



Buckinghamshire County Council Select Committee

Environment, Transport and Locality Services Select Committee

Report to the Environment, Transport and Locality Services Select Committee

Title:	Trading Standards Update
Committee date:	13 th May 2014
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Report signed off by Cabinet Member:	Martin Phillips, Community Engagement
Electoral divisions affected:	All

Purpose of Agenda Item

This item is being brought to the Select Committee for two purposes. Firstly the paper is for information. It contains background information about the recent work and approach of the Service. It is also being brought to the Select committee as consultation and to seek the committee's views prior to a decision that may be made in October 2014 to create a Joint Trading Standards Service with Surrey County Council.

Background

Trading Standards is a complex Service, enforcing some 80 Acts of parliament and hundreds of sets of subordinate Regulations across a wide range of issues from fair trading, fraud and scams, through consumer safety, health and wellbeing, to the health and welfare of animal livestock. Within this there are numerous pieces of legislation which place a duty on the Local Authority to enforce them. The extent to which a LA needs to go to in order to satisfy the duty is not specified in any of the legislation, though it would be reasonable to assume that as a minimum it would require consideration of allegations made by the public and businesses regarding alleged offences and the investigation of them as appropriate. The range and complexity of legislation enforced requires a high level of professional competence to be maintained regardless of the size of the service.

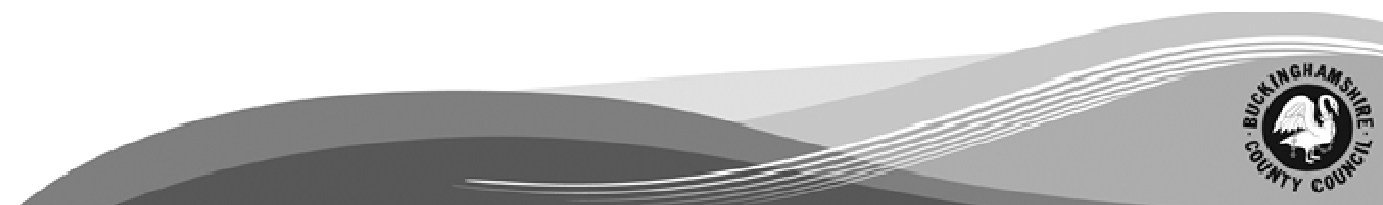


The Trading Standards Service operates within a wider “consumer landscape”. For example:

- The Food Standards Agency (FSA) aims to protect consumers from unsafe food and from food fraud and to protect the integrity of the food chain (particularly through overseeing the integrity of feeding stuffs i.e. the feed given to animals that will later be for human consumption). The response to the Horsemeat scandal in 2013 was overseen by the FSA, although this since has been subject to two reviews (one internal one external led by Professor Elliot) as it was perceived that it may be possible to learn from how the scandal had been responded to.
- The Department for the Environment, Food and Rural Affairs (DEFRA) has a significant role in the health and welfare of livestock, reducing the risk of animal disease outbreak and ensuring that any spread is more limited than in the Foot and Mouth outbreak of 2001.
- National Trading Standards (NTS - previously the National Trading Standards Board) has overtaken some of the functions of the Office of Fair Trading (OFT) which is no longer in existence. NTS has direct funding from The Department for Business, Innovations and Skills (BIS) to provide some consumer protection functions. For example BIS, through the NTS, funds (amongst other things) a national Illegal Money Lending Team, a national Scams Hub, a national Ports project and several regional Scambusters Teams. The NTS also funds work with a national or (through the scambusters teams) regional dimension. In the past two years Buckinghamshire County Council has received at least £60k of resources from these routes to investigate trading practices that went beyond Buckinghamshire’s borders.
- The Trading Standards Institute (TSI) is the professional membership organisation for Trading Standards Officer’s. It lobbies for changes in legislation which its membership believes would improve the consumer protection landscape, and raises awareness of relevant issues to government and through the media. Following some research earlier in the year, very recently TSI released a report highlighting the level of cuts to Trading Standards Services across the Country. The report showed that in the life of the current parliament the average cut to a Trading Standards Service will have been around 40%.
- The Association of Chief Trading Standards Officer’s is a subset of TSI though can, and does, take different policy views and approaches as the membership of this group are acutely aware of wider Local Authority issues and are less narrowly focused on Trading Standards. Buckinghamshire Trading Standards assisted with this groups’ response to the horsemeat scandal, and particularly developing a nationally coordinated response if a similar event was to happen in the future.

