

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND ENVIRONMENT SERVICES ADVISORY BOARD

01 June 2015

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 ENVIRONMENTAL HEALTH PERFORMANCE 2014-2015

Summary

This report describes the operational activities of the Council in relation to its statutory function of environmental health and safety for the year 2014/15.

1.1 Background

1.1.1 The Environmental Health function is primarily concerned with protecting the public from the harmful exposures they may encounter in the wider environment, food, workplaces and with improving health. Environmental Health Officers act as advisers, educators and regulators, and carry out site visits and give assistance to individual householders and businesses and to managers and workers. In certain circumstances, they take enforcement action to ensure compliance with legislation designed to protect the health of the public.

1.1.2 Two Teams work in this area:

- Food and Safety Team (FST) – responsible for the food premises inspection and food sampling programmes, health and safety in our local workplaces providing advice and guidance to employers and responding to requests for service relating to these areas; and
- Environmental Protection Team (EPT) – responsible for requests for service relating to alleged nuisances, responding to planning and licensing applications, contaminated land enquiries, proactive landfill gas and water quality monitoring and meeting the statutory requirements of the environmental permitting, local air quality management and private water supply regimes

1.2 Food and Safety Team

1.2.1 A significant part of the work of the team is the food premises inspection programme, which includes full or partial inspections of high and medium risk food businesses and questionnaires to low-risk business. A total of 481 full or partial

inspections and 155 information gathering interventions were carried out which includes questionnaires sent to low risk premises. In addition 150 re-visits to food premises were undertaken to ensure legal contraventions had been remedied. All but seven programmed interventions to high-risk food premises, that were due in 2014/15, were completed. The reasons that the businesses could not be inspected were outside the team's control and included seasonal closure. Specific details of food safety interventions are shown in **[Annex 1]**.

- 1.2.2 The Council's results show that at the end of 2014, 92 per cent of our food businesses are broadly compliant and have achieved a rating of 3 or better in the National Food Hygiene Ratings Scheme. Full details are presented in **[Annex 2]**.
- 1.2.3 Thirty five visits were made as a result of accidents at work or complaints about workplaces, mostly relating to workplace transport and slips and trips.
- 1.2.4 Food sampling is important to help ensure the safety of food. The Food and Safety team participated in national sampling surveys which examined the safety of foods from takeaway premises with a hygiene rating of zero and three and the hygiene of wooden serving food platters. In addition, samples were taken as a result of food poisoning allegations or complaints of poor hygiene and routine surveillance of manufacturers. In 2014/15, officers took 228 samples and sent them for microbiological examination. Thirteen borderline and 50 unsatisfactory results were investigated and advice given to businesses to resolve problems. Re-samples were taken where required. Further details can be found in **[Annex 3]**.
- 1.2.5 During 2014/15, a total of 265 reports of food poisoning were made and investigated when food businesses were implicated. This is an increase of 30 reported cases on last year. Campylobacter cases continue to be the largest number of reported cases of food poisoning in the borough, with 227 cases. The incidence of salmonella was just 10 in comparison. The team provides advice to people suffering from food poisoning or food related disease and, where necessary, further investigations and sampling are undertaken with businesses that may be implicated.

Promotional activities are an important aspect of the work of the team to help businesses comply with legislation. In January and February this year we held two free training sessions for Turkish and English businesses with a food hygiene rating of between zero and three. The purpose of the training was to help them improve their standards of hygiene by highlighting the importance of adequate hand washing, cleaning and disinfection and correct separation of raw and ready to eat foods to prevent cross contamination. Improvements will be reassessed at the next re-visit or full inspection and the aim is to see an improvement in standards and the hygiene rating.

- 1.2.6 Members may be aware of new food allergen regulations that were introduced at the end of last year, requiring businesses to provide information on 14 food

allergens to their consumers. As well as an email campaign to businesses and a press release, we held two drop-in sessions for businesses to help them find out more about the new requirements. A total of 19 businesses attended. Officers also gave advice at a bed and breakfast business group meeting and a child-minders meeting.

- 1.2.7 Officers continue to deliver food safety and hygiene training as part of the West Kent Local Authority Training Partnership, operated in conjunction with other West Kent local authorities. This year, officers delivered two courses at Tonbridge and Malling as part of the partnership arrangement.
- 1.2.8 The Food and Safety team received 114 service requests in 2014/15. These included complaints about food, food premises and the hygiene of food handlers, as well as workplace health and safety complaints. All these complaints were fully investigated and relevant action taken. All but three service requests were responded to within the five day target.
- 1.2.9 **Formal Enforcement Action** - In order to protect public health, it is sometimes necessary to take formal action against businesses. In 2014/15, 29 food hygiene improvement notices were served to secure compliance for offences such as lack of food hygiene training and inadequate food safety management systems.
- 1.2.10 One business was formally closed for 24 hours due to lack of hot water; a decision that was later upheld by the Magistrates Court. Five health and safety improvement notices were also served on other businesses.

