

# NEIGHBOURHOOD SERVICES COMMITTEE

## AGENDA



Friday 28 June 2019

at 1.00 pm

in Committee Room B,  
Civic Centre, Hartlepool

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors S Akers-Belcher, Cartwright, Hunter, James, Little, Prince and Tennant.

1. **APOLOGIES FOR ABSENCE**

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

3. **MINUTES**

- 3.1 To receive the Minutes and Decision Record of the meeting held on 18 March 2019 (previously circulated)
- 3.2 To receive the Minutes and Decision Record of the meeting of the Emergency Planning Joint Committee held on 27 February 2019.

4. **KEY DECISIONS**

No items.

5. **OTHER ITEMS REQUIRING DECISION**

- 5.1 Trading Standards Service Plan 2019/20 – *Assistant Director (Environment and Neighbourhood Services)*
- 5.2 Household Waste Duty of Care – Fixed Penalty Notices – *Assistant Director (Environment and Neighbourhood Services)*



**6. ITEMS FOR INFORMATION**

- 6.1 Engineering, Design and Management Update – *Assistant Director  
(Environment and Neighbourhood Services)*

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

FOR INFORMATION

Date of next meeting – Friday 19 July at 1.00 pm in the Civic Centre, Hartlepool



# **EMERGENCY PLANNING JOINT COMMITTEE**

## **MINUTES AND DECISION RECORD**

27<sup>th</sup> February 2019

The meeting commenced at 10.00am at the Emergency Planning Annex,  
Stockton Police Station, Bishop Street, Stockton-on-Tees, TS18 1SY

**Present:**

Councillor: Lewis Young (Middlesbrough Borough Council) (In the Chair)

Councillors: Alec Brown (Redcar and Cleveland Borough Council)  
Marjorie James (Hartlepool Borough Council)

Officers: Stuart Marshall, Chief Emergency Planning Officer  
Jon Hepworth, Group Accountant (Regeneration and  
Neighbourhoods)  
Jo Stubbs, Democratic Services Officer

### **18. Apologies for Absence**

Apologies were submitted by Councillor Mike Smith (Stockton Borough Council)

### **19. Declarations of interest by Members**

None

### **20. Minutes of the meeting held on 5<sup>th</sup> December 2018**

The minutes were received.

### **21. Future reporting on the operation of Cleveland LRF (Cleveland LRF Chair)**

**Purpose of report**

To provide members with an understanding of the level of information available on the LRF as a means of increasing oversight of the function.

### **Issue(s) for consideration by the Committee**

Members were reminded of the need to ensure effective delivery of the LRF's duties under the Civil Contingencies Act 2004. Following previous requests by Members of the Committee and after discussions between the LRF Chair and LRF Manager it had been suggested that the LRF Chair attend 1 meeting of the Emergency Planning Joint Committee per year to give an overview of the annual plan. An additional report would be provided on a half yearly basis outlining actions completed to date and future proposed action. The current quarterly updates on training, exercising and key events would continue.

### **Decision**

That future reporting of the LRF be as follows:

- I. Annual LRF Report to be presented by LRF Chair on a yearly basis
- II. Six-monthly update report to be provided by LRF Chair
- III. Quarterly updates on training, exercising and key events to be provided

## **22. EPJC Constitution** (*Chief Emergency Planning Officer*)

### **Purpose of report**

To provide an opportunity to review the Emergency Planning Joint Committee constitution and terms of reference as per the agreed Cleveland Emergency Planning Unit work plan.

### **Issue(s) for consideration by the Committee**

A copy of the current Terms of Reference and constitution of the Emergency Planning Joint Committee were appended to the report. Members were asked to consider whether they wished to make any amendments to the current document. Following discussion the following inclusions within the document were proposed:

- a) The option to include deputy or substitute members
- b) Details of the rotation of the Chair amongst the 4 local authorities on a biannual basis
- c) That it be explicitly stated that the next local authority on the rota automatically take the Vice-Chair role
- d) That it be explicitly stated that deputy or substitute members will not chair the meeting even those deputising for the Chair

Members also requested that an annual report be provided to the Committee based on the elements of the terms of reference, detailing any changes in staffing or accommodation and proposed amendments to the terms of reference and constitution as were felt necessary. They asked that this report be provided at the Autumn meeting in order to tie in with budget requirements.

### **Decision**

- I. That the following be added or specifically stated within the terms of reference and constitution of the Emergency Planning Joint Committee:
  - a) The option to appoint deputy or substitute members
  - b) That said deputies or substitutes cannot Chair the meetings even if they are deputising for the current Chair
  - c) The rotation of the Chair of the Committee amongst member local authorities on a biannual basis
  - d) The next local authority on the rota automatically be appointed as Vice-Chair
  
- II. That an annual report on the terms of reference and constitution be brought to the Committee

## **23. Activity Report (1<sup>st</sup> November 2018 – 1<sup>st</sup> February 2019) (Chief Emergency Planning Officer)**

### **Purpose of report**

To assist Members in overseeing the performance and effectiveness of the Unit, to inform of the activities undertaken during the period in question and to provide oversight of the actions undertaken by the Cleveland LRF.

### **Issue(s) for consideration by the Committee**

Details were given of the progress made during the period against the CEPU Action Plan and key LRF activities undertaken. 5 training events and 2 training exercises had taken place. Members' attention was drawn to a review of the CEPU website and the delivery of Resilience Direct training to a number of LRF partners. Members commented upon the current stability of the Unit. The Chief Emergency Planning Officer commented that this was a direct result of long-term staff being given the opportunity to build up knowledge and relationships. Emergency Planning Officers were now required to diversify as part of their development meaning that during leave periods any eventuality could be covered. Many of the staff was local

meaning travel expenses were minimal.

