

OPSS Consultation

Choice on Units of Measurement: Markings and Sales

Chartered Trading Standards Institute Response

August 2022

About The Chartered Trading Standards Institute

The Chartered Trading Standards Institute (CTSI) is the professional membership association for trading standards in the UK. Founded in 1881, we represent the interests of trading standards officers and members working in various sectors in the UK.

At CTSI and through the trading standards profession we aim to promote good trading practices and to protect consumers. We strive to foster a strong vibrant economy by safeguarding the health, safety and wellbeing of citizens through empowering consumers, encouraging honest business, and targeting rogue practices.

We provide information, guidance and evidence-based policy advice to support local and national stakeholders including central and devolved governments.

Following a Government reorganisation of the consumer landscape, CTSI are responsible for business advice and education in the area of trading standards and consumer protection legislation. To this end, we have developed the [Business Companion website](#) to deliver clear guidance to businesses on how to meet their legal and regulatory obligations.

CTSI are also responsible for the [Consumer Codes Approval Scheme](#) which facilitates high principles of assisted self-regulation through strict codes of trading practice. This ensures consumers can have confidence when they buy from members of an approved scheme and also raises the standards of trading of all businesses that operate under the relevant sector's approved code.

CTSI is also a key member of the [Consumer Protection Partnership](#), set up by central government to bring about better coordination, intelligence sharing and identification of future consumer issues within the consumer protection arena.

We run training and development events for both the trading standards profession and a growing number of external organisations. We also provide accredited courses on regulations and enforcement.

A key concern for CTSI is diminishing resources. UK local authority trading standards services enforce over 260 pieces of legislation in a wide variety of areas vital to UK consumers, businesses and the economy. Since 2009 trading standards services have suffered an average reduction of 46% in their budgets and staff numbers have fallen by 53% in that same period.

This response is submitted by The Chartered Trading Standards Institute (CTSI) with input from CTSI Metrology Lead Officers and Regional Co-ordinators. Should you have any queries or wish to discuss the response please do not hesitate to contact Laura Kane, Interim Head of Policy laurak@tsi.org.uk.

Consultation Background

The government is committed to reviewing the current law to identify how more choice can be given to businesses and consumers over the units of measurement they use for trade, while ensuring that measurement information remains accurate. The evidence gathered from this consultation will inform the government's plans to provide a choice on weights and measures for consumer transactions.

CTSI Response

Introduction

The Chartered Trading Standards Institute (CTSI) represents members working across a range of sectors. It plays a critical role in helping to ensure a level playing field for businesses as well as protecting the public from harm so it can foster confidence in consumers. Integral to the role of Trading Standards is the work of Weights and Measures which pre-dates even our origins as the Incorporated Society of Inspectors of Weights and Measures in 1881. This response sets out our informed view based on our long history in this area, the skills and expertise of our members as Inspectors of Weights and Measures, our knowledge of scientific weighing practices and intelligence from the front-line in inspection of businesses.

CTSI has engaged with OPSS since the early stages of these proposals when the Government announced the possibility of reintroducing Imperial measures. As a profession that was naturally heavily involved in the process of converting the UK weighing and measuring system from Imperial to Metric, we were concerned about the drivers for this announcement and the consequences of any decision that might be taken. We therefore welcome this consultation as CTSI can provide its evidence and views on the impacts of the proposals for consumers, business and regulators, which are set out below.

Public demand for the proposals

To understand the consumer perspective on the proposals CTSI commissioned a [consumer survey](#) which showed divisions in public opinion. 23.66% of respondents believed that imperial measures would enhance their shopping experience, 26.34% disagreed, while 50% neither agreed nor disagreed. While just over 45% of consumers said they were confident that they could apply imperial measurements to their shopping, a significant minority of almost 18% said they were not.

The results demonstrated public indifference, as over half of the respondents (56.40%) said they neither agreed nor disagreed that they would be more likely to shop from a business that provides imperial measures. The public was similarly split and indifferent

on their likeliness to shop from a business that provides metric measures - 57.59% neither agreed nor disagreed.

CTSI believes that these survey results do not provide compelling evidence of demand from the UK public for implementation of these proposals. We would also argue that the OPSS consultation document included questions worded in a way which could generate a favourable response from the public in terms of demand to have these proposals implemented. This was raised directly to OPSS by CTSI following publication of the consultation.

