

Trading Standards Service Plan 2009-2010

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Delivering trading standards for Southwark

This is the Service Plan for Southwark Trading Standards 2009-2010.

The package comprises a service delivery plan framework, including, as required by statute a report on certain underage sales activities. It sets out the programme of activities for Southwark's trading standards service for the coming year detailing what we aim to achieve, how we are going to achieve it, and how we are going to measure what we have achieved. It also provides a review of the successes of the past year which include the outturn results for key national and local performance indicators and grant funded Service Level Agreements.

If you have any comments or suggestions on the content of this plan please contact us.

What we do

Trading Standards is responsible for protecting consumers and ensuring a fair and safe trading environment within Southwark. A wide range of trading standards legislation is enforced and free compliance advice to businesses is given. Key areas of enforcement activity relate to;

- underage sales of proscribed products such as tobacco, alcohol, fireworks and knives
- ensuring the safety of consumer products, for example toys, cosmetics and upholstered furniture
- anti-counterfeiting initiatives relating to intellectual property rights i.e. trade marks or copyright designs and patents infringement
- rogue doorstep trading and other all other unfair or misleading trading practices
- verification and inspection of weights and measures equipment in use for trade or patient weighing

Trading Standards also administer four Good Trader award schemes including one for the building and home maintenance trades. We have also introduced the Southwark proof of age (SPA) card for students in Southwark in connection with the prevention of underage sales.

Trading Standards benefit from the only accredited financial investigator (AFI) in the council. The AFI's role is to recover assets from the proceeds of acquisitive crime from convicted offenders.

Contact details

Sally Slade – Food and Trading Standards Manager
Southwark Community Safety Enforcement
The Chaplin Centre
Thurlow Street
SE17 2DG



020 7525 2000 (24/7 service)



tradingstandards@southwark.gov.uk



www.southwark.gov.uk/businessunit/tradingstandards

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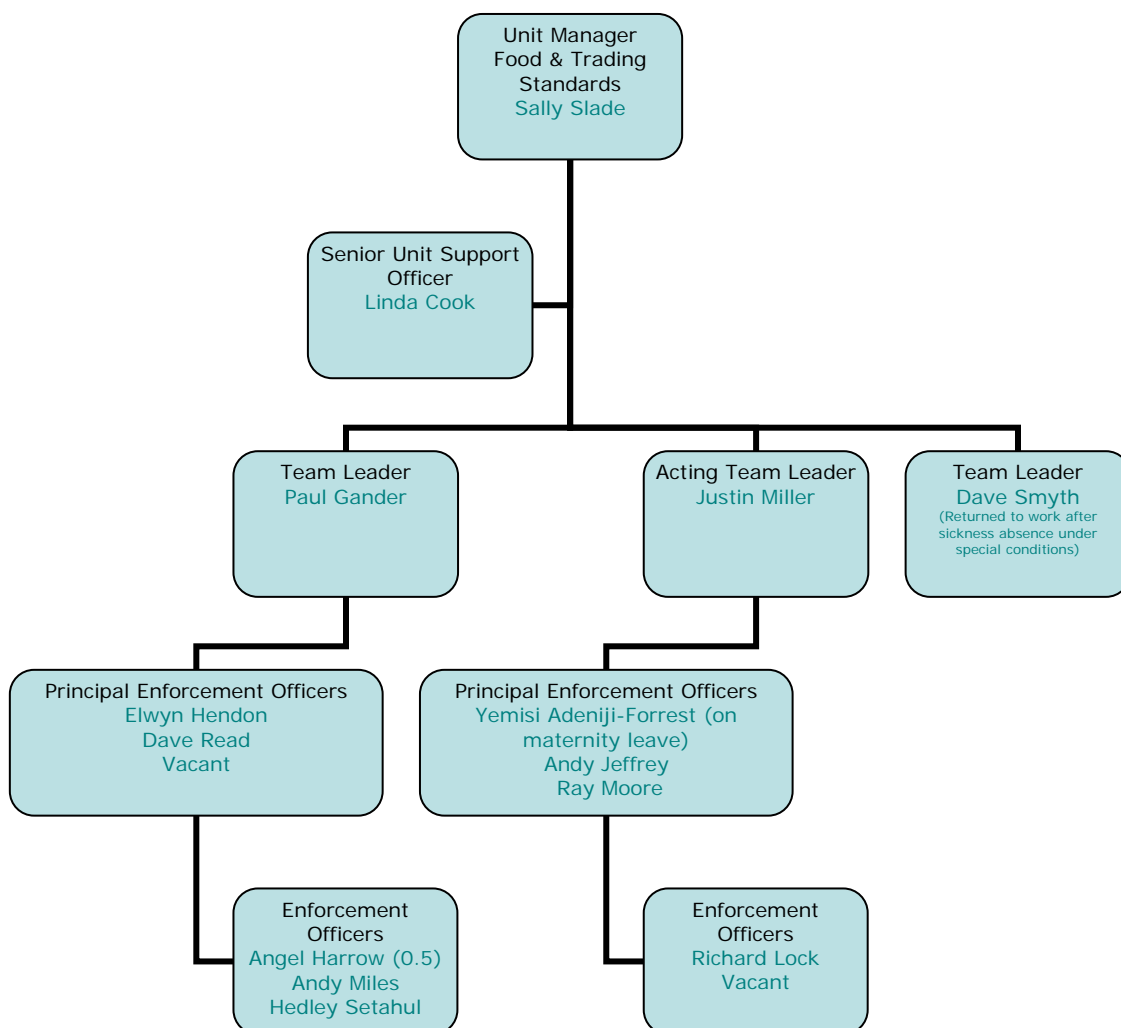
1. The structure of the community safety and enforcement business unit

Trading standards is a regulatory unit within the community safety and enforcement business unit, which sits within the directorate of environment and housing.

The units within the community safety and enforcement business unit are;

- Health & Safety and Licensing
- Food Safety and Trading Standards
- Housing Enforcement and Environmental Protection
- Southwark Anti Social Behaviour Unit
- Special Projects

2. The structure of the Trading Standards Service



3. Aims and objectives of community safety and enforcement

The over arching aim of the Southwark Alliance is:

To make Southwark a world class quarter of a world city

Community safety and enforcement is committed to deliver against this vision and will:

Continue to provide a clean, safe and healthy environment for everyone who lives, works or visits our borough

3.1 Southwark 2016 - Sustainable Community Strategy – a vision for Southwark

'Southwark 2016: Sustainable community strategy' and the 3 year Corporate Plan 2009-2011 set out the vision and priorities for southwark and guides the work of all statutory agencies in the borough, as well as partners in the voluntary, faith and business sectors.

Both the Community Strategy and the Corporate Plan can be found at:
<http://www.southwark.gov.uk/YourCouncil/keydocuments/corporateplan.html>

The key priorities of Southwark 2016 are identified below and the trading standards service aims to incorporate the ethos of these corporate priorities into its service plan. The key areas are

Improving individual life chances

For Southwark's people to:

- Achieve economic well-being
- Achieve their educational potential
- Be healthy
- Stay safe

Making the borough a better place for people

A place that has:

- Localities of mixed communities
- Sustainable use of resources
- A vibrant economy
- A liveable public realm

Delivering quality public services

With public services that are:

- Accessible and integrated
- Customer focused
- Efficient and modern

The local and national emphasis on a partnership approach to working has meant that trading standards activities both traditional and innovative now link into the many of Southwark's strategies and policies, national and local. These include:

- Choosing Health - the national strategy for health;
- The alcohol harm reduction strategy;
- Southwark's tobacco control and smoking prevention strategy;
- The children and young peoples plan;
- The licensing policy
- The crime and drugs strategy

3.2 Peer review

Southwark was one of the pilot authorities for the Stage 1 peer review in 2004 and was the first London Authority to undertake its second (Stage 2) Peer Review in March 2008. This followed on from a thorough Self Assessment that took place between October 2007 and February 2008. The resulting Improvement Plan laid out what steps the Authority will take over the next three years to ensure continuous service improvement. This Improvement Plan has been integrated into the business planning process and is reviewed annually to ensure that it achieves its intended goals.

3.3 Trading standards performance measures

The new indicators put in place last year included indicators on the five National Rogers priorities for local authority regulation. There are also other indicators where Trading Standards may have an impact. The full list of indicators is available on the Department for Communities and Local Government' (CLG) website.

The NPIs relevant to trading standards are;

- NI 182 Satisfaction of businesses with local authority regulation services
- NI 183 Impact of local authority regulatory services on the fair trading environment

NI 182 will be measured by results from revised questionnaires and we will be obliged to include results from businesses where we have had to take enforcement action (these will be weighted accordingly).

NI 183 is proving to be a very complicated measure and is still undergoing revision. However the statistic is being gathered via the Consumer Direct Database and we have made excellent progress in dealing with the category X traders in our area. These give rise to the most consumer detriment and we will be judged on whether or not we have dealt with the adverse commercial practices so that a measure of improvement in complaint levels is seen.

4. National and local changes - the year ahead

Our project based works are mostly ongoing year on year but some must be planned to take into account new developments.

The impact of the recession will continue to grow. Consumers will be expecting more for their pound and struggling business may be tempted to cut corners or source illegal

products in an effort to survive. Our weights and measures functions and price marking enforcement role is a key part of economic wellbeing and we must remain vigilant to malpractice whilst doing our best to assist honest business survive and trade fairly.

As always we anticipate a very busy year. Some of the key challenges are outlined below.

4.1 Intelligence led enforcement

In January 2009 we adopted a new approach to enforcement activities and complaint investigations. Intelligence Led Enforcement (ILE) was introduced to meet the demands of our new national performance indicator (NI 183) and increasing demands on reducing trading standards resources. Thousands of complaints are received each year and we are simply unable to fully investigate each one.

NI 183 is designed to measure the impact of trading standards services on the fair trading environment. The measure uses the database of Consumer Direct to identify and count our most complained about traders (category X traders). If we deal with these category X traders, by means of certain defined judicial disposal methods, then they are removed from the count. The aim is to see any year on year difference in the number not being dealt with.

