

## Quarterly Performance Report –Public Protection

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### Introduction

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The report is produced on a quarterly basis and provided to Executive members for review and assurance and will be available for Overview and Scrutiny Committees as part of their Forward Work Programmes.

The report consists of an overview of the key messages to highlight across all work streams in Public Protection, which is followed by highlights from each service area. Parts 2 and 3 of the report include an assessment of performance in the quarter from the following sources:

- Improvement Plan Monitoring
- Strategic Assessment of Risks and Challenges
- Performance Indicators and Outcome Measures
- Improvement Target Action Plan Monitoring
- Key Actions from Service Plan Monitoring
- Internal and external regulatory reports
- Customer satisfaction and feedback
- Awards and accreditations
- Resource Management (HR, ICT, Finance, Assets)

# 1. Foreword

Report highlights for the last year are the following items: -

<b>Performance</b>	<p>The service has delivered a high level of performance throughout the year despite carrying a number of vacant posts for most of the year. Staff have worked very hard to deliver the performance indicator targets and excellent results have been returned in some areas e.g. Food Safety, Building Control and Environmental Control with the performance targets being exceeded in all areas. Carrying a number of vacant posts has however had an impact in the Trading Standards and Environmental Health service areas where performance indicator targets have not been met despite the efforts of staff. The results in three areas were affected – Health and Safety, Animal Health and Trading Standards.</p> <p>The service has performed very well in delivering services to Flintshire residents and a number of these are highlighted below.</p>
<b>Environmental Protection – Yearly Overview</b>	<p>BSI Audit visits have taken place within Building Control and Bereavement Services. Both services are running effectively. There were no outstanding non-conformities from previous assessments and no new non-conformities during this assessment.</p> <p>Sea Water Sampling - Keep Wales Tidy have announced the beaches at Talacre have been awarded both the Green Coast Award and Seaside Award as water quality was better last season.</p> <p>The Dog Watch scheme was expanded within the County to include areas of Mold, Connah's Quay and Broughton. This Community led enforcement initiative has been identified as an example of good practise by the Municipal Journal and BBC Wales. The project has also won a Flintshire Excellence Award.</p> <p>Dog Fouling on School Premises – There is little good practise to draw upon in this area of enforcement from across the UK and the identification of the importance to begin to enforce against those failing to clean up after their dogs when on school sites was raised by Members and residents as a key objective to be looked at during 2011/12.</p> <p>In-depth work took place to present options to Members to close the gap within our current legislation in order to effectively enforce in this area. During a Full Council meeting in January, Members opted for the introduction of Section 547 of the Education Act 1996 (nuisance and trespass) and gave powers of enforcement to Police Community Support Officers as well as Education staff and our enforcement team.</p> <p>Site surveys have also taken place to identify locations to erect signs that are required in order to implement this section of the legislation.</p> <p>The implementation of this legislation will now take place during 2012/13</p>

	<p><i>Doggy Do</i> vehicle campaign was launched on Council fleet vehicles to highlight the message to owners that they need to pick up after their dogs or face the consequences of receiving a fine.</p> <p>Two successful prosecutions have been achieved this year for littering offences within the County and one Fixed Penalty Notice has been issued for a dog fouling offence within the County</p> <p>713 complaints have been investigated by our Environmental Control Section and 436 alleged noise nuisance complaints have been recorded and investigated with 13 Noise Abatement Notices have been served within the County.</p> <p>In total 7589 memorials were tested of which 255 (3.5%) were identified as High Risk, with 59 now being repaired to NAMM standard by the Registered Grave Owner and the remainder being made safe by staking.</p> <p>Public Health Burials – the service has dealt with 4 cases during the year recovering approx 65% of costs incurred compared to approx 50% of costs recovered for the previous 12 months</p>
<p><b>Community Protection – Yearly overview.</b></p>	<p><b>Trading Standards (Compliance)</b></p> <p>The programme of under age sales test purchasing continued in 2011/12. Areas included the sale of alcohol in off-licensed premises, the sale of tobacco products from vending machines in pubs and the sale of fireworks in retail premises during the run up to Bonfire Night. A series of test purchase operations in pubs was also co-ordinated by the team. This was an exercise in conjunction with the Police designed to highlight the need for appropriate management measures to identify those under the age of 18 and thereby avoid selling alcohol to them.</p> <p>An innovative project was begun on the sale of part worn tyres. Due to the differences in tread depth regulations across Europe there are significant numbers of part worn tyres imported into the UK. These can be legally used provided they have been properly examined and assessed. Out of six premises checked three were applying high standards whereas the others were less good. Advice and guidance was provided and a more formal test purchasing programme is being planned for 2012/13.</p> <p>The requirement for businesses to charge a minimum of 5p for single use carrier bags came into force on 1<sup>st</sup> October 2011. Trading Standards will enforce the new requirements. A number of enquiries have been received from small businesses confused by the new legislation but compliance is generally high at this time.</p> <p><b>Licensing</b></p> <p>A successful prosecution was achieved in respect of a Private Hire Operator/Driver who transported children in an unlicensed vehicle. The Operator had failed to renew the vehicle licence despite</p>

