

REGENERATION SERVICES COMMITTEE

AGENDA



Monday 24 September 2018

at 2.00 pm

**in Committee Room B
Civic Centre, Hartlepool**

MEMBERS: REGENERATION SERVICES COMMITTEE

Councillors Brown, Cook, Cranney, Lindridge, Moore, Smith and Vacancy

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 Minutes of the meeting held on 23 July 2018 (*previously circulated and published*).

4. BUDGET AND POLICY FRAMEWORK

No items.

5. KEY DECISIONS

No items.

6. OTHER ITEMS REQUIRING DECISION

6.1 Health and Safety Service Plan 2018/19 – *Assistant Director, Environment and Neighbourhood Services*

6.2 Trading Standards Service Plan 2018/19 – *Assistant Director, Environment and Neighbourhood Services*



7. ITEMS FOR INFORMATION

No items.

ITEMS FOR INFORMATION

Date of next meeting – Monday 22 October 2018 at 2.00pm in the Civic Centre,
Hartlepool



REGENERATION SERVICES COMMITTEE

24th September 2018



Report of: Assistant Director (Environment & Neighbourhood Services)

Subject: HEALTH & SAFETY SERVICE PLAN 2018/19

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key decision.

2. PURPOSE OF REPORT

- 2.1 To consider the Health & Safety Service Plan for 2018/19, which is a requirement under Section 18 of the Health and Safety at Work etc. Act 1974.

3. BACKGROUND

- 3.1 The Health & Safety Executive has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 3.2 The Health & Safety Executive has issued guidance to local authorities, which provides information on how local authority enforcement service plans should be structured and what they should contain. Service plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Health & Safety Executive.
- 3.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 3.4 The Health & Safety Service Plan for 2018/19 is attached as **Appendix 1** and takes into account the guidance requirements. The Plan details the service's priorities for 2018/19 and highlights how these priorities will be addressed.

4. PROPOSALS

- 4.1 The Service Plan for 2018/19 has been updated to reflect last year's performance.
- 4.2 The 2018/19 Service Plan covers the following:
- (i) Service Aims and Objectives;
 - (ii) The background to the Authority, including the scope and demands on the health and safety service;
 - (iii) Service delivery, including intervention programmes, service requests, complaints, advice, liaison and promotion;
 - (iv) Resources, including financial allocation, staff allocation and staff development;
 - (v) Quality assessment; and
 - (vi) Details of the review of the Plan.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 During 2017/18 the service completed health and safety interventions in a total of 179 premises. These were risk based and multiple priority topics were covered during some of these visits.
- 5.2 In addition to the planned interventions officers carried out 5 revisits to monitor compliance with contraventions identified during these interventions. They also undertook a range of interventions, which involved working with 40 new businesses during the year.
- 5.3 During 2017/18 the Authority undertook 378 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007, a proportion of which were carried out in conjunction with health and safety interventions.
- 5.4 Promotional/campaign work was undertaken to engage with the Public Health Agenda. This included:
- Inspecting salons participating in the Tattoo Hygiene Rating Scheme; a voluntary scheme which was introduced in Hartlepool in April 2014. Four salons were awarded the top rating of '4 – Very Good' and one was re-rated as '3 - Good.'

- Work continued on the Saving Our Skins Campaign; a campaign to promote sun safe behaviour. This involved promoting awareness amongst outdoor workers.
- 5.5 During the year the service carried out 34 visits in response to 33 complaints / service requests relating to health and safety conditions and working practice. The initial response to these requests was undertaken within our target of 2 working days.
- 5.6 The service received 58 accident notifications during the year. All were responded to within 1 working day. After applying selection criteria based on national guidance 1 of these notifications was selected for further investigation, which generated 2 visits by enforcement staff.
- 5.7 During 2017/18 no legal proceedings were undertaken; however 1 Improvement Notice was served.
- 5.8 Currently we are the enforcing authority for 1,302 premises in Hartlepool. In planning our intervention programme for 2018/19 we have had regard to the 'National Local Authority Enforcement Code Health and Safety at Work England, Scotland & Wales'. The Code was developed by HSE as an outcome of the Government's Red Tape Challenge on Health and Safety and was issued in 2013.
- 5.9 The Code is given legal effect as HSE guidance to LAs under section 18(4) (b) of the Health and Safety at Work etc. Act 1974 and is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to enforcement.
- 5.10 We recognise that we have a vital role to play in ensuring that the regulatory system is focused on better health and safety outcomes and not purely technical breaches of the law. During 2018/19 we will carry out a range of interventions based on risk, local intelligence, performance history, RIDDOR reports, complaints and local occupational health data.
- 5.11 The Code states that proactive inspection must only be used to target the high risk activities in those sectors specified by HSE or where intelligence suggests risks are not being effectively managed. For this purpose HSE have published a list of high risk sectors (and the key activities that make them such) that are to be subject to proactive inspections by LAs.
- 5.12 The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE. During interventions officers will focus on specific risks which are the key causes of serious workplace accidents, injuries and ill health.
- 5.13 We have identified the following local priorities which can be addressed during our contact with businesses, including through other areas of work e.g. food inspections and licensing visits.

Local Priority

Asbestos Management

Electrical & Gas Safety in Commercial Premises

Cellar Safety

Deliveries / Workplace Transport

Occupational Disease e.g. Dermatitis, Asthma

Managing Risks from Legionella

Tattoo Hygiene

- 5.14 The Section 18 Standard places a requirement on Councils to assess whether there is sufficient capacity within the authority to undertake their statutory duties and to deliver an effective service. The Service Plan sets out the resources determined necessary to deliver the health and safety service in 2018/19. Whilst we have determined that with the existing compliment of staff we have adequate capacity to discharge our duty under the Standard we are facing significant budget pressures and will therefore need to monitor whether the Authority can continue to service its workload and fulfill its requirements under the Standard.
- 5.15 During 2018/19 we will carry out work with colleagues to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy.
- 5.16 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 health and safety risks which will have impact on wider public health outcomes. We plan to continue to explore how we can contribute to the Public Health Outcomes Framework and access funding streams to support this area of work.
- 5.17 We will work continue to 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. We also aim to identify and actively engage in initiatives linking to the HSE's strategic theme of 'Helping Great Britain Work Well.'
- 5.18 We will keep under review the implications of Brexit on health and safety legislation. We will also continue to review and update our Health and Safety Quality Management System and Standard Operating Procedures to reflect changes in legislation and centrally issued guidance including Codes of Practice.

