

Cambridgeshire and Peterborough Trading Standards Annual Report

To: Communities, Social Mobility and Inclusion Committee

Meeting Date: 8 December 2022

From: Head of Trading Standards, Environmental Health and Licensing,
Jacqui Harvey

Electoral division(s): All

Key decision: No

Outcome: To provide members with an update on the Trading Standards service.

Recommendation: The Committee is asked to:

- a) Note the performance of the Trading Standards service over the previous year; and
- b) Comment on the priorities for the service looking forwards.

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1. Background

- 1.1 On 1st 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 It was agreed that Trading Standards would bring an annual report to the Committee to keep Members informed of activities, and to provide the opportunity for Members to steer the priorities and direction of the service within Cambridgeshire.
- 1.3 The Committee agreed to the extension of this collaboration arrangement on 2021, and for it to be moved to a rolling term now that arrangements are well embedded, with an option for either party to terminate should they chose to, having given the requisite notice. This extension has now been formalised.
- 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

2.1 Annual Report – Part 1: Looking back 2021-2022

2.1.1 Primary Authority compliance advice for businesses

The team has a nationally recognised Primary Authority advice team, providing chargeable advice to businesses ranging from major national household names to small start-up businesses. Its national status continues to go from strength to strength, with the team being asked to present at national events, both alongside the Government body that regulates Primary Authority, the Office of Product Safety and Standards (OPSS), and at trade conferences. This year, the team has taken Primary Authority a step further, liaising with Government departments on market barriers to cutting edge technologies in the food retail sector, and legislative inconsistencies in certain markets – an important role in helping to ensure regulation is not a barrier to growth. The team generated in excess of £100k last year, and Table.2 (in section 2.2 of this report) indicates that levels of customer satisfaction remain high.

2.1.2 Tackling crime and clawing back the proceeds of crime

As Covid-19 started to ease, so did the backlog in the Court system, and the service was able to bring two prosecutions before the courts. One was in relation to a gang of rogue plumbers, which resulted in a custodial sentence for the ringleader and formal Cautions for his associates. The second was in relation to a rogue trader, where the court awarded £3000 compensation to the victim. The team has also recovered £45k through proceeds of crime investigations.

2.1.3 Bird Flu

Trading Standards is a primary on-the-ground responder in the case of notifiable animal diseases supporting the Department for Environment, Food and Rural Affairs (DEFRA) and the Animal and Plant Health Agency (APHA) with the tracing, containment and eradication

of disease. Last year saw the highest number of Bird Flu incidents ever recorded in the UK, and in the spring, the service had its first confirmed case in Cambridgeshire at a poultry premises near Ely. The team door-knocked every household in a 3km radius to identify further bird stocks that could have been infected, and took swift action against anyone breaching the housing requirements for captive birds in place at that time. Extensive communications were issued, including through district and parish councils for that area, which in turn led to wide reaching social media, and the success of these communications was held up as best practice by DEFRA at their national Bird Flu meeting. IT is an approach that has been replicated this year during the autumn / winter cases. This work is important in helping to protect commercial bird stocks and British exports, as well as small holdings.

2.1.4 Product safety

The service has continued to see large numbers of referrals in relation to product safety. The team has dealt with a wide range of issues, including children's play slime containing too much Boron, unsafe telescopic ladders, mobility scooters with electrical safety issues, skin lighteners containing banned chemicals, and 'Covid nurse' dolls which had not been safety tested. Around 65,000 items were taken off the market by the team to prevent harm to consumers. Social media is also used extensively to increase consumer awareness of current safety issues. With product safety remaining a significant issue nationally, the service has been increasing the expertise within the team to strengthen resilience in this field.

2.1.5 Food Safety and Standards

Inaccurate allergen labelling and descriptions remains a major issue, with local sampling showing a 44% failure rate – a picture replicated nationally. Legislation was introduced in October 2021 applying additional labelling requirements in relation to food that is pre-packed for direct sale, a list of ingredients now also being needed in addition to information about allergens. The team contacted businesses across Cambridgeshire involved in the manufacture, importation and packing of food to advise them of these changes, extensive social media was issued, and resources and advice have been provided online. Training was also provided to district council Environmental Health colleagues, to enable them to identify issues when at food premises.

