

COMMUNITY SAFETY AND HOUSING PORTFOLIO DECISION SCHEDULE



Friday, 16 October 2009

at 10.00 am

**in Committee Room C,
Civic Centre, Hartlepool**

The Mayor, Stuart Drummond responsible for Community Safety and Housing will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Church Street Grants – Amendment to Grant Area – *Assistant Director (Planning and Economic Development)*
- 2.2 Safer Hartlepool Partnership Community Cohesion Fund Proposals – *Head of Community Safety and Prevention*
- 2.3 Trading Standards Service Plan 2009/10 – *Head of Procurement, Property and Public Protection*

3. ITEMS FOR INFORMATION

- 3.1 Response to DCLG Consultation on Planning Policy Statement 15 – Planning for the Historic Environment – *Director of Regeneration and Neighbourhoods*

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report To Portfolio Holder
16th October 2009



Report of: Assistant Director (Planning and Economic Development)

Subject: CHURCH STREET GRANTS – AMENDMENT TO GRANT AREA

SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek endorsement to widen the boundary of the current Church Street grant scheme to include commercial properties in Church Square, Scarborough Street, Tower Street and Whitby Street that are also in the Conservation area.

2.0 SUMMARY OF CONTENTS

- 2.1 The report outlines the current take up of the grant scheme in Church Street and the interest that has come from the possible extended area as a result of consultation work undertaken in the area.

3.0 RELEVANCE TO PORTFOLIO MEMBER

- 3.1 The Portfolio Holder is responsible for conservation issues and is currently responsible for the approval of the Church Street grant scheme.

4.0 TYPE OF DECISION

- 4.1 Non-Key.

5.0 DECISION MAKING ROUTE

- 5.1 Community Safety and Housing Portfolio Holder.

6.0 DECISION(S) REQUIRED

- 6.1 The Portfolio Holder is requested to endorse the suggested widening of the Church Street Grant Scheme to incorporate commercial properties in Church Square; Scarborough Street, Tower Street and Whitby Street that are also in the Conservation area (see **Appendix 1**).

Report of: Assistant Director (Planning and Economic Development)

Subject: CHURCH STREET GRANTS – AMENDMENT TO GRANT AREA

1. PURPOSE OF REPORT

- 1.1 To seek endorsement to widen the boundary of the current Church Street grant scheme to include commercial properties in Church Square, Scarborough Street, Tower Street and Whitby Street that are also in the Conservation area.

2. BACKGROUND

- 2.1 The Church Street grant scheme has £55,000 allocated for small scale improvements to business properties for the financial year 2009/10 from Hartlepool Borough Council capital funds. The scheme has been available for commercial properties since the approval arrangements were endorsed on 24th August 2009. Following the Church Street business meeting in June work was undertaken with interested businesses / property owners in the area to progress applications to be ready for approval. The scheme has been aimed at supporting business and property owners with small scale repairs and re-decoration of their properties, this is to maximise impact of the grant with the budget available.
- 2.2 To date 11 site visits have been completed with potential applicants, following all site visits a schedule of works is drawn up and sent out with all application forms. 3 projects have been approved; the remaining available budget is £47,309.50. Outstanding interests are being contacted for updates and some of the applicants have confirmed they are in the process of submitting an application however even if all of the projects come forward the total budget will not be allocated.
- 2.3 Letters have been sent to all of the commercial properties on Church Square, Scarborough Street, Tower Street and Whitby Street that are in the Conservation Area asking businesses to confirm their interest in applying for a grant if the grant scheme area was to be widened. 9 businesses from these areas have confirmed interests so far (deadline has been set for the 2nd October 2009 so this could increase prior to

the Portfolio meeting). Letters were also sent to all businesses in Church Street to update them on the possible widening of the grant area and the likely increase in demand; this has also generated 4 new inquiries.

- 2.4 From experience of this grant scheme and other similar Conservation Grant schemes available, the initial interest is often more than the number of completed applications that are approved and subsequent projects completed. Interest in the scheme has come from across the suggested widened area. The widening of the scheme to include these additional streets would complement the work being achieved in Church Street and enable the full allocation of the budget for the scheme given the demand in Church Street is not at a level to achieve this, whilst still having a positive visual impact. The attached plan shows the proposed extended area.

3. MANAGEMENT AND DELIVERY ARRANGEMENTS

- 3.1 Officers in the Regeneration team will be delivering the scheme, working closely with the Conservation Officer. Site visits to interested parties are followed up with an agreed work schedule. The applicant will then submit an application form and three independent and comparative quotations for the works. This information will form the basis of a grant report that will assess if the works are eligible and calculate the overall grant contribution. The grants will be administered utilising powers under section 58 of the Listed Building Act 1990. The grant report will then require the agreement and signature of the Assistant Director (Planning and Economic Development) and the Community Safety and Housing Portfolio Holder.

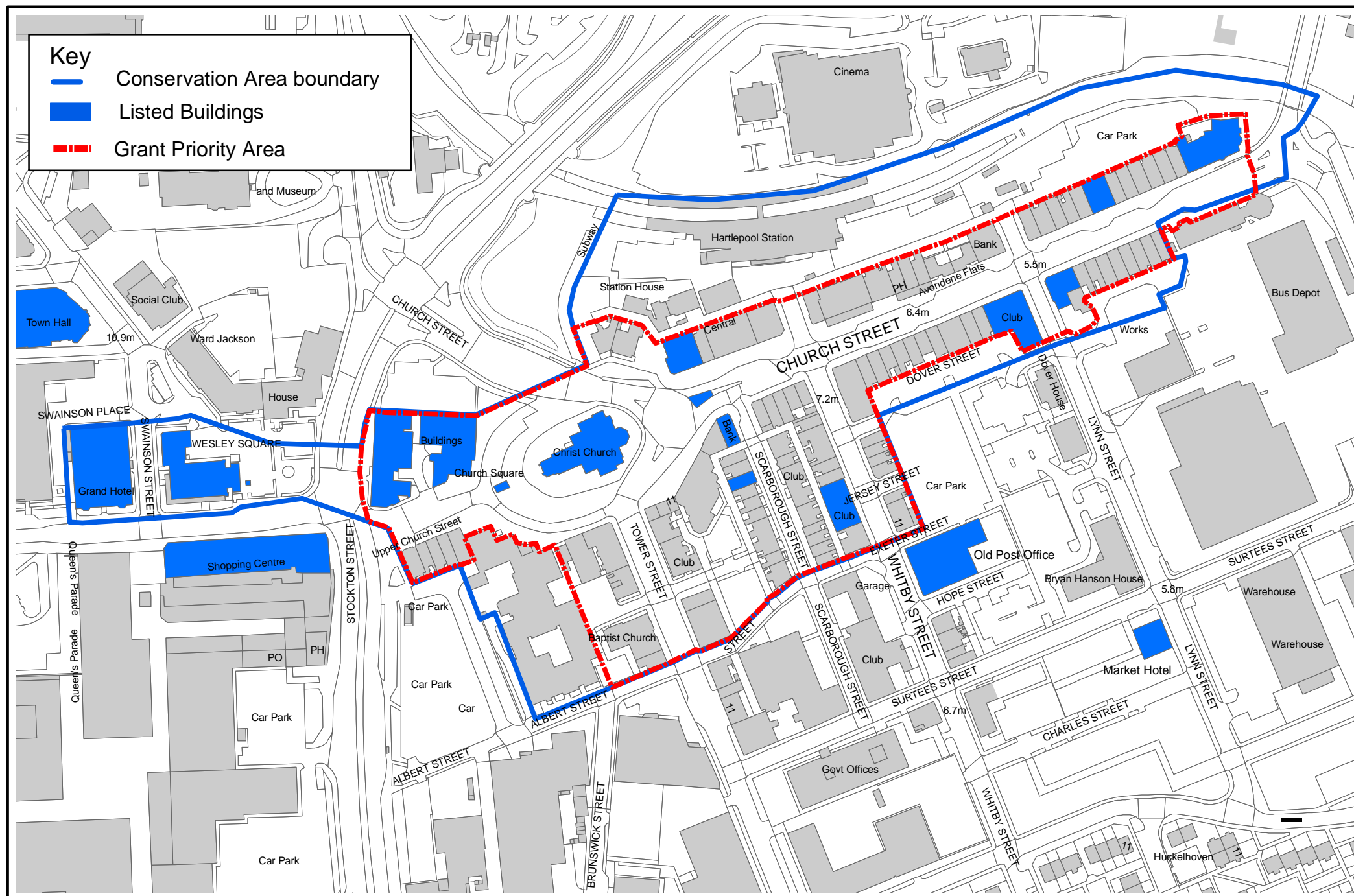
4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications linked to the report as the funding has been approved previously. The report outlines the management and delivery arrangements for these funds which includes a small management fee to cover staff costs for the Regeneration Team in delivering this scheme. The widening of the boundary will not affect this.

