

MINUTES of the meeting of the **BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE** held at 10.30 am on 10 April 2024 at Woodhatch, 11 Cockshot Hill, REIGATE.

These minutes are subject to confirmation by the Committee at its meeting on Thursday, 19 September 2024.

Elected Members:

*present

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

In attendance

Amanda Poole, Assistant Head of Trading Standards, Buckinghamshire and Surrey Trading Standards Service
David Pickering, Team Manager – Regulation, Buckinghamshire and Surrey Trading Standards Service
Jaqui Bromilow, Buckinghamshire

1/24 APOLOGIES FOR ABSENCE [Item 1]

Apologies were received from Carl Jackson and Scott Lewis.

2/24 MINUTES OF THE PREVIOUS MEETING - 9 NOVEMBER 2023 [Item 2]

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

3/24 DECLARATIONS OF INTEREST [Item 3]

There were none.

4/24 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.

5/24 ACTION TRACKER AND FORWARD PLAN [Item 5]

Key points from the discussion:

1. The Assistant Head of Trading Standards updated Members on the Action Tracker including: -
 - a) A letter, written with trading standards colleagues across southeast of England, had been sent to the Secretary of State for Justice. A response had not been received.
 - b) The Christmas campaign on call blockers had gone well.

Actions/ further information to be provided:

None.

RESOLVED:

The Committee is asked to monitor responses, actions and outcomes against actions and recommendations from previous meetings and to note the forward plan.

6/24 JOINT SERVICE BUDGET [Item 6]

Key points from the discussion:

1. The Assistant Head of Trading Standards presented the budget report and highlighted the following points: -
 - a) because of the timing of this meeting the final out turn position was not available. Therefore, the most recent forecast was included in the report.
 - b) The 2024/25 budget was included for approval and that included some pressures on the service and some savings.
2. Both Chairs recognised some of the risks mentioned in the report and how they were being managed. He was pleased to see the year on year improvement in income following Covid. However, he also spoke of difficult times ahead for budgets but thought that the service we're doing the right things with structures, doing business and where the focus lay. They expressed their gratitude to officers.

Actions/ further information to be provided:

That officers re-think timing of meetings next year in order to have fuller information on the budget.

RESOLVED:

1. That the forecast outturn for the joint service budget for 2023/24 be noted.
2. That the budget for 2024/25 was agreed.

7/24 TRADING STANDARDS VAPES ENFORCEMENT UPDATE [Item 7]

Key points from the discussion:

1. The Team Manager highlighted the following areas of the report: -
 - a) the government announced at the end of January that they were going to ban disposable vapes. Authorities received the draft legislation for their feedback on it. It was feedback that there were gaps in the legislation around powers, for example it was said that could sample products rather than seizing them.
 - b) The £30 million funding linked to smokefree policy that was announced a while back was still being discussed. The majority was expected to go to HMRC and Border Force. Anticipating that

- £5,000,000 will come to Trading Standards nationally, possibly to fund apprentices into the profession. It was unclear yet whether Buckinghamshire and Surrey would receive any of this funding.
- c) There was some funding that was coming from DHSC to assist with storage and disposal. There were now storage facilities in both Surrey and Buckinghamshire.
 - d) There were still a large number of complaints being received around possible illegal vapes and underage sales. Due to number of complaints the amount of underage test purchasing had increased.
 - e) There was an awareness of there being problems of vaping within schools. A few of the methods being used by schools to stop vaping were explained. Schools had also received guidance from Government.
 - f) It was hoped that there would be some help on the environmental impact of vapes with the vape recycling scheme. When a vape was being purchased then retailers were expected to take in spent vapes.
2. The Assistant Head of Trading Standards explained what was happening with online test purchasing being coordinated nationally. The sites were not targeted through intelligence received. The failure rate was around 10% and that was being followed up by the relevant local authorities. The Chair asked what the local comparison was with the failure rate of shops. The Assistant Head of Trading Standards explained that Surrey failure rate was 17% and Buckinghamshire 13% however there were differences in particular areas.
 3. Following a discussion around the ever increasing number of complaints around vapes the Team Manager explained how both areas were looking at the legal issues and alternative options including closure orders.

Actions/ further information to be provided:

None.

RESOLVED:

That the latest policy approaches be noted, and local approaches be considered.

8/24 2023/24 PERFORMANCE TO MID MARCH [Item 8]

Key points from the discussion:

1. The Assistant Head of Trading Standards explained that there were no formal performance indicators for trading standards nationally. These were based on ones that were agreed locally to be areas of interest. She highlighted the following areas from the report: -
 - a) the financial impact of our interventions was good which was running at over £3.1 million across the joint service which was ahead of last year's figure of £2.8 million.
 - b) problems with the court service continue, so the number of convictions during the year remained low.
 - c) a slightly different approach was taken mid-year with a market where prolific levels of counterfeiting were identified. A big partnership day of action, involving the police, was undertaken in September to start to address the issues and have since been working with the market operator and landlord. The market had continued to be monitored and she was happy to report that the situation was much better now.
 - d) the target around the number of primary authority scheme partners will be missed. It was known that was likely with what happened with

Woking Borough Council. Mitigations were in place, but the target will be missed.

