

## Notice of Meeting

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

**Date & time**

Wednesday,  
10 April 2024 at  
10.30 am

**Place**

Woodhatch, 11  
Cockshot Hill,  
REIGATE RH2 8EF

**Contact**

Angela Guest  
angela.guest@surreycc.gov.uk

**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 email [angela.guest@surreycc.gov.uk](mailto:angela.guest@surreycc.gov.uk).**

**This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Angela Guest on [angela.guest@surreycc.gov.uk](mailto:angela.guest@surreycc.gov.uk).**

**Members of the Committee**

Mark Winn (Co-Chairman) and Kevin Deanus (Co-Chairman)

**Advisory Members:**

Scott Lewis and Carl Jackson

## AGENDA

### 1 APOLOGIES FOR ABSENCE

To receive any apologies for absence and substitutions.

### 2 MINUTES OF THE PREVIOUS MEETING - 9 NOVEMBER 2023

(Pages 5  
- 8)

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 (4 April 2024).

#### b Public Questions

The deadline for public questions is seven days before the meeting (3 April 2024).

#### c Petitions

The deadline for petitions was 14 days before the meeting.

### 5 ACTION TRACKER AND FORWARD PLAN

(Pages 9  
- 14)

To review the Action Tracker and Forward Plan.

- 6 JOINT SERVICE BUDGET** (Pages 15 - 22)  
 The Committee is asked to note the forecast outturn for the joint service budget for 2023/24 and agree the budget for 2024/25.
- 7 TRADING STANDARDS VAPES ENFORCEMENT UPDATE** (Pages 23 - 34)  
 The Trading Standards Joint Committee is asked to note the latest policy approaches and considers any local approach it wishes the Service to take.
- 8 2023/24 PERFORMANCE TO MID MARCH** (Pages 35 - 48)  
 The Buckinghamshire Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the summary of performance of the service from April 2023 to mid-March 2024.
- 9 TRADING STANDARDS TOBACCO WORK** (Pages 49 - 56)  
 This report considers the Service's work in relation to tobacco and associated products and is not restricted to the potential sale to children and young people.
- 10 DATE OF THE NEXT MEETING**  
 The next meeting of the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee will be held on 19 September 2024.

**Leigh Whitehouse**  
**Interim Chief Executive**  
 Published: Tuesday, 2 April 2024

**MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE**

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

*Thank you for your co-operation*



**MINUTES** of the meeting of the **BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE** held at 10.30 am on 9 November 2023 at Paralympic Room at the Gateway Offices, Bucks.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 10 April 2024.

**Elected Members:**

- \* Mark Winn (Co-Chairman)
- \* Kevin Deanus (Co-Chairman)
- \* Scott Lewis (Advisory Member)
- \* Carl Jackson (Advisory Member)

**In attendance**

Steve Ruddy (Head of Service)  
Amanda Poole (Asst Head of Service)

**13/23 APOLOGIES FOR ABSENCE [Item 1]**

There were none.

**14/23 MINUTES OF THE PREVIOUS MEETING [18 MAY 2023] [Item 2]**

That the minutes of the previous meeting held on 18 May 2023 be approved as a correct record.

**15/23 DECLARATIONS OF INTEREST [Item 3]**

There were none.

**16/23 PROCEDURAL ITEMS [Item 4]**

**a MEMBERS' QUESTIONS [Item 4a]**

There were none.

**b PUBLIC QUESTIONS [Item 4b]**

There were none.

**c PETITIONS [Item 4c]**

There were none.

**17/23 ACTION TRACKER AND FORWARD PLAN [Item 5]**

**Key points from the discussion:**

A report was submitted which requested Members to consider and comment upon the previous actions of the Committee attached at (Appendix A) and to note the forward plan attached at (Appendix B) to the report. It was confirmed that the actions from the previous meeting were now closed.

**RESOLVED:**

That the report be noted and Members to indicate if they wished to include any items on the next agenda.

**18/23 2023/24 FIRST SIX MONTHS PERFORMANCE [Item 6]**

**Key points from the discussion:**

1. A report was considered which detailed the performance of the Buckinghamshire and Surrey Trading Standards Service over the first six months of 2023/24. This was appended to the report at (Appendix A).
2. The information provided demonstrated that the service was performing well across the whole range of indicators and was successful in delivering on activities against key performance indicators. Members were informed that following the development of the national Impacts and Outcomes Framework for Trading Standards, performance indicators had been divided across 3 main areas, these were: Tackling detriment and preventing harm, supporting the local economy and promoting health and wellbeing.
3. The presenting officer gave mention to and expressed concern regards the delays in the court process for trials of more than a day in length affecting vulnerable witnesses and defendants and leading to increased costs to the service. This had a serious impact on justice for all concerned. Members were in agreement that action should be taken and a letter should be despatched to the relevant Secretary of State so that the issue could be addressed.

**RESOLVED:** That,

1. A letter be drafted and despatched to the Secretary of State for Justice regards the delays in the court process for trials including its effects on the most vulnerable in society
2. Advertising and marketing of the call blockers to be continued with a view to increasing take up of the service.
3. The relatives of those who may be eligible for call blockers be targeted by communications in an attempt to further disseminate the relevant information.

**19/23 TRADING STANDARDS VAPES ENFORCEMENT UPDATE [Item 7]**

**Key points from the discussion:**

1. Members considered a report which provided information on the rapidly growing market of vapes, and the concerns relating to disposable vapes in particular. (Appendix A) to the report stated that the two key issues from a Trading Standards enforcement perspective were those related to the safety of the vapes themselves affecting all users, and the sharp rise in the use of vapes by the under 18s age group to whom nicotine containing vapes cannot legally be sold.
2. Members were informed that there was currently a Government consultation which had gone live "Creating a smokefree generation and tackling youth vaping" Trading Standards intended to respond to the consultation in liaison with colleagues from Public Health, but any views from the this Committee would also be incorporated. It was agreed that

the response from Public Health would be awaited prior to the committee making further comment in response to the consultation.

**RESOLVED:**

That the report be noted and an update on vapes including the latest on the consultation be brought back to the next meeting

**20/23 JOINT SERVICE BUDGET [Item 8]**

**Key points from the discussion:**

1. Members were informed that Joint Service budget showed an underspend of 1.8% (£53,000) against the budget for 2023/24 as agreed by the Committee in April 2023. This was primarily due the difficulties encountered in recruitment and due to a recent decision to hold some vacancies in preparation for managing a likely reduction in the 2024/25 budget.

**RESOLVED:**

That the report be noted.

**21/23 DATE OF THE NEXT MEETING [Item 9]**

The Committee noted that its next meeting will be held on 10 April 2024.

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**Chairman**

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Buckinghamshire CC and Surrey CC  
Trading Standards Joint Committee

10 April 2024

**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. 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.

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

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

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## 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
3/23	Nov 2023	A letter be drafted and despatched to the Secretary of State for Justice regards the delays in the court process for trials including its effects on the most vulnerable in society			
4/23	Nov 2023	Advertising and marketing of the call blockers to be continued with a view to increasing take up of the service.			
5/23	Nov 2023	The relatives of those who may be eligible for call blockers be targeted by communications in an attempt to further disseminate the relevant information.			
6/23	Nov 2023	an update on vapes including the latest on the consultation be brought back to the April 2024 meeting			

**Completed actions (to be deleted)**

1/23	May 2023	That Vapes Enforcement be a standing item for future agendas.	Steve Ruddy	Ongoing. Vapes Enforcement is on the agenda for 9 November and will be on future agendas until the Joint Committee agree for its removal	<b>Complete</b>
2/23	May 2023	That some of the examples of fake or illegal products provided be shared with Scott Lewis.	Steve Ruddy	Examples of fake and illegal products will be brought to the 9 November meeting and future ones for all Members to look at	<b>Complete</b>

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

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### Actions

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

### Completed actions (to be deleted)

3/23	Nov 2023	A letter be drafted and despatched to the Secretary of State for Justice regards the delays in the court process for trials including its effects on the most vulnerable in society	Amanda Poole	Letter sent to the Secretary of State for Justice with colleagues from Trading Standards South East to increase its impact.	<b>Complete</b>
4/23	Nov 2023	Advertising and marketing of the call blockers to be continued with a view to increasing take up of the service.	Gina Green	Christmas Campaign (Snow room for scammers) focused on increasing awareness of call blockers with individuals and relatives/friends. Data from the campaign showed an increase in requests for call blockers during the campaign.	<b>Complete</b>

5/23	Nov 2023	The relatives of those who may be eligible for call blockers be targeted by communications in an attempt to further disseminate the relevant information.	Gina Green	As above.	<b>Complete</b>
6/23	Nov 2023	an update on vapes including the latest on the consultation be brought back to the April 2024 meeting	David Pickering	An update on vapes is a separate item at this meeting.	<b>Complete</b>

**BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT COMMITTEE**

**DATE: 10 APRIL 2024**

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

**SUBJECT: JOINT SERVICE BUDGET**

**1.0 SUMMARY OF ISSUE:**

- 1.1 The Joint Committee regularly reviews and sets the Service budget.
- 1.2 The information provided shows that the Joint Service budget is forecasting an underspend of 4.1% (£118,000) against the budget for 2023-24 agreed by the Joint Committee in April 2023.
- 1.3 The reasons for the underspend are initial difficulties in recruitment, followed by a decision to intentionally hold some vacancies in preparation for managing a likely reduction in the 2024-25 budget.
- 1.4 The proposed budget for 24/25 is £2,753,000. This includes pressures and savings. Both Councils have considered the budget for the joint Service, and informally (through Board meetings) agreed changes which are set out in this paper and in Annex A for formal agreement.

