



30 September 2014

Agenda Item: 10

REPORT OF THE SERVICE DIRECTOR FOR ACCESS AND PUBLIC PROTECTION

UPDATE ON KEY TRADING STANDARDS MATTERS

Purpose of the Report

1. To update the Committee on key Trading Standards matters.

Information and Advice

2. **Statutory Duties relating to Trading Standards Services** - The Trading Standards Institute, recently produced an updated list of statutory duties. The County Council has a legal obligation to provide enforcement of 262 major pieces of legislation which it chooses to do through its Trading Standards team.
3. Members will be aware that the Service regularly uses other legislation to achieve the Authority's objectives too; the Fraud Act is a good example, used to bring fraudsters to book. From origins as one of the founding services of the County Council 125 years ago enforcing Weights and Measures, Trading Standards Officers have had to develop expertise in diverse subjects as animal health, feeding stuffs, food, product safety, counterfeiting and cybercrime to name a few over that time.
4. **Mass marketing scams:** the Service recently received a list of 27 older residents from the National Scams Hub whose letters (with cheques, cash and postal orders attached) had been recovered during a raid at a scam mail company in the south. Officers are visiting the residents, whose average age is 75, returning the cheques, cash and postal orders to them.
5. Support will be provided with partners to the vulnerable residents and their relatives/carers to protect them from falling victim to future mass marketing scams. Some notes written on the letters by the residents indicate the vulnerability of those involved: *"I am unemployed. I am unable to pay the fee of £5.00 at this time but I will pay the fee when I get the money please. Thank you"; "Please don't take any more out. I haven't got a lot of money."*
6. **Safeguarding the vulnerable** – the service continues to work to protect vulnerable residents:

- Following a Neighbourhood Watch alert naming a particular business, a complaint was received from a vulnerable couple in Mansfield. This information allowed our officers to track down the people involved and get them to make good the driveway (worth £1200).
 - As a result of a social care referral, officers assisted a vulnerable adult in Toton targeted for a second time by rogue traders who had taken £2500 without carrying any work out. This was a multi-agency response with a Trading Standards Officer and social worker supporting the victim, whilst the police conducted enquiries into the incident.
 - A mother of three children, two of which are small babies, and who is a victim of domestic abuse was mis-sold finance to pay for an essential central heating for a house she later abandoned for a refuge. A finance agreement of 5 years at £75 per month was, unknown to her, documented as 10 years. Following the Authority's intervention, she is now only paying for the 5 years, saving her over £4000 and lots of stress and anxiety.
 - An elderly and vulnerable lady living in Balderton paid £4,500 for gardening work that had not been properly carried out. A refund was secured, and we are working with the trader to ensure that his trading practices improve. Target hardening work has been carried out in conjunction with her mental health social worker to reduce the risk of her falling victim to future cold callers.
7. As part of a joint Lincolnshire Police/Trading Standards rogue trader operation Trading Standard Officers accompanied by officers from Notts Police visited residents in the north of the county who had had their driveways/paths coated with a rubbery material by a Lincolnshire based trader. This type of material is normally used in children's playgrounds. The driveway at one consumer's property was found to be uneven and very poorly applied. Intelligence and evidence was obtained and provided to assist officers in Lincolnshire with their investigation.
 8. **'Together We Are Better' Project** - By using psychometrics, the project aims to identify suitable pairings amongst older people living alone so they can form supportive friendships. The project is being developed by Dr Belbin, the world renowned psychologist, who has developed a method using a psychology based database to identify and match mutually compatible pairs amongst lonely, older people.
 9. By helping to develop mutually beneficial friendships, the service will improve the individual's wellbeing and in many incidences, reduce the unnecessary costs that loneliness can place on social and health care services - the Mansfield and Ashfield Clinical Commissioning Group has identified a number of older patients who have presented at A&E on multiple occasions without any particular clinical need. In addition, GPs and Practice Nurses have also cited older patients who are regular visitors to their surgery with no particular need.

