

TITLE	Enforcement & Safety Service Progress Report
FOR CONSIDERATION BY	Community and Corporate Overview and Scrutiny Committee on 5 September 2022
WARD	None specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

In bringing the Enforcement and Safety services back in house the intention was that the Council would have the ability to offer residents a localised service that meets their needs and expectations. Furthermore, the new service offered by the Anti-Social Behaviour Team is able to rapidly and efficiently respond to incidents by being available during times of increased demand.

RECOMMENDATION

That the Committee notes the report and provides feedback to Officers to consider for the further development of the service.

SUMMARY OF REPORT

The Council left the Public Protection Partnership, a joint service hosted by West Berkshire Council, on 1 April 2022, from which date Environmental Health and Licensing functions would be provided in-house, with Trading Standards, Air Quality monitoring and Legal Casework provided by the PPP as commissioned services. A new Anti-Social Behaviour service started on the same date. Enforcement & Safety is the umbrella name for these services.

The report describes progress to date with some examples of casework which has been undertaken since 1 April. The disaggregation from the Public Protection Partnership was completed as planned and the newly formed Enforcement and Safety Service is performing successfully. The service has also received a large amount of praise from members of the public suggesting that residents are satisfied with the service being provided. The statistics presented in this report will provide baseline figures for future years, allowing the service to measure its performance moving forward.

Background

At Executive on 31 March 2022 it was resolved to note the progress made in relation to the repatriation of Environmental Health and Licensing from the Public Protection Partnership ('PPP') to the Council, the setting up of an Anti-Social Behaviour Team within the newly created Enforcement and Safety Service and that the Council will continue to contract services for Trading Standards, Air Quality Monitoring and Legal Casework from the PPP (until 08 January 2027 with an the initial term of the contract shall be at least 2 years). This report provides an update on progress and caseload of the newly created service to date.

The Enforcement & Safety Service delivers a mix of statutory and local priority services across the disciplines of Environmental Health, Environmental Protection, Private Sector Housing, Licensing and Anti-Social Behaviour (ASB). Trading Standards and Air Quality monitoring is also provided via an external contract with the PPP. The team priorities include:

- a) Efficient, effective and consistent resolution of ASB and Environmental Regulation case work
- b) Show a visible presence in ASB hotspots and places where ASB has been reported to reassure the public
- c) Complete food establishment inspections by due date and verify and improve food hygiene standards
- d) Investigate workplace health and safety accidents and complaints
- e) Improve standards in the private rented sector and verify private water supplies
- f) Reduce environmental impact of developments and commercial processes
- g) Arrange public health funerals in appropriate cases
- h) Deliver an efficient and effective licensing service and Safety Advisory Groups for large events
- i) Work with Public Protection Partnership on Air Quality monitoring and report on the Annual Status Report and Air Quality Action Plan; the PPP will also investigate unfair trading and breaches of business and animal welfare regulation

Progress update

The information provided below demonstrates the volume of cases being reported to the newly created services. The figures for 2022/23 will be used as a baseline for future years in order to assess overall performance. Officers will also carry out benchmarking exercises to understand how the service is performing in comparison to other similar services provided across the country.

Licensing

384 Licence applications have been received (to the end of July) and **372** issued (including some which applied before 1/4/22) as follows:

	April-July 2022	April-July 2022
Type of Licences	No. applications received	No. applications issued
Driver or Vehicle	81	91
Animal	10	11
Small Society Lottery and Charity Collections	17	17
Street Trading	14	14
Temporary Event Notice	159	162
Personal or Premises (eg Alcohol Sales)	86	70
Skin Treatments	17	7
TOTAL	384	372

In addition to processing the above applications, the Licensing Team has organised Safety Advisory Groups (SAGs) for a number of large events in the borough including Rewind and Jubilee weekend – SAGs are held every month to consider the running of large events in the borough.

Licensing issued a counter notice to a Temporary Event Notice for the Gig House pub which requested an extension to their opening hours over the Jubilee weekend. This followed objections relating to noise and rowdy behaviour. The licence holder cancelled the event before a counter notice was received demonstrating a collaborative approach to preventing crime and disorder.

