



2005/06

TRADING STANDARDS

Review

Communities Directorate



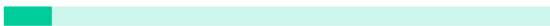
INTRODUCTION

On 1 April 2006 the Regulatory Services Division, consisting Trading Standards, Emergency Planning, Kent Scientific Services and Registration & Coroners became part of the Communities Directorate, joining with Community Safety and the Contact Centre to form the new Community Safety and Regulatory Services Division (CSRS).

The Communities Directorate was created to help KCC deliver its vision of a society with a sense of purpose, order and belonging, fostering independence and empowering individuals, families and communities.

Kent Trading Standards has a vital role to play in helping the Directorate achieve its objectives of enhancing community safety and community leadership and encouraging and helping Kent residents to adopt healthier lifestyles.

This report highlights just a few of the wide ranging activities of Trading Standards staff and also takes a look at some of the issues facing us in the near future.



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KENT TRADING STANDARDS

OFT Chairman visits Kent

Chairman of the Office of Fair Trading (OFT), Phillip Collins visited Kent Trading Standards soon after his appointment to the post in October 2005. Mr Collins was keen to learn more about our intelligence led approach, training programmes and to find out how the new Consumer Direct service has been successfully integrated into the activities of Trading Standards. Mr Collins returned to Kent in July 2006 with Members of the OFT Board to visit the Consumer Direct South East contact centre (CDSE) hosted by KCC on behalf of the 19 counties in the south east region. The visitors also attended a presentation and question and answer session on the work of Kent Trading Standards.

Clive Bainbridge, (left) Divisional Director with OFT Chairman Mr Collins.



SAFER HOMES & COMMUNITIES

Everyone can help

Vulnerable people, such as the elderly, are prime targets for doorstep criminals, particularly bogus tradesmen offering to do repairs, or work on the house or garden, who then demand exorbitant sums of money. For some time now we have had a Rapid Action Team which was set up to help vulnerable people falling victim to such criminals. This has proved extremely successful, providing support and saving many thousands of pounds for Kent residents. However, many victims are too embarrassed or upset to report it when they realise they have been conned and unless we can intervene while the conmen are on the premises it can prove almost impossible to recover any of the money later. We are trying to tackle this problem by asking for help from other members of the community and have produced a poster aimed at couriers and delivery drivers who are out and about during the day. We ask them to programme our hotline telephone number into their mobile phones, so they can call us if they spot anything suspicious. The poster also gives our website address where they can use our on-line report form to anonymously pass on any useful information.

Key Strategy

Kent Trading Standards Community Safety Lead Officer who is also Lead Officer on Crime & Disorder, for the Trading Standards Institute (TSI), Helen McAndrew, was a key member of the team which produced the Trading Standards New Crime & Disorder Reduction Strategy for TSI and the Home Office. The Strategy Paper highlights the vital support Trading Standards gives to the government's community safety agenda. It covers key areas such as commercial crime in the home, combatting under-age sales of restricted goods such as alcohol and fireworks and disrupting traders dealing in counterfeit goods.

Helen's expertise means she is frequently asked to provide training. Recent projects included training staff at the Kent Police Contact Centre on doorstep crime and trading standards enforcement and producing guidance and screen prompts to provide step by step guidance to police operators to help them know when to pass an incident on to Trading Standards.



Helen McAndrew, (far right) at the Strategy launch with HO Minister Hazel Blears; Nigel Strick, TSI Chariman and Tony Allen, Head of Oldham Trading Standards

Community Warden Training

Lead Officers and advice staff are involved in regular training sessions for new Community Wardens. The aim is to educate the Wardens in all aspects of Trading Standards work, as feedback from their work in the community is an important source of intelligence for us.

Cold Calling Control ...

A project trialling a "cold calling control zone" was launched in the Cranbrook area in 2006. It was funded by partnership agencies with support from BT. Signs and information leaflets explaining the scheme and providing useful contact numbers were distributed to local traders and residents. The trial proved extremely successful and will now be rolled out to other areas.

