

Appendix 1

Regulatory Services Operations Report April 2015 – March 2016

This report sets out data for key activities performed and principal outcomes achieved by Regulatory Services in the year April 2015 – March 2016.

Regulatory Services activity is wide ranging in scope and activity is determined by a number of factors:

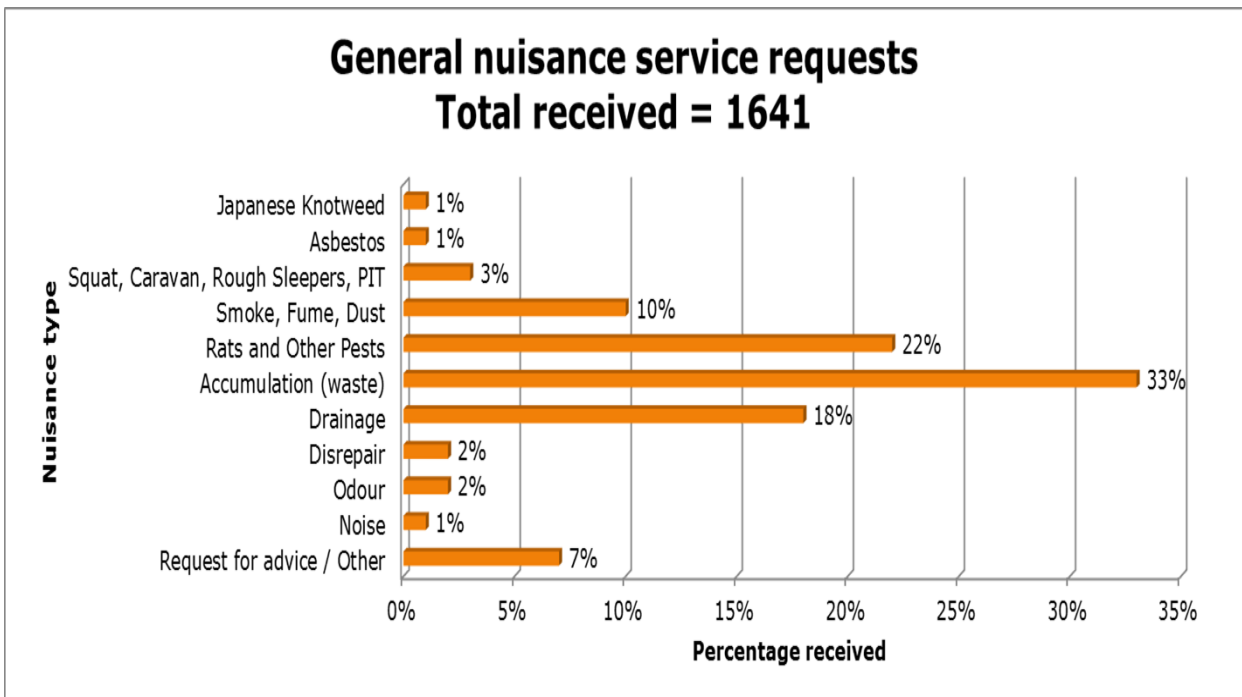
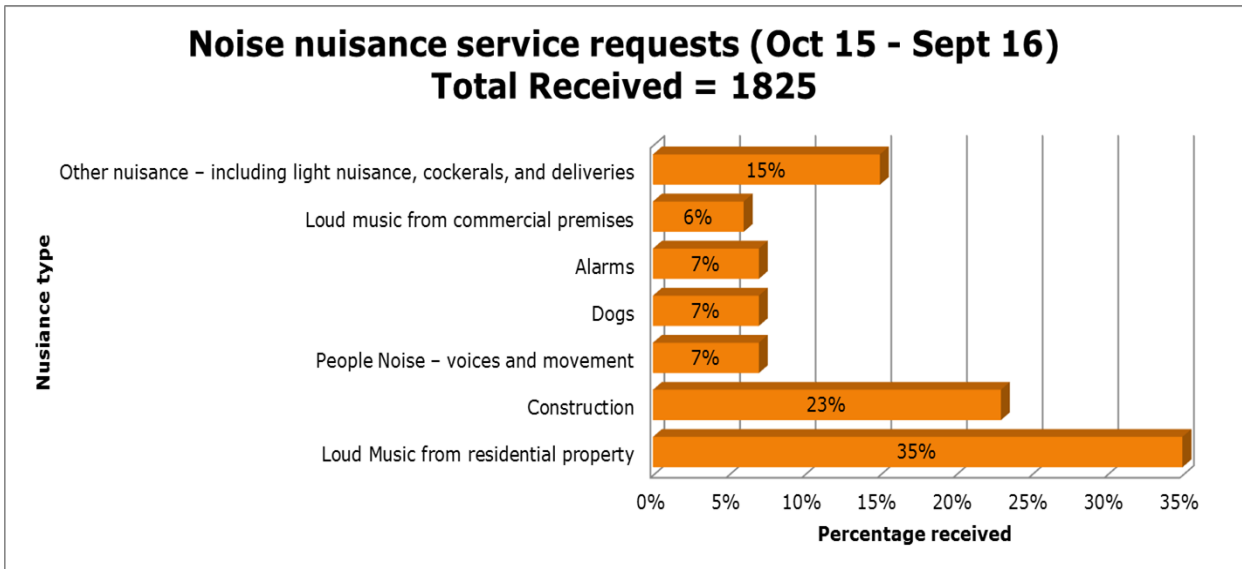
- Statutory duty
- Inspection or intervention programmes based upon national guidance or codes of practice
- Proactive or intelligence led intervention
- Service requests (complaints about someone, somewhere, or something but not about the Council or its services)

