

North Yorkshire County Council

Business and Environmental Services

Executive Members

17 December 2021

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 Executive Member for Open for Business, Cllr. Derek Bastiman, on the use of the trading standards filter and matrix from 1 September 2020 to 31 August 2021.
- 1.2 To seek approval for the continued use of the filter and matrix.

2.0 Background to the report

- 2.1 The Corporate Director (BES) and BES Executive Members approved the filter and matrix on 27 February 2015, and it was implemented from 1 April 2015. It has been subject to minor amendments on a number of occasions. The last report was made on 18 December 2020. The current filter and matrix is produced as Appendix A to this report.
- 2.2 The filter and matrix was introduced to enable the Trading Standards Service (TSS) to manage and allocate reduced resources. The reduction in core budget of £784,000 between 2015/2016 and 2021/2022 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. However, 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 In recent years, the TSS has received around 7,000 consumer complaints per year via the Citizens Advice Consumer Service helpline, with 2018-19 recording the lowest number at 6,282. In contrast, the last two years have shown an upward trend with 7,297 complaints received between 1 September 2020 and 31 August 2021, and 6,475 received between 1 September 2019 and 31 August 2020.
- 3.2 The former downward trend was noted nationally over several years. It is believed that the ready availability of online advice for straightforward consumer enquiries, such as someone wanting to know what their statutory rights are before returning goods, and the ability to contact large retailers about complaints easily via their social media accounts is responsible for the reduction. It is notable that the downward trend has reversed since the beginning of the pandemic, with increases over the last two reporting periods largely attributable to coronavirus related complaints. Further analysis of these complaints is provided at paragraph 5.1 below.

- 3.3 Charts showing the number of complaints received, filtered, scored through the matrix and tasked for 1 September 2020 to 31 August 2021 are set out in Appendix B. Charts for the same period in both 2019-20 and 2018-19 are included for comparison purposes. There has been a significant increase in the overall number of complaints tasked to officers for intervention in both this and the preceding reporting periods compared to September 2018 – August 2019. In that period, 590 complaints were tasked, equating to 9% of complaints received (6,282). This increased the following year to 1,252 (19.3%), but has decreased during the current reporting period to 885 (12%).
- 3.4 There are two reasons for the increase in percentage of complaints tasked. Firstly, the majority of coronavirus related complaints were tasked to officers because of the public health risk. Secondly, the reduction in straightforward complaints as a result of consumers' self-help noted in paragraph 3.2 above means that a higher percentage of complaints received by the service warrant intervention. This situation will require further monitoring as we emerge fully from the effects of the pandemic, and if necessary for amendments to be made to the filter and matrix to maintain its efficacy.
- 3.5 In addition, approximately 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. A reduction has been noted during the pandemic with 1,051 service requests received between 1 September 2020 and 31 August 2021, and 1,105 service requests received between 1 September 2019 and 31 August 2020. This compares with 1,361 between the 1 September 2018 and 31 August 2019. The service offered free business advice during the pandemic until 1 October 2021 in order to support businesses through difficult trading conditions. However, the pandemic inevitably led to a reduction in new product launches and a reduction in overall trade for many sectors meaning there was a lower demand for proactive advice.

4.0 Proposed Amendments to the Filter and Matrix

- 4.1 It is not proposed that any changes be made to the filter or matrix this year. The pandemic has significantly affected service delivery priorities. However, the filter and matrix has worked appropriately for coronavirus related complaints as reported in section 5 below.
- 4.2 It was not considered that any amendments to the filter and matrix were required as we approached the end of the EU exit transition last year. This situation remains the same, and in fact the recognition period for EU conformity assessment marking (the CE mark) has been further extended to at least 1 January 2022. There is some uncertainty about this date following the publication of the Building Safety Bill without an end date. Should the recognition period end in January 2022 the shift to the equivalent UK mark should happen during the next reporting period and the situation, and the need for any consequential amendments, will be kept under review as the new regulatory landscape develops.

5.0 Impact of the Coronavirus Pandemic

- 5.1 Coronavirus related complaints fall into three categories broadly concerning;
- a. consumer rights in relation to goods and services that could not be delivered due to coronavirus restrictions,
 - b. problems with products such as face coverings, sanitiser and tests, and
 - c. alleged breaches of the business restrictions or Covid security requirements themselves.

- 5.1.1 Reporting ability in relation to Covid complaints is limited, and the numbers below will underreport to some extent. The sudden and temporary nature of the pandemic and its effects means reporting codes had to be added to the complaints system quickly and reactively, and they have not been able to capture every issue as it developed. The top five sectors or breaches that generated Covid related complaints during this reporting period were:

Nature of complaint	Sept 2020 – Aug 21	Sept 2019 – Aug 20
Business closures/restrictions	191	190
Holidays and other cancellations	35	115
Weddings	30	14
Medical & protective equipment	24	26
Other events	12	1

- 5.1.2 Complaint numbers for September 2019 to August 2020 are included for comparison purposes. It should be noted that both weddings and other events are likely to have been included in the figure for holidays and other cancellations initially as reporting ability was particularly limited at the beginning of the pandemic. Whilst the substance of closures and cancellation complaints is the same, it is worth noting that the nature of products falling into the medical and protective equipment category has changed. Twenty-four complaints in 19/20 related to face masks or coverings whilst this had dropped to 15 in 20/21, with test kits becoming a recent source of complaints with 6 logged to date.

- 5.1.3 At the beginning of the pandemic, a protocol was agreed with all the district council environmental health services to agree a division of responsibilities in respect of different types of premises and so ensure a consistent and comprehensive approach to complaints response. This protocol was used very constructively throughout the business restrictions period, and helped build good working relationships to carry forward into reorganisation.

- 5.2 Dip sampling of complaints shows that the filter and matrix was effective, and that complaints which would have been expected to be tasked for reasons of safety and protecting the health of residents and others, were allocated and led to interventions.

- 5.3 Although complaint numbers increased as a result of the pandemic, tables 1 and 2 in appendix B show a consistent pattern of peak months across the year. This continues to be consistent with earlier years. The only exception was April 2020, which dropped more than would have been expected in a typical year as a consequence of the first lockdown.

