

From: Mike Hill, Cabinet Member for Community and Regulatory Services
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To: Growth, Economic Development and Communities Cabinet Committee – 17 November 2021

Subject: **Trading Standards Update on current and future work activity, including EU Exit**

Classification: **Unrestricted**

Past Pathway of report: N/A

Future Pathway of report: N/A

Summary: This report covers the work of Trading Standards from January to October 2021 and focuses on current work and future challenges to the service, including preparation for full import checks for goods arriving via or from mainland Europe.

Recommendation(s): The Cabinet Committee is asked to note and discuss the report.

1. Introduction

1.1 This report covers the work of Trading Standards from January to October 2021 and focuses on current work and future challenges to the Service.

2. Background

2.1 Kent County Council Trading Standards Service is a statutory service that enforces over 200 Acts of Parliament and Regulations covering the trading environment in consumer goods and services, most of which impose a specific statutory duty of enforcement in Kent. The subject areas covered are diverse, ranging from counterfeiting and unfair practices to food standards, and explosive licensing

2.2 The service's current objectives are listed in **Appendix A**.

2.3 Trading Standards has seen extensive enforcement work during the pandemic and whilst a return to more business-as-usual, the changes that the pandemic has brought about, such as remote working, means that the way the service operates is also evolving. Furthermore, the conclusion of EU transition and introduction of full controls at the border from the 1st of January and the 1st of July 2022 will be placing new and extended burdens upon the service.

2.4 This requires the service to consider both its primary areas of focus and its future needs. We have started to address this by a significant recruitment campaign to provide capacity and capability.

3. Outcomes for 2021

3.1 Financial Year 20/21

3.2 During the pandemic the service has provided a diverse range of support to residents and businesses. Appendix B includes a synopsis of work delivered during the financial year 2021.22.

3.3 Achievements since April 2021

- Doorstep Crime Safeguarding – The Victim Safeguarding Officer has carried out 87 safeguarding interventions where those 87 households have lost £1.1 million to fraudsters. These safeguarding interventions prevented a further £117,000 going to criminals.
- Growth Hub Advice: 74 Businesses have been supported with a total of 274 hours delivered.
- Operation Astra – Following convictions in 2019 for supplying counterfeit goods, a proceeds of crime prosecution concluded with the two defendants receiving confiscation orders totalling £136,476 payable within 3 months.
- Illicit tobacco operations - so far this year, 102,803 Cigarettes and 40.4Kg of Hand Rolling Tobacco have been seized with an estimated total value £30,536
- Partnership working with Thanet District Council has seen the closure of seven premises persistently selling illicit tobacco
- Safety of Imported Goods – 103 referrals totalling 936,122 goods of which 337,047 were prevented from entering the supply chain and which could have resulted in £11.2m of consumer detriment

3.3.1 A full overview is included at **Appendix C**

4. Protecting the Vulnerable

4.1 Doorstep Crime and Scams

4.1.1 Doorstep crime and scams continue to dominate the criminal activity investigated by the service. This requires a significant amount of resource to investigate, which is why we have established close working relationships with Kent Police in tackling Doorstep Crime.

4.1.2 While investigations continue, our Victim Safeguarding Officer has conducted safeguarding interventions with 87 households since April. The victims lost in total £1.1 million to fraud. Her involvement has prevented a further £117,000 of victim money going to criminals

4.1.3 We saw a significant increase in scams during Covid and we continue to work in this expanding area of consumer detriment, with fraud forming the biggest crime in the UK. In 2021 we dealt with over £1million in scams related criminal activity with 144 victims. We continue to publicise and educate through media campaigns and radio appearances.

4.1.4 Our Victim Safeguarding Officer is also responsible for coordinating the work of the KCC Community Wardens who visit and work with scam victims, identified by the National Trading Standards Scams Team (NTSST). This provides the Wardens with up-to-date information and training to enable them to be as effective as possible during their victim visits. So far this year the wardens have engaged with 216 households flagged as potential scam victims.

