

# NEIGHBOURHOOD SERVICES COMMITTEE

## AGENDA



**Thursday 5 October 2023**

**at 11.00 pm**

**in the Council Chamber,  
Civic Centre, Hartlepool.**

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors Cowie, Darby, Howson, Little, Moore, Oliver and Thompson.

**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 14 June 2023 (previously published and circulated).
- 3.2 To receive the Minutes and Decision Record of the meeting of the Emergency Planning Joint Committee held on 18 July 2023.

**4. BUDGET AND POLICY FRAMEWORK ITEMS**

- 4.1 Local Transport Plan Scheme Update – *Assistant Director (Neighbourhood Services)*

**5. KEY DECISIONS**

- 5.1 Public Space Protection Orders (PSPO's) – *Assistant Director (Regulatory Services)*

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Gladstone Street, Broad Field Road, Ibbetson Street and Beaconsfield Street Proposed Yellow Lines – *Assistant Director (Neighbourhood Services)*

**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.

- 6.2 Food Law Enforcement Service Plan 2023 24 – *Assistant Director (Regulatory Services)*
- 6.3 Health and Safety Service Plan 2023-24 – *Assistant Director (Regulatory Services)*

## **7. ITEMS FOR INFORMATION**

No items.

## **8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

### **FOR INFORMATION**

Dates of forthcoming meetings –

Thursday 8 December, 2023 at 10.00 am – please note revised date from 4 December.  
Monday 8 January, 2024 at 10.00 am  
Monday 5 February, 2024 at 10.00 am.



# **EMERGENCY PLANNING JOINT COMMITTEE**

## **MINUTES AND DECISION RECORD**

**18 JULY 2023**

The meeting commenced at 10.00 am at the Emergency Planning Annex,  
Stockton Police Station, Bishop Street, Stockton-On-Tees.

### **Present:**

Councillor: Councillor Sue Little (Hartlepool Borough Council) (In the Chair)

Councillors: Councillor Theo Furness (Middlesbrough Borough Council)  
Councillor Clare Gamble (Stockton Borough Council)

Officers: Stuart Marshall, Chief Emergency Planning Officer  
Kayleigh Fox – LRF Support Officer  
Jon Hepworth, Group Accountant (Regeneration and Neighbourhoods)  
David Cosgrove, Democratic Services Team

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

Councillor Adam Brook (Redcar and Cleveland Borough Council)

### **2. Declarations of interest by Members**

None.

### **3. Minutes of the meeting held on 28 April 2023**

Received.

### **4. Emergency Planning Joint Committee Introduction Paper** *(Chief Emergency Planning Officer)*

#### **Purpose of report**

To provide the new members of the Emergency Planning Joint Committee (EPJC) with an overview of the working arrangements and wider context of the Cleveland Emergency Planning Unit to enable effective oversight of the CEPU and CLRF activities and to enable members to contribute to future direction and policy. For reference a copy of the EPJC constitution was appended to the report.

**Issue(s) for consideration by the Committee**

The Chief Emergency Planning Officer submitted a report setting out for the new Members of the Committee the role of the Committee and the Emergency Planning Unit (EPU). The report identified the legislation under which the service operated and how each local authority coordinated with the EPU.

The report also highlighted the role of the Local Resilience Forum and how that operated in partnership with the EPU. The report set out details of the standing reports that would come to all meetings together with some additional subject specific reports programmed for the forthcoming year.

Members discussed some of the major incidents that the Unit had dealt with including issues such as the high spring tides and potential for tidal surges in September and October. The Chief Emergency Planning Officer stated that while the astronomical information was known at this time and there was ongoing monitoring and consideration, the major aspect and concern would be the weather prevailing at the time and its potential to generate a surge. He outlined that this could not be predicted with any real accuracy until about five days before the event.

Members questioned the previous incidents and how learning from them was incorporated into local plans. The Chief Emergency Planning Officer indicated that a register of incidents was kept, lessons identified through debriefs and Emergency Planning Officers from agencies ensured plans met the more frequent events and that local resilience and Community Risk Registers were up to date. The Chief Emergency Planning Officer stated that a report could be brought to a future meeting to show how Community Resilience Plans and projects were designed and developed. Members commented that environmental and climatic changes were influencing the severity and frequency of many weather incidents and questioned how this was changing local emergency plans. The Chief Emergency Planning Officer commented that the focus of the LRF including risk assessment under guidance is approximately 5 years forward, however the need to start looking much further forward has been identified in a number of national reviews and the recently released UK Government Resilience Framework.

The Chair congratulated the officers involved in the recent Tall Ships event which had gone off without any reported issues. The Chief Emergency Planning Officer reported that EPU officers had been involved in the planning for the event and on the day.

**Decision**

1. The Committee noted the Emergency Planning Joint Committee terms of reference and Local Government Association guidance for councillors.

2. The Committee requested that the Chief Emergency Planning Officer arrange introductory training from the Cabinet Office Emergency Planning College.
3. The Committee supported the reporting schedule, as outlined, and requested further information on the Community Risk Register and local plans.

## **5. Activities Report 01/04/2023 – 30/06/2023** (*Chief Emergency Planning Officer*)

### **Purpose of report**

To assist members of the Emergency Planning Joint Committee 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 reported on the progress made to date on the EPU's 2023/24 Action Plan. While many actions had not yet commenced, mainly due to staff being involved in other activities, the Chief Emergency Planning Officer stated that he was not concerned at this time that the action plan would be delivered. The report contained a number of examples of work completed including the update of all the contact information the Unit needed for a range of emergency situations.

The Chief Emergency Planning Officer also reported that through the Government Grant Funding to LRFs, a lot of innovative work was underway in the Local Resilience Forum, though the grant regime did require a significant amount of reporting back to government.

Members discussed the emergency plans held by local companies, such as those with duties under the COMAH regulations and how the duties on the Local Authority were recharged for by the Unit. In terms of LRF funding the Chief Emergency Planning Officer commented that Category 1 and 2 agencies under the Civil Contingencies Act 2004 contributed but that funding was inconsistent between partners. The Chief Emergency Planning Officer identified that there are areas of work with organisations and the private sector which cannot be recharged for but are undertaken due to the benefit of the area or need.

Members discussed some of the potential major incidents that could affect the whole region and how they were planned for. Following a query from a member the Chief Emergency Planning Officer reported that events such as tsunamis whilst feasible were not as high on the local risk register in comparison to a number of other risks. Members requested that a report on the headline risks be submitted to a future meeting.

Members also referred to the recent test of the emergency cell broadcast via mobile phones and how this would be utilised in the future. The Chief Emergency Planning Officer reported that he fully supported the system, though at present there were still issues to be resolved before it can be fully utilised. The Chief Emergency Planning Officer identified that the system is well applied to flooding via the Environment Agency and hoped that the service would be widened and adapted to cover a number of other specific risk scenarios, he identified that there would need to be an appropriate local strategic commander to authorise release of messages.

### **Decision**

1. That the update on the Emergency Planning Unit Action Plan be noted.
2. That an update on the Risks Register and Major Incident Plans be submitted to a future meeting of the Joint Committee.

## **6. Incidents Report 01/04/2023 – 30/06/2023** *(Chief Emergency Planning Officer)*

### **Purpose of report**

To assist members of the Emergency Planning Joint Committee in overseeing the performance and effectiveness of the Emergency Planning Unit and its value to the four unitary authorities through provision of a list of incidents within the reporting period.

### **Issue(s) for consideration by the Committee**

The Chief Emergency Planning Officer reported on the incidents that had been responded to by the Emergency Planning Unit during the April to June period. A number of these incidents had been followed up with multi-agency debriefs, the learning from which was shared with agencies and where appropriate actioned via the Local Resilience Forum / agencies internal procedures.

Members noted the incidents and briefly discussed the Tees Barrage failure and outage that resulted in the loss of the national 999 service. The Chief Emergency Planning Officer stated that an OFCOM report on the service outage was still awaited. Members requested an update be provided for a future meeting.

The meeting also briefly discussed the fire hazard issues around lithium batteries used in electric vehicles, bicycles and scooters and the potential impacts on the Teesside area especially reference the potential risks of storage and recycling of batteries at end of life. Members noted that there were a number of reported fires where batteries in electric bicycles and scooters left on charge overnight had set alight. There were issues associated with non-regulated batteries being used in some products, and

also available on the after-market, and there was a push for national guidance and awareness reference the dangers associated.

### **Decision**

1. That the report be noted.
2. That a report be provided to a future meeting on the national 999 service outage.

## **7. Financial Management Outturn Report** *(Director of Finance, IT and Digital and Chief Emergency Planning Officer)*

### **Purpose of report**

To provide details of the outturn for the financial year ending 31st March, 2023.

### **Issue(s) for consideration by the Committee**

The Group Accountant reported that the final outturn position for the Emergency Planning Service, was a minor adverse variance of £4,000, before the release of reserves. The variance resulted from slight reductions in recharges from external bodies, though this was largely offset by a favourable variance in staffing costs.

In relation to the Local Resilience Forum, the Group Accountant reported that there was a favourable variance of £39,000 which mainly related to underspends against non-staffing costs, as the scheme had not become fully operational until the 4 posts were filled. This would enable the contributions of partners to be carried forward in a reserve.

Members discussed the funding arrangements for the Emergency Planning Services, and the Chief Emergency Planning Officer indicated that while much of the base funding came from the four partner local authorities, there was other funding from that came from chargeable activities, particularly under the COMAH regulations and also contributions from partner organisations.

In relation to the LRF funding, the Chief Emergency Planning Officer commented that the government was looking to make LRF's more visible and accountable and was to engage 11 areas to trial new models of operation under a stronger LRFs programme. With Cleveland already receiving grant funding for the LRF Pilot Scheme, the LRF strategic Board indicated that 'we' would be happy to act as a comparator to those involved.

Members asked if the next financial report to the Committee could include a report on the reserves currently held for both the Emergency Planning Unit and the Local Resilience Forum.

**Decision**

1. That the Outturn Report for 2022/23 be noted.
2. That the next Financial Update Report include details of the reserves for both the Emergency Planning Unit and the Local Resilience Forum.

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

None.

The meeting concluded at 11.10 am.

**H MARTIN**

**DIRECTOR OF LEGAL, GOVERNANCE AND HUMAN RESOURCES**

**PUBLICATION DATE: 21<sup>st</sup> July 2023**



# NEIGHBOURHOOD SERVICES COMMITTEE

5<sup>TH</sup> October 2023



**Subject:** Local Transport Plan Scheme Update

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

**Decision Type:** Budget and Policy Framework  
(Forward Plan Ref No. NRS07/23)

## 1. COUNCIL PLAN PRIORITY

### 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.

## 2. PURPOSE OF REPORT

- 2.1 To seek approval for a delivery programme of safety schemes across the Borough for financial year 2023/2024.

