

# Trading Standards Annual Report 2019

***The purpose of Trading Standards is “to support and protect a fair and competitive trading environment for consumers and businesses alike.”***

Trading Standards is a Service within Bailiwick Law Enforcement under the mandate of the Committee for Home Affairs.

This Report summarises the operational activities of Trading Standards (TS) during 2019. It informs the Bailiwick’s public of the work undertaken to deliver the Service’s Strategic Objectives:

1. Informed and confident consumers
2. Informed and knowledgeable traders who trade fairly and meet their legal obligations
3. Measuring equipment used for trade is compliant
4. Goods and services are purchased or supplied as agreed
5. Minimise the risks arising from unsafe consumer products

TS agreed the following operational priorities in 2019:

## Operational Objectives:

1. Deliver a weights and measures regulatory service
2. Deliver a support service on fair trading matters
3. Develop and administer fair trading legislation
4. Review, update and administer weights and measures legislation.
5. Maintain staff competency and knowledge sharing appropriate to delivering the strategic objectives, and
6. Anticipate succession risks by identifying skill gaps against the needs of the strategic plan, undertaking training and development activities to ensure continuous professional development

## Deliver a weights and measures regulatory service

TS enforces The Weights and Measures (Guernsey and Alderney) Law 1991 and employs two qualified Weights and Measures inspectors.

We hold the Bailiwick Standards against which all weights and volume measures used for trade in the Bailiwick are ultimately compared, through the use of working standards. Every January the working standards for weight and volume are calibrated to ensure they are accurate.



# States of Guernsey

## Trading Standards

	<i>Heaviest/largest</i>	<i>Lightest/smallest</i>	<i>Total</i>
<i>Metric weights</i>	1 tonne	100mg	25,927.043kg
<i>Imperial weights</i>	14lb	32th of an ounce	173lb 1 and 15 16ths of an ounce
<i>Metric volume</i>	20ltr	50ml	113.1 litre
<i>Imperial volume</i>	1 pint	Half a pint	1.5 pints

TS also keeps maintained the equipment used to weigh and measure these pieces of equipment, including scales that can weigh something as light as 0.01mg and as heavy as 1,000kg.

Equipment used for buying and selling goods must be checked by TS to ensure that it is suitable for the use it is being put to, that it works correctly and that it weighs accurately. All equipment must be checked before it can be used. This is done through a process called verification whereby a qualified Weights and Measures inspector carries out a test. 17 verifications were carried out during 2019, with £6,687 worth of fees received for the service.

In order to monitor compliance with the legislation, inspectors also carried out 20 inspection visits in 2019 and inspected 308 pieces of equipment, ranging from weighbridges to beer and wine glasses.

In Summer 2019 TS received a request from the School of Popular Music, who were trying to create a World Record for the most milk milked from a cow in one minute. They had heard that singing to a cow would make it produce milk faster and wanted to test this theory. We were able to advise the best way to measure the milk and offered to attend to carry out the measurement. The date was set for 20<sup>th</sup> July at the Vintage Agricultural Show. Sadly after the minute was up Ellie had produced just over a pint of milk, far less than the 2.25 litres (3.9 pints) needed for the world record. We were pleased to have had the chance to do something a little different.

### Deliver a support service on fair trading matters

TS provides a free, confidential and impartial consumer advice service accessible to members of the public by phone, email, web form and face-to-face visits. Qualified officers with expertise in contract law, and fair trading legislation and principles, provide advice on a range of disputes between consumers and traders. In 2019, TS received 278 enquiries to this service, covering a range of fair trading matters.

50 enquiries raised potential issues of unfair trading, including reports of possible misleading actions or omissions by local traders, and aggressive practices. We offered advice to the consumers and traders, but were limited in what action could be taken by current legislative constraints.

113 enquiries were regarding problems with buying and selling of goods and services:

- 56 reports of goods not being of satisfactory quality or fit for purpose.
- 27 reports of services not being carried out with reasonable care and skill.
- 17 reports of goods or services not being as described.
- 10 reports of goods not being delivered or services not being carried out within a reasonable time.
- 3 reports of unfair contract terms.

In the week before Christmas, TS became aware that Whirlpool were recalling over 500,000 unsafe Hotpoint and Indesit washing machines in the UK due to fire risk.

