

## Notice of Meeting

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

**Date & time**

Wednesday, 22  
September 2021 at  
10.00 am

**Place**

Oculus, Gateway  
Offices, Gatehouse  
Road, Aylesbury,  
Buckinghamshire,  
HP19 8FF

**Contact**

Angela Guest  
Room 122, County Hall  
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**If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 07929 724773 or email [angela.guest@surreycc.gov.uk](mailto:angela.guest@surreycc.gov.uk).**

**This meeting will be held in public. If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place. For further information please contact: Angela Guest on 07929 724773 or at [angela.guest@surreycc.gov.uk](mailto:angela.guest@surreycc.gov.uk)**

**Members of the Committee**

Mark Nuti (Co-Chairman) and Nick Naylor (Co-Chairman)

**Advisory Members:**

Mark Winn, Scott Lewis and Beville Stanier

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

To receive any apologies for absence and substitutions.

### **2 MINUTES OF THE PREVIOUS MEETING [24 MARCH 2021]**

(Pages 5  
- 10)

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 (16/09/2021).

#### **b Public Questions**

The deadline for public questions is seven days before the meeting (15/09/2021).

### **5 PETITIONS**

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

### **6 ACTION TRACKER**

(Pages  
11 - 14)

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

- 7 FORWARD WORK PROGRAMME** (Pages 15 - 18)  
The Committee is asked to review and agree the Forward Work Programme.
- 8 PERFORMANCE AND JOINT SERVICE BUDGET** (Pages 19 - 40)  
The Buckinghamshire County Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for quarter 1 of 2021-22 (April to June) (Annex A).
- 9 TRADING STANDARDS ENFORCEMENT POLICY** (Pages 41 - 52)  
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 SCHEME OF DELEGATIONS** (Pages 53 - 58)  
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.
- 11 DATE OF THE NEXT MEETING**  
The next meeting of the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee will be held on 24 March 2022.

**Joanna Killian  
Chief Executive**

Published: Monday, 13 September 2021

#### **MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE**

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It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*



**MINUTES** of the meeting of the **BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE** held at 2.00 pm on 24 March 2021 at Remote via Teams.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 22 September 2021.

**Elected Members:**

- \* Fred Wilson (Co-Chairman)
- \* Ms Denise Turner-Stewart (Co-Chairman)
- \* Sir Beville Stanier (non-voting) Buckinghamshire Council
- \* David Harmer (non-voting) Surrey County Council

**In attendance**

Steve Ruddy, Head of Trading Standards, Buckinghamshire and Surrey Trading Standards Service

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

David Pickering, Trading Standards Manager – Regulation, Buckinghamshire and Surrey Trading Standards Service

Wendy Morgan-Brown, Head of Registration, Coroners & Trading Standards, Buckinghamshire Council

Andy Tink, Senior Principal Accountant, Surrey County Council

**1/21 APOLOGIES FOR ABSENCE [Item 1]**

There were no apologies.

**2/21 MINUTES OF THE PREVIOUS MEETING [23 SEPTEMBER 2020] [Item 2]**

The minutes were agreed as a true record of the meeting. It was noted that Steve Ruddy's name had been spelt incorrectly.

**3/21 DECLARATIONS OF INTEREST [Item 3]**

There were none.

**4/21 PROCEDURAL ITEMS [Item 4]**

**5/21 MEMBERS' QUESTIONS [Item 4a]**

There were none.

**6/21 PUBLIC QUESTIONS [Item 4b]**

There were none.

**7/21 PETITIONS [Item 5]**

There were none.

**8/21 ACTION TRACKER [Item 6]**

**RESOLVED:**

The Committee noted the actions tracker.

**9/21 FORWARD WORK PROGRAMME [Item 7]**

**RESOLVED:**

The Committee agreed the Forward Work Programme with the amendment of the Tobacco report being listed in the correct year.

**10/21 PERFORMANCE AND JOINT SERVICE BUDGET [Item 8]**

**Witnesses:**

Amanda Poole, Assistant Head of Trading Standards

Steve 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 in terms of performance:
  - Performance had been variable given the impacts and disruption of Covid
  - Courts had been impacted by Covid and therefore had been a drop in concluded cases this year. There had been five convictions this year as opposed to 16 last year.
  - Performance indicators were correct to 10 March 2021 and some were only collected quarterly.
  - Service priority 2 (annex B of the submitted report) showed a mixed picture but the number of partnerships had increased. Service priority 3 also showed a mixed picture and it was explained how there was a lot of work undertaken early in the year checking goods at Heathrow.
2. In response to a Member query about court delays, officers explained how each case needed to be looked at on its own merit with regards to the 'public interest'. It was expected that delays would run into 2022 and even 2023.
3. There were less market surveillance projects due to Covid.
4. A Member gave praise to the team for coming in on budget despite having a 15% loss on earnings and income. He also liked the snapshot information and thanked the volunteers who put in so much of their time. Officers explained that volunteer support was very much appreciated and offered to write a letter of thanks to each volunteer on behalf of the Committee. The Committee agreed to this and thanked the officers.
5. Officers provided a brief summary on the budget. Members noted the following points in terms of the budget:
  - The budget was broadly on track
  - Support from central government was a great significance in that

- without it, a major overspend had been expected.
- There had been other savings around Covid for example reduced travelling and unfilled vacancies.
  - Annex A of the submitted report showed the budget for next year which was expected to be affordable and deliverable.

**Actions/ further information to be provided:**

That officers write a letter of thanks to each volunteer on behalf of the Joint Committee.

**RESOLVED:**

1. That the Service's performance be noted.
2. That the joint service budget for 2021/22 and the identified pressures that will need to be addressed be noted.

**11/21 COVID RESPONSE [Item 9]**

**Witnesses:**

Steve 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:
  - how the budget had been impacted by Covid and how the service had responded to additional responsibilities taken on
  - the service priorities as laid out in the submitted report
  - the variety of scams taking place and the engagement with businesses giving advice on requirement and promoting compliance
  - the work that had been paused as described in the submitted report
  - The Ministry of Housing, Communities and Local Government had recognised the increased pressures on local authority regulatory services, namely Environmental Health and Trading Standards.
2. A Member asked how the service recruited and upskilled employees for promotion. Officers explained the apprenticeship programme at level 4 which gave variety of scope of regulatory services and that a level 6 apprenticeship was being developed with employer partners.
3. A Member asked how the paused work was being co-ordinated going forward. Officers explained that this was constantly being reviewed and that some work would not be completed. Work that could go forward would be started as soon as restrictions eased.
4. In response to a Member question about staff welfare officers explained that staff fatigue could be an issue. The different ways of working had had an impact. They were proud of how the service had been able to respond in an extremely flexible and agile manner.
5. The Committee asked for their sincere thanks be passed on to the team.

