



Title	Chief Fire Officer Report – Adult and Social Care and Communities Scrutiny Committee
Chief Fire Officer Suite of Services	Trading Standards, Civil Protection and Coroners Services
Date	Tuesday 25 January 2022
Purpose of Report	To provide a strategic update on issues and key areas of service provision, opportunities and challenges

Following the revision of the Committee functions, I provide below an update on the work of Trading Standards, the Civil Protection Team and Coroners Services.

Trading Standards

Protecting consumers from unsafe products

The safety of products used by consumers in the UK cannot be taken for granted. An extensive regulatory regime (see Annex below) exists to ensure all products supplied to the public are safe for intended or reasonably foreseeable use, especially where the potential dangers are not readily identifiable, or the intended consumer is vulnerable for example electrical items or playthings intended for very young children. These safety requirements encompass all things - almost everything sold, leased, hired or lent to consumers.

Product Safety is a service priority area - not only there a clear need to protect the physical safety of Gloucestershire consumers but, as with much of the work of Trading Standards, there are clear links to other areas of the Council such as GFRS (fire prevention in the home) and Public Health (toxicity of products).

The Service has 2 Officers (2 FTE) with specialist responsibility for Product Safety work although all other officers can be called upon to assist or to work under supervision in this area. Officers have wide-ranging powers from demanding information to suspending or prohibiting products as well as prosecution in the worst cases.

Where products are so dangerous that they have to be removed from the market, Trading Standards has a legal responsibility to act as a 'backstop' in cases where the business cannot or does not effectively manage a product recall – this is both time consuming and costly but essential.

The majority of work in this area is in response to complaints about products from consumers or to requests for advice and guidance from local businesses. Product safety issues make up 9.8% of the work tasked to officers so far this year. Businesses are supported through single pieces of advice or by entering into OPSS backed Primary Authority Partnerships

In addition, the Office for Product Safety and Standards, an executive department of BEIS provides intelligence relating to unsafe products and instructs this Service to oversee product recalls of unsafe items manufactured or distributed by businesses based in Gloucestershire.

Consumers assume, naturally, that all products available to purchase comply with the law and will be safe to use – that is not the case. Since March 2021, safety officers have removed nearly 22,000 unsafe or non-compliant items from the market.

Item	Qty	Fault
Women's clothing	4,000	Sharp edges to fastenings
Toys	7,511	Sensory toys for young children with sharp edges and choke hazards. Miniature dolls with choke hazards. Slime/play putty containing traces of heavy metal. Miscellaneous toys with incorrect markings and labelling
Electrical products	5,145	Spin drier – door could be opened during operation, Covid fogging machines with incorrectly fitted plugs delivering electric shocks Security cameras fitted with non-compliant plugs Electrically unsafe adaptors and lights
Cosmetics	1,000	Sun cream causing skin irritation
Disposable e-cigarettes	3,393	Non-compliant (oversized) liquid chambers and no evidence of MHRA approval

Furniture	20	Post 1950 (not antique) furniture missing fire safety labelling
GPSR & Other	916	General

Placed into an independently validated formula, these 21,985 seized items have an **estimated value of £732,100.50**.

As well as additional demand on officers in response to non-complaint PPE and hand sanitiser reports, the pandemic helped accelerate a move towards ‘cottage industry’ style businesses with people making product from home or importing items to process or simply sell on, often through social media.

This presents a specific challenge to this Service as a market surveillance authority – it is increasingly difficult to have any degree of understanding of the local market and to identify high risk activities or businesses. There has been a rise in requests from local businesses regarding how they can make toys, cosmetics, clothing, candles, jewellery and other handmade products and what they need to do to be compliant in the law but from what we are able to gather about the marketplace, those who ask are a fraction of those in business.

Where products have especially high potential risk of harm, electrical products, toys and cosmetic products, the safety requirements are particularly strict and require things the responsible person to compile technical files, safety reports and undertake rigorous testing to ensure these are compliant. Many home manufacturers or importers are unaware this responsibility sits with them as the person who first places the product on the market in the UK, for some who are aware, it becomes a barrier to market entry. Businesses who import goods could previously rely on safety checks and assurances carried out in another European Union country – this is no longer acceptable since the UK left the European Union and free movement of goods stopped. UK sellers seeking to avoid the requirements to compile full safety technical files are increasingly drop shipping items, arranging for them to be sent directly from the foreign producer to the consumer. As such the consumer becomes the importer because they bring the item into the country. The UK seller, although still ultimately responsible for product safety, avoids their other obligations.

