

ESCC Trading Standards 2014/15 Update

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1. Background Information

For the financial year 2014/2015 Trading Standards had a budget of £819k, and employed 20.4 full time members of staff.

2. Trading Standards - What we do

Trading Standards is responsible for enforcing a wide range of legislation aimed at ensuring a fair and level playing field for business and the protection of vulnerable consumers. Below is a summary of the key areas of work trading standards has responsibility for. Trading Standards are obliged to enforce over 800 Acts of Parliament and resulting Regulations. The list below is a flavour of the main areas of our work. Those marked as SD indicate these are Statutory Duties

Ensuring a level playing field

- animal feed labelling, inspection and sampling SD
- animal health including pet passports and control of animals entering ports, animal disease control SD
- counterfeit goods
- delivering bespoke advice and business workshops to help business grow
- inspecting estate and letting agents to ensure they are not mis-describing properties and are keeping clients' money protected SD
- energy performance certification SD
- fair trading advertising and description of goods or services SD
- food labelling, inspection and sampling SD
- investigating food fraud complaints concerning their nature quality and substance for example ensuring the composition of meat products is fair and honest. SD
- inspection and licensing of firework stores SD
- inspection of weighing and measuring equipment SD
- ensuring package holiday companies have mechanisms in place for repatriating consumers and protecting their money. SD
- Inspecting goods and services to ensure that their pricing is clear and unambiguous SD
- product safety in relation to consumer goods SD
- underage sales SD

The protection of vulnerable consumers

- Buy with Confidence
- Support with Confidence
- Intervention in incidents of cold calling
- Protection of known chronic victims of mass marketing fraud
- Intervention in complex civil cases involving the most vulnerable consumers

3. How we did against our targets

The Council Plan and Portfolio Plan Targets for East Sussex Trading Standards in 2014/2015 were:

- 95% of businesses and consumers satisfied with Trading Standards support for fair trading
- Calculate the money saved per consumer following intervention from the Rapid Action Team
- Calculate money saved per chronic victim of mass marketing fraud following intervention by Trading Standards
- Deliver bespoke advice and workshops to support businesses in East Sussex

3.1 Target 1: 95% of businesses and consumers satisfied with Trading Standards support for fair trading

Trading Standards achieved a satisfaction rating of 99%

We are very pleased that we have maintained a high level of satisfaction in what have been difficult financial times. We have worked hard to ensure we have made the best use of our resources while maintaining high levels of business and consumer satisfaction. Here are some of the numbers behind the figures

Service Requests Received 2014/2015

Trading Standards received 10 893 service requests in 2014/15 from businesses and consumers for advice. That approximates to 726 per officer per year. These requests may range from the simple, signposting a business or receiving intelligence; to the complex, for example, giving detailed and bespoke food labelling advice to a new start up food business.

Samples taken 2014/15

Trading standards took 282 samples in 2014/2015. Trading Standards has a duty to ensure that food and animal feed sold within the county is safe and the food chain is secure. For example, the new Food Information for Consumer Regulations makes it a requirement for advice on allergens to be provided on prepacked and non-prepacked food. One sampling regime concentrated on the accuracy of allergen advice in takeaways. For example, while a meal may not contain peanuts, has the caterer considered the peanut oil that has been used to cook the food? Not all samples are food related. For example, in 2014/2015, the sampling of unsafe toys led to a seizure and recall of those goods and another uncovered potential contamination of fuel.