Licensing providing him with a schedule of expiry dates for each of his 10 vehicles following earlier concerns about him not managing the licence requirements effectively.

He was fined £100 for the no licence offence, £200 for having no insurance (because private hire insurance cover is dependent upon having a private hire licence in place), £100 costs and a £15 victim surcharge. He also received 6 penalty points on his DVLA licence for the no insurance offence.

Simple cautions were issued to 5 private hire drivers found not to have their photocard identity badges with them when stopped for during routine checks.

An appeal took place in the Magistrates' Court by a pub in Ewloe against a Licensing Sub-committee decision. The issues related to noise nuisance affecting residents of sheltered accommodation located to the rear of the pub. Large numbers of patrons use the beer garden area and the noise from them talking, shouting, laughing and screaming late into the night was confirmed by officers as a public nuisance. An application was made by Pollution Control to review the pub's licence and the Licensing Sub-committee had imposed a restriction preventing alcohol being taken out into the beer garden after 10:00pm in order to reduce the impact on residents. The magistrates approved a Consent Order which imposes a restriction on alcohol being taken outside after 10:30 until works to construct an effective noise barrier have been completed to the satisfaction of the local authority in conjunction with an independent acoustics expert.

### **Community Safety**

The Community Safety Partnership planned and delivered training on the new arrangements for reporting incidents of racially motivated crime. This was part of a Safer Wales initiative in conjunction with all the Welsh Police Forces. There was a good attendance of 89 staff from Flintshire County Council and partner agencies.

A Community Safety training event for Members took place in December. An update was provided on developments in the Community Safety area together with a presentation on Community Tension Monitoring. Ward Members have a significant role to play in this because of their close links to their communities. The intention is to identify and deal early with potential areas of conflict to avoid them escalating into full scale anti social or criminal behaviour.

Street Rugby League is about to be launched in Flintshire in three pilot areas, Holywell, Mold and Higher Shotton. This is a new initiative via the Community Safety Partnership to engage young people in constructive activity. They will be encouraged to join in with supervised games which involve physical activity, making new friends, being part of a team and generally having fun.

Staff were closely involved in setting up 'House Watch'. This is a scheme whereby target hardening can be put in place to protect temporarily vacant property, for example, when an elderly person living on their own has to go into hospital or short term care. The aim is to guard against metal theft, fuel theft, burglary and criminal damage.

Staff were also involved in supporting White Ribbon Day which is designed to raise awareness of and reduce violence towards women. Information, advice and guidance were provided at various busy retail locations across the County.

