Agenda Item 6

Report to	**Scrutiny Committee for Economy, Transport and Environment**
Date	**14 March 2012**
Report By	**Director of Economy, Transport and Environment**
Title of Report	**The Work of the Trading Standards Service**
Purpose of Report	**To inform the Committee about the work the Service undertakes to support businesses and consumers in, and visitors to, the County.**

RECOMMENDATION: That the Committee notes the report and considers any follow-up work it might wish to undertake with the Service

1. Financial Appraisal

1.1 There are no direct financial implications arising from this report. The Service has a budget of £1.29m (2011/12), a cost per head of population of £2.78 which compares exceptionally well to the county council average of £3.33 per head (2009/10 Cipfa actuals - see Appendix 1) and places us in the top 25% of councils.

2. Supporting Information

2.1 Following the Lead Cabinet Member's steer, the Trading Standards Service works in partnership with other agencies contributing to the development of informed, confident consumers; informed, successful businesses; and protecting vulnerable consumers. A table of partnership activities may be viewed at Appendix 2.

2.2 The service is provided by means of advice, information, education and enforcement – including the prevention, detection and, where appropriate, prosecution of offences or by pursuing civil actions against those who break the laws which the County Council or the local weights and measures authority has a duty to enforce. A list of the relevant legislation may be found at Appendix 3. In its pursuit of quality service delivery Trading Standards is proud to have been assessed as being compliant with the Customer Service Excellence standard and the Quality Legal Mark of the Legal Services Commission.

2.3 The customers for the service are:

- residents, tourists and responsible businesses (including agricultural businesses) in East Sussex;
- any businesses causing consumer detriment by operating outside of trading laws; and
- any persons or businesses who must comply with animal health and welfare requirements for livestock or who might expose the agricultural community to the risk of an outbreak of a notifiable disease.

2.4 The higher than average population of older people in the County increases the likelihood of doorstep crime and scams being perpetrated. The Service aims to protect them and other vulnerable persons using a variety of initiatives including Buy With Confidence, Support With Confidence, No Cold Calling Zones and 'Scamnesties' along with the "Make Money Make Sense" and "Wise Guys" websites. In addition the service runs 'virtual' Consumer and Business support networks. An example of one of the current initiatives, 'Building Bridges', will be presented to the Committee at the meeting.

2.5 The authority is a member of Trading Standards South East Ltd, a partnership of 19 local authority Trading Standards services in the South East of England and a company limited by guarantee with the Head of Trading Standards acting as a director of the company. A review of the activities of the group in 2010/11 is attached at Appendix 4. The service also contributes to the national agendas for the service, sharing and receiving best practice and providing leadership through the Trading Standards Policy Forum and the Trading Standards Institute.

2.6 The Government, through the Department of Business, Innovation and Skills (BIS) has recently consulted on proposals to make institutional changes to consumer policy. The proposed changes were presented to the Lead Member for Economy, Transport and Environment on 6 September and the relevant papers are attached at Appendix 5. The outcome of the consultation is awaited.

2.7 East Sussex Trading Standards is innovative, forward-looking and successful in delivering the County Council's duties to ensure compliance with, and where necessary enforce, a wide range of legislation delegated to the Service to the benefit of responsible traders, citizens and vulnerable persons in, and visitors to the County. A summary of recent achievements together with an identified risk may be found at Appendix 6.

3. Local Better Regulation Office (LBRO)

3.1 On 1 November, the LBRO launched its final report on Priority Regulatory Outcomes "A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services". This is an important new report as it covers a range of services including Trading Standards and a summary of what this means is attached at Appendix 7.

4. Human Rights Act Implications

4.1 Investigations conducted by the Service comply fully with the Regulation of Investigatory Powers Act (RIPA) which regulates the manner in which certain public bodies may conduct surveillance and access a person's electronic communications. The Service also maintains the central register of authorisations on behalf of the Senior Responsible Officer designated in the County Council's RIPA policy which may be found at http://tinyurl.com/6aauf53

5. Conclusion and Reason for Recommendation

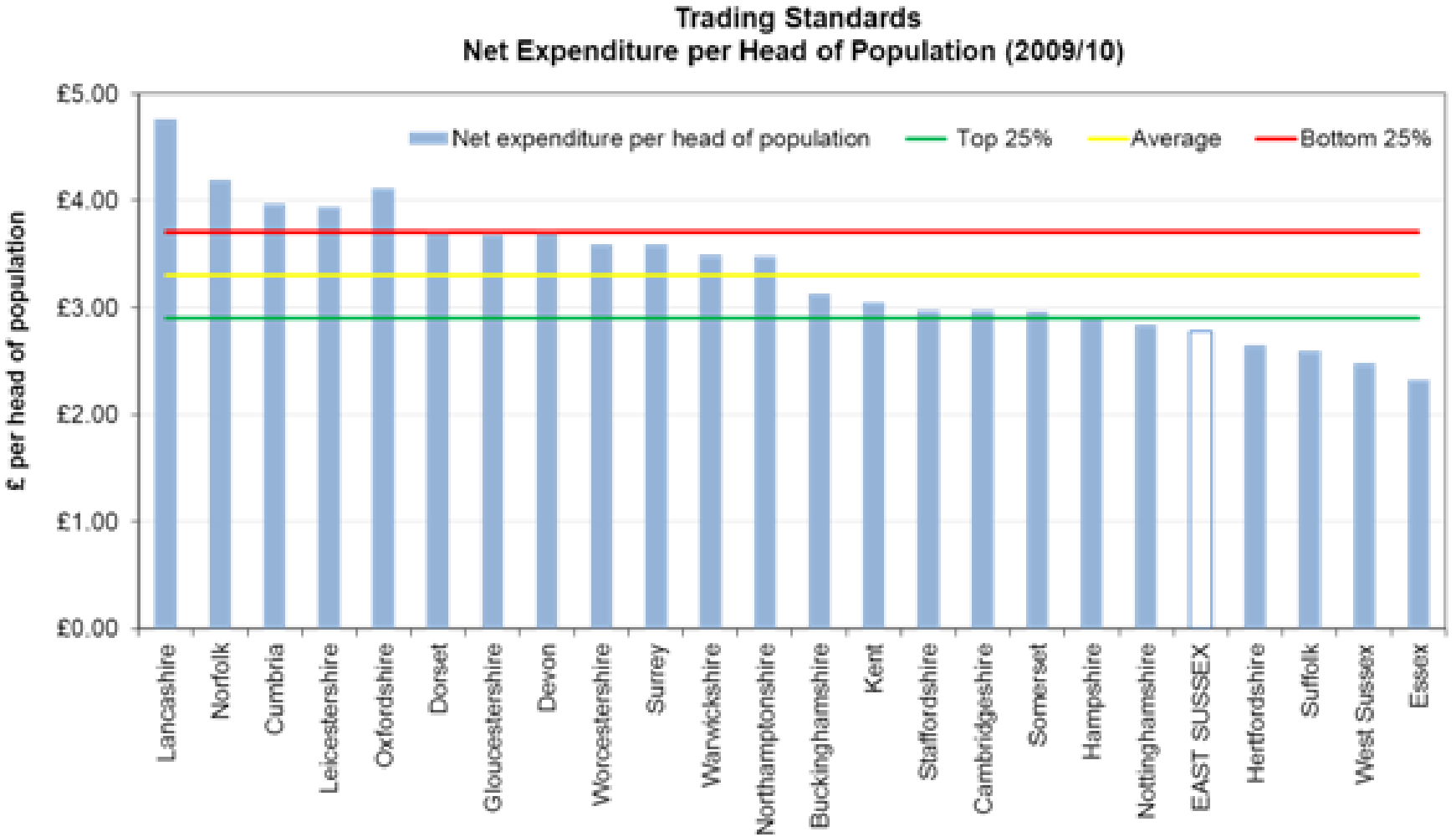
5.1 Some members of the recently formed Economy, Transport and Environment Scrutiny Committee may not be aware of the diverse activities of Trading Standards. This report serves as an introduction to its work and presents an opportunity for committee members to seek further information and/or arrange to visit the Service with a view to informing any future work programme.

