

Protective Services

2008/2009

Orkney Islands

	Source	Contextual	Performance information	PI values		
				05/06	06/07	07/08
FOOD SAFETY: HYGIENE INSPECTIONS						
1						
a) Approved premises						
i. Number of establishments requiring inspection in the year		17				
ii. Total number of inspections	33					
iii. Number of inspections undertaken within time	33					
iv. Percentage actually inspected within time			100.0 %	96.4%	0.0%	75.0%
b) Every 6 months						
i. Number of establishments requiring inspection in the year		0				
ii. Total number of inspections	0					
iii. Number of inspections undertaken within time	0					
iv. Percentage actually inspected within time			%	0.0%	No Service	100.0%
c) Every 12 months						
i. Number requiring inspection in the year		13				
ii. Number of inspections undertaken within time	10					
iii. Percentage actually inspected within time			76.9 %	90.0%	76.9%	85.7%
d) Greater than 12 months						
i. Number requiring inspection in the year		117				
ii. Number of inspections undertaken within time	64					
iii. Percentage actually inspected within time			54.7 %	68.6%	63.2%	89.7%
DOMESTIC NOISE COMPLAINTS						
2						
a) The number of complaints of domestic noise received during the year:						
i. Settled without the need for attendance on site		89				
ii. Requiring attendance on site		0				
iii. Dealt with under Part V of the Antisocial Behaviour (Scotland) Act 2004		N/A				
		Total	89			
b) For aii. and aiii. above, the average time (hours) between the time of the complaint and attendance on site:						
i. Requiring attendance on site			N/A hours	-	23.0	306.0
ii. Dealt with under Part V of the Antisocial Behaviour (Scotland) Act 2004			N/A hours	-	No Service	No Service
NON-DOMESTIC NOISE COMPLAINTS						

3	a) The number of complaints of non-domestic noise received during the year:						
	i. Settled without the need for formal action			7			
	ii. Requiring formal action			0			
b) For those requiring formal action, the average time (calendar days) to institute formal action		Total	7	N/A days	-	Not Required	Not Required

TRADING STANDARDS - COMPLAINTS AND ADVICE

4	a) Number and percentage of consumer complaints completed:						
	i. Total number received			386			
	ii. Number dealt with within 14 days of receipt	313			81.1 %	77.8%	67.9%
	iii. Percentage dealt with within 14 days of receipt						75.3%
	b) Number and percentage of business advice requests completed:						
	i. Total number received			239			
ii. Number dealt with within 14 days of receipt	226			94.6 %	99.4%	96.6%	
iii. Percentage dealt with within 14 days of receipt						95.7%	

INSPECTION OF TRADING PREMISES

5	Premises liable to inspection in the following categories:						
	a) High risk (12 months)						
	i. Number of premises in risk category			28			
	ii. Number of premises to be inspected in the year			28			
	iii. Number and percentage of inspections undertaken within time			10	35.7 %	75.0%	60.0%
	b) Medium risk (2 years)						
	i. Number of premises in risk category			208			
	ii. Number of premises to be inspected in the year			104			
	iii. Number and percentage of inspections undertaken within time			66	63.5 %	39.8%	74.3%
							93.8%

Protective services

Food Safety: Hygiene Inspections

PS 1: The number of establishments in each of the following four categories requiring inspection during the year, and the percentage of the inspections that were undertaken within the prescribed period:

Minimum inspection frequency	Number to be inspected in the year	% of inspections undertaken within time
Approved premises		
6 months		
12 months		
more than 12 months		

This indicator is based on the requirements of revised Food Safety Act Code of Practice Number 9 issued by the Food Standards Agency Scotland in November 2004.

Definitions

Sound operational management practice requires each council to identify premises requiring inspection in each risk category in advance of the reporting year, and to establish an appropriate programme of inspections.

The indicator does not attempt to measure all inspections. Rather, it measures the extent to which a council completes its planned inspection programme. Some premises, particularly within the six-month category, may be visited several times more than planned during the period due to the assessed level of risk. This is not reflected in this indicator. Since councils also have to undertake inspections which are not in accordance with their pre-planned programme of work, but which arise as a result of changes in the use of premises, the indicator does not measure the council's total inspection workload.