## 3. BACKGROUND

- 3.1 Neighbourhood Services Committee approved the Local Transport Plan (LTP for 2023/24 at committee on 13<sup>th</sup> March 2023.
- 3.2 That report identified the allocated budget for Local Safety and Safer Routes to School schemes for 2023/24.
- 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 far outstrips the Local Transport Plan budget allocation and as such a scrutiny assessment is undertaken by officers to develop the preferred list of schemes within the budget. Analysis of each

request is undertaken based on factors such as accident data, the presence of a school/ playground, higher pedestrian usage, and community concerns raised.

- 3.5 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.
- 3.6 Accident levels within Hartlepool are currently at low levels and therefore it is 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/OPTIONS FOR CONSIDERATION

- 4.1 A programme of potential safety schemes has been developed as detailed below.
- 4.2 As well as a review of the accident data, a high number of schemes have also been requested from both Elected Members and residents. These requests considerably exceed the budget available and as a result it is only possible to enable two schemes to be taken forward this financial year.
- 4.3 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 2023/24 have been allocated 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.
- 4.4 Similar to the Highway Resurfacing programme, this list is live and new requests can be considered throughout the year.
- 4.5 Detailed designs on the proposed schemes are still required and these will be progressed should Committee approve the proposed 2023/24 schemes.

##### Safety Scheme Programme

- 4.6 **Jesmond Road/ Gardens** (*Budget estimate £80k*) – There have been 2 serious and 2 slight accidents recorded on this section of road involving both with pedestrians and cyclists.

It is proposed to install a pedestrian build out at the junction with Chatham Road to make crossing safer.

A similar build out will be provided at the junction with Challoner Road to assist people crossing, and these carriageway narrowings will also help to encourage slower vehicle speeds.

With vehicle parking only taking place on the east side of the road due to the yellow lines on the west side, the parking bays will be marked out and the carriageway centre-line re-aligned to the middle of the remaining road space. This will help to give clearer demarcation of traffic lanes, and with these being slightly narrower will again help to encourage slower speeds.

- 4.7 **West View Road (Brus Roundabout – Cleveland Road)** (*Budget estimate £60k*) – 2 serious and 2 slight accidents have taken place on the road, with excessive speed being a major factor.

There is an existing zebra crossing close to the junction with Union Road which helps to regulate speeds, and it is proposed to install a raised platform at the junction with Heortnesse Road, in order to physically slow vehicles down on this section of road.

This is also a main crossing point for visitors to the local convenience store so pedestrian safety will be improved, and additional tactile crossings will be included at appropriate locations around the junction.

Additional dropped kerbs will be installed on the section further north towards the Brus roundabout to improve crossing facilities, while short sections of guard rail will be placed across footpaths leading out from the Central Estate, to prevent pedestrians running straight into the road.

## 5. OTHER CONSIDERATIONS/IMPLICATIONS

<b>RISK IMPLICATIONS</b>	No relevant issues.
<b>FINANCIAL CONSIDERATIONS</b>	The scheme estimates total approximately £140,000 and will be funded from the Council's Local Transport Plan. Should savings be realised during delivery then a further scheme(s) may be brought forward from the list in <b>Appendix 1</b> .
<b>LEGAL CONSIDERATIONS</b>	A Traffic Regulation Order will be required for yellow lines where identified.
<b>CHILD AND FAMILY POVERTY</b>	No relevant issues.
<b>STAFF CONSIDERATIONS</b>	All schemes will be designed through the Council's internal Engineering services.

<b>ASSET MANAGEMENT CONSIDERATIONS</b>	No relevant issues.
<b>ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS</b>	No relevant issues.
<b>CONSULTATION</b>	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. RECOMMENDATIONS

### 6.1 Members are asked to:

- Note the continuation of the oversubscribed LTP budget and the requirement for prioritisation.
- Note that the list proposed is live and further scheme(s) may be deliverable should savings within the 2023/24 programme be identified.
- Approve the proposed safety scheme programme for 2023/24; and
- Approve any changes to the proposed programme be delegated to the Executive Director of Development, Neighbourhoods and Regulatory Services, in consultation with the Chair of Neighbourhood Services Committee.

## 7. REASONS FOR RECOMMENDATIONS

7.1 To reduce casualties and improve road safety in Hartlepool.

7.2 To allow for the prioritisation of schemes when demand exceeds the budget.

## 8. BACKGROUND PAPERS

8.1 Local Transport Plan 2022/23 Outturn and 2023/24 Programme

Local Transport Plan 2011-2026

## 9. CONTACT OFFICERS

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Sign Off:-

Managing Director	Date: 13/09/2023
Director of Finance, IT and Digital	Date: 14/09/2023
Director of Legal, Governance and HR	Date: 14/09/2023

LOCATION	SCHEME	ACCIDENTS	POINTS
Jesmond Road/ Gardens	Crossing/ pinch points	2 serious, 2 slight	6
West View Rd (East of Brus)	Speed Humps/ Traffic reduction	2 serious, 2 slight	6
Oxford Road (East)	Not defined	1 serious, 4 slight	6
Tarnston Rd	Not defined	2 serious	4
Elwick Road (Wooler Rd - Dunston Rd)	Crossing near to Park Avenue, raised platform at Egerton Rd	1 serious, 2 slight	4
Murray Street	Traffic calming	1 serious, 1 slight	3
Rossmere Way	Island/ crossing/ build outs	1 serious, 1 slight	3
Elwick Rd (Dunston Rd - National Speed Limit)	Pedestrian Island	1 serious, 1 slight	3
King Oswy Drive (Top section)	Build outs	1 serious, 1 slight	3
Owton Manor Lane (o/s Manor College)	Crossing	3 slight	3
Duke St/ Mulgrave Road	Not defined	3 slight	3
Easington Rd Coast Road (North of King Oswy Drive)	Pedestrian Island	1 serious	2
Merlin Way (A179 – Osprey)	Not defined	1 serious	2
Westbrooke Ave	Traffic calming	1 serious	2
Blakelock Rd/ Gdns	Not defined	2 slight	2
Wooler Road		2 slight	2
Maritime Ave	Traffic calming (Residential area)	2 slight	2
Stockton Road (BV Way to Westbrooke Ave)	Not defined	1 slight	1
Newton Bewley	Crossing/ speed limit reduction	1 slight	1
Elizabeth Way	Crossing, etc	1 slight	1
Oxford Road (West)	Not defined	1 slight	1
Eskdale Road	Not defined	1 slight	1
Macaulay Road	Road humps	1 slight	1
Fernwood Avenue	Road humps	1 slight	1
Tees Road	Signals/ ped phase at De Havilland Way and guard rail alongside Cricket Club		0
Truro Drive	Not defined		0
Warren Road (East)	Road humps		0
Chester Rd/ Thornhill Gdns	Road humps		0
Warrior Drive (Northern section)	Not defined		0
Clavering Road	Raised platform at bend		0
St. Paul's Road/ Osborne Road	Not defined		0
Cairnston Rd	Not defined		0
The Parade	Traffic calming/ crossing		0
Dalton Piercy	Traffic calming		0

LOCATION	SCHEME	ACCIDENTS	POINTS	4.1
Stockton Rd/ Stratford/Spring Garden Rd	Humps/ raised junction		0	
Warren Road (West)	Traffic calming		0	
Westwood & Woodstock	2 x zebra crossings		0	
Wiltshire Way	Not defined		0	
Clifton Avenue	Road humps		0	
Ventnor Avenue	Speed Humps		0	
Sinclair Road	Road humps		0	
Southbrooke Avenue	Road humps		0	
Greatham Village (High St, Front St, etc)	Not defined		0	
Elliott Street	Not defined		0	
Dalkeith Road	Road humps		0	
Westbourne Rd	Not defined		0	
Hutton Avenue	Not defined		0	
Kesteven Road	Not defined		0	
Wilson Street	Not defined		0	
Tanfield Road	Road humps		0	
Dowson Rd	Road humps		0	
Jones Road	Road humps		0	
Tristram Avenue	Road humps		0	
Marsh House Lane, Greatham	Not defined		0	
Miers Ave (W)	Traffic calming		0	
Avondale Gardens	Road humps		0	
Allendale St/Berwick St/ Carlisle St/ Farndale Rd	Road humps		0	
Osprey Way	Not defined		0	
Shakespeare Ave	Not defined		0	
Windsor Street	Traffic calming		0	
Skelton Street	Road humps		0	
Spalding Rd	Road humps		0	
Swinburne Rd	Traffic calming		0	
Everett St	Not defined		0	
Sandbanks Drive	Road humps		0	
Garside Drive	Road humps		0	
Honiton Way	Road humps		0	
The Oval	Not defined		0	
Campbell Road	Not defined		0	
Dryden Rd	Traffic calming		0	
Primrose Road	Road humps		0	
Dunbar Rd	Road humps		0	
Seaton Lane Service Road	Road humps		0	
Ridlington Way	Not defined		0	
Butts Lane (Burns Close area)	Not defined		0	
Philips Rd/ Daley Close	Road humps		0	
Thirsk Grove	Road humps		0	
Grange Avenue	Traffic calming		0	
Windsor Street	Not defined		0	
Westfields	Not defined		0	
Brough Court	Road humps		0	

LOCATION	SCHEME	ACCIDENTS	POINTS	4.1
Hayfield Close	Road humps at entrance of street		0	
Clifford Close	20mph limit and road humps		0	
Road to North Hart Farm	Not defined		0	

*\*5 Year Figures (July '18 – June '23)*



## NEIGHBOURHOOD SERVICES COMMITTEE

5<sup>th</sup> October 2023



**Subject:** PUBLIC SPACES PROTECTION ORDERS (PSPO's)

**Report of:** Assistant Director (Regulatory Services)

**Decision Type:** Key Decision – General Exception Applies

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### 1. COUNCIL PLAN PRIORITY

<b>Hartlepool will be a place:</b>
- that is sustainable, clean, safe and green.

### 2. PURPOSE OF REPORT

- 2.1 To seek approval for the renewal for Public Spaces Protection Orders (PSPO's) already in place relating to dog control orders and gating orders.

### 3. BACKGROUND

- 3.1 Public Spaces Protection Orders (PSPO's) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and give local Councils additional optional powers to deal with anti-social behaviour.
- 3.2 Councils can use PSPO's to prohibit specified activities and/or require certain things to be done in defined locations in order to stop or prevent anti-social behaviour.
- 3.3 The breach of a PSPO is a criminal offence but can be dealt with through the issue of a Fixed Penalty Notice (£100).
- 3.4 Councils may only introduce PSPO's where there is, or there is likely to be, persistent anti-social behaviour in a particular location or area.
- 3.5 PSPO's have a maximum duration of three years but may be renewed for a further three years indefinitely.
- 3.6 PSPO's are not intended to be used to tackle specific individuals or properties (other powers exist for such purposes) but rather identified anti-social behaviour problems in known locations.

### 3.7 Existing PSPO's in Hartlepool

3.8 When the Anti-social Behaviour, Crime and Policing Act 2014 was first introduced it automatically replaced a number of legal controls that were in place at that time, including Dog Control Orders and Gating Orders.

