

8 November 2018

**Agenda Item: 5**

## **REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES**

### **UPDATE ON KEY TRADING STANDARDS AND COMMUNITIES MATTERS**

#### **Purpose of the Report**

1. To:

- Update the Committee on key Trading Standards and Communities matters;
- Provide the quarterly update on the Commercial Performance of the Service;
- Seek approval to promote and broaden the Nominated Neighbour Scheme; and
- Seek approval to increase the Trading Standards establishment by 0.2FTE.

#### **Information**

##### **Trading Standards**

2. **Commercialisation/Income Progress.** The quarterly progress update is attached as **Appendix 1**
3. As previously reported, the £107k additional net income target for 2018-19 was met in the first quarter. This additional income was also enough to cover shortfalls created from income generating projects or pieces of work coming to an end.
4. The current level to date of new income stands at £227k. As there are no other anticipated changes to other income streams this year, we remain confident the overall income target for 2018/19 will be met.
5. As the nature of much of the income is that it varies from year to year, the Service continues to identify additional opportunities that will make good progress towards the additional income target for next year. That will enable the Service to meet and possibly exceed its agreed savings target of £333k over a 3 year period.
6. Over the next 6 months, the Service is going to exploring new services to businesses, and also new partnerships that will hopefully offer a more stable stream of income. It has also identified an opportunity to bid to deliver a service on behalf of an external partner, and will inform Committee of progress with that.

7. The Service has also recently appointed a new Principal Trading Standards Officer whose focus will be on attracting new income into the Service. Apart from a deep knowledge and understanding of the Trading Standards profession, he also brings many years of private sector commercial experience and perspective into the Service.
8. **Animal Health – Illegal Landings** – Trading Standards responds to any complaints regarding animals that have been transported into England illegally, or where any of the required vaccinations or pet passport requirements have not been met.
9. The Service is also contracted to respond to any Nottingham City animal health matters relating to illegal imports.
10. The following incidents, by location, have been dealt with since 1<sup>st</sup> April:-
  - 2 illegal landings of dogs (County) - in two separate cases, puppies were imported by owners who thought all vaccination requirements had been met. In both cases, local vets identified that the puppies were too young. Both were placed in quarantine at the expense of the owners.
  - 2 illegal landings of puppies, and 1 of kittens (City) - In both puppy cases, the owners again purchased the dogs mistakenly believing that vaccination requirements had been met, and both were placed into quarantine at the owners' expense.

One seller was not based in the UK, and unidentified, however, in the second case the seller has been identified as living in Nottinghamshire, and is currently under investigation.

With regards to the kittens, three kittens were found in a sealed container transported from Greece into Nottingham and on veterinary advice were euthanised to prevent further suffering.
11. All cases were reported to APHA (Animal Plant & Health Agency), the Government agency who monitors illegal landings. In 2017/18 there were 3 illegally landed puppies into the County, and 1 into the City, all of which went into quarantine.
12. To date, no data suggests that the illegal importation of pets has increased or decreased. Nationally, agencies are working together to study links into other areas of organised crime including fraud and tax evasion. The difficulty is tracing those individuals who sell the pets to unsuspecting individuals; most are residing in Europe, and give false details.
13. Media work has highlighted the dangers of purchasing any pet based on an advert, or meeting at a location away from where the puppy has been living. An information leaflet which explains the dangers was produced nationally and has been shared locally.
14. **Animal Health - Puppy Farms** - the Service has not been directly involved in complaints regarding puppy farms. The licensing of cat and dog breeders rests with the District Councils, who inspect and license these premises. If any intelligence is received, then this would be shared with the appropriate District Council.
15. On 1<sup>st</sup> October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force, which brings together all licensing activities involving animals. These licences are now enforced by the District and London Borough Councils, and any Combined Authority.
16. **Animal Health – Performing Animals Licences** - Under a 1925 Act, owners who train or exhibit performing animals are required to apply to the Authority for a licence. Trading Standards has been responsible for issuing these licences since 1925. There is no time limitation on any licence issued to an owner, but many of the older licences issued will have naturally expired.

