



## Agenda

**Notice of a public meeting of Business and Environmental Services - Corporate Director and Executive Member - Open to Business**

**To: Councillor Derek Bastiman.**

**Date: Wednesday, 14th December, 2022**

**Time: 9.30 am**

**Venue: Pink Room, County Hall, Northallerton**

### Business

1. **Items for Corporate Director decision**
2. **Covert Activity Policy** (Pages 3 - 20)
3. **Trading Standards Tasking Filter and Matrix** (Pages 21 - 42)

Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

Date 7 December 2022

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## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

14 December 2022

#### Covert Activity Policy

#### Report of the Assistant Director Growth, Planning and Trading Standards

##### **1.0 Purpose of the report**

- 1.1 To review the Covert Activity Policy with the Corporate Director Business and Environmental Services (BES) with the Executive Member for Open for Business, and to seek continued approval for its use.
- 1.2 To report the Corporate Director (BES) with the Executive Member for Open for Business, on the use made of the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and covert activity during October 2021 to September 2022.

##### **2.0 Background to the Report**

- 2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) provide a legal framework for the lawful interference with an individual's right to a private and family life under article 8 of the European Convention on Human Rights (ECHR) following the Convention's incorporation into UK law by the Human Rights Act 2000. The Acts allow local authorities to undertake covert activities within the legal framework provided that they are done solely for 'the prevention or detection of crime or disorder'. The Acts does not grant powers to authorities and does not prevent unauthorised covert activity taking place. However, unauthorised activity may result in a claim for breach of human rights against the County Council, and in cases where the covert activity has secured evidence for use in criminal trials, that evidence may be excluded by a judge as unfairly obtained.
- 2.2 The trading standards service uses RIPA and IPA in the course of investigations into offences contrary to consumer protection legislation and the Fraud Act 2006, and conspiracy to defraud contrary to common law. Veritau Ltd investigates theft from and fraud against the County Council and might also adopt covert techniques to secure evidence in such cases. Service departments will also investigate gross misconduct involving financial or other abuse of clients.

##### **3.0 Covert Activity Policy**

- 3.1 Executive Members and the Corporate Director (Business and Environmental Services) last reviewed the Covert Activity Policy on 17 December 2021. There have been no legislative changes since the last report, however, the Authority was inspected by the Investigatory Powers Commissioner's Office (IPCO) on 30 November 2021. In the last report it was noted that verbal feedback from the inspection had been positive although the written report was awaited. The Chief Executive received a letter from the Investigatory Powers Commissioner, the Rt.

Hon. Sir Brian Leveson, setting out the findings of the inspection in December 2021. It was noted that, as in the previous inspection in 2018, there were no compliance issues. One suggestion was made verbally to expand the detail of the purpose of non-RIPA surveillance in annex 2 of the policy and this was reported on and approved on 17 December 2021. The letter concluded; ‘...your core team is to be congratulated on the overall thoroughness, clarity and proper maintenance of these key policy documents and practices.’

- 3.2 The Act requires local authorities to have a collaboration agreement with a body certified by the Secretary of State to act as the single point of contact with telecommunications providers for the acquisition of communications data under IPA. NYCC continues to be a member of the National Anti-Fraud Network (NAFN), which is so certified. NYCC officers make applications via the NAFN website. NAFN completes all contact with communication providers and submits applications on to the Office for Communications Data Authorisations (OCDA).
- 3.3 During the inspection, officers brought local government reorganisation to the attention of the inspector. This was noted in the Commissioner’s letter; ‘I am aware that in April 2023, significant changes to local democracy will take place, with a single new Council for North Yorkshire replacing the present County and seven District and Borough councils. Whilst this has therefore been the final IPCO inspection of your authority in its current state, I understand there will be some continuity of staff into the new body, which should ensure your good practices continue.’ The Regulatory Services and Governance workstreams are coordinating to ensure that suitable arrangements are in place for vesting day.

#### 4.0 Report on Covert Activity

- 4.1 From October 2021 to September 2022, there were no applications or authorisations for the use of directed surveillance or of a covert human intelligence source (CHIS) under RIPA.
- 4.2 From October 2021 to September 2022 applications were made via NAFN, and authorisations granted to acquire the following communications data:

Date	Type of Authorisation	Investigation	Outcome
November 2021	Entity data	Misuse of trade mark and approval/certification marks in connection with roofing work	Trader could not be located
December 2021	Entity data and event data	Doorstep crime	On-going prosecution for conspiracy to defraud and money laundering
April 2022	Entity and event data	Withheld as on-going	Investigations on-going

## **5.0 Training**

- 5.1 One officer attended the NAFN annual conference which provided training sessions on the Investigatory Powers Act 2018 and data protection. Thirteen officers attended a RIPA 2000 Refresher Workshop – Digital Services Act and social media provide by the Central England Trading Standards Authorities (CEnTSA), and two officers attended training on the use of CCTV in evidence, also provided by CEnTSA.

## **6.0 Oversight**

- 6.1 No IPCO inspection took place at NYCC during the reporting period. NAFN has an annual inspection which took place in November 2021. It was reported in the NAFN Annual report that:

*‘Our annual inspection by the Investigatory Powers Commissioners Office took place in November and I am pleased to report another great outcome. The inspection recorded no recommendations and offered a small number of observations, which provided us with an opportunity to review processes and policies. A number of observations of good practice were also highlighted, reflecting on the high-quality service already provided by the NAFN communications data SPOCs, demand for which continues to go from strength to strength.’*

- 6.2 IPCO requires an annual return of the numbers of directed surveillance and CHIS authorisations granted for the calendar year by 31 January in the following year. Figures for 2021 were returned to IPCO on 24 January 2022. The next return is due by 31 January 2023.

## **7.0 Legal Implications**

- 7.1 Reviewing and reporting on the policy and its use enable compliance with the Acts and codes of practice issued under RIPA and IPA. There are no other legal implications from this report itself although ensuring that a policy is in place and properly implemented helps to protect the County Council from claims for breaches of article 8 of the European Convention on Human Rights (the right to a private and family life) and from the exclusion of evidence in criminal proceedings.

## **8.0 Financial Implications**

- 8.1 There are no financial implications arising from this report.

## **9.0 Equalities Implications**

- 9.1 It is the view of officers that there are no equalities implications arising from the recommendations. A decision record sheet covering the decision not to complete an equalities impact assessment in relation to the covert activity policy is attached as appendix B.

## **10.0 Climate Change**

- 10.1 Consideration has been given to the potential for any climate impacts arising from the recommendation. It is the view of officers that the recommendation has a neutral impact on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030 and a copy of the Climate change impact assessment screening form is attached as appendix C.

**10.0 Recommendations**

- 10.1 That the Corporate Director (BES) with the Executive Member for Open for Business, notes the use made of RIPA from October 2021 – September 2022.
- 10.2 That the Corporate Director (BES) with the Executive Member for Open for Business, approves the continued use of the Covert Activity Policy.

DAVID CAULFIELD  
Assistant Director Growth, Planning and Trading Standards

Author of report: Jo Bouflower, Head of Business and Consumer Services

Background documents: None

## COVERT ACTIVITY POLICY

### SCOPE:

This policy applies to all employees of North Yorkshire County Council.

### PURPOSE:

- To set the criteria under which authorisation of covert activity under the Regulation of Investigatory Powers Act 2000 may be granted.
- To set the criteria under which authorisation of covert activity outside the Regulation of Investigatory Powers Act 2000 may be granted.
- To designate officers who may authorise covert activity.
- To set requirements for the internal oversight of covert activity.

### 1. THE LEGAL FRAMEWORK

The European Convention on Human Rights (ECHR) was incorporated into UK law by the Human Rights Act 1998. Article 8 of ECHR sets out that everyone has the right to “...*respect for his private and family life, his home and his correspondence*”, and that a local authority may not interfere with this right except “...*as is in accordance with the law and is necessary in a democratic society... for the prevention of...crime...*”<sup>1</sup>

The Regulation of Investigatory Powers Act 2000 (RIPA) was enacted to put a framework in place to allow for the lawful interference of an individual's article 8 rights in compliance with ECHR. It was supplemented by the Investigatory Powers Act 2016 (IPA) and the Acts defines three types of covert activity which may be undertaken by local authorities. These are:

#### 1.1 Directed Surveillance

This is surveillance which is not intrusive<sup>2</sup> but which is targeted at an individual or individuals, is covert, and is likely to result in the obtaining of private information<sup>3</sup>.

Private information includes any information relating to a person's private or family life<sup>4</sup>, including family or professional/business relationships. Information which appears public, such as conversations in the street or material posted on social media, may still be private information as it will be likely that the individual has a reasonable expectation of privacy even though they are acting in public<sup>5</sup>.

#### 1.2 Covert Human Intelligence Sources (CHIS)

A person is a CHIS if he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating:

- the covert use of such a relationship to obtain information or to provide access to any information to another person; or
- the covert disclosure of information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.<sup>6</sup>

<sup>1</sup> RIPA sets out other statutory grounds (ss. 22(2), 28(3) and 29(3)) but local authorities may only use RIPA ‘for the preventing or detecting of crime’ (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 and Regulation of Investigatory Powers (Communications Data) Order 2010. See also s. 60A(7) Investigatory Powers Act 2016 IPA

<sup>2</sup> Intrusive surveillance is surveillance that takes place on residential premises or in a private vehicle by means of an individual or surveillance device on the premises or in the vehicle (S.26(3) RIPA).

<sup>3</sup> S.26(2) RIPA

<sup>4</sup> S.26(10) RIPA

<sup>5</sup> Para 3.4, page 16, Covert Surveillance and Property Interference Code of Practice (August 2018)

<sup>6</sup> S.26(8) RIPA

### 1.3 Acquisition of Communications Data

Communications data is the ‘who’, ‘when’, ‘where’ and ‘how’ of a communication but not the content. There are currently two categories of communications data:

**Entity data**<sup>7</sup> - which identifies the location a communication was sent from or its destination. It includes IP addresses, cell site (location by triangulation from mobile phone masts) data, online parcel tracking.

