

## PERTH AND KINROSS COUNCIL

Community Safety Committee – 22 August 2012

**REGULATORY SERVICES IN THE ENVIRONMENT SERVICE****Report by Depute Director (Environment)**

This report highlights the community safety work carried out by the Environment Service's Regulatory Services, and sets out future priorities for the team.

**1. RECOMMENDATIONS**

1.1 The Community Safety Committee is asked to:

- Endorse the activities of the Environment Services' Regulatory Services in protecting communities within Perth and Kinross.
- Note the key areas for development in 2012/13

**2. BACKGROUND**Regulatory Services

- 2.1 The Regulatory Services within Environmental and Consumer Services, in the Environment Service, covers activities such as Environmental Health, Food Safety, Trading Standards, Animal Feedstuffs, workplace Health and Safety, Private Water Supplies, Contaminated Land, Animal Health & Welfare, and various licenses and permissions. There are two main teams – Environmental Health, and Commercial Regulation. A chart of the organisational arrangements can be found in Appendix 1 reporting to the Head of Environmental and Consumer Services.
- 2.2 The purpose of these regulatory activities is to meet the Council's objectives for ensuring the safety of our community, protecting the environment, and ensuring a prosperous economy. These teams are also required to comply with certain statutory enforcement duties placed on the Council. Several elements of the Service's work are determined and monitored by national bodies such as the Food Standards Agency and the Health & Safety Executive.
- 2.3 These regulatory activities are part of the overall Public Protection response of community planning partners, dealing principally with hazards presented by physical and environmental factors.
- 2.4 Regulation is an important part of the context within which businesses operate, and people co-exist. Effective and well targeted regulation by the Council plays an important role in ensuring the economic well-being of Perth

and Kinross. It protects the vulnerable and the environment. It promotes equality, and helps raise the standards of service. It provides the platform for fair competition, giving reassurance to consumers and businesses alike. As such, regulation is an enabler to economic activity.

- 2.5 The principles under which enforcement officers seek to achieve compliance with the civil and criminal legislation enforced by Regulatory Services is detailed in the Service's Enforcement Charter. The Charter is designed to help businesses and individuals understand the Service's objectives and methods for achieving compliance, as well as the criteria considered when deciding what the most appropriate response is to a breach of legislation. Through this Charter, officers carry out our enforcement activities in a fair, helpful, transparent, accountable, proportionate and consistent way. The Charter is included in Appendix 2.
- 2.6 To illustrate the range of activities covered by Regulatory Services, the following represents some of the main activities of the teams during 2011/12:

#### Trading Standards

- 2.7 Tobacco control - 40 test purchases of tobacco were carried out from retailers, using underage volunteers. In 4 cases cigarettes were sold to the volunteers. Written warnings were issued to these businesses. 90 advisory visits were carried out to tobacco retailers to offer assistance in meeting tobacco legislative requirements. The team also offered all relevant traders (sellers of age restricted products) advice packs with detailed advice on underage sales of products such as fireworks, tobacco, spray paints, knives, DVDs, etc.
- 2.8 Trading Standards have introduced a Responsible Retailer pilot project to assist businesses, and to identify and publicise good practice amongst businesses in relation to underage sales, particularly regarding tobacco
- 2.9 Scams – the team liaised with Social Work colleagues to identify and assist chronic victims of scams. 5 individual victims were identified and helped during 2011/12. The perpetrators of scams tend to target vulnerable individuals, often extracting tens of thousands of pounds from their victims. 19 presentations were given to care workers and other groups, who could spread the prevention message to vulnerable people in their care.
- 2.10 Education – the team participated in the Safe Taysiders initiative, giving presentations on safety of consumer products, such as toys, to over 1500 primary school pupils (60 schools).
- 2.11 Counterfeit tobacco – 16 small retailers were visited, with representative of tobacco industry to identify sales of counterfeit tobacco. One business was reported to the Procurator Fiscal.

- 2.12 Better Business Partnership – Trading Standards continues to provide a publicly available list of trusted traders which the public can use to access services with confidence. The scheme has a total of 229 registered members.
- 2.13 Business Advice - requests for assistance/advice from businesses - 202  
Consumer complaints – 1179 dealt with  
Visits to trader premises to offer advice - 986  
Inspections - Planned visits to high risk premises - 71  
Visits to premises regarding Petroleum Safety - 33  
Visits to premises during area inspection project - 299
- 2.14 The team also continually examine the internet to identify online traders operating from Perth and Kinross (53 identified in 2011/12). Advice is given, where appropriate, regarding online trading and specific requirements such as Weights and Measures, Safety, Pricing, and Trade Descriptions.

