

BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL
TRADING STANDARDS JOINT COMMITTEE
DATE: 24 MARCH 2021
**LEAD OFFICER: STEVE RUDDY
 HEAD OF TRADING STANDARDS**
SUBJECT: TRADING STANDARDS COVID RESPONSE
SUMMARY OF ISSUE:

Responding to issues posed by the Covid pandemic have been high priority for Trading Standards during this year.

This report discusses the priorities within this work, what the Service has done to respond and other impacts of the pandemic on the work of the Service.

RECOMMENDATIONS:

It is recommended that the Trading Standards Joint Committee notes the report.

REASON FOR RECOMMENDATIONS:

The Joint Committee is required by the Inter Authority Agreement which underpins the service to ensure effective performance of the Service. This report explains what unplanned work was required and why, as well as considering the impact of this work upon other priorities for the Service.

DETAILS:
Response Priorities:

1. The main priorities during the Covid outbreak have continued to be:
 - Preventing harm from Covid related scams
 - Preventing harm from unsafe goods, including Personal, Protective Equipment (PPE), especially via Heathrow and being brought into use by the Logistics team in Surrey
 - Supporting businesses by providing advice needed for the changing conditions (e.g. supply chain shortages)
 - Shared enforcement of the Business Closures legislation with Environmental Health and Police partners.
2. These priorities have remained constant though the level of work being done to deliver each one at any given time has varied with the changing situation.

Preventing harm from Covid related scams:

3. The Covid pandemic opened the floodgates for scammers to prey on all members of society in a number of different guises. This was a high risk for our most vulnerable residents who had been previously targeted. By pro-actively contacting these most vulnerable residents we were able to provide regular and consistent messages and reassurance in an attempt to safeguard them from further victimisation. During the first lockdown we carried out intensive (at least weekly) contact with 300 people identified as the most vulnerable to scams. Our data showed confidence that this regular and ongoing contact had reduced their susceptibility to scams. During the summer we reduced this level of intense contact with the vast majority of these people. When a specific risk is identified in a local area (e.g. a doorstep crime incident or a scam is occurring in the same locality) we contact vulnerable residents to provide support and safeguarding messages. In the past few weeks, we have re-contacted all these people. We are pleased to report that for the vast majority their awareness of scams still remains high and we are reassured that they do not need ongoing contact. We continue to work intensively with a handful of individuals as part of our more usual prevention work. More detail including a case study is in the Prevention Report.
4. Considering the wider community, we continue to put out very regular information through our social media and other channels including press releases to warn people of Covid and vaccine related scams which has excellent reach and has been well picked up by the media.
5. In addition to ensuring that residents and businesses are aware of the latest scams circulating, we have also taken action where businesses have not approached their response to Covid legally. A specific example of this occurred following the initial Covid lockdown in March 2020. Trading Standards received a number of complaints from consumers in relation to a travel company based in Surrey. The Company provide consumers with airport transfers and provide this service in a large number of destinations around the world.
6. As a result of Covid, consumers were unable to travel so had therefore contacted the Company to cancel their bookings. The Company initially refused to provide monetary refunds and were only offering credits to be used within the following 12 months. Customers were also having issues in contacting the Company. Trading Standards continued to receive complaints into the Summer of 2020.
7. During the pandemic guidance was produced by The Competition and Markets Authority. (CMA) remains of the view that a consumer will generally be entitled to a refund when they have paid money in advance for services or goods that cannot be provided because of the coronavirus pandemic.
8. Officers initiated contact with the Company and provided comprehensive advice. The Company agreed to comply and also agreed to continue to work with Trading Standards in resolving any complaints. So far, as a result of Trading Standards intervention, consumers have been provided £4896.51 in refunds.

Preventing harm from unsafe goods, including PPE, especially via Heathrow and being brought into use by the Logistics team in Surrey

9. Assessing the safety of PPE was a heavily intensive task in April/May/June. Thereafter it has lessened significantly as supplies within the UK have stabilised and there has been less need for rapid, air freighted, imports however there continues to be an ongoing lower level need. After reviewing over 5 million items, over 1.2 million unsafe or non-compliant products were stopped from entering the supply chain by the Service with an estimated impact to society of over £40m. These products were mainly face masks and other protective equipment related to the outbreak of Covid.

