

28th January 2014**Agenda Item: 14****REPORT OF THE SERVICE DIRECTOR FOR PROMOTING INDEPENDENCE
AND PUBLIC PROTECTION****UPDATE ON KEY TRADING STANDARDS MATTERS****Purpose of the Report**

1. To update the Committee on key Trading Standards matters.

Information and Advice

2. **Matters arising from the previous meeting – £1 Orders Made under the Proceeds of Crime Act** – since the Authority has had the capability to undertake asset recovery work, Court orders for a nominal sum of £1 have been issued on three occasions. One was a counterfeiting case where the subject was living 'hand to mouth', while more recently Sharpe and Mould, both engaged in mobility aid mis-selling, had £1 orders made against them. Both are currently in custody. The Service's Financial Investigator will routinely monitor the orders, and when/if any assets are identified, the Authority will go back to court to recover those assets.
3. **Licence Reviews** - the Service's Legal Manager currently sends the results through of all relevant prosecutions to District Council and Police Licensing functions. When evidence is found of a licensed premise involved in the supply of illicit alcohol or tobacco, a licence review is considered on the specific facts of that case, discussions with other relevant partners, and in light of legal precedent.
4. **Product Safety – Novelty hats** - Before christmas, 67 novelty childrens hats posing a strangulation hazard were seized from traders in Mansfield. This followed an earlier warning about scarves of a similar design which were on sale in Leicestershire. The traders were warned not to sell similar items in future, and officers notified and advised local markets, and also sent messages to parents via local schools. A press release was issued to raise public awareness, and resulted in interviews on East Midlands Today and Radio Nottingham.
5. **Product Safety – Dangerous fireplaces**. A festive fireplace warning was issued to warn householders to check that their fireplace had been properly fitted, following national incidents resulting in the death of two children. Officers

wrote to local companies involved in the manufacture, supply or installation of stone fireplaces to remind them of best practice on the safe installation. The two national incidents involved parts of surrounds falling from the wall - steel fixings, dowels and screws hadn't been used to secure the stone parts. Some parts can exceed 50kg, and design of mantel shelves which usually have significant overhangs meaning they are liable to topple off if not secured properly.

6. **Product Safety – Halogen heaters.** A December safety warning was issued to alert residents following a spate of local incidents reported about the heaters overheating, exploding or melting. Whilst officers investigated the affected appliances, residents were warned to ensure they bought only reputable makes, and to carefully follow manufacturer's guidance on how they should be used, particularly on maximum use time and suitable location.
7. **Product Safety – Part worn tyres.** As part of complaint investigations of two part worn tyre dealers, a New Year warning was issued to motorists about potential hazards from part worn tyres. An expert examined six tyres sold for £25 by the dealers and found a number of problems including:
 - an illegal puncture repair;
 - a remould tyre dating from 1988;
 - two tyres below the legal tread limit for tyres on sale;
 - four tyres not balanced and three cracked due to age and weather;
 - structural damage caused by one being driven whilst previously flat; and
 - failure to stamp them as 'part worn' as required by UK law.
8. Local motorists were advised to check with the trader what the remaining tread was to ensure they got a good deal, compared to new budget tyres, available from £50 locally. Part worn tyres can legally be sold with a minimum of 2mm remaining tread, which is only slightly more than the legal minimum of 1.6mm for cars on the road. New tyres have 8mm of tread. Visual checks of the tyre were recommended for general condition, cracking caused by age or weather, or any other defects. Investigations continue into the supply of the illegal tyres.
9. **Precious Stones** – as a possible outcome of the low interest rates currently on offer to savers, the Service is currently in the initial stages of investigating the sale of precious stones as investments. The current case involves overstating the current value of the stones, and also their investment potential. Coupled to this, officers suspect multiple business fronts and slick sales patter are once again used to disguise and dupe older adults into parting with significant amounts of money. The Service is currently building the intelligence picture on the operation before identifying appropriate agencies to partner with and will keep the Committee updated.
10. **Business Energy Scam** – a small local business complained that it had been cold called and told it had been overcharged by its energy supplier, and that the caller could obtain a rebate as well as putting the business on a 'better' plan. In return, the business targeted gave the caller full authority to act on its behalf

with the energy company. In the case being investigated by the Service, no rebate has materialised, and it appears that the new power agreement also directly benefits the cold caller. The idea behind the scheme is based on a legitimate principle regarding the different rates of VAT payable on mixed used premises – where businesses have been paying too high a rate, the power companies have indeed overcharged (on VAT), so are reimbursing. This appears to be a national scam – depending on what emerges, the Service may look to refer this for tasking via the regional or national tasking processes.

11. **Scams – National Scams Hub: list of scam victims.** As part of its work with the hub, the Service received the details of 600 vulnerable Nottinghamshire residents on a mailing list of 100,000 names recovered by a Police Force. Trading Standards Officers have worked with colleagues in the Registration service, social care and local district councils to update and cleanse this data.
12. In January, the Service began approaching residents on the list with the aim of intervening to break the cycle of repeat victimisation. Work in other areas has demonstrated that over 93% of those on the mailing list have been scam victims, whilst a third have lost over £100, and some victims have lost £250,000 and £300,000. In a recent intervention prompted by work with Social Workers, the Service identified someone who had lost £60,000 to scams – this person's details were included on the mailing list. Officers are now working with the family to break this cycle.
13. **European Commission Food & Veterinary Office (FVO) Audit of the Food Standards Agency (FSA)** – The FVO is carrying out an audit of the activities of the FSA, who act as the UK's Central Competent Authority responsible for the official controls on animal feed. The audit will be carried out throughout the Country, over a number of days in January. Some members of the audit team will be visiting businesses within the East Midlands that have been inspected by officers from Trading Standards Services within the region.
14. Members may recall that Nottinghamshire Trading Standards is at the forefront of one of the regional pilots for the FSA for developing a regional delivery model for animal feed controls. It is anticipated that a business within the County will be selected for one of these visits. The audit team will also be holding a collective meeting with representatives from each of the authorities that are involved with the East Midlands pilot.
15. **Legal Update** - Shakahawan Salah of Andrew News and Booze, Sutton in Ashfield, appeared in the Mansfield Magistrates court after he was found selling counterfeit tobacco from his retail premises. The tobacco was found concealed in a device hidden in the floor of the shop. Mr Salah was ordered to carry out 100 hours of unpaid work, pay prosecution costs of £984.80 and a £60 victim surcharge.
16. Laura Franks of Arnold, Nottinghamshire appeared in the Nottingham Magistrates court on 8 January 2014 for the supply of counterfeit goods being sold over the social media network Facebook. Ms Franks pleaded guilty and

was given a six months supervision order and ordered to pay prosecution costs of £600.

17. Mr Abdulla and Mr Aziz of Kubus Mini Market, Gateford Road, Worksop are due to appear in Worksop Magistrates court on 17 January 2014. The Service will allege they have been selling illicit tobacco.
18. Mr John Cooney of Simplify Leicester is due to appear in the Nottingham Crown Court on 3 March 2014. Mr Cooney faces charges of fraud relating to the alleged mis-selling of mobility aids to older and vulnerable adults.
19. Three people are due to appear in Nottingham Crown Court on 14 March 2014. They are charged with the alleged supply of counterfeit DVDs through media such as Ebay and Amazon, as well as money laundering offences.
20. On 2 May 2014, six defendants are now due to appear in the Nottingham Crown court following a first hearing on 6 January in the Magistrates court. They are charged with offences under the Fraud Act 2006, for the alleged mis-selling of trusts which are marketed in a way claiming to prevent assets being used to pay for care home fees. The victims in the case are mainly older and vulnerable adults.

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

22. There are no financial implications contained in this report.

RECOMMENDATION/S

- 1) It is recommended that the Community Safety Committee notes the updates from the previous meeting and the various developments in the areas of work contained in the report.

PAUL MCKAY

Service Director, Promoting Independence and Public Protection

For any enquiries about this report please contact:

Mark Walker

Group Manager, Trading Standards
Tel: (01623) 452 070
Email: mark.walker@nottsgov.uk

Constitutional Comments

23. As the report is for noting only, no constitutional comments are required.

Financial Comments (KAS 19/01/2014)

24. There are no financial implications contained within this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

All.

CS52