### Food Safety

- 2.15 488 visits were made to food businesses, to ensure the safety and quality of the food served to the public of which,  
- 143 inspections required a revisit  
- 17 enforcement notices issued
- 2.16 Food Team inspections now include intelligence gathering as part of the inspection monitoring form to assist other areas of regulation e.g tobacco licensing, animal feed/waste disposal, and gas safety.
- 2.17 The team also carried out 72 infectious disease investigations (notifications from NHS Tayside) to identify likely causes of infection, and manage the potential risk of spread of disease. In addition, 151 microbiological food samples were taken, of which 48 were unsatisfactory and required further action.
- 2.18 The Food Safety team gained the UK Government's Customer Service Excellence Award for the 13<sup>th</sup> consecutive year. The team received no "partial compliances" or "non compliances", and was commended for "achieving beyond the standard" in two areas of compliance.
- 2.19 The Commercial Regulation Team has been working with MEAD (the Multi Ethnic Access Development Project), to support the large number of ethnic minority food businesses in the area, as communication issues can be a barrier to full engagement. Training seminars were offered through MEAD, with interpreters present, to work with businesses on meeting safety standards. The seminars started in February 2012, and to date 100 recipients covering 8 different ethnic backgrounds, have attended these events.

### Health and Safety Enforcement

2.20 This team is responsible for enforcing the Health & Safety at Work Act in service industry, which represents over 50% of the businesses in Perth & Kinross. The team carried out:

- 361 visits to businesses which included initial inspections, revisits where necessary and gas safety visits of which,
  - 64 inspections resulted in a revisit
  - 15 serious accident notifications were investigated

### Drinking Water Safety

2.21 There are over 1,100 private water supplies in Perth & Kinross. The Water Safety team is responsible for monitoring these supplies. In 2011/12 the team carried out 81 risk assessments, took 257 statutory and 519 non statutory samples, and dealt with 769 private water supply enquiries. The team completed 78 grants to improve the quality of water supplies, resulting in grant payments to local residents totalling £336,000.

### Environmental Health

2.22 This team dealt with:

- 187 pest control complaints and enquiries, of which 85 were referred to the Council's contractor for further action.
- In addition to dealing with 254 general complaints about public health nuisances, officers also investigated 141 noise nuisance complaints linked to, for example, noise from commercial and industrial businesses.
- 565 planning application consultations were commented on in order to prevent/minimise the likelihood of environmental nuisance, ranging from wind farms, hydro schemes, industrial processes, biomass, and new supermarkets.

2.23 To raise public awareness of noise issues, officers took part in Noise Action Week and in particular worked in partnership with Tayside Police, local publicans, Housing and Community Care's Safer Communities Team and Perth College, to minimise the impact of noise from revellers leaving local licensed premises.

2.24 Perth and Kinross, Fife and Clackmannanshire Councils have joined together in an informal resource sharing group to facilitate the sharing of contaminated land resources (equipment and officer expertise) between participating Councils. In doing so, significant savings (70%) have already been made through local authorities undertaking work themselves rather than contracting expensive consultants or laboratories.

### Animal Welfare

- 2.25 To increase capacity, the existing animal health officers and dog officers joined forces to form a new Animal Welfare Team. In the last year they have dealt with 495 fouling complaints, 212 stray dogs, 185 complaints regarding barking dogs, 46 dangerous dogs and 76 requests for dog waste bins.
- 2.26 Officers from the Animal Welfare team continue to provide talks to schools under the 'Safe and Sound Scheme' which teaches children to be safe around dogs. This scheme has gained national recognition, winning a UK Kennel Club Award, as well as a Gold Award in the Council's Securing the Future Awards.

