



**Agenda**

<b>Report for:</b>	<b>Strategic and Environment Overview and Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>12<sup>th</sup> March 2019</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Q4- Performance Report for Environmental and Community Protection</b>
<b>Contact:</b>	Neil Harden, Portfolio Holder for Community and Regulatory Services  Author/Responsible Officer  Emma Walker, Group Manager (Environmental and Community Protection) David Austin, Assistant Director (Neighbourhood Delivery)
<b>Purpose of report:</b>	To provide Members with the performance report for quarter 3 in relation to Environmental and Community Protection.
<b>Recommendations</b>	For Information only.
<b>Corporate objectives:</b>	Resources and Value For Money; Optimise Resources and Implement Best Practice.
<b>Implications:</b>	<u>Financial</u> None.
<b>'Value for money' implications</b>	<u>Value for money</u> Monitoring Performance supports the Council in achieving Value for Money for its citizens.
<b>Risk implications</b>	Risk Assessment completed for each service area as part of Service planning and reviewed quarterly. Key risks are recorded on the Council's Risk Register which has been Updated recently. The key risks relate to not achieving statutory targets and failing to protect the public/businesses from Environmental Health Risks : <ul style="list-style-type: none"> <li>• If statutory targets are not achieved the service can be Taken over and managed by the Government.</li> <li>• Potentially the public &amp; businesses put at risk</li> <li>• Legal action taken against the Council</li> <li>• Reputational damage to Council</li> </ul>
<b>Equality Impact Assessment</b>	Equality Impact Assessment completed for all enforcement Policies.

Health and safety Implications	None
Consultees:	
Background papers:	Quarterly Performance Report – Quarter 3 (attached).
Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i>	
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

1.1 For the purpose of this report, 'Environmental and Community Protection' includes the following services:

- Environmental Health Team (Food Safety, Health and Safety, Statutory Nuisances, Contaminated Land, Drainage, Private Water Supplies, Infectious Diseases, Air Quality Management, High Hedges)
- Operations Team (Public Health, Pest Control, Dog Warden Services)
- Corporate Health, Safety and Resilience Team (Internal Health and Safety Advice, Emergency Planning and Business Continuity).
- Anti-Social Behaviour and Environmental Enforcement Team (ASB, Fly-Tipping, Abandoned Vehicles, Graffiti).

## 2. Environmental and Community Protection - Q3 Performance Indicators

2.1 In Q3 due to Christmas being a busy time for food businesses the KPI always is lower than expected. This year it is 47.5%. However, the year to date figure (not reported on Rocket) is 78.9% so slightly ahead for expected 75% at this time of year.

2.2 63.64% of Noise cases were closed within 60 days this is slightly below the target, this is due to the fact that the winter noise complaints can be more complex due to the different types of noise rather than the noisy neighbours you tend to receive in the summer months.

2.3 85.59% of Food Premises are 4 or 5 rated in Dacorum, this shows the excellent compliance we achieve with Officers in the Food Team working with

businesses to ensure high standards. It is the minority of food businesses that are non-compliant.

2.4 87.85% of Service requests are acknowledged within 3 working days. Staff sickness affected the service in Q3, however the remaining staff managed to respond to majority of customers within 3 days.

2.5 80.48% of Fly-Tips were visited by an Enforcement Officer within 3 working days this is a huge increase on Q2. Officers have new ways of working and the database has been reconfigured to ensure this data is captured more easily.

2.6 95.48% of Development Control Consultations with Environmental and Community Protection have a formal response within 20 working days. Significant work has been put into responding to planning enquiries. The Environmental Health Team has carried out several training sessions with DM to assist both departments into smoother working relationships.

2.7 8 Fixed Penalty Notices were served for Fly-Tipping in Q3. These are offered in some cases of Fly-tipping as an alternative to prosecution.

2.8 32 accidents occurred associated with DBC work activities in Q3, which is a reduction of 12 accidents in the same period last year.

2.9 4 Accidents associated with DBC work activity were reported to the HSE in Q3 which is an increase of 2 on the same time last year.

### **3. Environmental Health Team**

3.1 There have been further staffing changes in the Environmental Health Team. Neil Polden has been appointed on a permanent basis to Lead Environmental Health Officer (Environmental Protection). This post was a result of a reorganisation in November 2017, prior to this time a similar post had been filled by temps for a year due to us being unable to recruit. Kenny Abernethy (Temporary Scientific Officer) has had his contract extended until and of April 2019. There are two officers employed on a pay per inspection basis in the Food, Health and Safety section, this has proved to save approximately £20K in temp costs although does limit the work that these officers can be expected to cover.

3.2 Enforcement Action Update,

- 3 Health and Safety Improvement Notices served.
- 4 Hygiene Improvement Notices.
- Health and Safety Prohibition Notice served.
- Interview under Caution relating to on-going Health and Safety Case, further S20 request for information notice served.