**RESOLVED:**

That the report be noted.

**12/21 TRADING STANDARDS TOBACCO WORK [Item 10]**

**Witnesses:**

David Pickering, Trading Standards Manager – Regulation

**Key points from the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted the following points:
  - That visits were being used to gather intelligence
  - That different tactics were being used with goods being stored off premises in order to escape the sniffer dogs
  - Objectives for 2021/22 were set out and the service were working with the fire service and sniffer dogs
  - Roadshows did not happen due to Covid and work was taking place with public health on social media messaging
  - There was also work being undertaken around safety and fluids associated with e-cigarettes.
2. A Member asked about intelligence received in relation to distribution whilst businesses were closed. Officers responded that some intelligence had come from social media. They were also liaising with the smoking cessation service to share information.
3. In response to a Member question about roadshows officers confirmed that roadshows would be reinstated. The dogs were helpful in engaging people including children and their parents.

**RESOLVED:**

The Committee noted the report as a reflection of activity over the financial year 2020 – 2021 and endorsed continued enforcement activities which would be undertaken in 2021– 2022.

**13/21 PREVENTION WORK UNDERTAKEN BY TRADING STANDARDS [Item 11]**

**Witnesses:**

Amanda Poole, Assistant Head of Trading Standards

**Key points from the discussion:**

1. Officers introduced the report and provided a brief summary of all the work undertaken around scams. This included media, communications, social media, local/national alert programmes and resident/community focussed training/communication. Work was also undertaken with business against scams which was focussed at employees who may have information scammers need.
2. The Committee passed their thanks to the National Scams Team for all

the work they were doing.

3. In response to Members questions it was confirmed that:
  - Calls could be identified if they were from outside the UK
  - The National Scams Team were working at disrupting calls at source.

**RESOLVED:**

That the report on the Prevention work undertaken by the Service was noted.

**14/21 DATE OF THE NEXT MEETING [Item 12]**

The Committee noted that its next meeting will be held on 22 September 2021.

Meeting ended at: 3.19 pm

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**Chairman**



Buckinghamshire CC and Surrey CC  
Trading Standards Joint Committee

22 September 2021

**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.

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**Report contact:** Angela Guest, Committee Manager

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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)

1/21	23/9/2020	<b>Performance and Joint Service Budget</b>  Further information be provided at a future meeting on data sharing with partners and to identify if there were any gaps in the data.	Steve Ruddy	A verbal update will be given during the meeting	completed

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Buckinghamshire CC and Surrey CC  
Trading Standards Joint Committee

22 September 2021

**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.

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**Report contact:** Angela Guest, Committee Manager

**Contact details:** 07929 724773, [angela.guest@surreycc.gov.uk](mailto: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

## September 2021 – Formal public meeting

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

## March 2022 – Formal public meeting

Item title:	Budget and Performance
The Committee will be asked to:	Note the Service's performance and current financial position.
Item title:	Trading Standards Tobacco Work
The Committee will be asked to:	Consider the report as a reflection of activity over the financial year 2021-22 and consider enforcement activities which may be undertaken in 2022-23

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

**DATE: 22 SEPTEMBER 2021**

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

**SUBJECT: PERFORMANCE AND JOINT SERVICE BUDGET**

**SUMMARY OF ISSUE:**

1. The Buckinghamshire County Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for quarter 1 of 2021-22 (April to June) (Annex A).
2. The information provided shows that in the context, the Service is performing well across the range of indicators and is delivering some excellent activity against key performance indicators.
3. The Joint Committee is asked to note the position in relation to the joint service budget in 2021/22 and the outturn for 2020/21.
4. The information provided shows that:
  - a) The Joint Service budget was 2.6% overspent at the end of the 20-21 year (£69,000) due to significantly lower income than in the previous year. The majority of this was offset by the Government's lost income grant scheme, however this did not cover all of it.
  - b) There are pressures identified on the budget within the current year.

**RECOMMENDATIONS:**

It is recommended that the Trading Standards Joint Committee:

1. notes the Service's performance, and
2. notes the joint service budget for 2021/22 and the pressures.



## REASON FOR RECOMMENDATIONS:

5. 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.
  - b) Maintain financial oversight of the Service and ensure sound financial management.

## PERFORMANCE DETAILS:

6. The performance of the joint service is measured through key performance indicators agreed by the Joint Committee.
7. 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) developed a new national Impacts and Outcomes Framework for Trading Standards. This has been reported on since the 2018-19 year and provides overall information about the impact of Trading Standards using nationally aggregated data but does not provide benchmarking data.
8. Q1 has continued to see some disruption as a consequence of the Pandemic, and this remains visible in performance whilst the court system and businesses have been operating differently or have been closed for some of the period. The service has continued to be agile and adaptable in meeting the changes in demand through different phases of the Pandemic.
9. The Joint Committee are invited to note the volatility of some of the performance indicators. 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 far fewer convictions during 20/21 than in previous years and no convictions in Q1 due to the delays in getting ongoing cases through the court system.
10. **A key Service priority is protecting the most vulnerable, tackling fraudulent illegal and unfair trading practices, including serious and organised crime.** Savings for residents, at £54,359, were less than a quarter of last year’s savings (£466,856). However, due to delays in the court system there have been no Proceeds of Crime Act compensation orders (which tend to be the largest contributor to these figures) so far this year.
11. In Q1 £431,651 has been saved for residents and in avoided health and social care costs as a direct result of our scams interventions. This compares to just

over £1.7m in the previous year so is broadly similar. However, this does not include additional savings for residents who have been part of a pilot project to test the effectiveness of door(bell) camera technology to prevent doorstep crimes. Early results show high levels of effectiveness and therefore savings by residents who aren't re-victimised, as well as increased wellbeing scores for these residents.

