

REPORT TO: Safer Policy & Performance Board
DATE: 21 September 2010
REPORTING OFFICER: Strategic Director, Adults & Community
SUBJECT: Joint Trading Standards Service
WARDS: All

1.0 PURPOSE OF REPORT

- 1.1 To inform and update the Board of the performance and activities of the joint Trading Standards Service between Warrington and Halton Borough Council.

2.0 RECOMMENDATION: That the Policy and Performance Board

- 2.1
- 1) **Receive the report**
 - 2) **Consider the progress and performance information and raise any questions or points for clarification**
 - 3) **Highlight any areas of interest and/or concern where further information is to be reported at a future meeting of the Policy and Performance Board**

3.0 SUPPORTING INFORMATION

3.1 Background

- 3.1.1 This is the second report giving an outline of the performance of the joint Warrington and Halton Trading Standards Service. Joint arrangements commenced on 1st December 2008 and the first report was presented to the Board on 21 September 2009. This report covers the following 12 months to date and the performance detailed below is referenced primarily against the objectives contained in the Service Specification.

- 3.1.2 In the past 12 months, against a background of a recession that has brought fresh challenges our key objective is still to prioritise our activities to those which have the greatest impact on health, wellbeing, community safety and economic prosperity. This requires us to balance the longer term goals of tackling childhood obesity and alcohol harm against more reactive, short term demands of, for example, rogue traders preying on vulnerable residents.

- 3.1.3 In the previous report reference was made to the internal restructuring of the joint service in order to create a single joint service able to meet these challenges. Since then Warrington BC

has embarked upon a Council wide reorganisation that has led to very significant further restructuring of the joint service. This restructure has led to the appointment of the former head of the joint TS service, Peter Astley, to the post of Public Protection Manager covering not just the joint service but environmental health and licensing functions as well. Three service managers report directly to the Public Protection Manager. The Consumer & Business Protection Manager (Roger Mapleson) is responsible for most of the functions delivered by the joint service but the Community Safety and Licensing Manager (Dave Watson) is responsible for Under Age Sales and Doorstep Crime.

3.1.4 This restructuring process is now largely complete with new teams substantially in place since the end of May 2010. This will strengthen our ability to deliver key community objectives.

3.2 **Consumer Engagement**

3.2.1 **Consumer Advice**

In the first 6 months of this year **1640** Halton cases have been dealt with in partnership with Consumer Direct. This is an increase of **17%** over the same period in 2009. Last year a rise of **2.7%** was reported indicating that public awareness of the service is rising and access improving. User surveys show that satisfaction with the service is high for 2009/10 with **92%** of users indicating that they are either very or fairly satisfied with the service. First quarter results for this measure for 2010/11 are **100%**.

3.2.2 **Community Events**

Staff from the joint service supported the Halton BC stand at 2010 Disability Awareness Day at Walton in early July. The stand was shared with CAB and the Welfare team. This year's event was attended by over 28,000 people. Joint service staff were able to give out consumer advice and take the opportunity to promote iCAN (see below). In addition a variety of events have been attended in Halton to engage with the community specifically to promote iCAN (see below) but also the service in general.

3.2.3 **Consumer Education**

The joint service supported Cavendish School, Runcorn in this year's consumer challenge quiz. This is a national competition run by Trading Standards for children with moderate learning difficulties to raise awareness of consumer issues. Cavendish school won their local heats to earn them a place at the finals in Edinburgh in June where they were supported by a member of the joint service staff. This was reported on the Runcorn and Widnes Weekly News website on 9/8/2010.

<http://www.runcornandwidnesweeklynews.co.uk/runcorn-widnes-news/runcorn-widnes-local-news/2010/08/09/quiz-team-from-cavendish-school-on-lincoln-road-runcorn-in-national-quiz-final-55368-27027772/>

3.2.4 ICAN

iCAN is the Warrington & Halton Consumer Alert Network and is an extremely powerful communications tool that can telephone, e-mail and text it's members providing targeted, relevant information to residents on a wide variety issues relating to doorstep crime, phone, e-mail and postal scams, rogue traders and other issues. iCAN also provides information and advice on more general consumer issues with the objective of empowering consumers. iCAN members are able to disseminate information within their communities and are also encouraged to feedback information and intelligence on untoward activity witnessed in their area.

iCAN serves 2 key purposes, one to provide information swiftly, direct to the community to warn and protect, the second to facilitate communication from members of intelligence that has on a number of occasions led to direct intervention by Trading Standards and/or Police and the apprehension of perpetrators. iCAN members are the eyes and ears of Trading Standards in the Community.

