

Trading Standards Business Plan, 2019-2023



Vision

Locally accountable and responsive fair regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors

Priorities

Priority	Why is this important?
<p>Deliver statutory responsibilities: there are 250 different pieces of legislation that place a statutory duty on the Council for which Trading Standards Officers are authorised to enforce.</p>	<p>Unsafe goods - consumer products must be safe & comply with requirements of the Consumer Protection Act 1987, and the General Product Safety Regulations 2005.</p> <p>Fair trading - the aim is to ensure truthfulness in trade to prevent consumers being misled during contractual negotiations for goods and services. This is done by ensuring compliance with the Consumer Rights Act 2015 and the Consumer Protection from Unfair Trading Regulations 2008. Investigations can lead to the discovery of serious fraud issues.</p> <p>Counterfeit goods - Counterfeit goods infringe the intellectual property rights of a trade mark holder by using a trade mark which is either identical to a registered trade mark or by using an identification mark. This criminal activity is often on a national scale and considered and often linked to serious organized crime. Enforcing legislation ensures that legitimate businesses that provide employment and economic benefits are protected. Priority is given where infringing goods present a safety risk to consumers .</p> <p>Underage sales – enforcement of legislation related to the sale of age restricted products e.g.. alcohol, tobacco products, knives, fireworks & DVDs to underage consumers.</p> <p>Pricing of goods and services - trading standards law requires that the price of goods should be made known to consumers in a clear and legible manner. We investigate complaints that allege false and misleading price indications.</p> <p>Weights and measures - Ensure that all relevant goods are correctly weighed and measured in accordance with the Weights and Measures Act 1985. This is done by checking the accuracy of weighing/measuring equipment; checking goods in stock are of the correct weight; and investigating complaints of short measure.</p> <p>Alcohol control – we are a Responsible Authority under the Licensing Act 2003. In addition we work to control the supply of illicit alcohol and instigate licence reviews where there has been a breach of legislation.</p>

Priorities

Priority	Why is this important?
Protect vulnerable and socially isolated adult citizens from financial abuse	<p>Rogue traders target these citizens and use persuasion or pressure selling to defraud them or mislead them into having unnecessary or poor quality work carried out on their premises. On occasions the work can also be unsafe. It is known that victim's health often deteriorates after such crime and may lead to the early demise of the victim. In addition victims are more likely to need medical and care services without funds to support them.</p> <p>Directive 2005/29/EC on unfair commercial practices places a direct duty on enforcing authorities to protect certain population groups due to their vulnerability or credulity.</p> <p>The Care Act 2014 places significant duties upon local authorities including in relation to preventing abuse and the role of the trading standards service in preventing financial abuse must be considered in the context of supporting the vulnerable citizens of Birmingham.</p>
Providing a level playing field for businesses and consumers	<p>Legitimate businesses thrive when operating in a level playing field where all businesses are subject to complying with relevant consumer legislation. This prevents unfair competition. The aim is to ensure truthfulness in trade to prevent consumers being misled during contractual negotiations for goods and services. This is done by ensuring compliance with the Consumer Rights Act 2015 and the Consumer Protection from Unfair Trading Regulations 2008. Investigations can lead to the discovery of serious fraud issues.</p>

Priorities

Priority	Why is this important?
Ensuring product safety within the market place	<p>Unsafe products endanger not only the health of consumers but confidence in businesses operating in Birmingham and the UK.</p> <p>There is a wide range of safety legislation to cover all types of goods. Trading Standards ensures that consumer products are safe and comply with the requirements of the Consumer Protection Act 1987, and the General Product Safety Regulations 2005 in addition to product specific regulations.</p>
Protect children from age restricted products	<p>It is essential to protect children from harm that may occur from purchasing age restricted products. That harm may manifest itself through direct public health risks such as smoking and alcohol poisoning or from health and safety/antisocial behaviour matters relating to alcohol, fireworks and knives.</p> <p>Trading standards enforce legislation related to the sale of age restricted products such as alcohol, tobacco products, knives, fireworks and DVDs to underage consumers.</p>
Controlling the supply of illicit alcohol and tobacco	<p>Illicit alcohol and tobacco relates to both counterfeit and non duty paid products. These products may have significant negative health implications. This criminality again undermines fair trading and often indicates involvement in other criminality often linked to organised crime groups.</p> <p>Trading Standards have duties as a Responsible Authority under the Licensing Act 2003. This enables us to request a licencing review, thus ensuring licence holders have due regard for the licensing objectives particularly Crime And Disorder and Protecting Children from Harm. Our work controls the supply of illicit alcohol and tobacco thus protecting public health.</p>

