

Somerset Council
Scrutiny Committee
– 20/3/2024



Trading Standards Update

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1. Summary

- 1.1.** Heart of the South West Trading Standards is a commissioned service by Somerset Council, Devon County Council (DCC), Plymouth City Council and Torbay Council and the remit is to protect consumers, support business communities and contribute to economic growth and resilience. It is hosted by DCC and has a representative Joint Service Review Panel (JSRP) who oversee performance and influence priorities. The JSRP consist of elected members and senior officers from each Council.
- 1.2.** The Service supports delivery of all four partner local authorities' strategic goals. Although not identical, they can be grouped into a set of generic priorities expressed by four key outcomes which make up the Service Mission Statement:
 1. Economic growth is supported by ensuring a fair, responsible and competitive trading environment.
 2. Consumers, especially the more vulnerable, are protected and more confident; communities are safer, better informed and more fully engaged in the work of the Service.
 3. To help people live healthier lives by preventing harm, promoting individual health and supporting the creation of a healthier environment.
 4. To be recognised for innovation, excellent service and as a great place to work.
- 1.3.** We are also the delivery partner for the Heart of the South West Growth Hub which is the front door for business advice and signposting in the area and with DCC's Business Support and Innovation Team (Economic Development) we provide business support programmes over various geographies.

2. Trading Standards Issues for Consideration / Recommendations

- 2.1.** Enforcement priorities are identified through an annual Strategic Assessment, which analyses the last three years of Service activity to identify key issues and likely trends. A law enforcement model of risk is then used to rank each service functional area by balancing threat and harm with the capabilities and resources of the joint Service. Threat factors assessed include reported physical harm, financial detriment and volume of complaints received. These are then prioritised and incorporated into a Control Strategy.

Our five priority areas for 2023/24 are:

- Scams.
- Doorstep crime and rogue trading.
- Animal health and welfare including disease control.
- Illicit tobacco and vapes.
- Food allergens and standards.

Intelligence has identified the same priorities for 24/25. Key cross-cutting priority for 2023/24 which receive intervention as required is the cost-of-living crisis and for next year it is e-crime and workforce issues.

3. Background

- 3.1.** The Service operates from six offices, which are located in Barnstaple, Exeter, Kingsteignton, Plymouth, Torquay and Wellington. There are 0.03 Trading Standards Officers per 1,000 population and 0.54 Trading Standards Officers per 1,000 businesses. The TS service has 68 FTE staff. The revenue budget for TS is £2.16 million and we received an additional £543k last year in income generated from giving business advice or from government grants. Since the formation of the joint Service we have balanced the budget year on year and come in under spent at year end returning a proportional amount to each partner local authority.

4. Examples of Somerset work undertaken in Q1 – Q3 2023/2024

4.1. Supporting the Local Economy: Rural Business Surveillance and Support

Working Closer with the Animal and Plant Health Agency (APHA)

The close working relationship continues between Trading Standards Officer's (TSO) and senior APHA vets. One of the positive outcomes of sharing intelligence and joint visits was to reduce the number of overdue TB tests in the Heart of the South West from over 100 down to single figures in the last 3 years. This approach enables a balance between supporting farmers, who are already under huge pressure, and enforcement action.

After working with APHA for two years, a farm in Somerset has finally had a clear TB test, allowing all restrictions to be lifted. Officers worked closely with them to get records straight, cattle identified and registered. He was put in touch with the farming support charity Farming Community Network and he is now able to use the online Cattle Tracing System. Officers attended the TB tests to give support and assist with cattle ID anomalies, as well as enforcing removal of TB reactors when needed. The farm is now clear to sell animals and the farmer has a positive outlook for the future.

Rural Enforcement

At the end of 2023, the Service took possession of a herd of cattle from a Somerset farm after being satisfied that they were likely to suffer if their circumstances did not change. The cattle are being cared for at an undisclosed location pending a court order to deal with their future and because of these ongoing proceedings, only limited information is being provided.

Taking animals into possession is not something that is undertaken lightly by Trading Standards or APHA and is rarely done due to the cost implications. It is also emotionally and physically challenging for all Officers and the farmer involved. However, the circumstances in this case warranted this course of action as advice and warnings had gone unheeded. TSO's ensured the appropriate welfare and safeguarding checks were in place for the farmer as a result of this action.

