

TRADING STANDARDS SERVICE DELIVERY PLAN (NATIONAL PERFORMANCE FRAMEWORK)

1.0 EXECUTIVE SUMMARY

1.1 This report seeks Members endorsement of the Trading Standard Service Delivery Plan, a statutory plan required by the Department for Business, Enterprise and Regulatory Reform (formerly the Department of Trade and Industry - DTI).

2.0 BACKGROUND

2.1 Historically the Trading Standards Division provided a brief statistical Annual Report to the DTI under the Weights and Measures Act 1985 detailing work carried out under that legislation. This reporting mechanism did not reflect the increasing range of compliance responsibilities within the remit of the Division.

2.2 The work of the Trading Standards Division can be divided into four core responsibilities; Metrology (Weights and Measures), Safety (Consumer Safety and Under Age Sales); Fair Trading (Consumer Credit, Trade Descriptions, Trademarks, Enterprise Act, Consumer Advice and Intervention) and Quality Standards (Food composition and animal feeding stuffs). The Food Standards Agency requires the local authority to produce an annual Food Service Plan and the National Performance Framework requires a similar plan containing expanded detail for metrology, safety, fair trading and advice provision. The Department for Business, Enterprise and Regulatory Reform (BERR) Framework requires local authorities to prepare a Service Delivery Plan for its Trading Standard functions.

2.3 The Framework has been developed by the Consumer Affairs Directorate of the BERR with the Local Authority Co-ordinating Organisation for Regulatory Services (LACORS), the Office of Fair Trading (OFT), the National Weights and Measures Laboratory (NWML) and the Trading Standards Institute (TSI).

3.0 DEVELOPMENT OF THE PLAN

3.1 In its white paper, "Modern Markets, Confident Consumers" the Government recognised that the national priorities for the Trading Standards Service are:

- Informed confident customers
- Informed successful businesses
- Enforcement of a fair and safe trading environment
- Efficient, effective and improving Trading Standards services

3.2 In addition the recent Rogers Review of Local Authority Regulatory Priorities, which has been endorsed and accepted by the Government, sets six national enforcement priorities for local regulatory services. The priority relevant to Trading Standards is Fair Trading.

- Air quality (Air quality, including regulation of pollution from factories and homes) – e.g., reducing air pollution.

- Alcohol licensing (Alcohol, entertainment and late night refreshment licensing and its enforcement) – e.g., protecting people from the effects of the misuse of alcohol through licensing.
- Hygiene of food businesses (Hygiene of businesses, selling, distributing and manufacturing food and the safety and fitness of food in the premises) – e.g., preventing food poisoning.
- Improving health in the workplace
- Fair trading (Includes description of goods and services, trade marks and intellectual property, doorstep selling and protecting the economic interests of consumers and the vulnerable from scams and rogue traders).
- Animal and public health (Animal and public health, animal movements and identification).

3.3 The Rogers Review recognises that local authority still have responsibilities to discharge statutory functions which are not identified as national enforcement priorities. The implications for local authorities are still under discussion and as yet it is unclear how the priorities identified will effect the plans of National Government organisations such as the Food Standards Agency or Office of Fair Trading.

3.4 The Service Delivery Plan encompasses the national priorities and also addresses community priorities. It focuses upon the contribution the Trading Standards Division makes to the Council's corporate objectives. The Framework requires that the service delivery plan be submitted to the relevant Member forum for approval.

3.5 The draft plan is attached to this report at Appendix 1.

4.0 **FINANCIAL & STAFFING IMPLICATIONS**

4.1 The contents of the plan will be delivered within existing budgetary provision.

5.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 The Service Delivery Plan addresses equal opportunity issues.

