

Draft Guidance of the CMA's Consumer Powers

CMA consultation

Chartered Trading Standards Institute response

July 2016

About The Chartered Trading Standards Institute

The Chartered Trading Standards Institute (CTSI) is a professional membership association founded in 1881. It represents trading standards officers and associated personnel working in the UK and also overseas – in the business and consumer sectors as well as in local and central government.

The Institute aims to promote and protect the success of a modern vibrant economy and to safeguard the health, safety and wellbeing of citizens by empowering consumers, encouraging honest business, and targeting rogue traders.

We provide information, evidence, and policy advice to support local and national stakeholders.

We have also, as part of our recently revised remit, taken over responsibility for business advice and education concerning trading standards and consumer protection legislation. To this end, we have developed the Business Companion website (www.businesscompanion.info).

The CTSI Consumer Codes Approval Scheme was launched in 2013, superseding the OFT scheme (www.tradingstandards.uk/advice/ConsumerCodes.cfm).

CTSI is a 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 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 that of resources. UK local authority trading standards services enforce over 250 pieces of legislation in a wide variety of areas. They have suffered an average reduction of 40% in their budgets since 2010 and staff numbers have fallen by 50% in the same period.

This response has been composed by CTSI Lead Officer for Fair Trading, Sylvia Rook. Should you have any queries or wish to discuss the response please do not hesitate to contact Sylvia at lofairtrading@tsi.org.uk

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Review of the Draft Guidance of the CMA's Consumer Powers

From the outset, CTSI would like to emphasise the importance that we place on the CMA's relationship with both CTSI and the wider trading standards profession. There has been some confusion in the trading standards profession about the role of the CMA and it is hoped that this guidance will help to address that.

In view of reduced resources available to both the CMA and local authority trading standards, it is very important that enforcement bodies work closely together to ensure a high level of consumer protection is maintained. We hope that the CMA continue to focus on their consumer role under the Consumer Rights Act and the Consumer Protection from Unfair Trading Regulations.

Looking to the future, we believe it is essential that the CMA continues to work with trading standards to protect consumers.

We provide answers to the five set questions from the consultation below.

Q1: Is it helpful to have a single set of guidance which consolidates previous guidance and serves the three purposes identified above?

Yes – it is useful to have one source for guidance.

Q2: Is the content, format and presentation of the draft guidance sufficiently clear? Is there are particular parts of the guidance where you feel greater clarity is necessary, please be specific about the sections concerned and the changes that you feel would improve them.

Yes - the content format and presentation of the guidance is good and the objectives of the CMA are clear.

Q3: Is the draft guidance sufficiently comprehensive? Does it have any significant omissions? Do you have any suggestions for additional or revised content that you would find helpful?

Many of the staff with whom trading standards offers currently liaise are leaving the CMA. It would be very helpful if the Authority could provide CTSI with a clear route/contact for enforcement queries that we could share with our members.

Q4: Is the level of detail helpful? Are there any parts of the draft guidance which you feel would be improved by being either more, or less, detailed?

Whilst the document is clear on the roles and responsibilities of the CMA, it does not go into detail on how these roles/responsibilities are going to be fulfilled with diminished staffing levels.

It might be helpful to have the priorities and portfolios of different staff or departments clearly identified in a secure part of the website to facilitate easier communication with the relevant department when an enforcement partner has a query.

Q5: Do you have any other comments about the draft guidance?

As previously stated, the guidance is a good indication of the objectives of the CMA; however, as previously mentioned, to achieve these objectives a close working relationship between the CMA and local authority trading standards is essential to ensure consumers are adequately protected, particularly in light of reducing resources.

Members have commented that it is sometimes challenging to obtain up to date information from the CMA and the website often doesn't have all the information required to resolve a query. In order to facilitate this situation, it would be helpful if the CMA could have a secure part of their website available to trading standards officers, where updates of ongoing investigations, and contact details for officers could be accessed.

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