

Business Regulation response to the Pandemic

The regulatory services of environmental health, trading standards and environmental protection were ideally placed to respond to the Pandemic. These services are well versed and practised when undertaking investigations and some such as the environmental health team are designated the task of infectious diseases control (infection prevention control) as part of the teams remit. All officers undertake specific training as part of their environmental health qualification. The service has in place standard operating procedures and connections with external agencies, testing laboratories and the Regulators.

Covid Response Team (CRT)

In order to provide a structured, strategic and deliverable option the Covid Response Team was formed very early into pandemic. The team was put together by the Business Regulation Manager and led by the Environmental Health Team Leader, to form a multidisciplinary team consisting of three Environmental Health Officers, one Trading Standards Officer, one Environmental Protection Officer and one Senior Enforcement Officer.

The team quickly established themselves and continue to be a vital and integral part of the Councils overall covid response. They proved particularly adept and skillful in not only reading the quantum of ever changing legislation but also ensuring that the most relevant requirements to the local environment in Hackney were quickly prioritised and implemented.

The table below shows the activity of the team since its formal ignition in July 2020 through to the January 2022 the team has undertaken:

Service Requests	Visits	Warning Letters	HS IPN	CPN	FPN	ME/CC/M O	CIRN / CIN	TOTAL
348	3123	275	23	51	10	51	6	3907

Highlights

- Taken part in several focussed action days with other partners (particularly the Police, Public Health and Enforcement).
- Worked jointly with the Cllr Kennedy and the UHOC Rabinette
- The Trading Standards visited businesses and markets to follow up on complaints of price gouging (inflating the cost of goods due to the increase in demand)
- The Environmental Protection team continued to operate business as usual and also stepped up to advise construction sites on the easing of noisy work hours introduced by the Government.

The team actively contributes and feeds in to many Covid related forums such as the incident management team, daily huddles & advice sessions, covid workplace working groups, businesses forums, the City & Hackney Covid-19 Operational group, the local Pub Watches and Community forums to name a few They have also forged strong and effective

partnerships with departments such as the Public Health Team, Communications and the Police.

The CRT has also undergone additional training to provide practical technical support and advice. In short this group had demonstrated a 'can and will do' attitude putting the needs of businesses and residents first and bringing a measured, considered and clear direction on tackling the Pandemic, the work of which will continue for many more months to come. The team remains funded to provide a covid response through to September 2022 with a scaled down response of 1.0 FTE reflective of the change in the Government's approach to dealing with Covid-19

Environmental Health Service

The Environmental Health Officers, throughout the lockdown periods, proactively provided advice and guidance to those businesses which wished to trade or were trading legitimately in compliance with the Covid legislation by either adapting their premises or practises, especially those which were providing meals to vulnerable residents on a charitable basis. During the pandemic some 647 new food business registration applications were received from July 2020 to April 2021.

Further re-opening advice was provided to those catering premises which had been forced to close and were affected by the ingress of rodents etc, needed to carry out Covid related risk assessment and its implementation.. The businesses which were desperate to have an improved food hygiene ratings, for the purposes of trading through online platforms, were inspected remotely by video calls and by examining the food safety management records electronically.

The team also followed the Food Standards Agency's (FSA) instructions to cease proactive physical inspections of food business during the pandemic. Since the reopening of businesses (July 2021) the team has implemented the FSA recovery plan, which recognised that many local authority resources were diverted to public health functions due to the pandemic and as such the service was unable to carry out the full inspection programme.

The FSA has issued updated guidance in response to the pandemic which all local authorities must have regard to. The Recovery Plan, implemented on the 1st July 2021 to 2023/24, provides a framework for re-starting a delivery system inline with the Food Law Code of Practice.

Trading Standards Service

- **Problem of service continuity**

Several staff were sheltering which left only a skeleton team with two officers assigned to ensure businesses were observing lockdown restrictions.

- **Price Increases**

With the onset of the Covid-19 pandemic and the threat of lockdown, panic buying of some items related to health and hygiene was witnessed. With these essential items disappearing fast from the supply chain, it was seen by some as an easy way to increase profits.

This activity of putting up prices to the disadvantage of consumers is known as Price Gouging and it is where prices are increased dramatically for essential everyday items. An example would be a pack of toilet rolls costing £1.50 suddenly increasing to £10.00.

