

EQUALITY IMPACT ASSESSMENT AND ANALYSIS (EqIAA)

Environmental Health Service Review 2014

SECTION 1 - INTRODUCTION

This EqIAA discusses the proposals for change and our assessment of their impacts on the services provided by the Environmental Health function, but excluding those provided by Private Sector Housing as they are subject to a separate review, within South Gloucestershire Council.

Legal advice has been provided in respect of those discretionary services that are supported by enforcement powers. This confirms that it is not open to the Council to decide that in respect of those functions that it will not as a matter of course exercise its enforcement powers. This would amount to a “fettering of our discretion”. The Council would therefore need to retain the authority to carry out these enforcement actions even if the resource required to do so has been removed. Therefore external consultation with the general public was not carried out.

The option regarding pest control is to retain and grow the current service. The other remaining options will result in the continuation of statutory services, internal restructuring and changes to internal systems, procedures and operations, there is no direct impact on the availability or level of service provided to the public, consultation was carried out internally. A decision will be sought from the Communities Committee on 27 January 2015 regarding proposals to change the services. Once achieved an operational restructure will take place to meet the needs of the revised set of services, at this point formal consultation with in scope employees will take place and will be supported by a separate EIA of the employees impacted by the restructure.

Background

Like all local authorities, South Gloucestershire Council (the council) is facing significant financial pressures as the government continues its drive to eliminate the national deficit. The council's budget, agreed 19 February 2014, sets out a Council Savings Programme (CSP) to deliver £36m of savings by 2019/20, as part of measures to deliver a balanced budget and protect our core activities as we adjust to our reduced levels of funding.

Budget reductions of this scale require significant changes in the way we work as a council. We cannot continue to do everything we have done in the past, and will need to review our priorities and our role as we adjust to our reduced levels of funding. This work will be carried out via a range of CSP projects across the council, of varying size and scope.

The Environmental Health (EH) function is being reviewed to enable it to contribute to these savings by reducing its revenue running costs by £290,000 per annum with effect from 1st October 2015. This to be achieved by removing discretionary activity or seeking full cost recovery and by focusing on statutory work.

The current services provided by the Environmental Health function is wide ranging and can be grouped into three key delivery areas as follows:

Environmental Protection	Statutory Nuisance
	Private Drinking Water
	Pest Control
	Drainage / Sewerage
	Public Health
	Disposal of the Dead/Exhumations
	Environmental Information / FOI Requests
	Planning
	Air Quality
	Contaminated Land
	Industrial Pollution
	Licensing - RA for Prem Licences and TENS
	Envirocrime
	Food
Food Standards Inspections / Interventions	
Responding to Food Alerts from FSA	
Food Service Requests	
Communicable Disease Investigation	
Food Sampling	
Business Support	
Primary Authority	
Food hygiene training for food handlers	
Promotion of national campaigns e.g. Food Safety Week	
Health & Safety	Workplace Health & Safety Inspections
	Investigation of Workplace injuries
	Health & Safety at large outdoor events
	Safety Advisory Group
	Inspection of Firework events
	Skin Piercing registration
	H&S Service requests
	Licensing Act 2003
	Joint Regional working with HSE
	Primary Authority
	Training for SME/Others
	Other i.e. Emergency Planning
	Out of Hours service
Scientific Services	Sampling and Analysis

Proposals for change from October 2015

As part of the Council Savings Plan the Council has directed Environmental Health to reduce provision towards the statutory minimum. In many of the areas covered by Environmental Health this is difficult to specify as the outcomes to be achieved are defined in law, but there is some discretion over the actions to be taken to achieve this. There is usually some guidance but no specified statutory minimum. E.g. for health and safety there is a direction to 'make adequate arrangements for enforcement' but there is no specified level of inspection or intervention.

Each service has been reviewed and categorised as:

- a. Statutory service already being delivered to a statutory minimum
- b. Statutory service with scope to reduce to a statutory minimum
- c. Discretionary service that
 - i. can be removed
 - ii. can be developed to increase income

Where statutory services are already delivered to a statutory minimum any further reduction in service delivery would leave the council failing to meet the minimum level of provision needed to achieve its statutory responsibilities. Therefore it is proposed that these services will continue to be delivered according to current standards.

Statutory Minimum Services - Core Services and Standards to be retained at current levels are:

Environmental Protection	Statutory Nuisance
	Private Drinking Water
	Public Health – Filthy & Verminous premises, Prevention of Damage by Pest Act etc
	Disposal of the Dead/Exhumations
	Environmental Information / FOI Requests
Food	Responding to Food Alerts from FSA.
	Communicable Disease Investigation
Health & Safety	Health & Safety at large outdoor events
	Inspection of Firework events
	Skin Piercing registration
	Service requests
	Licensing Act 2003
	Joint Regional working with HSE
	Out of Hours service

The second category identifies statutory services where changes could be made to achieve savings in operating costs while still delivering statutory outcomes that meet our responsibilities as a local authority.

