

**ROYAL BOROUGH OF
KINGSTON UPON THAMES**

ANNUAL REPORT

CHIEF TRADING STANDARDS OFFICER

2006/2007

COMMUNITY SERVICES DIRECTORATE

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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 2007 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 objectives for Trading Standards Departments that complement Kingston Council's aims of:

Working in Partnership
Caring for the Environment
Putting People first
Enhancing the Quality of Life
Investing in Children and young people
Delivering improvement / Providing Best Value

The Trading Standards Department helps meet these by ensuring that a system of fair and safe trading operates in this Borough in order to protect both residents and honest traders. During the year 2006–2007, the key areas of work that this Department has undertaken to meet these aims continued to be:-

- routine visits to trade premises
- improved access to consumer advice services
- counterfeiting
- national campaigning work

The Department has again been heavily involved in high profile issues of tackling anti-social behaviour, particularly the continuing work to help combat sales of alcohol to underage children. It is also now focusing on Internet trade and the linked issue of selling counterfeit goods.

This Annual Report reviews in narrative how Kingston's Trading Standards Department has addressed both national and local aims and provides the statistical information required under the National Performance Framework.

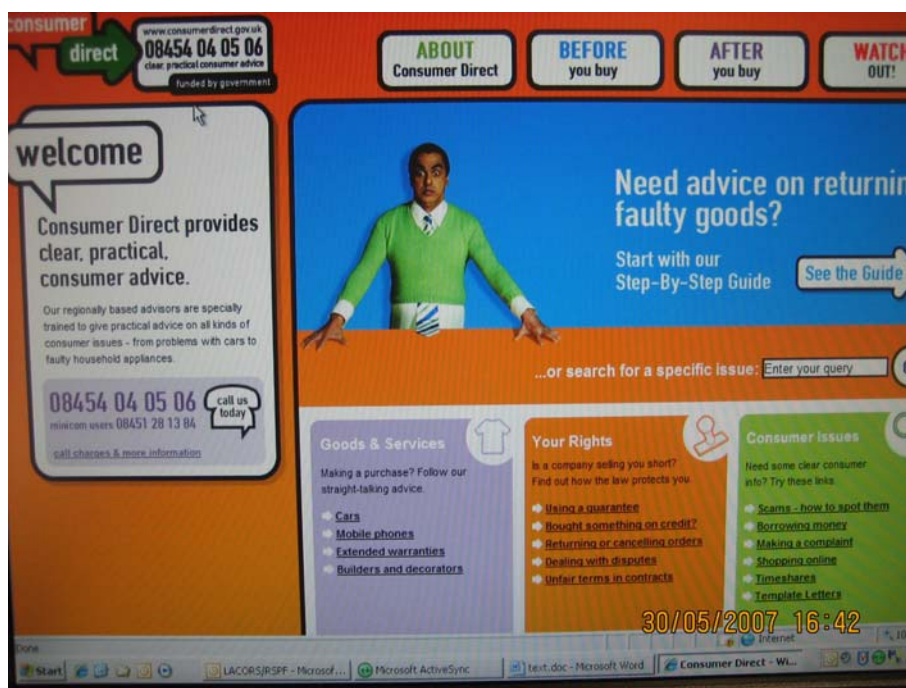
Working in Partnership

Working with others is an essential way of carrying out the duties of this Department. Police, Citizens Advice and Age Concern are very important partner organisations as are the neighbouring South West London authorities.

A new partner is Consumer Direct (CD), the Government funded Consumer Advice line which provides first level consumer advice for Trading Standards Departments (TSD), the more complex matters being referred to the local Trading Standards Officers (TSOs) to address. CD is working well although Officers have some concerns over the level of training being provided to their advisors, particular in the area of criminal legislation. The percentage of such complaints referred to this and neighbouring Departments has decreased over the past two years and Officers are concerned that this may be linked to inadequate training. These concerns are being raised with CD and their sponsoring Department, the Office of Fair Trading (OFT) but to help in the short term an Officer from this Department has provided overview training to CD Advisors on criminal legislation enforced by Trading Standards Departments.

The Contaminated Petrol issue was one of the testing grounds to see how well CD coped and it did so well. However Officers disagreed with the OFT's decision not to publicise Tesco's and Morrisons' helpline telephone numbers on the CD website on the grounds that they were not prepared to "name and shame".

