

SERVICE UPDATE: ENVIRONMENTAL HEALTH - AUTUMN 2021

Cleaner & Greener Advisory Committee - 12 October 2021

Report of: Chief Officer - Planning & Regulatory Services

Status: For Consideration

Also considered by: N/A

Key Decision: No

Executive Summary: The District Council have recently brought the Environmental Health function back 'in house'. The Environmental Health team undertakes a variety of statutory functions across a wide range of disciplines, which have a significant influence on public health and community wellbeing. This report outlines some of the key areas of work within the team, the current challenges which may impact upon service delivery and the team priorities for the next 12 months.

Portfolio Holder: Cllr. McArthur

Contact Officer: Nick Chapman, Ext. 7167

Recommendation to Cleaner & Greener Advisory Committee:

That the contents of the report be noted.

Reason for recommendation: To update Members on the Environmental Health Service.

Introduction and Background

- 1 In April 2012, Sevenoaks District Council's Environmental Health Team began to deliver services in partnership with Dartford Borough Council. This arrangement enabled the District Council to make financial savings whilst at the same time maintaining traditionally high levels of customer service.
- 2 Whilst the EH Partnership achieved its aims; in September 2020, Sevenoaks District Council notified Dartford Borough Council and staff of its intention to bring the Environmental Health service 'back in house'. This decision was based on the desire to integrate the Environmental Health function more closely with other regulatory teams at SDC, align EH with 'customer redesign' principles and have greater control over the team's priorities and direction.
- 3 On the 1st July 2021, the Environmental Health Partnership officially disbanded and the Service returned to Sevenoaks.

- 4 This report has come to the Cleaner & Greener Advisory Committee to provide councillors with an update on the work and functions undertaken by the Environmental Health Team and to provide an outline of the challenges likely to be faced over the next 18 months.

The work, role and function of the Environmental Health Team

- 5 The Environmental Health Team discharge a number of statutory functions/ obligations which are imposed on a Local Authority including:
 - a. Food Hygiene- inspection /regulation of food businesses and investigation of complaints.
 - b. Investigation of Health & Safety complaints/ accidents.
 - c. Investigation of Infectious diseases (inc Covid-19).
 - d. Investigation of statutory nuisance complaints under s79 of the Environmental Protection Act 1990
 - e. Investigation of drainage complaints under s59 of the Building Act 1984.
 - f. Risk assessment of Private Water Supplies
 - g. Issuing and regulation of Environmental Permits
 - h. Monitoring and the identification of measures to improve air quality
 - i. Regulation of licensed animal activities including zoos
 - j. Registration of skin piercers and tattooists under local bylaws
 - k. Stray dog collection and re-homing/ disposal
 - l. Licensing consultations
- 6 In addition, the team undertake a number of non-statutory duties. These activities either add significant value to other teams/ services within the Council or are considered to have a beneficial impact for the residents of Sevenoaks district:
 - a. Consultation on planning applications
 - b. Issuing and enforcement of Community Protection Warnings and Notices.
 - c. Investigation of animal welfare complaints
 - d. Dog on dog complaints/ anti-social dog owners
 - e. Provision of information and advice
 - f. Out of hours service
- 7 A number of activities undertaken by the Environmental Health Team are on behalf of other government agencies/ departments and we have a number of service level agreements that dictate our expected performance.

Team Structure

- 8 At the time of writing, the structure of the service is being formalised. Officers will be able to provide an update to Members at the meeting.

Food Hygiene

- 9 There are 1490 registered food premises and 10 approved premises within the district as of 01/09/2021. This is an increase of 550 since 1st April 2020.

Table of food businesses registered with the District Council

Food Registration Type	Number of Premises
New Uninspected	362
Catering	174
Distribution/Warehousing	6
Farm/ Smallholding	5
Food Broker	2
Hospital/Residential Home/School	119
Hotel/Pub/Guesthouse	99
Importer	9
Food Manufacturing/Processing	26
Market	15
Moveable Premises	54
Premises Used by a number of Businesses	6
Other	44
Packer	8
Private House used for a Food Business	218
Restaurant/Cafe/Snack Bar	160
Retailer	141
Staff Restaurant/Canteen/Kitchen	15
Takeaway	23
Wholesale/Cash and Carry	4
TOTAL	1490

Table of Approved Premises

Approval Type	Number
Meat Preparation/ Meat Products	2
Egg-packing and distribution	4
Milk pasteurisation	1
Kefir production	1
Cheese production	2
TOTAL	10

10 Every food business is risk rated (A to E) with the higher risk rated premises subject to more frequent inspection (see table below).

