

REGENERATION SERVICES COMMITTEE AGENDA



Friday 9 September 2016

at 9.30 am

**in Committee Room B
at the Civic Centre, Hartlepool.**

MEMBERS: REGENERATION SERVICES COMMITTEE

Councillors S Akers-Belcher, Barclay, Cranney, Hunter, Lindridge, Loynes and Thompson

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To receive the minutes of the meeting held on 22 July 2016 (*previously published*)

4. BUDGET AND POLICY FRAMEWORK

No items.

5. KEY DECISIONS

No items

6. OTHER ITEMS REQUIRING DECISION

- 6.1 Food Law Enforcement Service Plan 2016/17 – *Director of Public Health*
6.2 Trading Standards Service Plan 2016/17 – *Director of Public Health*



- 6.3 Replacement of Boer War Statue in Ward Jackson Park – *Director of Regeneration and Neighbourhoods*
- 6.4 Jacksons Landing – Outline Development Programme – *Director of Regeneration and Neighbourhoods*

7. ITEMS FOR INFORMATION

No items.

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION:

Date of next meeting – Friday 7 October 2016 at 9.30 am in the Civic Centre, Hartlepool.



REGENERATION SERVICES COMMITTEE

9th September 2016



Report of: Director of Public Health

Subject: FOOD LAW ENFORCEMENT SERVICE PLAN
2016/17

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision

2. PURPOSE OF REPORT

2.1 To approve the Food Law Enforcement Service Plan for 2016/17.

3. BACKGROUND

3.1 The Food Standards Agency has a key role in overseeing the 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 the health and safety of the public.

3.2 On 4 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 2016/2017 is available in **Appendix 1** and takes into account the guidance requirements. The Plan details the Service's priorities for 2016/17 and highlights how these priorities will be addressed.

4. PROPOSALS

4.1 The Service Plan for 2016/17 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 Community Learning 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 2015/16.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

5.1 During 2015/16 the service completed 100% of all programmed food hygiene, food standards and feed hygiene interventions planned for the year. In total 445 food hygiene interventions were completed, 293 food standards and 19 feed hygiene interventions. (By comparison 378 food hygiene, 270 food standards and 12 feed hygiene interventions were undertaken during 2014/15).

5.2 In addition to the planned interventions 85 new food businesses were registered and inspected during the year.

5.3 As at the 1st April 2016, 98.3% of businesses in the borough were "Broadly Compliant" with food safety requirements (in 2014/15 the figure was 96.5%). For food standards 96.1% of businesses achieved broad compliance (in 2014/15 the figure was 97.1%). We aim to concentrate our resources to increase our current rate by the end of 2016/17, however given the current financial climate this will be extremely challenging.

- 5.4 On 1st April 2012 Hartlepool Council migrated from the Tees Valley Food Hygiene Award scheme, which the 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.

- 5.5 The profile of Hartlepool food premises is as follows:

| Hygiene Rating | No of Premises @ 1.4.12 | No of Premises @ 1.4.13 | No of Premises @ 1.4.14 | No of Premises @ 1.4.15 | No of Premises @ 1.4.16 |
|------------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 5 ('Very Good') | 407 (59.1%) | 434 (60.9%) | 456 (66.7%) | 471 (68.3%) | 502 (72.2%) |
| 4 ('Good') | 139 (20.2%) | 164 (23.0%) | 149 (21.8%) | 136 (19.7%) | 125 (18.0%) |
| 3 ('Generally Satisfactory') | 86 (12.5%) | 63 (8.9%) | 63 (9.2%) | 56 (8.1%) | 55 (7.9%) |
| 2 ('Improvement Necessary') | 28 (4.1%) | 22 (3.1%) | 9 (1.3%) | 18 (2.6%) | 8 (1.2%) |
| 1 ('Major Improvement Necessary') | 12 (1.7%) | 13 (1.8%) | 7 (1.0%) | 9 (1.3%) | 3 (0.4%) |
| 0 ('Urgent Improvement Necessary') | 1 (0.1%) | 0 (0%) | 0 (0%) | 0 (0%) | 2(0.3%) |
| 'Awaiting Inspection' | 16 (2.3%) | 17 (2.4%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Total | 689 | 713 | 684 | 690 | 749 |
| 'Exempt' | 47 | 49 | 45 | 44 | 45 |
| 'Excluded' | 7 | 9 | 10 | 10 | 1 |
| Sensitive | 0 | 32 | 32 | 1 | 8 |

- 5.6 It is very pleasing to note that 98.1% of the premises inspected during 2015/16 received a hygiene rating of '3' and above (representing a 2% improvement on the previous year).
- 5.7 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. Enforcement action will be taken to secure compliance where necessary.
- 5.8 Eighteen businesses requested re-rating visits. Of these one cancelled the request and 17 businesses were re-inspected in accordance with the FHRS. One of these visits was carried out in April 2016. Sixteen businesses demonstrated an improvement in standards and their rating increased following an unannounced inspection; 11 achieved the highest rating. One business' rating decreased from '2' to '1' due to contraventions noted at the time of the re-rating inspection.

- 5.9 The team has continued to offer tailored advice and information on request with 59 advisory visits to businesses being carried out during the year.
- 5.10 Whilst no Hygiene Emergency Prohibition Notices were served on businesses during 2016/17, 5 voluntary closures were agreed; 2 of which related to the same premises. No Simple Cautions were issued, however legal proceedings have been instigated in relation to the conditions found in one of the premises. Three Hygiene Improvement Notices were issued; all were served for structural matters.
- 5.11 The results of the food sampled as part of this years' microbiological sampling programme were generally satisfactory, with only 6/156 unsatisfactory results and 12 borderline results. The results from the environmental samples however were not as good, with 32/110 being reported as unsatisfactory and 14 borderline. A significant proportion of adverse environmental sample results related to swabs taken from chopping boards, re-useable food storage containers used to store sandwich and jacket potato fillings, nozzles of ice-cream machines or wash hand basin taps. Advice was given and follow-up samples taken; the majority of which were satisfactory.
- 5.12 Overall the results for the food standard samples were very good, with 89/91 samples meeting statutory requirements. Some of the sampling was carried out as part of the grant funded Food Standards Agency (FSA) National Coordinated Food Sampling Programme 2015-16. The two unsatisfactory pre-packed minced meat samples had a collagen/meat protein ratio higher than the permitted level along with one also having a higher than declared fat content. The results for both unsatisfactory samples were forwarded to the relevant home authorities.
- 5.13 During 2015/16 Trading Standards Officers purchased 6 bottles of vodka from small retailers within the borough. The samples were analysed to ensure they were not counterfeit. All samples were found to be genuine.
- 5.14 Since the transition of the Public Protection team in to the Public Health department significant resources have been directed towards carrying out initiatives which will contribute to the Public Health Framework Outcomes.
- 5.15 During 2015/16 promotional/campaign work was carried out on the initiatives detailed overleaf and this work will be continued during 2016/17:

1) Takeaways Project

We are acutely aware of the impact that access to unhealthy food is having on the rising rates of obesity and health inequalities. Research has shown that fast food takeaways provide a source of some of the unhealthiest food that is available in our communities.

Work has commenced on a Takeaways Project, the aim of which is to:

- i) *Work with takeaway businesses and the food industry to make food healthier*

Through the use of interventions such as sampling, provision of information and advice we aim to support businesses to improve the healthiness of the food they offer while helping the business to save money.

During 2015/16 we worked with the Chinese Community and we plan to roll out the project to other sectors.

- ii) *Explore and where possible use regulatory and planning measures to address the proliferation of hot food takeaway outlets*

We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. In particular we have explored the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration or where vulnerable groups of children and young people are a concern. All the relevant hot food takeaways in Hartlepool have been identified and mapped, with the intention of developing planning policy to cover future provision of takeaways in the town.

2) Food Safety Awareness Campaigns

Each year about half a million people are confirmed as suffering from food poisoning; the most common causes of which are *Campylobacter*, *Clostridium perfringens*, *Norovirus* and *Salmonella*. To tackle food poisoning we will raise awareness of food safety by supporting national campaigns such as the FSA's barbeque campaign which focuses on making sure that burgers prepared at home are cooked all the way through/not served rare.

3) Allergy Awareness Campaign

We will use a range of interventions including sampling, provision of information and advice to raise awareness regarding allergens and recent changes in food labelling legislation.

- 5.16 During 2016/17 there are 311 programmed food hygiene interventions, 128 programmed food standards inspections and 10 food 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 123 re-visits and 85 additional visits to new/changed premises will be required during the year.

- 5.17 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.

During 2016/17 we will target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.

- 5.18 We will continue to review and update our Food and Feed Quality Management System and standard operating procedures to reflect changes in legislation and centrally issued guidance including codes of practice.
- 5.19 We will work in partnership with the North East Public Protection Partnership's Better Business for All Working Group to explore what we can do to deliver our services better to promote economic growth in the region.

6. RISK IMPLICATIONS

- 6.1 If the Food Law Enforcement Law Service Plan 2016/17 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

7. FINANCIAL CONSIDERATIONS

- 7.1 There are no financial considerations associated with this report.

8. LEGAL CONSIDERATIONS

- 8.1 If the Food Law Enforcement Service Plan 2016/17 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

9. CHILD AND FAMILY POVERTY CONSIDERATIONS

- 9.1 There are no child and family poverty implications for this report.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

- 10.1 There are no equality and diversity implications for this report.

11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 11.1 There are no Section 17 considerations relating to this report.

12. STAFF CONSIDERATIONS

- 12.1 There are no staff implications for this report.

13. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 There are no asset management implications for this report.

14. RECOMMENDATIONS

- 14.1 That the Regeneration Services Committee approves the Food Law Enforcement Service Plan for 2016/17.

15. REASONS FOR RECOMMENDATIONS

- 15.1 The Food Law Enforcement Service Plan 2016/17 needs to be adopted to comply with the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

16. BACKGROUND PAPERS

- 16.1 There are no background papers for this report.

