

NEIGHBOURHOOD SERVICES COMMITTEE

AGENDA



Tuesday 26 July 2022

at 3.00 pm

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

Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Monday 25 July and name and address details will be taken.

You should not attend the meeting if you are displaying any COVID-19 symptoms (such as a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the [NHS guidance on testing](#).

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors Cassidy, Cook, Creevy, Howson, Jackson, Little and Moore.

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 20 June 2022 (*previously published and circulated*)
- 3.2 To receive the Minutes and Decision Record of the meeting of the Emergency Planning Joint Committee held on 12 July 2022 (to follow).

4. KEY DECISIONS

- 4.1 Local Safety Schemes – *Assistant Director, Place Management*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

5. OTHER ITEMS REQUIRING DECISION

- 5.1 Health and Safety Service Plan 2022-23 – *Assistant Director, Regulatory Services*

6. ITEMS FOR INFORMATION

No items.

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

Dates of forthcoming meetings –

Monday 19 September, 2022 at 3.00 pm
Monday 10 October, 2022 at 3.00 pm
Monday 14 November, 2022 at 3.00 pm
Monday 12 December, 2022 at 3.00 pm
Monday 23 January, 2023 at 3.00 pm
Monday 13 February, 2023 at 3.00 pm
Monday 13 March, 2023 at 3.00 pm



EMERGENCY PLANNING JOINT COMMITTEE

MINUTES AND DECISION RECORD

12 July 2022

The meeting commenced at 10;00am at the Emergency Planning Annex,
Stockton Police Station, Bishop Street, Stockton-on-Tees, TS18 1SY

Present:

Councillor: Mike Smith (Stockton Borough Council) (In the Chair)

Councillors: Eric Palano (Middlesbrough Borough Council)
Cliff Foggo (Redcar and Cleveland Borough Council)
Shane Moore as substitute for Tom Cassidy (Hartlepool Borough Council)

Officers: Stuart Marshall, Chief Emergency Planning Officer
Jon Hepworth, Group Accountant
Denise Wimpenny, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Tom Cassidy (Hartlepool Borough Council).

2. Declarations of interest by Members

None

3. Minutes of the meeting held on 2nd March 2022

Minutes received

4. Financial Management Update Report *(Director of Resources and Development and Chief Emergency Planning Officer)*

Purpose of report

To provide details of the outturn position for the financial year ending 31st March 2022.

Issue(s) for consideration by the Committee

A summary of the outturn position at 31st March 2022 was provided as set out in the report. The outturn for the main Emergency Planning budget showed a favourable variance of £4,000. The outturn for the LRF budget showed a favourable variance of £221,000 which consisted of an underspend on the Pilot Grant £178,000 in addition to an accounting adjustment of £43,000 as a result of the Members approval of the recommendation by LRF Strategic Board not to pay out the rebate to the LRF member authorities. These resources had been carried forward to 2022/23 and would be utilised across a range of LRF projects including the increase in staffing, increase capability and capacity, pilot / research projects and focus on community resilience.

Decision

That the financial outturn for 2021/22 be noted.

5. LRF Pilot Funding Update *(Chief Emergency Planning Officer)*

Purpose of report

To assist Members in overseeing the performance and effectiveness of the Emergency Planning Unit and its value to the four unitary authorities.

To provide Members with an overview of the pilot funding activities identified by the LRF and being progressed by the Emergency Planning Unit/Local Resilience Forum.

Issue(s) for consideration by the Committee

Members were provided with background information to the funding that had been made available to Local Resilience Forums from Central Government for use in capacity building and capability building. The criteria for the use of the money had been provided as set out the report. A summary of the outcomes and activities being undertaken was included in the report together with details of actual expenditure.

In response to queries raised arising from the report, clarification was provided in relation to proposed /ongoing activities, powers available to address any issues of concern, flooding and mutual aid arrangements as well as the options to share equipment with partner organisations. A query was raised as to whether military vacuum tankers could be utilised for flooding emergencies which the Chief Emergency Planning Officer agreed to explore and provide confirmation following the meeting.

Decision

- (i) That the pilot funding and proposed /ongoing activities be noted and that further reports on the utilisation of the funding be reported to future meetings of this Committee.
- (ii) That confirmation be provided following the meeting in relation to whether military vacuum tankers could be utilised in flooding emergencies.

6. Activity Report (*Chief Emergency Planning Officer*)

Purpose of report

To assist members of the EPJC in overseeing the performance and effectiveness of the Emergency Planning Unit and its value to the four unitary authorities.

Issue(s) for consideration by the Committee

The Chief Emergency Planning Officer updated the Committee on the activity within the unit and the significant areas of work that had been completed. Staff continued to work effectively under the corporate pilot of hybrid working and staffing had increased through the use of the LRF grant, details of which were provided. Details of the work undertaken by the team in support of the Local Resilience Forum was outlined. The LRF received the proposed annual action plan for 2022-23 at its meeting in May 2022, an outline of which was included in the report. The action plan was being delivered by 18 multi-agency working groups and the key elements and activities delivered to date were provided.