Intelligence led enforcement means all complaints are assessed against prescribed criteria. Those that meet the criteria, and any complaints relating to a safety issue, would be investigated further. Those that do not meet the criteria may not be individually investigated but would be recorded as a vital part of the intelligence gathering process.

The approach also means less random trader inspections will be carried out. These used to be carried out based purely on the time elapsed since the last inspection. Instead the new approach will enable us to target enforcement action at trading activities which intelligence indicates are causing concern, or which have the potential to cause problems.

In practice this means that where we have significant consumer detriment or areas of particular local concern we will be able to deal with the matter more effectively. This benefits the whole community by concentrating our activities on those issues causing the most problems

4.2 The Regulatory Enforcement and Sanctions Act 2008 and Regulators Compliance Code

The government introduced this code with the aim of helping businesses save time and money by improving the way that regulators work with them.

It requires regulators, such as trading standards, to take a risk-based approach to inspection and enforcement. This means fewer inspections and less regulatory burden for the majority of compliant businesses, but more rigorous inspection when there is high risk of a business not complying with regulation.

There is a requirement that we have regard to this Code when determining any policy or principles that concern the way we exercise our functions and businesses can challenge regulators through Judicial Review if it is not followed Code.

The Code is based on the findings of the Hampton Report that enforcement of regulation should be risk-based and that the existing voluntary arrangement was not working as well as expected. Fortunately in Southwark our practices are broadly in accordance with the objectives of the Code.

The RES Act provides a framework of administrative sanctions that will allow regulators to tackle non-compliance in ways that are; transparent, flexible and proportionate to the offence. This includes provisions to allow designated enforcers to issue fixed penalty notices for most regulatory breaches including most trading standards type offences. (These provisions can only be effected when the Minister makes an order).

The Act also places a duty on regulators to:

- review the burdens they impose
- reduce any that are unnecessary and unjustifiable
- report on their progress annually.

The overall aim of this is to help regulators meet the requirements of the Government's better regulation agenda. Further guidance is available on the BIS website.

4.3 Primary Authority Scheme

From 6 April 2009, any business operating across council boundaries – regardless of its size – has the *statutory* right to form a partnership with a single local authority in relation to regulatory compliance. This builds on the foundation created by voluntary home and lead authority initiatives, but entails a fundamental shift in the nature of the relationship between the regulated and the regulators towards cooperation – with the aim of bringing benefits to both parties.

The operation of the scheme is a statutory responsibility of the Local Better Regulation Office (LBRO) whose role will be to register partnerships, issue guidance and resolve disputes. The principles of the scheme are set out in Part 2 of the Regulatory Enforcement and Sanctions Act 2008.

We currently act as Home Authority for a number of nationally operating companies and await to see if any business will seek Southwark as its Primary Authority. If they do it could place further demand on our staff resources.

4.4 Tobacco control

Raising the age at which tobacco products can be purchased from 16 years to 18 years in 2007 is now being followed by further sanctions against retailers for persistent underage selling. This was incorporated into the Criminal Justice and Immigration Bill and came into force on 1st April 2009.

Repeated underage sales can now be dealt with via a premises order or sales order or both. These orders prohibit the sale of tobacco products from a particular premises or by a particular person for a period up to 12 months as determined by Magistrates. Reports on last year's activities are attached as Appendix D.

In addition harsh pictorial warnings will become mandatory on all cigarette packets sold from October 2009. Our retailers will need to be advised that old stock cannot be sold beyond this date and inspections will be carried out to ensure compliance.

4.5 Knife crime

We will work with community safety partners to reduce the effects of knife crime by further developing and promotion of our Knife Charter and Knife Charter Plus. Our aim is to come up with innovative ways to reduce knife sales from retail premises and also the internet. To that end we undertook a government sponsored project on the availability of knives to under 18s via the internet. The report will be published in July.

4.6 Doorstep selling and rogue traders

Last year new Regulations extending the cooling-off period and cancellation rights applicable to contracts agreed at consumers homes were a welcome step.

However they are likely to have little impact on the very worst rogue trading offenders. Instead responsive and effective initiatives must continue both in terms of prevention and frustration.

We aim to extend our two existing pilot No Cold Calling Control Zones to other areas in the borough and will continue to work with banks, local SNTs and other partners to directly tackle rogue traders.

Hand in hand with these is the continuing promotion of our own Builders Award Scheme which provides for a register or vetted trades professionals that local residents can turn to instead of so called cowboys.

4.7 Cosmetic products safety

Peckham and Walworth continue to be major trade centres for cosmetics and hair products for the BME community. We have been one of the most proactive and successful prosecuting authorities when it comes to the supply of illegal and dangerous skin lightening products but the problem of demand related supply continues. We aim to shift enforcement action towards those shady and hitherto anonymous individuals who supply our retailers with these products. Our innovative partnership working arrangements with MHRA colleagues will continue.

4.8 Fake free Southwark & 2012 - Copyright and trade mark crime

For 2009/10 the council has received some £48,000 in the rate support grant for enforcement of copyright and intellectual property crime. This is in place of the £30,000 'Gowers grant' first awarded in 2007/08.

Trade mark crime places ever increasing demands on our resources in terms of legal processing time and physical storage requirements. Although compliance rates are much improved we still seized some 1,000 items last year.

The forthcoming Olympics is bound to see an increase in counterfeit goods coming into the market place and early planning and cross London liaison will be needed to agree strategies to combat this.

4.9 Closer working with Food proactive and reactive teams

The recent Internal Service review highlighted a lack of integration and joint working between Food and Trading Standards colleagues (amongst others). We will look at the options for food standards work to be carried out across the team and for physical relocation to allow greater understanding and appreciation of each others roles in order to facilitate better joint working. Certain back office functions could also be harmonised for greater efficiency and consistency.

4.10 Proceeds of crime and financial investigations

Since 1st April 2006, local authorities involved in the confiscation of criminal assets are able to access an incentive scheme allowing them to retain up to two thirds of recovered assets following a successful prosecution (where the financial investigation was carried out by prosecutor).

Our qualified Accredited Financial Investigator (AFI) has already successfully gained one £30,000 confiscation order and, where appropriate, new offence reports are being scrutinised to see if financial investigations are appropriate. The AFI has also been helping other units within the council with fraud cases.

5. Resourcing the service

The budget on SAP for the food and trading standards service is £1,369,502.00. Salaries for trading standards staff in post are estimated at £640,313.00. There are 2.5 vacant posts (1x Hay 11, 1.5x Hay 9) which would require salary costs of around £117,120.00 but there is insufficient resources in the budget to cover these costs.

Running costs on SAP are £134,000 for both food safety and trading standards. Gowers funding of £48,000 within the rate support grant (see para 4.8) has not been directed into the trading standards budget. But we have been allocated £40,000 working neighbourhood fund to carry out additional enforcement specifically around alcohol and knife sales.

Lack of staff will mean that lower priority tasks such as weights and measures inspections and energy efficiency controls will be placed on hold while key priorities such as alcohol, knife and tobacco control, counterfeiting, doorstep selling and safety issues will be enforced.

We have contracted Havering Weights and Measures Service to carry out our petrol inspections and verifications for 2009-10 to reduce pressure on existing staff. This means that we will not receive any verification fees this year. LoTSA manage two government funded projects which may carry out enforcement within Southwark. These are Scambusters and the Illegal Money Lending Project.

6. An improving service – table of projects

Below is a table of performance indicators and strategic projects which are designed to ensure that the service remains best in class while continuing to develop and improve.

Key projects	Action / aim	Target	Due for completion	Officer responsible
Peer Review	Review report and put improvements in place	Implement QA system Improve L&D recording Improve staff communication Evaluate service provision Look at innovative ways to develop and improve the service		R. Moore P. Gander J. Miller
National intelligence Model NIM	Continual improvement of procedures for Intelligence-led enforcement and advice	Review and improve the processes to rationalise and systematise the ways in which the Service handles information and makes key decisions about the deployment of resources.	March 2010	
Raising Capacity	Trainee Development Programme	1 DCATS student	March	J. Miller
		2 School students invited on work experience programme	June / July	D. Read
	IIP and Continuous Professional Development	All staff to have training needs assessment and regular monitoring and feedback of training and development.		Team Leaders
	New and Revised QA processes and other protocols	Maintain and update quality processes.	March	D. Read D. Smyth
	Consider legal processes and other issues	Joint food/ts meetings to consider all relevant aspects of legal process and law updates	March	J. Miller

7. Projects and performance indicators

NI 183 relates to trading standards enforcement. We also report on a monthly basis on local performance indicators. The tables below identify the programme of trading standards activity which ensures compliance with national and local requirements.

7.1 Table of key performance indicators

Indicator	Action / aim	Target	Due for completion/ reporting frequency	Officer responsible
Planned comprehensive inspections of high risk trading premises and selected medium and low risk businesses (including e-commerce)	Carry out planned or themed inspections as set out in risk assessment programme 100% high risk premises ≥25% medium risk premises ≥10% low risk premises Local target 100% inspections or initial contact with new businesses.	3 high risk ≥403 medium ≥231 low risk Contact all medium and high risk business startups	March 10 (monthly)	P. Gander A Harrow
Underage sale compliance rates	Tobacco see Tobacco Strategy and 7.3 for underage sales	+90% compliance rate	DoH report annually (3 monthly)	J. Miller R Moore
	Alcohol see SLA for underage sales	see SLA	(3 monthly)	J Miller R Moore
	Knives see SLA for underage sales	see SLA	(3 monthly)	R Moore
Numbers of enforcement actions taken	Prosecutions; cautions; FPN's; licence suspensions, revocations and reviews, notices served.	See enforcement policy	(monthly) cipfa	All
NI183 Impact on a fair trading environment	Identification of traders with 3 or more complaints and measures in place to improve compliance	Improve on initial baseline of 0.49 (but note this calculation is subject to further clarification from OFT)	March 2010	J Miller A Jeffrey P Gander
Criminal Enquiries Referred by Consumer Direct or CSC.	Intelligence Led Enforcement investigative approach to of all service requests with a TS criminal element	Initial response within 3 working days (24h in an emergency) 95% within response time	March 09 (monthly)	J. Miller D. Smyth