17. During 2017/18 a total of 5 performing animals licences were issued totalling £85, and in the current year, 4 have been issued.
18. From 1<sup>st</sup> October 2018 legislative changes moved this responsibility solely to the District Councils. Current licences will remain to be valid until 1st April 2019, when the owner will need to apply to the District Council, London Borough Council or Combined Authority, in the area where their first performance will be held, for a new licence. Officers are writing to each current licence holder regarding the new requirements, and liaising with each District Council to ensure a smooth handover.
19. **Nominated Neighbour** - The Nominated Neighbour Scheme was set up to encourage neighbours to help vulnerable people living in their community to feel safer in their homes and prevent them becoming a victim of doorstep crime.
20. To start the process, the nominated neighbour is visited by Officers to ensure that they are known to the vulnerable resident, that there is already an established friendship between them, that the nominated neighbour feels confident in challenging callers on the vulnerable person's behalf, and that they both understand the process that they need to follow when there is a caller. The nominated neighbour must live in close proximity to the resident.
21. Since its inception in June 2017, there have been a total of 53 individuals who now have a 'nominated neighbour' giving them support when doorstep callers come to their property. Recently, a scheme was set up for residents at a retirement housing complex in the West Bridgford area, and Officers are currently working to see what other complexes could join in the scheme. In these instances, the Housing Manager is acting as the designated Nominated Neighbour.
22. The Service has promoted the scheme through the media and Officers have provided Nominated Neighbour leaflets in areas where a doorstep crime incident has taken place. It is following one of the leaflet drops that two vulnerable residents asked for assistance and target hardening advice. This advice subsequently prevented criminals targeting the vulnerable residents.
23. Trading Standards Officers are also looking at partnership working with other agencies and charities to promote and broaden the scheme, and further meetings to progress this in the coming months.
24. There have been no reports of any residents becoming a victim of doorstep crime since becoming a member of the scheme.
25. **Illicit Tobacco** - During July to September 2018 Officers responded to intelligence received regarding individuals selling illicit cigarettes and hand rolling tobacco. A total of 20 premises were inspected during these months, and a total of 50,700 individual cigarette sticks and 8.05kg of hand rolling tobacco (HRT) were seized
26. In July, sniffer dogs assisted officers in executing a warrant at a premise in the Newark area. The individuals were utilising an adjoining alleyway and residential flat above the shop to store the illegal goods. Four individuals were arrested, and subsequently interviewed. Investigations continue.
27. Sniffer dogs also detected a hide above a doorway at a premise in Stapleford resulting in 3,400 cigarette sticks and 2.9kg of HRT being seized. A premise in Mansfield was also inspected with a sniffer dog who detected a further 2 separate hides; the individuals had evaded previous attempts by Officers to locate where the illicit tobacco products were being hidden.
28. Intelligence received was shared with Notts Police who subsequently arrested an individual at a private dwelling for unrelated offences. During the arrest, an amount of unsafe and illegally

packaged cigarettes were found. Officers have provided the Police with the necessary evidence to be considered with the other Police matters.

