

# FAREHAM

## BOROUGH COUNCIL

### **Report to Licensing and Regulatory Affairs Committee**

**Date**                    **17 March 2015**

**Report of:**            **Director of Community**

**Subject:**                **ENVIRONMENTAL HEALTH PARTNERSHIP UPDATE**

#### **SUMMARY**

This report updates the Panel on the progress of the Environmental Health Partnership, in particular following the TUPE (Transfer of Undertakings Protection of Employment Regulations) transfer of staff to Fareham in April 2014 and subsequent introduction of a single staffing structure.

#### **RECOMMENDATION**

That members note the progress of the Environmental Health Partnership

## **INTRODUCTION**

1. The Environmental Health Partnership has been in place now since 4 January 2011 and has worked very well during that time.
2. Work was undertaken in 2013 to look at the feasibility of introducing a single Environmental Health Structure employed by a single Authority. Both Authorities are under pressure to achieve savings and there is a need to ensure resilience with ever decreasing resources. Each authority's corporate approach and organisational model to achieve partnership working are complementary. Fareham Borough Council was preferred to be the lead authority for employment.
3. Subsequently, 19 people in number transferred to Fareham Borough Council on their existing terms and conditions of employment under Transfer of Undertakings (Protection of Employment) (TUPE) regulations on 1 April 2014.
4. A new agreement between the two Councils has been drawn up to cover this new partnership arrangement, which should be signed off by both Authorities shortly.
5. The agreement confirms the creation of the Fareham and Gosport Environmental Health Partnership Panel.

### **FAREHAM AND GOSPORT ENVIRONMENTAL HEALTH PARTNERSHIP PANEL.**

6. Following the very successful Fareham and Gosport Building Control model the aforementioned panel was set up, with the following objectives:-
  - Identifying opportunities for improving efficiency and reducing costs
  - Reviewing management arrangements
  - Reviewing arrangements for the management of risk
  - Reviewing performance
7. The Panel met for the first time on 16 March 2015 and was presented with the report which is shown as Appendix A, a verbal update will be provided at the meeting. The Panel will meet twice a year or more frequently as required.
8. A summary of the current position is as follows:-
  - The partnership has delivered savings year on year since it began in 2011.
  - IN October 2013 the partnership moved to a single IT system.
  - The staff TUPE transfer took place on 1 April 2014, with all staff moving to Fareham Borough Council for employment.
  - An agreed single staffing structure was put into place; currently there are 3 vacancies within that structure, the functions of which are being reviewed; further savings are accruing in the meantime and permanent savings are likely.
  - Service delivery is under review following the Vanguard project at Fareham which is also likely to result in additional savings.

- The service has had both Annual Air Quality Reports 2014, accepted by DEFRA.
- The programmed food inspections are likely to be 100% completed in 2014/2015.
- Overall performance is good and this is demonstrated by the performance data appended to the attached report.
- The Partnership has won an Award for “Delivering through Efficiency” which was awarded by IESE – Improvement and Efficiency Social Enterprise, This is a Social Enterprise set up by Local Government designed to help deliver efficiency savings.

### **RISK ASSESSMENT**

9. There are no significant risk considerations in relation to this report. There is a partnership agreement in place which both Councils are signed up to.

### **CONCLUSION**

10. The partnership is performing well for both Councils.

#### **Background Papers:**

None.

#### **Reference Papers:**

None.

#### **Enquiries:**

For further information on this report please contact Ian Rickman (Ext 2401).



Working in partnership

**Report to  
Fareham and Gosport Environmental  
Health Partnership Panel**

**Date**                    **16 March 2014**

**Report of:**           **Head of Environmental Health**

**Subject:**             **Environmental Health Partnership Update**

**SUMMARY**

This report updates the Panel on the progress of the Environmental Health Partnership, in particular following the TUPE transfer of staff to Fareham in April 2014 and subsequent introduction of a single staffing structure.

