

Bromley Trading Standards

Service Plan 2017-19

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## 1. Introduction

Bromley Trading Standards is located within the Public Protection Division of Environmental Services. The role is to protect residents from unfair and illegal business practice and ensure there is a fair and safe trading environment within the London Borough Bromley. The key priorities are set out below and are based on a number of intelligence based indicators which include the analysis of intelligence reports and complaints data, national priorities and local knowledge and demographics.

This service plan seeks to direct the enforcement work of the service over the next two years. It sets out prevention, intelligence and enforcement work across the priority areas identified as being of greatest local importance.

## 2. Our priorities

Bromley trading standards has a clear vision which is to protect our residents and businesses from unfair and unsafe commercial practice. The vast majority of Bromley businesses want to comply with the law and provide Bromley residents and visitors with value for money services and goods. A small number of traders, often those not located in the borough, are intent on taking advantage of our residents and our businesses. Often this can result in taking business opportunities away from legitimate local traders which can have an effect on the local economy. Our role, through the delivery of this service plan, is to focus on those key areas of consumer detriment.

Over the next two years our priorities are:

- protecting and safeguarding vulnerable consumers from the fraudulent and financially abusive activities of rogue traders
- combatting the trade in unsafe, illicit and counterfeit products and unfair trading
- safeguarding the health and wellbeing of young people by ensuring underage children are not sold age restricted goods and services
- working with regulatory partners to combat rogue landlords and letting agents

## 3. Safeguarding

### Adults

It has long been suspected that victims of scams, specifically the elderly and consumers made vulnerable by their circumstances, experience deteriorating health, loss of independence and loss of self-confidence. These give rise to additional financial costs on the health and social care sector which could be prevented through earlier intervention and protection. The number of older people in Bromley has been increasing and is projected to continue to rise. One of the key consequences of this is a rise in the numbers of people with dementia and people living in isolation. There are currently 4000 people living with dementia in Bromley. The prevalence of dementia is predicted to rise, and although recording of dementia has increased in Bromley over the last two years, it is likely that there

are still many cases not known to clinical services. (Joint Strategic Needs Assessment (JSNA) 2016). There is also strong evidence that loneliness is linked with deterioration of health.

The Trading Standards team works with key partner agencies such as Adult Safeguarding, Community Safety, Public Health and the Police to protect older residents, and acts on intelligence about Safeguarding issues, making appropriate referrals with auditable records to evidence that steps have been taken to protect those people at risk from abuse or neglect. A significant proportion of our resources are used to raise awareness of financial abuse against the elderly, targeted at potential victims through community engagement and to partners who work with older people.

The role of Trading Standards in protecting vulnerable adults links directly with the Building a Better Bromley priority 2016-18: “For a Safe Bromley we will continue to protect the elderly and vulnerable from scams and doorstep crime.”

### Children

Smoking - Despite the decline in smoking rates published by recent figures from the NHS Health and Social Care Information Centre, smoking remains the leading cause of preventable death and hundreds of children start smoking every day. More young people in Bromley are regular smokers compared to the London smoking rates, according to the What About Youth (WAY) Survey 2014.

#### Smoking Prevalence Indicators for Children aged 15

| Indicator   | Bromley | London | England | Indicator Definition  |
|---|---------|--------|---------|---|
| Smoking Prevalence at age 15 – Current Smokers    | 9.9     | 6.1    | 8.2     | I sometimes smoke cigarettes now but I don't smoke as many as one a week. I usually smoke between one and six cigarettes per week OR I usually smoke more than six cigarettes per week. |
| Smoking Prevalence at age 15 – Regular Smokers    | 6.6     | 3.4    | 5.5     | I usually smoke between one and six cigarettes per week OR I usually smoke more than six cigarettes per week.   |
| Smoking Prevalence at age 15 – Occasional Smokers | 3.3     | 2.7    | 2.7     | I sometimes smoke cigarettes now but I don't smoke as many as one a week.   |

Public Health Outcomes Framework – latest data collection 2014/15.

In May 2016, new regulations concerning tobacco products, herbal products for smoking and electronic cigarettes came into force. The Standardised Packaging of Tobacco Products Regulations 2015 requires all cigarettes and hand rolling tobacco packets to be in the same

olive green colour. New rules on electronic cigarettes include the requirement for packs to include a health warning and to be child and tamper proof. In May 2017 the transition period came to an end and trading standards officers are responsible for ensuring compliance with the law.

Alcohol – Public Health England report that there is an ongoing downward trend in alcohol consumption among those aged under 16. However, by the age of 17, half of all girls and almost two-thirds of boys report drinking alcohol every week.

