

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

1 JUNE 2009

REPORT OF THE DIRECTOR OF REGENERATION

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 for 2009/10.

2.0 BACKGROUND

2.1 Historically the Trading Standards Division provided a brief statistical Annual Report 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 (Product Safety and Under Age Sales);
- Fair Trading (Consumer Credit, Misleading and False Descriptions, Trademarks, Enterprise Act, Consumer Advice and Intervention)
- Quality Standards (Food standards and animal feeding stuffs).

2.3 The Department for Business, Enterprise and Regulatory Reform (BERR) National Performance Framework requires local authorities to prepare a Service Delivery Plan for its Trading Standard functions

2.4 The Framework has been developed by the Consumer Affairs Directorate of 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

3.2.1 The 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, which includes the

description of goods and services, trade marks and intellectual property, doorstep selling, protecting the economic interests of consumers and safeguarding the vulnerable from scams and rogue traders.

- 3.3 Both the Rogers Review and its predecessor, the Hampton Review, envisaged a Trading Standards Service which provided support to, and reduced burdens on, legitimate business, whilst targeting rogue traders who adversely impact on consumers and lawful business. The Trading Standards Division has achieved this aim by reducing unnecessary inspections to traders who comply with the law and targeting interventions in those areas, which pose the greatest threat to consumer welfare. This approach is reflected in National Indicator 183 which assesses the impact of trading standards services on the fair trading environment by measuring action taken to reduce complaint levels against non compliant traders.
- 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 plan forms the basis of Trading Standards operational activity for 2009/10. The National Performance Framework requires that the service delivery plan be submitted to the relevant Member forum for approval.
- 3.5 The draft Service Delivery Plan ensures the maintenance of current measures to improve business compliance activity and enhance consumer welfare but also addresses implementation of new initiatives such as;
- Advisory activities to ensure that the most vulnerable members of the community receive casework support to protect them from rogue traders, including additional support provided by Age Concern.
 - Refreshing the need to target enforcement activity at traders seeking to mislead and defraud vulnerable consumers.
 - Develop links with the Financial Ombudsman Service to assist consumers with the resolution of complex consumer credit problems.
 - Work collaboratively with the regional Trading Standards illegal moneylending, scambusters and tobacco control teams
 - Provide training to health visitors on consumer safety dangers and nutrition relating to babies and toddlers.
 - Work with NHS Wirral to make better use of food sampling resources in relation to diet and nutrition at takeaway premises. Using analytical data from 2008/9 survey to provide advice to take away premises on reducing salt, saturated fat and portion size.
 - Conduct the 2nd phase of the LACORS project into the accuracy of weighing equipment used in Wirral University Trust Hospitals to measure drug and other therapeutic interventions.
 - Make greater use of licence review procedures to impose conditions or suspend or revoke licences, to minimise the sale of alcohol to under 18s.
 - Work with the police to target doorstep sellers preying upon the vulnerable and use powers under Fraud Act and Consumer Protection Regulations
 - With Merseyside TS colleagues seek funding to conduct a survey seeking to reduce excess packaging
- 3.5 The draft service delivery plan for 2009/10 is attached to this report at Appendix 1.

4.0 **FINANCIAL IMPLICATIONS**

- 4.1 The contents of the plan will be delivered within existing budgetary provision (with additional resources provided by NHS Wirral for under age sales of alcohol work).

5.0 STAFFING IMPLICATIONS

5.1 The contents of the plan will be delivered within existing staffing arrangements (with additional resources provided by NHS Wirral for under age sales of alcohol work).

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 The Service Delivery Plan addresses equal opportunity issues. Equality Impact Assessments have been carried out on key areas of work.

7.0 LOCAL AGENDA 21 IMPLICATIONS

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

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 The plan applies to all Wards.

9.0 HUMAN RIGHTS IMPLICATIONS

9.1 The Service Delivery Plan incorporates the human rights implications involved in enforcement action. The plan specifically addresses the need to provide staff training and increase public confidence in proper use of the Regulation of Investigatory Powers Act 2000.