Monitoring Animal Welfare in Transit

Trading Standards Officers took part in a multi-agency operation, Operation Rogue Trader at Cartgate Services in Somerset in November. These operations aim to address the issues of mobile criminality and road safety and focused on these areas: construction and agricultural plant theft, fuel theft, waste crime, vehicle roadworthiness and load security, trade licencing compliance for vehicle users, anti-social vehicle usage, disease control, welfare of animals in transit and denying criminals use of the road.

Officers stopped 2 horse trailers in which 4 horses were being transported without their passports, in breach of horse passport regulations. One owner was also found not to have updated ownership details and received formal written advice. The other person stopped with 3 horses on board is a member of a livestock theft organised crime group. Follow up action is being taken with this nominal. Neither owner could be found on the Central Equine Database. Owners and keepers of equines may be issued with fixed penalty notices or fines if they fail to comply with regulations.

TSO's also spoke with and gave advice to 4 traders with regards to consumer rights and fair trading.

TSO's carry out regular 'Operation Rogue Trader' days together with Avon & Somerset Police, Driver and Vehicle Standards Agency and the Environment Agency in the course of a year.

Working with Police

Officers attended the Rural Affairs Forum meeting at Bridgwater Police Station which gave us the opportunity to talk about the Trading Standard's dedicated Rural Team and what we do. As a result of this meeting, we have been asked to go with them on an entry warrant to a suspected fraudulent animal charity.

Illegal Dog Breeding and Dangerous Dog Act

Officers visited a dog rescue premises in Somerset, following a visit in March by Police and the RSPCA who had concerns about possible illegally imported dogs. One dog was taken into quarantine and the remaining 76 dogs were detained on the premises while further investigations were carried out, which included liaising with Heathrow Animal Reception Centre, quarantine kennels and their official quarantine veterinarian. Due to potential disease risk quick action was required. We are working with partners to try and improve notification times going forward.

A Somerset-based puppy breeding investigation led to a cash seizure in October of £3,897.34. The cash was seized by a TSO who is an Accredited Financial Investigator and detained under the Proceeds of Crime Act 2002.

4.2. Paid for Business Support

Buy With Confidence (BWC) – Approved Trader Scheme

The new Business Development Manager was appointed in Q2 and focusses on all paid work including BWC member acquisition/retention and Primary Authority Partnerships as well as assessing the way we work to increase innovation and save officer resource. The new Buy With Confidence website has been redesigned and due to launch on 3rd March 2024. Planning for the new updated BWC directory is underway. The directory covers Somerset, Devon, Cornwall and Dorset with costs shared between the different local authorities.

Primary Authority

Primary Authority enables businesses to form a legal partnership with one local authority,

which then provides assured and tailored advice on complying with environmental health, trading standards or fire safety regulations that other local regulators must respect. There has been a radical change in our approach to Primary Authority Partnerships this year. Instead of charging an annual £180 per year to include 2 hours of advice, our offering is now a min of 10 hours of chargeable work at £90 per hour so a total of £900 per PA agreement. Of the 45 agreements we had in place, 30 have renewed at the new rate and so our predicted income for the year will now double to £27,000 and the partnerships are more active and valued by the businesses involved.

Metrology Laboratory

In September, the Services metrology team undertook a large calibration order for a trader based in Yeovil. Over 250 metric weights were calibrated with an order value of £6,250. A contact at the business said: “My personal thanks to both you and your team for your (as always) excellent services to re-certify our dead weights.”

The Calibration Services team based in Chelston office continue to deliver its successful weights and measures training course to trainees from across the country who are preparing for their Chartered Trading Standards Institute exams. This initiative has made more than £21,000 profit in this calendar year which is double the target.

4.3. Supporting & Protecting the Most Vulnerable

Scams Awareness and Prevention

In August, a press release warning people to beware of investment scams was issued after a Somerset resident was left £40,000 poorer by a scam. After responding to a Facebook post, the resident became embroiled with a cryptocurrency investment scheme that she believed was backed by Martin Lewis, Money Saving Expert. In our press release, a money Saving Expert spokesperson reiterated: “Martin NEVER does adverts and never promotes investments. Anything you see suggesting otherwise is fraudulent and a scam.”

The Scams Lead Officer was on BBC Radio Somerset to give scams awareness advice and also facilitated an interview with the scam victim which the radio ran as their lead story.

