

Appendix 1

Regulatory Services Operations Report **April 2016 – March 2017**

This report sets out data for key activities performed and principal outcomes achieved by Regulatory Services in the year April 2016– March 2017.

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

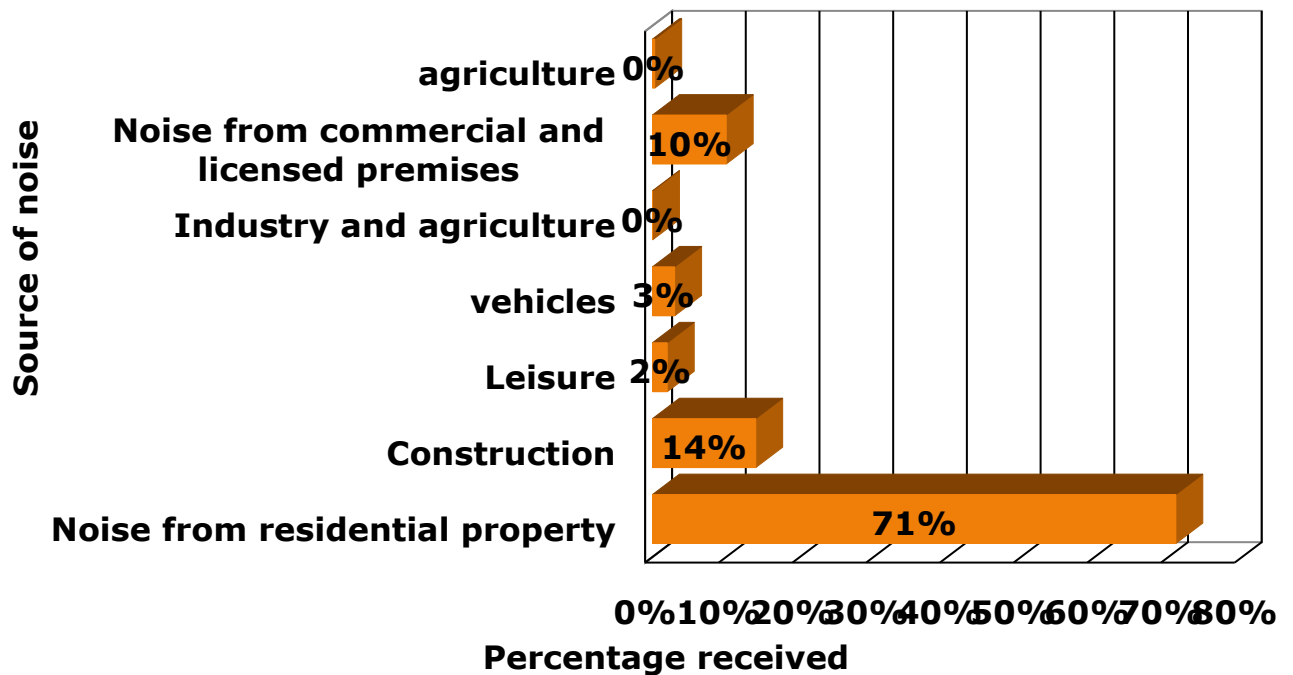
- Statutory duty
- Inspection or intervention programmes based upon national guidance or codes of practice
- Proactive or intelligence led intervention
- Service requests (complaints about someone, somewhere, or something but not about the Council or its services)