5. RECOMMENDATIONS

- 5.1 The Portfolio Holder is requested to:
- i) Endorse the suggested widening of the Church Street Grant Scheme to incorporate commercial properties in Church Square; Scarborough Street, Tower Street and Whitby Street that are also in the Conservation area (**see Appendix 1**).

Church Street Grant Scheme - Grant Priority Area



COMMUNITY SAFETY & HOUSING PORTFOLIO

Report To Portfolio Holder

16th October 2009**Report of:** Head of Community Safety & Prevention**Subject:** SAFER HARTLEPOOL PARTNERSHIP
COMMUNITY COHESION FUND PROPOSALS

SUMMARY**1.0 PURPOSE OF REPORT**

To consider the recommendations of the Safer Hartlepool Partnership (SHP) Community Cohesion Grants Panel in respect of applications for community cohesion funding.

2.0 SUMMARY OF CONTENTS

Proposed awards for community cohesion grants are as follows:

<u>Project</u>	<u>Recommended</u>
St. Joseph' s Diversity Co-ordination	£1,000
.	<u>£1,000</u>

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio holder has responsibility for community safety, which includes community cohesion grants.

4.0 TYPE OF DECISION

Non key.

5.0 DECISION MAKING ROUTE

Community Safety & Housing Portfolio on 16th October 2009.

6.0 DECISION(S) REQUIRED

The Portfolio Holder is recommended to agree the recommendation of the SHP Community Cohesion Grants Panel in respect of the application for funding to support community cohesion related projects totalling: £1,000.

Report of: Head of Community Safety & Prevention

Subject: SAFER HARTLEPOOL PARTNERSHIP
COMMUNITY COHESION FUND PROPOSALS

1. PURPOSE OF REPORT

- 1.1 To consider the recommendations of the Safer Hartlepool Partnership (SHP) Community Cohesion Grants Panel in respect of applications for community cohesion funding.

2. BACKGROUND

- 2.1 Community cohesion, as defined by the Department for Communities and Local Government is: “ What must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration, which is what must happen to enable new residents and existing residents to adjust to one another.”
- 2.2 One of the annual priorities for the Safer Hartlepool Partnership under its strategic assessment process is that of public reassurance and community engagement. The lead for delivery of activity under this priority rests with the SHP Reassurance & Community Engagement themed group. This group has the remit to oversee initiatives, which fulfils the criteria for community cohesion funding, a key element of which is positive engagement and integration within communities across Hartlepool. A Community Cohesion grants panel has been formed, which comprises of members from that themed group, with fund administration undertaken by Hartlepool Voluntary Development Agency.
- 2.3 A copy of the application form, which contains examples of cohesion and criteria by which applications will be considered is attached at **Appendix 1**. The maximum grant for organisations in one year has been agreed to be £5,000.
- 2.4 The SHP allocated £15,000 from 2008/09 and £15,000 from 2009/10 to be spent on projects which contributed to community cohesion.

- 2.5 The Safer Hartlepool Partnership Community Cohesion Grants Panel met on 11th September 2009 and recommended the application outlined at paragraph three for approval.

3. PROPOSALS

- 3.1 St. Joseph's is a long established Roman Catholic Church, based in central Hartlepool. A Diversity Officer has recently been appointed to take forward the Church's Community Cohesion Project, strengthening the bond between the BME community and the wider white community in Hartlepool

The group wishes to hold a BME Cultural Celebratory Event, which will include presentations from Hartlepool Borough Council and others, a 'Different National Food Exhibition' and a cultural costume parade with a prize being offered for the best national attire.

Total cost of project	£1,990
Grant Panel recommendation	£1,000

4. FINANCIAL IMPLICATIONS

- 4.1 The Community Cohesion grant budget totals £30,000 in 2009/10. The Portfolio Holder has previously approved applications totalling £11,088. Approval of the application outlined above would leave £17,912 to allocate.

5. RECOMMENDATIONS

- 5.1 The Portfolio Holder is recommended to agree the SHP Community Cohesion Grants Panel recommendation in respect of one application for funding to support community cohesion related projects totalling £1,000.

Contact Officer:

Brian Neale
Crime & Disorder Co-ordinator
Tel: 01429 405584.
E.mail : brian.neale@hartlepool.gov.uk

BACKGROUND PAPERS

Individual grant applications.

2.2 APPENDIX 1

HARTLEPOOL COMMUNITY COHESION FUND APPLICATION FORM

Name of Group:.....

Name of Activity/Project:.....

**Please be specific and confine your answers to the spaces
provided.**

Do not use continuation sheets

1 Describe the activity that you wish to do

2 What evidence do you have that people in your community want/need this activity?

3 When do you expect the activity paid for by the Fund to

BEGIN ?

END ?

4 How will the activity contribute to community cohesion principles? (see attached sheet)

Describe how the activity addresses the difficulties faced by your target group.

5 What benefits do you expect to achieve and how will you measure how successful you have been?

6 Please estimate how many people will benefit from the activity/project	
--	--

7 How much will the activity cost in total?	£
---	---

£

8 How much Community Cohesion Funding do you need for this activity?	£
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£

9 How do you intend to finance the costs not covered by Community Cohesion funding?

10 Please give a breakdown of how much will be spent on different aspects of the activity/project and indicate (by ticking) in the first column which items are to be specifically funded by the grant:		£
TOTAL COSTS		£

£

TOTAL COSTS	£
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£

About you and your group

Main Contact		Second Contact	
Address		Address	
Postcode		Postcode	
Tel no. (day)		Tel no. (day)	
Tel no. (evening)		Tel no. (evening)	
e-mail		e-mail	
What are the best times to telephone the main contact ?			
If you have any communication needs, what are they? <i>(please tick as appropriate)</i>			
Textphone <input type="checkbox"/> Sign Language <input type="checkbox"/> Other language <input type="checkbox"/> please say which:			
Other (please specify)			
In which geographical area(s) (e.g. district, borough, ward, or estate) does your group work?			
Considering the activity you wish to undertake, which sections of the community is specifically targeted (ie young people, elderly, BME etc):			
If your group is not based in Hartlepool then you must obtain a letter of endorsement from a relevant Hartlepool based group in support of the application.			
Please describe what your group does:			
PLEASE ENCLOSE A COPY OF YOUR CONSTITUTION OR SET OF RULES			

How many people are involved in running your group?			
Number of Committee Members		Number of paid Staff working 30 hours or more	
Number of Volunteers		Number of paid Staff working under 30 hours	

When was your group formed?	
------------------------------------	--

Please enclose a set of your most recent accounts. If you are a new group please provide projected income and expenditure for the next 12 months.
--

Name of group's bank account to which cheque will be made payable (If you do not have a bank account please contact HVDA on 01429 262641)	
--	--

HVDA will need to share information regarding your application with third parties (Grants Panel members), please state if you agree to this:	YES / NO <i>(delete as appropriate)</i>
---	--

Declaration: to be signed by two authorised signatories from the group, as detailed in the Contact Section of this form.

We, the undersigned representatives of the group making this application, confirm that the information provided is accurate to the best of our knowledge. Should the application be successful we agree to ensure that proper records are maintained of the funded activities and to provide monitoring and financial information as and when required.

Signature	Name in Block Capitals	Position in Group	Date
1			
2			

Check list:

Have you included the following documents with this application (✓)

Your group's rules or constitution	
Your annual accounts or statement of income and expenditure for the last 12 months	

**Please return the complete application to the Grants Administrator,
Hartlepool Voluntary Development Agency,
Rockhaven, 36 Victoria Road, Hartlepool TS26 8DD**

Tel. 01429 262641

Fax. 01429 265056

PLEASE NOTE: Information in this form will be used for monitoring purposes and will be recorded in a database. However, individual details will not be made public without permission.

NAME OF GROUP.....

TO ASSIST THE COMMUNITY COHESION FUND GRANTS PANEL MAKE THEIR DECISION THEY NEED TO KNOW THE TYPES OF PEOPLE WHO WILL BENEFIT FROM YOUR PROJECT

Please indicate the **expected/estimated number of people in each category who are likely to benefit** from your project. It is likely that the people that your project will benefit can be classed under a number of categories but please limit the categories you select to a **maximum of five**.

Categories of beneficiary	Number
Local Residents	
Children (up to 13 years)	
Young People aged 13 - 25	
People aged 26 - 49	
People over 50 years	
People who are from black and ethnic minorities	
People with disabilities	
Unemployed people	
Lone Parents	
Ex-offenders	
Drug users	
Refugees/Asylum seekers	
Homeless people/rough sleepers	
People with basic skills needs	
Travellers	
Bisexual, Gay, Lesbian & Transgendered	
Other (please describe)	

IF YOUR APPLICATION IS SUCCESSFUL YOU WILL NEED TO KEEP:

- Records of the number of people who benefit under the categories that you have indicated above
- Copies of relevant receipts/invoices for items or services purchased with the award

THIS INFORMATION WILL BE REQUIRED TO COMPLETE A MONITORING FORM APPROXIMATELY 1 MONTH AFTER YOUR PROJECT ENDS.