6.0 Equalities

- 6.1 It is the view of officers that there are no equalities implications arising from the recommendations. A decision record sheet covering the decision not to complete an equalities impact assessment in relation to the introduction of the filter and matrix is attached as appendix C.

7.0 Financial

- 7.1 There are no significant financial implications for the County Council arising from the recommendations.

8.0 Legal

- 8.1 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.

9.0 Climate Change

- 9.1 Consideration has been given to the potential for any climate impacts arising from the recommendation. It is the view of officers that the recommendation has a neutral impact on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030 and a copy of the Climate change impact assessment screening form is attached as appendix D.

10.0 Recommendations

- 10.1 That the Corporate Director (BES) in consultation with the Executive Member for Open to Business, Cllr. Derek Bastiman, note the contents of this report and approve the continued use of the filter and matrix.
- 10.2 Subject to such approval, that the TSS reports on the use of the filter and matrix to the Corporate Director (BES) and the Executive Member for Open to Business in December 2022.

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

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

Background Documents: None

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	No risk of harm/injury	Low risk of harm/injury	Risk or reports of minor harm/injury	Risk or reports of major harm/injury		
Vulnerable Consumer/ Aggressive Practices	No indication of vulnerability /aggression	Low indication of vulnerability /potential aggressive practice	Vulnerable persons affected/ aggressive practice used	Vulnerable persons specifically targeted/ aggressive practice targeted at vulnerabilities		
Financial Detriment (include wider economic impact)	No financial detriment	Total value estimated at less than £1,000	Total value estimated at £1,000 to £10,000	Total value estimated at over £10,000		
Environmental Impact	Impacts climate change score 5	Impacts ecosystem quality score 5	Impacts resources score 5	Impacts human health score 5		
Animal Welfare	No risk to animal welfare	Low harm/risk score 5	Medium harm/risk score 10	Major harm/risk score 25		APPLY ANIMAL WELFARE ASSESSMENT CRITERIA
Animal Disease Risk	No animal disease risk	Low animal disease risk	Risk or reports of minor disease issues	Risk or reports of major disease issues		
Reputational Risk	No media or public interest	Low media or public interest	Corporate priority or some media or public interest	Significant media or public interest		
Trader Profile (divisor of 2 applies for Primary Authorities)	No longer trading	Single outlet or local online presence	Multiple outlets or reach	National or international chain of outlets or trading website		
Trader History	Positive history	No known history	3 or fewer justified complaints in 12 months	Relevant previous convictions, cautions, more than 3 justified complaints in 12 months or on-going investigation		

SCORING **0 - NFA** **1-13 - Monitor/NFA** **14-22 – Advise** **23+ - Investigate**

ANIMAL WELFARE ASSESSMENT CRITERIA

To determine the matrix score for the 'Animal Welfare' category use the following criteria. If the relevant condition is not listed, professional judgment should be used to match to an equivalent level of severity.

MINOR HARM/RISK	SCORE 5
Uncorroborated reports from walkers of lame animals in fields.	
MEDIUM HARM/RISK	SCORE 10
Abscess (single)	
In-growing horn (no broken skin)	
Lameness (partial weight-bearing)	
Referral from another agency re lameness	
Rupture (single)	
Tail biting	
HIGH HARM/RISK	SCORE 25
Abscess (multiple)	
In-growing horn (broken skin)	
Lameness (severe)	
Rupture (multiple)	
Tail biting (severe, multiple animals)	

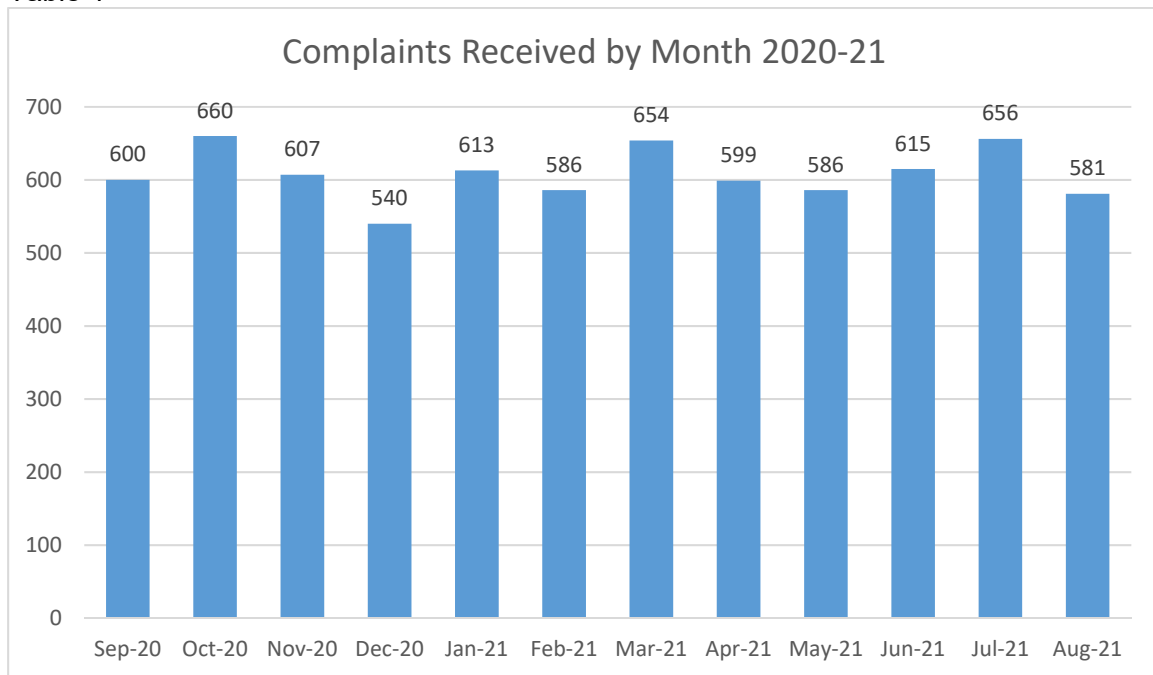
HEALTH & SAFETY EXECUTIVE ENFORCEMENT MANAGEMENT MODEL

SERIOUS PERSONAL INJURY/SERIOUS HEALTH EFFECT
It is credible that a fatal injury could occur.
It is credible that an injury could occur that results in a permanent or irreversible disabling condition, or requires immediate treatment in hospital.
It is credible that a health effect could occur that causes a permanent, progressive or irreversible condition.
It is credible that a health effect could occur that causes permanent disabling, leading to a lifelong restriction of work capability or a major reduction in quality of life.

