Business & Consumer Affairs Section

Annual Report 2017/18

Cyngor Sir Gâr
Carmarthenshire
County Council

Trading Standards Section

The 2017/18 period has seen the Trading Standards team continue to operate as a responsive local resource that can be deployed as a constant support network to Carmarthenshire's businesses, residents and consumers as well as tackling vital local issues as they arise.

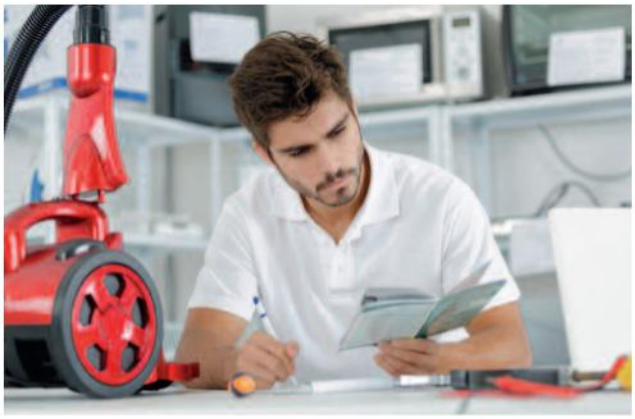
Trading fairly and promoting business

One of the underlying aims of the service is to ensure a fair and safe trading environment which protects the well-being of Carmarthenshire people whilst supporting the legitimate businesses of the county to grow. Economic growth is the lifeblood of successful communities and if Carmarthenshire businesses feel able to thrive and evolve, then employment and other benefits naturally follow. Our Trading Standards regulation keeps markets fair and ensures that criminality, be it from unsafe goods or from practices that disadvantage consumers, does not impact on the vast majority of Carmarthenshire businesses that want to comply with the law.

Delivering professional advice to businesses about regulation is essential to making Carmarthenshire a superior place to set up and run a business. Our dedicated Trading Standards experts have been ensuring businesses comply with the law and providing help interpreting legislation by clearing up confusing and contradictory information on how best to adhere to the regulations in place. This helps both start-up and existing businesses and also ensures the safety of products intended for public use. There have been **579** enforcement visits to premises by Trading Standards officers in 2017/18 which includes **185** sampling visits, all ensuring requirements and regulations concerning the legality of trading practices and the safety of products and goods are being adhered to. In addition, we have undertaken **780** proactive Internet inspections.

With a targeted and risk-based approach we effectively ensure compliance and assist businesses greatly in ensuring their product is safe – avoiding the potential future costs of non-adherence as well as protecting the public.

Just one example of this was the successful



campaign to inform local restaurant and takeaway businesses about the trading standards regulations concerning the use of food colourings and allergens in their products. ***64*** *Carmarthenshire business were contacted concerning the matter and this pre-emptive and advisory work not only pays dividends and saves costs in the long term but also helps instil public confidence and trust in the sector.*

Through our partnership arrangement with Citizens Advice and from contact directly from the general public and other agencies, the section has received **2,193** complaints and service requests in 2017/18 with **2,096 (95.6%)** being responded to within 10 working days. **90** critical interventions have been completed where an immediate response is required to ensure public protection. Many of these involve incidents when itinerant traders have been targeting elderly or vulnerable residents.

Our complaint monitoring work ensures we have an up-to-date picture of those businesses in the area that are attracting the most negativity and enables us to investigate potential offending before it has a chance to take wider hold in the community. Due to this work we are able to prioritise our resources to tackle those traders that cause the most harm and detriment to the public and can quickly tackle the unsafe and unfair trading practices that seek to undermine the prosperity and growth of business and enterprise in Carmarthenshire. The successful approach of our officers can be seen in the reduction of complaints about Carmarthenshire businesses by **16%** in 2017/18 from the corresponding 2016/17 figures.

