



# COMHAIRLE NAN EILEAN SIAR

## Development Department

# Consumer and Environmental Services Service Plan 2010-2011

### INTRODUCTION

1.1 The Service Plan covers the work undertaken by the Comhairle's Consumer and Environmental Services. It details the framework that will be adopted for the following year and describes the Service's:

- aims and objectives;
- scope of responsibilities;
- service delivery;
- resources; and
- quality management.

1.2 It incorporates the Food Law Enforcement Plan, the Health and Safety Enforcement Plan, the Trading Standards Service Plan and the Animal Health and Welfare Plan. The plan will be reviewed on an annual basis. The Comhairle's mission statement is detailed below.

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### MISSION STATEMENT 2007-11

2.1 The Comhairle's mission statement is:

#### **To provide excellent public services throughout the Outer Hebrides**

The corporate values are:

- Our customers and communities are at the heart of all we do
- We provide strong and effective community leadership
- We are proud of our islands and promote a positive and professional image of them
- We take pride in delivering quality and value for money and look constantly for improvement and efficiency
- We strive to involve our colleagues and partners in our work recognising that true partnership can achieve great things
- We provide integrated services whenever we can as we recognise that this can only strengthen the retention of public services in the islands
- We endeavour to make the Comhairle the place where people choose to come and work
- We manage our assets to ensure that they match our service delivery plans and are fit for purpose

BY THE END OF THE COMHAIRLE TERM WE WILL BE ABLE TO DEMONSTRATE  
THAT OUR SERVICE PERFORMANCE HAS IMPROVED

## **SERVICE AIMS AND OBJECTIVES**

- 3.1 It is the Service's objective to serve the communities and individuals of the Outer Hebrides by protecting public health.
- 3.2 The Service aims to:
- meet all statutory objectives;
  - carry out its duties as a statutory enforcement Authority (including Food, Trading Standards and Health and Safety);
  - provide advice to consumers, traders and the public;
  - improve levels of legislative compliance in the Outer Hebrides; and
  - increase businesses knowledge of regulatory requirements.

## **LINKS TO CORPORATE OBJECTIVES AND PLANS**

- 4.1 This plan will be integrated into the objectives of the Consumer and Environmental Services Section of the Development Department Service Plan, and is consistent with the Comhairle's Mission Statement.

## **PROFILE**

- 5.1 Comhairle Nan Eilean Siar is the local authority for the Outer Hebrides, which are located off the northwest mainland of Scotland. The Outer Hebrides have a land area of 290,000 hectares and a coastal line of 2,700 kilometres (km). The Islands measure 210 km from the Butt of Lewis in the north to the uninhabited small islands of Berneray and Mingulay in the southern extremity. The islands are 60 km at their widest point and also include the archipelago of St Kilda.
- 5.2 The estimated population is 26,180 (2009) for the Outer Hebrides with the largest settlement being Stornoway (5,530). The islands have a declining population and the total population is projected to fall to 25,136 by 2033.
- 5.3 The main economic sectors are public services, construction, fishing, fish farming and fish processing. Government employment surveys suggest that 80% of employment is in service sector related activities.
- 5.4 There are over 6,000 registered crofts in the islands with the majority of these in use. It is estimated that there are over 100,000 livestock on the island.

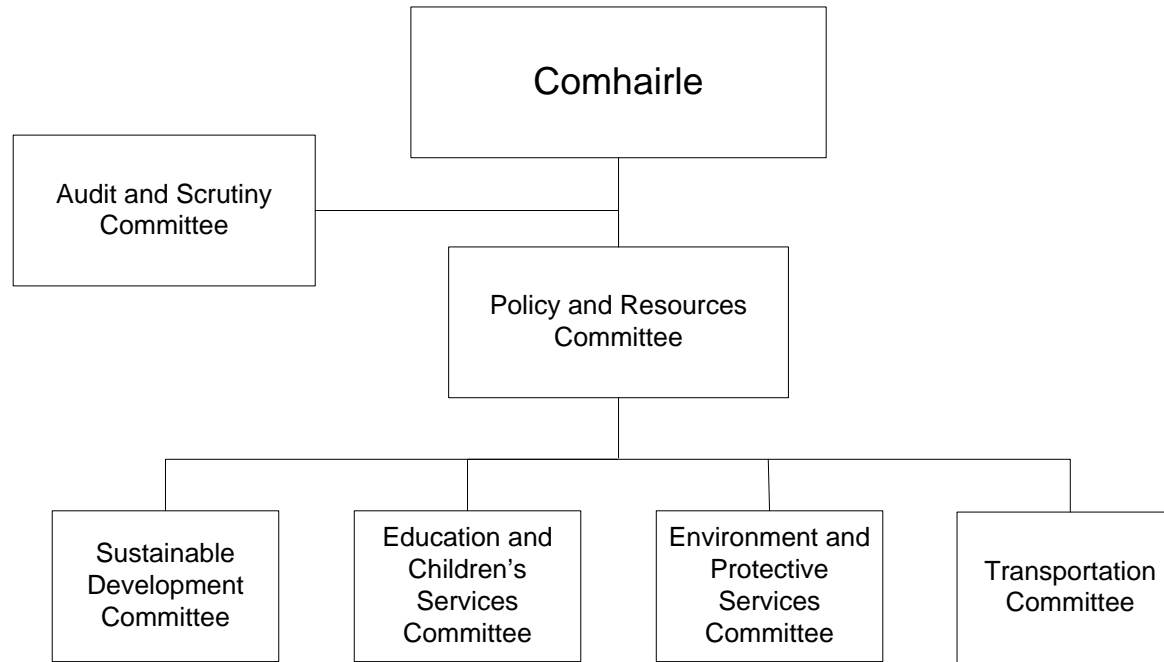
## **ORGANISATIONAL STRUCTURE**

- 6.1 The following charts outline:
- Chart 1 - The Comhairle Committee Structure
  - Chart 2 - Departmental Structure of the Comhairle
  - Chart 3 - Structure of Health & Consumer Services Section
  - Chart 4 - Management Structure and Organisational Responsibilities of Health & Consumer Services Section

## **OVERVIEW OF SERVICE**

- 7.1 The Comhairle is the statutory authority for the Outer Hebrides for numerous pieces of legislation with the Service having responsibility for all relevant legislation relating to the following functions:
- Food Hygiene Inspections
  - Health And Safety Inspections
  - Public Nuisances
  - Private Water Supplies
  - Trading Standards
  - Licensing/ Registration (15 types)
  - Public Health
  - Feedingstuffs
  - Food Standards Inspections
  - Landlord registration
  - Smoking controls
  - Health improvement
  - Contaminated land
  - Animal Health
  - Air Quality
  - Consumer Advice

