

10 January 2019

Agenda Item:8

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;
- Provide the quarterly update on the Commercial Performance of the Service; and
- Seek approval to establish a business support partnership with Rushcliffe Borough Council.

Information

Trading Standards

2. **Commercialisation Progress – Appendix 1.** The quarterly progress update is attached as **Appendix 1.**
3. The current level of new income stands at £234,910. We remain confident that the overall target for 2018/19 will be met.
4. Because the level of business varies from year to year, officers are continuing to explore and develop new services and partnerships that will offer a wider and more stable stream of income in the longer term.
5. Analysis of the market has identified a demand by businesses for partnerships offering a wide spectrum of regulatory support that falls beyond the remit of Trading Standards. As such, the Service has been developing how it can offer such a comprehensive regulatory support package for businesses. It is anticipated that new customers would be attracted to use our services if such an offer be in place.
6. The first stage in developing the comprehensive offer is to build on existing work undertaken with Rushcliffe Borough Council in order to set-up up a collaboration to provide Environmental Health and Health and Safety support in addition to Trading Standards. The detail of the collaboration will be set-out in an appropriate memorandum of understanding, which will ensure the seamless provision of high quality assured advice and support through a single point of contact.

7. It is anticipated that because Trading Standards has the larger existing client base and profile in the market, it is likely initially that the County Council would be the single point of contact for new contracts secured in the short term, although the most appropriate lead would be decided on a case by case basis.
8. The intention is to expand this collaboration to other regulatory organisations and partners going forward to give the subject and geographic coverage that clients wish to access. Officers are currently identifying and approaching other potential partners. All work undertaken would be conducted on a full cost recovery basis.
9. The Department for Business Energy & Industrial Strategy (BEIS) is one of the Government Departments overseeing legislation that Trading Standards is responsible for. The Office of Product Safety and Standards (OPSS) is the part of BEIS with responsibility for the Primary Authority Partnership (PAP) Scheme.
10. The OPSS recently embarked on a campaign to promote PAP to businesses as a tool to grow. OPSS is directing interested businesses to Local Authorities that have the required skills and expertise. OPSS is therefore a very important route to market for our services going forward. Officers have therefore been forging stronger links with OPSS, and have had meetings with them to ensure they have full knowledge of the services that can be offered.
11. **Mass Marketing Scams** - officers continue to work with other agencies to intervene to protect Nottinghamshire victims. These are identified from lists provided by the National Scams Team, or via referrals from social care, health and voluntary sector colleagues. Recent examples include:
 - Helping two residents find out their mislaid military service numbers so that they can access services for Veterans. Both have lost money to different types of scams and the support from Veterans' services will reduce their risk of further loss.
 - Working with Victim Care to source support to victims via their Victim Care Community Points project.
 - Working with Notts Watch to explore how Neighbourhood Watch Co-ordinators can become involved in Friends Against Scams (www.friendsagainstscams.org.uk) and the Nominated Neighbour Scheme.
12. **Doorstep Crime** - officers recently delivered updated training to a major bank in the County for roll out to all branches nationwide. The training covered scams and doorstep crime prevention and ensures that all staff know how to support customers and prevent them from becoming victims. This is vitally important, as many victims are taken to the banks by criminals in order to get cash from the victims' accounts or may unexpectedly request unusually large amounts to pay fraudsters.
13. **Product Safety** – in the lead up to Halloween, officers intervened with a local online retailer of fancy dress costumes to tackle the problem of a children's costume identified as posing a potential choking hazard. The potentially dangerous item was taken off sale and the trader given the appropriate product safety advice to avoid a repetition.
14. **Fireworks** - officers completed the annual inspection programme at retailers of fireworks in the run up to bonfire night. The checks ensured that fireworks were safe for public sale and were being stored safely. More detailed information will be provided in the annual Trading Standards Explosive and Petroleum report to the Planning & Licensing committee on 29th January 2019. There was good media interest, with a Capital FM radio reporter accompanying an officer on a visit and broadcasting information highlighting the benefits of this work throughout the 5th November.

