

Communities Committee

Item No.

Report title:	Trading Standards Service Plan including Food & Feed Law Enforcement Plan (FFLEP) and Enforcement of Age Restricted Sales and Illicit Tobacco Products Plan (EARSITPP)
Date of meeting:	8 March 2017
Responsible Chief Officer:	Tom McCabe, Executive Director, Community and Environmental Services
Strategic impact Building a safe, fair and legal marketplace for Norfolk; helping businesses succeed and safeguarding communities. The Trading Standards Service Plan is included within the Council's Policy Framework, under the Council's Constitution, and requires adoption by Full Council. The Service Plan and associated plans set out the service priorities for 2017-18, taking account of the service budget set in February 2017. The purpose of this report is to present recommendations to Committee on the proposed priorities for 2017/18 for consideration and comment prior to making recommendations on adoption of the plan to Full Council.	

Executive summary

This report introduces the Trading Standards Service Plan 2017-18 (Appendix 1) including:

- Annex I: The Enforcement of Age Restricted Sales and Illicit Tobacco Products Plan (EARSITPP) (Appendix 2) and
- Annex II: The Food and Feed Law Enforcement Plan (Appendix 3).

All three need to be adopted by Full Council.

Recommendations:

Members are asked to:

Review the Trading Standards Service Plan including Annexes I and II and recommend adoption of the plan to Full Council.

1. Proposal

1.1. Trading Standards' core function is to build a safe, fair and legal marketplace for Norfolk, helping businesses succeed and safeguarding communities by:

- protecting them from detrimental trading practices and rogue traders,
- enforcing the laws which provide the basis for fair competition, business success and access to world markets and consumer protection, and
- providing businesses with compliance advice and metrological services.

The impact on consumers and business is significant and our approach is critical to ensure confidence in the trading environment.

Trading Standards has an important role in protecting the integrity of the food chain from farmed animal welfare and disease control to food safety and standards. The Service also ensures goods are safe and trading is fair and tackles underage and illicit sales of alcohol and tobacco. Activities in these

areas can also contribute to Public Health priorities.

The Service investigates criminal offences and civil breaches and takes legal action where necessary to protect individuals, in particular the vulnerable, as well as wider public legitimate interests. Trading Standards therefore has an important social and economic role in the community, contributing to the health, safety and economic growth of Norfolk.

Our three priorities for 2017/18 are:

- **Enabling** economic growth by providing support for businesses and ensuring a level playing field by tackling the most serious illegal trading
- **Safeguarding** communities and vulnerable people by engaging with communities and businesses to build resilience to scams and rogue traders
- **Protecting** public safety, health and well-being and ensuring trading is legal, honest and fair

- 1.2. The Trading Standards Service plan has been developed using analysis of information (intelligence) that reflects the issues and problems Norfolk people and businesses face, ensuring that our service is unique and focused on the needs of the County. This includes providing part of the 'national shield' addressing both national issues that affect Norfolk and the impact of local businesses nationally and globally.

The service plan includes our 'golden thread' (page 6) which summarises our strategic control strategy and focus for protecting the public and legitimate business. The plan is supplemented with some functional specific plans which describe how we will address statutory responsibilities relating to underage sales (Annex I), food and animal feed safety and standards (Annex II), and farmed animal health, welfare and disease control (Annex III). These specific plans include information required by Government on the monitoring of our discharge of these functions.

- 1.3. **Members are asked to review the Trading Standards Service Plan including Annexes I and II and recommend adoption of the plan to Full Council.**

2. Evidence

- 2.1. The Trading Standards Service Plan (Appendix 1) includes, and attention is drawn to:

- Annex I: The Enforcement of Age Restricted Sales and Illicit Tobacco Products Plan (EARSITPP) (Appendix 2)
- Annex II: The Food and Feed Law Enforcement Plan (Appendix 3)

- 2.1.1. The Enforcement of Age Restricted Sales and Illicit Tobacco Products Plan (EARSITPP) enables the County Council to discharge its statutory duty to annually consider and review its enforcement of the Children and Young Persons (Protection from Tobacco) Act 1991.