Noise, Nuisance & Public Health

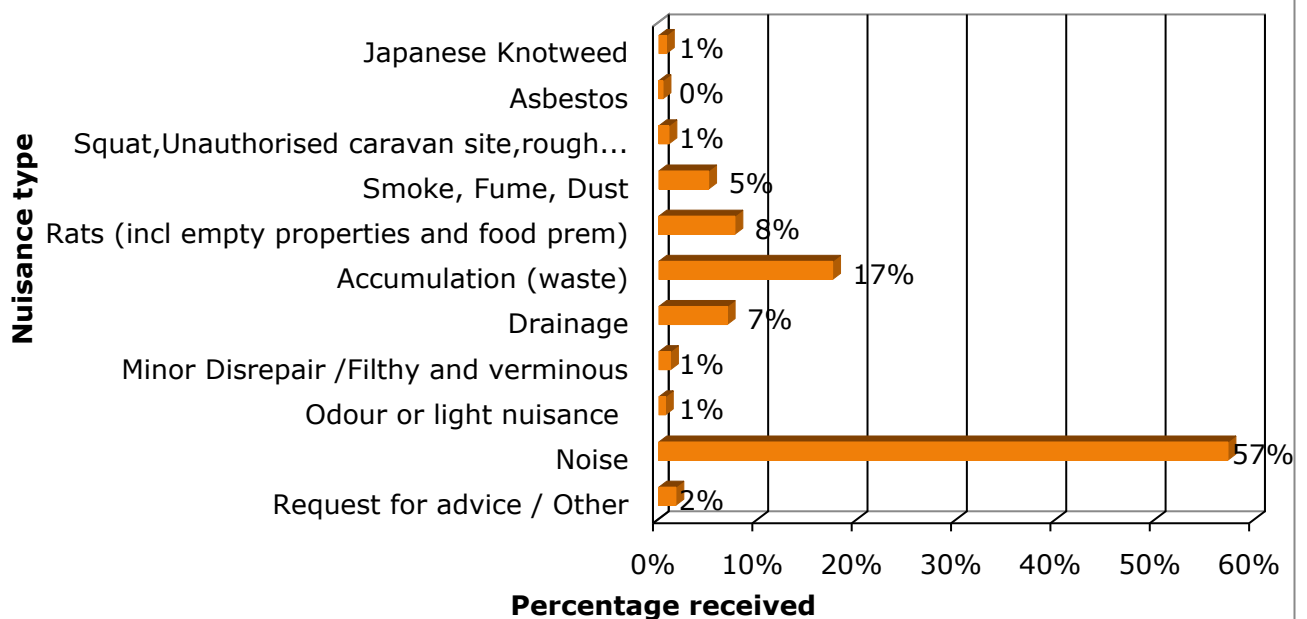
The noise & nuisance function is split between the Community Protection (Regulation) team who predominantly handle noise nuisance and anti-social behaviour and the Housing Enforcement team who deal with the majority of other nuisance types. The Scientific Services team also handle some nuisance issues relating to more complex construction site or plant noise (expressed separately). A total of 3204 service requests were received and investigated within the year (3,466 2015/16), resulting in a total of 42 enforcement notices served, which is an increase on last year (23).

2016/17 Noise Nuisance Type	Percentage
Loud Music Residential	39%
Construction	26%
Barking Dog	8%
Loud Music Commercial	6%
People Noise - Vocal	5%
House Alarm	3%
People Noise - Movement	2%
Car Alarm	2%
Loud televisions	2%
D I Y	2%
Commercial Alarm	1%
Deliveries or Collections	1%
Light Nuisance	1%
Cockerels	1%

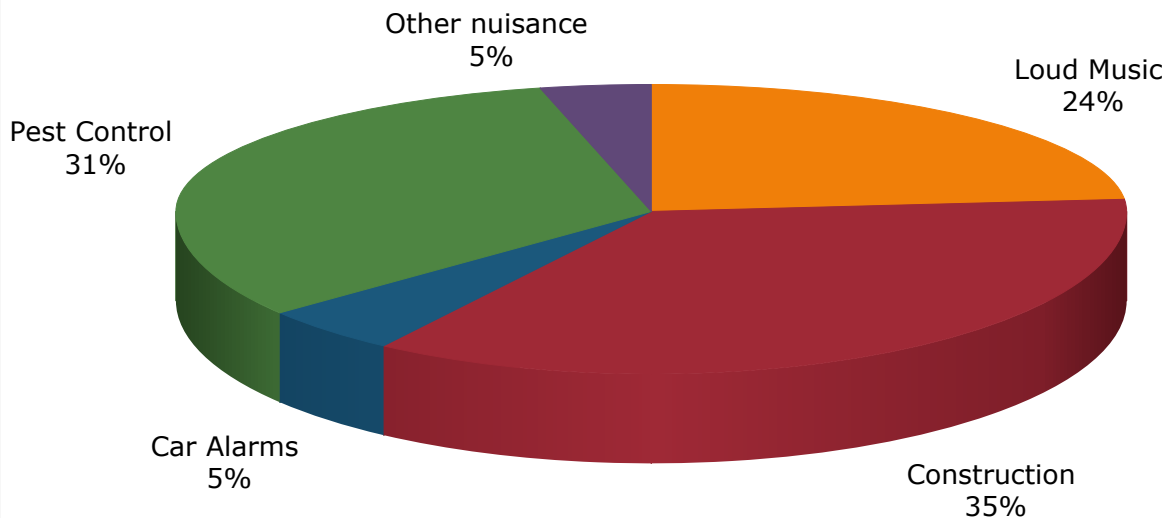
Noise nuisance service requests Source By Type (2208)



General Nuisance Service Requests By Type (3855)



Nuisance Enforcement Action Profile - notices served (42)



Work of note:

The noise team and the licensing team jointly served a closure notice on Guns and Smoke, Church Passage, High Barnet in relation to significant nuisance from the premises.

