

# NEIGHBOURHOOD SERVICES COMMITTEE

## AGENDA



19 July 2019

at 1.00 pm

in Committee Room B,  
Civic Centre, Hartlepool

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors S Akers-Belcher, Cartwright, Hunter, James, Little, Prince and Tennant.

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

- 3.1 To receive the Minutes and Decision Record of the meeting held on 28 June 2019 (previously circulated – attached for information)

4. **KEY DECISIONS**

No items.

5. **OTHER ITEMS REQUIRING DECISION**

- 5.1 Public Space Protection Order – Fixed Penalty Notice Discounted Payment Charge – *Assistant Director (Environment and Neighbourhood Services)*
- 5.2 Food Law Enforcement Service Plan 2019/20 – *Assistant Director (Environment and Neighbourhood Services)*
- 5.3 Health and Safety Service Plan 2019/20 – *Assistant Director (Environment and Neighbourhood Services)*



**6. ITEMS FOR INFORMATION**

No items.

**7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

FOR INFORMATION

Date of next meeting – Friday 20 September 2019 at 11.00 am in the Civic Centre,  
Hartlepool



# **NEIGHBOURHOOD SERVICES COMMITTEE**

## **MINUTES AND DECISION RECORD**

28 JUNE 2019

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor John Tennant (In the Chair)

Councillors: Lee Cartwright, Dave Hunter, Marjorie James and Sue Little.

Officers: Denise McGuckin, Director of Regeneration and Neighbourhoods  
Sylvia Pinkney, Head of Public Protection  
Phil Hepburn, Community Safety Operations Manager  
Scott Parkes, Principal Engineer  
David Cosgrove, Democratic Services Team

### **1. Apologies for Absence**

Councillor Stephen Akers-Belcher.

### **2. Declarations of Interest**

None.

### **3. Minutes of the meeting held on 18 March 2019**

Confirmed.

Members agreed that for future meetings, the minutes of the previous meeting be circulated with the agenda.

### **4. Minutes of the meeting of the Emergency Planning Joint Committee held on 27 February 2019**

Received.

## **5. Trading Standards Service Plan 2019/20** (*Assistant Director (Environment and Neighbourhood Services)*)

### **Type of decision**

Non-key decision.

### **Purpose of report**

To approve the Trading Standards Service Plan for 2019/20.

### **Issue(s) for consideration**

The Head of Public Protection reported that 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. The Service Plan for 2019/20 has been updated to reflect last year's performance and reflect changes in Service demand.

Resources would continue to be allocated according to identified priorities. In 2019/20 these priorities were: -

High Priority – Rogue Traders, Scams and Cons and Product Safety.

Medium Priority – Tackling Under Age Sales, Counterfeiting and Illicit Tobacco, and False Descriptions (of goods and services).

Low Priority – Loan Sharks, Weights and Measures and Misleading Pricing.

Trading Standards were also responding to the changing retail environment and would also have a continuing oversight of illegal goods being sold on the internet, increasingly through social media. The department's work in protecting the vulnerable through No Cold Call Zones and the work with banks around vulnerable people drawing large amounts of cash which could be linked to rogue traders.

The Chair welcomed the success of the work on under-age sales in the town and also encouraged Members to raise the potential of No Cold Call Zones in their neighbourhoods. The meeting discussed the issues around telephone scams and how the elderly in particular could be targeted by such scams. There was concern that issues around loan sharks were a low priority but the Head of Public Protection stated that there was a national 'Stop Loan Sharks' body now established to deal with loan sharks and any information that the Council received was passed onto that body.

### **Decision**

That the Trading Standards Service Plan for 2019/20 be approved.

## 6. **Household Waste Duty of Care – Fixed Penalty Notices** *(Assistant Director (Environment and Neighbourhood Services))*

### **Type of decision**

Non-key decision.

### **Purpose of report**

To seek members approval to introduce a fixed penalty charge for duty of care offences under Section 34 of Environmental Protection Act 1990. A fixed penalty offers a discharge of liability for an offence in cases where a penalty charge may be a more appropriate alternative to criminal prosecution.

### **Issue(s) for consideration**

The Community Safety Operations Manager reported that the blight of fly-tipping was a national problem not just a local one. The department received a substantial number of complaints and in the past year the Council has spent £50,000 clearing over 700 tonnes of illegally tipped waste.

Section 33 of The Environmental Protection Act 1990 makes it an offence to deposit controlled waste in or on any land, unless a waste management licence is in force. Updates published in December 2018 to Section 34 of The Environmental Protection Act include a household waste duty of care enforceable by fixed penalty notice. The duty of care requires occupiers of domestic properties to take all reasonable measures available to them and ensure that they only transfer household waste produced on the property to an authorised person.

The penalty charge can be set by individual local authorities within criteria outlined in the legislation:

Default Penalty = £200

Minimum full payment = £150

Maximum full payment = £400

Minimum discounted period = £120

There is no right of appeal against a Fixed Penalty Notice as this is merely an option to discharge liability for an offence, however, liability for the alleged offence can be disputed or the appropriateness of enforcement challenged. Any challenges or representations will therefore be considered in accordance with statutory legislation, within the parameters of any local policies that may apply and any individual circumstances that may be relevant. The statutory legislation requires that Members set an approved

penalty charge payable and / or considers the inclusion of a discounted early payment rate when payment is made within 14 days of the notice being issued.

The Community Safety Operations Manager indicated that the aim of the proposals was to educate the public on their responsibilities and for the penalty to act as a deterrent; this was not an income generating proposal. Any income generated would be ring-fenced to offset the costs of the awareness campaign.

Members were concerned that many people when having work undertaken in their home were probably already paying for licensed waste disposal that may not then happen. There was general discussion around the introduction of the charge and Members were assured that the aim was to deter and educate. Members suggested that repeat offenders should be subjected to an increasing incremental penalty charge rate as opposed to the officer recommendation of a £250 Fixed Penalty Charge (discounted to £200 if paid within 14 days of the date of service). Officers indicated that they were unsure as to the legal implications of such a recommendation and would need to seek legal advice. Members also suggested that the date for the implementation of the penalty be set as either 1 September or 1 October to allow an appropriate publicity campaign to be undertaken.

As Members were minded to approve the introduction of the Fixed Penalty Charges, the Chair sought agreement for officers to clarify the legal position and to delegate authority for the setting of the Fixed Penalty Charges and their introduction date to the Director in consultation with the Chair.

### **Decision**

That the decision on the introduction of the Household Waste Duty of Care Fixed Penalty Notices (and early discount charge) and their date of commencement, be delegated to the Director of Regeneration and Neighbourhoods in consultation with the Chair, on the understanding that Members were minded to approve the introduction of the Fixed Penalty Notices. Legal clarification as to whether discounted charges could be removed from repeat offenders was also to be sought.

## **7. Engineering, Design and Management Update** (Assistant Director (Environment and Neighbourhood Services))

### **Type of decision**

For information only.

### **Purpose of report**

This report informed Members of the recent works designed and delivered by the Engineering, Design and Management (EDM) team and how the section contributes to the overall financial position of the Council.

### **Issue(s) for consideration**

The Director of Regeneration and Neighbourhoods reported that The EDM team are responsible for the design and delivery of all engineering projects within the borough. They also have statutory duties in relation to dangerous structures, flood and coastal risk management and contaminated land. The section is required to be self-funded. Only the statutory duties of flood, coastal and contaminated land receive Council funding. The team currently consists of six members of staff ranging from chartered engineers to a university placement student. For the financial year 18/19 the section cost £308,000 to operate including overheads.

The team originally only worked on Hartlepool Borough Council projects and their time charge was recovered against specific projects. Over the last 5-10 years the team has seen its reputation develop within the region which has led to requests to deliver works outside of the Hartlepool boundary for both public and private clients.

In addition to being self-financing the EDM team is also required to generate a surplus to contribute to the general Council budget. In financial year 2018/19 the team generated over £500,000 of income from both internal and external sources. Aside from the reputation that has been developed around the region for the good work produced by the team, the section has also been recognised in recent years by bodies such as the Institution of Civil Engineers, The Civil Engineering Contractors Association and Constructing Excellence.