**2.0 RECOMMENDATIONS:**

- 2.1 It is recommended that the Trading Standards Joint Committee:
  - a) notes the forecast outturn for the joint service budget for 2023/24
  - b) agrees the budget for 2024/25 as set out in Annex A

**3.0 REASON FOR RECOMMENDATIONS:**

- 3.1 The Joint Committee is required by the Inter Authority Agreement which underpins the service to:
  - a) Maintain financial oversight of the Service and ensure sound financial management.



#### **4.0 BUDGET:**

- 4.1 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.
- 4.2 There are several factors which introduce volatility to the budget. The service has an income budget of £573k, equivalent to 19.7% of its gross budget. It is challenging to accurately predict income and it's timing especially where costs are recovered from prosecutions, or where market conditions are changing. We have also had a change of financial system within the year which has caused a higher level of uncertainty than usual as we learn the new system.
- 4.3 In terms of the larger scale economic situation, including that affecting other Local Authorities, we have particularly seen the impact of this on businesses with whom we have Primary Authority Partnerships which makes income less certain than in some previous years.
- 4.4 In relation to trials, which can cost significant amounts of money, and court outcomes that at times lead to costs being recovered, this remains unpredictable. We continue to have all of the trials for more complex cases be repeatedly adjourned, usually for a year or more at a time causing the outcomes to be delayed. This issue adds to the difficulty of accurately forecasting both court related costs and affects the recovery of those costs. The Service manages its' budget closely to even out the most volatile factors where it is possible.

#### **2023/24 Forecast Outturn**

- 4.5 The agreed budget for 2023/24 totals £2,908,000.
- 4.6 The current forecast outturn is an underspend of £118,000 (4.1%). The main reason for this underspend is the holding of vacant posts. Attempts to recruit to qualified officers in the early part of the year were not successful. There is a shortage of qualified officers in the Trading Standards profession and the one suitable external candidate who initially applied pulled out just before interview telling us he had secured a similar job on a higher wage at a different Council.
- 4.7 From mid-year, as it became apparent that the financial situation for Local Government is significantly constrained, we took the decision to hold some of our vacant posts in anticipation of the budget for 24/25. This approach has allowed us to avoid any compulsory redundancies and the additional costs associated with these to deliver the Service within a lower budget next year. However, working with vacant posts clearly impacts the Service's ability to deliver the same level of provision.



Summary by expenditure type	Full Year 23/24 Budget £'000	End of Year Forecast £'000
Employee related spend	3,191	3,109
Non-staffing expenditure	290	316
<b>EXPENDITURE:</b>	<b>3,481</b>	<b>3,458</b>
<b>INCOME:</b>	<b>-573</b>	<b>-635</b>
<b>Total Net Expenditure</b>	<b>2,908</b>	<b>2,791</b>
<b><u>Buckinghamshire Council Contribution</u></b>	<b>989</b>	<b>949</b>
<b><u>Surrey County Council Contribution</u></b>	<b>1,919</b>	<b>1,842</b>

- 4.8 Each Council has a different approach to how it plans on dealing with their proportion of the budget underspend.

### **2024/25 Planning**

- 4.9 Both Councils have independently considered and agreed their own Medium Term Financial Plans. The impacts of these have been discussed by the partner authorities and a budget is proposed in Annex A for the Joint Committee to consider and decide upon.
- 4.10 The budget for 2024/25 identifies cost pressures and cost savings. The largest pressure for the Service going into 24/25 is pay inflation. Whilst unconfirmed it is currently estimated at 4% (£129k).
- 4.11 The pressure on income is an ongoing issue. At the start of the Covid pandemic the Service income was reduced by around £200,000. This was initially supported by central Government lost income grants. The Service is mid-way through a five-year plan to recover this at a rate of £40,000 each year. We will have achieved this recovery in 23/24 and are cautiously optimistic that a further £40,000 can be delivered in 24/25. In addition, we anticipate inflation on income will bring an extra £27,000 in 24/25.
- 4.12 In addition to this income, cost savings, totalling £227,000 have been identified as follows:
- 4.12.1 Management efficiencies and deletion of three vacant posts (£201,000)
  - 4.12.2 Reduced subscriptions and savings on archiving costs (£11,000)
  - 4.12.3 A further £5,000 reduction in the food sampling and analysis budget
- 4.9 The net impact is a budget decrease of £155,000. This is built into the proposed budget which drops from £2,908,000 to £2,753,000.

## **6.0 CONSULTATION:**

- 6.1 No external consultation has taken place. However, finance teams from both partner Councils are involved in developing budget proposals as part of the medium term financial planning which will be brought back to this committee at the Spring meeting.

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

- 7.1 All significant risks affecting the service (which include items beyond budget) 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. Reasons for the forecast budget outturn position for 2023/24 are given above.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 The 2015 Inter-Authority Agreement provides the legal framework within which the Service operates.
- 9.2 There are no specific legal issues that need to be drawn to the attention of the Committee.

## **10.0 EQUALITIES & DIVERSITY**

- 10.1 The budget forecast outturn 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 The budget will continue to be monitored and managed by the Service Management team and will be reported back to the Joint Committee at each of its meetings.

<b>REPORT DETAILS</b>
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**Contact Officer(s):**

Mrs Amanda Poole, Assistant Head of Trading Standards 07984 458 679  
Mr Steve Ruddy, Head of Trading Standards 07968 834 638

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**Consulted:**

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**Annexes:**

Annex A – Proposed Budget for 24/25

**Sources/background papers:**

**ENDS**

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## Trading Standards

	<b>Agreed budget 2023/24 £000</b>	<b>Proposed budget 2024/25 £000</b>
<b>Expenditure:</b>		
Staffing	3,191	3,142
Non Staffing	290	269
<b>Total expenditure</b>	<b>3,481</b>	<b>3,411</b>
<b>Income</b>	<b>-573</b>	<b>-658</b>
<b>Net budget</b>	<b>2,908</b>	<b>2,753</b>
Surrey County Council Contribution	1,919	1,817
Buckinghamshire Council Contribution	989	936
<b>Joint Budget</b>	<b>2,908</b>	<b>2,753</b>
<b>Included Changes for 24/25</b>		
Pay inflation 24/25		129
Income inflation		-27
Loss of income (recovering)		-40
Deletion of posts		-201
Food sampling budget		-5
Reduced subscriptions and archiving costs		-11
<b>Total changes:</b>		<b>-155</b>

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**BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT COMMITTEE**

**DATE: 10 APRIL 2024**

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

**SUBJECT: TRADING STANDARDS VAPES ENFORCEMENT UPDATE**

**1.0 SUMMARY OF ISSUE:**

- 1.1 Vapes are a key tool to stop adults from smoking tobacco. They are much safer than smoking tobacco and can be used to effectively manage nicotine addiction as adult smokers seek to quit smoking tobacco. The sale of vapes is a rapidly growing market, however, and there has been a very significant rise in problems. Of particular concern is a growing nicotine addiction in children who previously did not smoke tobacco with the proportion of under 18's vaping growing rapidly in the last few years.
- 1.2 The report in Annex A follows up previous reports brought to the Joint Committee in May and October 2023 covering the two key issues from a Trading Standards enforcement perspective: the problems relating to the safety of the vapes themselves, affecting all users; and the sharp rise in under 18's (who did not previously smoke tobacco) vaping.
- 1.3 The report at Annex A covers some of the latest policy and proposed legislative changes as well as the work the Service has been doing in this area.

**2.0 RECOMMENDATIONS:**

- 2.1 It is recommended that the Trading Standards Joint Committee notes the latest policy approaches and considers any local approach it wishes the Service to take.

