



**10 June 2014**

**Agenda Item: 8**

## **REPORT OF THE SERVICE DIRECTOR FOR ACCESS 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. **New Psychoactive Substances** – Trading Standards officers recently seized over 400 packs of substances believed to be new psychoactive substances from a shop, following concerns raised. The substances, commonly known as 'legal highs' are often branded and labelled in packaging which can lead both businesses and customers into believing they are safe and legal to sell and to consume. There are national reports on the potential negative impact such substances have, including addiction, anti-social behaviour, violence, burglary and even death.
3. Samples have been submitted for analysis to identify the chemicals that they contain. Other authorities have found the substances can contain a cocktail of chemicals which have often never been used in drugs for human consumption, so have not been tested to ensure they are safe. Users therefore cannot be certain about what they are taking, or what the effects may be. The operation was followed up by a media release to warn residents about the dangers of these new psychoactive substances. Investigations continue into the manner in which the products were being offered.
4. **Scams Awareness Month (May)** – The Service took part in the annual national campaign to fight-back against scammers, by giving consumers the information, skills and confidence to spot and stop scams. In Nottinghamshire, activities included:
  - Media releases;
  - Interviews on hospital radio;
  - Meals at Home colleagues circulating information about scams to vulnerable people; and
  - Contacting key partner agencies to remind them about our work to protect vulnerable people from scams and doorstep crime.

5. **Working with other agencies to help safeguard the vulnerable:** The Service continues our work to engage other agencies in safeguarding vulnerable residents from scams and doorstep crime:
- We are working with Nottinghamshire Fire and Rescue so that fire officers and their “Man with a Van” will know how to identify victims of scams or doorstep crime and how to refer the matter for support.
  - Trading Standards Officers will be involved in the training of staff from new Home Care Service Providers to raise their awareness of scams and doorstep crime when visiting homes.
  - Officers will deliver scam and doorstep crime awareness as part of the induction training of new health care staff employed to support those with dementia post diagnosis.
  - Dementia Friends – As part of a nationally funded campaign to raise awareness of dementia, the Dementia Friends campaign has been launched by the Alzheimer’s Society. The Authority now has two Trading Standards Officers trained to deliver the Dementia Friends package to other officers within the Service. This will enable officers to more effectively support, and take witness statements from, vulnerable dementia sufferers.
6. **Protecting The Vulnerable:** A 78 year old man was cold-called by telephone by a firm who tried to sell him mobility aids. A salesman turned up within an hour and took a £300 deposit for a mobility scooter that the man never received. No paperwork or receipt was left by the salesman, and the customer wasn’t even sure which firm he was dealing with.
7. Enquiries made by his existing mobility supplier revealed who the company was. The scooter was cancelled and a request made for a refund of the deposit. This was not forthcoming, and numerous excuses were given as to why the money could not be returned. Trading Standards then became involved, with the intervention resulting in a full refund.
8. **Helicopter fuelling site** - A company based in Widmerpool offering helicopter pleasure flights also has a fuelling facility for privately owned helicopters. One type of helicopter fuel dispensed at the site is ‘AVGAS’. This very pure, refined petroleum mix is formulated in order that there are no engine ‘misfires’.
9. The site needs licensing for petroleum storage by the Authority. Additional licence conditions have been imposed in order to ensure the site operates as safely as possible. One such condition is that AVGAS is only dispensed by staff that are suitably trained, qualified and experienced.
10. **New Illicit Tobacco Team has quick success** - Trading Standards received funding as part of the recent Public Health realignment exercise, to reduce smoking prevalence by tackling the supply of illicit tobacco. This funding is

being used to provide two dedicated officers and a further officer as flexible resource.

