

# Press release: Swansea director disqualified for sending thousands of spam text messages

Help Direct UK Limited was a call centre-based business in Swansea, generating and selling marketing leads. The company entered creditor's voluntary liquidation on 7 December 2015 owing its creditors an estimated £342,447.

Between and 7 April 2015 and 30 April 2015, Help Direct UK Limited sent thousands of unsolicited ('spam') text messages to private individuals without their consent, which led to 6,757 complaints being made.

The Information Commissioner (ICO) [issued a monetary penalty of £200,000](#) on 21 October 2015. The company failed to pay the penalty prior to entering creditors voluntary liquidation on 7 December 2015, at which point the company had total assets of £1,287 and total debts of £343,734.

Commenting on the disqualification, Susan MacLeod, Chief Investigator at The Insolvency Service, said:

In this particular case, the company had been warned by the Information Commissioner's Office about sending unsolicited messages, and had been served with a notice requiring the company to comply with the law. Despite this, the company continued sending thousands of spam text messages which led to over 6,000 complaints from the recipients.

Individuals who demonstrate such disregard for the law are clearly not fit to be a director of a company. Company directors should note that the Insolvency Service will take action to protect the public where directors have failed to adhere to the law.

Andy Curry, enforcement manager at the ICO, said:

This shows that company directors can not leave by the back door as my team is coming through the front door.

It sends a clear message that the companies behind nuisance calls and texts will be held to account.

## Notes to editors

Help Direct UK Limited (CR0 No. 07904408) was incorporated on 10 January 2012 and traded from Unit 2 Century Works, Peniel Green Road, Llansamlet, Swansea, SA7 9BZ until May 2015, and thereafter from First Floor, Unit 2, Villiers House, Charter Court, Swansea Enterprise Park, Swansea, SA7 9FS.

The Information Commissioner's Office is the UK's independent body set up to uphold information rights in the public interest. The ICO is responsible for the enforcement of the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations.

Leighton John Power's date of birth is 19 May 1979 and he resides in Brynhyfryd, Swansea. He was a director of the company between 22 April 2013 and its insolvency on 7 December 2015. He was also previously a director of Cryton Limited, which entered Creditors Voluntary Liquidation on 27 September 2013.

On 12 January 2017, the Secretary of State accepted a disqualification undertaking from Mr Power, effective from 2 February 2017, for a period of 6 years. The matters of unfitness, which Mr Power did not dispute in the disqualification undertaking, were that Leighton John Power caused Help Direct UK Ltd to contravene regulation 22 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR), which caused the Information Commissioner to issue a monetary penalty of £200,000 on 21 October 2015 which remained outstanding upon the company's liquidation. In that:

- the Information Commissioner identified 659 complaints regarding unsolicited direct marketing text messages sent by Help Direct between 15 December 2013 and 3 April 2014
- on 24 February 2015 the Information Commissioner served Help Direct with an Enforcement Notice under section 40 of the Data Protection Act 1998, requiring the company to comply with regulation 22 of PECR by 31 March 2015
- between 7 April 2015 and 30 April 2015, Help Direct sent further unsolicited text messages to individuals for the purposes of direct marketing contrary to regulation 22 of PECR, which resulted in 6,757 complaints to Groupe Spéciale Mobile Association's Spam Reporting Service
- on 21 October 2015 the Information Commissioner issued a penalty of £200,000 in respect of Help Direct's contraventions of regulation 22 of PECR. Help Direct made no payments towards the penalty
- Help Direct entered creditors voluntary liquidation on 7 December 2015. The Information Commissioner was the largest creditor in the liquidation, and the penalty materially contributed to the Help Direct's insolvency

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company

- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies.

The agency also authorises and regulates the insolvency profession, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

Media enquiries for this press release – 020 7674 6910 or 020 7596 6187

You can also follow the Insolvency Service on:

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## [News story: Update on biosecurity measures to protect against Avian Flu](#)

The government has today set out initial plans to update temporary measures in place to reduce the risk of avian flu in England, after the current Prevention Zone expires on 28 February 2017.

Based on the latest situation and current scientific advice from the Chief Veterinary Officer, from 28 February the government anticipates [adopting a more targeted approach with mandatory biosecurity measures](#) across the country and continued housing or range netting in higher risk areas. These measures would be reviewed at the end of April.

Currently, anyone who keeps poultry or captive birds is required by law to house them, or otherwise keep them separate from wild birds, to reduce the risk of disease spreading. This requirement remains in place until 28 February and guidance on how to comply is [available online](#).