Wokingham Pubwatch has been arranged as in-person meetings. Officers and licensees are now looking to introduce street pastors in Wokingham and a Best Bar None scheme.

Environmental Health (Commercial)

There are 3 full-time environmental health officers carrying out proactive and reactive interventions and since the inception of the new service officers have carried out all food safety inspections due and responded to all reactive complaints and service requests. There is also a full-time manager who can carry out interventions. Below is a list of works completed by the environmental health team since the inception of the team.

Food premises inspections	116
New food premises registrations	65
Food related service requests	94
Reporting of workplace injuries and accident report follow up	21
Workplace health and safety related service requests	10

There are roughly **1,150** food businesses in the borough currently, depending upon new openings and closures. Two notices have been served on food premises for having no food safety management system or adequate training for staff.

There are **1,470** workplaces (which include the 1,150 food businesses) where the council is the enforcing authority for health and safety enforcement rather than the Health and Safety Executive. Current government policy is that proactive inspections of workplaces are not carried out unless there is intelligence of possible non-compliance such as accident reports, complaints from employees and the public or observations during a food hygiene visit.

Environmental Health (Private Sector Housing)

There are 3.6 full time equivalent environmental health officers carrying out housing and pollution work, plus a service manager.

Since April, we have received **62** new cases for Private Housing complaints about housing disrepair in the private rented sector or on mobile home sites, including 29 enquiries about houses in multiple occupation and 2 complaints about landlord behaviour. Details of some of these complaints are below:

- A privately rented property in Winnersh had no Electrical Installation Condition Report (EICR), mould due to lack of ventilation, no working smoke detection and other items of disrepair. The subsequent EICR identified the installation to be ‘unsatisfactory’ and urgent remedial works were carried out by the landlord’s contractor to ensure the electrics were ‘satisfactory’. All other hazards were rectified within four months through voluntary compliance following officer involvement
- A privately rented property in Earley had a 30-year-old back boiler heating and hot water system with no Gas Safety Certificate, no Electrical Installation Condition Report (EICR) and other elements of disrepair including unsafe flooring. Voluntary compliance has been achieved in terms of provision of a ‘satisfactory’ EICR. The lack of Gas Safety Certificate was referred to the HSE as the enforcing agency which subsequently resulted in a current Gas Safety Certificate.

Environmental Protection

We have received **353** new referrals to Environmental Protection including **270** Planning (and other) Consultations and **23** requests for information and advice; **13** private water supply sample requests; **18** pollution from industrial or other processes; **29** environmental nuisance.

Two public health funerals have been arranged. One person died in a care home and one died at home with no family or friend who could arrange a funeral.

Anti-Social Behaviour

There are 10 ASB officer posts, plus an Animal Warden and a service manager. The service currently has 8 officers in post. A 7 day per week service has been provided since 1st April, with all shifts covered. The standard working hours are 8am to 7pm weekdays,

Saturday and Sunday afternoons / early evening and Friday and Saturday evenings up to 2am.

The number of cases the ASB team has received and has dealt with from April to July is:

- **85** cases of ASB (ie behaviour issues)
- **117** Noise Nuisance cases (**45** music/parties/TV/radio; **13** vehicles; **19** machinery; **11** dogs/animals; **6** DIY; **4** alarms/bells/tannoy); **19** other
- **47** cases of Environmental issues (**27** bonfire or smoke; **8** dust, spray, odour; **2** asbestos; **4** graffiti; **6** buildings or drains in filthy or dangerous condition)
- **39** Waste accumulation
- **109** Fly tipping investigations (not including non-investigated clearances)
- **7** Unauthorised encampments
- **40** Abandoned Vehicles and 5 parking issues
- **127** Animal Warden referrals (**16** stray dogs; **18** out of hours strays; **10** fouling; **22** welfare and advice; **26** dangerous dogs; **35** noise / smell)
- **35** Pest Nuisance cases

The total cases dealt with during this period were **611**, plus a number of general enquiries where advice was given.

