

29 September 2015

Agenda Item: 6

## **REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE 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. **Regional “Scambusters” Team – Operation Summit.** In June, six members of a North Nottinghamshire based gang responsible for operating a fraudulent roof coating business were imprisoned for a total of 18.5 years.
3. This investigation focused on the activities of two groups. The second of these, consisting of four Nottingham based individuals, will appear before Nottingham Crown Court on 7<sup>th</sup> September to face similar matters.
4. The group’s victims were spread throughout the East Midlands. The prosecution file contains evidence from 79 victims, who between them suffered total detriment amounting to £291,000.
5. **Operation Saimon** - The Scambusters team is currently working with Police forces in the region to investigate the activities of those responsible for the manufacture and distribution of New Psychoactive Substances (also known as New Drugs, Lethal Highs or Legal Highs) from a Nottinghamshire location.
6. A warrant was executed at the premises in August, and quantities of raw materials, packaging and finished product were seized. It is believed that finished products were being distributed throughout the country, making the work of national importance, and that significant sums of money were being generated from the operation. The Authority believes that the product breaches product safety legislation among other offences.
7. Investigations to identify all those involved continue.
8. **Scams Update** – During national Scams Awareness Month in July, the Minister for Small Business Anna Soubry and Cllr Glynn Gilfoyle visited Broxtowe Citizens Advice Bureau to raise awareness of the risks vulnerable residents face from postal scams. Nationally, postal scams made up 1 in 7 of all scams reported to Citizens Advice in 2014/15.

9. Nationally, Trading Standards authorities are working with Royal Mail to raise postal staff's awareness of the issue and to equip them to spot a postal scam, identify a potential multiple scam victim and know how to report their concerns.
10. As part of this national initiative, postal staff in Beeston received training in July from a Trading Standards Officer on the tactics used by scammers to help postal staff spot fraudulent letters before they reach people's doors.
11. Royal Mail workers are being encouraged to report anything suspect to their internal security team. Trading Standards Officers will then be alerted, so they can investigate the scam mail and support any potential victims. The training was very well received, and Beeston postal staff have since identified another 24 possible scam mail victims. Other training sessions at mail sorting offices across the county will follow over the next few months.
12. **Safeguarding the Vulnerable** – the Service continues to intervene to protect our more vulnerable residents:
  - Following a Multi-Agency Safeguarding Hub referral, officers obtained a refund of £4,900 for a vulnerable resident. The resident had been sold an alarm system that was unsuitable for her needs, and over the years, several unnecessary add-ons and maintenance contracts had been included which had increased the cost. Officers investigated the option of a community lifeline system, but in the end, the resident decided to follow a friend's advice and take a contract with a different company.
  - Officers intervened to assist an elderly Nottinghamshire couple who were cold called and quoted £400 for unnecessary work on their driveway. The couple signed a Civil Negotiation form which meant that a Trading Standards Officer dealt with the trader. No money was paid to the trader, and the residents were left alone and not distressed further as a result of the intervention.
  - Officers assisted a disabled Nottinghamshire resident who was experiencing problems with double glazing installed by a Doncaster Trader. One of the windows was to a design that she did not want, and she could not open it due to her disability. Unfortunately, the window fitted did comply with the design shown on the order form, and the trader was refusing to replace it. After careful negotiation with the trader they accepted that the consumer had defective vision which prevented her from seeing the exact details on the order form. The trader relented and fitted the window free of charge, saving the consumer £400.
  - Our officers continue to raise awareness of the work of Trading Standards with other agencies that work with vulnerable residents, and agree how we can work together to help the residents to remain independent and safe in their own home. Recent contacts made include North Notts Memory Links, Alzheimers Society, Mansfield CVS and mental health colleagues within Nottinghamshire Healthcare NHS Foundation Trust.
13. **Pet Passport Fraud** – The Service received a report from a local vet practice, that it had examined a puppy with a passport that had a suspected incorrect date of birth. The practice believed the puppy was much younger than the 22 months stated. This has implications regarding the administration of the Rabies vaccination (which has now been re-administered) and indicated a potential fraudulent online sale of the puppy by the Lincolnshire trader who

sold the puppy to the Nottinghamshire couple. The couple reported that the puppy was ill, suffering from kennel cough and blood in her stools. The case of “Lacey” the West Highland Puppy has received good coverage on local radio to warn residents about the potential problems with fake passports for pedigree animals. Investigations continue.