**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.



#### **4.0 Vapes Enforcement - Details:**

- 4.1 Details are given in the report attached as Annex A

#### **5.0 CONSULTATION:**

- 5.1 No external consultation has taken place. Trading Standards is working closely with the Public Health Teams in both partner Councils on this issue.

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

- 6.1 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).
- 6.2 Where risks become higher, these are shared with the Trading Standards Board for awareness and discussion.

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

- 7.1 The report explores how money announced by the Government to support Trading Standards enforcement is being spent and touches on potential new funding that has been broadly announced but is currently unclear on how it will be split between partners working to tackle illegal vapes (including Border Force, HMRC and Local Authorities).

#### **8.0 LEGAL IMPLICATIONS**

- 8.1 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.
- 8.2 The report includes information regarding likely new legislation requiring enforcement which is related to vapes.

#### **9.0 EQUALITIES & DIVERSITY**

- 9.1 Tobacco smoking prevalence is greater in lower socio-economic groups and adds to health inequalities. Having a safer alternative to smoking tobacco will help to reduce those health inequalities over the longer term. However, the sharp rise in non-smoking children taking up vaping, and becoming addicted to nicotine with unknown long-term health impacts are of considerable concern.



**10.0 WHAT HAPPENS NEXT:**

- 10.1 The Service is carefully monitoring the national policy developments and will be alert to funding that becomes available so that we can access this where appropriate to undertake a higher level of enforcement in this area.

**REPORT DETAILS****Contact Officer(s):**

Mr David Pickering, Trading Standards Manager – Regulation 07908 408 106  
Mrs Amanda Poole, Assistant Head of Trading Standards 07984 458 679  
Mr Steve Ruddy, Head of Trading Standards 07968 834 638

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

Annex A: Trading Standards Vapes Enforcement Update Report – March 2024

**Sources/background papers:**

**ENDS**

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## Trading Standards Vapes Enforcement Update

This paper is an update on the latest position with vapes, both at a national policy and funding level, and an update on our local work related to vapes.

### **National Position:**

On 29<sup>th</sup> January the Government announced the results of the consultation “Creating a smokefree generation and tackling youth vaping” and its intention to ban disposable vapes, restrict vape flavours, packaging, and placement in shops. In mid March some draft legislation concerning the banning of disposable vapes was released for comment which suggests that the ban will come into force in April 2025. The deadline for comments to be returned was 24<sup>th</sup> March and the Service fed back on some technical issues, including powers, within the proposed legislation. In late March the government also tabled the Tobacco and Vapes Bill which (alongside legislation to ban the sale of tobacco products to anyone born after 1<sup>st</sup> January 2009) includes provisions for legislation to enact some other areas covered in the consultation such as the display of vapes within shops and the use of fixed penalty notices in relation to offences under the bill: [Tobacco and Vapes Bill - Parliamentary Bills - UK Parliament](#)

Of £30m funding initially announced to go alongside the changes, there is still uncertainty how much of this will be directed towards Trading Standards and how this might be done. The majority is expected to go to HMRC and Border Force. We continue to make representations to the Government via the Association of Chief Trading Standards Officers (ACTSO) as to how any money allocated could be maximised. The most likely options suggest that the funding will not be allocated to each LA individually.

A proportion of a smaller amount of funding announced by central government in April (£3m nationally) is available to the Service through Op Joseph and we continue to make use of this for storage and disposal costs, which are significant considering the complexity of the products and the need for care in both areas to avoid fires and health risks of unknown chemical components of illegal vapes.

Vapes continue to regularly make national media stories and headlines including these in the last couple of months:

[Lancashire vape warning after child falls unconscious - BBC News](#)

[Ministers consider new vaping tax at Budget - BBC News](#)

[Eltham teens treated in hospital after using spiked vape - BBC News](#)

[Sex abuser used vapes to groom 14-year-old girl - BBC News](#)

[Students constantly thought about next vape, says head teacher - BBC News](#)

And these stories since the last report to the Joint Committee:

[Disposable vape ban: 'It can't come soon enough' - BBC News](#)

[How dangerous is vaping and what is the disposable vape ban? - BBC News](#)

[Disposable vapes to be banned for children's health, government says - BBC News](#)

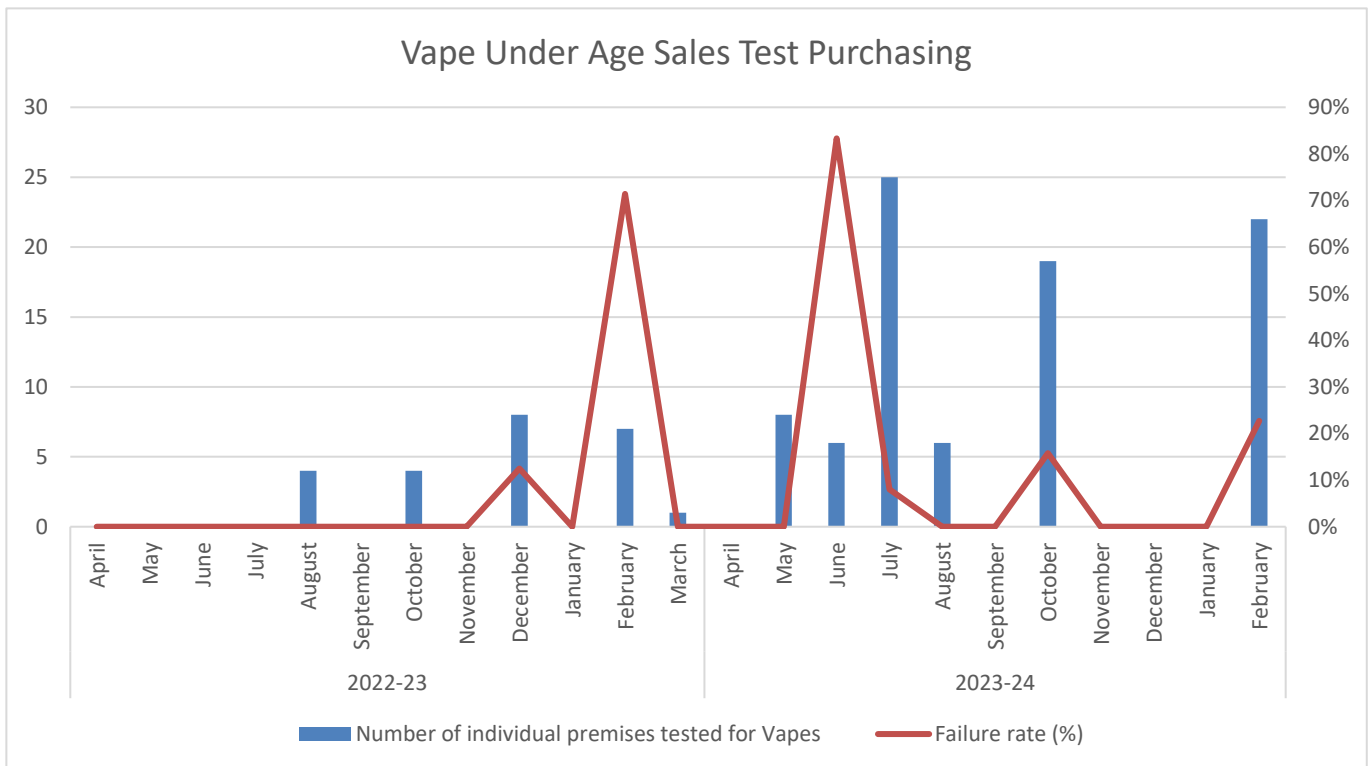


[Youth vaping: The impact of e-cigarette use in schools - BBC News](#)  
[Child vaping health dangers highlighted by new campaign - BBC News](#)

**Local Position:**

Locally we received 214 complaints or pieces of information about illegal vapes and alleged underage sales of vapes from April 2022 to the end of March 2023. Since the beginning of April 2023 to mid March we have received 248. These reports have been received from a mixture of residents and partner organisations such as the police. These numbers are starkly higher than any other area of our work including other age restricted products.

Consequently, the Service has been doing an increased amount of underage test purchasing of vapes (86 so far this year, compared to 24 in last year). The failure rates vary between operations which may have different test purchasers and may be in different locations.