### **Trading Standards (Investigations)**

A successful prosecution was secured in November. Complaints had been received from persons acting on behalf of trade mark owners who were concerned that products that they believed not to be genuine had been sold by the defendant. Investigation showed that the defendant formed a company, rented business premises, and sought out suppliers of goods that he knew were not genuine. They bore marks identical or similar to registered trade marks but the trade mark owners' stated that they are not the products of their company, nor was the defendant authorised to retail their products. The defendant had in his possession items such as microphones and associated equipment, a USB memory stick and a Micro SD memory card. He sold some items via a popular on-line auction site. Items were priced at a level that roused suspicion among discerning potential purchasers as to whether they were genuine. The defendant pleaded guilty and was fined £255 on one charge with no separate penalty on 5 other charges, £915 costs and a £15 victim surcharge. The counterfeit goods were also confiscated.

Officers worked with the Police over a person cold calling on the vulnerable offering to do gardening work. He quoted £120 but actually charged £800. The perpetrator was arrested by the Police and interviewed under caution by Trading Standards staff.

An investigation was carried out into a company that sells funeral packages. Company representatives had cold called an elderly person living in sheltered accommodation (a no cold calling zone) and got her to sign up to a costly financial package that would have needed payments over 10 years. Intervention by the Housing Warden led to Trading Standards assisting the resident to get her money back. Action under the Enterprise Act was taken in order to ensure that the practice was stopped.

Dangerous counterfeit air fresheners were found on sale at Mold Market. Warnings were placed in the media and further items were discovered on sale in Denbighshire and Gwynedd. The matter was investigated and the trader has been charged with various offences.

## Health Protection

### **Food Safety and Food Standards**

Very pleased to report that targets have been achieved and in some cases exceeded in relation to all Performance Indicators relating to Food Safety and Food Standards.

Evidence throughout the year has indicated that approximately 85% of Flintshire's food businesses that are within the enforcement remit of the service are "broadly compliant" which is a good measure of how well a food business is run in terms of food hygiene. The broadly compliant measure links in with the National Food Hygiene Rating Scheme which continues to operate well in Flintshire since its introduction in December 2010. This scheme allows consumers to view the food hygiene rating given to a food business by way of the Food Standards Agency's website, namely [food.gov.uk/ratings](http://food.gov.uk/ratings). The scheme has received publicity on several occasions throughout the year and it is hoped that this become an effective driver for improving food hygiene standards in food businesses.

During this year the Executive have approved the adoption of the Communicable Disease Outbreak Plan for Wales and the annual Food Service Plan.

There have been two significant emerging pressures identified through the year relating to; firstly, the introduction of new E coli guidance by the Food Standards Agency which has impacted on resources as inspections are taking longer and secondly, as a result of the Dee Cockle fishery which had another successful season in 2011 but which impacted on resources by way of greater monitoring and regulatory activity required.

### **Health & Safety Enforcement**

New Sunbeds legislation has been introduced with effect from 31<sup>st</sup> October 2011 which has been actively promoted in Flintshire by way of inspection of all known relevant businesses and a comprehensive training programme for relevant business proprietors. Revisit work relating to monitoring compliance has also been undertaken and further work in this area will continue into 2012/13.

This section has during this year undertaken some significant serious and complex investigation work, which will continue into 2012/13.

### **Corporate Health and Safety**

During this year this service has progressed very well with regard to trying to improve the resilience of the Council with respect to Health and Safety. The FCC Safety Management system has been fully developed ; the Corporate Health and Safety Strategy and Improvement Plan has been developed ; H&S training has been provided for Elected Members and the Corporate Health and Safety Steering group has met regularly and effectively to promote sensible Health and Safety risk management across all Directorates. Health and Safety Action Plans have also been

developed within services across the Authority with the support and guidance of the Corporate Health and Safety team.

The Authority has been subject to a Validation Challenge visit by the Health and Safety Executive which took place in February this year and the Corporate Health and Safety team were active in providing both advice and liaison for this visit.

### **Animal Health and Health Promotion**

In April 2011 there was a change to the Animal Health and Welfare Framework that has been a part of Animal Health service delivery across Wales since the 2001 Foot and Mouth Disease outbreak.