Nationally, the alcohol-specific hospital admission rate for under 18 year olds is declining and in Bromley has been gradually decreasing over the last two years, and is comparable with the rate for London (23.73 per 100,000), but significantly lower than the rate for England (36.61 per 100,000 population)(JSNA 2016).

Knives – knife crime with injury has been on the increase for three years across the UK. In the 12 months to March 2017, there were over 12,000 knife crimes recorded in London. In Bromley, there has been an 80% increase of recorded knife crime offences. Trading Standards play a role in reducing the availability of knives to children and young persons through test purchasing and the supporting responsible retailers by way of voluntary agreements committing them to working with police and the local authority.

This year we will launch the responsible retailer project “Bladesafe”, together with a test purchase programme involving knives, as part of a London wide trading standards campaign which contributes to the Mayor of London’s MOPAC Knife Control Strategy.

#### 4. Summary of activities in 2016/17

Appendix 1 contains a summary of the performance indicators and commentary which are reported to the senior management team.

Budget reductions in 2015 resulted in the service having to manage a reduction in enforcement staff from 9.9 fte to 7.29 fte (excluding 0.5 mgt and 0.5 admin). This has led to a reduction in the number of investigations and routine compliance work. However, priority areas have been protected as much as possible.

Achievements in the last year include a fraud investigation where an elderly man was tricked into signing his house over to a bogus builder in lieu of property repairs. The trader was sentenced to 5 years imprisonment following a trial in January 2017. Another man admitted seven charges of fraud by misrepresentation against vulnerable consumers and was sentenced in July 2016 to 20 months imprisonment.

A Bromley trader found guilty following a trial of nine charges relating to misleading statements about a qualification course for students. Three of these offences were under the Fraud Act 2006. He was sentenced in June 2016 to 12 months suspended for 2 years on each count concurrent. He was also ordered to carry out 150 hours unpaid work and compensate the victims.

Our officers carry out test purchase operations using under age volunteers to check whether premises are selling alcohol, tobacco or fireworks to young people under the age of 18. These visits are intelligence based and require sign off by at the Magistrates Court. A total of 197 test purchases were made which included alcohol, tobacco and fireworks. As a result of the 26 illegal sales we took 9 businesses to a licensing review and issued 7 formal cautions. One review resulted in a suspension of a licence.

We work hard to ensure the products sold in Bromley are safe. This means regular engagements with regional and national safety hubs, respond to complaints and conducting pro-active campaigns of test purchasing and testing. In some cases unsafe products are seized in order to remove them from the supply chain.

We have an Accredited Financial Investigator who is an integral part of all the criminal investigations we conduct. Last year the AFI was raised to support a planning investigation which, following conviction, resulted in an order under the Proceeds of Crime Act.

Summary of the calls to our service in 2016/17.

| <b>Calls to service</b>  | <b>2016/17</b> | <b>2015/16</b> |
|--|----------------|----------------|
| Total CitA referrals/notifications (Complaints from Bromley Consumers) | 2,974          | 3,135          |
| Complaints against Bromley traders from all Complainant Regions        | 1,118          | 1,309          |
| Complaints about unsafe goods and services                             | 59             | 58             |
| Other sources of enquiry eg email. letters                             | 199            | 173            |
| Complaints alleging sale of age restricted products to under age       | 37             | 25             |
| Complaints about property repairs rogue traders                        | 109            | 144            |
| Complaints about Mass Market Fraud and other scams                     | 208            | 230            |
| Calls to rapid response number   | 229            | 256            |

## 5. Control Strategy

The following have been identified as priority areas over the next 2 years:

| <b>Protecting and safeguarding vulnerable consumers from the fraudulent and financially abusive activities of rogue traders</b> |   |
|---|---|
| <b>Links to Building a Better Bromley – Safe Bromley; Supporting Independence; Quality Environment</b>                          |   |
| <b>Doorstep Crime &amp; Mass Marketing Fraud Scams</b>  |   |
| <b>Preventative</b>   | Raise awareness of doorstep crime (DC) & Mass Market Fraud scams (MMF) and provide support to vulnerable consumers through advice & education   |
|   | Engage all partners through training and partnership working to ensure information is shared and good support networks exist for victims of DC and scams. Work with the police will be maintained to improve joint working, and relationship building continued with the financial sector to improve their response to safeguarding vulnerable adults |
|   | Engage with the media to publicise successful outcomes and raise profile of doorstep crime and scams by reporting incidents   |
|   | Provide trader approvals for consumers' reference during pre-shopping checks  |
|   | Continue to engage with the national Scams Hub  |
|   | Provide appropriate and timely referrals of all vulnerable adults at risk having regard to our statutory responsibilities under the CARE ACT 2014.  |
| <b>Intelligence</b>   | Deliver locally the Trading Standards Intelligence Operating Model. Analyse trends, and prioritise resources  |
|   | Share information with partner agencies to ensure victims and potential victims receive support   |
|   | Raise awareness of DC and MMF in the community to encourage reporting via the dedicated rapid response number   |
|   | Share intelligence regionally and nationally through intelligence submissions to MEMEX  |