Approved premises should not be included in any other category.

'Minimum inspection frequencies': these are derived from Code of Practice 9. At least one food hygiene inspection should be carried out within the timescale indicated.

'Number to be inspected': The number of premises which the council determined should have been inspected within the reporting period in accordance with the minimum inspection frequency. For premises in the 'more than 12-month' risk category, the total number of premises to be inspected is not the same as the total number of premises in the category - eg a council may have registered 100 premises in a risk category for inspection every 2 years and, therefore, would normally plan to inspect only 50 in the current year and 50 the following year.

'% of inspections undertaken within time': The number of planned inspections that were undertaken in accordance with the minimum frequency target, expressed as a % of the number of inspections to be carried out. Since this relates to planned inspections, the percentage cannot be greater than 100%. For premises in the six-month inspection category the number of planned inspections will normally be twice the number of premises to be inspected. In other categories the number of planned inspections will be the same as the number of premises due to be inspected in the year. Inspection visits are as defined in Code of Practice 9, read in conjunction with Chapter 4 (Monitoring Form Guidance Notes) of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

Changes to premises

The number of premises or inspections to be reported will have to take account of changes that may occur during the year. The following should not be reported as part of the planned inspection programme achieved:

- Premises which were listed as part of the planned inspection programme but for which the

inspection programme achieved:

- Premises which were listed as part of the planned inspection programme but for which the risk category was changed (eg because of a change of use) before the programmed work for the year was completed, resulting in the full planned number of inspections not being carried out. [However, premises where the change occurred after the planned programme had been completed should be included since the change only affects the programme of inspections for subsequent years.]
- Premises which were established after the inspection programme was finalised for the year. These should not be reported as they were not part of the planned inspection programme. [This is not to suggest that such premises will not be inspected since some may be in high-risk categories.]

Inspection work relating to both these categories of premises would normally be reportable in the subsequent financial years, when such premises were included in the council's planned programme of inspection.

- Premises which were listed as part of the planned inspection programme but which closed or ceased to trade during the reporting year. These should not be reported, unless the full inspection programme for the premises is completed (ie 2 inspections for premises in a 6-month category or 1 inspection for premises in other lower-risk categories.)

Note B:

The indicator measures success or failure against the current year's programme of inspections. Failure to undertake an inspection during a previous reporting period does not have any impact on the achievement of inspections during the current period. For example, if a premises was due for inspection in February of the previous reporting year and this inspection was not undertaken, that failure counts against the previous year. If the premises are rescheduled for a visit in May of the current year and that inspection is undertaken, that success is counted for the new year. Subsequent inspection scheduling will be based on the timing of the latest inspection.

Inspections not undertaken within the period specified by the risk category (eg 6 months since the last one) should be treated as failing to achieve the target even if they are undertaken at some later stage within the financial year. However, if the inspections of a premises in the six-month risk category are due in, say April and October, and the April inspection takes place in June the council may wish to reschedule the October inspection for December. If the second inspection then takes place by the due date in December, this counts as a 50% success rate for that premises. Similarly, if the first inspection takes place by the due date in April, but the second doesn't take place until December, this counts as a 50% success rate for that premises. (NB Either example will also establish the programmed dates for the visits in the following year - subject to any change - as being in June and December.)

The code of practice now allows a degree of flexibility whereby an inspection taking place within a 28 day period of the target date will be considered as meeting the minimum frequency.

If, for example, a council has 10 premises requiring six-monthly inspections (ie, 20 inspections are to be undertaken during the year on these 10 premises) and one inspection is not undertaken by the due date, an achievement of 95% would be recorded against the PI.

Source

Council's hygiene inspection records.

Interpretation

The purpose of food hygiene inspections is to:

- identify potential risks arising from the processing, cooking, handling and storage of food
- confirm that premises have applied the provisions of the Food Safety Act 1990.