Officers advertised this information on this Council's website and pointed out to the OFT that this was not "naming and shaming" as the information was already in the public domain following advertisements placed in national newspapers by these companies. The OFT have now indicated that they would probably take a different view should such circumstances happen again.



Consumer Direct Website

Care for the Environment

Last year's report highlighted the actions taken to ensure compliance with the Packaging (Essential Requirement) Regulations [P(ER)R]. This legislation is designed to minimise packaging waste, however, it is felt by many to be too loose to be properly enforceable. Officers from Kingston decided to tackle enforcing this piece of legislation in a novel way. In order to try to ensure that the packaging designers of tomorrow were aware of it and could see the benefits of complying, it was decided to promote this through a competition run by the Royal Society of Arts for student designers who would have to design packaging which complied with these regulations. This was a great success and Officers arranged for the winner to be presented with her award at the Trading Standards Institute's national conference where she was interviewed by the BBC consumer radio programme "You and Yours". At that conference Cllr Liz Shard, Kingston Council's Executive Member for Sustainability and Biodiversity, was presented with the Institutes' Brindley Medal semi finalist award for innovation.

In order to keep the momentum on this project, Officers persuaded the London Trading Standards Association to sponsor this years competition. It is most pleasing to note that, a team from Kingston University won this years competition for their entry of biodegradable cotton buds and tampon applicators packaged in recyclable containers.

The modest outlay, this Department was able to make in 2005/6 to work with a prestigious national organisation, the Royal Society of Arts, promoting the benefits of compliance with P(ER)R to Design Colleges throughout the UK and to students from different nationalities may now have resulted in a national competition which has taken root.



Kingston University Students being presented with their award by Kingston's Chief Trading Standards Officer

Enhancing the Quality of Life

Kingston is one of the safest places in which to live, however, fear of crime is of high concern to a significant percentage of residents. Officers identified some years ago that anti social behaviour linked to alcohol is one of the key areas in which this Department can play its part.

Having successfully participated a few years ago in persuading the Government to amend legislation to allow Trading Standards Officers to organise test purchasing to check for sales to underage children, Officers continued to carry out test purchasing with the assistance of young volunteers and the Police. This year, 4 shop assistants making sales were issued with £80 fixed penalty notices by Police Officers accompanying the team (Trading Standards Officers do not yet have the power to do this) and 2 licensees were prosecuted. Regardless of the outcome, licensees where sales had been made were called in for interview where they were warned by the Chief Trading Standards Officer and the Borough's Licensing Officer, of their future conduct and that any further sales to underage children could result in their licence being called in for review.

Officers will continue to carry out test purchases and take a firm line with anyone selling alcohol to those under 18. It would not be possible to carry out this type of enforcement work without the assistance of young volunteers and Officers are grateful for their assistance.

For a number of years this Department has been organising the very popular free electric blanket safety check day for older people. However, yet again, a high percentage of blankets did not meet the safety standards with a failure rate of 25%. Those with blankets that did not meet the standard were issued with a coupon entitling them to a discount on a new blanket and the offer to safely dispose of their unsafe blanket.

Although a reduction on the previous year's return of 36%, and the 55% failure rate in 1998 this failure rate is still too high. Officers continue to give the message that if an electric blanket is over 12 years old it is unlikely to have a thermal fuse and should be replaced and will be meeting with colleagues in the Fire Brigade to see if they can assist pass on this information during their work.

Putting People First

Regular visits to trade premises, although viewed by some as not fashionable, are seen as the bedrock work of this Department. These visits rectify minor non-compliances immediately, educate retailers about new issues, provide intelligence and help ensure the good working relationship with local retailers continues. The vast majority of matters are dealt with immediately and on-site; fewer result in written "traders notices" informing that matters must be rectified; fewer still will receive formal warnings, however some will be prosecuted when serious matters are discovered.

This year saw the culmination of the biggest counterfeiting case taken by this Department. A two year investigation ended in a Crown Court trial lasting almost 2 weeks with Simon Waugh being found guilty of selling counterfeit designer clothes on the Internet auction site Ebay. Officers have estimated that over a fourteenth month period he had a turnover of around £170,000.

Mr Waugh imported thousands of counterfeit goods mainly from India, including those using the names Nike, Paul & Shark, Von Dutch, Henri Lloyd, Abercrombie & Fitch, Calvin Klein, Diesel, Burberry, Hugo Boss, Prada, Armani, Ralph Lauren and Tommy Hillfiger.