Our continual commitment to complaint monitoring and responsive work also enables us to concentrate and specialise on certain sections of the business industry that have been known to be problematic in the past. For example, we have officers who have built up specialised knowledge relating to practices in the motor trade, allowing them to educate both new and existing car dealers in the sector. This has had effect of reducing complaints from the general public about second hand motor dealers in Carmarthenshire by **27%** over 2017/18 compared to the figures for 2016/17 and also assists reputable businesses to demonstrate their commitment to trading fairly.

By having a targeted and focused enforcement plan' the team ensures we are influential in ensuring a fair trading environment due to our well-established and hard-earned relationship with both consumers and businesses. This ability to be equidistant between consumers and businesses has enabled us to understand the important needs of both groups throughout the year and will stand the section and county in good footing well into the future.

Rogue trading and protecting the vulnerable

From rogue traders to poor home improvement services, mail scams to illicit phone calls, vulnerable consumers of Carmarthenshire have benefited from the protection offered by our Trading Standards service in 2017/18. Indeed, it is not only the most vulnerable in society who fall victim to scams; consumers from all walks of life are now finding themselves out of pocket to criminals. With technology making it easier for scammers to operate, effective consumer protection has never been more important.

The Financial Exploitation Safeguarding Scheme (FESS) that was established in 2014, continues to go from strength to strength and facilitates for the early detection, intervention and prevention of financial abuse against vulnerable people as well as putting a support network in place to protect residents of Carmarthenshire from further exploitation.

Our partnership work with the Social Care element of the Authority and our close relationship with **11** local Banks and Building Societies, has led to Trading Standards detecting several vulnerable residents that were previously unknown to adult safeguarding teams, as well as protecting hundreds of thousands of pounds in savings from being accessed by unscrupulous means. The scheme has even seen **£70,369** returned to Carmarthenshire residents as a form of redress and the success of the project can be seen with **36** other Local Authorities in the UK now signed up to the scheme, all following Carmarthenshire's example as lead Authority.

The growing menace of unwanted telephone calls is something the section continued to counter in 2017/18 with the TrueCall project showing its worth. To the average member of the public, undesired telephone calls are irritating but to some they can ruin lives.

A scam call can lead to loss of money, confidence and independence. People living with dementia can be particularly vulnerable to these calls as they may forget whether they have previously purchased the products on offer. The True Call project offers blocking equipment to those most vulnerable to nuisance and scam calls in order to eliminate the harm and distress they can cause. As well as dealing reactively with complaints and requests from concerned family members and friends, officers also worked with adult social care to identify those who would benefit the most from this technology. A total of **82** units have been installed in Carmarthenshire with **53,213** nuisance calls being blocked giving an incalculable level of peace of mind to our clients and their families as well as an estimated saving of **£213,854** to the public purse in terms of the potential Social Care, Policing and NHS costs that are generated by a successful telephone scam.

Through our relationship and research with the Carmarthenshire 50+ Forum, it is clear that this growing section of the population feels a great level of concern regarding the threat posed by potential scams, particularly those conducted by nuisance telephone calls and doorstep trading. In the next 20 years, local authorities will face increased demands from a larger older population who are living longer and have an increasing frequency of isolation and cognitive impairment. The foundation we have set in place to help protect this growing section of society in 2017/18 will hold the department in good stead during this undoubtedly challenging time.

The Scams-Hub project has seen officers implement a series of initiatives to combat the tactics used by criminals including using 'scam email alerts' warning the public of the latest cyber-related scams. This information is then cascaded via local press, websites and newsletters and posted on Carmarthenshire CCC Twitter and Facebook pages. Officers have also conducted **11** presentations to community groups, set up **8** pop-up shops in banks and taken part in **3** 'Roadshows' in local supermarkets and Job Centres to spread the word to local residents on how to be more scam aware. Trading Standards Officers have also been in contact and offered guidance to **105** victims of scams in Carmarthenshire that have been referred to us by the project at National level.

