

# NEIGHBOURHOOD SERVICES COMMITTEE

## AGENDA



**Friday 16 October 2020**

**at 10.00 am**

**in the Council Chamber,  
Civic Centre, Hartlepool**

**PLEASE NOTE: this will be a 'remote meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.**

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors S Akers-Belcher, Cassidy, Howson, 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 31 July 2020 (*previously circulated and published – attached for information*).
- 4. BUDGET AND POLICY FRAMEWORK**
  - 4.1 No items.
- 5. KEY DECISIONS**
  - 5.1 Public Spaces Protection Orders (PSPO's) – *Assistant Director (Regulatory Services)*
  - 5.2 Pot Hole and Challenge Fund Schemes – *Assistant Director (Place Management) – to follow*



**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Trading Standards Service Plan 2020/21 – *Assistant Director (Regulatory Services)*

**7. ITEMS FOR INFORMATION**

No items.

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

FOR INFORMATION

Date of next meeting – Tuesday 1 December 2020 at 10.00 am



# **NEIGHBOURHOOD SERVICES COMMITTEE**

## **MINUTES AND DECISION RECORD**

31 July 2020

The meeting commenced at 11.30 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

### **Present:**

Councillor: John Tennant (In the Chair)

Councillors: Tom Cassidy, Marjorie James, Sue Little and Amy Prince

### **Also Present:**

In accordance with Council Procedure Rule 4.2 Councillor Tony Richardson was in attendance as substitute for Councillor Stephen Akers-Belcher

Councillors Lee Cartwright and Leisa Smith

Officers: Tony Hanson, Assistant Director (Environment and Neighbourhood Services)  
Sylvia Pinkney, Interim Assistant Director (Regulatory Services)  
Neil Wilson, Assistant Chief Solicitor  
Denise Wimpenny, Principal Democratic Services Officer

## **1. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor Stephen Akers-Belcher.

## **2. Minutes of the meeting held on 13 March 2020**

Received.

### **3. Local Transport Plan Scheme Update** *(Interim Assistant Director (Place Management))*

#### **Type of decision**

Key decision tests (i) and (ii) apply – Forward Plan Ref No RN05/20

#### **Purpose of report**

To seek approval for a delivery programme of safety schemes across Hartlepool for the financial year 2020/2021.

#### **Issue(s) for consideration**

The Assistant Director, Environment and Neighbourhood Services reported that given that the level of demand for safety schemes exceeded the Local Transport Plan budget a scrutiny assessment was undertaken which was based on factors such as accident data, speed survey results etc. The Committee's approval was sought for a programme of potential safety schemes which had been developed, as detailed in Appendix 1. Whilst the schemes recommended for 2020/21 had been allotted a budget, it was acknowledged that detailed design changes may be added. Therefore it was possible that further schemes may be brought forward on the list should the main programme come in under budget. It was highlighted that schemes at Oxford Road and Stockton Road had been added.

In the discussion that followed the Assistant Director responded to a number of queries raised in relation to the report. In relation to the proposal to implement a road hump scheme on Landsdowne Road, a Member indicated that she did not support this proposal and suggested that this option be reconsidered and, as an alternative, the introduction of a one way system to include Landsdowne Road be explored as well as the extension of a one way system in the opposite direction.

A number of further issues/queries/suggestions were raised including requests for clarification around the speed limit on Rossmere Way and whether Clifton Avenue was within a conservation area. It was also suggested that 20mph speed zones be considered in Rossmere Way and Hart Lane. Some concerns were raised regarding the proposals to introduce road/speed humps in a number of locations including Sinclair Road, Macaulay Road and Berwick Street and the need to consider utilising chicanes as an alternative option to road humps were requested, the benefits of which were outlined. Emphasis was also placed upon the importance of consulting with Ward Members in relation to proposals for schemes of this type.

**Decision**

- (i) That the continuation of the oversubscribed LTP budget and the requirement for prioritisation be noted.
- (ii) The Committee noted that the list proposed was live and further schemes may be deliverable should savings within the 2020/21 programmed be identified.
- (iii) That the proposed safety scheme programme for 2020/21 be approved and the alternative options suggested be explored.
- (iv) That any changes to the proposed programme be delegated to the Director of Regeneration and Neighbourhoods, in consultation with the Chair of Neighbourhood Services Committee.
- (v) That the comments/suggestions/queries of Members, as detailed above, be noted and actioned as appropriate following the meeting.