15. **Tattoos & Botox – tattoos, tattoo removals, and non-surgical anti-wrinkle injections (Botox).** A question at Committee in October sought to clarify the regulation of such matters.
16. District Councils have responsibility for regulating the tattoo industry. Tattoo, piercing and electrolysis licences cover tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis, and acupuncture. In addition to their regulatory and licensing role, the 7 District Councils in the County also promote the Nottinghamshire Hygiene Accreditation Scheme (HAS), a voluntary scheme to improve and maintain hygiene and safety standards. There is no specific role for Trading Standards in relation to this trade sector, over and above its generic interest in the supply of goods and services.
17. The market for Botox is both huge and growing, with a range of providers offering treatments. Botox treatment providers are not required to be licensed with District Councils. Again there is no specific additional role for Trading Standards in relation to this trade sector.
18. In February 2014, the Department of Health produced the “Government Response to the Review of the Regulation of Cosmetic Interventions”. The response indicated that the Government agreed with the majority of the Review’s recommendations, many of which were about tightening controls already in place, or putting in new systems of control.
19. The report indicated that work was already underway in strengthening the involvement of clinical professionals in non-surgical interventions and improving training for providers of Botox or dermal fillers. The Government indicated that it was also looking at appropriate legislative options. The response also accepted that the products used in cosmetic interventions should be more closely controlled and monitored.
20. **New Level 1 Trading Standards Officers** - The Level 1 post has traditionally been the entry point into the profession. The professional training provision available for new entrants has been in a state of flux in recent times, part owing to a lack of demand, as services have been dealing with shrinking budgets. This has led to an ageing population within the profession and a general lack of supply of new officers to replace those who leave the service.
21. A new Trading Standards training regime is now being put in place, designed to work in tandem with the new for generic Regulatory Compliance Officer Apprenticeship. The new Trading Standards qualification recognises the apprenticeship, awarding exemptions from certain elements, allowing officers to progress quickly to specialist trading standards modules.
22. The Service has moved quickly and appointed three Level 1 Officers who will be undertaking the apprenticeship. The officers are shadowing experienced colleagues and simultaneously taking on their own workload as they grow in knowledge and confidence. Nottinghamshire is one of the first services nationally to adopt this scheme to grow our own officers, attract fresh talent, and future proof our vital service.
23. **Food Information Regulation & Allergens.** Members will be aware that there has been a lot of coverage recently in the media about allergens in food. This has particularly focussed on premises like sandwich bars, cafes and restaurants, making foods that are “produced for direct sale”. Some of these stories have involved members of the public who have had severe allergic reactions which in some cases have tragically resulted in death.
24. When products are produced and sold for direct sale, there are different requirements for declaring allergens to the purchaser compared to ‘prepacked’ products - those that are made elsewhere by a different company and sold at retail outlets. When food is produced for direct sale it does not have to bear a full label containing specified information including highlighting any allergens. This

of course could be done on a voluntary basis, but it is permissible to use other methods to make consumers aware of any allergenic ingredients.

25. Other methods are:

- Listing the allergens on the menu associated with each food item,
- Having a prominent notice that gives a list of what allergenic ingredients are contained in particular food items, or
- Having a prominent notice(s) that informs the consumer to ask a member of staff if they wish to know about any potential allergens that are contained in any food items.

26. In the latter case, it is the responsibility of the owner of the business to ensure that their staff are trained about allergens and given up to date information about any allergens contained in any items of food. It also relies on the consumer making the enquiry with the staff.

27. The enforcement responsibility for the controls of allergens and their declarations falls under the remit of both Trading Standards and Environmental Health where food is produced for direct sale. Since the 2014 introduction of controls on the declarations of allergens Trading Standards has been working collaboratively with Environmental Health departments, who primarily carry out inspections at these types of premises.

28. Officers carry out checks and assist businesses in to compliance during inspections. With the recent incidents highlighting serious failures, Trading Standards has been working with Environmental Health Officers to review the work being done to strengthening the effectiveness of inspections. Officers will also watch careful as it seems likely that Government will bring in revised regulations and guidance.

29. **Legal Update Doorstep Crime** – In May 2017, John Paul Allen appeared in the Mansfield Magistrates court charged with offences of fraud to the value of £26,400. There was initially one victim in this case, whom the Authority alleged had been defrauded by representations that she needed certain work carrying out on her property.

30. A further matter arose against Allen for similar matters and so he then faced additional charges. After initially pleading not guilty he was sentenced on the 18th September 2018 to 21 months in prison. His Honour Judge Dickinson QC thanked the officers for the work they had carried out in bringing Allen to justice, he said that John Allen had taken advantage of the victim's vulnerability.

31. **Justin Marriott** – Marriott appeared in the Crown Court on the 18th January, charged with the possession of counterfeit electrical items and clothing. He pleaded guilty to the charges and was sentenced to 7 months in prison suspended for 2 years with 150 hours unpaid work. A proceeds of crime investigation is continuing.

32. **Illicit tobacco – Alans Newsagents** – A trial was listed in the Nottingham Crown Court on the 5th March for 3 defendants who have been charged with offences for supplying counterfeit and dangerous cigarettes from the shop in Beeston. Due to lack of court time the trial has been put back until March 2019.

