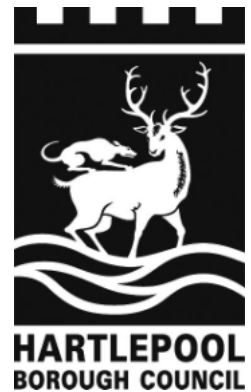


ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION SCHEDULE



Monday 27 February 2012

at 2.00 p.m.

in Committee Room B, Civic Centre, Hartlepool

Councillor Hall, Cabinet Member responsible for Adult and Public Health Services will consider the following items.

1. KEY DECISIONS

No items.

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Revision of 2012 / 2013 Fees and Charges – Cemeteries and Crematorium - *Assistant Director (Neighbourhood Services)*
- 2.2 Street Trading - *Assistant Director (Regeneration and Planning)*

3. ITEMS FOR INFORMATION

- 3.1 Sale of Solvents to Children – *Assistant Director (Regeneration and Planning)*
- 3.2 Joint Operation on Counterfeit Alcohol – *Assistant Director (Regeneration and Planning)*
- 3.3 Progress Report in respect of Changes to the Council's Food Hygiene Award Scheme – *Assistant Director (Regeneration and Planning)*

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items.

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
27th February 2012



Report of: Assistant Director (Neighbourhood Services)

Subject: REVISION OF 2012 / 2013 FEES AND CHARGES –
CEMETERIES AND CREMATORIUM

SUMMARY

1. PURPOSE OF REPORT

To consider the annual review of fees and charges in respect of services provided by the Parks and Countryside section's Cemeteries and Crematorium Team.

2. SUMMARY OF CONTENTS

The report provides information regarding the Parks and Countryside section's Cemeteries and Crematorium services and recommends fees and charges for 2012/13.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder has responsibility for the Cemeteries and Crematorium, to which these charges apply.

4. TYPE OF DECISION

Non key.

5. DECISION MAKING ROUTE

Portfolio Holder meeting on 27th February 2012.

6. DECISION(S) REQUIRED

That the Portfolio Holder agrees to the suggested charges and that they are implemented as from the 1st April 2012.

Report of: Assistant Director (Neighbourhood Services)

Subject: REVISION OF 2012 / 2013 FEES AND CHARGES –
CEMETERIES AND CREMATORIUM

1. PURPOSE OF REPORT

- 1.1 To consider the annual review of fees and charges in respect of services provided by the Parks and Countryside section's Cemeteries and Crematorium Team.

2. BACKGROUND

- 2.1 **UK and locals trends** - CAMEO (Crematoria Abatement of Mercury Emissions Organisation) points to a decline nationally in the number of cremations carried out since 2003 which is in line with a decline in the numbers of deaths. Locally there is also a declining trend in cremations and burials.

- 2.2 **Financing Cemeteries and Crematoria in Hartlepool** - Parks and Countryside is responsible for the care, development and promotion of green spaces and the services that are dependent upon them:

- Parks and Country Park areas
- Townwide Horticulture and Arboriculture work; and Tanfield Nursery complex
- Countryside Wardens and Nature Conservation areas
- Coast and associated Beach Safety provision
- Public Rights of Way and the Countryside Access Network
- Cemeteries and the Crematoria
- Children's outdoor play spaces and fixed play equipment
- Football pitches, games spaces and bowling greens

- 2.3 **Operational parameters** – The service portfolio has an approximate £3.25m annual operating requirement. HBC core contracts and service funding accounts for just under two thirds of the annual operating needs to maintain current expected frontline service standards. To bridge the annual operating shortfall Parks and Countryside operates many of its services under the parameters of a public sector charging and trading arm, for example:

- Cemetery and Crematoria are 100% funded by income generation activities
- Town wide horticulture services turnover approximately 12%/pa of annual service cost in external/ unscheduled works which helps support current service standards.

- 2.4 **Legislation** – Evolving European and national environmental considerations are progressively reducing the acceptable levels of discharge of potentially harmful substances into the air and wider environment. Plans and progressive legislation to improve air quality and reduce carbon and other harmful emissions such as

mercury are one such area. All Crematoria must meet the conditions of the Secretary of State's Guidance Note PG/5/2 (04) which requires mercury and particulate emissions to be reduced by 50% by 31 December 2012. However, DEFRA have indicated it very likely that Central Government will require mercury emissions to be eradicated by 2020.

- 2.5 **CAMEO** - To aid in the transition to a 100% reduction the CAMEO burden sharing scheme was developed by the FBCA (Federation of Burial and Cremation Authorities) and is approved by DEFRA as a method of achieving a minimum of 50% abatement throughout the industry by the 2012 deadline. CAMEO is a non profit making membership organisation. Hartlepool is a paid member of CAMEO (approx. £100pa).
- 2.6 **New cremators and abatement equipment** - In 2005 the Council took the decision to replace both of its cremators in Stranton Crematorium which would be nearing the end of their useful life around the 2012 abatement deadline. The costs for this replacement programme would be funded through Prudential Borrowing and the repayment costs made annually through increased fees for cremations. Revised cremation fees were implemented in 2010 to begin accumulating a capital reserve for this purpose. The Council's Building Consultancy team have recently concluded a lengthy and detailed tendering process for the new cremators and associated physical building works with a client deadline for delivery and commissioning of the new equipment of December 2012.

3. FINANCIAL CONSIDERATIONS

- 3.1 **Funding of Prudential Borrowing repayments** - The original baseline for the fee increases assumed a total of 858 cremations per annum. It was always accepted that it is not possible to guarantee actual numbers. As stated earlier there appears to be a downward trend in deaths and cremations which is likely to impact in a moderate way on income levels and consequently funding of Prudential Borrowing repayments.

A regional fee benchmarking exercise was undertaken to ensure the cremation fee increases made in 2010 were reasonable and considered all regional cremation authority providers.