12. **Our second key priority is to enable 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.** The service continues to successfully grow Primary Authority Partnerships without proactively looking for new partners, with businesses now regularly approaching the Service seeking a partnership. The Trading Standards Manager leading our Business Team was recognised by BEIS / OPSS during the year, winning a Regulatory Excellence Award for her Leadership on Primary Authority Partnerships, particularly due to the support she provided to the profession as Chair of the local regulatory network and for providing insight to central government on the reality of enforcing covid restrictions.
13. Supporting businesses to operate effectively and appropriately remains a significant priority. Following earlier advice about covid business restrictions, more recently this has included advice to cope with challenges in supply chains.
14. The Service supports a number of trader approval schemes, including: Eat Out, Eat Well; TrustMark and Traders4U. Take up of the recently launched Traders4U scheme has been slow, not assisted by the unusual trading conditions with a sharp increase in householders extending, adapting and modernising their homes whilst supply chain issues have seen challenges in vital components for the building trade for example with windows. We will review the scheme in more depth later this year.
15. **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 is the third key priority for the Service.** We have been pleased to be able to return to doing a greater amount of our 'usual' work in this area following the significant disruption last year.
16. Work tackling illegal supplies of tobacco is a significant part of this work stream and in Q1 we have accessed HMRC funding to undertake several operational days using tobacco detection (sniffer) dogs to locate hidden illicit tobacco, which we then seize whilst investigating. One of the places the dogs found tobacco was hidden in sweet boxes.
17. Whilst not at the extreme levels during Q1 last year, demand continued to be high in Q1 to tackle the import of unsafe products through transit sites for Heathrow. During Q1 over 8,500 unsafe and non-compliant products destined for people's homes were prevented from entering the country through our work, including dangerous toys, electrical and DIY items.

## **BUDGET 2020/21 AND 2021/22 PLANS:**

18. 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 overspends.
19. 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.
20. There are a number of factors which introduce volatility to the budget. The service has an income budget of £0.7m, equivalent to 20% of its gross budget. It is challenging to accurately predict income and it's timing especially where costs are recovered from prosecutions, or where market conditions are changing. 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.

### **2020/21**

21. The 2020/21 budget was £2,631,000. At year end there was a small budget overspend of £69,000 (2.6%). This was due to reduced income. Covid impacted the Service by causing income to drop and some additional spend requirements. The additional spend has been covered by each authorities' Covid grant from central government. Claims for lost income were made against the local government income compensation scheme, however this did not offset 100% of lost income. As well as some additional covid related spend, there were some small reductions in expenditure in 20/21 as a result of paused activity and operating online, for example reduced legal fees and travel expenses.

### **2021/22**

22. The approved budget for 2021/22 is £2,676,000. However, there are ongoing pressures of lost income which remain risks to the Service delivering within this budget. The Covid related loss of income is expected to be around £176,000 for the year (see attached Annex B which summarises the forecast budget position). A claim was made for Q1 to the local government income compensation scheme as this was extended for one quarter from last year, which offsets £66,000 of the loss. However, the scheme has not been extended beyond June, leaving a pressure on each Council.
23. Surrey County Council has a reserve fund specifically for Covid pressures. Therefore, within the Surrey budget monitoring their outturn forecast assumes this will fund Surrey's share of the lost income.
24. Buckinghamshire Council are considering how to approach Covid pressures, and these are currently shown as 'risks'.
25. The Service will hold any posts which become vacant (there are currently no funded vacant posts) and is reducing spend where possible to reduce the impact of the pressure within the year.

## **2022/23 Budget Planning**

26. Covid has affected the financial position of both Local Authorities. 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:**

27. No external consultation has taken place.

### **RISK MANAGEMENT AND IMPLICATIONS:**

28. 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).
29. Where risks become higher, these are shared with the Trading Standards Board for awareness and discussion.

### **FINANCIAL & VALUE FOR MONEY IMPLICATIONS:**

30. The Service has delivered all elements of the business case. The forecast budget outturn position for 2021/22 is detailed within section 5 above.

### **LEGAL IMPLICATIONS:**

31. 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.
32. 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:**

33. 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:**

34. 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

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**Consulted:****Annexes:**

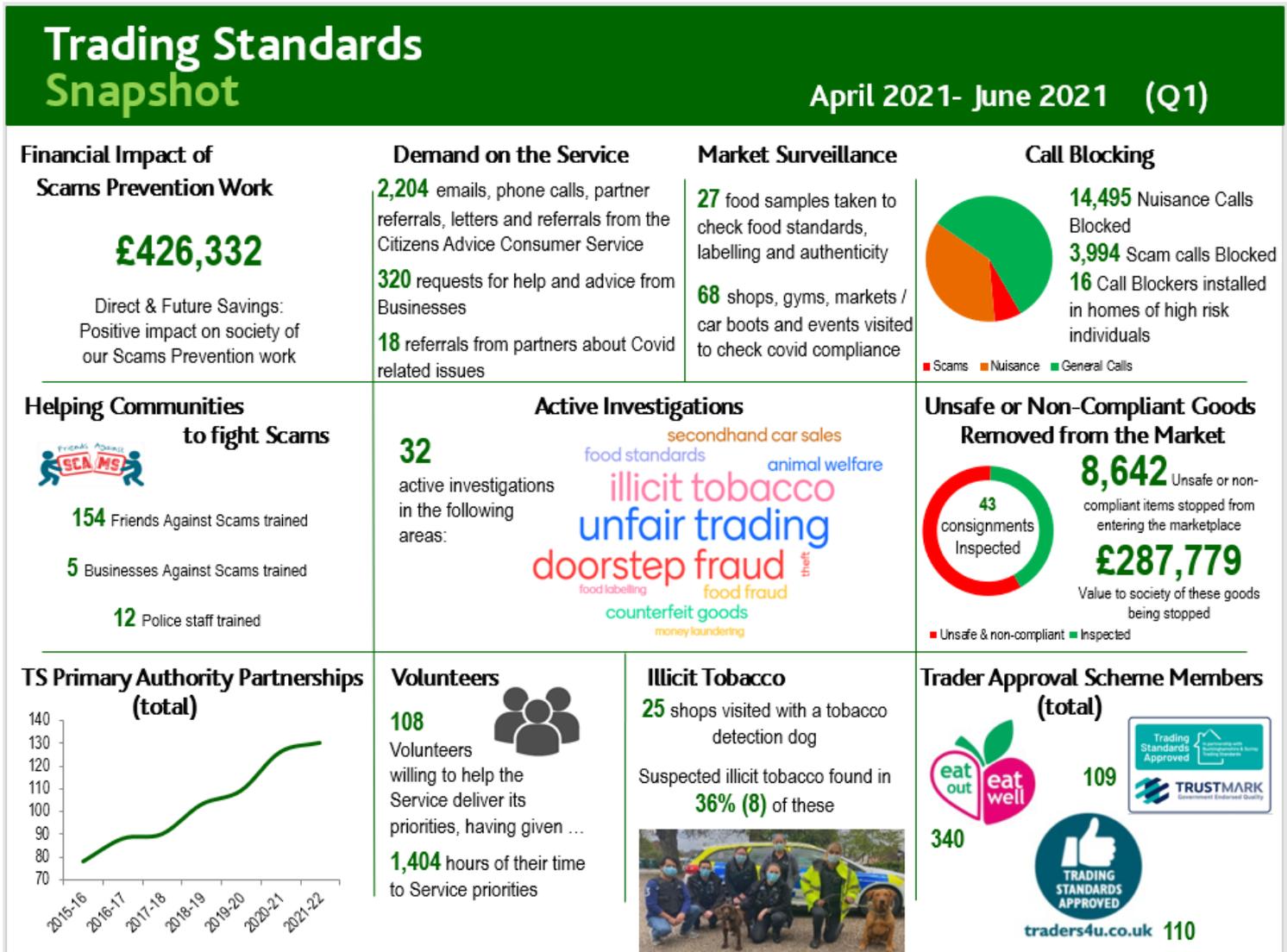
Annex A: Key Performance Indicators 2021/22, Quarter 1  
Annex B: Trading Standards Budget forecast summary 2021/22

