

# ENVIRONMENTAL HEALTH AND LICENSING SERVICES ANNUAL REPORT 2015/16

## 1.0 Introduction

- 1.1.1 The report outlines the roles and responsibility of the Environmental Health and Licensing Service. This service encompasses food safety, communicable disease, health and safety, licensing, pollution (including air, land and noise), nuisances (including noise, odour, smoke etc), pest control advice and dog warden services. The work is predominantly statutory. This report illustrates the demands on the service and the challenges for 2015/16.
- 1.1.2 There is an introduction of additional legislation with no additional resources. Examples include dog chipping, anti-social behaviour, smoking in vehicles with children etc). The team continually review their workloads and processes and as a result, looks at different ways of providing advice, for example using social media to raise awareness of the micro chipping. Additionally, the section work more collaboratively to share resources with other Sections and Agencies for example Housing, Police and Gwalia for the Anti-social Behaviour legislation. The sections are active participants in the area groups chaired by Gwalia discussing local issues. The Manager chairs a strategic multi agency Substance Misuse Related Crime, Anti-Social Behaviour and Violent Crime group for Carmarthenshire.
- 1.1.3 Impacts that may influence the food hygiene inspection programme are the Team's response to major food incidents for example food poisoning outbreaks, investigation of the illegal meat trade, food fraud. The section have good working relationships with neighbouring Authorities and agencies such as Public Health Wales. This results in cross boundary investigation being efficient and robust as was demonstrated in a food poisoning outbreak that was sourced in South East Wales but had a few cases in Carmarthenshire. This working relationship has also assisted in cases of food fraud being investigated and prosecuted sharing relevant information.
- 1.1.4 A large proportion of Pollution and Public Health Teams' work is reactive, such as noise control and the investigation of statutory nuisance as well as anti-social behaviour. Officers from the Section have been working more closely with the Housing Section to investigate and resolve such issues more efficiently. Further enquiries are being made to possibly utilise the Noise APP which will be an alternative technological means for complainants to monitor noise for further investigations.

- 1.1.5 Proactive work of the Pollution and Public Health Teams' is dominated by the planning applications and development within Carmarthenshire. The assessment process as part of the application is complex and time consuming, however, the input is necessary to ensure that any development improves public health and supports the well-being goals of the Well-being and Future Generation legislation. This work demands officers to have detailed knowledge including legislation and constantly reviewed guidance. Applications continues to increase and as a result, the sections are working more closely with planning, economic development and developers. An illustration of this can be given in the Contaminated Land Strategy adopted in 2015 which reviews the focus level of activity from enforcement, to working more closely with developers, thereby securing remediation through the planning and regeneration process.
- 1.1.6 The section coordinates meetings of the Licensing Action Group, which is made up of representatives from the Responsible Authorities and meet regularly to target/highlight problem/higher risk premises and agree joint actions to tackle issues.
- 1.1.7 The teams regularly 'challenge' the sections' processes and review to make the service more efficient where possible. One example is to consider the welfare and support needs of perpetrators' of nuisances and to be able to signpost the individuals to appropriate assistance. It is felt that in the longer term, this may improve the welfare for not only the perpetrator but also the victims.
- 1.1.8 There is a considerable amount of joint working with partners. An illustration of this is the regulation of large events and sports ground safety inspection. The Section leads multi agency groups, ie. the Safety Advisory Groups that deal with the issues, and they consist of representatives of the Police, Fire and Rescue Service, Ambulance Service and Local Health Board. As a result of this working, the Group has developed good working relationships with the applicants and licence holders. Last year, the section worked on numerous larger events and events at sports grounds.
- 1.1.9 Further links are being made with Social Care and Health by means of being represented at the County Leadership Team to raise the profile and ensure that the preventive work being carried out by the Section is linked with the promotion of the well-being goals for Carmarthenshire of the Well-Being and Future Generations legislation.

## 2.0 Food safety, communicable disease and workplace health and safety

2.1 The responsibilities for this section include food hygiene programmed inspections, sampling, investigation of food complaints, compliance checks for smoking legislation, investigation of infectious diseases (including zoonoses/animal borne diseases), health protection visit (sunbed safety, body treatments etc), occupational health and safety inspections and visits and accident investigations. Table 1 below indicates the breakdown of full time equivalents (FTE's).

**Table 1**

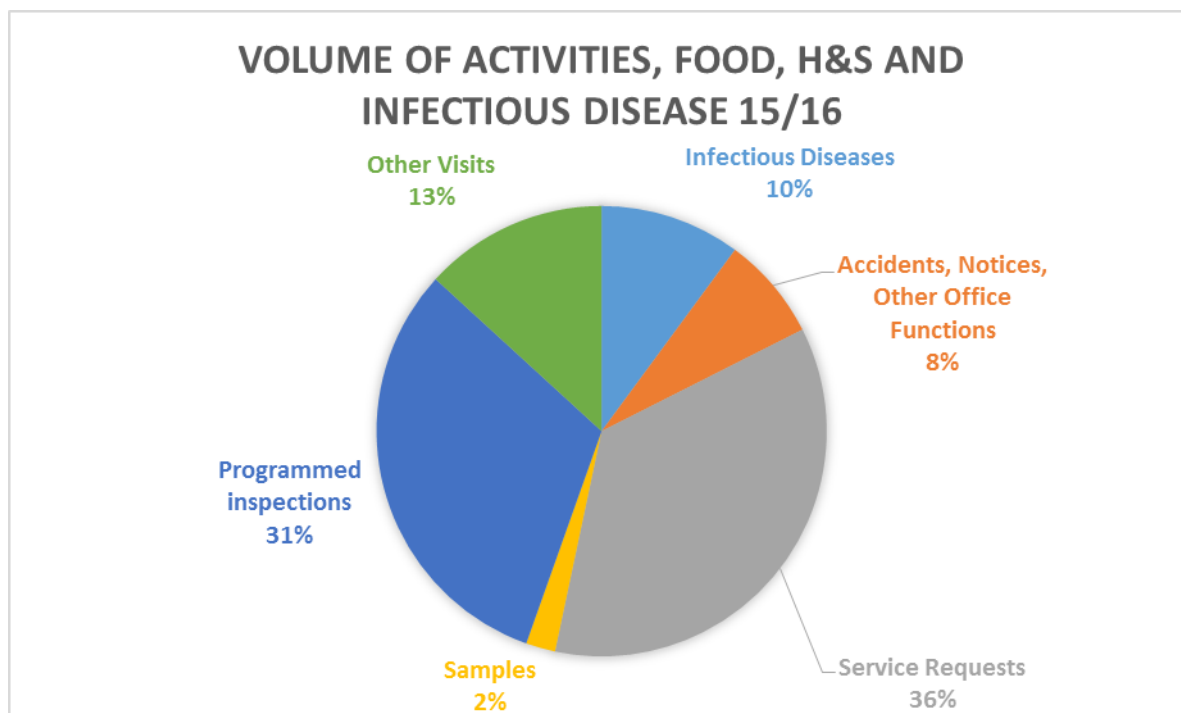
<b>Staffing Profile</b>	<b>FTE Food Safety* 2015/16</b>	<b>FTE Health and Safety** 2015/16</b>
Public Health Services Manager	0.2	0.05
Principal Officer	0.8	0.2
Senior Officers	0.8	0.2
EHP'S	7.35	1.2
Animal Health Officers	0.05	0
<b>Total</b>	<b>9.2FTE</b>	<b>1.65FTE</b>

