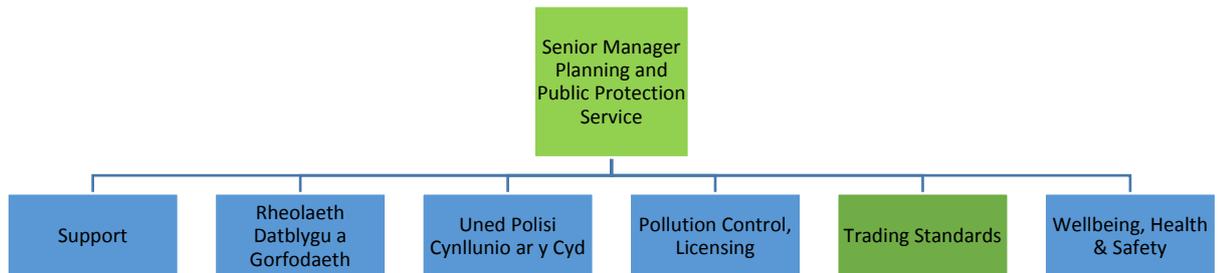


NAME OF SCRUTINY COMMITTEE	Communities Scrutiny Committee
DATE OF MEETING	11th October 2018
TEITL	The Service provided by the Trading Standards Unit (Public Protection)
AUTHOR	DAFYDD WILLIAMS, HEAD OF ENVIRONMENT DEPARTMENT
CABINET MEMBEFR	COUNCILLOR DAFYDD MEURIG
PURPOSE	To raise awareness of the duties and responsibilities of the Trading Standards Unit and the outputs and challenges.

1.0 INTRODUCTION

- 1.1 The report outlines the activities undertaken by the Trading Standards Unit, which is part of the Public Protection Service within the Environment Department.
- 1.2 The report will explain the nature of the Unit’s work, outline the changes which have occurred over the last few years and the challenges facing the Unit. An information booklet has recently been circulated to Members providing information on Trading Standards, a copy of which is attached with the report.

2.0 THE PUBLIC PROTECTION SERVICE WITHIN THE ENVIRONMENT DEPARTMENT

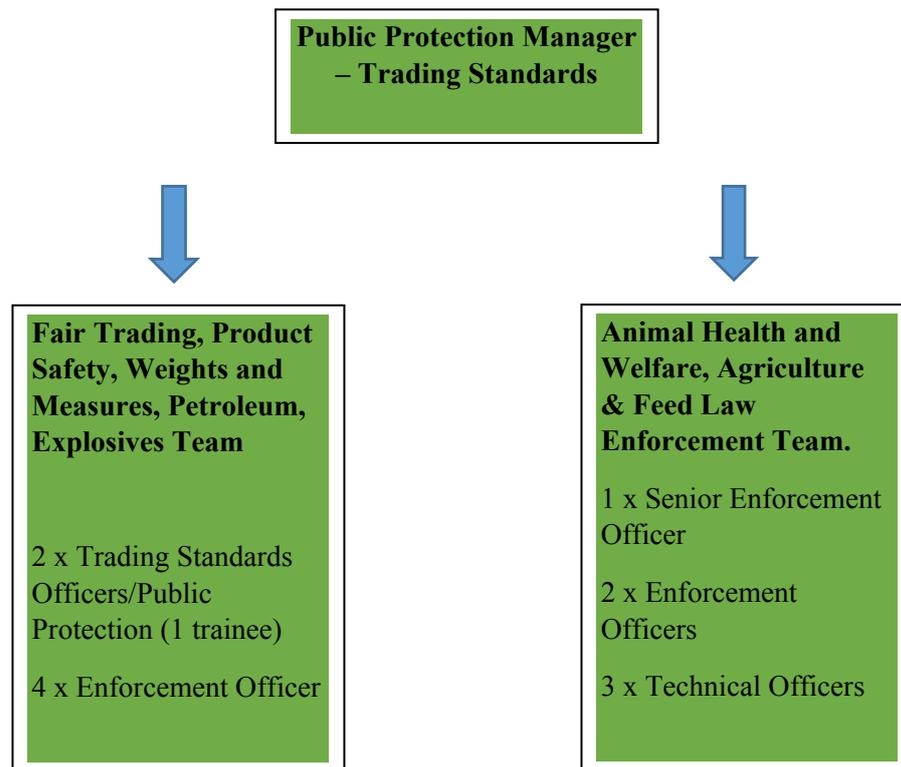


- 2.1 There are three Units in the service dealing specifically with Public Protection duties, including Trading Standards, Pollution Control and the Wellbeing & Health and Safety Unit. The Units’s duties are specifically relevant throughout the whole County, with the Units’s duties operating from all three area offices along with support from the Support Services Unit.