Decision

- (i) That the report be noted.
- (ii) That the CEPO continue to develop the CEPU Annual Action Plan and the EPJC standard report to provide assurance to Members that the key considerations continue to be met and that Members be updated at quarterly meetings on any amendments or additional actions.

7. Industrial Emergency Planning Report 2022 (*Chief Emergency Planning Officer*)

Purpose of report

To assist Members of the Committee in overseeing the performance and effectiveness of the Emergency Planning Unit and its value to the four unitary authorities.

To inform Members of the work undertaken by CEPU in connection with the statutory requirements relating to industrial emergency planning.

Issue(s) for consideration by the Committee

The report provided background information in relation to the duties upon the Local Authority to produce and maintain emergency response plans for the Control of Major Accident Hazard Regulations 2015 (COMAH), Radiation Emergency Preparedness and Public Information Regulations 2019 (REPPPIR). The report provided detailed information in relation to the key actions and duties and assurances were provided that the duties and expectations on the local authorities could be met in the event of an industrial incident.

In the discussion that followed Members commented on the various warnings/alerts and mechanisms in place to raise awareness in the event of a major incident and Members were keen to receive further information in this regard. The Chief Emergency Planning Officer agreed to provide further information to a future meeting of this Committee.

Decision

That the report be noted and a further report be provided to a future meeting of this Committee in relation to the mechanisms in place to raise awareness in the event of a major incident.

8. Incident Report (19 February to 24 June 2022) (*Chief Emergency Planning Officer*)

Purpose of report

To assist Members of the Committee in overseeing the performance and effectiveness of the Emergency Planning Unit and its value to the four unitary authorities.

To inform Members of the incidents reported and responded to by the CEPU. The report covers the period between 19 February and 24 June 2022.

Issue(s) for consideration by the Committee

The Chief Emergency Planning Officer submitted details of the incidents that the Emergency Planning Unit staff had been involved in over recent months.

A Member referred to a recent incident which involved blue light services and placed emphasis upon the importance of services of this type working together and sharing information with partner organisations including the local authority, as appropriate.

Decision

That the report be noted.

9. Date and Time of Next Meeting

It was reported that the next meeting would be held on 20 September 2022 at 10.00 am.

The meeting concluded at 11:15 am.

H MARTIN

CHIEF SOLICITOR

PUBLICATION DATE: 22 JULY 2022

NEIGHBOURHOOD SERVICES COMMITTEE

26th July 2022



Report of: Assistant Director (Place Management)

Subject: LOCAL SAFETY SCHEMES

1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key Decision test (i) and (ii) applies. Forward Plan Reference No. NRS03/22.

2. PURPOSE OF REPORT

- 2.1 To seek approval for a delivery programme of safety schemes across Hartlepool for financial year 2022/2023.

3. BACKGROUND

- 3.1 Neighbourhood Services Committee approved the Local Transport Plan (LTP) allocation for 2022/23 at committee on 24th March 2022.
- 3.2 The allocations included a budget for Local Safety and Safer Routes to School schemes for 2022/23.
- 3.3 This report details the prioritisation of schemes based on updated road casualty data.
- 3.3 Safety schemes are requested from residents and Elected Members across the Borough and are also identified through a review of accident statistics.
- 3.4 The level of demand for safety schemes outstrips the Local Transport Plan budget, and as such a scrutiny assessment is undertaken to develop the preferred list of schemes within the budget.
- 3.5 Analysis of each request is undertaken based on factors such as accident data, speed survey results, the presence of a school/ playground, higher pedestrian usage, and community concerns raised.

- 3.6 Accident figures are scored on a points system whereby 3 points are allocated for an accident classified as fatal, 2 for serious and 1 for slight, to assist with the prioritisation process.
- 3.7 Accident levels within Hartlepool are currently at low levels and it is therefore becoming more difficult to identify schemes based on just accident data alone. Cluster sites are becoming rarer, as are accidents where engineering measures can be implemented to mitigate against them. Information continues to be reviewed and problem sites are addressed appropriately.

4. PROPOSALS

- 4.1 A programme of safety schemes has been developed as detailed below. This builds on the prioritisation approach approved at Committee in October 2019.
- 4.2 All potential schemes have been included on the list at **Appendix 1**, and prioritised using the criteria outlined in Section 3. Whilst the schemes recommended for 2022/23 have been allotted a budget, it is acknowledged that through detailed design changes may be required. Therefore it is possible that further scheme(s) may be brought forward on the list should the main programme come in under budget.
- 4.3 Similar to the Highway Resurfacing programme, this list is live and new requests are invited for consideration throughout the year.
- 4.4 Detailed designs on the proposed schemes are still required and these will be progressed should Committee approve the proposed 2022/23 schemes.

Safety Scheme Programme

- 4.5 **Park Road (West Section).** (*Budget estimate £120k*) – 3 serious and 3 slight accidents have been recorded on this section of road. A number involved pedestrians, with excessive speed also being a factor. It is proposed to install a zebra crossing adjacent to the junction with Eldon Grove.

