

TRAFFIC, ENVIRONMENT & COMMUNITY SAFETY SCRUTINY PANEL

MINUTES OF A MEETING of the Traffic, Environment & Community Safety Scrutiny Panel held on 12 February 2010 at 2pm in the Executive Meeting Room, Third Floor, The Guildhall, Portsmouth.

(NB These minutes should be read in conjunction with the agenda for the meeting – which can be found at www.portsmouth.gov.uk).

Present

Councillors Caroline Scott (Chair)
Mike Blake
Margaret Foster
Richard Jensen
Jim Patey

Also present

Gaynor Jackson, Company Secretary and Operations Director
of Trading Standards South East Ltd (TSSEL)
Sean Murphy, Head of Trading Standards, West Berkshire
Council
Mr Abrahams, Portsmouth resident
Mr Sodha, Owner/Manager of Kwiki mart stores
Robert Briggs, Trading Standards Manager
Peter Emmett, Trading Standards Intervention Manager
Neil Fitzpatrick, Principal Trading Standards Officer
Dave Taylor, Principal Trading Standards Officer
Craig Copland, Community Trading Standards Officer

6 Apologies for absence (AI 1)

No apologies for absence were received.

7 Declarations of interest (AI 2)

There were no declarations of interest.

8 Minutes of previous meeting (AI 3)

RESOLVED that the minutes of the Traffic, Environment & Community Safety Scrutiny Panel meeting held on 21 January 2010 be agreed as a correct record.

9 Review of Trading Standards

The Chair welcomed Gaynor Jackson of Trading Standards South East Ltd (TSSEL), who gave a verbal presentation on TSSEL's work.

Trading Standards Services in the south east of England had been working together on an informal basis for around 20 years. TSSEL had been formed nine years ago, as an amalgamation of the informal South East and Thames Valley groups. Any local authority Trading Standards service in the south east of England could join TSSEL and currently 18 local authorities had become members.

The decision to set TSSEL up as a separate limited company was made to ensure good governance and provide financial transparency.

The panel was informed that TSSEL operated in a way that allowed each member authority to 'take what they need' from the formal limited partnership. A number of initiatives had been created, but member authorities were not obliged to implement them all.

TSSEL operated in conjunction with Consumer Direct, therefore worked co-terminus with central Government and could access Government funding. Over the past five years, this had amounted to around eight million pounds.

Consumer Direct acted as the first tier advice centre and was based in Maidstone, Kent. Kent County Council managed this facility and fed into it's Management Board.

The panel was advised not to underestimate the amount of time needed to set up a separate company. In the case of TSSEL, approval had to be sought from the scrutiny panels and full council of each member authority. However, TSSEL would be happy to share experiences and offer advice, should PCC wish to set up a separate Trading Standards company of its own.

In response to questions, the panel was informed that:

- Consumer Direct act as the first port of call for the public and offer consistent, co-ordinated, advice. Working across all member authorities gives Consumer Direct the advantage of using combined local intelligence to track rogue traders across local authority boundaries.
- The reasons behind PCC forming a separate company would be different to the reasons behind the formation of TSSEL. TSSEL had been formed mainly to provide a joined up service amongst member authorities with centralised co-ordination. The rationale behind a separate PCC Trading Standards company would be to gain funding via the Proceeds of Crime Act and to allow a for-profit service. The revenue generated via this would then be ploughed back into PCC Trading Standards to improve services for residents and fund new initiatives.

The Chair welcomed Sean Murphy, Head of Trading Standards at West Berkshire Council, who gave a PowerPoint presentation on sharing a Trading Standards service with another authority.

[TAKE IN PRESENTATION]

West Berkshire Council was not yet operating a shared Trading Standards service with another authority, but had undertaken all of the preparatory work needed to do so. It was possible that a shared service could commence from April 2010.

Sharing a Trading Standards service was explained to be particularly suitable for smaller authorities, which may only have five or six officers working in its

Trading Standards service. Having so few staff could lead to problems, such as:

- business continuity in times of staff absence;
- lack of economies of scale to allow officers to specialise;
- lack of economies of scale to allow managers to focus on management and strategic activities; and
- business resilience if a major Trading Standards incident arose.

The business case for sharing a Trading Standards service could include:

- offering a more coherent and consistent service across a wider area;
- a larger pool of staff would offer more resilience with regard to staff sickness and leave;
- decreased management overheads, due to less managers;
- allowing officers to specialise;
- allowing managers to focus on the strategic direction of the service and managing staff;
- enhance the position of the service, with regard to recruitment and staff retention.

The aims of West Berkshire Council sharing services was to reduce costs and office space, offer improved development opportunities for staff and enable the service to better respond to intensive issue. Sharing services would also result in a proportionally higher investment in staff, and if proven to be successful, could lead to other council functions joining, such as licensing.

Logistically, a shared service would have to offer the same level of service to all in the wider area that it covers, apply the same policies across the combined area and must be directly accountable to all member authorities. For example, the service review panel must included councillors and officers from all member authorities.

The panel was advised that there would be risks involved in setting up shared services, which could include staff retention if the change process was poorly managed, set-up costs and a lack of support from staff, or one of the authorities. In any instance, it would be critical that local delivery is retained, as well as local accountability.