High Risk Visits 2014/2015

Trading Standards Visited 274 high risk businesses in 2014/2015

Trading Standards has the power to enter any business premises at any reasonable time to carry out the inspection of goods. However, such powers are exercised

responsibly and we will always ensure there is a valid reason for a visit. Inspections normally fall into two categories:

- Pre-planned inspections to businesses, which due to the nature of the products that they manufacture or sell, are deemed to be High Risk. These include businesses involved in the manufacture of food or the storage or sale of high risk products such as fireworks or explosives. The purpose of these visits is to support local business and help them to achieve compliance of all appropriate legislation. Depending on the size of the business these audits can take a few hours to a whole day.
- Enforcement visits, are made due to intelligence received from members of the public or other enforcement agencies, which gives cause for concern as to how a business is being run or what is being sold or manufactured there. For example, this year we have investigated businesses who have sold knives to underage children or counterfeit and smuggled tobacco. Such visits are unannounced and can result in the seizure of goods and the arrest of suspects.

Spotlight on Partnership Working

Trading Standards officers have substantial powers and expertise in a wide range of legislation, however, in order to maximise our effectiveness and efficiency we work closely with a number of local and national partners: Citizens Advice, Sussex Police, HMRC, East Sussex Fire and Rescue; local Environmental Health Departments; Public Health; National Measurement Office; Adult Social Care; the Animal Health Veterinary Laboratories Agency; Department for Environment, Food and Rural Affairs and Food Standards Agency. For example, two officers from Trading Standards and Adult Social Care have carried out a “job swap” this year. This has enabled each service to learn about what the other does and concentrate on safeguarding those who are the subject of financial abuse through scams. The swap has given a greater understanding of the victims of scams and how we can raise awareness of financial abuse.

Citizens’ Advice act as the first contact for consumers and businesses contacting Trading Standards on the consumer helpline: 03456080197. Citizens’ Advice will take details of the service request or complaint before referring it to Trading Standards for action. This enables Citizens Advice to build up a national profile of complaints against local businesses to pass to the relevant home authority. They also advise consumers on simple contractual matters thus enabling Trading Standards Officers to deal with the most vulnerable consumers in their area.

East Sussex is unusual in that it has the highest number of licenced explosives stores in the country due to the size of bonfire celebrations in Lewes. It is essential that the licenced stores, which can contain up to 1 tonne of fireworks at a time, are secure; fit for purpose and sufficiently far from habitation to reduce any risks associated with them through fire or theft to absolute minimum. Trading Standards Officers work closely with East Sussex Fire and Rescue officers to ensure absolute compliance. The licensing of such stores takes place annually.

Being a coastal County Council East Sussex has a port and a number of harbours. Trading Standards is responsible for carrying out inspections of pet passports of animals entering the country and the county via the sea. In 2014/2015 our officers attended Newhaven Port regularly to check animals for the appropriate vaccinations using electronic chip readers. The purpose of this work is to stop the spread of

disease especially Rabies into the UK. Any animals failing the inspection are quarantined. This work is carried out with the support of the Animal Health Veterinary Laboratories Agency and takes place either early in the morning or late at night.

Support with Confidence

Trading Standards also works in partnership with Adult Social Care to deliver Support with Confidence Scheme. This scheme puts consumers with care needs in contact with appropriately trained and vetted care workers; care agencies; and businesses working in regulated activities.

Buy with Confidence

In 2014/15, 95% of consumers using the scheme were satisfied with the Buy with Confidence traders. The scheme had 372 members.

Spotlight on Intelligence led enforcement

Trading Standards has adopted an intelligence-led approach to enforcement to target our campaigns and investigations. This allows us to target our resources in a considered manner on the areas causing local businesses and residents the most cause for concern. Intelligence is gathered from a wide range of sources both locally and nationally although the most important is information gained from local residents and business or by local officers when carrying out inspections.

This information is collated on a monthly basis at the Trading Standards Tactical Tasking And Coordination Group, which is made up of Senior Trading Standards Officers who use this information to target resources. In 2014/15 this led to the projects and investigations below.

Projects 2014/2015

Below is some of the project work undertaken by Trading Standards in 2014/2015. Trading Standards participates in a numbers of local; regional; and national projects, in areas such as, food and weights and measures, where there is a direct impact on the safety and wellbeing of the local population.

