

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION SCHEDULE



22 August 2012

at 9.30 a.m.

in Committee Room A, Civic Centre, Hartlepool

Councillor John Lauderdale, Cabinet Member responsible for Adult and Public Health Services will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Trading Standards Service Plan 2012/13 - *Assistant Director (Regeneration and Planning)*
- 2.2 Health and Safety Service Plan 2012/13 – *Assistant Director (Regeneration and Planning)*
- 2.3 Food Law Enforcement Service Plan 2012/13 – *Assistant Director (Regeneration and Planning)*

3. ITEMS FOR INFORMATION

- 3.1 Quarterly Update Report for Public Protection – *Assistant Director (Regeneration and Planning)*
- 3.2 Hartlepool Safeguarding Vulnerable Adults Board – Statistics and Progress Report - *Director of Child and Adult Services*

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items

ADULT AND PUBLIC HEALTH PORTFOLIO

Report to Portfolio Holder

22nd August 2012



Report of: Assistant Director (Regeneration & Planning)

Subject: TRADING STANDARDS SERVICE PLAN 2012/13

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision.

2. PURPOSE OF REPORT

2.1 To consider the Trading Standards Service Plan for 2012/13.

3. BACKGROUND

3.1 Trading Standards operates within the Public Protection Service and has a wide range of enforcement responsibilities including product safety, underage sales, weights and measures and counterfeiting. It also plays a significant role in, amongst other things, the detection and prevention of doorstep crime, illicit tobacco, cowboy roofers and builders and other scams and cons.

3.2 The Trading Standards Service publishes an annual service plan detailing the previous performance of the Service, the main challenges facing it and a plan of work to be undertaken in the forthcoming year.

3.3 The Service Plan details the Service's priorities for 2012/13 and highlights how these priorities will be addressed.

3.4 The Service Plan for 2012/13 is available in **Appendix 1**.

4. THE TRADING STANDARDS SERVICE PLAN

4.1 The Service Plan covers the following:

(i) Service Aims and Objectives.

- (ii) The background to the Authority, including the scope and demands on the Trading Standards Service.
- (iii) Service delivery, including inspection programmes, service requests, complaints, advice, liaison and promotion.
- (iv) Resources, including financial allocation, staff allocation and staff development.
- (v) Quality assessment.
- (vi) Details of the review of the Plan.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 In 2002 Hartlepool's Trading Standards Service developed and adopted a Resource Allocation Matrix that provided a methodical and evidence based approach to the identification of service priorities and allowed for limited resources to be directed at those areas of greatest need.
- 5.2 The matrix takes account of a range of factors including public and business concerns, degree of risk to the public, complaint trends, Government priorities at a national level and Members concerns at a local level and helps establish which enforcement areas should take priority over others.
- 5.3 This matrix was re-visited in 2011 and the service priorities were identified as detailed in 5.6 below.
- 5.4 The challenging economic climate and significant financial constraints being placed on local government has re-emphasised the need for effective resource allocation and service planning to ensure the best possible value for money for local residents.
- 5.5 The service plans provides a review of 2011/12 providing details of work carried out in relation to inspections, tobacco control, underage sales, sampling, promotional/campaign work, complaints and enforcement action.
- 5.6 The Service Plan highlights that the high priorities for the Trading Standards Service in 2012/13 will be Underage Sales, Product Safety and Tackling Rogue Traders. Medium priorities will be Scams, Counterfeiting and False Descriptions whilst the low priority areas will be Weights & Measures, Misleading Pricing and Loans Sharks (*This being due to the continued operation of a National Illegal Money Lending Team that specifically targets loan sharks*).
- 5.7 Service delivery takes the form of premises inspections, sampling, responding to complaints, providing advice and guidance and raising public awareness. It is also sometimes necessary to take formal legal action

against those found to be committing serious criminal offences. This may take the form of Simple Cautions or prosecution at Court.

- 5.8 Emphasis will remain on protecting the residents of Hartlepool from those trading practices that can threaten their health and wealth and to restrict and prevent the supply of age restricted products to children.

6. RECOMMENDATIONS

- 6.1 That the Portfolio Holder approves the Trading Standards Service Plan for 2012/13.

7. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 7.1 **Appendix 1** Trading Standards Service Plan 2012/13

8. BACKGROUND PAPERS

- 8.1 There are no background papers.

9. CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration and Planning)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk



Hartlepool Borough Council

Trading Standards Service Plan

2012/13

TRADING STANDARDS SERVICE PLAN 2012/13

INTRODUCTION

1. SERVICE AIMS AND OBJECTIVES

- 1.1 Service Aims and Objectives
- 1.2 Links to Corporate Objectives and Plans

2. BACKGROUND

- 2.1 Profile of the Local Authority
- 2.2 Organisational Structure
- 2.3 Scope of the Trading Standards Service
- 2.4 Demands on the Trading Standards Service
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- 3.2 Trading Standards Inspections
- 3.3 Advice & Guidance
- 3.4 Acting as Statutory Consultee
- 3.5 Local programmes/initiatives
- 3.6 Sampling
- 3.7 Reactive Work
- 3.8 Complaints and Requests for Service
- 3.9 Complaints against our Staff
- 3.10 Liaison Arrangements
- 3.11 Regional Enforcement
- 3.12 Lead Authority Partnership Scheme / Primary Authority Scheme

4. RESOURCES

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6. PERFORMANCE REVIEW 2011/12

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- 6.8 Responding to Complaints
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- 6.10 Compliments

7. AREAS FOR IMPROVEMENT / KEY CHALLENGES FOR 2012/13

INTRODUCTION

This Service Plan details how the Trading Standards Service will be delivered by Hartlepool Borough Council.

The Plan sets out the Council's aims in respect of its Trading Standards Service and the means by which those aims are to be fulfilled.

Whilst focussing primarily on the year 2012/13, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2011/12 and this aims to inform decisions about how best to build on past successes and address performance gaps.

1 SERVICE AIMS AND OBJECTIVES

1.1 Service Aims and Objectives

Hartlepool Borough Council aims:

- To carry out our enforcement duties and deliver high quality services through the efficient and effective use of resources;
- To supplement our enforcement role by providing targeted education and advice;
- To encourage innovation through actively seeking out best practice and working in partnership with other agencies;
- To actively contribute towards achieving nationally agreed strategic aims and objectives; and
- To ensure our actions are consistent, proportionate and targeted and that we are transparent and open about what we do.

In its delivery of the service the Council will have regard to directions and examples of best practice as disseminated by Local Government Regulation (formerly known as LACORS), Trading Standards Institute and Central Government.

1.2 Links to Corporate Objectives and Plans

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnerships (the Hartlepool Partnership) goal is *"to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner."*
- Corporate Plan
- Regeneration and Neighbourhoods Departmental Plan

- Trading Standards Service Plan - sets out how the Council aims to deliver this statutory service and contribute towards corporate objectives

The Council's Community Strategy, called Hartlepool's Ambition, looks ahead to 2020 and sets out its long-term vision and aspirations for the future:

"Hartlepool will be an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential."

This Trading Standards Service Plan contributes towards the vision and the Council's main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to Trading Standards related matters and thus help avoid potential costly action at a later stage.

Health and Care

By ensuring that businesses supply safe products and through the prevention of the supply of age restricted products to children.

Community Safety

By encouraging awareness amongst businesses of the role they can play in reducing problems in their community by keeping premises in a clean, tidy and safe condition. By preventing the supply of alcohol to children who may go on to cause anti social behaviour or raise the fear of crime for residents.

Environment

By encouraging businesses to be aware of environmental issues which they can control, such as energy efficiency in commercial and domestic premises.

Culture and Leisure

By exploring ways to promote high standards of consumer confidence in local traders including hotels, other tourist accommodation, public houses and other catering and retail premises.

Strengthening Communities

By developing ways of communicating well with all customers, including proprietors of businesses whose first language is not English, and ensuring that we deliver our service equitably to all.

This Trading Standards Service Plan similarly contributes to the vision set out in the Regeneration & Neighbourhoods Departmental Plan:

“To work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”.

The Council is committed to the principles of equality and diversity. This Trading Standards Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

2 BACKGROUND

2.1 Profile of the Local Authority

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham County Council to the north and west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as “Old Hartlepool” is steeped in history. On the other hand, the former South Docks area has been transformed in to a fabulous 500-berth Marina.

In August 2010, Hartlepool welcomed almost 1 million visitors as it hosted the finale of the prestigious 2010 Tall Ships' Races; an internationally acclaimed annual competition held every summer in European waters.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets.

2.2 Organisational Structure

Hartlepool Borough Council is a democratic organisation. It comprises of 33 elected councilors who are responsible for agreeing policies about provision of services and how the Council's money is spent. The key decision making body is the Cabinet. Members of the Cabinet are appointed by the elected Mayor, and each has a portfolio of responsibility for particular services that the Council provides.

The Cabinet Member with responsibility for Adult & Public Health Services provides political oversight for Trading Standards enforcement.

The Management organisation is led by the Chief Executive. The Council is made up of three Departments:

Chief Executive's
Child & Adult Services
Regeneration & Neighbourhoods

The Trading Standards Service is delivered through the Regeneration & Planning Division of the Regeneration & Neighbourhoods Department.

2.3 Scope of the Trading Standards Service

The Council's Trading Standards Service is a constituent part of the Regeneration & Planning Division.

Service delivery broadly comprises:

- Carrying out programmed inspections;
- Investigating complaints relating to consumer protection issues;
- Carrying out programmed test purchase exercises to monitor trader compliance with relevant legislation – including underage sales;
- Taking samples of consumer products for testing and analysis
- Providing advice and information to both consumers and traders;
- Taking action (formal and informal) to ensure compliance with legislation;
- Acting as a Statutory Consultee for applications made under the Licensing Act 2003; and
- Enforcing smoke free legislation in public places.

To achieve strategic aims and objectives it is necessary to work in partnership with other organisations and agencies such as local authorities, Cleveland Police, Her Majesties Revenues & Customs (HMRC) and local businesses. The Council aims to ensure that these joint working arrangements are in place and that officers of the Service contribute, and are committed to, the ongoing development of these arrangements.

2.4 Demands on the Trading Standards Service

The Trading Standards Service is the principal enforcing authority for approximately 500 statutory instruments relating to consumer protection.

With a staff compliment of only four full time officers (including one trainee) it has been necessary to prioritise proactive work and this has been done by the development of a 'Resource Allocation Matrix'. This takes account of a range of factors including public concerns, business concerns, degree of risk to the public, complaint trends, government concerns at a national level and Members concerns at a local level and helps establish which enforcement areas should take priority over others.

Using this matrix the current priority areas for the Trading Standards Service are: -

High Priority

Tackling Underage Sales - The illegal sale of alcohol and other age-restricted products to children not only contributes significantly towards anti-social behaviour in Hartlepool but can also represent a serious risk to the health and well-being of the children involved.

Trading Standards and licensing officers work closely with Cleveland Police and other agencies to target premises that are thought to sell to children and uses underage volunteers to identify where offences are being committed.

Product Safety – Consumers are entitled to assume that all products they purchase will be safe. Trading Standards is responsible for the monitoring, sampling and testing of consumer products to ensure they do not pose a risk.

Rogue Traders – Doorstep crime, cowboy builders and other types of scam can cost local residents hundreds or even thousands of pounds. Trading Standards work closely with a number of agencies to help protect the vulnerable from this type of crime.

Medium Priority

Scams and Cons – Unscrupulous traders routinely prey on the vulnerable and elderly by taking advantage of their goodwill. Most people regularly receive unsolicited letters or e-mails offering services that are 'too good to be true'. Sadly, on some occasions, consumers are drawn into these scams and pay for goods or services that either never arrive or are not what was initially described. In many cases, making one purchase opens up the consumer to many, many other scams and problems can escalate. Trading Standards aims to identify common scams and notify consumers through press releases and other mass media such as the internet and 'Ringmaster'.

Where a company can be identified, formal action would be commenced against them.

False Descriptions – Most consumer purchases are made on the basis of the description they are given by either the manufacturer or retailer. In some cases descriptions are deliberately or negligently misleading – causing consumers to make purchase decisions that they may not have made otherwise. Once money has been handed over it can, on occasion, be very difficult to get back other than to go through the court system. Trading Standards investigates complaints about traders who falsely describe goods and look for the accuracy of descriptions during routine inspections.

Counterfeiting and illicit tobacco – The illegal copying of DVD's, computer software, designer clothing and jewellery continue to be a significant issue in Hartlepool. Counterfeiting is bad for business – it takes money away from local retailers who sell genuine products and puts it into the hands of local and national criminals – with little or no local benefit for the town. Counterfeiting is

often carried out by large organised crime units who are also engaged in other types of criminal activity such as drugs and smuggling.

Trading Standards works closely with HMRC, the Police and trade mark holders to identify and prosecute those who sell counterfeit products.

In April 2010 the Trading Standards Service appointed a tobacco control enforcement officer funded by grant monies made available for two years from the Department of Health. The postholder's responsibilities include working with regional and sub-regional organisations to identify sources of illicit and counterfeit tobacco and to prevent its supply.

Low Priority

Loan Sharks – Working in partnership with the Regional Illegal Money Lending Team Trading Standards identifies and prosecutes those who prey on the vulnerable by illegally lending money at extortionate interest rates. This is categorised as a low priority as there is a bespoke Regional enforcement team that now exclusively targets illegal money lending and, as such, the need for direct local resourcing has been reduced.

Weights and Measures – Many products are still sold by either weight or by length and consumers expect that they will receive the quantity stated. For some products, such as petrol, the value of goods is so high that even a small error in the accuracy of a measuring machine may lead to significant consumer loss.

Trading Standards officers are 'Weights and Measures Inspectors' and routinely carry out checks on weighing and measuring equipment.

Misleading Pricing – Most products are now sold with no price marking on them – bar codes having replaced price stickers. This has made it extremely difficult to check whether the price stated on a shelf is actually the price charged at the checkout. For some purchases, there may be 'hidden extras' that can significantly inflate the final price of goods or services.

Trading Standards staff routinely check the accuracy of price indications in shops and respond to complaints about misleading price indications.

2.5 Enforcement Policy

The Council has signed up to the Regulators Compliance Code and an updated and revised Public Protection Enforcement Policy was adopted in 2011.

3 SERVICE DELIVERY

3.1 Proactive Work

3.2 Trading Standards Inspections

The Trading Standards Service operates a risk based priority programme of business inspections to ensure ongoing compliance with relevant legislation.

Business types are categorised according to a national risk framework with local officers then attaching an additional element based on confidence in the management of the premises. For example, those traders that have demonstrated a clear understanding of their legal obligations and implemented procedures and practices to comply with them will receive less scrutiny than a trader who deliberately or negligently flouts their obligations.

Premises may be classified as being High, Medium or Low Risk or, for premises where consumer protection legislation does not apply, 'No Inspectable Risk'.

The team aims to visit high risk premises on an annual basis, medium risk premises every two years and low risk every five years.

Information on premises liable to Trading Standards inspections is held on the APP computer system. An inspection programme is produced from this system at the commencement of each reporting year.

The inspection programme for 2012/13 comprises the following number of scheduled Trading Standards inspections:

Risk Category	Frequency of Inspection	No of Inspections
High	Not less than 12 months	5
Medium	24 months	216
Low	5 years	152
Total		373

Whilst the low risk premises can be targeted by non-inspection interventions such as mail shots, self assessment questionnaires or training events this approach can be resource intensive and have limited impact.

The target for 2012/13 is to inspect all high risk premises that are due for inspection and 85% of all medium and low risk premises combined.

It is anticipated that consistent, high quality programmed inspections by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action.

Revisits will be carried out to check compliance where contraventions have been identified.

The performance against inspection targets for all Trading Standards inspections is reported quarterly as part of the Regeneration & Neighbourhoods Department internal performance monitoring.

3.3 Advice and Guidance

The Trading Standards Service works closely with the national consumer advice helpline which is now being operated by the Citizen's Advice Bureau, to provide a comprehensive advice and guidance service. Consumers in need of advice regarding the civil law will be serviced by Consumer Direct but where issues are raised that may have a broader local impact the local Trading Standards Service will be alerted and, if appropriate, an investigation commenced.

In most cases the Trading Standards Service will look to work in partnership with local businesses to ensure they are fully aware of their legal obligations and how best to achieve legal compliance. Such advice is offered free of charge and can be made available at a time to suit the trader.

Trading Standards staff also regularly provide advice sessions to local community groups on issues such as doorstep crime, loan sharks/illegal moneylending, rogue traders and 'the work of Trading Standards'.

Recent surveys carried out by the Government have indicated that businesses and retailers value visits by Trading Standards staff as being an important source of up to date advice and information.

The Council considers that assistance to business, in order to help them to comply with the requirements of legislation, is one of our core activities. For Trading Standards issues the Council has a policy of offering comprehensive advice to any business for which it is, or is likely to become, the enforcing authority.

Advice will be available during the course of routine visits and inspections, through information leaflets and booklets, in response to queries and through the Council's website.