Some of the accolades achieved by the team include;

- Institution of Civil Engineer Project of the Year (2017) - Hartlepool Town Wall.
- Civil Engineering Contractors Association Going the Extra Mile (2017) - Hartlepool Town Wall.
- Civil Engineering Contractors Association Project of the Year (2017)- Hartlepool Town Wall
- Constructing Excellence Project of the Year (2018) - Hartlepool Town Wall.
- Constructing Excellence Value (2018) - Hartlepool CIL.
- Institution of Civil Engineer Project of the Year (2019) - Whitley Bay Central Promenade.
- Constructing Excellence Sustainability (2019)- Headland Sea Walls
- Constructing Excellence Innovation (2019)- Headland Sea Walls

- Constructing Excellence Value (2019)- Headland Sea Walls
- Constructing Excellence Highly Commended Project of the Year (2019)- Headland Sea Walls

In achieving the award for Value in June 2019 Hartlepool Borough Council became the first organisation to retain the accolade for delivering Value two years in a row.

The Director recorded her appreciation and congratulations to the team. The Chair and Members also recorded their congratulations and the Chair indicated that a letter on behalf of the Committee would be forwarded to the EDM Team congratulating them on their recent award successes.

### **Decision**

That the report be noted and an appropriate letter be forwarded to the Engineering, Design and Management Team congratulating them on their recent award successes.

## **8. Any Other Items which the Chairman Considers are Urgent**

The Chairman allowed the following items of any other business to be raised.

### **Armed Forces Day**

The Council's Armed Forces Champion, Councillor Cartwright updated Members on the arrangements for Armed Forces Day on Saturday 29 June and encouraged all to attend.

### **Stranton Allotments**

Councillor Cartwright raised the issue of the recent spate of fires at the site raising concerns around asbestos on the site. The Director stated that following the implementation of additional security, the number of fires had reduced significantly. The Corporate Management Team would be assessing the costs associated with clearing the site shortly and Members would be informed in due course.

### **Kingsley Avenue – Brierton Lane Link**

Councillor Cartwright raised concerns with the maintenance of the link between Kingsley Avenue and Brierton Lane adjacent to the allotments. The Director stated she would contact the Councillor.

The meeting concluded at 2.00 pm

**H MARTIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 9 JULY 2019**



# NEIGHBOURHOOD SERVICES COMMITTEE

19<sup>th</sup> July 2019



**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** PUBLIC SPACE PROTECTION ORDER – FIXED PENALTY NOTICE DISCOUNTED PAYMENT CHARGE

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key decision

## 2. PURPOSE OF REPORT

2.1 To consider the inclusion of a discounted early payment charge for offence committed under the newly approved Public Space Protection Orders.

## 3. BACKGROUND

3.1 Members were presented with a report in June 2018 which advised of legislative changes affecting established Dog Control Orders in Hartlepool. The Dog Control Orders were previously enforced under The Clean Neighbourhoods Act 2005, but were superseded by Anti Social Behaviour and Policing Act 2014. This new legislation resulted in all previous Dog Control Orders being replaced by Public Space Protection Orders.

3.2 The Dog Control Orders covered five areas namely:

- a) Dogs on Leads Order – that dogs may enter the specified area but only if they are held on a lead.
- b) Dog exclusion order – that dogs may not enter a specified area.
- c) Dogs on lead by direction order – that an authorised officer can instruct a person responsible for a dog to put it on a lead if it is causing a nuisance. This order applies to the whole town.
- d) Fouling of land order- that the person responsible for a dog must clean up its faeces forthwith. This order applies to the whole town.

- e) Specified maximum number of dogs order- that any one person may take up to a maximum of 4 dogs at any one time. This order applies to the whole town.
- 3.3 Members were asked to consider the inclusion of a number of new offences together with several additional sites that would be subject to control within the new Public Space Protection Order.
- 3.4 Members were presented with a further report in January 2019 which considered responses to the public consultation and consequently resulted in the approval of a limited number of the proposed offences / locations.
- 3.5 The Public Space Protection Order was formally advertised and became operational in May 2019. They allow officers to issue a Fixed Penalty Notice for contraventions within the Order.

#### **4. PROPOSALS**

- 4.1 Fixed Penalty Notices within the Public Space Protection Order have a default charge of £100. This rate of charge was approved by Members as part of the January 2019 report.
- 4.2 The legislation does however also allow for a discounted early payment rate to be included which was not considered or approved at the earlier committee meetings.
- 4.3 The inclusion of a discounted early payment amount is likely to encourage payment, reduce the number of challenges and potentially avoid escalated debt recovery costs. For this reason, an early discount rate of £75 is proposed (payable within 14 days of the date of the serving of the notice) thereafter the charge will revert to the original £100 fee.

#### **5. RISK IMPLICATIONS**

- 5.1 There are no risk implications attached to this report.

#### **6. FINANCIAL CONSIDERATIONS**

- 6.1 The introduction of an early discounted charge will encourage payment, reduce the number of challenges the support team may need to consider and potentially avoid escalating debt recovery costs.

#### **7. LEGAL CONSIDERATIONS**

- 7.1 The Anti Social Behaviour and Policing Act 2014, has provision for a discounted payment charge to be set and included within Fixed Penalty Notices created under Public Space Protection Orders.

**8. OTHER CONSIDERATIONS**

Consultation	No relevant issues
Child/Family Poverty	No relevant issues
Equality and Diversity	No relevant issues
Section 17 of the Crime and Disorder Act 1998	No relevant issues
Asset Management	No relevant issues

**9. STAFF CONSIDERATIONS**

- 9.1 Fixed Penalty Notices must be issued by an authorised officer and approval can be granted by The Director of Regeneration and Neighbourhoods under delegated powers. Fixed Penalty Notices would routinely be issued by Civil Enforcement Officers from the Community Safety Team. The offer of an early discounted amount will likely encourage payment and consequently reduce the number of challenges or debt recovery referrals the support officers within this team may need to pursue.

**10. RECOMMENDATIONS**

- 10.1 That Members consider the inclusion of a discounted early payment charge within the Fixed Penalty Notice for offences within the Public Space Protection Order.
- 10.2 An early payment charge of £75 be approved, where payment is made within 14 days of the Fixed Penalty Notice having been served. Thereafter the original full charge of £100 will apply.

**11. REASONS FOR RECOMMENDATIONS**

- 11.1 The early payment option will still act as a deterrent reflecting the importance of such issues and ensuring a level of compliance.
- 11.2 Furthermore it is hoped that it will encourage payment, reduce the number of challenges and consequently avoid the number of debt recovery referrals.

**12. BACKGROUND PAPERS**

- 12.1 Neighbourhood Services Committee Report – *Public Space Protection Orders* (June 2018)
- 12.2 Neighbourhood Services Committee Report – *Public Space Protection Orders* (January 2019)

### 13. CONTACT OFFICER

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# NEIGHBOURHOOD SERVICES COMMITTEE

19<sup>th</sup> July 2019



**Report of:** Assistant Director (Environment & Neighbourhood Services)

**Subject:** FOOD LAW ENFORCEMENT SERVICE PLAN 2019/20

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key decision

## 2. PURPOSE OF REPORT

2.1 To consider the Food Law Enforcement Service Plan for 2019/20.

## 3. BACKGROUND

- 3.1 The Food Standards Agency has a key role in overseeing Local Authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 3.2 On 4 October 2000, the Food Standards Agency issued the document “Framework Agreement on Local Authority Food Law Enforcement”. The guidance provides information on how Local Authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.
- 3.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 3.4 The Food Law Enforcement Service Plan for 2019/2020 is available in **Appendix 1** and takes into account the guidance requirements. The Plan details the Service’s priorities for 2019/20 and highlights how these priorities will be addressed.

#### 4. PROPOSALS

4.1 The Service Plan for 2019/20 has been updated to reflect last year's performance.

4.2 The Plan covers the following:

(i) Service Aims and Objectives:

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

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

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

(iii) Legislative Powers and Other Actions Available:

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

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

(v) A review of performance for 2018/19.

