

# Business Advice and Enquiries Policy

## Trading Standards Mission Statement

The Trading Standards Service is part of the Commissioning, Communities and Policy Department within Derbyshire County Council. The service aims to;

‘Support local businesses, help consumers and tackle 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 scams;
- 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.

See further details online at [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)

Our work in enforcing trading standards laws involves close liaison with businesses of all kinds. 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 public 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**

The trading standards pages on Derbyshire County Council's website (see link above) provide signposting to a wide range of resources for businesses seeking advice.

We will provide free advice on trading standards law to businesses based in Derbyshire if the need for that advice arises as direct consequence of proactive inspection type activities by this service and is general in nature.

However, any Derbyshire business requesting bespoke advice from Derbyshire Trading Standards will have to choose from the following options:-

1. Joining the Derbyshire Trusted Trader Scheme (if eligible) where, in addition to other benefits they will be entitled to up to 2 hours free advice per year. (see below)
2. Entering into a Primary Authority Partnership (PAP) where any advice provided would be charged at a rate of £65 per hour (such advice is not subject to VAT). PAP members would be required to enter into an agreement for a minimum number of 10 hours advice per annum. (see below)
3. Up to two hours free advice per year would be provided to any Derbyshire business that was referred to the Trading Standards Division via the D2N2 Growth Hub.
4. All other advice will be chargeable at a published hourly rate (subject to VAT). The rate will be reviewed annually and is on a cost recovery basis.

Our expertise lies in dealing with all aspects of trading standards law. Consequently, we are not able to give advice on other areas of law such as contractual disputes with other businesses or legislation enforced by other regulators.

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. You can contact us in the following ways;

- Telephone via Call Derbyshire 01629 533190.
- Letter: Derbyshire County Council, Commissioning, Communities & Policy Department, Trading Standards Division, County Hall, Matlock, DE4 3AG.
- Email: [trading.standards@derbyshire.gov.uk](mailto:trading.standards@derbyshire.gov.uk)

## **Prioritising Our Work**

We receive an average of 10,000 enquiries each year and can't 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 action against rogue traders that deliberately or persistently break the law.
  - Providing support and advice to vulnerable consumers including victims of doorstep crime and scams.
  - Supporting local businesses through the Trusted Trader scheme, the provision of business advice and the Better Business Regulation initiative.
  - Acting to ensure that consumers are protected from dangerous or unsafe products.
  - Helping to ensure the safety and security of the food chain.
  - Ensuring that the risk of animal disease outbreak is minimised and that farm animals do not suffer unnecessarily.
  - Restricting the access of young people to harmful age-restricted goods such as alcohol and tobacco.

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 or Primary Authority principle as appropriate.

### **Home Authority**

Adopting the Home Authority 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 ensures that goods and services are legal from the outset and reduces the need for intervention by other trading standards services.

Being Home Authority also means that we will act as a point of contact for trading standards queries about businesses in Derbyshire. Operating in this way allows us to build up an effective working relationship with business.

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 (PA) scheme is operated by the Office for Product Safety and Standards (OPSS).

OPSS 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.

Under the scheme, companies have the right to form a statutory PA 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 [www.gov.uk/guidance/local-regulation-primary-authority](http://www.gov.uk/guidance/local-regulation-primary-authority)

## **Trusted Trader**



Derbyshire County Council operates a Trusted Trader Scheme which promotes reputable businesses and makes it easier for consumers to find a business offering 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.

Any business applying to join the scheme is checked by trading standards and must agree to abide by our code of conduct. In return,

they have access to the scheme branding, are 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](http://www.derbyshire.gov.uk/trustedtrader) or ring Call Derbyshire on 01629 533190.

## **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 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 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 or a recognised dispute resolution service. We are unable to represent either consumers or traders in court.

If the enquiry we are dealing with concerns a possible breach of criminal law, for example, selling falsely described or unsafe goods, then the contact will come from staff in a relevant enforcement team; either Standards & Animal Health, Fair Trading, or Safety & 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 reviews are also available if a breach in the law relating to alcohol has occurred.

Derbyshire Trading Standards Service has a Compliance Policy which covers all aspects of trading standards compliance and is available at: <https://www.derbyshire.gov.uk/business/trading-standards/about-us/compliance/compliance.aspx>

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 (<http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>) and Regulators' Code issued by the Better Regulation Delivery Office ([www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)) 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 [www.derbyshire.gov.uk/council/policies-plans/customer-care-charter/customer-care-charter.aspx](http://www.derbyshire.gov.uk/council/policies-plans/customer-care-charter/customer-care-charter.aspx)

Our Service Standards are also available on the Council website at Derbyshire County Council – Our Service Standards ([www.derbyshire.gov.uk/business/trading-standards/about-us/servicestandards/our-service-standards.aspx](http://www.derbyshire.gov.uk/business/trading-standards/about-us/servicestandards/our-service-standards.aspx)).

## **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 01629 533190 or go to the Derbyshire County Council website: [www.derbyshire.gov.uk/council/equalities/](http://www.derbyshire.gov.uk/council/equalities/).

## **Feedback**

If you are not happy with our service you can contact us to raise your concerns. 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 manager.

You can contact us by;

- Telephone via Call Derbyshire 01629 533190.
- Letter: Derbyshire County Council, Commissioning, Communities & Policy Department, Trading Standards Division, County Hall, Matlock, DE4 3AG.
- Email: [trading.standards@derbyshire.gov.uk](mailto: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 01629 533190 or on the Derbyshire County Council website: [www.derbyshire.gov.uk/council/complaints/complaints-procedure/complaints-procedure.aspx](http://www.derbyshire.gov.uk/council/complaints/complaints-procedure/complaints-procedure.aspx)

## **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.



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.