

North Yorkshire County Council

Business and Environmental Services

Executive Members

11 December 2019

Trading Standards Tasking Filter and Matrix

Report of the Assistant Director - Growth, Planning and Trading Standards

1.0 Purpose of the report:

- 1.1 To report to the Corporate Director Business and Environmental Service (BES) and the BES Executive Members and on the use of the trading standards filter and matrix from 1 September 2018 to 31 August 2019.
- 1.2 To seek approval for the proposed revisions to the filter and matrix, and for its continued use.

2.0 Background to the report

- 2.1 The filter and matrix was approved by BES Executive Members and the Corporate Director (BES) on 27 February 2015 and implemented from 1 April 2015. It has been subject to minor amendments on a number of occasions. The last report was made on 26 October 2018. The current filter and matrix is produced as Appendix A to this report.
- 2.2 The filter and matrix was implemented to enable the Trading Standards Service (TSS) to manage and allocate reduced resources. Whilst a reduction in core budget of £784,000 between 2015/2016 and 2018/2019 has been mitigated by successes the Service has had in obtaining income and in securing corporate and external funding to run specific delivery programmes and projects, the impact on core work is such that there are fewer resources to provide investigative and inspection work outside those service delivery programmes and projects. TSS uses the filter and matrix mechanism to manage the volume of complaints and service requests received. It ensures that there is an agreed, consistent and transparent approach to the response provided to all such complaints and service requests.

3.0 Complaints and Service Requests

- 3.1 The TSS has been receiving around 7,000 consumer complaints per year via the Citizens Advice Consumer Service helpline. Between the 1 September 2018 and 31 August 2019, 6,282 complaints were received. This compares with 6,926 between the 1 September 2017 and 31 August 2018. This fall reflects the national position and is believed to be caused by the ready availability of online advice for straightforward consumer enquiries such as someone wanting to know what their statutory rights are before returning goods.
- 3.2 Charts showing the number of complaints received, filtered, scored through the matrix and tasked for the 1 September 2018 to 31 August 2019 are set out in Appendix D to this report.

3.3 In addition, an average of 1,500 service requests are made each year for business advice (including animal health and food), no cold calling zones, weight restriction enforcement, and education work. Between the 1 September 2018 and 31 August 2019, 1,361 service requests were received. This compares to 1,475 between the 1 September 2017 and 31 August 2018.

4.0 Proposed Amendments to the Matrix

4.1 One change is proposed to the matrix in order to introduce an assessment of the environmental impact of the product or practice that is the subject of the complaint. The revised matrix can be found at Appendix B.

4.2 Trading standards has enforcement duties for a number of energy related pieces of legislation. A brief summary is provided at Appendix E. Enforcement of this legislation has not been a priority and would only have progressed to intervention if complaints involved vulnerable consumers or substantial financial detriment. However, in the light of the County Council's intention to reduce the carbon impact of its services and renewed public interest in reducing waste, particularly single use plastic, it is considered appropriate to review and re-prioritise this area of work.

4.3 The revised matrix has been implemented on a pilot basis for two weeks in order to test its fitness for purpose. There have been few complaints to which the indicators applied but no unexpected outcomes have been reported. Worked examples illustrating how the changes would work in practice can be found at Appendix C.

5.0 Legal Implications

5.1 The filter and matrix is designed to provide a consistent and transparent process by which to deploy resources and so, applied correctly, would assist with responding to complaints or legal arguments that particular enforcement action should or should not have been taken.

6.0 Financial Implications

6.1 There are no significant financial implications for the County Council arising from this report.

7.0 Equalities Implications

7.1 There are no equalities implications for the amendments. A decision record sheet covering the decision not to complete an equalities impact assessment in relation to the introduction of the filter and matrix was submitted and signed off.

8.0 Recommendations

8.1 That BES Executive Members and the Corporate Director (BES) note the contents of this report and approve the continued use of the filter and matrix.