#### **4. Public Space Protection Orders (PSPO's)** *(Interim Assistant Director, Regulatory Services)*

**Type of decision**

Key Decision test (ii) – General Exception applies

**Purpose of report**

To seek approval for the commencement of the renewal process for Public Space Protection Orders (PSPO's) already in place.

To consider what further PSPO's are, or may be required.

**Issue(s) for consideration**

Members were referred to the background to the changes in legislation regarding Public Space Protection Orders (PSPO's). PSPO's were due to expire in October 2020 and it was necessary to consider whether they should be renewed. Two additional PSPO's relating to dog control were introduced last year, details of which were provided and, although they were not due to expire in October 2020, it was proposed that they be renewed with the others to enable all PSPO's to run to the same timetable.

Whilst there were a number of PSPO's in Hartlepool relating to dog control and alley gates, there were currently no legal restrictions in place in Hartlepool that prevented the consumption of alcohol in public places, details of which were set out in the report. It was proposed that Members and key partners be consulted to establish whether any alcohol related PSPO's were needed.

A number of concerns were raised by Members in relation to the impact of excessive consumption of alcohol during lockdown on the promenade at Seaton Carew and examples of anti-social behaviour arising as a result were shared with the Committee. Members spoke in support of a public space protection order at Seaton Promenade and beach as well as other family areas for example, parks.

The Interim Assistant Director, Regulatory Services, responded to queries raised arising from the report. It was agreed that clarification would be provided following the meeting in terms of the powers available to address dog fouling on private land and alley gate protection arrangements for residents. Discussion ensued in relation to the reporting arrangements of anti-social behaviour at weekends and the importance of enforcement powers to tackle such behaviour. Reference was made to a recent press release that had been issued confirming that additional police resources had been allocated in Hartlepool. The Assistant Director agreed to circulate this following the meeting.

The following recommendations were agreed with no dissent.

### **Decision**

- (i) The Committee approved the commencement of consultation with a view to the renewal of all existing Public Space Protection Orders.
- (ii) The Committee approved the commencement of consultation with a view to establishing whether any new Public Space Protection Orders were required.
- (iii) That the comments/views of Members, as outlined above, be noted and actioned as appropriate.
- (iv) That information be provided following the meeting in relation to the powers available to address dog fouling on private land, alley gate protection arrangements and details of a recent press release relating to police resources.

## **5. Allotments Service Review and Dispute Resolution Process – Risks and Legal Implications** *(Assistant Chief Solicitor (Deputy Monitoring Officer))*

### **Type of decision**

Non-key

### **Purpose of report**

To advise Members of the Committee of the risks and legal implications of their decision regarding the Allotments Services – Dispute Resolution Process made on 13 March 2020.

### **Issue(s) for consideration**

Members were referred to the background to the motion presented to Council regarding the allotment service and the Committee's consideration of the proposed changes to the allotment rules and regulations of tenancy and the proposal to introduce a dispute resolution process at its meeting on 13 March 2020. Reference was made to the Committee's decision to amend the recommendations, details of which were set out in the report and the Assistant Chief Solicitor went on to appraise Members of the risks and legal implications of this decision in detail before the matter was referred back to Full Council.

In the discussion that followed presentation of the report, a Member clarified the background to the decision taken by the Committee and highlighted the benefits of Elected Member involvement in the dispute resolution process. The Assistant Chief Solicitor advised that the revised process would not enable the local authority to respond appropriately or in a timely manner and outlined the following recommended process:-

- 1) Informal dialogue and negotiation with tenant
- 2) 1st warning letter
- 3) 2nd warning letter
- 4) Notice to Quit issued by Officer
- 5) Submit a complaint in accordance with the corporate complaints procedure. This procedure would include an investigation by an officer from a different department (who had received suitable training) and would also result in the monitoring and oversight of Finance and Policy Committee
- 6) Local Government and Social Care Ombudsman (LGSCO)

### **Decision**

The Committee noted the contents of the report and accepted the process recommended by the Assistant Chief Solicitor which was to be referred back to Full Council.

Councillor James requested that her abstention be registered.

The meeting concluded at 12.30 pm.

