

Committee: Joint Regulatory Committee

Date: 10th September 2015

Wards: All

Subject: Annual Performance Report

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cllr Judy Saunders, Cabinet Member for Environmental Cleanliness and Parking (LB Merton); Cllr Nick Draper, Cabinet Member for Community and Culture LB Merton) , Cllr Pamela Fleming, Strategic Cabinet Member for Environment, Business and Community (LB Richmond – Chair); Cllr Rita Palmer (LB Richmond)

Contact officer: Paul Foster, Head of the Regulatory Services Partnership

Recommendations:

- A. Members to note and comment on the review of annual performance of the Regulatory Services Partnership.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform members of the performance of the Regulatory Services Partnership (RSP)

2 DETAILS

- 2.1. On the 1st August 2014, the Environmental Health Commercial, Pollution, Trading Standards and Licensing teams of the London Boroughs of Merton and Richmond upon Thames combined to form the Regulatory Services Partnership.
- 2.2. Effective management of performance is vital to the success of the shared regulatory service ensuring that our customers are satisfied and our partners reassured by the cost effective delivery of the service on their behalf.
- 2.3. RSP managers regularly review team performance and highlight any issues of concern. The management team also looks to the strategic direction of the service and ensures that the operational and financial resources available to partners are used in the most efficient manner.
- 2.4. There are a wide range of external agencies to which the service must report data (e.g. Food Standards Agency, Department of the Environment, Food and Rural Affairs, Health and Safety Executive, Department for Business, Innovation and Skills, CIPFA etc.) All statutory reports are submitted on time in order that the RSP continues to meet its statutory obligations. Currently, we submit separate returns for both Merton & Richmond but in an attempt to save time and money, it is our intention, to submit one combined return for the RSP.
- 2.5. In addition to the external agencies, service performance is also monitored by departmental management teams and subject to scrutiny by members.

- 2.6. There have been a number of service delivery highlights throughout the year which showcase the work of our teams and illustrate the breadth of their responsibilities:

ENVIRONMENTAL HEALTH (COMMERCIAL TEAM)

Food Standards Agency Audit of Richmond.

- 2.7. In 2012, the Food Standards Agency carried out an audit of Richmond's Food Hygiene inspection service. A number of issues were found to require attention and an action plan was drawn up of actions that were required.
- 2.8. Richmond had some difficulties in closing the audit but in October 2015, the new managers in the Commercial team were tasked with completing it. In May 2015 the action plan was completed and the Food Standards Agency signed the action plan off as completed.
- 2.9. Whilst this was predominantly a Richmond issue, significant benefits were derived for both Merton and Richmond. In terms of the delivery of a food hygiene and safety service, the Food Standards Agency was satisfied that Merton and Richmond had demonstrated that it had satisfactory procedures in place for:
- The Appointment and Authorisation of suitably qualified officers
 - A transparent, proportionate and consistent approach to enforcement that encourages and supports well run businesses whilst taking robust action against persistently non-compliant businesses.
 - An annual service plan that is consistent with National Food Law Enforcement Planning guidance
 - Providing and delivering a risk based food safety inspection programme (see para 2.10) which focuses on higher risk premises whilst at the same time being able to respond to food poisoning outbreaks and complaints about food safety.
- 2.10. All food hygiene inspection activity is directed to those premises that present the highest risk in the non-compliant A, B, & C categories. Visit data is regularly reviewed and the EH Commercial Manager will review with the inspecting officer any premises in the non-compliant A category that has not improved as it will be expected that formal enforcement action should then be initiated to force an improvement in the premises.
- 2.11. Some of our successful formal enforcement actions are listed below:
- Dragon Inn, Mitcham – Inspected 16/6/2014 – Hygiene Emergency Prohibition Notice served due to an infestation of mice on the premises. Recently inspected and has improved its Food Hygiene Rating System (FHRS) rating from 0 to 3.
 - Golden House, Wimbledon – Simple caution accepted for food hygiene offences found during a routine inspection on 9/10/2015. Business owner worked with the Environmental Health Officer and it was re inspected on 4/6/15 and the Food Hygiene Rating Improved to 5 (top rating).
 - Curry Leaves, New Malden-Inspected on 16/12/14 –Hygiene Emergency Prohibition notice served for poor structural condition, lack of cleaning,

serious accumulation of filth giving rise to actual contamination of food. Improvements are still being monitored but further formal action may be taken.