6.0 **LOCAL AGENDA 21 IMPLICATIONS**

6.1 The Service Delivery Plan includes the role the Trading Standards Service plays in relation to Local Agenda 21.

7.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**

7.1 The plan applies to all Wards.

8.0 **HUMAN RIGHTS IMPLICATIONS**

8.1 The Service Delivery Plan incorporates the human rights implications involved in enforcement action.

9.0 **COMMUNITY SAFETY IMPLICATIONS**

9.1 The Service Delivery Plan includes contributions to Wirral's Community Safety Strategy.

10.0 **PLANNING IMPLICATIONS**

10.1 None.

11.0 **BACKGROUND PAPERS**

11.1 National Performance Framework – Service Delivery Plan for Trading Standards Services .

12.0 **RECOMMENDATION**

12.1 That the Trading Standards Service Delivery Plan 2007/08 be endorsed.

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Director of Regeneration

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APPENDIX 1

Executive Summary of
**TRADING
STANDARDS SERVICE DELIVERY PLAN
2007/2008**
for
WIRRAL MBC

PART 1: DEVELOPMENT OF THE SERVICE DELIVERY PLAN.

A: THE TRADING STANDARDS SERVICE IN THE COMMUNITY

STAGE 1A1 and 2 - Community and Corporate Objectives

1A1. Community Strategy Themes

Community Objectives as stated in Community Strategy	Linked to Corporate Objective in 1A2
	Wirral's Community Objectives are broad strategic themes derived from Wirral's Local Strategic Partnership
A thriving local economy	The Council's 'Statement of Intent' develops these broad themes which are detailed at Section 1A2 (Corporate Objectives) work developed from these objectives
Better opportunities for learning and leisure	
Improved health and social care	
Safer communities	
High quality homes	
Modern transport facilities	

1A2. Corporate Objectives – Developed in the Statement of Intent

Corporate Objectives	Areas of trading standards work developed from this objective
<p>1 Protecting and improving our environment</p>	<p>1.1 <u>Streetscene</u> a) Advise retailers about under age sales restrictions on aerosol paint.</p> <p>1.2 <u>Environmental Sustainability</u> a) Ensure that counterfeit goods and forfeited equipment are recycled responsibly.</p> <p>1.3 <u>Vehicle Servicing</u> Monitoring the standard of vehicle servicing contributes to ensuring the control of vehicle emissions.</p>
<p>2 Promoting and supporting the Economic Regeneration of Wirral</p>	<p>2.1 <u>Attracting and Supporting Business</u> a) Provide compliance advice to Wirral businesses selling goods and services on the Internet. b) Widen the membership of the Wirral Fair Trading Scheme. c) Investigate the manufacture and supply of counterfeit goods within Wirral. d) Respond to requests for advice and training from business. e) Provide a weights and measures service to Wirral businesses.</p>
<p>3 Providing educational and cultural opportunities for all</p>	<p>3.1 a) Provide work experience opportunities to encourage interest in a career in the Trading Standards service. b) Promote the use of the Consumer Education Resource and Information Centre (CEDRIC) website within schools. c) Provide speakers to adult and general interest groups. d) Contribute to doorstep crime reduction events e) Provide training to retail employees, in identified priority areas.</p>

<p>4 Improving the health of Wirral people</p>	<p>4.1 <u>Encouraging Healthy Lifestyles</u></p> <ul style="list-style-type: none"> a) Contribute to alcohol reduction strategy by continuing under age sale of alcohol surveys and developing trader guidance with PCT and Youth Service. b) Carry out test purchasing surveys into supply of tobacco to under 18s – new legislation. c) Conduct food sampling in conjunction with public analyst and Greater Mersey Food Standards Group.
<p>5 Making Wirral safer</p>	<p>5.1 <u>Reducing Crime and the Fear of Crime</u></p> <ul style="list-style-type: none"> a) Develop and implement effective enforcement strategies in conjunction with partners, for reduction of doorstep crime. b) Work effectively with the Asset Recovery Agency - SOCA d) Develop advisory material to reduce impact of bogus charity publishers. e) Use Enterprise Act powers to target traders who breach civil obligations f) Assist Police in disrupting sale of stolen goods. g) Continue to promote, with Merseyside Police, the responsible sale and use of fireworks. h) Provide specified point of contact for communications data – Regulation of Investigative Powers Act. i) Investigate criminal offences in accordance with the Enforcement Policy. <p>5.2 <u>Reduction of Anti-Social Behaviour</u></p> <ul style="list-style-type: none"> a) Raise trader awareness of sales restrictions on knives, alcohol, fireworks and solvents. b) Contribute to crime and reduction partnership. c) Target under age sales activity at identified ‘hot-spots’ and work with police licensing officers during Alcohol Misuse Enforcement Campaigns.