**Sources/background papers:**

None

# KEY PERFORMANCE INDICATORS

## Summary - Quarter 1 (April to June) 2021/22



## April to June 2021

The first quarter of this year has seen a return to more ‘business as usual’ than the last year. Some work related to the Covid pandemic remains, but not as significant as previously. We continue to see a significant impact on the court aspect of the criminal justice system with many cases now substantially delayed.

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. £54,359 of savings occurred in Q1 compared to a total of £466,586 in the full 20-21 year. Due to delays in the court system there have been no Proceeds of Crime Act compensation orders (which tend to be the largest contributor to these figures) so far this year. In addition to this there have also been £145,324 savings for scam victims in Q1.	<b>Red</b> 
Actions to stop rogue traders operating in Buckinghamshire and Surrey	The service continues to take actions to tackle and stop rogue trading, despite there being no convictions in Q1 due to the ongoing impact of coronavirus on the Criminal Justice System with many cases delayed. In the first part of the year the Service has been actively involved in a pilot project across the South East and London to assess the impact of using video doorbells and other video door technology to support those at high risk of doorstep crime. Early results of the pilot show that installing this technology leads to a significant increase in wellbeing of the householder(s) and a significant reduction in financial loss at the doorstep, with very few being retargeted. The Service has carried out operations to disrupt the supply of illicit tobacco, by using tobacco detection dogs to locate hidden tobacco which is seized pending the full investigation (see area 3 for detail). In Q1 the Service continued to focus on second-hand car dealers that have been generating multiple complaints. This includes ensuring that the car dealers are clear on what the law requires and allows, which has resulted in resolving numerous ongoing disputes between the garages and consumers. The Service has numerous cases in the court system with 13 defendants currently scheduled for trial between November and May, and a number of other matters currently earlier in the legal process. This compares to 5 defendants convicted during 20/21, and 16 convicted in 19/20	<b>Static</b> 
Impact of our interventions with scam victims, as measured by the NTS Scams Calculator	Scams have been a particular concern since the start of the Covid Pandemic so the Service has undertaken a range of work to prevent as many people as possible from becoming victims of scams. In Q1 £431,651 has been saved for residents and in avoided health and social care costs as a direct result of our scams interventions. This compares to just over £1.7m in the previous year so is broadly similar. In Q1 interventions were made with 254 individuals vulnerable to scams.	<b>Green</b> 

## Volunteers



Buckinghamshire and Surrey Trading Standards are fortunate to have 108 members of the public who donate their valuable time as volunteers.

Volunteers undertake a diverse range of activities, from purchasing informal food samples to undertaking research projects.

The Prevention Team have a group of dedicated specially trained volunteers. These Scam Champions give their time to raising awareness of scams and encourage their communities to take a stand against them.

Our volunteers have greatly enhanced our engagement and enabled the Service to deliver better outcomes for our residents. Many volunteers bring their own personal knowledge and work experience to not only deliver relevant and engaging training but have also helped to develop both our Friends Against Scams (FAS) and Business Against Scams (BAS) training.

Due to Covid19 security measures volunteers stopped face-to-face community engagement for a time but this did not dampen their passion. Our volunteers have been extremely helpful and willing to move to virtual training, developing and adapting the sessions for an online audience.

The total number of Friends Against Scams, Scam Marshals & SCAMchampions trained:



The diverse activities our volunteers undertake combined with their passion have helped to tackle people's lack of knowledge of scams by providing information to enable communities and organisations to understand scams, talk about scams and convey messages throughout communities about scam prevention and protection.



## Case Study

In May 2021 the Prevention Team received a referral from Thames Valley Police regarding a vulnerable male living in the Chesham area of Buckinghamshire who was being targeted by rogue traders.

At the time of the referral the gentleman had already handed over a cheque for £8,000 to an individual claiming to be from his water supplier and withdrawn an additional £1,000 cash from his bank.

Working jointly with police partners an initial wellbeing visit was undertaken. It immediately became apparent that this vulnerable individual was being systematically targeted not only on the doorstep but also via the telephone.

As a matter of urgency a call blocker was fitted to immediately stop the scam and nuisance calls. An appointment was also made to fit a doorbell video camera with the purpose of: 1. Acting as a deterrent to cold callers and 2. Capturing evidence of any criminal activity. Unfortunately before the camera could be fitted the fraudsters struck again, extorting another £650 from the resident.



Because the resident had no internet access Trading Standards installed a router as well as a doorbell camera. After installation the householder was targeted yet again. In an attempt to avoid the camera the rogue trader went to the kitchen door at the side of the property rather than the front door where the camera was. Although they managed to get away with another £200 the doorbell camera captured a clear image of the criminal. This evidence is being used by Thames Valley Police as part of their ongoing investigation into the perpetrators.

As part of our prevention strategy and to provide the resident with peace of mind a second unit has been installed at the kitchen door. Since that time there have been no additional incidents reported.

The daughter of the resident explained that her father was extremely trusting of individuals and suffered from memory loss. She expressed her gratitude to Trading Standards and was very pleased by the help and support her father was receiving.

### 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.

#### **Since 2014:**

- **Over 360 units distributed to vulnerable residents**
- **250,864 nuisance calls blocked**
- **68,774 scam calls blocked**
- **Total savings attributed to the units £2,986,962.**

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](mailto: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. In urgent cases our officers are trained to install the units there and then.