DOCUMENTS STORED AT HVDA RELATING TO GRANT APPLICATIONS ARE INSPECTED BY AUDITORS ON BEHALF OF HARTLEPOOL BOROUGH COUNCIL TO ENSURE THAT THE DECISIONS MADE BY THE GRANTS PANEL HAVE BEEN BASED UPON THE APPROPRIATE CRITERIA AND THAT THE FUNDED ACTIVITY HAD TAKEN PLACE AND WAS PAID FOR BY THE AWARD.

THE COMMUNITY COHESION FUND

PROMOTING GREATER COHESION WITHIN COMMUNITIES HAS FORMED AN IMPORTANT STRAND OF GOVERNMENT POLICY SINCE 2001. IN 2007 THE MAJOR RESPONSIBILITY FOR COMMUNITY COHESION MOVED TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT WHO DEFINED COMMUNITY COHESION AS “ ...WHAT MUST HAPPEN IN ALL COMMUNITIES TO ENABLE DIFFERENT GROUPS OF PEOPLE TO GET ON WELL TOGETHER. A KEY CONTRIBUTOR TO COMMUNITY COHESION IS INTEGRATION WHICH IS WHAT MUST HAPPEN TO ENABLE NEW RESIDENTS AND EXISTING RESIDENTS TO ADJUST TO ONE ANOTHER.”

COMMUNITY COHESION PRINCIPLES

- Provide support to build capacity, confidence and trust within communities, which leads to greater resilience and sense of belonging to their neighbourhood.
- Encourage greater cross cultural, cross community (communities of interest and geographical) activities to encourage meaningful interactions between people from different backgrounds.
- Strengthen communities using community safety themes of crime prevention and addressing anti social behaviour.
- Ensure that people from different backgrounds can have similar life opportunities.
- Building the capacity of local people to participate in the improvement of their own areas
- Enabling different communities to come together to improve greater understanding and cohesion between groups in Hartlepool.
- Generate and create opportunities to work constructively with a broad range of agencies enabling people from different backgrounds to come together and experience new opportunities collectively.
- Shared future vision and a safe sense of belonging to the whole community.

WHAT IS COMMUNITY COHESION?

Community cohesion can seem intangible, making it hard to explain or justify what works to build cohesion and so get support for it. A community in which nearly everyone is similar is not automatically cohesive.

Cohesion is not about trying to make everyone the same; it is about giving people the skills to respect difference, to cope with change and welcome new residents.

Differences between people go much wider than race or faith – age, income, class or even lifestyle may be the cause of divides in some areas.

Cohesion is about trying to influence attitudes and behaviours.

Cohesion is about people pulling together – people helping each other.

Even the level of deprivation, which is the strongest influence on cohesion, can only explain a few percentage points of difference.

Improving cohesion is about addressing multiple issues at the same time.

Research suggests that there are relationships between cohesion and a number of areas, including:

- Community empowerment including people helping each other out, coming together to solve problems and trusting one another
- Volunteering
- Equalities and perceptions of fair treatment
- Preventing crime and anti social behaviour
- Sense of belonging and having friends from different backgrounds, which will bring other benefits.

There is a risk that cohesion can become over focussed on ethnic minorities – when it is about everyone in society.

FACTORS WHICH CAN AFFECT COMMUNITY COHESION

- Low level of pride in local area or some groups not feeling they belong.
- Low level of trust of others, or of or by some particular groups.
- Fear of crime, feeling unsafe after dark or fear of racist crime.
- Low levels of people having friends in another ethnic group.

EXAMPLES OF COMMUNITY COHESION

Delivery of English for Speakers of Other Languages (ESOL)

Connecting Cultures sessions involving minority and minority ethnic groups sharing food and talking about their history and culture with each other

Events organised with the aim of bringing the community together to recognise similarities rather than differences (evidenced outcomes necessary)

Mini clean sweeps organised in areas

A service giving young people from a range of different backgrounds and communities the opportunities to interact in a structured and creative environment

Reducing the negative perceptions of young people and increase intergenerational understanding of all young people. By engaging different generations together, stereotypes can be challenged, and the fear of crime reduced and cohesion strengthened. Encourage more intergenerational activities, bringing different generations together in structured environments to learn new skills, enjoy fun events, and participate in sport, art and culture and to share life experiences and learn from each other

Positively working to bring young people from a range of backgrounds together to engage in positive structured activities, and in so doing, create better understanding of each other.

In many areas a key issue is territorialism among young people. You may wish to engage with them or youth workers to identify where they feel unsafe or where they feel the borders or flashpoints are.

Helping young people develop the skills necessary to participate positively in the local community.

Encourage intergenerational understanding (ie war veterans talking with pupils about their wartime experience, or a local history project promoting intergenerational insight)

One off events ie cross cultural/intergenerational cooking project

Continue to develop initiatives and work in partnership to counter anti social behaviour (including homophobic abuse/racism/ageism etc) and counter the fear of crime.

Promote the positive initiatives involving diverse communities

Bringing together owner occupiers and tenants on estates

Hold specific events that will bring different communities together either geographical communities or communities of interest/culture, enable different groups of people to come together to share a common experience. Ensure that these events have a clear purpose and outcome.

Develop a project to counter negative stereotyping and common perceptions to promote the achievements of all groups working towards community cohesion.

Stereotypes and common perceptions instead of myths and myth busting

Bringing different communities together in constructive positive activities or alternatively offering pro social activities to those who have become disengaged from the community, helping to build strong and positive relationships between people from different backgrounds.

Enable different groups of people to come together to share their different perspectives, and work together to reach a common and better vision for them all giving groups a strong sense of shared belonging and focus on commonalities rather than difference.

Challenge stereotypes and encourage genuine cross cultural and cross faith relationships to be developed.

Ability to bring people together in a supportive environment offering a range of activities to improve and enhance their life opportunities.

Enabling members of the local community to interact in a structured environment creating a sense of shared local values and community across cultures and generations.

Community structures can be key to bringing people together and also in calming tensions.

Questions which can be asked are:

- What youth provision is there?
- What are the range of organisations involved in community cohesion and the operational links between them?
- What voluntary and community groups are active in what area? What services to they provide?
- Are faith groups undertaking service or support provision? Where are they and what do they do? Are there interfaith groups?

The Community Cohesion Fund Grants Panel has a responsibility to ensure a balance of small to large grants. Grants of up to £5,000 can be awarded for single projects or activities. The maximum award per group in any one year is £5,000.

THE CRITERIA BY WHICH APPLICATIONS WILL BE CONSIDERED

- Specific items and a breakdown of the costs must be provided in the application. If the amount required is less than the cost of the entire project the specific items that require funding must be indicated
- Does it respond to local needs and priorities?
- Does it have the support of the relevant community?
- Will it increase community involvement or empowerment?
- Does it add to existing levels of community activity?
- Does it provide value for money in increasing skills and knowledge and encouraging community participation?
- Does it contribute to a distribution of funding which reflects the needs of a diverse community?
- Does the group have a commitment to equal opportunities in its working practices?

ITEMS INELIGIBLE FOR COMMUNITY COHESION FUNDING

- Activities undertaken outside of England
- Any costs that do not represent an additional cost exclusively incurred as a result of work carried out for the purposes of the Community Cohesion programme
- Overheads allocated or apportioned at rates materially in excess of those used for similar work carried out by the organisation
- Costs paid or liabilities incurred before signature of any funding agreement letter
- The cost of work or activities that any other person has a statutory duty to undertake
- Political or exclusively religious activities
- Payments made for contracts worth £5,000 or more, not let by competitive tender
- The construction or acquisition of buildings/the acquisition of freehold or leasehold rights over land
- Unpaid liabilities/provisions/contingent liabilities/contingencies
- Payments in advance of need/interest charges
- Service charges arising on finance leases, hire purchase and credit arrangements
- Costs resulting from the deferral of payments to creditors
- Depreciation and amortisation of fixed assets, or any part of the cost of fixed assets, paid for by this grant
- Payments for unfair dismissal/redundancy payments and compensation for loss of office
- Payments into private pension schemes/payments for unfunded pensions
- Bad debts arising from loans to trustees, proprietors, partners, employees, directors, shareholders or guarantors of the programme manager, or a person connected with any of these
- Gifts, prizes and alcohol
- Entertaining/Travel and subsistence that would give rise to a taxable benefit were the cost to be incurred by, but not borne by, an individual.
- VAT that is reclaimable by the funded organisation or becomes redaimable during the period that the organisation benefits from grant funding/other tax (except PAYE)
- Statutory fines and penalties/criminal fines and damages

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report to Portfolio Holder
16th October 2009



Report of: Head of Procurement, Property and Public Protection

Subject: TRADING STANDARDS SERVICE PLAN 2009/10

SUMMARY

1. PURPOSE OF REPORT

To consider and seek Portfolio Holder's approval to the Trading Standards Service Plan for 2009/10, which is a requirement under the national performance framework for trading standards.