3.4 Acting as Statutory Consultee – Trading Standards is a statutory 'Responsible Authority' under the Licensing Act 2003. This means that every application for a licence to supply alcohol or offer other regulated entertainment must be submitted to the Trading Standards Service who will consider the application in terms of its likely impact on the Act's 'licensing objectives'. For Trading Standards this primarily means the protection of children from harm and officers use their expertise in detecting and preventing

underage sales to work with prospective licensees and ensure operating procedures are put in place to prevent the sale of alcohol to children.

3.5 Local programmes/initiatives

Trading Standards will be conducting a range of projects and surveys during 2012/13 in order to improve consumer protection and to raise consumer confidence. These include: -

Underage Sales – Working with Cleveland Police the team shall carry out a minimum of one underage sales test purchase operation each quarter. Products to be targeted will include alcohol, tobacco, solvents and in relation to service provision – gambling. In addition to this the Service will use 18 year old volunteers to identify whether premises are adhering to their proof of age policies such as Challenge 21 or Challenge 25. The main aim of these operations will be to highlight to retailers that their processes are failing in order to stimulate improvement rather than to press for immediate legal action.

Overloaded Vehicles – There is a limit as to how heavy a vehicle can be to safely travel on roads in the UK. With transport costs increasing there can be a financial advantage to reducing journeys by overloading vehicles which can, in turn, significantly reduce the safety of the vehicle concerned. Brakes, tyres and suspension can fail and overloaded vehicles can significantly damage highways.

Medical Weighing – Following on from a project carried out by the North East Trading Standards Association in 2010/11 Hartlepool Trading Standards will visit local health centres and GP surgeries to test their weighing equipment and give guidance and advice where appropriate.

Medical weighing equipment plays a vital role in determining the weight of patients which can lead to the calculation and determination of treatment and dosages of drugs.

Distance Selling Regulations – The sale of goods via the internet continues to grow rapidly which, in turn, increases the need to ensure that consumers receive adequate protection from rogue traders operating at a national and international level.

The Trading Standards team will use a variety of methods to test internet trader's compliance with relevant consumer protection legislation.

UV protection in children's clothes – A number of retailers now market clothes that offer UV protection for the wearer. For children in particular it is essential that parents can rely entirely on the levels of UV protection being claimed.

Officers shall test purchase products from a number of locations, including the internet, and have them tested to ensure consumers can rely on any claims being made.

3.6 Sampling

In order to protect the public it is essential that potential problems, particularly safety related, can be identified before they cause damage or harm.

One way of achieving this is through the regular sampling of consumer products to ensure they comply with relevant safety standards or with the descriptions being applied to them.

In most cases samples are sent to the testing laboratory at the Tees Valley Metrology Centre in Middlesbrough where they can be screen tested to identify any obvious faults. Where potential problems are identified samples may then be sent to Testing Houses for more formal testing for evidential purposes.

A sampling plan has been prepared for 2012/13 which will target, amongst other things, the following consumer products: -

Buoyancy aids – do they comply with British Standard for safety?

Disposable BBQ's – carbon monoxide warnings?

Babies dummies – are they safe?

Halloween masks/wigs etc – there is a history of cheap Halloween products that have been unsafe.

Toys with scissor folding mechanisms – these mechanisms, when designed poorly, can lead to serious injury and even amputations.

Fireworks – cheap but dangerous fireworks are still illegally imported into the UK. Testing will help ensure that Hartlepool residents are protected from unsafe products.

3.7 Reactive Work

3.8 Trading Standards Complaints and Service Requests

It is intended that every complaint / request for service is responded to within 2 working days.

The majority of consumer complaints are forwarded to the Trading Standards Service via 'Citizen's Advice Consumer Service' (CACS) – a national consumer hotline funded by central government. CACS provide scripted advice that can resolve many of the simplest complaints but the more complex matters, or those requiring a potential criminal investigation, are referred on to the local Trading Standards department.

The initial response is determined after assessment of the information received, and is based on the risk arising from the conditions that are the subject of the complaint.

The potential actions that are available vary from the provision of advice, often after liaison with the business, to full prosecution procedures in line with the Public Protection Enforcement Policy.

483 complaints were received by the Trading Standards Service during 2011/12.

3.9 Complaints against our Staff

Anyone who is aggrieved by the actions of a member of staff is encouraged, in the first instance, to contact the employee's line manager. Details of how and who to make contact with are contained in the inspection report left at the time of an inspection.

Formal complaints are investigated in accordance with the Council's corporate complaint procedure.

3.10 Liaison Arrangements

The Council actively participates in local and regional activities and is represented on the following:

- Tees Valley Public Protection Heads of Service Group
- North East Public Protection Partnership
- North East Trading Standards Association
- Various multi-agency intelligence networks

3.11 Regional Enforcement

Hartlepool is a partner in the North Eastern Trading Standards Association (NETSA) and contributes to the regional enforcement activity planned by it.

In addition there is a National Illegal Money Lending Team (IMLT) funded through the Government's Business Innovation and Skills Department and a Regional Enforcement Unit (previously known as 'Scambusters') that targeted scams and cons that were being perpetrated across the North East.

To assist with the work of these two teams NETSA also manages the work of a Regional Intelligence Officer whose role is to gather and disseminate intelligence to NETSA members, the IMLT and the Regional Enforcement Unit.

3.12 Primary Authority Scheme

It is the Council's policy to comply with the Local Better Regulation Office's Primary Authority Scheme.

In particular the Council will contact the Primary Authority and liaise over:

- any proposed formal enforcement action
- service of Notices
- shortcomings in the companies policies that have wider implications

In Hartlepool, there are currently no formal Primary Authority arrangements in place with a Hartlepool based trader however the service works closely with some local businesses on an informal basis.

The level of resourcing will have to be reviewed if an opportunity to enter into a formal Primary Authority arrangement arises.

4. RESOURCES

4.1 Financial Resources

The annual budget for Public Protection for 2012/13 is:

	£000.0
Employees	481.2
Other Expenditure	128.5
Income	(21.0)
Net Budget	588.7

This budget is for other services provided by this section including Health & Safety, Food and resources are allocated in accordance with service demands. The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

4.2 Staffing Allocation

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the Trading Standards Service. The Assistant Director of Regeneration & Planning has responsibility for ensuring the delivery of the Council's Trading Standards Service in accordance with the Service Plan.

The Public Protection Manager has responsibility for planning service delivery and management of the Trading Standards Service, Food, Licensing, Public Health, Water Quality, Health & Safety, Animal Health and Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Regeneration & Planning Management Team.

The Principal Trading Standards & Licensing officer has responsibility for the day to day supervision of the Trading Standards and Licensing Service and, having the requisite qualifications and experience, is designated as the authority's Chief Inspector of Weights and Measures.

Senior Trading Standards officers are responsible for carrying out the Trading Standards premises inspection programme as well as the delivery of all other aspects of the Trading Standards service and will undertake complex investigations.

The Technical Officer (Trading Standards) is responsible for inspections, as well as revisits, investigation of less complex complaints and investigation of accidents.

Administrative support is provided by the Support Services team based within the Regeneration & Neighbourhood Services department.

All staff engaged in Trading Standards law enforcement activity will be suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

The resources determined necessary to deliver the service in 2012/13 are as follows:

1 x 0.10 FTE Public Protection Manager (with responsibility also for Food, Licensing, Health & Safety, Environmental Standards & IT)

1 x 0.50 FTE Principal Trading Standards & Licensing Officer (with responsibility also for Licensing)

2 x Senior Trading Standards Officers

1 x FTE Technical Officer (Tobacco Control)

1 x FTE Technical Officer (Trading Standards)

1 x FTE Trainee Trading Standards Officer

4.3 Staff Development

The Council is committed to the training and personal development of its employees through the Investors in People (IIP) process and has in place Personal Development Plans for all members of staff.

The Staff Personal Development Plan Scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis.

A Personal Development Plan that clearly prioritises training requirements of individual staff members will be developed and reviewed bi-annually. Detailed records are maintained by the service relating to all training received by officers.

4.4 Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the Trading Standards Service.

The service has a computerised performance management system, Authority Public Protection (APP). This is capable of maintaining up to date accurate data relating to the activities of the Trading Standards Service. A documented database management procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the inspection programmes, the recording and tracking of all Trading Standards activities, the production of statutory returns and the effective management of performance.

Hartlepool is also one of four unitary councils that operate the Tees Valley Measurement Centre in Middlesbrough. The Centre performs all of the Council's statutory Weights and Measures functions (such as the holding and maintenance of weighing and measuring equipment) and carries out the routine testing of industrial weighing machines and petrol pumps.

The Centre also operates a testing laboratory that can conduct both physical and chemical testing of samples. The laboratory is used to 'screen' samples before they are sent to more expensive Test Houses. Only those samples that fail a 'screen test' are sent for further testing – saving both time and expense.

5. QUALITY ASSESSMENT

The Council is committed to quality service provision. To support this commitment the Trading Standards Service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the Trading Standards Service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal Trading Standards & Licensing officer will carry out accompanied visits with officers undertaking inspections, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

6 PERFORMANCE 2011/12

6.1 Overview - It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2011/12.

This service plan will be reviewed at the conclusion of the year 2012/13 and at any point during the year where significant legislative changes or other relevant factors occur during the year.

It is the responsibility of the Public Protection Manager to carry out that review with the Assistant Director of Regeneration & Planning.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Any relevant amendments to the Council's Corporate Plan will be incorporated into the service plan.

Following any review leading to proposed revision of the service plan Member approval will be sought.

6.2 Trading Standards Inspections

During 2011/12 the Trading Standards Service carried out a total of 84.8% of the inspections that were scheduled.

During 2011/12 the Service also carried out 727 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007.

6.3 Tobacco Control

In April 2010 a tobacco control enforcement officer was employed on a two year contract funded through the Department of Health. The officer's primary responsibility was to identify and target premises and retailers who were supplying illicit tobacco – whether from traditional retail premises or from private homes – commonly known as 'tab houses'.

The officer also began a programme of retailer education to help ensure that they were not deliberately or unintentionally supplying illicit or counterfeit tobacco. During 2011/12 this officer carried out 255 visits to premises to provide advice and guidance. Measures taken to prevent the sale of tobacco products to under 18's were also discussed with all retailers. Tobacco products in all premises visited have been tested with equipment that detects that they are not counterfeit with 100% compliance observed.

Following the introduction of legislation banning the use of tobacco vending machines 86 visits were made to premises likely to have had used them. 33 premises were identified as having had or still had tobacco vending machines on the premises. 21 tobacco vending machines had been removed from premises following introduction of the legislation. 8 premises still had tobacco vending machines on the premises but had all stock and brand advertising removed and were labelled as being out of use. 4 premises still had tobacco vending machines in use but had moved them so that customers could not access them. tobacco products are now obtained from the machines for customers on request. 1 premise did not comply with Tobacco Advertising legislation in respect of the vending machine being visible to customers and had pictorial brand images displayed. All 4 premises did not comply with Sale

of Tobacco legislation in respect of not displaying the required warning notice with regard to sales to under 18's.

6.4 Underage sales

During 2011/2012 32 alcohol test purchase attempts were made. While no sales were made to child volunteers 8 failures to observe licensing conditions were identified such as stores failing to observe 'Challenge 21' systems. Such licensed premises received a warning.

During 2011/2012 3 tobacco test purchase attempts were made. No sales were made.

During 2011/2012 5 fireworks test purchase attempts were made by a child volunteer. No sales occurred.

Two operations were conducted in 2011/2012 with Cleveland police involving the surveillance of the certain stores. Such surveillance was designed to observe if local youths are purchasing age related goods from such stores. The presence of Police officers means that youths can be stopped and challenged by the Officer. During one such operation a group of youth's had their alcohol confiscated. It was not possible however to prove an offence on this occasion due to the presence of an over-18 in the group.

6.5 Sampling

During 2011/12 Trading Standards sampled a number of products to ensure compliance with safety regulations. These included: -

Carbon Monoxide and Smoke Detectors. It was found that a number of premises stock the same brands of smoke alarms. Of the five tested, all were found to comply with applicable legislation covering sensitivity and loudness of the alarm.

Babies dummies. Following national concern at the availability of potentially unsafe dummies, a thorough Hartlepool based sampling programme was conducted resulting in 22 dummies being tested to determine compliance with the relevant European standards. It was found that all dummies complied with the tensile strength test – a measure of the possibility of a young child being able to break the dummy into smaller parts that may pose a choking hazard.

Halloween clothing flammability. The flammability of childrens Halloween items has received national publicity over recent years. Officer's inspected items for sale locally in the run-up to Halloween. Items were visually inspected in store and 15 items were deemed worthy of further examination and were purchased and submitted for controlled testing.

One of these items, namely a children's Halloween tie was found to pose a serious risk due to its flammable nature. A media campaign warning against the product was initiated to warn purchasers of the dangers and the national retailer was required to remove all such items from sale nationally.

Electrical extension leads. Five extension leads were tested for compliance with the Electrical Equipment (Safety) Regulations. While one of them was labelled incorrectly none posed a safety risk.

Christmas lights. Following a visual inspection of Christmas lights and electric decorative items, nine items were considered worthy of further test. Fortunately all items complied with the relevant Regulations.

Oscillating fan heaters. Four fan heaters were subject to testing and all four were found to be safe.

6.6 Promotional/Campaign Work

During 2011/12 the Trading Standards Service carried out 11 presentations to community groups and other associations – informing members of their consumer rights and advising them of the work carried out by Trading Standards on their behalf. This also included a number of training events for Neighbourhood Policing Teams to ensure that officers fully understood the role that Trading Standards can play in relation to doorstep crime, cowboy roofers and builders and distraction burglary.

Weights & Measures – Trading Standards officers carry out a statutory weights and measures responsibility and are in a unique position to protect consumers who may be receiving short weight or measure without their knowledge.

In 2011/12 officers checked a wide range of products being supplied by supermarkets and other premises to ensure that product weights matched what was indicated on the packaging.

In addition to this, officers also visited local restaurants to ensure that uncooked steak weights declared on menus were accurate. Due to the high cost of prime steak there is an opportunity for consumers to receive significantly less value if the product is underweight. For example, fillet steaks can cost more than £2 per ounce..

Whilst most premises were found to be offering satisfactory weights it was necessary for officers to advise a number of premises about their management processes to ensure no underweight products were supplied.

Trade Association Logos – Many consumers base their purchasing decisions on recommendations from friends and family or rely on the assurance that a trader is a member of a trade association.

Officers conducted a survey of 24 local businesses who claimed to be members of a trade associations or had, in some other way, external accreditation.

50% of the businesses surveyed were found to be misusing trade associations in some way.

All non compliant businesses received written warnings and were required to immediately remove their inaccurate statements/logos and advice was given on future compliance.

The project will be extended into 2012/13 to ensure that the problem does not remain.

Substance Abuse – Underage Sales – The use of solvents and other volatile substances (commonly referred to as ‘glue sniffing’) remains a significant problem in Hartlepool and there are concerns that it is becoming a common alternative to alcohol.

Whilst supplying volatile and intoxicating substances to children is a criminal offence the law states that, for the supplier to be found guilty, they must have had reason to believe that the substance was going to be abused – something that is extremely difficult to prove to a criminal standard.

In order to establish the scale of the problem in Hartlepool underage volunteers attempted to buy a range of products and, whilst commonly abused products such as glue were often refused, other volatile substances such as deodorants were regularly sold.

Officers have contacted all traders concerned and requested more diligence in order to protect local children. Further test purchase operations will take place in 2012/13 to monitor future compliance.

Tyre and Computer Repair – There have been a number of issues at a national level where a minority of specialist service providers were taking advantage of consumers by claiming that work was required when in fact it was not.

In Hartlepool undercover officers approached a number of tyre repair shops to see if a repairable tyre would be described as ‘unrepairable’. Officers also visited computer repair shops to see whether a deliberately introduced minor fault would be recognised or whether the trader would claim that further, more expensive repairs were required.

All tyre repair shops were found to offer a good service with the correct advice being given on every occasion. There was some doubt about the service offered by some computer shops and, as such, the project will be continued into 2012/13.

6.7 Formal Enforcement Action

On some occasions it is necessary to prosecute for serious or repeat offences. In 2011/12 three prosecutions were brought by the Trading Standards team and seven Simple Cautions were issued. These related to the sale of alcohol and tobacco to children.

6.8 Responding to Complaints

The Trading Standards Service received a total of 483 complaints from both consumers and traders relating to a wide range of issues. In many cases these complaints can be resolved through the provision of advice or by re-direction to another agency but, in some cases, criminal investigations are necessary.

The receipt of intelligence through complaints made by the general public is invaluable to the Trading Standards Service and the Team's telephone number is always quoted in press releases.

6.9 Complaints against Our Staff

No complaints were made against our staff during 2011/12.

6.10 Compliments about Our Staff

The Trading Standards Team regularly consults with users of the Service to establish whether the contact had been helpful and fair.

In 2011/12 the final satisfaction figure was 82% (a rise from 79% in 2010/11). As a figure of 100% would mean every customer being very satisfied with both the fairness and helpfulness of the officer concerned a final figure of 82% is a very good result and a testament to the work of the team.