COMPLAINTS RECEIVED AND TASKED

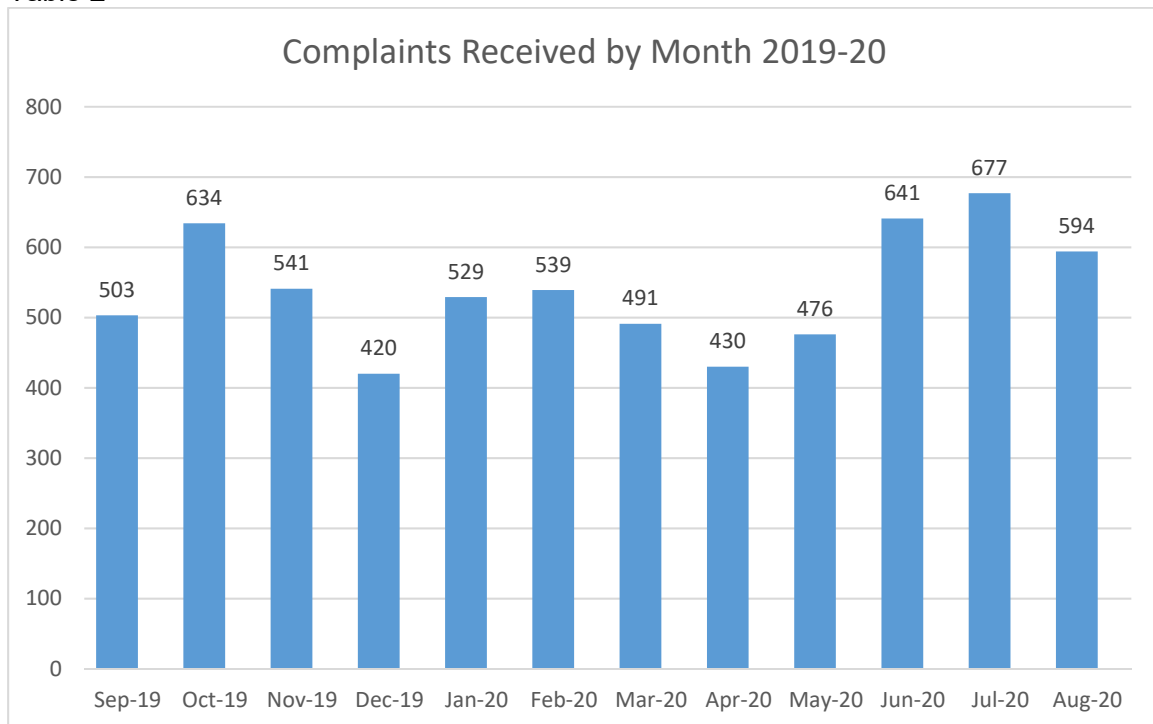
The total complaints received from 1 September 2020 to 31 August 2021 was 7,297, with monthly totals shown in table 1 below.

Table 1



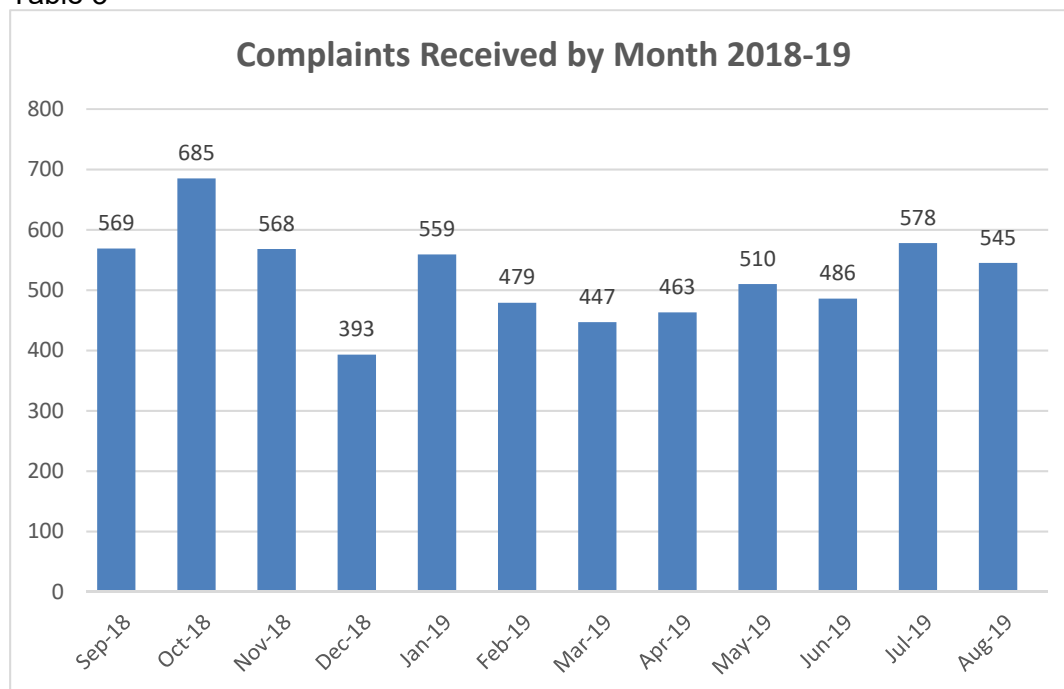
6,475 complaints were received from 1 September 2019 to 31 August 2020, with monthly totals shown in table 2 below.