There are **499** Halton members (as at 11th August 2010). This is an **84%** increase on the figure reported this time last year. This is primarily due to significant work by the iCAN coordinator who has attended a wide variety of events in Halton in recent months. These include:

- Community Safety Respect Weeks in Riverside, Kingsway and Mersey
- Neighbourhood engagement team meeting
- Carers forum event

A strong relationship has been formed with the Safer Halton's Partnership. The Partnership has been instrumental in facilitating our attendance at events in Halton and PCSOs have been actively recruiting members.

A survey of Halton iCAN members was completed in February this year which showed that:

- **74%** of members (versus **67%** of non members) feel very or fairly well informed about their rights as a consumer.
- **71%** of members (v **59%** of non members feel very or fairly well protected from unfair trading practices

All Halton councillors are members of iCAN so that they will receive,

by e-mail, all the broadcasts that go out to constituents. There is also a standing invitation to contact the service if they have information or wish to raise any issues.

iCAN case study

Down's Syndrome charity clothing collection scam

There has been a recent upsurge in the number of doorstep clothing collections taking place up and down the country. The collection of unused/unwanted clothing and other textiles and household goods as a way for charities to raise money has been around for a long time. A recent increase in the value of scrap textile products has meant that charities that traditionally sought these goods now have to compete with many other charities and also with non charitable, commercial operators. Leaflets requesting unwanted clothing are dropping through doors with increasing frequency and inevitably some are not what they seem.

Recently leaflets requesting clothing were delivered to homes in Halton claiming that the money raised would go to a charity supporting Down's Syndrome. One leaflet was delivered to the home of an iCAN member who was suspicious and checked with the charity in question. It transpired that this charity did not engage in clothing collections and that the claims were bogus. A report to Trading Standards resulted in Police and an officer from the joint service investigating and arresting an individual on suspicion of collecting clothing under the false pretence of using the collected clothing to raise money to the benefit of the charity. This is just one example of how iCAN can work to protect the Community and greatly assist us in our work.

3.3 Publicity

Promoting the existence and benefits of the service to the community and all stakeholders is a fundamental objective of the joint service as it contributes significantly to raising awareness and educating consumers. A meeting was held with Halton's Marketing and Communications section in July 2010. This has resulted in access to Halton press officers and account officers so that newsworthy items can be more effectively publicised in Halton. It has also given us access to Halton BC internal and external publications and will ensure that the joint service will be highlighted on the Halton BC website. Key officers in Halton's Marketing and Communications section are on iCAN and this is proving to be a practical prompt to press officers which has already inspired a number of releases.

3.4 **Financial Inclusion**

3.4.1 The service has developed a Financial Inclusion Strategy which is currently in draft form. Consultation responses have been received from relevant stakeholders and a final version of the strategy and an action plan will be available later this year. The strategy contains substantial evidence regarding the impacts of poverty and financial exclusion and identifies those that are most at risk. The action plan will identify a number of key practical issues that can be addressed with a view to making a real difference. Delivery of the plan will be dependant upon all stakeholders taking an active role.

3.4.2 Key elements of the Financial Inclusion Strategy focus on:

- **Loan sharking**

Action has been targeted in the most deprived wards in Halton to raise awareness to the problem of loan sharking by distributing promotional material publicising the Illegal Money Lending Team and the work they do pursuing loan sharks.

The illegal Money Lending Team has already had a major positive impact on illegal money lending in Halton with the conviction and long term imprisonment of loan shark Paul Nicholson for a number of violent crimes, including rape and assault, all connected with his illegal moneylending business. There is regular dialogue between the Illegal Money Lending Team and the joint service where intelligence is shared.

- **Halton Credit Union**

An officer from the joint service manages the Budgeting Skills Project that is delivered in partnership with Halton Credit Union, In the last financial year the project saved Halton residents at least **£750,000** pounds in total through advice and the provision of loans through the credit union. In the first quarter of the current financial year over 300 individuals have been assisted through one to one sessions and 300 loans approved

- **Other activities**

- Christmas wallets with consumer advice tips and information regarding sources of help were provided to various groups in December 2009.
- Delivery of a drama project through schools exploring the theme of money with performances being put on for fellow pupils and parents. Two schools were involved both with significant numbers of pupils living in poverty.
- The service developed a leaflet promoting local advice

agencies in associations with Halton Information and Advice Partnership and 4,500 leaflets have been produced for distribution to Windmill Hill residents funded by Trading Standards and Neighbourhood Management.