7. KEY AREAS FOR IMPROVEMENT & KEY CHALLENGES FOR 2012/13

1. The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount.
2. There are significant changes taking place at a national level as the Government presses forward with regulatory reform. A new National Trading Standards Policy Board has been established which will identify national priorities and increase Regional and Sub-Regional co-ordination. The effect of this on local Service delivery will be monitored closely during 2012/12.

3. The Government's *Freedom Bill*, and others, includes proposals to limit or prevent surveillance being carried out by local government departments such as Trading Standards. This may inhibit underage sales work and other surveillance of premises that are suspected of carrying out illegal activities. In addition to this the Government continues to regard all enforcement agencies as being a potential 'burden on business' and their work is receiving close and critical scrutiny. Initiatives such as the 'Primary Authority' scheme are being heavily promoted by Government departments and these can significantly limit the scope of local enforcement activity for certain businesses.

ADULT AND PUBLIC HEALTH PORTFOLIO

Report to Portfolio Holder

22nd August 2012



Report of: Assistant Director (Regeneration & Planning)

Subject: HEALTH & SAFETY SERVICE PLAN 2012/13

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision.

2. PURPOSE OF REPORT

2.1 To consider the Health & Safety Service Plan for 2012/13.

3. BACKGROUND

3.1 The Health & Safety Executive has a key role in overseeing Local Authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.

3.2 The Health & Safety Executive has issued guidance to Local Authorities, which provides information on how Local Authority enforcement service plans should be structured and what they should contain. Service plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Health & Safety Executive.

3.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.

3.4 The Health & Safety Service Plan for 2012/13 takes into account the guidance requirements and is available in **Appendix 1**.

4. THE HEALTH & SAFETY SERVICE PLAN

- 4.1 The Service Plan for 2011/12 has been updated to reflect last year's performance.
- 4.2 In setting this years work plan we have had regard to the Government's ongoing review of health and safety law and practice and the recommendations made and associated centrally issued guidance including that issued by the Health and Safety Executive.
- 4.3 The Service Plan covers the following:
- (i) Service Aims and Objectives;
 - (ii) The background to the Authority, including the scope and demands on the health and safety service;
 - (iii) Service delivery, including intervention programmes, service requests, complaints, advice, liaison and promotion;
 - (iv) Resources, including financial allocation, staff allocation and staff development;
 - (v) Quality assessment;
 - (vi) Details of the review of the Plan including a review of performance for 2011/12.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 Due to prioritising resources in relation to food hygiene interventions and carrying out work in relation to the migration from the Tees Valley Food Hygiene Award Scheme to the national Food Hygiene Rating Scheme the health and safety premises intervention programme for 2011/12 did not reach the target of 100%.
- 5.2 A total of 450 health and safety inspections were carried out equating to 68% of the intervention programme, with all but 2 medium risk inspections being completed.
- 5.3 In addition officers made 37 revisits to monitor compliance with contraventions identified during planned inspections.
- 5.4 During 2011/12 the Authority undertook 769 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007, a proportion of which were carried out in conjunction with health and safety inspections. We also responded to 4 complaints regarding this legislation.

- 5.5 Promotional/campaign work was undertaken in respect of the following:
- Noise at Work in the Entertainment Industry;
 - To Engage with the Public Health Agenda;
 - Monitoring compliance with the Sunbeds (Regulation) Act 2010 which came into effect on 8 April 2011. The main purpose of the Act is to prevent the use of sunbeds on commercial business premises by children and young people under the age of 18.
- 5.6 During the year the service carried out 12 visits in response to complaints / service requests relating to health and safety conditions and working practice. The initial response to these requests have been undertaken all within our target of 2 working days
- 5.7 The service received 61 accident notifications during the year. All were responded to within 1 working day. These notifications generated 16 visits by enforcement staff.
- 5.8 During 2011/12 no legal proceedings or Simple Cautions were initiated. It was however necessary to serve 6 Improvement Notices. These related to issues such as the provision of a supply of hot (or warm) water to the washing facilities within staff sanitary accommodation, repairs to flooring, inspection and maintenance of petroleum storage tanks and underground pipework and to produce a suitable and sufficient risk assessment and implement a safe system of work in respect of the use of a cellar hatch. A Prohibition Notice was served to prohibit the use of an unguarded food slicing machine.
- 5.9 Currently we are the Enforcing Authority for 1297 premises in Hartlepool. In planning our intervention programme for 2012/13 we have had regard to the 'Advice/Guidance to Local Authorities On Targeting Interventions' that was issued by the Health & Safety Executive / Local Authorities Enforcement Liaison Committee (HELA) during 2011.
- 5.10 We recognise that we have a vital role to play in ensuring that the regulatory system is focused on better health and safety outcomes and not purely technical breaches of the law. During interventions officers will focus on the key causes of workplace accidents, injuries and ill health. We have identified the following local priorities which can be addressed during our contact with businesses, including through other areas of work e.g. food inspections and licensing visits.

Local Priority	Estimated no of premises that topic is applicable to
Asbestos Management	191
Gas Safety in Commercial Kitchens	184
Deliveries	157
Cellar Safety	70

Occupational Disease e.g. Dermatitis	34
Managing Risks from Legionella	55

- 5.11 The Section 18 Standard places a requirement on Councils to assess whether there is sufficient capacity within the authority to undertake their statutory duties and to deliver an effective service. The Service Plan sets out the resources determined necessary to deliver the health and safety service in 2012/13. Whilst we have determined that with the existing compliment of staff we have adequate capacity to discharge our duty under the Standard we are facing unprecedented budget pressures and will therefore need to monitor whether the Authority can continue to service its workload and fulfil its requirements under the Standard.
- 5.12 The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount.
- 5.13 During 2012/13 we will carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy. In particular we intend to continue to explore how we can contribute to the Public Health Outcomes Framework.
- 5.14 We intend to explore the feasibility of applying the principles of the 'Estates Excellence Model' on a local level. This will involve working in partnership with the Council's Economic Development team, local businesses and other agencies.
- 5.15 We will take cognisance of any recommendations made in response to the Governments review of health and safety law and practice.

6. EQUALITY AND DIVERSITY CONSIDERATIONS

- 6.1 There are no equality or diversity implications.

7. SECTION 17

- 7.1 There are no implications under Section 17.

8. RECOMMENDATIONS

- 8.1 That the Portfolio Holder approves the Health & Safety Service Plan for 2012/13.

9. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

9.1 **Appendix 1** Health & Safety Service Plan 2012/13

10. BACKGROUND PAPERS

10.1 There are no background papers.

11. CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration and Planning)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk



Hartlepool Borough Council

Health & Safety Service Plan 2012/13

HEALTH & SAFETY SERVICE PLAN 2012/13

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INTRODUCTION

This Service Plan details how the Health and Safety service will be delivered by Hartlepool Borough Council.

The Plan accords with the requirements of the mandatory guidance issued by the Health and Safety Executive (HSE) under Section 18 of the Health and Safety at Work etc. Act 1974 (HSWA).

The HSE and Local Authorities (LAs) both have a statutory duty to 'make adequate arrangements for enforcement' under Section 18 of HSWA. In 2008 the Standard was revised and enforcing authorities were required to work towards compliance with the principles and standards set out. From 31st March 2011 compliance with the new Standard became mandatory.

The Standard sets out the arrangements that LAs and the HSE must put in place to meet the duty in four areas:

1. **"Make it happen"** - LAs shall set out their commitment, priorities and planned interventions; put in place the capacity, management infrastructure, performance and information systems to deliver an effective service and comply with their statutory duties; operate systems to train, appoint, authorise, monitor and maintain a competent inspectorate.
2. **"Do it right"** – use interventions including enforcement action, in accordance with its enforcement policy and within the principles of proportionality, accountability, consistency, transparency and targeting.
3. **"Work together"**- work in partnership within its own organisation and other bodies to make the best use of joint resources and to actively contribute to liaison, policy and governance arrangements at a local, regional and national level.
4. **"Sell the story"** – promote sensible risk management.

This Plan sets out the Council's aims in respect of its health and safety enforcement service and the means by which those aims are to be fulfilled.

Whilst focussing primarily on the year 2012/213, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2011/12 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and has been subject to Portfolio Holder approval.

1 SERVICE AIMS AND OBJECTIVES

1.1 Service Aims and Objectives

Hartlepool Borough Council aims:

- to carry out our enforcement duties and deliver high quality services through the efficient and effective use of resources;
- to supplement our enforcement role by providing targeted education and advice;
- to encourage innovation through actively seeking out best practice and working in partnership with other agencies;
- to actively contribute towards achieving nationally agreed strategic aims and objectives; and
- to ensure our actions are consistent, proportionate and targeted and that we are transparent and open about what we do.

In its delivery of the service the Council will have regard to directions from the Health and Safety Executive, Health and Safety / Local Authority Liaison Committee (HELA), Approved Codes of Practice, the Regulators' Compliance Code, and any other relevant guidance.

1.2 Links to Corporate Objectives and Plans

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnerships (the Hartlepool Partnership) goal is *"to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner."*
- Corporate Plan
- Regeneration and Neighbourhoods Departmental Plan
- Health and Safety Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services section's contribution to corporate objectives

The Council's Community Strategy, called Hartlepool's Ambition, looks ahead to 2020 and sets out its long-term vision and aspirations for the future:

"Hartlepool will be an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential."

This Health and Safety Service Plan contributes towards the vision and the Council's main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to health, safety and welfare, and avoid potential costly action at a later stage.

Lifelong Learning and Skills

By providing advice as regards to what training is appropriate for particular jobs. This advisory role is supplemented with enforcement action where necessary to ensure that the appropriate training is provided to employees. The team also provides seminars on current health and safety issues to the wider community.

Health and Care

By ensuring that businesses meet their obligations as regards health and safety the well being of both employees and the public will be protected.

Community Safety

By encouraging awareness amongst businesses of the role they can play in reducing problems in their community by keeping premises in a clean, tidy and safe condition.

Environment

By encouraging businesses to be aware of environmental issues which they can control, such as proper disposal of hazardous waste.

Culture and Leisure

By exploring ways to promote high standards of compliance with health, safety and welfare law in hotels, other tourist accommodation, public houses and other catering and retail premises. This also applies to ensuring events to which the public are admitted are held safely.

Strengthening Communities

By developing ways of communicating well with all customers, including proprietors of businesses whose first language is not English, and ensuring that we deliver our service equitably to all.

This Health and Safety Service Plan similarly contributes to the vision set out in the Regeneration & Neighbourhoods Department Plan:

“To work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”.

The Council is committed to the principles of equality and diversity. The Health and Safety Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

2 BACKGROUND

2.1 Profile of the Local Authority

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham County Council to the north and west and Stockton-on-Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as “Old Hartlepool” is steeped in history. On the other hand, the former South Docks area has been transformed in to a fabulous 500-berth Marina.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets. There are currently 1297¹ businesses in Hartlepool for which the Council is the enforcing authority, all of which must be subject to intervention to ensure health and safety requirements are being met.

2.2 Organisational Structure

Hartlepool Borough Council is a democratic organisation. It comprises of 34 elected Councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent. The key decision making body is the Cabinet. Members of the Cabinet are appointed by the elected Mayor, and each has a portfolio of responsibility for particular services that the Council provides.

The Portfolio holder for Adult & Public Health Services provides political oversight for Health and Safety enforcement.

The Management Organisation is led by the Chief Executive. The Council is made up of three Departments:

Chief Executive's
Child & Adult Services
Regeneration & Neighbourhoods

1 Total number of premises as at 31/3/2012
Health & Safety Service Plan 2012/13

The health and safety service is delivered through the Regeneration & Planning Division of the Regeneration & Neighbourhoods Department.

2.3 Scope of the Health and Safety Service

The Council's Commercial Services team is a constituent part of the Regeneration & Planning Division and is responsible for delivery of the health and safety service.

Service delivery broadly comprises:

- Carrying out interventions including inspections;
- Investigating complaints regarding health and safety and associated issues;
- Investigating workplace accidents, diseases and dangerous occurrences;
- Providing advice and information;
- Taking action (formal and informal) to ensure compliance with legislation;
- Responding to asbestos notifications;
- Registering premises and persons offering personal treatments e.g. body piercing, tattooing, acupuncture etc;
- Acting as a Statutory Consultee for applications made under the Licensing Act 2003; and
- Enforcing smoke free legislation in public places.

To achieve strategic aims and objectives it is necessary to work in partnership with other local authorities, the Health and Safety Executive and businesses. The Council aims to ensure that these joint working arrangements are in place and that officers of the service contribute and are committed to the ongoing development of these arrangements.

2.4 Demands on the Health and Safety Service

The Health and Safety Executive and Local Authorities are the principal enforcing authorities for Health and Safety at Work etc Act 1974 (HSWA) in Great Britain.

The primary purpose of the HSWA is to control risks from work activities. The role of the HSE and LAs is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

The type of premises/nature of work activity falling to local authorities for enforcement is dictated by Health and Safety (Enforcing Authority) Regulations 1989 with further guidance provided by Health and Safety / Local Authority Liaison Committee (HELA) which is the formal enforcement liaison committee between the HSE and LAs.

There are currently 1297 premises in Hartlepool for which the Council is the Enforcing Authority for Health and Safety. Such premises include: retailers, wholesalers, offices, catering premises (including hotels and guest houses), leisure and consumer services and residential care homes. The businesses are predominantly small, medium and micro businesses (employing less than 10 employees).

Other premises within the borough, including premises within local authority control, are within the enforcing remit of the Health & Safety Executive (HSE).

The table below provides a profile of the premises within the borough.

Premises Type	No of Premises (As at 01/04/12)
Retail Shops	416
Wholesale	20
Offices	148
Catering Services	239
Hotel/residential	17
Residential Care Homes	38
Leisure and Cultural	219
Consumer Services	193
Other (Miscellaneous)	7
Total	1297

The delivery point for the health and safety enforcement service is at:

Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Telephone: (01429) 266522
Fax: (01429) 523308

Members of the public and businesses may access the service at this point from 08.30 - 17.00 Monday to Thursday and 08.30 - 16.30 on Friday.

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies which occur out of hours. Contact can be made via Hartlepool Housing's Greenbank Offices on (01429) 869424.

2.5 Enforcement Policy

The Council has signed up to the Enforcement Concordat and has in place a Public Protection Enforcement Policy, which was approved by the Adult and Public Health Services Portfolio Holder in June 2011. This policy covers health and safety enforcement.

The Health and Safety Executive Enforcement Management Model (EMM) will be used to inform the service's decision making process. Officers also have reference to the HSE's Enforcement Guide and the Work Related Deaths Protocol.

3 SERVICE DELIVERY

The Council is committed to meeting its obligations under the Section 18 Standard issued under the Health and Safety at Work etc Act 1974.

3.1 Regulatory Reform

There have been significant changes in regulatory approach over the last few years, and these have escalated since the Coalition Government came into power. The key objective is to free up business growth by transforming regulatory enforcement.

In June 2010 the Prime Minister appointed the Rt Hon Lord Young of Graffham as Adviser to the Prime Minister on health and safety law and practice.

Lord Young undertook a review of the operation of health and safety laws and the growth of the compensation culture. His report "Common Sense, Common Safety" was published in October 2010.

In "Common Sense, Common Safety", Lord Young put forward a series of recommendations for:

- improving the public perception of health and safety;
- ensuring it is taken seriously by employers and the general public;
- reducing the burden of bureaucracy on businesses.

Of particular relevance to local authorities was Lord Young's recommendation to:

- combine food safety and health and safety inspectors in local authorities
- make mandatory local authority participation in the Food Standards Agency's Food Hygiene Rating Scheme

The Prime Minister and the Cabinet accepted all of Lord Young's recommendations and a range of Government bodies are now involved in taking them forward, including the Health and Safety Executive and Local Government partners.

Following Lord Young's resignation in November 2010, the Rt Hon Chris Grayling MP, Minister for Employment, was given overall responsibility for implementing the recommendations.

As the next step for reforming Britain's health and safety system, the Department for Work and Pensions published the plan, "Good Health and Safety, Good For Everyone".

As part of these further reforms the Government has:

- launched an Occupational Safety and Health Consultants Register to:
 - clamp down on rogue health and safety consultants; and
 - ensure that businesses have access to competent and ethical advice; and stated that it will:
- shift the focus of health and safety enforcement activity away from businesses that do the right thing, and concentrate on:
 - higher risk areas; and
 - dealing with serious breaches of health and safety regulations;
- seek to simplify health and safety legislation and guidance, and in doing so ease the burden on businesses.

The Government also established an Independent Review of Health and Safety legislation to make proposals for simplifying the existing raft of health and safety legislation.

Some of the key considerations taken in to account when developing this service plan are therefore:

- reducing the aggregate number of proactive inspections for all local authorities by a third to create capacity to target resources where risk is highest;
- combining health and food safety interventions wherever possible;
- supporting and increasing information and guidance for small businesses and ensuring officers provide clear and consistent advice; and
- ensuring that officers are competent to carry out interventions required to deliver the service plan.

