

Cambridgeshire and Peterborough Trading Standards Annual Report

To: Communities, Social Mobility, and Inclusion Committee

Meeting Date: 11 January 2024

From: Executive Director of Place and Sustainability

Electoral division(s): All

Key decision: No

Outcome: To provide members with an update on the Trading Standards service, and to provide assurance that the service continues to meet its statutory duties.

Recommendation: The Committee is asked to:

Note the contents of the report.

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1. Background

- 1.1 On 1 April 2017, Cambridgeshire County Council's (CCC) Trading Standards service entered a collaboration with Peterborough City Council's (PCC) service to become 'Cambridgeshire and Peterborough Trading Standards', whereby CCC effectively contracted out the delivery of the Trading Standards function to PCC.
- 1.2 The Communities, Social Mobility and Inclusion Committee agreed to the extension of this collaboration arrangement in December 2021, and for it to be moved to a rolling term with an option for either party to terminate should they chose to, having given the requisite notice.
- 1.3 It was agreed that the Trading Standards service would present an annual report to the Committee to keep Members informed of activities undertaken by the service, seek assurance regarding the delivery of statutory duties and to provide an update on the future priorities for the service within Cambridgeshire.
- 1.4 Given the broad and diverse range of legislative responsibilities held by Trading Standards, a brief overview of service functions is attached at Appendix 1.

2. Main Issues

Annual Report – Part 1: Looking back 2022-2023

2.1 Primary Authority compliance advice for businesses

- 2.1.1 Primary Authority enables businesses to form a legal partnership with one local authority, which then provides assured and tailored advice on how to be compliant with trading standards, environmental health, or fire safety regulations that other local regulators must respect. Trading Standards leads this work for Cambridgeshire.
- 2.1.2 Primary Authority work has increased over the 2022/23 year. The service now has over 129 partnerships. Large national companies of note include Aldi, Hotel Chocolate, British Frozen Food Federation, Hambleton Bakery, Decathlon, Subway and B&M. This is in addition to many local Cambridgeshire led businesses. The service therefore has a key role in supporting the local and national economy and growth.
- 2.1.3 In the last year, a significant part of the team's time has been involved looking at vape production and sales, as well as working with national and international producers within Primary Authority Agreements to remain complaint. In the last year, the team has worked closely with the National Vape Group and the Medicines and Healthcare products Regulatory Agency (MHRA) with a focus on preloading/preloaded cartridge sizes and took a lead in this national conversation which is hoped to be concluded in 2023/24.

2.2 Tackling crime and clawing back the proceeds of crime

- 2.2.1 The service recognises that the investigation of criminal offences and the utilisation of the powers given within the Proceeds of Crime Act 2002 (POCA) to tackle money laundering

and recover criminal assets can make a significant contribution to the disruption of criminal enterprises.

2.2.2 The service has two accredited Financial Investigators. In considering the need for utilising the powers under POCA, the below is taken account of:

- its contribution to local crime and disorder strategies and other corporate priorities
- the need to consider pre-conviction orders as part of the prosecution process in connection with money laundering investigations and the need to consider post-conviction orders as part of confiscation investigations.
- its role in tackling 'lifestyle criminals' such as those who commit fraud, counterfeiters, persistent rogue traders, and those who have benefitted financially from their crimes.
- its potential to raise the profile of the service.
- the need to ensure that crime does not pay and is seen not to pay.
- helping to meet the expectations of legitimate businesses and consumers.

2.2.3 Financial investigations are often an integral part of criminal investigations supporting partnership regulatory activity, as well as that undertaken by the Council alone. Confiscation orders resulting from financial investigations remove the benefit of that crime from the criminals.

2.2.4 Looking back at 2022/23, the Financial Investigators continue to investigate several matters linked to counterfeit goods, rogue home improvements, and cosmetic counterfeit products. There has been one confiscation of £28,312, with several more expected later in 2023/24. They also undertook POCA work for South Cambridgeshire District Council, which is ongoing.

2.3 Product safety

2.3.1 Since the exit from the European Union, the service has continued to see increased referrals from the ports and points of entry of consumer goods into the country when local businesses are identified as the importer. These importers, who may be operating on a small scale from their home address, can often be unaware of the requirements the goods they are purchasing must meet and how compliance with the law needs to be demonstrated. In these situations, officers will monitor the response by local businesses to requests from port authorities to provide evidence to confirm the product meets legal requirements and is safe. Unsafe products are prevented from being placed on the market.

