

**ROYAL BOROUGH
KINGSTON UPON THAMES**

ANNUAL REPORT

CHIEF TRADING STANDARDS OFFICER

2003/2004

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 2004 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

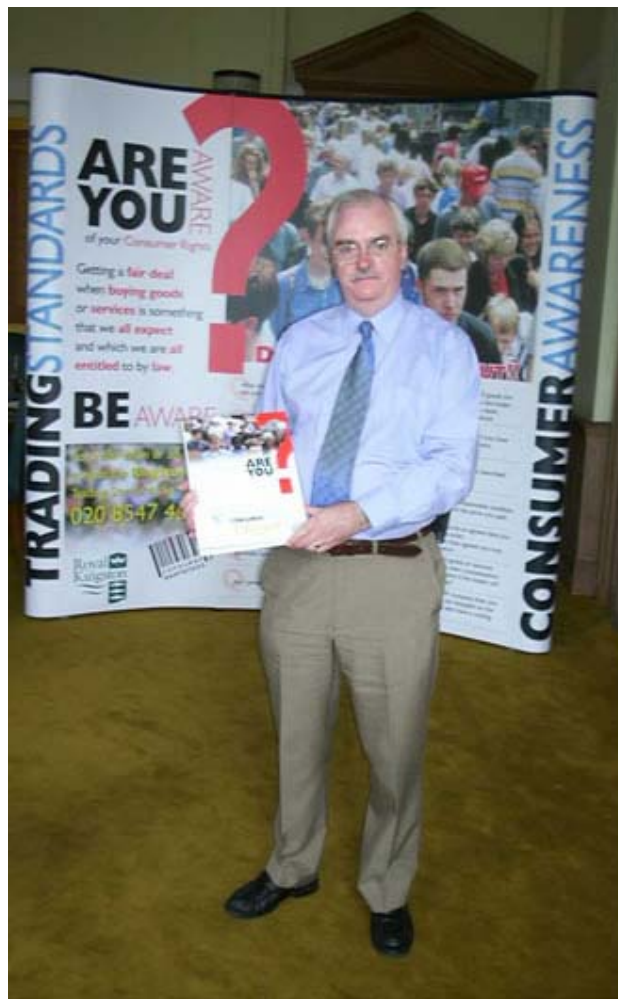
Caring for the Environment

Developing Education and Lifelong Learning

Enhancing the Quality of Life

Putting People first

Providing Best Value



Cllr Rolson Davies Executive Member for Trading Standards with Trading Standards educational material.

The Trading Standards Department helps meet these aims by ensuring that a system of fair and safe trading operates in this Borough. During the year 2003–2004, the key areas of work that this Department has undertaken to meet these aims continued to be:-

- Routine inspection of trade premises
- Increased access to consumer advice services
- Individual projects carried out with neighbouring authorities to address specific issues

However, the Department has also been heavily involved in two high profile issues of anti-social behaviour - the continuing work to help combat sales of alcohol to underage children and the campaign to press the Government to legislate for quieter, less powerful fireworks.

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.

Caring for the Environment and Enhancing the Quality of Life

A recent MORI poll shows the main concern of Kingston Residents is crime and disorder. The work of Trading Standards has helped to address this fear and in particular with large, powerful fireworks.

One evening in November 2003, a young pregnant woman, Lavinia Dale, was standing in her father-in-law's garden in Tolworth. Near-by firework displays were taking place in back gardens. Ms Dale was suddenly struck in the face by the remains of a Category 3 rocket with such force that she lost the sight in her right eye.

A couple of days later, a barrage of loud explosions took place in the street outside Kingston College; an 80 shot Category 3 combination roman candle had been set off in a busy street.

Category 3 fireworks are defined as "Fireworks which present a medium hazard and which are intended for outdoor use in large open areas". They are considered to be so powerful that they are required to be marked with a statement "Spectators must be at least 25 metres away", but how many urban gardens are 25 metres long or wide?



