



Trading Standards Empowermen t Partnership

Working
together to get
a fair deal for
Consumers and
Businesses



Foreword

Derek Payet, Head of Trading Standards

This Partnership Plan proposed by Wirral Councils Trading Standards Service outlines how we will collectively move forward to deliver services that reflect the needs of our local communities and businesses to create a fair trading environment.

We need to address a number of public health issues that include Food, Alcohol and Tobacco. In addition, other priorities including Counterfeiting, E-Crime, Rogue Traders, Product Safety, Doorstep Crime, Telephone and Mailing Scams. The effects of the economic downturn brings challenging times for customers as the risk of consumer detriment will increase. Customers are more likely to turn to loan sharks and experience debt issues, there is an increase sale of harmful illicit tobacco and alcohol due to its low price and more people are prone to getting ripped off by rogue traders. New businesses and good reputable businesses need support in trading fairly so that they can continue to thrive within these turbulent trading times.

It is therefore more important than ever that the Trading Standards Service is more visible and is aligned to partner organisations and communities to ensure that risks, fears and needs are recognised and addressed quickly. The work that we do must be more intelligence led so that we can set priorities and respond to the needs of our local communities and tackle the most prevalent problems.

Making sure the partnership truly understands local issues and acts on intelligence will create an environment whereby consumers are protected and good businesses supported. Information and advice will be more easily accessible with an enhanced signposting service and we will be committed to keeping the community informed of projects by communicating messages and activities through the partnership. Education is essential to



“Working together to get a fair deal for Consumers and Businesses in Wirral”

It is our ambition that every partner will seek to identify and respond to the needs of the community and businesses, to set local priorities, produce targets and deliver actual outcomes that will through fair trading, improve the well-being and health of communities and the local economy. Within the partnership, we will have the skills, expertise and commitment to deliver and I am confident that we will be able to achieve

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1. Partnership Aims & Objectives

1. Purpose

1.1 This plan outlines the priorities for Wirral Council Trading Standards Service. It sets out what services will be delivered, how they fit in with the Council's corporate priorities partner priorities and what the partnership seeks to achieve.

1.2 It outlines how the Trading Standards Service will respond to the aims of informed confident consumers, informed successful businesses, and enforcement of a fair and safe trading environment and the provision of an efficient, effective and improving service through the Trading Standards Empowerment Partnership.

1.3 The Trading Standards Empowerment Partnership (TSEP) will bring together organisations with an interest in business support and consumer empowerment to work together to identify issues, pool evidence, support businesses & consumers through the delivery of projects and campaign for improvements. The partnership will also provide a platform for joint delivery of funded projects.

2. Strategic Objectives

- To contribute to the achievement of the Council's Corporate, Partners and Community objectives.
- To provide an appropriate mix of actions in all areas of trading activity which is based on risk assessment and intelligence led enforcement.
- To provide information and advice through the partnership so as to achieve informed confident consumers and informed successful businesses in Wirral.
- Identify and respond to the needs of the community and businesses to set local priorities
- 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.
- Develop robust information sharing policies, practices and protocols.
- Oversee, promote and utilise pro-active projects such as the Trading Standards Approval Scheme and Neighbourhood Watch/No Cold Calling Zones.

- Encourage inter-agency co-operation and working to achieve the most effective deployment of resources to meet identified needs.
- Develop and maintain mechanisms for increasing consumer education materials.

2. Scope of the Trading Standards Service

2.1 Overview

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. The Trading Standards service is a section of Wirral Council's Law, HR and Asset Management Department. It consists of 15.4 officers and is allocated a budget of just over £850,000.

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.

In addition, the Trading Standards Service works closely with Citizens Advice who operates a national 'Consumer Help-line' and handles our 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.

We aim to carry out Wirral Council's enforcement responsibility in a fair but firm manner. We will have due regard to the principles of proportionality, consistency and transparency. We will 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. Our 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;
- Working with businesses to improve compliance and deliver better services to their customers;
- obtaining written assurances or enforcement orders from businesses with regards to their future conduct;

- 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).

3. Key Priorities

Trading Standards work is focussed on four core national priorities:



Informed
successful
businesses

Informed
confident
consumer

Enforceme
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Provision of
an
effective,
efficient
and

These priorities will be driven through the Trading Standards Empowerment partnership to engage, raise awareness, communicate and educate key stakeholder groups.

4. Informed Successful Businesses

4.1 Trading Standards are committed to providing advice and support to ensure that local businesses are informed and we will continue to consult with businesses to better understand their needs and requirements.