This indicator shows the number of premises in each of the inspection frequency categories

- confirm that premises have applied the provisions of the Food Safety Act 1990.

This indicator shows the number of premises in each of the inspection frequency categories, the number of those premises which the council intended to inspect during the year, and the percentage of planned inspections carried out within time. The indicator, therefore, reports the council's planned food hygiene inspection workload and its success in achieving its own inspection targets for the three frequency categories.

The six and twelve months periods cover the premises which have the highest risk of food hygiene problems. The risk category for each premise is determined according to criteria detailed in Food Safety Code of Practice 9. The category into which some premises are placed may change during the year.

Examples of the types of premises found in the different categories are:

- six months - public houses where food is prepared, bakers, hotels and restaurants
- 12 months - fishmongers, egg packers, bread and flour product manufacturing premises.

Other premises such as soft drink manufacturing premises and greengrocers may require to be inspected every 18 months or less frequently.

Some of the factors considered when determining the risk rating of the premises include:

- the likely risk according to the type of food. Some products have an inherently higher risk with respect to food poisoning than others. These include all high-protein foods such as meat, fish, milk and dairy products
- the extent to which food is handled and the risk of cross-contamination where a process or premise involves both raw and cooked food
- the method of processing. Particular emphasis is placed on inspecting any high-risk product under conditions that can allow the growth of food poisoning organisms - for example, canning, vacuum packing and any process where temperature is a controlling factor
- the number of consumers likely to be put at risk if there is a failure in food hygiene and safety procedures
- the cleanliness, layout, lighting, ventilation and condition of the structure of premises
- the attitude of the present management towards, and their technical knowledge of, hygiene and safety matters.

Noise Complaints

N

PS 2: Domestic noise complaints

- a) **The number of complaints of domestic noise received during the year:**
 - i) **settled without the need for attendance on site**
 - ii) **requiring attendance on site**
 - iii) **dealt with under Part V of the Antisocial Behaviour etc (Scotland) Act 2004.**

- b) **For those in a)ii and a)iii above, the average time (hours) between the time of the complaint and attendance on site.**

Definitions

'Domestic noise' means noise to which Part V of the Antisocial Behaviour etc (Scotland) Act, 2004 (ASBA) applies or would have applied, had the Council resolved to apply that provision. However, such noise may be dealt with using other, pre-existing legislation.

A 'complaint' is an expression of concern to the council about domestic noise in the expectation that the Council will address the matter. Such complaints may be received in a range of different departments or offices.

For a)ii), subsequent complaints made by the same person about the same noise from the same source **shall not** be recorded as a complaint.

For a)iii), subsequent complaints made by the same person about the same noise from the

For a)iii), subsequent complaints made by the same person about the same noise from the same source **shall** be recorded as a complaint.

'Settled' means either:

- settled to the satisfaction of the complainant as a result of initial discussion or correspondence between the council and the complainant without the requirement for further investigation or action to check the extent of the problem, or
- settled because there is no means of taking any action, either formal or informal, to address the complaint to the satisfaction of the complainant.

'requiring attendance on site' means, in the judgment of the appropriate officer within the council, requiring attendance at the home of the person making the complaint or the home of the subject of the complaint.

Each council is responsible for maintaining the level of service it considers appropriate for its area. The noise complaints services offered by councils in Scotland vary widely. In some cases the service is available up to 24 hours, 7 days per week, while in others it may only be available during office hours Monday to Friday.

Councils are now beginning to adopt and implement the provisions of the ASBA as an additional means of handling domestic noise incidents. Consequently, the extent to which councils provide services outwith office hours is likely to develop as the provisions of the ASBA are implemented.

It is important that councils respond effectively to noise complaints using the range of legislation available to them. However, the choice of legislation under which any action might be taken is a matter for the service and will, in part be determined by whether or not the council has decided to make use of the provisions of the ASBA.

Some councils have close partnership arrangements in place with other organisations such as police forces and housing agencies to provide an integrated service. Consequently, the number of complaints to the council and the number to which it responds may be relatively low.

