

**ROYAL BOROUGH  
KINGSTON UPON THAMES**

**ANNUAL REPORT**

**CHIEF TRADING STANDARDS OFFICER**

**2002/2003**

**COMMUNITY SERVICES DIRECTORATE**

**The Annual Report**  
**of**  
**E R Forsyth**  
**Chief Trading Standards Officer**  
**Royal Borough of Kingston upon Thames**

This report is a commentary of the work of this Department for the year ending 31st March 2003 for the information of members and as a report to the Secretary of State for Trade and Industry as required by section 70(1) of the Weights and Measures Act 1985.

## Introduction

Informed confident consumers  
Informed successful businesses  
A fair and safe trading environment  
Efficient, effective and improving Trading Standards Service

These are the Government's four key aims for Trading Standards  
Departments that complement Kingston Council's aims of

Working in Partnership  
Caring for the Environment  
Putting People first  
Developing Education and Lifelong Learning  
Providing Best Value

During the year 2002 – 2003, the key areas of work this Department has undertaken to meet these aims has been

- Continued routine inspection of trade premises
- Increased access to consumer advice services
- Action to combat sales of age restricted goods to underage children, in particular alcohol and tobacco.

This Annual Report, which is the first to review the Department's work under the National Performance Framework, will report after the narrative section in more detail how the Department has performed against the Trading Standards Plan that had been agreed by the Council's Executive on 11<sup>th</sup> June 2002.

## Working in Partnership

Partnership working is not a buzz phrase but a working reality for this Department. For a small Department such as this, working with other organisations is not just a good idea, but a necessity to help us to continue to punch above our weight.

The local media have continued to publish the press releases issued that have ranged from warning consumers of scam emails to publicising prosecutions to letting older residents know how they can have a free safety check carried out on their electric blanket. In particular a partnership between the Surrey Comet, Police and Trading Standards strongly promoted the message to local off-licences against selling alcohol to underage children.

Protecting people from being ripped off at home, particularly by cowboy builders, was an important area of work during the year. One aspect of this was a Partnership between the Police, Age Concern Kingston and Trading Standards, requesting local banks and building societies to be alert for “white van man builders”, who may be coercing elderly people to withdraw large sums of cash from their accounts to pay for faulty or non-existent building works. In a subsequent review of this project, Bank Managers reported that they had found it a most useful exercise that was of value to their staff.



Chief Trading Standards Officer Ted Forsyth, Age Concern (Kingston)  
Chief Executive Liz Aitchison and Police Commander Jeff Brathwaite

During the year, work on setting up Kingston's Consumer Support Network (CSN) has continued and the Department of Trade & Industry (DTI) has recently announced that full registration for the Network has been approved. Work will be undertaken during 2003 – 2004 on implementing the Action Plan.

Work has also continued with the Kingston Community Legal Services Partnership (KCLSP) and the modest funding required to keep the website [www.kingstonadvice.org.uk](http://www.kingstonadvice.org.uk) and recorded signposting information telephone line 08451 22 11 12 has been maintained. This will assist local people access quality assured, affordable, social welfare type legal advice.

Targeted project work is now an important element for most Trading Standards Departments and in Kingston most of this type of work is carried out in conjunction with colleagues in South West London. During the year these projects have included flammability of children's clothing, credit advertisements and checks on claims for membership of trade associations. Whilst it is pleasing to note that there were no problems with flammability of children's clothes, officers did have cause to contact a number of traders about their credit advertising and the claims in newspaper advertisements of trade association membership has raised some concerns.

### **Caring for the Environment and Enhancing the Quality of Life**

Graffiti continues to be an issue that is of high priority to this Council and the Trading Standards Department has continued to play its role. Agency Officers have been employed to visit local retailers of spray paint and encouraged them to continue to uphold the local voluntary ban on sales to under 18s. Encouragingly a mystery shopper exercise, with the help of a young volunteer, indicated that local shopkeepers were refusing to supply spray paints to underage children.

The London Local Authorities Bill now includes a section that would make such sales a criminal offence and officers from Kingston have been instrumental in achieving some changes to the draft wording in order to help with implementation. The Government has also indicated it is likely to introduce similar national legislation in the Anti-social Behaviour Bill.

The Department also held another free test day for electric blankets during the autumn. This annual event, which is targeted at older people, continues to be very popular. The failure rate although falling, continues to be too high remaining around the London average, and another test day together with associated publicity is planned to be held next autumn.

