

InBrief

News from Gloucestershire County Council Trading Standards Service

Summer 2011

buy with confidence

The Trading Standards Service has recently launched an approved trader scheme with local businesses.

Buy with Confidence was formed by a partnership of Local Authority Trading Standards Services in response to concerns about 'rogue traders' which are often highlighted in the media.

The scheme provides consumers with a list of local businesses which have given their commitment to trading fairly. In Gloucestershire we are in the process of bringing together a list of gardeners, plumbers, builders and many other types of business. Trading Standards officers visit and vet every applicant and only if they pass stringent checks for trustworthiness and compliance with consumer protection laws are they accepted onto the scheme. Previous customers are consulted for their experience of employing the trader, checks are carried out for previous complaints against the business, and any trader who will be working in or around consumers' homes must be able to produce criminal records bureau certificates for its employees.



Once on the scheme businesses are monitored and can be removed if standards slip. Trading Standards can also arrange mediation if a problem arises between a consumer and a member of the scheme.

More businesses are joining

all the time.

Home maintenance and repairs is work which unfortunately causes a lot of expensive problems for consumers and where criminals and opportunist rogues have operated for some time. By being able to confirm a list of approved reputable and reliable trades people, we aim to make it harder for the rogues to operate, to support local business and protect consumers from unfair and often aggressive trading practices.

Consumers can find an approved local trader by going to the BWC website or by phoning Consumer Direct who can check the list of approved traders.

www.buywithconfidence.gov.uk

Consumer Direct: 08454 040506

Eddie Coventry

Head of Trading Standards, said:

"This is an unusual step for our service to give our approval to



businesses. For years we have been advising consumers to get recommendations before deciding on work but in reality this can be hard to do. By developing this list of traders we have checked out, we hope to be able to encourage people to use local reputable traders and make it harder for the rogues."

Cllr Will Windsor-Clive, Cabinet Member with responsibility for Trading Standards, added: "The launch of the list of approved traders highlights how committed our Trading Standards service is to protecting people in Gloucestershire from rogue traders. So, if you are looking to employ a trade or service, an approved 'Buy with Confidence' member is a good place to start."

First business to sign up



Steve Ferrier receives his Buy with Confidence certificate

Stonewalling and Fencing Ltd based in Stroud was the first business to sign up to the scheme. Steve Ferrier, Managing Director of the firm said: "Being part of the Buy with Confidence scheme is a great opportunity to prove that I carry out my work as professionally as I can, offering a very friendly, honest service that has been approved by Trading Standards. What better recommendation could anybody ask for?"

inside

The Advice Squad

Brief Cases

The Price Must Be Right

Hempsted Counterfeits

Giant Lighters

Rogue Traders

Cigarette Op

The ADVICE SQUAD



More examples of complaints and enquiries resolved by our consumer advisers

Credit where it's due

A consumer signed an agreement with a firm to replace his roof. The sales person said that the job was urgent and would cost more because the roof contained asbestos. The work was to be paid for by a finance agreement signed at the consumer's home.

The consumer then had some doubts and instructed a surveyor who said the roof did not contain asbestos. The company refused to cancel the contract so the consumer contacted us for advice. When John checked the finance agreement he found that the consumer was still within his right to cancel because of the date he received the second copy. He advised the consumer who sent his notice of cancellation. After further discussion the trader agreed to refund the consumer's deposit.



The salesman's misleading statement would give the consumer valid grounds for cancelling the contract. However it was easier to use the legal protection provided under credit law. When you sign a credit agreement at home you will have a right to cancel the agreement. Where the trader has introduced the finance deal this will also have the effect of cancelling any related contract.



Sit and wait

A sales person persuaded a consumer to order a chair suitable for people with mobility problems at a cost of £800. The chair did not arrive and after several attempts to contact the company the consumer came to us. Liz spoke to the company who promised to make a refund but after several weeks and further attempts at chasing the business the consumer was still waiting. Liz also spoke to the trader's local Trading Standards service which was looking into other problems with the business. Eventually 6 months after the order was first placed and only after approaches from us and the other Trading Standards service the refund cheque arrived.