4. FEE REVIEW 2012

- 4.1 **Burial fees benchmarking** – Fee benchmarking has identified a clear discrepancy between Hartlepool and our neighbours regionally with regard to 'adult' burial fees:

Location	'Adult' burial fee 2010 - 2011
Hartlepool	£345 - £320
Darlington	£502
Middlesbrough, Redcar & Cleveland, Stockton	£429
Sunderland	£495
South Tyneside	£581

Gateshead	£624
Newcastle	£490

4.2 Proposed fee amendments – It is proposed to revise the ‘adult’ burial fees to:

Division A sites	£450
Division B/C sites	£410

Recognising that Parks and Countryside’s Cemeteries and Crematoria services and investment programme are entirely funded by income from fees all other fees would receive a inflationary increase in the region of 2%-2.5%.

5. RISK

- 5.1 By not increasing burials fee we will be at risk of not generating sufficient income to service the loan for the cremators.

6. RECOMMENDATIONS

- 6.1 That the Portfolio Holder agrees to the recommended charges contained in **Appendix A** and that they are implemented as from 1st April 2012.

7. CONTACT OFFICER

Chris Wenlock
Parks and Countryside Manager
Hartlepool Borough Council

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DEPARTMENT OF NEIGHBOURHOOD SERVICES

CEMETERIES AND CREMATORIUM

TABLE OF CHARGES

IN RESPECT OF

HARTLEPOOL CREMATORIUM

STRANTON GRANGE CEMETERY

WEST VIEW ROAD CEMETERY

NORTH CEMETERY

OLD CEMETERY
(SPION KOP)

WITH EFFECT FROM 1 April 2012

CEMETERIES

PURCHASED GRAVE SPACES

1. For the purchase of the exclusive right of burial by a resident in the Borough of Hartlepool:

	Division A	Division B/C
In an earthen grave	£569.00	£362.00

PLEASE NOTE THAT:

- i] These charges are exclusive of the burial fee payable for each interment (see 2 below).
- ii] Double charges will be payable for the exclusive right of burial by a person not resident in the Borough of Hartlepool except in the case when the deceased was a resident at the time of death.
- iii] Exclusive right of burial in a brick grave or division "A" type grave must be purchased prior to the interment.
- iv] Fees for the preparation of a deed of grant and for the entry of the particulars in the "Register of Purchased Graves" are included in the exclusive right of burial charges.
- v] Fees for the erection of memorials and for the right of placing a second or subsequent inscription on a memorial are included in the above charges.

2. **INTERMENT FEES**

- a) For the burial of the body of a stillborn child in the stillborn communal areas (exclusive right of burial cannot be purchased in this area).

£37.00

- b) For the burial of a stillborn child:

Division A	£164.00
Division B/C	£105.00

- c) For the burial of a child whose age at the time of death did not exceed 12 years:

Division A	£164.00
Division B/C	£105.00

- d) For the burial of the body of a person whose age at the time of death exceeded 12 years:

Division A	£450.00
Division B/C	£410.00

- e) Service in Cemetery or Crematorium Chapel before proceeding to graveside, or for a memorial service.

£77.00

PLEASE NOTE THAT:

- i] The charges set out in 2 (a), (b), (c) and (d) above relate to the burial of a resident of Hartlepool. The charges in respect of non-residents should be double those stated above.
- ii] The term "Resident" for the purpose of Clause 2 hereof means a person who at the time of his or her death resided within the Borough of Hartlepool or who has been so resident at any time during the twelve months preceding his or her death and includes a person who normally resided in Hartlepool but who, at the time of death, was not in Hartlepool. In the case of a stillborn, the child will be deemed a resident if the parents reside within the said Borough.
- iii] In the event of a body of a child being interred in the same casket as the body of its parent, no fee shall be payable to the Authority in respect of such child.
- iv] Burial fees include the use of grass matting and when necessary the turfing or seeding of the grave during the appropriate season, allowing a reasonable time to elapse so that the ground may be in a suitable condition.
- v] All lawn plot graves are maintained solely by the burial authority. Planting is not allowed. Kerbs, enclosures or flat stones are not allowed on lawn plots.
- vi] At least two complete days notice (not including Saturdays, Sundays or Public Holidays) of any proposed interment must be given at the Cemeteries and Crematorium office in writing, on the form prescribed by the Council.
- vii] Interment times are as follows:
- | | |
|--------------------|--|
| Monday to Thursday | 9.30 am to 3.30 pm (summer)
9.30 am to 2.30 pm (winter) |
| Friday | 9.30 am to 2.30 pm (summer)
9.30 am to 2.00 pm (winter) |

3. REGISTRATION AND SEARCH FEES

- a) For the execution of the transfer of the grant to the exclusive right of burial in a grave space and for the entry of the particulars in the "Register of Purchased Graves".

£26.00
- b) For a search in the "Register of Burials" kept by the Cemeteries Registrar:

£22.00
- c) For a search in the "Register of Purchased Graves" kept by the Chief Executive:

£22.00

4. MEMORIALS, INSCRIPTIONS ETC

PLEASE NOTE THAT:

- i] All memorials and inscriptions remain the responsibility of their respective owners and are subject to the approval of the Cemeteries and Crematorium Registrar.
- ii] All applications to erect memorials must be completed on the prescribed form and signed by the grave owner and the person who is to carry out the work and delivered to the Cemeteries and Crematorium Office at least 24 hours prior to fixing.
- iii] Maximum size memorial allowed, 4 feet in height and 36 inches x 20 inches at base.
- iv] Wooden or metallic memorials including crosses are not allowed in the cemeteries.
- v] Memorials are not allowed to be erected on any unpurchased ground.

