
PROTECTING CONSUMERS ACTION PLAN – PROGRESS REPORT

1. PURPOSE

- 1.1** On 17 April 2013, Members of the Planning, Protective Services and Licensing Committee endorsed an Action Plan to address the issues raised by the Audit Scotland report “Protecting Consumers” which considered and identified serious concerns about the future delivery of trading standards in Scotland, unless actions were taken at a national level. A large number of recommendations related specifically to trading standards, to food safety enforcement, although other areas were also raised including the profile of the services within Councils and by Elected Members.
- 1.2** Regular reports have been provided to the Councils Audit Committee against the agreed plan, and on the 20th November 2013, the Councils PPSL Committee considered a six month progress report. This paper summarises this current position to the Councils Audit Committee.

2. RECOMMENDATIONS

- 2.1** To note the considerable progress which has been made and arrangements which are in place to manage this project. Timescales for 5 activities where the timescales were unachievable for various reasons have been extended with agreement of the PPSL Committee.
- 2.2** To recognise that the national actions are influenced by factors outwith our direct control although we are involved in these discussions.

3. PROGRESS REPORT

- 3.1** We have been working at local and national levels with Partners to deliver our Protecting Consumers Action Plan. Annex A to this report provides a description of each action together with its status (on-going and on target; on-going but date to be revised; completed and not progressed) and the progress achieved as of 30th October 2013.
- 3.2** Members should note that we reporting the plans progress to the Council’s Audit Committee and Protective Services and Licensing.
- 3.3** In general terms, we are making good progress and, of the 27 actions contained within the report, we have completed 7 actions and work is on-going in a further 18. The current status is :-

Status	Total	Specific Actions numbers in spreadsheet (column 3)
Completed	7	8,9,10,12,18,21,26
On-going and on target	13	3,4,5,6,7,11,15,16,17,19,20,22,23,
On-going and dates reviewed	5	13,14,24,25,27
Not progressed but dates rescheduled	2	1,2

3.4 I would specifically highlight the following :

- (i) At a national level, we have been working with COSLA, the Improvement Service, Trading Standards Scotland, the Society of Chief Officers of Trading Standards in Scotland, and other Local Authorities, to take forward many of the national issues. There was a National Trading Standards Summit in June and we are awaiting a consultation paper on the role of COSLA and Trading Standards Scotland, which will address many of the recommendations in the report. Other matters which are common to other Local Authorities are being pursued through work with these Partners.
- (ii) At a local level, we have implemented a new risk rating system for Trading Standards, a time management system, are participating in a national intelligence surveillance system which will support intelligence-driven enforcement, and have introduced a new risk-based approach to the work of Trading Standards, which allows greater local flexibility and rewards “good” traders by allowing them to move to lower risk bands by demonstrating compliance. We are also proceeding with benchmarking and developing appropriate performance measures for environmental health, trading standards, and animal health. I have been nominated to participate in the Project Group working with the Association of Public Services Excellence (APSE) to take this forward.

3.5 There are 5 actions where progress has been made although we have had to extend the date for completion and these were agreed by PPSL Committee on the 20th November 2013:

- (a) **Time Recording.** We have implemented systems within Trading Standards and Animal Health, although the revised Environmental Health arrangements are not yet in place. The system has been developed and will be in place by 1 January 2014.
- (b) **Raising Members’ Awareness.** We agreed a plan at the May Committee and have implemented a range of measures including regular briefing to the Lead Councillor, and for COSLA Committees. However there has been a delay in arranging accompanied visits with Officers. To allow for local arrangements to be made, this was extended to 30 June 2014,
- (c) **Consumer Advice.** We have been working with Argyll & Bute Citizens Advice Bureau (ABCAB) and revised the existing contract, and have improved liaison arrangements. A pilot has been undertaken whereby a 2nd stage intervention service is offered by both ABCAB and Bute Advice Centre, supported by the Councils trading standards team, to support consumers who have been unsuccessful in pursuing self-help remedies after following the advice given by the national hotline. In addition, a baseline review of advice services is ongoing to identify funding arrangements as of 1 April 2014.
- (d) **Approved trader scheme.** We have identified two possible “approved trader” schemes and identified a demand with some businesses. Prior to taking this forward to Members, we are undertaking specific discussions with business to ensure that they will “sign up” to the scheme. The last element is not yet complete. To allow us to complete this and then report to Members on the available, the timescale was extended to 31 March 2014.