3.9 These PSPO's are due to expire in October 2023 and, as such, it is necessary to consider whether they should be renewed.

3.10 Two additional PSPO's relating to dog control (length of dog leads and 'proof of means to pick up') were introduced in 2019, these also expire in October 2023.

## 4. **PROPOSAL**

### 4.1 Dog Control

4.2 There are currently 7 dog-related PSPOs in Hartlepool, namely:

- Dogs On Leads – Dogs may enter the specified area but only if they are held on a lead;
- Dog Exclusion – Dogs may not enter a specified area;
- Dog On Lead By Direction Order – An authorised officer can instruct a person responsible for a dog to put it on a lead if it is causing a nuisance and this applies to the whole Borough;
- Fouling Of Land – The person responsible for a dog must clean up its faeces forthwith and this applies to the whole Borough;
- Specified Maximum Number Of Dogs – Any one person may take out up to a maximum of 4 dogs at any one time and this applies to the whole Borough;
- Restricted Lead Lengths – Dog leads are limited to 1.5 metres in length in all cemeteries; and
- Proof of Means to Pick-up – The power for authorised officers to request proof that a dog walker has the means to pick up their dog's faeces and this applies to the whole Borough.

4.3 All the above Orders need to be renewed in October 2023.

### 4.4 Gating Orders

4.5 The Committee will be aware that there are a large number of alleygates in Hartlepool – most of which were installed to help combat crime and anti-social behaviour that was facilitated by the easy and unrestricted access to back alleys.

4.6 As back alleys are legally regarded as highways, the installation of a gate obstructs that highway and, as such, authorisations must be in place to allow for that obstruction to take place lawfully.

- 4.7 Prior to the introduction of the Anti-social Behaviour, Crime and Policing Act 2014, this was done by means of ‘Gating Orders’.
- 4.8 These Gating Orders automatically became PSPO’s in 2017, and they were then renewed in October 2020, therefore they must be renewed in October 2023 for them to continue to have effect.
- 4.9 If the PSPO covering alleygates is not renewed in October, all alleygates covered by the Order would need to be left open so as not to illegally obstruct the highway.
- 4.10 The consultation process began on 7<sup>th</sup> August and will continue until 24<sup>th</sup> September 2023.
- 4.11 At the writing this report, we have 28 responses to the consultation the majority are in favour of the renewal of the orders. Committee will be updated on all responses when the meeting takes place.
- 4.12 In the absence of any comments against the renewal of the PSPO’s already in place, it is proposed that they be renewed on 19<sup>th</sup> October 2023.

## 5. OTHER CONSIDERATIONS/IMPLICATIONS

<b>RISK IMPLICATIONS</b>	If the PSPO’s currently in force are not renewed in October 2023 they will cease to have effect.
<b>FINANCIAL CONSIDERATIONS</b>	No relevant issues.
<b>LEGAL CONSIDERATIONS</b>	There is a legal requirement that PSPO’s may only be renewed or introduced where there is sufficient relevant evidence to justify it. The gathering and consideration of such evidence forms part of the renewal process and is included in this Committee report.
<b>CHILD AND FAMILY POVERTY</b>	No relevant issues.
<b>EQUALITY AND DIVERSITY CONSIDERATIONS</b>	No relevant issues.
<b>STAFF CONSIDERATIONS</b>	Responsibility for the enforcement of the current PSPO’s lies with the Police and the Council’s Civil Enforcement Team. The renewal of existing PSPO’s will not create any additional staffing demand.

<b>ASSET MANAGEMENT CONSIDERATIONS</b>	The Council owns a large number of alleygates and should the PSPO that allows them to be used not be renewed, the alleygates would become irrelevant and unusable.
<b>ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS</b>	No relevant issues.
<b>CONSULTATION</b>	Consultation on the renewal of PSPO's is a statutory requirement and has been undertaken on the Councils 'Your Say' system. The consultation process began on 7 <sup>th</sup> August and will continue until 24 <sup>th</sup> September 2023. At the writing this report, we have 28 responses to the consultation the majority are in favour of the renewal of the orders. Committee will be updated on all responses when the meeting takes place

## 6. RECOMMENDATIONS

- 6.1 That Committee approves the renewal of all existing Public Space Protection Orders as detailed in this report.

## 7. REASONS FOR RECOMMENDATIONS

- 7.1 The renewal of the existing Public Space Protection Orders will allow the Council to continue to enforce various dog control measures in Hartlepool and permit the continued use of alleygates.

## 8. BACKGROUND PAPERS

- 8.1 Public Space Protection Orders – Neighbourhood Services Committee 13<sup>th</sup> June 2018
- 8.2 Public Space Protection Orders – Neighbourhood Services Committee 21<sup>st</sup> January 2019
- 8.3 Public Spaces Protection Orders – Neighbourhood Services Committee 16<sup>th</sup> October 2020

**9. CONTACT OFFICER**

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Sign Off:-

Managing Director	Date: 25/09/2023
Director of Finance, IT and Digital	Date: 25/09/2023
Director of Legal, Governance and HR	Date: 25/09/2023

# NEIGHBOURHOOD SERVICES COMMITTEE

5<sup>TH</sup> October 2023



**Subject:** Gladstone Street, Broad Field Road, Ibbetson Street and Beaconsfield Street Proposed Yellow Lines

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

**Decision Type:** Non-Key

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## 1. COUNCIL PLAN PRIORITY

<b>Hartlepool will be a place:</b>
- that is sustainable, clean, safe and green.

## 2. PURPOSE OF REPORT

- 2.1 To seek approval for the implementation of double yellow lines, and report objections following the advertisement of the Traffic Regulation Order in line with the Council's constitution.

## 3. BACKGROUND

- 3.1 Concerns have been raised by Hartlepool Borough Council's Refuse Collection team with regards to access at various junctions around Gladstone Street, Broad Field Road, Ibbetson Street and Beaconsfield Street. Parking within the back streets and on the front street close to their entrance points has led to collections being missed on a number of occasions, leading to complaints from residents.

## 4. PROPOSALS

- 4.1 It is proposed to implement double yellow lines at various junctions in the area where problems have been identified by the Refuse Collection service (**Appendix 1**). The proposed restrictions have been kept to a minimum as it is acknowledged that there is a high demand for parking due to the terraced nature of the streets. The restrictions need to extend into the main street to

allow refuse collection vehicles sufficient space to maneuver in and out of the back streets.

- 4.2 The restrictions will be kept to the minimum required to facilitate access for refuse collection. Space has also been left outside each property for parking.

Double yellow lines have been proposed rather than a single yellow line which would restrict parking during specified periods, because in addition to issues for refuse vehicles access could also be restricted for emergency services, delivery vehicles and other residents.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 The restrictions will be funded from Local Transport Plan budgets and are estimated to cost £1,000 to implement.

## **6. RISK IMPLICATIONS**

- 6.1 If the yellow lines are not implemented, the risk of missed collections and customer complaints remains.

## **7. LEGAL CONSIDERATIONS**

- 7.1 Traffic Regulation Orders are required in order to implement the yellow lines. The advertisement of these orders has already taken place.

## **8. CONSULTATION**

- 8.1 Notices were posted on street furniture throughout the area, and direct to residential properties adjacent to the proposed restrictions.
- 8.2 A total of 6 written objections were received, including an email from a group called Save Headland Resident Parking. The objectors were concerned with the loss of parking and the impact this would have on residential parking that was already in short supply.

## **9. STAFF CONSIDERATIONS**

- 9.1 The restrictions are required to enable staff to complete refuse collection safely and efficiently.

**10. OTHER CONSIDERATIONS/IMPLICATIONS**

<b>CHILD AND FAMILY POVERTY</b>	No relevant issues.
<b>EQUALITY AND DIVERSITY CONSIDERATIONS</b>	No relevant issues.
<b>ASSET MANAGEMENT CONSIDERATIONS</b>	No relevant issues.
<b>ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS</b>	No relevant issues.

**11. RECOMMENDATIONS**

11.1 It is recommended that the proposed restrictions be implemented.

**12. REASONS FOR RECOMMENDATIONS**

12.1 To improve access to the area, particularly back streets, in order to facilitate refuse collection.

**13. BACKGROUND PAPERS**

13.1 None.

**14. CONTACT OFFICERS**

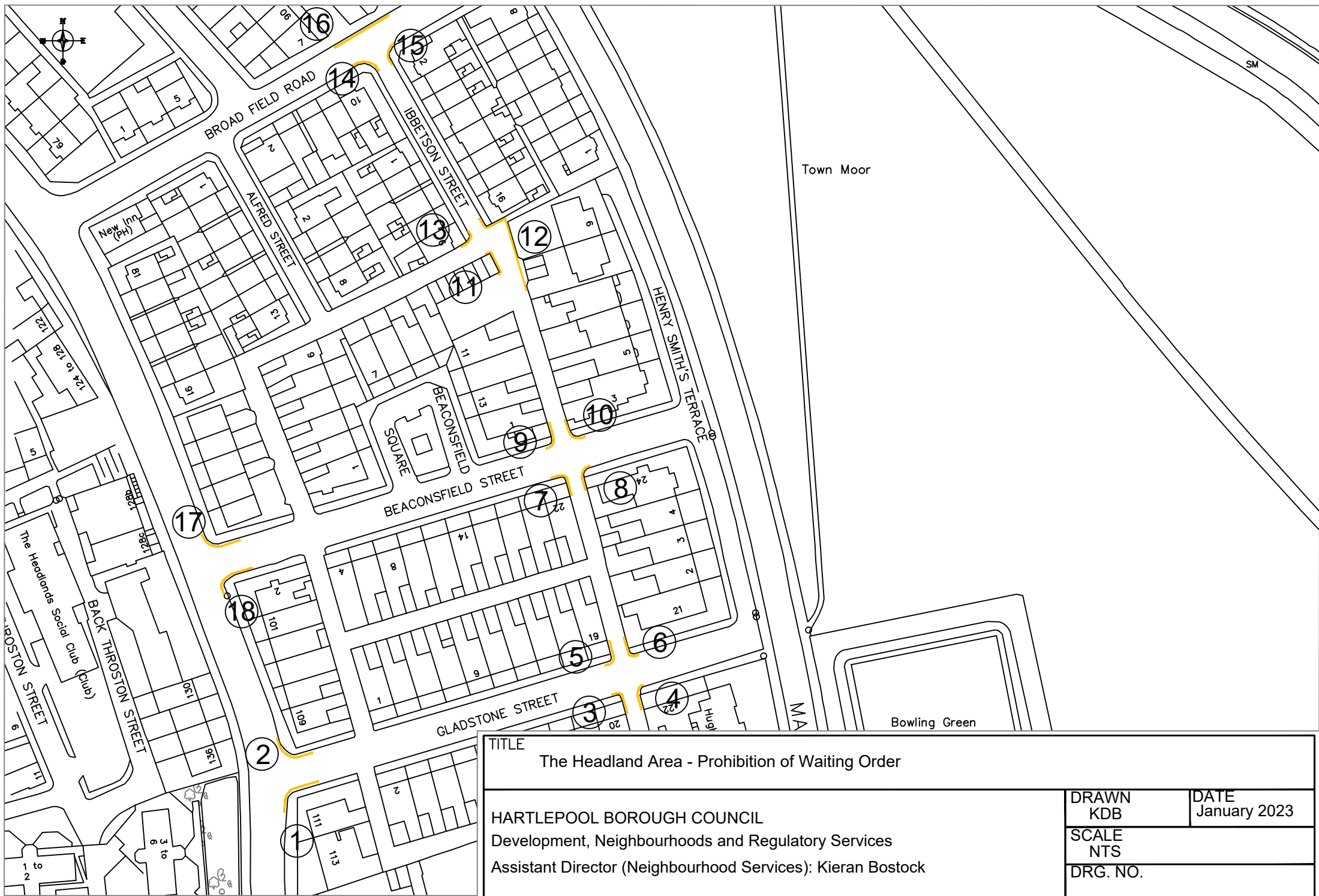
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Sign Off:-

Managing Director	Date: 13/09/2023
Director of Finance, IT and Digital	Date: 14/09/2023
Director of Legal, Governance and HR	Date: 13/09/2023



TITLE

The Headland Area - Prohibition of Waiting Order

HARTLEPOOL BOROUGH COUNCIL

Development, Neighbourhoods and Regulatory Services

Assistant Director (Neighbourhood Services): Kieran Bostock

DRAWN  
KDB

DATE  
January 2023

SCALE  
NTS

DRG. NO.