**RECOMMENDATION**

That members note the progress of the Environmental Health Partnership.

## **BACKGROUND**

1. The Environmental Health Partnership has been in place now since the 4 January 2011. It was initially created following a management restructure opportunity which arose in Gosport, together with an aspiration from each Council to explore the possibility of partnership working, to deliver resilience and efficiency savings.
2. The Partnership has operated essentially with a single Head of Environmental Health managing the separate Environmental Health Sections at Fareham Borough Council and at Gosport Borough Council. Since 2011 some work has been carried out to align ways of working, with an approach of review and taking forward the best elements from each Council.
3. Initially there was a Memorandum of Understanding in place between the two Councils which covered the initial arrangement up to July 2015.
4. Following approval by each Council in October 2013 the Partnership moved to a single IT system, that being provided by Fareham Borough Council. This enabled further work on systems and procedures to be undertaken to further align processes and systems of work to deliver resilience, efficiencies and savings.
5. Work was undertaken in 2013 to look at the feasibility of introducing a single Environmental Health Structure employed by a single Authority. Both Authorities are under pressure to achieve savings and there is a need to ensure resilience with ever decreasing resources. Each authority's corporate approach and organisational model to achieve partnership working are complementary. Fareham Borough Council was preferred to be the lead authority for employment.
6. Consequently 19 people in number transferred to Fareham Borough Council on their existing terms and conditions of employment under Transfer of Undertakings (Protection of Employment) (TUPE) regulations on 1 April 2014.
7. Since the transfer work has been undertaken to implement the agreed single employment structure for the partnership. This involved a number of selection processes where staff were ring fenced for posts in the new structure, amendments to contracts and terms and conditions and also a small number of redundancies, together with external recruitment.
8. The agreed structure is shown as Appendix A. In respect of the staffing structure, currently the Principal Environmental Health Officer Commercial, a Senior Environmental Health Officer Commercial and the Senior Licensing Officer posts are all vacant. Even at this early stage it seems prudent to review the work undertaken by these posts in order to establish if further efficiencies and savings can be delivered.
9. A new agreement between the two Councils has been drawn up to cover this new partnership arrangement, which should be signed off by both Authorities shortly.

## **ENVIRONMENTAL HEALTH PARTNERSHIP**

10. The scope of the partnership includes the following areas:-
- **Commercial Team**  
Food Safety,  
Health & Safety at Work,  
Infectious Disease Control  
Open Markets (Gosport only)
  - **Pollution Team**  
Noise and Statutory Nuisance  
Private Sector Housing  
Disabled Facilities Grants (Gosport only)  
Air Quality  
Local Authority Pollution Prevention Control (LAPPC)  
Contaminated Land  
Pest Control  
Dog control
  - **Licensing & Support Teams**  
Alcohol, entertainment and late night refreshment licensing  
Hackney and Private Hire Licensing  
Animal licensing  
Street Trading Consents  
Tables and Chairs licences  
Street Collections  
Miscellaneous licensing
11. In respect of Disabled Facilities Grants and Open Markets, these are currently only in scope as far as Gosport is concerned although it has been left open should Fareham wish to add these services at a later date.

## **COMMERCIAL TEAM**

### **Food Safety**

12. Fareham & Gosport Borough Councils are designated as Food Authorities under the European Communities Act 1972, the Food Hygiene (England) Regulations 2006 and the Food Safety Act 1990. These place a statutory duty on the Authorities to enforce the Acts.
- The key target the Food standards Agency is concerned with is that the programme of Food Safety inspections as determined by their risk Rating Scheme is delivered. The partnership is on target to complete its programmed Food Safety inspections as required by the Food Standards Agency for 2014/2015, this will equate to some 600 inspections of commercial food premises.
  - This team had also dealt with up to 14/11/14 , 300 request for advice and complaints and 55 food poisoning /infectious disease cases.

