

MEETING: CABINET MEMBER - ENVIRONMENTAL  
DATE: Wednesday 6 April 2011  
TIME: 12.00 pm  
VENUE: Town Hall, Southport (video conferenced Town Hall, Bootle)

Councillor

DECISION MAKER: Tattersall  
SUBSTITUTE: Booth

SPOKESPERSONS: Dutton Hardy

SUBSTITUTES: Ibbs Friel

COMMITTEE OFFICER: Ruth Appleby  
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an \* on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

# AGENDA

Items marked with an \* involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1.	<b>Apologies for Absence</b>		
2.	<b>Declarations of Interest</b> Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.		
3.	<b>Minutes of the Meeting held on 12 January 2011</b>		(Pages 5 - 10)
* 4.	<b>Bus / Taxi Framework Arrangement</b> Report of the Operational Services Director	All Wards;	(Pages 11 - 16)
* 5.	<b>Award of Contract - Recycling Collection Services</b> Report of the Operational Services Director	All Wards;	(Pages 17 - 26)
6.	<b>Commercial Clinical Waste</b> Report of the Operational Services Director	All Wards;	(Pages 27 - 32)
7.	<b>Charging Policy - Wheeled Bins</b> Report of the Operational Services Director	All Wards;	(Pages 33 - 38)
8.	<b>Green Waste (Composting) - Extension of Existing Arrangements</b> Report of the Operational Services Director	All Wards;	(Pages 39 - 42)
9.	<b>Flood and Coastal Erosion Risk Management</b> Report of the Environmental and Technical Services Director	All Wards;	(Pages 43 - 52)
10.	<b>Environmental Portfolio Fees and Charges</b>	All Wards;	(Pages 53 - 58)

Report of the Environmental and Technical  
Services Director

- |  |            |                      |
|--|------------|----------------------|
| <b>11. Interim Animal Feed Plan 2011/12</b>  | All Wards; | (Pages 59 -<br>72)   |
| Report of the Environmental and Technical<br>Services Director                               |            |                      |
| <b>12. A Framework for the Delivery of Services in<br/>Animal Health and Welfare 2011/12</b> | All Wards; | (Pages 73 -<br>106)  |
| Report of the Environmental and Technical<br>Services Director                               |            |                      |
| <b>13. Age Restricted Sales Update 2010/2011</b>   | All Wards; | (Pages 107 -<br>112) |
| Report of the Environmental and Technical<br>Services Director                               |            |                      |

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**THE "CALL-IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY, 26 JANUARY 2011. MINUTE NOS. 79(2), 80(1), 83 AND 85 ARE NOT SUBJECT TO "CALL-IN".**

## **CABINET MEMBER - ENVIRONMENTAL**

### **MEETING HELD AT THE TOWN HALL, SOUTHPORT ON WEDNESDAY, 12 JANUARY 2011**

PRESENT: Councillor Tattersall

ALSO PRESENT: Councillors Dutton and Hardy

#### **76. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **77. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **78. MINUTES**

RESOLVED:

That the Minutes of the meeting held on 17 November 2010 be confirmed as a correct record.

#### **79. RECYCLING COLLECTION SERVICES**

Further to Minute No. 69 of 17 November 2010, the Cabinet Member considered the report of the Operational Services Director on the outcome of evaluating pre-qualification questionnaires (PQQ) and the revised schedule for invitation to tender and seeking approval to extend the current interim recycling collection service arrangement, to reflect the timescale for anticipated award and commencement of the new recycling service contract.

The report indicated that a decision was required to ensure that appropriate contractual arrangements were in place for the provision of recycling collection services.

RESOLVED: That

- (1) the outcome of the PQQ stage of the accelerated restricted tendering process and the revised timetable for the remaining elements of this process, be noted; and
- (2) the Cabinet be recommended to agree to extend the current interim arrangement to reflect the revised timetable for award and commencement of a new recycling collection contract.

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## **80. COMMERCIAL WASTE CHARGES**

The Cabinet Member considered the report of the Operational Services Director seeking approval for the proposed commercial waste collection charges that would apply from 1 April 2011 onwards.

RESOLVED: That

- (1) the Cabinet be recommended to agree the Commercial Waste Service fees and charges identified in the report for use from 1 April 2011 onwards; and
- (2) a decision on the Commercial Clinical Waste Service be deferred, pending further clarification.

## **81. SPECIALIST TRANSPORT BUS AND TAXI FRAMEWORK CONTRACT - ACCELERATED RESTRICTED PROCEDURE**

The Cabinet Member considered the report of the Operational Services Director requesting approval to use an accelerated restricted procedure and obtain delegated authority to invite tenders following an evaluation of the pre-qualification questionnaires (PQQ) stage of the process, for procurement of a new Bus and Taxi framework contract.

The report indicated that a decision on this was required to ensure that contractual arrangements were in place for the continuing provision of specialist transport services.

RESOLVED: That

- (1) the use of an accelerated restricted procurement procedure to establish a new Bus and Taxi framework contract be approved; and
- (2) the Operational Services Director be authorised to invite tenders for a new Bus and Taxi framework contract following evaluation of the PQQ under an accelerated restricted procurement process.

## **82. PUBLIC CONVENIENCES - UPDATE**

Further to Minute No. 17 of 1 July 2009, the Cabinet Member considered the report of the Operational Services Director on the current situation in relation to the facilities that made up the Operational Services Department's Public Convenience portfolio.

RESOLVED: That

- (1) the information contained in the report be noted; and
- (2) it be agreed that the public conveniences in Formby (at The Cloisters) and in Southport (Market Street) be declared surplus to

the requirements of the Operational Services Department at the end of March 2011.

### **83. AWARD OF CONTRACT - GREEN WASTE (COMPOSTING)**

The Cabinet Member considered the report of the Operational Services Director on the award of the Green Waste (Composting) Contract to establish an outlet for compostable waste collected during the period 1 April 2011 to 31 March 2013.

RESOLVED:

That the Cabinet be recommended to agree the award of tendered bid number 1 for the period 1 April 2011 to 31 March 2013, with an option to exercise an additional one year extension, subject to satisfactory performance.

### **84. HIGHTOWN SEA DEFENCES - PHASE 2 - SELECTION OF PREFERRED CONTRACTOR**

Further to Minute No. 243 of the Cabinet meeting of 17 December 2009, the Cabinet Member considered the report of the Environmental and Technical Services Director on the selection of a preferred contractor for Phase 2 of the Hightown Sea Defences project.

The report indicated that early contractor involvement was required to assist and 'buy in' to methods associated with environmental and ecology matters.

RESOLVED: That

- (1) the progress in contractor selection be noted; and
- (2) the appointment of Birse Coastal of Tadcaster as the preferred contractor for Phase 2 of the Hightown Sea Defences project, be endorsed.

### **85. LOCAL FLOOD RISK MANAGEMENT**

The Cabinet Member considered the report of the Environmental and Technical Services Director seeking approval to start implementing new duties in relation to local flood risk management; and indicating that a decision on this matter was required as recent legislation had placed such new duties on the Council.

The report indicated that the Flood and Water Management Act 2010 (the Act) was introduced last Spring and that it would have a phased commencement; that it would place a number of new duties on local authorities along with a general duty to provide a leadership role in relation to flooding from all sources; that it should be noted that other relevant authorities such as Water Companies would have a duty to co-operate

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with the Council as the Council discharged this leadership role; and that DEFRA (the Department for Environment, Food and Rural Affairs) wrote to all Councils on 16 September 2010 to advise them that various elements were commencing on 1 September and 1 October 2010 and that the Government was working towards commencing most other parts of the Act by April 2011.

The report also indicated that it had not been possible at this time to determine the financial implications arising from the new burdens under the Act in relation to staff resources; that the Government had made it clear that local authorities would need to think now about what was necessary to make sure the skills and capacity were in place for the strategy preparation processes in order to take advantage of funding and guidance when it was made available in 2011; and concluded that, given the uncertainty relating to resource need and future structures for Council Services, it was not appropriate at this time to request formal inclusion in the Council's budget process but that it was appropriate to ask the Cabinet Member to:

- note the Government's intention to place additional duties on the Council as a Lead Local Flood Authority;
- note the Government's grant allocation within the Local Government Settlement of £121,000; and
- note the need for resources to be included in future budgets to deliver these new burdens and for the provision of a client function.

RESOLVED: That

- (1) the Government's intention to place additional duties on the Council as a Lead Local Flood Authority, be noted;
- (2) the Government's grant allocation within the latest Local Government Settlement of £121,000, be noted; and
- (3) the need for resources to be included in future budgets to deliver these new burdens and for the provision of a client function, be noted.

## **86. SEFTON COAST ADAPTATION STUDY**

Further to Minute No. 24 of 29 July 2009, the Cabinet Member considered the report of the Environmental and Technical Services Director on the Coast Adaptation Study which detailed a number of recommendations for the management of the coast to ensure that Sefton would be in a position to manage coastal change and climate change in the future.

RESOLVED: That



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- (1) the Coast Adaptation Study be noted; and
- (2) the continuation of the approach whereby the coastal defence team promotes the recommendations of the Study with other partners and undertakes to review the Study at appropriate intervals, be approved.

## **87. REGIONAL COASTAL MONITORING PROGRAMME - SINGLE TENDER PROCUREMENT - WAVE BUOYS**

The Cabinet Member considered the report of the Environmental and Technical Services Director seeking approval to procure two Wave Rider Directional Wave Buoys from RS Aqua Limited as part of the Environment Agency-funded North West Coastal Monitoring Programme.

The report indicated that it was necessary to waive the Council's contracts procedure rules and proceed with a single tender procurement because the specialist wave rider equipment was only manufactured by one company in Europe (Datawell in the Netherlands) which was exclusively represented by RS Aqua Limited of Alton, Hampshire.

RESOLVED: That

- (1) the Council's contracts procedure rules be waived to facilitate a single tender procurement; and
- (2) the wave buoys be procured from RS Aqua Limited.

## **88. REGIONAL COASTAL MONITORING PROGRAMME - INSTALLATION AND DEPLOYMENT OF WAVE BUOYS**

Further to a Minute No. 87 above, the Cabinet Member considered the report of the Environmental and Technical Services Director seeking approval to contract with New Forest District Council to undertake the installation and deployment of the wave buoys, using its own established contractor, EMU, a specialist maritime operator.

The report indicated that approval was required to waive the Council's contracts procedure rules and proceed with the appointment of another coastal Authority, namely New Forest District Council (as permitted by Section 13 of the Flood and Water Management Act 2010), to undertake the appropriate works on Sefton Council's behalf.

RESOLVED:

That, subject to Minute No. 87(2) above, the Council's contracts procedure rules be waived to allow the appointment of New Forest District Council and its contractor EMU, to install and deploy the wave buoys.

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# Agenda Item 4

**REPORT TO:** Cabinet Member – Environmental  
Cabinet

**DATE:** 6<sup>th</sup> April 2011  
14<sup>th</sup> April 2011

**SUBJECT:** Bus / Taxi Framework Agreement

**WARDS AFFECTED:** All

**REPORT OF:** J G Black  
Operational Services Director  
Tel: 0151 288 6311

**CONTACT OFFICER:** Andrew Walker  
Assistant Director - Operational Services  
Tel: 0151 288 6159

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

Members considered an original report on 10<sup>th</sup> June 2010 seeking to obtain approval to extend the current Bus Route Framework Agreement for an additional 12 months to September 2011 to coincide with the expiry of the Taxi Framework Agreement. A procurement process has now been undertaken via OJEU to obtain proposed bus and taxi costs to the Council with effect from September 2011.

**REASON WHY DECISION REQUIRED:**

To provide an ongoing service for the transportation of vulnerable residents by external bus and taxi companies and to be able to effectively budget for such expenditure over the coming two years.

**RECOMMENDATION(S):**

That Cabinet Member:

1. Notes the pricing framework procured through the tendering process and recommends that Cabinet approves the future use of this pricing framework.

That Cabinet:

1. Notes and accepts the pricing framework procured through the tendering process.
2. Permits the Specialist Transport Unit to plan and award routes accordingly in the most financially advantageous manner to the Council using the new pricing framework, with effect from September 1<sup>st</sup> 2011.

**KEY DECISION:** Yes

**FORWARD PLAN:** Yes

**IMPLEMENTATION DATE:** With effect from 1<sup>st</sup> September 2011.

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**ALTERNATIVE OPTIONS:** None

## IMPLICATIONS:

**Budget/Policy Framework:** Adoption of the proposed Framework Agreement will assist in reducing overall transport related expenditure by commissioning bodies within Sefton Council.

**Financial:** Whilst it is expected that substantial savings will result from the acceptance of this Framework Agreement, it is not yet possible to quantify these savings. This can only be done after completion of the route optimisation, staffing and operational reviews currently being undertaken within the Specialist Transport Unit. A further financial report will be presented in September/October 2011.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** An OJEU tendering process has been undertaken with all appropriate legislative requirements followed. This has resulted in a framework of prices for both bus and taxi hire which is presented within this report. LD No. LD95/11

**Risk Assessment:** The procurement, in advance, of fixed prices for bus and taxi hire through a competitive process both reduces the potential spend by the Council and protects the Council from the effects of increasing costs for the duration of the framework agreement.

**Asset Management:** Not Applicable.

## CONSULTATION UNDERTAKEN/VIEWS

Finance Section – Corporate Purchasing Unit - No comments. FD No. FD732/2011

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## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

### LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Bus/Taxi Framework Agreement Report – Cabinet July 2010

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## Background

1. During 2010/11 the Specialist Transport Unit (STU) utilised 32 in-house vehicles of varying sizes and ages. These covered 30 routes on a daily basis, utilising 45 drivers and 220 passenger assistants. The STU also subcontracted 91 buses and between 175 and 190 taxi and Private Hire vehicles due to the changing requirements of users. In addition, the external contractors also supplied some 40 passenger assistants.
2. Within Sefton there have previously been separate framework agreements in place for busses and taxis. The current Bus Route Framework Agreement was set up in 2005 and is scheduled to end on August 31<sup>st</sup> 2011. The current Taxi Framework Agreement was set up in 2009 and is also scheduled to end on August 31<sup>st</sup> 2011.
3. The annual expenditure for hired taxis is circa £1.25 million, and for hired buses circa £2.75 million, equating to a total annual expenditure of almost £4 million. This level of expenditure required that an OJEU competitive tender process was undertaken to allow potential contractors to offer transport prices for the range of vehicles necessary to meet the specialist transport requirements in Sefton.