**Events data**<sup>8</sup> - the use made by a person of a communication service. This would include outgoing call logs or information about redirection services. Local authorities may not obtain internet connection records, a type of events data.

### 1.4 Restricted Covert Activity

Local authorities may not undertake the following types of covert activity under the framework:

- intrusive surveillance<sup>9</sup>,
- property interference<sup>10</sup>, or
- the interception of communications<sup>11</sup>.

Intrusive surveillance is surveillance that takes place on residential premises or in a private vehicle by means of an individual or surveillance device on the premises or in the vehicle. Property interference is the entry onto or interference with property or wireless telegraphy. It would include, for example, the fitting of a tracking device to a vehicle<sup>12</sup> or the installation of a recording device in a residential property. The interception of a communication is anything which obtains the content of that communication, for example, placing a wiretap on a phone.

### 1.5 Authorisation of Covert Activity under RIPA

Covert activity which meets the RIPA criteria must be authorised in accordance with the Act. An application must be made on the appropriate form<sup>13</sup> and authorised by an officer meeting the prescribed offices, ranks, and position<sup>14</sup>. The authorisation will not be valid until judicial approval has been obtained from a magistrates’ court<sup>15</sup> and so covert activity must not take place until both the internal authorisation and judicial approval have been obtained. Authorisations must be cancelled as soon as the activity is concluded<sup>16</sup>. Further information about the authorisation process can be found in the Covert Activity Procedures document.

<sup>7</sup> S.261(3) of the Investigatory Powers Act 2016 (IPA)

<sup>8</sup> S.261 (4) IPA – see also s. 62 IPA for the restriction in relation to internet connection records

<sup>9</sup> S.26(3) RIPA

<sup>10</sup> Paragraph 7.1, page 56, Covert Surveillance and Property Interference Code of Practice (August 2018)

<sup>11</sup> Ss.18 and 73 IPA

<sup>12</sup> It is not property interference for a vehicle owner or operator to fit such a device, see paragraph 7.49, page 66, Covert Surveillance and Property Interference Code of Practice (August 2018) for public authority vehicles<sup>13</sup> Current forms may be obtained from the trading standards service, legal services or Veritau

<sup>14</sup> The list of current authorising officers & designated officers can be found at appendix 1

<sup>15</sup> Ss. 37 & 38 Protection of Freedoms Act 2012

<sup>16</sup> Regulation of Investigatory Powers (Cancellation of Authorisation) Regulations 2000



## 1.6 Authorisation of Covert Activity outside RIPA

The Investigatory Powers Tribunal has considered the authorisation and use of covert activity outside the RIPA framework. It has observed that:

*“RIPA does not require prior authorisation to be obtained by a public authority in order to carry out surveillance. Lack of authorisation does not necessarily mean that the carrying out of directed surveillance is unlawful”<sup>17</sup>.*

The tribunal has considered in detail the process of authorising activity outside RIPA. The case<sup>18</sup> involved the placing of a covert silent video recorder in the sitting room of a flat occupied by a severely disabled young woman in response to a number of petty thefts. The thefts did not meet the ‘serious’<sup>19</sup> threshold for intrusive surveillance under RIPA. A superintendent had authorised the covert activity and had recorded her reasons:

*“...the particular conduct could not be authorised under RIPA but that this did not necessarily mean that the actions proposed could not be lawfully undertaken, even though it would be without the protection that an authorisation under RIPA would afford. The Act itself states that any such deployment outside RIPA does not necessarily mean that it is unlawful.”<sup>20</sup>*

The superintendent had considered the necessity and proportionality of the activity and the risk of collateral intrusion. She had also considered guidance issued by the Office of the Surveillance Commissioner.<sup>21</sup>

The Investigatory Powers Tribunal agreed with the submission by Cleveland Police that the force had acted “...exactly as the public would have expected it to act”. The tribunal endorsed the procedure adopted by the superintendent, “i.e., a procedure as close as possible to that which would be adopted if an authorisation could be obtained from a...relevant authorising officer [under RIPA].”

## 1.7 Authorisation of the Acquisition of Communications Data

Communications data may only be obtained using the IPA framework. Other statutory powers must not be used to acquire communications data.

Applications must be made via a collaboration agreement partner, currently NAFN, and approved by the Office for Communications Data Authorisations. Applicants must make a relevant senior officer (as listed in Appendix 1) aware of the application before it is submitted.

All contact with a communications provider must be via the single point of contact (SPOC) employed by the collaboration partner.

<sup>17</sup> C and the Police & Secretary of State for the Home Department IPT/03/32/H

<sup>18</sup> BA & others and the Chief Constable of Cleveland Police IPT/11/129/CH, IPT/11/133/CH & IPT/12/72/CH

<sup>19</sup> Intrusive surveillance may only be undertaken in relation to ‘serious’ crime as defined by ss.80(2) and (3)

<sup>20</sup> S.80 (general saving for lawful conduct)

<sup>21</sup> OSC Procedures & Guidance, December 2011, paragraphs 231-233

## 1.8 Data Assurance

Regard must be had to the guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained by the use of covert means set out in each code of practice<sup>22</sup>.

Such material must be clearly labelled and identified on each data pathway on which it is stored. Applications should identify the data pathways to be used to store material in order that the authorising officer understands where it will be stored and can give appropriate instructions within the authorisation. Officers must comply with the North Yorkshire County Council Documents and Record Management Policy and covert activity procedures in allocating a retention period to material.

The annual report to Members includes the results of data safeguarding dip sampling which is undertaken by the RIPA co-ordinator.

## 2. USE OF COVERT ACTIVITY BY NYCC OFFICERS

Covert techniques may be used by NYCC officers acting in the course of their employment only in the accordance with the table set out in Appendix 2 of this policy. Where a company or individual<sup>23</sup> is contracted by NYCC to undertake covert activity, such activity must be authorised as if it was undertaken by NYCC employees and only in accordance with the table in Appendix 2.

Authorised covert activity may only be undertaken in accordance with the Covert Activity Procedures. This document is maintained by the RIPA Co-ordinating Officer, from whom a copy can be obtained.

The welfare obligations arising from the use and conduct of CHIS are such that NYCC is not equipped to meet them properly. Accordingly, third party (non-employee) CHIS will only be deployed in joint operations with a police force in situations where the force concerned can source, authorise, manage and safeguard the CHIS.

Surveillance product must be stored and disposed of in accordance with the Documents and Records Management Policy, and only used for the purpose for which it was obtained.

If covert activity concerns the acquisition of communications data, the National Anti-Fraud Network (NAFN)<sup>24</sup> must be used to fulfil the SPOC function.

<sup>22</sup> Chapter 9, Covert Surveillance and Property Interference Revised Code of Practice, August 2018 Chapter 8, Covert Human Intelligence Sources Revised Code of Practice, August 2018 Chapter 7, Acquisition and Disclosure of Communications Data Code of Practice, March 2015

<sup>23</sup> Including Veritau Ltd when acting as NYCC's internal fraud investigator

<sup>24</sup> See appendix 1 for contact details to obtain access to NAFN. A collaboration agreement is now a requirement by virtue of s. 74 IPA

### 3. SENIOR RESPONSIBLE OFFICER

The senior responsible officer is the Assistant Director - Growth, Planning and Trading Standards reporting to the Corporate Director - Business and Environmental Services. He is responsible for<sup>25</sup>:

- ensuring authorising officers are of an appropriate standard,
- ensuring the integrity of the CHIS process,
- overseeing the reporting of errors,
- implementing any action plans following inspections.

### 4. RIPA CO-ORDINATOR

The RIPA co-ordinator function is provided by the trading standards service<sup>26</sup>. The RIPA co-ordinator undertakes the following functions:

- maintains a central record or directed surveillance and CHIS<sup>27</sup>,
- contacts the nominated officer in each relevant service area to obtain quarterly updates on training needs,
- manages the arrangement and provision of appropriate training,
- maintains the Covert Activity Policy and Covert Activity Procedures documents.

### 5. TRAINING

Any officer who intends to apply for a covert activity authorisation must receive appropriate training and all officers using covert techniques will receive on-going annual training relevant to their covert activities and responsibilities. This must be considered as part of the annual appraisal process for relevant employees. The RIPA co-ordinator maintains a register of training needs.

### 6. OVERSIGHT

BES Executive Members receive quarterly updates on the use of RIPA, and also consider an annual report on the Covert Activity Policy to ensure that it is fit for purpose and being implemented properly.

<sup>25</sup> Paragraph 4.41, page 39 Covert Surveillance and Property Interference Code of Practice (August 2018) and paragraph 9.1, page 55, Covert Human Intelligence Sources Code of Practice (August 2018)

<sup>26</sup> See appendix 1 for contact details

<sup>27</sup> Paragraphs 8.1 and 8.2, pages 68-69, Covert Surveillance and Property Interference Code of Practice (August 2018) and paragraph 7.1, page 35, Covert Human Intelligence Sources Code of Practice (August 2018)

Authorising Officers

**Head of Paid Service**

Chief Executive

**Legal & Democratic Services**

Assistant Chief Executive (Legal & Democratic Services) (Acting Head of Paid Service in the absence of the Chief Executive)

Legal Manager (People)

Legal Manager (Corporate Services)

**Growth, Planning and Trading Standards**

Head of Business & Consumer Services

Head of Multi-agency Safeguarding Team

Senior Responsible Officer

Assistant Director (Growth, Planning and Trading Standards)

RIPA Coordinating Officer

Head of Business and Consumer Services – in respect of training and day to day management

Intelligence and Information Assets Officer – in respect of the central record, source record and audit

To arrange authorisation to access NAFN please contact the Head of Business and Consumer Services