Noise, Nuisance & Public Health

The noise & nuisance function is split between the Community Protection (Regulation) team who predominantly handle noise nuisance and anti-social behaviour and the Housing Enforcement team who deal with the majority of other nuisance types. The Scientific Services team also handle some nuisance issues relating to more complex construction site or plant noise (expressed separately).

A total of 3,323 service requests were received and investigated within the year, resulting in a total of 23 enforcement notices served.

Note: The data relating to the breakdown of the noise nuisance cases is not available for the full financial year 15-16. Shown below is the noise nuisance data for a year from October 2015-September 2016 (year-to-date at the original time of writing) which is indicative of the types of call types and volumes received. General nuisance data covers the correct period FY15-16.



In terms of outcomes, the team were able to resolve the majority of issues informally and the remainder with the use of an enforcement notice. There were no prosecutions or work in default conducted during FY15-16.

Anti-social behaviour

There have been 312 cases reported to the Community Protection (Regulation) team. A total of 6 Community Protection Notice warnings were issued. These have been a very successful form of preventative action as none of these have, as yet, been breached and required further action

Trading Standards

1,332 cases have been reported to the trading standards team during the year, leading to investigations into potential offences as shown in the list below.

- Underage sales of fireworks
- Counterfeit clothing
- False claims of membership of trade associations.
- Letting agent malpractice
- Misleading advertising
- Underage sales of alcohol
- Counterfeit tobacco

The trading standards team were 97% effective in their interventions in 15/16 with only 3% of cases where the team investigated the matter resulting in a repeat complaint within 12 months. This is a significant improvement on the year before where 29% of cases were repeat complaints.

Crown Court Prosecution: Letting Agent Fraud

The Trading Standards team continued a lengthy and complex fraud investigation, resulting in the laying of information against a number of defendants during 2015/16. Although the hearing took place after the end of the 2015/16 financial year, it is worth noting that the team secured a successful conviction against Martin Marcus, who ran fraudulent letting agencies. He was convicted at Harrow Crown Court and sentenced to four and a half years imprisonment in June 2016. This case also prompted an operation to tackle rogue letting agents (see below).

