

## APPENDIX 5



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To Paul Wildsmith  
Director of Corporate Services

From Alan Docherty  
Branch Secretary

8th February 2008

Dear Paul,

### **2008/9 Budget Consultation**

Unison are pleased that they have been given an opportunity to respond to the Council's budget proposals and below is our views.

We do recognise the budget pressures and difficult decisions facing the Council, but we feel some of the proposals are too drastic in that they both jeopardise the delivery of front line services and have a direct effect on our members' well being. We are concerned about proposals that could make existing members of staff redundant and are disturbed that they fall heavily on the Public Protection Division.

There are also some efficiency proposals not highlighted in the written budget proposals that could also result in compulsory redundancies. We also expect management to bring further efficiency savings that could affect members' job and conditions over the next months and years.

We are grateful that many of the identified savings are based upon vacancy management and the deletion of vacant posts; however, we must warn that these are putting unacceptable pressures on some of the remaining staff. These cuts may be counterproductive if staff struggle to carry out their duties. This could result in services failing to be delivered. We remind the Council that stress is highest stated cause of absence of its staff and that the Council has a duty of care and a duty to minimise these risks to our members' health.

Unison are also opposed to the cut in mileage allowances and the increase in the staff car parking charge. These are not green measures but a direct cut in the income of our members. We offer instead an alternative list of sustainable transport measures that would not only result in financial savings for the Council but would also cut the Council's carbon footprint as a much needed contribution to the fight against climate change.

Unison considers itself to be a responsible union committed to public service and we have proved that we can work well with the Council's management to deliver effective efficiencies, savings and to manage change. It is within that spirit that we offer these criticisms of the budget proposals.

I now will address these proposals separately and in more detail.

Unison offers no opposition to the tourist information service being included in a one-stop shop located in the Dolphin Centre. We recognise there is an opportunity for the Council to make better use of the Dolphin Centre foyer and achieve savings by integrating the teams to make better use of resources.

We are very concerned about the initial proposals for the Public Protection Division. The proposed cuts in staffing are too severe and we question whether the remaining staff can provide an efficient service. Our representatives have had some constructive discussions with management and we hope that our compromise proposals will be accepted.

We believe the proposal to axe the civil advice service and cut two posts from Trading Standards would reduce the quality of the Trading Standards Service as a whole. The reliance on the Consumer Direct call centre to provide basic first point of contact advice is no substitute for a local face to face service, which provides specialist advice and assistance on complex cases, particularly those involving older and more disadvantaged people. Trading Standards is a high profile active service and this is highlighted by its recently well-publicised successes. Ironically a recent edition of the Northern Echo carried two adjacent articles; one describing a successful counterfeit goods raids by the Trading Standards section, and on the page opposite a report of a Scrutiny Committee discussing the merits of cutting the service.

This service has operated recently with a vacant post and we would offer this post deletion as a saving, whilst continuing to provide the civil advice service, prioritised to the most needy, but request the current filled posts remain. I attach as an appendix a detailed submission to justify this amendment.

Environmental Health in the same division is also targeted for the reduction of two posts resulting in redundancies. This section also provides a wide range of services from inspection of food premises, the successful promotion of the Tees Valley hygiene star ratings scheme, noise and air pollution, and the less visible advice it gives on contaminated land pollution which is vital for the development of brown field sites essential to the regeneration of the town. Failure to undertake the latter service could result in additional expenditure on expensive consultants to carry out work previously undertaken in house. Here again as a conciliatory gesture we are suggesting that the Council deletes only one post and monitors the effect on the provision of this service. A detailed submission is attached as an appendix explaining the benefits of this alternative proposal.

The proposal to end the pest control service, and ask the public to deal directly with private contractors, leading to the redundancy of our sole remaining pest control operative's post causes us much concern. Directing the public to private companies could lead to public not following through because of cost and in turn lead to an increase in infestation problems that would eventually impact on Council's costs and reputation. It has, through this consultation, come to our notice that the Council's Housing Department uses private sector pest control operatives on an ad hoc basis to deal with infestations. We consider it may be more cost efficient if this proposal was shelved and a review of how the Council deals with infestation problems is undertaken with the aim of considering how it co-ordinates and procures this important service.

The proposal to make staff cost savings to Legal Services, which could have the impact of 3 redundancies, was not published till late in the consultation. Thus we have not had time to study the implications. As such we would suggest that this cut be removed as a proposal from the formal budget consultation. Management do have the option to bring this forward as an efficiency saving at a later date.

There are several other savings not directly identified in the budget but apparent because of their early implementation as efficiency savings.

Unison welcomes the commitment to continue to provide all the current services to older people and not consider cuts to reduce the eligibility of people to access care. However there are efficiency proposals to cut staffing costs in this area, particularly to cut the number of Home Care Leaders from a current number of 7 staff in an establishment of 10 posts down to 4 staff. We consider this proposal to be undesirable and impractical. Our analysis of the service indicates that it does not have enough staff to cover for holidays and sickness. We are currently in consultation with our management colleagues about these savings and we have tabled alternative proposals that will give some savings and maintain the service.

We are also concerned about identified efficiency proposals to manage South Park that will result in the loss of the Park Manager's post. We would instead expect alternative proposals that maintain the management of the park to high standards and do not jeopardise lottery funding. Similarly there is a proposal to reduce CCTV management. We would like an assurance that if these staff can generate enough income to pay for their posts they will remain in situ to expand the service.

