

**LOCAL AUTHORITY POLLUTION PREVENTION
CONTROL FUNCTION AUDIT REPORT**

**BELFAST CITY COUNCIL
2008**

Introduction.

This report seeks to demonstrate the effectiveness, and accountability of the council's delivery of the Pollution Prevention and Control (PPC) regime within its area.

The council has been audited against a number of agreed standards produced by the Chief Environmental Health Officers Group (CEHOG) – Pollution Control Sub-Group.

The auditing process reflects compliance with regulatory service requirements and actions which are representative of best practice in the delivery of a PPC function.

The audit has been conducted by the Environmental Health Groups and Belfast and forms part of a regional audit of the PPC function.

The audit was undertaken on the 26th March 2008 by officers from the Southern Group Environmental Health Committee.

Summary.

The audit indicated that the delivery of the PPC function was being undertaken to a consistent high quality. It was evident that the PPC specialism of the officers responsible for the function has led to the development of a strong commitment to service quality.

In general the standard of arrangements for the enforcement of the regime is good, with a strong commitment among both management and officers to develop a high quality service.

The audit has demonstrated that the following strengths can be highlighted within the council:

- The consistent achievement of PPC inspection targets;
- The regular monitoring and reporting of the PPC function as a key element of the Environmental Protection Unit's Business Plan;
- A training and development culture supported with quality procedures to ensure that staff receive appropriate training and support relative to their jobs;
- Regular, open and helpful interaction with process operators and applicants in relation to the PPC function;
- No complaints have been received regarding delivery of the PPC function or the respective officers;
- High quality maintenance of public register and working files;
- Provision and maintenance of all necessary equipment and guidance in order to carry out the PPC function;
- The use of a comprehensive software system in parallel with hard-copy working files to record all interactions and time-spent in relation to the PPC function.

There are no fundamental weaknesses in the council's arrangements for the delivery of the PPC function however the following recommendations are made to update and back-up the existing procedures.

Following an audit of a number of the council's working files it is not clearly evident that the risk assessment for each installation is being reviewed on a periodic basis as stated in the DOE Guidance Manual. It is a recommendation of this audit that a documented system is established for the periodic review of risk-assessments.

A number of improvements towards best practice have also been listed at the end of this report which if implemented will assist the council in demonstrating the quality and effectiveness of delivery of the PPC function.

Audit Report.

Enforcement Policy and Procedures:

A1/A2	<p>The Environmental Protection Unit of Belfast City Council has a generic Enforcement Policy produced in 1999. It does not make specific reference to any specific functions. A separate specific Enforcement Policy also exists for the PPC function entitled "Belfast City Council – Enforcement Policy for Local Authority Air Pollution Control Under the Industrial Pollution Control (NI) Order 1997 and the Pollution Prevention and Control Regulations (NI) 2003. Neither policy makes any reference to the existence of the other.</p>
A3	<p>The generic enforcement policy incorporates statements on the principles of transparency, proportionality, consistency and targeting. The PPC specific policy does not contain a specific statement on each of these principles yet the actions specified in the policy are in line with the principles.</p> <p>Both policies contain details on the use of prosecutions and the use of other enforcement action. The policies are in agreement with each other.</p>
A4	<p>The PPC specific policy was agreed by the Health and Environmental Services Committee on 18th April 2005 and by full Council on 3rd May 2005.</p> <p>The PPC specific policy was sent to all authorised premises at the time of its production. It is presently under review to take account of legislative changes which will require amendments to some of the references and appendix of the policy. As a result the policy is not currently posted on the Council's web-site. It is envisaged that this will be done when the amendments are completed. Furthermore it is envisaged that all permitted installations will be sent a copy of the revised policy upon completion.</p>
A5/A6	<p>Belfast City Council has signed up to the Enforcement Concordat and it can be seen that the existing Enforcement Policies are both in agreement with the principles of the concordat. The Council signed up to the concordat through the Policy and Resources Committee of 21st March 2003 and these minutes were agreed by full Council on 1st April 2003.</p>
A7/A8	<p>Staff who deliver the PPC function appear to be familiar with the policies and appear to operate in accordance with their principles.</p>
A9/A10	<p>Staff in Belfast City Council use short aide memoires or full inspection sheets to assist in the inspection of all premises. Full inspection sheets have been produced for petrol stations and dry cleaning premises. The function is delivered by one Environmental Protection Officer (Industrial Pollution) and a Principal Environmental Health Officer who spends half time dedicated to the PPC function. Both members of staff have regular informal discussions and reviews regarding difficult or unusual premises. Joint visits are arranged where necessary to assist in agreeing uniform standards. All correspondence in relation to the PPC function is checked by the Principal Environmental Health Officer.</p> <p>Both members of staff in Belfast City Council attend the Industrial Pollution Liaison Group and are represented on the NI Pollution Sub-Group. Informal contacts are made and regularly utilised with other enforcement officers in District Councils and Groups as well as directly with the DOE Industrial Pollution</p>