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Hartlepool Borough Council

Food Law Enforcement Service Plan 2016/17

FOOD SERVICE PLAN 2016/17

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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 2016/17, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2015/16 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 approved by the Regeneration Services Committee.

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' 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 Partnerships (the Safer Hartlepool Partnership) and the Health and Wellbeing Board
- Public Protection Service 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.

Overall Aim / Vision

The Council's overall aim is:

“To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people.”

The Council's aim is based on, and virtually identical to, the Hartlepool Partnership's long term vision, agreed in July 2008, looking 20 years ahead, which is:-

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

The Council has adopted eight themes that the Partnership has agreed forms part of the sustainable Community Strategy:-

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure and Community Learning
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:-

- Organisational Development

To contribute to the Council's overall aim/vision, through this Food Law Enforcement Service Plan, the Commercial Services team has made a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

This Food Law Service Plan contributes towards the main themes 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 and Community Learning**

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.

- **Organisational Development**

To contribute towards the key outcomes of improving the efficiency and effectiveness of the organisation and to deliver effective customer focussed services, meeting the needs of diverse groups and maintaining customer satisfaction.

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 located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,028 of which ethnic minorities comprise 3.4% (2011 census).

Hartlepool is a unitary authority, providing a full range of services. To the south of Hartlepool is the wider Teesside conurbation which includes the boroughs of Middlesbrough, Stockton on Tees and Redcar and Cleveland, and which together with Hartlepool and Darlington makes up the Tees Valley sub-region. Bordering Hartlepool to the north is the administrative area of County Durham.

The borough has a long and proud history, with the original settlement of Hartlepool dating back to Saxon times. Originally an important religious settlement the town's early development resulted from the existence of a safe harbour and its role as a port for the city of Durham and subsequent grant of a Royal Charter from King John in 1201.

The main phase of Hartlepool's expansion took place from the mid 19th Century with the building of a new railway and docks to serve the export of coal. The town continued to expand over the next 100 years as port trade increased and the development of heavy industries including steel making, shipbuilding and manufacturing. Like most industrialised towns in the north of England, Hartlepool has suffered over the last half century from structural reform of these industries and the town has had to look for new opportunities to diversify the economy.

Over the past 20 years Hartlepool has experienced some transformational changes through public and private investment. This has included the transformation of the former South Docks area into a fabulous 500-berth marina where the town hosted The Tall Ships Race in 2010.

The tourist industry impacts upon recreational opportunities, shopping and leisure facilities, including the provision of food and drink outlets 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. Following a referendum held on 15th November 2012, Hartlepool Borough Council agreed a revised Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

The Council moved from operating under an Elected Mayor and Cabinet model of governance to an arrangement based on Committees of 33 elected Councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent.

Under the Council's governance arrangements, most day-to-day decisions are taken by five Policy Committees. These Policy Committees cover the following main service areas

- Finance and Policy Committee
- Adult Services Committee
- Children's Services Committee
- Neighbourhood Services Committee
- Regeneration Services Committee

The Regeneration Services Committee provides political oversight for food law enforcement.

The Council is made up of four Departments:

- Chief Executives
- Child and Adult Services
- Regeneration and Neighbourhoods
- Public Health

The food law service is delivered through the Public Protection section of the Public Health Department.

2.3 Scope of the Food Service

The Council's Commercial Services team is a constituent part of the Public Health Department 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), Public Health England (PHE), HM Revenue & Customs (HMRC), Department of Environment, Food & Rural Affairs (Defra), Animal & Plant Health Agency (APHA) & the Veterinary Medicines Directorate (VMD).

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 80 registered feed businesses for which the Council is the enforcing authority.

The delivery point for the food enforcement service is at:

Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Telephone: (01429) 266522

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 on (01429) 869424.

2.5 Enforcement Policy

The Public Protection Enforcement Policy was updated and revised in 2011 and covers food and feed law enforcement.

The Service will take account of the 2014 Regulator's Code when carrying out its interventions.

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 Safety and Hygiene (England) Regulations 2013 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 2016, 98.3% of businesses in the borough were “Broadly Compliant” with food safety requirements (in 2014/15 the figure was 96.5%). For food standards 96.1% of businesses achieved broad compliance (in 2014/15 the figure was 97.1%). We aim to concentrate our resources to increase our current rate by the end of 2016/17 however given the current financial climate this will be extremely challenging.

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 | 2 |
| B | 12 months | 19 |
| C | 18 months | 147 |
| D | 24 months | 320 |
| E | 36 months or other enforcement | 261 |
| 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 | 178 |
| C | 36 months or other enforcement | 571 |
| Unclassified | | 0 |
| No Inspectable Risk (NIR) | | 0 |
| Total | | 749 |

Feed Hygiene:

| Registered Activity | No of Premises |
|-----------------------------|----------------|
| R5 Distributor | 1 |
| R7 Supplier of Surplus Food | 10 |
| R8 Transporter | 2 |
| R9 Stores | 2 |
| R10/11 On Farm Mixer | 16 |
| R12 Co Product Producer | 2 |
| R13 Livestock Farm | 29 |
| R14 Arable Farm | 18 |
| Total | 80 |

The intervention programme for 2016/17 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 | 2 |
| B | 12 months | 19 |
| C | 18 months | 88 |
| D | 24 months | 137 |
| E | 36 months or alternative enforcement strategy | 65 |
| Unclassified | | 0 |
| Total | | 311 |

Food Standards:

| Risk Category | Frequency of Inspection | No of Interventions |
|----------------------|--------------------------------------|----------------------------|
| A | 12 months | 0 |
| B | 24 months | 76 |
| C | 36 months or alternative enforcement | 52 |
| Unrated | | 0 |
| Unclassified | | 0 |
| Total | | 128 |

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 47 primary producers.

Feed Hygiene Intervention Programme 2016/17:

The National Trading Standards Board (NTSB) is responsible for the co-ordination of grant funding allocations for the FSA Feed Delivery Programme. The NTSB has allocated the North East Trading Standards Association (NETSA) group funding to carry out work over a three year period. As a member of this group Hartlepool Council will receive funding to meet the costs of the following feed inspections:

| Risk Category | | No of Interventions |
|---|--|---------------------|
| R05 Distributor | | 1 |
| R07 Feed/Materials / Ingredients/Surplus Food | | 3 |
| R08 Transporter | | 1 |
| R09 Stores | | 0 |
| R10/ R11 On-farm Mixer | | 2 |
| R12 Co-Product Producer | | 1 |
| R13 Livestock Farms | | 2 |
| R14 Arable Farms | | 0 |
| Total | | 10 |

An estimated 10% of all 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 2016/17, the intervention programme is expected to generate an estimated 123 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 Regeneration Services Committee and recorded on the Covalent performance and risk management software.

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 85 additional food premises inspections will be generated for new food businesses during 2016/17.

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 853/2004 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 (1831/2003). 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 Code of Practice 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 Public Health England's Food, Water & Environmental Laboratory based at York. Chemical analysis is undertaken 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 2016/17. 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 to assess the microbiological quality of food, water and environmental surfaces and composition and labelling of food. The sampling programme for 2016/17 includes national and regional surveys and local interventions.

Sampling programmes have been agreed with the Food Examiners and Public/Agricultural Analysts. 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 2016/17

| | | |
|--|--|--|
| April HBC Survey – Hygiene in Caterers | May XR26 – Hygiene during Production and Handling of Ice Study 58 – Hygiene in Catering Premises | June XR26 – Hygiene during Production and Handling of Ice Study 58 – Hygiene in Catering Premises |
| July XR26 – Hygiene during Production and Handling of Ice Study 58 – Hygiene in Catering Premises | August XR26 – Hygiene during Production and Handling of Ice Study 58 – Hygiene in Catering Premises | September Study 58 – Hygiene in Catering Premises XR 28 Cooked Crustaceans and other Cooked Shellfish |
| October Study 58 – Hygiene in Catering Premises | November HBC Survey – Imported Seeds/Herbs Study 59 - tbc | December HBC Survey – Imported Seeds/Herbs Study 59 - tbc |
| January Study 59 – tbc Study 60 - tbc | February Study 59 - tbc Study 60 - tbc | March Study 59 - tbc Study 60 - tbc |

Composition and Labelling Sampling Plan 2016/17

| Survey | Number of Samples |
|---|-------------------------------|
| FSA National Coordinated Sampling Meat Country of Origin Allergens (commercial catering) Wines/Spirits Food Supplements Acrylamides | 5 2 5 2 6 |

| | |
|--|---------------------------------|
| Local Survey Southampton Colours* in Takeaway Meals from Indian Restaurants and Takeaways. (*Sunset yellow, quinoline yellow, carmoisine, allura red, tartrazine, ponceau 4R) | 30 (plus any re-samples) |
| Adhoc samples arising from emerging priorities identified during the year | tbc |

***FSA** denotes sampling to be carried out as part of a regional survey, 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.

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 having regard to national enforcement priorities and to carry out sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments. The Authority has secured funding from the NTSB to participate in a 3 year regional sampling programme. This funding will supplement our sampling budget.

During 2016/17 the following animal feeding stuffs samples will be taken:-

Feeding stuffs Sampling Plan 2016/17

| | |
|--------------------|---|
| April - June | No sampling planned |
| July - September | No sampling planned |
| October - December | 2 samples of former foodstuff from supermarkets |
| January - March | No sampling planned |

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.

The Council operates the national Food Hygiene Rating Scheme whereby each business is awarded a rating which reflects the hygiene conditions found at the time of the primary inspection. The business' rating is made available to the public via the Food Standards Agency's website and the business is provided with a sticker to display on their premises. The service has made a commitment to work with businesses to improve their rating; in particular those awarded a rating of less than '3' (generally satisfactory).

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work. Feeding stuffs advice is available via the Council's web site.

3.2.6 Public Health Initiatives

Since the transition of the Public Protection team in to the Public Health department significant resources have been directed towards carrying out initiatives which will contribute to the Public Health Framework Outcomes.

During 2016/17 the Public Protection team plan to carry out the following initiatives:

1) Takeaways Project

We are acutely aware of the impact that access to unhealthy food is having on the rising rates of obesity and health inequalities. Research has shown that fast food takeaways provide a source of some of the unhealthiest food that is available in our communities.