Shared enforcement of the Business Closures legislation with Environmental Health and Police partners

10. Business closure legislation was introduced as part of the measures to help reduce the venues at which the coronavirus could spread.
11. For most of the past year what are regarded as essential businesses, such as shops selling food, have been allowed to stay open. Other types of businesses have been required to either close or adopt a click and collect method of operation. Our remit has been concentrated on this business closures aspect but working in partnership has been vital as other measures have also been in place to restrict the spread of the virus, such as restrictions on social gatherings. Often situations have involved the range of various controls, for instance people gathering in pubs.
12. During the year we have adopted the national police strategy of beginning with engagement, then explain, moving to encourage and then enforce as a proportionate response to the regulatory work. This strategy has been particularly important as the regulations have been changing frequently, and some businesses have found it hard to understand what the latest requirements on them were so have been able to be brought into compliance using the early stages of the strategy without the need to move to enforcement.
13. An example of this related to car wash businesses which have been a constant source of challenge during all lockdowns. Officers of the service have liaised with our Environmental Health and police colleagues to work with car washes to ensure they are compliant and on the whole this has been successful. Our Environmental Health colleagues have provided very positive feedback for the liaison and the coordinating work one of our officers has carried out with car wash businesses.
14. Our graduated approach to enforcement is illustrated by one particular car wash business that despite receiving extensive advice and appearing to accept closure was captured in operation by police body cameras. This was shared with us and we issued a prohibition notice, the breach of which could result in a fixed penalty. The business has now complied.
15. The level of this work has fluctuated with the changes in restrictions. Each lockdown and tier of restrictions has placed different requirements on businesses, and legislation has been amended whilst in force to make further changes as challenges and unintended consequences become apparent. Given the nature of the situation the legislation has often been laid with only a

few hours' notice, so ensuring that officers are aware of the latest legislation has been an ongoing challenge.

16. At times business restrictions enforcement has led to a high level of work. In part this has been because of confusion within the business community and in part due to some businesses and sectors/trade bodies pushing the boundaries of the legislation to maximise their trade (a situation seen much more rarely in the first lockdown).
17. In November to support business restrictions work, and the work being done by Environmental Health, Buckinghamshire used Covid funding to employ Trading Standards contractors for a few weeks to do a high volume of visits to businesses to inform them of the latest requirements (to address the confusion) and to assess compliance, which at that point was found overall to be very high with just a few businesses and business sectors not complying without rigorous advice. During this period the contractors assisted with over 6,000 inspections.
18. In January there was a national concern whether the practices of essential retailers and the behaviour of their customers had deteriorated, as shopping was been identified as a source of infection. This led to a range of work in both Counties and nationally, aimed at improving levels of Covid security particularly in supermarkets including writing to supermarkets, engaging with their Primary Authority Partners, and making visits to around 45 supermarkets to engage with them about their covid security practices.
19. The form of complaints or advice requests into the Service about business restrictions have varied, with proportionately more requests from businesses for advice being received in the first lockdown, whereas the level of complaints about businesses operating has been reasonably consistent (in proportion to the length of the lockdown) for each one. To date we have received, and responded to, over 440 complaints about businesses trading contrary to the requirements.
20. To further assist in understanding where problems are occurring so that resources can be targeted at addressing them, a web page for people to report problems was developed and went live in January, publicised heavily by the Director of Public Health in Surrey. This has generated a steady flow of concerns being raised particularly in the Surrey area which Trading Standards either deal with directly or pass to the most appropriate service. To the end of February 160 reports had been received through this form, but many identified multiple issues of concern including: staff not wearing face masks; public not wearing face masks; businesses remaining open during lockdown; lack of social distancing; allegations of staff testing Covid positive and continuing to work. We continue to work with partners to share information that it is appropriate for them to consider and/or respond to – for example complaints regarding the wearing of face masks by shoppers are passed to the Police for information.
21. Linked to enforcement work the Service has responded to give feedback back to central government on where restrictions could be altered to have a greater impact or be more enforceable, and we have seen some changes in the legislation which appear to respond to some of these suggestions.

