

MANCHESTER CITY COUNCIL **REPORT FOR INFORMATION**

COMMITTEE: Communities and Neighbourhoods Overview and Scrutiny Committee

DATE: 13 November 2007

SUBJECT: Report on the work of Trading Standards

REPORT OF: Head of Environmental Services

PURPOSE OF REPORT

To provide Members with an overview of the work of the service.

RECOMMENDATIONS

That Members note the report.

FINANCIAL CONSEQUENCES FOR THE REVENUE BUDGET

None at present

FINANCIAL CONSEQUENCES FOR THE CAPITAL BUDGET

None at present

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BACKGROUND DOCUMENTS

None

WARDS AFFECTED

All

IMPLICATIONS FOR KEY COUNCIL POLICIES

Anti Poverty
Yes

Equal Opportunities
Yes

Environment
Yes

Employment
Yes

1.0 Introduction

The Committee requested a report about the work of Trading Standards and the way in which the service is delivered. Information on aspects of food law enforcement was also requested. This is undertaken by Environmental Health officers and our approach to food standards work is included below.

- 1.1 The Trading Standards Service is one of the Regulatory and Enforcement Services falling within the Neighbourhood Services Directorate. The service establishment comprises 13 enforcement staff and two members of staff who are trainees. A separate Crime & Disorder team, comprising of 4 staff, enforce trading standards legislation whose impact can reduce incidence of crime and disorder particularly in the area of underage sales of age restricted products such as alcohol, knives, cigarettes, spray paints etc, doorstep crime and disrupting the market in stolen goods.
- 1.2 The service is primarily a criminal enforcement body whose work is generated through consumer complaints, programmed inspections, referrals from other authorities and from the results of a programme of sampling goods.
- 1.3 Environmental Health staff within Regulatory and Enforcement Services undertake food standards work.

2.0 Consumer Complaint Management

- 2.1 Consumer Direct (CD) receives the great majority of consumer complaints from the public. This is a network of regional contact centres where consumers can phone to register their complaints. If their complaints are considered to be of a civil nature the CD staff will either give first level advice that would enable the consumer to resolve their own complaint or, if it is felt that the complaint is involved or generally more complex, then the complaint will be passed to Manchester City Council's Consumer Advice team. The Consumer Advice team's remit is purely to deal with civil complaints and assist the consumer in resolving their complaints. All other complaints that are considered to breach criminal consumer legislation are referred directly to Trading Standards on a daily basis, with provisions for emergency action where necessary. Consumer Direct for the North West region is based in Cumbria and is a free service to consumers, funded by Central Government.

3.0 Trading Standards Service Structure and Service Priorities

- 3.1 The Trading Standards service divides all incoming work into four key legislative areas:
 - Commercial Practices
 - Consumer Safety
 - Standards
 - Crime and Disorder Team.

Service requests from customers represent almost all of the reactive work the teams are required to do, but service requests will also lead to some extended proactive work in certain subject areas, eg sampling programmes and projects. In addition, the service has to have regard to other demands placed upon it through local issues, trends and from initiatives identified by Central Government. National priorities for Regulatory Services have been set by Central Government following The Rogers Review, a Government commissioned review led by Peter Rogers, the Chief Executive of Westminster City Council. These key priorities announced this year included reference to alcohol, fair-trading (including counterfeit goods and doorstep selling), food manufacture and distribution, and animal health.