2. SUMMARY OF CONTENTS

The report gives details of the Trading Standards service and the service plan for 2009/10.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder for Community Safety & Housing has responsibility for this service.

4. TYPE OF DECISION

Non key.

5. DECISION MAKING ROUTE

Community Safety and Housing Portfolio.

6. DECISIONS(S) REQUIRED

That the Portfolio Holder approves the Trading Standards Service Plan for 2009/10.

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report to Portfolio Holder
16th October 2009



Report of: Head of Procurement, Property and Public Protection

Subject: TRADING STANDARDS SERVICE PLAN 2009/10

1. PURPOSE OF REPORT

- 1.1 To consider and seek Portfolio Holder' s approval to the Trading Standards Service Plan for 2009/10, which is a requirement under the national performance framework for trading standards.

2. BACKGROUND

- 2.1 The Department of Business Innovation & Skills (BIS) National performance framework for trading standards provides guidance and 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.
- 2.2 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.
- 2.3 The Trading Standards Service Plan for 2009/10 is attached as **Appendix 1** and takes into account the guidance requirements.

3. THE TRADING STANDARDS SERVICE PLAN

- 3.1 The service plan for 2009/10 has been updated to reflect last years performance.
- 3.2 The Service 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 inspection programmes, service requests, complaints, advice, liaison and promotion.
- (iv) Resources, including financial allocation, staff allocation and staff development.
- (v) Quality assessment.
- (vi) Details of the review of the plan.

4. ISSUES

- 4.1 The number of programmed trading standards inspections carried out was on target with 100% of high risk premises inspected and 78% of all other premises that were due for inspection. In total 399 inspections were carried out.
- 4.2 The Trading Standards Team again experienced significant staffing difficulties throughout 2008/09. There has been one long-standing Trading Standards Officer vacancy which has temporarily been downgraded to a technical officer post and filled by the student TSO and another qualified post remained vacant until January 2009. Whilst all programmed and reactive work has been carried out the loss of qualified staff had significant effect on service improvements.
- 4.3 Partnership working with the regional scam busters and illegal money lending teams has been undertaken covering areas such as illegal money lending.
- 4.4 Doorstep crime continues to be an issue for the Trading Standards Team The Team was also an active member of “ Operation Strong bow” , whereby incidents and intelligence was gathered and distributed amongst its members.
- 4.5 During 2009/10 we will focus our resources into dealing with our three high priority areas:
 - Age related products
 - Product Safety
 - Rogue traders
- 4.6 During 2009/10 the sale of age-restricted products to children is a high priority as part of a coordinated approach to the problem we will work with other agencies to raise awareness and take enforcement action.
- 4.7 Work on illicit tobacco control will be carried out in partnership with other agencies during 2009, resources will be directed to carrying out checks at retailers, gathering intelligence and enforcement.

5. RECOMMENDATIONS

- 5.1 That the Portfolio Holder approves the Trading Standards Service Plan for 2009/10.

6. CONTACT OFFICER

Sylvia Pinkney – Consumer Services Manager
Neighbourhood Services (Public Protection)
Hartlepool Borough Council
Level 3
Civic Centre
Hartlepool
TS24 8AY

Telephone Number: 5233315

Email: sylvia.pinkney@hartlepool.gov.uk

Hartlepool Borough Council

Trading Standards Service Plan

2009/10

TRADING STANDARDS, SERVICE PLAN 2009/10

This Service Plan accords with the requirements of the Department for Business Innovation & Skills (BIS), National Performance Framework for Trading Standards, and the Council's aims in respect of its Trading Standards Service and the means by which those aims are to be fulfilled.

1. **Background Information**

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Durham County to the north and west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

2. **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.
- To supplement our enforcement role by providing targeted education and advice
- To encourage innovation through actively seeking out best practice and working in partnership with other agencies

In its delivery of the service the Council will have regard to directions from the Department for Business, Innovation & Skills (BIS), Local Better Regulation Office (LBRO) the Office of Fair Trading (OFT), the Trading Standards Institute (TSI), approved Codes of Practice, the Regulators Code of Compliance, and guidance from Local Authorities Co-ordinators of Regulatory Services (LACORS), and the Hampton and Rogers Reports.

Service delivery broadly comprises of:-

- Programmed inspection of business premises on a risk based system.
- Alternative forms of intervention.
- Test purchasing of goods and services including age related goods
- Provision of trader advice whilst carrying out an inspection or telephone request or via the Teams web site.
- Provision of advice and educational material to business and public.
- Investigation of complaints from the public and trade.
- Promotional and advisory work.
- Participate in National and Regional initiatives.

Effective performance of the Trading Standards service necessitates a range of joint-working arrangements with other local authorities and agencies such as the Joint Working arrangement of Tees Valley Measurement (TVM), membership of the North East Trading Standards Association (NETSA), Cleveland Police, Her Majesty's Revenue and Customs, Scambuster Team, Illegal Money Lending Team, Hartlepool

Financial Inclusion Partnership, and North East Consumer Direct, Safer Hartlepool Partnership and FRESH North East

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.

3. Policy Content

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

- Hartlepool's Community Strategy - the Local Strategic Partnership's (the Hartlepool Partnership) goal is "to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner"
- Corporate Plan
- Neighbourhood Services Departmental Plan
- Public Protection Divisional Plan
- Consumer Services Service Plan
- Trading Standards Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services Section's contribution to corporate objectives

The Council's Community Strategy sets out its vision for:-

' A prosperous, caring, confident and outward looking community realising its potential in an attractive environment' . This Trading Standards Service Plan contributes towards the vision and the Council's main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to Trading Standards law requirements, and avoid potential costly action at a later stage.

Lifelong Learning and Skills

By providing and facilitating training for Traders and their staff and promoting an improved awareness of Trading Standards issues more generally within the community.

Health and Care

By ensuring that businesses offering goods for sale ensure that what they offer are safe, comply with the necessary safety standards and comply with the description applied to them.

Community Safety

By encouraging awareness amongst businesses of their role in the local economy, that they trade fairly and deal with complaints accordingly.

Environment

By encouraging businesses to be aware of changes in legislation which empowers consumers to deal with problems themselves, before resorting to obtaining assistance.

Culture and Leisure

By exploring ways to promote high standards of the provision of goods and services in respect of supplying the right quantity and product in hotels, other tourist accommodation, public houses and other licensed premises.

Strengthening Communities

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

This Trading Standards Service Plan similarly contributes to the vision set out in the Neighbourhood Services Department Plan “to work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”. Within this, the Consumer Services Section has a commitment to ensure the safe, manufacture, importation, offering of consumer goods are safe and are properly labeled where necessary.

The Council is committed to the principles of equality and diversity. The Trading Standards Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

4. Legislative Powers and Other Actions Available

In May 2008 The Consumer Protection Regulations will be introduced, this legislation modifies and replaces existing legislation. The regulations will close loopholes that traders have been able to exploit. It places a duty on traders to act fairly towards consumers. Businesses will not be allowed to mislead consumers through acts or omissions or to subject consumers to aggressive commercial practices such as high pressure selling techniques. The aim is to establish a

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modern framework which is simpler and easier for businesses, consumers and enforcers to understand.

The most effective means of checking compliance with statutory requirements is through the inspection of retail businesses. This is reflected in guidance issued by BIS and Industry and LACORS who require Councils to draw up and implement an annual programme of risk-based inspections, which covers businesses as opposed to only premises.

It is recognised that whilst the inspection process is the primary means of securing compliance with Trading Standards legislation, this can be enhanced by the provision of advice, educational materials and training courses.

The service is obliged to investigate complaints relating to the provision of goods and services not complying with the relevant legislation, which will also relate to the requirements for adequate labeling, as required by the relevant legislation.

A national product warning system is in operation throughout the United Kingdom, which acts as a rapid alert system in respect of unsafe goods and product recalls. Some hazard warnings also originate from abroad. The Trading Standards Team response to the receipt of these alerts is appropriate to the individual circumstances of the hazard alert.

Summary of the Powers of an Officer in the Trading Standards Team.

An authorised Officer may on production of his/ her credentials and at a reasonable hour, enter any premises other than premises used solely as a dwelling, in which they have reasonable grounds to believe there is any equipment or goods to which they enforce.

