

21 April 2015**Agenda Item: 12****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. **Regulation of Investigatory Powers Act** - one application for obtaining communications data has been made since the last report. This involves suspected offences, some under the Trade Marks Act, which carry a maximum penalty of up to 10 years in prison. The application was necessary to try and identify those behind the alleged criminality. The investigation is ongoing, but updates will be given to the Committee as appropriate regarding progress.
3. The Office of Surveillance Commissioners, and the Interception of Communications Commissioner's Office, are the two bodies that ensure the powers afforded by the Act are used appropriately. Both require officers to be suitably trained and have regular refresher training.
4. To help meet these requirements, the Group Manager for Trading Standards & Community Safety, two Trading Standards Team Managers, a Trading Standards Officer and two solicitors attended a one day refresher training and update course in March for Local Authority Regulators. Trading Standards and Legal Officers will meet in April to review the current situation in the Authority, and to identify other steps needed to secure ongoing compliance.
5. **Illegal Dog Import** - An illegally imported pedigree puppy was seized and quarantined in March. Officers believe the dog was born in Russia, and taken through Lithuania where it's passport was forged - Lithuania is a lower risk country for rabies, so therefore attracts lesser controls. The original birth documents were also supplied with the dog, which the innocent purchaser presented to a vet, who in turn alerted Trading Standards.
6. On closer examination, five different birth dates on documents were identified, raising doubts as to whether it had ever been inoculated, and if it had, whether this met necessary timescale requirements. The dog was supplied by an importer in another county, so officers are working with colleagues there, and Animal and Plant Health Agency staff to investigate. Quarantine fees (to be met by the purchaser) will run into several hundred pounds.

7. **Food & Animal Feed Work in 2014-15** - At the last meeting, the committee approved the Food & Feed Law Enforcement Service Plan for 2015-16. The following is a summary of activity from 2014-15.
8. 126 Food Standards Complaints and 8 Feeding Stuffs complaints were received and considered as part of the Service's intelligence led approach to enforcement. The types of complaints received included issues relating to alcohol authenticity and contamination, out of date food being sold, and mis-described or mislabelled products.
9. The Service offers business advice to companies either on an ad-hoc basis or through its Primary Authority Partnerships (PAP). The Service currently has partnerships with 14 businesses that cover food matters, and 4 that cover feeding stuffs. During 2014-15, the Service provided business advice on a wide range of technical food issues including; nutritional and health claims, allergens, food incident management, and labelling. The Service also dealt with enquiries from feed businesses in areas including labelling requirements, and the importation of feed materials.
10. **Local Enterprise Partnership's (LEP) 'Better Business Regulation' Programme** - in November, we reported on the development of the programme, which brings regulators and the business community together across four local authority areas. One aim of the programme is to change the perception businesses have of regulators, as some do not understand how regulators support legitimate business growth by providing support.
11. It is hoped that building better relationships with businesses will mean legitimate businesses will approach regulators for help. One action to encourage this connection was to change the name of the programme from 'Better Business For All' to 'Better Business Regulation'.
12. Over the last year, the programme has carried out a Health and Safety advice pilot, which has provided invaluable insight into the businesses thoughts about regulators, and ways to identify and overcome perceived barriers. The advice given under this pilot, whilst provided by a seconded regulatory officer, was given from a completely independent position.
13. Businesses that have made use of the service have given very positive feedback, and were pleasantly surprised by the support they were given. It became apparent that a number had previously sought advice from private consultants at great expense, with some advice provided being incorrect or excessive.
14. Work has also been carried out on support and advice for 'Business Start-ups' including links into the LEP's Growth Hub, launched in December. This will continue in the coming year and shaped by feedback from start-up businesses. Work on engagement with Ethnic Minority Groups will also continue
15. There has recently been a change in the chairmanship of the programme, moving from Chris Marples (Inspirepac) to David Williams (Butt Foods). Plans for the coming year are currently being developed, building on the lessons learned from the pilot and other work.
16. **Safeguarding the vulnerable** – Trading Standards Officers continue to prioritise protecting the vulnerable from harm. In a recent case, an elderly resident who had been a repeat scam

victim over many years was referred through the Authority's Multi Agency Safeguarding Hub. Multiple issues were identified, and interventions from a range of different agencies sought.

