

Notice of Meeting

Buckinghamshire Council and Surrey County Council Joint Trading Standards Service Committee

**Date & time**

Wednesday,
22 November 2022
at 11.00 am

Place

Remote

Contact

Angela Guest
angela.guest@surreycc.gov.u
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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.

This meeting has been moved from 9 November and will be held remotely via Teams. A recording of the meeting will be posted on the council website following the meeting at the following link <https://www.surreycc.gov.uk/council-and-democracy/councillors-and-committees/webcasts>.

Members of the Committee

Mark Winn and Denise Turner-Stewart (Co-Chairman)

Advisory Members:

Beville Stanier and Scott Lewis

AGENDA

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence and substitutions.

2 MINUTES OF THE PREVIOUS MEETING [4 MARCH 2022]

(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 (03/11/2022).

b Public Questions

The deadline for public questions is seven days before the meeting (03/11/2022).

5 PETITIONS

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

6 FORWARD PLAN AND ACTION TRACKER

(Pages
11 - 16)

The Committee are asked to note the workplan and action tracker.

7 PERFORMANCE, HALF YEAR SERVICE REVIEW AND JOINT SERVICE BUDGET

(Pages
17 - 70)

The Joint Committee is asked to note the performance of the service for quarters one and two of 2022-23 and the latest forecast for the outturn for 2022/23.

8 DATE OF THE NEXT MEETING

The 2023 dates of the Buckinghamshire County Council and Surry County Council Joint Trading Standards Service Committee will be held on 4 April 2023 and 21 September 2023.

**Joanna Killian
Chief Executive**

Published: Tuesday, 1 November 2022

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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 11.00 am on 4 April 2022 at Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey ,RH2 8EF.

These minutes are subject to confirmation by the Committee at its meeting on Thursday, 22 September 2022.

Elected Members:

- * Nick Naylor (Co-Chairman)
- * Kevin Deanus (Co-Chairman)
- * Scott Lewis
- * Mark Winn

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
Andy Tink, Senior Principal Accountant, Surrey County Council
Steve Owen-Hughes, Director, Community Protection & Emergencies, Surrey County Council
Karen Collins, Acting Head of Service for Registration, Coroners and Trading Standards, Buckinghamshire Council
David Pickering, Team Manager – Regulation, Buckinghamshire and Surrey Trading Standards Service

1/22 APOLOGIES FOR ABSENCE [Item 1]

An apology was received from Beville Stanier.

2/22 MINUTES OF THE PREVIOUS MEETING - 22 SEPTEMBER 2021 [Item 2]

The Minutes of the meeting held on 22September 2021 were agreed as a correct record.

3/22 DECLARATIONS OF INTEREST [Item 3]

There were none.

4/22 MEMBERS' QUESTIONS [Item 4a]

There were none.

5/22 PUBLIC QUESTIONS [Item 4b]

There were none.

6/22 PETITIONS [Item 5]

There were none.

7/22 ACTION TRACKER AND FORWARD PLAN [Item 6]

RESOLVED:

The Joint Committee noted the Action Tracker and Forward Plan. There were no outstanding actions to be considered.

8/22 PERFORMANCE AND JOINT SERVICE BUDGET [Item 7]

Key points from the discussion:

1. The Officers introduced the report, and the following key points were noted on service budget:
 - The budget this year was an expected overspend for the joint services however there were slightly different positions for each Council.
 - For next year there were pressures identified but each council may take a differing view on how to handle those. Pressures included pay inflation, insurance and pay award which had not been finalised yet. These pressures had not been included in the budget.
 - Officers were working to explore ways to increase income.

2. The Officers introduced the report, and the following key points were noted on service performance:
 - The data was only for three quarters of the year as the fourth quarter data was not available at time of writing report.
 - Overall, performance was positive
 - There were impacts and significant delays in getting cases through the courts due to Covid
 - The successful door camera pilot project data had been used to apply for more funding and as a result there were more cameras being rolled out
 - The call blockers project had had a positive impact and further funding had been received for more call blockers.
 - A Member asked about the deterrent effect of door cameras to which officers responded that they were known to have a deterrent effect where they were installed but could not say if that had a wider deterrent.
 - A Member suggested using social media to advertise the benefits and by using the statistics already gained it would encourage residents to use the camera door bell.
 - A Member asked about prioritisation of funding for projects. Officers responded that for both call blockers and door cameras, vulnerability was prioritised and where there had been recent incidents. It was important to do that because older people become repeat victims if vulnerable.
 - Work with businesses to enable them to get the help and support they need to thrive and grow was going well. The service continued to successfully grow the number of Primary Authority Partnerships. There had been particular focus on preparing businesses for new legislation coming in such as Natasha's Law.
 - Officers described the multi-agency approach to fraud.
 - When asked what the biggest risk to Trading Standards was for the next year officers highlighted online services and products, and

difficulties in supply chains. The cost of living crisis would mean criminals and rogue traders take advantage of any vulnerability and also take advantage of the complexity of the green economy.

Actions/ further information to be provided:

That the Head of Trading Standards look at using social media to advertise the outcome of projects with the aim of encouraging more residents to use methods such as door cameras.

RESOLVED:

That the Service's performance, the joint service budget for 2022/23 and the pressures be noted.

Mark Winn arrived during the officer presentation of this report.

9/22 TRADING STANDARDS ENFORCEMENT POLICY [Item 8]

Key points from the discussion:

1. Officers introduced a report that set out proposed changes to the Trading Standard Enforcement Policy. The Enforcement Policy was regularly reviewed to ensure it remained appropriate and relevant to the regulatory and local authority landscape. The updates include amendments to:
 - Ensure a growing range of financial penalties (as available in legislation) are acknowledged as potential outcomes, including fixed monetary penalties.
 - Add, via a link, Financial Penalty Guidance for the Service as required under the Tenant Fees Act 2019.
 - Add, via a link, Fixed Monetary Penalty Guidance for the Service as required in relation to various food legislation.
2. A Member queried about whether there should be a recommendation on the timescale for review, say every year, but because the review could happen sooner, say as a reaction to legislation change, he discounted this idea.

Actions/ further information to be provided:

None.

RESOLVED:

1. That the following be agreed:
 - the amended Enforcement Policy attached as Annex A to the submitted report
 - the Financial Penalty Guidance as required under the Tenant Fees Act - Annex B to the submitted report, and
 - the Fixed Monetary Penalty Guidance for various food legislation - Annex C to the submitted report.

10/22 TRADING STANDARDS TOBACCO WORK [Item 9]

Key points from the discussion:

1. Officers presented a report that showed how strategies were linked between Buckinghamshire and Surrey. The following points were highlighted from the report:-
 - Intelligence gathering, enforcement work and test purchasing were used to guide further action, for example the use of dogs. Hiding places were more difficult to find and that some funding from the HMRC for use of dogs had been helpful.
 - Tobacco was being kept off-premises and restocked as needed which showed the constant challenge to keep up with methods used.
 - There had been one prosecution this year for tobacco and nitrous oxide.
 - There was a challenge around vape liquids that were unsafe and non-compliant. There had been an increase in complaints of underage sale of vape liquids.
 - Illicit alcohol was also found alongside tobacco and the team sought license reviews.
2. One Member expressed their support for test purchasing and asked that news of outcomes of court cases be emailed to Members.
3. There was some discussion around the funding and use of dogs.
4. In response to a Member query about warrants the officers explained the need for search warrants for residential properties but not for businesses.

Actions/ further information to be provided:

That officers investigate the viability of using dogs for tobacco detection from the Surrey Fire and Rescue Service who had their own dog team.

RESOLVED:

That the submitted report be noted as a reflection of activity over the financial year 2021 – 2022 and the continued enforcement activities which will be undertaken in 2022– 2023 be endorsed.

11/22 TRADING STANDARDS CURRENT AND EMERGING ISSUES [Item 10]

Key points from the discussion:

1. Officer described in detail the current and emerging issues paper that included the following items:
 - The Calorie Labelling (Out of Home Sector) (England) Regulations 2021;
 - The Food (Promotion and Placement) (England) Regulations 2021; changes to the draft Online Safety Bill 2021;
 - the Government policy paper “Brexit Benefits”;
 - the Government White paper “Levelling Up”;
 - the Public Accounts Committee report into protecting consumers from unsafe products; and

- a BEIS Parliamentary Committee Investigation into post-pandemic economic growth, state aid and post-Brexit competition policy.
2. The Committee discussed the food legislation and how whether that would affect schools and the work that Trading Standards already do around this area.
 3. The Committee thanked the Trading Standards Team for their professionalism and work during the pandemic, that they had had excellent results and were recognised nationally and were an example to others.

Actions/ further information to be provided:

None.

RESOLVED:

1. That the current and emerging issues be noted.

12/22 DATE OF THE NEXT MEETING [Item 11]

The date of the next meeting was Thursday 22 September 2022 and would be hosted by Buckinghamshire Council.

Meeting ended at: 12.21 pm

Chairman

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Buckinghamshire CC and Surrey CC
Trading Standards Joint Committee

9 November 2022

Action Tracker & Forward Plan

Purpose of the report:

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

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. The forward plan is attached as Annex B.

Recommendations:

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

Report contact: Angela Guest, Committee Manager

Contact details: 07929 724773, 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)

2/21	22/09/21	<u>Item - Workplan:</u> Item to be included at the next meeting reviewing upcoming legislation that would impact the responsibilities of the service.	Steve Ruddy	Current and Emerging Issues Paper at 4/4/22 Joint Committee meeting to include this.	To be closed 4/4/22
3/21	22/09/21	<u>Item - Performance & Joint Service Budget:-</u> Update to be given to a future Board meeting following the review of the Traders4U service.	Steve Ruddy / Michele Manson	Update and discussion occurred at Board meeting 22/12/21	Closed

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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

April 2023 – 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 2019-20 and consider enforcement activities which may be undertaken in 2020-21

September 2023 – Formal public meeting

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 COUNCIL AND SURREY COUNTY COUNCIL
TRADING STANDARDS JOINT COMMITTEE**

DATE: 9 NOVEMBER 2022

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

**SUBJECT: PERFORMANCE, HALF YEAR SERVICE REVIEW AND JOINT
SERVICE BUDGET**

1.0 SUMMARY OF ISSUE:

- 1.1 The Buckinghamshire Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for quarters one and two of 2022-23 (April to September) (Annex B).
- 1.2 The information provided shows that the Service is performing well across the range of indicators and is delivering some excellent activity against key performance indicators.
- 1.3 The Joint Committee are asked to consider whether they would be willing to become SCAMBassadors.
- 1.4 The Joint Committee is asked to note the latest forecast for the outturn for 2022/23.
- 1.5 The information provided shows that:

The Joint Service budget is forecast to be approximately 8.1% overspent at the end of the 22-23 year (£218,000) against the budget agreed by the Joint Committee in April 2022 (Annex A). Although this is less than was flagged as the likely risk to the budget in April. The main factors in this overspend (as advised in April) are: ongoing pressure on income that was originally seen during the covid pandemic; the costs of salary inflation and the costs of an increase in National Insurance payments.

2.0 RECOMMENDATIONS:

It is recommended that the Trading Standards Joint Committee:

1. notes the Service's performance.
2. agree to consider becoming Friends Against Scams SCAMBassadors
3. notes the current forecast outturn for the joint service budget for 2022/23



3.0 REASON FOR RECOMMENDATIONS:

- 3.1 The Joint Committee is required by the Inter Authority Agreement which underpins the service to:
- a) Ensure effective performance of the Service. This includes reviewing performance by considering performance against the agreed measures.
 - b) Maintain financial oversight of the Service and ensure sound financial management.

4.0 PERFORMANCE DETAILS:

- 4.1 The performance of the joint service is measured through key performance indicators previously agreed by the Joint Committee. These will next be agreed by the Joint Committee at our Spring meeting in 2023, and work will be undertaken with the Board outside of these meetings to develop suggestions to be brought back to that Joint Committee for consideration.
- 4.2 Flexibility of the Trading Standards Service to respond to the latest situation, within overall priorities for the Service, is vital for delivering what matters to residents and local businesses. The performance framework supports this and requires the Joint Committee to look at it in the round. In the last few months for example, activities to support communities and individuals through the impacts of inflation and the cost-of-living crisis have become increasingly important to the Service, for example by ensuring that products are safe regardless of their cost and providing consumers confidence that they are getting what they have paid for. At the end of the report in Annex B there is a summary of the Services' work through this lens.
- 4.3 There are currently no statutory performance indicators for Trading Standards and there is no performance benchmarking data on performance available for comparison. Previous attempts to create national performance indicators for Trading Standards have not been successful.
- 4.4 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 the national "Impacts and Outcomes Framework for Trading Standards". The concept of this approach is to use a wide range of indicators, divided across three main areas: Tackling detriment and preventing harm; Supporting the local economy; and Promoting health and wellbeing. 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 because it is accepted that each Service is likely to be focusing on different areas within this framework to respond to their local issues in any given year and bearing in mind their local situation. The latest aggregate data from the ACTSO returns was recently published and is given in Annex C.
- 4.5 The Joint Committee will note that most of the performance indicators for the joint Service have no targets. They are purely indicative of a situation and should be read alongside others to form an overall picture of the work the

Service is doing which contributes towards the overall priorities (but does not directly control the outcome). An example of this type of indicator are those related to investigation outcomes. A 'good' investigation is one which is appropriately thorough and fair to all parties with the outcome decided in accordance with the Services' agreed Enforcement Policy. So, the number of convictions is useful to understand as part of the picture of our work to tackle fraudulent and illegal trading practices but there can be no targets sets because the Service must act fairly, appropriately and in line with our Enforcement Policy and not be led towards prosecution by a target. Similarly, the sentences set by judges and magistrates are not within our control but do give an indication of the judiciaries view of the seriousness of the offences prosecuted.

- 4.6 Outcomes to investigations, such as convictions and sentences imposed continue to be affected by backlogs in the Court system and have been further impacted recently by a strike being carried out by defence barristers. The Service is now seeing very significant delays to numerous cases, with trials being delayed for second and third times often with another years' wait for the new trial date. Naturally this has impacts on both the witnesses, many of whom are elderly or vulnerable, some of whom have died since the incidents that led to the investigation, and on the defendants.
- 4.7 Impacts of the covid pandemic can be seen in some of the performance information over time but is generally returning to pre-pandemic levels in most areas with the notable exceptions being in relation to investigation outcomes (with the added delays caused by the barrister strike) and in relation to the take up of Trading Standards approved trader schemes.
- 4.8 **A key Service priority is protecting the most vulnerable, tackling fraudulent illegal and unfair trading practices, including serious and organised crime.** Between April and September, the financial impact of our interventions related to scams and frauds was £1,342,971 comparing to £1,237,682 for the same time period last year and comparing to a total for all of last year of £2,090,836.
- 4.9 Prevention is a cornerstone for the service in how we seek to protect both residents and businesses, and the report discusses different tools we use to work with both vulnerable individuals and the wider population in our areas. Details of the role of SCAMBassadors and how they enhance prevention are provided in Annex B.
- 4.10 Three defendants have been convicted (following guilty pleas) of offences between April and September, compared to none for the same time period last year. No defendants have been found not-guilty (also none for the same time period last year). The Service currently has 25 defendants going through the legal process, an unusually high number for reasons explained in 4.7 above.
- 4.11 In addition to the outcomes of investigations the Service undertakes activities to disrupt illegal and unfair trading. The report goes into more detail of what illegal products the service has seized, pending investigation, or stopped from being allowed into the Country such as tobacco and unsafe goods.
- 4.12 **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. 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.¹ 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.

- 4.13 The service continues to successfully grow Primary Authority Partnerships with 158 partnerships at the end of September. We have now largely completed the work to transfer around 20 suitable partners from Hampshire Trading Standards, who were unable to provide a comprehensive Primary Authority Service due to resourcing constraints. Since this increase in Partners, we have reverted to not actively seeking new partnerships whilst we embed the new Partners. However, due to our reputation, businesses still regularly approach us for partnerships which is why the numbers continue to gradually increase.
- 4.14 This year has continued to provide notable challenges for businesses that we have provided advice and support on. Supply chain issues that started with covid have continued, with the war in Ukraine limiting the supply of some foodstuffs used as ingredients, such as sunflower oil. Changes in implementation dates to rules for importers and the legislation regarding foods high in sugar, salt and fat have also led to businesses needing more advice on how it impacts them and what they can legally do to keep their customers safe and informed about what they are buying.
- 4.15 Uptake of the Trading Standards Trader Approval Schemes continues to be low, though very gradually increasing.
- 4.16 **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.**
- 4.17 Work tackling illegal supplies of tobacco is a significant activity for the Service given the harm caused by smoking, the disproportionate affect this has on more deprived groups and the appeal to children and people from lower socio economic groups that cheap illegal tobacco has – further exacerbating the impacts on them. The report in Annex B explains in more detail the work in this area, including test purchasing and operations with the tobacco detection dogs, which have found around 69,000 illegal cigarettes since April.
- 4.18 Demand has continued to be high to tackle the import of unsafe products through transit sites for Heathrow. Over 40,000 unsafe and non-compliant products destined for people’s homes were prevented from entering the country through our work, including electrical items unsafe because they could give their users an electrical shock and toy guns that presented serious

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

choking and intestine obstruction hazards because the gel pellets fired could be swallowed but then would expand significantly on contact with liquid.