## The Tender Process

4. The NWCE Chest Portal was used by Corporate Purchasing Unit for prospective contractors to register their interest in the tender process, and then to undergo a Pre-Qualification Questionnaire (PQQ). Those contractors who were deemed to have the necessary abilities to meet the operational and financial requirements of the tender were then issued with an Invitation To Tender (ITT). Tenders submissions which were then received from companies within the necessary timescales were subsequently evaluated accordingly.
5. A total of 33 contractors registered an interest via the NWCE Chest Portal. 22 contractors were then successful at PQQ stage and subsequently submitted tender prices. 17 of the successful contractors who submitted prices are based in Sefton.
6. Contractors were invited to submit a price per mile for the provision of a range of vehicles. The tender document was therefore split into four areas or 'lots'.
  - Lot 1 required a price per mile for a vehicle licensed to carry up to 5 passengers. These vehicles would typically be saloon cars and hackney cabs.
  - Lot 2 required a price per mile for a vehicle licensed to carry up to 8 passengers. These vehicles would typically be 'people carriers'.
  - Lot 3 required a price per mile for a vehicle licensed to carry up to 16. These vehicles would typically be the 'ambulance' type vehicles currently seen transporting passengers in Sefton.
  - Lot 4 required a price per mile for a vehicle licensed to carry 17+ passengers. These vehicles would typically be 'coaches' of varying sizes up to a capacity of 52 passengers.
7. An example workload of some 300 routes were created for inclusion within the tender documentation. This information contained a range of seating profiles and capacity splits across the full spectrum of potential requirements. Routes totalling 10 miles,

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20 miles, 30 miles, and over 31 miles were also included across all seating and capacity splits. This enabled contractors to include all potential factors which may have affected their price proposals prior to arriving at their cost per mile bids.

8. Contractors were also invited to submit a cost per hour for the provision of Passenger Assistants based on an example annual work load of 44,500 hours.
9. The tenders have been evaluated based on a 'Quality' score for each contractor representing 20% of available points, and the 'Cost' element representing 80% of available points. All contractors awarded work within this framework agreement become 'Approved Suppliers' within the agreed and accepted Terms & Conditions. These include defined service level standards, and also specific policies relating to the safeguarding of any vulnerable adults and children transported.

## Proposed Framework Agreement

10. The prices tendered by potential contractors are shown below. Additional information has been supplied including minimum charge rates, passenger assistant hourly rates and vehicle types which will be used to allocate routes accordingly.

CONTRACTOR	PRICE PER MILE Lot 1 – Vehicle up to 5 passengers	PRICE PER MILE Lot 2 – Vehicle up to 8 passengers	PRICE PER MILE Lot 3 – Vehicle up to 16 passengers	PRICE PER MILE Lot 4 – Vehicle 17+ passengers	Wheelchair Accessible Vehicles
<b>A</b>		£2.00			N
<b>B</b>	£1.77	£1.77	£1.99	£2.29	Y
<b>C</b>	£1.20	£1.50			Y
<b>D</b>	£1.45				Y
<b>E</b>	£1.40				N
<b>F</b>		£3.20	£3.40	£6.00	N
<b>G</b>	£1.45	£1.80	£2.50		Y
<b>H</b>	£1.73	£1.86	£2.16	£2.73	N
<b>I</b>	£2.00	£2.00	£2.00		N
<b>J</b>		£1.82	£1.96	£3.52	Y
<b>K</b>	£2.50	£2.75	£2.90		Y
<b>L</b>		£1.00	£1.25		Y
<b>M</b>	£1.20	£1.80			N
<b>N</b>	£4.00	£5.00	£6.00	£7.50	Y
<b>O</b>	£1.10	£1.14	£1.44	£1.84	Y
<b>P</b>	£1.50	£1.50			Y
<b>Q</b>	£1.35	£1.50			Y
<b>R</b>	£1.70	£2.00			Y
<b>S</b>	£1.94	£2.24	£2.74	£3.14	Y
<b>T</b>	£2.30	£2.30	£2.70		Y
<b>U</b>		£1.70	£1.90	£2.30	N
<b>V</b>		£2.00	£2.50	£3.50	Y

11. The acceptance of this framework agreement guarantees no specific volume of work to any individual contractor. It does however allow the Specialist Transport Unit to produce price-based tables for each specific mode of transport. The cheapest

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available contractor can then be selected for each individual journey irrespective of journey time, distance or type of vehicle.

12. This new tender process methodology has provided a framework of proposed service costs which are actually less than those currently being operated. There will therefore be substantial savings generated by the adoption of this framework agreement. These savings will be further enhanced through the route optimisation process currently being undertaken by the Specialist Transport Unit following the implementation of the new planning software known as 'Cleric'.
13. The full extent of the savings to be generated via this new tender process methodology, coupled with the route optimisation exercise, and an internal staffing, restructuring and operational review will be calculated prior to the implementation of this new framework agreement on September 1<sup>st</sup> 2011. It is therefore proposed to present a full financial review and report for the Specialist Transport Unit to Cabinet in September/October 2011.



# Agenda Item 5

**REPORT TO:** Cabinet Member – Environmental  
Cabinet

**DATE:** 6 April 2011  
14 April 2011

**SUBJECT:** **AWARD OF CONTRACT – RECYCLING  
COLLECTION SERVICES**

**WARDS AFFECTED:** All Wards

**REPORT OF:** J G Black  
Operational Services Director

**CONTACT OFFICER:** Jim Black  
0151 288 6133

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To determine the scope of Recycling Collection Services and to establish appropriate contractual arrangements for the provision of the services during the period 1<sup>st</sup> August 2011 to 31<sup>st</sup> July 2016.

**REASON WHY DECISION REQUIRED:**

To recommend and agree the scope for recycling collection services and award a contract for the provision of recycling collection services for the period 1<sup>st</sup> August 2011 to 31<sup>st</sup> July 2016.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental considers the information presented and recommends;

- i the scope of recycling collection service to be provided in future.
- ii that a contract be awarded to Tenderer D to reflect the agreed scope of service.
- iii that Cabinet agrees the level of savings arising from this decision, and if necessary, consider any growth required in future years as Local Authorities will be required by statute to separately collect plastic and cardboard from 2015 onwards.

That Cabinet;

- i approve the scope of recycling collection services that will form the basis for a contract, as recommended by the Cabinet Member – Environmental.
- ii agree to award a contract to Tenderer D for the provision of the recycling collection services for the period 1<sup>st</sup> August 2011 to 31<sup>st</sup> July 2016, with the option to extend the contract period up to a maximum of 2 years, subject to satisfactory performance.
- iii agree the level of savings arising from this decision, and if necessary, consider any growth required in future years.

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<b>KEY DECISION:</b>	Yes
<b>FORWARD PLAN:</b>	Yes
<b>IMPLEMENTATION DATE:</b>	Following the expiry of the 'call-in' period for the Minutes of this meeting

<b>ALTERNATIVE OPTIONS:</b>
None, due to the value of the recycling collection services contract a formal arrangement must be established in accordance with European and UK procurement legislation.
<b>IMPLICATIONS:</b>
<b>Budget/Policy Framework:</b>

## Financial:

The tendering process will achieve a significant saving against the future estimated budget allowed for the provision of recycling collection services. The amount saved will ultimately be governed by the scope of the new contract, the lowest (full year) saving could be £600k should an enhanced service be chosen, or as much as £1.6m (full year) if members opt to maintain the current service levels. Members should be mindful that if a decision to defer moving to an enhanced service is made and the maximum saving taken budget growth will be required in future, from the point at which an enhanced service is agreed. Local Authorities will be required by statute to separately collect plastic and cardboard from 2015 onwards.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>	<b>2014/ 2015 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Prudential Borrowing				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	(pro-rata) See above	See above		
Funded by:				

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Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** N/A

**Risk Assessment:** None

**Asset Management:** N/A

## CONSULTATION UNDERTAKEN/VIEWS

**Legal LD80/11 – The Acting Head of Corporate Legal Services has been consulted and his comments have been incorporated in the report.**

**Finance FD709 – The Head of Corporate Finance & ICT has been consulted and her comments have been incorporated into this report.**

**Overview & Scrutiny – Regeneration & Environmental Services**

## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability	√		
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

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## **LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

Previous reports on this subject to Cabinet Member – Environmental, Cabinet and Overview & Scrutiny Committee (Regeneration & Environmental Services)

## Background

1. The current arrangement for the provision of the dry recycling collection service (including food waste) and bring sites was established in February 2010, when the previous contractor entered into administration. This interim arrangement has enabled recycling collection services to continue to be provided whilst the Council conducts a formal procurement process to establish a new contractual arrangement. The interim arrangement is in place until 31<sup>st</sup> July 2011 to provide a reasonable mobilisation period following a formal award of contract.
2. A significant number of vehicles were purchased, via external capital funding provided by the Department of Food and Rural Affairs (Defra), and were made available to the previous Contractor for use on the initial dry recycling collection contract when it commenced in 2004. A new fleet of vehicles will be required for the new contract. It was reasonable to assume that the cost of the new contract would be significantly more than the current arrangement and therefore £1.9m was initially incorporated into the forecast budget via the medium term financial plan (MTFP), this was later reduced via the efficiency savings exercise to £1m.
3. Due to the nature and the scale of the procurement exercise to explore the scope of the service(s) to be procured, produce complex tender documents, determine timescales, manage the project and establish a robust method for evaluating tenders, it was established and agreed that a consultancy experienced in all aspects of the procurement process and more importantly the provision of recycling services would be required to assist with this project.

## Scope of the Contract

4. Due to concerns about the overall cost of providing recycling collection services in future it was established that the new contract would include the following elements, as priced options;
  - Option 1 - 'Core Service'; the weekly collection of recyclable materials, as per current service (including food), directly from households.
  - Option 2 - provision of a 'Bring Site Service' e.g. collection, emptying of containers and cleanliness of the sites
  - Option 3 - the addition of 'Plastic' to the core service
  - Option 4 - the addition of 'Cardboard' to the core service
  - Option 5 - Core with plastic & cardboard added plus Bring Site Service

Breaking the service into the above elements provides the Council with the opportunity to determine the level of service that can be funded and therefore the scope of the contract that will be awarded.

5. Following informal market consultation with prospective bidders, it was determined that a contract period of five years would be the most viable option upon which tenderers could bid, as this represents a reasonable period for depreciating vehicle costs. A shorter contract period would over-inflate tendered prices. The contract upon which tenders have been invited is for five years,

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commencing on the 1<sup>st</sup> August 2011 through to 31<sup>st</sup> July 2016, with an option to extend for up to 2 years to 31<sup>st</sup> July 2018, subject to satisfactory performance and at the Council's discretion.

## Procurement Process

6. Due to the anticipated cost of the contract for recycling collection services Sefton is obliged to conduct a formal tendering exercise, in accordance with European and UK procurement legislation. Operational Services staff has liaised closely with colleagues in the Finance Department's Central Purchasing Unit and Legal Services throughout the formal procurement process.
7. It was established that an accelerated restricted process would be used. This is a 2-stage process that is carried out via reduced timescales as the process is administered electronically. The first stage invites interested companies to submit a pre-qualification questionnaire (PQQ). These are then evaluated to determine a shortlist of companies to be invited to tender (ITT) at the second stage of the process.
8. Delegated Authority was granted to the Operational Services Director to invite tenders following evaluation of PQQ's. Twelve PQQ's were received and following evaluation the following 5 companies were invited to tender;
  - Acumen
  - Brysons
  - Enterprise
  - HW Martin
  - Palm Recycling

## Tender Evaluation

9. Tenders were received from all of the above however Legal advised that one of the tenders received was invalid and therefore should not be evaluated. The tenderer concerned will be notified immediately following approval to award the recycling collection services contract.
10. The remaining tenders were evaluated in accordance with the details stated in the contract documents. The evaluation was assessed on a price/quality basis with a 60/40 weighting.
11. The four valid tenders were first analysed in respect of price. A formula developed by the consultancy, who co-ordinated and facilitated the production of the contract documents and the evaluation exercise, was applied to transform the prices into scores, see Appendix A.
12. All four tenders were also scored in respect of quality, based on assessment of the following criteria:
  - Service Delivery 12%
  - Technical Solution 20%

# Agenda Item 5

- Innovation 5%
- Compliance with Council Policy 3%

13. Evaluation was conducted, over a period of two weeks, by officers in the Operational Services Department and also by the consultancy. The following specific aspects of tenders were considered for compliance and/or quality by colleagues in other sections/departments, as follows;

- Health and Safety (Health Unit/Personnel)
- Legal and Contractual issues (Corporate Legal Services)
- Tendered Sums (Finance)

14. Following the above, a moderation exercise was conducted to determine the overall evaluation of tenders received. Staff from Operational Services, Finance (Central Purchasing) and representatives from the consultancy formed the moderation panel. The panel received feedback on the first day of moderation from Legal in relation to contractual compliance and other legal matters and from Finance in relation to their initial evaluation of tendered prices. The Health Unit conducted a joint evaluation of this specific aspect of tenders with the Cleansing Manager. The findings were considered along with individual assessments of Health and Safety submissions, by the panel.

15. The panel considered the individual scores awarded in relation to 'quality' and a moderated score for each element of the above criteria (stated in 12 above) was agreed. The moderated scores were incorporated into an overall scoring template and the outcome of this can be seen in Appendix A.

16. A full financial assessment has been undertaken to determine the viability of the lowest tendered price for all options.

17. The option to enhance the current service by adding plastic and cardboard can be contained within the forecast budget. However the cost of adding these materials is still significant at around £1.1m per year. Whilst the inclusion of plastic and cardboard will increase recycling tonnages and divert this waste from landfill it will not produce a major increase in the recycling percentage rate, nor is such an increase necessary at this time.

18. There is currently no statutory requirement to collect plastic and cardboard although it is required from 2015 onwards. Therefore the Council has time to consider what would be the most viable and affordable way of collecting these materials in the future to comply with any legislative requirement.

19. Should the Council opt to continue with the present level of service for kerbside collection, without enhancement (option 1) the level of savings available would be £1.6m per full year. However should the Council opt to enhance the service (option 5) by adding the collection of plastic and cardboard at the start of the contract then the level of saving available would reduce to £600k per full year. However in making this decision and taking the maximum saving now it should be noted that budget growth would be needed in later years to allow for the future collection of plastic and cardboard.