**H MARTIN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 7 AUGUST 2020**



**NEIGHBOURHOOD SERVICES COMMITTEE**

**16<sup>th</sup> October 2020**



**Report of:** Assistant Director (Regulatory Services)

**Subject:** PUBLIC SPACES PROTECTION ORDERS (PSPO's)

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

1.1 Key Decision Test (ii) – Forward Plan Reference RN8/20.

**2. PURPOSE OF REPORT**

- 2.1 To inform the committee of the results of the consultation exercise carried out in relation to the renewal of the Public Spaces Protection Orders (PSPO's) already in place in Hartlepool.
- 2.2 To seek the committee's approval for the renewal/extension of the PSPO's already in place in Hartlepool.

**3. BACKGROUND**

- 3.1 Public Spaces Protection Orders (PSPO's) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and give local Councils additional optional powers to deal with anti-social behaviour.
- 3.2 Councils can use PSPO's to prohibit specified activities and/or require certain things to be done in defined locations in order to stop or prevent anti-social behaviour.
- 3.3 The breach of a PSPO is a criminal offence but can be dealt with through the issue of a Fixed Penalty Notice (£100).
- 3.4 Councils may only introduce PSPO's where there is, or there is likely to be, persistent anti-social behaviour in a particular location or area.
- 3.5 PSPO's have a maximum duration of three years but may be renewed for a further three years indefinitely.

3.6 PSPO's are not intended to be used to tackle specific individuals or properties (other powers exist for such purposes) but rather identified anti-social behaviour problems in known locations.

3.7 Existing PSPO's in Hartlepool

3.8 When the Anti-social Behaviour, Crime and Policing Act 2014 was first introduced it automatically replaced a number of legal controls that were in place at that time, including Dog Control Orders and Gating Orders.

3.9 The PSPO that replaced the old gating orders covers all of the alleyways that are erected in the town.

3.10 There are currently 7 dog-related PSPOs in Hartlepool, namely:

- Dogs On Leads – dogs may enter the specified area but only if they are held on a lead;
- Dog Exclusion – dogs may not enter a specified area;
- Dog On Lead By Direction Order – An authorised officer can instruct a person responsible for a dog to put it on a lead if it is causing a nuisance. This order applies to the whole town;
- Fouling Of Land – The person responsible for a dog must clean up its faeces forthwith. This order applies to the whole town;
- Specified Maximum Number Of Dogs – Any one person may take out up to a maximum of 4 dogs at any one time. This order applies to the whole town;
- Restricted Lead Lengths – Dog leads are limited to 1.5 metres in length in all cemeteries; and
- Proof of Means to Pick-up - The power for authorised officers to request proof that a dog walker has the means to pick up their dog's faeces. This order applies to the whole town.

3.11 The above list includes some dog controls that were introduced last year but these will be renewed in October as it is more efficient to have them all renewed at the same time.

3.12 Before any PSPO can be renewed a consultation exercise must be undertaken and at its meeting of 31<sup>st</sup> July 2020, this committee gave its approval for consultation to begin.

#### **4. PROPOSAL**

4.1 The consultation process began on 2<sup>nd</sup> August and will continue until 10<sup>th</sup> October 2020.

4.2 At the writing this report, no responses to the consultation had been received but the committee will be advised of any updates when the meeting takes place.

4.3 In the absence of any comments against the renewal of the PSPO's already in place, it is proposed that they be renewed on 19<sup>th</sup> October 2020.

4.4 In addition to those PSPO's already in place, work has begun on the consideration of what further PSPO's may be appropriate in Hartlepool and a further report will be brought back to this committee on this matter.

## **5. RISK IMPLICATIONS**

5.1 If the PSPO's currently in force are not renewed in October 2020 they will cease to have effect.

## **6. FINANCIAL CONSIDERATIONS**

6.1 The renewal of the existing PSPO's will not create any new additional financial burdens.

## **7. LEGAL CONSIDERATIONS**

7.1 There is a legal requirement that PSPO's may only be renewed or introduced following a consultation exercise. This has been undertaken and no adverse comments were received.

## **8. CONSULTATION**

8.1 Consultation was undertaken with the statutory consultees and via the Council's website between 2<sup>nd</sup> August and 10<sup>th</sup> October 2020.

## **9. STAFFING CONSIDERATIONS**

9.1 Responsibility for the enforcement of the current PSPO's lies with the Police and the Council's Civil Enforcement Team. The renewal of existing PSPO's will not create any additional staffing demands.

## **10. ASSET MANAGEMENT CONSIDERATIONS**

10.1 The Council owns a large number of alleygates and should the PSPO that allows them to be used not be renewed, the alleygates would become irrelevant and unusable.

