



Trading Standards Joint Advisory Board
26 March 2015

Report from the Head of Regulatory Services

For information

Wards Affected:
ALL

TRADING STANDARDS WORK PLAN 2015/2016

1 SUMMARY

- 1.1 This report provides Members with information concerning the Trading Standards Work Plan for 2015/2016.

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 joint trading standards service is planning to deliver for the coming municipal year. The plan is reflects the outputs achievable with the budget provided.

- 3.2 We are now one year after the establishment of a new Regulatory Service which encompasses that joint trading standards service and resulted in changes to the leadership of the service and trading standards, together with borough-wide changes to arrangements for administrative support for the host borough.

- 3.3 This year's work plan has been adjusted to increase the managerial capacity of the two Team Leaders who in the pervious year's plan retained some front line duties thereby seeking to reduce the current managerial bottleneck.

- 3.4 Further changes apply to the Brent team to reflect provision of public health funding for 2015-16 and 2016-17 to work on illicit tobacco, shisha and alcohol projects in Brent. This funding provides for additional staffing providing scope for work in these areas to be carried out by a separate officers.

- 3.5 The work plan for 2015/2016 is attached.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial considerations arising from this report. The work plan reflects the agreed joint budget for 2015/2016.

5 STAFF IMPLICATIONS

5.1 None.

6 BACKGROUND INFORMATION

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

DAVID THRALE
HEAD OF REGULATORY SERVICES



Brent & Harrow Trading Standards Service

**Work Plan
2015-2016**

The Service begins 2015/2016 one year into a restructure which saw a number of Brent Council regulatory functions being brought together in a new Regulatory Service Unit. The past twelve months saw the departure of the previous Head of Service an Assistant Heads of Service and the Senior Prosecutor.

The positive reputation of the service is such that we have since successfully recruited all key posts.

The service's leadership team is now:

Head of Regulatory Services	David Thrale
Senior Regulatory Service Manager	Simon Legg
Regulatory Team Leader	Winston Brooks
Regulatory Team Leader	Sanjay Thakrar.
Principal Prosecutor	Anu Prashar

For 2015/2016, the service has equally sized borough teams, meaning that each borough will benefit from 7,606 units of output. The joint service has 19 FTE permanent staff, which will shortly be supplemented by two additional temporary staff that will deliver public health projects in Brent.

The leadership team, two Financial Investigators and both temporary public health project workers are not included in the unit work calculation as their functions are either managerial or their performance is measured differently and outside this work plan.

Each work unit equates to 1 hours work and each day equates to 7 units. Based on 52 five day weeks, less:

- 9 days bank holidays
- 31 days annual leave
- 12 days administration
- 12 days technical and case planning meetings, supervision sessions
- 7 days learning and personal development

This gives a total of 189 days. Based on a 7 hour day, this gives 1,323 hours per FTE per annum for enforcement work.

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.

Last year, the work plan provided an expectation that the two new Team Leader roles would contribute 350 units each. This has been removed to reflect that these roles are now solely managerial to coincide with the reduction in number of managers within the joint service.

During 2015/16 we intend to start using a consumer complaints matrix to more consistently determine those complaints that are likely to have a strong public benefit arising from formal investigation and those should better be logged for future intelligence purposes but not formally investigated. The matrix should ensure that consumer complainants which are investigated are meaningful and should lead to a positive outcome so Officers are not tied up investigating scenarios such as those where there was a one-off error by a trader. This approach will better balance the proportion of available enforcement resource that is used on individual consumer complaints and that spent on cases of consumer concern or prejudice that have a greater potential benefit for the community more widely.

Using data from the first three quarters of 2014/15, the Brent team received an average of 93 complaints to investigate per month and the Harrow team received an average of 65 whereas the work plan for both boroughs allocates resources to investigate a maximum of 60 complaints a month.

It is expected that this change will allow the service to give greater focus to tackling the most complained about traders. This should be a more virtuous approach, as if these businesses can be brought into compliance, then the number of complaints received should drop.

We will identify our 20 most complained-about businesses and add these to our 2015/16 inspection plan for high risk businesses. This will ensure that our most complained-about traders will start receiving regular programmed inspection visits and non-compliances will be systematically tackled.