In the run-up to Black Friday (24 November) a [press release](#) was issued alongside social media posts warning shoppers to be wary of scams when shopping online. The Scams Lead also took part in an interview about this topic on Radio Devon and received good feedback.

The Service supports Citizens Advice’s National Scams Awareness week in July during which a social media campaign to highlight scams is run, how to report them and where people can go for support if they fall victim to a scam. Posts were linked to a [press release](#) on the website.

Doorstep Crime Enforcement:

On 6 November, a rogue trader was ordered to pay almost £40,000 after convincing a pensioner to let him carry out roofing work that wasn’t needed. The victim, from Somerset, used her life savings. Mervyn Rhys Richards, 43, of Swindon, was ordered to pay a fine of £6,500, £190 victim surcharge, £4,250 towards prosecution costs and £27,500 in compensation after pleading guilty at Taunton Magistrates Court.

[Rogue roofer found guilty of scam \(somerset.gov.uk\)](https://www.somerset.gov.uk)

Builder Sam Harvey (who had pleaded guilty on 30 March 2023 to three offences under the Fraud Act and two offences under Consumer Protection from Unfair Trading Regulations) was sentenced at Exeter Crown Court on 16 November. The court heard that Mr Harvey had benefitted from his crimes to the tune of £214,684.11 – but because he had no assets available, he was ordered to pay a nominal £1, with the outstanding

£214,683.11 to be revisited ‘at any time’ in the future.

[‘Crime doesn’t pay’; Rogue builder told to pay back over £200,000 - Trading Standards Service \(devonsomersettradingstandards.gov.uk\)](https://devonsomersettradingstandards.gov.uk)

Doorstep Crime Support:

An investigation was opened after information was taken from different complainants in relation to poor quality work which the owner of a Somerset based roofing business refused to resolve. Potential offences were identified. In August 2023 a letter of advice was sent and it was suggested to the trader that he consider the contracts he had entered into and whether he should make amends resolving issues or reducing the price (refund / partial refund). After receiving the letter the trader contacted the service the same day and offered to resolve the issues as suggested and a number of payments were made.

- 2 partial refunds were paid as agreed (£3,600 or 56.3% and £3,000 or 60%).
- 1 full refund was partially paid (£6,000 or (79.2%).
- 1 agreed refund was partially paid, but it is unclear whether the rest was paid.
- 2 agreed refunds have not been paid at all.

Whilst payments were being made it was agreed that the investigation would not proceed. Unfortunately, as payments did not continue the investigation has been reopened.

TSO’s intervened to secure a refund for an elderly Somerset consumer who over several years has been sold solar panels, batteries and warranties from various companies. Recently she was sold a warranty at a cost of £4,000 and on another occasion the same company sold her two batteries for £4,000. We contacted the trader who subsequently agreed to refund her £7,000.

Officers ensured a Somerset consumer received their refund after a trader quoted £2,000 for decking work and who had received an initial payment of £1,400 but never started any work. The trader had agreed to refund the resident but hadn’t done so until the Trading Standards Officer intervened.

4.4. Safety at Sports Grounds

Yeovil Football Club contacted us as they had no Safety Officer for one of their games due to illness – matches cannot be held without a designated Safety Officer. We contacted the Sports Grounds Safety Authority (SGSA) on the club’s behalf and an appropriate person was put in place. We also advised the club to review their resilience plans for when this should happen again.

The Service has recently been audited by the SGSA and has received an excellent report categorising the Service as ‘low risk’ with a subsequent reduction in frequency of audits.

4.5. Feed and Food

Agricultural Feed Project – Online Pet Food

Ten samples were bought anonymously from online pet food sellers across Devon, Plymouth, Torbay and Somerset and sent off for sampling. All the results have been received back and there was a 100% non-compliance on labelling which is being followed up with each seller. Sellers are not always manufacturing the pet food but often buying in bulk and then repackage to sell on, sometimes claiming that the product is ‘home-made’, ‘free-from’, ‘natural’ etc. This is a large and growing business sector so we the project will continue into next year though with more focus on providing information on regulatory feed compliance to sellers. Information will be hosted on our website and via social media campaigns and events.

