

4. CASE STUDY

Regulatory and Protective Services

This case study proposes the creation of a service within the new unified Council to assume responsibility for environmental protection, food safety, animal health and welfare, occupational health and safety, private sector housing, public safety, environmental crime, noise control and trading standards.

As well as regulatory services, this service will also provide complementary services such as health promotion, community safety initiatives, consumer advice and other free advice on enforcement and general legal issues (with enhanced synergy through engagement with the proposed Community Legal Advice Network for Cornwall – see below).

The integration of service strands in this manner will result in a more holistic contribution to the LAA blocks;

- safer and stronger communities,
- children and young people,
- healthier communities and older people, and
- economic development,

whilst at the same time ensuring it delivers a service that is properly attuned to Cornwall's specific requirements as outlined in Part 1 of this bid.

The regulatory regime and culture of this service will be firmly based on the principles developed by Philip Hampton in his March 2005 report to Government "Reducing administrative burdens: effective enforcement and inspection".



- comprehensive risk assessment should be the foundation of all regulators' enforcement programmes;
- there should be no inspections without a reason, and data requirements for less risky businesses should be lower than for riskier businesses;
- resources released from unnecessary inspections should be redirected towards advice to improve compliance;
- there should be fewer, simpler forms; and
- data requirements, including the design of forms, should be coordinated across regulators.

Education and prevention, including compliance advice and assistance to local businesses, together with proactive intelligence-led enforcement, will be the cornerstones of the new department's work.

Some enforcement services will operate outside of normal business hours as well as during the day. Staff will pursue complaints regarding noise, litter and trade waste, late hours catering, late night music events, etc, in addition to the more traditional enforcement activities during seven days including evenings and night times.

4.1 Objective

The objective of a unified service will be to promote and protect the well-being of a modern, vibrant economy in Cornwall whilst safeguarding the health, safety and environment of its citizens.

4.2 General Duty

We will have a duty to the general public and the business community to:

- Visit, inspect, engage in campaigns with and provide advice to shops, restaurants, hotels, offices, factories, farms, importers and other workplaces to ensure compliance with food safety and hygiene, product safety, credit, pricing, licensing, weights and measures, fair trading, animal welfare, environmental and health and safety laws;
- Carry out enforcement activities in accordance with the principles laid down in the Enforcement Concordat;
- Maintain a high standard of community health, monitor air quality and contaminated land and (eventually) enforce the new smoke-free legislation; and
- Maintain a fair and safe trading environment.

4.3 Cross-cutting

Bringing together the professionals from trading standards and environmental health into a unified services regime (within a single council for Cornwall) will significantly improve the ability to influence and improve the health and well-being of the community at large in two crucial areas:-

Community Safety

Trading standards and environmental health officers play key roles in dealing with anti-social behaviour which has become a high profile issue in recent years. Where it takes hold, it can pose a serious threat to community life, undermining people's sense of safety, their well-being and, ultimately, their health.

Tackling anti-social behaviour is a high priority for national and local government. Many of its lower-level manifestations – noise nuisance, dumped rubbish, abandoned cars, graffiti and fly-posting etc – fall within the remit of environmental health services, whilst issues surrounding underage drinking, protecting people from bogus callers and disrupting illegal markets fall within the remit of trading standards.

and

Community Health

Trading standards and environmental health officers play key roles in the broader health agenda. Issues ranging from obesity, healthy eating, smoking and the health effects on victims of crime in the home are all issues dealt with by both professions.

These cross-cutting issues, which affect much of the work of the proposed new strategic Council are further examined in Appendix C.

4.4 Service delivery improvements

Bringing together the functions currently being delivered by the seven authorities in Cornwall will;

- remove one of the longest standing anomalies in the consumer protection field by joining the food hygiene function (district) with the food standards function (county), creating a single food safety function;
- enable a co-ordinated multi-discipline approach to be taken with inspections, thereby reducing the burden on business;

- provide a single access point to all local businesses for advice and information on consumer, product, environmental and worker safety issues;
- provide a single point of contact for local residents wishing to receive advice or make a complaint,
- provide a wide spectrum of specialist advice for businesses and consumers on a one-stop-shop basis;
- create far greater capacity for responding to emergency situations, urgent requests for assistance and the like;
- provide significantly improved intelligence for targeting of inspections and enforcement actions (and thereby improved efficiency and effectiveness) by bringing together staff and systems which operate across a broader spectrum of functions and interact with a larger number of individuals;
- enable the production of a single risk assessment scheme for all business premises and for responding to emergencies or incidents;
- enable a greater use of hazard-spotting and harmonised processes such as inspection programmes, intelligence-led work, advice and education, with a consequent harmonisation of training in common disciplines (e.g. investigation procedures); and
- more integrated and effective contribution to local priorities, greater synergy and reduced silo working.

