



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

Report to:	Public Protection and Communities Scrutiny Committee
Date:	19 September 2023
Subject:	Trading Standards Impacts and Outcomes Annual Report 2022-2023

Summary:

This report provides details of work undertaken by the Trading Standards Service during the financial year 2022-2023 and includes data submitted in the Association of Chief Trading Standards Officers annual Impacts and Outcomes return.

Actions Required:

Members of the Committee are invited to review and comment on the contents of this report and seek assurance on the delivery of the Trading Standards Service in 2022-2023.

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 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.

2. Strategic Priorities 2022/23

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:

- 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 through the Citizens Advice Consumer Service professionally staffed call centres.
- 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.
- 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.
- Minimal food, feed, or product sampling to confirm compliance with legislation or standards.

- Inspection of weighing and measuring equipment in use for trade unless a risk is identified through intelligence.
- Business advice beyond that which can be provided in one hour unless under the chargeable services pay as you go or primary authority.
- Requests to give presentations to local groups and meetings unless those attending are vulnerable, and the presentation provided addresses their vulnerability.
- Routine inspection of livestock markets and fairs other than attendance at Louth livestock market.

3. Outcomes and activity against the Strategic Priorities in 2022/23

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

3.2 Several prosecutions arising from investigations undertaken by Trading Standards were concluded in 2022/23. In total 15 defendants were sentenced resulting in combined penalties totalling 195 months imprisonment of which 68 months were suspended, £1860 fines and community punishment orders for 390 hours of unpaid work. The courts also required them to contribute £18,684.10 towards prosecution costs.

3.3 The Service secured its longest custodial sentence of 6 years and 9 months against a rogue trader who defrauded at least 23 consumers across the East Midlands. Offences were identified through intelligence and partnership working. He entered guilty pleas in respect of 13 fraud offences. The Service was also able to obtain a criminal behaviour order prohibiting him from employing unfair trading practices on his release including approaching or entering any address in Lincolnshire, Leicestershire or Nottinghamshire offering work and obtaining any form of payment upfront. He can be taken back before the court if he is found to be trading in breach of the order.

3.4 Other fraud and unfair trading cases resulted in a rogue builder receiving a 16-month suspended sentence for taking payment for roofing work that was not undertaken. He was also ordered to pay £9410 in compensation. A supplier taking payments for rental caravans that were not delivered was conditionally discharged for two years and ordered to pay compensation totalling £2888.54 to his victims. A cold caller attempting to obtain payment for unnecessary building work was sentenced to six months imprisonment. The owner of a business selling memorial headstones was given a nine-month suspended sentence for taking payments for headstones that he failed to deliver, and a landscape gardener was fined £960 for failing to provide his customer with documentation setting out their right to cancel.