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 for Harrow, 2 for Brent
Home Authority referrals	1.75
Primary Authority hours	1 p/h
Criminal reports of infringement	≥ 7 (depending on complexity)
eReports	≤ 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
Service improvement	≥ 7 (depending on size of initiative)

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, from others such as from within Brent and Harrow Councils and increasingly 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.

These arrangements were put in place in 2011 and reported to the Trading Standards Joint Advisory Board on 28 November 2011. This arrangement provided a guaranteed level of re-investment of proceeds of crime to fund the joint Brent & Harrow asset recovery team and to a lesser extent to supplement enforcement operations in both boroughs, as the latter is a pre-requisite for POCA investigations. The service now budgets to reinvest £125,000 per annum for each borough, and achievement of this outcome is the work plan for this team, rather than the system of work units used elsewhere within the joint service.

Harrow Enforcement Team 2015/2016

Staff:

- 1 Team Leader
- 5½ Enforcement Officers
- 1 Assistant Enforcement Officer

	Planned volume	Work units
Complaints completed	720	2,520
Trader enquiries (including PA work)	20	105
Average quantity visits	3	16
High risk / 20 most complained-about trader inspections	40	120
Other inspections	125	188
Verification visits	2	7
Primary Authority hours	50	50
Underage test purchase visits	135	405
Infringement reports (average 55 units per report)	44	2,420
eReports (average 3.5 units per report)	11	38
Prosecutions completed – Crown Court	2	140
Prosecutions completed – Magistrates' Court	12	420
Simple cautions	12	84
Letters of warning	15	30
Projects completed (average 40 units each)	3	120
Service improvement	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	140
Samples, mileage and websites checks	100	200
5x5x5 submitted	101	101
Press releases issued	8	24
RIPA applications	3	21
	Total	7,606

Brent Enforcement Team 2015/2016

Staff:

- 1 Regulatory Team Leader
- 5½ Enforcement Officers
- 1 Assistant Enforcement Officer

Planned volumes Work units

Complaints completed	720	2,520
Trader enquiries (including PA work)	40	210
Average quantity visits	2	11
High risk / 20 most complained-about trader inspections	40	120
Other inspections	100	150
Verification visits	2	7
Primary Authority hours	150	150
Underage test purchase visits	125	250
Infringement reports (average 55 units per report)	43	2,365
eReports (average 3.5 units per report)	30	105
Prosecutions completed – Crown Court	4	280
Prosecutions completed – Magistrates' Court	16	560
Simple cautions	13	91
Letters of warning	20	40
Projects completed (average 40 units each)	2	80
Service improvement	0	0
Approved Trader Scheme audits	2	42
Doorstep crime multi-agency operations	2	28
Doorstep crime rapid response actions	8	112
Local Partnership working and Weeks of Action events	75	150
Samples, mileage and websites checks	100	100
5x5x5 submitted	7	21
Press releases issued	2	14
RIPA applications	200	200

Total 7,606

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).

Category	Investigation days	Minimum number of units
eReports	>1	< 7
0	1	7
1	2.5	17½
2	5	35
3	7.5	52½
4	10	70
5	15	105
6	> 16	@ 7 units per day

The method for assessing each category is:

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 the 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.

High priority

Most Complained About Traders	Underage Sales – alcohol & tobacco
Doorstep Crime	Letting Agents
Unsafe Goods	Clocked & Insurance 'write off' Cars
Misleading Claims	Counterfeit Goods
Niche Tobacco Products	Proceeds of Crime
Market Sales	Primary Authority

Medium Priority

Misleading Prices/Price Marking	Incorrectly Labelled Goods (safety)
Consumer Credit/illegal lending*	Copyright
Furniture and Furnishings	Un-roadworthy Cars
Underage Sales – spray paints	Harassment of Debtors
Package Travel	Bogus Colleges
Inaccurate Weights and Measures	Hallmarking
Underage Sales – fireworks (as seasonal)	Underage Sales – knives

*High priority cases are also referred to Illegal Money Lending Team

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	Motorcycle Exhaust Silencers
Metrication	Business Names
Storage of Fireworks (unless critical safety implication)	Underage Sales – butane
Underage Sales – DVDs / games	Video Recordings – Unclassified DVDs

Service structure