Waste is also an issue for this Council, and Trading Standards Officers have started to challenge businesses on use of excess packaging, particularly in the field of computer games. Following correspondence with one particular company they are now proposing to distribute their games in the smaller DVD cases rather than large, bulky cardboard boxes.

## Putting People First

The aim of this Department is to ensure that a fair trading system operates in this borough and this is implemented by providing a proactive enforcement service and a readily accessible consumer advice service.

At the start of the year the Consumer Advice section consisted of two Consumer Advisors supported by electronic information available to consumers from the Trading Standards website. Local residents were able to contact them for advice during normal office hours. During the year, with a modest re-allocation of internal resources significant improvements to services were obtained.

First a contract was concluded with Hertfordshire Trading Standards Department where they would provide extended hours consumer advice for Kingston residents from 8am to 9am and then from 5 pm to 8 pm Monday to Friday as well as 9am to 4pm Saturday. Kingston residents are now able to speak to a consumer advisor from 8am to 8 pm Monday to Friday (voicemail 12.30 to 1.30) and for much of Saturday.

In order to deal with the extra work this would generate the advice of the Surrey Law Society representative on the KCLSP was sought. This resulted in an agreement with a firm of local solicitors, Coleman cttts, to provide a lawyer for one day a week to provide consumer advice. This has proved so successful that the project has been extended for a further year.



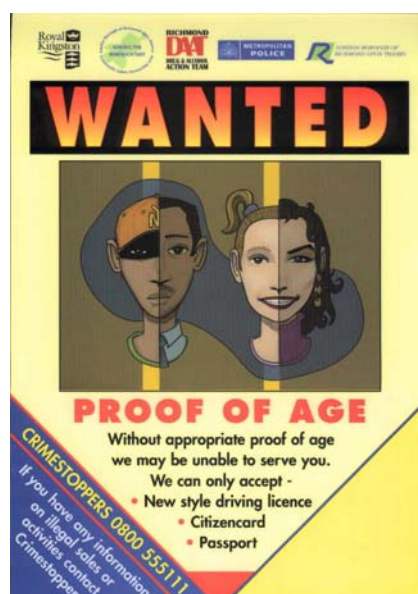
Partner Tony Sutton and lawyer Suki Gosal of Coleman-ctts  
with Cllr Rolson Davies

The Government has plans to help address unmet need for consumer advice and is planning a national project "Consumer Direct". The concept is that this will provide basic consumer advice by telephone from regional call centres and officers from Kingston are closely involved with this important project.

The safety of Kingston residents ranks highest in our work priorities and in particular, protecting young people from age restricted goods. During the year this aspect of work has been concentrated into three main areas, alcohol, tobacco and solvents.

Work to reduce the sale of alcohol to underage children has formed a major part of this year's workplan. Two retailers were successfully prosecuted for selling alcohol to our volunteer test purchaser and both received significant fines. In both instances the Magistrates asked for the matter to be referred to the licensing bench, however, after due deliberation, both were allowed to retain their licence.

Officers have also taken steps to try to assist retailers ensure that their staff do not sell prohibited goods to underage children. With funding from the Government's Safer Communities Initiative, agency staff were employed to follow up use of a Retailer Pack that had been sent to all Licensees in this Borough. This pack consisted of a best practice document, a poster warning that proof of age could be asked for, and a refused sale book (RSB) for staff to record instances when they had refused sales. At the end of the project 82% of off-licences, supermarkets, and pubs in the Borough were displaying the poster and 64% had the RSB available for use. Information about these packs was also provided to the Government of London (GOL) working party considering alcohol abuse in London and it seems likely that they will be included as recommended best practice in the GOL response to the Governments draft alcohol strategy.



Refused sale poster

Officers also used external funding sources from the Drug Action Team to repeat this project to help reduce sales of butane lighter refills (butane is well know as a solvent that can be abused and kills young people). Whilst carrying out both these projects officers took the opportunity of pointing out to retailers that these documents could also be used to help combat sales of tobacco to underage children. The statistics shown above indicate that projects like this should be having an effect, however the impact was more realistically demonstrated when a young boy approached the officer asking him “Are you the bloke going round stopping me buying my fags?”

Kingston officers have also assisted with tobacco enforcement control on a national basis, by assisting the Trading Standards Institute put on a Department of Health funded series of regional seminars “Building Tobacco Alliances”. This culminated with a final national seminar at the Queen Elizabeth 2nd Conference Centre in London.



Members of the Trading Standards Institute presenting the seminar “Building Tobacco Alliances”.