Trading Standards Operations/Focus areas

(1) Electrical safety

In January 2016 visits were made to a number of premises in the HA8 area. This area was identified as an electrical safety hotspot. Following our intervention there have been no further complaints received in relation to the specific traders visited.

In general there has been a 16% increase in safety complaints this year. With 20% of all complaints received into the department related to safety. This year half of these safety complaints related to electrical products as compared with 25% the year before. This has been identified as an area to continue to target in 2016/17.

(2) Second hand car dealers

In February 2016 visits were made to a number of premises who had recently received complaints in relation to second hand car sales. Following our intervention there have been reductions in the number of complaints received in relation to the specific traders visited.

Overall there has been a 17% overall increase in complaints in the last year. This has been identified as an area to continue to target in 2016/17.



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(3) Scams and Rogue traders

Barnet was identified as the scam hotspot for London in March 2015. Therefore this was a big focus for the team. Intelligence was utilised and hotspot areas were identified and resources were targeted in this area. In particular a number of talks to vulnerable persons were given by the team. A number of posts were made on social media (twitter, facebook etc.) in relation to avoiding scams.

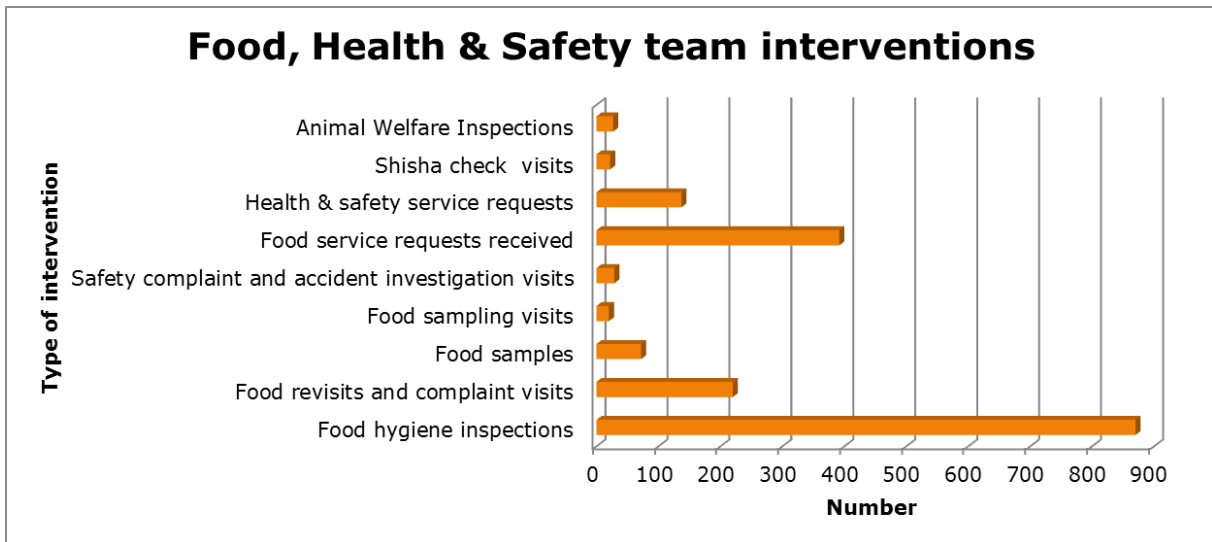
Although there has been an increase of 6% in scam complaint in the last year. Barnet is no longer the scam hotspot for London. There has been a 9% decrease in rogue trader complaints made by Barnet Borough residents in this area this year as compared to last year

