

2 June 2015**Agenda Item: 10****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. **England Illegal Money Lending Team** – this National Trading Standards team, hosted by Birmingham City Council, delivered two training events in May for front line staff regarding the links between debt and depression in relation to illegal money lenders. The sessions introduced by Councillor Gilfoyle, were attended by Councillor Weisz, plus frontline staff from across the Authority.
3. The sessions raised staff awareness of the issue of loan sharks, giving tips on the signs to look out for, and what to do if people suspect someone is a victim of a loan shark. Loan sharking is a much under reported crime, because of the fear of reprisals for victims. The session stimulated much discussion and thoughts on how we can work together more effectively to tackle the issue.
4. **Illegal Money Lending protocol** - In order to operate within Nottinghamshire, the team needs to be properly authorised by the County Council. The last such authorisation was given by Cabinet in July 2011, and expired in March this year. A report will soon be taken to the appropriate decision making body in the Council to secure further authorisation. In the meanwhile, officers from the team will need to be accompanied by Nottinghamshire Trading Standards Officers should they need to use statutory powers in the County.
5. **Regional “Scambusters” Team – Organised Criminal Gangs.** The team continues to work effectively with a range of partner organisations, notably the Police, where it is frequently found that both agencies share an interest in the activities of individuals or groups.
6. Over recent years, it has become evident that these groups or gangs have become more organised in their operations, and specifically target individuals or operate in a way to cover their tracks. Through better intelligence sharing between agencies, resources can be pooled and more effective approaches can be deployed to disrupt activities and to put the individuals before the Courts. To improve on intelligence sharing, arrangements are being made for the reciprocal attendance of Trading Standards and Police Officers at the relevant tasking

meetings of the other agency. Further, it is proposed that the local profiles of serious and organised crime for Nottinghamshire are put to the Safer Nottinghamshire Board going forward for partnership governance on the issues, a very useful development, if adopted, in the view of Trading Standards Officers.

7. **Vision Studio School Student** - 19 Health and Social Care students from the Vision Studio School in Mansfield are currently undertaking work placements for 2 days each week, in a variety of social care related settings. Facilitated by the Authority, teams from within and outside of the Council manned stands and offered placement opportunities to students at a recent placement fair.
8. Opened in September 2014, the school provides an exciting, vibrant and dynamic learning experience for people aged 14-18, in either Engineering and Transportation, or Health and Care occupations. Studio schools are new and unique with year-round opening, and 9-5 working day which feels more like a workplace. Working closely with local employers, the schools offer a range of academic and vocational qualifications as well as work placements linked directly to employment opportunities.
9. The Service attended the fair, and following a recruitment process, took on a student. She has made an excellent impression, very quickly becoming a valuable part of the team because of her passion and energy. She has been helping to protect older adults who have been systematically targeted by mail and telephone scams, to ensure they do not become targeted again, working closely with the Police Community Support Officer and a Trading Standards Officer.
10. To help promote the school and its courses, a Trading Standards Officer recently took part in filming a piece for regional television news.
11. **New Psychoactive Substances/New Drugs (NPS):** The Government are currently exploring the feasibility of bringing in new legislation, like that implemented in Eire, to ban NPS's. In Eire, the new legislation allows Senior Police Officers and the courts to issue prohibition and closure notices, and has successfully reduced the number of head shops by over 90% from over 100 previously, to 10 now.
12. The commitment to new legislation appears in the 3 election manifestos of the main political parties, but timing is uncertain. In the interim, Home Office guidance encourages a multi-agency approach creatively using existing legislation, including product safety legislation, and new powers for Police and District Councils under the Anti-Social Behaviour, Crime and Policing Act 2014. Nottinghamshire Police working with Nottingham City Trading Standards successfully tackled two shops in April selling NPS in the City using the new Community Protection Notices, and the approach is being considered for roll out across the county.
13. Officers in the Service are working with Public Health, Nottinghamshire Police, and District Councils to develop an effective multi-agency approach. Key actions include a media campaign to raise awareness of the dangers of NPS - in April, a Bassetlaw father spoke about the terrible psychological impact on his teenage son who became addicted to NPS, spending £10 a day and selling his personal belongings to feed his habit. The story attracted widespread media coverage including BBC East Midlands Today.