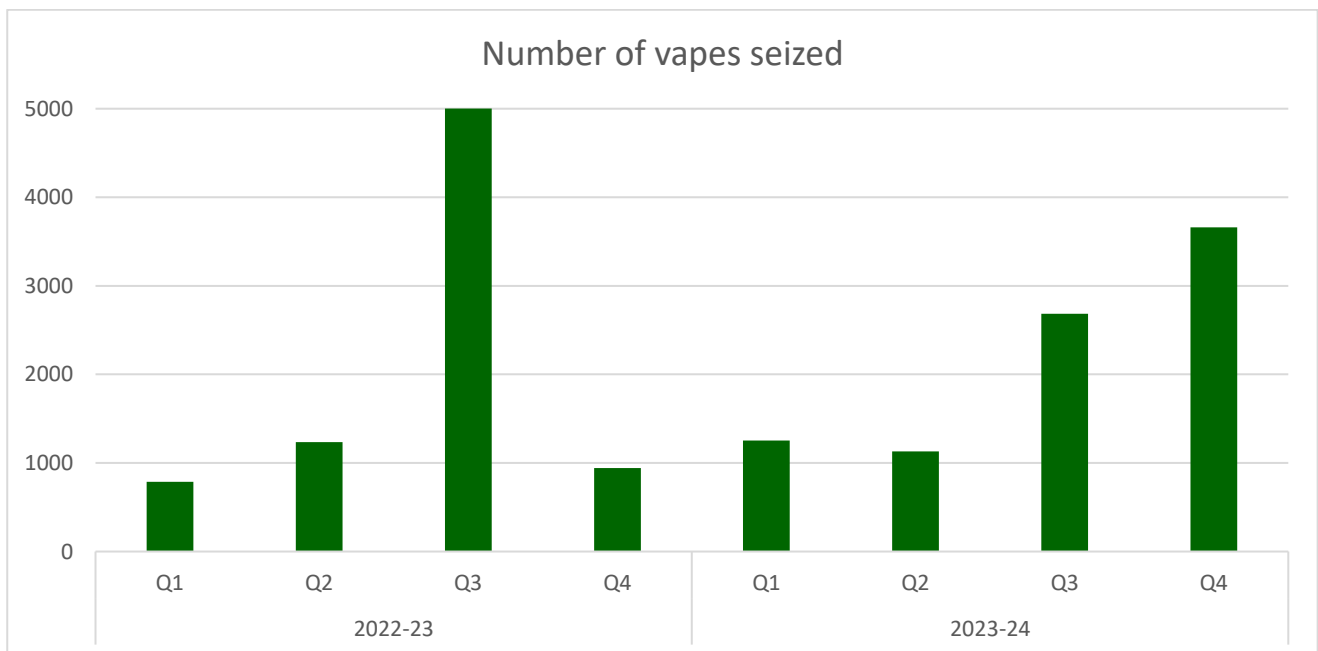
12 investigations into the underage sale of vapes have been completed during the year, with one prosecution being completed. In that case the defendant initially sold a vape to a 16-year-old test purchaser in February 2023 and was given both verbal and written advice. This was followed up by a further attempt and in June 2023 the defendant again sold to the test purchaser despite a till prompt to remind her to check the purchaser's age. She accepted responsibility for her actions and pleaded guilty at court in March. She was fined



£276, with £100 victim surcharge and was ordered to pay £700 of the Service’s costs. In another case the matter has been dealt with by means of a Simple Caution. The remaining 10 have been dealt with by means of a written warning and/or advice and will be followed up with repeated test purchases to ensure this advice is being acted upon.

Since the end of November, on a 2-year fixed contract, we have an officer funded by Buckinghamshire Council’s Public Health Team to focus on the enforcement of illegal tobacco, vapes and age restricted products. This is particularly helpful due to a high level of non-compliance in some areas of Buckinghamshire which is causing us to need to do a high level of work and use a range of different enforcement approaches.

We are conducting frequent enforcement activity around vapes, not only carrying out under-age test purchases but also looking for illegal vapes for sale which are then seized to remove them from the marketplace. This latter activity is carried out in local retail premises and in other locations which we become aware of. We work closely with partners, including the police, licensing teams and schools, to share information and sometimes to conduct enforcement operations. We also now have access to sniffer dogs who have learnt to identify vapes enabling us to locate hidden vapes in the same way as we have been doing for some time to identify hidden tobacco. Between April 2023 and mid March the Service has seized over 9,400 vapes compared to just under 8,000 in the previous year.



10 investigations into illegal vapes have been completed this year with advice / written warnings being the outcome in all cases so far, alongside which the businesses loses the seized vapes. There are a number of investigations ongoing both into more complex situations and where the illegal vapes have been found more recently. As with underage sales, the Service carries out repeat checks on businesses where previous problems have been found and advice given.



As well as visiting shops to look for illegal vapes, sometimes information from partners suggests there are problems in other places. A more unusual operation that we worked with Surrey Police on recently involved the seizure of illegal vapes being sold from the boot of a car parking outside schools, some of which were particularly child appealing. Below are some examples of social media posts about work in this area:

**Trading Standards @Bucks\_SurreyTS · 3d** ...  
 Officers secure a success in court!  
 Another step forward in the battle to stop the sales of **Vapes** to children was made last week, as an Aylesbury trader was successfully prosecuted for selling **Vapes** to under-age children. Report information here.  
[orlo.uk/EmgKi](http://orlo.uk/EmgKi)



**Trading Standards @Bucks... · 25/01/2024** ...  
 A very successful day for our officers in Buckinghamshire, they **seized** a huge haul of illicit vapes and tobacco with the aid of a very smart sniffer dog from [@WagtailUK\\_dogs](https://www.wagtailuk.com). Report illegal tobacco here: [orlo.uk/Ktj4d](http://orlo.uk/Ktj4d)



🗨️ 16 15 1.3K 📌 🔄

**Trading Standards @Bucks... · 13/09/2023** ...  
 @Bucks\_SurreyTS 's early start at Kempton Market last week. We **seized** suspected counterfeit trainers and unsafe vapes. Great partnership work [@The\\_ACG](https://www.theacg.co.uk) [@The\\_IPO](https://www.theipo.co.uk) [@SouthEastROCU](https://www.southeastrocu.co.uk) [@SurreyPolice](https://www.surreypolice.co.uk) & brand reps. Report counterfeit goods: [orlo.uk/5ufu2](http://orlo.uk/5ufu2) #BuyReal



**Trading Standards @Bucks... · 03/11/2023** ...  
 Last week our officers were test purchasing. One premises not only sold a nicotine **vape** to our 15 year old volunteer, but the **vape** contained 4000 puffs (maximum permitted is 600 puffs)

Over 1100 illicit vapes were seized from the premises and investigations continue!



🗨️ 2 126 📌 🔄





Despite the signalled intention of government to ban them in the future, officers are still finding examples of child appealing vapes on sale. Below are two examples:



In addition to illegal vapes on sale being seized the Service has also carried out work with partners to restrict the import of illegal vapes through Heathrow.



In one situation at premises importing goods through Heathrow, Border Force contacted the Service for help with a shipment of 20,000 vapes that they were concerned about. The vapes were labelled as 0% nicotine and contained 22ml of liquid. If they contained no nicotine they would not be an age restricted product (under the current legislation) and would not be caught by other requirements such as the 2ml limit of liquid for nicotine containing vapes and 20mg of nicotine in total. We had a sample tested which showed that the products contained 28mg of nicotine, so breached the regulations in multiple ways. This was enough information for the shipment (worth around £500,000 at retail level) to be prevented from entering the country.

More recently Op Joseph has allocated the DHSC central Government funding to also be used to conduct work targeting vape compliance at the borders, including Heathrow. We have been working with the other Local Authorities also involved at Heathrow to develop a plan to most efficiently use this funding. Because of the dynamic situation with consultation on changing legislation and taxes for vapes we are keeping the activity at Heathrow under review at regular intervals, which will enable us to change approach if necessary.

On top of the problems with vapes being used for their intended purpose, there is a developing concern that vapes can also be used as a vehicle for other purposes. In February we received a safety alert in relation to particular vapes, with information that

some had been found to contain a psychoactive substance. Officers had noticed the brand in a shop we had been to the previous week so went out the same day and seized the affected stock pending investigation which is ongoing. There have been a number of cases across the country where vapes are thought to be contaminated with other products leading to concerning reactions by the user (see media links above).

We continue to support schools in Surrey by providing information through the Healthy Schools initiative and asking them to contact us if they have an issue with vapes they would like us to support them with.

[Advice and wider support - managing vapes in schools | Healthy Surrey Vaping | SchoolsWeb \(buckscc.gov.uk\)](#)

Recently government has responded to concerns about vaping in schools by referring to a statutory obligation for each school to have a behaviour policy in place. (see document [CBP-9932.pdf \(parliament.uk\)](#))

We are also working with our Public Health colleagues in Buckinghamshire as part of the whole system approach on a pilot scheme to identify how we can work with businesses near schools to support them to not supply illegal vapes, tobacco and alcohol.

The Tobacco Control strategy groups in each authority has offered us the opportunity to discuss information sharing with the smoking cessation support organisations and this has yielded some useful information but we continue to work to improve the channels to support this process.