Counterfeit clothes stored at Waugh's flat

Customers who gave negative feedback about his goods on eBay would normally be dismissed as "rubbish" although he would refund almost all complainants. He paid an average of £3 for a Ralph Lauren polo shirt plus about £1.50 freight charge which he would then offer for sale on eBay as genuine at £25.99 – a mark up of around 500%.

Mr Waugh pleaded not guilty and insisted that expert witnesses from across the UK and from America attend court to prove the goods were counterfeit. These witnesses attend (at their own cost) and he was found guilty under the Theft Act and sentenced to 12 months imprisonment.

An eBay spokesperson said; "eBay welcomes the verdict of this prosecution and is grateful to Kingston Council's Trading Standards Department for this investigation. We strive to maintain a secure marketplace on eBay and strongly believe in working closely with law enforcement to keep our users safe". Christine Ray, on behalf of Nike said "Nike is most grateful to Kingston Council for their actions to help stamp out counterfeiting. We, and I'm sure the other brand name holders, were pleased to work with their Kingston Council to help protect consumers and the Nike brand"

Officers are currently seeking a court order under the Proceeds of Crime Act to take away all the profit he made from his criminal activities.

The sale of other counterfeit goods also continues to be a problem. Counterfeit vodka was found at an off-licence following an industry funded survey and pornographic and blockbuster film DVDs continue to be available from itinerant sellers. Worryingly, the price of these DVDs has dropped over recent years from around £10 to only £2 or £3 indicating over availability. Local Trading Standards Departments would be hard pressed to secure the recourses or expertise necessary to tackle the organised crime gangs behind this and it is to be hoped that the Met Police's new Squad tasked to investigate such crimes are successful.



Counterfeit Vodka

This Department will continue to address the issue locally as in the case of Mr Lin who pleaded guilty to offences on two separate occasions of selling such DVDs in Kingston. He was fined and his details passed to the Home Office as Mr Lin was not a UK citizen.

Another area of concern for local residents is the “Bogus trader” who will pretend to carry out, typically, driveway or roofing work, then extort thousands of pounds from their victim. Officers have set up a quick reaction response to any reported incidents and support has been offered by the Police. Officers have also sent in intelligence to Trading Standards newly appointed Regional Intelligence Officer, funded by Government and appointed to help address such problems. This Officer will also feed information into the Regional “Scambuster Teams” (also Government funded and with which Officers have excellent links) and good results are expected shortly.

Education and Lifelong Learning

In meeting the Government's objective of "Informed Confident Consumers" much work has been carried out during the year including talks to groups, press releases and provision of an informative website.

Regular press releases and items for our Webpage are passed to the Council's Press Office to issue and this year have included issues such as scams, unwanted or faulty gifts and the Christmas hamper company Farepack.

A number of talks have also been given to local groups including classes at Kingston College where English is not the first language and at the Council's Resource Centre in New Malden for people with learning disabilities.

Internal training continues to be very important and during the year all officers received a variety of training. Two Consumer Affairs Officers are proceeding with training that will lead to professional qualification as a Trading Standards Officer and this, linked with a proposed new career grade scheme, remains a vital step to ensure the continuing provision of qualified staff for the Department in line with the Council's "Grow your own" policy.

Training Kingston's staff and residents is important however training has not been limited to only these people. Principal Trading Standards Officer, David Booker was happy to help out the National Physical Laboratory when asked if he could explain this country's system of weights and measures legislation to a delegation of Chinese TSOs.



Principal Trading Standards Officer David Booker and the delegation of Chinese Trading Standards Officers

Best Value

During the year, as usual, satisfaction surveys were undertaken with those consumers and businesses who had used our services. The results again demonstrated a very high level of satisfaction.

Consumer Survey

The written survey of consumers who had asked for assistance showed very positive results from those replying:-

98% were satisfied with the overall level of service they received.

95% were satisfied with the time taken to deal with their enquiry.

92% thought it was easy to make initial contact with Trading Standards.

69% said this Department's action had helped them resolve their problem either fully or partly.

87% thought they were now better equipped to deal with future problems.

All respondents said they would use the service again if necessary.

When asked to identify the most important part of this Department's work, consumers again chose "Helping resolve complaints". Although not a statutory duty it is clear that residents value highly this consumer advice service.