and Radiochemical Inspectorate. These contacts allow further guidance and information to be exchanged as well as providing a mechanism for ensuring more uniform standards are applied across the region. As a result the staff in Belfast City Council appear to be delivering enforcement in a manner consistent with the rest of Northern Ireland.

Managed Work Programme:

B1/B2	<p>The Health and Environmental Services Department of Belfast City Council produces an annual Departmental Plan which outlines the key achievements of the past year and key targets for the planned year. It also contains a number of performance measures relating to a wide range of services. The Departmental Plan makes one reference to the PPC function, that being the participation in the LAPPC auditing process as a key task for the coming year. The Departmental Plan is agreed by the Elected Members at Committee and ratified by Council. The Departmental Plan is not available on the Council's web-site.</p> <p>The Environmental Protection Unit produces an annual Business Plan specifically making reference to each of the functions delivered by the Unit. The Business Plan relates directly to the Service and Unit objectives. The 2008-09 draft version was available at the time of audit. This identifies "% compliance with risk based inspection rates for PPC" as a Key Performance Indicator. The Business Plan is not presented to the Elected Members. It is measured and reported on a quarterly basis to the Head of the Environmental Health Service and the Environmental Health Management Team.</p> <p>The Environmental Protection Unit also produces an annual Work-plan which provides specific detail on how the Service and Unit objectives will be delivered. Tasks are allocated to individuals and a timeframe stated. The Work-plan is reviewed as a standing item at the Unit's monthly meeting to assess progression of the tasks therein. The Work-plan is not reported to the Elected Members, it is reviewed by the Environmental Health Manager (Environmental Protection).</p> <p>Neither the Unit Business Plan nor Work-plan are routinely made available to stakeholders.</p>
B3	<p>The Unit Business Plan contains a clear statement of aims and the Work-plan provides detail on the specific actions to deliver the PPC function. The Work-plan details the resource required and the targeted output, however, all PPC actions are listed to be delivered "As appropriate". The Business Plan nor Work-plan make reference to any system used for the maintenance of a PPC programme.</p> <p>The Civica (Flare) software package is used to plan the PPC inspection programme in Belfast City Council. Inspection dates are manually programmed on the system according to the date of last inspection. Notes are completed following every inspection or visit and at that time the next inspection date is added to a diary function within each PPC premises file. Unless over-written the next inspection will be allocated to the officer adding the detail in relation to the</p>

last inspection. Belfast City Council currently seeks to inspect / visit petrol stations every 9 months, low and medium risk premises every six months and high risk premises every 4 months. This ratio is in excess of that recommended by the Department of the Environment.

The number of PPC visit is monitored by monthly reports for the Environmental Protection Unit Meetings which will indicate any shortfalls in required numbers. In addition the software system is used to automatically open up a window detailing any inspections / visits allocated to the individual who is logging onto the system. It will not detail those inspections / visits not allocated to the individual. However, it is understood that the system can be utilised to display all inspections / visits due by any officer.

A documented quality monitoring system is not applied. Quality is assessed by the Principal Environmental Health Officer during the checking of all correspondence.

The inspection programme is reviewed during the annual Business Planning process and during the production of the Unit Work-plan.

The Business Plan sets a target of 100% of required visit numbers to be completed within the year. The visit numbers are those recommended by the Department of the Environment based upon the risk rating of the installation. The current method of recording visits is not linked to the number of installations inspected. Reporting is in accordance with the six monthly reporting arrangements to the Department of the Environment.