In the past year the Service has developed three areas to maximise the impact of the Service:

- A stronger intelligence-led approach, to target resources at those issues leading to greatest detriment (financial, safety, health and wellbeing). For example, we have used mapping techniques to target information and enforcement action to areas highlighted



as potential doorstep crime hot-spots. This intelligence led approach has generally taken over from the more resources intensive 'testing the market' approach that the Service used to operate. Traditionally Trading Standards would test purchase, inspect and sample things to establish if there were problems. There was a feeling in government that this placed unnecessary burdens on businesses and legislation, codes of practice and guidance have been gradually introduced which make this approach more difficult and sometimes impossible. Coupled with reducing resources we now limit our use of this. However we do occasionally still use it where we believe that residents would not necessarily see the problems themselves and therefore we would not get intelligence indicating a potential issue. Our most notable use of this is the food authenticity sampling and testing that we have undertaken in the past year with additional funding from Council.

- A wider, and therefore more effective, approach to investigations. In July 2013 a Thames Valley Police Officer joined us on secondment for a year. It has recently been agreed that this arrangement will continue for a further year (to July 2015). In late 2013 we successfully recruited an Accredited Financial Investigator who joined the Service (on a permanent contract) in February 2014. These two additional capabilities allow us to identify and tackle some criminals causing significant detriment who previously were beyond our reach and capability. For example, where we find out about a doorstep crime after the event, this now allows us faster access to forensic identification (such as through fingerprint analysis) and to trace where any cheques or bank transfers were made to. In the last few weeks this has enabled us to start an investigation into a doorstep fraud where the victims have lost around £1m which in the past would have been beyond our capabilities.
- Developing a new 'volunteering arm' to increase the reach of the Service into local communities. We now have 32 volunteers, who contributed 394 hours of work to the service in the last financial year doing a wide range of work including: providing intelligence on rogue trader incidents and animal welfare issues; providing preventative advice to vulnerable residents; assisting at consumer education events; supporting investigations e.g. through typing up witness statements, compiling questionnaires, letter writing and creating databases and spreadsheets; trialling call blocking technology; and looking out for illegal alcohol and other unsafe goods.

These three developments enable us to maximise the impact of the resources we have whatever the Service's size; however it doesn't address the fundamental challenges of reducing resources particularly around knowledge availability, robustness and resilience.

Summary

The Trading Standards Service is looking to develop a landmark first "strategic alliance" between Buckinghamshire County Council and Surrey County Council through creating a Joint Trading Standards Service to be overseen by a Joint Committee.

The development of a Joint Service with Surrey would allow a positive approach to meeting increasing financial pressures and the new consumer protection landscape, including greater national focus on cross border issues. The suggested way forward sits well with



considering alternative delivery vehicles and being commercially minded being brought to life through the Future Shape programme.

The desired outcomes of the Joint Service are:

- Sharing expertise and best practice and creating greater resilience and robustness to cope with unforeseen challenges such as animal disease outbreaks and large scale investigations.
- Building on the successes and innovation within the current services to maximise the potential benefits (including income generation)
- Reducing costs through operating jointly, including sharing resources and eliminating duplication (though not co-locating)
- Creating a significantly larger profile collectively for BCC and SCC TS on the regional and national scene; having the potential to become the most influential Trading Standards service in the South East and indeed nationally; enabling Surrey and Buckinghamshire to have more impact on government consumer and business regulation policy.
- Creating a sustainable model that could be developed further to deliver services for other LAs, or one in with which other services may seek to join

Resource implications

The aim of the Joint Service financially is to respond to current resource reductions outlined in the Medium Term Plan's for both Buckinghamshire Trading Standards and Surrey Trading Standards. It is also to put the Joint Service in the best possible place to generate further income in the future which may be needed to offset additional financial pressures which are not yet known.

There will be a cost associated with developing an agreement to underpin the Joint Committee which both authorities are satisfied with. Whilst the costs should remain manageable from within current Service resources, if extensive negotiation is required the costs will increase and may lead to an overspend.

Next steps

Consideration of the Business Plan and underpinning agreement, and decision whether to go ahead is expected to occur at the October Cabinet Meeting.

From now until early October we are seeking views that will help us to develop the idea and the business case further, such that it takes into account views raised and responds adequately so that an informed decision can be made in October. During this time, the project is being overseen by a Board comprising Members and Officers from each of the two Local Authorities (this includes Cllr Martin Phillips and Phil Dart from BCC).

If a positive decision is reached, the aim would be to fully create the Joint Service to enable a go-live from 1st April 2015.

