

Business Regulation - Service Plan Update	
Title of Report	Business Regulation - Service Plan Update
For Consideration By	Corporate Committee
Meeting Date	7 December 2023
Classification	Open
Ward(s) Affected	All
Group Director	Rikardo Hyatt, Climate, Homes and Economy

1. **Summary**

- 1.1.** The Food Law Enforcement Service Plan 2023/24 was presented to the Corporate Committee on 7th June 2023. The plan was approved by the Committee. The report now being presented;
- provides an update on the performance of the Environmental Health Service against the Service Plan for the 2023/24 to the end of quarter 2, and the work undertaken to improve the quality of food premises in Hackney to protect the health of the public, to assist businesses to comply with their legal requirements;
 - notes the emphasis placed on driving up compliance through advice, education, inspections of establishments considered to be flouting the law, and the necessary interventions undertaken and the challenges of working without a premises database.
- 1.2.** This report also highlights the work of Hackney Trading Standards for 2023/24 to the end of quarter 2. The plan outlines the Service's achievements and identifies areas of interest for the future.
- 1.3.** In fulfilling its duties, the Service provides support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, by offering advice to businesses to help them to comply with the law as well as dealing with commercial noise and nuisance complaints.
- 1.4.** The Service also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products to minors.
- 1.5.** The Service also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices.

2. **Recommendations**

2.1. This report is for informative purposes and to provide an update to the Corporate Committee. There are no recommendations set out in this report. The Corporate Committee can note the level and scope of work being carried out to meet the requirements of the plan.

3. **Background**

Policy Context

3.1. In 2022/23 the service delivery priorities were reset as many of the restrictions and directions resulting from COVID 19 were removed including those imposed by the Regulator i.e the Food Standards Agency. The team continued to work without a premises database. This presented some challenges but both the trading standards and environmental health services have set ambitious targets for delivery. These achievements are presented below.

3.2. Table 1.0 Environmental Health Key Performance Indicators

PI Code	PI Short Name	Annual Target	Total
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	100%	100%
NH PRS 033	Percentage of category A (health and safety) risk premises inspected	100%	100%

NH PRS 030	Percentage of service requests and consumer complaints about food and other businesses actioned within 10 working days.	95%	100%
NH PRS 034	Percentage of broad compliance for food hygiene (accumulative). *	83%	75.6%
NH PRS 035	Percentage of new premises inspected (within 28 days) excluding those not yet trading.	100%	100%
NH PRS 036	Number of unrated premises (indicative number ≤ 70).	Reportir only	78

3.3

Table 2.0 - Number of interventions in 2022/23

	Total
No. of Food Inspections	1018

% of Cat A&B inspections within 28 days	100%
No. of Food Premises Ceased Trading	622
Total No. of new food registration forms received	831
No. of Formal Notices	5
No. of Service Requests	464
No. of Infectious diseases notifications received	356
No. of Accidents notifications received (RIDDOR)	112

3.4 Food Standards Agency Recovery Project

The Food Standards Agency (FSA) 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. On the lifting of the COVID 19 restrictions the FSA set out a two phase recovery plan.

Phase 1 - 1st July - 30th September 2021: - Completed

- Prioritise new businesses for inspection;
- Plan intervention programme from September 2021 onwards.

Phase 1 of the recovery plan concluded with 334 businesses contacted to establish whether they were currently trading, ceased trading or due to start imminently. Businesses who are currently/due to start trading have been included in the inspection programme with over 100 unrated premises inspections carried out from Q1 to Q2.

