



Office for Product
Safety & Standards

Section 70 Report: 2017-18 and 2018-19

Weights & Measures Act 1985

February 2020



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Introduction

Under Section 70 of the Weights & Measures Act 1985¹, Local Weights and Measures Authorities (LWMAs) have a statutory duty to report to the Secretary of State the level of local Weights and Measures enforcement work conducted over a twelve-month period.

This report summarises data from both 2017-18 and 2018-19. It outlines where the majority of activity has taken place and highlights the main concerns which have been raised.

The report primarily considers the data as it relates to business and equipment compliance, to assist with prioritisation of weights and measures regulatory activity.

Section 70 process

The information requested from LWMAs in both years was as follows:

Measuring compliance of weighing and measuring equipment and pre-packages

For the following equipment: Liquid fuel dispensers; Liquid fuel tanker meter measuring systems; weighbridges and scales >5t; Non-automatic weighing instruments <30kg; Non-automatic weighing instruments >30kg - <5t; Automatic weighing instruments; Intoxicating liquor measuring instruments.

- Actual or estimated number of pieces of equipment
- Number inspected
- Number verified
- Number found incorrect and 28 days' notice issued
- Number found incorrect and verification mark removed
- Number related to prosecution or cautions
- Approximate % found outside limit of error
- Approximate % of equipment outside limit of error reading short measure
- Approximate % of equipment outside limit of error reading excess measure

Measuring metrological compliance in transactions

For the following premises: Packaging plants; importers of packaged goods; businesses selling bulk products by weight or volume; retail outlets; medical institutions.

- Number of businesses liable to inspection
- Number of businesses due this year
- Number of businesses visited
- Number of businesses compliant
- Number of businesses your LA [Local Authority] assisted into compliance

¹ Available at: <http://www.legislation.gov.uk/ukpga/1985/72/section/70>

- Estimated cost savings made by the business due to your assistance

Medical weighing equipment

For classes I to IIII:

- How many machines were not stickered but should have been?
- How many machines were pre-2003?
- How many machines were accurate?
- How many machines were stickered?

Staffing

- Number of inspectors of Weights and Measures
- Number of full-time equivalents (FTE) staff engaged in Weights and Measures work
- Number of staff registered and actively studying for the TSI Legal Metrology module
[TSI is now known as CTSI and is referred to as such in the rest of this report]

Top concerns

- What are the top 3 areas of concern for your region?
- Evidence to support the top 3 areas of concern
- Any other issues to report

Returns received

145 of a possible 202 returns were received for the year 2018-19. This is down from 190 in 2017-18. It must be noted that some Local Authorities sent combined returns, so one return might cover several authorities. To account for the fluctuation in return rate, averages or percentage rates have been used where possible. Notes on how the data has been analysed are available in Annex A.

Compliance of weighing and measuring equipment and pre-packages

Inspection rate

Figure 1. Percentage of equipment inspected each year of the total population (actual or estimated)