#### 5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

5.1 During 2018/19 the service completed 100% of all programmed food hygiene, food standards and feed hygiene interventions planned for the year. In total 392 food hygiene interventions were completed, 263 food standards and 7 feed hygiene interventions. (By comparison during 2017/18 421 food hygiene; 281 food standards and 6 feed hygiene interventions were undertaken).

5.2 In addition to the planned interventions 97 new food businesses were registered and inspected during the year.

5.3 As at the 1<sup>st</sup> April 2019, 99.2% of businesses in the borough were "Broadly Compliant" with food safety requirements (on 1<sup>st</sup> April 2018 the figure was 99.2%). For food standards 97.3% of businesses achieved broad compliance (in 2018 the figure was 97.3%). We aim to concentrate our resources to increase our current rate by the end of 2019/20, however given the current financial climate this will be extremely challenging.

- 5.4 On 1<sup>st</sup> April 2012 Hartlepool Council migrated from the Tees Valley Food Hygiene Award scheme, which the Council has operated since 1 April 2007, to the national Food Hygiene Rating Scheme (FHRS). The FHRS scheme was launched by the FSA in November 2010 as a FSA / local authority partnership initiative to help consumers choose where to eat out, or shop for food. It was developed with the aim that it would become the single national scheme for England, Wales and Northern Ireland.

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

Hygiene Rating	No of Premises @ 1.4.12	No of Premises @ 1.4.13	No of Premises @ 1.4.14	No of Premises @ 1.4.15	No of Premises @ 1.4.16	No of Premises @ 1.4.17	No of Premises @ 1.4.18	No of Premises @ 1.4.19
5 ('Very Good')	407 (59.1%)	434 (60.9%)	456 (66.7%)	471 (68.3%)	502 (72.2%)	539 (76.9%)	561 (80.6%)	580 (82.9%)
4 ('Good')	139 (20.2%)	164 (23.0%)	149 (21.8%)	136 (19.7%)	125 (18.0%)	107 (15.3%)	101 (14.5%)	76 (10.9%)
3 ('Generally Satisfactory')	86 (12.5%)	63 (8.9%)	63 (9.2%)	56 (8.1%)	55 (7.9%)	43 (6.1%)	28 (4.0%)	38 (5.4%)
2 ('Improvement Necessary')	28 (4.1%)	22 (3.1%)	9 (1.3%)	18 (2.6%)	8 (1.2%)	10 (1.4%)	4 (0.6%)	3 (0.4%)
1 ('Major Improvement Necessary')	12 (1.7%)	13 (1.8%)	7 (1.0%)	9 (1.3%)	3 (0.4%)	2 (0.3%)	2 (0.3%)	3 (0.4%)
0 ('Urgent Improvement Necessary')	1 (0.1%)	0 (0%)	0 (0%)	0 (0%)	2 (0.3%)	0 (0%)	0 (0%)	0 (0%)
'Awaiting Inspection'	16 (2.3%)	17 (2.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Sub Total	<b>689</b>	<b>713</b>	<b>684</b>	<b>690</b>	<b>695</b>	<b>701</b>	<b>696</b>	<b>700</b>
'Exempt'	47	49	45	44	45	42	42	37
'Excluded'	7	9	10	10	1	1	10	12
Sensitive	0	32	32	1	8	9	1	1
<b>Total</b>	<b>743</b>	<b>803</b>	<b>771</b>	<b>745</b>	<b>749</b>	<b>753</b>	<b>749</b>	<b>750</b>

- 5.6 It is very pleasing to note that 99.2% of the premises inspected during 2018/19 received a hygiene rating of '3' ('Generally satisfactory') and above. This is 7.4% greater than seven years ago when the scheme was introduced and 0.1% greater than a year ago.
- 5.7 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has liaised with businesses that have been awarded a hygiene rating of '2' or less offering advice and support. Enforcement action will be taken to secure compliance where necessary.
- 5.8 During the year 18 businesses requested re-rating visits. Of these sixteen businesses were re-inspected in accordance with the FHRS. Fourteen businesses demonstrated an improvement in standards and their rating increased following an unannounced inspection; 10 achieved the highest rating.

- 5.9 The team has continued to offer tailored advice and information on request with 60 advisory visits to businesses being carried out during the year.
- 5.10 Whilst no Hygiene Emergency Prohibition Notices were served on businesses during 2018/19, 1 voluntary closure was agreed and legal proceedings instigated. Four Hygiene Improvement Notices were also issued; two on each of the joint food business operators of a retail food premises requiring the development of a documented food safety management system based on Hazard Analysis Critical Control Point (HACCP) principles and additional food hygiene training. One Hygiene Improvement Notice requiring the provision of food hygiene training was subsequently withdrawn.
- 5.11 During 2018/19 a much higher number of samples (food and environmental) were submitted for microbiological examination compared with the previous year; 258 samples in total were submitted for examination compared to 198. (This can be broken down as: 163 food samples and 95 environmental (swabs and cloths) compared with 98 and 100 respectively.) The results of the food sampled as part of this years' sampling programme were good, with 134/163 (82.2%) food samples reported as Satisfactory. Of the environmental samples examined 71/95 (74.7%) were reported as Satisfactory with an additional 2 results reported as Borderline.
- 5.12 The Authority participated in 5 regional surveys:
- XR33** – Touch screen and PIN keypads at self-service tills
  - XR34** – Premises preparing and serving milkshakes
  - Study 64** – Ready to Eat pastry based foods from catering premises
  - Study 65** – Swabbing in catering premises
  - Study 66** – Frozen fruit and vegetables from retail and catering premises
- The samples from all but two surveys were reported as Satisfactory. Unsatisfactory results were obtained in connection with the following studies: i) **XR34** – Premises preparing and serving milkshakes and ii) **Study 65** – Swabbing in catering premises. Advice was given to secure improvements and Unsatisfactory and Borderline results were followed up with visits and re –samples taken.
- 5.13 The results for the analysis of food standards samples were very good, with 42/49 samples meeting statutory requirements. Adverse results were however received for 7 out of 10 of the fried rice samples taken from Chinese restaurants and takeaways that were submitted for analysis to detect undeclared egg protein. All Chinese restaurants and takeaways were re-visited and written advice on allergen management provided to all registered Chinese restaurants and takeaways.
- 5.14 As far as possible resources have been directed towards carrying out initiatives which will contribute to the Public Health Framework Outcomes.



- 5.15 During 2018/19 promotional/campaign work was carried out on the initiatives detailed overleaf and this work will be continued during 2019/20:

### **1) Takeaways Project**

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

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

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

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

We have worked with the Chinese and Indian Communities and we plan to roll out the project to other sectors.

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

We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. In particular we have explored the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration or where vulnerable groups of children and young people are a concern.

All the relevant hot food takeaways in Hartlepool have been identified and mapped. The density of local and future provision of takeaways is addressed in the Council's Local Plan.

### **2) Food Safety Awareness Campaigns**

Each year about half a million people are confirmed as suffering from food poisoning; the most common causes of which are Campylobacter, Clostridium perfringens, Norovirus and Salmonella. To tackle food poisoning we will raise awareness of food safety by supporting national initiatives such as the Food Standards Agency's Food Safety Week campaign.

### **3) Hartlepool Food Network, Foodbanks and the Filling the Holiday Gap Scheme**

We support and advise local communities, organisations such as Hartlepool Food Network and churches who open foodbanks or redistribute surplus food to people struggling to make ends meet.

During the school holidays, many children do not receive the meals they would usually get free at school. To address this issue the Council operates a 'Filling the Holiday' Scheme that involves providing organisations with funding so that they can develop their own bespoke schemes for tackling food poverty that directly address the needs of communities.

To ensure the safe provision of food we liaise with Health Improvement colleagues and all recipients of grant funding, ensuring that food businesses are registered and complying with relevant food law.

We will support the food business operator and their clients through the provision of information, advice and demonstrations on a range of topics including food safety, effective hand washing and signpost them to resources, such as the GermWatch Teaching and Learning materials for primary schools and recipes.

### **4) Allergy Awareness Campaign**

We will use a range of interventions including sampling, provision of information and advice and working with colleagues in other local authorities to raise awareness regarding allergens and food labelling legislation.