**Note :-** \* 'Food safety' includes inspection (including implementing the food hygiene rating scheme), advice, sampling, infectious disease, health improvement,

\*\* 'Health and Safety' includes inspection (and initiatives), advice, accident investigation, and general public health including the implementation of the smoking, skin treatments and sunbed legislation.

Figure 1 demonstrates the proportion of each of these performed within the team.

**Figure 1**



- The programmed inspections include food safety, smoking and health and safety
- Other visits include food sampling visits, complaints, advisory, health and safety/ health protection and campaign visits
- Service requests include responses to enquiries/advice, complaints, accident and food poisoning enquiries/investigations

## 2.2 Food Safety

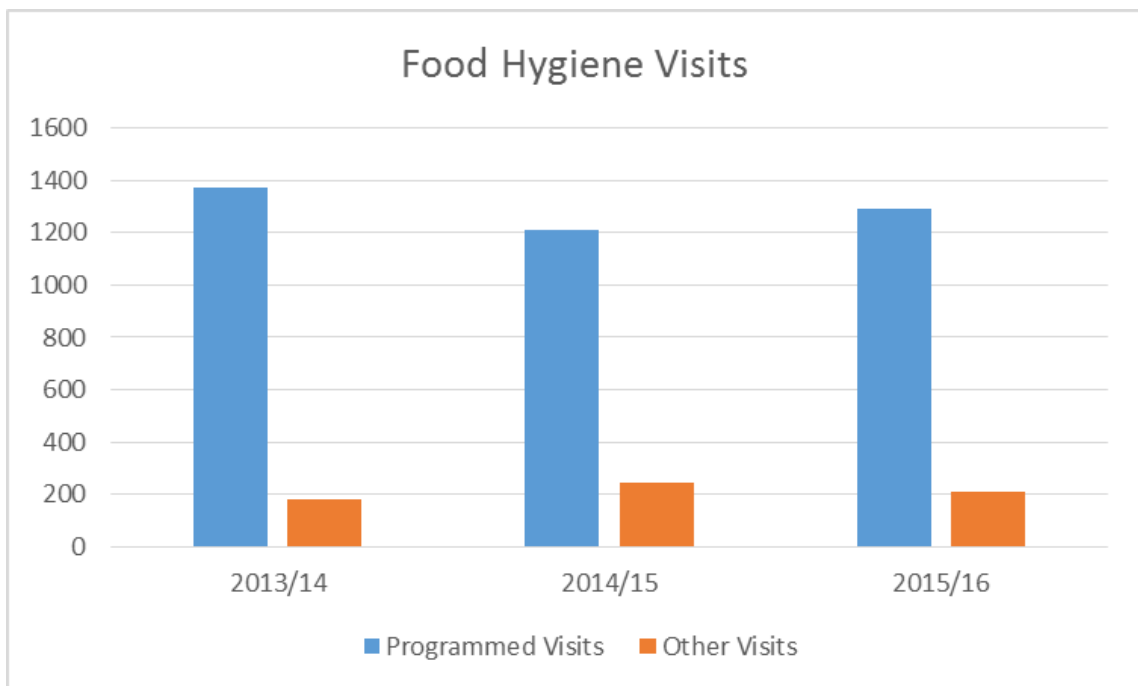
2.2.1 The Section is required to carry out programmed food hygiene inspections determined by a risk assessment of each business. The Food Hygiene Rating (Wales) Act 2013 was introduced in November 2013. It places a duty on the Council's Officers to inspect and score all relevant businesses within their area and requires eligible food businesses to display their score. This has increased the work load of the Section, as the score can only be awarded following a full, unannounced inspection. Previous to this, lower risk businesses received an alternative intervention rather than a full inspection and new businesses will also require a score.

Since November 2013 the number of premises scoring 3 or better has increased from 90% to 97%.

2.2.2 In addition to this, the capacity of the Section to undertake re-score inspections and appeals has been constantly reviewed. During 15/16, the number of rescore inspection requests is 16 and the number of appeals is 0. This has not been found to be over excessive, however, this will continue to be monitored along with the staff resources for the enforcement of non display of scores through the next year.

2.2.3 Figure 2 indicates the comparison of programmed food hygiene inspections.

**Figure 2**



2.2.4 There were 1961 food businesses registered in Carmarthenshire (September 2016) with 31 EU Approved businesses in Carmarthenshire which produce a variety of meat, dairy, fish and egg products. Some of these businesses only manufacture on a small scale, many supply food to retailers and other businesses outside the County on a considerable scale. Many are high risk foods with specialist or complex procedures which require inspecting Officers to have additional skill sets and an in depth knowledge and appreciation of the specific processing methods applied as well as being able to implement additional legal requirements. In addition to EU Approved premises, the County is also the home to a number of large food manufacturers which do not fall under this category.

These include :

- 3 Water Bottling Plants (2 Spring water and 1 Natural Mineral water) and
- 2 large Ice Cream manufacturers.

