

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

26 SEPTEMBER 2012

SUBJECT:	TRADING STANDARDS EMPOWERMENT PARTNERSHIP
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 A report to advise Members of the steps being taken to raise awareness, within the community, of the work of Trading Standards and their plans for working together to deliver services that reflect the needs of our community in pursuit of a fair deal for both consumers and businesses.
- 1.2 The newly established Trading Standards Empowerment Partnership brings together organisations with an interest in business support and consumer empowerment to work together to identify issues, pool evidence, support businesses and consumers through the delivery of projects and campaigns for improvements. The partnership will raise the awareness of the services Trading Standards provides and Trading Standards will steer the implementation of an action plan. The actions will be decided by the partners with the activities reflecting priority areas for the community utilising the statutory powers and responsibilities of the Trading Standards Service. It will seek to provide more effective protection of vulnerable consumers, support honest businesses and through enhances intelligence sharing, help Trading Standards tackle consumer detriment caused by rogue traders. The partnership will also focus on efficiency and provide a platform for joint delivery of funded projects.
- 1.3 The partnership has been founded with the engagement of 23 key stakeholders and is chaired by Councillor Brian Kenny. Trading Standards will host the launch event on Thursday 27th September 2012, which is to be followed by bi-monthly meeting that will be used to coordinate the delivery of an agreed action plan.
- 1.4 This report was requested as part of the annual work plan for the Committee.

2.0 BACKGROUND AND KEY ISSUES

2.1 Overview

- 2.1.1 Wirral Council has a statutory duty placed upon it to provide a Trading Standards Service, to enforce a broad range of consumer protection legislation and use powers

to ensure that consumers and businesses are treated fairly and are protected from the sale of unsafe products and unfair trading practices.

2.1.2 The list of criminal legislation the Trading Standards Service enforces runs to forty five Acts of Parliament and several hundred pieces of related secondary legislation used to protect consumers and businesses. Trading Standards Officers also use a host of additional legislation that gives consumers and businesses rights should thing go wrong with their purchase.

2.1.3 In addition, the Trading Standards Service works closely with Citizens Advice who operates a national 'Consumer Help-line' and handles the initial requests for advice. Their highly trained advisers notify Trading Standards of any criminal matters for investigation and refer those customers that need additional support.

2.1.4 Trading Standards aim to carry out Wirral Council's enforcement responsibility in a fair but firm manner. They will have due regard to the principles of proportionality, consistency and transparency. They target resources towards the most vulnerable consumers and those businesses or business sectors impacting most upon the safety, health or wealth of consumers or the economic viability of other businesses. Their primary activities include:-

- Investigating complaints from consumers or businesses about goods and services they have purchased;
- Assisting consumers to obtain redress where a business has failed to fulfil its contractual obligations;
- Implementing strategies that delivers fair trading and business compliance and better protects vulnerable people from consumer detriment.
- Obtaining written assurances or enforcement orders from businesses with regards to their future conduct;
- Investigating and prosecution the worst offenders
- Conducting food sampling and testing consumer products to ensure that they are accurately described and safe to use (Food Labelling Regulations, Consumer Protection Act);
- Using intelligence sources to identify and tackle unfair or illegal trading practices;
- Providing information, advice and education to businesses and consumers;
- Dealing with referrals from other trading standards services and other enforcement agencies;
- Preventing the supply of dangerous, unsafe or harmful consumer products (Consumer Protection Act);
- Verifying that the claims or statements made about property, goods, services, accommodation and facilities are truthful (The Consumer Protection from Unfair Trading Regulations);
- Discouraging sales of alcohol, cigarettes, fireworks, gas lighter refills, spray paints, solvents and restricted videos to young people (Consumer Protection Act, Licensing Act and Children & Young Persons Act);
- Ensuring that credit providers are fit and proper persons, that their advertisements are not misleading and that they supply prescribed documentation (Consumer Credit Act);
- Disrupting the sale of counterfeit or pirate goods (Trade Marks Act, Copyright Designs and Patents Act);

- Investigating rogue traders and unfair trading practices (The Consumer Protection from Unfair Trading Regulations, Enterprise Act);
- Scrutinising pricing indications to see that the prescribed information is given and that comparisons or reductions are genuine (The Consumer Protection from Unfair Trading Regulations);
- Enforcing the rules regarding hallmarking of articles of gold, silver and platinum offered for sale (Hallmarking Act);
- Checking that video recordings are correctly labelled with classification, that unclassified videos are not sold and that only licensed sex shops supply sex videos (Video Recordings Act);
- Ensuring that equipment used by businesses for weighing and measuring goods for sale are accurate by testing scales, petrol pumps and intoxicating liquor dispensers, etc (Weights & Measures Act).

2.1.5 Trading Standards work in Wirral is also supported by regional/national enforcement teams funded by the Department of Business Innovation and Skills, these being: The Illegally Money Lending Team, Scambusters and Illicit Tobacco Team. In addition, there are other organisations impacting on the work of Trading Standards, such as the Food Standards Agency, Trading Standards North West and the National Trading Standards Policy Board.