We issued a media release highlighting the risk and encouraging local residents to check their machines. Over two days, two officers dealt with 53 enquiries regarding faulty machines, the vast majority of these identified machines that were on the recall list, and therefore required that the machines be registered directly with Whirlpool. At the time, Whirlpool's hotline was naturally extremely busy. Online registration was possible, but it was not a particularly quick or easy process. Registration also required consumers to check on the machine itself for specific information while registering. We were concerned about vulnerable people, particularly the elderly, who were not getting through on the phone line, and who were not able to register online. It was extremely close to Christmas and there were concerns consumers might not bother to check their machines until after the holiday, and continue using as normal until then. Over the initial two days, the officers therefore also carried out 7 home visits to register machines for people who were unable to do so themselves.

In 2019, 59 enquiries in total were received in response to the washing machine recall. Work on the recall is continuing in 2020.

## Business advice

TS also provides advice to local traders on a number of different matters. During 2019, we advised businesses in the following areas:

- 5 contacts asking for information about requirements under the weights and measures legislation.
- 9 contacts asking for information about safety requirements when manufacturing products.
- 6 contacts asking for information about what types of claims can be made in advertising and marketing of products.
- 3 contacts asking whether local traders are able to charge consumers for paying by credit card.
- 3 contacts asking for information on a trader's responsibilities if things go wrong when a consumer buys goods or services.
- 1 contact asking for information about terms and conditions.

TS also issued 3 Trades Exhibition Certificates.



# States of Guernsey Trading Standards

## Scams

A key area of our work is in the area of scam prevention and awareness. This is largely delivered through membership of the multi-agency Scams Working Group (SWG).

TS holds the database for reports of scam attempts, 249 attempts were reported in 2019.

<i>Type of scam</i>	
<i>Phishing</i>	182
<i>Remote Access Scam</i>	7
<i>Extortion</i>	15
<i>Fake invoice</i>	21
<i>Overpayment scam</i>	3
<i>Hack</i>	9
<i>Other/Unknown</i>	12

<i>Method of contact used by scammer</i>	
<i>Email</i>	191
<i>Call</i>	45
<i>Text</i>	2
<i>Social media</i>	2
<i>Unknown</i>	9

A number of initiatives were developed through the SWG in 2019. These included:

- The creation of a Scams Toolkit, for use by officers visiting people affected by scams, to provide useful information and support in one place.
- Closer working among members of the SWG in how scams are recorded, reported, and dealt with.
- Closer working with local banks to best protect customers.
- Delivery of Friends Against Scams training. At the end of 2019, 48 people had completed this training.
- A print of the Guernsey Little Book of Big Scams, a resource used by TS and BLE to educate the public about scams.
- Roadshows at the West and North Shows, attended by staff from TS and BLE.

TS also leads on making contact with potential scam victims referred by UK Trading Standards. In 2019, 106 referrals were processed and officers undertook 16 advice visits and advised 3 members of the public by phone.

## Develop and administer fair trading legislation

Guernsey currently operates without modern fair trading legislation to set out the rights and obligations of consumers and businesses when supplying goods and services.

Towards the end of 2019, TS began work planning the implementation of this new legislation, and allocating resources to work on the drafting process.

## Review, update and administer weights and measures legislation

As work progressed on preparations for the UK leaving the EU, The Weights and Measures (Guernsey and Alderney) Law 1991 was amended to remove the requirements for most goods to be

sold in prescribed quantities, though requirements were kept in certain areas, for example, the sale of wine and beer. This brought the Guernsey Law into line with UK requirements and consequentially a restriction which had only affected Guernsey producers was removed.

### Maintain staff competency and knowledge sharing appropriate to delivering the strategic objectives

Recognising a gap in established processes, TS undertook a review of our enforcement procedures in 2019, leading to the creation of updated documents and procedures. These improvements will allow officers to efficiently and professionally undertake investigations into potential breaches, meeting the standard expected of enforcement and regulatory bodies.

Further to this review, all TS officers undertook training to complete the BTEC Level 7 Advanced Professional Certificate in Investigative Practice. Three officers successfully completed this in 2019, with one officer expected to complete the training in early 2020.

### Anticipate succession risks by identifying skill gaps against the needs of the strategic plan, undertaking training and development activities to ensure continuous professional development

In early 2019, the Fair Trading Officer was awarded a Chartered Trading Standards Institute Diploma in Consumer Affairs and Trading Standards following successful examination results, making her a fully qualified Trading Standards Officer (TSO).