Latest feedback on call blockers we have installed includes:

*"The trueCall service has been fantastic, it stopped all the nuisance calls immediately. Nothing else worked. Scammers know that this service is the end for them, they don't bother trying. I can't recommend it enough"*

*"The trueCall machine has been a godsend. Especially considering how many phone calls we used to get"*

*"...we are delighted with the trueCall device, and it has made an immediate and welcome difference. Thank you"*

*"...we are very happy with the service. It makes us know he's (father) safe from phone scams"*

*"I find the scheme invaluable, it saves my disabled husband having to answer nuisance phone calls as well as myself. No electronic nuisance calls come through"*

*"One of the best decisions, thanks to Trading Standards, that we have made"*

*"It is a brilliant idea to have a Truecall service. Wonderful gadget"*

*"Has been great. Disabled husband - don't need him stumbling to take rubbish calls. Truecall is great... Wouldn't be without it"*

*"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"*

*"My husband & I are much happier now that we have the Truecall device. We don't feel threatened now when we answer the phone"*

*"It's fantastic!! What a great way of stopping the scammers trying to take advantage of my elderly mother with dementia"*

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.

## **Sunnybank Trust Recognition**

A member of the Prevention Team, Linda Crowley, received an unsung hero award from the Sunnybank Trust, a charity providing assistance to over 200 vulnerable men, women and young people with learning disabilities to lead fuller lives. Linda received the award in recognition of her ongoing work with, and support of individuals who have learning difficulties. Linda is currently working alongside other Prevention Team officers and Sunnybank Trust members to develop advice materials translated into makaton.

Makaton is a language that combines signs, symbols and speech to enable adults and children with learning or communication difficulties a way to communicate.



## **Communication:**

Making people aware of the risks of scams and helping educate people how to protect themselves is integral to the work of the Prevention Team. In Q1, with the help of the Communications team the Service developed a strategy for using different communications channels to reach different audiences and to maximise the impact of our work in this area.

The TS alert newsletter has recently had a makeover to make it more accessible and easier to read. This goes out to a wide range of individuals, community groups, Districts & Boroughs, the Police and charities who then share all of it or relevant articles with their networks. We have started to develop a separate version focused on information that businesses would find helpful and interesting and are looking to build a similar range of interested individuals and groups to receive this.

The Service runs Facebook pages specific to our Friends Against Scams, where not only do we post information but where the community can support each other. These are particularly successful in terms of engagement and therefore we will continue to devote resources to maintaining them as a way of maximising the impact of our Friends Against Scams within their communities.

We continue to run a Twitter account, and put out press releases on significant news stories which are regularly picked up in the local media (press, radio, social media etc)

**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
To increase the number of Primary Authority Partnerships	<p>The number of Partnerships we have has increased by 4 to 131 during the quarter.</p> <p>New Partnerships were formed with:</p> <ul style="list-style-type: none"> <li>• Glanbia Performance Nutrition (UK) Limited – performance and lifestyle nutrition products</li> <li>• Johnson and Johnson Ltd – a large and broadly based international healthcare company</li> <li>• Raw Honey Distillery Ltd – a local Surrey business creating products from honey</li> <li>• Skull X Ltd – a local Buckinghamshire business creating alcoholic beverages</li> </ul>	<p><b>Green</b></p> 
Support to trader approval schemes	<p>The Service continues to run “Eat Out, Eat Well” with the support of Health partners, and in Surrey Public Health have recently committed additional funding for a part time officer to help roll out the ‘Eat Well, Start Well’ part of the scheme.</p> <p>The service launched Traders4U.co.uk early in 2020 to support local residents and local businesses. Targeted Facebook advertising is being used to attract businesses. The take up of this scheme, in a currently challenging home improvement market, will be reviewed later in the year.</p> <p>We continue to work in partnership with TrustMark and to support their scheme with an option to upgrade to trading standards approved status.</p>	<p><b>Red</b></p> 

Research shows that a positive regulatory environment can contribute significantly to economic development and sustainable growth, improving the openness of markets and creating a less constricted business environment for innovation and entrepreneurship. It can protect compliant businesses by enabling fair competition and promoting a level playing field and provide business with the confidence to invest, grow and create new jobs.<sup>1</sup> Supporting businesses to understand what they need to do to be compliant is a vital part of a positive regulatory environment, ensuring that they can confidently focus their resources in the right areas.

At the start of the quarter the business advice line continued to receive enquiries regarding businesses opening post Covid. During the quarter we have seen an increase in requests for advice in relation to home manufacturing of pet foods and pet treats alongside the usual food and product safety labelling, allergens, terms and conditions and product recall enquiries. The business team received 320 enquiries during the first quarter and the subjects discussed encompass a wide range of subjects such as (and not exclusive to) soap, biltong, washing machines, jam, Gin and websites.

During the quarter there has continued to be a significant focus on supporting businesses through the changing Covid restrictions. This has included: Enforcement and proactive advice of Covid related legislation and guidance, including the business restrictions legislation; Advice to businesses who need to amend their operations in light of Covid requirements, restrictions, or the changing commercial environment to continue to be viable and to move into thriving; Advice to help start-up businesses navigate regulatory requirements and particularly those brought about

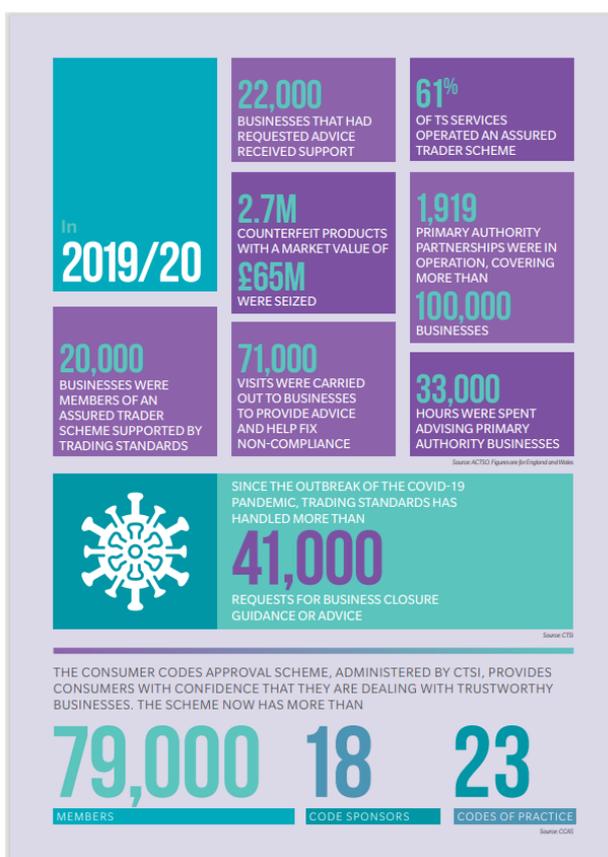
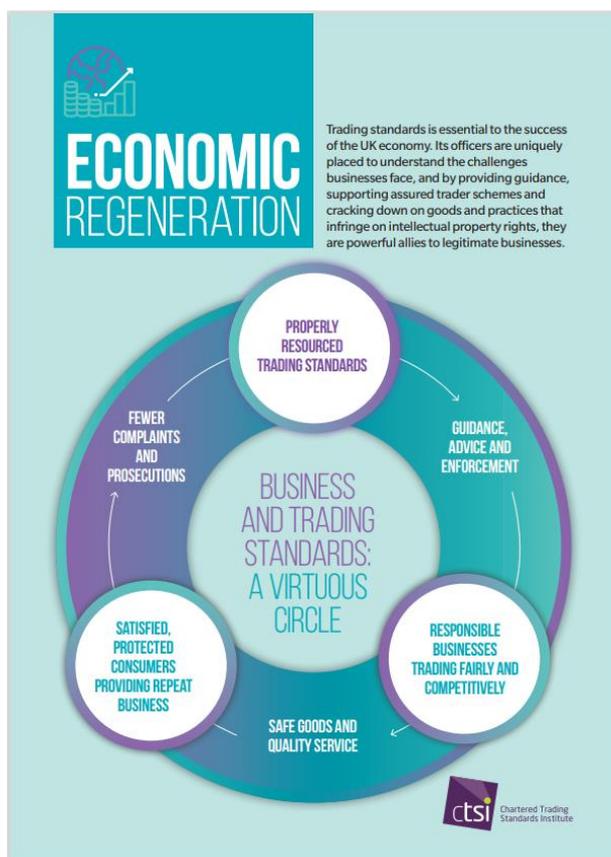
<sup>1</sup> [Regulation and Growth \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

