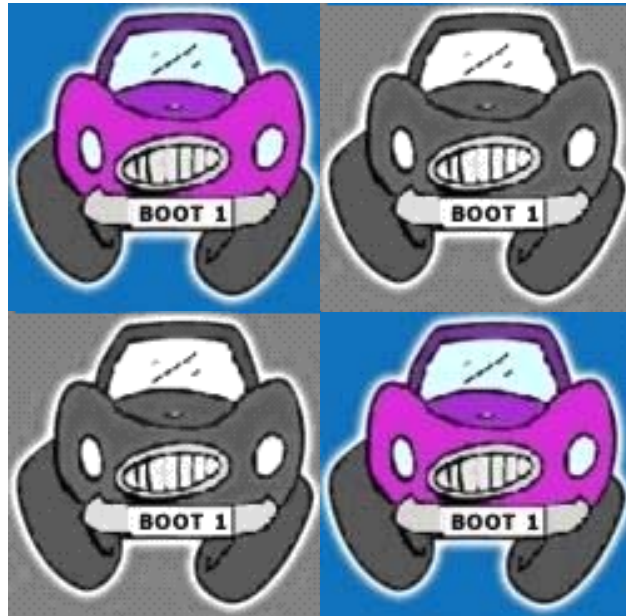




# Car Boot Fair?



Review Panel Members:  
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Community Safety  
Scrutiny Review  
of  
Car Boot Fairs

Democratic Services  
Dec 2006  
CS008



## **GLOSSARY**

*This report is written as far as possible in plain English with the minimum of jargon. All acronyms are spelt out in full when they first appear but for sake of clarity their meanings are repeated here.*

<b>ARA</b>	Asset Recovery Agency
<b>BPI</b>	British Phonographic Institute
<b>CD</b>	Compact Disc
<b>Charter Mark</b>	The Government's national standard for customer service for organisations delivering public services
<b>DVD</b>	Digital Video Disc
<b>ELSPA</b>	Entertainment & Leisure Software Publishers Association
<b>FACT</b>	Federation Against Copyright Theft
<b>IP crime</b>	Intellectual Property crime
<b>IPSOS UK</b>	An independent market research company which merged with MORI in October 2005
<b>PACE</b>	Police and Criminal Evidence Act 1984
<b>TS</b>	Trading Standards

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COMMUNITY SAFETY SCRUTINY COMMITTEE  
4 DECEMBER 2006

Car Boot Fair?

SECTION 1 ~ SUMMARY

1. A thriving trade in stolen and counterfeit goods undoubtedly exists across the country and Oxfordshire is no exception. Theft, burglary, robbery and car-crime occur regularly every day, bringing misery and financial loss to many of its victims. The exact scale of the problem is difficult to measure but there are real costs to local people and businesses as a result of the crime associated with these unlawful markets. The “high profit, low risk” characteristics of counterfeiting in general have made it a very attractive criminal enterprise of late. Counterfeit DVDs are seen as especially lucrative, owing to the fact that, as copying technology has become affordable and widespread, they have become very cheap to make yet offer relatively large mark-ups.
2. A minority of unscrupulous people have traditionally taken advantage of the somewhat under-regulated environment often afforded by car boot fairs, which prompted the Scrutiny Committee to look at the topic. In developing its recommendations, the Lead Member Review Group was asked to evaluate the efficacy of the current regulatory framework and assess the role different agencies play in enforcing these regulations at car boot fairs. The specific objectives of the review are set out in the scoping document in **Annex 1**.
3. It should be remembered that car boot fairs, provided they are kept free of a minority rogue element, are recognised as offering a very worthy and highly valued activity for local people. Such events effectively enable people to ensure goods they no longer need are re-used, and thus have environmental benefits by reducing the volume of unwanted property going to landfill. A survey of a representative sample of 3,000 Oxfordshire residents confirmed the popularity of car boot events, with almost a third of respondents having visited at least one boot fair in the last year. Furthermore, there are a number of much less visible avenues of disposal for illicit products, some involving criminal networks others making use of the Internet, which though related were not the object of study for this Review.
4. In recognition of the need to both safeguard consumers and protect local retailers from unfair competition, a lot of excellent work is being done by a highly regarded, well performing Trading Standards service, which has been awarded the Charter Mark for excellence four times running. A redistribution of personnel in 2005/06 helped to address staff shortages that had previously caused a slight under performance of the Rogue Trader Unit, which had previously delayed the introduction of the voluntary Code of Practice for car boot fair organisers. The Committee recognise that this adjustment has succeeded in getting activity back on track and wish to confirm their support for the increasing attention Trading Standards are paying to this area. They are sorry to learn that the Trading Standards Officer responsible for the Rogue Traders Unit has recently left the Council. They hope this does not impede implementation of the Trading Standings' Priority Action Plan or the Scrutiny Committee's recommendations.