Second hand safety

Checks at over 100 second-hand shops, many of them charity shops, led to some disturbing discoveries. Although most charity shops do not sell furniture or electrical goods, the items most likely to present problems, we found some which had started selling them as the Manager has been on a PAT (Portable Appliance Testing) course. Unfortunately the level of knowledge gained from the course merely ensures the items are safe to use under the Health and Safety at Work Act, not that the items are safe for the purposes of consumer safety legislation.

Officers also found a number of non-charity second hand shops selling unsafe electrical goods. The level of knowledge among dealers about their obligations under the Electrical Equipment Safety Regulations is poor, and even more concerning is the failure of traders to have the items safety tested. Officers ensured that all the unsafe items found for sale were stripped of wiring by the shop owner and in many cases the items were scrapped. All these premises are now scheduled for follow up visits and legal action is likely if unsafe items are found on sale.

HEALTHIER COMMUNITIES

Healthy schools

Staff took our exhibition stand around the county to several conferences which had been set up to highlight the new healthy schools initiative and the role of other agencies in helping schools achieve the targets. The Kent target is to have 50% of schools engaged as Healthy Schools by the end of 2006, with the remainder by March 2009.

Making the right choices

Healthy eating, particularly in relation to children's diets, is an area where we are working with other KCC Services and outside agencies to try to bring about positive changes and raise public awareness on issues such as reducing the amount of salt, sugar and fat content in food. Lead food officer, Sue Harvey, attended an event hosted by East Kent Coastal Primary Care Trust (PCT) where she presented information on the results of our survey on breakfast cereals. The information gained from the survey will be incorporated into a "Breakfast Club" pack being developed by the PCT which has received funding to produce information for distribution to school breakfast clubs in the county.



Pocket guides

Thanet has a higher than average incidence of heart disease, and as part of our healthy eating agenda, we asked Doctors' surgeries in the area if they would like us to check their scales for accuracy. When officers visited the surgeries taking up the offer they also took the opportunity to give doctors healthy eating information to distribute to patients. This included a booklet, and a credit card sized leaflet which consumers can carry for reference when shopping. It incorporates information on "5 a day", how to interpret labelling, guides on high fat, sugar and salt and recommended daily amounts.

Is Baked Better?

Growing awareness of healthy eating issues such as fat content in processed foods means more baked snack products are appearing on the market, as they are sometimes perceived as being a lower fat option to similar fried products. We decided to see just how they compare and sent 42 samples of snacks including crisps, biscuits and similar products for analysis at Kent Scientific Services. Half were baked and half fried.

Although it is important to have some fat in our diet as it contains vitamins, is a good source of energy and provides essential fatty acids, too much can lead to health problems. Fats may be "saturated" (which can increase cholesterol and the chance of heart disease) or "unsaturated" (which do not raise cholesterol as saturated fats do). Hydrogenated oils are naturally unsaturated oils which have been changed chemically to saturated types. During this process some unsaturated fatty acids are changed to trans fats which have a similar effect to saturated fats. Some research suggests their effects may be worse.



We found the baked products had a much higher saturated fat and much lower polyunsaturated fat, than those that were fried. As might be expected, the fried snacks generally had a much higher fat content than the baked snacks. However, the types of fat found were quite different. In the baked products 42% of the fat was saturated with only 11% polyunsaturated. For fried snacks, only 27% of the fat was saturated, but 24% was poly-unsaturated. No trans fats were found in any of the fried products.

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SUPPORTING KENT BUSINESSES

Early Intervention

We are responding to trends in consumer complaints by strengthening our early intervention approach. This is a joint initiative where advice and enforcement staff work together to ensure that businesses are provided with guidance on both criminal and civil legislation, to make sure they comply with consumer protection legislation. If a trader ignores our advice and continues to cause consumer detriment, we can take more formal enforcement action under the Enterprise Act. In the majority of cases an informal approach solves the problem, but if it doesn't formal undertakings and court action will follow. Action under the Enterprise Act can be taken as well as, or instead of criminal proceedings.