### **Health & Safety at Work**

13. The Councils are designated as Enforcing Authorities under the Health and Safety (Enforcing Authority) Regulations 1998 and are responsible for the enforcement of the Health & Safety at Work etc. Act 1974, within commercial premises within each Borough. The Councils have a duty to carry out their functions in accordance with guidance issued by the Health & Safety Executive. The guidance is issued under Section 18 of the Act.
14. Health & Safety work over recent years has been reduced by Government as part of its deregulation Agenda. There is no longer a requirement to have a comprehensive inspection programme, but instead to offer advice when requested and carry out accident investigations and consider local initiatives; this work does not require much resource input.
15. The key performance measures are around ensuring accident investigations are carried out in accordance with the incident selection criteria prescribed by HSE, which they all are. As at 14/11/14, this team has investigated 39 accidents and offered detailed advice on 79 occasions.

### **Infectious Disease Control**

16. This section has a role in the control of disease in the community, as certain diseases are notifiable to local authorities; this area also includes incidents of food poisoning.

### **Open Markets**

17. The responsibility for the day to day operation of Gosport market sits within the Partnership.

### **POLLUTION CONTROL**

#### **Statutory Nuisance**

18. Under the Environmental Protection Act 1990 each Council has a duty to inspect its area for nuisances and take reasonable action where a nuisance is reported to it.
19. One of the benefits of the partnership is that the Environmental Health Out of Hours Service, which deals predominantly with Noise, could be extended to Gosport. This has been a staged process; the staff transferred in April 2014 and the restructure took place. This left the original service 30% short in its staffing. The former Gosport employees however were then consulted and their contracts amended to include the Out of Hours working requirement. The Environmental Health out of hours service is being reviewed whilst contractual issues and staff training are undertaken. In January this Service will be provided as a single service across the partnership, although the Service has been provided to each Council since April 2014.

#### **Private Sector Housing**

20. Under the Housing Act 2004, local authorities have a duty to inspect residential properties where they become aware that hazards may exist. In reality what this

usually means is that where there is landlord tenant situation and the tenant is unhappy with any aspect of the accommodation they may complain to Environmental Health.

### **Disabled Facilities Grants (Gosport only)**

21. Within Environmental Health at Gosport sits the responsibility for Disabled Facilities Grants. Each year the Private Sector Housing Policy is updated and grants are administered by Environmental Health. A sum of money is paid by the Government to Hampshire, who then allocate a proportion to Gosport Borough Council, Gosport tops this up with additional funding, as demand is always greater than the budget can provide for. Currently on request the Hampshire County Council Occupational Therapists will assess need on request and then Gosport has a home improvement agency contract with Portsmouth City Council.

### **Air Quality**

22. Under the Environment Act 1995 the local authority has a duty to undertake a review of its Air Quality and also undertake future reviews. In practice, this is usually done by the installation of a continuous air quality monitor and also by the siting of NOx tubes throughout a Borough.
23. Within Gosport there is a continuous air quality monitoring station on the corner of Titchborne Way and in Fareham there is one on Gosport Road at the corner of Elms Road and one on Portland Street. The maintenance and data management contract was tendered as a single contract in 2011.
24. Fareham has two Air Quality Management Areas (AQMAs), Gosport Road from Elms Road to Mill Road and Portland Street
25. The Department for Environment Food and Rural Affairs (DEFRA) require each Authority to submit an annual report regarding Air Quality.

### **Local Authority Pollution Prevention Control (LAPPC)**

26. Each Authority has a statutory duty to ensure certain polluting processes e.g. Paint Spraying, Crematoria have and are complying with the terms of a Permit. There is a requirement to inspect these polluting processes on a rolling basis.

### **Contaminated Land**

27. In April 2000 local authorities in England and Wales were given a new statutory duty, under Part 11a of the Environmental Protection Act (EPA) 1990 to identify areas of contaminated land and get then cleaned up. This included producing a contaminated land inspection strategy to set out how inspections would be carried out.
28. The work to clean up potentially contaminated sites consists of using the Planning process and responding to complaints. It was originally planned that there would be a pro-active inspection strategy but this isn't practical in the current economic climate.