- We have organised and delivered an event for Windmill Hill called "How to Look Good on a Budget" in April 2010. This was a fun event but one which allowed us to promote the Halton Credit Union and raise awareness of loan sharks.

3.5 Improving Health & Wellbeing

3.5.1 Alcohol – underage sales

81 test purchase attempts have been made since the last report (target was 60) which break down as follows:

18 on licences (pubs and clubs) **4** sales (**78%** not selling)
63 off licenses, **10** sales (**84%** not selling)

All sales resulted in the issue of fixed penalty notices.

Overall **83%** of premises refused to sell.

This is a small reduction over the figure reported last year but this is not uncommon due to the turnover of staff in the trade. To remedy this and to drill down on the sale and availability of alcohol to young people we have now recruited a dedicated Under Age Sales Alcohol officer for Halton who commenced work in May 2010. This post is funded by the Halton Alcohol Working Group (PCT monies). This will allow us to implement a comprehensive training programme for licensees across Halton that will help them to recognise the issues and dangers of underage access to alcohol. It will also equip them with the skills to recognise potential underage purchase attempts and to deal with the potential confrontational situations that may arise following a refusal to sell.

We have continued with the compliance rating system for premises that sell alcohol reported last year. This assesses premises on a number of criteria; sales made in test purchase operations, intelligence received about underage sales, staff training, systems in place and confidence in management. The maximum possible score is 20. Last year we reported an overall compliance rating of **14.37**, this year the rating has improved slightly to **14.41** and there are fewer premises scoring below average (**6** premises scored less than 10 this year compared to **15** reported last year).

Starting in August this year, with the Safer Halton Partnership, we will be visiting 27 targeted premises with a view to assessing training needs and any other support required.

3.5.2 **Tobacco – underage sales**

60 test purchase attempts in Halton in the period resulted in 15 sales. 1 seller was prosecuted and fined £400 with £400 costs. The remainder were warned.

3.5.3 **Illicit tobacco**

Recruitment is currently ongoing to employ an Illicit Tobacco officer to cover Halton.

Illicit tobacco is either “smuggled” foreign brands, “duty frees” brought in from other countries with lower taxation and resold illegally or “counterfeit” copies of premium brands. The cheap price at which they are available and the unregulated manner of distribution seriously undermines efforts to reduce smoking prevalence and to restrict access to children. The results of the most recent survey of young people across the North West on young people and access to tobacco and alcohol show that slightly fewer young people in Halton claim to smoke in 2009 compared to 2007 but that the demand for tobacco by young people is met more by illicit tobacco, with increases in supply of cigarettes with foreign language health warnings, fake cigarettes, single cigarettes and cigarettes from sellers other than legitimate high street outlets.

The new post will allow us to look more closely at the increasing problem of illicit tobacco and to catch those responsible.

3.5.4 **Regional Illicit tobacco team**

Illicit tobacco work in Halton will be supported by the North West regional illicit tobacco team. This team, which is a resource for the whole North West Region is hosted by the joint service and will bring clear benefits in our fight against the availability of illegal tobacco.

3.6 **Community Safety**

3.6.1 **Doorstep Crime**

Since 1 September 2009 there have been **40** reported doorstep crime incidents relating to residents who live in Halton. The nature of these varies considerably in terms of the type of work being offered and the degree of detriment or potential detriment being suffered. Typically though, those that fall victim to doorstep crime suffer financial loss and emotional abuse. This abuse can have a severe impact on self esteem and self confidence. It can raise fears of loss of independence and make victims feel that they must have been naïve and stupid to have been conned. For these reasons under reporting of these incidents is high. The number of reported

incidents for the previous period is just 9. This increase is interpreted as a positive sign and we believe reflects increasing awareness and confidence in residents to report incidents that previously would not have been reported. This is one of the key objectives of iCAN, to increase confidence and facilitate the reporting of incidents and it is significant that membership of iCAN has nearly doubled over the last 12 months. See 3.2 above. It is vital that in the aftermath of any incident that the victim is properly supported in order to reduce the likelihood of them falling victim to similar fraud in the future. The joint service is now represented on the Halton Safeguarding Adults Board and we are currently working to ensure that the vulnerable adults we deal with through doorstep crime are appropriately referred.

3.6.2

Doorstep crime case study

In July 2010 officers from the joint service intervened in the case of Mr & Mrs Brown (not their real name), an 80 year old couple living in Widnes. Mr Brown suffers from Parkinson's disease and so day to day domestic business is all conducted by Mrs Brown, who is also her husband's carer.

