

Notice of Meeting

Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee

**Date & time**

Wednesday, 23
September 2020 at
1.30pm

Place

Remote (Bucks)

Contact

Angela Guest
Room 122, County Hall
angela.guest@surreycc.gov.uk

Please note that due to the COVID-19 situation this meeting will take place remotely.

Please be aware that a link to view a live recording of the meeting will be available on the Buckinghamshire CC and Surrey CC Joint Trading Standards Service Committee page on the Surrey County Council website. This page can be accessed by following the link below:

<https://www.surreycc.gov.uk/council-and-democracy/councillors-and-committees/webcasts>

If you have any queries relating to accessing this agenda please email angela.guest@surreycc.gov.uk

Members of the Committee

Ms Denise Turner-Stewart (Cabinet Member for Communities, Surrey County Council) (Co-Chairman) and Mr Fred Wilson (Cabinet Member Regulatory Services (Bucks CC)) (Co-Chairman)

Advisory Members:

Mr Beville Stanier (Bucks CC) and Mr David Harmer (Surrey CC)

AGENDA

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence and substitutions.

2 MINUTES OF THE PREVIOUS MEETING [25 SEPTEMBER 2019]

(Pages 5
- 12)

To agree the minutes of the previous meeting.

3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or

- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest

- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)

- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

4 PROCEDURAL ITEMS

a Members' Questions

The deadline for Member's questions is 12pm four working days before the meeting (17 September 2020).

b Public Questions

The deadline for public questions is seven days before the meeting (16 September 2020).

5 PETITIONS

The deadline for petitions was 14 days before the meeting and none have been received.

6 FORWARD WORK PROGRAMME

(Pages
13 - 16)

The Committee is asked to review and agree the Forward Work Programme.

- 7 ACTION REVIEW** (Pages 17 - 20)
- The Committee is asked to monitor responses, actions and outcomes against actions and recommendations from previous meetings.
- 8 PERFORMANCE AND JOINT SERVICE BUDGET** (Pages 21 - 66)
- The Buckinghamshire County Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for the financial year April 2019 to March 2020 (Annex A), and quarter 1 of 2020-21 (April to June) (Annex B). The information provided for the 19-20 year covers performance against the seven high level indicators agreed by this Joint Committee and in relation to the service budget. The Quarter 1 information is provided against key indicators agreed by the Trading Standards Board.
- 9 TRADING STANDARDS ENFORCEMENT POLICY** (Pages 67 - 78)
- The Trading Standards Joint Committee is asked to review and endorse an updated Enforcement Policy for use by the Buckinghamshire and Surrey Trading Standards Service.
- 10 TRADING STANDARDS TOBACCO WORK** (Pages 79 - 88)
- This report considers the Service's work in relation to tobacco and associated products and is not restricted to the potential sale to children and young people.
- 11 TRADING STANDARDS SCHEME OF DELEGATIONS** (Pages 89 - 94)
- Amendments are required to the scheme of delegations to ensure that it remains current in relation to legislative requirements and Trading Standards Service structure and job titles.
- 12 OFFICIAL FOOD STANDARDS AND FEED CONTROLS WORK 2020-2021** (Pages 95 - 98)
- The Food Standards Agency (FSA) requires Trading Standards services to produce an annual Official Food Standards and Feed Controls Service Plan (known as the 'FSA Plan'). However, for 2020/21 the Service has been selected to participate in a pilot scheme run by the FSA to test out a new approach to food standards work in local authorities. To inform the Committee this paper provides context about the pilot scheme.
- 13 ILLICIT GOODS & AGE RESTRICTED SALES ACTIVITY** (Pages 99 - 102)
- This report summarises the latest position in relation to activity in these areas and the Joint Committee is asked to note.
- 14 DATE OF THE NEXT MEETING**
- The 2021 meetings of the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee will be held on 24 March and 22 September 2021.

Joanna Killian
Chief Executive

Published: Monday, 14 September 2020

MINUTES of the meeting of the **BUCKINGHAMSHIRE COUNTY COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE** held at 12.15 pm on 25 September 2019 at County Hall, Aylesbury, Buckinghamshire, HP20 1UA.

The meeting started at 1.00 pm.

These minutes are subject to confirmation by the Committee at its meeting on 25 March 2020.

Elected Members:

*In attendance

- *Ms Denise Turner-Stewart (Co-Chairman) Surrey County Council
- *Noel Brown (non-voting) Buckinghamshire County Council
- *Gareth Williams (Co-Chairman) Buckinghamshire County Council
- *David Harmer (non-voting) Surrey County Council

In attendance

Steve Ruddy, Head of Trading Standards, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service

Amanda Poole, Assistant Head of Trading Standards, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service

Wendy Morgan-Brown, Head of Registrars, Coroners, Archives and Trading Standards, Buckinghamshire County Council

13/19 APOLOGIES FOR ABSENCE [Item 1]

There were no apologies.

14/19 MINUTES OF THE PREVIOUS MEETING: 28 MARCH 2019 [Item 2]

The minutes were agreed as a true record of the meeting.

1. It was noted that the 5th bullet point under item 7; 9/18 Performance and Joint Service Budget, should read "That the number of convictions was currently 12..." as the figure referred to the number of a variety of convictions, not solely money laundering.

The minutes were signed by the Chairman.

15/19 DECLARATIONS OF INTEREST [Item 3]

There were none.

16/19 PROCEDURAL ITEMS [Item 4]

17/19 MEMBERS' QUESTIONS [Item 4a]

There were none.

18/19 PUBLIC QUESTIONS [Item 4b]

There were none.

19/19 PETITIONS [Item 4c]

There were none.

20/19 FORWARD WORK PROGRAMME [Item 5]

Declarations of interest:

There were none.

Key points from the discussion:

1. It was noted Brexit was on the forward plan.
2. The Joint Volunteer Recruitment programme would be a verbal update.
3. March 2020 – An updated enforcement policy would be presented before the new Buckinghamshire Council goes live on 1 April 2020.
4. Food and Feed Control Plan to be added to March 2020.
5. Emerging Issues report to be a standing item on the forward plan.
6. Consumer White Paper report to be added – date to be confirmed.

RESOLVED: The Committee agreed the Forward Work Programme.

21/19 ACTIONS AND RECOMMENDATIONS TRACKER [Item 6]

Declarations of interest:

There were none.

Key points from the discussion:

1. The minutes of the previous meeting provided an update on the discussion of item A8/17; it was agreed that the item would be removed from the tracker.

RESOLVED: The Committee agreed the actions tracker.

22/19 PERFORMANCE AND JOINT SERVICE BUDGET [Item 7]

Declarations of interest: There were none.

Witnesses:

Amanda Poole, Assistant Head of Trading Standards
Steven Ruddy, Head of Trading Standards

Key points from the discussion:

1. Officers introduced the report and provided a brief summary. Members noted the following points:

- The report related to the performance for 2018/19 plus the performance for Q1 of 2019/20.
 - All the key performance indicators (KPIs) with numerical targets were met in 2018/19.
 - The other key performance indicators showed how well the service was performing against priority areas.
 - A wide volatility range was evident in KPI 2 – Protect residents by stopping rogue traders operating in Buckinghamshire and Surrey.
2. In regards to KPI 2, Members asked if the trend was seasonally driven. Officers stated that it was not seasonally driven; some offences happened all year round whereas for some there was a slight seasonal variation e.g. the spring time showed a rise, however this did not correlate to the outcomes after investigation and the court process as there is wide variation in how long this takes. Members stated it would be useful to have a chart showing when an issue took place and when it was brought to trial to see if there was pattern of offending. The officer explained that an increasing number of cases tended to have multiple elements such as fraud and money laundering.
 3. The number of volunteer hours had increased in 2018/19 and was high in Q1 of 2019/20. The officers had been in discussion with the Fire Service in Surrey with the aim of encouraging further volunteer engagement. Surrey County Council posted volunteering roles as a job opportunity and found that volunteers who were engaged tended to return, particularly if they had a specialist interest. Buckinghamshire County Council tended to recruit volunteers through local events e.g. illicit tobacco roadshows and anti-scam talks. It was noted that members of the street associations were only counted in the volunteering hours if they had been involved in certain tasks e.g. providing a scam awareness talk. The officer explained that they were keen to increase the number of volunteer hours devoted to priority areas rather than increase the number of volunteers; the preference was for quality rather than quantity.
 4. The KPIs would be reviewed post-Brexit and would tie in with the Association of Chief Trading Standards Officers (ACTSO) Impacts and Outcomes Framework.
 5. Trading Standards Inputs and Outcomes Data Return - ACTSO was encouraging a voluntary approach across the country to focus on three objectives which fitted with local authority priorities. Local authorities were being asked to collect data and a national data summary would be published, possibly in November 2019, depending on the Brexit situation. The officers requested feedback on what was thought to be useful or not useful in the report. A Member commented that objective 2 – Supporting the Local Economy, should be more specific, e.g. the non-commercial local economy, as a huge part of the economy did not pay any taxes. The report mentioned that “.... services are collectively supporting consumers and honest business nationally” but thought it should be more explicit and should state the period covered. Officers agreed a consolidated briefing note would be provided after every meeting.

6. In response to a query from a Member, officers confirmed the data was not yet available for item 1.9.4 in Objective 2; Supporting the Local Economy.
7. The Chairman commented on the healthy number of Primary Authority Partnerships and asked about the cost of servicing the partnerships. Officers explained that all costs and overheads were covered in the cost recovery mechanism and that the Service was ensuring to maximise what could be included in the charging regime. Reputation was what the service sold business on and was the reason it was priced at the top end of local authorities who do this work.
8. Budget – the Trading Standards budget summary on page 47 showed that the service was on track but there was a risk of an emerging pressure of £100K by the end of the financial year due to impacts of EU Exit on the service income and work. This was the first time since the creation of the joint service that officers had felt the need to express a risk of an overspend; the officers stressed they would be taking steps to manage it. There was the possibility of receiving some funding from Surrey County Council related to Brexit and officers would also be in discussion with Buckinghamshire County Council. A member asked whether there would be a risk to the public if the required legislation (which had not been passed as anticipated due to parliamentary time being taken up with Brexit matters) remained in limbo; the officers confirmed that it would not constitute a risk to the public; it was primarily an income issue. The legislation issue would apply across the country and would be an additional role to deliver. As part of mitigating the risk of an overspend, staff had not been replaced when vacancies had arisen and the risk was expected to reduce over the next six months.

Actions/ further information to be provided:

KPI 2 – Officers to consider providing a chart to show when the issues occurred and the length of time taken to be brought to trial.

A consolidated briefing note to be provided after every meeting.

RESOLVED:

The Trading Standards Joint Committee:

- I. Noted the Service's performance.
- II. Noted the Service's current financial position.

23/19 TRADING STANDARDS TOBACCO WORK [Item 8]

Declarations of interest:

There were none.

Witnesses:

Amanda Poole, Assistant Head of Trading Standards
Steven Ruddy, Head of Trading Standards

Key points from the discussion:

1. Officers introduced the report and provided a brief summary. Members noted the following details:
 - Tackling the sale of illicit tobacco was a high priority due to the public health implications.
 - The link between the Trading Standards Service and the Public Health led strategies on smoking reduction and tobacco control.
 - The recent legislation on vaping.
 - The work carried out during 2018/19; i.e. the number of visits to premises in Surrey and Buckinghamshire and the number of illicit tobacco roadshows. Sniffer dogs were sometimes used when visiting premise as some traders went to significant lengths to hide the illicit tobacco. The illicit tobacco roadshows raised awareness that anyone buying illicit tobacco was fuelling the economy; people were encouraged to tell Trading Standards Officers where they obtained their illicit tobacco.
2. A member asked if there was capacity to increase visits to premises with sniffer dogs. Officers stated that the visits were always announced and that the sniffer dogs had been reasonably successful. Sniffer dogs were also used at the roadshow events. A member suggested summer fetes could be used to run roadshow events.
3. More roadshows are planned to be carried out during 2019/20, along with more sniffer dog days.
4. The Trading Standards officers were in discussion with the Public Health teams to try and find more intelligence about which shops are selling illicit tobacco to enable the Trading Standards Service to target work and be as effective as possible.
5. Prosecutions were being carried out on those traders found with illicit tobacco. A Member suggested this be publicised. The Officers confirmed that the Communications team helped write their press releases for any convictions.

Actions/ further information to be provided:

Officers to consider running illicit tobacco roadshows at summer fetes.

RESOLVED:

The Trading Standards Joint Committee:

- I. Considered the report as a reflection of activity over the financial year 2018/19
- II. Endorsed the activities which would be undertaken in 2019/20.

24/19 EMERGING ISSUES FOR TRADING STANDARDS [Item 9]

Declarations of interest:

There were none.

Witnesses:

Amanda Poole, Assistant Head of Trading Standards

Steven Ruddy, Head of Trading Standards

Key points from the discussion:

a. Sales of Knives to Under 18s

1. Officers introduced the “Sales of Knives to Under 18s” report and provided a brief summary. Members noted the following details:
 - The Committee had been briefed previously on, the police led, Operation Sceptre and the level of sales of knives to persons under the age of 18.
 - It was noted that a date had been arranged in October 2019 to carry out an operation with the Police in Surrey, but the location was unknown at the time of the meeting. Officers reported that last year Trading Standards was reliant on the Police approaching them with information. Operation Sceptre was now more established but a Member felt the service needed to be more proactive on acting on intelligence and having input into the area to be targeted. The Member also commented that the sale of knives to persons under 18 was an established issue rather than an emerging issue. Officers explained that the focus had moved from the sales of cigarettes to the sale of knives.
2. A Member asked if there was a policy to carry out the operation jointly with the police. Officers explained that Trading Standards worked with the police, partly because of Operation Sceptre, and also to help develop the relationship with the police for test purchases in Buckinghamshire and Surrey. The police cadets were used to attempt to buy knives and would probably also be used for test online sales.
3. Trading Standards tended to enforce the legislation and carry out any prosecutions that resulted.
4. Officers acknowledged that there was always more that could be done but it would take away resources which were already stretched.
5. The government had identified the top ten areas in the country for knife crime and had increased resources in these areas. However, neither Buckinghamshire nor Surrey was in the high risk top ten. Trading Standards had managed with existing resources. After a brief discussion on resources and target areas; the Chairman stated that targeting was valid but did not feel more resources were required in this area; he would prefer to see more resources on scam awareness.

Actions/ further information to be provided:

Officers to investigate the areas to target in Surrey and liaise with the Youth Offending Service.

RESOLVED:

The Trading Standards Joint Committee endorsed Trading Standards working with the police on this issue and to carry out the test purchase operations as suggested in the report.

b. Enforcement of Road Weight Restrictions

Key points from the discussion:

1. Officers introduced the “Enforcement of Road Weight Restrictions” report and provided a brief summary. Members noted the following details:
 - Neither the Trading Standards Service nor the police had engaged actively in this area for a number of years due to a lack of resources.
 - There were local concerns over heavy weight vehicles causing harm to bridges and damaging infrastructure.
 - Officers had worked in partnership with the Surrey Heath Police division to investigate two locations and would use the information learned.
 - The pilot aimed to raise the profile of what could be undertaken and also act as a deterrent.
2. It was noted that the pilot could open up a potential demand which the Service would struggle to meet.
3. A member commented that the Police needed to be behind the scheme as otherwise it would be seen as wasting time; the Member also suggested issuing a joint letter to Thames Valley Police and Surrey Police; it was agreed this should wait until after Brexit.
4. Oxon were installing an ANPR camera to check vehicles; however, officers explained that it could be quite complex to enforce and expensive. It would involve a large investment to put in place as there was the cost of the cameras, licensing and GDPR procedures to comply with. There were also exemptions which would apply.
5. The building of HS2 and the third runway at Heathrow would result in many more heavy vehicles on the roads in the county and it was agreed it would be useful to monitor the situation and receive feedback on the pilot scheme.

Actions/ further information to be provided:

Officers to consider issuing a joint letter to Thames Valley Police and Surrey Police after Brexit.

RESOLVED:

The Trading Standards Joint Committee;

- I. Endorsed the pilot operation in Surrey and supported a pilot operation in Buckinghamshire.
- II. Considered any issues arising from these operations in a subsequent report to be brought to the Joint Committee in spring 2020.

25/19 DATE OF THE NEXT MEETING [Item 10]

The Committee noted that its next meeting will be held on 25 March 2020.

Meeting ended at: 2.25 pm

Chairman

Buckinghamshire CC and Surrey CC
Trading Standards Joint Committee

23 September 2020

Forward Work Programme

Purpose of the report:

For Members to consider and comment on the Committee's Forward Work Programme.

Introduction:

A Forward Work Programme recording agenda items for consideration at future Trading Standards Joint Committee meetings is attached as **Annex A**.

Recommendations:

The Committee is asked to review and agree the Forward Work Programme.

Report contact: Angela Guest, Committee Manager

Contact details: 020 8541 9075, angela.guest@surreycc.gov.uk

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This forward plan is subject to ongoing review and may be amended depending on external events and Government policy

Annex A

Forward Work Programme

March 2021 – Formal public meeting

Item title:	Budget and Performance
The Committee will be asked to:	Note the Service's performance and current financial position.

September 2021 – Formal public meeting

Item title:	Trading Standards Tobacco Work
The Committee will be asked to:	Consider the report as a reflection of activity over the financial year 2019-20 and consider enforcement activities which may be undertaken in 2020-21
Item title:	Budget and Performance
The Committee will be asked to:	Note the Service's performance and current financial position.

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Buckinghamshire CC and Surrey CC
Trading Standards Joint Committee

23 September 2020

Action and Recommendations Tracker

Purpose of the report:

For Members to consider and comment on the Committee's Actions and Recommendations Tracker.

Introduction:

The tracker recording actions and recommendations from previous meetings is attached as **Annex A**, and the Committee is asked to note that all previous actions are now closed.

Recommendations:

The Committee is asked to monitor responses, actions and outcomes against actions and recommendations from previous meetings.

Report contact: Angela Guest, Committee Manager

Contact details: 020 8541 9075, angela.guest@surreycc.gov.uk

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Buckinghamshire CC and Surrey CC Joint Trading Standards Committee Actions and Recommendations Tracker

The recommendations tracker allows Joint Committee Members to monitor responses, actions and outcomes against their recommendations or requests for further actions. The tracker is updated following each Joint Committee meeting. Once an action has been completed and reported to the Joint Committee, it will be removed from the tracker.

Actions

Reference	Date of Meeting	Recommendations/Actions	Responsible Officer/ Member	Response	Status

Completed actions (to be deleted)

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**BUCKINGHAMSHIRE COUNTY COUNCIL AND SURREY COUNTY COUNCIL
TRADING STANDARDS JOINT COMMITTEE**

DATE: 23 SEPTEMBER 2020

**LEAD OFFICER: AMANDA POOLE
ASSISTANT HEAD OF TRADING STANDARDS**

SUBJECT: PERFORMANCE AND JOINT SERVICE BUDGET

SUMMARY OF ISSUE:

The Buckinghamshire County Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for the financial year April 2019 to March 2020 (Annex A), and quarter 1 of 2020-21 (April to June) (Annex B). The information provided for the 19-20 year covers performance against the seven high level indicators agreed by this Joint Committee and in relation to the service budget. The Quarter 1 information is provided against key indicators agreed by the Trading Standards Board.

The information provided shows that:

Overall the Service is performing well across the range of indicators and delivered some excellent results against key performance indicators.

The Joint Service budget was slightly overspent at the end of the 19-20 year (by 0.8%) due to pressures on the budget caused by EU Exit.

The Joint Committee is asked to agree the Performance Indicators about which it wishes to receive information in the future.

The Joint Committee is asked to note the position in relation to the joint service budget in 2020/21.

RECOMMENDATIONS:

It is recommended that the Trading Standards Joint Committee:

1. notes the Service's performance.
2. agrees the future Performance Indicators.
3. notes the joint service budget for 2020/21 and the identified pressures that will need to be addressed in year.

REASON FOR RECOMMENDATIONS:

The Joint Committee is required by the Inter Authority Agreement which underpins the service to:

- a) Ensure effective performance of the Service. This includes formally reviewing performance annually by considering performance against the agreed measures and agreeing performance measures for the Service in advance of the start of each financial year.
- b) Maintain financial oversight of the Service and ensure sound financial management.