3.0 THE TRADING STANDARDS UNIT

- 3.1 Each local authority has a statutory responsibility to provide a Trading Standards Service and the Council had a statutory duty to enforce a wide variety of legislation which is deputized to the Head of the Environment Department. Although most Trading Standards duties are matters relating to UK Government, some matters are devolved to Welsh Government e.g. Food, Agriculture, Feed Law Enforcement.

- 3.2 The Trading Standards Unit is split into two sub-teams with one team responsible for general Trading Standards matters and the other team responsible for activities relating to Animal Health and Welfare and Agriculture/Feed Law Enforcement.



- 3.3 The Unit has to decide on the best method to achieve its regulatory responsibilities and consider a balance between preventive activities and reactive activities in order to protect consumers and support businesses. Not only are such decisions affected by local priorities but external stakeholders will have also have an influence e.g. Food Standards Agency (FSA), Office of Product Safety and Standards, Department of Environment, Food and Rural Affairs. The Unit provides core activities based on ‘intelligence’ and risk.

4.0 CHANGES TO THE TRADING STANDARDS UNIT

- 4.1 Back in 2011-12 the activities of Trading Standards and the Animal Health and Welfare, Agriculture/Feed Law Enforcement were carried out by two separate Units, with two separate Managers. Along with these two Units, the Public Protection Service consisted of seven Units. The current situation is of course that all the activities sit under the same Unit, managed by a single Manager.
- 4.2 There are twelve officers in the Unit, all reporting to a Line Manager. It should also be noted that, following changes to the structure of the Service, officers work across all three Units of the Public Protection Service as it is today, with officers from this particular Unit contributing towards the work of the Wellbeing, Health & Safety Unit and Pollution Control & Licensing Unit.

4.3 The considerable change to the Public Protection Service structure over the last six years has seen a number of posts being cut with expertise being lost as a result. Such posts have included Trading Standards posts. The figures below shows the changes in Public Protection staff numbers (including Support staff) over the last six years.

Year	Number of staff
2011/12	63.10
2017/18	42.80

The above shows that 20 posts have been cut from the Service over the last six years which is equivalent to a 32% cut in Public Protection staff.

5.0 THE TRADING STANDARDS TEAM

5.1 Nature of the work

5.1.1 The Service's main purpose is to safeguard the health and wellbeing of the public from harmful business practices by ensuring that non-retail businesses adopt and maintain procedures and comply with the legal requirements which apply to their businesses.

5.1.2 The Unit concentrates on providing resource towards tackling high risk activities and non-compliant businesses. The Unit's priorities correspond with regional and National priorities:-

- Tackling fraudulent business practices
- Supporting compliant businesses
- Protecting vulnerable consumers
- Health improvement

5.1.3 Trading Standards functions include the following:-

- **Fair Trading** – including pricing, descriptions of goods and Services, terms and conditions, purchases and repairs of cars, holidays, buying a new home and house improvements etc.



- **Scams** – The National Trading Standards Scam hub hold a database of victims across the UK. The hub refers relevant data to the Trading Standards Unit so that officers can make contact with victims and offer support in an attempt to prevent further threat.

Officers from the Unit continue to work in partnership with Social Services / Community Safety and provide presentations and information to local voluntary and community groups, care staff, banks and building society staff etc. and can arrange for vulnerable consumers to receive a call blocking device to prevent nuisance calls where appropriate.