- (e) **The rating of “unrated premises” for food premises.** We have identified a temporary resource to undertake this specific work but have been unable to successfully recruit. We are currently re-advertising. This is at a critical stage as we do not have adequate resources in-house to attend to this work. This was extended to the 30th June 2014

3.6 We have been unable to progress with

- (a) The review of resource levels or workforce planning with Environmental Health or Trading Standards at a local level, leading into the 2014/15 service plan (actions 1 and 2). This was to be integrated into the Service Prioritisation process, which is now delayed. This was extended to 31 March 2014.

4. CONCLUSIONS

- 4.1** Progress has been good both locally and nationally and we are establishing appropriate working arrangements. There has been a lot of hard work and effort put in at both levels to take forward the concerns in the Protecting Consumers report by Audit Scotland.

5. IMPLICATIONS

- 5.1 Policy** Protecting Consumers is consistent with Single Outcome Agreement.
- 5.2 Finance** There may be some costs relating to the proposal by COSLA for development of role of TSS.
- 5.3 Legal** The report covers statutory duties of the Local Authority for Trading Standards and Environmental Health.
- 5.4 Personnel** Our difficulties recruiting to a temporary post is causing considerable issues, and will impact on our ability to meet the Action Plan. There is a need to develop and deliver a workforce development strategy.
- 5.5 Equal Opportunities** None
- 5.6 Risk** There is a risk that the Food Standards Agency may take action against the Council if we do not address premises that are currently not risk rated'

Regulatory Services Manager

AM/KT/7444 December 2013

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LIST OF BACKGROUND PAPERS :

1. Annex 1 : Spreadsheet of Progress

Key Point/Checklist/ Recommendation	Action/Response:	Proposed actions	Date for Impleme n-tation	Status	Risk Status	Progress and Update
Does the Council work with the FSA in Scotland and, in future, the new Scottish food safety organisation to develop a workforce strategy, which identifies the staffing levels and skills required to sustain an effective food safety service over the next 5–10 years, and take action to address any shortfalls identified	We have good relationships with the FSA and the Food Framework provides a standard for local authority food safety services. Our statutory food safety service plan is approved by Committee, and we are subject to audits by the FSA. To date, these have been positive. We have on-going staff development, training and support arrangements in place to retain and improve competency.	1. Review staffing levels and workforce planning within environmental health and prepare report for further consideration	31/10/2013	Not progressed	M	Was incorporated into phase 1 Service review but will require further consideration. Extended to 31 st March 2014
		2. Identify clear priorities for service based on outcome of point 1 above into 14/15 service plan	31/3/2014	Not Progressed	M	Linked to action 1
		3. Participate in corporate Workforce Planning review	31/03/2014	Ongoing		Now incorporated into service prioritisation review
		4. Work with REHIS to implement new training programme for EH	31/12/2013	Ongoing		On-going
		5. Deliver the outcomes of the PDR reviews with staff	31/03/2014	Ongoing		On target
		6. Work with COSLA regarding resources for Regulatory Services	On-going	Ongoing		Summit meeting for TS; ongoing work through SOCOEH and SCOTSS, and FSA/COSLA
		7. Work with FSA, Society of Chief Officers of Environmental, Health Officers in Scotland on issues regarding workforce planning and resources	On-going	Ongoing		On going
Has the Council developed a new risk assessment scheme for trading standards that is sensitive to local intelligence about businesses	We have a scheme of risk assessment although the report indicates that there is a high percentage of high risk premises in Argyll and Bute (5.9%) compared to other local authorities (Fife 0.5%, Highland 2%)	8. We are in the process of preparing to implement a new national risk assessment scheme which will update all risk assessments.	30 th October 2013	Complete		Work completed to develop consistent approach to risk assessment with TS team. Risk rating process was complete for non-agricultural businesses,