- 3.2 Local issues that have been a key focus for Trading Standards, either recently or currently, are the counterfeit goods sold on local markets and around the Bury New Road area, mini motor bikes and their anti social impact, alcohol, firework and tobacco sales to young people, and the safety checking of imported goods through Manchester wholesalers before they become available on the market.
- 3.3 The manufacture and distribution of counterfeit goods is a particular problem in Manchester, probably sited here as a continuation of the largely now defunct textiles industry. Some of the mill and wholesale premises have been identified as a source of counterfeit goods distribution. These premises often house legitimate businesses as well. Manchester Trading Standards team undertakes a proactive approach to dealing with large-scale counterfeit operations through engaging other bodies such as Trade Mark owners, Her Majesty's Revenue and Customs, and GMP. We have also been trying to engage Serious Organised Crime Agency in dealing with this issue at a national level. We believe our current resource levels act as a deterrent to counterfeit operations and keep the practice under some degree of control but, due to the scale of counterfeiting, cessation of this illegal trade would only be possible with extensive and ongoing national enforcement. We do respond to the intelligence we receive and have had some excellent successes where the Police have acted as the principal agency. For example, In February this year we conducted seizures at a shop premise on Bury New Road and then two weeks later at their lock up storage premises. The raids were conducted with the assistance of GMP and trade mark owners. The raids realised 21,500 items of footwear and clothing at an estimated value of £2.5m. Throughout the summer, officers have worked jointly with Her Majesty's Revenue & Customs targeting cigarette sellers particularly on markets. Twenty thousand packs of counterfeit cigarettes have been seized with a value of £100,000. Police input helps overcome some of the logistical problems of staff numbers, movement, storage and cost of storage of goods pending court appearance. Also, with powers of arrest and their close relationship with the Asset Recovery Agency, the additional support given by police makes a multi-agency approach, the only effective way of combating the problem. An example of the resources expended on a recent operation was that 52 personnel were involved, 4 articulated vehicles, 4 separate business linked, premises emptied of over 10,000 individual items of clothing and total goods estimated at £2.25m were seized. The raids took

place over two days in March this year. Further raids in September this year netted approximately 5,000 packs of counterfeit cigarettes and 10,000 counterfeit CDs and DVDs with an estimated value of £75,000.

- 3.4 Prioritisation of anti counterfeiting goods is targeted where it will have most impact on local people, specifically small shops and market stalls.
- 3.5 In general, counterfeit goods and age-restricted sales receive the greater proportion of trading standards resources. However, the team has a flexible approach to consumer protection, and if a different but significant problem arises that warrants attention, then resources are switched in the short term until that problem is countered.

3.5 Commercial Practices

- 3.5.1 Most of the work carried out by this team is as a result of consumer complaints and proactive work. Consumer complaints typically involve faulty or mis-described consumer goods, misleading claims about services and accommodation. The complaints will be referred to the service through the Consumer Direct system as described above. In addition to the investigation of consumer complaints, staff ensure that prices displayed in hotels, pubs and generally in retail outlets are being fairly charged. Other examples of the work undertaken will be matters relating to the supply of consumer credit, estate agency issues, package holidays and unfair contract terms. The work relating to counterfeit goods also falls within this team. These can be manufactured locally or imported and wholesaled from Manchester. Local markets are frequently visited, as markets are an outlet for counterfeit goods.
- 3.5.2 Recent fundamental changes in enforcement philosophy provided by the Enterprise Act 2002 make it possible for the service to take out injunctive action against perpetual offenders or rogue traders who know how to circumvent criminal consumer law but continue to trade unfairly at the consumer's expense.
- 3.5.3 This year the team has seized over 30,000 items. The goods include clothes, shoes, CDs, DVDs and cigarettes but on occasions more novel but sinister items such as car parts, foodstuffs, cigarettes, and computer parts have been found to be counterfeit.
- 3.5.4 Examples of prosecutions over the last 12 months
- One man was recently convicted at Manchester Crown Court of being in possession of 2,000 copied DVDs. He was sentenced to 6 months imprisonment (suspended for 12 months) 200 hours unpaid work and £500 costs. All discs and computers were confiscated.
 - ASDA was recently fined £3,500 with £3,700 costs for offering and selling goods marked with misleading prices from their stores.

- A mail order company was fined £12,000 for selling a mosquito repeller that was falsely described, in that it was ineffective.

During this period the Commercial Practices section has had 14 prosecutions with fines totalling £19,700 and £14,700 costs. These prosecutions were for trade descriptions offences, misleading prices, trade marks offences and business names offences.