8.2 That BES Executive Members and the Corporate Director (BES) approve the amendment proposed in section 4 of the report.

8.3 Subject to such approval, that the TSS reports on the use of the filter and matrix to BES Executive Members and the Corporate Director (BES) in December 2020.

Matt O'Neill
Assistant Director (Growth, Planning and Trading Standards)

Author of report: Jo Boutflower, Head of Business and Consumer Services

Background Documents:

None

CURRENT FILTER AND MATRIX

Criteria	Yes	No	Comments
1. Does the identified problem fit within the NYCC TS remit?		REFER	Refer to other agency if appropriate
2. Would the identified problem be best dealt with by another agency?			Refer to other agency if appropriate
3. Is the complaint anonymous or of poor reliability?	RECORD		Record for intelligence purposes if complaint relates to safety, doorstep crime, animal health & welfare, or underage sales.
4. Does the identified problem link to local priorities?		RECORD INTEL IF APPROPRIATE	Reject if problem is incapable of causing detriment in North Yorkshire
5. Does the problem cause or risk injury or death?	GO TO 12	GO TO 5	
6. Does the problem involve a risk to animal welfare?	GO TO 12	GO TO 6	
7. Does the problem cause an animal disease risk?	GO TO 12	GO TO 7	
8. Does the problem cause or risk significant consumer detriment?	GO TO 12	GO TO 8	
9. Does the problem affect a vulnerable consumer even where detriment is low?	GO TO 12	GO TO 9	
10. Does the commercial practice amount to an aggressive practice?	GO TO 12	GO TO 10	
11. Does the problem provide a suspected offender with significant financial benefit?	GO TO 12	GO TO 11	
12. Does the problem cause or risk significant business detriment?	GO TO 12	RECORD	Record for intelligence purposes if appropriate
13. Is the identified threat/risk happening now, continuing or is it imminent?		EDUCATE & RECORD	Consider proportionate use of education/media and make an intelligence submission as appropriate
14. Does action help to stop the activity taking place?		EDUCATE & RECORD	Consider proportionate use of education/media and make an intelligence submission as appropriate
15. Is there level 2 or 3 offending or a sector-wide issue suitable for a regional or national referral?	REFER or TASK		Refer to regional tasking (for Scambusters or NTG referral) where appropriate
16. Is there a reputational risk to NYCC if no action was undertaken by NYTS?	TASK	TASK	Task in accordance with the tasking matrix

Appendix A

FACTOR	NONE Score 0	LOW Score 1	MODERATE Score 6	HIGH Score 10	SCORE	COMMENTS
Public Safety	<i>No risk of harm/injury</i>	<i>Low risk of harm/injury</i>	<i>Risk or reports of minor harm/injury</i>	<i>Risk or reports of major harm/injury</i>		
Vulnerable Consumer/ Aggressive Practices	<i>No indication of vulnerability/aggression</i>	<i>Low indication of vulnerability/potential aggressive practice</i>	<i>Vulnerable persons affected/aggressive practice used</i>	<i>Vulnerable persons specifically targeted/aggressive practice targeted at vulnerabilities</i>		
Financial Detriment (including wider economic impact)	<i>No financial detriment</i>	<i>Total value estimated at less than £1,000</i>	<i>Total value estimated at £1,000 to £10,000</i>	<i>Total value estimated at over £10,000</i>		
Animal Welfare	<i>No risk to animal welfare</i>	<i>Low harm/risk – score 5</i>	<i>Medium harm/risk – score 10</i>	<i>Major harm/risk – score 25</i>		APPLY ANIMAL WELFARE ASSESMENT CRITERIA
Animal Disease Risk	<i>No animal disease risk</i>	<i>Low animal disease risk</i>	<i>Risk or reports of minor disease issues</i>	<i>Risk or reports of major disease issues</i>		
Reputational Risk	<i>No media or public interest</i>	<i>Low media or public interest</i>	<i>Corporate priority or some media or public interest</i>	<i>Significant media or public interest</i>		
Trader Profile (divisor of 2 applies for Primary Authorities)	<i>No longer trading</i>	<i>Single outlet or local online presence</i>	<i>Multiple outlets or reach</i>	<i>National or international chain of outlets or trading website</i>		
Trader History	<i>Positive history</i>	<i>No known history</i>	<i>3 or fewer justified complaints in 12 months</i>	<i>Relevant previous convictions, cautions, more than 3 justified complaints in 12 months or on-going investigation</i>		