We will continue to work on a Takeaways Project. As part of the plan we aim to:

- i) *Work with takeaway businesses and the food industry to make food healthier*

Through the use of interventions such as sampling, provision of information and advice we aim to support businesses to improve the healthiness of the food they offer while helping the business to save money.

During 2016/17 we worked with the Chinese Community and we plan to roll out the project to other sectors.

- ii) *Explore and where possible use regulatory and planning measures to address the proliferation of hot food takeaway outlets*

We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. In particular we will support the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration or where vulnerable groups of children and young people are a concern. All the relevant hot food takeaways in Hartlepool have been identified and mapped, with the intention of developing planning policy to cover future provision of takeaways in the town.

2) Food Safety Awareness Campaign

Each year about half a million people are confirmed as suffering from food poisoning; the most common causes of which are *Campylobacter*, *Clostridium perfringens*, Norovirus and *Salmonella*. The FSA has published research suggesting that the official figures seriously underestimate the real incidence as many people who experience food poisoning often recover quickly from the symptoms and do not report their illness to their GPs.

Cases of food poisoning almost double during the summer, and research shows that the undercooking of raw meat and the contamination of bacteria onto the food we eat are among the main reasons.

To try to tackle food poisoning we will aim to raise awareness of food safety by supporting national campaigns such as the FSA's barbeque campaign which focuses on making sure that burgers prepared at home are cooked all the way through/not served rare, by highlighting the fact that a burger is 'not like a steak'.

3) Allergy Awareness Campaign

- i) We will use a range of interventions including sampling, provision of information and advice to raise awareness regarding allergens and recent changes in food labelling legislation.

4) Better Business for All

Better Business for All (BBfA) brings together businesses and regulators to consider and change how local regulation is delivered and received.

It involves the creation of local partnerships to identify the issues facing local businesses and shape the provision of effective support services to them. It was initially developed by the Government's Better Regulation Delivery Office (BRDO) in 2011-2012, working with two Local Enterprise Partnership (LEP) pathfinders.

Drawing on good practice and material provided by LEPs and regulators, a toolkit of resources was created for local partnerships, launched in October 2012.

The objectives are:

1. to provide advice and support to business;
2. increase business awareness of regulatory officers;
3. ensure effective co-ordination across regulatory services;
4. simplify the local regulatory system and processes; and
5. establish partnerships between regulatory services and local businesses.

While BBfA is aimed at all businesses, the focus is on smaller businesses, as these generally need the most help to comply with the law.

The North East Public Protection Partnership has established a regional BBfA Working Group. During 2016/17 we will participate in the working group to explore what we can do to deliver our services better to promote economic growth in the region.

3.2.7 Investigation of Food / Feed Complaints

The service receives approximately 85 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.

3.2.8 Investigation of Cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the North East Public Health England Centre and in the case of outbreaks in accordance with the Outbreak Control Policy.

Where it appears that an outbreak exists the Environmental Health Manager (Commercial) or an EHO, will liaise with the local Consultant in Health Protection and the North East Public Health England Centre, to determine the need to convene an Outbreak Control Team. Further liaison may be necessary with agencies such as the Food Standards Agency, the York Public Health England Food, Water and Environmental Laboratory, Public Analyst, Hartlepool Water and Northumbrian Water.

It is estimated that between 150 -175 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 are routinely investigated.

Any cluster or outbreak identified by the North East Public Health England Centre 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.

3.2.9 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 Environmental Health Manager (Commercial) or, if absent, the Head of Public Protection ensures that a timely and appropriate response is made to each alert.

The out of hours contact telephone number for the service is 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 46 food alerts, product recalls or withdrawals during 2016/17, a small proportion of which will require action to be taken by the Authority. In addition we will receive approximately 70 allergy alerts.

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.

3.2.10 Complaints relating to Food / Feed 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 received during 2015/16 it is estimated that approximately 60 such complaints will be received in 2016/17.

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 PHE/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 (NETSA).

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, Public Health England, Defra / Animal & Plant Health Agency (APHA), 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 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 2016/17 is:

| | |
|-------------------|----------------|
| | £ 000.0 |
| Employees | 544.8 |
| Other Expenditure | 65.8 |
| Income | (7.3) |
| Net Budget | 610.6 |

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 Public Health has overall 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 Head of Public Protection, 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 2015/16 are as follows:

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

1 x 0.35 FTE Environmental Health Manager (Commercial) (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)

Funding for an additional resource (1 x FTE EHO/Technical Officer) to carry out public health interventions was secured via the Public Health Grant for the period 1.11.14 – 31.10.16. Due to a combination of an EHO leaving the Authority in 2015 and a member of staff taking maternity leave in 2016 we have had a period of time where staffing levels have been depleted which has had an impact on our ability to deliver all of the planned interventions.

The Head of Public Protection 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 Public Health Departmental Management Team.

The Environmental Health Manager (Commercial) 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 Environmental Health Manager (Commercial) and a Senior Trading Standards Officer are designated as lead officers for imported food control and animal feed enforcement.

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 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 20 hours continuous development training each year which may involve 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, 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 Environmental Health Manager (Commercial) 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 2015/16 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 2015/16.

This service plan will be reviewed at the conclusion of the year 2016/17 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 Head of Public Protection to carry out that review with the Director of Public Health.

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 2015/16

This section describes performance of the service in key areas during 2015/16.

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, food standards and feed hygiene interventions. In total 445 food hygiene interventions were completed, 293 food standards interventions and 19 feed hygiene interventions.

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

6.2.2 Registration and Approval of Premises

During 2015/16, 85 new food businesses were registered and inspected. Two premises subject to approval were inspected and given relevant guidance.

6.2.3 Food Sampling Programme

The food sampling programme for 2015/16 has been completed. This included sampling which was carried out in partnership with the other four Tees Valley Authorities as part of the Food Standards Agency National Coordinated Food Sampling Programme 2015-16. The group received grant funding to carry out this work.

The results for the microbiological sampling programme for 2015/16 are given below.

Results for Microbiological Sampling Programme 2015/16

| Samples/Survey | Total no of Samples | Number of Samples | | |
|---|---------------------------|-------------------|------------|----------------|
| | | Satisfactory | Borderline | Unsatisfactory |
| <u>Food Samples:</u> | | | | |
| Pre-cut fruit survey Premises visited: 9 | 35 | 34 | 1 | |
| Imported vegetables, fruit, nuts and seeds survey Premises visited:10 | 66 | 66 | | |
| Salads from takeaways and self- serve counters survey Premises visited:5 | 15 | 15 | | |
| Sandwich and jacket potato fillings survey Premises visited:10 | 26 | 16 | 8 | 2 |
| Ice-cream sampling Premises visited:4 | 9 | 5 | 1 | 3 |
| Ad-hoc food sampling Premises visited:2 | 5 | 2 | 2 | 1 |
| | | | | |
| <u>Swabs:</u> Premises visted:35 | 110 | 76 | 2 | 32 |
| | | | | |
| Total Samples Premises visited:76 | 266 | 214 | 14 | 38 |

The results of the food sampled as part of this years' sampling programme were generally satisfactory, with only 6/156 unsatisfactory results and 12 borderline results. The results from the environmental samples however were not as good, with 32/110 being reported as unsatisfactory and 14 borderline.

Three cross regional surveys were undertaken, 'Pre-cut Fruit', 'Salad from Takeaways and Self-Serve Counters' and 'Imported Vegetables, Fruit, Nuts and Seeds'. Very good results were obtained for the food sampled for all three surveys, with only one borderline result being obtained. This was for pre-packed pineapple pieces. A resample was taken and a satisfactory result was obtained.

A cross regional survey, 'Sandwich and Jacket Potato Fillings' was also undertaken. Two unsatisfactory and eight borderline food sample results were obtained. Advice was given relating to stock rotation and storage of sandwich fillings. Satisfactory results were obtained for the re-samples that were taken.

The 'Sandwich and Jacket Potato Fillings' survey and the 'Salad from Takeaways and Self-Serve Counters' survey produced a significant number of unsatisfactory and borderline swab results. Poor swab results were obtained mainly from chopping boards and re-useable food storage containers. Many businesses re-use food containers, which previously contained food such as margarine and sandwich fillings. Advice was given, some requiring chopping boards to be replaced. Advice was also given about the type and condition of food storage containers.

Following poor results from ice-cream sampling last year, a local survey of ice-cream survey was carried out. Swabs and samples of ice-cream were taken from businesses selling 'whippy ice-cream'. Three unsatisfactory and one borderline ice cream sample was obtained, along with 12 unsatisfactory swabs. The swabs were taken from either the nozzles of ice-cream machines or wash hand basin taps. Advice relating to cleaning was given and re-samples were taken.

The results of samples submitted for analysis for composition and labelling are shown below:

Results for Food Standards Sampling Programme 2015/16:

| Nature of Sample | Reason for Sampling | Satisfactory | Unsatisfactory |
|--------------------------------|----------------------------|---------------------|-----------------------|
| Imported Dried Fruit and Seeds | Heavy Metals | 10 | |
| Vodka | Counterfeit | 6 | |
| Imported Biscuits | Arsenic | 10 | |
| Gluten Free Claims | Claims | 10 | |
| Honey | Floral Origin | 10 | |
| Marzipan and Ground Almonds | Adulteration | 6 | |
| Imported Canned Products | Heavy Metals | 8 | |
| Jam | Sugar Profiles | 10 | |
| FSA Frozen Fish | Formaldehyde | (2) | |
| FSA Legumes | Chlorate and Perchlorates | 2 | |
| FSA Rice Based Products | Arsenic | 2 | |
| FSA Chips | Acrylamide | 1 | |
| FSA Basmati Rice | Genuine Basmati Rice | 1 | |
| FSA Cereal Based Products | Trophene Alkaloids | 2 | |
| FSA Minced Meat | Composition | 1 | 2 |
| FSA Meat | Species | 3 | |
| FSA | Allergens | 4 | |

| | | | |
|---------------------------|--------------------------------|-----------|----------|
| FSA Sauces and Seasonings | Additives | 1 | |
| | Total Number of Samples | 89 | 2 |
| | Premises Visited: 47 | | |

Overall the results for the food standard samples were very good, with 89 out of 91 samples meeting statutory requirements. Some of the sampling was carried out as part of the grant funded Food Standards Agency (FSA) National Coordinated Food Sampling Programme 2015-16.

