

7 January 2020**Agenda Item:7****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 seek approval for a minor amendment to the Trading Standards staffing structure

Information**TRADING STANDARDS**

3. **EU Exit** – At the time of writing, the outcome of trade deal negotiations with the EU at the end of the transition period and the longer term impact on consumer protection legislation is unknown.
4. In order to prepare for the most likely scenarios, officers from the Service have been participating in numerous national seminars run by the Chartered Trading Standards Institute (CTSI) and Central Government agencies/departments, on what the requirements are likely to be.
5. CTSI have been helping the profession to prepare for some time. The national leads for different trading standards legislative areas formed a Brexit Think Tank. The Think Tank has been collating all potential legislative changes, and assessing the risks and opportunities within those areas. This was done to help prepare trading standards professionals who will need understand the legislative landscape and ensure that both consumers and businesses are not negatively impacted after the end of the Implementation Period Completion Day on 31 December 2020. Similarly, the Service has been using its subject lead officers to monitor any potential changes to legislation etc. in their respective areas.
6. The end of the transition period has the potential to pose significant challenges to local businesses; however, the Service is well placed to help businesses deal with the changes.
7. **The Health Protection (Coronavirus, Restrictions)(England)(No.4) Regulations 2020** - This legislation allows for Trading Standards and Environmental Health officers to enforce the requirement for non-essential businesses to close and others to only operate under strict restrictions such as click and collect.

8. Officers have been advising businesses that are making enquiries with the Service and also undertaking visits to ensure compliance with the Regulations. At present, only advice has been given to traders but the Regulations do allow for prohibition notices and fixed penalty notices to be issued, when necessary.
9. Zinc Bar – West Bridgford (bar) – The direction placed on this premises has now been lifted as the owner put in place a covid secure system to ensure the safety of customers and staff.
10. **County wide approach** - Officers are still linked to County wide groups to ensure enforcement consistency for Covid related matters. Enforcement meetings with Public Health are taking place 3 times a week, with other partners such as police colleagues so that particular incidents or emerging trends can be discussed.
11. **Nottinghamshire Coronavirus Community Support Hub** - Trading Standards continue to manage the volunteer checks. The Communities Team have also been contacting individual volunteers who are registered on the Hub, as during the summer a smaller number of volunteers were dispatched, the purpose of these calls is to try and keep the volunteers engaged, 100% of the volunteers that have been contacted are happy to remain on the Hub.
12. **Personal Protective Equipment (PPE) Safety** - The supply chain for PPE procured for Council officers and others has now recovered to the extent that Trading Standards has not had to advise on any more recent purchases.
13. **Market Surveillance – Face coverings and hand sanitiser** - Stage 2 of the Service's market surveillance project has been completed in terms of shops, they have been written to advising them of their obligations when selling these types of product.
14. Stage 3 of the project is now being planned. Officers will be visiting different areas in all of the district/boroughs in order to give advice to sellers of these types of product. These visits will take place in December before Christmas.
15. **Support to Businesses** - The Commercial Services team continues to provide support to Primary Authority businesses to meet the continually evolving challenges that Covid-19 brings to the trading environment. The Service is also keeping abreast of relevant legislative changes resulting from the Brexit situation as it develops, in order to be best placed to support businesses to be prepared for 1st January 2021.
16. **Income Update** - Trading Standards has an income generation target of £729k for 2020/21. At the time of writing the current cumulative level of income is £377.5k. During this financial year to date the Service's commercial services activities have been heavily impacted by the impact of Covid-19 and lockdown on the UK business sector. As a result, at the time of writing, the Service is currently forecasting a year end income achievement of £575K against the £729k target. This latest forecast is however greatly improved from forecasts earlier in the financial year when the predicted shortfall in income against the £729k target exceeded £300k.
17. Progress has come from work in the intervening period to agree revised contracts for 20/21 with many existing Primary Authority companies, as they recovered from the shock of the first lockdown and adjusted to the new Covid trading environment. The Service has also been able to form 2 new Primary Authority partnerships during this period, one of which was directly connected to a need for technical product support as a result of the move to home working under current Covid restrictions. Managers have also explored all opportunities to secure additional external funding to support the work done within the Service.