29. Trading Standards Officers have conducted 3 inspections at licensed premises in the County following anonymous reports of individuals selling either counterfeit alcohol or conducting underage sales of alcohol and tobacco. In all 3 cases, no evidence was found to confirm such sales taking place. CCTV was in operation in all 3 premises as per the licensing requirements for Officers to inspect and the licence holders were made aware of the complaints.
30. **Animal Feeding Stuff** - One of the statutory responsibilities is the regulation of animal feeding stuff, including manufacturers, importers, retailers and farmers who produce and use feed. This has been regarded as a matter of national importance since the food and mouth outbreaks of the early 2000's caused by contaminated feed given to pigs.
31. Officers carry out a programme of visits to all types of premises across the county, this year, 75 will be inspected. These are directly funded by the Food Standards Agency (FSA). The aim of the work is to ensure that feed is safe and is stored and used correctly. The regulations are complex and officers work sympathetically with businesses to help them achieve high standards.
32. We also co-operate with the "Red Tractor" scheme, a nationally recognised industry standard, giving credit to those businesses meeting this standard, and applying a "light touch" to them. It is always worth remembering that what the animals eat we ultimately eat, so it is pleasing to report that standards are generally high in Nottinghamshire.
33. **Environmental Weight Restrictions** - officers continue to enforce the county's environmental weight restrictions, on behalf of Highways colleagues. Heavy vehicles using these inappropriate routes can create serious safety hazards for other road users and pedestrians, particularly children. They can also cause damage to buildings, roads and bridges and harm the character, amenity and environment of an area.
34. Recent enforcement activity has included the challenge of enforcing the new weight restriction on the A1133 at Girton, which is unusual, as it is only in force between 7pm and 7am. As with other weight restrictions, the approach involves a combination of awareness raising amongst hauliers, enforcement exercises, and encouraging reports of sightings of vehicles breaching restriction from local community members.
35. Reports from the public are invaluable to our enforcement of these restrictions and we give a commitment to respond to all reports submitted via the online reporting system on the county council's website.
36. **Steroids and slimming pills** – a question was raised by Committee about Trading Standards' role in policing the supply of slimming pills and steroids through gyms. Trading Standards enforce "Food Standards" which covers the composition and labelling of food, drink (and food supplements) including any nutritional and health claims made. The Medicines and Healthcare Regulatory Agency (MHRA) regulates medicinal products for human use.
37. Under MHRA guidance, slimming products are classified as medicinal products if there are medicinal claims such as "burns fat" or "breaking down cells". They would additionally be classed as a medicine if they modify physiological functions by acting pharmacologically, immunologically or metabolically. If however there are unauthorised health or nutritional claims (such as "aids slimming by reducing body fat and preserving lean muscle") and no medical claim, then this would be considered a Trading Standards "Food Standards" issue.
38. So the responsibility for regulating slimming products falls primarily to the MHRA, but also to Trading Standards. Trading Standards regularly work collaboratively with the MHRA to regulate food

supplements such as slimming pills. In 2015, Trading Standards Services around the country supported the MHRA to tackle the influx of a toxic “fat burner” (containing an unlicensed medicinal ingredient) being used by body builders as a quick fix to lose weight.

39. Steroids are classified as a class C drug under the Misuse of Drugs Act making dealing steroids a criminal offence, enforced by the Police.
40. **Approved Trader Scheme** – Nottinghamshire is one of 8 Trading Standards authorities nationally which partners with Checkatrade to deliver a Trading Standards approved trader scheme. The joint Nottinghamshire/Nottingham City scheme currently has 284 approved traders in Nottinghamshire and 42 in Nottingham City.
41. Managers from each Local Authority liaise regularly at a Checkatrade Partners Forum working with Checkatrade colleagues to monitor and review the performance of the Trading Standards approved schemes, and to ensure consistency of approach in the trader vetting processes. The scheme can be accessed via: <https://www.checkatrade.com>.
42. **Toy Safety** – the annual trend for “must have” toys for Christmas can often result in product safety enforcement activity by Trading Standards, when cheap unsafe copycat products flood the market.
43. In December 2015, officers made numerous visits to suppliers in the county seizing dangerous “Hoverboards”, which posed a fire risk from unsafe electrical components. The enforcement activity was accompanied by wide media coverage to warn the public about the risks posed by the products.
44. The public are an important source of intelligence to identify any problem products. Over the last year, the Service has received a number of complaints about unsafe toys. E.g. unsafe climbing frame. The Service also receives referrals from other Trading Standards Authorities relating to Nottinghamshire suppliers, and also from the National Trading Standards Safety at Ports and Borders teams who intercept unsafe products at the UK ports destined for import addresses in Nottinghamshire. Recent referrals have included felt tips pens that posed a choking hazard and unsafe children’s scooters.
45. In the run up to the festive period, we will remain vigilant and ready to provide a quick and effective enforcement response to tackle any threats from any dangerous toys on sale within the county. If our intelligence sources identify serious concerns about any particular type of toy, enforcement activity would also include proactive market surveillance at outlets in the county and media awareness raising.
46. **Regional Investigations Team.** At the last Committee, I reported on an upcoming major case review on Operation Spinnaker that is due to be carried out. The date of this review has now been confirmed for 31<sup>st</sup> October 2018.
47. On 12<sup>th</sup> September, the National Trading Standards (NTSB) Tasking Group carried out a review on 3 ongoing operations which the team have successfully secured additional funding from the Group to undertake.
48. These reviews are carried out to ensure that the cases are progressing in a timely manner, that risks are being proportionately managed, funding is being used appropriately, and that any learning is shared across the other 7 Regional Investigations Teams
49. The review Team consisted of senior Trading Standards professionals and also a senior legal professional from another local authority. The meeting was challenging but the review team concluded that the operations were well managed and were progressing well. They recognised the significant role that Nottinghamshire County Council played in the governance of the team.