SCORING

0 - NFA

1-13 - Monitor/NFA

14-22 – Advise

23+ - Investigate

REVISED MATRIX (no changes proposed to filter)

FACTOR	NONE Score 0	LOW Score 1	MODERATE Score 6	HIGH Score 10	SCORE	COMMENTS
Public Safety	<i>No risk of harm/injury</i>	<i>Low risk of harm/injury</i>	<i>Risk or reports of minor harm/injury</i>	<i>Risk or reports of major harm/injury</i>		
Vulnerable Consumer/ Aggressive Practices	<i>No indication of vulnerability/aggression</i>	<i>Low indication of vulnerability/potential aggressive practice</i>	<i>Vulnerable persons affected/aggressive practice used</i>	<i>Vulnerable persons specifically targeted/aggressive practice targeted at vulnerabilities</i>		
Financial Detriment (include wider economic impact)	<i>No financial detriment</i>	<i>Total value estimated at less than £1,000</i>	<i>Total value estimated at £1,000 to £10,000</i>	<i>Total value estimated at over £10,000</i>		
Environmental Impact	<i>Impacts climate change score 5</i>	<i>Impacts ecosystem quality score 5</i>	<i>Impacts resources score 5</i>	<i>Impacts human health score 5</i>		APPLY ENVIRONMENTAL INDICATORS
Animal Welfare	<i>No risk to animal welfare</i>	<i>Low harm/risk score 5</i>	<i>Medium harm/risk score 10</i>	<i>Major harm/risk score 25</i>		APPLY ANIMAL WELFARE ASSESMENT CRITERIA
Animal Disease Risk	<i>No animal disease risk</i>	<i>Low animal disease risk</i>	<i>Risk or reports of minor disease issues</i>	<i>Risk or reports of major disease issues</i>		
Reputational Risk	<i>No media or public interest</i>	<i>Low media or public interest</i>	<i>Corporate priority or some media or public interest</i>	<i>Significant media or public interest</i>		
Trader Profile (divisor of 2 applies for Primary Authorities)	<i>No longer trading</i>	<i>Single outlet or local online presence</i>	<i>Multiple outlets or reach</i>	<i>National or international chain of outlets or trading website</i>		
Trader History	<i>Positive history</i>	<i>No known history</i>	<i>3 or fewer justified complaints in 12 months</i>	<i>Relevant previous convictions, cautions, more than 3 justified complaints in 12 months or on-going investigation</i>		
SCORING	0 - NFA	1-13 - Monitor/NFA	14-22 - Advise	23+ - Investigate		

WORKED EXAMPLES

A complaint is received from a district council, responsible for enforcing new energy efficiency regulations. The DC cannot take action about a poorly insulated and heated property lived in by an elderly tenant because it does not have an energy performance certificate. The DC can only take action where a certificate is in place and shows a rating of F or G. As far as the DC is aware the landlord only has one rental property and has no known history but has so far been uncooperative.

Current score

The complaint would pass the filter at 4 as a local priority in terms of safeguarding the tenant.

Public safety	0
Vulnerable consumer/aggressive practice	6
Financial detriment/economic impact	1
Animal welfare	0
Animal disease	0
Reputational risk	6
Trader profile	1
Trader history	1
Total	14 (Advise)

Amended matrix score

The complaint would pass the filter at 4 (local priorities) and score.