(4) Underage sales

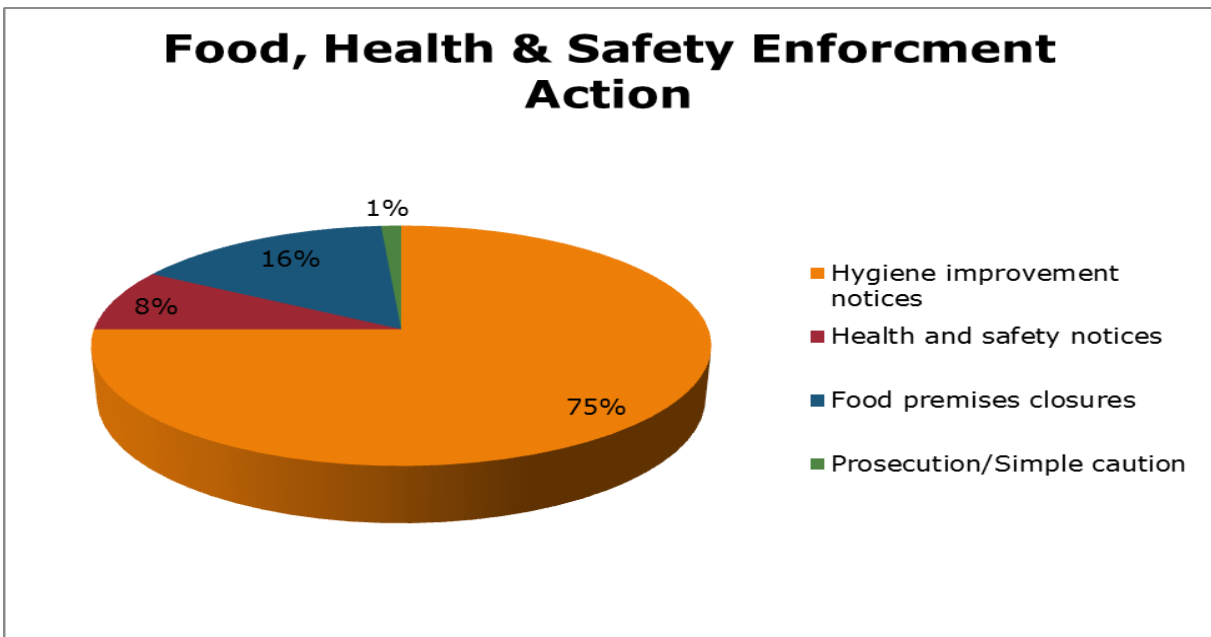
Reducing underage sales of knives, alcohol, cigarettes and fireworks remains a priority for the team. The team worked closely with the police licensing team in relation to this. A number of test purchase operations were undertaken in relation to a 15/16.

Food, Health & Safety

The Food, Health & Safety team perform a range of proactive and reactive interventions within food premises and workplaces. The findings of food inspection are used to populate the national Food Hygiene Rating Scheme (FHRS) which publishes hygiene data online and a sticker should be placed on the door of each establishment.



In the majority of cases, contraventions identified were resolved by informal warning letter however a range of enforcement actions were required in more serious cases.



Under the Food Law Code of Practice, Food Authorities must provide data to the Food Standards Agency on an annual basis as part of the Local Authority Enforcement Monitoring System (LAEMS).

<https://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/enforcement-data-2015-16>

Key data submitted to LAEMS is summarised below:

Food Hygiene

Food hygiene interventions deal with issues such as cleanliness, safe handling practice and structure of establishments.

Total number of food establishments in Barnet subject to Food Hygiene intervention: 2,561

Total percentage of rated premises that were broadly compliant with food safety law for food hygiene: 91.58%*

The average for 33 London authorities was 87.86%.

*The term 'broadly compliant' means a premises that scores no more than 10 (reverse scale) for an assessment of hygiene, structure and confidence in management under the Food Law Code of Practice.

Category	Number of establishments	% of premises broadly compliant
Category A	25	8%
Category B	101	36.63%
Category C	554	84.30%
Category D	899	97.78%
Category E	773	99.48%

Total % of Interventions achieved (premises rated A-E**): 65.05%

The average for 33 London authorities was: 75.28%

** Premises rated 'A' are the highest risk premises

Total % of Interventions achieved - premises rated A	Total % of Interventions achieved - premises rated B	Total % of Interventions achieved - premises rated C	Total % of Interventions achieved - premises rated D	Total % of Interventions achieved - premises rated E	Total % of Interventions achieved - premises not yet rated
100.00	99.56	95.80	21.73	11.11	100.00

Although the team completed less than the average number of interventions in London, the level of compliance of food businesses in Barnet is above average. Interventions not carried out related to low risk Category D and E premises, with only 1 Category B and 23 Category C premises not receiving an intervention on time.