2.1.6 Trading Standards work in partnership with Wirral's Community Safety Team in the establishment of joint No Cold Calling/Neighbourhood Watch areas and with Merseyside Police who assist with a variety of joint criminal investigations and operations, the Fire Service and Age Concern with electrical safety and the testing of electric blankets and the Council One Stop Shops who support in providing consumer advice and referrals of those customers seeking face to face assistance.

2.1.7 Trading Standards have also formed good working relations with businesses through Home Authority, Primary Authority and the Trading Standards Approved Business partnerships.

2.1.8 Trading Standards recognises the importance of working in partnership to deliver its services effectively and the Trading Standards Empowerment Partnership will bring together and build on the existing partnerships and create new actions from the wider partnership that reflects the needs of the community.

2.2 Strategic Objectives for the Trading Standards Empowerment Partnership

2.2.1 To contribute to the achievement of the Council's Corporate, Partners and Community objectives.

2.2.2 To provide an appropriate mix of actions in all areas of trading activity which is based on risk assessment and intelligence led enforcement.

2.2.3 To provide information and advice through the partnership so as to achieve informed confident consumers and informed successful businesses in Wirral.

2.2.4 Identify and respond to the needs of the community and businesses to set local priorities

- 2.2.5 Through local activities, people will hear about and report scams and rogue traders, find opportunities to develop skills as consumers and will be able to join campaigns which tackle issues.
- 2.2.6 Develop robust information sharing policies, practices and protocols.
- 2.2.7 Oversee, promote and utilise pro-active projects such as the Trading Standards Approval Scheme and Neighbourhood Watch/No Cold Calling Zones.
- 2.2.8 Encourage inter-agency co-operation and working to achieve the most effective deployment of resources to meet identified needs.
- 2.2.9 Develop and maintain mechanisms for increasing consumer education materials.

2.3 Key Priorities for the Trading Standards Empowerment Partnership

- 2.3.1 The partnership will focus on 4 core priorities: Informed Successful Business, Informed Confident Consumers, Enforcement and the Provision of an Effective, Efficient and Improving Service.
- 2.3.2 These priorities will be driven through the Trading Standards Empowerment Partnership to engage, raise awareness, share information and intelligence and educate key stakeholder groups.
- 2.3.3 The plan and actions for the Partnership will be formed through consultation and with the agreement of the representatives of the Partnership. It will link up the existing partnerships groups and may well generate partnership sub-groups to deliver specific projects.

2.4 List of Partners

- 2.4.1 The role of Trading Standards impacts on wider issues such as Health & Wellbeing, Crime, Neighbourhoods, Environment, Business Growth, Local Economy, Jobs and Education. The partnership group will reflect this diversity and the following organisations have joined:

- Wirral Citizens Advice Bureaux
- Department of Adult Social Services
- Age UK
- Involve North West
- Lairdside Communities Together
- St James Centre, North Birkenhead
- Federation of Small Businesses
- Wirral CVS
- Invest Wirral
- Wirral Chamber of Commerce
- NHS – Public Health (Alcohol and Tobacco)

- Handypersons
- Private Sector Housing
- Community Safety
- Community Patrol
- Wirral Metropolitan College
- Merseyside Police
- Council One Stop Shop
- Wirral Credit Union
- Older Peoples Parliament
- VECAW
- National Illegal Money Lending Team
- Wirral Partnership Homes

3.0 RELEVANT RISKS

- 3.1 Failure to work in partnership and share intelligence places vulnerable adults and children at risk of harm and criminal activity goes undetected.
- 3.2 Failure to work in partnership with the voluntary sector can lead to inequality in the harder to reach areas of the community

4.0 OTHER OPTIONS CONSIDERED

- 4.1 Trading Standards provide advisory material and training to business owners and staff but offences are still detected.

5.0 CONSULTATION

- 5.1 Representatives from each of the named partnership agencies have been consulted.
- 5.2 One of the key aims of the partnership is to engage the community through the partner agencies and consider their responses to identify their priorities which will steer the partnership and the action plan.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 None

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 None

8.0 LEGAL IMPLICATIONS

- 8.1 None

9.0 EQUALITIES IMPLICATIONS

- 9.1 There are no negative equality implications for the partnership but there are positive impacts which are highlighted in the attached Equality Impact Assessment.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 None

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 No planning implications. Reducing the access young people have to age restricted products will minimise the risk of harm to them and reduce anti social behaviour

12.0 RECOMMENDATION/S

12.1 That Members note contents of the report.

13.0 REASONS FOR RECOMMENDATION/S

13.1 The report was requested as part of the work programme for this Committee. It provides information on the work of Trading Standards Service and the importance of the partnership activity undertaken by the Trading Standards Service and highlights improvements to be made through the engagement of a broader partnership with business and the community through the Trading Standards Empowerment Partnership. The report is presented for the consideration of Members.

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APPENDICES

Appendix 1 – Trading Standards Empowerment Partnership document for partners

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	