**Decision**

That the report be noted.

**24. Incident Report (1<sup>st</sup> November 2018 – 1<sup>st</sup> February 2019) (Chief Emergency Planning Officer)**

**Purpose of report**

To inform members of the incidents reported and warning communications received and dealt with by the Unit during the period in question.

**Issue(s) for consideration by the Committee**

Details were given of the communications received and incidents of note during the period. A member noted the reference to traffic disruption caused by protests, commenting that this had resulted in a fatality due to an emergency vehicle being held up. The Chief Emergency Planning Officer referred to a recent fire in a derelict building and identified the role of the Unit in ensuring appropriate response from the local authority e.g. structural engineers or fencing.

A member commented on the benefits of Fire Officers having advanced awareness of any structural flaws in buildings in advance of an incident, and suggested that there may be benefit in EPJC members being provided with footage and information relating to a previous fire at a block of flats in Billingham at the next meeting of the Committee.

**Decision**

That the report be noted and that further information be brought to the next meeting of the Committee.

**25. Financial Management Report for Period Ending 31<sup>st</sup> January 2019 (Chief Finance Officer and Chief Emergency Planning Officer)**

**Purpose of report**

To provide details of the revenue outturn forecast as at 31<sup>st</sup> January 2019.

**Issue(s) for consideration by the Committee**

A summary of the outturn position was provided as set out in the report. A favourable variance of £8,000 on the main Emergency Planning (EPU) budget was forecast. In addition a grant of £38,000 had been awarded to the LRF to assist with EU Exit planning. These monies would be ring fenced.

**Decision**

That the latest outturn be noted.

**26. Cleveland LRF EU Exit Preparedness** *(Chief Emergency Planning Officer)*

**Purpose of report**

To provide background information on the LRF preparations for a “no deal” EU exit scenario.

**Issue(s) for consideration by the Committee**

Members were advised that all LRFs had been asked to consider, plan and prepare for a “no deal” EU exit. Within Cleveland a task and finish group had been established by the LRF Strategic Board. Given the amount of uncertainty the current focus was on effective information flow, coordinated public communications mechanisms and the application of existing LRF plans and mechanisms where appropriate. The LRF’s focus is on the immediate/short-term period around any exit. As previously discussed a grant of £38,000 had been made available to the Cleveland LRF to assist in this planning.

Members queried whether the additional monies would need to be returned if they were not spent. The Group Accountant indicated that anything not utilised would be fed into the Emergency Planning reserves.

**Decision**

That the report be noted.

The meeting concluded at 10:50am.

**H MARTIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 4<sup>th</sup> March 2019**

# NEIGHBOURHOOD SERVICES COMMITTEE

28<sup>th</sup> June 2019



**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** TRADING STANDARDS SERVICE PLAN 2019/20

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision.

## 2. PURPOSE OF REPORT

2.1 To approve the Trading Standards Service Plan for 2019/20.

## 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 Trading Standards Service's priorities for 2019/20 and highlights how these priorities will be addressed.

3.4 The Service Plan for 2019/20 is attached as **Appendix 1**.

## 4. PROPOSALS

4.1 The Service Plan for 2019/20 has been updated to reflect last year's performance and reflect changes in Service demand.

4.2 The Plan covers the following:

- (i) Service Aims and Objectives;
- (ii) The scope and demands on the Trading Standards Service;
- (iii) Service delivery, including intervention programmes, service requests, complaints, advice, liaison and promotion;
- (iv) Resources, including financial allocation, staff allocation and staff development;
- (v) A review of performance for 2018/19.

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

5.1 Prioritising Service Delivery - Resources will continue to be allocated according to identified priorities. In 2019/20 these priorities are: -

### High Priority

Recent years have seen an increase in both the number and severity of incidents where vulnerable people have been scammed or been the victim of rogue traders calling on their doorstep.

In 2018/19, a total of 114 complaints were received regarding 'scams and cons' compared to 68 in 2015/16. Most of these incidents involved elderly or vulnerable people. As such, both "*Rogue Traders*" and "*Scams and Cons*" have been classified as High Priority for 2019/20.

*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.

*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.

*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

Those subject areas identified as 'medium priority' are still cause for significant concern but are considered to offer a lesser degree of harm (to health and/or wealth) for the general public than those other issues identified as 'high priority'.

*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.

Underage sales has moved from being a high priority to a medium priority area following a reduction in complaints from the general public (30 complaints in 2015 and only 5 in 2018/19) and a significant investment of time and resources over recent years to educate retailers about their obligations and the consequences of non-compliance.

Between 2016 and 2018 a total of 46 retailers and 280 members of staff received training on underage sales from the Trading Standards team.

This work is reflected in the results from test purchase exercises carried out in 2018/19 where no sales of alcohol were made to underage volunteers compared to six sales of age restricted products in 2016.

*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.

*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.

### 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.

## 5.2 Responding to Change

5.3 As the retail environment continues to change, Trading Standards is required to remain vigilant and respond to new threats and challenges. The continued growth of internet sales means that Trading Standards must now monitor the *virtual* High Street and ensure that consumers remain protected.

## 5.4 Social Media

5.5 Whereas counterfeit goods were once only found at car boot sales or from the 'back of a lorry', social media is now becoming a significant source of illegal goods.

5.6 Trading Standards in Hartlepool has adopted a unique approach to this problem and has created a 'Facebook' profile whereby sites that are suspected of selling counterfeit goods receive a Trading Standards 'post' informing the account holder, and anyone visiting the site, that Trading Standards are monitoring the site.