# NEIGHBOURHOOD SERVICES COMMITTEE

5<sup>TH</sup> OCTOBER 2023



**Subject:** FOOD LAW ENFORCEMENT SERVICE PLAN  
2023-24

**Report of:** Assistant Director (Regulatory Services)

**Decision Type:** Non-Key

## 1. COUNCIL PLAN PRIORITY

<b>Hartlepool will be a place:</b>
- where people are enabled to live healthy, independent and prosperous lives.
- where those who are vulnerable will be safe and protected from harm.

## 2. PURPOSE OF REPORT

2.1 To approve the Food Law Enforcement Service Plan for 2023/24.

## 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 2023/2024 is available in **Appendix 1** and takes into account the guidance requirements. The Plan details the Service's priorities for 2023/24 and beyond where appropriate. It also highlights how these priorities will be addressed.

#### **4. PROPOSALS/OPTIONS FOR CONSIDERATION**

- 4.1 The Service Plan for 2023/24 has been updated to reflect last year's performance and reflect changes in Service demand.
- 4.2 The Plan covers the following:
- (i) Service Aims and Objectives;
  - (ii) The scope and demands on the Food 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 2022/23.

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

- 5.1 In June 2021 The Food Standards Agency (FSA) set out its COVID-19 Response – Recovery Plan setting out guidance and advice for local authorities on delivery of official food controls and related activities in the period 1 July 2021 to 31 March 2023/24. This guidance has been periodically updated as COVID-19 restrictions have eased and the Plan has now officially ended. This Plan set out how Local Authorities were being asked to return to a planned routine inspection, in accordance with the Food Law Code of Practice. Local authorities were expected to have regard to the guidance and advice.
- 5.2 In February 2023 the FSA carried out a virtual assessment over 3 days of Hartlepool Council's performance against the recovery plan. The findings of the assessment were positive, confirming that the local authority had implemented the guidance and met, and in some instances exceeded, the milestones in the Plan. Also that the Authority was delivering official controls in accordance with relevant legislation, including the Food Law Code of Practice. The Executive Findings of the Agency's report are included on page 13 of **Appendix 1**.

- 5.3 The Council is responsible for 798 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.
- 5.4 The food hygiene, food standards and feeding stuffs intervention programmes are risk-based systems that accord with current guidance. The current premises profiles, as at 1<sup>st</sup> April 2023, are included in the Service Plan.
- 5.5 The intervention programme for 2023/24 comprises scheduled food hygiene and food standards interventions and includes those low risk interventions overdue for inspection. This intervention programme is set out on in the Service Plan.
- 5.6 The Food Hygiene Rating System (FHRS) scheme was launched by the FSA 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.

The profile of Hartlepool's food premises is shown below:

Hygiene Rating	No @ 1.4.13	No @ 1.4.14	No @ 1.4.15	No @ 1.4.16	No @ 1.4.17	No @ 1.4.18	No @ 1.4.19	No @ 1.4.20	No @ 1.4.21	No @ 1.4.22	No @ 1.4.23
<b>5 Very Good</b>	434 (60.9%)	456 (66.7%)	471 (68.3%)	502 (72.2%)	539 (76.9%)	561 (80.6%)	580 (82.9%)	596 (83.9%)	587 (73.2%)	688 (87.3%)	654 (85.9%)
<b>4 Good</b>	164 (23.0%)	149 (21.8%)	136 (19.7%)	125 (18.0%)	107 (15.3%)	101 (14.5%)	76 (10.9%)	77 (10.8%)	72 (9%)	64 (8.1%)	66 (8.7%)
<b>3 Generally Satisfactory</b>	63 (8.9%)	63 (9.2%)	56 (8.1%)	55 (7.9%)	43 (6.1%)	28 (4.0%)	38 (5.4%)	36 (5.1%)	32 (4%)	35 (4.4%)	32 (4.2%)
<b>2 Improvement Necessary</b>	22 (3.1%)	9 (1.3%)	18 (2.6%)	8 (1.2%)	10 (1.4%)	4 (0.6%)	3 (0.4%)	0 (0%)	0 (0%)	1 (0.1%)	4 (0.5%)
<b>1 Major Improvement Necessary</b>	13 (1.8%)	7 (1.0%)	9 (1.3%)	3 (0.4%)	2 (0.3%)	2 (0.3%)	3 (0.4%)	0 (0%)	0 (0%)	0 (0%)	5 (0.7%)
<b>0 Urgent Improvement Necessary</b>	0 (0%)	0 (0%)	0 (0%)	2 (0.3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
<b>Awaiting Inspection</b>	17 (2.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (0.01%)	111 (13.8%)	0 (0%)	0 (0%)
<b>Sub Total</b>	<b>713</b>	<b>684</b>	<b>690</b>	<b>695</b>	<b>701</b>	<b>696</b>	<b>700</b>	<b>710</b>	<b>802</b>	<b>788</b>	<b>761</b>
<b>Exempt</b>	49	45	44	45	42	42	37	39	39	39	28
<b>Excluded</b>	9	10	10	1	1	10	12	2	2	8	6
<b>Sensitive</b>	32	32	1	8	9	1	1	10	10	2	3
<b>Total</b>	<b>803</b>	<b>771</b>	<b>745</b>	<b>749</b>	<b>753</b>	<b>749</b>	<b>750</b>	<b>761</b>	<b>853</b>	<b>837</b>	<b>798</b>

- 5.7 Since the introduction of the FHRs national scheme in 2013, year on year the profile of Hartlepool food businesses improved up until 2021/22. As of 1<sup>st</sup> April 2021, 99.8% of premises had received a hygiene rating of '3' ('Generally Satisfactory') and above. In 2022/23, there was a slight dip in the profile with the overall percentage rated '3' or above now down to 98.8%.
- 5.8 The number of businesses rated 0-2 has increased and these have required multiple revisits / re-rating visits. The FSA have stated that there is anecdotal information suggesting that there has been a general trend of reducing hygiene standards in food establishments since the onset of the pandemic. This has been our experience to date. The fall in standards is also reflective of the cost of living crisis and the difficulties businesses are facing.
- 5.9 The service is committed to focussing its resources on carrying out interventions at those businesses which are deemed not to be 'broadly compliant' and has continued to liaise with businesses that have been awarded a hygiene rating of '2' or less offering advice and support. Revisits and enforcement action will be taken to secure compliance where necessary. It is anticipated that a higher level of revisits and enforcement will continue to be needed to be undertaken than in previous years.
- 5.10 Under the FHRs there is a procedure that 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. In certain circumstances a charge can be levied. At the re-visit the establishment may be re-assessed and given a new hygiene rating.
- 5.11 During 2022/23, 19 businesses submitted applications for a re-rating and all demonstrated an improvement in standards and their rating increased following an unannounced inspection. Of these 4 businesses paid for an early inspection.
- 5.12 Service performance during 2022/23 is detailed in the Service Plan.

The following interventions were completed:

<b>Interventions</b>	<b>2022/23</b>	<b>2021/22</b>
<b>Food Hygiene</b>	522	252
<b>Food Standards</b>	406	202
<b>Feed Hygiene</b>	5	5

This included all unrated premises that were due food hygiene and food standards inspections.

- 5.13 The Council has continued to respond to complaints in the usual manner. Investigations into all complaints were undertaken within our target of 2 working days.

The service dealt with the following complaints:

<b>Complaints</b>	<b>2022/23</b>	<b>2021/22</b>
<b>Premises complaints (incl. condition of food premises and/or food handling practice)</b>	45	74
<b>Food complaints (incl. unfit or out of condition food or extraneous matter)</b>	72*	30
<b>Food Standards complaints (incl. composition or labelling of food items)</b>	7	27

*\*This figure included 45/72 visits that were made following a national Product Withdrawal. The visits were made to check to see if affected products had been withdrawn from sale. In 4 premises products were found to be on sale. Following discussions with the wholesaler and food business operators all products were withdrawn from sale.*

- 5.14 No complaints were received during 2022/23 regarding animal feeding stuffs.
- 5.15 No formal enforcement action was undertaken during 2022/23, however 3 food premises voluntarily closed due to unsatisfactory hygiene conditions. Appropriate follow up action was taken. One premises has since ceased trading. It is anticipated that increased enforcement activity may continue to be required during 2023/24.
- 5.16 During 2022/23 the sampling programmes were resumed and 117 hygiene samples and 10 standards samples were taken. While the majority of hygiene samples examined were reported as being Satisfactory, 8 out of 10 food standards samples analysed were reported as Unsatisfactory. These samples were taken as part of a local survey to assess the unintentional presence of milk proteins in 'Dairy Free lattes'. Follow up action was taken in relation to these and repeat sampling is planned during 2023/24.
- 5.17 Water obtained from a private supply and used for manufacturing purposes was also sampled and all results were satisfactory. As part of the service's Port Health functions potable water was examined from 4 vessels visiting Hartlepool, 7 Ship Sanitation Exemption Certificates were also issued.
- 5.18 No promotional/campaign work was carried out during 2022/23, however, whenever possible activities that support the Public Health Agenda will resume in 2023/24.
- 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 2023/24 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 food safety risks which will have impact on wider public health outcomes. We will continue to explore how we can

contribute to Public Health Outcomes and source funding streams to support our work.