Table 2



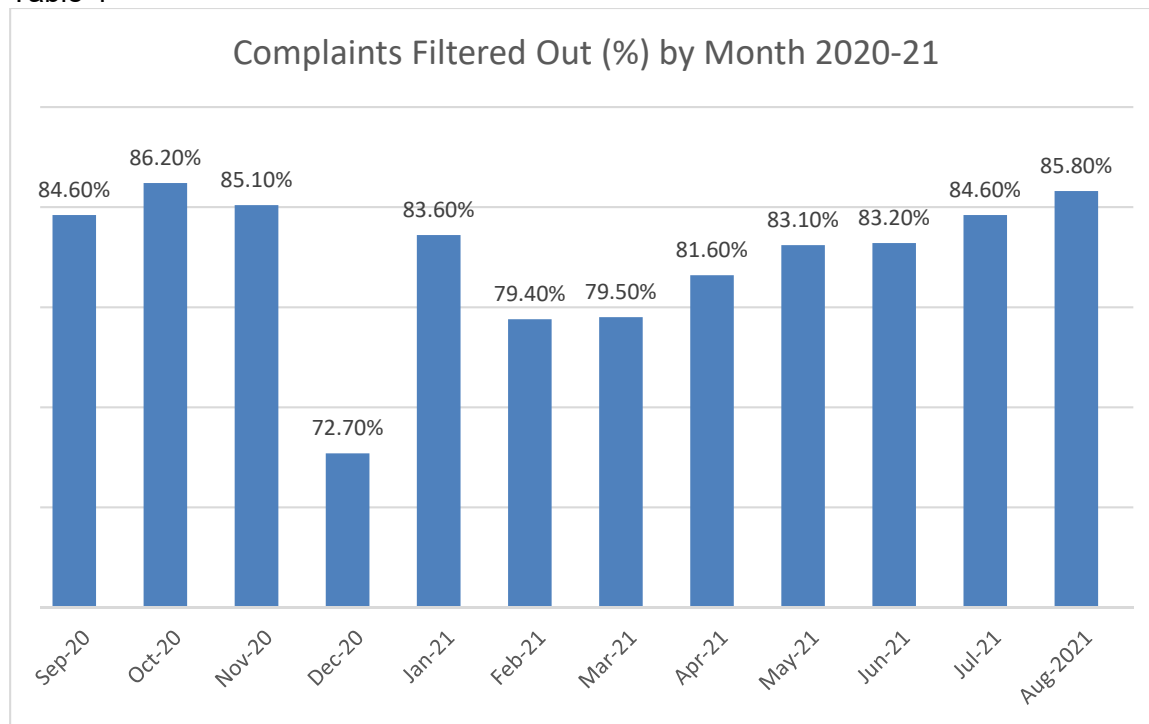
6,282 complaints received from 1 September 2018 to 31 August 2019, with monthly totals shown in table 3 below.

Table 3



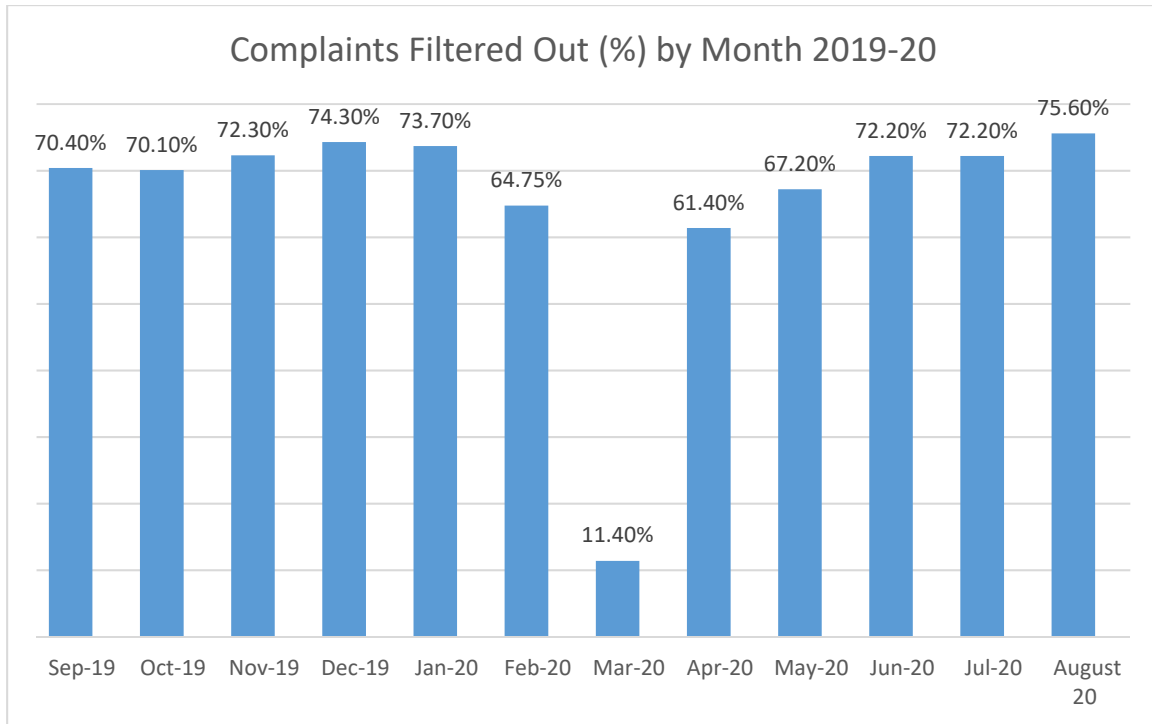
6,020 (82%) of the 7,297 complaints received during September 2020 – August 2021 were filtered out. The percentage of complaints filtered out by month is shown in table 4 below.

