

Agenda Item No.

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## **PROTECTIVE SERVICES – ANNUAL SERVICE REVIEW REPORT 2023/2024**

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**Report by:** Nigel Kerr, Head of Protective Services

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Wards Affected: N/A

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### **Purpose**

To present an overview of the Service, detail the service planning, change, and improvement work undertaken in 2023/24 and provide an assessment of performance to inform scrutiny and future service planning.

### **Recommendation(s)**

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The scrutiny committee is asked to:

- review the progress and performance of Protective Services for 2023/24 and the activity undertaken in 2024/25 to date;
- note the Service planning objectives for 2024/25 and the three-year direction of travel; and,
- consider and comment on the remodelled 'annual service review' report format.

### **Resource Implications**

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There are no resource implications arising from this report.

### **Legal & Risk Implications**

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There are risks in not meeting Best Value requirements that can lead to additional monitoring/audit, external intervention, and/or loss of public confidence.

### **Impact Assessment**

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An EqIA is not required as this report does not propose any changes to policies or services.

### **Consultation**

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Consultation is not required as the report does not propose a change to existing policies and practices.

## 1.0 Purpose of this report

- 1.1 This is the Protective Services Annual Review for 2023-24. It looks back over the previous year and assesses how the service has performed in relation to its priorities and challenges and looks forward to the changes and improvements that need to be considered next and the Service's priorities for the next 12 months.
- 1.2 In the report you will find
- An overview of the Service's roles and responsibilities
  - Budget and workforce information to put service delivery into context
  - The key priorities the Service has been working to and how these relate to the Plan for Fife and council reforms
  - An assessment of how the service has performed in relation to these priorities
  - Objectives and themes for service delivery, change, and/or improvement going forward
  - Case studies showing examples of best practice and Service improvement.
- This information is then used to inform annual service planning and the strategic direction of the service over the next three years.
- 1.3 This approach to annual review and reporting is part of the Council's updated public performance reporting and scrutiny arrangements. More information on that and how the Council performs and compares with other local authorities can be found online here [www.fife.gov.uk/performance](http://www.fife.gov.uk/performance)
- 1.4 Performance information and related case studies for Environment and Building Services will be available online. [www.fife.gov.uk/performance](http://www.fife.gov.uk/performance)

## 2.0 Service Overview

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### Key role and responsibilities 2023/24

#### Environmental Health (Food and Workplace Safety)

- 2.1 The key areas of activity undertaken by the Environmental Health (Food and Workplace Safety) Team include:
- Food Law
- Food Safety inspections and interventions covering food law (including food hygiene and food standards) within food retailers, caterers, suppliers, manufacturers, and events etc.
- Approval of Establishments handling food of animal origin.
- Investigation of food complaints and complaints against food businesses and practices.
- Health and Safety
- Health & Safety inspections and interventions in a range of workplaces, public places, and events.
- Investigation of workplace accidents to employees and the public, and complaints against premises and practices, whose work activities fall within local authority jurisdiction.

### Licensing

Inspection for licensing of businesses (i.e., Street Traders, Late Hours Catering, Public Entertainment, Tattooing & Piercing, Cinema and issuing of Section 50 Food Hygiene Certificates etc.).

### Port Health

Inspection of Ships and the issuing of Ship Sanitation Certificates.

### Communicable Diseases

In association with the National Health Service Fife, the Council co-ordinate and undertake the investigation and control of communicable disease.

### Commercial Waste Duty of Care

Inspections and interventions of businesses and investigations of concerns in relation to waste duty of care.

## **Environmental Health (Public and Environmental Protection)**

- 2.2 The key areas of activity undertaken by the Environmental Health (Public and Environmental Protection) Team include:

### Statutory Nuisance

Investigating complaints relating to matters which could constitute a statutory nuisance including noise, odour and light. Undertaking enforcement action. Providing consultation responses in relation to planning applications.

### Animal Licensing

Licensing of establishments involved in animal boarding, dog / cat / rabbit breeding, dog day care, horse riding, performing animals, zoo activities and the keeping of dangerous wild animals. Undertaking inspections to ensure establishments meet relevant standards.

### Animal Health and Welfare

Inspection of farms, markets and shows. Investigation of complaints relating to animal cruelty. Assisting in the control of the spread of animal disease

### Air Quality

Monitoring and assessment of air quality across Fife. Producing regular reports. Taking action where air quality does not meet legal standards.

### Contaminated Land

Inspection and remediation of contaminated land. Working with others to make contaminated land safe and usable.

### Private Housing Standards

Inspection of Private Housing to ensure compliance with relevant standards. Investigation of complaints and enforcement of relevant standards relating to Private Housing. Provision of advice.

### Caravan Site Licensing

Licensing of Caravan sites across Fife. Undertaking inspections, reviewing application paperwork and similar to ensure relevant standards and conditions are met.

### Private Water Supplies

Investigation / testing of Private Water Supplies. Provision of advice in relation to Private Water Supplies and water quality / safety.

### Alcohol Licensing

Monitoring compliance with alcohol related licences and investigation of complaints. Providing comments on alcohol related licence applications. Attendance at Licensing Board meetings.

## **Trading Standards**

- 2.3 Trading Standards play a crucial role in ensuring a fair and safe environment for consumers and businesses through education, advice, enforcement and collaborative working.

The key areas of activity undertaken by the Trading Standards Team include:

### Domestic Fraud

Includes Doorstep Crime and the prevention and enforcement of Scams.

### Intellectual Property

Predominantly the trade in counterfeit goods and illicit tobacco and its impact on consumer safety, legitimate business, and funding of Organised Crime Groups.

### Fair Trading

Enforcing laws to protect consumers and legitimate businesses against dishonest trade and criminal enterprise which includes the pricing and description of goods and services, e-commerce (distance selling), various Net Zero policy areas. It also covers the advertising, displaying and selling of new and used motor vehicles.

### Legal Metrology

As the local weights and measures authority we have a duty to enforce various statutes. We are responsible for ensuring the accuracy of weights and measures in use for trade, which ranges from the testing of pub measures and shop scales to fuel pumps and 50 tonne weighbridges.

### Product Safety

Include explosives and petroleum licensing. Trading Standards have a duty to undertake Market Surveillance to ensure that consumer products are safe

### Tobacco and Age Restricted Products

Includes the regulation of tobacco and age restricted products including vapes. Undertaking enforcement activities in relation to age restricted sales and illegal products.

### Trusted Trader Scheme

Operation of the Fife Trusted Trader Scheme [Fife Trusted Trader Scheme | Fife Trading Standards](#)

## **Building Standards and Public Safety**

2.4 The team's key areas of responsibility include:

### Building Standards

Processing of building warrant applications, completion certificates and associated inspections.

Enforcement relating to unauthorised building work.

### Public Safety Enforcement

Enforcement action relating to dangerous or defective buildings.

Out of hours service to provide an emergency response to any potentially dangerous buildings reported outwith normal office hours.

### Public Safety Licensing

Inspection of Houses in Multiple Occupation (HMO) prior to licence application decision by Housing Services.

Investigation work and enforcement relating to potentially unlicensed HMO premises.

