

# Trading Standards Annual Report

**2021/22**



Protecting Cumbria's consumers and  
businesses to maintain a fair-trading  
environment where local businesses and  
consumers can thrive

## Our Aim

To promote a fair, healthy and safe environment in Cumbria by ensuring compliance with statutory regulatory legislation, protecting consumers and supporting local businesses.

## Introduction

This report covers the work of Trading Standards from April 2021 to March 2022 and focuses on current work and future challenges to the Service.

## Background

Cumbria County Council Trading Standards Service is a statutory service that enforces over 200 Acts of Parliament and Regulations covering the trading environment in consumer goods and services, most of which impose a specific statutory duty of enforcement in Cumbria. The subject areas covered are diverse, ranging from animal health and unfair practices such as short measure at filling stations to food standards, and explosive licensing.

## Trading Standards Service Objectives

- **Rogue Trading** – Protect consumers and businesses from the adverse effects of rogue trading. To work with partner agencies and investigate all reported incidents of rogue trading immediately. To take a proactive approach to drive down levels of these sorts of crimes locally and nationally.
- **Public Health/Public Protection** – Restrict access to tobacco and alcohol by children and young people. Disrupt the supply of counterfeit tobacco and alcohol. Restrict the supply of unsafe and mis-described food. Disrupt unlawful trading in relation to the high street supply of new psychoactive substances.
- **Supporting Business** – Provide a fair and equitable trading environment for Cumbrian businesses to thrive and grow and give confidence in Cumbrian businesses. To encourage Cumbrian businesses to become members of the Primary Authority Scheme.
- **Animal Health** – Protect the farming and tourist economy from the disastrous effects of an outbreak of disease, such as Foot and Mouth or Avian Influenza in farm animals. Protect the welfare of animals at farms, markets and during commercial transport. Ensure farmed animals are traceable from farm to fork.
- **Compliance Visits** – Pro-active, intelligence led market surveillance work to ensure legal requirements are met and consumers can shop with confidence. This includes sampling and testing of goods and carrying out business inspections to identify problems before they cause harm.

## Covid 19

The Trading Standards Service work has been dominated by the national response to the Covid 19 Pandemic and our need to respond to issues that have arisen during this time. There has been rapid changes and issuing of new legislation, some of which, with relatively short notice. Officers had to get to grips with interpreting this legislation, enforcing it and training up colleagues in other Services. The Trading Standards team continues to be at the fore front in providing rapid and very responsive solutions to the interpretation and implementation of the various legislative changes imposed on the nation and the regional tiers, as we have progressed through dealing with the pandemic.

### Work carried out

- Provided support and guidance to a wide range of businesses on compliance with Covid-19 legislation and diversification.
- Ensured sport at regulated venues could continue in line with current rules across Cumbria.
- Supported our most vulnerable consumers by raising awareness of Covid-19 related scams and disrupting doorstep crime, including removing fraudulent Covid-19 test kits from the market and the takedown of an online personal protective equipment (PPE) seller's website.
- Redeployments. Towards the end of 2020, 4 officers took up posts assisting directly with, Track and Trace. In addition, 5 officers were seconded to the emergency contact centres providing support to the elderly and vulnerable. 1 officer was seconded to the Cumbria Local Resilience Forum.



# Operational Performance

## Doorstep Crime/Rogue Traders

**179 incidents investigated**

**£446,000 Money saved by intervention of Trading Standards**

“Doorstep Crime” can be defined as offenders cold calling at the homes of consumers, most commonly older adults and vulnerable consumers, offering to carry out property repairs such as roofing, tarmac work, block paving and gardening work, or to sell products such as fish, furniture, mobility aids, security systems and energy saving products.

In Cumbria the main types of doorstep crime we are experiencing are :

- Rogue tarmac gangs
- Property maintenance
- Tree surgeons/gardening services

Partnership working is essential in tackling this type of criminality. As well as sharing intelligence the service is in regular dialogue with Cumbria police and carries out joint operations.