### **3. PROPOSALS**

- 3.1 The teams in Regulatory Services seek to improve their performance and impact, through development of their team plans. Key areas for activity during 2012/13 are as follows.
- 3.2 Workforce Planning - Studies have shown that there is a national shortage in certain professions in local government, with Environmental Health and Trading Standards being 3<sup>rd</sup> and 9<sup>th</sup> respectively in terms of local authority professions where there is a skills shortage. The Council requires to have suitably qualified, professional staff to be authorised to carry out the variety of functions within Regulatory Services. This is to ensure that the Council fulfils its statutory duties appropriately and not incur financial penalties or, other sanctions from EU Competent Bodies or other regulators of our services, e.g. Scottish Government, Public Service Ombudsman, Food Standards Agency, Health and Safety Executive. The team is developing a 'grow your own' approach, and is taking on two Modern Apprentices to work in Regulatory Services as part of the Council's youth employment initiative. Officers at technical level are being encouraged to train for higher technical posts, and also undertake the qualifications for Environmental Health and Trading Standards posts, to maximise the opportunities to recruit from within the organisation if vacancies arise.
- 3.3 The Service is undertaking benchmarking with other Regulatory services via APSE (the Association of Public Service Excellence) and Argyll Benchmarking Group, to identify areas where our teams can learn from good practice in other Council regulatory functions.
- 3.4 The Health and Safety Team has been working towards compliance with the Customer Service Excellence standard and is aiming for inclusion into the award in 2013. In subsequent years the aim is to achieve the Customer Service Excellence standard across the entire Regulatory team.
- 3.5 The work with ethnic minority businesses and MEAD will continue, and training sessions will be expanded to include other regulatory service areas.

- 3.6 Trading Standards are developing contacts and information sharing networks with social work and police – helping to identify & assist chronic victims of scams. The team is also improving liaison with other trading standards services via secure intelligence sharing databases. Information gained will be used to alert consumers and local businesses of scams and rogue traders operating in area. This will include exploring novel ways of sharing intelligence with consumers, businesses and other local bodies (banks, neighbourhood watch, police etc). This is with the aim of creating a local info sharing ring (possibly via email groups, text messaging and social media) to collate information and direct appropriate alerts to potential targets of rogue traders and scams.
- 3.7 Trading Standards will continue with underage test purchases and advisory visits in relation to the sale of tobacco. This will build on previous years work, but with emphasis on issuing fixed penalty notices to repeat offenders.
- 3.8 The Animal Welfare team is currently developing skills to deal with all animal licensing e.g. pet shops, riding schools etc and promoting responsible dog walking initiatives, to further minimise fouling issues.

#### **4. CONSULTATION**

- 4.1 The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications arising from this report. All activities can be met within the existing revenue budget for the Environment Service.

#### **6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012**

- 6.1 The Council's Corporate Plan 2009-2012 lays out five objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation.
- 6.2 The recommendations within this report support the delivery of the following objectives within the Council's Corporate Plan 2009-2012:
- (i) A Safe, Secure and Welcoming Environment
  - (ii) Healthy, Caring Communities
  - (iii) A Prosperous, Sustainable and Inclusive Economy
  - (iv) Educated, Responsible and Informed Citizens
  - (v) Confident, Active and Inclusive Communities

#### **7. EQUALITIES IMPACT ASSESSMENT (EqIA)**

- 7.1 An equalities impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcomes:

- i) Assessed as **relevant** - working with MEAD and engaging ethnic minority communities to give advice on safety standards in businesses where the management and staff may have limited understanding of regulatory advice and standards.

## 8. STRATEGIC ENVIRONMENTAL ASSESSMENT

8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

8.2 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

## 9. CONCLUSION

This report shows the diverse work of Regulatory Services in protecting the public, through preventive activities, such as advice and proactive inspections, as well as reactive work, responding to complaints and following up on accident reports, and notifications of food borne infections.