<p>6 Meeting the housing needs of Wirral</p>	<p>6.1 <u>Tackling the problems of poor and empty private and public sector housing</u></p> <p>a) Liaise with Building Control and Public Sector Housing Renewal to investigate allegations of misdescribed and unsafe building work.</p>
<p>7 Supporting and protecting vulnerable people</p>	<p>7.1 <u>Young People</u></p> <p>a) Protect young people from risks associated with alcohol and solvent abuse (see 5.2).</p> <p>7.2 <u>Adults and Older People</u></p> <p>a) Minimise risks to the elderly and vulnerable associated with doorstep crime</p>
<p>9 Continuously improving our service</p>	<p>9.1 <u>Improving our performance</u></p> <p>a) Maintain Investors in People accreditation.</p> <p>b) Maintain Community Legal Services Specialist Help Quality mark.</p> <p>c) Report performance on a monthly or quarterly basis on PIMS.</p> <p>d) Prepare and review Food Service Plan, implementing improvements.</p> <p>e) Implement Corporate Customer Care Guidelines.</p> <p>f) Prepare effective mechanisms to deal with increased demand for higher level advice generated by Consumer Direct.</p> <p>g) Continue to develop the Consumer Advice Club with national partners.</p> <p>h) Work with OFT and Local Better Regulation Office to develop good practice.</p> <p>9.4 <u>Improving our Customer Services through electronic Government</u></p> <p>a) Develop Trading Standards website.</p>

1A4. Explanation of how the community and corporate plans take account of consumers

Cabinet minute 564 25th April 2006

Cabinet's approval was sought to a policy to publicise the outcomes of legal action on the Council website for implementation by all Departments of the Council. The Environment and Transportation Select Committee on 6 April 2006 supported the recommendation.

A decision was required to approve the proposed policy to publicise the outcomes of legal action taken by the Council.

The Director of Regeneration reported a minor amendment to the Policy to enable details of the outcomes of legal action to be removed from the Council website 12 months after the conviction or on the expiry any anti-social behaviour order. Minute Decision :

Resolved - That the outcome of prosecutions and other legal action taken by the Council be placed on the Council website and included in the Council's Publication Scheme

Environment Select Committee 8th June 2006

Minute Text :

The Director of Regeneration reported upon the result of a recent Food Standards Agency (FSA) audit into the Home Authority and Business Advice and Food and Feeding Stuff promotional activities of the Trading Standards and Environmental Health Divisions. He commented that the FSA had statutory powers to set standards for food law enforcement services, and from time to time audited local authorities to assess compliance with the Food Law Enforcement Standard. The Director commented that at the conclusion of the audit, the Agency produced a detailed report, and he set out the strengths of the service that had been identified. The report also recommended a series of improvements, and he submitted a detailed action plan to implement those recommendations by 31 July 2006. In response to a comment from a member with regard to the translation of advice given to businesses, the Director confirmed that the costs of the provision of information in other languages would be borne by the Department, but training costs would have to be met by the companies themselves. Minute Decision :

Resolved - That the results of the recent Food Standards Agency Food Service Improvement Plan be noted

Executive Board minute 19th June 2006

Minute Text:

Executive Board approval was sought of the Trading Standards Service Delivery Plan 2006/07, a statutory plan required by the Department of Trade and Industry (DTI). Minute Decision :

Resolved - That the Trading Standards Service Delivery Plan 2006/07 be submitted to the Council for approval

Executive Board minute 7th September 2006

Minute Text:

The joint Food Service Plan for the Environmental Health and Trading Standards Divisions was presented to the Executive Board for consideration. It was a Food Standards Agency requirement that the plan was approved by the Council.