The potential signalisation of the junction with Osborne Road will also be investigated as this is another accident location along the corridor, and the spacing of these 2 interventions will help to regulate vehicle speeds due to drivers being aware of the likelihood of needing to stop.

- 4.6 **Coronation Drive** (*Budget estimate £50k*) – 2 serious and 4 slight accidents have taken place on the road.

Again pedestrians crossing is a factor, and it is proposed to upgrade the existing pedestrian island approximately 60m south of the junction with Warrior Drive to a zebra crossing. This is a well-used crossing point for people travelling between the sea front and the nearby Warrior Park estate. A number of accidents have also taken place in the vicinity of the car park entrance to the south of Newburn Bridge. Signing and road marking works are intended to further highlight the presence of the car park and the need to take care due to turning vehicles.

We are currently seeking funding/ part contribution for this scheme through alternative sources. Should this be successful any remaining balance will be brought back before members for further consideration.

5. CONSULTATION

- 5.1 Consultation will be undertaken on all schemes where residents/ businesses are directly affected. Should objections be received in line with the constitution then these will be reported back to Committee for further consideration.

6. FINANCIAL CONSIDERATIONS

- 6.1 The scheme estimates total approximately £170,000 and will be funded from the Council's Local Transport Plan. Due to significant increases in costs relating to all aspects of the delivery of highways and traffic management schemes in recent months, only 2 locations are proposed from this year's budget. Should savings be realised during delivery then a further scheme(s) may be brought forward from the list in Appendix 1.

7. LEGAL CONSIDERATIONS

- 7.1 A Traffic Regulation Order will be required for yellow lines where identified.

8. STAFF CONSIDERATIONS

- 8.1 All schemes will be designed through the Council's internal Engineering services.
- 8.2 No delegated decisions were made in 21/22 for either local safety schemes or highway maintenance.

9. OTHER CONSIDERATIONS

| | |
|---|--------------------|
| Risk Implications | No relevant issues |
| Child/Family Poverty Considerations | No relevant issues |
| Equality and Diversity Considerations | No relevant issues |
| Environment, Sustainability and Climate Change Considerations | No relevant issues |
| Asset Management Considerations | No relevant issues |

10. RECOMMENDATIONS

- 10.1 That Members note continuation of the oversubscribed LTP budget and the requirement for prioritisation.
- 10.2 To note that the list proposed is live and further scheme(s) may be deliverable should savings within the 2022/23 programme be identified.
- 10.3 That the proposed safety scheme programme be approved for 2022/23.

11. REASONS FOR RECOMMENDATIONS

- 11.1 To reduce casualties and improve road safety in Hartlepool.
- 11.2 To allow for the prioritisation of schemes when demand exceeds the budget.

12. BACKGROUND PAPERS

- 12.1 None.

13. CONTACT OFFICER

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| LOCATION | SCHEME |
|---|--|
| Park Road (West section) | |
| Coronation Drive | Crossing at Warrior Drive |
| Oxford Road (East) | |
| Rossmere Way | Island/ crossing/ build outs |
| Tarnston Rd | |
| Jesmond Road/ Gardens | Crossing/ pinch points/ cycle lane |
| Blakelock Rd/ Gdns | |
| Elwick Road (Wooler Rd - Dunston Rd) | Crossing near to Park Avenue, raised platform at Egerton Rd |
| King Oswy Drive (Top section) | Build outs |
| Elwick Rd (Dunston Rd - National Speed Limit) | Pedestrian Island |
| Hart Lane (Throston/ Naisberry Park) | VAS |
| West View Rd (East of Brus) | |
| Easington Rd Coast Road (North of King Oswy Drive) | Pedestrian Island |
| Merlin Way (A179 – Osprey) | |
| Westbrooke Ave | Traffic calming |
| Maritime Ave | Traffic calming (Residential area) |
| Stockton Road (BV Way to Westbrooke Ave) | |
| Truro Drive | |
| Murray Street | Traffic calming |
| Oxford Road (West) | |
| Eskdale Road | |
| Warren Road (East) | Road humps |
| Chester Rd/ Thornhill Gdns | Road humps |
| Macaulay Road | Road humps |
| Fernwood Avenue | Road humps |
| Wilson Street | |
| Warrior Drive (Northern section) | |
| Clavering Road | Raised platform at bend |