Animal Health (AHVLA) originally controlled the funding for the framework. However, in 2011 this was transferred to the Welsh Government and as part of this process the priorities for the work done under the framework were reassessed with a number of changes being made. The priority areas set by WG included inspection and monitoring of all critical control points (markets, collection centres, ports, and high risk farm premises), disease control (including Bovine Tuberculosis), and data inputting and recording of all animal movements. All agreed targets under the framework agreement for 2011/12 have been met by the team. However, an emerging pressure is that the funding given to Flintshire for this work is decreasing year on year.

During the year the team achieved a successful prosecution of a Flintshire based farming business after a long and complex investigation. The prosecution related to animal welfare offences. The Animal Health Team has worked closely with AHVLA and the partners in the business and as a result has seen a marked improvement in the standards at the farm.

### **General**

Flintshire has continued to run the Primary Authority scheme with Iceland Foods Ltd and has had close liaison and collaboration with the Local Better Regulation Office (now called the Better Regulation Delivery Office) to promote business support for businesses in Flintshire for which we undertake regulatory activity.

### **Collaborative Working**

Flintshire and Wrexham discussed and agreed to start working together on a number of collaborative working projects during the year and in August 2011 agreed to carry out work on projects relating to Corporate Health and Safety, Flexible warranting of officers and Stray Dog Kennelling and Canine welfare. The projects have been very successful although the proposed joint contract for dog kennelling had to be suspended due to legal reasons. Additional benefits have been forthcoming from the projects with regard to learning and development, vacancy management, information sharing and intelligence, sharing of expertise and a joint approach to supporting local businesses. Further collaborative work is expected to be undertaken during 2012/13.

## 2. Performance Summary

### KEYS

**Progress RAG** – Complete the RAG status using the following key: -



<b>R</b>	<b>Limited Progress</b> - delay in scheduled activity; not on track
<b>A</b>	<b>Satisfactory Progress</b> - some delay in scheduled activity, but broadly on track
<b>G</b>	<b>Good Progress</b> - activities completed on schedule, on track

**Outcome RAG** – Complete the RAG status using the following key: -

<b>R</b>	<b>Low</b> - lower level of confidence in the achievement of outcome(s)
<b>A</b>	<b>Medium</b> - uncertain level of confidence in the achievement of the outcome(s)
<b>G</b>	<b>High</b> - full confidence in the achievement of the outcome(s)

### 2.1 Improvement Plan Monitoring

The following table summarises the progress made to date and the progress against the desired outcome of the Council Improvement Priorities on which Public Protection lead.

Council Priority	Target Date	Progress RAG	Outcome RAG	Commentary
<b>5. To make our communities safe and to safeguard the vulnerable, with children and older people being priority groups.</b>				
5.9 Implement recommendations of E-coli inquiry	Ongoing			See paragraph 3.1.

### 2.2 Strategic Assessment of Risks and Challenges (SARC)

Public Protection do not take lead responsibility for any SARCs.

#### 2.3.1 Performance Indicators and Outcome Measures

##### Key










<b>R</b>	<b>Target missed</b>
<b>A</b>	<b>Target missed but within an acceptable level</b>
<b>G</b>	<b>Target achieved or exceeded</b>






The status of the indicators are summarised for the year end below:

 **3**       **4**       **7**

Graphs and commentary are included section 3 for those indicators shown with a RAG status of either Amber or Red. An asterisk (\*) indicates that the indicator is an *improvement* target.



Indicator	Q4 Target	Q4 Outturn	Annual Outturn 2010/11	Annual Target 2011/12	Annual Outturn 2011/12	RAG	Change (Trend) e.g.: Improved / Downturned
BCT/004 – The percentage of building control 'full plan' applications checked within 15 working days during the year	90%	88%	96%	90%	95%		Downturned
BCT/007 – The percentage of 'full plan' applications approved first time	94%	99%	98%	94%	99%		Improved
PPN/001i-iv – The percentage of high risk businesses that were liable to a programmed inspection that were inspected for: -							
PPN/001i – Trading Standards <i>See para. 3.2.1</i>	100%	93%	100%	100%	93%		Downturned
PPN/001ii – Food Hygiene	100%	100%	100%	100%	100%		No change
PPN/001iii – Animal Health	100%	100%	100%	100%	100%		No change
PPN/001iv – Health & Safety <i>See para. 3.2.2</i>	100%	74%	100%	100%	74%		Downturned
PPN/007i-ii – The percentage of significant breaches that were rectified by intervention during the year for: -							
PPN/007i – Trading Standards <i>See para. 3.2.3</i>	97%	79%	95%	97%	79%		Downturned
PPN/007ii – Animal Health <i>See para. 3.2.4</i>	90%	90%	97%	90%	89%		Downturned
PPN/008i-iv - The percentage of new businesses identified which were subject to a risk assessment visit or returned a self assessment questionnaire during the year for: -							
PPN/008i – Trading Standards	82%	85%	69%	82%	85%		Improved

