

# REGENERATION SERVICES COMMITTEE AGENDA



**Friday 20 November 2015**

**at 2.00 pm**

**in Committee Room B, at the Civic Centre, Hartlepool**

**MEMBERS:** REGENERATION SERVICES COMMITTEE

Councillors S Akers-Belcher, Clark, Cook, Cranney, Lindridge, Morris and Thompson

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the minutes of the meeting held on 23 October 2015 (*previously circulated and published*)

**4. BUDGET AND POLICY FRAMEWORK**

None.

**5. KEY DECISIONS**

None.

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Trading Standards Service Plan – *Director of Public Health*



**7. ITEMS FOR INFORMATION**

- 7.1 Coastal Revival Fund Bid – *Assistant Director, Regeneration*
- 7.2 Tees Valley Unlimited Verbal Update – *Managing Director, Tees Valley Unlimited*

**8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**FOR INFORMATION:**

Date of next meeting – Friday 18 December 2015 at 2.00 pm in the Civic Centre, Hartlepool.



# REGENERATION SERVICES COMMITTEE

20<sup>th</sup> November 2015



**Report of:** Director of Public Health

**Subject:** TRADING STANDARDS SERVICE PLAN

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## **1. TYPE OF DECISION/APPLICABLE CATEGORY**

1.1 Non key decision.

## **2. PURPOSE OF REPORT**

2.1 To consider and approve the Trading Standards Service Plan for 2015/16.

## **3. BACKGROUND**

3.1 Trading Standards operates within the Public Protection Service and has a wide range of enforcement responsibilities including product safety, underage sales, weights and measures and counterfeiting. It also plays a significant role in, amongst other things, the detection and prevention of doorstep crime, illicit tobacco, cowboy roofers and builders and other scams and cons.

3.2 The Trading Standards Service publishes an annual Service Plan detailing the previous performance of the Service, the main challenges facing it and a plan of work to be undertaken in the forthcoming year.

3.3 The Service Plan details the Service's priorities for 2015/16 and highlights how these priorities will be addressed.

3.4 The Service Plan for 2015/16 is attached as **Appendix 1**.

## **4. PROPOSALS**

4.1 The Service Plan for 2015/16 has been updated to reflect last year's performance.

#### 4.2 The Service Plan covers the following:

- (i) Service Aims and Objectives;
- (ii) The background to the Authority, including the scope and demands on the Trading Standards 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; and
- (vi) Details of the review of the Plan.

### 5. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

- 5.1 During 2014/15 the Trading Standards Service carried out 100% of its planned High risk interventions and 89% of other interventions that were scheduled. The shortfall arose as resources were frequently re-allocated to complaints and other issues that required an immediate response. The outstanding interventions will be added to the programme of work for 2015/16.
- 5.2 In addition to the planned interventions officers also carried out 179 enforcement visits to assess compliance with smoke free legislation which came into force on 1<sup>st</sup> July 2007.
- 5.3 During 2014/15 the Service received 416 complaints from members of the public and local traders. These complaints related to, amongst other things, the false description of goods and services, product safety, rogue traders and cowboy roofers, counterfeit goods and misleading pricing.
- 5.4 The Service carried out a number of specific projects last year targeting areas previously identified as being of concern, These included: -
- Sunglasses
  - Sunbeds
  - E-liquids
  - Cigarettes
  - Disposable BBQ's
  - Mobile phone chargers
- 5.5 The Service carried out 46 test purchases in order to test retailer's compliance with underage sales legislation. Due to difficulties in sourcing appropriate child volunteers a number of these test purchases were made by 18 year old volunteers who were testing compliance with Challenge 21 and Challenge 25 policies. One sale of alcohol was made to a 15 year old volunteer but, in that instance, no prosecution was taken as it was necessary to protect the identity of the child.
- 5.6 Resources will continue to be allocated according to identified priorities. In 2015/16 these priorities are: -

### 5.7 High Priority

*Rogue Traders* – Doorstep crime, cowboy builders and other types of scam can cost local residents hundreds or even thousands of pounds. Trading Standards work closely with a number of agencies to help protect the vulnerable from this type of crime.

*Tackling Underage Sales* - The illegal sale of alcohol and other age-restricted products to children not only contributes significantly towards anti-social behaviour in Hartlepool but can also represent a serious risk to the health and well-being of the children involved.

*Product Safety* – Consumers are entitled to assume that all products they purchase will be safe. Trading Standards is responsible for the monitoring, sampling and testing of consumer products to ensure they do not pose a risk.

### 5.8 Medium Priority

*Scams and Cons* – Unscrupulous traders routinely prey on the vulnerable and elderly by taking advantage of their goodwill. Most people regularly receive unsolicited letters or e-mails offering services that are ‘too good to be true’. Sadly, on some occasions, consumers are drawn into these scams and pay for goods or services that either never arrive or are not what was initially described. In many cases, making one purchase opens up the consumer to many, many other scams and problems can escalate. Trading Standards aims to identify common scams and notify consumers through press releases and other mass media such as the internet and ‘Ringmaster’.

*False Descriptions* – Most consumer purchases are made on the basis of the description they are given by either the manufacturer or retailer. In some cases descriptions are deliberately or negligently misleading – causing consumers to make purchase decisions that they may not have made otherwise. Once money has been handed over it can, on occasion, be very difficult to get back other than to go through the court system. Trading Standards investigates complaints about traders who falsely describe goods and look for the accuracy of descriptions during routine interventions.

