

**London Boroughs of Brent and Harrow
Trading Standards Joint Advisory Board
27 November 2014**

FOR INFORMATION

Trading Standards Work Programme 2014/2015

1 SUMMARY

1.1 This report provides Members with information concerning the Trading Standards Work Plan for 2014/2015.

2 RECOMMENDATIONS

2.1 That Members consider the report and comment where appropriate.

3 DETAILS

3.1 Each year, the service produces a work plan, which details the work the Trading Standards Service is due to undertake for the financial year ahead. The plan is closely linked to the budget and reflects the outputs achievable with the budget provided.

3.2 This years plan has been adjust to reflect changes to the way that the service is organised, following changes to the way administrative services are provided and a restructuring of Trading Standards host service which took place early 2014 and the revised management structure that resulted from this. The Work Plan is presented later in the year than would normally be the case.

3.3 A copy of the plan for the year 2014/2015 is attached as an appendix.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial considerations arising from this report. The Work Plan reflects the amount of work that can be achieved with the annual budget provided for the Service for 2014/2015.

5 STAFF IMPLICATIONS

5.1 None relevant.

6 **BACKGROUND INFORMATION**

- 6.1 Any person wishing to obtain more information should contact Simon Legg, Senior Regulatory Services Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 5522.

DAVID THRALE
HEAD OF REGULATORY SERVICES



TRADING STANDARDS

Work plan
2014 - 2015

The Service starts 2014/2015 following a restructure that has seen most regulatory functions being brought together in a new Regulatory Service Unit. This change coincided with the departure of the previous Head of Service and one of the two Assistant Heads of Service.

The service managers now are:

Head of Regulatory Services	David Thrale
Most senior Trading Standards professional	Simon Legg
Brent Team Manager	Winston Brooks
Harrow Team manager	Sanjay Thakrar.

Sanjay Thakrar is the holder of the statutory appointment of Chief Inspector of Weights and Measures¹.

Regulatory Services now encompasses:

Brent and Harrow

- Brent & Harrow trading standards
- Brent & Harrow public mortuary

Brent only

- Animal health
- Food safety
- Health & safety
- Health checks
- Licensing & public safety
- Nuisance control
- Pest control
- Environmental monitoring
- Sanitary health
- Smoking cessation & tobacco control

The service is now co-located with officers from the Metropolitan Police which further assists in joint work and collaboration.

For 2014/2015, the service has equally sized borough teams meaning that each team will produce 7,956 units of output - a total 15,912 units. The service has 19 FTE staff, although one manager and a prosecutor and two proceeds of crime staff are not included in the unit work calculation.

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 available during the year –

Less -	9 days bank holidays
Less -	31 days annual leave
Less -	12 days for administration
Less -	6 days briefing / 1-1 sessions
Less -	7 days training
Less -	6 days meetings

¹ Weights and Measures Act 1985. Section 72(1).

A total of 189 days @ 7 hrs per day = 1,323 hrs for enforcement work is available per officer per year.

Since 2011/12, each Assistant Enforcement Officer (AEO) has been expected to contribute approximately 25% of a warranted officers value to their respective team's target. This reflects their role has no statutory powers and largely consists of supporting Enforcement Officers with their duties. This equates to a total contribution of 330 units each.

Following the restructure, the new Team Leader roles have been included in this work plan with an expectation that they will contribute 350 units each. This reflects the outputs that were previously expected from the two Service Managers acknowledging that these roles largely consist of management functions responsible for each Borough team.

Last year, we included some new duties to reflect changes in the way in which the Trading Standards profession now works. These duties such as the Primary Authority Scheme, RIPA (surveillance) approvals, a new national inspection risk rating scheme, monitoring e-crime on the internet and the sharing of intelligence using the 5x5x5 model will all remain although some of the figures will vary now we have the past years data measuring the number of units achieved.

