

26 April 2016**Agenda Item: 9****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. **Trading Standards Approved Trader Scheme** – Checktrade, the Council's partner in running the new scheme, is investing heavily in promoting the scheme. Locally media promotion includes local radio, social media and trader directories being sent out to households throughout the county. National advertising has included sponsoring TV programmes such as ITV's National weather on Good Morning Britain, ITV's local weather and Channel 5's Cowboy Builders.
3. This investment in promoting the scheme will have unprecedented benefits in helping local reputable businesses grow and also help to protect the local community from rogue traders. There are currently 177 traders who are members of the Nottinghamshire scheme with a further 21 going through the application processes. Based on current figures it is estimated that on average there will be around 30 new traders applying to be members of the scheme each month.
4. Whilst Checktrade is responsible for the day to day running of the scheme, the partnership with Trading Standards includes Trading Standards being involved in the governance and future development of the scheme both locally and nationally. A manager recently attended a national partnership meeting of all Trading Standards authorities partnering with Checktrade to ensure a uniformity of approach that will maximise the benefits to their local communities and also to the traders who are members of the scheme.
5. **Certification of Imported Organic Animal Feed** – Officers assisted a Port Health Authority to certify the organic status of a consignment of 55 tonnes of molasses. The legislation allows the Service to recover the costs of doing this work. Due to the importer sending the documentation to the wrong Port Authority the consignment had not been detained by the Port Authority to verify its organic status prior to being transported to an animal feed producer in Nottinghamshire.

6. Once the error was discovered Trading Standards, as the appropriate authority for Feed Controls in Nottinghamshire, was able to verify the consignment's organic status on site at the feed producer's premises. By that stage the consignment had been mixed with two previous consignments in the tanks on site. This meant that had officers not been able to verify the organic status of the imported consignment then the rest of the tank would have been affected by having been mixed with an uncertified batch (jeopardizing 150 tonnes of product in total).
7. **Illicit Tobacco-** During the year 2015/2016 there has been a significant increase in activity to tackle the supply of illicit tobacco in the County. Much of this increase is down to operational efficiencies gained from having a seconded police officer within the Service. There were 76 arrests and 62 prosecutions, and the retail value of seized tobacco has seen a threefold increase to £296,091.
8. In Nottinghamshire, 9 shops have ceased trading after enforcement activity by officers, but around a further 10 shops continue to trade. Officers have taken measures to contact the landlords of those premises and there are now several shops that are the subject of eviction proceedings. Individuals found to be in control of the shops are also likely to be subject to Proceeds of Crime (POCA) orders to claw back the profits from their illicit activities. Officers are also working with partner agencies to investigate the links between the illicit supply at the retail premises in the county and other criminal activity both in the county and in other areas.
9. Officers are working closely with Public Health and Police colleagues on public awareness campaigns, including a multi-agency tobacco roadshow that was held in Mansfield and Sutton in Ashfield in February 2016. The campaign has resulted in a significant increase in intelligence received, via Crimestoppers, from members of the public about illicit tobacco supply in the county. On several occasions this information has led to successful inspections, seizures and prosecutions. This educational activity will continue throughout the coming year and will be extended to frontline public sector colleagues, such as Environmental Health and Police Officers.
10. **Animal Health - Livestock Market:** Animal health officers continue to monitor livestock movements and disease control at Newark Livestock Market. The market sale dates have changed over the last 18 months with more movement of livestock occurring at the weekend on a Saturday sale, with the Wednesday sales being dedicated to slaughter only livestock. Trading Standards are liaising with the Animal & Plant Health Agency (APHA) to work jointly to tackle those livestock keepers who flaunt the requirements of movement standstill periods and put others at disease risk. Currently Animal Health Officers are investigating 2 separate cases where livestock have gone through Newark Livestock Market but are alleged to have moved to a separate premise before being moved to slaughter.
11. **Animal Health – Illegal Landings:** Officers are investigating 2 recent illegal landings of dogs investigating how the dogs came into the country. In both instances the animals were placed immediately into quarantine to prevent any disease implications, both of which were paid for by their owner. These matters were reported to Trading Standards by local vets who were inoculating the animals and noted that the ages did not appear to match the passports.
12. **Product Safety- Hover boards update:** As previously reported a large quantity of hover boards were suspended/seized by the Service under product safety legislation. A number of these items were sent away for further assessment by a test house. All of the samples