# Agenda Item 5

20. Should the choice be made to defer a move towards enhancing the service an alternative method for collecting plastic and cardboard could be explored in the future. An example is 'co-collection' this may involve providing a third wheelie bin into which plastic and cardboard and other recyclates could be placed (mixed together) and then taken to a Merseyside Waste Disposal Authority site for sorting.
21. Work was carried out during the evaluation process to assess the lowest tenderer's ability to provide the same level of service that is currently provided, i.e. Core Service plus Bring Sites (Options 1 & 2 only) at a much lower price than other tenders. A financial exercise was carried out to project expenditure likely to be incurred by the contractor based on tender information submitted. The exercise also projected the level of income likely to be achieved from contractual payments and the sale of recyclable materials. Whilst the price tendered is significantly low the financial exercise would suggest that this tender is viable and should produce a profit for the contractor. The Council can therefore have confidence that in choosing Tenderer D the saving for continuation of the current service (option 1 & 2) would realize the full year saving of £1.6m identified in this report.
22. A confidential briefing session was conducted on the 8<sup>th</sup> March 2011 with members of the Overview and Scrutiny Committee – Regeneration and Environmental Services, Cabinet Member – Environmental (and spokespersons) and Leaders or their representatives to obtain their views about the scope of service to be provided in future.
23. The highest evaluated total score(s) for the provision of recycling collection services is shown in appendix A. It is important to note that the highest total score(s) is the combined weighted percentage for price (60%) and quality (40%).
24. The desktop evaluation scored aspects of the tender submitted by tenderer D lower than other tenders. However, as their tendered price(s) is the lowest across the range of options they do achieve the highest overall score due to percentage weighting.
25. Based on the information provided in this report the Cabinet Member – Environmental is required to recommend the scope of recycling collection services that will be provided in future, via a new contractual arrangement, and to recommend that the contract for recycling collection services be awarded to tenderer D.
26. Cabinet is requested to agree the scope of the recycling collection services contract and to award the contract at the meeting on 14<sup>th</sup> April 2011. Immediately following this meeting all tenderers will be notified of the outcome of tender evaluation and how their tender scored in comparison to the successful tender. A 10-day standstill (Alcatel) period will then provide an opportunity for any challenge to be raised, following which the contract will be formally awarded. The target date for formal contract award is the 26<sup>th</sup> April 2011.





Appendix A – Evaluation Summary

Tender →	TOTAL (100%)				FINANCIAL (60%)				QUALITATIVE (40%)			
	A	B	C	D	A	B	C	D	A	B	C	D
Core & Bring Sites (Options 1 and 2)	50.93	53.67	49.07	<b>77.56</b>	33.15	34.03	32.76	<b>60.00</b>	17.78	<b>19.64</b>	16.32	17.56
Core + Plastics + Card & Bring Sites (Option 5)	62.63	75.94	N/A	<b>77.40</b>	45.92	57.70	N/A	<b>60.00</b>	16.71	<b>18.24</b>	N/A	17.40

Notes;

- The percentage scores quoted above reflect the outcome of a financial and qualitative evaluation.
- Tenderer C did not tender for providing a collection of plastics and/or card.
- Due to the confidential nature of tenders detailed financial information is not included in this table.

# Agenda Item 6

**REPORT TO:** Cabinet Member – Environmental

**DATE:** 6 April 2011

**SUBJECT:** **COMMERCIAL CLINICAL WASTE**

**WARDS  
AFFECTED:** ALL

**REPORT OF:** J G Black  
Operational Services Director

**CONTACT  
OFFICER:** Gary Berwick  
Cleansing Services Manager  
0151 288 6134

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To update the Cabinet Member - Environmental on the statutory position regarding Commercial Clinical Waste collections.

**REASON WHY DECISION REQUIRED:**

To determine the Council's arrangements in relation to Commercial Clinical Waste collections and therefore advise potential customers of the most appropriate arrangements for arranging for the collection and disposal of such waste.

**RECOMMENDATION(S):**

That the Cabinet Member, Environmental agrees the Council should no longer offer to provide a Commercial Clinical Waste service directly but will, if requested to do so, arrange for a Commercial Clinical Waste service to be provided via a suitably licensed external clinical waste collection service.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** Immediately following the call-in period for this meeting

# Agenda Item 6

## ALTERNATIVE OPTIONS:

To use externally provided companies to provide the Commercial collection service.

## IMPLICATIONS:

### Budget/Policy Framework:

### Financial:

The commercial clinical waste income target will be reduced and this will be offset by a reduction to expenditure within the clinical waste service. There would therefore be no overall change to the Council's net budgets.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** Nil

**Risk Assessment:** Nil

**Asset Management:** Nil

## CONSULTATION UNDERTAKEN/VIEWS

The Head of Corporate Finance & ICT has been consulted and her comments have been incorporated into this report. **FD 711 /2011**

## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

## LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None.

# Agenda Item 6

## Background

1. All Councils in England and Wales are obliged to arrange for the collection of domestic clinical refuse if requested to do so, however the Council is not legally obliged to collect commercial clinical waste.
2. In order to advise potential “customers” of the level of charge for 2011/2012 and thus determine the future viability of directly providing a commercial clinical waste collection service, the fee/charge for this service needs to be established. This fee/charge will predominantly be influenced by disposal arrangements and associated costs incurred in order to comply with legislative and environmental requirements.

## Current Position – Classification of ‘Commercial Clinical Waste’

3. To comply with transportation and disposal requirements a European Waste Classification (EWC) code should be used on the documents that relate to the clinical waste being collected, transported and disposed. Two codes exist for classifying such waste, namely EWC 18 and EWC 20.
4. The code EWC 20 is effectively used for non-offensive domestic clinical waste; soiled sanitary pads, dressings and stoma bags that do not present a risk of infection. Whereas code EWC 18 is used for offensive clinical waste considered to be infectious, this waste has to be segregated from non-infectious clinical waste and disposed of by incineration.
5. The problem with commercial clinical waste is that without medical clarification it is appropriate to classify it as EWC 18. Unfortunately the Council does not have an authorised outlet at present for the disposal of commercial clinical waste that falls within EWC 18 and the current arrangements for the disposal of clinical waste that falls within EWC 20 are being reviewed. It is anticipated that all commercial clinical waste will have to be transported to Ellesmere Port from April onwards.
6. As waste within EWC 18 needs to be incinerated it is anticipated that the cost for disposal of all commercial clinical waste will increase. The disposal costs for all commercial waste has to be borne directly by customers, at the moment the Council has a very small (~16) customer base for commercial clinical waste.
7. In order to dispose of EWC 18 waste correctly it will have to be transported to Ellesmere Port directly. This will incur additional costs associated with; transportation, tunnel fees, the type of collection vehicle (segregated waste), training for at least 2 members of staff to comply with carriage of dangerous goods regulations and higher disposal charges.

8.

## **Outcome / Future for Commercial Clinical waste.**

9. Providing the Council can arrange an outlet (Ellesmere Port) for the disposal of all commercial clinical waste (EWC 18 & 20), the cost of providing this collection service will have to be passed onto customers. This would mean a 'new' annual charge for providing a commercial clinical waste collection service of ~£750. When compared to the annual charge of £485 in 2010/11 this represents an increase of more than 50%.
10. If the customer base decreases due to the increased annual charge for this service the resultant cost per customer would increase accordingly. It would be cheaper for the Council to purchase this service directly from the private sector rather than attempt to deliver it directly. If this option is pursued an administration fee would be added to the service providers charge and passed onto the customer.
11. It is therefore more cost effective for customers to arrange the service directly, rather than via the Council, hence the proposal in the Commercial Waste Charges report presented in January to cease to offer this service.
12. The Cleansing section has contacted all current 'commercial' clinical waste customers to explain the position that the Council now finds itself having to deal with. Already a number of customers have indicated that the new price structure is not cost effective for them. This will reduce the 'customer base' further and means that potentially the cost of directly providing a commercial clinical waste collection service will rise inextricably towards £1000 per year.
13. The Cleansing section has also had discussions with a number of private companies including the current clinical waste service provider for the Primary Care Trust. All of these companies have indicated a willingness to provide a clinical waste collection service to any of the Council's current customers for a much lower charge than that which the Council may potentially have to apply.
14. The Cabinet Member – Environmental is therefore recommended to approve that the Council will no longer offer this service directly but will, if requested to do so, arrange for the provision of a commercial clinical waste collection service via a suitably licensed external service provider. The costs incurred by the Council for indirectly providing and directly arranging this service will be recharged to the person or organisation making the request.
15. Subject to approval this arrangement will apply from April 2011 onwards.

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# Agenda Item 7

**REPORT TO:** Cabinet Member – Environmental

**DATE:** 6 April 2011

**SUBJECT:** **CHARGING POLICY – WHEELED BINS**

**WARDS AFFECTED:** ALL

**REPORT OF:** J G Black  
Operational Services Director

**CONTACT OFFICER:** Gary Berwick  
Cleaving Services Manager  
0151 288 6134

**EXEMPT/ CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To provide the Cabinet Member – Environmental with an initial policy that deals with green wheeled bins only, following the Council's decision on 27<sup>th</sup> January 2011, to apply a charge of £10.00 for providing a wheeled bin when requested to do so.

**REASON WHY DECISION REQUIRED:**

To approve an initial policy and approach on charging for green (garden waste) wheeled bins pending a more detailed policy being presented to a future Cabinet Member – Environmental meeting on charging for grey (residual waste) wheeled bins.

**RECOMMENDATION(S):**

That the Cabinet Member - Environmental approves the policy and approach outlined in this report to charge for administering and delivering an additional or replacement green wheeled bin, upon request, from April 2011 onwards.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** Following the expiry of the call-in period for the minutes of this meeting.

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**ALTERNATIVE OPTIONS:**

None – Approved by full Council on 27 January 2011

**IMPLICATIONS:****Budget/Policy Framework:****Financial:**

A budgetary saving of £7,250 has been established, following the decision by full Council to apply a charge for providing wheeled bins. This initial policy sets out procedures to achieve part of the saving that will be identified as an income target for the Refuse Collection (AWC) service.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>	<b>2014/ 2015 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	- 7,250			
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:**

Comments included in report

**Risk Assessment:**

Nil

**Asset Management:** Nil

**CONSULTATION UNDERTAKEN/VIEWS**

The Acting Head of Corporate Legal Services has been consulted and has no comments on this report LD 90/11  
 The Head of Corporate Finance & ICT has been consulted and has no comments on this report. FD727 / 2011

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy			✓
8	Children and Young People		✓	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

None.

**Background**

1. At the Council meeting on January 27<sup>th</sup>, a decision was taken to charge £10.00 for replacing a wheelie bin. An efficiency saving of £7,250, for

# Agenda Item 7

2011/ 2012, via the refuse collection (AWC) services budget has been established.

2. This report sets out a brief initial policy on charging for green (garden waste) wheeled bins only, at this stage, to achieve part of the saving identified.
3. Further work is required, in relation to charging for residual waste bins, to ensure that any future policy does not affect the delivery and credibility of the refuse collection service. The policy will need to consider the impact that will occur should a resident not be able to and/or refuse to pay the charge for administering and delivering a grey wheeled bin. In order to establish a suitable policy, research needs to be carried out to determine best practice, as applied by other Councils. For example; whether concessions will apply, what methods of payment will be accepted and if any exemptions to the policy will be allowed. A report will be presented, to a future meeting, to establish a policy for charging for grey (residual waste) wheeled bins.

## **Charging Policy effective from 1 April 2011.**

4. The Council will from April 2011 onwards apply an 'administration & delivery' charge for dealing with each and every request for a replacement or an additional (second) green wheeled bin. Legal opinion has been sought and it is considered prudent to apply a charge for the delivery & administration of a replacement or additional green wheeled bin. On this basis the Council retains ownership of all wheeled bins provided for participation in the alternating weekly collection (AWC), via grey and green wheeled bins, service.
5. The administration and delivery charge will only apply, at this stage, to replacement and/or second green (garden waste) wheelie bins.
6. A charge will not, at this stage, apply to grey (residual waste) wheeled bins as it has not been determined, at this stage, how the Council will deal with a request from a resident(s) who cannot or will not pay for a replacement grey wheelie bin. The Council's current policy requires residents that receive the AWC service to present their residual or garden waste for collection via the grey and green wheeled bin provided by the Council. If the resident does not have such containers they are unable to participate in this service. An ability to participate in the garden waste collection service is not considered to be as important as an ability to participate in the residual (grey bin) service.
7. To restrict or not deliver a replacement grey bin without a formal policy would leave the Council open to challenge, this is considered given the timescales involved too time consuming at this juncture, and would not be cost effective.

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8. At present the Council can only accept payment by debit or credit card via the contact centre. As a temporary measure (for 2 months) Finance have agreed that cheques can be presented for collection prior to delivery of the replacement green bin. Discussions with ARVATO the Council's contact centre provider are continuing with a view to enabling cash payment at a 'One Stop Shop' and other pre-payment systems. All payment options will seek to provide a quick and easy pre-payment process that will enable the delivery of wheeled bin to be made within a reasonable and achievable timescale.
9. Officers will work to produce a policy, following consultation with other Council's, that achieves 'best practice' and provides a practical and achievable solution for dealing with requests to replace/provide a grey (residual waste) wheeled bin. The policy will also include proposals for dealing with exemptions and/or the ability to pay.

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# Agenda Item 8

**REPORT TO:** Cabinet Member – Environmental

**DATE:** 6<sup>th</sup> April 2011

**SUBJECT:** **GREEN WASTE (COMPOSTING) –  
EXTENSION OF EXISTING ARRANGEMENTS**

**WARDS AFFECTED:** All Wards

**REPORT OF:** J G Black  
Operational Services Director

**CONTACT OFFICER:** Clare Bowdler,  
Recycling Services Officer - 0151 288 6144

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To advise the Cabinet Member – Environmental of the need to extend the existing Green Waste Composting arrangements for a period of 8 weeks whilst technical issues are resolved at the proposed new bulking site of the incoming Contractors. Cabinet Member – Environmental will recall that a new tender was awarded in January for the provision of an outlet for the delivery and composting of Green Waste produced in Sefton. The new contract was to be for the period 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2013, with an option to exercise an additional 1 year extension, subject to satisfactory performance.

**REASON WHY DECISION REQUIRED:**

To ensure continuity of service and to gain approval from the Cabinet Member – Environmental to make temporary arrangements for the delivery and processing of green waste until the new contractual arrangements are confirmed and signed.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental recommends a revised commencement date of the new contract and that the existing arrangements for green waste to be delivered to WRS Composting in Formby are extended for a period of 8 weeks.

**KEY DECISION:** No

**FORWARD PLAN:** N/A

**IMPLEMENTATION DATE:** N/A

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**ALTERNATIVE OPTIONS:**

None. It would be very difficult to provide an alternative supplier at short notice.