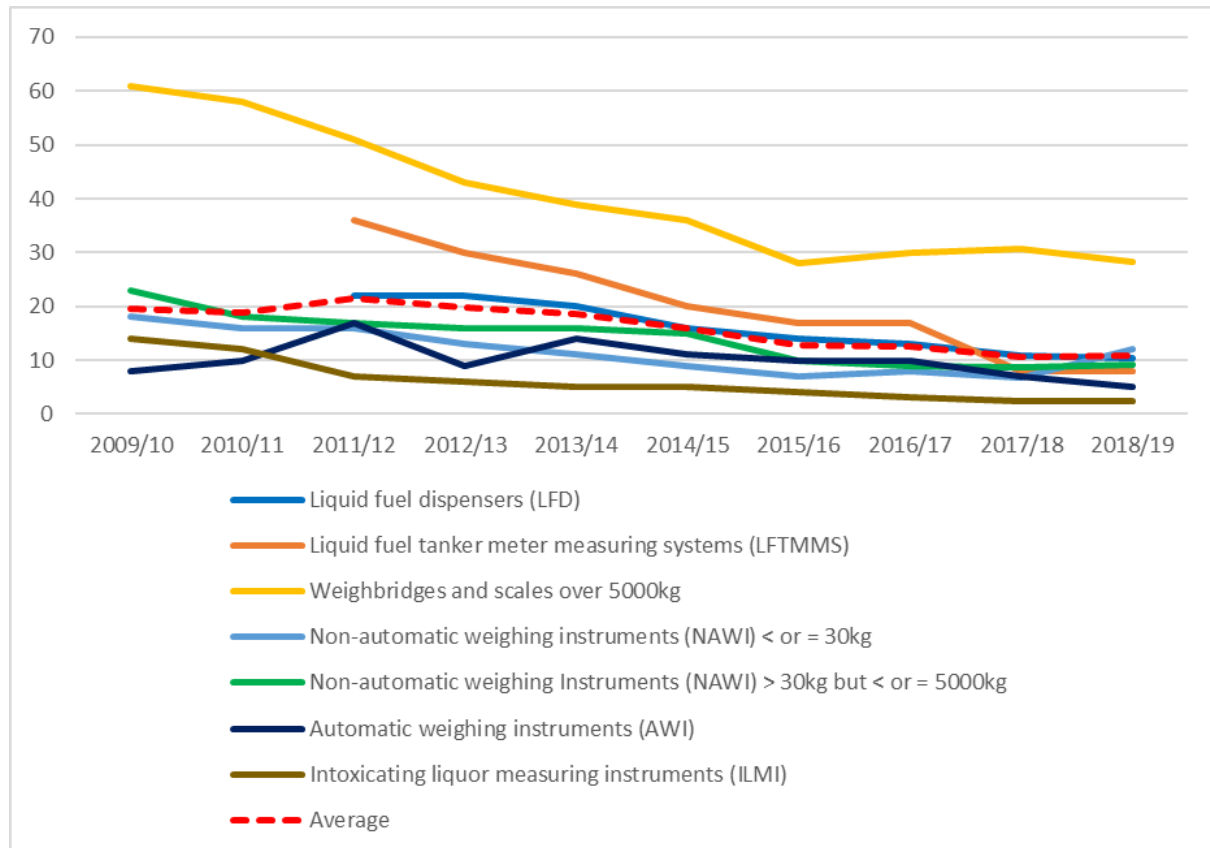


Fig. 1 demonstrates on average an 11.7% reduction in inspection rates since 2009-10. Weighbridges and scales over 5000kg have seen the greatest reduction (33%), with automatic weighing instruments (AWI) showing the lowest reduction (3%).

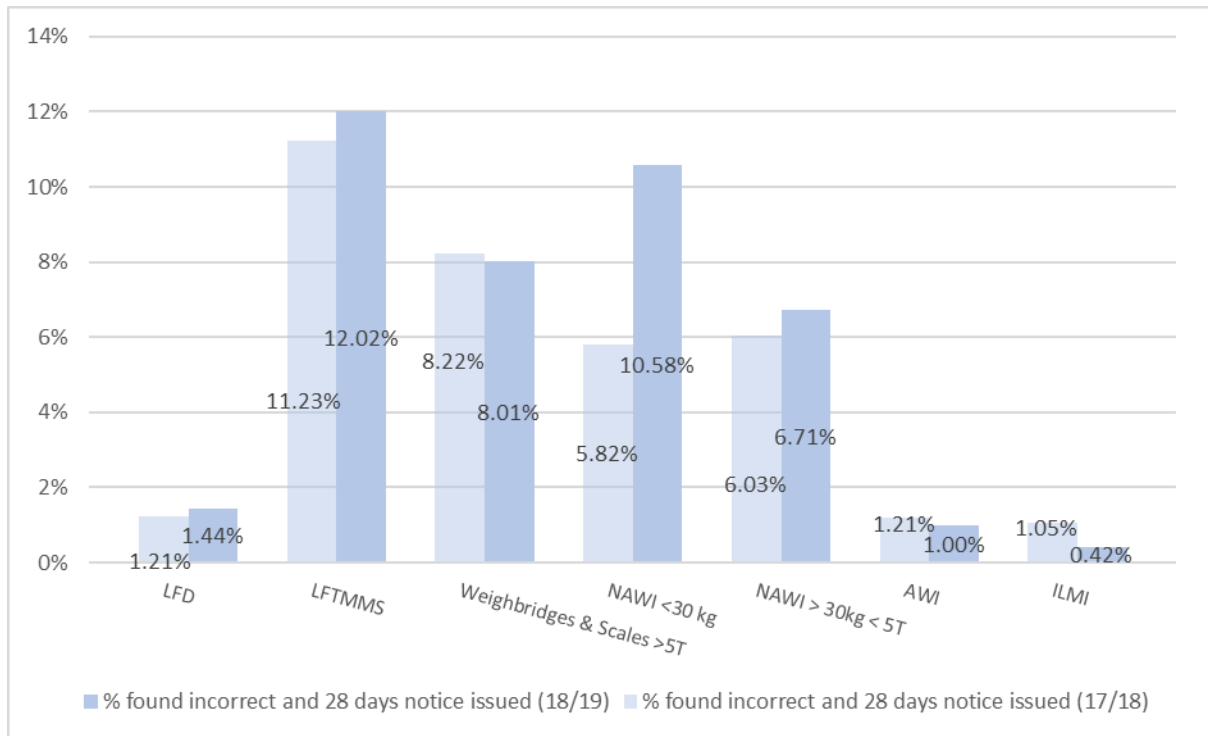
From 2017-18 to 2018-19, the rate of inspection of non-automatic weighing instruments (NAWIs) rose. This may relate to the 2018-2019 National Project on NAWIs in supermarkets.

