

**MINUTES of the meeting of the BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL JOINT TRADING STANDARDS SERVICE COMMITTEE** held at 1.30 pm on 23 September 2020 held via MS Teams..

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 24 March 2021.

**Elected Members:**

\*In attendance

- \* Fred Wilson (Co-Chairman)
- \* Ms Denise Turner-Stewart (Co-Chairman)
- \* Sir Beville Stanier (non-voting) Buckinghamshire Council
- \* David Harmer (non-voting) Surrey County Council

**In attendance**

Steve Ruddy, Head of Trading Standards, Buckinghamshire and Surrey Trading Standards Service

Amanda Poole, Assistant Head of Trading Standards, Buckinghamshire and Surrey Trading Standards Service

David Pickering, Trading Standards Manager – Regulation, Buckinghamshire and Surrey Trading Standards Service

Wendy Morgan-Brown, Head of Registrars, Coroners, Archives and Trading Standards, Buckinghamshire Council

Andy Tink, Senior Principal Accountant, Surrey County Council

Michele Mansion, Trading Standards Manager - Business, Buckinghamshire and Surrey Trading Standards Service

**1/20 APOLOGIES FOR ABSENCE [Item 1]**

There were no apologies.

**2/20 MINUTES OF THE PREVIOUS MEETING [25 SEPTEMBER 2019] [Item 2]**

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

**3/20 DECLARATIONS OF INTEREST [Item 3]**

There were none.

**4/20 MEMBERS' QUESTIONS [Item 4a]**

There were none.

**5/20 PUBLIC QUESTIONS [Item 4b]**

There were none.

**6/20 PETITIONS [Item 5]**

There were none.

**7/20 FORWARD WORK PROGRAMME [Item 6]**

**Declarations of Interest:**

There were none.

**RESOLVED:**

The Committee agreed the Forward Work Programme.

**8/20 ACTION REVIEW [Item 7]**

**Declarations of Interest:**

There were none.

**RESOLVED:**

The Committee agreed the actions tracker.

**9/20 PERFORMANCE AND JOINT SERVICE BUDGET [Item 8]**

**Declarations of interest:**

There were none.

**Witnesses:**

Amanda Poole, Assistant Head of Trading Standards  
Steven Ruddy, Head of Trading Standards

**Key points from the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted the following points:
  - The report related to the performance for the financial year April 2019 to March 2020, and quarter 1 of 2020-21 (April to June).
  - Overall the Service was performing well across the range of indicators and delivered some excellent results against key performance indicators.
  - The Joint Service budget was slightly overspent at the end of the 19-20 year (by 0.8%) due to pressures on the budget caused by EU Exit.
  - It was important to note the volatility of the performance outcomes, particularly in relation to KPI's 1 and 2. Individual case outcomes, which often have been preceded by months or years of work,

significantly affect the overall performance. Wide scale closure of courts and jury trials during the Coronavirus pandemic has emphasised this volatility, with the Service having no convictions in Q1.

- The growth in the use of volunteers had continued to be strong and increased significantly in 19-20. The Service had around 50 volunteers actively supporting the priorities of the service. They gave 5380 hours of their time during 19-20, more than doubling the hours contributed in 18-19 (2585 hours).
- 16 people/entities were convicted following prosecution in 19-20, leading to over 21 years of immediate prison sentences (a significant increase on recent years) and £28,364 of fines.
- Through national calculations the Service saved £2 million last year with work carried out to help prevent vulnerable adults being a victim of scams.