5.16 During 2019/20 there are 324 programmed food hygiene interventions, 83 programmed food standards inspections and 2 feed hygiene inspections planned. (The number of premises liable for inspection fluctuates from year to year as the programme is based on the risk rating applied to the premises which determines the frequency of intervention. Last year 298 programmed food hygiene interventions and 98 programmed food standards inspections were planned). An estimated 100 re-visits and 80 additional visits to new/changed premises will be required during the year.

5.17 The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise efficiencies remains paramount. During 2019/20 we will target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.

- 5.18 We will continue to 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.
- 5.19 On 1<sup>st</sup> April 2018 we introduced a dual system for dealing with re-rating requests made under the Food Hygiene Rating Scheme. All businesses are now entitled to submit a request for one free re-rating visit however they must wait a minimum of three months for the visit. If the business pays a fee of £150 they can expedite the process and may also make multiple requests for re-rating visits. This system was agreed and introduced by the other Tees Valley local authorities.
- 5.20 Eighteen requests for re-rating were received during 2018/19; a fee was paid in respect of two applications.
- 5.21 The Food Standards Agency is carrying out a wide ranging review of food/feed regulation. The programme is intended to create a system that is modern, risk-based, proportionate, robust and resilient. Leaving the European Union will change patterns of food production, trade and consumption. We will need to keep abreast of and respond to any changes to legislation, guidance and policy decision and monitor the impacts of any changes to the regulatory framework. We will continue to review and update our Food and Feed Quality Management System and Standard Operating Procedures to reflect the changes.

## **6. RISK IMPLICATIONS**

- 6.1 If the Food Law Enforcement Law Service Plan 2019/20 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

## **7. LEGAL CONSIDERATIONS**

- 7.1 If the Food Law Enforcement Law Service Plan 2019/20 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

## **8. CONSULTATION**

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

## **9. OTHER CONSIDERATIONS**

Child and Family Poverty	No relevant issues
Equality and Diversity	No relevant issues

Staff Considerations	No relevant issues
Asset Management	No relevant issues
Finance	No relevant issues

## 10. RECOMMENDATIONS

- 10.1 That the Neighbourhood Services Committee approves the Food Law Enforcement Service Plan for 2019/20.

## 11. REASONS FOR RECOMMENDATIONS

- 11.1 The Food Law Enforcement Service Plan 2019/20 needs to be adopted to comply with the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

## 12. BACKGROUND PAPERS

- 12.1 There are no background papers for this report.

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# Hartlepool Borough Council

## Food Law Enforcement Service Plan 2019/20

## **FOOD SERVICE PLAN 2019/20**

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## **INTRODUCTION**

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

The Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2019/20, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2018/19 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and has been approved by the Regeneration Services Committee.

## **1 SERVICE AIMS AND OBJECTIVES**

### **1.1 Service Aims and Objectives**

Hartlepool Borough Council aims to ensure:

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

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

### **1.2 Links to Corporate Objectives and Plans**

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

- Hartlepool's Community Strategy - the Local Strategic Partnerships (the Safer Hartlepool Partnership) and the Health and Wellbeing Board
- Public Protection Service Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Public Protection 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 Food Law Enforcement Service Plan, the Commercial Services team has made a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

This Food Law Service Plan contributes towards the main themes in the following ways:

- **Jobs and the Economy**

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



- **Lifelong Learning and Skills**

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

- **Health and Wellbeing**

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

- **Community Safety**

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

- **Environment**

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

- **Culture and Leisure and Community Learning**

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

- **Strengthening Communities**

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

- **Organisational Development**

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

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

## **2 BACKGROUND**

### **2.1 Profile of the Local Authority**

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

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

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

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

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

The tourist industry impacts upon recreational opportunities, shopping and leisure facilities, including the provision of food and drink outlets restaurants, bars and cafes. There are currently 750 food establishments in Hartlepool, all of which must be subject to intervention to ensure food safety and standards are being met.

### **2.2 Organisational Structure**

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

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

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

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

The Neighbourhood Services Committee provides political oversight for food 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 food law service is delivered through the Public Protection section of the Regeneration & Neighbourhoods Department.

## **2.3 Scope of the Food Service**

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

Service delivery broadly comprises:

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

Effective performance of the food law service necessitates a range of joint working arrangements with other local authorities and agencies such as the Food Standards Agency (FSA), Public Health England (PHE), HM Revenue & Customs (HMRC), Department of Environment, Food & Rural Affairs (Defra), Animal & Plant Health Agency (APHA) & the Veterinary Medicines Directorate (VMD).

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

The service is also responsible for the following:

- health and safety enforcement;
- the provision of guidance, advice and enforcement in respect of smoke free legislation;
- water sampling; including both private and mains supplies & bathing water;
- port health and
- provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues.

## **2.4 Demands on the Food Service**

The Council is responsible for 750 food premises within the borough mostly comprising retailers, manufacturers and caterers. The food businesses are predominantly small to medium sized establishments and the majority of these are liable to food hygiene and food standards interventions.

In addition there are 88 registered feed businesses for which the Council is the enforcing authority.

The delivery point for the food enforcement service is at:

Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Telephone: (01429) 266522

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

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies which occur out of hours. Contact can be made on (01429) 266522, then Option 1, then Option 2.

## **2.5 Enforcement Policy**

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

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

## **3 SERVICE DELIVERY**

### **3.1.1 Interventions Programme**

The Council has a wide range of duties and powers conferred on it in relation to food law enforcement. The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Safety and Hygiene (England) Regulations 2013 and the Official Feed and Food Controls (England) Regulations 2009 (as amended).

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

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

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

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

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

### **3.1.2 Broadly Compliant Food Establishments**

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

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

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

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

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

As at the 1<sup>st</sup> April 2019, 99.2% of businesses in the borough were "Broadly Compliant" with food safety requirements (in 2018/19 the figure was 99.2%). For food standards 97.3% of businesses achieved broad compliance (in 2018/19 the figure was 97.3%). We aim to concentrate our resources to increase our current rate by the end of 2019/20 however given the current financial climate this will be extremely challenging.

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

## **3.2 Service Delivery Mechanisms**

### **3.2.1 Intervention Programme**

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

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

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

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

#### **Food Hygiene:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	6 months	0
B	12 months	6
C	18 months	119
D	24 months	338
E	36 months or other enforcement	287
Unclassified	Requiring inspection / risk rating	0
No Inspectable Risk (NIR)		0
<b>Total</b>		<b>750</b>

#### **Food Standards:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Premises</b>
A	12 months	2
B	24 months	81
C	36 months or other enforcement	667
Unclassified		0
No Inspectable Risk (NIR)		0
<b>Total</b>		<b>750</b>

#### **Feed Hygiene:**

<b>Registered Activity</b>	<b>No of Premises</b>
R5 Distributor	1
R7 Supplier of Surplus Food	11
R8 Transporter	3
R9 Stores	1
R10/11 On Farm Mixer	10
R12 Co Product Producer	2
R13 Livestock Farm	39
R14 Arable Farm	21
<b>Total</b>	<b>88</b>

The intervention programme for 2019/20 comprises the following number of scheduled food hygiene and food standards interventions:

**Food Hygiene:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Interventions</b>
A	6 months	0
B	12 months	6
C	18 months	69
D	24 months	171
E	36 months or alternative enforcement strategy	78
Unclassified		0
<b>Total</b>		<b>324</b>

**Food Standards:**

<b>Risk Category</b>	<b>Frequency of Inspection</b>	<b>No of Interventions</b>
A	12 months	2
B	24 months	32
C	36 months or alternative enforcement	49
Unrated		0
Unclassified		0
<b>Total</b>		<b>83</b>

**Approved Establishments:**

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

**Primary Producers:**

On 1 January 2006 EU food hygiene legislation applicable to primary production (farmers & growers) came into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility was given to the Commercial Services team to enforce this legislation. The service has 73 primary producers.

**Feed Hygiene Intervention Programme 2019/20:**

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



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

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

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2019/20, the intervention programme is expected to generate an estimated 100 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed interventions by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action. The performance against intervention targets for all food hygiene and food standards inspections is reported annually to the Regeneration Services Committee via the Service Plan.