Inspection of HMO premises during the licence period to check that conditions are being met.

Consultation partner to Housing Services prior to determination of Short Term Let (STL) licence applications.

Investigation of complaints relating to STL premises.

Inspections and issuing licences for raised structures under section 89 of the Civic Government (Scotland) Act 1982.

Inspections and issuing safety certificates under the Safety of Sports Ground Act 1975.

## **Budget Breakdown 2023/24**

- 2.5 Protective Service's budget overview is set out in Table One below. The substantial expenditure is on staffing. Income is essentially through building warrant applications and licence related applications, both statutory and non-statutory. Application income is monitored monthly and can be subject to volatility, for example where there is an economic downturn particularly related to housebuilding. Overall there was a net underspend of (£0.532m); this was associated with a large number of vacancies and over-recovery of Building Warrant income.
- 2.6 Budget savings achieved over the past decade have mainly been through staffing reductions particularly over the period 2010 to 2019, as well as reductions in sampling costs to achieve permanent savings.
- 2.7 Budget pressures remain and are mitigated where possible. Pressures relate to new and unfunded duties placed on Environmental Health (EH) and Trading Standards (TS) through the Scottish Government. The LGBF report (2022/23) identified that there has been a 26% reduction in EH & TS spending in real terms nationally since 2010/11; one of the highest reductions in Council service areas.

**Table 1 – Protective Services Budget**

	Net Expenditure by Business Area	Provisional Outturn	Variance	Budgeted FTE by Business Area
	23/24	23/24	23/24	23/24
	£m	£m	£m	FTE
Protective Services Administration	0.143	0.135	-0.007	1.00
Building Standards & Public Safety	-0.477	-1.058	-0.581	44.00
Environmental Health (Food & Workplace Safety)	1.204	1.164	-0.040	25.33
Environmental Health (Public Protection)	1.247	1.309	0.063	22.00
Trading Standards	0.859	0.892	0.033	18.17
<b>Total Net Expenditure</b>	<b>2.975</b>	<b>2.443</b>	<b>-0.532</b>	<b>110.50</b>
	Gross Expenditure	Provisional Outturn	Variance	
	23/24	23/24	23/24	
	£m	£m	£m	
Employee Costs	5.295	5.332	0.038	
Premises related expenditure	0.047	0.517	0.471	
Transport Related Expenditure	0.135	0.118	-0.017	
Supplies and Services	0.546	0.646	0.100	
Third Party Payments	0.088	0.042	-0.046	
Transfer Payments	0.011	0.003	-0.008	
Support Services Charges	0.000	0.001	0.001	
	<b>6.121</b>	<b>6.659</b>	<b>0.538</b>	
	Gross Income	Provisional Outturn	Variance	
	23/24	23/24	23/24	
	£m	£m	£m	
Internal Income	-0.772	-0.803	-0.031	
External Income	-2.374	-3.413	-1.039	
	<b>-3.146</b>	<b>-4.217</b>	<b>-1.070</b>	

## 2.8 Environmental Health (Food and Workplace Safety) -

The Environmental Health (Food and Workplace Safety) Team managed budget for its various regulatory activities amounts to approximately £1.204m for 2023-24. The budget includes staffing costs (over 90%), travel, equipment, training, post and printing, vehicles (two vans), and other consumable expenses.

## 2.9 Environmental Health (Public and Environmental Protection) -

The Environmental Health (Public and Environmental Protection) Team managed budget for its various regulatory activities amounts to approximately £0.721m for 2023-24. The budget includes staffing costs, travel, equipment, training, post and printing, vehicles (one van) and other consumable expenses.

The Land and Air Quality Team within Environmental Health (Public and Environmental Protection) Team managed capital budget for contaminated land remediation of £0.5m for 2023-24 and revenue budget for air quality and contaminated land is £0.388m for 2023-24.

## 2.10 Trading Standards -

The Trading Standards Team managed budget for its various regulatory and intervention activities amounts to approximately £0.859m for 2023-24. The budget includes staffing costs, travel, equipment, training, printing, vehicles (two vans), buildings (lab and storage unit), and other consumable expenses.

There is also a budget for the metrology laboratory in Markinch, Fife Trusted Trader Scheme and the Weighbridge Test Unit (WTU). The WTU service was reviewed due to affordability issues raised and it was agreed between the 15 Scottish LA consortium members to cease the service at the end of March 2024.

## 2.11 Building Standards and Public Safety –

The total Building Standards & Public Safety team budget for 2023-24 was (£2.313m) income and £1.775m expenditure.

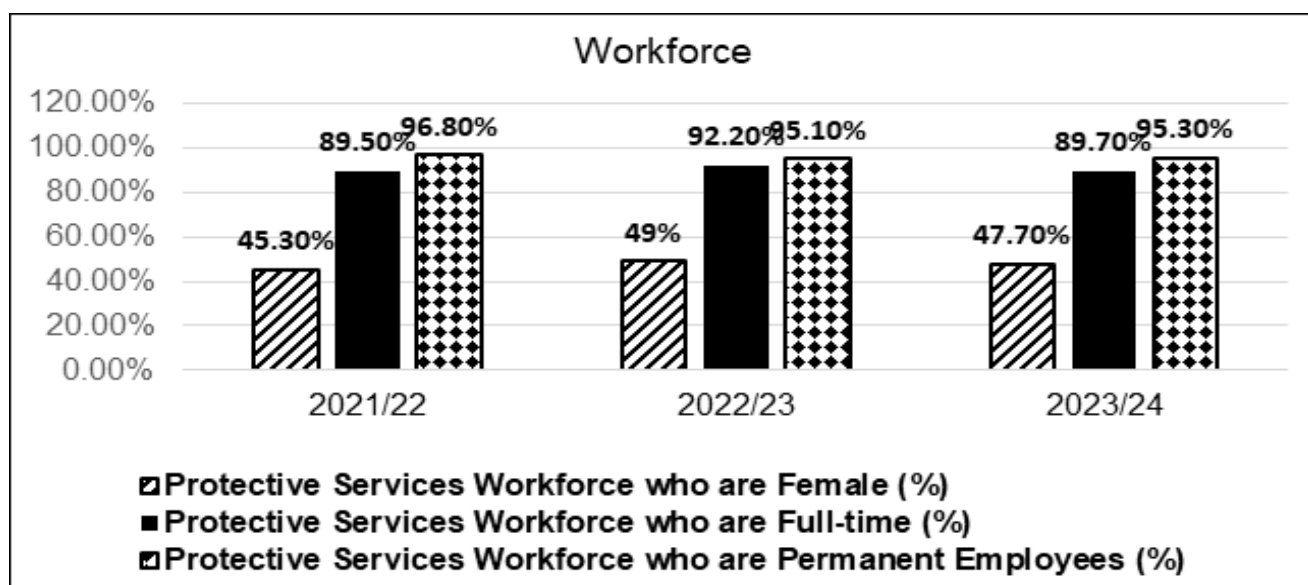
Total verification fee income for 2023-24 was (£2.453m) and the total cost of the verification service (including staff costs + 30% overheads) was £1.552m. This means that the total verification income was 158% of the total costs, the Scottish Government target is 130%.