6. RISK IMPLICATIONS

- 6.1 If the Health & Safety Service Plan 2018/19 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

7. FINANCIAL CONSIDERATIONS

- 7.1 There are no financial considerations to this report.

8. LEGAL CONSIDERATIONS

- 8.1 If the Health & Safety Service Plan 2018/19 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

9. CONSULTATION

- 9.1 There is no requirement to undertake specific or general consultation during the preparation of the proposals set out in the report.

10. CHILD AND FAMILY POVERTY CONSIDERATIONS

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

11. EQUALITY AND DIVERSITY CONSIDERATIONS

- 11.1 There are no equality and diversity implications relating to this report.

12. STAFF CONSIDERATIONS

- 12.1 There are no staff considerations relating to this report.

13. ASSET MANAGEMENT CONSIDERATIONS

- 13.1 There are no asset management considerations relating to this report.

14. RECOMMENDATIONS

- 14.1 That the Regeneration Services Committee approves the Health and Safety Service Plan for 2018/19.

15. REASONS FOR RECOMMENDATIONS

- 15.1 The Health and Safety Service Plan 2018/19 needs to be adopted to comply with the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

16. BACKGROUND PAPERS

16.1 There are no background papers for this report.

17. CONTACT OFFICER

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APPENDIX 1



Hartlepool Borough Council

Health & Safety Service Plan 2018/19

HEALTH & SAFETY SERVICE PLAN 2018/19

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INTRODUCTION

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

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

In May 2013 HSE published the National Local Authority Enforcement Code (the Code). The Code was developed in response to the recommendation in “Reclaiming health & safety for all: an independent review of health & safety legislation” by Professor Ragnar Löfstedt for HSE to be given a stronger role in directing Local Authority (LA) health and safety inspection and enforcement activity. Also as an outcome of the Government’s Red Tape Challenge on health and safety.

The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

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

Whilst focussing primarily on the year 2018/19 longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2017/18 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 carry out our enforcement duties and deliver high quality services through the efficient and effective use of resources;
- to supplement our enforcement role by providing targeted education and advice;
- to encourage innovation through actively seeking out best practice and working in partnership with other agencies;
- to actively contribute towards achieving nationally agreed strategic aims and objectives; and

- to ensure our actions are consistent, proportionate and targeted and that we are transparent and open about what we do.

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

1.2 Links to Corporate Objectives and Plans

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

- Hartlepool's Community Strategy - the Local Strategic Partnerships (the Hartlepool Partnership)
- Corporate Plan
- Public Protection Service Plan
- Health and Safety Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Commercial 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 form part of 'Hartlepool's Ambition' 2014 (the Sustainable Community Strategy for Hartlepool):-

- 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 Health and Safety Service Plan, the Commercial Services team has made a commitment to ensure safe working practices and high standards of compliance with health, safety and welfare law.

This Health & Safety 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 health, safety and welfare, and avoid potential costly action at a later stage;

- **Lifelong Learning and Skills**

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

- **Health and Wellbeing**

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

- **Community Safety**

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

- **Environment**

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

- **Culture and Leisure and Community Learning**

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

- **Strengthening Communities**

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

- **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 Health and Safety Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

2 BACKGROUND

2.1 Profile of the Local Authority

Hartlepool is 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 facilities and leisure facilities including the provision of food and drink outlets. There are currently 1302¹ businesses in Hartlepool for which the Council is the enforcing authority.

2.2 Organisational Structure

Hartlepool Borough Council is a democratic organisation. Following a referendum held on 15th November 2012, Hartlepool Borough Council agreed a 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 elected Councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent. There are currently 33 elected Councillors.

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 health and safety law enforcement.

The Council is made up of four Departments:

- Chief Executives
- Childrens and Joint Commissioning Services
- Adults and Community Based Services
- Regeneration and Neighbourhoods

The health and safety service is delivered through the Public Protection section of the Regeneration & Neighbourhoods Department.

¹ Total number of premises as at 01/4/2018
18.09.24 6.1 Health & Safety Service Plan 2018-19 - Appendix 1

2.3 Scope of the Health and Safety Service

The Council's Commercial Services team is a constituent part of the Regeneration and Neighbourhood Services Department and is responsible for delivery of the health and safety service. Service delivery broadly comprises:

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

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

2.4 Demands on the Health and Safety Service

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

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

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

There are currently 1,302 premises in Hartlepool for which the Council is the Enforcing Authority for Health and Safety. Such premises include: retailers, wholesalers, offices, catering premises (including hotels and guest houses), leisure and consumer services and residential care homes. The businesses are predominantly small, medium and micro businesses (employing less than 10 employees).

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

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

| Premises Type | No of Premises (As at 01/04/18) |
|------------------------|--|
| Retail Shops | 406 |
| Wholesale | 22 |
| Offices | 134 |
| Catering Services | 254 |
| Hotel/residential | 19 |
| Residential Care Homes | 34 |
| Leisure and Cultural | 226 |
| Consumer Services | 202 |
| Other (Miscellaneous) | 5 |
| Total | 1302 |

The delivery point for the health and safety 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) 266522, then Option 1, then Option 2.

2.5 Enforcement Policy

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

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

3 SERVICE DELIVERY

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

3.1 Regulatory Reform

There have been significant changes in regulatory approach over the last few years. The key objective is to free up business growth by transforming regulatory enforcement.