Indicator	Q4 Target	Q4 Outturn	Annual Outturn 2010/11	Annual Target 2011/12	Annual Outturn 2011/12	RAG	Change (Trend) e.g.: Improved / Downturned
PPN/008ii – Food Hygiene	87%	91%	81%	87%	91%		Improved
PPN/008iii – Animal Health <b>See Para 3.2.5</b>	100%	93%	100%	100%	93%		Downturned
PPN/008iv – Health and Safety <b>See Para 3.2.6</b>	60%	49%	73%	60%	49%		Downturned
PPN/009 - Percentage of food establishments which are 'broadly compliant' with food hygiene standards	80%	85%	84%	80%	85%		Improved
PSR/007a – Of the Houses in Multiple Occupation (HMO) known to the local authority, the percentage that have a full licence <b>See Para 3.2.7</b>	9%	8.79%	9.3%	9%	8.79%		Downturned
*IA4.2L3 – Develop targets for increasing satisfaction levels by 5% per year over baseline. <b>See Para 3.2.8</b>	N/A Annual target	N/A Annual target	Not Reported	88%	Missing data	N/A	N/A

**Please Note:** In the table above, in the case of all PIs relating to new Businesses, the Q4 target is the same as the whole year target. This is because at the start of each quarter it is not known how many new businesses will be notified to us or identified by us in the period. Similarly for Significant Breaches.

## 2.3.2 Improvement Target Action Plan Monitoring

Key - ✓ on track, ✘ behind schedule, C completed

Ref	Action & Planned Completion date	Progress
1A4.2L3	<p>This target on customer satisfaction is reported on an annual basis with the survey being undertaken in February/March. The survey has been delayed this year due to staff shortages and the need to focus on year end performance indicators. The survey is being carried out in April/May and the results will be reported in the first quarter of 2012/13.</p> <p>A programme of service improvement projects is being undertaken to improve satisfaction levels. This work is focusing on process improvement work, training of staff, improved access to services, reducing the timeline from reporting to resolution and the development of the most efficient and cost effective way of resolving people's problems and responding to their requests for advice, information and assistance.</p>	✘

## 2.4 Key Actions from Service Plan Monitoring

The following table shows the progress made against key areas of improvement/actions in the Public Protection service plan. A ✘ indicates those areas which have incurred slippage or have been subject to a revised timetable and references the paragraph number where commentary can be found to further explain the slippage/revised timescales: -

Key - ✓ on track, ✘ behind schedule, C completed

Improvement Area	On-track?	Commentary
Implementing the recommendations of the e-coli Public Enquiry report	✓	See paragraph 3.1
Improve Business Compliance in high risk premises	✘	See paragraph 3.2
Deliver FSA and DEFRA Framework agreements	✓	
Support Neighbourhood Renewal Programme	✓	
Review, Improve and Integrate new services and functions.	✓	See paragraph 3.3
Effective Implementation of Corporate Health and Safety Management System (SMS)	✓	
Tackling dog fouling, littering and other environmental crime.	✓	

## 2.5 Internal & External Regulatory Reports

The following internal or external audit/regulatory work has been completed during the quarter and the outcome of the work can be summarised as follows. Negative outcomes should be discussed in more detail in section 3 and page numbers are referenced in the table below.

