

# **Cultural and Community Services Department**

## **Trading Standards Division**

### **Service Plan 2010-2014 2013-2014 Refresh**

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## Policy Context

The role of Trading Standards is to help local people to get a fair deal when buying goods and services. We support Derbyshire businesses to ensure that they comply with a wide range of consumer protection legislation which is intended to ensure a fair and safe marketplace. Supporting legitimate local businesses and helping them grow is combined with tackling the minority of rogue traders who seek to gain a competitive advantage by exploiting consumers, particularly those who are vulnerable.

From April 2012 advice to local people with consumer problems has been provided in conjunction with the Citizens Advice consumer service. This service replaced Consumer Direct which was operated by the Office of Fair Trading. Initial advice is now provided by the Citizens Advice consumer helpline; although the original telephone number (08454 040506) has been retained. More complex issues and those where a criminal investigation is required are referred to Derbyshire Trading Standards for further consideration. The Service has established good contact with local Citizens Advice Bureau and works to ensure that those most in need receive priority support. The launch of an electronic information kiosk in partnership with CAB and the library network is an example of the closer working relationship.

The Secretary of State for the Department of Business, Industry and Skills (BIS) has determined that 'Trading Standards will be given responsibility for enforcement of almost all consumer law'. The resulting Consumer Landscape Review has confirmed funding for the continuation of teams to tackle illegal money lending and regional Trading Standards Scambuster teams to address trading standards crime committed across local authority boundaries. A National Trading Standards Board has been established as well as a National Tactical Tasking and Coordination Group that can allocate resources to individual local authorities and regional teams to address national ('level 3') and regional (level 2) criminality. Derbyshire Trading Standards Service continues to work closely with other authorities within the East Midlands and increasingly with local and regional Police and other enforcement colleagues.

The Comprehensive Spending Review and subsequent reduction in resources has required the Trading Standards Service to give greater priority to tackling the minority of rogue traders that cause the most consumer detriment. There has been a consequential reduction in 'routine' market surveillance in terms of visits to local businesses and testing of products on sale in the county, particularly where the risk of non-compliance is low. There has also been a reduction in the level of assistance to individual consumers. It is important, therefore, that the Division continues to collate intelligence about rogue trading and liaise with regional and national enforcement agencies to ensure that those traders causing the most consumer detriment are targeted for priority action.

The Division continues to work closely with the Better Regulatory Delivery Office (BRDO) – formerly the Local Better Regulation Office - and helped formulate national 'Priority Regulatory Outcomes' for local authority regulatory services. These are consistent with our contribution to helping to achieve the Council Plan priorities and are as follows:

1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment
2. Protect the environment for future generations, including tackling the threats and impacts of climate change
3. Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods
4. Help people to live healthier lives by preventing ill health and harm and promoting public health

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

Meeting the requirements of the Equality Act 2010, including the new public duties, continues to be an important priority for the next year and beyond, as does supporting vulnerable young people in the Council's care. The department will achieve this by contributing to the development of a meaningful, but proportionate, set of equalities objectives for the Council, consulting on proposed changes to services and considering the impact of such changes on different groups.

### **Operational Context**

Derbyshire Trading Standards has had considerable success in tackling rogue traders operating in the county. Action taken against the most complained-about trade sector - the selling of mobility products (such as scooters and rise and recline armchairs) resulted in the conviction and imprisonment of eight local businessmen running or managing companies miss-selling mobility aids to vulnerable people. They were given prison sentences totalling 8 years. The Division will continue to focus on those traders who deliberately flout the law. Not only do they prey on vulnerable local residents, but they also gain an unfair competitive advantage over the vast majority of traders who comply with the law. Supporting vulnerable people and maintaining the Derbyshire Trusted Trader Scheme will continue to be priorities for the Division. This will contribute to Confident and Safe Communities.

2013/14 will be the third year of a six-year programme of significant budget reductions and a restructuring of the Trading Standards Service was completed in 2012. This saw a reduction in the number of staff but the service has been able to continue to prioritise front line services and continues to deliver our key priorities.

The Derbyshire Trusted Trader Scheme, which contributes to Giving People the Choice and Flexibility to Live Independent Lives, continues to thrive. It now has over 1,350 members and attracts positive feedback from trade members and local residents. In terms of Customer Feedback, we have received over 10,000 feedback cards – a third of which were from over 65's. 95% rate the service they've received from the Trusted Trader as very good and 98% felt that the Derbyshire Trusted Trader scheme gives them more confidence about finding a trader they can trust. Feedback from members is equally positive, 72% of traders thought that membership of Scheme had a beneficial effect on their business and 91% thought that the Derbyshire Trusted Trader branding gave their customers more confidence about using them.

