

Date: 28th November 2023

Agenda Item No.

Enterprise and Environment Directorate: Performance Report

Report by: Ken Gourlay, Chief Executive

Wards Affected: All

Purpose

To present the performance scorecard for Enterprise and Environment Directorate Services for 2022/23.

Recommendation(s)

Members are asked to: -

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. Consider the performance information in **Section 2.0**, including current challenges/priorities and Risks. A high-level overview of services KPIs is attached in Appendix 1 – 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 EqIA 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 (revised) published in December 2021: -

[The Publication of Information \(Standards of Performance\) Direction 2021 Statutory Performance Indicators \(audit-scotland.gov.uk\)](https://www.audit-scotland.gov.uk/publication-of-information-standards-of-performance-direction-2021-statutory-performance-indicators)

2.0 Performance Reporting

- 2.1 Appendices to this report are 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.
- 2.2 Planning Service reports across two Scrutiny Committees, with wider Planning functions reporting to the Finance, Economy & Corporate Services Scrutiny Committee. This report focusses on those climate activities specific to the Planning Service.
- 2.3 Planning Service also produce the annual corporate Climate Change Public Bodies Duties Report. This report was submitted to Cabinet Committee (2nd November 2023) for approval before submission to the Scottish Government.

3.0 Conclusion

- 3.1 This report highlights the key challenges, risks and performance in relation to the items that the Enterprise and Environment Directorate oversees. Overall, performance is good, and the Services continue to make improvements.

List of Appendices

Appendix 1 – Protective Services Performance Report

Report Contact: Ken Gourlay, Chief Executive

Appendix 1 – Protective Services Performance Report

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PROTECTIVE SERVICES Appendix 1

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 were 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. In Fife, this will be further exacerbated by the age profile across Environmental Health.
 - 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 the cusp of retirement. In addition, there are only 12.8 trainees in the pipeline to replace them. This, along with wage elasticity, creates strains in 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 of this team and the 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, and Trading Standards Teams.
 - 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 2022/23.
 - Implementation of the inspection regime in relation to the new Short Term Let licensing scheme. Additional staff resources are to be recruited.

- 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. A national shortage of staff also applies to Building Standards; the service has started a program of Modern Apprentices to address this locally. A new Modern Apprenticeship in Regulatory Services is expected to go live in 2024.
 - 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.
 - Monitoring of priorities, performance, and challenges is managed across the Service.
 - Routine food law activities recommenced in September 2021 following the Covid-19 pandemic, taking cognisance of guidance issued by Food Standards Scotland. However, progress has been impacted by the competing demands from other areas of statutory activity and staffing resources. 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

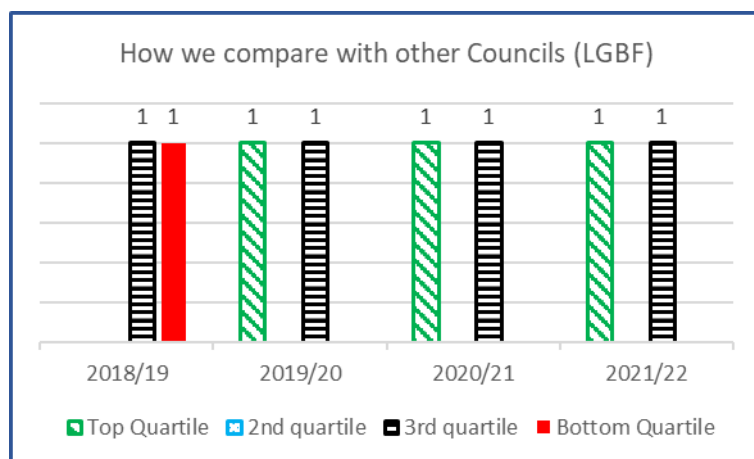
protect public health. Many businesses are also struggling financially following the impact of both Covid and the current economic climate.

- 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 the 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.
- The national Building Standards pilot Hub has been operating in Fife Council since May 2022 on a temporary basis to support all 32 Verifiers in partnership with Scottish Government, CoSLA & SoLACE. Progressing a business case to host the Hub within Fife Council on a permanent basis from April 2024.

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 by what resources we have available.
- Trading Standards can have a lack of profile within local authorities and with the 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 the 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 the lack of TSOs within LAs
- Increase in dangerous buildings incidents due to fires and vacant buildings.
- 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 & and 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)



Key - Top quartile - Ranked 1-8 in Scotland

2nd quartile - Ranked 9-16 in Scotland

3rd quartile - Ranked 17-24 in Scotland

Bottom quartile - Ranked 25-32 in Scotland

As shown in chart opposite there is 1 indicator in the top quartile and 1 in the 3rd quartile as per table below.

LGBF	2018/19	2019/20	2020/21	2021/22	Ranked Quartile
Environmental health cost per 1,000 population Fife (LGBF)	£13,535.53	£9,307.99	£7,879.61	£8,125.85	Top quartile
Trading standards per 1,000 population Fife (LGBF)	£7,494	£7,006	£7,217	£7,493	3 rd quartile

- 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). There has been a slight increase in costs in 2021/22 due to a number of vacancies being filled.
- The cost of trading standards per 1000 population decreased from 2018/19 to 2019/20 – although costs have increased slightly over the last 2 years. These costs are influenced by the inclusion of costs for the Money and Consumer Advice services (which sit separately from Fife Council Trading Standards) which Fife Council pays an annual sum. These costs are not included within some LGBF returns for other local authorities.