The increased inspection rate for NAWIs, as well as stabilising rates of inspection for some other equipment types, has led to the average rate of inspection increasing slightly from 2017-18 to 2018-19.

Outcomes of inspections

Fig. 2 demonstrates, from all reported non-compliance, the percentage of pieces of equipment that had 28 days' notice issued. Fig. 3 shows the percentage that had the verification mark removed. One piece of equipment may have more than one outcome. For example (noted in the guidance on the returns form), a piece of equipment may initially be subject to 28 days' notice and subsequently have its verification mark removed if the problem is not rectified.

Figure 2. Percentage of equipment inspected which had 28 days' notice issued (2017-18 and 2018-19)



Liquid fuel tanker meter measuring systems (LFTMMS) had a relatively high rate of 28 days' notice being issued in both 2017-18 and 2018-19.

The greatest change was with NAWIs <30kg, where the rate of 28 days' notice being issued increased by 4.76%.

Weighbridges and scales saw the rate of 28 days' notice being issued fall marginally, although the rate of verification marks being removed increased in 2018-19 (see Fig. 3).

Comparatively, liquid fuel dispensers (LFD), automatic weighing instruments (AWI) and intoxicating liquor measuring instruments (ILMI) had low rates of 28 days' notice being issued, with minor changes between 2017-18 and 2018-19.

Figure 3. Percentage of equipment inspected which had the verification mark removed (2017-18 and 2018-19)

