

PERFORMANCE MONITORING SECOND QUARTER, JULY, AUGUST AND SEPTEMBER 2007

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to note the progress made by the Regeneration Department during this period.
- 1.2 Members are further asked to note the progress more specifically of the Environmental Health and Trading Standards Divisions within the Department.

2.0 BACKGROUND

- 2.1 The Performance Monitoring Report (Appendix 1) details departmental performance over the last three months, highlights those areas of performance where our targets were not met and outlines the remedial action which has/will be taken to address this.

3.0 SPECIFIC IMPLICATIONS FOR ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

- 3.1 The attached Departmental Performance Report is very wide-ranging and diverse in its content reflecting the broad range of service areas within the Regeneration Department. The following summary therefore highlights those areas of the Departmental Plan that will be of principal interest to Members of the Environment Overview and Scrutiny Committee, namely the work undertaken by Environmental Health and Trading Standards Divisions.

3.2 *What were the key outcomes we achieved in the last quarter?*

During the summer Alcohol Misuse Enforcement Campaign Trading Standards focused on providing advice to business. 82 targeted off licences were visited and given comprehensive advice on the prevention of the sale of alcohol to children. 24 off licence staff attended a training session organised by Trading Standards and supported by Response and the Primary Care Trust. Whilst training has been provided in the past this improved version also focused on the harm alcohol does to young people.

- 3.3 In the previous quarterly report it was noted that the Government had provided additional resources to Trading Standards to tackle the sale of counterfeit goods. This additional investment has borne immediate fruit as eight Birkenhead based traders are facing prosecution. In September a Rock Ferry based trader who sold illegally copied DVDs on the Internet was sentenced to one year's imprisonment, suspended for two years, at Liverpool Crown Court.

- 3.4 The Office of Fair Trading has awarded membership of the Local Authority Assured Trader Scheme Network to the Wirral Trader Scheme. The Network has been developed by the OFT so that they can give their approval to local trader schemes run by local authorities and to ensure that they meet nationally agreed standards. LAATSN

brings greater consistency to the local schemes that are being developed across the country.

- 3.5 Using their powers under the Enterprise Act Trading Standards obtained binding undertakings from a builder to stop unfair practices, such as failing to complete contracted building work. Breach of the undertaking is punishable as contempt of Court.
- 3.6 A survey into sandwiches and prepared foods sold by convenience stores showed that 27% of those inspected had food past its use by date for sale to the public. Those traders were given warnings and advice and the results of the survey will be used to provide information to other small retailers.
- 3.7 The Fair Trading Team dealt with 363 complex cases and achieved £42, 563 of consumer redress.
- 3.8 Environmental Health Officers have continued the inspection programme of high-risk food premises within the Borough. To date 467 high-risk food premises have now been inspected. Restrictions introduced to control the potential spread of foot and mouth disease have resulted in considerable extra work for officers in the food safety team over this quarter. Large food manufacturers wishing to export their goods require export certificates that indicate that all of the ingredients of animal origin within those products have been treated at a temperature high enough to deactivate the foot and mouth virus. The additional work has necessitated officers carrying out detailed audits of the Hazard Analysis Critical Control point plans of those processes.
- 3.9 Environmental Health Officers routinely investigate cases of infectious disease and food poisoning notified to the Department by the Health Protection Agency. 154 investigations were carried out during the second quarter with Campylobacter accounting for the majority 111 of cases. Campylobacter is the commonest reported bacterial cause of infectious intestinal disease in England and Wales. Illness is characterised by diarrhoea and abdominal pain. Attention is being given to raising awareness about undercooked meat (especially poultry) which is often associated with this illness.
- 3.10 The Environmental Health District section responded to 99 incidents of blocked or defective drainage, 260 incidents of public health nuisance, and 37 complaints of property disrepair. This front line health intervention activity directly reduces associated risks to public health.
- 3.11 The Pollution Control Section helped protect the local environment by responding to 308 complaints regarding noise, 31 complaints regarding odour, and 78 complaints regarding nuisance from smoke and bonfires.
- 3.12 The Pollution Control Section have completed the summer season monitoring programme for the Boroughs bathing water beaches at New Brighton, Moreton, Meols, and West Kirby. For the second year running all four Wirral beaches have attained the highest water quality standards. Of the Environment Agencies 34 designated bathing water beaches in the North West only 12 beaches achieved the highest guideline standard. Four of those are Wirral beaches.
- 3.13 The Pest control section responded to 1991 requests for service. 99% of those were visited within response target times. Priority is given to the treatment of public health pests which are treated free of charge. 80% of treatments for priority public health pests such as rats are completed within 28 days.