- 5.20 The FSA recovery plan prioritised inspections of premises presenting the highest risk. The profile of our premises is such that many of our inspections will fall due again within a similar period of time (i.e. within the next 18-24 months). It was discussed with the FSA that in order to offset the burden being placed on the next financial year's inspection programme we intend to bring forward some of these inspections and to incorporate them into this year's programme.
- 5.21 The FSA recovery plan did not require low risk inspections to be carried out however as a direct consequence of the Pandemic some interventions remain overdue. The service will need to address its backlog of overdue low risk Category E inspections and to ensure that all interventions are in line with the frequencies set out in the Food Law Code of Practice. We will also need to address any fall in standards and where necessary this may involve taking enforcement action.
- 5.22 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. OTHER CONSIDERATIONS/IMPLICATIONS

<b>RISK IMPLICATIONS</b>	If the Food Law Enforcement Law Service Plan 2023/24 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.
<b>FINANCIAL CONSIDERATIONS</b>	No relevant issues
<b>LEGAL CONSIDERATIONS</b>	If the Food Law Enforcement Law Service Plan 2023/24 is not adopted we will not meet the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.
<b>CHILD AND FAMILY POVERTY</b>	No relevant issues
<b>EQUALITY AND DIVERSITY CONSIDERATIONS</b>	No relevant issues
<b>STAFF CONSIDERATIONS</b>	No relevant issues



<b>ASSET MANAGEMENT CONSIDERATIONS</b>	No relevant issues
<b>ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS</b>	No relevant issues
<b>CONSULTATION</b>	No relevant issues

## 7. RECOMMENDATIONS

- 7.1 That the Neighbourhood Services Committee approves the Food Law Enforcement Service Plan for 2023/24.

## 8. REASONS FOR RECOMMENDATIONS

- 8.1 The Food Law Enforcement Service Plan 2023/24 needs to be adopted to comply with the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement.

## 9. BACKGROUND PAPERS

- 9.1 There are no background papers for this report.

## 10. CONTACT OFFICERS

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Sign Off:-

Managing Director	Date: 13/09/2023
Director of Finance, IT and Digital	Date: 14/09/2023
Director of Legal, Governance and HR	Date: 31/07/2023



# Hartlepool Borough Council

## Food Law Enforcement Service Plan 2023/24

## FOOD SERVICE PLAN 2023/24

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### INTRODUCTION

This Service Plan details how Hartlepool Borough Council will deliver the food law service. 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 2023/24, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2022/23 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and the Neighbourhood Services Committee has approved previous plans.

### 1 AIMS AND OBJECTIVES

#### 1.1 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.

The service 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 and examples of best practice as disseminated by the Food Standards Agency (FSA), including Approved Codes of Practice, the Regulators' Code and other relevant guidance shared by Local Government Regulation and Central Government.

### 1.2 Links to Corporate Objectives and Plans

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

- Hartlepool Council's Plan 2021/22 - 2023/24
- Hartlepool's Community Strategy – the Local Strategic Partnerships (the Safer Hartlepool Partnership) and the Health and Well Being Board
- 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.

#### 1.2.1 Overall Aim / Vision

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 Food Law 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 food hygiene and safety legislation.

This Food Law Enforcement Service Plan contributes towards elements of the Council Plan vision in the following ways:

**...where people are enabled to live healthy, independent and prosperous lives**

Through the effective delivery of its food law service, we aim to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

**...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 food hygiene and safety requirements, and avoid potential costly action at a later stage.

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

By ensuring that businesses only provide safe products that comply with relevant food safety standards.

**...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 Food Law Enforcement Service Plan consequently aims to ensure that the same high standards of service are offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

## **2 BACKGROUND**

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

Hartlepool is located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,571 (Mid-Year Estimate 2021, ONS) of which 3.5 % are Black, Asian and minority ethnic (BAME) communities. (Census 2021).

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 20-25 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. In July 2023, Hartlepool once again is a host port for the race.

The tourist industry affects recreational opportunities, shopping and leisure facilities, including the provision of food and drink outlets restaurants, bars and cafes. There are currently 837 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

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
- Economic Growth and Regeneration Committee

The Neighbourhood Services Committee provides political oversight for Food Law enforcement.

The Council is made up of four Departments:

- Children's & Joint Commissioning Services
- Adults & Community Based Services
- Development, Neighbourhoods & Regulatory Services
- Legal, Governance and HR

The Food Law Enforcement Service Plan is delivered through the Public Protection section of the Regulatory Services division, which is contained within the Development, Neighbourhoods & Regulatory Services Department.

### 2.3 Scope of the Food Service

The Council's Commercial Services team is a constituent part of the Public Protection Division contained within the Development, Neighbourhoods & Regulatory 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), UK Health Security Agency (UKHSA), 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 in public places;
- the provision of guidance, advice and taking enforcement action in response to certain public health legislation;
- water sampling; including both private and mains supplies & bathing water;
- port health;
- provision of assistance for animal health and welfare inspections, complaint investigation and animal movement issues; and
- acting as a statutory consultee for applications made under the Licensing Act 2003

### 2.4 Demands on the Food Service

The Council is responsible for 837 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, the Council is the enforcing authority for 93 registered feed businesses.



The delivery point for the food enforcement service is at:

Civic Centre, Victoria Road, Hartlepool TS24 8AY  
Tel: (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 that occur out of hours. Contact can be made on (01429) 266522, Option 1, followed by 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, which deals with those enforcement issues specific, or unique, to the service.

The Commercial Services team, which is responsible for food and feed law enforcement, will take account of the 2014 Regulator's Code when carrying out its interactions with food business operators.

## 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 carrying out duties under the Food Safety Act 1990 and Regulations made under it.

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 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

The Local Authority Enforcement Monitoring System (LAEMS) required that local authorities report the percentage of "Broadly Compliant" food establishments in their area to the FSA on an annual basis. This outcome measure is used by the Agency to monitor the effectiveness of a local authority's regulatory service.

As at the 1<sup>st</sup> April 2023, 98.9% of businesses in the borough were "Broadly Compliant" with food safety requirements. For food standards 97.4% of businesses achieved broad compliance. We aim to concentrate our resources to improve or maintain these standards however given the impact of the COVID-19 pandemic and 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, which includes all 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 (as at 1 April 2023) are shown in the tables below:

### Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	0
B	12 months	13
C	18 months	94
D	24 months	352
E	36 months or other enforcement	339
Unclassified	Requiring inspection / risk rating	0
No Inspectable Risk (NIR)		0
Total		798

### Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	1
B	24 months	135
C	36 months or other enforcement	662
Unclassified		0
No Inspectable Risk (NIR)		0
Total		798

\*The FSA is currently in the process of developing and implementing new delivery models initially for Food Standards and later on for Food Hygiene, to make the systems more risk based. Further detail on the implications of this and update to software systems is awaited. Changes will be addressed in future Service Plans.

### Feed Hygiene:

Registered Activity	No of Premises
R5 Distributor	1
R6 Pet Food Manufacturer	3
R7 Supplier of Surplus Food	10
R8 Transporter	2
R9 Stores	1
R10/11 On Farm Mixer	12

## 6.2 Appendix 1

R12	Co Product Producer	2
R13	Livestock Farm	39
R14	Arable Farm	23
Total		93

The intervention programme for 2023/24 comprises the following number of scheduled food hygiene and food standards interventions (this includes the low-risk (Category E) interventions that were overdue for 2022/23:

### Food Hygiene:

Risk Category	Frequency of Inspection	No of Interventions
A	6 months	0
B	12 months	13
C	18 months	63
D	24 months	83
E	36 months or alternative enforcement strategy	104
Unclassified		0
Unrated		0
Total		263

### Food Standards:

Risk Category	Frequency of Inspection	No of Interventions
A	12 months	1
B	24 months	38
C	36 months or alternative enforcement	122
Unrated		0
Unclassified		0
Total		161

In addition to the above scheduled inspections, officers will carry out interventions at newly registered premises. Officers will also carry out interventions at mobile food traders, including those visiting the borough in connection with events such as the Tall Ships Race 2023.

### Approved Establishments:

There are 3 approved food establishments in the borough; a fishery products establishment, a manufacturer of food ingredients and a recently approved retail establishment that also supplies meat to other businesses. 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.

## Approach to Food Hygiene Inspections in 2023/24

In June 2021, The FSA set out its COVID-19 Response – Recovery Plan setting out guidance and advice for local authorities on delivery of official food controls and related activities during the period 1 July 2021 to 31 March 2023. This guidance was updated periodically, with the Plan officially ending in March 2023.

The Plan provided a framework for re-starting the delivery system in line with the Food Law Code of Practice.

Figure 1: Outline of the Recovery Plan



### Notes

The key milestone dates within the Recovery Plan for higher risk establishments are shown.

For lower risk establishments not shown in the figure, local authorities have the flexibility to defer planned interventions and only undertake intervention where information/intelligence suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed.

In the case of food standards, the impact on the business of the new requirements on allergen labelling for products prepacked for direct sale - that apply from 1 October 2021 - should also be taken into account.

At the time, the FSA stated that there was anecdotal information suggesting that there had been a general trend of reducing hygiene standards in food establishments since the onset of the pandemic. Our findings support this, with more revisits being required to bring premises back to satisfactory levels of compliance.

Hartlepool Borough Council was included in the FSA's programme of assessments of LA food law enforcement services as part of a geographical mix which included different types of LAs with a range of different responsibilities, and because it reported no significant concerns regarding the delivery of the Recovery Plan at the FSA October 2022 Temperature Check

Survey. This virtual assessment took place over 3 days on 6 - 10 February 2023.

The objectives of the assessment programme were to:

- gain assurance that LAs in England had implemented the guidance in the Recovery Plan and delivered relevant official controls in accordance with relevant legislation and statutory guidance, including the Food Law Code of Practice (FLCoP)
- identify and disseminate any areas of innovation or good practice
- establish how LAs had interpreted the Recovery Plan and to gather views on the Plan itself and
- highlight any emerging issues or concerns to inform any future amendments or changes to the Plan.

The assessment findings were very positive. Below is an extract taken from the Executive Summary of the final report:

- The LA had implemented the guidance and met all the milestones in the FSA LA Recovery Plan including the last milestone (broadly compliant C rated food hygiene businesses). Through discussions with officers about service planning and evidence provided during the assessment, it was clear that the Authority was delivering official controls in accordance with relevant legislation, including the FLCoP. In addition, the assessors were able to verify the accuracy of the information provided to the FSA by the Authority as part of the *October 2022 Temperature Check Survey*.
- In line with FSA guidance, the LA had been able to move at a faster pace than the minimum requirements set out by the Recovery Plan.
- The LA reported that business compliance levels had fallen when interventions resumed (mainly due to FBOs not completing their food safety management documentation and/or structural issues), which had had an impact on the number of FHRS re-ratings requests received.
- The LA had benefitted from the use of the FSA triage and prioritisation funding and the Containment Outbreak Management Funding (COMF) to obtain additional resources to deliver the Service during the pandemic and Recovery Period. (These temporary additional resources enabled HBC staff to carry out COVID work e.g. contact tracing etc. whilst freeing up permanent officers to undertake statutory work e.g. food interventions in accordance with the Recovery Plan)
- The LA identified that they will have a backlog of low risk interventions beyond April 2023 but had a plan to address these.
- The FSA Recovery Plan was well understood by the LA who found it deliverable due to the LAs food businesses profile.
- Hartlepool is a member of the North East Public Protection Partnership (NEPPP) along with the other 11 NE LAs. Together the 12 LAs carry out joint work and arrange low cost training. Assessors considered this joint work an area of good practice.

