

**TELFORD & WREKIN COUNCIL**

**CABINET – 10<sup>th</sup> DECEMBER 2015**

**CONSUMER RIGHTS ACT 2015**

**REPORT OF THE SERVICE DELIVERY MANAGER, PUBLIC  
PROTECTION**

**LEAD CABINET MEMBER – CLLR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1. Summary of Main Proposals**

1.1 The purpose of this report is to advise the Cabinet of the Consumer Rights Act 2015 and the effect that it will have on the enforcement of existing legislation that is delegated to Trading Standards.

1.2 For the Cabinet to consider delegating authority to officers.

**2. RECOMMENDATIONS**

**It is recommended that Cabinet:**

**2.1 approve the delegation of powers conferred on the Council under the Consumer Rights Act 2015 to Officers as identified in Appendix 1, Part 1 to this report;**

**2.2 approve the amended delegation of powers conferred on the Council under the Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008 to Officers as identified in Appendix 1, Part 2 to this report;**

**2.3 note that the Consumer Rights Act 2015 will significantly enhance consumers rights; and**

**2.4 note that the Consumer Rights Act 2015 will consolidate and standardise enforcement powers for a number of consumer related pieces of legislation.**

### 3. Summary Impact Assessment

<b>Community Impact</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Protect and create jobs as a “Business Supporting, Business Winning Council”. Protect and support our vulnerable children and adults Ensure that neighbourhoods are safe, clean and well maintained. Improve the health and wellbeing of our communities and address health inequalities
	Will the proposals impact on specific groups of people?	
	No	
<b>Target Completion/Delivery Date</b>	Compliance and enforcement will be a statutory duty of the Council for the duration that the Consumer Rights Act 2015 is current law. It will be carried out in accordance with Public Protection’s enforcement policy.	
<b>Financial/Value for Money Impact</b>	No	There are no additional financial implications arising from the recommendations within this report. The cost of compliance is included within the current cost of business operations and any implications of the new powers outlined in section 4.3 & 4.4 will be met from within existing resources. . . ER/TS
<b>Legal Issues</b>	Yes	Details of the Consumer Rights Act 2015 (the Act) are contained in the body of the report. Delegated authority is required to enable the Council as a “local weights and measures authority” to both continue to enforce existing consumer related legislation under a standardised enforcement regime and also implement new provisions introduced by the Act.  It is suggested that the opportunity is taken to also secure an amendment of existing delegations under both the Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008 as a

		result of the standardisation of enforcement powers and service organisational / operational changes in recent years.
<b>Other Impacts, Risks &amp; Opportunities</b>	Yes	A failure to delegate the relevant enforcement powers under the Act to appropriate officers will prevent the Council from carrying out its duty under the various consumer related pieces of legislation.  This will not only prevent the adequate protection of consumers within the Borough but also place the Council at a risk of challenge.
<b>Impact on Specific Wards</b>	Yes	This report has Borough wide Implications.

## **PART B) – ADDITIONAL INFORMATION**

### **4. Information**

- 4.1 As a “local weights and measures authority” this Council has a duty to enforce a wide variety of consumer related legislation. The enforcement of this legislation has been delegated to Trading Standards (Public Protection) by way of the Council’s Scheme of Delegation contained within the Constitution.
- 4.2 Previously each piece of consumer related legislation had its own enforcement powers contained within the body of that legislation. This meant that there existed different enforcement powers.
- 4.3 The Consumer Rights Act 2015 consolidates the main legal provisions covering consumer contracts for goods, services, digital content and unfair terms. The existing legislation was fragmented, and there were inconsistencies between the changes made as a result of EU legislation and the pre-existing UK

legislation. It also consolidates the powers of Trading Standards to investigate potential breaches of consumer law, and allows us to operate across local authority boundaries. A summary of the main areas of the new legislation is as follows:

- Part 1 sets out the rights and obligations concerning goods and services. Most of these reflect existing legislation. There are new rights about the quality of digital content (downloads etc.).
- Part 2 brings together two existing pieces of legislation about unfair contract terms and includes a list of terms that are likely to be regarded as unfair.
- Part 3 consolidates and simplifies the investigatory powers of Trading Standards. Previously, the powers were contained in around 60 pieces of consumer legislation and were sometimes unclear, inconsistent, or overlapping. Schedule 5 now sets out a generic set of powers. There are some specific powers in weights and measures and product safety legislation which will be retained alongside the generic set. The powers include the right to ask for information, and to enter premises to inspect products, and to make test purchases. For routine inspections, there is a requirement to give written notice unless the notice would defeat the purpose of the visit.

4.4 The Act introduces new powers to seek redress for consumers who have been disadvantaged by breaches of consumer law, and to seek remedies from traders to improve compliance and reduce the likelihood of future breaches. We could ask businesses to publicise details of the breach and what they have done to put the situation right in the press or on social media. The new law imposes a duty on letting agencies to publicise fees and to say whether or not they are a member of a money protection scheme, and which redress scheme they have joined. There are also new requirements for the resale of tickets for recreational, sporting, and cultural events.

**5. Impact Assessment – Additional Information**

5.1 Statutory provisions being implemented only.

**6. Previous Minutes**

6.1 None

**7. Background Papers**

7.1 Consumer Rights Act 2015 – Explanatory Notes

7.2 Consumer Protection from Unfair Trading Regulations 2008

7.3 Business Protection from Misleading Marketing Regulations 2008

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