The service has a number of pending court cases involving rogue traders.



## Scams

Cumbria Trading Standards receives monthly referrals from the National Trading Standards Scams team where they have intercepted mail from consumers destined for the scammers. During the year Trading Standards has helped 120 consumers by raising awareness of scams and assisted consumers from becoming repeat victims.

In some cases this has resulted in the return of the victims money which can amount to thousands of pounds.



## Food law Enforcement

One of our key responsibilities is the enforcement of food law throughout the food chain on behalf of the Food Standards Agency (FSA). Appropriate application of food law will ensure that food supplied in Cumbria is safe to eat, meets compositional requirements and is accurately described.

The FSA require that we publish a food enforcement plan which reflects the enforcement programme for food standards. The plan details statutory visits which must be completed along with details of projects undertaken, samples taken and complaints investigated.

During the year all 106 statutory inspections were completed. With a further 833 self-assessment questionnaires sent out to low risk premises. All premises who didn't return the questionnaire were subsequently contacted.

### Allergens

On 1st October 2021 a change in the law, known as "Natasha's law", was implemented for foods that are pre-packed for direct sale, which previously were not required to carry a full list of ingredients. Training has been provided inhouse to all food qualified officers on the changes to the law so that both enforcement and business advice can be effectively delivered.

50 samples taken. Three found to contain peanut protein, two gluten and one egg but at levels suggesting cross contamination. Appropriate advice was given.

Advice on allergen information was given to a significant number of premises, however there is still a minority of premises not supplying required information, putting the health of Cumbrian residents at risk. This area of work will continue to be a priority.



### Meat Species

40 samples taken with 11 unsatisfactory results. Two businesses reported for prosecution and advice given to the other 9.



### Samples

138 samples were taken throughout the year, 39 of these were taken from suppliers to CCC. 31 samples were reported as unsatisfactory and appropriate follow up action undertaken.

### Complaints

45 complaints were received about food these were mainly dealt with by advice or warning the trader concerned, however one has resulted in a report being submitted for consideration of legal proceedings.

## Safety of Goods

### Vaping Products

The use of vaping products is becoming increasingly popular in the UK.

Vaping is now recognised as a “safer” alternative to smoking.

Nicotine is a highly addictive substance, but it is the tar and other toxins contained in tobacco that causes most of the harm associated with cigarette smoking.

Intelligence provided from Trading Standards departments across the UK indicates that an increasing amount of non-complaint disposable vapes are appearing on the market. This is particularly true with regards to single use products.



In view of the above we need to ensure:

- That the minimum standards for the safety and quality of e-liquids are being maintained.
- That all relevant information accompanying vapes is provided to customers in the correct format so that they can make informed choices.
- That persons under the age of 18 are unable to access this type of product.

Visits were made to 12 premises across the county resulting in £28,000 worth of illegal vaping products being removed from the market place.

### Counterfeit Apple Products

£25,000 worth of Counterfeit Apple products were seized from five premises across the county.

Following a tip-off from members of the public, businesses across the county were visited by Cumbria Trading Standards, joined by representatives from the Apple Brand Holder.

A variety of counterfeit Apple merchandise was seized under Trade Marks Copyright, Design and Patents legislation. The goods included phones, batteries, chargers and power cables. There are real safety concerns regarding such items as they are responsible for many fires within the home. The items were destroyed.

### Counterfeit Tobacco

Seizures of counterfeit tobacco is not uncommon, 21/22 being no exception. 264,000 counterfeit cigarettes and 3 Kg of hand rolling tobacco was seized during the year resulting in 2 businesses finding themselves before the courts.

Illegal sales of tobacco in Cumbria have a huge impact on people's health.

When these counterfeit products are sold, considerably below the price of the legal product, they undermine the efforts to reduce the prevalence of smoking. They also encourage people who want to quit to maintain their habit.