Public safety	0
Vulnerable consumer/aggressive practice	6
Financial detriment/economic impact	0
Environmental impact	10
Animal welfare	0
Animal disease	0
Reputational risk	6
Trader profile	1
Trader history	1
Total	24 (Investigate)

A complaint is received from a local resident living close to a weight restricted road within an air quality management area (AQMA). The AQMA was put in place to reduce air pollution and the resident is concerned that the number of HGVs still using the road means pollution is as bad as ever.

Current score

The complaint would pass the filter at 4 as a local priority but even with a public score of 10 for potential harm based on long terms effects of air pollution the complaint does not score enough to warrant investigation unless there are repeated incidents involving the same driver or operator.

Public safety	10
Vulnerable consumer/aggressive practice	0
Financial detriment/economic impact	0
Animal welfare	0
Animal disease	0
Reputational risk	6
Trader profile	0
Trader history	0
Total	16 (Advise)

Amended matrix score

The complaint would pass the filter at 4 (local priorities) and score.

Public safety	10
Vulnerable consumer/aggressive practice	0
Financial detriment/economic impact	0
Environmental impact	10
Animal welfare	0
Animal disease	0
Reputational risk	6
Trader profile	0
Trader history	0
Total	26 (Investigate)

A complaint is received alleging that a cosmetic rinse-off cleanser contains microbeads. The product is being sold on a stall at the weekly market but is branded with the name of a high street chain. The stall holder has recently been advised following the sale of out of date branded yoghurt. The high street chain has a primary authority relationship.

Current score

This complaint would fail the filter and so not be scored or tasked.

Amended matrix score

The complaint would pass the filter at 4 (local priorities) and score:

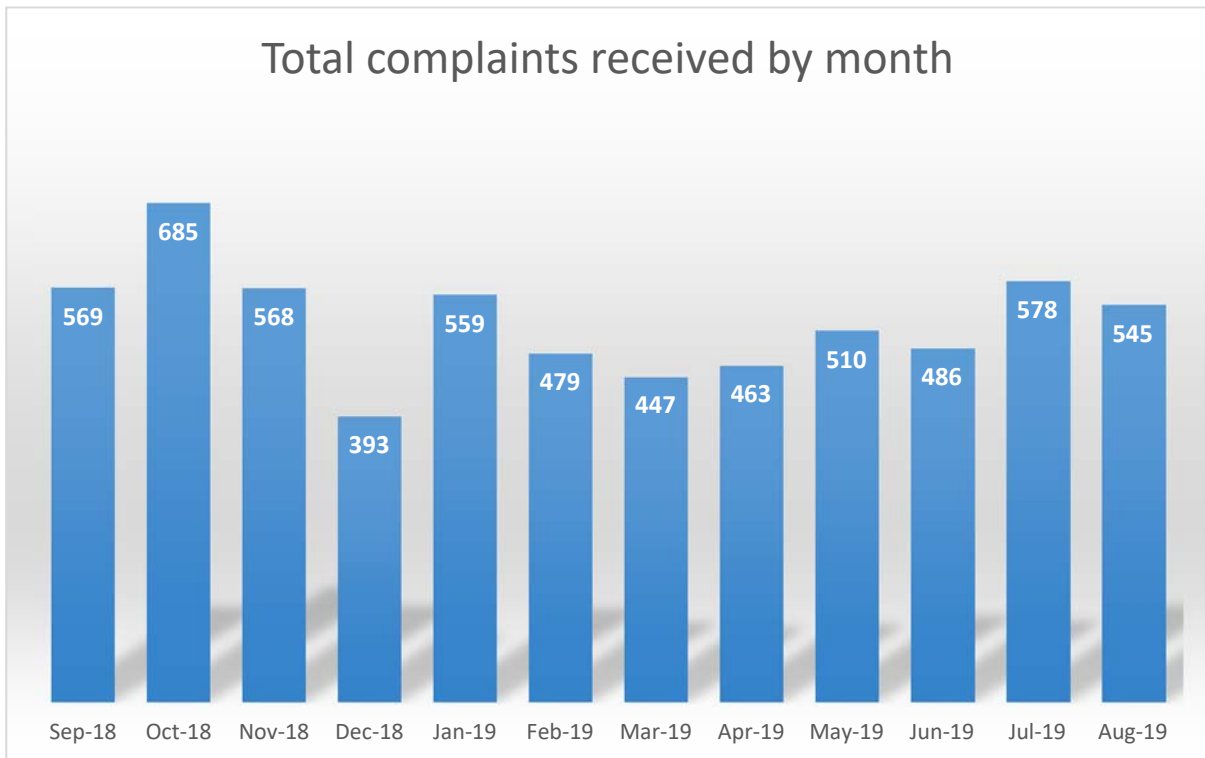
Public safety	0
Vulnerable consumer/aggressive practice	0
Financial detriment/economic impact	0
Environmental impact	5
Animal welfare	0
Animal disease	0
Reputational risk	6
Trader profile (market stall)	1
Trader history (market stall)	6
Total (market stall)	18 (Advise)
Trader profile (chain store)	5 (10/2)
Trader history (chain store)	6
Total (chain store)	22 (Advise)