| | |
|--|---------------------------|
| St. Paul's Road/ Osborne Road | One way system |
| Cairnston Rd | |
| The Parade | Traffic calming/ crossing |
| Dalton Piercy | Traffic calming |
| Stockton Rd/ Stratford/Spring Garden Rd | Humps/ raised junction |
| Warren Road (West) | Traffic calming |
| Clifton Avenue | Road humps |
| Ventnor Avenue | Speed Humps |
| Sinclair Road | Road humps |
| Southbrooke Avenue | Road humps |
| Greatham Village (High St, Front St, etc) | |
| Elliott Street | |
| Dalkeith Road | Road humps |
| Westbourne Rd | |
| Hutton Avenue | |
| Kesteven Road | |
| Tanfield Road | Road humps |
| Dowson Rd | Road humps |
| Jones Road | Road humps |
| Tristram Avenue | Road humps |
| Marsh House Lane, Greatham | |
| Miers Ave (W) | Traffic calming |
| Avondale Gardens | Road humps |
| Allendale St/Berwick St/ Carlisle St/ Farndale Rd | Road humps |
| Westwood & Woodstock | 2 x zebra crossings |
| Osprey Way | |
| Shakespeare Ave | |
| Windsor Street | Traffic calming |
| Skelton Street | Road humps |
| Spalding Rd | Road humps |
| Swinburne Rd | Traffic calming |
| Everett St | |
| Sandbanks Drive | Road humps |
| Garside Drive | Road humps |
| Honiton Way | Road humps |

| | |
|---------------------------------|----------------------------------|
| Campbell Road | |
| Dryden Rd | Traffic calming |
| Primrose Road | Road humps |
| Dunbar Rd | Road humps |
| Seaton Lane Service Road | Road humps |
| Ridlington Way | |
| Philips Rd/ Daley Close | Road humps |
| Thirsk Grove | Road humps |
| Grange Avenue | Traffic calming |
| Westfields | |
| Brough Court | Road humps |
| Hayfield Close | Road humps at entrance of street |
| Clifford Close | 20mph limit and road humps |

**5 Year Figures (June '17 – May '22)*

4.1 Appendix 1

| ACCIDENTS | POINTS | SPEED DATA (85th %ILE) |
|---------------------|--------|---------------------------|
| 3 serious, 3 slight | 9 | |
| 2 serious, 4 slight | 8 | 43mph (In 40mph limit) |
| 2 serious, 4 slight | 8 | |
| 2 serious | 4 | 35mph |
| 2 serious | 4 | |
| 1 serious, 2 slight | 4 | |
| 4 slight | 4 | |
| 1 serious, 2 slight | 3 | |
| 1 serious, 1 slight | 3 | |
| 1 serious, 1 slight | 3 | |
| 3 slight | 3 | 38mph |
| 3 slight | 3 | |
| 1 serious | 2 | |
| 1 serious | 2 | 36mph |
| 1 serious | 2 | 33mph |
| 2 slight | 2 | 30mph |
| 1 slight | 1 | |
| 1 slight | 1 | |
| 1 slight | 1 | |
| 1 slight | 1 | |
| 1 slight | 1 | |
| 1 slight | 1 | |
| 1 slight | 1 | 27mph |
| 1 slight | 1 | |
| 1 slight | 1 | |
| | 0 | |
| | 0 | |

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0 30mph

0 29mph

0 28mph

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0 25mph

0 21mph

0 20mph

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NEIGHBOURHOOD SERVICES COMMITTEE

26th July 2022



Report of: Assistant Director (Regulatory Services)

Subject: HEALTH & SAFETY SERVICE PLAN 2022-23

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision.

2. PURPOSE OF REPORT

- 2.1 To approve the Health & Safety Service Plan for 2022-23, 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 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.
- 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 and Safety Enforcement Service Plan for 2022-2023 is available in **Appendix 1** and takes into account the guidance requirements. The Plan details the Service's priorities for 2022-23 and beyond where appropriate. It also highlights how these priorities will be addressed.

4. PROPOSALS

- 4.1 The Service Plan for 2022-23 has been updated to reflect last year's performance and reflect changes in service demand.
- 4.2 The Plan covers the following:
- (i) Service Aims and Objectives;
 - (ii) The 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) A review of performance for 2021-22.

5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 As a result of the COVID-19 pandemic the majority of Public Protection staff were redeployed between 2020 and 2022 to carry out COVID work. This included providing advice to businesses, carrying out COVID enforcement work, undertaking enhanced contact tracing and involvement in outbreak management. This has meant that from the outset of the pandemic, this service has been severely impacted in its ability to deliver the usual obligations in relation to health and safety and other areas of work.
- 5.2 During the pandemic proactive official controls were suspended to minimize footfall in certain types of premises; only official controls in high priority areas were permitted. Throughout the pandemic Health and Safety Executive and other government agencies including the Food Standards Agency have issued guidance to local authorities in relation to what businesses they should and should not inspect. We have had regard to the guidance and inspected relevant premises. Service delivery and performance during 2021-22 is discussed below.
- 5.3 The Council is the enforcing authority for 1,390 premises within Hartlepool. In planning our intervention programme for 2022-23 we have had regard to the 'National Local Authority Enforcement Code Health and Safety at Work England, Scotland & Wales'.
- 5.4 The majority of businesses we have enforcement responsibility are small to medium employers with many employing less than 5 staff. The table below provides a profile of the premises within the borough.

