

Decision Maker: PUBLIC PROTECTION AND SAFETY POLICY DEVELOPMENT
AND SCRUTINY COMMITTEE

Date: Wednesday 2 March 2016

Decision Type: Non-Urgent Non-Executive Non-Key

Title: TRADING STANDARDS

Contact Officer: Rob Vale, Trading Standards Manager
Tel: 020 8313 4785 E-mail: Rob.Vale@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: All Wards

1. Reason for report

The Chairman has asked for an update for members of the PPS PDS Committee on the work of the Trading Standards Service. The report will be accompanied by a presentation on some of the key work areas carried out by the service.

2. **RECOMMENDATION(S)**

Members are asked to consider the report and confirm they are satisfied with the current services provided.

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection and Safety Portfolio budget
 4. Total current budget for this head: £460k
 5. Source of funding: Existing Revenue Budget 2015/16
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Staff

1. Number of staff (current and additional): 9.0 fte plus 0.6mgt
 2. If from existing staff resources, number of staff hours: NA
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents, businesses and visitors to the borough.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: NA

3. COMMENTARY

The Bromley Trading Standards Team

- 3.1 The Trading Standards Team is responsible for enforcing a wide range of legislation and sits within the Public Protection Division, within the Environment and Community Services Department.
- 3.2 During 2015 three full time enforcement officer posts were deleted as part of savings for the Division, reducing the service to a statutory minimum. The team now consists of the Head of Service with responsibilities for Trading Standards and Community Safety, one Lead Practitioner, 5.5 Enforcement Officers and a 0.67fte Accredited Financial Investigator. An administrative assistant to the team consists of a 0.5fte.
- 3.3 The deletions to the service mean a significant reduction in the number of cases which are investigated and the complete cessation of other discretionary functions including business advice, second tier advice, facilitating No Cold Calling Zones and routine inspections.

Allocation of resources

- 3.4 The Citizens Advice Consumer Service (CACS) provides first tier advice to consumers in England and Wales. Any residents who contact Bromley Trading Standards are initially directed to CACS.
- 3.5 CACS send referrals and notifications to the Trading Standards team on a daily basis. Referrals are reviewed and assessed against a risk matrix and may be allocated for investigation or noted for intelligence purposes. Notifications are checked daily and are generally for information only.

Table 1: Number of referrals and notifications per annum 2013-15

(Calendar year)	2013	2014	2015
Notifications	3996	3771	3261
Referrals	1152	1206	1056
Other referrals e.g. Letter, Rapid Response phone	1099	1381	785
Cases/enquiries actioned	2251	2587	1841*

*The last 6 months of 2015 were with the 3fte reduction

- 3.6 All notifications and referrals are recorded on a central database which provides a valuable intelligence resource for the team when reviewing activity of problem traders in the borough.
- 3.7 Monthly tasking meetings review current work areas, case progress and identify any local problem traders or consumer detriment which can then be considered for further action. Officers on average deal with around 250 cases per year each.

Priorities for 2015-17

- 3.8 A strategic assessment was carried out at the end of 2014 which helped prepare a two year control strategy which outlines the priorities for the service. See Appendix.

3.9 The main priorities for the service are:

- **Doorstep Crime (DC) and Mass Marketing Fraud (MMF) Scams** – protect older or otherwise vulnerable residents by intervening and disrupting the activities of rogue traders, raising awareness and engaging with partners via the **SAFEGUARDING ADULTS PROJECT** to help identify victims
- **Under Age Sales** – restrict the supply of age restricted products to under age children through advice and enforcement
- **Product Safety** – ensure goods sold in the borough are safe, including tackling the sale of illicit tobacco and alcohol
- **Unfair Trading** – protect residents from unfair trading practices

Key Activities in 2015

3.10 **Safeguarding Adults Project** - In November 2014 a new trading standards campaign was launched called “Safeguarding is Everybody’s business”. The aim of the project was to further raise awareness of doorstep crime and scams and encourage the community to look out for vulnerable neighbours, family and friends.

3.11 Incidents of doorstep crime and scams are significantly under reported, and one of the targets of the campaign was to increase reporting. A key objective was to increase the number of talks to high risk groups in the borough to raise awareness of DC, MMF and Courier Fraud. As Table 2 shows the number of awareness events increased during 2015.

Table 2: Number of awareness events and attendees re: Adult Safeguarding delivered annually 2012-15

Talk/training type	2012	2013	2014	2015
Talk to community group	41	48	38	64
Training to partner	31	20	23	48
Number of attendees	2,150	2,328	1,937	2,896

3.12 The campaign has included partnership work with London Fire Brigade and the Royal Mail, as well as local police teams. Training has also been given to bank staff, adult safeguarding professionals, the voluntary sector and housing associations.

