

LONDON BOROUGH OF BRENT
EXECUTIVE – 22 SEPTEMBER 2003

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARD ALL

REPORT TITLE : Review of Environment Protection service

1.0 SUMMARY

1.1 One half of Brent's Environmental Health Service Unit - the Environmental Protection Group - provides a range of **services**, including:

- Dog Welfare *e.g. barking, fouling, straying*;
- Nuisance control, *e.g. noise, bonfires, dust*;
- Public Health, *e.g. drains, rubbish*;
- EnviroCrime, *e.g. fly-tipping and area-based community action*

1.2 An internal **review** has recommended:

- revised aims;
- different service hours better able to meet customers expectations and fully able to comply with Working Time Regulations;
- new working arrangements (separate teams, one of which will provide a service beyond normal working hours through a new shift system)
- defined staff competency and qualification standards within a new career grade.

1.3 The recommendations have been subject to a wide **consultation** involving unions, staff, community groups, Brent Police, local public-sector landlords and members of the public. The response has been entirely supportive of the recommended changes. Feedback from the staff has resulted in modest and agreed changes to the shift work compensation package.

2.0 RECOMMENDATION

2.1 That the Executive agrees the proposed:

- hours and days of service (paragraph 7.3.3 below); and
- service aims (paragraph 7.1 below).

3.0 FINANCIAL IMPLICATIONS

- 3.1 These changes will be met from existing budgets.
- 3.2 Many customers expect that the noise service never be closed. Whilst the noise patrol is staffed from a multi-disciplinary team, it is not possible to develop incremental increases in service hours with corresponding incremental cost implications for Members' future consideration. This means that Members only have a single costly option if they wish to fund longer service hours.
- 3.3 If implemented, the establishment of a dedicated Nuisance Control Team whose staff operate entirely on a shift work basis, will allow incremental options for longer service hours – with more modest budget implications - to be considered in future.
- 3.4 On this basis, three growth options are currently being considered for inclusion in the 2004/5 and 2005/6 budgets. The full year costs of these three options are:
 - 3.4.1 **103k p.a.** - 360 days a year (11am–2am each weekday, 6pm–5am Saturday and 6pm–2am Sunday). No service on Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day.
 - 3.4.2 **289k p.a.** Above option PLUS Friday night 10pm-5am party patrol (in addition to the 11am-2am Friday service) PLUS provision of a daytime Saturday and Sunday service from 11am.
 - 3.4.3 **349k p.a.** 24 hours a day / 360 days a year + additional party patrol on Fridays and Saturdays (10pm – 5am).

4.0 STAFFING IMPLICATIONS

- 4.1 Subject to agreement on the new contractual working arrangements, all six permanent front line officers currently undertaking noise or public health duties will be slotted in to a new career graded post of Environmental Protection Officer.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 The later service hours increases the Council's power to control environmental pollution during the hours of greatest environmental impact and customer need. The closure of the service on Mondays, bank holidays and until mid-morning will most likely affect a low number of service requests.
- 5.2 On balance the environmental advantages far outweigh any disadvantages, because of the anticipated benefit of a later service closing time and the better focus for dealing with other (non-noise) environmental problems.
- 5.3 Overall the proposed changes should have a positive effect on environmental outcomes.

6.0 LEGAL IMPLICATIONS

- 6.1 The Council has wide-ranging powers and duties under various statutes to deal with environmental protection.

- 6.1.1 The main legislation is the Environmental Protection Act 1990, which under s79 requires the Council to detect and deal with statutory nuisances such as noise, smoke, dust, steam etc. The Council has a duty to serve abatement notices in respect of any identified statutory nuisances. The Council also has a discretionary power to prosecute and/or undertake remedial works in default if the terms of the notice are not complied with.
- 6.1.2 Under the Control of Pollution Act 1974, the Council is obliged to inspect its area to decide how to exercise its powers concerning noise abatement zones.
- 6.1.3 There is no legal requirement to provide an always open service to investigate reported nuisances. Councils that have adopted the Noise Act 1996, have a duty to investigate nuisances during night hours defined in the act as being between 11pm and 7am and a discretionary power to issue Fixed Penalty Notices. Brent, like most other authorities has not adopted this Act.
- 6.1.4 The Dogs (Fouling of Land) Act 1996, gives the Council power to designate land for the purposes of the act and prosecute owners whose dogs foul the designated land.
- 6.1.5 The Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Public Health Act 1936 & 1961, Prevention of Damage by Pests Act 1949, Control of Pollution Act 1974, Control of Pollution (Amendment) Act 1989 and Town and Country Planning Act 1990 all contain provisions permitting the Council to require remedial action and /or prosecute people for unauthorised dumping of waste, vehicles and other items.
- 6.1.6 Under the Prevention of Damage by Pests Act 1949, the Council is obliged to destroy rodents on land which it owns, and has a discretionary power to require the owners of other land to take such action.

7.0 DETAIL

Aims

- 7.1 The recommended aim of the Environmental Protection Group is:

The Environmental Protection Group will protect the local community by...

- enhancing public health;
- promoting the environmental quality of life;
- achieving service excellence.

We will enhance **public health** by:

- reducing rodent infestation;
- protecting the public;
- supporting the regeneration of our borough through sustainable development; and
- taking enforcement action where appropriate.

