

23rd July 2013**Agenda Item: 8****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. **Draft Sentencing Guidelines** – in relation to Fraud Act offences have recently been produced for consultation by the Sentencing Council. Trading Standards Services regularly prosecute offenders under the Fraud Act because of the seriousness of offences, and particularly where vulnerable and older adults have been targeted. The proposed new sentences will take the impact of offences on the victim more into account, as opposed to primarily the financial value of the fraud itself. If adopted, the new tariffs will be very useful for Trading Standards type offences where the monetary values can be quite low, but the impact on the victim is high. The announcement is timely given the discussions at the previous Committee meeting regarding the sentences handed down to Carl Mould. The County Council will submit a response to the consultation.
3. **Police and Crime Commissioner Alcohol Conference** – designed to bring together all agencies that work to minimise the harmful impacts of alcohol consumption, the Service recently attended this conference and led a workshop regarding under-age alcohol consumption, health and behaviour. Apart from giving useful insight into the scale of the issues, and reinforcing the commitment of key agencies to make an impact, many useful contacts were made over the course of the day which will be used to further build on work already undertaken with partners.
4. **Annual Trading Standards Community Event – 27 September, Arrow Centre, Hucknall.** This new event for volunteer/community group representatives and other related agencies will raise awareness of key issues currently impacting on communities such as doorstep crime, rogue mobility sellers, mass marketing scams etc. The half day event will involve workshops to raise awareness of current key threats (particularly to the vulnerable) and explore how agencies can all work together to mitigate the risks. The event will also act as a first step towards the development of a network of “community champions” to support the Service’s work to protect vulnerable residents.

5. **Case studies of direct support to Vulnerable People** – Following intensive discussions, a Doncaster based business has agreed to undertake significant remedial work for a vulnerable Rushcliffe resident duped by a solar panel supplier. The first business falsely claimed that ‘free’ panels would result in a 40% saving on electricity bills (no benefits ever materialised). The property was significantly damaged during installation. Shortly after fitting, the company was dissolved. This was a long drawn out dispute, because of the complex ownership schemes that solar panels schemes are often subject to. Trading Standards solved the resident’s problem pragmatically by encouraging a Doncaster based company to remove the panels and undertake significant remedial repairs.
6. Nottinghamshire Trading Standards Officers worked with officers from Cambridgeshire Trading Standards to tackle a trader falsely advertising “no call out fees” for plumbing, electrician and locksmith services. When residents disputed having to pay a call out fee, the trader became aggressive. In one case, despite having had no work undertaken, staff threatened a vulnerable resident with calling the police if she did not pay the £240 bill, and said they would also contact all plumbers in the area so she could not get work done in the future. Joint action resulted in the trader signing a formal Enterprise Act undertaking to desist from this unfair trading practice in future. The trader agreed to drop a small claims court claim for the unpaid £240 bill. The trader’s activities will be monitored to ensure he complies with the undertaking given.
7. **E-Crime** – there is an increasing trend of ‘hobby sellers’ using social networking sites to sell items. The Service has seen serious safety concerns with homemade products sold, such as the recent choking hazards posed by dangerous decorated baby’s dummies. There is also an increasing problem with people tempted to sell small quantities of counterfeit goods this way. The Service is now using an overt account, and finding that a quick message to those identified supplying warning of the serious implications of their actions results in the items being removed from sale, thus avoiding the need for more resource intensive formal action.
8. **Illicit Tobacco** – Members may recall that in May, officers carried out a joint operation with Her Majesty’s Revenue and Customs officers, to uncover illicit tobacco at retail premises. Ten premises were targeted over two days. Subsequent intelligence identified that two of these premises had restocked and had continued to sell to the public. A further warrant has been executed at one address and a smaller quantity of illicit tobacco recovered, while a test purchase at the second premise has confirmed the intelligence, and a warrant is being applied for.
9. **Animal Health & Welfare** – Trading Standards maintain contingency plans against outbreaks of serious animal health diseases such as Rabies, Anthrax, Foot and Mouth and Avian Influenza etc. These plans are regularly reviewed and tested. The Service is currently in the process of undertaking a thorough review and updating the plans.
10. **Food Standards Agency (FSA) Review of Official Feed Controls** – As previously reported the Service has input into the national review on the official controls on animal feed law enforcement. Nottinghamshire businesses produce hundreds of thousands of tonnes of animal feed per year, and the consequences for the human food chain and damage to businesses if feed becomes contaminated are very serious.