5.0 BUDGET 21/22 AND 22/23 PLANS:

- 5.1 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.
- 5.2 There are a number of factors which introduce volatility to the budget. The service has an income budget of £693k, equivalent to 20.6% of its gross budget. It is challenging to accurately predict income and its 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 (particularly at the moment) 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. The Service manages its' budget closely to even out the most volatile factors where it is possible.

2021/22

- 5.3 To briefly revisit 2021/22 because these figures were not available for the last Joint Committee: The 2021/22 budget was £2,676,000. At outturn there was an overspend of £136,000 (5%). This was due mainly to reduced income. Covid impacted the Service by causing income to drop. A claim was made for Q1 to the local government income compensation scheme as this was extended for one quarter from the previous year, which offset £66,000 of the loss. However, the scheme was not extended beyond June. The Service restricted its' spend where possible, but there was limited staff turnover during the year, so it was not possible to manage the overspend down further through holding vacancies.
- 5.4 Each Council managed the overspend in accordance with their own approach.

2022/23 Forecast

- 5.5 The agreed budget for 2022/23 (in Annex A) was kept at the same value as the previous year of £2,676,000. However, the Joint Committee noted the known pressures, estimated at £262,000 for: pay inflation, additional National Insurance costs and reduced income, preferring for each Council partner to deal with these known pressures in different ways.
- 5.6 During the first half of the year the Service has been managing the budget closely, taking opportunities to reduce the likely £262,000 overspend downwards. The latest forecast overspend is now £218,000 (8.1%). The main reasons for this reduction in overspend are: receipt of government grants (that had not been anticipated in advance) to deliver enforcement of new legislation which is being delivered from within current staffing levels; more recently a

reduction in anticipated legal spending due to trials being again adjourned into next financial year.

- 5.7 Each Council has a different approach to how it plans on dealing with their proportion of the overspend.

2023/24 Planning

- 5.8 Both Councils are currently undertaking activity to develop their Medium Term (financial) Plans. The impacts of these on the Trading Standards budget will be discussed at the next Board meeting and a suggested budget will be brought back to the Spring Joint Committee for consideration.

6.0 CONSULTATION:

- 6.1 No external consultation has taken place.

7.0 RISK MANAGEMENT AND IMPLICATIONS:

- 7.1 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).
- 7.2 Where risks become higher, these are shared with the Trading Standards Board for awareness and discussion.

8.0 FINANCIAL & VALUE FOR MONEY IMPLICATIONS

- 8.1 The Service has delivered all elements of the original business case. The forecast budget outturn position for 2022/23 is detailed within section 5 above.

9.0 LEGAL IMPLICATIONS

- 9.1 The 2015 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.
- 9.2 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.

10.0 EQUALITIES & DIVERSITY

- 10.1 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.

11.0 WHAT HAPPENS NEXT:

- 11.1 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: Agreed Trading Standards Budget 2022/23
Annex B: Performance & Service Update Quarters 1&2 (April – September) 2022/23
Annex C: ACTSO Summary of Impacts and Outcomes of Trading Standards activity for England and Wales 2021-2022.

Sources/background papers:

ENDS

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Annex A

Trading Standards

	Agreed budget 2021/22 £000	Proposed budget 2022/23 £000
<u>Expenditure:</u>		
Staffing	3,053	3,053
Non Staffing	449	316
Total expenditure	3,502	3,369
Income	-826	-693
Net budget	2,676	2,676
Surrey County Council Contribution	1,766	1,766
Buckinghamshire County Council Contribution	910	910
Joint Budget	2,676	2,676
Identified Pressures (not in proposed budget)		
2022/23 Pay Inflation		75
National Insurance		26
Loss of Income		160
Total Pressures		262

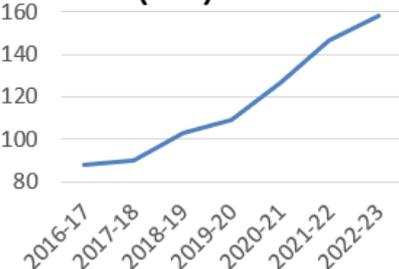
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PERFORMANCE & SERVICE UPDATE

Q1&Q2 April to September 2022/23

Trading Standards Snapshot

April 2022- September 2022

<p>Financial Impact of Scams Prevention Work</p> <p style="font-size: 24px; font-weight: bold; color: #008000;">£1,342,971</p> <p>Direct & Future Savings: Positive impact on society of our Scams Prevention work</p>	<p>Demand on the Service & Market Surveillance</p> <p>3,529 emails, phone calls, partner referrals, letters and referrals from the Citizens Advice Consumer Service</p> <p>351 requests for help and advice from Businesses</p> <p>228 interventions made to support scam victims</p> <p>55 food samples taken to check food standards, labelling and authenticity & 48 businesses identified as supplying: misdescribed food, or not correctly declaring allergens, or selling food containing toxic or illegal components, or involved in fraud involving food</p>	<p>Call Blocking</p> <p>66 call blockers installed in homes of high risk individuals since April</p> <p>504 active call blockers in place at September 2022</p> <p>24,046 nuisance and scam calls blocked</p>																
<p>Helping Communities to fight Scams</p>  <p>827 Friends Against Scams trained</p> <p>17 Door Cameras Installed</p>	<p>Active Investigations</p> <p>47 active investigations in the following areas:</p> <div style="display: flex; justify-content: space-around; font-size: 12px; color: #008000;"> animal health food </div> <p style="font-size: 18px; font-weight: bold; color: #008000;">money laundering</p> <p style="font-size: 18px; font-weight: bold; color: #008000;">unfair trading</p> <div style="display: flex; justify-content: space-around; font-size: 12px; color: #008000;"> companies act fraud trade marks </div> <div style="display: flex; justify-content: space-around; font-size: 12px; color: #008000;"> estate agents illicit tobacco </div> <p style="font-size: 12px; color: #008000;">unsafe goods</p>	<p>Unsafe or Non-Compliant Goods Removed from the Market</p> <p>180 consignments inspected</p> <p>40,745 Unsafe or non-compliant items stopped from entering the marketplace</p> <p style="font-size: 24px; font-weight: bold; color: #008000;">£1,427,297</p> <p>Value to society of these goods being stopped</p>																
<p>TS Primary Authority Partnerships (total)</p>  <table border="1" style="width: 100%; font-size: 10px; margin-top: 5px;"> <caption>TS Primary Authority Partnerships (total)</caption> <thead> <tr> <th>Year</th> <th>Total</th> </tr> </thead> <tbody> <tr><td>2016-17</td><td>85</td></tr> <tr><td>2017-18</td><td>90</td></tr> <tr><td>2018-19</td><td>105</td></tr> <tr><td>2019-20</td><td>110</td></tr> <tr><td>2020-21</td><td>135</td></tr> <tr><td>2021-22</td><td>150</td></tr> <tr><td>2022-23</td><td>160</td></tr> </tbody> </table>	Year	Total	2016-17	85	2017-18	90	2018-19	105	2019-20	110	2020-21	135	2021-22	150	2022-23	160	<p>Volunteers</p> <p>163 Volunteers willing to help the Service deliver its priorities, having given ...</p> <p>3,846 hours of their time to Service priorities</p>	<p>Illicit Tobacco & Vapes</p> <p>Illegal tobacco seized from 7 premises visited with the help of a tobacco detection dog</p> <p>Suspected illegal goods seized:</p> <p>69,000 cigarettes,</p> <p>over 6kg hand rolling tobacco,</p> <p>1,234 illicit vapes,</p> <p>31 bottles of alcohol</p>
Year	Total																	
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<p>Awards</p> <p>The Service won two Awards in the OPSS Regulatory Service Excellence Awards: The Service Excellence Award, and a Leadership Award for our Business Team Manager</p> 																		

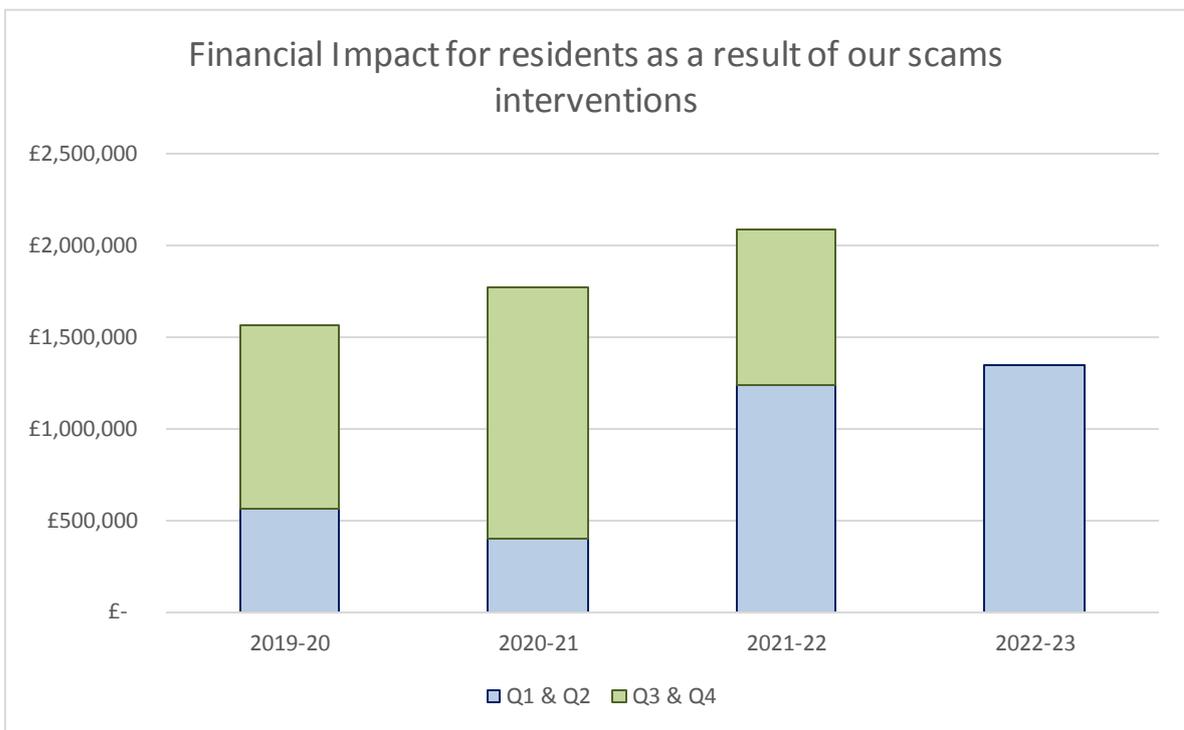


Service Priority Area 1 - Protecting the most vulnerable. Tackling fraudulent illegal and unfair trading practices, including serious and organised crime.

<p>Key Performance Indicator: To increase the financial impact of our interventions with scam victims, as measured by the NTS Scams Calculator</p>	<p>Status Green</p> 
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Comments:

Work to prevent and tackle scams and consumer frauds is a high priority for the Service. In Q1&Q2 **£1,342,971** has been saved for residents as a results of Service interventions compared to £2,090,836 in 21/22 in total.



A further £723,789 has been saved in in avoided health and social care costs as a direct result of our scams interventions compared to £1,172,090 in 2021/22.

To the end of September interventions were made with 228 individuals vulnerable to scams.

The Service can deploy a range of interventions depending on the individuals needs and circumstances. Some examples include call blockers, doorbell cameras, door cameras, tackling social isolation, referrals to other agencies, acting on their behalf in disputes with traders, training Friends Against Scams, Scam Marshals, SCAMchampions and SCAMBassadors.

Call Blockers:



Call blockers are an extremely effective way of stopping criminals accessing vulnerable residents by telephone. 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.

Research into the impact of call blockers show that they decrease the householder's financial losses to phone fraud and they increase the householders wellbeing against a standard scoring methodology. The increase in wellbeing is greatest in those who self-identify as vulnerable. The cost: benefit ratio of the call blockers is 32:1 i.e. every £1 spent saves £32.

If a local 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. In urgent cases our officers are trained to install the units there and then.

Some qualitative feedback on call blockers we have installed includes:

"The telephone is a necessity, a lifeline. I do become concerned by scammers and tradespeople who are insistent. I have been badly scammed by someone who seemed to know all about my bank, my account and who worked in the bank, even though he wasn't local! My husband & I are much happier now that we have the Truecall device.

We don't feel threatened now when we answer the phone."

"The Truecall device has made such a difference to my elderly mother (98) and my disabled sister (70) as they can now answer the phone with confidence. As their carer I have peace of mind knowing that nobody can get through who they don't know. They were victims of a scam and the phone is now one thing I do not have to worry about. Thank you."

"Since fitting the Truecall filter, unwanted phone calls have virtually ceased! - scams now mostly confined to internet. Since installation I have had NO calls from bogus HMRC, survey groups? Internet "problems" reports. Particularly - overseas computerised calls are now history!!!"

Call blocker case Study Mrs E: Mrs E was a recently bereaved widow who was receiving cold calls from individuals posing as investment specialists. She was initially persuaded into 'investing' £5,000. The cold calls continued, and she handed over another £10,000. The cold calls continued incessantly, and Mrs E daughter contacted Surrey Police in a very distressed state. The case was referred to Trading Standards via the Multi Agency Safeguarding Hub (MASH).

The Trading Standards Prevention Team, working in partnership with Surrey Police immediately took steps to safeguard this vulnerable lady. A key part of this activity was to stop the cold calls. Mrs E was an independent lady who was initially reluctant to the idea of installing a call blocker. She had been convinced that these 'investment traders' were genuine and was diligently keeping notes of her conversations. Trading Standards continued to support Mrs E and endeavour to get her money returned to her.

A month later Mrs E contacted her Trading Standards case worker, she had received two very aggressive cold calls from the scammers demanding an additional £20,000 which had left her upset and very shaken. She asked for us to stop these calls and agreed to install a call blocker. The effect of the call blocker was immediate. Mrs E was no longer plagued by cold calls and she was no longer afraid to answer the phone. With continued support from Trading Standards she even had £15,000 returned to her, money she thought she had lost forever.

Door and doorbell Cameras



Doorstep crime (fraud) refers to rogue traders, bogus callers, and distraction burglary. These crimes can not only have a huge financial impact on their victims but can also lead to both psychological and physical damage. Home Office research shows that the majority of the victims of this type of offending are over 65 and are two and a half times more likely to be in care or die within two years as a result of victimisation compared to their non-defrauded neighbours.

Between April 2020 and April 2021, nationally, there were 3,509 doorstep fraud incidents reported into Action Fraud with losses of £17.2m. This does not take into consideration the incidents reported to the Citizens Advice Consumer Service. The National Trading Standards Scams Team says that scams are under reported with estimates of between only 5-10% reported. The actual figures are therefore likely to be a lot higher than the Action Fraud data conveys.

As explained above, effective interventions have been proven to work in relation to phone fraud with the installation of call blockers. Mail redirection services stop scam mail landing on vulnerable consumers door mats. With this in mind the Service took an active role in developing a pilot project in 2021 across London and the South East to assess the impact of installing doorbell cameras in the homes of people particularly vulnerable to doorstep crime. Many of those taking part in the pilot had recently experienced doorstep crimes and their average loss was just over £18,300. Consumers who experience doorstep crime are more at risk of suffering from lower wellbeing leading to depression so the pilot included assessing the householder's wellbeing using a standard scale before the camera was installed and several months after.

The pilot showed that

- The use of camera technology can dramatically increase consumer wellbeing and allow people to live independently for longer. Wellbeing scores went up, and 60% of respondents reported feeling more confident in answering their door.
- The use of camera technology on the doorstep can reduce the chance of being defrauded at the doorstep. (The average financial loss went from £18,300 prior to installation down to £0 after installation)
- The cost: benefit ratio of the project was 39:1 i.e. every £1 spent saves £39.

Following the pilot, the Service was instrumental in obtaining additional regional funding from national Trading Standards for doorbell cameras and we have fitted a further 17 since April. The service is now running a new pilot to assess the impact of door cameras which aren't linked to the doorbell to see whether these can also be effective as a tool to protect vulnerable residents.

Social isolation: Whether voluntary or involuntary, social isolation is a leading factor contributing to the financial exploitation of individuals. Social isolation when combined with factors such as diminishing cognitive capacity, bereavement, communication difficulties and lack of self-esteem/confidence etc can affect the judgment and decision-making capacity of residents making them more susceptible to fraud and financial abuse.