The Scottish Government has increased building warrant fees and further increases are planned over the next two years. This is to fund additional verification staff as the lessons learned from Grenfell and other building failures are implemented in Scotland. Most of the current underspend below Scottish Government expectations is due to being unable to recruit Building Standards Surveyors or other levels of case officer. Scottish Government modelling currently suggests that the verification team in Fife should have an additional 8 staff over the current level.

## Workforce profile 2023/24

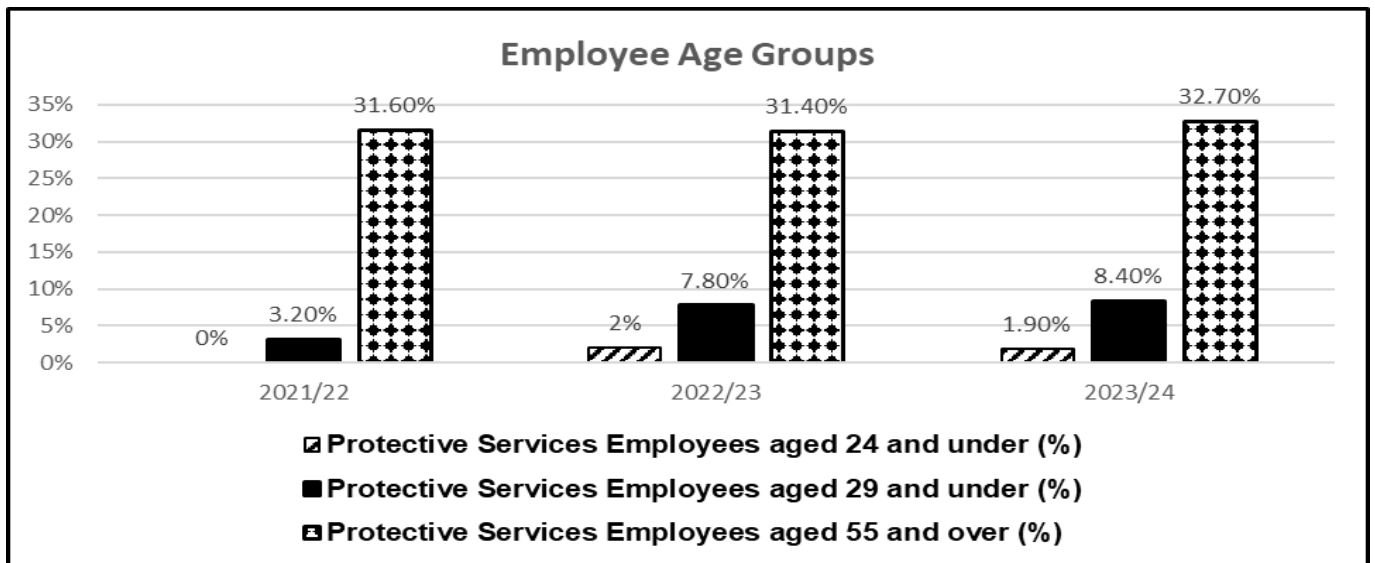
2.12 The workforce comprises 102.5 full-time equivalent (FTE) roles – employing 106 people in total. Table Two below details some of the key measures of the Service's workforce.

**Table Two: Workforce Details**



2.13 Over the past few years the Service has had a focus on growing staff at an early stage of their career, including students, trainees and modern apprentices. One of the outcomes from this is a positive trend towards a more diverse workforce in respect of age. Table Three below demonstrates that whilst the workforce has a high percentage of staff aged 55 and over there has been an increase in younger age groups.

**Table Three: Service Employee Age Range**



- 2.14 The Service People Plan/Workforce Strategy has created opportunities for a younger workforce, achieved through several routes. Protective Services undertook a review of staff development to support a 'Grow your own' initiative. A Service policy related to Continued Professional Development (CPD) was created to help drive this forward. This policy was sent to the Trade Unions in February 2024, and was launched Service wide by the Head of Service at an All Staff meeting on 6 March 2024. This will help utilise the alternative pathways to qualifying as an Environmental Health Officer or Food Safety Officer that have been recently created by the professional body, the Royal Environmental Health Institute of Scotland (REHIS).
- 2.15 In 2023/24 there was challenges in recruiting Environmental Health Officers, however a recruitment campaign by the Environmental Health (Food & Workplace Safety) Team for Environmental Health Technicians in November 2023 was very successful. As a result, four rather than two Environmental Health Technicians were recruited, along with making a temporary Enforcement Officer permanent. This was achieved by utilising the existing team staffing budget. This presented an opportunity to develop and trial an alternative delivery model to help ensure service delivery of regulatory activities while making the best use of available resources. This approach enables authorised Environmental Health Officers and Food Safety Officers to focus on higher risk activities.
- 2.16 Feedback from early engagement with Food Standards Scotland was positive and resulted in their official support being given in April 2024, to develop and trial an alternative delivery model for food law activities; this will be further developed and implemented during 2024/25.
- 2.17 The Trading Standards team has been unsuccessful in recruiting qualified officers, Trading Standards Officers (TSO), for several years. The number of Trading Standards Officers in the team has steadily declined over the years, so in 2020 a decision was made to recruit 2 Trainee Trading Standards Officers and 'Grow your own' as there were 2 vacant posts. The Chartered Trading Standards Institute has a qualification framework which must be completed to become a Trading Standards Officer. By March 2024 both trainees were preparing to sit their final exams in May 2024. [It is anticipated that the 2 vacant posts will be filled by them later in 2024 giving us 3 operational TSOs].