PERFORMANCE DETAILS:

1. The performance of the joint service is measured through key performance indicators agreed by the Joint Committee. These are detailed in the attached 2019-20 performance report. It is suggested that these are slightly altered for 2020 onwards to more strongly link to the Service's priority areas, and the Q1 Performance Report for 2020-21 reflects the possible new indicators.
2. There are no statutory performance indicators for Trading Standards and there is no performance benchmarking data available for comparison. Following the National Audit Office report on "Protecting consumers from scams, unfair trading and unsafe goods" published in December 2016 the Association of Chief Trading Standards Officers (ACTSO) have developed a new national Impacts and Outcomes Framework for Trading Standards. This was reported on formally for the first time for the 2018-19 year.
3. The Joint Committee are invited to note the volatility of the performance outcomes, particularly in relation to KPI's 1 and 2. Individual case outcomes, which often have been preceded by months or years of work, significantly affect the overall performance. Wide scale closure of courts and jury trials during the Coronavirus pandemic has emphasized this volatility, with the Service having no convictions in Q1.
4. **A key priority for the Service is protecting the most vulnerable, increasing the financial savings for residents and stopping rogue traders operating in Buckinghamshire and Surrey.** KPI 2 relates to stopping rogue traders operating and is a combination of indicators which may assist the Committee to understand the level of work being undertaken in this area. 16 people/entities were convicted following prosecution in 19-20, leading to over 21 years of immediate prison sentences (a significant increase on recent years) and £28,364 of fines. There were no convictions or sentences passed during Q1 20-21. Savings for residents (KPI 1) fluctuate year by year often due to factors beyond our control. In 2019-20 our savings were lower than the previous year. In part this is due to two unusually large savings amounts in the previous year and there being no large amounts of compensation awarded from proceeds of crime during this year. In Q1 the savings for residents were over £100,000 with no large proceeds of crime compensation awards in the period. KPI's 3, 5 & 7 in 2019-20, which are all positive, also relate to this priority area.

5. The growth in the use of volunteers has continued to be strong and increased significantly in 19-20. The Service has around 50 volunteers actively supporting the priorities of the service. They gave 5380 hours of their time during 19-20, more than doubling the hours contributed in 18-19 (2585 hours).
6. **Our second key priority is to helping businesses to thrive and supporting economic growth.** The service continues to successfully grow Primary Authority Partnerships both in terms of absolute numbers and in depth and quality with businesses now regularly approaching the Service seeking a partnership. The Service was recognised by BEIS / OPSS during the year, being shortlisted for the Regulatory Excellence Awards for our work with Businesses on Product Safety.
7. Supporting businesses to operate effectively and appropriately, and in accordance with rapidly introduced legislation, through the Covid Pandemic has been a significant priority. This has included providing advice on how businesses can diversify (for example to produce hand sanitiser or face coverings) or how they can alter their business model, for example to provide safe home delivery services. This work is further discussed in Annex B, for quarter 1.
8. The UK's EU Exit provides challenges for businesses, in terms of understanding how it will affect them and how they may need to do things differently to comply with the regulatory environment. Understanding the likely position was a significant task in 2019-20, and remains a challenge for 2020-21 as we anticipate that this may cause a spike in demand from businesses around the end of the transition period as we move into new arrangements.
9. **Improving the health and wellbeing of communities is the third key priority for the Service,** and KPI 6 discusses some of the work that the Service does to support this.
10. During the year, the Service worked with Surrey and Thames Valley Police forces to test purchase knives to see how available they were to under 18's. 17 test purchases by underage volunteers of knives have been undertaken. Two shops sold and this is being followed up. Positively no sales were made from shops which had sold in the previous year.
11. Demand continued to be high in 2019-20 to tackle the import of unsafe products through transit sites for Heathrow. During 2019-20 over 25,000 unsafe and non-compliant products destined for people's homes were prevented from entering the country through our work. However, the activity in this area spiked even more significantly during April, May and June of 2020 as the Country urgently needed supplies of PPE so air freight was used to a much greater extent than normal to speed supplies into the Country. During this time our officers reviewed over 4.5 million products, the majority of which were face masks, with smaller quantities of hand sanitiser. The Service stopped over 700,000 unsafe or non-compliant items from being released into the marketplace.

12. Work tackling illegal supplies of tobacco is a significant part of this work stream and we continue to investigate offenders supplying illegal tobacco, making use of sniffer dogs to locate hidden tobacco. There were four prosecutions of such offenders during the 19-20 year, resulting in fines and community orders including rehabilitation days and 100 hours of unpaid work. Further investigations are ongoing and are in the court process.
13. The Service has used the same set of KPI's since 2015 when they were agreed by the Joint Committee. Since that time the service has continued to develop and the Association of Chief Trading Standards Officers (ACTSO) Impacts and Outcomes Framework has been completed. It is therefore timely for the Joint Committee to consider the KPI's it would like to see in the future.
14. Revised Key Performance Indicators are given in Annex C. These are designed to demonstrate the Service's performance in its' priority areas and (due to the cancellation of this Joint Committee in March) have been discussed informally with the Trading Standards Board. The Joint Committee is asked to formally consider whether it would like to adopt these Performance Indicators or continue to use the current set.

BUDGET 19/20 AND 20/21 PLANS:

15. The costs of the Joint Service are divided between the partner Local Authorities in the proportion: 34% Buckinghamshire and 66% Surrey, which includes any under or over spends.
16. The budget for the joint service was set out in the original joint service business case and set out planned savings of 12% over the first 4 years of the new shared service. This has been adjusted by the Joint Committee on occasion, resulting in overall savings targets for the shared service of approximately 27% over the last five years. This has included additional income and efficiency savings.
17. There are a number of factors which introduce volatility to the budget. It is challenging to accurately predict income and its timing especially where costs are recovered from prosecutions. Some cases go through the legal process in a matter of weeks and others can run into years. Conversely the timing and amount spent on prosecutions varies depending what approach is taken by the defence, what arguments are made and whether the defendant pleads guilty at an early opportunity. However, the Service manages its' budget closely to even out the most volatile factors where it is possible.
18. Prior to 2019/20 the joint service underspent each year, delivering all the savings and additional income targets set out in the original business case.

2019/20

19. The 2019/20 budget was £2,642,000. At year end there was a small budget overspend of £21,000 (0.8%). This was due to the impacts of EU Exit on our income (caused by a lack of parliamentary time).
20. Future income has some associated risk which has previously been discussed by the Trading Standards Board.

2020/21 budget

21. The approved budget for 2020/21 is £2,631,000. Since this was approved there have been a number of budget pressures.

Pay inflation:

This was previously estimated at 1.5%, however 2% was required, creating a pressure of £12,000.

Service Specific IT costs:

The service is in the process of replacing its' main service database. This will be implemented during 2020/21 and is expected to be completed by the end of the financial year. The additional implementation costs will be managed through the services equipment replacement reserve. However, this review has identified that the annual running costs of the joint services' current IT systems were being absorbed within Surrey County Council's central IT budget, rather than shared through the joint partnership. This will be rectified for 20/21 increasing the partnership costs by £61,000.

Additional savings:

These were initially agreed for four years, however the previous budget also applied these to 2020/21 (i.e. for a fifth year) on the expectation that the service would be able to continue finding additional savings. Further additional savings are now deemed unachievable given the pressures experienced in 2019/20. This creates a pressure of £51,000

22. Overall these create a total cost pressure in year of £124,000, and if fully funded would require an increased partnership budget of £2,755,000. Annex D shows both the agreed and required budgets for the year along with the funding splits between Surrey County Council and Buckinghamshire County Council.

Covid:

Since the above pressures were identified Covid has occurred. This has impacted the Service by causing income to drop and some additional spend requirements. The additional spend to date has been covered by each authorities' Covid grant from central government. It is planned to make a claim for lost income against the newly announced local government income compensation scheme, however this will not offset 100% of lost income and therefore there will be some impact in year. There have been some small reductions in expenditure as a result of paused activity and operating online, for example reduced legal fees and travel expenses. The full financial impact of this is still to be determined.

23. The Service has been holding vacant posts and reducing spend where possible to reduce the impact of the above pressures.

2021/22 Budget Planning

24. Covid has affected the financial position of both Local Authorities during 2020/21. It is also likely to have longer-term financial impacts, including the operation of Trading Standards and in the wider marketplace. This will require

careful budget planning which both authorities have started, and the finance teams will liaise closely as it progresses.

CONSULTATION:

25. No external consultation has taken place.

RISK MANAGEMENT AND IMPLICATIONS:

26. All significant risks affecting the service (which include items beyond budget and performance) are regularly considered by the management team (two monthly for red and amber risks, 6 monthly for green risks).

27. Where risks become higher, these are shared with the Trading Standards Board for awareness and discussion.

FINANCIAL & VALUE FOR MONEY IMPLICATIONS

28. The Service has delivered all elements of the business case. The forecast budget outturn position for 2020/21 is detailed within section 5 above.

LEGAL IMPLICATIONS

29. The Inter-Authority Agreement provides the legal framework within which the Service operates. As set out in paragraph 3.1 of the report, the Joint Committee is responsible for ensuring the effective management of the Service and maintaining financial oversight. The Service's performance is then subject to scrutiny in the participating authorities in the normal way.

30. The report makes a number of references to relevant legal processes and proceedings that the Service has been involved in over the last year. There are no other specific legal issues that need to be drawn to the attention of the Committee.

EQUALITIES & DIVERSITY

31. The performance being reported will not impact on residents or staff with different protected characteristics, as such an Equality Impact Assessment has not been included.

WHAT HAPPENS NEXT:

32. Performance continues to be reviewed by the Service Management team and by the Joint Service Board.

REPORT DETAILS

Contact Officer(s):

Mrs Amanda Poole, Assistant Head of Trading Standards 07984 458 679
Mr Steve Ruddy, Head of Trading Standards 01372 371730

Consulted:

Annexes:

Annex A: Key Performance Indicators 2019/20
Annex B: Key Performance Indicators 2020/21, Quarter 1
Annex C: Suggested Key Performance Indicators for 2020/21
Annex D: Trading Standards Budget 2020/21 onwards

Sources/background papers:

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KEY PERFORMANCE INDICATORS

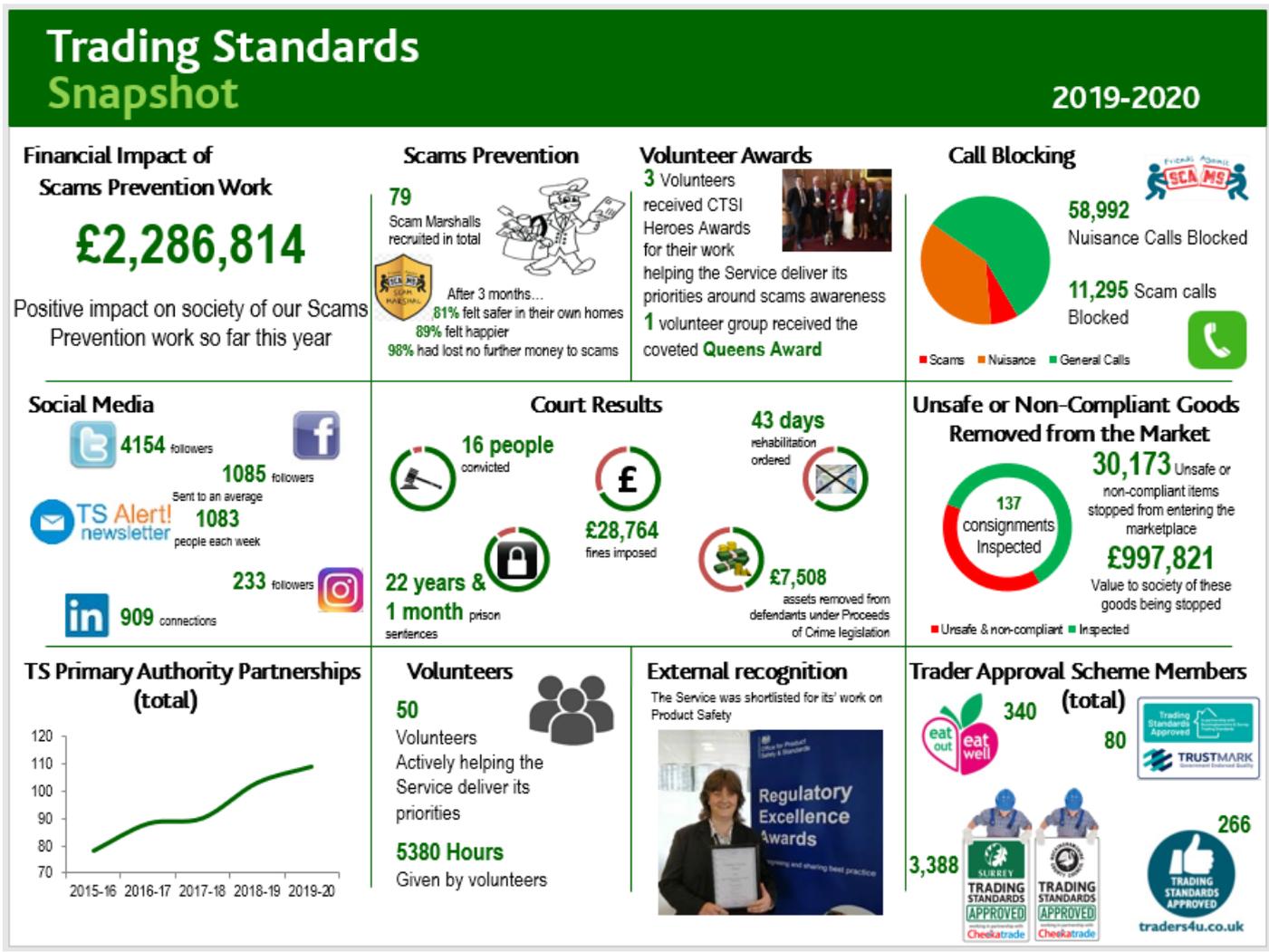
Full Year 2019/20



SUMMARY Full Year 2019/20

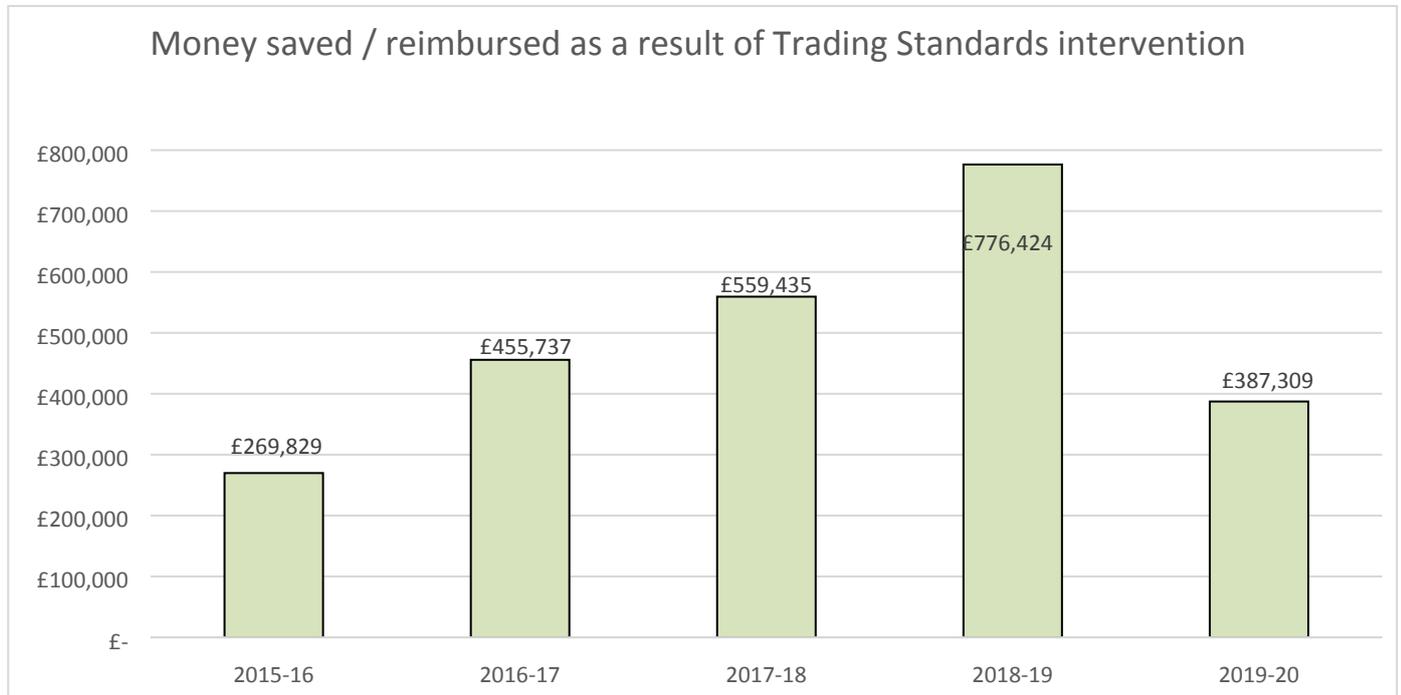
Key Performance Indicator	Comments	Status
1. Increase the financial savings for residents as a result of our interventions and investigations	Savings for residents fluctuate year by year often due to factors beyond our control. This year our savings are lower than the previous year. In part this is due to two unusually large savings amounts in the previous year and there being no large amounts of compensation awarded from proceeds of crime during this year.	Red 
2. Protect residents by stopping rogue traders operating in Buckinghamshire and Surrey	We have successfully stopped rogue traders and rogue trading in a range of ways, including but not limited to formal enforcement work. 16 people/entities were convicted following prosecution, leading to over 21 years of immediate prison sentences and £28,364 of fines. The data continues to be volatile from quarter to quarter.	Green 
3. Prevent residents becoming victims through expanding the use and reach of social media alerts, TS Alert! Volunteers, and other preventative initiatives to raise awareness of scams, rogue traders and unsafe products	Volunteer hours contributed are very strong, more than doubling the hours contributed during the previous year. Social Media presence and engagement remains very positive, with follower numbers continuing to grow. Messages on social media are diverse, covering the range of our work. Particular themes were: Rent Safe, EU Exit messages (especially for businesses), scams prevention and the Stan the Elf campaign. The number of scam marshals recruited by the service has increased by 18 compared to the previous year.	Green 
4. To increase the number of Primary Authority Partnerships	The service continues to successfully grow Primary Authority Partnerships both in terms of absolute numbers and in depth and quality with businesses now regularly approaching the Service seeking a partnership. The Service was recognised by BEIS / OPSS during the year, being shortlisted for the Regulatory Excellence Awards for our work with Businesses on Product Safety.	Green 
5. Increase membership of trader approval schemes	The service has succeeded in delivering this in partnership with Checkatrade, TrustMark and with Health partners.	Green 
6. Work with partners to tackle illegal sales of age restricted products; to explore new ways to reduce harm from the use and consumption of unsafe products; and to tackle poor food quality and nutrition	Work tackling illegal supplies of Tobacco is a significant part of this work stream and we continue to investigate offenders supplying illegal tobacco, making use of sniffer dogs to locate hidden tobacco. There have been five prosecutions of such offenders during the year, resulting in fines and community orders including rehabilitation days and 100 hours of unpaid work. Further investigations are ongoing. Demand continues to be high to tackle the import of unsafe products through transit sites for Heathrow, with the demand more than doubling in recent months. The service has inspected 137 consignments, an increase on last year. Over 30,000 unsafe and non-compliant products destined for people's homes have been prevented from entering the country through our work. The Service worked with the Police to carry out 17 test purchases by underage volunteers of knives in September and February. 2 shops sold and this is being followed up. Positively no sales were made from shops which had sold in the previous year.	Green 
7. Scams (including activities related to this area carried out by volunteers)	There are around 50 volunteers regularly working with the Service, particularly in the area of scams prevention. Truecall units are deployed to prevent scam and nuisance calls reaching the most vulnerable, with the positive impact to society of these calculated to be over £1.4million. Friends Against Scams and Scam Marshall initiatives all continue to grow with 18 new scam marshals and over 8500 new Friends Against Scams recruited.	Green 

The Service also produces more accessible snapshots of performance with some high-level information:

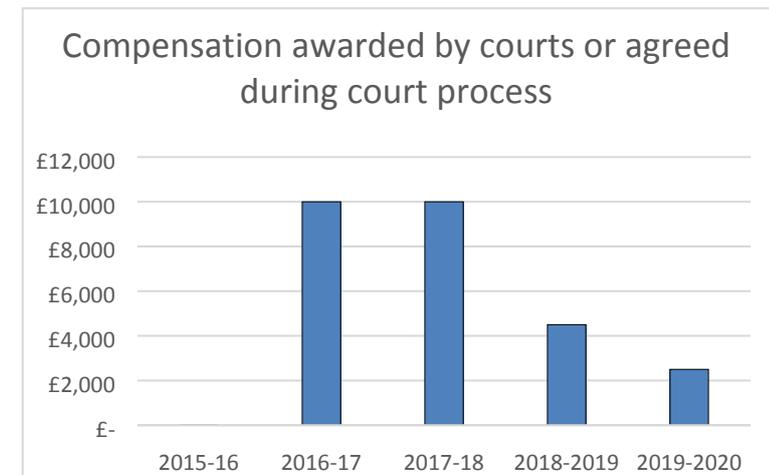


KPI -1 Increase the financial savings for residents as a result of our interventions and investigations

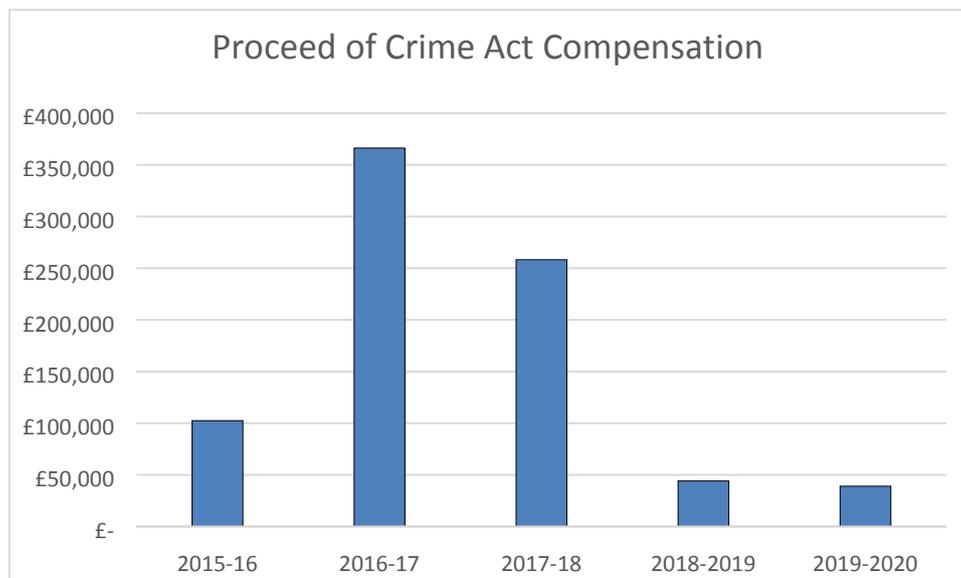
Financial savings for residents consists of: compensation awarded by the Courts to victims of crimes where the Service has prosecuted; compensation awarded as part of Proceeds of Crime Act confiscation proceedings; reimbursement which the Service has obtained for customers when intervening in trading disputes including money which the Service has stopped reaching a potential criminal through its intervention.