- e) Regarding the last target around improving well-being and public health over 80,000 items were stopped through Heathrow this year. That work was funded by the Office of Product Safety and Standards because there was a national impact to that work.
 - f) Regarding cost of living projects. some work had been undertaken with checking the accuracy of weighing and measuring equipment. Petrol pump testing and also non automatic weighing instruments which are the scales you see in supermarkets, butchers or corner shops were also tested.
 - g) over the year 146 electric blankets had been tested with a 71% failure rate. This was marginally better than last year's figure of 80% but still scarily high.
 - h) Following the avian flu problems there had been a change in the need to register. It used to be anyone keeping more than 50 birds would need to register and now it is required if any birds are kept. The register is kept by the Animal and Plant Health Agency and if there was an outbreak, we would be able to use that information. So that was a positive.
2. The Chair asked whether there were any plans for longer term funding for the Heathrow work. The Assistant Head of Trading Standards responded that this would remain annual. The Department for Business and Trade were aware that this creates problems around planning.
 3. The Chair stated that the social media reach was not quite hitting the target and further work would be needed on that. The Assistant Head of Trading Standards explained that talks were happening with the Communications Team around what targets were meaningful. What was planned for this year was with each campaign to think about why it was being run and what was the ultimate impact looked for and to have specific targets for that campaign. This was work in progress. She also spoke of targets and measurements of alternative ways of doing things and ensuring targets reflected this.
 4. The Co-Chair spoke of the difficult balancing act of the messages given to people and the need to keep up the impact of the work especially when conviction numbers were so low. The Assistant Head of Trading Standards explained how different powers are used from the Proceeds of Crime Act such as account freezing orders that could be used separate to a prosecution and get some of the money back.

Actions/ further information to be provided:

None.

RESOLVED:

That the Service's performance be noted.

9/24 TRADING STANDARDS TOBACCO WORK [Item 9]

Key points from the discussion:

1. The Team Manager presented a statutory report on underage sales which had been extended to cover the wider work on tobacco. He highlighted that:
 - a) The work around tobacco also touched upon the vapes work as well so there was a bit of overlap with the vapes report discussed earlier.

- b) work is done in partnership with public health colleagues, so it fits with smoking cessation and the health aspects. The work that we do is reported here and reported back through public health colleagues through to the relevant boards and organisations within both authorities.
 - c) For the previous year there were 23 premises visited and a significant number of illicit cigarettes were seized, similarly with hand rolling tobacco, and packages of a kind of niche tobacco product. The tobacco detection dogs were always used now. The methods of hiding and the methods of selling were changing constantly. Written warnings had been issued to businesses for illicit vape sales. Licence reviews were being looked at.
 - d) A couple of Illegal tobacco roadshows had been held in Buckinghamshire, with the dog, which resulted in some interesting intelligence and information. The Youth Forum event that the officer in Buckinghamshire attended was interesting just to pick up on the feedback from younger people.
 - e) Next year the service would carry on working with in partnership with interested organisations and maybe more potential work with HMRC when the funding comes through for the vapes. Intelligence gathering would continue and use that to target test purchase operations. This relied on volunteers and officers were happy to say that the problem with volunteer numbers in Surrey last year has been resolved. Liaison would take place with public health colleagues around messaging on vapes. Officers attended the Tobacco Alliance meetings in both authorities to gather intelligence from relevant partners nationally and regionally. The service would continue to seek licence reviews when appropriate and monitor the marketplace.
 - f) There was a new product on the market that may be a problem in the future. This came in the form of a nicotine pouch that is popped into the mouth and gets round the issues users have with vapes. Anecdotal information from younger people was that they were popular and was a big thing with TikTok influencers.
2. The Co-Chair asked if there was anything that needed to be done before the forthcoming vaping legislation came into force, for example education. The Assistant Head of Trading Standards explained that it was early days yet but as with any new legislations there would be some work to do raising awareness with the business community. There would also be some supporting material from DEFRA. Businesses like certainty so this work will not happen until the legislation has been agreed.

Actions/ further information to be provided:

None.

RESOLVED:

That the report be noted as a reflection of activity over the financial year 2023–2024 and the continued enforcement activities which will be undertaken in 2024– 2025 be endorsed.

10/24 DATE OF THE NEXT MEETING [Item 10]

The Committee noted that its next meeting will be held on 19 September 2024.

Meeting ended at: 11.45 am

Chairman