

## 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to note the performance of the Regeneration Department during this period and to ask Members to endorse the priorities the Department is proposing for the next monitoring period.

## 2.0 BACKGROUND

- 2.1 The Performance Monitoring Report (Appendix 1) details performance over the last year highlights those areas of performance where our targets were not met and outlines the remedial action which has/will be taken to address this. The final part of the report looks forward to the next financial year and focuses on the key issues that will be affecting the Department in the next twelve months.

## 3.0 SPECIFIC IMPLICATIONS FOR TRADING STANDARDS AND ENVIRONMENTAL HEALTH

- 3.1 The attached Performance Report is very wide-ranging and diverse in its content and application due the wide range of services delivered by the department. The following summary therefore highlights those areas of the Departmental Plan that will be of principal interest to members of the Environment Overview & Scrutiny Committee, namely the work undertaken by the Trading Standards and Environmental Health Divisions.

### 3.2 WHAT WERE THE KEY OBJECTIVES WE ACHIEVED IN THE LAST YEAR?

#### 3.2.1 *Trading Standards Service*

Trading Standards addressed the concerns of legitimate traders by taking enforcement action against those competing unfairly by selling counterfeit goods. For example at Birkenhead Magistrates court a street trader was sentenced to 3 months imprisonment suspended for 12 months with 80 hours community punishment for selling counterfeit goods in Birkenhead Town Centre whilst Liverpool Crown Court issued a confiscation order of £45,000 under the Proceeds of Crime Act against a Wirral based trader selling counterfeit goods through the Internet. Further investigations, with the Department of Work and Pensions, are continuing into Wirral based traders who supply markets in North Wales and traders in Birkenhead Market who supply counterfeit goods to the public.

- 3.2.2 Trading Standards continues to receive complaints about the activities of rogue home improvement traders who target the elderly. Enforcement intervention is taken and a series of press releases were issued warning of high pressure sales tactics and poor quality roofing contractors used to repair damage caused during last winter's high winds. The Wirral Trader Scheme, introduced as a means of providing assured traders, sought

feedback from consumers using scheme members. Analysis of the 1199 responses received showed that 98 % reported good to excellent service.

3.2.3 Trading Standards worked with Merseyside Police Licensing team to target off-licence premises allegedly selling alcohol to under 18s. Under age volunteers attempted 58 supervised test purchases with 16 sales taking place. Offenders were dealt with by way of fixed penalty notices, issued by police officers, cautions or prosecutions. Further joint inspections were carried out at on-licence premises targeting under age sales and the supply of fraudulent spirits (Operation Bigwing).

3.2.4 Trading Standards received 2492 consumer led advice complaints requiring investigation and support. The introduction of the Consumer Direct contact centre enabled our staff to focus on complex cases and to provide more support for vulnerable consumers. Consumer satisfaction with this service increased from the 2006 measure of 82.8 to 94.9. Training has been provided to One Stop Shop staff to enable them to give simple advice and refer those requiring detailed advice to Trading Standards.

### 3.3 ***Environmental Health Service***

3.3.1 The Environmental Health Service have continued the inspection programme of high-risk food premises within the Borough. Over 1400 visits were carried out to food premises and 1015 high-risk food premises were inspected. The Food Safety Section also worked in partnership with The Northwest Food Alliance to deliver Safer Food Better Business training to 200 high risk Wirral food businesses. The training, which is funded by the Food Standards Agency, is designed to assist retail catering businesses such as restaurants, cafés and takeaways comply with new food safety regulations.

3.3.2 The Environmental Health Service routinely investigate cases of infectious disease and food poisoning notified to the Department by the Health Protection Agency. During the year 451 investigations were carried out. The outcomes of investigations are reported to the Health Protection Agency in order to monitor and improve the health of people in the Borough.

3.3.3 The Environmental Health Service working in partnership with the Health and Safety Executive and Environmental Health Merseyside carried out a number of campaigns aimed at raising awareness in strategic Health and Safety priority areas. This activity included visiting 100 hairdressers to raise awareness about contact dermatitis, Ladder Safety Week (400+ contacts), a back injury campaign (Muscular skeletal/manual handling safety issues) and a mobile information trailer visited builders yards and builders merchants. The section also carried out inspections of all local golf courses prior to the Wirral Open. A successful prosecution was taken by the section against Spirit Group Ltd for failing to ensure the health and safety of their employees due to defective flooring and for failing to ensure the health and safety of non employees (customers) due the unsafe condition of childrens play equipment at The Cherry Orchard, Arrowe park.