The proposed temporary measures are designed so keepers can allow birds outside from 28 February, whilst still taking reasonable precautions against avian flu during the current outbreak. A final decision will be confirmed at the end of February.

Public Health England advises that the risk to public health from avian flu is very low and the Food Standards Agency has said there is no food safety risk for UK consumers.

Chief Veterinary Officer Nigel Gibbens said:

Effective disease control will always be our priority. Based on the current situation, we believe mandatory biosecurity across England, combined with targeted housing or range netting in higher risk areas, is the best option to control disease, protect birds' welfare and ensure consumers can buy free range products.

We have acted swiftly to limit the spread of H5N8, including requiring all birds to be housed or kept separate from wild birds. The twelve week housing requirement has allowed keepers time to introduce stricter biosecurity measures and our intention now is to lift this from 28 February. Current rules on housing still remain in place until then, but we are setting out plans now to give people time to prepare. We will keep this decision under review.

H5N8 continues to circulate in wild birds and poultry keepers must remain vigilant. This proposal does not mean a return to business as usual and we will continue to do everything we can to reduce the risk from this disease.

## **Updated measures from 28 February 2017**

From 28 February all keepers of poultry and other captive birds must [continue to follow Defra's guidance on maintaining good biosecurity](#) and keep a close watch on the health of their birds.

All keepers of poultry and captive birds must also continue to keep their birds separate from wild birds. They will be able to do so in one of the following ways:

- Housing – keepers in all areas of England may choose to keep their birds housed. Eggs and some poultry from these birds will no longer be free range.
- Total netting / aviaries / covered runs – keepers in all areas of England may construct covered runs or use netting to keep birds separate from wild birds. Eggs and poultry from these birds will be free range provided they meet all other criteria.
- Supervised access to enclosed outdoor areas – keepers outside the ‘higher risk areas’ will be able to allow birds outside, provided certain strict biosecurity conditions are met. Eggs and poultry from these birds will be free range provided they meet all other criteria.

Poultry keepers with more than 1,000 birds will have to meet additional biosecurity measures including identifying clearly defined areas where access is limited and vehicles, equipment and footwear must be disinfected.

Anyone planning to allow their birds outdoors from 28 February must take action now to reduce the risk of infection from birds being let outside by [following guidance published today](#).

We are working with industry on ways to robustly enforce these measures. Outbreaks cause birds to suffer, damage businesses and cost the UK taxpayer millions. Due to the significant potential impact of disease spread, we expect a high level of compliance from all poultry and captive bird keepers.

## Higher Risk Areas

While the risk of H5N8 remains high across the country, areas close to substantial inland or coastal bodies of water, where significant numbers of wild birds collect, are at an even higher risk. In these areas, the risk is considered too great to move to the alternative biosecurity package and compulsory housing or total netting will continue to be mandatory.

We have published guidance to indicate where these areas are likely to be, based on current risk levels, to allow keepers time to prepare. We expect around 75 per cent of poultry keepers to be unaffected. An interactive map will be available from tomorrow which will show, in detail, locations likely to be designated as higher risk.

In these higher risk areas, where keepers choose to house birds rather than net them, eggs and some poultry from these birds will no longer be classed as free range.

## Background information

- [H5N8 Avian Flu has been confirmed](#) at three linked premises on a commercial game farm in Lancashire, at three separate poultry farms in

Lincolnshire and in backyard flocks in North Yorkshire and Carmarthenshire.

- The [current housing restrictions under the Avian Influenza Prevention Zone \(AIPZ\)](#) will expire on 28 February 2017 twelve weeks after their introduction on 6 December 2016. Under EU regulations, birds can be housed for up to twelve weeks and their produce be called free range. Above twelve weeks, products from these birds can no longer be called free range if they are still housed.
- The [measures set out today](#) are proposed based on current levels of disease risk and scientific advice. Measures may change between now and 28 February, but keepers should use the measures set out now for planning purposes.

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## [News story: Civil news: faster answers to questions on means assessments](#)

From:

First published:

8 February 2017

Spotlight on means assessments in the second of a series of articles highlighting quicker ways to give you answers and save time.

Nearly a quarter of all calls to our customer services helpline were about means assessments in January 2017.

Many of the questions asked could have been answered more quickly by referring to CCMS training website.

For example, a recent news article on the training website with the most common questions received about means assessments covers these topics:

- requesting a review following reassessment
- rejected applications or amendments because of means assessment discrepancies
- entering wage slip information in CCMS
- using the DWP checker

A link to the article is below.