Protecting the rural economy contributes to Confident and Safe Communities. Reducing the threat of animal disease and tackling any incidents of unnecessary suffering to farm animals will continue to be a priority. The Division will continue to attend livestock markets and to inspect 'high risk' businesses to provide advice and information to the local farming community. Three farmers have been prosecuted for causing unnecessary suffering to animals.

Protecting the food chain from 'farm to fork' is a priority for the Division and contributes to Encouraging Healthy Active and Rewarding Lifestyles. We will target our food sampling programme to ensure that food composition and labelling is accurate and complies with legal requirements. We will work with local businesses to reduce the salt, fat or sugar content of locally produced food and encourage consumers to make the link

between food labelling information, diet and health. We will continue to work with the Food Standards Agency and Derbyshire School Meals Service to monitor food products supplied in Derbyshire to ensure that it does not contain horse meat and is safe. We will also continue to play an active role in attempting to reduce young people's access to cigarettes and reduce smoking prevalence by tackling illicit tobacco. There has been a significant increase in complaints about illicit tobacco on sale in Derbyshire and we currently have a number of criminal investigations.

In terms of Achieving More With Partners, we will continue to provide local businesses with advice to prevent illegal sales of age restricted products. Sharing information with Police, District Council Licensing and Community Safety colleagues allows the Division to target resources in intelligence led ways. The Division has currently achieved a compliance rate of just under 90% for 'off-trade' premises and has worked with police colleagues to reduce the risk of underage alcohol sales in pubs and clubs. Businesses who illegally sell age-restricted goods to children can expect enforcement action to follow – one Chesterfield retailer was prosecuted and had his licence suspended for 6 months following a sale to a young person under 18 and possession of counterfeit alcohol. The Division will explore with public health colleagues the opportunity to reduce demands for health related services through targeted action to prevent harm from alcohol, cigarettes and other products harmful to health. We will also continue to liaise with District Council colleagues to achieve operational efficiencies through joint working with environmental health and in particular how we can support local businesses in the D2N2 local economic partnership.

The Department will continue to implement the requirements of the Equality Act 2010 in relation to employment and the delivery of services. This will include work to deliver the Council's equality objectives, consultation on proposed changes to services and consideration of the impact of any such changes on different groups. The Trading Standards Team will continue to take action so that vulnerable people are being protected from the harmful impact of crime and anti-social behaviour. In particular we want to ensure that the action we take to deal with doorstep crime continues to be viewed as effective. The Department will work to improve its contribution to the achievement and wellbeing of looked-after children. Opportunities will be taken to offer work experience to young people in care and to employ care leavers in permanent posts where possible. The departmental management team will work closely with the Children's and Young Adults Department to maximise its role in corporate parenting.

Delivery of the Department's services and operations will be guided by the principles in the Corporate Environmental Policy in order to minimise their environmental impact. The Department will work to ensure that services are resilient to a future changing climate and reduce the carbon emissions associated with service delivery and operations by improving resource efficiency, reducing energy consumption, fuel use and encouraging smarter travel choices. Trading Standards staff will continue to work with local businesses to help them reduce the amount of packaging they use in the production process and thus minimise waste that would otherwise have potentially gone to landfill. We have helped one local company to identify a modification in packaging design saving several hundred tonnes of waste and c£750,000. Staff mileage has been reduced and staff are encouraged to work as flexibly as possible, in line with Changing the Way Derbyshire Works, to minimise the miles travelled by the "grey fleet".

The Division will continue to contribute to a variety of Council Plan priorities as mapped in Appendix A. Key priorities for the forthcoming twelve months will be:

1. To consolidate the new Trading Standards Structure and prepare for further changes to meet additional budget reductions.
2. Managing resources in the light of the changing consumer landscape and working with partners to maximise efficiencies to protect consumers and local businesses from trading malpractice and unfair competition.
3. To continue to develop the Trusted Trader scheme to maximise the growth in membership/maintain or improve retention rates and to develop trusted retailers.
4. To seek opportunities to partner with the new public health function in the council to maximise the potential for improving health and reducing the harm from alcohol, tobacco and other products harmful to health.

## **APPENDIX A: KEY PERFORMANCE INDICATORS LINKED TO COUNCIL PLAN PRIORITIES**

Performance data in relation to key performance indicators shown below are maintained in the council's corporate performance management system and reported to the relevant Cabinet Member as required. Outturn figures for 2012/13 are estimated in some cases and will be updated in April 2013. Performance is monitored in greater detail through development plans for individual service functions.

