



**Open Report on behalf of Glen Garrod,
Executive Director of Adult Care and Community Wellbeing**

Report to:	Public Protection and Communities Scrutiny Committee
Date:	20 September 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 2021-2022.

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 2021-2022.

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 was delivered by 33.0 FTE, 28.24 FTE of whom are operational staff.
- 1.4 Trading Standards Officers work 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.
- 1.5 The impact of the Coronavirus pandemic on service delivery reduced significantly in 2021/22. Covid related complaints fell by 886 equating to an 80% reduction compared with 2020/21. However, some restrictions on inspection activities remained in place at the request of the Food Standards Agency early in the year with only urgent visits undertaken.
- 1.6 Service delivery was greatly impacted by the Avian Influenza outbreak that affected 15 premises in the County. We estimate that around 210 Officer days were lost over December and January as all Officers were engaged in the response either directly or covering essential reactive services. Most routine work was suspended so that the Service could respond quickly and efficiently to the outbreak.
- 1.7 Trading Standards Service had 9 Officers studying for their professional qualifications or undertaking studies in additional technical areas in 2021/22. This represents a little under a third of our operational staff. The Service relies on input from our experienced Officers to support their training and development and this inevitably has some impact on their time. To minimise this, we reviewed our work programs to ensure that as far as possible projects undertaken, particularly those involving inspections and sampling, would provide training and development opportunities for these Officers.

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 prioritised work in these areas. Other trading standards functions are considered low priority and were 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 at medium and low risk 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, feed sampling to confirm compliance with legislation or standards.
 - 2.6.6 Inspection of weighing and measuring equipment in use for trade unless in response to a serious complaint, a risk is identified through intelligence, or it is included in a market surveillance project.
 - 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.

3. Outcomes and activity against the Strategic Priorities in 2021/22

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

3.2 Several prosecutions brought by Trading Standards for offences relating to the supply of illicit tobacco were concluded in 2021/22. In total 9 defendants were sentenced resulting in combined penalties totalling 32.5 months imprisonment suspended, £484 fines and community punishment orders for 960 hours of unpaid work. The courts also required them to contribute £26,159.32 towards prosecution costs.

3.3 A prosecution was brought against an individual who sold cigarettes to an underage volunteer. The investigation was undertaken by Trading Standards following intelligence that cigarettes were being sold to school children from a domestic premise. Illicit tobacco products were recovered by Officers when a warrant to enter the premises was executed after the sale was made. The Seller entered guilty pleas and was fined £166 and ordered to pay £100 costs.

3.4 A further Trading Standards investigation also reached its conclusion when 2 Defendants admitted offences relating to the sale of counterfeit clothing and money laundering. They were both sentenced to 12 months imprisonment suspended and ordered to pay £200 towards prosecution costs. Both were also subject to curfew 8pm and 7am lasting 3 months with electronic monitoring.

3.5 The Trading Standards Service participated in Operation Rogue Trader Week in June 2021. Trading Standards Officers and Lincolnshire Police visited cold calling hotspots around the County where residents had raised concerns about doorstep crime. The incidents reported included allegations where rogue traders attempted to charge for unnecessary work, damaged property deliberately to obtain money, left work unfinished and used intimidating behaviour.

3.6 The purpose of the visits is to make sure any businesses operating in these areas were aware of the paperwork they needed to legally provide their customers, and the customers' rights including the 14 day 'cooling-off' period. Teams visited Spilsby, North Hykeham, Spalding, Grantham, Gainsborough, and their surrounding villages and spoke to 30 businesses. Twenty-two of those were not fully aware of their responsibilities and were provided with advice and guidance.

3.7 Trading Standards conducted a review of all incidents of non-compliance with Bovine Tuberculosis testing. In the year to September 2021 the service received 83 referrals relating to 28 holdings. Working in partnership with the Animal and Plant Health Agency, action plan was developed including joint inspections to the 10 premises causing the greatest concern. 5 premises were inspected and there has been a significant reduction in referrals in respect of those premises. Further work in this area has been included in 2022/23 plans.

3.8 The Trading Standards Service supports local businesses trading in legitimate products by removing counterfeit goods from the market. Counterfeiting harms their interests, denies the Treasury revenue in taxation and damages investment by companies whose brands are being copied. The Trading Standards Service removed 21,312 counterfeit items from the marketplace in 2021/22.

3.9 Partnership work was undertaken with Lincolnshire Police to support Operation Vigilance. The operation aims to tackle child sexual and criminal exploitation in the County and the sale of illegal cigarettes had been directly linked to organised crime in our area. As well as undertaking joint enforcement visits to shops identified as selling illicit tobacco, the Trading Standards Service also successfully applied for a closure order from the Magistrates Court to support a landlord in his efforts to evict tenants using his property. The order makes it a criminal offence to enter the premises within the period of the notice. The landlord had successfully evicted the tenants after Trading Standards had notified him that they were engaging in criminal activity from his premises. They had forced entry after the eviction and were continuing to trade in illicit tobacco products.