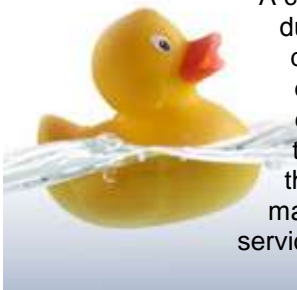


The law requires that except where a specific time for delivery has been given in any order for goods, delivery must be within a reasonable time. The consumer's claim was improved by the fact that she had, as advised, written imposing a strict time by which she must have the chair or a refund.



Home help

A consumer was persuaded to sign up for a bath lift during a salesperson's visit to her home and paid a deposit of £800. She immediately regretted her decision and wrote to cancel the order. The trader did not respond to this request. John contacted the trader who promised to send a refund cheque. When the cheque did not arrive, we raised the matter with the trader's local trading standards service. Shortly after the refund cheque arrived.



Cleaned out

An elderly consumer was contacted by phone and offered a discount carpet clean for just over £20.

It seemed a real bargain and an appointment was agreed. When the trader visited he advised that a deep clean was necessary at a cost of more than £200.



The consumer agreed but then regretted his decision. He felt he had been misled by the initial contact and that during the trader's visit he was put under some pressure to agree to the work. The consumer accepted that he signed the trader's paperwork confirming the work that was to be carried out but said this was when the work was completed. After some discussion between our advisor John and the trader, a partial refund was agreed.

The contract here was varied during discussions in the consumer's home. The seller should have given written notice of a right to cancel and obtained the consumer's written agreement before starting the work. We have informed the trader's local trading standards service as we consider his conduct to be an aggressive and unfair trading practice.



When a trader visits you at your home and agrees to supply you with goods costing more than £35 you must be given a written notice explaining your right to cancel the contract. In this case the required notice was given but the consumer's request to cancel seemed to be ignored. Thankfully we were able to bring some influence on the trader to make the refund.



briefCASES

some of the cases brought before the courts since the last issue

price
MUST BE
right

Fireworks fracas

A Cheltenham shopkeeper appeared before magistrates for illegally storing fireworks and obstructing a Trading Standards Officer.

Trading Standards officers visited the shop after a tip-off that individual fireworks were on open display on the shelves, posing a considerable safety risk to customers, staff and the shop, particularly in the event of a fire. They were so concerned about the risk of accidental ignition that they decided to seize the fireworks. However, the shopkeeper tried to stop them and the police had to be called.

The shopkeeper was fined £2000 for having incorrectly stored fireworks, £1000 for obstruction, £1500 for having the fireworks publicly accessible and £2000 costs. The court instructed that the fireworks be surrendered to Trading Standards for safe disposal.



Following complaints from the public, we recently undertook a survey to look at pricing problems in various retail outlets in Gloucestershire

Pricing problems reported included:

- false sales claims
- misleading price reduction claims
- buy one get one free offers but the full price being charged,
- prices not being displayed for all products,
- displayed prices being less than till prices,
- VAT being added at the checkout.

Officers visited more than 40 shops in the county and found a number of premises with:

- items not priced
- misleading sales ticketing
- restrictions on consumers' rights to return faulty goods

The shops were advised about the legal requirements and instructed to make changes. They were then revisited within 10 days for officers to check that the required changes had been made; which they had in all cases.



Cremation conman

A man who conned horse owners into paying for cremations that he never carried out pleaded guilty to five charges of fraud at Gloucester Magistrates Court.

The defendant from Radstock charged £920 for the individual cremation of clients' animals but actually took the remains to a knacker's yard in Exeter, where he paid only £35. When one client became suspicious, she

referred the matter to our animal health team, who uncovered the fraud. A casket inscribed with the horse's name containing ash from another animal had been returned to the owner. Animal Health Officers then investigated another four 'cremations' only to find there was no paperwork and the defendant would not say how the horses had been disposed of.

Taking into account the distress his clients had suffered magistrates imposed a substantial financial penalty on the defendant. He was fined £3000 for each of the five offences of fraud, £500 for each of 4 offences of failing to keep records, plus a £15 victim surcharge. He was also ordered to pay the county council £12000 in costs. He was ordered to pay the total of £28,942.17 within 28 days.

