

BUCKINGHAMSHIRE COUNCIL AND SURREY COUNTY COUNCIL

TRADING STANDARDS JOINT COMMITTEE

DATE: 18 MAY 2023

LEAD OFFICER: STEVE RUDDY
HEAD OF TRADING STANDARDS

SUBJECT: 2022/23 SERVICE REVIEW INCLUDING KEY PERFORMANCE INDICATORS

1.0 SUMMARY OF ISSUE:

- 1.1 The Buckinghamshire Council and Surrey County Council Trading Standards Service Joint Committee is asked to note the performance of the service for 2022-23 (April to March) (Annual Report - 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 RECOMMENDATIONS:

- 2.1 It is recommended that the Trading Standards Joint Committee notes the Service's performance.

3.0 REASON FOR RECOMMENDATIONS:

- 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 PERFORMANCE DETAILS:

- 4.1 The performance of the joint service is measured through key performance indicators agreed by the Joint Committee. The indicators were last discussed by the Joint Committee at their Board meeting in January and this annual report reflects that discussion.
- 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. This year that flexibility has allowed the Service to refocus its work mid-year into



activities to support communities and individuals through the impacts of inflation and the cost-of-living crisis. This activity is reflected in the annual report to a degree and is covered in a longer paper at Item 2 focusing on this 'cost of living' support.

- 4.3 There are currently no statutory performance indicators for Trading Standards and there is no performance benchmarking data available for comparison. Previous attempts to create national performance indicators for Trading Standards have not been successful.
- 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 was part of the Performance paper considered by the Joint Committee in November 2022.
- 4.5 The Joint Committee will note that most 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 Impacts of the covid pandemic can be seen in some of the historical performance information but has generally now returned to pre-pandemic levels.
- 4.7 **A key Service priority is protecting the most vulnerable, tackling fraudulent illegal and unfair trading practices, including serious and organised crime.** In 22-23 the financial impact of our interventions related to scams and frauds was **£2,878,557** a significant increase comparing to £2,090,836 for 21-22.
- 4.8 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..

- 4.9 17 defendants have been convicted (following guilty pleas) of offences, compared to 6 for last year. No defendants have been found not-guilty (also none for the same time period last year). The Service currently has 11 cases going through the legal process, and despite the significant increase in the number of convictions this year we are still seeing delays in the court process, with one of this years' outcomes having taken over 3 years just in the court process (the decision was made to prosecute in 2019), and three trials delayed from 2022.
- 4.10 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.
- 4.11 **Our second key priority is to enable businesses to get the help and support they need to thrive and grow. Delivering public protection through supporting businesses to comply with their legal responsibilities and ensuring a level playing field.** 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.
- 4.12 The service continues to successfully grow Primary Authority Partnerships with 162 partnerships at the end of March. In the first few months of 2023 we have begun to see some turbulence in the business arena, with businesses whom we have partnerships with being taken over, taking others over or going out of business. This is causing our number of partnerships to move both up and down.
- 4.13 **Improving wellbeing and public health; 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 is the third key priority for the Service.**
- 4.14 Work tackling illegal supplies of tobacco is 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 lower socio economic groups that cheap illegal tobacco has – further exacerbating the impacts on them. The annual report in Annex A explains in more detail the work in this area, including test purchasing and operations with the tobacco detection dogs, which have found over 85,000 illegal cigarettes since April.
- 4.15 Demand has continued to be high to tackle the import of unsafe products through transit sites for Heathrow. Over 70,000 unsafe and non-compliant products destined for people's homes were prevented from entering the

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

country through our work, including electrical items unsafe because they could give their users an electrical shock and toy guns that presented serious choking and intestine obstruction hazards because the gel pellets fired could be swallowed but then would expand significantly on contact with liquid.

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 WHAT HAPPENS NEXT:

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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Consulted:

Annexes:

Annex A: Annual Report 22/23

Sources/background papers:

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