1.3 Environmental Protection Team

- 1.3.1 During the twelve months from 1 April 2014 to 31 March 2015, 1,216 requests for service were received to which the team responded to 98 per cent within five working days. Of that total, 739 concerned the odour from Drytec. Other issues that generated significant requests for service included noise, barking dogs, bonfires, various types of accumulations and fly tipping. Specific details of the types of requests received are shown in **[Annex 4]**.
- 1.3.2 On receipt of a complaint, letters are sent to the complainant (with diary sheets enclosed) and to the person alleged to be causing the nuisance, advising them that a complaint had been received and requesting them that if the allegation is correct to resolve the situation. In the many cases, no further communication is received by officers from either party, indicating that the initial letter to the person alleged to be source of the problem resolves the issue with no further involvement from officers.
- 1.3.3 On some occasions is necessary for the team to instigate formal action to protect public health. This is usually because the enforcement options, as set out in the Enforcement Policy, have been exhausted. A summary of Notices served in this year is provided in **[Annex 5]**.

- 1.3.4 The EPT are formally consulted by their colleagues in the Planning department on applications received and on which the EPT may wish to recommend the inclusion of conditions or “informatives” if planning permission is granted. These recommendations are intended to pre-empt and address areas of environmental concern prior to development starting and ensure that appropriate mitigation measures and/or remediation measures are addressed and implemented within the proposal to protect the quality of life for the future occupants of the development and neighbouring properties. During the year the team responded to 532 planning applications.
- 1.3.5 Under the provisions of the Licensing Act 2003, Environmental Health is a statutory consultee in respect of applications for Premises Licences and Temporary Events Notices (TENS). The team are also consulted on applications for Events on Open Spaces, where an event is to be held on Council owned land. During the year the team responded to 16 Premises Licence applications, 295 TENS applications and 45 applications for events on open spaces.
- 1.3.6 Certain specified processes are required to obtain a ‘permit to operate’, under the provisions of the Environmental Permitting Regulations, which control emissions to land, air and water. Responsibility for enforcement of the regime is divided between the Environment Agency and Local Authorities. There are 53 permitted processes within the Borough covering processes which include roadstone coating, dry cleaners, paint spraying and concrete batching. A total of 47 visits (including 39 inspections) were made to premises in the year. The standard of compliance with the permits and any conditions attached remains high.
- 1.3.7 The Council has an important role in protecting the public from hazards associated with contaminated land. There are three principal aspects to this role:
- identification and prioritisation of known areas of contaminated land within the Borough;
 - ensuring that, through the planning process, areas of potentially contaminated land are identified, investigated and remedied during the development process; and
 - responding to specific enquiries from potential property purchasers who have had concerns raised about potential contaminated land on their prospective property.
- 1.3.8 In 2014/15, contaminated land comments and recommendations were made on 225 planning applications. We provided 50 reports in relation to specific contaminated land enquiries, the majority from prospective property purchasers.
- 1.3.9 There are a number of private water supplies in the Borough and to safeguard the health of people consuming water from these supplies the team is required to risk assess and sample these supplies. Most occur in residential properties; although there are commercial premises that maintain a private water supply. Formal action

is instigated should supplies not meet the required health standards; the most common reason for this tends to be as a result of maintenance regimes not being followed. This led to a number of notices being served, which are outlined in **[Annex 5]**.

1.3.10 The Local Air Quality Management (LAQM) regime requires the Council to periodically review and assess the air quality within its area. To fulfil these duties officers in the EPT monitor the air quality across the Borough using diffusion tubes and a continuous analyser located in Tonbridge High Street. The results of this monitoring are reported annually to the Department for the Environment, Food and Rural Affairs (DEFRA). They identify areas of poor air quality and may result in the declaration of Air Quality Management Areas.

1.4 Proposed Service Improvements

1.4.1 The Food and Safety Team intend to make the following service improvements in 2015/16:

- Delivering an educational campaign for catering businesses with gas appliances, offering advice and support on the prevention of carbon monoxide poisoning; and
- Further training sessions for businesses to help them improve their food hygiene rating.

1.4.2 The Environmental Protection Team proposes the following service improvements in 2015/16:

- Review and implement changes to our approach to air quality management in line with the outcomes of the DEFRA review;
- Update the statutory nuisance investigation procedures; and
- Review the contaminated land strategy.

1.4.3 Both teams will be reviewing their approach to regulation through the Better Business for All agenda.

1.5 Legal Implications

1.5.1 The Council has a statutory duty to undertake the full range of functions described in this report, with the exception of promotional and business support activity.

1.6 Financial and Value for Money Considerations

1.6.1 All service improvements will be undertaken within existing budgets.

1.7 Risk Assessment

- 1.7.1 Failure to properly manage and deliver the food safety functions could result in censure by the Food Standards Agency and breach of Section 18 of the Health and Safety at Work etc. Act 1974.
- 1.7.2 The failure of the EPT to meet its statutory obligations could result in formal complaints and potential criticism from DEFRA. It could also lead to a potential legal challenge.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Recommendations

- 1.9.1 It is **RECOMMENDED** that the Cabinet **NOTE** the performance information relating to activities associated with the food and safety function in 2014/15 and **ENDORSE** the service improvements for 2015/16 as detailed in paragraph 1.4.1 and 1.4.2 of the report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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