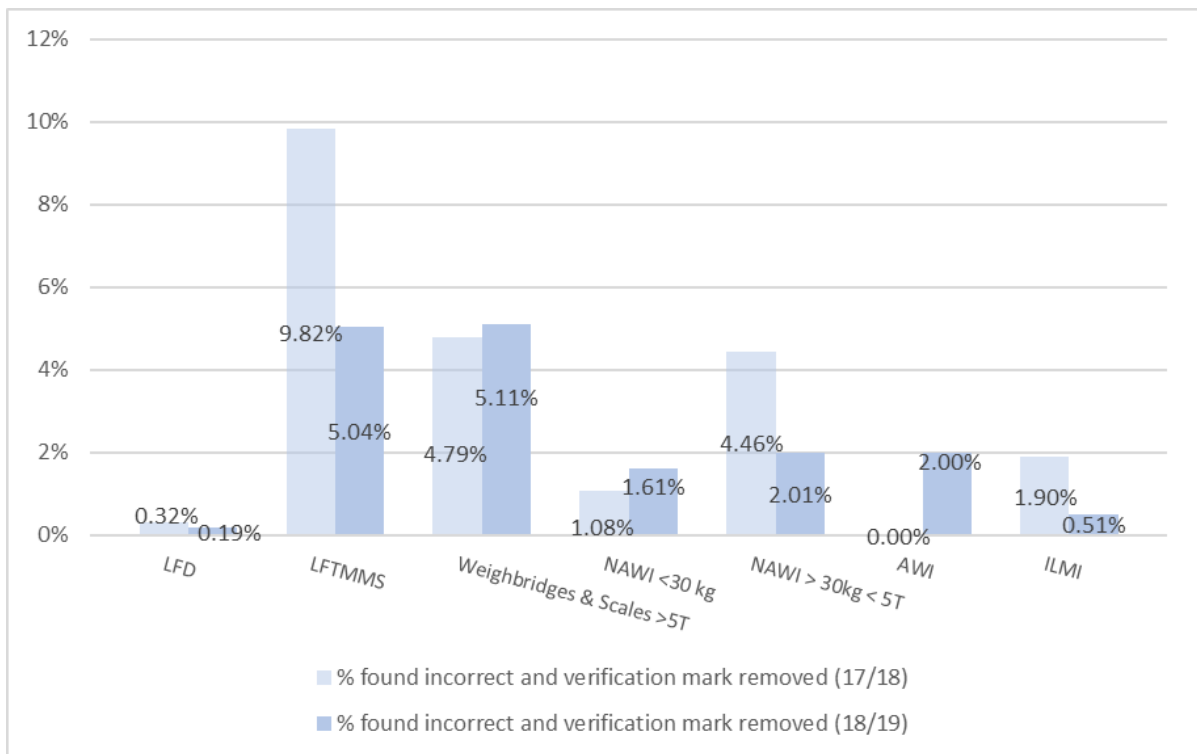


Figure 3 shows that weighbridges had the highest rate of verification marks being removed in 2018-19; 5.11% of those inspected. This is up from 4.79% in 2017-18.

The rate of LFTMMS verification marks being removed decreased significantly from 2017-18, but they still showed the second highest rate in 2018-19 (5.04% of verification marks were removed).

Whilst NAWIs <30kg had a higher rate of being found incorrect and having 28 days' notice issued in 2018-19, a much lower percentage had the verification mark removed.

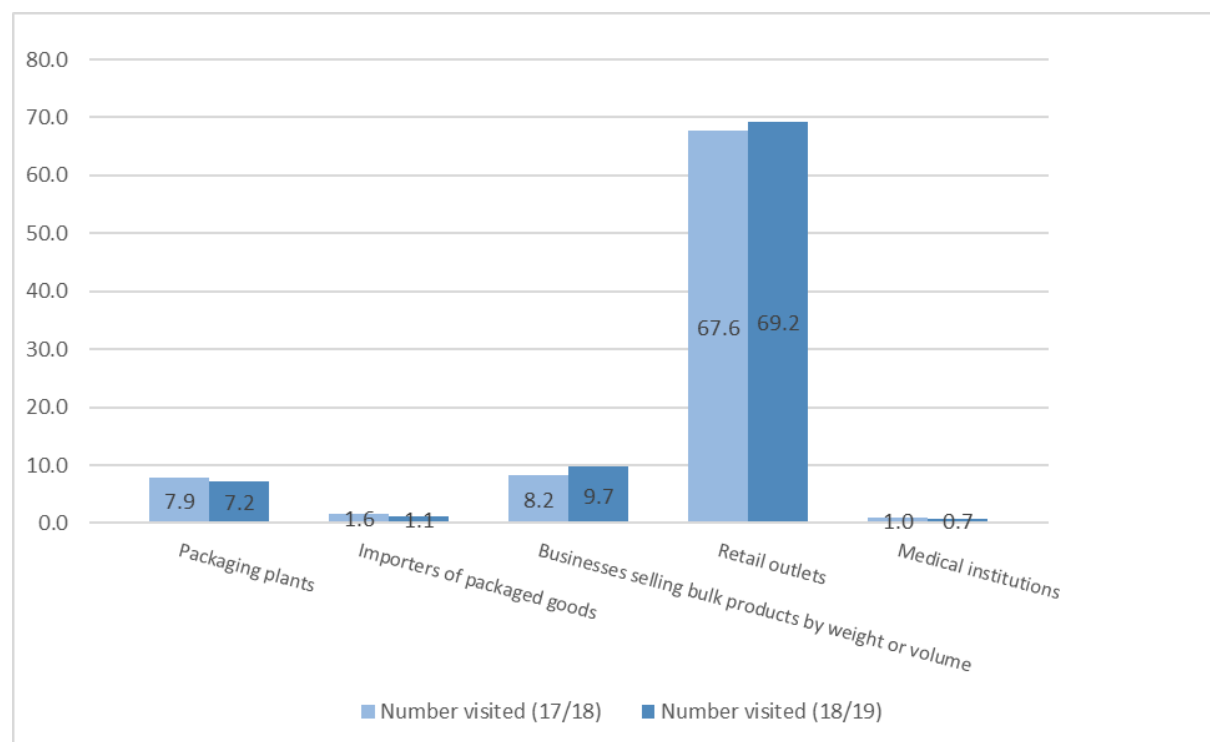
Although intoxicating liquor measuring instruments (ILMI) showed a relatively low rate of failure, concerns were raised by individual Authorities over the usage of the pieces of equipment (rather than the compliance of the equipment itself). More detail on this can be found under Part 4: 'Top 3 Concerns'.