- Café Ali Baba, Pollards Hill – Inspected just after opening on 9/2/2015 – Hygiene Emergency Prohibition Notice served due to no water supply to the premises. Water supply has been reinstated, new inspection now due and hoping so see an Improvement in the Food Hygiene Rating Score.
- Sussex Arms, Staines Road Twickenham – inspected as part of a routine food hygiene inspection in May 2014, premises was providing hot food but had a disconnected water supply to the kitchen. Premises was voluntarily closed down and not allowed to reopen until the water supply had been properly reconnected.
- Moidul’s Indian Restaurant, Stanley Road, Twickenham – routine inspection in July 2015, found that gas had been disconnected by the gas supplier and the owner had installed extremely dangerous makeshift arrangements using cylinders of liquefied petroleum gas. As this posed a significant fire and explosion risk a Prohibition Notice was served under the Health and Safety at Work etc., Act that prohibited its use. The premises remains closed and an investigation is now ongoing as to who carried out the installation work.

Food Hygiene Rating Scheme

- 2.12. Both boroughs operate the Food Standard Agency’s Food Hygiene Rating Scheme (FHRS). This internet based scheme makes it easier for consumers to choose places with good hygiene standards when they are eating out or shopping for food. The ratings range from 0 (Urgent Improvement Required) to 5 (Very Good).
- 2.13. We currently have 2658 premises in the scheme and the ratings are regularly updated and are available on the Food Standards Agency’s website and on a numbers of ‘apps’
- 2.14. We closely monitor the performance of low rated food businesses and have set a performance indicator that no more than 10% of the total premises should have a rating of 1 or 0. Current performance is 5% for Merton and 7% for Richmond
- 2.15. As part of a national initiative to encourage more food businesses to display their food hygiene rating window sticker, we obtained external funding to visit a number of businesses in main shopping centres. Mandatory display of hygiene ratings is not yet a requirement in England although it is in Scotland, Wales and Northern Ireland.

Wimbledon Tennis and the Rugby World Cup

- 2.16. The two boroughs are now host to two major sporting events in the national calendar, namely Wimbledon tennis fortnight and the Rugby World Cup. Both events are watched by a worldwide audience and attract of hundreds of thousands of visitors into the area.
- 2.17. Whilst these events generate welcome opportunities for the local economy, they also bring significant challenges for the service which has to respond to increased service demands across a number of functional areas. The RSP is

well placed to meet these challenges with increased resilience providing an opportunity to share and mobilise specialist skills.

- 2.18. In terms of food safety, considerable experience has been built up in large event catering particularly in relation to large scale corporate hospitality which by its nature is high risk in the terms of the potential risks from food poisoning.

LICENSING

- 2.19. The licensing teams in Merton and Richmond are currently meeting all statutory targets as specified in the Licensing Act 2003 and the Gambling Act 2005.
- 2.20. The team works very closely with the local Metropolitan Police licensing teams based in Richmond and Merton and joint police/council inspections of licensed premises are carried out on a regular basis.
- 2.21. The licensing requirements associated with the Rugby World Cup tournament has placed additional demands on council and police resources and as a consequence partnership working with the local licensing trade, especially in relation to the control of visitors and patrons for the four late kick offs, during the RWC is especially significant.
- 2.22. The total number of licensed premises across the partnership amounts to 3, 827 and a breakdown showing the premises type and activity volumes is shown below in Table 1:

Table 1

Type of Licensed Premises	Merton	Richmond
Premises Licenses/Club Premises Certificates (LA03)	525	764
Premises Licenses/Tracks Betting (GA05)	35	36
Special Treatment Premises	190	230
Street Trading	950	1071
Pet Shops	6	4
Riding Establishments	2	4
Scrap Metal	6	2
Zoo's	0	1
Animal Boarding Establishments	0	0
Dog Breeding	0	0
Sex Shops/Sex Entertainment Venues	0	1
Total Number of Inspections of Licensed Premises	1126	1449
Total Number of Applications Received	1854	2698
Service requests (complaints and enquiries) received	772	
Telephone calls received	Not captured	4,122

- 2.23. During the last year, Merton's Licensing Policy (alcohol, entertainment & late night refreshment) was reviewed and re-written. The review included an option to introduce an additional Cumulative Impact Zone for Mitcham Town Centre and the surrounding area to control the number of off licensed premises and sales of high alcohol by volume beers and lagers.
- 2.24. Public consultation is underway following the redrafting of the London Borough of Merton's Licensing Policy under the Licensing Act 2003 and Statement of Principals under the Gambling Act 2005. Final drafts of the Licensing Policy and the Statement of Principals together with comments received during the public consultation period are due to be taken before the Licensing Committee on 20 October 2015. If approved by the Licensing Committee both documents will be put before Full Council on 18 November 2015 with a recommendation of adoption.
- 2.25. Public consultation is also underway following the redrafting of the London Borough of Richmond upon Thames Statement of Principles under the Gambling Act 2005. A final draft of the document will be taken to Regulatory Committee on 20 October 2015 together with comments received during the

public consultation period. If approved the draft Statement of Principles will be taken to a Full Council meeting on the 24 November 2015 with a recommendation to adopt.