This is true economy of scale - being able to deploy and co-ordinate a greater number of suitably trained professionals for any given circumstance.



a strong sustainable community for one and all

4.5 Value for money

The proposed structure will enable a rationalisation of partnership working generally and, in particular, secure more effective inputs to LSP groups. The crime and disorder reduction strategy could gain, for example, from County-wide initiatives such as Best Bar None, or the Health and Safety Executive (HSE)-supported Safe Town/Safer Communities programme, with localised delivery.

4.6 Reduced burdens and effective working

In the proposed single service-delivery structure there are enhanced opportunities to realise the Hampton principles (see above). Specifically, bringing the existing seven enforcement authorities into one strategic authority will enable greater consistency and reduced burdens on business.

Commercial premises in Cornwall are currently liable to inspection by a range of enforcement agencies and specialists relevant to this case study. Whilst a degree of joint working exists between Trading Standards (TS), Environmental Health (EH) and Fire professionals – especially in regard to licensed premises – it is limited and sporadic. Within the structures proposed, inspection regimes for these premises can be amalgamated into one all-encompassing first-tier visit, where ‘hazard-spotting’ across professions would occur, with professionals on hand to deliver second-tier visits at a later date if necessary.

This methodology is currently the subject of a Department of Trade and Industry (DTI) study into the retail enforcement activities of Fire, Environmental Health and Trading Standards professionals in

Warwickshire and Bexley. Early results show significant savings for enforcers and an extremely positive response from business. DTI are looking to roll this methodology out across the country.

4.7 Synergies

The specific examples set out below are indicative of the rich synergies that exist between trading standards, environmental health and licensing. In a two tier structure it is inevitable that the separate services either duplicate effort or, in some cases, lack sufficient resources to contribute individually.

- Trading standards and licensing officers have an interest in the sale of alcohol from licensed premises and, in particular, the prevention of public nuisance and reducing the incident of crime and disorder. Licensing officers have a general role to ensure that the four licensing objectives are upheld, while trading standards staff are responsible, along with the police, for ensuring that sales of alcohol to the under 18s do not occur.
- The task of ensuring that the food we eat is safe falls to both environmental health and trading standards officers (see bullet point above). The latter are responsible for primary food production and food standards (composition, labelling, etc.), while environmental health officers enforce food safety and hygiene laws from the manufacturing stage through to retail supply. Not only are they both responsible for food law enforcement from “plough to plate”, but both sets of officers are more and more involved in issues such as healthy lifestyles and obesity reduction.

- Environmental health, trading standards and licensing staff increasingly work with business to aid compliance whilst minimising the burden of regulation. Initiatives like “Safe Food, Better Business” and many other sector specific education campaigns all contribute to economic development. Formal enforcement action against those who do not trade fairly and those engaged in the informal economy serves to regulate the market.

4.8 Reduced everything!

In addition to the significant back-office efficiencies that will accrue from the creation of a single authority for Cornwall – payroll, personnel, legal, ICT, customer contact centre, etc. - this new integrated service will specifically benefit from;

- only having to produce a single;
 - enforcement policy,
 - enforcement legal process manual,
 - quality procedures manual,
 - food standards plan,
 - service plan,
 - risk assessment scheme.
- only having one trader database to maintain;
- improved liaison on licensing matters;
- reduced (or eliminated) co-ordination and uniformity meetings between professionals;
- reduced likelihood of accidental interruption of surveillance activities during criminal investigations;
- reduced duplication and resource at heads of service level as there would be a single management structure;
- potential general reduction of managerial structures;

- rationalisation of business inspection processes with greater integration to reduce inspection workloads, freeing up resources;
- rationalisation of partnership initiatives and activities such as business advice/education and promotional activities;
- rationalisation of resources required to monitor work performance and report to central government agencies (e.g. Food Standards Agency, Health and Safety Executive, Department of Trade and Industry, Home Office, etc.).