5.7 Whilst this approach had an immediate positive impact, some social media users have responded by changing the way in which their accounts operate and interact with potential purchasers. Trading Standards has, in turn, had to alter its approach in order to continue its monitoring of this growing sales platform.

5.8 The Trading Standards Service has a 'stand alone' computer that can be used to monitor social media and other websites without giving away their identity. Where problems are identified traders are contacted and, where appropriate, test purchases can be made to establish whether legal requirements are being complied with. In some cases, this is followed up by the seizure of criminal property and other evidence.

## 5.9 Protecting the Vulnerable

- 5.10 Trading Standards has continued to promote No Cold Call Zones as a means of reducing the number of traders that visit people on their doorsteps. Since 2016, the number of zones has increased from 7 to 40 and 10,000 ‘Say No to Doorstep Traders’ stickers have been issued, free of charge, to local residents.
- 5.11 The Service has been working closely with other Council departments and external organisations such as banks and post offices, to ensure that they are aware of the risks that rogue traders can pose to their clients and what can be done to help them.
- 5.12 A significant amount of work has also been undertaken in relation to mail order and telephone scams with free ‘call blockers’ being supplied to those considered most vulnerable.
- 5.13 As victims can sometimes become repeat targets, Trading Standards Officers have been installing covert CCTV cameras into some victim’s homes in order to provide some reassurance and help identify any rogue traders who return.

## 5.14 Underage Sales

- 5.15 During 2018/19 15 premises were visited to test a store’s compliance with age restricted sales legislation.

Three premises were found to breach their licence requirements by failing to verify the age of test purchasers.

In 2019/20, Trading Standards Officers will be targeting retailers of knives and acids to ensure they fully understand and comply with the law in relation to underage sales and will return to premises offering gambling facilities to ensure that previous lessons have been learned.

## **6. RISK IMPLICATIONS**

- 6.1 There are no risks associated with the approval of this Trading Standards Service Plan.

## **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 the adoption of this Trading Standards Service Plan.

## **9. CONSULTATION**

- 9.1 There is no requirement to undertake specific or general consultation during the preparation of the proposals set out in the report.

## **10. CHILD AND FAMILY POVERTY CONSIDERATIONS**

- 10.1 There are no child and family poverty implications for this report.

## **11. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 11.1 There are no equality and diversity implications for this report.

## **12. STAFF CONSIDERATIONS**

- 12.1 There are no staff implications for this report.

## **13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management implications for this report.

## **14. RECOMMENDATIONS**

- 14.1 That the Neighbourhood Services Committee approves the Trading Standards Service Plan for 2019/20.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 The Trading Standards Service Plan sets out the priorities for, and methods of, service delivery in 2019/20.

## **16. BACKGROUND PAPERS**

- 16.1 There are no background papers for this report.

**17. CONTACT OFFICER**

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# **Hartlepool Borough Council**

## **Trading Standards Service Plan**

**2019/20**

## **TRADING STANDARDS SERVICE PLAN 2019/20**

### **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 Contributing towards Prevention of Crime and Disorder
- 3.9 Reactive Work
- 3.10 Complaints and Requests for Service
- 3.11 Liaison Arrangements
- 3.12 Regional Enforcement
- 3.13 Primary Authority Scheme

#### **4. RESOURCES**

- 4.1 Financial
- 4.2 Staffing Allocation
- 4.3 Staff Development
- 4.4 Equipment and Facilities
- 4.5 Working with Others

#### **5. QUALITY ASSESSMENT**

#### **6. PERFORMANCE REVIEW 2018/19**

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

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

**7. AREAS FOR IMPROVEMENT / KEY CHALLENGES FOR 2019/20**

## **INTRODUCTION**

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

Whilst focussing primarily on the year 2019/20, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2018/19 and this aims to inform decisions about how best to build on past successes and address performance gaps.

The Plan is reviewed annually and previous plans have been approved by the Regeneration Services Committee.

## **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, Chartered 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's Community Strategy - the Local Strategic Partnerships (the Safer Hartlepool Partnership) and the Health and Wellbeing Board
- Public Protection Service Plan

- 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 eight themes that the Partnership has agreed forms part of the sustainable Community Strategy:-

- Jobs and the Economy
- Lifelong Learning and Skills
- Health and Wellbeing
- Community Safety
- Environment
- Housing
- Culture and Leisure and Community Learning
- Strengthening Communities

The Council has a ninth theme, which covers what the Council is doing to sustain its capacity to deliver excellent, value for money services in the future:-

- **Organisational Development**

To contribute to the Council's overall aim/vision, through this Trading Standards Service Plan, the team has made a commitment to protecting and improving the quality of life for residents of Hartlepool through effective promotion and enforcement of consumer protection legislation.

This Trading Standards Service Plan contributes towards the main themes 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 requirements, and avoid potential costly action at a later stage;

- **Lifelong Learning and Skills**

By providing advice and guidance to traders so as to ensure awareness and compliance with consumer protection legislation;

- **Health and Wellbeing**

By ensuring that businesses only provide safe products that comply with relevant safety standards and that age restricted products are not supplied to children;

- **Community Safety**

By ensuring that businesses only provide safe products that comply with relevant safety standards and that age restricted products are not supplied to children;

- **Environment**

By ensuring businesses comply with legislation and standards that are designed to reduce the impact on the environment;

- **Culture and Leisure and Community Learning**

By ensuring that businesses comply with their consumer protection responsibilities so as to ensure that those people visiting Hartlepool have a positive experience.