C

PS 3: Non-domestic noise complaints

- a) **The number of complaints of non-domestic noise received during the year**
 - i) **settled without the need for formal action**
 - ii) **requiring formal action.**

- b) **For those in a)ii above, the average time (calendar days) to institute formal action.**

Definitions

'Non-domestic noise' means noise to which Part V of ASBA does not, or could not, apply.

A 'complaint' is an expression of concern to the council about non-domestic noise in the expectation that the Council will address the matter. Subsequent complaints made by the same person about the same noise from the same source **shall not** be counted as a complaint.

'Settled' means either:

- settled to the satisfaction of the complainant as a result of initial discussion or correspondence between the council and the complainant without the requirement for further investigation or action to check the extent of the problem
- settled because there is no means of taking any action, either formal or informal, to address the complaint to the satisfaction of the complainant.

The average time to institute formal action means the time between receipt of the complaint

The average time to institute formal action means the time between receipt of the complaint and:

- the date of issue of **an abatement notice (EPA - S80)**
- the date of issue of **a S60 Notice (COPA - S60)**
- the date of calling in Court of an **application for interim interdict (EPA - S81(5))**
- the date of submission of **a report to the procurator fiscal regarding an alleged offence under any legislation**
- the date of **an adverse report to a Licensing Board or any other Council Board or Committee.**

Interpretation 'formal action' means one of the actions in bold above.

Each council is responsible for maintaining the level of service it considers appropriate for its area. The noise complaints services offered by councils in Scotland vary widely. In some cases the service is available up to 24 hours, 7 days per week, while in others it may only be available during office hours Monday to Friday.

The indicator shows variation in both the extent to which councils make use of formal action and the average time taken to institute any such action when it is considered appropriate to do so by the council.

Trading Standards

Complaints and advice

PS 4: The number of consumer complaints and business advice requests received, and the proportion completed in the following time bands:

	Number received	% dealt with
Consumer complaints		within 14 days
Business advice requests		within 14 days

Definitions

Guidance from the Office of Fair Trading issued in August 1998 sets out definitions in its attached annexes for consumer complaints and enquiries (Annex B). Complaints from 'traders acting as consumers', referred to in the OFT guidance, are excluded from this indicator.

In accordance with the definition used by the OFT, a consumer complaint is:

"A contact from an individual or household acting as a consumer:-

- in which the consumer, rightly or wrongly, consider that the goods, services or property are faulty or wrongly described
- in which the goods, services or property are subject to conditions imposed by the supplier which appear to the consumer to be unreasonable
- in which the supplier has adopted an attitude or engaged in a trading practice which the consumer regards as detrimental to his/her other interests."

'Business advice' is advice given in response to enquiries by individual businesses (but not consumers). It includes approaches made in person and inquiries received by letter and telephone, but excludes advice given as part of a routine visit. Exclude talks, exhibitions and press releases. NB A 'business' is as defined by s.137 of the Fair Trading Act, 1973.

For calculation of the indicator, time starts from the date of receipt in the council of all

For calculation of the indicator, time starts from the date of receipt in the council of all necessary information in relation to the complaint or request for business advice to allow action to commence. 'Completed' means the date on which the council's contact with the consumer and/or the trader concerned finished. All times to be measured in calendar days.

Where an enquiry, complaint or request for business advice is dealt with on the same day (ie when the council has all information necessary), this should be recorded as 'same day'.

Source

Council's own records.

Interpretation

The indicator provides a measure of the efficiency of the council in dealing with consumer complaints and requests for advice from businesses. Movement in the indicator will be affected by changes in the efficiency of staff in dealing with complaints, the number of staff available for this work, and the number and complexity of complaints and requests for business advice. The indicator relates solely to the time taken to complete a complaint or enquiry irrespective of the outcome.

S Inspections

PS 5: Trading standards inspections

Minimum inspection frequency	Number of premises in risk category	Number to be inspected in the year	% of inspections undertaken within time
12 months (High risk)			
2 years (Medium risk)			

Definitions

Sound operational management practice requires each council to identify premises requiring inspection in each risk category in advance of the reporting year, and to establish an appropriate programme of visits.