As part of our portfolio of target hardening and safeguarding measures, we encourage socially isolated people to try to increase their engagement with friends and neighbours. This could be attending one of our Friends Against Scams community events or by becoming a Scam Marshal and helping to prevent others becoming victims of fraud by sharing their experiences, helping others to report and recognise scams and by sending any scam mail that they receive to the National Trading Standards (NTS) Scams Team so that it can be utilised as evidence in future investigative and enforcement work. We also promote local befriending services such as those offered by Age UK and Bucks Mind.

We are a founding member of the Brewing Friendships initiative. This partnership of Trading Standards, Adult Social Care, Tech Angels, local churches and the mental health charity Surrey and Borders Mind Matters provides monthly sessions, at various locations around the county, to small groups of lonely or isolated people, encouraging social interaction while learning new skills over tea and biscuits and in a safe, friendly environment.

Returning money lost to an international lottery scam:



43 of the people Buckinghamshire and Surrey Trading Standards officers are engaged with have been defrauded by an international lottery scam. In a landmark investigation, the National Trading Standards Scams Team, working with the United States Federal Trade Commission, identified US-based fraudsters who targeted UK households with scam mail offering alleged cash wins and claiming 'guaranteed' cash prize pay-outs.

The Kansas based crime gang deliberately targeted older people living alone or those with long-term health conditions, sending deceptive personalised mail to individuals in the so-called 'Next Gen' sweepstakes scheme. They enticed victims into paying an upfront fee ranging from £25 to £40 and many paid the fee several times before realising there was no prize.

Following action taken by the US Federal Trade Commission, a Federal Judge ordered that \$25 million of forfeited cash and assets be made available to compensate victims around the world. Trading Standards officers have identified and contacted 32 Surrey residents and 11 Bucks residents affected by the scam, all of whom will be returned their defrauded money. The amounts returned vary between £25 and £2700, with more than £8k being returned to residents in total. Officers are also advising those affected on how to identify scams and stay safe in future.

One Surrey resident is receiving £243.10 back. Unfortunately, due to her dementia we have been working with her and her family for a number of years, including weekly phone calls during lock down to check on her wellbeing. The lady is now in a care home, so we are liaising with her son to transfer the money into her account. He gave this feedback:

"I am so impressed with the ongoing service Trading Standards provides to my mother. Even now, although she has moved into a care home you continue to look after her best interests".

Another piece of feedback was received from the daughter (with power of attorney over her mother's finances) of a Bucks resident, another repeat victim, who is receiving £44.28:

"The service you provide is great and very reassuring that the money is being returned by a person that the family are already familiar with"

Returning money lost to clairvoyant scams: The NTS Scams Team working with UK Border Force, Department of Justice and United States Postal Service identified clairvoyant type mailings which were fraudulent in content being sent to vulnerable and senior consumers. The content of the mailings was at times threatening and required victims to send cash only, usually between £40 and £80 to various addresses in Europe. The team working with a number of European country colleagues shut down a number of operations however mail was still being sent to Austria by victims. Following a protracted enquiry the team working with UK Border Force have put in place a mechanism to identify the mail leaving the country and pass it to NTS Scams team. This has allowed for identification of victims, and where they are Surrey or Bucks residents their details are passed to the Service so that we can return monies they have given to these fraudsters. Below is a case study and example of the mailings being used:

Case study: AB is the carer for her partner, who is 93 years old and has the early onset of dementia. AB has several health conditions including mobility and although she receives support from a dementia team she has highlighted that her partner refuses respite care and can become 'stropky' with her. AB lives in the Staines area of Surrey. She has no family or friends and although her partner

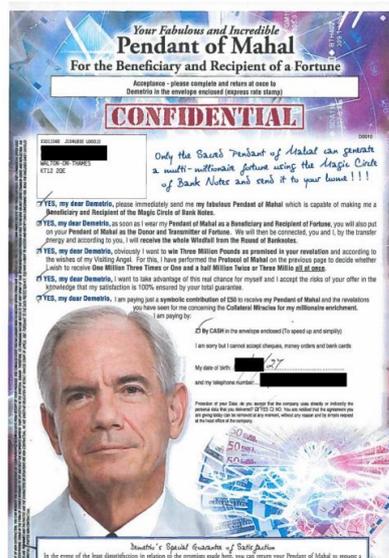
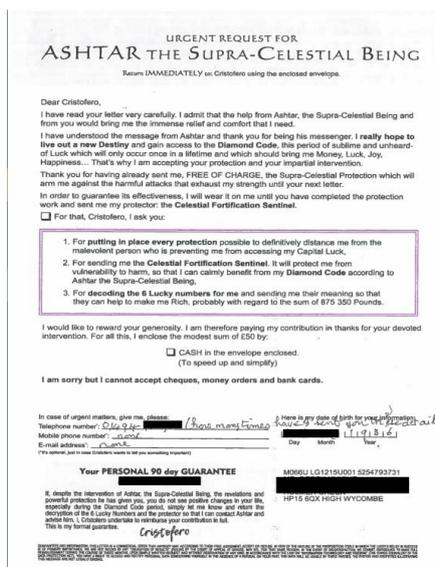
has two daughters, they have limited contact as they have health conditions of their own. AB is in receipt of 2 pensions and disability allowance and feels financially stable.

When contact was made with AB she acknowledged that she receives post from psychics and clairvoyants however she believes the letters are genuine. AB considers herself to be clairvoyant and psychic herself and although she recognises that there are scam clairvoyants/psychics out to scam people she is adamant that she only has regular contact with psychics and clairvoyants that she knows are not scammers. AB has been engaging with 'Christopho' via mail and telephone for over 15 years and has purchased many crystals etc. She has been interacting regularly with 'Michael' for about 2 years.

Following a number of telephone conversations AB, although initially reluctant, agreed to meet our officer in person so her cheque could be returned to her. She refused to meet at her own home and would only meet at a local pub. Over a number of similar meetings, a bond of trust was slowly formed. As the relationship developed AB slowly became more receptive to the message that this was a scam. At one pivotal meeting our officer showed her several sanitised scam letters, addressed to different people but saying the exact same thing. She saw how other people had responded, the distress it was causing and that the 'clairvoyant' she had been communicating with for so many years, that she thought was genuine and her friend, had been sending the exact same correspondence to hundreds if not thousands of people. In a very emotional moment of realisation, she understood that this was a scam.

Trading Standards continues to provide support to AB, who subsequently agreed to become a scam marshal and use her experience and fierce intellect to help others ensnared in the situation she had been in. AB also agreed to engage with Adult Social Care and to seek help with caring for her partner and is considering agreeing to a safe and well visit by Surrey Fire and Rescue.

AB is now in a much better place. She continues to welcome the welfare calls trading standards make to her, but now enjoys respite days out of the house and visiting her social club. Her partner's medication has been changed which in turn has stabilised his behaviour and he now enjoys one day a week at a day centre.



Intervention examples:

Case study: Trading Standards received a referral from a champion of the Armed Forces Covenant team. A veteran and his wife who they were supporting raised concerns regarding some building work. Trading Standards intervened and identified the couple had handed over £30,000 to their son in law and £7,000 to another man. What started as a request to fit a handrail had escalated into demolition of their driveway, building of walls, landscaping, fitting of garage doors etc. The driveway was left in such a state of disrepair that when the traders failed to return to complete the work the two elderly residents had been left trapped within their own home.

While trading standards and Surrey Police investigate potential criminal offences, Adult Social Care are assessing the needs of the veteran and his wife, who suffers from dementia, and the Armed Forces Champion is working to address the couple's social isolation and ensuring they are receiving their full entitlement of financial support.

Case Study: Mr B received a phone call from unknown individuals purporting to be from the investigation branch of his bank, ringing about a push payment problem. By coincidence the wife of Mr B had been a victim of a previous push payment scam so he believed it was a legitimate call. The fraudsters rang Mr B numerous times and he was subsequently persuaded to make 3 bank transfers totalling almost £26,000. Upon realising what had happened Mr B immediately contacted his bank and submitted a report to Action Fraud.

Mr B subsequently received two letters from his genuine bank. The first letter acknowledged that he had been a victim of authorised push payment fraud but also implied that because it was his own fault that he had been scammed, he would only receive a 50% refund. A later letter from his bank heralded the "good news" that Mr B would be credited with £5.

Three weeks later, following interventions by Trading Standards, Mr B received confirmation that his bank would be refunding the total amount he lost, £25,743.27.

Case Study: Mrs K received a scam text purporting to be from one of her daughters. The text said that a new number was being used because she had a new phone, that the banks were stopping her account and she needed £1,470 urgently. She tried to ring her daughter but received no reply. The fraudsters had obtained the daughter's date of birth via social media and tricked Mrs K to provide her husband's number. He was then contacted and was instructed to transfer £1,470. The criminals tried to obtain more money which roused suspicion. An attempt to stop the transfer was unsuccessful as Mrs K in her panic couldn't answer the security questions, and Santander refused her request to stop the transfer. All this happened while Mrs K was struggling to look after her mother who was suffering with dementia.

Trading Standards intervened to provide overall advice and support and following engagement with their bank the decision to not refund any of the lost money was reviewed and they decided it would be appropriate to refund the full amount of £1,470. Mrs K has sent us the following message:- "I do hope you are keeping well. I have some great news for you - we received £1,470 into our account - I have waited to advise you of this brilliant outcome (thank you so much), until we received a letter to see why they reversed their original decision - unfortunately, we have still not received a letter from them".

Supporting the wider community

As well as supporting the most vulnerable individuals to be resilient to frauds and scams, the Service undertakes a range of work to help the whole community be aware of and resilient to frauds. We have a range of media channels, including Twitter¹, Facebook² and electronic newsletters³ for both residents and businesses that people can subscribe to. As well as direct recipients these electronic newsletters are often circulated on within communities e.g. through Neighbourhood Watch, Housing Associations and Thames Valley Police Alerts. We also subscribe to the neighbourhood alerts system which is an online, secure community messaging system. It allows us, alongside other agencies such as Police, Fire and Neighbourhood Watch to communicate directly with individuals and groups in very specific geographic areas. We particularly use it to send alerts of doorstep crime incidents, scams, and other imminent threats.

Friends Against Scams, SCAMchampions and SCAMBassadors



Friends Against Scams and Business Against Scams are both National Trading Standards Scams Team initiatives, aiming to galvanise communities to protect and prevent people or businesses from becoming victims of scams through empowerment.



For those Friends Against Scams who want to do more, we also provide SCAMchampion training. A SCAMchampion hosts their own awareness sessions to recruit Friends and drive Friends Against Scams forward in their communities or workplace.

Both face to face and online courses (both free) are run largely by our volunteers. The online courses (which run regularly once a month) can be booked through our Eventbrite page⁴.

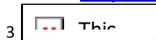
SCAMBassadors: The SCAMBassadors scheme is where people in positions of influence help to raise the issue of scams and fraud as a key topic of concern. As a SCAMBassador, they help to spread scam awareness messages to the wider community and act as a role model. Victims of scams are often embarrassed and ashamed that they were tricked into losing money to criminals and SCAMBassadors can help them by breaking the silence and speaking out about fraud and scams.



¹ https://twitter.com/Bucks_Surreys/



² <https://www.facebook.com/BucksSurreyTS>



³ <https://scc.newsweaver.co.uk/tradingstandards/ywh4mymr502>

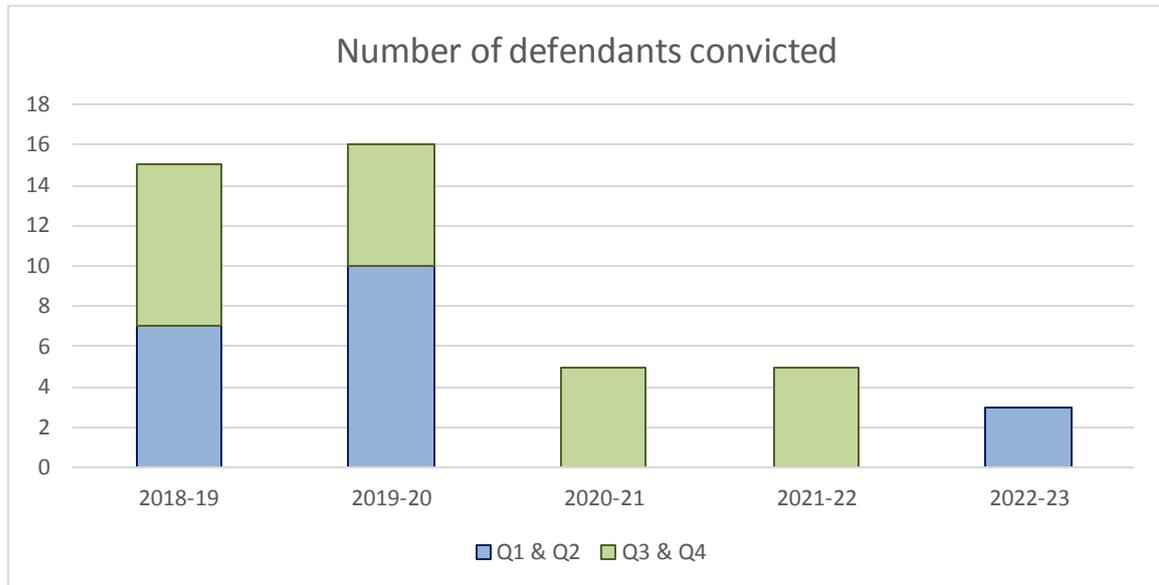
⁴ <https://www.eventbrite.co.uk/o/buckinghamshire-and-surrey-trading-standards-32720403671>

Key Performance Indicator:

Actions to stop rogue traders operating in Buckinghamshire and Surrey

Status**Green****Comments:**

Despite severe ongoing problems in getting trials heard, due to the ongoing impacts of Covid on the court system and more recently a barrister strike, 3 defendants have pleaded guilty to offences between April and September compared to 5 convicted (after prosecution led by ourselves) in total during 21/22:

**Investigation Outcomes:**

One defendant pleaded guilty to various charges related to the sale of illicit tobacco which was found with the help of a tobacco detection dog. He was fined and given consideration for his early guilty plea.

One defendant pleaded guilty to money laundering following his involvement in home improvement frauds. He will be sentenced, alongside others who have also pleaded guilty to offences, in December. In this case, one of the defendants (a company) has provided voluntary surrender of its' assets (which were under restraint as part of our linked financial investigation) and this ~£198,000 is being used to compensate the 5 victims for approximately 95% of their losses. The victims have all been extremely grateful for the Services help to receive this money, previously imagining that they would never get it back. Unfortunately, and underlining the vulnerability of these victims, two of the victims have died since the offences occurred so their compensation will be paid to their estates. Proceeds of Crime Act proceedings will follow in relation to one of the defendants which may allow for the victims to be compensated for the remainder of their losses.

The final defendant pleaded guilty to an offence of not exercising Professional Diligence under the Consumer Protection from Unfair Trading Regulations. This was for his involvement in home improvement works where two other defendants had previously pleaded guilty to various fraud and other charges and had fully compensated the victims with £178,000. In this case the offending took place in Surrey but this particular defendant lives in Buckinghamshire. The case was covered in the press when the other two defendants were sentenced to immediate custody:

[Fraudster duo who targeted elderly in Surrey jailed | Surrey Comet](#) and in relation to this most recent conviction:

[Chalfont St Peter roofer who charged pensioners £7,000 for just £60-worth of work is fined | Bucks Free Press](#)

After investigations by the team two individuals have signed undertakings under the Enterprise Act. This is a civil route to seek compliance which can be done separately or alongside criminal proceedings. In one case the individual has undertaken to stop selling counterfeit goods (car spares such as keys and wheel hubs); in the other case the individual who runs a home improvement business has made multiple undertakings including: not to conduct sales aggressively, including not to put pressure on consumers to agree for work to start the next day (within the cooling off period) for a discounted price; not to make misleading representations about the condition of consumers properties and whether they need the suggested work; not to make misleading representation about whether the company is authorised on behalf of government or that consumers are eligible for grants; not to make misleading representations over the phone that consumers current insulation no longer meets current standards with no evidence or this; and not to aggressively towards customers who cancel contracts. The compliance with these undertakings will continue to be monitored but we are pleased to note to date a sharp decline in complaints about this company since the undertakings were signed.

The Backlog:

In addition to the above outcomes, there are a further **25** defendants across 12 cases whom we have made the decision to prosecute and are in the legal system awaiting the next stage of their case. Eight of these defendants have had their trials delayed at least once and in one instance after an original plan for the trial to take place in January 2021 (after a decision to prosecute was made in December 2019) the trial has been rescheduled twice and is now planned for June 2023. Whilst Covid was the source of the earlier delays, the latest delay was caused by the defence barrister strike. The delays become increasingly concerning because of the effect on justice, and particularly on the witnesses who are often vulnerable and elderly. It can be difficult for witnesses to understand why the case in which they are giving evidence keeps being delayed, and it does not assist with their recollection of events. As mentioned above two victims in Op Moon have died since the offending, and in two of the delayed trials the main witness has also sadly died and will not see the outcome.