This was not only happening on the online marketplace, where it is still to a certain degree, but also in small local independent shops who are at the heart of some communities, and at this time sought to take advantage of their customers.

Trading Standards locally and nationally became very aware of these issues and the current legislation was looked at for a way to tackle these businesses. The only legislation that truly covered these matters was the Competition Act which is enforced by the Competition and Markets Authority(CMA).

Trading Standards have been collating the information regarding these complaints from across Hackney, writing to advise the businesses on the issues and ensuring that the CMA database has been updated with businesses who are unfairly treating our residents.

The CMA has also written to all the businesses including online traders seeking an explanation for their actions, and it is being considered whether further legislation is required to allow Trading Standards to tackle these traders at a local level.

- **Creation of the Covid Response Team**

In response to the demands placed on Hackney Council in terms of Covid 19 and Health and Safety requirements the Environmental Health Team formed a Covid Response Team. Trading Standards has one officer seconded to this team for the duration of the crisis.

- **Radio programme aimed at vulnerable elderly residents**

During the coronavirus (COVID-19) outbreak, the Service recognised that keeping businesses afloat was a major concern. However it also led to a large number of scams. Trading Standards teamed up with the Strategy, Policy and Economic Development team to discuss the new 'Ageing Well Strategy' on Hackney Community Radio.

The discussion focused on safeguarding, safety, and security focusing on covid-19 scams, with reference to phishing emails that are targeting older people, asking them to complete a fake vaccine booking form requesting bank details. Listeners were also informed of the most popular covid-19 scams.

- **Cyber attack**

This attack affected many critical systems including the Civica database which stores details of complaints and visits. As such it has made analysis of quantitative data stored on these systems challenging. In addition, it has affected the ability to answer Mayoral and other enquiries. To conclude the service are unable to calculate or provide annual performance data due to Cyber Attack and no access to the Civica App database

- **Inspections**

The team continued to operate very much 'business as usual' and completed:-

Category A – High risk inspections = 149

Category B1 – Upper Medium inspections = 190

Category B2 – Low Medium inspections = 267

Total visits carried out 606

Environmental Protection Service

The Environmental Protection Service experienced a significant reduction in the number of service requests due to the lockdown as most non-essential premises were required to close. As a knock on effect, both Licensing Applications and Temporary Event Notices were also reduced to very low levels as they required non-essential premises to be operating and also due to government mandated restrictions on social gathering.

The number of Planning Applications were reduced but maintained a steady number each month. Section 61 Applications were reduced significantly as non-essential work were temporarily put on hold due to limited work force and lockdown restrictions. Nonetheless, service requests for construction sites continued as normal due to a higher number of the public being at home during permitted construction work hours. Construction work was also supported by the government as essential work and to this end increased the hours permitted for construction work per day from 6pm to 9pm so that staff on site can be spread across the day and also cover covid related absences.

Due to the overall reduction in the number of service requests received by the service, it was therefore agreed that 3 Senior Environmental Protection Officers were to be temporarily seconded to the Food Safety Team and the newly developed Covid Response Team during this period.

In October 2020, the cyber attack on the Council crippled the service as all previous complaints and premises history was lost severely affecting all ongoing investigations. Consultation Applications (Planning, Licensing, Section 61 & TEN's) were also affected as officers were unable to search and interrogate premises or complaints history to support their consultation comments.

During this period enforcement action was limited due to the strict requirement of witnessing a breach of notice under the enforcing legislation. Therefore, instigating legal enforcement action was not possible as visiting residential properties were prohibited under covid restrictions. As a result, the service used the powers available under the enforcing legislation and served notice from witnessing nuisance externally and then instigating informal discussions with the offending premises. Unfortunately, as witnessing a breach of the notice was not possible, officers were only able to address complaints informally and therefore required to spend an inordinate amount of time investigating complaints compared to pre-covid periods.

However, after the relaxation of Covid Restrictions in July 2021, service requests resumed back to levels received by the service comparable to pre-covid periods. The service is now operating at levels experienced pre-pandemic and the number of service request and consultation applications are continuing to increase. The team will also be back to full strength by the start of April 2022.