- 2.2.5 Shellfish gathering continues to be a large industry in Carmarthenshire, which requires regular sampling, monitoring and enforcement. There are continuing issues relating to illegal gathering from beds that are not classified or may have high bacterial counts. It is apparent that the current framework for monitoring and managing the shellfish industry is very complex and not currently effective to secure successful enforcement. This results from numerous pieces of legislation and varied responsibilities of enforcement bodies on a local and international basis. The section has a representative who sits on a Working Group which has been established to attempt to examine the current means of monitoring and enforcing illegal shellfish gathering. The group consists of other neighbouring local authorities, Natural Resources Wales, Dyfed Powys Police, Welsh Government's Fisheries Unit and the Food Standards Agency as well as representatives from the trade. In addition to this, officers from this section accompanied the Natural Resources Wales during three enforcement exercises in the Burry Inlet in order to monitor the situation during the year.
- 2.2.6 Officers from the section have also assisted in carrying out a Sanitary survey in relation to proposed commercial shellfish harvesting within the Three Rivers. This took approximately 10 working days for one officer.

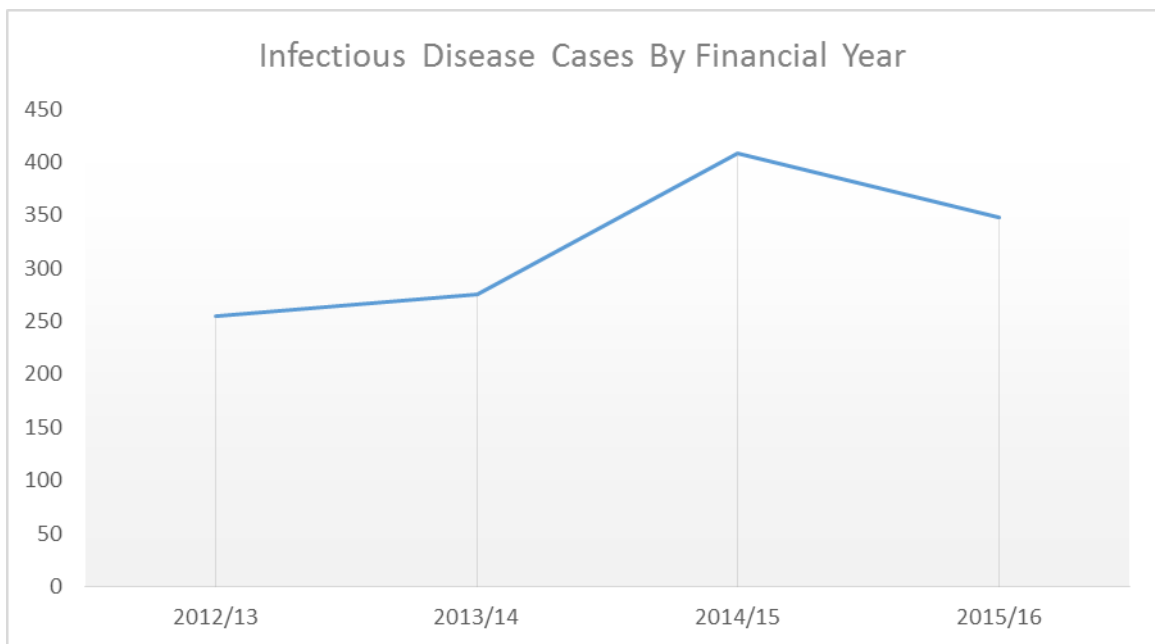
## **2.3 Food Sampling**

- 2.3.1 Food sampling programmes are developed annually in response to perceived local needs and problems. The hygiene sampling follows the Welsh Food Microbiological Forum Sampling Programme and this year it focused on hot holding of pies and pasties and sauce sachets packed with raw meat (looking for campylobacter in particular). Where the counts of bacteria were found to be high as a result of possible temperature control or food handling, these were discussed with the businesses and resolved. There were no specific pathogens identified such as salmonella, legionella, e.coli etc. The Section continued to sample local producers, manufacturers and retailers. A total of 106 food samples were taken.
- 2.3.2 Shellfish sampling is carried out on a rolling programme. A sampling regime is essential to maintain bed classification and biotoxin monitoring, in order to permit commercial gathering. Officers from the section gathered 49 shellfish samples as part of this programme which were found to be satisfactory. It must be highlighted at this point that this role has been taken in house as part of efficiencies. The result is, however, that this role takes approximately 4 working days for 3 officers per month (i.e. 12 days per month). Should there be failures with the samples, this figure will increase. This is quite a demand on the limited capacity of the section.

## 2.4 Infectious disease

- 2.4.1 Figure 3 compares the numbers of infectious diseases reported to the section in the last four years.
- 2.4.2 The peak in 2014/15 may be the result of campaigns to raise public awareness to report illnesses. As the campaigns reduced, it is suggested that the numbers reported also decline slightly.

**Figure 3**



- 2.4.3 Table 2 outlines the cases by type. Officers will carry out an investigation of each case where possible. During 2015/16, officers have worked closely with Public Health Wales and other Authorities to carry out investigations of clusters of cases of various infections. Officers undertake extensive interviews (and follow up interviews) and obtain samples from cases, carry out a comprehensive investigation of possible sources (both commercial and domestic), inspect and sample any relevant processes that could have caused the outbreak, write reports and attend relevant multi agency meetings.

**Table 2 Volume of Infectious Disease Cases 2015/16**

<b>Infectious Disease Type</b>	<b>Volume of Cases</b>
Legionnaires Disease	1
Viral Hepatitis	1
Psittacosis	1
Salmonella enteritidis	2
Other Salmonellas	25
F05 Clostridium perfringens	5
E.coli 0157	5
Campylobacter	236
Giardia lamblia	14
Cryptosporidium	32
Hepatitis A	2
Gastroenteritis	6
Norwalk Virus	5
Other	5
<b>Grand Total</b>	<b>340</b>

## **2.5 Health safety and protection**

- 2.5.1 All relevant businesses are risk rated for health and safety. The recent national guidance relating to enforcement and inspection of workplaces suggests that only high risk, ie. 'A' category premises, should be prioritised in the planned programme of inspections regime. In addition, local authorities are encouraged to participate in national and regional health and safety initiatives. The initiatives are set 'thematically' as a result of intelligence led data.
- 2.5.2 A training programme was developed in conjunction with Gas Safe for Officers. Due to an evidence based approach all takeaways are to be addressed in writing requesting the provision if appropriate of valid gas safety certificates. This is being followed up as part of inspections by officers. Failure to provide will result in enforcement and further intervention.
- 2.5.3 Tattooing and body 'treatments' are becoming more and more popular and diverse. It is essential that these are monitored to protect public safety. The Authority has adopted reviewed byelaws to license such premises and at the end of March 2016, we had 85 licensed premises and 171 personal licence holders. Officers are diligently monitoring the County working on intelligence to ensure that all applicable premises comply with conditions or liaise with the appropriate Authority/Agency that would be responsible for that type of activity.