5. It is accepted that in the absence of legislation, current voluntary schemes can sometimes be difficult to enforce and will not necessarily control those determined to avoid the requirements (the very people agencies most need to control). The Committee accepts that additional legislation would give further powers that can offer real enforcement benefit. However, experience from elsewhere where specific local Acts are in force, suggests such local legislation requires a commitment from both the local Police and Trading Standards to properly resource the necessary infrastructure to support a market reduction approach. The basic fact of the matter is that these agencies generally don't have the resources they need to sufficiently enforce their current legislative powers and it is thought likely that additional powers would fall into disuse. The Committee therefore feel that implementing a local Trading Standards Act in Oxfordshire would not stand up to cost/ benefit analysis.
6. In light of this, the Committee especially welcome the voluntary Code of Practice, and related enforcement measures. It requires organisers to take partial (but not complete) responsibility for sellers from whom they receive payment, in order to ensure that traders operating unfairly or illegally are not permitted at their events. The Committee would also like to see improved liaison with the police and other agencies, together with a more formal approach to the sharing of intelligence. This is needed to ensure there is less potential for additional evidence gathering opportunities to be missed because responsibility for its collection 'falls between the gaps'. It is hoped that these steps, added to the Code of Practice, will create an appropriate enforcement regime that will provide an effective deterrent.
7. The vast majority of the Oxfordshire residents we surveyed, endorsed the Code of Practice. They were generally supportive of attempts by the authorities to ensure organisers took greater responsibility for regulating their events.
8. At present Thames Valley Police cannot find the funding needed to address the intelligence gap relating to unlawful markets that was identified in their strategic assessment. Having recognised this limitation the Committee hope to see the Police taking a much more robust approach to criminal handlers of stolen property. It is acknowledged that they are trying to move away from a reliance on traditional scene-of-crime detection and make a concerted effort to put resources into their emerging intelligence-led policing strategy. It is hoped that this will enable agencies to actively disrupt the supply chain for stolen goods.



## **RECOMMENDATIONS**

The Committee RECOMMEND the Cabinet:

- R1) NOT to implement an 'Oxfordshire Trading Standards Act' at this time but not to oppose any requests to the Home Office for national legislation.
- R2) to endorse the use of a voluntary Code of Practice and to strengthen it by requiring car boot fair organisers to note vehicle registration numbers of any sellers they suspect to be infringing the Code, and to maintain a list of such license plates which should be shared with Trading Standards.
- R3) to increase the deterrence effect by ensuring Trading Standards:
  - a) officers are given the delegated authority to charge alleged offenders in a police station and thus make greater use of 'fast-track prosecutions',
  - b) take greater advantage of their powers under the Proceeds of Crime Act 2002 to recover money which has been obtained illegally, and
  - c) liaise more effectively with the police to ensure further searches are carried out to complete investigations and seize additional assets stored in offenders' premises (not just those in their possession when caught).
- R4) to ask Trading Standards and the Police to create warning messages about the risks of dealing in stolen goods which should be included in future literature and relevant web pages.
- R5) to liaise with its district council partners to ensure that if in future any car boot fairs are granted planning permission, compliance with Trading Standards' Code of Practice is stipulated within the planning conditions.
- R6) to consider if the powers to make new by-laws suggested in the Local Government White Paper offer the potential to improve regulation locally.
- R7) to investigate if there may be funding available through the Community Strategy, Crime and Disorder Reduction Partnership, or similar partnerships, to encourage the Police to enforce the laws on handling stolen goods more rigorously by establishing:
  - a) a small team to gather specific intelligence about trade in stolen goods, OR
  - b) a dedicated police officer with special responsibility for coordination of intelligence relating to unlawful markets, and consider seconding him/ her to work in Trading Standards.
- R8) to encourage Trading Standards officers and police community support officers/ neighbourhood policing teams to regularly provide a visible police presence at car boot sales and help gather community intelligence.
- R9) to request the Police and Trading Standards to create an information exchange protocol, which should later be extended to include the DVLA, the Home Office Immigration team, HM Revenue & Customs and the Benefits Agency/ Department for Work and Pensions.