Mrs Lavinia Dale and the Category 3 rocket

(Photograph by Surrey Comet)



Hooligan misusing a Category 3 Firework

Kingston is a campaigning Council and these incidents prompted action. Concerned cross party Members agreed that the Government should be pressed to take some simple steps that have become known as “Lavinia’s Law” named after Lavinia Dale:-

1. Banning the retail sale of the more powerful fireworks
2. Limiting the noise fireworks can make
3. Significantly reducing the debris weight of rockets
4. Introducing a curfew time after which it would be illegal to set off fireworks.

The support from the local media has been outstanding and almost 1000 members of the public have written in supporting this campaign.

There has also been considerable support for the principles of Lavinia’s Law from amongst others:-

- Members of Parliament for Kingston and Bristol
- RSPCA
- Guide Dogs for the Blind
- London Trading Standards Authorities
- Milton Keynes Council
- Age Concern (Kingston)
- Local Authorities Co-ordinating body for Regulatory Services
- Trading Standards Institute

and it is envisaged that Mr Edward Davey MP will be putting an Early Day Motion before Parliament concerning this. The outcome of this campaign

should become clear by the summer of 2004.

Graffiti continues to be of concern to the public and this authority has pressed for the sale of spray paints to underage children to be made a criminal offence. The Government introduced such legislation as part of the Anti-social Behaviour Act, however this Council's attempt to rectify some shortcomings in this section of the Act through the House of Lords was unsuccessful and it is understood that these may now have to be addressed by making Regulations. Nevertheless, the Council has adopted this new legislation and Trading Standards staff will be carrying out test purchasing, with the assistance of young volunteers, to ensure that retailers do not sell cans of spray paints to underage children.

For a number of years, this Department has been providing an annual free electric blanket test day, aimed at older people. The results continue to be disappointing with 48% failing, mainly due to lack of a thermal fuse. It is envisaged that these free test days will continue, and, with the help of the local media, the problems associated with these older electric blankets will be made more widely known.

Putting People First

Another area of this Department's work that is of particular concern to local residents is combating the sale of alcohol to underage children.

This concern is acknowledged and a significant percentage of this Department's resources have been put to help deal with this issue. An Officer was employed specifically to visit all licensed premises twice during 2003 in order to encourage the use of the poster warning against underage sales and promoting the use of a "refused sale book", and Officers will make further visits in 2004. The outcomes were reported to individual Neighbourhoods and overall it was found that around 78% of licensed premises were displaying the poster and around 70% were using the "refused sale book". Test purchases have been undertaken that have resulted in three formal cautions and one prosecution.

An internal review of the work carried out over recent years to combat such sales has led to the conclusion that the vast majority of off-licences and supermarkets are now well aware of their responsibilities, are regularly asking for ID and are refusing sales. However it is also clear that there are individual premises that continue to deliberately or recklessly make such sales and our work, in conjunction with the Police, will focus in on these premises.

Other pre-emptive work has also been carried out and it is hoped that both the Kingston University and Kingston College will agree to work towards their student ID cards being revised so that they meet a new national standard and can be used as proof of age ID cards. Officers have also been asked to advise on a Home Office scheme "Blueprint" designed to help combat sales of alcohol and solvents to underage children in the Midlands.

Working in Partnership

Working with colleagues in the Home Office on projects such as Blueprint is likely to bring future benefits that cannot always be identified at the time, but it is likely to improve the standing of Kingston with the Home Office and trading standards staff in the Midlands. However our key partners are the Trading Standards Departments of the six other south west London boroughs of Croydon, Hounslow, Merton, Richmond, Sutton and Wandsworth.

Each year the South-West London group of Chief Trading Standards Officers agrees a series of projects and training that are undertaken across the whole of this area of south west London. Amongst the projects undertaken during the year was one testing the supply of free flow spirits (when a thimble measure is used to measure spirits) as a result of which significant shortages were identified. Follow up work is being undertaken. Other projects included checking multi-buys from supermarkets to ensure that price reductions were in fact made when “buy one – get one free” offers were made, checks on the safety of tools from hire shops and checks to ensure the truth of claims of “Ultra violet protection” that are increasingly made on young children’s summer clothing. It is pleasing to note that on all of the clothes checked, the claims were correct and that hire tools presented no problems.