*Counterfeiting and illicit tobacco* – The illegal copying of DVD’s, computer software, designer clothing and jewellery continue to be a significant issue in Hartlepool. Counterfeiting is bad for business – it takes money away from local retailers who sell genuine products and puts it into the hands of local and national criminals – with little or no local benefit for the town. Counterfeiting is often carried out by large organised crime units who are also engaged in other types of criminal activity such as drugs and smuggling.

Trading Standards works closely with Her Majesties Revenue and Customs (HMRC), the Police and trade mark holders to identify and prosecute those who sell counterfeit products.

## 5.9 Low Priority

*Loan Sharks* – Working in partnership with the National Illegal Money Lending Team Trading Standards identifies and prosecutes those who prey on the vulnerable by illegally lending money at extortionate interest rates. This is categorised as a low priority as there is a bespoke National enforcement team that now exclusively targets illegal money lending and, as such, the need for direct local resourcing has been reduced.

*Weights and Measures* – Many products are still sold by either weight or by length and consumers expect that they will receive the quantity stated. For some products, such as petrol, the value of goods is so high that even a small error in the accuracy of a measuring machine may lead to significant consumer loss.

Trading Standards officers are 'Weights and Measures Inspectors' and routinely carry out checks on weighing and measuring equipment.

*Misleading Pricing* – Most products are now sold with no price marking on them – bar codes having replaced price stickers. This has made it extremely difficult to check whether the price stated on a shelf is actually the price charged at the checkout. For some purchases, there may be 'hidden extras' that can significantly inflate the final price of goods or services.

- 5.10 The Public Protection Section with other services continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount. In particular resources will be targeted using a range of interventions, including providing advice to businesses, with the aim of influencing behaviours and improving the management of risks which will have impact on wider public health outcomes.

## 6. **RISK IMPLICATIONS**

- 6.1 There are no risks associated with this report.

## 7. **FINANCIAL CONSIDERATIONS**

- 7.1 There are no financial considerations associated with this report.

## 8. **LEGAL CONSIDERATIONS**

- 8.1 There are no legal considerations associated with this report.

**9. CHILD AND FAMILY POVERTY CONSIDERATIONS**

- 9.1 There are no Child and Family Poverty considerations associated with this report

**10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no Equality and Diversity considerations associated with this report.

**11. STAFF CONSIDERATIONS**

- 11.1 There are no Staff Considerations associated with this report

**12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 There are no Asset Management considerations associated with this report

**13. RECOMMENDATIONS**

- 13.1 That the Regeneration Services Committee approves the Trading Standards Service Plan for 2015/16.

**14. BACKGROUND PAPERS**

- 14.1 There are no Background Papers associated with this report

**15. CONTACT OFFICER**

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# **Hartlepool Borough Council**

## **Trading Standards Service Plan**

**2015/16**



# **TRADING STANDARDS SERVICE PLAN 2015/16**

## **INTRODUCTION**

### **1. SERVICE AIMS AND OBJECTIVES**

- 1.1 Service Aims and Objectives
- 1.2 Links to Corporate Objectives and Plans

### **2. BACKGROUND**

- 2.1 Profile of the Local Authority
- 2.2 Organisational Structure
- 2.3 Scope of the Trading Standards Service
- 2.4 Demands on the Trading Standards Service
- 2.5 National Intelligence Model
- 2.6 Enforcement Policy

### **3. SERVICE DELIVERY**

- 3.1 Proactive Work
- 3.2 Trading Standards Interventions
- 3.3 Advice & Guidance
- 3.4 Acting as Statutory Consultee
- 3.5 Local programmes/initiatives
- 3.6 E-Crime
- 3.7 Sampling
- 3.8 Reactive Work
- 3.9 Complaints and Requests for Service
- 3.10 Complaints against our Staff
- 3.11 Liaison Arrangements
- 3.12 Regional Enforcement
- 3.13 Lead Authority Partnership Scheme / Primary Authority Scheme

### **4. RESOURCES**

- 4.1 Financial
- 4.2 Staffing Allocation
- 4.3 Staff Development
- 4.4 Equipment and Facilities

### **5. QUALITY ASSESSMENT**

### **6. PERFORMANCE REVIEW 2014/15**

- 6.1 Overview
- 6.2 Trading Standards Interventions
- 6.3 Tobacco Control
- 6.4 Underage Sales
- 6.5 E-Crime
- 6.6 Sampling
- 6.7 Promotional / Campaign Work

- 6.8 Weights & Measures
- 6.9 Doorstep Crime
- 6.10 Formal Enforcement Action
- 6.11 Responding to Complaints
- 6.12 Complaints against our Staff
- 6.13 Compliments

## **7. AREAS FOR IMPROVEMENT / KEY CHALLENGES FOR 2015/16**

## INTRODUCTION

This Service Plan details how the Trading Standards Service will be delivered by Hartlepool Borough Council.

The Plan sets out the Council's aims in respect of its Trading Standards Service and the means by which those aims are to be fulfilled.

Whilst focussing primarily on the year 2015/16, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2014/15 and this aims to inform decisions about how best to build on past successes and address performance gaps.

## 1 SERVICE AIMS AND OBJECTIVES

### 1.1 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;
- To actively contribute towards achieving nationally agreed strategic aims and objectives; and
- To ensure our actions are consistent, proportionate and targeted and that we are transparent and open about what we do.

In its delivery of the service the Council will have regard to directions and examples of best practice as disseminated by Local Government Regulation, Trading Standards Institute and Central Government.

### 1.2 Links to Corporate Objectives and Plans

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

- Hartlepool Council's Plan - details the Council's vision, aims and objectives.
- Hartlepool's Health & Wellbeing Strategy - this sets out how the Health & Wellbeing Board for Hartlepool intends to achieve its ambition to '*Improve health and wellbeing and reduce health inequalities among the population of Hartlepool.*'

- Trading Standards Service Plan - sets out how the Council aims to deliver this statutory service and the Trading Standards Service's contribution to corporate objectives.