2.3.2 An example of such a product imported by a Cambridgeshire business concerned foldable camping chairs designed to be used by children. These had been imported without the required safety related documentation and had been assessed as dangerous. As these goods had been released to the importer, a business that had previously been advised by Trading Standards, a notice suspending supply of the goods was issued and a recall of the product that had already been placed onto the market was undertaken by the business, the products subsequently being destroyed.

2.4 Food Safety and Standards/Allergen

2.4.1 Officers undertaking the enforcement of laws that regulate the composition and labelling of the food supplied to local consumers have continued to focus their efforts at businesses deemed likely to present the greatest risk with regards to their scale and activities, in

particular visiting those undertaking the manufacturer of food on a significant scale, businesses where food is being packed and importers. Inspection activity is supported with product sampling, which involves the food being sent to the Public Analyst to determine whether its composition and labelling is compliant. Where continued non-compliance is observed following advice and guidance, officers will use a range of enforcement tools.

- 2.4.2 This year, officers issued a Food Information Improvement Notice (FIRIN) to a Duxford-based manufacturer of potato crisps. These snacks, which were marketed as a premium product, were labelled as containing ingredients which were found not to be present. Failure to comply with a FIRIN is an offence. However, the business was brought into compliance and temporarily stopped placing the flavours concerned on the market whilst product labelling was amended.
- 2.4.3 Complaints regarding the presence of non-declared allergens in food or the inability of a business to provide accurate allergen information remain a priority, and officers consider the allergen management systems in place when inspecting any business where there is a need to control allergens or advise customers of theirs. A sampling programme looking at allergens is continuing, having first been introduced in 2021. Unsatisfactory results remain significant at 44% of samples in 2022/23, having fallen from 59% in 2021/22.
- 2.4.4 Officers consider the requirements of Natasha's Law when carrying out interventions for Food Standards to support businesses achieve and maintain compliance with the need to list ingredients on the packaging of food.

2.5 Petrol forecourt safety

- 2.5.1 A significant proportion of sites certified to store petroleum spirit continue to be visited annually, to ensure that they are adequately maintained, that operators can demonstrate that staff are trained, and that all other requirements to ensure sites are operating safely are met. Compliance levels have been found to be generally good, with any necessary action to be taken where issues were observed being confirmed via revisit or receipt of documentation, such as current electrical test certificates, as appropriate.
- 2.5.2 This work also includes sites undergoing refurbishment or re-development, including the installation of Electric Vehicle (EV) charging points. Officers visit at various stages of development to ensure work is being carried out correctly.

2.6 Illicit tobacco/Vaping /Underage Sales

- 2.6.1 Trading Standards, with support from the Public Health team, has participated in the HM Revenue and Customs (HMRC) led Operation CeCe, aimed at disrupting the activities of sellers of illicit tobacco. HMRC has an interest in terms of the unpaid duty on such goods. Trading Standards takes an interest in the labelling of the items, which do not comply with the labelling requirements for the sale of such tobacco products in the UK.
- 2.6.2 During 2022/23, Trading Standards Officers seized illicit tobacco products totalling 28,040 cigarettes and 1.4kg of illicit hand rolling tobacco from premises in the county. However, the issue of illicit nicotine containing e-cigarettes (commonly referred to as "vapes") has become a more prominent concern during the period. During the same inspections, 5,288

non-compliant vapes were also seized under tobacco labelling regulations for failing to meet the capacity limits and labelling requirements.

- 2.6.3 Further illicit tobacco and e-cigarette inspections are planned for this year, with support from Public Health, HMRC, police and district councils. The main objective remains the disruption of the trade in illegal tobacco at a local level. Operation CeCe in Cambridgeshire this year has had substantial seizures in Huntingdonshire and Fenland, especially Wisbech, which is a particularly problematic area for illicit tobacco and vapes.
- 2.6.4 In a joint operation in Wisbech, 5,288 vapes were seized from six premises along with 28,040 cigarettes (1402 packs), and 1.9kg of Hand Rolling Tobacco. This was considerable disruptive work and is an example of many other cases with significant seizures. Concealments were found in staircases and a stud wall.

