

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **22 March 2016**

Report of: **Head of Environmental Health**

Subject: **UPDATE ON FAREHAM & GOSPORT ENVIRONMENTAL
HEALTH PARTNERSHIP**

SUMMARY

This report provides Members with an update on the progress of the Fareham and Gosport Environmental Health Partnership. Although many of the service areas are reported to the Public Protection Policy Development and Review Panel, this Committee is responsible for the Fareham Licensing and Health & Safety functions.

RECOMMENDATION

That members note the progress of the Fareham and Gosport Environmental Health Partnership and identify any further areas within Licensing and Health & Safety where further work is required to develop the Partnership further.

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. Initially there was a Memorandum of Understanding in place between the two Councils which covered the initial arrangement up to July 2015. This Committee is responsible for the Fareham Licensing and Health & Safety functions which are provided by the Partnership.
3. The Partnership operated essentially with a single Head of Environmental Health managing the separate Environmental Health Sections at Fareham Borough Council and at Gosport Borough Council. Work was initially carried out to align ways of working, with an approach of review and taking forward the best elements from each Council.
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. In April 2014, 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.
6. A new agreement between the two Councils has been drawn up to cover this new partnership arrangement, which was signed off by both Authorities on 17th August 2015.
7. The Environmental Health Partnership Panel was established at this time to oversee the strategic direction and management of the partnership, this consists of Councillor Trevor Cartwright as the elected member for Fareham and Councillor Graham Burgess as the elected member for Gosport. The Panel meets twice a year and is also attended by the Director responsible for Environmental Health from each Council, finance representatives and the Head of Environmental Health.
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. Following some recent staff departures and also the review of some vacant posts the structure has recently been reviewed again, with further savings delivered. The current structure is shown as Appendix A.

ENVIRONMENTAL HEALTH PARTNERSHIP

9. The scope of the partnership includes the following areas:-

- **Commercial Team**
Food Safety,
Health & Safety at Work,
Infectious Disease Control
Open Markets

- **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

Corporate Health & Safety

Community Safety (Fareham Only)

COMMERCIAL TEAM

Food Safety

10. 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.

Health & Safety at Work

11. 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.
12. 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.
13. 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.

Infectious Disease Control

14. 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

15. The responsibility for the day to day operation of both Fareham and Gosport open markets sits within the Partnership. Due to an internal promotion and a retirement two new staff members have recently been recruited to manage the markets and also support the Office Support function.

POLLUTION CONTROL

Statutory Nuisance

16. 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.
17. Environmental Health operates a 24/7, 365 day Out of Hours Service, which deals predominantly with Noise, but also covers the full range of Environmental Health matters. This is resourced in-house with a rota in place for the pollution team who take it in turns to hold the duty phone.

Private Sector Housing

18. 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)

19. 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

20. 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.
21. 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.
22. Fareham has two Air Quality Management Areas (AQMAs), Gosport Road from Elms Road to Mill Road and Portland Street
23. 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)

24. 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

25. 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 them cleaned up. This included producing a contaminated land inspection strategy to set out how inspections would be carried out.
26. 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

27. 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. Although there is currently a vacant post here.

Dog Control / Animal Welfare

28. 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.
29. There is also an out of hours service for stray dogs which operates until 10pm each day. This service is also resourced in-house with a mixture of contracted staff members and volunteers.

LICENSING AND SUPPORT

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

OTHER

32. Corporate Health and Safety for each Council is included within the scope of the partnership, with each Council Sharing a single Health & Safety Advisor.
33. In addition to the above Community Safety at Fareham is managed by the Head of Environmental Health.

PARTNERSHIP PERFORMANCE

34. 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/ Customer satisfaction is good.
35. 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. All of the staff except two are now on Fareham Terms and Conditions & Contracts of Employment

FUTURE PARTNERSHIP ISSUES

37. Since the partnership started working practices have been aligned taking forward the best elements from both Councils. In October 2013, the Partnership moved to a single IT platform, which enabled staff to do work for either Council irrespective of where they are situated and enabled a single way of working to be fully established. In April 2014, all of the Partnership staff transferred to Fareham Borough Council which became the lead employer and has allowed staff terms and conditions to be harmonised.
38. At its meeting of 3 February 2016, the Licensing and Regulatory Affairs Committee approved the Licensing fees and charges for 2016/2017. In doing so there was discussion around the potential to align fees and charges across the partnership. The partnership costs are met on a 50:50 basis. Although each Council retains its own fees and charges, it was suggested by the Committee that the Partnership Panel should consider the feasibility of aligning fees and charges and that initial discussions should take place between officers and the Panel.

FINANCIAL

39. The restructure, which took place in April 2014, 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. The recent restructure produced around another £120, 000 of salary savings.
40. 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.
41. Both Council's accountants are satisfied with the financial performance of the partnership.

CONCLUSION

42. The Staff transfer and restructure of Environmental Health has delivered further savings, increased resilience and further strengthened the partnership arrangement. The Partnership 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 A