3.3.4 A revised and updated Animal Framework Agreement, relating to Animal Health issues, Animal Movement Licenses and farm activities, was prepared during the year and has now been agreed in Partnership with the Department of Environment and Rural affairs (DEFRA). Inspections of 40 farms and other animal premises were carried out during the year and a database has now been prepared of poultry farms and private keepers of poultry as part of a contingency plan for avian influenza which has been drawn up with Emergency Planning officers and DEFRA. The Environmental Health Service is now also actively enforcing a wider range of animal welfare related legislation relating to Biosecurity and Animal Bi-Products.

- 3.3.5 The Environmental Health Service responded to 413 incidents of blocked or defective drainage, 650 incidents of Public Health Nuisance, and 279 complaints of property disrepair thereby reducing associated risks to public health. The section was able to respond to 630 complaints regarding refuse and 183 complaints concerning properties open to unauthorised access by seconding an officer from other duties. Complaints regarding refuse and properties open to unauthorised access were previously given low priority following the removal of two posts from the section following previous budget economies.
- 3.3.6 The Environmental Health Service successfully introduced a new Housing Health and Safety Hazard Scheme, which reflects the Government's new approach to the evaluation of the potential risks to health and safety from deficiencies identified in dwellings. This new approach to housing standards now requires that a thorough and comprehensive survey be undertaken to assess and risk assess evidence of defective conditions in order to determine the remediation action to be taken by Officers. The implementation of this new system has substantially increased the workload of officers.
- 3.3.7 The Environmental Health Service helped protect the local environment by responding to 1214 complaints regarding noise; 133 complaints regarding odour, and 352 complaints regarding nuisance from smoke and bonfires. The service continues to support the implementation of the Licensing Act with officers responding to 121 licensing application referrals during the year. Progression of the Councils contaminated land strategy, assessments of sites of potential concern, and ongoing remediation initiatives continue to place demand on the service.
- 3.3.8 The Environmental Health Service responded to 4300 requests for service. 92% of those requests were visited within 5 days. Of infestations of public health pests 79% were cleared successfully within 28 days.
- 3.3.9 Officers progressed the planned Pest Control link to the Councils Customer Relationship management CRM system. All requests for Pest Control treatments are now handled by the Councils Call Centre and the CRM link will also enable calls to be handled at all of the Councils One Stop Shops improving access to the service.
- 3.3.10 Smoke-free regulations being introduced in England in July 2007 under The Health Act 2006 will see most enclosed public places and work places become smoke-free. A joint working group including Council Officers, PCT staff, and partners from the private sector, was initiated to progress implementation of the legislation in Wirral.
- 3.3.11 Following previous reports to Environment and Transport Select Committee and to Cabinet in 2005 -2006 refurbishment works including new facilities for disabled users at a number of the Councils public conveniences and for the provision of new permanent facilities at Leasowe Common have now been completed. Information is now provided on the Councils web site regarding Public Conveniences in Wirral.
- 3.3.12 Following tragic events in St Helens the Environmental Health Service Animal Control and Welfare Section assisted Merseyside Police in initiative to reduce risks caused by dangerous dogs. A large number of dangerous dogs were seized by Merseyside Police during the initiative. Wirral Dog Wardens assisted Merseyside Police in the removal of 50 dangerous dogs across the region.

### 3.4 WHAT WERE THE AREAS WHERE WE DIDN'T DO SO WELL AND WHAT ACTION ARE WE TAKING?

3.4.1 **Trading Standards** met all targets except that for medium risk food standards inspections, caused by a lack of suitable qualified staff and competing demands. Alternative strategies for addressing the shortfall are being considered and include using available resources to focus on specific trade sectors and inspecting a proportion of traders to determine compliance in that sector.

3.4.2 Whilst Environmental Health Performance is broadly on target overall, the Environmental Health District section continues to remain under pressure as a result of the Housing Health and Safety Rating System (England) Regulations 2005 which were brought in to force, under The Housing Act 2004. The new approach has significantly increased the time required to investigate complaints and enquiries about housing disrepair. The additional time required for each inspection continues to place a heavy demand on resources within the District section.

### 3.5 WHAT WILL WE BE THE KEY OBJECTIVES WE WILL BE FOCUSING ON OVER THE NEXT YEAR?

#### 3.5.1 **Environmental Health Service**

Smoke-free regulations due to be introduced in England in July 2007 under The Health Act 2006 will see most enclosed public places and work places become smoke-free. The measures will protect everyone from the harmful effects of second hand smoke when at work or leisure. The legislation supports a key aspect of the Government's strategy to reduce levels of exposure to second hand smoke as set out in the White Paper 'Choosing Health: making healthy choices easier'. Compliance through education, advice, and, where necessary, enforcement will primarily be undertaken by Environmental Health Officers. A joint working group including Council Officers and PCT staff has been initiated to progress implementation of smoke free legislation in Wirral. The approach to enforcement is intended to be non-confrontational and will initially be focused on raising awareness and understanding to ensure compliance. Implementation of the new legislation, advice and guidance to businesses, and support for regional and national campaigns to raise awareness are expected to continue to place considerable demand on the Division over the next two quarters.