Theme / Priority		Performance Measure	Outturn 2012/13	Target 2013/14
<b>HIGH QUALITY PERSONALISED SERVICES THAT MEET INDIVIDUAL NEEDS</b>				
<b>Giving people the choice and flexibility to live independent lives</b>				
	Extend the Trusted Trader Scheme	Percentage of consumers who are satisfied with the service they received when employing a Derbyshire Trusted Trader	95%	95%
<b>LEADING THE WAY</b>				
<b>Achieving More In Partnership</b>				
	Address the harm caused by drug and alcohol misuse	Percentage of businesses identified as High Priority that have received targeted intervention.	100%	100%
	Support economic recovery and growth	Percentage of members of Derbyshire Trusted Trader Scheme that believe it has had a beneficial effect on their business	72% est	70%
<b>Giving local people better choice and more of a say</b>				
	Promote comprehensive information and advice services	Number of contacts for advice by trading standards division	8,000 est	8,000
<b>PLACES WHERE PEOPLE WANT TO BE</b>				
<b>Confident and safe communities</b>				
	Tackle unsafe and unfair trading practices	Percentage of businesses found to be or brought in to compliance with trading standards and animal health and welfare legislation	95 est	95

Theme / Priority		Performance Measure	Outturn 2012/13	Target 2013/14
		Percentage of complaints about unsolicited calls from doorstep traders that are investigated	100	100
		Percentage of Derbyshire Traders subject to a high degree of consumer complaints against whom action has been taken	100	100
		Percentage of high risk animal health premises subjected to intervention <i>(tweaked from previous year)</i>	100	100
		Percentage of complaints about animal welfare that have been investigated <i>(new last year)</i>	100	100
Rich, diverse and protected environments				
	Manage waste more sustainably to reduce waste sent to landfill and provide facilities for local residents to recycle their waste	Percentage of selected Derbyshire businesses operating in priority sectors that have been provided with best practice guidance on reducing packaging waste.	100	100
RAISING ASPIRATIONS				
Encouraging healthy, active and rewarding lifestyles				
	Promote healthy eating and physical activity, encouraging residents and employees to adopt healthy lifestyles	Percentage of trading standards inspections to food and feed businesses identified as High Risk <i>(tweaked)</i>	100	100
		Percentage of selected Derbyshire food businesses operating in priority sectors to have been provided with best practice guidance on reducing salt, sugar or fat content of locally produced food	100	100
		Percentage of complaints about tobacco that are investigated	100	100
	Work with partners to tackle the growing problem of alcohol misuse	Review all alcohol licence applications to ensure that sufficient steps are taken to prevent illegal sales to children under 18.	100	100

## APPENDIX B: BUDGET SUMMARY 2013/14

The following tables show the approved departmental budget for 2013/14, including the main divisional services and budget headings.

Division	Expenditure	Income	Internal Recharges	Net Budget
	£	£	£	£
Branch Libraries	7,101,222	(758,563)	216	6,342,875
Mobile Libraries	714,388	(2,815)	278,547	990,120
Materials Fund	1,162,270	0	0	1,162,270
Arts	325,987	0	0	325,987
School Library Service	215,939	(157,118)	(90,888)	(32,067)
Derbyshire Record Office	490,629	(125,404)	5,032	370,257
Derwent Valley Mills World Heritage Site	214,605	(41,070)	0	173,535
Museum Service	244,021	(21,440)	0	222,581
Trading Standards Division	2,155,328	(108,788)	16,286	2,062,826
Department HQ	1,596,382	(15,036)	713	1,582,059
Efficiency Savings	(948,396)	0	0	(948,396)
<b>Total Budget</b>	<b>13,272,375</b>	<b>(1,230,234)</b>	<b>209,906</b>	<b>12,252,047</b>

<b>Subjective Analysis</b>	<b>£</b>
Employees	10,264,113
Running Costs	3,218,168
<b>Gross Expenditure</b>	<b>13,482,281</b>
Income	(1,230,234)
<b>Net Expenditure</b>	<b>12,252,047</b>

<b>Base Budget</b>	13,112,320
<b>Price Inflation</b>	15,515
<b>Single Status</b>	93,212
<b>Budget Reductions</b>	(969,000)

<b>TOTAL APPROVED BUDGET 2013/14</b>	<b>12,252,047</b>
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In delivering its services, the Department will incur expenditure on routine and consumable items for the activities identified in the Service Plan. Where the purchase is beyond those identified in the Plan, advice will be sought from the Director of Finance.