In addition to the ongoing general safety work -

Officers licence explosives storage and are specifically authorised under Health and Safety at Work legislation and carry out annual inspections of firework retailers to ensure safe storage and compliance with age restrictions on sales.

Officers licence and monitor storage of petroleum and maintain records of redundant sites, they respond to requests for information under the Environmental Information Regulations to ensure land developments takes account of decommissioned petrol tanks and avoids land contamination.

Officers tackle illegal tobacco as well as being a statutory responsibility (see below), this supports local Public Health smoking cessation work and also protects local businesses who suffer as a direct consequence of the unfair competition posed by illegal tobacco sellers. This includes non-compliant disposable e-cigarettes (see table above)

Failure to comply with product safety requirements is a serious matter, punishable at Court with either imprisonment and/or fines. Having said that, as in all other areas of our work, Officers prefer to work with businesses to prevent or remedy breaches with prosecution a last resort.

Trading Standards Q3 Performance

Please refer to the Quarter 3 Performance Scorecard attached to the report

- The budget remains on course. The previously predicted underspend on legal services, a direct consequence of suspended activity throughout the pandemic period, these funds have been diverted to increase temporary staffing levels and therefore overall operational capacity.
- In addition to the work delivering statutory functions in relation to food standards, a second officer has been engaged on a temporary basis to carry out inspection work in relation to product safety focussing on items sold through second hand and antique stores. In the first week, the safety inspections have resulted in unsafe electrical items being removed from sale and two air pistols being surrendered to the Police.
- Inspection figures for high-risk food premises remain below quarterly targets. This has been debriefed; this year, take-away food premises have been targeted as high-risk premises specifically in relation to accurate information around allergens, there are operational difficulties targeting this sector as a large proportion only open outside normal working hours. A priority delivery plan is in place for Q4 with alternative enforcement strategies, including those not requiring a full physical inspection, to be considered where appropriate.
- The measurement of scam and doorstep crime victims who feel better able to withstand future attempts is lower than target at 53% - a decline against previous quarters. Further analysis of this result shows that in Q3 the Service received a large number of referrals relating to active scam victims; individuals who are already engaged and responding to mass mail scams. These individuals are more invested in the promise of large rewards, it takes longer to unpick the programming and deceptions already embedded.
- Trading Standards are at an early stage of engagement with Gloucestershire Police, Victim Support and other voluntary sector organisations with a view to establishing a multi-agency approach to victim support which will enhance capability of all agencies to support individuals.

ANNEX

Part 1 specific product safety legislation with statutory responsibility for Trading Standards

Consumer Protection Act 1987

Local Weights and Measures Authority (LWMA) has duty to enforce

Biofuel Labelling Regulations 2004

LWMA has duty to enforce

Construction Products Regulations 2013

LWMA has duty to enforce

Cosmetic Products Enforcement Regulations 2013

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

Detergents Regulations 2010 County Council has a duty to enforce.

Electrical Equipment (Safety) Regulations 2016

LWMA has duty to enforce. LWMA has market surveillance responsibilities regarding electrical equipment for private use or consumption.

Electromagnetic Compatibility Regulations 2016

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

General Product Safety Regulations 2005

County Council has duty to enforce. County Council has market surveillance responsibilities.

Personal Protective Equipment (Enforcement) Regulations 2018

LWMA has duty to enforce. LWMA has market surveillance responsibilities regarding PPE for private use or consumption.

Pressure Equipment (Safety) Regulations 2016 LWMA has duty to enforce.

LWMA has market surveillance responsibilities regarding pressure equipment for private use or consumption.

Pyrotechnic Articles (Safety) Regulations 2015

LWMA has duty to enforce. LWMA has market surveillance responsibilities regarding F1, F2 and F3 fireworks.

Radio Equipment Regulations 2017

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

REACH Enforcement Regulations 2008

Local Authority has duty to enforce

Recreational Craft Regulations 2017

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

Simple Pressure Vessels (Safety) Regulations 2016

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

Supply of Machinery (Safety) Regulations 2008

LWMA has duty to enforce in relation to machinery or partly completed machinery which is not for use at work

Textile Products (Labelling and Fibre Composition) Regulations 2012

LWMA has duty to enforce. LWMA has market surveillance responsibilities.