They had their driveway power washed by a man who cold called offering to do the work. He charged £250 and struck a positive relationship with Mrs Brown and gained a good deal of trust from her. As a result she agreed to pay £10,000 for some flagging she wanted to get done in the back garden. Mrs Brown gave him a cheque there and then. No cancellation rights (as required by law) were given.

The alarm was raised by bank staff when the cheque was presented at the traders own bank.

Trading Standards were involved following contact from Mrs Brown's bank and following intervention the cheque was stopped, the work did not go ahead and a substantial amount of the traders tools and equipment have been retained by Trading Standards. The investigation is ongoing.

Through prompt action the service has saved the consumer £10,000 and importantly through support helped them to maintain their independence and self esteem.

3.6.3

Proceeds of Crime

The service runs a Proceeds of Crime unit with highly specialised officers able to pursue convicted criminals for confiscation orders under the Proceeds of Crime Act. This legislation allows for the recovery of money and other assets that have been acquired through criminal activity and is a powerful tool that has the potential

to remove all the benefit of criminal activity.

The work of the team has continued to expand with case referrals from Trading Standards Teams, Environmental Health Services and Benefit Fraud Teams across the Northwest Region and beyond. The team has continued to deliver bespoke training courses to managers, solicitors and practitioners in local authority regulatory services to improve understanding of the Act and increase its use. Income generated by the team has allowed for investment in bank statement analysis software, increased officer capacity and training while maintaining the strict Home Office requirements over how these monies are utilised. The Team have dealt with 20 new case referrals in the last 12 months, obtained 6 confiscation orders with 4 cases due to conclude shortly and a further 11 cases still at the active investigation stage. The work of the team has been recognised in the IP Crime Group Strategic Report for 2010 as an example of best practice and team members have spoken at national and regional conference on the work of the team.

3.7 **Fair Trading**

3.7.1 **Rogue Traders**

Last year we reported on two cases involving Halton traders subject to scrutiny by Trading Standards.

Case 1 was a business generating complaints regarding the servicing and maintenance of satellite TV services. Using relatively new powers we were able to obtain recordings from the business of their sales calls which allowed us to clearly identify a variety of breaches of consumer protection legislation where customers were being misled either directly or by inference or by omission. This resulted in highly constructive dialogue with the trader who has subsequently revised their procedures leading to a significant reduction in complaints.

Case 2 referred to an investigation into a group of businesses and individuals doing glazing and guttering on residential property which was generating a number of complaints. All the businesses involved have now ceased trading and complaints have largely ceased. Monitoring continues to ensure we can take action promptly should any of the individuals concerned begin to generate complaints again.

We have a regular review process in place where we examine complaint data quarterly and look at those traders based in the Borough who generate the most complaints. Currently there are a number of traders subject to ongoing monitoring of complaint levels. We will intervene with these as appropriate and will prioritise on the basis of potential risk to the consumer taking into account the

number of complaints, size of business, vulnerability of customers, typical transaction values and the extent of the detriment being caused to consumers.

One trader is being actively investigated in relation to taking payment without supplying goods, supplying poor quality goods and failing to provide adequate redress.

We are maintaining an inspection service with a planned inspection programme visiting high risk traders and those traders generating complaints to the service to ensure trading standards are maintained. This includes weights and measures and product safety issues.

We are also maintaining a business advice service to businesses based in Halton providing advice on compliance with consumer law. Primary Authority agreements have already been entered into with a number of Warrington based businesses and it is planned to expand this programme into Halton in the near future. Primary Authority status provides a good deal of reassurance for businesses who trade across local authority boundaries knowing that they can seek and follow advice from their Primary Authority safe in the knowledge that it cannot be challenged by other authorities where they trade.

3.8 Conclusions

The joint service has delivered some real successes over the past 12 months with some very positive results. We need to work together in future to better publicise this work.

4.0 POLICY IMPLICATIONS

4.1 None identified.

5.0 OTHER IMPLICATIONS

5.1 The joint service is within agreed budget

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The joint service supports better outcomes through reducing underage drinking.

6.2 Employment, Learning and Skills in Halton

None identified.

6.3 A Healthy Halton

The impact of the service is outlined in paragraph 3.4

6.4 A Safer Halton

The joint service makes a major contribution to safeguarding vulnerable people

6.5 Halton's Urban Renewal

None identified.

7.0 RISK ANALYSIS

7.1 None identified.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 All consultation includes equality and diversity questions under Warrington BC policy