Agricultural Feed Project – Animal Cereals

This project sampled cereals grown for livestock to ensure they were within guidelines for animal consumption. Findings provided a wider view to the tough economic situation for farmers and points to potentially larger concerns over UK food security. Noticeably fewer farmers that were visited are growing cereal for livestock feed for multiple reasons including wet seasons and flooding, lower yields or rot before harvest, exacerbated by the difficulty in recruiting seasonal harvest workers. The high cost of oil (for farm machinery), fertilizers and transportation of harvested crops are also impacting and so some farmers are now choosing to buy in feed direct from mills and often from overseas. Some of the farmers met with have switched land over from growing agricultural feed to funded schemes such as planting trees as part of the Government's woodland creation (carbon capture), bio digesters or seeding meadows. Work on this project continues as sampling results are showing some contaminants in the feed.

Other Feed

There has been an increase in the number of food factories sending waste/surplus products for animal feed which saves the businesses money on wastage costs. These businesses need to be registered with Trading Standards for feed production due to the risk of animal disease. The number of visits carried out is therefore increasing. Examples of food businesses we have visited include ice cream producers, fish processors, patisserie manufacturers and crisp manufacturers.

As part of National Trading Standards funded work, we carried out 4 mills visits to take samples of pig and poultry feed. All samples passed.

It is also worth noting that Trading Standards Officers provide added value to farmers when they visit. Officers provide a full inspection and advice where required and also can also provide vital information on agencies and schemes which offer farmers physical health checks, mental health support and financial support to an often isolated farmer and their family.

Food Standards (including Allergens)

In July we published the results of a food sampling project carried out by TSO's at sandwich bars across the region. 56 out of 100 businesses in Devon, Plymouth, Somerset and Torbay were in breach of new Government rules which require full ingredient and allergen labelling on all food made on premises and pre-packed for direct sale. [Read our published article](#).

Also carried out was a media campaign to urge businesses, such as delis or bakeries who prepare and then package food for sale, not to put their customers at risk and to read [Trading Standards guidance](#) to help them stay on the right side of the law. A TSO also went on BBC Somerset and BBC Spotlight to highlight the findings.

57 of our annual target of 75 allergen samples from food visits this year have been procured in the first three quarters of the year. We have received 19 results and eight of these have failed (current failure rate of 42%). Of these, six failed on the presence of milk.

Banned American additives in imported sweets is causing concern following the Services look at International Food Retailers. These products were largely procured from small corner shops close to schools. The Food Standards Agency are currently meeting regarding this issue as it's a nationwide problem.

No allergen reports were raised as a result of Glastonbury Festival this year which is notable given the scale of mobile catering facilities provided on site. The Festival Markets office circulated comprehensive guidance to all traders which appears to be

working, avoiding the need for any external intervention on allergen control.

4.6. Helping People to Live Healthier Lives by Preventing Harm and Promoting Individual Health - Product Safety

Electric Scooter project

In Quarter 3, 47 businesses that we know sell e-scooters and e-bikes in the Heart of the South West were contacted to remind them of their responsibilities around e-vehicle safety when selling these products. The Service applied to charity Electrical Safety First for a grant of £4,500 to raise awareness among consumers of e-bike and e-scooter safety. This money is being used in Quarter 4 to run a social media campaign and print stickers for sellers to put up in their premises. The stickers will have a QR code on them which will direct consumers to the [Electrical Safety First advice](#). Read the press release here: [Trading Standards safety message for e-bike or e-scooter owners or buyers](#)

National OPSS working group on construction products

In January 2021, the government announced that the Office for Product Safety and Standards (OPSS) would take on responsibility for the national regulation of construction products. This is in line with a recommendation made in the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt following the Grenfell Tower fire. Two of our Officers are now part of a national OPSS working group on construction products aimed at Trading Standards services which have Primary Authority Agreements with construction or tool companies.

Flip flop project

A market surveillance project on children's flip flops showed that all samples that TSO's took failed as they were found to contain unsafe carcinogenic chemicals. The lab has advised us that they will be reporting this directly to OPSS (the Office for Product and Safety Standards) and the issue has been escalated for national action.

Explosives

In total 47 fireworks visits were carried out across Devon and Somerset with eight premises committing minor offences. Corrective action was taken at the time of the Officer's visits.

Other Product Safety

We supported one of our Primary Authority businesses after they had a wooden toy suitable for age 12-months-plus tested and it was found to have small parts. We are working with them on the best course of action.

In the run-up to Christmas, we issued a [press release and videos](#) on social media highlighting what people should look for when buying toys and electrical products to ensure they are safe to use.

There was a recall of some bath seats across UK and EU. The business is based in Somerset and our Officer liaised with the Office for Product Safety and Standards (OPSS) for reporting on the Gov.uk product recall page.