This graph includes all money saved, stopped (e.g. cheques), not spent or recovered for consumers as a result of Trading Standards intervention in their issue. It includes where people were identified as scam victims. Another example includes where residents have been cold called by doorstep criminals and are being charged extortionate amounts for little or no work. 2018-19 includes two cases in relation to scam victims involving unusually large amounts of money. In one case we were able to return a cheque for £150,000 with the assistance of the National Trading Standards Scams Team. In the other case we assisted a vulnerable person who had been repeatedly financially abused. Our intervention prevented the loss of £350,000.



A more unusual, and much smaller, source of savings for residents is through compensation awarded by or agreed during court processes. The amounts shown represent either one or two such awards in each year. They often happen where proceeds of crime proceedings are not occurring and/or where the defendant has made an offer of compensation as part of persuading the court of their acceptance and remorse.



Under The Proceeds of Crime Act (POCA), after a person is convicted of crimes, we are able to seek orders from a court to confiscate money (and assets bought with money) which they have made from their crimes. Where victims are identifiable and their evidence has been able to be used, we ask for confiscated money to be ordered to be paid as full or, more often, part compensation for the victims losses. (This graph does not include any money confiscated but not paid as compensation). The amount awarded as compensation varies significantly from year to year, as it relates only to a small number of cases despite the large sums which can be involved (in these figures the highest number of cases in any year was four). For example in 2016-17 £241,000 compensation was awarded to an elderly couple in Amersham who had lost significantly more than that in doorstep fraud; and in October 2017 £258,180 was awarded to the vulnerable victims of doorstep offenders who had operated in Surrey. The amount awarded as compensation varies heavily depending on the money and assets the defendant still has available. For example a victim may have lost £200,000 to the crimes but the defendant may have spent £190,000 on things that cannot be retrieved. Under the proceeds of crime act it may be appropriate for the service to apply to court for a restraint order if there is evidence that money which is, or is suspected to be, proceeds of crime is being inappropriately spent. If the judge grants this it stops suspects/ defendants from spending money which may be required to pay any future POCA Order. However in some cases money has been spent prior to our involvement.

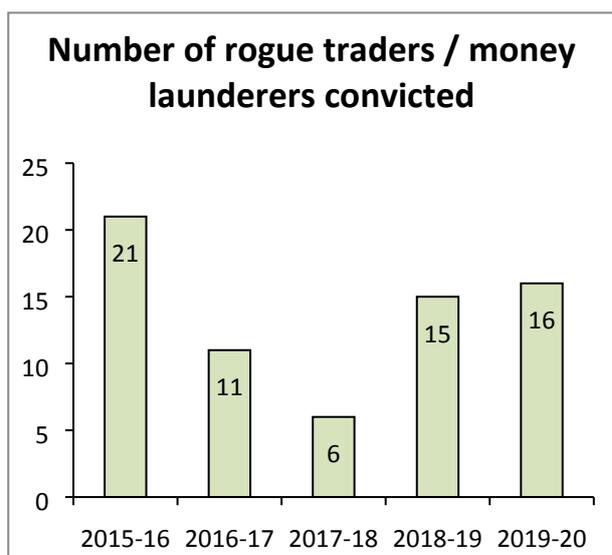
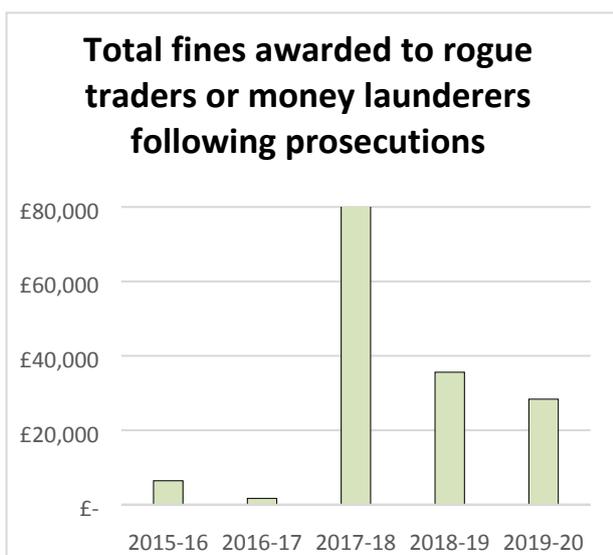
At the end of March 2020 the Service had six proceeds of crime act proceedings following convictions gradually progressing through the court process. In five of these we are anticipating compensation for the victims. In three of these cases assets are under a restraint order. In larger cases it is more often the case that a defendant has less money and assets than they are deemed to have benefited from by their crimes. It is not unusual for these cases to take several months after conviction, although two of these cases were more than a year since conviction and another was almost a year (for reasons outside of our control) which is more unusual and impacts the figures above.

In relation to activity undertaken with scam victims, during 2019-20 we began to calculate the full financial impact of our work using a nationally developed tool. This is further explained, alongside the outcomes in KPI 7 later in this report.

KPI -2 Protect residents by stopping rogue traders operating in Buckinghamshire and Surrey

The Service undertakes a variety of interventions to stop rogue traders operating – including investigations, projects, civil and criminal proceedings. The target means we need to identify how we have done that, and one set of indicators of that is convictions and the data below. However that alone doesn't determine whether the Service has been successful in this area.

It should also be noted that the data below are indicators only. There are no targets set in relation to these as it is for the courts to decide convictions and the appropriate penalties. We expect the figures to fluctuate, and there may be considerable variations, but they provide useful context as to the extent of offending that the Service is dealing with.



During 2019-20, convictions have related to offences relating to: the supply of illicit tobacco (not labelled with the required warnings in English, not labelled in plain packaging or counterfeit); fraud and money laundering, linked to home improvement work; rules relating to the disposal of animal by-products (to ensure they do not risk getting back into the food chain) and contempt of court for breaching a restraint order in relation to the Proceeds of Crime.

Below are some examples of press coverage of the cases taken by the Service:

Cowboy builders leave elderly couple with half a living room wall knocked down

An elderly cancer patient and his wife, from Worcester Park, south west London, fell victim to building firm P&T Property Services, who also said their roof could kill them

By Laura Hartley 13:07, 25 FEB 2020



An investigation found out there was 'no reason' for the wall to be knocked down

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Rogue builders left a pensioner going through cancer treatment 'in shock' after demolishing his living room wall - and asking to be paid £300,000 for unnecessary work.

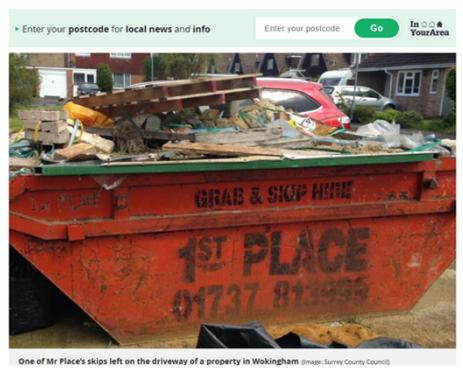
The elderly gentleman and his wife - aged 89 and 84 at the time - fell victim to the firm P&T Property Services Limited after the so-called builders called at their front door, [Surrey Live](#) reports.

Claiming to be from the company which had rendered the couple's Worcester Park home in south west London a few years before, a worker calling himself Paul dropped by and offered to clean the front of their house in September 2017.

1st Place Grab and Skip Hire director fined £31k for using 'aggressive' practices

Brian Place, from Hampshire, has been ordered to pay fines and court costs amounting to a total of £31,335.90

By Eleanor Fleming Senior Reporter 14:53, 19 MAR 2019 | UPDATED: 14:58, 19 MAR 2019



One of Mr Place's skips left on the driveway of a property in Wokingham (Image: Surrey County Council)

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Bucks Free Press

10th February

High Wycombe shopkeeper blamed stash of fake cigarettes 'on a customer named Fang'

By Kiera Gillies | @Kiera_BFP Apprentice reporter

mix96 96.2fm

ON AIR ANDY GREEN

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Farmer fined after carcasses, pigs heads & sheep skulls found

A farmer from Buckinghamshire has been fined, after animals remains were found on his farm.

A testing team attended Richard Piercy's farm in Water End, Stokenchurch, to conduct TB tests on his cattle, but their attention was drawn to animal carcasses, pigs' heads and sheep skulls being stored on the premises. This was apparently in breach of animal by-products regulations.

When trading standards officers later attempted to carry out an inspection to investigate the situation, Mr Piercy refused them access to the farm, so they had to apply for a warrant and police escort to gain entry.

Cowboy builders are jailed for a total of seven years after charging an elderly couple, aged 84 and 89, £270,000 for work that left them with half a living room wall

- The couple, aged 89 and 84, were approached by P&T Property Services Limited
- A man from the firm visited in 2017 and offered to complete some building work
- Firm sent costs spiralling and caused unnecessary damage to couple's property
- Trading Standards visited and stopped all work at the south-west London home
- Thomas William Penfold, the manager, was later convicted of fraudulent trading

By JAMES WOOD FOR MAILONLINE
PUBLISHED: 17:13, 25 February 2020 | UPDATED: 01:54, 26 February 2020

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Two cowboy builders have been jailed after causing major damage to the home of an elderly couple and quoting them almost £300,000 for unnecessary repairs.

Thomas William Penfold, Managing Director of P&T Property Services Limited, and his employee Glenn Steel, were sentenced at Guildford Crown Court yesterday after badly damaging the couple's home in Worcester Park, south-west London in 2017.

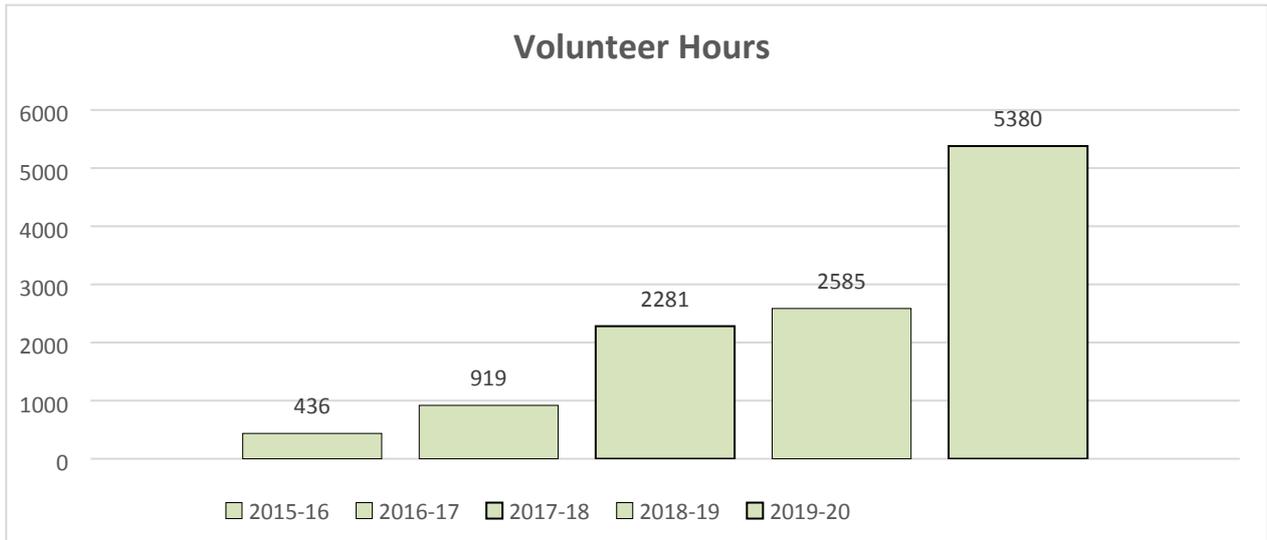
Among their 'disgusting' treatment of the couple, the firm smashed through the pair's living room wall without permission, quoted them needless repairs and charged them massively inflated prices.

The shocking saga began in September 2017 when the couple, who were aged 89 and 84 at the time, were visited by a member of staff calling himself Paul.

KPI -3 Prevent residents becoming victims through expanding the use and reach of social media alerts, TS Alert! Volunteers, and other preventative initiatives to raise awareness of scams, rogue traders and unsafe products

Volunteers

The Service has volunteers from a wide range of ages and backgrounds who supported the priorities of the Service with 5,380 hours of their time during 2019-20. The volunteers undertook a variety of different work for the service, including taking informal samples, checking whether traders have acted on advice given by officers and supporting our preventative work.



Social Media & TS Alert! Newsletter - Regular messages are put out through social media including scam awareness messages, product safety messages (including recalls) and making people aware of our activity. In 2019 the Service put out numerous messages signposting readers to the Government information on EU Exit, including how businesses will need to do things differently post exit. Where it would be helpful to spread a message, we run campaigns, a couple of examples of which are given below. Very recently we have been telling people about our work with Surrey Police to check whether under 18's could buy knives.



#RentSafe Campaign - Following the death of a 14 week old baby at a mobile home site in Buckinghamshire, and the subsequent serious case review, Trading Standards were approached by Thames Valley Police to participate in a multi-agency strategic group designed to:-

- Safeguard children and vulnerable adults living at the site more effectively
- Improve the environmental and living conditions on the site
- Ensure professionals can visit and work at the site without fear
- Where applicable bring offenders to justice using all partnership legislation that is available, criminal or civil.
- Support the serious case review and identify and assess threat and risk.

The site has been subdivided many times and contains about fifty caravans/mobile homes. The 'homes' are sub-let to individuals who are unable to afford other forms of accommodation. Allegations had been raised, including potential trading standards offences relating to the manner in which the accommodation was advertised and rent collected, tenants subject to exploitative practices and growing indications of hidden vulnerability.

Either through fear, embarrassment or ignorance, Trading standards had received no complaints from residents. To inform and empower residents, Trading Standards developed and coordinated a social media campaign advising people of their rights when renting. The campaign, #RentSafe, was actively promoted by partners from Buckinghamshire County Council, Surrey County Council, Aylesbury Vale District Council, Buckinghamshire Healthcare NHS Trust and Thames Valley Police.

Materials were also distributed to health and social workers visiting the site to distribute during their visits. The campaign ran for three weeks and with the support of partners proved highly effective.

<https://mybucks.buckscc.gov.uk/november-2019/latest-news/rentsafe-check-this-advice-if-you-rent-your-home>



“Most problems can be resolved quickly and easily by talking to your landlord or letting agent. There are often legal protections in place too for the most common problems that you may experience during the tenancy.

If you have a complaint about a letting agent’s service and they don’t resolve your complaint, you can complain to an independent redress scheme. “

#RentSafe

https://england.shelter.org.uk/housing_advice/private_renting/letting_agent_redress_schemes



“If the property is in an unsafe condition or has no heating and the landlord won’t repair it you can contact your local authority – they have powers to make them deal with serious health and safety hazards”

<https://www.gov.uk/find-local-council>

#RentSafe

#StanTheElf Campaign - The unofficial mascot of BSTS is Stan Dards. Our 2019 Christmas social media campaign centred on Stan the elf highlighting the diverse and sometimes surprising work TS undertakes. Every day during December a photo and associated information were posted on various media platforms using the hashtag #stanthelf. The posts were designed to inform as well as entertain.

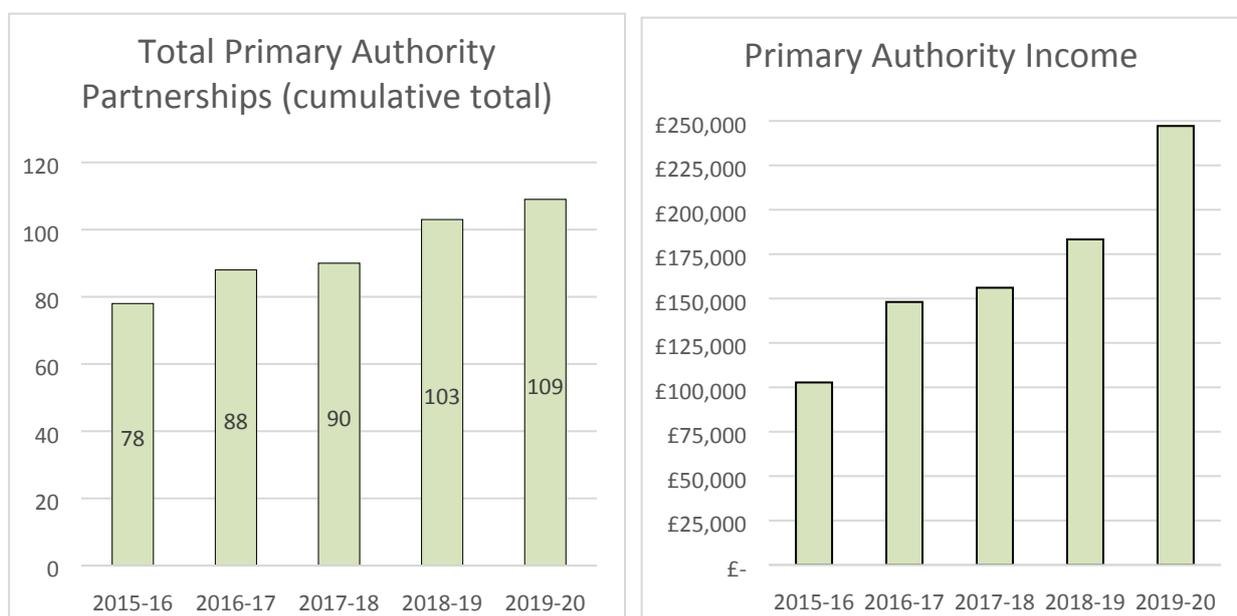


All teams contributed to this campaign, taking a photo of Stan the Elf highlighting a particular activity eg Stan on a petrol pump, Stan with a barrister, Stan at a business conference etc. Stan also went to Berlin and Afghanistan, accompanying gift parcels donated to troops on active service abroad. A letter of thanks was received from Major Thwaite, Officer Commanding, 2nd Battalion Parachute Regiment thanking us for our support.