3.6 Consumer Safety

- 3.6.1 One principal piece of legislation enforced is the Consumer Protection Act which in itself introduces many other individual regulations and orders relating to the safety of items such as electrical goods, toys, children's nightdresses, bicycles, furniture fillings, cooking utensils, and many more. In addition to the consumer goods that are required by specific regulations to comply with certain standards, the Consumer Protection Act has a general provision for all goods to be safe. This gives the service the opportunity to take enforcement action where literally any item is deemed to be unsafe. The service enforces safety legislation by frequent visits to the City's importers and wholesalers and embarking on targeted sampling of goods, which are then submitted to specialist analysts.
- 3.6.2 The safety team also actively enforce two important provisions of the Road Traffic Act. These sections prohibit the sale of unroadworthy vehicles and also make it an offence for any vehicle to travel on the public roads whilst exceeding maximum weights. A programme of Road Traffic days is followed where the service have the assistance of Greater Manchester Police and attempt where possible to include other agencies. Multi agency sessions are worked where the Department of Works and Pensions carry out their checks on drivers claiming benefits and HM Revenue and Customs check the contents of the loads.
- 3.6.3 The team also ensures that animals brought into the country through Manchester International Airport comply with all the necessary transportation requirements and more recently, those travelling on a Pet Passport have had the required medical treatment and chip identification implanted before coming into the U.K.
- 3.6.4 Examples of prosecutions over the last 12 months:
- A man was recently fined £1,000 with £500 costs for selling an unroadworthy vehicle to a teenage girl after previously being informed by Trading Standards that the car was unroadworthy.
 - This year there have been six airlines convicted for illegal landing of animals at Manchester Airport. Total fines of £22,500 and costs of £4,000.
 - One trader was convicted of selling an unsafe mini motor bike. He was fined £1,800 with £1,400 costs.

The safety section has had 42 prosecutions in the last 12 months, with fines totalling £46,000 and with costs of £12,000. These prosecutions were for Animal Health Act offences, overloaded heavy goods vehicles, unroadworthy cars, general product safety provisions and cosmetic products.

3.7 Standards Team

3.7.1 The Standards Team is responsible for the enforcement of the Weights and Measures Act ensuring that businesses such as supermarkets, shops, pubs, petrol stations have accurate weighing and measuring equipment and comply with current legislation. This team operates a programme of inspections to high and medium risk rated businesses within the city.

This team also conducts calibration work from our in-house laboratories.

3.8 Crime and Disorder Team

3.8.1 The most recent change in the remit of Trading Standards' work has evolved through the need to tackle Crime and Disorder issues within the local community, particularly those that have a connection with trading practices. Some of the traditional Trading Standards functions fall within the remit of this section, but more recently second-hand shops are registered and checked to ensure that they are not selling stolen goods through their business. The team work very closely with Greater Manchester Police. Enforcement action is also taken against sellers of alcohol, tobacco, fireworks, knives and other age related products to young people. They also enforce legislation to control car number plate sellers, a measure introduced to counter vehicle crime.

3.8.2 The team also respond to reports of unscrupulous doorstep criminals that try to extract money from vulnerable householders by carrying out grossly overpriced house repairs and services. They give talks to vulnerable groups in an attempt to make them aware of this type of criminal activity, which are very well received.

3.8.3 Examples of prosecutions over the last 12 months:

- One off licence was fined £500 and costs for selling cigarettes to a young person.
- One car accessory shop was fined £500 with £630 costs for selling car number plates when he was not authorised to do so.
- The actions of this team have led to 5 off licences having their licences to sell alcohol revoked.

During the period, the Crime and Disorder team has had nine prosecutions and 40 fixed penalty served (PNDs) for sales of alcohol to underage persons. The prosecutions have been for tobacco sales, knife sales and spray paints to young persons and unauthorised car number plate sales. Fines have totalled £3,700 and costs of £4,500.