50. **Legal Update - Doorstep Crime** – John Paul Allen was recently sentenced to 21 months imprisonment and also ordered to pay compensation to his victims. The victims, a 78 year old lady and her husband suffering with vascular dementia, had agreed for roofing and garden works to be completed at a cost of £9,000. Money was handed over, however the work was never completed, and a building surveyor reported that the works were unnecessary, and were of nil value.
51. Whilst on bail for this matter, Allen took accomplices to the property of 91 year old lady. The resident was advised that she needed some tiles replacing on her roof and she subsequently handed over £3,800. A building surveyor report later conducted during the investigation found that the work was unnecessary, and should never have been done.
52. During the closing comments of the case, His Honour Judge Dickinson QC Recorder of Nottingham thanked the Officers involved in the case, recognising that these types of cases can be difficult to investigate. He said that John Allen had taken advantage of the victims' vulnerability.
53. **Justin Marriott** – Marriott appeared in the Crown Court on the 18th January, charged with the possession of counterfeit electrical items and clothing. He pleaded guilty to the charges and was sentenced to 7 months in prison suspended for 2 years with 150 hours unpaid work. A proceeds of crime investigation is continuing.
54. **Illicit Tobacco Suppliers** – A trial was listed in the Nottingham Crown Court on the 5<sup>th</sup> March for 3 defendants who have been charged with offences for supplying counterfeit and dangerous cigarettes from the shop in Beeston. Due to lack of court time, the trial has now been put back until March 2019
55. **Fake Jewellery Sellers** – two online sellers appeared in the Nottingham Crown Court on the 8<sup>th</sup> June 2018 charged with offences of selling mis described platinum and diamond rings and ear rings. They pleaded not guilty at this hearing, and the trial is listed for trial on the 7<sup>th</sup> January 2019
56. **Doorstep Crime** – a further defendant is due in court for targeting the elderly for work that is poor quality and in some cases, unnecessary. This matter was listed for an initial hearing in the Nottingham Crown Court on the 19<sup>th</sup> June 2018, at which time the defendant entered a not guilty plea and a trial date was set for the 21<sup>st</sup> January 2019
57. **Food Labelling** - two defendants were due to appear in the Mansfield Magistrates court in June faced with food labelling offences. We will allege that food supplements were being sold without declaration of allergens, and also unauthorised health claims were being made. Due to circumstances of the defendants, the case is listed for December 2018.
58. **Illicit tobacco** – a trial concluded on the 25<sup>th</sup> July 2018 of the owner of a business that was supplying counterfeit cigarettes. Mr Nzar Osman had pleaded not guilty to the charges, but was found guilty at trial. He was sentenced to 130 hours unpaid work. Mr Rebaz Mahmoodi who was involved in the supply was also sentenced to 130 hours unpaid work.
59. A further illicit tobacco case was heard in the Nottingham Magistrates on the 5<sup>th</sup> September 2018. Mr Ahmed Ali and Mr Aram Amin both pleaded guilty to the possession of illicit tobacco from the retail premise Supernews at Stapleford. Mr Amin was sentenced to 150 hours unpaid work and Mr Ali to 130 hours unpaid work.
60. **Trading Standards Staffing Structure** – this report seeks approval to make a minor amendment to the Trading Standards staffing structure. The Service currently has 9.4 full time equivalent (FTE) Band B level 4 Trading Standards Officers. One 0.8FTE Level 4 Trading Standards Officer is due to leave the Service shortly. To make the vacancy more attractive to recruit to, this report seeks approval to increase the post from 0.8FTE to 1.0FTE. The estimated cost involved (£9.3k) can be met by a corresponding increase in income generation within the Trading Standards budget.