Category	Inspection Rating	Minimum inspection frequency
A (High Risk)	92 or higher	at least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 2 years. An alternative enforcement strategy (AES) can be used when and where it is deemed appropriate for every alternate inspection.
E (Lowest Risk)	0 to 30	At least every 3 years. An AES can be used when and where it is deemed to be appropriate due to the low risk nature of the business. For business not considered as a food business by the public AES can be used for every scheduled inspection.

- 11 During 2020/2021, the Covid-19 pandemic a large number of food businesses were forced to temporarily close. At the same time, the Environmental Health team suspended inspections of food businesses in accordance with government and Food Standards Agency advice in order to focus on the enforcement of Covid-19 regulations. As a result, many businesses have missed their programmed inspection and the team are now working hard to rectify that.
- 12 In addition to the existing food businesses, the district council receives a significant number of new food business registrations each year (222 in 2020 and 150 so far in 2021).

Registering a food business is free of charge and many never start trading. Nevertheless, the District Council is required to assess each registration received and where appropriate inspect them to ensure that they have adopted safe food hygiene practices and comply with food safety legislation.

Traditionally the Food Standards Agency (FSA) has set a target of inspecting new food businesses within 28 days from receipt of the registration. However, during 2020/2021, restrictions imposed because of the pandemic have meant that this has not been possible and consequently we now have a significant number of newly registered businesses that need visiting (360). A similar situation has occurred nationally.

- 13 In recognition of this national issue with 'missed inspections', the FSA issued new guidance on its priorities to all Local Authorities in July 2021. As a result, and in accordance with the FSA priorities, the Environmental Health Team are currently focussed on ensuring that our highest risk premises and new food businesses are inspected as soon as possible as well as dealing with matters of public health significance.
- 14 All food hygiene officers are required to meet minimum competency standards (through qualification and experience) and must show evidence of continued learning each year. At an inspection, the officer will check the following three elements:
 - a. how hygienically the food is handled- how it is prepared, cooked, re-heated, cooled and stored.
 - b. the physical condition of the business -including cleanliness, layout, lighting, ventilation, pest control and other facilities.
 - c. how the business manages ways of keeping food safe, looking at processes, training and systems to ensure good hygiene is maintained. The officer can then assess the level of confidence in standards being maintained in the future
- 15 Officers will offer advice and information as appropriate regarding good practice during the inspection, take detailed notes and photographs and at the end issue a food hygiene rating (1 to 5 depending on compliance with legal standards) and a food hygiene report. Where a contravention of food hygiene law is found they can issue legal notices or in extreme circumstances close a food business.
- 16 We have a new legal duty to advise businesses about their responsibilities in respect of allergens. Depending on the nature of the food being produced, this can be extremely complex and time consuming.
- 17 A food premises inspection can take from as little as 2-3hrs for a simple low risk premises, up to a full day for a complex, high-risk food business.
- 18 We undertake a programme of scheduled and reactive food sampling in 'Approved Premises', of imported foods and in response to complaints and regional surveys initiated by Public Health England

Health and Safety

19 Local Authorities' are responsible for regulating the health and safety of around half of the GB workforce (HSE,2021) including those working in the following sectors:

- a. Offices (except government offices)
- b. Shops
- c. Hotels
- d. Restaurants
- e. Leisure premises
- f. Pubs and Clubs
- g. Privately owned museums
- h. Places of worship

Within Sevenoaks District, this includes the enforcement of health and safety at Brands Hatch Motor Racing Circuit.

20 Section 18(4) of the Health and Safety at Work Act etc. 1974 places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety. It is however, recognised that it is neither proportionate, nor effective to deliver a regulatory function based on arbitrary fixed inspection cycles of individual workplaces - particularly since many of those workplaces will already be managing their risks effectively (HSE, 2021).