The noise team and the licensing team worked together to review the premises licence for The Wallace, 1023 Finchley Road in relation to noise from music at the premises. The licence was revoked by the Sub Committee.

*There is an outstanding appeal in relation to this decision

The Noise team have been working closely with Saracens in relation to summer events at Allianz Park to ensure that the noise nuisance to local residents is minimised.

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 FY 16-17.

Officers have continued to work on a reactive basis dealing with service requests relating to rough sleepers/encampments, public health, nuisance and anti-social behaviour issues as they occur, hitting over 96% of service standards. The Public Health and Nuisance Team have also proactively been referring relevant properties to the Empty Property Team and the HMO licensing Team. Officers have been trained to ensure that they are aware of the new Additional HMO licensing criteria. Proactive work has been undertaken with Thames water to try and streamline the process for dealing with misconnections in the borough where they have been identified as causing pollution to watercourses. In February officers were involved in a cross agency operation organised by the Police in Burnt Oak looking at accumulations and public health issues. Officers continue to work closely with Street Scene, Refuse and

Community Safety to ensure that the most effective solution is found for dealing with problem cases and areas.

Anti-social behaviour

There have been 229 cases reported to the Community Protection (Regulation) team. A total of 9 Community Protection Notice warnings were issued. These continue to be a very successful form of preventative action.

Work of note:

The ASB team have been working closely with Green Spaces and other partners in relation to on going issues with illegal raves at Scratchwood.

The ASB team has been working closely with the police, Barnet Homes and the noise team in relation to 2 ongoing and complex ASB cases.

The ASB team have been supporting the work of both the Joint Tasking Group (JTAG) and the Multi Agency Risk Assessment Committee (MARAC) by regularly attending meetings and undertaking project work related to issues of ASB around the Borough

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 FY 16-17.

Trading Standards

1,264 cases have been reported to the trading standards team during the year, leading to investigations into potential offences as shown in the list below.

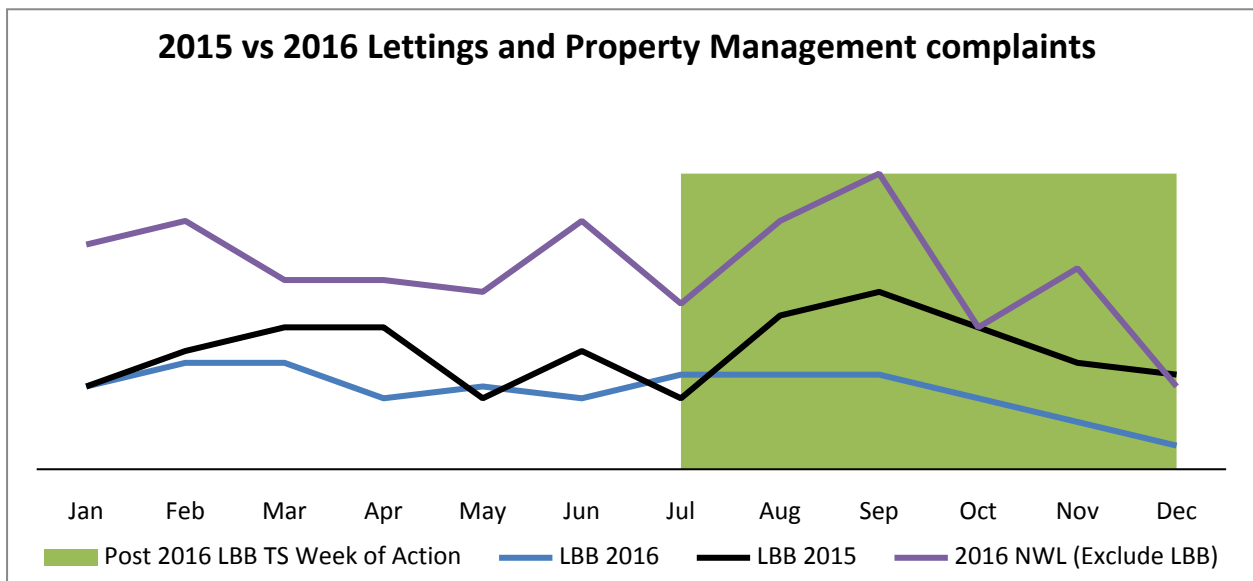
- False claims of membership of trade associations.
- Non-compliance with E commerce legislation
- Letting agent malpractice
- Misleading advertising
- Underage sales
- Counterfeit items
- Consumer Protection Regulations Offences
- Possible fraud

The trading standards team remain 97% effective in their interventions in 16/17 with only 3% of cases where the team investigated the matter resulting in a repeat complaint within 12 months.