- 3.14 The Animal Control and Welfare service dealt with 218 dogs. 81% of stray dogs collected were rehomed. Over 2300 people visited the Council Kennels in the second quarter.
- 3.15 The Health and Safety Section continued to progress its programme of priority topic Health and Safety inspection and awareness raising campaigns. During June and July the section carried out a further 28 inspections of tyre and exhaust fitters. The section also participated in the third phase of the national 'Fit3' falls from height initiative. 66 visits were made to premises across the Borough to inspect ladders and mezzanine floors. The team have reported a distinct improvement in the compliance with this legislation this year and found it necessary to serve only 3 prohibition notices in contrast to 43 which were served when the section carried out a similar exercise in 2005. 13 sets of ladders were voluntarily removed from use. The section have also carried out a local initiative to inspect indoor and outdoor play equipment at 18 premises throughout the borough following the discovery of faulty play equipment at a pub which led to prosecution of the brewery. Letters outlining concerns regarding issues such as general maintenance, exposed nail heads, broken timbers, condition of floor surfaces, and insecure play area gates etc were sent to all 18 premises.
- 3.16 Smokefree Enforcement officers are continuing a programme of routine visits to Wirral business premises to check for smokefree compliance. The officers are able to respond directly to any reports of non-compliance noted by other council officers or notified to the council by the general public. In the initial weeks of implementation the officers targeted high-risk licensed premises, taxis drivers and betting shops. In the first 3 months following implementation over 1200 premises have been visited. Of those 97 % were found to be respecting the requirement to prohibit smoking.
- 3.17 The Health Act 2006 included a power to change the age of sale of tobacco from 16 to 18. This came into effect from Monday, October 1st 2007. From that date it became illegal to sell tobacco products, cigarettes, cigars, loose tobacco and rolling papers to anyone under the age of 18. Whilst enforcement of this legislation will primarily be delivered by Trading Standards Officers the Smokefree Implementation group supported this closely related initiative. Smokefree Enforcement Officers have helped to promote compliance with this element of the legislation working with Trading Standards officers, PCT staff, The Roy Castle Lung Cancer Foundation and the Councils 'Response' youth service to develop 'change of law' packs for places which sell tobacco, and information packs for schools, youth clubs and young people
- 3.18 At the end of September the Smokefree Officers, joined by smoking cessation youth workers, launched an age of sale change promotion in Birkenhead Town Centre using the Departments health promotion trailer.
- 3.19 Community Patrol Officers and Technical officers from the Environmental Health District section have assisted the Animal Control and Welfare Service Dog Wardens in a late summer campaign to tackle dog fouling. Campaign activity centred around Birkenhead Park, Central Park Wallasey, Eastham Country Park and along the length of the Wirral waterfront including Hoylake and West Kirby. The campaign was launched with a photocall at Wallasey Town Hall on 21st August supported by local members and further photocalls and press releases followed as opportunities arose. Close to 1000 early morning and early evening walkers have been spoken to by officers during the campaign and 1,500 poop scoop bags have been given out. Large 'Don't give a dog a bad name' ads have been displayed at bus stops across the Borough and 1000 A4/A5 posters have been distributed in the target areas and also supplied to 'friends' groups associated with local parks. Whilst officers reported that they had observed fouling taking place in the majority of instances those dog walkers observed 'cleaned up' after their dog when the

officer was present. Four offenders however who failed to clean up were served fixed penalty notices.

3.20 *What were the areas where we didn't do so well and what action are we now taking to address these areas?*

The target for medium risk food standards inspections for the first 6 months of the year is 50%. The percentage achieved is 41%, due to emphasis being given to high risk trading standards inspections. Further specific medium risk premises requiring inspection have been identified to address the shortfall.

3.21 Emphasis has been given to high risk trading standards inspections, leading to a reduction in completed medium risk food standards inspections. This inspection rate will rise, as less resource is required to complete higher priority inspections.

3.22 *What will be the key outcomes we will be focusing on over the next quarter?*

3.23 Trading Standards

Trading Standards will focus on;

- Implementing requirements preventing the sale of tobacco to under 18s
- Working with the Joint Community Safety Team to reinvigorate Homewatch and No Cold Calling Zones
- Work with Merseyside Fire & Rescue Service to reduce harm caused by irresponsible sale of fireworks.
- Appointing staff to posts created with PCT funding for alcohol sales enforcement.

3.24 Environmental Health

The two Smokefree Enforcement Officers will continue to promote and enforce the new Smokefree legislation and will work closely with Wirral PCT staff to promote stop smoking services. Over the next few months the officers will continue to build on positive links established with health education colleagues in the PCT and other organisations as a result of smokefree implementation initiatives. The officers will also assist the Division in a wider health education context and will work to support the Divisions Health and Safety Section in improving health in the workplace and the Food Safety Section to promote food safety and healthy eating.

3.25 The officers will continue to support Environmental Health Staff in developing health promotion opportunities. Part of this will involve developing links from the Councils own web site to other health protection and promotion organisations and information. The officers will help to develop a web based Wirral 'Scores on the Doors' public information service where the public will be able to find both local authority hygiene ratings for local food businesses and links to other healthy eating information. (A recent FSA audit acknowledged that there is a need to expand the level of proactive advice to food businesses in Wirral and to forge closer working with other agencies on joint health promotion initiatives).