We will promote the **environmental quality of life** by:

- abating nuisances;
- promoting responsible dog ownership;

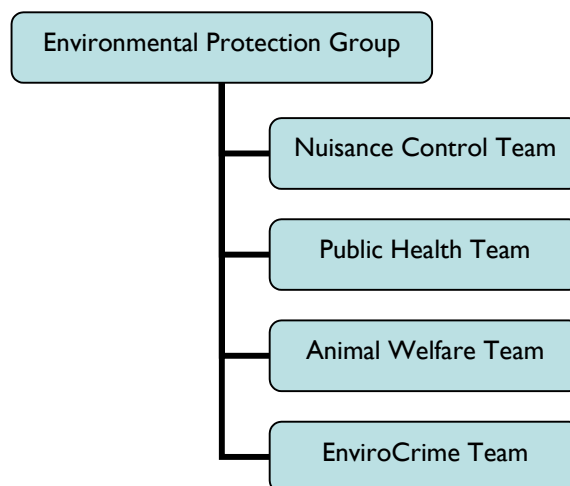
- engendering civic pride and securing the public realm;
- providing green leadership;
- fighting the war on waste;
- promoting responsible individual behaviour;
- supporting the regeneration of our borough through sustainable development;
- protecting natural resources; and
- promoting personal dignity.

We will achieve **service excellence** by:

- better understanding and meeting the needs of all residents and communities;
- involving and supporting the community;
- improving the quality, relevance and accessibility of our services;
- retaining CharterMark, ISO14001 and Investors in People accreditation;
- achieving the principles of Best Value.

Team structure

7.2 The proposed team structure is...



Note: The Animal Welfare Team is unaffected by these proposals.

7.3 Noise and nuisance service hours

7.3.1 The noise and nuisance control service handles around 5,000+ nuisance cases a year (noise / bonfires / smoke / fumes etc) and operates 97½ hours a week. It operates from a pool of daytime officers that provide an office hours service and working a rota to extend the service hours to include evenings and weekend nights. The current hours of service are:

Monday - Friday 8.30 - 24.00

Saturday 10.00 - 16.00 and 22.00 - 24.00

Sunday 00.00 - 05.00 and 17.00 - 24.00

No service is provided on 1 January, 24, 25, 26, 31 December.

7.3.2 The service currently closes at midnight from Sunday – Friday. However, nationally between 55% and 75% of all noise service incidents occur between 7pm and 2pm. The unavailability of the service after midnight is a frequent cause of customer frustration and complaint.

7.3.3 We therefore propose to change the way we work to better align the service hours with customer demand, as follows:

<i>Monday</i>	<i>Closed</i>
<i>Tuesday</i>	<i>11am – 2 am</i>
<i>Wednesday</i>	<i>11am – 2 am</i>
<i>Thursday</i>	<i>11am – 2 am</i>
<i>Friday</i>	<i>11am – 2 am</i>
<i>Saturday</i>	<i>6 pm – 5 am (between 10pm and 2am we will operate two patrols)</i>
<i>Sunday</i>	<i>6pm – 2 am</i>

There will be no service:

- on Mondays;
- on Bank Holidays and Easter Sunday;
- after 18:30 on 24th December until 11:00 2nd January.

7.3.4 These new hours will be achieved by abandoning the traditional core office hours of 9am-5pm and requiring staff to work fixed shift-based hours.

7.3.5 In addition to the changed hours, the proposed shift work system incorporates more robust cover arrangements. This will result in dramatically fewer missed shifts - occasions when the late noise service is unable to operate due to staff unavailability. It should also result in more time being available for customer feedback (something customers say they want us to improve) and more opportunity for front-line staff to be involved with service development.

7.4 Public Health Team

7.4.1 The proposed move to shift work for handling noise and nuisance cases, along with a change in reporting line for our two EnviroCrime Officers allows the Public Health Team to focus entirely on public health cases (mainly dumped rubbish and broken drains on privately owned land).

7.4.2 The challenge for the Public Health Team is to move away from solely responding to a dramatically increasing number of service requests, to be part of the public-led agenda of making our public realm cleaner, greener and safer. The team's priorities will be to:

- find new ways of getting problems, such as dumped rubbish on privately owned land resolved more quickly and effectively;
- develop a new prioritised public health enforcement strategy;
- develop priorities and work programmes that dovetail with the work of the Street Wardens, EnviroCrime Officers and Town Centre Managers; and
- contain the dramatically increasing demand for this service – currently around 2,000 cases a year, and increasing by 25% a year.

7.5 Future options

7.5.1 The existing arrangements severely restrict options for extending the noise service hours in affordable steps. This proposal gives the Council a wider range of graduated options for extending the service hours to fit in with the available funding.

7.5.2 The proposals also give the Council a wider range of graduated options for increasing capacity to deal with dumped rubbish, broken drains and other issues giving rise to rodent infestation.

7.5.3 A range of separate options to extend the noise service hours and increase public health enforcement capacity are currently under development for later consideration by Members during the 2004/5 budget making process. However those proposals are dependant on implementing the new working arrangements set out here.

8.0 BACKGROUND INFORMATION

Details of Documents:

8.1 Consultation responses from:

- Fortunegate Community Housing
- Mr R K Humphries, 8 East Hill, Wembley, Middx HA9 9PT
- Black Disabled People's Association
- Elcena Jeffers Foundation
- Joint response from Brent Area Pollution Officers
- Brent Association of Disabled People.

Further information about the proposals are freely available online at ...

www.brent.gov.uk/eh

8.2 Any person wishing to inspect the above papers should contact David Thrale, Environmental Health, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ. Telephone: (020) 8937 5252.

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