

BUCKINGHAMSHIRE COUNTY COUNCIL AND SURREY COUNTY COUNCIL
JOINT TRADING STANDARDS SERVICE COMMITTEE
DATE: 2 MARCH 2015
LEAD OFFICER: AMANDA POOLE
ASSISTANT HEAD OF TRADING STANDARDS
SUBJECT: PERFORMANCE AND JOINT SERVICE BUDGET
SUMMARY OF ISSUE:

The Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee is asked to note the performance of the service since its inception in April 2015. The information provided covers performance against the six high level agreed indicators and in relation to the service budget.

The information provided shows that overall performance against the six high level indicators is on target. It is projected that the budget will breakeven at outturn, achieving all the savings projected in the Business Case for the shared service.

The Joint Committee is asked to agree the Performance Indicators about which it wishes to receive information in the year 2016/17 and to endorse the revised joint service budget, with addition of an extra marginal efficiency saving of 1.5% per year over and above the previously agreed efficiency savings for the Joint Service.

RECOMMENDATIONS:

It is recommended that the Buckinghamshire and Surrey Joint Trading Standards Service Committee:

- i. notes the Service's performance from 1 April 2015.
- ii. agrees the Performance Indicators for 2016/17.
- iii. agrees the revised joint service budget to include an additional 1.5% marginal efficiency saving over and above the previously agreed efficiency savings

REASON FOR RECOMMENDATIONS:

The Joint Committee is a requirement of the Inter Authority Agreement and is designed to ensure effective performance of the Service. This includes formally reviewing performance annually by considering performance against the agreed measures and agreeing performance measures for the Service in advance of the start of each financial year. The Joint Committee also has a duty to maintain financial oversight of the Service and ensure sound financial management.

<u>DETAILS:</u>

1. The performance of the Joint Service is measured through six key performance indicators and these have been summarised for the year to date.

Performance Indicator 1: Increase the financial savings for residents as a result of our interventions and investigations. – On Target

2. The Service is continuing to work on bringing different recording systems and databases into line and this will be completed by the end of the financial year.
3. The joint service has undertaken several interventions and investigations which have led to large sums being repaid to victims. To the end of December the Service had already recorded savings for residents of over £242,000 compared to a total saving of £167,000 across both services in the previous year. As a result it is expected that by the year end that the Service will have increased the direct financial savings for residents by over 100% compared to 2014/15. This performance indicator includes:
 - a) redress obtained for consumers or by consumers with the Service's assistance;
 - b) other savings made by residents as a result of our intervention, e.g. not sending money in response to a scam attempt;
 - c) compensation awarded by courts to victims of crimes which have been investigated / prosecuted by the Service;
 - d) compensation ordered to be paid to victims from Proceeds of Crime Act Confiscation Orders.
4. One particularly effective intervention culminated in December 2015 when a serial rogue trader serving a three-year jail sentence for fleecing elderly customers by charging extortionate sums for shoddy repairs to roofs and drains in the Guildford and Godalming area was ordered to repay his victims in full. Under the Proceeds of Crime Act, a confiscation order for £114,000 was set by the Court, with all of this money to be given back to the victims as compensation.
5. Victims included an 89-year-old war veteran from near Guildford who was cheated out of more than £42,000 making him overdrawn for the first time in his life. Tactics used to obtain payments from victims included accompanying or driving them to the bank to withdraw funds and standing over them while they made internet transfers. The compensation is to cover not only the payments made for overcharged work but also the cost of putting right shoddy work.

Performance Indicator 2: Protect residents by stopping rogue traders operating in Buckinghamshire and Surrey. – On Target

6. The Service continues to investigate and, where appropriate, prosecute rogue traders. Since April a total of 14 years in prison sentences have been given to rogue traders and money launderers who were investigated and prosecuted by the Service. Other cases led to sentences including 250 hours unpaid work and an additional 22 months of suspended prison sentences.