by Covid legislation. In Q1 107 reports of a wide range of covid related problems were received through Surrey's online reporting tool. These were either dealt with by our officers or the information was passed to an appropriate partner for their consideration.

The Service has been fortunate to obtain funding from Surrey's Contain Outbreak Management Fund to assist with managing this work within Surrey which has enabled dedicated resource to be put to this work in that area. As well as engaging with businesses, they have been working closely with the District and Borough Environmental Health teams, at times doing work at their direction to ensure covid compliance and give advice at events such as car boots and newly re-starting markets. As with all rapidly changing environments, more recently the work in this area has changed again and they have been looking into the transparency and accuracy of pricing and contract terms for private Covid tests (required for travel and to attend some events).

In October new food labelling laws known as "Natasha's law" will come into effect. This requires ingredient and allergen labelling for foods which are prepared and packaged where they are sold (for example sandwiches from a canteen) which were previously exempt. We have been working with Primary Authority Partners and Schools/education settings to support them to prepare for this change and ensure this important information is given to people so they can make safe informed choices.

### A national view of the Impact of Trading Standards on the Economy:



## Current Primary Authority Partnerships:



## New Primary Authority Partners in Q1



## Advertising Standards Authority 'backstop' work

In January 2019, Buckinghamshire and Surrey Trading Standards were appointed by National Trading Standards (NTS), to perform the legal backstop function for the Advertising Standards Authority (ASA). It has been an opportunity for us to build an effective working relationship with the UK's independent advertising regulator in relation to enforcement of misleading non-broadcast advertising.



Our role has involved a wide range of referrals from the ASA regarding anything from subscription traps, copycat websites, to misleading efficacy claims on health services/products. We work with a number of enforcement partners on such matters, including HMRC, MHRA, NTS (Scams, eCrime and Estate Agency & Lettings teams), Phone-Paid Services Authority and most recently

the Competition and Consumer Protection Commission to use a range of sanctions to gain compliance. Our most recent work has involved an online education service which generated hundreds of consumer complaints about the 'not so free' free trial, as well as working with other organisations, such as the Humane Society International UK regarding misleading claims on faux fur products sold online. Working with the ASA as their enforcement partners has proven to be an invaluable tool.



## **Eat Out, Eat Well**

Eat Out, Eat Well is an important part of the Service's work to tackle poor food quality and nutrition. Developed with colleagues in Surrey's Public Health team and supported by Environmental Health the Eat Out, Eat Well Award has been developed to reward caterers who make it easier for their customers to make healthy choices when eating out.

The Award aims to encourage food businesses to provide healthier options to customers, through the use of healthier catering practices, increasing fruit, vegetables, and starchy carbohydrates, and decreasing fat, especially saturated fat, sugar and salt. It also recognises provision of healthy options for children, and rewards staff training and promotion and marketing of healthier options.

The Eat Out Eat Well award is an integral part of the Surrey Healthy Weight Strategy, Whole Systems Approach; which is included in the Surrey Heartlands STP Prevention Plans.

Eat Out Eat Well was a finalist in the Royal Society for Public Health Awards in 2018.

There are a variety of types of members of the scheme in Surrey and Buckinghamshire, including an NHS Hospital, leisure centres, National Trust properties, prisons, non-local authority schools, workplace restaurants and chain and independent sandwich bars.

The most recent development of the scheme is "Eat Well, Start Well" for Early Years settings which is based on Public Health England's Healthy Eating Guidelines for under 5's. Surrey Public Health have recently funded a part time post to focus on rolling this scheme out to early years settings across Surrey due to the links which are now known between obesity and poorer outcomes for those who get Covid-19.

**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.	43 consignments of goods were examined in Q1, leading to stopping 8,642 unsafe or non-compliant goods entering the country. with an estimated impact to society of over £287,000. These products included electrical items, unsafe toys, DIY items, pillows and decorations among others. This number is lower than 20/21 when the Service did a significantly increased amount of work on the air freight import of PPE at the start of the Pandemic.	<b>Red</b> 
Number of premises tested for selling illicit or age restricted products inappropriately, and approximate value of seized goods.	25 premises have been visited with tobacco detection dogs, with suspected illicit tobacco or illicit alcohol found (and seized) at 9 (36%). A conservative estimated value of the seized goods, based on HMRC data is £1,797.	<b>Green</b> 
Market surveillance projects carried out, including in relation to food	In quarter one, 4 food market surveillance projects were carried out, identifying 72 businesses selling misdescribed food, or not correctly declaring allergens, or selling food containing toxic or illegal components, or involved in food fraud (can we narrow this down) In addition we have been working on 3 non food market surveillance projects related to Illicit Tobacco, unsafe goods and Lettings Agents (following up a piece of regional work, we are just starting on a project to tackle very low compliance levels in the lettings agents industry which are causing economic detriment to consumers and unfair competition and will report on this in more depth in the next report).	<b>Green</b> 

### Food Standards

An important role for the Service is ensuring that consumers have confidence in their food, so it is correctly described, not being sold fraudulently and is not dangerous. This includes ensuring accurate allergen labelling and also that naturally occurring toxins are not present in levels that pose a threat. Undeclared allergens can kill very quickly, however serious illnesses can result from excessive mycotoxins, aflatoxins etc. For example patulin, a naturally occurring food contaminant, is mutagenic, genotoxic, immunotoxic and neurotoxic. Patulin can be responsible for acute effects including nausea, vomiting and other gastrointestinal issues.