**11. OTHER CONSIDERATIONS**

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

**12. RECOMMENDATIONS**

- 12.1 That committee approves the renewal of the Public Spaces Protection Orders currently in place in Hartlepool.

**13. REASONS FOR RECOMMENDATIONS**

- 13.1 The renewal of the existing Public Spaces Protection Orders will allow the Council to continue to enforce various dog control measures in Hartlepool and permit the continued use of alleyways.

**14. BACKGROUND PAPERS**

- 14.1 Public Spaces Protection Orders – Neighbourhood Services Committee 31<sup>st</sup> July 2020

Public Space Protection Orders – Neighbourhood Services Committee 21<sup>st</sup> January 2019

Public Space Protection Orders – Neighbourhood Services Committee 13<sup>th</sup> June 2018

**15. CONTACT OFFICER**

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# NEIGHBOURHOOD SERVICES COMMITTEE

16 October 2020



**Report of:** Assistant Director (Place Management)

**Subject:** POTHOLE AND CHALLENGE FUND SCHEMES

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key Decision test (i) and (ii) applies. General Exception from Forward Plan applies.

## 2. PURPOSE OF REPORT

- 2.1 To seek approval for an accelerated programme of highway resurfacing schemes following the receipt of additional pothole funding totalling £925,000.

## 3. BACKGROUND

- 3.1 In addition to the Council's 5 year highway maintenance programme which was approved at Neighbourhood Services Committee on 13<sup>th</sup> March 2020, the Council has been awarded further funding under the government's Pothole and Challenge Fund. This funding is part of an additional £1.7 billion investment nationally which seeks to improve the condition of highway infrastructure.
- 3.2 Year 1 of the existing resurfacing programme is now underway and comprises of resurfacing works totalling £1,188,000.
- 3.3 The additional works for which approval is sought draws on schemes from Year 2 of that programme, along with other roads which have deteriorated at a faster rate than anticipated. A number of footpath schemes are also included to resolve some of the problems on pedestrian areas in most need of attention.
- 3.4 Roads and footpaths have been selected using the usual methods of assessing data from scanner surveys, supplemented by rating assessments carried out in house on the basis of Highway Inspector's reports, with consideration also being given to requests received from members of the public and Elected Members.

#### **4. PROPOSALS**

- 4.1 The proposed programme of work is in **Appendix 1**, with works totalling £925,000.
- 4.2 Full reconstruction works have been identified where other processes are not appropriate due to the condition of the highway.
- 4.3 Other treatments such as re-surfacing and surface dressing, which are cheaper but have a shorter lifespan when compared to full reconstruction will be utilised where appropriate. All methods proposed are more sustainable and offer a greater value for money than 'pothole filling'.
- 4.4 Main roads which carry higher volumes of traffic are resurfaced using Masterflex, which is a stone mastic asphalt material, whereas quieter, more lightly trafficked roads are done using dense bitumen macadam (DBM).
- 4.5 This additional funding has allowed schemes on the existing programme to be accelerated and this will be reflected when the refreshed five year programme will be brought before Committee in 2021.

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

- 5.1 There is a risk that individual scheme costs may increase, but a number of schemes on the additional programme have been brought forward from those provisionally identified for 2021/22, which will allow for rebalancing if required.

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

- 6.1 The total cost of the accelerated programme is £925,000.
- 6.2 The programme is to be funded by a government grant from the Pothole and Challenge Fund which is in addition to the Council's existing 5 year highway maintenance programme.

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

- 7.1 Temporary Prohibition of Driving Orders will be advertised where necessary, to support the road closures required for the works.

#### **8. CONSULTATION**

- 8.1 The roads to be resurfaced are identified from detailed survey data, highway inspections and engineer's site visits. Any complaints raised throughout the year are also assessed to determine whether they should be considered for inclusion in the rolling 5 year programme.

**9. ASSET MANAGEMENT CONSIDERATIONS**

- 9.1 The Asset Register will be updated to reflect the roads which are resurfaced.

**10. OTHER CONSIDERATIONS**

## 10.1

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

**11. RECOMMENDATIONS**

- 11.1 It is recommended that Members approve the proposed programme appended to this report (**Appendix 1**).
- 11.2 It is recommended that Committee approves any changes to the proposed programme be delegated to the Director of Neighbourhoods and Regulatory Services, in consultation with the Chair of Neighbourhood Services Committee

**12. REASONS FOR RECOMMENDATIONS**

- 12.1 To ensure that the Pothole and Challenge Fund is prioritised to achieve maximum benefit from the available budget.