In his report “Reclaiming health & safety for all: An independent review of health and safety legislation”, commissioned by the then Minister for Employment, Professor Lofstedt recommended that HSE be given a stronger role in directing Local Authority (LA) health & safety inspection and enforcement activity.

In response to this recommendation and as an outcome of the Red Tape Challenge on Health and Safety the ‘National Local Authority Enforcement Code Health and Safety at Work England, Scotland & Wales’ (the Code) was developed and published in 2013.

The Code is given legal effect as HSE guidance issued to LAs under section 18(4) (b) of the Health and Safety at Work etc Act 1974. It is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions.

The Code acknowledges that whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda.

The Code provides direction to LAs on meeting these requirements, and reporting on compliance. To assist LAs understand and implement the code, supplementary guidance was published on 29 June 2013.

In drawing up this service plan we are setting out the approach we intend to take to comply with the Code and ensure that we use a risk-based, targeted and proportionate approach to our interventions and enforcement in accordance with the principles of good regulation which requires enforcement to be demonstrably targeted, proportionate, consistent, transparent and accountable.

The Service Plan sets out the risks which we consider we need to address and the range of interventions which we will use to influence behavioural change in the way business manages or undertakes its work.

Officers carrying out regulatory interventions will ensure that every effort is made to reduce administrative burdens on business. At the same time they will take efficient, effective and proportionate enforcement, concentrating on poor performers who present the highest risk to the health and safety of workers and the public.

Hartlepool Council is an active member of the Tees Valley Health and Safety Liaison Group. Through this group the five local authorities have collectively identified targeted work areas for 2018/19 based on:

- national priorities
- local priorities based on intelligence and evidence

A joint work plan has been prepared and we aim to deliver this along with other interventions that are required at a local level.

This service plan sets out the activities that the service intends to carry out in 2018/19 to meet this requirement within the resources available. The programme will be delivered using the following interventions:

3.2 Interventions

There are a range of intervention types available for the regulation of Health and Safety at Work. These include:

a. Proactive interventions:

Influencing and Engaging with Stakeholders, Others in Industry and Large Employers through:

- Partnerships
- Motivating Senior Managers
- Encouraging those at the top of the supply chain to use their influence to raise standards further down the chain
- Working with those that can improve health and safety by improving the design of processes and products
- Sector and industry-wide initiatives
- Enhancing the work done with people and organisations that can influence duty holders

Engaging with the workforce and working with those at risk

Working with other regulators including HSE, other LA regulators, the Police and the Care Quality Commission (CQC) etc.

Creating Knowledge and Awareness of Health and Safety Risks and Encouraging Behaviour Change through:

- education and awareness
- intermediaries
- best practice
- recognising good performance
- proactive inspection (restricted to activities/sectors specified by HSE or where there is evidence that risks are not being effectively managed)

b. Reactive interventions:

- incident and ill-health investigation
- dealing with issues of concern that are raised and complaints

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

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

During 2018/19 we will carry out a range of interventions based on risk, local intelligence, performance history, RIDDOR reports, complaints and national occupational health data.

3.2.1 Proactive interventions including inspections

The Code states that proactive inspection must only be used to target the high risk activities in those sectors specified by HSE or where intelligence suggests risks are not being effectively managed. For this purpose HSE have published a list of high risk sectors (and the key activities that make them such) that are to be subject to proactive inspections by LAs.

3.2.2 Delivery of priorities

The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE. Having identified their evidence-based priorities LAs are directed to address them using the whole range of regulatory interventions but preserve proactive inspection only for activities/sectors specified by HSE or where there is evidence that risks are not being effectively managed.

a) National priorities

The HSE set a list of national priorities, which this year includes the following activities/sectors:

| No | Hazards | High Risk Sectors | High Risk Activities |
|-----------|--|---|--|
| 1 | Legionella infection | Premises with cooling towers/evaporative condensers | Lack of suitable legionella control measures |
| 2 | Explosion caused by leaking LPG | Communal /amenity buildings on caravan/camping parks with buried metal LPG pipework | Caravan/camping parks with poor infrastructure risk control /management of maintenance |
| 3 | E.coli/ Cryptosporidium infection especially in children | Open Farms/Animal Visitor Attractions | Lack of suitable micro - organism control measures |

| | | | |
|----|--|--|--|
| 4 | Fatalities/injuries resulting from being struck by vehicles | High volume Warehousing/ Distribution | Poorly managed workplace transport |
| 5 | Fatalities/injuries resulting from falls from height/ amputation and crushing injuries | Industrial retail/wholesale premises | Poorly managed workplace transport/work at height/cutting machinery /lifting equipment |
| 6 | Industrial diseases (occupational deafness/ occupational lung disease – silicosis) | Industrial retail/wholesale premises | Exposure to excessive noise (steel stockholders). Exposure to respirable crystalline silica (Retail outlets cutting/ shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops). |
| 7 | Occupational lung disease (asthma) | In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products. | Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning. |
| 8 | Musculoskeletal Disorders (MSDs) | Residential care | Lack of effective management of MSD risks arising from moving and handling of persons |
| 9 | Falls from height | High volume Warehousing/ Distribution | Work at height |
| 10 | Manual Handling | High volume Warehousing/ Distribution | Lack of effective management of manual handling risks |
| 11 | Unstable loads | High volume warehousing / Distribution, Industrial retail/ wholesale premises | Vehicle loading and unloading |
| 12 | Crowd management & injuries/fatalities to the public | Large scale public gatherings e.g. cultural events, sports, festivals & live music | Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue |
| 13 | Carbon monoxide poisoning | Commercial catering premises using solid fuel cooking equipment | Lack of suitable ventilation and/or unsafe appliances |
| 14 | Violence at work | Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off- licences/ hospitality) and where intelligence indicates that risks are not being effectively managed | Lack of suitable security measures/procedures. Operating where police/ licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign |
| 15 | Fires and explosions caused by the initiation of explosives, inc fireworks | Professional Firework Display Operators | Poorly managed fusing of fireworks |

These priorities fit within the wider GB Health and Safety system strategy: 'Helping Great Britain work well,' launched by HSE in 2015.

