

Report to:	Place Scrutiny Committee
Date of meeting:	18 July 2022
By:	Director of Communities, Economy and Transport
Title:	Trading Standards Service update report
Purpose:	To gain an understanding of the current work and focus of the Trading Standards Team, including the additional work required due to EU exit and the work to protect vulnerable people through the work on Scams

RECOMMENDATIONS: The Place Scrutiny Committee is recommended to:

Note the activities undertaken by Trading Standards and be aware of current workloads and commitments.

1 Background Information

1.1. Trading Standards protects vulnerable consumers and supports businesses to promote a safe and fair trading environment. Enforcement and investigations are undertaken to protect residents and legitimate businesses by disrupting rogue trading and, in the worst cases, prosecuting criminals for fraud and other offences. The team also enforces animal health legislation and investigates mistreatment and neglect of livestock.

1.2. During the pandemic Trading Standards, Sussex Police and District/Borough Environmental Health services worked closely together to provide an enforcement and advisory response to the various business restrictions imposed by Central Government. This included responding to over 1,000 additional complaints and enquiries which understandably diverted resources away from core activities, including that around protecting the vulnerable from becoming victims of scams and other financial fraud. The team has taken on six new apprentices to train as qualified officers, replacing others who have left. Their training programme did not falter during the pandemic and they, along with all officers, have now returned to core work.

1.3. Furthermore, as a result of the UK's exit from the European Union, in December 2020 the UK Government published a Border Operating Model to explain how the borders were going to be managed in the future. Within this Model was the intention for Trading Standards to undertake border checks on non-food products as part of its market surveillance duties, with Port Health authorities (Districts/Borough) undertaking checks on food products. A number of changes to the timetable for implementation of checks have been announced with the latest indicating a different model of border controls will be introduced by the end of 2023. In the meantime, legislative changes continue to impact local businesses which require the support of Trading Standards.

1.4. This report seeks to highlight the current focus of the team's resources and highlight the challenges.

2 Operational Successes & Challenges

Staff and Budget Overview

2.1. The Team consists of a Team Manager (Richard Strawson), an Enforcement & Investigations Manager (Paul Davison) plus 19 frontline field officers ranging from apprentices through to Senior Trading Standards Officers with supervisory responsibility. They also have an Accredited Financial Investigator and three support staff assisting with the team's licensing and

intelligence functions. Gross budget for the team is currently £1,083,400 with a net budget of £772,900.

Council Plan Targets, 2021-22

2.2. Trading Standards continued to be at the forefront of regulating business restrictions during the Covid-19 pandemic, giving bespoke advice to business. Last year the team continued to offer chargeable advice to business and Primary Authority Partnerships but made no charge for Covid-19 support work or advice connected with EU Exit which has begun to change the regulatory framework that businesses need to adapt to. During the year, the team provided 330 businesses and professionals with advice and support.

2.3. Despite the Covid-19 pandemic when less intelligence was received concerning potential scams, victim interventions were conducted in the later part of the year to provide much needed support and advice. Significantly, officers were able to restart preventative scams education work with groups of potentially vulnerable residents. 227 positive face-to-face interventions were made by officers in the team.

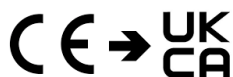
Other Key achievements in 2021-22

2.4. Trading Standards activities in 2021-22 demonstrate the breadth of work undertaken to both protect consumers in the county and support legitimate businesses. Detail of key achievements can be found at appendix 1.

Challenges in 2022-23

2.5. To conduct the broad range of work required, Trading Standards needs to maintain a trained and competent team of officers. In line with other services, there are a shortage of qualified officers meaning that the team began a programme of recruiting and training apprentices almost three years ago to replace officers leaving the service. Seven of the ten apprentices remain in the team and are now delivering key outcomes, but this has not been without significant training pressures on the rest of the team.

2.6. UK Government have already introduced some changes to legislative requirements to reflect our independence from the EU, one of which is around conformity assessment for consumer goods. Businesses and the public are familiar with the CE mark of conformity, which now is replaced in the UK with the UKCA mark as seen below:



There is also currently a review being undertaken of the product safety framework which is likely to see further changes which will impact the way the team work and the way businesses will need to operate. Furthermore, continued uncertainty about import control measures at Newhaven will likely impact on the operational activity of the team as the market surveillance authority.

2.7. Over the past two years, the team have undergone a certain amount of reformation in terms of structure and staffing. At the very forefront of this change has been contributing to the Council's objective of Keeping Vulnerable People Safe. Whilst maintaining a Lead Officer for Scams, Rogue Trading, Doorstep Crime and associated issues, all officers now recognise that they all have a part to play in prioritising this area of our work. The majority of work relating to supporting vulnerable persons is sourced via referral from partners, in particular the National Trading Standards (NTS) Scams Team and Citizens Advice Consumer Service (CACS). However, with rapidly changing and developing technologies, the rate of support is vastly outstripped by the rate of scams leading to the team moving towards a more proactive rather than reactive approach to best protect the broadest number of consumers in the county. Whilst more difficult to measure success, there is a clear need to become more visible:

Members of the team giving advice at a local NatWest branch.