Indicator	Action / aim	Target	Due for completion/ reporting frequency	Officer responsible
Consumer Satisfaction	Survey a proportion of customers monthly	75% satisfaction	March 2010 (3 monthly)	J. Miller
Business Satisfaction NI182	Survey of businesses requesting advice or making other service request Survey of compliant traders following visits Survey of non compliant traders following visits	80% - Improve on last years base of 74% business satisfaction index (for TS only).	March 2010 (3 monthly)	P. Gander
Weights & Measures	Maintain calibration and traceability of working standard equipment. Manage Havering contract for verifications and inspections of liquid fuel measuring instruments and weighbridges	Carry out 100% inspections of retail fuel suppliers. Carry out 50% weighbridge inspections	March 2010	P. Gander J. Miller E. Hendon

7.2 Safety related projects and performance indicators

Key projects	Objective/Aim	Target	Due for completion	Officer responsible
Doorstep Selling	Carry out a proactive and reactive campaign to reduce the incidence of doorstep crime and the fear caused by the prevalence of these activities.	Develop and promote 'safe as houses' advice programme with partners Deliver a rapid response service. Carry out rogue trader patrols with safer neighbourhood teams Extend introduction of 'no cold calling control' zones where there is a strong neighbourhood watch presence.	March 2010	Y Adeniji-Forest R Moore
Builders Award Scheme registration	Extend the membership and scope of the scheme of approved home maintenance professional for use by members of the public	Investigate inclusion of more diverse trades Investigate links with LOTSA's 'buy with confidence', assured contractor scheme. Continue to monitor and evaluate effectiveness	March 2010	D. Read D. Smyth
Car sales and servicing Good Trader registration	Maintain trader award for businesses in the car trade	Audit of current members	March 2010	D. Read A. Jeffrey H. Setahul
Fake free Southwark - ensure a fair trading environment by reducing the amount of IP infringing goods available.	Provide a co-ordinated approach to anti-counterfeiting and copyright activities (reactive and proactive).	Enforcement at street markets, boot fairs and other premises. Respond to intelligence from partners. Inspection of licensed premises for counterfeit alcohol / tobacco Spirit authentication	March 2010	A Miles A Jeffrey E Hendon

Key projects	Objective/Aim	Target	Due for completion	Officer responsible
Explosives and fireworks	Continue to participate in joint activity leading up to and during bonfire night. Enforcement of fireworks safety, storage and underage sales.	Attend meetings of local partnership group. Carry out a programme of enforcement action and education to traders and partners. Inspection of high risk registered premises. Carry out test purchases	Winter 2009	P Gander R Moore
Reduce anti-social behaviour and knife enabled crime	Reduce availability of knives to young people and promotion of Knife Charters	Carry out programme of enforcement and education Compliance target for underage sales 75%. See SLA for working neighbourhood funded project on underage sales. Maintain knife charter/plus	March 2010	R Moore J Miller D Read

7.3 Health related projects and performance indicators

Key projects	Action / aim	Target	Due for completion	Officer Responsible
Tobacco Control	Reduce age restricted sales; Remove illegal tobacco blunts from the market; Ensure compliance of internet tobacco sales; Remove illegal counterfeit and duty free tobacco from the market; Investigate compliance of other forms of tobacco products; Offer SPA card to all 16-18 year olds in education in Southwark. Ensure compliance with new labelling requirements.	Carry out Department of Health Targeted project. Maintain +90% compliance on underage sales (minimum 40 test purchases) Mailshot 100% tobacco retailers with guidance material re new labelling	March 2010 September 2009	S Slade J Miller R Moore D Read D Smyth P Gander
Reduce availability of illegal skin lightening products	Continue partnership project with MHRA Contribute to education campaign Prioritise enforcement at those supplying our retailers	Continue enforcement and education campaign.	March 2010	P Gander H Setahul A Harrow
Improve car safety by proper use of child car seats.	Hold public awareness and fitting session	Number of seats checked	March 2010	D Read H Setahul A. Jeffrey
Product Safety	Safety legislation checks on consumer goods eg: electricals, upholstered furniture, lighters; link to anti-counterfeiting work for fake goods that are dangerous.	Continue targeted enforcement and education campaign.	March 2010	H Setahul A Miles A Harrow

7.4 Environment related projects and performance indicators

Key projects	Action / aim	Target	Due for completion	Officer responsible
Environmental Business Award	A support programme for businesses who are keen to improve their environmental performance	Provide materials and support on relevant TS issues to EBA team and to businesses.	March 2010	A. Harrow
Anti-Social Behaviour Act as amended by the Cleaner Neighbourhood and Environment Act	Graffiti – Reduce the degradation of the local environment caused by the adverse affects of graffiti. Carry out intelligence led enforcement action and education to reduce the sale of graffiti products to young people. Ensure SPA card proof of age material is displayed in relevant retail premises	Compliance in 2008/09 was 85% - down from 100% the previous year. Carry out a further test purchasing exercise of aerosol spray paints to improve compliance rate and targeted visits.	March 2010	J. Miller R. Moore
Anti-Social Behaviour Act – Fireworks / Arson Reduction Programme	Reduce incidence of underage sales of fireworks, anti-social use of fireworks and arson by working in partnership with the arson reduction officer and LFEPA	Inspection programme of firework retailers. Participate in partnership working initiatives.	November 2009	P. Gander

7.5 Education related projects and performance indicators

Key projects	Action / aim	Target	Due for completion	Officer responsible
Promoting Trading Standards issues as part of the Citizenship Agenda	Young Consumer of the Year: Annual national competition organised by TSI to develop student awareness of rights and responsibilities in various consumer fields eg national consumer legislation, European law, local and central government bodies and their roles etc.	Encourage school participation in national competition. 3 schools taking part. Prepare and deliver lesson plans as preparation for event. Organise local event and help with London wide event.	Competition held February 2010 and March 2010	D Read D Smyth
	TalkingShop – online training in consumer and money issues for schools	Encourage further take up of TalkingShop into schools	March 2010	D Read D Smyth
	SPA Proof of Age promotion	Encourage take up through school and non-school settings. Develop additional materials, discounts and activities. Identify partners and sponsors.	March 2010	D Read
	Safer Southwark Website, Southwark Website, The Source, LOTSA Direct mailings Contact with all new businesses	Information available and up to date. Premises database updates	March 2010	D. Smyth D Read P Gander A Harrow
Maintaining Business Advice material and TS web pages Targeted mailshots etc	Ensure TS web pages report on our successes and are accurate and up to date.	Monthly updates to be carried out	March 2009	D Read P Gander D Smyth

7.6 Economic well-being related projects and performance indicators

Key projects	Action / aim	Target	Due for completion	Officer responsible
Financial Literacy and Lotsa illegal money lending project	Encourage financial literacy in schools and amongst the community.	Aim to develop TalkingShop – financial literacy programme in schools. Consider opportunities for providing intelligence to Lotsa illegal money-lending	March 2010	D Smyth D Read
Ensure compliance with Consumer Credit Act	Consumer credit licensing checks, advertisements and agreements and misleading prices monitoring	Deliver OFT targets regarding high risk applicants. Monitor local newspapers and websites for misleading price and credit advertisements.	March 2010	A Jeffrey
Ensure compliance with weights and measures act and price marking orders	Work with partners to prevent dishonesty and fraud in the sale of meat, vegetable and other food products in the market place. Investigate alternative promotional strategies for compliant business eg Buy with confidence Ensure large shops comply with Unit pricing requirements as prescribed quantities have been abolished	Test-purchasing and enforcement of the law on sale by weight and unit pricing. Use of Enterprise Act Joint working with Wardens Inspection and assessment of large non-multiple outlets No of traders brought into compliance	March 2010	E Hendon
Consumer rights promotion (no refunds notices)	Remove unfair and misleading signage from premises and receipts	Improved compliance rates	March 2010	P Gander
Estate Agents	Ensure all Estate Agents belong to an approved redress scheme Explore opportunities to work with partners to Reduce incidence of illicit flyboarding and leaving boards up to long	Check 100% of agents for redress scheme membership Engage with Planning enforcement and wardens / area management team re boards	March 2010	P Gander B Masini

APPENDIX A (TRADING STANDARDS SERVICE PLAN 2009/10)

2008-2009 END OF YEAR REVIEW

Details of the activities undertaken by Southwark Trading Standards in 2008-2009 in association with partners

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1 Key performance indicators - Service requests

The table below shows a breakdown of all service requests received

A service level agreement with Consumer Direct and the customer service centre means all civil and criminal trading standards enquiries are referred to Consumer Direct. All criminal enquiries are then referred back through the CD post office. This is standard procedure for authorities across the UK. All notifications are monitored for criminal content and for intelligence led enforcement purposes.

Enquiries*	2006/7	2007/8	2008/9
Consumer enquiries	985	960	1055
Business enquiries	339	119	38
Home Authority Referrals	59	22	20
CD Notifications	3040	3485	4376
CD enquiries (LBS business)	1482	1454	1852
Total SRs (excl CD)	1383	1101	1093
% Responded to within 3 days	93 (target 95)	97	95

* CIPFA statistics

2 Key performance indicators - Legal actions

The table below shows a breakdown and comparison of all enforcement actions taken by the service. There has been a decrease in formal actions compared with previous years. This is due to a number of factors such as reduced staffing levels, more emphasis on achieving compliance rather than formal action and improved compliance on underage sales.

Enforcement actions	2006/7	2007/8	2008/9
Informal cautions and advice	387	137	167
Simple cautions issued	41	10	20
Prosecutions commenced	42	30	9
Reviews of licence submitted	6	5	4
Licences revoked / suspended / other	6	5	2
Fixed Penalty Notices issued (alcohol sales)	17	21	12
Total enforcement actions	499	208	170
All enforcement activities combined	2301	2355	1948

3 Key performance indicators - inspections and other enforcement activities

The table below shows outcomes for what were our key performance indicators. The definition of other enforcement activities is based taken from the national performance framework and includes test purchasing, sampling, campaign activities and approved trader schemes.