14. **Age Restricted Sales: Community Alcohol Partnership (CAP)** – A Trading Standards Officer worked with colleagues from Mansfield District Council, Nottinghamshire Police and Tesco, to deliver training to smaller independent stores in the Mansfield CAP area. The training was designed to promote responsible selling practices, including the 'Challenge 25' identification policy, and guidance on prevention of proxy purchases (the purchase of alcohol for young people by adults).
15. **Illicit Tobacco Update** – Since the July committee report, a total of 3,798 packs (75,960 cigarettes) & 407 pouches (20.35kg) of HRT (Hand Rolling Tobacco) have been seized. Thirteen arrests have been made in connection with a total of over 40 criminal offences. Four individuals have been remanded in custody due to their propensity for reoffending with the courts deeming them a ‘flight’ risk.
16. The secondment of the police officer to the Service, funded by Public Health and Nottinghamshire Police has greatly increased the effectiveness of tackling the supply of illicit tobacco. The police officer has the power to arrest and brings quicker access to police resources and expertise.
17. **Tobacco Display Regulations** – from 6<sup>th</sup> April 2015, all retailers have had to comply with the requirements of these Regulations. As a region, Trading Standards has received Department of Health funding for market surveillance visits to check the level of compliance by small retailers, who were previously exempted. The aim of the Regulations is to reduce smoking levels in the general population, by removing from sight all tobacco products. Even the display of tobacco prices is controlled to prevent any embellishment by either retailers or manufacturers. Some minor issues were found at the 20 premises visited in the county, but by working with the retailers, pragmatic solutions have been found.
18. **Legal Action Update** – On the 26<sup>th</sup> August at Nottingham Crown Court two brothers, Paul Dye and Peter Dye, received two year and 12 months prison sentences respectively after pleading guilty to offences relating to the supply of illicit tobacco. Officers visited both brothers' houses (Gedling) and shops (Netherfield and Stapleford Pound Shops) with warrants on 28 April 2014, and illicit tobacco and cigarettes were found at all premises.
19. Further warrants were executed on 6 January 2015 at the same addresses. Again, illicit tobacco products and quantities of cash were seized. Paul Dye owned both the shops with his brother Peter managing the Stapleford shop on his behalf.
20. The total seizures relating to each defendant were for Paul Dye 5,660 cigarettes and 20kg Hand rolling tobacco, and for Peter Dye, 2,440 cigarettes and 55kg hand rolling tobacco. Total cash seizures of £13,840 thought to be the proceeds from the sale of illicit tobacco were also made.
21. Many of the cigarettes seized were dangerous in breach of safety legislation with respect to self-extinguishing limits, plus a vast quantity of cigarettes and tobacco had no safety warnings on the packaging. This significant result in the fight against the illegal supply of illicit tobacco

in the county received excellent media coverage which we hope will act as a powerful deterrent to others tempted to get involved in this illegal activity.