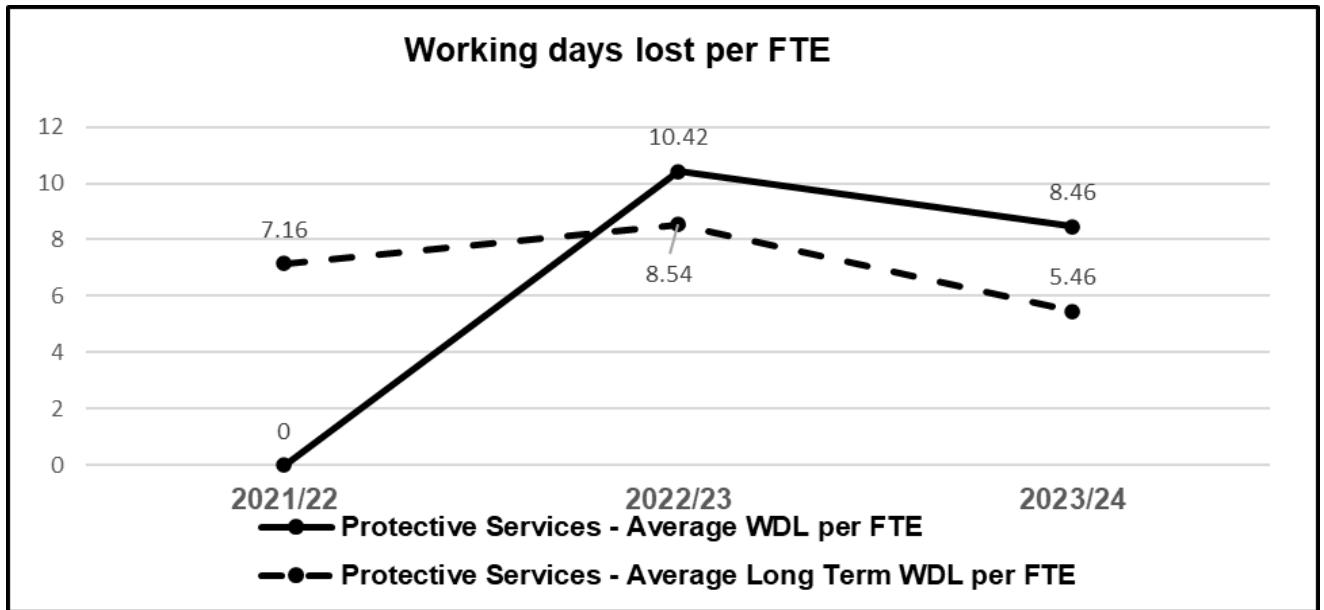
- 2.18 There continues to be a shortage of qualified officers (TSOs) across Scotland. **The Trading Standards workforce survey for 2023** showed that there was a further reduction to capacity resulting in a 1% reduction in establishment since 2021 and over 50% since 2002 when Audit Scotland first noted concerns over the viability of this local authority service, which is critical in protecting Scotland's consumers and supporting Scotland's businesses. In addition, the number of vacant posts has decreased by almost 50% in the past 4 years due to budget constraints and posts being deleted when they can't be filled.
- 2.19 There are now 21 councils whose Trading Standards Service has 8 or fewer staff, showing a dominance of small services that do not have the capability to provide good quality service across the range of statutory functions, risking inadequate consumer protection for Scottish consumers and a lack of support and advice for Scottish businesses, particularly small businesses at a time when they need it most.
- 2.20 In 2002 Audit Scotland found that the two largest Scottish councils (in trading standards terms) both had complements of 50 or more staff each in trading standards. In 2023 those two councils added together have a staffing of 37FTE. In addition to simple numbers, the age demographic has changed significantly since 2019 with just under 60% of enforcement staff now over the age of 50 (2019: 45%). The loss of experienced staff is accelerating, and councils are facing a crisis within a service that has a direct role in many devolved policy areas such as Community Safety, Health, Economy, and Consumer Advocacy and Advice, as well as reserved matters.
- 2.21 Society of Chief Officers of Trading Standards in Scotland (SCOTSS) is engaged with COSLA and the Scottish Government as part of a Workforce Strategy but real commitment to support trading standards is required if this service is to remain viable.
- 2.22 Building Standards & Public Safety recruitment has remained challenging; attempts to recruit experienced case officers were unsuccessful. The team are continuing with the 'Grow your own' approach and further MA recruitment is planned for 2024/25. This approach has been very successful and is essential to ensure that there will be capacity in the future, but the high volume of training within the team does reduce case officer capacity in the short to medium term.
- 2.23 Building Standards & Public Safety first recruited Modern Apprentices in 2013. The number being recruited has recently increased due to the shortage of experienced Building Standards Surveyors and other case officers.
- Building Standards & Public Safety has continued to support the Scottish Government sponsored Construction Technical course with a further four Modern Apprentices recruited up to summer 2024.
- 2.24 The Service also supports the introduction of the Modern Apprenticeship in Regulatory Services. This modern apprenticeship provides an additional entry pathway to a career within the fields of Environmental Health or Trading Standards. The first MA in Regulatory Services started within the Environmental Health (Food & Workplace Safety) Team in September 2024 ahead of the course official launch in late 2024.

### **Staff Absence**

- 2.25 Working days lost in the Service is significantly less than the Councils averages. The Service has a Mental Health First Aider and managers across the Service seek to identify any support that is required for staff at an early stage. Table Four below shows that the average working days lost was 8.46 and 5.46 for average long term

average working days lost. The service will seek to learn from early lessons from the attendance management pilot being led by Human Resources Service.

**Table Four: Working Days Lost per FTE**



## 3.0 Priorities and Performance

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### 3.1 Service Priorities 2023/24

The Service had 4 strategic priorities in 2023/24.

1. Staff development – Protective Services recognises that staff are our most valuable resource, and that staff development is vital for service delivery, not only for maintaining staff competency, but for succession planning.
2. Restructuring teams to improve efficiency/performance e.g. HMOs, STLs
3. Revocation of Air Quality Management Areas
4. Carry out national projects, coordinated by SCOTSS, to address issues of non-compliance

### 3.2 How we delivered

#### 3.2.1

##### Priority 1: Staff development

##### What we said

We would:

- Continue to support Continued Professional Development (CPD) / Learning and Development.
- Continue to look at opportunities to utilise WYI funding for MA and similar roles.
- Support the Introduction of MA Regulatory Services.
- Review the potential opportunities presented via the alternative pathways to qualifying as an Environmental Health Officer or a Food Safety Officer. This included exploring the possibility of an alternative delivery model for regulatory activities including food law.

##### What we achieved

- Developed the Protective Services Continued Professional Development Guidelines, which support the Fife Council [Our People Matter](#) (OPM) Strategy, which includes the priority theme '*Employee Development – Employees with the right skills and opportunities - now and for the future*'. Along with the Fife Council [Employee Development Policy Statement](#) and [Employee Development Guidelines](#).
- Development of role profiles and bid for WYI funding for posts including MA Regulator Services and Student Placement - Environmental Health.
- Consultation and engagement with staff which resulted in significant interest in undertaking development aligned to the alternative pathways to becoming an Environmental Health Officer or Food Safety Officer.
- Recruitment of additional Environmental Health Technicians to undertake a range of Environmental Health activities including food law, along with positive engagement with Food Standards Scotland.

## How we know

- The Protective Services Continued Professional Development Guidelines launch at an All Staff Meeting in March 2024.
- Applications were submitted for 4 x WYI posts across the Service. 3 of these applications were successful, however, the 4<sup>th</sup> post was funded by a vacancy. 2 of the 4 posts related to Modern Apprenticeships.
- 2 trainee environmental health officers passed their professional exam diet in Autumn 2023 and are now employed in Fife Council as EHOs.
- A number of staff members had their qualifications and experience assessed by the Royal Environmental Health Institute of Scotland (REHIS) against the alternative pathway criteria. This led to the first cohort of staff to undertaking the required academic learning and practical training to become Environmental Health Officers or Food Safety Officers to be identified. Required learning and training activities are currently underway.
- Food Standards Scotland providing written confirmation of their support for the development and implementation of an alternative delivery model for food law activities. Environmental Health Technicians are now undertaking a range of Environmental Health regulatory activities including food law in line with their qualifications and experience.

## 3.2.2

### Priority 2: Restructuring teams to improve efficiency/performance

#### What we said

We would:

- Review the structure of the Building Standards & Public Safety team.
- Evaluate the areas of responsibility for each section within the team to prepare for changes being implemented by the Scottish Government.
- Continue changes to the process for dealing with Houses in Multiple Occupation to improve response times.