Compliance rates and number of proactive inspections are no longer a measured PI and Intelligence led enforcement means the number of proactive inspections will be greatly reduced in future as resources are targeted at the areas identified as being most in need of attention.

Inspections and other enforcement activities	2006/7 inspections	2006/7 other enforcement activities	2006/7 combined	2007/8 inspections	2007/8 other enforcement activities	2007/8 combined	2008/9 inspections	2008/9 other enforcement activities	2008/9 combined
No. of high risk premises	19			14			4		
high risk inspected	100%	0	100%	100%	0	100%	100%	0	100%
high risk compliance *	100%	N/A	100%	100%	N/A	100%	N/A	N/A	N/A
No. of medium risk - premises	1,857			1695			1880		
medium risk inspected (target 25-50%)	40.5%	8.7%	49%	40%	8%	48%	29%	21%	50%
medium risk compliance	98.8%	100%	99%	100%	100%	100%	N/A	N/A	N/A
No. of low risk premises	2,251			2441			2251		
low risk inspected (target 10-20%)	12%	0.27%	12.4%	22%	0.45%	22.6%	14%	3%	17%
low risk compliance	98.2%	100%	98.2%	99.6%	100%	99.6%	N/A	N/A	N/A

4 Highlights (excluding underage sales enforcement)

The service also carries out a variety of projects and enforcement action to discharge its statutory functions. Selected highlights from 2008/9 are detailed below.

Some of these relate to projects which are subject to ongoing activity in 2009/10 and prosecutions may be taking place resulting from enforcement action which was carried out in 2008/9.

Doorstep crime

- Successfully launched two pilot No Cold Calling Control Zones (NCZs) at Scovell Estate SE1 and Courtmead Close. The launch was attended by the Mayor and other local stakeholders including the local SNT.

Consumer Safety

- Illegal skin lightening products – nine defendants successfully prosecuted in partnership with the MHRA (the regulatory authority for medicines). Total fines and costs of £80,000 plus one confiscation order of £65,000. LBS is one of the most proactive authorities in the UK in this field and have spearheaded partnership working with the MHRA. Our campaign details are published on the web and updated regularly.

Weights and measures

- Participation in LACORs national project on accuracy of medical weighing scales. The project was instigated following pilot regional surveys which identified concerns over the accuracy and maintenance schedules of such equipment. The results indicate that further surveillance work should be undertaken.
- Retail fraud on weighed out produce – sustained enforcement and joint test purchasing exercises with the Community Wardens has seen compliance on price marking and uncompetitive practices dramatically improve in Peckham. Further work with the business community is now planned to maintain this momentum

Fair trading – anti-counterfeiting

- Towards a fake free Southwark - Thankfully we have had to take far less direct action in this field this year. Whilst the economic situation is a factor in this the improvement is also thanks to closer working with markets operators at East Street and Elephant & Castle. Stallholders now know counterfeit goods will not be tolerated and high profile policing last year together with trading agreement revocations this year is reaping dividends. This year only 1,000 counterfeit items were seized compared with 12,000 last year. These included condoms, batteries, tobacco and alcohol products and designer name clothes and accessories.

Proceeds of crime act

- Our accredited financial investigator achieved his first confiscation order granted under the Proceeds of Crime Act. This was in relation to the sale and manufacture of DVD films. The defendants must pay £He is now able to undertake confiscation proceedings for any acquisitive crime using POCA on behalf of LBS

Explosives (Fireworks) enforcement

- We carried out over 60 related inspections and ensured safe storage at 34 registered premises. We continue to see a decline in the number of retailers registering to store explosives and related complaints and underage sale were also reduced.

Joint working initiatives

- We participated in a number of warden led local enforcement campaigns and cross border initiatives (Capital Clean Up, Boundary Blitz's etc)

Education, training and advice

- **Young consumer of the year competition** - this is an annual national competition organised by the Trading Standards Institute (TSI) to develop 14 -17 year olds awareness of rights and responsibilities in various consumer fields. It encourages school participation in a national competition and last year 2 schools took part. Trading standards officers prepare and deliver lesson plans as preparation for the event, organise local events and help with the London finals.

This year the Southwark team that made it to the London finals was St Michael & All Angels.

- **Talkingshop** – this is an interactive web based consumer education product which gives students the opportunity to interact with trading standards officers in real time web session on consumer issues. It has been created to meet the national curriculum objectives for schools. Over six such sessions were held.

SPA card

We are very proud to have our own proof of age card. A first for any London Borough the SPA card is available to Southwark school children and residents in key age groups. The card is more than just a proof of age card as it can be used to obtain discounts at local retailers and doubles as a Library card. Further functionality is built in too (eg school access, registration, leisure centre use). Over 1200 cards have now been issued.

Tobacco, alcohol and knives

See appendix B 2008/9 underage sales review and C – 2008/9 alcohol control review

2008-2009 UNDERAGE SALES REVIEW Outcome & Analysis

Details of the activities undertaken by Southwark Trading Standards in 2008-2009 in association with partners

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1 Introduction

Underage sales is a major part of the Trading Standards Service's work. Our role is to ensure that businesses that sell age restricted products do not sell products to children below the legal age. By enforcing this area of work, we aim to ensure that children are protected from harming themselves and also seeking to benefit the wider community from anti-social behaviour exhibited by some young people.

The product range of controlled goods is shown below along with the relevant minimum age of purchase. Trading Standards plays a key role in policing these age restrictions.

18 <ul style="list-style-type: none">▪ Alcohol▪ Cigarettes & tobacco▪ Knives, blades and axes▪ Adult fireworks and sparklers▪ Butane lighter fuel▪ Solvents (if abuse suspected)▪ Imitation firearms	16 <ul style="list-style-type: none">▪ Aerosol paints▪ Lottery tickets▪ Non-adult fireworks
	12, 15, or 18 <ul style="list-style-type: none">▪ DVDs, videos, games as marked

2007/8 saw a certain amount of tidying up of legislation to bring ages into line with knives and tobacco increasing from 16 to 18.

Many of the issues surrounding these matters fit comfortably into the wider remit of the Community Safety and Enforcement Division.

Over 2008/9 there have been further legislative adjustments – particularly in the area of tobacco control and there will be further legislative changes in these areas over the coming years. These are discussed in details further in this document.

2 Scope of Activity

The activity covers a wide range of issues and links in to a number of other joint working initiatives and local targets. Specifically the work covers the following areas

- Alcohol work involves joint working with the police and other sections of the Authority.

Campaigns are conducted that are a part of national, home office run operations as well as locally run projects. License applications and variations are examined to ensure that they comply with TS related licensing objectives – specifically “the protection of children from harm” and “the prevention of crime and disorder”.

Representations are made to the Licensing Panel where it is felt that license applications and variations do not comply with the licensing objectives. Reviews are sought where current licenses are felt to be operating outside of the licensing objectives. In all cases licenses can have additions attached; be suspended; rejected or revoked as the Licensing Panel sees fit. Appeals against such decisions are made by way of the Magistrates Courts. The process is therefore quasi judicial.

- Tobacco work has been co-ordinated with the “Health Improvement Team” and the “Southwark Tobacco Alliance”. These groupings aim to reduce smoking levels and hence improve local health inequalities. Trading Standards continues to be an active members of the Southwark Tobacco Alliance. The Alliance has an action plan for 2008-9 which includes a large number of actions for Trading Standards.
- Knives – our innovative Knife Charter was introduced a couple of years ago to ensure that shops sought to refuse sales to under 18 year olds in advance of legal changes to raise the age at which knives can be purchased from 16 to 18 years of age.

Following on from this Trading Standards have sought to develop this scheme further with the introduction of the Knife Charter Plus.

To measure the effectiveness of the above steps further test purchasing will be carried out. To monitor legal compliance with other areas of age restricted products.

- **SLAs** - there were a number of service level agreements for 2008-9.

The first of these is that contained within the **Tobacco Alliance Action Plan 2008-9**

1. Carry out test purchasing at 80 premises – achieve 80% compliance by March 2009.
2. Consult with vending machine operators to ensure better compliance / ensure participate in consultation on vending machines starting in May 2008.
3. Ensure that “Agecheck” materials are maintained at retailers.
4. Maintain roll out of SPA proof of age card.
5. Monitor availability of counterfeit tobacco product and pilot use of new mc for detecting counterfeit tobacco.

6. Continue to implement Good Trader |Award scheme for tobacconists. (400 visits)
7. Monitor other tobacco products.
8. Participate in consultations on “vending machines”; “Displays”; “NICE” and “Retailer Sanctions”.
9. Participate in the tobacco control survey... (LOTSAs / DoH work (funded) and POS survey).

The second of these is the **SLA Agreement** between Southwark Trading Standards Service and the **Southwark Working Neighbourhoods Fund 2008-09**.

1. **Alcohol:** Carry out **40 test purchases** (target **75% compliance** rate)
2. Develop hierarchy of follow up enforcement actions – prosecution; simple cautions; written warnings; fixed penalty notices; licence reviews ... encourage attendance at training events.
3. Ensure enforcement process dovetails with services responsibilities as a “responsible authority”...
4. **Knives:** Carry out **40 test purchases** (target **82% compliance** rate)
5. Participate in the gangs and weapons campaign being run by the Business Planning and Performance Team... maintain up to date register of knife sellers...further develop the knives charter...
6. Carry out 200 other enforcement activities including inspecting internet sites for compliance with distance selling legislation including underage sales.
7. **Tobacco:** Carry out **35 test purchases** (target **80% compliance** rate). (Agreed rate of TPs for DoH London wide project... carry out a further **5 test purchases** in addition to this agreed target, i.e. 40 in total.
8. Reduce availability of illegal tobacco products such as counterfeit tobacco and smoke free tobacco, internet sales – 200 enforcement activities...
9. Respond to DoH consultations...
10. **Other cross cutting activities...** Continue roll out of proof of age card / evaluate effectiveness of proof of age card / continue recruiting young test purchasers... dovetail work with projects for schools and community education programme by Business Planning and Education Programmes.

3 Summary of results and achievements

The Authority took part in a record number of underage sales test purchasing activity during 2008/9 which reflected the fact that a small team had been put together that would concentrate on these matters.