| Premises Type | No of Premises as at 01/04/22 |
|------------------------|-------------------------------|
| Retail Shops | 411 |
| Wholesale | 24 |
| Offices | 131 |
| Catering Services | 278 |
| Hotel/residential | 16 |
| Residential Care Homes | 37 |
| Leisure and Cultural | 256 |
| Consumer Services | 230 |
| Other (Miscellaneous) | 7 |
| Total | 1390 |

- 5.5 HSE provides LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code). The Code is given legal effect as HSE guidance to local authorities under section 18(4) (b) of the Health and Safety at Work etc. Act 1974. It is designed to ensure that local authority health and safety regulators take a more consistent and proportionate approach to enforcement.
- 5.6 The Council has 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 2022-23 we will carry out a range of interventions based on risk, local intelligence, performance history, RIDDOR reports, complaints and local occupational health data.
- 5.7 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 local authorities. These are detailed in LAC 67(2) rev 11.
- 5.8 The Code provides flexibility for local authorities 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.
- 5.9 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.

- 5.10 There were minimal health and safety proactive inspections placed upon the Council during 2021-22 enabling officers to focus their efforts on COVID work. During the year we successfully completed health and safety interventions at 124 premises. These were risk based and multiple priority topics were covered during some of these visits.
- 5.11 In addition to the planned interventions officers carried out 1 revisit to monitor compliance with contraventions identified during these interventions. Whilst face to face interventions have been disrupted for much of the year the team has continued to offer tailored advice and information on request. During the year we worked with 99 new businesses.
- 5.12 During the year the Authority undertook 165 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007, a proportion of which were carried out in conjunction with health and safety interventions.
- 5.13 No promotional/campaign work or sampling was undertaken as a consequence of the pandemic. We plan to resume this work during 2022-23.
- 5.14 During 2021-22, the Council continued to respond to any health and safety complaints in the usual manner. The service carried out 25 visits in response to 31 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.
- 5.15 The service received 27 accident notifications during the year. After applying selection criteria based on national guidance 4 of these notifications were selected for further investigation.
- 5.16 With regards enforcement action under Health and Safety at Work etc Act 1974 and associated legislation no legal proceedings were undertaken during 2020/21. One Prohibition Notice and one Improvement Notice were served on two separate business to secure better health and safety arrangements. It is anticipated that the service may be required to take more enforcement action during 2022-23 as health and safety standards may have fallen during the pandemic.
- 5.17 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 2022-23.
- 5.18 Whilst we have determined that with the existing compliment of staff we have adequate capacity to discharge our duty under the Standard we are facing significant pressures in relation to our service recovery plan. We will need to address the backlog of food and health and safety interventions and address

any fall in the standards of safety in premises that has arisen as a consequence of the pandemic. We will therefore need to keep performance under review and monitor whether the Authority can continue to service its workload and fulfill its requirements under the Standard.

- 5.19 The Public Protection section continues to face significant financial pressures due to ongoing council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount. During 2022-23 we will target our resources effectively using a range of interventions, including providing advice to businesses, with the aim of influencing behaviour and improving the management of health and safety risks. We will continue to explore how we can contribute to the Public Health Outcomes Framework and will continue to seek additional income streams to supplement our work.
- 5.20 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 review and update our Quality Management System and Standard Operating Procedures for Health & Safety as appropriate.

6. RISK IMPLICATIONS

- 6.1 If the Health & Safety Service Plan 2022-23 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 2022-23 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

8. OTHER CONSIDERATIONS

| | |
|--|--------------------|
| Financial Considerations | No relevant issues |
| Child/Family Poverty Considerations | No relevant issues |
| Staff Considerations | No relevant issues |
| Asset Management Considerations | No relevant issues |
| Consultation | No relevant issues |
| Equality and Diversity Considerations | No relevant issues |
| Economy, Sustainability & Climate Change | No relevant issues |

9. RECOMMENDATIONS

- 9.1 That the Neighbourhood Services Committee approves the Health & Safety Service Plan for 2022-23.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The Health and Safety Service Plan 2022-23 needs to be adopted to comply with the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.

11. BACKGROUND PAPERS

- 11.1 There are no background papers for this report.

12. CONTACT OFFICER

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Hartlepool Borough Council

Health & Safety Service Plan 2022-23

HEALTH & SAFETY SERVICE PLAN 2022-23

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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 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 2022-23 longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2021-22 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and approved by the Neighbourhood 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;
- supplement our enforcement role by providing targeted education and advice;
- encourage innovation through actively seeking out best practice and working in partnership with other agencies;
- actively contribute towards achieving nationally agreed strategic aims and objectives; and
- 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 Council Plan 2021-22 – 2023-24
- Hartlepool's Community Strategy – the Local Strategic Partnerships (the Safer Hartlepool Partnership) and the Health and Well Being Board
- Health & Safety Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Public Protection service's contribution to corporate objectives.

1.2.1 Overall Aim / Vision

Hartlepool will be a place...