This campaign has been the most successful media campaign we have run to date, capturing the imagination of officers, partners and the public alike and reaching 252,587 individuals.

KPI - 4 To increase the number of Primary Authority Partnerships

Primary Authority Partnerships are partnerships between the Service and Businesses where we give the business assured and tailored advice on meeting trading standards regulations. This ensures start-ups get it right at the outset and enables all businesses to invest with confidence in products, practices and procedures, knowing that the resources they devote to compliance are well spent. This increases a business’s confidence that they are protecting themselves and their customers. We also act a single point of contact for a number of businesses to enable them to also get advice on environmental health and fire safety regulation. As regulators these partnerships enable us to support local economic growth through stronger business relationships, improve the consistency of local regulation and target our resources on high-risk areas.



The Service continues to provide excellent and varied support to businesses through our 109 Primary Authority Partnerships. The nature of our individual partnerships continue to adjust and change with some growing, some leaving, some closing and some businesses merging. As in other years we have welcomed new partner businesses to the scheme. This year, anecdotal evidence from the national Primary authority Users group suggested a notable slowdown in business Primary Authority activity due to Brexit and economic uncertainty. This effect has most clearly been seen in one of our partnerships who had projected a significant increase in activity which has been delayed for much of the year. Covid had little impact during the 19-20 year, although it is anticipated that it will significantly impact 20-21 and potentially beyond.

In the summer the Service was shortlisted for a national Regulatory Excellence award for its work with businesses on product safety.



Buckinghamshire & Surrey Primary Authority Partnerships January 2020

OPSS celebrates ten years of Primary Authority

In 2020 the Office of Product Safety and Standards (OPSS) marked the tenth anniversary of Primary Authority. As part of the tenth anniversary celebrations, OPSS held a two-day conference on 26 and 27 February in Telford, attended by local authorities, fire and rescue services, businesses, and trade associations who are in an active primary authority partnership.

Buckinghamshire and Surrey Trading Standards were invited to support the celebration:

- On day one, as a previous winner, Michele Manson outlined the 2018 excellence in leadership in Primary Authority Award and what it meant to us.
- On day two Michele jointly presented a workshop on how to maximise the benefits of Primary Authority.



Kerry, a major food and ingredient manufacturer, has been working with Buckinghamshire & Surrey since the start of the scheme and was one of the first companies to sign up to help sponsor the event.



Denise Din, Group H&S Compliance Manager, Bannatyne Fitness Ltd says: “Primary Authority is important to our business as it allows us to be in control of driving standards of compliance forward without the need for local authority intervention.”

KPI -5 Increase membership of trader approval schemes



This year the Service has been involved in providing several different trader approval schemes: Checktrade Trading Standards Approved; Trust Mark; traders4u and Eat Out Eat Well. The first two are trader approval schemes provided in partnership with commercial providers. The latter is a scheme developed by Surrey County Council, between Trading Standards and Public Health.

TrustMark is the Government Endorsed Quality Scheme covering work a consumer chooses to have carried out in or around their home.

When a consumer uses a TrustMark Registered Business, they know they are engaging an organisation that has been thoroughly vetted to meet required standards, and has made a considerable commitment to good customer service, technical competence and trading practices.



By ensuring all Registered Business adhere to and maintain these standards through the TrustMark expert network of Scheme Providers, TrustMark gives consumers increased confidence and choice. Additionally, in the event that a problem does arise, TrustMark offers a range of remedies to give further protection to consumers.



One of the strands of our partnership work with Surrey Public Health continues in relation to **Eat Out Eat Well**. We continue to work with Public Health England and other Local Authorities via a Healthy Eating Steering Group to promote the scheme and ensure caterers are assisted in ensuring they provide healthier options for their customers.

Eat Out Start Well is a new initiative lead by Surrey Public Health, in partnership with Trading Standards aimed at early years settings. It is important to support and encourage under 5's to have a healthy and balanced diet and this scheme builds on the success of Eat Out Eat Well expanding to this age range, who have their own nutritional requirements. Pilot assessments are currently being carried out at Early Years settings targeting areas of deprivation and an evaluation report will be produced in the autumn. The scheme is planned to launch later in 2020 and will be promoted to other Local Authorities. We have already received interest from a number of other Local Authorities who are keen to adopt this early years scheme.

The partnership with Checkatrade finished at the end of March 2020. All Trading Standards Approved Checkatrade members were advised of this in December, and all were invited to join our new scheme "Traders 4 U" during March.



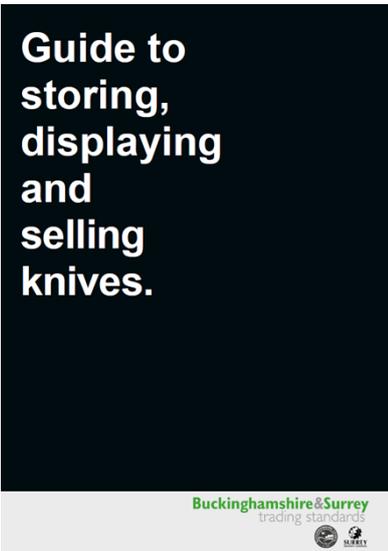
traders4u is a new trader approval scheme, established with United Knowledge Ltd who are a subsidiary of a community interest company and with whom we have a Primary Authority Partnership. The new scheme will allow traders to have the distinct accreditation from their local Trading Standards Service at a competitive cost, with the accreditation sitting separately or alongside other accreditations such as Checkatrade. The scheme itself is also a Coordinated Primary Authority Partnership, giving members access to support and assured advice from trading standards.

KPI -6 Work with partners to tackle illegal sales of age restricted products; to explore new ways to reduce harm from the use and consumption of unsafe products; and to tackle poor food quality and nutrition

A high priority for the Service is to protect people from the harms caused by unsafe goods or products which certain groups e.g. children shouldn't be able to buy. We respond to complaints, where harm has occurred but also carry out market surveillance, test purchasing and activity at the border (for us, Heathrow) to prevent goods being sold which are unsafe as well as advising retailers how to sell appropriately. Goods can become unsafe through incorrect labelling and therefore this is an important consideration when assessing a product or foods safety. Examples include cigarettes which do not warn of the dangers of smoking; large stone fireplaces with inadequate fixing instructions; food that doesn't declare allergens; and the alcohol content of drinks which drivers might rely on them to keep them under the limit for safe driving.

Age restricted sale of Knives

Knives, and the role they have in serious violent crime, are a key concern for the community. Trading Standards are engaging with other partners who can also contribute activities to prevent serious violence through the developing Serious Violent Crime initiatives of both Bucks Council and Surrey County Council. We continue to work with the relevant Police forces to conduct test purchases of knives by under 18's. However, in addition to this, we have recently adopted a "Knives Toolkit" which was developed by the Metropolitan Police and London Trading Standards.



This has a Good practice guide for retailers, which is supported by posters and access to training modules which can be accessed for free through our website. As well as talking to individual retailers about this issue, we are also looking to make use of our Primary Authority Partnerships to spread the toolkit and available training as widely as possible.



Module 1 : Safe Storage and Display of Knives



This module explains how to store and display knives in order to reduce the risk of them being stolen or used in crime.
Load module >>>

Module 2: How to ASSESS Age



This module explains why it is important to always assess the age of the customer to ensure knives are sold responsibly, prevent underage sales and confirm delivery to someone over the age of 18.
Load module >>>

Module 3: How to CHALLENGE someone for ID



This module explains how to challenge a customer for proof of age whether the knife is being sold in a shop, or delivered to a customer.
Load module >>>

Module 4: How to CHECK ID Properly



This module explains how to check ID properly to prevent underage sales and confirm delivery to someone over the age of 18.
Load module >>>

Module 5: When to call the police



This module explains when you should call the police about a knife related incident and how your actions will help police prosecute offenders and reduce knife crime.
Load module >>>

Market Surveillance Projects

Below are some examples of the market surveillance activity carried out April 2019 – March 2020:

	What being looked for and why	Number of samples tested or approach	% of samples that were incorrect in some way
Knives (working with the Police)	Are knives being sold to under 18's? Do retailers know the age restrictions on knife sales?	17 test purchases	2 sales Advice was given to all 17 retailers after the test purchases.
Ports	Unsafe, or otherwise non-compliant, items being brought into the Country through Heathrow	137 targeted consignments checked (comprising over 220,000 items)	62 (45%) consignments contained unsafe and/or non-compliant goods. Stopping these goods had a value to the economy of £997,821
Illicit tobacco	Compliance with rules on selling products which have warnings, are correctly labelled in plain packaging and which aren't counterfeit.	Intelligence gathered (see below) at 43 premises. Sniffer dog visits to 8 premises. Planned visits in March were postponed due to Covid 19 issues	Intelligence found 16% (7) premises selling illicit tobacco 25% (2) premises were found with illicit tobacco when visited with the sniffer dog
Allergens – targeting new businesses and those already identified as having problems in this area	Correct allergen labelling is important to prevent those with allergies unnecessarily suffering anaphylactic shock any other allergic consequences. The focus on new businesses is to ensure they start out with the correct procedures in place to ensure safe food.	98 advisory visits 14 samples taken We have received 25 complaints about allergens during the year.	35% (5 samples) incorrect. We are advising the food businesses to avoid repetition of the issue
Apple juice	Patulin levels - It is a naturally occurring food contaminant which is mutagenic, genotoxic, immunotoxic and neurotoxic. Patulin can be responsible for acute effects including nausea, vomiting and other gastrointestinal issues.	22	90% Problems included incorrect labelling. No excess Patulin was found
Minced Meat	Collagen and meat ratio (to ensure compliance with maximum fat levels and the collagen/meat protein ratio (which relates to what cuts of meat have been used and their relative quality) and speciation.	25	56% (14) Problems included: contamination of other species (through cross contamination); excess collagen; and excess fat

Gin and Craft Beer	Labelling, alcohol content (which can be particularly important where drivers are relying on the indication of units alcohol)	36	75% (27) Problems included: incorrect labelling and excess alcohol
Gluten free claims	The aim of this campaign was to check the compliance of foods which claim to be gluten free or low in gluten. This campaign focused on non-pre-packed meals from catering establishments such as takeaways.	13	15% (2) One sample was marginally in excess of the limit, the other was 95 times in excess of the limit. We have advised the food business about the issue and they have amended the information supplied with the product
Aflatoxin levels in almond products	Aflatoxins, including aflatoxin B1, are highly toxic and there is evidence that they can cause liver cancer in humans.	28	None were found to have levels that were a concern
American soft drinks	Preservatives: Benzoic Acid, Sorbic Acid which are unsafe above certain levels	25	68% (17) Problems included: excessive levels of benzoic acid, incorrect labelling and lack of required warnings
Soy Sauce	Presence of 3-MCPD (3-monochloropropanediol) which is a carcinogen	22	80% (18) Problems were all labelling related, including not labelling allergens correctly. No excess 3-MCPD was found.
FSA funded imported food sampling project	To inform the FSA about imported food issues they provided funding to carry out market surveillance sampling.) We worked with our Public Analyst to bid for funding and foods sampled included spices, almond based products, American sweets and fish and fish products to check out presence of allergens and levels of contaminants and colours.	100 samples were taken	32% (32 samples) were unsatisfactory mainly for labelling issues and these are being taken up with the food businesses or Primary Authorities as appropriate
“Healthy” Yogurts	Consumer research shows that the UK population spends £1.7 billion a year on yogurt and fromage frais. But with an ever-increasing range of yogurt varieties on offer, it can be difficult to work out why one variety may be healthier than another. The project assesses any nutrition claims made relating	25	100% - All 25 samples had varying minor labelling issues which we are taking up with the food businesses or Primary Authority as appropriate to discuss

	to either fat, protein or calcium and to assess the accuracy of the sugar information stated on the label.		
FSA Operation Opson	Looking at counterfeit and adulterated alcoholic drinks	We are looking for products when doing visits and complaint work	We have provided intelligence about an alleged alcohol poisoning incident to the National Food Crime Unit
Fireworks (working with the Fire Services)	Fireworks need to be stored safely to prevent fires and limit the damage caused when there is a fire	117 applications were received 82 premises were inspected	10% (8) Problems included: live fireworks in the sales area not stored within a locked storage cabinet; no statutory notices advising customers on the legal restrictions on the sale of fireworks; fireworks found stored in crisp boxes and not transit boxes as recommended; fireworks found stored under combustible material.
Animal Health – Tuberculosis (TB)	Ongoing work with farmers particularly in Buckinghamshire which is classified as an “edge” area (ie in proximity of areas where TB is more prevalent)	We have carried out 8 visits to higher risk farms.	All were given advice and guidance and the work is ongoing

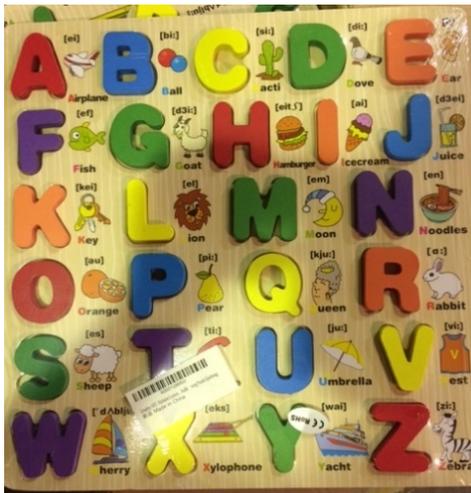
Preventing the supply of unsafe consumer products at ports of entry

Detaining unsafe goods at the point of entry (the transit sheds for Heathrow) saves considerable additional work once unsafe or non-compliant goods are spread across multiple wholesalers or retailers nationwide, and is an efficient and effective way to protect consumers from potentially harmful products. Because of the national impact of the work, funding is allocated from BEIS by National Trading Standards.

Some examples of unsafe and non-compliant products found and stopped from entering the Country are:

1159 **skin whitening creams** suspected to contain hydroquinone which has been banned from ‘over the counter’ products because it can cause liver, nerve and foetal damage, and were also labelled wrongly. The importer claimed to be importing them for personal use but has not produced the necessary paperwork for Border Force to accept this submission.





This **wooden toy puzzle** posed a choking hazard (the letter I) for children, bore no importers details and the CE mark was not in the correct format. The importer agreed to destroy the goods.



Because of the high risks involved, importers of electrical goods must have documentation to show that they have been tested, are safe and conform to our standards. These **smart bracelets** were part of a mixed consignment of electrical products. The importer was unable to provide any documentation relating to this and other products, so the goods were refused entry and destroyed.

The importer described this unsafe item as an adult **plush toy**. However its' form and plush nature would be particularly appealing to children under 3 years and it was CE marked as though intended as a soft toy. The toy included a small button on its chest which was easily detached and would pose a choking risk to a child. The importer was asked for documentation to prove that its' safety had been considered and tested but was unable to supply this and so agreed to the destruction of the items.



KPI -7 Scams (including activities related to this area carried out by volunteers)

Scams are an increasingly common and serious form of financial abuse, often having the greatest impact on vulnerable and elderly people. The Service works with a range of partners to identify people who have been the victims of this form of financial abuse. Once they are identified, we make contact and visit where scams are ongoing or there is likely to be a positive benefit of our intervention. We will talk to them about their situation, what assistance can be offered and assess which interventions would help them, and others, stop being impacted by the scams. Where social isolation has played a significant part in why they have engaged with the scammers, we will involve volunteers to help the resident make contacts into their local community and with community groups to reduce their isolation.

Call Blockers

A Call Blocker is a device which screens telephone calls; permitting calls from friends and family straight through while blocking unwelcome nuisance and scam callers. Unrecognised callers are required to identify themselves before being put through to the resident. Buckinghamshire and Surrey Trading Standards have 258 active devices blocking in excess of 167,000 nuisance and scam calls, equating to 99.9%.

Feedback about Call Blockers:



“My husband has been diagnosed with frontal lobe dementia. He becomes very flustered, confused and agitated when answering the telephone to nuisance calls. We get nuisance calls daily and normally at the same time so I feel this device will help immensely and give us peace of mind”

“It has been very reassuring having a Truecall device installed in my home and has enabled me to block out unwanted calls which had been a concern and worry to me”

“Since having the device fitted my mother now feels safe when answering her phone. Many thanks, a great service”

Friends Against Scams

Friends Against Scams is a National Trading Standards Scams Team initiative, which aims to protect and prevent people from becoming victims of scams by empowering people to take a stand against scams. Buckinghamshire and Surrey Trading Standards deliver 45-minute awareness sessions to individuals, businesses and communities, who in turn shares that knowledge with neighbours, colleagues, friends and family encouraging them to take a stand against scams.



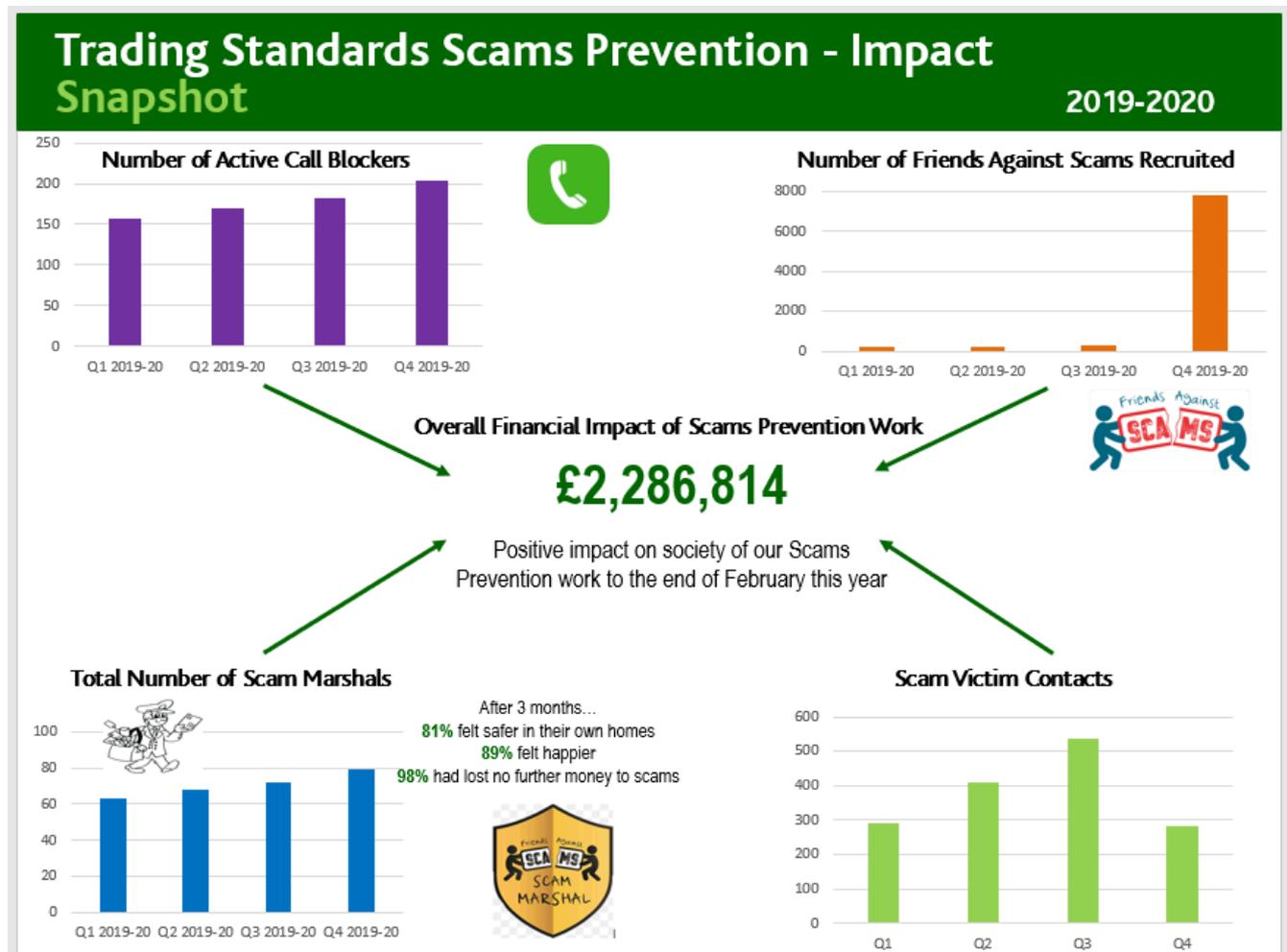
At the end of March there were 8,646 Friends Against Scams registered within Buckinghamshire and Surrey.