**Covert activity may only be undertaken in accordance with this table:**

ACTIVITY <sup>28</sup>	SERVICE <sup>29</sup>	PURPOSE
DS	TS	investigations into criminal offences suspected to have been committed in connection with the supply of goods or services by a business to consumer(s) and which attract at least a maximum penalty of up to six months' imprisonment
DS	TS	investigations into suspected criminal offences arising from the sale of alcohol or tobacco products to those under the age of 18
DS	IF	investigations into theft and fraud perpetrated against NYCC
NR-IS	TS	investigations into fraud and unfair commercial practices <sup>30</sup> perpetrated in a repeated and targeted manner against vulnerable residents
NR-IS	IF	investigations into fraud or theft perpetrated against a resident of County Council residential premises.
NR-IS	IF or service depts	investigations into gross misconduct by an NYCC employee using their employment to facilitate financial or other abuse of vulnerable NYCC clients and service users.
CHIS	TS	to facilitate online test purchase operations involving the use of a covert identity and communication with an individual suspected of a criminal offence suspected to have been committed in connection with the supply of goods or services by a business to consumer(s) and which attracts at least a maximum penalty of up to six months' imprisonment
CHIS	TS	to facilitate face to face test purchase operations and/or to collect goods ordered online from an individual suspected of a criminal offence suspected to have been committed in connection with the supply of goods or services by a business to consumer(s) and which attracts at least a maximum penalty of up to six months' imprisonment
CD	TS	Events and/or entity data for investigations into criminal offences suspected to have been committed in connection with the supply of goods or services by a business to consumer(s)
CD	IF	investigations into theft and fraud perpetrated against NYCC

<sup>28</sup> DS = directed surveillance, CHIS = use and conduct of a covert human intelligence source, CD = acquisition of communications data, NR-DS = directed surveillance outside RIPA, NR-IS = intrusive surveillance authorised outside RIPA

<sup>29</sup> TS = trading standards, IF = internal fraud investigators (Veritau Ltd)

<sup>30</sup> As defined by the Consumer Protection from Unfair Trading Regulations 2008

<b>Initial equality impact assessment screening form</b> (As of October 2015, this form replaces 'Record of decision not to carry out an EIA')			
<b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b>			
<b>Directorate</b>	BES		
<b>Service area</b>	Trading Standards		
<b>Proposal being screened</b>	Revised Covert Activity Policy		
<b>Officer(s) carrying out screening</b>	Jo Boutflower		
<b>What are you proposing to do?</b>	Review and amend the covert activity policy to include details of data assurance methods.		
<b>Why are you proposing this? What are the desired outcomes?</b>	To ensure that covert activity and the acquisition of communications data can be undertaken in appropriate circumstances in a lawful, necessary and proportionate manner with safeguards in place to protect the human rights of third parties, and clients and employees of the County Council.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give</b>	No.		
<b>Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info</b>
Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
<b>NYCC additional characteristic</b>			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	

<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g., disabled people's access to public transport)? Please give details.	No.			
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g., partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No.			
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	X	Continue to full EIA:	
<b>Reason for decision</b>	<p>The amended policy ensures that covert activity is only undertaken where the impact, and particularly the right to respect for private and family life under article 8 of the European Convention on Human Rights, on anyone who is the subject of, or collateral to, the covert activity has been considered and that it is considered by a senior officer that despite the risk of intrusion, the activity is necessary and proportionate bearing in mind the objective it seeks to achieve, and that the policy reflects the current law.</p> <p>The revised policy will ensure that covert activity is deployed in a consistent manner and that it is not deployed in response to an individual's protected characteristics.</p>			
<b>Signed (Assistant Director or equivalent)</b>	David Caulfield			
<b>Date</b>	25/11/22			



## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	Covert Activity Policy
<b>Brief description of proposal</b>	Annual report on the use of covert activity and review of the policy
<b>Directorate</b>	BES
<b>Service area</b>	Growth, Planning and Trading Standards
<b>Lead officer</b>	Jo Boutflower
<b>Names and roles of other people involved in carrying out the impact assessment</b>	N/A
<b>Date impact assessment started</b>	25/11/22



**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

There is no alternative. RIPA and IPA provide a legislative framework to manage the lawful interference with an individual's article 8 ECHR rights. Statutory codes of practice recommend an annual report on the use of the legislation.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

It is cost neutral but compliance with RIPA and IPA ensures the council acts lawfully when it undertakes covert activity.

How will this proposal impact on the environment?  N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		X				
	Emissions from construction		X				
	Emissions from running of buildings		X				
	Other		X				
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X					
Reduce <b>water</b> consumption		X					
Minimise <b>pollution</b> (including air, land, water, light and noise)		X					

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance <b>conservation</b> and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		X				
<p>Other (please state below)</p>		X				

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

N/A

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The proposal has not impact on the environment, it ensures the council acts lawfully in the conduct of its investigations.

#### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	<b>Jo Boutflower</b>
<b>Job title</b>	<b>Head of Business and Consumer Services</b>
<b>Service area</b>	<b>Trading Standards (GPTS)</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>J L Boutflower</b>
<b>Completion date</b>	<b>25/11/22</b>

**Authorised by relevant Assistant Director (signature): David Caulfield**

**Date: 30/11/22**

## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

14 December 2022

#### Trading Standards Tasking Filter and Matrix

#### Report of the Assistant Director - Growth, Planning and Trading Standards

##### **1.0 Purpose of the report:**

- 1.1 To report to the Corporate Director Business and Environmental Service (BES) and the Executive Member for Open for Business, on the use of the trading standards filter and matrix from 1 September 2021 to 31 August 2022.
- 1.2 To seek approval for a 'cost of living weighting' and the continued use of the filter and matrix.

##### **2.0 Background to the report**

- 2.1 The Corporate Director (BES) and BES Executive Members approved the filter and matrix on 27 February 2015, and it was implemented from 1 April 2015. It has been subject to minor amendments on a number of occasions. The last report was made on 17 December 2021. The current filter and matrix is produced as Appendix A to this report.
- 2.2 The filter and matrix was introduced to enable the Trading Standards Service (TSS) to manage and allocate reduced resources. The reduction in core budget since 2015 has been mitigated by successes the Service has had in obtaining income and in securing corporate and external funding to run specific delivery programmes and projects. However, the impact on core work is such that there are fewer resources to provide investigative and inspection work outside those service delivery programmes and projects. TSS uses the filter and matrix mechanism to manage the volume of complaints and service requests received. It ensures that there is an agreed, consistent and transparent approach to the response provided to all such complaints and service requests.

##### **3.0 Complaints and Service Requests**

- 3.1 In recent years, the TSS has received around 7,000 consumer complaints per year via the Citizens Advice Consumer Service helpline, with 2018-19 recording the lowest number at 6,282. Numbers began rising the following year, hitting a peak of 7,297 complaints received between 1 September 2020 and 31 August 2021. Reporting of covid restrictions breaches and unsafe practices, along with covid-related complaints such as those concerning wedding or holiday bookings, contributed to the rise. 6,893 complaints were received between 1 September 2021 and 31 August 2022.

- 3.2 The former downward trend was seen nationally over several years. It is believed that the ready availability of online advice for straightforward consumer enquiries, such as someone wanting to know what their statutory rights are before returning goods, and the ability to contact large retailers about complaints easily via their social media accounts is responsible for the reduction. However, it has been noted that there has been an increase in pricing related complaints this year and it can be expected that as the cost of living rises continue to affect residents, complaints about pricing, energy suppliers, accommodation and vehicles are likely to increase.
- 3.3 Charts showing the number of complaints received, filtered, scored through the matrix and tasked for 1 September 2021 to 31 August 2022 are set out in Appendix B. Charts for the same period in both 2020-21 and 2019-20 are included for comparison purposes. A summary, table 13, shows the total number of complaints received, scored and tasked over the last four reporting periods. Following a peak of 19% of complaints received tasked during the early days of the pandemic, tasking levels have settled at 12% and 13% of complaints received over the last two years. This is slightly higher than the pre-pandemic level which had settled between 8% and 10%.
- 3.4 There are three probable reasons for the increase in percentage of complaints tasked:
- a. The reduction in straightforward complaints as a result of consumers' self-help noted in paragraph 3.2 above means that a higher percentage of complaints received by the service warrant intervention.
  - b. Following the pandemic there was an increase in people undertaking home improvements and this led to an increase in complaints about building and other home maintenance sectors. This type of work inevitably involves a significant cost outlay and so led to a higher proportion of complaints being tasked.
  - c. There has been a noticeable increase in complaints about more minor pricing issues, such as failure to price mark goods or discrepancies between shelf edge prices and prices charged at the till. Such complaints often relate to convenience stores and corner shops and so are likely to have more of an impact on those on a low income or with financial or other vulnerabilities who may not be able to travel to an alternative shop. Where possible, the financial detriment element of the matrix has been used to allow these complaints to be tasked. A proposal is set out in paragraphs 4.2 and 4.3 to formalise this for the duration of the cost of living crisis.
- 3.5 Approximately 1,000 service requests are made each year for business advice (including animal health and food), no cold calling zones, weight restriction enforcement, and education work. The number of service requests has been falling year on year with 936 received between 1 September 2021 and 31 August 2022. 1,051 service requests were received between 1 September 2020 and 31 August 2021, and 1,105 between 1 September 2019 and 31 August 2020. This compares with 1,361 between 1 September 2018 and 31 August 2019.
- 3.6 The service offered free business advice to all North Yorkshire businesses during the pandemic until 1 October 2021 in order to support businesses through difficult trading conditions. However, the pandemic inevitably led to a reduction in new product launches for established businesses and a reduction in overall trade for many sectors meaning there was a lower demand for proactive advice. Since then, the economic situation has also meant that established businesses are less likely to launch new products or seek to expand.

3.7 The service offers free advice to new businesses based in North Yorkshire and there may be an increase in demand for such advice if people decide to set up their own business in response to redundancy or lack of other employment opportunities. Such new ventures are often in relatively high risk areas such as the manufacture of cosmetics, toys, cakes or dog treats and can require detailed and complex advice. Whilst this can be resource intensive, research has shown that a business which has access to good quality advice when it is set up is twice as likely to grow as if it does not<sup>1</sup>. Helping businesses get things right at the beginning also removes unnecessary enforcement costs later on.