4.2 Allergens

4.2.1 Another area of vulnerability is around allergens in foods, where our statutory role is ensuring food standards are met. The service has seen a significant rise in complaints on suspected allergens in food. Food officers have been working with identified businesses providing advice on changing and strengthening operating procedures so that they are effective in supporting consumers who suffer with allergies. We are focusing on this area as part of our annual retail surveillance programme, where samples of identified products are taken and analysed at Kent Scientific Services to determine levels of compliance, then formally followed up.

4.2.2 On 1st October a change in the law, known as “Natasha’s Law”, was implemented for foods that are pre-packed for direct sale, which previously were not required to carry a full list of ingredients.

4.2.3 Training has been provided inhouse to all food qualified officers so that both enforcement and advice to businesses can be effectively delivered.

4.2.4 Trader guidance notes and a video (viewed 6,350 times) have been produced by our food principal trading standards officer and the Public Protection Communications Team. The film is accessible through the KCC Trading Standards website. In addition, businesses were targeted through social media advertising (which has so far reached over 53, 000 people) and a direct email opened by 424 businesses.

5. Public Protection

5.1 Petroleum and Explosives Licencing

5.1.1 The service has responsibility for the licensing of petroleum sites in Kent, including conducting inspections to ensure these dangerous substances are stored correctly and the sites meets regulatory and licencing standards.

5.1.2 During the pandemic, changes were made regarding how we conducted inspections, By introducing initial offsite paper checks, this has led to quicker, safer, and more focused physical checks on site. This has been very successful in reducing business burden and increasing officer capacity. We have continued to operate this way and so far, have visited 66 of the 99 planned site visits.

5.1.3 Our licencing responsibility means we are also part of the emergency fuel plan. Whilst this was not stood up in the recent fuel shortages, it is important to note that should it be invoked officers would be required to be present at the

seven designated sites (i.e., fuel garages). We will be contributing to the lessons learnt to continue to improve the future fuel plan.

5.1.4 The service is responsible for licensing firework storage. In autumn, we inspect premises checking for safe storage. We focus on priority sellers (mainly new applicants) and high-risk premises (due to amount stored, location or previous history). We actively monitor (through the directorate's public protection intelligence unit) and respond to any reports of the illegal storage or sale of fireworks from unlicensed premises or to children. This carries risk to harm to public and is happening more frequently particularly through social media sales.

5.2 Safety of Sportsgrounds

5.2.1 In March KCC were asked to take responsibility back from Kent Fire and Rescue Service of overseeing safety at sportsgrounds. This is a new burden and has increased the workload of three officers and accounts for seven Kent sportsgrounds falling within jurisdiction of the Act. At each ground we are responsible for the annual inspection and certification of the stands, organising a Risk Advisory Group, inspecting grounds on match days, visiting to sign off agreed amendments to certification and the enforcement of fire safety.

5.2.2 The officers are receiving training in the legislation and practical experience from an external expert. All seven grounds have engaged and are working effectively with the service.

6. Partnership Working

6.1.1 The service has a long history of partnership working within KCC, Districts and National Agencies. Throughout the pandemic we had joint enforcement responsibility with Kent Police and District Environmental Health services. More recently in July we were part of the multi-agency approach in covering potential counterfeiting and ticket touting issues at the Open Golf at Sandwich.

6.2 Community Alcohol Partnerships

6.2.1 Community Alcohol Partnerships bring together a wide variety of partners, including enforcement, local councils, community leaders, schools, and retailers, to change attitudes to alcohol, tackling specific issues in an area such as antisocial behaviour or underage drinking.

6.2.2 Kent has nine Community Alcohol Partnerships, which is one of the largest numbers in the country, and as such we help ensure that the interest in these partnerships is maintained, providing advice, training, and guidance to local representatives

6.2.3 on July the 9th, the Kent Community Alcohol Partnership was launched in Deal with a well-attended virtual Teams event. The need for the partnership in the area was highlighted with a subsequent 'Challenge 25' operation (where an 18-year-old volunteer buys alcohol to audit the retailers' request for ID) in September, with 8 out of 18 premises making sales without asking for ID. Deal is also considering engaging with the Kent Youth Hub to feed into the Community Alcohol Partnership.