## **Port Health**

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

## **Fish Quay**

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

### **3.2.2 Registration and Approval of Premises**

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

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed business operator is notified, other than at the time of a programmed intervention, an assessment is made of the need for inspection based on the date of the next programmed intervention, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 95 additional food premises inspections will be generated for new food businesses during 2019/20.

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

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

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

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

### **3.2.3 Microbiological and Chemical Analysis of Food/Feed**

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

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

Microbiological analysis of food and water samples is undertaken by the Public Health England's Food, Water & Environmental Laboratory based at York. Chemical analysis is undertaken by an appointed Public/Agricultural Analyst.

Sampling allocations from Public Health England (PHE), which is responsible for the appropriate laboratory facilities, are based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2019/20. Points are allocated as follows:

<b>Sample type</b>	<b>No of credits</b>
F1:Food Screen	10
F2:Food Basic	25
F3:Food Complex	35
W1:Water Screen	10
W2:Water Basic	20
W3:Water Complex	25
M1:Dairy Products	10
E1:Environmental Screen	10
E2:Environmental Basic	25
E3:Environmental Complex	35
Certification	15

If an authority uses less than 80% of its allocation, it is possible that the allocation may be reduced. In the event of over-performance, PHE will raise an invoice in April of the following year for payment of the cost of the workload over and above the agreed baseline allocation.

A sampling programme is produced each year for the start of April to assess the microbiological quality of food, water and environmental surfaces and composition and labelling of food. The sampling programme for 2019/20 includes national and regional surveys and local interventions.

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

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

### Microbiological Food Sampling Plan 2019/20

<b>April</b>  <b>XR37</b> - Hygiene in Premises with no Dishwasher	<b>May</b>  <b>XR37</b> - Hygiene in Premises with no Dishwasher	<b>June</b>  <b>XR37</b> - Hygiene in Premises with no Dishwasher
<b>July</b>  <b>XR40</b> – Sandwiches at end of shelf life  <b>XR39</b> – Soil Bearing Vegetables	<b>August</b>  <b>XR40</b> – Sandwiches at end of shelf life  <b>XR39</b> – Soil Bearing Vegetables	<b>September</b>  <b>Study 67</b> – Vacuum/Modified atmosphere packed RTE food and swabs  <b>XR40</b> – Sandwiches at end of shelf life  <b>XR39</b> – Soil Bearing Vegetables
<b>October</b>  <b>Study 67</b> – Vacuum/Modified atmosphere packed RTE food and swabs  <b>XR40</b> – Sandwiches at end of shelf life  <b>XR39</b> – Soil Bearing Vegetables	<b>November</b>  <b>Study 67</b> – Vacuum/Modified atmosphere packed RTE food and swabs  <b>Local Imported Food Survey</b>	<b>December</b>  <b>Local Imported Food Survey</b>  Raw milk
<b>January</b>  Local survey - tbc	<b>February</b>  Local survey - tbc	<b>March</b>  Local survey - tbc

## **Composition and Labelling Sampling Plan 2019/20**

<b>Survey</b>	<b>Number of Samples</b>
Vegan/Allergen Claims	10
Re-samples of fried rice from Chinese takeaways	7
Adhoc samples arising from emerging priorities identified during the year	tbc

## **Feeding Stuffs Sampling Plan 2019/20**

At present feeding stuffs sampling is being given a low priority due to the lack of local manufacturers and packers. An annual feeding stuffs sampling plan however has been drawn up having regard to national enforcement priorities and to carry out sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments. The Authority has secured funding from the NTSB to participate in a 3 year regional sampling programme. This funding will supplement our sampling budget.

During 2019/20 no sampling of animal feeding stuffs is planned, however we will respond to any emerging national or local issues.

## **Private Water Supplies**

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

### **3.2.4 Food Inspection**

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

### **3.2.5 Provision of Advice and Information to Food/Feed Businesses**

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

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

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

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 80 such advisory visits will be carried out during the year.

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

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

### **3.2.6 Public Health Initiatives**

In recent years significant resources have been directed towards carrying out initiatives which will contribute to the Public Health Framework Outcomes.

During 2019/20 the Public Protection team plan to carry out the following initiatives:

#### **1) Takeaways Project**

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

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

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

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

We have already worked with the Chinese and Indian communities and we plan to roll out the project to other sectors.

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

We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. In particular we will support the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration or where vulnerable groups of children and young people are a concern.

All relevant hot food takeaways in Hartlepool have been identified and mapped. The density of local and future provision of takeaways is addressed in the Council's Local Plan.

## **2) Food Safety Awareness Campaign**

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

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

To try to tackle food poisoning we will aim to raise awareness of food safety by supporting national initiatives such as the FSA's Food Safety Week campaign.

## **3) Hartlepool Food Network, Foodbanks and the Filling the Holiday Gap Scheme**

We support and advise local communities, organisations such as Hartlepool Food Network and churches who open foodbanks or redistribute surplus food to people struggling to make ends meet.

During the school holidays, many children do not receive the meals they would usually get free at school. To address this issue the Council operates a Holiday Hunger Scheme that involves providing organisations with funding so that they can develop their own bespoke schemes for tackling food poverty that directly address the needs of communities.

The following areas form the grant scheme's key priorities, with funding targeted at:

- Organisations that are supporting children and young people through the provision of healthy and nutritious meals, snacks or food parcels during the school summer holiday period.
- Organisations providing family-based activities over the school holiday period, where practical healthy eating and/or cooking skills education could be incorporated.
- Organisations providing crafts or physical activity opportunities, which would benefit from the provision of healthy and nutritious meals, snacks or food parcels as part of the activity
- Organisations specifically working with vulnerable and/or disadvantaged families or children and young people in areas of high socio-economic deprivation, where food poverty rates may be higher.

To ensure the safe provision of food we liaise with Health Improvement colleagues and all recipients of grant funding, ensuring that food businesses are registered and complying with relevant food law. We will support the food business operator and their clients through the provision of information, advice and demonstrations on a range of topics including food safety, effective hand washing and signpost them to resources, such as the GermWatch Teaching and Learning materials for primary schools and recipes.

#### **4) Allergy Awareness Campaign**

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

#### **5) Better Business for All**

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

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

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



The objectives are:

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

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

The North East Public Protection Partnership has established a regional BBfA Working Group. During 2019/20 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.

### **3.2.7 Investigation of Food / Feed Complaints**

The service receives approximately 100 complaints, each year concerning food/feed, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed intervention workloads.

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

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

### **3.2.8 Investigation of Cases of Food Poisoning and Outbreak Control**

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

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

It is estimated that between 150-175 food poisoning notifications are received each year, a large proportion of which are confirmed cases of *Campylobacter*.

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

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

### **3.2.9 Dealing with Food / Feed Safety Incidents**

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

All food and feed alerts received by the service are dealt with in accordance with national guidance and internal quality procedures. Food and feed alert warnings are received by the service from The Food Standards Agency via an electronic mail system. Several officers have also subscribed to receive alerts via their personal mobile phones.

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

The out of hours contact telephone number for the service is (01429) 266522, then Option 1, then Option 2.

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

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise, it is estimated that the service is likely to be notified of 70-100 food alerts, product recalls or withdrawals during 2018/19, a small proportion of which will require action to be taken by the Authority. In addition we will receive approximately approximately 100 allergy alerts.

This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources which may have an effect on the programmed intervention workload and other service demands.

### **3.2.10 Complaints relating to Food / Feed Premises**

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

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

Based on the number of complaints received during 2018/19 it is estimated that approximately 100 such complaints will be received in 2019/20.

### **3.3 Complaints against Our Staff/Service**

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

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

### **3.4 Liaison Arrangements**

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

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

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, Public Health England, Defra / Animal & Plant Health Agency (APHA), OFSTED and the Care Quality Commission.

Officers also work in liaison with other Council departments including the Planning Services and Licensing teams.