Whilst Hartlepool exceeded the requirements of the Recovery Plan 98 low risk establishments, rated Category E (which fell outside the Plan) remained liable for intervention. This deficit was carried forward into the intervention plan for 2023/24.

### Primary Producers:

The service has 73 primary producers. Inspections are combined with visits to farms for animal welfare and/or feed legislation as far as possible.

### Feed Hygiene Intervention Programme 2023/24:

The National Trading Standards Board (NTSB) is responsible for the co-ordination of grant funding allocations for the FSA Feed Delivery Programme. A regional lead feed co-ordinator has been appointed. As a member of the NETSA (North East Trading Standards Association) group Hartlepool Council will receive funding to meet the costs of the following feed inspections:

### Feed Hygiene:

Activity	No of Interventions
Distributor (R05)	0
Pet Food Manufacturer (R06)	1
Feed/Materials / Ingredients/Surplus Food (R07)	1
Transporter (R08)	0
Stores (R09)	0
On-farm Mixer (R10/ R11)	1
Co-Product Producer (R12)	0
Livestock Farms (R13)	2
Arable Farms (R14)	0
Total	5

### Visits outside of standard hours

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.

### Revisits

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2023/24, the intervention programme is expected to generate an estimated 130 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.

Hygiene standards in premises have declined during the Covid-19 pandemic and recovery period. The cost of living crisis has now further exacerbated this situation. Consequently, the service has had to carry out more revisits to premises. 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 Neighbourhood Services Committee via the Service Plan.

### **EU Exit**

Since the 2016 referendum and the subsequent exit from the European Union, Hartlepool Borough Council's focus has been to prepare for any potential adverse impact of EU Exit on the continuity and quality of its services.

The UK exited the EU on 31 January 2020 and was in a transition period until 31 December 2020. The UK Government reached an agreement with the EU as to the relationship beyond the end of the transition period.

The European Communities Act 1972 gave legal authority for EU law to have effect as national law in the UK. The EU Withdrawal Act 2018 repealed the Act, however parts of it have been kept in force by the Withdrawal Agreement Act 2020, which transferred EU regulation and law onto the UK statute book. The Retained EU Law (Revocation and Reform) Act 2023 has now come in to force. This Act enables the UK to revoke and replace certain retained EU law (REUL) by the end of 2023.

### **Port Health**

Hartlepool is a Port Health Authority. To date there has been no significant changes at the Port because of EU exit in that it remains the case that 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.

Since 1<sup>st</sup> April 2022 and on request we have carried out ship sanitation inspections and certification. We will also undertake water sampling as required. During 2022/23, 7 ship sanitation inspections were undertaken and exemption certificates issued. Water samples were collected from 4 vessels and these were submitted for microbiological examination and / or testing for the presence of Legionella bacteria.



### 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.

During 2021/22, 23 fishing vessels registered with Hartlepool Borough Council as food business establishments. All fishing vessels were inspected in accordance with directions issued by the Food Standards Agency.

### 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 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 are being notified.

During 2022/23, 85 new registrations were received and all businesses received face-to-face visits and/or were provided with advice. During 2023/24, work is being undertaken to ensure that all food business registration forms are up to date. It is anticipated that approximately 90 additional food premises inspections will be generated for new food businesses during 2023/24.

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

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

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 853/2004 and Regulation (EC) 853/2004. There are 3 premises in the Borough which are subject to approval; a fishery products establishment, a manufacturer of food ingredients and a recently approved business that supplies meat to other business. This latter business also has a retail element to it.

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 (183/2005). 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 UK Health Security Agency (UKHSA) Food, Water & Environmental Laboratory based at York. An appointed Public / Agricultural Analyst undertakes chemical analysis.

Sampling allocations from UKHSA 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 2023/24. 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

It is possible that the allocation will be reduced if an authority uses less than 80% of its allocation. In the event of over-performance, UKHSA 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.

During 2022/23, the service participated in five microbiological surveys and took 117 hygiene samples.

The two local surveys focused on the microbiological quality of imported foods. One survey focused on fresh fruit and the other on dried fruit, nuts and seeds. The Food Examiner deemed all 36 samples to be satisfactory.

Three national microbiological surveys were undertaken. One of the surveys looked at the microbiological quality of smoked fish and another at the microbiological quality of food labelled as suitable for vegans. The 18 smoked fish samples and 24 vegan products submitted for microbiological examination were deemed satisfactory.

Visits were made to four premises to carry out a survey, which focused on hygiene practices in sandwich and salad bars. A total of 39 samples were taken, which included food samples and swabs. Nine of the samples were reported by the Food Examiner to be unsatisfactory and a further eight were deemed borderline.

The reasons for the unsatisfactory and borderline results were investigated. The most likely explanation was due to poor hygiene practices, such as the use of tea towels for drying containers and poor temperature control during cold storage. The relevant businesses were provided with advice and resamples were taken to ensure that standards improved.

A further 10 food standards samples were taken during 2022/23. The department carried out a local compositional survey to assess the unintentional presence of milk proteins in 'Dairy Free Lattes' from local independent cafes. Ten dairy free lattes, suitable for a person with a dairy allergy were specifically requested from the premises. All drinks were made using a coffee machine.

Of the ten samples analysed, eight were reported by the Public Analyst to contain milk proteins at a level sufficient to induce an allergenic reaction in a susceptible person. These eight drinks were deemed unsatisfactory and unfit for human consumption.

Follow up visits were made to all the premises to discuss the results and to provide advice. A written warning was given to all the premises whose drinks the Public Analyst deemed were unsatisfactory.

A letter was sent to another 39 premises, who were identified as having coffee machines. The letter informed the businesses about the survey and the results. It also provided additional information and guidance about allergens.

Follow up samples are planned as part of the 2023/24 sampling programme with enforcement action planned if any business fails to comply with legal requirements.

In addition to this local intelligence, the sampling programme for 2023/24 will also take account of national and regional surveys and local interventions and the availability of local resources.

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 because 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.

The sampling plans for 2023/24 are detailed below.

### Microbiological Food Sampling Plan 2023/24

<b>April</b>  <b>Study 78</b> – Hygiene in catering premises	<b>May</b>  <b>Study 78</b> – Hygiene in catering premises	<b>June</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 78</b> – Hygiene in catering premises
<b>July</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 78</b> – Hygiene in catering premises	<b>August</b>  Local <b>Imported Food</b> Survey – fresh herbs / fruit	<b>September</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 78</b> – Hygiene in catering premises
<b>October</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 79</b> – Cooked sliced meats	<b>November</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 79</b> – Cooked sliced meats	<b>December</b>  Local <b>Imported Food</b> Survey – dried fruit/nuts/seeds
<b>January</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 79</b> – Cooked sliced meats	<b>February</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 79</b> – Cooked sliced meats	<b>March</b>  <b>Study 77</b> – RTE salad from retail & catering premises <b>Study 79</b> – Cooked sliced meats

**Food Standards Sampling Plan 2023/24**

<b>Survey</b>	<b>Number of Samples</b>
Allergens in food	20 (to include dairy re-samples)
Ad hoc samples arising from emerging priorities identified during the year	tbc

**Feeding Stuffs Sampling Plan 2032/24**

At present feeding stuffs sampling is being given a low priority due to the lack of local manufacturers and packers, accordingly no sampling of animal feeding stuffs is planned during 2023/24, however we will respond to any emerging national or local issues.

Regional funding provided by the National Trading Standards Board and Food Standards Agency will supplement our sampling budget.

**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.

When providing advice to food businesses, 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). This is intended to assist smaller catering businesses 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 50 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.

### **3.2.7 Public Health Initiatives**

Wherever possible the service will contribute to the Public Health Framework Outcomes. Examples of initiatives that we support include:

#### **1) Government Obesity Strategy**

Over the medium term (next 3-5 years); we plan to focus support on the Government's Obesity Strategy through awareness raising and enforcement of new legislation that was introduced in 2022 relating to food and drink high in fat, salt or sugar.

New legislation includes The Calorie Labelling (Out of Home Sector) (England) Regulations 2021 and The Food (Promotion and Placement) (England) Regulations 2021. (The latter legislation is intended to restrict retailer promotions on food and drink high in fat, salt or sugar.)

Research has shown that fast food takeaways provide a source of food that is high in fat, salt or sugar. We will continue to work with other regulators, including colleagues in the Planning team to encourage good practice within the takeaway sector. We will support the use of planning measures to restrict the proliferation of hot food takeaways in areas of over concentration, and 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) Allergy Awareness

We will use a range of interventions including sampling, provision of information and advice and working in partnership with colleagues in the other North East local authorities as part of a regional group to raise awareness regarding allergens. We will continue to raise awareness of changes in food labelling legislation relating to foods that are pre-packed for direct sale.

As part of the Regional Work Programme, we have along with the other North East local authorities produced a range of video clips to raise awareness of allergies and duties placed on food business operators. These videos were promoted during contact with food businesses and by using social media.

#### 3.2.8 Investigation of Food / Feed Complaints

The service receives on average 40 complaints each year concerning food/feed, all of which are subject to investigation. During 2022/23, 72 complaints were received concerning food. 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.

#### 3.2.9 Investigation of Cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the UK Health Security Agency (UKHSA) North East Public Health Team 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 Services) or an EHO, will liaise with UKHSA North East Health Protection Team to determine the need to convene an Outbreak Control Team.

Further liaison may be necessary with agencies such as the Food Standards Agency, the UKHSA Food, Water and Environmental Laboratory, Public Analyst, Anglian 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 UKHSA North East Public Health Team 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 affect the performance of the intervention programme.

### **3.2.10 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 Services) 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.

We continue to receive food alerts for action or information, food allergy alerts and food recall notices throughout the year. 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 approximately 100 food alerts, product recalls or withdrawals during 2023/24, a small proportion of which will require action to be taken by the Authority. In addition, we will receive approximately 50-100 allergy alerts.

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

### **3.2.11 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.

During 2022/23 45 complaints about hygiene standards in food premises were received (this can be compared to 74 received in 2021/22). All were investigated within our 2 day response time.

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 average number of complaints received during previous years it is estimated that approximately 70 such complaints will be received in 2023/24.

### **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
- UKHSA/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, UKHSA, Defra / Animal & Plant Health Agency (APHA), OFSTED and the Care Quality Commission (CQC).

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.

