

29th November 2022

Agenda Item No 6

Enterprise and Environment Directorate: Services Performance Reporting

Report by: Ken Gourlay, Executive Director

Wards Affected: All

Purpose

To present the performance scorecard for Enterprise and Environment Directorate Services for 2021/22.

Recommendation(s)

Members are asked to consider and review:

1. Note the arrangements set out in **Section 1.0** to fulfil the Council's obligation to comply with Audit Scotland's 2021 SPI Direction.
2. The performance information in **Section 2.0**, including current challenges/priorities and Risks. A high-level overview of services KPIs is attached in Appendices 1 to 6 – covering 4 lenses: Local Government Benchmarking Framework (LGBF), Plan for Fife (P4F), Customer, Resources and Service Operations.

Resource Implications

None.

Legal & Risk Implications

There are legal requirements highlighted within this report, linked to a risk of regulatory intervention if the Council does not adhere to the standards and expectations set by Audit Scotland.

Impact Assessment

An EqlA is not required because the report does not propose a change or revision to existing policies and practices.

Consultation

None required

1.0 Background

- 1.1 Audit Scotland published an update on Statutory Performance Direction in December 2021. The Council is required to report a range of information setting out:
- i. Its performance in improving local public services, provided by both (i) the council itself and (ii) by the council in conjunction with its partners and communities
 - ii. Its progress against the desired outcomes agreed with its partners and communities
 - iii. Its performance in comparison (i) over time and (ii) with other similar bodies including information drawn down from LGBF in particular and from other benchmarking activities
 - iv. Its assessment of how it is performing against its duty of Best Value, and how it plans to improve against this assessment.

Below is a Link to the Direction Statutory Performance Indicators published in December 2021: -

[SPI Direction - December 2021 \(revised\)](#)

2.0 Performance Reporting

- 1.1 Appendices 1 to 6 to this report is presented in the form of a balanced scorecard covering the areas of LGBF/P4F, Customer, Resources and Service Operations. A current snapshot of Service Challenges is included along with a section on Risks.
- 1.2 Planning Service reports across two Scrutiny Committees, with wider Planning functions reporting to the Finance, Economy & Corporate Services Scrutiny Committee. The report presented here (Appendix 2) focusses on those climate activities specific to the Planning Service.
- 1.3 Planning Service also produce the annual corporate Climate Change Public Bodies Duties Report. This report is submitted to Cabinet Committee (17th November 2022) for approval before submission to the Scottish Government. The Addressing the Climate Emergency Board provide leadership and direction in this area, monitoring delivery through its action plan.

