

Business Advice and Enquiries Policy

Trading Standards Mission Statement

The Trading Standards Service is part of Cultural and Community Services within Derbyshire County Council. The Service aims to;

‘Improve life for local people by supporting businesses, helping consumers and tackling unfair and unsafe trading practices.’

The legal areas covered by the Service include;

- Tackling rogue trading activity – e.g. unfair sales practices, counterfeit goods, ‘cowboy builders’ and property repairers;
- Checking that goods supplied in Derbyshire are safe – e.g. toys, electrical goods and general consumer products;
- Ensuring that food is safe and complies with labelling and composition requirements – e.g. use by dates, minimum meat content;
- Protecting the welfare of farm livestock and preventing the spread of disease – e.g. foot and mouth, avian flu;
- Inspecting weights and measures equipment to ensure accuracy and that goods are of the correct measure – e.g. petrol, beer etc.;
- Preventing the illegal sale of age-restricted products to young people – e.g. alcohol, cigarettes, fireworks, knives etc.

There are further details on our website
www.derbyshire.gov.uk/tradingstandards.

Our work in enforcing trading standards laws involves the provision of comprehensive, impartial advice to local businesses. We recognise that the majority of businesses want to trade fairly and legally. Consequently, Derbyshire Trading Standards will actively work with businesses to assist them to comply with trading standards law.

However, we reserve the right to take enforcement action against any business that neglects its legal obligations or deliberately sets out to harm the interests of consumers or other legitimate businesses. The criteria governing enforcement action are set out in our Compliance Policy which is explained in more detail below.

Business Advice Services

We currently provide free advice on trading standards law to businesses based in Derbyshire. We prioritise our business advice work to make sure we are dealing with the most important areas (see below).

We are not able to give advice to businesses that have a civil law contractual dispute with another business. Our expertise lies in consumer law so we will only give advice if the contractual dispute involves a transaction between a business and a consumer.

If the request for advice falls outside our remit we will signpost the business to an appropriate source of advice.

We will not generally give advice to a consultant or third party acting on behalf of a business. We prefer to deal directly with the business to make sure that accurate information is communicated. It is not our role to act as consultants or advise on the marketing of a product or service.

The trading standards pages on Derbyshire County Council's website (see link above) provide a wide range of advice and education materials for businesses. There is also the facility to submit an online request for advice or information.

Where new legislation is passed which affects a wide range of businesses in Derbyshire we will consider the provision of training seminars. We will also consider specific requests for training from individual businesses but we need to make sure that training businesses in this way is cost-effective.

You can contact us in the following ways;

- Telephone via Call Derbyshire 08456 058058.
- Letter: Derbyshire County Council, Cultural and Community Services Department, Trading Standards Division, Chatsworth Hall, Chesterfield Road, Matlock, DE4 3FW.
- Fax: 01629 536197
- E-mail: trading.standards@derbyshire.gov.uk

Prioritising Our Work

We receive an average of 18,000 enquiries each year and cannot deal with them all. In order to help us to prioritise our work we consider the following criteria;

1. Whether the enquiry falls within one of our priority areas;
 - Taking effective action against businesses that deliberately or persistently break the law.
 - Providing support and advice to Derbyshire businesses and consumers to maintain a fair and safe trading environment.
 - Taking effective action in relation to the storage and supply of dangerous goods or those that can cause harm.
 - Maintaining food standards and helping people to make informed, healthy choices.
 - Preventing the spread of animal disease and taking action in cases of unnecessary suffering of livestock.
 - Restricting the access of children and young people to harmful age-restricted goods.

If the priority test is satisfied, we go on to consider the following;

2. In relation to any business involved;
 - Is it based in Derbyshire or another part of the country?
Enquiries about Derbyshire businesses are prioritised on the basis that the trading standards service nationally tries to deal with issues arising from businesses in their own area. Enquiries about non-Derbyshire businesses may be referred to trading standards colleagues in the area where the business is based.
 - The previous history of the business; have there been other complaints of the same type? Have we had other problems with the business in the past? Do they usually deal with customer complaints effectively?
 - Is the business a member of the Derbyshire County Council's Trusted Trader Scheme? Enquiries about Trusted Traders are always given priority.
 - Other factors, such as the size and risk assessment of the businesses. We would tend to prioritise enquiries about businesses we classify as high risk such as food of feed producers / importers, livestock markets and manufacturers / importers of products caught by safety legislation (for example, toys, electrical goods and furniture).

