

# ELS

## | Prosecution, Enforcement and Confiscation

Our specialists with a combined 70 years of Trading Standards experience including financial investigation and prosecution are uniquely placed to work for you.



[www.elslegal.org.uk](http://www.elslegal.org.uk)

Our Prosecution, Enforcement & Confiscation team has a wealth of experience in dealing with a variety of consumer protection and Trading Standards matters such as Fair Trading, Food, Product Safety, Animal Health and Welfare; Age-Restriction offences; and Weights and Measures. The team also has experience in investigating and prosecuting large scale fraudulent trading cases, notably lettings agents, renewable energy and counterfeiting.

Our specialists Richard Power, Emma Velati and Terry Thurston have a combined 70 years of Trading Standards experience including specialist financial investigation and prosecution. Their work is supported by respected subject matter experts in Essex County Council's

Trading Standards Service, and ELS' civil and criminal litigators and advocates with higher rights of audience.

The team conducts cases at all levels in the criminal court from the Magistrates to the Court of Appeal, as well as cases in the civil courts for enforcement orders under Part 8 Enterprise Act 2002. ELS' Accredited Financial Investigator, Terry Thurston, undertakes financial investigation under the Proceeds of Crime Act 2002 for Trading Standards and other local authorities. He provides assistance to the case in all stages of the investigation through to the confiscation of criminal assets, ultimately enabling the prosecuting authority to recover incentivisation.

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## Notable cases

### **ECC v Smart Save Solutions Limited (2017)**

An important case brought under the Consumer Protection from Unfair Trading Regulations 2008 and the Companies Act 2006. The offences arose out of the company's systemic and fraudulent mis-selling of solar panels by over stating the performance and benefits of the system. The defendants pleaded guilty and were subject to confiscation orders valuing £143,000, and £101,000 respectively. An order of compensation for the victims was also secured to the value of £75,000 and £54,000 costs were recovered. In addition, Carl Smith was sentenced to 18 months imprisonment suspended for two years.

### **ECC v The Vitamin Service (2015)**

The defendant was a director of The Vitamin Service, a business that sold a 'metabolic therapy' product as a cancer cure and preventative. A component of the therapy involved the ingestion of apricot kernels, which contain a substance known as 'amygdalin' which metabolises to cyanide in the human body. The defendant was charged with offences under the Consumer Protection from Unfair Trading Regulations and the Human Medicines Regulations. He pleaded guilty and was ordered to pay Essex Trading Standards £10,000 costs, sentenced to 6 months imprisonment suspended for 12 months, and 120 hours unpaid work. As a result a confiscation order was obtained in the value of £160,000.



### **ECC v Oakpark Asset Management Limited, Oakpark Properties (UK) Limited, (2017)**

A letting agency company and the directors were defendants who pleaded guilty to offences under the Consumer Protection from Unfair Trading Regulations 2008 and the Companies Act 2006. Deposits from tenants were not deposited in a Tenancy Deposit Scheme as required by the Housing Act 2004, leaving landlords and tenants exposed to a risk of loss. The total amount of benefit from criminal conduct obtained from the defendants by the prosecution was £43,000, of which £35,000 was paid out in compensation to the victims.

The Defendant directors were sentenced to 18 months imprisonment suspended for two years, 180 hours unpaid work and disqualified from being a company director for two years.



## Our services

Our specialists, who have a unique combination of professional qualifications in Trading Standards, Financial Investigation, and Law as well as operational experience, can provide the following:

### **POCA, Evidence and Case Review Service**

The team will provide advice on how financial investigation might assist your case and the likelihood of successful recovery under the Proceeds of Crime Act 2002. We can also provide a report on your evidence and investigation and most suitable charges in order to help you to achieve the strongest case possible.

### **Prosecution and Recovery Service**

Undertake prosecutions on your behalf, including comprehensive case management with timely, cost effective advice to maximise the likelihood of success and recovery of proceeds of crime. When required ELS instructs specialist regulatory counsel such as Alison Lambert of Gough Square Chambers who has worked extensively with ELS on many large cases.

### **Training and Continuing Professional Development**

A range of free training opportunities is also available, please contact us for an up to date list and join our subscription service for regular articles on our website.

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**Contact Emma, Richard or Terry for more information.**

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