List of Appendices

Appendix 1 – Protective Services Performance Template

Background Papers

Appendix 1 – Protective Services Performance Template

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PROTECTIVE SERVICES

Current Challenges & Priorities

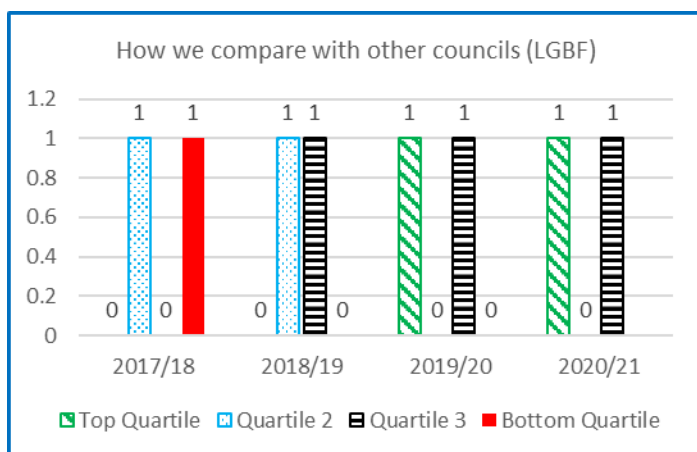
- Key challenges over the past year include:
 - Inability to recruit and retain appropriately qualified and experienced staff due to a National shortage of Environmental Health Officers (EHOs) and Trading Standing Officers (TSOs).
 - The Food Standards Scotland’s Capacity and Capability Audit Report in August 2018 identified the resources (including staff) within the Environmental Health (Food and Workplace Safety) Team was insufficient to meet the requirements of food legislation. Nationally however there is a shortage of qualified Environmental Health Officers and previous recruitment campaigns in Fife have been unsuccessful.
 - The Society of Chief Officers of Trading Standards in Scotland (SCOTSS) Workforce Review of 2021 showed that there are less than 250 qualified officers in Scotland and 60% are over the age of 50, with many on cusp of retirement. In addition, there are only 12.8 trainees in the pipeline to replace them. This, along with wage elasticity, creates strains recruiting in Fife and we have been unsuccessful in attracting TSOs to Fife.
 - Within Scottish Local Authorities, 31% of Building Standards teams have reported a skills shortage in this area; in Fife this will be further exacerbated by the age profile in this team and need for robust succession planning.
 - Increasing demand in all areas of work including new legislative changes introducing new duties in Building Standards, Food and Workplace Safety, Public Protection Team and Trading Standards.
 - Adapting to the blended workstyles and its challenges whilst ensuring performance is well managed and supporting staff with health and wellbeing issues.
 - Cost of Living increases driving additional demand for services.
 - Increase in building warrant applications and related activity throughout late 2020 to 2022.
 - Implementation of the inspection regime in relation to the new Short Term Let licensing scheme. Additional staff resources to be recruited.
 - The Draft Local Housing Strategy 2022-2027 has identified the need to develop and implement new approaches for securing improvements to Below Tolerable Standard and wider disrepair issues within Fife.
- The current position and priorities for the service reflects the key challenges outlined above. Priorities over the next year include:
 - Tackling the current shortage of staff across the service taking into account the need for robust succession planning due to the age profile of the workforce. This will be achieved by progressing the “Grow Our Own” model to supplement the existing trainee EHOs and TSOs currently in post. National shortage of staff also applies to Building Standards; the service has started a program of Modern Apprentices to address this locally.
 - Our staff are our most important asset, and we will continue to develop their knowledge, skills and experience, with a particular focus on growing our workforce and supporting mental health and wellbeing. We have embedded hybrid working.
 - Supporting Fife’s economic recovery through Covid-19 pandemic.
 - Monitoring of priorities, performance, and challenges is managed across the Service.

- The restarting of food law inspections following the Covid Pandemic, has led to poor standards being found in some premises, which results in enforcement action where required to protect public health. Many businesses are also struggling financially following the impact of both Covid and the current economic climate.
- The restarting of inspections and visits to assess the compliance of Trading Standards legislation is showing considerable levels of non-compliance, and has prompted national projects to be carried out to address the issues
- Prepare for significant changes currently being developed by Building Standards Division (BSD) of Scottish Government for implementation around 2024 – including high risk buildings compliance, increased number of inspections/interventions and additional enforcement powers. Increased fees are likely to fund the changes but planning for additional resources is required.
- Significant increase in the number of high value building warrant projects in the current financial year. This increases fee income for a short period but the services associated with those projects will be delivered over 3-4 years when income may be
- lower.

RISKS/EMERGING RISKS

- In terms of risk, one of the major elements is staffing in terms of age profile, along with difficulty in recruiting especially for posts that require specific professional qualifications such as EHOs/TSOs.
- There is a risk from competing demands, and new demands – COSLA has committed to no new burdens without additional resources; new legislation requires robust regulatory and enforcement impact assessments to ensure new duties can be adequately resourced. Current competing demands of reactive and proactive work, with reactive work being impacted with what resources we have available.
- Trading Standards can have a lack of profile within local authorities and with Scottish Government, which has the potential for work to go unrecognised. However Scottish Government provides funding for the enforcement of tobacco and nicotine vapour products (in relation to underage sales) and the recent SCOTSS project report on single use vaping products highlights how important the legislation enforced by Trading Standards is – to protect consumers and businesses. This report has also been recognised by UK government. However, without more funding streams from SG or other agencies it will become increasingly difficult to tackle the areas of greatest harm due to lack of TSOs within LAs
- Re-appointment as a verifier due next year but staff numbers/level of fees invested back in Building Standards is below Scottish Government expectations.
- Competency assessment of Building Standards staff introduced this year by BSD and will be developed further. Staff need to be available with the necessary experience & qualifications or it may not be possible to process certain application types.
- Potential impacts of EU Exit, including increased border control checks for food and animal feed and product safety imports.
- Increase in outbreaks of Avian Influenza across the UK with potential implications for commercial poultry establishments and increase in wild bird deaths across Fife.