4.0 Association of Greater Manchester Authorities (AGMA)

- 4.1 The Trading Standards service in Manchester has since 1986 provided specialist trading standards equipment and co-ordination on behalf of the ten Greater Manchester Trading Standards Authorities. Following the creation of two more Unitary Authorities from the Lancashire County area, Blackburn with Darwen joined the group in 2001.
- 4.2 The Manchester service makes available, through a shared cost arrangement, specialist equipment that would not be cost effective for one authority alone to provide. Weighbridge test units, industrial inspection unit, petrol inspection unit, bulk oil and water metering units are some of the provisions in addition to close co-ordination on sampling and testing schemes where economies of scale are realised. Within this role, the service also provides 2 fully equipped laboratories, where the Greater Manchester Trading Standards authorities calibrate their measures of mass and volume. These labs also provide a calibration service to local industry.
- 4.3 Recent projects conducted through the AGMA coordinated enforcement scheme, have included the purchasing and testing of mini motor bikes, bb guns and furniture for flammability testing.
- The outcome of the mini motor bike project was that we found all twelve bikes failing to comply with safety standards. Two local authorities prosecuted the suppliers, ourselves included, but a significant result of the project was that many retailers across Greater Manchester ceased to stock and supply them and now they are generally difficult to source.
 - An AGMA project on bb guns was carried out to find if their kinetic force took them within the firearms classification. Fortunately only one failed. Another recent project on foam mattress toppers has been conducted with seven out of the eleven tested failing the requirements. This will probably lead to prosecutions but will also result in representations being made to the trade to improve compliance.
- 4.4 Other surveys have covered the accuracy of tyre pressure gauges on garage forecourts, again with a small percentage of failures. In a survey of the safety of cheap hair dryers 20% failed, and accuracy tests on LPG dispensers on garage forecourts found 8% with significant errors. Surveys have also looked into: weighing machines in dry cleaners where charges are made by reference to weight; price reductions in supermarkets around Christmas 2006 to see if they are genuine reductions; and the quality of car servicing both at main dealers and smaller garages.
- 4.5 The advantage of conducting such surveys across 11 authorities is primarily one of cost-saving. However, due to the sample size a greater significance can be placed upon the findings. Where it is felt some action or further investigation nationally should be undertaken survey findings are submitted to LACORS or the Department of Trade and Industry.

5.0 Food Standards Work

- 5.1 Food standards relates to the labelling of food, packaging and composition. In Manchester this is undertaken by an Environmental Health team as it is carried out in conjunction with food safety and hygiene work which encompasses all issues in relation to the hygiene of a premises including the structural condition of the premises, the cleanliness of all surfaces and the practices of the food handlers.
- 5.2 The Specialist Food and Safety Team undertake programmed inspections of high risk food premises for both safety and standards in accordance with the national risk rating scheme, food sampling, consumer complaints or referrals from other authorities about foodstuffs, food poisoning investigations and undertake imported food surveillance at the Border Inspection Post at the airport. The team also provides advice to consumers and food businesses.
- 5.3 Food sampling can be for either microbiological contamination or chemical composition and labelling. Recent sampling programmes have been undertaken to look at the healthy eating agenda. The salt and fat content of various take away foods has been sampled. Work is also undertaken as part of the wider Food Futures Strategy to ensure premises applying for the Food Futures award have good hygiene standards, and also in support of the 'Tasty not salty' campaign. Complaints can be about the incorrect labelling of foods for example not listing allergens, selling food beyond their use by dates, foreign bodies in foods. This work is given a high priority response because of potential health implications.
- 5.4 We are also the national home authority for the Co-operative Wholesale Society. This work is predominantly related to food standards.
- 5.5 The Border Inspection Post (BIP) operates a "round the clock" service to undertake inspections of consignments of foods and other products of animal origin imported from outside the European Union (EU) to ensure compliance with EU regulations e.g. fish. Once these items are cleared at the BIP they have free entry throughout the EU. These checks are a vital frontline protection against the entry into the EU of risks to biosecurity affecting both human and animal health.
- 5.6 Foods not of animal origin such as nuts, fruit, vegetables, spices and sweets are also routinely examined and sampled at the airport for both food safety and food standards issues, for example the presence of pesticides on fruit, colours used in imported sweets, contamination of spices and nuts. There are also regulations which control the import of specified high risk foods. These regulations impose specific requirements on the foods before entry into the UK is allowed.
- 5.7 Legal requirements for imports can change rapidly due to changing circumstances across the world. Over 800 consignments were imported through the airport in 2006/07.

6.0. **Conclusions**

That the Committee note the report and the work undertaken by the service.

