

MINUTES of the meeting of the BUCKINGHAMSHIRE COUNTY COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE held at 11.30 am on 2 November 2016 at .

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 29 March 2017.

Elected Members:

- * Councillor Martin Phillips
- * Councillor Richard Walsh
- * Councillor Margaret Aston (non-voting)
- Councillor Kay Hammond (non-voting)

* = in attendance

In attendance

David Pickering, Public Health & Compliance Manager, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service

Michele Manson, Business Development Manager, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service

Phil Dart, Service Director for Communities, Buckinghamshire County Council

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

Yvonne Rees, Strategic Director Communities, Surrey County Council

12/16 APOLOGIES FOR ABSENCE [Item 1]

Apologies were received from Cllr Kay Hammond

13/16 MINUTES OF THE PREVIOUS MEETING [2 MARCH 2016] [Item 2]

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

14/16 DECLARATIONS OF INTEREST [Item 3]

There were none.

15/16 PROCEDURAL ITEMS [Item 4]

a MEMBERS' QUESTIONS [Item 4a]

There were none.

b PUBLIC QUESTIONS [Item 4b]

There were none.

16/16 PETITIONS [Item 5]

There were none.

17/16 JOINT SERVICE MID-YEAR PERFORMANCE UPDATE [Item 6]

Declarations of interest:

None

Witnesses:

Michele Manson, Business Development Manager, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service
Phil Dart, Service Director for Communities, Buckinghamshire County Council
Steve Ruddy, Head of Trading Standards, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service
Yvonne Rees, Strategic Director Communities, Surrey County Council

Key points from the discussion:

1. The Joint Committee received an introduction to the report from officers who informed Members that Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service (Trading Standards) had demonstrated strong performance against all of its Key Performance Indicators (KPI). Attention was drawn to Trading Standards' performance in areas such as income generation where the service was significantly ahead of target. The Joint Committee was also advised that Trading Standards continued to take robust enforcement action where necessary.
2. The Joint Committee heard that the service had achieved direct savings for residents of £117,994 in the year to date, ahead of the same time last year.. Members were advised, however, that savings were not evenly distributed across each quarter Members stated that KPI 1 should make clear that a reduction in the number of scams and illegal trading practices taking place across Buckinghamshire and Surrey, which was the primary objective of Trading Standards, would ultimately lead to decreased direct savings for residents through scams prevented against money recovered afterwards. Officers indicated that they would consider how the KPIs could be amended to better reflect the impact of prevention.
3. Members sought clarification on the proportion of funds collected by Trading Standards arising from the Proceeds of Crime Act (POCA) that the service was entitled to retain. Officers noted that in general when the service was both investigator and prosecutor we would recover a third of the money collected through, POCA after any compensation payable to victims with the remaining two thirds being between the Home Office and the Courts. Discussions took place on whether Trading Standards received a fair allocation of money confiscated through POCA. The Joint Committee was advised that the priority for POCA was ensuring compensation for victims.
4. The Joint Committee asked whether defence lawyers were continuing to argue that Trading Standards Services nationally were taking action under POCA inappropriately. Officers confirmed that this defence of

“abuse of process” was sometimes begun, it had not been successful. Officers confirmed that the service followed existing policies, legislative requirements, and government guidance on the use of POCA hence minimising the risk of successful legal challenge.

5. Data showed that the level of penalties imposed and number of convictions was lower than at the same time for the previous year. Officers advised Members that 2015/16 had been an exceptional year for prosecuting rogue traders and that the results from 2016/17 should be considered in this light. It was highlighted, however, that the service had successfully prosecuted two significant cases since publication of the figures in the report. Officers further advised that the performance data didn't capture civil actions where Trading Standards had secured court orders requiring companies and company directors to amend their trading practices or face prosecution.
6. Members drew attention to the costs incurred by Trading Standards for recovering assets seized through POCA. It was necessary to employ specialist Accredited Financial Investigators (AFIs) to undertake this work. Joint Committee asked that a more detailed breakdown be provided for the next performance update – highlighting the costs as well as the recovered assets. Officers agreed to provide this information.
7. The Joint Committee discussed how money retained through POCA could be spent by each local authority. Officers reported that these funds could be used to tackle crime or fear of crime initiatives. This year the recovered assets money had been passed on to the Community Safety Teams in both counties to deliver projects that tackled local crime priorities. In Buckinghamshire £27,000 would be spent on a Domestic Abuse pilot project. In Surrey £53,000 had been passed on and was currently being allocated to projects, with the likelihood that it would also be used to help tackle Domestic Abuse.
8. The Joint Committee received an update on developments in relation to Trading Standards' Primary Authority Partnerships (PAP). Members were informed that the focus had been establishing larger PAPs as well as strengthening those that already existed. It had been forecast that by the end of the financial year income generation arising from PAPs was forecast to be double what it was as at the end of 2015/16. Members congratulated officers on achieving such significant growth in income arising from PAPs and requested that a report be brought to the Joint Committee meeting in February 2017 to explore how the service builds on this success.
9. Members were further informed that the service was developing a database for PAPs which would enable officers to analyse expenditure through time and resources for each PAP time against the income generated through each partnership. This will allow for a clearer picture of the amount of money that Trading Standards generates through PAPs. Officers further advised that the service was moving towards fixed fee contracts for PAPs and that this was beneficial as it enabled a more accurate forecast of annual income. Officers reported that there were potential limitations on how income generated through PAPs could be transferred to and spent by BCC and SCC due to the fact that the service was delivered on a cost recovery basis.