In 2017-18, 28 inspections of pieces of equipment were related to prosecutions or cautions. The majority of these were related to ILMIs. In 2018-19, the total figure was 36; all of which were related to ILMIs.

Measuring metrological compliance in transactions

Figure 4 shows the number of businesses that were visited on average in 2017-18 and 2018-19.

Figure 4: Average number of businesses that were visited on average in 2017-18 and 2018-19



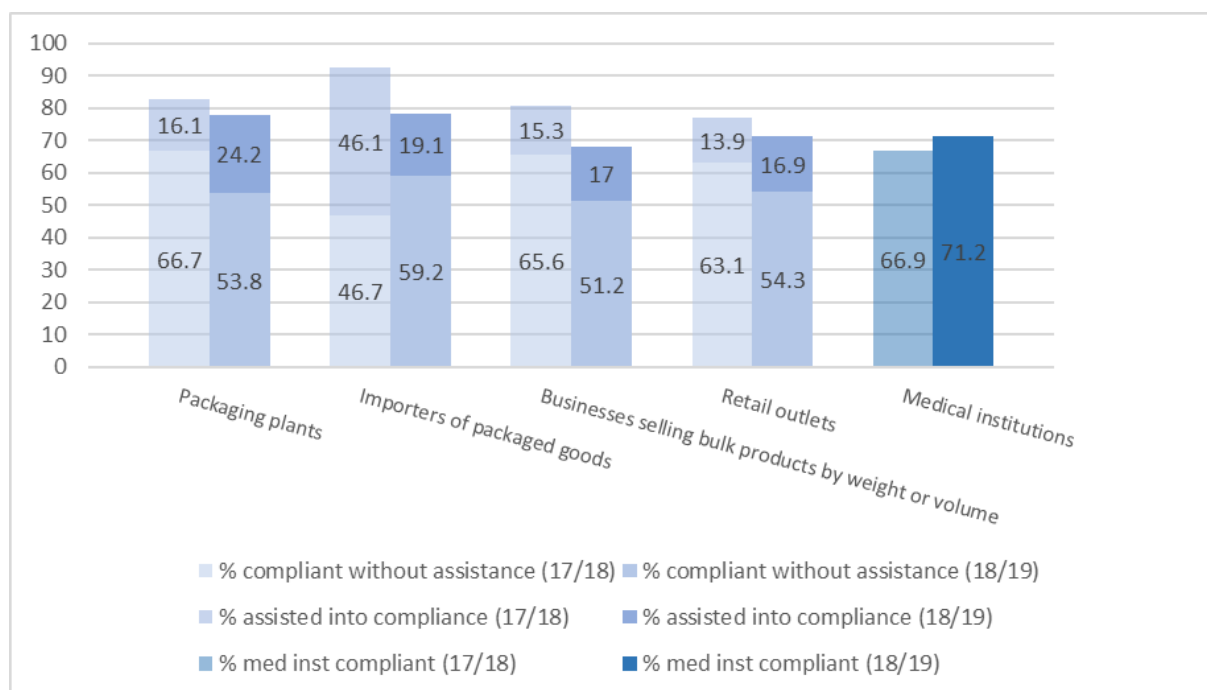
A slight increase in the average number of retail outlets visited can be seen. This difference might have been expected to be greater, due to the 2018-19 supermarket NAWI project. In fact, largely the same pattern of activity can be seen between the two years – on average LWMAs visited 1.6 more retail outlets than the previous year, while medical institutions were the least visited type of business both years.

Businesses selling bulk products by weight or volume were the only other business type to see inspection rates increase.