It should be noted that the service has already adopted these principles in previous years and welcomes the opportunity to further develop these approaches.

Enforcement Officers will ensure that every effort will be made to reduce administrative burdens on businesses and at the same time ensure efficient and effective enforcement, concentrating on poor performers who present the highest risk.

Hartlepool Council is an active member of the Tees Valley Health and Safety Liaison Group. Through this group the five local authorities have collectively identified targeted work areas for 2012/13 based on:

- national priorities
- local intelligence and evidence

A joint work plan has been prepared and we aim to deliver this along with other interventions that are required at a local level in accordance with the revised Health & Safety Executive/Local Authorities Enforcement Liaison Committee (HELA)'s 'Advice/Guidance to Local Authorities On Targeting Interventions', which was published in 2011.

This service plan sets out the activities that the service intends to carry out in 2012/13 to meet this requirement within the resources available. The programme will be delivered using the following interventions:

3.2 Interventions

3.2.1 Interventions including Inspections

The risk category of the premises (Category A being the highest) dictates the type of intervention which can be implemented. The following table shows the total number of each premises in each category and the expected intervention approach.

	Number of premises	Intervention Type
Cat A	3	Suitable for proactive inspection Identify the risk and consider the use of all interventions to address that risk
Cat B	373	Not suitable for proactive inspection Identify the risk and consider how you might address it using the remaining 12 interventions
Cat C	806	Use reactive interventions only
Unrated	115	No national guidance provided – local policy adopted

There are 11 types of proactive intervention, including inspections and 2 types of reactive interventions. These are detailed overleaf.

a. Proactive interventions:

1. partnership
2. motivating senior managers
3. supply chain
4. design and supply
5. sector and industry wide initiatives
6. working with those at risk
7. education and awareness
8. inspection (restricted to category A premises only)
9. intermediaries
10. best practice
11. recognising good performance

b. Reactive interventions:

1. incident and ill-health investigation
2. Dealing with issues of concern that are raised and complaints

Health and safety interventions are carried out in accordance with the Council's policy and standard operating procedures and relevant national guidance.

Information on premises liable to health and safety interventions is held on the APP computerised system. An intervention programme is produced from this system at the commencement of each reporting year.

During 2012/13 we will carry out a range of interventions based on risk, local intelligence, performance history and national occupational health data.

We recognise that we have a vital role to play in ensuring that the regulatory system is focused on better health and safety outcomes and not purely technical breaches of the law. During interventions officers will focus on the key causes of workplace accidents, injuries and ill health. We have identified the following priorities which can be addressed during our contact with businesses, including through other areas of work e.g. food inspections and licensing visits.

Local Priority	Estimated no of premises That topic is applicable to
Asbestos Management	191
Gas Safety in Commercial Kitchens	184
Deliveries	157
Cellar Safety	70
Occupational Disease e.g. Dermatitis	34
Managing Risks from Legionella	55

It is anticipated that consistent, high quality interventions by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action.

An estimated 10% of interventions are of premises where it is more appropriate to conduct inspections outside the standard working time hours. Arrangements are in place to inspect these premises out of hours by making use of the Council's flexible working arrangements, lieu time facilities and, if necessary, paid overtime. In addition, these arrangements will permit the occasional inspection of premises which open outside of, as well as during standard work time hours.

Revisits will be carried out to check compliance with all statutory notices and where contraventions have been identified which may lead to risks to health and safety. Revisits other than for statutory notices will be made at officer's discretion.

It is estimated that such revisits are required in 10% of instances. The intervention programme for 2012/13 is expected to generate 40 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place to facilitate this.

The performance against inspection targets for all health and safety inspections is reported quarterly as part of the Regeneration & Neighbourhoods Department internal performance monitoring. In addition, performance against inspection targets is reported quarterly to the Adult and Public Health Services Portfolio Holder as part of the Regeneration & Neighbourhoods department plan update.

3.2.2 National, Regional and Local Priorities for 2012/13

National

- LPG Inspection Campaign (see 3.3.3)

Regional

The Authority has agreed to work in partnership with the other Tees Valley Authorities and HSE where appropriate to deliver local awareness based initiatives and enforcement focused on:

- Gas Safety in Commercial Catering Premises
- To Engage with the Public Health Agenda

All members of the Tees Valley Health and Safety Liaison Group have agreed to seek opportunities to engage with the public health agenda with particular emphasis on improving health in the workplace. Best practice and opportunities for partnership work with regards to public health will be shared.

Local

- We intend to explore the feasibility of applying the principles of the 'Estates Excellence Model' on a local level. This will involve working in partnership with the Council's Economic Development team, local businesses and other agencies.

3.2.3 Unrated Premises

During 2011/12 substantial work was carried out updating our premises database and this has generated a significant number of unrated premises.

Currently there is no national guidance on how to address unrated premises, with the exception that premises must not receive an inspection without a reason.

We aim to identify businesses that fit in with national, regional and local priorities (e.g. by business directories, information from business rates and other intelligence) so that we can focus our interventions on those that present the greatest risk.

3.2.4 Combining Food & Health and Safety Inspections

A joint statement by Food Standards Agency, Local Regulation and Health and Safety Executive was published on 23 February 2011 providing clarification on implementing the Lord Young recommendation to combine food safety and health safety inspections. This statement emphasised that this approach should not result in an increase of inspections in accordance with government mandate.

We currently provide a combined food safety and health and safety service and have done so for many years to maximize resource use. We will continue with this approach and will where appropriate carry out targeted interventions.

3.3 Reactive Work

3.3.1 Health and Safety Complaints and Service Requests

In order to target those businesses that are poor performers and not meeting the requirements under health and safety legislation we will place significant emphasis on reactive work such as dealing with complaints, accidents and incidents.

It is intended that every complaint / request for service is responded to within 2 working days. The initial response is determined after assessment of the information received, and is based on the risk arising from the conditions that are the subject of the complaint.

Complaints are investigated in accordance with established procedures. The potential actions that are available vary from the provision of advice, often after liaison with the business, to full prosecution procedures in line with the Council's Public Protection Enforcement Policy. Officers also have regard to the Enforcement Management Model (EMM) when making enforcement decisions.

This reactive work is variable and unpredictable in nature and volume and includes complaints about poor working conditions, safety concerns and smokefree complaints. Based on last years data it is estimated that 40 complaints / service requests will result in a visit being carried out.

3.3.2 Dealing with matters of evident concern

On occasions during the course of their duties, e.g. whilst carrying out a food inspection or licensing visit, officers may come across a significant breach of health and safety law. Officers will take action as necessary to deal with these issues at the time. This may involve Authorised Officers using Flexible Warrants in premises where HSE is the enforcing authority, where appropriate.

This information has not previously been recorded as it forms part of the officer's role, but it is estimated as likely to require reactive health and safety interventions during approximately 30% of food safety inspections.

3.3.3 LPG Campaign Visits

As in previous years visits will be made to sites as part of the co-ordinated national campaign to address LPG underground pipework in response to Lord Gill's recommendation. Officers will continue to inspect LPG installations in commercial premises and ensure that action will be taken to address potentially dangerous underground pipework.

3.3.4 Accident/Disease/Dangerous Occurrences Investigations

Some accidents, diseases and dangerous occurrences must be reported under the provisions of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. To co-ordinate the reporting of these incidents nationally is the Incident Contact Centre, which receives notification and arranges for these to be notified to the appropriate enforcing authority.

Once a notification is received it is accessed from a secure website. This work involves administrative resource to filter, download, direct and redirect incidents. Once accepted a decision by a senior officer is made as to whether the matter requires further investigation using selection criteria. The investigation selection criteria are based on national guidance.

In some cases incidents can have a considerable impact on planned work as there is a need to react immediately. For example, accidents involving a fatality, major and/or multiple injury and those likely to affect the public will require immediate response, including out of hours if necessary.

The following data from the last three years gives some indication of the likely workload:

	09/10	10/11	11/12
Number of reported Accidents	84	78	61
Number requiring investigation	23	28	16

NB. Investigations may take several months to complete and can span financial years.

3.3.5 Supporting Businesses & Others

The Council considers that assistance to business to help them to comply with the requirements of legislation, is one of our core activities. For health and safety issues the Council has a policy of offering comprehensive and usefully tailored advice to any business for which we are, or are likely to become, the enforcing authority. Feedback from businesses indicates that they value this type of contact.

Advice will be available during the course of routine visits and interventions, through information publications such as leaflets and booklets and in response to queries. We will signpost individuals/businesses to the Council and/or HSE website accordingly.

3.3.6 Sampling

Detailed information on water sampling is provided in the Food Law Enforcement Service Plan.

Other samples may be taken in response to health and safety concerns e.g. in relation to Legionella.

During 2012/13 the service intends to participate in a regional Microbiological Standards Survey of Tattoo and Piercing Premises co-ordinated by the Health Protection Agency's FW&E Microbiology Laboratory. This survey aims to use microbiological methods to assess the general cleanliness and hygiene standards in place in premises engaged in tattooing or body piercing activity.

3.4 Complaints against our Staff

Anyone who is aggrieved by the actions of a member of staff is encouraged, in the first instance, to contact the employee's line manager. Details of how and who to make contact with are contained in the inspection report left at the time of an inspection.

Formal complaints are investigated in accordance with the Council's corporate complaint procedure.

3.5 Liaison Arrangements

The Council actively participates in local and regional activities and is represented on the following:

- Tees Valley Health and Safety Liaison Group;
- Tees Valley Public Protection Heads of Service Group;
- North East Public Protection Partnership;
- The Yorkshire & North East Management Group

The Authority receives and takes cognisance of guidance from a number of bodies but principally the Health and Safety Executive, Local Authority Unit the Chartered Institute of Environmental Health.

The service acts as a Statutory Consultee for applications relating to Premises Licences made under the Licensing Act 2003 and are consultees for commercial planning applications.

3.6 Lead Authority Partnership Scheme (LAPS) / Primary Authority Scheme

It is the Council's policy to comply with HSE's mandatory guidance in respect of the Lead Authority Partnership Scheme (LAPS) and Primary Authority Scheme.

In particular the Council will contact the Lead/Primary Authority and liaise over:

- any proposed formal enforcement action
- service of Prohibition Notices
- shortcomings in the companies policies that have wide implications
- death, major injury, work related ill health or dangerous occurrences reportable under the Reporting of injuries Diseases and Dangerous Occurrences Regulations

In Hartlepool, there are currently no formal Primary Authority arrangements in place however we continue to work closely with local businesses on an informal basis.

The level of resourcing will have to be reviewed if an opportunity to enter into a formal Primary Authority arrangement arises.

4. RESOURCES

4.1 Financial Resources

The annual budget for the Consumer Services section in the year 2012/13 is given overleaf:

	£000.0
Employees	481.2
Other Expenditure	128.5
Income	(21.0)
Net Budget	588.7

This budget is for other services provided by this section including Food, Animal Health and Trading Standards and resources are allocated in accordance with service demands.

The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

4.2 Staffing Allocation

Under Section 18 of the Health and Safety at Work etc. Act 1974 the Authority is required to set out their commitment, priorities and planned interventions; and put in place the capacity, management infrastructure, performance and information systems to deliver an effective service and comply with their statutory duties; operate systems to train, appoint, authorise, monitor and maintain a competent inspectorate.

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the health and safety service. The Assistant Director Regeneration & Planning has responsibility for ensuring the delivery of the Council's Public Protection service, including delivery of the health and safety service, in accordance with the service plan.

The Public Protection Manager, with the requisite qualifications and experience, is designated as lead officer in relation to the health and safety function and has responsibility for the management of the service.

The resources determined necessary to deliver the service in 2012/13 are as follows:

1 x 0.20 FTE Public Protection Manager (with responsibility also for Food, Licensing, Trading Standards, Environmental Standards & IT)

1 x 0.33 FTE Principal Environmental Health Officer (Commercial Services) (with responsibility also for Food and Animal Health)

3 x 0.25 FTE EHO (with requisite qualifications and experience)

1 x 0.10 FTE Part-time EHO

1 x FTE Technical Officer (Health & Safety)

These are considered to be the minimum resources required to deliver the commitments set out in this Plan and to comply with the S18 Standard.

The Public Protection Manager has responsibility for planning service delivery and management of the Health and Safety Service, Food, Licensing, Public Health, Water Quality, Trading Standards, Animal Health and Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Regeneration & Planning Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Health and Safety Service, Food, Public Health, Water Quality and Animal Health and Welfare.

The EHO's are responsible for carrying out the health and safety premises intervention programme as well as the delivery of all other aspects of the health and safety service and will undertake complex investigations. In addition these officers undertake food and other enforcement work.

The Technical Officer (Health and Safety) is responsible for interventions including inspections, as well as revisits, investigation of less complex complaints and investigation of accidents.

Administrative support is provided by the Support Services team based within the Regeneration & Neighbourhood Services department.

All staff engaged in health and safety law enforcement activity are suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

4.3 Staff Development

The Council is committed to the training and personal development of its employees through the Investors in People (IIP) process and has in place Personal Development Plans for all members of staff.

The Staff Personal Development Plan Scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis.

To assess competence standards in respect of regulatory skills and knowledge and identify development needs, officers will also use the HSE's web-based Regulators' Development Needs Analysis (rDNA) tool for inspectors.

It is a mandatory requirement for officers of the health and safety service to maintain their professional competency. This is achieved in a variety of ways including through attendance at accredited short courses, seminars or conferences, by vocational visits, directed reading and e-learning.

A Personal Development Plan that clearly prioritises training requirements of individual staff members will be developed and reviewed bi-annually. Detailed records are maintained by the service relating to all training received by officers.

4.4 Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the health and safety service.

The service has a computerised performance management system, Authority Public Protection (APP). This is capable of maintaining up to date accurate data relating to the activities of the health and safety service. A documented database management procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the inspection programmes, the recording and tracking of all health and safety activities, the production of statutory returns and the effective management of performance.

5. QUALITY ASSESSMENT

The Council is committed to quality service provision. To support this commitment the health and safety service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the health and safety service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal EHO (Commercial Services) will carry out accompanied visits with officers undertaking inspections, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

It is possible that the Health and Safety Executive may at any time notify the Council of their intention to carry out an audit of the service.

6 REVIEW OF 2011/12 HEALTH & SAFETY SERVICE PLAN

6.1 Review against the Service Plan

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2011/12.

This service plan will be reviewed at the conclusion of the year 2012/13 and at any point during the year where significant legislative changes or other relevant factors occur during the year.

It is the responsibility of the Public Protection Manager to carry out that review with the Assistant Director of Regeneration & Planning.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Any relevant amendments to the Council's Corporate Plan will be incorporated into the service plan.

Following any review leading to proposed revision of the service plan Member approval will be sought.

6.2 Performance Review 2011/2012

This section describes performance of the service in key areas.

6.2.1 Health & Safety Interventions

Due to prioritising resources in relation to food hygiene interventions and carrying out work in relation to the migration from the Tees Valley Food Hygiene Award Scheme to the national Food Hygiene Rating Scheme the health and safety premises inspection programme for 2011/12 did not reach the target of 100%.

A total of 450 health and safety inspections were carried out equating to 68% of the intervention programme, with all but 2 medium risk inspections being completed. The outstanding inspections will be added to the 2012/13 intervention programme.

In addition officers made 37 revisits to monitor compliance with contraventions identified during planned inspections.

It appears that the credit crunch is continuing to have an impact on standards. Financial pressures as a result of the recession has resulted in some businesses failing to carry out essential maintenance / repairs, consequently there has been an increase in the number of contraventions found. We anticipate that this trend of reduction in standards is likely to continue until the economic climate improves.

During 2011/12 the Authority undertook 769 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007, a proportion of which were carried out in conjunction with health and safety inspections. We also responded to 4 complaints regarding this legislation.

6.2.2 Promotional/Campaign Work

During 2011/12 the following promotional/campaign work was undertaken:

- Noise at Work in the Entertainment Industry

Officers continued to raise awareness of the steps that can be taken to reduce the risk from high noise levels.

- LPG Inspection Campaign

We did not receive any referrals from the HSE in relation to the LPG Inspection Campaign therefore no inspections were required to be undertaken.

- To Engage with the Public Health Agenda

Work commenced in respect of seeking opportunities to engage with the Public Health Agenda with particular emphasis on improving health in the workplace. This work will continue during 2012/13.

- To carry out work in relation to the use of Sunbeds

The Sunbeds (Regulation) Act 2010 came into effect on 8 April 2011. The main purpose of the Act is to prevent the use of sunbeds on commercial business premises by children and young people under the age of 18.

During 2011/12 we carried out visits to monitor compliance with the Act and also to raise awareness in relation to the risk of skin cancer and from over-exposure to ultraviolet (UV) rays.

- The rDNA Competency Matrix

During the year resources were committed to completing a research project to review the outcomes from the rDNA tool in identifying regional training needs. A report was presented to the Yorkshire & North East Management Group, which Hartlepool sits on as a representative of the Tees Valley Liaison Group.