		9. Arrangements will be implemented to ensure that the service undertakes risk assessments and local scores consistently in line with the national risk assessment scheme.	30 th June 2013	Complete		Training and review arrangements developed and complete.
Does the Council ensure they have access to, and make use of, intelligence to help determine their local priorities, and contribute intelligence to information systems that support the work of other Scottish and UK councils, and the national teams	These are available through existing liaison arrangements direct with agencies (FSA, OFT etc.); liaison groups with other LA's, use of IT system to share information and intelligence, including MEMEX which we implemented in December 2012. We also attend meetings hosted by national Scottish Scambusters with input from IMLU & E-crime teams.	10. Maintain current working arrangements and utilise new MEMEX software	On-going	Complete		We are now using MEMEX, which is a national intelligence sharing software system. Training has also been provided to all TS staff. We also continue to use TS Interlink, but usage of this system is dropping across the UK and is currently under national review. We have attended 100% of Scambusters meetings
Has the Council developed a clear direction for the future of their consumer protection services and satisfy themselves that they are allocating resources where they are most effective and in a way that appropriately reflects the risks, national and local priorities and the needs of local communities	Through the service review, we redesigned service delivery including that of consumer protection. First stage civil advice is issued by national agencies and not the Council and we have measures in place to ensure the public access this basic advice service. This includes agreement with Citizens Advice Scotland and financial support to Argyll and Bute Citizens Advice Bureau. The current situation with second stage civil advice/interventions is less clear. There is also improved information and links on our website and the Customer Management Centre are able to direct any consumer to appropriate advice services. Our trading standards service plan defines the consumer protection priorities for the year focussing on national and local priorities. Argyll and Bute Council are specifically mentioned in the Audit Scotland report as one of only 6 councils that do not take referrals from Citizens Advice Consumer Scotland, although second stage advice offered by the other local authorities is a non-statutory function and one which we ceased some time ago.	11. We are to undertake a review of the local and national civil advice arrangements in Argyll and Bute to determine whether they meet the needs of the consumer and are effective	31/12/2013	On-going		2 nd stage intervention policy extended for 3 months for further evaluation. ABAN referral system to be implemented Baseline review complete, but further information being sought from ABAN partners
		12. We are to review and implement a new risk rating system for trading standards. This will enable us to address the issue whereby Argyll and Bute Council have the highest percentage of high risk premise in Scotland	31/07/2013	Complete		High risk premises have reduced from 5.6% to 2.1%. This is comparable with other LA's
		13. We are to review and improve the time recording systems used for environmental health and trading standards	30/09/2013	On-going	Timescale extended to 31/01/14	System in place for TS and AHW. EH system being reviewed at present and will be in place by 31/12/2013

	The Council have the largest number of unrated food businesses in Scotland	14. We are to develop an action plan to rate the currently unrated food safety premises in Argyll and Bute. They are deemed to be low risk although they have not been formally rated using the FSA Code of Practice	31/03/2014	On-going	Timescale extended to 30/06/14	Action plan developed and resource secured in establishment. This has been advertised 3 times with no success. In addition, no short-term contractors are available Impact of this is significant as we have been unable to carry out assessments at our unrated premises.
Does the Council ensure their work on lower risk areas is sufficient to prevent them becoming more serious risks	We have initiated an alternative enforcement strategy which seeks to achieve this. An annual work plan is agreed each year and delivered across Regulatory Services	15. To further develop alternative enforcement, (ii) To review the resource implications and success of the low risk intervention activities	31/03/2014	Ongoing		(a) Alternative enforcement plan in place and work progressing well,
Does the Council ensure they monitor and manage the performance of all their consumer protection services using appropriate measures of performance that enable benchmarking, and report performance regularly to councillors, senior management and the public?	Performance measures are in place and we are working with a number of local authorities to develop common benchmarking measures across Regulatory Services	16. To continue to develop benchmarks with the local authorities within the "Argyll" Club	31/03/2014	Ongoing		(a) Benchmarking Club established and common measures identified (b) Comparison measures are being identified from statutory reports to provide quick benchmarks although these will change once relevant ones are developed

