

14 July 2015**Agenda Item: 9****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. **Business Development and Income Generation Manager** – I am pleased to report that recruitment to this post, the creation of which was agreed by the Committee, has now taken place. Chris Elgenia has been successful, and brings a mix of private sector and public sector experience to the Service. Chris started with the Authority on 25th June.
3. **Primary Authority** - Councillor's Gilfoyle and Grice recently met senior legal representatives from both Boots and Wilkinson, to explore how Primary Authority partnerships with the Service are working, what value they are in helping their businesses to grow, and how we can improve in meeting the needs of business. Both businesses were very positive about the relationships in place, and have agreed to come to a future meeting to provide insight to all of the Committee.
4. **Regional "Scambusters" Team – Operation Summit** The sentencing of the 6 defendants involved in a fraudulent roof coating and building work business took place in Crown Court on 12th June. The fraud spanned not only the East Midlands, but also South Yorkshire, Cambridgeshire and Norfolk. The prosecution case contained evidence from 97 victims, predominantly older adults, with the financial detriment alone totalling almost £230,000. There is likely to have been many, many more victims who never came forward.
5. The work carried out was at the best shoddy, and at it's worst, non-existent, leaving victims significantly out of pocket, and in many cases, very upset and distressed.
6. The two ringleaders, Tyrone St John Beard and Marcus Reading, both from Tuxford received 6½ and 4½ year prison sentences respectively. The salesman, Mohammed Ditta of Bradford, received 3 years in prison. The workers, Simon Davis, Michael Sean Sumner both of Tuxford, and Christopher Russell of Kirkby-in-Ashfield, all received 18 month prison sentences.

7. Judge Hamilton described the ringleader Beard as a “bullying fraudster” who had no doubt set the fraud up with Reading. He said the scheme was dishonest from the outset, and had been designed to get in as much money as possible. The sentence shows how seriously the Courts view individuals who target older and vulnerable people in such a way.
8. The Proceeds of Crime Act timetable in respect of the case was also set by the Court. The first call for any monies confiscated as a result of this criminal activity will used be to help compensate victims for at least some of their losses.
9. The case has attracted much media attention, both local and national, and in printed and broadcast formats. Apart from local newspapers and regional news programmes, an item on the subject appeared during the BBC One Show, whilst an article also featured in the Daily Mirror.
10. Following sentencing, officers have written to witnesses to inform them of the outcome. Two of the responses have included:
 - *“I’m glad they got their deserves. I would have mended my roof sooner but I thought I would be breaking my contract. It has just cost me 800 pounds to repair the damage done”*
 - *“Thank you for your recent letter...I had wondered what had happened to them....A pity that they got off so lightly.”*
11. **Approved Trader Service Provider** – it is pleasing to report that the procurement process to find a new partner to deliver a Trading Standards approved scheme has now been completed, and the contract has been signed with a private sector partner. The new Service provider is Vetted Limited, which trades under the name of ‘Checkatrade’.
12. The new scheme will provide a directory of businesses that have undergone a series of checks by both Checkatrade and Trading Standards. Customer reviews displayed on the internet are also key to ensuring the high quality of tradespeople on the scheme.
13. The aims of the scheme are to protect consumers from problem traders, to promote local businesses, and to help those businesses grow. The increased use of vetted traders, who are members of the scheme, will not only benefit both local businesses and the local economy, but will also reduce the detrimental impact of rogue traders by driving them out of the market.
14. The new partnership will bring many benefits to the Authority, businesses and it’s residents:
 - Market leading scheme provider, with high levels of brand recognition and expertise;
 - High levels of promotion in local and national media, of the scheme and members;
 - A range of membership options and associated cost for businesses;
 - A range of other ancillary benefits available to members;
 - High quality website for consumers and businesses providing real time information - www.checkatrade.com
 - Reduced costs of running such a scheme to the County Council;

- Long term exclusive contract signed, giving both parties the confidence to invest and commit fully to the partnership; and
 - Potential to attract income into the County Council.
15. Work will now be carried out to make the transition from the old Buy with Confidence scheme to the new provider as seamlessly as possible. There will also be a programme developed in order to promote the new scheme to both businesses and consumers.
16. **Safeguarding the Vulnerable** – the Service continues to intervene to protect our more vulnerable residents. Two recent examples include are below.
- An elderly gentleman had entered into a contract with a known doorstep criminal. He paid a £400 deposit for the supply and installation of windows, the remainder to be paid on delivery. On realising the trader's criminal record, the gentleman approached the Service. With support, the resident negotiated delivery of the windows, paying only a small additional sum directly to the window manufacture for delivery. He has now arranged for a reputable tradesman to install the windows.
 - Officers recently intervened to assist a resident being pressurised by a trader. She agreed to driveway work, but had not been given any paperwork or cancellation rights notice by the trader. The amount of work escalated beyond that she felt she had agreed to, and the lady was most concerned as nothing was recorded in writing. Our officers are currently negotiating on the resident's behalf.
17. **New Psychoactive Substances/New Drugs (NPS):** the Psychoactive Substances Bill was introduced in the Queen's Speech in June, and is already progressing through the House of Lords. The bill is based on the similar legislation in Eire, and proposes the blanket banning of such substances.
18. The Bill creates new criminal offences to produce, supply, offer to supply, possess with intent to supply, import and export psychoactive substances. The Bill focuses on supply, and as such does not include a personal possession offence. The maximum sentence, on conviction on indictment, would be seven years' imprisonment
19. Due to the nature of the market, the proposed definition of psychoactive substance has been drawn very wide, covering any substance consumed for psychoactive effect. Substances, such as food, alcohol, tobacco, caffeine and medicines would then be excluded from the scope of the offence, as would be controlled drugs which it is suggested would continue to be regulated by the Misuse of Drugs Act 1971.
20. Apart from the creation of criminal offences, the Bill also proposes the creation of civil sanctions, introducing prohibition notices and orders, and premises notices and orders. The breach of such orders would also be a criminal offence. This would enable local authorities, police forces and Border Force to take proportionate action to stop the supply of such substances.