RUPERT CLUBB
Director of Economy, Transport and Environment

Contact Officer: Brian Johnson Tel. No. 01323 463421
Local Member: All

BACKGROUND DOCUMENTS
Consultation on Institutional changes for provision of consumer information, advice, education, advocacy and enforcement. (BIS June 2011 - http://tinyurl.com/67gq6jv)

Appendix 1


Trading Standards
Net Expenditure per Head of Population (2009/10)
£ per head of population
£5.00
£4.00
£3.00
£2.00
£1.00
£0.00
Net expenditure per head of population
Top 25%
Average
Bottom 25%
Lancashire
Norfolk
Cumbria
Leicestershire
Oxfordshire
Dorset
Gloucestershire
Devon
Worcestershire
Surrey
Warwickshire
Northamptonshire
Buckinghamshire
Kent
Staffordshire
Cambridgeshire
Somerset
Hampshire
Nottinghamshire
EAST SUSSEX
Hertfordshire
Suffolk
West Sussex
Essex

Appendix 2

Partnership Activities

Corporate

Other Department	Activity	Outcomes
ETE (Environment) / Property Services	Enforcement of Energy Performance of Buildings Regulations	Assist in meeting national Environmental targets. / 'Green deal'
ETE (Waste)	Weighbridges Project / Checks	Assured waste disposal costs
ASC	SWC / Building Bridges	Personalisation Agenda Support of Adults at Risk
ASC	SWC / BWC	People able to remain in their own homes.
CS	SWC	Personalisation Agenda
ASC / Community Safety	Enforcement UAS Alcohol / Fireworks / Knives/ Building Bridges	Anti-Social Behaviour / Support of Adults at Risk
Public Health	Enforcement UAS Alcohol / Tobacco / Solvents / Knives	Influence Health Issues
Public Health	Food Standards Compliance / Enforcement	Influence Health Issues (obesity / nutrition)
ALL	RIPA	Oversight and record-keeping. Report to IOCCO and OSC

External / Other

Other Agency	Activity	Outcomes
Sussex Police / HMRC / EA / DVLA / Border Agency	Rogue Traders	Crime / Fear of Crime. People able to remain in their own homes.
Sussex Police / HMRC / Border Agency	Illicit / Counterfeit Tobacco	Disrupting organised crime.
Sussex Police / ESFRS	Explosives Licensing	Public Safety
TSSE (17 other LAs in the South East)	Planned project work	Compliance / Consumer Protection
TSSE (17 other LAs in the South East)	Joint Purchasing	Discounts obtained
East of England Trading Standards Authorities	Intelligence Database	Better intelligence on criminal activities
Government Departments (BIS; DEFRA; FSA; OFT; & DoH)	Compliance / Enforcement of legislation	Consumer Protection
Community and Voluntary Groups	Building Bridges	Consumer Protection / Support of Adults at Risk
Citizens advice Local and National	Building Bridges	Consumer Protection / Support of Adults at Risk
Local Borough and District Councils	Enforcement UAS Alcohol / Tobacco / Solvents / Knives	Consumer Protection / Anti-Social Behaviour
Office of Fair Trading	Consumer Education initiatives	Consumer Protection
Federation Against Copyright Theft (FACT) / Intellectual Property Office / Associated Brand Holders	Counterfeit Goods / Trademark infringement	Consumer Protection / Economic Development / Disrupting organised crime
Local businesses, tradesmen and carers	SWC / BWC	Economic Development

Appendix 3

Trading Standards Statutory Duties.

Some duties placed directly on the County Council or, alternatively, on the 'Local Weights and Measures Authority' are delegated via the Scheme of Delegations to Officers in the County Council's constitution to the Director of Economy, Transport and Environment and thence to the Head of Trading Standards. Included in the list are some common informers Acts (such as the Fraud Act and the Criminal Damage Act) that the service has sought permission to use in order that additional offences may be cited when circumstances demand. The list of delegations is as follows:

Accommodation Agencies Act 1953
Administration of Justice Act 1970 – S40
Administration of Justice Act 1985
Agricultural Produce (Grading & Marking) Acts 1928
Agriculture Act 1970
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Cancer Act 1939
Celluloid & Cinematograph Film Act 1922
Children & Young Persons (Protection from Tobacco) Act 1991
Children & Young Persons Act 1933
Clean Air Act 1993
Companies Acts 1985/2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Copyright, Designs & Patents Act 1988
Courts and Legal Services Act 1990
Criminal Damage Act 1971
Criminal Justice Act 1988
Customs & Excise Management Act 1979
Education Reform Act 1988
Energy Act 1976
Enterprise Act 2002
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Fair Trading Act 1973
Farm & Garden Chemicals Act 1967
Fireworks Act 1951
Fireworks Act 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery & Counterfeiting Act 1981
Fraud Act 2006
Hallmarking Act 1973
Health & Safety at Work etc Act 1974
Housing Act 2004
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Legal Services Act 2007 (S198)
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976 (S16)
Malicious Communications Act 1988
Medicines Act 1968
Merchant Shipping Act 1995
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Olympic Symbol etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Poisons Act 1972
Prices Act 1974
Property Misdescriptions Act 1991
Protection of Animals Act 1911
Public Health Act 1961
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988 and 1991
Road Traffic Regulation Act 1984
Solicitors Act 1974
Telecommunications Act 1984
Theft Acts 1968 and 1978
Tobacco Advertising and Promotions Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Unsolicited Goods & Services Acts 1971 & 1975
Video Recordings Act 1984
Weights & Measures Act 1985

The above list comprises the primary legislation delegated to the Service. There is additionally considerable secondary legislation which creates further duties which can be circulated to Members electronically if they wish to have this additional level of detail.

Appendix 4

Trading Standards South East Ltd

End of Year Report Benefits - 2010/11

www.tsse.org.uk

Prepared by Gaynor Jackson
August 2011

Trading Standards South East (TSSE)

TSSE is a partnership of 19 local authority Trading Standards Services, operated through TSSE Ltd, a limited liability company. TSSE is a well respected organisation amongst its peers and in central government and has a track record of delivering. The partnership has been built upon trust, good will and understanding.

Local authority engagement and support provided by the TSSE partnership team is provided on a reciprocal basis. Relationships between officers and the TSSE team have been built up over a number of years and have been fundamental in making TSSE a success to date.

Coordination Activities

Regional coordination offers huge benefits to local councils, central government, local consumers and businesses and thus by implication the economy, at a time where government cuts are hitting all local authorities.

There are a vast range of activities undertaken by the TSSE partnership team including;

- partnership & engagement
- internal continuous improvements
- project management and delivery
- negotiated cost savings
- central coordination & administrative provision
- the provision of additional capacity
- governance & financial monitoring
- consultation and policy development
- maintaining a high profile for the service with stakeholders
- shared service delivery and
- best practice implementation.

Key Benefits - What Do Local Authorities Get For Their TSSEL Membership Fee?

The TSSE coordination function delivers many outcomes. Generic examples include better-targeted enforcement, cashable savings, reduction in consumer detriment, better-informed business, more effective use of resources, better targeting and impact.

TSSE provides efficiencies and cost savings to local authorities as a result of adopting a coordinated, joined up approach, by sharing best practice, avoiding duplication & contracting as one entity.

There are many examples listed below, supported by specific Focus Group contributions detailed in Appendix 1, all of which benefit local authorities.

However, in the current economic climate with central government spending cuts, authorities are faced with tough choices, trying to do more for less and having to adopt innovative ways of working and sharing resources, with income and funding playing a key role in service delivery. Therefore, putting officer-time savings aside and all of the other benefits derived from being part of an organised partnership, in its crudest form, if you were to ask the question **'what do I get from TSSEL for my membership fee?**' Tables A, B & C may help to provide an answer.

Delivering Government Objectives

- a simple process of **enabling bids for government projects** that secure political consensus across borders enables groups of authorities to deliver government initiatives in a consistent, coordinated manner avoiding duplication & facilitating the sharing of best practice. Recent examples include **Consumer Direct, Consumer Credit Licence Checks, E-Crime Protection Project, Illegal Money Lending project, Scambusters, Tobacco** project.

Passporting money To LA's

- TSSE authorities pay an annual membership fee (listed in table A) based on population & offset against partnership income. From 1st April 2011 the TSSEL Board have agreed to move to a 'flat rate fee' 3 tiered fee for large counties, small counties & unitaries.

- As a result of being a member of TSSE**, authorities are able to draw down central government funding** for specific projects as listed in the table below.

- TSSE act as a single point of contact (a requirement of some government departments as they then only have to contract with one entity, not numerous authorities, thus offering them considerable administrative savings to) to bid for funding to deliver projects both nationally and on behalf of 19 authorities in a coordinated and consistent manner.

- This has enabled income streams to be passported to local authorities to deliver valuable enforcement work in areas such as **Food Sampling (FSA), Under Age Sales (Tobacco) and Safety (Market Surveillance & restricting supply of goods at Ports & Transit sheds** preventing them entering the distribution chain). See Table A below.