Phase 2 - 1st October 2021 - end 2023/2024:

All category A (hygiene) inspected; - Completed

- All category B (hygiene) or A (standards) receive an inspection; - Completed
- All category C (hygiene) and less than broadly compliant receive an inspection; - Completed
- All category D (hygiene) and less than broadly compliant receive an inspection; - Completed
- All category C (hygiene) and broadly compliant or better receive an inspection (new food standards delivery model to be implemented in 2023/24). - completed

3.5 Table 3.0 - Food Hygiene Rating Scheme to end of March 2023

Ratings	0	1	2	3	4	5
Hackney (%)	0.0	2.0	3.1	15.0	23.9	56

London (%)	0.4	2.3	2.7	10.1	19.9	64.7
National (England) (%)	0.2	1.4	1.5	6.2	14.8	75.9

It is worth noting here that Hackney performed well across London in terms of businesses rated 0 and 1. The team continued to tackle the highest risk businesses in Hackney.

3.6 Table 4.0 - showing the hygiene ratings at the end March 2023

FHRS Ratings:	0	1	2	3	4	5
Months						
End March 2023	0	52	81	395	629	1472

It is worth noting that at the end of March 2023 there were no zero rated businesses in Hackney.

3.7 Table 5.0 - Trading Standards Performance Indicators

Indicator	Target	2022/23
Percentage of complaints investigated concerning serious illegal trading practices in relation to – counterfeit goods responded within 5 working days.	90%	100%
Percentage of complaints investigated concerning serious illegal trading practices in relation to – sales of unsafe goods responded to within 5 working days.	90%	100%
Percentage of complaints investigated concerning serious illegal trading practises in relation to – sales of restricted goods to children underage responded to within 5 working days.*	100%	N/A
Percentage of licensing consultation comments made within targets	95%	100%
Number of notifications	Report only	N/A
Total Number of complaints	Report only	143

Total Number of referrals received	Reporting only	127
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3.8 Table 6.0 Inspections Data

Risk Category	Cat A	Cat B1	Cat B2	Cat C	Total
Total Number of visits	163	209	293	691	1354
Percentage of visits carried	100%	100%	100%	N/A	100%

- Cat A - Highest risk Inspections
- Cat B1 - Upper medium - e.g. a car dealer or premises selling high value goods. There could be an associated consumer credit agreement
- Cat B2 - Low medium - e.g. a trader which is a newsagent which is inspected with respect to pricing compliance)
- Cat C - Low - e.g. a trader inspected for ownership details

3.9 Table 7.0 - Impacts and Outcomes Framework

Impact	Description	Total
No of scam victims supported	Total no of victims identified in the month by the NTS National Scams Team	31
Businesses tested for compliance with the law using underage volunteers OR for compliance with mandatory Challenge 21/25 conditions using older individuals	Number of individual premises tested for Alcohol (Only include data for premises for which test purchases have been attempted.)	43
Tackling the availability of illicit tobacco	Number of premises from which products were seized Volume of tobacco seized	13 seizures 6460 cigarettes 8kg Hand Rolling Tobacco 3Kg Shisha Value £7787.33

The information presented below sets out the work in the Environmental Health and Trading Standards Service in Q1 & Q2 of 2023/24.

3.10 Table 8.0 - Environmental Health Key Performance Indicators 2023/24

PI Code	PI Short Name	Annual Target	23/24 Q1	23/24 Q2
NH PRS 032	Percentage of category A and B (food hygiene) risk premises inspected within 28 days	100%	100%	100%
NH PRS 033	Percentage of category A (Health and Safety) risk premises inspected	100%	100%	100%

3.11 Table 9.0 - Local Performance Indicators

Ref	Indicator	Target	23/24 Q1	23/24 Q2	RAG
NH PRS 030	Percentage of service requests and consumer complaints about food and other businesses actioned within 10 working days.	95%	100%	100%	
NH PRS 034	Percentage of broad compliance for food hygiene (accumulative). *	83%	*95.1%	*95.4%	
NH PRS 035	Percentage of new premises inspected (within 28 days) excluding those not yet trading.	100%	100%	100%	
NH PRS 036	Number of unrated premises (indicative number) .	Reporting only	659**	1028**	

* This figure was taken from the FSA portal which relates to businesses receiving '3' or above FHRS rating

** cumulative total of 1,028 unrated inspections. Of these there are 631 duplicate premises/already inspected and 235 trading and awaiting inspection. In order to reduce this figure the service has 1.5 FTE working on a dedicated project to inspect and reduce these figures. That leaves 162 awaiting initial contact from the service. Currently, the service receives approximately 100 new registrations a month.