**CHART 1: COMMITTEE STRUCTURE OF COMHAIRLE NAN EILEAN SIAR**



**CHART 2: DEPARTMENTAL STRUCTURE OF COMHAIRLE NAN EILEAN SIAR**

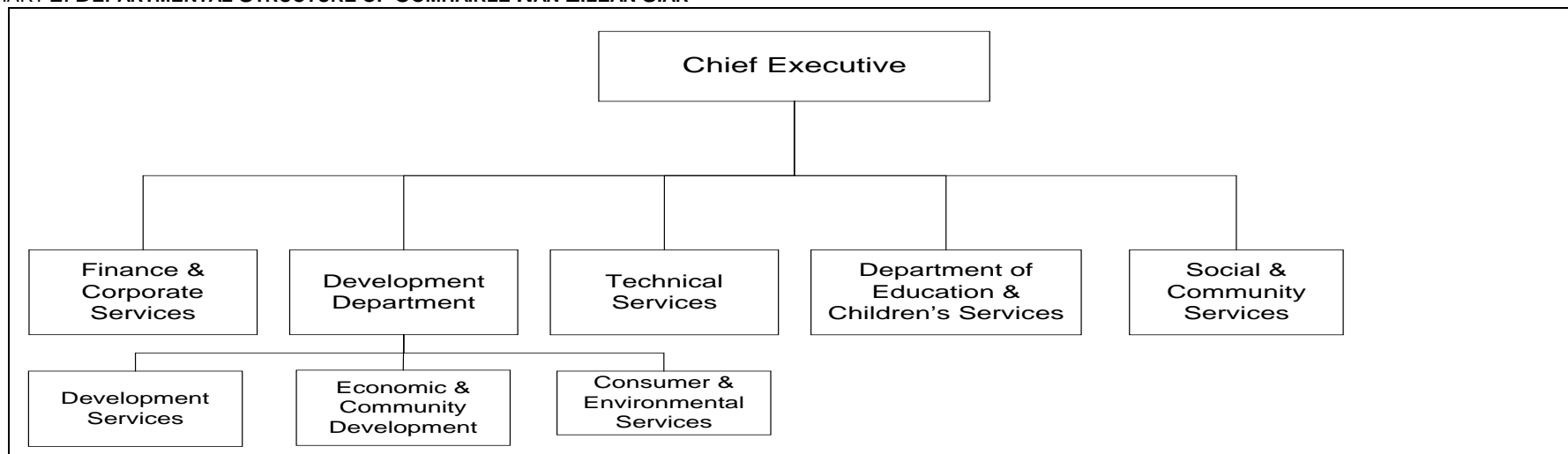
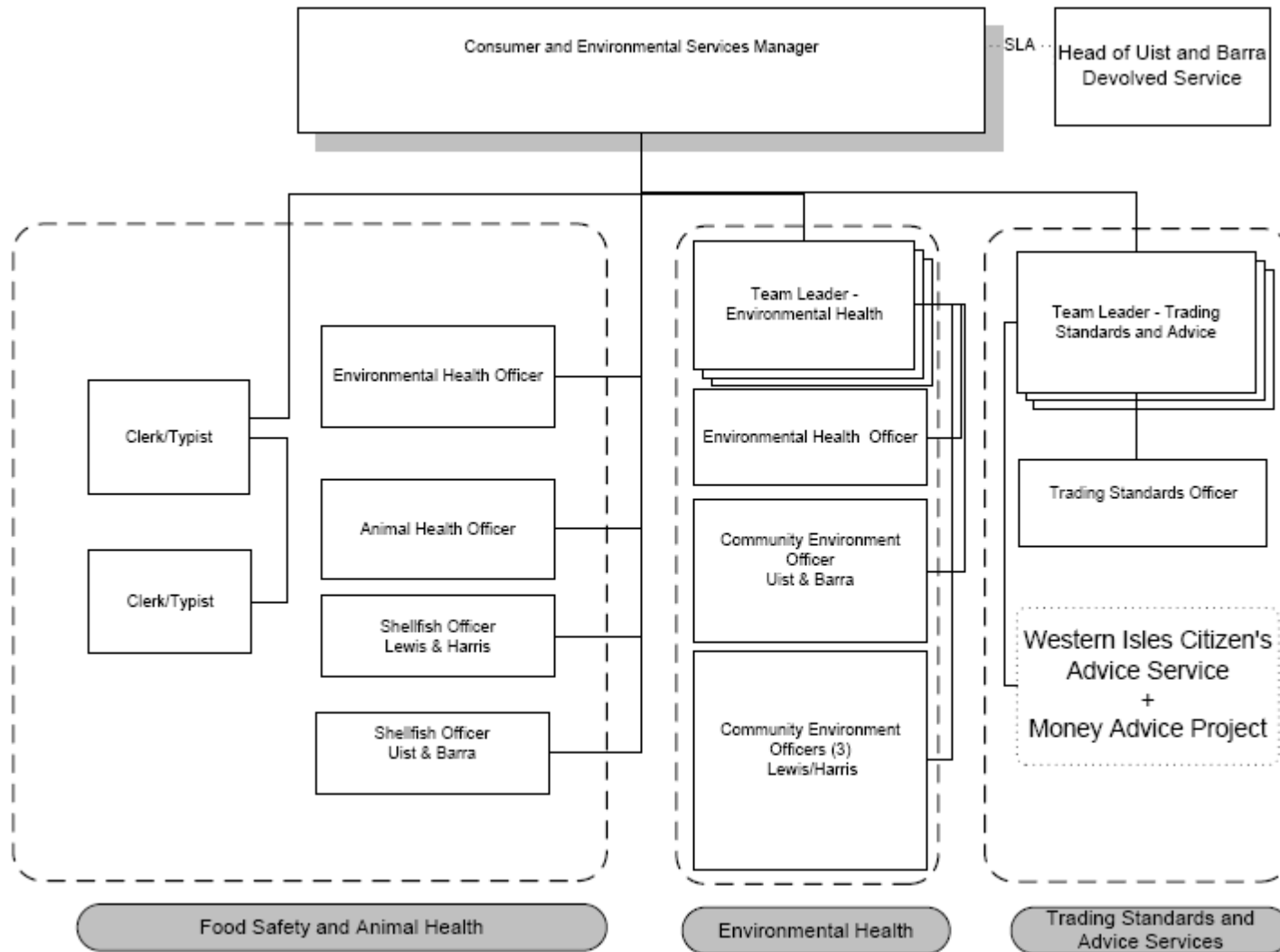


CHART 4 STRUCTURE OF CONSUMER AND ENVIRONMENTAL SERVICES



- 7.2 The Service was newly formed on 1 April 2010 in the Development Department, having previously been part of Health and Consumer Services as part of the Social and Community Services Department. As part of this reorganisation the section lost a Head of Service.
- 7.3 The Development Department has offices in Stornoway (serving Lewis and Harris) and Balivanich (serving Uist and Barra), which are normally open between 9am and 5pm, each weekday.
- 7.4 The workload of the Service is split between routine/pro-active and reactive work. Routine workloads include inspections, sampling and testing. Reactive works include dealing with complaints, food poisonings, new licences/registrations and accident investigation. The reactive work can obviously affect the performance of the routine work.
- 7.5 The Service is responsible for ensuring that businesses in the Outer Hebrides operate in a fair trading environment and that products sold and exported from the islands are safe and comply with legal standards. The Service is also involved in ensuring public safety.
- 7.6 The majority of the work carried out by this Service is statutory. Non statutory work, like providing advice is normally interlinked with the statutory duties, in that decreasing advisory work may increase statutory activity (e.g. if businesses advice is not provided then it increases the risk of business/product non-compliance when inspected or sampled).