Advice and guidance

Lead officers and advice staff took the trading standards business stand to several business exhibitions during the year. They included an Ashford Business Advice day organised by HM Revenue & Customs and the 20/20 Vision Exhibition organised by Business Link. The exhibitions give businesses a chance to meet and talk to our staff who are pleased to provide guidance and information on all Trading Standards legislation.

It is our aim to encourage businesses to come to us for advice and guidance early on and avoid potential problems in the future and the Lead Officers also attended a Business Link meeting to explore ways we can work with them to ensure businesses get the best possible support.

Avian Flu

Precautionary measures have been introduced to cope with a future outbreak of Avian Influenza ("bird flu").



Information about the requirements has been sent to commercial poultry keepers throughout the county and also posted on our website. We are recording details on our database of all poultry flocks discovered during farm record checks and farm visits and Environmental Health Departments have been requested to send their poultry databases to Trading Standards. We are also encouraging keepers of small poultry flocks to send us their details so that in the event of a disease outbreak we will be able to get information to them quickly. Kent staff participated in a national exercise to test the Avian Influenza emergency plan in Spring 2006.

Feedback from business

Every year we survey businesses that have either asked for advice or information or have received an inspection visit from our officers. The following are some of the key results from our last survey.

- ◆ 100% said it was made clear what needed to be done if business not meeting legal obligation
- ◆ 98% said officers were courteous and polite at all times
- ◆ 95% considered they were treated fairly at all times
- ◆ 95% overall satisfaction
- ◆ 95% found staff informative
- ◆ 93% of those not meeting legal obligations said our response to problem was fair/reasonable
- ◆ 93% of those who have use our website rated the content as good

COMMUNITY EDUCATION

Hey big spender ...

National Consumer Week in November 2006 had the theme "Hey big spender - take a little advice from us". The "big spend" topics for the week included cars and servicing; house and home improvements; holidays; furniture and household appliances and audio visual equipment. Advice officers, supported by colleagues in Consumer Direct, highlighted major purchases, what can go wrong with big purchases and where to get help and advice.

On the first day we focused particularly on cars and servicing. Staff were joined by mechanics from South Kent College at the performance area in Ashford High Street where they offered consumers advice and practical tips on buying cars and servicing.

Challenging Competition

A competition for students attending special schools was launched in Kent in November 2005. The Consumer Challenge encourages awareness of consumer issues in a fun and exciting way and has been devised for students with moderate learning difficulties, helping them to become more aware of their role as citizens.



The 2006 Consumer Challenge winning team from Ifield school

Four schools took part in the Kent heat, held at Ifield School, Gravesend. The teams of four answered questions on issues such as safety, shoppers rights and legal matters. The teams were well-matched, with a tie-break question needed to decide the final winners. The team from Ifield School won going on to represent Kent at the National Final held in London in June 2006 during the Trading Standards Institute annual conference.

The competition has proved a great success, and the Kent final has already been held for the 2007 championship with the team from Oakley School narrowly beating the opposition in a closely found competition. They will now go on to represent Kent at the National Final in Manchester in June 2007.

Kent school in national final

Six teams took part in the Kent regional final of the Young Consumers of the Year competition, which celebrated its 20th anniversary in 2006. The "University Challenge" style tournament was sponsored by Bose Ltd, and hosted by former BBC Radio Kent presenter, Barbara Sturgeon. It aims to encourage young people between 14-17 to develop the knowledge, skills and awareness to become confident consumers. The winning team from Chatham House Grammar School, Ramsgate went on to represent Kent at the South East Regional Final sponsored by the Co-op and held at County Hall. After an exciting competition they beat off the opposition to go through to represent the South East Region at the National Final at the Trading Standards Institute (TSI) annual conference in June 2006.