2. In regards to KPI 1 and 2, a Member asked how the courts were addressing their backlog. The officer explained that courts were under severe pressure but that they were now undertaking court hearings virtually where possible. The Service has two approaches to coping with the backlog, one is continuing to carefully consider whether a case should be prosecuted which is done in line with the Service Enforcement Policy and taking into account the current court situation. It is still appropriate to prosecute cases for serious crimes such as fraud and money laundering. The second approach is to focus on preventative work with partners with more direct interventions with vulnerable people such as call blockers. In terms of fraud and money laundering work had been undertaken dependent on intelligence, risk and the impact of crimes on industry and society. They had also focussed on raising awareness of scams including training members of the public to be "Friends Against Scams" to be able to easily spot the signs of scams. Members thanked officers for their work with the vulnerable and asked that further information be provided at a future meeting on data sharing with partners and to identify if there were any gaps in the data. Members referred not just the financial cost to the vulnerable but also impact on their mental health.

3. In terms of the covid-19 pandemic and tackling the import of unsafe products through transit sites for Heathrow the activity in this area spiked significantly during April, May and June of 2020 as the Country urgently needed supplies of PPE so air freight was used to a much greater extent than normal to speed supplies into the Country. During this time officers reviewed over 4.5 million products, the majority of which were face masks, with smaller quantities of hand sanitiser. The Service stopped over 700,000 unsafe or non-compliant items from being released into the marketplace. However, if the product could be re-purposed then it would be utilised. Supporting businesses to operate effectively and appropriately, and in accordance with rapidly introduced legislation, through the Covid Pandemic has been a significant priority. This has included providing advice on how businesses can diversify (for example to produce hand sanitiser or face coverings) or how they can alter their business model, for example to provide safe home delivery services. The Service had been working with the Association of Convenience Stores to provide advice on home deliveries so that shops

could respond to local need.

4. Members discussed the draft Trading Standards key performance indicators 2020/21 which were closely linked to service priority areas such as protecting the vulnerable, enabling businesses to get the help and support they need and improving wellbeing and public health. The new KPI's were set out on page 63 of the agenda. New KPIs included the impact of interventions with scam victims, the number and estimated value of unsafe/non-complaint goods removed from or prevented from entering the supply chain, the number of premises tested for selling illicit or age restricted products and market surveillance projects. Members welcomed the draft KPI's and commented that they were current and valid bearing in mind the covid-19 pandemic.
5. Budget – the Trading Standards budget summary on page 24 showed that at year end there was a small budget overspend of £21,000 (0.8%). This was due to the impacts of EU Exit on income. The approved budget for 2020/21 was £2,631,000. Since this was approved there have been a number of budget pressures which include pay inflation, service specific IT costs and additional savings required (which are unachievable given service pressures experience in 2019/20). The covid-19 pandemic has also impacted the Service by causing the income to drop and some additional spend requirements. The additional spend to date has been covered by each Authorities covid grant from central government. A claim would be made against lost income with the local government compensation scheme, however this would not offset 100% of lost income (approximately 75%). There have also been some small reductions in expenditure as a result of paused activity and operating online, for example reduced legal fees and travel expenses. The full financial impact of this was still to be determined. The Service had been holding vacant posts and reducing spend where possible to reduce the impact of budget pressures. A quarterly officer meeting between the finance teams from both partner Authorities had been arranged to monitor the budget. Members commented that the safety of residents remained the priority.
6. In terms of the budget for the joint service this was set out in the original joint service business case and set out planned savings of 12% over the first 4 years of the new shared service. This has been adjusted by the Joint Committee on occasion, resulting in overall savings targets for the shared service of approximately 27% over the last five years. This had included additional income and efficiency savings, which would be impacted with recent service pressures. Officers would aim to address the three priority areas as effectively and efficiently as possible.
7. A Member queried the costs of the Joint Service being divided between the partner Local Authorities in the proportion: 34% Buckinghamshire and 66% Surrey, which includes any under or over spends. An officer explained that the budget had been divided according to population size as Surrey was approximately twice the size of Buckinghamshire.

**Actions/ further information to be provided:**

Further information be provided at a future meeting on data sharing with partners and to identify if there were any gaps in the data.

**RESOLVED:**

That the Trading Standards Joint Committee:

1. Noted the Service's performance.
2. Agreed the future Performance Indicators.
3. Noted the Joint Service Budget for 2020/21 and the identified pressures that would need to be addressed in year.