In one of our longest running cases, the defendant has moved to another Country and we continue to work with a range of authorities to attempt to bring him to justice.

The majority of longer running cases awaiting trial relate to home improvement frauds because the trials tend to be longer with more witnesses and experts, requiring more court time, than, for example, an illegal tobacco case.

Actions to disrupt rogue traders operating:

Working alongside Bucks Public Health, over the summer together we ran an illicit tobacco awareness campaign to help people understand what it is, what the impacts can be and how to report it. Some examples of the materials used, and photographs of the dog and an officer on engagement days are shown below.

Illegal Tobacco

All tobacco is harmful, but illegal tobacco poses **additional dangers**, such as

- containing unknown compositions
- helping fund low-level & large-scale organised crime
- causing house fires
- taking advantage of cash-strapped families
- undermining stop smoking services
- encouraging the uptake of smoking in young people

See Report **STOP IT**

Scan for more information

Buckinghamshire & Surrey Trading Standards

Illegal Tobacco

Pocket-money prices **could cost you more** than you bargained for

See Report **STOP IT**

Scan for more information

Buckinghamshire & Surrey Trading Standards

Illegal Tobacco

Do you know **the real cost** of your "cheap whites"?

See Report **STOP IT**

Scan for more information

Buckinghamshire & Surrey Trading Standards

Illegal Tobacco

Far from a victimless crime...

See Report **STOP IT**

Scan for more information

Buckinghamshire & Surrey Trading Standards



The Service continues to carry 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. Details of the outcomes of this are given in priority 3 below.

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.

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.⁵ 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.

Primary Authority is a means for businesses to receive assured and tailored advice (Primary Authority Advice) on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This enables all businesses to invest with confidence in products, practices and procedures, knowing that the resources they devote to compliance are well spent. Primary Authority is based on legal partnerships between businesses and individual local authorities and / or fire and rescue authorities. Businesses can set up their own partnership or belong to a trade association (or other type of group) with an existing partnership.

<p>Key Performance Indicator: To increase the number of Primary Authority Partnerships</p>	<p>Status: Green </p>																		
<p>Comments:</p> <p>The number of Partnerships we have has increased to 158 from 147 at the start of the year. The logo's of our current partnerships are shown below. Of these 158, 43 have a head/registered office based in Surrey, and 23 have their head/registered office in Bucks. Although the remainder are not based in our areas, many have significant links, either with an office/manufacturing site or retail within our counties. This number also includes some "coordinated" Partnerships where one partnership covers numerous member businesses. For example, the Association of Convenience stores who have nationally over 5,000 members (95 in Surrey and 76 in Bucks) who between them have around 33,500 shops.</p> <div data-bbox="199 1377 1452 1960"> <table border="1"> <caption>Number of Primary Authority Partnerships</caption> <thead> <tr> <th>Year</th> <th>Number of Partnerships</th> </tr> </thead> <tbody> <tr> <td>2015-16</td> <td>78</td> </tr> <tr> <td>2016-17</td> <td>88</td> </tr> <tr> <td>2017-18</td> <td>90</td> </tr> <tr> <td>2018-19</td> <td>103</td> </tr> <tr> <td>2019-20</td> <td>108</td> </tr> <tr> <td>2020-21</td> <td>128</td> </tr> <tr> <td>2021-22</td> <td>147</td> </tr> <tr> <td>2022-23</td> <td>158</td> </tr> </tbody> </table> </div>		Year	Number of Partnerships	2015-16	78	2016-17	88	2017-18	90	2018-19	103	2019-20	108	2020-21	128	2021-22	147	2022-23	158
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2018-19	103																		
2019-20	108																		
2020-21	128																		
2021-22	147																		
2022-23	158																		

⁵ [Regulation and Growth \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The Service's reputation for providing high quality reliable advice to businesses on a range of regulatory areas, including those beyond Trading Standards (delivered through our network of partners in Environmental Health, Fire Services and the devolved nations) causes businesses to come to us to seek a Partnership, we no longer invest resources in proactively seeking partnerships.

Examples of some recent partnerships include:

- Associated British Foods Plc (July 22), a food, ingredients and retail group with a range of brands including Kingsmill, Blue Dragon and Silver Spoon
- The Jordans and Ryvita Company (July 22), manufacturers of cereal and breakfast foods
- Vendi Vapes (July 22), suppliers of vapes through vending machines in age restricted premises such as nightclubs

Examples of Primary Authority business advice:

Individual businesses have been supported in preparing for the new controls relating to high fat salt and sugar products and calorie labelling, the new legislation and changing implementation dates lead to a high degree of uncertainty for businesses. For a wider audience, officers have worked with the Association of Convenience Stores to deliver updated guides covering this legislation. The guidance is public and can be found here: [acs_hfss_guide_may_2022_update.pdf](#)

ACS the voice of local shops

acs.org.uk

HFSS PRODUCTS: PROMOTION AND LOCATION REGULATIONS An ACS advice guide for retailers

Convenience retailers' obligations under these regulations depend on the number of employees in their business and the size of their selling space in store(s). ACS' Assured Advice guide will help convenience retailers to understand:

- Which convenience retailers are impacted by the regulations.
- What volume promotions you can and cannot run on HFSS products.
- Where in your store you can and cannot display HFSS products.
- What areas of your website and online platforms are affected.
- How you can determine if a product is HFSS.
- How the regulations will be enforced.

Implementation dates

There are differing implementation dates for certain parts of these regulations:

- The location restrictions will come into force from **October 2022**.
- The ban on volume promotions will come into force from **October 2023**.

October 2022	October 2023
Introduction of location restrictions	Ban on volume promotions

What is a HFSS product?

The regulations apply to the categories of prepacked goods set out in the list below. However, this does not mean every product within each category will be impacted. Products must be assessed on an individual basis to determine their 'nutritional profiling score' (NPS).

Retailers should work with suppliers to establish what products are HFSS. The majority of suppliers will be clearly communicating what products are HFSS.

Soft drinks with added sugar	Confectionery	Cakes	Ice cream	Crisps and savoury snacks
Morning goods (eg pastries)	Puddings and dairy desserts	Sweet biscuits	Breakfast cereals	Ready meals
Yoghurts	Milk drinks with added sugar	Juices with added sugar	Pizza	Chips and similar potato products

1. IS MY BUSINESS IMPACTED BY THE REGULATIONS?

STEP 1/3: Restrictions on volume promotions (From October 2023)

Convenience retailers with more than 50 employees must not offer volume promotions on HFSS products from October 2023. The calculation of your employee numbers could be impacted by your participation in a 'franchise agreement', including membership of symbol groups.