Table A. LA Funding Drawn Down Through TSSEL for Local Service Delivery

Local Authority	FSA	Tobacco	Market Surveill-ance	Ports	Ecrime	Credit Checks	Intel	Total Per LA	LA Membership Fee 10-11
Bracknell Forest	£2,400	£3,410			£450		£1,200	**£7,460**	**£3,400**
Brighton & Hove	£0	£3,767	£619		£450	£472	£1,200	**£6,508**	**£4,542**
Buckinghamshire	£8,799	£5,460					£1,200	**£15,459**	**£7,706**
East Sussex	£3,349	£14,916				£1,642	£1,200	**£21,107**	**£7,852**
Hampshire	*£37,385	£10,310	£14,013	£7,481	£450	£371	£1,200	**£71,210**	**£17,850**
Isle of Wight	£0	£9,305	£951		£2,513		£1,200	**£13,969**	**£3,606**
Kent	£12,990	£5,290		£3,316	£450	£777	£1,200	**£24,023**	**£18,480**
Medway	£1,155	£9,320			£450		£1,200	**£12,125**	**£4,557**
Milton Keynes	£2,253	£5,540	£494		£1,500		£1,200	**£10,987**	**£4,244**
Oxfordshire	£4,317	£6,750	£1,173				£1,200	**£13,440**	**£9,940**
Portsmouth	£0	£17,020			£2,176		£1,200	**£20,396**	**£4,061**
Reading	£0	£3,280	£949			£472	£1,200	**£5,901**	**£3,705**
Slough	£5,100	£4,210		£140			£1,200	**£10,650**	**£3,482**
Southampton	£16,473	£8,190		£7,718	£2,700	£809	£1,200	**£37,090**	**£4,293**
Surrey	£8,625	£7,380		£1,806	£1,950	£1,524		**£21,285**	**£14,991**
West Berkshire & Wokingham	£3,625	£6,980	£210		£700		£1,200	**£12,715**	**£7,485**
West Sussex	£3,858	£8,460			£700		£7,500	**£20,518**	**£11,299**
Windsor & Maidenhead	£2,151	£3,230	£586				£1,200	**£7,167**	**£3,596**
Total	**£112,480**	**£132,818**	**£18,995**	**£20,461**	**£14,489**	**£6,067**	**£26,700**	**£332,010.50**	**£135,089**

*Approx 25k of Hampshire FSA money is for Hampshire Scientific Services for food sampling

Buying Group

TSSE are at the forefront of looking for new ways of working in a more effective joined up way. We have acting as a buying group **negotiating discounted subscription rates** for professional resources and licenses. This resulted in;

- **an overall saving of approx 25%** for the Lexis Nexis products, **amounting to 60k over 3 years**
- a further **saving for 3 authorities of circa 10k over 2 years**, for the British Standards / IHS product
- **a 6k saving** on the purchase of 19 intel licenses **reducing the individual license cost by £300 per LA**

TABLE B. LEXIS NEXIS			
TSSE Local Authority	**Total Spend 2009 £**	**Total Spend 2010 With TSSE % Discount £**	**2010 Savings Made £**
East Sussex TS	14,563	11,650	2,912
Medway TS	6,102	4,882	1,220
Surrey TS	12,295	9,836	2,459
Slough TS	2,827	2,262	565
Buckinghamshire TS	4,957	3,966	991
Milton Keynes TS	7,284	5,827	1,456
Oxfordshire Tradin	7,508	6,007	1,501
Kent Trading Standards	12,763	10,210	2,552
Brighton & Hove TS	937	750	187
Southampton Trading Standards	4,043	3,234	808
RB Windsor & Maidenhead TS	3,805	3,044	761
Isle of Wight TS	3,368	2,695	672
West Berkshire TS	5,273	4,218	1,054
Bracknell Forest TS	5,949	4,759	1,189
Hampshire TS	11,557	9,245	2,311
West Sussex TS	12,228	9,782	2,445
	115,466	**92,374**	**23,092**

TABLE C. IHS/ British Standards				
Authority	**LA Spend £**	**TSSE Saving 10-11 £**	**TSSE Saving 11-12 £**	**Total Saving 10-12 £**
East Sussex TS	2,520	925	1,324	2,249
Kent Trading TS	3,600	-	2,404	2,404
Medway TS	3,740	2,145	2,544	4,689
				9,342

Capacity Building

- TSSE facilitates cross border sharing of resources and expertise providing resources to enable **regional service planning and coordinated project management**

- TSSE provide **administrative support** for the national **Buy With Confidence Trader Approval Scheme** and also support individual authorities with 'desk top audits' freeing up skilled officers to focus on the higher value work. Both activities are undertaken on a cost recovery basis with **management support costs offset against partnership costs.**

- **Scambusters** working across the 3 region super-region (LoTSA, EETSA & TSSE) **adopted 11 referrals in 2010-11 totalling 97** since its inception in 2006, of which, 29 were regional, 34 were cross regional & 26 national demonstrating a need to focus upon more cohesive approach to intelligence collation & grater joined up working

- Through its infrastructure, TSSE provides **vital coordination and communication at times of national emergencies** e.g. Foot and Mouth and Avian Influenza. Without this infrastructure, relationship and good will in place, some local authorities would have really struggled to coordinate their efforts to deal with these situations.

- Deployment of resources such as **accredited financial investigators**, which enable all authorities to use proceeds of crime legislation to tackle criminals in their area, which could not be done in the majority of Las on an individual basis.

Equipment & Database Provision

- **Funding** provided TSSE authorities with the opportunity **to purchase new or upgrade their old PCs** to assist with E-Crime investigations.

- TSSE collectively pooled national **funding** and agreed to **purchase individual licenses providing access for all 19 Las** to one single Intel database.

Influencing Policy developments & Changes in Legislation

- By **responding to consultations**, TSSE provides a collective voice to influence national policy developments benefiting both local authorities and Government Departments.

- During 2010-11 TSSE responded to approx 10 consultations **ensuring each LA has a voice,** yet they haven't had to commit the resource, time & effort to compile the response, benefiting from being able to review a prepared response & deciding in the majority of cases to endorse it.

Focus Groups & Partnership Working Within TSSE

- TSSE **Focus Group networks** regularly liaise virtually to **share issues of professional practice,** developments in new legislation and provide guidance for individual authorities that are not able to keep up to date due to resource pressures & sustaining officer expertise. This **promotes consistency, removes duplication and provides added value saving officer time and resource**.

Training

- TSSE **coordinate free training events for all LAs**, acting as the single point of contact for national agencies and also support Focus Groups who deliver professional practice updates for all members.

Partnership Working with Stakeholders

- TSSE is a well-established and respected organisation with central government and national stakeholders providing a link to promote effective & consistent communications. **We support and lead on national Focus Groups & Regional Coordination networks.**

- We work closely with central government bodies including BiS, OFT, FSA, DoH, DeFRA, Police, Public Health and others. This is evidenced in part by the amount of **funding allocated to TSSE as a result of submitted project bids** and also the leadership role TSSE has in managing national projects e.g. E-Crime

Website & Communications

- The **TSSE website provides an excellent central repository** for all TSSE information, as well providing discussion forums to aid the sharing of best practice & to **reduce carbon footprint & travelling costs,** all of which support individual authorities in delivering high quality services.

- An Established database of electronic mailing groups ensures **speedy communications up to approx 200 officers across 19 LAs**.

Conclusion

As a result of collaborative working across TSSE, efficiencies are achieved that contribute towards a leaner approach, thus providing a reduced cost to the public purse.

There are many benefits derived from working together, which, in the absence of a coordination function just would not happen and therefore the added value would not exist.

- Businesses benefit from better regulatory outcomes because policy development and law is better thought through and implemented with effective and proportionate enforcement powers.

- Consumer's benefit from improved awareness and understanding, enabling them to make informed decisions, thus helping them to make better choices.

- Local councils benefit from efficiency savings through central policy development and the provision of additional capacity.

