

3 November 2021

Agenda Item: 8

## **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, including the role the Service continues to play in the County Council's response to the Covid-19 emergency.
2. To also address questions previously raised by Committee regarding doorstep crime and illegal tobacco.

#### **Information**

##### **TRADING STANDARDS**

3. **Coronavirus Response** - Many of the legislative controls have now been lifted that were in place to specifically manage the pandemic, with the emphasis now on encouraging covid safe behaviour.
4. The Local Authority still maintains the power to be able to issue a direction on a premises, event, or public space to respond to a serious and imminent threat to public health, but no directions have been issued recently. Trading Standards would be part of the enforcement approach should such a threat occur.
5. **Preventing Fraud Against The Vulnerable** - A question was raised at the July Committee in relation to the areas that had been leafleted to provide residents with information on the prevention of doorstep crime. 250 leaflets were delivered to residents in Barnaby Gate and Appleton gate in Newark with the assistance of the Police Beat Team.
6. This awareness work is continuing with hairdressers and barbers in Mansfield and Newark being approached to share prevention material with their clients.
7. The Service has continued to protect vulnerable residents from scams and doorstep crime and has been speaking to residents over the telephone/sending out advice in the post.
8. 10 new call blockers have been installed this year to block unwanted calls.
9. **Food Safety** - From 1st October 2021, there will be a major change in food occurring, at which time all foods which are packed at the same site as they are sold, including market stalls

and vehicles, and those which are in packaging before being ordered or selected by customers must contain a full ingredient list on their labelling, emphasising allergens.

10. A communications package is being delivered to support businesses with these changes, with emphasis on the availability of a 30-minute free legislation consultation.
11. Visits by specialist officers to premises are being planned later in October to see the effectiveness of the media campaign and to further aid the compliance process.
12. **Product Safety** - Ensuring that products available on the market in Nottinghamshire are safe for residents is a priority for Trading Standards. The Service achieves this, through advising and enabling businesses to comply with relevant product safety requirements and taking enforcement action where necessary.
13. **Product Safety – Counterfeit e-cigarettes/vapes** - A question was asked at the July committee about the supply of counterfeit e-cigarettes/vapes in terms of the national picture. At the time of writing this report this issue has not been raised as an area of concern within the County, region or nationally.
14. **Product Safety – Explosives/fireworks** - The Service is responsible for licensing and regulating the storage and supply of explosives, such as fireworks.
15. To ensure the safe storage and supply of fireworks in Nottinghamshire, each year Trading Standards conduct a programme of inspections in the lead up to bonfire night.
16. This year officers will undertake visits to both existing high risk premises and new licence holders.
17. Firework inspections focus on ensuring that suppliers have checks in place to prevent any sales to under 18s and that fireworks are stored safely within a secure location aware from combustible materials.
18. A communications package will be delivered regarding the safe use and storage of fireworks.
19. **Product Safety – Coronavirus test kits and private sector testing providers**
20. Public Health has commissioned Trading Standards to conduct two projects to check that test kits placed on the market for consumers to use and private sector testing provided by employers for their employees are both safe and legal.
21. To check that the test kits available on the market to consumers in Nottinghamshire are safe, 36 inspections have been carried out to businesses across the County so far, with more visits to follow.
22. Over 20 hours of online market surveillance has been conducted to check test kits available to Nottinghamshire consumers online are also safe.
23. So far, all the checks completed indicate that there are no issues within the marketplace.
24. Trading Standards has contacted over 800 employers in Nottinghamshire who had previously registered for free government lateral flow tests for their employees (this was available up until June 2021). The Service has been advising on how to find legitimate private sector testing providers, how to report any illegal providers and make enquiries as to whether they

themselves have employed the services of an alternative testing provider.