We continue to share the work we are doing to prevent underage and illegal vape sales through social media and other communications opportunities that arise. For example at the end of January BBC Radio Surrey spoke to one of the team to discuss the steps being taken to prevent underage and illegal vape sales:  
[BBC Radio Surrey \(starts at 1:37:21\)](#)

We continue to provide advice to businesses on their obligations to sell legal vapes and only to over 18's. This advice may be direct to a single business or through our Primary Authority Partners, particularly the Association of Convenience Stores (ACS).

With the ACS we have reviewed the [advice to their members](#) about selling vapes (both from a safety perspective and considering they are an age restricted product) to ensure it is up to date. Recently we have developed some new guidance with them about the recycling obligations for vape retailers: [ACS Recycling Vapes Guidance](#):

The graphic is a dark teal poster with white and green text. At the top left is the ACS logo with the tagline 'the voice of local shops'. The main title 'VAPE RECYCLING' is in large, bold, white and green letters, with 'The basics' in smaller white text below it. A circular call to action at the bottom left says 'Get the full guide at ACS.org.uk'. On the right side, there are four recycling symbols, each followed by a bullet point of text:

- Recycling symbol: All retailers who sell vapes need to offer recycling facilities in store
- Recycling symbol: At a minimum, this is on a one-for-one basis (customer returns a vape when they buy a new one)
- Recycling symbol: Retailers are responsible for setting up a collection service, and must have vapes collected at least every three months
- Recycling symbol: Retailers must also make information available to customers about the vape collection service they offer





## OPERATING A VAPE RECYCLING SERVICE IN YOUR SHOP

Vapes are no longer part of the Distributor Takeback Scheme (DTS). As a result, all retailers selling vapes must offer their customers a recycling bin for vaping products.

This guidance outlines how retailers can collect used vapes in store, store them safely and arrange collections on a regular basis.

Enforcement action against retailers who do not comply with the regulations will begin from April 2024.

A best practice guide for retailers developed by the Association of Convenience Stores

### OPERATING A VAPE RECYCLING SERVICE IN YOUR SHOP

ACS | the voice of local shops

#### Retailers Who Sell Vapes Must Provide Vape Recycling Bins

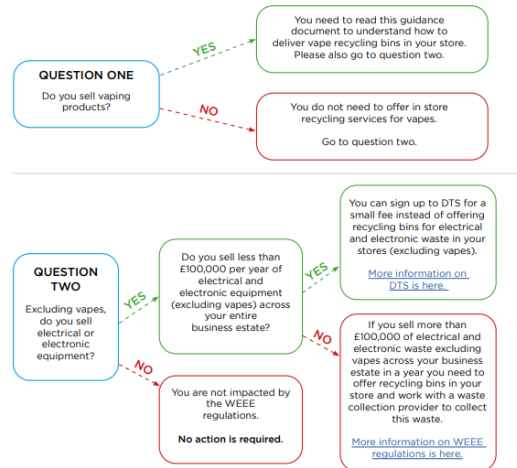
The Government has decided that vapes will no longer be part of the Distributor Takeback Scheme.

This change in government policy means **ALL RETAILERS SELLING VAPES must offer their customers a recycling bin for vaping products. Enforcement action will start from April 2024.**

This guidance document aims to explain how convenience retailers operating in the UK can offer vape recycling bins in their stores and be compliant with the WEEE regulations.

#### What do I need to do next?

Answer question 1 and question 2 to work out what you need to do next.



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**BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT COMMITTEE**

**DATE: 10 APRIL 2024**

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

**SUBJECT: 2023/24 PERFORMANCE TO MID MARCH**

**1.0 SUMMARY OF ISSUE:**

- 1.1 The Buckinghamshire Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the summary of performance of the service from April 2023 to mid-March 2024 (Annex A).
- 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.

**2.0 RECOMMENDATIONS:**

- 2.1 It is recommended that the Trading Standards Joint Committee notes the Service's performance.

**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.

**4.0 PERFORMANCE DETAILS:**

- 4.1 The performance of the joint service is measured through key performance indicators agreed by the Joint Committee. The Joint Committee reviews performance at all their meetings. Due to the timing of this Joint Committee meeting, it is not possible to give a full year report, so summary data has been provided to mid-March. A full year report will be provided at the Joint Committee's next meeting.
- 4.2 There are currently no statutory performance indicators for Trading Standards and there is no formal performance benchmarking data available for comparison of the key performance indicators.



- 4.3 The Service contributes data to the “Impacts and Outcomes Framework for Trading Standards” (developed by the Association of Chief Trading Standards Officers (ACTSO)) which shows the combined national impact of Trading Standards Services.
- 4.4 The Joint Committee will note that some 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 and reacting to which contributes towards the overall priorities (but does not directly control the outcome). Examples of this type of indicator include the number of businesses breaching food legislation or breaching animal health and welfare legislation. This is not directly in our control but we will need to respond to these breaches and will be providing advice which will prevent some breaches from occurring.
- 4.5 **A key Service priority is to protect the most vulnerable, tackling fraudulent, illegal and unfair trading practices.** As part of this the Service seeks to increase the financial impact of our investigations and interventions including with scam victims. To the end of February the financial impact of our interventions related to scams and frauds was over £3.1 million. This is ahead of the £2,878,557 for the full 22-23 year. The report in Annex A summarises other activities in this area.
- 4.6 **Our second key priority is to help businesses to thrive by maintaining a fair trading environment.** Research shows that a positive regulatory environment can contribute significantly to economic development and sustainable growth, improving the openness of markets and creating a less constricted business environment for innovation and entrepreneurship. It can protect compliant businesses by enabling fair competition and promoting a level playing field and provide business with the confidence to invest, grow and create new jobs.<sup>1</sup> Supporting businesses to understand what they need to do to be compliant is a vital part of a positive regulatory environment, ensuring that they can confidently focus their resources in the right areas .
- 4.7 Having seen some turbulence in the business landscape in the early part of the year we have since been affected by the financial situation at Woking Borough Council. Woking BC were a key partner providing Environmental Health advice through our Single Point of Contact Network. Their withdrawal from most of this work has reduced our number of partnerships and we will not reach our target for the year as a consequence.
- 4.8 A new indicator for this year in relation to advice we provide to businesses who we do not have established Primary Authority Partnerships with, looks at the percentage of business enquiries we fully respond to within 10 working days. This has a target of 60% and the indicator is currently green, consistently exceeding the target since April. The target will be increased for next year.
- 4.9 **Improving the health and wellbeing of people and communities is the third key priority for the Service;** this includes tackling the supply of unsafe,

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

dangerous or age restricted products and working to maintain the integrity of the food chain, including food quality, nutrition, and animal health.

- 4.10 The report in Annex A summarises the activity in this area and there are separate, more in depth, reports to this Joint Committee on activity in relation to vapes and tobacco.

## **5.0 CONSULTATION:**

- 5.1 No external consultation has taken place.

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

- 6.1 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).
- 6.2 Where risks become higher, these are shared with the Trading Standards Board for awareness and discussion.

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

- 7.1 The Service has delivered all elements of the original business case.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 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.
- 8.2 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.

## **9.0 EQUALITIES & DIVERSITY**

- 9.1 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.

## **10.0 WHAT HAPPENS NEXT:**

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

<b>REPORT DETAILS</b>
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**Contact Officer(s):**

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

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**Consulted:**

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**Annexes:**

Annex A: Performance Summary Report April 2023 – mid March 2024

**Sources/background papers:**

**ENDS**

**KEY PERFORMANCE INDICATORS**  
**Summary – April 2023 to mid-March 2024**





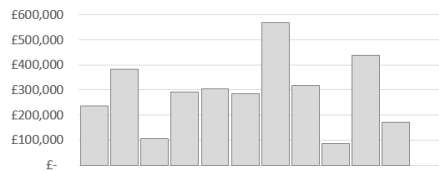
## Service Priority Area 1

Protecting the most vulnerable. Tackling fraudulent illegal and unfair trading practices, including serious and organised crime.