Figure 5 shows the total rates of compliance for each business type, in 2017-18 and 2018-19. These are broken down into the proportion that were already compliant, and the proportion that were assisted into compliance (the lower section and upper section of each bar, respectively). The form does not ask for ‘businesses assisted into compliance’ for medical institutions, so a breakdown is not available for this category.

Rates of non-compliance are not specifically requested on the Section 70 form. The figures below can indicate where non-compliance may be occurring, but it is not possible to infer exact non-compliance rates.

Figure 5. Business Compliance (%) in 2017-18 and 2018-19, with proportion compliant without assistance and proportion assisted into compliance.



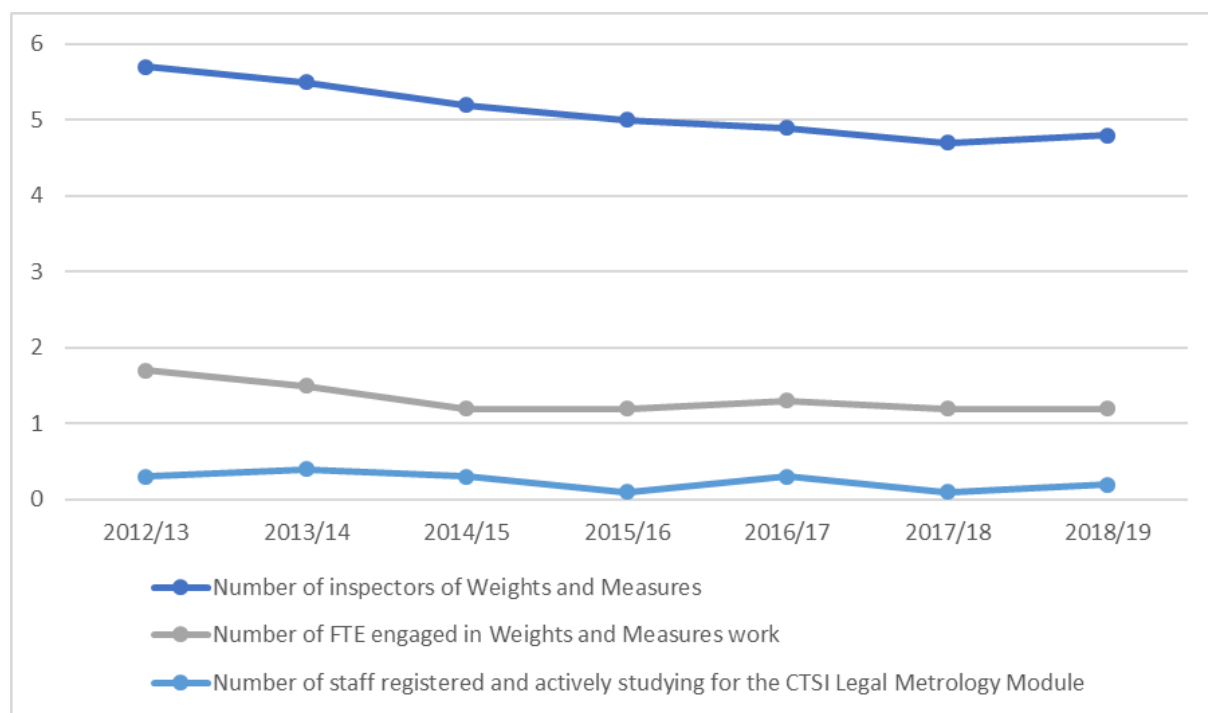
Businesses selling bulk products by weight or volume showed the lowest rate of compliance in 2018-19, at 68.2% overall. They also had the lowest rate of compliance on first inspection. Aside from retail outlets, these were the most frequently visited type of business.

The compliance rate of packaging plants decreased from 2017-18 to 2018-19; especially those compliant on first inspection (53.8% compliance, down from 66.7% compliance). This business type also saw the greatest reduction in average inspection rate.

The greatest change between the two years is importers of packaged goods, which went from 92.8% total compliance in 2017-18, to 78.3% total compliance in 2018-19. Although the rate of businesses compliant on first inspection increased by 12.5%, the rate of businesses assisted into compliance dropped by 27%. As can be seen in Fig. 4, this is based on a relatively small sample size (162 total inspections in 2018-19).

