

**November 2015****Agenda Item:11****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. **Reducing the incidence of illegal animal landings** - There has been increasing concern by Trading Standards Services across the region about the number of cases involving the illegal landing of animals, in contravention of legislation to control the threat from rabies. Trading Standards Officers have recently held discussions with the Animal and Plant Health Agency who have specific national responsibilities with regard to commercial imports.
3. Vets would appear on the whole to be well aware of their obligations to report questionable passports, and appear to be doing so. There does however remain concern that the purchasing public may not be aware of all the potential pitfalls of buying a puppy born overseas. Further, European nationals living in the UK may not know the rules, and may therefore bring in animals in breach of the legislation when travelling between the UK and their native EU country.
4. To raise awareness amongst the key groups, a regional press campaign is currently being developed, in conjunction with major animal charities. It is currently anticipated this campaign will take place in the run up to Christmas.
5. **'Copycat websites'** – over the last few years, a number of websites have sprung up that mislead consumers into paying fees for applying for government services that can usually be obtained for free. Members may recall the national education campaign, backed by Martin Lewis, the 'Money Saving Expert', warning consumers of such websites.
6. The websites are often made to look very similar to an official '.gov' webpages (for driving licence applications, tv licence applications, tax returns etc). As such, consumers think they are the 'official sites'.
7. One such business was until recently being operated by a man from Nottinghamshire. Those who used the websites of his business hadn't necessarily realised that they were not the official sites, but did actually receive the licences applied for. Following an investigation by

Trading Standards Officers the individual concerned recently signed an Enterprise Act undertaking, the first step of an injunctive process, not to mislead consumers as to the nature of the product or the status/approval in future.

8. This undertaking is binding on the individual concerned, and follows him in all current and future business ventures he may undertake. Trading Standards Officers will be monitoring his activities to ensure compliance.
9. **Halloween outfits** – following an accident where the daughter of Claudia Winkleman, a well-known celebrity, was severely burnt when her Halloween costume caught light, public attention has been focussed on the issue of the safety of costumes.
10. Although there has been no legislative change with regard to the flammability requirements of fancy dress outfits, larger retailers have voluntarily agreed to stock items compliant with suitable fire safety standards, primarily the high standards for the flammability of nightware. The service will be undertaking some work with regional colleagues to check what products are on sale, their flammability status, and to take appropriate action needed.
11. **Fireworks** – a programme of visits to those storing this category of explosives is due to take place in the run-up to Bonfire Night. Targeting of the visits will be undertaken using a risk assessment system, which takes into account the volume of explosive stored, the duration of the licence applied for, and the traders previous record of compliance.
12. During the 2014 firework season, no significant breaches were found during inspections – only 2 premises needed to be revisited where fireworks were being stored near to combustible materials. We hope to find a high level of compliance this year and will adjust our inspectional activity dependant on findings
13. **Product safety** – a recent notification from the National Safety at Ports team alerted Trading Standards Officers to the importation from China of seven lines of unsafe products by a Nottinghamshire importer and distributor. The lines included childrens' toys, a child's playpen, and household electrical items.
14. Officers visited the business concerned and issued suspension and withdrawal notices on the lines concerned. Officers discovered a sizeable importation operation, with a warehouse holding hundreds of different product lines. Officers are now working with the business to ensure that they are fully compliant with all safety legislation going forward.
15. **Regional "Scambusters" Team – Operation Summit.** The second trial of four further defendants commenced on 7<sup>th</sup> September following not guilty pleas. Thirty of the victims who had given statements were called to Crown Court to give live evidence of their experiences of dealing with those who had carried out work to their homes.
16. During the fourth week of the trial, it had become evident following cross examination that the live evidence given by a number of the key elderly and vulnerable witnesses was not sufficient to place two of the defendants right at the centre of the fraudulent practices. The Judge therefore ordered the jury to find two individuals not guilty.
17. In a further development during that week, one of the two key defendants was involved in a motor accident which adversely affected his ability to attend Court. The Judge considered a

two week adjournment, as deemed reasonable by medical professionals, but when this impacted upon the availability of key prosecution witnesses, the Judge felt there was no other option than to dismiss the jury and order a retrial.

