

**24<sup>th</sup> September 2013****Agenda Item: 6****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 – Proceeds of Crime.** In the 5 years that the Service has had a Proceeds of Crime capability, 35 cases have been submitted to the Crown Court for consideration under the Proceeds of Crime Act. Confiscation orders have been granted in 30 of the 35 cases with 3 still awaited and 2 cases where no order was granted. From these 35 cases the total benefit figure from crime has been declared at over £2.38 million. Confiscation orders were granted to a total of over £674,000 of which over £398,700 was ordered to be paid in compensation to victims. As at 05 April 2013 monies paid into the courts totalled over £345,300.
3. **Neighbourhood Alert –** Over 13,200 people are signed up to receive alerts from Trading Standards, of which over 8,500 have signed up for email alerts. The service has sent out 15 messages in the last 12 months and its current average usefulness rating from users is 5.36 out of 6.
4. The most common alerts sent out relate to doorstep crime, such as the rogue roofer in Broxtowe who started work on a resident's property without their consent. Other recent examples included one relating to a holiday scam where a person's email account gets hacked and a message is sent to everyone in that person's contact list claiming they have been mugged while abroad and need money sending to them to get a flight back home. The service sent another on behalf of the whole Adult Social Care, Health and Public Protection department about World Elder Abuse Awareness Day, promoting ways people can report abuse of vulnerable adults in Nottinghamshire. An alert issued jointly with Nottinghamshire police warned about a distraction burglar posing as a doorstep seller of cleaning products.
5. **Proposed legislative changes -** In August the Government began a consultation on proposed new draft Consumer Protection from Unfair Trading (Amendment) Regulations 2013, which should make it easier for victims of

misleading and aggressive trade practices to get their money back from rogue traders. The proposals include measures to give consumers:

- 90 days to cancel a contract and receive a full refund if they have been misled or bullied into agreeing it. After the 90 days consumers can still receive a proportion of their money back;
- New rights to recover payments made to traders who mislead or bully them into paying money which was not owed;
- The right to claim compensation for any alarm or distress caused by these practices.

6. **Supporting Vulnerable People** – the service worked with Nottinghamshire police, a legitimate trader and neighbours to protect a vulnerable elderly resident suffering from dementia. Neighbours were unhappy with one trader's work on the vulnerable lady's roof and so contacted a second trader to look at the work. The second trader discovered that the lady had been charged £650 for merely removing 4 tiles and replacing them without securing them. The second trader cancelled the cheque to the first trader on her behalf and repaired the damage for a nominal fee. Neighbours then intervened when the first trader returned and made it clear that the resident was not going to pay for unnecessary work.
7. A police officer contacted the neighbours for details, offering support if the first trader returned. A Trading Standards officer gave advice to the neighbours and assisted them in drafting a notice to go just inside the lady's door to help her remember how to deal with doorstep callers. Door stickers were distributed to every property in the neighbourhood that did not have one displayed. The service also alerted the resident's carers.
8. The service intervened to assist a vulnerable resident who was coerced by very high pressure sales tactics into contracting for a £12,000 bathroom they were unsure they wanted, due to an impending house move. After lengthy negotiations the trader agreed to cancel the contract. The Trading Standards officer also referred concerns about the vulnerable resident's wellbeing to the Multi Agency Safeguarding Hub.
9. A vulnerable consumer who lives alone had paid out £9,000 for several different external repairs (roofing repairs, soffits etc.). On visiting him it became clear that he was somewhat confused as to what he had paid, what it was for, and what work he had previously had done. It seemed likely that he was a repeat victim, and that his losses totalled over £13,000. Concerned about his wellbeing the service arranged for a joint visit with a social worker who carried out a thorough assessment. Although in this instance financial restoration would seem an unlikely outcome, the intervention of Trading Standards should help prevent him falling victim to rogue traders in future.
10. **Problem Trader intervention** – the service made contact with a trader who had apparently ceased trading but had failed to cancel consumers' standing orders, meaning consumers continued to pay for heating maintenance that was

no longer available. The trader confirmed he was no longer in business, but due to a variety of personal reasons had failed to contact his former customers or to take action to stop them making on-going payments. The service continues to liaise with the trader to ensure that no more money is taken, and as much as possible is repaid. It appears to amount to £13,000 over the last year. A Neighbourhood Alert message has been issued to warn residents about the issue.