Ensuring a level playing field

The Illegal Tobacco Project 2014/15

Being an authority with pockets of areas of high deprivation and poor health, East Sussex has a particular issue with the “under the counter” sale of illegal tobacco. The tobacco falls into three categories; smuggled; counterfeit and of unknown origin. This tobacco is sold at pocket money prices, particularly in areas of high unemployment. Not only does the sale of such tobacco have a large impact on the health of local residents; it undermines the cessation work being done by local health providers and puts stress on health resources. Furthermore, such illegal activity undermines and impacts on legitimate businesses trading in these areas.

In 2014/2015, Trading Standards successfully secured £100,000 from Public Health to undertake a project into illegal tobacco. The funding allowed Trading Standards to employ additional temporary specialist officers; resources and equipment.

The agreed objectives from the tobacco enforcement project proposal were as follows;

- Public Health and Trading Standards would work in partnership to target the geographical areas of most concern and to ensure the effective distribution of marketing campaign material related to smoking cessation and the sale of illegal tobacco in East Sussex.
- Trading Standards would work in partnership with other identified agencies to share and develop the intelligence obtained to create a meaningful understanding of the retail environment and the sale of illegal tobacco in East Sussex.
- Trading Standards would work in partnership with other identified agencies to share and develop the intelligence obtained to create a meaningful understanding of the distribution network of illegal tobacco in East Sussex.
- Trading Standards would take proportionate action, in line with their Enforcement Policy, against offenders who have been investigated and identified as being involved in the sale and/or distribution of illegal tobacco. In addition Trading Standards will work with partner agencies so that any breaches of non-Trading Standards legislation could be investigated fully and addressed in line with partner agencies policies.
- Trading Standards would engage with landlords of properties where formal action has been taken against the sale of illegal tobacco. Landlords would be informed of the activities the shop is engaged in and issued with a warning that they could be subject to proceeds of crime action if they continued to take rent from those engaged in such activity.
- Trading Standards would work with partner agencies to rebuild positive relations with local traders and community organisations affected by the sale of illegal tobacco. Trading Standards would engage with local businesses and other organisations, encouraging them to report any activity and to support the marketing campaign of Public Health.
- Trading Standards would engage with East Sussex Fire and Rescue service regarding the fire risk associated with such products and, where volumes allow, consider the use of reduced ignition propensity testing to demonstrate the fire risk and increased safety concerns with illegal tobacco. A high percentage of Illegal tobacco does not extinguish as legitimate tobacco does, thus the risk of house fires is greater if people smoke in their homes. Trading Standards would work with Public Health to demonstrate the health risks associated with illegal tobacco and, again where volumes allow, consider the use of composition testing of the products.

The outcomes of the project were as follows:

- ✓ 25 reports were received by Trading Standards providing information about the supply of illegal tobacco

- ✓ 179 inspections of premises known to sell illegal tobacco in East Sussex (This includes test purchasing and repeat inspections)
- ✓ 56 advice visits to traders and other business premises to discuss illegal tobacco
- ✓ 18 formal actions as a result on investigations into illegal tobacco resulting in 5 prosecutions, 1 formal caution and 7 formal warnings issued. 5 investigations are currently pending.

At Eastbourne Magistrates Court of 20.02.15, Mr Siavash Rostamy pleaded guilty to five charges relating to the possession of illegal tobacco. The tobacco was found in the shop and a vehicle nearby.

The Magistrate fined Mr Rostamy £200 for each offence, making a total fine of £1000. We were awarded costs of £1068.00 and a victim surcharge of £20. Total £2088.

It should be noted that Mr Rostamy was a first time offence. In 2013/14, Trading Standards secured custodial sentences for two repeat offenders

- ✓ 1 shop closed as a result of intervention with the landlord under Proceeds of Crime Act
- ✓ 59,220 illegal cigarettes seized and removed from the market with a retail value of £23,688
- ✓ 114.86kg of hand rolling tobacco seized and removed from the market with a retail value of £39049
- ✓ Total retail value of illegal tobacco removed from distribution £62,737
- ✓ Trading Standards delivered all of the above within a budget of £73,979.