ENVIRONMENTAL HEALTH POLLUTION TEAM

- 2.26. The pollution team deal with a range of issues including noise nuisance, air quality and contaminated land. The team receives around 3,000 complaints a year and of these 93% are responded to within the same day and 85% within 5 days.

Air Quality

- 2.27. The team is very proactive on air quality and it is the South London cluster group lead on the Love Clean Air website (<http://lovecleanair.org/>) which aims to provide better coordination between local authorities and clearer information on air quality initiatives to members of the public. We have secured £300,000 of funding (pending finalisation) over the next 3 years from two Local Implementation Funds (LIP) and are about to apply for additional funding to tackle poor air quality in our town centres.
- 2.28. The RSP is a focus area for the Change London AirSensa (<http://www.airsensa.org/>) project, which will monitor and visualise air quality across the country right down to individual street level, sharing real-time health information with everyone, and enabling specific solutions to be targeted accurately and efficiently. We're already rolling out air sensors on schools, business premises and other key locations.

Noise Nuisance

- 2.29. Since the formation of the partnership, we have received 2,257 complaints of noise disturbance (Merton - 1, 770, Richmond – 487). Around 31% of the total number of noise complaints received related to out of office hours i.e. night time and weekends.
- 2.30. The service in conjunction with other boroughs and the Environment Agency has also secured much needed improvements in noise and dust levels experienced by residents living in close proximity to industrial sites. In another example of tackling environmental nuisance, the team has used enforcement powers to restrict the operations of an unauthorised paint spraying operation that was generating large numbers of complaints from local residents.

Planning Referrals

- 2.31. The pollution team is formally consulted on all significant planning and licensing applications in order that they can be assessed for environmental impact. If the potential impact is deemed significant, then the team will specify appropriate mitigation and control measures. During the last year the partnership received 444 planning referrals and 87 licensing referrals.

Accumulations of waste

- 2.32. Where large accumulations of commercial and/or residential waste occur on private land and are considered to be prejudicial to health or a nuisance, the pollution team can require the landowners to remove the waste. One

particularly bad example occurred recently in Merton (see picture) and was successfully resolved following enforcement action.



- 2.33. The team is in the process of procuring specialist functions around contaminated land on a tri-borough basis (Merton, Richmond & Croydon) which offers savings and represents better value for money.

TRADING STANDARDS

- 2.34. Trading Standards activities and volumes are summarised in Table 2 below.

Table 2

Activity	Richmond	Merton
Total no. Trading Standards Premises	3570	5431
No. High Risk Trading Standards Premises	46	25
No. Trading Standards business compliance visits	240	301
No. TS Prosecutions & Simple Cautions	2	0
Trading standards complaints	577	871
Consumer Direct inquiries	2246	2769

Age Restricted Sales

- 2.35. A 14 year old boy and girl acted as the test purchaser(s) and were sent into retailers to attempt to buy knives. They were advised to tell the truth if questioned about their age or if asked to provide identification. A Snap Off Knives Set was purchased from a retailer in Tooting. The knives purchased included three large and three smaller modelling/craft types sold in one moulded plastic container. The set, if sold to anyone under the age of eighteen is a contravention of Criminal Justice Act 1988 as amended by the

Doorstep Crime

- 2.36. Trading Standards received a call from a branch manager of NatWest Bank. A Merton resident had visited the bank to withdraw £5000 to pay a builder.

Three men had cold called at her property while she was away on a short break. Her husband subsequently engaged the men to clean gutters but this simple job soon escalated to replacing the whole roof. Trading standards called on the expertise of an officer from the Building Control Team and together visited the resident's home later that afternoon. The price quoted for the whole job was just under £40000 and the husband had so far paid out £13000 including a bank transfer of £11000. Minimal paperwork had been provided for the job and the trading address given was non-existent. The builders had persuaded a scaffolder working next door to put a tower on the guise that the roofing work had suddenly become bigger than initially anticipated and it needed to be completed before the rain started. On the advice of Trading Standards the residents engaged the services of a reputable builder to carry out the remedial work of covering the gaping hole in the roof. A criminal investigation is now underway to try to identify the person behind the bank account to which the bank transfer was made.