Trading Standards Operations/Focus areas

(1) Letting Agents

A targeted week of action undertaken at the end of June. This resulted in a 100% compliance rate in relation to membership of redress scheme and fee information which is one of the highest compliance rates seen across London. The week of action has significantly impacted on levels of complaints. Particularly when compared with the rest of North West London.



Note: Complaints against NWL traders (exclude LBB) from Jul2016 continue to increase except Oct and Dec 2016.

(2) Electrical safety

A week of week of action took place at the start of March 2016. 22 premises were visited, issues found at 5 (23%). Issues related to cord sets, adaptors and travel plugs. Emerging trend that retailers are using eBay and other pound shops to source their stock. Further work is planned in this area.

(3) Counterfeiting, Illicit tobacco and Underage sales

In relation to illicit tobacco an Intelligence package was created. This was then used to target the Wagtail operation in June 2016. A further week of action was undertaken focused on the Golders Green area at the end of August 2016. High levels of compliance found due to previous advice and operations undertaken in June.

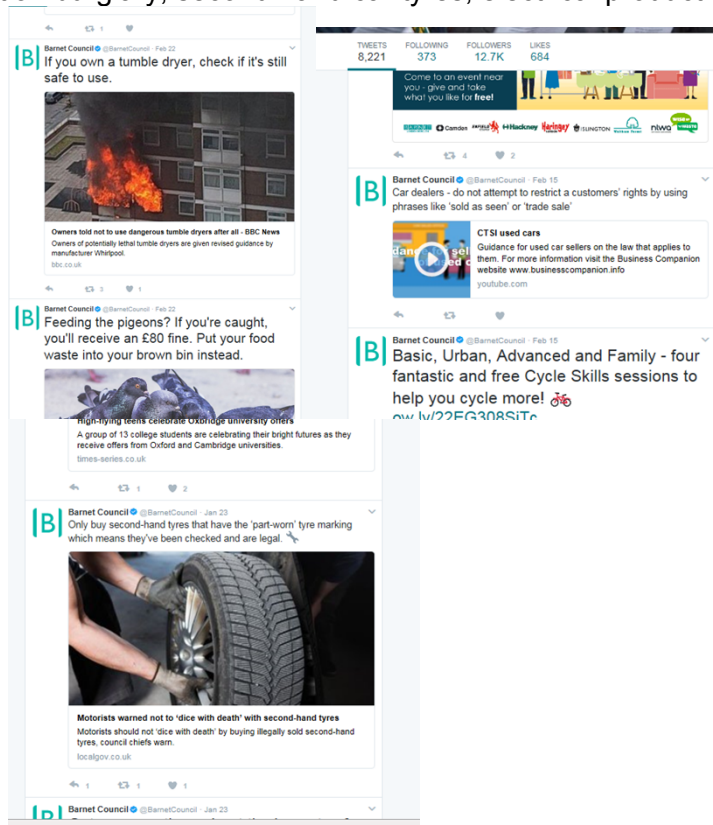
The premises found with high levels of illicit or counterfeit tobacco had a review of their premises licence submitted and all premises have had their licence revoked as a result of this.

*Some of the decisions are currently under appeal.

There has been a 73% reduction in complaints recorded by CACS. This would appear to be a positive result of the 2016/17 project work in relation to counterfeiting

(4) Social Media

Tweets have been made in relation to education of consumers around banking scams, distraction burglary, second hand car tyres, electrical product safety, and letting agents.



(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 in relation to focusing of resources. As a result we have seen a decrease in the level of scam complaints in 16/17. Unfortunately there is evidence that there are a number of known rogue traders targeting the Barnet area. This will be a particular focus for 17/18.