There are six strategic themes:

- **Acting together:** Promoting broader ownership of health and safety in Great Britain
- **Tackling ill health:** Highlighting and tackling the costs of work-related ill health
- **Managing risk well:** Simplifying risk management and helping business to grow
- **Supporting small employers:** Giving SMEs simple advice so they know what they have to do
- **Keeping pace with change:** Anticipating and tackling new health and safety challenges
- **Sharing our success:** Promoting the benefits of Great Britain's world-class health and safety system

During 2018/19 we will identify opportunities to deliver initiatives linking to the themes of 'Helping Great Britain work well' including engaging in initiatives that are led by others e.g. HSE, industry groups, trade unions etc.

b) Regional Priorities

We will work in partnership with the other Tees Valley Authorities and HSE where appropriate to deliver local awareness based initiatives and enforcement. We will also participate in the North East Public Protection Partnership Better Business for All initiative (see 3.3.5).

All members of the Tees Valley Health and Safety Liaison Group have agreed to seek opportunities to engage with the public health agenda with particular emphasis on improving health in the workplace. Best practice and opportunities for partnership work with regards to public health will be shared. The group will also carry out peer review and training activities during the year.

c) Local Priorities

We recognise that we have a vital role to play in ensuring that the regulatory system is focused on better health and safety outcomes and not purely technical breaches of the law. During interventions officers will focus on specific risks which are the key causes of serious workplace accidents, injuries and ill health in our community.

Using local based intelligence we have identified the following priorities which can be addressed during our contact with businesses, including through other areas of work e.g. food inspections and licensing visits.

Priority Topics

Asbestos Management
Electrical & Gas Safety in Commercial Premises
Cellar Safety
Deliveries / Workplace Transport
Occupational Disease e.g. Dermatitis, Asthma
Managing Risks from Legionella
Tattoo hygiene

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

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

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

The intervention programme for 2018/19 is expected to generate 5 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place to facilitate this.

The performance against targets for all health and safety interventions is reported annually to the Regeneration Services Committee in the Health and Safety Service Plan.

3.2.3 Unrated Premises

We endeavour to maintain an accurate database of health and safety premises in the Borough (so far as is possible given that there is no longer a requirement for premises to notify their presence to LAs) and record information to enable the completion of the LAE1 return to the HSE's Local Authority Unit. Currently there is no national guidance on how to address unrated premises, with the exception that premises must not receive an inspection without a reason.

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

3.2.4 Combined Food & Health and Safety Interventions

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

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

3.3 Reactive Interventions

3.3.1 Health and Safety Complaints and Service Requests

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

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

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

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

3.3.2 Dealing with Matters of Evident Concern

The Code acknowledges that there will be other reasons that LAs undertake site visits to businesses, for example food hygiene or licensing, and there will be circumstances when officers may become aware of a significant health and safety issue. LAs are directed to deal with such matters at the time of the initial visit wherever possible and factor it into their assessment of how the company is managing its risks, rating the premises accordingly.

Information relating to action taken in dealing with matters of evident concern has not previously been recorded as it forms part of the officer's role, but it is estimated as likely to require reactive health and safety interventions during approximately 30% of food safety inspections.

3.3.3 Accident/Disease/Dangerous Occurrences Investigations

Some accidents, diseases and dangerous occurrences must be reported under the provisions of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). To co-ordinate the reporting of these incidents nationally there is an online RIDDOR reporting system. Fatal and specified injuries can also be reported by telephone.

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

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

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

| | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 |
|-----------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| No. of reported accidents | 78 | 61 | 54 | 47 | 72 | 50 | 58 | 46 |
| No. requiring investigation | 28 | 16 | 14 | 9 | 15 | 6 | 2 | 1 |

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

3.3.4 Supporting Businesses & Others

In support of local economic development and growth the Council considers that providing advice and support to business, especially new business start-ups, to help them to comply with the requirements of legislation, is one of our core activities. For health and safety issues the Council has a policy of offering comprehensive and usefully tailored advice to any business for which we are, or are likely to become, the enforcing authority. Feedback from businesses indicates that they value this type of contact.

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

Advisory visits which are undertaken are distinct from regulatory visits and are made at the convenience of the business without recourse to the section 20 regulatory powers of entry provided by the Health and Safety at Work etc. Act 1974. Our focus may be broader than specific health and safety outcomes as advice and support given can impact on wider public health outcomes/health inequalities. In 2017/18 we worked with 40 new businesses.

3.3.5 Public Health Promotional/Campaign Work

- **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:

- to provide advice and support to business;
- increase business awareness of regulatory officers;
- ensure effective co-ordination across regulatory services;
- simplify the local regulatory system and processes; and
- 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 2018/19 we will continue to participate in the working group to explore what we can do to deliver our services better to promote economic growth in the region.

- **Tattoo Hygiene Scheme**

During 2014 Hartlepool Council implemented the Tattoo Hygiene Rating Scheme. The scheme, which is voluntary, is designed to inform members of the public about the hygiene standards in individual premises, drive up standards and help combat the risk of incidents of infection and of transmission of infectious disease from tattooing.

Under the scheme, tattoo studios undergo a rigorous inspection from Council officers before being rated in one of four categories. These are:

- **1** - Needs Improvement;
- **2** - Satisfactory;
- **3** - Good and
- **4** - Very Good.

During 2018/19 we will re-inspect participating tattoo studios to assess their compliance with the scheme. We also plan to continue to raise awareness of the dangers of getting tattooed by unregistered and unqualified individuals (commonly referred to as "Scratchers") who will carry out a tattoo in unhygienic conditions and frequently without using sterile equipment. This often results in a poor quality tattoo, infection (ranging from skin infections to serious blood-borne viruses, including HIV and hepatitis B and C) and people being scarred for life. .