11. **Supporting Business**- The service is supporting a Nottinghamshire based food company to initiate a recall of drinks imported from the US found to have twice the limit of benzoic acid permitted in flavoured drinks by the Food Additives Regulations 2009. Benzoic acid is a natural ingredient occurring in many foodstuffs but it has become increasingly used as a preservative. In small doses this is fine but toxicologists are concerned about the accumulative effect on people's livers and kidneys. This is why it is subject to legal controls to limit its consumption.
12. **Advice to Tour Operators** - It was brought to the attention of the service that a business in Kent providing school trip organisation services had recently gone into administration, and had not been bonded as required by the Package Travel etc. Regulations 1992. Schools that had trips organised with this business lost all monies paid and were not able to go on the trips. Due to the financial hardship and distress that this was likely to have caused the school and its pupils, it seemed appropriate to advise all known tour operators providing similar services within Nottinghamshire of their obligations under the Regulations.
13. A letter has been sent to those Nottinghamshire tour operators identified reminding them of their obligations under the bonding and repatriation provisions. These requirements are in place to ensure that if the business becomes insolvent consumers are able to recoup their money and be repatriated back to the UK.
14. **"Real Deal"** – The service are pleased to report that Mansfield District Council has recently signed up to the scheme. The Real Deal campaign is a nationwide cross sector, partnership initiative, bringing together Trading Standards services, market operators and traders, industry groups, and copyright and trademark owners, all of whom are united with a common commitment to tackling the problems of a small minority of illicit traders selling illegal products on markets. Both councils are committed to ensuring that both consumers and traders visiting the markets in Mansfield can be confident that the goods they buy are legitimate, safe and as described.
15. **Environmental Weight Restrictions and Lorry Watch** – Since the last report, the Service has conducted 17 enforcement days. On these days a total of 124 vehicles were recorded. Of those 12 have proved to have a legitimate reason to be there and 5 have received a warning. 107 vehicles are still under investigation.

16. The Service received 20 reports in a 5 week period that the restriction at Carter Lane in Mansfield was still being breached by heavy goods vehicles. All reports were weight checked and those traceable received an advisory letter. Officers visited the restriction to talk with local residents and are using targeted enforcement to tackle the problem. Consideration is being given to setting up a new Lorry Watch scheme at this location.
17. The service continues to work with local communities and respond to enquiries and complaints about restrictions when they are received. Since the last report the service has received a total of 120 Community Lorry Watch reports (other than Carter Lane). These have all been investigated and where possible, advisory letters were sent. Enforcement is targeted at those areas generating a large number of reports.
18. **Regional “Scambusters” Team** – On 12 July 2013 the team hosted a visit from Lord Toby Harris the new Chair of the National Trading Standards Board (NTSB). The key messages he delivered were his expectations of the Board to be transparent and clear in its decision making and the need for improved intelligence sharing, stronger relationships with partners and services delivered in the most effective way ensuring value for money.
19. The meeting provided the opportunity for Councillors Rhodes, Gilfoyle and Grice, managers and front line enforcement staff to discuss the challenges and opportunities of the new Consumer Landscape for local authorities and the residents of Nottinghamshire. The service was also able to highlight the successes of the team and the scale of on-going cases which cover the East Midlands and in some cases the whole of the UK. Lord Harris was supportive of the team and praised it for the work it is doing protecting consumers both regionally and nationally.
20. Following responses to the Consumer Landscape Review and the recommendations made by the National Audit Office in their June 2011 report, 'Protecting consumers – the system for enforcing Consumer Law' a review of Scambusters was commissioned by NTSB.
21. The “Scambusters Operating Model” has been subsequently developed to define what the Trading Standards Scambusters service is, what it seeks to achieve and to outline how it will operate and develop from April 2013 onwards. The key principles are to:
  - Integrate fully with their local authority Trading Standards services;
  - Develop a ‘one team’ national approach with a common philosophy, pride in the organisation and ownership in the model;
  - Develop and retain experience, learning and skills of staff in the Scambusters Teams, sharing skills where appropriate;
  - Have appropriate tasking of cases; and
  - To ensure effective monitoring of investigations, budgets and awareness of demands on resources.

22. On 15 August 2013 the team were visited by NTSB Programme Officers. The key emphasis of the visit was to support the regional teams and local authorities to maximise the benefit that is delivered from the Scambusters project. During the meeting the team were asked to demonstrate how they are progressing to meet the demands of the newly adopted Scambusters Operating model. A number of areas were assessed including financial and performance monitoring, team structure, governance, intelligence, tasking and legal proceedings.
23. The service is confident that the Team managed on behalf of the region by Nottinghamshire Trading Standards Service meets these requirements. NTSB will be publishing their report in mid- September following their visits to the 8 regional teams.
24. **Legal Action Update** - A shop owner in Mansfield Woodhouse appeared in court on the 08 August 2013 and pleaded guilty to selling 19 bottles of counterfeit vodka, one bottle of which was found to be injurious to health. Jitendra Patel was sentenced on 30 August at Mansfield Magistrates Court. Mr Patel was fined a total of £1,000 and ordered to pay £671 towards the prosecution costs.
25. Jamie Warren was sentenced at Worksop Magistrates court on 21 August for selling a variety of counterfeit clothes and footwear through the social networking site Facebook. Mr Warren, who had pleaded guilty at a previous hearing, was given a 12 month community punishment order and ordered to do 120 hours of unpaid work. The court ordered Mr Warren to pay £750 towards the prosecution costs and forfeiture of all the items seized.

## **Statutory and Policy Implications**

26. 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.

## **Financial Implications**

27. 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**

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**Constitutional Comments**

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

**Financial Comments (KAS 05/09/13)**

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

**Background Papers**

None

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

All