



TRADING STANDARDS

2012 – 2013

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 trade premises during 2012/2013. 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 but the main priorities of the Consortium will be:

- ❖ Underage sales
 - Conducting underage test purchase exercises
 - The Responsible trader scheme
 - Concentrating on alcohol, cigarettes and knives

- ❖ Doorstep Crime
 - Proactive partnership working
 - Rapid responses to consumer requests for help

- ❖ Large scale cases involving consumer fraud
 - Counterfeiting
 - Car clocking
 - Importing / wholesaling of unsafe goods

- ❖ Proceeds of Crime

- ❖ Primary Authority

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 London Organising Committee of the Olympic and Paralympic Games (LOCOG) and the Olympic Delivery Authority (ODA) as well as Her Majesty's Revenue & Customs (HMRC0 and UK Border Agency (UKBA), particularly during

the approach to the forthcoming Olympic Games. We will also liaise and work in partnership with the regional Trading Standards groups to which we belong.

Olympic Games

In the period leading up to and during the Olympic Games itself, there will be an increased demand on our Service, as we have been called upon by the ODA to assist with the enforcement of the various Olympic specific legislation that has been enacted. It is anticipated that the Service will be able to manage this competing priority by backfilling the posts within the Trading Standards teams during the 80 day period when these extra duties will be required. Funding for this backfilling of posts has been received through the City Operations scheme in recognition of the additional work that the Trading Standards Service will have to carry out.

Primary Authority

One new area of work for the Service will be operating the Primary Authority scheme with local and national businesses. The Local Better Regulation Office (LBRO) oversees the legislation which puts the Primary Authority scheme on a statutory footing.

It's 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 by negotiation between the company and the designated Local Authority.

There are significant benefits to the company who forms such a partnership with a Local Authority which include;

- Access to robust and reliable advice
- Introduction of nationwide inspection plans
- Consistency of advice
- Avoidance of repetition
- Dispute resolution
- A recognition by all regulators of the partnership
- Statutory assurance mechanism

Units of Work

For 2012/2013, the Service will produce 9,800 units of work outputs 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

Following the major restructuring that was completed in August 2011, some changes to the Work Plan have inevitably resulted. Each of the two Borough Teams is now directly managed by one Service Manager. As a result, most of their time is mainly taken up with the management of their respective teams with some operational activities. In the past there was another tier of management below Service Manager which has now been removed.

Units of Work

A total of 200 days @ 7 hours per day = 1400 hours 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.

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 has been published 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 this Service is demand led, and we are seeing a year on year increase in the number of complaints made by residents of Brent and Harrow, and these requests for action will, as usual, take priority over other work.

As at 1st March 2012, there were 10,853 premises in the consortium area liable for inspection; of these 1.4% are rated as high-risk premises.

Business Premises

	Total number of premises	High Risk	Medium Risk	Low Risk
Brent	6,414(59%)	86	2,930	3,084
Harrow	4,439 (41%)	62	2,102	1,970
Consortium	10,853	148 (1.4%)	5,032 (46%)	5,054 (46%)

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 2012/13

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 2012/13

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
Doorstep Crime	Underage Sales – tobacco
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 Misdcriptions	Estate Agents
Mock Auctions	Timeshares
Road Traffic – Overloaded Vehicles	Underage Sales – crossbows
Metrication	Motorcycle Exhaust Silencers