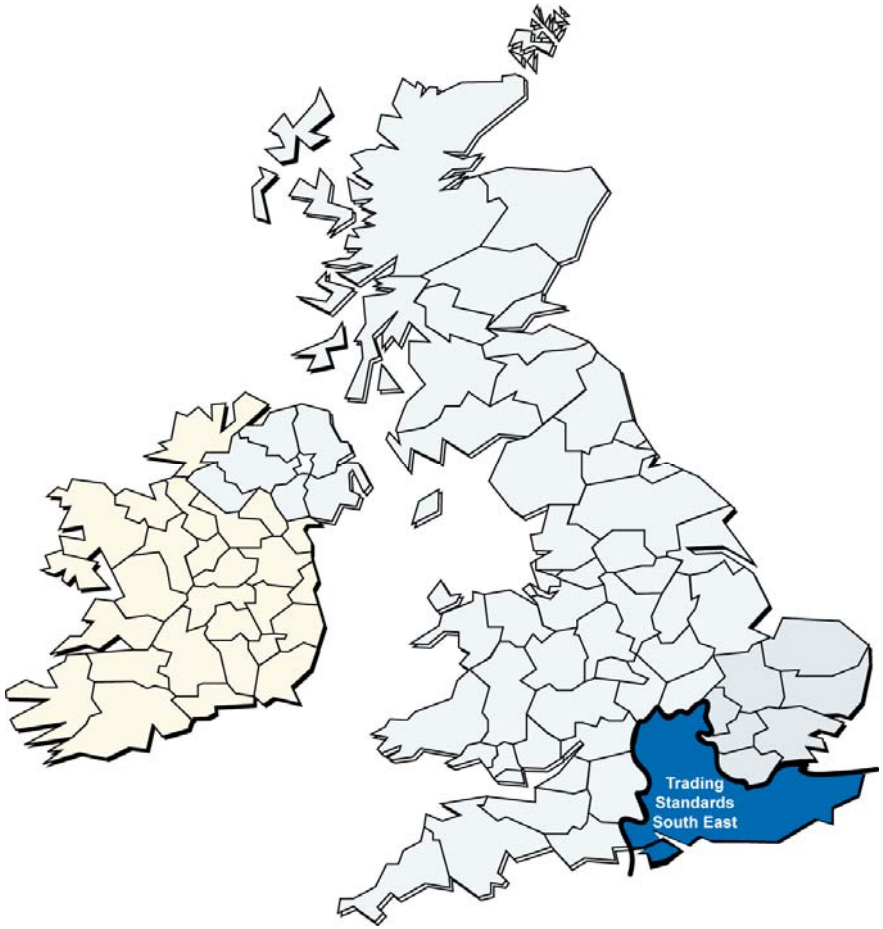
Whilst public services face a period of great uncertainty, the draft BIS Consumer Landscape Review emphasises the importance of greater collaboration, extending cooperation and coordination with other authorities.

TSSE has played a vital role in the innovative delivery of services over the past ten years. Given the economic climate, spending cuts and the coalition's desire for local authorities to continue to explore new ways of working and joined up services, coordination has an even greater role to play in achieving increased efficiencies, delivering more for less and providing even greater value for local authority trading standards services in the south east of England.

TSSEL Focus Groups – End of Year Report – 2010-11

Appendix 1 to TSSE Report

Trading Standards South East Ltd



1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSE Focus Groups submitted approx 10 consultation responses during 10-11

TSSEL Focus Groups – End of Year Report – 2010-11

FOCUS GROUP	BENEFITS ACCRUED	EXAMPLES OF BENEFITS ACCRUED
Buy With Confidence Chair: Helen Woods LA: Hants 3 meetings took place Date of next meetings TBC	1,2,3,4,5,6	• **Shared experience prevents duplication of work, reinventing the wheel, and promotes spread of best practice.** • **Improved consistency for businesses and consumers who do not operate purely within local authority boundaries.** • **Ensures consistency in the experience of the scheme for businesses and consumers.** • **Reduces burden on new scheme operators and smaller authorities that are able to draw on expertise of other scheme operators.** • **Makes introducing the scheme quicker and easier for new scheme operators.** • **The group is vital in ensuring that the scheme is operated to the same requirements and standards by all operators and so the experience of its use is the same for businesses and consumers regardless of which LA they are based in.** • **The scheme has a high profile, as indicated by the increasing number of approaches by national businesses and other bodies seeking to join or work with the scheme.** • **The scheme supports many of the other activities that TS undertake, e.g. doorstep crime initiatives, NCCZs.** • **The scheme is well received by other LA departments, e.g. social services, and is effective in raising the profile of TS within authorities. Further evidenced by the development of Support with Confidence.** • **Also raises the profile of TS with other agencies such as police, fire service, neighbourhood watch, voluntary sector, etc.** • **Shared experience of what promotional activity works and what does not, allows more targeted and effective activities for individual authorities.** • **Ideas and creativity shared across scheme operators.** • **Promotion of common name, logo and brand image across the region and beyond gives an increased profile, with the marketing activities of each authority supporting those of neighbouring ones** • **Sharing of promotional materials and artwork, e.g. adverts and posters, reduces design costs.** • **Central website available to all authorities minimises IT costs.** • **Purchasing of promotional material across the region (and beyond) allows for reduced cost per unit, for example bags and trolley tokens** • **Negotiation with service providers, e.g. Experian, for a number of authorities allows better rates to be obtained.**

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

FOCUS GROUP	BENEFITS ACCRUED	EXAMPLES OF BENEFITS ACCRUED
Consumer Advice Chair: Louise Baxter LA: East Sussex 2 meetings took place Date of next meeting 22.09.11	1,2, 3,4,5,6	• Sharing ideas eliminates duplication of effort • The focus group (including representatives of CDSE) identify what is good in the region and identify gaps to ensure that advice given at all levels is consistent. • Regular contact with CDSE helps to eliminate inconsistencies across the region • Joint projects and initiatives such as National Consumer week, Scam toolkit. • Saving time and effort by each individual reproducing the same work when it can be shared between all the groups. • Training slot at the end of each meeting to provide training for all attendees
Credit Chair: Garreth Cameron LA: Hants 1 meeting took place Date of next meeting 5.10.11	2,3,5,6	• Expertise is regularly sought and shared by the group, which is evidenced by the number of queries raised and responded to. A significant proportion of these queries are received and responded to by the group members using email, which is quick and effective. • The Group promotes consistency by encouraging a common approach to the interpretation of contentious issues and problem areas. • Impact is increased by the sharing of information and intelligence during focus group meetings of the potential problem areas experienced by others. • Having access to a technical forum where members are willing to share expertise and best practice is conducive to saving money as it helps prevent repetition • This financial year has seen a number of legislative changes to consumer credit regulation as a result of the Consumer Credit Directive coming into force. The Directive has had a significant impact on the legislative framework and has generated a good deal of uncertainty and areas requiring advice and clarification. • Consumer credit expertise appears to be spread fairly thinly across local authorities and the focus group has been active as a technical forum for group members to share expertise, consider areas of uncertainty and promote consistency. • The Group's activities went rather quiet following the resignation of the Chair, Ian Startup, however the appointment of a new Chair has seen a number of new queries being generated and responded to.

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

FOCUS GROUP	BENEFITS ACCRUED	EXAMPLES OF BENEFITS ACCRUED
Environment Chair: Greg Nelson LA: RBWM 2 meetings took place Date of next meetings: 13.09.11 1 Consultation responded to	1,2,3,4,5,6	• Use of discussion board on TSSE website – now used regularly as source of information and discussion • EPCs and DECs, taken from Fair Trading Group • Updated draft Green Claims Code of Practice • Use of new Packaging Regs toolkit for enforcement officers • Links with other LA services on environmental matters / issues
Fair Trade Chair: Clive Robinson LA: Southampton 2 meetings took place Date of next meetings: 18.10.11	1,2,5,6	• The FTFG took responsibility for the functions previously the responsibility of the CSDS FG; the first combined meeting being on 22 October 2010. • The group has been involved in a number of projects: • TSSE IP market survey • BIS eCrime-Chair acting as TSSE lead officer • Illegal tobacco-chair and AEM on steering group • TSSE TAG-chair and AEM on working group • The group also agreed to support a bid to work with the CAFG on a Bank Job project of 11/12, the Chair & AEM have agreed the joint project protocol • The combined group has maintained a focus on doorstep crime with specific agenda items allocated to both this area and mass marketing fraud. • Principle topics of interest have included illegal tobacco, doorstep crime investigations in Surrey, pressures and investigations in individual authorities. • Co-ordinated sampling within TSSE IP market survey produced a snap shot across the region identifying that the target products and outlets were broadly compliant save for JML products where additional evidence of widespread counterfeiting was revealed • Meetings include a round table update; participants are encouraged to submit a précis of matters to be raised prior to the meeting to enable full consideration and due thought. • The group supported a training session relating to the DoH funded Illegal tobacco project. The day was hosted by the FTFG AEM and widely attended • The BIS eCrime project has delivered enhanced IT capability to participant authorities with standalone pc/laptops being funded through TSSE using BIS funds.