Appendix C

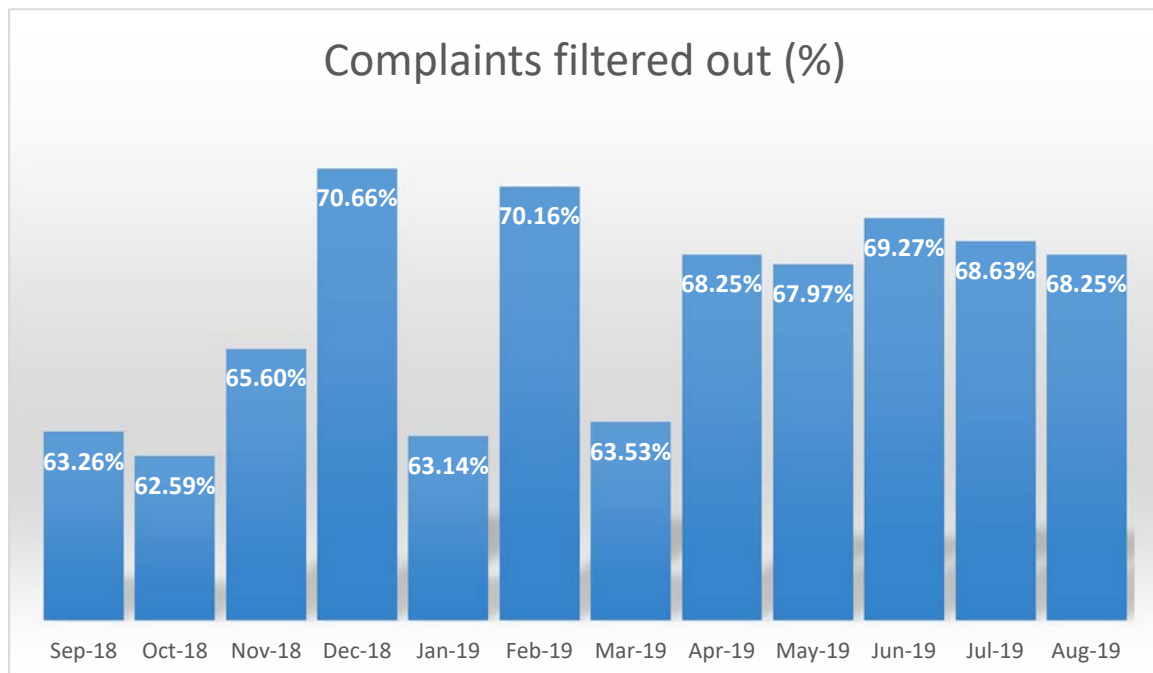
This would enable advice to be provided to the stall holder and referral made to the primary authority to pick up any issues related to disposal of illegal stock with the chain store. Had the market stall holder not had a previous complaint, the matter would have resulted in no further action in relation to him. However, given the previous incident, it would appear appropriate for him to be given advice about improving his due diligence in buying stock.