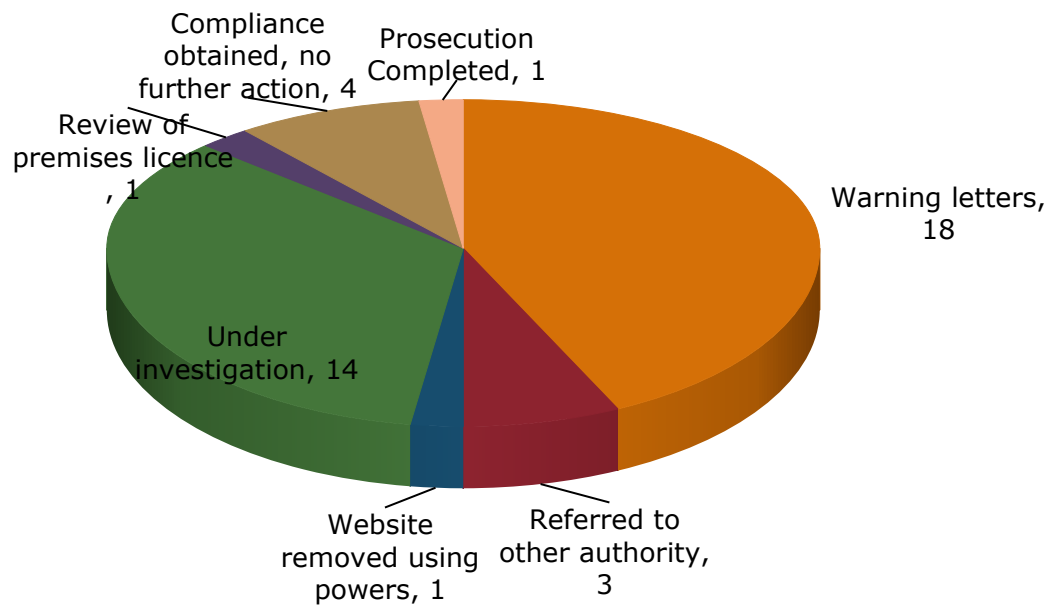
(4) Underage sales

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 16/17 and followed up with significant formal action.

Crown Court Prosecution: Letting Agent Fraud

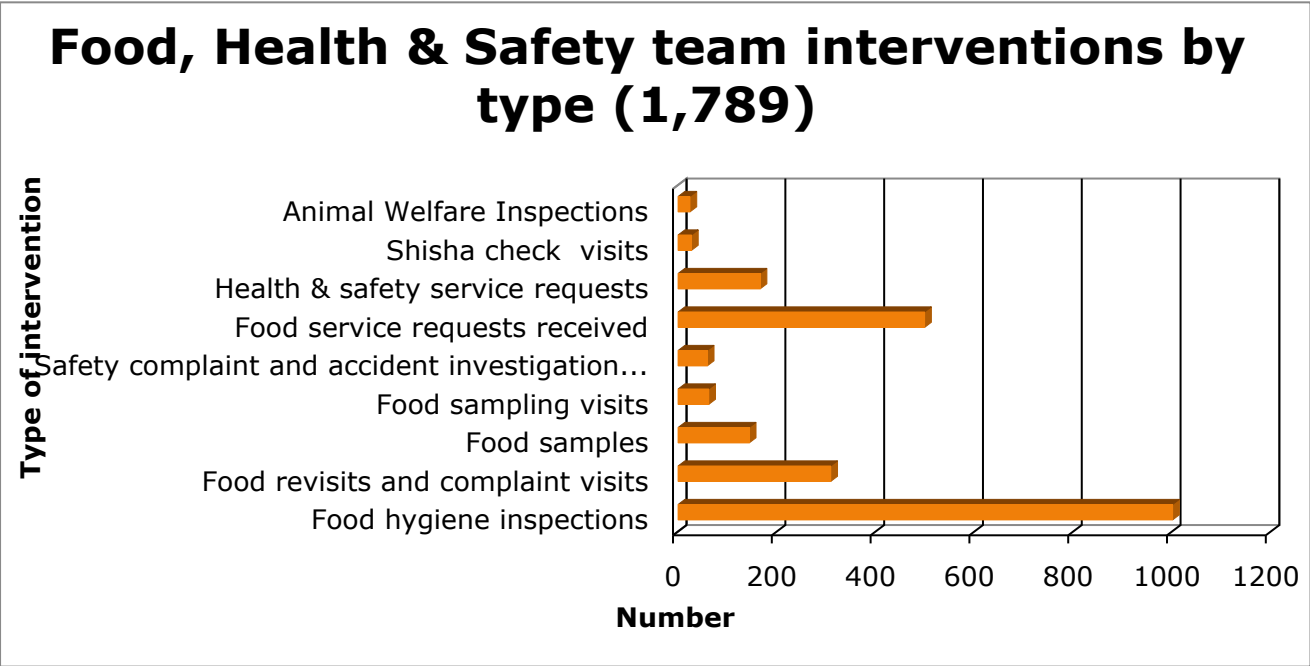
The Trading Standards team concluded a lengthy and complex fraud investigation, resulting in the successful conviction against Martin Marcus, who ran fraudulent letting agencies. He was convicted at Harrow Crown Court and sentenced to four and a half years imprisonment in June 2016. No costs are awarded in custodial cases and investigations led to no assets remaining that could be subject to Proceeds of Crime Act. This case also prompted an operation to tackle rogue letting agents as reported in the 2015/16 report.