## Communities

61. **Knife Crime Strategy** - The Nottinghamshire Knife Crime Strategy 2018 that was launched in October, will see partners across the County and City work together with the voluntary sector to tackle various aspects of knife violence. The approach has a strong emphasis on education, early intervention, and youth engagement. The strategy is backed by the Safer Nottinghamshire Board, with Anthony May, Chief Executive of the Council, being a signatory in his role as the Chair.

62. The strategy sets out four key areas of work:

- Identification and management of risk: Identifying those at risk of becoming perpetrators or victims of knife crime and managing these risks with diversion and enforcement;
- Developing resilient spaces: Making it harder for offenders to carry and use knives in public spaces by robust enforcement, particularly in the night-time economy;
- Communication and behaviour change: Ensuring clear messages are delivered and promoting alternative lifestyle options; and
- Communities and the third sector: Working with the community and wider partners to build resilient neighbourhoods and tackle both the immediate and long-term impact of knife crime.

63. We will update Committee as work progresses.

64. **Tech & Tea** is an initiative to supporting older residents to use technology. In an effort to reduce isolation in Beeston, Age Friendly Notts in partnership with NottsWatch supported the Good Vibes Good Neighbours Scheme to set up a weekly 'Tea and Tech' drop in at Tesco's superstore. These sessions are run by local volunteers that have a good understanding of using technology.

65. Residents in need of some guidance of a technical issue (on mobile phones or lap top computers) are able to drop in for an informal chat, or even bring their phones with them and be shown how to access emails, use social media, Skype or Facetime. The volunteers will also offer guidance on keeping safe in the digital realm. The average attendance per session is 5 people, with some turning up weekly for a 'non-tech related' chat.

66. Moving forward, the initiative will establish these informal tech surgeries county wide at a variety of locations in the community. These drop in's will be free and aimed at older residents to enable them to safely and effectively use digital devices. They will be managed by volunteers and by students from Nottingham universities. Overall the scheme will be coordinated by NottsWatch and Good Vibes Good Neighbours Scheme

67. **Prevent Action Plan Update 2017/18 & Key Priorities for the Year Ahead** - The Prevent Action Plan for 2017/18 identified 8 key priorities. Work is currently being developed to review and refresh the Prevent Action Plan, and to develop a programme of work to address violent extremism.

68. The work programme has included:

- Developing a communications strategy to ensure all key stakeholders are aware of their responsibilities and support available;
- Delivering presentations to secondary school and primary school heads, CLAAS Conferences and Governors Trusts Board;
- Prevent Training for District and County Council staff delivered direct by Zebra Red, and also an online training resource developed;
- A smaller cohort of staff have been trained by the Police Channel team to deliver WRAP training; and
- A resource toolkit for identifying and tackling extremism and radicalisation to support front-line staff developed. It is also available to schools and the youth service;

69. Discussions are taking place with all key stakeholders across county councils to look at how best resources are maximised and targeted appropriately, to provide leadership and direction on preventing violent extremism issues.

70. Priorities for 2018/19 include:

- Addressing governance for action plan delivery, and the need for a refreshed approach to co-ordinating the work of County partners;
- Review of the action plan priorities with partners to include for example guidance on legal duties and the embedding of key workforce training initiatives;
- Review of information and performance management of data which evidences outcomes; and
- Review the governance for, membership of and reporting mechanism for the Channel Panel at County level – the panel covers the City and County.

### **Other Options Considered**

71. With regards to increasing the Trading Standards staffing establishment, consideration has been given to advertising the 0.8FTE post.

### **Reason/s for Recommendation/s**

72. Knowledge of the employment market within the Trading Standards profession suggests it is unlikely we would get any applicant for a 0.8FTE role.