### **STAFFING**

- 8.1 The Service has 15 members of staff, plus 40% of an officer from another Department. There are 5 Environmental Health Officers available, 2 Trading Standards Officers, 1 Animal Health Officer, 4 Community Environment Officers (CEO), 2 Shellfish Sampling Officers and 2 Clerical/admin support staff. The section has lost a Head of Service and one of the CEO posts is currently vacant. The full time equivalent (fte) staffing has dropped from 16.2 to 15.4.
- 8.2 Because there is a relatively small number of staff in relation to the number of functions carried out, officers have to be multi-functional and have knowledge in a number different fields. Some of these functions can only be carried out by officers with specific qualifications.
- 8.3 Staffing is spread throughout the islands with officers in Stornoway, Carloway, Uig, Point Balivanich and Castlebay. Having a disparate work force has both positive and negative effects on service delivery. Positive aspects include being closer to service users, with negative aspects including parity of services and officer cover.

### **ENFORCEMENT POLICY**

- 9.1 The Comhairle has adopted a general enforcement policy, and also have a specific food safety enforcement policy.

### **HOME AUTHORITY PRINCIPLE**

- 10.1 The Comhairle supports the Home Authority Principle and will assist any other Local Authority in the UK regarding enquires about locally manufactured products.

### **ADVICE TO BUSINESS**

- 11.1 The Comhairle shall work with businesses to help them comply with the law and provide a comprehensive advice Service alongside its enforcement role. As well as offering on the spot advice during routine visits and inspections and responding to queries, the Comhairle also will assist external trainers to organise training courses for businesses.

### **STAFF DEVELOPMENT PLAN**

- 12.1 The Comhairle supports ongoing staff training, and the Service ensures that staff are trained in accordance with the training plan, ensuring that staff remain professionally competent and meet the requirements of any continual professional development schemes. Staff development is incorporated within the Comhairle's staff appraisal scheme, with staff being appraised biannually.

# Food Safety Service Plan

## SCOPE OF FOOD SERVICE

- 13.1 The Comhairle is the statutory food authority for the Outer Hebrides with the Development Department having responsibility for all relevant food legislation. Food staff includes EHOs and shellfish sampling officers. The EHOs are involved in the full range of environmental health duties, e.g. health and safety, public health, and complaints.

## DEMANDS ON THE FOOD SERVICE

- 14.1 There are around 4500 “premises” in the Outer Hebrides, which are covered by food safety legislation. An approximate breakdown of this figure is detailed below:

Distributors	6
Manufacturers(selling mainly by retail)	3
Manufacturers	24
Packers	9
Caterers	356
Primary Producers (>3000 crofts etc)	3600
Fishing Vessels	300
Retailers	81

- 14.2 The Service recognises its responsibilities for general surveillance work on imported foods at retail and catering level. Arrangements are being made for these to be carried out at ports and airports. This is in line with the Food Standards Agency’s Step Change Initiative which aims to improve the co-ordination and delivery of local-authority inspection of foods and products of animal origin at seaports and airports.
- 14.3 The Service has responsibility for the hygiene inspection of shipping and aircraft, including international cruise vessels, merchant shipping, and ferry services that visit or operate in the Outer Hebrides.
- 14.4 There are approximately 25 sites classified for shellfish harvesting in the Outer Hebrides. The Food Standards Agency has provided funding to employ 2 sampling officers on a temporary basis to assist with meeting these requirements.
- 14.5 The Service has undertaken to carry out approximately 50 inspections at agricultural premises. Currently these inspections can only be carried out by a qualified EHO or Trading Standards Officer. There are over 3000 agricultural holdings in the Outer Hebrides.

## SERVICE DELIVERY

### FOOD HYGIENE INTERVENTIONS

- 15.1 Food hygiene interventions are carried out in accordance with the Code of Practice.

Premises Type	Risk Category					Totals
	A	B	C	D	E	
<i>Frequency of Inspection</i>		12	18	24	36	
	6 months	Months	Months	Months	Months	
Distributors			1	1	4	6
Manufacturers & Packers	4	7	7	3	2	22
Primary Producers			2		3	5
Caterers	1	16	97	47	138	299
Retailers		3	32	10	28	73
<b>Totals</b>	<b>5</b>	<b>26</b>	<b>139</b>	<b>60</b>	<b>179</b>	<b>417</b>
<b>Inspection Target</b>	<b>100%</b>	<b>100%</b>	<b>80%</b>	<b>60%</b>	<b>50%</b>	

## FOOD STANDARDS INTERVENTIONS

16.1 Food hygiene Interventions are be carried out in accordance with the Code of Practice.

Premises Type	Risk Category			Totals
	A	B	C	
<i>Frequency of Inspection</i>	<i>12 Months</i>	<i>24 Months</i>	<i>5 years</i>	
Distributors			6	6
Manufacturers(selling mainly by retail)		3		4
Manufacturers	2	8		12
Packers		3		4
Caterers		33	159	192
Primary Producers			1	1
Retailers		15	56	71
Totals	2	62	226	290
<b>Inspection Target</b>	<b>100%</b>	<b>80%</b>	<b>50%</b>	

## FOOD COMPLAINTS

17.1 Food complaints are investigated in line with relevant LACORS guidance, the Approved Code of Practice and the Departmental food procedures.

## FOOD INSPECTION AND SAMPLING

18.1 Food inspection and sampling shall be carried out in accordance with the Comhairles sampling policies, which are based on the relevant code of practice, where available.

18.2 Very few samples are submitted as a result of food complaints and again resources are provided from within the Service.

18.3 The Comhairle currently has a Service level agreement appointing Glasgow City Council's Public Analyst Service (Glasgow Scientific Services) as the Food Examiner for bacteriological and chemical analysis.