returned contained non-compliances which gives us reason to believe that they are unsafe in accordance with the Regulations. As a result the 220 hover boards which were subjected to suspension notices will be prevented from onward sale and the 20 items which were seized will be destroyed. Work is now ongoing to obtain the necessary court orders to secure forfeiture and destruction.

- 13. Real Deal** – Bassetlaw District Council has applied for Worksop and Retford markets to join the national “Real Deal” scheme to promote a safe and fair trading environment and tackle the problem of counterfeit and dangerous goods being sold on markets. Real Deal is a partnership initiative bringing together Trading Standards services, market operators and traders, industry groups, and copyright and trademark owners, all of whom are united with a common commitment to tackling the problem of a small minority of illicit traders selling illegal products on markets. Ashfield and Mansfield District Councils have previously signed up to the scheme.
- 14.** Illicit market traders who breach the code of practice upheld by Real Deal market operators can be removed from the market place and have their details shared with other Trading Standards services in the region. They can also expect to have their goods seized and be subject to formal investigation, which can lead to prosecution.

Regional “Scambusters” Team:

- 15. Operation Spinnaker** – Members will recall the fraudulent publishing investigation that had impact internationally. Following an extensive investigation that took 4.5 years twelve individuals were charged for Fraudulent Trading and Fraud by False Representation offences.
- 16.** The trial was listed for 12 weeks commencing on the 4th April 2016. Before this date five defendants entered guilty pleas to the Court so were therefore not required to attend. Of the remaining, one defendant was severed from the trial as she was due to give birth on a date during the 12 weeks. She will face trial in early January 2017.
- 17.** The six remaining individuals were addressed by the trial Judge on 4th April who advised them that the evidence was compelling against all of them and that it was not too late for common sense to prevail.
- 18.** In the two days that followed five defendants entered guilty pleas. The one remaining defendant’s trial will be joined with the individual facing trial in January 2017. A date for sentencing is yet to be set but this is likely to be mid-May 2016. The timetable for the associated Proceeds of Crime hearing has been set.
- 19. Operation Summit** – Gareth Bryan and Martin Jacks were due to appear at Nottingham Crown Court on 4th April 2016 for their part in a large roof coating/ building work fraud that targeted the elderly and vulnerable, with victims spread across the East Midlands and wider. Members will recall that last year five individuals received prison sentences totalling 18.5 years for their part in a similar fraud that was the subject of the same investigation.
- 20.** The 4th April hearing was adjourned and we await a further date for the sentencing hearing.

Legal Action Update:

- 21.** 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 28th September 2015, but was put back and is now listed for 6th and 7th October 2016 demonstrating how long the legal processes can take.
- 22.** Paul and Peter Dye appeared in the Nottingham Crown court on the 25th August 2015. They 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. On 22nd December 2015 a Confiscation Order was granted in relation to Mr Paul Dye. It was declared that Paul Dye had benefited from his criminality amounting to £42,942.75 and he was ordered to pay £11,000.10 within 28 days or face a default prison sentence of 8 months. Peter Dye's Proceeds of Crime case will be heard on the 21st July 2016.
- 23.** Murwan Muhamed of the Famous Shop, Eastwood pleaded not guilty to charges at the Nottingham Magistrates Court on the 5th November 2015. The case is listed for trial on the 8th June 2016 at the Nottingham Magistrates Court. He is charged with the possession of illicit and dangerous cigarettes. The delay with this case is with the legal aid funding.
- 24.** On the 5th December 2015 Afsana Ahmed of Sutton Mini Market, Sutton in Ashfield was in the Nottingham Crown Court, following charges of supply of illicit and dangerous cigarettes. He pleaded guilty to the charges, he was sentenced to 10.5 months in prison. A Proceeds of Crime hearing is listed for the 17th June 2016.
- 25.** Mr Zada and Mr Zadeh from Biedronka at Sutton in Ashfield appeared in the Mansfield Magistrates court initially on the 21st August 2015. They were charged with sale and possession of illicit cigarettes and tobacco. Mr Zada pleaded guilty on the 8th September 2015 and was given 60 hours unpaid work. Mr Zadeh was sent to the Crown Court and appeared on the 25th January 2016. He pleaded guilty to the charges and was sentenced to 9 months in prison. A Proceeds of Crime hearing is listed for the 15th June 2016.
- 26.** Luqman Ahmed and Nicheer Taha of Kubus Mini Market, Worksop, appeared in the Mansfield Magistrates court on the 1st October 2015 charged with the possession of counterfeit cigarettes. They were found with over 1000 packets of illicit cigarettes. Three brands of which have found to be unsafe in that they will not self-extinguish if left unattended. Their case was sent to the Crown Court and a plea and case management hearing was heard on the 5th December 2015. Mr Taha has pleaded not guilty to the charges and Mr Ahmed has pleaded guilty to some offences. The case is due to go to trial in August 2016 for the remaining charges.
- 27.** Bistan Ali of Sunstar Mini market, Mansfield appeared in the Mansfield Magistrates court on the 13th January 2016 was charged with the possession of dangerous and counterfeit cigarettes. He pleaded not guilty to the charges and was listed for trial on 31st March 2016. Mr Ali changed his plea on the morning of trial and was sentenced to 10 weeks in custody. Mr

Ahmed also present at the shop pleaded guilty to the charges and was given a conditional discharge.

- 28.** Delshad Rahim of Sunstar Mini market, Mansfield appeared in the Mansfield Magistrates court on the 18th February 2016, he was charged with possession of dangerous and counterfeit cigarettes. He pleaded guilty to the charges and was fined £450 with costs of £300.
- 29.** Hosmand Zada of Biedronka in Sutton in Ashfield appeared in the Mansfield Magistrates on the 23 February 2016, he was charged with possession of dangerous and counterfeit cigarettes. He pleaded guilty to the charges and was given an 8 week suspended prison sentence. He has to complete 60 hours unpaid work and was ordered to pay £600 costs.
- 30.** Mr Osmany of the Sutton Mini market, Sutton in Ashfield pleaded not guilty to charges at the Mansfield Magistrates Court on the 23 February 2016. He is due for trial on the 3rd June 2016 for the charges relating to the possession of illicit and dangerous cigarettes.
- 31.** Mr Amir Ahmadi of The Famous Shop at Eastwood appeared in the Nottingham Magistrates court on the 23rd February 2016, charged with the possession of dangerous and counterfeit cigarettes. He pleaded guilty to the charges and was ordered to complete 120 hours unpaid work with a rehabilitation requirement of 20 days and £350 costs.
- 32.** On the 23 March 2016, Ms Dusynska of Alan's Newsagents, Beeston appeared in the Nottingham Magistrates court charged with the possession of dangerous and counterfeit cigarettes. She pleaded guilty to the offences and was given a conditional discharge and costs of £150.

Other Options Considered

- 33.** None

Reason/s for Recommendation/s

- 34.** This is an information report

Statutory and Policy Implications

- 35.** 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

- 36.** 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:

Mark Walker

Group Manager, Trading Standards and Community Safety

Tel: (01623) 452 070

Email: mark.walker@nottscc.gov.uk

Constitutional Comments (EP 05/04/16)

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

Financial Comments (KS 05/04/16)

There are no financial implications arising from this report.

Background Papers and Published Documents

None

Electoral Division(s) and Member(s) Affected

All