This puts the compliance levels into a different perspective. While they appear to have remained steady this would suggest that traders have become much more vigilant in their attempts to refuse sales. The results are listed below:-

Running Total			
Product	TP ops	Compliance	% of compliance
Alcohol	123	101	82%
Cigarettes	105	96	91%
Knives	109	101	93%
Fireworks	12	11	92%
Blunts	0	0	
Spray Paints	13	11	85%
Lighter Refills	3	3	100%
Petrol	19	13	68%
Overall	384	336	88%

The results demonstrate a record level of compliance within the last four years. Vigilance on fireworks and knives remains high. However, the issue with sales of petrol perhaps reflects the lack of activity on these matters over the past few years. This is maybe an area that requires further attention over the coming year.

Summary of achievements

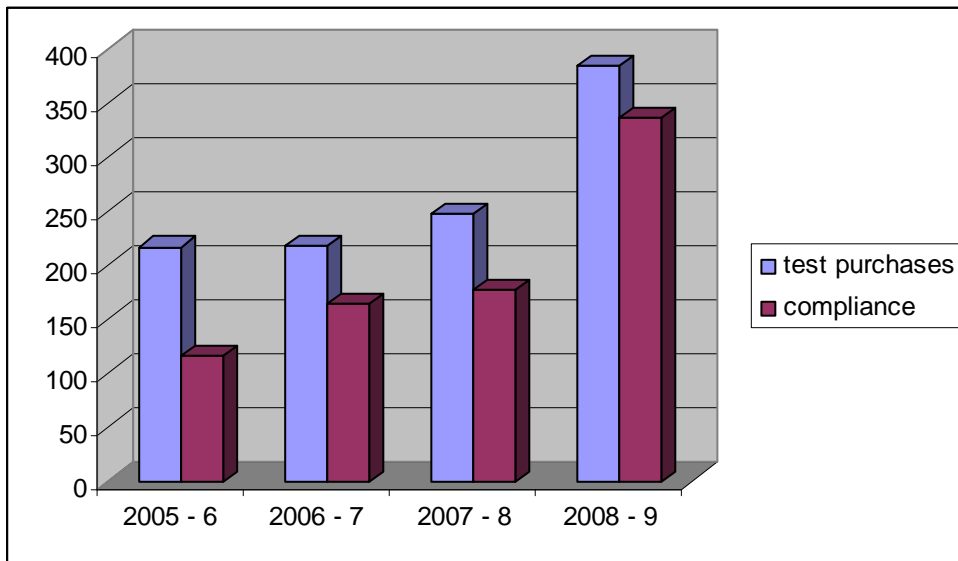
- Record level of test purchasing activity and compliance.
- 3 reviews resulted in negotiated settlements.
- 3 representations resulted in one refusal of an attempt to vary hours; one removal of a Designated Premises Supervisor and one where the personalities involved removed themselves from the business.
- 21 fixed penalty notices issued.
- Of the 9 cigarette sales; 5 resulted in simple (formal) cautions; 3 in warning letters and one trader that disappeared without a suitable forwarding address.
- Of the 8 knife sellers; 2 have been submitted for prosecution; 2 given simple (formal) cautions and 4 warning letters.
- Continued high compliance rate for firework test purchases.
- Extensive tobacco control work for the DoH.
- Extensive knife work with Blunt 2 and extension of the knife Charter.
- Extensive participation in public events around knives.

4 Year on year comparison – all products

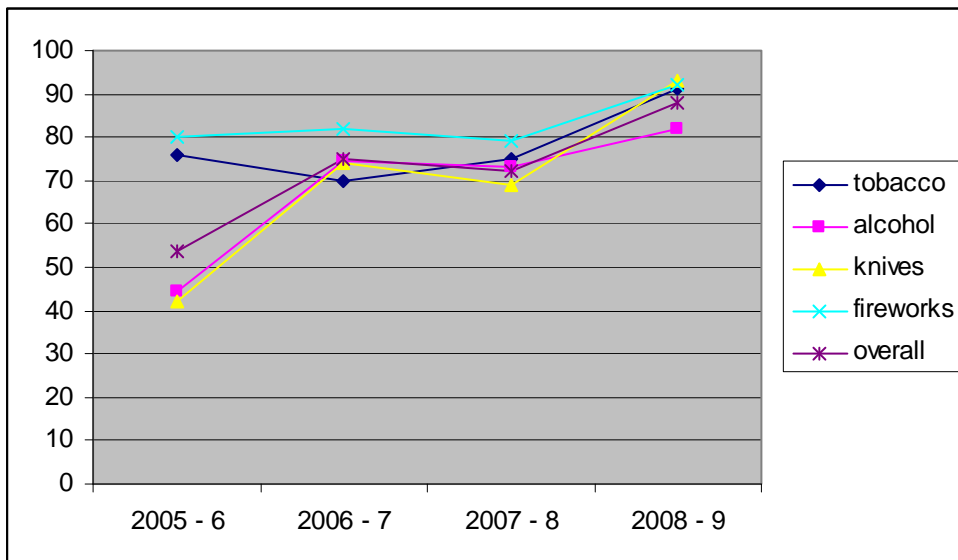
Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	217	116	53.5%
2006/7	218	164	75.2%
2007/8	247	177	72%
2008/9	384	336	88%

There has been an increase of 137 test purchases from 07/08, this equates to an increase in activity of 55%.

Compliance figures for under-age sales test purchasing



Compliance rates from 2005/6 – 2008/9



The above charts demonstrate that a considerable amount of effort has been put into test purchasing activity alongside all the other activities that Trading Standards undertakes on age restricted products. This is certainly a record level of test purchasing activity for a London Authority. It has also maintained the level of compliance in spite of much older children being used for the operations.

5 Details of activities by product and year on year comparisons

Alcohol

In the year 2008/9 we undertook a large amount of enforcement of illegal sales of alcohol. We have undertaken a coordinated approach to this area including our colleagues from the Council's Licensing Team and the Police.

In cooperation with the Police, we have issued 17 written warnings to Premises Licence Holders and Designated Premises Supervisors and issued 21 fixed penalty notices to the sellers.

Where we have evidence of repeated sales we have taken formal action. This has resulted in 3 reviews being submitted and 3 sets of representations being made where license variations have been sought by the trader.

Of the 3 reviews all ended in negotiations being undertaken to make changes and then not being pursued at a hearing.

Of the three sets of representations undertaken two went to the licensing panel. One resulted in the application for an extension to the license being turned down and the other resulted in the panel removing the Designated Premises Supervisor (Koroms and Presco).

The final set of representations was not able to be pursued as the persons to whom previous activity applied to were removed and other matters had not yet been proved in court by the police (Payless).

There were no suspensions during this financial year.

Earlier on in the year 3 simple cautions were issued with respect to alcohol sales. Following on from an appeal case at Sheffield Crown Court we have ceased issuing cautions and pursuing prosecutions. The appeal case decided that the only offence committed is by the physical seller of the product, i.e. the shop assistant. It would appear that the licensee (Designated Premises Supervisor); premises license holder and / or business do not currently have any legal liability under section 146 of the Licensing Act 2003.

The line that was run for the defendant was that it had never been the intention of Parliament to include these other parties. Under these circumstances any magistrates court would be obliged to dismiss any case brought by a local authority against the business or licensee unless any such person had physically made the sale themselves. It would then be up to the authority to appeal against the decision and to challenge the authority of the original decision in the crown court. Many authorities would not have the resources or inclination to mount such a challenge.

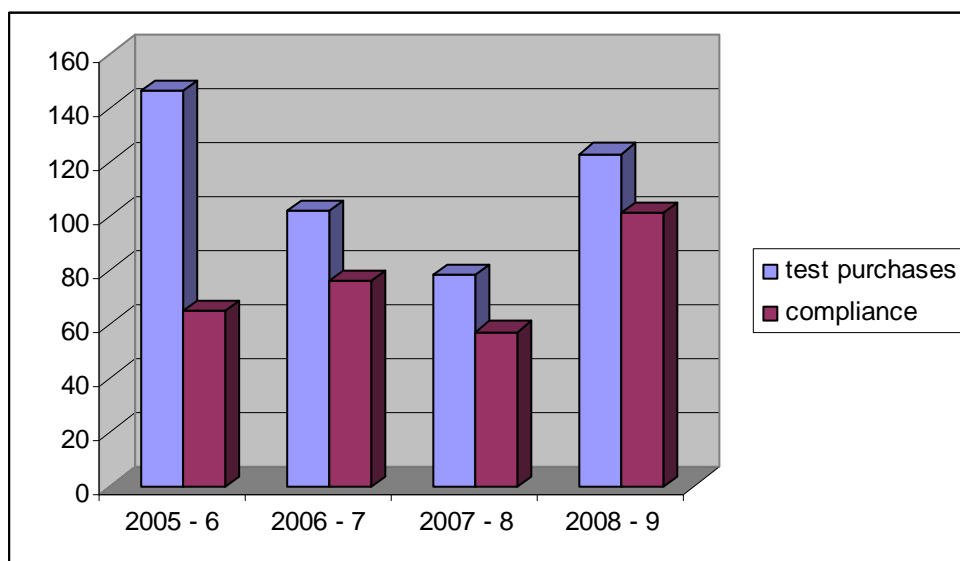
This is an area that is constantly developing and it is interesting to note that Blackpool Trading Standards succeeded in the magistrates courts against Tesco on the more recent amendment to the legislation under the Violent Crime Reduction Act 2006. i.e. the three strikes penalties. This was in March 2009. It may be that this is a more profitable route to pursue and would fit in well with how the authority

undertakes test purchasing whereby when a sale takes place further test purchasing is undertaken in rapid succession. If three test purchases take place in a three month period (and fixed penalty notices issued) then action can be taken under this legislation. It should be noted that it is very unusual to get three successive test purchases from a premises in that fashion. **(See also challenges).**

Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	146	65	44.5%
2006/7	102	76	74.5%
2007/8	78	57	73%
2008/9	123	101	82%

Compliance rates for alcohol test purchasing

Test purchasing during 2008/9 has been focussed on blanket test purchasing to gauge the general level of compliance. The level of compliance is therefore more impressive when it is considered against the fact that these are focussed in on traders who may not have been subject to repeated visits as with 2007/8, where the focus was on worst known offenders. The compliance rate easily surpasses the target of 75% set in the SLAs.