**10/20 TRADING STANDARDS ENFORCEMENT POLICY [Item 9]****Declarations of interest:**

None

**Witnesses:**

Amanda Poole, Assistant Head of Trading Standards  
Steven Ruddy, Head of Trading Standards

**Key points from the discussion:**

1. Officers introduced the report and provided a brief summary.  
Members noted the following details:
  - The Trading Standards Service regularly reviews its Enforcement Policy to ensure it remains appropriate and relevant to the regulatory and local authority landscape.
  - The updates include amendments to; acknowledging Buckinghamshire County Council's change to becoming part of a new Unitary Council for Buckinghamshire known as "Buckinghamshire Council", reflecting that the Service hosts the National Trading Standards Scams Team which will abide by the best practice principles found in legislation and codes that are outlined within the Enforcement Policy, clarifying that the decision as to disposal is made by a different officer than the investigating officer.

A Member asked officers to consider circulating a document for the public on the range of enforcement powers that the Service has and how the public could be protected. In addition it would be helpful to have a Member briefing on this area and any challenges being experienced across the Country.

**RESOLVED:**

That the Trading Standards Joint Committee endorsed the amended Enforcement Policy attached at Annex A of the report.

## **11/20 TRADING STANDARDS TOBACCO WORK [Item 10]**

### **Declarations of interest:**

None

### **Witnesses:**

Amanda Poole, Assistant Head of Trading Standards  
Steven Ruddy, Head of Trading Standards

### **Key points from the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted the following details:
  - The Children and Young Person's (Protection from Tobacco) Act 1991 requires Local Authorities to consider, at least once in every period of twelve months, the extent to which it is appropriate to carry out enforcement action to ensure that the provisions of the Children and Young Persons Act 1933, are effected.
  - Trading Standards link closely to Public Health led strategies to reduce tobacco use. The Trading Standards role is mainly in relation to tackling supply.
  - There were prevention plans in place and test purchasing.
  - Sale of Illicit tobacco could be a gateway to criminality and organised crime.

### **RESOLVED:**

That the Trading Standards Joint Committee noted the report as a reflection of activity over the financial year 2019-20 and endorsed continued enforcement activities which would be undertaken in 2020-21.

## **12/20 TRADING STANDARDS SCHEME OF DELEGATIONS [Item 11]**

### **Declarations of interest:**

There were none.

### **Witnesses:**

Amanda Poole, Assistant Head of Trading Standards  
Steven Ruddy, Head of Trading Standards

### **Key points from the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted the following details:
  - The Scheme of Delegation is based closely on the Scheme previously

agreed by the Joint Committee in 2015. It has been updated to reflect the current Trading Standards service structure and changes in legislative requirements. In particular, a change in the requirements in relation to Communications Data checks under the Regulation of Investigatory Powers Act.

**RESOLVED:**

That the Trading Standards Joint Committee approve the Scheme of Delegation attached at Annex A of the report.

**13/20 OFFICIAL FOOD STANDARDS AND FEED CONTROLS WORK 2020-2021 [Item 12]**

**Declarations of interest:**

There were none.

**Witnesses:**

Amanda Poole, Assistant Head of Trading Standards  
Steven Ruddy, Head of Trading Standards

**Key points from the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted the following details:
  - The Food Standards Agency (FSA) requires Trading Standards services to produce an annual Official Food Standards and Feed Controls Service Plan (known as the 'FSA Plan').
  - However, for 2020/21 the Service was selected to participate in a pilot scheme run by the FSA to test out a new approach to food standards work in local authorities. As such the Service was unable (and not required) to produce a "normal" Food and Feed Plan.
  - However, since these plans were put in place, the pilot project has been delayed, due to Covid, until later in the year. It is anticipated it will start in January. The FSA indicated that the project will still run for a year so that meaningful data can be obtained. The Service have been working with the FSA to prepare for the start of the project. In the absence of a formal plan the Service have been dealing with complaints that have been received and identifying sampling projects that will be carried out until the project begins.
  - Since April the Service has been following the FSA guidance on work prioritisation during the Covid 19 pandemic. A particular focus during this time has been the impact of food business supply chain issues and diversification. This has resulted in the Service giving significant support to ensure businesses have been able to survive the situation and continue to comply with safety/legislative requirements.
2. In regards to the pilot project, a Member asked whether there was an opportunity to test the new approaches before January. An Officer responded that some Working Groups could be set up but that the FSA did want to run the pilot for a reasonable period of one year and they