- 3.5 Nine of the prosecutions related to offences arising from the sale of illicit tobacco products. One defendant was sentenced to 16 months imprisonment with five others receiving suspended sentences ranging between three months and two years.
- 3.6 The Service was also successful in prosecuting the owner of a takeaway food business who supplied food containing traces of peanuts when the meal had been requested to be free from peanuts. It was the second time unsatisfactory samples were obtained from the premise and the owner had received advice after the initial samples failed. He was fined £324 and ordered to pay prosecution costs of £5644.63.
- 3.7 The Service has continued to develop strong partnership working arrangements with the Police Alcohol Licensing and Neighbourhood Policing Teams this year. As well as removing significant quantities of illicit alcohol, tobacco and vapes from the market we have also focussed on disrupting organised crime by limiting access to properties. We have worked with Lincolnshire Police providing evidence bundles as the basis for 14 successful closure order applications, for 11 premises. All 14 were granted for the maximum three-month period.
- 3.8 Working with landlords we have secured a further eight evictions. Officers are in contact with landlords in respect of another 14 premises.
- 3.9 We have also built a strong intelligence picture and intelligence sharing arrangements with police licensing to assist in the removal, or objection to 15 alcohol licenses to prevent criminals re-gaining licenses through associates, or frontmen.
- 3.10 In addition, our Officers have worked with Lincolnshire Police Community Cohesion officers and partners contributing to two successful applications for Slavery and Trafficking Risk Orders where inspections have identified employers exploiting employees who had no permission to work in the UK. The Service also submitted three referrals to the Immigration Civil Recovery Team where employers confirmed that they were employing staff with no right to work. The Civil Recovery Team can issue civil penalty notices of £20,000 per employee.
- 3.11 The Trading Standards Service participated in Operation Rogue Trader Week in September 2022. Trading Standards Officers and Lincolnshire Police again visited cold calling hotspots around the County where residents had raised concerns about doorstep crime. The purpose of the visits was 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 Boston and surrounding villages, Spilsby and surrounding villages, Skegness, Market Rasen and Caistor, and their surrounding villages and spoke to 12 businesses. Four of those were not fully aware of their responsibilities and were provided with advice and guidance.
- 3.12 The Trading Standards Service Scams Prevention and Intervention Officer received 93 referrals requesting assistance for victims of scams in 2022/23. Of those 51% had experienced telephone fraud, 33% had experienced online fraud and 15% were

victims of romance fraud. Three of those referred were victims of identity theft. 34% had sent money on a monthly or weekly basis and 30% had made a bank transfer. 81% of those referred lived alone, 30% felt they had no friends, 15% had estrangement issues and 9% had suffered a recent bereavement.

3.13 70% of those referred had money stolen from them, 53% had experienced sadness because of being scammed and 49% felt a loss of trust. 38% were fearful or worried because of being scammed and 36% were embarrassed. Over 30% had suffered financial hardship as a direct result of being scammed.

3.14 Following the intervention of the Scams Prevention and Intervention Officer, 100% felt more confident, safer and that their wellbeing had improved. 98% felt more confident in protecting themselves against fraud in the future.

3.15 Using the National Trading Standards Scams Team optimity calculator the estimated saving average saving per referral is £3644.89 with a total saving to individuals and society of £1,008,823.

4. Supporting the Local Economy

4.1 The Trading Standards Service responded to 196 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. 111.5 hours pay as you go advice was provided last year.

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 19 such agreements and provided 174.5 hours of advice in 2022/23. 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.

4.4 Primary Authority advice provided in 2022/23 included the assessment of tenant fees information and advice and guidance for a national chain of lettings agents advice on the labelling of added gluten in bread to a large food manufacturer, full labelling assessment for e-liquids for a manufacturer and retailer of refillable vapes and working with the Health and Safety Executive the service has reassessed advice concerning the use of a trailer to sell fireworks at retail outlets.

4.5 The Trading Standards Service completed a program of inspections. In total 455 premises were inspected and found to be compliant or were brought into compliance during the visit. More serious noncompliance was identified during a further 190

inspections, of which 12 were deemed to be compliant within the year. In total 72% of businesses visited were found to be compliant or were brought into compliance during 2022/23.

- 4.6 123 businesses were identified as supplying food that was misdescribed or incorrectly labelled and 85 were found to be in breach of animal health and welfare legislation.
- 4.7 Trading Standards completed several projects checking the accuracy of weighing and measuring equipment in use for trade. 55 petrol dispensers were checked with just one found to be out of tolerance. 28 scales in use at markets were tested with six found to be inaccurate. 354 intoxicating liquor measuring instruments were also tested with seven found to be outside permitted error limits. All noncompliant equipment was either disqualified from use or issued with a 28-day improvement notice depending on the issue identified.