## **Overall Aim / Vision**

The Council's overall aim is:

***“To take direct action and work in partnership with others, to continue the revitalisation of Hartlepool life and secure a better future for Hartlepool people.”***

The Council's aim is based on, and virtually identical to, the Hartlepool Partnership's long term vision, agreed in July 2008, looking 20 years ahead, which is:-

***‘Hartlepool will be a thriving, respectful, inclusive, healthy, ambitious and outward-looking community, in an attractive and safe environment, where everyone is able to realise their potential.’***

The Council has adopted a number of themes that form part of its Sustainable Community Strategy and the Trading Standards Service contributes towards these 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 related matters and thus help avoid potential costly action at a later stage.

### **Health and Wellbeing**

By ensuring that businesses supply safe products and through the prevention of the supply of age restricted products to children.

### **Community Safety**

By encouraging awareness amongst businesses of the role they can play in reducing problems in their community by keeping premises in a clean, tidy and safe condition. By preventing the supply of alcohol to children who may go on to cause anti social behaviour or raise the fear of crime for residents.

### **Environment**

By encouraging businesses to be aware of environmental issues which they can control, such as energy efficiency in commercial and domestic premises.

## **Culture and Leisure**

By exploring ways to promote high standards of consumer confidence in local traders including hotels, other tourist accommodation, public houses and other catering and retail 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.

The Council is committed to the principles of equality and diversity. This 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.

## **2 BACKGROUND**

### **2.1 Profile of the Local Authority**

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 Council to the north and west and Stockton on Tees Borough Council to the south. The residential population is 92,028 of which ethnic minorities comprise 3.4% (2011 census).

The borough contains a rich mix of the very old and the very new. Its historic beginnings can be traced back to the discovery of an iron-age settlement at Catcote Village and the headland, known locally as “Old Hartlepool” is steeped in history. On the other hand, the former South Docks area has been transformed into a fabulous 500-berth Marina.

The tourist industry impacts upon recreational opportunities, shopping facilities and leisure facilities, including the provision of food and drink outlets that include restaurants, bars and cafes.

### **2.2 Organisational Structure**

Hartlepool Borough Council is a democratic organisation. Following a referendum held on 15th November 2012, Hartlepool Borough Council has agreed a revised constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

The Council has moved from operating under an Elected Mayor and Cabinet model of governance to a new arrangement based on Committees taken from its 33 elected councillors who are responsible for agreeing policies about provision of services and how the Council's money is spent.

Under the Council's new governance arrangements, most day-to-day decisions are taken by five Policy Committees. These Policy Committees cover the following main service areas:

- Finance and Policy Committee
- Adult Services Committee
- Children's Services Committee
- Neighbourhood Services Committee
- Regeneration Services Committee

The Regeneration Services Committee provides political oversight for Trading Standards law enforcement.

The Council is made up of four Departments:

- Chief Executives
- Child and Adult Services
- Regeneration and Neighbourhoods
- Public Health

As of 5<sup>th</sup> August 2013 the Trading Standards Service is positioned within the Public Health Department.

## **2.3 Scope of the Trading Standards Service**

Service delivery broadly comprises:

- Carrying out programmed interventions;
- Investigating complaints relating to consumer protection issues;
- Carrying out programmed test purchase exercises to monitor trader compliance with relevant legislation – including underage sales;
- Taking samples of consumer products for testing and analysis
- Providing advice and information to both consumers and traders;
- Taking action (formal and informal) to ensure compliance with legislation;
- Acting as a statutory consultee for applications made under the Licensing Act 2003; and
- Enforcing smoke free legislation in public places.

To achieve its strategic aims and objectives it is necessary to work in partnership with other organisations and agencies such as local authorities, Cleveland Police, Her Majesties Revenues & Customs (HMRC) and local businesses. The Council aims to ensure that these joint working

arrangements are in place and that officers of the Service contribute, and are committed to, the ongoing development of these arrangements.

## 2.4 Demands on the Trading Standards Service

The Trading Standards Service is the principal enforcing authority for approximately 500 statutory instruments relating to consumer protection.

In early 2014, a Viewpoint survey was conducted to establish resident's views on a range of Trading Standards responsibilities. The results are detailed in the table below: -

		Very high priority %	High priority %	Medium priority %	Low priority %	Very low priority %	Overall score (Priority order) %
A	<b>Underage sales</b> (e.g. cigarettes, solvents, alcohol) (N=1362)	59	28	10	2	1	<b>85 (3)</b>
B	<b>Toy and product safety</b> (1338)	38	38	19	5	0.8	<b>77 (5)</b>
C	<b>Weights and measures</b> (e.g. short weights) (N=1307)	21	32	35	9	2	<b>65 (9)</b>
D	<b>Counterfeit goods</b> (e.g. pirate videos, computer games) (N=1347)	29	29	30	9	3	<b>68 (8)</b>
E	<b>Rogue traders</b> (e.g. cowboy builders, bogus charities & persistent problem traders) (N=1352)	72	23	3	0.5	0.6	<b>91 (1)</b>
F	<b>False description on goods and services</b> (e.g. car clocking & holiday brochures) (N=1358)	34	37	23	5	1	<b>75 (6)</b>
G	<b>Misleading prices and bogus sale events</b> (N=1349)	33	36	24	5	1	<b>74 (7)</b>
H	<b>Loan sharks and consumer credit</b> (N=1343)	66	21	9	3	1	<b>87 (2)</b>
I	<b>Phoney prize winning letters and home working scams</b> (N=1359)	54	25	14	6	1	<b>81 (4)</b>

It can be seen from the above that the majority of Trading Standards functions were considered to be either very high or high priority.