Tobacco and Related Products Regulations 2016

LWMA has duty to enforce

Toys (Safety) Regulations 2011

LWMA has duty to enforce

Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

Local Authority has duty to enforce.

Part 2 specific product safety legislation also enforced by Trading Standards

[Nightwear \(Safety\) Regulations 1985](#)

[Food Imitations \(Safety\) Regulations 1989](#)

[Plugs and Sockets etc \(Safety\) Regulations 1994](#)

[Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#)

[Electrically Assisted Pedal Cycles \(Amendment\) Regulations 2015](#)

[Pedal Cycles \(Construction and Use\) \(Amendment\) Regulations 2015](#)

[Product Safety and Metrology etc \(Amendment etc\) \(EU Exit\) Regulations 2019](#)

[REACH etc \(Amendment etc\) \(EU Exit\) Regulations 2019](#)

[Motor Vehicle Tyres \(Safety\) Regulations 1994](#)

Civil Protection Team (CPT)

Operational Response:

- CPT continues to support the response to C-19
 - Attending C-19 Tactical Response Grp
 - Attend C-19 Risk Management Sub-grp
- CPT Duty Officer (24/7 on call)
 - Support with x5 temporary accommodation requirements for displaced person(s) whose property affected by fire/explosion/ structural damage
 - Support to care home – prolonged power outage due to Storm Arwen
 - Support following Cyber incident

Training & Exercises:

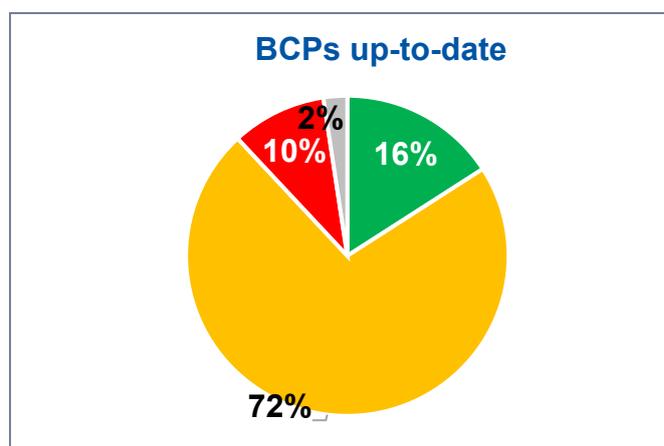
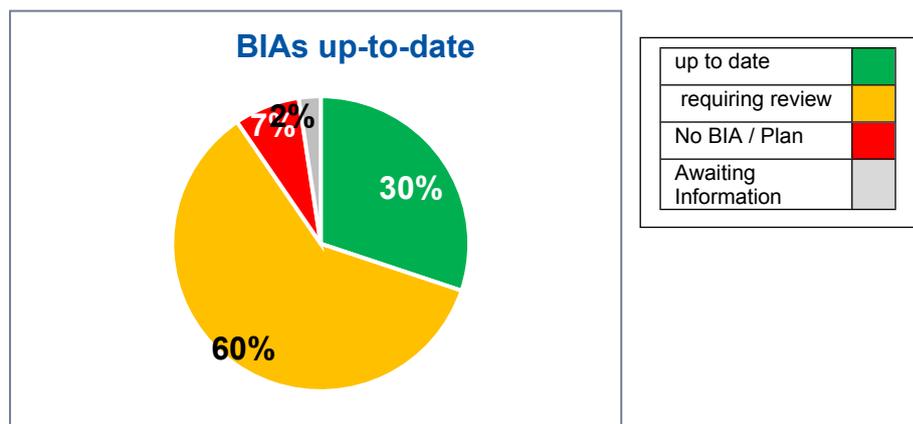
- Mass Evacuation & Shelter Plan – Discussion exercise delivered to LRF partners to validate plan (Nov 21)
- Exercise 'Mince Pie' run by CPT w/c 20.12.21 to test call out arrangements for GCC, Districts and Gloucestershire emergency support team (GEST)

Business Continuity Management:

CLT agreed a 2 year project plan (in October 2020) to strengthen the business continuity framework across the organisation (GCC).