4.9 A responsive service with greater empowerment for local people

Given the strategic nature of many of the functions considered here we believe that it will be more effective to have a central HQ and four service delivery divisions, each servicing the needs of a number of the proposed Community Networks (see Appendix A). The arrangement of mixed environmental health, licensing and trading standards teams will ensure that a consistent service is provided across the County, whilst retaining local accountability and responsiveness.

The current County trading standards service operates out of one central location, yet delivers responsive services to its clients. It achieves this through a combination of a contact centre, home-based professionals and sector-specific teams. However, the expanded nature of the proposed new service will be a matrix-management arrangement of functional and sector-specific teams, delivered through area offices.

4.10 Regional working

It is likely that the already well established regional dimension of the trading standards service (for example, Consumer Direct and Scambusters) will enrich environmental health and licensing services in a single structure service. Similarly the trading standards service will be enhanced by accessing local groups such as private landlords and licensees groups. The overall service will be more joined-up in terms of delivery and more understandable to the customer.

Trading standards employ a regional intelligence officer, tasked with producing both strategic and tactical assessments as envisaged by the National Intelligence Model (NIM), which now forms part of the professions assessment and targeting mechanisms for local (level one), regional (level two) and national/international (level three) crime. Better analysis of intelligence will reveal instances where individuals can be shown to have benefited from criminal activity such as dealing in counterfeit goods.

4.11 Greater use of intelligence.

The Proceeds of Crime Act (POCA) empowers local authorities to seek to confiscate the assets of criminals. Up to a third of these assets can be kept by the local authority, which effectively enables funding to be returned to community safety initiatives. Liverpool and Sefton Councils, working with the police and other partners, recently confiscated more than £878,000 following an investigation concerning the sale of counterfeit DVDs, CDs and other items.

It is proposed that the new service should employ at least one intelligence officer and one accredited

financial investigator to ensure that confiscation is effected in appropriate cases, which could extend to issues such as counterfeit goods, illegal money lending, scams or illegal meat trading. Monies confiscated via POCA can be used for the detection and prevention of crime, thereby enhancing the capacity to effect changes in criminal behaviour and detection.

4.12 Delivery and involvement.

The proposal (see Appendix B) is to;

- deliver telephone-based specialist advice to consumers and businesses across all of the functions of the new department; and
- create functional and sector-specific service teams to operate from each of the four areas, or countywide as appropriate, with appropriately devolved specialist officers working either from home or using drop-in centres in the Community Network Areas;

Local decision making via members and Community Networks would be part of the process used to drive the service and secure appropriate service responses to a wide range of localised issues. For instance, crime and disorder issues might range from young people gaining access to alcohol, fireworks, spray paints, or noise nuisance, or poorly-managed licensed premises. Local intelligence will provide an early warning of such problems and be flagged up by local members. The same would apply, for example, where a local health survey revealed poor nutrition amongst children in a particular area, or where vulnerable people were being targeted by rogue traders.

We believe that open communication channels with community forums, strengthened by having officers attend meetings, will create a more intelligence-led and responsive delivery.

The involvement of local people will be enhanced, along with their ability to shape a significant area of local authority services, by a greater use of technology in addition to, or as an alternative to, any geographical split. A corporate contact centre will have responsibility for providing front and back-office functions across a range of service areas (for example, dealing with the many licensing enquiries requiring basic information or access to application forms). Mobile drop-in centres, particularly to the more remote rural areas of the county, would also enhance accessibility to services like debt advice. Web-based services will also be enhanced to deliver a suite of on-line applications for licensing and the like, enabling businesses to apply and then track their application, as well as enabling consumers to register a complaint and then track its progress.

Regular attendance by officers at parish council and other local meetings would also enhance the ability of local people and their representatives to influence the Service's direction and priorities.