Table 4



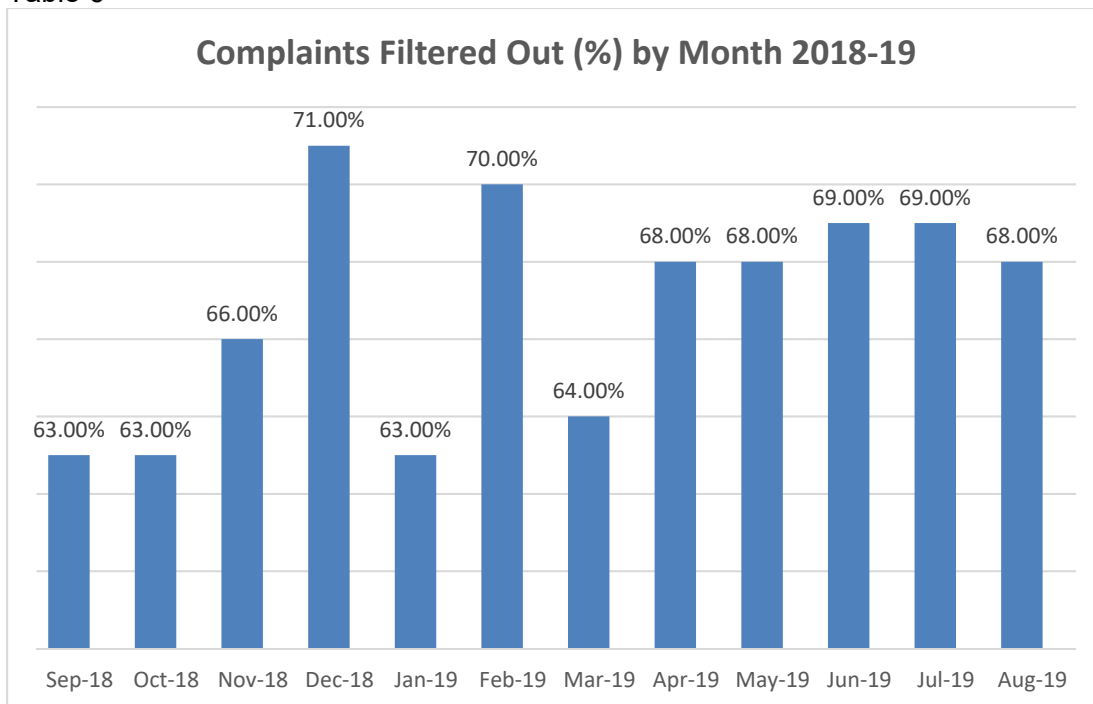
4,606 (71%) of the 6,475 complaints received in 2019-20 were filtered out, with monthly percentages shown in table 5 below.

Table 5



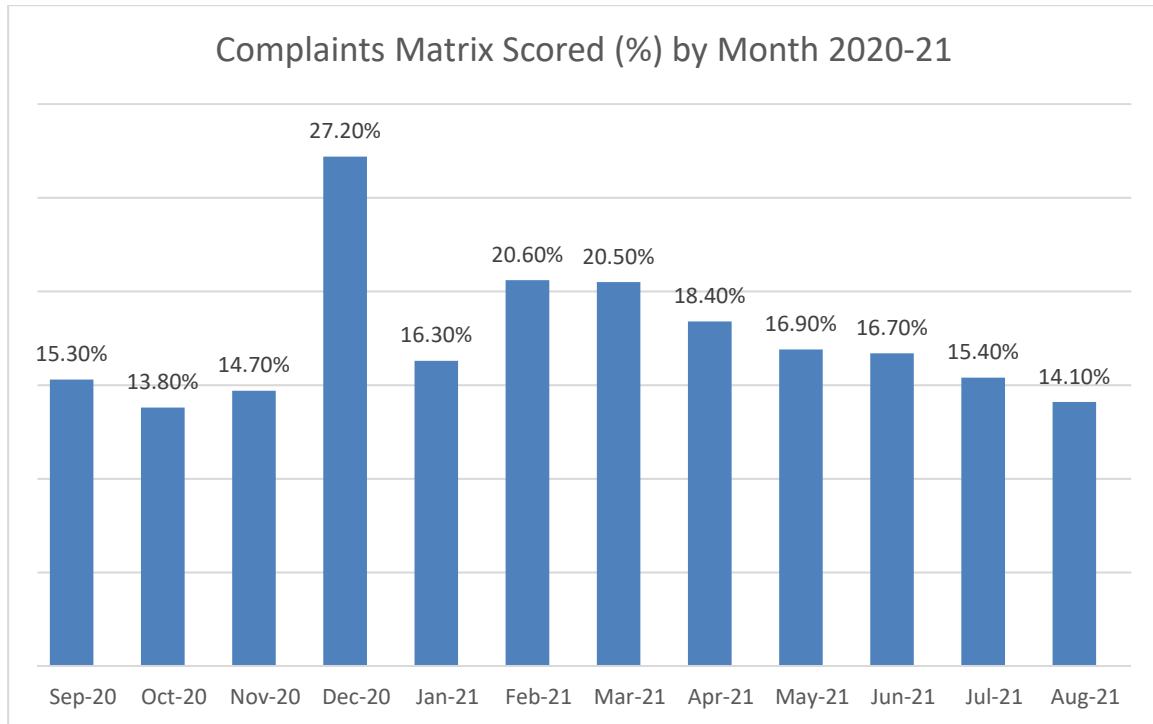
4,171 (66%) of the 6,282 complaints received in 2018-19 were filtered out, with monthly percentages shown in table 6 below.