Scam Marshals

A Scam Marshal is a resident who has been targeted by a scam and now wants to fight back and take a stand against scams. Scam Marshals do this by sharing their own experiences, helping others to report and recognise scams and sending any scam mail that they receive to the NTS Scams Team so that it can be utilised as evidence in future investigative and enforcement work.



During 2019-20 we began to use a nationally developed impact calculator to understand the impact of our work to prevent scams. This is a tool which enables us to calculate the economic and societal value of the main interventions on scams carried out by Trading Standards including installing call blockers, recruiting Friends Against Scams and Scam Marshals and other interventions to support victims.



The calculator was developed by independent economists with input from Trading Standards professionals including the National Trading Standards Scams Team. It draws on a variety of robust and respected sources of data including the Home Office Cost of Crime study, with most of the calculations consist of two parts: financial losses prevented, and non-financial losses prevented, including physical and emotional harm, healthcare and other service costs.

The calculation of non-financial losses is proportionate to financial losses prevented in each case by a ratio of approximately one to two. This ratio has been calculated using data from the Home Office Cost of Crime study, which is robust and well respected. This is likely to be an

underestimate because it calculates the harm to an average victim of fraud rather than victims made vulnerable by circumstance.

The calculations for interventions such as Friends Against Scams, Scam Marshals and Call Blocking are based on existing evaluations and surveys which demonstrate their impact. For example, the call blocking calculation is based on survey results which show that high risk victims (according to a definition used to input the figures) are likely to lose around £9,000 per year to telephone scams. On average, call blocking units are used for two years and block 91% of scam calls. The average saving for each call blocker installed is therefore $£9,000 \times 2 \times 91\% = £16,380$ plus a small amount for the 'nuisance cost' – i.e. the number of minutes saved by not having to answer the phone for every scam call.

Additional Savings: In relation to healthcare and health related quality of life savings, it has been argued that there is a relationship between fraud of vulnerable elderly individuals and their need for social care. It is believed that defrauding vulnerable elderly accelerates their need for residential social care, at significant cost to themselves and Local Authorities. This is often anecdotally described as individuals *losing the confidence to live independently* with the cumulative impact of the financial abuse on their finances and health make it impossible for them to continue to live at home, and they enter care.

The work of trading standards, in, for example, providing call-blockers, visiting homes and advising victims and families in order to prevent or stop victims from responding to scams, can be seen as an alternative to care in these cases, enabling the individual to continue to stay in their home, at least until the underlying condition (which increased their vulnerability to the financial abuse) necessitates residential care, or, sadly, death. This conveys financial savings to the victim, family and Local Authority. So far we have excluded these savings from the savings shown above however we hope to develop our use of this aspect of the data during next year.

During lockdown, the NTS Scams Teams ceased referring scam victims to Trading Standards, similarly referrals from other agencies also reduced significantly, this accounts for the perceived drop in numbers for Q4. Of the 284 cases we did receive, 100% of victims were subject to an intervention and support.

Conference - SCAMS: THE TRUE COST. Working Together to Tackle Financial Abuse

On the 4th February Trading Standards Services from Buckinghamshire & Surrey, Brighton & Hove, East Sussex and West Sussex hosted a free event focusing on the impact that financial abuse has on individuals, the true cost to Local Authorities and the importance of joint working with all stakeholders to help minimise future detriment.



The event included a range of speakers from Trading Standards stakeholders, partner agencies and the National Trading Standards Scams Team and included an interactive workshop exploring opportunities for collaborative working.

As a direct result of this conference over 7000 new Friends Against Scams have been recruited.



The event brought together police, fire services, safeguarding professionals, academics, local authorities and the third sector. Victims of financial fraud also shared emotional accounts of their experiences and received positive feedback from attendees.

A similar event covering Buckinghamshire and the Thames Valley authorities was planned for July in Kidlington but has been postponed due to the Covid outbreak. We hope to offer a virtual version of the event during the year.

Investment Fraud case study – Mrs S

The Service received a referral from colleagues in Hertfordshire Trading Standards regarding an investigation they were undertaking into a case of investment fraud. One of the victims they had identified was a Surrey resident who had fallen victim to a wine investment scam, losing over £100,000. She was then being targeted by debt recovery fraudsters and criminals pretending to be Hertfordshire Trading Standards.

Buckinghamshire and Surrey TS Prevention Team immediately visited the victim to assess what support we could provide. It soon became apparent that the victim was a widow in her late 70s,

Annex A

a resident of Woking, who suffers from numerous mental health issues including depression and anxiety. The lady was also an extreme hoarder, making her residential situation far from ideal.

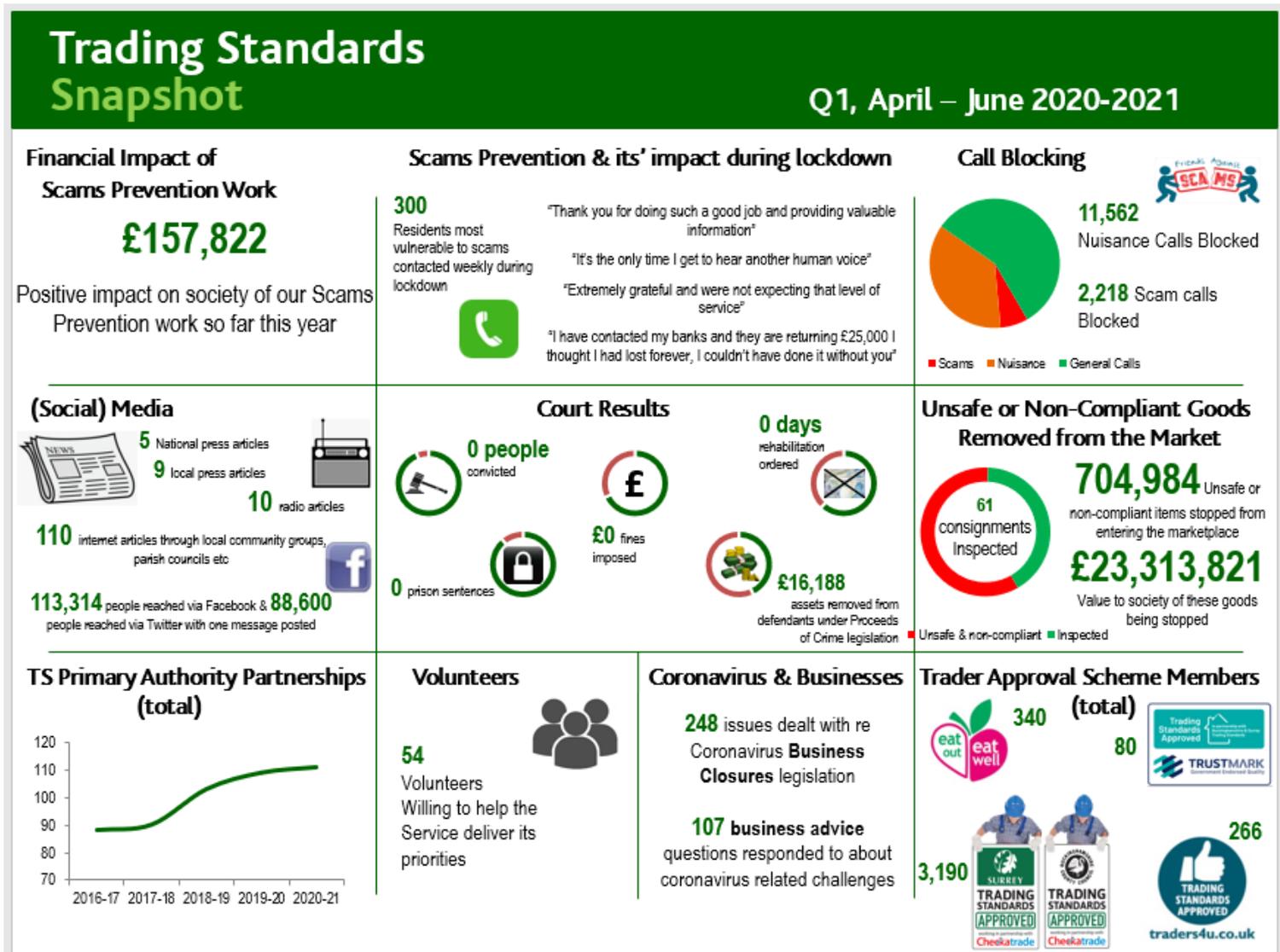
Mrs S had been 'investing' since 2016 and it was her belief that she had been purchasing cases of luxury wines.

It was also discovered that she had handed over in excess of £150,000, rather than the earlier estimate of £100,000. During our ongoing support, we identified that some wine did exist. Working on behalf of Mrs S we managed to secure the bottles and provide her with options for auctioning the stock. We managed to return £42,000 to the lady.

Trading Standards, having identified several safeguarding issues and facilitated additional support from Adult Social Care and Surrey Fire and Rescue. To prevent further targeting we installed call blocking technology to cut off the scammers from constantly pressuring the victim via telephone.

KEY PERFORMANCE INDICATORS

Summary - Quarter 1 (April to June) 2020/21



April to June 2020

The first quarter of this year has been heavily affected by the Covid pandemic, with the Service undertaking new work, extending some areas of work and reducing others to ensure an appropriate response to the situation. Likewise, other connected services, such as the criminal justice system, Police and Environmental Health teams have also been affected having knock on implications to our work.

As a consequence, the data for quarter one looks quite different in some areas than a usual year.

In quarter one the main areas of focus have been:

- Preventing harm from Covid related scams – through both regular direct contact with those who we believed to be of highest risk from scams and through an extensive ongoing media push of information.
- Preventing harm from unsafe goods, including PPE, especially via Heathrow and being brought into use by the Logistics team in Surrey
- Supporting businesses by providing advice needed for the changing conditions (e.g. supply chain shortages)
- Shared enforcement of the new, and frequently changing, Business Closures legislation with Environmental Health and Police partners.

Some of the Service's work was paused during the outbreak. The reasons for this (and for some activities several of these reasons applied) include:

- Work not able to be done at a suitable distance, especially in the first, tightest, stage of lockdown
- Businesses not being open, or operating in very different ways
- Guidance, including from central government, advising us to stop certain activities, e.g. the Food Standards Agency re planned inspections of food businesses
- Work that is usually done alongside partners who had other priorities, or were unable to carry out the work at a safe distance, or had made decisions to suspend their activities
- Our priorities were elsewhere

We also saw the demand for some types of work drop away during the tightest lockdown, such as in relation to new doorstep crimes, although we have seen these rapidly return when the lockdown was eased.

The level of work going into Covid priorities has changed since the end of June, for example with less PPE being imported by air freight, and the re-opening of a much greater range of businesses. However, the work to prevent scams remains at a higher level than pre-pandemic.

The snapshot on the previous page shows performance against some of the key activities undertaken in quarter one.

Service Priority Area 1 - Protecting the most vulnerable. Tackling fraudulent illegal and unfair trading practices, including serious and organised crime.

Key Performance Indicator	Comments	Status
Increase the financial savings for residents as a result of our interventions and investigations	Savings for residents fluctuate year by year (and quarter by quarter) often due to factors beyond our control. Just over £100,000 of savings occurred in Q1, compared to a total of £387,000 in the full 19-20 year.	Green ↑
Actions to stop rogue traders operating in Buckinghamshire and Surrey	There were no convictions or sentences passed in Q1. This was due to the impact of coronavirus on the Criminal Justice System as most courts had to severely reduce their operating capacity and all jury trials were postponed for a time. The Service has a number of cases in progress but all have been delayed as a consequence, adding additional volatility to the data it is possible to report on. Investigations into criminal offences has continued, although some actions were postponed for a short time due to Covid restrictions. Activity to make people aware of potential Covid scams by rogue traders, and to encourage people not to become victims, has been a high priority for the Service with advice and information being regularly released by the Service and picked up across local, regional and national media.	Red ↓
Impact of our interventions with scam victims, as measured by the NTS Scams Calculator	Scams have been a particular concern during the Covid Pandemic so the Service has undertaken a range of work to prevent as many people as possible from becoming victims of scams. The detail of which is given below.	Green ↑

Scam Prevention

Due to Covid-19 personal visits to victims of fraud and scams were no longer possible. The Prevention Team drafted a letter and information pack which was sent to all residents identified as being vulnerable to scams. This letter, covering Covid security as well as scam information, was quickly recognised as best practice and shared across the Trading Standards South East (TSSE) region including all 19 “top tier” local authorities. The National Trading Standards (NTS) Scams Team adopted the wording of the letter and circulated it for all services across the UK to use if they chose to do so.

During this time, the Team also arranged for around 55,000 scam and doorstep sticker packs to accompany food parcels being distributed to shielded residents by both Counties, as well as via District and Borough Councils, local food banks and meals on wheels in Surrey.



Safeguarding Phone Calls:

Since the start of lockdown, officers from Buckinghamshire and Surrey Trading Standards have made weekly calls to around 300 residents identified as being most vulnerable and potentially susceptible to fraud and scams. These residents were known to us due to previous interactions either because they had been victims of financial fraud or they had been referred to us via the Multi Agency Safeguarding Hubs.

The aim was to prevent fraud, but in turn they also provided much needed wellbeing support – especially for those socially isolated or shielding. It has enabled timely interventions in incidents, nuisance and scam cold calls to be blocked using call blocking technology, and provided us with information which we then shared with the wider community.

Despite the UK being in a state of lockdown, residents continued to be targeted by fraudsters. The proactive telephone calls and dynamic responding to incidents meant that between January and March 2020 our interventions prevented £31,000 being lost to criminals. In the following three months an additional £101,100 was stopped, intercepted and returned to victims.

As residents became more confident and fraud aware, the calls were reduced, finally drawing to a close for the majority of residents on 31 July. A select few were identified as continuing to be ‘at risk’ so these individuals continue to receive personal support.

The feedback and gratitude received from residents has been incredible with comments such as

*Lovely speaking to you as always
Thank you for doing such a good job and providing valuable information
It's the only time I get to hear another human voice
Extremely grateful and were not expecting that level of service
I am grateful you are checking on my mum, thank you
I have contacted my banks and they are returning £25,000 I thought I had lost forever, I couldn't
have done it without you*

Our officers developed strong bonds with their callers and residents have expressed their sadness that the calls are ending but all feel a lot more ‘savvy’ in how to deal with scams and how to seek help should they need to.

Scam Interventions – Case study

One example of our dynamic interventions is Mr B, a grieving and socially isolated gentleman in his 60s who had previously been defrauded out of £70,000 in investment frauds. It quickly became apparent that Mr B was unfortunately struggling with his mental health and continued to be plagued by scammers. The only food he had was bread and milk and he was living off a box of cereal. More urgently he was contemplating suicide.

Following a frantic and distressing 24 hours, a member of the Trading Standards Prevention Team contacted key partners to raise urgent concerns. Unfortunately Mr B was not on the shielded patients list and had fallen between the cracks.

The officer liaised closely with Adult Social Care and a local support charity, and Mr B immediately received an emergency care package and funding was organised for him to receive meals on wheels 3 times a day.

Some weeks later, Mr B continues to receive meals on wheels as well as weekly calls from Trading Standards and charity volunteers. A call blocking device has been installed (which he loves) and

following ongoing support from Trading Standards, Mr B has had £25,000 worth of debt written off by his banks and has switched his utility company to get a cheaper tariff.

He continues to take one day at a time but says Trading Standards have turned his life around. He says he is now more confident to handle financial issues and is enjoying time in his garden and returning to his painting.

Call Blockers:



Call blockers are an extremely effective way of stopping criminals accessing vulnerable residents. To combat cold call fraud and to give residents piece of mind Buckinghamshire and Surrey Trading Standards provides and installs call blocking technology free of charge to those who are being plagued by nuisance and scam calls.

We have distributed over 250 units so far which have prevented residents from receiving 189,361 nuisance calls and 36,187 scam calls. The financial savings for residents has been calculated at almost £400,000. If a resident feels either they or a relative may benefit from a call blocker they can email this request to us at trading.standards@surreycc.gov.uk. One of our Prevention Team officers will then contact the resident and discuss how the call blocker works and assess whether this would be an appropriate solution for the resident. A simple form will be completed and the fitting of the call blocker will be arranged.

Recent feedback on call blockers we have installed has included the following qualitative feedback:

“My husband & I are much happier now that we have the Truecall device. We don’t feel threatened now when we answer the phone.”

“I no longer am worried when the phone rings since the device has been installed. I am grateful for the loan of the device & would not like to be without it.”

“The device has eliminated nuisance calls completely. I feel much safer having it.”

“Excellent. I have recommended it to others.”

“This Truecall device is one of the best pieces of equipment we have ever had. We are most grateful for this device and it has solved the problem with nuisance callers - virtually overnight!”

In addition to local feedback, the National Trading Standards Scams Team undertook some academic research alongside Bournemouth University into the use of call blockers, including measuring the respondent’s wellbeing at the point of installation and 3 months later using the nationally recognised 7-item Warwick-Edinburgh Mental Wellbeing Scale (SWEMWBS) to provide a measurable score of wellbeing. In this research 96% of respondents themselves reported a positive impact on their well-being; the remaining 4% reported little or no impact. No respondents reported a negative impact.

In terms of Wellbeing scores: At the time of application, respondents reported an average overall well-being score of 22 (63%), after three months they reported a significant increase in their well-being, with an average score of 26 (74%). This increase was most notable amongst those

respondents classed as vulnerable, who reported a lower average well-being score at installation: 20 (58%) at installation, increasing to 25 (72%) after 3 months.

Working with Partners

SFRS is a key partner in our scams work, often people who are most vulnerable to a fire are also most likely to fall victim of a scam.

In June Mr Steve Owen-Hughes, Director of Community Protection & Emergencies for Surrey and SFRS Chief Fire Officer become a Scambassador, raising and promoting the work being done to educate and safeguard residents from fraud and scams. Soon after, SFRS was also recognised as an official Friends Against Scams Organisation.

We continue to deliver Scam Champion training to new fire officers and will be implementing a number of collaborative initiatives we have been working on. A key prevention focused initiative with SFR is multi-purpose visits to vulnerable residents covering both fire safety and scam awareness matters. As part of these, assessment is made of the benefit of installing a call blocker. Considering Covid-19 restrictions these visits may be conducted virtually. We have also been working on joint social media prevention campaigns.

Social Media:

Social Media is integral to the work of the Prevention Team. Using all social media platforms and via our TS alert newsletter, sent to over 1,000 subscribers fortnightly, we provide information, guidance and alerts. Each of our TS Alert subscribers, such as Neighbourhood Watch, D&Bs and charities, distributes the information throughout their own organisations and in turn their followers share it further. During lockdown, one single message posted by the Prevention Team reached 113,314 people via Facebook and 88,600 via twitter.

The work undertaken by the Team has generated a lot of media interest, affording us the opportunity to also provide advice and guidance via local and national television and radio. **Over 100 (mainly scam related) articles relating to information shared by the Service have featured across press, internet articles, radio, and TV since the middle of March.**

Our post on 'brushing' fraud reached 42,433 people via twitter and was followed by an interview on BBC Radio Surrey.

Service Priority Area 2 - Enabling businesses to get the help and support they need to thrive and grow. Delivering public protection through supporting businesses to comply with their legal responsibilities and ensuring a level playing field.

Key Performance Indicator	Comments	Status
<p>To increase the number of Primary Authority Partnerships</p>	<p>During quarter 1 the Service has prioritised providing high quality, practical advice to businesses who have faced significant challenges, particularly around their supply chains; in understanding how new business closures legislation affects them; in understanding what rights and responsibilities they have when something has been adversely affected by the pandemic; and in responding to the new trading conditions.</p> <p>Some businesses with whom we have Primary Authority Partnerships were required to close, and some were very busy responding to new demands for their goods/services. One example of our activity in this area was to work closely with the Association of Convenience Stores (who have over 30,000 members nationally) and our partners in Environmental Health to develop complete guidance for convenience stores who wanted to set up new safe home delivery services to support people who were isolating at home (see below)</p> <p>The number of Partnerships we have has increased by 2 to 111 during the quarter.</p>	<p>Green</p> 
<p>Support to trader approval schemes</p>	<p>The service launched Traders4U early in the year, and despite Covid, there has been a gradual uptake of it during Q1. The Service continues to run “Eat Out, Eat Well” with the support of Health partners and continues to work in partnership with TrustMark. The recent announcement of the new Green Homes Grant is likely to cause an increase in our work with TrustMark in the coming months as any work carried out under the scheme must be completed by a TrustMark registered business.</p>	<p>Green</p> 

ACS best practice

HOME DELIVERY GUIDANCE FOR LOCAL SHOPS

This guidance is designed to provide reassurance to convenience store retailers who want to carry out local grocery deliveries to support people self isolating. There are regulations that can easily be followed through normal business practice, including on how you:

- Take orders and payments
- Manage data
- Keep food safe
- Physically deliver products

This guidance explains what these regulations are, and provides simple advice on conducting deliveries in a way that best promotes good hygiene and limits the risk of passing on Covid-19 and other viruses when doing so.