- ***where people are enabled to live healthy, independent and prosperous lives;***
- ***where those who are vulnerable will be safe and protected from harm;***
- ***of resilient and resourceful communities with opportunities for all;***
- ***that is sustainable, clean, safe and green;***
- ***that has an inclusive and growing economy;***

with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

The Council's vision is that:

Hartlepool will be a place...

- ***where people are enabled to live healthy, independent and prosperous lives;***
- ***where those who are vulnerable will be safe and protected from harm;***
- ***of resilient and resourceful communities with opportunities for all;***
- ***that is sustainable, clean, safe and green;***
- ***that has an inclusive and growing economy;***

with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

To contribute to the Council's overall vision, through this Health & Safety Enforcement Service Plan, the team has made a commitment to protecting and improving the quality of life for residents of Hartlepool through effective promotion and enforcement of health and safety legislation.

This Health & Safety Service Plan contributes towards elements of the Council Plan vision in the following ways:

...that has an inclusive and growing 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 requirements, and avoid potential costly action at a later stage;

By providing advice and guidance to traders so as to ensure awareness and compliance with health and safety legislation;

...where those who are vulnerable will be safe and protected from harm.

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

...with a Council that is ambitious, fit for purpose and reflects the diversity of its community

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

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 are offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

2 BACKGROUND

2.1 Profile of the Local Authority

Hartlepool is located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 93,663 (Mid-Year Estimates 2019, ONS) of which ethnic minorities comprise 3.4% (2011 census).

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

The borough has a long and proud history, with the original settlement of Hartlepool dating back to Saxon times. Originally an important religious settlement the town's early development resulted from the existence of a safe

harbour and its role as a port for the city of Durham and subsequent grant of a Royal Charter from King John in 1201.

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

Over the past 20 years Hartlepool has experienced some transformational changes through public and private investment. This has included the transformation of the former South Docks area into a fabulous 500-berth marina where the town hosted The Tall Ships Race in 2010. The Authority is due to be a host port for the race again in 2023.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities including the provision of food and drink outlets. There are currently 1390¹ businesses in Hartlepool for which the Council is the enforcing authority.

2.2 Organisational Structure

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:

- Resources & Development
- Children's & Joint Commissioning Services
- Adults & Community Based Services
- Neighbourhoods & Regulatory Services

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

¹ Total number of premises as at 01/4/2022
Health & Safety Service Plan 2022-23 – 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 Neighbourhoods 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 1,390 premises in Hartlepool for which the Council is the Enforcing Authority for Health and Safety. Such premises include: retailers, wholesalers, offices, catering premises (including hotels and guest houses), leisure and consumer services and residential care homes. The businesses are predominantly small, medium and micro businesses (employing less than 10 employees).

Other premises within the borough, including premises within local authority control, are within the enforcing remit of the Health & Safety Executive (HSE). The table below provides a profile of the premises within the borough.

| Premises Type | No of Premises as at 01/04/22 |
|------------------------|--------------------------------------|
| Retail Shops | 411 |
| Wholesale | 24 |
| Offices | 131 |
| Catering Services | 278 |
| Hotel/residential | 16 |
| Residential Care Homes | 37 |
| Leisure and Cultural | 256 |
| Consumer Services | 230 |
| Other (Miscellaneous) | 7 |
| Total | 1390 |

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

Hartlepool Borough Council adopted its current Enforcement Policy in 2021. Supplementary to this, there is a Public Protection Enforcement Policy that deals with those enforcement issues specific, or unique, to the service. This policy applies 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 in recent years. The key objective is to free up business growth by transforming regulatory enforcement.

In drawing up this service plan we are setting out the approach we intend to take to comply with the National Local Authority Enforcement Code Health and Safety at Work England, Scotland & Wales' (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 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 local authorities on meeting these requirements, and reporting on compliance. To assist local authorities understand and implement the code, supplementary guidance is published annually.

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 collectively target work areas based on:

- national priorities
- local priorities based on intelligence and evidence

As appropriate a joint work plan is 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 2022-23 to meet this requirement within the resources available. The programme will be delivered using the following interventions:

3.2 Interventions

As part of the Code HSE will monitor, report and direct the approach of local authority regulatory intervention. This guidance supports HSE in this process by requiring local authorities to carefully consider how they target their inspections and investigations in a manner that is:

- Reactive – typically investigative actions, undertaken in response to a specific incident or complaint or visits in response to requests for assistance,

or

- Proactive – inspections that are not triggered in response to a single specific incident or concern but result from a wider consideration of local intelligence or national trends that identify poor performers.

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

a. Proactive interventions:

- This involves influencing and engaging with stakeholders and 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
 - 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 2022-23 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

HSE provides LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code). Local Authority (LA) Circular (LAC 67/2 (rev 11) is guidance under Section 18 of the Health and Safety at Work etc. Act 1974 (HSWA) and replaces LAC 67/2 (rev 10) and all earlier versions.

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.