Business Survey

The survey of local businesses which had been inspected showed:-

91% were satisfied with the overall level of service they received.

94% believed they were treated fairly at all times.

88% thought Trading Standards assistance to their business whilst only 12% believed it to be a burden.

When asked to identify the most important parts of this Department's work, businesses identified checking sales of age restricted goods, but again the results indicated all areas of work were seen as important.

These surveys indicate the importance and benefit both Kingston residents and businesses attach to the work of this Department.

During the year the Rogers report was published. This report, commissioned by the Treasury, looked to identify the key areas for Local Authority Regulators. The report highlighted the top areas for Trading Standards to be alcohol sales to children and fair trading (Trade description, trade marking, miss-description, doorstep selling), however, Government seems content not to take these results further and does not seem to wish reports against targets. These priorities taken with those indicated by consumers and businesses coincide with the high priority areas of this Department's work in Kingston.

Equality & Diversity

Kingston is a multi-ethnic borough with a resident population of around 152,000 that includes about 16% from black and minority ethnic groups, with a significant Korean presence in the New Malden area. However the daytime and night-time populations are significantly different and their ethnic breakdown is, at present unknown.

Analysis of incident reporting and prosecution data has indicated a number of issues worthy of further consideration. Last year it was identified that the supply of Korean videos which failed to comply with age classification legislation had resulted in a number of seizures and prosecutions. It is noted that following pre-emptive action including seeking the assistance of Man-Kyu Lim, from the Korean Embassy, to disseminate information about this legislation to the Korean Resident's Group and wider through an article in Korean language newspapers as well as an interview of an Officer for a Korean TV channel, there have been no reports of similar incidents this year.

Officers also reviewed the apparent disproportionate number of incidents of underage sales by black and minority ethnic people particularly in the sale of alcohol to those under 18. There is a disproportionately high percentage of black and minority ethnic people running off licences and it is therefore not surprising that any resulting sales are of a similar very high percentage. It is still not believed there are significant language issues at off licences, however Officers will continue to focus education to these traders face to face during routine inspection or during visits specifically to discuss under age sales, and will also continue the new system of calling in the licensee following any prosecution. Officers have reviewed the system for identifying which premises to test and are satisfied that if they have not been selected at random or as part of a complete area check, then they are selected as a result of apparently reliable intelligence or as a follow up from a previous sale. We will ensure that the information gathered is analysed and any differential impact on the equality target groups will be studied and appropriate action will be undertaken. This will also assist us to be proactive in providing support, building positive relationships with the business communities and working towards minimising legal actions we have to take.

Conclusion

As always this has been a very busy year with a not in-significant amount of Officer time spent on ensuring staffing continuity through "growing our own" TSOs. Also, this year, the issue of counterfeit goods being sold not only on the High Street but also on Internet sites such as Ebay demonstrates the need for Officers now to carry out "virtual" as well as "real" inspections. The coming year will be one where more emphasis will be placed on policing the Internet.

Officers are also aware of their wider responsibilities and are actively participating in contingency planning arrangements for a pandemic flu outbreak. In the event of such an outbreak, it is likely that routine inspection would cease and Officers would transfer to the Register of Births Deaths & Marriages to assist with registrations in order to cover staffing shortages. Initial briefings have already been given.

However, there are lighter sides to the work of this Department. When staking out a possible rogue driveway builder, Senior Trading Standards Officer Andrew Rich spotted an itinerant pirate DVD seller offer his wares to the builders. Mr Rich approached the DVD seller who saw him at the last minute and attempted to make good his escape by bicycle, however he underestimated Mr Rich's prowess. The seller was overtaken by the sprinting TSO and so leapt off his bike and escaped through a hedge. Whilst unable to bring this unknown person before the courts, he had lost his cycle which Mr Rich had great pleasure in handing over to the Council's Road Safety Officer in order to help local children learn to cycle safety.

The Council and this Department face a challenging financial future but Kingston's Trading Standards Officers are looking forward to another year of ensuring that a system of fair and safe trading operates in this borough.