**IMPLICATIONS:**

**Budget/Policy Framework:**

**Financial:**

None. The arrangements can be contained within existing budgetary provision.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Prudential Borrowing				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** N/A

**Risk Assessment:** None

**Asset Management:** N/A



**CONSULTATION UNDERTAKEN/VIEWS**

The Head of Corporate Finance & ICT has been consulted and has no comments on this report. FD728/2011

The Acting Head of Corporate Legal Services has been consulted and has no comments on this report LD 91/11

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability	√		
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

None

# Agenda Item 8

## Background

1. The current contract for the Provision of a Green (Composting) Waste outlet expired on 31<sup>st</sup> March 2011. In order to maintain service provision and continue to provide an outlet for composting of green waste Sefton entered into a formal OJEU (Tendering) contract renewal exercise in Autumn 2010. As a result of this exercise a new Contract was awarded in January 2011 to the winning bidder. The new Contractual arrangements were due to begin on 1<sup>st</sup> April 2011.
2. The new contractor was to accept the delivery of green waste to a bulking site situated on an industrial estate off Heysham Road Aintree, operated by William Rainford Ltd. The bulking site operates under a 'T6' exempt waste operation permit issued by the Environment Agency which allows for the treatment of waste wood and waste plant matter.
3. As the bulking site currently runs similar operations it was not considered by them that full planning permission would be required and the site would be authorised under planning exemption. After further investigation by Officers and the incoming Contractor it was since established that Planning Permission would be required. The relevant application and fee was submitted to Planners on 17<sup>th</sup> March 2011.

## Current Situation

4. The incoming Contractor is nervous about signing the new contract and committing to any further financial outlay until planning has been granted. This could take up to 6 weeks.
5. Following liaison with the Legal Department it was agreed that as an interim measure Sefton could revise the commencement date of the new contract, and, by mutual agreement continue with the existing terms and arrangements for a period of 8 weeks with WRS Composting.

## Recommendation

6. That Cabinet Member – Environmental is requested to authorise the Operational Services Director to extend the current arrangements for delivery and processing of green waste for a period of 8 weeks, and, in consultation with the Legal Department to agree a revised commencement date for the new contract.

# Agenda Item 9

**REPORT TO:** Cabinet Member – Environmental  
Cabinet Member – Technical Services  
Cabinet

**DATE:** 6<sup>th</sup> April 2011  
6<sup>th</sup> April 2011  
14<sup>th</sup> April 2011

**SUBJECT:** **Flood and Coastal Erosion Risk Management**

**WARDS  
AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental & Technical Services Director

**CONTACT  
OFFICER:** Graham Lymbery  
Project Leader - Coastal Defence  
0151 934 2959

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek approval for amendments to the Staffing Establishment in order to make adequate provision for undertaking new statutory duties relating to Flood Risk Management.

**REASON WHY DECISION REQUIRED:**

With effect from April 2011 the Council will be the designated Lead Local Flood Authority. This new role brings with it substantial new duties and some adjustment to the staffing establishment is considered necessary in order to adequately deliver these duties without impacting on other key frontline service delivery.

**RECOMMENDATION(S):**

That the Cabinet Member Environmental and Cabinet Member Technical Services:

1. Note the content of the report and endorse the recommendations to Cabinet.

That Cabinet:

1. Consider the impact of the new duties, together with existing flood defence and coastal defence responsibilities;
2. Note Sefton's specific grant allocations within the Local Government Finance Settlement of £120,600 in 2011/12 and £157,900 in 2012/13.
3. Approve the allocation of £70,000 out of the above funding to the Flood and Coastal Erosion Risk Management function, from April 2011/12, to enable adequate delivery of the new duties, through the creation of 1.0 FTE new post. This post will provide a redeployment opportunity for staff under risk of

# Agenda Item 9

redundancy as a result of the Council's budget savings in 2011/12.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

**ALTERNATIVE OPTIONS:** The Council could choose not to allocate additional funding for the delivery of the additional duties. This would place the Council at risk of failing to discharge its duties under the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 and severely reduce the Council's ability to understand, plan and manage the risks from flooding and coastal erosion. Failure to comply with the new duties could result in infraction proceedings under the European Commission Floods Directive.

## IMPLICATIONS:

**Budget/Policy Framework:** The Council recently identified Flood Defence and Coastal Protection as frontline services.

### Financial:

The Government has provided funding in the form of a Specific Grant to meet the cost of carrying out the Authority's new duties in relation to local flood risk management. Revenue grant allocations for 2011/12 and 2012/13 were announced in December 2010 as part of the Local Government Finance Settlement. Sefton's grant allocations are £120,600 in 2011/12 and £157,900 in 2012/13. Funding for 2013/14 is not expected to be announced until December 2012. It will be necessary to review the level of service in 12 months time when the remaining provisions are fully enacted and again in 2013 when the future funding levels are known.

There are no capital financial implications arising from this report however the Government are proposing a different approach to funding new capital projects with effect from 1<sup>st</sup> April 2012 which may require additional local investment depending on the levels of benefits, outcomes and local need.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/11</b> £	<b>2011/12</b> £	<b>2012/13</b> £	<b>2013/14</b> £
Gross Increase in Capital Expenditure	Nil	Nil	Nil	Nil
Funded by:				
Sefton Capital Resources				

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Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	65k	65k	65k	65k
Funded by:				
Sefton funded Resources	65k	65k	65k	65k
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?	N/A			

**Legal:**

The new duties are mandatory statutory duties placed on the Council as the Local Lead Flood Authority.

**Risk Assessment:**

The new duties placed upon the Council set out a clear approach to the management of flood risk and the development of plans to address this risk.

**Asset Management:**

The new duties placed upon the Council set out a clear approach to the management of flood risk which includes the assessment and maintenance of flood defence assets.

**CONSULTATION UNDERTAKEN/VIEWS**

**FD714 /2011** - The Head of Corporate Finance & ICT has been consulted and her comments have been incorporated into this report.

**LD 00047/11** - The Head of Corporate Legal Services has been consulted and any comments have been incorporated into this report.

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities	✓		
3	Jobs and Prosperity	✓		

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4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People		✓	

## LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Report to Cabinet Member Environmental, 12<sup>th</sup> January 2011, and Cabinet Member Technical Services on 26<sup>th</sup> January 2011, *Local Flood Risk Management*.

Report to Cabinet, 17th December 2009, *Watercourse Maintenance and Flooding Working Group – Addressing the Recommendations*.

Report to Cabinet, 25th November 2009, *Climate Change and Inland Flooding in Sefton*.

Report to Cabinet, 1<sup>st</sup> October 2009, *Watercourse Maintenance and Flooding Working Group – Final Report*

Report to Overview And Scrutiny Committee (Regeneration And Environmental Services), 15<sup>th</sup> September 2009, *Watercourse Maintenance & Flooding Working Group - Final Report*.

### Background

1. Flood and Coastal Erosion Risk Management is a significant issue for Sefton given its long coast and extensive areas of low lying land, approximately 90% of its area relies on pumped drainage. Understandably in this context Flood Defence and Coastal Protection were categorised as front-line services in the recent service-prioritisation process. Mechanisms are well established for the management of flood risk from the sea and rivers, new legislation now aims to manage flood risk from all sources including sewers, surface water and ground water and places a responsibility on the Council to take the lead in this process.
2. In August 2009 the Overview and Scrutiny Committee (Regeneration and Environmental Services) approved and referred to Cabinet the report of the Watercourse Maintenance and Flooding Working Group. Cabinet considered the report in October and December 2009 and resolved that approval be given to the proposed action to implement the recommendations set out in the report.

3. In November 2009 Cabinet also considered a report, *Climate Change and Inland Flooding in Sefton*, which set out the effects that climate change may have on inland flooding in Sefton and identified changes and improvements which, if implemented, would reduce these effects now and in the future. Cabinet resolved that: the report be noted; the proposals set out in the report be supported; and the provision of revenue growth of £122K in drainage budgets, in particular for land drainage, be considered further during the 2010/11 budget process. No growth was subsequently provided for in the budget setting process.
4. On 8<sup>th</sup> March 2011 Overview and Scrutiny Committee (Regeneration and Environmental Services) reviewed progress against the report referred to in paragraph 2 above and resolved to “*recommend to Cabinet that the funding of £121,000 [referred to in paragraph 19 below] be ring-fenced for flood and water management duties*”.
5. There are a number of current issues/pressures that necessitate a review of the delivery of these functions in order to develop a more comprehensive and holistic approach to Flood and Coastal Erosion Risk Management, including:
  - Existing responsibilities for flood defence and coastal protection within Sefton;
  - Sefton’s lead role in delivering the North-West Regional Coastal Monitoring Programme;
  - The Client/Project Sponsor role overseeing work contracted to Capita Symonds;
  - New mandatory statutory duties placed on the Council as Lead Local Flood Authority (LLFA).

#### Existing Responsibilities for Flood Defence and Coastal Protection

6. The Coastal Defence Team, within the Environmental & Technical Services Department, is currently resourced with 2 full-time-equivalent (FTE) staff for undertaking the Council’s existing responsibilities relating to coastal erosion and coastal flood risk management, including: understanding/planning for risk and implementing the responses to risk. The team also takes the lead on developing a coast-wide response to coastal change, including impacts of climate change. Key activities at present for the team include the delivery of coastal defences at Hightown and implementing the recommendations of the recently adopted Shoreline Management Plan.

#### North West Regional Coastal Monitoring Programme

7. As coastal processes are not contained within administrative boundaries, the coastal authorities in the North-West of England and North Wales work together on key strategic activities. One such activity is the delivery of a coordinated monitoring programme. The programme for England is 100% grant-funded by the Environment Agency and although separate to the Welsh programme is

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coordinated with it. Sefton has acted as the lead authority for the current three-year programme (2008/9-2010/11): applying for and administering the grant-funding; distributing funding to other local authorities for them to undertake work; and procuring and supervising delivery of regional activities on behalf of the partnership (including bathymetric surveys, deployment of wave buoys and aerial photography). This activity, together with some additional EU-funded project work, is currently delivered by 3.5 FTE staff fully funded from this source.

8. Sefton has recently received confirmation from the Environment Agency that the next five-year programme (2011/12-2015/16) has been approved (see Annex 1), it is intended that Sefton will again act as lead authority for this programme with associated staff costs funded from the programme.

## Client/Project Sponsor Role for Drainage

9. At the time of the Major Service Review (MSR), October 2008, the drainage engineering service formerly delivered by the Council was externalised and contracted to Capita Symonds. Whilst the service is commonly referred to as drainage its roles include: dealing with inland flooding from ordinary watercourses; work with the Environment Agency in relation to flooding from main rivers; dealing with flooding from other sources when it occurs; maintaining the highway drainage network; and other associated activities.
10. In implementing the MSR a decision was made to keep the retained Client function as small as possible and no specific provision was made for a Client/Project Sponsor role relating to the drainage service as described. This was subsequently recognised as a significant gap that needed addressing to ensure appropriate direction and best value from service delivery, as well as to maximise potential for securing external investment in this area of work (e.g. from DEFRA and Environment Agency). In September 2009 the Client/Project Sponsor role was assigned to the Coastal Defence Team, as suitable expertise existed within that team, but no provision was made at that time for additional resource within the Team.

## New Lead Local Flood Authority Duties

11. Implementation of the Flood Risk Regulations 2009 established the Council as a Lead Local Flood Authority (LLFA). These regulations enact provisions of the European Commission Floods Directive (Directive 2007/60/EC) on the assessment and management of flood risks and aim to reduce the likelihood and consequence of flooding through the identification of areas at risk of flooding (from all sources) and the development of Flood Risk Management Plans. Along with this general duty to provide a leadership role in relation to flooding from all sources the Flood and Water Management Act 2010, passed by Government in spring 2010 but with a phased commencement, also places significant specific new duties on Local Authorities and requires a strategic approach to the management of flood risk, with the key steps and timetable for action set out within the Act. Key elements of the new duties include:



- The development of a Preliminary Flood Risk Assessment;
- Taking the lead for local flood risk;
- Reporting back on our actions via Scrutiny and Review Committee;
- Investigating flood events;
- Developing and maintaining an asset register;
- Consenting works on ordinary watercourses;
- Being the approving body for Sustainable Urban Drainage Systems.

12. If the LLFA does not carry out its duties as identified in the Act then it is at risk of: complaints to the Local Government Ombudsman; legal action for the breach of statutory duty taken by anyone who suffers loss by the Council's failure to carry out the duty; the Minister directing that another authority carry out the flood and coastal risk management function (if this happens it is assumed that all funding allocated from government will be passed to the other authority); and it could result in fines being imposed on the UK Government by Europe (again it would be reasonable to assume that the Government would take some action against the Council in these circumstances).

13. In addition to these legal implications, there are high financial and social implications associated with flooding (e.g. flood damage and emergency response), failure to manage flood risk could incur significantly greater costs than managing it. Failure to undertake these duties would lead to an increase in flood risk in the borough. Members will be aware of recent international, national and local incidents (e.g. urban flooding in Bootle and the breach in the River Alt embankment at Lunt Meadows) compliance with the new duties will improve our understanding, management and response to such risks.

## **Proposed Future Approach to Flood and Coastal Erosion Risk Management**

14. With a minor revision to the current delivery of flood defence and coastal protection functions and the allocation of limited additional resource it is considered possible to develop a more comprehensive and holistic approach to Flood and Coastal Erosion Risk Management (FCERM) that would address the issues/pressures identified within paragraph 2 above. Flood and Coastal Erosion Risk Management can be broadly split up into six activities:

- *Understanding Risk* – including knowing what assets there are and their condition, monitoring natural processes and analysis of this data, researching gaps in understanding. This underpins all other elements of FCERM.
- *Planning our response to risk* – including strategies/plans and the associated consultation/studies required to develop them. These plans and strategies will set out the response to risk and the principal approaches form the next four activities.
- *Maintain and improve assets* – where it is cost effective to do so.

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- *Public awareness* – the assets we build and maintain can only reduce the risk not remove it and in some circumstances it is not cost effective to protect properties at risk from flooding. This risk needs to be communicated to the public so that they can take appropriate action, from registering for flood warnings to implementing resilience measures to their property. Similarly, the public need to be advised of the risk from coastal erosion.
  - *Avoid inappropriate development* – this relates to the location of development and the nature/form of the development and is an extremely cost effective approach to risk management.
  - *Emergency Planning* – there will always be residual risk and plans need to be in place to deal with the consequences when these risks materialise.
15. It is proposed that this more comprehensive approach to FCERM be delivered through a restructured (and re-designated) Coastal Defence Team, supplemented by the addition of 1 FTE core-funded post, to enable it to adequately undertake the existing functions of the team, the Client/Project Sponsor role for drainage engineering works and the bulk of the new duties identified above.
16. Ensuring understanding of risk is reflected in development plans and decisions to avoid/control inappropriate development would be undertaken within the Planning service. The Planning service would also manage the consents for work to ordinary watercourses and approval of Sustainable Urban Drainage Systems (SUDS). Whilst it is felt that the new requirements may necessitate additional resource within the planning service, the responsibilities relating to SUDS have not yet been enacted and the full impact is not yet fully understood. It is therefore proposed to review the impact and capacity to deliver the new duties within existing resources over the next 12 months.
17. Whilst every effort would be made to secure external funding for any specific studies necessary (where such funding is available) limited provision for additional non-staff-related revenue expenditure will be necessary for this purpose and potentially for additional technical advice relating to consent for work to ordinary watercourses and Sustainable Urban Drainage Systems.