2.7 Animal welfare and Animal Feed Safety

- 2.7.1 Trading Standards enforces legislation designed to protect farmed livestock and maintain the integrity of the human food chain, which is undertaken by inspecting premises producing, storing, transporting, supplying, and using animal feed.
- 2.7.2 The service's responsibilities include monitoring and influencing the standards of animal health and welfare on farms, in transport, at markets and other animal gatherings. This ensures that animals are protected from cruelty and avoidable pain or distress. In addition, work is undertaken to prevent the spread of disease by ensuring animal by-products, such as the carcasses of deadstock, are not accessible to other animals present and that animals are sufficiently identified and their whereabouts and movements can be established.
- 2.7.3 The service's most notable conviction this year was in relation to extreme animal cruelty. The keeper concerned was jailed for five years for fraud offences committed in Suffolk, animal welfare offences committed in Cambridgeshire and for absconding following conviction. The individual, who on the first day of trial pleaded guilty to 19 animal welfare offences, some of which resulted in animal deaths, evaded sentencing for seven months until he was arrested in Hampshire, during which time he had worked for animal feed businesses.
- 2.7.4 Prosecutors said the business was deliberately fraudulent from its inception, and its creditors included landlords, veterinary services and businesses selling cattle and animal feed.
- 2.7.5 Officers began their investigation into the animal welfare offences in Cambridgeshire in 2020, which included the individual having taken actions that resulted in the deaths of sheep and a cow, as well as failures to properly dispose of carcasses. Prosecuting Counsel cited experts who said no "competent or humane farmer" would treat animals in such a way.

2.8 Safety at Sports Grounds

- 2.8.1 The county has one designated league football ground, namely the Abbey Stadium home of Cambridge United. This is designated under The Safety of Sports Grounds Act 1975. The stadium has a safety certificate for the whole venue, which was reissued in July 2023.

Safety certificates are only reissued when changes are made, and are not annual certificates.

- 2.8.2 The work undertaken by the authority on the designated football ground is overseen by the Sports Grounds Safety Authority (SGSA), and local authorities are audited by this Government agency. The most recent audit in September 2023 resulted in the authority receiving a 97% rating.
- 2.8.3 Four Safety Advisory Group (SAG) meetings take place annually for the Abbey Stadium, and an additional meeting was held to look at plans for the redevelopment of the ground. Further meetings will take place as the plans become more formalised.
- 2.8.4 Cambridge United remained in League One after a relegation battle at the end of the last season (2022/23). League One status has resulted in larger crowds at games. Attendance this current season is higher so far, and as a result of larger crowds, safety systems have had to be improved. To ensure that the ground can have a full attendance, the CCTV has been upgraded, a new radio system brought in, and first aid equipment upgraded. The club has also opened a new fan zone and improved other areas for spectator customer experience. All the improvements must be approved, and the safety systems and certification are required to be in place before use. A multi-agency Tabletop Exercise (TTx) was recently run at the club to test club and agency plans.
- 2.8.5 There are also sporting venues which have regulated stands under the Fire Safety and Safety of Places of Sport Act 1987. The regulated stands are at Newmarket July Racecourse, Huntingdon Racecourse, and the University Rugby Club in Cambridge. The new main stand at Cambridge City Football Ground will be designated when completed next year. The criterion for a regulated stand is that it holds 500 or more undercover.
- 2.8.6 The venues with regulated stands all have SAG meetings and safety certificates issued for the regulated stands. Huntingdon Racecourse has also undertaken a TTx. Newmarket racecourse had additional meetings for highway matters, as the venue annually has a Temporary Traffic Order to put in a one-way system on a road owned by the county.
- 2.8.7 All venues are inspected annually before the start of the events season and inspections take place at the events. The minimum number of inspections is determined by risk assessment. The minimum number for Cambridge United is four per season.

2.9 Performance

- 2.9.1 Table 1 shows the percentage of requests responded to within the required timescales.

Type	Target/Response	2022/23
Service Requests	First response within 5 business days	97.1%
Complaints about businesses	First response within 5 business days where a response is required	98.38%
Statutory returns	All statutory returns to meet statutory deadlines	100%

Freedom of Information Act requests	Within statutory time frame.	100%
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Table 1: Response times

2.9.2 Table 2 highlights feedback from businesses who have entered a Primary Authority Partnership with the service.

Primary Authority client survey feedback	February 2022
% Primary Authority clients who agreed/strongly agreed with the statement "My questions/queries were resolved/answered fully"	100%
% Primary Authority clients who agreed/strongly agreed with the statement "Information provided and/or advice given is clear and practical"	100%
% Primary Authority clients who agreed/strongly agreed with the statement "The officer I dealt with is competent and helpful"	100%
% Primary Authority clients who agreed/strongly agreed with the statement "Primary Authority has given us greater confidence in commercial decision making"	75%

Table 2: Primary Authority feedback

2.9.3 Feedback from Primary Authority Partners included:

- "Our Primary Authority partnership allows us to understand and manage the risks and opportunities in a robust, efficient way" (Head of Technical, Hain Daniels).
- "The Primary Authority relationship meant that I could access genuine good advice and support for our business when I didn't know where else to turn" (The Aqua Park Group Ltd).