A RAG has been added to the following sections of the Template: -

Key to Council Scorecard Results Tables					
Green (G)	Performance improved, or above target and no action required	Amber (A)	Performance static, slightly below target and action in place	Red (R)	Performance significantly worse, and requires immediate action
N/A	Not Available to report	DIV/0	Zero response		

CUSTOMER

Indicator	2019/20	2020/21	2021/22	2022/23	Q1 2023/24
Protective Services Stage 1 Complaints actioned < 5 days	71%	67%	92%	100% (G)	100%
Protective Services Stage 2 Complaints actioned < 20 days	85%	94%	78%	88% (G)	83%
Customer satisfaction rating Building Standards – Fife	7.6	7.6	7.2	7.3 (A)	N/A
% of tobacco & NVP retailers given advice	22.40%	0.60%	9%	20% (G)	N/A

Protective Services strives to maintain a high level of compliance when dealing with complaints within timescales. There has been a large improvement in the response rate for both stage 1 and stage 2 complaints in 2022/23.

Satisfaction rates for Building Standards remained slightly below the Scottish Government of 7.5 and response numbers continue to be low. Changes being implemented include additional telephone appointment slots for case officers.

The % of tobacco & NVP retailers given advice has increased post Covid and in 2022/23 we have reached the 20% target we aim to meet and report back to the Scottish Government.

RESOURCES

Indicator	2019/20	2020/21	2021/22	2022/23	Q1 2023/24
Building standards verification fee income	139.8	202.85	217.85	214.04 (G)	153.21
Protective Services – Average WDL per FTE	DIV/0	DIV/0	DIV/0	10.42 (G)	12.12
Protective Services – Long Term WDL per FTE	DIV/0	DIV/0	7.16	8.54 (A)	9.57
Protective Services Workforce who are Female (%)	45.90%	45.30%	45.30%	49% (G)	N/A
Protective Services Workforce who are Full-time (%)	87.80%	89.50%	89.50%	92.20% (G)	N/A
Protective Services Workforce who are Permanent Employees (%)	85.70%	86.30%	96.80%	95.10% (G)	N/A
Protective Services Employees aged 24 and under (%)	1%	1.10%	0%	2% (G)	N/A
Protective Services Employees aged 29 and under (%)	3.10%	3.20%	3.20%	7.80% (G)	N/A
Protective Services Employees aged 55 and over (%)	23.50%	26.30%	31.60%	31.40% (G)	N/A

The table below provides information on **Protective Services** workforce data by Budgeted (FTE) for the current year and the last 4 years.

Budgeted (FTE) April 2019	Budgeted (FTE) April 2020	Budgeted (FTE) April 2021	Budgeted (FTE) April 2022	Budgeted (FTE) April 2023	Difference in FTE 2022-23
104.82	104.51	112.04	111.29	110.5	-0.79

- 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 3 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.
- 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 long-term WDL per FTE has increased from 2021/22.
- 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 over 90%
- The %age of the workforce who are permanent has remained high at about 95%.
- Protective Services has an ageing profile, and this is reflected in the above table with 31% of employees aged 55 and over. 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. This can be seen where we now have 2% employees aged 24 and under.

SERVICE OPERATIONS

PI Short Name	2019/20	2020/21	2021/22	2022/23	Q1 2023/24
Building Warrants responded to <20 working days % Fife	99.10%	98.40%	99%	97% (G)	96.9%
Average working days to issue building warrant – Fife	55.7	50.6	56.5	67.3 (A)	65.9
% of building warrants issued ≤10 days of receipt of all additional information requested	82.24%	91.20%	85.5%	82.48% (A)	78.95%
Reported scams resulting in an intervention (%)	56%	71.70%	63.7%	80% (G)	N/A
% of failures under initial test purchase of tobacco/NVPs	7.90%	DIV/0	0%	0% (G)	N/A
Annual Mean NO2 monitoring Cupar	24	21	20	18 (G)	N/A
Annual Mean NO2 monitoring Dunfermline	21	15	16	15 (G)	N/A
Annual Mean NO2 monitoring Kirkcaldy	16	12	14	12 (G)	N/A
Annual Mean NO2 monitoring Rosyth	22	15	19	18 (G)	N/A
Annual Mean PM10 monitoring Cupar	16	12	14	15 (G)	N/A
Annual Mean PM10 monitoring Dunfermline	12	9	11	13 (G)	N/A
Annual Mean PM10 monitoring Kirkcaldy	13	10	10	12 (G)	N/A
Annual Mean PM10 monitoring Rosyth	11	10	11	12 (G)	N/A

- 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 by 10 days since 2021/22 and may continue to increase as the refusal process for applications pending > 9 months is re-started following a suspension during the pandemic.
- Building Standards in Fife met the annual target of 90% for the first time in 2020/21, however, the performance has dropped slightly to 82.48%. The main reasons for this, is that site work continues to increase and new compliance during construction requirements were implemented.
- Due to collaborative working with National 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 2020-2022 due to the Covid pandemic; these re-started in October 2022 and there were no failures during that period.
- 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.
- There are proposals in place for the revocation of two Air Quality Management Areas, namely Bonnygate, Cupar, and Appin Crescent, Dunfermline. Levels of PM10 in both areas have reduced sufficiently that they now comply with the mean objective levels set down in law.