

**Safer and Stronger Communities  
Overview and Scrutiny Committee**

**16 February 2015**

**Progress of Initiatives and  
Enforcement Activity undertaken  
by the Consumer Protection Team**



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**Report of Terry Collins, Corporate Director, Neighbourhood  
Services**

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**Purpose of the Report**

1. The purpose of this report is to provide members with an update on the enforcement and intervention work carried out by Consumer Protection team of Environmental Health and Consumer Protection, Neighbourhood Services.

**Background**

2. This report is a follow up to earlier reports and presentations by the Consumer Protection Manager on the enforcement activities of the teams. The report details the work carried out during 2014.

**Detail**

3. The Consumer Protection team is made up of three service teams, Fair Trading, Safety and Metrology, which makes up what are commonly known as the Trading Standards functions, and Licensing, which can be separated by enforcement and administration. There is a large amount of partnership working and overlap in the enforcement operations of each team but the key service and intervention work by the three enforcement teams is detailed below.

**Fair Trading Team**

4. The Consumer Advice section supports the work of the National Citizens Advice helpline which has handled calls taken by Citizens Advice to assist residents of County Durham. The service is notified of any calls that relate to residents or businesses in County Durham and we also receive referrals for matters that require further intervention or allege criminal breaches.
5. During 2014 the service were notified of over 8,000 and dealt with over 2000 referrals and over 800 direct contacts.
6. The service has continued to support and launch Cold Calling Awareness Zones across the County. The aim of the scheme is to protect vulnerable residents from the threat of doorstep crime. In the past twelve months, five new zones have been launched in Ouston, Wentworth Park, West Auckland and Hamsterley Mill. These zones cover over 600 properties.

7. Contact has been received from residents groups in other parts of the County and we will continue to support the introduction of new zones in an attempt to prevent doorstep crime.
8. The service is beginning to work with the National Scams Team. Some of this work has resulted in the interception of cash or cheques that have been sent by residents in response to scams and then information is passed back to the local Trading Standards service. The follow up work of the service is to visit the residents and provide advice and guidance as to the potential risks of these scams and if possible return any money that may have been recovered. These measures should help to prevent re victimisation of residents.
9. We use notification and referral information to identify “problem traders”. These are traders that receive five of complaints against them in a rolling year. Staff will visit those traders and deliver the appropriate interventions which could range from advice and guidance to formal undertakings and assurances of future conduct.
10. To better direct resources a strategic assessment has been carried out based on service request data. The broad headings of service demand are included below. Using this data the team will look to target our resources at the traders who operate behind these goods/service headings.

Home repairs, goods and services  
Vehicle sales/ methods of transport  
Electrical goods and services  
Clothes, shoes and accessories  
Financial services and loans  
Food and drink including alcohol  
Package holidays and travel agents  
Tobacco sales and counterfeiting  
Garage – Petroleum, Diesel, Autogas etc.  
Animals

11. Doorstep crime is recorded as a national priority for Trading Standards based on national statistics and intelligence. We have successfully prosecuted a trader for misrepresentations made to an elderly couple as regarding roofing work that he claimed was needed.
12. In further attempts to deal with these types of matters we have staff trained to deal vulnerable witnesses and also links made with Safeguarding Adults to identify reporting mechanisms and warnings when agencies become aware of doorstep crime.
13. Another mechanism to prevent doorstep crime and provide some form assurance to residents is the Councils Registered Trader Scheme. Membership of the scheme currently stands at over 90 members. This scheme is designed to give piece of mind to residents who wish to engage with tradesmen when considering home improvement work. All traders are subject to vetting and monitoring to ensure they continue to comply with the scheme.