21 The District Council adheres to the HSE's schedule of Local Authority priorities and targeted interventions. In accordance with this schedule, we have adopted a risk-based approach to investigations and interventions.

22 Typically, most health and safety interventions undertaken by Environmental Health are reactive in response to a specific incident or complaint. The extent and nature of our involvement will often be proportionate to the potential or actual impact of the alleged contravention (i.e. an incident resulting in a fatality or serious injury will potentially require significant time to investigate and enforce).

23 In addition, we undertake a number of proactive inspections, which are not triggered in response to a single specific incident or concern but result from a wider consideration of local intelligence, or national trends that identify poor performers. Currently the national priorities for health and safety enforcement are:

- a. Coronavirus
- b. Construction
 - i. Duty to manage asbestos
 - ii. Falls from height

- iii. Respirable silica dust
 - c. Animal Contact at visitor attractions (i.e. petting zoos etc)
 - d. Inflatable amusement devices
 - e. Failure of shop signage
 - f. Trampoline Parks
 - g. Gas safety at commercial premises
 - h. Pesticides
 - i. Spa Pools and hot tubs on display (legionella)
 - j. Welfare of delivery drivers
 - k. Prevention of injury to members of the public from accessing large commercial waste and recycling bins
 - l. Promoting worker involvement in safety management systems
- 24 In 2020 and 2021, we have understandably focused of initiatives to reduce the spread of coronavirus. This work has included; proactive and reactive inspection of businesses, assessment of covid risk assessments, and the provision of advice to businesses.

Skin Piercing and Tattooing

- 25 The council has adopted bylaws under the Local Government (miscellaneous provisions) Act 1982 requiring the following activities (and individuals undertaking the activities) to be registered:
- a. Tattooist (5 premises in SDC)
 - b. Semi-permanent make up (16 premises in SDC)
 - c. Acupuncture (20 premises in SDC)
 - d. Electrolysis (7 premises in SDC)
 - e. Cosmetic body piercing (11 premises in SDC)
- 26 Upon application (and payment of relevant fee) the premises and piercer is inspected to ensure they are complying with the bylaws and have adequate control of infection measures in place.
- 27 For many of these treatments there is no legally set standard so the standard of training and knowledge varies greatly. Officers are increasingly finding many examples of poor practice.
- 28 The number of skin piercing applications has steadily increased over the years, but in the last couple of months have received an unusually large number, which has affected the workload of the team.

29 Number of 'skin piercing' enquiries each year

2016/17	2017/18	2018/19	2019/20	2020/21	2021 to date
23	37	36	33	17	47

Notifiable Infectious Diseases

- 30 The Environmental Health Team are responsible for the investigation of diseases that have a significant public health significance including E.coli, salmonella, campylobacter, cryptosporidium, giardia, typhoid etc.
- 31 We are tasked by Public Health England to investigate the source of the infection, interview those infected and obtain samples as necessary.
- 32 In some circumstances, we may use legislation to take enforcement action to prevent the spread of infection or enforce against poor/ unsafe practices.
- 33 In 2020, our team was at the forefront of the Covid-19 Pandemic and was responsible for the enforcement of the 'Covid Regulations' which required businesses to implement certain safety practices.
- 34 We continue to implement the final stage of the national 'test and trace' scheme and door knock positive covid-19 cases that have failed to adequately engage with the national and county contact tracers. In 2020, Environmental Health door knocked 16 cases but following the relaxation of 'lockdown' rules and the return of schools after the summer holidays the number of these requests has continue to rise week by week. As a result, we have investigated 113 cases (up to end of September).

Statutory Nuisance and Anti-Social Behaviour Complaints

- 35 Local Authorities have a statutory duty to investigate complaints of statutory nuisance (as defined by section 79/80 of the Environmental Protection Act 1990). The Councils also have a number of duties conveyed by the Building Act 1984, Public Health Act 1936, and Prevention of Damage by Pests Act 1949.
- 36 Complaints are logged on Uniform as Service Requests and are then allocated to individual officers for investigation. The assigned officer will impartially investigate the complaint and determine if the matter falls within the statutory legislative framework.
- 37 Officers will also consider the use of discretionary powers to address reported issues where it is considered that there is a 'moral imperative' to do so or where there is considered to be a corporate or member priority

38 The majority of the complaints received by the Environmental Health Team are about noise (see table below). During the Covid-19 lockdowns, the Environmental Health Team saw significant increases in the number of neighbour noise complaints being received as residents forced to stay in their homes were impacted more than ever by general noise and anti-social behaviour from those they live near.