#### 4.0 Proposed Amendments to the Filter and Matrix

4.1 Consumers and businesses are being hit hard by the rising cost of living. A House of Commons Library research briefing<sup>2</sup> published on 20 October 2022 reported that the annual rate of inflation reached 10.1% in September 2022, a 40 year high. The same month, the Office for National Statistics<sup>3</sup> found that 79% of adults were 'very' or 'somewhat' worried about the rising cost of living. Even more starkly, the National Trading Standards Strategic Assessment, published on 3 November 2022, reports that losing just £100 to a scam now would tip one in four (24%) UK adults into financial crisis, unable to pay bills, or buy food or other essentials.

4.2 It has been observed that there has been an increase in complaints about issues such as a lack of shelf edge pricing or discrepancies between price markings and prices charged as people become more aware of the cost of their shopping. Such matters would not ordinarily score highly enough on the matrix to be tasked to an officer. In order that resources can be allocated to these areas it is proposed that a 'cost of living' weighting be added temporarily to the 'financial detriment' element of the matrix as below:

FACTOR	NONE Score 0	LOW Score 1	MODERATE Score 6	HIGH Score 10	SCORE	COMMENTS
Financial Detriment (include wider economic impact)	<b>No financial detriment</b>  <b>CLW = ADD 10</b>	<b>Total value estimated at less than £1,000</b> <b>CLW = ADD 10</b>	<b>Total value estimated at £1,000 to £10,000</b> <b>CLW = ADD 5</b>	<b>Total value estimated at over £10,000</b>  <b>CLW = ADD 5</b>		<b>APPLY COST OF LIVING WEIGHTING (CLW)</b>

4.3 This weighting would be applied in respect of complaints concerning:

- failure to price goods
- misleading price indications or price comparisons
- failure to provide unit pricing information
- single reports of short measure of food, drink or fuel
- overcharging
- unfair practices in connection with the repair of vehicles or white goods

4.4 The continued need for the weighting would be reviewed annually. Worked examples to illustrate the impact of the proposed cost of living weighting can be found at Appendix C.

<sup>1</sup> BIS Small Business Survey cited in [No stone unturned in pursuit of growth \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>2</sup> Rising Cost of Living in the UK [CBP-9428.pdf \(parliament.uk\)](https://parliament.uk)

<sup>3</sup> [Public opinions and social trends, Great Britain - Office for National Statistics](https://www.ons.gov.uk)

## **5.0 Equalities**

5.1 It is the view of officers that there are no equalities implications arising from the recommendations. A decision record sheet covering the decision not to complete an equalities impact assessment in relation to the introduction of the filter and matrix is attached as Appendix D.

## **6.0 Financial**

6.1 There are no significant financial implications for the County Council arising from the recommendations.

## **7.0 Legal**

7.1 The filter and matrix is designed to provide a consistent and transparent process by which to deploy resources and so, applied correctly, would assist with responding to complaints or legal arguments that particular enforcement action should or should not have been taken.

## **8.0 Climate Change**

8.1 Consideration has been given to the potential for any climate impacts arising from the recommendation. It is the view of officers that the recommendation has a neutral impact on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030 and a copy of the Climate change impact assessment screening form is attached as Appendix E.

## **9.0 Recommendations**

9.1 That the Corporate Director (BES) in consultation with the Executive Member for Open to Business, note the contents of this report and approve the proposed addition of a 'cost of living' weighting and the continued use of the filter and matrix.

9.2 Subject to such approval, that the TSS reports on the use of the filter and matrix to the Corporate Director (BES) and the Executive Member for Open to Business in December 2023.

DAVID CAULFIELD

Assistant Director Growth, Planning and Trading Standards

Author of report: Jo Bouflower, Head of Business and Consumer Services

Background Documents: None



## FILTER AND MATRIX

Criteria	Yes	No	Comments
1. Does the identified problem fit within the NYCC TS remit?		<b>REFER</b>	Refer to other agency if appropriate
2. Would the identified problem be best dealt with by another agency?			Refer to other agency if appropriate
3. Is the complaint anonymous or of poor reliability?	<b>RECORD</b>		Record for intelligence purposes if complaint relates to safety, doorstep crime, animal health & welfare, or underage sales.
4. Does the identified problem link to local priorities?		<b>RECORD INTEL IF APPROPRIATE</b>	<b>Reject</b> if problem is incapable of causing detriment in North Yorkshire
5. Does the problem cause or risk injury or death?	<b>GO TO 12</b>	<b>GO TO 6</b>	
6. Does the problem involve a risk to animal welfare?	<b>GO TO 12</b>	<b>GO TO 7</b>	
7. Does the problem cause an animal disease risk?	<b>GO TO 12</b>	<b>GO TO 8</b>	
8. Does the problem cause or risk significant consumer detriment?	<b>GO TO 12</b>	<b>GO TO 9</b>	
9. Does the problem affect a vulnerable consumer even where detriment is low?	<b>GO TO 12</b>	<b>GO TO 10</b>	
10. Does the commercial practice amount to an aggressive practice?	<b>GO TO 12</b>	<b>GO TO 11</b>	
11. Does the problem provide a suspected offender with significant financial benefit?	<b>GO TO 12</b>	<b>GO TO 12</b>	
12. Does the problem cause or risk significant business detriment?	<b>GO TO 12</b>	<b>RECORD</b>	Record for intelligence purposes if appropriate
13. Is the identified threat/risk happening now, continuing or is it imminent?		<b>EDUCATE &amp; RECORD</b>	Consider proportionate use of education/media and make an intelligence submission as appropriate
14. Does action help to stop the activity taking place?		<b>EDUCATE &amp; RECORD</b>	Consider proportionate use of education/media and make an intelligence submission as appropriate
15. Is there level 2 or 3 offending or a sector-wide issue suitable for a regional or national referral?	<b>REFER or TASK</b>		Refer to regional tasking (for Scambusters or NTG referral) where appropriate
16. Is there a reputational risk to NYCC if no action was undertaken by NYTS?	<b>TASK</b>	<b>TASK</b>	Task in accordance with the tasking matrix

Appendix A

FACTOR	NONE Score 0	LOW Score 1	MODERATE Score 6	HIGH Score 10	SCORE	COMMENTS
Public Safety	<i>No risk of harm/injury</i>	<i>Low risk of harm/injury</i>	<i>Risk or reports of minor harm/injury</i>	<i>Risk or reports of major harm/injury</i>		
Vulnerable Consumer/ Aggressive Practices	<i>No indication of vulnerability/aggression</i>	<i>Low indication of vulnerability/potential aggressive practice</i>	<i>Vulnerable persons affected/aggressive practice used</i>	<i>Vulnerable persons specifically targeted/aggressive practice targeted at vulnerabilities</i>		
Financial Detriment (include wider economic impact)	<i>No financial detriment</i>	<i>Total value estimated at less than £1,000</i>	<i>Total value estimated at £1,000 to £10,000</i>	<i>Total value estimated at over £10,000</i>		
Environmental Impact	<i>Impacts climate change score 5</i>	<i>Impacts ecosystem quality score 5</i>	<i>Impacts resources score 5</i>	<i>Impacts human health score 5</i>		
Animal Welfare	<i>No risk to animal welfare</i>	<i>Low harm/risk score 5</i>	<i>Medium harm/risk score 10</i>	<i>Major harm/risk score 25</i>		APPLY ANIMAL WELFARE ASSESSMENT CRITERIA
Animal Disease Risk	<i>No animal disease risk</i>	<i>Low animal disease risk</i>	<i>Risk or reports of minor disease issues</i>	<i>Risk or reports of major disease issues</i>		
Reputational Risk	<i>No media or public interest</i>	<i>Low media or public interest</i>	<i>Corporate priority or some media or public interest</i>	<i>Significant media or public interest</i>		
Trader Profile (divisor of 2 applies for Primary Authorities)	<i>No longer trading</i>	<i>Single outlet or local online presence</i>	<i>Multiple outlets or reach</i>	<i>National or international chain of outlets or trading website</i>		
Trader History	<i>Positive history</i>	<i>No known history</i>	<i>3 or fewer justified complaints in 12 months</i>	<i>Relevant previous convictions, cautions, more than 3 justified complaints in 12 months or on-going investigation</i>		

SCORING      0 - NFA      1-13 - Monitor/NFA      14-22 - Advise      23+ - Investigate

**ANIMAL WELFARE ASSESSMENT CRITERIA**

To determine the matrix score for the 'Animal Welfare' category use the following criteria. If the relevant condition is not listed, professional judgment should be used to match to an equivalent level of severity.

<b>MINOR HARM/RISK</b>	<b>SCORE 5</b>
Uncorroborated reports from walkers of lame animals in fields.	
<b>MEDIUM HARM/RISK</b>	<b>SCORE 10</b>
Abscess (single)	
In-growing horn (no broken skin)	
Lameness (partial weight-bearing)	
Referral from another agency re lameness	
Rupture (single)	
Tail biting	
<b>HIGH HARM/RISK</b>	<b>SCORE 25</b>
Abscess (multiple)	
In-growing horn (broken skin)	
Lameness (severe)	
Rupture (multiple)	
Tail biting (severe, multiple animals)	