Scams

- 2.43. In June 2015 Trading Standards assisted in the execution of search warrants at 2 premises in Merton as part of an investigation by the National Trading Standards Scambuster Team into the trading practices of a company behind a website labelled as a 'copycat website.' Trading Standards first became aware of the business in 2014 when we received a high volume of complaints from members of the public and referrals from Action Fraud. Consumers were being tricked into using the website to renew a passport and ended up paying extra on top of the normal fees. Trading Standards visited and advised the trader to remove from their website any misleading statements with regard to price charged and the true nature of the service provided. In addition to delete any implied affiliations either by text or imagery used plus the overall presentation of the website. Further concerns particularly about the information given out over the phone to potential customers and the continued detriment to consumers across the country led to this action.

Fair Trading

- 2.37. Investigations are ongoing into jewellery misdescribed as silver. Officers conducted test purchases of items and submitted them for examination by the London Assay Office. Following testing it has been confirmed that the jewellery is only silver plated and not solid silver as it was described.

Intellectual Property

- 2.38. Several investigations are ongoing into trade mark, video recording and copyright infringements across a range of products. One example is the seizure of over 2,500 DVDs of films including recent releases such as Fast and Furious 7 and Paddington. These films had been copied onto blank recordable DVDs. None of these discs displayed the required British Board of Film Classification age restriction ratings. Some had inlay sleeves with ratings on of which some were incorrect (e.g. a film with a classification 'U' Suitable for all was actually classified "18" due to it containing 'strong bloody horror and violence'.) The discs were seized along with a multiple DVD burner and illegal copies of computer games.



3 ALTERNATIVE OPTIONS

3.1. None for the purpose of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purpose of this report.

5 TIMETABLE

5.1. None for the purpose of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purposes of this report

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Performance Data

12 BACKGROUND PAPERS

12.1. None for the purposes of this report

Appendix A Performance Data

LB Merton

PI code and description	Aug-14	Sep-14	Q2 2014/15	Oct-14	Nov-14	Dec-14	Q3 2014/15	Jan-15	Feb-15	Mar-15	Q4 2014/15	Apr-15	May-15	Jun-15	Q1 2015/16	Jul-15	YTD result	Annual YTD Target	Current YTD status
	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value				
SP 041 % of service requests replied to in 5 working days (EHTSL)	87.71%	87.47%		75.90%	92.02%	94.55%		90.54%	92.04%	93%		93.21%	94.12%	92.08%		94.08%	93.27%	90%	□
SP 042 Income generation by EHTSL	£29,108	£83,821		£36,199	£91,482	£25,191		£22,536	£46,704	£13,094		£61,104	£35,715	£12,646		£79,157	£188,622	£105,000	□
SP 111 No. of underage sales test purchases (Quarterly)			36				22				0				34		34	57	✗
SP 254 % Data capture from air pollution monitoring sites (Quarterly)			74%				54%				83%				85%		85%	90%	✗
SP 255 % licensing apps. processed within 21 days (Quarterly)			100%				100%				100%				100%		100%	96%	□
SP 316 % of Inspection category A,B & C food premises (annual)																	97	95	□
SP 381 % of food premises rated 2* or above (Quarterly)			93.57%				92.70%				93%				91%		91%	94%	✗

Appendix A Performance Data

LB Richmond

PI code and description	Aug-14	Sep-14	Q2 2014/15	Oct-14	Nov-14	Dec-14	Q3 2014/15	Jan-15	Feb-15	Mar-15	Q4 2014/15	Apr-15	May-15	Jun-15	Q1 2015/16	Jul-15	YTD result	Annual YTD Target	Achieved
	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value				
% of service requests within target response time	84.40%	90.32%		93.81%	91.26%	86.89%		89.61%	78.08%	93%		91.18%	67.86%	63.11%		80.71%	84.16%	100%	✘
Income generation	£64,808	£27,164		£42,351	£29,099	£23,267		£25,403	£24,676	£19,790		£32,557	£28,673	£37,955		£78,486	£434,229	£400,000	□
No. of underage sales test purchases (Quarterly)																	82	100	✘
% of premises licences processed in timeframe	100.00%	100.00%		100.00%	50.00%	225.00%		125.00%	40.00%	129.00%		73.00%	100.00%	113.00%		122.00%	106.42%	100.00%	□
% of personal licences processed in timeframe	75.00%	100.00%		52.00%	64.00%	144.00%		127.00%	106.00%	129.00%		29.00%	85.00%	183.00%		88.00%	98.50%	95.00%	□
% of food premises rated either 0 or 1 (quarterly) * indicator only introduced in July 2015			N/A				N/A				N/A				7.00%		7.00%	<10%	□
% of Inspection category A, B & C food premises			79.40%				100.00%				100.00%				88.90%		92.08%	97.70%	✘

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