The other issue that has a big impact on staff (about 800) is the proposal to cut the mileage allowance to the lowest band only and increase parking charges to staff. This cut in expenses is at a time when the cost of motoring is increasing with fuel now a more than £1 per litre. This is not a green measure but a direct cut in our members' income; some will lose £474 before they drive their cars. I would expect after the initial protests, loss of good will and morale, that such a measure would have no impact on carbon emissions at all. There are no measures proposed to cut actual car use, only to cut the cost to the Council. Staff using their cars for work if this measure is introduced would do so at a cost to themselves. Taking into account car parking charges, staff will receive less per mile than the 40p tax free allowance allowed by the Inland Revenue. Not only is this measure not green, the proposal is contrary to the Provisions of the NJC national agreement and it cannot be implemented without an agreed and negotiated change to staff's terms and conditions. We would resist this and delay any forced implementation. Unison is committed to supporting equitable and sustainable measures to reduce the emission of climate changing gasses. We would propose instead:-

a Cycle allowance of at least 25p per mile.

encouraging walking as an easier, healthier, and often quicker way to travel to adjacent administrative buildings.

the issue of office and or personal bus passes to staff who can reasonably use public transport in their job,

encouraging staff to car share where more than one car users are travelling to the same destination.

encouraging staff to use rail travel when it is suitable for meetings outside Darlington and the payment of the appropriate rail fare be made instead of mileage for such journeys.

a fundamental review of the allocation of casual and essential car user allowances.

the ending of the staff car parking pass charge. This to be replaced with a free of charge pass for all essential users, the refund of car parking fees for casual users on the days they use (and plan to make available) their cars for work. No other parking charge privileges will be made to staff.

the greater use of fuel-efficient pooled vehicles where appropriate.

the introduction video conferencing facilities.

developing a home working policy.

senior managers and chief officers acting as green champions in order to set an example for other staff to follow.

We would also, as a compromise, consider agreeing to the removal of the top band of car allowance rates, but not the doubling of the staff car park charge, in exchange for the Council seriously considering, with an aim to implementing, the above measures. These if implemented they could result in significant financial savings.

Unison is keen to promote environmentally sustainable policies and it is of the opinion that an education campaign amongst the staff and the introduction of measures to reduce the waste of resources and proper management of Council waste would result in further monetary savings as energy and water bills are reduced and less waste is transferred to landfill.

We understand that management are reviewing in some areas the cost efficiencies of using in-house staff instead of expensive consultants and agency staff. We welcome this and would like this review extended to all areas. Similarly forward planning to improve staffs' skills and training programmes for new recruits would increase in-house expertise and reduce expensive external advertising to fill vacant posts. These measures would result in further cost savings for the Council.

Unison is very concerned that the continued pressure on the staff to make efficiencies will eventually lead to a melt down. While many cuts are 'painless' in that there are no redundancies, the deletion of vacant post puts pressure on other staff to go that extra mile. Many staff are so dedicated that this is provided as unpaid overtime. Darlington is a very lean authority and a simple comparison with some neighbouring authorities indicates that it provides excellent services with a fraction of the staff. I would speculate some authorities have on average 50% more staff in some areas of their service provision than in Darlington. This squeeze cannot continue and it is the result of some past decisions that have not maximised the resources potentially available to the Council. We support the proposal to raise council taxes to just below the expected capping level and we hope the Council maintains its nerve in seeking this rise.

To end, I quote from a finding of the Darlington Partnership's Sustainable Community Strategy for Darlington, "better services' were more important than 'keeping council tax payments low'".

Yours sincerely

Alan Docherty

## **New Case Study – Jan 2008**

*Elderly Darlington resident, living in Housing Association accommodation, contacted Consumer Direct for advice as he was being harassed by a debt collection company. Consumer Direct passed case directly to Trading Standards, without giving first tier advice, as the case was complex.*

*Resident took out a loan 20 years ago for £3,300. His circumstances changed and he renegotiated his payments with the lender. He never missed a payment. The debt was bought by a debt collection company, which tried to pressure him into making increased payments, which he could not afford. This caused him and his wife a great deal of worry and upset. An Officer of the Service made a home visit to the consumer and established that even after 20 years of continued payment, he still owed nearly £6,000.*

The Officer carried out extensive research and established that the debt collection company was legally required to take a particular course of action and if it failed to do so, it would not be able to enforce the debt. The Officer wrote to the company on six occasions. It could not perform the required action and finally agreed to close the account and stop all contact with the consumer.

### **Key points to note:**

#### **Social Inclusion**

- **This elderly vulnerable consumer was not given first tier advice by Consumer Direct.**
- **Home visit required.**
- **Checks on documentation and research identified solution to the case, which was more complex than the original complaint about harassment.**

#### **Intelligence for Enforcement Action**

- **Intelligence gathered from our Civil Advice Service is, where necessary, passed onto other enforcement agencies, in this case the Office of Fair Trading.**
- **It cannot be stressed enough that because Trading Standards provides a Civil Advice Service, we benefit from the collection of detailed intelligence about local traders and how they operate. Indeed, many breaches of criminal and civil legislation, which we have a duty to enforce, are detected in this way. This type of intelligence allows us to target enforcement action and consumer education initiatives to where they have the greatest impact in terms of enhancing the economic and social welfare of local consumers and driving down the number of complaints about local businesses.**

#### **Satisfaction**

- **The consumer was very happy with the outcome.**

We are here to offer help, advice and protection as this case demonstrates. A 'high achieving' service with a 95.4% satisfaction rating deserves to be retained.