7. In December another serial fraudster was jailed for 20 months for fraudulent trading following an investigation by the Service. He cold called his vulnerable elderly victims In Buckinghamshire and Bedfordshire, charging for unnecessary and vastly overpriced work. Tragically one of the victims who was a witness for the prosecution, and a second person who was a suspected victim died prior to the trial. At sentencing the Judge described his behaviour as: “despicable offending, preying on the sick and the elderly, carried on over time.” The Judge also acknowledged that it was clear from his record that the defendant had done this before, referencing three other like convictions for fraud and money laundering involving money taken from elderly victims for work not done. The sentence was given to run consecutively to another prison sentence the defendant is currently serving for an unrelated matter.
8. In another case a Surrey landscape gardener who preyed on elderly and vulnerable victims who were unable to look after their own gardens was convicted of several fraud and money laundering offences. Customers complained that queries about price or the standard of work led to threats, verbal abuse and aggression. In one case, a woman in her 90s was charged £24,500 for work worth only £400. In another a man was charged £17,000 for work valued at £200. In total, from eight different cases, over £665,000 was defrauded from elderly and vulnerable victims.
9. Prison sentences and positive media coverage of court case results helps act as a deterrent to those considering taking part in such criminality and media coverage has been strong with local, national and international coverage of cases covering press, social media, radio and TV.
10. In addition to investigating crimes which have occurred, the Service uses a number of initiatives to prevent victimisation and re-victimisation by rogue traders. These include the use of door stickers, overt CCTV cameras at the doorstep, cocooning packs and alerts to neighbours who could be at higher risk when doorstep crimes have occurred.

Performance Indicator 3: Prevent residents becoming victims through expanding the use and reach of social media alerts, TS Alert, volunteers, and other preventative initiatives to raise awareness of scams, rogue traders and unsafe products. – On Target

11. TS Alert is now delivered to an average of 2272 individuals or organisations. Facebook likes have increased from 463 to 627; Clicks and impressions on Twitter have increased. The tweet that was seen the most (7236 times) was sent on 3rd Dec 'We've detained hoverboards at Heathrow & are investigating an exploding #hoverboard in Bucks' which also linked to a published press release and a picture. On 18 November the Service joined #OurDay where local government told the twitterverse what they were doing. Trading Standards joined in and sent 21 tweets with the hashtag highlighting what officers were doing on that day and resulted in nearly 14000 people seeing what the Buckinghamshire and Surrey Joint Trading Standards Service were up to.
12. Use of volunteers is now strong in the Bucks area and beginning to develop well in the Surrey area with around 71 volunteers regularly involved with the Service.

13. As mentioned in relation to the second Performance Indicator, there has been significant media coverage of court cases, including coverage in national newspapers, radio and TV which includes primetime coverage on BBC1's The One Show.
14. Participation in Scams Awareness month in July focused on highlighting the links between susceptibility to fraud and scams with increasing levels of cognitive impairment (notably dementia) and taking a multi agency approach to creating communities who look out for their most vulnerable members.
15. Using funding from Surrey's Police and Crime Commissioner, money confiscated as the Proceeds of Crime, and sponsorship from Checkatrade the Service is in the process of distributing 100,000 scams sticker packs to local households. Almost half have been delivered already with the remaining 50,000 to be distributed shortly using a network of partners such as the Police, Neighbourhood Watch, community groups, volunteers and local Councillors.