The two samples that failed to meet statutory requirements were taken as part of the FSA Sampling Programme. Three samples of pre-packed minced meat were taken. Two of the samples were deemed to be unsatisfactory. One sample had a collagen/meat protein ratio higher than the permitted level. The other unsatisfactory sample had a collagen/meat protein ratio higher than the permitted level along with a higher than declared fat content. The results for both unsatisfactory samples were forwarded to the relevant home authorities.

During 2015/16 Trading Standards officers purchased 6 bottles of vodka from small retailers within the borough. The samples were analysed to ensure they were not counterfeit. All samples were found to be genuine.

Several local surveys of imported foods were undertaken during 2015/16. Imported dried fruit and seeds and imported canned fish products were sampled for the presence of heavy metals. Imported biscuits were sampled for the presence of arsenic. All labelling and compositional standards were met for these samples.

One sample of animal feeding stuffs was examined and the results are given below.

Results of the Feed Sampling Programme 2015/16

| Sample | Reason for sampling | Result |
|---------------|--|---------------|
| Spent Grains | Methanol, Mercury, Arsenic, Cadmium and Lead | Satisfactory |

6.2.4 The UK Food Surveillance System (UKFSS)

The UK Food Surveillance System (UKFSS) is a national database used for recording food and feed samples. It allows sample data to be sent direct to a laboratory and results are then fed back into the system by that laboratory, providing a quick, paper-free solution. National sampling data can be interrogated and the software provides a comprehensive recording system for all food and feed samples taken.

UKFSS is administered by the FSA. To support its rollout the FSA are providing funding to recruit new-users and super-users. The Commercial team's application to be awarded Super-user status was successful and confirmation was received in May 2014. The team can provide training and advice to the many other local authorities who use the system, ensuring that they can use UKFSS correctly. This Super-user status attracted a one-off grant payment from the Food Standards Agency of £2,934.14.

6.2.5 Food Inspection

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

6.2.6 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 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 59 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages are available including a 'Top 5 Tips' leaflet created to assist Chinese food business operators to implement practices to provide healthier menu choices. 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.

Hand washing Campaign

During the year we carried out a campaign to promote good hand washing technique amongst young children and their carers (e.g. nursery assistants etc) and food handlers to reduce the prevalence of food borne illness and viral infections.

6.2.7 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).

On 1st April 2012 Hartlepool Council migrated to the 'Food Hygiene Rating Scheme' (FHRS); a FSA / local authority partnership initiative to help consumers choose where to eat out, or shop for food.

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'). The profile of premises is as follows:

| Hygiene Rating | No of Premises @ 1.4.12 | No of Premises @ 1.4.13 | No of Premises @ 1.4.14 | No of Premises @ 1.4.15 | No of Premises @ 1.4.16 |
|------------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 5 ('Very Good') | 407 (59.1%) | 434 (60.9%) | 456 (66.7%) | 471 (68.3%) | 502 (72.2%) |
| 4 ('Good') | 139 (20.2%) | 164 (23.0%) | 149 (21.8%) | 136 (19.7%) | 125 (18.0%) |
| 3 ('Generally Satisfactory') | 86 (12.5%) | 63 (8.9%) | 63 (9.2%) | 56 (8.1%) | 55 (7.9%) |
| 2 ('Improvement Necessary') | 28 (4.1%) | 22 (3.1%) | 9 (1.3%) | 18 (2.6%) | 8 (1.2%) |
| 1 ('Major Improvement Necessary') | 12 (1.7%) | 13 (1.8%) | 7 (1.0%) | 9 (1.3%) | 3 (0.4%) |
| 0 ('Urgent Improvement Necessary') | 1 (0.1%) | 0 (0%) | 0 (0%) | 0 (0%) | 2(0.3%) |
| 'Awaiting Inspection' | 16 (2.3%) | 17 (2.4%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Total | 689 | 713 | 684 | 690 | 749 |
| 'Exempt' | 47 | 49 | 45 | 44 | 45 |
| 'Excluded' | 7 | 9 | 10 | 10 | 1 |
| Sensitive | 0 | 32 | 32 | 1 | 8 |

It is very pleasing to note that 98.1% of premises inspected during 2015/16 received a hygiene rating of '3'and above (representing a 2% improvement on previous year).

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 appropriate, enforcement action has been 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.

During the year 18 businesses submitted applications for a re-rating. Further information is provided in **6.2.8**.

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

In total 55 establishments were considered to be 'exempt' (45) or 'excluded' (10) 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.

Certain establishments operating from private addresses are classed as 'sensitive'. These are mainly childminders, but can include other establishments where caring services are being provided in the home environment as part of a family unit (as opposed to residential care). These establishments should not be rated.

6.2.8 FHRS Re-rating & Promotional visits

During 2015/16 officers worked closely with food business operators to improve food hygiene standards in our lowest rated premises. During the year 18 businesses submitted applications for a FHRS re-rating.

Of these 18 premises, one cancelled the request and 17 businesses were re-inspected in accordance with the FHRS. One of these visits was carried out in April 2016. Sixteen businesses demonstrated an improvement in standards and their rating increased following an unannounced inspection; 11 achieved the highest rating. One business' rating decreased from '2' to '1' due to contraventions noted at the time of the re-rating inspection.

The results for the 16 businesses that improved are as follows:

| FHRS Rating | 0 to 2 | 1 to 2 | 1 to 5 | 2 to 3 | 2 to 5 | 3 to 5 | 4 to 5 | 1 to 4 | 2 to 4 |
|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Number of businesses | - | - | 1 | 2 | 3 | 4 | 3 | 2 | 1 |

6.2.9 Food / Feed Complaints

During the year the service dealt with 45 complaints relating to the condition of food premises and/or food handling practice. In addition, 23 complaints were received regarding unfit or out of condition food or extraneous matter and 15 complaints concerning the composition or labelling of food items. No complaints were received regarding animal feeding stuffs.

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

6.2.10 Food Poisoning

The service received 160 notifications of food borne illness during the year. The majority (107) 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* had significantly increased and as a result in recent years the FSA has been spearheading a campaign to address this.

6.2.11 Food Safety Incidents

The Service received 78 Food Alerts and a large number of Product Recall/Withdrawal notifications and Allergy Alerts from the Food Standards Agency during the year. All Food Alerts requiring action were dealt with expeditiously.

The Service also receives reports from the FSA regarding incidents involving food fraud, which may present a risk to health and require immediate investigation. 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.

6.2.12 Enforcement

Whilst no Hygiene Emergency Prohibition Notices were served on businesses during 2015/16, 5 voluntary closures were agreed. No Simple Cautions were issued, however legal proceedings have been instigated in relation to the conditions found in one of the premises. Three Hygiene Improvement Notices were issued; all were served for structural matters.

6.2.13 Complaints against Our Staff

No complaints were made against our staff during 2015/16.

6.2.14 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 2015/16 the final satisfaction figure was 87.75% (in 2015/2016 the figure was 87.5%). 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 87.5% is a very good result and a testament to the work of the team.

6.2.15 Improvement Proposals/Challenges 2015/16

The following areas for improvement/challenges were identified in the 2015/16 Food Service Plan:

1. We will continue to review and update our Quality Management System/Standard Operating Procedures for Food and Feed to reflect changes in legislation and centrally issued guidance including Codes of Practice.

Work commenced on updating procedures but is still ongoing.

2. We will continue to identify additional income streams to supplement our budget.

We participated in FSA grant funded projects for food and feed.

7. KEY AREAS FOR IMPROVEMENT & CHALLENGES 2016/17

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 2016/17.

1. We will continue to 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 target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.
2. We will continue to review and update our Quality Management System/Standard Operating Procedures for Food and Feed to reflect changes in legislation and centrally issued guidance including Codes of Practice.
3. We will work in partnership with the North East Public Protection Partnership's Better Business for All Working Group to explore what we can do to deliver our services better to promote economic growth in the region.
4. We will continue to identify additional income streams to supplement our budget.

REGENERATION SERVICES COMMITTEE

9th September 2016



Report of: Director of Public Health

Subject: TRADING STANDARDS SERVICE PLAN 2016/17

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision

2. PURPOSE OF REPORT

2.1 To approve the Trading Standards Service Plan for 2016/17.

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 2016/17 and highlights how these priorities will be addressed.

3.4 The Service Plan for 2016/17 is attached as **Appendix 1**.

4. PROPOSALS

4.1 The Service Plan for 2016/17 has been updated to reflect last year's performance.

4.2 The Plan covers the following:

- (i) The Service Plan covers the following:
 - (i) Service Aims and Objectives;
 - (ii) The scope and demands on the Trading Standards 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) A review of performance for 2015/16.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 Prioritising Service Delivery - Resources will continue to be allocated according to identified priorities. In 2016/17 these priorities are: -

High Priority

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.

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.

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.

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'.

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 interventions.

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.

Low Priority

Loan Sharks – Working in partnership with the National 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 National 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.

5.2 Responding to Change

- 5.3 As the retail environment continues to change, Trading Standards is required to remain vigilant and respond to new threats and challenges. The continued

growth of internet sales means that Trading Standards must now monitor the virtual High Street and ensure that consumers remain protected.

The Trading Standards Service has a 'stand alone' computer that can be used to monitor websites without giving away their identity. Where problems are identified traders are contacted and, where appropriate, test purchases can be made to establish whether legal requirements are being complied with.

5.4 Social Media

5.5 Whereas counterfeit goods were once only found at car boot sales or from the 'back of a lorry', social media is now becoming a significant source of illegal goods.

5.6 Trading Standards in Hartlepool has adopted a unique approach to this problem and has created a 'Facebook' profile whereby sites that are suspected of selling counterfeit goods receive a Trading Standards 'post' informing the account holder, and anyone visiting the site, that Trading Standards are monitoring the site.