3.12 The charts below demonstrate the work of the team in Q1 and Q2 of 2023/24

Chart 1.0 Inspections by risk category Q1 & Q2*

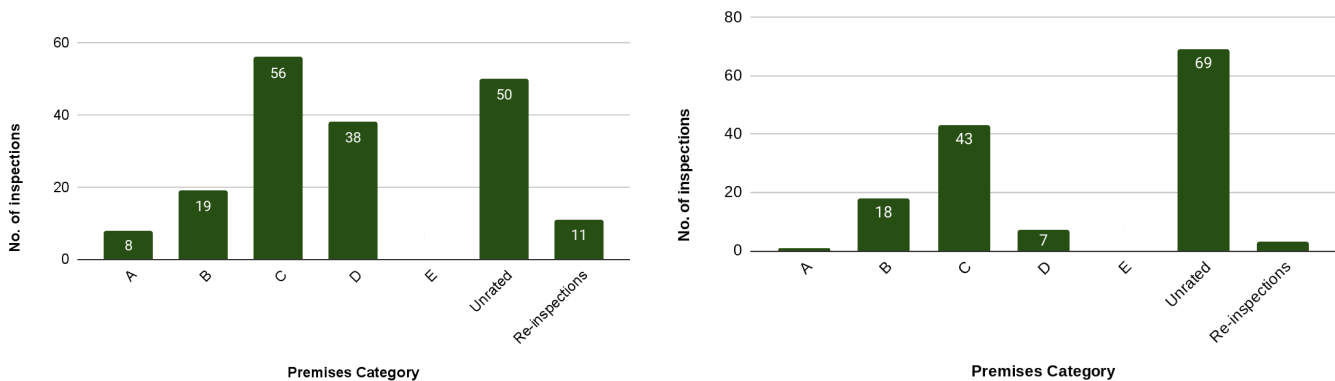


Chart 2.0 Percentages of total numbers of Inspections carried out in Q1 & Q2

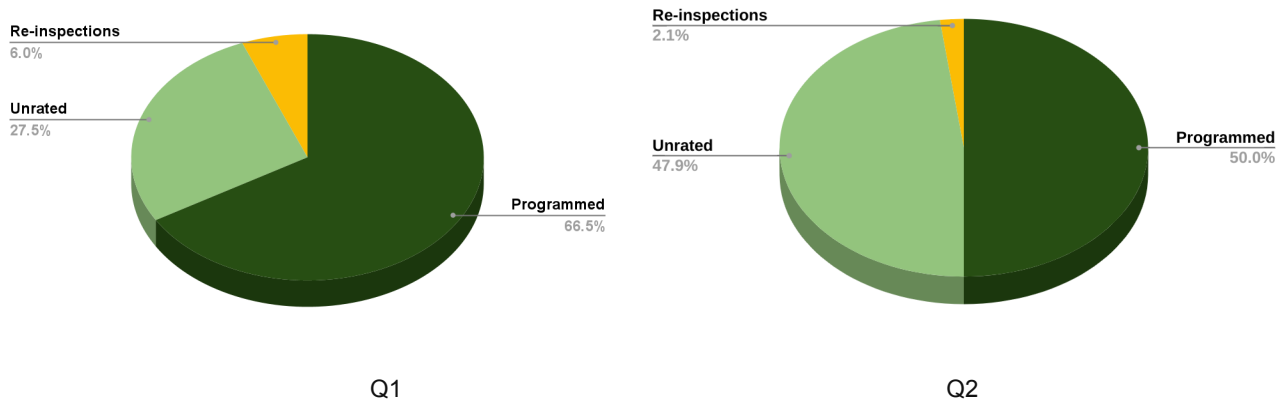
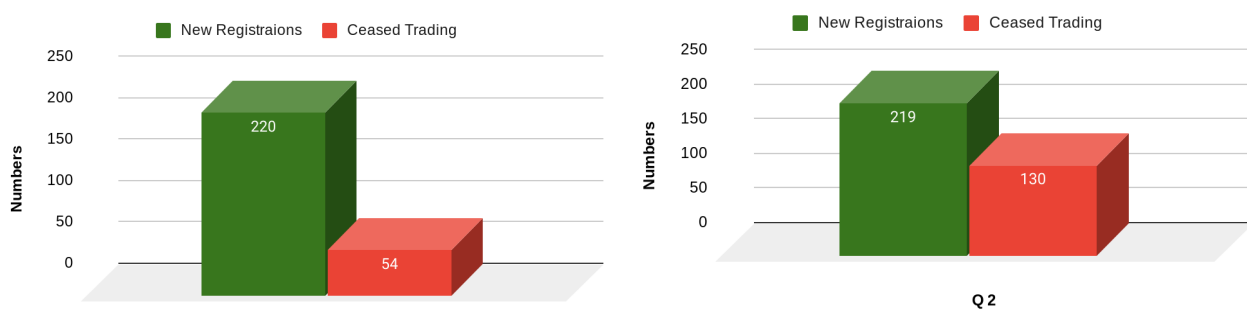