#### What we achieved

- Structure review completed, main outcomes:
  - New Team Manager role was made permanent following a successful trial period.
  - Public Safety changed to two sections to focus on Licensing and Dangerous Buildings Enforcement.
  - Private Housing Standards section moved to the Public Protection team.
- New Lead Professional post created to lead on building warrant related enforcement activity.
- Additional Assistant Building Standards Surveyor posts agreed to facilitate Modern Apprentices and potentially offer permanent posts i.e. focus on both recruitment and retention.
- An additional Technical Assistant was recruited to support the work done in partnership with Housing Services. Along with process changes, this achieved significant improvements in performance.

## How we know

- New team structure in place April 2024.
- Improvements to HMO consultation processing times:
  - The average time to respond to an HMO consultation fell from 360 calendar days in quarter 1 to 135 days in quarter 4.

### 3.2.3

## Priority 3: Revocation of Air Quality Management Areas

### What we said

We would:

















- Continue to monitor Air Quality in the two Air Quality Management Areas (AQMAs) in Fife (Bonnygate Cupar and Appin Crescent Dunfermline).
- Continue with measures outlined in the Air Quality Action Plans (AQAP's) for the two areas.
- Work on the revocation of the AQMA's as concentrations of fine particulate matter (PM10) had declined to below the statutory objectives within both, in line with statutory guidance.

### What we achieved

- Continued Air Quality monitoring, including the addition of a new AQMesh unit in Bonnygate.
- Implemented actions outlined in the AQAP's, including education events and promotion of the ECO Stars scheme.
- Improved air quality in the two AQMA's linked to measures outlined in AQAP's.
- Consultation with the Scottish Government and SEPA.
- Revocation of the two AQMA's in Fife.

### How we know

Air Quality monitoring results. Improving =  Getting worse = 

Performance Indicator	2019/20	2020/21	2021/22	2022/23	2023/24	Status	Long Trend
Annual Mean NO2 monitoring Cupar	24	21	20	18	20		
Annual Mean NO2 monitoring Dunfermline	21	15	16	15	15		
Annual Mean NO2 monitoring Kirkcaldy	16	12	14	12	13		
Annual Mean NO2 monitoring Rosyth	22	15	19	18	17		
Annual Mean PM10 monitoring Cupar	16.1	12.4	14.3	15.4	13.2		
Annual Mean PM10 monitoring Dunfermline	12.3	9.4	10.6	13.2	12.1		
Annual Mean PM10 monitoring Kirkcaldy	12.8	9.9	10.3	12.1	9.9		
Annual Mean PM10 monitoring Rosyth	11.0	10.00	10.9	12.1	9.9		

- Report to Committee which included evidence outlining the reasoning behind revocation.
- Enactment of formal Revocation Order.
- Consultation responses from the Scottish Government and SEPA.
- Progress on AQAP measures including school educational events as part of Clean Air Day.
- Cited as an example of “best practice” by Scottish Government, SEPA, Defra and Environmental Standards Scotland.

### 3.2.4

#### Priority 4: Carry out national Trading Standards projects

##### What we said

With a continuing cost of living crisis and following on from previous projects that found a range of pricing errors in shops across Fife and many other LAs in Scotland, and short-weight issues across the west of Scotland with prepacked goods, a follow up pricing project was carried out in 2023 to find out if compliance had improved.

##### What we achieved

Fife took part and jointly led on the SCOTSS ‘Convenience Shops Pricing Project 2023’ along with 17 other Scottish LAs.

- A full report on this project was published <http://www.scotss.org/press/pricing.pdf>
- This revealed a ‘continuing lack of understanding of pricing regulations among managers and owners, with non-compliances often not recognised as criminal offences.
- Officers supported traders by taking different forms of follow up action – advisory letters, verbal warnings, carrying out revisits and reviewing processes to help increase knowledge and improve compliance.
- Recommendations include the importance of continued efforts and proactive measures to address pricing related concerns. Appropriate enforcement action to be considered for persistent offenders.
- Transparency in pricing is at the centre of fair trade in goods and is a core issue for Trading Standards, ensuring consumers pay the correct price for their purchases and are spending money wisely during the cost-of-living crisis, and that businesses present goods for sale accurately and legally.

##### How we know

- 417 convenience stores were visited across 18 participating Scottish LAs
  - **34 convenience stores were visited in Fife**
- 20579 products were examined for a price indication (**1192 - Fife**)
  - 22.4% lacked price indications (4,614 products) (**16% -190 products - Fife**)
  - Unit price indications were found to be incorrect in 34.1% of cases (**0% – Fife**), with 67% of those non-compliant products lacking any unit price display at all
  - At the point of sale 5,997 products were checked (**401 – Fife**), with 11.6% being incorrectly charged (**15% - Fife**), and 79% of these being to the detriment of the consumer (**13% - Fife**).

- The results showed no improvement since a similar investigation in 2022.
- Lack of price indications in shops poses significant challenges for consumers, potentially leading to overpayment and undermining trust in businesses.

### 3.3 Wider operational performance

3.3.1 There are 2 Local Government Benchmarking Framework indicators (LGBF) indicators. The latest set of LGBF data published covers 2022/23

Performance Indicator	2019/20	2020/21	2021/22	2022/23	2023/24	Status	Long Trend
Trading standards cost per 1,000 population Fife (LGBF)	£7,010	£7,220	£7,490	£9,160	N/A		
Environmental health cost per 1,000 population Fife (LGBF)	£9,308	£7,879.60	£8,125.90	£9,417.40	N/A		

- The cost of Environmental Health per 1000 population has remained fairly static since 2019/20 and Fife now sits in the top quartile (lower cost per 1000 population) for Scottish local authorities. There has been a slight increase in costs in 2022/23 due to a number of vacancies being filled.
- Cost of Trading Standards per 1000 population - these costs are influenced by the inclusion of costs for the Money and Consumer Advice services (which sit separately from Fife Council Trading Standards) which Fife Council pays an annual sum. These costs are not included within some LGBF returns for other local authorities, therefore, comparisons against LAs is not made on an equal basis.

3.3.2 The following table provides performance in relation to complaints, customer satisfaction and, advice given to retailers.

Performance Indicator	2019/20	2020/21	2021/22	2022/23	2023/24	Status	Long Trend
Protective Services Stage 1 Complaints actioned < 5 days	71%	67%	92%	100%	91%		
Protective Services Stage 2 Complaints actioned < 20 days	85%	94%	78%	88%	74%		
Customer satisfaction rating Building Standards - Fife	7.6	7.6	7.2	7.3	8.4		
% of tobacco & NVP retailers given advice	22.40%	0.60%	9.10%	20%	20.10%		

- Protective Services strives to maintain a high level of compliance when dealing with complaints within timescales. There has been a reduction in the response rate for both stage 1 and stage 2 complaints in 2023/24. The large number of vacancies and training/oversight of new trainees, students and MAs will have a detrimental impact on the capacity to deal with complaint investigations in the short term.
- Satisfaction rates for Building Standards have improved to 8.4 from 7.3 in 2022/23 (the Scottish Government target is 7.5) although response numbers continue to be low.
- The % of tobacco & NVP retailers given advice has been maintained above the 20% target reported in 2022/23; this performance is reported back to Scottish Government.