5. Promote Health and Wellbeing

- 5.1 A Trading Standards Officer seconded to Business Lincolnshire produced a Food Allergen training film aimed at Food Business Operators (FBOs) regarding the importance of providing food allergen information. The video incorporated material from the Greater Gwent Food Group Allergen resource. Business Lincolnshire marketed the video directly to their Greater Lincolnshire FBOs. The video is available on their YouTube channel and was viewed over 200 times from its launch in January to the end of March 2023.
- 5.2 Following requests after the launch of the initial video, the Service produced a second film aimed at providing this important advice specifically tailored for school meal providers, school caterers, school holiday clubs and Nurseries.
- 5.3 The Service took 164 programmed food samples of which 37 have been found to be unsatisfactory. Samples were taken to check for the presence of allergens in takeaway foods, compliance with allergen labelling of foods that were prepacked for direct sale and that food was accurately described. Issues identified included meat products and takeaway meals contaminated with other meat species, undeclared milk protein in donor kebabs and chicken burgers and the presence of peanuts in peanut free meals.
- 5.4 In 2022/23 394,993 illicit cigarettes and 54350g of hand rolling tobacco were seized by Trading Standards Officers. Working with the Police Alcohol Licensing Team, 847 litres of alcohol were also removed from the market.
- 5.5 The Service ran a publicity campaign, Operation June, with partner members of the Lincolnshire Tobacco Control Board to highlight the dangers associated with illicit, cheap, cigarettes. This marked the tenth anniversary of the death of Lincolnshire resident June Buffham who died in a house fire caused by an illicit cigarette. The campaign was picked up by other Trading Standards Services and incorporated into the National Fire Chiefs Council's Home Fire Safety Week campaign in June 2022. This

saw the campaign resources shared with and supported by fire services across the UK. The campaign was awarded a Chartered Trading Standards Institute Hero Award for the best Trading Standards Project.

- 5.6 The Trading Standards Service undertook a series of age restricted sales test purchasing operations. Underage volunteers made 18 attempts to purchase alcohol and tobacco resulting in two sales (11% failure rate). 45 attempts were made to purchase vapes from 40 individual premises resulting in 12 sales (30% failure rate). Two businesses were investigated, one having previously been prosecuted for selling cigarettes underage, and the second for failing a test purchase despite having received advice on preventing age restricted sales on a previous inspection. 11 attempts were made to purchase knives, no sales were made.
- 5.7 Trading Standards Officers removed from sale or suspended 9952 unsafe or non-compliant products during retail. Most of these products were discovered during a series of inspections at a trader/importer premise. Suspension notices were issued in respect of five noncompliant electrical products initially. After testing, two were brought into compliance and three removed permanently from the market and withdrawal and recall notices were issued. A further 20 products were placed under suspension notices while testing was conducted. Officers have worked with the business throughout. From the products removed from the market, 1058 electrical products have been permanently withdrawn from sale and recalled from customers, 1072 electrical products have been brought into compliance and can now be sold, and 7100 household furnishings have been brought into compliance with the addition of appropriate labelling and instructions.
- 5.8 In addition, Trading Standards Officers seized 9455 illegal disposable vapes.
- 5.9 The Service undertook several safety sampling projects procuring 125 samples including cosmetic products, toys, electrical items, fireworks, and children's fancy dress costumes. 20 were found to be unsatisfactory. Most identified failures related to how the products were labelled and all have been referred to the manufacturer or importer's local trading standards service.
- 5.10 Ten premises in Lincolnshire were affected by avian influenza in 2022-23, compared to 15 in 2021-22. The service introduced a hybrid approach to foot patrols this year, involving the use of mailshots in more densely populated areas rather than going door to door undertaking foot patrols as in rural areas. The Service lost in the region of 213 officer days in responding to these outbreaks. Trading Standards responded to 75 complaints and enquiries relating to avian influenza with most of those being related to compulsory housing requirements.