Tobacco

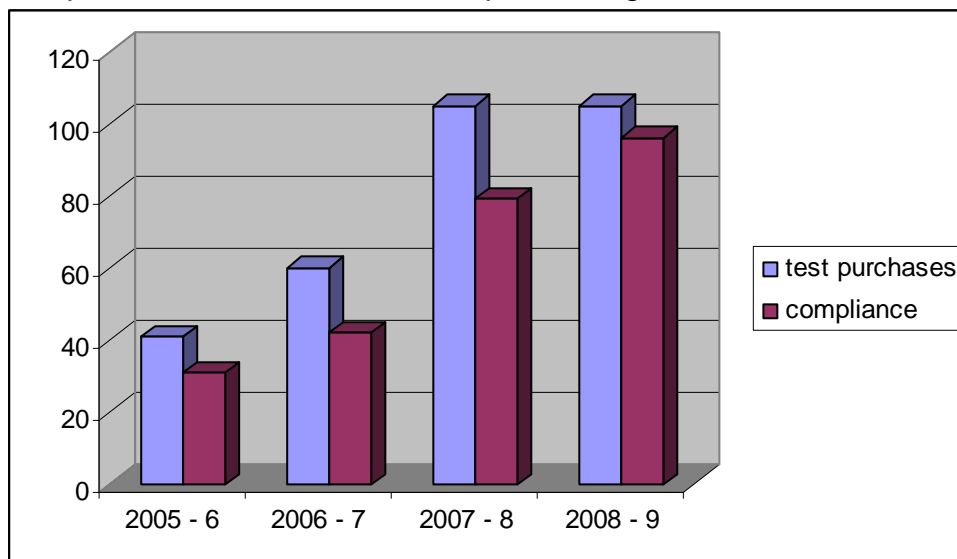
In the year 2008/9 we undertook a large amount of enforcement of illegal sales of tobacco. During the year 2007-2008 there were changes as to the legislation controlling the sale of tobacco and resulted in an increase in the age from 16 to 18 at which a person could purchase tobacco.

As well as enforcement we have provided a large amount of business advice, informing of the new changes in the law. However, where we have had repeated sales, despite advice being provided, we have taken formal action.

A total of 9 premises sold over the course of the year. As a result 5 simple (formal) cautions have been issued to businesses; one simple caution to a till operator and three warning letters sent. One trader disappeared without an effective forwarding address. These premises will need to be revisited early in the new financial year. Where repeat offences occur prosecution files will be prepared and submitted.

Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	41	31	76%
2006/7	60	42	70%
2007/8	105	79	75%
2008/9	105	96	91%

Compliance rates for tobacco test purchasing



The compliance rate at 91% massively surpasses the 80% target set out in the Tobacco Alliance Action Plan and the SLAs. This reflects the level of work carried out in this area and consolidates on previous work.

Alongside test purchasing for underage sales, the authority has been involved in the full range of tobacco control work.

Further work was done with **vending machines** premises which had previously sold were written to and warned that test purchasing activity would take place over the following month.

As a result of eleven attempted test purchases none sold. However, the general impression was that had they not been warned and put on extra vigilance then sales would again have taken place. Southwark took part in the consultation on vending machines but it was agreed with LOTSA and the DoH that the best way forward was to submit consultation from all the London Trading Standards Authorities as one... so the consultation was sent in under the LOTSA banner. Vending Machines continue to be a major problem and it has to be hoped that imminent legislation will deal with this problem.

Ensure "**Agecheck**" materials are maintained at retailers and continue to implement the **Good Trader Award** Scheme. (400 visits). Unfortunately, owing to the developing situation with knives and weapons resources had to be directed away from this area of work towards knives. However, thanks to DoH money we did manage to do some work in this area and generalised visits were managed to 49 premises... well short of the 400 target.

The roll out of **SPA Card** has continued but it has not been without resistance from some schools. As a result it was agreed with Comms that there would be a big push to get teenagers to pester their teachers for the cards by distributing information and application forms at the week long knives roadshow held in December 2008 and at all subsequent events held by the Safer Southwark Partnership and the Gangs and Weapons Forum.

The new counterfeit tobacco detecting machine was obtained from HMRC and has been used in 49 premises. Unfortunately there were some false readings of counterfeit product as a number of our traders had very old stock still on the shelves, i.e. over a year old. The end result was that of the 49 premises checked none had counterfeit product. It would seem that the counterfeit problem is now one that is concentrated in the informal economy around pubs and work places. This requires a more careful assessment of how it is possible to move forward on these matters.

Other tobacco products. The only work done in this area so far has been to continue to deal with the issue of blunts which are widely available around the borough.

Southwark participated in the survey of Point of Sale displays held in June 2008. Twenty authorities took part on behalf of the DoH and this formed a part of the consultation on these matters.

Finally Southwark not only took part in the DoH funded London Tobacco control work but played a major part in putting together the bid for LoTSA.

As part of the work tobacco labelling was checked; age notices checked as well as issues around advertising and brand sharing.

A project on internet sales is currently being undertaken with completion likely in May. It is being co-ordinated across the whole of the UK, funded by the DoH and undertaken by Southwark for London. A full report will follow on these matters.

Knives

As a part of the Safer Southwark Partnership's 'Lives not knives ' campaign, Trading Standards have developed a Charter of Best Practice for traders to adopt. On consultation with traders this has proved very popular and 95 traders have originally signed up to the campaign. This is the vast majority of traders who sell knives in the borough.

The Charter is voluntary and is a part of the campaign to get knives off the streets. It asks traders not to sell knives to anyone under the age of 18; to challenge anyone who looks 21 or less and ask for proof of age; to consider carefully how they display knives and if possible to keep them behind the counter or in a locked display cabinet; it also asks them to train their staff so that they are aware of the requirements of the law and the Charter. This charter was brought in before the legal age was raised to 18 and was the first of its kind in the country.

Unfortunately, the issue of knives continues to be a major factor for local communities in Southwark. As a result resources were directed into this area from other areas over the course of the year as part of a joined up plan to tackle these issues across the Community Safety Division alongside our external partners. This resulted in the following:-

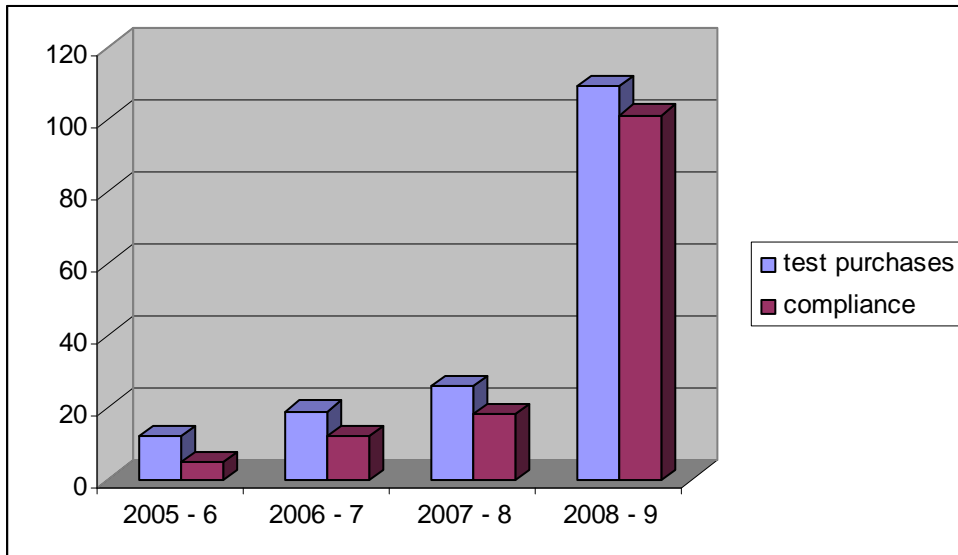
1. **Further consultation with traders.** All knife businesses were visited firstly by Trading Standards with information packs and again by the Community Wardens. The aim was to seek to consult with the community on how best to move things forward.
2. **A Business Breakfast** was organised with the major supermarkets; DIY shops and pound shops in order to move things forward. Out of this it was agreed to launch a higher level knife charter scheme alongside the current one under the brand "Knife Charter Plus".
3. **Knife Charter Plus.** This developed the scheme further by the inclusion of the requirement to either keep the knives in a lockable cabinet (which would attract a £100 grant from the council for those businesses which installed one); or security tagging the knives or placing them behind the counter so that they have to be asked for. New signage would reflect the "Challenge 21" issue.
4. **Knives Roadshow.** In December 2008 the knives roadshow was held around shopping centres and supermarkets in the borough to launch the knife charter plus. Feedback forms on this were filled out by 85 members of the public and gave a generally positive response to the authorities activities. The roadshow was held in Peckham (Aylesham Centre for two days); Asda (Old Kent Road for two days) and Tesco (Surrey Quays for two days). At the end of the fortnight Trading Standards took part in the first of the events organised by Safer Southwark Partnership and the Gangs and Weapons Forum. This was held in the Elephant and Castle Shopping Centre and involved the talkeoke. The authority has participated at a further three of these events since – Inspire; Butterfly Centre and Surrey Quays.

Knife Charter Plus has a current membership of 15. Work is ongoing to get more members on board and there will be new initiatives to engage with the business community on these matters over the course of the coming year. Southwark will be taking the Knives Roadshow, along with the talkeoke to the Trading Standards Institute Conference in Brighton at the end of June 2009 to show case the work done and share best practice with other local authorities.

The Charter is voluntary and not enforceable in law. It is a tool to help traders to comply with the current law. Traders are concerned that they find compliance difficult, as correctly guessing the age of a teenager is very difficult, but they do not want to be prosecuted. They look to Trading Standards to provide advice on best practice and develop display materials to help them follow best practice. Not only has the Charter been well received by Southwark businesses it was highlighted by the Trading Standards Institute as an example of good practice at the Trading Standards National Conference in London in June 2006.

Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	12	5	42%
2006/7	19	12	74%
2007/8	26	18	69%
2008/9	109	101	93%

Compliance rates for knife test purchasing



Young people and knives continues to be an ongoing problem in South London and other inner city areas. The level of compliance achieved in 2008/9 reflects the work done in 2007/8 on the “Knife Charter”. During the year 2007-2008 there were changes as to the legislation controlling the sale of knives and resulted in an increase in the age from 16 to 18 at which a person could purchase a knife. Recent incidents have emphasised the need for businesses to remain vigilant as there is increasing evidence to suggest that the use of knife arches are discouraging young people from

carrying knives. However, when matters become inflamed there have been a number of circumstances where people have gone to the nearest shop; purchased a knife and used it there and then.

The **level of compliance** is a measure of the work done in Southwark. It massively beats targets set in the SLAs (93% viz 82% target). The level of test purchasing was also very high with a record 109 attempted test purchases and 101 complying. Of the 8 that sold... 2 simple caution were issued; 4 warning letters sent and 2 have been submitted for prosecution. The level of test purchasing is such that most retail premises received two visits this year. It should be noted that although advised we do not do test purchasing at timber merchants and trade counters where it is felt unlikely that underage sales take place. Anecdotal evidence from the police suggests that supermarkets and pound shops are the most likely sources for underage sales. The emphasis on the work has therefore been on these kinds of premises.

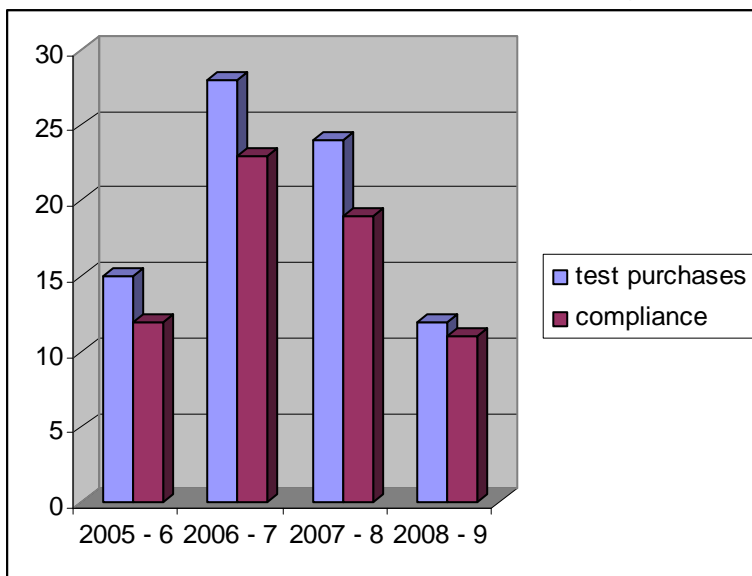
Lastly, the authority is undertaken extensive work on internet sales on behalf of LoTSA. A full report will detail the work done in this area.

Fireworks

Recent years have seen a number of changes to the licensing and storage environment for firework retailers. Alongside this work test purchasing has continued to be a high priority owing to the level of anti-social behaviour associated with young people and fireworks misuse. Compliance rates remain high which reflects the ongoing inspectional; advisory and test purchasing work undertaken by this service year in year out. Where sales takes place investigation and prosecutions are undertaken where warranted.

Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	15	12	80%
2006/7	28	23	82%
2007/8	24	19	79%
2008/9	12	11	92%

Compliance rates for firework test purchasing



The level of test purchasing was well down on previous year due the high level of work done on knives. It should be noted that the high level of compliance was maintained.

Lighter Refills

Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	0	0	0
2006/7	0	0	0
2007/8	14	4	29%
2008/9	3	3	100%

Until last year little work had been done in this area. The three test purchases done this year were at premises which sold last year. All complied on this occasion. However, this remains an area where much more work needs to be done. As stated in the last report... During 2000 - the latest year that solvent and volatile substance abuse statistics are available - over 50 per cent of the recorded deaths (64) were due to lighter fuel refills. Surveys of Southwark secondary school children suggest that up to 4% of pupils experiment with solvents and similar substances. The most abused of these is cigarette lighter fuel and as a result of this the government introduced specific legislation banning their sale to under 18s about 9 years ago.

Petroleum Products:

Following on from last years pioneering project all petrol forecourts in the borough were visited and advised by ourselves and the firebrigade.

This work was originally started in conjunction with the arson reduction officer owing to concerns over arson and also the use of "mini motos" in certain parts of the borough. Compliance last year was poor.

All of the petrol forecourts* in the borough were visited over the course of a week and test purchasing attempted. Out of 19 attempts, 13 refused. Of the six that sold one had sold last year. These matters are the responsibility of the petroleum authority which is the fire brigade in London. A prosecution report was submitted for this premises.

* except the one where training was under taken.

Imitation firearms:

Effective 1st October 2007 it is an offence to sell an imitation firearm to anyone under the age of 18. It is also an offence for anyone under 18 to purchase one so test purchasing is not undertaken by this Service

The age restriction also applies to the purchase and sale of realistic imitation firearms where this is permitted by law.

The service remains vigilant as to the sale of BB Guns and toy guns that may fall into these categories and has produced retailer guidance on the legislation.

7 Possible areas for work in 2009/10

- Some alcohol work possible – funding opportunities unknown, as yet. The section will be required to continue to make representations and seek reviews to the licensing panel. There is a need to examine the use of the “Three strikes” provisions in the Violent Crime Reduction Act 2009 needs to be considered in light of the case law that is preventing the use of prosecution against businesses and licensees.
- New legislation is being introduced to control the sale of tobacco. Therefore enforcement and education will need to be allocated to this area of work. It is worth considering the use of the new three strikes provisions being introduced in this legislation. There are plans by the DoH for further legislation but it is likely to be beyond March 2010 before any of this becomes law.
- Knives remain a key issue in Southwark and are likely to require further co-ordinated work.
- Fireworks inspections and test purchasing should remain a priority as in previous years owing to the anti-social behaviour and safety issues involved. It would be useful to ensure that all premises are visited this year.
- Butane Lighter Fuel remains a problem. A concerted campaign including trader education and test purchasing would be advisable.
- Sales of petrol to minors remains an issue in relation to mini motos and other such types of equipment. It is likely that there will be further requests for assistance in some form on these matters.

8 Challenges in 2009/10

- Funding always remains a challenge – and staffing levels continue to fall.
- New targets and indicators currently being produced by BERR (Previously DTi) may mean that resources have to be shifted to reflect these new priorities.
- Case law relating to the underage provisions of the Licensing Act 2003 and related legislation requires a rethink on how we approach these matters. Perhaps an early meeting with the licensing team; police and legal section would be advisable to decide on how to move forward with these matters.
- Lack of staffing resources. During 2008/9 we have lost four members of staff. Already in 2009/10 we have had one member of staff retire and the post is unlikely to be filled. We also have another member of staff who has started maternity leave at the end of March 09 and is not due to return until January 2010. This is going to have a significant impact on the resources we can allocate to underage sales. Test purchase operations are a huge drain on time and resources.
- Guidance from the Office of the Surveillance Commissioner is also creating extra administrative areas that need to be addressed before a test purchase operation can take place.

It is unlikely that in 2009/10 we will see the same amount of test purchase operations undertaken. It may mean that we have to concentrate on more on education and less on enforcement.

2008-2009 ALCOHOL CONTROL REVIEW Outcomes & Analysis

Details of the activities undertaken by Southwark Trading Standards
in 2008-2009 in association with partners

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1 Introduction

The Licensing Act 2003 made a number of very significant changes to the way licensing policy was conducted in England and Wales. With respect to trading standards the key points were:-

- The Licensing Process was handed over to Local Authorities.
- The idea of “Responsible Authorities” was introduced defining parties who needed to be informed of applications / variations etc and giving them the right to object to applications / variation etc if there were grounds under the “4” licensing objectives.
- Clear responsibility for Trading Standards to do test purchasing – first introduced to the old Act by amendment in 2001.
- Clear responsibility for Trading Standards as a “Responsible Authority”.
- The role of council “Licensing Panels” to deal with objections to applications; variations and reviews where a responsible authority has requested such a process. (Magistrates Courts used as the method for appealing against Licensing Panel decisions to ensure that the judicial process is not by-passed).

Southwark Council and its Trading Standards Service have embraced these changes and are actively involved in the new regime.

2 Background

Southwark Trading Standards is a part of the Community Safety and Enforcement Division of the Environment and Housing Department. This division deals with a number of pertinent issues to alcohol matters – not least those around anti-social behaviour; licensing and enforcement. The Division is very committed to joined up, partnership working. The Authority is currently also putting together an alcohol strategy.

The mission statement of community safety is...

‘To protect and enhance the safety, health and economic welfare of Southwark's communities through effective strategic planning, prevention, early intervention, enforcement and reassurance activity.’

These matters fit secure within this mission statement and activity is aimed both at community safety and ensuring a safe and fair trading environment for all Southwark businesses.

Trading Standards have been working closely with their colleagues in licensing and the police around the issues of underage drinking and associated anti-social behaviour. Regular test purchasing activity is undertaken. Fixed penalty notices are issued to the seller and where appropriate reviews are requested with respect to the business. Representations may be made with respect to

- License Applications
- License variations

Additionally, the Trading Standards Service seeks reviews of licenses or support similar reviews put forward by other responsible authorities. Such representations are generally made under the licensing objectives “Protection of Children from harm” and the “Prevention of Crime and Disorder”.

The London Borough of Southwark has some of the worst Health Inequalities in the UK along with some of the worst rates of violent crime which is often associated with excess levels of drinking. These matters are therefore a priority for the Service.

3 Objectives

A Service Level Agreement (SLA) was drawn up with Safer Southwark Partnership which included agreements on the level of alcohol work to be done. This included the following:-

1. Carry out **40 test purchases** – target **compliance rate 75%**.
2. Develop a hierarchy of follow up enforcement actions – prosecutions; simple cautions; written warnings; fixed penalty notices; license reviews... encourage attendance at training events.
3. Ensure that enforcement process dovetails with services responsibilities as a “responsible authority”.

