



Open Report on behalf of Andrew Crookham, Executive Director – Resources

Report to:	Public Protection and Communities Scrutiny Committee
Date:	25 January 2022
Subject:	Trading Standards Impacts and Outcomes Framework

Summary:

This report provides a review of the delivery of Trading Standards Services in Lincolnshire for the financial year 2020-2021.

Actions Required:

Members of the Committee are invited to consider and comment on the contents of this report and the delivery of Trading Standards Services for the financial year 2020-2021.

1. Background

- 1.1 The Trading Standards Service plays a key role in enhancing the economy for legitimate businesses and safeguarding the financial interests of the residents of Lincolnshire. The Service is particularly focussed on protecting the vulnerable who are at greatest risk from unfair trading methods employed by organised criminals and unscrupulous businesses. By using resources effectively, the Service endeavours to ensure that businesses based and operating in the County are legally compliant and deliver quality goods and services. Trading Standards seek to achieve a level playing field for businesses based on fair competition and customer confidence both of which are crucial to promoting economic growth in our local economy.
- 1.2 The Trading Standards Service undertakes the Authority's statutory responsibilities to deliver consumer protection for the residents of Lincolnshire. It has duties and powers in over 124 Acts of parliament and over 1000 regulations. The service aims to deliver those responsibilities in a manner that is responsive to the needs of local consumers, communities and businesses.

- 1.3 The Trading Standards Service of 29.4 fte officers works closely with partner agencies and stakeholders to add value to services provided and support corporate aims and values where there is benefit for local communities.
- 1.4 The Coronavirus pandemic brought new challenges for the Trading Standards Service and had a significant impact on how the Service was delivered. Business closures, instructions from Government Agencies and reducing the risk of infection to frontline staff necessitated a change in operational delivery. Inspection of online businesses replaced physical inspections unless there was an identified need. There was also an increase in online test purchasing for conducting safety and food sampling projects.
- 1.5 Trading Standards Officers were a key partner in the wider Covid response working closely with our Environmental Health colleagues in the District Councils and Lincolnshire Police delivering Public Health and Central Government led controls intended to protect the public and businesses from harm.

2. Strategic Priorities 2020/21

- 2.1 **Tackle Detriment and Reduce Harm:** We will develop our use of intelligence to scan and test the marketplace and tackle those organised criminal networks and unscrupulous businesses who deliberately, repeatedly or recklessly engage in fraudulent trading practices that harm the interests of consumers and legitimate businesses.
- 2.2 **Support the Local Economy:** We will support economic growth by helping businesses to comply with their legal responsibilities and enhancing public protection through delivery of our chargeable business advice services and through increasing the number of our business partnerships.
- 2.3 **Promote Health and Wellbeing:** We will engage with the public, communities, businesses and partners to increase resilience and safeguard the vulnerable against scams, rogue trading and unfair business practices.
- 2.4 **Develop our Officers:** We will develop our Officers to maximise resilience and flexibility in delivering services.
- 2.5 **Manage our Intelligence and Data:** We will ensure we are legally compliant and making best use of the information we hold.
- 2.6 To meet these objectives the Service has needed to prioritise work in these areas. Other trading standards functions are considered low priority and will be resourced only in exceptional circumstances. These include:
 - 2.6.1 The provision of civil law advice to resolve a breach of contract unless the customer is considered vulnerable when our response will be limited to assistance writing a letter before action. All Lincolnshire consumers can

access free and impartial advice from the national Consumer Helpline operated by Citizens advice by professionally staffed call centres.