5.7 This approach has had an immediate and significant impact on Social Media sites selling counterfeit goods in Hartlepool and is something that is receiving positive interest from other enforcement bodies around the country.

5.8 Protecting the Vulnerable

5.9 Trading Standards has continued to promote No Cold Call Zones as a means of reducing the number of traders that visit people on their doorsteps and over 2000 'Say No to Doorstep Traders' stickers have been issued, free of charge, to local residents.

5.10 The Service has been working closely with other Council departments and external organisations such as banks and post offices, to ensure that they are aware of the risks that rogue traders can pose to their clients and what can be done to help them.

5.11 A significant amount of work has also been undertaken in relation to mail order and telephone scams. Around 25 vulnerable residents have been supplied with free 'call blocker' devices that prevent nuisance phone calls and the team has received national press coverage in relation to its efforts.

5.12 Underage Sales

5.13 During 2015/16 29 premises were visited to test a store's compliance with age restricted sales legislation. This year has again proved difficult to recruit suitable underage volunteers so a number of attempts were made by an 18 year old volunteer in order to test the shop's adherence to its Challenge 21 or Challenge 25 policy.

One sale of alcohol was made to a 15 year old volunteer which resulted in the Designated Premises Supervisor (the person legally responsible for alcohol sales) being replaced and five sales of nicotine products were made to an 18 year old volunteer as part of an exercise to establish levels of compliance for the newly regulated nicotine products market.

6. RISK IMPLICATIONS

- 6.1 There are no risks associated with the approval of this Trading Standards Service Plan.

7. FINANCIAL CONSIDERATIONS

- 7.1 There are no financial considerations associated with this report.

8. LEGAL CONSIDERATIONS

- 8.1 There are no legal considerations associated with the adoption of this Trading Standards Service Plan.

9. CHILD AND FAMILY POVERTY CONSIDERATIONS

- 9.1 There are no child and family poverty implications for this report.

10. EQUALITY AND DIVERSITY CONSIDERATIONS

- 10.1 There are no equality and diversity implications for this report.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff implications for this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 There are no asset management implications for this report.

13. RECOMMENDATIONS

- 13.1 That the Regeneration Services Committee approves the Trading Standards Service Plan for 2016/17.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The Trading Standards Service Plan sets out the priorities for, and methods of, service delivery in 2016/7.

15. BACKGROUND PAPERS

- 15.1 There are no background papers for this report.

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Hartlepool Borough Council

Trading Standards Service Plan

2016/17

TRADING STANDARDS SERVICE PLAN 2016/17

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INTRODUCTION

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

Whilst focussing primarily on the year 2016/17, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2015/16 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and previous plan's has been approved by the Regeneration Services Committee.

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, Chartered 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 Safer Hartlepool Partnership) and the Health and Wellbeing Board
- Public Protection Service Plan
- Trading Standards Service Plan - sets out how the Council aims to deliver this statutory service and the Trading Standards Service's contribution to corporate objectives.

Overall Aim / Vision

The Council's overall aim is:

“To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people.”

The Council's aim is based on, and virtually identical to, the Hartlepool Partnership's long term vision, agreed in July 2008, looking 20 years ahead, which is:-

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

The Council has adopted eight themes that the Partnership has agreed forms part of the sustainable Community Strategy:-

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure and Community Learning
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:-

- Organisational Development

To contribute to the Council's overall aim/vision, through this Trading Standards Service Plan, the team has made a commitment to protecting and improving the quality of life for residents of Hartlepool through effective promotion and enforcement of consumer protection legislation.

This Trading Standards Service Plan contributes towards the main themes 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 requirements, and avoid potential costly action at a later stage;

- **Lifelong Learning and Skills**

By providing advice and guidance to traders so as to ensure awareness and compliance with consumer protection legislation;

- **Health and Wellbeing**

By ensuring that businesses only provide safe products that comply with relevant safety standards and that age restricted products are not supplied to children;

- **Community Safety**

By ensuring that businesses only provide safe products that comply with relevant safety standards and that age restricted products are not supplied to children;

- **Environment**

By ensuring businesses comply with legislation and standards that are designed to reduce the impact on the environment;

- **Culture and Leisure and Community Learning**

By ensuring that businesses comply with their consumer protection responsibilities so as to ensure that those people visiting Hartlepool have a positive experience

- **Strengthening Communities**

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

- **Organisational Development**

To contribute towards the key outcomes of improving the efficiency and effectiveness of the organisation and to deliver effective customer focussed services, meeting the needs of diverse groups and maintaining customer satisfaction.

The Council is committed to the principles of equality and diversity. The Trading Standards Service Plan consequently aims to ensure that the same high standards of service are 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 located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,028 of which ethnic minorities comprise 3.4% (2011 census).

Hartlepool is a unitary authority, providing a full range of services. To the south of Hartlepool is the wider Teesside conurbation which includes the boroughs of Middlesbrough, Stockton on Tees and Redcar and Cleveland, and which together with Hartlepool and Darlington makes up the Tees Valley sub-region. Bordering Hartlepool to the north is the administrative area of County Durham.

The borough has a long and proud history, with the original settlement of Hartlepool dating back to Saxon times. Originally an important religious settlement the town's early development resulted from the existence of a safe harbour and its role as a port for the city of Durham and subsequent grant of a Royal Charter from King John in 1201.

The main phase of Hartlepool's expansion took place from the mid 19th Century with the building of a new railway and docks to serve the export of coal. The town continued to expand over the next 100 years as port trade increased and the development of heavy industries including steel making, shipbuilding and manufacturing. Like most industrialised towns in the north of England, Hartlepool has suffered over the last half century from structural reform of these industries and the town has had to look for new opportunities to diversify the economy.

Over the past 20 years Hartlepool has experienced some transformational changes through public and private investment. This has included the transformation of the former South Docks area into a fabulous 500-berth marina where the town hosted The Tall Ships Race in 2010.

2.2 Organisational Structure

Hartlepool Borough Council is a democratic organisation. Following a referendum held on 15th November 2012, Hartlepool Borough Council agreed a revised Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

The Council moved from operating under an Elected Mayor and Cabinet model of governance to an arrangement based on Committees of 33 elected Councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent.

Under the Council's governance arrangements, most day-to-day decisions are taken by five Policy Committees. These Policy Committees cover the following main service areas

- Finance and Policy Committee
- Adult Services Committee
- Children's Services Committee
- Neighbourhood Services Committee
- Regeneration Services Committee

The Regeneration Services Committee provides political oversight for Trading Standards law enforcement.

The Council is made up of four Departments:

- Chief Executives
- Child and Adult Services
- Regeneration and Neighbourhoods
- Public Health

The Trading Standards Service Plan is delivered through the Public Protection section of the Public Health Department.

2.3 Scope of the Trading Standards Service

Service delivery broadly comprises:

- Carrying out programmed interventions;
- 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 its 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.

In early 2014, a Viewpoint survey was conducted to establish resident's views on a range of Trading Standards responsibilities. The results are detailed in the table below: -

| | | Very high priority % | High priority % | Medium priority % | Low priority % | Very low priority % | Overall score (Priority order) % |
|---|--|----------------------|-----------------|-------------------|----------------|---------------------|----------------------------------|
| A | Underage sales (e.g. cigarettes, solvents, alcohol) (N=1362) | 59 | 28 | 10 | 2 | 1 | 85 (3) |
| B | Toy and product safety (1338) | 38 | 38 | 19 | 5 | 0.8 | 77 (5) |
| C | Weights and measures (e.g. short weights) (N=1307) | 21 | 32 | 35 | 9 | 2 | 65 (9) |
| D | Counterfeit goods (e.g. pirate videos, computer games) (N=1347) | 29 | 29 | 30 | 9 | 3 | 68 (8) |
| E | Rogue traders (e.g. cowboy builders, bogus charities & persistent problem traders) (N=1352) | 72 | 23 | 3 | 0.5 | 0.6 | 91 (1) |
| F | False description on goods and services (e.g. car clocking & holiday brochures) (N=1358) | 34 | 37 | 23 | 5 | 1 | 75 (6) |
| G | Misleading prices and bogus sale events (N=1349) | 33 | 36 | 24 | 5 | 1 | 74 (7) |
| H | Loan sharks and consumer credit (N=1343) | 66 | 21 | 9 | 3 | 1 | 87 (2) |
| I | Phoney prize winning letters and home working scams (N=1359) | 54 | 25 | 14 | 6 | 1 | 81 (4) |

It can be seen from the above that the majority of Trading Standards functions were considered by the general public to be either very high or high priority.

With a staff compliment of only five full time officers (plus a shared manager) 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 (as identified above), business concerns, degree of risk to the public, complaint trends, government concerns at a national level (as expressed through the National Trading Standards Board) and local councillors concerns – each of which 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

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.

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.

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 interventions.

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. This post has subsequently been continued using non-recurring funding made available through public health grants. 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 – Illegal money lending is now the responsibility of the newly created Financial Conduct Authority which works alongside the National Illegal Money Lending Team – an enforcement body that is to be funded via a levy on the banking industry.

As a consequence, local enforcement is now a *low* priority as the work is undertaken by other agencies. Any information/intelligence received at a local level is passed on to the appropriate external agency.

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.

Due to the specialist nature of weights and measures compliance, an arrangement has been entered into with Durham County Council for them to undertake inspections at factory sites and other premises in Hartlepool where specialist testing equipment is required.

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 Intelligence Operating Model

In addition to the identification of local priorities, the Trading Standards Service also contributes towards the development of regional and national priorities through Regional and National Tasking Groups.

The purpose of these groups is to identify those specific areas of concern that have a cross border impact and which, if tackled on a regional or national level, can benefit consumers everywhere.

The Intelligence Operating Model introduces a national intelligence framework to support regional and national enforcement through the collection and utilisation of information and data to inform work planning processes. Hartlepool Trading Standards will be both contributing and benefiting from this Model.

2.6 Enforcement Policy

The Public Protection Enforcement Policy was updated and revised in 2011.