4.2 We will deliver a proactive education programme for businesses, advising on changing legislation or in areas that are complex or high risk or where compliance is low. We will do this through personal contact, targeted information programmes, projects, mail shots and press releases.

4.3 We will offer training sessions and advice for small businesses on request, in order to support them and increase their legal compliance in Wirral.

4.4 We will continue to invest, promote and grow the Trading Standards Approval Scheme which was set up in 2003 as a preventative measure to protect consumers from being targeted by rogue and bogus traders. It aims to give consumers a reliable way of finding trustworthy, reputable local businesses, offers a source of help and advice if things go wrong and enables local businesses to demonstrate that they have signed up to national standards.

4.5 We will work in partnership with Wirral Chamber of Commerce, Invest Wirral, Federation of Small Businesses, private sector organisations and other departments of the Council such as Private Sector Housing and Handypersons Team. We will ensure that publicity campaigns aimed at specific areas of trade are brought to their attention and will also liaise with Town Centre Managers to provide business support and advice.

4.6 We will continue to promote and maximise partnerships with appropriate local businesses in line with the Primary Authority Principle.

Results

“Over 19,000 consumers have used the Trading Standards Approval Scheme to find a reputable business, significantly reducing risk of consumer

5. Informed Confident Consumers

- 5.1 We will provide quality advice and information using modern technology and appropriate media and work with CABx volunteers in handling complex consumer advice enquiries. The service will continue to operate systems to ensure that consumers with a complaint or enquiry are referred initially to Citizens Advice for advice and information.
- 5.2 We will incorporate relevant and up to date consumer advice and information, including details of product recalls on our website.
- 5.3 We will provide talks to schools, vulnerable groups and partners within the borough about the work of Trading Standards upon request.
- 5.4 We will work with Scambusters, Police, Community Safety, Action Fraud, Neighbourhood Watch, Residents Associations, Community & Voluntary organisations to warn vulnerable sectors of scams operated by doorstep sales, post, e-mail and telephone and will take part in any future "Scamnesty" campaigns.
- 5.5 We will ensure that consumers are warned about scams, rogue trader activity or product issues through the community safety 'Ringmaster' system and local media publicity. Press Releases will be issued through the Council website, local papers and to partners.
- 5.6 A range of Consumer Advice material will be available on our website and through partners. 'Consumer Intervention' and dispute resolution will be provided to those consumers most in need of support.
- 5.7 We will utilise the service of the regional Illicit Tobacco Team and the UK Intellectual Property Office and we will work with the Illegal Money Lending Team to combat problems associated with loan sharks and work with organisations such as Wirral Credit Union, Wirral CVS, Involve NW and LCT.

Results

“In the last 12 months, 2000 people have accessed the Trading Standards Service and £215,000 has been returned to customers through complaint

6. Enforcement

- 6.1 We will investigate all referrals from the Citizens Advice Helpline Service, Council One Stop Shops, Wirral CABx and our other partners, which relate to consumer complaints where there is an alleged breach of consumer protection legislation.
- 6.2 Intelligence sources, such as the Citizens Advice Service's national database, enable Trading Standards to identify problem traders and complaint trends in the area. We will regularly review and develop our enforcement programmes and target areas causing greatest economic harm.
- 6.3 Intelligence received from our partners is vital in order to protect young people and the community from the potentially harmful affects of certain products that can only be purchased by those over 18 years of age. Many age-restricted products are linked to criminal and anti-social behaviour as well as poor health and educational under achievement. Others are restricted on grounds of decency. The Trading Standards Service enforces a wide range of age restricted sales legislation including alcohol, tobacco, fireworks, knives, DVD's, computer games, solvents and aerosol spray paint. In addition to providing advice and guidance to businesses the service will carry out tests purchasing using volunteers to check compliance and work with Asda and other large retailers to promote initiatives such as 'Think 25'.
- 6.4 We will work to establish a Community Alcohol Partnership and share information and set local priorities.
- 6.5 We will continue to promote the Citizens Card, which is a proof of age ID card by working with NHS and local retailers.
- 6.6 We will work in partnership with the Police and IP Crime Groups to tackle the problem of sales of counterfeit goods. Counterfeiting is designated as a 'criminal lifestyle' offence under the Proceeds of Crime Act 2002 and we will seek confiscation orders to recover the benefit from criminal activity, thereby making asset recovery and integral part of criminal investigations.
- 6.7 We will work in partnership with the Police, Community Safety and other agencies to combat rogue traders and doorstep crime and other practices which target the vulnerable and socially excluded.
- 6.8 We will submit a joint funding bid with Age UK and the Fire Service for the delivery of a free Electrical Testing service.
- 6.9 We will work with Community Safety, Community Patrol, Neighbourhood Watch and local communities to implement No Cold Calling Zones to tackle the problems associated with rogue builders and distraction burglary.