## **Financial Implications**

18. The approach proposed within this report has been developed within the context of the current significant reduction in Council funding. Whilst detailed guidance on some of the new duties (e.g. approval of Sustainable Urban Drainage Systems) is still to be issued by the Government the proposal has been developed on the basis of identifying the minimum resource required and the most cost-effective deployment of that resource to deliver against the new duties and the other issues/pressures identified in paragraph 5.

19. Within this overall picture of reducing resource, in recognition of the significant new duties, the Government have provided a non ring-fenced Specific Grant within Sefton's Local Government Finance Settlement for 2011/12 and 2012/13 (£121,000 in 2011/12 and £158,000 in 2012/13). This specific grant has not so far been allocated within the MTFP and budget setting processes.
20. The cost of the above proposal, subject to some further detailed work (e.g. Job Evaluation assessments reflecting the new responsibilities), would be approximately £65,000. Recruitment to the additional 1 FTE core-funded post would be through redeployment of "at risk" staff, providing some mitigation against savings-related redundancy. It will be necessary to review the level of service in 12 months time when the remaining provisions, referred to in paragraph 16, are fully enacted and again in 2013 when the future funding levels are known.

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# Agenda Item 10

**REPORT TO:** Cabinet Member - Environmental  
Cabinet

**DATE:** 06 April 2011  
14 April 2011

**SUBJECT:** ENVIRONMENTAL PORTFOLIO FEES AND CHARGES

**WARDS AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental & Technical Services Director  
0151 934 4018

**CONTACT OFFICER:** David Packard  
Assistant Director - Environmental Protection  
0151 934 4016

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

For Cabinet to agree revised fees and charges for the Environmental Portfolio for 2011/12.

**REASON WHY DECISION REQUIRED:**

Changes to fees and charges requires a Cabinet decision

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental notes the report.

That Cabinet agree the fees and charges for the Environmental portfolio for 2011/12 as attached in annex A

**KEY DECISION:** No.

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** N/A

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**ALTERNATIVE OPTIONS:**

Fees remain unchanged

**IMPLICATIONS:** N/A

**Budget/Policy Framework:** N/A

Financial:

<b>CAPITAL EXPENDITURE</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<b>REVENUE IMPLICATIONS</b>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?				

**Legal:** None

**Risk Assessment:** None

**Asset Management:** Not relevant

**CONSULTATION UNDERTAKEN/VIEWS**

The Head of Corporate Finance & ICT has been consulted and her comments have been incorporated into this report.

**FD716 /2011**

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

LGA Guidance

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## **Background**

1. Cabinet will be aware that each year those fees and charges relating to the Councils functions are reviewed and increased (where appropriate) to reflect service changes, current service costs, national guidance or inflation.
2. In 2004, Cabinet requested that any amendment to fees and charges be referred to Cabinet for approval prior to implementation.
3. A number of previously charged services have now ceased as a result of the Councils prioritisation and budget setting exercise and no longer appear on the list.
4. Annex A attached to this report provides a list of those fees and charges relevant to the Environmental Portfolio proposed for 2011/12.
5. Fees have been increased either on the basis of increased direct cost to the Council, in line with national guidance, or where national guidance does not exist in line with the Retail Price Index (of approx 4.5%).

## **Dog warden Services**

6. The proposed fees for the release of dogs held at RSPCA kennels, directly reflects the amount charged by the RSPCA for housing captured stray dogs.

## **Pest Control**

7. The formerly charged services of pest control for the treatment of wasps, ants and commercial premises will no longer be provided and no fee is therefore to be set. Treatment for public health pests in domestic premises (being rats, mice, cockroaches, bedbugs and fleas) will continue without charge.



## Annex 1

### Environmental Charges 2011/12

Service area.	2010/11	New Charge 2011/12
<b>Dog Warden Service</b>		
Seizure and detention of dogs – release fee for dogs collected from RSPCA within 48 hrs	£35.00 (£37)	<b>£40.00</b>
Seizure and detention of dogs – release fee for dogs collected from RSPCA after 48 hrs	£85.00 (£90)	<b>£95.00</b>
<b>HMO Licensing</b>		
Annual licence fee per unit (up to six units per premise)	£32.00	<b>£34.00</b>
Annual licence fee per unit (above six units per premise)	£10.00	<b>£11.00</b>
<b>Red Rose Caravan Park, Broad Lane Formby</b>		
Single Pitch per week	£57.30	<b>£60.00</b>
Double Pitch per week	£63.40	<b>£66.25</b>
Single let as a double per week	£60.70	<b>£63.50</b>
<b>Trading Standards</b>		
Weights and Measures Inspector – examination time verification etc	£51.13	<b>£53.00</b>
Weights and Measures Technical Officer – examination time verification etc	£30.66	<b>£32.00</b>
<b>Poisons Act</b>		
Initial registration	£31.72	<b>£33.00</b>
Re Registration	£16.72	<b>£17.50</b>
Change of details of registration	£8.55	<b>£9.00</b>

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# Agenda Item 11

**REPORT TO:** Cabinet Member - Environmental

**DATE:** 6<sup>th</sup> April 2011

**SUBJECT:** **INTERIM ANIMAL FEED PLAN 2011/12.**

**WARDS AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental Protection & Technical Services Director

**CONTACT OFFICER:** Andrew Naisbitt  
Trading Standards and Licensing Manager  
0151 934 4014

**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

For the Cabinet Member – Environmental to agree the Interim Animal Feed Plan 2011/12, required by the Food Standards Agency (FSA).

**REASON WHY DECISION REQUIRED:**

The National Performance Framework for Trading Standards (NPF) requires that such plans be considered and approved by the Council’s elected representatives.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental

- a) Notes the content of this report and:
- b) Approves the ‘Interim’ Animal Feed Plan 2011/12.

**KEY DECISION:** No

**FORWARD PLAN:** N/A

**IMPLEMENTATION DATE:** Immediately following the expiry of the “call-in” period for this meeting.

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## ALTERNATIVE OPTIONS:

- Additional resources can only be diverted into this area of enforcement at the expense of other statutory functions and by distorting the balanced work program of the Trading Standards and Licensing Section or other functions within the Environmental & Technical Services Department.
- Possible delegation of Function to neighbouring Local Authority / Port Health by virtue of Local Government (Miscellaneous Provisions) Act 1976

## IMPLICATIONS:

**Budget/Policy Framework:** None arising from this report – Sampling Costs are met from existing budgets

### Financial:

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources, within existing budget	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?	N/A			

**Legal:** The council may be held liable if it is established that it had failed to carry out its statutory duty under the regulations – LD 86/11

**Risk Assessment Asset Management:** Enforcement of the Animal Feed legislation is a statutory duty  
N/A

**Consultation Undertaken/Views**

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

"Feed Law Enforcement Code of Practice (Great Britain) - FSA

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## Background

1. The composition and safety of animal feeding stuffs is a principal factor in protecting not only the integrity of the human food chain but also maintaining the highest standards of animal health and welfare and ensuring the wellbeing of the environment.
2. Feed law includes European Union and national rules on feed composition including additives and medication, feed hygiene, labelling and contaminants in feed. It covers not only feed for food producing animals but also companion animals.
3. The Cabinet Member – Environmental will recall the report “Animal Feed Plan 2010 / 11” presented on 30<sup>th</sup> June 2010 which explained how the Animal Feed Agenda places a statutory duty on the Environmental Protection Department and which is carried out by Trading Standards Section.
4. The legislation establishes a set of principles for local enforcement and therefore animal feed enforcement will:
  - Be based on sound science and evidence;
  - Lead to proportionate action;
  - Be guided by the precautionary principle;
  - Be based on risk assessment;
  - Be made in partnership with key stakeholders;
  - Be consistent with Government’s reason for intervention;
  - Promote sustainable development, including a sustainable food and farming industry;
  - Be consistent with EU and International obligations.
5. The report also set out the delivery arrangements for animal feed services provided by the Trading Standards Service, which had been developed with consideration of local needs, corporate objectives, financial implications and reference to current legal requirements.
6. Previous estimates suggest this involved visiting approximately 50 ‘agricultural’ premises per annum, and taking samples from local suppliers and importers within the Freeport requiring approximately 0.3 to 0.5 FTE officer time and sampling costs of about £7,000.
7. The Department also has to respond to Feed Alerts from the EU / FSA regarding potentially contaminated feed that was imported and detained in the Liverpool Freeport.
8. The Trading Standards Service has recently been audited by the Food Standards Agency (FSA). The FSA’s initial findings suggest feed enforcement is below statutory minimum because the Trading Standards Service is unable to fully comply with the current ‘Feed Law Enforcement Code of Practice’ due

to a lack of resources dedicated to this particular service. The final report is due in May 2011.

9. A recent 'base line' assessment of the Trading Standards Service, carried out as part of the Council's budget review in December 2010 suggested that with all duties considered the Service is approximately 1.5 FTE under resourced and was operating at the 'statutory minimum'.

## **Implications for the Environmental & Technical Services Department**

10. The Trading Standards service has previously taken a pragmatic approach to feeding stuffs enforcement whilst complying with the intent of the Code of Practice to achieve the outcome of protecting the Food Chain. The FSA's initial findings suggest the service fails to meet the strict requirements of the code of practice and may be requested, at the local authority's expense, to invest additional resources into:
  - a) Implementing specific policies for the enforcement of feeding stuffs rather than using the Council's generic enforcement policy.
  - b) Providing 24/7 enforcement cover to respond to a feed 'emergency' and
  - c) Increasing documentary checks & the number of samples taken.
11. Additional resources can only be diverted into this area of enforcement at the expense of other statutory functions and by distorting the balanced work programme of the Trading Standards Service or other functions within the Environmental & Technical Services Department.
12. Authorities that do not have regard to the 'Feed Law Enforcement Code of Practice' and the findings of the FSA audit may be given a direction requiring them to take any specified steps in order to comply the code.
13. Pending the publication of the FSA report in May 2010 an Interim Feed Plan for 2010/11 is attached as Annex 1 to this report.
14. A further report will be presented the Cabinet Member - Environmental following the publication of the final FSA inspection report.

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Annex 1

## Trading Standards Animal Feed Plan 2011/12

### 1 Scope

- 1.1 “The composition and safety of animal feeding stuffs is a principal factor in protecting not only the integrity of the human food chain but also maintaining the highest standards of animal health and welfare and ensuring the well being of the environment.” (EC Regulation 882/2004 on official controls to ensure the verification of compliance with Feed law and Animal Health and Welfare rules.)
- 1.2 Feed law includes EU and national rules on feed hygiene, feed composition, feed additives, medicated feed, feed labelling, contaminants in feed etc. It covers not only feed for food producing animals but for horses, pets and fish.
- 1.3 In producing this plan account has been taken of the Feed Law Enforcement Code of Practice and the Food Standards Agency (FSA) National Coordinated Risk based Feed Sampling Programme 2011/12.

### 2 Aims

- 2.1 To inspect Feed Businesses for the purpose of:
  - (a) Ensuring feed is compositionally and nutritionally correct.
  - (b) Ensuring feed is correctly labeled.
  - (c) Ensuring feed is not adulterated or contaminated.
  - (d) Determining compliance with Feed Hygiene Regulations with particular regard to traceability of feed and feed ingredients.
- 2.2 To provide advice and assistance to feed businesses on compliance with legal requirements.
- 2.3 The sampling of feed and feed ingredients for analysis.
- 2.4 To investigate complaints and take appropriate enforcement action when necessary.
- 2.5 To offer preventative guidance and assistance to Feed Businesses whose Head Offices are based within the Sefton.
- 2.6 To work closely with Mersey Port Health Authority to monitor imported feed.
- 2.7 To be an active member of and contribute to TSNW Agriculture sub-group.

### 3 Inspections

- 3.1 Visits to feed businesses are scheduled in accordance with the Animal Feed Law Inspection Rating Scheme contained in the Feed Law Enforcement Code of Practice.
- 3.2 Under the rating scheme, within Sefton there are, 0 Category A (high risk), 12 Category B (medium risk) and 46 Category C (low risk) premises.



- 3.3 During 2011/12 officers will carry out primary inspections to all Category A and Category B premises. At the conclusion of the inspection the inspection rating of the feed business will be reassessed.
- 3.4 Under the Code of Practice Category C (low risk) premises need not be included in the planned inspection programme but must be subject to an alternative enforcement strategy at least once in every 5 years. As a result Category C premises will only be visited as the result of complaints, requests for advice or when samples are taken as part of a project.

## **4 Sampling**

- 4.1 The Annual Feed sampling programme involves the taking of both formal and informal samples. The sampling programme is based on:
- The FSA's National Coordinated Risk based Food and Feed sampling programme 2011 /2012. (Schedule 1).
- 4.2 The EU Rapid Alert System for Food and Feed (RASFF) will be monitored for notifications of non-compliance of feed legislation and samples taken where necessary.
- 4.3 In accordance with the Imported Animal Feed Monitoring Procedure agreed by Sefton Trading Standards, Liverpool Trading Standards, Wirral Trading Standards and Mersey Port Health Authority. Officers will continue to monitor consignments of imported feed and sample where necessary.
- 4.4 Officers will take samples (as appropriate) during all primary inspections. Samples will consist of both finished product and feed ingredients and tested for the above mentioned contaminants, composition, nutrition and compliance of labelling.
- 4.5 Unsatisfactory reports on samples will be dealt with by advice, referral to Home Authority Trading Standards or enforcement action, in line with the service's Enforcement Policy.

## **5. Incident reports**

- 5.1 EC Regulation 178/2002 requires feed and food businesses to withdraw feed from the market if products are not in compliance with safety requirements. They must also notify the FSA and the "Competent Authority" i.e. the local Trading Standards Authority (or Port Health Authority at ports).
- 5.2 Following the notification or detection of non-compliant feed (Feed Incident). The cost to the Competent Authority to investigate and ensure the non-compliant feed does not enter the supply chain is chargeable against the feed business.
- 5.3 The EU Rapid Alert System for Food and Feed (RASFF) will be monitored for notifications of non-compliance of feed legislation and samples taken where necessary.
- 5.4 Complaints reported by the public, business etc will be investigated.

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Infringements or suspected infringements reports from external sources or identified by the use of data interrogation etc will be investigated and appropriate action taken.

- 5.5 The FSA will be notified of all serious localised and non-localised feed hazards. The FSA will be contacted if there is a doubt whether a feed incident amounts to a feed hazard. (A Feed Hazard is a Feed Incident that through biological, chemical or physical means potentially causes adverse effects on food producing animals or the public.)