5. PLANTING AND TENDING GRAVES (NOT APPLICABLE TO LAWN PLOTS)

- a) Turfing of grave space and maintenance one year: £63.00
- b) Each subsequent turfing and maintenance per year: £63.00
- c) Maintenance only: £41.00
- d) Planting twice yearly with flowers and maintenance: £65.00

CREMATORIUM

1. CREMATORIUM FEES

- | | | |
|----|--|---------|
| a) | Cremation of foetal remains or a stillborn child or child under five years of age: | £17.00 |
| b) | Cremation of a child aged 5 years of aged and under 16 years of age: | £104.50 |
| c) | Cremation of a person aged sixteen years or over: | £610.00 |

PLEASE NOTE THAT:

- 1) The cremation fees include the following:
 - ◆ The medical referee's fees
 - ◆ A copy of the Registrar's or Coroner's Disposal Certificate
 - ◆ The use of the Chapel
 - ◆ The use of the organ (organist's charges are extra)
 - ◆ The temporary storage of cremated remains for one month after the cremation service
 - ◆ A suitable container for the removal of the cremated remains from the crematorium
 - ◆ Environmental abatement costs (applicable to cremations of persons aged sixteen years or over)
- 2) Cremation times:

Monday to Thursday	9.40 am to 4.00 pm (Last Service - Committal Only)
Friday	9.40 am to 3.00 pm (Last Service - Committal Only)

2. ADDITIONAL CHARGES

- | | | |
|----|--|--------|
| a) | Extended service time (additional 20 minutes)
(This should be ordered at the time of booking, subject to availability) | £77.00 |
| b) | <u>Additional</u> copy of Registrar's or Coroner's Disposal Certificate | £10.00 |
| c) | Certificate of Cremation (certified extract from any entry in the Cremation Register). | £10.00 |

3. INTERMENT OF CREMATED REMAINS

- | | | |
|----|---------------------|---------|
| a) | In an earthen grave | £127.00 |
|----|---------------------|---------|

4. INTERMENT OF CREMATED REMAINS (SPECIAL PLOTS)

- | | | |
|----|--|---------|
| a) | In the cremated remains special plot | £127.00 |
| b) | Purchase price of site including deeds | £132.00 |

PLEASE NOTE THAT:

- 1) Exclusive right of burial in a special plot must be purchased prior to the first interment (see 3b above).
- 2) Double fees apply to non-residents regarding the purchase of sites and for the burial of cremated remains as with full burials.
- 3) Charges for permission to lay stone and for the right of placing a second or subsequent inscription on a stone are included in the above purchase price of site.

4. INTERMENT OF CREMATED REMAINS (TRIBUTE AREA)

- | | | |
|----|--|---------|
| a) | In the cremated remains tribute area | £127.00 |
| b) | Purchase price of site including deeds | £230.00 |

PLEASE NOTE THAT:

- 1) Exclusive right of burial in tribute area must be purchased prior to the first interment (see 3b above).
- 2) Double fees apply to non-residents regarding the purchase of sites and for the burial of cremated remains as with full burials.
- 3) Charges for permission to erect memorial and for the right of placing a second or subsequent inscription on a stone are included in the above purchase price of site.
- 4) Overall height of any memorial on Tribute Area should not exceed 2 feet, 3 inches, width should not exceed 2 feet. Depth, which is from back of base to front of base should exceed 12 inches. Kerbs and enclosures are not allowed in this area, nor is the planting of trees, shrubs or bedding plants.

5. INSCRIPTIONS IN BOOK OF REMEMBRANCE

a)	2 line entry (single)	£57.00
b)	5 line entry (double)	£102.00
c)	8 line entry (treble)	£145.00
d)	Badge/floral emblem (including 5 lines)	£203.00
e)	Full coat of arms (including 8 lines)	£244.00

6. MEMORIAL CARDS

a)	2 line entry	£29.00
b)	5 line entry	£48.00
c)	8 line entry	£60.00
d)	Badge/floral emblem (including 5 lines)	£164.00

7. MISCELLANEOUS CHARGES

a)	Urns to contain remains:	
	i] Polished wood	£56.00
	ii] Plastic container	£11.00
b)	Packing and despatch of remains	£68.00

8. STREWING OF CREMATED REMAINS

a)	At reserved time with moumers/minister, or from another cremation authority	£28.00
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9. VASE BLOCK TABLET MEMORIALS IN GARDEN OF REMEMBRANCE

a)	Complete memorial	£347.00
b)	Reunited/replacement tablet for above	£126.00
c)	Replacement flower container	£5.00

ALL CHARGES ARE INCLUSIVE OF VAT

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
27th February 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: STREET TRADING

SUMMARY

1. PURPOSE OF REPORT

To propose amendments to the current system of charging for street trading licences and consents in Hartlepool.

2. SUMMARY OF CONTENTS

The report outlines the current process for the consideration, approval and charging for street trading in Hartlepool and proposes changes designed to both increase business opportunity and Council revenue.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder for Adult and Public Health has responsibility for setting licence fees.

4. TYPE OF DECISION

Non key:

5. DECISION MAKING ROUTE

Adult & Public Health Services Portfolio 27th February 2012.

6. DECISION(S) REQUIRED

- That the Portfolio Holder approves the new fee structure for street trading licensing as attached as **Appendix 1**.
- That the Portfolio Holder approves the withdrawal of the provision of rebates for the early surrender of street trading licences and consents unless, in the opinion of the Public Protection Manager, the surrender of the consent is due to action taken that is beyond the consent holder's control. Rebates would not be available where a private land owner had withdrawn permission to trade.
- That the Portfolio Holder approves the withdrawal of fee exemptions for charitable trading for longer than two days at any one time and that, for trading of less than two days, the Public Protection Manager be granted discretion to waive the consent fee where appropriate taking into account the issues detailed in paragraph 2.33.

Report of: Assistant Director (Regeneration and Planning)

Subject: STREET TRADING

1. PURPOSE OF REPORT

- 1.1 To propose amendments to the current system of charging for street trading licences and consents in Hartlepool.