There continues to be close links with Kingston Police and information is regularly shared particularly concerning premises alleged to be selling alcohol to children. Officers are also planning a joint training exercise on doorstep sellers, such as those offering to fix a supposedly loose tile or resurface a driveway, that prey on older people.



Publicity given to Rogue Trader

The targeting of older people by criminals is disconcerting. Officers were therefore very pleased that the Office of Fair Trading (OFT) responded to Kingston's and others requests to review what could be done to help combat some of the scams that are unfortunately becoming part of every day life. Of particular concern is the telephone scam coming from Canada where gangs organise operations specifically targeted at those over 65. The target is befriended during unsolicited telephone calls and then told that they have won thousands of dollars on the Canadian lottery. They are then conned out of thousands by having to pay for supposed tax, airfares, administration or whatever else the con men can invent. Kingston Officers were pleased to be asked to represent Trading Standards nationally and serve on this OFT led working party identifying the action to be taken to fight this and similar frauds.

Providing Best Value

Working in partnership with others as described above will almost always provide best value as will membership of a Benchmarking Club such as that formed some years ago by the London Chief Trading Standards Officers group. However in order to provide the best possible service to local residents and businesses it is also vital to understand their needs and expectations. A survey of users is regularly undertaken, however this year a street survey of users and more importantly non-users of this service, was carried out by Kingston University, again using DTI funding. The results have helped increased Officers understanding of the borough-wide picture of consumer needs and knowledge. They have also confirmed Officers views that Kingston residents continue to have a need for assistance.

- 18% of Kingston residents surveyed reported that they had had a significant consumer problem during the past five years.
- of those who contacted Trading Standards, 89% reported that the issue had been fully or partially resolved.
- of those who had contacted Trading Standards, 78% stated that they now felt better equipped to deal with future problems.

Whilst the high numbers of problems that local residents identify is of concern, these results also indicate a high level of satisfaction of work provided by the Department. They also starkly highlight the importance of the forthcoming "Consumer Direct" consumer helpline.

Developing Life Long Learning

During the year, much effort has been put into improving local people's knowledge of their consumer rights. These include a town centre poster campaign in the run up to Christmas, a leaflet delivery carried out by colleagues in the Housing Department to Council Houses in the Norbiton area and the answers to frequently asked consumer questions being made available from the Council's Information kiosks that are being placed throughout the borough.

Distribution of the loose-leaf folder "Consumer Toolkit for Community leaders" that was created with colleagues in south west London with DTI funding, was completed and has been supported by a series of talks to local groups.

But education has not been restricted to consumers. Information about new consumer rights has been disseminated to local businesses by way of an advertisement in the Kingston Chamber of Commerce magazine and detailed leaflets were distributed to town centre retailers by the Town Centre Management staff.

Preparation for the forthcoming DTI funded national Consumer helpline "Consumer Direct" has continued. During the year its Programme Director, Mitchell Leimon, visited Kingston to learn how it was currently being provided here in Kingston. Mr Leimon not only met with Councillors and Officers, but also with the Chief Executive of the Citizens Advice Bureau and with partners from Colemans - cts, the local law firm that provides a lawyer to work in this Department for one day each week to give consumer advice.



Cllr Mary Reid & DTI's Mr Mitchell Leimon
Consumer Direct in Kingston

Conclusion

The work of this Department continues apace. The need for campaigning to help address issues that arise whilst also meeting the requirement to carry out a programme of inspection and project work as well as providing the popular and well used Consumer Advice service, continues to stretch resources. The necessity to review and ensure the quality of work as well as completing returns adds further pressure. However all are vital to ensure that Kingston's Trading Standards Department remains able to meet the increased demands and expectations from both the public and retailers to ensure that a system of fair and safe trading operate in this Borough.

As always the coming year will continue to be a challenging one.