|             |   |
|-------------|---|
|             | Review analytical products produced by regional and national TS intelligence sources. Undertake local and regional analysis to target investigations                              |
| Enforcement | Provide a rapid response service to all level 1 complaints  |
|             | Carry out pro-active operations which are intelligence led as directed by intelligence products and combine with awareness raising events   |
|             | Take proportionate action against locally based scams   |
|             | Respond to complaints/enquiries from older/vulnerable consumers concerning mass marketing and other scams and ensure appropriate action is taken where victim is an adult at risk |

| Combatting the trade in unsafe, illicit and counterfeit products, and unfair trading |   |
|--|---|
| Links to Building a Better Bromley – Safe Bromley; Quality Environment               |   |
| Fair trading, product safety & counterfeiting  |   |
| Preventative   | Provide advice and support to vulnerable consumers who are in dispute with businesses, including mediation where cases are complex  |
|  | Provide advice to local businesses via the TS Broadcast LBB website   |
|  | Respond to safety intel from the Ports Authority relating to LBB traders  |
| Intelligence   | Share intelligence regionally and nationally through intelligence submissions to MEMEX  |
|  | Identify complaint trends to target problem areas   |
|  | Continue to maintain a regular over view of intelligence on safety matters through timely interrogation of intelligence via the TS Link information sharing, national Intelligence Hub, Memex, RAPEX and the South East London Intelligence Tobacco Network |

|             |   |
|-------------|---|
| Enforcement | Undertake robust enforcement of all criminal complaints where there is a good investigative opportunity   |
|             | Target traders who consistently cause consumer detriment  |
|             | Conduct compliance visits to business within chosen trade sectors with the aim of minimising consumer detriment and promoting a safe and fair trading environment |
|             | Target traders who are suspected of trading within in the informal economy  |
|             | Respond appropriately to complaints of a safety matter in order that consumers are not put at risk  |
|             | Maintain statutory registers for explosives and animal feed hygiene premises and undertake compliance inspections   |

| Safeguarding the health and wellbeing of young people by ensuring underage children are not sold age restricted goods and services |   |
|--|---|
| Links to Building a Better Bromley – Safe Bromley; Support our children and young people; Quality Environment                      |   |
| Under age sales  |   |
| Preventative   | Provide advice and guidance to local businesses who sell age restricted products  |
|  | Raise awareness about age restricted sales prevention and new legislation   |
| Intelligence   | Share intelligence with partners, especially police and licensing and community safety to identify problem traders and strengthen enforcement actions across agencies |
|  | Share intelligence regionally and nationally through intelligence submissions to MEMEX  |



|             |   |
|-------------|---|
|             | Gather intelligence of premises likely to sell age restricted products to a child |
| Enforcement | Undertake test purchases to test compliance with underage sales legislation       |
|             | Complete an appropriate judicial disposal on all underage sales                   |

## 6. Performance indicators

The following sets out the desired outcomes and targets of the service over the next two years. The targets are annual.

| Protecting and safeguarding vulnerable consumers from the fraudulent and financially abusive activities of rogue traders  |  |                                       |
|---|--|---------------------------------------|
| Desired outcome   | Activity   | Output /target                        |
| Raise awareness of doorstep crime (DC) & Mass Market Fraud scams (MMF) and provide support to vulnerable consumers through advice & education eg talks and events   | Maintain a programme of education and advice talks to groups across the borough.   | Target: 50                            |
| Engage all partners through training and partnership working to ensure information is shared and good support networks exist for victims of DC and scams. Work with the police will be maintained to improve joint working, and relationship building continued with the financial sector to improve their response to safeguarding vulnerable adults | Continue to develop and deliver the bespoke half day training package aimed at partners who engage with vulnerable adults, eg safeguarding professionals and police. | Target: 30                            |
|   | Deliver awareness raising sessions with the local banks  | Target: all banks                     |
|   | Number of referrals of doorstep crime & scams incidents from banks, police and adult safeguarding partners.  | Target: 50                            |
| Engage with the media to publicise successful outcomes and raise profile of doorstep crime and scams by reporting incidents   | On-going reporting of incidents and successful prosecutions.   | Report all prosecutions via the media |
| Provide trader approvals for consumers' reference during pre-shopping checks  | Engage with Kent Trading Standards and Checkatrade trader approval scheme and respond to information requests  | Target: 100% of all referrals         |