4.13 Providing Advice to the Community

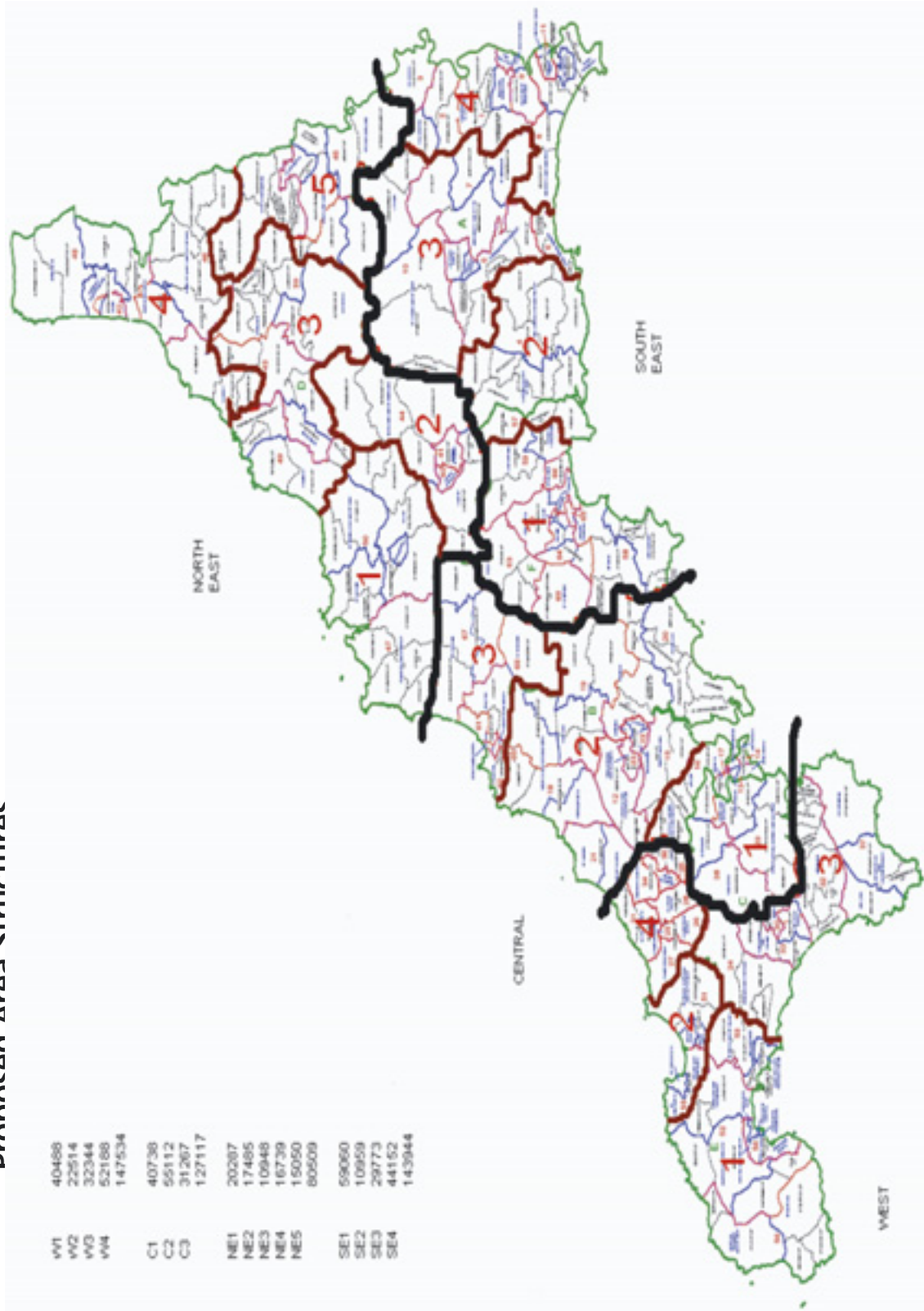
Trading Standards, in partnership with other agencies, plays a major role in ensuring that each member of the community has access to high quality legal advice. This is not achieved in isolation and is dependent upon key partners such as Consumer Direct South West, Citizens Advice Bureaux, Age Concern, Shelter and Community Legal Service Direct.

