

Appendix 1

Multi-agency work

The Trading Standards Service participated in several multi-agency operations with partner agencies during the past calendar year:

Operation Evolve

Operation Evolve Wirral is a project designed to build communities into more prosperous and safer areas resilient to gang-related activity.

In May 2024, Officers from the Trading Standards Service worked in partnership with Merseyside Police and on the co-ordinated day of action, officers seized 92 illegal vapes and 37 packs of illicit cigarettes.

<https://wirralview.com/safe-vibrant-communities/evolve-wirral-chalks-800-arrests-over-first-12-months>

Operation Banger

Op Banger covers the key Halloween /Bonfire period from 28th October until 5th November each year.

Officers work closely with multi-agency partners to ensure retailers do not sell fireworks to persons under 18 years of age. Compliance visits are carried out to all retailers licensed by the Fire Service to sell fireworks. Legal advice guidance will be provided to the businesses.

Operation CeCe

This operation is a collaboration between HMRC and Trading Standards Services to tackle the supply and trade in illegal tobacco. Trade in illegal tobacco undermines legitimate traders, including small, independent shops that serve local communities, and takes funding away from our vital public services. That's why coordinated activity such as Op CeCe is vital to ensure that we are creating a level playing field for businesses and citizens.

The aim of this project is to reduce the demand for illicit tobacco and tackle organised crime gangs which supply businesses with illicit tobacco products.

In the past year the service has seized 16514 cigarettes from Wirral businesses. In line with Wirral Council's enforcement policy warning letters have been sent to the businesses.

Operation Joseph

The Government announced in May 2023 that funds were to be made available to National Trading Standards (NTS) for enhanced work and coordination across England regarding the sales of vapes to young persons (under the age of 18) and the supply of illegal vapes, that are non-compliant with UK legislation. Local authority Trading Standards Services contribute to this project by carrying out enforcement and compliance inspections and seizing non-compliant vapes. In the past year this service has seized 6771 illicit vapes from Wirral businesses. Officers have engaged with the businesses supplying the illicit vapes and in line with Wirral Council's enforcement policy, issued warning letters to the businesses and the businesses have agreed to sign over the illicit products to the Service for forfeiture and destruction. Also, the businesses have signed undertakings to cease and desist from supplying illegal and illicit products.

Operation Sceptre

Operation Sceptre is the national police initiative to tackle knife crime which took place in May 2023. Trading Standards worked in partnership with Merseyside Police to carry out age restricted test purchasing inspections at Wirral 8 businesses. 1 sale was made to a child volunteer.

Prosecutions:

In conjunction with Wirral Council's Legal Services, Trading Standards summonsed the following businesses:

Landscape Gardener:

This prosecution related to a landscape gardener who had taken substantial deposits from consumers and failed to complete work or refund money for work not carried out. The business did not provide the complainants with the required business address as required by the Companies Act 2006 nor a notice of their right to cancel the contract

The case was before Liverpool Crown Court. After a part-heard Trial the defendant pleaded guilty to 4 regulatory offences in relation to the Consumer Protection from Unfair Trading Regulations 2008 for engaging in a commercial practice which contravened the requirements of professional diligence and 9 offences relating to the Companies Act 2006.

The defendant was sentenced to 40 weeks reduced to 38 weeks (5% credit) custody suspended for 18 months plus 150 hours unpaid work & 20 days Rehabilitation Activity Requirement.

The defendant was also the subject of a Proceeds of Crime (POCA) investigation. The Court accepted that the benefit figure derived from the defendant's criminal behaviour was £54571.40. However, the defendant had substantial debts, far in excess of £50k and no realisable assets. The Judge ordered a POCA order in the nominal sum of a £1.00 to be paid within 28 days with a 7-day custody default.

The Judge made an order for compensation for the victims in this case, whilst acknowledging it is woefully inadequate, the order was for £500 per victim totalling £1500.

Landscaper & building company:

This prosecution related to a local business taking money from a Wirral resident to purchase materials to relay a garden with paving, but no such works were carried out and no monies refunded. The complainant was not provided with their statutory cancellation notice nor informed of their right to cancel the contract. No details of the business address were provided to the complainant as required by the Companies Act 2006.

The defendant was summonsed before the Court for offences in relation to the Fraud Act 2006, Consumer Protection from Unfair Trading Regulations 2008 and Companies Act 2006.

At Court, the defendant pleaded guilty to all offences. The Magistrates sentenced the defendant to an 18-month community order with 300 hours unpaid work for the Fraud Act offence plus 30 days RAR. No separate penalty for the regulatory and Companies Act offences. Costs awarded to the Local Authority of £3045.81 plus a victim surcharge of £114.00.

Indian Takeaway

This prosecution relates to a food safety incident at a local takeaway in Wirral. The Service had received a complaint that a resident had suffered an allergic reaction after consuming a takeaway meal from a local business. An officer from the Service visited the business and carried out a formal food standards' test purchase. The officer replicated the order previously placed by the complainant, ordering a vegetable korma meal 'without peanuts. The meal was sent away for analysis by the public analyst who declared that peanut protein was present in the meal.

The Director of the company who had sold the meal to the officer was summonsed before the Court in relation to offences under Food Safety Act 1990, Food Safety and Hygiene Regulations 2013 and Consumer Protection from Unfair Trading

Regulations 2008. He entered guilty pleas at Court and the case has been adjourned for sentencing until October 2024.

Newsagent

This prosecution relates to the sale of an e-cigarette (vape) to a child volunteer who was under the age of 18. The business was summonsed for alleged breaches of S92 of The Families and Children Act 2014 and Regulation 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 which provides for the prohibition of sale of nicotine products to persons under 18 years of age.

The Magistrates sentenced the defendant to a fine of £500, victim surcharge £200 and awarded costs to the prosecution of £2078.

In other legal enforcement work the Service has engaged with 25 businesses to secure voluntary undertakings in relation to the Enterprise Act 2002 to cease and desist from trading in illicit and illegal products.

Statutory Inspections

The Service undertook 216 inspections during the past year. This included inspections at factories, public houses, petrol stations, retail outlets and farms in relation to variety of statutory functions including weights & measures, food and feed standards and product safety.

Officers engage with the businesses to ensure that the business is trading in a legally compliant manner.

Some of the inspections are carried out as part of national or regional projects, which included:

FSA Feed delivery programme: 18 high risk inspections

Regional Weighbridge Project:

Regional Packaged Goods Project: Wirral was one of 14 local authority's to participate and the project group concluded that "Against the backdrop of a cost-of-living crisis, consumers are being doubly disadvantaged at the checkouts – first through increasing prices and second through the hidden detriment that is short measure.

The results of the project suggest there are problems with short measure products being placed on the market. These have been identified at retail level having been

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produced and not identified or rectified at packing level. These packs should not have made it to the marketplace – the presence of them suggests failings in the systems and controls employed by each of the 8 packers. The presence of each short weight pack may also constitute an offence under the Packaged Good Regulations 2006. “

Office of Product Safety & Standards (OPSS) E-scooter Project: In April 2024, the OPSS wrote to all LA CEX requesting support for Trading Standards Services to participate in a project run by the OPSS aimed at tackling fires involving e-bikes and e-scooters, Wirral has carried out compliance visits at local businesses to provide advice and guidance to the business to ensure they supply safe products to consumers.

The results of this national project are still being collated by the OPSS and will be published in due course.