- 2.6.2 Responding to individual complaints alleging a breach of criminal law unless there is evidence of serious safety or animal welfare concerns, high value fraud or there is an immediate need to secure evidence.
- 2.6.3 Programmed inspection medium and low risk at premises unless in response to a serious complaint, they are identified through analysis of intelligence as presenting an immediate risk or they are included in a market surveillance project.
- 2.6.4 Programmed inspection at high risk premises only if identified through intelligence and included in the annual inspection plan, in response to a serious complaint, they are identified through intelligence as presenting an immediate risk or they are included in a market surveillance project.
- 2.6.5 Minimal food, feed or product sampling to confirm compliance with legislation or standards.
- 2.6.6 Inspection of weighing and measuring equipment in use for trade unless a risk is identified through intelligence.
- 2.6.7 Business advice beyond that which can be provided in one hour unless under the chargeable services pay as you go or primary authority.
- 2.6.8 Requests to give presentations to local groups and meetings unless they are considered to be vulnerable and the presentation provided addresses their vulnerability.
- 2.6.9 Routine inspection of livestock markets and fairs other than monthly attendance at Louth livestock market

3. Outcomes and activity against the Strategic Priorities in 2020/21

3.1 Tackling Detriment and Preventing Harm - Stopping Fraudulent, Illegal and Unfair Trading

3.2 4 Trading Standards prosecutions for offences concerned with the supply of illicit tobacco were concluded in 2020/21. In total defendants were sentenced to 24 months imprisonment suspended, fined £655 and ordered to complete 700 hours of unpaid work. The courts also required them to contribute £9,600 towards prosecution costs.

3.3 Other Trading Standards cases due to be heard during 2020/21 were adjourned due to the closure of the courts during lockdown. Due to the resulting backlog these hearings have rolled over into 2021/22 and 2022/23. An example of the level

of disruption in accessing the courts the Trading Standards Service was unable to dispose of animals seized in March 2020 as they were deemed to be suffering unnecessarily until a hearing held on 19th October 2020. A hearing would normally have been secured within a matter of weeks. During this extended period the service incurred costs of £57,731 in respect of their care. £26,118 was realised from the sale of the animals after the court hearing with the shortfall being claimed from the Covid expenditure funding.

- 3.4 A further 4 investigations resulted in Offenders accepting simple cautions. These are only issued where there is an admission of guilt and steps have been taken to reduce the risk of further offending. These cautions can be used to evidence previous offending if convicted in the future.
- 3.5 The Trading Standards Service also issued 14 fixed penalty notices, total value £1,600, in respect breaches of Directions issued under Regulation 5(1) of the Health Protection (Coronavirus, Restrictions) (England) (No3) Regulations 2020.
- 3.6 **Tackling Detriment and Preventing Harm – Supporting Victims of Scams and Fraud.**
- 3.7 The Trading Standards Service supported 406 visits were made to victims of scams and fraud during 2020/21.
- 3.8 Our Scams intervention and Prevention Officer is co-located with the Lincolnshire Police Crime Prevention Team at Police HQ Nettleham. Due to COVID Lincolnshire Police suspended their volunteers work, which affected their ability to allocate victims a REVIVE volunteer. Op Revive (Repeat, Elderly, Vulnerable, Intimidated, Victim Engagement) volunteers provide support and reassurance to those who have been victims of crime. Many of their cases could be put on hold as the local PCSOs retained 'responsibility' and were looking in on residents until they could start REVIVE again. However, there cases where it wasn't appropriate to stand back, and the Trading Standards Scams Prevention Officer stepped in and conducted visits with PCSOs. Without this assistance, the Police wouldn't have been able to provide 1:1 support.
- 3.9 Trading Standards Service participated in this year's Citizen's Advice Scam Awareness Campaign. The event ran from the 15th – 28th June with a focus on scams that emerged because of the Covid pandemic. Trading Standards worked with key partners including Fire and Rescue, the Deputy Police and Crime Commissioner, Lincolnshire Police and local media. Locally Trading Standards extended the campaign to work with Business Lincolnshire to raise awareness of scams targeted at local businesses.

4. Objective 2: Supporting the Local Economy

- 4.1 The Trading Standards Service responded to 504 requests for advice directly from local businesses. Basic advice is provided free of charge, usually through

signposting or the provision of guidance. In-depth advice is provided on a pay as you go basis and is bespoke to the business. Many of the business enquiries related to regulatory and legal responsibilities of businesses during the Covid pandemic and reopening when lockdown restrictions were lifted.