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

FOCUS GROUP	BENEFITS ACCRUED	EXAMPLES OF BENEFITS ACCRUED
		• As part of the BIS eCrime project participating authorities purchased adaptors/power supply leads for gaming machines; from initial results 14 of the 20 items purchased were subject of adverse comment. • Additionally a small number of authorities conducted a web survey targeting businesses identified by the TSSE TAG; results of this work have as yet (15.04.2011) to be collated and will be reported separately. • Participating authorities have been funded for staff time in supporting the BIS Ecrime project, pcs/laptops being supplied to participating authorities providing savings of up to £700 inc VAT on equipment costs. • Lower test costs were negotiated with TUV for the items submitted for the BIS eCrime project
Food Chair: Susan Harvey LA: Kent 2 Consultations responded to 2 Meetings took place Date of next meeting 29.11.11	1,2,3,4,5,6	• Co-ordinated sampling to produce larger pool of results Access to knowledge/experiences of other colleagues • Interpretation of regulations and sharing of guidance notes and inspection checklists including new Animal Feed Regulations. Sharing Intel. Direct feedback from LGR focus group representatives. • Several technical enquiries raised through Food Labelling sub group including referral to national LGR Food Focus Group. Discussion on application of LAEMS coding. Production of sampling project protocols • Two press releases resulting from projects – GM oil in catering and counterfeit spirits both picked up by the media. See Counterfeit spirits project evaluation for further details • The GM results and press release led to the FSA sending a letter to all authorities reminding them of the status on GM oil in catering outlets. This letter included a direct link to the TSSE project report • Shared project protocols devised. Group bid for Imported Food and Feed grants from FSA reducing administration resources • Guest speakers (other than LGR and FSA representatives) attending a meeting – IFSP Counterfeit spirits • On-going problem of securing commitment of a named officer to manage a sampling project. As a consequence a suggested project from the feed sub group did not materialise. The future for food projects this year hangs in the balance for the same reason

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

Law and Evidence Chair: Julie Chambers LA: Hants 5 Consultations responded to 2 meetings took place Date of next meeting 9.11.11	1, 2, 3, 4, 5,6	• Co-ordinated pro-forma response to an FOI request from the Consumers' Association on pricing issues, which was later issued by Local Government Regulation as national advice. • Co-ordinated discussions which led to pro-forma response, issued by Local Government Regulation as national advice, on response to FOI request from media. • regional virtual discussions on authorisation lists in order to promote better understandings in time of extreme efficiency savings on local authorities as a means of demonstrating worth of Trading Standards • Regional virtual discussions access to Police Manual of Guidance forms as a means of streamlining prosecution procedure in Court • Regional discussions on POCA usage both from a confiscation and money laundering perspective, via the AFI sub-group • Sharing drafts documents on indemnity/undertakings when 'handing over' prosecutions to other non-TSSE authorities • Use of AFI's to assist regional colleague without such resource and to share 'workload' • Regional working to agree a memorandum of understanding between police forces and local authorities will ensure consistency when working with partner agencies in the fields of doorstep crime, intellectual property and other related matters; still ongoing • Co-ordinated FOI response to query from Consumers Association on pricing issues • Co-ordinated FOI response to query from media on use of volunteers in underage sales situations • Updates to TSSE Offences Manual, still on-going • Of the TS Service on a regional basis with Police forces and could in turn lead to other TS regions adopting a similar approach; still ongoing • TSSE LEFG work with Local Government Regulation, and in turn the Home Office, over the summer months on proposed changes to RIPA legislation following election of coalition government • TSSE LEFG work with Local Government Regulation, and in turn HMRC, over MOU for sharing intelligence and information. • TSSE LEFG work with Local Government Regulations with regards to a national co-ordinated response on FOI from journalist re underage sales and payments to volunteers • Working with Local Government Regulation, to assist them in discussions with the Home Office, on RIPA will hopefully ensure that the negative effects on proposed changes to local authority usage following the election of the coalition government can be minimised to a large extent. Subsequent announces by the Home Office minister have demonstrated that such work has achieved as good a result as was possible in circumstances.

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

		• Working with Local Government Regulation on a review of the HMRC MOU on sharing intelligence/information will lead to a more consistent and clarified approach, thus saving officer resource time. • Working with TSSE LEFG colleagues on 'best practice' and 'how do we do this' queries enables services to continue to be delivered effectively in times of drastic efficiency savings • Working with TSSE LEFG to produce a pro-forma FOI response re Consumers Association enabled TSSE members to respond quickly and appropriately to their own internal FOI officers; many of whom incorrectly assumed that as the Consumers' Association was a designated enforcer should be entitled to all requested information • It is not possible to quantify the work of the LEFG in terms of monetary savings as the benefits tend to be on a more strategic basis
Metrology Chair: Phil Thomas LA: Hants 2 meetings took place Date of next meeting; 27.09.11	1,2,3,4,5,6	• Sharing of test equipment and expertise • Consistency in interpretation of technical regulations. Documented list of expertise and equipment available across the region. • Agreed policies on interpretation of legal powers to allow access and assistance when inspecting filling stations. • Sharing level of fees set for verification duties • Participation in national Weighbridge Testing project, focussed on disposal of environmental waste • Cold Water Meters project to improve coordination of customer complaints about water metering across the region • Sharing of expertise in auditing under EC NAWI and MID rules

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

Safety Chair: Philip LeShirley LA: East Sussex 3 meetings took place Date of next meeting 30.06.11 26.10.11	1,2,3,4,5,6	• The ports project has provided additional funding for product sampling in authorities with ports or Enhanced Remote Transit Sheds (ERTS) in their areas. Through better targeting the project has increased regulatory activity for imported goods at the points of entry at no additional cost to local authorities • As part of the Ports Project local authorities within the region that have developed the expertise and for many years controlled the safety of imported products at ports and ERTS have shared best practice with other authorities. This was achieved through briefing sessions and in some cases officers from one authority carrying out joint inspections at Ports and ERTS in a neighbouring authorities area. • The Ports Project at the outset identified ERTS that local authorities had previously been unaware of. Through the sharing of best practice and expertise as outlined above the project has brought greater consistency to the way products imported into the region are controlled • TSSEL was instrumental in highlighting to government through the LBRO the importance of controlling national threats such as the safety of imported goods and the need to coordinate action at points of entry such as ports and ERTS. This has raised the profile of Trading Standards services as well as the importance of regional coordination. Contact with businesses at ports and ERTS and with local Customs Officers and teams have further raised the profile of the service. • The Ports Project through government funding, the pooling of local authority sampling budgets and the sharing of best practice and expertise has been able to target resources more effectively and therefore increase the impact of regulatory activity to ensure the safety of goods imported into the region. • The Ports Project received government funding
Quality and improvement Chair: Brian Johnson LA: East Sussex 2 meetings took place Date of next meeting 22.11.11	1,2,3,5,6	• Exchange of information on activities and objectives with other quality groups • Discussions and experience of the application of the Primary Authority Scheme throughout the region • Identifying LA's internal indicators with the aim of benchmarking across the region. • Presentation from Equas regarding case management software "ISO in a box". The group are looking at potentially any benefits of the software being used regionally across TSSE.

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

TSSEL Focus Groups – End of Year Report – 2010-11

Under Age Sales Chair: Ian Savill LA: Reading 1 consultation responded to 3 meetings took place Date of next meeting: 14.6.11 1.11.11	1,2,3,4,5,6	• Reps informed of developments in Age Restricted Sales • Reps involved in consultations • Information on tobacco labelling, vending machines, POS advertising • Tobacco • Advice on vending machine sanctions • Growth of Community Alcohol Partnership schemes • Primary Authority Partnerships • TSSE Age Restricted Sales Resource on TSSE website • All test purchase data submitted to TSSEL • Increase in notification for passed test purchases • Region continues to steer towards Review process for alcohol sales • Illegal Tobacco workshop, Guildford • Consistent approach to Freedom of Information requests • Involvement with GOSE, DoH, LGR, HMRC on tobacco work • Gives tobacco compliance checks more validity with larger sample and across the region • Use of different strategies to deal with underage sales such as using tobacco sales for licence reviews • Second half of the DoH bid money would not have come about without the coordinated work of the focus group (up to £320000 over past two years) • Rep from Group is also LGR Rep for tobacco and cascades information down through the members

1. Added value to local service delivery
2. Sharing best practice / expertise
3. Promoting consistency
4. Raising profile of TS service
5. Increased effectiveness / impact
6. Monetary Savings

APPENDIX 5

Report to:	**Lead Cabinet Member for Economy, Transport and Environment**
Date:	**6 September 2011**
By:	**Director of Economy, Transport and Environment**
Title of report:	**UK Government proposals to make institutional changes to consumer policy**
Purpose of report:	**To appraise the Lead Member of the content of The Department for Business, Innovation and Skills (BIS), "Consultation on Institutional changes for provision of consumer information, advice, education, advocacy and enforcement."**

RECOMMENDATIONS: The Lead Member is recommended to:

(1) Note the report;

(2) Express support in principle for the proposals in the consultation; and

(3) Authorise the Director of Economy, Transport and Environment to respond positively to the consultation document

1. Financial Appraisal

1.1 There are no direct financial consequences arising as a result of this information report.

2. Introduction

2.1 In October 2010, the Secretary of State for Business announced plans to devolve national consumer protection functions, currently being delivered by the Office of Fair Trading (OFT), to Trading Standards as part of a whole suite of changes to national consumer policy.

2.2 Government are currently consulting on these proposals[1], which may include a greater role for local government including this authority to take on cross authority border enforcement cases in the national interest.

3. Supporting Information

3.1 The Local Government Group, together with the Trading Standards Institute and the Association of Chief Trading Standards Officers, has compiled a briefing note on the consultation for the benefit of elected members and a copy is attached at Appendix 1.