Objectives

Objective	Description
Utilise an intelligence operating model to ensure activities reflect priorities and deliver statutory duties and enforcement	<p>Produce a quarterly tasking document to identify which traders with Birmingham are causing the most consumer detriment either through number of complaints, engagement in significant criminality or involvement in criminality in one of our priority areas. This enables targeted intervention.</p> <p>By ensuring we consider all complaints and intelligence received by Birmingham City Council in relation to consumer criminality we ensure that we are meeting our statutory duties. Trading Standards and Legal Services work in concert to ensure that we have met the requirements of both Regulation and Enforcement's Enforcement Policy and the Crown Prosecution Code of Practice before authority to prosecute is given. We also take proceedings under the Proceeds of Crime Act for all successful prosecutions.</p> <p>Engage with police and other regulatory agencies to identify organised crime groups.</p>
Reduce Doorstep Crime and protect vulnerable/socially isolated residents	<ul style="list-style-type: none"> • Maintenance of current 'no cold calling zones' • Investigate complaints alleging financial abuse of the vulnerable/socially isolated • Provide rapid response service to deal with rogue traders/active threats to vulnerable residents • Use intelligence to identify and tackle rogue builders • Provide information and training to Adults Social Care and those engaged in looking after adults to identify at victims or potential victims • Joint Collaboration with partners who also interact with vulnerable adults e.g.. West Midlands Fire Service • Partnership with the National Scams Team to receive 10 referrals per month of potential victims of mass marketing scams; visits are undertaken to those who have a social care record and those who may be repeat victims and most at risk. Make appropriate safe-guarding referrals to Social Services.

Objectives

Objective	Description
Supporting legitimate businesses	<ul style="list-style-type: none"> • Primary Authority – agreeing partnership arrangements with businesses who have their HQ located in Birmingham • Develop Better Business for All with Regulatory Partners (BEIS, Office for Product Safety and Standards) • Maintain collaboration with a local trader approval scheme • Provide an up to date and informative website
Protect children from harm – prevent the sale of age restricted products to underage consumers	<ul style="list-style-type: none"> • Respond to complaints alleging sales of age restricted products: alcohol, fireworks, knives, spray paints/solvents, sunbeds, DVD's, tobacco and nicotine inhaling products • Deliver intelligence led underage test purchase exercises for age restricted products. • Trading Standards will work with the Police and other agencies to identify hotspots within the city where the sale of alcohol, tobacco products, fireworks and knives may have contributed to anti social behaviour among youth. • Trading Standards to submit Licensing reviews and pursue other enforcement actions
Community safety – prevent the sale of illicit/counterfeit alcohol and tobacco	<ul style="list-style-type: none"> • Intelligence led enforcement activity and partnership working with Environmental Health/Licensing, HMRC, CEnTSA, Community Safety Partnership, Public Health and Police. • Identify and target high risk premises • Trading Standards to submit Licensing reviews and pursue other enforcement actions

Objectives

Objective	Description
Ensure products sold in Birmingham are safe (e.g.. cosmetics, blinds, toys, furniture, electrical products,)	<ul style="list-style-type: none"> • Receive referrals and intelligence from the port authorities and intervene and prevent the supply of potentially unsafe products into Birmingham. • Respond to complaints about unsafe products and investigate as appropriate. • Intelligence led inspections at retail, wholesale and importers level. • Partnership working with trade mark holders and other agencies.(FACT, FAST, IPO, UKIE, Police & HMRC, ACG, GAIN, OPSS) • Providing advice to businesses. • Sampling and testing of products. • Use of media to inform consumers • Removal of non-compliant products • Participate in market surveillance projects through OPSS and Central England Trading Standards Authorities
Investigate allegations of misdescribed and unroadworthy vehicles.	<ul style="list-style-type: none"> • Use of intelligence to identify businesses/individuals who may potentially be selling misdescribed, unroadworthy or 'clocked' vehicles. • Carry out investigations and take enforcement action as necessary including consultation under the Enterprise Act