Carrying out routine visits to trade premises has always been seen as an important method of ensuring compliance with the many pieces of consumer protection legislation that it is the job of the Trading Standards Department to enforce. Honest retailers have identified these visits as an assistance to them, recognising that officers are there to protect them from those who would try to gain unfair advantage through non-compliance. Unfortunately, due mainly to staff sickness, the target of visiting 51% of all high and medium risk premises was not met with a final figure of 45% being achieved. The target will remain at 51% for the coming year, however a national review of the method of risk assessing trade premises being carried out and implemented during the year may well make meaningful year on year comparisons impossible.

### **Developing Life Long Learning**

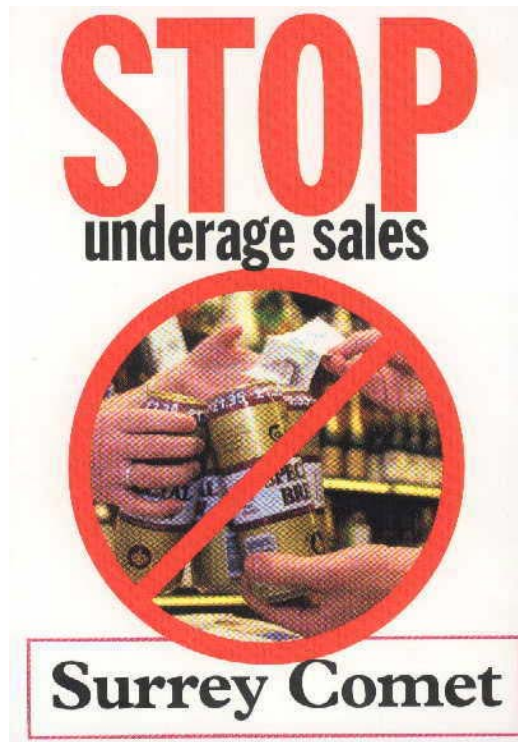
Improving local peoples knowledge of their consumer rights is an area of work that this Department together with the other seven south west London boroughs Trading Standards Departments has been reviewing with the assistance of a £55,000 grant from the Department of Trade and Industry. This work is nearing completion and will be launched during the early summer of 2003.

Groups were also made aware of their consumer rights and the Department's work following a series of evening talks to organisations such as Church groups, a post natal group as well as a broadcast on the "Carers Radio". This work will be enhanced in the coming years by the project described above to help continue to empower local consumers.

Towards the end of the year, the Council's Consumer Support Network, of which Trading Standards are the key player, received £10,000 funding for their action plan. This plan includes elements to enhance consumer awareness, and it is envisaged that this funding will assist with distribution of leaflets about basic consumer rights to areas of most need as well as a Town Centre poster campaign in the run up to Christmas.

During the year 2002/03 regular press releases were issued with a view to both educating consumers and local businesses of consumer rights and responsibilities as well as to deter those who may have been thinking of trading improperly in this borough. Press releases on issues ranging from the "top ten cons" to warnings of the "Nigerian emails" and "Bogus door callers" were issued during the year. Significant concern has been raised about the "Nigerian email" scam, where the sender attempts to entice people into a plot typically on the face of it to remove millions of \$ from a West African country. In reality anyone who becomes involved is likely to be defrauded of large sums themselves.

Probably the largest campaign run during the year was on underage sales of alcohol. Local papers provided excellent support for this awareness raising campaign with the Surrey Comet launching a “Stop underage sales of alcohol” campaign complete with stickers for local licensees to display.



Surrey Comet underage sale campaign sticker

This Department has always used “name and shame” when appropriate as a deterrent to other traders. This year saw one such incident reported with an eye-catching headline. A Tolworth shop had been prosecuted for selling sex videos when it was not a licensed sex shop. The videos in question had a variety of titles, and whilst most reported the incident under headings such as “Shopkeeper caught selling porn illegally”, one local newspaper managed to incorporate the title of one of the videos in the unusual headline to the article “Fine over topless surgeons”.

Another unusual prosecution during the year concerned a pizza shop offering “Buy one get one free”. However, following a complaint, Officers carrying out test purchases discovered that the “Buy one get one free” pizzas were more expensive than if a single was purchased. When questioned the business said they could not afford to give one away free and that the phrase “Buy one get one free” was often shortened to its acronym “Bog Of”.



“Buy one get one free” offer that was not

### **Providing Best Value**

Perhaps the least glamorous side of work in this Department, but of vital importance, is “Best Value”, ensuring that officers and systems are working as efficiently as possible and learning from the successes and mistakes of others.