Town Centre poster giving basic consumer advice

**Chartered Institute of Public Finance and Accountancy
Trading Standards Statistics 2004**

SECTION A – GENERAL DATA

Base Data		
1.	Population at 30 June 2004	147,273
2.	Area of Authority at 1 April 2004 (Hectares)	3737
Risk Assessment (Number at 1 April 2004)		
3.	High Risk Trading Businesses	27
4.	Medium Risk Trading Businesses	916
5.	Low Risk Businesses	2,348
Total Number of Businesses with a Trading Standards Risk		3,291

SECTION B – ~STAFFING

Actual Staff Employed		FTE at 1 April 2003	FTE at 1 April 2004
7.	Managerial Staff	0.7	0.7
8.	Staff employed directly on service provision	7.5	7.7
9.	Administrative and Clerical (Direct Support)	0.8	0.8
10.	Total Number of Staff (Lines 7+8+9)	9.0	9.2
Memorandum (FTE numbers of staff included in Line 10)		FTE at 1 April 2003	FTE at 1 April 2004
11.	Number of Trading Standards Officers	5.0	5.2
12.	Number of Trainee Trading Standards Officers	0.0	0.0
13.	How many of those shown in Line 8 are undergoing APEL ?	0.0	0.0

SECTION C – EXPENDITURE

Expenditure		2003/04 Outturn	2004/05 Estimates
		£'000	£'000
Employees Direct employee costs comprising :			
14.	Managerial	56	57
15.	Staff employed directly on service provision	299	349
16.	Administrative and Clerical	19	20
Indirect employee costs comprising :			
17.	Training	4	3
18.	Other	0	1
19.	Total Employee Expenses (Lines 14 to 18)	378	430
20.	Premises Related Expenses	31	31
21.	Transport Related Expenses	11	12
22.	Supplies and Services	20	20
Third Party Payments Sample Testing and Analytical Costs,			
23.	Food Standards	0	0
24.	Agriculture	0	0
25.	Safety	0	0
26.	Other sampling, testing and analytical costs	3	3
27.	All Other Third Party Payments	1	1
28.	Total Third Party Payments (Lines 23 to 27)	4	4
29.	Support Services	77	104
30.	Capital Charges	0	0
31.	Total Expenditure (Sum of Lines 19 to 22 and 28 to 30)	521	601

Expenditure continued		2003/04 Outturn	2004/05 Estimates
		£'000	£'000
	Income		
32.	Income from Prosecution Costs	3	2
33.	Income from specific grant	0	0
34.	Income from grants received to undertake DEFRA service level agreement work	0	0
35.	Other Income	29	38
36.	Total Income (Sum of Lines 32 to 35)	32	40
37.	Total Net Cost on Service (Lines 31 – 36)	489	561
	Memorandum :		
38.	Please show Net Total Cost on Service on a pre FRS17 basis	**	**

SECTION D – WORKLOAD DURING THE FINANCIAL YEAR 2003/04

Consumer Contact		Number
39.	Number of consumer led advice enquiries and complaints	6,386
40.	Number of educational opportunities offered to consumer groups	8
Business Contact		
41.	Number of business registered for business rates	4,647
42.	Number of business registered on your database	4,254
43.	Number of requests for advice from business	31
44.	Number of requests for advice from Home Authority	25
45.	Number of referrals made to Home Authority	98
46.	Total number of all enforcement activities	1,005
Formal Enforcement Action		
47.	Number of letters of informal caution and advice issued	30
48.	Number of formal cautions issued	9
49.	Number of formal undertakings received under Stop Now Orders	0
50.	Number of Stop Now Orders issues	0
51.	Number of prosecutions commenced in period	9

PERFORMANCE MEASURE 3 : FAIR & SAFE TRADING ENVIRONMENT

This intends to measure the compliance and effectiveness of enforcement activity. The measure is a combination of :

- ❖ % of business contacted within the year (high risk category only)
- ❖ % improvement in the level of business compliance
- ❖ % of total business contacted which were found to be compliant

While the table is split into two different areas, inspection and other enforcement activity, we are proposing to measure performance by combining the results from the two tables.