- **Doorstep Crime, Cold Calling and Illegal Money Lending** - Doorstep crime can affect anyone, but often elderly and vulnerable people are targeted by Rogue Traders. Data also shows that the number of incidents are related to Serious Organised Crime Groups. The Social Services and Well-being (Wales) Act 2014 mentions having better systems in place to safeguard adults and vulnerable children. By working in partnership, it is the duty and responsibility of all public establishments to protect the vulnerable, including the field of financial abuse.
- **Educating and Advising Consumers** – Ensuring that consumers have the tools and relevant information to deal with the modern market environment. Educating consumers is essential in establishing and sustaining buyer and business confidence. The Unit also provides information talks to local community/vulnerable groups and work in partnership with other agencies to provide a range of important messages and advice to consumers.



- **Controlling Illicit Tobacco**– illicit tobacco can be defined as follows:-
 1. Smuggled Tobacco (bootleg) – imported without paying duty.
 2. Counterfeit Cigarettes
 3. 'Illicit Whites' – manufactured in Eastern Europe or Asia
- **Product Safety** – the law states that all products sold, new and second hand, must be safe. Officers offer advice and enforce a wide variety of legislation to ensure product safety and protect consumers.



- **Age Restricted Sales** - Following the Well-being of Future Generations (Wales) Act 2015 the Welsh Government has published a health and well-being measure for children within the National Indicators, examining the percentage of children who have fewer than two healthy lifestyles. The four healthy behaviours involve smoking; alcohol consumption; physical activity; and fruit and vegetable consumption. Trading Standards professionals have a significant role to play in relation to making illegal purchases from retail premises difficult for children.
- **Intellectual Property and counterfeiting** - Intellectual property crime costs the UK economy hundreds of millions of pounds each year, with organised crime gangs causing significant damage to industries that produce legitimate, high quality, physical goods and online and digital content in an increasingly competitive climate. The main selling platforms these days are the internet / social media sites.
- **Weights and Measures** – all goods are sold by weight or measure. The Unit is responsible for enforcing a wide variety of complex regulations to ensure that the public receive the correct amount of any product purchased. Part of the work involves ensuring that consumers and businesses have confidence when purchasing goods and also ensuring fair competition by verifying the accuracy of weighing and measuring equipment, checking goods available in shops, responding to complaints concerning short measure, incorrect measures of fuel, building materials etc. The Unit also provides a calibration and verification service for which it charge for.



- **Petroleum and Explosives** - The Unit is also responsible for the licensing, and enforcing the licence conditions, of premises selling fireworks and petroleum.

The Unit uses a variety of methods to carry out their objectives:

- responding to service requests from members of the public,
- inspecting businesses to check for compliance,
- taking appropriate action when any non-compliances are detected,
- managing activities which have the potential to be problematic by Licensing,
- providing initial advice to new businesses in addition to updates on new legislation,
- sampling and testing products to ascertain the standard and safety, including the testing of weighing machines and petrol pumps to ensure accuracy and ensuring that age restricted goods are not sold illegally and
- raising awareness of consumer rights, particularly in respect of the vulnerable.

5.2 Outputs and benefits for Gwynedd residents

5.2.1 The Unit is responsible for ensuring compliance with Trading Standards legislation in over 8000 businesses in Gwynedd. It is also responsible for on-line enforcement and for other contracts made by Gwynedd residents with businesses from outside Gwynedd.

5.2.2 The Unit's core activities are as follows:-

Dealing with Service Requests, Licensing Requests, Freedom of Information Requests

Service Requests include consumer complaints, notifications and referrals from Citizens Advice Consumer Service, requests for business advice etc.

2017/18	Number
Service Requests	1776
Registering Premises for the storage of explosives/fireworks	21
All year round licence to store Fireworks	1
Petroleum Storage Licences	18
Freedom of Information requests	12

Investigations/Cases (identifying and resolving non-compliances)

2017/18	Number of investigations/cases
Investigations/Cases	70

Establishing contact with new businesses and inspecting businesses

Making contact with new businesses is an effective method of establishing a positive and open relationship with traders and to ensure that they are aware of their obligations at the outset.

2017/18	Number of inspections
Inspecting businesses	233

Calibrations/Verifications

In addition to verification and routine testing weighing and measuring Equipment in use for trade as part of its statutory metrology function, the Unit also undertakes the testing of weighing and measuring equipment upon request. A fee is charged for such testing. A supplementary fee is charged for the provision of a calibration certificate stating the results of the tests if requested.