In response to a question, the panel was informed that West Berkshire Council, unlike Portsmouth City Council, did not presently use volunteers. Mr Murphy felt that PCC was innovative in this way and that the similar management challenges facing the two authorities lent them to sharing best practice.

The Chair welcomed Mr Sodha, Owner/Manager of the Portsmouth Kwikimart stores and Craig Copland, lead officer for underage alcohol sales.

The Trading Standards Manager gave a background to Mr Sodha, whose stores had previously had a problem with the underage sale of alcohol.

Trading Standards had worked in partnership with Mr Sodha to improve the situation, with the result that the stores now nearly have a 100% test purchase pass rate.

The panel asked a number of questions, including:

- Why had the stores previously had a problem with the underage sale of alcohol?

The panel was informed that stores either failed purchase tests due to inexperience of staff or by adults buying alcohol for underage persons by proxy. The problem at Kwikimart stores had been caused by proxy buying, as the general public had not been aware of the seriousness of this crime.

The Proxywatch scheme had previously not been well publicised, but this situation had now improved. Collaboration with Trading Standards had resulted in Proxywatch awareness material being displayed in Kwikimart stores, to inform and deter adults from buying alcohol for underage persons. The promotional material also assists the person serving by 'backing them up' when they inform the purchaser that they are about to commit a crime.

The Trading Standards Manager felt that this story highlighted the different approach taken by Portsmouth Trading Standards. Instead of prosecuting, Trading Standards sought to resolve problems by working with the store owner to improve the situation.

- What is the view of store owners about this different approach?

Mr Sodha replied that stores now feel that Trading Standards and the Police are there to help, rather than to prosecute. Trading Standards now share information and give guidance to store owners to help them improve.

- What is the view of the officers about this different approach?

The Community Trading Standards Officer thought that the approach taken by Trading Standards is fantastic, as it supports businesses by offering them information and training.

- There must be some businesses in Portsmouth that do not have a good relationship with Trading Standards. Does Mr Sodha know of any that do not, and if so, how could the relationship be improved?

Mr Sodha replied that some traders are not willing to move with the times and harbour a negative view of Trading Standards. They believe that the role of the authority is to punish, not assist. He felt that the situation could be improved if Trading Standards publicised itself and its work more to traders. Mr Sodha also felt that compulsory training would be beneficial.

The Community Trading Standards Officer responded that a training pack was offered to with all new licences, but not marketed to existing traders. Resources dictated that the most needy should be focused on, but he thought

that the principle of offering the training packs to all traders was good.

The Principal Trading Standards Officer reinforced this by adding that most illegal sales were due to a lack of knowledge and that the training programme was the backbone to this aspect of Trading Standards.

- As a trader, what measures does Mr Sodha use to distinguish between a proxy buyer and a regular customer?

Mr Sodha replied that CCTV was installed outside Kwikimart stores, allowing whoever was serving to monitor whether there were underage persons outside stopping or talking to adults entering the store. If this was happening, and the adult attempted to buy alcohol, they would be asked if they were buying it for themselves and informed that it is an offence to buy under proxy. At this point most people who were attempting to buy under proxy would not proceed with the sale. However, if the sale continued, the patron would be informed that CCTV was operating to monitor and record proxy sales.

Alcohol was stored behind the counter in newer Kwikimart stores to prevent opportunist thieves from stealing it off the shelf. Furthermore, all Kwikimart stores had an emergency button and magnetic locks on the doors.

Only photographic identification was accepted, but regular customers could have their identification photocopied and kept at the store, in the event that they forget to bring any.

The Chair welcomed Mr Abrahams, Portsmouth resident, who had not had a good experience with Trading Standards.

The Trading Standards Manager explained the background to the case. Mr Abrahams had accepted a quote from travellers to install block paving on his drive. The work was completed and the drive had subsequently subsided. Trading Standards had managed to get the driveway fixed, but the right to cancel the contract had not been offered. Trading Standards had not managed to progress the case, as the travellers had not been able to be identified.

Mr Abrahams explained that he had requested that the work be done, as he had been impressed by the work that they had carried to nearby driveways. He requested that they not start work for two weeks and agreed a verbal contract. The following day 12 men arrived and dug up his drive. The work was then completed, but the foundations had not been adequate for a driveway the size of his, which resulted in subsidence. The total cost of these works had been £4,000.

In response to questions, the panel was informed that:

- The workmen appeared to be reputable. They had overalls bearing the company name, a truck and business cards.
- Trading Standards could have confirmed whether the traders were

reputable, if Mr Abraham had contacted them after he had received their business card.

- A verbal contract is legally binding, but there would then be nothing to prevent a trader from leaving a job.
- Trading Standards have a list of 'Square deal' approved traders.
- Consumers now have cancellation rights.

The Principal Trading Standards Officer explained that Trading Standards have a good relationship with banks. Prior to this meeting, Lloyds bank had called Trading Standards to alert them of an unusually large cheque which had been written by a known vulnerable person. Trading Standards subsequently contacted the person in question, as well as the trader, in order to establish the validity of the cheque.

10 Dates of future meetings (AI 5)

The date of the next meeting was scheduled for 2pm on Friday 5 March 2010.

The meeting closed at 3.35pm