## **Pest Control**

29. Each Council has a statutory responsibility to keep its own land free from rats and mice. To that end the Partnership now has a single Pest Control Service operating across the area, which consists of 2 qualified full-time officers and a third that can be called upon to assist with peaks in demand.

## **Dog Control / Animal Welfare**

30. Local authorities have a range of duties and powers in respect of dog control and animal welfare which include: Collection of stray dogs; control of aggressive dogs (to other animals); licensing and registration of Pet shops, riding establishments, boarding establishments etc. There is one dog warden for the partnership who, in terms of dogs straying, is supported by the Pest Control Officers to cope with peaks in demand and also the geographical challenges.

## **LICENSING AND SUPPORT**

31. The area covers Alcohol, entertainment and late night refreshment licensing (1244 premises), Hackney and Private Hire licensing (464 vehicles) , 534 drivers), Gambling, Animal licensing, Street Trading Consents, Tables and Chairs licences, Street Collections, Miscellaneous licensing.
32. The licensing function is directly managed by the Head of Environmental Health, supported by the Licensing and Support Manager and a Licensing Officer. The administrative part of the process is undertaken by the support team.

## **PARTNERSHIP PERFORMANCE**

33. Since 2011 the partnership arrangement has worked well and the two Environmental Health Services have performed well. All performance targets have been met. These include: DEFRA approval of Air Quality Reports; Statutory Licensing requirements met; all polluting processes inspected in accordance with Statutory Guidance; Food Premises Inspections completed; Successful Food Standards Agency Audit; complaint resolution times good.
34. Following the staff transfer in April 2014 and the implementation of the single staffing structure, performance has continued to be good despite a number of staffing and recruitment issues.
35. A summary of current performance 2014/2015 is shown as Appendix B.

## **FINANCIAL**

36. The restructure, which took place in April, resulted in a combined staffing structure which costs £100,000 less than the total cost of the two structures that were in place immediately before it.
37. Currently there is an additional £100,000 in staff vacancies within the structure; the work of these posts is being reviewed as there is ultimately the possibility of further savings. It has been possible to carry these vacancies, largely as a result of the

systems thinking project underway at Fareham, which has resulted in a different approach to service delivery with a renewed focus on customer service.

38. Appendix C shows a financial overview for the partnership this financial year 2014/2015 to date.

## **CONCLUSION**

39. The Staff transfer and restructure of Environmental Health has delivered further savings, increased resilience and further strengthened the partnership arrangement. The Partnership despite being in a transitional period is still performing well.

### **Background Papers:**

None.

### **Reference Papers:**

None.