## **Selection of Customer Compliments**

“I would like to thank you for all your help in dealing with our problems.....The pleasant and friendly way in which you helped us is much appreciated” Mrs L

“Just to say a huge thank you for all of your help, advice and understanding over the last seven months. I doubt we could have got through this awful experience without your guidance.” Mr and Mrs B

“Dealing with awkward firms can be very frustrating as well as taking a lot of time and energy. So well done to the Consumer Protection Team for all the hard work they do in ensuring that dodgy dealers don't always get away with things” Sharon Griffiths, Northern Echo bouquet of the week comment.

“Just a little note to say a big thank you for all your help. Many Thanks.” Mr and Mrs N.

“Thank you for all your help, guidance and a cool head!!! (something I tend to lack at times). Once again a big thank you.” Mrs B

“ I would just like to write you a quick note, to thank you for the help and information that you provided. Your help is much appreciated, as I think the outcome would not have been the same without your assistance. Mr H.

“I went through all the details with them (the company) and said that I had contacted yourself and in the end they did say they were going to drop the charges. Thank you very much for your help.” Mr N.

“You will be pleased to know that they finally sent me a cheque for £50 as the returned deposit money for the course. Thank you for your letter you sent.” Mr S.

“My husband and I would like to thank you sincerely for your assistance in bringing our complaint to a satisfactory conclusion. Once again thank you.” Mr and Mrs R

“Thank you for your involvement in connection with my mother's problem. Following your email to them I was contacted by the company who got things moving and the problem is now hopefully resolved. It is a pity that you have to take these steps to get any satisfactory service, what a good job you are there to help, once again thank you for your valued assistance in this matter.” Miss B.

“Thanks very much for what you have done for us. We really appreciate all your hard work. Take care.” Mr and Mrs L.

“Thanks for all the help with the laptop. Fujitsu have been in touch and are getting a replacement in two days. Thanks again.” Mrs H.

“Thank you so much for your help in getting my £50 deposit refunded. I am very grateful for all you did in bringing this matter to a successful conclusion.” Mrs B.

“Thank you very much for your good advice. The group of men who had done the work (were sent) to fix it, all the same morning. The work seems to be done as it should be.” Mrs B.

“I am writing this letter to thank you so much for your help in connection with the removal of the two skips that were blocking my driveway. I cant thank you enough for your assistance.” Mr B.

"I would like to thank you for all your help. The pleasant and friendly way in which you helped was much appreciated." Mrs L.

"Just a short note to say Thank You for your help. You are a Star." Mr and Mrs G.

"I take this opportunity to thank you for your recent assistance. It's good to know that a nudge from the right people can avoid costly and unpleasant court proceedings – a big boon to small businesses." Mrs C.

"Thanks for all your help, we received a full refund, we would never have sorted it out without your help!" Mrs B

"I wish to formally express my gratitude and thanks to two of your staff members. They have both been extremely helpful in assisting me to resolve a very difficult matter. Over the past month they have been available when I needed their assistance and have been exceptional and fair towards both parties. I know they were "just doing their jobs", however, they deserve these thanks." Mr E

## **Save Trading Standards Civil Advice**

The Trading Standards Team has worked together to prepare a further statement in support of our first submission, which was previously presented to management, members and the cabinet.

We can now provide additional evidence to challenge proposal 59(d) 'to stop providing civil advice on Trading Standards issues'. We would like to reinforce our case by highlighting key areas where we believe the Civil Advice Service is entirely supportive of the Council's vision for our community:

### **1 Links with the Sustainable Community Strategy**

1.1 The Team has carried out an assessment of the work we do for the most vulnerable in our community and has identified how this actively contributes to the Council's corporate priorities through its Sustainable Community Strategy:

### **2 Prosperous Darlington**

2.1 By having a strong vibrant advice service all traders and consumers in the town can be safe in the knowledge that there is an independent body that can advise on the law and if necessary intervene allowing a fair trading environment. Specific mention of the Sale of Goods Act 1979 is in the markets charter and there is a strong working relationship with our colleagues in the Markets Section.

### **3 Aspiring Darlington**

3.1 The Team places a great deal of emphasis on providing the knowledge to empower and educate the consumers and traders of Darlington. Good local knowledge allows us to target our actions towards specific campaigns for the most needed sections of our borough, thus strengthening community engagement.

### **4 Healthy Darlington**

4.1 Our work in the area of doorstep crime and distraction burglaries actively contributes to this particular health strategy and we rely on the quality intelligence obtained through our civil advice work to target the perpetrators.

4.2 Doorstep crime is often targeted at elderly or vulnerable people and being the victim of such a crime can have a disastrous effect on their health and welfare. The civil advice service offers appropriate advice and assistance to help them protect themselves in the future and to remain healthy and independent.

4.3 Office of Fair Trading research has identified that scams cost UK consumers £3.5 billion a year. Scams can also lead to health problems, suicide, depression and the break up of families. Our Team is working, in its civil advice capacity, with the OFT to increase consumer education and empowerment and to provide intelligence for international joint working between the OFT and its counterparts in other countries.