**BARBARA RENTON  
DEPUTE DIRECTOR (ENVIRONMENT)**

### NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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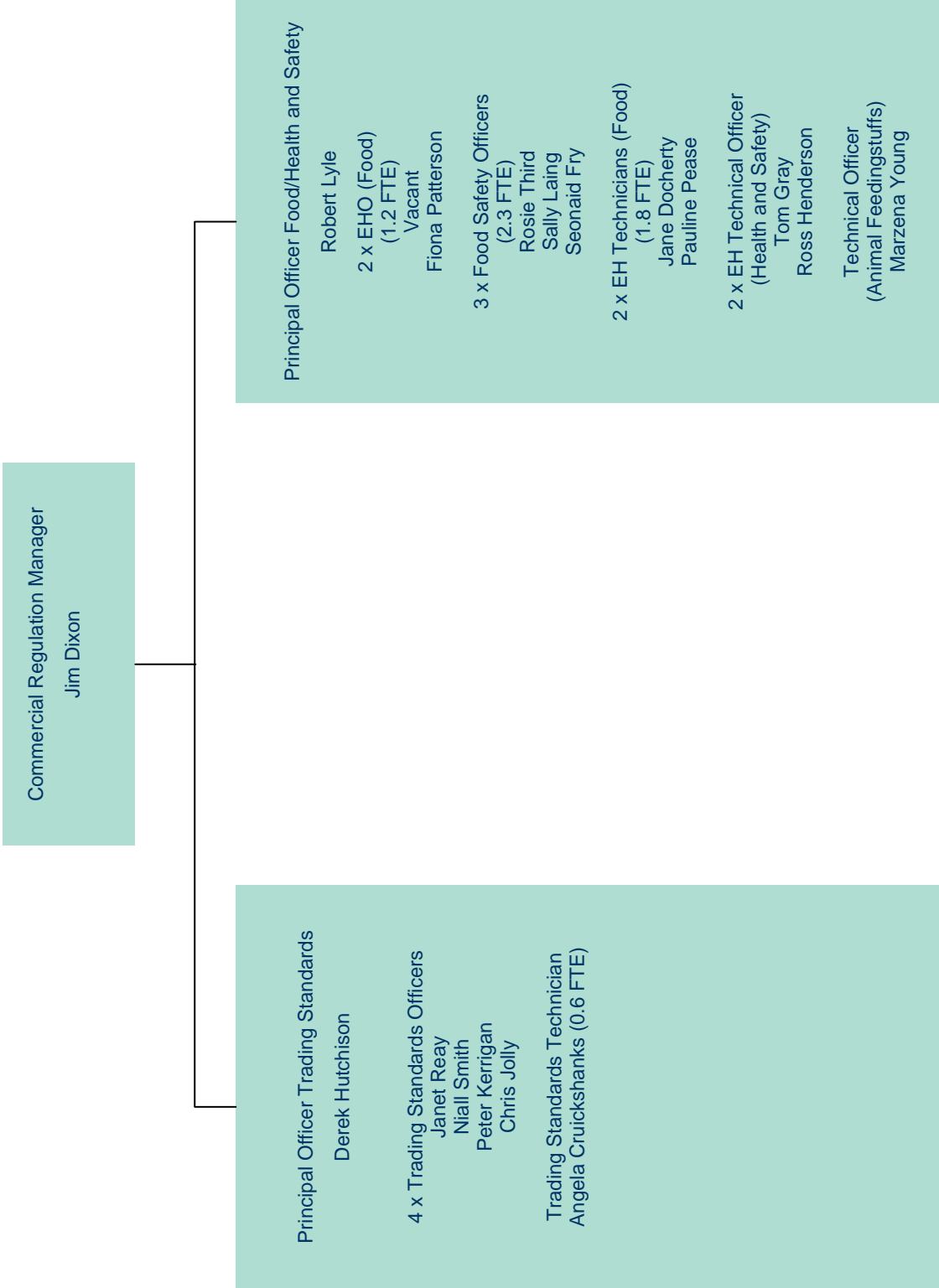
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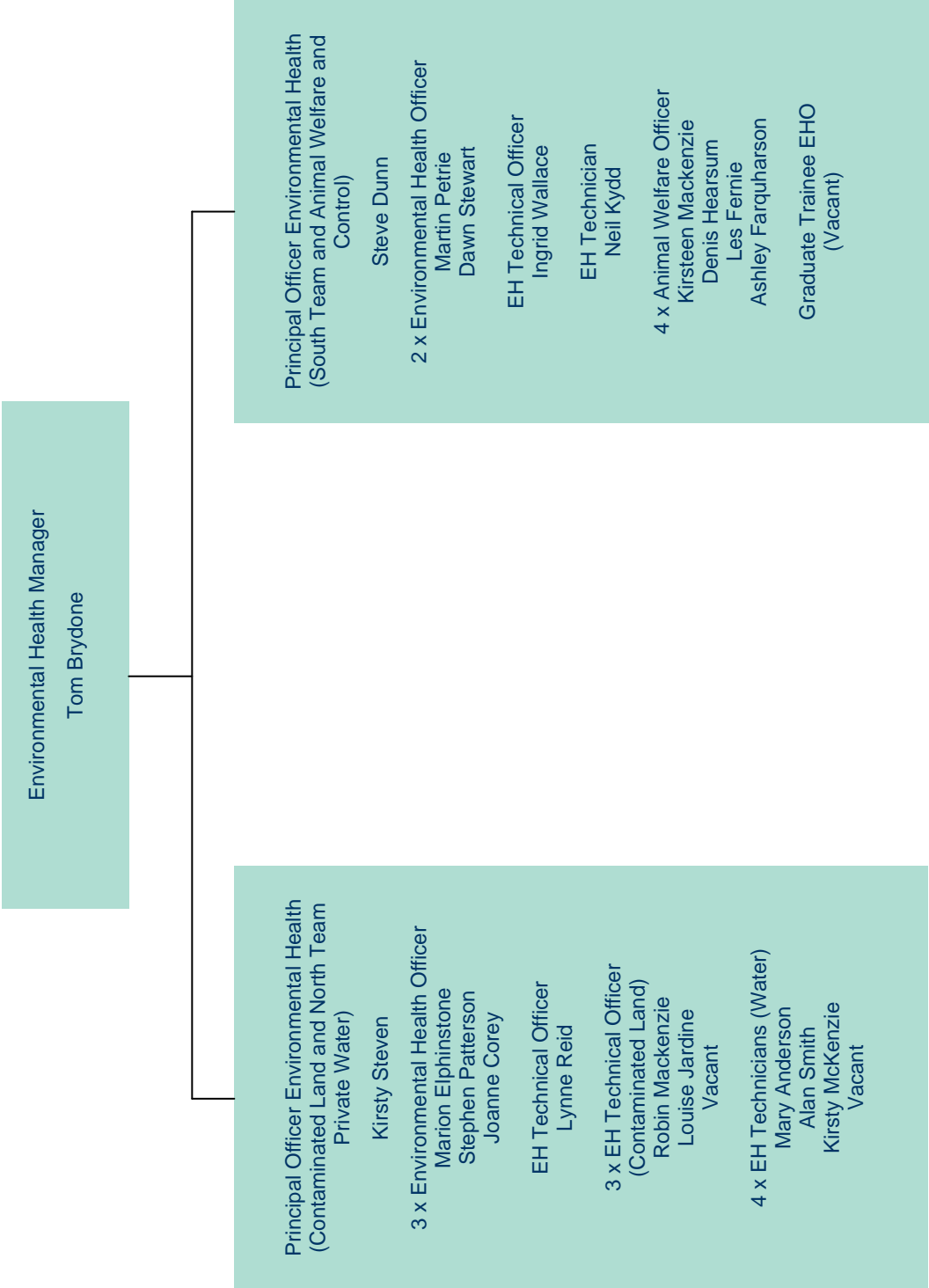