|   |   |  |
|---|---|--|
| Continue to engage with the national Scams Hub  | Respond to all referrals of potential MMF victims and visit to advise and support   | Target: 100% of referrals  |
| Provide appropriate and timely referrals of all vulnerable adults at risk having regards to our statutory responsibilities under the CARE ACT 2014. | All TS staff undertake training about dealing with safeguarding issues  | Target: 100% of staff  |
|   | Introduce and implement written procedures for effective risk rating and audit  | Target: procedure completed by Jan 2018                                      |
| Raise awareness of DC and MMF in the community to encourage reporting via the dedicated rapid response number                                       | Continue with the "Safeguarding is everyone's responsibility" campaign to deliver key messages via local businesses, Neighbourhood Watch, Residents Associations and Safer Neighbourhood Panels to encourage reporting of suspicious activity relating to DC and MMF.             |  |
| Provide a rapid response service to all level 1 complaints  | All calls to service will be responded to, engaging police support where necessary  | Target: 100%   |
| Response to enquiries alleging financial abuse against vulnerable residents   | Respond to all complaints/enquiries from older/vulnerable consumers concerning mass marketing and other scams and ensure appropriate action is taken where victim is an adult at risk   | Target: 100% of referrals  |
| <b>Combatting the trade in unsafe, illicit and counterfeit products, and unfair trading</b>   |   |  |
| <b>Desired outcome</b>  | <b>Activity</b>   | <b>Output /target</b>  |
| Undertake robust enforcement of all criminal complaints where there is a good investigative opportunity   | Ensure the enforcement strategy is followed in all cases, namely: <ul style="list-style-type: none"> <li>Investigate the criminal not the crime</li> <li>Work with partners</li> <li>Consider all legal avenues</li> </ul> Engage the financial investigator at every opportunity | Target: 40   |
| Provide advice and support to vulnerable consumers who are in dispute with businesses, including mediation where cases are complex                  | Respond to complaints/enquiries from older/vulnerable consumers concerning and ensure appropriate action is taken where victim is an adult at risk having regard to our statutory responsibilities under the CARE ACT 2014  | Target: 100%   |
| Respond to safety intel from the Ports Authority relating to LBB traders  | Contact the trader whenever a safety issue is raised by the Port Authority  | Target: 100%   |
| Share intelligence regionally and nationally  | Enter intelligence reports into regional and national database called Memex about all valid local safety issues   | Target: 100%   |
| Respond appropriately to complaints of a safety matter in order that consumers are not put at risk  | All safety complaints will be reviewed but the nature and extent of the risk presented by non-compliances and an assessment about the level of risk posed by the product will be used to determine the appropriate enforcement action   | Target: 100%   |
| Maintain statutory registers for explosives and animal feed hygiene premises and undertake compliance inspections                                   | Undertake inspections to all high risk businesses who register to stock and sell explosives and participate in regional animal feed inspection programme of feed business to support businesses to improve  | Target: 100% high risk explosives businesses and those due a visit under FSA |

|   |   |  |
|---|---|--|
|   | awareness and compliance with feed hygiene legislation.   | criteria   |
| <b>Safeguarding the health and wellbeing of young people by ensuring underage children are not sold age restricted goods and services</b> |   |  |
| <b>Desired outcome</b>  | <b>Activity</b>   | <b>Output /target</b>  |
| Provide advice and guidance to local businesses who sell age restricted products  | Carry out information visits to high risk traders and new traders to improve awareness and compliance with related legislation and help ensure effective due diligence exists. Written and verbal guidance will be provided, plus details about inexpensive on-line training<br>Launch and operate Blade Safe, a free responsible retailer charter for knife retailers to join<br>Supply an underage advice pack to businesses which apply for a new alcohol premises licence or an explosives licence<br>Respond to all allegations of under age sales with a visit or letter to trader. | Target: 86<br><br>Target: 34 visits<br><br>Target: all applicants<br><br>Target: 100%                |
| Raise awareness about age restricted sales prevention and new legislation   | Prepare press releases and information items at key periods of the year to raise the profile of under age sales and new legislation   | Target: Prepare and distribute press releases/ information pieces and/or mailouts as the need arises |
| Gather intelligence of premises likely to sell age restricted products to a child   | Test all business' that received an information visit or Blade Safe visit with a Challenge 25 test purchase   | Target: 120  |
| Undertake test purchases to test compliance with underage sales legislation   | Test all business' that failed a Challenge 25 test purchase, who have sold previously, are the subject of a complaint or considered high risk based on intelligence with an underage test purchase.   | Target: 100% of failed test purchase   |
| Complete appropriate judicial disposal on all underage sales  | Dispose of all failures either with a prosecution, licence review, Simple Caution or written warning  | Target: 100%   |

