

SCRUTINY ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	INTERNAL AFFAIRS SCRUTINY COMMITTEE	18 JUNE 2024	5
ENVIRONMENTAL HEALTH & HOUSING ENFORCEMENT ACTION – STATISTICAL INFORMATION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

PURPOSE OF THIS REPORT

To present the enforcement statistics of the Environmental and Housing Services to the Internal Affairs Scrutiny Committee.

Environmental and Housing Services have enforcement and regulatory functions, and they are of a common theme, public health. Both services are now aligned under one Head of Services and benefit from one 'Enforcement Policy'. This report provides the statistical information around enforcement activities carried out within the last financial year (1st April 2023 – 31st March 2024).

SOURCE OF REFERRAL

At a meeting of the Internal Affairs Scrutiny Committee on 5th September 2023 it was **RESOLVED**:

“That a simple report with statistics and breakdowns of type of enforcement action undertaken be brought to committee at the end of each financial year, for members to peruse”.

FURTHER INFORMATION

[The Environmental & Housing Services Enforcement Policy \(APPENDIX 1\)](#)

SUGGESTED RECOMMENDATIONS

To note the enforcement actions and statistics of Environmental and Housing services over the period 1st April 2023 – 31st March 2024 and make any comments as necessary.

REPORT

1. The aim of Environmental and Housing Services is to protect public health. This is done so by qualified officers offering professional advice, guidance and assistance through various interventions and inspection. However, the service must deal with residents and businesses who pose a risk to public health. This is done so in line with the 'Environmental & Housing Services Enforcement Policy' and relevant codes of practice/legislation.

2. Fylde Council acknowledges the involvement in allowing and even encouraging economic progress and takes into consideration the costs, effectiveness and perceptions of fairness when considering any enforcement action. As such, the Environmental and Housing Services department aim to carry out their regulatory and enforcement duties without imposing unnecessary burdens on businesses or individuals. Enforcement action will usually be graduated. Any individuals/businesses that deliberately or persistently flout the law will usually be subject to enforcement action.
3. Failure to comply with enforcement action could result in an escalation of enforcement action. For instance, failing to comply with a legal notice could result in legal proceedings being instigated. Escalated enforcement action will be taken where the continuing non-conformance is detrimental and there is a high risk of continuing non-conformance.
4. The Head of Governance, as the Council's solicitor, will decide whether to proceed with any case referred to him for potential prosecution. He will make that decision in accordance with the Code for Crown Prosecutors, which also applies to the council. A prosecution will usually be commenced where there is sufficient evidence to provide a realistic prospect of conviction unless that there are public interest factors (as detailed in the code) tending against prosecution which outweigh those tending in favour.
5. The Environmental and Housing Services department aim is to:
 - Protect the public and the environment.
 - Promote the health, safety and welfare of all our residents and visitors!
 - Enhance the quality of life for all residents and visitors and
 - Allow compliant businesses to flourish.

ENFORCEMENT STATISTICS

6. Environmental and Housing Services deal with a myriad of legislation and enforcement options, the table below provides a simple breakdown of enforcement in each category:

Table 1 – Enforcement statistics (1st April 2023 – 31st March 2024)

Section	Enforcement Statistics
Licensing	1 prosecution 3 driver revocations 2 Licensing Committees 2 Public Protection Committees 6 licensing panels
Commercial Safety	Food safety: 212 Written Warnings 5 Hygiene Improvement Notices 17 Voluntary Surrender of Food 3 Voluntary Closure 1 Prosecution Health and safety: 2 improvement notices 1 Prohibition Notice
Environmental Protection	4 Fixed Penalty Notices 7 Community Protection Warning letters 34 Formal Notices (i.e abatement notices, Public Health Act notices, Building Act notices etc)

Community Enforcement	2 Community Protection Warning letter 43 warning letters
Housing Standards	160 - Hazard Awareness Notices 13 – Improvement Notice 196 – HMOs Inspected 332 – Total properties inspected

7. It is not sensible to have enforcement targets or quotas, as enforcement in the Environmental Health and Housing service should always be based on public health risk and prosecutions should be based on the availability of evidence and the public interest. Introducing targets or quotas could put officers under pressure to take unnecessary enforcement action, which may be unfair on a business. However, members should be aware and have the right to be aware of the enforcement action taken by the service. It is hoped this report will provide members with a running update of enforcement action taken by the Council.
8. It should be borne in mind that although the services within Environmental Health and Housing carry out a large majority of the Council's enforcement action, other areas of enforcement, such as Planning enforcement, and Building Control sit within other service areas.
9. A copy of the Enforcement Policy - Environmental and Housing Services is attached as an appendix for information purposes.

IMPLICATIONS	
Finance	None
Legal	The legal action referred to in this report is taken with advice from the Council's solicitors.
Community Safety	The enforcement action referred to in this report is intended to improve community safety and deal with offences within the public interest.
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	Enforcement action taken by officers is conducted in line with departmental risk assessments.

BACKGROUND PAPERS RELEVANT TO THIS ITEM		
Name of document	Date	Where available for inspection
Environmental Health & Housing Enforcement Policy	31/07/2023	The Environmental & Housing Services Enforcement Policy (APPENDIX 1)

LEAD AUTHOR	CONTACT DETAILS	DATE
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Attached documents - Enforcement Policy - Environmental and Housing Services