COMPLAINTS RECEIVED AND TASKED

The total complaints received from 1st September 2018 to 31st August 2019 was 6,282, broken down by month as follows;

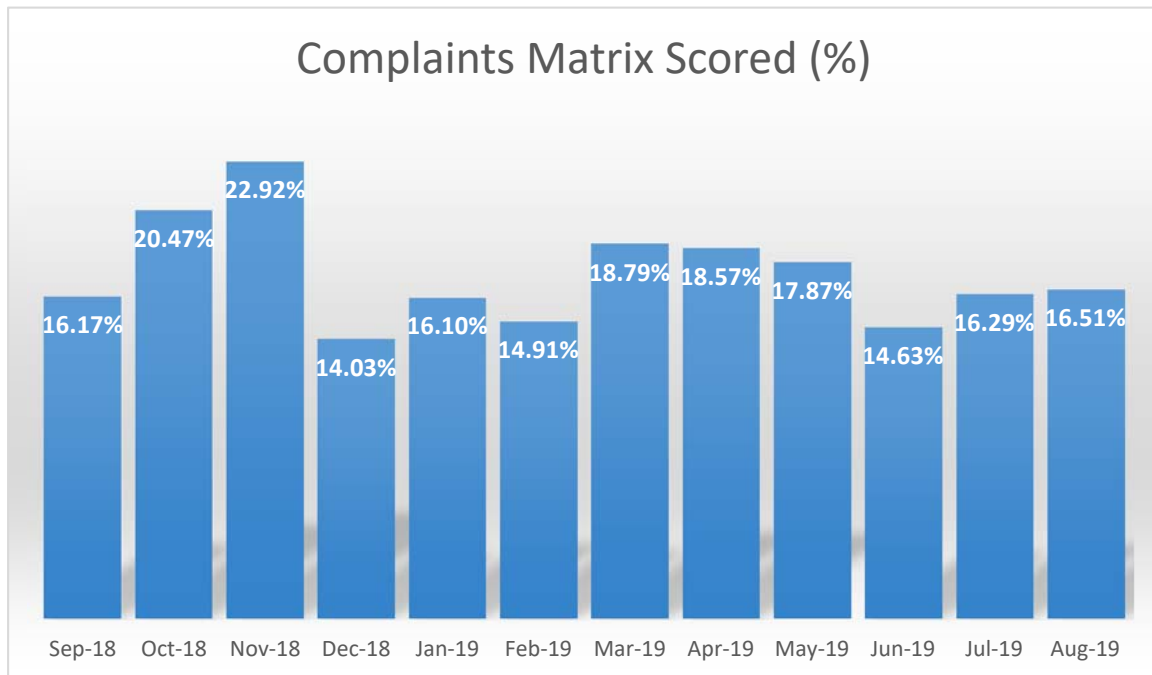


Of the 6,282 complaints received 66.4% were filtered out. The percentage of complaints filtered out each month is shown below;