Statutory Services that can be reduced to a minimum to enable costs be reduced are:

Delivery Area	Service	Change
Environmental Protection	Drainage / Sewerage	Stop giving advice and support
	Air Quality	Reduced monitoring and co-ordinating delivery, reduced advice
	Contaminated Land	Less support provided to developers / applicants. Stopping informal advice.
	Industrial Pollution	Slight reduction in number of inspections
	Licensing – Responsible Authority for Premises Licences and Temporary Event Notices	Environmental Protection not to respond to TENs, therefore acceptance by default
Food	Food Safety Inspections – higher risk businesses only	Reduce to questionnaires instead of inspections for some risk rating D premises and below (depends on type of food and method of handling)
	Food Standards Inspections / Interventions- – higher risk businesses only	Reduce to questionnaires instead of inspections for some risk rating C premises (depends on type of food and method of handling)
	Reduced sampling	Due to fewer inspections
	Service requests	Reduce to responses on statutory issues only
Health & Safety	Workplace Health & Safety Inspection	Reduce inspections from 250->350 to 150 on high risk premises
	Investigation of Workplace injuries	Slight reduction in line with changed legislation from 2014
Scientific Services	Sampling and Analysis	25% reduction
Delivery Area	Service	Proposed Change
Environmental Protection	Drainage / Sewerage	Stop giving advice and support
	Air Quality **	Reduced monitoring and co-ordinating delivery, reduced advice
	Contaminated Land	Less support provided to developers / applicants. Stopping informal advice.
	Industrial Pollution	Slight reduction in number of inspections
	Licensing – Responsible Authority for Premises Licences and Temporary Event Notices	Do not respond to TENs, therefore acceptance by default
Food	Food Safety Inspections – high risk businesses only	Reduce to questionnaires instead of inspections for risk rating D

		premises and below
	Food Standards Inspections / Interventions- – high risk businesses only	Reduce to questionnaires instead of inspections for risk rating C premises and below
	Reduced sampling	Due to fewer inspections
Health & Safety	Workplace Health & Safety Inspection	Reduce inspections from 250- >350 to 150 on high risk premises
	Investigation of Workplace injuries	Slight reduction in line with changed legislation from 2014
Scientific Services	Sampling and Analysis	25% reduction

** - Air Pollution is one of the key indicators in the Department of Health, Public Health Outcomes Framework 2013 to 2016. Air Quality is a key wider determinant of health and its importance is also identified in South Gloucestershire Council Director of Public Health Annual Report 2013/14. The statutory requirement is to complete statutory monitoring and an annual report, not implement findings / provide planning support etc. However we will continue to maintain and develop action plans, particularly for our high risk areas, that will be immediately deployed to address air quality issues should monitored air quality exceed pollution limits.

The third category is the provision of discretionary services. These are services which support the Council's statutory duties and protect health, but which Environmental Health has the choice of carrying out or not ('powers' not 'duties', see legal advice below). However withdrawal of some of these services would place an unacceptable burden on related services delivered elsewhere in the council. So the full impact of such a withdrawal of services has also been investigated.

Legal advice has been provided in respect of those discretionary services that are supported by enforcement powers. This confirms that it is not open to the Council to decide that in respect of those functions that it will not as a matter of course exercise its enforcement powers. This would amount to a "fettering of our discretion". The Council would therefore need to retain the authority to carry out these enforcement actions even if the resource required to do so has been removed.

The table below gives the discretionary areas of Environmental Health and proposal to remove or grow:

Service area	Function	Proposal
Environmental Protection	Pest Control	Grow service to full cost recovery
	Planning advice	Cease service / seek alternative funding
	Envirocrime	Cease service / seek alternative funding
Food	Training	Cease service
	Primary Authority	Grow service to full cost recovery
	Advice for new businesses / promotion of National Campaigns	Cease service
Health Safety &	Primary Authority	Grow service to full cost recovery
	Training for SME/Others	Cease service

	Other i.e. Emergency Planning	Cease service
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Rather than stopping all these services Pest Control and Primary Authority services are to be developed to increase income which will be offset against the targeted savings required of the review.

SECTION 2 – RESEARCH AND CONSULTATION

The proposals for change will result in the continuation of statutory services, internal restructuring and changes to internal systems, procedures and operations, there will be no direct impact on the availability of statutory services provided to the public. Therefore consultation with the public was not carried out, however, consultation was carried out internally when the proposals were investigated, assessed and developed.

The exception being Pest Control, but rather than removing the service it is proposed to retain and grow the current service by focusing on increasing commercial business contracts and retaining current levels of the domestic service. Therefore, the availability and level of pest control service provided to the public will not change.

Environmental Health has the choice of carrying out or not the discretionary services it provides. However, they often support the Council's statutory duties and protect health and the withdrawal of some of these services would place an unacceptable burden elsewhere on the Council, so options to mitigate withdrawal of these service areas must also be fully considered.

SECTION 3 – IDENTIFICATION AND ANALYSIS OF EQUALITIES ISSUES AND IMPACTS

Maintaining Statutory Minimum Services: 'Core Services'

Maintaining the current minimum level of service will not change or impact residents and equalities groups.