They can also require any person carrying on the business or employed in connection with the business, to produce any books or documents relating to the business.

An authorised officer can exercise their powers to seize books and documents, (but only if and to the extent that it is reasonably necessary for securing the provisions of the relevant Act, are duly observed), may require any person having authority to do so, to break open any container, and if that person does not comply, break it open themselves.

An authorised officer may give written instructions suspending goods which are reasonably suspected of failing to comply with the Weights and Measures Act 1985 and can also suspend unsafe goods.

Where an authorised officer considers that a computer may contain information that could be used in evidence, he may require the information to be produced in a form that can be taken away and in which it is visible and legible.

5. **Service Delivery Mechanisms**

The trading standards service is responsible for a wide range of functions limited resources mean that work must be prioritised. The allocation of resources is therefore based around a matrix incorporating issues such as public concerns, trader concerns, and potential impact on public safety. For each area of responsibility the significance of all of these issues is determined and a score allocated within a weighted maximum. The resultant total determines the priority.

High priority area

- Underage Sales
- Product Safety
- Rogue Traders

Medium priorities areas

- Scams and Cons
- Counterfeiting
- False description of goods

Low priority areas

- Misleading prices
- Weights and measures
- Credit / loan sharks

The authority has adopted the six national enforcement priorities set out in the Rogers Review, which are:

- Air Quality
- Alcohol Licensing
- Hygiene of Food Businesses
- Improving Health in the Workplace
- Animal and Public Health

In addition, local priorities will include underage sales.

Resources are directed allocated in accordance with this matrix and Rogers review priorities.

Inspection Programme

Inspections carried out in respect of Trading Standards legislation, are carried out in accordance with the Council' s policy and procedures on

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Trading Standards premises inspections and relevant national guidance.

Information on premises liable for Trading Standards inspections is held on the APP computerised system. Premises due for inspection are allocated to staff and inspections carried out on a regular basis, in accordance with guidance issues by LACORS and its risk based inspection programme.

An estimated 10% of programmed inspections are of premises where it is more appropriate to conduct inspections 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 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 trading standards inspection program is a risk based system that follows current guidance. The current premises profile is shown in the table below

Risk Category	Frequency of inspection	No of Premises
High	12 months	2
Medium	24 months	428
Low	60 months	691
NIR	n/a	195
Unrated		0
Total		1316

The inspection program for 2009/10 comprises the following number of scheduled inspections

Risk Category	Frequency of inspection	No of Premises
High	12 months	2
Medium	24 months	216
Low	60 months	79
NIR		69
Total		366

As a follow-up to primary inspections, the service undertakes revisits to bring businesses into compliance, accordance with current policy. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed inspections by the service will, over time, result in a general improvement in standards (brought into compliance), reducing the frequency for recourse to formal action.

The performance against inspection targets for all trading standards inspections is reported quarterly as part of the Neighbourhood Services Department internal performance monitoring. In addition this, performance against inspection targets is reported quarterly to the Community Safety & Housing Portfolio Holder as part of the Neighbourhood Services Department plan update.

Alternative Enforcement Strategy for Low Risk Premises

From April 2005 an alternate enforcement strategy may be employed for low risk premises, based on selected trade sectors, i.e. hairdressers and fast food establishments, Self-assessment will usually consists of questionnaire being sent to the these businesses and a subsequent evaluation of the results of this self-assessment by Authorised Officers. A percentage of those businesses returning questionnaires will be visited to validate the information received, as well as businesses not responding. Inspection visits may also be made where a low risk business is the subject of complaint and where notification of change of business use or proprietorship is received.

Product Inspection and Testing

The purpose of inspection of businesses is to check that products which are manufactured in the UK or are imported, comply with safety requirements are safe. Also that services which are provided are as described. The Trading Standards Team has a monthly allocation of resources for the examination or testing of test purchases at the jointly run Tees Valley Measurement laboratory.

Trading Standards Inspection/Sampling Plan 2009/10

Trading Standards Officers whilst they are carrying out general inspection and other duties will examine a large range of goods. Some goods will be seasonal or be in retail premises for a very short time scale. The Officers of the Trading Standards Team will therefore concentrate on specific goods at particular times. Officers always are allowed to use their discretion whilst carrying out their duties to make test purchases.

The reasons for examination or test purchasing are as follows.

- There has been a problem with this type of product in the past. (from past experience, or there has been a safety warning or recall).
- It is a new type of product and little or nothing is known about it.
- It has or is suspected of having a problem i.e. non-compliance with a standard or incorrectly described.
- The product is subject to a complaint, (safety or description).
- Part of the inspection and sampling plan.
- Subject covered by a local/regional initiative.

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- Being offered for sale by an itinerant seller.

The plan for 2009/10 will take account of the above criteria.

Trading Standards Inspection/Sampling Plan 2009/10

April Electrical Products	May Electrical Products	June Sunglasses Sports goods packaging
July Sunglasses Sports goods packaging Internet goods (joint with food)	August Sunglasses Back to school products Electric products suitable for holidays	September Back to school products Halloween products
October Halloween products	November Toys Electrical products Candles / garlands	December Toys Electrical products Candles / garlands nightwear
January Sales items	February Valentines day goods	March Mothers day products

Tees Valley Measurement

Hartlepool, along with the other three Cleveland District Councils, jointly fund Tees Valley Measurement. It carries out verification and inspection duties, mainly on industrial sites and petrol stations. It also provides a calibration service to industry. An informal screening and testing laboratory is also provided along with the maintenance of the weights and measures standards for the Unitary Councils.

Age Restricted Products

Legislation prohibits the supply (sale or hire) of specific products to persons under certain ages. The Trading Standards Team treats age restricted goods as a high priority and due to its commitment to reducing crime and disorder, has concentrated on the reduction of the supply of alcohol to young consumers. It is our policy to prosecute suppliers and to institute a review of the premises licence under the provisions of the Licensing Act 2003.

Officers advise retailers of legal requirements whilst carrying out inspections. Test purchases, prosecutions are also reported in the media.

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A table showing penalties for supplying products to persons under certain ages

PRODUCT	SUPPLY ONLY TO THOSE AGED:	MAXIMUM PENALTY
Tobacco products	18 and over	£2,500
Offensive weapons/knives	18 and over	£5,000 and up to 6 months
Caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns	16 and over	£5,000 and up to 6 months
Fireworks	18 and over	£5,000 and up to 6 months
Videos, video and computer games: Classification 12	12 and over	£5000 and up to 6 months; imprisonment
Videos, video and computer games: Classification 15	15 and over	£5000 and up to 6 months; imprisonment
Videos, video and computer games: Classification 18	18 and over	£5000 and up to 6 months; imprisonment
Volatile substances/solvents	18* and over	£5,000 and up to 6 months
Crossbows	18 and over	£5,000 and up to 6 months
Airguns and pellets	18 and over	
Lighter refills containing butane	18 and over	£5,000 and up to 6 months
Lottery tickets/Instant Win cards	16 and over	£5,000 and up to 2 years
Aerosol paint	16 and over	£2,500
Alcohol	18 and over	£5,000 and forfeit of licence

Investigation of Complaints

The service receives complaints regarding a wide range of goods and services, all of which are subject to investigation. Based on 2008/09 we would expect 300 such complaints. 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. Complaints may also require the need for test purchasing of goods or services and subsequent inspection or analysis or the obtaining of an experts opinion.

The investigation may also involve other organisations and Trading Standards Authorities. Some complaints are referred onto these other organisations as the most appropriate means of resolving them, and to the other Trading Standards Service as part of the Home Authority principal. Government Departments such as the Office of Fair Trading and BIS, are also contacted where there are wider issues involved.

As a result of a complaint, one of the considerations made is whether it is a widespread issue which needs to be looked at on a wider scale or

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by the trade sector, locally or regionally. The Hartlepool Trading Standards Team is one of the twelve members of the North East Trading Standards Association (NETSA) and as such it can either raise issues with its Executive or via one of its Focus Groups, i.e. fair trading, safety, metrology or consumer advice. In addition complaints can be transferred to the regional scambusters or illegal money lending teams for investigation.

The procedures for receipt and investigation of complaints are set out in detailed guidance and internal policy documents.

Provision of Advice and Education.

The Trading Standards Team carries out a wide range of advice and education activities. These activities include:-

- Maintain the Trading Standards web site with advice to the public and trade.
- Participate in national awareness weeks, i.e. Child Safety Week, National Consumer Week and the OFT Scams Awareness Month.
- Educate the trade regarding current and proposed changes in legislation, i.e. regarding unfair commercial practices.
- Provision of trader advice whilst carrying out an inspections, visits or telephone request
- Provision of consumer advice via the national Consumer Direct North East service.
- Issue press releases to educate and warn the public and trade.
- Attend education events and participate via the use of displays and talks
- Educate the public, particularly the vulnerable, by the giving of talks and other initiatives regarding doorstep crime.
- Participate in National and Regional initiatives.
- Provide advice and assistance to new traders.
- Educate and warn the public and trade regarding scams which are aimed at them specifically.