## **6. Partnership work**

- 6.1 The Section will assess and communicate with other interested parties in respect of cross boundary, cross cutting issues.
- 6.2 The Section will service the TSNW focus group and Regional Meetings.
- 6.3 The Section will also attend regular meetings with local partners, i.e. Port Health, & neighbouring Local Authorities regarding issues within the Dock Area.

## **7. Officer Training**

- 7.1 Officer Competence is ensured by:
- Annual performance and development review in line with Investors In People Standard.
  - Designated Animal Feed staff are required to keep up to date with respect to animal feed by using the FSA website on a weekly basis. To that end each officer has Internet access and access to the LACORS website.
  - The Department subscribes to Lexus online (for legislation) & TS Desktop Companion.
  - Helen Shaw – Senior Trading Standards Officer, holder of DTS is authorised to enforce all relevant legislation.
  - Attendance at County Council Animal Health function & FSA / TSNW courses – (10 Hours CPD).

## **SCHEDULE 1 – NATIONAL COORDINATED RISK BASED FEED SAMPLING PROGRAMME 2011/12.**

## FEED

Feedingstuff	Analytes	Examples of feeds to sample (please check applicability before sampling beyond these suggestions)	Priority and comments
<b>Feed additives</b>	<ul style="list-style-type: none"> <li>• Hazardous elements (cadmium, arsenic, mercury or lead)</li> <li>• Dioxins, dioxin-like PCBs (DL-PCBs) and non-dioxin like PCBs (NDL-PCBs)</li> <li>• Melamine</li> </ul>	<ul style="list-style-type: none"> <li>• Trace element products, e.g.               <ul style="list-style-type: none"> <li>○ cupric sulphate pentahydrate (CuSO<sub>4</sub>.5H<sub>2</sub>O);</li> <li>○ cupric carbonate (CuCO<sub>3</sub>);</li> <li>○ cupric oxide (CuO);</li> <li>○ zinc oxide (ZnO);</li> <li>○ manganous oxide / manganic oxide (MnO / Mn<sub>2</sub>O<sub>3</sub>);</li> <li>○ manganous sulphate monohydrate (MnSO<sub>4</sub>.H<sub>2</sub>O);</li> </ul> </li> <li>• binders; or</li> <li>• anti-caking agents.</li> <li>• Metallic compounds of trace elements (e.g. copper / manganese / zinc / iron / molybdenum / cobalt compounds)</li> <li>• amino acids ; or</li> <li>• urea &amp; derivatives.</li> </ul>	<p><b>High priority</b></p> <p>The UK was required to prioritise sampling and analysis of feed additives by the Food and Veterinary Office in 2009.</p> <p><b>Due to the importance of this area, it is desirable that each bid include analysis of feed additives. If this is not possible, justification should be provided.</b></p>
<b>Biofuel materials /co-products</b>	<ul style="list-style-type: none"> <li>• Dioxins, dioxin-like PCBs (DL-PCBs) and non dioxin-like PCBs (NDL-PCBs)</li> <li>• methanol</li> <li>• ethanol</li> <li>• hazardous elements (cadmium, arsenic, lead, mercury)</li> <li>• mycotoxins (aflatoxin B1 (AFB1), deoxynivalenol (DON), zearalenone)</li> </ul>	<ul style="list-style-type: none"> <li>• wheat;</li> <li>• sugar beet;</li> <li>• tallow;</li> <li>• DDGS (mycotoxins);</li> <li>• glycerol; or</li> <li>• mineral salts.</li> </ul>	<p><b>High priority.</b></p> <p>There have been two incidents in the EU involving biofuel co-products in the last 3 years, most recently dioxins in</p>

	<p>(ZON), ochratoxin A (OA), fumonisins B1 &amp; B2 (FUM B1 &amp; B2) and T2 &amp; HT-2)</p>		<p>animal feed oil/fats in Germany. Therefore, we are keen to focus sampling and analysis on biofuel materials/co-products.</p> <p>Several indicator NDL- PCBs should be included in the standard analysis of dioxin and DL-PCBs, so there should be no extra cost associated.</p> <p>Additionally, concerns have been raised over the levels of methanol, ethanol, hazardous elements and mycotoxins in biofuel co-products.</p> <p><b>We will consider bids for UK, EU and 3<sup>rd</sup> country samples in this case.</b></p>
<p><b>Feed materials</b></p>	<ul style="list-style-type: none"> <li>Dioxins, DL-PCBs and NDL- PCBs</li> </ul>	<ul style="list-style-type: none"> <li>Feed materials (e.g. anything ground, heated, smoked <i>etc.</i>) <b>particular focus on feed oils/fats</b></li> </ul>	<p><b>High priority</b> due to the latest incident regarding contamination of feed oils/fats with dioxins in Germany. It is likely that the FVO will cover this issue in their next mission to the UK in 2011.</p>

		<p>Due to the importance of this area, each bid should include dioxin, DL-PCB and NDL-PCB analysis of feed materials.</p> <p>We will consider bids for UK, EU and 3<sup>rd</sup> country samples for feed oils/fats in this case.</p>
<ul style="list-style-type: none"> <li>• <i>Salmonella</i> species.</li> </ul>	<ul style="list-style-type: none"> <li>• fishmeal;</li> <li>• oil seeds and their derivatives (e.g. soya or soya meal <i>etc.</i>)</li> <li>• wheat protein;</li> <li>• rape seed meal; or</li> <li>• sunflower cake.</li> </ul>	<p><b>Medium priority.</b></p> <p>Although there are no prescribed limits set in legislation, we feel that it would be useful to have some sort of idea of <i>Salmonella</i> contamination levels in imported feed to aid UK negotiations on microbiological controls in feed. Results should specify the strains. Please note that follow up action may be difficult.</p> <p>Sampling guidance to prevent cross contamination is available on request.</p>
<ul style="list-style-type: none"> <li>• Hazardous elements (Cadmium, Arsenic, Mercury or Lead)</li> </ul>	<ul style="list-style-type: none"> <li>• Any, but particularly fishmeal.</li> </ul>	<p><b>Medium priority</b></p>

			Ongoing sampling priority. In previous years' survey.
	<ul style="list-style-type: none"> <li>Mycotoxins (aflatoxin B1 (AFB1), deoxynivalenol (DON), zearalenone (ZON), ochratoxin A (OA), fumonisins B1 &amp; B2 (FUM B1 &amp; B2) and T2 &amp; HT-2)</li> </ul>	<ul style="list-style-type: none"> <li>Cereals;</li> <li>oil seeds; but</li> <li>not groundnuts, unless sampling is to take place at a point of entry or packer/manufacturer <u>and</u> the groundnuts are not from a country of origin named in <u>Annex I of Regulation 669/2009</u>.</li> </ul>	<p><b>Medium priority.</b></p> <p>Ongoing sampling priority. In previous years' survey.</p> <p>Maximum permitted limits are set for aflatoxin B1, but only guidance levels are set for DON, ZON OA, FUM B1 &amp; B2. No levels are set for T2 and HT2, but more data is required on their presence in feed.</p> <p><b>We recommend LAs carry out analysis of all the aforementioned mycotoxins, not just AFB1.</b></p>
	<ul style="list-style-type: none"> <li>Melamine (focusing on high protein feed materials)</li> </ul>	<ul style="list-style-type: none"> <li>High protein feed materials, but not samples from China that are part of</li> </ul>	<b>Medium priority.</b>

		<p>the current controls under <u>Commission Regulation 1135/2009</u>.</p>	<p>Ongoing sampling – in previous years' survey.</p>
	<ul style="list-style-type: none"> <li>• <i>Ambrosia</i> seeds (ragweed)</li> </ul>	<ul style="list-style-type: none"> <li>• Wild bird feed; or</li> <li>• Un-ground grains from the US.</li> </ul>	<p><b>Low priority</b></p> <p>Limits for this undesirable substance have just been set under Directive 2002/32. It is known to be a significant health problem from hay fever in Europe due to distribution in un-ground grains and wild bird feed. The maximum permitted limits do not take effect until January 2012, but we wish to see measure UK compliance before the limits come into force.</p> <p><b>The FSA will fund a few samples of these feeds, but due to low priority we do not encourage bids for a large number of samples under this category.</b></p>

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# Agenda Item 12

**REPORT TO:** Cabinet Member - Environmental

**DATE:** 6<sup>th</sup> April 2011

**SUBJECT:** **A FRAMEWORK FOR THE DELIVERY OF SERVICES IN ANIMAL HEALTH AND WELFARE 2011/12.**

**WARDS AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental & Technical Services Director

**CONTACT OFFICER:** Andrew Naisbitt  
Trading Standards and Licensing Manager  
0151 934 4014

**EXEMPT/ CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

For the Cabinet Member – Environmental to endorse the revised framework agreement between Sefton Council’s Trading Standards Service and the Department for Environment, Food and Rural Affairs (DEFRA) for the delivery of animal health and welfare service provision.

**REASON WHY DECISION REQUIRED:**

The National Performance Framework for Trading Standards (NPF) requires that such initiatives be considered and approved by the Council’s elected representatives.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental

- a) Notes the content of this report and:
- b) Approves the Animal Welfare Service Delivery Plan 2011/12.

**KEY DECISION:** No

**FORWARD PLAN:** N/A

**IMPLEMENTATION DATE:** Immediately following the expiry of the “call-in” period for this meeting.

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## ALTERNATIVE OPTIONS:

None - Statutory Function. The Framework for the Delivery of Services in Animal Health and Welfare is the national accepted scheme for ensuring animal health and preventing disease.

## IMPLICATIONS:

**Budget/Policy Framework:** None arising from this report – limited grant funding is available from DEFRA

## Financial:

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources, within existing budget	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?	N/A			

**Legal:** Legal Department LD/74/11 No comment

**Risk Assessment** Enforcement of the Animal Health legislation is a statutory duty  
**Asset Management** N/A

**Consultation Undertaken/Views**  
**DEFRA – Animal Health Divisional Office**

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

“A framework for the delivery of service in Animal Health and Welfare’ published jointly by LACORS, DEFRA and Welsh Assembly Government.

Legal Department – LD 74/11 No comment

# Agenda Item 12

## Background

1. The Cabinet Member - Environmental approved a previous report entitled "A Framework for the Delivery of Services in Animal Health and Welfare (The Framework)", dated 1<sup>st</sup> September 2004. That report advised members of the local framework agreement agreed by DEFRA and Sefton Council Trading Standards Service. This report serves to update the previous commitments.

## A Framework for the Delivery of Services in Animal Health and Welfare

2. The framework document "Animal Welfare Service Delivery Plan 2011/12", Annex 1 to this report, sets out the delivery arrangements for animal health and welfare services provided by the Trading Standards Section. It has been developed with detailed consideration of local needs, corporate objectives and reference to the national framework model developed by LACORS, DEFRA and the Welsh Assembly Government.
3. The framework deals mostly with farmed livestock, where the problems are seen as most serious. It also covers horses and touches on pets and wildlife.
4. The Framework addresses the following strategic outcomes:
  - A clear understanding of roles and responsibilities;
  - A partnership approach;
  - Promotion of animal health and welfare: prevention better than cure;
  - A clearer understanding of costs and benefits of animal health and welfare; and
  - Effective delivery and enforcement.
5. Much of the discussion of animal health and welfare in recent years has focused on the role of Government. However, Government should intervene only where there is a clear public interest in doing so. The four primary reasons for intervention are public health, impact on the wider economy and society, trade, and animal welfare.
6. The Framework establishes a set of principles for local decision-making and therefore decisions on animal health and welfare should:
  - Be based on sound science and evidence;
  - Lead to proportionate action through an assessment of costs and benefits;
  - Be guided by the precautionary principle;
  - Be based on risk assessment (which should included the use of veterinary advice);
  - Be made in partnership with key stakeholders;
  - Be consistent with Government's reason for intervention;

# Agenda Item 12

- Promote sustainable development, including a sustainable food and farming industry;
  - Be consistent with EU and International obligations; and
  - Seek to promote British interests in the EU and internationally.
7. In order to address all these issues the Framework sets out proposed actions to improve the health and welfare of animals kept by man, and to address public health protection from animal disease. These actions include:
- Definition of the Council's enforcement structure and plan;
  - Analysis of Commercial premises and agricultural holdings;
  - Preparation of risk assessment of premises within the Sefton area;
  - The intelligence gathering process;
  - Consultation with the local Divisional Veterinary Manager;
  - Liaison with other agencies;
  - Training and continuing professional development of staff;
  - Provision of Advice to clients and animal licence applications;
  - The monitoring of animal movement activities and attendance at critical control points;
  - The response, standby and on-call arrangements;
  - The investigation of offences;
  - Identification of training and advice needs for farmers and vets and others who advise animal keepers; and
  - Developing indicators and targets for success.

## **Implications**

8. The Animal Health and Welfare Agenda places a statutory duty on the Council that will be carried out by Environmental Protection services.
9. In addition to the licensing of local pet shops, kennels and riding establishments current estimates suggest the activity will involve visiting approximately 50 'agricultural' premises per annum, the administration of local animal movement and a lead role in contingency planning with respect to animal diseases.