Table 6



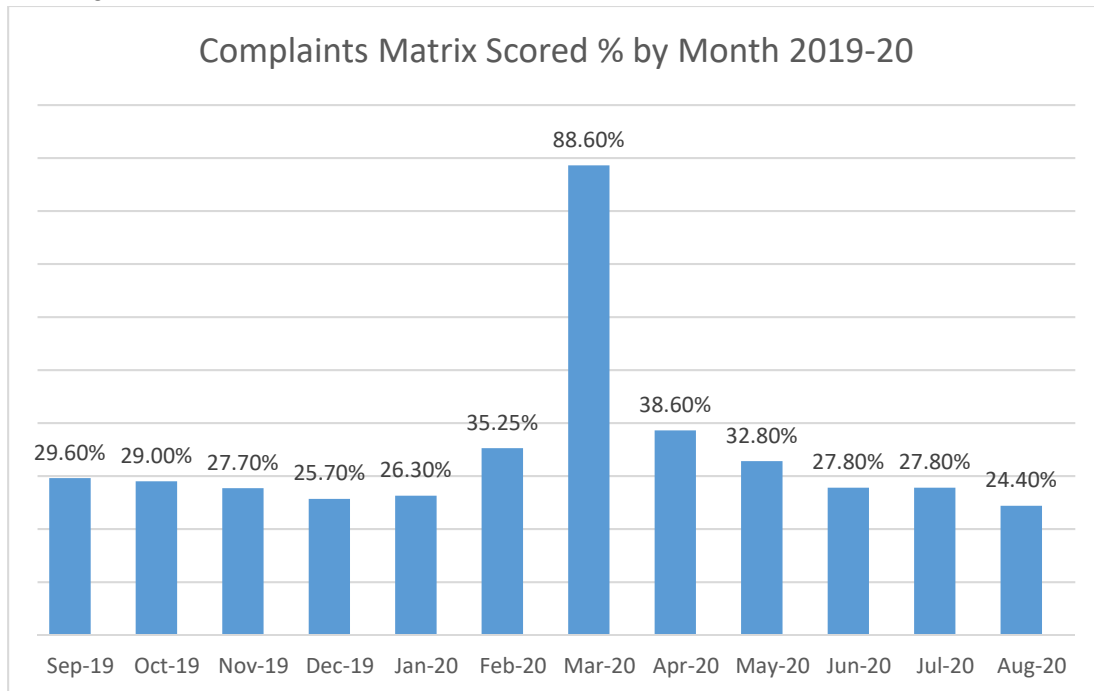
1,277 complaints (18%) passed through the filter and were matrix scored. The percentage of complaints scored each month is shown in table 7 below.

Table 7



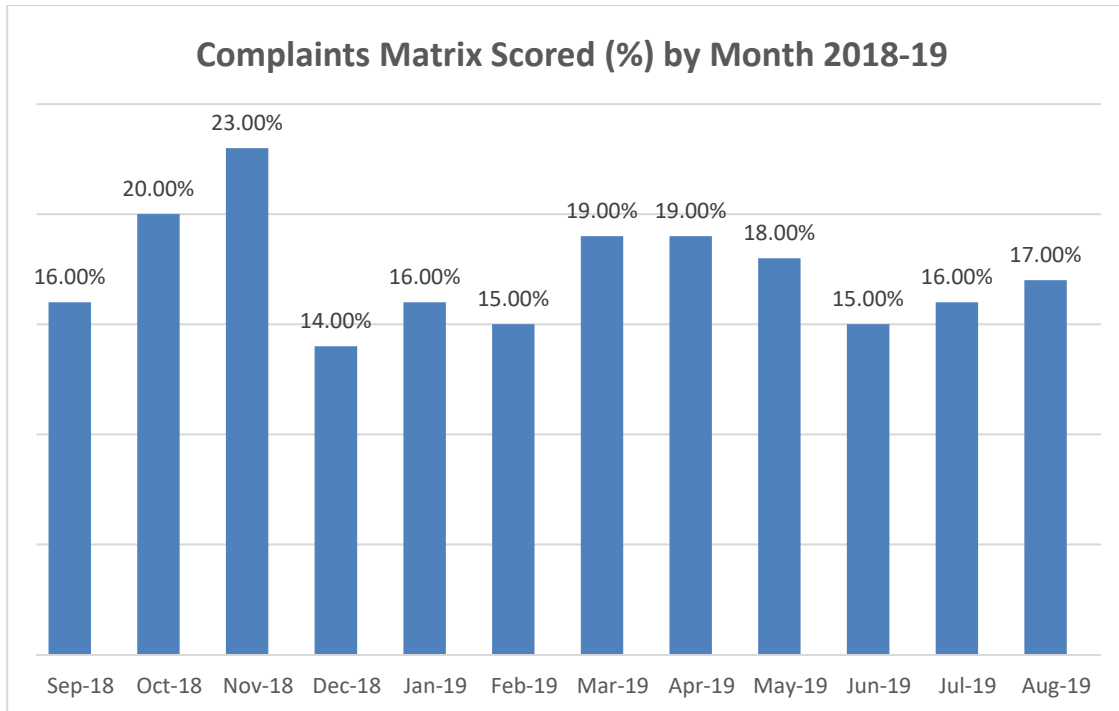
1,869 complaints (29%) passed and were scored in 2019-20, with the percentage scored each month shown in table 8 below.

Table 8



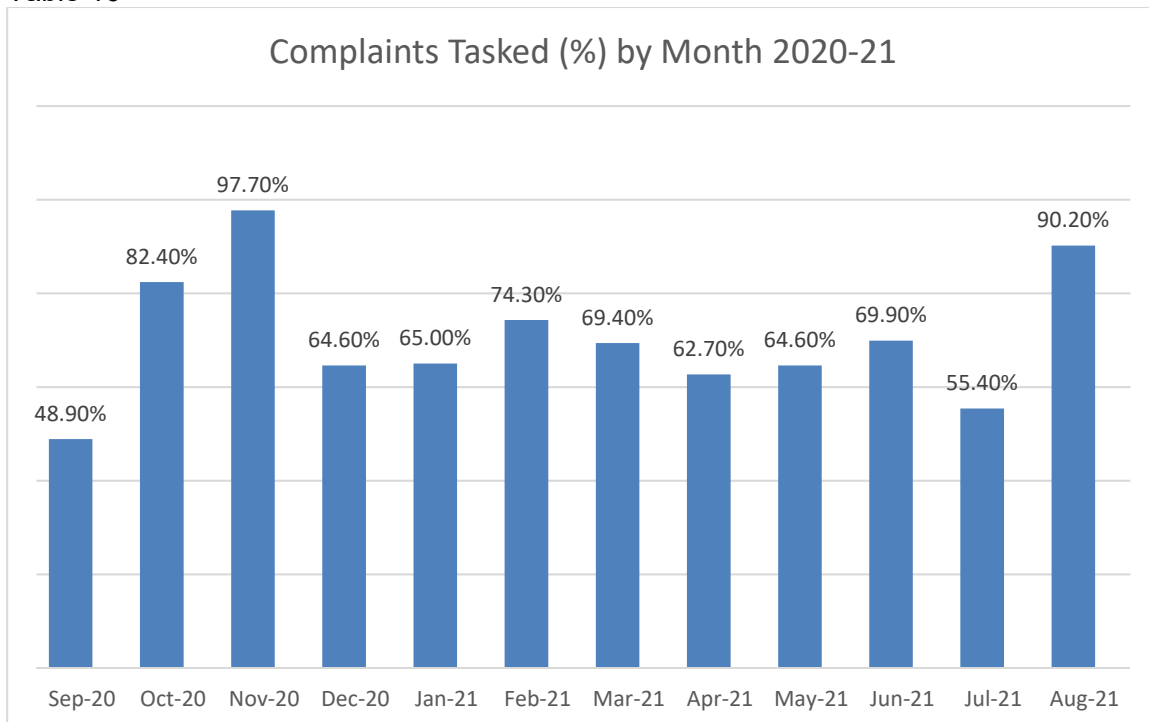
1,093 (17%) passed and were scored in 2018-19, with the percentage scored each month shown in table 9 below.