11. Using intelligence gathered from a number of sources, several retail and private addresses have recently been inspected, some using 'sniffer' dogs to find concealed stashes of tobacco. The premises targeted were in Mansfield, Ashfield and Gedling.
12. At the time of writing, approximately 90,000 cigarettes and 40KG of hand rolling tobacco have been seized. The seized items are believed to be a mixture of counterfeit products and products that do not meet UK labelling standards. Investigations continue, and new tactics are being developed.
13. **New consumer protection law** - Changes to consumer protection legislation will be soon implemented.
14. Rules relating to Distance Selling and Doorstep sales will be replaced by the new Consumer Contracts (Information, Cancellation and Additional Payments) Regulations 2013. As well as new information requirements for all consumer sales, the new regulations create a longer 14 day cancellation right for 'distance', and 'off-premises' contracts. These regulations are one of the most important tools used in the fight against doorstep crime.
15. The Consumer Protection from Unfair Trading Regulations will also be amended to allow consumers to make civil claims for traders who engage in misleading or aggressive practices. This is again particularly helpful for vulnerable people bullied or misled into buying goods at their home. The new requirements will allow consumers to 'unwind' a contract and claim set-percentage price reductions.
16. **Consumer Rights Bill** continues to progress through parliament. The Bill sets out to clarify a number of the statutory rights already in place for consumers, and introduces new provisions to address problems with faulty digital goods, for example downloaded music or software.
17. The Bill also contains a new harmonised set of enforcement powers for Trading Standards Officers. These powers replace individual powers set out in a multitude of specific legislations enforced. The new powers for the first time will mean statutory powers can be used in all Local Authority areas, which will also facilitate 'cross-border' enforcement.
18. **Regional "Scambusters" Team** – Following the successful prosecution of the last of 4 individuals who fraudulently sold mobility aids to elderly and vulnerable consumers the Regional Team hosted by Nottinghamshire County Council have received confirmation of this year's grant allocation from the National Trading Standards Board (NTSB).
19. The Core Team grant for this year is £291,000, with a further £184,300 allocated for the ongoing investigation into a national advertising fraud, the largest investigation that has been tasked to a team by the NTSB to date.

20. The team operates a flexible delivery model with a core team of 5 permanent officers which are then supplemented as and when investigations require additional resource by specialist investigators from other Local Authorities or bought-in.
21. Whilst the Core Team budget has been marginally reduced this year, the team continues to investigate large scale organised criminal activity across Nottinghamshire, the East Midlands and nationally, showing that those who target our most vulnerable consumers do so with no regard for local authority boundaries.
22. **Legal Action Update** – On the 22nd April, eight defendants appeared in the Nottingham Crown court for a plea and case management hearing. They are charged with offences under the Fraud Act 2006, for the mis-selling of so called trusts which are marketed to claim it prevents assets being used for care home fees. The victims in the case are mainly older and vulnerable adults. A six week trial is due to commence on the 10 November. Seven defendants have pleaded not guilty to the charges, and the eighth has not yet entered a plea.
23. John Cooney of Simplify Leicester was sentenced in the Crown Court on the 24th April. Cooney had pleaded guilty to 10 counts of fraud all relating to the mis-selling of mobility aids to older and vulnerable adults. Cooney worked with other defendants that have previously been prosecuted following investigations by the East Midlands Scambusters team, namely Carl Mould, Darren Sharpe and Christopher Simpson. Mr Cooney was sentenced to 3 1/2 years in prison on each of ten counts (35 years in total) to run concurrently, and banned as director for 10 years.
24. On the 14<sup>th</sup> May, Kirk Denton was sentenced in the Nottingham Magistrates court for breaches of an environmental weight restriction. Denton breached both the restrictions at Papplewick/Linby and Blidworth, and was fined £240 and ordered to pay costs of £100.
25. Also on the 14<sup>th</sup> May, Craig Boddy of Bowbridge Car Sales, Newark was due to appear in Nottingham Magistrates court charged with selling an un-roadworthy car, failure to carry out pre-sale checks, and failing to respond to a consumer complaint. The matter was adjourned until the 23 June 2014.
26. On the 14<sup>th</sup> May 2014, Energysave Midlands Limited, David Argyle and Jason Rowan were due to appear in the Nottingham Magistrates Court. They are charged with offences under the Consumer Protection from Unfair Trading Regulations 2008. The Authority will allege targeting of older and vulnerable adults offering to do cleaning work on their roofs, forcing them to go to the bank to make payments. The matter has been adjourned until the 2<sup>nd</sup> July 2014
27. Following the investigation of a roof coating company that the Authority alleges had deliberately been targeting older and vulnerable adults, seven individuals have been arrested and interviewed. An application has been made in each case to the Magistrates court to have them sent to the crown court, and to also

have each remanded in to custody. All seven cases were sent to the Crown Court, whilst two individuals received bail, and five more have been remanded into custody. The next hearing is listed for the 13<sup>th</sup> June 2014.

### **Other Options Considered**

28. None.

### **Reason/s for Recommendation/s**

29. To update the Committee on this area of work included within its remit.

### **Statutory and Policy Implications**

30. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), 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.

### **Crime and Disorder Implications**

31. The report details the crime and disorder implications and relevant issues.

### **Financial Implications**

32. There are no Financial Implications

### **Safeguarding of Children and Vulnerable Adults Implications**

33. The issues raised are to ensure that Vulnerable Adults are safeguarded.

## **RECOMMENDATION**

- 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**

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### **Constitutional Comments**

34. As this report is for noting only, no constitutional comments are required

### **Financial Comments (KAS 21/05/14)**

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

### **Background Papers and Published Documents**

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'