

**18<sup>th</sup> June 2013****Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR 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. **Illicit Tobacco** – Unscrupulous shopkeepers tempted to sell illegal tobacco products do so with little regard for the massive impact that the illicit tobacco trade has on public health, legitimate traders and reduced tax revenue for vital public services. Offences under the Trade Marks Act 1994 for the sale of counterfeit tobacco carry a maximum penalty of 10 years and constitute “lifestyle offences” under Proceeds of Crime legislation.
3. In May officers carried out a joint operation with HMRC officers and an industry expert, using sniffer dogs to search for illicit tobacco at retail premises identified from current intelligence. 10 premises were targeted over the two day operation with a view to disruption and appropriate enforcement action.
4. Illicit tobacco with a retail value of £20,000 was recovered from 6 of the 10 premises targeted. 38,760 cigarettes were seized and 19.35kg of hand rolling tobacco. Most premises had a mixture of counterfeit and non-duty paid products that were concealed in a variety of different locations. Investigations are on-going.
5. **Doorstep Crime- “Operation Rogue Trader” Week of Action (April 13)** - For a number of years UK Trading Standards and Police authorities have run a national “Operation Rogue Trader” day/week of action. This year our focus in Nottinghamshire has been to forge closer links with district council /police officers working in local communities. Officers met with approximately 70 police and community support officers in Ashfield, Gedling, Rushcliffe and Bassetlaw to raise awareness of doorstep crime and our role and to encourage their engagement in tackling the issue.
6. We also issued a press release to raise public awareness of doorstep crime by warning about the tactics of a particularly active doorstep trader currently of interest to the Service.

7. Doorstep crime is known nationally to be a greatly under-reported crime and the success of this week will be evaluated by the number of high quality intelligence reports received as a result. To date we are already noticing an increase in reports from colleagues working in local communities. We will look to repeat the initiative in the other areas of the county in the near future.
8. **Safeguarding Vulnerable People** - A key priority for Trading Standards is to protect vulnerable residents from becoming victims of rogue doorstep traders and scammers. The fraudsters involved are known to systematically and repeatedly target vulnerable victims. In "Safeguarding" terms falling victim to this type of criminality constitutes financial abuse and/or psychological abuse and often greatly jeopardizes the vulnerable person's ability to live independently and accelerates their need for social care support. Both these crimes are believed to be greatly under-reported.
9. We are working to raise awareness amongst adult social care colleagues of our role in safeguarding vulnerable adults and to encourage the reporting of any suspected doorstep crime or scams against vulnerable residents directly to us. We have produced a factsheet entitled "*Colleague and Partner Agency Briefing: Trading Standards & Safeguarding Vulnerable People*" which will be widely circulated within ASCH&PP and associated care providers.
10. We are also working to forge closer working links with the Multi Agency Safeguarding Hub (MASH) and now have read/write access to the Framework database which contains all social care records. Our officers in the last year have taken part in four multi-agency safeguarding meetings to protect vulnerable residents and we foresee our involvement in many more in the future.
11. **Tackling Problem Traders** – The Service routinely utilises intelligence to assess emerging threats to Nottinghamshire's trading environment. It can then target resources to reduce consumer detriment and assist reputable traders. One of the largest sources of intelligence accessed is the data from the Citizen's Advice Consumer Service.
12. Using this data officers identified an increase in complaints about a Nottinghamshire based bathroom and kitchen fitting company firm not returning to finish work. Further research suggested that this was a repetition of exactly the same type of problem some years ago culminating in the firm going into liquidation and a number of consumers losing money. The company was no longer taking new business and there was some concern that the firm was deliberately folding in order to avoid creditors. Trading Standards have worked directly with the company who are making steps to resolve the outstanding issues prior to the formal closure of the limited company.
13. **Support to Small Business** - A small Nottinghamshire importer recently had a consignment of 200 Kick Scooters (or stunt scooters) inspected by one of the English Port Authorities. In their opinion the scooters did not satisfy the Toy Safety requirements so they issued a Suspension notice to the importer. The effect of this was that it prevented the importer from selling them.
14. Following a referral from the Port Authority, officers worked with the company and were able to establish that the Toy Safety standard was not the appropriate standard as the scooters were designed as kick scooters. Unfortunately the importer had not been fully aware of his

requirements to provide appropriate documentation. This Service was able to guide the importer through the requirements and they were then able to obtain the necessary tests and documentation to prove to the Port Authority that the scooters satisfied the statutory requirements.