## CONTROL & INVESTIGATION OF OUTBREAKS & FOOD RELATED INFECTIOUS DISEASE

19.1 The Comhairle operates a documented procedure for the investigation of outbreaks and notifications of food related infectious diseases, where it is part of a multi-agency team, including the Western Isles Health Board.

## FOOD SAFETY INCIDENTS

20.1 The Comhairle manages food alerts from the Food Standards Agency - Scotland in line with the Code of Practice.

## LIAISON WITH OTHER ORGANISATIONS

21.1 The food service ensures that enforcement action taken is consistent with those of neighbouring local authorities by means including:

- Representation at the West of Scotland Food Liaison Group;
- Representation at the Scottish Fish Hygiene Working Group;
- Liaison with other authorities via EHCnet and LACORS;
- Liaison with the Director of Public Health of the Outer Hebrides;
- Consultation/liaison with the Comhairle's planning and building Standards Services; and
- Reference to REHIS and SCIEH good practice information and guidance notes.

21.2 No specific allocation of resources is made for these liaisons as they are covered by existing arrangements.

## FOOD SAFETY AND STANDARDS PROMOTION

- 22.1 The Comhairle shall aim to promote food hygiene, throughout the islands. This shall include publicity through press releases and articles for the local papers/newsletters and local radio.

## RESOURCES

### STAFFING ALLOCATION

- 23.1 There are 5 EHOs who amongst other duties work in food law enforcement. There are also two Shellfish Sampling Officers (funded by the Food Standards Agency) who are on a fixed term contract until March 2011.
- 23.2 All staff are authorised in accordance with the 2009 Approved Code of Practice, and with the Comhairle's "*Food Authorisation Procedure*". Although there are 5 officers fully authorised under the Act, the full time equivalent (fte) has reduced from 1.7 to around 1.6 as authorised officers are engaged in other duties). The benefit of the staff who have been appointed as EHOs has been offset with the Team Leader - Food and Animal Health becoming the Service Manager with the removal of Head of Service Post.

- 23.4 The changes over the years are shown below:

2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
2	2	2	1.75	1.5	1.7	1.7	1.6	1.6

- 23.5 Due to the higher risks involved in the Food Service it is planned to divert more staff time to the Food Service, although this will be at the expense of other Service Provision.

### PRIORITIES

- 24.1 The Services priorities are to:
- Clear Food inspection backlog and achieve 2010/11 targets.
  - Provide a food service that is adequately maintained and to ensure that officers are appropriately trained.
  - Promote the adoption of HACCP based food systems in food businesses.
  - Begin exploratory work for the introduction of a Food Hygiene Information Scheme.

### 2010/11 TARGETS

- 25.1 The Food Service targets for 2010/11 are:

Subject	Target	Status
Food Hygiene	A & B Premises	100% 'intervention on time' target
	C Premises	80% 'intervention on time' target
	D Premises	60% 'intervention on time' target
	E Premises	50% 'intervention on time' target
	To Catch up on all missed inspections from previous years	
Food Standards	A Premises	100% 'intervention on time' target
	B Premises	80% 'intervention on time' target
	C Premises	50% 'intervention on time' target
	To Catch up on all missed inspections from previous years	
Sampling	32 bacteriological & 34 chemical samples	
Primary Production	Carry out inspections in accordance with FSA agreement	
FHIS	Begin preliminary work for introduction of Food Hygiene Information Scheme	

# Food Safety Service Plan - 2009/10 Review

## FOOD PREMISES INSPECTIONS

- 26.1 As outlined in the service plan, there has been a reduction in the full time equivalent staff carrying out food safety duties, including inspections. As it is a small service with qualified food staff carrying out other duties, time spent on food safety has been affected by the Services re-design, Departmental re-structuring, additional regulatory duties and training issues. Staff vacancies and absences have also had a direct and indirect impact on the Service.
- 26.2 The aim of the Service was to inspect all food premises in accordance with the Code of Practice, with priority being given to categories A and B Premises hygiene premises and category A premises for food standards.
- 26.3 Additional burdens, as mentioned in the service plan, did not permit the inspection of all premises in terms of the minimum frequencies specified in the Code of Practice.

	Category	Inspection frequency	% achieved -2008/9	% achieved -2009/10
<b>Hygiene</b>	A	Every 6 months	100%	<b>100</b>
	B	Every year	90%	<b>96</b>
	C & D	> 12 Months	25%	<b>30</b>
<b>Standards</b>	A	Every year	100	<b>95</b>
	B	Every 2 years	45	<b>51</b>
	C	Every 5 years	N/A	<b>N/A</b>

- 26.4 The low percentage of Premises inspected is exacerbated by the requirement to include missed inspections from previous years in the assessments.

## STAFFING ALLOCATION

- 27.1 The number of staff carrying out actual food law enforcement has dropped is still 1.6 fte due to increased legislative duties other than food, training commitments, and restructuring. Two members of staff have recently qualified and were appointed as Environmental Health Officers on the 1<sup>st</sup> April 2010, enabling them to carry out the food range of food duties, along with their other duties., This should result in an additional 1.5 member of staff qualified in food safety for 2010/2011. The Comhairle also employs two shellfish sampling officers through direct Food Standards Agency short-term funding, however these officers are not qualified in accordance with the code of practice and can therefore only carry out limited food duties, outwith shellfish sampling.

## 2009/10 TARGETS REVIEW

- 28.1 The review of the Food Service 2009/10 targets is detailed below:

Subject	Target	Status
Staffing	Food Safety Service will need to be reviewed in 2009/10 following reorganisation of the Department	Ongoing
Food Hygiene	A & B Premises -100% 'intervention on time' target C & D -subject to interventions where resources permit.	
Food Standards	A Premises - 100% intervention. B Premises - 80%. C Premises – 50%.	Achieved
Sampling	32 bacteriological & 34 chemical samples	Achieved
Primary Production	Ensure that the Animal Health Officer becomes qualified to carry out inspections of primary producers, and then to initiate an inspection programme for primary producers, subject to the demands on the Food Service.	Ongoing –Trying to identify training provider.
Fishing Vessels	Initiate inspection programme for fishing vessels, on provision of guidance from FSAS/Scottish Fish Hygiene Working Group, subject to the demands on the Food Service.	Ongoing- Action will be taken in accordance with the SFHWG

# Health and Safety Service Plan

## SCOPE OF THE SERVICE

- 29.1 The Comhairle is the statutory health and safety at work enforcement authority for the Outer Hebrides with the Development Department having responsibility for all relevant health and safety legislation. This includes licensing in terms of the Petroleum Regulation Acts 1928 and 1936.