- 2.1.2. The Food and Feed Law Enforcement Plan is a statutory plan required by the Food Standards Agency; which incorporates work that is intended to protect the food supply chain, covering both food production and control of animal feed used for animals intended for human consumption.

3. Financial Implications

- 3.1. The financial implications of service delivery aligned to the Trading Standards Service Plan 2017-18 and associated policies and plans accord with the budget agreed by Full Council.

4. Issues, risks and innovation

The key issues that need to be taken into account are:

4.1. Staff

Sufficient suitably qualified and competent officers are required to undertake enforcement activities, including the use of statutory powers. The Trading Standards Service operates a workforce and career development plan to maintain a complement of qualified and competent officers. Skills and competency are assessed during annual staff appraisals and a programme of Diploma in Consumer Affairs and Trading Standards (DCATS) qualification and continuous professional development is implemented to ensure the maintenance of essential knowledge and skills.

During 2016/17 a performance measure was introduced to ensure that the Trading Standards Management Team is able to assess, on a four-monthly basis, the levels of qualifications and competencies across 14 enforcement areas and, where shortfalls are identified, take the necessary actions to ensure the Service has the required number of qualified and competent officers in place.

4.2. Legal implications including the Crime and Disorder Act 1998, human rights implications and health & safety

Statutory duties are addressed in the Trading Standards Service Plan 2017-18 and associated plans.

The Trading Standards Service is principally concerned with preventing or reducing crime and disorder. Enforcement activities are determined via our intelligence-led approach and enforcement action is undertaken in accordance with the CES Enforcement Policy.

Enforcement activities occasionally necessitate the use of covert surveillance or access to communications data, as regulated by the Regulation of Investigatory Powers Act 2000 (RIPA). The Service complies with the Act and the County Council's RIPA policy when considering the necessity and proportionality of such activities.

The Service follows the County Council's Health & Safety – Our Commitments policy and associated corporate policies. Service-specific activities such as metrological inspections or potentially confrontational situations are managed through a comprehensive set of risk assessments, which are reviewed on an annual basis as part of our Health & Safety Action Plan.

4.3. Risks

Two key risks in relation to staffing within the Service have been identified:

- Limited service capacity could lead to enforcement areas where there are single points of knowledge. Loss of key individuals would then result in an inability to deliver the appropriate service and increased pressure on remaining staff. Current staff have limited ability to respond to a major incident (such as a food safety alert or animal disease outbreak such as

avian influenza).

- The Food Standards Agency, through its “Regulating our Future” Review and Strategic redesign, has determined that the current model for ensuring food is safe and as described is not meeting their expectations. The role for local authorities in any proposed new delivery model is not yet clear but could result in a major change in responsibilities for the Service.

Actions to mitigate both risks are currently being monitored and managed via the Communities Committee Risk Register.

Other risks associated with service delivery aligned to the Trading Standards Service Plan 2017-18 and associated plans are considered during service planning and the more detailed control strategy planning that underpins it. Identified risks are managed as part of the Service risk management process.

4.4. **Innovations**

During 2017/18 the Trading Standards Service intends to:

- Further develop Primary Authority Partnerships and implement our chargeable business advice model to better support businesses and realise £20,580 income
- Explore with Members the potential transfer of our Calibration, Verification and Testing Services’ governance to a business wholly owned by NCC, to future proof services to businesses and other agencies whilst continuing to provide income for NCC.
- Further develop our Consumer and Community champions schemes and the national ‘Friends Against Scams’ scheme to improve community resilience to scams and rogue trading. We will be seeking to recruit NCC Members and staff to one or more of the schemes.
- Further develop our collaborative working with Suffolk Trading Standards through implementation of our Collaborative Working Action Plan to reap the benefits of greater efficiency, effectiveness and resilience.

5. **Background**

- 5.1. Background Paper - Annex III: Animal Health & Welfare Service Delivery Plan (Appendix 4).

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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