[1] http://www.bis.gov.uk/assets/biscore/consumer-issues/docs/e/11-970-empowering-protecting-consumers-consultation-on-institutional-changes

3.2 The proposals recommend that all consumer protection enforcement functions presently delivered nationally by the OFT are delivered by council trading standards services through mechanisms yet to be determined but at no cost to local authorities.

3.3 The only exception to that delivery will be consumer advice currently delivered by the OFT under the banner “Consumer Direct”, will be transferred to the Citizens' Advice from April 2012.

3.4 Separate arrangements will be made with respect to consumer information, education and advocacy which will not impinge on Local Authorities.

4. Fit with the Council’s Promise

4.1 The proposals in the consultation will contribute to three arms of the Council’s promise namely “help make East Sussex prosperous and safe”, “support the most vulnerable people” and “encourage personal and community responsibility” by ensuring rogue traders and other offenders who work across local authority boundaries can be dealt with effectively through acting on intelligence received from citizens thus reducing the fear of crime, protecting vulnerable consumers and maintaining the level playing field for legitimate traders.

5. Conclusion and Reason for Recommendation

5.1 The changes for policy are an important part of strengthening the consumer protection system. There will be risks associated to taking on large cases which will be mitigated by an indemnity mechanism but the new regime will be more effective, efficient and much more flexible allowing resources to be mobilised to where they are needed the most.

RUPERT CLUBB
Director of Economy, Transport and Environment

Contact Officer: Brian Johnson Tel. No. 01323 463421
Local Member: All

Documents Referenced:

Consultation on Institutional changes for provision of consumer information, advice, education, advocacy and enforcement. Department for Business, Innovation and Skills (June 2007).

BACKGROUND DOCUMENTS
None

COUNCILLOR BRIEFING

REVIEW OF THE CONSUMER LANDSCAPE
Background

This briefing outlines the implications of a Government consultation, commenced in June 2011 that will propose radical changes in the way in which council's trading standards services deliver consumer protection across Great Britain.

The proposals recommend that all consumer protection functions delivered nationally by the OFT are delivered by council trading standards services. The only exception will be consumer advice currently delivered by the OFT under the banner "Consumer Direct", will be transferred to the Citizens' Advice from April 2012.

Enforcement – The Current Position

Currently consumer protection work is delivered; locally, by individual council trading standards services (e.g. underage sales, local scams, pricing in shops), regionally by groups of councils choosing to work together (e.g. dealing with cross border rogue traders, illegal money-lending), and nationally by the Office of Fair Trading (OFT). All of these elements have to be working effectively together to provide the levels of protection that local communities need.

For many years groups of councils (usually organised on English region, Welsh and Scottish lines) have chosen to organise themselves into groups to tackle these problems. For the last 5 years, BIS have provided additional funding for those activities relating to cross-border rogue trading and illegal money-lending, recognising the national resilience that enforcement work in this area provides. Councils have keenly embraced these agendas through these groups.

The OFT has been responsible for taking enforcement action regarding nationally important consumer protection cases. Recent examples include the internet pricing system used by Ryanair, although the number of cases taken by the OFT has been relatively few. Councils have supported the enforcement role of the OFT, whilst at the same time having concerns over the lack of political oversight on this aspect of their work, together with the somewhat bureaucratic and prescriptive nature of some of the actions taken.

Enforcement – The New Proposals

The Government seem keen to see local government provide the delivery mechanism and governance structure for all the regional and national consumer protection work. It is expected that there will be a governance mechanism at a political level (via the LG Group) and at heads of service level, that would direct the work currently done regionally by councils and be responsible for allocating government funding, under a service level agreement, for specific activities to deliver many of the functions currently provided by the OFT. It is recognised that there must not be any financial risk to councils participating in this new work (e.g. from legal costs relating to large national cases) and the Government is working with council trading standards services to explore ways of providing some form of indemnity or insurance backed scheme to guarantee this.

None of this affects in any way the vast majority of trading standards work which will continue to be wholly delivered, funded and managed locally by councils.

At this stage the funding associated with this change of enforcement is unknown, but if all the various funding streams and governance structures were joined up it is likely to be in the region of £12 – £15 million and is likely to be initially for a period of 3-4 years. This would give local government the chance to work together to rationalise all of the separate central government governance mechanisms, making them both closer to councils and more efficient.

Changes to Consumer Advice

The OFT has provided the Consumer Direct telephone helpline for over 5 years working closely with councils' trading standards services. This provides simple consumer advice and refers to councils more complex issues or those where enforcement action may be required. In essence the process will remain the same, but under the proposals it will be the Citizens' Advice Bureau who will be funded by government to provide the frontline consumer advice rather than the OFT. It is understood they will rename "Consumer Direct" to "Citizens' Advice." It will be essential that council trading standards services will receive information from Citizens Advice about the type of complaints being reported so that they can plan and target their activities accordingly and so ensure that they continue to have the greatest deterrent effect against rogue traders.

Why this is important locally?

All consumers benefit from access to good consumer advice. It enables them to become informed consumers who are confident in exercising their purchasing power and deal with problems if they arise.

All councils and citizens benefit from the protection provided regionally and nationally by council trading standards services. For example, all consumers are potentially vulnerable to national pricing rip-offs and international scams. Dealing with illegal money-lending, a crime often based in specific, often deprived, local communities, requires specialist expertise that very few councils can maintain locally. Rogue traders, being no respecter of boundaries, move effortlessly from one area to the next targeting some of the most vulnerable consumers and a regional/national solution is needed to tackle them. Legitimate businesses who comply with the law face unfair competition from the minority that do not.

Council trading standards services will best be able to protect their local citizens and businesses by participating fully and benefiting from this new enforcement framework.

Appendix 6

Trading Standards Service – Recent Achievements

Buy With Confidence

In Quarter 2, 13 businesses were approved (a total of 27 for the year so far) as new members of the Buy With Confidence approved trader scheme and so we have almost achieved the target halfway through the year. At 30 September there were a total of 389 businesses on the scheme. Five businesses left the scheme in Q2 for legitimate business reasons. The target for the year is 30 new approved members of the scheme.

No Cold Calling Zones

Three new 'No Cold Calling' zones have launched since April 2011 (Burwash and Eastbourne and Fairfield Lodge, Eastbourne). A further five zones are in the process of being launched during 2011-12 in areas such as Rectory Way (Bexhill) and Seaford (achieving a total of 52 zones in total by the year-end) and so we are on track to exceed the target of five new zones with a total of eight new zones this year.

Successful day of action against rogue traders in Sussex

Operation Rogue Trader

On Wednesday, 19th October officers from Trading Standards joined forces with Sussex Police to take part in Operation Rogue Trader an annual national day of action, where a number of agencies work together to target the 'businesses' that cold call on households with often dubious offers of home improvements. It has been taking place since 2006 and was born through national Police operations dealing with distraction burglaries (Operation Liberal).

In East Sussex officers were deployed in a Roads Policing car - with Automatic Number Plate Recognition (ANPR) capability and two other Police Cars that toured specific residential areas of the County. Using the intelligence gained from complaints via Consumer Direct we are able to target the hot spots that attract these businesses. Registration numbers of vehicles that we have a high interest in were fed into the ANPR system. The three teams had a busy day speaking to a number of businesses, though no formal actions were taken against any trader. Local traders were also talked to during the day and most expressed their gratitude in seeing our approach to this problem.

During the day both the Sussex Police Call Handling Centre and Consumer Direct were aware of these dedicated resources to immediately deal with incidents that were called in. Seemingly, East Sussex residents were not suspicious of any businesses that Wednesday.

In East Sussex we were able to use a new regional Intelligence database (IDB), that has been developed by colleagues in the East of England. This gives officers the ability to research names, business names and vehicles that may have come to colleagues' attention elsewhere in the country. The officers attending an incident can then be forearmed with confidential information on that business.

High Risk Visits

Using the national trading standards risk-assessment scheme for businesses 97 premises were identified as being 'High Risk' In April 2011. Since then, 16 have been visited, three have closed and five are no longer classified as High Risk leaving 73 premises to visit in the current year. Although at this point we have achieved just over 20% of the target to visit all High Risk Premises, it should be noted that many of them are Bonfire Societies storing large amounts of fireworks and they will be visited in October/November. By the end of Q3 we expect to have achieved at least 75% of these visits and 100% by the end of the year.

Animal Health and Welfare - Tuberculosis in Cattle

Bovine TB (bTB) is one of the biggest challenges facing the UK livestock industry today. Bovine tuberculosis (bTB) is an infectious disease of cattle. It is caused by the bacterium Mycobacterium bovis (M. bovis), which can also infect and cause TB in badgers, deer, goats, pigs, camelids (llamas and alpacas), dogs and cats, as well as many other mammals, including humans. During 2010, nearly 25,000 cattle were slaughtered for bTB. That cost the taxpayer £91 million during the 2010/11 financial year,.