Achieving a consolidated and co-operative approach to the threat of scams is a clear desire of the section. Officers have organised well received training programmes with our partners at Dyfed Powys Police and MAWW Fire and Safety Rescue. **25** Police Officers have been trained on Trading Standards legislation relating to Scams and Doorstep crime, whilst **20** Fire Service staff were trained on FESS and the most effective response to scams.

Doorstep crime is a type of rogue trading that is pervasive by nature and can leave homeowners facing financial ruin, their confidence in shreds and their ability to live independently seriously undermined. As well as the harm caused to individuals, the money made from these acts has been found to fund organised criminal activities and has even been linked to modern day slavery. Our Trading Standards Officers have looked to counter this by establishing **54** 'No Cold Calling Zones' and **1** 'No Cold Calling Village' with **2** more Zones in the process of being established. Officers have also carried out **11** visits to audit and inspect existing Zones and are committed to pursuing any offenders using all available resources. This is done through safeguarding, reassurance and advisory visits, as well as investigations, using social media and press to inform the public of potential offenders in the area and prosecutions against the perpetrators including the ability to initiate confiscation cases to remove assets and compensate victims.

A new 'Buy with Confidence' initiative is in the process of being introduced for 2018/19 which will enable reputable traders and firms to be inspected and approved by our officers and placed on a publically accessed database. This will give the public increased confidence in Carmarthenshire traders and will help prevent unlawful fraudsters from carrying out their nefarious schemes. A fee will also be paid to the Authority by each trader or firm for being placed on the list and initial interest in the scheme is encouragingly positive.

The award winning Moneywise financial literacy programme, created by Carmarthenshire Trading Standards, showed that we are equally intent to protect the future generations of the county by continuing to educate school children in vital topics such as employment, wages, payslips, income tax, budgeting, borrowing money and consumer rights. This significant consumer protection and financial education message is also designed to cover important elements of KS2 Literacy & Numeracy Framework and the PSE Framework and is now used by almost **70%** of all primary schools in Carmarthenshire.

A wider scope

E-cigarettes are a growing industry and Trading Standards are committed to clearing up some of the confusion surrounding the popular product. Vaping is generally accepted by health professionals as a safer way to quit smoking because no tobacco is burned, which means no carcinogens are released. However to keep people safe in Carmarthenshire it is vital to raise awareness of the law in this area to ensure only compliant products are sold. It is important to educate both the public and business by using the local press and posting on social media and through visits to retailers and online sellers of e-liquids to inform them of the legal requirements. E-cigarettes have also been an area where we have seen trademark infringing products enter the market with e-liquids that look and taste like popular branded food stuffs and drinks. These products not only potentially breach trademark but could easily be mistaken for children's drinks and the section will continue to monitor this area of work closely in 2018/19.

Our officers have also been busy in work that garners less press or public attention but is still of vital importance to the community.

Out of **32** sunbeds tested for compliance with European Standards on UV output, **5** were issued with warnings. All of these (from one salon) were found to be compliant when re-tested within 48 hours. **49** premises have been inspected to ensure petroleum is stored safely at our filling stations around Carmarthenshire with **19** Petroleum Storage licences being issued in Carmarthenshire over 2017/18 bringing in an income of **£1,913**. Officers have undertaken metrology verifications and calibrations for other local authorities and the private sector, generating an income. Further income (**£3375**) has been generated by undertaking computer forensic work on behalf of three other Welsh Local Authority Trading Standards Services.

20 licences for the storage of mixed explosives in Carmarthenshire have also been issued in 2017/18, bringing an income of **£2,571** to the Authority. Officers have inspected **36** premises to ensure compliance and safety when storing fireworks and other related products, not just during the Guy Fawkes period but also during the important festivals of Christmas, Diwali and Chinese New Year.

