

REGULATORY SERVICES- SERVICE PLAN 2023-25

1.0 HEADLINES

- 1.1 This paper presents to members of the Planning, Protective Services and Licensing Committee the Regulatory Services Service Plan 2023-25. This provides details of service, achievements and performance in 2022-23 together with service priorities for 23/25.
- 1.2 Regulatory Services consists of the multifaceted areas of environmental health, animal health and welfare, licensing standards and short-term let licensing. These statutory services aim to protect public health and public safety and secure compliance with legislation and standards. Environmental Health is the branch of public health which deals with all aspects of the natural and built environment that may affect public health, together with animal welfare and licensing duties.
- 1.3 The Service Plan is detailed in **Appendix 1**.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that members of the Planning, Protective Services and Licensing Committee consider and approve the Regulatory Services Service Plan 2023-25.

3.0 REGULATORY SERVICES WORKPLAN 2023-25

- 3.1 **Regulatory Services** is a unit located within Development and Economic Growth comprises of three distinct professional services- Environmental Health (including Licensing Standards-alcohol), Animal Health and Welfare and the Short-term let Licensing. Our aim is to take measures to protect public health and safety and ensure a good environment for residents, consumers and businesses
- 3.2 Regulatory Services is an enforcement service aimed at ensuring that the standards defined in a wide range of legislation are met by businesses and the public, as appropriate. Our enforcement ethos is to work with others to secure these improvements through the provision of advice and information. Any enforcement is risk-based and proportionate to the risk to public health or safety, the risk of consumer detriment, non-compliance with statutory notices or where there is evidence of non-cooperation in meeting statutory requirements.
- 3.3 The Regulatory Service Workplan 2023-25 details the wide remit of the service, performance and achievements in 22/23, and concludes with service challenges and priorities for 2023-25.

Delivery of this overarching plan is dependent upon available resource and the plan, together with the statutory plans which fall to be approved by Committee (Joint Health protection Plan, Food Law Enforcement Plan, Health and Safety Law Enforcement Plan and the Animal Health and Welfare Plan).

3.4 Achievements in 2022-23 include:

- i. Reinstated all services post Covid
- ii. Restarted our official food control program post Covid. This involved risk rating all 2493 food businesses against a new national risk rating system and developing and implementing a formal interventions program. This has been successful although adjustments were made to focus on the high risk manufacturing sector, as a result of 2 FTE Environmental Health Officer vacancies.
- iii. The team continues to perform well and in a professional manner, despite depleted resources due to vacancies and ill-health absence. Performance figures are detailed in section 6 of the work plan
- iv. Completed a demand reduction exercise to evaluate alternative ways of responding to an increasing number of service requests and to release resource to focus on planned and other activities
- v. The UK outbreak of avian influenza in 2022/23 resulted in large number of outbreaks across the UK and measures to control the spread of diseases from wild birds to commercial/domestic poultry, and in the event of outbreaks, to other premises keeping poultry. Whilst there were no confirmed outbreak in Argyll and Bute, a significant amount of work was undertaken to support and inform poultry keepers, enforce the national restrictions and minimise the risks from a significant amount of wild bird carcasses which were being washed onto the shorelines of Argyll, and Bute.
- vi. Supported a wide range of safe and successful events which were organised post pandemic, including the Tiree Music Festival, to ensure that they were managed safely
- vii. Successful prosecution relating to an investigation into a fatality at Loch Awe involving a boat hire company and offences under the Health and Safety etc Act 1974. The company pled guilty and fined a total of £10,000.
- viii. Introduced support to users of private water supplies experiencing water scarcity, as required by Scottish Government.
- ix. Councils had a statutory duty to introduce a new short term let licensing regime by the 1 October 2022. This was very challenging and required the development of a scheme, public consultation, and formal approval within a 5 month period. This was achieved and on the 29 September 2022, Argyll and Bute Council formally approved its short term let licensing regime and policy. This work included the development of an in-house information management system to receive on-line applications from hosts.
- x. Established a Short-term let licensing team within Regulatory Services to deliver the licensing regime. The team was not fully recruited until March 2023 and in the interim, work was carried out by the existing environmental health team, focusing on provision of advice for all and processing of new host applications.

Challenges and issues.

3.5 The key challenges facing Regulatory Services in 2023-25 are detailed:

- i. Recruitment is an ongoing difficulty and attempts to recruit qualified professional officers in environmental health is proving very difficult. We have been unsuccessful in recruiting to a vacant Environmental Health Officer four times, and the post has been vacant since July 2022. There is a national staff shortage and a high risk to the ongoing provision of Environmental Health services. In response we are developing a workforce plan to mitigate the risks to the service. Therefore, in addition to attempting to fill current vacancies, a key focus of the environmental health work plan this year is to improve resilience and efficiency to minimise the impact of any further reduction in resource.