**13. BACKGROUND PAPERS**

- 13.1 None.

**14. CONTACT OFFICER**

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Sign Off:-

Director of Policy and Finance ☒

Chief Solicitor ☒



**APPENDIX 1**

<b>Street</b>	<b>Location</b>	<b>Type</b>	<b>Cost Est.</b>
<u><b>Carriageway Schemes</b></u>			
A179	West of Hart to A19	Masterflex	£100,000
Truro Drive	Eastern Section	Full R/C	£120,000
A179 Easington Rd	Sections	Masterflex	£210,000
Coronation Drive	Newburn Bridge to Toilets Car Park	Masterflex	£75,000
Front Street, Hart	Full	DBM	£80,000
Butts Lane	Burns Close to bend	DBM	£35,000
Chatham Road	Full	DBM	£45,000
Coronation Drive	Sections from Seaton Reach-Station Ln	Masterflex	£100,000
Thomlinson Rd	Section after Casebourne roundabout	Masterflex	£20,000
Glentower Grove	Full	DBM	£26,000
Blakelock Rd	Bede Grove to Shakespeare Ave	DBM	£35,000
Olive Street	Full	DBM	£10,000
The Lawns	Full	DBM	£10,000
Beckston Close	Full	DBM	£9,000
Bertha Street	Full	DBM	£11,000
<u><b>Footpath Schemes</b></u>			
North Lane, Elwick	Hillcrest Grove to south end of lay-by	DBM	£12,000
North Lane, Elwick	North Close to opp. Hillcrest Grove	DBM	£4,000
Butts Lane, Hart	Front St to Clevecoat Walk	DBM	£4,000
Palace Row, Hart	South View to Butts Lane	DBM	£9,000
Dalton Piercy Rd	Sections from Three Gates to Windmill	DBM	£10,000
			<b><u>£925,000</u></b>

# NEIGHBOURHOOD SERVICES COMMITTEE

16<sup>th</sup> October 2020



**Report of:** Assistant Director (Regulatory Services)

**Subject:** TRADING STANDARDS SERVICE PLAN 2020/21

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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 2020/21.

## 3. BACKGROUND

3.1 Trading Standards operates within the Public Protection Division 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 2020/21 and highlights how these priorities will be addressed.

3.4 The Service Plan for 2020/21 is attached as **Appendix 1**.

## 4. PROPOSALS

4.1 The Service Plan for 2020/21 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 programs, service requests, complaints, advice, liaison and promotion;
- (iv) Resources, including financial allocation, staff allocation and staff development;
- (v) A review of performance for 2019/20.

## 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 2020/21 these will be: -

#### 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 2019/20, a total of 126 complaints were received regarding scams or rogue traders. Most of these incidents involved elderly or vulnerable people. As such, both “*Rogue Traders*” and “*Scams and Cons*” will continue to be classified as High Priority for 2020/21.

*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 7 in 2019/20) and a significant investment of time and resources over recent years to educate retailers about their obligations and the consequences of non-compliance.

This work is reflected in the results from test purchase exercises carried out in 2019/20 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 has now become a significant source of illegal goods.

5.6 Trading Standards in Hartlepool has adopted a unique approach to this problem and has created its own social media 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 adapt 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 50 and over 11,000 '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 2019/20 17 premises were visited to test a store's compliance with age restricted sales legislation. All premises visited complied with their license requirements.
- 5.16 Covid-19
- 5.17 The Trading Standards Service has taken on a shared primary role in engaging with and advising businesses on compliance with covid-19 guidance and regulations.
- 5.18 This constantly changing environment has presented unique and significant challenges to the Team and will inevitably have some impact on its ability to provide its usual full range of services.

## 6. **RISK IMPLICATIONS**

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

**7. OTHER CONSIDERATIONS**

Finance	No relevant issues.
Legal	No relevant issues.
Consultation	No relevant issues.
Child and Family Poverty	No relevant issues.
Equality and Diversity	No relevant issues.
Staff	No relevant issues.
Asset Management	No relevant issues.

**8. RECOMMENDATIONS**

- 8.1 That the Neighbourhood Services Committee approves the Trading Standards Service Plan for 2020/21.

**9. REASONS FOR RECOMMENDATIONS**

- 9.1 The Trading Standards Service Plan sets out the priorities for, and methods of, service delivery in 2020/21.