Home Authority arrangements

The Trading Standards Team has no formal arrangements with any businesses to act as Home Authority/Primary Authority. Informal arrangements are in place with some businesses.

Contact

The delivery point for the Trading Standards enforcement service is at:

Civic Centre
Victoria Road
Hartlepool
TS24 8AY

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 emergencies, which occur out of hours.

6 **Resources**

Staffing Allocation

The Director of Neighbourhood Services has overall responsibility for the delivery of the Trading Standards Team. The Head Procurement, Property and Public Protection has responsibility for ensuring the delivery of the Council's Trading Standards Service and its service plan. The Consumer Services Manager, will consult with the Principal Trading Standards Officer regarding the exercising of its Trading Standards function, who also has responsibility for the day to day management of the service.

The resources determined necessary to deliver the service in 2009/10 are as follows:

One x 0.25 Consumer Services Manager (with responsibility also for Health and Safety, Licensing and Food)

One Principal Trading Standards Officer (with responsibility for the day to day operation of the Trading Standards service).

Three (Senior) Trading Standards Officers (with requisite qualifications and experience) (Note: only two currently in post).
We have been unable to fill the vacant TSO posts and have therefore appointed the trainee as a technical officer until she obtains her professional qualification.

One Senior Enforcement Officer (currently vacant)

One Trainee Trading Standards Officers currently vacant.

The Consumer Services Manager has responsibility for planning service delivery and overall management of the Trading Standards, Food Law service, Health and Safety at Work, Licensing, Public Health, Water Quality, Animal Health and Welfare and IT, as well as general management responsibilities as a member of the Procurement, Property and Public Protection Management Team.

The Principal Trading Standards Officer has responsibility for the day to day supervision of the Trading Standards Service.

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The Trading Standards Officers, have responsibility for the performance of the Trading Standards inspection and sampling programmes as well as the delivery of all other aspects of the service. The Trading Standards Officers will deal with the more complex investigations, complaints and supervision of the Trainees.

The Senior Enforcement Officer is also responsible for inspections, as well as revisits, investigation of less complex complaints.

Administrative support is provided by Support Services within Neighbourhood Services department.

All staff engaged in the Trading Standards Team enforcement activities will be suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

Staff undertaking educational and other support duties will be suitably qualified and experienced to carry out this work.

Financial Resources

The annual budget for the Consumer Services section in the year 2009/10 is:

	£000
Employees	608.8
Other	442.4
Income	(243.5)
Net Budget	807.6

This budget is for all services provided by this section, i.e., Health and Safety, Licensing, Food and resources are allocated in accordance with service demands.

Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the Trading Standards service. The Team is developing a documented procedure that ensures the proper maintenance and calibration of equipment. The Working Standard equipment, (weights, scales, alcohol measuring equipment) is examined and tested on a six monthly basis at the premises of Tees Valley Measurement. Other equipment (solid fuel scales) are obtained on a when needed basis. Officers from Tees Valley Measurement, carry out inspection, testing and verification of petrol pumps, weighbridges and large capacity weighing and measuring equipment, as part of its joint agreement with the four ex Boroughs of Cleveland.

The Trading Standards Team as part of the Public Protection Division has a computerised performance management system, APP. This is capable of maintaining up to date accurate data relating to the activities

of the Trading Standards Team. 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 inspection programmes, the recording and tracking of all businesses, the production of statutory returns and the effective management of performance.

Training Plans

The qualifications and training of staff engaged in Trading Standards enforcement are prescribed and this will be reflected in the Council's policy in respect of appointment and authorisation of Officers.

Officers are encouraged to maintain their professional competency, through the attendance at accredited short courses, seminars or conferences. Training is also provided via the Trading Standards Institute, Northern Branch and NETSA. This is also consistent with the requirements of the relevant professional bodies.

The Council is committed to the personal development of staff and has in place Personal Development Plans for all members of staff.

The staff Personal Development Plan scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis. The outcome of the process is the formulation of a Personal Development Plan that clearly prioritises training requirements of individual staff members. The Personal Development Plans are reviewed six monthly.

The details of individual Personal Development plans are not included in this document, but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team, and training and development of new staff joining the team.

Detailed records are maintained by the service relating to all training received by officers.

7. Service Review and Quality Assessment

Quality Assessment

The Council is committed to quality service provision. To support this commitment the Trading Standards Team 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 Team achieves this objective and will include

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on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal Trading Standards Officer, 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.

Review

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 2008/09.

This service plan will be reviewed at the conclusion of the year 2009/10 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 Consumer Services Manager to carry out that review with the Head of Procurement, Property and Public Protection.

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 member approval will be sought.

Performance Review 2008/09

This section describes performance of the service in key areas during 2008/09

The Trading Standards Team experienced significant staffing difficulties throughout 2008/09. There has been one long-standing Trading Standards Officer vacancy which has temporarily been downgraded to a technical officer post and filled by the student TSO. A second Trading Standards Officer post was vacant from March 2008 until Jan 2009. Whilst all programmed and reactive work has been carried out the loss of qualified staff had significant effect on service improvements.

Inspection Programme

The Trading Standards Team achieved an inspection rate of 100% of its High Risk premises and 78% of all other premises. In total 399 inspections were carried out.

The Trading Standards Team has three high priority areas:-

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- Age related products.
- Product safety.
- Rogue traders.

NI183

This national indicator is designed to look at the number of complained about business in each local authority and to monitor any year on year differences to this figure. The indicator is designed to provide a view of the fair trading environment in each authority from a consumer complaint perspective. In 2008/09 the score for Hartlepool was 1.17

NI182

This is a national indicator which measures satisfaction of businesses with local authority regulation service the 2008/09 score for Hartlepool was 79%

Sampling

The sampling programme for 2008/09 has been completed. The results are:

Category	Number submitted	Pass	Fail
Toys	58	29	29
Electrical	6	6	0
Other	41	18	23
Total	105	53	52

Where unsatisfactory samples are identified, officers carry out follow up work and take appropriate action. A number of items were withdrawn from sale locally and nationally following routine sampling they included:

- Musical instruments and wooden animas manufactured in Equador presence of heavy metals in the paint and varnish.
- Sugar/candy imitation dummies the dummies could injure a child. Retailers removed the offending dummies from sale.
- Halloween masks which did not comply with the Toys (Safety) Regulations.
- Top with loose hood cords which could strangle a child were found. The wholesaler was traced and the home authority is taking legal action.

Promotional Work

Child Safety Week

The Trading Standards Team as part of Child Safety Week in July 2009 undertook a project in relation to Seaside Safety, whereby retailers were requested not to sell inflatables to unaccompanied children. This was well supported by retailers and a partnership was developed with the local Life Guards and RNLI. The initiative was featured in the local press and radio. The week also covered cycle safety and the need for parents to ensure that children have the appropriate head protection when riding.

Doorstep Crime

Doorstep crime was an issue Trading Standards Team they have give talks along with the local Police Crime Prevention Officer, the local Target Hardening Officer and Victim Support and produced a display covering this subject. The Team was also an active member of “ Operation Strong bow” , whereby incidents and intelligence was gathered and distributed amongst its members.

National Consumer Week

The team also took part in National Consumer Week when it issued the “ Think Twice” booklets to the organisers of certain groups representing the vulnerable and the older person. The Team distributed the brochure in an audio version to the local blind centre. The distribution was part of its education and empowerment of consumers programme.

Loan Sharks

A display was prepared featuring the problem of “ Loan Sharks” with the aim of increasing awareness of the problem and to gather intelligence. The Principal TSO also attended the Hartlepool Financial Inclusion Partnership Steering Group meetings. In 2008 it was part of the local, “ Money Matters” Conference, which was attended by a wide cross section of other agencies and interested parties.

Complaints

Consumer Direct

The team no longer provides a direct consumer advice service. The provision of this service is via the call centre delivery approach by North East Consumer Direct regionally.

Civil Complaints

The team does however deal with civil complaints and during 2008/09 dealt with 306 complaints and requests for advice. These investigations have been undertaken all within our target of two working days.

Enforcement

Age restricted goods

During 2008/09 work on age restricted goods has concentrated on alcohol. By working with young volunteers, they were able to test whether some retailers were prepared to sell alcohol to minors, (under 18's). The work related to both on and off licensed premises.

Illegal Money Lending

Officer working with the Regional, Illegal Money lending Team (IMLT) Executed three warrants evidence of loan sharking was found and seven persons arrested. Enquiries are being conducted into the activities of other suspected Loan Sharks.