- **Strengthening Communities**

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

- **Organisational Development**

To contribute towards the key outcomes of improving the efficiency and effectiveness of the organisation and to deliver effective customer focussed services, meeting the needs of diverse groups and maintaining customer satisfaction.

The Council is committed to the principles of equality and diversity. The Trading Standards Service Plan consequently aims to ensure that the same

high standards of service are 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 located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,028 of which ethnic minorities comprise 3.4% (2011 census).

Hartlepool is a unitary authority, providing a full range of services. To the south of Hartlepool is the wider Teesside conurbation which includes the boroughs of Middlesbrough, Stockton on Tees and Redcar and Cleveland, and which together with Hartlepool and Darlington makes up the Tees Valley sub-region. Bordering Hartlepool to the north is the administrative area of County Durham.

The borough has a long and proud history, with the original settlement of Hartlepool dating back to Saxon times. Originally an important religious settlement the town's early development resulted from the existence of a safe harbour and its role as a port for the city of Durham and subsequent grant of a Royal Charter from King John in 1201.

The main phase of Hartlepool's expansion took place from the mid 19<sup>th</sup> Century with the building of a new railway and docks to serve the export of coal. The town continued to expand over the next 100 years as port trade increased and the development of heavy industries including steel making, shipbuilding and manufacturing. Like most industrialised towns in the north of England, Hartlepool has suffered over the last half century from structural reform of these industries and the town has had to look for new opportunities to diversify the economy.

Over the past 20 years Hartlepool has experienced some transformational changes through public and private investment. This has included the transformation of the former South Docks area into a fabulous 500-berth marina where the town hosted The Tall Ships Race in 2010.

### **2.2 Organisational Structure**

Under the Council's 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 & Community Based Services Committee

- Childrens Services Committee
- Neighbourhood Services Committee
- Regeneration Services Committee

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

The Council is made up of four Departments:

- Chief Executives
- Childrens and Joint Commissioning Services
- Adults and Community Based Services
- Regeneration & Neighbourhoods

The Trading Standards Service Plan is delivered through the Public Protection Section contained within the Regeneration & Neighbourhoods Department.

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

Service delivery broadly comprises:

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

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

With a staff compliment that reduced from five to four full time officers during 2017/18 (plus a shared manager) it has been necessary to prioritise 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.

Due to a significant increase in both the number and seriousness of complaints regarding 'scams and cons', and a reduction in the number of complaints about 'underage sales', scams has now moved from being a medium priority to a high priority issue whilst underage sales has moved from being high to medium priority.

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.

*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 other scams and problems can escalate. Trading Standards aims to identify common scams and notify consumers through press releases and other mass media.

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

*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

*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.

*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 was then subsequently funded via a variety of non-recurring funding streams until the post was finally removed in September 2017.

### Low Priority

*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.

Due to the specialist nature of weights and measures compliance, an arrangement has been entered into with Durham County Council for them to undertake inspections at factory sites and other premises in Hartlepool where specialist testing equipment is required.

*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.

*Loan Sharks* – Illegal money lending is now the responsibility of the newly created Financial Conduct Authority which works alongside the National Illegal Money Lending Team – an enforcement body that is to be funded via a levy on the banking industry.

As a consequence, local enforcement is now a *low* priority as the work is undertaken by other agencies. Any information/intelligence received at a local level is passed on to the appropriate external agency.

## **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 continue to both contribute and benefit 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**

Traditionally Trading Standards Services would routinely inspect premises based on a national risk assessment model.

In 2015 this national model for calculating risk was withdrawn and, as such, it is now for individual Trading Standards Services to determine how often businesses should be inspected.

As pressure on the Service has continued to grow in areas such as doorstep crime, the ability to maintain a high level of routine inspections has been seriously challenged. In future, proactive inspections will be targeted where consumer risk is considered to be high because of intelligence received; a high numbers of complaints etc; or where new businesses have been established that may well not be fully aware of their duties and responsibilities.

As on-line retailing has continued to flourish, it is now also necessary to monitor internet retailers to ensure consumers are receiving a fair deal and that products are safe.

Opening a line of communication with new businesses early will ensure that they can set up their operations as efficiently and effectively as possible without having to 'catch up' with their legal compliance at a later date.

Businesses will continue to be categorised according to the previous national risk framework and those identified as being high or medium high risk will be prioritised for inspection.

Inspections of other premises will continue where resources are available.

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

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.

### **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, or there may be a criminal element to the complaint, 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, 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 2019/20 in order to improve consumer protection and to raise consumer confidence. These will include: -

**Protecting the Most Vulnerable** – 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 continue to work to raise awareness amongst targeted groups and identifying and prosecuting the traders involved.

Due to the significant impact on victims, public health grant funding has been secured until March 2020 to fund an officer who will develop a series of measures aimed at helping people to help themselves and to educate and inform agencies and organisations who can provide support.

This officer works closely with agencies and organisations such as the Police, Social Workers, banks, building societies and Post Offices.

In addition, the Team continues to work with the Police and local banks to promote the national 'Banking Protocol'. The protocol involves training bank staff to recognise when their customers may be the victim of an ongoing scam and where appropriate they can dial 999 and the local Police force has committed to treat the incident as an emergency – sending officers/Trading Standards Officers direct to the bank to assist.

The Trading Standards Team will also continue to promote No Cold Call Zones and set them up where there is an identified demand. At the end of 2018/19 Hartlepool had 40 NCCZ's (an increase from 7 in 2016) and there is a target that five more will be created during 2019/20.

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.