## DEMANDS OF THE SERVICE

- 30.1 There are around 600 premises in the Outer Hebrides, which are covered by food safety legislation. An approximate breakdown of this figure is detailed below:

Catering premises	49
Consumer services	159
Hotels, campsites & other short stay residential	42
Leisure & Cultural Services	27
Offices	81
Other premises	8
Residential care homes	3
Retail	192
Wholesale, warehouse, fuel storage	9
<b>TOTAL</b>	<b>570</b>

## SERVICE DELIVERY

### HEALTH AND SAFETY PREMISES INTERVENTIONS

- 31.1 Health and safety premises inspections are carried out in line with the relevant Health and Safety Executive Guidance and the departmental health and safety inspection procedures. Lower risk premises are not necessarily inspected but other interventions such as mailing advice and information leaflets.
- 31.2 In terms of assistance and advice, as well as officers giving assistance, business operators are also referred to the Healthy Working Lives organisation which gives free advice, workplace visits and practical support to small businesses.
- 31.3 The risk rating system has changed in the last year and the numbers below are a rough guide to the premises in each risk category, however a desk top risk assessment of all premises will have to be carried out to update the premises database.

Risk category	Number of premises	Inspection frequency
<b>A</b>	9	Not less than once per year
<b>B1</b>	26	Programme directed, new businesses etc, 18 months
<b>B2</b>	132	Programme directed, new businesses etc, 2 Years
<b>C</b>	403	Non inspection intervention

### PRIORITIES

- 32.3 The Department's priorities in respect of Health and Safety Enforcement are to:
- provide a health and safety inspection service that is adequately maintained: and
  - ensure that officers are appropriately trained.

### ACCIDENT INVESTIGATION

- 33.1 The procedure for reporting accidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, requires the appropriate person to notify via the national Incident Contact Centre. Reports are posted on the Contact Centre's website. The lead officer shall check the site weekly and pass any reports to the officer responsible for the premises. Fatalities and Major Injuries are notified by the Incident Centre via telephone or facsimile.
- 33.2 All Fatalities and Major incidents shall be investigated. Others shall be selected by the procedure given in LAC22/13.

## **HEALTH AND SAFETY COMPLAINTS AND REQUESTS FOR SERVICE**

- 34.1 Health and safety complaints are investigated in line with relevant LAC guidance, and the Departmental complaints procedures. Requests for service are also dealt with in line with the Departmental procedures.

## **LIAISON WITH OTHER ORGANISATIONS**

- 35.1 The health and safety service ensures that enforcement action taken is consistent with those of neighbouring local authorities by means including:
- Representation at the North of Scotland Health and Safety Liaison Group;
  - Liaison with other authorities via EHCnet and LACORS
  - Consultation/liaison with the Comhairle's planning and building Standards Services; and
  - Reference to HSE good practice information and guidance notes.
- 35.2 No specific allocation of resources is made for these liaisons as they are covered by existing arrangements.

## **HEALTH AND SAFETY PROMOTION**

- 36.1 The Comhairle shall aim to promote health and safety at work through press releases and articles for the local papers/newsletters and local radio.

## **RESOURCES**

### **FINANCIAL ALLOCATION**

- 37.1 The expenditure, involved in providing the health and safety service is part of the overall environmental health budget provision.
- 37.2 The Comhairle has a contingency fund that the health and safety service could utilise for any legal action necessary as part of its enforcement function, subject to Comhairle approval.

### **STAFFING ALLOCATION**

- 38.1 All staff are authorised in accordance with the relevant LACs, and with the Comhairle's Authorisation Procedures. Two members of staff in the Department have qualified and been appointed as EHOs in the last year and there are now 6 officers fully authorised under the Act. One of these is the Team Leader Trading Standards and Advice, so his work is confined to that part of the service and not the general inspection programme. Another has become the Service manager, following removal of the Head of Service post, so is not generally available for health and safety work.
- 38.2 The number of staff currently working in health and safety law enforcement and related matters (including clerical and management) is still less than 1.0, in terms of full time equivalent (FTE) staff. All officers (not including clerical staff) are authorised by the Chief Executive, under the Health and Safety at Work etc Act 1974.
- 38.3 In the 2009-2010 service plan it was indicated that the Community Environment Officer for Uist and Barra was going to undertake training to enable him to carry out health and safety inspections. This was approved under the 'spend to save initiative' and although that financial allocation was subsequently removed, it has been funded from existing budgets and the training has begun.

### **STAFF DEVELOPMENT PLAN**

- 39.1 The Comhairle supports ongoing staff training, and health and safety enforcement staff are trained in accordance with the training policy, ensuring that staff remain professionally competent and meet the requirements of any continual professional development schemes. Staff development is incorporated within the Comhairle's staff appraisal scheme, with staff being appraised biannually.

- 39.2 Under the Health and Safety at Work etc Act 1974 S18 local authorities are required to follow guidance issued by the Health and Safety Executive (HSE). There is now a Standard on Enforcement and compliance with this is required by March 2011. It is expected that by then every local authority will have:
- Gone through a self assessment procedure
  - Completed an action plan and started to deliver any necessary improvements
  - Undertaken or planned for a peer review with its region

### **QUALITY ASSESSMENT**

- 40.1 The quality of the health and safety enforcement service is audited using the internal monitoring procedures and peer review.
- 40.2 Information on the previous year's performance can be obtained from the Department following the submission of the annual return to the HSE at the end of June each year.

### **TARGETS FOR 2010/11**

#### **STAFFING**

- 41.1 The changes that have occurred in the Department have necessitated a review of all inspection programmes.
- 41.2 Officers in Lewis and Harris have been allocated areas for all aspects of their work including health and safety inspections and will be doing these along with the other duties. The lead officer for Health and Safety at Work will be available to give assistance and advice when required. The Community Environment Officer (CEO) for Uist and Barra is undergoing training and by the end of the year should be able to carry out unaccompanied inspections in lower risk premises. Higher risk premises in Uist and Barra will still need to be inspected by EHOs until the CEO has gained sufficient experience.

#### **HEALTH AND SAFETY PREMISES INTERVENTIONS**

- 42.1 Due to the backlog of all inspection types a decision has been taken that the food inspections programme will take priority, however if an EHO is carrying out an inspection then a joint health and safety at work inspection will be carried out. Notwithstanding the Service aims to have
- Category A and B1 premises 100% 'intervention on time' target
  - Category B-2 Premises will be subject to interventions where resources permit.
  - Category C Premises - subject to interventions where resources permit, possibly including the use of officers not qualified in health and safety for information gathering.