Staffing

Figure 6. Average number of inspectors, average number of FTE and average number studying the CTSI Legal Metrology Module, 2012-2019



The overall trend shows a slight reduction in average numbers of inspectors (-0.9 since 2012-13). There has also been a decrease in the number of FTE staff engaged in Weights and Measures work, although this has been smaller (-0.5 since 2012-13). There has not been a major change in the number of officers studying for the CTSI Legal Metrology Module.

There is a suggestion that from 2017-18 to 2018-19 the staff numbers may have stabilised. Data in subsequent years will establish whether this is the case.

Figure 7. Change in average number of Weights and Measures inspectors and FTE from 2017-18 to 2018-19 by Local Authority type

Type of Local Authority	2017-18	2018-19
County Council	10.4 inspectors, 2.4 FTE	10.4 inspectors, 2.3 FTE
English Unitary Council	3.6 inspectors, 1.2 FTE	3.5 inspectors, 0.9 FTE
London Borough	1.8 inspectors, 0.5 FTE	2.2 inspectors, 0.8 FTE
Metropolitan Borough	3.7 inspectors, 0.9 FTE	3.7 inspectors, 0.9 FTE
Metropolitan District	4.1 inspectors, 0.7 FTE	3.9 inspectors, 0.6 FTE
Scottish Unitary	4.2 inspectors, 2.2 FTE	4.2 inspectors, 1.5 FTE
Welsh Unitary	4.3 inspectors, 0.9 FTE	4.5 inspectors, 0.9 FTE

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Whilst Fig. 6 is useful for monitoring year-on-year trends, it may not account for differences in staffing between different types of Authority. The above figure has been included to reflect this difference.

This suggests that on average some types of Local Authorities (English Unitary, for example) have seen greater changes from 2017-18 to 2018-19, where others (Metropolitan Borough, Welsh Unitary) have largely remained stable.

Staffing and resource is also covered in Part 4: 'Top 3 concerns as reported by LWMAs'. Figures 6 and 7 may be useful in contextualising concerns raised in Part 4.

Top 3 concerns reported by LWMAs

In 2017-18, 80% of returns contained information in this section. There was no major change in 2018-19 (79%). Not all concerns related specifically to pieces of equipment or inspections. Therefore, the most commonly raised concerns have been separated into strategic and technical concerns:

Top 3 strategic concerns

Figure 8. Top 3 strategic concerns reported by LWMAs (2017-18 and 2018-19)

2017-18	2018-19
Staffing (25% of returns)	Staffing (30% of returns)
Lack of funding and resources (21% of returns)	Lack of funding and resources (21% of returns)
Legal Metrology not prioritised (13% of returns)	EU Exit (19% of returns)

Comments were categorised as 'staffing concerns' wherever staffing was directly mentioned, or where words or phrases such as 'lack of new inspectors coming into profession' or 'inspectors leaving the profession' were mentioned.

'Lack of funding and resources' were counted wherever these two words were specifically mentioned. It may be that some returns mentioned 'legal metrology not prioritised', or 'lack of funding and resources', with staffing being implied, so the top concerns may have overlapping themes.

EU Exit was counted where any comment mentioned 'Brexit', 'EU Exit', 'leaving the EU', and so on. Its position as a top 3 concern in 2018-19 should be viewed in the context of the majority of returns being completed in early to mid-2019; prior to much of the EU Exit preparedness guidance and training for Local Authorities carried out in the run up to 31st October 2019.

Top 3 technical concerns

Figure 9. Top 3 technical concerns reported by LWMAs (2017-18 and 2018-19)

2017-18	2018-19
Weighbridges (18% of returns)	NAWIs (25% of returns)
NAWIs (16% of returns)	Weighbridges (16% of returns)
Intoxicating liquor measuring instruments (13% of returns)	Intoxicating liquor measuring instruments (12% of returns)

Concerns for each of these categories were counted wherever the type of equipment was directly mentioned. Some comments mentioned unstamped or unapproved equipment being used but did not specify what type of equipment.

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The rate of returns raising concerns about NAWIs rose by 9 percentage points in 2018-19. It may be that the 2018-19 supermarket NAWI project drew attention to non-compliance in this area, contributing to its position above.

As noted alongside Figs. 2 and 3 of this report, weighbridges had a relatively high rate of non-compliance, which may support its position as a Top 3 concern.