14. The sale and supply of counterfeit goods can damage the economy and legitimate businesses and the service looks to take action and seize infringing items.
15. Formal action has been taken against two local retailers who were supplying counterfeit goods with assurances obtained as to guarantee their future conduct.
16. A large amount of fashion/branded sporting goods were seized from a market stall with formal action pending and the first hearing in March.
17. The service has developed an E crime protocol to ensure Consumer Protection staff are skilled and knowledgeable to investigate all forms of e-crime. We now have a standalone PC which assists e crime investigation. Over 40% of all requests for service for Trading Standards involve transactions for goods and services over the internet.
18. The service has led on a significant investigation involving fraudulent trading over the internet. The operation concerned an organised crime group that set up multiple trading styles and advertised and “sold” products that were either not available or did not exist. This lengthy investigation is on-going but to date the investigation has resulted in multiple arrests and seizures of business records. It is suspected that the business and its owners may have profited over £500,000 over the years and by trading in this way. If action is successful we will look to pursue further action under Proceeds of Crime legislation.
19. The change in shopping patterns and use of social media is continuing to increase demand for the service. The use of platforms such as Facebook and Gumtree can often assist offenders in disguising their true identity and allows some traders to purport to be private sellers which can limit consumer rights should faulty or misdescribed good or services are sold.
20. Counterfeit goods continue to be made available via platforms such as Facebook. In the run up to Christmas, a number of intelligence led enforcement operations, targeted suspected prolific sellers of counterfeit goods who traded via the Facebook social media platform.
21. Raids on sellers of Counterfeit Goods operating on Facebook with four premises targeted and over 500 items seized with an estimated street value of over £10,000. These items included designer clothing and footwear, as well as perfumes, aftershaves and electrical products such as hair straighteners, which could pose a risk of personal injury.
22. Warning were also sent out to further 6 suspected sellers of counterfeit goods advising them of potential offences and penalties for breaching the Trade Marks Act 1994 , which resulted in the Facebook profiles being taken down by their owners.

## Safety and Metrology Team

23. In 2014 there have been six successful prosecutions and against individuals and businesses for overloaded vehicles used on the highway. In addition five road traffic check weighing sessions have taken place with the police resulting in a 15% failure rate. Overloaded vehicles cause an increased risk to other road users due to the braking capabilities and also cause increased damage to the highways.
24. The supply of illicit tobacco and tab houses continue to be a high priority for the team due to its role in supplying under age children and links to organised crime. Thanks to ongoing intelligence received, initially from the 'Get Some Answers' Illicit tobacco campaign, but more recently through more developed partner agency networks, intelligence has been received on more than seventy premises, including domestic properties, suspected of supplying or storing illegal tobacco. Further extensive investigations are currently under way to bring some of the major criminals to justice.
25. From 1<sup>st</sup> April 2014 a total of over thirty nine thousand illegal cigarettes and over forty kilograms of illegal hand rolling tobacco has been seized.
26. We have secured several convictions and formal cautions resulting in penalties including fines, a confiscation order of more than £47,000 and two 6 week tagging orders.
27. Illicit tobacco from houses is a way of increasing the availability of tobacco to children and due to its reduced costs, damages the work of the stop smoking services.
28. We are working with housing providers to increase the deterrent for people selling tobacco from their homes with the providers prepared to take steps as to their future tenancy should infringements be identified.
29. The work of the team in combatting illicit tobacco and tobacco control were recognised at the MJ Awards in the category of Environmental Health and Trading Standards and we were highly commended for our efforts.
30. There has been significant partnership working with the Alcohol Harm Reduction Unit. This has included multiagency stay safe operations.
31. We continue to lead on the area of retailer training to prevent underage sales. This was seen as best practice nationally when we first introduced the training as part of the Community Alcohol Partnership in Stanley. Since that initial project we have trained over 140 retail staff on how to prevent underage sales. No trained staff has subsequently failed further test purchase attempts. The training has been recently extended and is now part of the wider Operation Aries.
32. Joint alcohol test purchasing activity with the police continues based on targets identified through intelligence sharing and complaints. Since January 2014 we have targeted off licence which has resulted in a 48% failure rate. This shows the value and benefit of using intelligence as a way to direct service delivery.

33. We will continue to review off licences when we find underage sales and have wider concerns as to their management. In the past twelve months we have reviewed seven premises resulting in comprehensive conditions being attached to the licence which should prevent further underage sales. One premises had its licence suspended as a result of the review.
34. Whilst the licensed sellers of fireworks are largely compliant, there is increasing intelligence relating to the sales of fireworks over social media and this year showed that the banned “bangers” were apparently being sold. Further investigations into this prevented further sales and ultimately reduced the anti-social behaviour in that locality but there apparent availability is a concern.
35. Our work on sunbed safety is ongoing with further visits and interventions made. This work has been recognised at a wider level with an officer speaking at a conference arranged in the North West attended by the shadow minister for health.
36. Our PAT testing at community events are successful and a way of preventing unsafe items being used in the home. In the past twelve months we have attended seven events around the County and carried out testing of household electrical items that are being used in residents homes.

