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Consumer and Competition Policy Directorate
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Dear Ms Cawley,

I am writing on behalf of the National Consumer Council (NCC) to apply for designation as a super-complainant under section 11 of the Enterprise Act 2002 (the Act). This application covers the Scottish Consumer Council (SCC) and Welsh Consumer Council (WCC), which are trading names of NCC, covering our operations in Scotland and Wales.

NCC is the leading consumer policy think-tank. I believe that NCC satisfies the requirements under s11(6)(a) of "representing the interests of consumers of any description", in particular through our work of:

- Promoting high standards in the quality of goods and services provided to consumers;
- Promoting public knowledge and understanding of consumer rights and how to get redress;
- Encouraging businesses to present complex information clearly and simply so as to make it easier for consumers to assess options;

- Promoting consumer self-confidence through the advancement of consumer education;
- Representing the interests of socially or economically vulnerable consumers;
- Promoting the general welfare of disadvantaged groups who may have special needs as consumers.

The following information provides evidence in support of this and addresses the additional criterion as set by the Secretary of State.

Criterion 1

The body is so constituted, managed and controlled as to be expected to act independently, impartially and with complete integrity

NCC has established itself as an independent consumer expert, championing the consumer interest to bring about change for the benefit of all consumers, focussing particularly on the interests of disadvantaged consumers. As BBC Radio 4 (You and Yours) commented last week " For around thirty years, the National Consumer Council has been the champion of less well off consumers - attempting to ensure that poverty is no bar to rights."

NCC's vision is to make markets and public services work better for all consumers - now and in the future.

NCC's mission is to stimulate real change by championing the interests of consumers and by empowering them in their choice of sustainable goods and services.

This is achieved by:

- Working with people and organisations that can make change happen - governments, regulators,

business and people and organisations who speak on behalf of consumers;

- Undertaking rigorous research and policy analysis and drawing on the experiences of consumers and other consumer organisations;
- Piloting ideas, holding events and bringing people together from different backgrounds
- Publishing a wide range of research, policy and briefing reports;
- Lobbying and campaigning

NCC was established in 1975 as an independent, non-statutory, publicly funded body. It is a company limited by guarantee (incorporated in 1975) and includes the Scottish Consumer Council and Welsh Consumer Council. The constitution of the NCC is set out in the Articles of Association.

NCC Board members are appointed by the Secretary of State for Trade and Industry in accordance with the OCPA Code of Practice for Public Appointments Procedures. The Scottish and Welsh Consumer Councils (SCC and WCC) are committees of the NCC Board. The NCC does not carry out its functions on behalf of the Crown.

The NCC receives funding through:

- Grant-in-aid from the DTI under Section 274 of the Enterprise Act 2002 (c.40) provision of financial assistance for consumer purposes'
- Remits from regional governments and other government departments for particular projects
- Other sources of funding (for example charitable trusts)
- Sales of publications

In order to satisfy the criterion 1 as set out in the guidance, we attach at Appendix 1 the following information:

Memorandum and Articles of Association of National Consumer Council (March 1975); List of NCC Board; List of NCC Principal Officers; CV's of NCC Board members and Principal Officers; Current list of directorships, shareholdings and any other substantial interests in other companies held by directors, partners or principal officers of the organisation; NCC annual report and accounts 2001-02; 2002-03.

Criterion 2

The body can demonstrate considerable experience and competence in representing the interests of consumers of any description;

And

Criterion 3

The body has the capability to put together reasoned super-complaints on a range of issues

NCC has a long-standing record of achievements on behalf of consumers. We have led campaigns, undertaken research, produced policy and lobbied on a wide-range of issues since 1975. NCC employs three lawyers (including one specialising in Scottish Law) and four economists, working on campaigns and policy across the UK and regionally, with other staff bringing a wealth of experience in consumer protection. We are recognised as having expertise particularly in the areas of EU policy; financial services; credit and debt; sustainable consumption; food; risk; health and involving consumers. In a survey completed by Opinion Leader Research in March/April 2002, two thirds of organisations NCC deals with confirm that we have a good understanding of day-to-day consumer experience.

The following examples show NCC's experience and competence in representing the interests of consumers, reflect the wide-range of issues NCC works on, and give an indication of our capability to put together a reasoned super-complaint:

1. Communications

In 1995 the NCC began a campaign to establish a converged regulator and consumer representation for communications. We have lobbied on behalf of consumers throughout the passage of the Communications Bill, which has just received Royal Assent, for a strong Consumer Panel within Ofcom. We were at the forefront of the successful campaign to make sure Ofcom has a principal duty to further the interests of consumers, and that the Panel's remit extends beyond service delivery.

2. Public Services

NCC's work on developing and testing mechanisms for consumer involvement has played a significant part in current public service reform. We have worked with local public services and service users to draw up effective and meaningful standards for service delivery. Recently we have published a series of carefully documented and reasoned reports on the range of mechanisms for public involvement and participation. Several bodies have taken our policy recommendations on board; the Food Standards Agency is undertaking a number of initiatives, DEFRA has been working closely with young people, the Commission for Health Improvement has expressed its interest in our suggestions and the Transitional Advisory Board asked our advice on taking up new mechanisms for patient and public involvement (Patient and Public Forums). We produced a good practice guide for getting the best out of consumer representatives. This was sent to government

departments, regulators, professional and trade bodies, and selected consumer representatives. Feedback has been positive.