3. Finally, we consider;
- Is there a vulnerable consumer involved?
 - Is the amount of detriment high – either to the individual complainant or the public at large?
 - The nature of detriment – is there a safety or public health risk or is it purely economic?
 - The frequency with which the type of enquiry occurs – is there an issue of general consumer awareness? Is the trading practice complained about widespread?
 - Is there any adverse environmental impact?
 - Is it an issue of animal welfare?

Home Authority / Primary Authority

Where a business is based in Derbyshire and trades outside the county we will adopt the Home Authority Principle devised by Local Government Regulation and administered by the Trading Standards Institute. Where a partnership exists, we will follow the Primary Authority Scheme operated by the Better Regulation Delivery Office, an independent unit within the Department for Business, Innovation and Skills.

Home Authority

This principle requires us to place special emphasis on businesses based in Derbyshire with the aim of helping them to comply with the law. This approach is intended to make sure that goods and services are legal from the outset. This in turn should minimise subsequent trading standards queries in respect of non-complying goods or services.

The principle also requires us to act as a point of contact for trading standards queries about the business. It allows us to build up an effective working relationship – provided that the business is open and honest in its dealings with us and acts on the advice we give.

Full details of the Home Authority Principle can be found at Derbyshire County Council – Home Authority Principle (http://www.derbyshire.gov.uk/business/trading_standards/business/home_authority_advice/default.asp).

Where issues arise in the local branch of a business which is based outside Derbyshire we will liaise with the Home Authority for that business before giving advice.

Primary Authority

The Primary Authority scheme is operated by the Better Regulation Delivery Office (BRDO) and aims to build on the foundation of the voluntary Home Authority Principle to achieve more consistent regulation.

The BRDO recognise that effective local regulation requires confidence and mutual trust. Businesses should be able to rely on the trading standards advice received from local authorities, in the knowledge that it is expert opinion, applicable across the UK, and a secure basis for investment and operational decisions.

For the first time, companies have the right to form a statutory partnership with a single local authority, which can provide robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The advice given within a Primary Authority partnership is binding on all other enforcing authorities.

More information is available at <http://www.bis.gov.uk/brdo/primary-authority>

Trusted Trader



Derbyshire County Council operates a Trusted Trader Scheme which is designed to promote reputable businesses and make it easier for consumers to find a business which will do a good job for a fair price.

Trusted Trader is one of the key ways in which we support local businesses and try to help them succeed. Traders who successfully apply to join the scheme can use the branding to boost their business.

All Traders who want to join the scheme are checked by trading standards and must agree to abide by our code of conduct. In return

their business is featured in an online list of members and promoted through a range of County Council initiatives.

To find out about becoming a Trusted Trader businesses can either search online at www.derbyshire.gov.uk/trustedtrader or ring Call Derbyshire on 08456 058058.

Trading Standards Contacts with Businesses

Your business may be contacted by trading standards if we are making enquiries following a complaint made by another business or member of the public.

If the enquiry we are dealing with concerns a breach of the civil law - for example, an allegation that a business has sold faulty goods to a consumer we may contact you to discuss the case. In certain cases, for example, where the consumer is vulnerable or elderly, we offer to negotiate directly with businesses in order to attempt to resolve a dispute. Our aim in doing this is to reach a fair agreement between both parties to a contract which avoids the need for legal action in the County Court.

We realise that it is not always possible to resolve all civil law disputes to the satisfaction of all parties. We will assess the facts and give an opinion as to the most cost effective way of resolving the dispute. However, if the two parties involved in a contract cannot reach agreement then ultimately, it may be necessary to take the matter to Court. Only the people directly involved in a contract can initiate court action and we are unable to represent either consumers or traders in court.

