



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

3rd February 2009

DSDS8	PUBLIC HEALTH RELATED INSPECTIONS
	SUSTAINABLE DEVELOPMENT SERVICES (SDS)
FILE: 128	JGR {Folio No. *} }

SUMMARY:

Reporting on the number, type, results and cost of health inspections required to be carried out within the Shire.

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DESCRIPTION:

At Council meeting 16th December 2008 Council resolved:

1. *That a report be prepared on the number and types of businesses (including home based businesses) throughout Kempsey Shire which, under the Public Health Act and other legislation, require a regular health (physical and environmental) inspection.*
2. *That the report include the number of inspections required, for each type of business, annually.*
3. *That the report also include the number and type of business which failed to meet the required criteria in the past year.*
4. *That the report also includes the approximate cost to Council of these inspections.*

Background

Council undertakes a wide range of inspections and maintains current registers as part of its obligations to meet legislative public health requirements, public expectations and its broader duty of care to the community.

Environmental Health Services currently provided by Council include:

- Coordinating Councils Ranger Services
- Operation Councils Dog Pound
- Investigating public health requests
- Investigating environmental health requests
- Commenting on Development Applications involving environmental or public health concerns
- Assisting in the preparation of the State of Environment Report
- Undertaking Environmental audits
- Undertaking Public Health Inspections
- Council's Public Health Officer for emergencies

The following is a list of Public Health functions that Council has varying levels of involvement with:

- Legionella Control
- Backflow Prevention
- Thermostatic Mixing Valves
- Undertakers and Mortuary Inspections
- Private Burials
- Control/Regulation of Caravan Parks
- Food Shop Inspections
- Skin Penetration (Hairdressing, Body piecing and Tattooing)
- On-site Sewage Management Systems
- Public Swimming Pools
- Private Water Supplies for Public Use

A hepatitis A outbreak linked to Wallis Lake Oysters and effluent from a faulty Septic System led the State Government to enact legislation under Section 68 of the Local Government Act requiring Council to control and regulate existing septic systems.

Similarly, high incidences of food borne illness in NSW and the unstructured approach to Food Safety resulted in the State Government mandating food inspections. Kempsey Shire Council has entered into an agreement with the NSW Food Authority to undertake inspections on food premises based upon risk and to report six (6) monthly to the Authority.

The NSW Food Authority has undertaken a comprehensive review of charging for Service / Administration and provided a legislated maximum cost recovery fees that Councils may levy for it's regulation of food premises.

The fee is currently \$250 fee for small business (1-5 Food Handlers) and an inspection fee of \$140 per hour. Kempsey Council currently only charges the Service/Administration Fee as the inspection fee was not finalised by the time of preparation of council fees and charges for 2008 / 2009.

The Food Authority Fees are based upon full cost recovery and were assessed by an independent pricing committee.

Inspection fees and administrative charges have been levied under Section 608 of the Local Government Act (fee for service) for each of the functions and are set in Council's fees and Charges document 2008 / 2009.

The majority of the fees levied for public health inspections are not full cost recovery when compared to NSW Food Authority adopted maximum fees, however they are inline with the fees set by surrounding Councils.

The public often query Council's Fees for public health inspections and often expect that the service should be free as it is for public benefit.

On-site Sewage Management inspection fees are commonly questioned, however, Council's fee for service would be at best only part cost recovery. A septic inspection many involve the following workflow:

- initial letters advising of proposed inspection is sent two (2) weeks prior to the inspection date;
- inspection undertaken, time spent on-site to educate many owners;
- computer records updated;
- Approval to Operate - letter sent out or letters sent out for works to be completed;
- if works are required, works diagrams are requested and reviewed;
- letter set confirming proposed works satisfactory / unsatisfactory;
- reinspection when the work is undertaken;
- Approval to Operate letter is sent.

All of the public health inspections would take an average of one (1) hour which includes the administration component.

An estimate of the current average cost to Council to undertake environmental health inspections is \$107 per hour. In a number of cases Council's charge is less than the hourly rate. In all cases where Council staff are responding to customer request no fee is charged.