Chart 3.0 Comparison between Numbers of New Businesses and ceased trading businesses



*The frequency of inspection is for each category:

- A: every 6 months (2 inspections/year)
- B: every 12 months
- C: every 18 months
- D: every 2 years
- E: every 3 years

3.13 Table 10.0 - Q2 Quarterly Performance Data Review

	Q1 23/24	Q2 23/24
No. of Food Inspections	171	141*
No. of Re- Food Inspections	11	3
No. of Food Inspections (AES)	0	0
No. of Cat A&B inspections carried out	27	18
Percentage of Premises that are Broadly Compliant (%)	95.1	95.4
No. of Food Premises Ceased Trading	54	130
No. of Food Premises Revisits	41	31

Total No. of new food registration forms received	220	219
No. of Formal Notices	20	0
No. of Formal & Voluntary Closures	0	1
No. of food hygiene written warnings	160	140
No. of food samples taken	6	0
No. of Service Requests	46	78
No. of Infectious diseases notifications received	102	131
No. of Accidents notifications received (RIDDOR)	16	43**

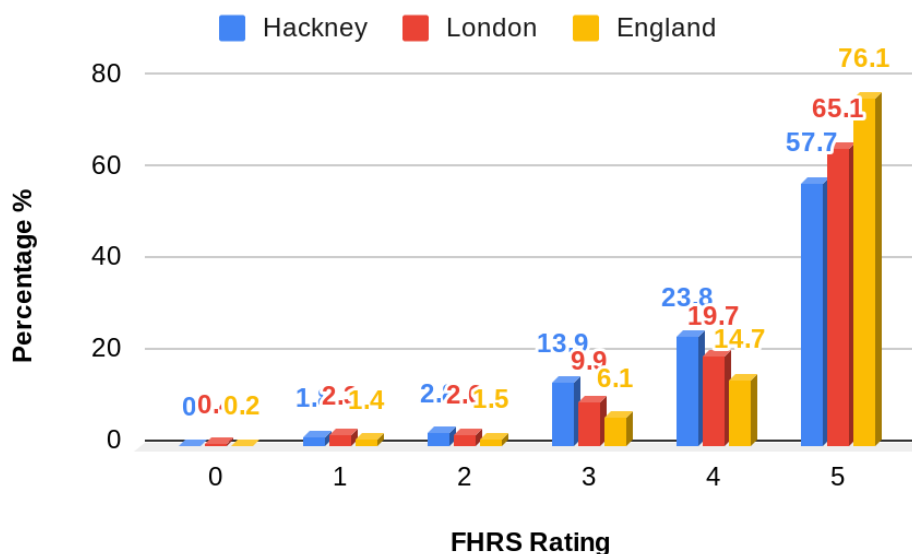
*Please note that one full-time officer has been absent for the entire Q2 period; coupled with this the summer holiday leave absences contributed to the low figures of inspections.