In line with the Food Standards Agency (FSA) Covid-19 recovery roadmap, the team is contacting every newly registered food business with a questionnaire to ascertain their understanding of food compliance, including allergens, and to assess their risk. Each of the responses are triaged, with gaps in knowledge and higher risk businesses being visited and provided with additional guidance and support.

The team has also investigated numerous other food standards breaches, including mis-described meat, Halal claims, vegan claims, organic claims, date marking issues and a case which resulted in 5 tonnes of potatoes being sent for destruction following contamination with slug pellets.

2.1.6 Animal Feed safety

The team has been heavily involved in an investigation into salmonella in feeder mice being supplied by a Cambridgeshire business. The FSA issued a national recall on the feeder mice concerned and introduced a temporary national ban on the import of feeder mice and rats from Lithuania, such was the extent of the issue. Following the recall, the team worked with all local pet food suppliers and pet shops to ensure they had taken the product off sale.

2.1.7 Petrol forecourt safety

A forecourt was temporarily closed by the team until urgent rectification measures were put in place following serious safety and environmental concerns uncovered during an inspection.

2.1.8 Illicit tobacco

The team carried out two illicit tobacco operations in Cambridgeshire, targeting those premises against whom Intelligence has been received. These were multi-agency days involving HM Revenue and Customs, district licensing teams and sniffer dogs.

2.1.9 Animal welfare

Following an unsuccessful appeal, a Cambridgeshire farmer had his lifetime ban on keeping animals upheld by the courts following a conviction for animal welfare offences. The team has continued to uncover animal welfare issues on its routine inspections and has issued several improvements notices and a warning letter to bring about compliance.

2.1.10 Safety at Sports Grounds

The service was audited by the Safety at Sports Grounds Authority in respect of its safety at sports grounds lead role for Cambridgeshire and Peterborough, and received positive feedback from the auditors. They commented that 'the benefit to the local authority of Trading Standards being the lead department is exemplified by the attention to detail by the lead officer.' A recommendation was made about building greater resilience through developing additional resource with this specific expertise, which has been acted upon.

2.1.11 Internal service improvement

Last year, the service highlighted the difficulties in recruiting officers given the national shortage of Trading Standards officers – a particular risk given there were several officers nearing retirement. To this end, a rolling programme of trainee recruitment and staff development was commenced to ensure the service has the skills and expertise needed in the future. The first trainee was recruited in September 2021, and has now completed the first year of the formal qualification, and at the time of writing, there are others who are commencing year 1 and year 3 of the qualification.

The service is committed to continual improvement, and during 2021-22 a new auditing system and evidence control system was introduced, enhancing the approach to the gathering and use of Intelligence. Proceeds of Crime Act considerations were embedded within referral assessment processes, the retention policy updated, and SharePoint was fully adopted in place of the traditional network.

2.2 Performance

2.2.1 Customer experience

Type	Target/Response	2021/22
Service Requests	First response within 5 business days	99.63%
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%

Table 1: Response times

Primary Authority client survey feedback	Feb 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"	90%
% 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"	100%

Table 2: Primary Authority feedback

2.2.2 Regulatory impact

Method used to bring about compliance	2021/22
Business advice given	629
Products removed from the market for being unsafe	64,700
Food written warning	40
Feed written warning	15
Fair Trading written warning	24
Animal Health Improvement Notice	4
Forecourt rectification notice	12
Cautions	2
Conviction within Court system	1 (8 month custodial sentence)
Compensation orders	37,500
Financial awards as a result of Proceeds of Crime cases	£45,424

Table 3: Compliance figures

2.3 Finance

The annual charge to CCC for the year 2021-22 was £774,550, representing 70% of the service 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.

2.4 Annual report Part 2: Looking ahead

2.4.1 Increasing Resilience

In last year's annual report, the service highlighted the sustained increase in service demand across many of the areas covered by Trading Standards. In addition to internal staff development referenced above, the service is also exploring the possibility of investing in apprenticeships this winter, funded through proceeds of crime recovery work, with a view to them beginning the new Trading Standards apprenticeship qualification in spring 2023.