10.0 COMMUNITY SAFETY IMPLICATIONS

10.1 The Service Delivery Plan includes contributions to Wirral's Community Safety Strategy, particularly concerning protection of vulnerable groups.

11.0 PLANNING IMPLICATIONS

11.1 None.

12.0 ANTI-POVERTY IMPLICATIONS

12.1 Regulation focused on high risk elements of the credit industry and effective criminal enforcement action against loan sharks will increase financial protection. Greater use of Financial Ombudsman Service will increase options for resolving complex consumer credit complaints.

13.0 SOCIAL INCLUSION IMPLICATIONS

13.1 Targeted provision of consumer support interventions will increase the confidence of vulnerable consumers.

14.0 BACKGROUND PAPERS

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

15.0 RECOMMENDATION

15.1 That members endorse the Trading Standards Service Delivery Plan for 2009/10.

Alan Stennard

Director of Regeneration.

This report was prepared by John Malone who can be contacted on 691 8640

Appendix One

THE SERVICE DELIVERY PLAN 2009/10

POLICIES TO MEET NATIONAL AND LOCAL PRIORITIES

Informed Confident Consumers 2009/10

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

Links to authority aims & priorities for improvement To create more jobs, achieve a prosperous economy and regenerate Wirral

1 Review policy for advice and assistance to consumers in view of Office of Fair Trading consumer intervention strategy and equality guidance.

2 Maintain Consumer Support Quality Manual to the Community Legal Service Specialist Help Quality Mark standard

3 Develop and promote the Consumer Advice Club by employing a contractor

4 Promote responsible traders and increase choice to consumers by broadening the membership of the Local Authority Assured Trader Scheme Network approved Wirral Trader Scheme. Monitor feedback to ensure that business standards are maintained.

5 Provide consumer education in schools and increase participation in Easter Egg Challenge and other educational initiatives with partner agencies

Links to authority aims & priorities for improvement To improve health and well being for all, ensuring people who require support are full participants in mainstream society

6 Working with Age Concern to educate elderly consumers about door step crime, bogus callers and raise awareness of the No Cold Calling Zones and the Wirral Trader Scheme

7 Work with colleagues to provide Consumer Direct publicity, initial advice posters and publicise the illegal money lending team in libraries and One Stop Shops.

8 Work with Victim Support to identify vulnerable people able to benefit from a target hardening programme. Work with Home Improvement Agency to establish a referral protocol and signpost vulnerable consumers in need of property repairs and maintenance.

9 Working with the police, Community Safety, Wirral Wardens, Age Concern and Wirralwatch we will consult with communities to implement " No Cold Calling Zones" to deter unwanted traders and to provide reassurance to vulnerable consumers.

10 Analyse intelligence and target banks and building societies to minimise risk to vulnerable consumers through preventing withdrawal of large amounts of cash to pay rogue traders.

11 Improve through staff training the Rapid Reaction Response to provide a prompt approach to unsolicited traders calling on vulnerable consumers.

12 Review advisory activities to ensure that the most vulnerable members of the community receive casework support to protect them from rogue traders, including additional support provided by Age Concern.
13 Provide doorstep crime guidance material and speakers to targeted audiences.
14 Use Consumer Support Network and Ringmaster system to focus awareness of doorstep crime and disseminate warnings to vulnerable and targeted groups through networked alerts to members
15 Conduct 2 nd phase of the Local Authorities Coordinators of Regulatory Services medical weighing project into the accuracy of equipment used in healthcare
16 Work with NHS Wirral to make better use of food sampling resources in relation to diet and nutrition at takeaway premises. Using analytical data from 2008/9 survey to provide advice to take aways on reducing salt, saturated fat and portion size. Seek resources to enable community engagement
17 Take part in North West regional and Local Authorities Co-ordinators of Regulatory Services national food and feedingstuff sampling programmes to ensure that compositional, labelling and nutritional standards are maintained.
18 Provide training on consumer safety and nutrition relating to babies and toddlers to Health visitors

Informed Successful Business 2009/10

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

Links to authority aims & priorities for improvement

To create more jobs, achieve a prosperous economy and regenerate Wirral

19 Provide a metrology service to help businesses comply with legal requirements and maintain statutory traceability of equipment

20 Develop trader guidance packs and provide training for off-licence staff.

21 Provide detailed advice to Home Authority/ Primary Authority companies to enable them to comply with legal requirements, taking into account any additional responsibilities arising from Primary Authority.