“Scamp” the sniffer dog with a seizure of tobacco he found.



Senior Trading Standards Officer, Roger Cohen, showing that experience counts – removing hidden tobacco from a false wall.



Other Trading Standards Projects included working with the National Measurement Office on the Medical Weighing Project. Officers visited local GP Practices to ensure the accuracy of the weighing and measuring equipment such as baby weighers and height charts. The weight of patients and the BMI can often determine the treatment they are to be given. Training and advice was given to bring practices into compliance.

Investigations were not all about tobacco, in total Trading Standards carried out 31 complex investigations issuing a further 10 letters of warning and another formal caution.

February 2015 also saw one of Trading Standards' most distressing cases come to court when 79-year-old Clare Cotton was banned for life from keeping goats, cows, sheep and pigs after being convicted of six offences under animal welfare legislation

Ms Cotton had been sentenced to a four-month prison sentence, suspended for six at Brighton Magistrates' Court having been charged with:

- Causing unnecessary suffering to a pig by failing to obtain prompt and appropriate medical treatment for a skin condition
- Causing unnecessary suffering to a goat by failing to provide the animal with any or adequate veterinary treatment.
- Failing to take all steps reasonable in all the circumstances to ensure the needs of a bull were met, by failing to meet adequately or at all a suitable diet
- Failing to take all reasonable steps to ensure the conditions for a pig were met in that she failed to provide continuous access to a sufficient supply of fresh drinking water and dry bedding
- Failing to ensure animals cared for by a sufficient number of staff who possessed the appropriate ability, knowledge and professional competence

In addition to her suspended prison sentence, Brighton magistrates also ordered Cotton to pay £150 in court costs and an £80 victim surcharge

3.2 Target 2: Calculate the money saved per consumer following intervention from the Rapid Action Team

The average intervention by Trading Standards saved the victim £607

Trading Standards take a very pro-active stance with regard to rogue traders, especially those who prey on the most vulnerable in our county. To this end Trading Standards have a number of officers involved in the Rapid Action Team. The Rapid Action Team is on standby during the week to respond to incidents of doorstep selling or rogue trading. Normally, such incitements are passed to us from Citizens' Advice or the Police following reports from concerned neighbours or family, and in some cases the victims themselves. Reports can be made directly to Trading Standards on 01323 463430.

In 2014/2015 Trading Standards made 29 doorstep interventions across the county, and saved consumers an average of £607 each.

No trader who signs a contract in the consumer's home should start work without making the consumer aware of their right to cancel, in writing. Many rogue traders will "doorstep" vulnerable consumers and pressure them into agreeing to work that is of poor quality and often completely unnecessary. They will often demand more money than is quoted, in cash. It is not uncommon for these operators to use false company details to avoid future detection and slave labour to get the job done.

Luckily for the consumer and Trading Standards, failure to provide written cancellation rights forfeits a trader's right to be paid for any work carried out. Using this as a starting point, officers of the Rapid Action Team were able to persuade consumers not to hand over any further money being demanded by the cold-calling traders, saving residents a total of £17 616 due to the team intervention.

However, these interventions are just the starting point. The investigations following such interventions can be complex and resource intensive as the full scale of the business activities and consumers' detriment comes to light. One such case involving a fraudulent roofing company and many elderly and vulnerable victims spread throughout the south east is due to come to court in in 2015/2016 despite the initial investigation starting in June 2013.

The Rapid Action Team is essential to the protection of vulnerable adults in East Sussex. As a County we have a larger than average elderly and vulnerable population. By responding quickly and intervening in such matters we deter other companies from attempting to do the same.