10. The project will be run by Jigsaw Support Service based in Mansfield, and having secured Clinical Commissioning Group (CCG) and Public Health funding, the 12 month pilot started in September 2014 and runs for a year.
11. **Animal feed hygiene** - audits of retailers supplying food waste for animal feed are underway as part of a National programme organised by the Food Standards Agency. Initial results are identifying a surprisingly variable level of compliance, from excellent to very poor, including some national chains. Some have procedures commensurate with being a large organisation, but are simply not following them in all cases. Appropriate enforcement action will be taken after liaison with the Primary Trading Standards departments.
12. **Primary Authority** – the Authority has entered into a new partnership with Thaymar Ice Cream from Bothamsall, near Retford. The Service will now be providing advice and support to this family run business, and in return the business will pay for the service. The new Food Information Regulations soon to come into force will require us to work with Thaymar and other food businesses to ensure consumers get all the information they need to make food purchase choices. A particular focus of the new rules is allergy labelling and information for food purchased from takeaways and restaurants.
13. **Publication of the Elliott Review:** the Government commissioned Professor Chris Elliott to review the integrity and authenticity of UK food supply chain following the horse meat scandal.
14. His report published on the 4 September made recommendations in eight areas:
- **Consumers First:** Government to ensure that consumer needs for food safety and food crime prevention are the top priority.
 - **Zero Tolerance:** Food fraud or crime should be discouraged and the response to major dishonesty must be deliberately punitive.
 - **Intelligence Gathering:** A shared focus from Government and industry on intelligence gathering and sharing is needed.
 - **Laboratory Services:** The Government should facilitate work to standardise approaches by the laboratory community. They must work in partnership to consider appropriate options for an integrated shared service.
 - **Audit:** The Government should work with industry and regulators to develop specialist training and advice about critical control points for detecting food fraud and working with industry and regulators to introduce anti-fraud measures.
 - **Government Support:** The government should support the Food Standards Agency's (FSA) strategic and co-ordinated approach to enforcement delivery and to reaffirm its commitment to an independent FSA. It should engage with the FSA at a senior level through the creation of a National Food Safety & Food Crime Committee.
 - **Leadership:** Clear leadership and co-ordination of effective investigations and prosecutions of food fraud and food crime needed. The Government should support the creation of a new Food Crime Unit hosted by the FSA.

- **Crisis Management:** Government must ensure that there are mechanisms in place to deal effectively with any serious food safety and/or food crime incidents.
15. The government have since committed to:
 - setting up a Food Crime Unit in the FSA
 - taking a strategic approach to ensure that the country has a resilient network of food laboratories
 - improving co-ordination across Government to protect food integrity and tackle food crime
 - implementing measures to ensure better intelligence sharing between industry and Government
 - supporting industry to ensure that food businesses know their supply chain.
 16. **Illegal Landings** - reports of pets being illegally imported contrary to rules to protect the UK from the risk of rabies continue to be received. One recent Friday evening, officers responded and used Animal Health powers to quarantine two French Bulldogs and a Scottish Fold cat brought into this country from Lithuania in breach of the PETS travel scheme. Investigations continue.
 17. **Medical weighing Equipment** - the Service recently worked with Public Health and the NHS to look at the Child Measurement Program. Trading Standards have provided advice on equipment being used by the County's school nurses services, to ensure the accurate weighing and measuring of children.
 18. **Tackling Illicit Tobacco** – as Members will recall, the Service received £91k of funding as part of the recent Public Health realignment exercise, to reduce smoking prevalence by tackling the supply of illicit tobacco.
 19. So far over 115,000 cigarettes have been seized and 45kg of hand rolling tobacco. In a change of focus from retail premises, the most recent seizures have been from private houses where warrants were executed and illicit tobacco found at two premises. Officers were accompanied by a cameraman from the BBC Fake Britain programme, and this is likely to be shown next spring.
 20. The Legal Action Update later in this report outlines recent illicit tobacco prosecutions and licence reviews.
 21. **Regional “Scambusters” Team** – The Nottinghamshire team is funded to investigate cross border criminality throughout the East Midlands and on occasions nationally. The team is comprised of Trading Standards Officers and experienced ex-Police Officers, and provides an excellent blend of skills to focus on the hardest to tackle scams and rogue traders. The investigators work closely with the region's Police forces who often have a common interest in those under investigation.