Table 9



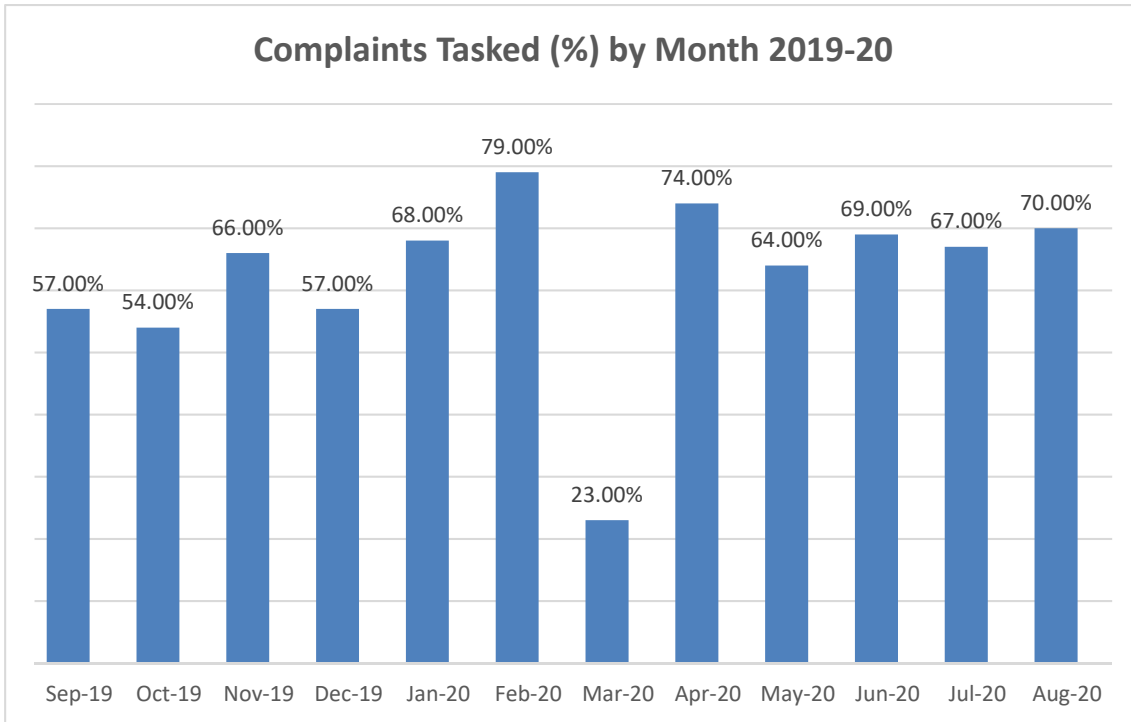
885 (69%) of the 1,277 scored complaints were tasked. The percentage of scored complaints tasked each month is shown in table 10 below.

Table 10



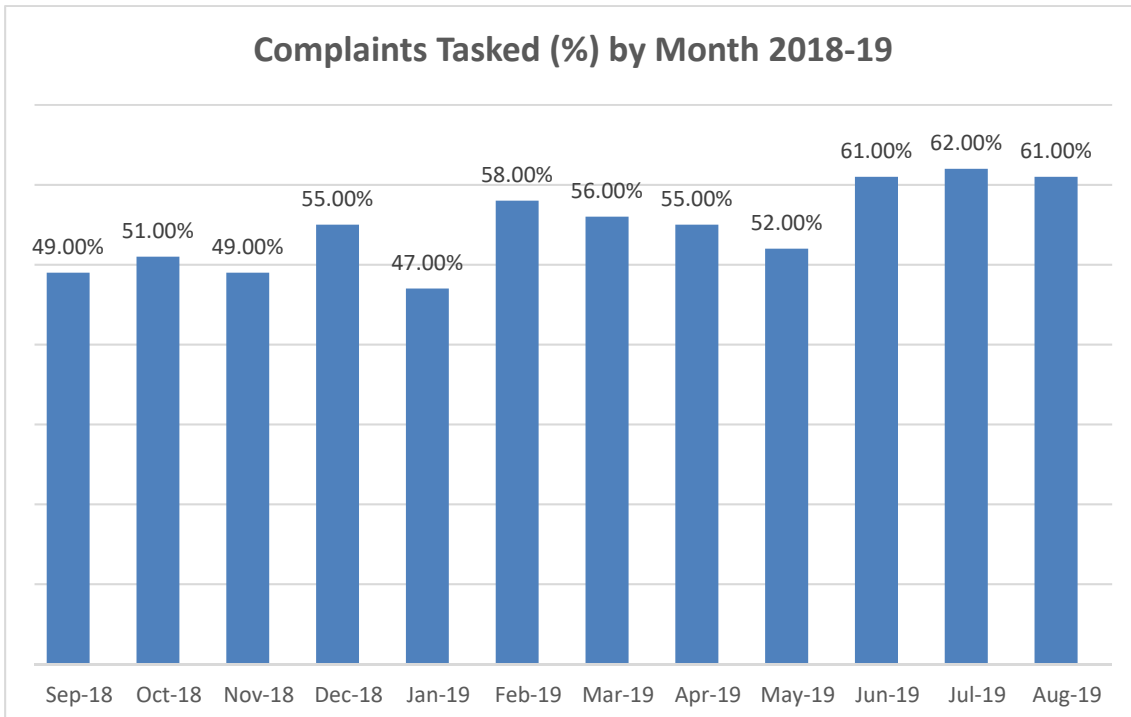
1,252 (67%) of the 1,869 scored complaints were tasked in 2019-20, with the monthly percentage shown in table 11 below.