The Environment Service

Environmental Health





# **Charter for Good Regulation - Environmental and Consumer Services**

This Charter sets out how the regulatory services within Environmental and Consumer Services will carry out their enforcement functions. Environmental and Consumer Services covers activities such as Environmental Health, Food Safety, Trading Standards, Health and Safety, Animal Health and Welfare and Waste Services.

The purpose of our enforcement activity is to meet the Council's objectives for ensuring the safety of our community, protecting the environment, and ensuring a prosperous economy. We are also required to comply with certain statutory enforcement duties placed on the Council by legislation.

Regulation is an important part of the context within which businesses operate. Effective and well targeted regulation by the Council plays an important role in ensuring the economic well-being of Perth and Kinross. It protects the vulnerable and the environment. It promotes equality, and helps raise the standards of service. It provides the platform for fair competition, giving reassurance to consumers and businesses alike. As such, regulation is a key enabler to economic activity.

The Charter sets out the key principles under which enforcement officers will seek to achieve compliance with the civil and criminal legislation enforced by our regulatory services. It is intended to guide enforcement officers in deciding what course of action to take when discovering infringements. It also seeks to ensure consistency in the decision making process regarding the enforcement actions taken by our officers.

The Charter is designed to help businesses and individuals understand our objectives and methods for achieving compliance, as well as the criteria considered when deciding what the most appropriate response is to a breach of legislation.

Through this Charter, we will:

- (1) Carry out our enforcement activities in a fair, helpful, transparent, accountable, proportionate and consistent way.
- (2) Advise businesses and individuals who might be affected by our regulatory activities, what our enforcement approach is in order to build understanding between our regulatory teams and the local community.

- (3) Inform our own staff what our enforcement standards are, both on induction to the Service, and during their enforcement careers.
- (4) Establish a clear framework for our officers, to ensure they are acting in a fair, consistent and reasonable manner when they take enforcement action.
- (5) Monitor our actual performance against what we say we should be doing, so that any variances from good practice are spotted early, and corrected.
- (6) Translate national Government initiatives such as the Enforcement Concordat, and the Regulator's Compliance Code, into our own activities.
- (7) Contribute to the Council's aspirations for community safety, protection of the environment, economic prosperity, equalities and fairness to all.

All citizens should benefit from the Charter through better information, choice, safety and fair treatment.

This Charter is supplemented by an Annex which provides more detail on our regulatory activities, our aims for ensuring good practice, the steps we will take to meet our Charter commitments, and what actions are open to you if you do not think we are meeting the terms of our Charter.

Keith McNamara  
Head of Environmental & Consumer Services  
January 2010