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# Local Authority: SEFTON MBC

Service Delivery Plan for year: 01/04/2011 to 31/03/2012

## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)	Local Authority Planned Level of Service Delivery
<b>A1. Planning the Delivery of the Local Authority Animal Health Function</b>	
<p>A1.1 Risk Assessment</p> <p>Risk based inspection programme</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>Premises risk assessed in accordance with national risk scheme detailed in Section 4</p> <p>a) Standard: <b>Good</b></p> <p>b) How Standard is to be achieved:</p> <ul style="list-style-type: none"> <li>As defined</li> <li>The Service uses the LACORS National Trading Standards Risk Assessment Scheme. Any enquiries raised by other agencies are logged as a 'complaint' and investigated. Complaint log informs risk assessment process.</li> <li>The service supports the use of the LACORS Home Authority Principle with respect to the sharing and dissemination of information. Discussion with DVM as appropriate</li> <li>The Service uses the LACORS National Trading Standards Risk Assessment Scheme. Any enquiries raised by other agencies are logged as a 'complaint' and investigated. Complaint log informs risk assessment process.</li> <li>The Service is part of a multi functional Department and has close ties with the local Environmental Health Services. The services share the same 'Authority' database allowing cross-fertilisation of intelligence and data.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>100% of premises assessed – Plan to visit all premises (2011/2012) as part of project therefore n/a attempt to co-ordinate inspections with other agencies.</li> </ul>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery



## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)	Local Authority Planned Level of Service Delivery
<b>A2. Training and Development</b>	
<p>A2.1 Training for new officers</p> <p>On-going professional development</p> <p><b>Outcome 5</b></p>	<p>Officers are authorised to enforce all relevant legislation.</p> <p>All enforcement staff to hold recognised qualification or have equivalent professional experience i.e. ‘Grandfather rights’ or undertake to achieve such qualifications as soon as possible</p> <p>It is recognised that in emergency situations i.e. outbreaks of disease, there may be a need to call upon non animal health qualified officers to assist in carrying out animal health and welfare duties.</p> <p>Time and resources allocated to keep up to date on appropriate Animal Health and Welfare legislation, codes of practice, guidance etc – e.g. by accessing LG Regulation website</p>
<p>Page 81</p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How Standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Annual performance and development review in line with Investors IN People Standard</li> <li>• Designated Animal Health Enforcement staff are required to keep up to date with respect to animal health and welfare by using the LACORS website on a weekly basis. To that end each officer has Internet access and access to the LACORS website.</li> <li>• The Department subscribes to Lexus online (for legislation) &amp; TS Desktop Companion.</li> <li>• Helen Shaw – Senior Trading Standards Officer, holder of DTS &amp; Simon Evans – Technical Officer with 15 years experience in Trading Standards. These officers are authorised to enforce all relevant legislation including: Animal Health Act 1981 (as amended); EC Act 1972; Agriculture Act 1970; and Food Safety Act 1990.</li> <li>• Attendance at County Council Animal Health function &amp; Defra courses</li> <li>• The Department carries out annual contingency planning exercises in preparation for emergency situations and attends SVS training as appropriate.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• All staff as appropriate</li> </ul>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

Content and relevant outcome(s)	Local Authority Planned Level of Service Delivery
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**A3. Licensing Activities**

<p>A3.1 Recording of Animal Movements</p> <p>Sheep, Goats, Deer and Pig movement data capture and recording of exemptions</p>	<p>All movement documents received to be date stamped or otherwise identified as to date received. (The 3 day timescale commences on the day following receipt of the movement document by the authority).Data entry on to the Defra AMLS2 database of all sheep, pig and deer movement documents received</p> <p>Action to be taken where errors are detected that require follow up resolution  <b>Outcomes 1 and 4</b></p>	<p>a) Standard: <b>Good</b>                      b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Delivery targets are set in accordance with Departmental Service plan and published response times</li> </ul> <p>Officers can be contacted as follows:</p> <ul style="list-style-type: none"> <li>• Via telephone (0151 934 4028) between the hours of 9.00am to 5.00pm Monday to Thursday and 9.00am to 4.00pm on Friday. Calls are answered within 5 rings, if the appropriate person is unavailable, a message can be left and an officer will call back within 2 working days.</li> <li>• Via fax on 0151 934 4276 and the officers will respond within 5 working days and a full response within 15 working days.</li> <li>• Via email at <a href="mailto:epd@environmental.sefton.gov.uk">epd@environmental.sefton.gov.uk</a> and the officers will respond within 5 working days and a full response within 15 working days.</li> <li>• Via letter to Environmental Protection Department, 1<sup>st</sup> Floor Magdalen House, Trinity Road, Bootle L20 3NJ and the officers will respond within 5 working days and a full response within 15 working days.</li> <li>• Personal Callers via appointment only</li> <li>• All movement documents will be logged into 'Authority' and identified with date received &amp; data entry onto AMLS2 as appropriate</li> <li>• The Service will ensure that any IT system data errors identified, are actioned within 2 working days</li> <li>• This Service will regularly review (every quarter) and update all non-AMLS licensing records within 4 working days.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• The service will undertake to deal with 95% of enquiries within given maximum time frame.</li> </ul>
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## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A3.2 Issuing of specific animal movement licences on AMLS2</p>	<p>Specific licences (on AMLS2) issued for those individuals prohibited by the Minister from operating under the general licence</p> <p>Receipt of licence applications</p> <p>Assessment and issue of specific licences</p> <p>Issue of animal movement licences manually where approval given</p> <p><b>Outcomes 1 and 4</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Service will ensure that all documents will be identified with date received and all details of movements, recorded on AMLS within two days of receipt.</li> <li>• This includes the verification and entry of six-day standstill exemptions within two working days.</li> <li>• Three working days is deemed acceptable where errors are detected that require follow-up resolution</li> <li>• The Service will issue licences within one working days of receipt where no pre-inspection is required.</li> <li>• The issue of licences extended to three working days for all Disease Control System amendments or where pre-inspection required.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• 100%</li> </ul>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A3.3 Investigation of specific (AMLS2) movement licence refusals</p>	<p>Initial investigation of (AMLS2) licence application refusals; resolve if possible, otherwise co-operation with AHRO to achieve resolution</p> <p><b>Outcomes 1 and 4</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Service will carry out an investigation and resolve license refusals within two days.</li> <li>• The Service will publish the appeals procedure where appropriate and as permitted by legislation</li> <li>• The Service will ensure that all documents will be identified with date received and all details of movements, recorded on AMLS within two days of receipt.</li> <li>• This includes the verification and entry of six-day standstill exemptions within two working days.</li> <li>• Three working days is deemed acceptable where errors are detected that require follow-up resolution</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• 100%</li> </ul>

## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)	Local Authority Planned Level of Service Delivery
<b>A4. Enforcement activities to maximise Animal Health and Welfare compliance (CCPs)</b>	
<p>A4.1 Attendance at Critical Control Points - Livestock markets, Sales, Collection Centres and Assembly Centres</p>	<p>Highly visible preventative enforcement presence. Attendance at markets and other premises licensed for sales, and Collection Centres and Assembly Centres to ensure compliance, in particular with:</p> <ul style="list-style-type: none"> <li>• Biosecurity (vehicles, premises and people)</li> <li>• Livestock identification</li> <li>• Central Point Recording Centre approval conditions and contingency</li> <li>• Welfare</li> <li>• Transport</li> <li>• Licensing and record keeping</li> <li>• Specific pre movement licensing</li> <li>• All other relevant legislation</li> </ul> <p>Exact attendance levels and times according to status of gathering</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>
	<p>a)Not applicable</p> <p>b)Not applicable</p>

## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A4.2 Attendance at Critical Control Points - slaughter houses</p> <p><i>All these activities with regard to the transport unloading and identification of livestock should normally occur outside of the slaughterhouse production area. This service delivery does not require Local Authority officers to enter the slaughterhouse production area, or undertake enforcement in relation to the slaughterhouse operation itself. The MHS are responsible for enforcement in the slaughterhouse itself, and Local Authorities should liaise with MHS with regard to any need to enter the slaughterhouse production area.</i></p>	<p>Attendance at slaughter houses (high and low through put, red meat and poultry(white meat) in liaison with MHS to ensure legislative compliance, in particular with:</p> <ul style="list-style-type: none"> <li>• Biosecurity (vehicles, premises and people)</li> <li>• Livestock identification</li> <li>• Central Point Recording Centre approval conditions and contingency</li> <li>• Welfare</li> <li>• Transport</li> <li>• Licensing and record keeping</li> <li>• Specific pre movement licensing</li> <li>• All other relevant legislation</li> </ul> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a)Not applicable</p> <p>b)Not applicable</p>
<p>A4.3 Attendance at Critical Control Points - Dealers</p>	<p>Identification of Dealers</p> <p>Visits/inspections to verify legislative compliance</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a)Not applicable</p> <p>b)Not applicable</p>

## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A4.4 Attendance at Critical Control Points - Ports (excluding BIPs)</p>	<p>Attendance at Ports to ensure legislative compliance, in particular with:</p> <ul style="list-style-type: none"> <li>• Biosecurity (vehicles, premises and people)</li> <li>• Livestock identification</li> <li>• Welfare</li> <li>• Transport</li> <li>• Import/export documentation</li> <li>• All other relevant legislation</li> </ul> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How Standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Reactive upon the request of the Port Health Authority – all docks monitored by Port Health on behalf of the Council.</li> <li>• Reactive upon the request of SVS / Animal Health</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• On request</li> </ul>
<p>A4.5 Attendance at Critical Control Points - High risk Farms (Other than dealers)</p>	<p>Visits/inspections to verify legislative compliance</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a)Not applicable</p> <p>b)Not applicable</p>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A4.6 Stand by and on call arrangements</p>	<p>Emergency interagency contact regarding disease and other enforcement incidents</p> <p><b>Outcomes 1, 2, 3, 4 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Service has emergency interagency agency contact arrangements to deal with disease or other enforcement incidents, e.g. Rabies, FMD. Arrangements are co-ordinated by a dedicated Emergency Planning Team</li> <li>• The Council also has its own 'Security' Service and an 'out of hours' contact list which includes the Service Director, Assistant Directors and Section Manager.</li> </ul> <p>c) Target: Immediate</p>



## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<b>A5. Partnership working and intelligence driven enforcement</b>		
A5.1 Identified Infringements	Identified breaches of legislation, including bio - security, licensing, welfare, livestock identification, standstill breaches, illegal imports, by products, and other disease control work.  Irregularities found on documentary checks followed up  <b>Outcomes 1, 2, 5 and 6</b>	a) Standard: <b>Minimum</b>  b) How standard is to be achieved: <ul style="list-style-type: none"> <li>Identified breaches of legislation will be investigated</li> </ul> c) Target: <ul style="list-style-type: none"> <li>100%</li> </ul>
Page 89	2 Intelligence / information and systems	a) Standard: <b>Minimum</b>  b) How standard is to be achieved: <ul style="list-style-type: none"> <li>Via TSNW Regional Intelligence Unit.</li> <li>Infringements or suspected infringements reports from external sources or identified by the use of data interrogation etc will be investigated.</li> </ul> c) Target: <ul style="list-style-type: none"> <li>Upon request</li> </ul>
A5.3 Intelligence led actions	Infringements or suspected infringements reported from external enforcement sources or identified by use of data interrogation or intelligence sources; members of the public/complaints  <b>Outcomes 1, 2, 5 and 6</b>	a) Standard: <b>Minimum</b>  b) How standard is to be achieved: <ul style="list-style-type: none"> <li>Via TSNW Regional Intelligence Unit.</li> <li>Infringements or suspected infringements reports from external sources or identified by the use of data interrogation etc will be investigated.</li> </ul> c) Target: <ul style="list-style-type: none"> <li>Upon request</li> </ul>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

**Content and relevant outcome(s)**

**Local Authority Planned Level of Service Delivery**

**A6. Post enforcement reporting and AMES data entry activities**

A6.1 Animal Health and Welfare Management and Enforcement System (AMES)

Entry of data on to AMES system (or via electronic data transfer from local systems to AMES) recording Local Authority enforcement activities, results and actions. (The relevant timescale commences on the day following the date on which the activity took place).

Use of AMES for management information and report generation

Recording of data on infringements

**Outcomes 1, 2, 3, 4, 5 and 6**

a) Standard: **Minimum**

b) How standard is to be achieved:

- Follow up reports, data entry, licence issues, and other work following practical enforcement activities will be produced as required
- Further investigation and evidence gathering / Court work will be carried out in accordance with the Department's enforcement policy and prosecution procedure.
- Intelligence systems will be set up as required. This includes liaison with other agencies

c) Target:

- The recording of all relevant information is to be completed within two working days.

## PART A NATIONAL PRIORITIES (including Critical Control Points)

Content and relevant outcome(s)		Local Authority Planned Level of Service Delivery
<p>A6.2 Management information</p>	<p>Collation of management information data for internal use and provision to Animal Health, Defra and Welsh Assembly Government.</p> <p><b>Outcomes 3, 4 and 5</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The 'Framework', contents and methods (as defined) and management information data will be supplied to Defra as required.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• All requests for data will be actioned within 5 working days</li> <li>• All statutory returns will be sent to Defra by the stated deadline.</li> </ul>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

Content and relevant outcome(s)	Local Authority Planned Level of Service Delivery
<b>A7. Contingency planning and emergency action</b>	
<p>A7.1 Animal Health/Defra/Welsh Assembly Government and local authority emergency preparedness</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 92</p>	<p>Planning and contributing to emergency preparedness plans with Animal Health/Defra/Welsh Assembly Government and other agencies as appropriate</p> <p><b>Outcomes 1, 3, 5 and 6</b></p>
<p>A7.2 Testing and Training</p>	<p>Testing, training, practising and evaluating activities in relation to the emergency plan</p> <p><b>Outcomes 1, 3, 5 and 6</b></p>
	<p>a) Standard: <b>Good</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Department has adopted the LACORS emergency preparedness plans</li> <li>•</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• Reviewed on an annual basis</li> </ul>
	<p>a) Standard: Good</p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Section carries out in house training activities</li> <li>• The Section attends regional preparedness exercises facilitated by SVS</li> <li>• The Section holds a supply of PPE &amp; Animal Health Road Signage</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• Carry out 1 preparedness exercise per annum</li> </ul>

**PART A NATIONAL PRIORITIES (including Critical Control Points)**

**Content and relevant outcome(s)**

**Local Authority Planned Level of Service Delivery**

**A8. Additional Activities to reflect National Priorities**

A8.1 National Priorities

Provide details in Service Delivery Plan (Annex C) of identified priorities as discussed with the RODs, Defra and the Welsh Assembly Government, as appropriate.