The Trading Standards Team works closely with the National Scams Team which provides details of Hartlepool consumers who have been found on scammer's databases. Trading Standards Officers will continue to contact and offer support to victims identified this way.

**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 secured national funding to purchase specialist equipment that allows 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 Investigations Team, test purchases will be made to generate evidence for formal legal action where such steps are considered appropriate.

Social media sites have become a popular forum for the sale of counterfeit goods and, in response, the Trading Standards Service has created a Facebook 'profile'. Suspected sellers of counterfeit goods receive a 'post' from Trading Standards advising that their activities are being monitored. This acts as a deterrent for those sellers who had not considered the potential consequences of their activities. For those who ignore the warnings, Trading Standards is able to have sites 'taken down' by Facebook. For those who continue to trade using alternative pages, investigation and prosecution will follow.

**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.

**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. Testing during 2019/20 will concentrate on children's safety.

### **3.8 Contributing towards the Prevention of Crime & Disorder**

Following the increase in knife crime and the use of acid as a weapon, Trading Standards will incorporate these products in their underage sales test purchasing initiatives.

This will involve distributing awareness-raising literature to all relevant premises to ensure they fully understand their legal obligations and best practice followed by the use of underage volunteers to ensure that traders are complying with the law.

### **3.9 Reactive Work**

### **3.10 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 the '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.

260 complaints were received by the Trading Standards Service during 2018/19 (compared to 305 in 2017/18).

### **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's Trading Standards manager sits as an executive member of 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) which is now directly funded by a levy on the Banking industry and a Regional Investigations Team (previously 'Scambusters'), funded via the National Trading Standards Board, that targets criminal activity at a regional and national level.

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 the regional Investigations Team.

### 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 the Consumer Services section in the year 2019/20 is:

	£	000
Employees		617
Other Expenditure		59
Grant Funding		(66)
Income		(8)
<b>Net Budget</b>		<b>602</b>

This budget is for all services provided by this section including Food, Health & Safety, Animal Health and Trading Standards with resources being allocated in accordance with service demands.

#### **4.2 Staffing Allocation**

The Director of Regeneration & Neighbourhoods has overall responsibility for the delivery of the 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, Private Sector Housing, Water Quality, Health & Safety, Animal Health and Welfare, Environmental Protection and I.T. as well as general management responsibilities as a member of the Regeneration & Neighbourhoods 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) post is temporary funded through a non-recurring Public Health grant and their remit is to specifically develop products and systems to protect the elderly and vulnerable from doorstep crime. Due to continued financial pressure, the future of this post is currently only guaranteed until March 2020.

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 2019/20 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

#### 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.

#### 4.5 Working with Others

In April 2016 Hartlepool Borough Council formally withdrew from the partnership agreement it had shared with the former Cleveland County Council authorities since 1996. The agreement had provided for Middlesbrough Borough Council to carry out Hartlepool's statutory metrological (weights and measures) requirements as well as metrology inspections.

The agreement also provided product testing facilities where sampled products could be sent for compliance testing.

As it was determined that similar services could be obtained from other providers, at a cheaper cost, new arrangements have been made.

Durham County Council now carries out Hartlepool's metrology work and samples that require testing or analysis are sent to the best value laboratories available.

## **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 REVIEW**

**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 2018/19.

This service plan will be reviewed at the conclusion of the year 2019/20 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 Regeneration & Neighbourhoods.

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.

### **6.2 Tobacco Control**

In 2017 two Hartlepool shops faced legal action in respect of counterfeit tobacco being persistently supplied from their premises. 141 Oxford Road was closed down for three months by the Courts following the application for a Closure Order by Trading Standards and another premises was abandoned shortly before legal action commenced.

The Trading Standards team will continue to focus on premises suspected of selling counterfeit and illicit tobacco premises and take formal action where needed.

The team has also begun monitoring the sale of alternative tobacco products. There are strict rules governing the composition and marketing of 'nicotine delivery devices' such as e-liquids and the team has been working with local retailers, and several manufacturers to ensure legal compliance.

### **6.3 Underage Sales**

During 2018/19 15 premises were visited to test their compliance with age restricted sales legislation.

Two 15 year old female volunteers were used but no sales of alcohol were made to them.

Due to the difficulty in finding child volunteers, an 18 year old female was also used on two occasions to test whether premises were complying with their 'Challenge 21' or 'Challenge 25' age verification policies. Compliance with these policies is a condition on a premise's alcohol licence and failure to comply can constitute a criminal offence.

Three premises were found to sell alcohol in breach of their licence condition and each was given a formal written warning.

### **6.4 E-Crime**

Officers have continued to monitor websites during 2018/19 and social media, such as Facebook, continues to be a significant source of counterfeit goods.

Counterfeit sellers can either sell directly from their own site or advertise their goods through a 'Selling Page' operated by a third party.

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

In 2018/19 Trading Standards officers conducted weekly surveillance of social media marketplaces and identified 19 sites that were potentially selling counterfeit products. All of these sites were sent a 'post' by the Trading Standards team that resulted in either the site removing the offending items from sale or the site becoming 'private'.

Whilst this stops Trading Standards from seeing the site, it also stops the majority of the public seeing it also - effectively moving such sites from the virtual High Street to a private club and significantly reducing potential sales.

In addition to social media, the internet is also increasingly being used for the sale of general goods which can create its own difficulties when faulty goods are delivered or goods fail to arrive. Complaining to 'virtual' traders is often not as easy as returning to a shop and, where difficulties arise, consumers are generally referred to the Citizen's Advice Consumer Service for advice and guidance.