2.5.4 There are 34 premises that provide sunbeds for use. These are closely monitored by the section to ensure compliance with recent legislation. In addition to this, work has continued to be carried out with Trading Standards to monitor the strength of the tubes in the beds in new businesses. It has been identified that a majority of the businesses were unaware that their beds were being fitted with tubes of unacceptable strength thereby causing a public safety issue.

## 2.6 Accident investigations

2.6.1 Notifiable accidents which occur in workplaces regulated by the Council must be reported to the local authority or the Health and Safety Executive by the responsible person in charge of the premises. The Section has developed a procedure for dealing with those notifications and they are investigated/responded to in accordance with the revised LAC 22/13 circular. The number of workplace accidents reported has therefore reduced.

**Table 3**

<b>Year</b>	<b>Nos of accidents reported</b>	<b>Nos responded to</b>
2007/8	110	94
2008/9	100	88
2009/10	117	66
2010/11	146	44
2011/12	126	27
2012/13	75	33
2013/14	61	58
2014/15	111	86
2015/16	78	75

### 3.0 Pollution

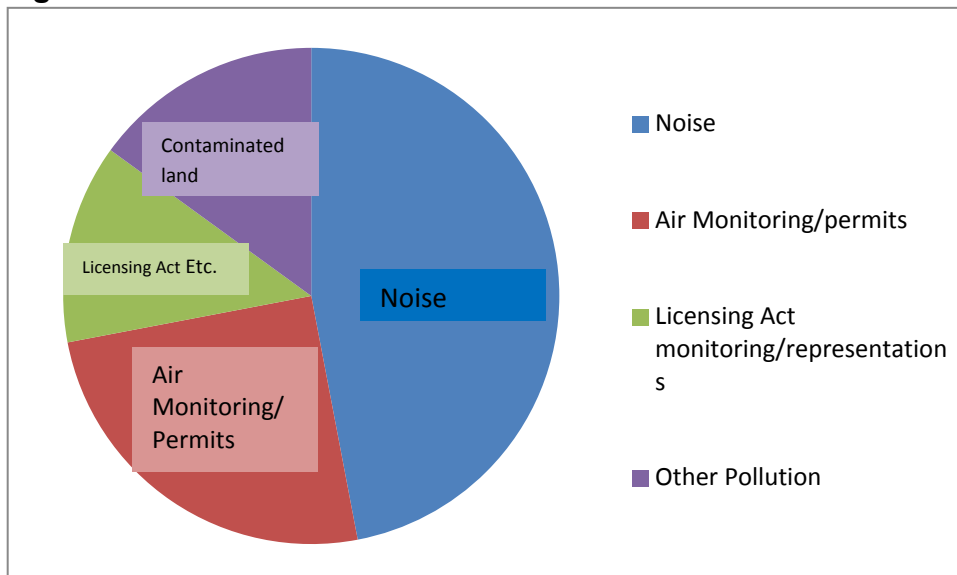
3.1 The Pollution team is responsible for monitoring and enforcing a wide range of regulatory controls dealing with noise, air quality and land issues. Table 4 below indicates the breakdown of FTEs' involved in Pollution work. Noise control is very much a reactive service, whereas air quality and contaminated land are more proactive services which require advance planning. Officers handle high caseloads in noise control, which can at times, exert pressures on other service delivery areas and on the Team as a whole.

**Table 4**

<b>Pollution Team FTEs' 2015/16</b>	
Head of Public Protection	0.1
Public Health Services Manager	0.25
Principal Officer	1
Environmental Health Practitioners	3
Scientific Officers	2
Technical Assistant	1
<b>Total</b>	<b>7.35</b>

Figure 4 outlines the percentage of time spent in specific areas of work.

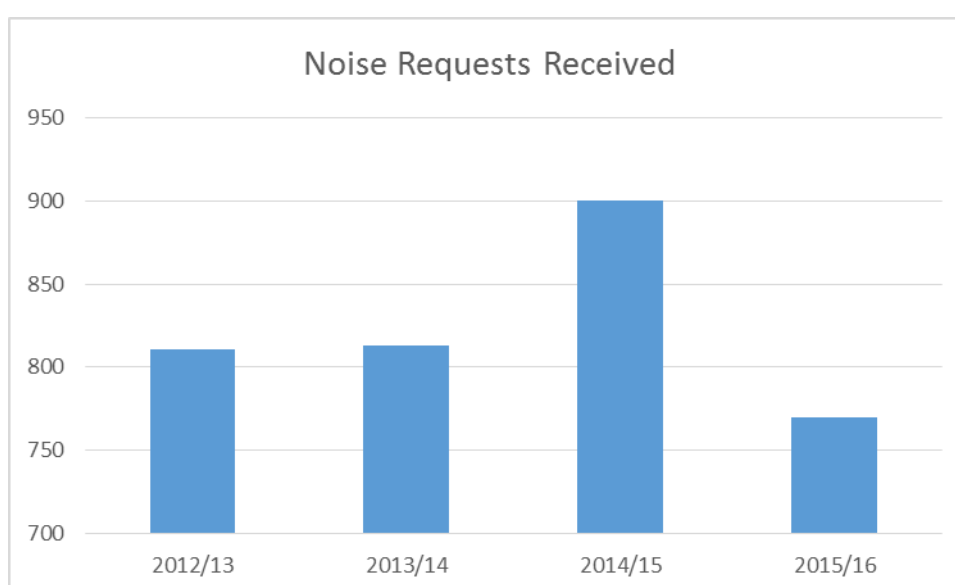
**Figure 4**



## 3.2 Noise

3.2.1 Figure 5 demonstrates the volume of noise complaints received by the team over the last four years. The service requests per year relate to noise from a wide range of sources, including those from a domestic, commercial and industrial setting. Whilst the numbers of complaints appear to be similar to the previous year, the team have experienced a considerable increase in officers' time in responding to and advising applicants particularly on applications for Development Control. The Section has invested heavily in noise monitoring equipment and Officers are often required to work unsociable hours in order to witness and assess noise disturbances as part of the investigation process.