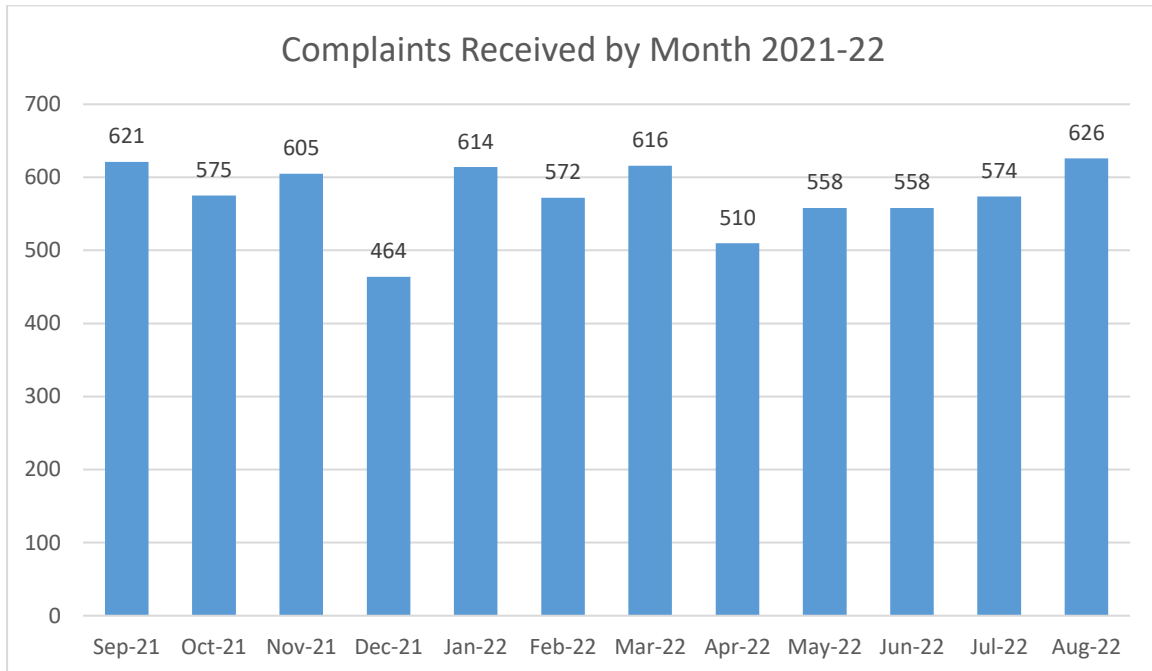
**HEALTH & SAFETY EXECUTIVE ENFORCEMENT MANAGEMENT MODEL**

<b>SERIOUS PERSONAL INJURY/SERIOUS HEALTH EFFECT</b>
It is credible that a fatal injury could occur.
It is credible that an injury could occur that results in a permanent or irreversible disabling condition, or requires immediate treatment in hospital.
It is credible that a health effect could occur that causes a permanent, progressive or irreversible condition.
It is credible that a health effect could occur that causes permanent disabling, leading to a lifelong restriction of work capability or a major reduction in quality of life.

**COMPLAINTS RECEIVED AND TASKED**

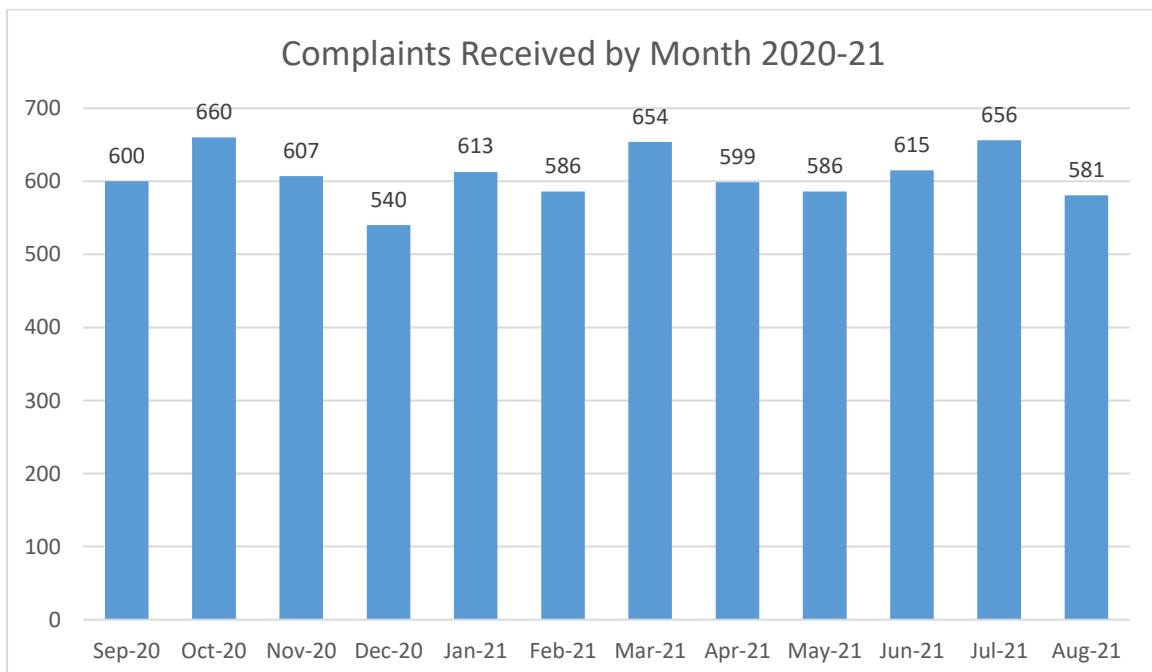
The total complaints received between **1 September 2021 and 31 August 2022** was 6,893, with monthly totals shown in table 1.

Table 1



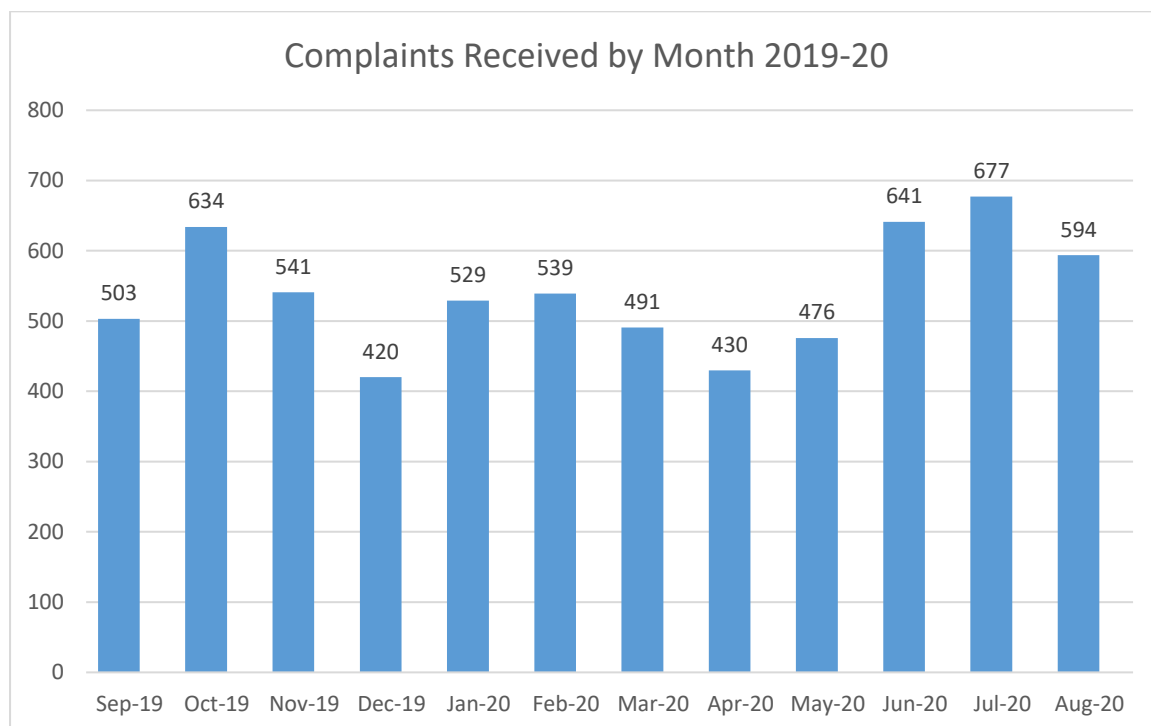
The total complaints received between **1 September 2020 and 31 August 2021** was 7,297, with monthly totals shown in table 2.

Table 2



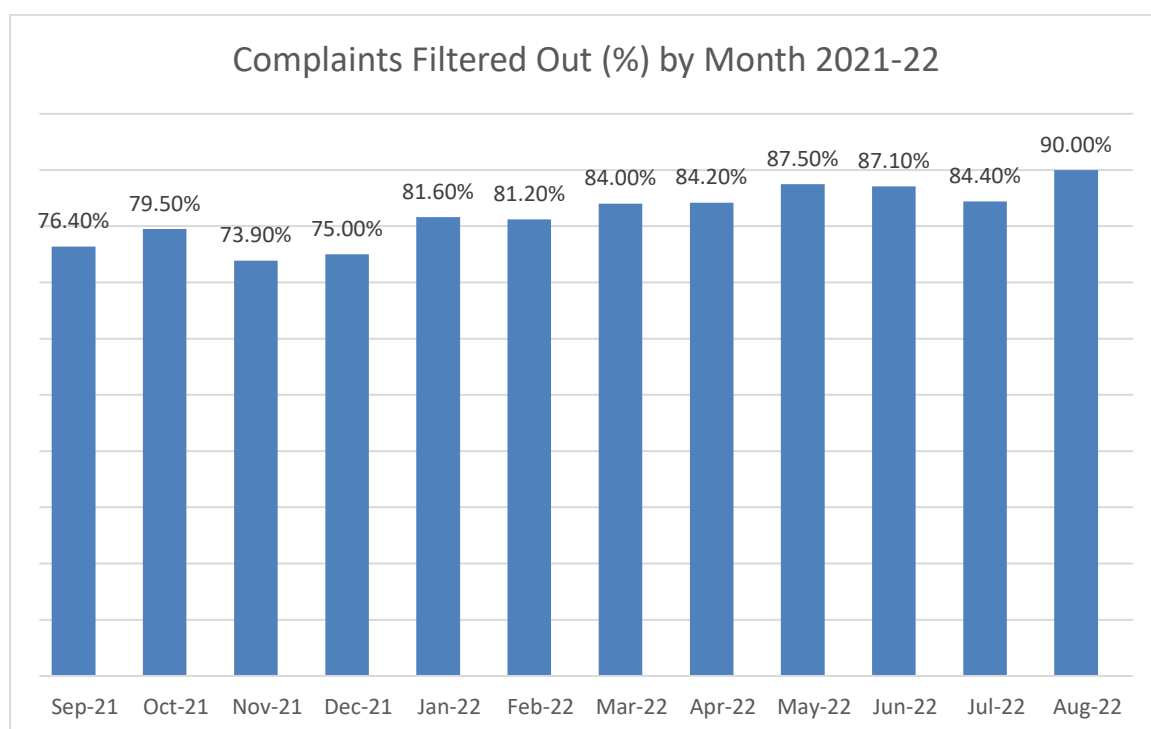
6,475 complaints were received between **1 September 2019 and 31 August 2020**, with monthly totals shown in table 3.