6. Developing Our Officers

- 6.1 The Trading Standards Service was delivered by 31.0 FTE, 26.35 FTE of whom are operational staff.
- 6.2 During 2022/23, two qualified Trading Standards Officers completed additional studies, one in food and one in metrology, both passed their examinations. These qualifications are statutory requirements for officers undertaking enforcement in these areas and are welcome additions for the service.
- 6.3 The Service supported seven officers undertaking qualifications. Six are working towards the Chartered Trading Standards Institute's Trading Standards Practitioner Diploma and one is completing an intelligence analyst apprenticeship.
- 6.4 To support those officers studying for the diploma, our qualified trading standards officers acted as mentors and assessors for the 10 portfolios those officers are required to complete.
- 6.5 Most of our Qualified 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 and submit an annual CPD declaration to the Institute.
- 6.6 To support Officers in training and to ensure that Officers working in technical areas such as food, feed and weights and measures had the opportunity 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 has continued to develop its Intelligence and Information Team. An additional Intelligence and information officer was recruited to strengthen the team.
- 6.8 The Trading Standards Service committed £36,631 to ensuring that officers had access to appropriate training to support their studies and CPPD submissions. An additional £1000 of training was paid for by the Regional Trading Standards East Midlands partnership who also provided a number of free regional training courses.

7. Managing Our Intelligence and Data

- 7.1 The Trading Standards Service received 6205 notifications and referrals from the Citizens Advice Consumer Service Helpline in 2022/23. 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 686 referrals from the Police or other service partners and local businesses.

7.2 All notifications, referrals and contacts were reviewed by the Trading Standards Intel Team 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 Trading Standards Officers submitted 1,041 intelligence logs onto a national intelligence database IDB. Most Trading Standards Services nationally can input intelligence logs. Services can also search the intelligence logs held.

7.4 The Trading Standards Intelligence Team produced 29 problem profiles including several relating to second hand cars sales, misleading advertising, rogue trading and age restricted sales. A further 10 tobacco premise profiles were produced to support Operation Elgin and the use of closure orders to disrupt illegal tobacco sales.

7.5 Complaints about a further 99 businesses were monitored due to the number of complaints received. The purpose of this monitoring is to establish if there is a pattern of unfair trading practices that suggest an intervention is required.

7.6 The Intelligence and Information Officers have access to the Mosaic system. The team search this system and flag individuals who have been identified as a victim of scams. The purpose of this is to alert Adult Social Care colleagues of their potential vulnerability to scams and encourage cooperative working with the Trading Standards Scams Intervention and Prevention Officer. The system was searched 3000 times in 2022/23.

7.7 The Intelligence Team reviewed 127 licensing applications in 2022/23. In reviewing these applications, the applicant can be cross referenced against our records and the other intelligence systems we can access. Where there is history that call into question the applicant's fitness to hold a licence, this is flagged.

7.8 They have also submitted 50 requests for Police National Computer (PNC) searches in support of investigations and prosecutions.

7.9 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 2022/23 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	£2,127.00
• Licensing activities	£4,910.00
• Primary Authority & Business Advice	£15,864.85
• National Trading Standards Grants	£340,907.20
• Tobacco Control Board	£30,000.00
• Other Sources	£111,757.50

8.2 Grants from National Trading Standards were provided in respect of feed hygiene inspections commissioned by the Food Standards Agency and for coordination of the Trading Standards East Midland regional 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 provided advice and guidance to new small businesses, and project funding from the Office of Product Safety and Standards for two projects relating to construction products, and funding from the Food Standards Agency for data cleansing our records in the run up to implementing a new risk assessment regime for food businesses.

8.4 The Tobacco Control Board continued to commission 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 people.

9. Conclusion

The Trading Standards Service effectively balanced the competing demands on its resources to deliver positive outcomes across their strategic priorities. In doing so it has engaged with partners where appropriate to maximise the impact of those activities aimed at tackling detriment, reducing harm, and promoting health and wellbeing.

The Service continues to invest in training newly recruited officers and those studying towards professional qualifications, also ensuring that experienced officers receive the continual professional development necessary for them to retain their competencies and remain confident in their ability to undertake their duties.

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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