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graph TD
    Q1{Do you have 50 or more employees?} -- YES --> A1[You cannot run volume promotions on HFSS products in store or online.]
    Q1 -- NO --> Q2{Do you operate any part of your business as a franchise or are you a member of a symbol group?}
    Q2 -- YES --> A2[Ask your symbol group or franchise head office whether their advice is that you are included in these regulations.]
    Q2 -- NO --> A3[You are exempt from all parts of these regulations.]
    A2 --> A1
  
```

Franchise agreements and symbol groups

Convenience retailers that are deemed to have a 'franchise agreement' will have to calculate their employee numbers based on **all employees within the whole franchise business or symbol group they are part of**, not just the people directly employed in store(s).

Convenience retailers will need to consult their symbol group supplier or franchise partner to discuss whether their agreement is considered to be a 'franchise agreement' as defined in the regulations. The regulations define a 'franchise agreement' based on **ALL** the following criteria:

1. You agree with another party to the sale or distribution of food.
2. You agree with another party to the supply of particular food products specified in an agreement.
3. You agree with another party to comparable contractual arrangements as other businesses to:
 - a) products provided by the franchisor.
 - b) the internal or external appearance of the premise.
 - c) the business model used for the operation of the business.

Retailers should gain access to legal advice on the status of their contracts, either:

- a) advice provided by their symbol or franchise head office, or
- b) advice the retailer has sourced themselves.

¹ Source: The Food (Promotion and Placement) (England) Regulations 2021, Section 4 Qualifying Business

A local Surrey company who sells products online have received help in redrafting their terms and conditions and bespoke training on consumer rights and managing customer complaints. The company was experiencing a lot of returns for repair (due to wear and tear) where the product was not cost effective to repair and the owner never retrieved it. Due to the cost implications of storage space the business needed help understanding how to avoid this situation in the future and how to

resolve such cases fairly. We have also supported the business with a safety query when importing a product.

A small Bucks based business looking to import lighting products from the EU into the UK required advice on UK requirements such as labelling and UKCA marking. The advice centred around ensuring they understood their responsibilities as an importer of products into the UK following Brexit and the increased responsibilities placed upon them that were not there prior to our exit from the EU. Advice was given both in writing and in a virtual meeting with them and their German suppliers to ensure all was correctly understood with regards to the labelling requirements.

Another Bucks based trader is a manufacturer and importer of educational games and toys for use in schools and for sale to general public. They required advice on toy safety regulations and standards, appropriate testing regimes and due diligence procedures to ensure the products are safe for children in both educational and home environments. Advice has been given regarding their position as the manufacturer and importer in relation to EU exit requirements (UKCA marking) and also the testing hierarchy and structure.

A larger Buckinghamshire Primary Authority Partner is a significant manufacturer and distributor of food ingredients both to the general public through retailers and to the catering industry in the form of condiments and ingredients supplied to national chains. As a Primary authority Partner we work closely with the business and during this year we have worked on issues such as the substitution of sunflower oil in products due to availability caused by the Ukraine War, contamination of herbs and spices with known allergens and assisted them with recall activity and liaison with both the Food Standards Agency and the FSAI in Ireland. Other enquiries have related to labelling of meat products being brought into the UK and product naming issues.

Feedback recently received from one of our Primary Authority Partners was:

“Entering our partnership with Surrey Trading Standards was one of the best decisions we have made, and it has continued to deliver every year following the merger into Surrey & Bucks Trading Standards and the growth of the assured advice scheme to cover more guides and regulatory areas. The quality of support from your team has been consistently professional, pragmatic and engaged. This has helped us to tackle new and existing compliance challenges with confidence. The result has been a better-informed membership able to draw on our advice and trade safely and responsibly.”

Primary Authority Partnerships In Buckinghamshire



New Partnerships since 1 April 2022



Primary Authority Partnerships in Surrey



New Partnerships since 1 April 2022



National Primary Authority Partnerships





New Partnerships since 1 April 2022



Key Performance Indicator:	Status
<p>Support to trader approval schemes & support to local businesses and ensuring a fair marketplace</p> <p>Comments:</p> <p>Trading Standards Trader Approval Schemes:</p> <p>The service launched Traders4U.co.uk early in 2020 to support local residents and local businesses. The take up of this scheme, in a currently challenging home improvement market, is proving limited with 73 members.</p> <p>We continue to work in partnership with TrustMark to support their scheme with an option to upgrade to trading standards approved status. There are around 120 Trading Standards approved members. In total since April we have carried out 72 intelligence checks on businesses who wanted to join either Traders4U or be a Trading Standards approved TrustMark member.</p> <p>Support to local businesses:</p> <div data-bbox="175 1608 481 2038" data-label="Image"> </div> <p>Our work to support businesses covers a range of issues and as well as running regular “Business Against Scam” webinars (details of which can be found here: Buckinghamshire and Surrey Trading Standards Events Eventbrite) in October we are running a webinar for businesses to help them understand modern slavery better. The webinar is being run alongside the Police and at the time of writing had over 200 attendees registered. Although there is no legal requirement for small and medium enterprises to publish modern slavery statements, the issues of modern slavery, including child labour and human trafficking can be just as relevant to them. Speakers include the Surrey Police and Crime Commissioner, Trading Standards and the co-chairs of the Surrey Anti-Slavery and Human Trafficking Partnership.</p>	

Business Advice: In addition to providing advice under formal Primary Authority Partnerships, we also run a Business Advice helpline where local businesses can request a small amount of free advice, be signposted to other resources, or pay for more in depth advice on the same rate as our Primary Authority Partners.

In the first half of the year we have responded to 351 requests for help and advice from businesses, 102 of which were enquiries related to licensing such as for explosives (fireworks) and petroleum storage.

There is overlap between requests through this helpline and those we receive from Primary Authority Partners, some examples of the type of advice given include:

International **shortages of sunflower oil** caused by the Ukrainian conflict means our local manufacturers previously using it as an ingredient seek support in navigating appropriate substitutions and any potential allergen implications. Sunflower oil, partly due its perceived healthier benefits over other fats such as palm oil that are higher in saturated fats, is a key ingredient in many foods. Our Primary Authority Partners and food businesses contacting us through our helpline (see below) have sought advice as to how they can still provide food to their customers without compromising on food safety or misleading the public. Our business team has advised on which alternative oils they can use, such as rapeseed which has a similar nutritional profile, labelling changes and in store information for customers. The advice helps reduce disruption to the supply chain and saves businesses thousands of pounds by avoiding unnecessary waste of both products and packaging.

Since the **UK's exit from the EU**, the various changes in import and export rules, and their timing for implementation, lead some businesses to contact us for advice relating to health marks and certificates for their exported food products.

In addition to a mix of **fair-trading advice** such as the description of goods and services and help with business-to-business contracts the team provides **safety advice**. Product safety can cover an extremely wide range of goods. This year, some examples include, in relation to personal protective equipment used in sports, candles, children's craft kits, toys, fairy lights and product recalls. Through our business advice line, we assisted a local Surrey based wooden toy maker with a recall after there was found to be a loose part which became a choking hazard once detached from a product that they were selling. They completed a voluntary recall and we helped guide them through the process. The company do not currently have a Primary Authority Partnership and because of working with us are now entering the process of formal nomination to enable us to support them in other areas.

Businesses regularly also contact the helpline to check **compliance for product labels** (often food labels) before placing them on the market. This not only enables us to deliver compliance at the source but also helps give confidence as a label print run can be a significant investment for a business.

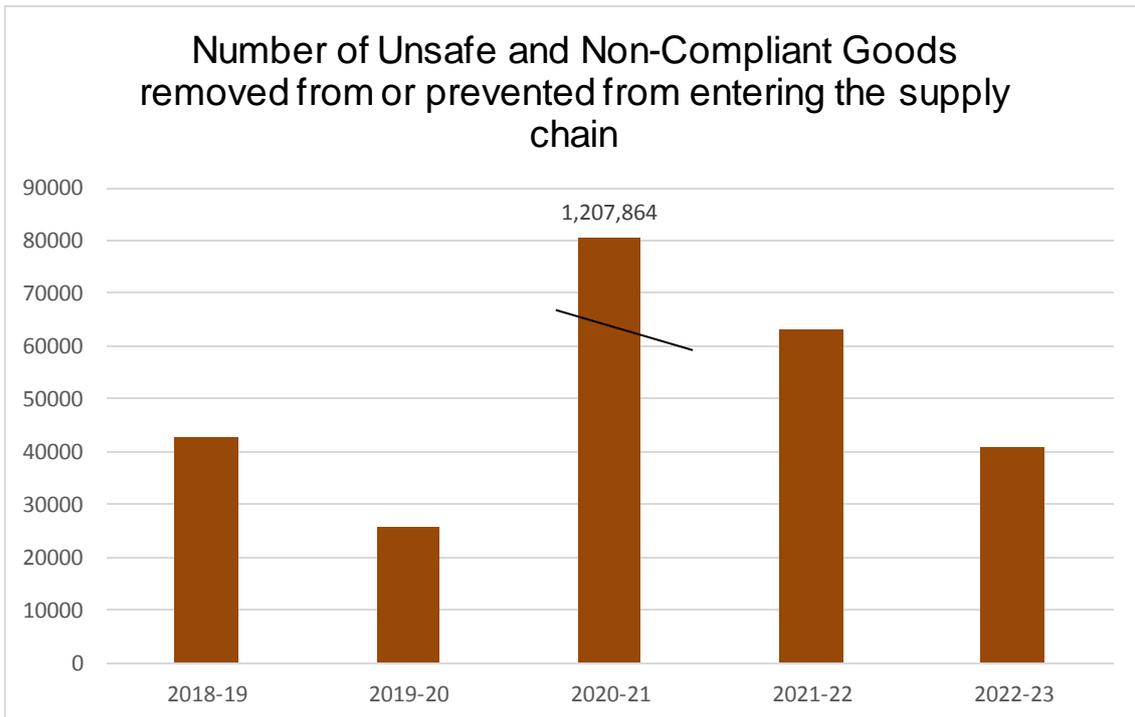
Service Priority Area 3 - Improving wellbeing and public health; tackling the supply of unsafe, dangerous or age restricted products and working to maintain the integrity of the food chain, including food quality, nutrition, and animal health.

Key Performance Indicator: Number and estimated value of unsafe/non-compliant goods removed from or prevented from entering the supply chain.	Status Green 
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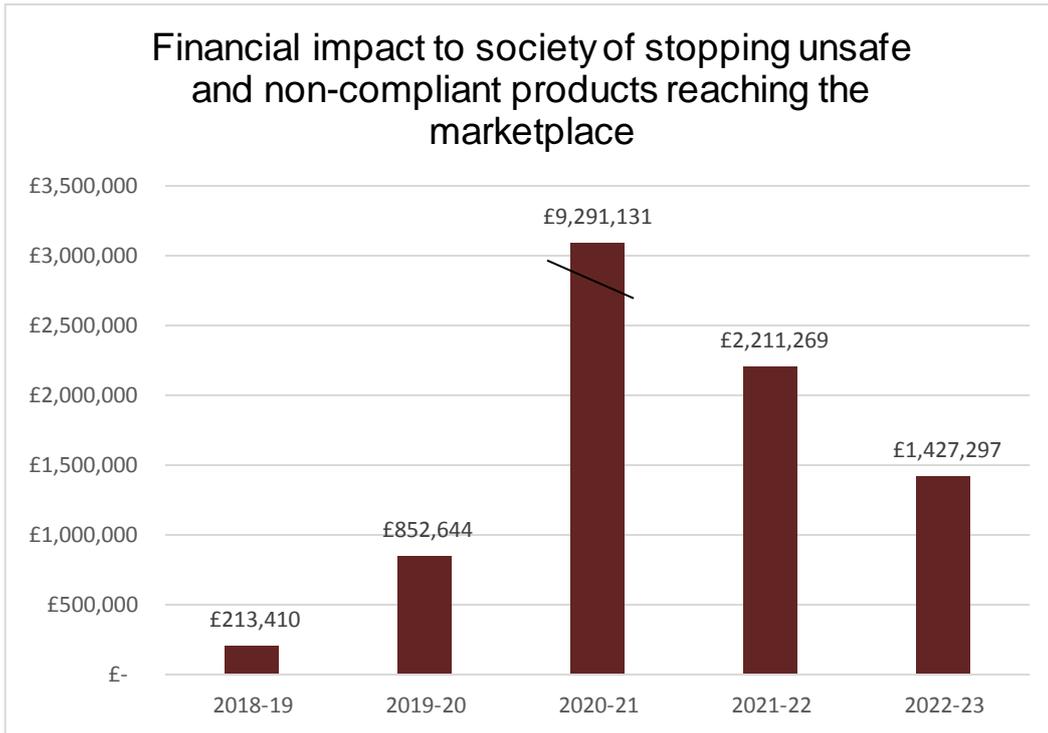
Comments:

With the cost of living crisis putting household budgets increasingly under pressure, it is important that people remain protected from injury and harm whatever their budget and whatever they are buying. Since April **180** consignments of goods (containing over 225,000 individual items) to be imported via Heathrow were examined to the end of September compared to 319 during all of 21/22.

Many of these are still being worked on (there is often a significant time delay between goods being placed on hold and the required information being sent through by the agent/importer) so the current number of items identified as unsafe or non-compliant is likely to increase. However, at this point we have prevented **40,745** unsafe and non-compliant goods from entering the country with an estimated impact to society (from prevented fires, injuries and deaths) of **£1,427,297**. This compares to 63,000 unsafe or non-compliant goods stopped from entering the country last year.

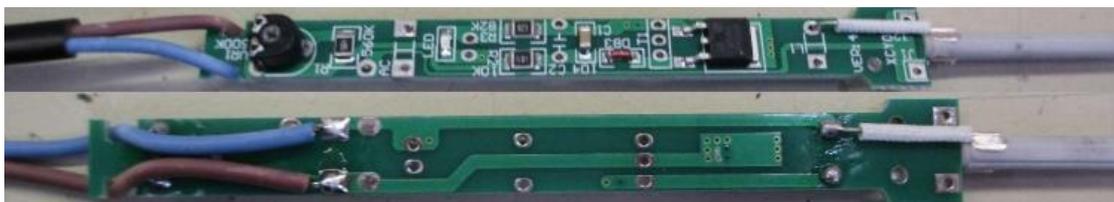


Financial impact to society of stopping unsafe and non-compliant products reaching the marketplace



Some examples of unsafe products prevented from entering the country since April include:

- Soldering irons that posed a risk of electric shock because you could access live parts without tools (the cable cover could be removed by hand) and there was electrical strength breakdown through the material mesh making the nib live (as well as the plug being the wrong size and counterfeit cabling):



- eBikes being imported with the wrong plugs:



- Toy gel guns that was unsafe because the gel balls it fires, which could fit in a child's throat, were capable of significant expansion when exposed to liquid, so presenting a choking or intestine obstruction hazard either of which could be fatal. It was also incorrectly labelled with no UK contact details for the importer or manufacturer.



- Various make up and cosmetic products containing banned or excessive chemicals that pose risks of cancer, kidney failure and neurological damage among other things

<p>Key Performance Indicator: Number of premises tested for selling illicit or age restricted products inappropriately, and approximate value of seized goods.</p>	<p>Status Green</p> 
<p>Comments:</p> <p>Illegal Tobacco: As a cheap source of tobacco, often with no health warnings in English and sometimes not in plain packaging, illicit tobacco is linked to smoking in young people and those from more deprived groups for whom price affects how much they can smoke.</p> <p>A recent OHID 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. In Surrey smoking was responsible for 3,958 deaths (2016-18) and 7328 hospital admissions (18/19). The estimated cost to society of smoking in</p>	

Buckinghamshire is estimated to be £106.2 million⁶ per year (made up of losses to the local economy due to productivity losses, costs to the NHS, additional social care costs and costs of house fires caused by smoking).

Because smoking is so harmful, differences in smoking prevalence across the population translate to health inequalities, and differing smoking prevalence rates (for example in Surrey smoking prevalence in routine and manual workers is 24.4% compared to 7.5% for those in managerial and professional occupations (2019)) will be exacerbated by it being more likely that those with lower incomes will be more likely to purchase illegal tobacco because of its lower cost.

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.

With the cost-of-living crisis increasing the potential demand for cheap goods, including tobacco, we continue to conduct work to develop our intelligence around the sale of illicit products or legal products to underage purchasers and to follow this up with appropriate enforcement action.

Following **75** unannounced test purchasing visits for illegal tobacco, **3** days of operations with the tobacco detection dogs have been conducted, leading to seizures from **7** premises of around **69,000** cigarettes, nearly **1,000** illegal vapes, over **6kg** of illegal hand rolling tobacco and some potentially illicit alcohol found. Further investigations are ongoing in relation to these seizures.

The test purchases help us to know where to target our time with the detection dogs. The dogs themselves are vital for locating illegal tobacco, which is often professionally well hidden, underlining the criminal intent behind its supply. In many cases our officers would not be able to find the tobacco without the help of the dogs, and even when the dogs have indicated tobacco is present it can often take some time to work out how to reach it. Recently we have seen the use of electromagnets to provide a further way of preventing tobacco from being found.

Seven investigations into the supply of illicit tobacco during 21/22 have concluded. This led to the conviction and fine of one person, four written warnings being issued, one other case is awaiting time in court following a decision to prosecute two people and two more are in the legal process.

Below are some photos of illegal tobacco hides and tobacco seized this year:

Illegal tobacco found in a van parked near to a shop (left); and illegal tobacco being logged (right):



⁶ [Buckinghamshire Tobacco Control Strategy - Towards a Smokefree Generations 2019-2024 \(moderngov.co.uk\)](https://www.moderngov.co.uk/government/uploads/system/uploads/attachment_data/file/90123/Buckinghamshire_Tobacco_Control_Strategy_-_Towards_a_Smokefree_Generations_2019-2024.pdf)

Illegal tobacco found in the top of a walk in chiller unit (secured with an electromagnet):



An illegal tobacco hide found behind a shelving unit (also secured with an electromagnet):



Age restricted test purchasing and advice:

Age restricted vape test purchasing was carried out in Bucks in August. There were no sales from any of the 4 attempts. To follow up visits and advice given to retailers in Surrey in the last few months, age restricted vape test purchasing is planned for Surrey in October. Because of the importance of the correct messaging around the relative safety of vapes for adults trying to stop smoking tobacco vs the risks for children to start vaping when they didn't smoke, we are working closely with colleagues in Public Health to ensure an appropriate approach to this issue.

Age restricted test purchasing of knives (7 attempts, 1 sale) and alcohol (8 attempts, 1 sale) has been conducted in partnership with the Police in Bucks over the summer.

Firework test purchasing is also planned for late October to ensure that retailers remain vigilant to not sell to under 18's.

Key Performance Indicator: Market surveillance projects carried out, including in relation to food	Status Green 
Comments: <p>Cost of Living: In addition to previously planned and time critical work (e.g. fireworks) our non-food projects are now being shaped heavily by the cost of living crisis and how our work can best support residents and businesses in this context. There will be further cost of living focused work in the coming months, and at the end of this section there is a slide to summarise how the Services work and supports communities.</p> <p>Lettings Agents Compliance: With private renters spending on average over 27% of their income on rent, it is important that renters get what they expect; that their deposit money is protected; and they aren't charged unfair fees on top. A nationally funded piece of regional work 18 months ago showed 84% of lettings agents across the Southeast region were non-compliant with these rules in some way. Our work to improve their compliance continues and as well as making direct visits, because of the extremely high numbers, in conjunction with our regional colleagues, 393 lettings agents in Buckinghamshire and Surrey were offered the opportunity to undertake (paid for) online training to understand what they need to do to comply with the law. Take up of this offer was low (around 5%) and so we continue to gradually work through contacting the non-compliant agents individually to bring them into compliance. This action will prevent their tenants being charged prohibited tenant fees and incurring detriment through unfair trading practices protecting members of the public on lower income.</p> <p>In August a lettings agent and a landlord were issued with fixed penalty notices for advertising a property for sale without it having an Energy Performance Certificate for prospective renters to understand how energy efficient the property was and therefore what they might expect their energy costs to be after they had moved in. A different recent intervention resulted in the refund to a tenant of over £800 as reimbursement of a fee for an unnecessary 'tenant rent guarantee scheme' and the incorrect retention of a portion of the security deposit at the end of the tenancy.</p> <p>Accuracy of measures: With the price of petrol and fuel increasing so significantly this year and putting pressure of household finances, ensuring that buyers get what they pay for becomes more pressing. With this in mind and knowing that it is impossible for consumers to check for themselves, we have recently begun a project to test the accuracy of petrol dispensers and ensure that they are delivering what they say they are. We are starting this based on garages about whom short measure complaints have been received but we also plan to extend it to a range of high volume, high price and geographically isolated garages to ensure the whole market is operating correctly. We also intend shortly to check on the accuracy of bulk fuel providers in the Counties selling products like heating oil to homes who do not have piped in gas for heating.</p> <p><u>Other non-food projects and activity:</u></p> <p>Firework Safety: With the main fireworks season shortly to be upon us the Service has started to receive queries from retailers and begun to licence sellers. When the retailers have live fireworks on their premises we will undertake targeted visits to the higher risk retailers and any whom we receive complaints about to ensure that the explosives are being stored safely. Many of these visits will be done alongside our colleagues in the local Fire Services. This year we also plan on undertaking underage test purchasing to ensure that sellers are keeping children safe from fireworks that can be so dangerous if not stored and used correctly.</p> <p>Nitrous Oxide: Partnership working with Thames Valley and Surrey Police continues to identify sales of Nitrous Oxide which appear to be for psychoactive use. The Service has seen an increase in the use of large nitrous oxide canisters, which are increasingly concerning due to the increased amount nitrous oxide which can be inhaled. Whilst carrying out inspections, officers have found</p>	