However, an ongoing Single Issue Panel investigation by Members has identified that advice provision in Cornwall is somewhat disjointed and confusing for clients, and is likely to recommend a more structured approach. During their investigation, Members have been made aware of the somewhat perilous and disjointed state of funding for agencies like the CAB, who receive funding from all seven authorities in Cornwall as well as Citizens Advice nationally and the Legal Service Commissions (LSC). Members also became aware of plans by LSC for Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs). As a result, work is underway in Cornwall on proposals for a CLAN, with the Council acting as a strategic partner with the LSC.

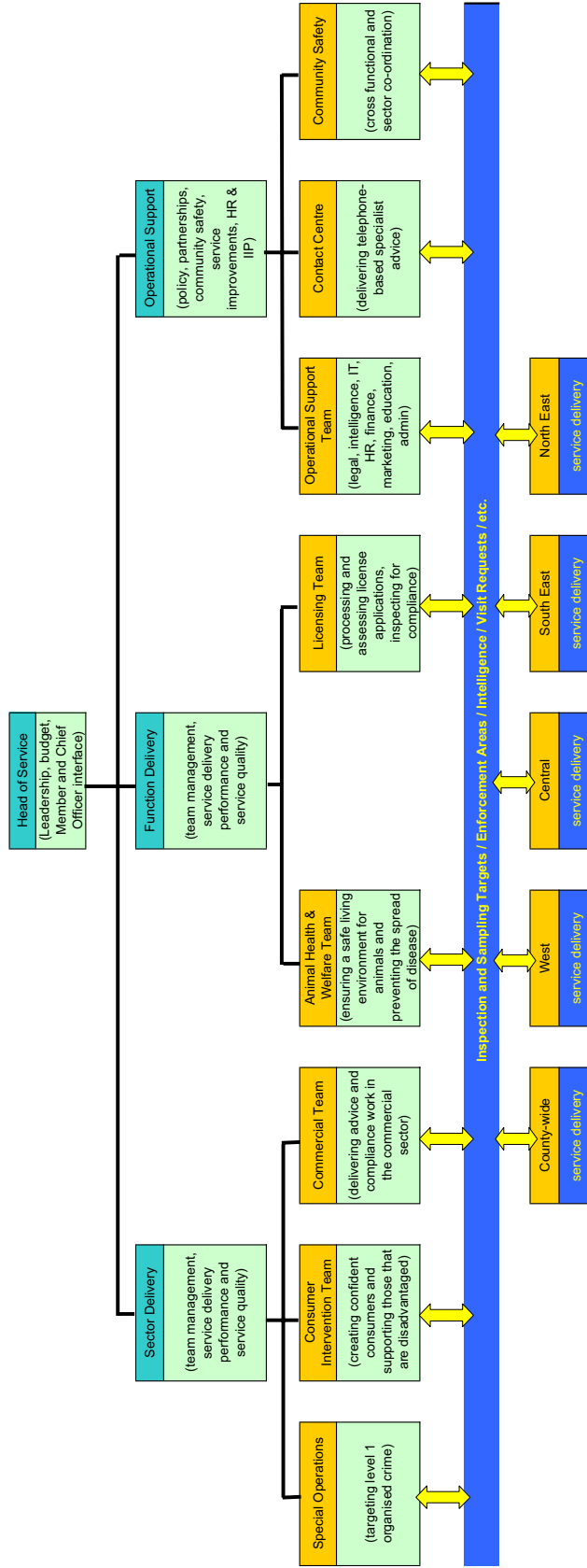
As for the impact the proposed new unified council could have, there would be opportunities to integrate existing advice services and funding streams to provide diagnosis, information, advice and education services. Advice services could be tailored to meet local needs right across Cornwall and provide people with access to a full range of services, regardless of geographical location, through the provision of accessible, independent, quality assured and integrated civil legal advice and education.

Appendix A

Proposed Area Structures



Appendix B Proposed delivery model (not management/staffing structure)



Appendix C

Community Safety

Anti-social behaviour has become a high profile issue in recent years. Where it takes hold, it can pose a serious threat to community life, undermining people's sense of safety, their well being and, ultimately, their health.

Tackling anti-social behaviour is a high priority for national and local government. Many of its lower-level manifestations – noise nuisance, dumped rubbish, abandoned cars, graffiti and fly-posting etc – fall within the remit of environmental health departments, whilst issues surrounding underage drinking, protecting people from bogus callers and disrupting illegal markets fall within the remit of trading standards.