3.1 Compliance Tables

(a) 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	84	80	70	6	76
Medium	-	443	381	40	421
Low	-	203	200	2	202

(b) Other Enforcement Activities

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	84	6	5	0	5
Medium	-	30	22	0	22
Low	-	0	0	0	0

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	100.0
	No (during 2003/04)
Average number of hours training per officer on professional development	14.0
For all Staff	
Percentage of staff who undertook other skills training in the last year	75.0
	No (during 2003/04)
Average number of hours of training per officer on professional development	5.0

CONTEXTUAL INFORMATION RETURN (IR)

Fair and Safe Trading Environment

3.1	Formal Enforcement Action 2003/04 resulting from all investigations relating to your core responsibilities	Data collected on CIPFA Form Question
	No of letters of informal caution and advice issued	30
	No of formal cautions issued	9
	No of formal undertakings received under Stop Now Order procedure	0
	No of Stop Now Orders issued	0
	No of prosecutions commenced in period	9

3.2	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	7
		Pricing	25
		Credit	0
		Other	8
		Total	40
	Safety	Product Safety	0
		Underage Sales	4
		Other	0
		Total	4

3.3 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	250	181	0	0	0
B	4	4	0	0	0
C	700	350	35	0	0
D		**	**	**	**
E	**	**	**	**	**
F	**	68	**	0	0
G	**	37	**	0	0
H	**	1,199	**	0	0
OTHER	**	**	**	**	**

* 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
- B** Weighbridges and scales over 5000kg
- C** Non-automatic weighing machines ≤ 30 kg
- D** Non automatic weighing machines > 30 kg ≤ 5000 kg
- E** Automatic weighing machines all types
- F** Weights
- G** Length measures
- 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.

3.4 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	0	0	**
Importers of packaged goods	6	2	2
Business selling bulk products by weight/volume	300	150	130
Retail Outlets	800	500	480

TRADING STANDARDS PROSECUTIONS

2003 - 2004

Serial No.	Date of Hearing	Name	Offence	Fine	Costs
164	2.6.03	N J Francis	Making false statements about the provision of a service or facility, by falsely indicating that extended warranties were provided for used cars. Trade Descriptions Act 1968 s.14 3 x offences	3 x £100 = £300	£288
164	2.6.03	Ride & Drive (Surrey) Ltd	- “ -	Offences Withdrawn	-
165	15.5.03	J Inman	By way of advertisements falsely claimed membership of trade associations & local authority approval. Trade Descriptions Act 1968 s.14 8 offences – Guilty on 4. Not guilty on 4	4 x £500 = £2000	£2000
166	2.6.03	Song's Supermarket	Possession for supply of unclassified Korean language video tapes Video Recordings Act 1984 7 offences – 2 withdrawn	£10 on first offence no further penalties	-
167	2.6.03	Parswood Ltd	Possession for supply of unclassified Korean language video tapes Video Recordings Act 1984 7 offences – 2 withdrawn	£10 on first offence no further penalties	-

TRADING STANDARDS PROSECUTIONS

2003 - 2004

Serial No.	Date of Hearing	Name	Offence	Fine	Costs
168	24.11.03	Drain Tech Ltd	Overladen vehicle : Gross weight - 17% Road Traffic Act 1988 & Road Vehicles (Construction & Use) Regulations 1986 1 x offence	£1000	£156
169	1.12.03	Mr S Patel	Sale of alcohol to under 18year old Licensing Act 1964 1 x offence	£150	£287
170	1.12.03	Mr P Collier	Failed to state on business invoices the name of the owner of the business Business Names Act 1985 1 x offence	£350	£219
171	17.12.03	Mr Y H Kim 'David' Kim	(1) Possession for distribution of video tapes bearing false trade mark. Trade Marks Act 1994 (2) Possession for supply of unclassified Korean language video cassette tapes. Video Recordings Act 1984	(1) £1000 (2) £1000	£500