Financial investigation (F.I.) and proceeds of crime act (POCA) 2002

A major advantage to the Department's position over 2017/18 has been the Financial Investigation work now undertaken using the powers granted by The Proceeds of Crime Act (POCA) 2002. This has enabled our dedicated F.I officer to not only use his skills to aid the investigative process but also gives him the capacity to claim back some of the ill-gotten gains of criminality at the end of a successful legal case. This confiscation of criminal benefit, particularly apparent in cases of fraudulent trading and product safety, does not only help financially compensate the victims of the original offending but also sees money directed to our Local Authority, helping fund the Section's projects, programmes and enforcement initiatives in the continual and constant fight against crime.

Despite the time taken for each case to emerge through the legal system we have already seen £57,509 of confiscation money assigned for Carmarthenshire County Council from **4** successful prosecutions and with 7 further cases currently in the court system and many more at investigative stage there is no doubt that our officer's rigorous work in investigating cases of fraud and breaches of product safety is bringing much strong reward to the Department.

Animal Health Section

Take just a cursory look at a newspaper or watch the latest television news and you will quickly ascertain the great prominence given to stories of animal health and welfare. A love and respect for animals is clearly and deeply ingrained in our national collective psyche. Animal Health officers therefore continually realise the important role they play in protecting animals in Carmarthenshire as well as ensuring that animal welfare standards and disease control measures are maintained at farms and all other related premises.

2017/18 saw officers play a large role in enforcing the regulations which govern animal movements as well as advising farmers on how best to protect and care for their livestock. To achieve this, **176** enforcement visits have been made to farms over the year, whilst Animal Health Officers have also carried out **314** inspections of markets, abattoirs, collection centres, showgrounds and high-risk farming units. Information is gathered, assessed and recorded at each of these visits, embedding an intelligence-led culture across the section which proves vital in ensuring the service can strategically target where its efforts are truly required.

The Animal Health section also received **325** service requests from the general public and relevant agencies in 2017/18, with **317 (97.5%)** being acted upon within 10 working days. **68** critical interventions have been completed where an immediate response was required to ensure public protection.

The dedication of our officers to cases of

animal cruelty and mistreatment is reflected by the fact that **3** successful prosecutions have recently been achieved by the section with **5** further criminal cases currently ongoing. **35** complaints of animal suffering were additionally received by the section with 100% being investigated with within 1 working day. Some high profile rescue missions have also been undertaken by our staff to aid animals in distress and this work builds public confidence and shows the extremes our officers are willing to go to in order to protect animals in Carmarthenshire.

Tackling the problem of illegal dog breeding has been a prominent concern of the section during the year and, through the hard work of our staff, **15** new dog breeders have been uncovered and brought into the existing licensing regime over the 2017/18 period. This has brought in an initial income of **£7,247** to the Authority with further fees to be generated on an annual basis now these breeders are part of our licensing system. This work has the underlying benefit of increasing public and consumer confidence in both the legality and ethicality of the dog breeding industry of Carmarthenshire, especially in wake of the much discussed and imminent 'Lucy's Law' which will bring more stringent regulation to the sector. This is something the section is well prepared for and our officers are currently working on a number of potential criminal cases to help combat those people who feel they can circumvent the existing laws in this lucrative industry and place the health and wellbeing of both dogs and the public at risk.

The licensing regime of the Animal Health Section has seen **82** Dog Breeding Licences, **54** Animal Boarding Licences, **13** Riding Establishment Licences, **8** Pet Shop Licences and **1** Dangerous Wild Animal Licence issued in 2017/18. This has brought in a cumulative total of **£48,383** to the Authority. All the licences issued require at least one inspection visit by officers to ascertain the suitability of the premises and applicant to hold a licence with **165** licensing inspection visits undertaken by our officers in 2017/18.

Licensing Section

Licensed businesses that wish to operate in the UK are regulated under several different pieces of legislation, with this fragmented approach to regulation proving a great challenge for both new and existing businesses. The Licensing branch of Carmarthenshire County Council is constantly striking a balance by seeking to make this process as easy and business friendly as possible, whilst at the same time ensuring the public receives outstanding levels of protection.

This report provides a summary of the work undertaken in 2017/18 by the two small and diligent teams who administrate and enforce well in excess of 2,000 licences.