## **5 Greener Darlington**

- 5.1 A healthy trading environment will also help encourage people to shop within the borough thus reducing their carbon footprint.

## **6 Safer Darlington**

- 6.1 As shown previously our links with the Darlington Crime and Reduction Partnership and the work undertaken by the Civil Advice Team supports this strategy through underage sales campaigns, education and test purchases. These are effective tools, which rely on the receipt of quality intelligence.

## **7 Balancing the Books**

- 7.1 The Team has now had the opportunity to set out, in more detail, our proposals for saving the Civil Advice Service whilst 'balancing the books'.
- 7.2 We have been bold, daring and imaginative in doing so and recognised that we **all**, residents, members and staff, have a duty to feed in our ideas for providing the best services for our community.
- 7.3 We have put forward our own ideas on cost savings and potential income earners, which we feel demonstrates our objective commitment to saving our Civil Advice Service.

## **8 Cost Savings – Public Protection**

- a) Lose one post and prioritise the most needy to benefit from the Civil Advice Service.
- b) Explore savings through changes to the management structure to reflect the changes in the structure of public protection. We believe the public of Darlington would consider this to be more palatable than cutting a front-line service.
- c) Vacate Houndgate buildings, either or both, early. May be committed to full rental term but will make savings on heating, lighting etc. The Trading Standards Team is prepared to work in a more flexible way and consideration could be given to setting up a working from home arrangement and/or hot desking. This potentially frees up town centre parking spaces.
- d) Consumer Action Packs. The folders are designed in-house and printing outsourced to a cheaper printing firm. The Action Pack currently contains a minimum 10 leaflets at a cost of 81p/pack. This would double when the cost of postage is included. Potential savings could amount to £162.00 per 100 packs posted out. It is current policy to send an action pack for every request. By targeting who receives one, a significant saving could be made. We propose having more leaflets on our web page but printing them off when required for those who do not have easy access to them. Green benefits as well as financial ones.

## **9 Potential Income – Public Protection**

- a) An Officer of this Service is exploring the possibility of obtaining external funding for particular projects such as doorstep crime awareness raising with vulnerable people or consumer education for the young.
- b) Rent out the 6 car parking spaces at the back of Houndgate. A Town Centre location would be attractive to potential users. A similar scheme runs at Darlington Rugby Club. The staff currently using the spaces could use the public car parks as per their car user arrangements. Any savings may be offset against loss of income from use of public parking spaces.
- c) Charging for talks to local businesses. By way of example, the Furniture Ombudsman Service currently charges £250.00 for half a day course on consumer law.
- d) Attract sponsorship of our in-house consumer advice and information leaflets.
- e) It is believed that external funding already granted to the Trading Standards Service, is, on occasion diverted elsewhere within the council. It should be noted that should the staffing levels not be sufficient to do the grant-funded work, we may not get the grant in the first place.

**10** We widened our savings and income ideas to include those which impact on the local authority as a whole whilst also recognising that we want to minimise any negative impact on our colleagues in other Divisions.

### **10.1 Cost Savings – Local Authority**

- a) End staff subsidy of Dolphin Centre/Eastbourne Sports Complex.
- b) Stop the provision of a tea/library trolley for town hall staff, services not available to staff in other locations.
- c) In the age of e-transactions, cease the automatic provision of printed salary slips and set up an e-salary service.
- d) Examine the council's mobile phone contract(s) to ensure best value for money.
- e) Explore the feasibility of another postal company providing a cheaper postal service.
- f) As an alternative to cutting valuable services and seeking voluntary/compulsory redundancies within our division, the council could adopt a more stringent approach to the management of vacancies

**11 Potential Income – Local Authority**

- a) Levy charge on personal internet access outside core hours.
- b) Resume 'for sale or wanted' but charge for posting entries.
- c) Explore the feasibility of selling Council bonds.
- d) Erection of solar panels/wind turbines on council buildings to reduce energy costs.

11.1 Our Team has put forward these ideas for cost savings and potential income ideas, which we feel demonstrates our commitment to saving our Civil Advice Service. We would like our commitment rewarded, we would like the opportunity to continue providing this valuable service.

**12 We need your help to do that.**

12.1 We would ask that you amend proposal 59(d) from the Draft Medium Term Corporate Plan and thus demonstrate your faith in the Trading Standards staff to continue to deliver a value for money service, which underpins Corporate priorities and supports the Council's vision of 'One Darlington'.

## SAVE CIVIL ADVICE FURTHER INFORMATION + PROPOSALS

**There is no need for the people of Darlington to lose this valuable service. The Civil Advice Service is entirely supportive of the Council's vision for our community.**

- a **NEW CASE STUDY** and the many unsolicited **TESTIMONIES** from our service users who've taken the time to thank the officers for the service this council provides, further demonstrates the need for our service and the value attached to it by Darlington residents.

- The service has clear links to the council's **SUSTAINABLE COMMUNITY STRATEGY**

- a strong advice service leads to confident consumers, a fair trading environment and a **PROSPEROUS** Darlington

- work to empower and educate Darlington residents and traders raises **ASPIRATIONS** and strengthens community engagement. Local knowledge allows for targeted activity.

- work with elderly and vulnerable residents to tackle doorstep crime allows them to protect themselves and remain **HEALTHY** and independent.