Minute Decision :

Resolved - That the Council be recommended that the Food Service Plan be approved

Executive Board minute 7th September 2006

Minute Text:

The Department of Health (DOH) has begun a process of consultation on raising the legal age of sale of tobacco and strengthening sanctions against retailers who sold tobacco to children by introducing new legal powers. The purpose of the report was to seek the Executive Board's

views on options identified by the DoH and to respond to the consultation paper.

Minute Decision :

Resolved - That the recommendations set out in section 5 form the basis of the Council's response to the Department of Health

Virtual Committee 1st February 2007

Summary:

The Department of Trade and Industry (DTI) has begun a consultation process on the implementation of the Unfair Commercial Practices Directive (the Directive). The current consultation seeks views on whether criminal offences introduced through the Directive should include an element of mens rea (guilty knowledge) or should rely on the current general approach of strict liability. Recommendation :

It is officer's views that the comments set out in section 4 form the basis of the Council's response to the Department of Trade and Industry

1A5. Significant variations from the 2005-2006 Service Delivery Plan

Key Variations from 2005-2006 SDP	Reason for Variation
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Unable to meet target for medium risk food standards inspections	<p>Recruitment and retention difficulties impacted on available staff resources and out of hours inspections were conducted to reduce the backlog.</p> <p>A review of recruitment and retention was completed in 2005/6 but 2 out of the 3 staff recruited are currently undergoing food standards training which will impact upon performance for 2007/8.</p>

B: ASSESSMENT OF COMMUNITY EXPECTATIONS AND FEEDBACK

1B1. Summary of Consumer Needs identified as a result of the assessments

- 1.** Further analysis needed of complaint data on a monthly basis to identify trend in problem traders, provide guidance and where necessary and proportionate, take Enterprise Act action.
- 2.** Promotion of trustworthy traders that carry out home improvement works and develop the Wirral Fair Trading Scheme.
- 3** Need to ensure better use of resources following implementation of Consumer Direct and development of a consumer intervention strategy.

1B2. Summary of Business Needs identified as a result of the assessments

- 1.** Continuing problems with bogus charitable publishing companies seeking advertising space from small businesses. Continue work with OFT and Companies Investigation Branch. Develop web accessed information and standard letters. Lobby for changes to existing legislation.
- 2.** Need to provide guidance to off-licences, particularly new entrants to the business, to minimise under age sales.

PART 2: THE SERVICE DELIVERY PLAN

POLICIES TO MEET NATIONAL AND LOCAL PRIORITIES

PART 2A Informed Confident Consumers

Provisions for educating, informing, advising and creating informed confident consumers.

	How the activity reflects local feedback	Standard
	Links to authority objectives	
Review policy for advice and assistance to consumers in view of OFT consumer intervention strategy and equality guidance. Seek member approval.	Supporting and protecting vulnerable people.	13(a)
Maintain Community Legal Service Specialist Help Work	Improving our performance.	13(a)
Prepare and update website material - . Consumer Support Pack, County Court Support Pack, Fact Sheets. Newsletters, newspaper articles on website, articles on Community Legal Service Partnership website.	Improving our customer services through electronic government.	13(a) 13(b)
Working with the police, Community Safety and Wirral Wardens we will liaise with communities to implement “ No Cold Calling Zones” to deter unwanted traders and to provide reassurance to vulnerable consumers.	Reducing crime and the fear of crime supporting and protecting vulnerable people	13(c)
Work with Victim Support to identify vulnerable people able to benefit from target hardening programme.	Reducing crime and the fear of crime supporting and protecting vulnerable people.	13(d)
Maintain and promote Consumer Advice Club – currently 20 members throughout the UK.	Improving our performance.	13(e)