- **Saving Our Skins**

The scheme aims to raise awareness of the risk of skin cancer by developing strategies and planning interventions to tackle the incidence of skin cancer.

This involves:

- Promoting sun safe behaviour
- Environmental measures including structural changes to provide protection from the sun by adequate shading
- Ensuring the safety of sun tanning establishments and controlled use of equipment

The first phase of the project was undertaken by Trading Standards and Environmental Health staff during 2014-15. Sunbed salons were visited and equipment tested to check compliance with BS EN 60355-2-27, which requires that the sunbed radiates ultra violet radiation that is equivalent to the mid day sun in the Mediterranean. Compliance with the General Product Safety Regulations 2005, the Health and Safety etc. at Work Act 1974 and the Sunbed (Regulations) Act 2010 was assessed.

Fifty-five sunbeds were tested and there was a 35% failure rate. Businesses who failed were provided with advice and the equipment was retested. By the end of the initiative all sunbeds were compliant. During 2018/19 we will revisit salons to re-assess compliance levels.

3.3.6 Sampling

We will carry out a programme of sampling to provide useful data to enable more objective assessment of factors which can impact on wider public health outcomes / health inequalities. During 2018/19 we will participate in a regional survey which will involve looking at the microbiological quality of tattoo ink.

A previous cross-regional survey of tattooing salons was carried out in 2012/13 looking at hygiene in these premises. The survey which was facilitated by the Public Health England (PHE) Cross Regional Survey Steering Group showed that in general hygiene standards were good. Assessment of the water supplies did however show the presence of *Pseudomonas aeruginosa* in 16% of the water samples tested with half of these being present at high levels. Tattoo ink was not tested during this survey. In addition, the use of green soap as a sanitiser is common in these premises and issues with contamination of stock bottles can be a risk.

The 2018/19 survey will look at the microbiological quality of tattoo ink and collect information about how ink supplies are managed. In addition a water sample will be collected to determine if the prevalence of contamination noted in 2012 has changed. Swabs will also be taken from soap bottles. A survey questionnaire will be used to collect information about procedures and will be an opportunity to raise awareness of these issues.

Throughout the year samples may also be taken from other premises in response to health and safety concerns e.g. in relation to *Legionella* or water quality.

3.4 Complaints against our Staff

The Independent Regulatory Challenge Panel was set up to enable a business to challenge specific health and safety regulatory advice provided by HSE or LA Inspectors, that they believe to be unreasonable or disproportionate. Before raising an issue with the panel, businesses are expected to have first tried to resolve the matter with the relevant inspector and their manager.

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

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

3.5 Liaison Arrangements

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

- Tees Valley Health and Safety Liaison Group;
- Tees Valley Public Protection Heads of Service Group;
- North East Public Protection Partnership;
- North of England Regulatory Liaison Group.

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

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

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

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

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

- local intelligence (adverse defect or insurance reports etc)
- issues arising in connection with inspection plans
- any proposed formal enforcement action
- service of Prohibition Notices
- shortcomings in the companies policies that have wide implications
- death, major injury, work related ill health or dangerous occurrences reportable under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations

This will help determine a proportionate and consistent response and ensure that any national implications can be considered.

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

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

4. RESOURCES

4.1 Financial Resources

The annual budget for the Commercial Services section in the year 2018/19 is:

| | £ 000.0 |
|-------------------|----------------|
| Employees | 563.1 |
| Other Expenditure | 59.0 |
| Grant Funding | (31.7) |
| Income | (7.7) |
| Net Budget | 582.7 |

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

4.2 Staffing Allocation

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

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

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

The resources determined necessary to deliver the service in 2018/19 are as follows:

1 x 0.10 FTE Head of Public Protection (with responsibility also for Food, Licensing, Trading Standards, Environmental Standards & IT)

1 x 0.20 FTE Environmental Health Manager (Commercial) (with responsibility also for Food and Animal Health)

3 x 0.20 FTE EHO (with requisite qualifications and experience)

1 x 0.10 FTE Part-time EHO

0.7 x FTE Technical Officer (Health & Safety)

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

Funding for an additional resource (1 x FTE EHO/Technical Officer) to carry out public health interventions was secured via the Public Health Grant. Due to a member of staff currently taking maternity leave we have had a period of time where the staffing level was 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 Health and Safety Service, Food, Licensing, Public Health, Water Quality, Trading Standards, Animal Health and Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Public Health Management Team.

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

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

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

Administrative support is provided by the Public Protection Support Services team.

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

4.3 Staff Development

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

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

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

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

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

4.4 Equipment and Facilities

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

The service has a computerised performance management system, Authority Public Protection (APP). This is capable of maintaining up to date accurate data relating to the activities of the health and safety service.

A documented database management procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the intervention programmes, the recording and tracking of all health and safety activities, the production of statutory returns and the effective management of performance.

5. QUALITY ASSESSMENT

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

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

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

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

6 REVIEW OF 2017/18 HEALTH & SAFETY SERVICE PLAN

6.1 Review against the Service Plan

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2017/18.

This service plan will be reviewed at the conclusion of 2018/19 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 The Assistant Director (Environment and Neighbourhoods).

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

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

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

6.2 Performance Review 2017/2018

This section describes performance of the service in key areas.

6.2.1 Health & Safety Interventions

In total interventions were carried out at 179 premises. These were risk based and multiple priority topics were covered during some visits. The outstanding interventions will be added to the 2018/19 programme.

Below is a summary of the topics covered during the intervention visits:

Topic

Asbestos Management
Gas Safety in Commercial Kitchens
Deliveries / Workplace Transport
Cellar Safety
Occupational Disease e.g. Dermatitis
Managing Risks from Legionella
Falls from Height
Violence at Work

In addition officers made 5 revisits to monitor compliance with contraventions identified during planned interventions.