The Kent heats for the 2007 competition took place in December 2006 and the six highest scoring teams won a place at the Kent Final on 25 January, once again sponsored by Bose Ltd. The winning team, Chatham House Grammar School, Ramsgate, go on to represent Kent at the South East Regional final, sponsored by the Co-op Group, in March.



2006 Playsafe prize winners receiving their certificates from Advice & Education Manager Marion Ward

Young Kent designers win top prize

Kent's young people had the opportunity to put their creativity to the test by developing a new game or toy for the PlaySafe competition 2006, organised by the Trading Standards Institute (TSI) in partnership with the British Toy and Hobby Association. There were two age groups, 6-11 and 12-17 and the youngsters submitted drawings and notes of their ideas which were judged during the TSI Annual Conference in London in June 2006. Kent boys Daniel Bishopp and Edward Ford from Mersham School won the 6-11 category for their joint entry "Cork Tank".

We are now promoting the 2007 competition and once again the winning Kent entries will be judged at the national final during the TSI conference in June 2007 in Manchester.

Consumer feedback

Every year we carry out user surveys among consumers who have had contact with our advice service. The following are some of the key results from our latest survey.

- ◆ 96% found officers courteous and polite
- ◆ 95% found our advice easy to understand
- ◆ 92% thought staff were informative
- ◆ 82% overall satisfaction
- ◆ 72% said advice would or might help resolve similar problems in future
- ◆ 85% of those using our website rated the content as good

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LEGAL ACTION

Curfew Order

A Kent internet trader who produced and sold counterfeit DVDs was sentenced to an 18 month supervision order and a 3 month curfew between 8pm and 6am Friday, Saturday and Sunday. The Court also ordered the destruction of her computer and related seized equipment and DVDs. The curfew order was the first time such a punishment had been imposed for Trading Standards offences.

Licences suspended

Since the law changed at the end of 2005 licensees who are convicted of selling alcohol to under age children can have their personal licences suspended or revoked by the Courts. Several licensees who had received previous warnings about selling to children have had their licences suspended for periods up to three months. In one case the licensee was the only licence holder on the premises so having his licence suspended meant he had to remove all the alcohol from his shelves— a substantial penalty in the run up to Christmas!



Problems with second-hand cars

Between April and September 2006 officers visited over 90 second-hand car dealers to check the safety of the vehicles they were selling. We found 47 unsafe vehicles, mostly with tyres worn below the legal limit and bodywork corrosion, and issued notices requiring the faults to be fixed before the cars could be sold.

Huge fine for main dealer

A main dealer failing to carry out vehicle servicing as described in the Warranty and Service Guide was fined a total of £12,000 and ordered to pay £250 costs. The prosecution followed the servicing of several vehicles, with introduced faults, submitted by our officers. Despite claims that the services had been completed satisfactorily, almost all the faults were missed.

CHALLENGES AHEAD

Below is a brief summary of just some of the new projects, changes to legislation and other initiatives which Kent Trading Standards will be involved with over the coming months.

Fixed Penalty Notices

An alternative to prosecution or formal cautions in the case of offences such as alcohol sales to under 18's will be available to us with the introduction of fixed penalty notices.

Unlike a formal caution however, accepting a fixed penalty notice will not be an admission of guilt although it will be recorded. It is unlikely that we will issue a ticket for the fixed £80 fine at the time of the event, instead cases will be reviewed taking into account any mitigating circumstances, because if the offender does not accept the fixed penalty they will have 21 days to challenge the case in court. Repeat offenders are likely to be prosecuted in the normal way.

Buy with Confidence

The Kent "Buy with Confidence" good trader scheme will be launched in 2007. The scheme aims to provide consumers with a list of reputable local businesses in a range of different trades. Project Officer, Sharon Salisbury, together with auditors from our East and West Kent offices and the Advice & Education team will thoroughly screen businesses applying to join the scheme.



