

6 September 2018**Agenda Item: 10****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; and
 - approve the establishment of a temporary Project Officer role in the Communities Team.

Information**Trading Standards**

2. **Regulatory Excellence Awards** - The Trading Standards Service was a finalist in the recent Regulatory Excellence Awards, which are run by the Office for Product Safety & Standards (OPSS) to recognise regulatory organisations, individual businesses and trade associations that have achieved positive outcomes through good practice.
3. The Service was one of five finalists in the hotly contested Primary Authority Partnership Award Category. One particular Primary Authority partnership was highlighted in the Service's award entry. The judges were impressed by the commercial approach that the Service had taken, both in the setting up and subsequent development of the partnership with the business, which involves having staff integrated within the company for 2 to 3 days a week.
4. **Mass Marketing Scams** - June was national Scams Awareness Month and this year's theme was "*Don't miss a trick, be scam aware*". In Nottinghamshire Trading Standards took advantage of this opportunity to raise awareness of scams and the Friends Against Scams campaign with local media and social media activity.
5. There are now over 750 "Friends" in the county with numbers increasing each month. Nottinghamshire County Council has recently signed up as a Friends Against Scams Organisation. The Council has demonstrated its commitment to the campaign by adding the Friends Against Scams Practitioner E-learning to the mandatory training available to all council staff.
6. **Data Protection & Scams** - It has been well publicised that if a person previously failed to tick the "do not share my details" box this was likely to greatly increase the volume of mass marketing scam mail/calls/emails they received, as their details were then sold on. From May 2018, under

the new Data Protection Act 2018, active consent (i.e. positive opt in) is now required in these scenarios and the individual also has the right to opt out at any time. These changes to the third party data market should positively impact on scams by reducing the initial data sources available to the scamsters. Further guidance is expected from the Information Commissioners Office to clarify the impact of the new requirements on third party data sharing.

7. **Product Safety** continues to be a priority area for Trading Standards:

- Officers worked with Nottingham City Trading Standards and Public Health England to warn young people in the county about the dangers of fake tongue piercings. Three girls in the county were admitted to hospital after suffering abdominal complications from swallowing the small magnetic parts, with two requiring major bowel surgery to remove them. Public Health colleagues sent out letters to schools in the county to highlight the dangers of this new craze. The story received good media coverage with City and County Trading Standards managers working together to cover the media interviews.
- Under the new code of practice on consumer product safety related recalls & other corrective action, which came into effect in March 2018, Trading Standards play a key role as a “market surveillance authority”. Officers have supported two Nottinghamshire businesses to instigate product recalls, after proactive sampling activity by the National Trading Standards Safety at Ports and Borders teams identified that the products posed a potential choking hazard to children.
- Officers conducted proactive market surveillance visits at a number of high street retailers of second hand white goods and electrical goods. Whilst the level of compliance was generally good, officers were able to provide advice to the traders to improve their pre-sale safety checks, record keeping and handling of items that have been subject to previous product recalls.

8. **Doorstep Crime** - From 1st April to 30th June 2018 26 consumers were advised or supported following an incident of doorstep crime. Officers intervened to prevent £4,700 in total from being handed over to rogue traders returning to the consumer's home for more money. Examples of support to vulnerable residents include liaison with a business to ensure the completion of driveway work and providing assistance with problems relating to the purchase of a mobility scooter.

9. During this quarter there was a high proportion of referrals received by the Service from both the Police and colleagues in Adult Social Care, which indicates the success that Trading Standards Officers are having in promoting the Service amongst partner agencies. Officers have worked with partner agencies to provide target hardening support to several Nottinghamshire residents to prevent them falling victim to doorstep crime in future.