Intoxicating liquor measuring instruments, on the other hand, showed a relatively low rate of non-compliance in Fig 2. The majority of concerns over intoxicating liquor measuring instruments were not related to the pieces of equipment themselves, but to training in using these pieces of equipment correctly. 11% of the total concerns raised in 2018-19 mentioned a lack of understanding of weights and measures legislation by businesses (the figure was 9% for 2017-18).

Conclusions

Weights and measures activity

The overall rate of inspection has decreased since 2009-10. The inspection rate rose slightly this year, suggesting this may now be stabilising. This is consistent with staffing data from 2017-18 and 2018-19. Data returned in 2020 and subsequent years will determine whether this is a trend.

Compliance of weighing and measuring equipment

Equipment failure rates are relatively low in comparison to business non-compliance rates.

Weighbridges showed the highest rate of verification marks being removed. They were also in the top 3 technical concerns raised, both in 2017-18 and 2018-19. Despite this, reported inspections of Weighbridges have decreased by more than any other equipment type. These may be seen as high risk, because the volume of material can have large financial implications if errors are found.

Liquid fuel tanker meter measuring systems may be another area of concern, having the highest rate of 28 days' notice being issued in both years.

Measuring metrological compliance in transactions

In contrast to the equipment compliance rates, there are seemingly low levels of business compliance on first inspection across all sectors. It may be that other problems were found within businesses aside from equipment compliance. More research may be needed on this to determine the reason for the apparent difference.

Packaging plants had the second-lowest compliance rate on initial inspection in 2018-19. These can be seen as high risk due to the nature of the business; being at the beginning of the supply chain, the goods are weighed out of sight of the consumer. The rate of inspection of these businesses also decreased in 2018-19.

There is currently a national project on packaged goods, running from 2019-2021.

In 2018-19, businesses selling bulk products by weight or volume had the lowest compliance rate on initial inspection and the lowest overall compliance rate. This may be another area for further investigation.

Future planning

Section 70 review

A review of the Section 70 process is currently underway.

OPSS is working closely with LWMA representatives to identify how the collection of Section 70 data can be improved. This includes discussion on:

- The data that is requested
- The clarity of the questions on the returns form and accompanying guidance
- The format of the returns form
- The format of any subsequent report produced by OPSS

The hope is that changes made to the process will enable a deeper and more meaningful analysis of each year's data, which will illustrate where the majority of Weights and Measures activity has taken place, highlight risks and enable effective resource planning for subsequent years.

Annex A: Notes on the data

Some data requested in the returns forms in 2017-18 and 2018-19 are not included in this report, due to unreliability of the figures.

Averages have been used where possible, to enable year-on-year comparisons which account for varying returns rates.

Where averages are used, the returns rate still has potential to affect figures. Returns received may be reflective of areas with more resource and higher activity, which may skew data.

- Section 70 Process: The return form asks for the number of officers studying for the 'TSI Legal Metrology Module'. After page 2, TSI is referred to by its current name (CTSI). The qualification is now the Trading Standards Practitioner Diploma - the data in this report covers the time period before this change occurred.
- Figure 1: Calculated based on total numbers of pieces of equipment reported. As stated, this is known to be an estimated value. Data for Liquid Fuel Tanker Meter Measuring Systems (LFTMMS) and liquid fuel dispensers (LFD) are only available from 2011-12 onwards. In the 2011-12 returns, the three historically lowest inspected instrument categories (weights, length measures, 'other') were removed and LFTMMS and LFDs were added.
- Figure 2: A return containing anomalous data was excluded from this figure.
- Figure 4: A return containing anomalous data was excluded from this figure.
- Figure 5: For years 2012-13, 2013-14 and 2014-15, the returns rate reported in those years has been used to calculate average staff levels. From 2015-16 onwards, the returns rate has been calculated from raw data available.

Annex B: Acronyms and initialisms

- LWMA: Local Weights and Measures Authority
- FTE: Full-time equivalent
- TSI: Trading Standards Institute
- CTSI: Chartered Trading Standards Institute
- LA: Local Authority
- LFD: Liquid Fuel Dispensers
- LFTMMS: Liquid Fuel Tanker Meter Measuring System
- NAWI: Non-automatic Weighing Instrument
- AWI: Automatic Weighing Instrument
- ILMI: Intoxicating Liquor Measuring Instrument

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