There will be an annual fee which will depend on the number of employees a business has. Businesses with staff who work in other peoples' homes or gardens will also need to apply and pay for a basic Criminal Records Bureau check for every employee and any regular subcontractor who does such work on their behalf.

When businesses are enrolled as members of the scheme they will be listed on the Buy with Confidence website www.buywithconfidence.gov.uk. Consumers will also be able to download a directory of Kent Traders. Around 140 traders from all sectors have already expressed an interest.

Animal Welfare Bill

The Animal Welfare Bill is expected to come into force early in 2007 and marks a milestone in animal welfare legislation. It brings together and modernises welfare legislation for farmed and non-farmed animals, some of which dates from 1911. Among other things it introduces a duty on owners and keepers of all vertebrate animals - not just farmed animals - to ensure the welfare of animals in their care. It will mean that, where necessary, those responsible for the enforcement of welfare laws can take action if an owner is not taking all reasonable steps to ensure the welfare of their animal, even if it is not currently suffering. It will deter persistent offenders by strengthening penalties and eliminating many loopholes in the current system. For example, those causing unnecessary suffering to an animal will face up to 51 weeks in prison, a fine of up to £20,000, or both.



New EU rules on welfare in transport

The Regulation will apply to all those involved with the transport of vertebrate animals in connection with an economic activity. For example, livestock and equine hauliers, farmers, animal breeders, performing animal transporters and those working at markets and slaughterhouses. It would not apply to individuals riding for pleasure who transport their own horses, or to individuals taking their own pets on holiday. Among other things, the new rules will mean that from January 2007 transporters must be authorised and vehicles inspected and approved. Further requirements relating to certificates of competence and principles of welfare will come into effect in January 2008.

Avian Flu

The risk of an Avian Flu outbreak in the UK increases in the Autumn and Spring with the migratory movement of birds. Defra has revised its strategy to screen wild birds for the HN51 virus and are testing live birds which are released; birds shot as part of legal wildfowling activities and certain species of dead wild birds in designated areas. Kent is not one of the designated areas which have been selected because of their higher numbers of waterfowl and poultry populations. Defra will continue investigations of unusually high numbers of dead wild birds and will test "die offs" of 10 or more birds of any species.

Blue Tongue Disease

The first outbreak in Northern Europe of Blue Tongue, a notifiable disease of livestock, occurred during the summer 2006 and a large area of the Netherlands, France, Belgium and Germany was placed under movement restrictions. Because the disease is spread by midges, the UK is at risk, especially during hot weather. If the disease reaches the UK, we will be called to assist Defra to help in controlling and eradicating it.

Rabies

Defra and Local Authorities in the South East are testing their Contingency Plans to deal with an outbreak of Rabies. The exercise known as Operation Juniper took place at the beginning of December and although restricted to office based activities, attempted to address the wide range of public and animal health issues that could arise.

Cold Calling Control Zones

Following the success of The Cold Calling Control Zone (CCZ) trial in the Cranbrook area the project will now be rolled out to other areas in the county. The new zones will be set up in Thanet, Canterbury, Dartford, Gravesham and Maidstone.

A presentation to the Districts involved, and also attended by representatives from GOSE (Government Office of South East), Kent police and the Home Office Crime Strategy team, will highlight hotspots and explain the issues.



Changes to credit regulations

The Consumer Credit Act 2006 which received Royal Assent in March 2006 will make substantial changes to consumer credit legislation over the next two years, but so far very little of it has been brought into force. The DTI published an implementation timetable in May to commence in October 2006 until October 2008 although it may be subject to some changes in due course.

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Talkingshop

A new project which will be launched in 2007 is Talkingshop, an initiative designed to meet the National Curriculum for Citizenship, Key Stage 4. It is an exciting and innovative way to teach consumer education to year 10 students and enables the delivery of high quality consumer education with minimal staff time and costs through real time role-play via the internet. We will be offering the service free to all Kent schools.