The Trading Standards Service will take account of the 2014 Regulator's Code when carrying out its interactions with the business community.

3 SERVICE DELIVERY

3.1 Proactive Work

3.2 Trading Standards Interventions

Traditionally Trading Standards Services would routinely inspect premises based on a national risk assessment model.

In 2015 this national model for calculating risk was withdrawn and, as such, it is now for individual Trading Standards Services to determine how often businesses should be inspected.

As pressure on the Service has continued to grow in areas such as doorstep crime, the ability to maintain a high level of routine inspections has been seriously challenged. It is therefore proposed that premises will, in future, be visited where consumer risk is considered to be high because of intelligence received; a high numbers of complaints etc; or where new businesses have been established that may well not be fully aware of their duties and responsibilities.

As on-line retailing has continued to flourish, it is now also necessary to monitor internet retailers to ensure consumers are receiving a fair deal and that products are safe.

Opening a line of communication with new businesses early will ensure that they can set up their operations as efficiently and effectively as possible without having to 'catch up' with their legal compliance at a later date.

This approach has been used by the Council's Licensing Team for a number of years and has proved to be very successful.

Businesses will continue to be categorised according to the previous national risk framework and those identified as being high or medium high risk will be visited within a target of 30 days from opening.

Inspections of other premises will continue where resources are available.

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

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.

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

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 Citizen's Advice 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 interventions, 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 2016/17 in order to improve consumer protection and to raise consumer confidence. These will include: -

Protecting the Most Vulnerable – There has been a steady increase in complaints about rogue roofers, cowboy builders and telephone/postal scams that have targeted the elderly and vulnerable and scammed them out of money for poor quality or, sometimes, non-existent work and non-existent prize money.

Trading Standards officers will be working to raise awareness amongst targeted groups and identifying and prosecuting the traders involved.

Due to the significant impact on victims extra funding has been secured for one year to fund an officer who will develop a series of measures aimed at helping people to help themselves and to educate and inform agencies and organisations who can provide support.

This officer has already begun work with agencies and organisations such as the Police, Social Workers, banks, building societies and Post Offices.

The Trading Standards Team will also continue to promote No Cold Call Zones and set them up where there is an identified demand. At the end of 2015/16 Hartlepool had seven NCCZ’s and there is a target that ten more will be created during 2016/17.

Officers will continue to offer awareness raising presentations to neighbourhood and community groups and will promote the ‘No Cold Calling’ stickers that are available free of charge.

3.6 E-Crime – Using the internet to buy goods and services is now commonplace and rogue traders have used this as an opportunity to sell counterfeit and dangerous goods to the unsuspecting public.

Trading Standards has secured national funding to purchase specialist equipment that will allow local officers to identify and target rogue e-traders operating in Hartlepool.

Officers will be conducting regular monitoring of internet sites that have a Hartlepool connection and, working with other agencies, specifically the Regional Scambusters team, test purchases will be made to generate evidence for formal legal action where such steps are considered appropriate.

Social media sites have become a popular forum for the sale of counterfeit goods and, in response, the Trading Standards Service has created a Facebook 'profile'. Suspected sellers of counterfeit goods receive a 'post' from Trading Standards advising that their activities are being monitored. This acts as a deterrent for those sellers who had not considered the potential consequences of their activities. For those who ignore the warnings, Trading Standards is able to have sites 'taken down' by Facebook. For those who continue to trade using alternative pages, investigation and prosecution will follow.

3.7 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.

Product Safety – Trading Standards will be purchasing a wide range of consumer products to test for compliance with appropriate safety standards. Products to be tested are usually identified as a consequence of national issues or on products that have a history of problems. Testing during 2016/17 will include children's swimming aids, Halloween costumes, and children's toys.

3.8 Reactive Work

3.9 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 the '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.

264 complaints were received by the Trading Standards Service during 2015/16.

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 (NEPPP)
- North East Trading Standards Association (NETSA)
- 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) which is currently funded through the Government's Business Innovation and Skills Department (shortly to be funded through a banking levy) and a 'Scambusters' team that targets 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 Analyst whose role is to gather and disseminate intelligence to NETSA members, the IMLT and Scambusters.

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 2016/17 is:

| | |
|-------------------|----------------|
| | £ 000.0 |
| Employees | 544.8 |
| Other Expenditure | 65.8 |
| Income | (7.3) |
| Net Budget | 610.6 |

This budget is for other services provided by this section including Health & Safety and 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 Public Health has overall responsibility for the delivery of the Trading Standards Service and for ensuring the delivery of the Council's Trading Standards Service in accordance with the Service Plan.

The Head of Public Protection 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 Public Health department.

The Trading Standards & Licensing Manager 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 intervention 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) post is temporary - funded through a non-recurring Public Health grant, and is responsible primarily for public health related Trading Standards issues such as tobacco and alcohol control.

In addition to the above, there is a further Trading Standards Technical Officer, also funded through a non-recurring public health grant, whose remit is to specifically develop products and systems to protect the elderly and vulnerable from doorstep crime.

Administrative support is provided by a dedicated Support Services team.

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 Trading Standards Service in 2015/16 are as follows:

1 x 0.2 FTE Head of Public Protection (with responsibility also for Food, Licensing, Health & Safety, Environmental Standards & IT)

1 x 0.5 FTE Trading Standards & Licensing Manager (with responsibility also for Licensing)

3 x Senior Trading Standards Officers

2 x FTE Technical Officer (Public Health)

4.3 Staff Development

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

The Staff Training Plan 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 Training Plan 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 intervention programmes, the recording and tracking of all Trading Standards activities, the production of statutory returns and the effective management of performance.

4.5 Working with Others

In April 2016 Hartlepool Borough Council formally withdrew from the partnership agreement it had shared with the former Cleveland County Council authorities since 1996. The agreement had provided for

Middlesbrough Borough Council to carry out Hartlepool's statutory metrological (weights and measures) requirements as well as metrology inspections.

The agreement also provided product testing facilities where sampled products could be sent for compliance testing.

As it was determined that similar services could be obtained from other providers, at a cheaper cost, new arrangements have been made.

Durham County Council will now be carrying out Hartlepool's metrology work and products will be sent for testing to the best value laboratories available.

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 Trading Standards & Licensing Manager will carry out accompanied visits with officers undertaking interventions, investigations and other duties for the purpose of monitoring consistency and quality of the intervention as well as maintaining and giving feedback with regard to associated documentation and reports.

6 PERFORMANCE REVIEW

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 2015/16.

This service plan will be reviewed at the conclusion of the year 2016/17 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 Head of Public Protection to carry out that review with the Director of Public Health.

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 Interventions

During 2015/16 the Trading Standards Service carried out 431 inspections of business premises in Hartlepool.

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. Additional non-recurring funding was then secured to allow the post to continue until at least April 2017. The officer's primary responsibility is to identify and target premises and retailers who are 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 2015/16 this officer visited 229 premises to check for compliance with smoke free legislation. Measures taken to prevent the sale of tobacco products to under 18's were also discussed with all retailers.

During 2015/16 further legislative controls were introduced in relation to tobacco sales through the requirement for 'plain packaging' and a ban on in-store tobacco promotion. The officer has liaised with retailers in Hartlepool to ensure they understand the new requirements.

In general terms, compliance with the new requirements has been found to be very good.

6.4 Underage sales

During 2015/16 29 premises were visited to test a store's compliance with age restricted sales legislation. This year has again proved difficult to recruit suitable underage volunteers so a number of attempts were made by an 18 year old volunteer in order to test the shop's adherence to its Challenge 21 or Challenge 25 policy.

One sale of alcohol was made to a 15 year old volunteer which resulted in the Designated Premises Supervisor (the person legally responsible for alcohol sales) being replaced and five sales of nicotine products were made to an 18 year old volunteer as part of an exercise to establish levels of compliance for the newly regulated nicotine products market.

In addition to using underage volunteers, officers have also been providing ongoing training to shop staff including the introduction of an 'underage sales

quiz' that tests the knowledge of those who do, or will be, making sales of alcohol. A total of 30 premises took part in this initiative during 2015/16.

6.5 E-Crime

Officers have continued to monitor websites during 2015/16 and there has been an obvious increase in counterfeit goods being supplied through social media sites such as Facebook.

The Trading Standards Team has established a Facebook presence to allow it to interact with other Facebook users and this will be used to identify where Facebook sites are being used to sell counterfeit, or otherwise illegal, goods.

To date, 31 Facebook sites have been identified in Hartlepool that were suspected of selling counterfeit products. All of these have been contacted via the Trading Standards profile and only a small number have failed to respond positively to initial contact.

6.6 Sampling

During 2015/16 Trading Standards sampled a number of products to ensure compliance with safety regulations. These included: -

- Arm Bands
- Babies Dummies
- Mobile Phone Chargers
- Carbon Monoxide Alarms
- Christmas Decorations
- Halloween/Easter Fancy Dress and Masks (Kids)
- Automatic Night Lights
- Plug Adaptors
- Hot Water Bottles

Whilst no serious faults were discovered that posed an immediate risk to health, a number of samples were found to be non-compliant with national or international standards in relation to labelling and/or packaging.

In addition to routine sampling, other products were sent for testing following complaints or receipt of other intelligence.

6.7 Promotional/Campaign Work

During 2015/16 the Trading Standards Service carried out 3 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.

6.8 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 2015/16 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.

6.9 Doorstep Crime/Scams

2015/16 saw an increase in the volume and seriousness of scams and doorstep crime incidents.

It is often the elderly and vulnerable who bear the brunt of these problems and, for scams in particular, perpetrators are often located abroad and are beyond the reach of local Trading Standards Services.

In order to reduce their effect, Trading Standards has begun to supply 'Trucall' call blocking equipment to those who have been receiving large amounts of unsolicited calls.

For those who have been targeted by doorstep callers, officers have installed covert CCTV systems that can record visits made by cowboy builders and roofers.