**Figure 5**



In addition to investigating noise nuisance complaints, the officers respond to various planning consultations. To illustrate this fact, there has been considerable rise in numbers resulting in an increase in resources committed to applications. The assessment process as part of the application is complex and extremely time consuming. This work demands officers to have detailed knowledge including legislation and constantly reviewed guidance. A lack of knowledge and diligence at this stage could result in future challenges to the Authority. In order to improve the efficiency of the planning process, the section has developed a comprehensive guide for applicants identifying what is required from Public Health Services in order to assess the application. In addition to this, the Section developed a guide for complaints about windfarms that are in situ.

3.2.3 It has been estimated that the staffing resources currently being implemented to respond to 204 planning consultations, 53 Pre-planning enquiries and 44 Scoping Opinions between April 2015 to end March 2016. The applications can relate to all areas of Environmental Health and is equivalent to 1 full time officer.

- 3.2.4 Officers of the Section also represent the Authority on the all Wales Noise Regulators group.

### **3.3 Licensing Act monitoring/responsibilities**

- 3.3.1. The constant changes in the Licensing Act (and associated legislation) has had an impact on the team, particularly as Environmental Health Practitioners have a role as a Responsible Authority in respect of Temporary Event Notices (TENS). As part of this role, the officers are required to provide responses and assessments in relation to noise, public safety and nuisance as necessary. The team received approximately 405 TENS during 2015/16 in addition to responding to relevant Premises/Club applications and complaints. Officers have been involved in dealing with larger events.

### **3.4 Air Quality**

- 3.4.1 The Air Quality Management Area (AQMA) declared for Rhosmaen Street, Llandeilo in November 2011 continues to progress. An Action Plan has been prepared for the area, and a review has been undertaken on the effectiveness of the actions implemented during year 1 of Phase 1. Local screening assessments of air quality will continue throughout the County, with Detailed Assessments undertaken in areas which are near or exceed the air quality objective levels for Nitrogen Dioxide (NO<sub>2</sub>). The Council is required to submit a comprehensive report to Welsh Government every year. An Updating and Screening Assessment of Air Quality in the County was submitted to, and approved by, Welsh Government in July 2015.
- 3.4.2 Following a detailed assessment of Air Quality, an Air Quality Management Area has been designated for specific areas of both Llanelli and Carmarthen.
- 3.4.3 Legislation requires the Council to manage certain industrial processes that have the potential to pollute the atmosphere. There are currently 69 processes which hold Environmental Permits, some of which are very complicated and require a degree of specific knowledge and understanding of the operation to ensure that they are operating within conditions attached to the Permit. Standard Permit holders receive an annual inspection whilst reduced fee activities receive inspection based on risk which may be anything from annual to three yearly. They are required to pay an annual fee, which is prescribed by Welsh Government. The validation of these fees during the budget process produces an extra efficiency saving that the Public Protection Division has to find.
- 3.4.4 An officer represents the Authority on the Welsh Air Quality Forum, and also the all Wales Environmental Permitting Group.

### **3.5 Contaminated land**

- 3.5.1 Officers continue to implement the Authority's Contaminated Land Inspection strategy. Emphasis remains on dealing with Land Contamination through the development control process, and early engagement with Developers and our Development Management section is critical. Officers have also engaged with our Regeneration & Policy section on projects such as the Burry Port Development.
- 3.5.2 During 2015-16, a total of 21 developments were required to comply with planning conditions recommended by officers to deal with the potential for land contamination. This is to ensure that the land being developed is suitable for the final use, thereby safeguarding public health.
- 3.5.3 During 2015-16, officers have continued to monitor 6 developments that are either being remediated to a satisfactory standard or are taking appropriate steps to mitigate risk for end users of the site in question. This process can be very lengthy and time consuming.
- 3.5.3 Officers represent the Authority on the South West Wales Contaminated Land Working Group.

### **3.6 Emergency Planning**

Officers of the section contribute to the preparedness of the Dyfed Powys Local Resilience Forum for dealing with large scale, multi-agency responses to pollution incidents. This includes attending the DPLRF Pollution Group on a regular basis, and contributing to Emergency Plans and exercises.

## 4.0 Public Health

4.1 The Team deals with nuisances, such as odours, smoke and poor conditions of properties resulting in concerns from neighbours. It also monitors drinking and bathing water quality, fly tipping enquiries (on private land), carbon monoxide monitoring and advice and provides the dog warden function for the Authority. The numbers and distributions throughout the county can produce high caseloads for the Officers of the Team. Table 5 below indicates the breakdown of Full time Equivalent (FTEs) for the Public Health Team:

**Table 5**

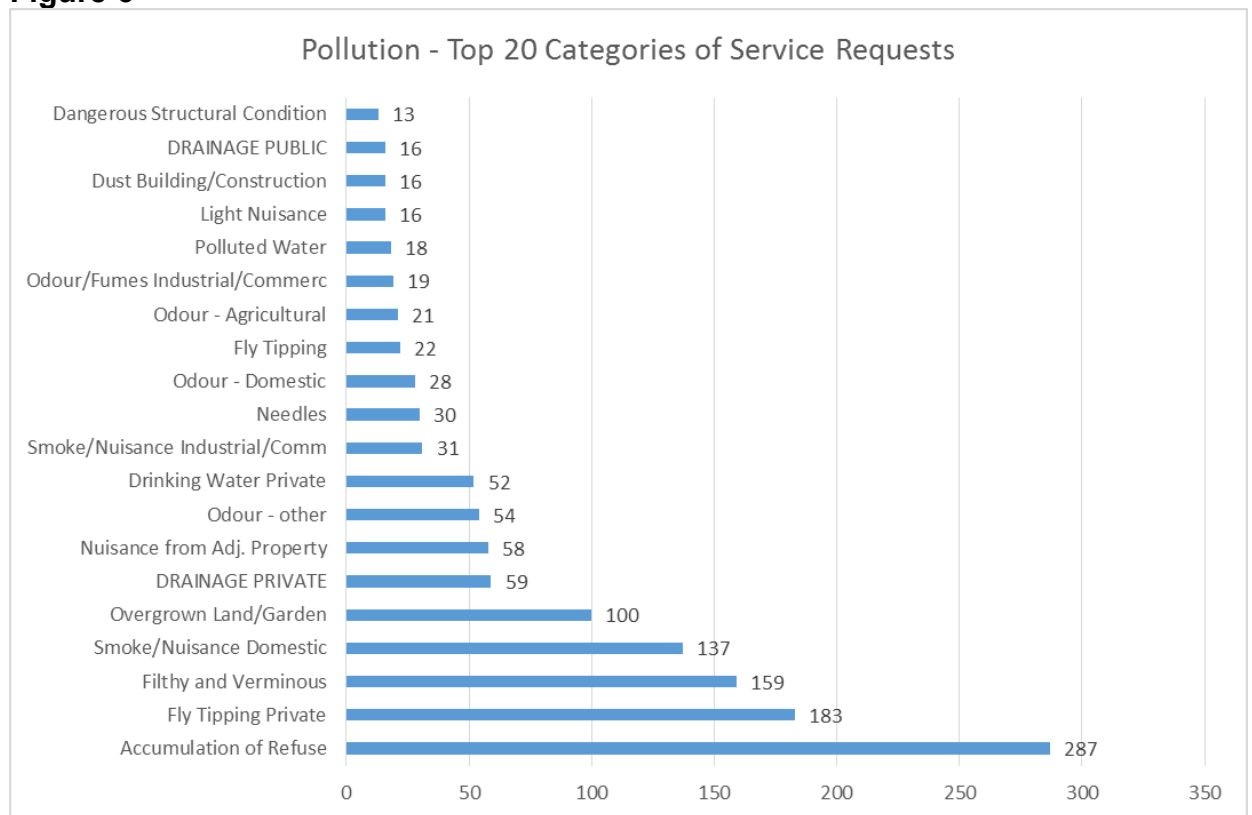
<b>Public Health Team FTE 2015-16</b>	
Head of Public Protection	0.1
Public Health Services Manager	0.25
Principal Officer	1
Environmental Health Practitioners	2
Technical Officers	2
Technical Assistant	2
Dog Warden	1
<b>Total</b>	<b>8.35</b>