A total of 5 establishments were subject to Voluntary Closure agreements.

A total of 8 establishments were subject to Hygiene Emergency Prohibition Notices, which were all confirmed by the Magistrates Court, with Prohibition Orders being issued until the premises were deemed to no longer provide a continuing risk to health.

1 establishment was issued with a Simple Caution in relation to food hygiene offences, with 17 establishments receiving formal Hygiene Improvement Notices and 512 establishments received a written warning. No prosecutions were taken in 2015/16.

Food Standards

Food Standards interventions deal with issues such as food composition, labelling and descriptions, such as those on menus, including allergen information.

420 food standards inspections were undertaken equating to 71.04% of the total percentage of food establishments in Barnet due a food standards intervention. The average for 32 London authorities (Westminster did not provide data) was 66.44%.

Category	% of interventions achieved
A	100%
B	62.80%
C	81.89%
Not yet rated	100%

Intervention (or inspection) frequencies for food hygiene are generally greater than for food standards and so the hygiene intervention programme tends to drive the standards programme, with combined inspections being undertaken wherever possible to reduce the number of visits and burden upon the business.

3 establishments were subject to formal enforcement (seizure, detention or surrender of food) and 12 establishments were subject to formal written warnings. No prosecutions were taken in 2015/16.

Food Sampling

The team undertake sampling of food stuffs, usually as part of a coordinated programme managed either nationally by the FSA, or regionally by the London Food Liaison Group (LFCG) and occasionally as ad-hoc investigative or complaint samples.

72 samples were taken in 2015/16 of which;

- 41 were for microbiological contamination
- 12 other contamination
- 22 composition
- 1 labelling and presentation

The average number of samples across 33 London authorities was 80.9, although 2 authorities took over 400 samples each.



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Health and Safety

A survey of ten warehouses and similar businesses was undertaken to check compliance with safe working at height requirements. Advice was given on the legal duties and best practice to ensure worker safety. In addition the 4 A rated highest risk premises which were due and inspection were inspected. Thirty six reactive visits were carried out to investigate reported accidents and complaints about safety in workplaces. Following these 7 statutory improvement notices and a prohibition notice were served on offending employers, all were complied with.

Public Health Projects

The Food, Health & Safety Team undertook 2 projects in conjunction with the Public Health Team as part of the Environmental Health support for the Health & Wellbeing Strategy.

Healthier Catering Commitment (HCC)