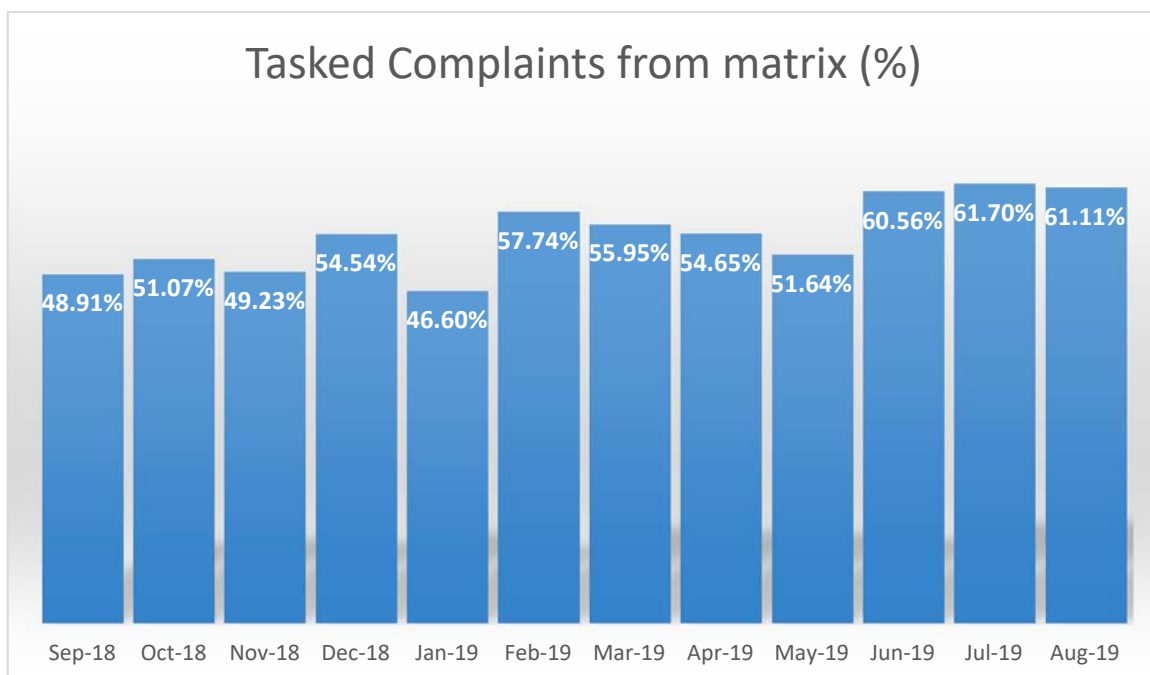


Appendix D

Of the remaining complaints, 1093 were passed through the filter and matrix scored. This equates to 17.3% of all complaints received. The chart below demonstrates how this was broken down each month;



54% of all matrix scored complaints were tasked, broken down per month as follows;



ENVIRONMENTAL LEGISLATION WITH A STATUTORY DUTY

Legislation	Duty	Summary
Passenger Car (Fuel Consumption and CO ₂ Emissions Information) Regulations 2001	Local weights & measures authority	Provision and display of fuel consumption and emissions information
REACH Enforcement Regulations 2008	Local consumer safety authority	Prohibition and control of specified substances
Detergents Regulations 2010	County council	Labelling & prohibitions on supply
Energy Information Regulations 2011	Local weights & measures authority	Labelling of energy related products (household appliances)
Energy Performance of Buildings (England & Wales) Regulations 2012	Local weights & measures authority	Provision of energy information when property is sold or rented, in public buildings & inspection of air conditioning units
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012	County or district council	Marketing and labelling of specified products
Packaging (Essential Requirements) Regulations 2015	Local weights & measures authority	Controls on amount of packaging and regulated metals in packaging
Single Use Carrier Bags Charges (England) Order 2015	County council	Obligation to charge for single use bags
Environmental Protection (Microbeads) (England) Regulations 2017	County council	Prohibition of microbeads in any rinse-off personal care product
Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 DRAFT	County council	Prohibition on single use plastic straws, cotton buds and stirrers

In addition, an environmental score would be applied to complaints involving the following:

- Breach of traffic regulation orders covering air quality management areas
- Safety legislation controlling heavy metals and other regulated substances
- Health and safety legislation controlling biocides, pesticides and fertilisers
- Petroleum licensing
- Failure to dispose of animal by-products by an approved method
- False or misleading descriptions relating to sustainability or composition