Taxi and private hire licensing

The section has a clear responsibility to make sure that the taxi and private hire trade in Carmarthenshire is operated in a professional manner and that the correct standards of safety and comfort are satisfied by all licensed drivers, vehicles and operators. It is recognised that those who are licensed by the section are the biggest providers of transport for the evening and night time economy of the county. The safe licensing and monitoring of licensed drivers and vehicles contributes significantly to the safety of the travelling public during these times.

Particular attention is paid to ensuring that all licence holders in Carmarthenshire are 'fit and proper' to hold a licence. Consequently, all applicants must undertake a criminal records disclosure (DBS) to check for the existence and content of any criminal record. Applicants must pass a comprehension test, a Hackney carriage and/or private hire knowledge test, have a working knowledge of the law surrounding their trade and be familiar with the local district. Before granting vehicle licences, on-site examinations are conducted to ensure that the vehicle meets MOT standards and that certain other criteria are satisfied, as set out in the current licensing conditions. Further proactive enforcement activity is undertaken by means of on street inspections, investigations and operator base visits, to ensure compliance with legal requirements and licence conditions whilst

ensuring the comfort, safety and appearance of all vehicles.

During the financial year 2017/18 the section processed and issued the following licenses:

- **579** Dual Drivers
- **366** Hackney Carriage
- **112** Private Hire Vehicle
- **36** Private Hire Operators

Officers also carried out:

- **338** vehicle spot checks and inspected
- **36** Private Hire Operator premises

The areas our officers check on vehicles include but are not restricted to: tyres, brakes, steering, lights, interior condition, bodywork condition, insurance certificate, driver and vehicle badges, meters (Hackney Carriages), fire extinguisher and first aid kit, rear and door plates, windscreen and rear window stickers.

Officers will take action against drivers of vehicles who: unlawfully ply for hire, drive without valid insurance, do not initiate the meter at the start of every journey (Hackney Carriages), fail to wear or prominently display their badge, stand or wait on Hackney Carriage ranks (Private Hire Operators), obstruct or fail to comply with a request made by Authorised Officers or Police, fail to carry guide dogs, fail to report accident damage to the licensing service, fail to report convictions and other associated matters.

Our commitment to the safety of the public ensured that we suspended **88** Vehicle Licenses and **28** drivers in 2017/18, whilst **44** Licence holders/applicants were required to appear before the Licensing Committee for further determination.

Projects and reform

During 2017/18, the section commenced a Safeguarding Training project for the Taxi Drivers of Carmarthenshire. This is a joint initiative between the Council and Dyfed-Powys Police force, with **19** separate training sessions being organised and **474** Taxi Drivers being trained. This project will continue throughout 2018/19 and these additional safeguarding measures will only help ensure that the travelling public in Carmarthenshire receive even higher standards of safety and care. As the Welsh Government prepares to introduce wholesale reform of the taxi and private hire licensing law in the near future, the section is well prepared to continue protecting the residents of Carmarthenshire in this vitally important area.

Alcohol and Entertainment Licensing

The Licensing department of Carmarthenshire County Council is committed to encouraging a thriving day time and evening licensed economy in order to benefit the county as a whole. However, it will always refuse to tolerate those premises whose activities infringe upon the quality of life for our local residents and businesses.

Alcohol and Entertainment Licensing deals with a variety of licences and authorisations under a number of different laws, with the main functions of the section falling under the Licensing Act 2003, legislation which seeks to control the sale of alcohol, provision of entertainment and late-night hot food and drink. Also falling under this legislation can be village halls, community centres and school halls holding events.