### **3.5 Home Authority Principle / Primary Authority Scheme**

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

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

## **4 RESOURCES**

### **4.1 Financial Resources**

The annual budget for the Consumer Services section in the year 2019/20 is:

	<b>£ 000</b>
Employees	617
Other Expenditure	59
Grant Funding	(66)
Income	(8)
Net Budget	602

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

### **4.2 Staffing Allocation**

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

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

The resources determined necessary to deliver the service in 2019/20 are as follows:

1 x 0.10 FTE Head of Public Protection who has responsibility for planning service delivery and management of the Food Service (with responsibility also for Health & Safety, Licensing, Trading Standards, Environmental Protection, Private Sector Housing, I.T., Community Safety and Enforcement) as well as general management responsibilities as a member of the Regeneration & Neighbourhoods department.

1 x 0.5 FTE Environmental Health Manager (Commercial Services) (with responsibility also for Health & Safety, Port Health, Feed Hygiene and Animal Health)

3 x 0.8 FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety, Port Health and Public Health)

1 x 0.5 FTE EHO\* (with requisite qualifications and experience and with responsibility also for Health & Safety, Port Health, Public Health and Environmental Protection)

1 x 0.46 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x FTE Technical Officer Food (with requisite qualifications and experience)

\*Following a restructure two technical Officer posts were combined to create an Environmental Health Officer post. This new post will cover Commercial Services and Environmental Protection duties. Funding for an additional resource (1 x FTE EHO/Technical Officer) to carry out public health interventions was secured via the Public Health Grant.

The Head of Public Protection has responsibility for planning service delivery and management of the Food Law Service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare, Environmental Protection, Private Sector Housing, Community Safety and Protection, I.T. as well as general management responsibilities as a member of the Public Health Departmental Management Team.

The Environmental Health Manager (Commercial) has responsibility for the day to day supervision of the Food/Feed Law Service, Port Health, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Environmental Health Manager (Commercial) and a Senior Trading Standards Officer are designated as lead officers for imported food control and animal feed enforcement.

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

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

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

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

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

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

### **4.3 Staff Development**

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

It is a mandatory requirement for officers of the food/feed law service to maintain their professional competency by undertaking a minimum of 20 hours continuous professional development (CPD) training each year which may involve attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

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

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

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

### **4.4 Equipment and Facilities**

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

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

## **5. QUALITY ASSESSMENT**

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

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

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

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

## **6 REVIEW OF 2018/19 FOOD SERVICE PLAN**

### **6.1 Review against the Service Plan**

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2018/19.

This service plan will be reviewed at the conclusion of the year 2019/20 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 Assistant Director (Environment and Neighbourhood Services).

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

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

### **6.2 Performance Review 2018/19**

This section describes performance of the service in key areas during 2018/19.

### 6.2.1 Intervention Programme

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

During the year we successfully completed all planned food hygiene, food standards and feed hygiene interventions. In total 392 food hygiene interventions were completed, 263 food standards interventions and 6 feed hygiene interventions.

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

### 6.2.2 Registration and Approval of Premises

During 2018/19, 97 new food businesses were registered and inspected. Two premises subject to approval were inspected and given relevant guidance.

### 6.2.3 Food Sampling Programme

The food sampling programme for 2018/19 has been completed. This included food standard sampling which was carried out in partnership with the North East Food Sampling Group as part of the Food Standards Agency National Coordinated Food Sampling Programme 2018/19. The group received grant funding to carry out this work.

The results for the microbiological sampling programme for 2018/19 are given below.

#### Results for Microbiological Sampling Programme 2018/19

Samples/Survey	Number of Premises visited	Number of Samples	Interpretation of Results		
			Satisfactory	Borderline	Unsatisfactory
<b>Study XR 33 – Touch Screens Swabs</b>	2	3	3	0	0
<b>Study XR 34 – Milkshake study</b> Milkshake Swabs Cloths	10	20 30 3	5 15 2	6 1 0	9 14 1
<b>Study 64 – Pastry based food</b>	25	75	61	11	3
<b>Study 65 – Swabbing in catering premises</b> Cloths Swabs	10	1 58	1 50	0 1	0 7



<b>Study 66 – Frozen Fruit &amp; Veg from Retail &amp; Catering Premises</b>	4	13	13	0	0
<b>Imported dried/fresh RTE fruit</b>	3	21	21	0	0
<b>Imported nuts &amp; seeds</b>	6	34	34	0	0
<b><i>Total number of premises visited</i></b>	60				
<b><i>Total no of Food Samples</i></b>		163	134	17	12
<b><i>Total number of Swabs</i></b>		91	68	2	21
<b><i>Total number of Cloths</i></b>		4	3	0	1

The Authority participated in 5 regional surveys:

**XR33** – Touch screen and PIN keypads at self-service tills

**XR34** – Premises preparing and serving milkshakes

**Study 64** – Ready to Eat pastry based foods from catering premises

**Study 65** – Swabbing in catering premises

**Study 66** – Frozen fruit and vegetables from retail and catering premises

During 2018/19 a much higher number of samples (food and environmental) were taken compared with the previous year; 258 samples in total were submitted for examination compared to 198. (This can be broken down as: 163 food samples and 95 environmental (swabs and cloths) compared with 98 and 100 respectively.)

The results of the food sampled as part of this years' sampling programme were good, with 134/163 (82.2%) food samples reported as Satisfactory. Of the environmental samples examined 71/95 (74.7%) were reported as Satisfactory with an additional 2 results reported as borderline.

Unsatisfactory results were obtained in connection with the following studies:

i) **XR34** – Premises preparing and serving milkshakes

Of the 20 milkshakes sampled only 5 were reported as Satisfactory, 6 were reported as Borderline and 9 Unsatisfactory. The environmental samples were also poor with 15 out of 30 swabs being reported as Satisfactory, 1 Borderline and 14 Unsatisfactory. Of the 3 cloths sampled 1 was Unsatisfactory.

Advice was given and Unsatisfactory and Borderline results were followed up with visits and re –samples taken.

ii) **Study 65** – Swabbing in catering premises

Swabs were taken from catering premises to assess the hygiene standards; 50 out of 58 (86.2%) were deemed to be Satisfactory, 1 Borderline and 7 Unsatisfactory.

Advice was given and Unsatisfactory and Borderline results were followed up with visits and re –samples taken.

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

**Results for Food Standards Sampling Programme 2018/19:**

Sample Details	Reason for Sampling	Number of samples	Satisfactory	Unsatisfactory
Takeaway Meals from 10 Chinese Restaurants and Takeaways.	Prohibited Colours* (*Sunset Yellow - E110 , Ponceau 4R - E124, Quinoline Yellow - E104)	19	19	0
Takeaway Meals from Chinese Restaurants and Takeaways.	Allergens – Undeclared Milk Proteins	6	6	0
Fried Rice	Allergens – Undeclared egg	10	3	7
Chips from Chinese Restaurants and Takeaways.	Acrylamide	5	5	0
Home Baked Cakes (from 6 premises)	Allergens – Undeclared Peanut Protein	6	6	0
Complaint re Authenticity	Spirits	3	3	0
<b>Total Samples Premises Visited:</b>				

The results for the food standard samples were very good, with 42/49 samples meeting statutory requirements. Adverse results were however received for 7 out of 10 of the fried rice samples taken from Chinese restaurants and takeaways that were submitted for analysis to detect undeclared egg protein.

All Chinese restaurants and takeaways were re-visited and written advice on allergen management provided to all registered Chinese restaurants and takeaways.

No animal feedingstuffs were examined during 2018/19.

#### **6.2.4 Food Inspection**

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

#### **6.2.5 Promotional Work**

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

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

The team has continued to offer tailored advice and information on request with 60 advisory visits to businesses being carried out during the year.

A variety of information leaflets, some in foreign languages are available including a 'Top 5 Tips' leaflet created to assist Chinese food business operators to implement practices to provide healthier menu choices. Circular letters are issued as required to inform food business operators of food safety matters relevant to their operations e.g. changes in legislation, food alerts.

#### **6.2.6 Food Hygiene Rating Scheme**

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

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

The 'Food Law Code of Practice', requires that a risk rating is undertaken which is used to determine the frequency of intervention for the business. The hygiene rating is derived from the risk rating which is given to a business following every 'primary' inspection.