On those occasions where criminal offences may have been committed by internet sellers, Trading Standards Officers must undertake investigations that can be far more complicated than when dealing with traditional, fixed site retailers. Internet sellers can be based anywhere in the world and even obtaining the genuine name and address of a trader can be a challenge.

National and regional relationships have been, and continue to be, established with larger internet retailers and service providers to allow for the effective investigation and resolution of criminal and civil matters.

## 6.5 Sampling

During 2018/19 Trading Standards routinely sampled a number of products to ensure compliance with safety regulations. These included: -

- Painted children's toys (for heavy metals)
- Children's pyjamas (flammability)
- Sunglasses (UV protection)
- Bath bombs (statutory labelling requirements)
- Children's toys (small parts)
- Children's Halloween costumes and items

## 6.6 Promotional/Campaign Work

During 2018/19 the Trading Standards Service carried out 5 presentations to community groups and also provided training on doorstep crime and scam awareness to organisations such as Careline and the Joseph Rowntree Trust.

## 6.7 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 2018/19 officers also checked 50 items of weighing equipment that are used by medical practitioners. It is essential that such equipment, that may be used to help in medical diagnosis or treatment, is completely accurate and can be relied on. Results were positive but annual checks will continue to be carried out.

## **6.8 Doorstep Crime/Scams**

2018/19 continued to see significant levels 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 continued 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 further visits made by cowboy builders and roofers whilst investigations are ongoing.

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 2018/19 meaning that almost 10,000 have been issued to Hartlepool residents since the initiative began in 2015.

As detailed in paragraph 3.5 above, 40 No Cold Call Zones (NCCZ's) have been created with a target to establish a further five more in 2019/20.

The Trading Standards Service also works closely with the National Scams Team which routinely sends details of Hartlepool consumers who have been found to be on scammer's databases.

Officers contact, and subsequently visit, these victims to provide help and support. Where appropriate, other agencies, such as Adult Safeguarding Teams, are brought in to provide ongoing professional support. In 2018/19 details of 66 Hartlepool residents were provided by the National Scams Team.

## **6.9 Formal Enforcement Action**

On some occasions it is necessary to prosecute for serious or repeat offences. In 2018/19 two individuals were convicted by the Trading Standards team.

- Unsafe domestic electrical work carried out by an unqualified individual who claimed to be qualified and accredited. He received a 13 month prison sentence and also reimbursed his victims to the value of over £3,000.

- ‘Cowboy builder’ offences – Shoddy work, lack of statutory paperwork, no cancellation rights – a Hartlepool trader was required to pay almost £11,000 in fines, costs and compensation.

### **6.10 Responding to Complaints**

The Trading Standards Service received a total of 260 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.

### **6.11 Complaints against Our Staff**

No complaints were made against our staff during 2018/19.

### **6.12 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 2018/19 the final satisfaction figure was 91% (an increase from 87.75% last year and the highest figure since recording began in 2007). 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 91% 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 2019/20**

1. The Public Protection Service 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 Regional Investigations 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. Following the Grenfell Tower disaster the Government's focus on product safety has increased and the newly established Office for Product Safety & Standards (OPSS) has been given the responsibility to ensure greater public protection. It has already been demonstrated that this will lead to greater demands on local Trading Standards departments who will be expected to undertake local enforcement of identified national priorities.
4. Serious doorstep crime continues to be a major concern and responding to complaints is extremely resource intensive. Due to the significant consumer detriment involved, tackling rogue traders remains the highest of priorities which may mean that responding to other areas of responsibility has to be delayed.

An officer continues to be employed on a temporary basis to raise awareness and set up systems that will allow the public and other agencies to better protect the vulnerable from the escalating nuisance of doorstep crime.

<p style="text-align: center;"><b>NEIGHBOURHOOD SERVICES COMMITTEE</b></p> <p style="text-align: center;"><b>28<sup>th</sup> June 2019</b></p>
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**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** HOUSEHOLD WASTE DUTY OF CARE - FIXED PENALTY NOTICES

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

Non-Key decision.

**2. PURPOSE OF REPORT**

2.1 To seek members approval to introduce a fixed penalty charge for duty of care offences under Section 34 of Environmental Protection Act 1990. A fixed penalty offers a discharge of liability for an offence in cases where a penalty charge may be a more appropriate alternative to criminal prosecution.

**3. BACKGROUND**

3.1 Fly tipping is a significant blight on local environment, creates potential danger to public health, is a source of pollution and a hazard to wildlife. It also undermines legitimate waste carrier businesses who undercut by unscrupulous competitors operating outside of the law.

3.2 Fly-tipping is a national problem and not just restricted to Hartlepool, however we do receive a substantial number of complaints on this issue and the enforcement team investigates approximately 150 cases per year. The extent of each reported incident can vary significantly ranging from “black bag” waste to household items such as mattresses and sofas.

3.3 Local councils and The Environment Agency both have responsibility in respect of illegally deposited waste. Local authorities deal with most cases of fly-tipping on public land, whilst the Environment Agency investigates and enforces against the larger, more serious and organised illegal waste crimes.

3.4 It is estimated that nationally the annual cost of clearing fly tipping to local authorities in England is in excess of £50 million. Obtaining and retrieving recoverable evidence can often be problematic, whilst many witnesses are unwilling to attend court, making enforcement actions difficult.