- To increase the financial impact of our investigations and interventions including with scam victims.
- Actions to stop rogue traders operating in Buckinghamshire and Surrey
- Social media reach
- Number of vulnerable residents supported

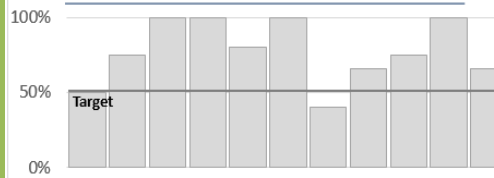
Increase the financial impact as a result of scam and fraud interventions

£172,383 ▲



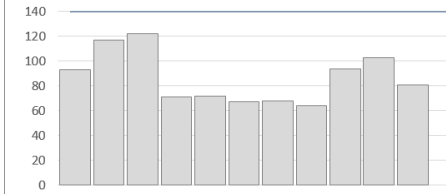
% of cases completed in 200 working days

66% ▼



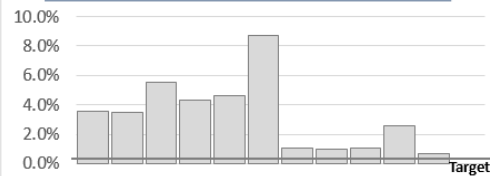
Number of vulnerable residents supported

81 ▼



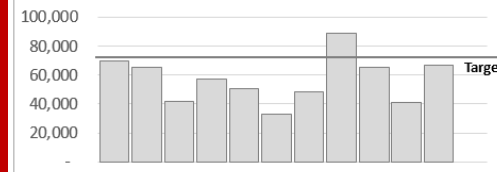
Social Media Reach - keep residents safe from scams (Engagement)

0.7% ▼

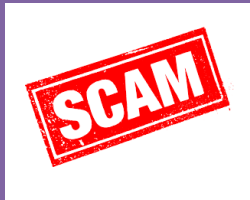


Social Media Reach - keep residents safe from scams (Impressions)

66,638 ▲







## Commentary

As a result of scam interventions undertaken by the Service, to the end of February the Service had saved residents over £3.1 million (compared to just under £2.9m last year). This included £155,000 voluntarily returned to the victim of fraud by a defendant who had pleaded guilty last year and had been sentenced with immediate custody. Proceeds of Crime confiscation proceedings against the criminal remain ongoing.

Since the start of April the Service has supported 952 people subject to scams to help stop this happening again (compared to 642 last year). The Service has installed 106 call blockers this year, with now a total of 649 649 active call blockers installed preventing nearly 50,000 thousand scam and nuisance calls from reaching vulnerable residents. With an additional 18 installed this year, there are now a total of 49 door cameras installed by the Service in the homes of our most vulnerable residents.

Problems in the court system persist, having a detrimental effect on all concerned. Alongside other authorities in the Southeast we have written to the Minister for Justice to suggest how the situation could be improved. A total of 55 investigations have been completed this year into a range of illegal and unfair trading practices including unfair trading, fraud, underage sales, money laundering, supplying illegal tobacco and vapes, counterfeit goods, food and animal welfare.

The four convictions during the year have come from three guilty pleas and one person being found guilty following a one-day trial. The trial conviction related to a food business failing to declare allergens in its' takeaway food despite repeated advice verbally and in writing and being given a Food Improvement Notice requiring them to comply with this legal requirement. The business was ordered to pay a fine and the Service's costs. The second conviction related to the sale of vapes to underage test purchasers. The defendant initially made a sale and was given advice but four months later sold again. They were fined and ordered to contribute to the Service's costs. One company is awaiting sentencing after admitting the supply of illegal tobacco and the final guilty plea relates to money laundering offences and is awaiting sentence.

During the year intelligence identified a problem with prolific levels of counterfeit goods being sold at a local market. In September 2024, along with partners and Police colleagues, we conducted a day of action to remove illegal goods and inform and educate all parties involved. Since then Trading Standards officers have worked closely with the land owners and the market operators to enable a safe and legal market to operate. We are pleased to report the volume of illegal goods being sold has significantly reduced (estimated value £3.2 million) allowing other traders selling legal goods at the market to thrive. This work continues.

# Commentary Continued

The Service has undertaken a range of activities to inform residents and equip them with knowledge and support to reduce the chance of them losing money to scams. During the year this included running webinars (some with British Sign Language interpretation) about scams, running a “Snow Room for Scammers” campaign around Christmas, attending community events to talk to residents about scams, vapes and illegal tobacco as well as maintaining active social media sites and groups dedicated to our amazing Scam Champion volunteers who have contributed over 7,000 hours to share their knowledge about scams and to support their local communities to be more resilient to frauds.

Two examples of residents being supported include a 90-year-old Buckinghamshire resident was targeted by fraudsters into handing over her life savings through what transpired to be an extremely complex fraud. When our officers became aware of the situation, they were able to intervene and recover the resident’s money in full and install a call blocker to help with future targeting. In another case Mr C, an elderly, isolated and vulnerable Surrey Resident was being prolifically targeted by postal scammers. Through prolonged interventions by our Prevention Team Mr C has disengaged from the multiple fraudsters that were targeting him and he no longer receives scam mail. He has trained to become a Scam Marshal, sending all postal items he identifies as fraudulent on to the National Trading Standards Scams Team. Our intervention has also empowered Mr C to cancel the multiple subscriptions he had signed up to saving him vast sums of money. Mr C has fed back that through engaging with our officers he has renewed confidence in coping with the challenges he faces and feels much happier.

Since the autumn of 2023 we have adopted a different approach to our communications work. Subscriptions to the TS bi-weekly TA Alert! newsletter increased, along with requests for call blockers as a result of our Christmas campaign. The post on the right shared on Facebook resulted in a total of 23,346 impressions.



## Stop! Think fraud



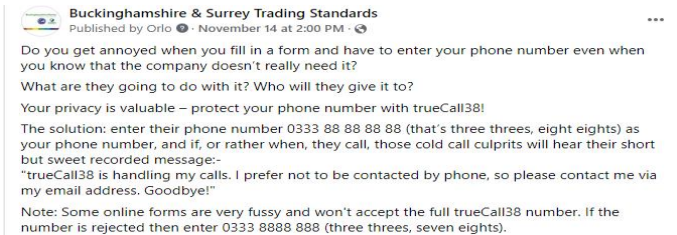
In just one year, 1 in 17 adults were victims of fraud. What's the risk of fraud happening to you? Find out why anybody can become a victim of fraud and why everyone should take steps to protect themselves.



Trading Standards @Bucks... · 27/12/2023 ...

If you are meeting with loved ones at this festive time, why not have a conversation about phone scams. We have FREE call blockers that can put a stop to them. [orlo.uk/O4Ncb](http://orlo.uk/O4Ncb)

There is **snow** room for phone scams at this or any other time of year!

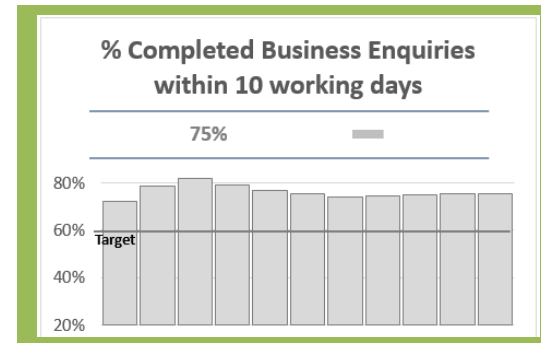
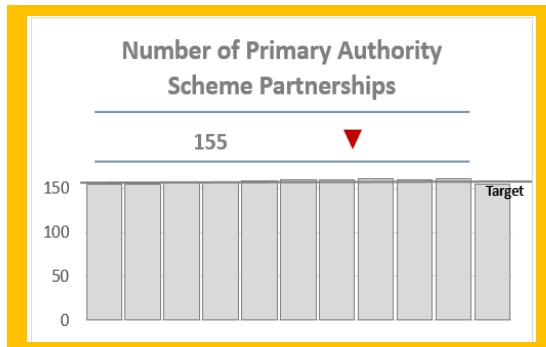




## Service Priority Area 2

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.

- Supporting businesses to understand and deliver compliance through Primary Authority Partnerships.
- Percentage of requests for business advice completed within 10 working days.





planning and business  
Authority service  
at service happy with service  
business planning professional  
Authority Partnership  
overall service business decisions

business compliance authority agreement  
helpful to our business answers for business  
service business primary partnership  
Excellent service  
grateful for this service  
primary authority  
Buckinghamshire Business



ACS | the voice of local shops

## Commentary

There is significant turbulence in the business advice market. The economic environment is continuing to show in changes to business operation and structures with various enterprises merging or leaving Primary Authority. This has been accompanied by a lack of capacity within our Single Point of Contact (SPOC) network for Environmental Health and Fire and parallel changes in our own operation.

During the year Woking BC notified us they had to cease Primary Authority and we have been working with them to relocate their 22 partnerships for Environmental Health. Our partnership with the States of Guernsey ended as the regulatory structures there changed. More recently our SPOC partner in Wales has decided to leave the network and directly manage their partnerships which affects a further 4 businesses. On a positive note, Surrey Heath have been very supportive in helping with the moves and West Northamptonshire and Eastleigh Councils have both joined the network for Environmental Health which may increase capacity a little in the future. The changes will continue to dampen our overall partnership numbers as some leaving businesses will also take their trading standard partnership to their new provider. Whilst we are taking actions to mitigate the issue, our total partnerships have therefore fallen short of the target for the year, currently sitting at 155.