Trading Standards: List of Current Legislation

Agriculture Act, 1970
Agriculture (Miscellaneous Provisions) Act 1963, 1968 & 1972
Agricultural Produce (Grading & Marketing) Act, 1928 & 1931
Animal Health Act, 1981
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Business Names Act, 1985
Cancer Act, 1939
Children and Young Persons Act, 1933
Children and Young Persons (Protection from Tobacco) Act, 1991
Clean Air Act, 1993
Consumer Credit Act, 1974 & 2006
Consumer Protection Act, 1987
Copyright, Designs & Patents Act, 1988
Crossbows Act, 1987
Development of Tourism Act, 1969
Education Reform Act, 1988
Energy Act, 1976
Energy Conservation Act, 1981
Enterprise Act, 2002
Estate Agents Act, 1979
European Communities Act, 1972 & Statutory Instruments made thereunder
Fair Trading Act, 1973
Farm and Garden Chemicals Act, 1967
Fireworks Act, 2003
Food and Environmental Protection Act, 1985
Food Safety Act, 1990
Fraud Act 2006
Greater Manchester Act, 1981
Hallmarking Act, 1973
Health Act 2006
Housing Act 2004
Licensing Act, 1964
Licensing Act, 2003
Medicines Act, 1968
Mock Auctions Act, 1961
Motor Cycle Noise Act, 1987
Poisons Act, 1972
Prices Acts, 1974 & 1975
Property Misdescriptions Act, 1991
Road Traffic Act, 1988
Road Traffic (Foreign Vehicles) Act, 1972
Solicitors Act, 1974
Telecommunications Act, 1984
Theft Acts, 1968 & 1978
Timeshare Act, 1992
Trade Descriptions Act, 1968
Trade Marks Act, 1994
Trading Representations (Disabled Persons) Acts, 1958 & 1972
Trading Stamps Act, 1964
Unsolicited Goods and Services Act, 1971 & 1975
Video Recordings Act, 1984
Weights and Measures Act 1976 & 1985

Environmental Health: List of Current Legislation

Animal Boarding Establishment Act, 1963
 Animal Welfare Act 2006
 Animal Health Act, 1981
 Breeding of Dogs Act, 1991
 Breeding and Sale of Dogs (Welfare) Act 1999
 Building Act, 1984
 Caravan Sites Act, 1968
 Caravan Sites and Control of Development Act, 1960
 Children and Young Persons Act, 1933/1963
 Clean Air Act, 1993
 Control of Pollution Act, 1974
 Dangerous Wild Animals Act, 1976
 Deer Act, 1991
 Environment Act, 1995
 Environment and Safety Information Act, 1988
 Environmental Protection Act, 1990
 Factories Act, 1961
 European Communities Act, 1972
 Food Act, 1984
 Food and Environmental Protection Act, 1985
 Food Safety Act, 1990
 Gambling Act 2005
 Game Act, 1831
 Game Licences Act, 1860
 Greater Manchester Acts, 1981 & 1985
 Guard Dogs Act, 1975
 Health Act 2006
 Health & Safety at Work etc. Act, 1974,
 Highways Act 1980
 Licensing Act, 1964 and 2003
 Local Government (Miscellaneous Provisions) Act, 1976 to 1982 (as amended)
 Local Government Act, 1972
 National Assistance Act, 1948
 Noise Act, 1996
 Noise and Statutory Nuisance Act, 1993
 Office Shops & Railway Premises Act, 1963
 Performing Animals (Regulation) Act, 1925
 Pet Animals Act, 1951
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act, 1949
 Public Health Act, 1936 & 1961
 Public Health (Control of Diseases) Act, 1984
 Public Health Acts Amendment Act 1907
 Refuse Disposal (Amenity) Act 1990
 Riding Establishments Act, 1964, 1970
 Slaughterhouses Act, 1974
 Slaughter of Poultry Act, 1967
 Sunday Trading Act, 1994
 Town and Country Planning Act 1990
 Water Industry Act, 1991
 Wildlife & Countryside Act, 1961
 Young Persons (Employment) Acts, 1938 to 1964
 Zoo Licensing Act, 1981
 (includes all amendments to and all regulations, orders or other instruments of a legislative character made under these statutes)