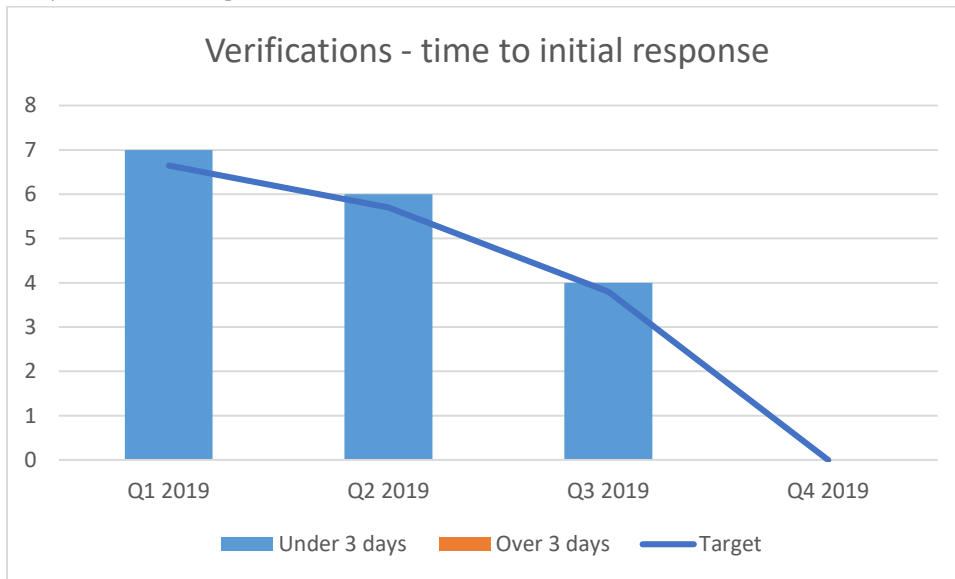
Throughout 2019, the Trainee Trading Standards Officer (TTSO) began her formal training, and undertook her first round of examinations. There were significant failures on the part of the training provider requiring TS to take action. An alternative training programme was developed and delivered by one of the TSO's. Both the TTSO and TSO undertook this additional work during the latter months of 2019, devoting considerable time and energy to meeting the challenge and ensuring that the TTSO was able to complete the examinations. The results of these examinations are expected in early 2020.

From 1<sup>st</sup> August 2019, the Chief Trading Standards Officer (CTSO) was seconded elsewhere in the States for 12 months, causing a reduction in staffing of 25%. In order to ensure the continuing effective function of TS, the TSOs agreed to move into temporary management roles for six months each.