If the enquiry we are dealing with concerns a possible breach of the criminal law, for example, falsely described or unsafe goods, then the contact will come from staff in a relevant enforcement team; either Standards and Animal Health, Fair Trading, or Safety and Business Support.

The service deals with a wide range of criminal legislation which is intended to ensure that the consumer gets a fair deal and that businesses act responsibly. The same legislation also protects legitimate businesses from any unscrupulous competitors.

The main purpose of a criminal enquiry is to assess the conduct of the business being complained about. If this conduct falls below the legal standard then the action that can be taken includes; advice and

education, letters of warning and in the most serious cases - cautions, prosecutions and County Court Injunctions. Fixed penalty notices or licence review are also available if a breach in the law relating to alcohol has occurred.

Derbyshire Trading Standards Service has a Compliance Policy which has been approved by Elected Members. It covers all aspects of trading standards compliance and is available at:

http://www.derbyshire.gov.uk/business/trading_standards/About_us/compliance/default.asp.

All criminal enquiries have to be conducted in accordance with the criminal justice legislation and we abide by the Enforcement Concordat issued by the Cabinet Office and any subsequent guidelines that may be issued.

Records

We maintain a database of businesses operating in Derbyshire and use this to record details of requests for advice, complaints and advice given. The data we hold is handled in accordance with the provisions of the Data Protection Act.

We have published a corporate publication scheme in accordance with the Freedom of Information Act.

Customer Care Policy

Our staff are sensitive to the needs of the individuals we come into contact with during the course of our work. We will endeavour to be friendly and helpful at all times when providing our service and will treat everybody with courtesy and respect.

Derbyshire Trading Standards Service aims to follow the Council's 'Putting People First' Policy as well as our own Service Standards.

The Council's Putting People First Policy is available on the Council website at

http://www.derbyshire.gov.uk/council/policies_plans/customer_care_charter/default.asp.

Our Service Standards are also available on the Council website at Derbyshire County Council – Our Service Standards

http://www.derbyshire.gov.uk/business/trading_standards/About_us/ServiceStandards/default.asp).

Equality Statement

We are committed to the principle that all of our customers and employees have the right to equality of opportunity and equity in the way they are treated and in the services they receive.

This means taking into account issues relating to age, disability, HIV status, marriage and civil partnership, pregnancy and maternity, race, religion, sex, sexuality, sexual orientation, national origin or ethnicity or any other of the protected characteristics as defined in the Equality Act 2010.

We are committed to ensuring our practices and services are free from discrimination and prejudice and meet the needs of our community.

For more details about the Council's equality policy please contact Call Derbyshire on 08456 058058 or go to the Derbyshire County Council website: <http://www.derbyshire.gov.uk/council/equalities/>.

Feedback

We carry out user surveys to check that we are providing the service you need. Once we have completed your enquiry you may receive a survey asking for your views about our service. Please take the time needed to complete this; your views are important to us.

If you are not happy with our service you may contact us to raise your concerns by telephone, letter, fax, e-mail or in person. If you are not happy with the explanation given by the person you have been speaking to, then you should address your concern to a trading standards team manager.

You can contact us by;

- Telephone via Call Derbyshire 08456 058 058.
- Letter: Derbyshire County Council, Cultural and Community Services Department, Trading Standards Division, Chatsworth Hall, Chesterfield Road, Matlock, DE4 3FW.
- Fax: 01629 536197
- E-mail: trading.standards@derbyshire.gov.uk

Any complaint about our conduct will be investigated in accordance with the County Council's Complaints Procedure. Further details available from Call Derbyshire 08456 058 058 or on the Derbyshire County Council website:

http://www.derbyshire.gov.uk/council/policies_plans/complaints_procedure/.

Review

Our Business Advice and Enquiries Policy will be reviewed every year. The review will consider the results of our consultation exercises and any other feedback received with the aim of improving our service by changing the way we work.

The results of all consultation exercises are published on our website at http://www.derbyshire.gov.uk/business/trading_standards/About_us/consultation/.

We want everyone to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.