### **Enquiries:**

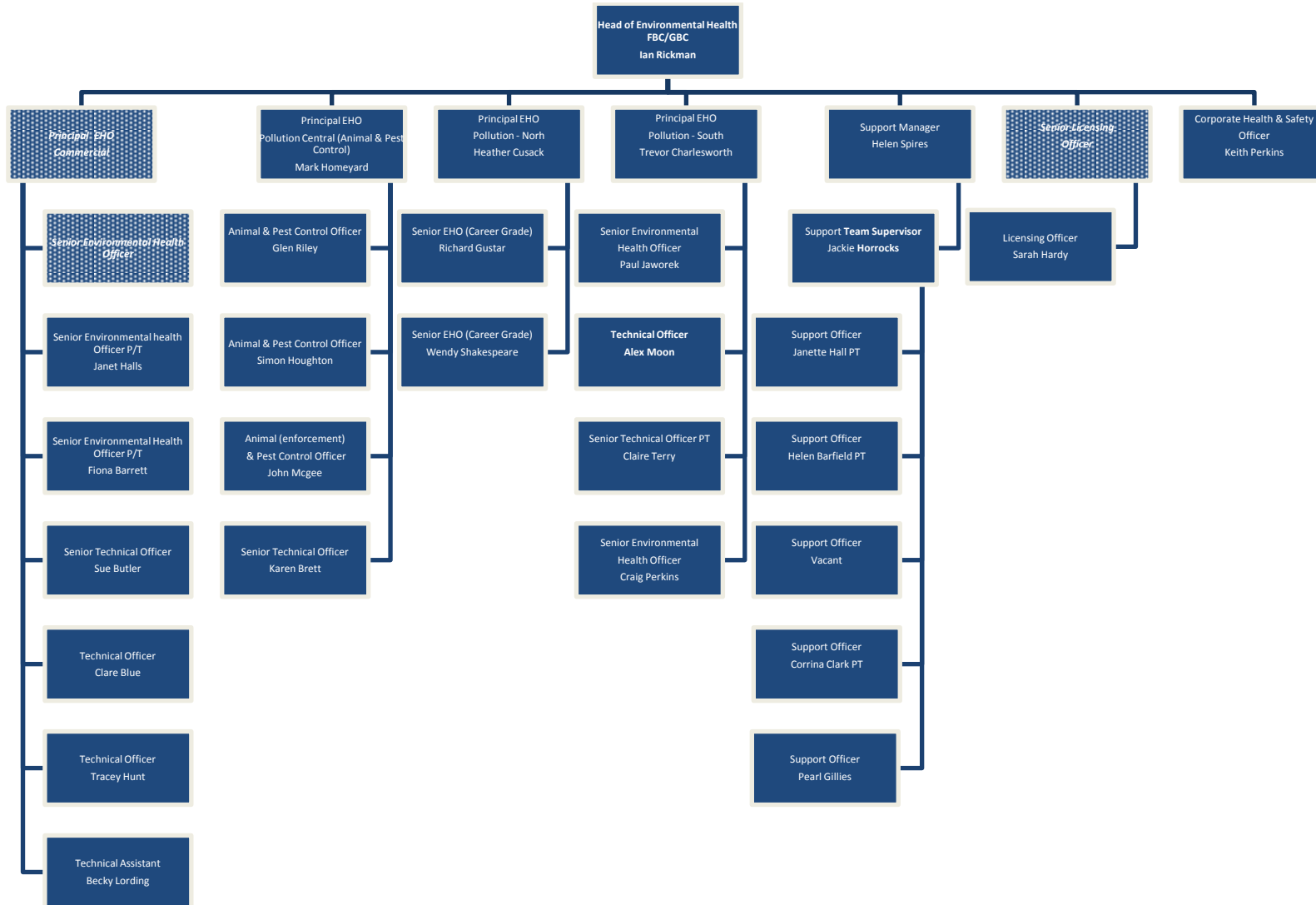
For further information on this report please contact Ian Rickman (Ext 2401).

Appendix A – Single Environmental Health Staffing Structure

Appendix B – Summary of Current Performance 2014/15

Appendix C - Financial Information

APPENDIX A



**APPENDIX B**

		<b>Numbers</b>	<b>Percentage within target</b>	<b>Percentage target</b>
<b>Code</b>	<b>Description</b>			
<b>EH01a</b>	<b>% of High Risk (category A and B) food premises due for inspection, inspected during the current year</b>	34 out of 41	83%	95%
<b>EH01b</b>	<b>% of Medium Risk (category C) food premises due for inspection, inspected during the current year</b>	126 out of 154	82%	90%
<b>EH03</b>	<b>Complete at least two inspections per annum of every industrial process regulated by the Council under the LAPPC regime as determined by their risk assessment</b>	13	100%	100%
<b>EH04</b>	<b>% of rodent service requests resolved within 30 working days of receipt</b>	Mice 340 out of 365 Rats 666 out of 708	93% 94%	90%
<b>EH05</b>	<b>% of insect (excl Fleas) service requests resolved within 10 working days of receipt</b>	312 out of 324	96%	90%