The disease is having a devastating effect on many farm businesses and families, especially in the West and South West, and more recently East Sussex. There are a wide range of measures aimed at preventing the spread of the disease including regular cattle herd surveillance testing, slaughter of test positive 'reactor' cattle, movement restrictions on bTB breakdown herds, and Pre-movement TB testing of cattle in' high risk farms'.

Annually Parish Testing Interval Statements (PTI's) are sent by the Animal Health agency and Veterinary Laboratories Agency (AHVLA) to all holdings informing them of their status, either 12, 24 or 48 month testing intervals. Holdings within 12 or 24 month testing interval parishes fall within scope of TB Pre-movement testing.

The Tuberculosis (England) Order 2007 ensures that a bovine moving from these holdings must have had a skin test applied to it no more than 60 days before the date of the movement and that the test proved negative, unless one of the many exemptions apply.

Currently within East Sussex there are 58 parishes subject to TB pre-movement testing, this number has been increasing year-on-year. Whilst 'routine' TB testing of cattle is at governmental expense TB pre-movement tests are at the farm expense. Both tests require a vet to visit on two occasions, once to apply the skin test and again to read the resulting reaction. Negative tests allow tested cattle a 60 day window in which to move off the holding.

From 2008 the Service undertook a pro-active project in conjunction with the TB Pre-movement Monitoring Unit, AHVLA, Gloucester to investigate alleged breaches of TB pre-movement testing. These 'breaches' would be referred to this Service for further investigation.

This Service sends an advisory letter to cattle keepers located within the affected parishes explaining the requirements of the new TB rules

Advisory letters sent 2010 and 2011:

Year	Advisory letters sent
2010	123
2011	37
Total	160

Investigations carried out by the service

Year	**Total**	**Non-compliant**	**%**
2008	40	28	70
2009	31	20	64
2010	66	38	57
2011 so far	29	7	24
Total	**166 (+6 ongoing)**	**93**	**43**

Following the above investigations there has only been one repeat offender. 93 traders have been advised in relation to these regulations and the consequences of not complying with the legislation. There has been a gradual decline in non-compliance since 2008 due to our vigorous enforcement and education program. Anecdotally this work has helped to improve relationships with farmers as they see this service taking a proactive approach to key issues that affect them and their livelihood.

The project has received recognition from external partners. In recent email from AHVLA Malla Hovi, Divisional Veterinary Manager, Reigate she wrote *"It is comforting to see that the compliance on PRMT is going up, and we very much appreciate your efforts on the enforcement front."*
This work supports and encourages local businesses to comply with the law whilst ensuring fair competition within the industry. Ensuring the people who do not comply are taken to task and the ones who do comply can see this active enforcement.

What next? In September 2011 the project was extended by 'meeting and greeting' cattle attending the 'store sales' at Hailsham Market. Our powers under the TB Order are somewhat restrictive, but by being more pro-active we should continue to improve farmer's awareness and compliance.

Prosecutions
Trading Standards recently took court action against four grocery shops for selling counterfeit and foreign labelled cigarettes. The shopkeepers received fines and costs totalling £8,145, and in one case a nightly curfew and a six month Community Order was also imposed.

Current Investigations
At the time of writing there are 27 investigations being undertaken into matters such as:

- the activities of rogue traders including fraud and missing cancellation rights;
- unclassified DVDs offered for sale;
- persons selling goods in breach of copyright and trademark laws (including tobacco, alcohol and audiovisual materials);
- use-by dates on, and the traceability of, food offered for sale;
- a trader falsely claiming to registered under the 'Gas Safe®' scheme; and
- the misdescription of goods offered for sale.

Some of the investigations are complex and at least two involve proceeds of crime investigations.

Six arrests following counterfeit tobacco crackdown in Hastings
One man was arrested on suspicion of selling counterfeit goods and five other men on suspicion of copyright offences in Hastings town centre on 20 October following the execution of five evidential warrants for selling counterfeit tobacco. All six men have been bailed until 5 December.

Around 50 police officers along with ten Trading Standards officers visited four commercial premises and one residential address. As well as the arrests of the six men, all local and aged between 23 and 33, £10,000 worth of counterfeit cigarettes were confiscated and two properties were closed by East Sussex Fire and Rescue for not meeting fire safety standards.

Report for the Trading Standards Consumer Education Project 2010/11

1. What is Consumer Education?

Consumer education is giving people the skills, attitudes, knowledge and understanding necessary to become an effective consumer.

A key element of the service strategy for consumer education is to present opportunities for consumers to develop the above attributes in order to be effective when they access advice and information in relation to the purchase of goods and services and any problems that may subsequently arise with those purchases.

2. The Project

Figures from the 2001 census showed that 22% of East Sussex residents were 65+ (and were estimated to rise to 32% by 2009). The South East region has 16% of residents who were 65+ (and that number was estimated to rise to 23% by 2009). East Sussex clearly has a high proportion of older residents, some of whom are vulnerable and may fall victim to consumer detriment for a variety of reasons, creating a need to offer additional protection to that demographic group.

In 2010-2011 Community groups, especially those with members in the target group or with links to such targets were invited to take part in community engagement events offered by Trading Standards. The events focussed on key consumer issues, scams, doorstep scales, know your rights and the work of the service. Sixteen community engagement events were delivered to a range of such groups.

3. Aims of the Project

The aims of this project were to:

- Raise awareness of the Trading Standards Service and the work we do;
- Ensure access to the services provided by Trading Standards will be easy and available to all;
- Provide protection to vulnerable residents in relation to consumer issues, providing them with the support and assistance they need;
- Ensure consumers who engage with us will be empowered and able to make considered transactional decisions;
- Engage with local communities, working with the people of East Sussex to provide the consumer advice and support that is needed; and
- Give people the skills, attitudes, knowledge and understanding necessary to become an effective consumer.

4. Evaluation

179 people took part in the community engagement events.

Questionnaires were filled out before and after to gauge consumer knowledge. From the pre-talk questionnaires it is clear that many people did not know what Trading Standards does or how to contact it.

The responses from all 179 attendees before and after the events are tabulated below. All were Yes/No answers.

Q1 – Are you aware of the work that Trading Standards do?		Q2 – Do you have a good knowledge of your consumer rights?		Q3 – Do you know how to contact Trading Standards?		Q4 – Would you recognise a scam if you were targeted by a scammer?		Q5 – Would you be able to deal with a consumer complaint if you had one?		Q6 – Would you complain to Trading Standards if you had a consumer problem or were a victim of a scam?	
Before	**After**	**Before**	**After**	**Before**	**After**	**Before**	**After**	**Before**	**After**	**Before**	**After**
43%	**99%**	**26%**	**97%**	**53%**	**98%**	**53%**	**96%**	**42%**	**98%**	**59%**	**99%**

6. Conclusions

Key improvements

- 57% increase in awareness of the work of Trading Standards.
- 71% increase in participant's knowledge of their consumer rights
- 43% Increase in participants awareness of scams
- 56% increase in participants ability to deal with a consumer complaint

An estimated consumer saving of £60,631 was generated for these events at a cost to the service of £1,170[1].

Number of consumers advised and assisted	**Estimated consumer savings**
180	£60,970
Cost of delivery	**Benefit-cost ratio**
£1,170	52:1

[1] Results calculated using the OFT TSS fair trading impact calculator. The spreadsheet uses robust impact estimation methodologies developed by the OFT. These figures are based on one officer being paid £18 per hour + 20% oncosts. 47 Hours were taken to plan and deliver the events.

Trading Standards at Safety in Action Herstmonceux 2011

1. Introduction

For several years Trading Standards have provided consumer education through a teaching event called Safety in Action.

This event encourages 10-11 year old children to recognise hazards and take action to keep themselves and other people safe. The project is co-ordinated by Wealden District Council.

Children from half the schools in Wealden attended the event. This year 600 children from 24 schools attended. Each student took part in different scenarios providing information and education on dangers and hazards within the community.

2. The project

Trading Standards set up a scenario, called Safe Choice Shop. This was set up like a stall at a local car boot sale.

Our aim was to introduce children to the type of unsafe, counterfeit, mislabelled goods that they may encounter at any car boot sale or even when buying over the internet.

4. Partners

The District Council organises the event, but works in partnership with all the emergency services and other agencies. These are:

- East Sussex Fire and Rescue
- East Sussex Trading Standards
- UK Power Networks
- South Coast Ambulance Service
- Sussex NHS Primary Care Trusts
- Sussex Police
- Freedom Leisure Training

5. Evaluation

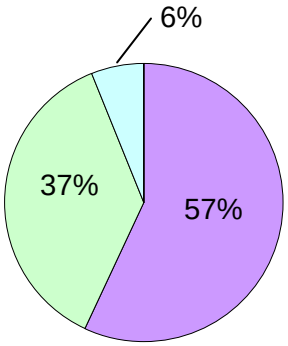
5.1 Teacher evaluation

79% of teachers rated “Safety in Action” as either an excellent or good learning experience.