these concealed in retail premises, which indicates that they believed they could not be legally sold. An example of one of these stores, where you can see the larger gas cannisters alongside the small one is below:



Animal Health & Welfare:

Avian flu is an infectious type of influenza that spreads among birds. In rare cases it can infect humans if they are in very close contact with infected birds, and the Health Protection Agency are monitoring this aspect of the disease very closely. There were well over 100 reported cases in domestic and commercial flocks in England last season with the Chief Vet describing cases at a “phenomenal level”. Indications are that the country is likely to see significant levels in the coming season too, with numerous outbreaks already reported and additional biosecurity requirements in place for some areas of the Country from October 12th. We are working with colleagues nationally, locally in the Emergency Management/Resilience Teams and with the Animal Health and Plant Agency to ensure each Counties’ response plans are relevant and up to date. If outbreaks do occur in either area this will require a multi-service response from the Council, led by APHA. In the meantime, we will continue to provide up to date information on the level of risk and the latest biosecurity requirements to bird keepers in the Counties through our newsletters ([Animal health newsletter - Surrey County Council \(surreycc.gov.uk\)](mailto:Animal%20health%20newsletter%20-%20Surrey%20County%20Council@surreycc.gov.uk)) and social media feeds. The most up to date situation, including outbreaks and the latest risk level can be found here: [Avian influenza \(bird flu\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/news/avian-influenza-bird-flu)

Bovine Tuberculosis: In addition to preparing for Avian Flu, our activity to ensure the health and welfare of farmed animals and the security of the food chain has identified 52 businesses in breach of Animal Health and Welfare legislation including issues relating to failure to test in relation to Bovine Tuberculosis (Tb), not reporting animal movements and minor animal welfare matters. Bovine Tb is an infectious zoonotic chronic respiratory disease in cattle. It is one of the biggest challenges facing the UK cattle farming industry today. Cattle in the Edge area (Buckinghamshire) are required to test every 6 months to prevent the spread of the disease. Enforcement and intervention are concentrated on overdue TB tests, illegal movements of cattle from restricted holdings; cattle moved prior to the required pre or post movement tests and failure to cleanse and disinfect a holding after a TB Breakdown.

Rabies: Illegal landings of animals which have been brought into the country and haven’t followed the quarantine or vaccination requirements continue to occur increasing the risk of rabies being brought to Great Britain. Whilst the Council’s have plans in place if rabies is suspected, it is important to do everything we can to minimise the chance of using them as the risk to health and life of both humans and animals coming into contact with an infected animal would be significant.

However, it is worth noting that Central Government have provided guidance that special provisions are in place for small animals accompanying people travelling from Ukraine allowing careful quarantine in their host home.

Food Surveillance Projects:

In a time where people are more concerned than ever about getting what they have paid for and expect, in the first half of the year we continued to carry out food market surveillance projects, with 61 samples taken. Approximately 50% of these samples were found to be unsatisfactory in relation to labelling and or composition. The non-compliances ranged from minor labelling irregularities in relation to nutritional information given to the wrong decimal point, to CBD products found to contain THC, and food found to contain undeclared allergens.

So far this year 48 businesses have been found to be selling misdescribed food, or not correctly declaring allergens, or selling food containing toxic or illegal components, or involved in food fraud. These non-compliances were found during Food Interventions and because of food sampling. These included projects to look at goat speciation (is what you are buying what you think it is?); whether bakery products contained harmful levels of acrylamide (a substance carcinogenic to humans and previously found in biscuits) or the allergen soya; whether CBD products contained the amount of CBD expected or the psychoactive (and banned) chemical THC; and whether milk contained the level of fat appropriate to its' labelling.

Recently we have received the results of testing for **goat speciation** to ensure that foods claiming to contain goat did. The results have been very delayed due to a lack of the necessary chemicals to run the tests. However, the results show a concerning lack of goat, with only 1 of the 12 samples containing goat, with the rest containing sheep, and 1 was substituted for beef, which would be of concern to those with certain religious beliefs. Follow up investigations will be undertaken with all the suppliers.

Another food project relates to foods claiming to contain **CBD (cannabinoids)**. This showed high failure rates with samples not containing the amount claimed, and all containing some level of THC (the psychoactive and banned part of the cannabis plant). In addition, there are issues with name of the food, nutrition claims, health claims, food information, food supplement regs and Weights & Measures. In relation to those containing THC follow up is being undertaken in conjunction with the Police.

We are pleased to report that there were no significant problems found with the **bakery products**.

The level of **fat in milk** can be important for many people, for example some people will actively choose skimmed milk because they are on a low fat diet or full fat milk because they are on a higher fat diet. This can be particularly important for the youngest and oldest in our society, but many others choose their milk based on its' perceived fat content. Samples were taken from local producers and one sample was found to contain 33% more fat than declared.

Following up the FSA Local Authority Delivery Scheme:

The pilot Food Standards Agency (FSA) Local Authority Delivery Scheme followed over the last 2 years has now been adopted by the FSA board and will be rolled out across all Local Authorities within the next year. We have had a significant number of new food businesses registered and have agreed with the FSA how to prioritise these and will be carrying out targeted interventions in the coming months.

Responding to complaints about foods and food businesses:

In addition to surveillance projects, invaluable information to help us target our activity comes from complaints. There have been a number of complaints in relation to allergens which, due to the potential risk to life caused by undeclared allergens, we follow up and provide advice to support businesses to comply. Where a business fails to comply after advice, further enforcement is

considered. In the summer an Improvement Notice was issued to a takeaway business for continuing to fail to provide accurate allergen information to its customers despite multiple attempts by the Service at giving the business advice both in person and in writing, and this remains an ongoing case. In another example the service tested for Gluten in a “Gluten free” samosa following a complaint. Gluten was found and an investigation is ongoing to identify the source of the gluten and work with businesses to ensure their allergen labelling correctly describes all the allergens present in their products.

Inflation on prices and the cost-of-living crisis is affecting all residents and businesses. The following slide illustrates some of our work which has a direct impact:

Trading Standards		2022-23
Supporting Communities during Cost of Living Crisis		
<p style="text-align: center;">Food</p> <p>Ensuring food is what it says it is and is safe</p> <ul style="list-style-type: none"> Market surveillance to look for substitution, managing recalls and response to complaints Work with businesses to manage supply chain issues without disadvantaging consumers or putting them at risk (e.g. allergens) 	<p style="text-align: center;">Illicit Goods, including tobacco, alcohol and other counterfeit goods</p> <p>Keeping people safe from the harmful impacts of illicit products</p> <ul style="list-style-type: none"> Develop intelligence on places where illicit goods are being sold Work with partners (e.g. HMRC, IPO etc) to target and seize Publicise the work to deter others from getting involved Publicise the impacts of illicit tobacco, and how people can report it Enhance monitoring of and enforcement with online platforms Tackling under age sales of restricted products including vapes 	<p style="text-align: center;">Product Safety</p> <p>Ensuring products are safe, regardless of their cost</p> <ul style="list-style-type: none"> Market surveillance, using intelligence, to monitor and ensure safety, especially of essential and high demand products Work with OPSS to monitor safety of products imported through Heathrow Wide publicity of product recalls to enable consumers in the re-use & second-hand market to remain safe
<p style="text-align: center;">Animal Health and Welfare</p> <p>Maintaining the integrity of the food chain, ensuring welfare of livestock and limiting the spread of disease</p> <ul style="list-style-type: none"> Being aware of pressures on rural communities including the impact of fuel inflation and the inflation on animal feed Raise awareness of scams targeting farmers 	<p style="color: green;">High inflation puts households and businesses under immense strain, the most vulnerable and disadvantaged are affected the greatest</p> <p style="color: green;">Trading Standards helps protect residents from harm by ensuring honesty, fairness and safety across the marketplace</p>	
<p style="text-align: center;">Fairness of the Trading Environment</p> <p>Helping honest businesses to not be put at a disadvantage</p> <ul style="list-style-type: none"> Tackle fraudulent and non-compliant businesses, making use of proceeds of crime laws to ensure crime doesn't pay Provision of high quality 'at cost' advice for businesses to enable them to get compliance right first time, and assist in making it cheaper than non-compliance 	<p style="text-align: center;">Increased vulnerability of Consumers</p> <p>Keeping people safe from financial loss and harm to wellbeing</p> <ul style="list-style-type: none"> Raise general awareness of scams, among consumer and businesses, especially those related to cost of living Signpost vulnerable people to experts in the Customer Contact centre who know what welfare and financial support is likely to be available Provide enhanced support to vulnerable persons to help them exercise their consumer rights and not be further disadvantaged by attempts to defraud them Help tackle the harm from loan-sharks, raising awareness and working with the national illegal moneylending team 	<p style="text-align: center;">Weights and Measures</p> <p>Providing confidence buyers are getting what they paid for</p> <ul style="list-style-type: none"> Testing the accuracy of petrol pumps Checking that pre packed products contain the amount they claim Publicise results to inform and reassure
		<p style="text-align: center;">Greener Future</p> <p>Helping consumers make informed choices to enhance confidence in green markets</p> <ul style="list-style-type: none"> Supporting work to improve the energy efficiency of rented accommodation Supporting people to engage with the circular economy safely (e.g. reuse and recycle) Improving our understanding of green retro-fit issues to tackle mis selling Tackling greenwashing and green scams

Protecting the Public and Supporting Business – From Pandemic Recovery to the Cost of Living Crisis

The Impacts and Outcomes of Local
Trading Standards Services 2021/22
in England and Wales



FOREWORD

The Association of Chief Trading Standards Officers (ACTSO) created the Impacts and Outcomes Framework in 2018/19 to provide national data for England and Wales on work done by local authority Trading Standards Services. This is the fourth report and contains the highlights of work done in 2021/22.

Across all areas of work, the risks associated with the cost of living crisis on consumers and businesses is apparent. The need for effective business advice and a level playing field for legitimate businesses is going to be crucial to keep them afloat in difficult times. Risks to consumers around the safety of cheap or illicit goods and false claims relating to prices, costs and energy efficiency are growing. Finally, the impact of losing, even relatively small sums, to scammers and fraudsters, when every penny counts, is bigger than ever. Trading Standards have a vital role to play in addressing all of these risks. All of this will increase demands on already stretched services.

As well as the usual three themes of Tackling Detriment and Preventing Harm, Supporting the Local Economy, and Promoting Health and Wellbeing, we have devoted specific sections to the remaining Covid related work being carried out by Trading Standards and a new section focussed on the work that Trading Standards Services are doing in relation to the environmental and net zero agenda.

Local government austerity has hit many Trading Standards Services hard over previous years. However Trading Standards officers across England and Wales continue to have a big impact in protecting consumers, helping businesses and supporting the Covid response. The headlines from this year's report are:-

- Over £548 million of detriment was prevented by Trading Standards' actions. This equates to £5.50 saved for every £1 spent.
- Revenue budgets were £101 million, a 3% decrease from last year. This is most likely due to the fact that less short term funds relating to Covid and EU Exit were provided. They are now at similar levels to 2019-20.
- Overall income increased by 24% following a significant decrease last year due to Covid. There is however still a 7% increase from 19-20.
- Overall staff numbers increased slightly to 2124. It is thought that part of this increase may be due to the recruitment of apprentices in some areas.
- The demand on the service, measured by the number of referrals from Citizens Advice, increased by 2% from 20-21. However overall it is 22% higher than 19-20 putting increasing demands on Trading Standards.
- Whilst some Covid related activity continued, it was at a much lower level than in 20-21. ACTSO has not collected separate data for Covid related activities but case studies are shown in Section 5.
- Some Court hearings have restarted following Covid. This year 714 people or businesses were convicted of offences. This was a 9% increase on 20-21 but it still around half from 19-20 showing Court backlogs are still having a major impact.
- Non-scams related redress returned to 19-20 levels with Trading Standards Services obtaining almost £12 million in redress for consumers.
- The amount of money saved for scam victims was almost £47 million.
- Trading Standards provided over 26000 hours of advice to businesses through primary authority partnerships, an increase of 23%.
- Over 58000 compliance checks were carried out to ensure businesses meet their legal responsibilities and to provide them with advice on site.

In summary, activity levels are recovering to pre-Covid levels. Trading Standards continued to demonstrate its huge value in protecting consumers, legitimate businesses, public health and the environment.

When we consider the impact of this work, alongside what is delivered via National Trading Standards, it highlights the results that can be achieved using the Trading Standard's system. Being able to operate at local, regional and national levels is key to the success of modern regulatory activity.

We hope this report can help Trading Standards managers to champion services at a local level, as well as showing the national impact of Trading Standards to all partners and stakeholders. It also informs Government's policy development that could impact on Trading Standards. We know that data from this report is being used to inform discussions on new burdens funding and is currently being used to inform DLUHC work on the impact of inflation on various local government services.

Special thanks go to the 102 services covering 114 local authorities that submitted their data return.



Steve Ruddy
Chair of the Association of Chief Trading Standards Officers



BACKGROUND AND METHODOLOGY

Local authorities in England and Wales were asked to submit data for the financial year 2021/22. The indicators measure demand and resourcing alongside key outputs and outcomes from Trading Standards' activity.

One hundred and two services contributed, covering 114 out of 172 of local authorities in England and Wales. The responses cover an area with a population of 43.8 million, or 74% of the population of England and Wales.

To illustrate the estimated national impact of Trading Standards, figures have been adjusted to account for both population and the response rate for each question. The resultant figures estimate impact and activity levels for the whole of England and Wales.

DEMAND AND RESOURCING

It is estimated that the approximate revenue budget allocated to Trading Standards is £101 million. This has decreased by 3% from 20/21 and returns to 19-20 levels. ACTSO believes that this is likely caused by removal of some short term funding received last year for EU Exit and Covid related work.

Other sources of income were National Trading Standard's grants and Primary Authority income.

It is estimated that approximately 2,124 full time employees are employed on Trading Standards' work. This has increased by 6% from last year. Of those, 87% are "operational" staff.

Trading Standards received almost 827,000 referrals and notifications to their services, an increase of 5% on 20-21. The majority (84%) are from Citizens Advice. This builds on the 20% increase between 2019/20 and 2020/21 and shows how many members of the public are seeking advice and support from Trading Standards on consumer related problems and issues.

SECTION ONE: TACKLING DETRIMENT AND PREVENTING HARM

One of the key functions of Trading Standards is to prevent consumer and business detriment (financial and non-financial), tackle the criminal behaviour that leads to it and support victims. The Government's 2022 Consumer Protection Study estimated that there was £54 billion in unaddressed detriment across Great Britain.

1.1 Stopping Fraudulent, Illegal and Unfair Trading

As a last resort, Trading Standards Services do have to take formal enforcement action. This is usually where people deliberately break the law, cause serious harm or repeatedly ignore the advice and support given to comply. Trading Standards legislation carries a variety of penalties including: prison; fines; forfeiture of assets; fixed penalties; and undertakings to stop future non-compliance. Serious investigations are complex, lengthy and can take several years to bring to trial. This is being exacerbated by ongoing serious backlogs in the Court system.