- 4.2 Trading Standards are members of the Lincolnshire "Better Business for All" (BBfA) Partnership bringing together with the 7 District Councils (H&S, Environmental Health & Licensing), and Lincolnshire Fire & Rescue. All The Trading Standards Service coordinated the production of a Better Business for All Toolkit of resources to help Lincolnshire businesses become COVID-secure, resume trading safely and protect their staff and customers as lockdown was eased. The toolkit provided all the information and website links in one place making it quicker and easier for businesses to locate the key information they needed to restart their business safely.
- 4.3 Those businesses wanting regular assured advice are offered the option of entering into a Primary Authority partnership agreement. The Trading Standards Service entered into 15 such agreements and provided 277 hours of advice in 2020/21. Again the Service charges for advice on a cost recovery basis and ensures that a named contact officer is assigned to the business.
- 4.4 Despite Covid restrictions and lockdowns the Trading Standards Service also completed a program of inspections. In total 333 premises were inspected and found to be compliant or were brought into compliance during the visit. A further 43 premises inspected were found to be noncompliant and requiring some remedial action, of which 17 were deemed to be compliant within the year. In total 93% of businesses visited were found to be compliant or were brought into compliance during 2020/21.
- 4.5 These inspections included virtual visits by Trading Standards Officers to review the level of compliance in food products being sold online in Lincolnshire. 44 websites were visited across a wide range of food producers and retailers, of those 33 were identified as non-compliant and follow up work was undertaken. Initial advice was provided in writing and websites are being revisited as part of our 2021/22 inspection program where necessary. Online inspections were adopted as the Food Standards Agency released guidance to Regulators that in person inspections should only be undertaken in response to a food safety incident.

5. Promote Health and Wellbeing:

- 5.1 During 2020/21 the Trading Standards Service focussed on responding to issues arising from the COVID pandemic. The service undertook a project to ensure the safety of PPE being sold online and through local retailers. Samples of hand sanitiser and face masks were submitted for test. A number were found to be noncompliant due to their labelling. A small number had serious failures with samples tested found to contain insufficient alcohol content to make them effective. Others contained highly toxic methanol, rather than ethanol which is

commonly used in such products. The Service removed 280490 unsafe products from the marketplace in 2020/21, including these noncompliant hand sanitisers.

- 5.2 Lincolnshire Trading Standards were notified of a noncompliant hand sanitiser that failed labelling requirements and had no traceability. The product had been tested by the Local Authority making the referral and by the University of Lincoln and the composition was found to be satisfactory. When approached by Trading Standards Officers the business was unable to produce any safety data information. There was no documentation to show that it was safe or that it contained the prescribed amount of ethanol to be effective. A suspension notice was issued. The business had the product tested and certificates were produced with full traceability to link the product to the test report. Trading Standards advised on the labelling to comply. Once everything had been addressed, the suspension notice was removed and over 250,000 compliant products were put back on the market.
- 5.3 In 2020/21 232,248 illicit cigarettes and 37500g of hand rolling tobacco were seized from 17 premises. The value to the retailer is estimated as £52,255.80 and £6,873.75, considerably less than the value in excise duty payable to the Treasury for the legitimate tobacco products.
- 5.4 The Trading Standards Service supports local businesses by removing counterfeit goods from the market. Counterfeit goods harm the interests of those legitimate traders selling genuine products, deny the Treasury revenue in taxation and damage investment by companies whose brands are being copied. The Trading Standards Service removed 1795 counterfeit items from the marketplace in 2020/21.
- 5.5 The Service took 86 programmed food samples and of which 12 were found to be unsatisfactory. 24 food businesses were found to be operating in breach of food standards legislation supplying misdescribed food, not declaring allergens or involved in food fraud.
- 5.6 Due to Covid restrictions age restricted sales test purchasing inspections were not undertaken in 2020/21.

6. Developing Our Officers:

- 6.1 The Trading Standards Service was delivered by 30.0 FTE, 25.24 FTE of whom are operational staff.
- 6.2 Most of our Trading Standards Officers are accredited as Trading Standards Practitioners (TSP) by the Chartered Trading Standards Institute (CTSI). To retain Practitioner status Officers must complete a minimum of 20 hours CPD training annually. Those not eligible for TSP accreditation are enrolled on the CTSI Continuous Personal and Professional Development Scheme.