The team also puts proactive measures in place. In one case the Rapid Action Team were concerned that a victim had fallen victim to a repeat offender. They therefore installed a hidden camera to monitor the comings and goings of any tradesmen over the course of several weeks until satisfied she was no longer in any danger.

The Rapid Action Team also intervenes in complex civil matters and will seek redress for vulnerable victims

In December 2014 Mrs P, an elderly resident contacted Trading Standards with regard to a dispute with a drain clearance company. Mrs P had paid nearly £2000 to have her drains fixed which had not been carried out with reasonable care and skill. A Rapid Action Team officer asked approved traders to attend the address and give an opinion of the work undertaken and the cost of rectification. The officer then contacted the original drainage company and secured a refund of £1,768.80

In February this year a Mr A contacted us on behalf of his elderly mother who had unwittingly signed up to a vitamin regime costing £75 per month. After intervention by the Rapid Action Team officer the company agreed to refund Mr P's mother £568.91.

Together the team saved a total of £65,616 for vulnerable victims in East Sussex. It should be noted that the sums of money saved do not necessarily reflect the true detriment suffered by the victim..

Trading Standards also does its best to help consumers help protect themselves from rogue traders with the promotion of the Super Sticker. This in effect makes each household its own "No Cold Calling Zone". We would ask any interested local groups wishing to distribute the sticker throughout their area to contact Trading Standards on 0345 60 80 197.

In 2014/2015 we issued 14,441 Super Stickers to East Sussex residents



3.3 Target 3: Calculate money saved per chronic victim of mass marketing fraud following intervention by Trading Standards

In 2014/15 the average money saved per chronic victims of mass marketing scams was £1230

Working closely with the National Scam Team, Trading Standards visited 236 suspected victims of mass marketing fraud. Such victims regularly send large sums of money to bogus companies alleging to represent a wide range of fictitious organisations such as lottery companies. These companies are based abroad but use UK based fulfilment houses to send out the correspondence and process the money. Once hooked, these companies will make a lot of money from their victims by contacting them with more and more elaborate scams or selling their details on to other rogue traders. Once again these companies will target the most vulnerable until the victim has lost everything. The National Scams Team works with many major agencies such as the Metropolitan Police and the Royal Mail to recover monies sent to these organisations. This is then distributed to local Trading Standards Services, who visit the victims and put in place measures to stop them falling victim to such scams in the future.

In 2014/2015 Trading Standards visited 236 potential victims and found 26 chronic victims. Where necessary social services were contacted along with family members, post was redirected or the victim signed up with the mail preference services. Where appropriate call blockers are also installed. Trading Standards revisits chronic victims to help reinforce messages for the need for vigilance to scams. Any new evidence concerning new postal scams obtained from the victims is then fed back to the National Scams Team for further investigation.

Victims are often conned into parting with thousands of pounds for worthless pills and “prizes” such as those shown below.



3.4 Target 4: Deliver bespoke training about Trading Standards legislation to support businesses in East Sussex

In 2014/15 Trading Standards responded to 7,691 requests for advice from local businesses.

The requests ranged from asking Trading Standards to signpost them to relevant sources of advice, such as www.businesscompanion.info or to sources of new legislation, such as www.legislation.gov.uk; to requests for bespoke advice specific to their businesses. This advice was in addition to the detailed advice given by officers in order to bring businesses back into compliance during visits and inspection. Such advice often involves detailed research into current legislation as the consequences of getting it wrong could potentially be costly or dangerous: for example, getting a food label wrong or the safety requirements wrong for a fireworks store. In total, 232 pieces of bespoke advice were given to local businesses.

Having said this there is now a move from Trading Standards to help traders to help themselves with the introduction of business advice workshops. For example in 2014/2015 4 workshops were given to traders on drafting business contracts made on and off a traders premises including the drafting of cancellation rights. This proved extremely popular with local businesses and start-ups, and provides a way to maximise the use of officer time to reach as many businesses as possible. 6 workshops held in banks around the county to teach bank staff and their customers about the scams they may bear witness to as well as the work carried out by Trading Standards. Other workshops included providing advice to estate agents and food caterers delivered in Turkish. There are plans to increase the number of business workshops next year.