6.3 Illicit Tobacco

- 6.3.1 Illicit tobacco remains a significant issue in Kent. This is serious and organised criminal activity with the perpetrators engaged in other criminal enterprises and has a huge impact on communities.
- 6.3.2 This year saw a series of joint enforcement work between the service, Kent Police, Home Office Immigration and Thanet District Council to targeted premises.
- 6.3.3 Initial visits were carried out in Ramsgate and Margate in April over four days by 66 officers from the four agencies involved, resulting in the seizure of 53,260 cigarettes and 35.5kg of hand rolling tobacco by Trading Standards and £4,000 cash by the police, with five shops forced to close as they were staffed by workers without leave to work in the UK.
- 6.3.4 A follow up operation in June on the same premises resulted in Thanet District Council obtaining seven closure orders through Sevenoaks Magistrates Court. The shops were forced to close immediately for three months. This was a first for Kent and highlighted effective partnership working, which continues. This activity also received a Highly Commended Heroes Awards from the Chartered Trading Standards Institute.
- 6.3.5 Following this success, a similar operation was carried out in October with Gravesham and Kent Police with the seizure of 48,263 cigarettes and 12.25kg of hand rolling tobacco from nine shops in Gravesend.

6.4 Primary Authority Partnerships

- 6.4.1 The service is one of the largest Primary Authority Partnership providers to businesses in the country, and currently has 55 partner businesses. This is a statutory based and legally recognised partnership providing chargeable business advice (on a cost recovery basis) through a single Regulator. This provides certainty and allows us to build a good relationship to support business to grow and develop.
- 6.4.2 The quality of the service we provide attracts not only well-known local businesses such as Brake Brothers, Keel Toys and Wahl, but also National companies such as Tapi Carpets, ABTA, and Gumtree.
- 6.4.3 Since the beginning of this year, we have provided more support for our Primary Authority businesses in their preparations for the end of transition, providing bespoke training and seminar support. The team providing this service are fully qualified Trading Standards Officers, however the volume and complexity of all this activity does impact on their capacity and is an area we need to continually review.

6.5 Advice through the Kent and Medway Growth Hub.

- 6.5.1 At the beginning of 2021 the service formed a partnership with the Kent and Medway Growth Hub to provide a standby advice service for their business clients. The partnership was established from our efforts to support businesses during the early months of the COVID crisis (as to what they were permitted and not permitted to do and sell during the changing periods) and

has allowed us to provide fully funded advice to 74 Kent businesses in 2021 while earning £22,000 of income. Importantly, it strengthened our relationship with a key service delivery partner and cemented our reputation within the business community as trusted advisors.

6.5.2 By working with the directorate's Public Protection social media reach to publicise the Business Recovery Helpline we were able to introduce more customers to the service and provide benefit. This is an innovative approach to the delivery of business advice; we are one of only four Trading Standards departments in the country who work in partnership with their local Growth Hub.

7. EU Exit

7.1.1 As we are still in a transition and full customs controls have not yet come into force, there is a degree of uncertainty over the final impact that this will have on the service. Considerable officer capacity is dedicated to leading and participating in a range of groups examining known and forecast data and modelling likely impacts. Additionally, a large amount of legislation enforced by the service originated in the EU, and this legislation has started to change ahead of 1st July 2022.

7.1.2 As a result, we have had an increase in demand for our advice from Kent businesses, shifting focus from the pandemic to EU Exit, and have delivered a range of EU Exit related free webinar Q&A sessions over the summer. Advice is also provided through the KCC website at [Brexit information for businesses](#) - Kent County Council

7.2 Import Controls

7.2.1 The impact of leaving the EU and Single Market on specifically the service's duty to check the safety of imports of consumer goods is significant. This has been recognised with the creation of the Ports Team in 2019 (to meet the original EU Exit intended date), based in Dover, to cover at that time the Port of Dover, Eurotunnel, and the Fast Parcel Hub at Dartford.

7.2.2 Since then, the development of the Government's Border Operating Model and close working with the Cabinet Office has provided a better understanding and greater clarity of what has become an increasing demand with the establishment of Inland Border Facilities (IBFs) at Sevington (Ashford) and Ebbsfleet, with a planned IBF at Dover. In addition, Sheerness Port is now operating a ferry service bringing in unaccompanied freight.