- 3.5 Section 33 of The Environmental Protection Act 1990 makes it an offence to deposit controlled waste in or on any land, unless a waste management licence is in force. The penalty for such offences is by prosecution via the Magistrates or Crown Court, with unlimited penalty fines or a five year custodial sentence. It is considered one of the most serious environmental crimes.
- 3.6 The legislation was recently amended by the unauthorised Deposit of Waste (fixed penalties) Regulations 2016 to allow fixed penalty notices to be served as an alternative to prosecution. As a consequence in September 2017, Members approved the introduction of a £400 fixed penalty charge (with no early payment discount applicable) for those caught fly-tipping in Hartlepool.
- 3.7 Additional amendments within Section 34 of The Environmental Protection Act 1990 have introduced further duty of care responsibilities for waste producers. The Department for Environmental Food and Rural Affairs published a code of practice in November 2018 setting out the requirements that apply to waste producers, carriers, dealers, brokers and managers of waste. The code of conduct is relevant to householders as well as industrial and commercial waste producers.

#### 4. PROPOSALS

- 4.1 Updates published in December 2018 to Section 34 of The Environmental Protection Act include a household waste duty of care enforceable by fixed penalty notice. The duty of care requires occupiers of domestic properties to take all reasonable measures available to them and ensure that they only transfer household waste produced on the property to an authorised person.
- 4.2 The household waste duty of care fixed penalty notice provides an alternative to prosecution and allows an individual to discharge liability for the offence by payment of a financial penalty. There is no obligation on the local authority to offer an offender the option to discharge liability (via a penalty fine) and the option remains to prosecute if deemed more appropriate. However a penalty charge can often be more proportionate than prosecution in such circumstances.
- 4.3 A fixed penalty can be issued:
- 1) Where fly-tipped waste can be traced back to an individual who is found to have failed to take reasonable steps to ensure that they transferred the waste to an authorised person.
  - 2) Where an unauthorised carrier is found to be carrying household waste that was directly transferred to them by the occupier of a domestic property.
  - 3) Where an individual is found to have transferred their household waste to an unauthorised person at a site that does not have a permit or exemption.

- 4.4 The penalty charge can be set by individual local authorities within criteria outlined in the legislation:

Default Penalty = £200  
Minimum full payment = £150  
Maximum full payment = £400  
Minimum discounted period = £120

- 4.5 There is no right of appeal against a Fixed Penalty Notice as this is merely an option to discharge liability for an offence, however liability for the alleged offence can be disputed or the appropriateness of enforcement challenged. Any challenges or representations will therefore be considered in accordance with statutory legislation, within the parameters of any local policies that may apply and any individual circumstances that may be relevant.
- 4.6 The introduction of a household waste management duty of care fixed penalty charge is not intended to be considered in isolation. In addition to enforcement actions, our aim is to reduce offences and raise awareness of duties and responsibilities. For this reason any approval is intended to run in conjunction with a publicity campaign aimed at educating householders of their responsibilities when disposing of waste and ensuring they engage the services of an authorised carrier with a valid registration certificate to dispose of waste appropriately.
- 4.7 When determining the charge for the household duty of care fixed penalty, members should be aware of the charge they approved in September 2017 which set a £400 penalty for unauthorised deposit of waste (fly-tipping) with no early payment discount. The duty of care penalty needs to be proportionate to the fly-tipping offence. In this instance, an early discount charge should also be considered as it encourages payment, reduces the number of challenges and potentially avoids unnecessary escalated debt recovery costs.

## 5. RISK IMPLICATIONS

- 5.1 There are no risk implications attached to this report.

## 6. FINANCIAL CONSIDERATIONS

- 6.1 The purpose for introducing this fixed penalty charge is to act as a deterrent and ultimately reduce the number of offences rather than generate income. The anticipated numbers of Fixed Penalty Notices issued are not therefore expected to be significant but any income recovered will be used to support this element of the enforcement service. Money generated from Fixed Penalty Notices is “ring fenced” and must be used for carrying out functions under part II of the Environmental Protection Act 1990 “waste on land”.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The statutory legislation requires that Members set an approved penalty charge payable within a range of £150 - £400 and / or considers the inclusion of a discounted early payment rate when payment is made within 14 days of the notice being issued.

## **8. CONSULTATION**

- 8.1 There are no consultation considerations to this report.

## **9. CHILD/FAMILY POVERTY CONSIDERATIONS**

- 9.1 There are no child and family poverty implications attached to this report.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no equality and diversity considerations attached to this report.

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

- 11.1 There are no Section 17 considerations attached to this report.

## **12. STAFF CONSIDERATIONS**

- 12.1 Responsibility for the investigation and enforcement of environmental crime would routinely be carried out by Civil Enforcement Officers from the Community Safety Team. The Fixed Penalty Notices must be issued by an authorised officer but approval can be granted by The Director of Regeneration and Neighbourhoods under delegated powers.

## **13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management considerations attached to this report.

## **14. RECOMMENDATIONS**

- 14.1 It is recommended that Members note and approve the introduction of a household waste fixed penalty charge which offers offenders the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty charge.

- 14.2 That members approve a fixed penalty charge of £250 (discounted to £200 if paid within 14 days of issue) for breaches of the household waste duty of care.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 The fixed penalty amount is proportionate to the fly-tipping crime but still reflects the seriousness of the duty of care offence.
- 15.2 The level of fixed penalty charge will act as a deterrent and ensure compliance within the requirements of the duty of care, whilst the early payment option will encourage payment and as a consequence reduce the amount of follow-up prosecutions.

## **16. BACKGROUND PAPERS**

- 16.1 Neighbourhood Services Committee 11/9/17 - Amendments to the Environmental Protection Act 1990.