**10. BACKGROUND PAPERS**

- 10.1 There are no background papers for this report.

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# **Hartlepool Borough Council**

## **Trading Standards Service Plan**

**2020/21**



# **TRADING STANDARDS SERVICE PLAN 2020/21**

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## **INTRODUCTION**

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

Whilst focussing primarily on the year 2020/21, longer-term objectives are identified where relevant. Additionally, there is a review of performance for 2019/20 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
- Children's 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
- Neighbourhoods & Regulatory Services

The Trading Standards Service Plan is delivered through the Public Protection Division contained within the Neighbourhoods & Regulatory Services 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.
- Ensuring trader compliance with Covid 19 requirements

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	<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 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 and a new corporate Enforcement Policy is currently under consideration and undergoing consultation.

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 2020/21 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, temporary funding is being used to continue to provide 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 2019/20 Hartlepool had 50 NCCZ's (an increase from just 7 in 2016) and there is a target that five more will be created during 2020/21.

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 2020/21 will concentrate on children's safety.

### **3.8 Covid 19**

The outbreak of Covid 19 in early 2020 has placed additional burdens on the Trading Standards Service – this has included providing advice to businesses to ensure that they trade in accordance with Covid requirements and guidance, and taking enforcement action against those who choose to ignore it.

Sadly, as with any national or international emergency, scammers seek out opportunities to make money from the most vulnerable and Trading Standards has been working hard to ensure that residents of Hartlepool are protected as well as possible.

### **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 two 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.

272 complaints were received by the Trading Standards Service during 2019/20 (compared to 260 in 2018/19).

#### **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 2020/21 is:

	£	000
Employees		605
Other Expenditure		60
Grant Funding		(33)
Income		(8)
<b>Net Budget</b>		<b>624</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 Neighbourhoods & Regulatory Services has overall responsibility for the delivery of the Trading Standards Service in accordance with the Service Plan.

The Assistant Director (Regulatory Services) 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, Emergency Planning and Community Safety as well as general management responsibilities as a member of the Neighbourhoods & Regulatory Services 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 2021.

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 2020/21 are as follows:

1 x 0.2 FTE Assistant Director (Regulatory Services)

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 2019/20.

This service plan will be reviewed at the conclusion of the year 2020/21 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 Assistant Director (Regulatory Services) to carry out that review with the Director of Neighbourhoods & Regulatory Services.

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**

The sale and supply of counterfeit or smuggled tobacco continues to be a significant issue in Hartlepool and the North East as a whole.

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 also monitors 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 2019/20 17 premises were visited to test their compliance with age restricted sales legislation. The visits took place over two underage sales operations.

For one test purchasing operation two 14 year old female volunteers were used but no sales of alcohol were made to them.

Due to the difficulty in finding child volunteers, two 19 year old volunteers were also used on the other occasion 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 premises licence and failure to comply can constitute a criminal offence. During this test purchasing operation each premises requested age verification before a sale of alcohol was made.

### **6.4 E-Crime**

Officers have continued to monitor websites during 2019/20 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 continues to have a Facebook presence which allows 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 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 2019/20 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 toys (small parts)
- Children's Halloween costumes and items
- E-cigarette pens for general safety and flammability

No serious issues of non-compliance were discovered.

## 6.6 Promotional/Campaign Work

During 2019/20 the Trading Standards Service carried out four presentations to community groups.

## 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 2019/20 officers also checked 53 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

2019/20 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. A further 1200 stickers were

distributed during 2019/20 meaning that over 11,000 have been issued to Hartlepool residents since the initiative began in 2015.

As detailed in paragraph 3.5 above, 50 No Cold Call Zones (NCCZ's) have been created with a target to establish a further five more in 2020/21.

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 2019/20 details of 52 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 2019/20 three criminal prosecutions were prepared but, due to the outbreak of COVID-19, the Court hearings have all be postponed and are currently awaiting trial. These cases all relate to rogue traders.

## **6.10 Responding to Complaints**

The Trading Standards Service received a total of 272 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 2019/20.

## **7. KEY AREAS FOR IMPROVEMENT & KEY CHALLENGES FOR 2020/21**

1. The outbreak, and continued impact, of Covid 19 has presented a range of new challenges for the Trading Standards Service which has been given shared responsibility for ensuring business compliance with Covid requirements whilst having to continue to monitor, enforce and engage with the trade in a Covid safe manner.

2. 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.
3. 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.
4. 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.
5. 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.