3.10 Tackling Detriment and Preventing Harm – Supporting Victims of Scams and Fraud.

3.11 The Trading Standards Service supported 388 victims of scams and fraud during 2020/21.

3.12 The Trading Standards Service Scams Prevention and Intervention Officer is currently co-located within the Crime Prevention Team in Lincolnshire Police as part of the 'Safer Together' working arrangement between Lincolnshire County Council and Lincolnshire Police. The Officer supports victims of fraud who are considered most vulnerable to prevent further victimisation and participates in prevention activity. There has been an increase in requests for this service since the pandemic. Referrals stem from Lincolnshire Police (via Op Signature), from Lincolnshire Trading Standards (via Citizens Advice or the National Trading Standards Scams Team (NTSST) and from Adult Social Care (ASC). Many of these referrals reflect the increase seen in digitally enabled fraud, from romance scams where grooming takes place on social media sites and dating sites, to investment fraud committed on a fake website.

3.13 Lincolnshire Trading Standards are working with colleagues in North and North East Lincolnshire to introduce Buy With Confidence across the Greater Lincolnshire area. Buy With Confidence provides consumers with a list of local businesses which have given their commitment to trading fairly. Every business listed will have undergone a series of detailed checks before being approved as a member of the scheme. To become a Buy With Confidence member, a business must first apply or be recommended to join the scheme and must then pass a set of tailored background checks. Membership of the scheme is not given lightly – amongst other checks, each applicant will have their complaints history reviewed and will be audited by a Trading Standards qualified person. Good references are required from previous customers and applicants must agree to abide by the scheme's code of conduct, which requires them to follow the letter and spirit of the law. The performance of members of the

scheme is continuously monitored via the Citizen's Advice Consumer Service and through customer feedback submitted directly to Buy With Confidence. In the unlikely event that concerns are raised about a member they take appropriate action and if necessary, will remove them from the scheme.

4. Objective 2: Supporting the Local Economy

- 4.1 The Trading Standards Service responded to 576 requests for business advice. Basic advice is provided free of charge, usually through signposting or the provision of guidance. More detailed advice is provided on a cost recovery basis and is bespoke to the business.
- 4.2 Businesses wanting regular assured advice are offered the option of entering into a Primary Authority partnership agreement. The Trading Standards Service entered into 14 such agreements and provided 164 hours of advice in 2021/22. Again, the Service charges for advice on a cost recovery basis and ensures that a named contact officer is assigned to the business.
- 4.3 Primary Authority is a means for businesses to receive assured and tailored advice on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This ensures start-ups get it right at the outset and enables all businesses to invest with confidence in products, practices, and procedures, knowing that the resources they devote to compliance are well spent. Over the summer Trading Standards entered into a partnership agreement with Korbond providing a comprehensive assessment of a wide selection of their product inventory.
- 4.4 The Service has also provided advice to Chestnut Fireworks, a large manufacturer/distributor of fireworks based within Lincolnshire, who took over retail concessions to sell fireworks in over 400 Morrison's supermarkets across the country.
- 4.5 The work we undertake with our Primary Authority partnership businesses has been recognised by the Office for Product Safety and Standards (OPSS) who exercise the statutory responsibility for the operation of Primary Authority. They have highlighted the work we undertake with two of our businesses as case studies to promote the benefit to them as a business and as an example of a Primary Authority partnership with a BAME business.
- 4.6 A Senior Trading Standards Officer has been seconded to the Business Lincolnshire Sustainable Business Growth program. Initially a 3-year project funded by the EU running until June 2022 it has now been extended until June 2023 after further funding was agreed. The officer works up to 4 days per week with the Business Lincolnshire Growth hub taking referrals for Trading Standards business advice and undertaking project work including a Visitor Economy Toolkit with masterclasses covering food and drink, business practices and safety, and training for businesses covering EU Exit and Natasha's Law.

4.7 The Trading Standards Service also completed a program of inspections. In total 453 premises were inspected and found to be compliant or were brought into compliance during the visit. More serious noncompliance was identified at a further 73 premises inspected, of which 16 were deemed to be compliant within the year. In total 89% of businesses visited were found to be compliant or were brought into compliance during 2021/22.

5. Promote Health and Wellbeing:

5.1 Over the summer the Trading Standard's Service actively promoted the changes to the law in respect of the labelling of allergens for food that is prepacked for direct sale. These changes are also known as "Natasha's Law". following the death of teenager Natasha Ednan-Laperouse in 2016 from an allergic reaction caused by a prepacked baguette which, at the time, did not require allergen labelling.

5.2 The service used social media and issued press releases to raise awareness of the new requirements and promote the Food Standards Agency Prepacked for Direct Sale toolkit. In addition, Trading Standards wrote directly to businesses providing advice and guidance and delivered a presentation to school cooks to explain how the changes will impact school meals and to caterers providing meals as part of the LCC Holiday Activities and Food Programme (HAF).

5.3 The Service took 174 programmed food samples of which 39 have been found to be unsatisfactory. Samples were taken to check for the presence of allergens, foods met compositional requirements and to ensure the food was accurately described. 53 food businesses were found to be operating in breach of food standards legislation supplying misdescribed food, not declaring allergens or food fraud that required further intervention.