Table 3



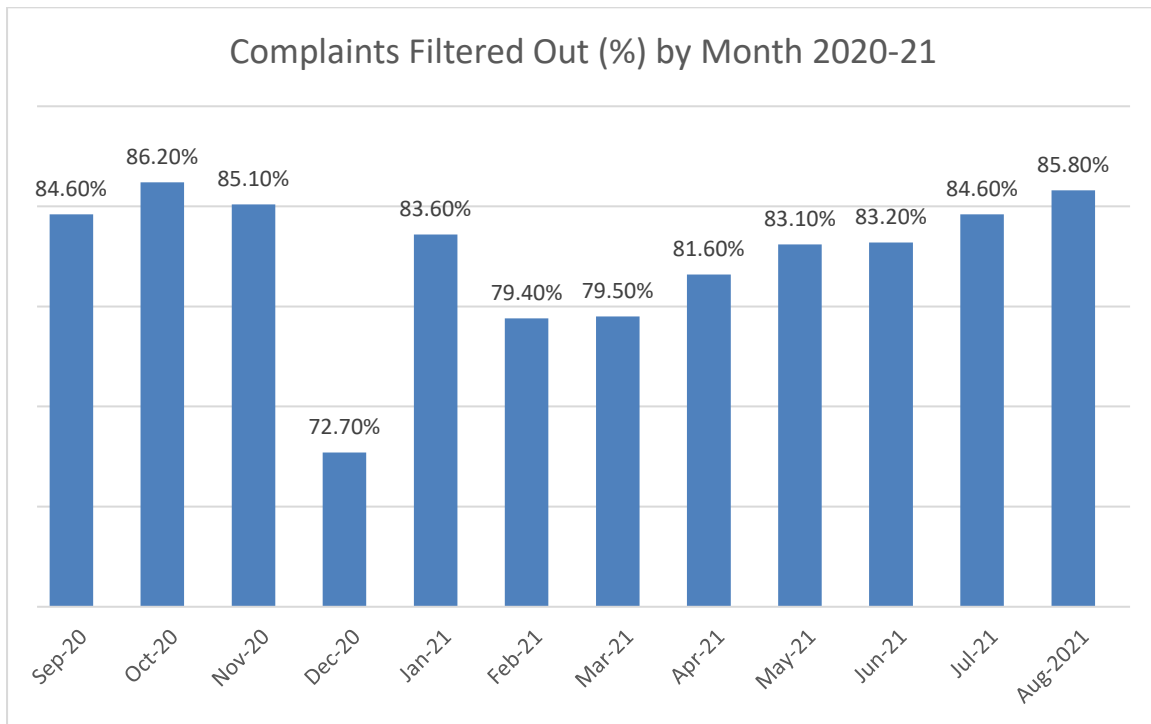
5,670 (82%) of the 6,893 complaints received between **September 2021 and August 2022** were filtered out. The percentage of complaints filtered out by month is shown in table 4.

Table 4



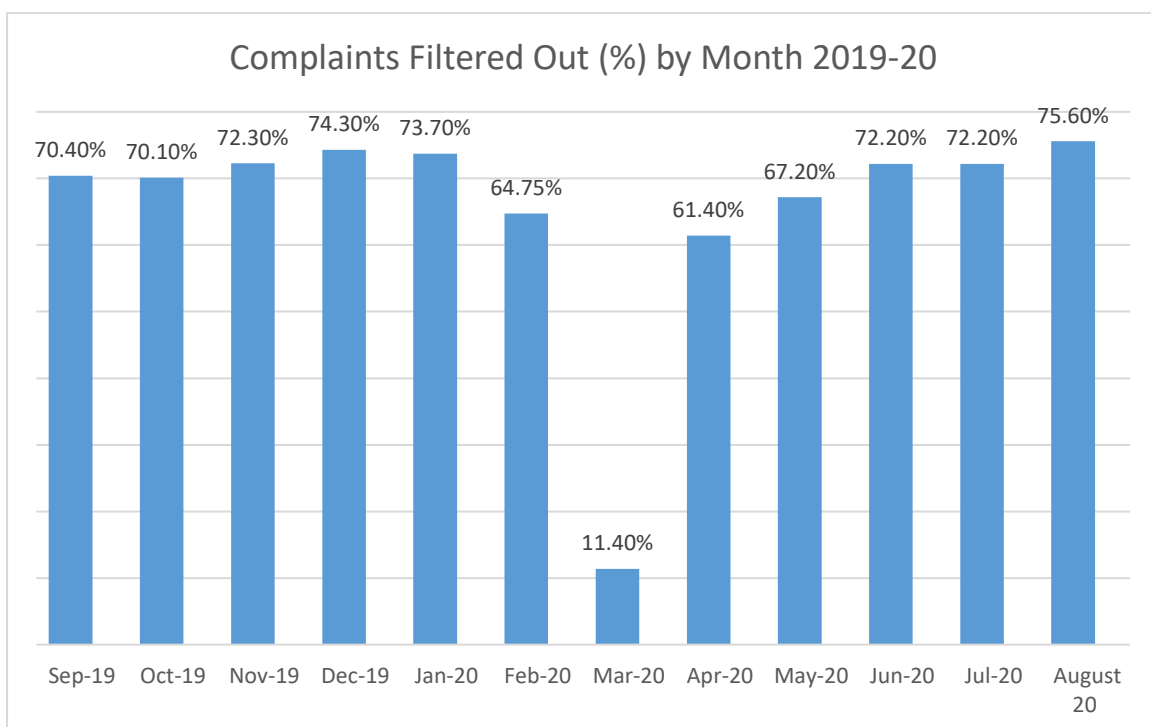
6,020 (82%) of the 7,297 complaints received during **September 2020 and August 2021** were filtered out. The percentage of complaints filtered out by month is shown in table 5.

Table 5



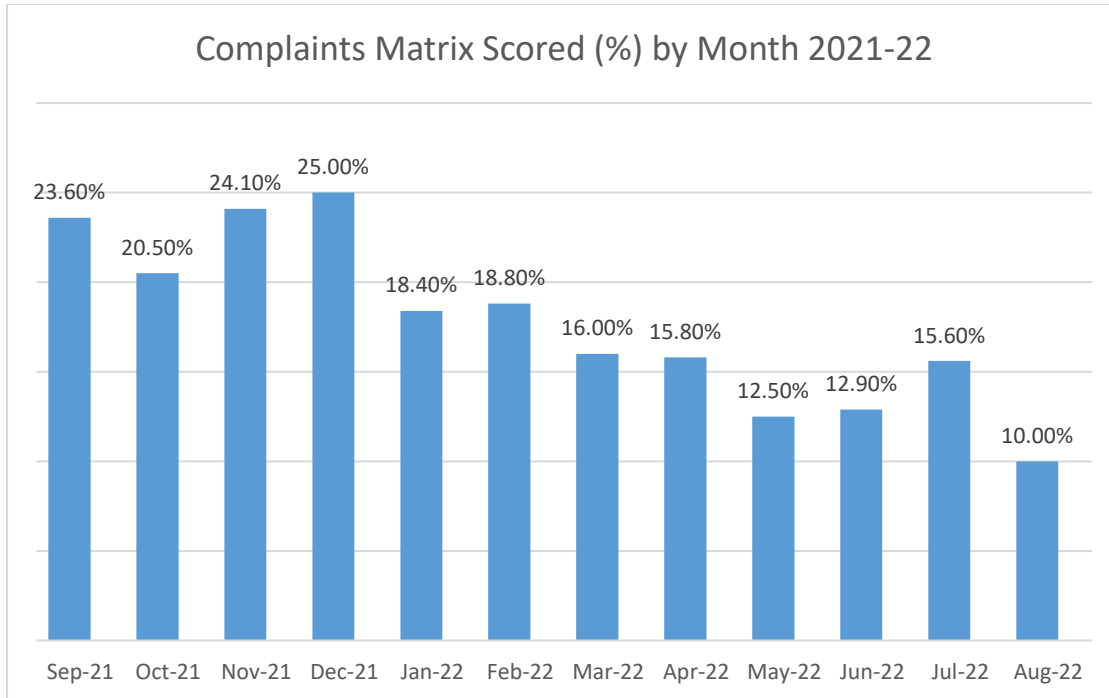
4,606 (71%) of the 6,475 complaints received between **September 2019 and August 2020** were filtered out. The percentage of complaints filtered out by month is shown in table 6.

Table 6



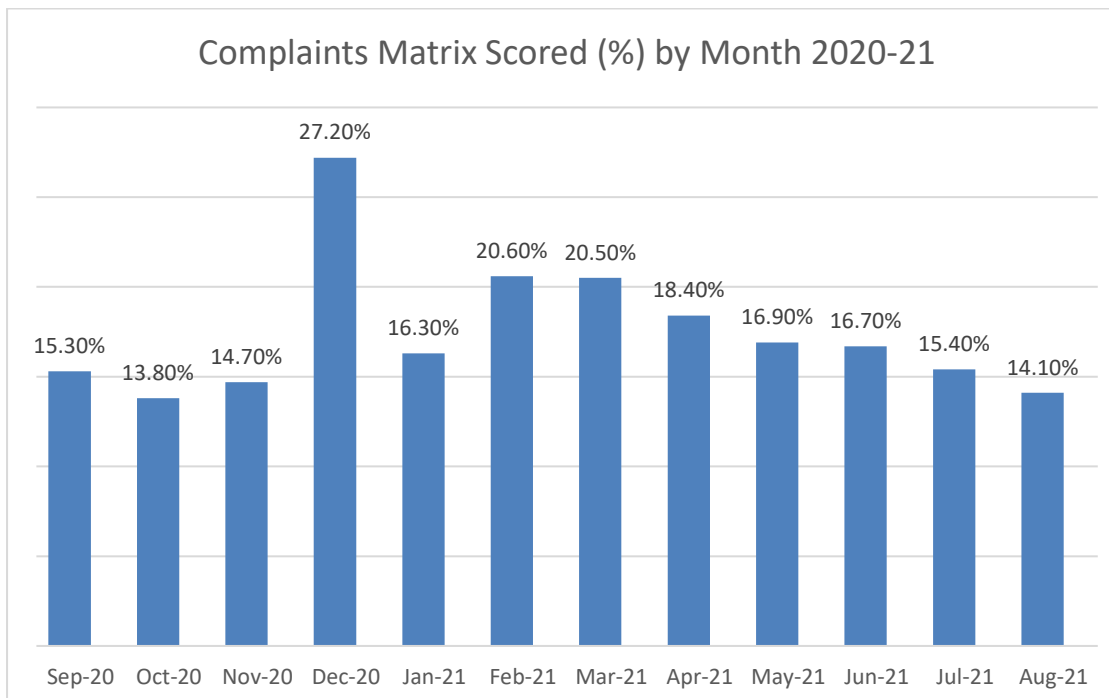
1,223 complaints (18%) passed through the filter and were matrix scored between **September 2021 and August 2022**. The percentage of complaints scored each month is shown in table 7.