Proactive inspections should only be used for:

- a) Specific projects/programmes of inspections identified by HSE for LA attention;
- b) High risk premises / activities within the specific LA enforced sectors published by HSE (Annex B of LAC 67/2 (rev 11) contains a list of activities/sectors considered suitable for proactive inspection);
- c) Locally identified potential poor performers. This is where specific local intelligence indicates that a business is failing to effectively manage risk.

In all circumstances, local authorities have the discretion as to whether or not proactive inspection is the most appropriate intervention using their local knowledge/intelligence of the dutyholder.

3.2.2 Delivery of priorities

In delivering their priorities local authorities should ensure their planned regulatory activity is focussed on outcomes. The Code provides flexibility for local authorities to address local priorities alongside the national priorities set by HSE. Having identified their evidence-based priorities local authorities 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

LAC 67(2) (rev 11) identifies the following national priorities:

1. **Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses.** HSE, in conjunction with LA's as co-regulators, is targeting employers and their workers to ensure they have the necessary tools to prevent work related stress and help to support good mental health at work.
2. **Electrical safety in hospitality settings** – The Electricity at Work Regulation 1989 requires that any electrical equipment which has the potential to cause injury is maintained in a safe condition.
3. **Construction** - Where the owners/occupiers of commercial premises at general visits appear likely to be clients for construction work, LAs should draw their attention to the Construction (Design and Management) Regulations (CDM) 2015 and the duties they have as CDM clients.

In addition, there are a number of specific topic areas LAs should address during the course of their visits, as outlined below:

- Duty to manage asbestos

- Falls from height – work on/adjacent to fragile roofs/materials
 - Health risks - respirable silica dust. Dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors.
 - Health risks – Moving and handling construction materials. Items that are commonly handled and frequently seen include paving stones, plaster board and glazing units.
4. **Visitor attractions to prevent or control ill health arising from animal contact**
 5. **Inflatable amusement devices** - There has been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. Inflatables can be found at many premises that fall to LAs for enforcement, and LAs should raise awareness of the general risks associated with the operation of such devices.
 6. **Trampoline Parks** – improved information provision and supervision of users.
 7. **Gas safety in commercial catering premises** – The proper installation, maintenance and inspection by a competent GAS Safe registered engineer is essential to ensure protection from exposure to carbon monoxide gas.
 8. **Pesticides** - Where the LA is the enforcing authority for health and safety legislation, they will enforce pesticides legislation and consider investigating complaints concerning storage and use of plant protection products and biocidal products on LA enforced premises; sale, supply and advertisement of pesticides; placing on the market through a retail outlet; and the use of pesticides in a non-work-related activity (e.g. in domestic premises).
 9. **Spa pools and hot tubs on display** - LAs should raise awareness of the risks of display spa pools and hot tubs and promote careful management to ensure that water quality does not encourage microbial growth and pose risks to people in the vicinity or passing near the spa pool or hot tub.
 10. **Welfare provision for delivery drivers.** - Raise awareness at LA enforced premises such as warehouses, restaurants and takeaways that receive or send regular deliveries of the need for welfare provision for delivery drivers.
 11. **Work related road safety** – LAs can raise awareness at LA enforced premises such as warehouses, restaurants, take-aways and other retail premises where workers drive vehicles to make deliveries.
 12. **Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins**
 13. **Promoting worker involvement in safety management systems.**

During all interventions we will have regard to these national priorities. However not all national priorities have a proactive inspection component.

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.

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 consistency exercises 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 2022-23 is expected to generate 5 revisits however as safety standards may have fallen this figure could be significantly higher. 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 Neighbourhood 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 statutory returns 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

We currently provide a combined food safety and health and safety service and have done so for many years to maximize resource use. Carrying out combined food and health and safety interventions is advocated by the Food Standards Agency, Local Regulation and Health and Safety Executive. Our planned approach does not result in an increase of proactive health and safety inspections, which is in accordance with government mandate.

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 30 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 local authorities 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. Local authorities 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 ten years gives some indication of the likely workload:

| Year | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 19/20 | 20/21 | 21/22 |
|-----------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| No. of reported accidents | 61 | 54 | 47 | 72 | 50 | 58 | 46 | 29 | 14 | 27 |
| No. requiring investigation | 16 | 14 | 9 | 15 | 6 | 2 | 1 | 4 | 0 | 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 2021-22 we worked with 99 new businesses.

3.3.5 COVID-19

The outbreak of COVID-19 in 2020 placed significant additional burdens on the Public Protection Service until all restrictions were lifted in 2022. From the outset of the pandemic, this service has been severely impacted in its ability to deliver the usual obligations in relation to health and safety and other work. The cohort of officers allocated to this work were immediately identified and delegated by Government to provide the frontline response to businesses and the public, within the majority of Local Authority Coronavirus Regulations.

The work of the service, and demands from the public, changed significantly with many traditional shops closed for many months and the lockdown preventing much of the service industry from operating. Throughout the pandemic the service has provided advice to businesses to ensure that they trade in accordance with COVID requirements and reopen safely. Enforcement action has been taken against those who chose to ignore it.