Trading Standards enforcement profile



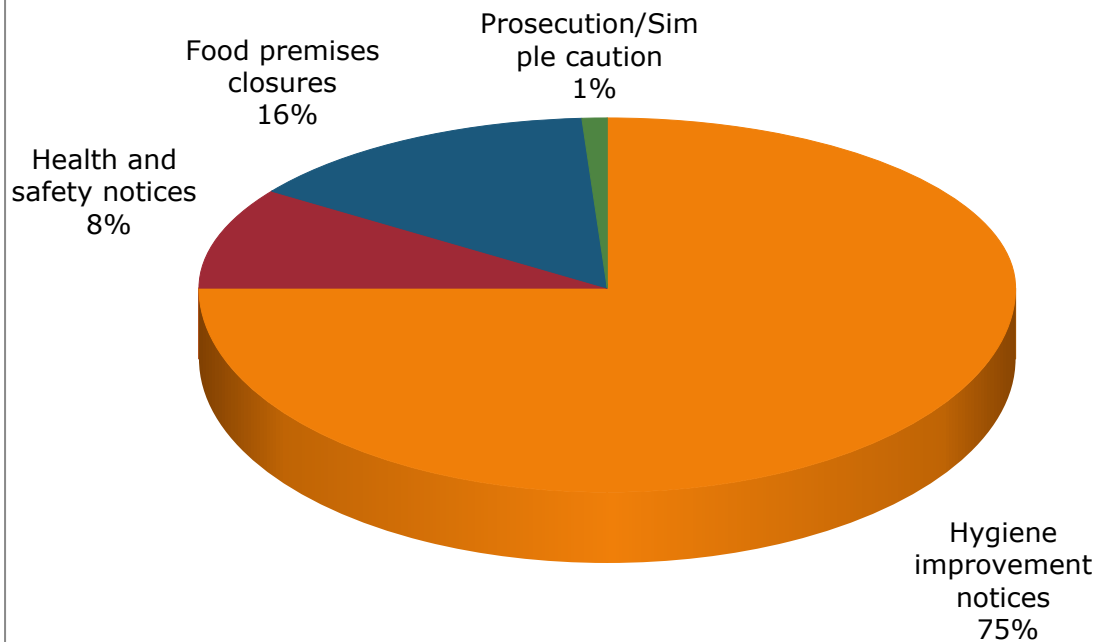
Food, Health & Safety

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. The team also handle applications for animal welfare and special treatment licences.



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.

Food, Health & Safety Enforcement Action Profile



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>

2016-17 data has yet to be published by the FSA.

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.

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	100.00	94.48	54.95	2.45	90.96

**Expressed as a percentage of those due inspection in year and overdue inspection from previous years.

Interventions not carried out related to low risk Category D and E premises, with 16 compliant Category C premises not receiving an intervention within the 28 day target window.

A total of 4 establishments were subject to Voluntary Closure agreements.

A total of 7 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.

25 establishments receiving formal Hygiene Improvement Notices and 656 establishments received a written warning. No prosecutions were taken in 2016/17

Food Standards

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

Intervention (or inspection) frequencies for food hygiene are generally greater than for food standards and so the hygiene intervention programme drives the standards programme, with combined inspections being undertaken wherever possible to minimise the number of visits and burdens upon businesses.

All 5 high risk A category premises were inspected on time in 2016/17. Category B premises due or overdue inspection will be inspected at their next hygiene inspection. 128 were completed and at year end there remained 156 to be effected at the next hygiene inspection.

3 establishments were subject to formal enforcement (seizure, detention or surrender of food) and 69 establishments were subject to formal written warnings. No prosecutions were taken in 2016/17.

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.

144 samples were taken in 2016/17 of which;

90 were foods or food contact surface swabs for microbiological contamination
54 other contamination, composition or labelling and presentation

In 2015/16 the average number of samples across 33 London authorities was 80.9, although 2 authorities took over 400 samples each.

Public Health Projects

The Food, Health & Safety Team undertook 2 projects in conjunction with the Barnet and Harrow 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 nutritionally healthier food options for their customers. The focus in 2016/17 was to create a gold and silver award extension to the scheme locally and to convert some businesses with subsequent publicity. Four gold awards and four silvers were presented in person at a ceremony which took place in September by Councillor Hart, Chairman of the Health and Wellbeing Board. The press attended and articles appeared in the Barnet First circular and on the LB website: <https://www.barnet.gov.uk/citizen-home/news/Small-changes-making-a-big-difference-to-becoming-a-healthier-Barnet.html>