17. Trading Standards Officers have:

- Obtained a refund on multiple insurance policies, purchased for electrical items;
- Worked with a solar panel company to ensure solar panels are working correctly, and given advice to care staff on maximising the benefit from the solar panels;
- Stopped a catalogue company calling at his door; and
- Worked with care staff to install a call blocker, to reduce the number of unwanted calls and opportunities for further scams.

18. **Regional "Scambusters" Team – Operation Summit** The hearing on 24th February for the 6 defendants who had entered guilty pleas to charges relating to fraudulent roofing and general building work unfortunately did not result in sentencing. One of the key defendants maintained that he was not the 'controlling mind' of one of the companies. This was deemed as an important point to decide upon before sentencing all of the defendants.

19. As such, a further hearing (known as a Newton Hearing) is now scheduled for 11th June where the sentencing Judge will hear evidence from both sides concerning the individual's involvement. The team are currently working on the evidence to be put forward. It may be necessary to call witnesses to give oral evidence at the hearing. Sentencing for the rest of the defendants is scheduled for the day after, 12th June.

20. **Doorstep Crime Project** – Between April and June, the regional team will collate information from all East Midlands Trading Standards Services on the level and types of doorstep crime in the region. This information, together with Citizens Advice data and intelligence system reports, will be analysed to gain a fuller understanding of the threats posed to our communities from those involved in such activity. Enforcement actions will be tasked to tackle those causing the most detriment to East Midland's residents.

21. **Legal Action Update** – A Mr Ali from Sunstar mini market, pleaded not guilty to the sale of illicit tobacco and a trial was listed for the 23rd January 2015. Ali was found guilty at this trial, and was sentenced on the 3rd March 2015 at the Nottingham Magistrates Court to 21 weeks in custody.

22. Anthony Davis was due to appear in the Nottingham Magistrates court on the 6th March 2015, it was alleged that Davis has sold a clocked motor vehicle. Davis is based in the Woodborough area of the County. The matter was finally dealt with out of court. Davis agreed to pay compensation to the victim, and accepted a simple caution for the matter, issued by the Trading Standards Service.

23. On the 13th February 2015, Simey Doherty appeared in the Nottingham Magistrates court, and pleaded guilty to three charges under the Consumer Protection from Unfair Trading Regulations 2008 regarding substandard work, failing to rectify faults and being verbally aggressive towards consumers. Doherty's case sent to the Crown Court for sentence on the 6th March 2015. The offences Doherty faced were by virtue of his role in a Limited Company that before sentencing had been ceased to exist.

24. The Judge overseeing the case raised a point of law with regards to issue, and finding the company no longer existed, dismissed the case against Doherty. Counsel advice is being sought over the outcome, with a view to considering an appeal and to identify what lessons can be taken for future similar cases.
25. The plea and case management hearing involving the mis-selling of products that allegedly protected personal assets from being used to pay care home fees, was moved back until the 27th March 2015, purely for court administrative reasons. Eight defendants have been charged with offences under the Fraud Act 2006. The victims in the case are mainly older and vulnerable adults. A six to eight week trial is due to commence on the 13th April 2015.
26. Fredrick Newbury was due to appear in the Nottingham Crown Court on the 20th February 2015. He has pleaded guilty to a number of charges, and is awaiting sentencing. Newbury had been carrying out substandard work, been aggressive towards some customers, and had falsely been claiming on paperwork to be approved by Trading Standards. Newbury continues not to attend court due to ill health, but letters have now been submitted to court by his General Practitioner, and the hospital that is currently treating him. The matter has again been moved to the 16th April 2015 for an update - the matter was going to be deferred for six months, but Newbury has not been well enough to consult with counsel.
27. In October, two sellers of clocked vehicles, Daniel Moran and Matthew Peace, appeared in the Mansfield Magistrate court - the magistrates deemed the matter so serious for it to be sent the Crown Court, the first hearing was the 26th February 2015. Both pleaded guilty, and are due to be sentenced on the 30th April 2015.
28. 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 initially pleaded not guilty to all charges, and was listed for trial on the 12th and 13th May 2015. At a hearing on the 8th April Boddy pleaded guilty to five offences, he was ordered to pay compensation of £1500, £750 fine and prosecution costs.
29. 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

30. None.

Reason/s for Recommendation/s

31. This is an information report.

Statutory and Policy Implications

32. 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

33. 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

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

Financial Comments (KAS 08/04/15)

35. 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