**Senior Trading Standards Officer Andrew Rich
hands over the “pirate bike”**

**Royal Borough of Kingston upon Thames
Trading Standards Statistics 2006/7**

SECTION A – GENERAL DATA

Base Data	
Risk Assessment (Number at 1 April 2006)	
High Risk Trading Businesses	28
Medium Risk Trading Businesses	800
Low Risk Businesses	2,365
Total Number of Businesses with a Trading Standards Risk	3,193

SECTION B – STAFFING

Actual Staff Employed	FTE at 1 April 2006	FTE at 1 April 2007
Managerial Staff	0.7	0.7
Staff employed directly on service provision	9.2	8.9
Administrative and Clerical (Direct Support)	0.8	0.8
Total Number of Staff	10.7	10.4
Breakdown	FTE at 1 April 2006	FTE at 1 April 2007
Number of Trading Standards Officers	5.9	5.6
Number of Trainee Trading Standards Officers	0.0	0.0
How many of those are undergoing APEL?	2.0	2.0

SECTION C – EXPENDITURE

Expenditure	2006/07 Outturn	2007/08 Estimate
Employees		
Direct employee costs comprising :	£'000	£'000
Managerial	58	58
Staff employed directly on service provision	364	358
Administrative and Clerical	21	22
Indirect employee costs comprising :		
Training	5	5
Other	0	0
Total Employee Expenses	448	443
Premise Related Expenses	0	0
Transport Related Expenses	11	11
Supplies and Services	33	24
Third Party Payments		
Sample Testing and Analytical Costs,		
Food Standards	0	0
Agriculture	0	0
Safety	0	0
Other sampling, testing and analytical costs	1	2
All Other Third Party Payments	1	1
Total Third Party Payments	2	3
Support Services	141	151
Capital Charges	0	0
Total Expenditure	635	632

Expenditure continued	2006/07 Outturn	2007/08 Outturn
Income	£'000	£'000
Income from Prosecution Costs	7	2
Income from specific grant	0	11
Income from grants received to undertake DEFRA service level agreement work	0	0
Other Income	24	14
Total Income	31	27
Total Net Cost on Service	604	605

SECTION D – WORKLOAD DURING THE FINANCIAL YEAR 2006/07

Consumer Contact	Number
Number of consumer led advice enquiries and complaints	970
Business Contact	
Number of business registered for business rates	4,647
Number of business registered on your database	3,205
Number of requests for advice from business	79
Number of referrals made to Home Authority	44
Total number of all enforcement activities	1,113

**SURVEY OF CONSUMERS WHO HAVE REQUESTED ASSISTANCE
FROM THIS DEPARTMENT**

Performance Measure 1 – Informed Confident Consumers

How satisfied are you with our overall level of service?

Very satisfied	71%
Fairly satisfied	27%
Fairly dissatisfied	2%
Very dissatisfied	0%
Don't know	0%

Did we give you information/advice that was easy to understand?

Very easy	80%
Fairly easy	17%
Fairly difficult	2%
Very difficult	0%
Don't know	0%

How informative did you find our staff?

Very good	83%
Fairly good	17%
Fairly poor	0%
Very poor	0%
Don't know	0%

Did we treat you fairly at all times?

Yes	98%
No	2%
Don't know	0%

Were our Officers courteous and polite at all times?

Yes	100%
No	0%
Don't know	0%

How easy was it to make initial (your first) contact with us?

Very easy	60%
Fairly easy	32%
Fairly difficult	9%
Very difficult	0%
Don't know	0%

Were you aware of the Trading Standards Service before you had this contact with us?

Yes	87%
No	11%
Don't know	2%

Did you know it is possible to complain about Council services, including Trading Standards, through our service complaints procedure?

Yes	29%
No	69%
Don't know	2%

SURVEY OF BUSINESSES INSPECTED BY THIS DEPARTMENT

Performance Measure 2 – Informed Successful Business

How satisfied are you with our overall level of service?

Very satisfied	52%
Fairly satisfied	39%
Fairly dissatisfied	3%
Very dissatisfied	0%
Don't know	6%

Did we give you information/advice that was easy to understand?

Very easy	64%
Fairly easy	31%
Fairly difficult	0%
Very difficult	0%
Don't know	6%

How informative did you find our staff?

Very good	61%
Fairly good	31%
Fairly poor	0%
Very poor	0%
Don't know	8%

Did we treat you fairly at all times?

Yes	94%
No	0%
Don't know	6%

Were our Officers courteous and polite at all times?

Yes	94%
No	0%
Don't know	6%

Did you know it is possible to complain about Council services, including Trading Standards, through our service complaints procedure?

Yes	63%
No	31%
Don't know	6%

If we said that your business was not meeting its legal requirements :

a Did we make it clear to you what you needed to do to meet the legal requirement?