Office of Fair Trading 'Consumer Credit Visits' have been removed from the work plan following the Office's closure in April 2014. Their credit work is now being overseen by the Financial Conduct Authority (FCA). As far as we are aware, the FCA intend to carry out the inspection visits the OFT used to refer to us themselves meaning we no longer have this responsibility.

This year, work units have been apportioned to an additional subject area of work, this being 'Service Improvement'. In the past, the Trading Standards had the benefit of a Service Improvement Officer but this post was deleted during the 2011 restructuring.

Since then, Service Improvement has been the responsibility of the management team. However, given the reduction in managerial capacity and the loss of other business support offices, capacity is required in this area of work.

The Trading Standards profession generally is going through a rapid period of change as new and innovative ways of working are being introduced in response to new legislation and the need for local authorities to manage financial pressures.

In order to maintain professional standards, identify and introduce efficiency savings, comply with new legislative regimes and to ensure the Service is as fit for purpose as it can be in years to come, it is necessary to carry out some much needed Service Improvement work. This is best achieved by gaining input from all levels of staff, especially those responsible for delivering front line duties.

A total of 200 units of work per team has been made available to assist the Service Manager deliver various Service Improvement initiatives during the course of the year. Examples include, the computerised evidence database, the Civica database performance dashboard, implementing the Regulators Compliance Code, preparing for the changes proposed in the Consumers Rights Bill, linking in with key partners (especially in London Borough of Harrow) to include public health and improving the Service's website.

Allocation of units for different activities

Activity	Number of units
Complaints Completed	3.5
Trader Enquiries (including HA work)	5.25
Average Quantity Visits	5.25
Announced High Risk Inspections	3
Other Inspections	1.5
Underage Test Purchase Visits	3
Home Authority Referrals	1.75
Primary Authority Hours	1 p/h
Criminal reports of Infringement	≥ 7 (depending on complexity)
e Reports	≤ 7 (subject to other unit allocation)
Prosecutions completed (Magistrates Court)	35
Prosecutions completed (Crown Court)	70
Simple Cautions	7
Letters of Warning	2
Projects completed	≥ 20 (depending on complexity)
Approved Trader Scheme audits	2.5
Verification Visits	3.5
Doorstep Crime Multi-agency Operations	21
Doorstep Crime Rapid response actions	14
Local Partnership Working and Weeks of Action	≥ 7 (depending on work involved)
Samples, Mileage, Written Publications and Website checks	2
Samples Other (test purchases, seizures etc)	2
5x5x5 Submitted	1
Press Releases issued	3
RIPA Applications	7

Financial Investigations

The financial investigation team consists of two full time officers and is managed by the Service's Senior Prosecutor. They carry out financial investigations using powers under the Proceeds of Crime Act. Their work is referred to them by Officers of the Service and from others such as from within Brent and Harrow Councils and other local authorities.

Following a financial investigation, if a Court makes a confiscation order which is then paid by the defendant, part of the money is divided in accordance with the Home Office incentivisation scheme.

Where work is referred from an external agency, an agreement is entered into which provides for a fee to be charged to cover the costs of their investigatory work and/or a share of any funds obtained resulting from the Home Office incentivisation scheme are obtained.

In accordance with the Joint Advisory Board decision in 2011, the Service now budgets for the Financial Investigations team to generate £125,000 for each borough via proceeds of crime incentivisation receipts.

Accordingly, as the duties undertaken by this team focus solely on financial investigation, it is not subject to the same output units of work. Instead, the team's performance is monitored entirely by its success of their investigation work.

It is not possible to calculate exact figures as every case is different, but in broad terms, in order to achieve a combined income of £250,000 via the incentivisation scheme, it is necessary for the team to have annual confiscation orders granted in excess of £600,000. This may be more than achieved by one large case, or could require several smaller cases or lesser amounts to make a larger combined total.

To achieve figure in one go, would mean that orders need to be paid immediately when they are made which is rarely the case, with often defendants given up to two years to make their payments. Instead, a pipeline of incentivisation cases needs to be maintained in order to receive a spread of payments throughout the year.