33. **Fake jewellery sellers** – two online sellers appeared in the Nottingham Crown Court in June charged with offences of selling mis described platinum and diamond rings and ear rings. They pleaded not guilty at this hearing and they are listed for trial on the 7th January 2019.

34. **Doorstep Crime** – a further defendant is in court for targeting the elderly for work that is poor and in some cases unnecessary. This matter was listed for an initial hearing in the Nottingham Crown Court on the 19th June 2018, at which time the defendant entered a not guilty plea and a trial date was set for the 21st January 2019.

35. A further defendant has been charged with fraud offence for making false representations to customers about building work he was providing. He appeared in the Nottingham Crown Court on the 7th November 2018, and pleaded guilty to 8 counts of fraud. He is listed for trial on the 3rd June 2019
36. **Food Labelling** - two defendants were due to appear in the Mansfield Magistrates court in June 2018 faced with food labelling offences. Food supplements were being sold without declaration of allergens and making unauthorised health claims. Due to circumstances of the defendants the case is listed for December 2018.

COMMUNITIES

37. **Age Friendly Nottinghamshire (AFN)**. Following a successful evaluation by Nottingham Trent University, the pilot has now been funded through Public Health for a further two years, starting 1st January 2019.
38. The AFN model has developed a unique approach to community empowerment and mobilisation through self-help approaches, including a form of social prescribing. This combines a resident-centred Social Prescribing model with a programme of community activation and volunteering. The outcome has been to build community capacity and has successfully encouraged social action by drawing on the good practice principles of volunteering, community organising and social prescribing.
39. As the model has been rolled out, it has taken a fresh approach to tackling loneliness. Evaluation of the pilot shows that all these factors are fundamentally important to residents and key elements to their improved health and wellbeing.
40. Looking at the needs of the two pilot areas, Beeston and Ladybrook, it is clear community identity is important in both, and this highlights the challenge in communities with limited infrastructure which may lack capacity to fully embrace new approaches.
41. This is a marker for exploring the need for longer term engagement and a more gradual increasing of capacity in order to prevent communities feeling threatened or overwhelmed by new initiatives. Delivering a loneliness intervention through community activation is a unique approach which requires highly developed skills in officers to build trust and support the grassroots up. The ambition is to take the learning from this pilot stage of the AFN model, including NTU's evaluation and to extend the model to other areas of the county.
42. Planning for the development of this work is included in a separate report to this Committee 'A Framework for Working with Communities'.
43. **Local Improvement Scheme** - the 2019/20 scheme is currently open for applications for capital funding to support innovative community projects. Officers are currently supporting communities in developing their ideas. A separate report to this Committee makes recommendations for supporting talented athletes from the scheme.
44. **Fly Grazing** - Officers have been working in collaboration with Newark & Sherwood District Council (NSDC) for some time on the issue of fly-grazing. NSDC have been the lead partner in this collaboration and that the work they have undertaken is very much appreciated. A separate report to this Committee 'The Management of Illegally Placed Horses [Fly Grazing]' makes recommendations for the approach of the County Council.

Other Options Considered

Reason/s for Recommendation/s

45. The report is provided to inform the Committee and to allow appropriate oversight. Regarding the proposed collaboration with Rushcliffe Borough Council (and other partners) to deliver regulatory advice and support, this will provide greater opportunities for the Authority to provide commercial services that attract income to help meet the costs associated with delivering the service.

Statutory and Policy Implications

46. 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.

Crime and Disorder Implications

47. The Service makes significant contributions to reducing crime and disorder as outlined in the information provided in the body.

Human Resource Implications

48. The level 1 TSO vacancies were vacant posts on the establishment of the service. They were filled through the Authority's vacancy protocol.

Financial Implications

49. The report contains no additional financial implications, with all activity proposed being funded from within the existing service budget.

RECOMMENDATION/S

That the Committee:

- 1) Ratifies the updates given regarding key Trading Standards and Communities matters;
- 2) Ratifies the update given regarding the progress of raising additional income in the Service; and
- 3) Approves the proposal to form a regulatory support and advice partnership with Rushcliffe Borough Council, and other partners as appropriate.

**Derek Highton,
Service Director, Place and Communities**

For any enquiries about this report please contact: Mark Walker, Group Manager Trading Standards & Communities, Tel: 0115 9772173

Constitutional Comments [KK 03/12/2018]

50. The proposals in this report are within the remit of the Communities and Place Committee.

Financial Comments [RWK 05/12/2018]

51. The financial implications are set out in paragraph 49 of the report.

HR Comments (JD 28/12/2018)

52. There are no HR implications identified as a result of this proposal

Background Papers and Published Documents

- None

Electoral Division(s) and Member(s) Affected

- All