## **Health and Safety Service Plan 2009/10 Review**

### **HEALTH AND SAFETY PREMISES INSPECTIONS**

- 43.1 The aim of the Service was to inspect all premises in accordance with the relevant LACs, with priority being given to premises in the two highest risk categories A, B1. However, as outlined in the service plan, there has been a reduction in the full time equivalent staff carrying out health and safety duties, including inspections. As it is a small service with qualified staff carrying out other duties, time spent on health safety has been affected by the Services re-design, Departmental re-structuring, additional regulatory duties and training issues. Staff vacancies and absences have also had a direct and indirect impact on the Service.
- 43.2 Additional burdens placed on the service again did not permit the inspection of all premises in terms of the minimum recommended frequencies and only 15 inspections were carried out during the year.
- 43.3 Approval was obtained last year to employ agency staff to carry out the back log of inspections, but this was not done.

# **Animal Health Service Plan**

## **SCOPE OF ANIMAL HEALTH SERVICE**

- 44.1 The Comhairle is the statutory authority for the Outer Hebrides, with the Development Department having responsibility for enforcement of all relevant Scottish, National, and European Animal Health and Welfare legislation.

## **DEMANDS ON THE ANIMAL HEALTH SERVICE**

### **CURRENT SITUATION**

- 45.1 Local authorities have a statutory duty to enforce the current UK and EC animal health and welfare legislation. They also play a significant role in responding to notifiable disease outbreaks such as foot and mouth disease and avian influenza.
- 45.2 The Service is also currently responsible for licensing and inspecting pet shops, the keepers of dangerous wild animals, zoos, dog breeding establishments, boarding kennels and catteries and riding establishments. They are also responsible for the enforcement of identification regulations for cattle, sheep, pigs and horse and for recent animal by-product legislation.
- 45.3 The Animal Health and Welfare (Scotland) Act 2006 introduced a new power for local authorities to seize animals considered to be at risk of suffering. This power, whilst being a useful welfare measure, has resource implications for the local authority. In addition, as the promised new secondary legislation is introduced, it will invariably lead to a greater enforcement role for animal health inspectors

### **FRAMEWORK AGREEMENT**

- 46.1 Many local authorities in England and Wales have established with Department of Environment Food and Rural Affairs (DEFRA) a "Framework Agreement" which seeks to specify minimum levels of inspection and other enforcement activities by local authorities including attendance at livestock markets, collection centres and abattoirs, roadside checks of livestock vehicles, cross-checking of self-declaration movements for sheep, goats and pigs and investigating complaints and gathering intelligence
- 46.2 This agreement has been recognised as a constructive way in which local authorities can approach the future delivery of the animal health and welfare service. It also fosters important partnerships at a local level with Animal Health (formerly State Veterinary Service) enabling them to jointly plan and implement service delivery.
- 46.3 A similar enforcement framework is planned for Scotland to enable local authorities to effectively and efficiently enforce the animal health and welfare legislation

## **SERVICE DELIVERY**

### **HOLDINGS**

- 47.1 There are approximately 6000 registered holdings in the Western Isles. This includes both small crofts (less than 0.5ha) and larger units (up to 50ha). These crofts also normally have a significant common grazing share at their disposal. Inspections are undertaken as required under legislation or as results of complaints. External agencies i.e. Animal Health, the Scottish Government and Rural Payments Inspectorate Division (SGRPID), or the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) could also be involved in joint inspections. Primary producers of food will require to be inspected in accordance with European food legislation. This involves inspecting feed, movement, medicine and by-product records and also production regimes on the holding.

## **AUCTION MARTS**

- 48.1 There are auction marts in Stornoway, Lochmaddy, and Lochboisdale. These hold sales on a regular basis from August to December. The Animal Health Inspector aim to be present at these sales to ensure compliance with relevant legislative requirements i.e. sheep or cattle identification or traceability requirements

## **ABATTOIRS**

- 49.1 There are year round abattoirs facilities in both Lochmaddy and Barra and a seasonal facility in Stornoway. . Enforcement within these premises is undertaken by the Meat Hygiene Service (MHS) which who may refer issues to the Animal health Inspector for investigation.

## **LICENSING**

- 50.1 The Service has the responsibility for licensing and inspecting various animal activities. The table below details the various licences and the number, if any, in the Outer Hebrides.

<b>Licence Type</b>	<b>Licences</b>
Animal Boarding Establishments (cats and dogs)	5
Horse Riding Establishments	2
Pet shops	1
Dog Breeding Establishments	0
Dangerous Wild Animals	0
Zoo Licence	0
Performing Animals Licence	0

- 50.2 All licensed businesses are inspected on a regular basis.

## **COMPLAINT INVESTIGATIONS**

- 51.1 The majority of complaints (of which a large proportion are anonymous) are received from members of the public – including other stockholders. Complaints are also passed on from other agencies e.g. SGRPID (usually animal identification and transport complaints where the local authority is the enforcement body) and SSPCA. Reported complaints include welfare concerns relating to stock, problems with animal identification and traceability, animal transport issues, animal by-product issues, and breeches of licensing conditions. Complaints are immediately investigated and in some situations involve joint approaches with either Animal Health (formerly the State Veterinary Service), SGRPID or SSPCA. Ultimately a report can be submitted directly to the Procurator Fiscal (after reference to the Enforcement policy).

## **STRANDINGS**

- 52.1 The Service also undertakes the Comhairle responsibility relating to the removal and disposal of cetaceans that are regularly washed up on the shores. This involves liaison with Scottish Environmental Protection Agency (SEPA), SGPRID and local contractors. There is no budget for this and it is funded through Comhairle Contingencies.

## **SAMU (SCOTTISH ANIMALS MOVEMENT UNIT)**

- 53.1 Pig keepers in the Outer Hebrides are to notify the Comhairle of any pig movements from their holding within 3 days of the movement. These movement details are then submitted to SAMU to be recorded on their database.

## **ADVICE TO BUSINESS**

- 54.1 The Comhairle shall work with businesses and stockholders to help them comply with the law.
- 54.2 As well as offering on the spot advice during routine visits and inspections and responding to queries, the Comhairle will arrange the dissemination of relevant information using mail shots and media.

## **HOME AUTHORITY PRINCIPLE**

- 55.1 The Comhairle shall have regard to any information or advice it has received from any liaison with home and/or originating authorities. The Comhairle having initiated liaison with any home and/or originating authority, shall notify that authority of the outcome.

- 55.2 The Comhairle does not have any formal home authority agreements but will respond to enforcement queries when acting as the originating authority.

## **RESOURCES**

### **FINANCIAL/STAFFING ALLOCATION**

- 56.1 There is one full time Animal Health Officer, supported when necessary by other staff of the Service. The Comhairle has a contingency fund that the service could utilise for any legal action necessary as part of its enforcement function, subject to Comhairle approval.
- 56.2 There is no separate budgetary provision for Animal Health and Welfare, apart from that for the dedicated officer. Budgets are contained within the provision for whole Service.