Provided is a table of all Public Health functions carried out by SDS indicating the number of premises, inspection frequency, fees charged for inspection, legislative requirement for inspection and compliance notes.

Public Health Function	Number of Premises	Frequency of Inspections	Fee Charged	Legislative Requirement to undertake inspection Yes / No	Compliance Notes
Septic Inspection	6,500 (approximately) Currently 5,655 registered	1-5 year Approval to operate	\$94.30 inspection fee \$69.30 application for Approval to Operate	Yes Section 68 Local Government Act	60% comply first inspection
Food Shops	182 14	High/Risk P1 & P2– twice yearly Medium – yearly Low Risk P3 – once yearly	\$250 administration fee together with Inspection fee \$140per hour will be charged in 09/10	Yes under contract to NSW Food Authority	80% compliance First inspection
Skin Penetration	34	Annually	\$85.20	Council must maintain an up to date Register of premises (Public Health Regulation) Inspection not mandatory	90% comply first inspection
Leginella Control (cooling towers)	9	Incident based inspection only	\$87.00	Council must maintain an up to date Register of Premises (Public Health Regulations) Inspection not mandatory	-
BackFlow Prevention	196	Incident based	\$49.20 notification to	No Legislative requirements	

		inspection only	owner and lodgement of service report	to inspect by Council (service arranged by owner)	
Thermostatic Mixing Valves	Approx 10	Incident based inspection only	\$49.20 notification to owner and lodgement of service report	No legislative requirement to inspect by Council (service arranged by owner)	-
Mortuary	2		\$136.50	No Legislative requirement to undertake inspection	-
Private Burials	Less than 5 each year	<5	\$85.20	Prior to burial to establish if the site complies with requirements	All comply
Caravan Parks	18	Annually	\$74.30 plus \$4.50 per site	Yes under Section 68 LGA	70%
Private water supplies	20+	Incident based inspection only	No fee levied	Legislative requirement to undertake inspection	-
Public Swimming Pools	32	Annually	\$87.00	Legislative requirement to undertake inspection	50% compliance
Environmental Health Customer Requests	800 per annum (approximately)	Incident based inspection only	Nil	Council Service levels	20% compliance

Private water supplies are those that are not on the reticulated supply, and provide water for the public i.e. remote caravan parks, farm stays, bed and breakfast, guest houses and community halls. These have a responsibility under the Australian Drinking water guidelines to treat and test their water supply. Council's obligation comes under the Local Government Act 1993.

Unsafe drinking water supplies can be affected by disease causing micro-organisms such as *Guardia*, *cryptosporidium*, *salmonella*, *shigella*, *campylobacter*, *E Coli* and *Hepatitis* could cause diarrhoea, vomiting and gastrointestinal issues.

Water cooling towers and warm water systems thermostatic mixing valves, need to be routinely cleaned and services to ensure they do not harbour bacteria *legionella* which causes pneumonia particularly in the very young and elderly.

The Mid North Coast Health Unit in conjunction with Mid North Coast Councils are developing guidelines for inspection of water cooling towers and warm water systems thermostatic mixing valves and private water supplies.

Backflow prevention devices are fitted to water meters of specific high hazard premises such as industrial units, hospitals morgues and on some fire measures on buildings. The Backflow device prevents water syphoning back into Council's supply from these premises.

The responsibility is on the owner to have the devices tested annually and reports forwarded to Council.

In summary it would be ideal if Council had resources to inspect all public health functions on a cost recovery basis. In the areas where inspections are not been under taken annually the onus in on the owner / operators to ensure that they are operating to the regulations. Council is responding to incidents which are reported through Council's customer requests system within the service standards times which provides the community assurance that their request and concerns are being responded to.

RECOMMENDATION IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

RECOMMENDATION:

- A. That the information be noted.**
- B. That Council review the inspection fees for Health Inspections in setting the 2009 / 10 Fees and Charges.**

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES