

ANNUAL REPORT FROM SURREY TRADING STANDARDS

**Local Committee for Mole Valley
24 September 2003**

KEY ISSUE:

The service Trading Standards provided in Mole Valley during 2002/03 and an opportunity to influence our plans for 2004/05.

SUMMARY:

We are relatively few in numbers compared to other services within the authority so we necessarily plan to provide a countywide service but there is a tangible local element to our work. We feel the work we are doing tackling rogue traders and with underage sales will help to protect consumers, especially the vulnerable, and will produce benefits for consumers and businesses in Mole Valley.

OFFICER RECOMMENDATIONS:

That the Mole Valley Local Committee:

- (i) **Note the report and consider how our Service can contribute further to community safety in Mole Valley**
 - **In relation to doorstep crime and vulnerable people**
 - **In relation to underage sales**
- (ii) **Consider how the Local Committee can better influence our service planning process to meet the needs and concerns of Mole Valley consumers and businesses**

1. INTRODUCTION and BACKGROUND

- 1.1 Trading standards is a small service in comparison to others in the authority and our cost per head of Surrey's population in 2002/03 was calculated at £2.67p. We strive to give value for money and, as an example, our contribution to highlighting the problems with rogue traders has been recognised both locally and nationally. Locally our initiatives, such as our express reaction to consumers under pressure from doorstep callers (2.1), have shown we can provide real assistance to consumers and to the majority of businesses that trade fairly.
- 1.2 In 2002/3 our Consumer Advice Team dealt with 15,339 complaints and enquiries. We received feedback from 244 customers thanking us for the advice we gave. The amount of refunds or compensation involved was recorded as £176,000.

From the 15,339 complaints and enquiries received 700 were considered to have a criminal content and were investigated further.

We carried out 4993 visits to businesses to advise on and enforce consumer legislation.

Coming out of the complaints received and the visits carried out we

- Prosecuted 56 companies or individuals
- Gave 28 Home Office Cautions
- Gave 121 written warnings

The Office of Fair Trading have advised us that we are ranked in the top five in the U.K. for taking criminal proceedings.

- 1.3 In our Best Value Review (March 2002) key areas for improvement were noted as
- Reviewing inspection targets to ensure high risk inspection targets and food standard inspections targets were achieved (see 2.3)
 - Improving outreach to business (see 2.7.1)
 - Improving consumer awareness, education and access (see 2.7)
 - Improving the quality of the business database
 - Further developing partnership working (see 2.4 & 2.5)
- 1.4 This is the second year in which we have provided the Local Committee in Mole Valley with information on the work we have carried out and plan to carry out. We would like to forge better links with the Local Committee and to include its suggestions and or ideas for aiding Mole Valley consumers and businesses in our business plan for the forthcoming year.

2. ANALYSIS AND COMMENTARY

- 2.1 We are investing resources in fighting the practices of 'rogue traders' (whose who knowingly or recklessly seek to disadvantage consumers or legitimate businesses) by identifying them and their practices through intelligence led investigation.

We are extremely concerned with the number of cases where elderly people, usually living on their own, are being 'ripped off' by uninvited workmen who persuade them that work is urgently required on their property. On many occasions it is found that no work was actually carried out or no work was ever needed. The trader then intimidates the 'customer' into paying substantially more than was originally quoted. In some cases the trader comes back again and again bleeding the victim dry of their life savings.

During July for a two-week period we piloted a rapid response initiative (Please see press release – Appendix 1) where we set up a hotline to enable us to take calls from consumers who were under pressure from uninvited workmen. We received thirty-three calls from concerned Surrey consumers including two from Mole Valley residents.

We have now shifted resources and built this initiative into our everyday work. In late August our officers along with the police intercepted an uninvited doorstep 'conmen' at a property in Bookham. Our rapid intervention saved the consumer £7500. The 'workmen' had persuaded the consumer to allow them to start work on his drive. When our officers arrived, the gang 'boss' drove off. The fact that the uninvited 'worker's' were scared off has to be tempered by the fact that the victim now does need his driveway repaired.

We want to do more to protect vulnerable people from the growing menace of the uninvited rogue trader. To be even more effective we will need to develop better links with a wide range of services and agencies and we hope the Local Committee can aid that process.

Other action we can look to take to stop this type of practice includes

- Advice/ warning to the business concerned
- Prosecution
- Enforcement Order (formerly known as a Stop Now Order –an injunctive process)
- Naming the errant traders in the press

- 2.2 Reducing the incidence of the sale of age-restricted products to underage teenagers is one of our main targets. Currently our emphasis is on the sale of alcohol.

Until July 2003 we had one officer who provided a basic service across the county. As of August this was expanded to two officers as a result of extra funding received this year (see 2.9). The Mole Valley Crime and Disorder Partnership is providing us with funding (approximately £3,500) to

carryout a comprehensive programme of work regarding the law and under age alcohol sales. Within the next month each off-licence in the district will be visited and shall receive advice plus a comprehensive information pack on age restricted products and a free video that can be used for staff training purposes. In late November or December we will undertake two separate sessions of test purchasing using a volunteer teenager to buy alcohol. These test purchases are carried out under strict Home Office guidelines.

- 2.2.1 Recently we have been working with representatives of the borough and district councils in Surrey to prepare for radical changes in alcohol licensing. A major shift will take place in that district and borough councils will takeover the responsibility for licensing from the magistrate's courts.
- 2.3 We maintain a presence in Mole Valley through the visits we carry out to ensure businesses are aware of both their obligations in law and to the consumer.

In 2002/03 we carried out 432 visits. The greatest number of visits, 260, was carried out by our Food and Agriculture Team to ensure high levels of food standards are maintained and as a priority following our Best Value Review and demands from the Food Standards Agency. During these visits 283 food samples were taken. A Home Office caution was given to one business who was found to have substituted a well know brand of vodka. We deal with the labelling and composition of food whilst our colleagues in Mole Valley Borough's Environmental Health deal with food hygiene matters.

- 2.3.1 In 2002/03 we dealt with 401 complaints from consumers regarding Mole Valley based companies.

As a result of these complaints an importer of fireworks was found guilty of failing to register his storage of fireworks at a location in North Holmwood (Appendix 2).

A Newdigate farmer was prosecuted for failing to dispose of animal by-products and allowing a pig to have access to an unrendered animal by-product. Her husband was subsequently prosecuted for causing a cow unnecessary suffering (Appendix 2).

(Please see Appendix 3, which gives some indication of how Mole Valley compares with the other ten borough/districts regarding visits, samples and complaints).

- 2.4 We are leading on the establishment of a Consumer Support Network bringing together organisations like CABs and voluntary agencies that help advise consumers. As part of the proposed action plan we are looking at
- Carrying out further needs assessment, concentrating on the self-reliance neighbourhoods
 - Introducing an alternative dispute resolution system

This Network should provide benefits for the differing communities within the District. We will be working closely with CABs and other satellite organisations to provide targeted advice. Although, for instance, we do not offer specific debt advice we can signpost consumers to the appropriate agency.

- 2.5 We provide support to the Guildford, Mole Valley and Waverley Legal Service Partnership (CLSP) by participating in their referral network and assisting with their needs assessment work, which had centred on outreach services to youth but is now moving on to older people and take up of benefits (money advice/debt). We hold the CLS Quality Mark for Consumer Advice with Casework. (www.legalservices.gov.uk)

- 2.6 Our Projects Team has a planned work schedule and we are looking to incorporate some of this in Mole Valley
- Identifying traders who work in the home maintenance sector and inviting them to carry out work where simple faults have been induced.
 - Sale of unsafe furniture in small ads where businesses disguise themselves as private sellers.
 - Testing the quality of road repairs against the agreed specification for the materials involved.

- 2.7 A key area for improvement we have identified is our work in consumer and business education. A recent NOP survey we commissioned in partnership with Buckinghamshire and Kent showed that only 53% of those people interviewed in Surrey were aware of trading standards (Kent 49% - Bucks 47%). Elevating our profile and informing the public and Surrey businesses of our role and their rights and responsibilities would be the greatest benefits of a sustained consumer and business education campaign.

Currently we use our Mobile Advice Centre (MAC), the media and opportunities to provide talks and displays to address those consumers identified most at need

- The elderly
- People between 16 –25
- Geographical areas identified by the authority as those needing extra input.

Our MAC now visits Tesco in North Leatherhead and we intend to work with other partners to include a wider range of information on MAC to meet the particular needs of this community. In particular looking at what can be

provided in relation to credit and debt. In using the MAC we would welcome ideas on how best to promote it locally. We would also welcome contacts with other agencies that would like to make use of MAC to provide information and advice for the local community.

We aim to extend our work in North Leatherhead to include

- Measuring service take-up by the local community and if low, raising the profile of the service within the area, to increase take up
- Considering whether or not a trader or consumer is from the community in prioritising complaints for further investigation
- Promoting appropriate targeted projects effectively within the neighbourhood e.g. – rapid response to doorstep sales project and safety of electric blankets testing service
- Offering talks/presentations on issues of consumer concern, consumer rights etc to interested groups and organisations.
- Considering how our food inspection and food sampling programme could be tailored to include issues of concern and significance to the community

We would welcome information from the Local Committee on any feedback it has had from the community on their greatest consumer concerns.

2.7.1 To improve our service to business we now produce a quarterly newsletter (Appendix 4) and we are looking to enhance the information we provide by establishing an e-mail provision of information.

In both the areas of consumer and business education we would welcome input and suggestions from the Local Committee.

2.8 We place special emphasis on companies based in Surrey, giving a full range of advice concerning consumer law and we act as a funnel for enquiries and complaints from other trading standards departments to these businesses. Some notable examples residing in the district include Gesso Petroleum Ltd., Denies Wine Estate, Puma UK. and Kuoni Travel.

2.8.1 We dealt with 6,281 service enquiries (Service Requests) in 2002/3, mainly from other trading standards departments, asking either for information from or intervention with Surrey companies. There were 412 requests involving companies in Mole Valley. (Please see Appendix 3, which gives some indication of how Mole Valley compares with the other ten borough/districts regarding Service Requests).

2.9 This year the government has provided additional funding to local authorities to implement the Enterprise Act and disrupt 'rogue traders'. As a result we received £100,000 extra in our budget this year. At the beginning of the financial year we had eight vacancies to fill. That equated to 10% of our total number of staff. The additional resources along with the

gradual filling of the vacant posts will go some way in helping us in our work addressing

- Rogue Traders
- Consumer advice and education
- Under age sales

3. CONSULTATION

- 3.1 In the recent NOP survey we commissioned of non users it was found in the Mole Valley District that
- 46% of people were aware of Surrey Trading Standards – 2nd lowest in the County
 - 70% of people felt well protected from unfair trading practices.
 - The greatest single concern was with builders or tradesmen (14%) followed by food safety (11%)
- 3.2 Our in house survey of consumers who used our service revealed
- 92% of customers were satisfied with the help/ advice we gave
 - 94% of customers found us helpful in handling their complaint
 - 90% were happy with the time taken
- 3.3 Our in house survey of businesses found
- 98% of respondents putting aside the reason for the visit, were satisfied with the manner in which it was carried out?
 - 91% of respondents after our visit, had a better awareness of your obligations towards consumers?

4. SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 4.1 Our work concentrating on rogue traders should help create a level playing field for those other businesses that trade fairly.
- 4.2 By educating and informing consumers of their rights they can help increase standards of trade in Surrey.