It is also our view that the consultation lacked sufficient detail in terms of costs to the public purse and use of vital trading standards resource in implementing the proposals to enable the public to make an informed choice. We therefore request that OPSS consider any perceived public demand for these proposals in light of CTSI's view together with the information that trading standards, consumer and business stakeholders across the UK will submit in response to this consultation.

CTSI notes the statement in the consultation that there has been "consistent opposition to the current law on units of measurement". CTSI would seek clarification on the evidence behind this statement. CTSI have gathered a wide range of views in compiling this response and have received no feedback of this nature, including in our discussions with business stakeholders. This is not the view expressed to CTSI by weights and measures inspectors who currently have greater concerns about consumers receiving the correct quantity of food and fuel and traders competing on equal terms.

Impact on consumer confidence

CTSI has concerns that if the proposals were introduced, this could cause a decrease in consumer confidence. Unit pricing would be of a dual system and this could cause consumer confusion. In shops over 280m² there needs to be an indication of the price per 1kg (or per 100g in some cases) so, for example, if loose bananas were sold at £1.50/lb, but prepacked for £2.10/kg, it would be very difficult for consumers to make best value judgements. For consumers to make comparisons, goods would have to be unit priced in grams and ounces which would complicate the shelf edge labelling and could add costs for retailers.

The current system of unit pricing can cause a challenge for consumers to make best value judgements especially in relation to special offers as consumers would need to determine whether there is better value in a multi-buy or a reduced price. Adding imperial units could lead to more confusion and increase the risk of consumer detriment. We believe ease of best value judgements is especially important as consumers are facing rising costs of living. We would argue that there should be greater clarity of cost and quantity, not less.

Imperial measurements have not been taught in schools since around 1974 consequently only consumers over the age of about 60 will have had any formal instruction; consequently, many of the people selling goods in shops, performing calculations, and giving pricing information will have no education in imperial and neither will many of the people buying the goods. This can only lead to uncertainty over the quantity of goods being purchased and the price paid for them. Our [consumer survey](#) results support this concern, as almost 1 in 5 people surveyed did not feel confident in applying imperial measures to their shopping.

Therefore, if any change to the current system did occur, we believe it to be vital that metric indications remained mandatory and a public education campaign was instigated.

Impact on Trading Standards Services

A primary concern is that whilst it is good to see the Government recognising the importance of the role of Weights and Measures in the UK economy, this proposal comes when it is widely recognised that there is limited capacity to enforce statutory duties including crucial weights and measures legislation, a capacity that has been depleted by half over the past decade due to budget constraints.

According to the [CTSI 2018/2019 Workforce Survey](#), there was a loss of 99.4 full time qualified (meaning individuals holding a professional trading standards qualification such as DCATS, DTS, CTSP or equivalent) trading standards posts (across the 78 services that responded to the 2017 and 2018 surveys). This is the equivalent of 10 trading standards services of cuts, and comes on top of the 50 posts lost according to the [2017 CTSI Workforce Survey](#).

The average number of qualified trading standards officers (TSOs) per authority is 9.4 full time equivalent (FTE), but 53 of those responding to the 2018/19 survey had a total of less than six qualified officers. Many trading standards services have less than 5 full time equivalent staff and only one fully qualified TSO. In the 2018/2019 survey, only 44 per cent of those heads of service who responded felt that they have the expertise to cover the statutory duties placed upon their services. This is a large change from 2017, when 70 per cent said they could cover these duties, while 30 per cent said they could not.

According the [CTSI Workforce Survey 2018-19](#) more than a third of TSOs have over 20 year's post-qualification experience, with 12 per cent of the workforce having less than five years' experience. This confirms that an ageing trading standards workforce is a threat to future professional capacity, a concern expressed by many of the heads of service interviewed.

Not all TSOs are qualified in weights and measures and the [OPSS Section 70 Report 2019 to 2021](#) shows a decline in the number of Weights and Measures Inspectors. The report states that "In 2020-21 there were 793 Weights and Measures Inspectors,

equivalent to 214.5 Full Time Equivalents (FTEs.) The overall trend shows a change in total numbers of inspectors (-23.7% since 2012-13). There has also been a change in the number of FTE staff engaged in Weights and Measures work (-28.2% since 2012-13). There has been a (-30.2 %) change in the number of officers studying for the CTSI Legal Metrology Module.”