3.13 Table 3 shows the significant increases in referrals of doorstep crime and scams to the service:

Table 3: Number of calls and referrals per annum 2012-15

Performance Indicators	2012	2013	2014	2015	% change since 2012
Calls to rapid response number	206	234	201	246	+19%

Performance Indicators	2012	2013	2014	2015	% change since 2012
Referrals of DC and Scam alerts from banks	24	15	22	42	+75%
Referrals of DC and Scam alerts from safeguarding partners	17	17	19	27	+58%
Total mass market Fraud Scams reports	18	140	410	227	*See below

*In 2013, 2014 and 2015 we received referrals of MMF victims from the National Trading Standards Scams Team

The following is a selection of activity over the past 12 months against the priorities set out above:

- 3.14 **Doorstep Crime** - A tip off from a neighbour led officers to an elderly male who had paid a rogue trader £25,000 for work valued at less than £500. As a result, a prolific offender was prosecuted by the service and jailed for three years and given a five year CRASBO banning him from cold calling in the UK.
- 3.15 A Lincolnshire man was found guilty of fraud following a call to the service by a concerned neighbour who had noticed extensive repairs being carried out on the home of an elderly male. Investigations revealed the victim had been tricked into signing his house over to the trader who had cold called and persuaded him to have repairs to his property.
- 3.16 The long term aim is to achieve a reduction in Doorstep Crime incidents and an increase in the number of preventions and disruption. However, because the offence is so poorly reported (national research suggests between 5% and 10% of cases are reported) the first priority is to increase the awareness of the offence so it is reported to Trading Standards and Police.

Table 4: Number of reported DC incidents, prevention visits and financial impact per annum 2012-15

	2012	2013	2014	2015
Doorstep Crime incidents	105	99	128	155
Disruption and prevention visits	145*	115	133	141
Money saved	£254,448.93	£555,238.86	£174,307.70	£233,016.85
Money lost	£221,904.99	£704,043.42	£320, 354.80	£430,913.78

*Spike caused by Kent based trader who targeted Bromley residents between 2011 and 2012.

- 3.17 **Scams** – a local housing officer who had attended trading standards training on doorstep crime and scams called the service when she was approached by a desperate resident who had no money to pay his rent or buy food. Officers attended and found the elderly male was a chronic mass market fraud victim and had sent thousands of pounds to a

bogus lottery scam. Officer stayed with the resident for several hours and negotiated a refund of several thousand pounds by his bank.

- 3.18 Further partnership work with Age UK, Care Plus and other voluntary sector agencies is under way to ensure an effective referral mechanism is established in order that trading standards officers can confidently ensure victims of MMF receive long term support where safeguarding thresholds are not met.
- 3.19 **Under Age Sales** – officers have visited 90 small business premises selling age restricted products offering advice and auditing due diligence systems. These have been followed up by test purchase operations using young people resulting in a number of illegal sales of alcohol, tobacco and fireworks. These cases are currently being investigated. Continued targeted activity in this area of work has seen a drop in illegal sales over the past three years.

Table 5: % of test purchases where no sale occurred

% compliance	2012/13	2013/14	2014/15
Alcohol	77%	77%	95%
Tobacco	85%	84%	90%
Fireworks	95%	84%	97%

- 3.20 **Product Safety** – like many authorities across the country, Bromley responded to the emergence of the Hovver Board craze, as cheap, dangerous imports flooded the UK market. Several importers in the borough have removed their products from sale.
- 3.21 Intelligence received in October 2015 concerning a dangerous i-phone charger from a Bromley based eBay seller resulted in a raid at an address in Orpington where over 2500 potentially dangerous electrical items including i-phone chargers were seized and removed from the market. The seller is under investigation for alleged offences under the Consumer Protection Act 1987.
- 3.22 A small sample of premises was visited with a tobacco detection dog and handler resulting in Illegal tobacco being found at two shops. Investigations are in progress.
- 3.23 **Unfair Trading** – persistent complaints about a Bromley based hotel triggered an investigation which remains on-going. Officers have been working with the management to make improvements to the rooms and customer care, as well as removing misleading claims on the website. An investigation into the qualifications of a local performing arts trainer has resulted in a number of charges being laid against the owner, with the case going to trial in May 2016.
- 3.24 **Accredited Financial Investigator** – the work of the AFI is predominantly linked to proceeds of crime and doorstep crime investigations, assisting investigators through forensic analysis of bank accounts held by suspects. This has led to a number of prosecutions over the past few years for offences of money laundering. In 2015 the AFI also assisted planning colleagues in a case which is still subject to judicial process.

New burdens on trading standards

- 3.25 **The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2015** have placed a further statutory responsibility on trading standards with

regards to the enforcement of energy performance requirements for buildings. There will be a requirement to report to the secretary of state annually on our performance. A report will be prepared for the Portfolio Holder in due course.

3.26 S.42 of the **Care Act 2014** requires local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed. Scams and doorstep crime constitute financial abuse.

3.27 Protecting vulnerable adults is a key priority for the authority and as such appropriate resources are dedicated to a wide range of activities which aim to prevent residents from becoming victims of scams and doorstep crime.

4. POLICY IMPLICATIONS

4.1 See the body of the report

5. FINANCIAL IMPLICATIONS

5.1 The table below provides the budget and fte's for the Trading Standards team for the period 2014/15 to 2016/17:

	2014/15	2015/16	2016/17
	11.09 ftes	9.60 ftes	8.33 ftes
	£'000	£'000	£'000
Staffing	465	417	377
Car allowances	16	14	12
Running expenses	30	29	24
Grant income	-4	0	0
	507	460	413

6. LEGAL IMPLICATIONS

All legislation enforced by trading standards includes a “duty to enforce” provision.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	None