KEY OUTCOMES (LGBF/P4F)



- The LGBF costs for Environmental Health and Trading Standards are not available for 2020/21 and 2021/22 due to these services assisting with the Pandemic response.
- The cost of Environmental Health per 1000 population has decreased significantly since 2018/19 and Fife now sits in the top quartile for Scottish local authorities (as of 2019/20).
- These cost reductions are due to an increase in vacancies within Environmental Health – these posts have been advertised numerous times over the last 3 years with very limited success.
- The cost of trading standards per 1000 population decreased from 2018/19 to 2019/20 and sits at approximately £1000 above the Scottish average. These costs are influenced by the inclusion of costs for the Money and Consumer Advice service which Fife Council pays an annual sum. These costs are not included within some LGBF returns for other local authorities.

Indicator	2018/19	2019/20	2020/21	2021/22	Q1 2022/23
Environmental health cost per 1,000 population Fife (LGBF)	£13,535.53	£9,307.99			N/A
Trading standards per 1,000 population Fife (LGBF)	£7,494	£7,066			N/A

CUSTOMER

- Protective Services strives to maintain a high level of compliance when dealing with complaints within timescales. Whilst there has been a large improvement in the response rate for stage 1 complaints there has, however, been a reduction in performance for stage 2 complaints target in 2021/22.
- Satisfaction rates remain satisfactory for Building Standards in 2021/22 although we failed to meet the Scottish Government target of 7.5. An increase in building warrant applications coupled with resource reductions in the Building Standards & Public Safety Team is likely to have had an impact on customer satisfaction rates. An analysis of the responses is being undertaken to provide further context and highlight areas for improvement.
- The % of tobacco & NVP retailers given advice is much lower this year than the 20% target we aim to meet and report back to Scottish Government – although this has increased from the 0.6% response reported in 2020/21. This was due to the Covid pandemic and not being able to make these visits to the businesses that sell tobacco and e-cigarettes.

Indicator	2018/19	2019/20	2020/21	2021/22	Q1 2022/23
Protective Services Stage 1 Complaints actioned < 5 days	93%	71%	67%	92%	N/A
Protective Services Stage 2 Complaints actioned < 20 days	83%	85%	94%	78%	100%
Customer satisfaction rating Building Standards – Fife	6.8	7.6	7.6	7.2	N/A
% of tobacco & NVP retailers given advice (target is 20% of total number of premises selling tobacco and/or NVPs)	18.50%	22.40%	0.60%	8.77%	N/A

RESOURCES

- The Building Standards verification fee income refers to net income vs expenditure and is presented as a %age. Fee income was above average for the last 2 financial years due to a significantly higher than usual number of non-domestic building and larger scale housing warrant applications with a value of work > £50k. Staff costs were lower than normal due to secondments & vacancies; recruitment to the vacant positions was delayed during the pandemic but has now started to deal with increasing workload.
- Absence stats for Protective Services are not available prior to 2021/22 as these were included with 2 other services at this time – Planning and Business & Employability.
- The %age of the workforce who are female has remained constant at just under 50%
- The %age of the workforce who are in full-time employment remains high at just under 90%
- The %age of the workforce who are permanent has increased by 10% to 96.8% from 2020/21 - this is due to restructuring within the team to provide permanent rather than temporary posts.
- Protective Services has an ageing profile, and this is reflected in this graph with no employee below aged 24. Due to recruitment issues within the service a “grow your own” approach has been adopted which should see, albeit slowly, an increase in young people coming into the service