18. **Trading Standards Staffing Structure** – this report seeks approval to make a minor amendment to the Trading Standards staffing structure. Nationally, there is a recognised shortage of qualified Trading Standards Officers (TSOs). Nottinghamshire like many other authorities is struggling to both recruit and retain TSOs that have the comprehensive skills and qualifications mix needed going forward.
19. The Service currently has 2 FTE vacant Level 3 Trading Standards Officer (TSO) posts. These recently went through a recruitment process without any success. Most of the work carried out by the Service, including the Commercial, Covid or Animal Disease work covered in this report, require a high degree of skill, experience and knowledge to undertake.
20. In order to make the vacancy more attractive to recruit to, this report seeks approval to decrease the number of Level 3 TSO posts from 6 FTE to 5 FTE, while increasing the number of Level 4 TSO posts from 9.6 FTE to 10.6 FTE. The estimated additional cost involved (£6.4k) can be met from the Trading Standards budget. If the Committee agrees to this proposal, then the plan would be to go out to recruitment for a Level 4 TSO post.
21. **Fireworks** – The Service has renewed 20 fireworks licences and issued 10 new licences to store up to 250kg of fireworks. It has also issued another 1 to store up to 2000kg of explosives. A further 21 storage licences have not been renewed from last year.
22. A total of 64 inspections have taken place by the Service during the time period that fireworks are generally available to be sold to the public. Officers ensured that fireworks were being stored correctly and measures were in place to prevent sales to under 18's.
23. The main issues arising were with combustible materials being stored next to or near to the storage of fireworks, the display of "old" statutory advice posters and the potential over storage at one premises. All issues were dealt with at the time of the inspection by the responsible person for the shop at the time.
24. The period in which you can sell fireworks to the public is between 15th October and 10th November 2020, but also at Christmas, New Year, Chinese New Year and Diwali. However, there are premises that have an all year round licence to sell. Fireworks being "let off" by the public outside of this time period, doesn't necessarily mean that shops are selling them but that the public have bought and stored them for a later time or that they have made a purchase from a shop able to sell all year round.
25. If officers had intelligence to suggest that a shop was selling fireworks outside of these periods and did not have an all year round licence, a visit would be made and advice given. Evidence would be gathered if the shop was displaying the fact that fireworks could be purchased and potentially a test purchase could be made. This could lead to further action being taken.
26. **Preventing Fraud Against The Vulnerable** - Officers continue to safeguard our most vulnerable residents. Recent work includes:
- Working with agencies to help a lone vulnerable Ashfield consumer in her who paid a deposit on a substantially over-priced door. Officers managed to cancel the contract and are working to obtain the consumers deposit back. Ashfield District Council have agreed to replace the consumers door.
 - Supporting a woman who was struggling to buy food, and who's phone was not making outgoing calls, despite her paying for them. Officers connected the lady to a local food bank, who are now delivering food parcels each week, and worked with her phone provider and is now able make outgoing calls.

- A Care Agency alerted us to a man with dementia in his 80's who had paid £2500 for some landscaping work, having also paid a substantial amount to a solar power company. Officers provided substantial and detailed information to the family and to the social worker to help them support the man to break the cycle of further financial loss.
 - We received a referral regarding a lone Gedling man in his 70's. Investigations uncovered he had spent over £20,000 on various scams. Officers worked to provide advice and support to his family and the social worker, to try to prevent any further financial loss.
 - Victim Care in London referred a case from a lady whose mother lived in Nottinghamshire, and who was receiving a large number of unwanted phone calls. Officers provided detailed advice, to try and prevent financial loss by preventing further unwanted phone calls.
27. Officers have carried out a training session over teams to people that help deliver the Memory Cafes in Nottinghamshire. The Memory Cafes provide support to people suffering with dementia or memory loss and those caring for them. Unfortunately, people who have dementia, can be particularly vulnerable to scams and the training session will help raise awareness.
28. Officers have worked with our colleagues in Energy and Carbon Management to provide the public with some advice following the launch of the Green Homes Grant. The advice informed consumers how to access the scheme, independently verify trader's identification and accreditation to the scheme, along with some addition fraud prevention advice.
29. **Environmental Weight Restrictions (EWR's)** - Work continues to enforce the County's EWRs, on behalf of Highways colleagues, to tackle the problems caused by heavy goods vehicles using inappropriate routes in the county.
30. 40 operations have now taken place since 1st April 2020, and 400 Lorry Watch reports processed. A total of 67 operations were completed in 2019-2020, the number of Lorry Watch reports have decreased by 18% on this time last year. This could have been due to less vehicles being on the roads during covid restrictions.
31. There are now recently introduced restrictions at Lilac Grove, Beeston, and also at Hoveringham and Caythorpe.
32. In terms of enforcement outcomes, officers have issued approximately half the number of warnings to vehicle owners this year, indicating an increasing level of compliance.
33. **How Trading Standards Control Animal Disease** - The Animal Health Act 1981 (as amended) is the primary legislation used by Trading Standards Animal Health Officers to control disease within animals. It is a statutory duty of this local authority to enforce the Act and any secondary legislation made under it.
34. Animal diseases fall into 2 categories:
- Endemic Notifiable Diseases are those that are widespread and endemic in the UK and include disease such as Bovine Tuberculosis. These do not require immediate action.
 - Notifiable Exotic Animal Health Diseases are those diseases that are not normally present in the UK, for example Foot and Mouth Disease/ Rabies / Avian Influenza / Swine Fever. They require action to be taken immediately.