5. CRIME & DISORDER IMPLICATIONS

- 5.1 Reducing the fear of crime
- By cutting down the activities of rogue traders especially where they prey on the elderly who are at risk of losing substantial amounts of money.
 - By reducing the sale of age-restricted products to underage teenagers, primarily, alcohol, which we hope, has the effect of cutting down anti social behaviour.

6. EQUALITIES IMPLICATIONS

- 6.1 All our customers are treated equally. However we are especially aware of the effects unlawful trade practices have on those most vulnerable notably the elderly.
- 6.2 We will look to extend the service we can provide where the authority has identified communities where there is extra need.
- 6.3 We will respond to a request for advice from any party simultaneously involved in the same dispute.

CONCLUSION AND REASONS FOR RECOMMENDATIONS

We are committed to creating an environment of 'Confident Consumers and Trusted Traders' and we feel with the help of the Mole Valley Local Committee we can make a difference locally. Many of the initiatives that we will undertake are long term solutions but we hope that some outcomes will readily be seen and have a major impact in protecting people, helping legitimate business and increasing consumer confidence.

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BACKGROUND PAPERS:

Annexe 1: Press release on Rapid Response Initiative

Rounding up the unwanted cowboys The beginning of the end for unsolicited rogue traders in Surrey?!!

Department: Trading Standards
15/08/2003

A recent two-week project proved a great success when it came to saving Surrey residents from workmen who turn up unexpected on the doorstep persuading householders, particularly the elderly, that work is necessary on and around their homes.

During the two-week period in July Surrey County Council Trading Standards set up a special "hotline" to help Surrey's consumers avoid parting with hundreds or perhaps thousands of pounds for work that is often sub-standard or never completed.

Thirty three calls were received from Surrey consumers or care agencies whose clients were being pestered or pressurised by these unscrupulous traders. The total value of the work involved in these calls approached £65,000 and trading standards officers managed to save Surrey consumers' significant amounts of cash.

One intervention by trading standards saved a 75 year old man £8875 after his son phoned concerned that his father had already paid uninvited roofers £9000 after they had initially persuaded him he needed some simple work doing on the roof at a cost of £200. The roofers had gone on to frighten the elderly man into thinking there was a major roofing crisis which would have cost a total of £17875 to put right.

Following another call two trading standards officers saved one 88 year old lady £950 when they challenged workmen at her home after she grew concerned about work starting on her drive. The company was quizzed about its dubious practices and advised on their obligations to their customers and appeared quite co-operative at the time but a week later some six miles away the same company were up to their old tricks. When trading standards officers approached the workmen they just walked away leaving their work and abandoning their van unlocked with the key in the ignition.

Jim Smith, Surrey County Council's Executive Member for Community Safety said: "The project was a great success, trading standards managed to save Surrey residents money and sent out a message to these dubious characters that we will not allow them to 'rip off customers'. The project has confirmed that the elderly are actively targeted by these unwanted rogues and that remains a great worry. We shall work with other agencies to ensure that the vulnerable are protected. The project has also shown that companies who cold call continue to carryout poor work and people are still being talked into having work done that isn't needed and are then being massively overcharged".

Mr Smith continued "We will continue to proactively tackle these uninvited workmen and will respond to calls from Surrey consumers if they find they have an unwanted trader on their doorstep. We can also give expert advice before any money has changed hands."

If you are under pressure or feeling threatened by an uninvited workman or salesperson give Surrey County Council Trading Standards a call on 01372 371717 & they will talk through your problem and visit your home to investigate if necessary.

ENDS

Notes to editors

The Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987 – If a person does not invite a seller or workman (unsolicited visit) to call at their home then generally there is a seven day cooling off period, as long as the goods or services cost more than £35. At any initial cold call the seller/workman must give a person written details of their right to cancel. It is a criminal offence to fail to give this notice.

· An "*unsolicited visit*" - this is a visit by a trader, which does not take place at the express request of the consumer, and includes a visit following an unsolicited telephone call.