- a healthy trading environment encourages local shopping and a **GREENER** borough

- intelligence received via the advice service allows targeted activity through underage sales work, education and test purchases helping to create a **SAFER** Darlington. This work is in jeopardy if there are insufficient staff within trading standards to effectively carry out these duties.

### **BALANCING THE BOOKS**

#### **Public Protection**

- Reduce staffing by one post and prioritise the service to the most needy
- explore changes to the management structure rather than cutting a front line service
- vacate Houndgate buildings
- reduce printing and postage costs on advice leaflets
- seek external funding for specific projects
- rent out 6 car parking spaces at Houndgate
- charge for talks to local businesses
- seek sponsorship of advice leaflets
- ring-fence external trading standards funding

#### **Local Authority**

- end staff subsidy of Dolphin Centre / Eastbourne Sports Complex
- stop provision of tea / library trolley in Town Hall
- e-salary slips instead of printed ones
- examine council mobile phone contracts and postal services to ensure best value for money
- stringent management of vacancies
- charge staff for personal internet access
- resume 'for sale or wanted' service but charge for entries
- explore council bonds scheme
- explore use of solar panels / wind turbines to reduce energy costs

## ENVIRONMENTAL HEALTH-BUDGET CHALLENGE

### Purpose of Report

1. To challenge the financial information relating to Environmental Health contained in the Medium Term Financial Plan and to propose alternative savings within the department.

### Background

2. The Medium Term Financial Plan describes the Environmental Health section as being “expensive and poor performing”. The report proposes cutting the service by one Technical Officer and one Environmental Health Officer to effect a saving of approximately £80,000. The report also identifies the cessation of the Pest Control service and Civil Advice service of Trading Standards as possible savings.

### Information and Analysis

3. Environmental Health staff believe that the financial information used in the report is fundamentally flawed. Appendix 1, entitled “A Balanced Approach”, and Appendix 2, entitled “Budget Challenge”, attached to this report describe in detail the reasons for this belief.

### Alternative Proposal 1

4. It is proposed that the following measures be considered:

<b>Measure</b>	<b>Approx Saving</b>
Retain full compliment of Environmental Health Staff	Nil
Retain full compliment of Trading Standard Staff	Nil
One Pest Control post to be deleted	£30,000
Charge for Pest Control Service (effectively making remaining post self- funding)	£30,000
One Public Protection Managerial Post to be deleted	£60,000
Total Saving	£120,000

## Alternative Proposal 2

5. It is proposed that the following measures be considered:

<b>Measure</b>	<b>Approx Saving</b>
One Technical Officer Post to be deleted	£30,000
One Pest Control Officer post to be deleted	£30,000
Charge for Pest Control Service (effectively making remaining post self- funding)	£30,000
<b>Total Saving</b>	<b>£90,000</b>

## Income Generation

6. Officers in the Environmental Section have identified area of work with the potential for income generation. These areas are:

- To carry out gas monitoring of Shearwater, Skipbridge and Summerhouse landfill in-house and not to use consultants which are currently employed. Existing contract with PB to monitor Shearwater until the end of November 2008, contract with Premier Waste for Skipbridge, Summerhouse being renewed on a month by month basis. Costs of monitoring of Summerhouse shared with Durham CC so may be more difficult to get their agreement to carry out in-house monitoring. Savings for Shearwater and Skipbridge landfills £8400 if we include Summerhouse £9100. However there will be on costs from possibly having to purchase equipment and calibration etc.
- To generate an income of approximately £5000 by charging for environmental searches.
- To ensure that Planning pay for consultant work in connection with Planning Applications/Discharge of conditions. Savings of approximately £7000.
- Try to recover costs from developers under Section 106 Agreements for major contaminated land / noise work.
- To consider the option of providing “in-house” Food Hygiene training to Council departments eg Community Services and Social Services. This training could be provided at a rate that was cheaper than external providers. Not only would this generate income for the Section but would also save other departments a considerable amount of money.  
If successful this training provision could be extended to the wider business community.

## Conclusion

7. Officers in Environmental Health consider financial details in the Medium Term Financial Plan to be incorrect and that this information is being issued to recommend cuts in the service. Officers have provided alternative proposals for savings which would have equal or enhanced savings and have also recommended possible options for income generation.

## **Recommendations (if any)**

8. That Members consider the information put before them and consider the possible alternative proposals which would ensure the retention of front line staff. It is also recommended that Members consider the options for income generation and propose that they be investigated further.

## **Environmental Health Staff**

Stephen Todd : Extension 2566

## Environmental Health Section -Response to Budget Proposals

### Introduction

This report is a response to recent budget proposals and highlights our concerns about the rationale behind the current proposals.

This report highlights individual issues which we believe to be unfair and tries to present an accurate view of the role of Environmental Health.

1.0 The Draft Medium Term Corporate Plan details a wide range of options for budgetary savings. Paragraph 59(g) of the report details one option and states: *Reduce environmental health inspections - £80,000. This will be achieved by reducing staffing by two posts and limiting inspections to higher risk premises.*

1.1 The driver for this option would appear to be found in Section 16 of Appendix 9 to the main report which states: *Environmental and Public Health Services – This service shows as being low performing and high cost in comparison with other unitary authorities although it is only measured against 2 indicators which are BV166a “Environmental Health Checklist” and BV217 %age of pollution control improvements completed on time.*

1.2 In Paragraph 71 of the report the Director of Corporate Services states: *“The estimates presented to Council have been prepared on the most up to date information available and within the guidance I have set out. For 2008/09 I am satisfied that these represent a fair view of the Council’s ongoing plans and commitments,.....”*

2.0 Staff in the Environmental Health Section would challenge the accuracy and validity of the above statements which are being used as justification to cut two posts in Environmental Health, two in Pest Control (ie stopping the Pest Control service) and two in Trading Standards.