22. The team continues to develop new ways of working, using targeted, intelligence led enforcement. During the current year, the team have received excellent co-operation from Nottinghamshire Police, including the arrest of a number of individuals. Our officers have conducted interviews in Police stations, and the individuals later charged by managers. A number of those defendants have subsequently been remanded by the Courts.
23. One of the benefits of employing some ex-Police Officers is that they are fully familiar with custody suite processes, and their presence does not put additional burdens on stretched Police resources in some cases, highly charged environments.
24. The officers of the team have high level enforcement skills and are keen to share this knowledge. During the last 12 months, the team has been supplemented by seconded Trading Standards Officers from other local authorities across the region. The complexity and scale of investigations in the Team offer an excellent development opportunity. Feedback from the Heads of Service who have placed staff in the team, is that the time has not only benefitted the secondees but also the teams back within the local authorities.
25. **Legal Action Update** – Fredrick Newbury recently pleaded guilty to a number of offences relating to property repair work, and is due to be sentenced in Nottingham Crown Court on the 19 September 2014 after pleading guilty to charges of fraud and Consumer Protection from Unfair Trading Regulations.
26. On 2 September 2014 two cases involving the supply of illicit tobacco were heard in Mansfield magistrate's court. Those accused had been arrested on the 19 August 2014 and in a trial of a 'fast track' system, were charged to court, ensuring they appeared swiftly.
27. In the first case regarding an operation at Outram Stores, Sutton in Ashfield, Hersh Mohammed was fined £110 in respect of two offences and ordered to pay costs of £110. Soran Hussainais was fined £360 regarding two offences and ordered to pay costs of £220. A forfeiture order was made in respect of all the goods recovered.
28. In a second case regarding Hucknall Mini Market, Behnam Rafiei was given a six month conditional discharge, and ordered to pay costs of £100. Again, forfeiture of all goods was ordered.
29. As Trading Standards is one of the statutory bodies able to trigger a review of an alcohol licence issued by a District Council, this power is being used to request that retailers caught selling illicit tobacco have their licences revoked or at least suspended for three months and licence conditions imposed.
30. There are currently three licence reviews pending, the first is the 19 September 2014 regarding Bierdronka, Sutton in Ashfield. The reviews of licences held in respect of Sunstar Mini Market and European Food Stores in Mansfield are on the 29 and 30 September 2014.

31. On the 16 September 2014, Simey Doherty is due to appear in the Nottingham Magistrates court, to face charges under the Consumer Protection from Unfair Trading Regulations 2008. The authority will allege that Mr Doherty carried out substandard work, failed to rectify faults, and has been verbally aggressive towards consumers. Mr Doherty has not yet entered a plea.
32. On the 18 September 2014, four individuals are due to be sentenced in the Mansfield Magistrates court for the sale of illicit tobacco. Three were selling from two retail premises, 'Andrews News and Booze' in Sutton in Ashfield and '7 til 10' also in Sutton in Ashfield. All pleaded guilty to the offences and are awaiting probation reports. Mr Ahmed of '7 til 10' was dealt with on the 21 August 2014 given a £160 fine, with £150 of costs being ordered to be paid.
33. A trial is now listed for the 29 September 2014 for three individuals the Authority will allege are involved in the sale of counterfeit dvd's brought into the county from China.
34. On the 15 October 2014, Craig Boddy of Bowbridge Car Sales, Newark is due to appear in Nottingham Magistrates court charged with selling an un-roadworthy car, failure to carry out pre-sale checks, and failing to respond to a consumer complaint. Mr Boddy has yet to enter a plea.
35. There are three road traffic prosecutions pending for drivers that have breached the weight restriction zones at Linby and Blidworth. A court date is set for the 22 October 2014.
36. In a case involving the alleged mis-selling of financial products sold as trusts, the plea and case management hearing has been moved back until the 24 October 2014. Eight defendants are charged with offences under the Fraud Act, for the mis-selling of the so-called trusts which are marketed to claim they prevent assets being used for care home fees. The victims in the case are mainly older and vulnerable adults. A four week trial is due to commence on the 10th November. Seven defendants have pleaded not guilty to the charges, and the eighth has not yet entered a plea.
37. James Grozier is now due to appear in the Nottingham Magistrates court on 12 November 2014 facing charges under the Fraud Act and the Consumer Protection from Unfair Trading Regulations. The Authority will allege that Grozier took deposits for work and then failed to carry out the work. Grozier has pleaded not guilty to the charges and the case is going to trial.

Other Options Considered

38. None.

Reason/s for Recommendation/s

39. To update Committee on this area of work.

Statutory and Policy Implications

40. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

41. There are no financial implications

Public Sector Equality Duty implications

Safeguarding of Children and Vulnerable Adults Implications

42. The issues raised are to ensure that Vulnerable Adults are Safeguarded, they should not contribute to any Safeguarding issues

RECOMMENDATION/S

1) It is recommended that the Community Safety Committee notes the updates from the previous meeting and the various developments in the areas of work contained in the report.

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Constitutional Comments

43. No constitutional comments are required as the report is for noting only.

Financial Comments (KAS 22/09/14)

45. There are no financial implications contained within the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'None'.

Electoral Division(s) and Member(s) Affected

- 'All'.