3.5.2 The Food Standards Agency is placing increasing emphasis on the need for provision of advice and education to food businesses and the promotion of Safer Food Better Business initiatives. This approach calls for officers to introduce alternative intervention strategies that support, but are additional to both traditional enforcement and inspection programmes and the new requirement for food businesses to introduce a HACCP based (Hazard Analysis and Critical Control Point) system.

3.5.3 A recent FSA audit acknowledged that although certain advisory and promotional work had been undertaken despite identified resource constraints there is a need to expand the level of proactive advice to food businesses and closer working with other agencies on joint health promotion initiatives. This activity cannot be easily undertaken with existing resources but it is being carried out as opportunities arise.

3.5.4 Technical Officers in the District section now provide first line enforcement action in support of the Departments Empty Property Strategy. Officers are now involved in preparing enforcement and documentary evidence to support Empty Dwelling Management Orders.

- 3.5.5 New rules came into force on 6th April 2006 affecting properties which are let as Houses in Multiple Occupation. The Housing Act 2004 requires licensing of HMOs with 5 or more occupiers who make up 2 or more households and to HMOs with 3 or more storeys and 5 or more occupants who share amenities. The responsibility for dealing with disrepair in those multiple occupied premises falls to the District section and adds to an already challenging workload.
- 3.5.6 The new Animal Welfare Act 2006 will in the future give rise to secondary legislation that may have implications for the standards applied to kennel provision. At present the Police provide an out of hour's service for the collection and kennelling of stray and dangerous dogs when the Councils kennels are closed. The Police service will cease when the new regulations come into force. The responsibility for out of hour's provision will then fall solely to the Council. Initial discussions have taken place with local animal welfare groups to explore possible joint initiatives to deal with stray dogs out of hours in anticipation of the proposed changes. Central Government have indicated that additional financial resources will be made available to Local Authorities to meet the new responsibility but this has yet to be finalised.
- 3.5.7 The Health and Safety section will continue to contribute towards the Health Safety Commissions Fit 3 agenda 'Fit for Work, Fit for Life, Fit for Tomorrow' Strategic Delivery Programme. The 'Fit 3' Strategic Delivery Programme is based on analysis of injury and ill health generation across known hazard and sector hotspots in businesses, large and small. The 2007/08 work programme will concentrate on Falls from height, Asbestos management, Occupational disease reduction and Noise at work. Tyre and exhaust fitters and residential care homes will also be inspected as priority topic areas.
- 3.5.8 New regulations on the registration, evaluation, authorisation and restriction of chemicals (REACH) came into force on 1 June 2007. The regulation will require the registration of some 30,000 chemical substances over the next 11 years. Whilst the register will be held by the European Chemicals agency it is anticipated that the local enforcement of REACH registration will be carried out by Environmental Health Officers through the Pollution Prevention and Control Scheme.

### 3.6 TRADING STANDARDS SERVICE

- 3.6.1 Trading Standards will continue to give high priority to ensuring that prompt and accurate advice is provided to Home Authority businesses in accordance with Food Standards Agency advice and to ensuring that the business satisfaction target of 75 is exceeded.
- 3.6.2 Trading Standards, in conjunction with the Trading Standards North West Regional Intelligence Officer, will implement the National Intelligence Model to assist in the identification, prioritisation and targeting of traders presenting the highest risk to the safety and economic interests of Wirral Consumers, particularly itinerant rogue home improvement traders.
- 3.6.3 Trading Standards will participate with Merseyside Police in the Home Office Tackling Under Age Sales Campaigns making use of powers under section 147A of the Licensing Act 2003 to temporarily close premises selling alcohol to under 18s.

