

29th May 2012**Agenda Item: 6****REPORT OF THE GROUP MANAGER, TRADING STANDARDS****UPDATE ON TRADING STANDARDS****Purpose of the Report**

1. To keep the Committee updated on key Trading Standards matters.

Information and Advice

2. **Consumer Law Landscape Review** - The Department for Business, Innovation and Skills (BIS) has finally announced the Government's decision on the future Consumer Law landscape. The key decisions made that have the most impact on the authority are:

- A National Trading Standards Board (NTSB) to be established for prioritising national and cross-boundary enforcement in England and Wales;
- A Strategic Intelligence, Prevention and Enforcement Partnership (SIPEP) to be established between the NTSB, Scotland and Northern Ireland Trading Standards, a new Consumers and Markets Agency, a new Regulated Industries Unit, and the Citizens Advice service; and
- Publicly-funded information and advice being delivered by the Citizens Advice service from April 2012.

3. The full response can be read at:

<http://www.bis.gov.uk/assets/biscore/consumer-issues/docs/e/12-510-empowering-protecting-consumers-government-response.pdf>

4. **Panic Fuel Buying** - During the recent 'panic buying' of petrol, Trading Standards contacted all petrol stations to advise of their legal responsibilities regarding dispensing petrol. In a joint media release with the Fire & Rescue Service, Trading Standards also warned of the health and safety risks of storing petrol domestically, and the legal amount that can be stored. The service received extensive coverage, as the release coincided with the unfortunate incident where a woman received serious burns while pouring petrol in her kitchen.

5. **Product Safety** - Trading Standards officers have been supporting a company to recall unsafe baby Moses baskets following a suspension notice issued by another Trading Standards Service. The baskets pose a potential choking hazard to babies.
6. **Underage Sales, Alcohol** - A new structure for Police alcohol licensing teams led to the Service agreeing new arrangements for liaison and transfer of intelligence. The Police will be intelligence-led, focussing on the “top 10” problem premises in Nottinghamshire. Trading Standards will work closely with the Police to reduce the supply of alcohol to underage people whether by direct sale, or by ‘proxy’ sales, where an adult makes a purchase on behalf of an underage person.
7. The Government’s latest Alcohol Strategy urges Police and local authorities to “take quick and firm action to tackle and punish those...acting irresponsibly”. It identifies that high levels of binge drinking amongst 15-16 year olds, together with smoking and obesity, are the three biggest lifestyle risk factors for disease and death in the UK. Further, access to cheap alcohol, combined with drinking before going out at night, leads to a higher risk of involvement in violence.
8. Additional responsibilities for Trading Standards Officers that may fall out of the strategy’s consultation period include a minimum unit pricing for alcohol proposal, and a ban on multi-buy promotions.
9. **Test Purchase Exercise** - 9 attempted purchases of alcohol and cigarettes were made in April using a young volunteer. The premises visited were in Mansfield, Ashfield and Broxtowe, with one sale of alcohol made from a Hucknall shop. Investigations continue.
10. **Primary Authority Partnerships** - The authority signed up to 11 Primary Authority Partnerships in 2011/12. These partnerships are designed to enable Trading Standards (and other regulators) to deliver tailored, consistent support to businesses. The statutory backing of the partnerships means that the advice given and followed can not be readily challenged in Court by another enforcement agency. This gives businesses trading across boundaries certainty, and eliminates inconsistencies of approach some had previously experienced.
11. All 11 businesses have committed to continue with their partnerships this year, at the same or a higher level than last year. The authority recovers the costs of delivering this support from the businesses themselves.
12. A seminar was held on 4th May in conjunction with Rushcliffe Borough Council Environmental Health and the Better Regulation Delivery Office to promote Primary Authority to local businesses. This was the first such joint seminar held in the country between two regulators.
13. **Car Boot Operation** - the Service recently apprehended four men selling counterfeit items at a Nottinghamshire market. The men, all known to the authorities, were arrested, some released on bail, whilst a further one was remanded in custody overnight and bailed the following day. Investigations continue.

14. **‘Real Deal’** - this national charter ensures markets are free from counterfeit and other illegal goods, and is supported by trade and enforcement bodies. The Service is pleased that the new owners of Thoresby Market are keen to sign-up to the Charter thereby agreeing to work hard with the authority to prohibit the sale of illegal goods there. In return, Trading Standards will support the organisers in identifying such goods, and policing the market. Following this pilot, staff will look to roll the Charter out to other responsible Market Operators.
15. **Environmental Weight Restrictions** - Residents in the five Community Lorry Watch areas submitted 105 intelligence reports in 2011/12 regarding vehicles breaching restrictions. In response, Trading Standards undertook 42 enforcement days in 23 different locations, catching 98 overweight vehicles unable to provide a valid reason for being there. Since the schemes started, the service has issued 101 warning letters, 36 simple cautions, and taken 2 prosecutions. No driver in 2011/12 was observed for a second time breaching a weight limit after receiving a warning.
16. **Mobility Aids** - The mis-selling of mobility aids to vulnerable residents continues to be a problem. Following the successes of enforcement action against the criminals involved, the Service has shifted its focus towards prevention work, joining up with Social Care colleagues to develop stronger prevention tactics. The aim is to identify vulnerable residents likely to be targeted, and to work with them to prevent them falling victim.
17. **Pay Day Lending** - The service is supporting the Office of Fair Trading in a national review into this market, involving inspections of 50 major payday lenders; one of which is in the County. Practices that will be investigated in the review include inadequate checks on whether a borrower can afford a loan, inappropriate targeting of particular groups with unsuitable or unaffordable credit, rolling over loans to escalate charges, and unfair treatment of borrowers that get into financial difficulty.
18. **Regional Operations Unit (‘Scambusters’ Team)** - The team is currently leading a complex investigation into a business selling allegedly unsuitable and overpriced mobility aids to vulnerable people across the East Midlands and Yorkshire. The work involves coordinating the efforts of a number of Police Forces, illustrating the vital coordination role the team has in the fight against rogue traders.
19. The team has recently completed an investigation into a long-standing scam targeting small businesses and other organisations. Although the amounts taken from each business are relatively small, tight margins have amplified the impact on individual businesses, whilst the cumulative amounts involved are significant. The case is now in the court process.
20. **Media** - recent coverage of the authority’s work includes:
- A Nottingham Evening Post special feature regarding counterfeiting;

- A Mail on Sunday article on the potential safety risks associated with teething bracelets for babies;
- A BBC News piece regarding criminals sharing details of potential victims;
- Radio Nottingham, Radio Mansfield & Nottingham Evening Post coverage regarding Air Ambulance charity bag collections;
- Radio Mansfield coverage of a test purchase exercise;
- Radio Mansfield, GEM and Nottingham interviews regarding new Tobacco Display Legislation; and
- Capital Radio and Radio Nottingham interviews regarding a counterfeiter's sentence.

21. **Legal Action Update** - A Nottinghamshire man found guilty of 5 counts of fraud, and 1 count of cancellation rights offences has been given a 242 hour community service order and ordered to pay £3,030 compensation.

22. A Derbyshire man was sentenced to 200 hours community service and to pay a contribution to prosecution costs for selling counterfeit dvd's. The court issued a warrant for the arrest of another man who was also selling counterfeit but who failed to attend court. The Service subsequently apprehended him, and put him before Court, where he was also sentenced to 200 hours community service regarding 13 counts.

23. Three cases regarding the supply of counterfeit alcohol have now been concluded. A Worksop retailer was been fined £500 for selling counterfeit Jacobs Creek, while a Mansfield company was fined £1,500 and it's director £500 for selling 15 bottles of counterfeit vodka. A further company in Rainworth was fined £1,350 and its director £450 for selling 4 bottles of counterfeit vodka. All businesses were ordered to pay full prosecution costs.

24. The Mansfield man convicted for selling counterfeit goods from a retail premises in Mansfield has now been ordered to pay £14,000 following a proceeds of crime investigation.

25. The sentencing of the man who had pleaded guilty to committing fraud offences for reducing the mileages on vans he sold was adjourned from 4th May until 22nd June pending medical reports.

26. A man is due in court on the 9th of May for offences under the Consumer Protection from Unfair Trading Regulations.

27. A Man is due to appear in court on the 16th of May for selling counterfeit cigarettes and tobacco.

Statutory and Policy Implications

28. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the Committee notes the contents of this report.

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Background Papers

None.

Electoral Division(s) and Member(s) Affected

All.

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