## Quick guides

The 'quick guides' have a wealth of information to help you. For example, these ones on the training website are of particular interest for issues highlighted above:

[Provider Quick Guides: Managing Live Cases](#) – see 'Submit a Case Enquiry'

[Provider Quick Guides: Making an Initial Assessment](#) – see 'Resubmit a rejected application' and 'Means assessment: Entering wage slips'

## Further information

[Common Queries – Means Assessment](#) – news article

[CCMS training website](#)

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# **Press release: FOREIGN FLAGGED SHIPS UNDER DETENTION IN THE UK DURING JANUARY 2017**

During January, there were five new detention of foreign flagged vessels in a UK port. Four vessels remained under detention from previous months. A total of six vessels remain under detention at the end of January.

1. In response to one of the recommendations of Lord Donaldson's inquiry into the prevention of pollution from merchant shipping, and in compliance with the EU Directive on Port State Control (2009/16/EC as amended), the Maritime and Coastguard agency (MCA) publishes details of the foreign flagged vessels detained in UK ports each month.
2. The UK is part of a regional agreement on port state control known as the Paris Memorandum of Understanding on Port State Control (Paris MOU) and information on all ships that are inspected is held centrally in an electronic database known as THETIS. This allows the ships with a high risk rating and poor detention records to be targeted for future inspection.
3. Inspections of foreign flagged ships in UK ports are undertaken by surveyors from the Maritime and Coastguard Agency. When a ship is found to be not in compliance with applicable convention requirements, a deficiency may be raised. If any of their deficiencies are so serious

they have to be rectified before departure, then the ship will be detained.

4. All deficiencies should be rectified before departure if at all possible.
5. When applicable, the list includes those passenger craft prevented from operating under the provisions of the EU Directive on Mandatory Surveys for the safe operation of regular Ro-Ro ferry and high speed passenger craft services (1999/35/EU).

#### Notes on the list of detentions

- Full details of the ship. The accompanying detention list shows ship's International Maritime Organization (IMO) number which is unchanging throughout the ship's life and uniquely identifies it. It also shows the ship's name and flag state at the time of its inspection.
- Company. The company shown in the vessel's Safety Management Certificate (SMC) or if there is no SMC, then the party otherwise believed to be responsible for the safety of the ship at the time of inspection.
- Classification Society. The list shows the Classification Society responsible for classing the ship only.
- Recognised Organisation. Responsible for conducting the statutory surveys: and issuing statutory certificates on behalf of the Flag State
- White (WL), Grey (GL) and Black lists (BL) are issued by the Paris MoU on 01 July each year and shows the performance of flag State.

#### **SHIPS DETAINED IN JANUARY 2017**

**Vessel Name: SKYLINE BARGE 17**

GT: 1175

IMO: 9482275

Flag: Netherlands ( White list)

Company: Skyline Barge Ravestein BV

Classification Society: LR

Recognised Organisation: N/A

Recognised Organisation for ISM Doc: N/A

Recognised Organisation for ISM SMC: N/A

Date and Place of Detention: 31st January 2017 at Portsmouth

Summary: Six deficiencies with three grounds for detention

Defective item	Nature of defect	Ground for Detention
01108 – Loadlines (including exemption)	Missing	Yes
02103 – Stability/strength/loading information & instruments	Missing	Yes
01131 – International AFS Certificate	Missing	Yes
01132 – Tonnage certificate	Missing	No
01117 – International Oil Pollution prevention certificate (IOPP)	Missing	No
01119 – International sewage pollution prevention certificate	Missing	No

This vessel was still detained on 31st January 2017

**Vessel Name: SEA EMPEROR**

GT: 8503

IMO: 9383601

Flag: Marshall Islands (White list)

Company: Petrochem General Management SA

Classification Society: BV

Recognised Organisation: BV

Recognised Organisation for ISM Doc: BV

Recognised Organisation for ISM SMC: BV

Date and Place of Detention: 28th January 2017 at Fawley

Summary: Nine deficiencies with one grounds for detention

Defective item	Nature of defect	Ground for Detention
18203 – Wages	Not according to SEA (not paid)	Yes
01220 – Seafarer's employment agreement	Not available	No
01224 – Certificate for rating able seafarer deck/engine and electro technical	Missing	No
01214 – Endorsement by flag state	Missing	No
10111 – Charts	Missing	No
18427 – Ships occupational health & safety policies and programmes	Not as required	No
18412 – Personal equipment	Not as required	No
18412 – Personal equipment	Missing	No
15150 – ISM	Not as required	No