11. The Government is currently reviewing the way that feed controls are delivered, and is considering the potential of a regional model for local authorities to undertake the work. The East Midlands has been selected as a trial region, and Trading Standards is at the forefront of designing and delivering a working model for the region. This model is not only being closely observed by the FSA, but by other Government departments as a potential pathfinder to future ways of working.
12. Last year, the FSA actively encouraged a more joined-up approach, welcoming the arrangement that Trading Standards entered into to deliver feeding stuffs work on Leicestershire's behalf. This arrangement has put the Service in an advantageous position to not only to continue to carry out work for Leicestershire but also to carry out work for other authorities within the region. The Service is currently in negotiations to carry out work on behalf of three other authorities within the region. There are numerous benefits to the authority in that it not only generates a source of income it also enables the Service to expand its level of expertise in this area of work.
13. **Environmental Weight Restrictions and Lorry Watch** – Since the last report, the Service has conducted 8 enforcement days. On these days a total of 35 overweight lorries have been recorded. So far, 6 have proved to have a legitimate reason to be there, 6 drivers have received a warning and the remaining 23 are still under investigation.
14. The new weight restriction in Clarbrough has received a lot of support from the local community. The local residents have submitted 224 observer reports of lorries being seen by them within the restriction. Where sufficient detail has been available, the companies in question have received an advisory letter warning them of the new restriction in place. Since the letters have gone out the number of reports being received from the community has started to reduce. We are continuing to work with the Parish Council and will be discussing the potential for a Community Lorry Watch scheme in this area. Enforcement days are also planned for the near future.
15. **Regional “Scambusters” Team** – The National Trading Standards Board (NTSB) was set up as part of the new Consumer Landscape in April 2012 to provide leadership, influence, support and resources to help combat consumer and business detriment locally, regionally and nationally across England and Wales. Key to this are the regional Scambusters Teams, who are responsible for cross boundary enforcement of frauds often orchestrated by criminally organised gangs. NTSB figures show that in the last 12 months, £140m potential fraud was uncovered, and £7m of consumer detriment was avoided by the Regional Teams.
16. On 12 July, the East Midlands Team will host a visit from Lord Toby Harris who was appointed as Chair of the NTSB in May. Lord Harris' biography includes becoming the first Chair of the Metropolitan Police Authority in 2004, on which he continued to sit until 2012, so it is fitting that for one of his early visits since his appointment he is meeting a front line enforcement team. The visit presents an excellent opportunity to reinforce the value of the Teams, the Local Authority perspective on the new Consumer Law Landscape, and the current impact the projects are having at a regional and national level. The Leader and the Community Safety Chair and Vice-Chair will meet Lord Harris.
17. **Legal Action Update** – Nottinghamshire based Carl Mould was sentenced on 14 June 2013 for the mis-selling of mobility aids to older and vulnerable adults. On fourteen

charges he was sentenced on each charge to three and half years in prison, on two charges he was sentenced on each charge to four years in prison and on one charge he was sentenced to five years in prison. These sentences are to run concurrently making a total of five years in prison.

18. Ashuk Hussain was sentenced on 17 June 2013. He was 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. He was sentenced to twelve weeks in prison for each of the eleven offences, suspended for twelve months. He was given a curfew order for three months under which he has to be at his home address between the hours of 9pm to 6am each day. He was also ordered to pay prosecution costs of £510.
19. KP Hemsall Ltd and Kevin Hemsall of Sutton in Ashfield have pleaded not guilty to offences under the Consumer Protection from Unfair Trading Regulations 2008 and the Road Traffic Act 1988. It is alleged that the garage KP Hemsall Ltd has been supplying motor vehicles in an unroadworthy condition and mis-selling vehicles. Sales people at the garage have used abusive language and intimidation with customers and have refused to rectify faults on the vehicles. A trial date has been set for 07 and 08 October 2013 before a district judge at Mansfield Magistrates court.
20. A shop owner in Mansfield Woodhouse is due to appear in court on 08 August 2013. Officers from the Trading Standards Service visited the retail premises in Mansfield Woodhouse and found counterfeit vodka on sale. One bottle of the vodka after analysis was found to be injurious to health.

Statutory and Policy Implications

21. 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

22. This report is for noting only and contains no financial implications.

RECOMMENDATION/S

- 1) It is recommended that the Community Safety Committee notes the contents of this report.

PAUL MCKAY

Service Director for 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 this report is for noting only, no constitutional comments are required.

Financial Comments (KAS 09/07/13)

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

Background Papers

None

Electoral Division(s) and Member(s) Affected

All

CS37