It can be impossible for consumers to know when there are problems with food so we carry out a range of market surveillance projects each year. Some examples of the projects in Q1 this year have been to check what meat species is present compared to how the product is sold; checking the level of mycotoxins in beer; and assessing the nutrition information accuracy and the front of pack traffic light indication based on portion size.

As with many areas of our work, working to maintain food standards requires working with partners. On a day to day basis we work with the Public Analysts, Food Standards Agency (FSA) and Trading Standards colleagues across the region and nation to coordinate our sampling work so that it is as effective as possible. Currently we are working with the FSA on a national pilot to develop an enforcement system that is fit for purpose as the food market place evolves. This will run for 12 months. We are also working with the National Food Crime Unit (part of the FSA) to investigate a case of potential food fraud after receiving intelligence from the NFCU

As well as carrying out market surveillance projects, looking at the food products which are already available to buy, we also work closely with our Primary Authority Partners who are food businesses to support them to get things right before products reach the shelves, to appropriately/legally manage disruptions in supply of ingredients and to prepare for impending changes in legislation which will affect their business (e.g. Natasha's law).

## Unsafe Goods & Safety of imported goods at Ports and Borders

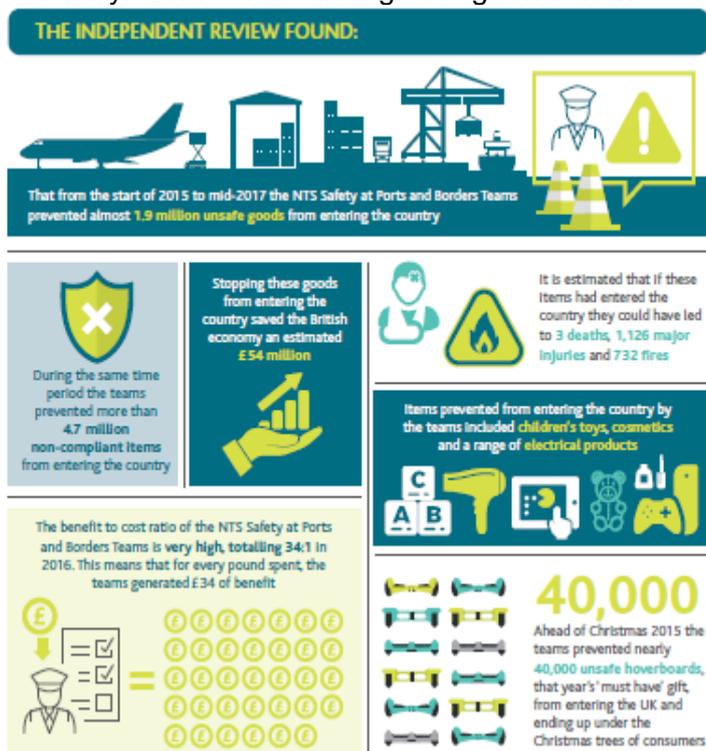
Detaining unsafe goods at the point of entry saves considerable additional work once unsafe or non-compliant goods are spread across multiple wholesalers or retailers nationwide and is an efficient and effective way to protect consumers from dangerous products. During the early stages of the Pandemic this work was extremely busy due to the high number of air imports of PPE, including face masks. Because of the national impact of the work, funding is allocated by the Office of Product Safety and Standards (part of the Department for Business, Enterprise and Industrial Strategy, BEIS).

This money funds trading standards teams located at several sea ports, airports and postal hubs across England, including the transit sheds located in Surrey for Heathrow.

Our role as part of the Safety at Ports and Borders Teams is to prevent unsafe and non-compliant goods coming into the country. The work helps protect consumers by preventing injuries, deaths and fires, and safeguards reputable business.

For each unsafe/non-compliant item stopped at the port, research has shown this saves society £33.30. The benefit to cost ratio of Safety at Ports and Borders work was estimated at 34:1 in 2016 i.e. every £1 spent saved the economy and average of £34.

An independent review was undertaken into this work nationally. Some of the findings are given below.



In addition to our work at Heathrow, we also carry out market surveillance to check on the safety of goods being sold in Bucks and Surrey. With funding from the Office for Product Safety and Standards we have been carrying out test purchases and experts have been testing the safety of a wide variety of products such as electric scooters, bikes and skateboards; PPE – in the form of a bike helmet and safety shoes; toys aimed at very young children; nursery bedding/cot bumpers; high chair; After tattoo lotion; hand sanitiser & face masks.

Outcomes of the testing have shown a number of safety issues across a range of products which we are following up on. Follow up is varied depending on the severity of the problem found and what risk is posed by the goods. Follow up may include helping a company to update instructions so that they allow a product to be used safely through to instigating a recall for the most dangerous of products.

An example of an item found to be unsafe is “Safety shoes” advertised as “specifically designed to keep you safe in a workplace environment. With heavy duty steel toe caps and soles will ensure you don’t injure yourself”. One of the seller’s images suggests the shoes would protect from nails and a hammer:



The shoes were not CE or UKCA marked and, on testing, failed tests for both impact and penetration, not providing the protection they claimed and putting any wearer at risk of serious injury.

Another item found to be unsafe was a foldable electric bike, which was missing technical documentation.

Testing showed that it was able to operate without being pedalled and it could exceed the maximum allowed for electrically power assisted cycles (25km/h). This means that it should be considered a road vehicle, such as a moped, and therefore subject to further vigorous requirements.



## Illicit Tobacco

A significant concern for the service is the supply of illegal tobacco. This is often brought in illegally from other countries, does not bear the appropriate warnings or have the right packaging, may be infringing Trade Marks and is unlikely to have had the duty paid correctly. The contents of counterfeit tobacco are unknown and may be even more harmful than legal tobacco. Illicit tobacco is usually significantly cheaper than legal tobacco, making its sale and use more accessible to children and generally more affordable. As it is cheaper than legal tobacco, the sellers also gain an unfair trading advantage over those businesses choosing to comply with the law.

In the UK increasing tobacco prices is one approach to encourage smokers to quit and discourage young people from starting smoking. Illegal tobacco undermines this because it is cheaper and in many cases can be purchased from alternative sources making it easier for children to purchase.