The training does not just stop there. Trading Standards also carries out “Building Bridges” training to partners within the Council to ensure that they are aware of the work we do and know when to contact with concerns regarding their clients. By doing so Trading Standards plays its part in ensuring that we act as one council.

4. Looking forward to 2015/2016

East Sussex County Council has set four key priorities for 2015/2016:

- Driving economic growth
- Keeping vulnerable people safe
- Helping people help themselves
- Making the best use of resources

Despite the successes of 2014/2015, Trading Standards still continue to develop and refine the way in which they work.

In 2015/2016, Trading Standards is introducing monthly business workshops. These will be undertaken at the Eastbourne Training Centre and will build upon the success of the business training delivered in 2014/2015. A typical workshop might focus on business contract requirements. Delegates will be taken through the relevant parts of the legislation and given the opportunity to write a contract. At the end of the session pro-forma contracts will be issued. The aim of the workshops is to help local business help themselves and provide free continual professional development training for small businesses operators who may not otherwise be able to afford such training. It is also hoped that the training will contribute to a fair local trading environment.

In 2015/2016, Trading Standards is introducing “scam visit “days. For two days each month officers will attend known chronic victims of mass marketing fraud to offer advice and support. It is anticipated that adopting “a day of action approach” the service will be able to raise the profile of the work of the Council in the local media and attract volunteers from other organisations to participate.

We will continue to intervene in incidents of rogue trading and bring enforcement action against those causing the most harm. In 2015/2016, we will also be appointing an independent financial investigator who will be responsible for ensuring that “crime does not pay” by recovering the proceeds of crime from those that prey on the most vulnerable in East Sussex or attempt to gain an unfair competitive advantage over honest local business.

5. The Trading Standards National Scams Team

The National Scams Team, hosted by East Sussex Trading Standards, continues to grow from strength to strength. It is funded by the National Trading Standards Board. It employs 10 staff, including specialist investigators. The Scams Team works in partnership with key enforcement agencies, such as local Trading Standards services as well as national enforcement agencies. These partners provide the National Scam Team with intelligence which identifies potential victims of fraudulent mail scams throughout the country. It is at this point that the National Scams Team steps in as the referral mechanism; ensuring that any monies seized are returned to the victims by their local Trading Standards Service. In addition to returning money the Trading Standards Officers also provide the victims with appropriate advice and support. Here are just some the highlights of 2014/2015.

153 Local Authority Trading Standards partners have signed up to the National Scams Team. This represents an increase of 40 authorities and a total sign-up of 75%

32 National Partners have agreed to work with the National Scams Team which represents 100% increase.

For 2014/2015, the estimated detriment to scam victims nationally was £12,627,683. This is based on visits and interviews with 10 364 confirmed victims.

The detriment per person equated to £1,187

The immediate savings following an intervention visit was estimated at £221.55

Scam Victims Ages (where age known): ranges from 19 to 106 with an average scam victim age of 74 years old.

Example Cases

SOUTHWARK

£41,000

When visited by trading standards officers, victim A stated he had been sending about £25 per to various scams every week since moving into his present address in 1983. When responding to prize draw and clairvoyant scams scam, he had paid for 'gold' chains and beaded junk jewellery. A conservative estimate calculated his total loss as £41,000 over 32 years. Since trading standards intervention and following their continued support and further help from a local charity the victim stopped sending money. C was interviewed for article in council magazine which went out to all homes in the borough to raise awareness of the effects of scams on their victims.

WIGAN

£45,000.00

Victim B admitted to have responded to mailings since the death of his wife six years previously. The money spent reached an estimated £100 per week spend purchasing products from catalogues to enter prize draws. Following intervention and support from trading standards Victim B stopped.