3.26 In order to participate in the wider public health agenda of 'healthy food' and 'safer food for all' Food Safety staff have undertaken the Chartered Institute of Environmental Health Officers basic nutrition course. Officers will use the information learned to promote healthy eating when delivering food safety courses and wherever appropriate during routine inspections of food premises.

3.27 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. Over the next quarter officers will concentrate on phase 2 of the occupational disease reduction programme, which is concerned with reducing occupational dermatitis. Officers will link this initiative with visits planned to address slip and trip hazards in the catering industry. Officers will visit 100 catering establishments and will target all of the Boroughs main hotels and busiest restaurants.

- 3.28 In the lead up to Christmas spot checks for safety hazards associated with poor stock control will be carried out in main shopping areas and in retail premises such as off licenses and bargain shops which have a tendency to overstock during busy periods.
- 3.29 At present the Police still provide a limited 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 soon cease when all references to police responsibilities are removed from the Environmental Protection Act. This change is imminent and is likely to take place within the next six months. 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 and is leading to a continuing delay in implementation.
- 3.30 ***What will be the resource implications for the next and subsequent quarters?***
Trading Standards have contributed to Government consultations on the implementation of the Unfair Commercial Practices Directive. The proposed regulations will consolidate existing provisions and give officers additional powers to take action concerning misleading business to business statements and high pressure selling. Implementation of these proposals will have major training and resource implications.
- 3.31 In order to professionally investigate goods and services supplied through the Internet Trading Standards will need to work with WITS to acquire the ability to conduct covert electronic test purchasing. Any additional costs will be met from incentivisation funds released through a Proceeds of Crime Act forfeiture order granted at Liverpool Crown Court.
- 3.32 Increased enforcement activity by Trading Standards will impact on Legal Services capacity to support litigation.
- 3.33 The two Senior Technical Officers appointed on short term contract (11 months) to promote and enforce the new Smokefree legislation will continue to work closely with the PCT promote stop-smoking services. The officers will also assist the Environmental Health Division in a wider health education context and will work to support the Health and Safety Section in improving health in the workplace and the Food Safety Section to promote food safety and healthy eating.
- 3.34 Two District posts, which support the Councils Empty Property Strategy, are on time limited contracts which rely on grant funding. As this funding is due to come to an end at the end of March 2008 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. Officers continue to be seconded from other duties to support the workload on the District section.

- 3.35 The Department of Environment and Rural Affairs (DEFRA) working through the implementation of the Environmental Noise Directive (2002/49/EC) which requires the production of noise action plans in certain areas (agglomerations) of the UK including Merseyside originally envisaged that the work involved in the production of noise action plans would be contracted out centrally to consultants appointed by DEFRA. DEFRA however have now identified 'that this would be out of step with the changed approach to the central/local government relationship and the new emphasis on local authorities role in place shaping'. DEFRA are now consulting with Local Authorities to determine what level of involvement that Local Authorities should have in the production of action plans in partnership with the other authorities in the 'agglomerations'. If DEFRA determine that the burden for producing these action plans falls upon Local Authorities then there will be an associated resource implication in relation to training and staff resources the level of which has yet to be determined.
- 3.36 Environmental Permitting Regulations 2008, which will replace the Pollution Prevention and Control Regulations 2000 in April 2008, will mean that the responsibility for Health and Safety enforcement in certain categories of permitted installations will be transferred from the HSE to Local Authorities.
- 3.37 In addition the responsibility for enforcing Waste Management Regulations at certain of those installations will in a similar way be transferred to Local Authorities from the Environment Agency. The additional responsibilities are yet to be fully determined but are expected to have significant resource implications for local Environmental Health services in relation the number and training of enforcement staff which will be required to carry out these new functions.
- 3.38 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 three years:
- 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).
- 3.39 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 Governments Department for Business, Enterprise and Regulatory Reforms Local Better Regulation Office (LBRO).

4.0 FINANCIAL IMPLICATIONS

4.1 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.

5.0 STAFFING IMPLICATIONS

5.1 The various staffing issues are identified in the report. Additional duties awaiting local implementation will make time demands on both Environmental Health and Trading Standards.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are no specific equal opportunity implications arising directly from this report. However, the Department is responsible for a number of performance indicators that monitor our performance in relation to equality and diversity and actions arising out of equality impact assessments will now be incorporated into individual section service plans.

7.0 COMMUNITY SAFETY IMPLICATIONS

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

8.0 LOCAL AGENDA 21 IMPLICATIONS

8.1 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.

9.0 PLANNING IMPLICATIONS

9.1 There are none arising from this report.

10.0 ANTI-POVERTY IMPLICATIONS

10.1 Effective food enforcement protects consumers from food borne infections and poor quality food.

11.0 SOCIAL INCLUSION IMPLICATIONS

11.1 There are none arising from this report.

12.0 LOCAL MEMBER SUPPORT IMPLICATIONS

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

13.0 BACKGROUND PAPERS

13.1 Department of Regeneration Performance Report for July, August, September 2007.

14.0 **RECOMMENDATIONS**

- 14.1 Members are asked to note the performance of the Department between July and September 2007 and endorse the priorities for service delivery for the third quarter of the current financial year.

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