: Customer Quadrant 2016-17

The very nature of the service provided results in the receipt of complaints. More often than not this is from a restricted number of complainants. One complaint was received in the first half of the year relating to EHTS, this was against an Officer who had taken enforcement action against the complainant. The complaint was not upheld following investigation.

The nature of the service delivered often dictates that there is a disgruntled customer regardless of the outcome. However on the rare occasion that thankyou cards and letters are received, we have not historically recorded them. There will be greater emphasis on recording such compliments going forward.

Measure	2015-16 Actual (Full Year)	2015-16 Qtr. 2 (cumulative)	2016-17 Qtr. 2 (cumulative)
Corporate Measure (CM07): Total number of complaints			
Internal	0	0	0
External (from the public)	0	0	1
Corporate Measure (CM08): Total number of compliments			
Internal	0	0	0
External (members of the public)	0-	0	0

Corporate Measure (CM09): customer satisfaction measure/s	None	Customer satisfaction surveys are being developed for feedback at workshops and training events. These will be in use from the 3 rd Quarter onwards.
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