25. The Service is currently making the same enquiries as above with a further 740 employers in Nottinghamshire with over 50 employees and who have not previously had access for free government lateral flow tests, to ensure testing compliance.
26. **Illegal Tobacco Controls** - Since the last update report in July, until the compilation of this report in September, the Service has undertaken 10 further operations on commercial premises, which have resulted in £8.6k worth of illegal tobacco products being seized.
27. Some of these operations have been conducted jointly with the Police, Environmental Health Officers and Fire, which have uncovered other issues such as the safety of the structure of the premises being inspected.
28. There has been a reduction in the amount of product being seized over the year and this could be due to a number of factors such as work completed by HMRC higher up in the supply chain, hides becoming more sophisticated or undiscovered new distribution methods.
29. **Environmental Weight Restrictions (EWRs) on roads** - Further enforcement work has been conducted across the County where a weight restriction is in force on a particular road. This is on behalf of Highways colleagues, to prevent heavy goods vehicles using roads which are considered unsuitable and dangerous for them to use.
30. Since April 2021, 22 operations have taken place, with further activity planned throughout the rest of the financial year. We have also received 415 Lorry Watch reports into the Service.
31. **Petroleum Enforcement Authority** - Trading Standards are responsible for making sure that petrol sites do not cause a risk to the public or the environment.
32. The Service has carried out inspections of plans and onsite visits for new petrol stations and the modernisation of existing petrol stations.
33. The Service has also carried out 5 Environmental Search Requests this year for building developers to check if there has ever been petroleum or fuel stored on the site. This is important work to prevent harm to the public and the environment.
34. **Investigations & Legal Update** - On 24<sup>th</sup> May 2021, legal proceedings began in Nottingham Crown Court in relation to a criminal case being conducted by the Trading Standards Regional Investigation Team, which is hosted by Nottinghamshire County Council. This case is continuing through the court process.
35. A Crown Court trial was due to commence in 2021, involving a trader who made false representations to customers about building work he carried out on their properties, however the trial was removed from the listings due to the backlog of other cases following the recent pandemic. The defendant also failed to appear at the last court hearing and a warrant has been issued for his arrest.
36. A further case is listed for trial in the Nottingham Crown Court in March 2022, with four traders are being charged with fraudulent trading, including targeting vulnerable consumers, making false representations about building work and overcharging customers.
37. A Nottinghamshire builder has pleaded guilty to charges in relation to unsatisfactory building work he carried out on customers' properties. He was sentenced on the 4<sup>th</sup> August 2021. He

was sentenced to 26 weeks custody suspended for 18 months, with 200 hours unpaid work, 10 hours of rehabilitation activity and he was also ordered to pay nominal compensation to each victim.

38. A man has been charged with the illegal landing of a puppy. He was due to appear in the Magistrate's Court on the 18<sup>th</sup> January 2019, failed to attend, and an arrest warrant has been issued. This is still outstanding. He is charged with offences under the Rabies Act and fraud.
39. A Lincolnshire farmer has been charged with theft of sheep, animal by product breaches, and failure to maintain records of animal movements. He has pleaded not guilty to the offences. Further offences have also come to light. The 2 cases have been joined. Due to the court back log this trial have been moved to July 2022.
40. Two illegal tobacco cases that were listed for trial in June and August 2021 have been moved to 2022. One case involves the sale of cigarettes and hand rolling sold from retail premises and the second is in relation to a home seller. The products do not meet the packaging and safety requirement for cigarettes and hand rolling tobacco sold in the UK.
41. We have 2 car traders currently in the court system. We have a trial listed for November 2021, in the Nottingham Magistrates Court for a car dealer who has sold an unroadworthy car and has made false claims about another vehicle.
42. The second case is in relation to vehicles with altered mileages and the sale of unroadworthy vehicles. This is due for trial in February 2022.
43. **Post EU Exit Business Support** - In October 2021 the Service will commence a funded 18-month project to support local businesses to understand and comply with key Trading Standards legislative changes arising out of the EU Exit.
44. The implementation dates for the changing requirements under Trading Standards legislation vary, ranging from 1<sup>st</sup> January 2021 to 1<sup>st</sup> January 2023, as different requirements are phased in. Key legislative changes include:
45. "Importer" status: Across the wide range of Trading Standards legislation (product safety, food, feed, metrology) there is a very significant change of legal status for businesses bringing goods into Britain from Europe from "distributor" to "importer". Distributors who previously relied on an importer/manufacture in another EU country taking responsibility for all the necessary checks and documentation, are now the "importer" into the UK. They will need to take on significant new increased responsibilities for:
  - Correct conformity assessment procedures
  - Conformity assessment marking (UKCA-see below)
  - Technical documentation to demonstrate compliance with relevant legislative requirements
  - Affixing their name/address details to the product.
46. UKCA marking: The EU's "CE" marking regime is being replaced by the UK Conformity Assessment (UKCA) marking regime. In practical terms this will require these new "importers" to set up new UK focussed testing regimes for their products and affixing the mark to demonstrate compliance with UK legislation.
47. Country of origin changes: The UK now has "third country" status and so UK originating goods that could previously be described as being made in the EU now have a different status. This

changes Trading Standards requirements across a wide range of legislation aimed at protecting UK consumers and businesses from being misled about the origin of goods they are purchasing.