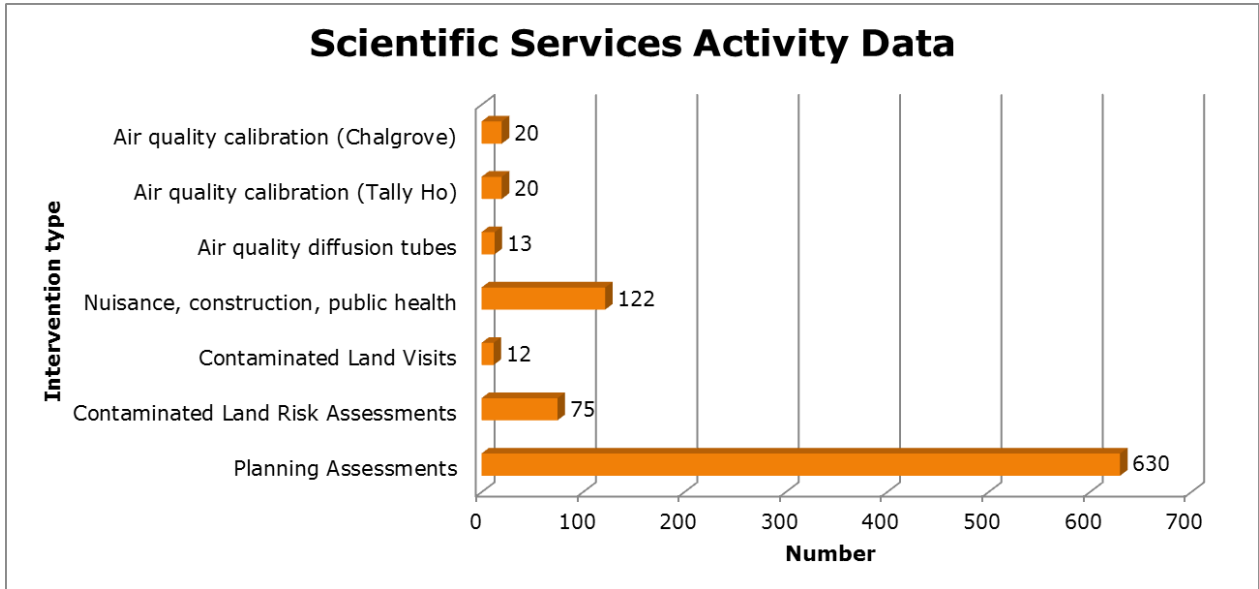
Barnet is a participant in the London HCC scheme, which works with businesses to introduce steps to provide healthier options for their customers. 42 businesses received the award in 2015/16.

Tobacco Control project

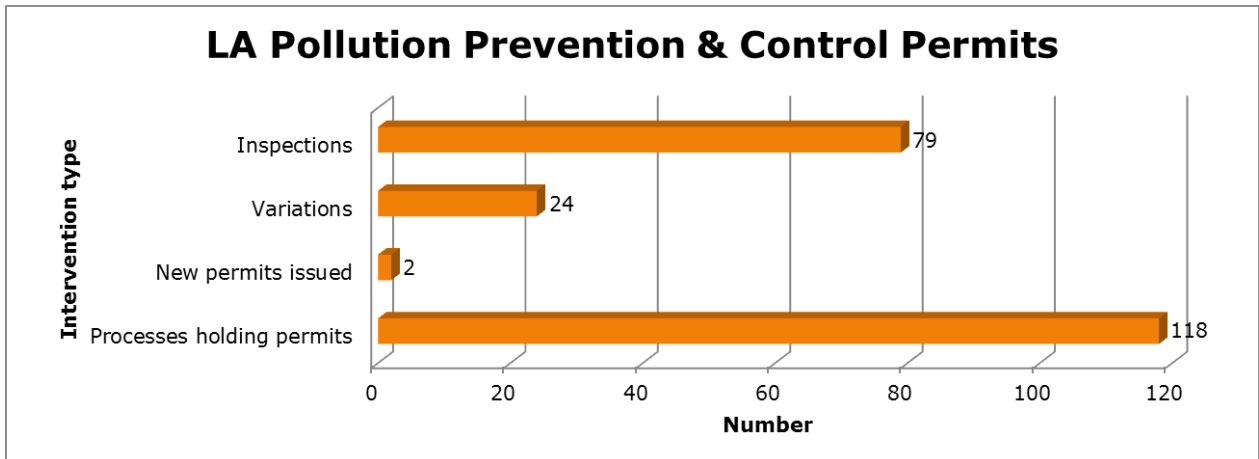
Concentrating on premises serving shisha, the team undertook a programme of interventions to ensure that premises were compliant with smoke free legislation and tobacco legislation. A total of 23 premises were visited of which 18 were non-compliant and of these 6 closed during the year following our interventions. Advice and warning letters were issued on all visits.