Table 7



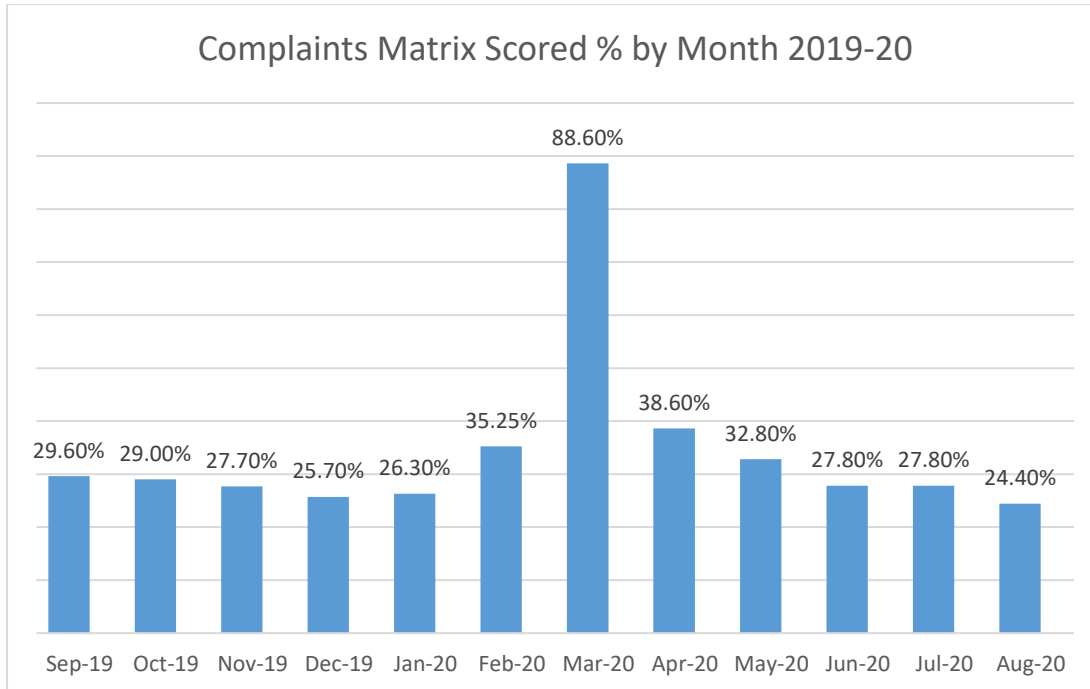
1,277 complaints (18%) passed through the filter and were matrix scored between **September 2020 and August 2021**. The percentage of complaints scored each month is shown in table 8.

Table 8



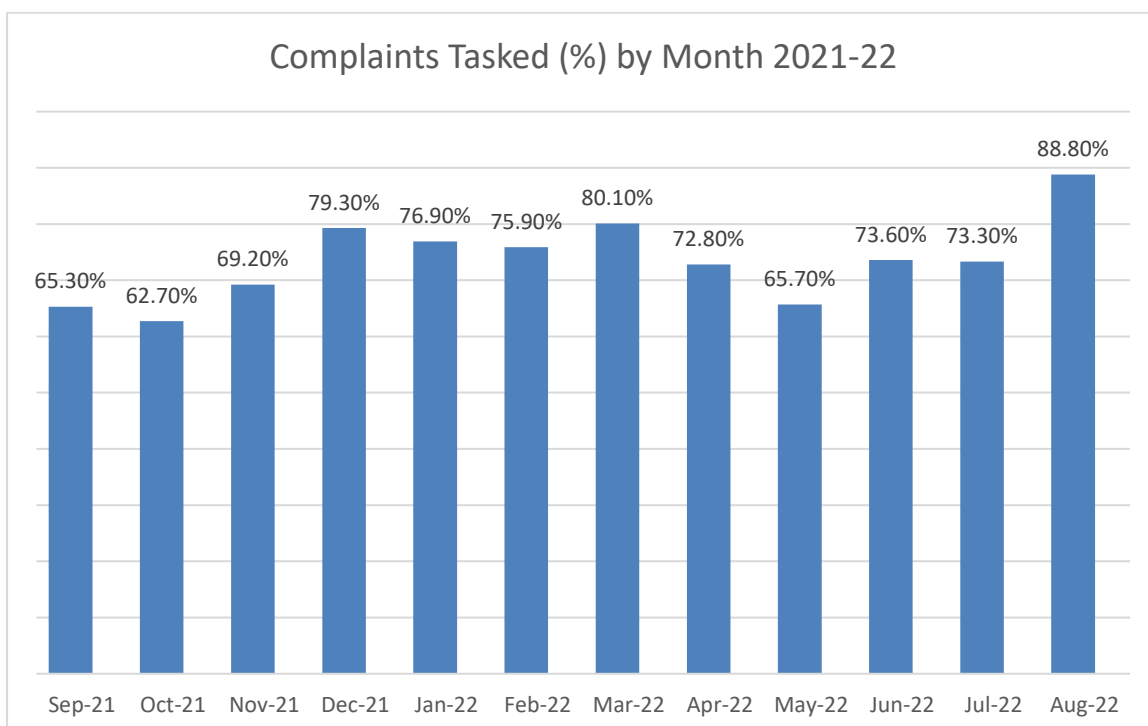
1,869 complaints (29%) passed through the filter and were matrixed scored between **September 2019 and August 2020**. The percentage of complaints scored each month is shown in table 9. The March 2020 figure reflects the introduction of covid restrictions.

Table 9



892 (73%) of the 1,223 scored complaints were tasked between **September 2021 and August 2022**. The percentage of scored complaints tasked each month is shown in table 10.