73. The report is provided to inform the Committee and to allow appropriate oversight.

### **Statutory and Policy Implications**

74. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Crime and Disorder Implications**

75. The Service makes significant contributions to reducing crime and disorder as outlined in the information provided in the body.

### **Human Resource Implications**

76. The vacant post will be recruited to using the County Council's vacancy control protocol. The recognised trade unions have been consulted and are in agreement with the recommendation to increase the staffing establishment.

### **Financial Implications**

77. This report largely contains no additional financial implications, with activity reported or that proposed being contained within existing service budget. The implications of increasing the establishment by 0.2FTE is £9.3k and that can be met from within the Trading Standards budget.

### **RECOMMENDATION/S**



That the Committee:

- 1) Ratifies the updates given regarding key Trading Standards and Community safety matters; and,
- 2) Ratifies the update given regarding the progress of raising additional income in the Service;
- 3) Approves more work being undertaken with partners to promote and broaden the Nominated Neighbour Scheme; and
- 4) Approves increasing the Trading Standards staffing establishment by a 0.2FTE Band B Trading Standards Officer.

**Derek Highton,  
Service Director, Place and Communities**

**For any enquiries about this report please contact:** Mark Walker, Group Manager Trading Standards & Communities, Tel: 0115 9772173

### **Constitutional Comments [SLB 08/10/2018]**

78. Communities and Place Committee is the appropriate body to consider the content of this report.

### **Financial Comments [RWK 08/10/2018]**

79. There are no specific financial implications arising directly from the report.

### **HR Comments [JP 24/10/2018]**

80. An increase of 0.2fte to the Level 4 Trading Standard Office post is contained in para 60. Recruitment to this vacant post will be in line with the Authority's recruitment and redeployment policies.

### **Background Papers and Published Documents**

- None

### **Electoral Division(s) and Member(s) Affected**

- All

## **APPENDIX 1**

### **REPORT ON COMMERCIAL PERFORMANCE OF THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE**

#### **Purpose of the Report**

1. To provide a quarterly update on the progress made by Trading Standards following the Service's involvement in the Authority's commercial development programme.
2. This report covers performance up to and including quarter two of 2018-19.

#### **Information**

3. One performance indicator/measure reported is how many times the website has been accessed. Since the last update report, there have been the following level of views of the main Commercial Services Landing page:
  - July 53
  - August 57
  - September 59
4. These figures are individual accesses to the website. These figures show that interest in the website has been similar to previous quarters. As with previous periods, the main access point, apart from the Google search engine (53%), is still by directly entering the "tscommercial" short web address. This would have only been obtained from some form of direct marketing or contact with an individual from the Trading Standards Service (30%).
5. The webpages that attract the most interest are still how to contact the Service, and training. This has been the position for quite some time, but does reflect what we are finding and that is that businesses are interested in the Service providing bespoke training as part of the package that is offered.
6. As with previous updates, a geographical analysis of the visits to the website show that over the last 3 months the main areas of interest have been from within Nottinghamshire and surrounding counties but there still continues to be interest from the London area.
7. The website has been running for just over a year, as it was officially launched on 24 July 2017. To date there have been 953 unique views to the website.

#### **Cumulative Additional Income**

8. There has been a slow down in the speed of obtaining new contracts over the last quarter. This has been primarily due to the fact that the Service has been undertaking the recruitment process for the new Principal Trading Standards Officer post that has the responsibility for seeking out new income opportunities. New business should start to increase over the coming months now that there is an officer in post.
9. The income deriving from new commercial activity is summarised below. The target for additional net additional income is £107k.

<b>Contract Type</b>	<b>Number of Sales</b>	<b>Total Amount (£)</b>
New Annual Contracts	4	<b>227.2k</b>
Individual Product Sales	0	<b>0</b>
Projects	0	<b>0</b>
<b>CUMULATIVE TOTAL</b>	4	<b>227.2k</b>

10. By the time of the Committee meets, the Service should have managed to complete the process of formalising a new partnership contract that has been verbally agreed. This will not only derive a good level of income for work to be completed over the next 6 months, but also promises an ongoing steady income stream year on year.