35. The following gives an indication of the risk to the UK at present of various animal diseases:

<u>Disease</u>	<u>Risk</u>
Avian Influenza	Red
Foot & Mouth	Red
Rabies	Red
Anthrax	Red
Diseases of Swine (African/Classical Fever SVD)	Red
Newcastle Disease	Red / Amber
Blue Tongue	Amber
TB	Green
Brucellosis	Green

(Red – a high risk, Amber – a medium risk, Green – a low risk)

36. To control notifiable exotic diseases there are national contingency plans that are tested on a regular basis and updated annually. Trading Standards also holds a local plan.

37. The Local Authority Animal Health Function (LAAHF) is a term used in the national contingency plans and identifies personnel within a local authority that are responsible for the provision of animal health and welfare enforcement. The LAAHF is normally located within the Trading Standards or the Environmental Health Service and provides an informed link between the Animal & Plant Health Authority (APHA), the local authority and the Local Resilience Forum (LRF). For Nottinghamshire, it is located within the Trading Standards and Communities Service.

38. During an outbreak, the LAAHF plays a key role in the implementation of disease control strategies, ensuring an appropriate response to suspected or confirmed animal disease and is fundamental to the efficient access of local information and resources.

39. There are national control strategies for most animal health diseases, for example Foot and Mouth. The control strategies for Exotic Notifiable Disease and Endemic Notifiable Disease differ significantly, however, the requirement that makes them notifiable is the same in all circumstances. Section 15 Animal Health Act 1981 requires “Any person having in his possession or under his charge an animal affected with disease shall... with all practicable speed give notice of the fact.”

40. The control strategy for exotic notifiable disease is to contain, control and eradicate as soon as possible, which is undertaken in partnership by:

- DEFRA (Dept for Environment, Food & Rural Affairs) – who undertake policy direction and governance of the disease control strategy
- APHA - who undertake surveillance for the disease, veterinary inspections, culling, compensation, cleansing and disinfection on site.
- LA's (Trading Standards) hold responsibility for the enforcement of the rules relating to the control of the disease. This may include service of notices on premises with livestock to restrict movements, enforcement of control measures, issuing of licences. It will also

involve providing staff (emergency planning, highways, animal health officers), vehicles, equipment and buildings to contain any outbreak.

- Public / farming industry / police / other interested bodies who all have a role to play in the response to the disease.

41. Where disease is confirmed, an infected place (**IP**) is declared, a protection zone (**PZ**) of 3Km and surveillance zone (**SZ**) of 10Km are declared.

42. All premises within the protection zone where it is believed that there is livestock held or kept will be placed under restriction via notice served by Trading Standards.

43. Where the disease is Avian influenza, this will involve dividing the area into quadrants and undertaking a door knocking exercise on all properties to identify where 'backyard flocks' of poultry are kept. This method may be changed during the current Covid – 19 restrictions.

44. At the time of writing, there are a number of outbreaks of highly pathogenic Avian Flu in Local authorities in the East Midlands which require an operational response from Trading Standards Officers and other Local Authority staff.

45. **Illegal Landings – Rabies Control** -The UK has a system of preventative action with regards to rabies and controls are in place to prevent an animal with the disease being landed into the UK.

46. Legislation is enforced by Trading Standards, where there are reasonable grounds for suspicion that a mammal subject to the controls has been landed illegally and there is a requirement that it is placed into approved quarantine facilities or destroyed. Notice is issued by an inspector authorised under the Animal Health Act 1981 with quarantine/destruction costs met by the person in control of the animal. Where an illegal landing is suspected, the matter must be dealt with at speed and officers will respond to a notification out of hours.