2. BACKGROUND

- 2.1 On 2nd March 2005 it was resolved that parts of the Local Government (Miscellaneous Provisions) Act 1982 be adopted to have the effect of requiring permissions to be obtained from the Council for street trading in Hartlepool.
- 2.2 Anyone wishing to trade from any street in Hartlepool, except a prohibited street, is required to obtain from the Council a street trading licence or a street trading consent (collectively referred to as a 'consent') by submitting a formal application to the Council.
- 2.3 Applicants may apply for permission to trade from a fixed site (such as a lay-by) or on a roaming basis where trading will be for no more than 15 minutes in any one location (such as an ice cream van).
- 2.4 The current structure for levying fees for consents is attached as **Appendix 1** and generates approximately £17000 per year in revenue for the Council. Consent fees are set at a level that covers the Council's associated administrative and enforcement expenses.
- 2.5 Most street trading consents currently in force in Hartlepool relate to burger vans and ice cream vans situated in lay-bys, industrial estates or on Seaton Carew seafront.
- 2.6 Hartlepool's approach to street trading differs from that of many other Councils in that, with the exception of one street, trading anywhere in the town requires a consent and all consents attract the same fee – currently £1150 per annum.
- 2.7 By comparison, in Middlesbrough, there are only a small number of designated consent streets but the fees charged are significantly higher than those in Hartlepool.

- 2.8 Darlington, Stockton and Redcar & Cleveland have all adopted a similar approach to street designations as Hartlepool but their charging structures differ in that they differentiate between 'prime' and 'non-prime' trading locations as can be seen below: -

		Prime location (£ per annum)	Non-prime location (£ per annum)
Hartlepool		1150	1150
Middlesbrough	Linthorpe & Corporation Road	7747	0
Stockton	High Street	3855	2140
Darlington	Town Centre	7000	260
Redcar & Cleveland	Pedestrianised Area	1775	215

- 2.9 As can be seen from above, Hartlepool's approach to street trading fees, when compared to those of other Tees Valley authorities, can be summarised as: -

- Hartlepool charges considerably less for prime locations
- Hartlepool charges significantly more for non prime locations (with the exception of Stockton)

- 2.10 Recognising that prime locations are likely to be more profitable for traders it may be considered reasonable that the Council reflects this in its pricing structure thereby charging more to trade in these areas.

- 2.11 However, as the number of prime sites in Hartlepool could best be described as limited, the adoption of a pricing structure that matched other Tees Valley authorities, whereby prime sites paid more but non-prime locations paid significantly less, would result in a reduction in overall street trading income in Hartlepool.

- 2.12 Therefore, in order to increase overall street trading revenue it may be considered appropriate to maintain licence fees at their current levels for non-prime sites but to increase fees for prime locations.

- 2.13 It is proposed that the only area that could be considered as a 'prime location' for street trading at present would be the stretch of seafront between Newburn Bridge and the Coach Park at Seaton Carew. All other areas would be classified as non-prime locations and charged accordingly.

- 2.14 Whilst the fees charged for prime locations in the other Tees Valley areas suggests that there may be scope for significant increases it must be recognised that increasing fees will affect the profitability of the traders concerned and ultimately their viability to continue. If fees are

increased too much, or too quickly, traders could choose to leave a site and the Council would therefore lose the licence fee associated with it.

- 2.15 If the Portfolio Holder was minded to agree to a significant increase in fees for prime locations it is proposed that they be phased in over a period of three years to allow for the traders concerned to plan and adapt their business models accordingly.
- 2.16 It is proposed that an appropriate fee for street trading in prime locations should increase from the current £1150 to £1350 in 2012/13, £1700 in 2013/14 and £2500 in 2014/15.
- 2.17 The proposed new fee for structure for street trading permissions is attached as **Appendix 2**.
- 2.18 Discounted Sites
- 2.19 In addition to the sites currently licensed there are other areas of the town that may be considered as being suitable for street trading but, for whatever reason, have not been recognised as such by local businesses.
- 2.20 In order to promote interest in previously unused locations it may be considered appropriate to offer an incentive by means of a discount to trade for the first year.
- 2.21 The discount would relate to the site rather than the trader and would apply for the first year of use only. Care would need to be taken in the drafting of terms and conditions to ensure that this scheme could not be abused.
- 2.22 It is proposed that the Public Protection Manager be given discretion to offer a reduced annual street trading fee of £450 for the first year of trading at any site that is, in the opinion of the Public Protection Manager, a bona fide new location.
- 2.23 Rebates
- 2.24 At present, consent holders are entitled to apply for a rebate of part of their licence fee if it is surrendered early.
- 2.25 It is proposed that the provision of rebates be withdrawn unless, in the opinion of the Public Protection Manager, the surrender of the consent is due to action taken that is beyond the consent holder's control – for example, where the Council, or other agency, withdraws the right to trade from the site e.g. road closure.
- 2.26 Rebates would not be available where a private land owner had withdrawn permission to trade.