5.4 In 2021/22 70,299 illicit cigarettes and 22400g of hand rolling tobacco were seized from 14 premises.

5.5 Trading Standards Officers also removed 9960 unsafe or non-compliant products from the marketplace including electrical items, cosmetics, and fireworks.

5.6 The Service undertook a program of safety related market surveillance projects that included sampling of smoke alarms, carbon monoxide alarms, flame retardant sprays. 2 of the 13 samples obtained failed labelling requirements and required further advice. 11 products containing button batteries were sampled with 2 failing labelling requirements. Both matters were referred to the local Trading Standards Service. 27 Electrical products were also submitted for testing in the 4th quarter of which 4 have failed to date. Follow up work is being undertaken currently. We await results for 13 of those products which are still with the accredited test house.

5.7 The Trading Standards Service resumed its annual program of age restricted sales test purchasing inspections. These were not undertaken in 2020/21 due to Covid 19 restrictions. 10 premises were assessed for alcohol with sales made at 2 and 44

premises were tested for tobacco with sales obtained from 5. 9 other attempts to purchase other age restricted product including nicotine inhaling products resulted in no sales.

- 5.8 During December and January, the Trading Standards Service was focused on responding to the avian influenza outbreak. The scale of the outbreak was unprecedented at both Local and National level with Lincolnshire being the worst affected Local Authority nationally with 15 confirmed cases.
- 5.9 Whilst the Animal and Plant Health Agency lead the response, the Trading Standards Service provide support at a local level and conduct any enforcement of the regulatory framework should the need arise. Primarily this involves providing advice and guidance to both the farming community and to members of the public regarding the control measures are in place. Enforcement action is usually limited to responding to complaints about birds that have not been housed or poor biosecurity. The Service responded to 63 complaints and enquiries relating to the housing of birds.

6. Developing Our Officers

- 6.1 During 2021/22 4 Officers successfully completed their studies and coursework achieving Stage 1 of the professional qualification the Trading Standards Practitioner Certificate. All commenced studying for Stage 2 of the qualification collectively committing to undertake 8 examinations and 12 portfolios. 2 qualified officers each also undertook studies for additional examination and portfolio.
- 6.2 To support the officers the Service trained an additional 5 portfolio assessors to support their learning and development.
- 6.3 Two recently recruited Officers began studying for the Regulatory Compliance Officer apprenticeship and stage 1 of the professional qualification.
- 6.4 The Trading Standards Service developed an Intelligence and Information Officer role with the Intelligence Team. An Officer was recruited to this position and began an Intelligence Analyst apprenticeship.
- 6.5 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.
- 6.6 To support Officers in training and to ensure that Officers working in technical areas such as food safety, feed hygiene and weights and measures were able to develop or maintain their competency the Service developed inspection programs to ensure that they had the opportunity to undertake work in those areas.

6.7 The Trading Standards Service committed £36,631 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 6750 notifications and referrals from the Citizens Advice Consumer Service Helpline in 2021/22. 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 975 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 Trading Standards Service has 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 2021/22 the team produced 14 problem profiles that were submitted to tasking for consideration 13 of which were accepted for further investigation. Problems identified included several traders taking money for work that was not completed, food safety, product safety and counterfeiting. The trader in the matter not tasked was already under investigation and facing prosecution in another authority.

7.4 The Service has utilised intelligence to inform and warn consumers and businesses of Trading Standards related matters. The Service posts regularly on Facebook and content was viewed 106,500 times. 15,000 people have liked, shared, or commented on the information. Our Twitter account reached 360,400 people. The content has been picked up by other media sources generating further press enquiries.

8. Balancing the Budget

8.1 The Trading Standards Service revenue budget for 2021/22 was £1,387,642. The Service generated an additional £317,075 income equating to 23% of revenue budget. This income was derived from the following:

- Metrology Services £ 3,214.50

• Licensing activities	£ 6,906.00
• Primary Authority & Business Advice	£ 16,309.61
• National Trading Standards Grants	£ 152,499.50
• Tobacco Control Board	£ 30,000.00
• Other Sources	£ 138,144.88

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

8.3 The Tobacco Control Board 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.

8.4 Other sources of income included:

8.4.1 EU funding in respect of the Trading Standards Officer seconded to Business Lincolnshire who provides advice and guidance to new small businesses.

8.4.2 New burdens funding from the Food Standards Agency for additional activity promoting and enforcing of changes to regulations in respect of allergen labelling of food that is prepacked for direct sale. (Natasha's Law)

8.4.3 The Food Standards Agency reimbursed costs the Trading Standards Service had incurred in responding in an animal feed hygiene incident.

8.4.4 New burdens funding from the Department of Health for additional activity following the introduction of age restrictions in the supply of certain cosmetic procedures.

8.4.5 Funding from HMRC to undertake enforcement activity in respect of illicit tobacco at local retail outlets.

9. Conclusion

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

10. Consultation

a) Risks and Impact Analysis

Not Applicable

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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