Talkingshop is set up to deliver to any number of schools simultaneously, with pupils having access to information to research problems that are presented to them. They will also be able to interact, by email, with Trading Standards professionals. A number of trading standards authorities are already using the system which has proved very popular with both teachers and pupils.

New Food Work

Next year Trading Standards services will have new responsibilities in relation to food hygiene on farms. As a service we are currently responsible for animal feed hygiene matters but this has been extended to primary production of food products such as fruit and vegetables and grains. The rationale is that as we already visit farm premises for feed hygiene and animal health matters, giving the responsibility to Trading Standards will prevent another enforcement agency having to make visits so reducing the burden on business. Environmental Health officers will continue their food hygiene role once these products are processed and used as ingredients in other foods. This will obviously have training implications as it will be a new area of expertise that our staff will need to acquire.

Food Monitoring Regime

A new Food Standards Agency local authority monitoring scheme will be implemented in 2007. This will allow us more freedom to decide the type of work we carry out in our food enforcement programme and so how our performance will be measured. The Agency has traditionally focused on inspections but other interventions such as sampling, questionnaires and workshops will be given recognition. Overall authority performance will be based on a matrix of scores, calculated with the number of broadly compliant businesses and the degree to which the planned intervention programme was achieved. The new scheme is still at the second consultation stage but the Agency are optimistic about a roll out of the required software and training in June and July 2007 with collation of data for the second half of the year.

Home Information Packs

The Home Information Pack Regulations 2006 come into force on 1 June 2007 and will require the production of a pack before a property is put on the market. The packs will have to contain various information, such as copies of Land Registry documents and local authority search results. However, although the Regulations also require a Home Condition Report to be included, the Government has recently bowed to pressure and decided to make these optional instead of compulsory. This will significantly reduce the cost of producing a pack. The industry are still lobbying for the complete abolition of the packs, as they consider they will not speed up the house selling process as intended.



Trading Standards are still the enforcement authority under the legislation, although our powers will be fairly limited. The potential sanction for failing to produce a pack will be a fixed penalty notice. A pilot scheme was started in some parts of the country, although not in Kent.

Verification work

The Measuring Instruments Directive came fully into force in the UK in October 2006. Organisations need to become Notified Bodies to test and verify new equipment of each specific type although somewhat strangely authorities that are not Notified Bodies may re-verify equipment in the future (e.g. after repair). Equipment already in trade use before October may continue to be used and reverified under the old regime ad infinitum.

In Kent, we have decided to apply to do liquid fuel dispensers and measures of length, as these are the two types of new equipment which we get most requests to verify. LACORS (Local Authorities Coordinators of Regulatory Services) have agreed a fast-track application procedure with the National Weights & Measures Laboratory (NWML). This will enable authorities that are already Notified Bodies for EC weighing machines to simply add further categories of equipment to their existing quality system, so long as they use standard testing procedures which have been produced nationally.

The changes being brought in by the Directive will mean a further departure from the long-established tradition of local authorities being responsible for the verification of all weighing and measuring equipment in their area. More cross border work is likely.

Contact Points

**Director of Community Safety and Regulatory Services
& Head of Trading Standards:** Clive Bainbridge. Tel: 01622 221014

Assistant Heads of Trading Standards: Sue Edmunds & Ian Treacher. Tel: 01622 1012

TRADING STANDARDS

www.tradingstandards.gov.uk/kent

1st Floor
Invicta House
County Hall
Maidstone
ME14 1XX

General Enquiries: 08457 585497

Consumer Advice (Consumer Direct): 08454 04 05 06

Advice & Education Office

PO Box 71
Ashford
TN24 8WB

Telephone: 08457 585497

Manager: Marion Ward

East Kent Area Office

PO Box 320
Ashford
TN24 8AS

Telephone: 01233 898825

Area Manager: Mark Rolfe

West Kent Area Office

PO Box 286
West Malling
ME19 4HW

Telephone: 01732 525291

Area Manager: Richard Strawson