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

During 2017/18 the Authority undertook 378 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007, a proportion of which were carried out in conjunction with health and safety inspections. One complaint was received regarding this legislation.

6.2.2 Promotional/Campaign Work

During 2017/18 the following promotional/campaign work was undertaken:

Work to Engage with the Public Health Agenda

Tattoo Hygiene Rating Scheme

On 1 April 2014 Hartlepool Council launched a Tattoo Hygiene Rating Scheme to rate the hygiene standards in tattoo studios. Although a Tattoo

Hygiene Rating Scheme (THRS) had been running in Wales since September 2013, Hartlepool Council was the first local authority in England to launch such a scheme.

The scheme, which is voluntary, is designed to inform members of the public about the hygiene standards in individual premises, drive up standards and help combat the risk of incidents of infection and of transmission of infectious disease from tattooing.

Under the scheme, tattoo studios undergo a rigorous inspection from council environmental health officers before being rated in one of four categories. These are

- 1 – 'Needs Improvement,
- 2 – 'Satisfactory',
- 3 – 'Good; and
- 4 – 'Very Good'.

Under this scheme, anyone wanting a tattoo has access to the ratings and is able to make an informed choice as to where to have their tattoo done. Once inspected, tattoo studios receive a certificate and a window sticker which clearly shows what their grading is. Studios can also appeal if they do not think that their grading is a fair one.

Each year participating premises are visited to assess compliance with the scheme criteria. During 2017/18 four studios were awarded the top rating of '4 – Very Good' whilst 1 studio was re-rated as '3 – Good'.

Work has been carried out in partnership with Hartlepool College of Further Education to produce resources to raise awareness of the dangers of getting tattooed by unregistered and unqualified individuals (commonly referred to as "Scratchers") who will carry out a tattoo in unhygienic conditions and frequently without using sterile equipment. This often results in a poor quality tattoo, infection (ranging from skin infections to serious blood-borne viruses, including HIV and hepatitis B and C) and people being scarred for life.

The college students produced a variety of campaign resources; some which have been used electronically. Funding was also received from the Chartered Institute of Environmental Health Wales to sponsor the production of beer mats which were distributed to licensees of local pubs and clubs.

During 2018/19 officers will continue to carry out joint visits with the Licensing Team to raise public health awareness amongst semi permanent make up artists. Whilst they do not fall within the remit of the Tattoo Hygiene Rating Scheme (THRS) consideration will be given to the feasibility of extending the scope of the scheme.

Saving our Skins Campaign

The aims of the Saving our Skins Campaign are to:

- Promote sun safe behaviour;
- Environmental measures including structural changes to provide protection from the sun by providing adequate shading; and to
- Ensure the safety of sun tanning establishments and controlled use of equipment

The first phase of the project was undertaken during 2014-15. Sunbed salons were visited and equipment tested to check compliance with BS EN 60355-2-27, which requires that the sunbed radiates ultra violet radiation that is equivalent to the mid day sun in the Mediterranean. Compliance with the General Product Safety Regulations 2005, the Health and Safety etc. at Work Act 1974 and the Sunbed (Regulations) Act 2010 was assessed.

Fifty-five sunbeds were tested and there was a 35% failure rate. Businesses who failed were provided with advice and the equipment was retested. By the end of the initiative all sunbeds were compliant.

The second phase of the project was undertaken during 2015-16 and involved an initiative working with local nursery providers to promote sun safe behavior amongst children aged 0-5 years. As part of this initiative resources were developed and shared with nurseries and primary schools to promote sun safe behaviour.

During 2017-18 sun safe behaviour was promoted to outdoor workers.

6.2.3 Health and Safety Complaints & Requests for Service

During the year the service carried out 34 visits in response to 33 complaints / service requests relating to health and safety conditions and working practice. The initial response to these requests have been undertaken all within our target of 2 working days; however, they have had some effect on performance of the intervention programme.

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

6.2.4 Complaints against Our Staff

No complaints were made against our staff during 2017/18.

6.2.5 Compliments about our Staff

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

In 2017/18 the final satisfaction figure was 89.75% (in 2016/2017 the figure was 84.25%). 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 89.75% is a very good result and a testament to the work of the team.

6.2.6 Accidents/Diseases/Dangerous Occurrences Investigations

The service received 46 accident notifications during the year. All notifications were responded to within 1 working day. One of these notifications was selected for further investigation which generated 2 visits by enforcement staff.

6.2.7 Formal Enforcement Action

No legal proceedings were undertaken this year. However 1 Improvement Notice was served on a business to secure better health and safety arrangements.

6.2.8 Improvement Proposals 2017/18

The following areas for improvement were identified in the 2017/18 Health and Safety Service Plan.

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 health and 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.

During 2017/18 work was undertaken on a number of projects linked to improving public health including the Tattoo Hygiene Rating Scheme and Saving Our Skins Campaign.

2. We will continue to review and update our standard operating procedures to reflect changes in legislation and current guidance.

This work has not been completed and remains a priority for 2018/19.

3. We will work in partnership with the North East Public Protection Partnership's Better Business for All (BBfA) Working Group to explore what we can do to deliver our services better to promote economic growth in the region.

We have continued to work on BBfA in partnership with the other eleven North East local authorities.

4. We will identify and actively engage in initiatives linking to the themes of 'Helping Great Britain Work Well.'

7. KEY AREAS FOR IMPROVEMENT & CHALLENGES FOR 2018/19

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

Detailed below are specifically identified key areas for improvement that are to be progressed during 2018/19 and some of the main challenges facing the service.

1. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work. Our aim is to secure improvement in Public Health through the Health Protection and Improvement Elements of the Core Public Health Strategy.
2. We will continue to 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.
3. We will continue to seek additional income streams to supplement our budget.
4. We will keep under review the implications of Brexit on health and safety legislation and respond to any changes to legislation, guidance and policy decision. We will review and update our Quality Management System/Standard Operating Procedures for health and safety as appropriate.

