



TRADING STANDARDS

2013 – 2014

Work Plan

Key Targets

The annual work programme is part of an ongoing review that has led to a change in policy with greater balance placed on a number of competing priorities as detailed below, including a much smaller programme of risk based inspections of businesses during 2013/2014. The work programme also takes account of the corporate strategies of both Councils and addresses the national agenda as well as the concerns of local consumers and businesses.

The general enforcement priorities are listed at the end of the Work Plan, however, the main priorities of the Consortium will be:

- ❖ Underage sales
 - Conducting underage test purchase exercises
 - Responsible Trader Scheme
 - Prioritising test purchasing exercises on alcohol, tobacco and knives
- ❖ Doorstep Crime
 - Proactive partnership working
 - Rapid responses to consumer requests for assistance
- ❖ Large scale cases involving consumer fraud
 - Counterfeiting
 - Car clocking
 - Importing/wholesaling of unsafe goods
- ❖ Proceeds of Crime
 - Confiscation of assets from defendants convicted of committing serious criminal offences
 - Cash seizures from businesses suspected of committing criminal offences
 - Undertaking Proceeds of Crime investigations on behalf of other Council Services
- ❖ Primary Authority
 - Provision of legal advice and assistance to businesses on a cost recovery basis
 - Promote compliance amongst local businesses through increased membership of the Primary Authority scheme

Partnerships

We will continue to work in partnership with colleagues within both Councils and from other enforcement agencies wherever the opportunity arises. This will include the Metropolitan Police, HMRC and UKBA as well as liaising and working in partnership with the regional Trading Standards groups to which we belong.

Primary Authority

One important area of work for the Service will be operating the Primary Authority scheme with local and national businesses. The Better Regulation Delivery Office (BRDO) oversees the arrangement which puts the Primary Authority scheme onto a statutory footing.

Its main aim is to provide one point of contact within one Local Authority for all the regulators to refer issues to, which are then discussed with the company concerned. Solutions are then found through negotiation between the company and the designated Primary Authority.

There are significant benefits to the company that forms such a partnership with a Local Authority and these include:-

- Access to robust and reliable advice
- Drafting inspection plans
- Consistency of advice
- Avoidance of repetition through agreed action plans and a Single Point of Contact
- Dispute resolution
- A recognition by all regulators of the partnership
- Statutory assurance mechanism

Service Outputs

For 2013/2014, the Service will produce 9,800 units of output work for Harrow and 9,800 units for Brent: - a total of 19,600 units. Both borough totals reflect a full establishment based on a complement of 19.5 FTE staff members.

The main activities of the Service are based on units of work set out in the table on the following page. Each unit equates to 1 hour's work and each day equates to 7 units. Based on 260 working days that are available during the year –

- Less - 9 days bank holidays
- Less - 30 days annual leave
- Less - 6 days briefing sessions
- Less - 4 days training
- Less - 12 days meetings

Units of Work

A total of 200 days @ 7 hrs per day = 1400 hrs for enforcement work is available per officer per year. Each Enforcement Officer is therefore expected to produce a minimum of 1400 units of work per annum. Each Assistant Enforcement Officer (AEO) will be expected to contribute 350 units to their respective team's target. Their role now consists far more in supporting Enforcement Officers now

that there is one AEO per Borough rather than two. The contribution from each Service Manager has also been reduced to 350 units each which reflect the additional time that they spend on management functions due to the increase in their number of direct reports following the restructuring of the Service in 2011.

Inspections

Inspections of trade premises are carried out in line with the 'Hampton Principles', namely, "*No inspection should take place without a reason*". This purpose behind this principle is to reduce burden on businesses by conducting inspections based on risk and, whenever possible, by making joint visits with other regulators. A Statutory Code of Practice for Regulators was published in 2007 by the Department for Business Enterprise & Regulatory Reform and every local authority is expected to abide by this code. Based on the above, our aim is to inspect high risk premises, visits to medium and low risk premises will not be made unless they are the subject of a complaint. However, the work that we now do is, in the main, demand led and requests for service from members of the public remain at a high level. Nevertheless, consumer complaints and requests for service will continue to take priority over other work, but it is likely that a system of grading will be introduced so that only those that are considered as serious will be investigated whilst the less serious matters will be used to gather further information for future intelligence based investigations and projects.

At 1st March 2013, there were 10,234 businesses in the consortium area liable for inspection; of these, 1.6% are considered as high-risk premises.

2013 Figures Below

	Total number of premises	High Risk	Medium Risk	Low Risk
Brent	6141 (60%)	98 (1.6%)	2,871 (47%)	3,172 (51%)
Harrow	4093 (40%)	65 (1.6%)	2,042 (50%)	1,986 (48%)
Consortium	10,234	163 (1.6%)	4,913 (48%)	5,158 (50%)

New Business Risk Rating Scheme 2013-14

A task group led by the OFT has carried out a review of the 2004 LACORS Guidance on Risk Assessment of businesses for trading standards enforcement activity on behalf of the previous LG Regulation Trading Standards Policy Forum. The review was undertaken to address the inflexibility of the 2004 Scheme particularly with regard to the inability of that scheme to translate the significant reduction in risk which occurs in well managed businesses into reduction in the Risk Rating indicated by the Scheme.