Given the steep and ongoing reduction in capacity, CTSI holds concerns that the reintroduction of imperial measurements would represent an additional burden for trading standards services in relation to personnel, training and costs. The implementation of an imperial system would require vigilance and oversight by inspectors of weights and measures. A lack of on the ground oversight could lead to confusion as businesses opt to implement imperial measures and consumers try to make value judgements.

It has been 22 years since trading standards services owned, operated, and calibrated imperial standards in order to inspect businesses trading in imperial. Comprehensive training would be needed for TSOs to be able to advise and inspect businesses, and to investigate when consumers feel they have suffered detriment.

It is unlikely that services still retain any imperial weights standards or equipment so it would mean a significant investment for a local authority to reinstate imperial standards. Assuming the many relevant legislative changes were made to allow imperial units, imperial standards, and imperial equipment, equipment costs for local authorities will be significant. Equipment required will include:

1. a set of imperial local standard weights
2. imperial working standard weights
3. imperial local standard-length measures
4. Imperial working standard length measures
5. Inspector’s balances
6. Working standard capacity measures for forecourt inspections

Costs for metric equipment can be obtained from suppliers’ websites but suppliers do not currently manufacture or sell imperial standards within the hierarchy required for traceability. Imperial standards, if they can be obtained, will be at a price in excess of the metric equivalents.

As an example, the minimum cost to a Scottish Local Authority for equipment alone could be conservatively estimated at £10k, or £310k for all Scottish Authorities. Training time would need to be added to that, which CTSI estimates would be a competency course with 5 days contact and 3 months pre course study course costing approximately

£1000¹ per attendee. If we were to apply these costs across the UK to around 200 Local Authority Trading Standards Services, the baseline costs for equipment and training only would be an estimated £2.2million. This would not include the costs to these Services of inspections, business advice and enforcement to prevent potential business confusion and consumer detriment.

This estimate does not factor in the extra cost in calibrating the imperial equipment. Authorities without their own calibration laboratory can spend up to £2k/year on calibration services for their metric working standards; this cost can be doubled to include calibration of their imperial standards. Further costs could be attributed to procuring a new set of imperial reference standards, or there would be a risk of additional wear and tear on metric local standards through extra use and combination attrition. It is foreseeable that there would be extra adjustment costs and more risk of damage to standards.

CTSI has sought feedback from all four nations of the UK in compiling this response and whilst many of the concerns are of a similar nature, these proposals could cause specific and unique implications for The Northern Ireland Trading Standards Service and the consumers and businesses it serves. These concerns include potential NI Protocol related sensitivities and challenges which are discussed in a separate response submitted by the Northern Ireland Trading Standards Service.

Potential Impact on Business

We believe that the proposals, if implemented, could negatively impact business both in the UK and internationally. For example, If the consultation resulted in imperial quantities of fuel being sold, fuel dispensers would need to be reconfigured to display gallons. However, with the current equipment in use, there is only space for one volume display, so fuel retailers would have to make a choice on whether to sell in imperial or continue with metric. Replacing forecourt equipment carries substantial costs and it is doubtful that any fuel retailer would make the change, not least because advertising a £/gallon would give an immediate impression that fuel is more expensive than competitors selling by the litre. Shelf edge labelling and packaging changes would also impact business. That which impacts business will naturally impact consumers and this is likely to lead to confusion for consumers and make it difficult to make value judgements.

Assuming the necessary legislative changes were made to permit imperial weighing equipment, it is doubtful that manufacturers would produce imperial equipment or that

¹ Based on previous competency courses CTSI's estimated fee per head would be: £980+VAT for members or £1080+VAT for non-members. In these types of courses there is a requirement of approximately 3 months of independent learning prior to the contact days, which is supported by resources available via an online portal. This includes 12 sections of detailed course notes.

retailers would buy it. Goods can already be advertised and sold in imperial quantities, provided that sale takes place using metric equipment and a conversion made. This happens mainly in smaller outlets. The current system appears to work so there may be no incentive for retailers to buy new equipment.

Many manufacturers of weighing and measuring equipment in the UK, especially the larger companies, also operate across the EU therefore it is likely to be uneconomical to produce imperial scales just for the UK.