7.2.3 These six (seven next year) additional areas where loads are examined will add significant demands on the capacity of the service, requiring further officers for the ports team. We currently have nine staff (Manager, Supervisor, and seven officers), who will now be split to cover the main hubs of activity at Sevington and Dover. This will be reassessed after January 2022 to consider an increase to 12.

7.2.4 In the meantime, the team continues to develop its partnership working with HM Revenue and Customs and with Border Force at Sevington IBF to ensure good access and working arrangements are in place for January.

7.3 Animal Health

- 7.3.1 The service enforces animal health provisions to prevent the spread of disease in the county and across the UK while ensuring that farm animal welfare standards are maintained. The service routinely visits farms, slaughterhouses (working with the Animal and Plant Health Agency and the Food Standards Agency) and the Ashford animal market (covering sales of animals from across the Southeast and beyond) as parts of its checks on compliance.
- 7.3.2 With the end of transition there are additional risks for the farming community, as any congestion on the roads caused by potential disruption at the ports could impact animal journey times and affect welfare in transit. If disruption is experienced, this will also cause delays in the delivery of feed and veterinary medicines to farms, or the removal of fallen stock, which increases both disease and welfare risks.
- 7.3.3 This, linked with rising feed prices and the removal of subsidies from the EU, will have an impact on the local farming community. We recognise and understand that support is needed to ensure farmers are meeting the welfare needs of their animals. As such, it is a priority for us that we maintain a presence and continue to visit farms to not only check, but also help and advise during this transitional time.
- 7.3.4 The new Border Control Post at Sevington will also have an impact on the Service. It is staffed by Officers and Vets of the Animal and Plant Health Agency who are responsible for ensuring that the animals in transit meet welfare standards in legislation. However, where there are breaches, the service, as the enforcement authority, is responsible for investigating, reporting and (where required) prosecuting these offences.
- 7.3.5 As this increases the work for the service, impacting on its capacity to deliver, we have recruited four additional Animal Health Officers, who will be in place and trained for January 2022.

7.4 Feed

- 7.4.1 The service is also the Feed Authority for Kent and has a statutory duty to enforce feed controls, delivered through visits to feed manufacturers, producers, and farmers to check, sample and advise on compliance. Our feed work is crucial, covering a complex subject that impacts both animal and human health, such as with the disease risk posed by raw pet food and the recent concern over the risk of salmonella in mice fed to pet snakes.
- 7.4.2 With the end of transition, this role will now include checks on imported feeds, a new responsibility that comes with the creation of the Border Control Post at Sevington, and in due course Dover. This allows the import of high-risk feed and organic feed through Kent on route to the rest of the UK.
- 7.4.3 This is of significant concern as the work must be carried out by qualified staff holding the statutory feed qualification. We currently have two competent qualified feed officers, who have capacity to cover local enforcement and the programme of annual inspections required by the Food Standards Agency.

8. Pressure on the Service

8.1.1 During the response to Covid, the service prioritised front line work to deal with consumer and business enquiries, along with the frequently changing Emergency Regulations.

8.2 Potential Covid Resurgence

8.2.1 The emergency response to Covid has not finished, and the service is still engaged with the Public Health Board as part of its watching brief. We still have an enforcement role under the two remaining Regulations and continue to monitor the national and local response to currently rising cases. If Plan B, or any other plan is implemented, Trading Standards may have to focus again on this area, disrupting our business-as-usual activities.

8.3 Casework

8.3.1 Our serious criminal investigations and cases had to continue throughout the pandemic, in addition to the pandemic response and disruption. Such work might include the execution of a warrant, arrest and interview of a suspect and the seizure of hundreds of documents, with social distancing and Covid controls to minimise infection risk.

8.3.2 We currently have 14 live investigations covering fraud, money laundering, animal welfare on farms, counterfeiting and intellectual property, Illicit tobacco, and Doorstep Crime. Four are currently listed with the Crown Court.