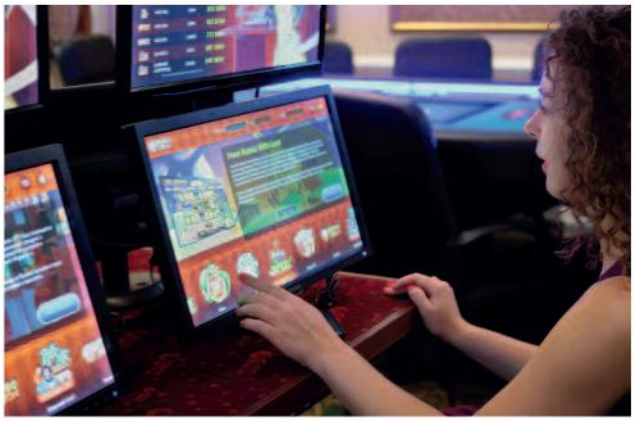
The section administer **869** Premises Licences and **74** Club Premises Certificates throughout Carmarthenshire and **887** of these licensed premises and Clubs pay an annual fee which is administered and monitored by the department. Indeed, **44** licence suspension notices were issued for non-payment of this fee in 2017/18.

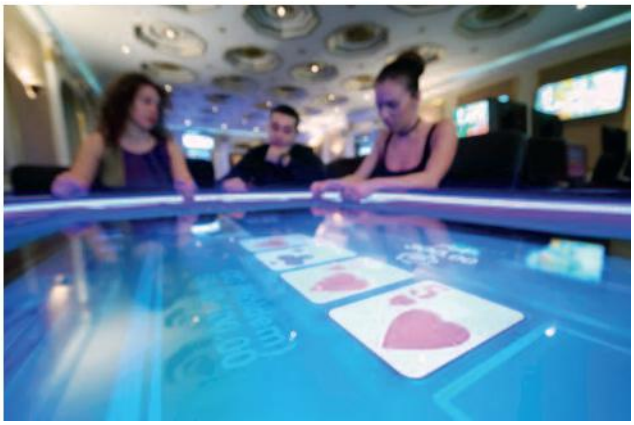
Over the year, **154** Premises inspections and visits were undertaken by our officers, with **272** licence applications determined by the section, **7** of which were placed before sub-committee for determination. A breakdown of the applications the section dealt with can be seen below.

- **20** Minor Variations of Premises Licence / Club Certificates
- **33** Grants of Premises Licences
- **65** Transfers of Premises Licences
- **12** Variations of Premises Licences
- **138** Variations of Designated Premises Supervisor Licences
- **1** Variation of Club Premises Certificate
- **2** Community Premises DPS Exemption Application
- **1** Film Classification Request.

It is abundantly clear that this responsible and conscientious work greatly enhances the vibrancy of Carmarthenshire throughout the day and well into the early hours, helping support the night-time economy of the region, whilst also ensuring the safety of the public and residents at all times.

Temporary events





The section also processes temporary events notices which are used to authorise a wide range of events across the county.

Temporary event notices are a facility under the Licensing Act 2003 where people can serve a notice on the council that states that they will be serving alcohol, providing regulated entertainment or both of these things at a specific time. It is not an application or permit but there are strict limits to the number of temporary event notices someone can serve, for how long the event can run and the number of people that can attend. There is also the ability for either the Police or Environmental Health to serve an objection notice, which would then lead to a hearing of the Licensing Committee to determine if licensable activities at the event can take place, so it can be a complex process.

During the year, **428** Temporary Event Notices (TENs) were processed comprising of **319** Standard TENs and **109** Late TENs.

Gambling, lotteries and collections

The section also licenses Gambling facilities under the Gambling Act 2005. This includes bookmakers, amusement arcades and casinos in addition to permits and permissions for any lotteries that are organised in Carmarthenshire.

In 2017/18, the section administered **330** Lotteries, which each require the processing of annual fees and the issuing of annual registrations.

72 Gambling related activities were also regulated, of which **27** are premises based. These include Betting shops, Horse Racing Track units, Bingo Halls and Amusement Arcades.

