



Trading Standards North West (TSNW) is a partnership of the Trading Standards Services in 22 Local Authorities, working together to create a safe, healthy and fair environment for over 7 million consumers in the North West of England.

We welcome the opportunity to respond to the IPO's call for views on Illicit IPTV Streaming Devices and would make the following points:

Q4: The current legal framework does not provide the necessary investigative tools to Trading Standards Services since we do not have powers to enforce the most relevant offences in these cases, namely breaches of The Fraud Act 2006 or the most relevant provisions (S.296ZB, S.297A, S.297) of the Copyright Designs and Patents Act 1988, and hence have no powers to enter premises, request documents, seize goods/documents or obtain warrants if acting specifically for breaches of these offences. Hence as the legislation currently stands, the investigations sit of necessity with the police.

Q6: Very few Trading Standards Services have in-house forensic capabilities, so the seizure and analysis of operational phones and computers, necessary in order to trace those behind operations, and find supply chains and numbers sold, will result in both delays as items are externally examined, and considerable expense to the Services involved. Most Trading Standards Services are small and resource-strapped and have very little money to expend on this kind of testing.

Those involved in this evolving trade will be tech-savvy enough to be able to stay one step in front of the investigators, and are bound to go underground and set up additional smoke-screens as more of these cases hit the headlines- we cannot rely on them selling openly any more. Working out where the criminality lies is already difficult given that the devices and software can usually be used to stream legitimate content, and it is easy for the suppliers to provide arms-length instructions via apparently unconnected websites hosted elsewhere and the like.

If goods are sold on Facebook or the many other similar sites, it is very difficult for enforcers to trace the perpetrators, especially where PAYG phones are used. The current RIPA requirements for CHIS/DS/Communications applications are very time-consuming for local authorities and hence a barrier, and unlike the police we are not legally allowed to trace traffic data such as IP addresses, which would be a major problem for us when carrying out these types of investigations.

Q10: The major barriers for Trading Standards in taking on these kinds of cases, even if the lack of powers is addressed, is firstly that unlike a large number of other pieces of legislation we regularly enforce, Trading Standards Services have no statutory duty to enforce the Fraud Act 2006 or S.296ZB, S.297A and S.297 of the Copyright Designs and Patents Act 1988, and secondly that of a lack of resources. Trading Standards Services are intelligence-led local authority services, answering to local council taxpayers, and hence we focus on the areas that cause the greatest consumer detriment in our areas or affect the most vulnerable. We have a responsibility to target those areas that cause most harm to consumers- car crime, doorstep crime and scams, dangerous consumer goods, illicit tobacco and alcohol, animal disease control, food safety- as well as being the local weights and measures authorities. Illicit streaming causes little immediate harm to consumers, and generates virtually no consumer complaints, and hence would be difficult to sell as a priority to councillors or to the public, and does not fit our intelligence-led model (although we accept that prices may go up and programme quality may go down as a result of this activity, causing consumer harm further down the line). In addition, following a survey CTSI indicated in 2016 that Trading Standards had been cut nationally by around 50% since 2009, squeezing the work we do yet further, and creating more pressure to prioritise our work to address more serious consumer detriment. The reality is that to take on this kind of work most Trading Standards Services would need to be provided with additional ring-fenced funding from central government.

Q.11: please see the answer to Q. 4 which covers this point.

Q.12: This is such a new area, guidance in the technicalities behind these offences, and the methods used by the perpetrators to stay one step inside or one step outside the law, would be useful.

Q.13: This is an area the Trade's legal officers should be tackling with cease and desist letters and injunctions, certainly as a first step.

██████████
Chair of the TSNW Informal Economy Group
On behalf of Trading Standards North West

If you wish to discuss further, please contact ██████████ TSNW Co-ordinator, at
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