8.3.3 These cases take a significant time to conclude. For example, Operation Astra involving the sale of counterfeit goods at Leysdown Boot Fair in 2017 led to the defendants being prosecuted and convicted in 2019, followed by confiscation proceedings under the Proceeds of Crime Act, which only concluded in April 2021 (with orders for the confiscation of just over £136, 000 in criminal assets) This four-year timeframe is typical of the serious and complex criminal cases sent for trial in the Crown Court.

8.3.4 However, with the pandemic, there are now significant delays to trials of up to two years. This pushes our expected cases back, adding pressure to the workload of the team and reducing capacity to take on new cases. It also adds pressure to our budget as the expected single case a year is now three cases for each of the next two years with the additional costs a Crown Court case carries.

8.4 New Burdens Legislation

8.4.1 As we reach the end of transition, new legislation is being implemented with further legislation under consideration to address the specific needs of the UK.

8.4.2 This has an impact on the capacity of the service as officers spend time away from front line delivery, training to familiarise themselves with the changing legislation and associated guidance before they can effectively enforce it and provide suitable advice and guidance to business.

8.4.3 For example, the Animal Welfare (Kept Animals) Bill is anticipated to see both a ban on live exports of animals for fattening or slaughter from UK ports and

new powers to deal with the increasing issue of puppy smuggling by reducing the number of pets (dogs, cats, and ferrets) that can travel under pet travel rules.

8.5 Staff Retention and Recruitment

8.5.1 The duty to enforce statutory functions requires professionally qualified Officers (food standards, feeding stuffs and weights and measures work). This professional qualification takes three years.

8.5.2 This has led to the current recognised national shortage of qualified staff who are able to carry out these roles. This has meant that neighbouring Authorities, other Agencies, and the private sector are all paying a premium to attract qualified staff.

8.5.3 Furthermore, several staff are able to seek retirement in the next five years.

8.5.4 In response to these two critical issues, the service working with KCC Organisational Development has increased the grade of our qualified staff, in line with the current commercial rates of competitors to retain existing staff and provide more opportunity to recruit qualified officers when posts become available. We have also recruited three new Trainee Trading Standards Officers to take the professional qualification to increase capacity and fulfil the statutory roles.

8.5.5 We will also develop the Ports Team by offering the Regulatory Officer Apprenticeship (a 2-year qualification) to grow and develop their skills. This experience provides the potential for these officers to go on to take the statutory qualification, continuing to grow and develop the service.

9. Financial Implications

9.1 This additional expenditure does place pressure on the service's existing budget. However, we are carrying several vacancies that have been filled or used to facilitate some of the changes set out above.

9.2 In addition, we continue to seek additional funding for specific operations (e.g., funding from National Trading Standards for a national reach investigation), activities (e.g., Grant funding from Office for Product Safety and Standards) to assist with Ports Work) or duties (e.g., Food Standards Agency funding for Natasha's Law enforcement and education).

9.3 However, the additional responsibilities imposed on the service through EU Exit due to Kent's unique position does require additional investment from Government which is currently being formally requested.

10. Legal implications

10.1 We continue to engage with the Government Departments on any changes that may impact on the Service's activities.

11. Equalities implications

11.1 The existing Equality Impact Assessments underpinning the breadth of the service's work apply to the work and roles described in this paper

12. Conclusions

12.1 The service is a dynamic service of 35.6 (soon to be 40.6) frontline full time-equivalent staff which faces increasing demands for its services.

12.2 Last year, through the challenges of the pandemic and the imposition of new duties, the staff showed that they were flexible, adaptable, and innovative in ensuring that they continued to deliver effective results for the benefit of the residents and businesses of Kent

12.3 As we head into the uncertainty of the future, facing the pressures set out above, our continued engagement with Government and continued budgetary support give us the ability to plan and adapt to provide an effective Service for the residents and business of Kent

13. Recommendations

Recommendation(s):

The Cabinet Committee is asked to note and discuss the report.

14. Appendices

- Appendix A - Service's current objectives
- Appendix B - Figures for achievements in 20/21
- Appendix C – Figures for achievements April – Oct 21

15. Background Documents

15.1 None

16. Contact details

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