6.2.3 Health and Safety Complaints & Requests for Service

During the year the service carried out 12 visits in response to complaints / service requests relating to health and safety conditions and working practice. The initial response to these requests have been undertaken all within our target of 2 working days; however, they have had some effect on performance of the intervention programme.

Officers responded to all statutory consultations relating to applications made under the Licensing Act 2003.

6.2.4 Complaints against Our Staff

No complaints were made against our staff during 2011/12.

6.2.5 Compliments about our Staff

The Public Protection Service regularly consults with users of the Service to establish whether the contact had been helpful and fair.

In 2011/12 the final satisfaction figure was 82% (a rise from 79% in 2010/11). As a figure of 100% would mean every customer being very satisfied with both the fairness and helpfulness of the officer concerned a final figure of 82% is a very good result and a testament to the work of the team.

6.2.6 Accidents/Diseases/Dangerous Occurrences Investigations

The service received 61 accident notifications during the year. All were responded to within 1 working day. These notifications generated 16 visits by enforcement staff.

6.2.7 Formal Enforcement Action

During 2011/12 no legal proceedings or Simple Cautions were initiated. It was however necessary to serve 6 Improvement Notices. These related to issues such as the provision of a supply of hot (or warm) water to the washing facilities within staff sanitary accommodation, repairs to flooring, inspection and maintenance of petroleum storage tanks and underground pipework and to produce a suitable and sufficient risk assessment and implement a safe system of work in respect of the use of a cellar hatch. A Prohibition Notice was served to prohibit the use of an unguarded food slicing machine.

6.2.8 Improvement Proposals 2011/12

The following areas for improvement were identified in the 2011/12 Health and Safety Service Plan.

1. Resources remain challenging. The Public Protection section lost 21% of its overall budget in 2010/11 as part of a Service Delivery Option review and to achieve required efficiency savings. The service are anticipating further cuts (expected to be in the region of 10%) during 2011/12.

Although so far we have not lost any posts which are directly responsible for the enforcement of health and safety legislation due to the loss of other posts within the section we are having to distribute the workload amongst the remaining workforce to ensure that we make best use of our resources. We anticipate further pressures on the budget in subsequent years.

It was not possible to complete all of the programmed health and safety inspections during the year as resources were prioritised on completing the food intervention programme and on migrating from the Tees Valley Food Hygiene Award Scheme to the national Food Hygiene Rating Scheme.

2. We will review and update our premises database to ensure it is accurate and reliable so that we can target our resources effectively.

Substantial work was carried out during the year to update the premises database.

3. We will take cognisance of any recommendations made in response to the Governments review of health and safety law and practice.

In setting this years work plan we have had regard to the Government's ongoing review of health and safety law and practice and the recommendations made and associated centrally issued guidance including that issued by the Health and Safety Executive.

7. KEY AREAS FOR IMPROVEMENT & CHALLENGES FOR 2012/13

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service planning process assists in highlighting areas where improvement is desirable.

Detailed below are specifically identified key areas for improvement that are to be progressed during 2012/13 and some of the main challenges facing the service.

1. The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount.
2. During 2012/13 we will carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy. In particular we will continue to explore how we can contribute to the Public Health Outcomes Framework.
3. We intend to explore the feasibility of applying the principles of the 'Estates Excellence Model' on a local level. This will involve working in partnership with the Council's Economic Development team, local businesses and other agencies.
4. We will take cognisance of any recommendations made in response to the Governments review of health and safety law and practice.

ADULT AND PUBLIC HEALTH PORTFOLIO

Report to Portfolio Holder

22nd August 2012



Report of: Assistant Director (Regeneration & Planning)

Subject: FOOD LAW ENFORCEMENT SERVICE PLAN
2012/13

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision.

2. PURPOSE OF REPORT

2.1 To consider the Food Law Enforcement Service Plan for 2012/13.

3. BACKGROUND

3.1 The Food Standards Agency has a key role in overseeing Local Authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.

3.2 On 4th October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how Local Authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which Local Authorities will be monitored and audited by the Food Standards Agency.

3.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.

3.4 The Food Law Enforcement Service Plan for 2012/2013 is available in **Appendix 1** and takes into account the guidance requirements. The Plan

details the Service's priorities for 2012/13 and highlights how these priorities will be addressed.

4. THE FOOD LAW ENFORCEMENT SERVICE PLAN

4.1 The Service Plan for 2011/12 has been updated to reflect last year's performance.

4.2 The Plan covers the following:

(i) Service Aims and Objectives:

That the Authority's food law service ensures public safety by ensuring food, drink and packaging meets adequate standards.

(ii) Links with Community Strategy, Corporate and Departmental Plans:

How the Plan contributes towards the Council's main priorities (Jobs and the Economy, Lifelong Learning and Skills, Health and Wellbeing, Community Safety, Environment, Culture and Leisure and Strengthening Communities).

(iii) Legislative Powers and Other Actions Available:

Powers to achieve public safety include programmed inspections of premises, appropriate registration/approval, food inspections, provision of advice, investigation of food complaints and food poisoning outbreaks, as well as the microbiological and chemical sampling of food.

(iv) Resources, including financial, staffing and staff development.

(v) A review of performance for 2011/12.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

5.1 During 2011/12 the service completed 100% of all programmed food hygiene inspections planned for the year. As a result of prioritising resources in this area and additional work generated by the migration to the national Food Hygiene Rating Scheme, we were unable to achieve the targets set in respect of food standards and feeding stuffs inspections. In total 83% of food standards inspections were achieved and 56.5% of feeding stuffs. The outstanding inspections (none of which are high risk) will be added to the programme for 2012/13.

5.2 In addition to the planned interventions 96 new food businesses were registered and inspected during the year.

5.3 As at the 1st April 2012, 92.8% of businesses in the Borough were "Broadly Compliant" with food safety requirements (in 2008/09 the figure was 89.3%,

in 2009/10 it was 91.5% and in 2010/11 94%). For food standards 97.3% of businesses achieved broad compliance (in 2008/09 the figure was 93.3%, in 2009/10 it was 96.3% and in 2010/11 94%). We aim to concentrate our resources to increase our current rate by the end of 2012/13 however given the current financial climate this will be extremely challenging.

- 5.4 A significant amount of resource went in to the migration from the Tees Valley Food Hygiene Award scheme, which Hartlepool Council has operated since 1 April 2007, to the national Food Hygiene Rating Scheme (FHRS). The FHRS scheme was launched by the FSA in November 2010 as a FSA / local authority partnership initiative to help consumers choose where to eat out, or shop for food. It was developed with the aim that it would become the single national scheme for England, Wales and Northern Ireland in time for the 2012 Olympics and Paralympics.
- 5.5 The FSA strongly encouraged all Councils to join the scheme and invited applications for grant funding from local authorities who adopted the scheme in 2011/12, to cover the cost of preparatory activities prior to launch. On 14th November 2011 a report was presented to the Portfolio Holder for Adult and Public Health Services recommending that the Authority should migrate to the FHRS. The suggested date for launch was 1st April 2012. The Portfolio Holder approved the decision.
- 5.6 An application was submitted to the FSA for grant funding to cover the cost of preparatory activities prior to launch. The bid requested funding to cover the following activities:
- file / database checks and database cleansing activities where necessary;
 - scope checks, including identification of establishments that fall within the scope of the scheme;
 - IT testing;
 - development and implementation of a strategy for communicating with local businesses; and
 - co-ordination of activities of a number of local authorities in the case of a regional bid.

The Authority received grant funding for 'start up' and 'pre-launch' activities for implementation of the national FHRS.

- 5.7 In preparation for the migration the following work was completed:
- file / database checks and database cleansing activities – work focused on checking the accuracy of relevant data and ensuring consistency, particularly in relation to risk rating. E.g. checks were made on 210 premises records to verify if their rating should go up;
 - scope checks, including identification of establishments that fall within the scope of the scheme;
 - IT testing;

- discussions took place with the Council's Economic Development team with regards the best way to inform and support businesses during the transition;
- all 25 premises whose rating would go down due to the difference in scoring under the new scheme were visited;
- as the other Tees Valley Authorities were also planning to launch the FHRS on 1st April 2012, discussions took place to ensure local liaison in the area;
- letters were sent to all food business operators to provide information about the new scheme and the implications for their business (in total 771 letters were sent)
- two seminars were held for food business operators in conjunction with the Council's Economic Development team and Hartlepool College of Further Education; and
- letters, certificates and stickers were sent to all 689 businesses included in the scheme.

5.8 The FHRS was launched in Hartlepool on 1st April 2012. At the time of launch the profile of premises was as follows:

Hygiene Rating	No of Premises	%
5 ('Very Good')	407	59.1%
4 ('Good')	139	20.2%
3 ('Generally Satisfactory')	86	12.5%
2 ('Improvement Necessary')	28	4.1%
1 ('Major Improvement Necessary')	12	1.7%
0 ('Urgent Improvement Necessary')	1	0.1%
'Awaiting Inspection'	16	2.3%
Total	689	
'Exempt'	47	
'Excluded'	7	

It is pleasing to note that 91.8% of premises received a hygiene rating of '3' and above.

5.9 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has liaised with businesses that have been awarded a hygiene rating of '2' or less offering advice and support. Where necessary enforcement action will be taken to secure compliance.

5.10 During 2011/12 no Hygiene Emergency Prohibition Notices were served on businesses however 2 Hygiene Improvement Notices were issued. These were in respect of the absence of food safety management documentation and inadequate food hygiene training. No prosecutions or Simple Cautions were undertaken.

5.11 The food sampling programme for 2011/12 was completed. The results of the food submitted for microbiological examination were generally satisfactory. In total 204 samples were submitted with 181 being reported as 'satisfactory'. The majority of the unsatisfactory results were environmental

swabs and wiping cloths collected as part of a survey of butchers' shops. Advice was given to the businesses and follow up sampling carried out.

- 5.12 In total 142 food standards samples were submitted for analysis to assess compliance with compositional or labelling requirements. Overall there were relatively few samples which failed to meet statutory requirements. Of the unsatisfactory results obtained all related to locally produced takeaway meals. In total 20 meals were analysed for meat species and salt levels. Four lamb dishes were found to contain beef. The salt levels found in the meals ranged from 1g to 13.3g. Seven of the 20 meals sampled had salt levels in excess of 6g, which is above the recommended daily intake for adults. Advice was given to the businesses concerned. Letters were also sent to other takeaway premises raising the issues of using the correct meat species and advice given to consider the amount of salt added to takeaway meals. Follow up sampling is to be undertaken this year.
- 5.13 During 2012/13 there are 384 programmed food hygiene interventions, 365 programmed food standards inspections and 24 feed hygiene inspections planned. (The number of premises liable for inspection fluctuates from year to year as the programme is based on the risk rating applied to the premises which determines the frequency of intervention). An estimated 115 re-visits and 120 additional visits to new/changed premises will be required during the year. This workload is significantly higher than the planned intervention programme set for 2011/12.
- 5.14 The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount.
- 5.15 During 2012/13 we will carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy. In particular we intend to continue to explore how we can contribute to the Public Health Outcomes Framework.
- 5.16 It has been agreed that the 5 Tees Valley Authorities will review the impact of implementing the Food Hygiene Rating Scheme. In particular we will monitor the number of appeals against the rating awarded and the number of requests for re-inspection received during 2012/13. In addition the feasibility of implementing a Tees Valley Elite scheme to recognise businesses who have consistently attained the highest hygiene rating (e.g. those who were rated as 5 star under the Tees Valley Food Hygiene Rating Scheme and who have maintained a rating of 5 under the national Food Hygiene Rating Scheme) will be investigated.

6. EQUALITY AND DIVERSITY CONSIDERATIONS

- 6.1 There are no equality or diversity implications.

7. SECTION 17

- 7.1 There are no implications under Section 17.

8. RECOMMENDATIONS

- 8.1 That the Portfolio Holder approves the Food Law Enforcement Service Plan for 2012/13.

9. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 9.1 **Appendix 1** Food Law Enforcement Service Plan 2012/13

10. BACKGROUND PAPERS

- 10.1 There are no background papers.

11. CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration and Planning)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk



Hartlepool Borough Council

Food Law Enforcement Service Plan 2012/13

FOOD SERVICE PLAN 2012/13

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INTRODUCTION

This Service Plan details how the food law service will be delivered by Hartlepool Borough Council. The food law service covers both food and feed enforcement.

The Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2012/13, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2011/12 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and has been subject to Portfolio Holder approval.

1 SERVICE AIMS AND OBJECTIVES

1.1 Service Aims and Objectives

Hartlepool Borough Council aims to ensure:

- that food and drink intended for human consumption which is produced, stored, distributed, handled or consumed in the borough is without risk to the health or safety of the consumer;
- food and food packaging meets standards of quality, composition and labelling and reputable food businesses are not prejudiced by unfair competition; and
- the effective delivery of its food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In its delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Regulators' Compliance Code and other relevant guidance.

1.2 Links to Corporate Objectives and Plans

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnership's (the Hartlepool Partnership) goal is to *"regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner"*.
- Corporate Plan
- Regeneration and Neighbourhoods Departmental Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services section's contribution to corporate objectives.

The Council's Community Strategy, called Hartlepool's Ambition, looks ahead to 2020 and sets out its long-term vision and aspirations for the future:

‘Hartlepool will be an ambitious, healthy, respectful, inclusive, thriving and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential.’

This Food Law Service Plan contributes towards the vision and the Council's main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to food law requirements, and avoid potential costly action at a later stage;

Lifelong Learning and Skills

By providing and facilitating training for food handlers on food safety as part of lifelong learning, and promoting an improved awareness of food safety and food quality issues more generally within the community;

Health and Wellbeing

By ensuring that food businesses where people eat and drink, or from which they purchase their food and drink, are hygienic and that the food and drink sold is safe, of good quality and correctly described and labelled to inform choice;

Community Safety

By encouraging awareness amongst food businesses of the role they can play in reducing problems in their community by keeping premises in a clean and tidy condition;

Environment

By encouraging businesses to be aware of environmental issues which they can control, such as proper disposal of food waste;

Culture and Leisure

By exploring ways to promote high standards of food law compliance in hotels, other tourist accommodation, public houses and other catering and retail premises.

Strengthening Communities

By developing ways of communicating well with all customers, including food business operators whose first language is not English, and ensuring that we deliver our service equitably to all.

This Food Law Enforcement Service Plan similarly contributes to the vision set out in the Regeneration and Neighbourhoods Department Plan *“to work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”*.

Within this, the Commercial Services team has a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

The Council is committed to the principles of equality and diversity. The Food Law Enforcement Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

2 BACKGROUND

2.1 Profile of the Local Authority

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham County Council to the north and west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as “Old Hartlepool” is steeped in history. On the other hand, the former South Docks area has been transformed in to a fabulous 500-berth Marina.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets that include restaurants, bars and cafes. There are currently 749 food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

2.2 Organisational Structure

Hartlepool Borough Council is a democratic organisation. It comprises of 34 elected Councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent. The key decision making body is the Cabinet. Members of the Cabinet are appointed by the elected Mayor, and each has a portfolio of responsibility for particular services that the Council provides.

The Portfolio Holder for Adult & Public Health Services provides political oversight for food law enforcement. The Management Organisation is led by the Chief Executive.

The Council is made up of three Departments:

Chief Executive's
Child & Adult Services
Regeneration & Neighbourhoods

The food law service is delivered through the Regeneration & Planning Division of the Regeneration & Neighbourhoods Department.

2.3 Scope of the Food Service

The Council's Commercial Services team is a constituent part of the Regeneration & Planning Division and is responsible for delivery of the food service. The food service covers both food and feed enforcement.

Service delivery broadly comprises:

- programmed interventions of premises for food hygiene, food standards and feed hygiene;
- registration and approval of premises;
- microbiological sampling and chemical analysis of food and animal feed;
- food & feed Inspection;
- checks of imported food/feed at retail and catering premises;
- provision of advice, educational materials and courses to food/feed businesses;
- investigation of food and feed related complaints;
- investigation of cases of food and water borne infectious disease, and outbreak control;
- dealing with food/feed safety incidents; and
- promotional and advisory work.

Effective performance of the food law service necessitates a range of joint working arrangements with other local authorities and agencies such as the Food Standards Agency (FSA), Health Protection Agency (HPA), HM Revenue & Customs (HMRC), Department of Environment, Food & Rural Affairs (Defra) & the Animal Medicines Inspectorate (AMI).

The Council aims to ensure that effective joint working arrangements are in place and that officers of the service contribute to the on going development of those arrangements.

The service is also responsible for the following:

- health and safety enforcement;
- the provision of guidance, advice and enforcement in respect of smoke free legislation;

- water sampling; including both private and mains supplies & bathing water;
- port health and
- provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

2.4 Demands on the Food Service

The Council is responsible for 749 food premises within the borough mostly comprising retailers, manufacturers and caterers. The food businesses are predominantly small to medium sized establishments and the majority of these are liable to food hygiene and food standards interventions.

In addition there are 86 registered feed businesses for which the Council is the enforcing authority.