The business team continues to work with the Advertising Standards Authority (ASA) to provide a legal backstop service with three referrals currently under investigation. The most recent referrals related to consumer protection legislation, potential breaches of the Cancer Act and claims relating to the treatment of health conditions. In addition to formal referrals, the Team supports the ASA with advice to assist them to fulfil their broader functions which has included training new ASA team members about the Backstop, providing an opinion for draft ASA enforcement notices relating to Vape advertisements and responding to a complaint about the ASA.

Following a successful pilot of a legal backstop arrangement with the Office for Students (OfS), we are pleased to report the funded contract has been extended for the 24/25 year. To date the referred establishments have positively worked with us to amend unfair terms and conditions, we have also advised the OfS where they have been considering specific terms and shared information about student scams and tools to support them. We have worked together to explore the OfS referral system and improve processes where possible.



## Commentary Continued

The service continues to advise on a wide range of subjects with recent topics including calorie labelling, appliance safety recalls, food recalls, faulty products, food labelling for imports, the use of “plant based” stickers, age verification technology.

The voluntary business satisfaction survey has delivered 60 responses to date (results above) with examples of some positive comments being:

“the advice given was helpful, thorough, and prompt”

“He was clear in his advice, calm, reassuring and professional”

“Very efficient and extremely helpful service”

“Good relationship to discuss issues pragmatically”

“We find the support we receive as part of our Primary Authority partnership invaluable”

“He is always willing to accommodate our queries and provide helpful guidance and advice. We're very grateful for the assistance”

“I have been extremely anxious and stressed about the situation, but your staff have been exemplary - I would have been lost without them”

We have supported some of our partners with industry events attending and speaking where appropriate, always with the aim of improving compliance and educating businesses. We have also attended the OPSS National Shared Learning day which serves as an excellent update on all things Primary Authority and an opportunity to network with and learn from other providers.



The Association of Convenience Stores (ACS) Safe and Responsible Retailer Conference in Birmingham expert panel



The OPSS Shared Learning Day at Aston Villa Stadium



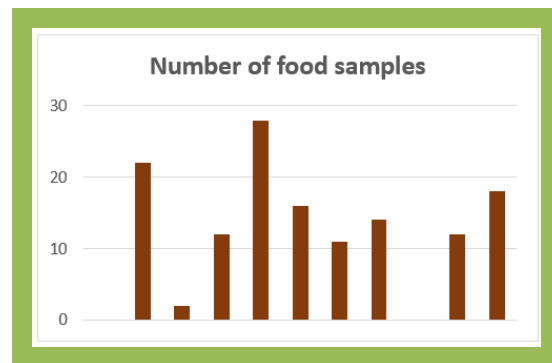
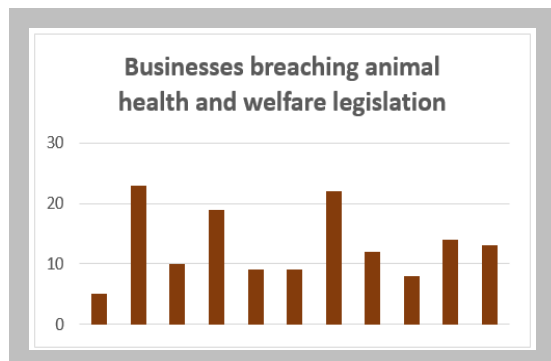
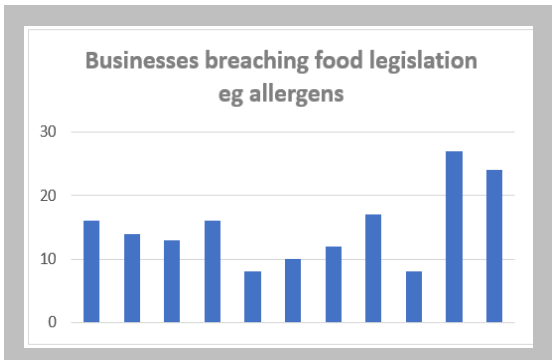
Delivering OPSS pilot offering free product safety support to provide tailored business support to UK- based online sellers.

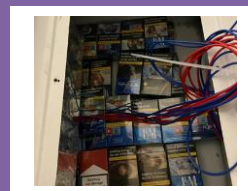
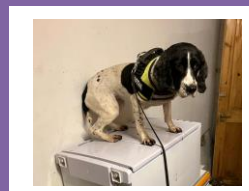
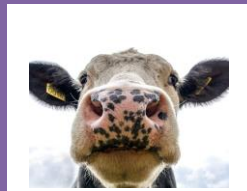


### Service Priority Area 3

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.

- Number and estimated value of unsafe/non-compliant goods removed from or prevented from entering the supply chain
- Number of premises tested for selling illicit or age restricted products inappropriately, and approximate value of seized goods.
- Market surveillance activity carried out, including in relation to food and
- Animal health e.g., samples taken, visits conducted, seizures made.





## Commentary

**Preventing unsafe items being imported through Heathrow:** We have stopped over 80,000 unsafe and non-compliant items across 300+ products entering the UK market since April 2023. Most notably refused entry were light-up foam sticks for children's parties that had an easily removeable foam piece that was a choking hazard, a large shipment of Neswar Snuff that was for oral use and therefore banned, a range of electrical products with non-compliant plugs causing electrocution and fire risks, cosmetics and "lash lift kits" without appropriate labelling and supporting documentation, such as no ingredients and a consignment of 20,000 "0% nicotine" vapes that contained high levels of nicotine.

**Age restricted sales** – 110 underage test purchases have been made, with the priority on vapes (see separate report) but with a small number of test purchases of other products with partners (police, fire, and licensing teams) including alcohol (no sales), fireworks (no sales) and 1 nitrous oxide (no sale). Where sales are made to the underage volunteers, these are followed with investigation and licence reviews are requested when appropriate. One person was fined after pleading guilty to selling a vape to the underage volunteer and fined £276 by the Court. One person accepted a Simple Caution and 10 others have received written warnings/written advice for selling to underage children. All will be re-tested to ensure that they have taken on the advice given.

We are continuing to tackle the sale of **illicit tobacco** focusing on disruptive activities, including locating and seizing illegal stock. To the end of February the Service had seized nearly 100,000 cigarettes and over 16kg of hand rolling tobacco. Working with partners including the Police and HMRC on this activity, three cars linked to the supply of illegal tobacco were recently seized by the police during joint operations.

Following **cost-of-living projects** started last year, this year the Service has been working to check the accuracy of weighing and measuring equipment including petrol pumps and scales in use for sales of food. Scales in butchers, greengrocers, supermarkets, and corner shops, were tested to make sure that people get what they are paying for. Over 40 machines were inspected, with the vast majority found to be within tolerance. The 14% which were found to be outside of tolerance were in the consumers favour (they were getting more by weight than they were paying for), and 2 instruments found in use for trade were unstamped.

# Commentary Continued

**Electric blanket safety testing** was undertaken in October/November and February/March (in Burnham, Chesham, Woking, Leatherhead, Horley, Woking, Farnham, Epsom, High Wycombe, and Aylesbury). A total of 146 blankets were tested with around 71% found to be unsafe compared to 80% last year. Unsafe blankets were destroyed and replaced for free due to a generous donation from one of our Primary Authority Partners, Dreams.

**Food work** – In addition to the prosecution of a business for not declaring allergens in their takeaway food despite extensive verbal and written advice and then a formal notice requiring them to do so, other examples of food issues dealt with include resolving a novel food being sold without appropriate authorisation from the Food Standards Agency (the business has responded to a formal notice and the product is no longer being supplied whilst authorisation is sought) and tracing back the ingredients used in a product sold locally that contained undeclared allergens (the 'gluten free' flour the local producer had bought was not gluten free as claimed).

Projects to take samples of foods and have them analysed to ensure they are safe and labelled correctly is ongoing, including: locally produced milk and milk powders tested for levels of lead in milk (none with excessive levels); locally manufactured beers (all satisfactory in relation to the declared alcohol content); locally imported snack foods, where 18 of the 19 samples were found to have non permitted additives, non-permitted health and nutrition claims and incorrect labelling.

Some examples of information shared with residents include:

 **Trading Standards @Bucks...** · 15/02/2024 ...  
Success for Officers tackling the importation of illegal vapes!  
A consignment of 20,000 mislabelled devices have been detained at Heathrow.  
The devices all declared as 0% **nicotine**, exceeded the permitted max. strength of 2%.  
The value is estimated to be £500,000.