REGENERATION SERVICES COMMITTEE

24th September 2018



Report of: Assistant Director (Environment & Neighbourhood Services)

Subject: TRADING STANDARDS SERVICE PLAN 2018/19

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision.

2. PURPOSE OF REPORT

2.1 To approve the Trading Standards Service Plan for 2018/19.

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 2018/19 and highlights how these priorities will be addressed.

3.4 The Service Plan for 2018/19 is attached as **Appendix 1**.

4. PROPOSALS

4.1 The Service Plan for 2018/19 has been updated to reflect last year's performance and reflect changes in Service demand.

4.2 The 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 2017/18.

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 2018/19 these priorities are: -

5.1.1 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.

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.

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.

5.1.2 Medium Priority

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

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.

5.1.3 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

- 5.2.1 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.

5.3 Social Media

- 5.3.1 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.

- 5.3.2 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.
- 5.3.3 Whilst this approach had an immediate positive impact, some social media users have responded by changing the way in which their accounts operate and interact with potential purchasers. Trading Standards has, in turn, had to alter its approach in order to continue its monitoring of this increasing sales platform.
- 5.3.4 The Trading Standards Service has a 'stand alone' computer that can be used to monitor social media and other 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. In some cases, this is followed up by the seizure of criminal property and other evidence.

5.4 Protecting the Vulnerable

- 5.4.1 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. Since 2016, the number of zones has increased from 7 to 36 and almost 8,000 'Say No to Doorstep Traders' stickers have been issued, free of charge, to local residents.
- 5.4.2 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.
- 5.4.3 A significant amount of work has also been undertaken in relation to mail order and telephone scams with free 'call blockers' being supplied to those considered most vulnerable.
- 5.4.5 As victims can sometimes become repeat targets, Trading Standards Officers have been installing covert CCTV cameras into some victim's homes in order to provide some reassurance and help identify any rogue traders who return.

5.5 Underage Sales

- 5.5.1 During 2017/18 18 premises were visited to test a store's compliance with age restricted sales legislation.
- 5.5.2 Four sales of alcohol were made - one to a 16 year old female and three to a 17 year old female.
- 5.5.3 In addition, for the first time, underage volunteers were used to see whether children would be allowed to use 'Over 18' gaming machines in pubs.

5.5.4 The volunteers used were 15 and 16 year old boys and it was found that two of the pubs allowed the children to use the machines without challenge.

5.5.5 A further pub allowed the children on the machines for several minutes before they were challenged and only one pub actually stopped the children before they had the opportunity to gamble.

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. CONSULTATION

9.1 There is no requirement to undertake specific or general consultation during the preparation of the proposals set out in the report.

10. CHILD AND FAMILY POVERTY CONSIDERATIONS

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

11. EQUALITY AND DIVERSITY CONSIDERATIONS

11.1 There are no equality and diversity implications for 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 Trading Standards Service Plan for 2018/19.

15. REASONS FOR RECOMMENDATIONS

- 15.1 The Trading Standards Service Plan sets out the priorities for, and methods of, service delivery in 2018/19.

16. BACKGROUND PAPERS

- 16.1 There are no background papers for this report.

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Hartlepool Borough Council

Trading Standards Service Plan

2018/19

TRADING STANDARDS SERVICE PLAN 2018/19

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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 2018/19, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2017/18 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 plans have 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
- Childrens and Joint Commissioning Services
- Adults and Community Based Services
- Regeneration & Neighbourhoods

The Trading Standards Service Plan is delivered through the Public Protection Section of the Regeneration & Neighbourhoods Department.

2.3 Scope of the Trading Standards Service

Service delivery broadly comprises:

- 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
- Carrying out programmed interventions;
- 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 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 high or very high priority.

With a staff compliment that reduced from five to four full time officers during 2017/18 (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.

Due to a significant increase in both the number and seriousness of complaints regarding 'scams and cons', and a reduction in the number of

complaints about 'underage sales', scams has now moved from being a medium priority to a high priority issue whilst underage sales has moved from being high to medium priority.

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.

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 other scams and problems can escalate. Trading Standards aims to identify common scams and notify consumers through press releases and other mass media.

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

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

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.

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 was then subsequently funded via a variety of non-recurring funding streams until the post was finally removed in September 2017.

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 continue to both contribute and benefit 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. In future, proactive inspections will be targeted 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. Using this new approach, Trading Standards Officers have liaised with 79 new businesses over the past two years.

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 prioritised for inspection.

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, or there may be a criminal element to the complaint, 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, 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 2018/19 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 continue to work to raise awareness amongst targeted groups and identifying and prosecuting the traders involved.

Due to the significant impact on victims, public health grant funding has been secured until June 2019 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 works closely with agencies and organisations such as the Police, Social Workers, banks, building societies and Post Offices.

In addition, the Team continues to work with the Police and local banks to promote the national 'Banking Protocol'. The protocol involves training bank staff to recognise when their customers may be the victim of an ongoing scam and where appropriate they can dial 999 and the local Police force has committed to treat the incident as an emergency – sending officers/Trading Standards Officers direct to the bank to assist.

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 2017/18 Hartlepool had 36 NCCZ's (an increase from 7 in 2016) and there is a target that five more will be created during 2018/19.

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 secured national funding to purchase specialist equipment that allows 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 Investigations 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 2018/19 will concentrate on children's safety.

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.

305 complaints were received by the Trading Standards Service during 2017/18 (compared to 358 in 2016/17).

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's Trading Standards manager sits as an executive member of 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 now directly funded by a levy on the Banking industry and a Regional Investigations Team (previously 'Scambusters'), funded via the National Trading Standards Board, that targets criminal activity at a regional and national level.

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 the regional Investigations Team.