2.27 Reduced Fees for Charitable Trading

- 2.28 Street trading fees are not currently levied on any trader who will be donating at least 51% of their profits to a registered charity.
- 2.29 It is apparent that some traders have recognised this concession as a business opportunity and have chosen to donate to charity as an alternative to paying a consent fee. As donations are paid from profits, traders have continued to pay themselves and their staff a wage and therefore the funds available to the charity have been relatively small.
- 2.30 Whilst charities may benefit to some degree these traders are being given an obvious trading advantage over other commercial traders and, as such, the portfolio holder may feel that such a benefit is unjustified.
- 2.31 The portfolio holder may feel that there are some circumstances whereby a fee would be inappropriate, such as charity stalls at a fete or community event, and therefore some discretion on fees should be permitted.
- 2.32 It is proposed that the Portfolio Holder agree to the Public Protection Manager being given discretion to waive the street trading consent fee in those cases where trading is clearly of a non-commercial nature and all profits will be donated to a charitable cause. Discretion would not be available for any permission being sought to trade longer than two days at any one time.
- 2.33 If considered appropriate, it is proposed that the Public Protection Manager take account of the following issues when considering whether a consent fee should be charged: -
- Whether the seller is engaged in a trade or business
 - The percentage of turnover that is being retained as expenses by the seller and the amount of profit being donated to the charity or good cause
 - Whether the seller is being paid or is acting as a volunteer
 - Any other matter considered relevant

2.34 Future Changes to Street Trading Licensing

- 2.35 A report was submitted to the Licensing Committee on 18th January 2012 detailing expected changes to the legislation that permits local authorities to licence street trading activities.
- 2.36 The changes, if implemented, will remove some of the Council's discretion to issue consents and it will no longer be possible to limit the number of traders in any particular area for any reason other than public safety.

- 2.37 It is also possible that new legislation may address issues such as the methodology to be used for levying street trading fees and, as such, it may be necessary to re-visit this issue once new legislation is introduced.

3 RECOMMENDATIONS

- 3.1 That the Portfolio Holder approves the new fee structure for street trading licensing as attached as **Appendix 1**.
- 3.2 That the Portfolio Holder approves the withdrawal of the provision of rebates for the early surrender of street trading licences and consents unless, in the opinion of the Public Protection Manager, the surrender of the consent is due to action taken that is beyond the consent holder's control. Rebates would not be available where a private land owner had withdrawn permission to trade.
- 3.3 That the Portfolio Holder approves the withdrawal of fee exemptions for charitable trading for longer than two days at any one time and that, for trading of less than two days, the Public Protection Manager be granted discretion to waive the consent fee where appropriate taking into account the issues detailed in paragraph 2.33.

4. BACKGROUND PAPERS

- 4.1 The following background papers were used in the preparation of this report: -

i. Agenda & Minutes - Licensing Committee 18th January 2012

5. CONTACT OFFICER

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Public Protection Manager
Bryan Hanson House

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Email: sylvia.pinkney@hartlepool.gov.uk

APPENDIX 1**Street Trading Fees – 2011/12**All Areas

	0500 hours – 2100 hours	2100 hours – 0500 hours
Annual	£1150	£2300
6 months	£690	£1380
1 month	£175	£350
1 week	£118	£235
1 day	£60	£120

APPENDIX 2**Street Trading Fees – 2012/13**Street Trading Consents

Figures in brackets represent 2011/12 fees.

Seaton Carew Sea Front - including Coronation Drive, The Front and The Cliffe, between Newburn Bridge to the North and The Coach Park to the South.

	0500 hours – 2100 hours		2100 hours – 0500 hours	
Annual	£1350	(£1150)	£2700	(£2300)
6 months	£850	(£690)	£1700	(£1380)
1 month	£250	(£175)	£500	(£350)
1 week	£140	(£118)	£280	(£235)
1 day	£80	(£60)	£160	(£120)

All Other Areas

	0500 hours – 2100 hours		2100 hours – 0500 hours	
Annual	£1150	(£1150)	£2300	(£2300)
6 months	£690	(£690)	£1380	(£1380)
1 month	£175	(£175)	£350	(£350)
1 week	£118	(£118)	£235	(£235)
1 day	£60	(£60)	£120	(£120)

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
27th February 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: SALE OF SOLVENTS TO CHILDREN

SUMMARY

1. PURPOSE OF REPORT

To inform the Portfolio Holder of the results of a recent test purchase exercise relating to the sale of solvents to children.

2. SUMMARY OF CONTENTS

The report highlights the dangers of solvent and volatile substance abuse and outlines the results of a Trading Standards test purchase exercise that highlights the easy availability of these products to children.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder for Adult and Public Health has responsibility for the Trading Standards Service.

4. TYPE OF DECISION

Non key

5. DECISION MAKING ROUTE

Adult & Public Health Services Portfolio.

6. DECISION(S) REQUIRED

- That the Portfolio Holder notes the contents of this report.

- That the Portfolio Holder supports the Trading Standards Service in its continued efforts to improve trader awareness of the risks associated with the supply of solvents and volatile substances to children.

Report of: Assistant Director (Regeneration and Planning)

Subject: SALE OF SOLVENTS TO CHILDREN

1. **PURPOSE OF REPORT**

- 1.1 To inform the Portfolio Holder of the results of a recent test purchase exercise relating to the sale of solvents to children.

2. **BACKGROUND**

- 2.1 Solvent abuse is sometimes called glue sniffing, inhalant abuse or volatile substance abuse (VSA). Children and young people often call it huffing, sniffing or tooting. (*Source: NHS Direct web site*)
- 2.2 VSA is the deliberate inhalation of a volatile substance to achieve a change in mental state.
- 2.3 Between 1999 and 2008 32 people in the North East died due to VSA.
- 2.4 **Appendix 1** identifies the eight young persons who have lost their lives to VSA over the past two years. Four of them were from the North East. (*Source: Re-Solv VITAL STATISTICS report 2011*)
- 2.5 At a local level, Hartlepool's Young People's Specialist Drug and Alcohol team (HYPED) has been set up to help young people to make an informed choice about their lifestyle regarding substance and alcohol use. Between April 2009 and September 2011, HYPED had 26 referrals compared to Stockton's 13, Redcar's 9 and Middlesbrough's 2.
- 2.6 "Volatile substances" includes Aerosol glue, Air fresheners, Anaesthetic agents, Butane gas cans, Chloroform, Cleaning fluids, Contact adhesives, Deodorant, Antiperspirant, Glues, Hair spray, Industrial solvents, Lighter fuel, Model glue, Paint thinners and strippers, Petrol and Propane gas cylinders.
- 2.7 Glue tends to be sniffed from bags, including crisp bags. Liquids, including petrol, can be sniffed from a handkerchief or a coat sleeve. Gaseous preparations, such as butane and aerosols, can be sniffed from bags or sprayed directly into the mouth.
- 2.8 Through rapid inhalations children and young people get to boost the amount of solvent vapor that enters the lungs. Some children and young people will inhale through both the nose and mouth to enhance the effect.