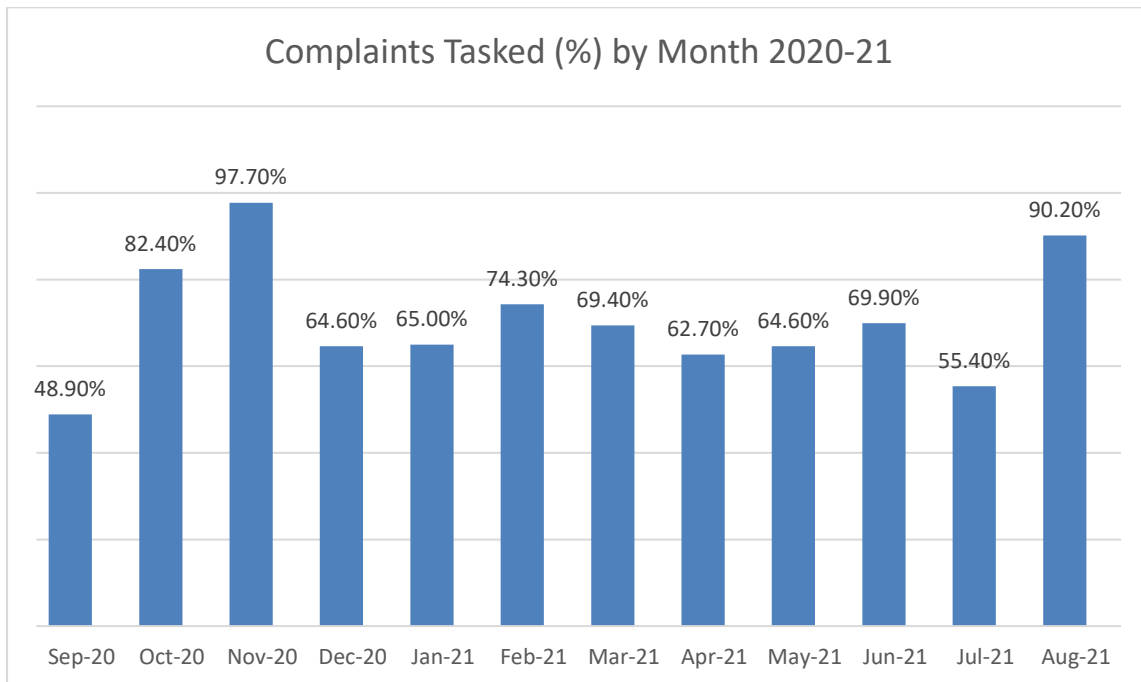
Table 10





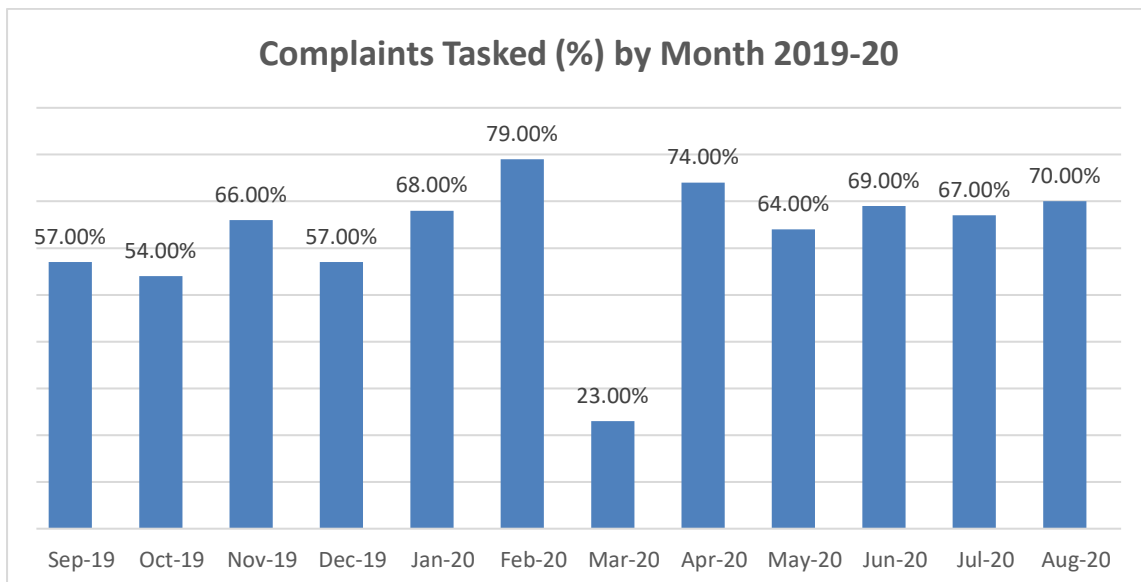
885 (69%) of the 1,277 scored complaints were tasked between **September 2020 and August 2021**. The percentage of scored complaints tasked each month is shown in table 11.

Table 11



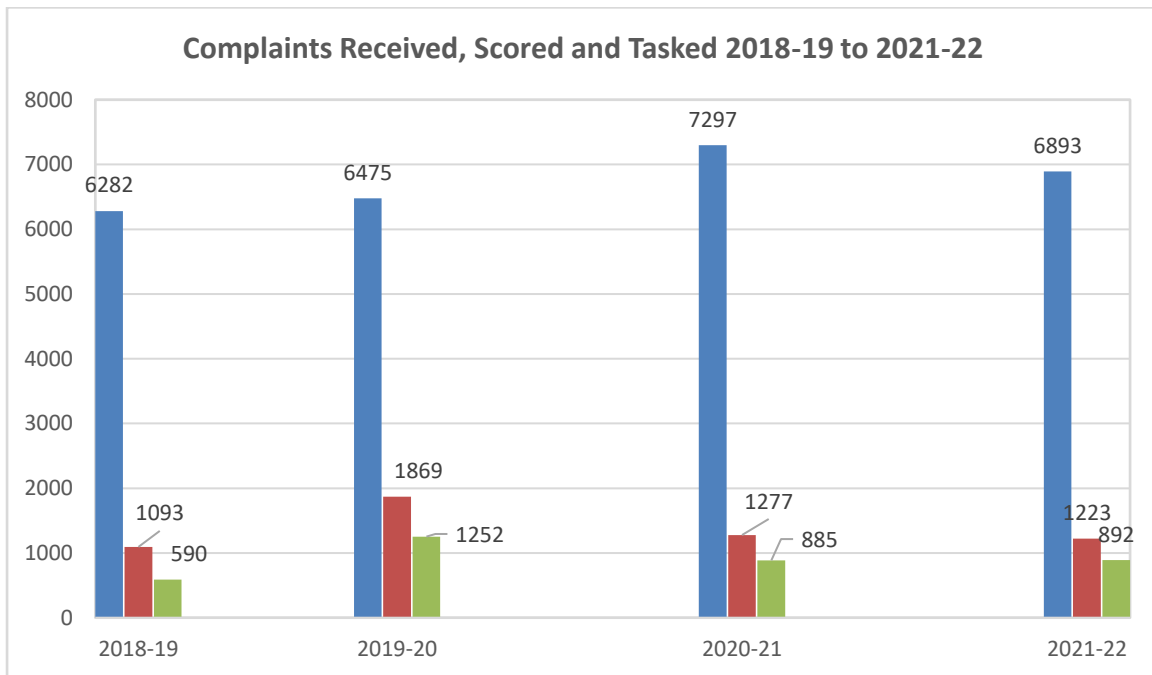
1,252 (67%) of the 1,869 scored complaints were tasked between **September 2019 and August 2020**. The percentage of scored complaints tasked each month is shown in table 12.

Table 12



A comparison of complaints received, scored and tasked over the last four reporting periods is produced as table 13.

Table 13



**Key**

**Blue** - complaints received

**Rust** – complaints scored

**Green** – complaints tasked

The overall percentage of complaints received that were tasked is shown below.

Year	Number of complaints rec'd	% of complaints tasked
2018-19	6,282	9%
2019-20	6,475	19%
2020-21	7,297	12%
2021-22	6,893	13%

**Worked example 1**

Two complaints are received from residents who say that their local convenience store does not price mark the majority of its products, and that even when goods are priced, they have been charged more at the till. One complainant says she bought a 500g pack of spreadable butter which was priced at £5.00 but it was rung through the till at £6.50. When she raised it with the assistant she was told; "Wholesale prices are going up so quickly we can't keep on top of them." The second complainant says he has no idea how much individual items have cost as most aren't priced and he is never given a receipt, but his shopping now costs about £20 per week more than it did last month and that seems too much.

**Applying the current filter and matrix**

These complaints would score:

Public safety = 0

Vulnerable consumer/aggressive practice = 0 (no indication of vulnerability at this stage)

Financial detriment = 1 (less than £1,000)

Environmental impact = 0

Reputational risk = 1 (assumes local media interest)

Trader profile = 1 (single outlet)

Trader history = 6 (after 2<sup>nd</sup> complaint)

This gives a total of 9, which equates to no further action.

**Applying proposed cost of living weighting**

This would increase the financial detriment score to 11 and the overall total to 19.

A score of 19 equates to 'advise' which would allow an officer to visit the premises to inspect the pricing, potentially make some test purchases and provide written advice to the trader.

**Worked example 2**

A complainant reports that her washing machine broke down over the weekend and she arranged to have it repaired by the proprietor of the local second hand shop as she needed to wash her children's school uniforms and her work uniform for the start of the week. The shop owner came to her house, a 2 minute walk from the shop, and 'messed about' with the machine for 10 minutes. He told her it was beyond repair and that he could fix her up with a refurbished model if she came into the shop. He left her with a bill for £200 for a call out fee and repair charge.

**Current filter and matrix**

Using the current filter and matrix these complaints would score:

Public safety = 0

Vulnerable consumer/aggressive practice = 1 (low indication of vulnerability given urgent need for washing machine)

Financial detriment = 1 (less than £1,000)

Environmental impact = 0

Reputational risk = 1 (assumes local media interest)

Trader profile = 1 (single outlet)

Trader history = 1 (no known history)

This gives a total of 5, which equates to no further action.

**Applying proposed cost of living weighting**

This would increase the financial detriment score to 11 and the overall total to 16. This would allow an officer to visit the premises and to issue written advice.

In both worked examples, further infringements would lead to a higher score and the written advice issued here would give a foundation on which to base stronger enforcement action.

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
<b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b>			
<b>Directorate</b>	BES		
<b>Service area</b>	Trading Standards		
<b>Proposal being screened</b>	Trading Standards Tasking Filter and Matrix		
<b>Officer(s) carrying out screening</b>	Jo Boutflower		
<b>What are you proposing to do?</b>	To report on the use and effectiveness of the Trading Standards tasking filter and matrix.		
<b>Why are you proposing this? What are the desired outcomes?</b>	The filter and matrix was introduced to ensure that as the trading standards budget was reduced resources were properly and consistently allocated. Reporting annually provides oversight and helps to ensure that the filter and matrix is still fit for purpose.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No. The available resources are unaffected by this decision although it would result in those resources being allocated differently. The purpose of this is to make their deployment more effective and for the benefit of North Yorkshire residents.		
<b>Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	

NYCC additional characteristic			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	The proposed cost of living weighting would improve the effectiveness of the filter and matrix in respect of those on a low income or with other financial vulnerabilities.		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No.		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	X	Continue to full EIA:
<b>Reason for decision</b>	The revised policy is being put in place to ensure NYCC resources are allocated in a transparent and consistent manner and to the benefit of North Yorkshire residents.		
<b>Signed (Assistant Director or equivalent)</b>	David Caulfield		
<b>Date</b>	14/11/22		



## Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	Trading Standards Filter and Matrix
<b>Brief description of proposal</b>	Annual report on the use of the filter and matrix
<b>Directorate</b>	BES
<b>Service area</b>	Growth, Planning and Trading Standards
<b>Lead officer</b>	Jo Boufflower
<b>Names and roles of other people involved in carrying out the impact assessment</b>	N/A
<b>Date impact assessment started</b>	14/11/22

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The filter and matrix has been used successfully to manage trading standards resources since 2015. It is amended periodically as required and last year an environmental impact score was added. It is considered that the filter and matrix continues to be fit for purpose and that other options would not be as effective.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

It is cost neutral as it provides a mechanism for allocating the resources available to the service in a consistent and transparent manner.

How will this proposal impact on the environment?  N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		X				
	Emissions from construction		X				
	Emissions from running of buildings		X				
	Other		X				
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X					
Reduce <b>water</b> consumption		X					
Minimise <b>pollution</b> (including air, land, water, light and noise)		X					



<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance <b>conservation</b> and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		X				
<p>Other (please state below)</p>		X				

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

N/A

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The filter and matrix has previously been amended to take account of environmental factors to ensure appropriate priority is given to complaints about environmental matters. This appears to be working effectively and there is no proposal to change the scoring in that regard.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Jo Boutflower</b>
<b>Job title</b>	<b>Head of Business and Consumer Services</b>
<b>Service area</b>	<b>Trading Standards (GPTS)</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>J L Boutflower</b>
<b>Completion date</b>	<b>14/11/22</b>

**Authorised by relevant Assistant Director (signature):** David Caulfield

**Date:**