39 Sevenoaks District Council uses the NoiseApp. This is an application, which runs on a mobile device and allows a customer to create an electronic diary of the noise incidents they are experiencing. For each report, the customer is encouraged to upload a short recording (taken by their device) to demonstrate the complaint.

The NoiseApp has proven to be a useful tool to assist complaint investigations. During the lockdown periods it enabled our officers to continue monitoring and enforcement of complaints when visits could not be undertaken.

40 In addition to noise complaints, the EP team investigate complaints about accumulations of waste, rats, drainage, light nuisance and anti-social behaviour. Each of these complaints requires our officers to maintain specialist knowledge and have an understanding of the legal frameworks which exist.

	2016/17	2017/18	2018/19	2019/20	2020/21
Noise	566	584	561	473	620
Rats/Waste	197	172	212	156	275
Light	21	27	22	20	29
Drainage	39	29	43	30	29
Bonfires	139	146	160	114	315

Private Water Supplies

41 Environmental Health regulate 9 Private Drinking Water Supplies, which serve approximately 280 properties within Sevenoaks district.

42 A private water supply is either one which directly abstracts or collects untreated water (for example from a borehole or spring), or one where water from a public supply is further distributed to other property owners via a private pipework network.

43 Each of these supplies has to be periodically risk assessed to ensure that they remain safe and free from contamination. We also undertake regular sampling to ensure that the water quality meets minimum standards.

44 Many of our private water supplies rely on old supply networks, which often traverse large areas of land (in multiple ownership). This can make it difficult for users and those in control of the supply to ensure it does not

accidentally become damaged and makes routine maintenance of pipework difficult.

- 45 Depending on where water is collected/ abstracted, there can be a risk of pollution from nearby agriculture (chemicals and biological contamination), radon gas, sewage effluent and other natural and manmade substances.
- 46 Unfortunately there is often a reluctance amongst supply owners to treat private water with chemicals

Environmental Permits

- 47 The Environmental Health Team are responsible for issuing and then regulating Environmental Permits for some types of polluting premises.
- 48 Within Sevenoaks are responsible for 30 businesses that operate under Environmental Permits including;
 - a. 13 petrol filling stations
 - b. 11 dry cleaners
 - c. 3 mobile crushers
 - d. 1 cement batcher
 - e. 1 Wood Processing Activity
 - f. 1 Mineral Drying Activity
- 49 These sites are inspected at a frequency determined by annual risk assessment. Depending on the nature of the activity and the associated pollution risk, this can be from every 6 months to once every 3 years.
- 50 At inspection, our officers inspect the technical equipment, which is in use at a premise and then audit records, technical information and management controls to ensure compliance with national regulations and guidance.
- 51 This is a highly specialised area of work. Our officers are required to have a working understanding of the emission points, chemicals in use and sector best practice for each type of premises.
- 52 Each premises, which has an Environmental Permit, is required to pay an annual subsistence fee to the District Council. This fee is set by DEFRA on an annual basis. Unfortunately, it is our experience that fees do not adequately cover the costs incurred by the District Council in undertaking this statutory duty.

Stray dog service

- 53 Environmental Health operate the District Council's stray dog kennelling service. All Local Authorities are legally required to collect and then house stray dogs, which are found within their district for a period of 7 days. After this time, a stray dog becomes the responsibility of the Council.

- 54 The Environmental Health Team have a contract with a kennel in Dartford to provide our stray dog services and we are lucky to work with New Hope Animal Rescue who help us rehome uncollected strays.
- 55 The pandemic has significantly affected the number of stray dogs, which are found by the council, but the numbers remain high.