Officers are key members of the London Trading Standards Benchmarking club and are actively supporting moves to introduce simple, computerised, national best practice standards. This is based on a system devised by North Yorkshire Council Trading Standards Department and others, together with the Local Government Association, for use in the Registration of Births Deaths and Marriages Service.

Officers have also scored this Department against standards set by the London Benchmark and have almost always been in the top 25%. The Department also scored 95% against the national Best Value performance indicator 166, a score likely to place Kingston in the top 3 in London.

## **Conclusion**

This has been yet another very busy and wide ranging year of work for the Trading Standards Department. Against a backdrop of continued regular routine inspection of trade premises two key medium term projects have been started

- addressing sales of alcohol to underage children and
- empowering local people by increasing their access to consumer advice and increasing their knowledge of their consumer rights.

The first, together with other enforcement work carried out by the Department will help address the main area of local peoples concerns – community safety and will heavily involve partnership working and creative use of external funding.

The second will help meet the DTI's aim of "Informed, Confident Consumers" helping empower local people to help themselves.

The coming year will see more wide-ranging responsibilities coming to the Department under the Enterprise Act as well as responsibilities under new laws banning tobacco advertising and promotion. These on top of more recent responsibilities such as combating sales of alcohol to children and preparing a Trading Standards Plan.

Again this will be a challenging year.

## INFORMATION RETURN (IR)

YEAR-END MARCH 2003

This document should be read in conjunction with the guidance provided

<b>Name of Authority</b>	Royal Borough of Kingston upon Thames
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### CONSUMER ADVICE AND EDUCATION

This relates to D12 in the Service Delivery Plan

#### 1. Consumer Contact

<b>1.1</b>	No. consumer led advice enquiries and complaints	6157
<b>1.2</b>	No. educational opportunities offered to consumer groups	10

### BUSINESS ADVICE AND EDUCATION

This relates to D13 in the Service Delivery Plan

#### 2. Business Contact

<b>2.1</b>	No. requests for advice from businesses	115
<b>2.2</b>	No. requests for advice from Home Authority businesses	35
<b>2.3</b>	No. educational opportunities offered to businesses	539

## FAIR AND SAFE TRADING : PLANNED ACTIVITY TABLE

This relates to D13 in the Service Delivery Plan

### 3. Fair and Safe Trading

		Volume of planned activities in Service Delivery Plan	Proportion (%) of planned activities completed
3.1	Awareness campaigns	17	100%
3.2	Enforcement projects	18	67%

3.3	Sampling programme	Number of samples planned in Service Delivery Plan	% of planned samples taken
	Samples (non food/non agricultural)	N/A	N/A

3.4	Other activities (List here enforcement priorities identified in you Service Delivery Plan)	Volume of planned activities for each priority listed aside	% of planned activities completed
	ARS TP Alcohol, Tobacco, Knives, Fireworks, Butane refills	5	80%

3.5 Compliance work through primary inspection visits and follow up						
Risk level	No. of businesses on data base	No. primary inspection visits planned in period	% of planned visits which were completed in period	% businesses found to be compliant on first visit	No. non compliant businesses checked again	% businesses found to be compliant upon re-check
High	91	83	95.2	*	*	*
Medium	822	359	85.8	*	*	*
Low	1507	288	72.6	*	*	*

3.6 Formal Enforcement Action 2002/2003 resulting from all investigations relating to your core responsibilities	
No. of letters of informal caution and advice issued	18
No. of formal cautions issued	3
No of formal undertakings received under Stop Now Order procedure	0
No. of Stop Now Orders issued	0
No. of prosecutions commenced in period	11

<b>3.7 Comments on achievements against planned activity. You may wish to comment here briefly on the reasons for any disparities between your service's planned actions and achievement.</b>	
<b>Activity</b>	<b>Brief Comment</b>
<b>Inspection</b>	Target of 51% High and Medium risk premises inspected not achieved due to long term staff sickness
<b>Projects</b>	Not all planned project work was undertaken due to long term staff sickness
<b>Sampling</b>	This Department is not responsible for Food or Agriculture. Proactive work to detect unsafe goods is focused on targeted project work rather than random sampling

## **IMPROVING SERVICE**

**This relates to D15 in the Service Delivery Plan**

### **4. Staff Training**

<b>4.1</b>	% of staff who undertook some TS professional development in last year	89%
<b>4.2</b>	Average no. of hours of training per officer on professional development	38
<b>4.3</b>	% staff who undertook other skills training in last year	33
<b>4.4</b>	Average no. of hours per officer spent of other skills training	2.6