IP Crime

The growth of counterfeiting is still on the increase and the Team has seized a number of, DVD's, (film and music), to protect legitimate trade and disrupt the activities of rogue traders.

Improvement Proposals 2008/09

The following areas for improvement were identified in the 2008/09 Trading Standards Service Plan.

Peer Review

Due to staffing problems the review was not carried out and has been rescheduled for 2009/10

Procedures

The Team recognises that it needs a robust documented procedure system, for all of its activities. Work has started and will be continued during 2009/10.

8. Key Areas for Improvement / Challenges 2009/10

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service

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planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2009/10.

Procedures

The work has started in on documented procedures and will continue this next financial year.

Peer Review

The Team will undertake a peer review of the Trading Standards service during the year.

Illicit Tobacco

We will be working in partnership with a number of agencies including HMRC and FRESH to tackle illicit tobacco in the town

Home working

We will obtain information about those operating businesses from home and carry out checks to ensure they are complying with relevant legislation.

COMMUNITY SAFETY & HOUSING PORTFOLIO

REPORT TO PORTFOLIO HOLDER

16TH October 2009



Report of: Director of Regeneration and Neighbourhoods

Subject: RESPONSE TO DCLG CONSULTATION ON
PLANNING POLICY STATEMENT 15 – PLANNING
FOR THE HISTORIC ENVIRONMENT

SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To outline the response to the Department for Communities and Local Government (DCLG) regarding their consultation on Planning Policy Statement 15 – Planning for the Historic Environment.

2.0 SUMMARY OF CONTENTS

- 2.1 The report outlines the response by the Council to the consultation by DCLG regarding the policy statement 'Planning for the Historic Environment'. Generally the document is welcomed however it is felt that some of the detail may be difficult to implement and could result in an increased work load for local authorities when implementing the policy.

3.0 RELEVANCE TO PORTFOLIO MEMBER

- 3.1 Conservation policy falls within the Portfolio.

4.0 TYPE OF DECISION

- 4.1 Non - key decision.

5.0 DECISION MAKING ROUTE

- 5.1 Portfolio holder only

6.0 DECISION(S) REQUIRED

- 6.1 That the Portfolio Holder notes the report

Report of: Director of Regeneration and Neighbourhoods

Subject: RESPONSE TO DCLG CONSULTATION ON
PLANNING POLICY STATEMENT 15 – PLANNING
FOR THE HISTORIC ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To outline the response to the Department for Communities and Local Government (DCLG) regarding their consultation on Planning Policy Statement 15 – Planning for the Historic Environment.

2 BACKGROUND

- 2.1 The Government is reforming particular aspects of the heritage protection system. The white paper Heritage Protection for the 21st Century which was published in March 2007 set out its intention which are based on three central principles:
- The need to develop a unified approach to the historic environment
 - Maximising opportunities for inclusion and involvement
 - Supporting sustainable communities by putting the historic environment at the heart of an effective planning system.
- 2.2 A key area in supporting this white paper is the development of a new planning policy statement bringing together all aspects of the historic environment i.e. the built environment, archaeology and landscape. This will replace the existing Planning Policy Guidance Documents relating to the historic environment and archaeology.
- 2.3 The documents are currently out to public consultation in the form of a draft planning policy statement entitled ‘Planning for the Historic Environment’ accompanied by a note produced by English Heritage as a guide to support the implementation of the document. This report outlines the response of officers to those papers.

3. SUMMARY OF THE DOCUMENT

- 3.1 The document aims to deal with all types of heritage in a single document. It brings together an integrated approach to the historic environment with a single system for all heritage assets including listed buildings, scheduled ancient monuments and properties in conservation areas.
- 3.2 There is a greater emphasis on pre-application discussions than in previous advice and guidance. It suggests that such discussions should focus on evaluating the significance of the heritage asset. This

will be of particular importance at an application stage when applicants will be required to submit a statement of significance alongside their application. Such statements will highlight the important elements of an asset and be the basis for applications to develop or restore the asset.

- 3.3 The document encourages the promotion and valuing of the historic environment with this seen as an asset rather than a potential barrier to development. It emphasises the importance of the principles of sustainable development applying to the management of change in the historic environment.
- 3.4 Local authorities will be encouraged to develop Historic Environment Records which will be publicly accessible providing information on historic assets within their areas. For example this would take the form of a database providing information on listed buildings such as list descriptions and any other historic information, surveys or data that an authority might hold relating to a building.

4 CONSULTATION

- 4.1 The document is currently out to public consultation with views sought by 30th October. The full document can be viewed on the DCMS website.
- 4.2 Officers have viewed the document and in summary generally support the new policy in particular the proposals for pre-application discussions with local authorities. However it is felt that there are still some issues which need to be addressed in particular the additional burden that will be placed on local authorities in implementing the new policy in the preparation of Historic Environment Records. Further to this it is felt that applicants will require clear guidance on the requirements of statements of significance to ensure that there is a consistent approach which should also assist officers who have responsibility for validating applications. The comments of officers can be found in **Appendix 1** along with those of Tees Archaeology in **Appendix 2**.

5 RECOMENDATION

- 5.1 That the Portfolio Holder notes the report and the comments made by officers and agrees to these being submitted to the DCMS.

APPENDIX 1**Response of officers from Hartlepool Borough Council****General comments on the policy**

Looking at the wider value of assets including undesignated historic assets; these are difficult to protect and somewhat confuse the aims of simplifying the process by their introduction within this policy. Although the acknowledgement of the importance of such items are welcomed there needs to be a clear definition of the values placed on those items which are designated and those which are undesignated.

The recurring reference to energy conservation does not take into consideration the value of embodied energy and there is a need to acknowledge this within the policy. the conversion of an existing building can be done so sustainably taking into consideration the energy and workmanship that has already gone into the construction of the property.

The policy doesn't take into account the support for small firms and positive development of building skills and craftsmanship which are an advantage of the heritage industry both through the restoration of properties and regeneration including new buildings within the historic environment. For example policy HE2.3 notes the positive contribution that the historic environment can have for regeneration encouraging tourism etc but there is no acknowledgement of the development of buildings conservation skills within this specialist sector.

Response to questions

1. Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?

The policy does strike the right balance between advocating the conservation of what is important and enabling change. Enabling change through a national approach is to be supported but requires wide support and guidance from bodies such as English Heritage and CABE to assist applicants in their developments.

2. By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between types of asset (eg. are archaeological assets adequately covered)?

A single spectrum approach to historic assets is a positive step to providing a balanced approach to all assets.

4. Are the policies and principles set out in the PPS the key ones that underpin planning policy on the historic environment, or should others be included?

The key ideas of investigation, pre-application discussions, assessing the significance of the building and protection with an assumption to retain buildings are strong policies underpinning the planning policy relating to the historic environment which are to be welcomed.

This is, however, quite an idealist approach and in particular the presumption that the HERS should be a one stop shop for applicants. At the moment these records are not the basis for in-depth research therefore there should be caution regarding the weight placed on it and an applicants ability to access it as this is not straightforward

and there are still other sources which would need to be used alongside it to carry out comprehensive research.

5. Do you agree that it is the “significance” of a historic asset that we are trying to conserve?

Yes, it should be the significance of an asset that is conserved – the document does apply a value based system to the planning process however it is acknowledged that it is very difficult to avoid placing values on an item.

7. Does the PPS strike the right balance between the objectives of conserving what is significant in the historic environment and mitigating the effects of climate change?

With regard to the balance between the objectives of conserving what is significant and mitigating the effects of climate change there is not enough emphasis placed on embodied energy. There is little mention of materials and workmanship already existing but only measures to take which could affect the historic significance. Existing work and embodied energy should always be taken into consideration when looking at the impact of climate change to an asset and in particular the sustainability of a proposal.

8. Does the PPS make it clear to decision-makers what they should do and where they have more flexibility? Are there any risks or benefits you would like to highlight for the historic environment sector?

There is always local interpretation of policies to individual circumstances. It would be difficult to put together a document which would cover all situations however there is a need for some clarity and guidance, perhaps alongside the document, over certain common development issues which can affect the character of an area and are common in many local authorities for example the definition of development in relation to replacement windows.

In addition a stronger environmental case for the retention of buildings should be provided supported by the positive impact this can have on the environment not only in terms of sustainability but also the enhancement of the environment generally.

9 The draft PPS highlights the importance of ensuring that adequate information and evidence bases are available, so that the historic environment and the significance of heritage assets are fully taken into account in plan-making and decision-taking. At the same time we are concerned to ensure that information requirements are proportionate and do not cause unnecessary delays. Are you content we have the balance right? If not how would you like to see our policy adjusted? (Policies HE8 and HE9 are particularly relevant to this question.)