	2016/17	2017/18	2018/19	2019/20	2020/21
Found	184	124	130	72	45
Claimed	90	63	41	30	27

Animal Licensing

- 56 Our Animal Welfare Officer is responsible for licensing and inspecting premises which undertake specified activities involving animals within the district. These include:
- a. 13 Kennels/ Catteries
 - b. 5 Dog Breeders
 - c. 12 Home boarders
 - d. 8 Pet Shops
 - e. 7 Riding Activities
 - f. 2 Performing Animals
 - g. 3 Dog Day Care
- 57 During an inspection, our officers assess the facilities, equipment, standards and management against national standards to ensure that animal welfare standards are acceptable. Each animal activity is then awarded a 'star rating' based upon its assessed risk.
- 58 We are also responsible for licensing two zoo's within the district:
- a. Eagle Heights
 - b. Willows Bird of Prey Centre

Animal Welfare

- 59 Our Animal Control Officer works with other teams and agencies including Planning Enforcement, Community Safety Unit, WKHA, RSPCA and Kent Police to deal with complex dog issues/ complaints, promote dog welfare and responsible dog ownership.
- 60 We investigate complaints where an owner of a dog has failed to control their animal, dog on dog incidents and persistent straying. Where

appropriate we take legal action to prevent further incidents and or impose controls such as compulsory lead use/ muzzling.

Air Quality

- 61 Environmental Health discharge the legal duty for the District Council to monitor and assess air quality within the district against National Objective Levels. Where it appears that the air quality objectives will not be met by the designated target dates, local authorities must declare an Air Quality Management Area (AQMA) and develop action plans in pursuit of those objectives.
- 62 The Environmental Health Team operate 2 Air Quality Monitoring stations located at:

Reference	Location	Parameters monitored
CM1	Bat and Ball Junction, Sevenoaks	NO ₂ , PM ₁₀
CM2	Greatness Park, Sevenoaks	NO ₂ , PM ₁₀ , Ozone

Each of the Nitrogen Dioxide (NO₂) analysers requires regular calibration (every fortnight). This process takes approximately 40 minutes. In addition an amount of routine maintenance (including the cleaning of sample inlet pipes, replacement of sampling tape within the PM₁₀ analysers) is required to keep the stations operational.

- 63 The Environmental Health Team maintain a network of 54 passive diffusion tubes. These are exposed on a monthly basis and measure levels of NO₂ at a designated location. Officers from within the Environmental Health Team change diffusion tubes on a monthly basis in accordance with a National Monitoring calendar.

Data from these diffusion tubes is collated on an annual basis when it is bias adjusted against monitoring results from our Air Quality Monitoring Stations.

- 64 Air Quality Monitoring data is published annually on our website and in statutory reports provided to DEFRA.
- 65 Where exceedances of National Air Quality Objectives are identified, and an Air Quality Management Area is designated, a local authority is required to identify and implement measures to improve air quality or reduce exposure to pollution. These measures are reported within an Air Quality Action Plan (a statutory document). The Environmental Health Team are currently working to redevelop our existing plan.

Planning Applications

- 66 The Environmental Protection Team operate as consultees for Sevenoaks District Council, on planning applications.

- 67 We provide specialist assessment and advice in respect of environmental issues including air quality, acoustics, odour control and contaminated land to our planning colleagues. This work often includes assessing submissions from specialist consultants on behalf of developers, liaison with consultants as to appropriate assessment standards, rebuttal of evidence and information and attendance at Planning Committees

2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
281	270	209	261	357

Licensing Application Consultations

- 68 The Environmental Protection Team operate as statutory consultees on licencing applications (New and amended premises licences and Temporary Event Notices).

Officers assess applications and where they are determined to have a potential impact on ‘public nuisance’ or public safety’ can object to the licence and/ or request that conditions are added to a licence (premises licences only).

- 69 When an officer objects to a premises licence or a TEN, they are required to attend the relevant committee hearing and provide professional evidence to support their concerns and any suggested conditions.

	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Premises Licence	75	79	72	43	37
TEN	435	518	428	450	51

Out of Hours Service

- 70 Sevenoaks District Council continue to operate an Out of Hours Service on Friday and Saturday evenings between (18:00 and 00:00). This is a discretionary service staffed by officers from Environmental Health and Private Sector Housing.
- 71 As of the 1st October 2021, Sevenoaks are now the only authority in Kent that provide this service for our residents.