22. Further funding has recently been allocated by Surrey from its' Contain Outbreak Management Fund for the ongoing enforcement issues related to Covid in Surrey, and the Service has engaged two contractors (1.4 FTE) to assist with this over the coming months. They will continue to work closely with Environmental Health colleagues to maximise the effectiveness of our enforcement response.

Supporting businesses by providing advice needed for the changing conditions (e.g. supply chain shortages)

23. As mentioned above this work has fluctuated with the overall situation. Panic buying just before and at the start of the first lockdown caused some supply chain issues and generated many queries to us from businesses. During the first lockdown 100 requests for advice about Covid related issues were responded to from businesses who were proactively contacting us. Since the end of the first lockdown we have responded to a further 92 Covid related requests from businesses.
24. Changes required for import/export of goods as the transition period of the UK's exit from the EU came to an end, and at the ongoing change points also tends to generate queries from businesses. Perhaps because of the changing market conditions, at times we have received small spikes in advice requests from new businesses. Therefore, whilst Covid related requests have settled back to some extent, overall the work to support to businesses remains at a relatively high level.

Work paused

25. Some of the Service's work has been paused or altered during the most stringent national lockdowns. The reasons for this (and for some activities several of these reasons applied) include:
- Work not able to be done at a suitable distance, especially relevant in the tightest stages of restrictions
 - Businesses not being open, or operating in very different ways
 - Guidance from central government advising us to stop certain activities, e.g. the Food Standards Agency re planned inspections of food businesses
 - Work that is usually done alongside partners who had other priorities, or were unable to carry out the work at a safe distance, or had made decisions to suspend their activities
 - Our priorities, and resources, being temporarily elsewhere
26. The fluctuating situation means that there is still some impact of these issues, and by the end of the year we will not have delivered what we would have done without Covid. This is reflected in the performance seen within the separate Performance Paper. There remains significant disruption to the criminal justice system with court trials being severely restricted. We anticipate that this will last well into next year and the knock on may last into the following year too, adversely affecting the speed of our cases and changing the profile of legal costs. Risk assessments are in place now for much of this work and where it links with the needs of the situation and the Service priorities we have found ways to deliver much of what we need to do - although at somewhat differently than in previous years.

Ministry of Housing, Communities and Local Government (MHLG) Review

27. MHCLG are currently reviewing the impact of Covid and Brexit on local authority Regulatory services, in particular Environmental Health and Trading Standards services. Work has only recently begun and 5 workstreams have been created and are due to report in July:

- a) Forward look 2021 – including ongoing pressures from Covid, Brexit, and any planned new responsibilities for regulatory services – aim is to increase co-ordination of new burdens to reduce concurrent impacts on Local Authorities
- b) Backlogs – particularly the impact of Covid – aim is to ensure backlogs are managed pragmatically to reduce pressure on Local Authorities as far as possible.
- c) Resourcing, capacity and qualifications – the LGA are helping to co-ordinate this workstream, and both Trading Standards and Environmental Health professional bodies will also be involved. This may well have important longer term implications. The aim is to increase skilled capacity for regulatory services teams.
- d) Cost recovery and non-compliance charging –The aim is to increase sustainability of cost recovery / charging for regulatory services
- e) Champion/sponsor in Government. The aim is to ensure clear representation of the professions across Government. Currently there is no single clear focus for the wide range of issues dealt with by these regulatory services.

CONSULTATION:

28. No external consultation has taken place.

RISK MANAGEMENT AND IMPLICATIONS:

29. All significant risks affecting the service (including those related to Covid) are regularly considered by the management team (two monthly for red and amber risks, 6 monthly for green risks).

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

FINANCIAL & VALUE FOR MONEY IMPLICATIONS

31. Funding has been received for enforcement work from both Council's Covid related grants from central Government, for example from the Covid Outbreak Management Fund (COMF) in Surrey. Funding has also been received from a central Government grant for Lost Income.

LEGAL IMPLICATIONS

32. Covid-19 has had a significant impact on the Criminal Justice system, delaying trials and cases during the year. We anticipate that the impacts will continue to be felt throughout the coming year.

EQUALITIES & DIVERSITY

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

WHAT HAPPENS NEXT:

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

17.0 REPORT DETAILS

Contact Officer(s):

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Consulted: None

Annexes:

None

Sources/background papers:

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