3.0 Environmental Health staff would bring the following information to the attention of Members:

**3.1** Section 2 of Appendix 9 to the DMTC Plan puts the cost of the Environmental Health Service at £779,000 whilst budget reports put the true cost at £569,000.

The true cost of the Environmental Health Service must be acknowledged and the performance of the section re-considered in light of this and the items detailed below. The discrepancies in the reported figures must also be accounted for.

**3.2** The use of BV166a and BV217 in isolation gives a misleading view of the performance of Environmental Health.

Are members aware of what indicators BV166a and BV217 entail and that they have now been removed as they were seen as inappropriate and an over burden to Local Authorities?

The Lifting the Burdens task Force established in September 2006 by the SOS for Communities and Local Government had the following comments to make on the above two BVPI’s in making recommendations that Defra removed them:

- *BV166 Performance against checklist for Environmental Health –“The indicator reflects process rather than successful outcome.”*
- *BV217 Percentage of pollution control improvements to existing installations completed on time “The indicator can only be checked by inspecting businesses to check all improvements no matter how trivial are completed on time”.*



In 06/07 all 42 premises which require a permit to control emissions to air were inspected, 9 of these were required to make pollution control improvements and 8 complied with the requirements resulting in a 89% success rate (target 80%)

Other alternative local and national indicators reveal a similar picture eg.

DE54a - % Food Hygiene inspection carried out-100%

DE93 - % of food business who received a food hygiene award-100%

DE8 - % of request for services responded to within 1 working day-88%

Note a total of 1881 requests for service were received by Environmental Health in 06/07 (not including pest control)

3.3 Should the proposed cuts be implemented, comparison of staffing levels with the other local authorities in the Tees Valley show that Environmental Health staffing resources are generally lower than adjacent authorities:

	Pop <sup>n</sup> (K)	Manager	PEHO	EHO	TO	Total	Officers/100K Pop <sup>n</sup>
Darlington	101	1	2	3	5	11	11
Stockton	181	1	3	6.6	6	16.5	9.1
Hartlepool	92	0.5	2	5	5.5	13	14.1
M'brough	145	0.5	4	8	8	20.5	14.1
Redcar&C'land	138	1	3	7	7	18	13

3.4 Section 25 of the report relating to Value for Money states that the approach should include: *Investing in a systematic approach that avoids excessive consultancy charges and ensures that we learn from projects as an organisation through the Leading Edge programme office.*

**Environmental Health staff currently advise many other departments (eg Planning and Licensing) on consultations and discharge of conditions without the levy of a charge. This currently equates to approximately 1.5 full time equivalent (FTE).**

**The figures below show that the number of Planning Applications received by the Planning Department has not increased over recent years whereas the applications dealt with by Environmental Health have increased by over 48%**

Year	Total Planning Applications	EH related applications
02/03	1273	148
03/04	1384	146
04/05	1217	204
05/06	1213	224
06/07	1220	220

**If Environmental Health was to cease to respond to consultations from the Planning Section with regard to applications and discharge of conditions this will increase the risk of the development being unsuitable for its final use. One example of the consequences is that a housing development could be built on land which is affected by landfill gas and ground contamination which if not adequately risk assessed and remediated could result in significant harm to both human health and controlled waters.**

**Staff cuts would mean that other departments would have to make alternative arrangements which would involve the use of external consultants at considerable cost.**

**Alternatively, a service level agreement could be drawn up between Environmental Health and the other departments to ensure that Environmental Health are reimbursed for their role as consultant and contribute to any financial shortfall caused by maintaining staff levels at the present level.**

**3.5** Paragraph 63 of the report identified some areas of work where options had been considered but not recommended. Subsection (h) states:

*Customer Services*

*There was an option for reducing staffing in the Council's Customer Services team, trimming costs by £49,000, but this was rejected as it would have led to reduced provision in a vital front-line service.*

**Although Customer Services receive and log the initial calls. Environmental Health is a vital front-line service that actually respond and investigate the service requests received by Customer Services. This response has a target of 88% within one working day and this target is achieved. If the staffing resource of Environmental Health is to be reduced it is difficult to see how it is to provide such a continued effective response to the public.**

**3.6** Section 8 of the main report highlights the relationship between the high level vision for the borough and the council's strategic and delivery plans. Subsection (f) states *PDRs translate priorities and targets to each individual employee's objectives.*

**At no time has any member of Environmental Health staff been informed that they or the department are performing unsatisfactorily. All members of staff received at least a "3" for their performance during the staff appraisal and PDR process, with some members of staff being awarded a "2".**

*(Note: A "3" relates to performance that fully meets requirements, and a "2" relates to performance that is significantly above requirements)*

**3.7** On July 1st 2007 the Tees Valley Food Hygiene Award was launched. The figures below show the range of star ratings across the food businesses in Darlington at the time of the launch and then also on 11th December 2007.