To further increase resilience in the case of a major incident such as Bird Flu, more Trading Standards staff have been trained to be able to support a local response, and others at CCC will be, should additional support be required.

2.4.2 Growing the business advice service

The service is looking to pursue two specific opportunities over the next year. Firstly, to reach more local businesses, thereby having a positive local impact on compliance levels and supporting business growth, as well as confidence, and to link up with business organisations locally to offer a more holistic advice service for businesses starting up or looking to grow. Secondly, for the service to position itself as market leaders in niche, growing sectors, such as repurposing waste products, helping to stay at the cutting edge of sector development.

2.4.3 Maximising revenue

Proceeds of Crime investigation services are offered to several district and unitary authorities, and the service is looking to increase this client base, and is revising the charging model to increase the income this work generates. The service is also creating policies and processes to enable Fixed Penalty Notices to be issued for compliance breaches where appropriate.

2.4.4 Protecting the health of young people

Public Health has funded a programme of underage sales activities this year, which not only looks at the traditional issue of sales of alcohol and tobacco to children, but also the sale of vapes and vaping products. These operations are Intelligence-led, and are multi-faceted, also looking at illicit tobacco, food standards and licensing alongside partner agencies. The team will also be supporting Public Health campaigns targeting public health outcome priorities.

2.4.5 Tackling problematic trade practices that are impacting on consumer confidence

The second-hand car sector is the source of high levels of complaints nationally each year. As a result, regionally the service is conducting a series of operations to tackle those against whom the greatest number of complaints are received, visiting their forecourts in conjunction with a vehicle examiner, and looking at every aspect of consumer protection to bring them into compliance.

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

Cambridge City Football Club is building a new stadium, including a regulated stand. The

service is providing direction and support to ensure that, once built, the stand is compliant, and the club can achieve the crowd capacity it is striving for.

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

The service is producing a guidance pack for all new start up food businesses to help them understand the compliance requirements from the start, giving them greater confidence that they are doing things correctly, and in turn increasing the protection given to the public through greater levels of compliance.

Allergens work will continue to be a priority, and given the relatively new legislation, this will be an area of focus in relation to those businesses producing and/or retailing food that is pre-packed for direct sale to the public, and catering businesses. Particular attention will also be given to checking compliance at local markets, where there has been significant growth in food stalls since the pandemic.

2.4.8 Ensuring trade measures are accurate for the benefit of business and the consumer

Weighbridges are tested to ensure they are measuring accurately. Accuracy is vital, not only to ensure the customer receives what they have paid for, but also that businesses are not losing out by under-measuring their product.

2.4.9 Business as usual activities to meet statutory requirements

In addition to the above, the service will continue to deliver against its statutory requirements, investigating criminal activity such as rogue trading and illicit tobacco; inspecting and licensing petrol forecourts for public and environmental safety; inspecting and licensing those businesses who wish to store and sell fireworks to the public to ensure appropriate safety and underage systems are in place; carrying out animal health inspections to prevent neglect and ensure requisite disease control measures are in place; dealing with illegally imported animals that breach Rabies vaccination requirements; ensuring animal feed is labelled, transported and stored correctly and that appropriate feed is being fed to animals that will ultimately end up in the human food chain; and investigating alleged unsafe products for the consumer market.

3. Alignment with corporate priorities

3.1 Environment and Sustainability

The report sets out the implications for this priority at 2.1.7

3.2 Health and Care

The report sets out the implications for this priority at 2.1.4, 2.1.5, 2.1.6, 2.1.10, 2.4.6 and 2.4.7

3.3 Places and Communities

The report sets out the implications for this priority at 2.1.1, 2.1.2, 2.1.3, 2.4.2, 2.4.5 and 2.4.8

3.4 Children and Young People

The report set out the implications for this priority at 2.4.4

3.5 Transport

There are no significant implications for this priority

4. Significant Implications

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

5. Source documents

5.1 None