47. From the 1st January 2020 the following incidents have been investigated:

- **10** Animals (all dogs) Investigated by the Department.
- **10** Dogs Found to be Illegally Imported.
- **3** Of these reported to other Local Authorities (Derbyshire) (as owners resided there.)
- **7** Quarantined and later returned to their owners in Nottinghamshire.

48. **Programmed Inspections** - Trading Standards Animal Health Officers carry out risk based inspections annually in order to prevent and minimise the risks to human and animal health arising from animal by-products and derived products and the welfare requirements for animals.

49. At present high risk inspections have been disrupted due to Covid, with only 1 having taken place, but planning is happening to ensure they are undertaken this year.

50. **Impact on Animal Health on the UK Withdrawal from the EU** - There are a number of threats with the UK exit from EU, and a report by the Chartered Trading Standards Institute (CTSI) Brexit Thinktank, concluded that:-

“The withdrawal of the UK from the EU, in the main, other than amendments to recognise the EU exit, is not going to immediately change the legislation for animal health and welfare other than a possible change in certification and quarantine controls should there be a no deal scenario.”

51. During the transition period, businesses will be able to trade with the EU on the same terms as before. There are no immediate changes that will come into effect before 1 January 2021.
52. It is suggested that the biggest risk to the UK will be the impact on business where there is a reduction or loss of direct funding to support the more vulnerable sectors of the agricultural industry and the potential for greater global competition.
53. With reduced resource across central and local Government and a decline in officers with the skills and competency required for animal health, food and feed enforcement, consideration must be given to the management of any incident relating to the official controls in the future to ensure complete protection of the agri-food chain.
54. **Investigations & Legal Update** - The courts are now dealing with the significant backlog of cases and hearing dates for Trading Standards cases are being listed.
55. **Doorstep Crime** – A builder was due to go to trial in June 2020 charged with fraud offences for making false representations to customers about building work he was carrying out on their properties. He appeared in Crown Court in November 2018 and pleaded not guilty to 8 counts and since this date further offences have come to our attention and the court dates moved to accommodate this. With the current situation this trial has been moved until 2021
56. A further builder is due to appear in the Nottingham Crown court for an initial hearing on the 1 December 2020, he is charged with making false representations, carrying out poor quality work and undertaking work that was not necessary.
57. **Animal Health** – a man has been charged with the illegal landing of a puppy. He was due to appear in the magistrate’s court on the 18th 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
58. 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 now come to light. The 2 cases have been joined together and he is due for trial in 2021.
59. **Illicit Tobacco** - There are 4 illicit cigarettes cases waiting for trial in the Crown Court, they were listed for late 2020 but have been moved over into 2021. The cases involved 3 different retail shops, Kubus at Worksop, Kubus at Mansfield and Supernews at Stapleford. The fourth is a home seller, trading from an address in Mansfield
60. A fifth illicit tobacco case has been heard in part on the 23 November 2020 in the Nottingham Magistrates court. Two individuals were charged with the sale and possession of illicit cigarettes and hand rolling tobacco. One defendant pleaded guilty to the charges and was fined £300, the 2nd defendants case has been adjourned until the 22 February 2021.