Performance Indicator 4: Increase the number of Primary Authority Partnerships (PAPs) – On Target

16. Primary Authorities are a formal partnership between a business and a Regulator whereby assured (legally recognised) advice can be issued. This means a business can make financial and operational decisions about the future with confidence in the information provided.
17. From a baseline of 41, the Service now has 78 PAPs, including 11 coordinated PAPs. Coordinated PAPs are with national organisations who have many business members, for example the Association of Convenience Stores (with 30,000 businesses as members). This means that assured advice given under these partnerships reaches a large number of individual traders.
18. Some companies have specifically cited the Service's breadth and depth of expertise and knowledge as their reason for entering into a Partnership with the Service.
19. The minimum income currently projected from PAPs in 2015-16 is projected to be 56% above the level for 2014-15 and ahead of target for the year. It should be noted that this income is not 'profit' (there are strict rules about what can be charged to businesses for assured advice) but is income which allows the Service to cover the cost of this provision. This approach supports business and the economy and enhances overall compliance and protection for residents at no cost to the Service.
20. A range of other services provided through the Service's Primary Authority offer simplify regulation for businesses and support local priorities:
 - a) Eat Out Eat Well Award – implemented nationally throughout a fitness chain;
 - b) regulatory advice from Surrey Fire and Rescue Service;
 - c) regulatory advice from Environmental Health (via Mole Valley, Reigate & Banstead, Woking and Surrey Heath);
 - d) technical support and training from Delphic HSE Ltd;

e) food testing and analysis from Kent Scientific Services.

21. Buckinghamshire & Surrey's Primary Authority Service has been nationally recognised for its innovative and flexible approach by the Better Regulation Delivery Office (BRDO) – in 2014 winning the award for innovation and in 2015 as a finalist in the Local Authority category. By operating as a joint service the range of expertise and capacity available to businesses is enhanced. The cost recovery model gives Trading Standards the opportunity to be creative and flexible in meeting business needs whilst maintaining this bank of experience means this expertise also being readily available to smaller businesses and those with less frequent requests.

Performance Indicator 5: Increase the membership of trader approval schemes – On Target

22. The Eat Out Eat Well scheme, run in partnership with Public Health and with District and Borough Environmental Health teams, rewards caterers who make it easier for customers to make healthier choices when eating out. The Service has successfully reached 341 businesses who are now "Eat Out Eat Well" approved and this number continues to grow steadily.

23. As an integral part of the Primary Authority Partnership for Everyone Active, Bucks & Surrey has actively supported leisure facility operators to implement the award scheme and their target to achieve Gold assessments in all their catering outlets. This demonstrates the value of the award to a customer focused business.

24. The award is not only popular with businesses but is being recognised and adopted across other local authorities including Somerset, West Sussex, Wiltshire, Somerset, East Sussex, Reading, East & South Northamptonshire, Daventry, Medway and Hampshire,

25. There are now 2374 businesses in Bucks & Surrey Trading Standards Approved Trader schemes (representing a step change from 518 businesses before the start of this year). Surrey businesses were offered Checktrade TS Approved membership from April 2015; Bucks based businesses were offered this from December 2015.

26. The partnership with Checktrade now provides:

- a) local residents with a safer choice enabling them to make confident decisions when employing traders;
- b) support for local businesses to flourish whilst distinguishing themselves from rogue traders;
- c) a reliable option which can be promoted to vulnerable residents;
- d) improved standards and levels of compliance in partner businesses;
- e) closer relationships and ways to communicate with hard to reach small traders;
- f) zero cost to the Local Authority;

- h) a blend of the strengths and skills of commercial partners and those of a regulatory service.
- 27. The scheme, initially piloted in Kent, was refined by Bucks & Surrey into a model that is now being rolled out in Nottinghamshire and East Sussex.
- 28. The Joint Service has also recently entered into a Primary Authority Partnerships with TrustMark (the Government backed trader approval scheme). This partnership seeks to develop a similar Trading Standards Approved scheme for its members. This will further enhance choice and protection for the residents of both counties. In addition, this partnership seeks to promote regulatory compliance and TrustMark consumer education campaigns.