The basis of the scheme is that each business within a local authority's area receives a score to direct enforcement activity to deal with the risk posed by the business, as opposed to a scheme which is based purely on *inspection* as a means of determining the risks. This means that businesses previously not

risk rated (e.g. builders working from home) because they were not “inspectable” will now be risk rated as they can pose a Trading Standards risk which can be dealt with via other mechanisms (e.g. surveys, test purchases or internet examinations etc).

The scheme comprises a hazard element that is scored on the basis of business category and a ‘Likelihood of Compliance’ element that is particular to the individual business and determined by local authorities. It should be emphasised that the new scheme relates to businesses as opposed to premises.

It is anticipated that this new scheme will be implemented during 2013 once the final calculations have been made using the business premises database operated by the Service.

Allocation of units for different activities

Activity	Number of units
Requests for action (criminal) completed	3.5
Requests for action (non criminal) completed	1
Trader Enquiries (including HA work)	5.25
Enterprise Act Complaints completed	14
Announced Primary High Risk Inspections	3
Announced Primary Medium Risk Inspections	2
Announced Primary Low Risk Inspections	0.5
Announced Secondary High Risk Inspections	1.5
Announced Secondary Medium Risk Inspections	1
Underage Test Purchase Visits	3
Alternative Enforcement Action	0.25
Home Authority Referrals	1.75
Home/Primary Authority Referrals	3.5
Average Quantity Visits	5.25
Criminal reports of Infringement	> 7 (depending on complexity)
Financial Investigations under Proceeds of Crime	> 40 (depending on complexity)
Enterprise Act investigations	> 40 (depending on complexity)
Prosecutions completed (Magistrates Court)	35
Prosecutions completed (Crown Court)	70
Simple Cautions	7
Letters of Warning	2
Approved Trader Scheme audits	3.5
Consumer Credit Checks	14
Verification Visits	3.5
Doorstep Crime Multi-agency Operations	21
Doorstep Crime Rapid response actions	14
Local Partnership Working	10
Mileage checks (each car)	2
Web sites (per check)	2
Press Releases issued	2

Harrow Enforcement Team 2013/14

The following members of staff contribute directly to Harrow's work:-

- Service Manager (0.25)
- 6 x Enforcement Officers (1.0)
- 1 x Assistant Enforcement officer (0.25)
- Financial Investigator (0.5)

	<u>Planned</u>	<u>Units</u>
Requests for action (criminal)	850	2975
Trader Enquiries (including HA work)	30	157
Enterprise Act Complaints completed	1	14
Announced Primary High Risk Insp.	70	210
Announced Primary Medium Risk Insp	25	50
Announced Primary Low Risk Insp	24	12
Announced Secondary High Risk Inspections	10	15
Announced Secondary Medium Risk Inspections	40	40
Test Purchase Visits	150	450
Home/Primary Authority Referrals	145	508
Average Quantity Visits	8	42
Criminal Reports of Infringement	50	3000
Financial Investigations under Proceeds of Crime	6	420
Enterprise Act Reports	1	60
Prosecutions completed	25	1125
Simple Cautions	12	84
Letters of Warning	20	40
Approved Trader Scheme audits	30	105
Consumer Credit Checks	4	56
Verification Visits	4	14
Doorstep Crime Multi-Agency Operations	6	126
Doorstep Crime Rapid response actions	6	84
Local Partnership Working	2	20
Mileage checks (each car)	40	80
Web sites (per check)	45	90
Press Releases issued	12	24
Total		9,800

Brent Enforcement Team 2013/14

The following members of staff contribute directly to Brent's work:-

- Service Manager (0.25)
- 6 x Enforcement Officers (1.0)
- 1 x Assistant Enforcement officer (0.25)
- Financial Investigator (0.5)

	<u>Planned</u>	<u>Units</u>
Requests for action (criminal)	850	2975
Trader Enquiries (including HA work)	30	157
Enterprise Act Complaints completed	1	14
Announced Primary High Risk Insp.	70	210
Announced Primary Medium Risk Insp	25	50
Announced Primary Low Risk Insp	24	12
Announced Secondary High Risk Inspections	10	15
Announced Secondary Medium Risk Inspections	40	40
Test Purchase Visits	150	450
Home/Primary Authority Referrals	145	508
Average Quantity Visits	8	42
Criminal Reports of Infringement	50	3000
Financial Investigations under Proceeds of Crime	6	420
Enterprise Act Reports	1	60
Prosecutions completed	25	1125
Simple Cautions	12	84
Letters of Warning	20	40
Approved Trader Scheme audits	30	105
Consumer Credit Checks	4	56
Verification Visits	4	14
Doorstep Crime Multi-Agency Operations	6	126
Doorstep Crime Rapid response actions	6	84
Local Partnership Working	2	20
Mileage checks (each car)	40	80
Web sites (per check)	45	90
Press Releases issued	12	24
	Total	9,800

Infringement Reports

The units allocated for infringement reports are based on the complexity of the investigation, both in terms of legislation being enforced and length of time taken to fully investigate/report each individual case (as shown below).