2017/18	Number of Calibrations/Verifications
Requests for verification/calibration (for a fee)	8

Other activities

- Fraud / Scams – visits to all vulnerable victims which were classed a priority.
- The Unit continues to use a variety of methods to raise promote and circulate preventive messages in an attempt to empower consumers and communities. During the year, officers prepare Press Releases, undertake radio interviews and work closely with the Communication Department to use social media platforms in order to support consumers and businesses and raise awareness of consumer issues.

5.3 Challenges

- 5.3.1 The Unit continues to prioritise work on the basis of risk, manage expectations, ensure quality and seek to achieve more with less resources. Over the years, we have seen a fall in the number of routine inspections/interventions to businesses as well as a fall in market surveillance and general awareness raising of Trading Standards work. Nationally, Trading Standards is moving towards a more reactive (intel-led) approach rather than a proactive one however the Unit continues to be proactive and deal with local complaints to the best of its ability.
- 5.3.2 When considering how the Unit receives information/intel, it is important to note the role of the national Citizens Advice Consumer Service helpline. The intention behind such an arrangement was for the helpline to provide free and effective advice to consumers on civil matters only so as to allow Trading Standards to prioritise any criminal/enforcement issues arising from the complaint.
- 5.3.3 The Unit does not want to see businesses failing to comply and we have to be realistic in respect of the needs of responsible businesses and to provide opportunities for businesses to rectify any issues. The Unit recognises the value of local businesses to the economy and wants to support economic prosperity and growth whilst also balancing this with the need to take formal action and enforcement where appropriate.

- 5.3.4 E-commerce i.e. the use of social media and general use of the internet, is increasing each year with more and more people using such platforms to sell products and services via these methods. Unfortunately, the internet is a perfect platform for fraudulent traders and they are taking advantage of the internet's facilities and how quickly new tactics develop in order to defraud consumers.
- 5.3.5 Serious and Organised Crime Groups - these groups are having an effect on all fields in Trading Standards. Criminals who were previously involved in 'high risk' offences are now moving to areas with less risk / sentences etc. Trading Standards officers are having to constantly adapt and adopt new methods and tactics to investigate such cases due to such criminals regularly changing their tactics to avoid detection.
- 5.3.6 Weights and Measures – a fall in the number of qualified Trading Standards Officers and a lack of trainees within the system.

6.0 ANIMAL HEALTH AND WELFARE, AGRICULTURE AND FEED LAW ENFORCEMENT TEAM



6.1 Nature of work – Animal Health & Welfare

6.1.1 Dealing with outbreaks and implementing measures to control animal disease outbreaks is a statutory function and can carry wide and costly consequences for public health, the economy and the environment. Also, the way animals are treated are an important reflection of the values of society. The Unit aims to ensure that animals in Gwynedd are treated well and that they do not suffer. This is carried out by a variety of methods:-

- identifying cases of unsatisfactory husbandry,
- investigating cases concerning animal disease (noting previous consequences of foot and mouth in 2001),
- inspecting and monitoring markets and animal shows – providing an opportunity to make contact with farmers and learn about any issues, provide advice etc,
- inspecting vehicles used to transport animals,
- enforcing legislation concerning the disposal of animal by-products,
- inspecting businesses based on risk and
- Providing an emergency response at the start of any animal disease outbreak.

6.1.2 The Local Authority has a statutory duty to enforce a range of legislation concerning Animal Health and has a duty to conduct inspections to monitor compliance, provide advice and investigate complaints.

6.1.3 Following a meeting between Welsh Government and Wales Heads of Trading Standards in 2015 to discuss new methods of partnership working, a new arrangement was established whereby local councils work together as a region to provide enforcement and offer advice in the field and a new national plan of action was agreed.

6.2 Outputs

Responding to Service Requests

Service Requests include complaints from consumers, notifications and referrals from Citizens Advice Consumer Service, requests for business advice, information received on suspicious movement of animals etc.