### 4.2 Statutory nuisance

4.2.1 The team investigate a wide variety of nuisances as identified in Figure 6. Where the investigation of a complaint reveals that action is required, the Officer will attempt to resolve the issue through advice or mediation. This does take some time as the County is geographically large and more than one visit is usually required. Where the approach is unsuccessful, a formal Notice may be served. Any works or actions necessary to abate or remedy the statutory nuisance will be monitored and if there is non-compliance, legal proceedings will be instituted or works undertaken in default. Works undertaken in default of any Notice will have an impact on budgets, as some costs for works may not be recoverable. The teams regularly 'challenge' the sections' processes and review to make the service more efficient where possible. One example is to consider the welfare and support needs of perpetrators' of nuisances and to be able to signpost the individuals to appropriate assistance. It is felt that in the longer term, this may improve the welfare for not only the perpetrator but also the victims. Further training and sourcing the help available will be required.

Figure 6 demonstrates the types and volume of service requests with regards to general public health

**Figure 6**



### 4.3 Water quality

4.3.1 Under the Private Water Supply (Wales) Regulations 2010, there is a requirement for Authorities to risk assess 'large/commercial' and small supplies. This Authority currently has 70 large or commercial supplies. A further 11 small supplies may also require monitoring. There are 2104 single domestic properties which the officers may risk assess and sample upon request by the owner or if Officers are investigating a public health issue.

4.3.2 The Team work closely with Dwr Cymru to ensure that water supplies for large events are fit for purpose and present no public health risk. The team will also check supplies at associated camping and caravan sites through means of sampling and inspecting any systems.

- 4.3.3 Officers of the Public Health Team sample bathing water at Burry Port beach for public health issues as a result of the fact that it is known to be used by the public but is not a designated bathing water. Bathing water quality is sampled weekly between May and September of each year which is the bathing season. Overall, the water quality passed the mandatory requirements under the applicable EU legislation. North Dock in Llanelli, is sampled monthly throughout the year, as it is used for recreational purposes. This work takes approximately 2.5 days per month for an officer in the section during the months of May to September (inclusive). In addition, the section will take samples upon request of other waters utilised for recreational purposes such as Delta Lakes to ensure that they can be utilised for planned events safely. Natural Resources Wales has responsibility for the two EU designated bathing beaches at Pembrey and Pendine.
- 4.3.4 As identified in section 2.3.2, the sampling of shellfish from the beds in order to ascertain the classification has been taken in house and this is carried out by the Technical Assistants in the team.
- 4.3.4 Officers represent the Authority on the All Wales Multi agency Water Quality Group.

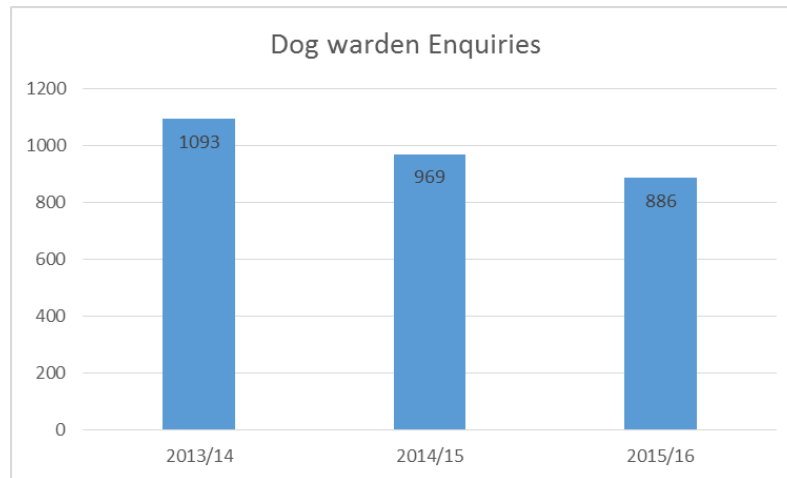
#### **4.4 Dog control**

- 4.4.1 The Team's Dog Warden operates County-wide and covers the collection of stray dogs and provides a response to irresponsible dog ownership. The number of stray dogs being reported is steadily decreasing year on year. Those that are reported are dealt with by the dog warden service with some being impounded and some being returned to their owners where identified. The section has been promoting good and responsible ownership by holding a number of free dog identity microchipping events in various parts of the County which proved to be very successful. It is anticipated that, in addition to this assisting in returning any stray dogs to the owners quickly, where this is a regular occurrence, the officers can work with the owners to educate them in better ownership practices or use enforcement powers.



Figure 7 demonstrates the decreasing demand on the service over the past four years.