<u>Category</u>	<u>Time taken for investigation (in days)</u>	<u>Minimum number of units</u>
0	1	7
1	2.5	17.5
2	5	35
3	7.5	52.5
4	10	70
5	15	105
6	> 16	@ 7 units per day

The criteria for assessing each category is detailed below:-

Category 0

Very brief report, unlikely to involve an interview. No other witnesses and resulting in no further action or a letter of warning.

Category 1

Very few background enquiries required small amounts of correspondence (largely standard letters), few difficulties encountered, straight-forward and routine, investigation usually completed the same day. Investigation does not normally involve outside witnesses. Straight-forward interview.

Category 2

Usually one or two non-Trading Standards witnesses. Some research and correspondence may be required. May involve seized or purchased evidence. Evidence straightforward to catalogue and analyse. Minor difficulties may be encountered during investigation. A simple supply chain may be documented and records usually one step back from the retailer. Usually one taped interview. Does not require substantial resources of officer time.

Category 3

Will contain the elements of a category 2 report plus one element from the criteria listed under category 4.

Category 4

- a) This level of investigation will contain the elements of a category 2 report plus at least two of the following elements:-
- b) large teams of officers necessary over a shorter time scale or smaller teams of officers spending significant amounts of time on background enquiries or observations.
- c) Interviews - multiple interviews requiring preparation or single interview of an extremely complex and demanding nature.
- d) Statements - several witness statements from non Trading Standards Officers required.
- e) Evidence - large quantities of evidence involved or smaller quantities of evidence of a diverse nature requiring considerable analysis.
- f) Report - large and complicated report required to fully explain the investigation and the nature of the offences.
- g) Other enquiries - significant problems encountered during investigation, large amount of non standard correspondence required (for example solicitor's letters). High profile investigation attracting media attention during the investigative process. Major financial impact (e.g. goods seized of high value, suspension notice especially of high value items).

Category 5

This level of investigation will contain the elements of a category 2 report plus at least three elements from the list under category 4.

Category 6

Will contain the elements of a category 2 report plus at least four elements from the list under category 4 including criterion (a).

Notes for Guidance

- 1 All work must be meaningful and necessary.
- 2 Officers should make it clear in their reports what work they have carried out.
- 3 Recognition will be deducted for work which is not completed to a satisfactory standard or that which is put in late (without good reason), so as to leave the Department open to criticism for "abuse of process".
- 4 Recognition will not be awarded in lieu of work which has not yet been completed

*Each Average Quantity visit to an importer/packer will be on the basis that the following is carried out:-

- a) The metrology control system is inspected, and
- b) Records and documents are checked, and
- c) Reference tests are carried out on a random sampling basis in accordance with the Packaged Goods Regulations, and
- d) "Code of Practice Guidance" advice is give

Enforcement Priorities

The priorities below are based on the hazard that a particular type of trading activity poses to the local community, the impact that the activity will have on local consumers and the likelihood of the activity occurring. The greater the hazard, impact and likelihood of an activity, the more resource this Service will put into combating this type of crime. Lower priority is given to those activities that are less likely to occur and have little hazard or impact. However, all complaints concerning breaches of the law are investigated and vulnerable customers are treated as a higher priority.

High Priority

Underage Sales – knives	Underage Sales – alcohol & tobacco
Doorstep Crime	E-crime
Unsafe Goods	Clocked Cars
Most Complained About Traders	Counterfeit Goods
Underage Sales – fireworks	Proceeds of Crime
Car Clamping	Misleading Claims
Distance Selling	Primary Authority

Medium Priority

Storage of Fireworks	Copyright
Misleading Prices	Weights and Measures
Underage Sales – butane	Price Marking
Furniture and Furnishings	Un-roadworthy Cars
Underage Sales – spray paints	Video Recordings – Unclassified DVDs
Package Travel	Underage Sales – DVDs / games
Harassment of Debtors	Business Names
Consumer Credit	Bogus Colleges
Essential Packaging	Hallmarking
Energy Performance Certificates	Incorrectly Labelled Goods (safety)

Low Priority

Energy Labelling of Goods	Restrictive Notices
Misleading Descriptions (low value goods)	Underage Sales – lottery
Property Misdemeanors	Estate Agents
Mock Auctions	Timeshares
Road Traffic – Overloaded Vehicles	Underage Sales – crossbows
Metriation	Motorcycle Exhaust Silencers