Globally, the vast majority of weights and measures are metric and so it appears that the use of imperial measures could introduce complexity, just as the UK seeks to trade as Global Britain. The move could risk creating further complications and confusion for UK and international businesses that have relied on the established metric system for decades. It also causes us to question how this proposal will meet the test of 'levelling up,' and why we would want to reintroduce a system now which would cost significant amounts to replace when the country moved to metric last century.

CTSI considers there are other ways the UK Government can distance itself from the EU to build our status as an independent trading nation which would have far better consequences for the public. For example, seizing the opportunity to make sure we retain the most rigorous consumer protection standards that ensures we have confident consumers who can stimulate the UK market. A reintroduction of Imperial measurements, especially if done so alongside metric, could confuse consumers and decrease consumer confidence.

Other areas for clarification

Whilst not subject to this consultation, we are also aware of some concerns raised by the recently issued guidance on the use of the Crown Stamp. There are concerns amongst some trading standards professionals about the potential for this to cause confusion for businesses and consumers and thus pose a risk to the integrity of metrological standards. As such we request that the Government keeps this policy under review. Should any difficulties occur in practice, we would welcome engagement with CTSI and its Legal Metrology Lead Officers along with other relevant stakeholders to make relevant amendments.

Conclusion

In the current challenging climate for consumers, business and regulators, our considered view is that the Government's focus could be better directed at ways to boost the UK economy and extend global trade. CTSI supports the UK Government's ambitions on this but does not yet see evidence that reintroducing imperial measures will help achieve this important goal.

Given the resource, equipment and training costs associated with implementing the proposals and the current challenges that UK consumers, regulators and business face,

CTSI would welcome reconsideration of the proposals. We believe that the resources required to implement the proposals would be better allocated elsewhere either within existing metrology functions or in the wider trading standards landscape. We are aware that recently the need for trading standards advice and enforcement in metrology has increased due to the cost of living crisis. For example, there has been increased activity in checking the accuracy of forecourt fuel and home heating oil deliveries which is already putting a strain on trading standards resources. There is also a need for more resources to target work on the emerging risks across the wider consumer and business landscape. For example, there are rapid developments requiring strategic focus in the areas of e-commerce and net zero, which sit alongside rising costs of living with the potential to cause serious consumer detriment.

Whilst we accept that Government wishes to provide freedom to business, we do see risks in terms of consumer confusion, and unscrupulous traders seeking to use this 'freedom' to overcharge consumers. Given the limited resources available to trading standards there is not sufficient capacity for trading standards to support business in making necessary changes to ensure consumers are not confused or misled. Without proper regulatory support to the implementation of any new regime there is always a risk of unscrupulous traders seeking to exploit gaps in consumer knowledge and confidence and/or gain a competitive edge. There could be a risk of some traders using inaccurate unstamped/untested imperial equipment or not using equipment at all. Traders that continue to invest and use stamped equipment will also be put at a competitive commercial disadvantage. Traders could also display inaccurate conversion information, thereby confusing the consumer.

As outlined in CTSI's [response](#) to the BEIS Consultation 'Reforming Consumer and Competition Policy', the addition of new enforcement areas over the last decade has not been married with additional resources. Trading standards as a profession is agile and adapts quickly and can deliver substantial impact with limited resource, as evidenced by the [ACTSO Impacts and Outcomes Reports](#). However, the limited resources available to trading standards drive the need for trade-offs and prioritisation between competing local and national priorities. We see this as a direct risk to consumers in the UK, with trading standards services unable to adequately serve the communities within which they sit. We believe the resource required for implementation of the proposals set out in this consultation would further exacerbate this risk. Should these proposals be implemented, CTSI would request that the associated costs to trading standards for consumer protection and business support are properly assessed and funded and we would be happy to work with BEIS on this.

We believe that a more favourable option would be to maintain the current regime. Currently, dual indications are permissible, a customer can ask for an imperial quantity and the seller measures out the metric equivalent. We believe that maintaining the current legal regime would prevent the impacts outlined above to consumer confidence

and the UK economy and protect the integrity of our legal metrology system. As such, we see this as a zero impact solution which would allow attention to be placed on the current and emerging threats facing UK consumers and business.

CTSI would welcome continued engagement with BEIS on this matter.