The Team is also promoting 'No Cold Calling' stickers that can be placed in a front door or window advising prospective callers that they are not welcome. The sticker also provides the homeowner with a valuable 'aide memoire' on what to do if a cold caller ignores the sticker. 2000 stickers were distributed during 2015/16 meaning that almost 4000 have been issued to Hartlepool residents since the initiative began.

6.10 Formal Enforcement Action

On some occasions it is necessary to prosecute for serious or repeat offences. In 2015/16 four convictions were secured by the Trading Standards team.

Two related to cowboy builders/roofers (one of which received a 12 month prison sentence), one was for supplying counterfeit goods and, to perhaps emphasise the diverse range of Trading Standards responsibilities, the final prosecution related to the failure of a farmer to appropriately dispose of dead animals on his farm.

6.11 Responding to Complaints

The Trading Standards Service received a total of 264 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.

6.12 Complaints against Our Staff

No complaints were made against our staff during 2015/16.

6.13 Compliments about Our Staff

The Trading Standards Team regularly consults with traders who have been contacted by the Service to establish whether the contact had been helpful and fair.

In 2015/16 the final satisfaction figure was 87.75% (a slight increase on the 87.5% the previous year). As a figure of 100% would mean every trader being very satisfied with both the fairness and helpfulness of the officer concerned a final figure of 87.75% is an excellent outcome and a testament to the work of the team, especially when it is recognised that sometimes the contact may be with a suspect in a criminal investigation or with a trader who is being made to invest resources to achieve required legal compliance.

7. KEY AREAS FOR IMPROVEMENT & KEY CHALLENGES FOR 2016/17

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. The National Trading Standards Board has been established which identifies national priorities and increases Regional and Sub-Regional co-ordination – including the funding of the North Eastern Scambusters Team. The Trading Standards & Licensing Manager sits on the management board of this Team which, due to tightening budgets, remains under pressure to reduce costs and contribute towards national projects as and when required.
3. Serious doorstep crime continues to be a major concern and responding to complaints is extremely resource intensive. Due to the significant consumer detriment involved, tackling rogue traders remains the highest of priorities which may mean that responding to other areas of responsibility has to be delayed.

An officer has been appointed on a temporary basis to raise awareness and set up systems that will allow the public and other agencies to

better protect the vulnerable from the escalating nuisance of doorstep crime.

REGENERATION SERVICES COMMITTEE

9th September 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: REPLACEMENT OF BOER WAR STATUE IN WARD JACKSON PARK

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key decision.

2. PURPOSE OF REPORT

2.1 The purpose of this report is to advise Members of a request from the 'History of Hartlepool' group to reconstruct the Boer War Statue in Ward Jackson Park, and to ascertain whether Members support this proposal.

3. BACKGROUND

3.1 The original Boer War Statue, in Ward Jackson Park, was made to commemorate The Boer War 1899-1902 in South Africa and was designed and made by local sculpture F.W. Doyle Jones. It was unveiled on 19th July 1905 by Mrs Lauder, wife of Colonel Lauder and was a bronze figure of a soldier on a granite plinth. In early 1968 the rifle was stolen from the statue and in March 1968 the whole statue was taken leaving only a trace of its boots. The plinth which still stands, is to honour the 320 men from the Hartlepool area who fought in the Boer War and the 23 who died in battle are listed on it.

The plinth is a grade II listed building, Ward Jackson Park is itself on the list of Registered Historic Parks and Gardens, and the whole site is within the Park Conservation Area.

4. PROPOSALS

4.1 To replace the stolen Boer Statue with a replacement.

4.2 There are 3 options to replace the statue:

- i. The statue would be created by artist Ray Lonsdale using metals with a low scrap value and using the existing plinth with built in security posts. The artist was selected by the group and at this point no other artist has been considered for the commission.
 - ii. Explore the option of creating a full-size (6 feet 2 inch) 3D printed statue using the original maquette from the museum of collection.
 - iii. Replace the statue with an exact copy of the original statue.
- 4.3 The Council would not be expected to contribute towards capital costs or ongoing maintenance and repair costs.
- 4.4 The view of Historic England was sought in relation to this matter. They have stated that the statue was not there at the time the park was listed therefore the use of an alternative material may be acceptable. They gave the positive benefits of using bronze which are: proven longevity, aesthetically attractive, can be repaired, develops an attractive patina with age. They further state that using a new material is a risk due to the uncertainty as to how it will react, its durability and / or the quality of the finish.

5. RISK IMPLICATIONS

- 5.1 Theft or vandalism of the statue.
- 5.2 Would need assurances from the group of sufficient finances in place to cover any insurance or maintenance costs. This could be mitigated by placing the statue in trust and using funding above the cost of the statue to ensure the appropriate upkeep.
- 5.3 The 3D printed solution may have issues relating to the ability of the material to stand up to long-term exposure to the elements. This could be mitigated by applying a protective paint coating to the surface. Advance publicity about the composition of the statue could also help to deter metal thieves.

6. FINANCIAL CONSIDERATIONS

- 6.1 The group have indicated that they could raise of the £25,000 required to commission and erect the statue from group members, businesses and the wider community including schools.
- 6.2 The cost of a 3D print version of the statue is estimated at £25,000-30,000.
- 6.3 The group will put in place sufficient funding to cover ongoing insurance and maintenance costs therefore the Council would not be expected to contribute towards capital costs or ongoing maintenance and repair costs.

- 6.4 The cost of an exact replica would be in the region of £60-£70,000.

7. LEGAL CONSIDERATIONS

- 7.1 The work would require planning permission and listed building consent. As such it could only be assessed following the submission of detailed proposals to the Local Authority.
- 7.2 The Council would require a signed legal agreement from the History of Hartlepool Group regarding on ongoing maintenance, repair and insurance of the statue.

8. CHILD AND FAMILY POVERTY

- 8.1 There are no child and family poverty considerations in this report.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations in this report.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 There are no Section 17 considerations in this report.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations in this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 Providing the Council are satisfied that the group will put in place sufficient insurance and maintenance funding then there will be no asset management considerations in this report.

13. RECOMMENDATIONS

- 13.1 It is recommended that Members support the History of Hartlepool Group in principal regarding the proposals covered in Section 4 of this report. It is recommended that the Group further investigate these three options and enter into dialogue with Historic England.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The reason for this recommendation is the construction of a new statue would return this element of the park to its former glory and to remember the townsfolk who fought in, and perished, in this conflict. At the moment there are numerous options to be explored and more extensive investigation is required before the project can move forward.

15. BACKGROUND PAPERS

- 15.1 There are no background papers.

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REGENERATION SERVICES COMMITTEE

9th September 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: JACKSONS LANDING – OUTLINE DEVELOPMENT PROGRAMME

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key decision.

2. PURPOSE OF REPORT

2.1 This report sets out an outline programme for the development of the Jacksons Landing site and highlights some of the key project milestones that will need to be completed to secure the development of the site as a major mixed-use scheme.

3. BACKGROUND

3.1 The Jacksons Landing site was purchased by the Council in 2013. The site is the location of a former retail outlet development that ceased trading in 2004, and has lain vacant for over a decade, save for occasional use to host events. On 22nd July 2016 the Regeneration Services Committee approved the demolition of the remaining retail buildings. Demolition will take place this autumn following the hosting of the 'we are family' music event on the site. The existing building has presented some security and low level anti-social behavioural concerns for the council in recent months. Detailed site masterplanning is now underway with a view to the submission of a planning application early next year and there is likely to be a need for related ground investigation survey work. The demolition of the building before winter will enable the site to be cleared, relieving the council of short term building maintenance and security costs and providing a clear platform for promoting the site to the market, once the masterplan and related studies have been completed over the next few months.

3.2 Jacksons Landing is a prominent site on Hartlepool's Waterfront extending to 4.7 acres in size. The site is pivotal to plans to create a landmark destination on the waterfront, centred around the recently launched

National Museum of the Royal Navy (NMRN Hartlepool). The goal is to create a destination that local people will be proud of and one that will attract visitors to Hartlepool from across the North East Region and further afield.

- 3.3 Achieving this goal will demand the creation of a critical mass of tourism and leisure facilities that can provide a range of things for visitors to see, do and enjoy. In developing the site a key aim will be to extend visitor dwell time in the town, and increase visitor expenditure in local shops and restaurants helping thereby to create new jobs and sustain existing jobs in Hartlepool.
- 3.4 The development will also provide an opportunity to link together some of the existing attractions on the waterfront, strengthening connections across the Marina to Navigation Point, to NMRN (Hartlepool) and the Church Street Heritage Quarter. It will be essential that there is investment in high quality public realm and landscaping and that a network of walkways and cycle routes can be developed linking together the different parts of the waterfront and strengthening connections into the Town Centre. There will also be a need to consider carefully how the site should be accessed by cars and buses. If a pedestrian friendly environment is to be established it will be vital to reduce the intrusiveness of motor vehicles into the area. At present the dual carriageway and high levels of surface car parking act as barriers to easy pedestrian movement.
- 3.5 The site is built on made ground and previous ground investigation reports have revealed no evidence of significant ground contamination problems. However, further due diligence reporting on ground conditions will be required. It is also likely that the made ground that forms the site will require piling to be used to provide a solid platform for building construction.
- 3.6 The precise form of mixed-use development that will take place on the site will be informed by market demand. The final development mix is likely to involve a combination of hotel, restaurant, specialty retail and leisure uses and possibly some residential development.
- 3.7 To create sufficient critical mass on the site it is likely that there will be a need for a new anchor visitor attraction that will complement the offer provided by the NMRN (Hartlepool). The nature of a new core visitor attraction will need to be informed by market research, and it will be important that any new building can operate on a viable basis without putting further pressure on Council resources. It is likely that any new building will need to be a multi-use venue with the ability to attract income from various sources.
- 3.8 In order to create a framework for the development of the site the Director of Regeneration and Neighbourhoods has commissioned a consortium of masterplanning architects, landscape architects, building cost consultants

and property commercial advisors to prepare a masterplan for the site. This will be a detailed site-specific masterplan to inform an outline planning application. This will build upon the recommendations of the Hartlepool Regeneration Masterplan which established the broad parameters for the site.

