

BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL
TRADING STANDARDS JOINT COMMITTEE

DATE: 9 NOVEMBER 2023

LEAD OFFICER: AMANDA POOLE
ASSISTANT HEAD OF TRADING STANDARDS

SUBJECT: 2023/24 FIRST SIX MONTHS PERFORMANCE

1.0	<u>SUMMARY OF ISSUE:</u>
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- 1.1 The Buckinghamshire Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for the first six months of 2023-24 (April to September) (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	<u>RECOMMENDATIONS:</u>
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- 2.1 It is recommended that the Trading Standards Joint Committee notes the Service's performance.

3.0	<u>REASON FOR RECOMMENDATIONS:</u>
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- 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	<u>PERFORMANCE DETAILS:</u>
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- 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.
- 4.2 Flexibility of the Trading Standards Service to respond to the latest situation, within overall priorities for the Service, is vital for delivering what matters to residents and local businesses. The performance framework supports this and allows the Joint Committee to look at performance in the round, with performance against each indicator varying depending on where the focus is required to be. This year we have continued the focus started last year on



activities to support communities and individuals through the impacts of inflation and the cost-of-living crisis – are residents getting what they are paying for, and are they being kept safe from potential harm of products they might particularly use in times where household finances are deeply stretched?

- 4.3 There are currently no statutory performance indicators for Trading Standards and there is no performance benchmarking data available for comparison of the key performance indicators. Previous attempts to create national performance indicators for Trading Standards have not been successful so the Service sometimes looks to similar services in local government for comparisons (for example on engagement through social media) or at other proxy data.
- 4.4 Following the National Audit Office report on “Protecting consumers from scams, unfair trading and unsafe goods” published in December 2016 the Association of Chief Trading Standards Officers (ACTSO) developed the national “Impacts and Outcomes Framework for Trading Standards”. The concept of this approach is to use a wide range of indicators, divided across three main areas: Tackling detriment and preventing harm; Supporting the local economy; and Promoting health and wellbeing. This has been reported on since the 2018-19 year and provides overall information about the impact of Trading Standards using nationally aggregated data but does not provide benchmarking data because it is accepted that each Service is likely to be focusing on different areas within this framework to respond to their local issues in any given year and bearing in mind their local situation. The latest aggregate data from the ACTSO returns for the 22-23 year is attached as Annex B.
- 4.5 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 which contributes towards the overall priorities (but does not directly control the outcome). An example of this type of indicator are those related to investigation outcomes. A ‘good’ investigation is one which is appropriately thorough and fair to all parties with the outcome decided in accordance with the Services’ agreed Enforcement Policy. So, the number of convictions is useful to understand as part of the picture of our work to tackle fraudulent and illegal trading practices but there can be no targets sets because the Service must act fairly, appropriately and in line with our Enforcement Policy and not be led towards prosecution by a target. Similarly, the sentences set by judges and magistrates are not within our control but do give an indication of the judiciaries view of the seriousness of the offences prosecuted.
- 4.6 **A key Service priority is to protect individuals, communities and businesses from harm and financial loss.** For the first half of 23-24 the financial impact of our interventions related to scams and frauds was **£1,607,901**. This indicator varies month to month but is slightly ahead of the £2,878,557 for the whole of 22-23.
- 4.7 Prevention is a cornerstone for the service in how we seek to protect both residents and businesses, and the report discusses different tools we use to work with both vulnerable individuals and the wider population in our areas. Working with the Communications Teams of both Council’s we have been

encouraging take up of call blockers to protect vulnerable residents from phone fraud. As a result of this we have installed 71 call blocking units so far this year, compared to 110 in the whole of last year.

- 4.8 No defendants have been convicted of offences so far in 23/24, with two trials being delayed again, compared to 17 for last year. The Service currently has 11 cases going through the legal process, and despite the significant increase in the number of convictions last year (many related to guilty pleas) we are still seeing concerning delays in the court process for trials of more than a day in length affecting vulnerable witnesses, defendants and leading to an increased cost to the Service. No defendants have been found not-guilty (also none for the same time period last year).
- 4.9 In addition to the outcomes of investigations the Service undertakes activities to disrupt illegal and unfair trading. The report goes into more detail of what illegal products the service has seized, pending investigation, or stopped from being allowed into the Country such as tobacco and unsafe goods.
- 4.10 **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.¹ Supporting businesses to understand what they need to do to be compliant is a vital part of a positive regulatory environment, ensuring that they can confidently focus their resources in the right areas.
- 4.11 In the first few months of 2023 we began to see some turbulence in the business arena, with businesses whom we have partnerships with being acquired by other businesses, acquiring others, reevaluating their finances or going out of business. In April this caused our number of Primary Authority Partnerships to drop, causing this indicator to currently be amber. However since then we have seen a very gradual increase in numbers, such that we are optimistic that by the end of the year we will meet our target to increase the number compared to last year.
- 4.12 A fairly new indicator 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.
- 4.13 **Improving the health and wellbeing of people and communities is the third key priority for the Service;** this includes 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.
- 4.14 Work tackling illegal supplies of tobacco remains a significant activity for the Service given the harm caused by smoking, the disproportionate affect this has on more deprived groups and the appeal to children and people from

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

lower socio economic groups that cheap illegal tobacco has – further exacerbating the impacts on them. Investigations have been continuing in this year following finds of illegal tobacco last year. In some cases these are complex, and the Service is working with other Services to explore whether closure orders can appropriately be used.

- 4.15 Demand has continued to be high to tackle the import of unsafe products through transit sites for Heathrow. Over 53,000 unsafe and non-compliant products destined for people's homes have been prevented from entering the country through our work, including toys unsafe because a child could easily access and choke on their stuffing, electrical items posing the risk of electric shocks, and toys with small loose magnets that could easily be swallowed presenting serious harm to a child. This compares to just over 71,000 in the whole of last year.

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 <u>WHAT HAPPENS NEXT:</u>
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- 10.1 Performance continues to be reviewed by the Service Management team and by the Joint Service Board.

REPORT DETAILS

Contact Officer(s):

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Mr Steve Ruddy, Head of Trading Standards 01372 371730

Consulted:

Annexes:

Annex A: Performance Report April – September 23/24
Annex B – ACTSO Impacts and Outcomes Report 22/23
Annex C - ACTSO Impacts and Outcomes Infographic 22/23

Sources/background papers:

ENDS

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