With a staff compliment of only four full time officers (plus a shared manager) it has been necessary to prioritise its proactive work and this has been done by the development of a 'Resource Allocation Matrix'. This takes account of a range of factors including public concerns (as identified above), business concerns, degree of risk to the public, complaint trends, government concerns at a national level (as expressed through the National Trading Standards Board) and local councillors concerns – each of which helps establish which enforcement areas should take priority over others.

Using this matrix the current priority areas for the Trading Standards Service are: -

### High Priority

*Rogue Traders* – Doorstep crime, cowboy builders and other types of scam can cost local residents hundreds or even thousands of pounds. Trading Standards work closely with a number of agencies to help protect the vulnerable from this type of crime.

*Tackling Underage Sales* - The illegal sale of alcohol and other age-restricted products to children not only contributes significantly towards anti-social behaviour in Hartlepool but can also represent a serious risk to the health and well-being of the children involved.

Trading Standards and licensing officers work closely with Cleveland Police and other agencies to target premises that are thought to sell to children and uses underage volunteers to identify where offences are being committed.

*Product Safety* – Consumers are entitled to assume that all products they purchase will be safe. Trading Standards is responsible for the monitoring, sampling and testing of consumer products to ensure they do not pose a risk.

### Medium Priority

*Scams and Cons* – Unscrupulous traders routinely prey on the vulnerable and elderly by taking advantage of their goodwill. Most people regularly receive unsolicited letters or e-mails offering services that are 'too good to be true'. Sadly, on some occasions, consumers are drawn into these scams and pay for goods or services that either never arrive or are not what was initially described. In many cases, making one purchase opens up the consumer to many, many other scams and problems can escalate. Trading Standards aims to identify common scams and notify consumers through press releases and other mass media such as the internet and 'Ringmaster'.

Where a company can be identified, formal action would be commenced against them.

*False Descriptions* – Most consumer purchases are made on the basis of the description they are given by either the manufacturer or retailer. In some cases descriptions are deliberately or negligently misleading – causing



consumers to make purchase decisions that they may not have made otherwise. Once money has been handed over it can, on occasion, be very difficult to get back other than to go through the court system. Trading Standards investigates complaints about traders who falsely describe goods and look for the accuracy of descriptions during routine interventions.

*Counterfeiting and illicit tobacco* – The illegal copying of DVD's, computer software, designer clothing and jewellery continue to be a significant issue in Hartlepool. Counterfeiting is bad for business – it takes money away from local retailers who sell genuine products and puts it into the hands of local and national criminals – with little or no local benefit for the town. Counterfeiting is often carried out by large organised crime units who are also engaged in other types of criminal activity such as drugs and smuggling.

Trading Standards works closely with HMRC, the Police and trade mark holders to identify and prosecute those who sell counterfeit products.

In April 2010 the Trading Standards Service appointed a tobacco control enforcement officer funded by grant monies made available for two years from the Department of Health. This post has subsequently been continued using non-recurring funding made available through public health grants. The postholder's responsibilities include working with regional and sub-regional organisations to identify sources of illicit and counterfeit tobacco and to prevent its supply.

#### Low Priority

*Loan Sharks* – Working in partnership with the National Illegal Money Lending Team Trading Standards identifies and prosecutes those who prey on the vulnerable by illegally lending money at extortionate interest rates. This is categorised as a low priority as there is a bespoke National enforcement team that now exclusively targets illegal money lending and, as such, the need for direct local resourcing has been reduced.

*Weights and Measures* – Many products are still sold by either weight or by length and consumers expect that they will receive the quantity stated. For some products, such as petrol, the value of goods is so high that even a small error in the accuracy of a measuring machine may lead to significant consumer loss.

Trading Standards officers are 'Weights and Measures Inspectors' and routinely carry out checks on weighing and measuring equipment.

*Misleading Pricing* – Most products are now sold with no price marking on them – bar codes having replaced price stickers. This has made it extremely difficult to check whether the price stated on a shelf is actually the price charged at the checkout. For some purchases, there may be 'hidden extras' that can significantly inflate the final price of goods or services.

Trading Standards staff routinely check the accuracy of price indications in shops and respond to complaints about misleading price indications.

## **2.5 Intelligence Operating Model**

In addition to the identification of local priorities, the Trading Standards Service also contributes towards the development of regional and national priorities through Regional and National Tasking Groups.

The purpose of these groups is to identify those specific areas of concern that have a cross border impact and which, if tackled on a regional or national level, can benefit consumers everywhere.

The Intelligence Operating Model introduces a national intelligence framework to support regional and national enforcement through the collection and utilisation of information and data to inform work planning processes. Hartlepool Trading Standards will be both contributing and benefiting from this Model.

## **2.6 Enforcement Policy**

The Public Protection Enforcement Policy was updated and revised in 2011.

The Trading Standards Service will take account of the 2014 Regulator's Code when carrying out its interactions with the business community.

# **3 SERVICE DELIVERY**

## **3.1 Proactive Work**

## **3.2 Trading Standards Interventions**

The Trading Standards Service operates a risk based priority programme of business interventions to ensure ongoing compliance with relevant legislation.

Business types are categorised according to a national risk framework with local officers then attaching an additional element based on the businesses likelihood of compliance with statutory requirements. For example, those traders that have demonstrated a clear understanding of their legal obligations and implemented procedures and practices to comply with them will receive less scrutiny than a trader who deliberately or negligently flouts their obligations.

