



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	EXECUTIVE – 19 APRIL 2023
Subject	CONTRACTED ENVIRONMENTAL HEALTH OUT OF HOURS SERVICE
Wards affected	All
Accountable member	CLlr Lidia Arciszewska Executive Member for Environment lidia.arciszewska@westoxon.gov.uk
Accountable officer	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: mandy.fathers@publicagroup.uk
Report author	Philip Measures Service Leader Environmental Health Email: philip.measures@publicagroup.uk
Summary/Purpose	To consider the contract renewal for the Out of Hours Environmental Health Service.
Annexes	None
Recommendation(s)	That the Executive resolves to: <i>a) end the current contracted out of hour's service</i>
Corporate priorities	Creating a Better Environment for People and Wildlife
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Chief Executive, Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director for Resident Services, Director of Finance (Publica), Executive Member for Finance, Executive Member for Environment

1. BACKGROUND

1.1 The Environmental Health service includes many functions which are regulatory in nature. Within these functions, situations may arise outside of the normal working day.

1.2 Examples of these are listed:

- Noisy parties and alarms
- Bonfires producing excessive smoke
- Health and Safety fatality
- Food poisoning outbreak

1.3 Events may be reported by the public or public bodies such as the Police or Fire Service.

For the last two decades (at least) WODC has provided a contracted out of hours service. It has not been possible to provide an in-house out of hour's service because there are not sufficient numbers of day-time officers to contract to such a service. The current contracted service is now due for re-tendering.

2. MAIN POINTS

2.1 When a caller contacts the Council out of hours they are diverted to a contact centre. Where it is an Environmental Health matter, the details are provided to the contracted Environmental Health Out of Hour's Service. The Council currently employs Inside Housing Solutions (I.H.S.) for this purpose. I.H.S calls back to discuss the complaint and agrees the most appropriate course of action, subject to the contract specification. Currently, advice is provided during weekdays and visits may be offered at weekends and public holidays. All calls are logged and passed to the daytime service the next working day. During weekends, if a visit is necessary, the visiting officer is required to attend within the hour.

2.2 *Hotlist*

A hotlist is provided to the contractors to provide them with additional information and instruction about cases that might arise.

2.3 **Contractor – Action on receipt of a call**

A return call is made within 15 minutes of receiving the service request. In the case of food poisoning, accidents at work and serious pollution incidents, the response is the giving of advice and referring the matter to the Council's Duty Officer. In the case of noisy parties, noise from building and vehicle alarms, and complaints about commercial or industrial premises concerning noise or pollution, the response and a decision on a visit will depend on the following considerations;

- Has the complainant previously registered the complaint with the Environmental Health Service and, if so, when?
- Has it been referred to the Hotlist?
- Has the complainant been advised to call the Out of Hour's Service or sent a letter advising them to use it?

- Is the problem happening at the time of the call and is it anticipated that it will still be occurring at the time of a visit.

2.4 Statutory Nuisance responsibilities

The Council has a duty to inspect its district for nuisances. The time of day is not defined, so the Council has to decide how it fulfils that duty with an appropriate level of service. A city authority will have a different level of service to a rural one because of the nature of the area and the different demands placed upon a service as a result of population and environment.