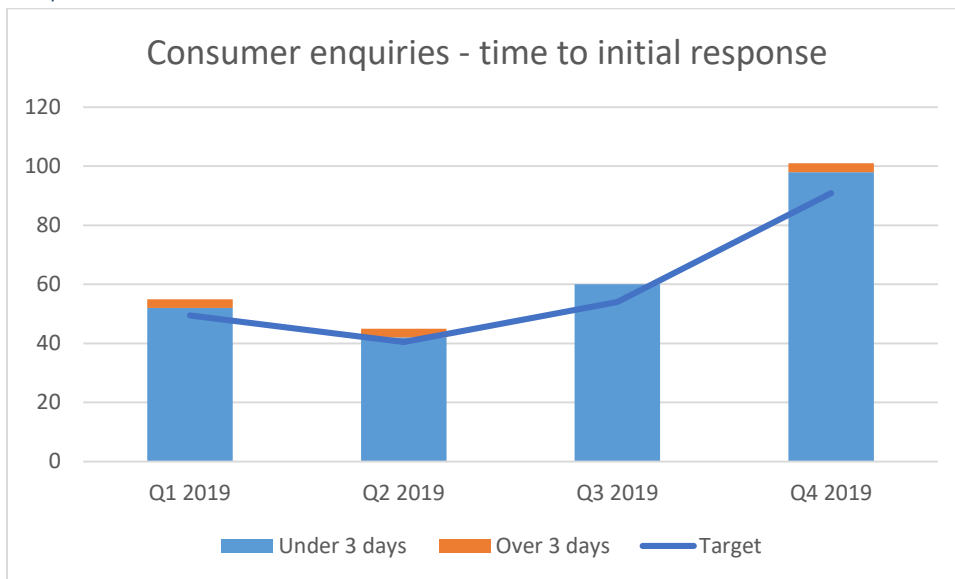


## Performance targets

### Requests for weights and measures verifications

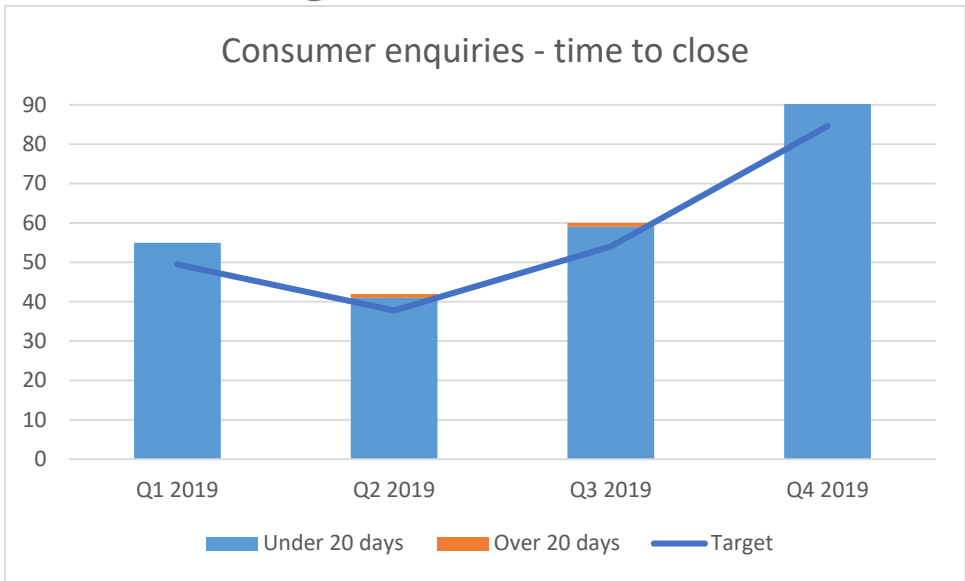


### Requests for consumer advice

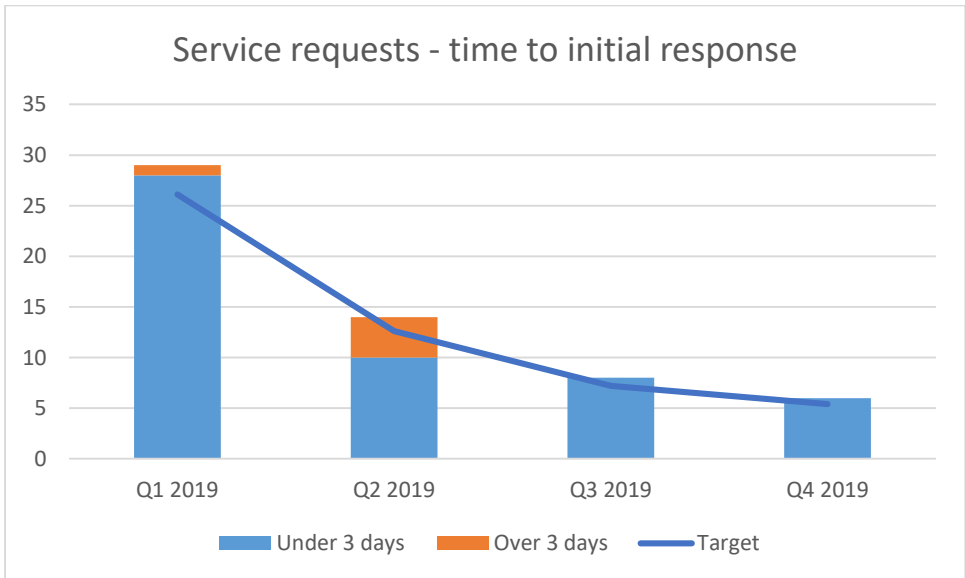




# States of Guernsey Trading Standards



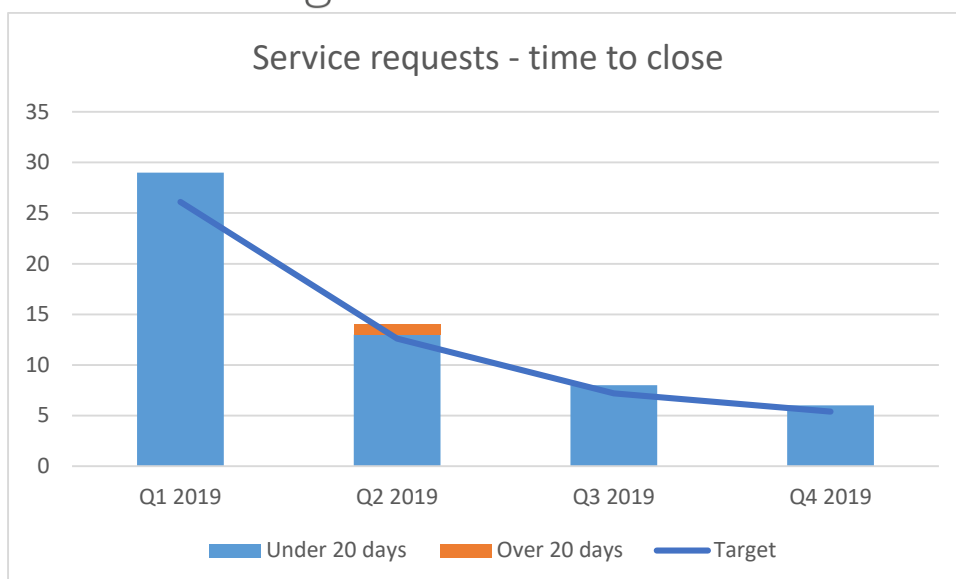
### Other requests received by Trading Standards







# States of Guernsey Trading Standards



Measurement of performance against set key performance indicators and key performance targets

Status	No.	% (of Active Measures)
Achieved	29	81
In progress	4	11
Not achieved	3	8
Not Active	13	n/a

## Statistics

### Personnel

Chief Trading Standards Officer	1
Trading Standards Officer	2
Trainee Trading Standards Officer	1

### Consumer advice service – enquiries received

#### Enquiries received by trading practice

<b>Issues with goods</b>	<b>126</b>
Goods not of satisfactory quality	40
Safety	59
Other breach of contract (goods)	10
Goods not fit for purpose	5
Goods not as described	9
Change of mind (inc. distance selling)	2
Fake goods or IP breach	1
<b>Issues with services</b>	<b>51</b>
Substandard services	28
Safety	28
Customer service	1
Negligence and damage to other property	2
Other breach of contract (services)	16



# States of Guernsey

## Trading Standards

Unreasonable delay in services being provided	3
<b>Prices</b>	<b>27</b>
Charging more than quote/estimate	3
Overcharging or charging too much	17
Misleading price display	4
VAT inclusive pricing	2
<b>Cancellation</b>	<b>1</b>
Failure to observe cancellation rights	1
Selling practices	21
Inertia selling	1
Scams	19
Harassment	1
<b>Misleading claims/omissions</b>	<b>16</b>
Misleading statement/omission	13
Advertising	2
Counterfeiting	1