Premises are classified using a national risk rating scheme that was introduced in 2013.

As of April 2015, the number of premises liable to programmed intervention during 2015/16 is as follows: -

<b>Risk Category</b>	<b>Frequency of Intervention</b>	<b>Number of Interventions</b>
High	Not less than 12 months	4
Upper Medium	24 months	30
Lower Medium	5 years	7
Low	5 years	220
Unrated	Not less than 12 months	127
<b>Total</b>		<b>388</b>

Information on premises liable to Trading Standards interventions is held on the Authority Public Protection (APP) computer system. An intervention programme is produced from this system at the commencement of each reporting year.

Whilst the low risk premises can be targeted by non-inspection interventions such as mail shots, self assessment questionnaires or training events this approach can be resource intensive and have limited impact.

The target for 2015/16 is to inspect 100% of High and Medium risk premises that are due for intervention and to concentrate remaining resources on those premises that are currently categorised as 'unrated' in order to ensure that potentially high/ medium risk premises are identified and inspected.

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

Revisits will be carried out to check compliance where contraventions have been identified.

The performance against intervention targets for all Trading Standards inspections is reported quarterly as part of the quarterly report to the Regeneration Services Committee.

### **3.3 Advice and Guidance**

The Trading Standards Service works closely with the national Consumer Advice helpline which is now being operated by the Citizen's Advice Bureau, to provide a comprehensive advice and guidance service. Consumers in need of advice regarding the civil law will be serviced by Citizen's Advice but where issues are raised that may have a broader local impact the local Trading Standards Service will be alerted and, if appropriate, an investigation commenced.

In most cases the Trading Standards Service will look to work in partnership with local businesses to ensure they are fully aware of their legal obligations

and how best to achieve legal compliance. Such advice is offered free of charge and can be made available at a time to suit the trader.

Trading Standards staff also regularly provide advice sessions to local community groups on issues such as doorstep crime, loan sharks/illegal moneylending, rogue traders and 'the work of Trading Standards'.

Recent surveys carried out by the Government have indicated that businesses and retailers value visits by Trading Standards staff as being an important source of up to date advice and information.

The Council considers that assistance to business, in order to help them to comply with the requirements of legislation, is one of our core activities. For Trading Standards issues the Council has a policy of offering comprehensive advice to any business for which it is, or is likely to become, the enforcing authority.

Advice will be available during the course of routine visits and interventions, through information leaflets and booklets, in response to queries and through the Council's website.

- 3.4 Acting as Statutory Consultee** – Trading Standards is a statutory 'Responsible Authority' under the Licensing Act 2003. This means that every application for a licence to supply alcohol or offer other regulated entertainment must be submitted to the Trading Standards Service who will consider the application in terms of its likely impact on the Act's 'licensing objectives'. For Trading Standards this primarily means the protection of children from harm and officers use their expertise in detecting and preventing underage sales to work with prospective licensees and ensure operating procedures are put in place to prevent the sale of alcohol to children.

### **3.5 Local programmes/initiatives**

Trading Standards will be conducting a range of projects and surveys during 2015/16 in order to improve consumer protection and to raise consumer confidence. These will include: -

**Tobacco** – In 2015 the current ban on the display of tobacco products in large supermarkets will be extended to all tobacco retailers. Officers will be working with businesses prior to this change to ensure the transition works smoothly and that all businesses will be compliant.

**Doorstep Crime and Scams** – There has been a steady increase in complaints about rogue roofers, cowboy builders and telephone/postal scams that have targeted the elderly and vulnerable and scammed them out of money for poor quality or, sometimes, non-existent work and non-existent prize money. Trading Standards officers will be treating this as a high priority in 2015/16 and will be working to raise awareness amongst targeted groups and identifying and prosecuting the traders involved.

Officers will be working with other agencies such as the Police and Social Workers to identify and prosecute perpetrators and provide help and support for victims.

Officers will continue to offer awareness raising presentations to neighbourhood and community groups and will promote the 'No Cold Calling' stickers that are available free of charge.

### **3.6 E-Crime** – Using the internet to buy goods and services is now commonplace and rogue traders have used this as an opportunity to sell counterfeit and dangerous goods to the unsuspecting public.

Trading Standards has secured national funding to purchase specialist equipment that will allow local officers to identify and target rogue e-traders operating in Hartlepool.

Officers will be conducting regular monitoring of internet sites that have a Hartlepool connection and, working with other agencies, specifically the Regional Scambusters team, test purchases will be made to generate evidence for formal legal action where such steps are considered appropriate.

### **3.7 Sampling**

In order to protect the public it is essential that potential problems, particularly safety related, can be identified before they cause damage or harm.

One way of achieving this is through the regular sampling of consumer products to ensure they comply with relevant safety standards or with the descriptions being applied to them.

In most cases samples are sent to the testing laboratory at the Tees Valley Measurement Centre in Middlesbrough where they can be screen tested to identify any obvious faults. Where potential problems are identified samples may then be sent to Testing Houses for more formal testing for evidential purposes.

**Product Safety** – Trading Standards will be purchasing a wide range of consumer products to test for compliance with appropriate safety standards. Products to be tested are usually identified as a consequence of national issues or on products that have a history of problems – such as Halloween toys and costumes. Testing during 2015/16 will include carbon monoxide detectors, children's swimming aids, Halloween costumes, mobile chargers and lesser known brands of vodka (to test for authenticity and safety).