22. Aram Majid-Amin of the Robert Bower retail premises at Stapleford, recently pleaded guilty to charges of the sale and possession of illicit cigarettes and tobacco. He was sentenced to community punishment and ordered to carry out 100 hours unpaid work. He was also ordered to pay £1130 in prosecution costs.
23. On the 22 July 2015, Mr Paul Davey of the Bellamy Road Community shop pleaded guilty to charges of supplying counterfeit tobacco. He was given a 6 month doorstep curfew from 8pm to 8am. He was also ordered to pay £630 in prosecution costs.
24. Reben Mohammed of 32 High Street, Stanton Hill, pleaded guilty to charges of the sale and possession of illicit and dangerous cigarettes. His case was adjourned until the 3<sup>rd</sup> September 2015 pending probation reports.
25. On the 19<sup>th</sup> August 2015, Muhammed Ibrahim and Mariwan Karani pleaded not guilty to charges in relation to the sale and possession of illicit cigarettes and tobacco. Both men were remanded into custody for fear that they would abscond. Their trial is set for the 12<sup>th</sup> October 2015.
26. On 25<sup>th</sup> August 2015, Soran Khder pleaded not guilty to charges relating to the supply and possession for supply of counterfeit cigarettes and the supply of unsafe cigarettes with respect to self-extinguishing limits. His trial is set for 3<sup>rd</sup> December 2015.
27. Three men, Mr Hussaini, Mr Kheder and Mr Rassul, from Outram General Stores at Sutton in Ashfield have pleaded guilty to a range of offences relating to illicit tobacco, including possession of unsafe cigarettes. There are offence dates, ranging from 24<sup>th</sup> April 2015 through to 6<sup>th</sup> July 2015. Illicit tobacco was found in the shop, and in the residences of the offenders, with a hole connecting the flat above to the shop allowing for easy upstairs storage.
28. Despite his court appearance on 20<sup>th</sup> August 2015, Mr Hussaini committed further offences on 25<sup>th</sup> August 2015, to which he has also pleaded guilty. All three men are now due to be sentenced on 8<sup>th</sup> September, and probation reports are being prepared.
29. Two brothers involved in Bierdronka, in Sutton in Ashfield, Mr Zada and Mr Abdulla-Zadah, face sentencing for several illicit tobacco related matters. Zada has pleaded guilty to a matter on 4<sup>th</sup> June 2015, whilst his brother has pleaded not guilty to related matters including money laundering.
30. Abdulla-Zadah's trial regarding the first set of offences is now listed for the 7<sup>th</sup> September 2015. In the interim though, he has been charged with further offences dated 20<sup>th</sup> August 2015. These matters will now be heard in the crown court, the trial date is yet to be set. Mr Abdulla-Zadah is also due to be sentenced for illicit tobacco matters relating to 24<sup>th</sup> November 2014 to which he has already pleaded guilty. This sentencing is likely to be adjourned until the outcomes of all the trials are determined.
31. At a Hearing of Ashfield District Council's Licensing Sub-committee on the 12<sup>th</sup> August, a decision was made to revoke the alcohol licence for Bierdronka, Sutton in Ashfield. The

review was brought by Trading Standards following the seizure of counterfeit tobacco, and a previous licence review relating to illicit tobacco where conditions were imposed on the licence by Ashfield District Council. The conditions had included that no illicit, counterfeit or illegal goods should be present or stored at the premises, either for sale, personal use or held for other persons.

32. The sentencing hearing for Fredrick Newbury was heard in the Nottingham Crown Court on the 15<sup>th</sup> July 2015. Mr Newbury was too ill to attend. Mr Newbury had pleaded guilty to a number of charges relating to carrying out substandard work, being aggressive towards some customers and falsely claiming on paperwork to be approved by Trading Standards. The Judge sentenced Mr Newbury in his absence.
33. Given his serious medical condition, the court had little option but to give an absolute discharge, but Newbury was also ordered to pay full compensation to his victims. The Judge highlighted the fact that Newbury himself was elderly, which helped him prey on his victims, and his offences were exacerbated by the fact that he had been warned on previous occasions. It has since come to Trading Standards' attention that Mr Newbury passed away on the 6<sup>th</sup> August 2015.
34. The Proceeds of Crime hearing in relation to the recent successful Fraud investigation concerning the mis-selling of trust documents to older and vulnerable adults has been listed for 28<sup>th</sup> September 2015. Officers are contacting the victims involved with a view to potential compensation being awarded.
35. A lorry-driver has been fined in court for flouting vehicle-weight restrictions in Huthwaite. During a routine enforcement exercise, Trading Standards Officers spotted the driver, Steven Monks, ignoring a 7.5 tonne HGV weight restriction and driving a 26-tonne lorry along Chesterfield Road. He was given a £110 fine and ordered to pay £100 towards prosecution costs.

### **Other Options Considered**

36. None

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

37. This is an information report

### **Statutory and Policy Implications**

38. 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**

39. 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, Service Director, South Nottinghamshire & Public Protection.**

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## **Constitutional Comments**

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

## **Financial Comments (KAS 04/09/2015)**

The financial implications are contained within paragraph 39 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'