 **Trading Standards @Bucks\_SurreyTS** · 1d ...  
Do you keep **poultry**?  
To help manage potential disease outbreaks like Avian Influenza new mandatory registration requirements are being implemented for bird keepers in Great Britain.  
Find out more-  
[orlo.uk/Bzphe](https://orlo.uk/Bzphe)



 **Trading Standards @Buck...** · 06/03/2024 ...  
Did you know food labelled as **Vegan** may pose a risk to people with allergies and intolerances due to cross contamination.  
Don't take the risk check the label.  
Find out more-  
[orlo.uk/JGale](https://orlo.uk/JGale)





**BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT COMMITTEE**

**DATE:** 10 APRIL 2024

**LEAD OFFICER:** DAVID PICKERING

**SUBJECT:** TRADING STANDARDS TOBACCO WORK

**SUMMARY OF ISSUE:**

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

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

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

**RECOMMENDATIONS:**

It is recommended that the Joint Committee considers and notes the report as a reflection of activity over the financial year 2023–2024 and endorses continued enforcement activities which will be undertaken in 2024– 2025.

**REASON FOR RECOMMENDATION:**

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

**DETAILS:**

2. To ensure coherence and to maximise the impact of our work, Trading Standards link closely to Public Health led strategies to reduce tobacco consumption. The Trading Standards role is mainly in relation to tackling supply. However, increasing levels of innovation in the alternatives to tobacco, such as vapes, continue to provide constant challenges to us when assessing how the

legislation applies to them. We link into the regional tobacco groups and HMRC national initiatives.

3. Trading Standards are members of the Tobacco Control Alliance groups in Buckinghamshire and Surrey.

In Surrey the group of partner organisations form part of the Combating Drugs Partnerships .The group oversees the delivery of the Public Health Tobacco Control Strategy and reports back to the Surrey Community Safety Board. With the ambition for Surrey to have the lowest smoking prevalence in England, the priorities include, among others; “helping young people to be tobacco free”; “tackling illicit tobacco” and “raising the profile of tobacco control”.

The Surrey Tobacco Control Strategy for 2023-2026 was launched last year

[Surrey Tobacco Control Strategy 2023-2026 | Healthy Surrey](#)

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

[Buckinghamshire-Tobacco-Control-Strategy-2019-2024.pdf \(healthandwellbeingbucks.org\)](#)

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

4. Tobacco use among young people is considered as risk-taking behaviour (by themselves as much as anyone else) and may be seen therefore as gateway-behaviour for other risk taking activities. These would include experimenting with alcohol and other illicit substances when this is combined with carrying offensive weapons and misuse of fireworks the resulting anti-social behaviour adversely affects how safe people feel in their own communities.
5. Sales of illicit tobacco facilitate a cheap way to start or continue smoking and as such needs to be minimised to reduce this impact. In addition, legitimate businesses are disadvantaged threatening small businesses in the local economy. <https://www.illicit-tobacco.co.uk/problem/illicit-tobacco/>
6. There is evidence that the supply of illicit tobacco can be linked to organised crime and we work in partnership with the police to ensure appropriate dissemination of intelligence. We also populate the national IDB intelligence database which is accessed by HMRC and other relevant partners. We have seen in the past year evidence that organised crime groups are operating in our area and we are liaising with other authorities to ensure effective joint action. [https://www.eesc.europa.eu/sites/default/files/files/mr\\_arndt\\_sinn\\_speech.pdf](https://www.eesc.europa.eu/sites/default/files/files/mr_arndt_sinn_speech.pdf)
7. The programme for the financial year 2023/2024 was as follows:-
  - 7.1. **Contribute to the Surrey and Buckinghamshire Tobacco Control Strategies by taking action to reduce the supply of illicit tobacco through intelligence and enforcement.**

We gathered local intelligence and used appropriate enforcement action against suppliers. Intelligence was shared across relevant enforcement agencies to tackle organised distribution networks,

Visits to 23 premises resulted in 93,765 cigarettes, 16,205g of hand rolling tobacco and 33 packages of shisha of various sizes being seized. Using tobacco detection dogs for these operations is vital because the illicit tobacco is usually hidden from view. Hiding places vary and are becoming more sophisticated in some instances. These include mechanisms which can be triggered to access the tobacco products.

The Service has taken one prosecution and issued one simple caution. Sentencing is delayed in relation to the prosecution as the limited company pleaded guilty but the director of the business pleaded not guilty and the trial is set for May 2024. The Court decided to delay sentencing until after the trial.

27 written warnings were issued to businesses, relating to the sale of illicit vapes, underage sales of vapes and cigarettes and possession of illicit tobacco, where there were no additional aggravating factors.

We are progressing obtaining closure orders for several premises in Buckinghamshire with the Council and are discussing the possibility of similar orders in Surrey with the police.

We have supported the police with two alcohol licence reviews in Surrey, both of which resulted in the licences being revoked.

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

The Service works with Public Health to achieve the best outcome we can from an educational perspective in particular identifying the best use of social media to target messaging. We also use social media as a way to remind the public to share information with us about businesses selling to underage children, for example:



Alongside the Public Health Team in Buckinghamshire, we ran two Illegal Tobacco Roadshows in the markets of Aylesbury and High Wycombe. These were an opportunity for Public Health to share messages around quitting smoking and how people could get support, for us to show people what illegal vapes look like so they can avoid them and for our dog handlers to show the skills of the tobacco detection dogs that we use to find hidden tobacco. Pippa the

detection dog continues to be a great draw and an excellent way to start a conversation about the issues with local people.



The Service has also attended events run by Public Health in Buckinghamshire aimed at school children to provide information about cigarettes and vapes.

We continued to liaise with both Councils communications teams to publicise our work about tobacco issues and used social media in the service to promote our work.

### **7.3. We will continue to support the Tobacco Alliance groups in both authorities**

We continued to support both the Surrey Tobacco Group and Buckinghamshire Tobacco Control Alliance groups and participated in meetings organised for both authorities. We worked with partners on the groups to deliver the agreed strategies to reduce smoking prevalence rates in both authorities. In particular we developed closer links with HMRC by agreeing an MOU which will enable us to work with them as they have powers to impose fines on retailers selling illegal tobacco products. We also continued to work closely with Surrey police and TVP when carrying out our operations.

In Buckinghamshire our Public Health team agreed to fund a full-time officer for 2 years to work on tobacco and other illicit substances issues and this is proving to be successful in boosting our capacity for that area.

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

We continued to explore ways to:

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

We are members of the regional south east tobacco group and consistently share information and intelligence with that group to gain greater knowledge and understanding of the regional and national picture

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

We were involved in two reviews in the last year, both resulting in the alcohol licences being revoked.

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

8. The ongoing developments around the supply of vapes is being monitored. We are also aware of the increasing use of nicotine pouches which are currently not controlled directly by any legislation but intelligence suggests are becoming popular with younger people.

9. For 2024-2025 we will:

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

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

We will participate in joint operations with the HMRC and police to identify and take appropriate action against sellers of illicit tobacco

We will continue to carry out work to identify if there are issues with providers of shisha tobacco in both authorities.

We will programme targeted test purchase operations every 6 weeks and aim to carry these out as resources allow.

We will continue to develop alternative disruption measures against businesses that seek to evade or flaunt enforcement measures by utilising closure orders and actions against complicit landlords under proceeds of crime legislation

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

We will work with Public Health to achieve the best outcome we can from an

educational perspective in particular identifying the best use of social media to target messaging.

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

### **9.3. We will continue to support the Tobacco Alliance groups in both authorities**

We will continue to support both the Surrey Tobacco Control Alliance and Buckinghamshire Tobacco Control Alliance groups and will participate in meetings organised for both authorities. We will work with partners on the groups to deliver the agreed strategies to reduce smoking prevalence rates in both authorities.

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

We will continue to explore ways to:

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

### **9.5. Seek licence reviews through the relevant District/Unitary Council when appropriate.**

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

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

Following highly variable results from under age test purchasing of vapes in 23/24 (on the worst day of test purchasing 71% of premises sold, on another day no premises sold to the under 18 volunteer) we will utilise intelligence and information to target businesses identified as supplying vaping products to under 18 year olds and attempt test purchases from them.

## **CONSULTATION:**

10. Public Health teams in Surrey and Buckinghamshire have been consulted.

## **RISK MANAGEMENT AND IMPLICATIONS:**

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

## **Financial and Value for Money Implications**

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

## **Legal Implications**

13. As covered in the report, there is a requirement for Local Authorities to consider their enforcement activity at least once in every twelve month period to ensure that the provisions of the Children and Young Persons (Protection from Tobacco) Act are effected. The report outlines the relevant enforcement actions taken and planned to enable this consideration.

## **Equalities and Diversity**

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

## **WHAT HAPPENS NEXT:**

15. This is set out in section 8 above.

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### **Contact Officer:**

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

### **Consulted:**

**Annexes:** None

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