Performance Indicator 6: Work with partners to tackle illegal sales of age restricted products; and to explore new ways to reduce harm from the use and consumption of unsafe products; and, poor food quality and nutrition. – On Target

- 29. Work with Public Health colleagues in Surrey and Buckinghamshire and the Drug and Alcohol Action Team (DAAT) in Buckinghamshire is ongoing to develop a strategy to deal with Novel Psychoactive Substances (NPS) as well as operationally disrupting the supply of NPS from local shops. This has included securing Forfeiture Orders for Novel Psychoactive Substances seized from premises in Surrey and giving partners an update on proposed legislation at an NPS seminar in Amersham coordinated by Bucks DAAT. The Joint Service will be working with local Police forces to agree a Memorandum of Understanding (MOU) on working effectively together to enforce the new legislation prohibiting the sale of NPS.
- 30. The Service continues to work closely with both Public Health teams and others to tackle the supply of illicit tobacco. This includes using sniffer dogs to locate illegal tobacco, chairing the Surrey Tobacco Alliance and contributing to regional conferences focused on tackling illegal tobacco.
- 31. The Service has also prevented the supply of a wide range of unsafe products. The latest example being hoverboards. This has included advising businesses on safety checks, product recalls and preventing dangerous hoverboards entering the market at the Heathrow transit point in Surrey.
- 32. The Service continues to be active in other areas where vulnerable people may be susceptible to manipulation or fraud. In one example where there was information that a product was being sold as a miracle cure for Cancer (as well as Ebola, HIV, Malaria and Autism) the Service took immediate action to ensure that possible victims were alerted and that a potentially unsafe product could not be sold.

Performance Indicators for 2016 / 2017

33. The Joint Committee are asked to agree the continued use of the above mentioned performance indicators for 2016/17.

BUDGET 2015/16:

33. It is projected that the budget will breakeven at outturn this year. All of the savings projected in the Joint Service Business Plan will be achieved as anticipated.

Joint Service Budget for 2016/17 and beyond

34. The budget for the Joint Service was set out in the original Joint Service Business Case and includes significant savings and increases in income over the first four years of the Joint Service.
35. The progress made in the year to date provides confidence that those projected savings (and increases in income) will be achieved in the years ahead.
36. Both partner local authorities continue to face major budget pressures in the years ahead and in both counties services are being asked to do more to increase planned efficiency savings.
37. In order to help address those issues, it is proposed that the Joint Service should achieve an additional 1.5% per annum as marginal efficiency savings and this should be reflected in the budget.
38. The Joint Service budget is set out in detail in the table below, together with the impact of the marginal efficiency saving adjustment and also the impact of legislative change on National Insurance.
39. The table (Annex A) illustrates the cumulative budget impact of these changes in the period to 2020/21.
40. The Joint Committee is asked to agree to the variation to the Joint Service budget to reflect the changes outlined above.

CONSULTATION:

41. The Trading Standards Joint Management Board have been consulted on current performance and budget.

RISK MANAGEMENT AND IMPLICATIONS:

42. All significant risks affecting the service (which include items beyond budget and performance) are considered by the management team each quarter.

FINANCIAL & VALUE FOR MONEY IMPLICATIONS:

43. The Service is delivering the business case and is not anticipating an overspend in 2015/16.

44. The strong foundation created by the shared service will enable it to achieve the additional marginal efficiency savings suggested without damaging service delivery.

LEGAL IMPLICATIONS

47. The Inter-Authority Agreement (IAA) completed by Buckinghamshire and Surrey County Councils prior to the launch of the Service in April provides the legal framework within which the Service is operating. This is working effectively and there is no current need to amend this in any way. Managers in the Service will continue to keep this under review.
48. Under the IAA, the Joint Committee is responsible for setting the targets and priorities for the Service during each financial year.
49. In relation to the budget, while it is for the Joint Committee to agree the budget for the next financial year, it is the respective Councils that retain the overall authority to set the budget allocated by them to the Service.

EQUALITIES & DIVERSITY

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

WHAT HAPPENS NEXT:

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

REPORT DETAILS:

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Consulted:

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Annexes:

Annex A: Surrey and Buckinghamshire Joint Trading Standards – Budget forecast

Sources/background papers:

None

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