**Cosmetic Products** – With the increase in online purchases, counterfeit products can be hard to identify until they have been delivered and, in some cases, they may contain chemicals or other substances that may be hazardous to the user. Officers will make test purchases of a range of cosmetic products and have them checked by the trade mark holder to ensure

Hartlepool consumers are getting the legitimate products that they have paid for.

### **3.8 Reactive Work**

### **3.9 Trading Standards Complaints and Service Requests**

It is intended that every complaint / request for service is responded to within 2 working days.

The majority of consumer complaints are forwarded to the Trading Standards Service via 'Citizen's Advice Consumer Service' (CACS) – a national consumer hotline funded by central government. CACS provide scripted advice that can resolve many of the simplest complaints but the more complex matters, or those requiring a potential criminal investigation, are referred on to the local Trading Standards department.

The initial response is determined after assessment of the information received, and is based on the risk arising from the conditions that are the subject of the complaint.

The potential actions that are available vary from the provision of advice, often after liaison with the business, to full prosecution procedures in line with the Public Protection Enforcement Policy.

416 complaints were received by the Trading Standards Service during 2014/15 – representing an increase of 14% on the previous year.

### **3.10 Complaints against our Staff**

Anyone who is aggrieved by the actions of a member of staff is encouraged, in the first instance, to contact the employee's line manager. Details of how and who to make contact with are contained in the inspection report left at the time of an inspection.

Formal complaints are investigated in accordance with the Council's corporate complaint procedure.

No complaints were made against Trading Standards staff in 2014/15.

### **3.11 Liaison Arrangements**

The Council actively participates in local and regional activities and is represented on the following:

- Tees Valley Public Protection Heads of Service Group
- North East Public Protection Partnership (NEPPP)
- North East Trading Standards Association (NETSA)
- Various multi-agency intelligence networks

### 3.12 Regional Enforcement

Hartlepool is a partner in the North Eastern Trading Standards Association (NETSA) and contributes to the regional enforcement activity planned by it.

In addition there is a National Illegal Money Lending Team (IMLT) funded through the Government's Business Innovation and Skills Department and a 'Scambusters' team that targets scams and cons that were being perpetrated across the North East.

To assist with the work of these two teams NETSA also manages the work of a Regional Intelligence Analyst whose role is to gather and disseminate intelligence to NETSA members, the IMLT and Scambusters.

### 3.13 Primary Authority Scheme

It is the Council's policy to comply with the Local Better Regulation Office's Primary Authority Scheme.

In particular the Council will contact the Primary Authority and liaise over:

- any proposed formal enforcement action
- service of Notices
- shortcomings in the companies policies that have wider implications

In Hartlepool, there are currently no formal Primary Authority arrangements in place with a Hartlepool based trader however the service works closely with some local businesses on an informal basis.

The level of resourcing will have to be reviewed if an opportunity to enter into a formal Primary Authority arrangement arises.

## 4. RESOURCES

### 4.1 Financial Resources

The annual budget for Public Protection for 2015/16 is:

	<b>£ 000.0</b>
Employees costs	581.0
Other Expenditure	73.2
Income	(42.3)
Net Budget	611.9

This budget is for other services provided by this section including Health & Safety, Food and resources are allocated in accordance with service demands. The figures do not include the budget for administrative / support services which are now incorporated into the overall budget.

## **4.2 Staffing Allocation**

The Director of Public Health has overall responsibility for the delivery of the Trading Standards Service and for ensuring the delivery of the Council's Trading Standards Service in accordance with the Service Plan.

The Head of Public Protection has responsibility for planning service delivery and management of the Trading Standards Service, Food, Licensing, Public Health, Water Quality, Health & Safety, Animal Health and Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Public Health department.

The Trading Standards & Licensing Manager has responsibility for the day to day supervision of the Trading Standards and Licensing Service and, having the requisite qualifications and experience, is designated as the authority's Chief Inspector of Weights and Measures.

Senior Trading Standards officers are responsible for carrying out the Trading Standards premises intervention programme as well as the delivery of all other aspects of the Trading Standards service and will undertake complex investigations.

The Technical Officer (Trading Standards) is responsible for interventions, as well as revisits, investigation of less complex complaints and investigation of accidents.

Administrative support is provided by a dedicated Support Services team.

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

The resources determined necessary to deliver the Trading Standards Service in 2014/15 are as follows:

1 x 0.2 FTE Head of Public Protection (with responsibility also for Food, Licensing, Health & Safety, Environmental Standards & IT)

1 x 0.5 FTE Trading Standards & Licensing Manager (with responsibility also for Licensing)

3 x Senior Trading Standards Officers

1 x FTE Technical Officer (Public Health)

## **4.3 Staff Development**

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



The Staff Training Plan 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 Training Plan clearly prioritises training requirements of individual staff members will be developed and reviewed bi-annually. Detailed records are maintained by the service relating to all training received by officers.

#### **4.4 Equipment and Facilities**

A range of equipment and facilities are required for the effective operation of the Trading Standards Service.

The service has a computerised performance management system, Authority Public Protection (APP). This is capable of maintaining up to date accurate data relating to the activities of the Trading Standards Service. 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 intervention programmes, the recording and tracking of all Trading Standards activities, the production of statutory returns and the effective management of performance.

Hartlepool is also one of four unitary councils that operate the Tees Valley Measurement Centre in Middlesbrough. The Centre performs all of the Council's statutory Weights and Measures functions (such as the holding and maintenance of weighing and measuring equipment) and carries out the routine testing of industrial weighing machines and petrol pumps.

The Centre also operates a testing laboratory that can conduct both physical and chemical testing of samples. The laboratory is used to 'screen' samples before they are sent to more expensive Test Houses. Only those samples that fail a 'screen test' are sent for further testing – saving both time and expense.