**This figure is higher than usual as owing to Technical Business Support Officers absence who are responsible for downloading RIDDOR notifications, some of the notifications (12) due in Q1 were received in Q2. Fortunately, none of the late notifications required urgent investigation.

3.14 Table 11.0 - Regional Food Hygiene Rating Scheme Comparison Rated Businesses for Q2 2023/24 (average figures).

Ratings	0	1	2	3	4	5
Hackney (%)	0.0	1.8	2.8	13.9	23.8	57.7
London (%)	0.4	2.3	2.6	9.9	19.7	65.1
National (England) (%)	0.2	1.4	1.5	6.1	14.7	76.1

3.15 Chart 4.0 - Charts showing quarterly distribution of FHRs Ratings (Q2)



3.16 Table 12.0 - Showing the trend in hygiene ratings

Months	0	1	2	3	4	5
April 2023	0	51	80	397	627	1474
May	0	51	79	402	628	1499
June	0	48	81	401	636	1507
July	0	46	82	399	635	1519
August	1	48	74	379	629	1525
September 2023	1	49	74	370	632	1533

3.17 Points to note from Q2 2023/24

- The Management Information System continues to be developed and is due for a partial go-live in December 2023. The remaining components of the system will continue to be developed and will be brought online once the testing has been completed. It is envisaged that this will be completed for the start of the new financial year. However and as a result of the cyber attack the service is unable to calculate and record some of the figures accurately. However, every effort has been made to ensure that the figures depicted are produced accurately from the various workaround spreadsheets.
- FHRS Hackney has achieved a better BC figure (95.4%) in comparison with London (94.6%).

3.18 TRADING STANDARDS

3.19 Table 13.0 - Key Performance Indicators

Key Performance Indicators	Frequency of reporting	23/24 Target	Q1	Q2	RAG
High Risk Inspections	Monthly	100%	42	52	
Upper Medium Inspections	Monthly	100%	46	66	
Animal Feed inspections	Monthly	100%	8	8	
Minimum 6 Weights & Measures inspections	Monthly	72	21	23	

3.20 Table 14.0 - Local Performance Indicators

Indicator	Target	Q1	Q2	RAG
Percentage of complaints investigated concerning serious illegal trading practices in relation to counterfeit goods responded within 5 working days.	90%	100%	100%	
Percentage of complaints investigated concerning serious illegal trading practices in relation to sales of unsafe goods responded to within 5 working days.	90%	100%	100%	
Percentage of complaints investigated concerning serious illegal trading practises in relation to sales of restricted goods to children underage responded to within 5 working days.*	100%	N/A	100%	
Percentage of licensing consultation comments made within targets.	95%	100%	100%	

3.21 Table 15.0 - Inspections Data

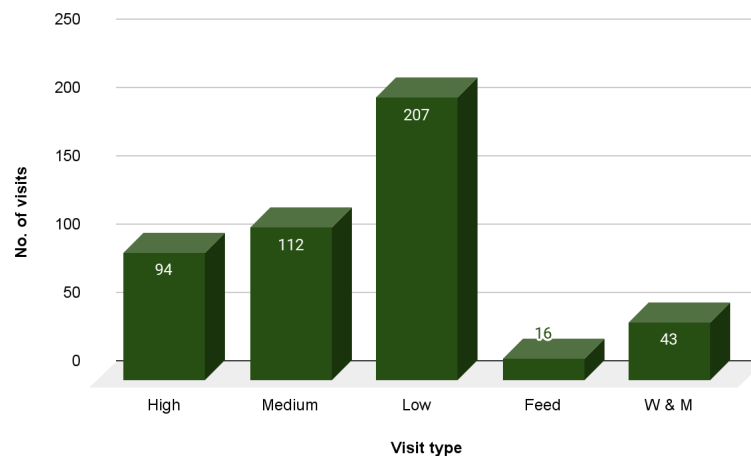
Risk Category	Category A – High	Category B1 – Upper Medium	Category B2 – Low Medium	Category C– Low	Total (annually)
Total number of premises	163	209	293	N/A	665
Total Number of visits April - September	94	112	151	276	627
Percentage of visits carried out in each risk category since April 2023	58%	54%	52%	N/A	94 %
Target for percentage of visits to be complete at the end of March 2024	100%	100%	100%	N/A	100%