21. The Bill also provides bespoke powers to seize and destroy the substances, and powers to search persons, premises and vehicles, as well as to enter premises by warrant if necessary.

22. The Bill will proceed through the various parliamentary stages over the next six months. Subject to parliamentary approval, it is anticipated that implementation will be in the spring of April 2016.

23. **Rabies Controls** - All pet animals imported from the European Union into this country must have been vaccinated against rabies. Two further cases of illegally landed animals have recently been dealt with by the Service.

- The first case concerned a dog that had not effectively been vaccinated against rabies, in that it was too young for the vaccine to be fully effective. This animal was taken into quarantine.
- In the second case, a litter of 4 pups were identified that had been imported without the correct passport documentation, and also again suspected of being too young for a rabies vaccination to be fully effective. The puppies were sold via an address in Nottinghamshire – the relevant authorities have been informed. The location of one has been traced and this has been quarantined. Although illegally imported, the animals did not transpire to have the disease.

24. **Legal Action Update 2nd June** - Eight defendants pleaded guilty in the Nottingham Crown Court to a number of different charges under the Fraud Act 2006, the Companies Act 2006 and the Legal Service Act 2007. The eight were found to be mis-selling trust documents to older and vulnerable adults, claiming that the documents would ring-fence their properties against having to pay for care home fees. Sentencing of the eight took place on the 13th and 15th Of May 2015.

25. The three main defendants were given prison sentences, with one defendant receiving a 4½ years prison sentence, and two more being sentenced to 4 years. The so called legal consultant and four salespeople were also all given suspended prison sentences, and ordered to complete unpaid work of 200 hours. One individual was given a curfew order for six months. A Proceeds of Crime hearing is listed for the 28th September 2015.

26. During sentencing, His Honour Judge Hamilton commended a number of officers from the Service for their work in bringing to justice the defendants. They have all subsequently received letters of commendation. Judge Hamilton stated:

“I would like to congratulate and commend all those people involved in the investigation. The amount of papers involved in this case has been enormous and it has involved a lot of teamwork and a lot of investigation. There has been people involved in the backrooms, putting together files and evidence against the Defendants. The reality is but for the work of all these people, the Defendants would have not been brought to justice.”

27. On the 14th May 2015, Khalid Abdulla of the European Food Store, Mansfield appeared in the Mansfield Magistrates Court, he pleaded not guilty to possession of illicit tobacco. His trial is listed for the 7th August 2015.
28. Fredrick Newbury was due to appear in the Nottingham Crown Court on the 20th February 2015. He has pleaded guilty to a number of charges, and is awaiting sentencing. Newbury had been carrying out substandard work, been aggressive towards some customers, and had falsely claimed on paperwork to be approved by Trading Standards. Newbury continues not to attend court due to ill health, but letters have now been submitted to court by his General Practitioner, and the hospital currently treating him. The matter has again been moved to the 6th July 2015 for an update - the matter was due to be deferred for six months, but Newbury has not been well enough to consult with counsel.
29. Paul and Peter Dye appeared in the Nottingham Crown court on the 20th May 2015. They have pleaded guilty to the sale of illicit tobacco in shops at Stapleford and Netherfield on two separate occasions. They are due to be sentenced on the 31st July 2015.
30. On the 21st May 2015 in the Mansfield Magistrates Court, Luqman Ahmed and Sam Ahmed of Kubus Mini Market, Worksop, pleaded guilty to the sale and possession of illicit cigarettes. The cigarettes had also been tested and found to be unsafe, in that they would not self-extinguish if left unattended. Luqman Ahmed the owner of the shop was fined £1000. Sam Ahmed, a shop employee, was fined £200.
31. Edris Zadeh of Bierdrunka, Sutton in Ashfield appeared in the Mansfield Magistrates court on the 11th June 2015 he pleaded to two charges of possession of illicit tobacco but pleaded not guilty to a third charge. The matter is now listed for trial on the 7th September 2015.
32. Maher Ali of the European Food Store, Mansfield, also appeared on the 11th June 2015 at Mansfield Magistrates Court, and pleaded guilty to possession of counterfeit cigarettes and possession of dangerous cigarettes that would not self-extinguish. He was sentenced to 28 days in prison on one charge and a further 7 days custody for the second charge.
33. Dana Mira of Hucknall Mini market is due to appear in the Nottingham Magistrates court on the 23rd June 2015 for a first hearing. He is being charged for the supply of illicit tobacco.

34. Other Options Considered

35. None.

Reason/s for Recommendation/s

36. This is an information report.

Statutory and Policy Implications

37. 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

38. This report contains no additional financial implications, with activity reported or that proposed being contained within existing service budget.

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.

PAUL MCKAY

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Constitutional Comments

39. As this report is for noting only, Constitutional Comments are not required.

Financial Comments (KAS 25/06/15)

40. The financial implications are contained within paragraph 38 of 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'