Table 11



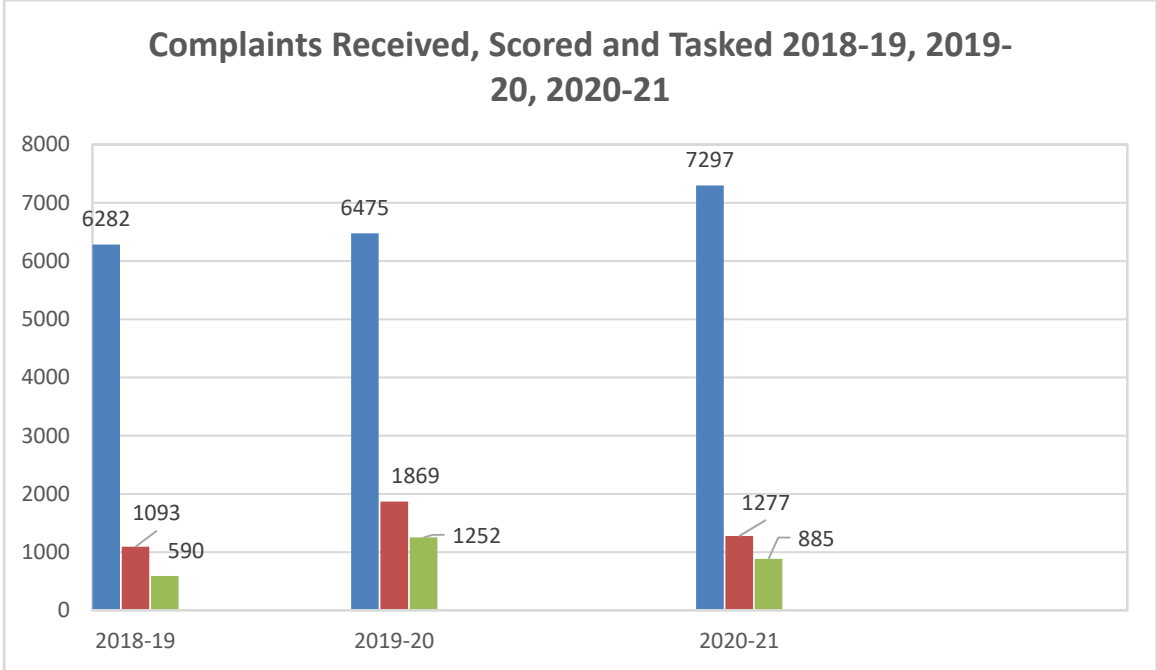
590 (54%) of 1,093 scored complaints were tasked in 2018-19, with the monthly percentage shown in table 12 below.

Table 12



A comparison of complaints received, scored and tasked over the last three reporting periods is produced as table 13 below.

Table 13



Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA:')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	BES		
Service area	Trading Standards		
Proposal being screened	Trading Standards Tasking Filter and Matrix		
Officer(s) carrying out screening	Jo Bouflower		
What are you proposing to do?	To report on the use and effectiveness of the Trading Standards tasking filter and matrix.		
Why are you proposing this? What are the desired outcomes?	The filter and matrix was introduced to ensure that as the trading standards budget was reduced resources were properly and consistently allocated. Reporting annually provides oversight and helps to ensure that the filter and matrix is still fit for purpose.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No. The available resources are unaffected by this decision although it would result in those resources being allocated differently. The purpose of this is to make their deployment more effective and for the benefit of North Yorkshire residents.		
Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <u>Equality rep</u> for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	

NYCC additional characteristic				
People in rural areas		X		
People on a low income		X		
Carer (unpaid family or friend)		X		
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.			
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No.			
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:	
Reason for decision	The revised policy is being put in place to ensure NYCC resources are allocated in a transparent and consistent manner and to the benefit of North Yorkshire residents.			
Signed (Assistant Director or equivalent)	Matt O'Neill			
Date	24/11/21			



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Trading Standards Tasking Filter and Matrix
Brief description of proposal	Annual report on the use of the trading standards tasking filter and matrix with no recommendation for any amendments
Directorate	BES
Service area	Growth, Planning and Trading Standards
Lead officer	Jo Boutflower
Names and roles of other people involved in carrying out the impact assessment	N/A
Date impact assessment started	25/11/21

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No, the filter and matrix has been used by the service since 2015 to manage the allocation of resources to consumer complaints. Approval is sought for amendments to the filter and matrix is sought where the service has found it does not manage particular types of complaints appropriately. There is no such request this year as dip sampling has shown the filter and matrix to be working effectively across the range of trading standards' responsibilities.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

It is cost neutral – the purpose of the filter and matrix is to ensure that the service's resources are allocated in a consistent, transparent and effective way.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel	X				
	Emissions from construction	X				
	Emissions from running of buildings	X				
	Other	X				
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X				
<p>Reduce water consumption</p>		X				
<p>Minimise pollution (including air, land, water, light and noise)</p>		X				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance conservation and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		X				
<p>Other (please state below)</p>		X				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Although the filter and matrix does not directly affect the environment, the impact on the environment of any product or service complained about is part of the scoring matrix. Trading Standards does have enforcement responsibilities in relation to some environmental legislation and this element of the scoring matrix ensures that adequate resources are allocated to such complaints.

Sign off section

This climate change impact assessment was completed by:

Name	Jo Boutflower
Job title	Head of Business and Consumer Services
Service area	Trading Standards (GPTS)
Directorate	BES
Signature	J L Boutflower
Completion date	25/11/21

Authorised by relevant Assistant Director (signature):

Date: Matt O'Neill