Inspections Data

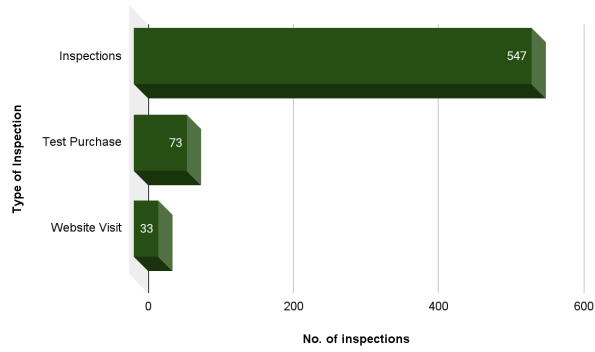
- Trading Standards as well as carrying out investigations and work as the result of complaints and requests received, carried out inspections on physical premises for compliance with legislation and on websites.
- The team undertakes pre-planned inspections on all High Risk traders at least annually, some that are deemed a much higher risk may be visited quarterly to ensure continued compliance, for example a trader who historically sold a vape to a minor.

- Traders risk rating is allocated due to any practice such as manufacture or importation carried out by the business, the associated risks with the products sold, e.g. toys, chemicals etc and the previous history of issues/ offending by the business.
- Medium and Low risk business may be visited at longer intervals unless intelligence or complaints regarding trading nature of the business are received or the business is caught within a regional or National Projects. For example a car trader or self storage unit may be visited as part of a London Trading Standards project.
- Traders may receive formal written notification if the visit is classed as a routine inspection, but should there be intelligence that there are issues on the premises or that it is part of a specific project then notification will not be required and it will not be given.
- Website visits will be carried out without notification and the trader will be notified if there are any issues via the contact email provided on the site, the team may also seek via the Registration service to have a website removed if the trader continues to be non compliant or is suspected of serious criminal activity.
- Q1 and Q2 targets for high and medium visits are on track to complete by the end of the year, this includes Weights and measures and animal feed visits. Project visits continue to be in line with service level requirements.
- Operation Liberal visits conducted Q2. Operation Liberal is part of the annual National Operation that is targeted at disrupting the activities of rogue traders carrying out doorstep crime in the Borough. This is a Trading Standards and Police multi agency project which comprises activities with the theme of preventing doorstep crime, including lines of enquiry investigations into ongoing cases, social media activity, contact with scaffolding companies and consumer education.

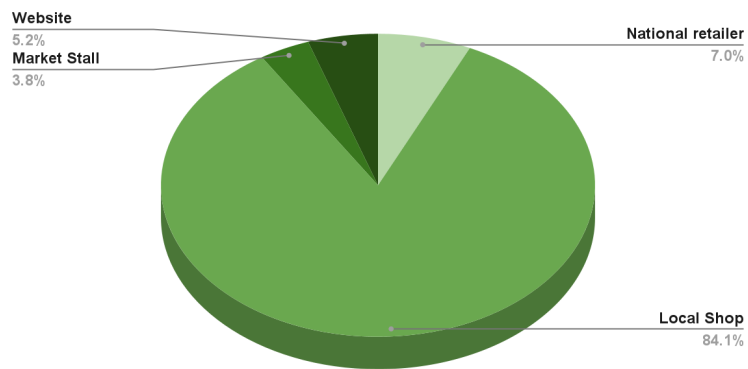
3.22 Chart 5.0 - Type of inspections relevant to KPI's