This vessel was still detained on 31st January 2017

**Vessel Name: FANFARE**

GT: 9611 IMO: 9388895

Flag: Antigua & Barbuda (White flag)

Company: Peter Doehle Schiffahrts-Kg

Classification Society: DNV GL

Recognised Organisation: DNV GL

Recognised Organisation for ISM Doc: DNV GL

Recognised Organisation for ISM SMC: DNV GL

Date and Place of Detention: 16th January 2017 at Liverpool

Summary: Six deficiencies with three grounds for detention

Defective item	Nature of defect	Ground for Detention
11101 – Lifeboats	Damaged	Yes
11113 – Launching arrangements for rescue boats	Not as required	No
04114 – Emergency source of power- Emergency generator	Not as required	Yes
04103 – Emergency, lighting, batteries and switches	Not as required	No
01199 – Other (certificates)	Other	No
15150 – ISM	Not as required	Yes

This vessel was released on 18th January 2017

**Vessel Name: SALIX**

GT: 2120 IMO: 8520446

Flag: Cook Islands (Black list)

Company: Wakes & Co Ltd

Classification Society: Polski Regestr Statkow (PRS)

Recognised Organisation:

Recognised Organisation for ISM Doc:

Recognised Organisation for ISM SMC:

Date and Place of Detention: 16th January 2017 at Ellesmere Port

Summary: Ten deficiencies with three grounds for detention

Defective item	Nature of defect	Ground for Detention
14104 – Oil filtering equipment	Not as required	Yes
18408 – Electrical	Unsafe	No
18314 – Provisions quality	Missing	No
02106 – Hull damage impairing seaworthiness	Dented	No
10127 – Voyage or passage plan	Not as required	No
03105 – Covers (hatchway, portable, tarpaulins, etc)	Not properly maintained	Yes
11117 – Lifebuoys incl. provision and disposition	Not as required	No
07116 – Ventilation	Not as required	No
15150 – ISM	Not as required	Yes
18306 – Sleeping room, additional spaces	Not as required	No

This vessel was released on 20th January 2017

**Vessel Name: BBC CORAL**

GT: 12838 IMO: 9563720

Flag: Antigua & Barbuda (White list)

Company: W. Bocksiegel Reederei

Classification Society: DNV GL

Recognised Organisation: DNV GL

Recognised Organisation for ISM Doc: DNV GL

Recognised Organisation for ISM SMC: DNV GL

Date and Place of Detention: 9th January 2017 at Tyne

Summary: Nineteen deficiencies with seven grounds for detention

Defective item	Nature of defect	Ground for Detention
01199 – Other (certificates)	Other	No
01104 – Cargo Ship Safety Radio (including exemption)	Survey out of window	No
01108 – Load Lines (including exemption)	Survey out of window	No
01102 – Cargo Ship Safety Construction (including exempt.)	Survey out of window	No

01101 – Cargo Ship Safety Equipment (including exemption)	Survey out of window	No
01117 – International Oil Prevention (IOPP)	Survey out of window	No
01124 – International Air Pollution Cert	Survey out of window	No
18425 – Access/structural features (ship)	Not as required	No
10111 – Charts	Missing	Yes
01139 – Maritime Labour Certificate	Invalid	Yes
18421 – Guards – fencing around dangerous machinery parts	Missing equipment	Yes
01140 – Declaration of Maritime Labour Compliance (Part I and II)	Missing	Yes
10127 – Voyage or passage plan	Not as required	Yes
18415 – Entry dangerous spaces	Not as required	Yes
07105 – Fire doors/openings in fire-resisting divisions	Not as required	No
11117 – Lifebuoys incl. provision and disposition	Not as required	No
18416 – Ropes and wires	Not as required	No
15150 – ISM	Not as required	Yes
10114 – Voyage data recorder (VDR/Simplified Voyage data recorder (S-VDR)	Not as required	No

This vessel was released on 11th January 2017

## **DETENTIONS CARRIED OVER FROM PREVIOUS MONTHS**

**Vessel Name: MALAVIYA SEVEN**

GT: 3001

IMO: 9087312

Flag: India (Grey List)

Company: GOL Offshore Ltd

Classification Society: IRS

Recognised Organisation: IRS

Recognised Organisation for ISM Doc: IRS

Recognised Organisation for ISM SMC: IRS

Date and Place of Detention: 5th October 2016 at Aberdeen

Summary: Five deficiencies with five grounds for detention

Defective item	Nature of defect	Ground for Detention
07105 – Fire doors/openings in fire resisting divisions	Not as required	Yes
07113 – Fire pumps and its pipes	Not as required	Yes
18203 – Wages	Missing	Yes
01220 – Seafarers employment agreement (SEA)	Invalid	Yes
18204 – Calculation and payment of wages	No records	Yes

This vessel was still detained on 31st January 2017

**Vessel Name: SEA TRIDENT**

GT: 964.