Indicator	2018/19	2019/20	2020/21	2021/22	Q1 2022/23
Building standards verification fee income	140.13	139.8	202.85	165.7	183
Protective Services – Average WDL per FTE		Not Available	Not Available	8.36	10.04
Protective Services – Long Term WDL per FTE		Not Available	Not Available	7.16	8.58
Protective Services Workforce who are Female (%)	43.70%	45.90%	45.30%	45.30%	N/A
Protective Services Workforce who are Full-time (%)	87.40%	87.80%	89.50%	89.50%	N/A
Protective Services Workforce who are Permanent Employees (%)	89.30%	85.70%	86.30%	96.80%	N/A
Protective Services Employees aged 24 and under (%)	1%	1%	1.10%	0%	N/A
Protective Services Employees aged 29 and under (%)	2.90%	3.10%	3.20%	3.20%	N/A
Protective Services Employees aged 55 and over (%)	20.40%	23.50%	26.30%	31.60%	N/A

The table below provides information on **Protective Services** workforce data by Budgeted (FTE) for the current year and the last 3 years.

Budgeted (FTE) April 2019	Budgeted (FTE) April 2020	Budgeted (FTE) April 2021	Budgeted (FTE) April 2022	Difference in FTE 2021-2022
104.82	104.51	112.04	111.29	-0.75

SERVICE OPERATIONS

- Excellent performance in relation to Building Warrants responded to <20 working days and is well above the Scottish average.
- The average working days to issue building warrant in Fife has increased slightly by 5 days since 2021/22 although the number of applications has increased putting greater pressure on the team to respond. There is currently no data available for the Scottish average for this indicator for the last 2 years.
- Building Standards in Fife met the annual target of 90% for the first time in 2020/21, however, the performance has dropped slightly to 87.91%. The main reasons for this is that site work continues to increase and new compliance during construction requirements were implemented 2021/22.
- Due to collaborative working with Nation Trading Standards, we receive a number of referrals in relation to scams in addition to the service requests that relate to scams. There are a number of different interventions that can take place to help protect consumers from becoming a victim of a scam and/or putting support in place - ranging from advice and guidance to installing call blockers in homes to stop calls of this nature getting through and making people feel safe again in their own home.
- No test purchases of tobacco or e-cigarettes we carried out during the last 2 years due to the Covid pandemic, therefore there were no failures.
- Levels of air pollution have been decreasing in many areas. Reductions have been helped by action planning undertaken by Fife Council in Cupar and Dunfermline, and by an overall improvement in engine technology generally. Travel restrictions imposed during the Covid-19 pandemic caused levels to fall even further (although small increase in 2021/22 as traffic returns to pre-pandemic levels). Fife Council is continuing to work with national initiatives and local fleet owners (including the council's own vehicle operators) to continue to improve air quality in Fife.

PI Short Name	2018/19	2019/20	2020/21	2021/22	Q1 2022/23
Building Warrants responded to <20 working days % Fife	92.80%	99.10%	98.40%	98.90%	97.4%
Building warrants responded to <20 working days % Scotland	83.8	88	93%	87%	N/A
Average working days to issue building warrant – Fife	60.1	55.7	50.6	56.3	66
Average working days to issue a building warrant – Scotland	78	83	Not Available	Not Available	N/A
% of building warrants issued <=10 days of receipt of all additional information requested	74.50%	82.24%	91.20%	87.91%	82.3%
Reported scams resulting in an intervention (%)	68.90%	56%	71.70%	68.9%	N/A
% of failures under initial test purchase of tobacco/NVPs	11.80%	7.90%	0 (due to covid)	0 (due to covid)	N/A
Annual Mean NO2 monitoring Cupar	26	24	21	20	N/A
Annual Mean NO2 monitoring Dunfermline	22	21	15	16	N/A
Annual Mean NO2 monitoring Kirkcaldy	17	16	12	14	N/A
Annual Mean NO2 monitoring Rosyth	22	22	15	19	N/A
Annual Mean PM10 monitoring Cupar	14	15	11	13	N/A
Annual Mean PM10 monitoring Dunfermline	11	11	9	10	N/A
Annual Mean PM10 monitoring Kirkcaldy	10	12	9	9	N/A
Annual Mean PM10 monitoring Rosyth	11	10	9	10	N/A