- 3.3.3 As reported in the 2022/23 performance report, routine food law activities recommenced in September 2021 following the Covid-19 pandemic, taking cognisance of guidance issued by Food Standards Scotland. However, progress has been impacted by the competing demands from other areas of statutory activity and staffing resources, resulting in not being able to carry out all programmed food law inspections. The restarting of food law inspections following the Covid Pandemic, has led to poor standards being found in some premises, which results in enforcement action where required to protect public health. Many businesses are also struggling financially following the impact of both Covid and the current economic climate.
- 3.3.4 During 2023/24, 956 of 1126 (85%) food law programmed inspections were carried out. The combination of staff resource issues and findings on inspection has resulted in not all programmed food law inspections being carried out, along with challenges catching up on inspections paused due to the Covid19 Pandemic.

## 4.0 Priorities ahead

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- 4.1 The Service will continue to work to implement improvements across all core performance indicators. However, in 2024/25 resources will be focussed on the main change and improvement goals outlined below.
- To continue to support and progress the Service People Plan/Workforce Strategy to create opportunities for a younger workforce, achieved through a 'Grow your own' approach.
  - Continue the trial and development of an alternative delivery model to mitigate non-compliance with regulatory guidance e.g., the Food Law Code(s) of Practice with further engagement with Food Standards Scotland and the Health and Safety Executive.
  - To drive greater productivity, increase automation, and improve customer experiences further we need to be more digitally enabled. Maximising the use of PowerBI and exploring the potential for AI and digital innovation, further developing automation where possible, and continuously improving the digital customer experience.
  - Moving from data management to deriving intelligence from information is key to both improving services and changing how we work. There is a strong requirement for data analysis to inform decision making across the service and encourage continual improvement.
  - Developing intelligence to set priorities and target the areas of greatest harm
  - Implement recommendations following an internal audit of the Public Safety Dangerous Buildings Enforcement Team statutory duties.
  - End to end review of all Building Standard & Public Safety services will start in 2024-25. This will be the first in depth process review since the pandemic to consider changes in the way customers interact with the team, new technology available and blended workstyles.
- 4.2 The service management team recognise that there is a number of improvements to be actioned. This reflects the continuous improvement, which is embedded in the Service, together with the work underway to capture, assess and analyse data from a wide range of sources to inform service delivery going forward.



## **Report Contacts**

Nigel Kerr, Head of Protective Services

### **Background papers:**

1. [Environmental Health \(Food & Workplace Safety\) 2024/25 \(item 5\)](#)
2. [Environmental Health \(Food & Workplace Safety\) 2023/24 \(item 6\)](#)

**Appendix 1** - Case Study: Air Quality

**Appendix 2** - Case Study: Contaminated Land - Foreshore Rubble Tip, Torryburn.

**Appendix 3** - Case Study: Scam Call Blocker Initiative

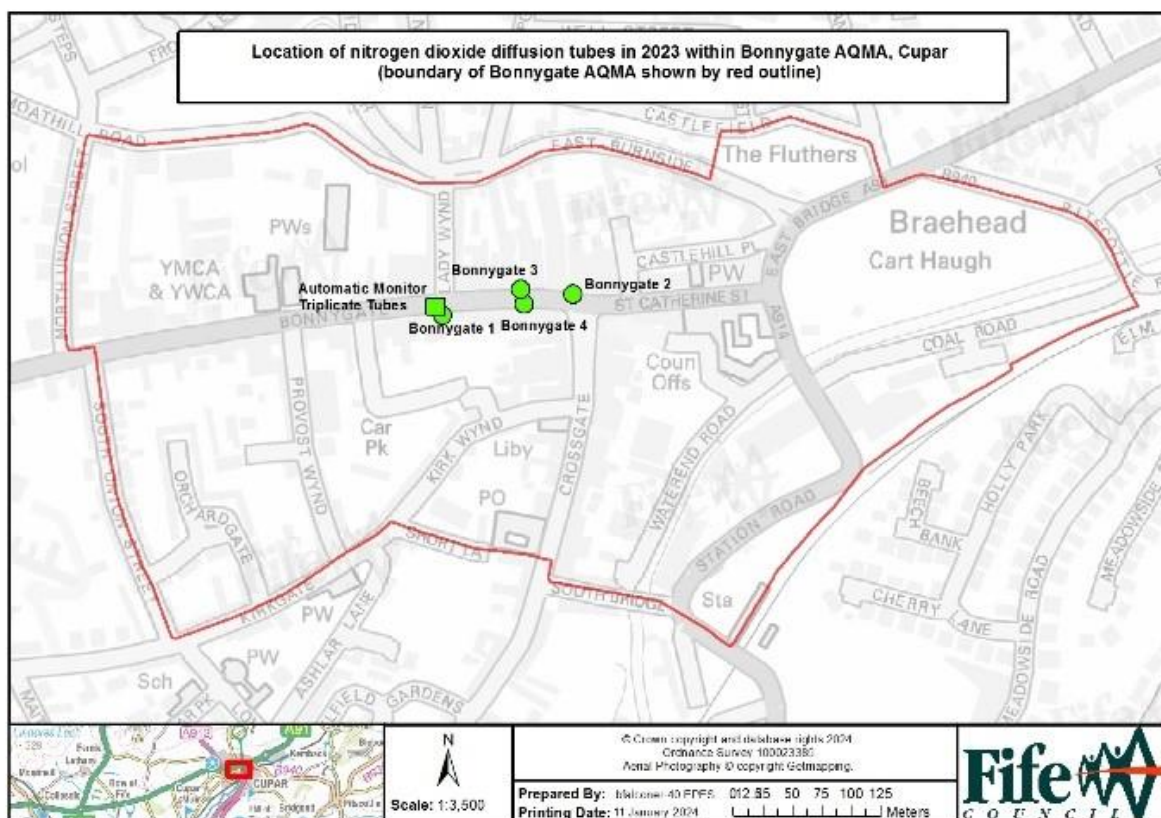
## Appendix 1 - Case Study: Air Quality

Breathing clean air is a fundamental human right, and the realisation of that right impacts us all. Fife Council takes its statutory duties in terms of air quality very seriously and through implementation of its air quality strategy seeks to maintain and improve good air quality in the Fife area.

Following statutory guidance and recommendations issued in 2023 by the Scottish Government and Scottish Environment Protection Agency, Fife Council compiled the required evidence base to support the revocation of the Bonnygate, Cupar and Appin Crescent, Dunfermline Air Quality Management Areas (or pollution zones). This evidence base has been formally reviewed and accepted by the Scottish Government and the Scottish Environment Protection Agency.

This was presented at the Fife Council Cabinet Committee on 30th November 2023, and it was agreed that the two Air Quality Management Areas should be revoked. [https://www.fife.gov.uk/\\_data/assets/pdf\\_file/0020/532532/Agenda-Pack-for-Cabinet-Committee-30th-November-2023.pdf](https://www.fife.gov.uk/_data/assets/pdf_file/0020/532532/Agenda-Pack-for-Cabinet-Committee-30th-November-2023.pdf)

Fife Council continues to implement existing action plan measures following these revocations to ensure that air quality improvements are sustained. Our soon to be published 2025 Air Quality Strategy update will include the relevant amendments in order to take into consideration the potential effects the revocations may have with regards to air quality policy and the various Air Quality Action Plan measures that will continue to be implemented in the Fife area.