10. **Animal Health- Avian Influenza & Newcastle Disease.** Poultry and other bird keepers are being advised to still maintain strict biosecurity and vigilance following the removal of the Avian Influenza restrictions. A recent outbreak of Newcastle disease in Belgium has increased the UK risk rating for this disease from low to medium. APHA (Animal Plant & Health Agency) have advised poultry and bird keepers to monitor their birds for signs of the disease, which include clinical signs of respiratory distress, physical nervous behaviour such as tremors and paralysis together with lack of appetite and reduction of egg production. The Government has not imposed any restrictions on bird keepers at this time and continue to monitor the disease across Europe and the UK.

11. Newcastle disease is a notifiable disease and keepers who are concerned about disease signs in their flock must report it immediately by calling the helpline number of 03000 200 301. Keepers can find more information from the APHA website <https://www.gov.uk/guidance/newcastle-disease>
12. **Animal Health- Imports of Animals.** Trading Standards Officers received 3 complaints of illegally imported dogs during May and July 2018 together with a report of cats being found in a sealed container which had come from Greece. With regards to the dogs, which were found to have arrived in the UK without the correct Pet Passport documentation, all were placed into quarantine with the owners being responsible for those costs. The cats were examined by a veterinary surgeon and had to be euthanized on welfare grounds. More information can be found about the Pet Passport scheme at <https://www.gov.uk/take-pet-abroad>
13. **Illicit Tobacco-** Nottinghamshire Trading Standards Officers continue to apprehend individuals and businesses that sell and distribute illicit tobacco. During 1st April to 30th June 2018 a total of 41 inspections took place at various premises throughout the County including Mansfield and Stapleford areas. These inspections were as a result of intelligence which was received by the Service from members of the public and partner agencies. From those inspections a total of 12,060 cigarette sticks and 133 hand rolling tobacco pouches were seized with a total retail value of £9,130. These cigarettes and hand rolling tobacco were found to be counterfeit and unsafe. A total of 5 warnings were given to individuals and 2 further individuals are currently being dealt with through the Court system.
14. **Regional Investigations Team** - The team continues to investigate organised criminality impacting on consumers regionally and nationally. The National Trading Standards Board (NTSB), who fund the team, reviews on-going investigations on an annual basis with the next reviews taking place in mid-September. In addition this summer the Board are carrying out a series of major case reviews across the country concentrating on investigations identified as some of the largest, in terms of time and resource, and therefore the most beneficial investigations to learn from.
15. The review for the East Midlands Team will concentrate on its largest investigation to date, Operation Spinnaker. Members may recall that this investigation centred on an organised group involved in a multi million pound advertising fraud preying on small businesses and individuals. At its height this criminality is estimated to have netted in the region of £7m per annum. The investigation resulted in a total 15.5 years imprisonment for the Managing Director and 4 Co-Directors of the Derby based company. A further 5 key individuals received a total of 5.25 years of suspended sentences. Subsequent proceeds of crime hearings have also recovered £1.6m, £163k of which has been paid out to victims as compensation.
16. The team is regarded by the NTSB as a well-managed and well performing unit and I look forward to sharing the findings of the reviews at a later committee meeting. One of the key benefits of hosting the team in Nottinghamshire is the extensive expertise that is readily available to the Trading Standards Service in the area of complex investigations.
17. **Legal Update - Doorstep Crime** - In May 2017, an individual appeared in the Mansfield Magistrates court charged with offences of fraud to the value of £26,400. There was initially one victim in this case, whom the Authority alleged had been defrauded by representations that she needed certain work carrying out on her property. A further similar matter arose against the defendant and he then faced additional charges. The defendant initially pleaded not guilty and due to a number of different factors the trial was listed for the 10th December 2018. Since the last report this individual has pleaded guilty to 4 charges and his sentencing on 27th July 2018 was adjourned to a future date to be confirmed.