In her foreword to a 2005 paper on the role of trading standards in local crime and disorder strategies, Hazel Blears said

“Local trading standards departments can make a wide-ranging and integral contribution to Crime and Disorder Reduction Partnerships (CDRP’s). We saw the results from this, for example, during the successful Alcohol Misuse Enforcement Campaigns that we ran last year where trading standards services and the police worked hand in hand to combat alcohol fuelled disorder and underage sales. This example of effective joint working is essential and must be a high priority if we are to effectively tackle the problems of underage alcohol sales.

So, whether tackling underage drinking or other contributory factors to anti-social behaviour, protecting people from bogus callers, or disrupting illegal markets, trading standards departments can have a positive effect on reducing crime and people’s fear of crime.”

Incidents that may be relatively minor in themselves can have a serious cumulative effect if left unchecked, leading to a loss of community pride and a spiral of decline. Identifying the problems and dealing with them swiftly, before they escalate out of control, is therefore crucial to successful management of anti-social behaviour.

Using funding from the DTI, trading standards in the south west have recently appointed a regional intelligence officer. She is tasked with producing both strategic and tactical assessments for the region as envisaged by the National Intelligence Model (NIM), which now forms part of the professions assessment and targeting mechanisms for local (level one), regional (level two) and national/international (level three) crime. Bringing the two services together will significantly improve the intelligence gathering capacity and impact the partnership working with a range of agencies.

The NIM is also used by local Crime and Disorder Reduction Partnerships to undertake strategic and tactical assessment of level one crime and, it is suggested, will bring into sharper focus the significant roles which trading standards and environmental health have to play as outlined above.

Community Health

Trading standards and environmental health officers play key roles in the broader health agenda. Issues ranging from obesity, healthy eating, smoking and the health effects on victims of crime in the home are all issues dealt with by both professions.

In its report “making the connection”, the Trading Standards Institute said;

“The Trading Standards profession makes important contributions to maintaining and improving the health of people – a contribution that warrants more recognition. Our contribution is greater when delivered in partnership. That is the key message from this work. The traditionally held view of Trading Standards is that it promotes enterprise and a fair trading environment. That is still true. But look closer, and it is also about ensuring certain standards are met. Trading Standards officers help to ensure the community is safe and healthy. Increasingly – particularly for vulnerable groups – the service reduces stress by taking action on doorstep sellers and loan sharks, or through the provision of advice on debt. Look closer again and there are strong links to accident prevention, disease control, environmental sustainability, community development and prevention of substance misuse, and clear links to community safety and reducing crime and disorder.”

The report identifies key intervention areas for trading standards;

- food and drink;
- animal health and welfare;
- age-restricted products;
- product and home safety; and
- poverty and vulnerable groups.

In its 2002 report on the contribution of environmental health to public health, the NHS Health Development Agency found that:

Environmental health practitioners, working with and alongside other public health professionals, will be key partners in local and national efforts to protect and improve the health and quality of life of individuals and communities and to reduce health inequalities.

They will maintain a direct relationship with the general public, and apply their expertise in responding to the needs of individuals, while also tackling the wider determinants of the population’s health by identifying, controlling and preventing current and future risks.

They will play lead roles in local authority development, co-ordination and implementation of community health and well-being strategies through local strategic partnerships, and will actively contribute to the public health agenda of the NHS primary care trusts. They will also contribute to tackling public health issues at regional, national and international levels.

This examination of the scope of environmental health makes clear that, by addressing the wider determinants of health, including food, housing standards, health and safety, air quality, noise, and environment issues generally, environmental health makes a fundamental contribution to the maintenance and improvement of public health and improving quality of life and wellbeing.

However, the report finds that the mainstream practice of environmental health has become fixed on the delivery of a narrow agenda and a number of factors are preventing it from achieving its traditional involvement in addressing the wider determinants of health. Participants in the project expressed growing concern about the fragmentation of environmental health services, a lack of clarity on the nature of future environmental health roles and their contribution to health improvement and tackling health inequalities. Many environmental health departments reported that they do not have available resources to deliver the new approaches and initiatives called for by the modern public health agenda, or to participate fully in the new organisational structures for public health. Skills in strategic planning, partnership working and community development were identified as important in future arrangements for effective practice.