**Figure 7**



4.4.2 Officers represent the Authority on the All Wales Pest and Dog Working Group.

#### 4.5 Scrap Dealers

4.5.1 The Public Protection Division has implemented the Scrap Metal Dealers legislation introduced through the year. The introduction of the legislation was assisted as a result of the previous work the Division had carried out with Dyfed Powys Police on identifying scrap dealers across the County, to help reduce the levels of metal crime. To date, we have 46 licensed collectors and 5 scrap yards.

#### 4.6 Public Health Initiatives

4.6.1 The section have worked in conjunction with Public Health Wales to monitor Carbon Monoxide in people's homes. This was carried out by means of officers wearing personal monitors when carrying out visits to people's homes. It was observed that there were no issues in the homes that were visited (approximately 500), however, had there been any issues, this would have been addressed immediately with the home owners.

4.6.2 The team have been carrying out advisory visits to homes in relation to complaints regarding vermin and pests. This was as a result of a report that ceased the service that carried out treatments of vermin and pests for efficiencies and taking into account that there were private companies that could carry out this work. As a result of challenge sessions within the team, it has been agreed that more support be given regarding the treatment of vermin in Local Authority owned homes and that this service be assessed for further consideration.

4.6.3 Officers attend regular multi agency meetings in regard to anti-social behaviour problem solving. There is also a wider Substance Misuse Related Crime, Anti-Social Behaviour and Violent group which is a more strategic, multi agency group which the Manager chairs.

## 5.0 Licensing

5.1 The Licensing Team is responsible for providing advice, processing applications and checking compliance/enforcing authorisations issued under the Licensing and Gambling Acts, Hackney Carriages and Private Hire Vehicles, drivers and operators, Street and House to House Collections and Street Traders.

Table 6 below indicates the breakdown of FTEs' on various functions identified above for Licensing.

**Table 6**

<b>Licensing FTE 2015/16</b>	
Head of Public Protection	0.1
Public Health Services Manager	0.25
Principal Officer	1
Senior Officer	1
Licensing Officer	4
Licensing Assistant	2
<b>TOTAL</b>	<b>8.35</b>

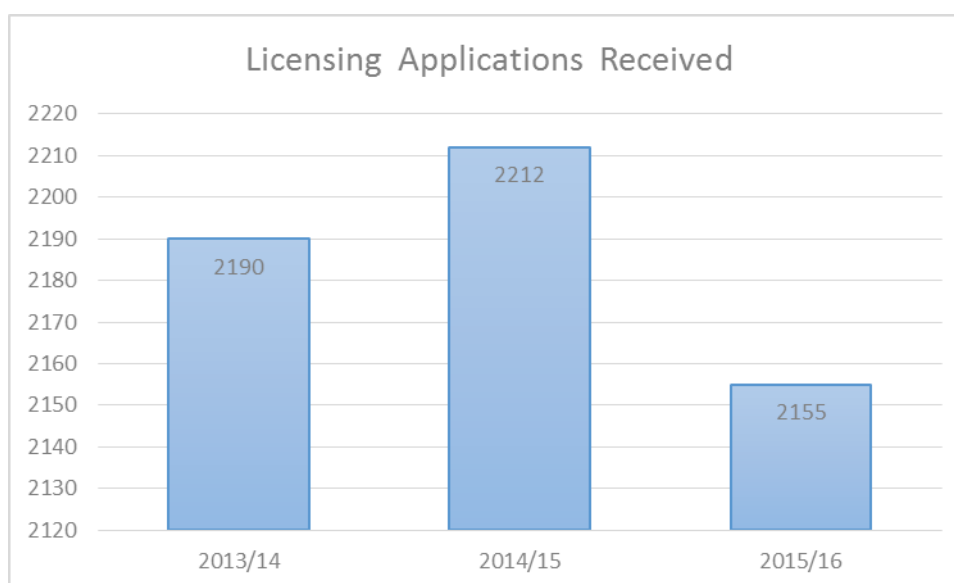
**Table 7** highlights the numbers of licences by type at April 2016

<b>Type of Licence</b>	<b>No. April 2016</b>
Licensing Act	873 Premises Licences 79 Club Premises Certificates 2,317 Personal Licences 405 Temporary Event Notices (2015/16)
Gambling Act	26 Premises Licences (ex permits) consisting of :- <ul style="list-style-type: none"> <li>• 4- Adult Gaming Centres</li> <li>• 16- Betting Premises</li> <li>• 3- Bingo Premises</li> <li>• 2- Family Entertainment Centres</li> <li>• Track Betting Licence</li> </ul> 309 Non Commercial Lottery 43 Gaming Permits 186 Alcohol Licensed Premises Gaming Machine Notifications

Taxi/private Hire Drivers	<b>563</b>
Taxi/private Hire Vehicles	<b>445</b>
Taxi/private Hire Operators	<b>37</b>
Street traders	<b>146</b>
House to House	<b>85</b>
Street Collections	<b>336</b>
<b>TOTAL</b>	<b>5,850</b>

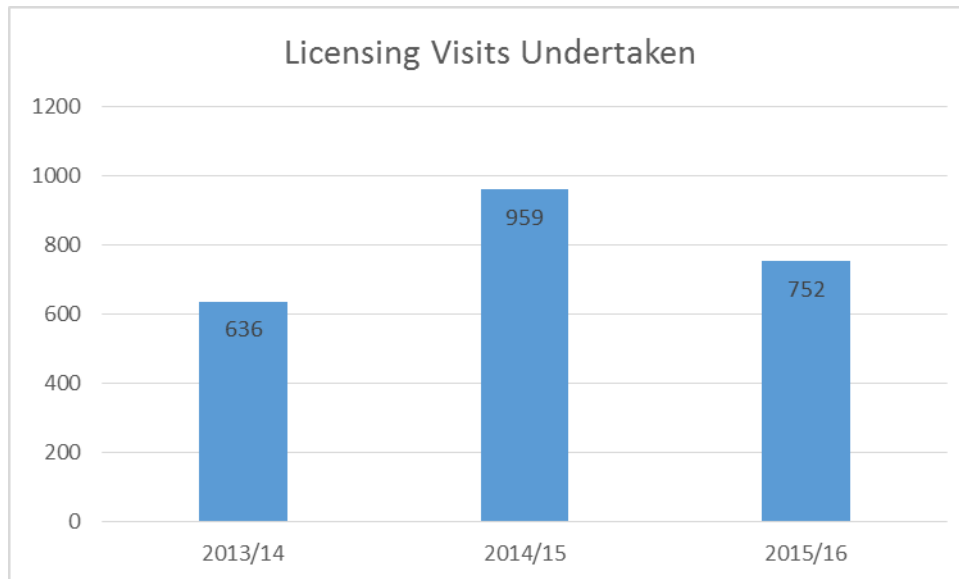
Figure 8 compares the volume of licence applications over the last three financial years.