The indicator does not attempt to measure each council's total inspection workload. Rather, it measures the extent to which a council completes its planned programme of visits within the target frequency for each premises.

The terms 'High', and 'Medium', correspond respectively to higher, and medium risk premises as defined by the Local Authorities Coordinators of regulatory Services (LACORS).

'Visits' refers to primary visits. A primary visit is as defined by LACORS.

'Target number of visits' refers to total primary visits, not the definition of 'total visits' agreed by LACORS (which includes other types of visit, eg secondary, verification and complaints visits).

The 'target total number of visits' will be determined on the basis of the target visit frequency and the number of premises liable to inspection in each. Except for premises in the 12-month risk category, the target number of visits planned in the reporting year is not, generally, the same as the total number of premises in the category - eg a council may have registered 100 premises in a risk category for inspection every 2 years and, therefore, would normally plan to inspect only 50 in the current year and 50 the following year.

'Number of premises in this category' means the council's estimate, for each risk category, of the total number of premises liable to inspection, at the start of the reporting year.

The definition of 'premises' is that used for the purpose of the council's annual reports to the Department of Trade and Industry:

"The best estimate available of the number of sets of premises to which there is reason to pay

"The best estimate available of the number of sets of premises to which there is reason to pay enforcement visits as a matter of routine. Premises which are liable to inspection for diseases of animal purposes only should not be included. A premises is a place or vehicle at which business is transacted. Vehicles should be counted as individual premises when business is transacted at the vehicle but not when the vehicle is merely delivering goods which have been ordered, even if payment is made on delivery".

At Column (iii), a council should count only the number of visits planned to satisfy its own target for premises in that category and should not report additional visits.

Column (iv) measures visits undertaken against the target for each premises, as reflected in column (iii), not total visits. Thus, for example, if a particular premises is targeted for a visit once during the 12-month reporting period and it is in fact visited twice, the second visit is not counted. Since Column (iv) relates to targeted rather than total visits, it is not possible to report a figure greater than 100% in this column.

Changes to premises

The number of visits to be reported will have to take account of changes to premises which may occur during the year. The following should not be reported as part of the planned programme of visits achieved:

Premises that were listed as part of the planned programme but for which the risk category was changed (eg because of a change of use) or because the premises closed or ceased trading before the programme visit for the year can be included since the change only affects the programme of inspections for subsequent years.]

- Premises that were established after the inspection programme was finalised for the year. These should not be reported because they were not part of the target programme of visits identified in column (iii). [This is not to suggest that such premises will not be inspected since some may be in high-risk categories.] Inspection work relating to these premises would normally be reportable in the subsequent financial years, when such premises were included in the council's planned programme of visits.

Note: The indicator measures success or failure against the current year's target programme of visits. Failure to undertake a visit during a previous reporting period does not have any impact on the achievement of visits during the current period. For example, if a premises was due for a visit in February of the previous reporting year and this visit did not take place, that failure counts against the previous year. If the premises are rescheduled for a visit in May of the current year and that visit takes place, that success is counted for the new year. Subsequent inspection scheduling will be based on the timing of the latest inspection.

Inspections are programmed to be undertaken by specific dates. The due date for inspection is established by professional officers trained to determine the risks to the public. Therefore, visits undertaken even slightly later than these dates must count as a failure.

Source

Council's own records.

Interpretation

Inspection is used to enforce standards for trading premises in relation to fair trading, quantity, quality and safety ('Fair Trading', 'Metrology', 'Quality Standards' and 'Safety' respectively). The indicator provides information on the extent of the council's programme of inspection of premises in different risk categories. It also reports the extent to which the planned programme was successfully completed.

While the the three risk categories is national, the designation of the number of premises in each category (column ii) is determined by the council. The target total number of visits (column iii) is the product of the two previous columns. Achievement against this (column iv) is, therefore, a measure of the efficiency of the council in attaining its own target number of visits.

visits.

Performance will be affected by efficiency in completion of visits (itself a reflection of the complexity of the visit process), ease of access and the skills and number of staff involved.



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