- 57% of teachers rated Safechoice Shop as excellent for raising awareness of the hazards associated with the topic.
- 57% of teachers rated Safechoice Shop as excellent for communicating the correct actions to take to eliminate or reduce the hazard.

Teacher’s Comments

“It was a ‘very useful learning opportunity. All of my children tell me they go to car boot sales. This exercise was brilliant. I don't think the children realised that what they were buying at boot sales may not be genuine”.

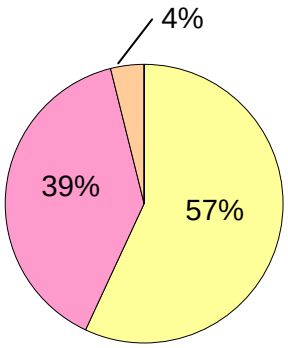


Teachers' feedback regarding the Safechoice shop for raising awareness of the hazards associated with the topic (Scale 1 (excellent) – 5)

1 (Excellent)	57%
2	37%
3	6%
4	0%
5 (Below expectations)	0%

Teachers' feedback for communicating the correct actions to take to eliminate or reduce the hazard (Scale 1 (excellent) – 5)

1 (Excellent)	57%
2	39%
3	4%
4	0%
5 (Below expectations)	0%



6.1 Children's Evaluation

Trading Standards were rated fourth out of 10 by the students for which scenario they felt they learnt the most from.

Some schools were given a questionnaire to answer before and after the event to measure the knowledge and change in behaviour. When asked 'What two problems could you have if you buy fake goods at a car boot sale or market?' pre-event 19% of children were correct. Post-event, the amount of correct answers increased to 84%. This shows a clear improvement in the knowledge of the children, a 65% increase.

7. What next

Trading Standards will continue to support the event. The Service has also been supporting similar events in Eastbourne and other areas of the County. We attended an event in Eastbourne this year where we spoke to 10 schools (671 children).
Next year the Wealden event is planned to be spread over a two week period to be able to reach a wider audience.

By supporting this event Trading Standards is helping children across the County become more confident consumers, particularly regarding the safety of goods.

8. Conclusion

This event is a good opportunity for Trading Standards to provide consumer education. From the pre and post questions we have increased students awareness of counterfeit goods and the problems they could encounter by 65%.

An estimated consumer saving of £203,232 was generated for this event[2].

Number of consumers advised and assisted	Estimated consumer savings
600	£203,232
Costs of delivery	**Benefit-cost ratio**
£1,500	135:1

[2] Using the OFT fair trading impact calculator based on two officers, 5 days a week, working from 9.30 – 3.30 at £18 per hour plus travelling.

Achievements - 'Building Bridges'

The Trading Standards Building Bridges project has been running for almost a year. The project began in October 2010. Building Bridges is a project that encourages the whole community to care for vulnerable consumers and, by sharing information, helps the Trading Standards service protect them. It is often difficult for vulnerable to report problems such as doorstop sellers, mass marketing scams or unfair contracts. So far we have worked to train people in services who go out into the community such as Adult Social Care, the Fire Service and the Police so they could help vulnerable people report these issues if they arose and get the help they need. The project began in October 2010.

- The Wise Guys website (http://www.wiseguys.org.uk/) has also been extended to assist vulnerable people with their problems. The website was developed by East Sussex County Council to give adults information on consumer rights. This website gives simple key advice on core consumer problems. It has information that will help people make smart decisions in their every day lives and we hope it empowers people to become more confident consumers.
- Fourteen training events have been held to raise awareness of the Building Bridges initiatives from February 2011 to date, involving 342 partners in total. The events resulted in 131 referrals back to the Service in the same period (a 38% return) including a request for information or a request to join the Consumer Support Network (CSN).
- The Office of Fair Trading (OFT) provides an application which calculates the estimated consumer savings resulting from an intervention. The table below reveals the estimated benefit-cost ratio and the estimated consumer savings (having advised 473 consumers, (342 plus 131 additional referrals following the talks and assuming 1 hour per talk and two hours per complaint)).

Number of consumers advised and assisted	Estimated consumer savings
473	**£160,215**

Costs of delivery
£4,968

Benefit-cost ratio
32:1

- Alternatively, on the basis of only counting the 131 referrals back to the service and averaging two hours per complaint based on the same cost (ie assuming the referrals would not have been received had there been no training given).

Number of consumers advised and assisted	Estimated consumer savings
131	**£44,372**

Costs of delivery
£4,968

Benefit-cost ratio
9:1

- We currently have 253 CSN members and from the people who have responded to a recent questionnaire we are reaching 21,696 people with each communication through the CSN.

Some cases in more detail:

174234 Mr S - Chronic scam victim
Mr S has been financially exploited and appears to have been subject to various mailing scams. This has resulted in Mr Ss' finances becoming low. Measures have been taken to place a stop on the bank accounts to limit any further exploitation

Mr Ss was over £2,000 overdrawn. It appears that Mr Ss has a lot of money coming out of his account fraudulently due to possible scams.

Mr S lives alone in a schemed managed property. His mobility is poor and he is currently having both his legs dressed as they had become infected. His neighbours and friends have noticed deterioration in his health and mobility over the last six months.

An initial visit was paid and then a Safeguarding meeting was held. Results of meeting. Get Mr S's telephone number changed via the Nuisance Call Helpline. Contact Sky and explain that Mr S has never had a Sky account and so should not have had to pay for "repairs" (try to obtain a refund for costs endured), cancel future payments also the Post Office was asked to instruct the post delivery person to deliver Mr S's post to the office of his block of flats

Make an appointeeship application to ESCC Finance. Feedback the outcome of this investigation to Mr S. Contact the elders at Mr S's Faith Group to make them aware of this SVA investigation and ask them if they could please let ASC know about any post they see in Mr S's home

177565
Mrs D received 61 items through the post in 3 weeks. The referral was made via Sussex police. We provided the Police officer with all of the information relating to the Distance Selling Regulations and she was then able to contact all of the companies on the consumer's behalf and stop the items being sent.

167207
Mr H was referred to us via ASC because she was vulnerable and house-bound and was having problem with a trader - resulted in full refund of £900 and warning letter being sent to the trader.

Risk management
A risk highlighted in the departmental risk register is:

<table>
<tr><th colspan="3">Related Risks (Divisional)</th><th>Risk Control</th></tr>
<tr><td colspan="3">Without further funding being identified the TSS will be unable to stage the ‘Local Life’ Show in 2012 which could adversely affect the Council’s reputation with participating traders, other organisations and the public at large.</td><td rowspan="3">Seek alternative sources of funding for ‘Local Life’ Show 2012. Contact has been made with CEO of EDCC / EDEAL to with a view to possible joint working on the project.</td></tr>
<tr><td>Likelihood</td><td>Impact</td><td>Score</td></tr>
<tr><td>3</td><td>3</td><td>9</td></tr>
</table>

Priority Regulatory Outcomes **Appendix 7**

The LBRO final report on Priority Regulatory Outcomes, "A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services", sets out 5 key priorities. These are listed below with the specific Trading Standards related activity that is highlighted as contributing to each.

1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment:-

- Promoting local prosperity by supporting businesses to achieve compliance
- Protecting consumers and compliant businesses from fraudulent and illegal trading practices
- Tackling the issues of intellectual property crime

2. Protect the environment for future generations including tackling the threats and impacts of climate change

- Improving energy efficiency in housing

3. Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods

- Tackling waste and environmental crime
- Reducing anti-social behaviour through appropriate alcohol licensing

4. Help people to live healthier lives by preventing ill health and harm and promoting public health

- Minimising health inequalities and negative economic impacts through tobacco control, including counterfeit tobacco
- Protecting young people from the health issues related to excessive alcohol consumption through age restricted sales and removing counterfeit alcohol from the supply chain

5. Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy

- Protecting against public health risks and damage to the farming industry through securing compliance with animal health and welfare legislation
- Improving food standards
- Removing potentially unsafe items from the food chain

Most of the rest of the report focuses on the importance of risk based approaches and alternative interventions and consideration of the impact that interventions have on economic progress.

The report states that, “local authorities’ progress towards achieving the priority regulatory outcomes will not be monitored through central bodies and statutory data returns." However it goes on to state the importance of councils providing citizens with information to enable them to hold councils to account. The final chapter of the report provides updated information on the use of the LBRO impacts and outcomes toolkit to help with this.

The full report can be found at http://www.lbro.org.uk/docs/priority-regulatory-outcomes-report.pdf