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 the Consumer Services section in the year 2018/19 is:

| | £ 000.0 |
|-------------------|----------------|
| Employees | 563.1 |
| Other Expenditure | 59.0 |
| Grant Funding | (31.7) |
| Income | (7.7) |
| Net Budget | 582.7 |

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

4.2 Staffing Allocation

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the 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, Private Sector Housing, Water Quality, Health & Safety, Animal Health and Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Regeneration & Neighbourhoods 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 their remit is to specifically develop products and systems to protect the elderly and vulnerable from doorstep crime. Due to continued financial pressure, the future of this post is currently only guaranteed until June 2019.

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 2018/19 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

1 x FTE Technical Officer

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 now carries out Hartlepool's metrology work and samples that require testing or analysis are sent 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 2017/18.

This service plan will be reviewed at the conclusion of the year 2018/19 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 Regeneration & Neighbourhoods.

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 2017/18 the Trading Standards Service carried out 210 inspections of business premises in Hartlepool.

6.3 Tobacco Control

Two Hartlepool shops have recently faced legal action in respect of counterfeit tobacco being persistently supplied from their premises. 141 Oxford Road was closed down for three months by the Courts following the application for a Closure Order by Trading Standards in March 2017.

Another premises, in York Road, was also persistently and constantly selling counterfeit tobacco and Trading Standards Officers made a number of undercover test purchases and seizures. Before a Closure Order could be made against the premises, the occupants left and the premises have remained closed since then.

In general terms however, compliance with the general requirements for plain packaging, advertising of tobacco products and prohibitions on the sale to children have been good.

6.4 Underage Sales

During 2017/18 18 premises were visited to test their compliance with age restricted sales legislation.

Four sales of alcohol were made. One to a 16 year old female and three to a 17 year old female.

One prosecution was secured in relation to the sale to a 16 year old and for the others, due to the age of the volunteer (17 years old) written warnings were sent to the premises, instead of formal legal action being taken. They were all re-tested several months later and none of them made a sale.

A test purchase exercise was also conducted in four pubs to see whether children would be permitted to use 'Over 18' gaming machines. The volunteers used were 15 and 16 years old boys and it was found that two of the pubs allowed the children to use the machines without challenge.

A further pub allowed the children on the machines for several minutes before they were challenged and only one pub actually stopped the children before they had the opportunity to gamble.

Warning letters were sent to the three pubs that failed the test purchase and more exercises are planned for 2018/19.

6.5 E-Crime

Officers have continued to monitor websites during 2017/18 and social media, such as Facebook, continues to be a significant source of counterfeit goods.

Counterfeit sellers can either sell directly from their own site or advertise their goods through a 'Selling Page' operated by a third party.

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.

In 2017/18 over 200 Facebook sites had a 'post' left on their page, informing them that Trading Standards were monitoring what they were selling. This approach has had several consequences – some users have contacted Trading Standards immediately and removed the offending items whilst some have 'barred' Trading Standards from continuing to see their site. An alternative approach is in place where this happens so that the team can continue to tackle traders who operate this way.

Other traders have moved their sites from being 'public' to 'private' so that only 'friends' can view what is being offered. Whilst this stops Trading Standards from seeing the site, it also stops the majority of the public seeing it also - effectively moving such sites from the virtual High Street to a private club and significantly reducing potential sales.

In addition to social media, the internet is also increasingly being used for the sale of general goods which can create its own difficulties when faulty goods are delivered or goods fail to arrive. Complaining to 'virtual' traders is often not as easy as returning to shop and, where difficulties arise, consumers are generally referred to the Citizen's Advice Consumer Service for advice and guidance.

On those occasions where criminal offences may have been committed by internet sellers, Trading Standards Officers must undertake investigations that can be far more complicated than when dealing with traditional, fixed site retailers. Internet sellers can be based anywhere in the world and even obtaining the genuine name and address of a trader can be a challenge.

National and regional relationships have been, and continue to be, established with larger internet retailers and service providers to allow for the effective investigation and resolution of criminal and civil matters.

6.6 Sampling

During 2017/18 Trading Standards routinely sampled a number of products to ensure compliance with safety regulations. These included: -

- Mobile phone chargers
- Children's Halloween costumes and items
- Hand held electrical fans
- Christmas novelty items
- Children's Christmas fancy dress costumes
- Kitchen aprons

Flammability issues were identified with a novelty apron which burnt extremely quickly and would cause serious injury to its wearer. The matter was referred to the retailer's 'home authority' Trading Standards department for it to be dealt with nationally.

6.7 Promotional/Campaign Work

During 2017/18 the Trading Standards Service carried out 4 presentations to community groups and also provided training on doorstep crime and scam awareness to organisations such as Careline and the Joseph Rowntree Trust.

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 2017/18 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

2017/18 continued to see significant levels 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 continued 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 further visits made by cowboy builders and roofers whilst investigations are ongoing.

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 2017/18 meaning that almost 8000 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 2017/18 five individuals were convicted by the Trading Standards team.

The nature of these convictions, listed below, demonstrates the diversity of Trading Standards work: -

- Supply of counterfeit tobacco
- 'Cowboy builder' offences – Shoddy work, lack of statutory paperwork, no cancellation right
- Supply of electrically unsafe sunbed
- Underage sale of alcohol
- Animal by-products (failure to suitably dispose of dead farm animals)

6.11 Responding to Complaints

The Trading Standards Service received a total of 305 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 2017/18.

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 2017/18 the final satisfaction figure was 87.75% (an increase from 84.25% last year and the highest figure since recording began in 2007). 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 2017/18

1. The loss of one FTE member of staff in August 2017 due to the loss of grant funding (equivalent to a reduction in the team of 20%) has had a detrimental impact on the Service as a whole and will require further targeting of remaining resources to achieve the greatest outcomes.
2. In addition to the above, 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.
3. 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 Regional Investigations 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.
4. 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 continues to be employed 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.