- 2.9 Effects include: A slowdown of responses, Vacant expression, Light-headedness, Hallucinations, Headaches, Vomiting, Dilated pupils, Increased and irregular heartbeat, Lowering of inhibitions, Throat swelling and blockage, Damage to brain function, Death through poisoning or suffocation.
- 2.10 The primary danger is sudden death, particularly through first time use. Reasons for death include: Direct toxic effects such as abnormal heart rhythm, Inhalation and choking on vomit, Asphyxia, Accidents while disorientated. Further dangers include drug induced trauma – paranoia, agitation, anxiety. Intoxication can render children and young people vulnerable to a range of dangers and risky behaviors.
- 2.11 The purchase and misuse of volatile substances is not illegal. The supply of such products to young people is illegal only if the seller ***has reasonable cause to believe that the purchaser is likely to inhale them.***
- 2.12 The only exception to this is with regard to the supply of butane gas lighter refills where any supply to a young person is prohibited – suspicion of abuse is not required.
- 2.13 In order to assess the potential availability of solvents to young people in Hartlepool the Trading Standards team has carried out an underage sales test purchase operation using two fourteen year old volunteers – the results of which are attached as **Appendix 2**.
- 2.14 The results highlighted that the volunteers were supplied with volatile substances such as aerosols and nail glue from nine out of ten 'national' retailers targeted.

3. CONSIDERATION OF ISSUES

- 3.1 Solvent and substance abuse can kill but it is very difficult to take formal legal action against the supplier of such products due to the wording of the relevant legislation – the Intoxicating Substances (Supply) Act 1985.
- 3.2 Whilst the child volunteers used in the Trading Standards test purchase operation did not have the typical appearance of substance abusers, the statistics show that substance abuse can kill on the first occasion – making it harder for retailers to recognise potential abusers.
- 3.3 The fourteen year old test-purchasers were asked to purchase multiple items of the same product in an attempt to try and generate some suspicion on the part of the retailers (i.e. purchasing 4 identical deodorant aerosols) Despite this, the vast majority of purchase attempts resulted in an unchallenged purchase (See **Appendix 2**).

- 3.4 Two of the sales were made using self service checkouts at supermarkets. Unlike typical face-to-face transactions where the assistant can make a judgement as to whether the purchaser is suitable to purchase the product (e.g. they don't look as if they will abuse the product), self service checkouts typically do not allow for the assessment of the purchaser
- 3.5 Self service checkouts require the supervisory assistant to 'authorise' sales of age-restricted items when they are scanned. Unfortunately, it appears that only some solvent products such as superglue trigger such assistant intervention. Multiple aerosols purchased during our test purchasing operation did not require assistant intervention meaning that a young potential abuser could acquire such products unchallenged.
- 3.6 There is no easy solution that will guarantee the protection of young people who may be inclined to abuse substances or solvents. A blanket ban on the supply of such products to children would only have a limited effect as many products would still be freely available in any home.
- 3.7 There is however more that could be done. Continued awareness raising by relevant agencies could reduce the demand for such activities and improve parents knowledge of 'danger signs'. This could be augmented by further work by Trading Standards to ensure that retailers are aware of their responsibilities and operate both to the spirit and letter of the law.

4. RECOMMENDATION

- 4.1 That the Portfolio Holder notes the contents of this report.
- 4.2 That the Portfolio Holder supports the Trading Standards Service in its continued efforts to improve trader awareness of the risks associated with the supply of solvents and volatile substances to children.

5. BACKGROUND PAPERS

- 5.1 There are no background papers to accompany this report

6. CONTACT OFFICER

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APPENDIX 1

Recent Young People Deaths (Source: Re-Solv VITAL STATISTICS 2011)

- Boy, 17 years old, 27/06/09, Sunderland – Butane
- Girl, 15 years old, 28/09/09, County Durham – Butane
- Girl, 16 years old, 26/12/09, Newcastle – Aerosol
- Girl, 15 years old, 28/01/10, Cardiff – Butane
- Girl, 16 years old, 25/01/10, Sunderland – Aerosol
- Girl, 15 years old, 07/06/10, Newtownards, NI – Aerosol
- Boy, 12 years old, 26/05/2010, Belfast – Petrol
- Boy, 14 years old, 24/01/2011 Nottingham – Aerosol

APPENDIX 2

Underage Sales Test Purchase Operation – Solvents**24th August 2011 . 2 x 14 year old volunteers**

Premises	Time	Products purchased	Products refused	Comments
Tesco	11-04	4 x Sure Pure long lasting protection 150ml aerosol (cost £7.28)	-	No challenge made by Assistant.
Poundstretcher	11-20	3 x Feminine Intimate aerosol deodorant (£2.97)	-	No challenge
Aldi (Tees Bay retail park)	11-25	3 aerosol cans Carino Provive Hairspray (£2.37)	-	No challenge
B & Q	11-35	-	2 tins of 1001 carpet cleaner.	Challenged. Was asked if w as 21. girls told assistant they weren't and were refused
Asda	12:02	4 tins lynx aerosol deodorant (£10)	-	Self service. No challenge
Morrisons	12:52	3 x sanmex fly killer aerosol (£3.00)	-	Self service. no challenge made.
Wilkinsons	13:06	3 tins wilko aerosol bodyspray (£2.31)	Pack of superglues	ID requested for glues.
Superdrug	13:10	Broadw ay Nails jet dry nail glue (£3-05)	-	No challenge
Poundland	13:19	Intu style aerosol body spray x 4 (£4.00)	Pack of 10 superglues	Till prompt - Id requested for superglues
Poundworld	13:28	Insette aerosol body fragrance x 4 (£2.00) New port lighter fluid (£1) (petroleum spirit not butane)		Till prompt highlights butane products but not New port lighter fuel as it is petroleum spirit – not butane.