- 6.10 We will carry out routine checks on e-businesses and continue to operate systems for covert inspection and test purchasing of goods and services on the internet by credit card.
- 6.11 When goods are sold to consumers, the goods must be safe. If the goods are unsafe, and they cause death, injury or damage to property, the manufacturer, the retailer and/or anyone else in the supply chain may have to meet a claim for compensation and could face prosecution for breaching safety law. We will share information with our partners and conduct testing of products believed not to be safe.
- 6.12 We will continue to check the accuracy of weighing and measuring equipment used by traders, ranging from industrial weighbridges and shop scales to petrol pumps and spirit and beer measures in pubs. This ensures that consumers and businesses can rely on the quantity of the goods they are buying which increases consumer confidence in value for money they are receiving. We also check pre-packed goods at the factory to make sure that they are not short weight or measure and carry out random checks at retailers. We will conduct surveys to test compliance in areas seen as a priority by the partners based on intelligence obtained
- 6.13 European and British law says that all food products sold in this country must be labelled correctly, provide enough information for people to know exactly what they are buying and meet compositional standards. Product names and labels must not be misleading and certain food labels have to correctly specify weights, expiry dates, ingredients and nutritional content. We will provide expert advice and guidance to businesses on how to comply with the law in relation to food standards and we will provide advice, guidance and educational materials through this partnership

Results

“755 investigations into illegal activity of Wirral businesses.”

“Anti-counterfeiting activities have resulted in millions of pounds worth of illegal goods being taken off Wirral Streets.”

“80 test purchase attempts made using ‘under age’

7. Provision of an Effective, Efficient and Improving Service

7.1 Trading Standards is committed to delivering an effective, efficient and improving service to achieve maximum results.

7.2 Trading Standards will closely monitor performance targets throughout the year and these will be regularly reviewed at management and team meetings. Individual performance targets will be set for officers at the beginning of the year and reviewed at appraisal meetings.

7.3 We will continue to identify and introduce examples of Good Practice within the Trading Standards field and will review and develop quality procedures and work instructions to reflect current good practice.

7.4 We will continue to consult consumers about how we should deliver our service. This will include the opportunity to comment through customer satisfaction surveys and on the Council's website.

7.5 Service complaints will be dealt with in accordance with the procedure.

7.6 We will seek opportunities to develop remote and flexible working practices to improve service delivery and the efficiency.

7.7 To ensure staff have the necessary skills required to deliver the service we will operate the Departmental Staff Appraisal and Development scheme, we will continue to support officers in continuous professional development and introduce a rigorous competency based framework that will ensure high standards of service are maintained. Officers will be supported in obtaining the Diploma in Consumer Affairs and Trading Standards (DCATS) qualification where possible and encouraged to become members of the Trading Standards Institute (TSI), the professional body, and attend TSI Conference.

8. Identified Partners

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 will be invited to join:

- 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
- Handypersons
- Private Sector Housing
- Community Safety
- Community Patrol
- Wirral Metropolitan College
- Merseyside Police
- Council One Stop Shop
- Asda
- Wirral Credit Union
- Older Peoples Parliament
- VECAW

The Wirral Council Cabinet Member for Environment will be invited to act as Chair of the Partnership and a Partnership Co-ordinator will be appointed.

9. The Partnership

- 9.1 The partnership group will meet on a bi-monthly basis. Meetings should last approximately half a day.
- 9.2 The partnership will set local priorities, targets and outcomes.
- 9.3 An action plan will be produced and implemented by the Partnership. This will outline the targets, outcomes and organisation(s) responsible.
- 9.4 There will be no financial burden placed on partner organisations and Trading Standards will allocate a budget to the partnership to take forward pro-active work.
- 9.5 The partnership will source joint funding opportunities whereby Trading Standards will bid for funds for partner organisations to deliver projects that address local issues.
- 9.6 Trading Standards will support partnership organisations in the delivery of their own corporate priorities and goals.
- 9.7 Partners commit to supporting and promoting Trading Standards projects and will act as advocates for fair trading.
- 9.8 A launch event will take place in August 2012 and all partner organisations will be invited. The event will provide a more in-depth overview of Trading Standards and partners will have the opportunity to meet members of the team.
- 9.8 It is anticipated that the Partnership will first meet in September 2012 and deliver its first 12 month action plan by April 2013.

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