3.23 Chart 6.0 - Type of inspections Activity



3.24 Chart 7.0 - Breakdown of retailers by Type of premises



3.25 Table 16.0 - Complaints data Q1 & Q2

Type	No. of complaints
Citizens Advice Referrals	317
Citizens Advice Notifications	1134
TS Mailbox Referrals	202
Total	1653

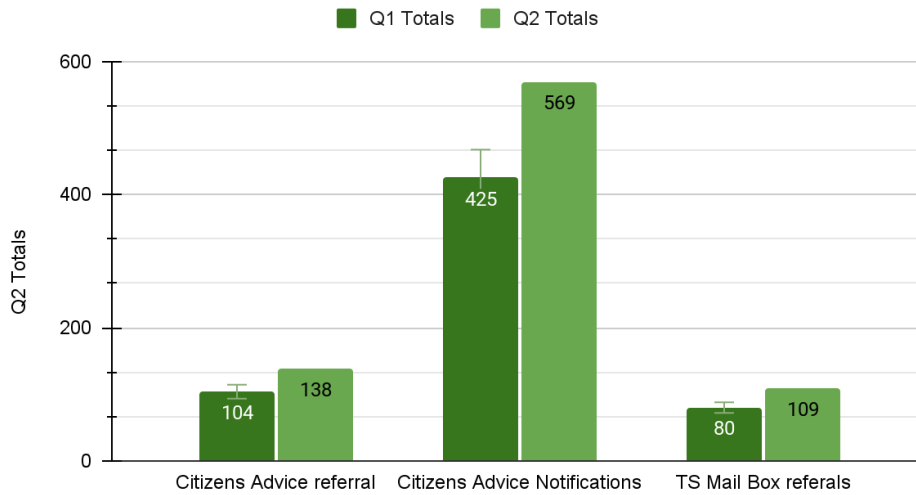
3.26 Table 17.0 - Impacts and Outcomes Framework

Impact	Description	Total Q1	Total Q2
No of scam victims supported	Total no of victims identified in the month by the NTS National Scams Team	Q1 13	Q2 0

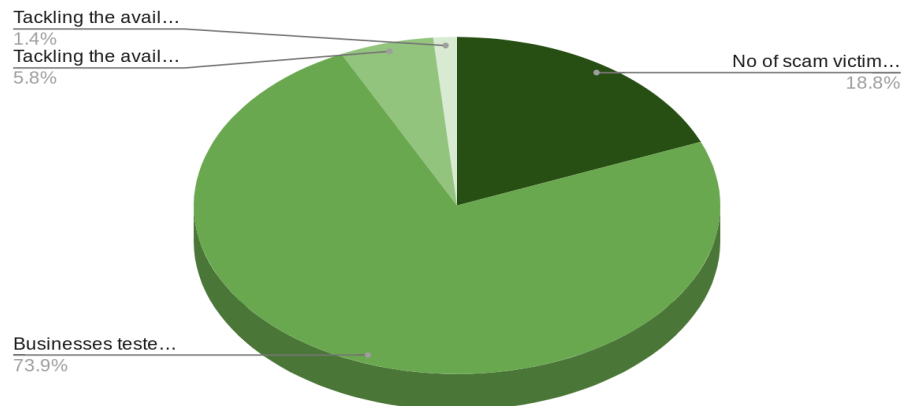
Businesses tested for compliance with the law using underage volunteers OR for compliance with mandatory Challenge 21/25 conditions using older individuals	Number of individual premises tested for Alcohol (Only include data for premises for which test purchases have been attempted.)	Q1 51	Q2 27
Tackling the availability of illicit tobacco	Number of premises from which products were seized Volume of tobacco seized (l) and value (£)	Q1 4 15.450 £6,952.50	Q2 5 2960 £1,395.00
Tackling the availability of illicit alcohol	Number of premises from which products were seized Volume of alcohol seized (l) and value (£)	Q1 1 1.5(l) /£16.00	Q2 1 3 (l)/ £27.00