### **Licensing Enforcement Team**

37. The Licensing Enforcement team enforce conditions and requirements associated with many licences that are issued by the local authority. The Council licences a whole range of activities including taxi and private hire vehicles and drivers, retail alcohol outlets and clubs, venues for entertainment, gambling premises, sexual entertainment venues and street trading. Most enforcement activities concern taxis and private hire licensing and premises associated with the night time economy, especially in retail and club premises where alcohol is sold and supplied and where entertainment is provided.
38. Our formal action over the last twelve months have included:-
  - Driver making a false statement
  - Drivers overcharging for journeys
  - Unlicensed hackney carriage drivers and vehicles
  - Unlicensed private hire drivers, vehicles and operators
  - No insurance offences linked with the above
39. Many of these investigations result or will result in legal proceedings but there are other possible sanctions as well. For example, licensed drivers are regularly referred to General Licensing Committee for a determination as to whether they are fit and proper to hold a licence. In the past twelve months eighty two drivers have been referred to committee when there “fitness” has been considered.

40. In addition to their investigations and inspections to ensure legal compliance and adherence to any licence conditions, the team have also issued over 1100 vehicle suspensions resulting from problems with licensed vehicle insurance cover, mechanical fitness problems or expired certificates of compliance and 34 drivers being suspended.
41. An emerging area of concern is the practice of touting by drivers of licensed vehicles. Operations have taken place prior to Christmas in the Durham City area with more planned in the future.
42. The team work closely with the Police Alcohol Harm Reduction Unit and have regular briefings and frequent joint enforcement visits to ensure compliance. The use of real time intelligence and information is key to ensuring there are effective interventions.
43. There have been recent high profile instances that have linked the licensed trade to wider criminality. Due to our close working relationship with our enforcement colleagues we have been able to contribute to wider large scale operations when use of licensed premises have been identified.
44. The Taxi policy is soon to be reviewed and we have met with the LCSB for any input or guidance they can provide which will contribute to a robust policy.
45. Recent investigations have taken place into unlicensed gambling taking place at various licensed premises with formal action being considered.
46. Enforcement of the Scrap Metal Dealers Act has resulted in many days of action with partner agencies at both licensed sites as well as mobile enforcement. During these days we have found a number of licensed collectors across the County who, when inspected were found to be compliant with their requirements.
47. We have successfully prosecuted an unlicensed collector and have six other potential defendants currently under investigation. The more intelligence we receive as to regular routes, days, times etc will go towards shaping our enforcement activities under this legislation.

### **Future Developments**

48. The service is now predominantly intelligence led and we will continue to target our resources in the areas of greatest risk. The strategic assessment will assist in being able to target our resources to the area of greatest risk and harm. A Control Strategy will be developed detailing our preventative, enforcement and intelligence gathering program .
49. Our close working relationship with the Alcohol Harm Reduction Unit is considered best practice both locally and nationally and the co-location at Annand House assists both organisations and the co-operation and joint working of the teams is continuing to improve.

50. The intelligence on tab houses continues to present a challenge to the service but it is hoped that the increased publicity surrounding all enforcement activity could act as a deterrent and also we will always consider using the Proceeds of Crime Act to recover any funds that are made by those who commit “lifestyle” offences.
51. An area of work currently being developed is illicit, counterfeit alcohol which may be being sold in the County. There have been some instances already discovered with further work being done to establish and understand the scale of the problem. Due to how these types of products are manufactured it presents additional risk to the ultimate consumer as there may have been little or no quality control when made.
52. Due to the changing shopping habits, there is likely to be gradual increase in e-crime as more and more people chose to purchase goods and services through the internet.

### **Recommendation**

Members of the Committee are asked to note information contained within the report and consider any issues they would like to progress.

### **Background Papers**

None

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## **Appendix 1: Implications**

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**Finance – None**

**Staffing – None**

**Risk - None**

**Equality and Diversity / Public Sector Equality Duty – None**

**Accommodation - None**

**Crime and Disorder –** Information within the presentation contributes to the Council Plan Altogether Safer high level objectives of 'Reduce anti-social behaviour' and 'Alcohol and substance misuse harm reduction'.

**Human Rights – None**

**Consultation – None**

**Procurement – None**

**Disability Issues – None**

**Legal Implications – None**