The delivery point for the food enforcement service is at:

Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Telephone: (01429) 266522
Fax: (01429) 523308

Members of the public and businesses may access the service at this point from 08.30 - 17.00 Monday to Thursday and 08.30 - 16.30 on Friday.

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies which occur out of hours. Contact can be made via Hartlepool Housing's Greenbank Offices on (01429) 869424.

2.5 Enforcement Policy

The Council has signed up to the Enforcement Concordat and has in place a Public Protection Enforcement Policy; which was approved by the Adult & Public Health Services Portfolio Holder in June 2011. The policy covers food law enforcement.

3 SERVICE DELIVERY

3.1.1 Interventions Programme

The Council has a wide range of duties and powers conferred on it in relation to food law enforcement. The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2009 (as amended).

Authorised officers can inspect food at any stage of the production, manufacturing, distribution and retail chain. The Council must draw up and implement an annual programme of risk-based interventions so as to ensure that food and feeding stuffs are inspected in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.

The Code allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance with food law by food establishments. In so doing it takes account of the recommendations in the 'Reducing Administrative Burdens: Effective Inspection and Enforcement'.

Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include:

- Inspections / Audit;
- Surveillance / Verification;
- Sampling;
- Education, advice and coaching provided at a food establishment; and
- Information and intelligence gathering.

Other activities that monitor, promote and drive up compliance with food law in food establishments, for instance 'Alternative Enforcement Strategies' for low risk establishments and education and advisory work with businesses away from the premises (e.g. seminars/training events) remain available for local authorities to use.

3.1.2 Broadly Compliant Food Establishments

The Code established the concept of 'Broadly Compliant' food establishments. In respect of food hygiene, "broadly compliant", is defined as an establishment that has an intervention rating score of not more than 10 points under each of the following components;

- Level of (Current) Hygiene Compliance;
- Level of (Current) Structural Compliance; and
- Confidence in Management/Control Systems

"Broadly Compliant", in respect of food standards, is defined as an establishment that has an intervention rating score of not more than 10 points under the following:

- Level of (Current) Compliance
- Confidence in Management/Control Systems

Local Authorities are required to report the percentage of "Broadly Compliant" food establishments in their area to the FSA on an annual basis through the Local Authority Enforcement Monitoring System (LAEMS). The Agency will use this outcome measure to monitor the effectiveness of a local authority's regulatory service.

As at the 1st April 2012, 92.8% of businesses in the borough were “Broadly Compliant” with food safety requirements (in 2008/09 the figure was 89.3%, in 2009/10 it was 91.5% and in 2010/11 94%). For food standards 97.3% of businesses achieved broad compliance (in 2008/09 the figure was 93.3%, in 2009/10 it was 96.3% and in 2010/11 94%). We aim to concentrate our resources to increase our current rate by the end of 2012/13 however given the current financial climate this will be extremely challenging.

Since April 2008 local authorities are required to report the same information to the National Audit Office under National Indicator 184.

The Food Law Enforcement Plan will help to promote efficient and effective approaches to regulatory inspection and enforcement that will improve regulatory outcomes without imposing unnecessary burdens. The term enforcement does not only refer to formal actions, it can also relate to advisory visits and inspections.

3.2 Service Delivery Mechanisms

3.2.1 Intervention Programme

Local Authorities must document, maintain and implement an interventions programme that includes all the establishments for which they have food law enforcement responsibility.

Interventions carried out for food hygiene, food standards and for feeding stuffs are carried out in accordance with the Council’s policy and standard operating procedures on food/feed premises inspections and relevant national guidance.

Information on premises liable to interventions is held on the APP computerised system. An intervention schedule is produced from this system at the commencement of each reporting year.

The food hygiene, food standards and feeding stuffs intervention programmes are risk-based systems that accord with current guidance. The current premises profiles are shown in the tables below:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	3
B	12 months	23
C	18 months	266
D	24 months	213
E	36 months or other enforcement	244
Unclassified	Requiring inspection/risk rating	0
No Inspectable Risk (NIR)		0
Total		749

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	151
C	36 months or other enforcement	598
Unclassified		0
No Inspectable Risk (NIR)		0
Total		749

Feed Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	22
C	60 months	64
Unclassified		0
Total		86

The intervention programme for 2012/13 comprises the following number of scheduled food hygiene and food standards interventions:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Interventions
A	6 months	3
B	12 months	23
C	18 months	183
D	24 months	102
E	36 months or alternative enforcement strategy	73
Unclassified		0
Total		384

Approved Establishments:

There are 2 approved food establishments in the borough; a fishery products establishment and a manufacturer of food ingredients. These premises are subject to more stringent hygiene provisions than those applied to registered food businesses. These premises require considerably more staff resources for inspection, supervision and advice on meeting enhanced standards.

Primary Producers:

On 1 January 2006 EU food hygiene legislation applicable to primary production (farmers & growers) came into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility was given to the Commercial Services team to enforce this legislation. The service has 71 primary producers. Targets have been set for Councils to inspect 25% of farms classified as high risk and 2% of low risk premises. We currently do not have any high risk premises.

Food Standards:

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	1
B	24 months	77
C	36 months or alternative enforcement	143
Unrated		128
Unclassified		16
Total		365

Feed Hygiene:

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	0
B	24 months	10
C	60 months	14
Unclassified		0
Total		24

An estimated 10% of programmed interventions relate to premises where it is more appropriate to conduct visits outside the standard working time hours. Arrangements are in place to visit these premises out of hours by making use of the Council's flexible working arrangements, lieu time facilities and, if necessary, paid overtime provisions. In addition, these arrangements will permit the occasional inspection of premises which open outside of, as well as during standard work time hours. The Food Law Code of Practice requires inspections of these premises at varying times of operation.

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2012/13, the intervention programme is expected to generate an estimated 115 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed interventions by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action. The performance against intervention targets for all food hygiene and food standards inspections is reported quarterly to the Adult & Public Health Services Portfolio Holder as part of the Regeneration & Neighbourhoods Department plan update and recorded on Covalent.

Port Health

Hartlepool is a Port Health Authority although currently no food or feed enters the port. Work in relation to imported food control can therefore ordinarily be accommodated within the day-to-day workload of the service, however if circumstances were to change whereby food or feed was imported/exported additional resources would be required which would have an effect on the programmed intervention workload and other service demands.

Fish Quay

There is a Fish Quay within the Authority's area which provides a market hall although it is not currently operational and there are associated fish processing units, one of which is an approved establishment.

3.2.2 Registration and Approval of Premises

Food and feed business operators must register their establishments with the relevant local authority. This provision allows for the service to maintain an up-to-date premises database and facilitates the timely inspection of new premises and, when considered necessary, premises that have changed food/feed business operator or type of use.

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed business operator is notified, other than at the time of a programmed intervention, an assessment is made of the need for inspection based on the date of the next programmed intervention, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 120 additional food premises inspections will be generated for new food businesses during 2012/13.

A competent authority must with some exceptions, approve food business establishments that handle food of animal origin. If an establishment needs approval, it does not need to be registered as well.

Food premises which require approval include those that are producing any, or any combination of the following; minced meat, meat preparations, mechanically separated meat, meat products, live bivalve molluscs, fishery products, raw milk (other than raw cows' milk), dairy products, eggs (not primary production) and egg products, frogs legs and snails, rendered animal fats and greaves, treated stomachs, bladders and intestines, gelatine and collagen and certain cold stores and wholesale markets.

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 852/2004 and Regulation (EC) 853/2004. There are 2 premises in the Borough which are subject to approval; a fishery products establishment and a manufacturer of food ingredients.

Since 1 January 2006 feed businesses have been required to be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (1831/2005). This legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

3.2.3 Microbiological and Chemical Analysis of Food/Feed

An annual food/feed sampling programme is undertaken with samples being procured for the purposes of microbiological or chemical analyses. This programme is undertaken in accordance with the service's Food/Feed Sampling Policy.

All officers taking formal samples must follow the guidance contained in and be qualified in accordance with relevant legislative requirements and centrally issued guidance, including that contained in the Food Law Code of Practice/Feed Law Enforcement Policy and associated Practice Guidance. Follow-up action is carried out in accordance with the service's sampling policy.

Microbiological analysis of food and water samples is undertaken by the Health Protection Agency's Laboratory based at Leeds. Chemical analysis of informal food/feed samples is undertaken by Tees Valley Measurement (a joint funded laboratory based at Canon Park, Middlesbrough) and formal samples are analysed by an appointed Public/Agricultural Analyst.

Since April 2005 sampling allocations from the Health Protection Agency (HPA), which is responsible for the appropriate laboratory facilities, have been based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2012/13. Points are allocated as follows:

Sample type	No of credits
Food Basic	25
Food Complex	35
Water Basic	20
Water Complex	25
Dairy Products	10
Environmental Basic	20
Environmental Complex	25
Certification	15

A sampling programme is produced each year for the start of April. The sampling programme for 2012/13 includes national and regional surveys organised by Local Government Regulation (LGR) and the HPA/Local Authority Liaison Group.

Sampling programmes have been agreed with the Food Examiners and Tees Valley Measurement. These have regard to the nature of food/feed businesses in Hartlepool and will focus on locally manufactured/processed foods/feed and food/feed targeted as a result of previous sampling and complaints.

In 2007 the Food Standards Agency, the Local Authorities Coordinators of Regulatory Services (LACORS) and the Association of Port Health Authorities set a national target that imported food should make up 10% of the food samples taken by local and port health authorities. The service shall therefore aim to meet this target.

Microbiological Food Sampling Plan 2012/13

April 2012 XR11 Pies, Pasties & Samosas	May 2012 XR11 Pies, Pasties & Samosas Cooked Meat Survey Resamples Butchers' Survey Resamples	June 2012 XR12 Listeria Survey - Sandwich Shops Pizza Shop Survey
July 2012 XR12 Listeria Survey - Sandwich Shops Pizza Shop Survey	August 2012 XR12 Listeria Survey - Sandwich Shops Pizza Shop Survey	September 2012 Cream Cake & Cream Samples Fish Based Product / Crab
October 2012 XR13 Swabbing Intervention Pub Survey	November 2012 XR13 Swabbing Intervention HPA Pate Survey Pub Survey	December 2012 XR13 Swabbing Intervention HPA Pate Survey Pub Survey
January 2013 XR13 Swabbing Intervention HPA Study 49 Reactive Study	February 2013 HPA Study 49 Reactive Study Imported Nuts, Seeds & Dried Fruit	March 2013 HPA Study 49 Reactive Study Imported Nuts, Seeds & Dried Fruit

- Pizza shop survey – cloth, sauces & swabs
- Pub survey – cloth, ready-to-eat foods cooked on site & swabs

Composition and Labelling Sampling Plan 2012/13

MONTH	TEST
April	(Animal feed samples)
May	Sugar Profile - Jams FSA formaldehyde in melamine cookware FSA PAA in nylon utensils FSA body building products
June	Peanut declaration in takeaway meals
July	Salt in sausages prepared in local butchers
August	Salt in sausages prepared in local butchers FSA aflatoxins & ochratoxins in spices FSA Allergens free from & gluten free FSA olive oil misdescription
September	Salt in sausages prepared in local butchers
October	Fish species from retail shops and restaurants
November	Meat species from takeaways FSA allergens takeaway survey
December	Gluten free claims of pre-packed goods and cakes prepared by home caterers
January	Soft drinks with no added sugar
February	Heavy metals in imported canned foods
March	Reformed meat in sandwiches from local sandwich shop and on pizzas FSA bacillus test for spices

FSA denotes sampling to be carried out as part of a regional survey on imported food, which is to be funded by the FSA.

Some of the above samples will be procured as formal samples, for example those taken as part of the FSA sampling programme or those taken to assess the implementation of advice given in relation to addressing adverse results e.g. in relation to salt content and meat species. Further details on the adverse results obtained are provided in 6.2.3.

Feeding Stuffs

At present feeding stuffs sampling is being given a low priority due to the lack of local manufacturers and packers. An annual feeding stuffs sampling plan however has been drawn up to carry out sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments. It is planned that six animal feedingstuffs samples will be taken; two of which will be taken as part of a regional sampling programme.

Feeding stuffs Sampling Plan 2012/13

April - June	Follow up in relation to adverse results from 2011/12
July - September	2 samples from grain stores for mycotoxins
October - December	2 samples of former foodstuff from supermarkets
January - March	2 supplements

Private Water Supplies

A local brewery uses a private water supply in its food production. Regular sampling is carried out of this supply in accordance with relevant legislative regulations.

3.2.4 Food Inspection

The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption, and is properly described and labelled. As such, the activity of inspecting food commodities, including imported food where relevant, forms an integral part of the food premises intervention programme. Food inspection activities are undertaken in accordance with national guidelines.

3.2.5 Provision of Advice and Information to Food/Feed Businesses

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and tailored advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises interventions sufficient opportunity exists for food business operators to seek advice.

In addition, advisory leaflets including those produced by the Food Standards Agency are made available.

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time significant resources have been directed towards assisting businesses to fully implement a documented food safety management system.

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 35 such advisory visits will be carried out during the year.

During the year preparatory work was carried out to enable the Council to migrate from the Tees Valley Food Hygiene Award Scheme to the national Food Hygiene Rating Scheme, on 1 April 2012. Each business was awarded a hygiene rating which reflected the risk rating given at the time of the last primary inspection. The business' current hygiene rating is made available to the public via the Food Standards Agency's website and the business is provided with a certificate and sticker to display on their premises. The service has made a commitment to work with businesses to improve their rating, in particular those awarded less than '3'.

Feeding stuffs advice is available via the Council's web site.

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work.

3.2.6 Investigation of Food / Feed Complaints

The service receives approximately 49 complaints, each year concerning food/feed, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed intervention workloads.

All investigations are conducted having regard to the guidance on the 'Home Authority Principle'.

The procedures for receipt and investigation of food/feed complaints are set out in detailed guidance and internal policy documents.

3.2.7 Investigation of Cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the North East Health Protection Unit and in the case of outbreaks in accordance with the Health Protection Unit's Outbreak Control Policy.

Where it appears that an outbreak exists the Principal EHO (Commercial Services) or an EHO, will liaise with the local Consultant in Communicable Disease Control and, where necessary, the North East Health Protection Unit, to determine the need to convene an Outbreak Control Team. Further liaison may be necessary with agencies such as the Food Standards Agency, the Health Protection Agency, Hartlepool Water and Northumbrian Water.

It is estimated that between 100-150 food poisoning notifications are received each year, a large proportion of which are confirmed cases of Campylobacter.

As relatively little benefit has been demonstrated from the investigation of individual sporadic cases of Campylobacter only those who are food handlers or live/work in a residential care home will now be routinely investigated.

Any cluster or outbreak identified by the HPA or Environmental Health will be investigated following the agreed outbreak investigation arrangements. In the event of any major food poisoning outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the intervention programme.

3.2.8 Dealing with Food / Feed Safety Incidents

A national alert system exists for the rapid dissemination of information about food and feed hazards and product recalls, this is known as the food/feed alert warning system.

All food and feed alerts received by the service are dealt with in accordance with national guidance and internal quality procedures.

Food and feed alert warnings are received by the service from The Food Standards Agency via the electronic mail system, and EHCNet during working hours. Several officers have also subscribed to receive alerts via their personal mobile phones.

The Principal EHO (Commercial Services) or, if absent, the Public Protection Manager ensures that a timely and appropriate response is made to each alert.

Out of hours contact is arranged through Hartlepool Housing's Greenbank Offices, telephone number 01429 869424.

In the event of a serious local incident, or a wider food safety problem emanating from production in Hartlepool, the Food Standards Agency will be alerted in accordance with guidance.

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise, it is estimated that the service is likely to be notified of 40 food alerts, product recalls or withdrawals during 2012/13, a small proportion of which will require action to be taken by the Authority. This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources which may have an effect on the programmed intervention workload and other service demands.

3.2.9 Complaints relating to Food / Feed in Premises

The service investigates all complaints that it receives about food/feed safety and food standards conditions and practices in food/feed businesses. An initial response to any complaint is made within two working days. In such cases the confidentiality of the complainant is paramount. All anonymous complaints are also currently investigated.

The purpose of investigation is to determine the validity of the complaint and, where appropriate, to seek to ensure that any deficiency is properly addressed. The general approach is to assist the food/feed business operator in ensuring good standards of compliance, although enforcement action may be necessary where there is failure in the management of food/feed safety, or regulatory non-compliance.

Based on the number of complaints in 2011/12 it is estimated that approximately 50 such complaints will be received in 2012/13.

3.3 Complaints Against Our Staff

Anyone who is aggrieved by the actions of a member of staff is encouraged, in the first instance, to contact the employee's line manager. Details of how and who to make contact with are contained in the inspection report left at the time of an inspection.

Formal complaints are investigated in accordance with the Council's corporate complaint procedure.

3.4 Liaison Arrangements

The service actively participates in local and regional activities and is represented on the following:

- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- Tees Valley HPA/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Public Protection Partnership
- North East Trading Standards Liaison Group, which incorporates the
- North East Trading Standards Animal Feed Group

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, the Health Protection Agency, Defra / Animal Health, OFSTED and the Care Quality Commission.

