

**5<sup>th</sup> January 2016****Agenda Item: 10****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. **Safe storage of fireworks** - a programme of visits took place in the run-up to Bonfire Night to ensure that premises were safely storing and displaying this type of explosives. The 25 visits undertaken were carefully targeted using a risk assessment system, which took into account the volume of explosive stored, the duration of the licence applied for, and the traders previous record of compliance.
3. The premises inspected were in general smaller independent retailers who don't have the benefit of nationally agreed procedures and training. Levels of compliance were high, with no significant problems being found. This year, all minor issues identified were rectified at the time of the visit.
4. **Christmas warning** – in the run-up to Christmas, local newspapers ran articles highlighting a range of potential trading standards related problems that might be faced by consumers. These included inadvertently buying toys and goods which pose a safety risk, falling for online scams which target unsuspecting internet shoppers, and buying counterfeit products. The articles also warned consumers about the dangers of bogus websites or social media sites that advertise cheap items in order to obtain bank details.
5. The articles gave simple tips for staying safe including always buy from a reputable retailer, ensure online payments are secure, use a credit card for making purchases over £100, ensuring relevant goods are CE marked and have adequate instructions, and only use chargers designed for the item in question.
6. **Approved Trader Scheme** – the new Trading Standards Approved Trader Scheme was officially launched on the 15 December 2015. The new scheme, operated by Checktrade in partnership with the Service, was launched during an event for businesses held at Trent Bridge Cricket Club, and supported by the celebrity builder Craig Phillips, a passionate advocate of the partnerships that Checktrade are forging with Trading Standards.

7. The partnership aims are to drive out bogus traders and protect communities, by providing a list of vetted and approved traders who can be trusted to provide good quality services, whilst helping those legitimate traders to grow.
8. This Service has high expectations for the new partnership, as Checkatrade brings a wealth of experience and resources in delivering a high quality scheme. This includes a website where individual businesses have access to their own profile pages to customise, and also offers traders the ability to see what interest they are getting from consumers searching on the website.
9. Checkatrade are committed to heavily promoting the initiative to consumers in the County, and have already carried out a number, including local radio advertisements and sponsorship of national television programmes. This will address the issue with our previous scheme of a low level of awareness and use amongst resident groups.
10. The Service will still retain governance regarding the Trading Standards approved status of the scheme. Further, any Nottinghamshire traders enquiring to join the Checkatrade scheme will be required to be Trading Standards approved. Trading Standards Officers will carry out detailed checks on all traders wishing to join on Trading Standards databases, in addition to the comprehensive checks that Checkatrade already carry out.
11. Residents wishing to find a Trading Standards Approved Trader in Nottinghamshire should visit [www.checkatrade.com](http://www.checkatrade.com) and look for a trader with our logo. Alternatively residents can ring Citizens Advice Consumer Service on 03454 04 05 06 to find a trader from our scheme.
12. **Safeguarding the Vulnerable** – the Service continues to intervene to protect our most vulnerable residents. Recent examples include:
  - Social workers requested Trading Standards assistance to support an elderly scam mail victim. Officers recovered 18 cheques books indicating payments of over £16,000 had been paid in a 4 year period to problem companies. 34kg of scam mail and 14kg of nutritional supplements were also recovered from the property. The resident, previously unknown to social care colleagues, was found to be suffering from self-neglect. Trading Standards and Social Workers will work together to offer support to the resident and to prevent any further loss of money to scams.
  - Officers are working with Social Workers to assist an elderly father and his son who appear to have lost over £150,000 to suspected investment scams. Officers are liaising with other enforcement agencies investigating the companies involved, and steps are being put in place to prevent any further scam investments.
  - Working with mental health social workers, officers recently assisted a vulnerable and isolated resident being exploited by numerous mass marketing scams. Along with other interventions to improve his living conditions, and help manage his finances, the resident was loaned a call blocker. He subsequently purchased his own call blocker, and officers trained his psychiatric nurse to help control calls.
  - A bank contacted the Multi Agency Safeguarding Hub (MASH) concerned about an elderly resident's use of her bank card to pay known scam mail companies. Joint visits with Social Workers found the resident was suffering from serious self-neglect.

The woman had piles of scam mail in her kitchen and lounge, including several demands for payment, and had sadly taken out a bank loan to pay the scam companies. Trading Standards Officers worked with the Social Worker and the housing organisation Framework to try and untangle the web of bills, debts and problems. A volume of scam mail was removed from the property, and several companies were contacted to remove her from their mailing lists. Social workers intervened to improve her health and living conditions, and provide financial assistance.

**13. Product safety** – the Service continues to commit significant resource to tackling product safety issues. Recent work includes:

- **Hover boards** – The Service co-ordinated its media release around Christmas toy safety to complement extensive national coverage of unsafe ‘hover boards’ being imported in large numbers. Officers provided TV and radio interviews to the local media, helping alert residents to the potential dangers

As the toy of choice for Christmas 2015, hover boards are designed to imitate items featured in the “Back to the Future” films. The boards don’t hover, but are powered skateboards which rely on the user tilting backwards to propel them.

To meet demand, huge numbers have been imported, mostly from China. Unfortunately, many are poorly constructed, and untested items are getting through. Many have unsafe battery chargers and there have been reports across the country of explosions and house fires caused by them.

Although there have been no reports of unsafe items as yet being physically supplied in Nottinghamshire, Officers are working with colleagues in the south-east who have intercepted a container of suspect hover boards destined for an importer in the county. If these do turn out to be the unsafe, we will prevent them from going any further.

- Members may recall that Officers have been working with an importer who specialises in importing electrical goods, toys and novelty items from the far-east, which are sold through a variety of internet shops. The business model was to bring a small quantity of items to “market-test” them, and if there was demand, larger quantities would be brought in and safety tested. This led to potentially unsafe items being sold

As a result of our intervention, the trader has now ceased importing or selling any electrical items or toys. He has also put in place a system to test all items before returning them to sale. He is working through his current stock, and releasing them item by item as checks are completed. In the future, all new lines will be tested before he puts them on sale.

- **Cosmetics** - During a visit to a business that had decided to begin supplying cosmetics via the internet, a number of product line were identified as potentially unsafe. The business had been directly importing the items from outside of European Union, without undertaking any testing. The company has now withdrawn all product from the market, and are now working with Officers to ensure all products are properly tested and brought into compliance with safety legislation.

- **Unsafe wet-wipes** – Officers recently identified product on sale via the internet that has been subject to a European wide Product safety alert. The product was a wet-wipe/tissue compressed into a very small cylinder - on submerging it in water, the tissue rapidly expands. The size of the item combined with its rapid expansion, creates a risk of choking if the item were swallowed. Having identified the importer, we have worked with its local Trading Standards Service to ensure the product has been withdrawn from sale.

- 14. Animal By-Products** - Officers recently conducted a joint inspection with the Animal and Plant Health Agency (APHA) at an animal by-product collector in the county, following a complaint of a leaking vehicle and incorrect documentation. Traceability checks were conducted on both inwards & outwards movements of animal by-products the business had handled. As a result of the intervention, the company has changed to a different animal by-products processor where they deliver to, and their consignment notes and other paperwork are now fully compliant. This type of work is crucial to maintain animal and human health disease controls.
- 15. Illegal landing** - A stray cat recently handed in to a local vet was found to have a Polish microchip. The registration records were not up to date, and no owner could be identified. Unfortunately this meant that no-one could be sure that the cat had been imported legally, hence the need for it to be taken into quarantine. The Veterinary Practice sought publicity from the evening post, and received sufficient donations from the public to pay for its stay in quarantine. The owners have now subsequently been identified, and reunited with the cat.
- 16. Regional “Scambusters” Team – Budget 2016/17** - The Regional Team hosted by the County Council is grant funded by the National Trading Standards Board, using funds provided to the Board by the Department of Business, Innovation and Skills (BIS). The recent Government Spending Review and Autumn Statement announced a 17% reduction in the budget for BIS going forward.
- 17.** The BIS officials responsible for the National Trading Standards budget are currently not able to give an indication of the impact of these reductions to the funds passed to National Trading Standards. The impact on the Scambusters Team is therefore not known at present time, as some areas of spend have been protected or in some cases growth has been committed. The impact of these decisions will have to be worked through by BIS before the level of reduction required in non-protected areas, such as National Trading Standards funding.
- 18.** It is unlikely that the National Trading Standards Board will be able to agree budget allocations for any national projects, until late January or February. A 17% reduction, if passed on to all projects, would impact considerably on the regional team.
- 19.** During 2015/16 the team received a core budget of £291k. This has been further supplemented by an additional £237k for investigations undertaken by the team that have been recognised as of national importance. Earlier this year one of these investigations resulted in prison sentences totalling 18.5 years for 6 individuals involved in a fraudulent roof coating business.
- 20. 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 still to be confirmed.