Offers of inadequate redress and problems pursuing a claim	12
Other offers of inadequate redress	4
Refusal to help	5
Trader not traceable/contactable	1
Failure/delay in promised remedy	2
<b>Terms and conditions</b>	<b>4</b>
Unfair terms	4
<b>Business practices</b>	<b>3</b>
Unfair business/commercial practice	3
<b>Age restricted sales</b>	<b>1</b>
Age restricted sales	1
<b>Access to goods/services</b>	<b>1</b>
Other problems accessing goods and services	1
<b>Weights and measures complaints</b>	<b>1</b>
Short measure	1

### Enquiries received by goods/services type

Large domestic appliances	60
Home maintenance and improvements	29
Uncategorized	14
Telecommunications	13
Insurance	11
Used cars	10
Personal electronics	7
Professional services	7
Home electronics	6
Clothing and clothing fabric	6
Footwear	6
New cars	6
Entertainment, catering and accommodation	6
Furniture	5
Domestic energy	5
Toiletries, perfumes, beauty treatments, hairdressing	5



# States of Guernsey

## Trading Standards

Bicycles and repairs	5
Digital goods and services	5
Small domestic appliances	4
Food and drink	4
Medical goods and services	4
Jewellery, silverware, clocks and watches	4
Car repairs and servicing	4
Boats, caravans, trailers	4
Glazing products and installations	3
Floor coverings	3
Gardening products and services	3
Tobacco, nicotine and related products	3
Other personal goods and services	3
Real property	3
Other motor vehicle purchases	2
Transport	2
Other motoring costs	2
Holidays	2
Repairs to domestic appliances	1
Postal services and courier	1
DIY materials	1
Hardware, cleaning, other household goods and services	1
Hire and unsecured credit	1
Other motor vehicle repairs and servicing	1
Petrol and oil	1
Freight	1
Timeshare	1
Sports and hobby equipment	1