Due to budget pressures, it is likely that this partnership arrangement will be ended in March 2016 as the separate components of the service can be obtained cheaper and with more flexibility from other organisations.

### **5. QUALITY ASSESSMENT**

The Council is committed to quality service provision. To support this commitment the Trading Standards Service 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 Trading Standards Service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Trading Standards & Licensing Manager will carry out accompanied visits with officers undertaking interventions, investigations and other duties for the purpose of monitoring consistency and quality of the intervention as well as maintaining and giving feedback with regard to associated documentation and reports.

## **6 PERFORMANCE 2014/15**

**6.1 Overview** - 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 2014/15.

This service plan will be reviewed at the conclusion of the year 2015/16 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 Head of Public Protection to carry out that review with the Director of Public Health.

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.

Any relevant amendments to the Council's Corporate Plan will be incorporated into the service plan.

Following any review leading to proposed revision of the service plan Member approval will be sought.

## **6.2 Trading Standards Interventions**

During 2014/15 the Trading Standards Service carried out 100% of its planned High risk interventions and 89% of other interventions that were scheduled.

## **6.3 Tobacco Control**

In April 2010 a tobacco control enforcement officer was employed on a two year contract funded through the Department of Health. Additional non-recurring funding was then secured to allow the post to continue until at least April 2016. The officer's primary responsibility is to identify and target premises and retailers who are supplying illicit tobacco – whether from traditional retail premises or from private homes – commonly known as 'tab houses'.

The officer also began a programme of retailer education to help ensure that they were not deliberately or unintentionally supplying illicit or counterfeit

tobacco. During 2014/15 this officer visited 179 premises to check for compliance with smoke free legislation. Measures taken to prevent the sale of tobacco products to under 18's were also discussed with all retailers. Tobacco products in all premises visited have been tested with equipment that detects that they are not counterfeit with 100% compliance observed.

#### **6.4 Underage sales**

During 2014/15 46 premises were visited to test a store's compliance with age restricted sales legislation. This year has proved difficult to recruit suitable underage volunteers so a number of attempts were made by an 18 year old volunteer in order to test the shop's adherence to its Challenge 21 or Challenge 25 policy.

One sale of alcohol was made to a 15 year old volunteer but as their family was known to the seller, a decision was taken not to take formal action so as to protect the child. The store was subsequently contacted by officers and advice given.

In addition to using underage volunteers, officers have also been providing ongoing training to shop staff including the introduction of an 'underage sales quiz' that tests the knowledge of those who do, or will be, making sales of alcohol. A total of 50 premises took part in this initiative during 2014/15.

#### **6.5 E-Crime**

Officers have continued to monitor websites during 2014/15 and four sites were identified as having a potentially significant national impact. These sites, all selling counterfeit goods, have been referred to the National E-Crime Unit for further investigation.

The Trading Standards Team has established a Facebook presence to allow it to interact with other Facebook users and this will be used to identify where Facebook sites are being used to sell counterfeit, or otherwise illegal, goods.

#### **6.6 Sampling**

During 2014/15 Trading Standards sampled a number of products to ensure compliance with safety regulations. These included: -

- Sunglasses
- Sunbeds
- E Liquids
- Cigarettes
- Disposable BBQ's
- Mobile phone chargers

Whilst no serious faults were discovered that posed an immediate risk to health, a number of samples were found to be non-compliant with national or international standards in relation to labelling and/or packaging.

In addition to routine sampling, other products were sent for testing following complaints or receipt of other intelligence.

## **6.7 Promotional/Campaign Work**

During 2014/15 the Trading Standards Service carried out 5 presentations to community groups and other associations – informing members of their consumer rights and advising them of the work carried out by Trading Standards on their behalf. This also included a number of training events for Carers and other who look after the elderly and vulnerable to ensure that officers fully understood the role that Trading Standards can play in relation to doorstep crime, cowboy roofers and builders and distraction burglary.

## **6.8 Weights & Measures – Trading Standards officers carry out a statutory weights and measures responsibility and are in a unique position to protect consumers who may be receiving short weight or measure without their knowledge.**

In 2014/15 officers checked a wide range of products being supplied by supermarkets and other premises to ensure that product weights matched what was indicated on the packaging.

## **6.9 Doorstep Crime/Scams**

2014/15 saw an increase in the volume and seriousness of scams and doorstep crime incidents.

It is often the elderly and vulnerable who bear the brunt of these problems and, for scams in particular, perpetrators are often located abroad and are beyond the reach of local Trading Standards Services.

In order to reduce their effect, Trading Standards has begun to supply 'Trucall' call blocking equipment to those who have been receiving large amounts of unsolicited calls.

For those who have been targeted by doorstep callers, officers have installed covert CCTV systems that can record visits made by cowboy builders and roofers.

The Team is also promoting 'No Cold Calling' stickers that can be placed in a front door or window advising prospective callers that they are not welcome. The sticker also provides the homeowner with a valuable 'aide memoire' on what to do if a cold caller ignores the sticker. 2000 stickers were distributed during 2014/15.

## **6.10 Formal Enforcement Action**

On some occasions it is necessary to prosecute for serious or repeat offences. In 2014/15 one prosecution was brought by the Trading Standards team in relation to animal welfare legislation and two were initiated in relation to cowboy roofers.

## **6.11 Responding to Complaints**

The Trading Standards Service received a total of 416 complaints from both consumers and traders relating to a wide range of issues. In many cases these complaints can be resolved through the provision of advice or by re-direction to another agency but, in some cases, criminal investigations are necessary.

The receipt of intelligence through complaints made by the general public is invaluable to the Trading Standards Service and the Team's telephone number is always quoted in press releases.