Last year there were very few cases concluded due to the pandemic. These figures have started to slowly increase but are still only at half the level of 2019/20.

- Over **714 defendants** were prosecuted
- **Prison sentences** of over **251 years** were handed down. This includes both immediate and suspended sentences
- Defendants were ordered to pay over **£955,000 in fines and almost £2 million in costs**
- Defendants were ordered to pay over **£7.5 million in Proceeds of Crime**

The use of Enterprise Act undertakings, which can only be used for a narrow set of Trading Standards work, remains low with 34 being implemented.

1.2 Detriment and Redress

Providing advice and support to the public on how to get a fair deal, as well as disrupting and taking enforcement action against criminal behaviour, prevents harm and financial detriment. Trading Standards can also get redress and compensation for victims as part of the prosecution process or through a variety of other means. In 2021/22, it is estimated that the actions of Trading Standards Services resulted in:

- Almost **£3.8 million compensation** being awarded to victims by the courts
- Almost **£5.5 million prevented** from being handed over to criminals
- Almost **£2.6 million** being gained for victims through advice and intervention

All of these are significantly higher than in 20-21, when the Courts system was largely inaccessible due to Covid, but have still not reach the overall pre-Covid levels.

Overall Trading Standards actions prevented over £548 million of detriment to consumers and businesses.

The overall detriment figure dropped from 20-21. However this is almost entirely due to the volume of non-compliant PPE which was specifically targeted in 20-21 to help support the Country's efforts in tackling Covid. Compared to 19-20 the figure has **increased by 36%**.

1.3 Supporting Scam Victims

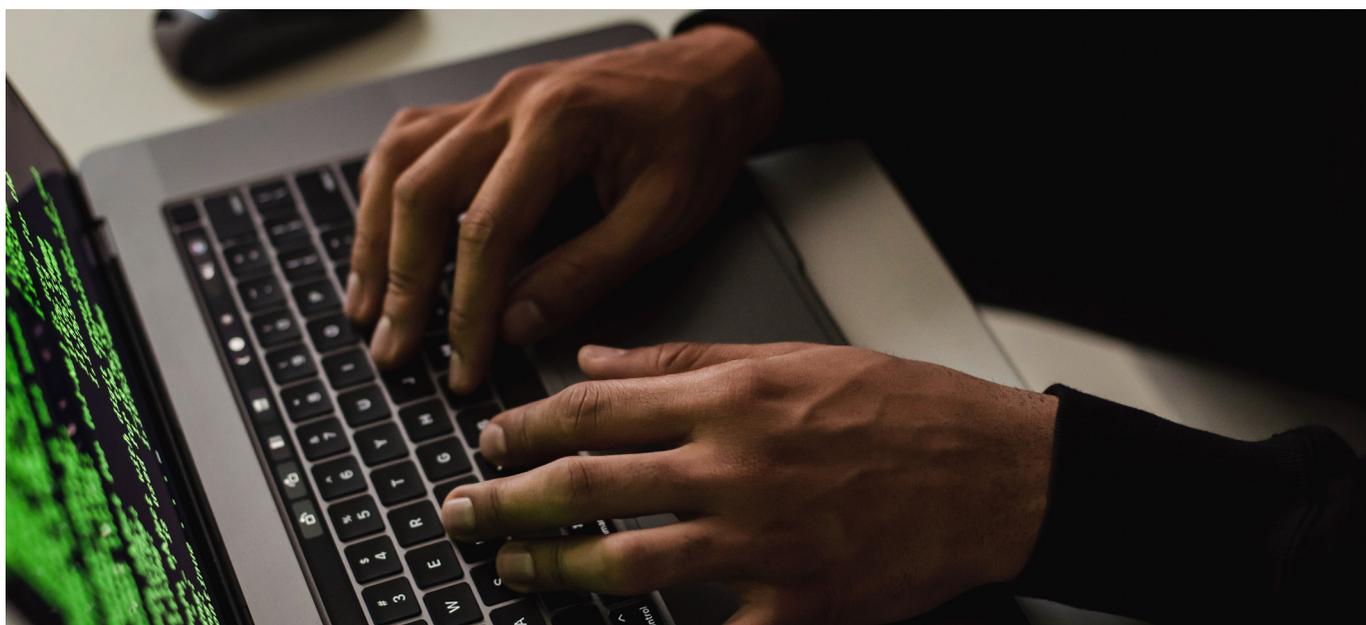
Fraud remains one of the most prevalent and under-reported crimes in the UK. Through investigative and disruptive work, Trading Standards identify and support victims of scams, especially the most vulnerable and often elderly victims of fraud. With the cost of living crisis, it is even more important that consumers do not lose any of their money to scammers and fraudsters.

The aim is to ensure they get the support they need to stop them responding to scams. This includes the installation of call blocking devices and work with safeguarding agencies. The intelligence also assists the National Trading Standards (NTS) Scams Team and other

NTS Teams undertake disruption work such as getting payment systems removed or taking down content from the internet.

In 2021/22 it is estimated that across England and Wales:

- Local authority Trading Standards provided support to over **17,600 scam victims**
- Work to disrupt mass marketing fraud mailings, stop outgoing payments, mail etc **saved consumers over £46.6 million**



Prosecution of a Fraudulent, Unqualified Electrician: Worcestershire County Council Trading Standards

Worcestershire's Trading Standards Service received complaints about a company which had falsely advertised in local newspapers using the City & Guilds logo and claimed to be a 'certified electrician' despite not having the requisite qualifications. They had carried out 'notifiable' electrical work but failed to advise the householders that they were not properly registered. They were also found to have used false addresses on paperwork and added an additional cost, claiming it was for VAT when the company was not registered to pay VAT. Investigations found that the director had fraudulently obtained payment services from a mobile credit card machine supplier using a forged trade body membership card.

The director was prosecuted and sentenced to an 18-month Community Order, with 30 rehabilitation activity days and 200 hours of unpaid work. He was also ordered to pay compensation and costs and was disqualified as a company director.

Mis-selling of Leaseholds: Derbyshire County Council Trading Standards

Derbyshire Trading Standards supported the Competition and Markets Authority's investigation into the leasehold housing market which addressed concerns about leasehold mis-selling. Officers spoke to, and sent questionnaires to, over 300 homeowners.

The resulting evidence has assisted in forcing those developers to agree to offer leasehold homeowners the opportunity to buy their freehold at a discounted price, or make repayments to those who had already purchased their freehold. Typically, this will mean a refund of £1,750 each.

Rogue Builder Befriends and Exploits Elderly Victim: Manchester City Council Trading Standards

Manchester Trading Standards responded to information from social services and a bank who expressed concern for a 70-year-old customer who had been invoiced for £75,000 of building work. On investigation, it appeared that the builder had befriended the consumer and was vastly overcharging her.

Expert surveyors valued the work at a maximum of £35,000 and the consumer had already paid £37,000 and he was chasing the consumer for the rest. He was charged and pleaded guilty to offences under the Consumer Protection from Unfair Trading Regulations and received a 10-months suspended prison sentence, 120 hours community service, and signed an undertaking not to pursue the consumer for any more money.

Illicit Cigarettes, Organised Crime and Exploitation of the Vulnerable: Swansea Council Trading Standards

Working closely with local police and social services, Swansea Trading Standards undertook an investigation into the importation and supply of illicit cigarettes. Following an arrest and the search of two properties, links to an Organised Crime Group were identified. The Group was involved in sexual exploitation and running/controlling brothels from Swansea right across the South coast. The Trading Standards investigation into the supply of illicit cigarettes allowed policing teams to step in and assist in safeguarding women who have been brought into this environment through no choice of their own.

Judge Berates Traders for “Confidence Trick” on False Claims: Hampshire County Council Trading Standards

Hampshire Trading Standards secured a successful conviction under the Consumer Protection from Unfair Trading Regulations 2008. A plumbing and heating services trader falsely claimed to be OFTEC and Gas Safe registered; poorly installed a new boiler, failed to register the installation with the appropriate Building Regulations schemes and falsely represented the price.

The trader was sentenced to an 18-month Community Order as part of which he will have to participate in 15 Rehabilitation Activity Requirement days and complete 150 hours of unpaid work and was ordered to pay over £6,000 compensation to the victims.

When sentencing, Recorder Brunner QC said that this was a case of “high culpability”, especially as the defendant had previously been warned by Trading Standards about making false claims; and “high harm”. She noted that he had given “false re-assurance” to customers by mis-using logos and had “conned” people out of money which amounted to a “confidence trick”. She also observed that the victims had been “put at risk” and that the offending undermined the work of honest tradesmen.

Investment Scam: Blaenau Gwent Council Trading Standards

Officers from Blaenau Gwent Trading Standards supported a victim of an investment scam. The consumer had invested savings with whom she believed to be AXA, via two transactions totalling £40,000. The victim made enquiries online and then later received telephone contact. There had been no intervention from the bank despite these being large and unusual transactions. Officers advised the victim and provided her with a call blocker. Money was recovered from the bank after as a result of Trading Standards’ advice and intervention.

Call Blockers And Doorbell Cameras Protecting Vulnerable Residents: Buckinghamshire And Surrey Trading Standards

A referral was received from the local Police service concerning an elderly vulnerable resident who was being repeatedly targeted by scammers both on his doorstep, and also by telephone. Most recently he had been persuaded to hand over a cheque for £8,000 and £1,000 in cash.

Officers visited and offered advice and support and 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 to act as a deterrent to cold callers and to capture evidence of any criminal activity. Before the camera could be fitted the fraudsters struck again, taking another £650.

Because the residence had no internet access, Trading Standards installed a router as well as doorbell cameras at the front and side entrances to the property. One camera captured an image of one caller which is now being used as part of an ongoing criminal investigation. Since then no additional incidents have been reported. The daughter of the victim was extremely grateful for the support provided, explaining that her father was extremely trusting of individuals and suffered from memory loss.

SECTION TWO: SUPPORTING THE LOCAL ECONOMY

Businesses have always needed advice and support from Trading Standards to help them navigate the range of laws that ensure they trade fairly and their products are safe. This year, as businesses continue to recover from the impacts of Covid, and face supply chain and energy cost issues, the ability to access the correct advice and have confidence that they are not being undercut by competitors who break the law, has never been more important.

2.1 Businesses Get the Help and Support they need to Thrive and Grow

A thriving local economy is a key priority for all local authorities. Trading Standards role in providing advice and support to businesses has never been more important.

Trading Standards Services provided over 26000 hours of advice to businesses via Primary Authority Partnerships. This was an increase of 23% from 20-21. These partnerships enable assured advice to be given to a business with multiple shops or sites via a single

local authority. Over 113000 businesses are covered by primary Authority Partnerships.

In 2021/22, it is estimated that across England and Wales:

- **Over 26,000 hours** were provided by Trading Standards advising Primary Authority businesses
- Trading Standards responded to over **28,000 requests** for advice from businesses that were not part of the Primary Authority scheme

2.2 Creating and Maintaining a Level Playing Field for Safe and Fair Competition

At a time when businesses are recovering from the pandemic and facing rising costs and lower consumer confidence, ensuring a level playing field for legitimate businesses is crucial. Trading Standards Services follow an intelligence-led model where action is taken against the highest risk businesses. This can include visits to provide advice and information, seizure of counterfeit or unsafe products, or starting an investigation in the most serious cases.

Last year compliance visits were only about one-third of 19/20 levels. This was due to Covid restrictions, business closures and because Trading Standards Services were prioritising Covid related work. This year compliance checks have more than doubled and are back at about 80% of what was being carried out in 2019/20.

In 2021/22, it is estimated that across England and Wales:

- **Almost 59,000 visits** were carried out to businesses to ensure they comply with the law and provide advice to help them fix any non-compliance
- **Almost 24,000 businesses** were subject to an **intervention**, such as advice, investigation or referral
- **60%** of Trading Standards services operate an **assured trader scheme to help increase consumer confidence**
- **Over 4 million counterfeit products with a market value of £111 million**, which breach the intellectual property of legitimate businesses, were seized

Seizures of counterfeit goods were more than treble that in 20-21, which was Covid impacted, but is still more than 50% higher than in 19-20. We anticipate that the threat from counterfeit goods will increase due to the financial pressures on households and businesses. Supplying counterfeit goods damages legitimate businesses who manufacture, distribute and buy licences to sell legitimate products. Often counterfeiting is run by international organised criminal gangs who use the profits from sales to fund other criminal activity.



Brand Protection at Wembley Stadium: London Boroughs of Brent and Harrow

Home to Wembley Stadium, Brent and Harrow Trading Standards lead the enforcement operations around illegal sellers and brand protection on event days. Working in partnership with the Metropolitan Police, the FA and brand protection teams, a clear enforcement message is delivered. The team not only acts as a deterrent but also regularly seize goods and carry out prosecutions where needed, ensuring that the integrity of the UK's intellectual property regime is maintained.

Ground-breaking Response to Avian influenza (AI): Essex County Council Trading Standards

In November 2021, Essex's first AI outbreak was confirmed. This was one of the first in an unprecedented year of over 100 outbreaks. Over 19,000 premises were identified that traditionally would have required visits on foot. This was totally impractical. Essex became the first authority to pioneer a hybrid approach to dealing with AI patrols.

A letter containing all necessary advice and guidance was sent to all premises identified via Resilience Direct mapping software. A risk-based approach was used to identify 'higher risk' premises to be visited by foot. Keepers could register their own poultry via an Essex hosted on-line reporting system or dedicated contact number. Information was then shared with the Animal and Plant Health Agency. Officers used poultry keeper groups on social media platforms to post key information.

This novel hybrid approach ensured Essex Trading Standards maximised its contact with poultry keepers in the affected areas and prevented the spread of the disease. This approach was also used in many subsequent outbreaks in other authorities during the year and looks likely to be adopted for future years as anecdotal evidence showed its effectiveness equalled, if not exceeded, that of the traditional approach.

Promoting Economic Growth in the East Midlands: Nottinghamshire County Council Trading Standards

Nottinghamshire Trading Standards is involved in an "East Midlands Accelerator" project. The is led by the East Midlands Chamber of Commerce, funded by the Government Community Renewal Fund, and aims to promote economic growth in the post-Covid economy. Trading Standards are reaching out to businesses in the three eligible North Nottinghamshire districts to provide free regulatory support. An extensive business-focussed media campaign aims to raise the profile of the Service's Commercial Services Unit which provides business support, delivered mainly through Primary Authority partnerships. The aspiration is that Nottinghamshire businesses, supported at an early stage in their growth by the funded project, recognise the value of regulatory support and become the Primary Authority partnerships of the future as they grow and prosper.

Growth Hub Partnership in Kent: Kent County Council Trading Standards

At the beginning of 2021, Kent Trading Standards formed a partnership with the Kent and Medway Growth Hub to provide a standby advice service for their business clients. The partnership was born from Trading Standards' efforts to support businesses through the rapid changes during the early months of the Covid pandemic. Fully funded advice was provided to 74 Kent businesses. This approach was also used in many subsequent outbreaks in other authorities during the year and it is hoped that this will be adopted for future outbreaks as anecdotal evidence showed it is very effective.

Working With Trade Sectors Across Boundaries: Buckinghamshire And Surrey Trading Standards

The Service continues to provide excellent support to businesses through over 150 Primary Authority Partnerships, including several trade organisations with many thousands of members. Their approach, sharing expertise and supporting others across geographic boundaries, was recently recognised by OPSS in the “Service Excellence” category in the Regulatory Excellence Awards. Work with the Association of Convenience Stores has produced a range of simple, accessible guidance material utilised by over 30,000 small businesses. Training has been provided to a wide range of industry bodies on a range of new markets and novel products. This included work with the cannabinoid industry and producing guidance on diamond terminology via joint work with the National Association of Jewellers and the jewellery industry. This is the first guidance of this type worldwide

Allergen Training for Businesses: Shared Regulatory Service (Bridgend, Cardiff and the Vale of Glamorgan Councils)

SRS Trading Standards have worked with businesses, supporting them through recent changes in food allergen labelling requirements. Free on-line workshops provided local food businesses with an overview of legal requirements and an opportunity

to ask business-specific questions. Officers worked with the team at Bro Radio to produce the first of an ongoing series of podcasts entitled ‘Ask the Regulator’. The first edition of the podcast focussed on allergens and provides crucial Information in a clear, user friendly format for businesses and consumers alike. Podcast episodes have since been released and more are planned for 2022-23. A wider audience is being reached as these are now available via Spotify.

Improving the Effectiveness of Business Advice: Suffolk County Council Trading Standards

In 21-22, Suffolk Trading Standards carried out work to monitor the effectiveness of advice given to start-up food businesses over the last two years. Of 74 enquires, over half continued with their plans to start a new food business. Of those who did not proceed, 72% reported that the business advice received was effective, although 6% reported being ‘overwhelmed’ by it. In 22-23 further work will be done looking at the accessibility of Trading Standards to food businesses where English is not the first language. This aims to ensure all ethnic minority run businesses are aware of what Trading Standards can offer in terms of supporting and growing their businesses.



SECTION THREE: PROMOTING HEALTH AND WELLBEING

Trading Standards undertake a wide range of activities to protect and promote the health and well-being of local communities.

Trading Standards work includes ensuring that products people buy are safe, that food is correctly labelled to help them to make healthy choices and avoid allergens, and that the health and the welfare of livestock is assured.

Age restricted products, including vaping products, tobacco, alcohol, and knives, are also a significant area of focus for many authorities. Their availability to children is a concern in many communities. Trading Standards enforce and advise on a very wide range of age restricted sales legislation to help to keep young people safe.

3.1 Ensuring the Safety of Consumer Products

Legislation and product standards are designed to ensure that products are safe. There are ongoing issues with the safety of some white goods and cheap imported goods such as lights and phone chargers. There continue to be examples of dangerous toys and unsafe cosmetics being sold in many areas. Officers use intelligence to direct sampling exercises and projects to detect and seize unsafe products at both ports of entry and on sale within England and Wales.

This year the number of items removed from the market has significantly reduced from last year. However this is because 20-21 was completely different to any previous

year because Trading Standards were checking vast numbers of items of PPE to ensure they complied with safety standards. Similar to other data, this has almost returned to 19-20 levels.

In 2021/22, it is estimated that across England and Wales:

- **Nearly 4.2 million unsafe or non-compliant products were seized or removed from the market place following Trading Standards' interventions.**
- **The savings to society, in terms of product value and injuries and fires prevented, is almost £147 million**