18. **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.
19. **Alans Newsagents** - A trial was listed in the Nottingham Crown Court on the 5th 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 been put back until end of August 2018.
20. **Fake jewellery sellers** - two e bay sellers appeared in the Nottingham Crown Court on the 8th June 2018 charged with offences of selling mis-described platinum and diamond rings and ear rings. They pleaded not guilty at this hearing and they are listed for trial on the 7th January 2019.
21. **Doorstep Crime** - a further defendant is in court for targeting the elderly for work that is poor and in some cases unnecessary. This matter was listed for an initial hearing in the Nottingham Crown Court on the 19th June 2018, at which time the defendant entered a not guilty plea and a trial date was set for the 21st January 2019.
22. **Food Labelling** - two defendants were due to appear in the Mansfield Magistrates court in June 2018 faced with food labelling offences. Food supplements were being sold without declaration of allergens and making unauthorised health claims. Due to the circumstances of the defendants the case is listed for December 2018.
23. **Illicit tobacco** - a trial involving the supply of illicit tobacco from a retail premises Aros, Worksop concluded in the Mansfield Magistrates on the 25th July 2018. The owner of the business Nzar Osman was found guilty and was sentenced on the 2nd August 2018 to 130 hours unpaid work with £700 costs. Two shop workers, who pleaded guilty at an earlier hearing, were sentenced to 130 hours unpaid work with £100 costs (Rebaz Mahmoodi) and £100 fine with £160 costs (Soran Ahmed).
24. **Regulation of Investigatory Powers (RIPA) Update** - since the previous committee report there have been no new applications for covert surveillance. The Service will be providing refresher RIPA training for all officers over the next few months.
25. In September 2017, the Investigatory Powers Commissioner's Office (IPCO) took over the responsibility for oversight of investigatory powers from the Interception of Communications Commissioner's Office (IOCCO) and the Office of Surveillance Commissioners (OSC). IPCO takes over the inspection and audit functions of these bodies and the Council's next audit is due early 2019.

Communities

26. **Local Improvement Scheme** – A rolling programme of taking applications from Nottinghamshire communities for LIS capital funding is underway and a reminder and invitation for applications for funding for 2019/20 will be communicated widely in September 2018. The LIS capital fund aims to provide a discretionary financial contribution to the delivery of projects that help to achieve outcomes in support of the County Council's priorities.
27. Community and voluntary groups, including parish and town councils will be invited to apply for funding to support a range of local projects which will contribute to improving their local community and as such making Nottinghamshire a great place to live, work and relax. Applications will be invited to be submitted by 21st December 2018 where possible. This will enable officers to work with applicants and assess applications in a timely manner.

28. Examples of the types of projects which can be applied for include the installation of outdoor gym equipment, youth shelters, wheelchair accessible play equipment e.g. a swing, village gateway signs, the development of community spaces, and other projects that make a significant contribution to the delivery of community services or commemoration of significant anniversaries, such as the sailing of the Mayflower to the United States.
29. 2020 sees the 400th anniversary of the sailing of the Mayflower to the United States. Nottinghamshire has a close association to this historic event. In January 2018 Policy Committee approved resources and efforts to develop local activity to add value to regional and national work for the wider benefit of the visitor economy and to help promote community engagement.
30. **Safer Nottinghamshire Board – Partnership Development** – During 2018-2019 the Safer Nottinghamshire Board (SNB) is working with Community Safety Partnerships (CSPs) to pilot new approaches to inform development of a new Nottinghamshire Community Safety Agreement.
31. Legislation requires there to be such an Agreement which must identify:
- The county-wide community safety priorities that arise from the undertaking of a strategic assessment and that require escalating to the county level.
 - Ways of co-ordinating activity across the county to address priorities.
 - How the responsible authorities might otherwise contribute to reducing crime, disorder and substance misuse through closer joint working across the county.
32. As a first stage to this work, a new approach to identifying target neighbourhoods has been agreed. This work takes into consideration crime volume, and recognises that some crimes cause more harm to individuals, and society than others. These are weighted accordingly.
33. For all the identified focus areas, a robust problem profile will be developed to enable a better understanding of what is happening in the location, and why. Identifying the entrenched challenges that lead to community safety issues occurring, will ensure the development of more effective responses, and provide an evidence base to lever in essential wider partners.
34. From this enhanced evidence base, a better informed, more robust Community Safety Agreement for Nottinghamshire will be developed for implementation from April 2019. This Agreement should strengthen the relationship between CSPs and the Board, as there will be clarity as to how the work of the SNB impacts outcomes at neighbourhood level, and also how the CSPs influence and inform the work of the Board.
35. These actions to strengthen the Board will mean the partnership is better placed to support the commitment in the Council Plan 2017-2021 Your Nottinghamshire, Your Future for people to live in vibrant and supportive communities. In addition, commitment 7 of the Plan pledges to work in partnership with other organisations to protect communities from crime and antisocial behaviour so that people can be more confident about their safety.
36. This work is being led by the Chief Executive of Mansfield District Council on behalf of the Board. It was agreed at the June meeting of the Safer Nottinghamshire Board that some of the monies made available to the Board by the Police and Crime Commissioner be utilised to fund project support for this work by way of an additional temporary 2 year Project Officer role. This additional resource would focus on establishing new ways of working that would then become 'business as usual' activities, thereby designing out the need for the role.
37. It is proposed that the County Council hosts the post within the Communities Team. This approach offers a number of benefits including:

- Working within the organisation that the current Chair of Safer Nottinghamshire Board is the Chief Executive for (which allows more direct support for, and influence of);
- Allowing a closer working relationship with the Programme Manager for the Safer Nottinghamshire Board;
- Allowing the utilisation of the strong links to Community Safety Partnerships that the Communities Team has;
- Working within the organisation where Board Managers for other strategic Countywide Boards are employed, such as the Health and Wellbeing Board and the Nottinghamshire Adult Safeguarding Board (establishing effective links is essential activity in sustainably addressing the underlying causes of crime); and
- Having direct access to the same systems and procedures as these key people.

38. All costs of the the role would be met from Police and Crime Commissioner funds, so there would be a zero net cost of the proposal to the Authority.

Other Options Considered

39. **SNB Project Officer Role** - The post could be accommodated by another partner organisation, including the Office of the Police and Crime Commissioner, or Mansfield District Council, but ensuring the alignment with wider work being undertaken by the Board is key. Responsibility for significant elements of this wider work sits within Nottinghamshire County Council. Hosting the post in the County Council also means that the postholder would have direct access to the key systems used by

Reason/s for Recommendation/s

40. **SNB Project Officer Role** -The partnership development activity is vital to ensuring the ongoing effectiveness of the Safer Nottinghamshire Board so ensuring this work is appropriately resourced is a key consideration. With the Board therefore agreeing to fund this work utilising the monies that the Police and Crime Commissioner makes available the view of key Board members is that this post would be best placed within the Communities Team.

Statutory and Policy Implications

41. 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

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

Financial Implications

43. **SNB Project Officer Role** -The associated costs will be met by the Police and Crime Commissioner. It is anticipated that the role would be job evaluated at a maximum scale of Band C, scale point 44, salary of £39,961, total with on-costs, £53,184.

Human Resources Implications

44. **SNB Project Officer Role** -The postholder would be recruited to a two year fixed term contract. A suitable job description would be developed and subject to Job Evaluation under Nottinghamshire County Council's Job Evaluation Scheme.

RECOMMENDATION/S

That the Committee:

- 1) Ratifies the updates given regarding key Trading Standards and Communities matters; and
- 2) Agrees to the establishment of a two-year temporary Project Officer post within the Communities Team, which will not be extended beyond that time.

**Derek Highton,
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Constitutional Comments [SLB 09/08/2018]

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

Financial Comments [CSB 15/08/18]

46. The financial implications are contained in paragraph 43 of the report.

HR Comments [JP 13/08/2018]

47. The post will be established on a temporary fixed term basis and the grade will be subject to the Authority's Job Evaluation Scheme

Background Papers and Published Documents

- None

Electoral Division(s) and Member(s) Affected

- All