- 3.9 Following competitive tendering, a consortium led by Newcastle-based architects GT3 has been appointed to work on the masterplan. Their report will set out how the site can best be developed, while ensuring adherence to key design principles and quality criteria. The masterplan will bring forward proposals for key areas of public realm around the perimeter of the site and on its tip around the Seaton Highlight. It will also identify plots for the construction of key buildings and consider important policy issues such as car parking and access, the quality of building materials, lighting strategy and related guidance.
- 3.10 The masterplanning exercise will take 14 weeks to complete and will be subject to consultation with key stakeholders and the local community prior to finalisation. It will analyse the site and review its commercial viability for various possible uses taking account of end user demand. The report will include a commercial development appraisal showing likely end uses and rental values. Once finalised, the masterplan will be used to support an outline planning application for the development of the site. Upon a successful planning determination the site will be promoted to targeted developers and investors. There will also be an updated development brief that will provide clear planning guidance on building quality and permissible end uses.
- 3.11 In parallel with this process the Council will need to take a lead role in securing the finance to fund necessary public realm works. Funding for some elements of the scheme may be accessed through the Government's Local Growth Fund and the Heritage Lottery Fund. There may also be opportunities to attract some Section 106 contributions. In addition it will be possible to raise funds from the sale of development plots. Funding for the next stage of architectural concept design and modelling work has been secured through a recent award from the Arts Council Museum Resilience Fund of £122,250 to progress the development of a Cultural Heritage Quarter with a new anchor attraction on the Waterfront.
- 3.12 Once a clear funding strategy has been developed and private sector developer interest has been secured, work will be undertaken to prepare detailed designs for each element of the site so that detailed planning applications can come forward in a coordinated manner. Upon successful determination of detailed planning permission the construction procurement process will commence. Given that the site is water locked on three sides it will be important to ensure that construction is carried out in a coherent, well managed manner as part of a single phased development programme. This will be necessary to avoid the difficulties

that would be likely to occur if several contractors were working simultaneously on such a tightly bound site. The construction programme is likely to take around two years to complete and will need to be synchronised to allow work to commence from both ends of the site.

4. PROPOSALS

4.1 Governance

- 4.1.1 The development of the site will require to be managed through a number of discrete stages and will take several years to reach completion.
- 4.1.2 It is proposed that an officers working group should be set up to manage the detailed development of each of the key stages and that the working group should prepare progress reports for the Council's Regeneration Services Committee on a quarterly basis throughout the development programme in the period until private sector investment is secured.
- 4.1.3 At that point, the governance arrangements may need to be reviewed, depending upon the nature and form of investor involvement e.g. it may be that a formal joint venture arrangement is agreed as the best vehicle for taking the development of the site forward.
- 4.1.4 Regardless of the chosen approach it will be important that the site is not developed in isolation from the rest of waterfront area. Consequently it is proposed that a Waterfront Development Advisory Group should be set up to help coordinate development along the waterfront and surrounding areas. This group would include adjacent landowners and stakeholders such as representatives from organisation including PD Ports, Hartlepool Marina, Jomast, NMRN (Hartlepool) and others. The Advisory Group would be chaired by the Council Leader or his appointed representative and would meet 3 – 4 times each year to coordinate development and related activities at a strategic level.

4.2 Programme Management

- 4.2.1 The nature and scale of development envisaged on the site is likely to require the appointment of a dedicated Project Manager who can devote her of his time exclusively to the delivery of development reporting regularly to the Council's Senior Management.
- 4.2.2 The Project Manager would develop a detailed programme covering the key tasks and activities that will need to be completed throughout the design, development, procurement, construction and opening phases of the development. This arrangement may have to be reviewed once private sector investor interest has been fully engaged; it may be the case, for example, that the Project Manager role would subsequently be integrated to a more broadly formed client body (involving the private sector) that

would commission the development and oversee the work of the appointed construction contractor.

- 4.2.3 The Project Manager would need to have sufficient, high level programme direction and support to overcome the kind of obstacles and challenges that inevitably need to be resolved in a major, complex project such as the development of the site.
- 4.2.4 The proposed development programme for the site will need to progress through a number of stages. Five primary workstreams are summarised below.

Primary Workstreams

I. DESIGN AND PLANNING

- Completion of site masterplan;
- Development of Concept scheme designs for key buildings;
- Detailed and technical design development;
- Pre-application planning discussions;
- Outline planning application;
- Detailed planning application(s).

II. PROCUREMENT

- Development of Procurement Strategy;
- OJEU advertising of construction tender;
- Issue of pre-qualification questionnaires;
- Shortlisting of potential contractors;
- Appointment of preferred bidder;
- Exclusion period prior to contract award;
- Award of contract for design and build.

III. CONSTRUCTION

- Site preparation;
- Formation of site compound;
- Contractor mobilisation;
- Formation of ground course and foundations;
- Site infrastructure and utilities;
- Construction of steel superstructure;
- Construction of external building shells;
- Completion of M + E elements;
- Handover of buildings to clients;
- Completion of building fit out, fixtures, furnishing and equipment;
- Resolution of snagging items;
- Soft launch and test opening.

IV. FINANCIAL CONSIDERATIONS

- Completion of high level cost estimates;
- Development of funding strategy;
- Preparation of business case for TVCA Local Growth Fund bid (to cover public infrastructure elements);
- Council to approve of business case and development funding strategy;
- Preparation of related funding bids e.g. Heritage Lottery Fund;
- Development of investment prospectus and appointment of property agents;
- Promotion of development opportunities to individual developers;
- Promotion of commercial opportunities to potential tenants;
- Completion of all necessary contract documentation associated with commercial deal.

V. MARKETING

- Market research into the most appropriate product mix;
- Development of brand identity and destination marketing strategy;
- Pre-launch marketing and promotion campaign to build consumer interest;
- Agreement on joint marketing with other key stakeholders on the waterfront;
- Development of targeted marketing campaign aimed towards the travel trade, coach operating companies etc.

5 RISK IMPLICATIONS

- 5.1 The Council's involvement in the development of the site carries some risks as well as potential benefits. Any decision to proceed with development will need to weigh the risks and costs of developing the site versus the benefits that its development will produce for the Borough as a driver of future tourism, cultural and leisure activity and a generator of jobs and prosperity. There will also be a need to assess the opportunity cost of investment in the site and its impact on other Council projects.
- 5.2 By proceeding in measured, incremental stages and adopting the principles of risk management set out in the Prince 2 guidance for the procurement of major publicly funded projects it will be possible for the Council to manage risks in a sensible way. Only by completing the required masterplanning work to get the proposals to design concept stage will it be possible for the Council to calculate with accuracy the likely costs of building out the site and the benefits that will accrue from the proposed end-use development mix.
- 5.3 By establishing an officer group reporting regularly to committee and advancing through a series of key decision gateways as detailed proposals

emerge the Council will be able to control the way in which funds are committed through the design development, planning and procurement phases of the project and assess the level of private sector investment appetite in the site.

6 FINANCIAL CONSIDERATIONS

- 6.1 Members will be aware that significant additional cuts to local government funding will be made in the period up to 2019/20 and that the Council faces a budget deficit of £12.7m over the next three years equating to a 15% reduction in finances over the 2016/17 settlement.
- 6.2 The proposals in this report do not include any additional requirements that cannot be funded from funding already secured for development work from the Heritage Lottery Museums Resilience Fund.
- 6.3 Jacksons Landing was financed using an interest free Growing Places Loan which is due for repayment in October 2017. The Council has earmarked funding to cash back approximately 80% of the interest free loan. If a development can be secured which recoups the full purchase cost of this site, the resources earmarked to cash back the interest free loan can be released to either support the development of the Waterfront or to fund other priorities for the Council.
- 6.4 The implementation of a detailed development programme for the Waterfront will require significant capital investment including the need to secure external funding such as Local Growth Fund and Heritage Lottery Funding.
- 6.5 Further work is required to investigate funding and related issues and develop a master plan for the site. Detailed proposals will be reported to future meetings, including the development of detailed business cases to assess the viability of individual projects.

7 LEGAL CONSIDERATIONS

- 7.1 At this stage no legal considerations require to be taken into account. However, detailed legal advice will need to be taken in due course in relation to the proposed model for procuring the development of the site and entering into arrangements with any private sector investors or developers.

8. CHILD AND FAMILY POVERTY

- 8.1 There are no child and family poverty implications relating to this report.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no equality and diversity considerations relating to this report.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 There are no Section 17 considerations relating to this report.

11. STAFF CONSIDERATIONS

- 11.1 There will be a need to secure a dedicated project manager to work on the Highlight / Waterfront site project as it progresses.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 This report relates to a Council-Owned site and its future development as a potential economic asset for the Borough. Its purpose is to help secure the most beneficial end use for a currently underutilised asset.

13. RECOMMENDATIONS

- 13.1 The Regeneration Services Committee is asked to approve the following recommendations:
1. The formation of an Officers Working Group to guide the development phase of the site reporting on a quarterly basis to the Regeneration Services Committee;
 2. The formation of a Waterfront Development Advisory Group involving key stakeholders to be chaired by the Council Leader or his nominated representative;
 3. The adoption of the outline development programme described above as the basis for progressing the development of the site during the masterplanning phase of the project with a more detailed timed programme to be prepared and presented to the committee for its approval once the masterplanning exercise has been completed toward the end of 2016;
 4. To note the award to the Council of £122,250 from the Arts Council's Museum Resilience fund to finance architectural concept design plans and 3D modelling for a cultural heritage quarter on the Waterfront.

14. REASONS FOR RECOMMENDATIONS

- 14.1 The proposed approach will allow for design development and cost estimation work to be carried out over the next six month period to a level of detail where a business case for the mixed use development of the site can be established, soft market testing investors and prospective funding parties can be carried out and consultation with community stakeholders can take place. This work will be necessary to allow the Council to make an informed decision about the level of resources that will need to be committed to ensure the successful development of the site as a landmark destination for Hartlepool as set out in the Hartlepool Vision strategy.

15. BACKGROUND PAPERS

- 15.1 There are no background papers relating to this report.

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