would use the data to make a decision. Once the pilot project started they would be able to feedback information to the FSA on innovative ideas on using resources as effectively as possible and to promote awareness of the work of the FSA.

**RESOLVED:**

That the Trading Standards Joint Committee note the current situation and that the activities needed to successfully participate in the Food Standards Delivery Review Local Authority pilot be approved including undertaking the Feed work agreed with the Food Standards Agency and National Trading Standards.

**14/20 ILLICIT GOODS & AGE RESTRICTED SALES ACTIVITY [Item 13]**

**Declarations of interest:**

There were none.

**Witnesses:**

Amanda Poole, Assistant Head of Trading Standards  
Steven Ruddy, Head of Trading Standards

**Key points from the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted the following details:
  - Knife crime remained a significant concern, particularly in relation to young people and/or gang culture. In September the Service sent the National Business Crime Centre Knife Retailers Toolkit out to inform businesses based in Buckinghamshire and Surrey about their legal obligations relating to the sales of knives. The toolkit has been available on the website since February, with promotion through social media channels. The Service has worked with the Association of Convenience Stores to provide information about selling all age restricted products (including both knives and NOS) to their members (over 30,000 members nationally).
  - However, the Service want to directly make local businesses aware of the contents before they attempt test purchases and delayed this activity during Covid to allow businesses to focus on getting to grips with the new requirements on them for covid-security such as social distancing.
  - Intelligence has been gathered from a number of sources and the Service will be carrying out test purchases to establish compliance relating to underage sales via the internet during September. The Police (using police cadets as the purchasers) have taken the lead on joint operations for test purchasing knives from shops and anticipate more will be done in the coming months. The current NPCC guidance was that no under 18s should be used for test purchasing but this was being reviewed in September.
  - Nitrous Oxide misuse was a concern to local communities, particularly



in relation to anti-social behaviour and can be inhaled for a short term 'high'. To effectively tackle this issue in a local area requires partners across several agencies to work together to deal with multiple aspects of the issue in a coordinated way and the Service are also working with district council community officers and Buckinghamshire Council.

- The service was approached by Surrey police in April to work with them to attempt test purchases from several businesses in an area of Surrey. Coincidentally the Service also received several complaints and pieces of intelligence about the sale of NOS in the same area. This has led to a constructive multi-agency meeting where a plan to address the issues in this particular area has been developed. This will be followed with test purchasing jointly between Trading Standards and the Police.
2. A Member asked whether it was possible to allocate further resources to this area so that visible activity by the Service could also act as a preventative measure. An officer responded that they were working closely with partners, particularly community safety teams and the police. New regulations imposed because of the covid-19 pandemic could have an impact on this work, particularly face to face test purchasing. Members asked officers to review the use of underage volunteers and to consult Members beforehand. An officer responded that they could provide a briefing for Members on the controls in place for underage volunteers, how parents and guardians were involved and also how they were observed by staff. Members commented that they would find this useful. A Member also suggested using Fire Cadets as well as Police Cadets.

#### **RESOLVED:**

That the Trading Standards Joint Committee note the Service's activity in both preventing knife crime and illegal use of nitrous oxide.

#### **15/20 DATE OF THE NEXT MEETING [Item 14]**

The Committee noted that its next meeting will be held on 24 March 2021.

Meeting ended at: 2.50 pm

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**Chairman**