Star ratings 01/07/07	No of premises	Star ratings 11/12/07	No of Premises
0	13	0	8
1	19	1	18
2	88	2	82
3	160	3	190
4	148	4	185
5	49	5	88

**These figures show a dramatic improvement in the standard of food premises within the Borough and the popularity and effectiveness of the scheme with businesses will ensure that the trend continues. These figures contradict the notion of a department that is "poor performing".**

**3.8** The report refers to some sections eg building control as providing a "statutory" function. Much of the work carried out by Environmental Health is statutory in nature but the text of the report does not acknowledge this. The Main Environmental Health functions are attached at Appendix A.

## 4.0 Conclusion

It is felt that the Draft Medium Term Corporate Plan has not accurately represented the nature and scope of the work of the Environmental Health Section. Nor have the costs of the service been accurately represented to members.

Appendix 1 and 2 of the report make reference to the 2021 vision and detail priority outcomes for Darlington including:

Prosperous Darlington

***Encouraging more high quality restaurants, leisure and cultural factors.***

Officers of the Environmental Health Department are pivotal in providing guidance to developers, planners and business proprietors on the provision of restaurants and leisure facilities in order to achieve and maintain the highest of standards. The introduction of the Tees Valley Food Hygiene Award will ensure that the public are able to access important information regarding the venues of their choice.

### **Healthy Darlington**

Tackling health inequalities

Create Healthy workplaces

Past work with regard to healthy eating campaigns in schools and hospitals along with the implementation of the National Clean Air Award in Darlington has now progressed into partnership with other Local Authorities and government agencies to deliver the governments priorities with regard to health and safety initiatives.

### **Greener Darlington**

*A low carbon Borough*

*Greener Cleaner Darlington*

*Well designed Darlington*

Environmental Health implements the National Air Quality Strategy and produces an annual air quality report containing the results and analysis of air quality monitoring which is currently carried out at two fixed stations and 10 nitrogen dioxide diffusion tubes located throughout the Borough.

The enforcement of clean air, pollution and statutory nuisance legislation ensures a clean and healthy environment.

The risk assessment and remediation of Brownfield sites protects human health and controlled waters from harm caused by land contamination.

Environmental Health advises the Council's Planning Section and implements the requirements of the Pollution Control and Noise Planning Policy Statements to ensure that any residential development is protected against problems associated with noise, land contamination, odour, dust etc and likewise that future commercial/industrial development are preventing from causing pollution problems to nearby sensitive properties.

The effectiveness of this role will be seriously undermined by the proposals in the report. Officers of the Environmental Health Section have a wealth of experience and technical knowledge in dealing with issues as diverse as:

- Design and implementation of National and Local awards and initiatives
- Investigation of Major Food Poisoning Outbreaks
- Serious accident investigations (including those involving fatalities)
- Major Land Development Projects (eg West Park)
- Investigations into potential Illegal Meat Crime
- Imported Food Control
- Enforcement of Unauthorised Gypsy Encampments
- Food Sampling
- Investigations into complaints of statutory nuisance i.e. noise, dust, odour, smoke

- Contaminated Land
- Air Quality
- Pollution Control

## Appendix A

**Air Pollution** - Including air quality, radiation and asbestos. Inspection of Part B installations, monitoring and analysis of air quality in the area, investigation of complaints such as open burning, odour nuisance and Clean Air Act Enforcement etc.

**Contaminated Land** - Implementation of the Council's Contaminated Land Inspection Strategy for identifying, inspecting and assessing and remediation of contaminated land within the Borough, maintenance of historical land use register, provision of advice on developments, investigation of complaints and gas monitoring of closed landfill sites.

**Environmental Advice** - Provision of advice to the public, advising Planning Section on environmental issues such as noise and contaminated land etc in connection with planning applications, environmental search requests and response to consultations from the Environment Agency.

**Food Safety** - Inspection of all food premises for compliance with food hygiene requirements. Investigation of complaints about food and food premises and providing advice to food businesses. Conducting food sampling surveys and responding to food alerts issued by the Food Standards Agency. Investigate cases of infectious disease/suspect food poisoning including outbreak situations.

**Gypsies and Travellers** – implement the Council’s unauthorised encampments policy

**Health & Safety at Work** – Environmental Health are the enforcing authority for a wide range of commercial premises for compliance with workplace safety. Investigation of accidents, complaints about workplace conditions and providing information and advice to business. Enforcement of Smoke-free premises and Smoke-free Vehicles Legislation. We work in partnership with the HSE, who are the enforcing authority for industrial workplaces in the area.

**Pest Control** - Investigation of complaints and enforcement action to deal with rats and mice. A treatment service is also available.

**Nuisance Control and Public Health** - Investigation of complaints, provision of advice and monitoring regarding nuisances - noise, fly tipping and accumulations of refuse on private land, blocked drainage associated with business premises, filthy and verminous premises, contaminated watercourses and other public nuisances.

**Respond to Consultations** - Enforcement of licensing for petroleum, skin piercing, pet shops, riding schools, dog breeding, animal boarding establishments, caravan sites. Respond to consultations from the planning section. Respond to consultations from the Licensing Section as a "responsible authority".

**Drinking Water** -Implement a programme of sampling mains water, private water supplies and natural mineral water to monitor bacteriological and chemical quality.

**Public Event Safety Advisory Group**- Facilitate the operational effectiveness of a multi agency group representing Regulators (emergency services and Council) in Darlington.