- ii. Managing the service resource is challenging as reactive workload is met by reallocating resources from planned activity. Professional Officers manage these conflicts on a daily basis, but the increase in reactive work allied with a depleted resources due recruitment difficulties and higher customer expectations, results in less time being allocated to planned activities. To combat this, a demand reduction exercise was undertaken in an attempt to find new ways of responding to reactive work and release more time to planned activities. Whilst beneficial, reactive work continues to divert resources from planned activities.
- iii. Food safety. The environmental health service is, like many other local authorities, unable to meet the full statutory requirements of the national Food Safety Code of Practice (COP). This situation was identified in the Food Standards Scotland audit in 2016 and which improvements were achieved through the Audit Action Plan, resourcing and recruitment remains an issue. The team are currently 0.7 FTE down in food resource due to vacancies and there is a resource gap between current establishment and the level required to deliver the COP of 5.3 FTE.

Recognising this, service resources are allocated on a risk-based, proportionate approach with priority given to high risk activities in the first instance, at the expense of other lower risk work. This approach is replicated across local authorities and ensures that the issues which pose the greater risk to public health are addressed and regulated. This approach is consistent with the Scottish Governments Strategic Regulators Code.

- iv. Scottish Authority Food Enforcement Re-Build (SAFER). Food Standards Scotland (FSS) conducts an annual audit of council resources involved in food law enforcement. In 2021, the annual audit included an exercise to quantify the resource gap across local authorities in Scotland to enable full compliance with the Food Law Code of Practice (Scotland) (hereafter referred to as COP). This audit identified an estimated shortfall of 178 FTE officers across Scotland to enable food law interventions to be fully delivered. The estimated deficit and the consequences for the Scottish food industry, particularly for export trade, prompted FSS to initiate the SAFER project. The aim of SAFER is to develop a new approach to food law enforcement which will deliver public health protection and assurance, focus on risk and non-compliance, better use of digital technologies, identify alternative qualification pathways and allow local authorities to seek relaxations from the current COP requirements and target its food resource more effectively without the sanction which currently exists from the FSS. Argyll and Bute are actively participating in this project, whilst continuing to deliver our food priorities, and will be seeking to agree a relaxation from the COP as part of this project.
- v. Service redesign. The current service arrangements were implemented in 2011 and much has changed since then, including workload, digital technology and new ways of work post pandemic. A service preview is ongoing and this will be delivered in 2023/24 to deliver a range of outcomes identified by management, staff and customers. This will seek to improve efficiency, systems and make better use of digital technology.
- vi. Short-term lets. This is a new licensing scheme and a team is in place to deliver this work. Existing hosts have until the 1 October to submit applications for licence and the Council have until July 2024 to determine these. Managing this workload will be significant as we anticipate in the region of 3500-4500 applications to process. Lessons learned from the work to date include delays caused by hosts not providing all the necessary applications to validate their application, delays in responses from consultees. This situation is being closely managed and temporary resources may be required to enable the Council to process all applications.
- vii. Financial: The budget relies on income from export health certificate and as result of business adapting this operating models and using the commercial hubs established as part of the national EU Exit response, demand for export health certificates from the Council has reduced by 55%. This situation is being monitored and further information

is pending in respect of the impact of third country agreements and the pending import arrangements to the Councils environmental health service.

Service priorities 2023-25

3.6 The service priorities are detailed in Section 8 of the Service Plan (Appendix 1) and include performance targets for key measures. Consistent with the new corporate performance framework, the intention is that reports will be brought forward to Committee on a six monthly basis reporting on service performance and progress against service priorities.

4.0 CONCLUSIONS

4.1 The Councils Regulatory Services deliver a wide range of statutory services to protect public health. The team have worked hard in 2022/23 and despite resourcing difficulties, have performed well.

4.2 The Regulatory Services Service Plan 23-25 details services priorities and targets and members are asked to endorse this document. Progress and performance against the plan will be reported to the appropriate Committee six-monthly.

5.0 IMPLICATIONS

5.1 Policy – consistent with Council policies

5.2 Financial – proposals based on current budget

5.3 Legal – statutory service under the wide range of statute placed on the Council.

5.4 HR – delivered within existing workforce plan

5.5 Fairer Scotland Duty - the Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in April 2018. The duty places a legal responsibility on particular public bodies in Scotland, such as Argyll and Bute Council, to pay due regard to (actively consider) how they can reduce inequalities of outcome, caused by socio-economic disadvantage, when making strategic decisions and how this has been implemented.

5.5.1 Equalities - all activities comply with all Equal Opportunities/Fairer Scotland Duty policies and obligations.

5.5.2 Socio-economic Duty - all activities have complied with the council's socio-economic duty.

5.5.3 Islands – interventions have been delivered across the Argyll and Bute area, including island communities.

5.6 Climate Change – work of service supports climate change and net zero.

5.7 Risk –

(i) inadequate resources to deliver the plan and statutory duties and recruitment issues.

(ii) New duties or workload placed on the service without addition resource or budget

5.8 Customer Service – supports customer service model

Executive Director with overall responsibility for Development and Economic Growth:

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