Scientific Services

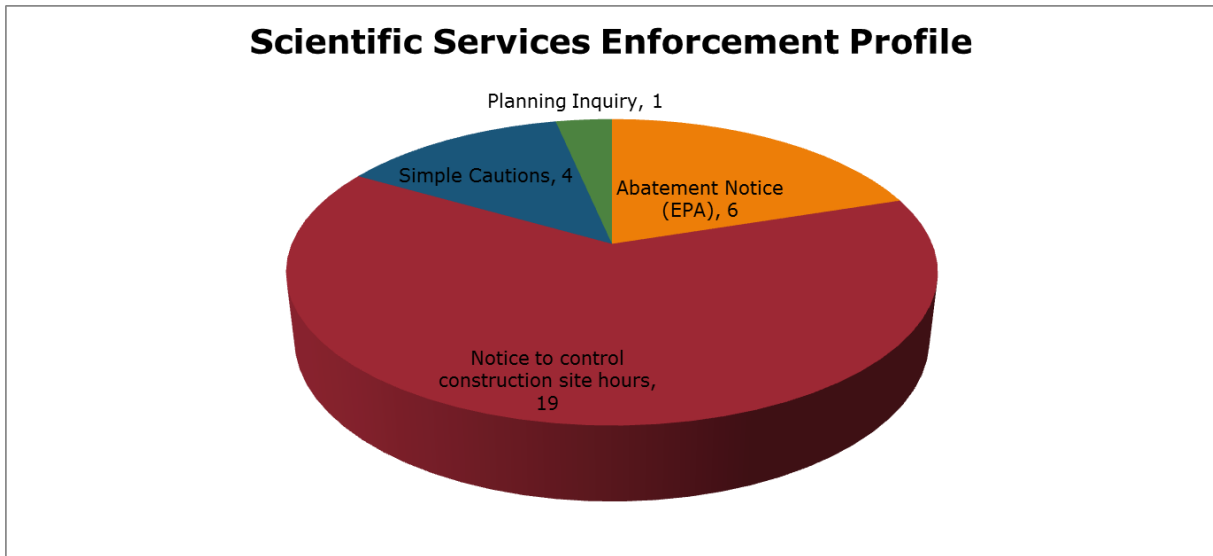
The Scientific Services team are responsible for responding to planning consultations to help ensure the prevention of nuisance, air quality and contaminated land problems from the outset of new developments, reducing the demand on acute nuisance services.



The Scientific Services team are also responsible for issuing and regulating permits for prescribed (polluting) processes such as Dry Cleaners (70), Petrol Stations (24), Waste Oil Burners (13), Cremators (5) and others (6).



Whilst the majority of non-compliance issues are resolved through informal enforcement action, the team resorted to formal enforcement in the more serious cases as shown.



The Scientific Services team produced a 2015 annual status report for air quality monitoring in Barnet which revealed that overall, air quality had improved in Barnet by about 20-30% over the last 10 years. However, monitoring results from locations near busy roads continue to fall outside of National objectives for Nitrogen Dioxide and to a lesser extent Fine Particles (PM10). The team submitted an air quality action plan for 2016-21 to reduce air pollution which was accepted by the GLA and DEFRA leading to the award of “Cleaner Air Borough” status.

The team also delivered the Air quality Champion project to raise awareness of sustainable travel, funded by the Mayors Air quality Fund 1, and won MAQF2 bids to fund a North London Construction dust enforcement officer and to fund a Consolidated Procurement Vehicle delivery feasibility study to reduce the amount of congestion in borough. These projects will lead to substantial improvements in air quality in the borough as 12% of poor air quality is from dust and construction equipment emissions and there are 30% more HGV and LGV’s in Barnet in last 15 years.

The Scientific Services team completed 100% of LAPPC inspections for prescribed processes that emit air pollution such as cement works, dry cleaners and vehicle paint sprayers with a detailed survey submitted to DEFRA. The CIEH noise survey 2015-16 shows that enforcement work in last 10 years has reduced noise complaints in Barnet from 3600 in 2006 to 1825 in 2015-16 – a 44% reduction - whilst the Barnet population has increased significantly. The team have also been working to deliver a review of potentially contaminated sites under the Contaminated Land strategy to reduce potential property blight and protect human health.