In April the Trading Standards Institute called for a complete ban on cold calling after receiving an overwhelming response from angry consumers following a major national survey.

· Nearly 9,000 householders from all over the UK were randomly polled, with 95.7% saying they did not want doorstep sellers calling at all.

Only 0.1% said they actually welcomed cold calls.

61.5% said they had received a cold call in the previous 3 months

As many as 25% had had a bad experience with cold callers in the past two years

Only one in six consumers ever reported it to the authorities

The highest level of problems were in relation to property repairs, maintenance and improvements – 9.7% said they had had a bad experience with property repairs

Annexe 2: Newdigate farmer Press releases

a): Farmer fined £600 for allowing pig near turkey bones

Department: Sustainable Development, Trading Standards
30/10/2002

PRG/423/02/MP

A Newdigate farmer was fined £600 after a Surrey Trading Standards officer found a turkey wing and bones in a pig pen and an old turkey carcass in a van nearby.

Dorking magistrates also ordered Alison Kearl of Evergreen Farm, Partridge Lane, to pay £175 costs after the prosecution outlined the importance of disease prevention in the light of recent BSE and Foot and Mouth epidemics for the court.

The defence claimed the Kearls had bought 15 turkeys to fatten up for Christmas and Easter. The carcass in the van was awaiting disposal, the others had been killed, the meat frozen and the carcasses buried. They believed the family dogs must have dug up the bones and taken them to the pig pen.

Mrs Kearl pleaded guilty in court last week (25 Oct) to two offences of allowing her pig to have access to an unrendered animal by-product, under the 1999 Animal By-products Order, and was fined £300 for each.

Surrey County Council's Executive Member for Public Safety, Alan Peirce said: "It is vital that farmers and livestock keepers do not allow their farm animals access to any animal products or by-products. Trading Standards officers are constantly on the lookout to make sure the countryside remains disease-free."

ENDS

b) Farmer fined for cruelty to cow

Department: Trading Standards
08/02/2003

PRG/540/03/MP

A Newdigate farmer who drove into a cow and broke its leg has been fined £800.

Redhill magistrates this week (3 Feb) found Kenneth Kearl guilty of causing the animal unnecessary suffering and also ordered him to pay an additional £800 costs.

Kearl, of Partridge Lane, pleaded not guilty in court, claiming the female cow had tripped and broken its leg. But Surrey County Council Trading Standards officers and the RSPCA were alerted by shocked neighbours who witnessed the farmer's cruel behaviour. When officers visited the farm later that day, they found a

skinned dead cow hanging from a forklift truck.

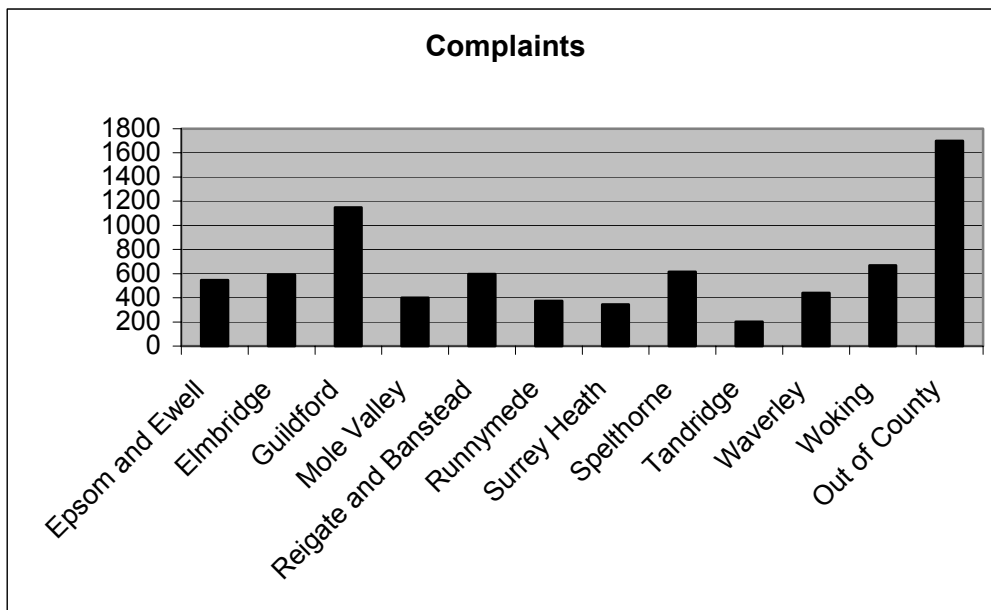
Neighbours testified that they saw Kearn driving a vehicle into the back of the cow, which had escaped with others from his nearby farm. A vet later examined the broken leg taken from the carcass and confirmed that trauma was the primary cause of the fracture.