3.3 Five Community Protection Warnings and One Community Protection Notice relating to Noise complaints have been served. This is following on from a piece of work carried out by the Enforcement Group to look at extending the use of Community Protection Notices beyond the Anti-Social Behaviour Team. All teams within Environmental and Community Protection (with exception of the Corporate Health, Safety and Resilience Team) have used

these to target specific problems in community that have historically been problematic to resolve. Including, but not limited to certain types of noise complaints, fly-tipping on private land, pest infestations and dog fouling on private land. The Enforcement Group drafted a protocol and arranged training for ECP, Planning enforcement, licensing and housing teams. The training was well received by officers and Enforcement Group will be monitoring use of CPN's across the Council for consistency in approach.

3.4 15 Prevention of Damage by Pest Act Notices had been served to deal with a widespread pest infestation in the Bennetts End area spanning several properties. This approach sustained compliance to ensure the area pest populations were sufficiently reduced.

3.5 Two Trainee Environmental Health Officers started their second year at University, Mark Dewey is expected to Qualify in 2020 and Rebecca Prescott in 2023.

3.6 Several long standing cases for both Food Hygiene and Health and Safety Cases are due in court in Q4. As these cases are very complex they usually involve several visits to court, and adjournments for further information. These cases take a significant amount of resource from the Environmental Health Team. Monica Vitorino was the Lead Officer in a Food Hygiene Prosecution against Flamingos Grill in Gossoms End, Berkhamsted. The defendant (Mr. Ashfaq) was found guilty of 21 hygiene offences resulting in a fine of £15,750, with costs of £9,281 and victim surcharge of £75. The total amount payable to the court was £25,106 - this took into account Mr. Ashfaq's guilty plea, otherwise the fine would have been greater.

#### **4. Corporate, Health, Safety and Resilience Team**

4.1 Corporate, Health, Safety and Resilience Team Leader gave an update presentation to the Leadership Team on progress with the Health and Safety Work Streams Work plan. This incorporated progress on audit outcomes and new reporting structure to ensure sustained improvements.

4.2 Accident figures reported internally to the Health and Safety Committee have been looked at and re-classified to ensure more useful data, to ensure trends are identified.

4.3 Display Screen Equipment Assessments have been fully automated and sent out on a monthly basis to all employees due for an assessment. These are then reviewed by a DSE trained assessor, complex or high risk assessments are referred to the Corporate Health, Safety and Resilience Team.

4.4 Lone working devices have been retendered and a new supplier has been awarded the contract. The new Sky-guard devices will be rolled out in Q4, online training is available and face to face training will also be available to those employees, who have been instructed to use a device by the device Group Manager.

4.5 Team Leader attended a multi-agency COMAH exercise to test emergency response plans around the Buncefield Site. Feedback on the event was positive and plans worked well.

## **5. Operations Team**

- 5.1 An Animal Health and Pest Control officer Daniel Newcombe was appointed. Daniel has now completed his Pest Control Qualification and will be carrying out the full role after a period of training.
- 5.2 Public Space Protection Order relating to Dog Control has been recirculated to statutory consultees, no further comments have been received, The PSPO is due at cabinet on the 19<sup>th</sup> March 2019.
- 5.3 Public Health and Animal Welfare Lead Officer, Sarah Lewis has been working with Licensing to carry out all the inspections of all the Licensed Animal Premises in the Borough following implementation of new regulations.
- 5.4 An Improvement Notice has been served under the Animal Welfare Act in relation to a dog that had been seized for straying. The dog was in need to veterinary attention, as a result of the visit to the vets the dog was euthanised. A Community Protection Notice was served relating to a Dangerous Dog behaviour.
- 5.5 The Dog Warden Service was awarded with a Gold Stray Dog Footprint award by the RSPCA, and as we have held this for 5 years they have awarded us a Platinum one for special recognition.

## **6. Anti-Social Behaviour and Environmental Enforcement Team**

- 6.1 A premises closure extension was gained for Loxley Road in Berkhamsted until 9<sup>th</sup> Jan for Anti-Social Behaviour and Drug related activity. This is the maximum of 6 months now. The ASB and Tenancy teams are looking into further options.
- 6.2 The new Enforcement Officers (Gemma Reid and Paul Coats) attended enforcement academy training on Enviro-crime enforcement.
- 6.3 Prosecution pending for large fly tip in Bovingdon/Boxmoor, the defendant did not appear in court and a warrant has been issued for his arrest.
- 6.4 Appeal at Royal Courts of Justice for long running Anti-Social Behaviour case in Marnham Rise, at court on 12<sup>th</sup> December. The appeal was found in the Councils favour, agreeing that the correct course of action in this case was a premises closure. The defendant now has the option of appealing to the Supreme Court.
- 6.5 The Team submitted a bid to the Police and Crime Commissioners Office to part-fund an Anti-Social Behaviour Support Officers Post. The bid was supported by agencies that attend the Responsible Authorities Officers Group (RAOG). We had already had funding for a part-time fixed term post but had been unable to recruit to this post. Should the bid be successful the match funding should make the role more attractive to potential applicants. The post holder will offer support to victims of ASB and support them with the court process.