### **5. Visibility/Profile**

<b>5.1</b>	Proportion of people, both users and non-users of the service, surveyed within the last 24 months, who are aware of their local trading standards service as a source of consumer and business advice.	N/A
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## REVIEW AND ASSESSMENT

This relates to F16 in the Service Delivery Plan

### 6. Satisfaction surveys

		<b>Consumers</b>		<b>Businesses</b>	
		Advice	Service provision	Advice	Service provision
<b>6.1</b>	How often do you measure satisfaction with your service ?	3 yearly	3 yearly	3 yearly	3 yearly
<b>6.2</b>	When were the last results obtained or aggregated ?	28.11.01	28.11.01	28.11.01	28.11.01
<b>6.3</b>	What use have you made of the results ?	Extended access to consumer advice	Prioritised work bearing in mind views of consumers consulted	Continued provision of HA advice	Continued routine inspections and target work and anti graffiti

### NATIONAL WEIGHTS AND MEASURES LABORATORY INFORMATION

#### 7. Failure rates of weighing and measuring equipment

<b>7.1</b>	Mark "X" against any categories of equipment for which the verification failure rate on first submission, before adjustments, is greater than 0.75%. (The category represented by each letter code is defined in the guidance. List any other categories against "other")														
	<b>a</b>	<b>X</b>	<b>b</b>		<b>c</b>		<b>d</b>		<b>e</b>		<b>f</b>				<b>h</b>

<b>Other</b>	
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<b>7.2</b>	Mark "X" against any categories of equipment for which the failure rate on inspection is greater than 1.5%. (The category represented by each letter code is defined in the guidance. List any other categories against "other")														
	<b>a</b>		<b>b</b>		<b>c</b>		<b>d</b>		<b>e</b>		<b>f</b>				<b>h</b>

<b>Other</b>	
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<b>Serial No.</b>	<b>Infringe No.</b>	<b>Name</b>	<b>Offence</b>	<b>Fine</b>	<b>Costs</b>
154	69	<b>KRE Glass Ltd</b>	Making false statements as to membership of or approval by bodies by the use of the wording and logos Member Glass & Glazing Federation, BSI Registered Firm, contrary to Trade Descriptions Act 1968 s.14 2 Offences	2 x £500 = £1,000	£327
155	76	<b>A Bargzay</b>	Gave misleading price indication of pizzas by means of banner stating "Buy one pizza get one free" and associated price lists, contrary to Consumer Protection Act 1987 s.20(1)	£750	£989
156	99 & 100	<b>C Patel</b>	As the licence holder, sold 2 bottles containing intoxicating liquor to a person under the age of 18 years, contrary to Licensing Act 1964, s.169(1)	£200	£277
157	91	<b>Renova ltd</b>	Sold counterfeit clothing, contrary to Trade Marks Act 1994 s.92(1)(b)	£1,000	£454 Forfeiture 11 garments

<b>Serial No.</b>	<b>Infringe No.</b>	<b>Name</b>	<b>Offence</b>	<b>Fine</b>	<b>Costs</b>
158	55	<b>T S Kumar</b>	Two counts of supplying a video recording when no classification certificate had been issued, contrary to Section 9(1) Video Recordings Act 1984. Three counts of having in possession for supply a video recording when no classification certificate had been issued, contrary to Section 10(1) Video Recordings Act 1984	5 x £2,000 = £10,000	£1,808.00
159	93	<b>KMO Advertising</b>	Engaged in street trading in a licence street without the authority of a street trading licence or temporary licence under the London Local Authorities Act 1990, contrary to S.38(1)(b)	£250	£275
160	58	<b>Mr T A Fail</b>	Displayed official logos in various Yellow Pages when not a member under various names, Trade Descriptions Act 1968 S.14 2 x offences	2 x £500 = £1000	£349
161	101/102	<b>Budgens Stores Ltd</b>	Sold alcohol to an under 18 year old, Licensing Act 1964	£750	£377

<b>Serial No.</b>	<b>Infringe No.</b>	<b>Name</b>	<b>Offence</b>	<b>Fine</b>	<b>Costs</b>
162	90	<b>B Mayurathevan</b>	Supplying and offering to supply video recordings which should only be supplied in a licensed sex shop Video Recordings Act 1984 S.12(a)&(b)	1 x £500 & 7 x £100 = £1,200	£259
162	117	<b>BAC Limited</b>	False statements on business documentation. TDA 1968 s.14(1)(a)(iii) & s.14(1)(a)(iv)	2 x £1500	£459
163	78	<b>T O'Dowd</b>	Failed to state partners names on business documentation Business Names Act 1985 s.4(6)	2 x £800	£225