Some examples of ASB cases dealt with are as follows:

- Complaint about fixing cars next to neighbour's garage (loud music, shouting and swearing) having a detrimental effect on the neighbours. Officers visited and spoke to mechanic's parents who said they would deal with it. Nuisance continued, however, so a Community Protection Warning was served. The offender has partially complied with the warning, so the next step is a formal Notice which has legal sanctions
- Hand car wash installed electric blow driers which were very noisy for residents across the road – a noise abatement notice was served and the noise has stopped – no issues since service of the notice
- Builder's bonfire - visit made to offending property, spoke with builder who confirmed that he had been burning waste. Bonfire now out & skip being used to contain waste.
- The ASB team visited the area around the Gig House and Elms Field over the Jubilee weekend and found that people were behaving and generally just enjoying the entertainment.
- Officers attended a "have your say" meeting on the 15th May at Bigshotte Park on the at the request of TVP, they listened to residents' concerns about noise nuisance: loud music, shouting, moped revving, bonfires, drinking, and potential drug use. WBC will follow up concerns with PCSOs and Police. Visits scheduled for after school and evenings

- Lytham Road, Woodley 4th May – fly tipper witnessed in Lytham Road, details sent to ASB officer to investigate. Statement taken and van owner traced. Fixed Penalty of £400 issued on 7th June
- Russell Way Winnersh - complaints about rat infestation. ASB officer visited 7th June and spoke to the residents at 6 properties about ways that households can make their properties less desirable to rats and what actions to take if they believe they have rats such as sensible methods for feeding birds, remove water sources from gardens and block up holes to stop passage and harbourage. Landowner has agreed to clear overgrown vegetation from surrounding land
- Cantley Park Destination Play Area - Numerous complaints were received about anti-social behaviour and damage to equipment in the park which resulted in some joint work by the ASB team, Sports and Leisure and the Cleaner and Greener Team. The ASB team undertook patrols and also arranged the installation of CCTV and signage to try and identify the perpetrators. The extra visits, signage and CCTV seem to be having the desired effect as we have not had any further reports.

Trading Standards cases

Trading Standards is provided under contract by West Berkshire Council's Public Protection Partnership. Some examples of cases are listed below:

- OS, of Erith, Kent, was convicted at Reading Magistrates' Court on 10 May 2022 after being found guilty of 3 consumer protection offences and was ordered to pay a total of £9,200.61. Consumers had used the internet to find and book a locksmith. Despite telephoning one company, a locksmith from another company turned up. One consumer was quoted £65 to £100 but once the work was done she was given an invoice for £418.80.
- KW, from Bracknell, pleaded guilty at Reading Crown Court to five counts contrary to the Consumer Protection from Unfair Trading Regulations 2008. Gardening work which had been paid for was not completed, and the actual work undertaken was not to a professional standard. Mr W was sentenced to 15 months imprisonment to be suspended for 12 months, he was ordered to take part in the Thinking Skills Programme and to pay compensation in the sum of £7,200.
- HB was fined a total of £4,074 for misleading commercial practice under the Unfair Trading Regulations. He had taken deposits for fencing work which was not completed.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

The service requires a budget of £1,658,000 per annum

Cross-Council Implications

The service has established good working relationships with many council services such as (but not limited to) planning enforcement, highways, housing, adult social care. Facilities Management have been closely involved in accommodation provision for the ASB team so that they can operate 7 days per week.

Public Sector Equality Duty

An equalities assessment is not required in relation to this report as there is no change proposed to services delivered.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

There is no identifiable impact on the Council's carbon neutral objective.

Reasons for considering the report in Part 2

N/A

List of Background Papers

[Arrangements for the New Enforcement and Safety Service Report to Executive on Thursday, 31 March 2022](#)

Contact Ed Shaylor	Service Environment and Safety
Telephone No 07871 735927	Email ed.shaylor@wokingham.gov.uk

This page is intentionally left blank