Of the seven main categories used to determine the overall rating score the following three factors are used to create a hygiene rating:

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

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

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

Hygiene Rating	No of Premises @ 1.4.12	No of Premises @ 1.4.13	No of Premises @ 1.4.14	No of Premises @ 1.4.15	No of Premises @ 1.4.16	No of Premises @ 1.4.17	No of Premises @ 1.4.18	No of Premises @ 1.4.19
5 ('Very Good')	407 (59.1%)	434 (60.9%)	456 (66.7%)	471 (68.3%)	502 (72.2%)	539 (76.9%)	561 (80.6%)	580 (82.9%)
4 ('Good')	139 (20.2%)	164 (23.0%)	149 (21.8%)	136 (19.7%)	125 (18.0%)	107 (15.3%)	101 (14.5%)	76 (10.9%)
3 ('Generally Satisfactory')	86 (12.5%)	63 (8.9%)	63 (9.2%)	56 (8.1%)	55 (7.9%)	43 (6.1%)	28 (4.0%)	38 (5.4%)
2 ('Improvement Necessary')	28 (4.1%)	22 (3.1%)	9 (1.3%)	18 (2.6%)	8 (1.2%)	10 (1.4%)	4 (0.6%)	3 (0.4%)
1 ('Major Improvement Necessary')	12 (1.7%)	13 (1.8%)	7 (1.0%)	9 (1.3%)	3 (0.4%)	2 (0.3%)	2 (0.3%)	3 (0.4%)
0 ('Urgent Improvement Necessary')	1 (0.1%)	0 (0%)	0 (0%)	0 (0%)	2 (0.3%)	0 (0%)	0 (0%)	0 (0%)
'Awaiting Inspection'	16 (2.3%)	17 (2.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Sub Total	689	713	684	690	695	701	696	700

'Exempt'	47	49	45	44	45	42	42	37
'Excluded'	7	9	10	10	1	1	10	12
Sensitive	0	32	32	1	8	9	1	1
<b>Total</b>	<b>743</b>	<b>803</b>	<b>771</b>	<b>745</b>	<b>749</b>	<b>753</b>	<b>749</b>	<b>750</b>

It is very pleasing to note that year on year the profile has improved with 99.2% of premises inspected during 2018/19 having received a hygiene rating of '3' ('Generally Satisfactory') and above. This is 7.4% greater than six years ago when the scheme commenced and 0.1% greater than a year ago.

In particular, it is also notable that in the past year there was a significant increase in the number of establishments that were awarded the top rating of '5' having increased from 561/749 (80.6%) to 580/750 (82.9%).

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

Under the FHRS there is a procedure which affords food business operators the opportunity to request a re-visit inspection once they have taken action to rectify non-compliances identified during an inspection. At the re-visit the establishment may be re-assessed and given a new hygiene rating. During the year 18 businesses submitted applications for a re-rating. Further information is provided in **6.2.7**.

The food hygiene ratings are published online at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)

In total 49 establishments were considered to be 'exempt' (37) or 'excluded' (12) from the scope of the FHRS and as such they may not be rated. These are those who either do not supply food directly to consumers e.g. manufacturers or packers, or 'low risk establishments' which are not generally recognised by consumers as being a food business e.g. establishments like chemists or newsagents selling pre-packed confectionery amongst a range of goods.

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

## **6.2.7 FHRS Re-rating & Promotional visits**

During 2018/19 officers worked closely with food business operators to improve food hygiene standards in our lowest rated premises. During the year 18 businesses submitted applications for a FHRS re-rating.

Of these 18 premises 16 businesses were re-inspected in accordance with the FHRS. Fourteen businesses demonstrated an improvement in standards and their rating increased following an unannounced inspection; 10 achieved the highest rating.

The results for the 14 businesses that improved are as follows:

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

On 1<sup>st</sup> April 2018 the service introduced a new system for dealing with re-rating requests. This system was agreed by the five constituent members of the Tees Valley Food Liaison Group.

The scheme enables food businesses to apply for one free re-rating revisit (as per the original scheme). To qualify they must have carried out the necessary improvements to their business and be willing to wait a minimum of three months from their last inspection (this period is known as a 'stand still' period).

From 1<sup>st</sup> April 2018 businesses can elect to pay £150 if they wish to be inspected within three months of their inspection. They are also eligible to submit more than one application to be re-rated if they pay the £150 fee.

During 2018/19 2 businesses elected to pay for a re-rating inspection. Both establishments were initially rated as '1 - Major Improvement Necessary' following the re-rating inspections one was awarded a rating of '4 – Good' and the other received the top rating of '5 – Very Good'.

### **6.2.8 Food / Feed Complaints**

During the year the service dealt with 27 complaints relating to the condition of food premises and/or food handling practice. In addition, 54 complaints were received regarding unfit or out of condition food or extraneous matter. A further 15 complaints concerning the composition or labelling of food items were received. No complaints were received regarding animal feeding stuffs.

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

### **6.2.9 Food Poisoning**

The service received 166 notifications of food borne illness during the year. The majority (122) of these notifications related to cases of *Campylobacter*; all of which appeared to be sporadic (isolated) cases.

*Campylobacter* is the most common bacterial cause of food poisoning in England and Wales. National data shows that while the incidence of *Salmonella* infections has steadily declined since the late 1990s those caused by *Campylobacter* had significantly increased and as a result in recent years the FSA has been spearheading a campaign to address this.

### **6.2.10 Food Safety Incidents**

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

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

### **6.2.11 Enforcement**

Whilst no Hygiene Emergency Prohibition Notices were served on businesses during 2018/19, 1 voluntary closure was agreed and legal proceedings instigated.

Four Hygiene Improvement Notices were also issued; two on each of the joint food business operators of a retail food premises requiring the development of a documented food safety management system based on HACCP principles and additional food hygiene training. One Hygiene Improvement Notice requiring the provision of food hygiene training was subsequently withdrawn.

#### **6.2.12 Complaints against Our Staff/Service**

No complaints were made against our staff during 2018/19.

#### **6.2.13 Compliments About Our Staff/Service**

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

In 2018/19 the final satisfaction figure was 91% (an increase from 89.75% 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 91% 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.

In 2015 and 2017 the consumer watchdog magazine '*Which?*' analysed performance data submitted to the FSA and Food Standards Scotland by 386 UK local authorities for the previous year and ranked those local authority areas based on: the proportion of medium and high risk premises meeting hygiene requirements, the proportion of total premises rated for risk, and the proportion of planned interventions (such as inspections or follow up actions) the authorities achieved. On both occasions Hartlepool was ranked as one of the top ten performing local authorities within the UK.

#### **6.2.14 Improvement Proposals/Challenges 2018/19**

The following areas for improvement/challenges were identified in the 2018/19 Food 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 food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can contribute to the Public Health Outcomes Framework and funding streams to support this area of work.

We have continued to work with colleagues to deliver public health initiatives and identify new opportunities to contribute to the Public Health Outcomes framework.

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

This work was put on hold pending the outcome of any changes in legislation arising from the possible departure of the UK from the European Union.

3. 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.

This work is ongoing.

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

## **7. KEY AREAS FOR IMPROVEMENT & CHALLENGES 2019/20**

In addition to committing the service to specific operational activities such as performance of the intervention programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2019/20.

1. The Public Protection Service 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. We will continue to seek additional income streams to supplement our budget.
2. 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.
3. 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.
4. The Food Standards Agency is carrying out a wide ranging review of food/feed regulation. The programme known as Regulating our Future is intended to create a system that is modern, risk-based, proportionate, robust and resilient. Leaving the European Union will change patterns of food production, trade and consumption and this will require a flexible and responsive regulatory system.



5. We will continue to keep abreast of and respond to any changes to legislation, guidance and policy decision and monitor the impacts of any changes to the regulatory framework. We will review and update our Quality Management System/Standard Operating Procedures for Food and Feed as appropriate.

# NEIGHBOURHOOD SERVICES COMMITTEE

19<sup>th</sup> July 2019



**Report of:** Assistant Director (Environment & Neighbourhood Services)

**Subject:** HEALTH & SAFETY SERVICE PLAN 2019/20

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-Key decision

## 2. PURPOSE OF REPORT

2.1 To consider the Health & Safety Service Plan for 2019/20, 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 2019/20 is attached as **Appendix 1** and takes into account the guidance requirements. The Plan details the service's priorities for 2019/20 and highlights how these priorities will be addressed.