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
27th February 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: JOINT OPERATION ON COUNTERFEIT
ALCOHOL

SUMMARY

1. PURPOSE OF REPORT

To inform the Portfolio Holder of a joint operation carried out by Hartlepool Borough Council's Public Protection Officers and Her Majesty's Revenue and Customs (HMRC) as part of an initiative to tackle counterfeit alcohol.

2. SUMMARY OF CONTENTS

This report provides information about a joint operation which was carried out during December 2011 to identify if there was any counterfeit alcohol on sale in the town.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder for Adult & Public Health Services has responsibility for this service.

4. TYPE OF DECISION

Non Key

5. DECISION MAKING ROUTE

Adult & Public Health Services Portfolio on 27th February 2012.

6. DECISION(S) REQUIRED

That the Portfolio Holder notes the report.

Report of: Assistant Director (Regeneration and Planning)

Subject: JOINT OPERATION ON COUNTERFEIT
ALCOHOL

1. PURPOSE OF REPORT

- 1.1 To inform the Portfolio Holder of a joint operation carried out by Hartlepool Borough Council's Public Protection Officers and Her Majesty's Revenue and Customs (HMRC) as part of an initiative to tackle counterfeit alcohol.

2. BACKGROUND

- 2.1 Counterfeit alcohol tends to be rebottled wine, where cheaper wine is poured into a more expensive bottle, or fake spirits.
- 2.2 There is evidence that counterfeit alcohol is being made by organised gangs on an industrial scale which then gets shipped out to off-licences, pubs and clubs across the Country. According to Government estimates alcohol fraud costs the UK around £1bn a year in lost revenue.
- 2.3 Both the HMRC and the Food Standard Agency (FSA) collate intelligence on counterfeit alcohol and provide regular updates on a restricted basis to Local Authority enforcement officers. Mostly this information relates to wine, champagne and spirits, in particular vodka.
- 2.4 Over the past year there have been several alerts regarding discoveries of large quantities of counterfeit alcohol. In October 2011, HMRC officers seized 25,000 litres of counterfeit vodka, along with bottling and labelling equipment in Manchester. In November, the FSA warned consumers not to drink an illegal brand of vodka called Drop Vodka, which had been found in some shops, following concerns that it could ham people's health.
- 2.5 Counterfeit alcohol is unregulated and can be dangerous. Some of the illegally made vodka has been found to contain high levels of methanol and other substances, which are used to make anti-freeze and some fuels. Drinking high doses of it can cause dizziness, breathing difficulties, liver damage, blindness, coma and even death.

3. JOINT OPERATION ON COUNTERFEIT ALCOHOL

- 3.1 During December 2011, as part of an initiative to crack down on counterfeit alcohol, the Council's Public Protection Officers (Environmental Health and Trading Standards Officers) and HMRC Inspectors visited 37 on and off licensed premises in Hartlepool over a two-day period.
- 3.2 Beforehand officers were briefed on intelligence provided by the HMRC and FSA regarding counterfeit products which were known to have been in distribution in the UK. During the visits the Officers looked for counterfeit bottles of wine and spirits, checked the alcoholic strength of spirits being sold in pubs and HMRC Inspectors examined stocks for anything that may have been smuggled into the Country without duty and tax having been paid.

4. RESULTS OF THE SURVEY

- 4.1 Pleasingly, no counterfeit alcohol was found in any of the outlets visited.
- 4.2 A press release was issued and the operation received local media coverage.

5. CONCLUSIONS

- 5.1 All outlets were found to be selling genuine product at the time they were visited. Officers recognise that alcohol fraud is a widespread problem and that the Council cannot afford to be complacent, Officers are therefore encouraging traders and the public to report any approaches from individuals trying to sell them alcohol at low prices.

6. RECOMMENDATIONS

- 6.1 That the Portfolio Holder notes the report.

7. CONTACT OFFICER

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ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
27th February 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: PROGRESS REPORT IN RESPECT OF
CHANGES TO THE COUNCIL'S FOOD
HYGIENE AWARD SCHEME

SUMMARY

1. PURPOSE OF REPORT

To provide the Portfolio Holder with an update on the Council's progress in relation to the migration from the local 'Tees Valley Food Hygiene Award Scheme' to the new national 'Food Hygiene Rating Scheme' (FHRS).

2. SUMMARY OF CONTENTS

The report summarises the progress made on the 'start up' and 'pre-launch' activities for the migration from the 'Tees Valley Food Hygiene Award Scheme' to the new national 'Food Hygiene Rating Scheme' (FHRS).

The report briefly details recent developments concerning the FHRS. It also sets out the work which must be completed prior to the Council's launch of the scheme on 1 April 2012.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder for Adult & Public Health Services has responsibility for this service.

4. TYPE OF DECISION

Non Key

5. DECISION MAKING ROUTE

Adult & Public Health Services Portfolio. For information only.

6. DECISION(S) REQUIRED

That the Portfolio Holder notes the progress report.

Report of: Assistant Director (Regeneration and Planning)

Subject: PROGRESS REPORT IN RESPECT OF
CHANGES TO THE COUNCIL'S FOOD
HYGIENE AWARD SCHEME

1. PURPOSE OF REPORT

- 1.1 To provide the Portfolio Holder with an update on the Council's progress in relation to the migration from the local 'Tees Valley Food Hygiene Award Scheme' to the new national 'Food Hygiene Rating Scheme' (FHRS).