Officers had detailed discussions with a Somerset based international shoe manufacturer, regarding a safety alert about a toy inserted in the sole of children's shoes. We referred the business to OPSS.

Age Restricted Products & Illicit Tobacco

Operation Joseph

Operation Joseph is a project funded by National Trading Standards. The purpose of the project was to sample nicotine-containing vapes bought from retail premises across the area to gather intelligence for the Department of Health. Legal vapes are permitted to contain up to 2ml of nicotine and the samples would be submitted for lab testing to ensure that both the tank capacity and concentration of nicotine complied with regulatory standards. Sample results will be shared in due course.

Other Age Restricted Products & Illicit Tobacco Enforcement

TSO's worked with Avon and Somerset Police to close down a shop in Taunton, which was selling vapes and drug paraphernalia to children and counterfeit and illegal tobacco. The closure was granted at Taunton Magistrates' Court on Tuesday 18 July. Following the closure order, Officers seized a small quantity of illegal vapes and over £2,000 cash.

[Shop selling vapes and drug paraphernalia to children closed down](#)

[Somerset Gazette: Closure order for shop selling illegal vapes in Taunton.](#)

In October, a Taunton shopkeeper pleaded guilty to selling counterfeit tobacco and was ordered to carry out 100 hours of community work. Allen Ahmadi, 31, proprietor of Wawel Polish shop, 5 Eastgate, Taunton, admitted selling counterfeit tobacco without the legal health warnings at Taunton Magistrates Court on Monday 10 October.

[Shopkeeper admits selling counterfeit tobacco](#)

On 16 October an extension of the Closure Order for the European Shop at 11 North Street, Taunton, was granted for a further three months. The night before the application for the extension, Avon & Somerset Police's Anti-Social Behaviour Coordinator asked one of our TSO's to provide a witness statement to express Trading Standards' concerns regarding the shop reopening. The Magistrate remarked that our Officer's statement was the most interesting part of the application and tipped it over the line.

In September, Operation Garnet took place at 3 premises in Brigwater. The enforcement visits were simultaneous with TSOs, Avon and Somerset Police and tobacco detection dogs present. Approximately 800 oversized vapes were seized from open display with an estimated value of £8,000. The oversize vapes are illegal as the legal tank capacity limit is 2ml or approximately 600 puffs and the items seized ranged between 3,500 and 10,000 puffs. E-cigarettes must also be approved by the MHRA which these cannot have been due to their size. 73 packets of cigarettes, 4 pouches of tobacco all in non-plain packaging or without UK compliant warnings with an estimated value of £600 were also found by a search dog in a magnetically sealed concealment. They were either non-duty paid (smuggled) or counterfeit and cannot be legally sold in the UK. The operation also yielded a significant quantity of intelligence identifying links with other premises and businesses.

Police National Database:

HotSW Trading Standards used facial recognition to follow up a complaint. Traders were witnessed by members of the public selling tobacco and perfume (suspected to be non-duty paid, counterfeit and/or stolen) from carrier bags. The complainant provided photos of the three traders which were sent to Police National Database for facial recognition and five forces came back with positive identity from custody images of the traders – three of the forces for the same person. One current address was subsequently found.

4.7. Fair Trading

A cease and desist letter was sent to 2 individuals in December following a report from

HMRC that the couple was using a Facebook page set-up in their toddler daughter's name to sell counterfeit clothing, fragrance and electronics and potentially tobacco too.

Evidence was captured by our E-Crime Officer who then liaised with brand holders which confirmed that items listed on the Facebook page were counterfeit. Checks were made after the letters were sent out which confirmed that the links on the page were dead and no further activity had happened since the letters were sent.

Petroleum

In October Officers visited a badly damaged forecourt in Somerset and advised if reparations were not made, an improvement notice would need to be issued. Following our recommendations, the business is now addressing the issue to the cost of over £40,000 of rectifications to ensure safety.

Good News

We are delighted to announce that Service Officers were recognised for their work at the Trading Standards South West (TSSW) conference in October, held at Somerset Cricket Ground in Taunton. Winners were in the categories: Doorstep Crime and Scams, Metrology and Public Safety, Rising Star Award, Outstanding Project Award (work tackling the illegal trade in illicit tobacco and vapes)

Note: For sight of individual background papers please contact the report author