#### **4. PROPOSALS**

- 4.1 The Service Plan for 2019/20 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 2018/19 the service completed health and safety interventions in a total of 171 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 9 revisits to monitor compliance with contraventions identified during these interventions. They also undertook a range of interventions, which involved working with 25 new businesses during the year.
- 5.3 During 2018/19 the Authority undertook 336 enforcement visits to assess compliance with smoke free legislation which came into force on 1<sup>st</sup> 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:
- Visiting six tattooists' salons to assess hygiene standards; four of which participate in the Tattoo Hygiene Rating Scheme. This is a voluntary scheme which was introduced in Hartlepool in April 2014. During these visits samples of tattoo ink, water and green soap were taken to assess hygiene standards as part of a regional study organised by Public Health England;

- Visiting beauty salons offering microblading and the application of semi-permanent make up etc. alongside a Council Licensing Officer to advise on hygiene practices and to raise awareness of industry best practice including the Chartered Institute of Environmental Health (CIEH) guidance; and
- Work continued on the Saving Our Skins Campaign; a campaign to promote sun safe behaviour. This involved promoting awareness and commenting on new planning applications.

- 5.5 During the year the service carried out 22 visits in response to 21 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 29 accident notifications during the year. All were responded to within 1 working day. After applying selection criteria based on national guidance 4 of these notifications were selected for further investigation, which generated 2 visits by enforcement staff.
- 5.7 During 2018/19 no legal proceedings were undertaken; however 1 Improvement Notice was served on a business to secure better health and safety arrangements. The premises was revisited and the Inspector was satisfied that the Notice had been complied.
- 5.8 Currently we are the enforcing authority for 1,301 premises in Hartlepool. In planning our intervention programme for 2019/20 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 2019/20 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

Hygiene in Tattoo Studios and Salons offering Beauty Treatments e.g. microblading, application of semi-permanent make up etc.

- 5.14 Local Authorities are required 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 2019/20. Whilst we have determined that with the existing complement 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 2019/20 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 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 2019/20 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

## **7. LEGAL CONSIDERATIONS**

- 7.1 If the Health & Safety Service Plan 2019/20 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

## **8. CONSULTATION**

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

## **9. OTHER CONSIDERATIONS**

Child and Family Poverty	No relevant issues
Equality and Diversity	No relevant issues
Staff	No relevant issues
Asset Management	No relevant issues
Finance	No relevant issues

## **10. RECOMMENDATIONS**

- 10.1 That the Neighbourhood Services Committee approves the Health and Safety Service Plan for 2019/20.

## **11. REASONS FOR RECOMMENDATIONS**

- 11.1 The Health and Safety Service Plan 2019/20 needs to be adopted to comply with the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

## **12. BACKGROUND PAPERS**

- 12.1 There are no background papers for this report.

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# Hartlepool Borough Council

## Health & Safety Service Plan 2019/20



## **HEALTH & SAFETY SERVICE PLAN 2019/20**

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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 2019/20 longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2018/19 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 19<sup>th</sup> 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 1301<sup>1</sup> 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 & Community Based Services Committee
- Children's Services Committee
- Neighbourhood Services Committee
- Regeneration Services Committee

The Neighbourhood 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.

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<sup>1</sup> Total number of premises as at 01/4/2019  
Health & Safety Service Plan 2019/20 – 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 1,301 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.

<b>Premises Type</b>	<b>No of Premises (As at 01/04/20)</b>
Retail Shops	405
Wholesale	22
Offices	132
Catering Services	253
Hotel/residential	20
Residential Care Homes	35
Leisure and Cultural	228
Consumer Services	202
Other (Miscellaneous)	4
Total	1301

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 2019/20 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 2019/20 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 2019/20 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  
Hygiene in Tattoo Studios and Salons offering Beauty Treatments e.g. Micro blading, application of semi-permanent make-up etc.

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 2019/20 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 smoke free complaints. Based on the previous two years data it is estimated that 20 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 nine years gives some indication of the likely workload:

	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	19/20
No. of reported accidents	78	61	54	47	72	50	58	46	29
No. requiring investigation	28	16	14	9	15	6	2	1	4

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 2019/20 we worked with 25 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 2019/20 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 2019/20 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

During 2019/20 we will continue to promote sun safe behaviour, including commenting on new planning applications for children's play areas, nurseries and schools.

### **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 participated in a regional survey which involved looking at the microbiological quality of tattoo ink, green soap and water in tattooists' studios.

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 looked at the microbiological quality of tattoo ink and collected information about how ink supplies were managed. In addition a water sample was collected to determine if the prevalence of contamination noted in 2012 had changed. Swabs were also taken from soap bottles. A survey questionnaire was used to collect information about procedures and officers used this opportunity to raise awareness of hygiene and best practice.

Throughout 2019/20 samples may be taken from other premises or vessels 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 2019/20 is:

	<b>£ 000</b>
Employees	617
Other Expenditure	59
Grant Funding	(66)
Income	(8)
Net Budget	602

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 2019/20 are as follows:

1 x 0.10 FTE Head of Public Protection (with responsibility also for Food, Licensing, Trading Standards, Environmental Protection, Private Sector Housing, I.T, Community Safety and Enforcement) as well as general management responsibilities as a member of the Regeneration & Neighbourhoods department.

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

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

1 x 0.10 FTE Part-time EHO

During 2018/19 a restructure took place which resulted in two Technical Officer Posts (Technical Officer (Health & Safety) and Technical Officer (Environmental Protection) being combined to create a single FTE Environmental Health Officer post. Consequently there has been a reduction in resources allocated to health and safety enforcement.

This new EHO post is responsible for carrying out Commercial Services interventions (which includes inspections / revisits, investigation of complaints, investigation of workplace accidents and the provision of health and safety advice).

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.

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, Private Sector Housing, I.T and Community Safety and Protection. 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.

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 2018/19 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 2018/19.

This service plan will be reviewed at the conclusion of 2019/20 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 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 2018/2019**

This section describes performance of the service in key areas.

### **6.2.1 Health & Safety Interventions**

In total interventions were carried out at 171 premises. These were risk based and multiple priority topics were covered during some visits. The outstanding interventions will be added to the 2019/20 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 9 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 2018/19 the Authority undertook 336 enforcement visits to assess compliance with smoke free legislation which came into force on 1<sup>st</sup> 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 2018/19 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.

There are currently four participating studios who were awarded the top rating of '4 – Very Good' whilst 1 studio was re-rated as '3 – Good'.

Work has previously 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 we participated in a survey looking at the microbiological quality of tattoo ink and collected information about how ink supplies were managed. In addition a water sample was collected to determine if the prevalence of contamination noted in 2012 had changed. Swabs were also taken from soap bottles.

A survey questionnaire was used to collect information about procedures and officers used this opportunity to raise awareness of hygiene and best practice.

The results of the survey are provided below:

<b>XR 36 – Tattoo Ink, Water and Green Soap</b>	<b>Total (imp)</b>	<b>S</b>	<b>B</b>	<b>U</b>
<b>Ink</b>	12	9		3
<b>Green Soap</b>	5	4		1
<b>Water</b>	6	6		
Premises visited: 6				

Adverse results were obtained for ink which had been opened for a prolonged period of time due to infrequent use. Advice was given and the ink was re-sampled and subsequently found to be Satisfactory in all premises visited.

During 2019/20 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.

During 2018-19 officers continued to promote sun safe behaviour and also commented on new planning applications where children's play areas were to be provided e.g. in nurseries and schools. We will continue to promote this campaign during 2019/20.

### **6.2.3 Health and Safety Complaints & Requests for Service**

During the year the service carried out 22 visits in response to 21 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 2018/19.

### **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 2018/19 the final satisfaction figure was 91% (an increase from 89.75% last year and the highest figure since recording began in 2007). 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 91% is a very good result 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.

### **6.2.6 Accidents/Diseases/Dangerous Occurrences Investigations**

The service received 29 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 4 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 2018/19**

The following areas for improvement were identified in the 2018/19 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 2018/19 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 was put on hold whilst we awaited further updates in relation to possible changes to legislation arising if and when the UK leaves the European Union.

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 2019/20**

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 2019/20 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.