27 Gambling Premises Inspections were undertaken in 2017/18 by our officers. The Gambling Act 2005 also requires licensing authorities to review their Gambling Policies every 3 years and a statutory consultation process was undertaken between April and June of this year. The authority also convened a meeting with the three other licensing authorities within the Dyfed-Powys area and worked along with Gambling Commission Policy advisers with

a view to future collaboration during review processes. In light of this work, we have prepared a fully revised Gambling Policy document which will be considered by a number of committees prior to being presented to full council in December. This work has enabled us to take the lead in this area, with our policy document being used as a basis for consultations by the other three licensing authorities in Dyfed-Powys.

Another aspect of the section's work sees staff dealing with those who wish to set up charitable street and house to house collections under the jurisdiction of the House to House Collections Act 1939. Our officers issued **93** Street Collection Permits and **48** House to House Collection Licenses in 2017/18, in addition to issuing **59** Street Trading Licences for those wishing to use the streets of the county for commerce-based activities.

This section also administers a large number of permissions to locate gaming machines in licensed premises.

Complaints and prosecutions

Whilst complaints are generally resolved through liaison with the relevant licence holder, in a situation where the complaint is substantiated and a satisfactory solution is not obtained, formal enforcement action may be necessary.

In June 2017, the work of the section saw the successful prosecution of a bogus charity collector who had taken to dressing in a replica military uniform and posing alongside a Shetland pony in order to hoodwink the public. The man was ordered to pay £5,000 costs and the story was prominent in both local and national press.

The section is currently involved in another prosecution at Crown Court relating to two men dressed as Father Christmas and his friendly elf who were seemingly collecting money for the charity Mind. These men were actually keeping the money for themselves and the work of our officers will help ensure that this particular 'Bad Santa' will not be deceiving the people of Carmarthenshire any time soon.

Projects and initiatives

Building on the Taxi Driver safeguarding work that was undertaken in 2017/18, we are working with the Police, Security Industry Authority and Gambling Commission to develop a suitable training session for persons working in the night time economy. The Police are keen to expand the project to cover the whole force area and representatives of all local authorities in Dyfed-Powys are now participating in the project. This safeguarding training for licensees and their staff can help identify anti-social behaviour at an early stage and by working in liaison with venue owners, door staff and emergency services, we can help ensure Carmarthenshire is an attractive, welcoming and safe place to be at night.

One of the undoubted highlights of the year was National Licensing Week, a national awareness raising week promoted by the Institute of Licensing (IOL). This year, we arranged to undertake joint visits to licensed premises along with the Police and the local representative of the Security Industry Authority, in order to hand out information to licensees regarding Door Supervisor licensing requirements.

Taxi compliance checks were also conducted in conjunction with school transport officers and a short information film regarding licensing, which was produced by the section was even featured in the IOL publicity materials for the event. The evident quality of this video saw us approached by Stockton-on-Tees Council who wished to use a rebranded version of the video for their own licensing purposes.

In conjunction with the Authority's press office, the Licensing Section has also produced several bilingual short video films giving guidance to those wishing to hold events, specifically related to the authorisations required and how to apply for them. These are now available on our licensing web pages and show our commitment to being accessible and business friendly throughout our work.

Alongside the licensing work outlined above, 2018/19 will also see new projects undertaken in some important areas. Following a consultation exercise held between April and June 2018, the section has prepared a committee report and a revised Licensing Policy document, recommending the adoption of a Cumulative Impact Assessment for Lammas Street, Carmarthen. The report will be discussed at various committees before being considered by full council in December.

Following the receipt of several recent requests to classify films for public showing, we are currently preparing a report setting out a process for determining such applications. Alongside this, we have proposed in the amended Licensing Policy document that these decisions can be delegated to Licensing sub-committees or officers in the future.

The Business and Consumer Affairs Section are committed to ensuring that all work is undertaken with consideration to the Corporate Strategy and Council aspirations for the future of Carmarthenshire particularly the desire to create more economic growth, supporting the growing number of older people to maintain dignity and independence in their later years, supporting the 'Ageing Well' initiative in Carmarthenshire, promoting Welsh language and culture and the overall desire to build a 'Better Council' and make the best use of our resources.