48. A communications package and market surveillance will help support those businesses affected.
49. The project aims to support Nottinghamshire businesses to thrive in the post EU Exit UK economy, supporting them to improve their compliance levels and brand reputation, resulting in a fairer and safer trading environment in Nottinghamshire and the UK.
50. The project is particularly aimed at small businesses to encourage them to come forward to gain advice and therefore become compliant within a competitive marketplace.
51. **Support to Primary Authority Businesses** - The Commercial Services team within the Service continue to provide support to Primary Authority businesses and are signing up a number of new Primary Authority businesses with a proactive drive and ambition to recruit further PA businesses in the coming months.
52. **Income Update** - Trading Standards has an income generation target of £729k for 2021/22. At the time of writing the current cumulative level of income is forecast to be £650k.
53. During the first six months of this financial year the Service's commercial services activities have been again heavily impacted by the impact of Covid-19 and lockdown on the UK business sector. The situation is predicted to be an improving picture and officers are exploring all opportunities to generate further income from supporting existing and new Primary Authority businesses through the challenging months ahead.
54. **Recruitment** - Trading Standards has recently secured the recruitment of another apprentice who will begin his Regulatory Compliance Officer training in October and with the success of this, will go onto study for his specific Trading Standards exams.
55. Another officer has also just started with the Service to begin her specific training into food, investigations and generic Trading Standards matters.
56. A level 4 officer will be starting his employment within the Commercial Team within November to specifically provide business advice to Primary Authority organisations.
57. A seconded Nottinghamshire Police Officer has begun to work within the Illegal Tobacco Team primarily, to help support investigating the supply of illegal products within the County. This post is funded by Public Health.
58. The Service has had a level 3 officer retire and a further level 4 officer has left the Service.

## COMMUNITIES

59. **Local Improvement Scheme Capital Funding** - At its meeting on 5<sup>th</sup> November 2020, Place and Communities Committee approved capital funding for 70 projects across the County benefiting local residents and communities.
60. As a response to the impact of Covid-19, Committee agreed a completion date for all projects as 31<sup>st</sup> December 2021. Many of the funded projects have either completed or will complete

by this date, however a few projects are unable to complete by this date and it is recommended that the completion date is extended to 31st March 2022.

61. **Community Hub Volunteers** - The team have been supporting Hub volunteers to help our residents with dropping off and collecting library books. This service has been invaluable to our residents, many of whom are vulnerable or have been shielding.
62. By having continued regular access to books, it has helped them to stay connected through lockdowns and continue to enjoy one of the things they have loved doing most.
63. Work is continuing with community partners across the county who are leading on a project called 'One Step at a Time'. The project aims to connect and support members of our communities who are feeling isolated and lonely by helping them to become more physically and socially active.
64. **Community Friendly** - The team, working with the Alzheimer's society is supporting Nottinghamshire in Denim for Dementia campaign which raises awareness and understanding of Dementia along with raising money to tackle Alzheimer's and for people living with dementia.
65. The campaign will be supported with a themed week in Nottinghamshire during Dementia Awareness Week, May 2022. It invites everybody to wear their finest denim for a day and donate on the Nottinghamshire Denim for Dementia 'Just Giving page' or bring in a small donation to their workplace, school, pub or playgroup. By encouraging all Nottinghamshire residents to take part, the campaign supports the County Council's Dementia Action Plan, helping build Dementia Friendly communities and hopes to raise a target of £10,000 for the Alzheimer's Society.
66. **Remembrance Day** - 2021 marks the centenary of Remembrance Day, the Poppy Appeal, and the Royal British Legion.
67. Services of Remembrance continue to resonate with the nation, allowing local communities up and down the country the chance to reflect on the service and sacrifice of the many men and women from their own villages, towns and cities who have served in HM Armed Forces, or who have supported or lost someone who has.
68. The County Council will be working with partners to support community events across the County.

#### **Other options considered**

69. None

#### **Reason for Recommendations**

70. To ensure appropriate political oversight of key Trading Standards and Communities matters.

#### **Statutory and Policy Implications**

71. 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.

## **Financial Implications**

72. None

## **RECOMMENDATIONS**

That the Committee:

- 1) Considers the updates and highlights any actions required, specifically in respect of income generation.
- 2) Ratifies the post EU Exit Business Support work
- 3) Agrees that the completion date for capital funded LIS projects is extended to 31st March 2022.

**Derek Higton**  
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**For any enquiries about this report please contact:** Mark Walker, Group Manager for Trading Standards and Communities (0115 9772173) or Fiona Needham, Acting Head of Trading Standards (0115 9773046)

## **Constitutional Comments (EKH 01/10/2021)**

73. The Communities Committee is the appropriate body to consider this report. If Committee resolves that any actions are required it should ensure that such actions are within its terms of reference.

## **Financial Comments [SES 28/09/2021]**

74. There are no specific financial implications arising directly from this 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.