The key objectives were therefore to:

- Ensure a minimum compliance level during test purchasing operations of 75%.
- Carry out a minimum level of test purchasing of 40 premises.
- Check all license applications and variations – make representations where appropriate.
- Support appropriate reviews put forward by other responsible authorities where appropriate.
- Seek reviews where appropriate.
- Respond to complaints from the public and other sources.
- Respond to intelligence on these matters.
- Undertake test purchasing operations as appropriate and support national operations where appropriate.
- Lastly, there have been issues around counterfeit alcohol – particularly Vodka.

4 Scope of activity

The project had a number of fixed aims and objectives which were intended to ensure that the introduction of this legislative change achieved its desired objectives. These were:-

- The licensing objective – “The Protection of Children from Harm”.
- The licensing objective – “The Prevention of Crime and Disorder.”
- To ensure that local traders were aware of what steps they needed to take to ensure that their staff did not sell to under 18s year olds.
- To ensure that shop staff were aware of “PASS” approved identity cards and the locally produced “PASS” approved card – the “Southwark Proof of Age” card (or SPA Card).

- To put extra efforts into ensuring that those premises which have the worst sales records are given extra assistance and advice.
- To measure the effectiveness of the above steps by way of further test purchasing.

5 Results

- The Authority took part in a series of test purchasing exercises. However, by December the service had only undertaken 40 test purchases. Although this met the target set in the SLA it was well down from previous years due to service pressures around gangs and knives. The police provided some extra resources in the New Year which enabled the authority to buy in extra help to undertake further test purchasing. This was a part of a campaign that targeted the top 50 authorities in the country which were affected by alcohol related violent crime. Southwark crept in at the bottom of this list. This brought the final test purchasing level up to a very respectable 123 test purchases with 101 complying attempts. A rate of 82%.
- Responding to complaints and other intelligence and concentrating on the summer period for the initial test purchasing.
- Two cases submitted to the Legal Services for prosecution in respect of counterfeit alcohol. Both these premises had been subject to licence reviews in the past resulting in a suspension of their licence.
- The compliance rate of 82% is an increase of 9% on last year and is well in advance of the target rate of 75%. This should also be considered in the context of the fact that many of the earlier visits were targeted at problem premises. The police funded campaign started to undertake some blanket test purchasing, as well. Fixed penalty notices were issued where sales took place. A total of 21 FPNs were issued.
- These campaigns resulted in 3 reviews being submitted and 3 representations being brought;

Of the **three reviews** two were settled by negotiation prior to a hearing taking place. The one where matters were not resolved amicably was...

London / Junction Food and Wine (Payless)
12 Camberwell Church Street, London, SE5 8QU

The Designated Premises Supervisor (DSP) attended the hearing with a legal representative. He is also the owner of the premises. During the course of the hearing documentation was brought forward which demonstrated that he had been lying when he stated that he was not aware of previous sales to minors from the premises. The panel removed him as a DSP.

The two reviews which were settled – in one form or another – prior to hearing were...

Costcutters
31-39 Norwood Road, London, SE24 9AA
Repeated underage sales and breaches of licensing conditions. Franchisee removed by premises owners (Costcutter Cutter Supermarket Group Ltd). After

negotiation with the police on setting up better practices... the review was not pursued.

Payless Supermarkets Ltd T/A "Superway Express"

212 Jamaica Road, London, SE16 4BD

After careful consideration with legal it was decided that further action could not be taken as the parties concerned were no longer DSPs or Premises License Holders (PLH).

Of the **three sets of representations** – one went to panel and the other two were settled by agreement with the parties.

The one that went to panel was ..

Koroms International Ltd T/A "Koroms"

56 Peckham Rye, London, SE15 4JR

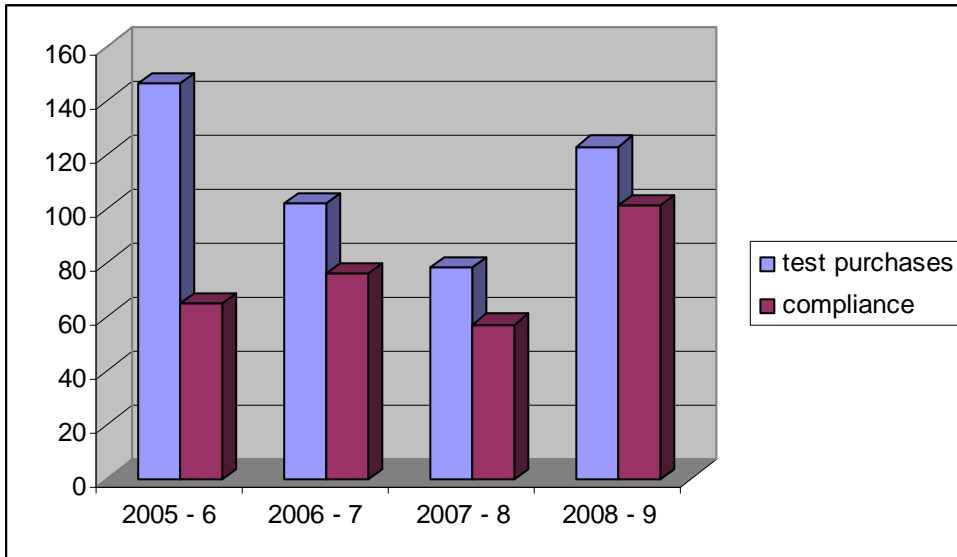
The PLH had applied for an extension of hours to the license and subsequently sold (licensee) to a minor. The extension of hours was refused.

In addition to these support was given to police reps and reviews, as and when necessary.

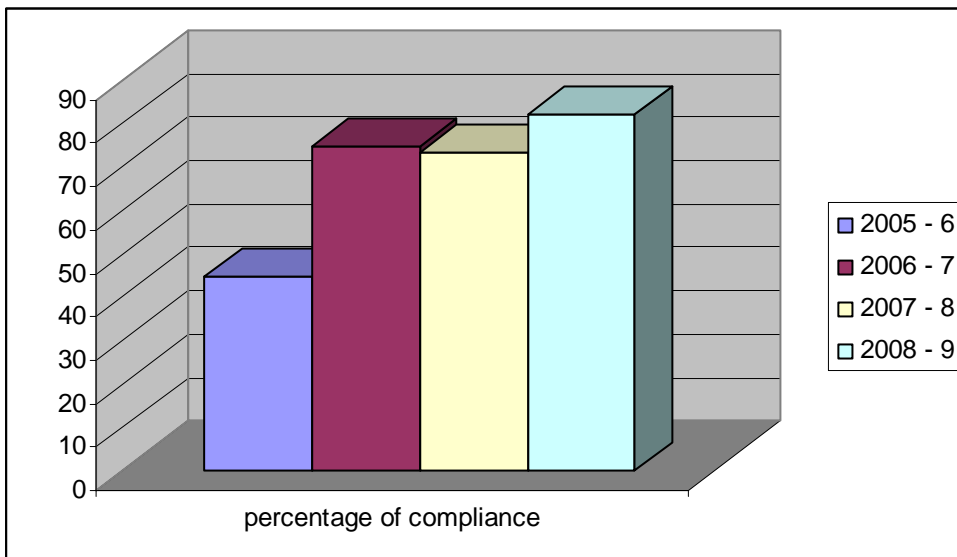
- A further review was heard earlier in the year relating to enforcement activity held in the previous year.

6 Comparison with previous activity

Test Purchasing / Year	No. of Test Purchases	Compliance	Compliance Rate
2005/6	146	65	44.5%
2006/7	102	76	74.5%
2007/8	78	57	73%
2008/9	123	101	82%



The level of test purchasing has increased on the previous two years. It is encouraging to see that the increased test purchasing has also seen an increase in the compliance rate to the highest point in the last four years of 82%.



7 Summary of achievements

- Concerted efforts at problem premises resulted in a compliance rate of 82%.
- 3 reviews put in and one went to panel resulting in the DSP being removed.
- 3 representations put forward regarding applications / variations resulting in changes to conditions and withdrawal of variations. One went to panel and the extension of hours was refused.
- 21 fixed penalty notices issued.
- Large quantities of counterfeit vodka seized and investigation initiated.
- All license applications and variations checked and acted on where appropriate.

8 Possible areas for work in 2009/10

- Continue to support Home Office led operations and local initiatives.
- Continue to check licensing applications and variations.
- Apply for panel reviews where appropriate.
- Put forward representations where appropriate.
- Continue to monitor complaints and intelligence and act on these matters.
- Continue to remove counterfeit alcohol products as a priority.
- Support partners where appropriate such as concerted joint blitz's
- Consider use of provisions under Violent Crime Reduction Act 2006 (re 3 sales) depending on case law (see "Challenges").

9 Challenges in 2009/10

- Funding for underage sales work continues to be an issue – access funding streams where available.
- Lack of staffing resources. During 2008/9 we have lost four members of staff and we are unlikely to be able to recruit to their posts due to current budget restraints. We also have another member of staff who has started maternity leave at the end of March 08 and is not due to return until January 2010. This is going to have a significant impact on the resources we can allocate to underage sales. Test purchase operations are a drain on time and resources.
- Guidance from the Office of the Surveillance Commissioner is also creating extra administrative areas that need to be addressed before a test purchase operation can take place. Operations will now require directed surveillance authorisation and there are suggestions that under certain circumstances the child may be acting as a "CHIS"... if this is the case authorisations are likely to be every hard to obtain – authorisation can only be made by the Chief Executive.
- It is unlikely that in 2009/10 we will see the same amount of test purchase operations undertaken. It may mean that we have to concentrate on more on education and less on enforcement.
- Case law under section 146 of the Licensing Act 2003 appears to be stating that the offence is committed only by the person who sells and no one else... this leaves the licensees and the premises license holder without any responsibilities for such sales unless they physically made them themselves. Given these circumstances it may be necessary to consider using provisions under the Violent Crime Reduction Act 2006 which amends section 147 of the Licensing Act 2003 (The three strikes provisions). Such action would depend on successful outcomes on any appeals – watch Blackpool v Tesco Stores PLC.