Our report 'Consultation documents: not just a paper exercise' formed much of the basis for the Cabinet Office guidelines for government departments on how to consult effectively. The guidelines are widely used across the public sector and will be formally reviewed later this year in a public consultation by the Cabinet Office.

NCC's Consumer Impact Assessment is being used alongside other tools to assess the impact of policy measures and is referenced on the Cabinet Office website.

3. Food

NCC was represented on the Curry Commission which looked at the future of farming. We also published two pieces of consumer research for the commission and organised the 'consumer stakeholder' meeting. The most significant change we brought about as a direct result of this work was integration for the first time of nutrition policy with wider food and farming strategy.

4. General duty not to trade unfairly

As a result of NCC's careful research and independent, robust lobbying on behalf of consumers, the DTI, and most recently the EU Commission in a new draft directive, have changed policy to embrace NCC's call for the introduction of a general duty not to trade unfairly - a principle based approach to legislation which could support the most effective consumer protection regime and 'future-proof' it against new models of rogue trading and scams.

5. Self-regulation for the benefit of consumers

Our work to develop criteria for effective self-regulation has also been highly influential. They have been used in the reform of the governance of the Assured Food Standards (AFS) scheme, to audit the General Medical Council (GMC), and in looking at how other health professionals are regulated. The General Dental Council (GDC) has introduced reforms influenced by our recommendations on lay representation, revalidation and complaints, and is keen to involve us in reviewing their progress. At a European level, DG Sanco is particularly interested in the application within the general duty framework directive and DG Enterprise for broader issues.

6. Credit and debt

We have made a major contribution to the current DTI review of credit legislation looking at how to protect vulnerable consumers more effectively. NCC is also working co-operatively with the Financial Services Authority, Treasury and Department for Work and Pensions on how to provide suitable savings and pensions vehicles for low-income consumers.

Other work in this area includes, lobbying to ensure that credit unions are regulated appropriately and to enhance access to credit for consumers with a low or unpredictable income.

7. Consumer support and development

We have worked extensively with partners, including the Cabinet Office and other government departments, Citizens Advice (formerly NACAB), the Office of Fair Trading, the Trading Standards Institute, the Registry

Trust and a wide range of trade bodies including the CBI. NCC convenes regular meetings of Consumer Policy Forums, to support and promote networking among UK consumer and public interest bodies.

Over the years, NCC has brought into existence a number of significant organisations, including: the Advice Services Alliance, the Association for Governors Information and Training, the County Court Advisors Group, the Credit Union Advisory Committee, the Federation of Independent Advice Centres, the Money Advice Association (and played a major part in the creation of the Money Advice Trust), the National Tenants Organisation and the Tenants' Participation Advisory Service.

NCC has been recognised by government as being a legitimate and effective representative of the consumer interest.

Over the past two years we have given written and oral evidence to a wide range of select committees at the House of Common and House of lords. These have included:

- Culture, Media and Sport Select Committee on Communications;
- Putnam Committee on the draft Communications Bill;
- House of lords EU Select Committee inquiry on EU mergers policy;
- Work and Pensions Committee on the future of UK pensions;
- Trade and Industry Select Committee inquiry on People, Pensions and the Post Office;
- Treasury Select Committee inquiry on accountability of UK regulators.

NCC was also recognised by the European Court as a legitimate body representing consumers when we made a

formal complaint, first to DG Competition and then to the European Court.

We are regularly invited to participate in a wide range of consultations from government departments, regulators, consumer organisations and others. Over the past year this has totalled over 300.

Criterion 4

The body is ready and willing to co-operate with the Office of Fair Trading (OFT), and/or with any other authority, body or person having responsibility for responding to super-complaints. In particular, the body agrees to take account of any guidance issued by the OFT.

We confirm that NCC is ready and willing to co-operate with the OFT and any other authority, body or person having responsibility for responding to super-complaints. We agree to take full account of any guidance issued by the OFT.

Criterion 5

The fact that a body has a trading arm will not disqualify it from being designated provided that the trading arm does not control the body, and any profits of the trading arm are only used to further the stated objectives of the body and the body has established procedures to ensure that any potential conflicts of interest are properly dealt with.

NCC Services Ltd (NCC's trading arm) is currently dormant, however any profits from the trading arm in the future will only be used to further the stated objectives of the body and we confirm that the body has established procedures to ensure that any potential conflicts of interest are properly dealt with.

NCC formally undertake to notify the Secretary of State of any material changes to the information supplied which could be relevant to meeting any of the criteria.

Finally, I believe that NCC fully meets the Secretary of State's requirements under section 11 of the Enterprise Act 2002 (the Act) and we look forward achieving the best for consumers with the additional benefits that designation as a super-complainant will bring.

Yours sincerely,

Ed Mayo
Chief Executive

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