Undertaken By	Title & Date Report Received	Overall Report Status
Internal Audit	<b>Cleanliness of the Public Realm</b> Taking account of the issues identified, in our opinion management can take <b>adequate</b> assurance that the controls upon which the organisation relies to manage this risk, as currently laid down and operated, are effective	<b>Adequate Assurance</b>

## 3. Exception Reporting

### 3.1 Implementation of the recommendations from the E coli inquiry.

New E coli guidance issued recently by the Food Standards Agency and which was referred to in the Quarter 3 report is actively being promoted in relevant food businesses in the County during food hygiene inspections. As a consequence of this new guidance the Progress RAG continues to be reported as Amber rather than Green at this time.

### 3.2 Performance Indicators

#### 3.2.1 PPN/001i – Trading Standards – High Risk Businesses.

The team have made considerable effort to meet this target however the vacant Trading Standards post within the service means there was insufficient capacity with regard to Weights and Measures expertise to fully complete all the inspections within the time period.

#### 3.2.2 PPN/001iv – Health and Safety – High Risk Businesses.

Considerable efforts have been made by the Health and Safety enforcement team to meet performance targets. However, reactive work, preparation for court cases, vacancies within the team and the introduction of new Sunbeds legislation have impacted on overall performance for this service against WG Performance indicators and as such targets for this year have not been fully met.

#### 3.2.3 PPN/007i – Trading Standards – Significant Breaches

At the start of the year and at the start of each quarter it is not known how many significant breaches will be identified. Once identified, formal investigation commences and in some cases the matter may be resolved fairly rapidly. In others it may take months (or even more than a year) if complex legal action involving prosecution is warranted and undertaken. This year, a number of cases have had to be carried forward to 2012/13 as they have not yet been rectified.

#### 3.2.4 PPN/007ii - Animal Health – Significant Breaches

At the start of the year and at the start of each quarter it is not known how many significant breaches will be identified. Once identified, formal investigation commences and in some cases the matter may be resolved fairly rapidly. In others it may take months (or even

more than a year) if complex legal action involving prosecution is warranted and undertaken. This year, a few cases have had to be carried forward to 2012/13 as they have not yet been rectified.

#### 3.2.5 PPN/008iii – Animal Health – New Businesses

At the start of the year and at the start of each quarter it is not known how many new businesses will be identified in any given period. In this instance the drop in performance relates to two premises that were not inspected and these will be inspected during the first quarter of 2012/13.

#### 3.2.6 PPN/008iv – Health and Safety – New businesses

Considerable efforts have been made by the Health and Safety enforcement team to meet performance targets. However, reactive work, preparation for court cases, vacancies within the team and the introduction of new Sunbeds legislation have impacted on overall performance for this service against WG Performance indicators so that targets for this year have not been fully met.

#### 3.2.7 PSR/007a – HMOs

Proactive work has taken place by the Environmental Control section in order to identify more HMO's within the County. If the team locate a HMO which does not require licensing as it meets the necessary standard, this will affect the performance target, as more HMO's have been identified but they do not require a license. This explains the marginal downturn in performance for this indicator. In real terms, the overall performance has increased as more HMO's have been identified however the quality/standards of the HMO has been higher and therefore no license conditions required.

#### 3.2.8 IA4.2L3 – Satisfaction Levels

This improvement target on customer satisfaction is reported on an annual basis with the survey being undertaken in February/March. The survey has been delayed this year due to staff shortages and the need to focus on year end performance indicators. The survey is being carried out in April/May and the results will be reported in the first quarter of 2012/13. A program of service improvement projects is being undertaken to improve satisfaction levels. This work is focusing on process improvement work, training of staff, improved access to services, reducing the timeline from reporting to resolution and the development of the most efficient and cost effective way of resolving people's problems and responding to their requests for advice, information and assistance.

### **3.3 Review, improve and integrate new services and functions.**

There has been a slight delay in implementing the new service and filling vacant posts which have affected performance as noted above in some areas. It is expected that the full implementation of the service review will be completed over the next few months.