Work is ongoing with all the service areas across the County Council to develop 'fit for purpose' business continuity plans to support the continued delivery of critical service areas in the event of a disruption (ie: Power Outage, Loss of fuel, loss of building, loss of IT, loss of staff).

Position as of 17.01.22;



- 13% increase in completed BIA's since last report (Oct 21)
- 5% increase in completed BCP's since last report (Oct 21)

The business continuity assurance board (BCMAB) continues to meet every quarter.

An update report to CLT (Dec 21) advised that some work streams are behind schedule and an extension to the project was agreed.

District Council SLA's:

- CPT continue to provide emergency management support for 5 district councils as per the SLA & each districts individual work plans.
 - Emergency response guides updated for Cheltenham BC (exercised) and Publica (Cotswold DC / Forest of Dean DC / exercised)
 - Supported districts to review Rest Centre teams & procedures
 - A number of training sessions delivered (rest centre teams, duty officers, resilience direct, exercises)
 - Flood warden handbook reviewed and updated (Tewks BC)
 - Review of district(s) designated rest centre(s)
 - Supporting districts with business continuity including developing policy & framework document for Glos City
 - Support districts in response as required (24/7)

CPT works with each district individually to compile a work plan for each ¼, the above does not cover all the work undertaken but lists some of the key work streams that have been completed since October 21.

Local Resilience Forum (LRF) Support:

- Working as part of the LRF Community Resilience sub-grp, CPT have now finalised the plan template and guidance document, for the promotion of 'Community Resilience Plans' – these are aligned to the Government Guidance and reflect local considerations. X2 virtual workshops are being planned, dates currently being set for early 2022.
- As part of the LRF Human Aspects sub group work plan, CPT are working with the Local Health Resilience Board (LHRP) to support the development of a South West framework for psychosocial support for persons affected by an incident.
- LRF have introduced a 'Project Management Board – Flooding and Community Resilience' which is chaired by the Environment Agency to bring all flood planning / support / response / plans under one area to improve smarter cohesive work streams. CPT are represented at this group alongside GCC Flood risk management team and district councils.

Plans:

- LRF Animal Disease Plan has been finalised (exercise being planned for spring 2022)
- LRF Mass Evacuation and Shelter Plan finalised and exercised.
- LRF Coastal Pollution Plan finalised (date for exercise to be set)
- Major Accident Hazard Pipeline Plan (MAHP) finalised (date for exercise to be set)
- GCC Emergency response guide – 6 monthly contact number review completed (Dec 21)
- Multi-agency Flood Plan has been revised and submitted to DEFRA for assurance that the plan aligns to new DEFRA guidance – *Submitted Sept 21 still awaiting feedback*

Please note: CPT has 45% (21) of LRF plans assigned to them which is difficult to achieve with the resource in the team combined with SLA commitments.

Current status of LRF plans that CPT are responsible for;

Plans revised and up to date = 52% (11 plans)

Plans in progress = 14% (3 plans)

Plans out of date = 38% (8 plans)

As outlined above a number of these LRF plans are not in date. This has been raised with the LRF manager and at the monthly LRF tactical meeting in November 21. As a result this matter was raised as an area of concern at the LRF Strategic meeting in December 21 and it was agreed that the LRF Manager reviews the plans and assigns some of them to other agencies within the LRF. This is currently ongoing, awaiting outcome.

The matter was again raised to the LRF chair at the January 2022 LRF strategic meeting and the LRF manager has been tasked to undertake a survey of partner agencies to scope how many LRF partners employ emergency planners. If partner LRF agencies do not commit to progressing the 8 outstanding plans above it is likely that CPT will need to progress them in 2022. This will remain a challenging workload for the team.

Please note: GCC have a number of plans where the County Council has legal responsibilities (some of these are classed as LRF plans as they require a multi-agency response) – most of these plans are up to date.

Prevent SLA:

- CPT continue to provide secretariat support the Gloucestershire Prevent Partnership Board (GPPB).

Theme for this report – GCC Emergency Management Framework Project

Working with teams across the County Council who have a role in the response to an incident affecting Gloucestershire to strengthen the organisations emergency management framework.

Background

CLT agreed a 2 year ‘Emergency Management’ project plan in October 2020. The aim of the project is to strengthen the emergency management framework across the organisation and ensure that the council is prepared to effectively respond to incidents.