### Dangerous Advent calendars

Hundreds of advent calendars were removed from the market place because the “fidget toy” they contained was found to contain high levels of a dangerous chemical.

Toys from the calendar showed excessive amounts of a chemical used in manufacturing to soften plastic.

This can cause possible damage to a child’s reproductive system.



### Disease Control /Animal Health & Feed Hygiene



#### Disease control

Much of the autumn and winter months was dominated by the Avian Influenza outbreak. Avian Influenza is a notifiable disease affecting both wild and farmed birds. Mortality is severe in birds which become affected. There was 3 confirmed cases of Avian Influenza in “Farmed” flocks of poultry in the county, this resulted in tens of thousands of hens being infected and subsequently slaughtered. Trading Standards is responsible for enforcing the strict bio security and movement restrictions in place at the time. We were also inundated with reports of poultry keepers not housing their birds as required by the legislation in place; all of which had to be investigated.



#### Animal Health

Animal Health during 2021/22 was dominated by a large scale complex investigation which resulted in a Cumbrian Farmer being fined over £20,000 for falsifying cattle identification documentation and not complying with animal medicines legislation.

Our officers have also had a busy year:

- Advising keepers of livestock to ensure they are complying with disease control rules, particularly Foot and Mouth and Tuberculosis.
- Investigate allegations of the abuse of livestock.
- Investigating breaches of animal by-products disposal rules.
- Checking animal movements for compliance with legislation.

### Feed Hygiene

The feed hygiene controls are primarily intended to safeguard animal and human health and apply to all businesses that make, use or market animal feeds. As well as feed mills, this also includes most livestock farms and arable farms that grow, use or sell crops for feed use.

Once again we participated in a Food Standards Agency funded initiative which saw premises, ranging from farms to feed manufacturers inspected for compliance with feed hygiene legislation. This generated an income of over £65,000.

38 feed samples were submitted to the public analyst to ensure they were as described, 9 samples were found to be unsatisfactory; investigations are continuing.



## Licensing- Petroleum/Explosives

### Petroleum

A certificate is required by law before petroleum spirit can be dispensed in a safe and legal manner. Filling stations ensure essential access to communities, business and visitors to Cumbria. Trading Standards Officers have carried out 98 inspections in the County during 2021-2022. The focus being the safe storage and supply of fuel. Any prescribed matters in relation to new tanks or pumps are checked by Trading Standards. Petroleum certificates generated an income of £14,000. The importance of ensuring high safety standards within our filling stations not only assist local people and tourists visiting Cumbria, it compliments the aims of the Borderland business transport agenda.



### Explosives

All of the 62 licensed explosives premises were inspected during 2021/22 to ensure that fireworks are stored and sold in a legal manner. All premises were found to be of a satisfactory standard.



## Business Advice/Primary Authority Partnerships

### Business advice

Business advice is essential in assisting Cumbrian based businesses thrive and grow in an increasingly competitive market place. During 2021/22 Trading Standards Officers provided business advice on 282 occasions. Much of this advice was given to new businesses following the loss of work caused by the Covid pandemic.

Trading Standards is an integral member of the newly established "Better Business for all" group. A multiagency group providing one stop shop advice to new and established businesses through webinars and "Meet the regulator" sessions.

We know trading standards regulations can be complex, but understanding and following them is essential for businesses to succeed.

Our Trading Standards officers are here to help, by providing tailored services to help develop businesses and comply with regulations. By using our services, businesses can invest in compliance confidently knowing they're receiving expert advice and support from those who enforce the legislation.

### Primary Authority

During the last year primary authority partnerships have continued to grow with more well-known Cumbrian businesses joining the scheme. There are now 18 in total. Primary Authority Partnerships offer a single point of contact for business with interest across the UK. It enables a business to form a legally recognised partnership with a single local authority. They receive robust and reliable regulatory advice which is recognised nationally, allows them to make appropriate business decisions, and provides cost recovery for the council.

This is vital to ensure Cumbrian businesses remain competitive and enhance employment opportunities.