Objectives

Objective	Description
Investigation of consumer fraud/misleading descriptions; e.g.. Hajj travel fraud, hallmarking	<ul style="list-style-type: none">• Intelligence/complaint led enforcement actions• Investigation of complaints• Proactive visits to retail premises where intelligence suggests possible infringements (e.g. jewellers, off-licences, letting agents, newsagents etc.)• Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment• Effective partnerships with City of London Police• Annually inspect agents offering Hajj and Umrah Package Travel• Annual inspection of jewellers in relation to hallmarking• Pursue offenders for proceeds of crime
Promote consumer awareness	<ul style="list-style-type: none">• Provide up to date and informative website• Promote National Consumer Week• Promote National Scams Awareness Month• Promote Rogue Trader Week• Media Engagement especially through consumer television shows, news interviews and newspapers to highlight successful prosecutions• Make use of social media platforms to relay messages such as Twitter

What will success look like in 2022-23?

Objective	Outcomes
Utilise an intelligence operating model to ensure activities reflect priorities and deliver statutory duties and enforcement	<ul style="list-style-type: none"> Using intelligence to direct resources to those businesses causing the most consumer detriment , reflect priorities and successful interventions will mean that enforcement will occur in those areas that ensure: a fair trading environment is created; vulnerable people are protected from financial abuse; children are protected from harm, and consumers are protected from being misled, defrauded or from purchasing potentially dangerous products. Increased compliance with relevant legislation Support legitimate businesses Businesses and consumers have confidence that Birmingham City Council are meeting their statutory obligations to protect them from criminality. This results in confident consumers when purchasing goods and services in Birmingham.
Reduce Doorstep Crime and protect vulnerable/socially isolated residents	<ul style="list-style-type: none"> Vulnerable/socially isolated citizens will be better protected in their homes. Partnership working will help early identification of potential victims and enable joint plans to be made to protect victims of crime. Potential benefits in reducing reliance on public sector services (NHS, Social Care) which are more likely in the event of a person becoming a victim of financial abuse
Supporting legitimate businesses	<ul style="list-style-type: none"> Increased compliance with relevant legislation Informed and successful business's Quick access to information Improved levels of consumer confidence

What will success look like in 2022-23?

Objective	Outcomes
Protect children from harm – prevent the sale of age restricted products to underage consumers	<ul style="list-style-type: none"> • By identifying and preventing the sale of age restricted products to underage consumers we help protect the health of these individuals and protect them from harm • Improved business compliance • Reduce access to age restricted products by children. • Contribute towards health and wellbeing of young people • Contribute toward reduction in anti-social behaviour
Community safety – prevent the sale of illicit/counterfeit alcohol and tobacco	<ul style="list-style-type: none"> • Illicit alcohol and tobacco are contributory to both the potential for ill health and detrimental financial impact on legitimate businesses. By tackling this issue we protect health and are able to pursue the proceeds of crime in most instances. • Reduce availability of illicit/counterfeit tobacco and alcohol • To instigate premises licence reviews where a breach of the licensing objectives discovered. • Compliant businesses • Improved health outcomes by removal of cheap and illegal tobacco • Protect public health and prevent anti-social behaviour from the effects of such alcohol
Ensure products sold in Birmingham are safe (e.g.. cosmetics, blinds, toys, furniture, electrical products,)	<ul style="list-style-type: none"> • Increased business compliance • Improved levels of consumer safety • Raised levels of consumer awareness of the risks of using the products • Primary Authority Partnerships established where appropriate

What will success look like in 2022-23?