3.27 Chart 8.0 - Breakdown of complaints source

Q1 & Q2 Totals



3.28 Chart 9.0 - Table for Impacts and Outcomes



Trading Standards receives complaints and requests for advice from businesses and consumers in two main ways via the Citizens Advice consumer service, which provides an online and telephone first tier advice service to consumers and triages complaints into notifications and referrals. These act as a major intelligence source for Trading Standards works and understanding this intelligence will assist in directing resources to local issues and issues affecting local residents, it will also act to draw attention to emerging issues that may need action to address at an early stage to mediate the effect of the trader on consumers. Notifications are looked at and may be opened should the need arise. Referrals are triaged again and allocated to Officers should there be further work or advice required on the matter.

The second method the team receives work is via the Trading Standards mailbox which are mainly enquiries from other enforcement authorities, with few consumer and business queries.

3.29 Table 18.0 - Proceeds of Crime Update

Court date	Case	Court	Legal	Type of Hearing	Notes
29/6/23	R v Hasan Sahin and Zeynal Aktogan	Snaresbrook	Kyle Fourniller	Confiscation and sentencing	<ul style="list-style-type: none"> • Fine - £36,000 (12 months' imprisonment in default) • Costs to prosecution - £5,000 • Confiscation - £49,634.41 (3 months to pay/ 12 months' imprisonment in default) • Victim surcharge applied.
26/09/2023	R v Hasan Sahin and Zeynal Aktogan	Snaresbrook	Kyle Fourniller	Confiscation and sentencing	<ul style="list-style-type: none"> • Order satisfied on 27 September for Hasan Sahin

3.30 Points to note from Q2 2023/24

- Trading Standards has provided training to London NHS Trusts around vapes and nicotine products, this has also included stop smoking services and local school PSHE lead officers.
- The team has sought and been awarded funding of £10,000 from National Trading Standards for planned work around safety of older residents and education in the coming winter, targeted specifically at household electrical items of higher risk.
- The team has had a successful result obtaining a confiscation order of £49K in a planning matter. Several members of the team are continuing their training in this area, with plans to expand this work.
- The team took part in London Trading Standards week, which this year covered Vapes, Illegal Tobacco, Doorstep Crime, Lettings and Cost of living crisis. These areas are seen as important priorities for TS services across London. The team carried out work in each of these areas to protect Hackney Residents.

3.31 Equality Impact Assessment

3.32 N/A

3.33 Sustainability

3.34 N/A

3.35 Consultation

3.36 N/A

3.37 Risk Assessment

3.38 N/A

4. Comments of the Group Director of Finance and Corporate Resources.

4.1. This report and appendices note the performance, level and scope of work being carried out to meet the requirements of service plans within Business Regulation.

4.2. The aims and objectives of the programmes described in this report will be delivered within the constraints of the existing Business Regulation service budgets.

4.3. The report notes (Paragraphs 3.29 & 3.30) the financial investigations under the Proceeds of Crime Act (POCA). Income received from compensation orders awarded in favour of the Council contributes to the cost of staff involved in POCA investigations and enforcement action.

5. Comments of the Director of Legal, Democratic and Electoral Services

5.1. This report is to inform and provide an update to the Corporate Committee in relation to the performance, level and scope of work being carried out to meet the requirements of service plans within Business Regulations (Environmental Health Service and Trading Standards Service). There are no legal implications arising from this report.

Appendices

- Appendix 1 - Environmental Health Service - 6 month update against the 2023/24 service plan.
- Appendix 2 - Trading Standards Service - 6 month update against the 2023/24 service plan.

Exempt

N/A

Confidential

N/A

Background documents

None

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