2.9.4 Several companies also wanted their feedback to remain anonymous externally, but their feedback is included below.

- "Our Primary Authority arrangement provides clarity on a variety of regulatory issues quickly, when needed. It saves us a lot of time. Having advice from our Primary Authority advisors helps us in discussions with our customers and increases the confidence that we have done all due diligence before making decisions."
- "The support we receive from our Primary Authority helps us to remain compliant and allows us to make onward decisions confidently. It also helps us to implement new processes or products confidently."

2.10 Regulatory impact

2.10.1 Table 3 shows the compliance figures for each method used to reach compliance.

Method used to bring about compliance:	2022/23
Business advice given	629
Products removed from the market for being unsafe	64,700
Food written warning	97
Feed written warning	24
Fair Trading written warning	28
Animal Health Improvement Notice	7
Cautions	6
Conviction within Court system	10-month custodial sentence (CCC) Total sentence with Suffolk County Council - 5 Years Guilty plea to 19 counts on Animal Health & Welfare legislation.
Financial awards as a result of Proceeds of Crime cases	£45,424

Table 3: Compliance Figures

2.11 Finance

2.11.1 The annual charge to CCC for the 2022/23 year was £774,550, representing 70% of the service's costs. There were underspends in year, due in part to a three-week crown court trial being averted by a guilty plea, salary underspends, and some grant funding received, resulting in the return of £88,968 to CCC.

Annual report Part 2: Looking ahead

2.12 Business advice and new legislation

2.12.1 The service has a strong focus on supporting local businesses with compliance and offers an extensive advice service, including several guides on the website to help businesses understand what is required of them.

2.12.2 Single use plastics regulations came into force in October 2023, which ban and restrict a range of polluting single-use plastic items. No business, whether retailer, takeaway, food vendor or part of the hospitality industry, will be able to sell single-use plastic cutlery,

balloon sticks nor polystyrene cups and food containers in England. The supply of single-use plastic plates, trays and bowls has also been restricted. The new regulations were announced in January 2023 and extensive work has taken place throughout the year to provide further guidance on the ban for businesses.

2.12.3 Local authorities will have the power to impose civil sanctions in the form of £200 fixed monetary penalties, to issue a compliance notice known as a 'stop' notice', or to prosecute for breaches. Officers can order a non-compliant business to cover the cost of an investigation. Where a local authority intends to impose a fixed monetary penalty, it must first serve notice on a business informing them of this intention. The business can then lodge an appeal within 28 days if it disagrees with the penalty and has grounds to appeal.

2.13 Protecting the health of young people

2.13.1 Officers will work closely with colleagues in Public Health to reduce the harm from smoking, and with enforcement partners to disrupt criminality in communities. This will relate to collaboratively working to stamp out and disrupt matters relating to illicit tobacco, underage sales, and vaping as outlined in section 2.6 of this report.

2.13.2 HMRC is currently consulting on the Tobacco Products (Traceability & Security Features) (Amendment) Regulations 2023. Members of the Operation CeCe group have collaborated with HMRC to develop the process by which Trading Standards make referrals to HMRC to access these enhanced sanctions. These are divided into bands depending on the size of seizure and offending detected.

2.13.3 The Finance Act 2022 legislated for tougher sanctions to be introduced to tackle the sale of illicit tobacco, which is any tobacco product sold in the UK without the payment of excise duty.

2.13.4 A Tobacco Track and Trace (TT&T) system introduced in 2019 tracks legitimate tobacco products through the supply chain. New sanctions have been introduced based on detection of non-compliance with the system. Failure to meet the requirements can result in:

- A penalty of up to £10,000 for holding products that do not meet the rules
- The seizure and potential destruction of tobacco products
- The deactivation of a business's economic operator ID, temporarily or permanently, where they persistently break the rules
- Restricting or removing the ability to purchase or sell tobacco in the UK

2.13.5 Currently, in 2023 and across 2024/25, the service will focus on disruption activities to close repeat offender premises and to ensure better outcomes for the younger community.

2.13.5 Officers will work closely with Public Health on its smoking cessations programmes to enhance greater health outcomes for all smokers but particularly new vapers, who in the main have moved straight to vaping and not from tobacco in its traditional forms which is high risk.