2.8. The team maintains the ability to investigate and prosecute where necessary, those offenders who have committed criminal offences under the Fraud Act and associated consumer law. The team always has several investigations underway at one time which can relate to rogue traders providing general building work, garden clearance and roofing services, often at heavily inflated prices. However, Magistrates and the Crown Courts have been severely affected by the pandemic and there is a backlog of cases. As an example of this, an investigation which commenced in 2018 concerning the activities of three local builders was only concluded in December 2021. Prison sentences of 40 months and 21 months were given to two of the individuals with the third receiving an 18 month Community Order requiring 250 hours unpaid work. Having said this, it is essential for the team to pursue such labour intensive work to achieve justice and enable compensation to be obtained for victims under the Proceeds of Crime Act where possible.

3 Conclusion and Reasons for Recommendations

3.1. This report details recent successes for the team, together with factors which are influencing and affecting service delivery.

3.2. The Committee are invited to note both the achievements and challenges for the Trading Standards Team, within the constraints of budgetary controls and continued pressure maintaining competence and capacity within the team.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Richard Strawson

Tel. No. 07803 575998

Email: richard.strawson@eastsussex.gov.uk

LOCAL MEMBERS

None

BACKGROUND DOCUMENTS

None

Appendix 1

Trading Standards Key Achievements in 2021-22

- a. **The Business Advice And Support Partnership (BAASP)** – the team continues in partnership with other regulators in the South East to provide a single combined and branded offer to businesses to access high quality paid for advice from Trading Standards, Fire, Environmental Health and Licensing. BAASP are looking to potentially expand the partnership to increase the robustness and sustainability of the scheme.
- b. **Primary Authority** – the team have supported 10 partnership businesses this year with this Government endorsed scheme aimed at businesses receiving bespoke legal advice and support. This year saw Trading Standards supporting and advising the Craft Baker's Association on changes brought about by Natasha's Law (concerning labelling of food for allergen content) and the RSPCA's Farm Assured scheme as they expand their scope.
- c. **Food & Feed Sampling** – this year the team have undertaken 12 food sampling projects to ensure that the food supplied in the county is safe and correctly described. This included visits to premises known or suspected to be selling food products which were "pre-packed for direct sale", i.e. made and packed on the same premises as they are sold. This was to advise and support them comply with Natasha's Law, which required these products to be fully labelled, particularly with allergen information.
- d. **Good trader partnership** – the team continue to promote the Buy With Confidence scheme offering a robust checking process via our colleagues in Hampshire Trading Standards. There are over 200 East Sussex businesses who are part of this Trading Standards Approved scheme.
- e. **Animal Health & Welfare** – Trading Standards have actively investigated incidents of welfare concerns within the farming industry. Officers have continued to visit Hailsham Market and have undertaken specific monitoring to ensure transport conditions are adequate. Avian Flu monitoring has taken place, given the prevalence this year.
- f. **Publicity, including social media** – Trading Standards have actively publicised the work the team do through local, regional and national newspapers, radio and television. In addition, their own social media accounts are used to issue warnings to the public about scams and other areas of interest. This year they promoted Scams Awareness Fortnight in June with online publicity and advice, supported by physical displays at key points around the County.
- g. **Covid-19 response** – the team have continued to support Public Health colleagues as part of the Covid Operational Cell, including intelligence sharing using the enforcement cell coordinating activities between Trading Standards, Environmental Health and the Police. Of note has been the continuing support of the Local Tracing Partnership, conducting over 1200 searches of an information database they subscribe to in order to provide additional contact details for those needing to be traced.
- h. **Petroleum and explosives licencing** – officers visited petroleum premises on a risk assessed basis to check for safety compliance and, with many fireworks celebrations (including Lewes) going ahead, the team continued to licence premises and work in partnership with other agencies to ensure safe events took place.
- i. **Product safety** – the team have continued to respond to safety concerns, particularly in relation products such as candles, an electronic travel mug, cleaning products and cricket equipment which have all caused concerns and been investigated. They also undertook safety campaigns looking at "Popper" toys and chainsaws.

- j. **Illegal tobacco** – the small, dedicated team, continued to inspect and seize counterfeit and illegal product from individuals in the County that still persist in selling this tobacco. One successful prosecution and conviction was obtained against an individual who was jailed for three years following the seizure of £250,000 worth of tobacco. Furthermore, two shops have been closed down due to the team's interventions.
- k. **EU Exit** – the team have been working closely with Newhaven Port and other agencies such as UK Border Force and the Office for Product Safety & Standards to prepare for additional inspection requirements. They undertook a two week Government funded project at the port to fully evaluate the nature of consignments being imported and this has helped plan interventions in 2022/23. Officers have also supported businesses dealing with the changes brought about by EU Exit and been working with the local Growth Hub and Chamber of Commerce in finding the best means of promoting awareness by local businesses.
- l. **Lettings Agents** – Trading Standards are contributing to some regional work to design and roll out some online training for letting agents, to support them in complying with the legal requirements aimed at protecting and safeguarding tenants. This training is planned to be offered as an alternative to formal action and will be started in 2022/23.
- m. **Support with Confidence** – This scheme, aimed at vetting and accrediting Personal Assistants and Businesses involved in offering personal care, is hosted by Adult Social Care & Health. However, the team continue to provide support with business training for this much needed scheme which provides assurance for those most vulnerable in the community.
- n. **Proceeds of Crime** – Through the work of the team's Accredited Financial Investigator (AFI) they have routinely investigated the financial position of all individuals and businesses which are prosecuted. This gives the ability to reclaim significant sums of money by way of compensation or confiscation, with money and assets deemed by the courts to be the result of criminal conduct. This year also saw the team undertake work for other authorities on a chargeable basis.