18. A new date for the trial of the two key defendants has now been set for 6<sup>th</sup> June 2016. This will unfortunately require a number, if not all, of those who have already given evidence to return to the Crown Court to repeat their evidence to a fresh jury.
19. **Operation Saimon** – The team continues to investigate those it believes responsible for the manufacture and nationwide distribution of New Psychoactive Substances (NPS) from a Nottinghamshire industrial unit.
20. Since the last written update, a further three arrests have taken place. With the assistance of Essex Police a key individual about to leave the UK was arrested at Stanstead Airport. His partner was then arrested by the Metropolitan Police in London. Both were transported to Mansfield Police Station, where they were interviewed.
21. In a press release following these arrests, Lord Toby Harris, chair of The National Trading Standards Board (NTSB) commented:

*“These so-called 'legal highs' would be better called 'potentially lethal highs' and this investigation sends a strong signal that we will not sit back while criminals manufacture and supply products that put people in harm's way.*

*“Consumer safety is a top priority for National Trading Standards and that is why these arrests are so important. I commend the National Trading Standards Scambuster Team East Midlands and all other parties involved in this operation.”*
22. A further individual whose details had been circulated by the Police was also arrested and subsequently interviewed. All have now been bailed, with one of the conditions imposed requiring them to surrender their passports.
23. The team continue to work with Police partners, and have had considerable assistance to progress the investigation from the Government Agency Intelligence Network (GAIN).
24. **Legal Action Update** – Members will recall that eight defendants pleaded guilty in June to a number of 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, and the three main defendants were given substantial prison sentences. Five others received suspended prison sentences and unpaid work orders. A Proceeds of Crime hearing was listed for the 28<sup>th</sup> September 2015, but has now been put back, and a date is to be confirmed.
25. At a Hearing of Ashfield District Council's Licensing Sub-committee in August, a decision was made to revoke the alcohol licence for a premise in Sutton in Ashfield. The review was brought by Trading Standards Service, following a seizure of counterfeit tobacco, and a previous licence review relating to illicit tobacco.

26. At the previous review, conditions had been imposed on the licence by Ashfield District Council including 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. The company are appealing the decision, and a hearing at the Mansfield Magistrates court is listed for the 29<sup>th</sup> October 2015.
27. Members will recall that Paul and Peter Dye appeared in the Nottingham Crown Court on the 25<sup>th</sup> August 2015, and pleaded guilty to the sale of illicit tobacco in shops at Stapleford and Netherfield on two separate occasions. Peter Dye was sentenced to 12 months in prison and Paul Dye to 2 years in prison. A hearing under the Proceeds of Crime Act is now listed for the 13<sup>th</sup> November 2015.
28. Soren Khder of Hucknall Mini Market appeared in the Nottingham Magistrates court on the 25<sup>th</sup> August, he was charged with possession of illicit cigarettes. He pleaded not guilty to the charges and is due to appear for trial on the 3<sup>rd</sup> December 2015.
29. Afsana Ahmed of Sutton Mini Market, Sutton in Ashfield was in court on the 28<sup>th</sup> August 2015, following charges of supply of illicit and dangerous cigarettes. His case has been sent to the Crown Court and the plea and case management hearing is listed for the 11<sup>th</sup> December 2015.
30. On the 3<sup>rd</sup> September 2015 Reben Mohammed of 32 High Street, Stanton Hill, pleaded guilty to charges of the sale and possession of illicit and dangerous cigarettes. He received a 12 suspended prison sentence and 250 hours of unpaid work.
31. Three men, Mssr's Hussaini, Kheder and Rassul, from Outram General Stores at Sutton in Ashfield are appeared in the Mansfield Magistrates court on the 8<sup>th</sup> September 2015. They were charged with the sale and possession of illicit cigarettes and tobacco. Hussaini was given 150 hours unpaid work, Rassul was given 60 hours unpaid work and Kheder was also given 60 hours unpaid work.
32. Mssr's Zada and Zadeh from Biedronka at Sutton in Ashfield appeared in the Mansfield Magistrates court initially on the 21<sup>st</sup> August. They were charged with sale and possession of illicit cigarettes and tobacco. Zada pleaded guilty on the 8<sup>th</sup> September 2015 and was given 60 hours unpaid work. Zadeh was also before the court again for further related matters his case is being sent to Crown Court and is listed for the 4<sup>th</sup> December 2015.
33. Mr Pshtewan of Sunstar mini market appeared in the Mansfield Magistrates court on the 17<sup>th</sup> September 2015 facing charges of illicit and unsafe tobacco. He pleaded guilty and is listed for sentencing on the 15<sup>th</sup> October 2015
34. Luqman Ahmed and Nicheer Taha appeared in the Mansfield Magistrates court on the 1<sup>st</sup> October 2015 charged with the possession of counterfeit cigarettes. They were found with over 1000 packets of illicit cigarettes. Three brands of were found to be unsafe in that they will not self-extinguish if left unattended. The case was sent to the Crown Court and is listed for a preliminary hearing on the 30<sup>th</sup> October 2015. They have both yet to enter pleas.

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

## **For any enquiries about this report please contact:**

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## **Constitutional Comments**

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

## **Financial Comments**

## **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'