## Metrology

Providing a legal metrology service has always been a core responsibility for local authority Trading Standards. It is easy to overlook the importance of weights and measures but fair and accurate measurement is vital to allow consumers and businesses to make informed choices with confidence. There are many businesses packing goods by weight/volume in Cumbria. Many of these businesses use complicated weighing and measuring equipment. These pieces of equipment are required by law to be checked for accuracy on a regular basis, ensuring consumers receive the quantity they pay for. Also regular checks are carried out on goods during the production process as depicted in the photograph below.



Other metrological testing includes petrol pumps, retail scales, spirit measuring equipment and bottle/container filling machines. If consumers have received 'short measure' they contact Trading Standards.

During the year we visited 275 (91% compliant) premises and either tested or examined equipment/goods, these can be broken down as follows:

Weighbridges	<b>54</b>
Licensed premises	<b>12</b>
Petrol retailers	<b>150</b>
Manufacturers/Packers	<b>25</b>
Other	<b>34</b>



## Safety of Sports Grounds

The service developed its capability in respect of Safety at Sports Grounds work as it has responsibility for issuing safety certificates for these premises.

This responsibility covers designated grounds which are sports grounds with a capacity of over 10,000 (5,000 for football).



We have 2 grounds which fall into this category:

- Carlisle United, Brunton Park, Carlisle (Football)
- Barrow AFC, Holker Street, Barrow-in-Furness (Football)

Other sports stadia with a covered stand with a capacity of over 500 standing or seated spectators also require a safety certificate, granted by the local authority

- Carlisle Racecourse (horse racing)
- Workington AFC, Borough Park, Workington (Football)

- Whitehaven RLFC, LEL Arena, Whitehaven (Rugby League)
- Workington RLFC, Derwent Park, Workington (Rugby League)
- Barrow Raiders RLFC, Craven Park, Barrow-in-Furness (Rugby)

All grounds received two visits during the year, a paper based audit of the systems in place plus a during event inspection, all grounds were found to be operating in a safe manner ensuring spectator safety.

Two notices were issued requiring clubs to restrict movement in areas of the grounds. Whitehaven RLFC had two side barriers that required testing, which they were and proved safe, and the notice was removed. Barrow Raiders RLFC had an unstable wall which continues to be under restriction until it is also certified safe by a competent person.

Where stadia or stands are used for alternative entertainment such as pop concerts they require special safety certificates again issued by the local authority. Two such events occurred during 2021/22, the County Council charges for these on a cost recovery basis.

## Publicity

- 21 radio interviews conducted
- 15 news release issued
- 11 interviews with the written media
- Over 500 interactions daily on both facebook and twitter.



## Enforcement Action

Formal enforcement action is generally only taken as a last resort when a trader has refused to remedy a contravention of the law or where there is evidence of fraud or reckless practice or in cases of significant economic detriment.



During 2021/22 the service:

- Prosecuted 6 businesses
- Issued 14 warning letters
- Issued 14 cease and desist letters

The 6 businesses subject of legal proceedings can be categorised as follows:

- 3 x Individuals prosecuted for selling counterfeit and illicit tobacco.
- 2 x Car traders prosecuted for selling an unroadworthy car
- 1 x farmer prosecuted for falsifying cattle identification documents

2 businesses received an official caution. These cautions remain on file and are an admission of guilt by the traders; they may be cited in a court of law should further contraventions occur.

14 businesses were issued warning letters, these included contraventions of Food Safety legislation, the sale of Illicit tobacco, Animal Health disease control breaches, breaches of age restricted product legislation and misleading advertising.

14 businesses were issued cease and desist notices. These were issued to mainly small scale sellers of counterfeit merchandise.

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## Contact details

e: [trading.standards@cumbria.gov.uk](mailto:trading.standards@cumbria.gov.uk)

w: [cumbria.gov.uk/tradingstandards](http://cumbria.gov.uk/tradingstandards)

t: 01539 713594



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