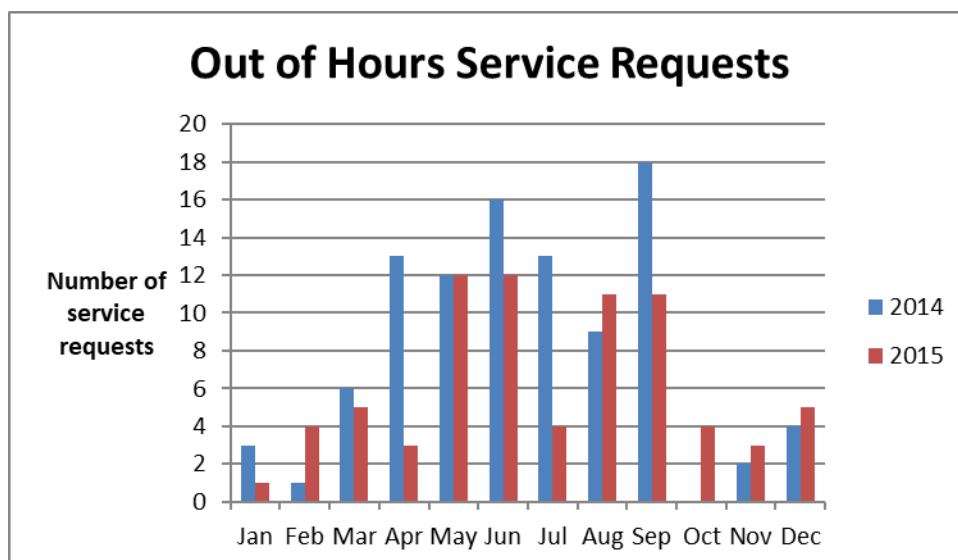
Councils can adopt further provisions under the Noise Act 1996 to issue Fixed Penalty Notices should fixed noise levels be measured and exceeded. This would require measurements to be taken at the time by officers and levels measured below the fixed levels would not constitute offences. Concerns that this would offer less protection to residents of quieter rural areas has resulted in this Act not being adopted to date in West Oxfordshire.

2.5 Public use of the service.

Table I All Calls to the contractor – 2019 to 2022

Year	Calls	Action
2019	4	Advice
2020	1	Advice
2021	1	Advice
2022	1	Advice

Chart I All Calls to the contractor – 2014 to 2015



Source. Inside Housing Solutions monthly reports

The information in Table I shows a low service demand where the action was advice only. This contrasts with Chart I, the last review of service demand between 2014 and 2015.

2.6 It is clear from the utilisation of the out of hours service that demand levels have fallen exponentially from when last contracted – the reasons for this are unclear but the service demand levels of one call a year suggest this service is now over resourced.

Part of the reasoning for this reduction in out of hours demand could well be the use of technology. The Council has invested in the use of the Noise App which means noise evidence can be uploaded by a complainant using their smartphone and sent directly to the investigating officer for analysis. This was unavailable at the last contract review.

Therefore, given the demand levels it is clear to officers that the Out of Hours service is providing a solution to a problem that no longer exists at the levels experienced a number of years ago. Indeed the Environmental Health team gathers evidence by making planned visits in hours and out of hours, by using noise recording equipment and the Noise App and gathering statements and logs of victims and witnesses. In the case of emergencies, the Council's emergency response process is in place and this system can cope with the demand levels set out in table I. This is the adopted approach in Cotswold District Council and Forest of Dean District Council, who operate without an additional contracted out of hour's service.

2.7 Options for Out of Hours Service

- **Re-tender service**

No change – Prices may increase on re-tendering.

- **7 day a week night-time service.** This will inevitably cost more.

- **A Service for Weekends and public holidays only.** The current contractor offers weekend cover and visits and advice only during the week at no additional cost. This means a service restricted to weekends only may not offer any saving.

- **Noise Act 1996.** Provide a night-time noise service and adopt the provisions of the Act so the penalties can be issued should fixed noise levels be exceeded. This can be explored in more detail in the proposed out of hours noise service review.

- **No contracted service**

In-house Officers already carry out scheduled and planned out of hour's visits, with the necessary health and safety considerations in place. For emergencies, these are referred under current arrangements to Senior Duty Managers via the emergency response process (*most calls to the EH out of hours service would not be classed as emergencies*).

2.8 At this stage because of the low demand, it is recommended that the current service be ended. It is also recommended that officers monitor the impact of this and, if necessary, bring back a further report to the Executive if this has a negative impact on resources within the team (noting that the Council have approved budget growth in this area for 2023/24).

3. FINANCIAL IMPLICATIONS

3.1 The contract for I.H.S. is currently a rolling one at £2,700 a month, £32,400pa.

4. LEGAL IMPLICATIONS

4.1 There are no legal implications associated with this report. The existing day-time service meets statutory responsibilities.

5. RISK ASSESSMENT

5.1 There are no risks to assess.

6. EQUALITIES IMPACT

6.1 There are no unacceptable adverse effects on the protected characteristics covered by the Equalities Act 2010 that have been identified.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

7.1 There are none associated with this report.

8. ALTERNATIVE OPTIONS

8.1 To test the market and come back to Cabinet to report on options and costs for a renewed out of hour's service and to re-tender.