Work with banks and building societies to minimise risk to vulnerable consumers.	Supporting and protecting vulnerable people.	13(e)
Maintain Rapid Reaction Response ability to approach unsolicited traders calling on vulnerable consumers.	Supporting and protecting vulnerable consumers. Making Wirral safer place.	13(e) 13(f) 13(g)
Provide basic advice training to local authority One Stop Shop colleagues, Citizen Advice Bureaux staff, Age Concern staff and obtain feedback through Consumer Support Network/Community Legal Services Partnership to identify gaps.	Improving our performance Improved accessibility	13(e) 13(f) 13(g)
Broaden access to consumer advice through Consumer Direct and through the Trading standards web-site.	Improved accessibility	13(e)
Review advisory activities to ensure that the most vulnerable members of the community receive casework support to protect them from rogue traders.	Supporting and protecting vulnerable people	
Increase choice to consumers by broadening the membership of the approved Wirral Trader Scheme	Supporting and protecting vulnerable people	
Use Consumer Support Network and Ringmaster system to focus awareness of doorstep crime and disseminate warnings to vulnerable and targeted groups through networked email alerts to members.	Supporting and protecting vulnerable people.	13(b) 13(f)
Work with colleagues to provide Consumer Direct publicity and initial advice posters in libraries and One Stop Shops.	Improving our performance	13(g)
Analyse postcodes of service users to identify service gaps.	Improving our performance	13(h)

Customer satisfaction surveys to every customer who has had further advice and assistance and maintain national target of 75%.	Improving our performance	13(h)
Prepare doorstep crime guidance material and provide speakers to targeted audiences.	Supporting and protecting vulnerable people.	13(h)

PART 2 A1 Planned Level of Consumer Advice and Assistance

Level of Consumer Advice and Assistance Provided (Mark Y for Yes Where Appropriate)			
Level/Client	Local Tax Payers	Contract in Area	No Local Connection
Self-Help Information	Y	Y	Y
Assisted Information	Y	Y	X
General Help	Y	Y	X
General Help plus Case Work	Y	Y	X
Specialist Help	Y	Y	X

PART 2B Informed Successful Business

Provisions to create informed successful businesses through education, information and advice.

	How the activity reflects local feedback	Standard
	Links to authority objectives	
Implement Council Policy to disclose outcomes of prosecutions on Trading Standards website	Promoting and supporting economic regeneration	13(a)
Develop trader guidance packs and provide staff training for off licence premises.	Promoting and supporting economic regeneration	13(a)
Maintain business satisfaction level at national target of 75%.	Promoting and supporting economic regeneration	13(a)
Provide detailed advice to home authority companies to enable them to comply with legal requirements.	Promoting and supporting economic regeneration	13(a)
Work with OFT and LBRO to implement changes in practice and procedure proposed by the Hampton Report and Rogers review of priorities	Promoting and supporting economic regeneration	13(a)
Promote Wirral Trader scheme and gain Local Authority Assured Trader Scheme Network support from OFT	Promoting and supporting economic regeneration	13(b)
Continue to promote the trader advisory pack to help small business deal with unwanted approaches from companies selling space in bogus publications.	Promoting and supporting economic regeneration	13(c)
Continue risk based inspection regime to improve compliance and provide guidance.	Promoting and supporting economic regeneration	13(c)

Act as a responsible body in the vetting process for alcohol licences	Promoting and supporting economic regeneration	13(c)
Assess and implement changes in provision for Business Support team to reflect priorities identified by the Rogers review.	Promoting and supporting economic regeneration	13(d)
With North West Trading Standards partners identify Most Complained About Traders to improve complaint handling of targeted high complaint level business.	Promoting and supporting economic regeneration	13(e)
Business advice packs to new consumer credit licence holders to assist in business development.	Promoting and supporting economic regeneration	13(f)

PART 2C Enforcement of a Fair and Safe Trading Environment

Provisions to secure a fair and safe trading environment for the protection of all consumers in the community, to foster an environment in which genuine traders can flourish and drive out rogue traders.