The team keep detailed records and carefully monitor their cases as they progress to ensure not only that this commitment is met, but also that referring authorities receive their share of the money paid by the Home Office.

Harrow Enforcement Team 2014/2015

The following staff contributes directly to Harrow's work:-

- 1 x Team Leader
- 5.5 x Senior and/or Enforcement Officers
- 1 x Assistant Enforcement Officer

	<u>Planned</u>	<u>Units</u>
Complaints Completed	720	2520
Trader Enquiries (including HA work)	26	136
Average Quantity Visits	4	21
Announced High Risk Inspections	40	120
Other Inspections	150	225
Verification Visits	2	7
Primary Authority Hours	50	50
Underage Test Purchase Visits	140	420
Infringement Reports (average 55 units per report)	44	2420
eReports (average 3.5 units per report)	11	38
Prosecutions completed – Crown Court	3	210
Prosecutions completed – Magistrates' Court	13	455
Simple Cautions	15	105
Letters of Warning	15	30
Projects Completed (average 40 units each)	4	160
Service Improvement Work	200	200
Approved Trader Scheme Audits	50	125
Doorstep Crime Multi-Agency Operations	4	84
Doorstep Crime Rapid Response Actions	4	48
Local Partnership Working and Weeks of Action Events	10	210
Samples, Mileage and Websites checks	110	220
5x5x5 Submitted	100	100
Press Releases Issued	8	24
RIPA Applications	4	28
Total		7956

Brent Enforcement Team 2014/2015

The following staff contributes directly to Brent's work:-

- 1 x Team Leader
- 5.5 x Senior and/or Enforcement Officers
- 1 x Assistant Enforcement Officer

	<u>Planned</u>	<u>Units</u>
Complaints Completed	720	2520
Trader Enquiries (including HA work)	40	210
Average Quantity Visits	3	15
Announced High Risk Inspections	40	120
Other Inspections	100	150
Verification Visits	2	7
Primary Authority Hours	201	201
Underage Test Purchase Visits	125	375
Infringement Reports (average 55 units per report)	44	2420
eReports (average 3.5 units per report)	20	70
Prosecutions completed – Crown Court	5	350
Prosecutions completed – Magistrates' Court	17	595
Simple Cautions	15	105
Letters of Warning	20	40
Projects Completed (average 40 units each)	2	80
Service Improvement Work	200	200
Approved Trader Scheme Audits	30	73
Doorstep Crime Multi-Agency Operations	1	21
Doorstep Crime Rapid Response Actions	2	28
Local Partnership Working and Weeks of Action Events	4	84
Samples, Mileage and Websites checks	75	150
5x5x5 Submitted	100	100
Press Releases Issued	7	21
RIPA Applications	3	21
Total		7956

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>
eReports	Less than a Day	< 7
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:-

eReports

Simple seizures and or basic investigation of small quantities of goods, likely to be disclaimed at time with no interview and minimum background checks. Reported using template submitted in an electronic format.

Category 0

Very brief report, likely to involve a short 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).

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
Doorstep Crime	Underage Sales – tobacco
Unsafe Goods	Clocked & Insurance 'write off' Cars
Most Complained About Traders	Counterfeit Goods
Underage Sales – fireworks	Proceeds of Crime
Misleading Claims	Consumer Credit/illegal lending
Niche Tobacco Products	Primary Authority

Medium Priority

Misleading Prices	Incorrectly Labelled Goods (safety)
Price Marking	Copyright
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
Weights and Measures	Bogus Colleges
Underage Sales – butane	Hallmarking
Storage of Fireworks	

Low Priority

Energy Labelling of Goods	Restrictive Notices
Misleading Descriptions (low value goods)	Underage Sales – lottery
Energy Performance Certificates	Estate Agents/Letting Agents
Mock Auctions	Essential Packaging
Road Traffic – Overloaded Vehicles	Underage Sales – crossbows
Metrication	Motorcycle Exhaust Silencers

Appendix 1: Trading Standards Service Structure

Part of Regulatory Services

