

Report To Safer Neighbourhoods and Active Communities Scrutiny Board

25th February 2021

Subject:	Trading Standards Update
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1 Recommendations

- 1.1 That the Safer Neighbourhoods and Active Communities Scrutiny Board receives the information presented and considers if there are any recommendations it wishes to make.

2 Reasons for Recommendations

- 2.1 The Scrutiny Board has requested an update on the activity undertaken by trading standards over the last 12 months.



2.2 Members will have the opportunity to ask questions and discuss the information that is presented to consider any potential recommendations the Scrutiny Board may wish to make.

3 How does this deliver objectives of the Corporate Plan?

	<p>Strong resilient communities Trading standards enforces consumer protection legislation to protect consumers and businesses.</p>
	<p>A strong and inclusive economy Trading Standards deliver professional advice to businesses on regulation and guides businesses to comply with the law, which helps make Sandwell a great place to set up and run a business.</p>

4. Context and Key Issues

Background

- 4.1 The Trading Standards team sits within Citizen Consumer Protection Business and Consumer, alongside Environmental Health in the Regulated Services service area.
- 4.2 The team are responsible for the enforcement of a wide range of consumer protection legislation covering fair trading, product safety and labelling, intellectual property crime (counterfeiting), weights and measures, and sales of age-restricted products. In addition, the remit also includes consumer fraud, and doorstep crime.
- 4.3 The team works to an intelligence-based approach and gathers information and data from a range of local and regional sources to determine local priorities. The current priorities are:-

1. Doorstep Crime / Rogue Traders
2. Financial Abuse
3. Age restricted products
4. Illegal tobacco
5. Protecting the Food Chain



- 6. Product Safety
- 7. Used Car Crime

4.4 Business planning is undertaken in accordance with the council's corporate business planning cycle. This has been delayed in 2020 due to the impact of Covid-19 pandemic however this work is now being progressed and the priorities for this service from 2021 will be agreed through this process to support the delivery of the Corporate Plan.

Impact of Covid-19 pandemic

- 4.5 The activity of the team during 2020/21 has been impacted by Covid-19 pandemic in two key ways: -
- Government restrictions on people's movement and business openings, together with the need to ensure covid-safe models of working, reduced the team's operations across the priorities.
 - The skills and knowledge of the service were essential to support the councils Covid-19 response for business advice, compliance and enforcement of Coronavirus legislation.
- 4.6 Since March 2020, the Trading Standards team has worked alongside Environmental Health, Licensing and Environmental Protection teams to deliver the councils covid-19 response for businesses in relation to guidance, compliance and enforcement of the Coronavirus legislation.
- 4.7 The powers held by the Local Authority under The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 are enforced by the Regulated Services service area.
- 4.8 This re-direction of activity has been done in a managed way to ensure essential and high priority trading standards work has continued.

Summary of Activity 2020-21

- 4.9 The Trading Standards team have played a key role as part of the council's response to Covid-19 pandemic, providing advice and



guidance to business on compliance with legislation, ensuring compliance and where necessary taking enforcement action.

4.10 During 2020/21 the trading standards have supported the delivery of the following Covid-19 response related activity: -

- Responding to over 1300 complaints and concerns received from the public relating to business restrictions, price gauging, safety (hand sanitiser and PPE Face Masks), goods/service cancellations, and scams.
- Supported council quality assurance process for PPE and provided guidance for corporate procurement to ensure equipment purchased was of legitimately quality tested for safety.
- Providing advice and guidance to the council, businesses, public and partners on business restrictions legislation – which has been fast pace and changing frequently.
- Maintained flow of information via social media for businesses
- Contacted 257 businesses to provide safe working advice and direct contacts to over 98 high risk' businesses as determined by Public Health.
- Supported joint enforcement activity with West Midlands Police and Public Health including 8 enforcement days.
- 4 Directions issued under Coronavirus legislation requiring businesses to either close or comply with legislation.
- 7 Prohibition notices under Coronavirus legislation requiring businesses to close in compliance with legislation
- Issued 3 fixed penalty notices to the value of £4,000 to a business for non-compliance with coronavirus legislation and breaching a prohibition notice.

4.11 Despite the requirement to focus on Covid-19 related work the Trading Standards team continued to deliver on those trading standards activities identified as high priority. For example:

- Received and responded to 328 civil advice referrals from the Citizen Advice Consumer Service.



- Continued case work on prosecution cases in relation to illicit tobacco that are in progress within the legal system.
- Successful application to Magistrates Court to grant a forfeiture order on 12,180 packets of cigarettes, seized from a storage unit that were found in a joint operation with the Police. The Police Economic Crime Unit also seized £184,000 in cash in this operation and are seeking forfeiture.
- Carried out an Allergens and Meat Species Kebab sampling project. 15 out of 34 samples tested incorrect for milk and 13 out of 21 for wrongly described meat. The 34 businesses have received written and/or telephone advice. An allergen pack has been produced which is focussed on various business types.
- Provided pre-Brexit information and guidance to businesses.
- Scams – There has been an increase in COVID-19 related scams, which include vaccines scams, PPE scams and an increase in cold call offers. The Trading Standards Team work alongside Action Fraud and Friends Against Scams and provide key messages via the Councils website, Twitter and Facebook page.

Planning for 2021/22

- 4.12 While the council is managing its response to the Covid-19 pandemic the trading standards team will continue to prioritise COVID-19 related work, but maintain and respond to any essential or high-risk trading standards related business.
- 4.13 The service is monitoring areas of work that have been delayed due to the pandemic to plan for a recovery as the service is able to reduce its role in the Covid-19 response, and also national and regional developments that will impact on the work of trading standards. These areas include: -
- Illegal Tobacco/Age Restricted Sales – This work has been significantly impacted by government coronavirus restrictions. It is planned to work alongside HMRC in the coming 12 months as restrictions are eased to carry out a programme of test purchase and dog sniffer days to obtain further intelligence on premises which are breaking the law.



- The exit from European Union will have implications for the Trading Standards team in respect of Product Safety, Importers and change to CE marking. At this point, current legislation has been retained however this is anticipated to change and will be an area to be worked through to understand the implications and requirements as the position evolves.
- As Sandwell is hosting the Aquatic centre for the 2022 Commonwealth Games, Trading Standards will be a key contributor as one of the enforcing authorities. Work with the organising committee and the host authority Birmingham on planning for enforcement is commencing.

4.14 The council is now commencing business planning activity for 2021 onward and the service planning will be included in this process to review and confirm priorities.

5 Alternative Options

5.1 If the Board does not consider the update, then the opportunity to identify any recommendations will be missed.

6 Implications

Resources:	There are no specific strategic resources implications arising from this report.
Legal and Governance:	There are no specific legal implications arising from this report.
Risk:	There are no specific risk implications arising from this report.
Equality:	There are no direct equality implications from this report.
Health and Wellbeing:	There are no specific health and wellbeing implications arising from this report.
Social Value	There are no specific Social Value implications arising from this report.



7 Appendices

N/A

8 Background Papers

N/A