2017/18	Number of requests
Requests for advice	463

Investigations / Cases (identifying non-compliance and rectifying)

2017/18	Total
Investigations/ Cases	213

Inspecting High Risk businesses

2017/18	Number of inspections
High Risk Business	22 (4 premises closed)

Establishing contact with new businesses and inspecting medium and low risk businesses

Making contact with new businesses is an effective way of establishing a positive relationship with farmers and to ensure they are aware of their obligations at the outset. Inspecting Medium Risk and Low Risk businesses follows the same model as the High Risk businesses the only difference being the frequency of the inspections (Medium Risk every three years, Low Risk every five years).

2017/18	Number of inspections
Inspections to New/Medium and Low risk businesses	139

6.3 Nature of work – Agriculture / Feed Law Enforcement and contributing towards a regional feed service.

6.3.1 Animal feed plays a vital part in the food chain and has implications for the composition and quality of the livestock products (milk, meat and eggs) that people consume. Feed enforcement is a statutory function and the European legislation covers feed for farm animals as well as horses, pets, farmed fish, circus animals etc.

6.3.2 As part of the work, the Unit aims to ensure businesses adopt and maintain procedures and comply with the legal requirements which apply to their businesses e.g. by preventing and investigating complaints about:

- miss-labelling of animal feed by manufacturers,
- selling and using contaminated animal feed,
- inferior animal feed (i.e. not of the required composition or falsely described),
- sampling/testing animal feed to ensure quality,
- ensuring satisfactory management and hygiene and
- taking action in respect of feedstuffs that are recalled.

6.3.3 With respect to Feed Law Enforcement, the enforcement methods under the Agriculture Act 1970 and other UK and EU legislation are noted in the statutory Code of Practice. The Act states that Food/Feed Authorities consider the code when carrying out their duties. In effect, this means that Local Authorities must follow and implement the relevant provisions of the code.

6.3.4 The Food Standards Agency (FSA) have adopted a unique arrangement in respect of Feed Law Enforcement in Wales. A regional plan exists and North Wales has a Lead Officer based in Wrexham Council who is responsible for allocating the inspections 'due' to each of the six Local Authorities. Each Authority then receives a set fee for each inspection (depending on the amount of money available to the FSA for feed enforcement in Wales.) Due to the level of resources, the number of inspections due as part of the FSA's plan is far lower than the total number of premises 'due' an inspection in Gwynedd. Gwynedd has approximately 2000 farms. Inspections are therefore prioritised based on their risk (Risk Score 1 = each year, Risk Score 2 = every two years etc.) and type of premises.

6.4 Outputs

In 2017/18 Gwynedd received £35k for completing the work allocated as part of regional plan.

2017/18	Number
Inspections	194
Samples	7
Business Advice	39

6.5 Challenges

- 6.5.1 With a reduction in the resources available to the Unit, it is inevitable that the level and type of service provided previously cannot be sustained. There is therefore a greater emphasis on risk when deciding how and whether certain issues will be dealt with and this may cause risks in itself in respect of e.g.
- managing expectations of external agencies, Gwynedd businesses and residents,
 - meeting statutory obligations and
 - allowing circumstances which may lead to a substantial negative economic effect.
- 6.5.2 Placing trust in earned recognition (“Farm Assured /“Red Tractor/FAWL”) is on the rise and is set to continue. The aim is for the industry to manage itself so that inspections are less frequent. However, questions and concerns have been raised as to the effectiveness and robustness of such arrangements. The Code of Practice notes that any officers enforcing feed law has to hold relevant qualifications and concerns raised as to whether officers from such organisations will be qualified and sufficiently competent as well as truly independent.
- 6.5.3 Potential for competent officers to be taken away from feed law enforcement due to a lack of resources/priorities elsewhere and thus would have an effect on the regional plan.
- 6.5.4 Review of the Code of Practice – in order to concentrate on quality and impact of visits rather than the number of inspections.
- 6.5.5 Maintaining an up to date, accurate feed register is essential.
- 6.5.6 Uncertainty in respect of the amount of funding available to the FSA in the longer term.
- 6.5.7 Uncertainty following ‘Brexit – in relation to the Agriculture sector there may be changes in the amount of farm payments/grants available and a possibility that the amount of funding will be reduced and therefore a risk that general farm management and standards will fall. The majority of farms in Gwynedd are livestock farms (beef / lamb) and with the potential of the UK leaving the EU without an agreement a risk that duty for export to the EU will be increased therefore having a negative effect on the market.