The Business Plan also sets a target of all complaints responded to within 2 working days. Statistics produced by the Unit relate to all complaints irrespective of their nature and no subdivision is made for PPC complaints. It is understood that there are very low numbers of complaints about PPC premises and they are normally responded to on the day of receipt.

The council should consider including a specific table in the annual Work-plan indicating the number of inspections per process type and the period of the year inspection is required. This will aid the district council in the delivery of the inspection programme.

B4

The function is currently delivered by 1 full time Environmental Protection Officer (Industrial Pollution) and ½ the time of a Principal Environmental Health Officer.

Review and quality assessment of DC's management of PPC enforcement:

C1	Business Plan target (100% of programme) is reported upon quarterly to Head of Service. Work-plan targets are allocated to named staff and dated, the work-plan is reviewed for progress and inspection and complaint numbers are presented as part of the Unit monthly meetings. A copy of the monthly statistics was provided.
C2	<p>Whilst no overall policy review programme exists there is evidence to demonstrate that policies and procedures are reviewed as necessary, for example the PPC specific enforcement procedure is currently being amended to take account of the completion of the IPC system.</p> <p>Business planning and Work-planning is done on an annual basis which provides the opportunity for review of the functions and targets in relation to PPC.</p> <p>Periodic stakeholder consultation takes place with external businesses and residents in relation to the whole Environmental Health Service. The most recent consultation exercise (2007) did not specifically address the PPC function although it is understood that a previous consultation exercise did.</p>
C3	The PPC specific enforcement procedure is currently being amended to take account of the completion of the IPC system.
C4	The Business Plan sets a target of 100% of required inspection numbers to be completed within the year and that all complaints are responded to within 2 working days.
C5	<p>Inspection numbers consistently exceed those required. Statistics produced in relation to complaint response times do not differentiate PPC related complaints. It is understood that PPC installations give rise to approximately 5 complaints per year which is less than 0.1% of the complaint totals.</p> <p>Nevertheless complaints response statistics are in the order of 95% within 2 day target. Given the staff dedicated to the PPC function it is understood that PPC related complaints are typically responded to on the day of receipt.</p>
C6	The targets within the Departmental Plan are reported to the Elected Members at the Health and Environmental Services Committee. The Departmental Plan does not deal with PPC targets; however participation in the auditing process is part of the current plan. The performance against the recommended inspection numbers is reported upon a six monthly basis to the Industrial Pollution and Radiochemical Inspectorate.
C7	The Civica software system is used for the management of the programme of inspections, for reporting on completed inspection numbers, for record keeping and note taking of all visits, telephone conversations and correspondence in relation to installations and complaints.
C8	The Civica software system is used to allocate time for all tasks undertaken under each installation. Non-installation specific costs, such as training courses are coded using a 'TMT' code which can then be incorporated into the total for the PPC function. Time / cost accounting is not routinely reported on. Reports have been produced as needed, for example as a result of a recent Department of the Environment enquiry or for the Elected Members as background to the

	introduction of the PPC specific enforcement policy.
C9	All permitted installations are invoiced at the beginning of the financial year (April). Any new permits issued are charged pro rata to the end of the financial year to ensure that all subsistence fees are due at the same time. Invoices are raised, checked for payment and processed by the Directorate Support section of the Health and Environmental Services Department. Letters accompanying invoices are signed by the Principal Environmental Health Officer. The Civica system is used to make a note of when invoices are sent and payment received so that officers can view this information on all installation records.

Competence and Training / Authorisation:

D1	A PPC specific authorisation procedure exists, "Belfast City Council – Procedure for authorisation of officers engaged in Industrial Pollution Control Duties". The procedure documents the method for the progressive authorisation of staff depending upon experience and training.
D2	The power to authorise staff is delegated by Council to the Director of the Health and Environmental Services Department.
D3	PPC Authorisation file contains copies of all qualifications. Central training records database holds details of all staff training.
D4/D5	Authorisations were present for both officers undertaking PPC functions. A full authorisations signed by the Director was available detailing all legislation which the respective officers may operate under. A recently introduced system of progressive authorisation for PPC functions has been introduced and existing staff details have been added to this system. The documentation relating to the progressive authorisation based on experience and competence was signed by the Head of Service rather than the Director.
D6	Arrangements are guided by the stated procedure with incremental authorisation linked to competencies.
D7	Evidence existed of a system of progression through the attainment of competency.
D8	All new staff are work-shadowed as an introduction commencing with the lower risk premises. More complex permits are introduced as competency is developed with the officer. All correspondence in all cases is checked by the Principal Environmental Health Officer.
D9	All staff are subject to a Personal Development Planning process and the Unit has a specific training plan. Individual staff produce a PDP annually which includes a performance assessment and training needs analysis. The process includes a 6 month review against the PDP target and 2 one-to-one meetings with the line manager.
D10	The Council has a commitment to staff development and this is shown in the Unit's Business Plan. An Environmental Health Service Training Policy and Procedure exists to ensure consistency and targeted delivery of training to meet Corporate and Unit objectives.
D11	The Unit Business Plan provides the link to the Service Training Policy. Compliance with the PDP system is a measured indicator within the Business Plan.

Investigation of complaints about the District Council:

E1	Belfast City Council has a generic Corporate Complaints Procedure.
E2	The Policy was adopted by the Policy and Resources Committee of 18 th June 1999 and was agreed by full Council on 1 st July 1999.
E2b/E2c	The Policy is reproduced on the Council's web-site.
E2d	The Policy is revised as necessary and evidence was provided of a previous (1995) version of the policy.
E3	A guidance leaflet has been produced entitled, "Corporate Complaints Procedure – A Guide for Staff". This leaflet provides broad details of who is responsible for investigations, the timeframe and the various stages that may be involved. As a generic leaflet there is no specific detail provided as to how to deal with specific types of complaint.
E4	The procedures specify the action that will be taken, the stages and who is responsible at each stage, the timescales, the recording mechanisms with the Service Complaints Officers, the procedure for anonymous complaints and how results will be reported.
E5	No complaints have been received in relation to the delivery of the PPC function.

Premises Profile, Enforcement Statistics and Promotion of the Service:

F1	Copies of all 6 monthly returns were produced as evidence.
F2	Statistics are not reported to Council. Percentage of required inspection numbers is reported to the Head of Service and the Environmental Health Management Team.
F3	86 permits existed at the time of last 6 monthly return (September 2007). 2 permits have been revoked since.
F4	The Department of the Environment's Guidance Manual is followed. No specific procedures exist.
F5	One installation has not been completed. It relates to a concrete batching plant and is expected to be completed before the due time of May 2008.
F6	All planning applications received are scrutinised by the relevant officers within the Environmental Protection Unit. Any potential LAPPC installations are notified to the Principal Environmental Health Officer. Furthermore, the planning list circulated by the Department of the Environment is scrutinised by the Principal Environmental Health Officer. In addition staff will monitor the district for potential new installations when conducting other duties. Information in relation to existing premises such as dry-cleaners is obtained from Street Directories, Yellow Pages and local officer knowledge.
F7	All new applicants are visited and advice given. New applicants are invited to submit a draft application in the first instance in order that issues can be addressed at the earliest possible stage. All applicants are provided with a copy of the relevant process guidance note and further assistance is offered. It was noted that the IPC Guidance Forms used under the previous regimes have not been updated to take account of PPC and it was felt that an updated version would be of assistance to new applicants.

Premises Working Files:

	A total of 4 files were examined, 1 petrol station, 1 dry cleaners, 1 powder coating and 1 animal feed mill. The files were selected randomly. 3 out of the 4 premises had authorisations transferred to permits. The dry cleaning permit was not subject to the former IPC regime.
F8	All files inspected reflected the most recent progress guidance note for each permit issued.
F9	Only 1 coating process file was reviewed. Permit conditions were reflective of the compliance route chosen by the process operator. The permits did contain a clear condition regarding the use of Risk Phrase substances. Solvent management plans are required under the permit conditions. Permit conditions covered aspects relating to the non SED upgrade issues.
F10	All premises were risk assessed in March 2008. The risk assessment process has been carried out in accordance with the LA-PPC Risk Method (April 2005) guidance. Hard copies of the risk assessments for all installations are kept within one central file as opposed to within each working file. The Civica software system used by the council does not contain a risk assessment function and risk assessments are maintained manually. It is understood that the risk assessment for each installation is reviewed post-inspection and that the risk assessment process is undertaken only when there is a change in either the process or management practice. It was noted that the premises working files do not contain a note of the risk assessment review having been conducted. It is recommended that working practices be amended to include a note of this review.
F11	There was evidence to show that the inspection of permitted processes is based on the risk based assessment method. All files did not contain a copy of the risk assessment scoring undertaken post-inspection. It is recommended that the council incorporate a documented post-inspection risk scoring or review within each working installation file.
F12 /F13	In each of the files examined there was clear documented evidence that inspection aide memoirs drafted by the inspector were used during each visit. These notes were followed up by detailed computer held notes within the Civica computer package.
F14	The level of evidence depended upon the nature of the pro forma or aide memoire used during the inspection. Where more recent pro formas were used it was evident that all of the activities from a full site walk, to spot checking of emissions to records checking had been undertaken on a routine basis during each inspection. However, limited detail was captured on a the aide memoires and the council may wish to review all of the pro formas and aide memoires used to assist in the inspection process.
F15 / F16	The public register files are held within the Environmental Protection Unit of the Council. A single filing cupboard holds all public register files, however Part A, B and C premises are clearly distinguishable. All public register files were noted to be maintained in a meticulous manner, each being filed with individual reference numbers and an accompanying record book.
F17 / F18 /	The public register is controlled by the Principal Environmental Health Officer and an administrative assistant within the Environmental Health Service is

F19	responsible for the maintenance and updating of the register. A documented procedure for public access to the files was prominently displayed within the respective filing cupboard. Individuals were not specified within the procedure, however, access would be facilitated by either the Principal Environmental Health Officer or the Environmental Protection Officer (Industrial Pollution) who are both familiar with the access requirements.
F20 / F21	4 files from the public register were selected at random and inspected. The public register files were found to contain all relevant contents as per the PPC regulations and Part C manual.
F22	The Part A/B register is kept in the same filing cupboard as the Part C register however the different elements are clearly distinguishable.

Documented Procedure and List of Legislation / Guidance:

G1	Belfast City Council uses the Guidance manual issued by the Department of the Environment to determine its PPC procedures. Internal procedures have not been produced.
G2	The Council holds the current (December 2007) list of Environmental Protection legislation and guidance.
G3/G4	The Council has a complete set of the 12 key legislation and guidance documents.
G5	Copies of all guidance notes for processes in the district are held within the Environmental Protection Unit.
G6	The officers were able to demonstrate access to the AQ notes and Environment Agency – LAPC website. Belfast City Council no longer uses the Barbour Index for access to technical documents. An alternative service provided (IHS) is used which appears to provide access to a similar level of information.
G7	No other management systems or databases are used by the Council.

Facilities and Equipment:

H1	The Council has access to all relevant equipment and personal protective equipment.
H2	There is no other equipment routinely used in the inspection and investigation of PPC installations, however the Environmental Protection Unit has access to a wide range of scientific equipment and meters.

Premises Working Files:

I1	Individual working files exist for all permitted installations. Each application received is also kept in an individual working file as are applications being sought.
I2	All of the premises working files inspected were found to be in place within the public register.
I3	An 'Application Record Form (I.P.C.)' is used by the council to track the application process with the relevant timeframes clearly indicated. It is understood that an updated version has been produced for new applications.

14	The working files inspected clearly showed a constituent inspection regime over a number of years.
15	The premises working files contain copies of all correspondence and inspection notes and pro formas. The Civica software system also is used to maintain records of all correspondence, telephone conversations, inspections notes, observations and time-spend per activity per installation.
16	The file system used by the council allows for a reasonable amount of documentation to be securely maintained within a single folder. Of the files inspected, none appeared to be over-burdened or unworkable.
17	The council currently has no installations which have required commercial confidentially information to be held.

Inspection records and follow-up letters:

J1	Inspection reports are not routinely provided at the end of each completed inspection. However, as an alternative the council does write to permit holders post-inspection to advise of the inspection outcome.
J2	The council uses pro formas and aide memoires to guide the inspection process and to capture the required information. From the premises files inspected it was demonstrable that the more recently produced pro formas contained more complete detail on the inspections undertaken. The aide memoires were of limited scope. It would be recommended that all aide memoires are reviewed and amended as necessary to gather details on the person interviewed, the areas inspected, the specific legislation and guidance note, any recommendations given or literature distributed and a specific section in relation to action to be taken or considered post-inspection.
J3	From the premises working files inspected it appeared that all proposed actions were completed post-inspection.
J4	Follow-up letters to permit-holders were found to be of a high quality and provided clear references, explanation and timeframes of any requirements for further action. All correspondence was noted to contain an invitation to discuss the matter further or seek clarification from the respective officer.

