

Communities Committee

Report title:	Trading Standards Service Plan including Food & Feed Law Enforcement Plan and Enforcement of Age Restricted Sales and Illegal Tobacco Plan
Date of meeting:	6 March 2019
Responsible Chief Officer:	Tom McCabe, Executive Director, Community and Environmental Services
Strategic impact	
Caring for our County:	
<ul style="list-style-type: none">• Good growth: Building communities we can be proud of: Ensuring Norfolk's economic growth can benefit everyone• Starting a new relationship with Norfolk families: Helping people to live independent, productive lives where they are healthy, happy and with good access to opportunities• Helping our population remain independent, resilient and well: Focusing on helping vulnerable adults to live independently	
Norfolk Trading Standards has defined a vision of <i>Building a safe, fair and legal marketplace for Norfolk, helping businesses succeed and safeguarding communities.</i>	
The Trading Standards Service Plan and associated plans set out the service priorities for 2019-20, taking account of the service budget set in February 2019.	
The purpose of this report is to present recommendations to Committee on the proposed priorities for 2019-20 for consideration and approval.	

Executive summary

<p>This report introduces the Trading Standards Service Plan 2019-20 (Appendix 1) including:</p> <ul style="list-style-type: none">• Annex I: Enforcement of Age Restricted Sales and Illegal Tobacco Plan 2019-20 (Appendix 2 to this report) and• Annex II: Food & Feed Law Enforcement Plan 2019-20 (Appendix 3 to this report). <p>All three need to be adopted by the Communities Committee.</p> <p>Recommendations:</p> <p>Members are asked to:</p> <ul style="list-style-type: none">• Review and adopt the Trading Standards Service Plan including Annexes I and II.

1. Proposal

1.1. The Trading Standards Service vision is to build a safe, fair and legal marketplace for Norfolk, helping businesses succeed and safeguarding communities. The four outcomes we are seeking to achieve are:

- **Enabling economic growth** by providing support to businesses to help them succeed
- **Safeguarding communities and vulnerable people**
- **Protecting public safety**, health and well-being and farmed animal health and welfare
- **Ensuring trading is legal, honest and fair** and securing a level playing field by tackling the most serious illegal trading

1.2. Our vision, outcomes and priorities accord with the County Council's vision for Norfolk: **Caring for our County**, in particular:

- Good growth: Building communities we can be proud of: Ensuring Norfolk's economic growth can benefit everyone
- Starting a new relationship with Norfolk families: Helping people to live independent, productive lives where they are healthy, happy and with good access to opportunities
- Helping our population remain independent, resilient and well: Focusing on helping vulnerable adults to live independently

and contribute to and/or are supported by the **Norfolk Futures** strategic priorities of:

- Promoting independence for vulnerable adults: giving people the skills and confidence to live independently and safely, in their own homes, for as long as possible.
- Local service strategy: proactively targeting our services in the places where they are most needed

1.3. 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, trading is fair, and tackles underage and illegal sales of alcohol and tobacco. Activities in these areas 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 legitimate public and economic interests. Trading Standards therefore has an important social and economic role in the community, contributing to the health, safety and economic growth of Norfolk.

1.4. 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 'plan on a page (page 10) which summarises our strategic control strategy and focus for protecting the public and legitimate business. The plan is supplemented with 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.

- 1.5. **Members are asked to review the Trading Standards Service Plan including Annexes I and II and it is recommended that the Committee adopts the plan.**

2. Evidence

- 2.1. The Trading Standards Service Plan (Appendix 1) includes, and attention is drawn to:
 - Annex I: Enforcement of Age Restricted Sales and Illegal Tobacco Plan 2019-20 (Appendix 2 to this report) and
 - Annex II: Food & Feed Law Enforcement Plan 2019-20 (Appendix 3 to this report).
- 2.2. The Enforcement of Age Restricted Sales and Illegal Tobacco Plan (EARSITP) 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.
- 2.3. The Food and Feed Law Enforcement Plan (FFLEP) 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 2019-20 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. Professional Standards

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 personal development discussions 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.

4.2. Legal implications including the Crime and Disorder Act 1998, human rights implications, the General Data Protection Regulation 2016, the Police and Criminal Justice Data Protection Directive 2016 and health & safety

Statutory duties are addressed in the Trading Standards service plan 2019-20 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 will have regard to corporate data protection policies and procedures and service specific policies in relation to data protection where it differs in a criminal justice context.

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 & Wellbeing Action Plan.

4.3. Risks

A key risk in relation to staffing within the service has been identified: 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.

EU exit presents a number of potential risks to the service, as detailed on page 7 of the service plan. These relate to the potential need for increased resources in response to a fast-changing legislative landscape and the potential loss of income through both Primary Authority Partnerships and Notified Body conformity assessments.

Actions to mitigate the risks are currently being monitored and managed via the Trading Standards Risk Register.

Other risks associated with service delivery aligned to the Trading Standards service plan 2019-20 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.

5. Background

5.1. Appendix 4 - Annex III: Delivery of Animal Health & Welfare Framework 2019-20.

Recommendations:

Members are asked to:

- **Review and adopt the Trading Standards Service Plan including Annexes I and II.**

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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