Public Health and HMRC also have an interest in reducing the amount of illicit tobacco available and we often work in partnership to try to reduce its availability. This year HMRC are directly funding work to tackle illicit tobacco by Trading Standards and this has paid for specialist tobacco detection (sniffer) dog days which we use to help find hidden tobacco as well as some forensic

support and intelligence development. One of the places where we found tobacco hidden during these exercises was in sweet boxes:



The recent Public Health England umbrella review reported that current smoking was associated with a 1.8 times higher risk of severe COVID-19. In addition to increased risk of severe COVID-19, smoking remains the biggest single cause of preventable mortality and morbidity. Furthermore, because smoking is so harmful, differences in smoking prevalence across the population translate to health inequalities.

Following work to develop intelligence about which shops are selling illicit tobacco, the Service used a tobacco detection dog in May and June to visit 24 premises. This resulted in 9 seizures, 8 of which included tobacco that we are now investigating as suspected illicit and/or counterfeit. Overall, this is unusual by comparison to sniffer dog days pre-pandemic, and on one day 4 out of 5 premises visited in a town had suspected illicit tobacco which is a concerning high rate of seizures. Public Health in that County are funding additional work to establish whether this pattern is repeated and to tackle it.

**Buckinghamshire & Surrey Trading Standards Partnership report 2021/22 as at 31 Aug 2021**

	Full Year Budget £'000	Full Year Projection £'000	Full Year Variance £'000	Comments
Employee Related	3,037	3,076	39	
Premises Costs	0	1	1	
Supplies & Services	313	291	-23	
Transport Costs	36	27	-10	
Direct Service Provision	-16	-78	-62	
<b><u>EXPENDITURE</u></b>	<b>3,370</b>	<b>3,316</b>	<b>-54</b>	
Government Grants	0	-66	-66	MHCLG Income compensation scheme Q1
Fees & Charges	-583	-300	283	£175,638 covid-19 related loss of income
Other Income	-110	-120	-10	
<b><u>INCOME</u></b>	<b>-693</b>	<b>-487</b>	<b>207</b>	
<b><u>Total Net Expenditure</u></b>	<b>2,676</b>	<b>2,829</b>	<b>153</b>	
<b><u>Bucks Contribution</u></b>	<b>910</b>	<b>962</b>	<b>52</b>	£37,206 covid-19 pressure
<b><u>SCC Contributions</u></b>	<b>1,766</b>	<b>1,867</b>	<b>101</b>	£72,224 covid-19 pressure, to be met by SCC reserve

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**BUCKINGHAMSHIRE COUNTY COUNCIL AND  
SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT MANAGEMENT COMMITTEE**

**DATE: 22 SEPTEMBER 2021**

**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:

- Ensure a range of financial penalties are acknowledged as potential outcomes, includes fixed penalty notices.
- Ensure all related bodies are up to date with their current titles.

**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 Trading Standards Service enforcement activity 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. The updated Policy includes reference to Fixed Penalty Notices, which the Service has traditionally been unable to issue but may be able to use for a very limited range of offences under legislation expected later this year.

## **CONSULTATION:**

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

## **RISK MANAGEMENT AND IMPLICATIONS:**

11. 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.
12. 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:**

13. This paper covers minor updates to an existing policy. There are no new additional financial implications.
14. 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:**

15. 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:**

16. 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:**

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

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### **Contact Officer:**

Steve Ruddy, Head of Trading Standards, 01372 371 730

### **Consulted:**

### **Annexes:**

Annex A: Updated Enforcement Policy

### **Sources/background papers:**

- None
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## **Buckinghamshire & Surrey Trading Standards 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 Equality 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**

Examples of aggravating factors that the Trading Standards Service will take into account include, but are not limited to, the following:

- 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) i.e. 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**

Examples of mitigating factors the Trading Standards service will take into account include, but are not limited to, the following:

- 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 when appropriate to do so.

### **Penalty notice for disorder**

5.5 A penalty notice for Disorder (PND) is a statutory disposal introduced by the Criminal Justice and Police Act 2001. A PND is a type of fixed penalty notice for specified low level offences e.g. sale of alcohol to a minor. There is no admission of guilt required to give a PND but there must be sufficient evidence to support a successful prosecution. Where the PND is paid in full that discharges any liability to be convicted of the penalty offence but the paying of the penalty is not an admission of guilt.

### **Issuing financial penalties and Fixed Penalty Notices**

5.6 When legislation allows, we, as the enforcement authority, can issue financial penalties and/or fixed penalty notices to offender.

### **Financial investigations under the Proceeds of Crime Act 2002**

5.7 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.

5.8 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**

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

5.10 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**

5.11 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**

5.12 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**

5.13 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**

5.14 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**

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

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

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

5.18 In the case of the illegal sale of any age restricted products to persons under the legal age prescribed by the relevant legislation, the Trading Standards Service will take action in accordance with the options detailed above taking into account all necessary legislation.

## **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 National Trading Standards (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, Energy and Industrial Strategy (BEIS) Primary Authority Principle

8.3 We will share intelligence with other enforcement agencies where this is practicable, beneficial and cost effective (in accordance with the requirements of the Data Protection Act 1998, and any other relevant 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 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  
Woodhatch Place  
11 Cockshot Hill  
Reigate  
Surrey  
RH2 8EF

or email: [trading.standards@surreycc.gov.uk](mailto:trading.standards@surreycc.gov.uk).

**BUCKINGHAMSHIRE COUNTY COUNCIL AND  
SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT MANAGEMENT COMMITTEE**

**DATE: 22 SEPTEMBER 2021**

**LEAD OFFICER: STEVE RUDDY, HEAD OF TRADING STANDARDS**

**SUBJECT: TRADING STANDARDS SCHEME OF DELEGATIONS**

**SUMMARY OF ISSUE:**

1. 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.
2. Amendments are required to the scheme of delegations to ensure that it remains current in relation to legislative requirements, Council statuses, and Trading Standards Service structure and job titles.

**RECOMMENDATION:**

It is recommended that the Scheme of Delegation attached as Annex 1 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:**

3. 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.

4. 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.
5. The attached Scheme of Delegation is based closely on the Scheme previously agreed by the Joint Committee in 2020. It has been updated to remove reference to "County Councils" following Buckinghamshire's change of status to become a Unitary Council.
6. Any subsequent amendments to the terms of reference and scheme of delegation will need to be determined by the Joint Committee.

#### **CONSULTATION:**

7. 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:**

8. 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:**

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

#### **Legal Implications:**

10. 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:**

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

#### **WHAT HAPPENS NEXT:**

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

<b>No</b>	<b>TITLE OF POSTHOLDER</b>	<b>FUNCTIONS DELEGATED</b>
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