## 7. E&CS Performance 2016/17 outcomes

|                      |   |  |  |
|----------------------|---|--|--|
| 2.1<br>(PHP)<br>(2A) | Take action against rogue traders, particularly those who target the vulnerable, through preventative and enforcement activity with banks and adult safeguarding partners | <ul style="list-style-type: none"> <li>We will raise awareness of doorstep crime and scams within the community; we will provide training to partners, eg bank staff, police, social care and volunteers; we will prosecute perpetrators where appropriate; we will warn residents of scams via media alerts on an on-going basis</li> </ul> | <ul style="list-style-type: none"> <li>The year end total for all talks and training events was 115, attended by 2,913</li> <li><b>There were 80 referrals of vulnerable adults</b> targeted by rogue traders and scams received from banks and social care partners. A year total of 65 calls were received from police officers.</li> <li>Trading Standards attended a number of partnership events as keynote speakers and workshops including the Annual Adult Safeguarding Conference and the Social Isolation Conference.</li> </ul> |
|----------------------|---|--|--|

|                      |  |  |  |
|----------------------|--|--|--|
| 2.2<br><br>(2B)      | Provide a rapid response service to all victims of doorstep crimes and scams                                   | <ul style="list-style-type: none"> <li>• We will immediately respond to all calls to service in relation to doorstep crime incidents, liaising with police where necessary, with the key aim of protecting vulnerable consumers from financial abuse, disrupting fraudulent trading and where appropriate take formal action against perpetrators on an on-going basis</li> </ul>  | <ul style="list-style-type: none"> <li>• This year saw <b>229 calls to the rapid response</b> number resulting in <b>63 immediate response</b> visits to vulnerable consumers. Disruption and interventions of rogue trader activity resulted in savings of £399,000.</li> <li>• In January 2017 two men pleaded guilty to 4 offences of fraud and will be sentenced in June. Victims of their tree surgeon activity were aged between 70 and 90 and were all female. The main quoted prices for work which were then grossly inflated and then bullied the women to hand over the cash, in some cases driving them to their bank.</li> </ul>  |
| 2.3<br>(PHP)<br>(2C) | Tackle the sale of age-restricted products, particularly alcohol and tobacco, through test purchase operations | <ul style="list-style-type: none"> <li>• Over 2016/17, the Trading Standards team will:</li> <li>• Deliver a programme of planned visits to high risk premises to advise on due diligence and offer accredited training</li> <li>• Provide accredited training</li> <li>• Provide Challenge 25 due diligence packs to all new premises</li> <li>• Conduct Challenge 25 test purchases to measure compliance and confidence in businesses</li> <li>• Conduct formal under-age test purchasing visits to 100% of businesses identified as a high risk through audit, CH25 failure or intelligence</li> </ul> | <ul style="list-style-type: none"> <li>• 111 business visits have been carried out to high risk premises. Retailers were advised on due diligence requirements and provided with a free CH25 and age restricted product due diligence information pack. Up until the end of Q3 they were invited to attend an accredited Fair trading Award training session at Council Offices. The number of businesses which expressed an interest in the course made it unviable. Accreditation to run the course lapsed so an alternative low cost on-line training provided by the Chartered Trading Standards Institute/Virtual College began to be promoted as a training option to traders in Q4</li> <li>• Free CH25 and age restricted sales due diligence advice materials have been provided to all new applicants of a premises licence.</li> <li>• Formal under age test purchasing began in August 2016 and ended in March 2017. A total 197 test purchases were attempted over the 12 months resulting in 26 product sales. 13 alcohol, 10 tobacco and 3 fireworks.</li> <li>• The offences were disposed of though 2 Simple Cautions, 7 licence reviews, 5 written warnings and 1 meeting with premise licence holder/licencing/police/trading standards. 2 further licence reviews were completed in May 17.</li> </ul> |