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

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

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

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

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

## 4 RESOURCES

### 4.1 Financial Resources

The annual budget for the Consumer Services section in the year 2023/24 is:

	£	000
Employees		653
Other Expenditure		64
Grant Funding		(34)
Income		(9)
<b>Net Budget</b>		<b>674</b>

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 Executive Director of Development, Neighbourhoods and Regulatory Services 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 Assistant Director (Regulatory Services), with the requisite qualifications and experience, has responsibility for the strategic management of the Food Service.

The resources determined necessary to deliver the food service in 2023/24 are as follows:

### Food Hygiene

1 x 0.5 FTE Environmental Health Manager (Commercial Services) (with responsibility also for Port Health, Health and Animal Health and Welfare)

3 x 0.5 FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.3 FTE Part-time EHO (with requisite qualifications and experience and with responsibility for Health & Safety)

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

### Food Standards

1 x 0.2 FTE Environmental Health Manager (Commercial Services) (with responsibility also for Port Health, Health and Animal Health and Welfare)

4 x 0.3 FTE EHO (with requisite qualifications and experience and with responsibility for Health & Safety)

1 x 0.16 FTE Part-time EHO (with requisite qualifications and experience and with responsibility for Health & Safety)

In 2023, we appointed to a vacant EHO post a Graduate EHO who is currently working toward completing their practical training and their professional registration. Upon completion of their professional registration, it is expected that they will move into a permanent EHO post. Whilst undertaking their professional training it is estimated that they will provide the equivalent of an additional 0.05 FTE resource for carrying out food official controls.

In addition a Senior EHO has been appointed to an EHO post on a temporary fixed term contract to assist with the post pandemic recovery and in particular to address overdue low risk (Category E) inspections. This is to ensure that our inspection programme remains on track especially whilst the Graduate EHO completes their training. This officer is to be employed for the first 6 months of the financial year 2023/24, working 2 days a week. It is estimated that they will provide an additional 0.1 FTE of resource for food hygiene and 0.05 FTE of resource for food standards.

The Assistant Director (Regulatory Services) has responsibility for planning service delivery and strategic management of the Food Law Service. These duties are in addition to their general management responsibilities of the Development, Neighbourhoods & Regulatory Services Department.

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

Support Services based within the department provide administrative support.

All staff engaged in food/feed safety law enforcement activity are suitably trained, 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 continuing professional development of staff. The priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team including training and development of new staff. 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 Services) will carry out accompanied visits with officers undertaking interventions, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

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

## **6 PERFORMANCE REVIEW**

### **6.1 Overview**

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan, a review has been conducted of performance against those targets established for the year 2022/23.

This service plan will be reviewed at the conclusion of the year 2023/24 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 Executive Director of Development, 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.

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

### **6.2 Performance Review 2022/23**

This section describes performance of the service in key areas during 2022/23.

#### **6.2.1 Intervention Programme**

In June 2021, the Food Standards Agency set out its COVID-19 Response-Recovery Plan. This set out guidance and advice for local authorities on delivery of official food controls and related activities in the period 1 July 2021 to 31 March 2023, when the Plan officially ended. The Plan provided a framework for re-starting the delivery system in line with the Food Law Code of Practice.

During 2022/23, we successfully completed 522 food hygiene, 406 food standards and 5 feed hygiene interventions. (In 2021/22 252 food hygiene interventions, 202 food standards and 5 feed hygiene interventions were completed).

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

#### **6.2.2 Registration and Approval of Premises**

During 2022/23, 85 new food businesses were registered. This was a significant decrease on the previous year when 156 were registered. (This figure reflected the fact that many businesses started trading from domestic premises or changed their trading practices during the Covid19 Pandemic.)

Two premises subject to approval were inspected and given relevant guidance and a third has now received approval.

#### **6.2.3 Food Sampling Programme**

Programmed food sampling recommenced in 2022/23 focussing on issues of public safety and taking account of local and national priorities.

In total 117 hygiene samples and 10 food standards samples were taken. Follow up sampling is planned in relation to those food standards samples that were reported as Unsatisfactory by the Public Analyst.

Sampling also continued in relation to private drinking water used by a brewery. The results of the samples taken were all satisfactory.

#### **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 advisory visits to businesses being carried out during the year.

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 and guidance on re-opening their businesses.

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

On 1st April 2012, Hartlepool Council introduced the 'Food Hygiene Rating Scheme' (FHRS) a Food Standards Agency / 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 that 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 Hartlepool premises ratings is shown overleaf.

## 6.2 Appendix 1

Hygiene Rating	No @ 1.4.13	No @ 1.4.14	No @ 1.4.15	No @ 1.4.16	No @ 1.4.17	No @ 1.4.18	No @ 1.4.19	No @ 1.4.20	No @ 1.4.21	No @ 1.4.22	No @ 1.4.23
<b>5 Very Good</b>	434 (60.9%)	456 (66.7%)	471 (68.3%)	502 (72.2%)	539 (76.9%)	561 (80.6%)	580 (82.9%)	596 (83.9%)	587 (73.2%)	688 (87.3%)	654 (85.9%)
<b>4 Good</b>	164 (23.0%)	149 (21.8%)	136 (19.7%)	125 (18.0%)	107 (15.3%)	101 (14.5%)	76 (10.9%)	77 (10.8%)	72 (9%)	64 (8.1%)	66 (8.7%)
<b>3 Generally Satisfactory</b>	63 (8.9%)	63 (9.2%)	56 (8.1%)	55 (7.9%)	43 (6.1%)	28 (4.0%)	38 (5.4%)	36 (5.1%)	32 (4%)	35 (4.4%)	32 (4.2%)
<b>2 Improvement Necessary</b>	22 (3.1%)	9 (1.3%)	18 (2.6%)	8 (1.2%)	10 (1.4%)	4 (0.6%)	3 (0.4%)	0 (0%)	0 (0%)	1 (0.1%)	4 (0.5%)
<b>1 Major Improvement Necessary</b>	13 (1.8%)	7 (1.0%)	9 (1.3%)	3 (0.4%)	2 (0.3%)	2 (0.3%)	3 (0.4%)	0 (0%)	0 (0%)	0 (0%)	5 (0.7%)
<b>0 Urgent Improvement Necessary</b>	0 (0%)	0 (0%)	0 (0%)	2 (0.3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
<b>Awaiting Inspection</b>	17 (2.4%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (0.01%)	111 (13.8%)	0 (0%)	0 (0%)
<b>Sub Total</b>	<b>713</b>	<b>684</b>	<b>690</b>	<b>695</b>	<b>701</b>	<b>696</b>	<b>700</b>	<b>710</b>	<b>802</b>	<b>788</b>	<b>761</b>
<b>Exempt</b>	49	45	44	45	42	42	37	39	39	39	28
<b>Excluded</b>	9	10	10	1	1	10	12	2	2	8	6
<b>Sensitive</b>	32	32	1	8	9	1	1	10	10	2	3
<b>Total</b>	<b>803</b>	<b>771</b>	<b>745</b>	<b>749</b>	<b>753</b>	<b>749</b>	<b>750</b>	<b>761</b>	<b>853</b>	<b>837</b>	<b>798</b>

Since the introduction of the FHRs national scheme in 2013 year on year, the profile of Hartlepool food businesses improved up until 2022. During 2021/22 99.9% of premises inspected received a hygiene rating of '3' ('Generally Satisfactory') and above. In 2022/23, there was a slight dip in the profile with the overall percentage rated '3' or above now down to 98.8%.

In their Recovery Plan, the FSA acknowledged that hygiene standards had anecdotally fallen. This fall in standards has in part been a consequence of the COVID 19 Pandemic, however it is also reflective of the cost of living crisis and the difficulties businesses are facing.

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 will be taken to secure compliance.

Under the FHRs, there is a procedure that 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 22/23, 19 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 34 establishments were considered to be 'exempt' (28) or 'excluded' (6) 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 2022/23, officers worked closely with food business operators to improve food hygiene standards in our lowest rated premises. During the year, 19 businesses submitted applications for a FHRS re-rating.

These businesses were re-inspected in accordance with the FHRS and all demonstrated an improvement in standards. Three improved from a 4 to a 5, six from a 3 to 5, two from a 2 to a 5, three from a 1 to a 5, one from a 1 to a 4, two from a 1 to a 3 and two from a 2 to a 3.

On 1<sup>st</sup> April 2018, we introduced a dual system for dealing with re-rating requests. The five constituent members of the Tees Valley Food Liaison Group agreed this system.

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). 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 22/23, 4 businesses elected to pay for a re-rating inspection.

### 6.2.8 Food / Feed Complaints

During the year, the service dealt with 45 complaints relating to the condition of food premises and/or food handling practice (this was a significant increase on previous years, for example during 2019/20, 27 complaints were received). In addition, 72 complaints were received regarding unfit or out of condition food or extraneous matter. A further 7 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

In conjunction with UK Health Security Agency (UKHSA) Hartlepool Council investigates cases of actual or suspected food poisoning and foodborne disease.

The majority of notifiable disease notifications received by the food service were 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. As a result in recent years the FSA and UKHSA has been spearheading campaigns to address this.

### 6.2.10 Food Safety Incidents

The Service received Food Alerts and a 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. Most 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

No formal enforcement was undertaken in relation to official food controls during the year, however 3 voluntary closures of food premises occurred because of unsatisfactory hygiene standards. Appropriate follow up action was taken. One of the premises has since ceased trading.

### 6.2.12 Complaints against Our Staff/Service

No complaints were made against our staff during 2022/23.

## 7. KEY AREAS FOR IMPROVEMENT & CHALLENGES FOR 2023/24

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 and/or challenges for 2023/24.

1. The Public Protection section continues to face significant financial pressures due to ongoing Council savings and maximise effectiveness remains paramount. During 2023/24, 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 food safety risks that will have an impact on wider public health outcomes.

2. The FSA recovery plan prioritised inspections of premises presenting the highest risk. The profile of our premises is such that many of our inspections will fall due again within a similar period (i.e. within the next 18-24 months). It was discussed with the FSA that in order to offset the burden being placed on the next financial year's inspection programme we intend to bring forward some of these inspections and to incorporate them into this year's programme.
3. The FSA recovery plan did not require low risk inspections to be carried out however as a direct consequence of the Pandemic some interventions remain overdue. The service will need to address its backlog of overdue low risk (Category E) inspections and to ensure that all interventions are in line with the frequencies set out in the Food Law Code of Practice. We will also need to address any fall in standards and where necessary this may involve taking enforcement action.
4. We will continue to explore how we can contribute to the Public Health Outcomes Framework.
5. 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 Food and Feed as appropriate.

# NEIGHBOURHOOD SERVICES COMMITTEE

5<sup>TH</sup> OCTOBER 2023



**Subject:** HEALTH AND SAFETY SERVICE PLAN 2023-24

**Report of:** Assistant Director (Regulatory Services)

**Decision Type:** Non-Key

## 1. COUNCIL PLAN PRIORITY

<b>Hartlepool will be a place:</b>
- where people are enabled to live healthy, independent and prosperous lives.
- where those who are vulnerable will be safe and protected from harm.