<b>EH08</b>	<b>% of food hygiene service requests resolved within 20 working days of receipt</b>	318 out 370	86%	90%
<b>EH09</b>	<b>% of Health and safety service requests resolved within 20 workings days of receipt</b>	79 out of 83	85%	90%
<b>EH12</b>	<b>% of domestic noise complaints resolved within 60 working days of receipt</b>	1427 out of 1523	94%	95%
<b>EH15</b>	<b>% of other pollution complaints resolved within 20 working days of receipt</b>	136 out 216	63%	70%
<b>EH17</b>	<b>% of requests for private sector housing service resolved within 6 months of receipt</b>	284	100%	90%
<b>EH18</b>	<b>% of valid and fully made grant applications approved within 30 working days of submission.</b>	4	100%	90%
<b>EH19</b>	<b>% of grant payments authorised within 20 working days following the satisfactory completion and inspection of the work and submission of all documentation.</b>	4	100%	90%
<b>EH20</b>	<b>Food Hygiene Rating System - % of businesses rated 3 stars or above</b>	963 out of 1025	94%	90%

<b>EH22</b>	<b>LA2003 New Applications and License Variations - % of applications determined where there are no representations within 36 days</b>		100%	100%
<b>EH23</b>	<b>LA2003 New Applications and License Variations - % of applications determined where there are representations within 57 days</b>		100%	100%
<b>EH24</b>	<b>Minor Licence Variations, Personal Licenses and transfers - % of applications determined where there are no representations within 22 days</b>		100%	100%
<b>EH25</b>	<b>Minor Licence Variations, Personal Licenses and transfers - % of applications determined where there are representations within 43 days</b>		100%	100%

**FINANCIAL INFORMATION**  
**Summary of financial year 2014/15**

	<b>Base Estimate 2014/15</b>	<b>Revised Estimate 2014/15</b>	<b>Current Estimate 2014/15</b>	<b>Actual Period 9 2014/15</b>	<b>Variance Period 9 2014/15</b>	<b>Variance Period 9 2014/15</b>
<b>Expenditure</b>						
Employees	0	1,189,100	904,724	865,757	38,967	38,967
Severance chargeable to GBC				41,433	-41,433	
Premises	0	800	600	947	-347	-347
Transport	0	42,800	27,551	37,786	-10,235	-10,235
Supplies and Services	0	128,600	88,100	65,103	22,997	22,997
Third Party Payments	0	3,100	2,325	79	2,246	2,246
Internal Recharges	0	0	0	50	-50	-50
Charge for telephone				-150	150	150
	<b>0</b>	<b>1,364,400</b>	<b>1,023,300</b>	<b>1,011,005</b>	<b>12,295</b>	<b>53,728</b>
<b>Charges</b>						
SLA Charges to FBC	0	682,200	-511,650	484,696		
SLA Charges to GBC	0	682,200	-511,650	484,696		
SLA Charges to GBC				41,613		
	<b>0</b>	<b>1,364,400</b>	<b>1,023,300</b>	<b>1,011,005</b>		
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

**Summary of financial year 2014/15**

**Expenditure**

Overall expenditure is below the budget figure of £1,023,300 by £12,295. This takes account of the severance cost attributable to Gosport Borough Council having to be recognised in the Partnership Trading Account, and being 100% recharged to Gosport Borough Council.  
The expenditure analysis shows a true underspend of £53,728.

**Employee** Partnership employee expenditure of £865,757 is £38,967 below budget.

**Transport** This area is overspent against budget. The budget may be understated in taking accounts of hire / lease costs incurred at GBC.

**Supplies & Services** Supplies and services are underspent against budget.  
The largest area of underspend includes consultants, kennelling and standby.

**Third Party Payments** The budget for this area will be revised for 2015/16 as Southampton Legal costs are treated as a recharge, with the actual cost to FBC falling outside of the Environmental Health Partnership.