Reducing Statutory Services to a Minimum

In order to meet our statutory duty these services will be maintained to a statutory minimum which will ensure the outcomes of providing these services and our compliance with the statutory minimum is maintained. Therefore, no change or impact to residents and equalities groups is expected.

In some cases the proposed reductions can be made due to recent legislative changes with no adverse impact to current service delivery or our customers/electorate, businesses and the environment.

However, in other cases risks are increased whereby in exceptional circumstances our service provision would be impacted and unable to function to step up to the increased and short term demand. To mitigate this risk support arrangements will be negotiated with our neighbouring authorities.

Services of particular significance are:

- Reductions in the Air Quality service may not be acceptable due to it providing an early warning of adverse conditions that could directly impact general Public Health due to poor air quality (AQ). AQ is a key wider determinant of health and its importance is identified in South Gloucestershire Council Director of Public Health Annual Report 2013/14.
- Contaminated Land, Industrial Pollution, Food safety inspections and Workplace H&S inspections increase the risk to the council by not complying with expected minimal standards of the level service, thereby being open to non-compliance penalties and higher demand for other related statutory services.

Discretionary Service areas: 'Optional Services'

In a similar way to the core statutory services the majority of discretionary services support public health and attempt to minimise potential negative impacts on the public, environment and the overall financial burden. For example; by training SME managers in health and safety we can reduce accidents in the work place, save the business time and money and protect the health of workers and reduce the burden on health services. By training food handlers we can assist in compliance with legal requirements and reduce the risk of food poisoning outbreaks. By losing the ability to give advice to new food businesses when they start up there is a real risk that they will be non-compliant from the outset with the chance of presenting, at best, enforcement burdens on the Team and at worst, a risk to public health.

The table below shows the discretionary or optional services currently provided by Environmental Health:

	Function	Net Costs	Risk Comments
Environmental Protection	Pest Control	£35k	Loss of income (£80k)
	Planning Advice	£28k	Additional cost borne by planners / applicant
	Envirocrime	£41k	Loss of income, currently funds solicitor. Enforcement supports the waste strategy. Blight from fly tipping. SGC targeted by fly tippers. Additional clean-up costs incurred by Waste
Food	Training	£4k	Increased risk of poor food hygiene
	Primary Authority	£4k	Loss of income
	Advice for new businesses / promotion of National Campaigns	£9k	Increased risk of poor food hygiene and lack of support for national camp
Health & Safety	Primary Authority	£17k	Loss of income
	Training for SME/Others	£8k	More accidents in the work place, increased business time and money to

			protect the health of workers and increased burden on health services
	Other i.e. Emergency Planning	£4k	Plan may be out of date or inadequate

This Option hones the provision of our discretionary services by either maintaining, and growing or removing services that we currently provide. It is estimated that this will enable a saving of approximately £150k.

In order to assess and understand the potential impact on protected characteristics an EqIAA form was also completed. The following actions were identified as a result of the study:

- Develop cost effective equalities monitoring
- Maintain equalities training for staff

There are various potential immediate issues associated with removing the majority of discretionary services and increasing revenue from the retained services:

- Increasing the charges for pest control services could adversely impact customers. This will be mitigated by retaining current concessions and minimising the increase to ensure it still compares favourably with neighbouring authority rates and will not discourage demand.
- The potential removal of EnviroCrime may have an adverse impact on the environment and also increase costs within the Waste service due to an increase in Fly Tipping instances and the clean-up operation required in their aftermath. However, we are very unlikely to recover the current annual net cost of £41k, so if this service is retained this review will fail to deliver its targeted saving by £41k.
- Similarly Planning Advice will have a serious impact on the Planning Application service. Currently the EH Planning Advice service supports the Planning Application service, which is outside the scope of this review, by providing significant material considerations and/or policy criteria when determining planning applications. These are in areas of a highly technical nature such as acoustics; odour; air quality and land contamination. General planning officers do not have these skills and if this service is withdrawn an equivalent service would have to be sourced from external consultants who would cost considerably more and would lack the detailed local knowledge and experience available from the current EH planning advice service. However, if the service is retained this review will fail to deliver its targeted saving by £28k.

A potential positive impact on public health could be achieved by improving pest control in small businesses across our region as a result of building the commercial contract side of the pest control service.

Scientific Services

This service supports a number of mandatory functions and is used by a number of sections across the Council. The impact of reducing the budget by 25% increases risks against being able to support the statutory services adequately.

SECTION 4 – EqIAA OUTCOME

The following table shows the overall outcome of this analysis:

Outcome	Response	Reason(s) and Justification
Outcome 1: No major change required.	✓	Although there are increased risks to the authority regarding consequential increased strain on statutory services there are no major impacts on residents and equalities groups as a direct result of the proposed changes.
Outcome 2: Adjustments to remove barriers or to better promote equality have been identified.		
Outcome 3: Continue despite having identified potential for adverse impact or missed opportunities to promote equality.		
Outcome 4: Stop and rethink.		

SECTION 5 – EVIDENCE INFORMING THIS EqIAA

- Lead Member Options Report
- Communities Committee Decision report
- EIAA form