3.3.6 Public Health Promotional/Campaign Work

Throughout the COVID-19 pandemic all of our resources were focussed on managing the outbreak therefore we did not carry out any additional public health promotional campaign work.

- **Tattoo Hygiene Scheme**

In Hartlepool we have 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.

No interventions were carried out during 2021-22. During 2022-23 we plan to resume our inspection programme of registered tattooists participating in the scheme. Also 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.

3.3.7 Sampling

During 2021-22 no sampling was undertaken. In 2022-23 samples may be taken from 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 Local Authority 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; and
- 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 Consumer Services section in the year 2022-23 is:

| | £ | 000 |
|-------------------|---|------------|
| Employees | | 630 |
| Other Expenditure | | 69 |
| Grant Funding | | (33) |
| Income | | (8) |
| Net Budget | | 658 |

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 Director of Neighbourhoods and Regulatory Services has overall responsibility for the delivery of the health and safety service.

The Assistant Director (Regulatory Services), with the requisite qualifications and experience, is designated as lead officer in relation to the health and safety function and 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 resources determined necessary to deliver the service in 2021/22 are as follows:

1 x 0.10 FTE Assistant Director (Regulatory Services)

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

One of the FTE Senior EHO (Commercial Services) posts had been vacant from January 2021 to March 2022 however we have now filled this vacancy. Another Senior EHO transferred to a different team within the Public Protection service, in January 2022 leaving a vacant post. This post was

advertised as a full time position but not filled; we have however filled it on a fixed term contract and will continue to review the resources required.

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

The Assistant Director (Regulatory Services) 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, Emergency Planning and Community Safety and Protection as well as general management responsibilities as a member of the Neighbourhood and Regulatory Services 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 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.

We will continue to assess competence standards in respect of regulatory skills and knowledge and identify development needs.

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.

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 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 2021-22.

This service plan will be reviewed at the conclusion of 2022-23 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 Assistant Director (Regulatory Services) to carry out that review with the Director of Neighbourhoods and Regulatory 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.

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 2021-2022

This section describes performance of the service in key areas.

6.2.1 Health & Safety Interventions

In total interventions were carried out at 124 premises. These were risk based and multiple priority topics were covered during some visits.

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

Topic

Covid-19 and ensuring businesses were operating in a 'covid secure' manner
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 1 revisit to monitor compliance with contraventions identified during planned interventions.

It appears that the COVID-19 pandemic is having an impact on standards. Periods of closure and financial pressures as a result of the pandemic 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 2021-22 the Authority undertook 165 enforcement visits to assess compliance with smoke free legislation which came into force on 1st July 2007, a proportion of which were carried out in conjunction with health and safety inspections.

6.2.2 Promotional/Campaign Work

Routine promotional/campaign work did not take place in 2021-22 due to the COVID-19 pandemic.

6.2.3 Health and Safety Complaints & Requests for Service

During the year the service carried out 25 visits in response to 31 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 2021-22.

6.2.5 Compliments about our Staff

Positive feedback was received regarding advice and support provided by the service to local businesses during the COVID-19 pandemic.

6.2.6 Accidents/Diseases/Dangerous Occurrences Investigations

The service received 27 accident notifications during the year. Four of these notifications were selected for further investigation which generated four visits by enforcement staff.

6.2.7 Formal Enforcement Action

With regards enforcement action under Health and Safety at Work etc Act 1974 and associated legislation no legal proceedings were undertaken during 2020/21. One Prohibition Notice and one Improvement Notice were served on two separate business to secure better health and safety arrangements.

6.2.8 COVID-19 Response

The COVID-19 pandemic had a significant impact on the Public Protection Division until restrictions were lifted in 2022 with most officers having to spend some, or all, of their time giving advice to the general public/traders, dealing with complaints regarding various issues such as shops being open when they should not be or a lack of social distancing etc. Officers also undertook local contact tracing and were heavily involved in outbreak management.

Throughout the pandemic the service has provided advice to businesses to ensure that they trade in accordance with COVID requirements and has taken enforcement action against those who chose to ignore it.

7. KEY AREAS FOR IMPROVEMENT & CHALLENGES FOR 2022-23

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 2022-23.

1. The service will need to address its backlog of overdue food and health and safety programmed inspections that has arisen as a consequence of the Covid-19 pandemic. The Food Standards Agency (FSA) has introduced a 2 year recovery programme for local authorities to resume its inspection programme. We will have regard to this and also guidance issued by the Health and Safety Executive (HSE) in relation to health and safety interventions. We will also need to address any fall in standards and where necessary this may involve taking enforcement action.
2. The Public Protection section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount. During 2022-23 we will target our resources effectively using a range of interventions, including providing advice to businesses with the aim of influencing behaviour and improving the management of health and safety risks. We will continue to explore how we can contribute to the Public Health Outcomes and we will continue to seek additional income streams to supplement our budget.
3. 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 review and update our Quality Management System/Standard Operating Procedures for Health & Safety as appropriate.