Objective	Outcomes
Investigate allegations of misdescribed and unroadworthy vehicles.	<ul style="list-style-type: none"> • Used car complaints continue to be in the top two most complained issues year on year. Well publicised prosecutions will : • Act as a deterrent to criminal traders and act a warning for consumers to be careful. • Ensure increased compliance with relevant legislation • Support legitimate businesses • Removal of unsafe vehicles from the market place
Investigation of consumer fraud/misleading descriptions; e.g.. Hajj travel fraud, hallmarking	<ul style="list-style-type: none"> • Improved local economic prosperity • Support legitimate business by ensuring a fair trading environment • Improved consumer confidence • Identify those engaged in Organised Crime Groups and appropriate action taken • Pursue proceeds of crime to ensure crime does not pay
Promote consumer awareness	<ul style="list-style-type: none"> • Informed consumers • Quick access to information • Publication of outcomes to raise consumer awareness

KEY WORK PROGRAMMES & PROJECTS



Knife crime – underage test purchases

Quarterly Intelligence led tasking

Alcohol – underage test purchases

Hajj package tour fraud inspections

Illicit alcohol and tobacco inspection programme



Summary of Key Initiatives

Knife crime – tackle the supply of products to under eighteens	Quarterly Intelligence led tasking	Alcohol - tackle the supply of products to under eighteens	Hajj package tour fraud inspections	Illicit alcohol and tobacco inspection programme
<ul style="list-style-type: none"> • Work in partnership with the Police to identify hotspots for knife crime and potential premises where knives are sold to underage consumers • Deliver a programme of underage test purchase exercises with the Police and local schools 	<ul style="list-style-type: none"> • Use intelligence to identify those businesses that are causing the most consumer detriment and develop intervention plans 	<ul style="list-style-type: none"> • Work in partnership with the Police to identify hotspots for youth related anti-social behaviour related to alcohol • Deliver a programme of underage test purchase exercises with the Police 	<ul style="list-style-type: none"> • Carry out an annual inspection programme to ensure package tour operators are compliant with legislation • Work in partnership with the City of London Police 	<ul style="list-style-type: none"> • Deliver at least 2 intelligence led programmes per year visiting multiple premises using tobacco detection dogs where appropriate

Key Programmes & Projects

Project	Description	2019-20	2020-21	2021-22	2022-23	Outcomes
		Knife crime – Underage Test Purchasing				
		Quarterly intelligence led tasking				
		Alcohol - underage test purchasing				
		Hajj fraud inspections	Hajj fraud inspections	Hajj fraud inspections		
		Illicit alcohol and tobacco inspections				

Risks

Risk Title	Category	Description	Score	Mitigating Actions
Delivery of statutory duties	Legal Reputational Financial	Resources with the service are at a minimal level. Any reduction in staff or emergence of a major consumer issue may result in statutory duties not being met	Medium/ high	Trading standards has implemented an intelligence operating model that will direct service to the areas of greatest consumer detriment, risk or priority
Brexit	Legal Reputational Financial	The impact of a no deal Brexit will affect the importation and exportation of goods, potential product safety issues, an increase in Brexit related scams, requirement for market surveillance	Medium/ high	Birmingham Trading Standards is the regional TS lead for Brexit for the Combined Authority. We are engaged with the Brexit contingency Working Group and the regional Brexit Commission to plan and manage risks associated with no deal Brexit

Risks

Risk Title	Category	Description	Score	Mitigating Actions
Commonwealth Games 2022	Legal Reputational Financial	The CWG requires protection of the CWG brand including goods and services. TS does not have counterfeiting as a priority unless it is a product safety matter. Any diversion of resources into this area will put vulnerable people and children at risk of harm and exploitation	High/high	Dialogue has commenced between CWG leads and Trading Standards and other regulatory services to identify the level of intervention required. If substantial resources are required then there may be opportunities for financial support.

SUMMARY OF SAVINGS



Summary of savings (1)

	2019/20	2020/21	2021/22	2022/23	2023/24
Part funding of 2 members of staff whose roles include the oversight and authorisation of criminal investigations into acquisitive crime.	£70,000	£70,000	£70,000	£70,000	£70,000
PL111 Savings Total	£70,000	£70,000	£70,000	£70,000	£70,000