Enforcement and Suspension Notices:

K1 / K2	The council have issued 1 Enforcement Notice in the last 4 years. No Suspension Notices have been issued. The Enforcement Notice inspection was observed to have been served under the correct legislation and was correctly signed. The reasons for the enforcement action were specified in an attached schedule together with the timeframe for compliance. Appeal details were attached to this notice. A copy of the signed notice was held on file. The same notice was observed within the public register. It was noted that the Enforcement Notice did not contain a phrase which explained that works of an equivalent effect to those specified in the schedule would be acceptable. It is recommended that any template notices used by the council are reviewed and amended to reflect this principle.
K3	It is understood that all Enforcement Notices are hand-delivered to the process operator and the opportunity is taken to explain the Notice and requirements at

	that time. It was noted that the copy Notice maintained in the file was not marked with any details relating to service and that this information was held on the Civica system. It would be recommended that all Notices hand-delivered are annotated with the date, time and person upon whom the Notice was served.
K4	The Enforcement Notice examined was served under the IPC regime and contained limited appeals detail. However, it was noted that the more-recent PPC Variation Notices all contained specific detail on the mechanism and procedure of appeal.
K5	It was noted that the working file contained a follow-up letter which confirmed compliance with the requirement of the Enforcement Notice served.
K6	All Notices served were found to be on the Public Register.

Variation Notices:

L1	A total of 3 Variation Notices were examined. All were found to be appropriately signed by the respective officers.
L2	The Notices examined clearly detailed the variations required, the timeframe for the variations to take place and the appeals timeframe and mechanisms.
L3	As with the Enforcement Notices the Civica system is used for noting the details of the hand-delivery of the Notices. It would be recommended that all Variation Notices are also annotated with the date, time and person upon whom the Notice was served.
L4	The Variation Notices examined were all found to be present on the public register.

Recommendations and improvements.

List of recommendations:

F10 (i)	<i>The council should ensure that a copy of the most recent completed risk assessment is maintained in each individual installation file as well as the Civica system.</i>
F10 (ii)	<i>Furthermore it is noted that neither the Civica system nor the premises working files contain any record of the risk assessment score having been reviewed post-inspection. It is understood that a full risk assessment is only likely to be undertaken if the process or management practices at the installation have changed. However, where such changes have not taken place, the council should demonstrate at least once per year that the last risk assessment rating is considered to remain appropriate.</i>

List of improvements towards best practice:

A4	<i>It is understood that the council's PPC-specific enforcement policy is currently under review to reflect legislative changes. Once completed the council should consider posting the PPC-specific enforcement policy on the council's web-site or as an alternative providing all process operators with a copy of the policy.</i>
B3 (i)	<i>The council should consider amending the Civica system in order that all PPC inspection reminders are displayed on the Principal Environmental Health Officer's computer to assist in the management of the inspection programme.</i>
B3 (ii)	<i>The council should consider amending the monitoring and reporting of inspection numbers to include a measure of the percentage of all installations that were inspected in the reporting period. This will aid the inspection of the full range of individual permitted installations within the reporting periods.</i>
B3 (iii)	<i>The council should consider including a specific table in the annual Work-plan indicating the number of inspections per process type and the period of the year inspection is required. This will aid the district council in the delivery of the inspection programme.</i>
F14 / J2	<i>The council should consider a review of all the pro formas and aide memoires used in the inspection process. Amendments should be made where necessary to capture information on the person met on site, the areas inspected, the files reviewed, guidance or literature given, follow up actions required and the legislation and guidance note relevant to the inspection.</i>
K1 / K2	<i>The council should consider attaching a statement to all Enforcement Notices issued advising that measures of an equivalent effect to those specified would be deemed acceptable.</i>
K3	<i>The council should consider annotating all copies Enforcement and Variation Notices maintained on the working files with the detail of the date, time and upon whom they were served.</i>

BLANK PAGE