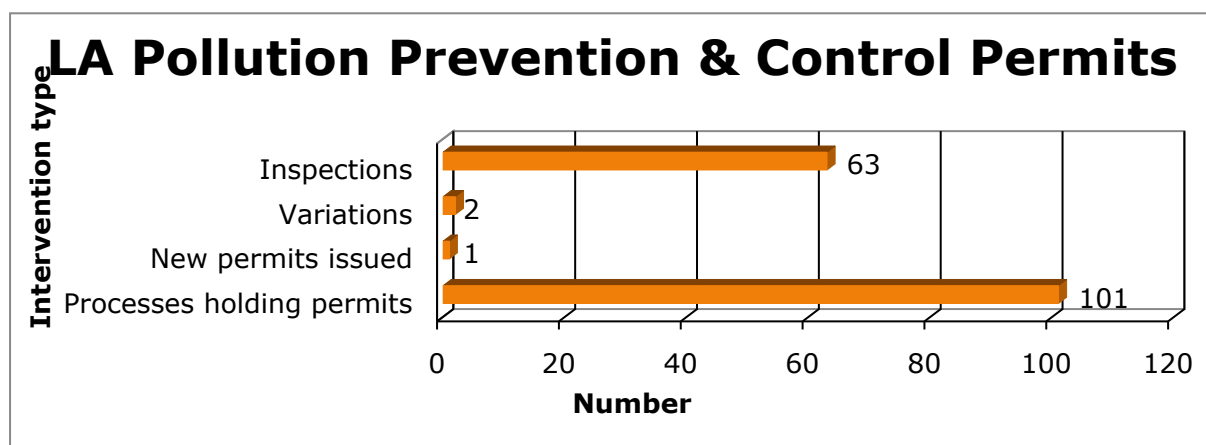
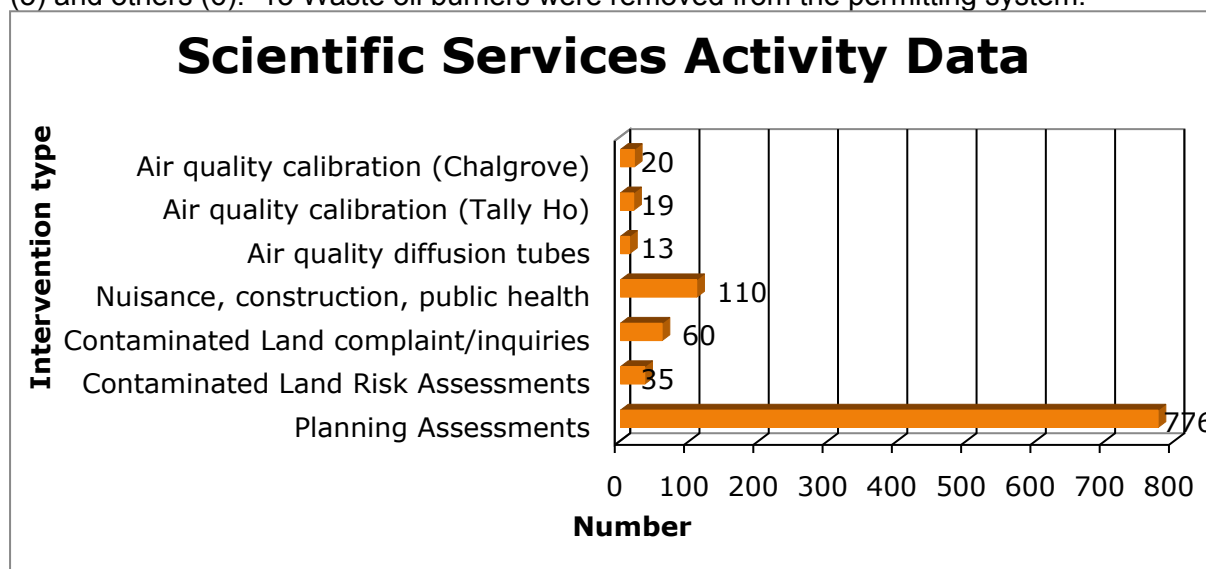
Tobacco Control project

Concentrating on premises serving shisha, the team undertook a programme of interventions to ensure that premises are compliant with smoke free legislation. A total of 27 premises visits were completed during the year and at year end 52% were compliant compared to 43% at year start. A Public Health anti-shisha-smoking campaign gained major publicity and recognition aimed at reducing attendance at shisha premises as that was seen as key to reducing smoking related ill health. The team assisted with targeting and messaging in this campaign.