How do you take an order?

You can receive an order on the phone, through your own website or another online platform, for example WhatsApp, email, text, a Twitter direct message or a Facebook message.

Whichever approach you use, there are some important principles to consider:

- If you're providing a shopping list or order form, make sure it's clear what you're selling, the quantity (ACS Fair Trading Guide here) and food allergen information (ACS Managing Food Safety and Hygiene Guide here)
- If you're taking generic orders, try to confirm specific details on brand, quantity, it is acceptable to make a reasonable substitution.

You can promote that you are offering a temporary delivery service for customers using this template poster for your store and on your social media platforms. (Download the poster here)

How do you take payment?

You can take payment by any method, including:

- Customer and prepaid card payments - this means manually entering the customer's long card number and security code on your terminal.
- Use a Virtual terminal provider like PayPal or Worldpay and other online systems.
- Cash is perfectly acceptable and for best hygiene practice you should ensure handling of cash and food preparation (ACS Managing Food Safety and Hygiene Guide)
- You can offer credit at your discretion but you cannot add on a fee or a charge interest. Typically speaking this will mean allowing customers to take delivery of goods and pay you the agreed amount at a later date.

ACS best practice

HOME DELIVERY GUIDANCE FOR LOCAL SHOPS

How to deliver to customers?

- Check your vehicle insurance. Standard car insurance policies may not cover the use of the vehicle for business purposes and you may need to update your policy. Contact your insurance provider/broker to check if they can extend your business and vehicle insurance to cover home delivery.
- Chilled food can be kept at ambient temperature for a maximum of four hours in one continuous period, so you do not have to have chilled compartment or box for a short journey. However, if a chilled product is kept at a temperature of more than 5°C for more than four hours, it should be destroyed.
- Courtesy to other residents and drivers should be considered when making deliveries, and this sign can be printed and placed on your dashboard. Download the sign from ACS' website here.
- Parking restrictions apply as normal. The Ministry of Housing, Communities and Local Government advise that good practice in parking enforcement allows for a 10 minute grace period.

How to operate a collection service

All of the guidance on making deliveries will also apply to offering a collection service for customers, their neighbours or family, and local volunteers.

26% of retailers offer click and collect services

12% of convenience stores already offer home grocery delivery

Reduce the risk of spreading Covid-19

You should minimise the risk of spreading infection from Covid-19 or any virus. Good practice that should be followed at all times includes:

- Adopt sensible measures to minimise risk especially when delivering to people who have stated they are self isolating, notably by leaving deliveries at the front door. Do not enter their home or directly hand the delivery to them (see the Government's Stay at Home guidance here).
- Washing hands for a minimum of 20 seconds every time you return to the store, and at least every two hours.
- Avoiding shaking hands or direct contact with customers and others when delivering products.
- Cleaning on a regular basis surfaces you regularly touch, including phones, car steering wheels, bicycle handles and car handles.
- If you have less than 250 full time employees you do not have to apply the single use carrier bag charge.

ACS best practice

HOME DELIVERY GUIDANCE FOR LOCAL SHOPS

How do you manage data security?

GDPR

We recommend all retailers follow good practice in handling customer data. Retailers should ensure their systems are secure, and only retain customer details as long as it is justifiable to do so. The Secretary of State for Health has stated that "no one should constrain work on responding to coronavirus due to data protection law. Article 6(1)(g) states "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller". For more information, visit the ICO website here.

Age restrictions

All product age restrictions apply. For more details on which products are age restricted and for specific policies on checking age for deliveries, see ACS' Preventing Underage Sales Guide here.

About this guidance

This guidance has been developed in consultation with Surrey and Bucks Trading Standards, and Woking Borough Council. ACS Assured Advice guides referenced here are part of ACS' Assured Advice scheme with Surrey & Bucks Trading Standards, Woking Borough Council and Brighthelm County Borough Council which means that ACS members are protected in law if they follow this advice.

All retailers can freely access this advice and follow it as good practice backed by national and local government departments.

Where to go for help?

- Speak to your wholesaler or symbol group to see if there are systems they use that you can link with.
- Speak to your card payments provider.
- There are a number of shopping apps and delivery partners you can work with.

CONTACT

For more details on this guidance, contact a member of the ACS team on 0202 250000. For more details on ACS: Visit: www.acs.org.uk Call: 0202 250000 Follow us on Twitter: @ACS_Localshops

ACS | the voice of local shops

Although some enquiries from businesses have continued as normal, the first quarter of the year resulted in a new range of advice specific to the pandemic and reflecting the wide variety of businesses in our local area. Through the business advice line and our Primary Authority Partnerships we have continued to support our business community throughout lockdown.

Questions relating specifically to Covid-19 were answered free of charge and where businesses were furloughed, in recognition of this unique challenge, we suspended charging for the partnership whilst keeping it in place for their return.

Businesses have been supported with diversification to produce or import hand sanitiser, face coverings and PPE, food labelling, alternative ingredients, allergens, food delivery, takeaway, meals for vulnerable residents, and using caterers supplies for retail. Throughout this period there have been significant numbers of questions relating to businesses who could open, how to open and whether businesses should be open.

For our Primary Authority partners we amended the suite of guidance for the Association of Convenience Stores relating to Covid safe trading, deliveries (above) and terms and conditions. The range of advice to other partners included cancellation of contracts and frustrated contracts where installations are necessarily delayed, safe reopening of premises and how this applies in the context of devolution, converting ambient food to frozen food and using available but not current labelling to supplement national food supplies, multipacks and car showrooms.

Two examples of our work with Primary Authority Partners (the British Blind & Shutter Association and the Association of Convenience Stores) were recognised and shared by The Office of Product Safety and Standards (part of BEIS) with other Regulators as good practice to counter uncertainty during the pandemic crisis (see article to the right).

In relation to business closures, new legislation was introduced initially requiring many businesses to close. As the pandemic developed the legislation was regularly changed to reflect the latest understanding of levels of risk posed, often with very little time between the legislation being released and coming into force (often hours rather than weeks). Trading Standards is one of the Services with enforcement powers under this legislation, alongside Environmental Health Services and the Police.

We have been and remain in regular contact with our Environmental Health colleagues to ensure that resources are used appropriately and that we did not both start to deal with the same issue. This approach worked well.

Trading Standards, Environmental Health and Police received complaints about businesses operating when the complainant thought they should not be. Trading Standards directly dealt with 148 of these in Q1. In most cases, these related to businesses who were exempt under the legislation at the time and could therefore legally still be open. Where we had contact with a business that is permitted to remain open, we reinforced the social distancing messages in the guidance.



Primary Authority News – May 2020

How you are using Primary Authority to counter uncertainty

Providing key advice on contracts

The British Blind & Shutters Association and Trustmark sought advice from their primary authority partner Buckinghamshire and Surrey Trading Standards on how contracts for goods and services should be adapted due to coronavirus.

Topics included delays, cancellation rights, consumers no longer affording goods and dealing with home visits when consumers are self-isolating.

The Primary Authority Advice focused on the importance of maintaining effective communication between parties with their members.

Supporting thousands of retailers

To support local communities many Association of Convenience Stores (ACS) members diversified into home deliveries. ACS worked with their primary authority partners Woking Borough Council and Buckinghamshire and Surrey Trading Standards to get advice on adapting practices for click and collect, delivery charges, social distancing, cleaning, waste storage, alternative payment methods, managing data, transporting chilled foods and price increases. They have also worked with their primary authority partners to resolve enforcement issues.



Where a business was found to still be open when it should be shut, we took a measured approach to the situation, following the College of Policing guidance to: **Engage, Explain, Encourage** and **Enforce**.

There has generally been a high level of compliance by businesses and all businesses that we have received complaints about have engaged with us positively and no prohibition orders or fixed penalty notices have been issued by Trading Standards.

Service Priority Area 3 - Improving wellbeing and public health; tackling the supply of unsafe, dangerous or age restricted products and working to maintain the integrity of the food chain, including food quality, nutrition, and animal health.

Key Performance Indicator	Comments	Status
Number and estimated value of unsafe/non-compliant goods removed from or prevented from entering the supply chain.	After reviewing nearly 5m items, over 700,000 unsafe or non-compliant products were stopped from entering the supply chain by the Service during Q1 with an estimated impact to society of over £23m. These products were mainly face masks and other protective equipment related to the outbreak of Covid. This is a very large increase in work in this area compared to last year (when around 25,000 unsafe/non-compliant items were prevented from entering the supply chain) as the supply of safe PPE became a national priority during the outbreak. Significant imports were (unusually) seen via Heathrow due to the speed of air freight vs the more usual sea freight for this type of product.	Green ↑
Number of premises tested for selling illicit or age restricted products inappropriately, and approximate value of seized goods.	No test purchases were carried out in quarter 1 due to other activities being prioritised by the Service and the Police whom we regularly work together with in this area, as well as publication of guidance not to use under age persons for this type of operation due to the potential risks to them.	Red ↓
Market surveillance projects carried out, including in relation to food	The Service prioritised market surveillance work around the supply of PPE during Q1. With the majority of the team's time spent at Heathrow, and Food Standards Agency guidance setting the expectation Trading Standards Services should not undertake proactive project work that required visiting shops/food businesses; no other market surveillance projects were carried out.	Red ↓

Assessing the Compliance of PPE:

In order to assess compliance and suitability of PPE the importers have been required to produce documentation to show that they meet the required protective standards. During the course of the checks carried out by officers numerous irregularities with the documentation have been discovered, including:

- missing information
- counterfeit documentation (see example to the right)
- misleading documentation purporting to show required compliance
- documentation showing compliance with standards that are for countries outside of the UK/EU (which do not meet our requirements)



Where face masks or other PPE being imported through Heathrow could not be shown to be safe as PPE and could not satisfactorily be repurposed as non-protective 'barrier masks' for general public use they were denied entry into the UK and Europe.

DRAFT Trading Standards Key Performance Indicators 2020/21

Service Priority Area	Key Performance Indicators
<p>1. Protecting the most vulnerable. Tackling fraudulent illegal and unfair trading practices, including serious and organised crime.</p>	<ul style="list-style-type: none"> • Financial savings for residents as a result of our interventions and investigations (used as a current Surrey Community Protection Group Indicator) • NEW - Impact of our interventions with scam victims, as measured by the NTS Scams Calculator (used as a current Buckinghamshire Indicator) • Actions to stop rogue traders operating in Buckinghamshire and Surrey
<p>2. Enabling businesses to get the help and support they need to thrive and grow. Delivering public protection through supporting businesses to comply with their legal responsibilities and ensuring a level playing field.</p>	<ul style="list-style-type: none"> • Number of Primary Authority Partnerships (used as a current Surrey Community Protection Group Indicator) • ALTERED - Support to assured/approved trader scheme(s)
<p>3. Improving wellbeing and public health; tackling the supply of unsafe, dangerous or age restricted products and working to maintain the integrity of the food chain, including food quality, nutrition, and animal health.</p>	<ul style="list-style-type: none"> • NEW - Number and estimated value of unsafe/non-compliant goods removed from or prevented from entering the supply chain. • NEW - Number of premises tested for selling illicit or age restricted products inappropriately, and approximate value of seized goods. • NEW - Market surveillance projects carried out, including in relation to food

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Annex D

Trading Standards

	2019/20 £000	Agreed budget 2020/21 £000	Required budget 2020/21 £000
Trading Standards Partnership	2,642	2,631	2,755
Net budget	2,642	2,631	2,755
Expenditure:			
Staffing	3,003	3,007	3,086
Non Staffing	449	460	434
Service specific IT systems	0	0	61
Total expenditure	3,452	3,467	3,581
Income	-810	-836	-826
Net budget	2,642	2,631	2,755
Surrey County Council Contribution	1,744	1,736	1,818
Buckinghamshire County Council Contribution	898	895	937
Joint Budget	2,642	2,631	2,755

Changes from agreed to required budget

	2020/21 £000
Agreed budget	2,631
Pressures	
Pay Inflation	12
Service specific IT systems	61
Removal of additional savings	51
Total Pressures	124
Required budget	2,755

Trading Standards is run in partnership with Buckinghamshire County Council (BCC) and managed by a joint committee. SCC and BCC contribute towards the net costs of the service, in the proportions 66% and 34% respectively

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**BUCKINGHAMSHIRE COUNTY COUNCIL AND
SURREY COUNTY COUNCIL**

TRADING STANDARDS JOINT MANAGEMENT COMMITTEE

DATE: 23 SEPTEMBER 2020

LEAD OFFICER: STEVE RUDDY, HEAD OF TRADING STANDARDS

SUBJECT: TRADING STANDARDS ENFORCEMENT POLICY

SUMMARY OF ISSUE:

Enforcement is a vital part of Trading Standards role to protect residents and communities from harm and to ensure a fair and level playing field for legitimate and honest businesses.

The Trading Standards Service regularly reviews its Enforcement Policy to ensure it remains appropriate and relevant to the regulatory and local authority landscape. The proposed Enforcement Policy provides an updated framework to ensure that the Trading Standards Service promotes efficient and effective approaches to regulation without imposing unnecessary regulatory burdens.

The Trading Standards Joint Committee is asked to review and endorse an updated Enforcement Policy for use by the Buckinghamshire and Surrey Trading Standards Service.

The updates include amendments to:

- Acknowledge Buckinghamshire County Council's change to becoming part of a new Unitary Council for Buckinghamshire known as "Buckinghamshire Council".
- Reflect that the Service hosts the National Trading Standards Scams Team which will abide by the best practice principles found in legislation and codes that are outlined within this Enforcement Policy.
- Clarify that the decision as to disposal is made by a different officer than the investigating officer.

RECOMMENDATIONS:

It is recommended that the Trading Standards Joint Committee endorses the amended Enforcement Policy attached as Annex A.

REASON FOR RECOMMENDATIONS:

It is a statutory requirement for the Service to have, and actively use, an Enforcement policy. To ensure it remains relevant, this Policy must be periodically reviewed and agreed by Members through this Joint Committee.

DETAILS:

1. The Trading Standards Service aims to create an environment of confident consumers and trusted traders by providing advice and guidance to consumers and businesses. However, there will be occasions when a range of different actions may be necessary to deal with cases where trading standards laws have been breached by businesses or others.
2. This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary regulatory burdens including consideration for social, environmental and economic outcomes.
3. The Trading Standards Service recognises that the vast majority of businesses that operate within Buckinghamshire and Surrey are honest, legitimate enterprises. The Trading Standards Service will work with those businesses, helping and encouraging them to understand and comply with their regulatory obligations.
4. The main purpose of the Trading Standards Service enforcement activities is to protect the public and legitimate businesses. To achieve this aim we will undertake to regulate businesses and others in a fair, practical and consistent manner helping to support or enable local and national economic growth for compliant businesses and other regulated entities.
5. The Trading Standards Service subscribes to the principles and objectives of the statutory Code of Practice for Regulators (the Code) made under the Legislative and Regulatory Reform Act 2006. We believe that all enforcement should be risk based and proportionate.
6. In certain instances, we may conclude that a provision in the code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the code is properly reasoned, evidence based and documented.
7. Included in the term enforcement are the ways we deal with businesses and others in an advisory capacity in addition to licensing and formal enforcement action.
8. The Trading Standards Service aims to apply the law in a proportionate and transparent manner and in all our choices of enforcement actions we will comply with the principles of the Regulators Code.
9. From 1st April 2020 Buckinghamshire County Council will no longer exist and its functions will all be transferred to the new, unitary, Buckinghamshire Council. The Policy has therefore been amended to remove references to Buckinghamshire County Council and to replace them with references to "Buckinghamshire Council".
10. The updated Policy includes reference to the National Trading Standards Scams Team, which is hosted by Buckinghamshire and Surrey Trading Standards, and for which Surrey County Council is the host. This team covers the United Kingdom and is fully financed by Government grant via National Trading Standards.

11. The National Trading Standards Scams Team targets criminals involved with scams, mass marketing and consumer fraud and related crime. They investigate cases which have regional or national significance. In such cases the team will provide evidence to relevant local authorities, which may include Surrey County Council, or other enforcement bodies who will decide on how to proceed based on their own enforcement policies.
12. The National Trading Standards Scams Team's investigations are subject to the same best practice principles found in legislation and codes that are outlined within this Enforcement Policy.

CONSULTATION:

13. Comments on the Enforcement Policy are invited through the Enforcement Policy web page, but none have been received.

RISK MANAGEMENT AND IMPLICATIONS:

14. If the Policy is not periodically reviewed it opens the Service up to challenge as to the basis of any prosecutions. This would introduce additional costs in arguing the challenge and may risk prosecutions failing prior to evidence being heard.
15. Cases taken by the Trading Standards Service are increasingly complex, which naturally bring risks. The Service has processes in place to manage risks in enforcement, but it is not possible to eliminate them. Updates to the Enforcement Policy do not change the local decision-making process and therefore the controls remain the same and the risks are not increased.

Financial and Value for Money Implications

16. This paper covers minor updates to an existing policy. There are no new additional financial implications.
17. Whilst enforcement activity may in the future be carried out under this Policy in relation to the National Trading Standards Scams Team, this work will be funded from National Trading Standards funding and not from the joint Buckinghamshire and Surrey Trading Standards budget.

Legal Implications

18. If the Policy is not periodically reviewed it opens the Service up to challenge as to the basis of any prosecutions. This would introduce additional legal costs in arguing the point and may risk prosecutions failing prior to evidence being heard.

Equalities and Diversity

19. As the changes to the policy are minor, in our opinion they will not have an impact on residents or staff, particularly people sharing protected characteristics.

WHAT HAPPENS NEXT:

20. If agreed, the new Enforcement Policy will be published on our website and will be used by the Service immediately.

Contact Officer:

Steve Ruddy, Head of Trading Standards, 01372 371 730

Consulted:

Annexes:

Annex A: Revised Enforcement Policy.

Sources/background papers:

- None

Annex A

Enforcement Policy

1.0 Introduction

1.1 Buckinghamshire Council and Surrey County Council operate a joint trading standards service (The Trading Standards Service). This policy sets out what businesses and others being regulated can expect from Buckinghamshire and Surrey Trading Standards enforcement officers

1.2 Surrey County Council is also the host for by the National Trading Standards Scams Team. This Team's investigations are subject to the same best practice principles found in legislation and codes that are outlined within this Enforcement Policy.

1.3 The Trading Standards Service aims to create an environment of confident consumers and trusted traders by providing advice and guidance to consumers and businesses. However there will be occasions when a range of different actions may be necessary to deal with cases where trading standards laws have been breached by businesses or others.

1.4 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary regulatory burdens including consideration for social, environmental and economic outcomes.

1.5 The Trading Standards Service recognises that the vast majority of businesses that operate within Buckinghamshire and Surrey are honest, legitimate enterprises. The Trading Standards Service will work with those businesses, helping and encouraging them to understand and comply with their regulatory obligations.

1.6 The main purpose of the Trading Standards Service enforcement activities is to protect the public and legitimate businesses. To achieve this aim we will undertake to regulate businesses and others in a fair, practical and consistent manner helping to support or enable local and national economic growth for compliant businesses and other regulated entities.

1.7 The Trading Standards Service subscribes to the principles and objectives of the statutory Code of Practice for [Regulators \(the Code\)](#) made under the Legislative and Regulatory Reform Act 2006. We believe that all enforcement should be risk based and proportionate.

1.8 In certain instances we may conclude that a provision in the code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the code is properly reasoned, evidence based and documented.

1.9 Included in the term enforcement are the ways we deal with businesses and others in an advisory capacity in addition to licensing and formal enforcement action

1.10 The Trading Standards Service aims to apply the law in a proportionate and transparent manner and in all our choices of enforcement actions we will comply with the principles of the [Regulators Code](#).

2.0 Enforcement policy

2.1 The Trading Standards Service has adopted the principles of the National Intelligence Model and operates an intelligence led approach to enforcement activities.

2.2 Following the National Trading Standards (NTS) Intelligence Operating Model (IOM) Service demand is managed through a tactical tasking process designed to target resources effectively and focus activity on those businesses who cause the greatest harm to consumers and legitimate business. Regular tasking meetings ensure a timely response to emerging issues and efficient monitoring of actions taken to deal with rogue traders and businesses causing the most consumer and business detriment.