14. On 21st April Councillor Gilfoyle presented a paper at the Safer Nottinghamshire Board to secure high level support for the commissioning of intelligence to gain a more comprehensive understanding of the emerging threat to our communities, and to gather the evidence needed to take enforcement action.
15. **Food Fraud** - Investigations are underway into a business suspected of committing food fraud by misrepresenting the provenance of premium products supplied by retail and wholesale. By doing so, the Service believes the business has gained an unfair competitive advantage over legitimate Nottinghamshire suppliers, in addition to misleading consumers into paying a premium price for inferior products, which lack necessary food traceability. The Service is working closely with the Food Standards Agency on the matter.
16. **Illicit Tobacco** – The realignment funding from Public Health combined with the skills and experience of Trading Standards professionals has led to a successful first year in partnership. The hard work has paid off, and punitive results include 24 criminal prosecutions with sentences ranging from a 21 week custodial sentence, the first for illicit tobacco secured in Nottinghamshire, to community service orders, plus fines totalling over £3,000.
17. Illicit Tobacco with a street value of over £80,000 has been seized and destroyed, and a Proceeds of Crime Act confiscation order led to £24,000 in cash being taken from an Illicit Tobacco seller. This is an ongoing initiative, but a total of 5 premises have stopped selling Illicit Tobacco altogether, while 4 Alcohol license reviews have also been initiated. The team are looking forward to another successful year building on achievements and understanding gained to date.
18. **Seconded Police officer** – Interviews have taken place to identify a Police Officer to work in the Service primarily to tackle the illicit tobacco problem, funded by Public Health and Nottinghamshire Police. The Police officer will be able to use his knowledge and experience such as the power of arrest for criminal offences, and the power to compel identification of suspects. The officer will also be able to book in suspects at custody suites. All of this will reduce the need for Trading Standards to call upon the valuable resources of the Police and improve the response and end to end times of Trading Standards work.
19. **Petroleum** – The Council has a duty as Petroleum Enforcement Authority (PEA), which means that architects and contractors working on petroleum sites have to liaise with the Authority before and during the build to ensure safe storage of this dangerous product, and that the Authority issues 'approval' to the development. We also liaise with the local Environmental Health Authority regarding potential pollution issues. Current sites where Trading Standards Officers are engaged with significant works include:
- Asda Petrol Station, Priestic Rd, Sutton in Ashfield – Works are currently on going to demolish and decommission the old petrol filling station (PFS) completely, and replace with a brand new Asda PFS on the same site. The old tanks have been removed from situ, and new double skinned tanks are to be installed 6th May 2015.
 - New Sainsbury's store, 1 Nottingham Rd, Ravenshead – Previously occupied by an old PFS, this has now been demolished, and a new Sainsbury's store is currently being built. 6 very old tanks have already been removed from site, whilst the remaining in situ tanks have been made safe by being foam filled, a standard industry practice.

- Co-Op, Albert St, Newark – Whilst the Co-Op store will remain trading, the accompanying PFS has ceased trading, and is being decommissioned. All equipment will be removed or made safe, with the canopy taken down, vent stack & offset fills removed, pumps & pump islands removed, and the remaining in situ tanks being filled with concrete, again an accepted method of making tanks permanently safe.
20. **Weights and Measures** – The bi-annual calibration of the rail weigher equipment has been carried out at both Cottam and West Burton power stations. The equipment is used to weigh the cargo of trains. This is vital work, as it allows for the correct weighing of coal and limestone entering the plant, and the synthetic gypsum on the way out. The by-product of this process is synthetic gypsum, which is then used as a building material.
21. **Animal Health provision** – Following a successful year, the contract to provide Trading Standards Animal Health for Nottingham City has been renewed for a further year. The service has also recently agreed to help support Derbyshire County Council to cover gaps in its out of hours animal health service over recent bank holidays.
22. **Legal Action Update - JG Pears Ltd** – following an investigation, the company was recently offered and accepted a Simple Caution in relation to an infringement of the Animal By Products regulations regarding the spillage of poultry offal onto a public highway. The caution will be kept on record for a period of three years, and can be cited should any future infringements occur. We have worked with JG Pears Ltd since this occurrence to highlight the causes of the spill, and to suggest improvements. To date, no further incidents have occurred.
23. The trial regarding the mis-selling of products that allegedly protected personal assets from being used to pay care home fees, has now been successfully concluded. Eight defendants charged with offences under the Fraud Act 2006 have now pleaded guilty. The case was such that older people were defrauded into paying for a fake agreement which they thought would evade future care fees. The agreement was not in any way legal, and as such the company was not covered by the Financial Conduct authority, Financial Ombudsman Service or Financial Services Compensation Scheme. The court can award damages and the victims can take civil action in order to seek redress at sentencing. The Authority will not seek to recover the proceeds of their crimes from the defendants.
24. Two sellers of clocked vehicles, Daniel Moran and Matthew Peace, appeared in the Crown Court for sentencing on the 30th April 2015. Moran was sentenced to two years in prison, and Peace was given a 12 month supervision order with 150 hours unpaid work. A confiscation amount under the Proceeds of Crime Act was agreed and ordered by the judge, with Moran having to pay £20,000 in confiscation to be paid as compensation. He has to pay in full by the 29th October 2015 - if not an additional default sentence of 16 months in prison will then have to be served, and the amount will still remain as due.
25. In October, Craig Boddy of Bowbridge Car Sales, Newark appeared in Nottingham Magistrates court charged with offences relating to selling an un-roadworthy car, failure to carry out pre-sale checks, and failing to respond to a consumer complaint. Boddy pleaded not guilty to all charges, and is listed for trial on the 12th and 13th May 2015.

26. Paul and Peter Dye appeared in the Nottingham Magistrates court on the 21st January 2015. They have been found selling illicit tobacco in shops at Stapleford and Netherfield. The case has been sent to the Crown Court with a hearing listed for the 20th May 2015.

Other Options Considered

27. None.

Reason/s for Recommendation/s

28. This is an information report.

Statutory and Policy Implications

29. 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

30. 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.

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Constitutional Comments ([initials and date xx/xx/xx])

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

Financial Comments (KAS 11/05/15)

32. The financial implications are contained within paragraph 33 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'