County Trading Standards Officer Peter Denard said: "We work closely with DEFRA vets and the RSPCA and all of us will not tolerate animal cruelty. Trading Standards have a specialist team who are experts in these matters and will investigate any reports of problems concerning animal welfare on farms, taking action where necessary."

ENDS

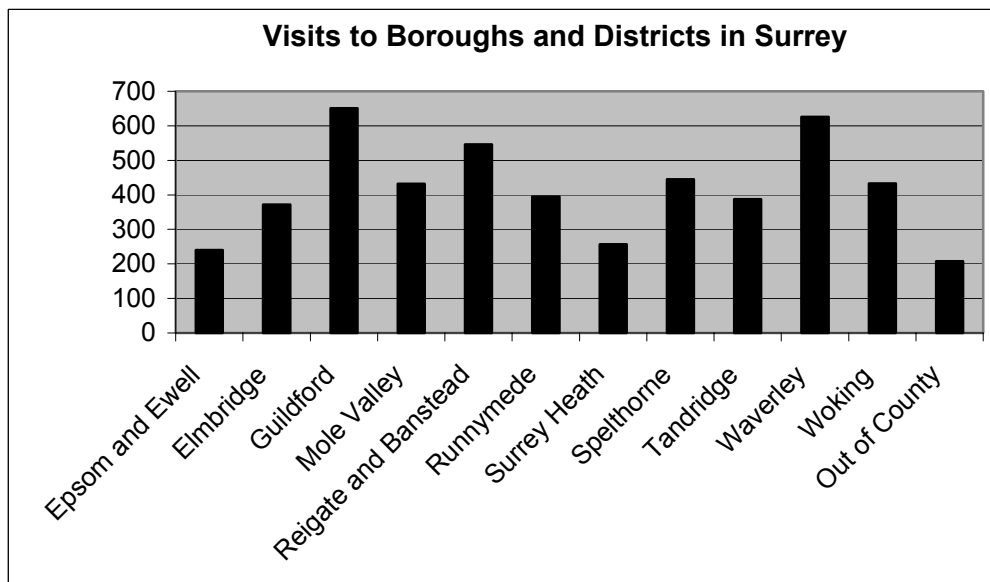
Annexe 3: Complaints, visits, samples and service requests, 2002/03