**Outcomes 1,2,5 and 6**

a)To be reviewed as appropriate

## PART B Other Priority areas for consideration

Content and relevant outcome(s)	Local Authority Planned Service Delivery
<b>B1. Planning the Delivery of the Local Authority Animal Health Function</b>	
<p>B1.1 Profile of local authority area and associated animal health and welfare workload</p> <p>Page 94</p>	<p>Analysis of critical control points by type, number, days of operation, including:</p> <ul style="list-style-type: none"> <li>• premises licensed for sales (e.g. auction markets etc.)</li> <li>• premises licensed for collections for slaughter or further rearing or finishing</li> <li>• abattoirs/slaughter houses</li> </ul> <p>Analysis of agricultural premises according to risk</p> <p>Summary of staff engaged in Animal Health and Welfare work</p> <p><b>Outcomes 3 and 5</b></p>
	<p>a) Standard: <b>Minimum</b></p> <p>b) How Standard is to be achieved:</p> <p><u>Live Animals:</u></p> <ul style="list-style-type: none"> <li>• Premises licensed for sales: <b>0</b></li> <li>• Premises licensed for collections for slaughter etc: <b>0</b></li> <li>• Abattoirs / Slaughterhouses: <b>0</b></li> </ul> <p><u>Carcasses/ Animal By Products:</u></p> <ul style="list-style-type: none"> <li>• Rendering plants, hunt kennels, maggot farms: <b>0</b></li> </ul> <p><u>Other:</u></p> <ul style="list-style-type: none"> <li>• Premises where livestock present or kept for commercial purposes / other premises where animals present or kept for commercial purposes, e.g. horse riding / dog breeding / pet shops: Approx - <b>59</b></li> <li>• Other non commercial premises where livestock present or kept, e.g. pet pigs, back yard poultry: <b>38</b></li> <li>• Other non commercial premises, e.g. animal sanctuaries: <b>3</b></li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• Resource allocation 0.5FTE enforcement officer</li> <li>• Carry 100% of inspections on a project basis</li> </ul>

## PART B Other Priority areas for consideration

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<p>B1.2 Annual Service Delivery Plan for delivery of services in Animal Health and Welfare</p>	<p>Service Delivery Plan produced detailing Service Delivery for all activities detailed in this activity framework, reflecting national and local priorities. Annex C should be used as a template.</p> <p><b>Outcomes 3, 4, and 5</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How Standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Service Delivery Plan defines Animal Health activities &amp; is approved by Cabinet Member</li> <li>• Animal welfare visits carried out on a project basis by 0.5FTE enforcement staff</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• 100%</li> </ul>

## PART B Other Priority areas for consideration

Content and relevant outcome(s)	Local Authority Planned Service Delivery
<b>B2. Education and advice to maximise compliance</b>	
<p>B2.1 Education and advice</p>	<p>Guidance provided to businesses on all aspects of Animal Health and Welfare for which local authorities are responsible, including any movement licensing requirements.</p> <p>Delivery targets should be set in accordance with individual local authority 'charter' response times.</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>
<p>Page 96</p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>The Service will provide advice on Animal Health and Welfare of cases as required on demand.</li> <li>The Service will also provide guidance to business as a matter as priority when new information becomes available. The level of priority will be consistent with the LACORS risk assessment scheme.</li> <li>All suspected irregularities identified in AMLS2 will be investigated and appropriate follow up action taken.(The following timescales for investigations will be adhered to: Within 5 working days for sheep/cattle subject to 6 days standstill / Within 19 days for pigs subject to 20 – standstill)</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>95% of all cases</li> </ul>



## PART B Other Priority areas for consideration

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<p>B2.2 Proactive activity</p>	<p>Proactive involvement or lead in education and training events with stakeholder organisations etc.</p> <p>Joined up approach to education and advice through liaison with Defra, Welsh Assembly Government, LG Regulation and Animal Health</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How Standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Distribute leaflets to farmers</li> <li>• Information via Council website</li> <li>• Arrange stakeholder groups on request</li> </ul> <p>c) Target:</p> <p>Above – as appropriate</p>

## PART B Other Priority areas for consideration

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<b>3. Enforcement activities to maximise Animal Health and Welfare compliance</b>		
<p>B3.1 Inspections to premises other than High Risk businesses</p>	<p>Visits to verify legislative compliance (See guidance in Annex F).</p> <p>Commercial hauliers Farms (including own livestock vehicle) Agricultural Shows and farm dispersal sales Knackers/Hunt kennels/renderers Maggot farms etc</p> <p>Any other premises of livestock origin and destination</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a) Standard: <b>Good</b></p> <ul style="list-style-type: none"> <li>• 13 medium risk premises</li> <li>• 51 low risk premises</li> </ul> <p>b) How Standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Section will carry out selective visits to verify legislative compliance at regulated premises. The frequency of inspection is determined by the LACORS risk assessment scheme and will also be driven by selective checks from AMLS2.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• 100% of identified premises on a project basis</li> </ul>
<p>B3.2 In transit checks</p>	<p>Roadside checks (in conjunction with police)</p> <p>Police led multi agency roadside checks local authority led checks for animal health and welfare compliance only (including co-ordination with adjacent local authorities)</p> <p>National exercises and operations e.g. V79</p> <p><b>Outcomes 1, 2, 3, 4 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Carry out an exercise in response to bona fide intelligence</li> <li>• Participate in exercises at the request of the police</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• Upon request</li> </ul>

## PART B Other Priority areas for consideration

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<p>B3.3 Postal record recall checks (if carried out) on livestock premises</p>	<p>Postal recall checks and verification according to risk</p> <p>Non responses subject to follow up action as appropriate (including, if necessary premises visit inspection)</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <ul style="list-style-type: none"> <li>• The Service will carry out postal record checks at High Risk Premises.</li> </ul> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Service will not carry out any checks during 2011/12 – no high risk premises.</li> </ul>

**PART B Other Priority areas for consideration**

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<p>B3.4 Vehicle biosecurity – cleansing and disinfecting compliance</p>	<p>Checks on those signing declarations to cleanse and disinfect at premises other than where they have delivered livestock</p> <p><b>Outcomes 1, 5 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• Carry out checks upon demand</li> <li>• Carry out checks in response to bone fide intelligence</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• Upon request</li> </ul>

## PART B Other Priority areas for consideration

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<p>B3.5 Out of operating hours checks</p>	<p>Checks out of normal specified operating hours or subsequent days for:                      Markets                      Slaughter houses                      Premises licensed for collection of animals for slaughter or for further rearing or finishing</p> <p><b>Outcomes 1, 2, 5 and 6</b></p>	<p>a)Not applicable</p> <p>b)Not applicable</p>
<p>B3.6 Stand by and on call arrangements</p>	<p>Emergency interagency contact regarding disease and other enforcement incidents</p> <p><b>Outcomes 1, 2, 3, 4 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Service has emergency interagency agency contact arrangements to deal with disease or other enforcement incidents, e.g.Rabies, FMD. Arrangements are co-ordinated by a dedicated Emergency Planning Team</li> <li>• The Council also has its own 'Security' Service and an 'out of hours' contact list which includes the Service Director, Assistant Directors and Section Manager.</li> </ul> <p>c) Target: Immediate</p>

**PART B Other Priority areas for consideration**

<b>Content and relevant outcome(s)</b>		<b>Local Authority Planned Service Delivery</b>

**PART B Other Priority areas for consideration**

**Content and relevant outcome(s)**

**Local Authority Planned Service Delivery**

**B4. Partnership working and intelligence driven enforcement**

**PART B Other Priority areas for consideration**

Content and relevant outcome(s)		Local Authority Planned Service Delivery
<p>B4.1 Cross border and multi agency working</p>	<p>Assessment and communication to interested parties of cross cutting issues</p> <p>Research/intelligence led activities including workshops</p> <p>Joint investigations/exercises/initiatives</p> <p>Mentoring arrangements</p> <p><b>Outcomes 1, 2, 3, 4 and 6</b></p>	<p>a) Standard: <b>Minimum</b></p> <p>b) How standard is to be achieved:</p> <ul style="list-style-type: none"> <li>• The Section will assess and communicate with other interested parties in respect of cross boundary, cross cutting issues.</li> </ul> <p>c) Target:</p> <ul style="list-style-type: none"> <li>• Attendance at Regional Meetings</li> <li>• Participation in at least on contingency planning exercise</li> </ul>



## PART B Other Priority areas for consideration

Content and relevant outcome(s)	Local Authority Planned Service Delivery
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### B5 . Additional Activities to reflect Regional and Local Priorities

B5.1 Regional priorities	Discuss regional priorities, with the ROD at regional meetings in advance of annual service delivery planning  <b>Outcomes 1, 2, 5 and 6</b>	a) To Be Reviewed as appropriate
2 Local priorities	As determined by local authority in discussion with ROD  <b>Outcomes 1, 2, 5 and 6</b>	a)To be reviewed as appropriate

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# Agenda Item 13

**REPORT TO:** CABINET MEMBER ENVIRONMENTAL

**DATE:** 6<sup>th</sup> April 2011

**SUBJECT:** **AGE RESTRICTED SALES – UPDATE 2010/11**

**WARDS AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental and Technical Services Director

**CONTACT OFFICER:** Andrew Naisbitt  
Section Manager, Trading Standards  
0151 934 4014

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To provide the statutory annual review of the enforcement action undertaken by the Trading Standards Section for 2010/11 in relation to legislation intended to control the sale of age restricted products and to advise the Cabinet Member – Environmental:

- a. Of the outcome of the enforcement programme in relation to age restricted products for 2010/11.
- b. Of the proposed enforcement programme in relation to age restricted products 2011/12.
- c. On the ongoing “Knock Back” scheme designed to assist licensees in the prevention of underage sales of alcohol.

**REASON WHY DECISION REQUIRED:**

An annual public report on this activity is a statutory requirement.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental,

- Notes the activities undertaken by the Trading Standards Section to control age related sales in 2010/11.
- Endorses the level and targeting of under age enforcement activities proposed for 2011/12.

**KEY DECISION:** No

**FORWARD PLAN:** No

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**IMPLEMENTATION DATE:**

Following the expiry of the 'call-in' period for this meeting.

**ALTERNATIVE OPTIONS:**

Enforcement of underage sale legislation is a Statutory Duty.

Additional resources could be diverted to this area of enforcement however this would risk distorting the balanced work programme of the Trading Standards service.

**IMPLICATIONS:**

**Budget/Policy Framework:**

**Financial:** The proposed enforcement activities are being met by existing budgets.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources, within existing budget	-	-	-	-
Funded from External Resources				-
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?				

**Legal:** Trading Standards has a Statutory Duty to enforce a

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number of pieces of age restrictive legislation.

**Risk Assessment:**

The Council is the Regulating Authority for underage sales. Failure to carry out this duty effectively could risk the claim that the Council has failed in its statutory obligations in this area.

**Asset Management:**

Not Relevant

**CONSULTATION UNDERTAKEN/VIEWS**

After consultation, Merseyside Police, Sefton Chamber of Commerce and Industry and South Sefton Primary Care Trust all endorsed "Knock Back". The 'trade' was also consulted and provided positive feedback.

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People	√		

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

'Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services – Consultation Paper'. LBRO February 2011

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## Background

- 1 The Council is responsible for enforcing age related sales legislation aimed at protecting the health and well being of young people. This statutory duty is undertaken by the Trading Standards service of the Environmental and Technical Services Department. Products such as tobacco, fireworks, solvents, videos, lottery tickets, spray paints and alcohol have their sale age restricted because they are believed to be harmful if purchased and used or misused by people under a specific age.
2. The sale of age restricted products to underage persons, particularly alcohol, contributes to the levels of offending or anti-social behaviour and wider community impact concerns. There is national and local concern relating to the negative health consequences of alcohol consumption particularly with respect to the increased detrimental effect of alcohol on physically immature bodies.
- 3 This report also provides the statutory annual review of the enforcement action undertaken by the Trading Standards service for the period 2010/11 in relation to sales of tobacco.

## Enforcement Activity in Sefton 2010/11

4. In 2010/11, the Trading Standards service received 24 complaints in relation to alleged underage sales. All have been dealt with by personal visits to the premises concerned. Advice has been given to the owner of each business in respect of the legislation controlling such sales, together with advice in respect of his/her legal responsibilities. This information was also used to inform the covert test purchasing exercises carried out by the Trading Standards service.
5. Premises selling tobacco products were visited as part of the Trading Standards annual risk related inspection programme of trade premises. During these inspections, officers checked that the prescribed warning notice was being correctly displayed.
6. The Trading Standards service, working with Merseyside Police, carried out *intelligence led* test-purchasing exercises as follows:

Survey Type	Date	No of Premises Visited	No of Sales
Alcohol	June 2010	9	1
Tobacco	August 2010	9	1
Alcohol	September 2010	7	1
Fireworks	October 2010	10	0
Tobacco	October 2010	4	0
Alcohol	October 2010	11	0
Alcohol	December 2010	9	2
Tobacco	February 2011	8	0

**NB** The number of premises visited is determined by complaint data, availability of underage volunteers and geographic spread of the premises.

The underage alcohol sales have led to 4 Fixed Penalty Notices and 4 Police Cautions. The underage tobacco sales have led to 1 written warning

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7. The National Performance Framework for Trading Standards requires greater co-operation between neighbouring Local Authorities in respect of common problems. "Knock Back" is a joint initiative involving Liverpool, Knowsley, St Helens and Sefton Trading Standards in response to requests from the licence trade for practical guidance in the prevention of underage sales of alcohol. The guidance takes the form of a free pack and assists licensees in training their staff on underage sales prevention. The project addresses both 'On' and 'Off' licensed premises
8. The Trading Standards Service also played a lead role in the Council's Best Bar None Scheme, previously reported on 4<sup>th</sup> August 2010. Best Bar None is a well-recognised scheme, supported by the government and the licensed retail industry, which is being successfully run in a number of local authorities as an early intervention exercise to reduce the demand for traditional statutory enforcement methods. Such schemes also serve to promote the local economy whilst tackling anti-social behaviour, and act as a catalyst for joined up thinking on a wide range of policies in the management of the night time economy. The Trading Service will continue to contribute to coordinated multi agency enforcement exercises that form part of the Government's National Alcohol Strategy by continuing to develop the Best Bar None Scheme in 2011/12

## **Proposed Enforcement Programme for 2011/12.**

9. The "SEFTON TRADING STANDARDS ALCOHOL SURVEY OF YOUNG PEOPLE 2011" is currently underway as part of a regional initiative that is repeated every two years to help inform a strategy for dealing with the sale of alcohol to young people who are underage. The primary objective of the research was to identify how and where youngsters obtain alcohol in order to effectively plan intelligence led campaigns. This year's survey is due to be reported in July.
10. The '2009' report highlighted that in respect of purchasing alcohol:
  - The percentage of 14-17 year olds in Sefton claiming to buy their own alcohol has increased by 6% since the 2007 survey, but is still lower than reported in 2005.
  - In 2007 the proportion of 14-17 year olds purchasing their own alcohol in Sefton was in line with the regional average at 28%. In 2009 this figure has risen to 34%, 8% higher than the regional average. Across the North West, Sefton has the third highest incidence of 14-17 year olds purchasing their own alcohol.
  - The findings suggest that young females are more likely to purchase their own alcohol than young males in Sefton. The proportion of 15 year olds claiming to buy their own alcohol has increased by 6% since 2007, slightly higher than the rise amongst 16 year olds (3%).
11. Consequently the Trading Standards Service increased the number of enforcement exercises from six to eight intelligence led test purchasing exercises in 2010/11 and this level will be sustained in 2011/12. It is intended that these eight exercises will target alcohol sales, fireworks and cigarettes. This is consistent with the Trading Standards North West regional priorities. However, the service will respond to information supplied by the local community and the Police and target the exercises accordingly.

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12. The Trading Standards Section is continuing to work with its partners to develop and promote the “Knock Back” scheme by
  - Updating and extending the “Knock Back” Scheme to include guidance on other age restricted products; and
  - Writing to licence holders asking them to join the scheme.
  
13. Enforcement of the age restrictive legislation will contribute to two of the five new “National Enforcement Priorities for Local Authority Regulatory Services, specifically
  - Helping people to live healthier lives by preventing ill health and harm and promoting public health and
  - Support enterprise and economic growth by ensuring there is a fair, responsible and competitive trading environment.
  
14. The comments of the Cabinet Member, Environmental, in liaison with the other Party Spokespersons, on the proposed level of enforcement activity and details of any local intelligence regarding alleged underage sales are welcomed at this stage, prior to the commencement of the 2011/12 underage sales enforcement programme.