2. BACKGROUND

- 2.1 Since 1st April 2007 the Authority has operated a food hygiene rating scheme known as the 'Tees Valley Food Hygiene Award Scheme'. The scheme is operated in conjunction with the four other Tees Valley Local Authorities (Middlesbrough, Stockton, Redcar & Cleveland and Darlington Borough Councils).
- 2.2 In November 2010 the FSA launched the 'Food Hygiene Rating Scheme' (FHRS), as a FSA/Local Authority partnership initiative to help consumers choose where to eat out, or shop for food. It was developed with the aim that it would become the single national scheme for England, Wales and Northern Ireland in time for the 2012 Olympics and Paralympics.
- 2.3 The FSA strongly encouraged all Councils to join the scheme and invited applications for grant funding from Local Authorities who adopted the scheme in 2011/12, to cover the cost of preparatory activities prior to launch.
- 2.4 On 14th November 2011 a report was presented to the Portfolio Holder for Adult and Public Health Services recommending that the Authority should migrate to the FHRS. The suggested date for launch was 1st April 2012. The Portfolio Holder approved the recommendation.
- 2.5 An application was submitted to the FSA for grant funding to cover the cost of preparatory activities prior to launch. The bid requested funding to cover the following activities:
- file / database checks and database cleansing activities where necessary;

- scope checks, including identification of establishments that fall within the scope of the scheme;
- IT testing;
- development and implementation of a strategy for communicating with local businesses; and
- co-ordination of activities of a number of local authorities in the case of a regional bid.

3. PROGRESS

3.1 In response to our application for grant funding the Authority received an offer of £17,656.95 (ex VAT) for 'start up' and pre-launch activities for implementation of the national FHRS. This offer has been accepted.

3.2 Work has commenced in respect of:

- file / database checks and database cleansing activities – work has focussed on checking the accuracy of relevant data and ensuring consistency, particularly in relation to risk rating;
- scope checks, including identification of establishments that fall within the scope of the scheme;
- I.T. testing;
- discussions have taken place with the Council's Economic Development team to discuss the best way to inform and support businesses during the transition;
- all premises whose rating will go down under the new scheme have been visited; and
- as the other Tees Valley Authorities are also planning to launch the FHRS on 1st April 2012, discussions have taken place to ensure local liaison in the area.

4. NEXT STEPS

4.1 Letters are to be sent to all food business operators to provide information about the new scheme and the implications for their business.

4.2 Two seminars are being arranged for food business operators to attend should they have any questions or require any further information.

4.3 Officers will develop and begin to implement a strategy for communicating with local consumers.

4.4 Officers will amend the quality control system and documented procedures ensuring that an appeals procedure is in place.

- 4.5 Work will be completed on the database with a view to launching the FHRS on 1 April 2012.

5. IMPLICATIONS OF IMPLEMENTING THE FHRS

- 5.1 Based on current data, migrating to the FHRS will have implications for **191** of the existing **748** food businesses in Hartlepool.
- 5.2 Whilst the three elements (hygiene and safety compliance, structural compliance and confidence in management) used to determine the overall score would remain unchanged, the differences will arise due to variations in the width of the scoring bands associated with each hygiene rating.
- 5.3 Currently **166** businesses will increase their rating under the new scheme and **25** will receive a reduction in their rating.
- 5.4 Under the FHRS there is a procedure which affords food business operators the opportunity to request a re-visit inspection once they have taken action to rectify non-compliances identified during an inspection. At the re-visit the establishment may be re-assessed and given a new hygiene rating. A similar provision exists under the Tees Valley Food Hygiene Scheme and a charge is payable as these visits are not included in the work programme. Under the FHRS Local Authorities cannot impose any charges for such an inspection.
- 5.5 The majority of businesses whose rating will go down have indicated that they intend to apply for a re-rating once the new scheme is implemented. Following the receipt of a written request Officers will need to re-inspect the premises within three months.
- 5.6 Food hygiene ratings will be published online at www.food.gov.uk/ratings. On 1st February 2012, more than 180 local authorities in England, Wales and Northern Ireland were publishing nearly 150,000 ratings on the website. Many more Local Authorities are expected to launch on 1st April 2012.
- 5.7 The FSA has an on-going programme for developing the I.T. system for publishing ratings to ensure that it has the functionality needed by Local Authorities and is as easy as possible for consumers to use. It has recently entered into a partnership with Transparency Data Ltd, and acquired the software rights for the Scores On The Doors I.T. platform and developments are ongoing. A number of screenshots taken from the FHRS website are attached as **Appendix 1**.
- 5.8 There are a number of establishments which are considered to be 'exempt' or 'excluded' from the scope of the FHRS and as such they may not be rated. These are those who either do not supply food

directly to consumers e.g. manufacturers or packers, or 'low risk establishments' which are not generally recognised by consumers as being a food business e.g. establishments like chemists or newsagents selling pre-packed confectionery amongst a range of goods.

- 5.9 These excluded and exempt businesses are currently included in the Tees Valley Food Hygiene Award Scheme but will not receive a certificate and sticker under the FHRS. Under the FHRS exempt businesses can elect to 'opt in' to the scheme if the food business operator considers that consumers perceive their establishment to be a food business. This option is not available to excluded businesses. The FSA has recently indicated its intention to consult on extending the scope of the scheme to include such businesses. In the meantime Officer will liaise with affected businesses and will at their request provide confirmation of what their rating would be, if they were included in the scheme.

6. CONCLUSIONS

- 6.1 Work has commenced and progress is currently regarded as being on track to meet the proposed launch date of 1st April 2012.
- 6.2 The overall aim is to ensure that the transition process is as seamless as possible and that no business in Hartlepool suffers a detriment as a direct consequence of the migration. Officers will endeavour to ensure that the public are kept suitably informed and that they are able to readily access the relevant information.

7. RECOMMENDATIONS

7. That the Portfolio Holder notes the progress report.

8. CONTACT OFFICER

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