10. The Joint Committee discussed the addition of an extra KPI to measure the performance of Trading Standards in tackling scam activity across the two counties. The data showed that residents had lost a significant amount of money to scams in 2016 and the service recognised the need to do more to protect residents of both counties in this area. Members were advised that Trading Standards was reaching out to other organisations in order to develop a cohesive approach to tackling scams across BCC and SCC. Two scams conferences were planned for the coming months.
11. Officers highlighted that there was a national initiative to challenge scams – the National Scams Team – and the service was working closely with that team, for example in delivering the two scams conferences. Members asked for a more detailed report on Scams to be brought to the next meeting of the Joint Trading Standards Service Board including looking at how scammers are able to target elderly and vulnerable residents.
12. The Committee discussed the Friends Against Scams initiative. Members requested that frontline staff across both local authorities be encouraged to go on training offered by Friends Against Scams. Officers further highlighted the potential of the two scams conferences which would provide an opportunity for partners across the public and voluntary sectors to identify opportunities for working together in order to protect elderly and vulnerable residents.

Actions/ further information to be provided:

1. Officers to consider how the KPIs could be amended to better reflect the impact of prevention.
2. A more detailed breakdown be provided for the next Performance Update highlighting the costs as well as the recovered assets and detailing how the POCA recovered assets are allocated.
3. A report on Primary Authority Partnerships to be brought to the next Trading Standards Joint Committee meeting.
4. A report to be brought to the next meeting of the Joint Trading Standards Service Board meeting focusing on Scams and detailing how scammers are able to target elderly and vulnerable residents.
5. Frontline staff across both local authorities be encouraged to go on training offered by Friends Against Scams.

RESOLVED: that the Buckinghamshire County Council and Surrey County Joint Trading Standards Service Committee:

- i. noted the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service's performance since 1 April 2016; and
- ii. noted the strong financial position of the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service.

**18/16 OFFICIAL FOOD STANDARDS AND FEED CONTROLS PLAN 2016 - 2017
[Item 7]**

Declarations of interest:

None

Witnesses:

David Pickering, Public Health & Compliance Manager, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service
Phil Dart, Service Director for Communities, Buckinghamshire County Council
Steve Ruddy, Head of Trading Standards, Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service
Yvonne Rees, Strategic Director Communities, Surrey County Council

Key points from the discussion:

1. An introduction to the report was provided by officers who informed Members that the Food Standards Agency (FSA) required the Joint Committee to sign off Trading Standards' Official Food Standards and Feed Controls Service Plan 2016-2017. The Committee was advised that efforts had been made to make the Plan more user friendly for businesses but that the FSA did require it to contain specific information which meant there was limited scope for changes.
2. The Joint Committee inquired about the extent to which Trading Standards and Environmental Health collaborated in respect of regulating and inspecting businesses through out Buckinghamshire and Surrey. Officers acknowledged that more needed to be done to improve how effectively Trading Standards and Environmental Health worked together so that they were able to share information across both organisations.
3. Discussions took place regarding FSA's audit of the effectiveness of Trading Standards' feed controls. Officers advised that the outcome of the audit had generally been positive with the FSA's concerns relating to data management and that Trading Standards were not visiting feed producers frequently enough.
4. The Committee agreed that the results of the Feed Audit should be put forward for consideration by SCC's Statutory Responsibilities Network.

Actions/ further information to be provided:

1. FSA Feed Audit outcome to be put forward for consideration by SCC's Statutory Responsibilities Network.

RESOLVED:

That the Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee approve the 2016/17 Official Food Standards and Feed Controls Service Plan (the FSA Plan).

19/16 DATE OF THE NEXT MEETING [Item 8]

The Committee noted that its next meeting will be held on 29 March 2017.

Meeting ended at: 13.10

Chairman