IMO No: 7393169.

Flag: PANAMA (white list)

Company: Gardline Shipping Ltd, Great Yarmouth, UK.

Classification Society: Expired

Recognised Organisation: Expired

Recognised Organisation for ISM DOC:

Recognised Organisation for ISM SMC:

Date and Place of Detention: 17 June 2016, West Cowes

Summary: Seventeen deficiencies with seventeen grounds for detentions

Defective item	Nature of defect	Ground for Detention
01101 – Cargo ship safety equipment cert	Expired	Yes
01102 – Cargo Ship safety construction cert	Expired	Yes
01104 – Cargo ship safety radio cert	Expired	Yes
01108 – Loadline cert	Expired	Yes
01117 – IOPP (International Oil Pollution Prevention cert	Expired	Yes
01119 – International Sewage Pollution Prevention cert	Expired	Yes
01124 – International Air Pollution Prevention cert	Expired	Yes
01137 – Civil liability for bunker oil pollution damage cert	Expired	Yes
01199 – Other certs (Certificate of class)	Expired	Yes
01201 – Certificates for master and officers	Missing	Yes
10111 – Charts	Not updated	Yes

10116 – Publications Nautical	Not updated	Yes
11108 – Inflatable liferafts	Expired	Yes
11116 – Distress flares	Missing	Yes
07109 – Fixed fire fighting extinguishing installation	Not as required	Yes
07110 – Fire fighting equipment & appliances	Not as required	Yes
01140 – Declaration of Maritime Labour Compliance	Missing	Yes

This vessel was still detained on 31st January 2017

**Vessel Name: SOUTHERN STAR**

GT: 4450.

IMO No: 9212448.

Flag: COOK ISLANDS (black list)

Company: Coralot Consulting Ltd.

Classification Society: International Naval Surveys Bureau (INSB).

Recognised Organisation: INSB.

Recognised Organisation for ISM DOC: INSB.

Recognised Organisation for ISM SMC: INSB

Date and Place of Detention: 04th April 2016, Chatham, Orpington.

Summary: Six deficiencies with two grounds for detention

Defective item	Nature of defect	Ground for Detention
01201 – Certificates for masters and officers	Invalid	Yes
15150 – ISM	Not as required	Yes
13101 – Propulsion main engine	Not as required	No
01123 – Continuous synopsis record	Missing	No
01113 – Minimum safe manning document	Not as required	No
14119 – Oil and oily mixtures from machinery spaces	Lack of familiarity	No

This vessel was still detained on 31st January 2017.

**Vessel Name: CIEN PORCIENTO (General Cargo)**

GT: 106.

IMO No: 8944446.

Flag: Unregistered.

Company: Open Window Inc.

Classification Society: Unclassed.

Recognised Organisation: Not applicable.

Recognised Organisation for ISM DOC: Not applicable.

Recognised Organisation for ISM SMC: Not applicable

Date and Place of detention: 4 March 2010, Lowestoft

Summary: Thirty deficiencies including seven grounds for detention

This vessel was still detained on 31st January 2017

Notes to Editors

- The MCA is a partner in the Sea Vision UK campaign to raise awareness and understanding of the sea and maritime activities. Sea Vision promotes the importance and economic value of the sector and works to highlight the exciting range of activities and career opportunities available to young people within the UK growing maritime sector at [www.seavision.org.uk](http://www.seavision.org.uk)

- Follow us on Twitter: @MCA\_media

For further information please contact Maritime and Coastguard Agency Press Office, on: +44 (0) 2380 329 401 Press releases and further information about the agency is available [here](#).

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## **[News story: Vacancies: Inspectors of Air Accidents \(Operations\)](#)**

From:

First published:

8 February 2017

The Air Accidents Investigation Branch is recruiting Inspectors of Air Accidents.

The AAIB is looking for Inspectors of Air Accidents (Operations). Aircraft accident investigation has never been more demanding and the AAIB remains one of the leading Air Safety Investigating Authorities in the world.

The purpose of this role is to investigate the operational aspects of aircraft accidents and serious incidents involving civil aircraft operating in the UK and to UK registered or manufactured aircraft overseas.

A full job description and role profile is on the [Civil Service Jobs website](#). The deadline for applications is 6 March.