Officers also work in liaison with the Council's Planning Services and Licensing teams.

3.5 Home Authority Principle / Primary Authority Scheme

The introduction of the Primary Authority Scheme in April 2009 under the provisions of the Regulatory Enforcement and Sanctions Act 2008 placed a statutory obligation on the Council to provide a significantly expanded range of Home Authority services to local businesses when requested by that business. There are opportunities for local authorities to recover costs from businesses to provide this premium service.

The Authority is committed to the LACORS Home Authority Principle, although at present there are no formal arrangements with food/feed businesses to act as a Primary Authority. The Authority does however act as Originating Authority for a brewery and a food manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

4 RESOURCES

4.1 Financial Resources

The annual budget for the Consumer Services section in the year 2012/13 is:

	£ 000.0
Employees	481.2
Other Expenditure	128.5
Income	(21.0)
Net Budget	588.7

This budget is for all services provided by this section including Health & Safety, Animal Health, Trading Standards and resources are allocated in accordance with service demands. The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

4.2 Staffing Allocation

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the food/feed law service. The Assistant Director Regeneration & Planning has responsibility for ensuring the delivery of the Council's Public Protection service, including delivery of the food/feed law service, in accordance with the service plan.

The Public Protection Manager, with the requisite qualifications and experience, is designated as lead officer in relation to food safety and food standards functions and has responsibility for the management of the service.

The resources determined necessary to deliver the service in 2012/13 are as follows:

1 x 0.20 FTE Public Protection Manager (with responsibility also for Health & Safety, Licensing, Trading Standards & Environmental Protection)

1 x 0.35 FTE Principal EHO (Commercial Services)(with responsibility also for Health & Safety and Animal Health)

3 x FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.56 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x FTE Technical Officer Food (with requisite qualifications and experience)
The Public Protection Manager has responsibility for planning service delivery and management of the Food Law Service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Regeneration & Planning Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Food/Feed Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Principal EHO (Commercial Services) is designated as lead officer in relation to animal feed and imported food control.

The EHO's have responsibility for the performance of the food premises intervention programme as well as the delivery of all other aspects of the food law service, particularly more complex investigations. In addition these officers undertake Health & Safety at Work enforcement.

The Technical Officer (Food) is also responsible for interventions, including inspections as well as revisits, investigation of less complex complaints and investigation of incidents of food-borne disease.

Authorised Trading Standards Officers have responsibility for the performance of the feed premises intervention programme as well as the delivery of all other aspects of the feed law service.

Administrative support is provided by Support Services based within the Regeneration & Neighbourhoods department.

All staff engaged in food/feed safety law enforcement activity are suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

Staff undertaking educational and other support duties are suitably qualified and experienced to carry out this work.

4.3 Staff Development

The qualifications and training of staff engaged in food/feed law enforcement are prescribed and this will be reflected in the Council's policy in respect of appointment and authorisation of officers.

It is a mandatory requirement for officers of the food/feed law service to maintain their professional competency by undertaking a minimum of 10 hours core training each year through attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

The Council is committed to the personal development of staff and has in place Personal Development Plans for all members of staff.

The staff Personal Development Plan scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis. The outcome of the process is the formulation of a Personal Development Plan that clearly prioritises training requirements of individual staff members. The Personal Development Plans are reviewed six monthly.

The details of individual Personal Development plans are not included in this document but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team with particular regard to approved establishments, the provision of food hygiene training courses, developing the role of the Food Safety Officer, and training and development of new staff joining the team.

Detailed records are maintained by the service relating to all training received by officers.

4.4 Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the food/feed law service. The service has a documented standard operating procedure that ensures the proper maintenance and calibration of equipment and its removal from use if found to be defective.

The service has a computerised performance management system, the Authority Public Protection computer system (APP). This is capable of maintaining up to date accurate data relating to the activities of the food/feed law service. A documented database management standard operating procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the intervention programmes, the recording and tracking of all food/feed interventions, the production of statutory returns and the effective management of performance.

5. QUALITY ASSESSMENT

The Council is committed to quality service provision. To support this commitment the food law service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the food service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal EHO (Commercial Services) will carry out accompanied visits with officers undertaking interventions, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

It is possible that the Food Standards Agency may at any time notify the Council of their intention to carry out an audit of the service.

6 REVIEW OF 2011/12 FOOD SERVICE PLAN

6.1 Review Against the Service Plan

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2011/12.

This service plan will be reviewed at the conclusion of the year 2012/13 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Public Protection Manager to carry out that review with the Assistant Director Regeneration & Planning.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Following any review leading to proposed revision of the service plan Council approval will be sought.

6.2 Performance Review 2011/12

This section describes performance of the service in key areas during 2011/12.

6.2.1 Intervention Programme

Our target is to complete 100% of the intervention programme for food hygiene, food standards and feeding stuffs. These are extremely challenging targets.

During the year we successfully completed all planned food hygiene interventions. However as a result of the additional work generated by the migration to the national Food Hygiene Rating Scheme, we were unable to achieve our targets for food standards and feeding stuffs inspections;

83% of food standards inspections were achieved and 56.5% of feeding stuffs. The outstanding inspections (none of which are high risk) will be added to the programme for 2012/13.

We met our 2 working day response time for all complaints.

6.2.2 Registration and Approval of Premises

During 2011/12 96 new food businesses were registered and inspected. Premises subject to approval were inspected and given relevant guidance.

6.2.3 Food Sampling Programme

The food sampling programme for 2011/12 has been completed. The microbiological results are as follows:

Results for Microbiological Sampling Programme 2011/12

<u>Bacteriological Surveys</u>	Total no. of samples	Number of Samples	
		Satisfactory	Unsatisfactory
<i>Take Away Premises Survey</i> Premises visited:	20		
Rice	25	22	3
<i>Butchers Survey</i> Premises visited:	14		
Meat	24	24	0
Swabs	39	26	13
Cloths	8	4	4
<i>LGR/HPA Imported Herbs Survey</i>	20	19	1
<i>Tees Valley Survey – Hot Cabinets</i> Hot Foods	21	21	0
<i>Local Survey – Imported Dates</i>	11	11	0
<i>LGR/HPA Prepared Fruit Survey</i>	13	13	0
<i>LGR/HPA Imported Meats Survey</i>	20	20	0
<i>Tees Valley Survey Mayonnaise Based Products</i> Sandwich fillings	19	17	2
<i>Miscellaneous</i> Cockles – surveillance	1	1	0
Cloths - cleaning			
Fillings - resample	3	3	0
Total	204	181	23

The results of the food sampled as part of this years sampling programme were generally satisfactory. However some of the results for the environmental samples from the butchers survey were disappointing.

All butchers were sent a letter informing them of the survey results, along with a copy of the recent guidance issued by the FSA on controlling the risks of E.Coli. Follow up work, addressing unsatisfactory results is being continued in this years sampling programme (see 3.2.3 for further details).

The composition and labelling sample results are shown below:

Results for Food Standards Sampling Programme 2011/12:

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Honey	Floral Origin	12	
Canned Vegetables	Sodium Declaration	12	
Canned Vegetables	Labelling	12	
Mineral Water	Minerals	3	
Cooked Meats	Added Water	6	
Cooked Meat	Labelling	6	
Pies	Meat Content	9	
Cockles	Heavy Metals	1	
*Soy Sauce	MCPD	2	
*Fried Fruit	OTA	2	
*Fish	Lead/Cadmium/Mercury	2	
Canned Vegetables	Heavy Metals	4	
Canned Vegetables	Labelling	4	
*Fish	Authenticity	4	
Canned Fruit	Heavy Metals	4	
Canned Fruit	Labelling	4	
Marzipan	Adulteration	6	
Marzipan	Labelling	6	
Biscuits	Gluten Free Claims	8	
Biscuits	Labelling	8	
Takeaway Meals	Meat Species	16	4
Takeaway Meals	Composition	13	7
	Total	142	11

* The Authority participated in a FSA funded survey, in conjunction with other North East Authorities, to sample food originating from outside the EU (soy sauce, dried fruit and fish were sampled).

Overall there were relatively few food standards samples which failed to meet statutory requirements. However of the unsatisfactory results obtained all related to locally produced takeaway meals. In total 20 meals were analysed for meat species and salt levels. Four lamb dishes were found to contain beef.

The salt levels found in the meals ranged from 1g to 13.3g. Seven of the 20 meals sampled had salt levels in excess of 6g, which is above the recommended daily intake for adults.

Advice was given to the businesses concerned. Letters were also sent to other takeaway premises raising the issues of using the correct meat species and advice given to consider the amount of salt added to takeaway meals. Follow up sampling is to be undertaken this year (see 3.2.3 for further details).

The results of the Feed Sampling Programme 2011/12 are summarised below:

Sample	Reason for sampling	Result
Dried Wheat	Dioxins & PCBs	Complied with maximum prescribed limits
Dried Wheat	Dioxins & PCB's	Complied with maximum prescribed limits
Horse lick	Statutory Statement Information	Complies with the Feedingstuffs (England) Regulations 2005
Layers pellets	Statutory Statement Information	Complies with the Feedingstuffs (England) Regulations 2005
Chaff (Original)	Statutory Statement Information	Failed to comply with the Feedingstuffs (England) Regulations 2005
Chaff (Apple)	Statutory Statement Information	Complies with the Feedingstuffs (England) Regulations 2005

The two wheat samples were taken as part of a regional sampling programme carried out on behalf of the Food Standards Agency. Both samples were found to comply with the maximum prescribed limits laid down in Commission Regulation (EU) No 574/2011 for Dioxins and PCBs.

The result of the unsatisfactory Chaff sample was referred to the Home Authority of the manufacturer for information/further investigation.

6.2.4 Food Inspection

The service undertook no formal seizure of unfit food in the year.

6.2.5 Promotional Work

Food safety promotion whether by advice, education, training or other means is a key part of the food team's strategy in changing behaviour and increasing compliance in businesses.

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

The team has continued to offer tailored advice and information on request with 34 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages, are available. Circular letters are issued as required to inform food business operators of food safety matters relevant to their operations e.g. changes in legislation, food alerts.

6.2.6 Food Hygiene Rating Scheme

Since 1st April 2007 Hartlepool Council has operated a food hygiene rating scheme known as the 'Tees Valley Food Hygiene Award Scheme'. The scheme was operated in conjunction with the four other Tees Valley Local Authorities (Middlesbrough, Stockton, Redcar & Cleveland and Darlington Borough Councils).

In November 2010 the FSA launched the 'Food Hygiene Rating Scheme' (FHRS) as a FSA / local authority partnership initiative to help consumers choose where to eat out, or shop for food. It was developed with the aim that it would become the single national scheme for England, Wales and Northern Ireland in time for the 2012 Olympics and Paralympics.

The FSA strongly encouraged all councils to join the scheme and invited applications for grant funding from local authorities who adopted the scheme in 2011/12, to cover the cost of preparatory activities prior to launch.

On 14th November 2011 a report was presented to the Portfolio Holder for Adult and Public Health Services recommending that the Authority should migrate to the FHRS. The suggested date for launch was 1st April 2012. The Portfolio Holder approved the decision.

An application was submitted to the FSA for grant funding to cover the cost of preparatory activities prior to launch. The bid requested funding to cover the following activities:

- file / database checks and database cleansing activities where necessary;
- scope checks, including identification of establishments that fall within the scope of the scheme;
- IT testing;
- development and implementation of a strategy for communicating with local businesses; and
- co-ordination of activities of a number of local authorities in the case of a regional bid.

The Authority received grant funding for 'start up' and 'pre-launch' activities for implementation of the national FHRS.

In preparation for the migration the following work was completed:

- file / database checks and database cleansing activities – work focussed on checking the accuracy of relevant data and ensuring consistency, particularly in relation to risk rating. E.g. checks were made on 210 premises records to verify if their rating should go up;
- scope checks, including identification of establishments that fall within the scope of the scheme;
- IT testing;
- discussions took place with the Council's Economic Development team with regards the best way to inform and support businesses during the transition;
- all 25 premises whose rating would go down due to the difference in scoring under the new scheme were visited;
- as the other Tees Valley Authorities were also planning to launch the FHRS on 1st April 2012, discussions took place to ensure local liaison in the area;
- letters were sent to all food business operators to provide information about the new scheme and the implications for their business (in total 771 letters were sent)
- two seminars were held for food business operators in conjunction with the Council's Economic Development team and Hartlepool College of Further Education; and
- letters, certificates and stickers were sent to all 689 businesses included in the scheme.

The FHRS was launched in Hartlepool on 1st April 2012.

The 'Food Law Code of Practice', requires that a risk rating is undertaken which is used to determine the frequency of intervention for the business. The hygiene rating is derived from the risk rating which is given to a business following every 'primary' inspection.. Of the seven main categories used to determine the overall rating score the following three factors are used to create a hygiene rating:

1. Food Hygiene and Safety
2. Structure and Cleaning
3. Management and Control

These ratings are the only ones that are directly controllable by the business and are the reason they have been used to obtain the food business' hygiene rating.

The total score from the 3 categories is then used to derive the hygiene rating ranging from '0' ('Urgent improvement necessary') through to '5' ('Very Good').

At the time of launch the profile of premises was as follows:

Hygiene Rating	No of Premises	%
5 ('Very Good')	407	59.1%
4 ('Good')	139	20.2%
3 ('Generally Satisfactory')	86	12.5%
2 ('Improvement Necessary')	28	4.1%
1 ('Major Improvement Necessary')	12	1.7%
0 ('Urgent Improvement Necessary')	1	0.1%
'Awaiting Inspection'	16	2.3%
Total	689	
'Exempt'	47	
'Excluded'	7	

It is pleasing to note that 91.8% of premises received a hygiene rating of '3' and above.

The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has liaised with businesses that have been awarded a hygiene rating of '2' or less offering advice and support. Where necessary enforcement action will be taken to secure compliance.

Under the FHRS there is a procedure which affords food business operators the opportunity to request a re-visit inspection once they have taken action to rectify non-compliances identified during an inspection. At the re-visit the establishment may be re-assessed and given a new hygiene rating.

Sixteen businesses whose rating would have gone down under the new scheme submitted applications for a re-rating once the new scheme is implemented. These premises were classified as 'Awaiting Inspection'. We will need to re-inspect these premises within three months i.e. by 30th June 2012.

The food hygiene ratings are published online at www.food.gov.uk/ratings

In total 54 establishments were considered to be 'exempt' (47) or 'excluded' (7) from the scope of the FHRS and as such they may not be rated. These are those who either do not supply food directly to consumers e.g. manufacturers or packers, or 'low risk establishments' which are not generally recognised by consumers as being a food business e.g. establishments like chemists or newsagents selling pre-packed confectionery amongst a range of goods.

These exempt and excluded businesses were previously included in the Tees Valley Food Hygiene Award Scheme but were not eligible to receive a certificate and sticker under the FHRS. Under the FHRS exempt businesses can elect to 'opt in' to the scheme if the food business operator considers that consumers perceive their establishment to be a food business. This option is not available to excluded businesses. The FSA has recently indicated its intention to consult on extending the scope of the scheme to include such businesses. In the meantime we have liaised with affected

businesses and advised them that we will at their request provide confirmation of what their rating would be, if they were included in the scheme.

All work was completed on time to meet the proposed launch date of 1st April 2012. The work was managed successfully to ensure that the transition process was as seamless as possible and that no business in Hartlepool suffered a detriment as a direct consequence of the migration. Throughout the process we endeavoured to ensure that the public were kept suitably informed and that they were able to readily access the relevant information.

6.2.7 Food / Feed Complaints

During the year the service dealt with 23 complaints relating to the condition of food premises and/or food handling practice. In addition, 14 complaints were received regarding unfit or out of condition food or extraneous matter and 12 complaints concerning the composition or labelling of food items. One complaint was received regarding animal feeding stuffs.

Investigations into the above were undertaken within our target of 2 working days.

6.2.8 Food Poisoning

The service received 132 notifications of food borne illness during the year, this figure is lower than in 2010/11 when 148 notifications were received. The majority (109) of these notifications related to cases of *Campylobacter*; all of which appeared to be sporadic (isolated) cases. *Campylobacter* is the most common bacterial cause of food poisoning in England and Wales. National data shows that while the incidence of *Salmonella* infections has steadily declined since the late 1990s those caused by *Campylobacter* are showing an upward trend.

6.2.9 Food Safety Incidents

The Service received 39 food alerts, product withdrawal and recall notices from the Food Standards Agency during the year. All food alerts requiring action were dealt with expeditiously.

One matter required notification to the Food Standards Agency. This concerned intelligence received regarding alleged organised cockle picking in Hartlepool from unclassified beds. The Service worked closely with a number of Agencies including the North Eastern Inshore Fisheries and Conservation Authority (NEIFCA), Food Standards Agency, UK Border Agency, The Gangmasters Licensing Authority and Cleveland Police.

Although only one incident of cockle picking was observed an emergency by-law was put in place by NEIFCA (The Tees Mouth and Cleveland Emergency Cockle Byelaw Regulation). The intention of this byelaw was to prevent the exploitation of cockle stocks throughout the District of North Eastern Inshore Fisheries and Conservation Authority.