15. The Port Authority has now removed the suspension and the importer is able to sell their stock which will not only enable them to generate an income but also save on the storage costs whilst the goods were suspended. In future the importer will be contacting Trading Standards in advance of bringing goods into the country to ensure that their goods are fully compliant with all the tests and documentation required.
16. **Animal Health & Welfare** - Officers attended the Nottinghamshire County Council Show, held on 11<sup>th</sup> & 12<sup>th</sup> May 2013 at the Newark Showground. The service's responsibilities at the event were to ensure welfare standards were maintained along with disease control measures, including animal identification compliance, vehicle inspections, and that appropriate bio-security measures were in place and operated. During the weekend 150 exhibitors moved 700 animals (cattle, sheep and pigs) to and from the showground. Officers were also able to offer advice and guidance to exhibitors over the two days.
17. Officers continue to attend Newark Livestock Market which is designated as a 'Critical Control Point', that is the critical location in the County that if controlled can most significantly prevent or reduce the risk of the spread of livestock diseases. The market has significantly grown over the last 12 months and now operates every other Saturday as well as the traditional Wednesday markets. By way of example, during 2012 24,821 cattle passed through it, for the calendar year to date this figure has risen to 59,000.
18. **Environmental Weight Restrictions and Lorry Watch** - Trading Standards have continued to assist Highways colleagues by enforcing Nottinghamshire weight restrictions, liaising with local business and local communities via Community Lorry Watch.
19. During 2012/13 Trading Standards conducted a total of 54 enforcement days at Nottinghamshire weight restrictions. As a result 99 warning letters were issued to those that could not provide a legitimate reason for being in the area. There have been no repeat offenders from last year suggesting that warnings have served as a sufficient deterrent.
20. The 99 warnings equate to approximately 29% of overweight vehicles recorded that could not provide a legitimate reason to use a restriction. In 2011/12, 38% of detected breaches did not have a legitimate reason and so this figure has reduced by 9%.
21. Two new Community Lorry Watch Schemes were launched in 2012/13 in Tollerton and Cromwell, bringing the number of schemes operating in the County to 8. In total 232 observation reports from local communities were received in 2012/13. These are used as intelligence to direct enforcement exercises.
22. During April and May 9 enforcement exercises have been carried out with 38 vehicles observed as potentially in breach of weight restrictions. Of these, 7 have been confirmed as having a legitimate reason to be there and the other 31 are currently under investigation.
23. **Regional "Scambusters" Team** - The Team is dealing with two major cases involving doorstep criminals who provide roof cleaning and painting services. The companies cold

call vulnerable and older people. Allegations include gross over-pricing, false claims concerning the products used and their effectiveness, failure to return deposits, damage to property and poor workmanship. This is a growth area for rogue trading nationally and this region unfortunately has its share.

24. **Legal Action Update** - Lee James and Nicholas Densham were sentenced in the crown court on the 7<sup>th</sup> May 2013. We were alleging that James had been changing customer's orders and sending out different specification steel beams to those ordered, for financial gain, assisted by Densham. Both pleaded guilty to fraud and theft offences. James was given a 12 month prison sentence suspended for 18 months with 250 hours unpaid work and Densham was given a 6 months sentence suspended for 18 months and 200 hours unpaid work.
25. Nottinghamshire-based Carl Mould, who is currently on remand for breaches of the Enterprise Act and mis-selling mobility aids to older and vulnerable adults, is due to be sentenced for further fraud charges relating to mobility offences on the 14<sup>th</sup> June.
26. A farmer from Misterton Irvin Dunn was in Worksop Magistrates court on the 18<sup>th</sup> April 2013 for welfare issues around Mr Dunn's pig holding. Mr Dunn pleaded guilty to animal welfare offences. He was sentenced to 120 days in custody and banned from keeping all animals for life.
27. A Mr Shane Hudson was sentenced at Nottingham Magistrates court on the 31st May 2013, following guilty pleas to offences under the Consumer Protection from Unfair Trading Regulations. Mr Hudson had approached people in their homes and carried out poor quality work on their driveways. He was ordered to pay his victims a total of £12k compensation and was sentenced to a 12 months supervision order with 150 hours unpaid work and completion of the Thinking Skills programme.
28. A Mr Hussain is due to be in court on the 17<sup>th</sup> June. He is facing charges under the Trade Marks Act 1994. Mr Hussain has repeatedly been selling counterfeit DVD's on Hucknall market and has previous convictions for similar offences.

## **Statutory and Policy Implications**

29. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, 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**

It is recommended that:

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

**PAUL MCKAY**  
**Service Director, Promoting Independence and Public Protection**

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**Background Papers**

None

**Electoral Division(s) and Member(s) Affected**

All