## 2. PURPOSE OF REPORT

- 2.1 To approve the Health and Safety Service Plan for 2023-24, which is a requirement under Section 18 of the Health and Safety at Work etc. Act 1974.

## 3. BACKGROUND

- 3.1 The Health and Safety Executive (HSE) 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 and 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 2023-2024 is available in **Appendix 1** and takes into account the guidance requirements. The Plan details the Service's priorities for 2023-24 and beyond where appropriate. It also highlights how these priorities will be addressed.

#### 4. PROPOSALS/OPTIONS FOR CONSIDERATION

- 4.1 The Service Plan for 2023-24 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 2022-23.

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

- 5.1 The Council is the enforcing authority for 1,385 premises within Hartlepool. In planning our intervention programme for 2023-24, we have had regard to the 'National Local Authority Enforcement Code Health and Safety at Work England, Scotland and Wales'.
- 5.2 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 01/04/23
Retail Shops	406
Wholesale	24
Offices	133
Catering Services	266
Hotel/residential	15
Residential Care Homes	38
Leisure and Cultural	264
Consumer Services	233
Other (Miscellaneous)	6
Total	1385

- 5.3 HSE provides local authorities 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.
- 5.4 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 2023-24, we will carry out a range of interventions based on risk, local intelligence, performance history, RIDDOR reports, complaints and local occupational health data.
- 5.5 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 12.
- 5.6 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 that are the key causes of serious workplace accidents, injuries and ill health.
- 5.7 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.
- Asbestos Management
  - Electrical and 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.
- 5.8 During 2022/23, health and safety interventions were carried out at 283 premises, which is a significant increase from the 124 undertaken in 2021/22. These were risk based and multiple priority topics were covered during some of these visits. All visits were undertaken in conjunction with food interventions.
- 5.9 In addition to the planned interventions officers carried out 4 revisits to monitor compliance with contraventions identified during these planned interventions. During the year, we worked with 99 new businesses and continued to offer tailored advice and information on request.

- 5.10 During the year the Authority undertook 439 enforcement visits to assess compliance with smoke free legislation that came into force on 1<sup>st</sup> July 2007, a proportion of which were carried out in conjunction with health and safety interventions. Once again, this was a significant increase on the 165 visits undertaken in 2021/22.
- 5.11 No promotional / campaign work or sampling was undertaken during 2022/23 however this work will be undertaken as required during 2023/24.
- 5.12 During 2022-23, the Council continued to respond to any health and safety complaints in the usual manner. The service carried out 17 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.
- 5.13 The service received 32 accident notifications during the year. After applying selection criteria based on national guidance, none of these notifications was selected for further investigation.
- 5.14 With regards enforcement action under Health and Safety at Work etc. Act 1974, and associated legislation, no legal proceedings was undertaken during 2022/23. One Improvement Notice was served on a business requiring improvements to washing facilities.
- 5.15 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 2023-24.
- 5.16 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 2023-24, 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.
- 5.17 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 and Safety as appropriate.

**6. OTHER CONSIDERATIONS/IMPLICATIONS**

<b>RISK IMPLICATIONS</b>	If the Health and Safety Service Plan 2023-24 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.
<b>FINANCIAL CONSIDERATIONS</b>	No relevant issues
<b>LEGAL CONSIDERATIONS</b>	If the Health and Safety Service Plan 2023-24 is not adopted we will not meet the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.
<b>CHILD AND FAMILY POVERTY</b>	No relevant issues
<b>EQUALITY AND DIVERSITY CONSIDERATIONS</b>	No relevant issues
<b>STAFF CONSIDERATIONS</b>	No relevant issues
<b>ASSET MANAGEMENT CONSIDERATIONS</b>	No relevant issues
<b>ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS</b>	No relevant issues
<b>CONSULTATION</b>	No relevant issues

**7. RECOMMENDATIONS**

- 7.1 That the Neighbourhood Services Committee approves the Health and Safety Service Plan for 2023-24.

**8. REASONS FOR RECOMMENDATIONS**

- 8.1 The Health and Safety Service Plan 2023-24 needs to be adopted to comply with the requirements of Section 18 of the Health and Safety at Work etc. Act 1974.



**9. BACKGROUND PAPERS**

9.1 There are no background papers for this report.

**10. CONTACT OFFICERS**

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Sign Off:-

Managing Director	Date: 13/09/2023
Director of Finance, IT and Digital	Date: 14/09/2023
Director of Legal, Governance and HR	Date: 31/07/2023



# Hartlepool Borough Council

## Health & Safety Service Plan 2023-24

## HEALTH &amp; SAFETY SERVICE PLAN 2023-24

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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 2023-24 longer-term objectives are identified, where relevant. Additionally, there is a review of performance for 2022-23 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 and 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 and 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 and 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 92,571 (Mid-Year Estimate 2021, ONS) of which 3.5 % are Black, Asian and minority ethnic (BAME) communities. (Census 2021).

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 20-25 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 was selected to be a host port for the race again in July 2023.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities including the provision of food and drink outlets. There are currently 1385<sup>1</sup> 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 and 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:

- Children's and Joint Commissioning Services
- Adult and Community Based Services
- Development, Neighbourhoods and Regulatory Services
- Legal, Governance and HR

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<sup>1</sup> Total number of premises as at 01/4/2023  
Health & Safety Service Plan 2023-24 – Appendix 1

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

### 2.3 Scope of the Health and Safety Service

The Council's Commercial Services team is a constituent part of the Development, 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 1,385 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 guesthouses), leisure and consumer services and residential care homes.



## 6.3 APPENDIX 1

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 and Safety Executive (HSE).

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

Premises Type	No of Premises as at 01/04/23
Retail Shops	406
Wholesale	24
Offices	133
Catering Services	266
Hotel/residential	15
Residential Care Homes	38
Leisure and Cultural	264
Consumer Services	233
Other (Miscellaneous)	6
Total	1385

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, a Public Protection Enforcement Policy deals with those enforcement issues specific, or unique, to the service. This policy applies to 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 and Wales' (the Code). This is to 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 that 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 2023-24 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 is 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 2023-24, 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 12) is guidance under Section 18 of the Health and Safety at Work etc. Act 1974 (HSWA) and replaces LAC 67/2 (rev 11) 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 12) 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 12) identifies the following national priorities:

1. **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, plasterboard and glazing units.
2. **Visitor attractions to prevent or control ill health arising from animal contact**
  3. **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.
  4. **Trampoline Parks** – improved information provision and supervision of users.
  5. **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.
  6. **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.
  7. **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.
  8. **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.
  9. **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.
  10. **Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins**

**11. 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.

**12. 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.

**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 concerning 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 and 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 that open outside of, as well as during standard work time hours.

Revisits will be carried out to check compliance with all statutory notices also where contraventions have been identified that 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 2023-24 is expected to generate 5 revisits. As safety standards may have fallen during the COVID-19 Pandemic and/or cost of living crisis, this figure could however 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 and 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. 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 be 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



## 6.3 APPENDIX 1

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	22/23
No. of reported accidents	61	54	47	72	50	58	46	29	14	27	32
No. requiring investigation	16	14	9	15	6	2	1	4	0	4	0

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

### 3.3.4 Supporting Businesses and 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 influence wider public health outcomes/health inequalities. In 2022-23, we worked with 85 new businesses.

### 3.3.5 Public Health Promotional/Campaign Work

During 2022-23, we did not carry out any public health promotional campaign work. We did however continue to do joint visits with the Council's licensing team/advisory visits to persons registering to undertake Acupuncture, Ear Piercing, Electrolysis and Tattooing.

### 3.3.6 Sampling

During 2022-23 water sampling was undertaken from 4 vessels visiting Hartlepool. These samples were taken upon request and were in relation to

microbiological examination for the presence of *Legionella* and to assess water quality.

In addition, 7 Ship Sanitation Exemption Certificates were issued. In 2023-24, samples may again be taken from premises or vessels in response to health and safety concerns or as part of the Port Health function.

### 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 2023-24 is:

	£	000
Employees		653
Other Expenditure		64
Grant Funding		(34)
Income		(9)
<b>Net Budget</b>		<b>674</b>

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 Executive Director of Development, 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, has responsibility for ensuring the strategic delivery of the

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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 2023/24 are as follows:

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

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

1 x 0.10 FTE Part-time EHO

In March 2023, we appointed to a vacant EHO post a Graduate EHO who is currently working toward completing their practical training and their professional registration. Upon completion of their professional registration, it is expected that they will move into a permanent EHO post.

In addition a Senior EHO has been appointed to an EHO post on a temporary fixed term contract to assist with the post pandemic recovery and in particular to address overdue low risk (Category E) inspections. This is to ensure that our inspection programme remains on track especially whilst the Graduate EHO completes their training. This officer is to be employed for the first 6 months of the financial year 2023/24 (April-October), working 2 days a week. Whilst carrying out interventions any matters of evident concern will be addressed.

It is estimated that the above additional resources will provide the equivalent of an additional 0.1 FTE resource for carrying out official health and safety official controls.

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 strategic service delivery and management of the Health and Safety Service, in addition to other services and general management responsibilities as a member of the Development, Neighbourhood and Regulatory Services Management Team.

The Environmental Health Manager (Commercial Services) has responsibility for the operational service delivery and management of the Health and Safety Service, Food, Public Health, Water Quality and Animal Health and Welfare.

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

The Public Protection Support Services team provides administrative support.

All staff engaged in health and safety law enforcement activity are suitably trained, 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. During the annual appraisal process the formal identification of the training needs of staff members is linked with the development needs of the service. Competence standards in respect of regulatory skills, knowledge and development needs are assessed.

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.

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 will at any time notify the Council of their intention to carry out an audit of the service.

## **6 REVIEW OF HEALTH AND 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 2022-23.

This service plan will be reviewed at the conclusion of 2023-24 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 Executive 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 2022-2023**

This section describes performance of the service in key areas.

#### **6.2.1 Health and Safety Interventions**

In total interventions were carried out at 283 premises. These were risk based and multiple priority topics were covered during some visits.

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

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

In addition, officers made 4 revisits to monitor compliance with contraventions identified during planned interventions.

It appears that the COVID-19 pandemic and cost of living crisis is having an impact on standards. Periods of closure and financial pressures 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 2022-23, the Authority undertook 439 enforcement visits to assess compliance with smoke free legislation that came into force on 1<sup>st</sup> 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 2022-23.

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

During the year, the service carried out 17 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.

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 2022-23.

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

The service received 32 accident notifications during the year. After applying selection criteria based on national guidance, none of these notifications was selected for further investigation.

### **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 Improvement Notice was served on a business to provide hot water to the washing facilities for staff.

## **7. KEY AREAS FOR IMPROVEMENT AND CHALLENGES FOR 2023-24**

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

## 6.3 APPENDIX 1

are specifically identified key areas for improvement that are to be progressed during 2023-24.

1. The Public Protection section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount. During 2023-24, 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.
2. We will 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 and Safety as appropriate.
3. We will also need to address any fall in standards and where necessary this may involve taking enforcement action.