



Environmental Health
City of York Council
Internal Audit Report 2020/21

Business Unit: Economy and Place Directorate
Responsible Officer: Assistant Director Planning and Public Protection
Service Manager: Trading Standards Manager
Date Issued: 30th June 2021
Status: Final
Reference: 10600/002

	P1	P2	P3
Actions	0	0	2
Overall Audit Opinion	Substantial Assurance		

Summary and Overall Conclusions

Introduction

The Public Protection and Trading Standards Teams have responsibility for ensuring that laws regarding environmental health, trading standards and licensing are being followed across York. The team takes formal enforcement action with each case being considered on its merits before legal proceedings or other types of formal action including a 'simple caution' or fixed penalty notices are initiated.

The Covid pandemic has increased the team's workload because as well as having to manage normal casework they have also had to deal with additional work relating to the lockdown and the subsequent re-opening of the local economy. During the lockdown period around 300 complaints were received by the Council with a similar number of site visits being made.

Objectives and Scope of the Audit

The purpose of this audit was to provide assurance to management that procedures and controls within the system will ensure that:

- Complaints are recorded accurately so that a risk assessment can be done to ensure that cases can be prioritised.
- An appropriate process is followed when cases are investigated and action taken against traders and individuals who have breached regulations.
- Information on cases is correctly reported to relevant authorities and individuals.

Key Findings

The process for recording complaints was found to be working well with all complaints being recorded on the Flare database whether they are investigated or not. The Council's priorities are determined by a Strategic Assessment that is done every year. The Strategic Assessment gives a number of statistics about life in York together with eight recommended priorities for enforcement work. This assessment then forms the basis for the priorities that are set down in the Annual Enforcement Report which is taken to Members to review the Enforcement team's activities during the previous year.

Three reports need to be completed to obtain permission from the Acting Public Protection Manager to undertake further investigations and if necessary prosecute or to issue formal enforcement notices to the negligent party. Two of these three reports only started to be produced in December 2020 and therefore do not exist for all current investigations. Consideration needs to be given as to whether these reports can be consolidated into one document and rolled out for all cases that are being investigated.

The Council produces an Annual Enforcement report that lists all the cases that were prosecuted throughout the year together with a summary of the total number of cases where standard fines or warnings were issued. The Council also provides reports and information to central government on its enforcement activities each year. There are concerns within the Public Protection and Trading Standards teams about the amount of time that is spent responding to Freedom of Information requests. Discussions should be held with the Information Governance & Feedback Team to identify whether it is possible for the two teams to be able to respond faster to Freedom of Information requests.

Overall Conclusions

A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited. Our overall opinion of the controls within the system at the time of the audit was that they provided Substantial Assurance.

1. Consolidating documents to support cases

Issue/Control Weakness

The Intelligence, initial review and infringement reports are all being produced to support investigations even though they contain similar information.

Risk

Information is duplicated which means the reports are time consuming to produce and update.

Findings

The Public Protection and Trading Standards teams have recently introduced intelligence and initial review reports. The intelligence report lists all the evidence against an organisation whilst the initial review report summarises the evidence and formally asks the Acting Public Protection Manager to approve cases where further investigation should be undertaken. These reports are in addition to the infringement reports that are used to recommend whether Enforcement Notices or prosecutions should be undertaken.

We recognise it is necessary to keep a log of evidence to support investigations and a summary version is needed when recommending whether further action should be taken against the negligent party. However, consideration should be given to consolidating these reports into one document with a summary being produced where necessary.

Agreed Action 1.1

The service needs to complete both intelligence and infringement forms. The intelligence forms are prescribed and are necessary to share concerns with other members of the team that there is something 'amiss' with the business or individual. The infringement reports are all the evidence for the case in order to make an informed decision about whether or not to prosecute. The service can't combine these two reports because they have very different purposes.

Priority

3

Responsible Officer

Acting Public Protection Manager

Timescale

31st July 2021

Consideration will be given to streamlining the initial review and infringement reports into one document to save some duplication in the number of forms that need to be completed. The information about whether an investigation is undertaken will also be recorded on the Flare database that is used by the service to record information on cases.

2. Responses to Freedom of Information requests

Issue/Control Weakness

The process for responding to Freedom of Information requests is time consuming for the Public Protection Team.

Risk

Time that could be spent undertaking enforcement activity is being used to respond to Freedom of Information requests.

Findings

It takes a long time for the Freedom of Information requests by the Public Protection team to respond to Freedom of Information requests. Even though the process is driven by government regulations and the Council must follow these the Trading Standards Manager should discuss responding to Freedom of Information requests with the Information Governance & Feedback Team in order to identify ways to improve how the Public Protection Team respond to Freedom of Information requests. This could involve discussing whether certain documents should be exempted from the Freedom of Information requests or whether other departments are also responding to the same request.

Agreed Action 2.1

The Head of Public Protection will meet with the Information Governance and Feedback Team Manager to discuss the challenges of Freedom of Information requests to see if there is any way to reduce burdens from the process. This will include considering charging for environmental information where it is legally permissible to do so which would ensure the Council isn't meeting the cost of supplying the information when it is not required to.

Priority

3

Responsible Officer

Head of Public Protection

Timescale

31st July 2021

Audit Opinions and Priorities for Actions

Audit Opinions	
<p>Our work is based on using a variety of audit techniques to test the operation of systems. This may include sampling and data analysis of wider populations. It cannot guarantee the elimination of fraud or error. Our opinion relates only to the objectives set out in the audit scope and is based on risks related to those objectives that we identify at the time of the audit.</p> <p>Our overall audit opinion is based on 4 grades of opinion, as set out below.</p>	
Opinion	Assessment of internal control
Substantial Assurance	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable Assurance	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.
Limited Assurance	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

Priorities for Actions	
Priority 1	A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.
Priority 2	A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management.
Priority 3	The system objectives are not exposed to significant risk, but the issue merits attention by management.

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