	We are working with Association of Public Services Excellence (APSE) to develop a suite of performance measures in Scotland for trading standards and environmental health.	17. To participate in the pilot with APSE and other local authorities to develop better performance measures and benchmarking arrangements	31/12/2013	Ongoing		APSE project delayed but work on-going with Scottish Project Team established
	Currently, performance is reported via the Councils Pyramid system and service plans detail future priorities and also report on performance. Our Balanced Scorecard also reports on performance and is available through our website	18. Continue to use the Corporate Pyramid system to report performance against key indicators	On-going	Complete		Complete and updated quarterly
Does the Council work with COSLA in developing arrangements for national coordination, explore a full range of options for redesigning trading standards services, including a greater use of more formal joint working; shared services and establishing a national service	Yes through work of SCOTSS. A recent example are the new arrangement for the delivery of consumer protection in Scotland and the provision of specialist units for money lending, Scambusters and IE-crime fraud	19. Continue to support current liaison arrangements	31/03/2014	Ongoing		Meeting at COSLA with Improvement Service, LA's and Trading Standards Scotland on 20 th June 2013
Do the Council and COSLA liaise with the Scottish Government on the future of trading standards services where this involves organisational or service issues for which it has responsibility	Via COSLA Working Groups, SCOTSS and specific consultations	20. Continue with current arrangements	31/03/2014	Ongoing		Work on-going

Does the Council work with COSLA to develop a workforce strategy, which identifies the staffing levels and skills required to sustain an effective trading standards service over the next 5–10 years, and take action to address any shortfalls identified	Work has been through SCOTSS to date and has included funding arrangements of single-issue initiatives (e.g. tobacco enforcement) or the new consumer landscape.	21. Need to take forward recommendations of Protecting Consumers report with COSLA and others	30/06/2013	Complete		The issues have been discussed and arrangements are now in place to ensure that we participate in these discussions. Linked to TS Summit meeting 20 th June 2013
Does the Council work with COSLA to ensure that councillors are fully informed and supported to make decisions about the future of services to protect consumers	Elected representatives attend various COSLA Working Groups. Briefings provided by Regulatory Services Manager /Trading Standards Manager/ EH Manager on any relevant matters	22. Continue with current arrangements and ensure briefings are issued to support Members	On-going	Ongoing		On-going. Briefing provided to elected members attending appropriate COSLA meetings (Leaders/ Community and Wellbeing)
Does the Council ensure they monitor and manage the performance of all their consumer protection services using appropriate measures of performance that enable benchmarking, and report performance regularly to councillors, senior management and the public	These are in place and there is quarterly performance reporting. There is a trading standards plan although at present this does not go to Committee. Regular briefings are taking place with Lead Councillor on emerging issues and the national agendas.	23. Arrange regular briefings with the Lead Councillor Planning and Regulatory Services	31/03/2014	Ongoing		Briefings provided to Lead Councillor in May, June & September 2013.
		24. Determine how best to raise members appreciation of Regulatory Services and the areas of trading standards and food safety which are raised in this report	30/06/2013	On-going	Timescale extended to 30/06/14	Committee paper agreed at May 2013 PPSL Committee Arrangements in place to improve Members awareness. Delay in arranging visits but being progressed
Do the Council and COSLA work with the Citizens Advice Service and others to increase awareness and understanding among consumers of where they can get advice and help when buying goods or services, particularly when things go wrong.	We have a written agreement with Citizens Advice Scotland and we refer consumer enquiries to their national advice line. We also support the local Argyll and Bute CAB	25. Agree new contract with ABCAB, (ii) Reinstate reporting and liaison arrangements (iii) Consider funding options for 14-15.	30/06/2013	Ongoing	Timescale for item (iii) extended to 31/03/14	(i) Complete (ii) In place (i) Baseline of advice services on-going which will lead to review of funding arrangement.

Does the Council work with COSLA to establish an effective system for analysing intelligence and agreeing national priorities for their work to protect consumers	COSLA role is minimal at present although with the demise of DTI, COSLA will need to be more involved	26. COSLA have a specific consumer protection team who will take this forward	On-going	Complete		
Does the Council work with COSLA to review 'trusted trader' schemes and consider the need for a shared national approach or standards	We are presently considering options for the provision of a trusted trader type scheme. However, I am not aware of any plans from COSLA to operate a national scheme of this type.	27. Identify options for trusted trader scheme in Argyll and Bute Council and report to PPSL Committee	31/09/13	On-going	Timescale extended to 31/03/14	Options for trusted trader scheme have been considered and report being prepared for Committee. Need discussion with Lead Councillor to determine approach and level of interest