COMMUNITIES

61. **Nottinghamshire COVID-19 Community Fund** – The fund launched on 31 March 2020, to provide emergency financial support for projects helping the most vulnerable residents affected by the pandemic and played a key part of the Council's early response. It closed on the 17 September 2020, with the Council having awarded £695k to 260 organisations.
62. Committee on 5th November approved the re-opening of the Fund, in the light of the re-imposition of a range of national measures to help combat the second wave of the pandemic, to provide local groups with renewed access to additional funding support, in anticipation of resident demand for additional help increasing in the period up to Christmas. The Fund remained opened till 1st January 2021. A list of projects awarded funding and examples of how the funding has helped is available on the [COVID-19 Community Fund webpage](#). At the time of writing this report, 279 awards totalling £748,196 had been made.
63. **The Local Authority Emergency Assistance Fund for Food and Essential Supplies** – In July 2020, the Government allocated a £858k grant from the £63m Local Authority Emergency Assistance Fund to Nottinghamshire County Council. The Fund builds on the COVID-19 Community Fund and aims to support Nottinghamshire residents who are struggling to afford food and other essentials due to the impact of COVID-19. Officers are working closely with partners to ensure that the funding is used in ways that best support local communities and reduce the risk of duplication and over-dependency. At the time of writing this report, 36 awards to voluntary/community organisations and district/borough council partners had been made, with a value of £420,000. Further work to assess funding applications and distribute funding continues.
64. **Safer Streets Funding for Newark** – In October 2019 the Home Office announced that £25m Safer Streets Funding would be provided to residential areas in England and Wales disproportionately affected by crimes like burglary and theft, to invest in evidence-based preventative interventions such as home security and street lighting.
65. Working with partners, including the County Council, the Nottinghamshire Police and Crime Commissioner secured the maximum allocation available of £550k.
66. The Communities Team has been commissioned to deliver the Community Engagement element of this project to help build community capacity and resilience. Despite the challenges faced during the pandemic, the Communities Team have managed to make significant steps towards achieving the strand outcomes. A new Neighbourhood Watch (NHW) group has been established in the Chatham Court area and three further residents are interested in setting up schemes. A further community garden project led by residents is also in the planning stages.
67. **Remembering in safety and dignity: Remembrance events 2020** - General advice and guidance was issued by the Local Resilience Forum,(LRF) in-line with National guidance to all Parish and Town Councils. This was shared with local branches of The Royal British Legion. The guidance was signed off by the Director of Public Health – Nottinghamshire, Jonathan Gribbin. This allowed local services albeit with limited numbers and safety measures in place to be conducted out doors at War Memorials across the County. On Remembrance

Sunday 8th November, The Lord Lieutenant and Chairman of the County Council laid a wreath on behalf of the HM Queen, and County respectively within the grounds of Southwell Minster.

68. Remembrance Sunday Salute – Those unable to attend an outdoor service were encouraged to hold a two minutes silence at 11am and mark the occasion on their own door -step. Council social media channels asked that residents share their tributes and stories with a photo of their own doorstep salute. #NottsRemembers.
69. On Sunday evening between 3pm and 7pm, the falling poppies tribute was projected on to the Victoria Gardens Memorial, this has now become an annual event of which the county council makes a financial contribution. Risk assessment and Covid safe measures were carried out by the City Council.
70. On Armistice Day Wednesday 11th November at Victoria Embankment The Lord Lieutenant and Chairman of the County Council and Civic representatives of the City, Borough and District Councils, members of the Armed Forces and Civilian organisations observed the national two minutes of silence. They laid wreathes respectively at the gates of the Victoria Gardens Memorial. This year those that were assembled paid a special tribute to Captain John Cvacara who is a member of the Reservists, and an NHS Staff nurse who represents the 2089 Reservists called up to support the NHS during Global pandemic. Resulting in two minutes of clapping.

Other Options Considered

71. With regards to amending the Trading Standards staffing structure, consideration has been given to re-advertising the Level 3 TSO post.

Reason/s for Recommendation/s

72. To ensure appropriate political oversight of key Trading Standards and Communities matters.
73. Following the recent unsuccessful attempt at recruiting to the Level 3 TSO post and the knowledge of the employment market within the Trading Standards, it is felt that there is more chance of success coupled with the associated benefits to the needs of the Service, by recruiting to a Level 4 TSO post. This report demonstrates the Service has been heavily involved in supporting both businesses and ensuring compliance of businesses, with the various requirements of the legislation governing Covid restrictions. An extra Level 4 role would provide additional senior officer capacity for this work and also to lead on the complex investigations the Service undertakes.

Statutory and Policy Implications

74. 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

75. This report largely contains no additional financial implications, with activity reported or that proposed being contained within existing service budget. The implications of amending the Level 3 TSO post to a Level 4 TSO post is £6.4k and that can be met from within the Trading Standards budget.

RECOMMENDATION/S

That the Committee:

- 1) Considers the updates and highlights any actions required.
- 2) Approves the change to the Trading Standards staffing structure, as outlined in paragraphs 18 to 20, by disestablishing 1 FTE Level 3 Trading Standards Officer Post, and establishing 1 FTE Level 4 Trading Standards Officer post

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Constitutional Comments (KK 26/11/2020)

76. The proposals in this report are within the remit of the Communities & Place Committee.

Financial Comments (CSB 18/12/2020)

77. The financial implications are contained in paragraph 76 of the report. The additional costs of amending the TSO post from a level 3 to 4 of £6.4k can be met from within the Trading Standards budget.

HR Comments (JP 21/12/2020)

78. The HR implications are contained in the body of the report and at para 18 to 20

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