21. Members will recall the decision of Ashfield District Council's Licensing Sub-committee on the to revoke the alcohol licence for Biedronka in Sutton in Ashfield following a seizure of counterfeit tobacco, and a previous licence review where conditions were imposed. The company concerned appealed the decision and a hearing was listed for the 29<sup>th</sup> October 2015. This hearing has now been adjourned, and the Service awaits confirmation of the date.
22. Members will also 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 was listed for the 13<sup>th</sup> November 2015, but this hearing has been moved back due to a request from the defence, date to be confirmed.
23. 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 and dangerous cigarettes. He pleaded not guilty to the charges but changed his plea and appeared for sentencing on the 18<sup>th</sup> November 2015. He was fined £180 and ordered to pay prosecution costs of £800 and the new court cost of £180.
24. Afsana Ahmed of Sutton Mini Market, Sutton in Asfheld 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 now listed for the 11<sup>th</sup> December 2015.
25. Mr Zada and Mr 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. Mr Zada pleaded guilty on the 8<sup>th</sup> September 2015 and was given 60 hours unpaid work. Mr Zadeh was also before the court again for further related matters his case is being sent to the Crown Court, and is listed for a hearing on the 5<sup>th</sup> December 2015.
26. Mr Pshtewan of Sunstar mini market appeared in the Mansfield Magistrates court on the 17<sup>th</sup> September 2015 facing possession of illicit and unsafe tobacco charges. He pleaded guilty, was sentenced on the 15<sup>th</sup> October 2015, and ordered to carry out 200 hours unpaid work.
27. Omid Khoshaab of Sutton Mini Market was due for trial in the Mansfield Magistrates court on the 1<sup>st</sup> December for the sale of illicit and unsafe tobacco. The trial date has been vacated as Mr Khoshaab now faces further charges and matters will be dealt together in the Mansfield Magistrates court on the 10<sup>th</sup> December 2015. Two others Mr Ahmed and Mr Hassan also face similar charges on this date for their part in the offences.
28. Luqman Ahmed and Nicheer Taha of Kubus Mini Market, Worksop, 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 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 is listed for a plea and case management hearing on the 5<sup>th</sup> December 2015. They have yet to enter pleas.

29. Khalil Hussein of Zabcia, Mansfield appeared in the Mansfield Magistrates court on the 4<sup>th</sup> November 2015, he was charged with the possession of illicit and unsafe cigarettes. He pleaded guilty and was ordered to do 80 hours unpaid work and pay £400 prosecution costs.
30. Murwan Muhamed of the Famous Shop, Eastwood pleaded not guilty to charges at the Nottingham Magistrates Court on the 5<sup>th</sup> November 2015, he is due for trial on the 9<sup>th</sup> February 2016 at the Nottingham Magistrates Court. He is charged with the possession of illicit and dangerous cigarettes.
31. Omed Latif of Bierdronka Max, Sutton in Ashfield pleaded not guilty to offences of possession of illicit and unsafe cigarettes on the 12<sup>th</sup> November 2015. He is listed for trial on the 26<sup>th</sup> January 2016 at the Mansfield Magistrates court.
32. Elias Nuqul of Jacks Home Discount Store, Mapperley appeared in the Nottingham Magistrates Court on the 19<sup>th</sup> November 2015, he was charged with the possession of illicit and dangerous cigarettes. He pleaded guilty to the offences and is due for sentencing on the 11<sup>th</sup> December 2015.
33. Aziz Hussein of Hucknall Mini Market, Hucknall appeared in the Nottingham Magistrates Court on the 19<sup>th</sup> November 2015, he was charged with the possession of illicit and dangerous cigarettes. He pleaded guilty to the charges and was ordered to carry out 70 hours unpaid work and £150 towards the prosecution costs.
34. Aske Omer of the retail premises Robert Bower, Stapleford appeared in the Nottingham Magistrates court on the 26<sup>th</sup> November 2015, he was charged with the possession of illicit and unsafe cigarettes. He has not yet entered a plea, the matter has been adjourned until the 11<sup>th</sup> December 2015 to enable the defence solicitor to consult with Mr Omer with the assistance of an interpreter.
35. Three defendants are due in the Mansfield Magistrates Court on the 9<sup>th</sup> December 2015, they are from the retail premises Sunstar Mini Market, Mansfield. They are charged with the possession of illicit and dangerous cigarettes.
36. Three defendants are due in the Nottingham Magistrates Court on the 15<sup>th</sup> December 2015, they are from the retail premises the Famous Shop, Eastwood. They are charged with the possession of illicit and dangerous cigarettes.

#### **Other Options Considered**

37. None

#### **Reason/s for Recommendation/s**

38. This is an information report

## **Statutory and Policy Implications**

39. 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**

40. This report contains no additional financial implications, with activity reported or that proposed being contained within existing service budget.

41. The impact of the budget reductions being proposed to the BIS budget, and any resultant effect, if any, on the budget this Authority receives to host the Scambusters team will not be known for a number of months.

## **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 (KAS 11/12/15)**

The financial implications are contained within paragraph 40 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'