- 6.3 In January 2020 the Trading Standards Service employed 4 Trading Standards Officers (Level 1). The Officers joined the service with no prior Trading Standards experience. During 2020/21 they undertook the Regulatory Compliance Officer apprenticeship. All 4 successfully completed their studies and coursework despite the impact Covid restrictions had on training opportunities. The apprenticeship is recognized by the Chartered trading Standards Institute and holders gain exemptions when studying for stage one of the CTSI professional qualification. They also began studying for the CTSI Trading Standards Law Part 1 examination.
- 6.4 The Trading Standards Service committed £23,415 to ensuring that officers had access to appropriate training to support their studies and CPPD submissions.

7. Managing Our Intelligence and Data

- 7.1 The Trading Standards Service received 7262 notification and referrals from the Citizens Advice Consumer Service Helpline in 2020/21. Notifications contain details of all contacts where contractual advice was given to a consumer or business in Lincolnshire. Referrals contain details of all contacts where there is an alleged criminal offence involving a consumer or business in Lincolnshire. In addition, Trading Standards received a further 1490 referrals from the Police or other service partners and local businesses.
- 7.2 All notifications, referrals and contacts were reviewed by the Service on receipt and assessed in line with Service objectives and the National Trading Standards Intelligence Operating Model (IOM). The IOM was developed by the National Trading Standards Board to support national and regional enforcement needs and local Trading Standards Services in their day-to-day work by:
- Identifying and understanding threats or problems;
 - Increasing expertise in dealing with problems effectively;
 - Providing clear and consistent tasking;
 - Taking evidence based decisions, and
 - Adopting a problem solving approach.
- 7.3 The Service carried out regular scheduled tasking meetings to monitor operational activity. These meetings were carried out virtually following the introduction of the first national lockdown and throughout 2020/21.
- 7.4 The Trading Standards Service had a dedicated intelligence team that produce a range of intelligence products. All staff are trained to use and had access to an intelligence recording system. In 2020/21 this included several problem profiles relating to the non-delivery of goods sold online. Complaints arose either because an existing business was unable to cope with increased demand or new businesses established during the pandemic selling goods online that consumers were unable to source due to shops being closed

7.5 The Trading Standards Service holds information sharing agreements with all partners with whom intelligence was being shared.

8. Balancing the Budget

8.1 The Trading Standards Service revenue budget for 2020/21 was £1,344,643. The Service generated and additional £157,135.71 income equating to 12% of revenue budget. This income was derived from the following:

• Metrology Services	£ 607.40
• Licensing activities	£ 11,564.00
• Primary Authority & Business Advice	£ 16,900.06
• National Trading Standards Grants	£ 91,844.25
• Tobacco Control Board	£ 30,000.00
• Other Sources	£ 36,220.00

8.2 National Trading Standards grants were provided in respect of feed hygiene inspections commissioned by the Food Standards Agency on for regional coordination of the feed hygiene inspection program. National trading Standards grant funding also supported an ongoing fraud prosecution.

8.3 Other sources of income included EU funding in respect of an officer seconded to Business Lincolnshire who provides advice and guidance to new small businesses, and project funding from the Office of Product Safety and Standards, Food Standards Agency and Department of Health.

8.4 The Tobacco Control Board is an internal partnership between Public Health, Fire and Rescue and Trading Standards, as part of the Tobacco Control Strategy, it commissioned the Trading Standards Service to undertake enforcement activities to reduce the availability of illicit tobacco to adults and to deter any tobacco sales to children and young children.

9. Conclusion

9.1 The Trading Standards Service has implemented measures to ensure that resources are deployed effectively to meet the demands of Lincolnshire residents and businesses and our partners.

9.2 The Trading Standards Service adapted service delivery in response to the Covid pandemic to ensure consumers were protected and businesses could access the advice needed to enable them to continue to trade fairly and confidently

10. Consultation

a) Risks and Impact Analysis

N/A

11. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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