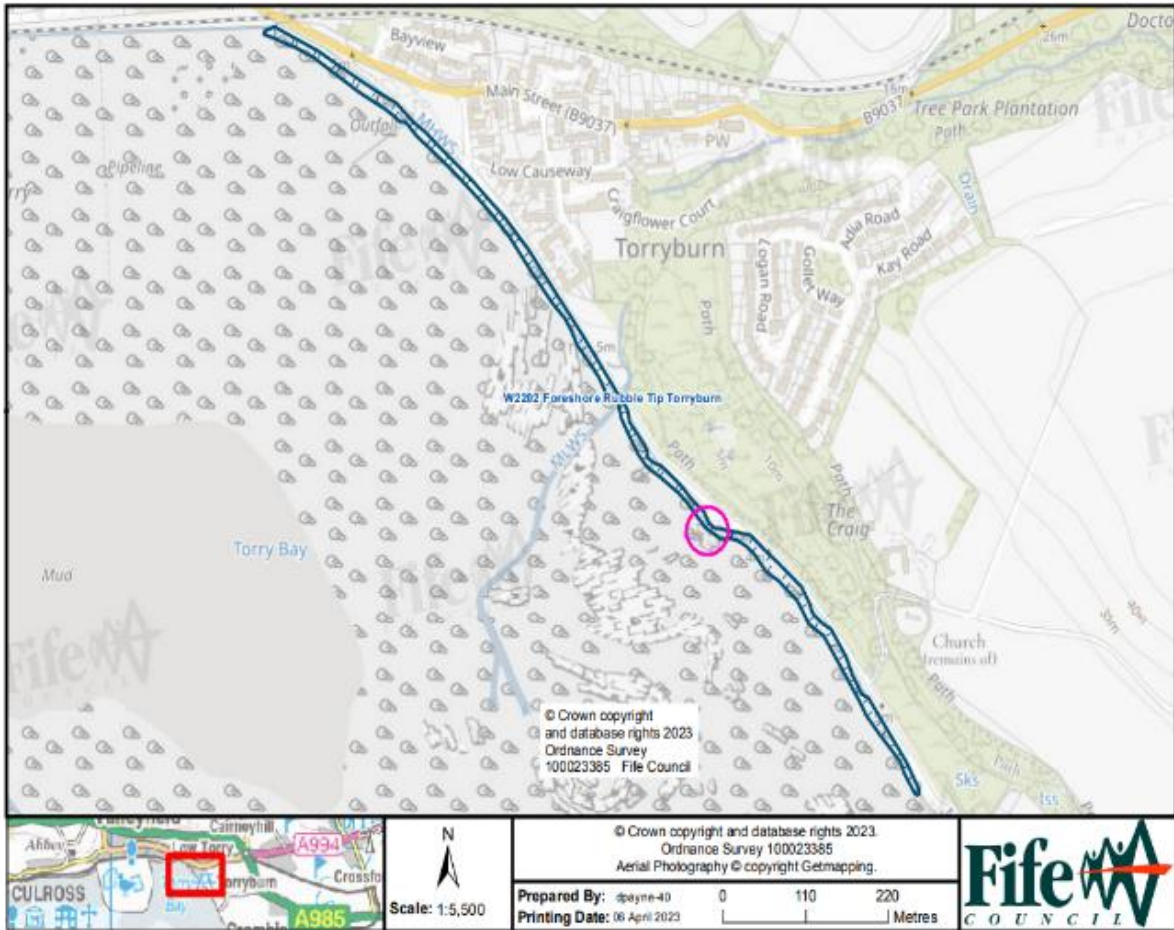


## **Appendix 2 - Case Study: Contaminated Land - Foreshore Rubble Tip, Torryburn.**

This site is located approximately 500 m southeast of Torryburn along the foreshore. Reports of cement bonded asbestos among broken porcelain -ware and other materials had given rise to local concerns. Whilst the site is not recorded in any official council waste management archives this portion of coastline has been used as a location for the deposition of waste which is believed to have occurred in the late nineteen – eighties.

Fife Council Land and Air Quality Team worked with Fife Countryside Trust to formulate a strategy for clean up of the foreshore in 2023. Licensed asbestos removal contractor Franks-Portlock was employed by the Council's Property Services using monies from the Contaminated Land Capital Plan fund allocation. In total the contractors removed nine tonnes of material from the beach, including ten double-bagged collections of asbestos material which was disposed of as Special Waste. It is believed through our intervention we have made a significant improvement to the amenity of the foreshore at the same time as removing asbestos fragments from the beach.

A watching brief will be maintained on the site in case of any further asbestos containing material being exposed by tidal influence and this will be dealt with appropriately by suitable removal and disposal of such wastes.



## **Appendix 3 - Case Study: Scam Call Blocker Initiative**

### **Context**

From 2019 to 2021, the cybercrime unit at Action Fraud reported a 6.4% increase in scams from 822,276 to 875,622 being reported. In an effort to tackle the rising numbers, Fife Trading Standards appointed a Scams coordinator in 2021. This coordinator was responsible for managing the National Trading Standards (NTS) Compass database for Fife and actioning referrals from the Vulnerable Persons database operated by Fife Police. Through these referrals it became clear that the national trend of increased scam reports was being reflected in the number of scam victims in Fife. Trading Standards identified that the most effective way to help support Fife consumers was through preventative measures.

As early as 2015, Fife Trading Standards was intermittently receiving TrueCall call blocking devices [truecall.co.uk](http://truecall.co.uk) from many partner agencies, including Trading Standards Scotland (TSS), National Trading Standards (NTS), the Society of Chief Officers of Trading Standards (SCOTSS) and the Convention of Scottish Local Authorities (COSLA). These devices were provided on the basis that they would be installed in the homes of those who had been scammed, or who were vulnerable to scams. This continued to be a small but important aspect of the service until 2022, when the Trading Standards team purchased 30 call blocking devices to trial as a potential initiative. This was a significant success, with 17 devices being installed from August-November of 2022. Statistics from these devices showed that 99% of cold calls were being blocked, with an average of 28 being blocked a month per device. Using the scam intervention calculator, created by Optimity Advisors with the support of working trading standards staff at NTS, we can see that these devices would save the public and private purse £25,472 per device, or £433,031 over the lifetime of the 17 devices. These savings calculations are from the call blockers program such as potential money lost, police savings, insurance administrative savings, as well as estimated healthcare and quality of life savings.

### **What Happened**

The project was scoped out covering the administration, installation and record keeping of each device, as well as the monitoring of the devices for technical issues or inactive units and scam call data collection. Trading Standards did not have the capacity for this, and so looked to employ a coordinator for this specific project. Thanks to a successful application to the Youth Work Force Investment Scheme, Trading Standards managed to employ a Trading Standards Technician to fulfil this role. The employed staff member has experience of working with vulnerable members of the public and knowledge of IT. This new member of staff, alongside the scams team coordinator, would serve as the base for the initiative.