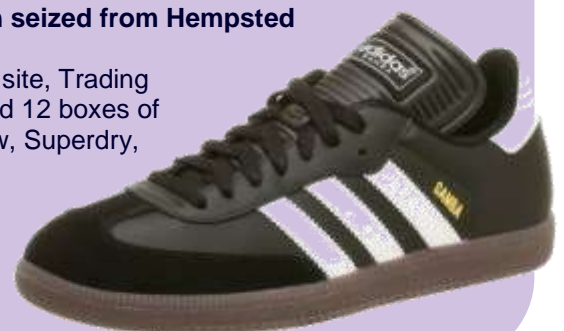


Counterfeit clothing and fake footwear

Counterfeit clothing and footwear worth more than £1000 have been seized from Hempsted car boot sale.

Acting on information received from the public about illegal trading at the site, Trading Standards and Police Officers carried out a joint operation to seize around 12 boxes of t-shirts, tops, trainers and boots. Faked labels included Boss, G-Star Raw, Superdry, Adidas and Ugg.

Eddie Coventry, Head of Trading Standards, and PC Mark Evans, community beat officer for Hempsted, both praised officers for "a very successful operation which demonstrated a multi-agency approach to tackling issues of concern in our communities".



WARNING ON GIANT EXPLODING LIGHTERS!

Safety officers began an investigation after a giant cigarette lighter exploded and caused a minor fire.

The lighter was bought from a shop in Gloucester for £2.50. In the early hours of the morning the customer was awakened by a loud bang. She found that the lighter had exploded, causing at least three small fires. The lighter in question had the brand name Hailu. Since then we have become aware of other names and brands including 'XXL Lighters', 'Giant lighters', 'King size lighter', and 'Jumbo lighters'. They are shaped like ordinary cigarette lighters, but their dimensions are considerably larger. The lighters are 160mm long and 40mm wide, they are made of a clear plastic and come in various colours. The warning sticker on the back of the lighter is white with red and black writing in Malayan. There are no warnings or instructions for use in English. As a safety precaution officers also seized a number of similar lighters from a shop in Tewkesbury. Tests on these are ongoing.

Eddie Coventry, Head of Trading Standards, said: "If you have one of these lighters, we would ask you not to use it but to bring it to the Trading Standards office in Denmark Road, Gloucester, Monday to Friday between 9.30am and 4pm."

Cllr Will Windsor-Clive, Cabinet Member for Community Safety and Youth, added: "This lighter is clearly a serious fire hazard. Thanks to the customer who bought it reporting the incident to Trading Standards, we are able to make others aware of the potential dangers. If you have bought one at this shop or elsewhere, please do get in touch."



rogue trader warning



The Trading Standards Institute has expressed concern that cuts in the funding of trading standards services will leave consumers vulnerable to scams.

Cowboy builders and rogue traders will be free to "fleece the streets" warned the chief executive of the Institute at the TSI's recent annual conference in Bournemouth. Ron Gainsford also said that Britain's reputation is at stake, with the London Olympics vulnerable to ticket and merchandise scams. There is also significant growth in intellectual property theft, counterfeiting and piracy. Mr Gainsford said that current economic conditions provide "fertile ground" for rogue traders and widespread scams to flourish. As people face frozen pay packets, benefits cuts, job losses and rising living costs, they are looking for cheaper goods and services."

The Citizens' Advice Bureau is shortly to publish a new report, *Desperate Times, Desperate Consumers*, showing consumers are becoming vulnerable to counterfeit goods, fake websites and loan sharks.



kids buy cigs

In a recent test purchase operation four shops in Cheltenham sold cigarettes to our young volunteers. The shops were targeted because complaints had been received about them selling tobacco products to under age young people and all of them had previously received information packs about age restricted products.

Cllr Will Windsor-Clive, Cabinet Member for Community Safety, said: "It is very disappointing to learn that some shops are continuing to sell cigarettes to under age young people. I am pleased that Trading Standards are targeting those who continue to flout the law."