2.3 Where an issue is identified and investigated, consideration will be given to the most appropriate and proportionate intervention for dealing with the case.

2.4 A range of sanctions will be considered according to the associated risk and seriousness and of the matter.

2.5 Options include:

- Securing an undertaking from the business that they will comply with their legal obligations.
- Commencing action in the civil courts under the Enterprise Act 2002 to seek an enforcement order.
- Issuing cautions and warnings.
- Prosecuting offenders in the criminal courts.
- Restraint, Confiscation and Forfeiture of assets under the Proceeds of Crime Act 2002
- Seizing goods, documents or other items that may be required as evidence, for testing or for other lawful purposes
- Issuing Suspension Notices, Improvement Notices or other such statutory documents.
- Issuing of Penalty Charge Notices
- Instituting a license review (e.g. alcohol sales).
- Instituting a product recall
- Issuing financial penalties

2.6 The aim of any intervention is to:

- change the behaviour of the offender;
- eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issues which can include punishment and the public stigma that could be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- address the harm caused by regulatory non-compliance where appropriate; and
- to deter future non-compliance.

2.7 All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and Equalities Act 2010.

2.8 Consideration will be given to matters which aggravate or mitigate the seriousness of the case so that the most appropriate and proportionate method of disposal is chosen.

3.0 Aggravating factors

- The impact, or potential impact, of the offence is so serious that prosecution is the only suitable method for disposal.
- Whether the offence continued over a long period of time or involved a series of offences against the same or different victims.
- Degree of pre planning.
- Age and/or vulnerability of the victim(s).
- Amount of gain for the offender or the amount of loss to the victim relative to the victim's status.
- Impact of the crime on the victim.
- Prevalence of the offence and its impact on the community.
- Where there is any evidence of the crime being motivated by hate (hate crimes) ie racial hatred.
- Any attempt by the offender to conceal his identity, whether directly or indirectly, such that the victim and/or investigating agencies, cannot easily identify or trace the person.
- Lack of remorse.
- The offender's antecedents including previous advice, warnings, cautions and convictions.
- There is evidence of significant and/or continuing consumer or public detriment.
- There is significant risk to public health and safety or to the environment.
- The offender has acted fraudulently, or is reckless or negligent in their activities.
- The offender deliberately obstructs an officer.
- The offender disregards the needs for animal health and welfare or disease control legislation.

4.0 Mitigating factors

- Prompt acknowledgement of guilt.
- Making timely and appropriate compensation to the victim(s).
- Previous good character.
- Age of the defendant.
- Degree of culpability.
- Any other factor which, considered objectively in relation to the offence, tends to extenuate the gravity of the crime even though it does not provide a defence to it.

5.0 Forms of actions

Prosecution

5.1 The Trading Standards Service recognises that a prosecution has serious implications for all involved and have developed this policy so that we can make fair and consistent decisions in all cases. The decision on appropriate action will be taken by an officer delegated by the County Council to do so. The investigating officer will not be involved in the legal decision-making process.

5.2 We will have regard for this policy and the Code for Crown Prosecutors. Consideration will also be given to the Compliance Code made under the Legislative and Regulatory Reform Act 2006, in particular:

- whether there is sufficient evidence that a criminal offence has been committed; and
- whether there is a realistic prospect of conviction; and
- whether the prosecution is in the public interest.

5.3 In some cases, prosecutions may be taken concurrently with civil proceedings eg prosecution in the criminal court may be reinforced and supported by action in the civil courts under the provisions of the Enterprise Act 2002.

Simple caution

5.4 Where a prosecution could succeed and the offender admits their guilt, consideration will be given to dealing with the case by way of a caution.

Fixed penalty notice or a penalty notice for disorder

5.5 Where a prosecution could succeed and or the offender admits their guilt, if available, the offender may be offered a fixed penalty notice or penalty notice for disorder.

Financial investigations under the Proceeds of Crime Act 2002

5.6 The Trading Standards Service will consider and, if appropriate, utilise powers under the Proceeds of Crime Act 2002 (POCA), to ensure the recovery of criminal

benefit or financial gain following conviction. Where investigations identify money laundering offences, we will consider prosecuting for those offences.

5.7 The Trading Standards Service will consider using restraint powers under POCA to prevent the dissipation of assets from satisfying a confiscation order and to compensate victim(s).

Undertaking

5.8 The Trading Standards Service takes a staged approach to civil redress.

5.9 Where the matters complained of are not so serious as to justify immediate civil or criminal proceedings and the offender is willing to enter into an undertaking within the meaning of the Enterprise Act 2002 not to do or continue to do the matters complained of, a formal undertaking may be sought from the offender in these terms. A breach of the undertaking will normally result in proceedings being issued.

Injunctive relief

5.10 Where an individual or business operates in such a way that it harms consumers generally, application may be made to the civil courts for an injunction to stop the detrimental activities.

Written warnings

5.11 Where consideration of the case and this enforcement policy suggests that future compliance can be achieved without resorting to legal proceedings The Trading Standards Service will consider issuing a written warning or specific instructions as appropriate.

Suspending goods from sale

5.12 Where it is necessary to protect the public, unsafe goods will be suspended from sale using existing legislative powers.

Refusal, termination or variation of a licence/registration

5.13 The refusal, termination or variation of a licence or registration will be considered where the conditions attached to a licence or registration have not been met.

Dealing with age restricted sales

5.14 In the case of the illegal sale of alcohol to a person aged under 18 years, consideration will be given to instituting a review of the premises licence.

5.15 In the case of persistent sales of alcohol from a single premises (two sales within three months), consideration will be given to the issue of a closure notice.

5.16 In the case of persistent sales of tobacco (three sales in two years), consideration will be given to either a restricted premises order and/or a restricted sale order.

Issuing financial penalties

5.17 When legislation allows, we, as the enforcement authority, can issue financial penalties to offenders.

6.0 National Enforcement

6.1 The Trading Standards Service act as the prosecuting authority for investigations carried out by the Advertising Standards Authority (ASA) via commissioning from the NTS, covering England and Wales.

6.1.1 The role of ASA is to ensure responsible advertising. Where ASA is faced with advertisers who persistently break the **Advertising Codes**, it will refer these cases to the Trading Standards Service.

6.1.2 The Trading Standards Service uses its own legal powers to assess, investigate and take action (where appropriate) on any matters ASA refers to it, subject to the same best practice principles found in legislation and codes that are outlined within this Policy.

6.1.3 The purpose of the Trading Standards Service in undertaking this work is to ensure that breaches of the law are addressed and that the integrity of the ASA system is supported by taking appropriate formal action against those who do not comply via the self-regulatory means.

6.1.4 Referrals from ASA are limited to areas of the law covered by the NTS grant as outlined in the grant agreement.

6.2 The Trading Standards Service may make agreements with other Primary Authority businesses to act as the host and prosecuting authority for offences which impact on the economic prosperity and consumer confidence in that businesses brand.

6.2.1 The geographical coverage for each agreement may include provisions for England, Scotland and/or Wales.

6.2.2 Investigations initiated by referrals under any such agreements are subject to the same best practice principles found in legislation and codes that are outlined within this Enforcement Policy.

7.0 National Trading Standards Scams Team

7.1 The National Trading Standards Scams Team covers the United Kingdom and is financed by Government grant via National Trading Standards.

7.2 The National Trading Standards Scams Team targets criminals involved with scams, mass marketing and consumer fraud and related crime. They investigate cases which have regional or national significance. In such cases the team will provide evidence to relevant local authorities, which may include Surrey County Council, or other enforcement bodies who will make a decision on how to proceed based on their own enforcement policies.

8.0 Partnership working

8.1 Wherever practicable we will endeavour to liaise with other relevant agencies that have a joint or complementary enforcement role to ensure a consistent and coordinated approach.

8.2 Before instigating formal action, the Trading Standards Service will liaise with all relevant agencies where a joint or complementary enforcement role is identified. We subscribe to the principles of the Department for Business Innovation and Skills (BIS) Primary Authority Principle

8.3 We will share intelligence with other enforcement agencies where this is practicable, beneficial and cost effective (subject to restrictions under the Data Protection Act, and other Trading Standards legislation)

8.4 Data sharing will be conducted through appropriate information gateways.

9.0 Complaints procedure

9.1 The Trading Standards Service operates a two stage complaints procedure, administered by the Customer Relations Team for Buckinghamshire Council and the Customer Relations Team for Surrey County Council.

9.2 Details of the [Surrey procedure](#)

10.0 Comments

If you have any comments concerning this policy, please write to the Head of Trading Standards at:

Buckinghamshire and Surrey Trading Standards
Consort House
5-7 Queensway
Redhill
Surrey
RH1 1YB

or email: trading.standards@surreycc.gov.uk.

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**BUCKINGHAMSHIRE COUNTY COUNCIL AND
SURREY COUNTY COUNCIL**

TRADING STANDARDS JOINT COMMITTEE

DATE: 23 SEPTEMBER 2020

LEAD OFFICER: DAVID PICKERING

SUBJECT: TRADING STANDARDS TOBACCO WORK

SUMMARY OF ISSUE:

The Children and Young Person's (Protection from Tobacco) Act 1991 requires Local Authorities to consider, at least once in every period of twelve months, the extent to which it is appropriate to carry out enforcement action to ensure that the provisions of the Children and Young Persons Act 1933, are effected. This seeks to prohibit the sale of cigarettes and associated items, such as nicotine delivery systems, to persons under the age of 18. This duty relates to tobacco enforcement only.

The Service undertakes work in this area supporting the delivery of the Public Health improvement outcomes and responsibilities that relate to the use of tobacco in order to help people to live healthy lifestyles; make healthy choices and reduce health inequalities.

This report considers the Service's work in relation to tobacco and associated products and is not restricted to the potential sale to children and young people.

RECOMMENDATIONS:

It is recommended that the Joint Committee notes and considers the report as a reflection of activity over the financial year 2019 – 2020 and endorses continued enforcement activities which will be undertaken in 2020– 2021.

REASON FOR RECOMMENDATION:

The Children and Young Person's (Protection from Tobacco) Act 1991 requires Local Authorities to consider, at least once in every period of twelve months, the extent to which it is appropriate to carry out enforcement action to ensure that the provisions of the Children and Young Persons 1933 Act, are effected.

DETAILS:

1. To ensure coherence and to maximise the impact of our work, Trading Standards link closely to Public Health led strategies to reduce tobacco

consumption. The Trading Standards role is mainly in relation to tackling supply. However increasing levels of innovation in the alternatives to tobacco, such as e cigarettes, continue to provide constant challenges to us when assessing how the legislation applies to them. The Service has also facilitated links to be made between Surrey and Buckinghamshire Public Health teams to share information and good practice. We also link into the regional tobacco groups and the Chartered Trading Standards Institute (CTSI) led Department of Health and Social Care funded national initiatives

2. In Surrey, Trading Standards chair the Tobacco Alliance. This group of partners oversee the delivery of the Public Health Tobacco Control Strategy for Surrey and reports back to the Health & Wellbeing Board. With the ambition for Surrey to have the lowest smoking prevalence in England, the Priorities include, among others; “helping young people to be tobacco free”; “tackling illicit tobacco” and “raising the profile of tobacco control”.

In partnership with our Public Health colleagues the remit of the group has been extended recently to include alcohol issues as there are common areas of concern.

The Surrey Strategy can be found at:

<https://www.healthysurrey.org.uk/your-health/smoking/smokefree-surrey/tobacco-control-strategy-for-surrey>

Progress against these priorities was reported to the Surrey Health and Wellbeing Board in December 2019. Details can be found at this address:

<https://mycouncil.surreycc.gov.uk/documents/s64646/Item%205%20-%20Priority%201%20programme%20plan.pdf>

The Buckinghamshire Tobacco Control Strategy “Towards a smoke free generation” was launched in June 2019 and we are supporting this by tackling the supply of illicit tobacco and supporting the Alliance group:

<https://www.loc-net.org.uk/media/6836/buckinghamshire-tobacco-control-strategy-2019-2024.pdf>

The four main themes of the Buckinghamshire Strategy are Prevention First, Supporting smokers to quit, Eliminating variations in smoking rates and effective enforcement, with an overall focus on key groups.

The Bucks action plan was reported to the health and wellbeing board on the 20th March and papers can be found at this address:

<https://democracy.buckscc.gov.uk/documents/s148723/HWB%20Report%20Tobacco%20Control%20Action%20Plan%20March%202020%20v2%20LS%20HWB%2019.03.20.pdf>

3. The continued rise in retail sale and use of nicotine inhaling devices resulted in the Children and Family Act 2014 being amended to include two new important provisions (brought in by regulations): The Nicotine Inhaling Products (Age of Sales and Proxy Purchasing) Regulations 2015 make it a criminal offence for an adult to buy these items on behalf of a minor and also for a retailer to sell these items to a minor. A maximum fine of £2,500 is available to the courts and

Trading Standards are responsible for enforcement. The Service has advised relevant businesses of the requirements. There were no complaints relating to proxy sales in 19/20 and no formal action has been taken under these Regulations to date.

4. Tobacco use among young people is considered as risk-taking behaviour (by themselves as much as anyone else) and may be seen therefore as gateway-behaviour for other risk-taking activities. These would include experimenting with alcohol and other illicit substances when this is combined with carrying offensive weapons and misuse of fireworks the resulting anti-social behaviour adversely affects how safe people feel in their own communities.
5. Sales of illicit tobacco facilitate a cheap way to start or continue smoking and as such needs to be minimised to reduce this impact. In addition, legitimate businesses are disadvantaged threatening small businesses in the local economy.

<https://www.illicit-tobacco.co.uk/problem/illicit-tobacco/>

6. There is evidence that the supply of illicit can be linked to organised crime and we work in partnership with the police to ensure appropriate dissemination of intelligence

https://www.eesc.europa.eu/sites/default/files/files/mr_arndt_sinn_speech.pdf

7. The programme for the financial year 2019/2020 was as follows:-

7.1. Continue to participate in those new projects and initiatives that fit within our enforcement activities outlined above together with our own initiatives where they are felt necessary.

We carried out test purchasing exercises for illicit tobacco in Buckinghamshire in December 2019. We visited 26 businesses and 4 sold illicit tobacco. We used the intelligence to revisit the premises with sniffer dogs and found illicit tobacco at two premises. We are developing intelligence on the other two.

We did a similar test purchasing exercise in Surrey in February 2020. Out of 17 businesses visited, 3 of them sold illicit tobacco. We will be using this intelligence for further visits later this year.

We worked in partnership with Chiltern District Council in May 2019 to carry out 11 visits with sniffer dogs. 4 seizures were made. 1 business was prosecuted and convicted in March 2020 following the investigation, the report for another one is being considered.

Despite having a suspended sentence for tobacco supply related offences in 2018 a case against a business in High Wycombe resulted in a 12 month Community Order being imposed due to mitigating circumstances, he was required to complete 18 rehabilitation days as part of the Order. He was also ordered to pay £2260 in costs.

<https://www.mix96.co.uk/news/local/2995888/high-wycombe-shopkeeper-sentenced-over-illegal-tobacco/>



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⏸ : Waiting for next track...

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High Wycombe shopkeeper sentenced over illegal tobacco



Published by Dan Gooding at 11:22am 25th November 2019.

After a stash of illegal cigarettes were found in a toilet cupboard, a shopkeeper from High Wycombe has been sentenced.

At Wycombe magistrates court on Wednesday (20 November) Chandrasegaram Muthaya, the proprietor of N&N News, of Desborough Road, was sentenced to a 12-month Community Order for breaching tobacco product supply and trade mark regulations.

He had been found guilty at a trial, on 15 October, on five charges relating to supplying tobacco without health warnings, in packs that didn't comply with regulations, and having for sale tobacco in counterfeit packaging. He had been remanded for sentencing.

The court was told that Buckinghamshire and Surrey Trading Standards officers took detection dogs with them on a visit to Mr Muthaya's shop on 18 December last year.

They found packets of hand rolling tobacco in a plastic carrier bag in a toilet cupboard at the front of the store. There were no English warnings on the packets, which were not coloured plain green as required by regulations.

Four packets of 50g tobacco were seized - two claiming to be branded Amber Leaf and two claiming to be Golden Virginia - which failed authenticity tests run by Trading Standards officers.

A business owner in Guildford was given a £300 fine and ordered to pay costs of £1500 in April 2019 for possessing 12 packs of illicit cigarettes.

A business owner in Staines was fined £1200 and ordered to pay £1800 in costs for possessing a total of 81 tobacco pouches and the tobacco company JTI subsequently removed the cigarette gantry from the premises

Recently another case against a business in High Wycombe resulted in a 12 month Community Order for the owner with 100 hours unpaid work. He was ordered to pay £1500 in costs

In this case some of the cigarettes were seized from the boot of the defendant's car that was parked at the rear of the premises.

The defendant also had his alcohol licence suspended for 3 months as a result of the visit.

<https://www.bucksfreepress.co.uk/news/18225030.high-wycombe-shopkeeper-blamed-stash-fake-cigarettes-on-customer-named-fang/>

Bucks Free Press

High Wycombe shopkeeper blamed stash of fake cigarettes 'on a customer named Fang'

By Kiera Gillies | @Kiera_BFP
Apprentice reporter



Trader sentenced for illegal cigarette offences

33 comments

A Wycombe man has been sentenced for selling counterfeit cigarettes.

Shopkeeper Goldi Singh Gurwara, of Anatolia Food Centre in Oxford Street, was sentenced to a 12-month community order on February 5.

At an earlier hearing, Mr Gurwara admitted six charges, three relating to the possession of cigarettes bearing infringing trademarks, namely Richmond, Mayfair and Marlboro.

MOST READ COMMENTED

- This June TV licensing rules are changing: will you be eligible for a free one?
- Pharmacist's anger as hand sanitiser is being priced at £1,500 amid coronavirus fears
- Police catch out speeding drivers after homeowners make complaints
- Homes evacuated after 'dangerous' wall collapses - but residents say they are being 'fobbed off'
- Man who disguised acid in a bottle of Lucozade avoids jail sentence
- Huge 40-foot

7.2. Promote the education message about the harm illicit tobacco causes and the smoking cessation message and gather any intelligence about sales of illicit tobacco to identify sources.

We ran a roadshow in Aylesbury in December. Approximately 12 groups of people were engaged with and spoken to - most were with children and smoking cessation information and leaflets were handed out along with our contact details if they should come across any illegal activities with tobacco products. No

actionable intelligence was obtained. We have been trialling roadshows at differing times of year to assess levels of engagement and are now giving priority to alternative intelligence gathering approaches.

7.3. We will continue to support the Tobacco Alliance groups in both counties

A team manager continues to Chair the Surrey group and now that the Buckinghamshire group is active we have participated in meetings organised in both areas.

A team supervisor has also given presentations about our work to the Buckinghamshire Tobacco Alliance group and the smoking cessation service Live Well Stay Well.

The Surrey group in agreement with our Public Health colleagues has extended the remit to include related alcohol issues. We have worked with partners on the groups to deliver the agreed strategies to reduce smoking prevalence rates in both counties.

7.4. Continue to use local, regional and national intelligence to ensure we target our interventions and resources appropriately

We have continued to use information and intelligence gathered from a variety of sources to inform our work relating to illicit tobacco and tobacco related issues generally, including intelligence gathering test purchasing operations to enable us to focus our time with the tobacco sniffer dog most effectively.

We have placed an article outlining our work in this area in the Surrey Schools bulletin. We have also made contact with the Buckinghamshire secondary school head teachers group and are discussing how we can work with them with regard to tobacco issues.

7.5. Seek licence reviews through the relevant District Council when appropriate.

Prosecutions for illicit tobacco can be used to add additional conditions onto the premises licence including the installation of CCTV at the premises, price labels on the alcohol to include the name of the shop, or the imposition of clear and stringent stock control measures.

7.6. Continue to support retailers by promoting the use of the Challenge 25 Training Pack and advising traders about legislative requirements in this area.

This would be done in response to requests for advice on underage sales legislation and also will be promoted proactively during visits to traders for other reasons.

7.7. Continue to ensure that the restrictions of both price marking and visual display requirements of tobacco products in retail premises are adhered to.

8. For 2020-21 we will:

8.1. Contribute to the Surrey and Buckinghamshire Tobacco Control Strategies by taking action to reduce the supply of illicit tobacco through intelligence and enforcement.