100 TrueCall call blocking devices were purchased at the beginning of 2023 by Trading Standards to be installed as a part of the scam prevention packages. A consent form was created to ensure users were aware that the device was on loan from trading standards to be returned when it was no longer in use and that the device collected information such as outgoing and incoming phone numbers as to allow the blocking software to work

effectively and that this information would be shared with the national trading standards team to support wider investigations. Upon referral, an individual will be contacted to organise the date and time for the installation. Once this date and time is confirmed, the device is registered to the individual on the control panel and upon install, this is where the trusted/blocked caller list is uploaded. The user of the device will be contacted within the month of installation to ensure the device is working as intended and follow-up checks are organised for every 6 months after this point.

## **Areas of Collaboration**

The decision to invest further time and resources into this method of scam prevention came directly from the successful results and positive feedback from the 17 devices installed in late 2022. Police Scotland and Social Work became a crucial part of this project early on. By working alongside Police Community Support Officers and Social Work we managed to identify scam victims and vulnerable individuals who were being targeted by scammers and deliver tailored support. Links have also been developed with local charities and groups which has led to several scam prevention talks being delivered, which has resulted in a number of referrals for call blocker installs.

## **Overall Result**

The project has managed to install 123 units since the start of the initiative, 105 of which have been since employing the coordinator for the project through the Youth Work Force Investment scheme. This puts the estimated savings from the initiative at £3,133,106. The support provided through this project is invaluable for victims.

A consumer who had been a victim of a scam and lost £10,000 was supported by Trading Standards. They had a call blocker installed on 31/10/2023, whilst we also assisted them with a reimbursement claim to the financial ombudsman.

The feedback from the consumer can be seen below.

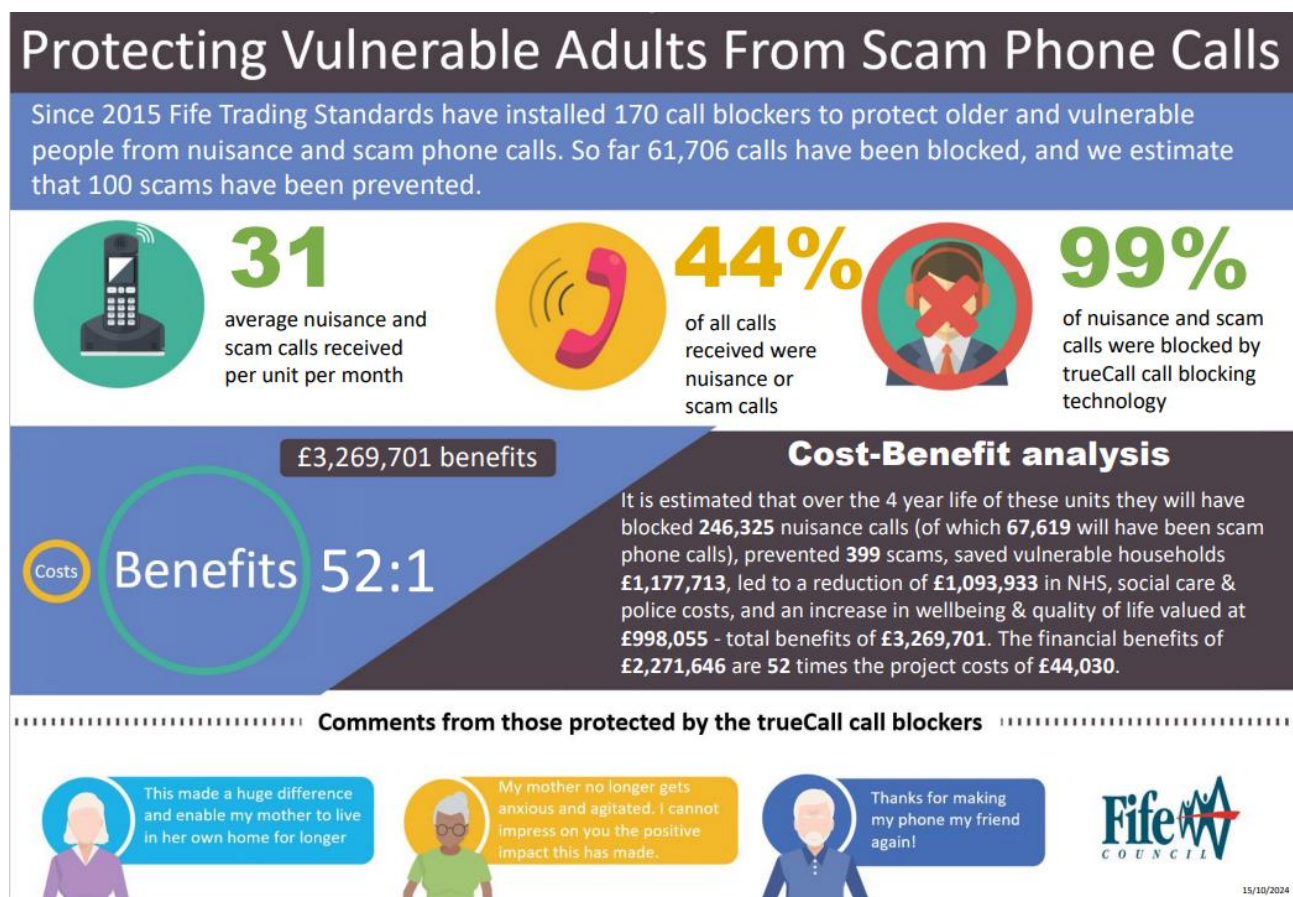
- **How did you feel before Trading Standards intervened and offered support:** *“I had contact with the police, which had given me some comfort on the matter, but I was traumatized by the scam and did not speak to anyone about it outside of the bank and the police. I was unable to answer the phone without feeling terrified.*
- **How does having the call blocker in place make you feel:** *“It is fantastic, after having it for a few months I had no fear picking up the phone. I have only had one strange call since it was installed which I raised as an issue. You came out the next day and fixed it by turning the call blocker back on as it had been switched off when the engineer came to do the digital switchover.”*
- **Are there any negatives to having the call blocker:** *“Initially some friends who called wondered why they had to press a button, but once I had their numbers added to my trusted list it was not an issue. Other than that, there have been no downsides and knowing I can contact you (Trading Standards) to discuss any*

potential strange calls I do get gives me much more confidence answering the phone.

- **What could we have done better:** “I only wish I had known about the scam help that you can provide before I had this incident, so I could have contacted someone to discuss the call I received.”

## Lessons Learned

The information collected as part of the project, such as where a person lives and which organisation had referred them for a device, became a large indicator of where further collaborations could be made to identify most effectively those who would benefit from these call blockers. This also provided a better understanding of areas that would benefit from scam awareness talks and materials from Trading Standards. Since the start of 2024/25, we have acted on this and delivered talks at 8 Fife community groups and participated in 2 Fife events for scam awareness. With more talks being delivered, an increased number of individuals are being educated and can take steps to prevent themselves falling victim to scams.



Report from TrueCall 15/10/2024