Complaints - Total 15,339

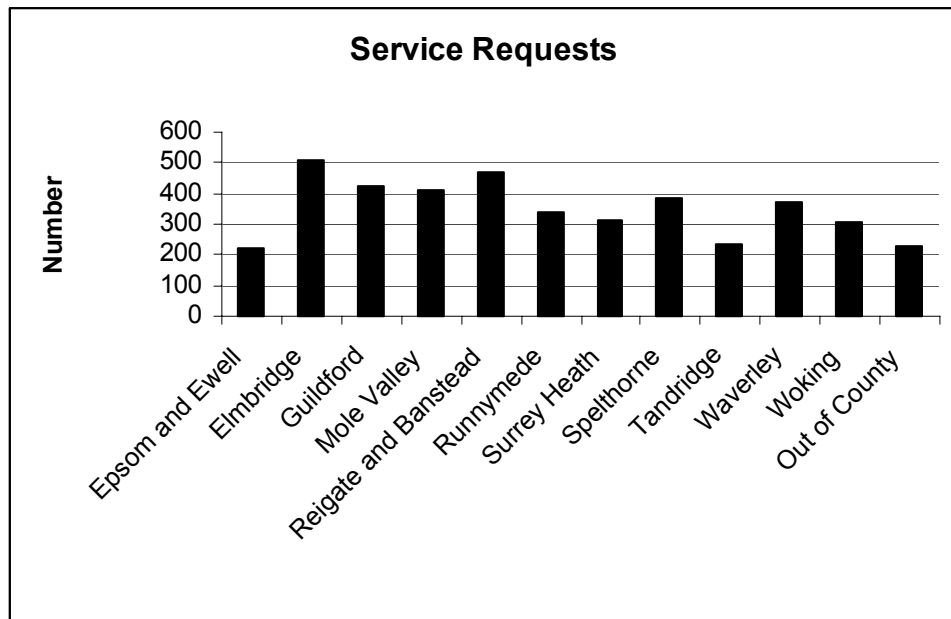


N.B. There are 7,116 complaints that have no reference as to the Borough or District of origin.

Visits -Total 4993

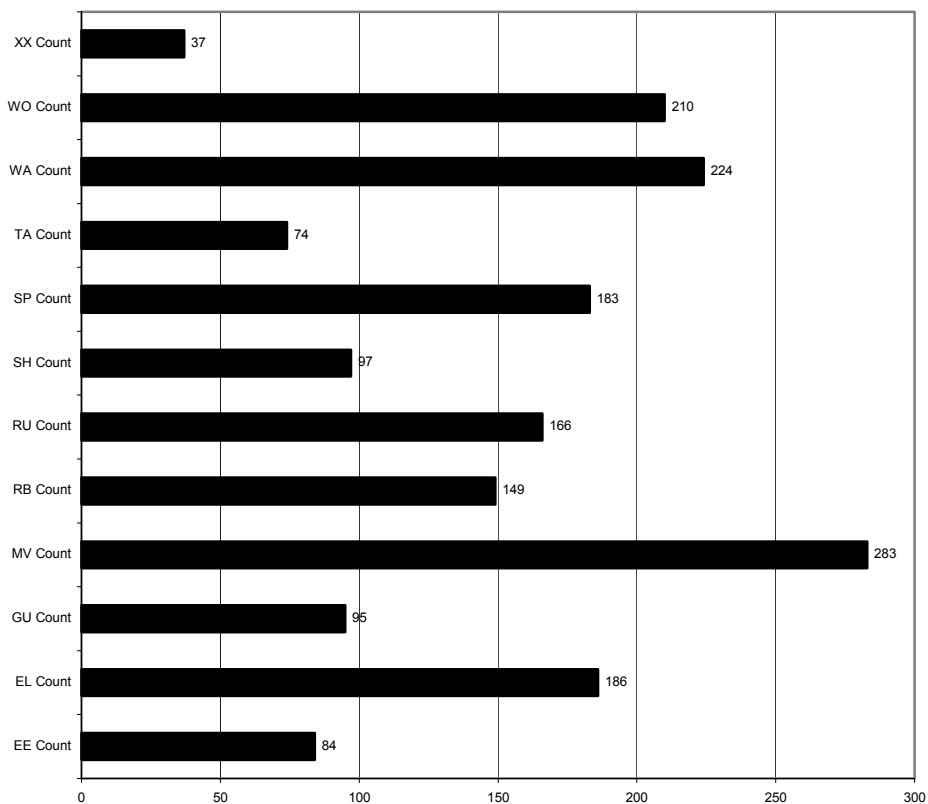


Service Requests (Requests for information from other authorities /agencies)



Samples 2002 / 03

Samples 2002 -03



Annexe 4: Small business newsletter