2.14 Upholding spectator/public safety in the construction of the new stadium

2.14.1 Work will continue to support the build of new Cambridge United Football Club stands. The owners have announced their intention to relocate the supporters club and redevelop two sides of the ground. This is a complex area, and ensuring public safety of the sports ground will involve several regulators to make sure compliance and safe operation when in use.

2.15 Introduction of Martyn's Law

2.15.1 The UK's resilience to terrorism is to be increased, as the Government announced details for the Protect Duty, now to be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

2.15.2 The new duty will require venues to take steps to improve public safety, with measures dependent on the size of the venue and the activity taking place. The law will follow a tiered model linked to activity that takes place at a location and its capacity aimed to prevent an undue burden on businesses.

2.15.3 A standard tier will apply to locations with a maximum capacity of over 100. The aim is to drive up use and engagement with existing resources that help teams undertake low-cost, simple yet effective activities to improve preparedness. This will include training, information sharing and completion of a preparedness plan to embed practices, such as locking doors to delay attackers' progress or knowledge on lifesaving treatments that can be administered by staff whilst awaiting emergency services.

2.15.4 An enhanced tier will focus on high-capacity locations in recognition of the potential consequences of a successful attack. Locations with a capacity of over 800 people at any time will additionally be required to undertake a risk assessment to inform the development and implementation of a security plan to assess the balance of risk reduction against the time, money and effort required to achieve a successful level of security preparedness - a recognised standard in other regulatory regimes (including Fire and Health and Safety).

2.15.5 The Government will establish an inspection and enforcement regime, promoting compliance and positive cultural change and issuing credible and fair sanctions for serious breaches. Dedicated statutory guidance and bespoke support will be provided by the Government to ensure those in scope can effectively discharge their responsibilities, with even small venues also able to benefit from this and take voluntary action.

2.16 Upholding food standards to protect the health and confidence of consumers

2.16.1 Officers will continue their work in relation to allergens and ensuring food is accurately described, so that consumers, particularly those with a food hypersensitivity, can make informed choices about food that is safe for them to eat. The presence of undeclared allergens in food will remain a focus for sampling, as will verifying allergen information provided by food businesses in the catering sector, there often being frequent changes of ownership in relation to these premises.

2.16.2 As food inflation and the cost of ingredients remains high, officers will also sample food to ensure it contains the amounts described on the labelling, as well as checking product information when visiting premises to ensure the food is accurately described on menus.

Local businesses producing food and selling will also continue to receive support and guidance to ensure they understand their legal responsibilities and how these can be met.

2.17 Ensuring trade measures are accurate

2.17.1 A particular focus will be on the sale of liquid fuel, both that purchased by consumers on the forecourt but also that which is delivered to those who need it to heat their homes and businesses. Officers will respond to allegations of short measure but also undertake inspection visits as part of a programme to ensure equipment in use has been verified and remains within the appropriate limits of accuracy.

2.17.2 Scales and similar equipment used in premises to sell or produce loose food, such as butchers and bakers, will continue to be inspected and tested as part of Food Standards inspections to ensure they are complete, being used correctly and are accurate.

2.18 Business as usual activities to meet statutory requirements

2.18.1 Food standards and feed hygiene interventions, including sampling, contribute to the returns required to be made to the Food Standards Agency, which monitors performance as an enforcing competent authority.

2.18.2 Data produced in connection with activities undertaken in relation to weights and measures are submitted to the Office of Product Safety and Standards, in accordance with the legal duty imposed upon Local Authorities by Section 70 of the Weights and Measures Act 1985.

3. Alignment with ambitions

3.1 Net zero carbon emissions for Cambridgeshire by 2045, and our communities and natural environment are supported to adapt and thrive as the climate changes

There are no significant implications for this ambition.

3.2 Travel across the county is safer and more environmentally sustainable

There are no significant implications for this ambition.

3.3 Health inequalities are reduced

The report above sets out the implications for this ambition in 2.6 and 2.14

3.4 People enjoy healthy, safe, and independent lives through timely support that is most suited to their needs

There are no significant implications for this ambition.

3.5 Helping people out of poverty and income inequality

There are no significant implications for this ambition.

- 3.6 Places and communities prosper because they have a resilient and inclusive economy, access to good quality public services and social justice is prioritised

The report above sets out the implications of this ambition in 2.2

- 3.7 Children and young people have opportunities to thrive

There are no significant implications for this ambition.

4. Significant Implications

There are no significant implications, as this report is for information purposes only.

5. Source Documents

None.