22 Provide trader advisory pack to help small business deal with unwanted approaches from companies selling space in bogus publications in light of Business Protection Regulations and continue to work with Companies Investigation Branch to monitor non compliant companies. Explore possibility of civil action under Business Protection Regulations

23 Identify risk based inspections by intelligence to improve compliance and provide guidance to businesses.

24 Act as a responsible body under the Licensing Act 2003 in the vetting process for alcohol licences and contribute to the licensing review process.

25 With North West Trading Standards partners identify regional "Most Complained About Traders" to improve complaint handling of such high complaint level businesses.

26 Carry out high risk credit inspections at the request of the Office of Fair Trading. Develop links with the Financial Ombudsman Service to assist consumers with the resolution of complex consumer credit problems.

Enforcement of a Fair and Safe Trading Environment 2009/10

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.

Links to authority aims & priorities for improvement

To create a clean, pleasant, safe and sustainable environment

27 Conduct surveys and identify areas of unsafe consumer products and initiate RAPEX alerts and publicity where appropriate.

28 Conduct intelligence led investigations into breaches of the law and ensure legal action meets standards of the reviewed enforcement policy

29 Work collaboratively with the regional illegal moneylending, scambusters and tobacco control teams.

30 Work with Police to investigate second-hand traders, car boot sales and electronic market places to detect supply of counterfeit goods and to disrupt the supply of stolen goods

31 Contribute to Crime and Disorder Reduction Partnership, Volume Property Crime Group and Joint Agency Group.

32 Work with the police licensing team to target under age sales of alcohol take appropriate prosecution and licensing review action.

33 Contribute to the Tobacco control strategy by undertaking under age sales surveys, advising business and investigating allegations of counterfeit tobacco.

34 Promote the responsible sale and use of fireworks.

35 Use intelligence to identify local problem traders and take proportionate Enterprise Act action to contribute to NI183.

36 Work with the police to target doorstep sellers preying upon the vulnerable and use powers under Fraud Act and Consumer Protection Regulations.

37 With Merseyside TS colleagues seek funding to conduct a survey seeking to reduce excess packaging.

38 Provide training sessions to Merseyside Police probationary officers.

Provision of an efficient, effective and improving Trading Standards Service 2009/10

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.

Links to authority aims & priorities for improvement

To be an excellent Council

39 Maintain business satisfaction levels (NI182) at target of 75%.

40 Provide customer satisfaction surveys to every customer, who has had further advice and assistance, maintain national target of 90% and review process.

41 Prepare and issue press releases and respond to media enquiries, in conjunction with Press Office and Council media protocol.

42 Discuss performance at key issue exchanges and subsequent reviews in terms of service plan, annual performance report, Food Service Plan. Performance also discussed at each section's monthly meetings.

43 Develop and implement a staff training and development plan based on KIE and operational circumstances.

44 Work with TSNW colleagues to develop and implement regional strategies, surveys and service improvements. Through TSNW work with the North West Improvement and Efficiency Partnership and its sub regional derivatives

45 Through the Masterware user group enable data sharing with appropriate bodies and implement LAEMS and FSS systems, as required by the Food Standards Agency.

46 Share intelligence with other agencies in accordance with National Intelligence Model.

47 Review existing Food Standards policies and procedures following implementation of the Code of Practice.

48 Respond to consultations which impact upon the service.

49 Update and maintain website material

50 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.

51 Maintain quality of RIPA procedures in light of OSC inspection, central register and provide staff training and increase public confidence

52 Maintain Memorandum of Understanding with Merseyside Police to enable asset recovery arrangements to ensure better use of resources

53 In accordance with Council Policy disclose outcomes of prosecutions on Trading Standards website

54 Assess the impact of DCATS training on staff and implication of TSI continuous professional development.