	How the activity reflects local feedback	
	Links to authority objectives	
Maintain quality of RIPA procedures in light of forthcoming OSC inspection and specified Point of Contact for communication data.	Making Wirral safer	14(a)
Work with Asset Recovery Agency to enable recovery of proceeds of crime.	Making Wirral safer	14(a)
Conduct intelligence led investigations into breaches and ensure legal action meets standards of enforcement policy and complies with BV166 and guidelines to be published by LBRO.	Making Wirral safer	14(a)
Contribute to Crime and Disorder Reduction Partnership. Attend Volume Property Crime Group and Joint Agency Group.	Making Wirral safer	14(a)
Work with the police licensing team to target under age sales during planned under age enforcement surveys such as the TUSAC	Making Wirral Safer	14(c)
Joint visits with Police to second hand traders and car boot sales to detect supply of counterfeit goods and to disrupt the supply of stolen goods.	(LPSA target – burglary reduction) Making Wirral safer	14(c)
Promote the responsible sale and use of fireworks through the Good Guy scheme.	Making Wirral safer	14(c)

Work with Primary Care Trust to make better use of food sampling resources in relation to diet and nutrition.	Improving the Health of Wirral People	
Carry out inspection regime based on high and medium risk premises – emphasis on food quality.	Improving the Health of Wirral People	14(c)
Work with Office of Fair Trading to implement changes in the Consumer Credit licensing regime	Promoting and Supporting Economic Regeneration of Wirral.	14(d)
Work with the police to target doorstep sellers preying upon the vulnerable, such as Operation Rogue Trader.	Making Wirral safer	14(e)(f)(g)
Implement Gowers review recommendations into the manufacture and supply of counterfeit goods in conjunction with Merseyside Police and Intellectual Property partners. Secure identified funding and establish a post of ATSO.	Making Wirral safer	14(g)
Work with the wider police family to circulate information to householders when itinerant traders are targeting the Borough.	Making Wirral safer	14(g)
Contribute to the Joint Merseyside Metrology laboratory.	Promoting and Supporting the Economic Regeneration of Wirral.	14(h)
Conduct a survey into the accuracy of liquid petroleum gas dispensers in the Borough	Making Wirral safer	14(h)
Maintain proper traceability for legal weighing and measuring equipment.	Promoting and Supporting the Economic Regeneration of Wirral.	14(h)

PART 2D Provision of an efficient, effective and improving Trading Standards Service

Provisions to develop and modernise the Trading Standards service and to ensure it is able to meet the requirements of this Service Delivery Plan efficiently and effectively including delivery of continuous improvements.

	How the activity reflects local feedback	
	Links to authority objectives	
Maintain and develop Trading Standards website.	Improving our services through electronic government.	15(a)
Develop case handling system in conjunction with Anti Social Behaviour Team and Legal Services	Improving our services through electronic government.	15(a)
Prepare and issue press releases and respond to media enquiries, in conjunction with Press Office.	Making Wirral safer.	15(a)
Discuss performance at key issue exchanges appraisal and subsequent reviews in terms of service plan, annual performance report, Food Service Plan and BERR plan. Performance also discussed at each section's monthly meetings.	Improving our performance.	15(b)
Develop and implement a staff training and development plan		
Continue to maintain 75% customer satisfaction for consumer advice, in light of new customer care guidelines.	Improving our performance.	15(c)
Work with the Office of Fair Trading (OFT) in the development of the joint action plan to encourage the adoption of best practice and more collaborative working across the Trading Standards Service, between the Trading Standards Service (TSS) and the OFT, and with other regulators and government departments.	Improving our performance.	15(c)
Publicise complaint procedure in customer charter and on routine inspection report sheets.	Improving our performance.	15(d)
Use Key Issue Exchange to identify training and development needs, contribute to maintenance of IIP accreditation.	Improving our performance.	15(e)
Develop Consumer Advice Club provision through the TS website	Improving our performance.	15(h)

Maintain Community Legal Services Specialist Quality work.	Improving our performance.	15(f)
Develop and implement quality management procedures to monitor criminal complaints		
Improve procedures to ensure better monitoring of advice given to business	Improving our performance	
Develop use will be made of electronic storage facilities to enable ease of access to trader records and implement document retention procedures.	Improving our performance.	15(f)
Implement Peer Review process	Improving our performance.	15(f)
Develop an effective property management system	Improving our performance	
Work with TSNW colleagues to develop and implement the regional strategy	Improving our performance	
Through Masterware user group enable data sharing with appropriate bodies e.g. FSA, OFT	Improving our service through e-government.	15(g)