Challenges

- 72 Whilst there are undoubtedly opportunities generated by the return of Environmental Health to Sevenoaks it has also created a number of challenges which need to be overcome.
- 73 The combined Environmental Health Partnership comprised 25 officers (21.8FTE). This enabled managers to ensure that specialist skills were

shared throughout the team. The new Sevenoaks Environmental Health Team currently comprises 11 officers (9.2FTE) and a number of experienced officers have chosen to remain at Dartford. As a result we have lost established skills in specialist areas which we now need to replace. These include:

- a. Air Quality review, assessment and action planning
- b. Risk Assessment and Inspection of Private Water Supplies
- c. Experience of licensing Zoo's
- d. Contaminated Land experience
- e. Acoustic experience
- f. Environmental Permitting experience.
- g. Exportation of Food certificates
- h. Specialist cheese makers

- 74 It is currently extremely difficult to recruit officers with sufficient experience to immediately fill these skills gaps. Experienced Environmental Health Officers are currently in demand to fill positions at the new border facilities (EHOS are required for food importation checks and controls). In addition EHOs have been heavily involved in Covid-19 enforcement and the National Test and Trace scheme and many authorities have employed additional EHOs to provide these functions.
- 75 The team are ambitious and committed and will re-train any skills lost following the dissolution of the partnership.
- 76 There is also a strong desire to review and refresh customs and practices within the Environmental Health Team, many of which have remained unchallenged since the inception of the EH Partnership. The aim of this work will be to enhance the experience of our customers (internal and external), identify and pursue efficiencies (through the use of technology or processes changes), identify income streams and enhance the reputation of the team.

This work will take place in the coming months, however, once complete it is hope that we will be able to generate additional capacity, which will allow us to focus on our priorities.

Team Priorities Ambitions for the next year

Food Inspections

- 77 As stated above, the pandemic has resulted in a significant fall in the number of Food Inspections that have been undertaken by the team. Whilst this was inevitable, it does mean that some food businesses have either never been inspected or are overdue inspection.
- 78 It is our experience that where a food business has not been visited regularly that standards can slip, increasing risks to public health. It is

therefore imperative, that the District Council carry out these inspections as soon as possible.

- 79 We are currently developing a project plan, which will set an ambitious target of completing all due inspections by the end of March 2022.

Maintain or improve our performance across our services

- 80 While the dissolution of the EH Partnership has caused some disruption we are committed to restoring and then enhancing upon previous performance as quickly as possible.
- 81 In order to achieve this we are reviewing systems, processes, and our use of technology to deliver operational efficiencies, which will allow us to achieve more with our comparatively smaller resources.

Ensure processes and practices are customer focussed and represent best value

- 82 The EH Partnership has always prided itself on the level of customer service we have provided. However, we now have the ability to shape and tailor our services to the needs of 'Sevenoaks residents' and remove any areas where it was necessary to compromise for the operation of the shared service.
- 83 As part of this work, we intend to review how we engage with our customers to ensure that the services we provide are accessible, effective and efficient and that they fully adhere to Sevenoaks corporate standards.

Re-establish reputation and value of the service within the Sevenoaks area and the wider community.

- 84 The work of the Environmental Health Team has a significant impact on the health and wellbeing of the community. Unfortunately, over the past few years whilst in partnership the majority of this work has gone largely unnoticed.
- 85 We will ensure that our service engages proactively with residents, councillors and other teams so that they are aware of the work we are undertaking, the benefits this brings to our communities and how our work can assist or influence other internal or external initiatives.

Development of a New Enforcement Policy

- 86 Associated with the ambitions above, we are committed to developing a new enforcement policy for Environmental Health, which will reaffirm our commitment to fair and proportionate enforcement practices.

Conclusion

87 Following a period of disruption and uncertainty, the Environmental Health Team have now re-settled as an 'in house' service. We are working extremely hard to put in place new processes and procedures which will allow us to improve the services we deliver whilst at the same time maintaining existing standards and managing the health impact of the ongoing pandemic.

Key Implications

Financial

None

Legal Implications and Risk Assessment Statement.

Not applicable

Equality Assessment

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.

Appendices

None

Background Papers

None

Richard Morris

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services