**Figure 8**



- 5.1.1 The number of applications has dropped slightly between 2014/15 and 2015/16. This is due in part to a greater number of Temporary Event Notices submitted for events linked to the Dylan Thomas 100 celebration, National Eisteddfod and other small festivals held in 2014/15. In addition to this, the introduction of the Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014 also removed the requirement for authorisations for certain events/activities.
- 5.1.2 Compliance visits play an important role in the licensing regime. Figure 9 demonstrates the number of such visits over the last four years

**Figure 9**



## 5.2 Licensing Act

- 5.2.1 The legislation relating to alcohol and regulating entertainment is constantly evolving in order to deregulate. During 2015/16 the Deregulation Act abolished the need to renew Personal Licences, increased the number of TENs that can be held at a premises from 12 to 15 per calendar year. The entertainment Licensing Order 2014 introduced further exemptions from licensing for entertainment held at certain defined premises, including local authority premises and schools. The section coordinates meetings of the Licensing Action Group, which is made up of representatives from the Responsible Authorities and meet regularly to target/highlight problem/higher risk premises and agree joint actions to tackle issues.
- 5.2.2. The team has constant involvement with a variety of events through processing applications and arranging meetings of the Safety Advisory Group chaired by the Public Health Services Manager. These include the National Eisteddfod 2014, Big Cwtch Festival, Crugybar and events held at sports stadia such as Ffos Las. As a result of this pattern of working, the Team has developed good working relationships with the partner agencies, as well as with applicants and licence holders.
- 5.2.3. During 2015/16 both the Gambling and Licensing Policies were reviewed and revised Policies adopted by Council in February 2016 following consultation exercises involving licence holders, responsible authorities and members of the public. In May 2015 the team worked with Officers from the Police and Public Health Services as part of Noise Action Week, visiting premises to raise awareness of the impact of noise on neighbourhoods. The team also hosted a visit from the States of Jersey Government who were in the process of reviewing their licensing arrangements for entertainment and alcohol.

### 5.3 Licensed vehicles and drivers

- 5.3.1 The legislation used in the enforcement of licensed vehicles and drivers is still being reviewed. The Law Commission Report has been published and is awaiting Parliamentary approval. This report if approved will result in the repeal of much of the existing legislation and will provide a single legislative framework to regulate both taxi and private hire services.

In October 2015 the Government's Deregulation Bill took effect in relation to Taxi Licensing. In this bill the Government stated that a Taxi Drivers Licence can be issued for up to 3 years, and a Private Hire Operators Licence can be issued for up to 5 years. As there are cost implications linked to the licence duration, we offered the taxi trade the choice of whether or not they would like a 1 year or 3 year driver's licence, and a 1 year or 5 year Private Hire Operators licence. To date, a small percentage of drivers have opted for the 3 year licence and only 1 operator has opted for a 5 year licence.

### 5.4 Fees

- 5.4.1 There is concern about the impact of validation on the income stream of the Licensing budget. The vast majority of licensing fees and charges are prescribed and cannot be amended, except by Central or Regional Government. Year on year validation produces an additional efficiency saving that the Public Protection Division has to find. In addition to this, the constant 'deregulation' process by Government will have an effect on the numbers of licence applications. There is a danger that fees and charges will become overstated and the income projections will not be realised. The implementation of the Deregulation Act has also resulted in approximately 1000 personal licences not requiring renewal.
- 5.4.2 In respect of discretionary fees, (licenses that are not prescribed), recent case law, *Hemming v Westminster City* (2013), requires Local Authorities to ensure that such fees do not include a profit element and reflect only the cost of administering the licensing process and ensuring compliance by licence holders. To this end, officers from the team have been participating in an exercise being carried out by the All Wales Expert Panel and have developed a tool kit setting fees for licenses. The revised Taxi licence fees came into effect on the 1<sup>st</sup> April 2016.

## **6. Conclusion**

### **6.1 Demands and challenges**

- 6.1.1 Freedom of Information requests appear to be increasing in volume. This is resource intensive for officers to collate the requested information. It is hoped that the review of the website may provide much of the information requested and therefore alleviate this issue.
- 6.1.2 There is a constant demand on the service through changes in/additional legislation and relevant guidance with very little being revoked. There is no additional funding from Government however to help embed the changes the team are constantly reviewing the ways of working to attempt to embrace and implement any reasonable changes. This includes further collaborative working with other sections, Departments, Agencies and Authorities. In addition, more use could be made of Social Media and technology.
- 6.1.3 The vast majority of licensing fees and charges are prescribed and cannot be amended, except by Central or Regional Government. In addition to this, the current 'deregulation' process by Government is very likely to have an effect on the number of licence applications and income.
- 6.1.4 Unprogrammed/reactive issues that impacts programmed work. This may be illustrated where programmed food hygiene inspections are not carried out as officers may be responding to major public health issues including major food incidents, food poisoning outbreaks, investigation of the illegal meat trade, food fraud.
- 6.1.5 There is much collaborative work being carried out and Authorities share good practice/experience where possible. Awareness training for officers to identify underlying problems resulting in nuisance investigations such as welfare, wellbeing and such is being undertaken. Such awareness may promote signposting for help for such individuals thereby encouraging cessation of anti-social behaviour/'nuisance' behaviour.
- 6.1.6 Public Health Services carry out a predominantly statutory role. There is very little non statutory functions being undertaken. The section as a whole has multi-disciplinary Environmental Health Officers which results in a great deal of flexibility ensuring that resources are manoeuvred to where demands are required. This has been invaluable over the year as a result of 'planned' sickness (operation) and maternity leave. However, it is recognised that with constantly increasing demands, more efficiencies required and working 'smarter' no longer an option, decisions will have to be made on what statutory services will cease to be implemented.

- 6.1.7 The section does need to continue to promote the preventative nature of the work being carried out and be recognised as a major contributor to the well-being goals as required by the Well-Being and Future Generations Act 2015.