### 3.7 WHAT WILL BE THE RESOURCE IMPLICATIONS FOR THE NEXT AND SUBSEQUENT YEARS?

- 3.7.1 The Rogers Review of Local Authority Regulatory Priorities, which has been endorsed and accepted by the Government, sets the following six current national enforcement

priorities for local regulatory services. These six priorities are directly relevant to the activities of the Regulation section and will need to be reflected in the sections service planning over the next year:

- Air quality (Air quality, including regulation of pollution from factories and homes) – e.g., reducing air pollution.
- Alcohol licensing (Alcohol, entertainment and late night refreshment licensing and its enforcement) – e.g., protecting people from the effects of the misuse of alcohol through licensing.
- Hygiene of food businesses (Hygiene of businesses, selling, distributing and manufacturing food and the safety and fitness of food in the premises) – e.g., preventing food poisoning.
- Improving health in the workplace
- Fair trading (Description of goods and services, trade marks and intellectual property, doorstep selling and protecting the economic interests of consumers and the vulnerable from scams and rogue traders).
- Animal and public health (Animal and public health, animal movements and identification).

3.7.2 In addition the Rogers Review recognises that local authority still have a responsibility to discharge statutory functions which are not identified as national enforcement priorities. The implications for local authorities are still under discussion and as yet it is unclear how the priorities identified will effect the plans of National Government organisations such as the Food Standards Agency. Further guidance and assistance on delivering the national priorities has been promised from the Cabinet Office Better Regulation Executive's Local Authority. Better Regulation Office (LABRO).

3.7.3 As mentioned above at 3.5.6, proposed regulations regarding stray dogs under the Clean Neighbourhoods and Environment Act, which were originally expected in 2006, have yet to be introduced. The changes when implemented will mean that the entire responsibility for stray dogs will be transferred to Local Authorities. At present the Police provide an out of hour's service for the collection and kennelling of stray and dangerous dogs when the Councils kennels are closed. The Police service will cease when the new regulations come into force. The responsibility for out of hour's provision will then fall solely to the Council. Central Government have indicated that additional financial resources will be made available to Local Authorities to meet the new responsibility but this has yet to be finalised.

3.7.4 The Environmental Health District section continues to remain under pressure as a result of the Housing Health and Safety Rating System (England) Regulations 2005, the empty property strategy, and the new responsibility for dealing with disrepair in those multiple occupied premises which were originally dealt with by the Housing section. Whilst officers have been seconded from other areas to support the workload of the section the arrangement is continually under review as it may not be sustainable in the long term.

3.7.5 Two District posts, which support the Councils Empty Property Strategy, are on time limited contracts which rely on grant funding. This funding is due to come to an end at the end of March 2008 and there is a high risk that staff will leave before that date if further funding cannot be identified. This will have an impact on the section's ability to

deliver the wider functions of the District section in dealing with vacant properties, public health nuisances and property disrepair in Wirral.

3.7.6 The Government has implemented recommendations in the Gowers Report to place a statutory responsibility upon local authorities to enforce the provisions of the Copyright, Design and Patents Act. Funding has been provided for this new role and a report will be presented to the Employment and Appointments Committee seeking authority to create a post in the Trading Standards Division to fulfil these additional responsibilities.

3.7.7 The Department of Trade and Industry has signalled its intention to implement the provisions of the Unfair Commercial Practices Directive into UK law. This will lead to the largest revision of Trading Standards law in 40 years, replacing large swathes of existing legislation such as the Trade Descriptions Act with equivalent measures and introducing new statutory responsibilities such as the control of high pressure sales techniques.

#### **4.0 FINANCIAL & STAFFING IMPLICATIONS**

4.1 These are outlined in the main body of the report at 3.4 above.

4.2 The Department of Health recognised the additional demands required by the Health Act 2006 and has made £183,529 available to Wirral to support undertaking the new smoke free work.

4.3 The Department of Trade and Industry has recognised the additional demands required by implementation of the Copyright, Designs and Patents Act 1988 and has made £27,691 available to support local authorities enforce the legislation.

#### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There are no specific equal opportunity implications arising directly from this report. However, the Department has carried out Equality and Diversity impact assessments of its services.

#### **6.0 LOCAL AGENDA 21 IMPLICATIONS**

6.1 There are no specific implications arising directly from this report. However, the Department is actively involved in projects that will have major impacts upon the environment and the well being of people in Wirral.

#### **7.0 HUMAN RIGHTS IMPLICATIONS**

7.1 Enforcement action is taken in accordance with the Council's enforcement policy.

#### **8.0 COMMUNITY SAFETY IMPLICATIONS**

8.1 Effective and proportionate enforcement of regulatory legislation improves community confidence and lessens the fear of crime.

#### **9.0 PLANNING IMPLICATIONS**

9.1 There are none arising from this report.

10.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**

10.1 This report will be of interest to all Members of the Council

11.0 **BACKGROUND PAPERS**

11.1 Department of Regeneration Departmental Plan 2006/2007.

12.0 **RECOMMENDATION**

12.1 Members are asked to note the performance the department between April 2006 and March 2007 and endorse the priorities for service delivery for the next financial year.

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