3.2 Protecting the food chain

When food becomes more expensive, as we are currently seeing, the temptation for unscrupulous businesses to adulterate or mislabel food to gain an unfair competitive advantage will increase. Consumers need to be able to trust what they eat and be confident that they are getting value for money as household food bills rise. The substitution of sub-standard ingredients, undeclared allergens and misdescribed food all damage health and cause consumer detriment.

In 2021/22, it is estimated that across England and Wales:

- **Over 7000 businesses were identified as supplying food that was misdescribed, did not correctly declare allergens, contained toxic or illegal components or was involved in food fraud.** This was much higher than 20-21 when the Food Standards Agency advised local authorities to suspend all routine food inspections due to Covid

Ensuring animal health and welfare has a key role in protecting the rural economy and stopping the spread of diseases like Foot and Mouth Disease and Avian Influenza. It also helps ensure the quality of the food chain. Trading Standards Services are responsible for the enforcement of animal health and welfare laws.

In 2021/22 it is estimated that across England and Wales:

- **Over 7,000 businesses were found to be in breach of animal health and welfare legislation**

This has remained relatively constant in the last three years.

3.3 Reducing the risk of children accessing age restricted products

Trading Standards Services provide training and advice to businesses, both on line and in physical premises. They also conduct test purchases to test whether businesses are selling age restricted goods to children.

Rules that prevent children from buying age-restricted products, such as vaping products, alcohol, tobacco, knives and fireworks, are designed to protect them and their local communities from both immediate and long-term harm. The levels of test purchasing were around five times higher than in 20-21 but remain at about half that carried out pre Covid.

In 2021/22 it is estimated that across England and Wales:

- Over **1600 premises** were tested for alcohol sales
- The average failure rate for alcohol test purchases was **22%**

- Over **944 premises** were tested for tobacco sales
- The average failure rate for tobacco test purchases was **51%**
- Almost **1300 premises** were tested for other products, including vaping products.
- The average failure rate for other products was **43%**

Failure rates for alcohol remain similar but there were major increases in failure rates for tobacco and other products.

In future years, there will be additional responsibilities on Trading Standards to monitor the age restricted supply of some cosmetic treatments and corrosives.

3.4 Reducing the availability of illicit products

Illicit tobacco, vape liquid and alcohol can contain undeclared contaminants.

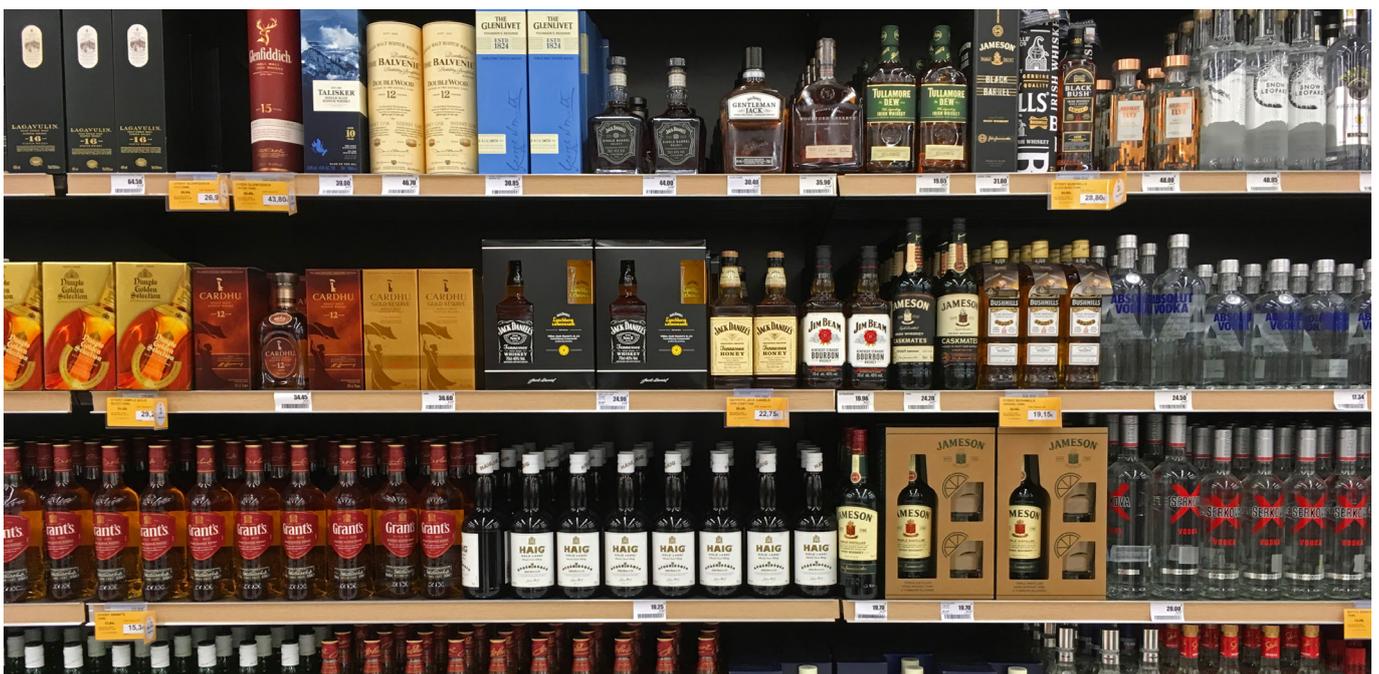
Also the presence of illicit tobacco in local shops undermines Government attempts to help people to cut down and quit smoking altogether as price is a critical factor in pushing people to give up and illicit tobacco is usually significantly cheaper to buy.

The amount of tobacco seized has increased significantly. This is primarily due to the investment HMRC has made into National Trading Standards, who commission local authorities to carry out activities to disrupt the local supply of illicit tobacco.

Much of this activity is focussed on using detection dogs and results in large scale seizures.

In 2021/22, across England and Wales:

- Almost **14.9 million illicit cigarettes** were seized, worth an estimated **£6.1 million**
- Almost **4.8 tonnes of illicit hand-rolling tobacco** were seized, worth almost **£1.7 million**
- Over **338kg shisha tobacco products** were seized, worth over **£53,000**





Safety of E Cigarettes: South Gloucestershire Council Trading Standards

South Gloucestershire Trading Standards ran a successful project focussing on disposable e-cigarettes. Over a six-month period, 4199 disposable e-cigarettes were seized on product safety grounds from 27 premises. Officers identified 39 different brands, including those that adopted designs, names and flavours that would be attractive to children. The market value of those seized was over £32,400.

Underage Sales of E Cigarettes: Hertfordshire County Council Trading Standards

Hertfordshire Trading Standards have responded to intelligence from schools, consumers and businesses regarding the rise in popularity and availability of disposable e-cigarettes. On inspection large quantities are regularly seized due to non-compliance with the Tobacco and Related Products Regulations 2016. This includes oversized product; products not having the requisite MHRA notifications, or those which are child-appealing. These products are not hidden, highlighting that businesses are unknowingly being supplied with non-compliant and potentially unsafe products. Referrals are made to the local authority for the suppliers, and distributors are advised. Hertfordshire Trading Standards now include vapes as a target product for underage sales work. Work in this area has identified an instance of vape sales being linked to child sexual exploitation.

Partnership to Tackle Illegal Tobacco: Nottinghamshire County Council Trading Standards

Nottinghamshire Trading Standards work in partnership with the Police, Environmental Health and the Fire & Rescue Service, with each partner invoking powers to tackle illegal tobacco and problem premises. The intelligence gathered builds an informed picture of the wider supply chain and thus contribute to any actions that may be being targeted by HMRC.

In one case, there were concerns that a flat above a problem shop was being used to store illegal tobacco and illegally house their sales staff. Trading Standards had powers to enter and inspect the shop and other partners had powers to enter the flat. The outcome of this joint working was that illegal tobacco that was being stored in the flat was seized by Trading Standards and Environmental Health and Fire colleagues were able to act against the landlord of the flat with regard to overcrowding and safety issues.

Sales of Vapes to Children: Dorset Council Trading Standards

In response to the use of disposable vapes in schools being identified as an emerging issue, Dorset Trading Standards provided information to schools and retailers; carried out monitoring of products for sale; and age-related test purchases. There was a 27% failure rate where products were sold to children. 1062 products were removed from the market place and three cautions signed. The Service also engaged with local authorities regionally and met with Public Health. Work is on-going to get consistent and effective educational messages out to schools and follow up work is planned for 22-23.



Dangerous Heavy Metals in Jewellery: Manchester City Council Trading Standards

Manchester Trading Standards regularly make seizures of costume jewellery. Analyses of these products for heavy metals have produced high failure rates. In the absence of Trading Standards testing, the presence of these heavy metals would remain undetected. One sample contained 65% lead, where the permitted allowance is 0.05%. Elevated concentrations of cadmium and nickel have also been reported which also present a consumer health risk.

Illegal Dog Breeding: Monmouthshire County Council

Operations have resulted in nearly 250 dogs being either seized or signed over. There have been significant findings linked to illegal and foreign labelled medicine, veterinary involvement and links to fertility clinic activities. Animal Licensing Wales has been established, it is a partnership between Welsh Government and Trading Standards Wales, and is attached to Monmouthshire County Council. Following the implementation of more rigorous checks funded by the Project, a variety of problems were found. In one case, a licensed breeder was found to be in possession of, and breeding from, a stolen dog. Thankfully the dog was able to be re-united with its owners shortly after being identified.

SECTION FOUR: SUPPORT FOR THE COVID RESPONSE

Trading Standards were a key part of the local authority Covid response, along with other colleagues in regulatory services. Whilst this was primarily carried out in 2020-21 and was reflected in last year's report, there is ongoing work across many local authorities. The case studies below give examples of some of the ongoing work that many Trading Standards services delivered this year.

Supporting Covid Testing and Fit to Fly business: Norfolk County Council Trading Standards

Norfolk Trading Standards continued to work closely with the Police, Environmental Health, Public Health, Communications and npLaw to provide advice and support to businesses and the public on legislation introduced to control the spread of the Covid. This is exemplified by the cases of a Covid-19 testing business and "fit-to fly" business, which attracted multiple consumer complaints after becoming overwhelmed with orders overnight as a result of changes in travel requirements. Trading Standards advised the businesses on how they could provide redress to impacted customers and introduce processes to prevent any recurrence of the issue.

Ensuring the Safety of Covid Testing Kits: Nottinghamshire County Council Trading Standards

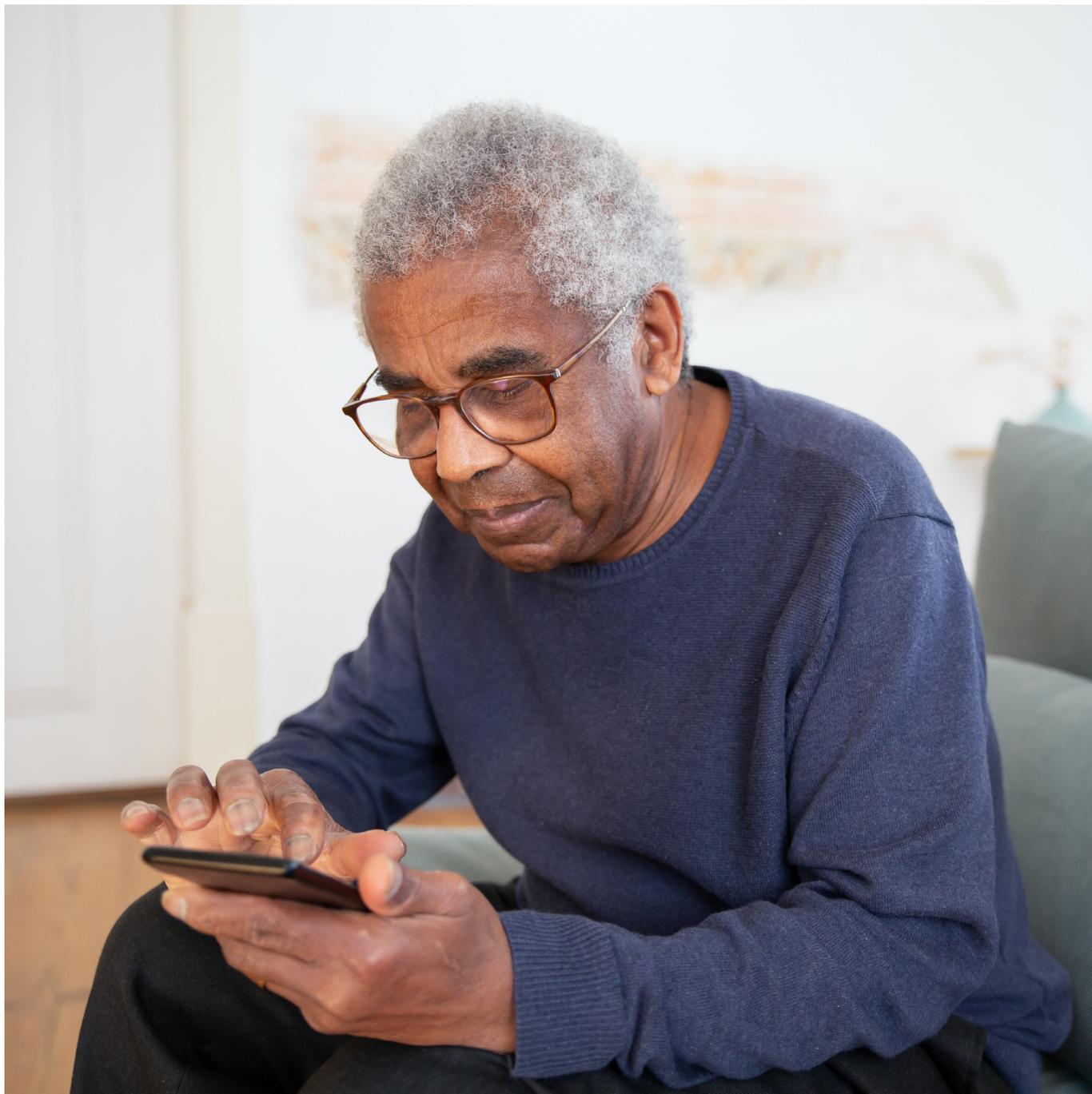
Nottinghamshire Trading Standards conducted two market surveillance projects to check that Covid test kits, and private sector Covid testing services were safe and are provided fairly. The Covid test kits project involved 50 inspections in various retail sectors plus over 20 hours of online market surveillance. Results demonstrated that Covid test kits did not present any threats to Nottinghamshire consumers. Market surveillance of private sector testing facilities involved Trading Standards communicating with 1539 employers to advise on how to find legitimate private sector testing providers, how to report illegal activity and enquire as to whether they have employed the service of a testing provider. The compliance of local private sector testing providers was also checked. There were five complaints received about private sector testing locally, which, following Trading Standards intervention were resolved satisfactorily.

Covid Recovery Activities: Bury Council Trading Standards

Bury Trading Standards have continued to provide significant support to Covid recovery activities throughout 21-22; responding to the changes in regulations and restrictions. Trading Standards wrote to all businesses advising them of the changes and what that meant for the business. Trading Standards Officers also assisted with Track and Trace activities during periods of high Covid intensity. During this period, officers remained in-post, recruiting Covid marshals and SME officers to assist in the provision of advice and reassurance to the general public; and support for businesses, with additional support for small and medium sized business. Bury also employed a dedicated officer, who provides advice and assistance on all matters to Black and Minority Ethnic owned businesses.

Ensuring Compliance by Licensed Premises: Flintshire County Council Trading Standards

Flintshire Trading Standards operated a triage system in partnership with Police and Licensing to ensure licensed premises complied with applicable Covid restrictions. North Wales Police carried out patrols to licensed premises, with officers completing a 'tick sheet' to show compliance or otherwise. Officers met daily to review the sheets using a traffic light system: Red - an immediate response was required, Amber - issue could be dealt with by phone call or letter, and Green - no issues. A decision on which service was best placed to deal with the issue was also taken. The involvement of the police licensing officer meant that police body-worn footage could be obtained quickly if required. The system was successful and ensured that serious non-compliances in the licensed sector could be dealt with efficiently.



Protecting Public Health: Staffordshire County Council Trading Standards: Directions served on funfair and bars

In June 2021, in response to concerns over increasing Covid levels and the risk to public health, Staffordshire Trading Standards served a direction on a funfair preventing it from taking place. A further two directions were served on public houses as a result of behaviour of the public during the European Football competition. These directions either closed or placed restrictions on the operations of the businesses to ensure that Covid security was maintained.

Elderly Consumer Victim of Covid Scam: Bath and North East Somerset Council Trading Standards

Bath and North East Somerset Trading Standards investigated the case of an elderly consumer, who has been the victim of multiple scams over a number of years. Notably, this included the supply of an air purifier with claims it could 'offer protection against Covid-19'. The supply and installation cost was £1200, and the victim was later contacted by another company who 'replaced the filters' for £800. The victim was extremely upset when she realised the product did not fully protect her from Covid-19 as it had made her feel secure in her home. The investigation is ongoing.

SECTION FIVE: NET ZERO, ENERGY COSTS AND CLIMATE CHANGE

The Net Zero and Climate Change agenda are becoming more important each year. Some local authorities have declared a climate emergency and the majority have this issue as a key corporate priority.

Claims associated with energy usage and energy efficiency are going to be a real marketing point as energy costs rise so quickly and households will be looking to save money. More broadly “greenwashing” and green claims have become a concern and the Competition and Markets Authority issued a report on this.

There is no separate data collected on Trading Standards work to support this agenda, they will be included within the compliance checks, business advice and prosecution figures in previous chapters. However the case studies below give examples of the type of work being done.

Government Grant Fraud: Leicestershire County Council Trading Standards

In 21-22, Leicestershire Trading Standards saw an increased number of consumer complaints and enquiries made regarding ‘green claims’ e.g., consumers wanting to confirm legitimacy of company/grant offer; and companies falsifying documents and carrying out work potentially not required. There is one ongoing investigation into the falsification of documentation and potential fraud of Government grants.

This issue has been highlighted and sources of further information have been flagged via social media posts and newsletters. Officers suspect that such issues are under-reported due to consumers’ concerns they may be liable for further payments. Work is ongoing with the relevant areas within the council to assist with those companies detailed on the Council lists.

Enforcing Minimum Energy Efficiency Standards: Durham County Council Trading Standards

Durham Trading Standards have undertaken work on a range of Environment themed activities. 600 landlords have been contacted to date with regards the Minimum Energy Efficiency Standard Regulations (domestic and private rental sector). Where issues were found, officers sought to bring businesses into compliance, serving compliance notices and penalty notices as appropriate. Officers have provided businesses with advice on single use plastic regulations; undertaken work on domestic solid fuels; and investigated complaints and suspected fraud within the green energy sector.

Solar Panel Fraud : Heart of South West Trading Standards

Heart of the South West Trading Standards concluded a long running investigation into the mis-selling of solar panels. In March 22, one defendant pleaded guilty to charges relating to false claims about accreditations and for giving financial advice when not approved to do so, as well as managing a company while bankrupt. This defendant was sentenced 2 ½ years in prison and disqualification from being a Company Director for 6 years 3 months.

A second defendant in the case, also pleaded guilty to being a party to the company trading fraudulently under the Companies Act, not returning deposits when consumers exercised their right to cancel. This was one of the largest cases ever taken by the Service and involved multiple search warrants and arrests, a significant amount of computer and mobile phone evidence, supporting a number of vulnerable witnesses, and restraining assets.

Misleading Claims on Heat Pumps: East Riding of Yorkshire Council Trading Standards

East Riding Trading Standards service noticed an increase in complaints concerning air source heat pumps. There appears to be a serious lack of competent installers for these in the UK. The complaints were that the installations did not work and consumed an excessive amount of electricity. There were issues in identifying appropriate experts who could give a definitive opinion suitable for use in Court actions. However intelligence was logged on the Trading Standards system for future reference and consumers were provided with advice. The issue has also been noted in other authorities with linked problems such as excessive noise when they are installed incorrectly.



Energy Efficiency in Rented Properties: Bath and North East Somerset Council Trading Standards

Between September 2021 and March 2022, Bath and North East Somerset Trading Standards delivered the PRS Enforcement and Compliance Project, which was overseen by the Midlands Energy Hub and BEIS. Enforcement of the Minimum Energy Efficiency Regulations has contributed directly to tenants living in safer, warmer and far more energy efficient homes, increasing both physical and emotional wellbeing. Landlords were served with 156 compliance notices and there was a publicity campaign. As a result, standards of properties have increased and the wider environmental impact of properties in disrepair has been markedly reduced. Six properties are subject to further investigation.

Preventing Damage by HGVs: Suffolk County Council Trading Standards

Suffolk Trading Standards operates a 'Lorrywatch' scheme. Residents, in volunteer groups, are able to report the registration details of Heavy Goods Vehicles that are travelling through their villages in apparent breach of vehicle environmental weight restrictions. Using DVLA information, a written request for driver details is made to the vehicle owners. In the first instance, advice is provided. If identified, the haulage company is also provided with advice. Follow ups indicate there is a low rate of reoffending. 'Lorrywatch' helps protect the environment of local villages in many ways, including reducing noise and air pollution and damage to the natural and historic built environment. As such it is welcomed by communities and politicians within the scheme area.

Newport City Council Trading Standards – Energy Efficiency

The 2019 Welsh Index of Multiple Deprivation states the local authority with the highest proportion of small areas in the most deprived 10% in Wales was Newport.

Newport Trading Standards identified non-compliant F or G rated properties (low energy efficiency) and provided advice or undertook enforcement to get landlords to comply.

362 landlords were initially identified as not having required Energy Performance Certification. It was found that 117 were compliant, 11 were brought into compliance following Trading Standards intervention, advice is being provided to 12 and 229 are ongoing. The service delivered a landlord advice event in conjunction with the National Rented Landlord Association. The event was a success and was attended by 40 landlords. Publicity will be carried out via the website and printed leaflets and will be distributed via letting agents and colleagues. The impact of the work shows a reduction in annual carbon emissions of 198.5 tonnes, a reduction in annual energy of 178,329 kWh and a reduction in fuel bills of £58,217 based on April 22 prices. The work was made possible with a government grant

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