## **17. CONTACT OFFICER**

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<p style="text-align: center;"><b>NEIGHBOURHOOD SERVICES COMMITTEE</b></p> <p style="text-align: center;">28<sup>th</sup> June 2019</p>
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**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** ENGINEERING, DESIGN AND MANAGEMENT UPDATE

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

1.1 Report for information.

**2. PURPOSE OF REPORT**

2.1 This report is intended to inform Members of the recent works designed and delivered by the Engineering, Design and Management (EDM) team and outline how the section contributes to the overall financial position of the Council.

**3. BACKGROUND**

- 3.1 The EDM team are responsible for the design and delivery of all engineering projects within the borough.
- 3.2 They also have statutory duties in relation to dangerous structures, flood and coastal risk management and contaminated land.
- 3.3 The section is required to be self-funded. Only the statutory duties of flood, coastal and contaminated land receive Council funding.
- 3.4 The team currently consists of six members of staff ranging from chartered engineers to a university placement student.
- 3.5 For the financial year 18/19 the section cost £308,000 to operate including overheads.

**4. PROPOSALS**

4.1 Operating costs are recovered on a time recharge basis.

- 4.2 Each member of the team is assigned a charge out rate based on their experience and pay grade. This rate is often lower than a comparable officer in the private sector.
- 4.3 This charge out rate is more than the salaried rate of the employee.
- 4.4 This effectively means that for every hour an employee within the team is working on a recoverable project they are generating income for the authority.
- 4.5 The team deliver projects ranging from typical road safety schemes to flood and coastal works as well as structural projects such as the Centre for Independent Learning and Tofts Farm Depot.
- 4.6 The team originally only worked on Hartlepool Borough Council projects and their time charge was recovered against specific projects for example, a scheme requiring the installation of traffic calming measures would generally have a 7-10% allowance within the budget for the design and delivery of the scheme which would cover the engineer's time.
- 4.7 Over the last 5-10 years the team has seen its reputation develop within the region which has led to requests to deliver works outside of the Hartlepool boundary for both public and private clients.
- 4.8 Operating on the same recharge basis the team have been able to develop a portfolio of works from external sources and the demand for the section to deliver external work now exceeds the resources available. The team therefore remain selective as to which external projects they progress.
- 4.9 In recent times the reputation of the section has grown outside of the region with enquiries being received from organisations in London and Norfolk.
- 4.10 Some of the projects designed and delivered by the team include;
- Hartlepool Town Wall- a coast protection scheme within the conservation area delivered in challenging working environment.
  - Redcar Fire Station- new fire station delivered on behalf of Cleveland Fire Brigade.
  - Hartlepool Centre of Independent Living- designed alongside the Building Services Team.
  - Skinningrove Coast Protection Works- £3,000,000 coast protection scheme delivered on behalf of Redcar and Cleveland Borough Council.
  - Hartlepool Headland Coastal Protection- £10,600,000 scheme designed and delivered by the EDM team.
  - Heerema Hartlepool- Design of new storage sheds for a private client.

- Whitley Bay Central Promenade- Design and project management on behalf of North Tyneside Council.
  - A19, Grade Separated Junction, Elwick Bypass and Hartlepool Western Link- currently being designed by the EDM team.
- 4.11 In addition to being self-financing the EDM team is also required to generate a surplus to contribute to the general Council budget.
- 4.12 In financial year 2018/19 the team generated over £500,000 of income from both internal and external sources.
- 4.13 Aside from the reputation that has been developed around the region for the good work produced by the team, the section has also been recognised in recent years by bodies such as the Institution of Civil Engineers, The Civil Engineering Contractors Association and Constructing Excellence.
- 4.14 Some of the accolades achieved by the team include;
- Institution of Civil Engineer Project of the Year (2017) - Hartlepool Town Wall.
  - Civil Engineering Contractors Association Going the Extra Mile (2017) - Hartlepool Town Wall.
  - Civil Engineering Contractors Association Project of the Year (2017)- Hartlepool Town Wall
  - Constructing Excellence Project of the Year (2018) - Hartlepool Town Wall.
  - Constructing Excellence Value (2018) - Hartlepool CIL.
  - Institution of Civil Engineer Project of the Year (2019) - Whitley Bay Central Promenade.
  - Constructing Excellence Sustainability (2019)- Headland Sea Walls
  - Constructing Excellence Innovation (2019)- Headland Sea Walls
  - Constructing Excellence Value (2019)- Headland Sea Walls
  - Constructing Excellence Highly Commended Project of the Year (2019)- Headland Sea Walls
- 4.15 In achieving the award for Value in June 2019 Hartlepool Borough Council became the first organisation to retain the accolade for delivering Value two years in a row.

- 4.16 In order to facilitate the future growth of the section it is important to continue to develop and recruit the right calibre of staff. Recruitment is difficult for this specialist field in a competitive market but the team are constantly seeking suitable candidates in order to expand the team and increase profitability.

## 5. OTHER CONSIDERATIONS

Risk Implications	No relevant issues
Financial Considerations	No relevant issues
Legal Considerations	No relevant issues
Consultation	No relevant issues
Child/Family Poverty Considerations	No relevant issues
Equality and Diversity Considerations	No relevant issues
Section 17 of The Crime And Disorder Act 1998 Considerations	No relevant issues
Staff Considerations	No relevant issues
Asset Management Considerations	No relevant issues

## 6. RECOMMENDATIONS

- 6.1 It is recommended that Members note the work of the EDM team and continue to support the drive for external income generation.

## 7. REASONS FOR RECOMMENDATIONS

- 7.1 To sustain the workload of the existing team and to allow future expansion of the team.

## 8. BACKGROUND PAPERS

- 8.1 There are no background papers to this report.

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