## A Balanced Approach

Environmental Health enforce over 25 separate statutory provisions and have taken a range of enforcement actions where businesses and individuals have failed to comply with the law:

- Officers seized 7 illegal sheep carcasses from a local butcher. The meat was subsequently condemned by magistrates and destroyed. The proprietors of the business were fined over £2000 and costs awarded to the Council.
- The owner of a local café failed to comply with officers' requirements to provide hand washing facilities in his premises. After ignoring two warnings the owner was prosecuted and fined £1200 with £600 cost being awarded to the Council.
- Following a routine inspection a Chinese takeaway was issued with a formal caution for failing to maintain hygiene standards.
- A small supermarket is currently awaiting prosecution on 7 charges of selling food that was beyond its use by date.
- A bakery is also awaiting prosecution for selling a biscuit containing a metal weight. The biscuit was purchased by a lady for her small son, the child could easily have choked.
- Since the introduction of the Smoke Free legislation officers have carried out over 1400 visits to premises, giving a current compliance rate of 98%.
- In 2007 officers received 40 complaints regarding 13 unauthorised gypsy encampments. Officers followed the Councils enforcement procedures, serving 7 direction notices and ensuring that the occupants were dispersed. In both 2005 and 2006 officers took similar action against 15 illegal gypsy encampments serving a total of 14 direction notices.
- Prosecution of a waste site for a dark smoke offence from an industrial bonfire.
- Statutory legal notices are served on a regular basis to abate statutory nuisances such as noise, to remove refuse accumulations from private land, prevent the harborage of rats and mice and to clean filthy and verminous premises.

However, the work carried out by Environmental Health is not solely enforcement:

a) The National Clean Air Award is a countrywide scheme giving employers recognition for introducing smokefree policies in order to protect their employees from the effects of second hand smoke.

An officer from Environmental Health assisted businesses to develop and implement smoke free policies, and ensured that businesses got the award. Between June 2006 and June 2007, 33 businesses achieved a National Clean Air Award with our help and many other businesses had been given advice, which helped prepare them for the implementation of the smokefree legislation in July 2007.

Some of the larger employers we helped to achieve an award include: Capita Business Services, Lingfield Point; Argos Distribution Centre, Faverdale; Whessoe Oil & Gas Ltd, Morton Palms. A number of smaller businesses were also approached, including: Café Valente, and Tangles Hair Salon, Post House Wynd; and Catkins Coffee Shop, Houndgate Mews.

b) This division has developed and promoted healthy eating award schemes for clients such as hospitals, schools and other companies employing a total of over 6000 staff. As a result Darlington Borough Council has reviewed its own catering menus which now successfully promote and retail large amounts of fresh fruit and healthier food options in its catering outlets and schools.

c) We support flourishing food projects in Darlington including Community Cafes staffed by previously unemployed people who receive food hygiene, catering and business training as well as providing affordable prepared food to the local community, these include Maidendale House and the Railway Café scheme.

d) Local Community Enterprise development is proving successful with community groups in identified areas of need operating catering businesses for their local community and town wide. We have developed support training workshops for these groups and forged partnerships with local colleges to enhance sustainability and reduce cost to voluntary sector groups

e) Food Hygiene courses have been grounded in some secondary schools and 6<sup>th</sup> Form Colleges and we have already delivered support work at the Education village, Sure Start and Darlington College.

f) Darlington has participated in National Food Safety Week for the past 10 years, delivering town wide campaigns including BBQ safety and children's hand washing campaigns.

g) We have delivered workshops for private nursery providers, after school care clubs and youth groups. This is perceived as partnership working with recognised and existing key players.

h) In 2006/07 the section, along with the other local authorities in the Tees Valley, secured over £0.5 million in funding from Central Government to provide training on new food hygiene legislation. This ensured that 325 small businesses in Darlington alone received free training. The benefits of this training can clearly be seen in the improvements in premises and their hygiene "star" rating.

i) The provision of advice on a range of issues to all stakeholders including businesses and members of the public resulting in problems being resolved informally without the need to take enforcement action. For example the investigation of odour complaints from residents of Middleton St George with regard to stockpiles of sewage sludge in which Environmental Health successfully persuaded Northumbrian Water to take action to abate the problem.

j) In 2007 the Pollution Section dealt with the risk assessment and remediation of 28 former Brownfield sites under the planning regime to ensure that the site is suitable for its future intended use. This included the Deanery Court housing development on the site of the former Parkin Ness Chemical Works at Mowden and the housing redevelopment on the site of the former Kirklee Petrol Service Station.

k) Darlington has regularly taken part in National Noise Action Week delivering campaigns with regard to neighbour noise, loud music, and delivery noise etc.

## **Conclusion**

Many of the services provided by Environmental Health are statutory functions and the Council is legally obliged to carry out these functions.

Environmental Health Section front line staff are a natural gateway for community engagement. Not only are officers responsible for protecting the health, safety and well being of the community as a whole, including many vulnerable groups in the town such as sick and elderly people in care homes and hospitals and young people in pre school care facilities, nursery units and care in the community homes, but they also ensure that the environment in which the community lives is controlled in terms of land contamination, air pollution, noise etc.

A reduction in the number of front line staff could have serious consequences in the ability to provide such a service, which in the worse case scenario could lead to serious ill health, injury or even death.

Officers welcome the opportunity to consult on these proposals and we can provide alternative ways to reduce the budget and save front line posts. We are willing to meet with senior officers and members to discuss these proposals