### **STAFF DEVELOPMENT PLAN**

- 57.1 The Comhairle supports ongoing staff training, and the service ensures that staff are trained in accordance with the training policy, ensuring that staff remain professionally competent and meet the requirements of any continual professional development schemes. Staff development is incorporated within the Comhairle's staff appraisal scheme, with staff being appraised biannually.

### **2010/11 TARGETS**

- 58.1 The Services targets for 2010/11 are

<b>No</b>	<b>Target</b>	<b>Status</b>
1	Regular newsletter to Grazings Clerks.	
2	Co-ordination of sheep-scab eradication plan for North Uist	
3	Ensure collection centres comply with Animal Health and Welfare requirements.	
4	Prepare guidance on at implement new EID sheep regulations.	
5	Review forms for animal Licences in line with other Service Licensing Forms and upload information to website.	

## REVIEW OF 2009-10 SERVICE PLAN

59.1 The following activities, amongst other duties were carried out in 2009/10

Type	Inspections
Holdings	94 Inspections (Including primary production inspections)
Auction Marts	21 Inspections
Abattoirs	4 Inspections (at request of MHS vet)
Riding Establishments	2 Inspections
Petshops	3 Inspections
Animal Boarding Establishments (including catteries)	10 Inspections
Complaints	64
Strandings	25

### 2009-10 TARGETS

60.1 The Status of the 2009/2010 targets are detailed below:

No	Target	Status
1	Update Animal Health website	Website format and content has been agreed. (On-going)
2	Undertake primary production inspections	Inspections have been undertaken although training element still outstanding and awaiting information from FSA regarding qualification requirements. (On-going)
3	Prepare guidance on and implement proposed new sheepscab regulations	Implementation of new sheepscab regulations postponed until 2010-2011.
4	Undertake Bluetongue vaccination follow-up in consultation with Animal Health	Controls and restriction lifted
	Prepare guidance on and implement proposed new sheep EID regulations	Guidance prepared for webpage. Guidance will also be sent direct to all grazings clerks. (On-going)
5	Prepare and update list of Animal Health incident and strategy procedures.	Ongoing

# TRADING STANDARDS SERVICE PLAN 2010 – 2011

## **ROLE OF THE TRADING STANDARDS SERVICE**

- 61.1 The Trading Standards Service carries out a wide range of legislative duties in the field of consumer protection, both statutory and non-statutory. Our day-to-day activities play an important role in protecting the economic well-being of local consumers. The safety of the goods and services they buy, their price, their quantity or quality, the truthfulness of how they are described, the information they receive if buying on credit, protection from scams, unfair trading practices, dodgy itinerant traders, all of these issues are the responsibility of the Trading Standards Service.
- 61.2 The main objectives of the Trading Standards Service are to protect consumers by promoting a fair trading environment and assisting legitimate businesses. In the main, consumer protection is a reserved policy area with the regulatory objectives set by the UK Government, such as legislation dealing with weights and measures, product safety, trade descriptions, misleading prices and consumer credit. However, some key areas such as community safety, age restricted goods, animal feeding stuffs and money advice are devolved matters to the Scottish Government.
- 61.3 To achieve these objectives the Service currently provides a comprehensive trading Standards Service comprising enforcement, consumer advice and assistance and business advice and assistance.

## **ENFORCEMENT**

- 62.1 The amount and breadth of legislation that the Service has a statutory duty to enforce means that every business in the Western Isles (approximately 3500, including crofts for enforcement of fertiliser and feeding stuffs legislation) is liable for some form of enforcement visit to ensure that they are complying with their legal obligations. Enforcement activities that are carried include licensing of certain businesses, inspection of businesses (based on a Risk Assessment), investigation of complaints and general market surveillance for intelligence gathering purposes. The Service has a high priority for dealing with itinerant traders who come to the Islands. Experience shows that these traders generate a disproportionate number of problems and we endeavour to intercept them, generally together with colleagues from the Police Service, and take the appropriate action to ensure they comply with their legal obligations.

## **CONSUMER ADVICE AND ASSISTANCE**

- 63.1 Basic consumer advice is available to everyone from the Consumer Direct telephone helpline. However, some consumers require greater help than Consumer Direct can provide. The Service provides this specialist advice to consumers and, if appropriate, will undertake direct intervention to help obtain some form of redress for a consumer.
- 63.2 The Service has developed several initiatives to assist consumers. To improve consumer protection and confidence the Service operates a "Buy with Confidence" scheme that is intended to raise standards of fair trading by approving local businesses and recommending them to consumers. We have also organised "Doorstoppers Western Isles" which is a campaign to highlight and combat the problem of rogue doorstep callers who rip off vulnerable consumers. As well as helping individuals the service seeks to increase consumers' awareness of consumer issues and scams through various media including talks, presentations to interested organisations, exhibitions and newspaper and radio articles.
- 63.3 The Service is also responsible for ensuring that the Western Isles Citizens Advice Service is providing the quality of money advice and general citizens advice services as detailed in its contract with the Comhairle.

## SUPPORTING BUSINESSES

- 64.1 In addition to advising consumers, it is also important to advise businesses of their rights and obligations when supplying goods and services to their customers. It can be difficult for smaller businesses to keep up to date with legislative changes in their particular trade and to help them seminars and training sessions can be provided. Our aim is to ensure that problems don't occur in the first case. We provide businesses with clear straightforward information and advice. This enables them to comply with the requirements of consumer law, ensuring fair competition and a thriving local economy. Specialised services, particularly in the field of metrology and quality control, are also made available to assist businesses

## THE CHALLENGES AHEAD

- 65.1 The Service faces several challenges in the near to medium term. The Comhairle has the smallest Trading Standards Service in Scotland and with the staff resources available it is becoming more difficult to continue with the comprehensive Trading Standards Service currently being provided. Staff training and personal development has to be a priority in these circumstances. To help with the current service provision the Service works in partnership with a number of agencies that have an interest in consumer protection issues. To further improve the effectiveness of consumer protection the Service will need to review its activities to identify its future priorities and the best way of delivering these priorities. Any changes will be influenced by the decisions made by the UK Government that is currently reviewing the UK's consumer policy landscape.