We will gather local intelligence, use appropriate enforcement action against suppliers, share intelligence across relevant enforcement agencies to tackle organised distribution networks, repeat the illicit tobacco campaign, gather local intelligence and enforcing regulation on nicotine containing devices, raise the profile of the issue through local publicity and participate when relevant in nationally organised campaigns

8.2. Promote the education message about the harm illicit tobacco causes and the smoking cessation message and gather any intelligence about sales of illicit tobacco to identify sources.

We will review, assess and choose venues for illicit tobacco roadshows to achieve most impact with regard to intelligence gathering. We will work with Public Health to achieve the best outcome we can from an educational perspective.

We will continue to liaise with both Councils communications teams to publicise our work about tobacco issues.

8.3. We will continue to support the Tobacco Alliance groups in both counties

We will continue to Chair the Surrey Alliance group and will participate in meetings organised for both Councils. We will work with partners on the groups to deliver the agreed strategies to reduce smoking prevalence rates in both counties.

8.4. Continue to use local, regional and national intelligence to ensure we target our interventions and resources appropriately

We will continue to explore ways to:

- improve intelligence sharing between relevant partners;
- upgrade intelligence from all viable sources; and
- explore alternative means of detecting sales (other than by test purchases)

8.5. Seek licence reviews through the relevant District/Unitary Council when appropriate.

Prosecutions for illicit tobacco can be used to add additional conditions onto the premises licence including the installation of CCTV at the premises, price labels on the alcohol to include the name of the shop, or the imposition of clear and stringent stock control measures.

8.6. Continue to monitor the market for alternatives to tobacco products, such as vaping products, to assess potential risks and look for solutions to ensure any risks to consumer safety is minimised

As well as work relating to reducing the supply of illicit tobacco we will continue to assess appropriate interventions relating to tobacco alternatives such as vaping.

In Early March Public Health England's released its' annual evidence review on e-cigarettes by leading independent tobacco experts, which can be found here: <https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020>

The issue of the risks posed by using CBD oil in vaping liquids is one that continues to provide enforcement challenges and we are reviewing how we can best resolve issues that arise in partnership with the police and other agencies.

Public Health England recognise vaping as part of smoking cessation strategy. However the rapid growth of sales has seen sellers who are non-traditional outlets enter the marketplace.

<https://publichealthmatters.blog.gov.uk/2019/10/29/vaping-and-lung-disease-in-the-us-phes-advice/>.

CONSULTATION:

9. Public Health teams in Surrey and Buckinghamshire have been consulted with and have contributed to this report.

RISK MANAGEMENT AND IMPLICATIONS:

10. We are supporting an important strand of tobacco reduction strategies by seeking to reduce the supply of tobacco products. If we are unable to carry out this work the effectiveness of this will be reduced and it is more likely that such products will be available to children and young people.

Financial and Value for Money Implications

11. The work in this area is carried out by a number of officers as a small part of their wider role. At times work in this area, such as advice to businesses, is combined with other visits that officers are carrying out to the same premises or area to maximise efficiency. This report is suggesting that the Service broadly maintains its approach to this work and therefore there is no additional financial implication beyond that which is already committed.

Legal Implications

12. As outlined in the report, there is a requirement for Local Authorities to consider carryout enforcement actions at least once in every twelve month period, to ensure that the provisions of the Children and Young Persons Act 1933, are effected. The report outlines the enforcement action taken and the legal consequence to such action.

Equalities and Diversity

13. Tobacco consumption is disproportionately prevalent in particular socio-economic groups; tackling tobacco consumption has a positive impact in helping tackle health inequalities. There is no likely negative disproportionate impact arising from the work described in this report on people with protected characteristics.

WHAT HAPPENS NEXT:

14. This is set out in section 8 above.

Contact Officer:

David Pickering 01372 388779

Consulted:

Annexes: None

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**BUCKINGHAMSHIRE COUNTY COUNCIL AND
SURREY COUNTY COUNCIL**

TRADING STANDARDS JOINT MANAGEMENT COMMITTEE

DATE: 23 SEPTEMBER 2020

LEAD OFFICER: STEVE RUDDY, HEAD OF TRADING STANDARDS

SUBJECT: TRADING STANDARDS SCHEME OF DELEGATIONS

SUMMARY OF ISSUE:

Surrey County Council and Buckinghamshire County Council established a Joint Committee in 2015 to take responsibility for executive Trading Standards functions of both authorities. It is necessary to ensure that powers exercised by officers are properly delegated to them. The Joint Committee first agreed the scheme of delegations in April 2015 and agreed that subsequent amendments to the terms of reference and scheme of delegation will need to be determined by the Joint Committee.

Amendments are required to the scheme of delegations to ensure that it remains current in relation to legislative requirements and Trading Standards Service structure and job titles.

RECOMMENDATIONS:

It is recommended that the Scheme of Delegation attached as Annex A is approved by the Joint Committee.

REASON FOR RECOMMENDATIONS:

The Scheme of Delegations for the Service needs to be updated to correctly reflect legislative requirements, job titles and current Service structure.

DETAILS:

1. In 2015 Surrey County Council and Buckinghamshire County Council established joint arrangements for the provision of their executive Trading Standards functions and set up a Joint Committee for that purpose. Relevant decisions were made by Surrey County Council's Cabinet on 21 October 2014 and Buckinghamshire County Council's Cabinet on 20 October 2014.
2. As part of the Joint Committee's role in discharging the Trading Standards functions, it is necessary to consider and agree as it sees fit, amendments to the Scheme of Delegations originally agreed by the Joint Committee in 2015.

3. The attached Scheme of Delegation is based closely on the Scheme previously agreed by the Joint Committee in 2015. It has been updated to reflect the current Trading Standards service structure and changes in legislative requirements. In particular a change in the requirements in relation to Communications Data checks under the Regulation of Investigatory Powers Act.
4. Any subsequent amendments to the terms of reference and scheme of delegation will need to be determined by the Joint Committee.

CONSULTATION:

5. The joint arrangements established in 2015 were subject to extensive consultation with relevant officers and members in both local authorities. There has been no further consultation on the Scheme of Delegation.

RISK MANAGEMENT AND IMPLICATIONS:

6. These decisions are necessary to ensure that there is continuity of authority for officers to make decisions in relation to trading standards functions. Without this there would be a risk of challenge as a result of a lack of proper authority.

Financial and Value for Money Implications

7. There are no financial implications arising from this decision.

Legal Implications

8. This Joint Committee has been established by section 101(5) of the Local Government Act 1972- taken together with section 9EB of the Local Government Act 2000 and the relevant regulations. Section 101(5) and (2) of the 1972 Act additionally makes provision for such a joint committee to arrange for the discharge of its functions by officers. By putting in place an appropriate scheme of delegation officers will be given the necessary powers to discharge the various regulatory functions entrusted to the Joint Committee.

Equalities and Diversity

9. It is our opinion that there are no equalities implications arising from this decision.

WHAT HAPPENS NEXT:

10. The scheme of delegation for officers will have immediate effect and will be communicated to officers in the shared trading standards service.
11. Arrangements will be made for any necessary changes to each Council's Constitution as a result of this decision.

Contact Officer:

Steve Ruddy, Head of Trading Standards, 01372 371 730

Consulted:

Annexes:

Annex A: Revised Buckinghamshire and Surrey Trading Standards Scheme of Delegations.

Sources/background papers:

- None

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BUCKINGHAMSHIRE AND SURREY TRADING STANDARDS SERVICE – SCHEME OF DELEGATIONS

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
TS1	Head of Trading Standards	To be the Council's Chief Inspector of Weights and Measures
TS2	Head of Trading Standards Assistant Head of Trading Standards Trading Standards Managers	To exercise all the powers and functions of the Council relating to Trading Standards, weights and measures, consumer protection, public safety and other related legislation including powers of enforcement, issuing suspension notices, fixed penalty notices, financial penalties, penalty charge notices, penalty notices for licensing and registration, prosecution and civil action
TS3	Head of Trading Standards Assistant Head of Trading Standards	To appoint inspectors, enforcement, sampling and other officers as the nominee of the Head of Paid Service
TS4	Head of Trading Standards Assistant Head of Trading Standards Trading Standards Managers Senior Legal Officer	<p>A. To institute and/or appear on behalf of the County Council in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of Summary Jurisdiction, the Crown Court or in the County Court.</p> <p>B. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 in the Crown Court</p> <p>C. (Head of Trading Standards only) To authorise trading standards officers to appear in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of summary, jurisdiction, the Crown Court or in the County Court</p>
TS5	Head of Trading Standards Assistant Head of Trading Standards	To approve in consultation with the Director of Finance, the future level of fees and any revisions.
TS6	Head of Trading Standards Assistant Head of Trading Standards	To authorise directed surveillance and the use of covert human intelligence sources (other than those authorisations that are likely to lead to the disclosure of confidential information, or where a juvenile or vulnerable individual is used as a source, which can only be authorised by the Chief Executive or in his absence a Director acting as his Deputy) and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.

Annex A

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
TS7	Head of Trading Standards Assistant Head of Trading Standards Trading Standards Managers	To be made aware of Communications Data checks under the Regulation of Investigatory Powers Act 2000 and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000

**BUCKINGHAMSHIRE COUNTY COUNCIL AND
SURREY COUNTY COUNCIL**

TRADING STANDARDS JOINT COMMITTEE

DATE: 23 SEPTEMBER 2020

**LEAD OFFICER: DAVID PICKERING, TRADING STANDARDS MANAGER -
REGULATION**

**SUBJECT: OFFICIAL FOOD STANDARDS AND FEED CONTROLS WORK
2020-2021**

SUMMARY OF ISSUE:

The Food Standards Agency (FSA) requires Trading Standards services to produce an annual Official Food Standards and Feed Controls Service Plan (known as the 'FSA Plan').

However, for 2020/21 the Service was selected to participate in a pilot scheme run by the FSA to test out a new approach to food standards work in local authorities. As such we were unable (and not required) to produce a "normal" Food and Feed Plan. To inform the Committee this paper provides context about the pilot scheme.

Work to ensure the safety and integrity of animal feed is agreed with the FSA via the national arrangement with the National Trading Standards. The volume of work has been agreed and this is funded by the FSA.

However, since these plans were put in place, the pilot project has been delayed, due to Covid, until later in the year. It is anticipated it will start in December. The FSA indicated that the project will still run for a year so that meaningful data can be obtained. We have been working with the FSA to prepare for the start of the project. In the absence of a formal plan we have been dealing with complaints that have been received and identifying sampling projects that we will carry out until the project begins.

Since April we have been following the FSA guidance on work prioritisation during the Covid 19 pandemic. A particular focus during this time has been the impact of food business supply chain issues and diversification. This has resulted in us giving significant support to ensure businesses have been able to survive the situation and continue to comply with safety/legislative requirements.

RECOMMENDATIONS:

It is recommended that the Joint Committee notes the current situation and approves the activities needed to participate in the Food Standards Delivery Review Local Authority pilot successfully and undertake the Feed work agreed with the Food Standards Agency and National Trading Standards.

REASONS FOR RECOMMENDATIONS

The approval of the activity will enable the Service to support an initiative that has the potential to shape how food standards work is carried out in the future. The FSA will suspend the need for the Service to comply with the current Code of Practice whilst participating in the pilot scheme.

DETAILS:

1. The Food Standards Agency recognises that the current system for performance management and monitoring of local authorities is not fit for purpose and they recognise the need to move from a system based on numbers of visits and samples to one which is outcome driven and makes more effective use of intelligence.
2. The ongoing FSA Achieving Business Compliance (ABC) programme (previously known as Regulating our Future - RoF) will result in a different approach to food standards work. Work has been carried out to establish principles that will inform a new approach to food standards work.
3. In order to test out these principles the FSA asked for expressions of interest from local authorities who carry out food standards work in England, Wales and Northern Ireland to participate in a pilot scheme for 2020-21.
4. We applied to participate in the scheme and the FSA informed us at the end of January 2020 that we had been selected as an authority to pilot the revised food standards delivery model.
5. Approximately half of the authorities in the scheme will be using the newly developed framework and the other half, with comparable profiles, will act as control authorities by continuing to follow the existing approach.
6. We are working with the FSA to map our food business profile to produce a new business risk profile. This will inform our intervention profile and expectation of activity.

7. Part of the pilot scheme will be to experiment with varied interventions to provide data to inform discussions about what works best to achieve compliance, therefore protecting consumers and legitimate businesses.
8. We will be looking at how the food standards work relating to Primary Authorities is properly recognised and acknowledged as a potentially important route to compliance for businesses with a national market.
9. The FSA will also be developing a directed sampling capacity that they will use to provide direction for potential activity should issues become apparent during the year. We are in the process of agreeing with the FSA the sampling activity we have already planned for 2020-21.
10. We are similarly discussing with them about progressing projects that we have already developed to carry out in 2020-21.

More information about the ABC process can be found on the FSA website:

<https://www.food.gov.uk/enforcement/regulation/regulating-our-future>

We have had preliminary meetings with the FSA and it has been agreed that we will be coordinating with them on at least a monthly basis to provide data. Review and assessment meetings are also planned.

It has not been decided what a Food and Feed Plan would look like when the new approach is settled. The consequence is that the FSA will be in a more informed position about our work than they are currently.

Numbers of visits relating to our animal feed work have already been established as 117 for 2020-21.

We will update the Trading Standards Board as the pilot progresses to keep members of this Joint Committee informed.

CONSULTATION:

11. No consultation has taken place.

RISK MANAGEMENT AND IMPLICATIONS:

12. If the service fails participate properly in the pilot scheme there is a reputational risk.

We are liaising with the FSA and officers of the Service to ensure that we take this opportunity to use the skills and knowledge within the Service to support the development of a framework that is better able to regulate the current and future marketplace.

Financial and Value for Money Implications

13. The provisional resource allocated to the provision of the controls is £433,496¹. This includes staff and sampling costs and is within the existing joint service budget. This is an estimated amount based on last year's budget. We are waiting on confirmation of the available funding from the FSA for feed work in 20-21 before this can be finalised.

Legal Implications

14. The Food Standards Agency is an independent government department overseeing the protection of public health in relation to food safety. Under s40 of the Food Safety Act 1990, the Joint Committee must have regard to any codes of practice (statutory guidance) published by the Food Standards Agency in determining a strategy for food standards work. However, the FSA will be exempting local authorities taking part in the pilot scheme from having to comply with the Code of Practice requirements.

Equalities and Diversity

15. There are no implications from the Plan

WHAT HAPPENS NEXT:

- The controls are currently being implemented by the service

Contact Officer:

David Pickering – 07908 408 106
Steve Ruddy - 01372 371730

Consulted:

Annexes:

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**BUCKINGHAMSHIRE COUNTY COUNCIL AND
SURREY COUNTY COUNCIL**

TRADING STANDARDS JOINT MANAGEMENT COMMITTEE

DATE: 23 SEPTEMBER 2020

LEAD OFFICER: STEVE RUDDY, HEAD OF TRADING STANDARDS

SUBJECT: ILLICIT GOODS & AGE RESTRICTED SALES ACTIVITY

SUMMARY OF ISSUE:

Knife crime remains a significant concern, particularly in relation to young people and/or gang culture. Trading Standards (in tackling underage purchasing of knives) has a part to play in a bigger partnership agenda to tackle the causes of knife crime. This report summarises the latest position in relation to activity in this area.

Nitrous Oxide misuse can be of concern to local communities, particularly in relation to the anti-social behaviour which can accompany it. Similar to knife crime, Trading Standards has a part to play in a wider partnership approach to tackle the issues related to its misuse.

RECOMMENDATIONS:

It is recommended that the Joint Committee note the Service's activity in both these areas.

REASON FOR RECOMMENDATIONS:

This paper is being brought at the request of the Joint Committee.

DETAILS:

Nitrous oxide cannisters (NOS, Laughing Gas)

1. Nitrous Oxide can be inhaled for a short term 'high'. Small cannisters which can legally be sold for a variety of purposes including cooking, can also be used to create the high by inhaling the gas (usually from a balloon the gas has been transferred to). As with all psychoactive substances there are risks, both to the individual inhaling the gas and to the community where the activity occurs in the form of anti-social behaviour whilst the person is high. For the individual risks from heavy regular use include white blood cells being unable to form properly, anaemia and B12 deficiency which can lead to nerve damage. Short term risks include dizziness, headaches, paranoia, fainting and unconsciousness which has

in severe cases caused death. There are additional risks if the user attempts to inhale the gas direct from the cannister as the gas comes out under pressure and can cause a person's throat to spasm and them to stop breathing.

2. It is not legal (under the Psychoactive Substances Act) to sell the cannisters for the purpose of being inhaled as a psychoactive substance, and the legislation covering this can be enforced by the police and Trading Standards. Our relationship with the police in this area is very strong, however proving that the person who sold the cannisters knew that they were being purchased for psychoactive purposes or was so reckless that they should have known, and therefore proving the offence, when the cannisters can and are sold legally for other purposes can be challenging. This was an issue heavily debated in parliament as the legislation was being passed but no alternative was put in place. Consequently, to effectively tackle this issue in a local area requires partners across several agencies to work together to deal with multiple aspects of the issue in a coordinated way and we are also working with district council community officers. This partnership approach helps to address the underlying causes and potential anti-social effects resulting from the consumption of NOS.

3. The service was approached by Surrey police in April to work with them to attempt test purchases from several businesses in an area of Surrey. Coincidentally we also received several complaints and pieces of intelligence about the sale of NOS in the same area. This has led to a constructive multi-agency meeting where a plan to address the issues in this particular area has been developed. The plan to address the issues included direct communication from the Police to the shops in the area during August, as well as information being put out through Social media (see example).

4. 



6:00 pm · 18 Jul 2020 · Orlo

29 Retweets · 6 Quote Tweets · 47 Likes

5. This will be followed with test purchasing jointly between Trading Standards and the Police. The police have agreed for joint (Surrey Police/County Council) communications to go out subsequent to the test purchasing.

Knives

6. Knife crime remains a significant concern, particularly in relation to young people and/or gang culture. Like NOS, Trading Standards (in tackling under age purchasing of knives) has a part to play in a bigger partnership agenda to tackle the causes of knife crime.
7. In September we sent the National Business Crime Centre Knife Retailers Toolkit out to inform businesses based in Buckinghamshire and Surrey about their legal obligations relating to the sales of knives. The toolkit has been available on our website since February, with promotion through our social media channels. We have worked with the Association of Convenience Stores to provide information about selling all age restricted products (including both knives and NOS) to their (over 30,000 members nationally) and are looking at alternative routes for us to share this information more widely with businesses.

8. However, we also want to directly make local businesses aware of the contents before we attempt test purchases and delayed this activity during Covid to allow businesses to focus on getting to grips with the new requirements on them for covid-security such as social distancing. We are aware that this toolkit is primarily focused on physical retail outlets so in addition we also supplied 'Business Companion' guidance for on-line underage sales. Where we have a Primary Authority Partnership with a business their link officer has, or will in due course, share the guidance.
9. We will be carrying out test purchases to establish compliance relating to underage sales via the internet during September.
10. We have gathered intelligence from a variety of sources and have identified a number of businesses based in the two authorities as potential sources of knives online.
11. We are engaging with the serious violence strategies in both County areas and will continue to liaise with the Community Safety Teams about this work, particularly to ensure that we target our activity to the areas where knife crime is more prevalent.
12. The Police (using police cadets as the purchasers) have taken the lead on joint operations with Trading Standards for test purchasing knives from shops and we anticipate that more will be done in the coming months. The current NPCC guidance is that no under 18's should be used for test purchasing (to avoid any unnecessary covid risks) but we expect this to be reviewed during September.

CONSULTATION:

13. Comments.

RISK MANAGEMENT AND IMPLICATIONS:

14. We are supporting an important strand of serious violence strategies by seeking to reduce the supply of knives to underage persons. If we are unable to carry out this work the effectiveness of this will be reduced and it is more likely that knives will be available for children and young people to buy.

Financial and Value for Money Implications

15. The work in this area is carried out by a number of officers as a part of their wider role. At times work in this area, such as advice to businesses, is combined with other visits that officers are carrying out to the same premises or area to maximise efficiency. This report is suggesting that the Service broadly maintains its approach to this work and therefore there is no additional financial implication beyond that which is already committed.

Legal Implications

16. There is a duty on local authorities to tackle serious violence and this activity supports this broader aim.

Equalities and Diversity

17. There is no likely negative disproportionate impact arising from the work described in this report on people with protected characteristics.

WHAT HAPPENS NEXT:

18. This is set out in the detail section above.

Contact Officer:

David Pickering, Trading Standards Manager, Regulation, 07908 408 106

Steve Ruddy, Head of Trading Standards, 01372 371 730

Consulted:

Sources/background papers:

- None