Specifically in relation to HE8 this is ambitious and although it would be an ideal situation it is unlikely the professional support would be available to produce such information both from the point of view of availability of specialists who could provide such information and from a financial point of view in that many applicants would not be able to afford such advice. It is likely a substantial amount of support would need to be provided by local authority staff at a pre-application stage. In addition there would need to be clear guidance on the level of information which would be acceptable to validate an application.

HE9.2 As mentioned previously there would be a concern that there is a need to provide further advisors in a sector where assistance is already rare. In addition in

some cases this may place an additional financial burden on local authorities already pressured by efficiencies.

In relation to HE9.3 if no local amenity groups are present in the area this policy is very difficult to implement.

There is a need to emphasise embodied energy alongside climate change measures in particular in HE9.8(iii) as mentioned in general comments. Further to this within the terminology section there should be a definition of climate change along with a reference to the importance of embodied energy and a definition of this.

10 In your opinion is the PPS a document that will remain relevant for at least the next 20 years? Do you see other developments on the horizon that have implications for the policies set out in the PPS?

No, there should be evidence gathering to appraise how the policies are working and a review of the document at least every 5 years. It is likely that issues such as climate change are going to become increasingly significant and the document will need to recognise this and be updated accordingly.

11 Do you agree with the conclusions of the consultation stage impact assessment. In particular, have we correctly identified and resourced any additional burdens for local planning authorities? Is the impact on owners/developers correctly identified and proportionate to their responsibilities?

The costs appear to be grossly underestimated particularly given the weight of additional work which is being placed on local authorities not only in the provision of up to date information via the HER but also in relation to additional work that will be required in processing applications.

In relation to applicants providing statements of significant etc when calculations are made it should be remembered that some heritage assets are in negative value with no certainty that a decision would be forthcoming, in such instances it is unlikely that applicants would be able to invest the large amounts required to provide the information outlined in the document without the certainty of a positive decision at the end of the process. The costs provided seem, again to be underestimated.

Specific comments relating to policies

HE6 there should be a clear outline of how this should be monitored and against what standards. Few authorities have baseline data available for all heritage assets upon which to make a measured judgement to enable the monitoring of the decline or enhancement of an environment or asset. In most cases opinions will be subjective.

HE10.2 In highlighting the loss of heritage assets this should include grade II listed buildings and conservation areas or at least properties which make a substantial contribution to a conservation area but are not listed.

HE11.1 As mentioned previously embodied energy should be included within assessments of sustainable development.

HE13 this is a positive step but it would appear difficult to enforce in practice, in particular the request of developers to publish information relating to development projects deposit this with relevant HERs and archives..

APPENDIX 2

Response of officers from Tees Archaeology**Comments of Tees Archaeology on Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment.****General comments and comparison to PPG 16.**

- PPS 15 will replace Planning Policy Guidance Notes 15 & 16. I welcome the elevation of cultural heritage from these 'Guidance' documents to a Government 'Policy' document.
- PPG 16 released in 1990 outlined the importance of pre-application discussion and pre-determination archaeological evaluation. This will be carried forward into the new PPS 15.
- Another important aspect of PPG 16 was the statement in paragraph 8 that '*where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation*'. The new PPS takes a 'value' based approach to preservation to be balanced alongside other considerations such as '*social economic and environmental benefits*' (PPS 15, para 9.8). This new approach may mean that it is not possible for local authorities to protect archaeological remains that would have been preserved in the PPG 16 era.
- It is not clear what components of the consultation document will be carried forward to the finished policy.
- Many of the policies and associated guidance would benefit from the implementation of the draft Heritage Protection Bill (published in April 2008) but not yet included in Government's legislative programme.

Comments on the Plan Making Policies**Policy HE1. Evidence base for plan-making**

- I welcome the emphasis given to the role of the Historic Environment Records. HERs would however benefit from the implementation of the draft Heritage Bill making them a 'duty' of Local Authorities.
- HERs would also benefit from nationally agreed standards and benchmarks.
- I welcome the consideration of areas of archaeological potential in the development process. PPG16 did not go this far but limited archaeological involvement to sites where '*important archaeological remains may exist*' (para 21).

Policy HE3. Local planning approach

- There is no mention in this policy of Local Authorities including policies for the protection, enhancement and preservation of sites of archaeological interest in their Local Development Frameworks. There is however a reference to this in the English Heritage Practice Guide.
- Clarification is needed as to what form the local 'positive, proactive, strategy' should take. Should this be presented as a Supplementary Planning Document in support of the LDF?

Policy HE4. Heritage assets and sustainable development

- I welcome the recognition that reuse of historic assets contributes to sustainability and climate change objectives. However further guidance is needed on the quantification of this benefit.

Policy HE6. Monitoring indicators

- This policy along with the English Heritage Guidance lacks detail. There is no suggested guidance for performance indicators or benchmarks in relation to this policy.

Policy HE7. Pre-application discussions and assessment

- I welcome the emphasis on pre-application discussions and pre-determination evaluation. The policy given in HE1.3 regarding archaeological potential might usefully be repeated here. The policy should make clear that pre-application evaluation can also apply to buildings in the form of historic building analysis and exploratory opening up.

Policy HE8. Information requirements for validation of applications for consent affecting heritage assets

- This is a noble inclusion to the statement but its practicality is questionable as it is unlikely to be a cultural heritage expert who is responsible for validation. Many applications will be validated on the basis of presence or absence of documentation that may later be found insufficient following expert scrutiny.

Policy HE9. Policy principles guiding the determination of applications for development relating to all heritage assets

- This appears to be a very ambling policy which could do with some streamlining.
- HE9.7 and HE9.8 deal with balancing the need for development with its impact on heritage assets. I do not support this approach and believe that it will lead to the loss of historic assets that can currently be preserved by the planning system under PPG 16 by means of demonstrating national importance. As historic assets are irreplaceable there should be no justification for their loss.
- This value based approach is unlikely to be applied consistently and does not fit with the policy objective to *'adopt a consistent and up-to-date approach to conserving, the historic environment'* (PPS p. 25).

Policy HE10. Additional policy principles guiding the consideration of applications for development related to designated heritage assets

- I see no reason not to include Listed II buildings in HE10.2.
- I am pleased that 10.6 recognises that not all nationally important remains are currently designated and that these remains should be treated according to the same principles.

Policy HE13. Policy principles guiding the recording of information related to heritage assets

- Preservation by record is an important means of retrieving information about a heritage asset prior to its destruction. Some of the language, particularly in policy HE13.3 is unclear and would benefit from a re-write.

Other Comments

- P. 29 estimates a cost of £90,000 per annum to local authorities in relation to necessary enhancements to HERs. As there are 82 HERs to consider this means an additional cost per HER of £1097 per annum. I would anticipate that this is a severe underestimation and would barely cover two weeks of officer time.

Consultation questions

1. Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?

The document seems to skirt the issue by putting all decision making in the hands of the local authorities without proper underlying principles about preserving that which is of importance. It appears to set up conflicts between conservation and development by introducing a value based system that is open to interpretation on a case by case basis.

2. By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between types of asset (eg. are archaeological assets adequately covered)?

Reading the document as an archaeologist I felt that they were adequately covered but that buildings were perhaps not.

4. Are the policies and principles set out in the PPS the key ones that underpin planning policy on the historic environment, or should others be included?

Principal areas are Historic Environment Records, pre-determination discussion and evaluation and preservation of important remains in situ. I do not feel that preservation in situ is covered as strongly as it was in PPG 16.

5. Do you agree that it is the “significance” of a historic asset that we are trying to conserve?

Yes, but the document opens up this significance to threat by applying a value based system to the planning process.

8. Does the PPS make it clear to decision-makers what they should do, and where they have more flexibility? Are there any risks or benefits you would like to highlight for the historic environment sector?

This is the main problem with the document as similar circumstances might be treated differently by different authorities.

9. The draft PPS highlights the importance of ensuring that adequate information and evidence bases are available, so that the historic environment and the significance of heritage assets are fully taken into account in plan-making and decision-taking. At the same time we are concerned to ensure that information requirements are proportionate and do not cause unnecessary delays. Are you content we have the balance right? If not how would you like to see our policy adjusted? (Policies HE8 and HE9 are particularly relevant to this question.)

Appears to be reasonable.

10. In your opinion is the PPS a document that will remain relevant for at least the next 20 years? Do you see other developments on the horizon that have implications for the policies set out in the PPS?

No, I think that it should have a five year review. Implementation of the Heritage Protection Review would go some way to future proofing the system by making sure Local Authorities have a duty to provide a HER.

11. Do you agree with the conclusions of the consultation stage impact assessment. In particular, have we correctly identified and resourced any additional burdens for local planning authorities? Is the impact on owners/developers correctly identified and proportionate to their responsibilities?

See other comments above.