## **6.12 Complaints against Our Staff**

No complaints were made against our staff during 2014/15.

## **6.13 Compliments about Our Staff**

The Trading Standards Team regularly consults with traders who have been contacted by the Service to establish whether the contact had been helpful and fair.

In 2014/15 the final satisfaction figure was 87.5% (an increase from 85% in 2013/14). As a figure of 100% would mean every trader being very satisfied with both the fairness and helpfulness of the officer concerned a final figure of 87.5% is an excellent outcome and a testament to the work of the team, especially when it is recognised that sometimes the contact may be with a suspect in a criminal investigation or with a trader who is being made to invest resources to achieve required legal compliance.

## **7. KEY AREAS FOR IMPROVEMENT & KEY CHALLENGES FOR 2015/16**

1. The Public Protection Section continues to face significant financial pressures due to ongoing Council savings and, as such, the need to prioritise service delivery and maximise effectiveness remains paramount.

2. There are significant changes taking place at a national level as the Government presses forward with regulatory reform. The National Trading Standards Board has been established which identifies national priorities and increases Regional and Sub-Regional co-ordination – including the funding of the North Eastern Scambusters Team. The Trading Standards & Licensing Manager sits on the management board of this Team which, due to tightening budgets, remains under pressure to reduce costs and contribute towards national projects as and when required.
3. Serious doorstep crime continues to be a major concern and responding to complaints is very resource intensive. Due to the significant consumer detriment involved, tackling rogue traders remains the highest of priorities which may mean that other areas of responsibility may have to be. The team will continue to promote 'No Cold Calling Zones' in an effort to reduce these issues.

# REGENERATION SERVICES COMMITTEE

20<sup>th</sup> November 2015



**Report of:** Assistant Director (Regeneration)

**Subject:** COASTAL REVIVAL FUND BID

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information.

## 2. PURPOSE OF REPORT

2.1 The purpose of the report is to inform the Committee that a grant application has been submitted to the Coastal Revival Fund.

## 3. BACKGROUND

3.1 Applications were invited for grants of up to £50,000 from the Government's £3 million Coastal Revival Fund (revenue and capital) to be spent in 2015/16.

3.2 To be eligible for the funding, projects have to be located within those Council boundaries that have a foreshore and a clear connection to the coastal economy. Projects identified by recently formed Coastal Community Teams are subject to a competitive allocation process. Hartlepool has two teams in place in the Headland and Harbour Ward and the Seaton Carew Ward.

3.3 The funding can be used to support or restore local heritage and facilities on the coast that benefit the wider community and the surrounding economy. The fund can be spent on the improvement, repair or regeneration of structures or sites.

3.4 Applications had to be submitted by Monday 14<sup>th</sup> September 2015, and a funding bid was made to meet the deadline following consultation with the Coastal Community Team members, which included local elected Members.

#### **4. PROPOSALS**

- 4.1 The bid submitted relates to the refurbishment of Seaton Carew's Grade II Listed Bus Station and Clock Tower which forms part of the delivery of the wider Seaton Carew Masterplan.
- 4.2 The project will help to enhance the wider Conservation Area and contribute towards the objective to remove the Seaton Carew conservation area from Historic England's Heritage at Risk Register. The project will benefit those living locally in the area as it will improve the appearance and character of the resort and help to improve the Conservation Area. It will also help form the backdrop to a new high quality events space identified in the Seaton Carew Masterplan.
- 4.3 The investment will be used to undertake material improvements to the bus station structure; specifically the application of a Fosroc Dekguard Elastic protective coating system and primer which will both improve the visual appearance and help to secure the long term future of the structure which has previously had issues due to the corrosion of the reinforcing bars within the concrete. The project will reduce future maintenance costs at the same time of improving its physical appearance, which aligns with the aims of the Seaton Carew Masterplan in improving Seaton Carew's image as a visitor destination.

#### **5. RISK IMPLICATIONS**

- 5.1 There are no risks in relation to the funding bid as a successful bid will enhance the structure as stated above. However, if the bid is unsuccessful the Council will have to undertake the required maintenance work itself.

#### **6. FINANCIAL CONSIDERATIONS**

- 6.1 This scheme is part of the Phase 3 Seaton Masterplan developments reported to Finance & Policy on 21<sup>st</sup> September 2015 and Full Council on 12<sup>th</sup> November 2015. A bid of £48,500 has been submitted to the Coastal Revival Fund. Match funding of £3,000 match funding is requested to contribute towards the costs which can be met from existing revenue budgets.
- 6.2 The Coastal Revival Funding will need to be spent by the end of March 2016.

#### **7. LEGAL CONSIDERATIONS**

- 7.1 There are no legal considerations.



**8. CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications relating to this report.

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no equality and diversity considerations in relation to the Coastal Revival Fund application. The aim is to regenerate Seaton Carew for the benefit of all.

**10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 10.1 There are no crime and disorder considerations as a result of this report.

**11. STAFF CONSIDERATIONS**

- 11.1 There are no staff considerations relating to this report.

**12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 The refurbishment of a Council building.

**13. RECOMMENDATIONS**

- 13.1 The Regeneration Services Committee is requested to:
- Note that a funding application for £48,500 has been submitted to the Coastal Revival Fund to contribute towards the refurbishment of the Grade II Listed Seaton Carew Bus Station.

**14. REASONS FOR RECOMMENDATIONS**

- 14.1 The funding requested from the DCLG

**15. BACKGROUND PAPERS**

- 15.1 Regeneration Services Committee Report, Coastal Community Teams, 16<sup>th</sup> July 2015.

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