Gloucestershire County Council is a ‘Category 1 Responder’ under the Civil Contingencies Act 2004’ and as such has a number of statutory duties it is required to fulfil.

Communities expect their local authority to be visible and provide leadership both at the initial response stages all the way through to recovery. Best practice in emergency management is that organisations should embed a robust emergency management framework to achieve its statutory requirements and ensure a resilience culture where **‘resilience is everyone’s business’**

To further align the role of local authorities (as a member of the Local Resilience Forum) the then (Ministry of Housing, Communities and Local Government (MHCLG) now renamed Department for Levelling Up, Housing and Communities (DLUHC) in November 2018 published **‘Local Authorities Preparedness for Civil Emergencies – A Good Practice Guide for Chief Executives’**, which outlines a framework of what preparedness for local authorities should look like.

Project status

Work on the project has now been ongoing for 13 months and the overall progress of the work streams is ongoing but not at a pace that was first anticipated, table 1 below is an estimation of the County Councils current position against the 10 main focus areas as listed in DLUHC good practice guide;

	Area of Focus	County Council's current rating
1	Plans for emergencies (inc: business continuity)	<i>Developing</i>
2	Understands its own capabilities to respond (including access to & provision of mutual aid)	<i>Developing</i>
3	Trains & Exercises	<i>Developing</i>
4	Active member of the Local Resilience Forum (LRF)	<i>Established</i>
5	Undertakes Local risk Management with the LRF	<i>Established</i>
6	Ready to provide advice before, during and after an emergency	<i>Established</i>
7	Effectively represented at a Senior Level at a Strategic Co-ordinating Group (SCG) & Recovery Co-ordinating Group (RCG)	<i>Established</i>
8	Ready to provide Community Leadership	<i>Established</i>
9	Has plans in place for assessing the impacts of an emergency	<i>Developing</i>
10	Has plans in place to manage the recovery from a major emergency	<i>Established</i>

A summary of work streams that have been undertaken to date;

1. Initiation – Gather organisational learning via structured de-briefs GCC Gold, Silver, Community Safety Directorate to assess response to Covid-19.
2. Resilience standards researched against best practice
3. Establish Resilience Assurance Board (RAB) – To assure against GCC resilience standards (GCC Silver will act as the RAB when not in response)
4. GCC Response Teams review – Supporting teams to be 'fit for purpose' to deliver on bronze response
5. GCC Silver review – Supporting GCC Silver to establish as a permanent group and provide tactical coordination both internally and as part of multi-agency response
6. GCC Gold review – Supporting GCC Gold to be ready to provide strategic leadership in incidents both internally and as part of multi-agency response
7. GCC Risk Management review (in terms of emergency risks) – CPT engaged with GCC Risk Management Grp / share LRF Community risk register
8. Support services – Deliver training to officers to support during incidents (ie: Admin, loggists)
9. Training programme – Develop an annual training programme as part as business as usual
10. Emergency Control Centre review – Located at Shire Hall, upgrade in progress

11. Communications – Keep emergency management information on both intranet and GCC webpages updated

12. GCC Resilience standards – To be drafted, consulted and published (end of project)

Coroners Services

The primary function of the Coroner team revolves around the safe receipt of the deceased and the investigation (and if appropriate inquest) into their death.

The principle objective for the Coroner Team this year is to assist the Senior Coroner in addressing the backlog of cases that has resulted in court restrictions due to Covid. Following an updated risk assessment that was completed in collaboration with AMPS colleagues, the Coroner court is now fully open for the hearing of Coronial inquests and the service recently conducted their first jury inquest since Covid restrictions were lifted. This was a success and the Senior Coroner continues to list future inquests in order to address this backlog.

The principle risk to the service remains the availability of pathologists to complete post mortem examinations. Timely examination of the deceased is an essential initial step in the Coronial investigation process and remains an issue at both local and national level. Unfortunately, one of the existing rota pathologists has now moved to a neighbouring authority to take up a new post but the team have managed to secure the services of an independent pathologist who is working one day a week and is keen to increase this to two. A further independent pathologist has also been completing work for the team and will remain on an ad-hoc basis until he retires in March. The service has a KPI of '7 days between referral and autopsy' During December the team achieved a 97% success on this KPI, the highest it has been since October 2018. The mortuary team are also willing to continue with some weekend working (on occasion) to ensure autopsies are conducted in a timely manner.