Yes	87%
No	0%
Don't know	13%

b Was our response to this problem fair/reasonable?

Yes	83%
No	0%
Don't know	17%

If we have been in touch with your business on more than one occasion, have you been treated consistently on different occasions?

Yes	68%
No	6%
Don't know	26%

Were you aware of the Trading Standards Service before you had this contact with us?

Yes	91%
No	3%
Don't know	6%

Formal Enforcement Action

Number of informal caution and advice issued in writing	21
Number of formal cautions issued	12
Number of formal undertakings received under Stop Now Orders	0
Number of Stop Now Orders issues	0
Number of prosecutions commenced in period	4

PERFORMANCE MEASURE 3 : FAIR & SAFE TRADING ENVIRONMENT

3.1 Compliance Tables

Inspection

Risk Level	No of Businesses assessed as being high risk	No of Businesses inspected within year	No of Businesses found to be compliant on first inspection	No of Businesses brought to a state of compliance by the end of the year	Total number of businesses compliant
High	26	28	16	12	28
Medium	-	398	310	76	386
Low	-	115	99	12	111

PERFORMANCE MEASURE 4

EFFICIENT, EFFECTIVE AND IMPROVING TRADING STANDARDS SERVICE

For Staff employed directly on service provision	
Percentage of staff who undertook some TS professional development in the last year	100%
Average number of hours training per officer on professional development	15
For all Staff	
Percentage of staff who undertook other skills training in the last year	100%
Average number of hours of training per officer on professional development	16

Measuring Compliance with Fair Trading and Safety		
Categories	Number of inspections or other enforcement activities carried out within the year for each category where non compliance was noted	
Fair Trading	Trade Descriptions	46
	Pricing	131
	Credit	1
	Other	107
	Total	285
Safety	Product Safety	3
	Underage Sales	9
	Other	62
	Total	74

Measuring Compliance of Weighing and Measuring Equipment					
* Category of equipment	Actual or estimated no of pieces of equipment	No of individual pieces of equipment inspected	No of pieces of equipment found incorrect and a 28 day notice issued	No of pieces of equipment found incorrect and verification mark removed	No of pieces of equipment related to prosecutions or cautions
A	300	127	1	0	0
B	4	0	0	0	0
C	700	274	23	0	0
D	0	0	0	0	0
E	0	0	0	0	0
F	500	25	5	0	0
G	100	2	0	0	0
H	800	207	0	0	0
OTHER	25,000	224	0	1	0

* The category is represented by each letter code is defined by in the guidance.

The table lists categories of equipment:

- | | |
|---|--|
| A Liquid fuel measuring instruments | E Automatic weighing machines all types |
| B Weighbridges and scales over 5000kg | F Weights |
| C Non-automatic weighing machines \leq 30kg | G Length measures |
| D Non automatic weighing machines $>$ 30kg \leq 5000kg | H Intoxicating Liquor Measuring Instruments |

Other List on return only 1 or more failed : other categories may include : water meters, bulk fuel meters, sand and ballast measures, simple capacity vessels etc. There may be some aspect of double counting as some equipment that is initially subject to a 28 day notice may later have the verification mark removed. The numbers concerned will not affect the national picture.

Measuring Metrological Compliance in Transactions			
Type of Business	No of businesses liable to inspection	No of businesses visited	Total no of businesses compliant
Packaging Plants	3	2	2
Importers of packaged goods	4	2	2
Business selling bulk products by weight/volume	300	70	65
Retail Outlets	800	547	428

TRADING STANDARDS PROSECUTIONS

2006 - 2007

Infringe No.	Name	Offence	Fine	Costs
I.283	Mrs T Pillai	Sold by the hand of her servant a bottle of lager to a person under 18 years section 146 (1) Licensing Act 2003	£300	£206
I.289	Mr Z Y Lin	Offering for supply illegal copies of DVDs (two separate occasions) Trade Marks Act 1994 S.92(1)(c) Video Recordings Act 1984 10(1)	£600	£292 + Forfeiture of DVDs
I.278	Mr G Wigneswaran	Sale of alcohol to an individual aged under 18 Licensing Act 2003 s.146	18 month Conditional Discharge	£1,974.14
I.210	Mr S Waugh	Supply of counterfeit goods – obtained money by deception Theft Act 1968 section 15A	12 month imprisonment	Not available at time of print

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