NEIFCA is considering introducing a new fisheries byelaw regulation which would apply to the taking of cockles throughout its district, from the River Tyne to the North East Lincolnshire coast. The effect of this regulation would be that the taking of any cockles either commercially or in a hobby capacity would be controlled through a permitting scheme.

This byelaw would prohibit fishing for, taking, landing, transporting or storing cockles without a valid permit issued by North Eastern Inshore Fisheries and Conservation Authority. It also imposes other restrictions on those carrying out these activities. For example it is proposed that the following measures would also apply to the collection of cockles:

- Only hand rake harvesting permitted
- Closed season between May and August inclusive
- Minimum cockle size
- Mandatory submission of monthly catch and effort returns
- Controls on the number of permits issued each year by area
- Mechanisms to close individual fisheries for a number of reasons if required

The Service also receives reports from the Food Standards Agency regarding incidents involving food fraud, which may present a risk to health. Many of these relate to illicit alcohol due to the chemicals used as a substitution for genuine alcohol. In addition intelligence is received from HM Revenue & Customs (HMRC) regarding counterfeit alcohol.

During the approach to the festive season of 2011 Environmental Health and Trading Standards Officers carried out a joint exercise with HMRC staff to identify whether counterfeit, adulterated or non-duty paid alcohol was being supplied in the town.

The operation involved officers visiting 37 on and off licensed premises throughout Hartlepool during a two day period focussing on food fraud. During the visits officers looked for counterfeit bottles of wine and spirits, checked the alcoholic strength of spirits being sold in pubs and HMRC inspectors examined stocks for anything that may have been smuggled into the country without duty and tax having been paid.

The operation highlighted Hartlepool Traders as having high levels of compliance and provided Hartlepool residents with reassurance and confidence that the alcohol they were purchasing was legitimate and safe.

6.2.10 Enforcement

During 2011/12 no Hygiene Emergency Prohibition Notices were served on businesses however 2 Hygiene Improvement Notices were issued. These were in respect of the absence of food safety management documentation and inadequate food hygiene training. No prosecutions or Simple Cautions were undertaken.

6.2.11 Complaints Against Our Staff

No complaints were made against our staff during 2011/12.

6.2.12 Compliments About Our Staff

The Public Protection Service regularly consults with users of the Service to establish whether the contact had been helpful and fair.

In 2011/12 the final satisfaction figure was 82% (a rise from 79% in 2010/11). As a figure of 100% would mean every customer being very satisfied with both the fairness and helpfulness of the officer concerned a final figure of 82% is a very good result and a testament and a testament to the work of the team.

6.2.13 Improvement Proposals/Challenges 2011/12

The following areas for improvement/challenges were identified in the 2011/12 Food Service Plan.

1. Resources remain challenging. The Public Protection section lost 21% of its overall budget in 2010/11 as part of a Service Delivery Option review and efficiency savings and the service is anticipating further cuts (expected to be in the region of 10%) during 2011/12.

Although so far we have not lost any additional posts which directly enforce food legislation due to the implications of previous losses of posts within the section we are having to distribute the workload amongst the remaining workforce to ensure that we make best use of our resources. We anticipate further pressures on the budget in subsequent years.

Whilst officers attained the 100% target to complete all food hygiene inspections it was not possible to complete all planned food standards and feeding stuffs inspections. The outstanding inspections will be added to the intervention programme for 2012/13.

2. We will review and update our premises database to ensure it is accurate and reliable so that we can target our resources effectively.

Substantial work was carried out during the year to update the premises database.

7. KEY AREAS FOR IMPROVEMENT & CHALLENGES 2012/13

In addition to committing the service to specific operational activities such as performance of the intervention programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2012/13.

1. The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount.
2. During 2012/13 we will carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy. In particular we will continue to explore how we can contribute to the Public Health Outcomes Framework.
3. It has been agreed that the 5 Tees Valley Authorities will review the impact of implementing the Food Hygiene Rating Scheme. In particular we will monitor the number of appeals against the rating awarded and the number of requests for re-inspection received during 2012/13. In addition the feasibility of implementing a Tees Valley Elite scheme to recognise businesses who have consistently attained the highest hygiene rating (e.g. those who were rated as 5 star under the Tees Valley Food Hygiene Rating Scheme and who have maintained a rating of 5 under the national Food Hygiene Rating Scheme) will be investigated.

ADULT AND PUBLIC HEALTH PORTFOLIO

Report To Portfolio Holder

22nd August 2012



Report of: Assistant Director (Regeneration & Planning)

Subject: QUARTERLY UPDATE REPORT FOR PUBLIC PROTECTION

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision

2. PURPOSE OF REPORT

- 2.1 To update the Adult & Public Health Portfolio Holder on Performance and progress across key areas of the Public Protection service

3. BACKGROUND

- 3.1 The Public Protection section consists of three discrete teams: Commercial Services, Environmental Protection and Trading Standards & Licensing.
- 3.2 The Commercial Services Team carries out inspections, complaint investigations and sampling to ensure that food is safe and fit to eat and that workplaces are safe.
- 3.3 The Environmental Protection Team is involved with noise and pollution related matters as well as providing a comprehensive service for pest control and managing and promoting the open market.
- 3.4 The Trading Standards & Licensing Team ensures that the business sector complies with a wide range of trade and consumer legislation. The team also issues and carries out enforcement relating to a large variety of licences, including Alcohol, Entertainment, Takeaways, Taxis, Gambling and Fireworks.

- 3.5 This report provides an update on performance and progress across key areas of the Public Protection service for the first quarter of 2012/13

4. OUTLINE OF WORK

- 4.1 The work carried out by the Public Protection Service falls into three distinct areas:
1. Planned work. This consists predominately of programmed interventions, sampling and projects.
 2. Reactive work. This involves responding to matters such as accident notifications, complaints and infectious disease notifications.
 3. Licensing. The processing and issue of licenses and permits.

5. PROGRAMMED WORK

- 5.1 The majority of the work programmed for 2012/13 for the Food, Health & Safety at Work and Trading Standards service areas is detailed in their respective service plans.
- 5.2 Planned Work. All interventions carried out by the service are risk based in accordance with national guidance. The table below details the number of inspections carried out in each area of work.

Interventions	Q1	Q2	Q3	Q4
Food Hygiene	108			
Food Standards	64			
Feed Hygiene	0			
Animal Health	0			
Health & Safety	46			
Trading Standards	27			
Licensing				
Prescribed Processes	0			
Smoke Free	107			

- 5.3 The intervention programmes are generally on target. In certain areas, such as Trading Standards, work has commenced on projects and other interventions and at this time we expect to achieve our targets.
- 5.4 A programme of sampling to assess the microbiological quality and composition & labelling of food and water has been carried out in accordance with the Food Law Enforcement Service Plan.

The table detailed below provides the details of the samples taken.

Sample Details	Q1	Q2	Q3	Q4
Microbiological Water *	49			
Microbiological Food & Environmental	63			
Food Labeling & Composition	23			
Water Chemical	5			

* Microbiological water samples are taken from swimming pools, spa pools, private water supplies & mains supplies.

5.5 Work has commenced on the following projects, and an update will be provided in the next quarterly report:

- Training for Police on doorstep crime;
- Consumer credit advertising;
- Weighing equipment in shops taking in goods for recycling;
- Air conditioning units;
- UV protection in children's clothing;
- Trade Association Membership;
- Olympic logos; and
- Digital switchover

5.6 Legislation came into force on 6th April 2012 prohibiting the public display of tobacco products in large shops. There are 3 premises in Hartlepool to which the legislation applies and all have been visited and found to be compliant.

6. REACTIVE WORK

6.1 The reactive work carried out by the Public Protection service is in the main complaint related. Other reactive work relates to accident & infectious disease notifications. Details of all reactive work are given in the table below.

Number of Complaints by Service Area	Q1	Q2	Q3	Q4
Food	17			
Health & Safety at Work	8			
Pest Control - Rats	211			
Pest Control - Mice	73			
Pest Control - Insects	104			
Noise - Commercial	1			
Noise - Domestic	115			
Air Pollution	15			
Trading Standards	82			
Accident Notifications	18			
Licensing	11			
Infectious Disease Notifications	36			

7. LICENSING

- 7.1 The number of licenses & permits issued by the service are detailed in the table below. The majority are issued under delegated powers, however if an objection is received during the consultation process or the applicant does not meet the necessary criteria the application will be determined by a Licensing Sub Committee.

Number of Licenses / Permits Issued	Q1	Q2	Q3	Q4
HC / PH - Drivers	96			
HC / PH - Vehicles	73			
Operators Licenses	3			
New Licensing Act Applications	4			
Licensing Act - Variations	2			
Licensing Act - Personal licenses	10			
Licensing Act - Temporary Events Notice	39			
Licensing Act (Other)	54			
Street Trading applications	5			
Other	7			

8 ENFORCEMENT

- 8.1 During the last quarter 2 Health & Safety Prohibition Notices were served. They related to the inadequate guarding of a band saw.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality or diversity considerations.

10. SECTION 17

- 10.1 There are no implications under Section 17.

11. RECOMMENDATIONS

- 11.1 That the Portfolio Holder notes the content of the report and the progress made across key areas of the Public Protection service.

12. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

12.1 There are no appendices to this report

13. BACKGROUND PAPERS

13.1 There are no background papers.

14. CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration and Planning)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
22 August 2012



Report of: Director of Child and Adult Services

Subject: HARTLEPOOL SAFEGUARDING VULNERABLE
ADULTS BOARD – STATISTICS AND PROGRESS
REPORT

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key

2. PURPOSE OF REPORT

- 2.1 To present the Hartlepool Safeguarding Vulnerable Adults Board (HSVAB) statistics covering the period from 1 April 2011 – 31 March 2012 and to report on the progress of the HSVAB Safeguarding Action Plan.

3. BACKGROUND

- 3.1 This report responds to a request from the Portfolio Holder for a regular submission of information about trends, activity and challenges.

4. PROPOSALS

- 4.1 The proposal is that the details contained within this report are noted.

5. TRENDS

- 5.1 In the reporting period of 1 April 2011 – 31 March 2012 there were 367 alerts identifying **possible** cases of abuse or neglect brought to the attention of the Duty Team. Following initial discussion and wider debate 182 of these alerts led to referrals requiring further investigation and action specifically under safeguarding adult procedures.

- 5.2 In the same period last year there were 397 alerts identifying **possible** cases of abuse and 145 of these led to referrals requiring further investigation and action under safeguarding adult procedures.
- 5.3 In relation to the current reporting period, it is important to highlight that although 185 alerts or 50.4% of the initial alerts required no specific further action in terms of safeguarding procedures, these cases were appropriately risk managed via interventions by the social work and care management teams, health professionals, complaints or the Commissioned Services Team. In addition, some referrals were managed by providing more detailed information, advice or guidance.
- 5.4 Within this reporting period 37% of the alleged victims of abuse were under the age of 65 and 63% were over the age of 65 with more females (63%) than males were referred into the Safeguarding Framework.
- 5.5 Care homes continue to be the most common location of reported abuse with neglect being the most frequent identified cause (37% of referrals), followed by physical abuse (25% of referrals). Other identified causes included financial, emotional / psychological and sexual abuse.
- 5.6 The reported perpetrators of abuse have been for the most part paid staff (30%) followed by service users (24%) which differs from previous reporting periods.
- 5.7 In comparison with the same reporting period last year the total number of safeguarding alerts received in 2011/12 has decreased by 30 cases, or approximately 8.2%. The number of cases leading to referrals requiring further investigation and action taken under safeguarding procedures has increased in comparison to last year.
- 5.8 In relation to Deprivation of Liberty Safeguards (DoLS), the activity for 2011/12 is as follows:
- | | |
|--|----|
| • Total Number of Urgent DOLS Referrals | 39 |
| • Total Number of Standard Referrals | 34 |
| • Total Number of DOLS Reviews | 10 |
| • Total Number of 3 rd Party Requests | 0 |
| • Total Activity | 85 |
- 5.9 In the same reporting period last year the Deprivation of Liberty Safeguards activity was as follows:
- | | |
|--|----|
| • Total Number of Urgent DOLS Referrals | 55 |
| • Total Number of Standard Referrals | 32 |
| • Total Number of DOLS Reviews | 9 |
| • Total Number of 3 rd Party Requests | 3 |
| • Total Activity | 99 |

- 5.10 Deprivation of Liberty Safeguards overall activity has changed over the last year as the legislative framework becomes more familiar. It should be noted that requests for urgent assessments have reduced which indicates that registered facilities seem to be improving their understanding of the systems and processes linked to this legislation.
- 5.11 When comparing the two periods the following comparisons can be identified:
- There has been a decrease in the total number of referrals received by 14, which represents a decrease of approximately 14%.
 - There has also been a decrease in the total number of urgent referrals by 16, which is approximately a 29% decrease from the last financial year.
 - However the number of standard requests received has increased by 6%.
 - There is also an increase in reviews by 11%.

6. CONTINUOUS IMPROVEMENT - UPDATE ON SAFEGUARDING ACTION PLAN

- 6.1 The Hartlepool Safeguarding Vulnerable Adults Board (HSVAB) has recently begun work to implement the statutory guidance relating to the prevention of and the reduction in the numbers and frequency of adults who become missing from home or care.
- 6.2 This work is an integral part of the 'Missing Children and Adults: Cross Government Strategy (2011)'. The strategy confirms that Adult Services and Cleveland Police are required to mirror the responses put in place for children, in respect of vulnerable adults.
- 6.3 The data exchange system from the police in relation to adults who go missing is already in place, with the data going into the Duty Team. It has been agreed that the Duty Team will undertake the initial screening regarding these vulnerable people and subsequently take advice regarding next steps from the Safeguarding Operational Lead.
- 6.4 The HSVAB has recently received a report highlighting the potential risks associated with some digital technologies to the people of Hartlepool regardless of age or ability. The work of the Hartlepool Safeguarding Children Board (HSCB) eSafety Group was discussed and the eSafety strategy and eSafety standards for Hartlepool highlighted.
- 6.5 It was agreed HSVAB would adopt the work of the HSCB and representatives from both Boards would work together to promote awareness of the dangers of digital technologies to the people of Hartlepool.

- 6.6 Hartlepool continues to lead the pilot scheme to develop an 'Expert by Experience' model of working. The independent provider commissioned to undertake this work is now receiving referrals from Hartlepool for people using services who have chosen to be part of the pilot and we are starting to receive initial feedback.
- 6.7 There have been some delays regarding the implementation phase as some service users have been in the safeguarding framework a little longer than normal due to the complexities of their cases.
- 6.8 All people entering the Safeguarding Framework, are offered the opportunity to become an 'Expert by Experience' by taking part in the discussion with the independent provider at the end of the safeguarding investigations into their case. It is intended that this initiative will establish how satisfied those involved with the safeguarding investigation are with the quality of the support they have received.
- 6.9 The learning from this pilot scheme will increase understanding and enable further improvements to be made in operational practice as well as informing the training requirements of the work-force.
- 6.10 Domestic violence continues to be of great concern to the HSVAB with incidents being reported to the police on a regular basis. It is clear that behind each reported incident there is untold misery to those directly involved and also the rest of the family. The new Domestic Violence Strategy has now been developed and representatives from the HSVAB were involved in shaping this visionary document. It sets out how, by working together, we can achieve the common goal of supporting the whole family to break the cycle of domestic violence and bring out better outcomes for everyone.
- 6.11 An action plan is being produced based on the strategy and it is envisaged that this will complement the work of as many agencies as possible, with each completing their tasks and updating the one action plan and preventing the duplication of work.
- 6.12 In relation to promoting awareness of safeguarding Tees-wide, posters and leaflets are being updated by students from the Cleveland College of Art & Design and the new designs will be shared when they are available.
- 6.13 There is currently a working group established to look at the experience of patients in hospital when they have a sensory loss. This is linked with safer admissions and discharges which is an objective in the Teeswide Safeguarding Vulnerable Adults Board (TSVAB) business plan.
- 6.14 A plan to crack down on hate crime was launched on 14 March 2012. Under the banner of 'challenge it, report it, stop it', the plan outlines how the government will support local areas in tackling the problem, and highlights the need to provide more support to victims and give them confidence to come forward and report incidents.

- 6.15 Hartlepool Safeguarding Vulnerable Adults Board has now successfully appointed an Independent Chair. The role of an Independent Chair is currently being adopted by many Adult Safeguarding Boards across the country in order to provide independence and support in achieving the strategic objectives of the HSVAB. The role of Independent Chair is a voluntary role and it is anticipated that the successful candidate will take up the post in time for the July meeting of the Board, which will be used to review progress to date and develop an action plan for the coming 12-18 months.

7. RECOMMENDATIONS

- 7.1 It is recommended that the contents of the report are noted

8. REASONS FOR RECOMMENDATIONS

- 8.1 Non applicable

9. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 9.1 No Appendices.

10. BACKGROUND PAPERS

- 10.1 None.

10. CONTACT OFFICER

- 10.1 John Lovatt, Head of Adults.