## TARGETS FOR 2010/11

- 66.1 The planned activities and targets for 2010/11 are:

Activity	Key Tasks/Targets	Status
<b>ENFORCEMENT</b>	<p><b>Uninspections:</b> complete 100% of high risk businesses, 50% of medium risk businesses and 20% of low risk businesses.</p> <p><b>Licensing:</b> complete TS involvement within 21 days of receipt.</p> <p><b>Itinerants:</b> respond to every notification that itinerants are on the Islands.</p> <p><b>Age Restricted Products:</b> develop a multi-agency Policy to implement new tobacco sales legislation.</p> <p><b>e-enforcement:</b> develop method for identifying and monitoring local businesses conducting e-commerce.</p>	
<b>CONSUMER ADVICE AND ASSISTANCE</b>	<p><b>Complaints:</b> complete 80% of complaints within 14 days and 100% within 28 days.</p> <p><b>Buy With Confidence Scheme:</b> extend scheme to include other business sectors.</p>	
<b>BUSINESS ADVICE AND ASSISTANCE</b>	<p><b>Business advice requests:</b> complete 100% of requests within 7 days.</p>	

# **Environmental Health & Licensing Service Plan**

## **SCOPE OF SERVICE**

- 67.1 The Service carries out a wide range of activities and statutory duties, some of which are detailed in this section. A lot of these functions have a large element of reactive work which can affect overall Service performance.

## **CONSULTATIONS**

- 68.1 The Service is consulted on planning applications and licences issued by other parts of the Comhairle. The Service provides advice to the Comhairle on consultations on new legislation.

## **LICENCES**

- 69.1 In addition to the Animal Licences that are issued, the Service is responsible for the administration and issuing of the following licences/Registrations
- Street Trading Licence
  - Metal Dealers Licence
  - Late Hours Catering Licence
  - Second Hand Motor Dealers Licence
  - Second Hand Dealers Licence
  - Market Operators Licence
  - Houses in Multiple Occupation Licence
  - Skin Piercing /Tattooing Licences
  - Private Landlord Registration
  - Storage of Petroleum Licence
  - Caravan and Camp Site Licence
  - Registration of Fireworks

## **NUISANCES**

- 70.1 The Service is responsible for investigating a variety of public health complaints, including noise, smoke, drainage, smells, dusts, lighting and pest control.

## **PRIVATE WATER SUPPLIES**

- 74.1 The Service is responsible for the enforcement and monitoring of all Private Water Supplies in the Outer Hebrides. There are approximately 57 supplies, serving 96 properties, with 42 of these being domestic properties.

## **AIR QUALITY**

- 72.1 The service is responsible for reviewing the Status of the air quality in the area, and making annual reports to the Scottish Government. The Service also investigates complaints about dark smoke and other air quality issues.

## **PRIVATE LANDLORD REGISTRATION**

- 73.1 The Service, on behalf of the Comhairle, registers all private landlords and agents in the Outer Hebrides.

## **SMOKING**

- 74.1 During all inspections, for whatever purpose, to premises to which the Smoking, Health and Social Care (Scotland) Act 2005 and associated Regulations apply, checks are made to ensure compliance with the legislation.
- 74.2 In the vast majority of circumstances business are complying. However, when they are not a warning letter is sent reminding the business operators of the requirements of the legislation. If further breaches of the legislation are noted then a fixed penalty notice will be served.

74.3 One area where non compliance has been increasingly noted is in work vehicles. If observations are made of this, and the vehicle and business details are seen, a letter is sent to the employer again reminding them of their obligations to display the relevant signs in their vehicles and to ensure their employees do not smoke in the work vehicles. Where appropriate, further breaches will be dealt with by means of fixed penalty notices as well.

#### **DOG FOULING**

75.1 Dog fouling continues to be a source of complaints in the Stornoway area and in some rural areas. These are responded to by the Community Environment Officers, who put up notices where appropriate, carry out patrols of the areas and issue fixed penalty notices when breaches of the legislation are observed.

75.2 The Cleansing Section also provide a response to clear up serious dog fouling in the Stornoway area.

#### **STRAY DOGS**

76.1 Since the introduction of the statutory duty to deal with stray dogs in 1990, the service has been contracted out. However, due to increasing costs, significantly outwith budgetary provision, it has been brought in house. Several officers have undergone training in dog handling and equipment has been purchased to enable the work to be carried out. On a 3 year average, around 34 dogs are seized as strays annually, with the majority being returned to the owner or re-homed.

#### **PUBLIC HEALTH**

77.1 The Service has a close working relationship with NHS Western Isles (NHSWI) in terms of Public Health. Officers have worked closely with NHSWI in implementing the requirements of the Public health (Scotland) Act 2008 and in producing joint plans on Outbreak Control and Algal Blooms. The Health Protection Team, comprising staff from NHSWI and EHOs meet monthly and issue regular public advice through press releases and other strategies.

77.2 There is also close liaison on issues to do with drinking water quality in terms of both public and private water supplies.

#### **PRIORITIES**

78.1 The Services priorities are to:

- Provide an environmental health service that is adequately maintained and to ensure that officers are appropriately trained.
- Improve the administration and burden on businesses of Licensing

#### **2010/11 TARGETS**

79.1 The Service targets for 2010/11 are:

<b>Subject</b>	<b>Target</b>	<b>Status</b>
Air Quality	Produce Annual Air Quality report on time	
Landlords	Increase percentage of Landlord registrations to >95%	

## Environmental Health & Licensing Service Review 09/10

80.1 The Service has dealt with the following number of recorded service requests over the year

<b>Service Request Type</b>	<b>Number</b>
Animal By Products	1
Food Complaints	13
Attendance at Community Council Meetings	13
Assisting with Community clean ups	4
Contaminated Land Enquiries	27
Dog Fouling Complaints	28
Stray Dogs	5
Enquiries/Complaints about Drains and Sewerages	17
General Environmental Health Enquiry	54
Fly Tipping of Waster	31
Food Advice Enquires	61
Enquires/Complaints about HHP Housing	12
Enquiries/Complaints about Private Sector Housing	6
General Health and Safety Advice	2
General Litter Complaints	2
Complaints about smoking in public places	44
Enquiries/Complaints about Noise, including advice	15
Consulting and advising on Public Entertainment Licences	94
Enquiries/Complaints about Pest Control	30
Enquiries/Complaints about General Public Health Nuisances	25
Consulting and advising on Planning applications	91
Enquiries/Complaints about Private Water Supplies	16
General Safety Issues	4
Talks to Community Groups etc. on Service Functions	4
Complaints about smoke, including Dark Smoke	4
Enquiries/Complaints about drinking water, primarily Scottish Water	14
<b>Grand Total</b>	<b>486</b>

80.2 The Service has issued the following number of licences in 2009/10

<b>Type of Licence</b>	<b>No</b>
Street Trading Licence	9
Metal Dealers Licence	0
Late Hours Catering Licence	55
Second Hand Motor Dealers Licence	3
Second Hand Dealers Licence	0
Market Operators Licence	3
Houses in Multiple Occupation Licence	2
Skin Piercing /Tattooing Licences	1
Storage of Petroleum Licence	21
Caravan and Camp Site Licence	3
Venison Dealers Licence	3
Registration of Fireworks	12
Private Landlord Registrations	120