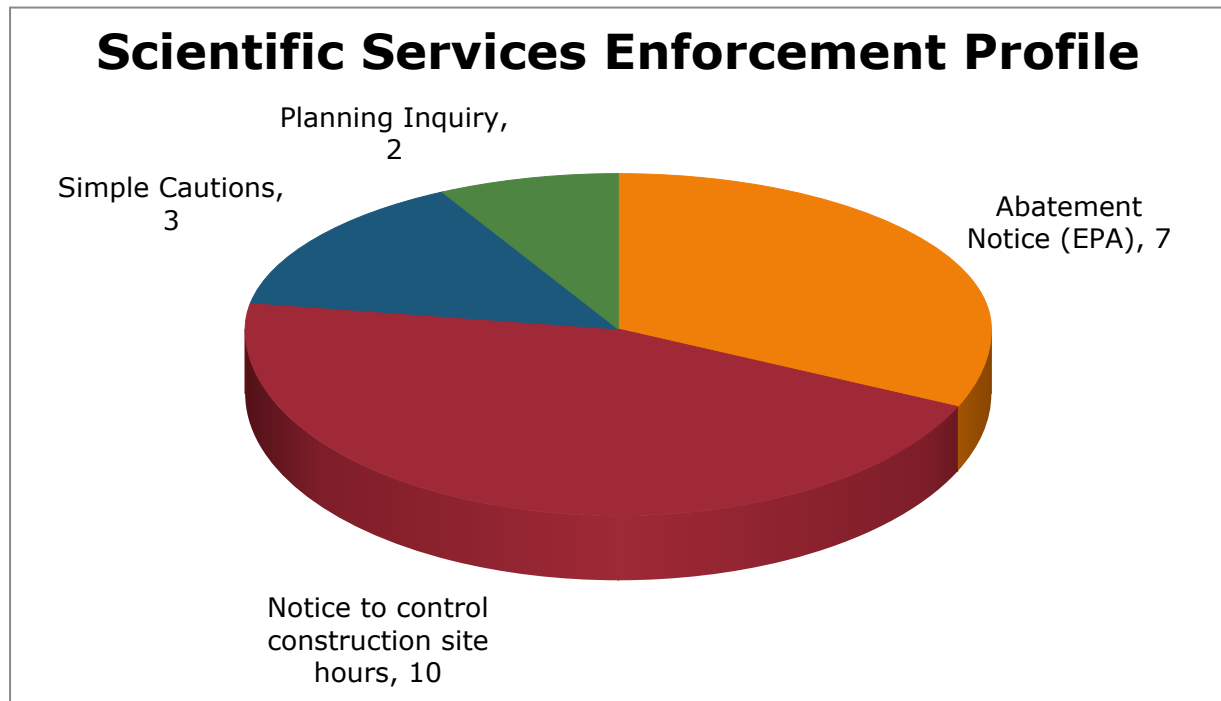
Scientific Services

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 (67), Petrol Stations (23), Cremators (5) and others (6). 13 Waste oil burners were removed from the permitting system.



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 2016 annual status report for air quality monitoring in Barnet which revealed that overall, air quality had improved in Barnet by up to 30% over the last 10 years until 2015. In the 2016 the results showed the improvements were not continuing now at all monitoring sites. 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. This has been updated with measures undertaken in the last year.

The team have recruited a North London Construction dust enforcement officer who has been visiting sites in Barnet since January 2017 to enforce a reduction of dust and emissions from smoky equipment. The funding for this role is from the GLA for one officer shared between 4 Boroughs, for which Barnet/Re are leading and it is for construction sites only (this does not include waste management sites, such as Donoghues in Claremont Road NW2, which should be dealt with under their licence by the Environment Agency).

In Barnet 12% of fine particulates (PM10) and Nitrogen Dioxide pollution is from the exhaust emissions from construction vehicles and stationary plant such as generators and JCB's etc. The dust enforcement officer's role is to make sure all the non-road mobile machinery (NRMM) on major construction sites is using the latest, cleanest equipment to reduce emissions and ensure the builders use dust suppression on the earth works and demolition which reduces coarser dust. The officer will not have any enforcement powers with respect to waste management sites.

A Consolidated Procurement vehicle delivery feasibility study to reduce the amount of congestion in the borough has been carried out and it is with stakeholders to sponsor it corporately to then the GLA release funds to implement the project. 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 soon to be submitted to DEFRA. The CIEH noise survey 2016-17 shows that enforcement work in last 10 years has reduced noise complaints in Barnet from 3600 in 2006 to 2208 in 2016-17 in total but with only 1341 new complaints – which is significantly lower - whilst the Barnet population has increased significantly. The team are continuing working to deliver a review of potentially contaminated sites under the Contaminated Land strategy to reduce potential property blight and protect human health.