

22 July 2014**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR FOR ACCESS AND PUBLIC
PROTECTION****UPDATE ON KEY TRADING STANDARDS MATTERS****Purpose of the Report**

1. The purpose of this report is to update the Committee on key Trading Standards matters.

Information and Advice

2. **New Drugs:** Officers have now seized products from two high street retailers in the County – investigations are ongoing. The substances, inappropriately known as ‘legal highs’, are often branded and labelled in packaging which can lead both businesses and customers into believing they are safe and legal to sell and to consume. There are national reports on the potential negative impact such substances have, including addiction, anti-social behaviour, violence, burglary and even death.
3. Following on from national coverage of this issue on the BBC’s Crimewatch and One Show programmes, the service has worked with local television, radio and press to warn Nottinghamshire residents of the potential dangers of these products, which pose a serious risk to public health and safety. The Office for National Statistics reported that deaths associated with these new drugs (also known as new psychoactive substances) had increased to 52 in 2012 from 29 in 2011.
4. In June 2014, an officer attended a national conference bringing together delegates from a range of disciplines (including police and health colleagues) to discuss and share insights on various approaches being adopted to tackle the issues raised by these substances. Locally the service is liaising with Public Health colleagues and other agencies about a collaborative approach to this substance misuse issue.
5. The conference highlighted that the use of such substances are on the increase, but substance misuse workers are currently finding that abuse of alcohol and cannabis are still the current predominant issues. Health colleagues reported that they are concerned regarding the potential of the substances for causing psychosis (temporary schizophrenia), that synthetic cannabinoids can lead to dependency, and also that nobody can be sure about the long-term effects. The event highlighted the need for education and awareness, but warned that extreme messages could lead to the substances becoming more, not less, popular.

6. The Government is currently conducting a review into new psychoactive substances with a view to enhancing the legislative framework to ensure agencies have more effective powers to deal with this growing complex issue. The report of the review's findings is expected in July 2014.
7. **Safeguarding the vulnerable:** The service continues to prioritise work in safeguarding vulnerable residents. Recent examples include:
 - An 82 year old Nottinghamshire resident paid £299 for a Green Deal boiler assessment. The assessment wasn't forthcoming and she was unable to get the company to agree to either a date for the assessment, or a refund. Following our intervention in the dispute, the trader (known to other Trading Standards Services) repaid £385 to the lady, representing the £299 initially paid, £35 for out of pocket expenses and a small sum for her inconvenience.
 - Officers negotiated a 50% reduction (£4000) on a loan for a mis-sold central heating system. Various breaches of the Consumer Credit Act by the salesman were highlighted to the finance provider, who made the reduction offer when it was pointed out its joint and several liabilities for the salesman's actions. The service continues to argue for additional compensation for the single mum of three via an appeal to the financial ombudsman - the loan was causing huge stress and anxiety to the lady, who was living in a refuge after being forced from her home with children.
 - An elderly lady, who struggles to communicate following a stroke, received a refund for £180 of warranty payments mis-sold by a major manufacturer, plus a replacement washer/dryer. Officers pointed out that the seller was in breach of contract and should not have pressured her to buy a warranty, when her machine suffered a burnt-out part. The replacement machine meant piece of mind for the consumer who was worried that the machine might break down again.
8. **Tackling Illicit Tobacco:** As Members will recall, the service received £91,000 of funding as part of the recent Public Health realignment exercise, to reduce smoking prevalence by tackling the supply of illicit tobacco.
9. Using intelligence gathered from a number of sources, several retail and private addresses have recently been inspected to identify and remove concealments of illicit tobacco. At the end of the first quarter of work, more than 100,000 cigarettes and 40KG of hand rolling tobacco with an estimated retail value of £55,000 have been taken out of supply. The items seized are believed to be a mixture of counterfeit products and products that do not meet UK labelling standards. Trading Standards Officers have also seized £14,000 of cash in evidence, which may subsequently be found in legal proceedings to be the proceeds of crime.
10. Following these seizures, two reviews of alcohol licenses are likely to be initiated by the Council, and an objection lodged to a change of designated premises supervisor on a further licence. Nine separate investigations are now underway with prosecutions potentially being taken against 18 individuals.

11. **New Nottinghamshire businesses take up Primary Authority partnership:** The service is in the process of registering a new batch of Primary Authority Partners. This is great news for both parties; for the local businesses coming onto the scheme the service can now provide them with high quality, legally assured business advice. For the authority, as this advice is also chargeable, it also provides a valuable source of revenue to support the work of the service.
12. **Safety of Petroleum Storage:** Two new proposed filling stations have been keeping our petroleum officer busy. At Priestic Road, Sutton in Ashfield, Asda is knocking down and rebuilding its existing petrol station, planned to commence in August 2014. As the petroleum licensing authority, the service will receive plans and drawings of the proposed new site, which need 'approval' before works can commence. The authority can make changes / alterations that the service feels is needed to ensure the new development meets current safety legislation and guidance.
13. At Harworth, a brand new Asda petrol station is proposed for construction later this year. Unusually, this site will be 'unmanned'. As such, the site will require additional licensing conditions to ensure the safe storage and dispensing of fuel by the public.
14. **Joint Road Traffic Exercise:** A recent multi-agency exercise took place in which Trading Standards staff joined forces with the Police, Department of Work & Pensions (DWP), Environment Agency (EA), and Driver & Vehicle Standards Agency (Formerly Vehicle & Operator Services Agency). The aim was to tackle traders who were operating illegally.
15. A total of 18 vehicles were stopped. Out of these one vehicle had its load seized, 5 prohibitions were issued, 3 vehicles were seized and 2 fixed penalty notices were issued for overweight vehicles. Investigations are still being carried out by DWP with regard to someone possibly claiming allowances and the Environment Agency into a person who was carrying a large amount of oil.
16. **Food Premise Inspections In Leicestershire:** The service has recently been approached to carry out inspections on behalf of Leicestershire County Council Trading Standards at 75 food premises. This has come about following the work the authority carried out in Leicestershire last year. This will help to generate some income for the authority.
17. **Regional "Scambusters" Team** – The National Trading Standards Board (NTSB) recently published its annual report for 2013-14, which highlighted the activity of the 8 Regional Scambusters Teams. The County Council hosts one of these teams on behalf of the eight Trading Standards services in the East Midlands.
18. The report drew many conclusions including:
 - the teams dealt with rogue trading activity with a benefit totalling £15.6m
 - consumer detriment avoided through Scambuster Team's intervention was estimated to be £9m
 - 51 defendants were convicted
 - The total of custodial sentences imposed was 78 years 10 months
 - £75,000 was awarded to victims in compensation.

19. Frauds investigated by the teams included employment advertising scams, home repairs, motor vehicles and mobility aids. There were two notable cases highlighted linked to Nottinghamshire.
20. In January 2014, William King of Newark was convicted at York Crown Court and sentenced to 6 years imprisonment for defrauding park home residents in Devon, Cornwall, Surrey and Kent. King's elderly and vulnerable victims had paid out £42,000 for poor quality, unnecessary, and on some occasions, no repair works to their homes.
21. Carl Mould, a Nottinghamshire mobility seller was sentenced by Nottingham Crown Court to 5 years imprisonment for his part in a mobility scam which targeted elderly vulnerable people, many of whom suffered long term illnesses. The total consumer detriment in this case was estimated to be £370,000.
22. The Nottinghamshire based team are currently involved in a number of investigations which include the targeting of elderly and vulnerable consumers and small businesses. The estimated criminal benefit in these cases is believed to be millions of pounds.
23. **Legal Action Update:** In a case involving the alleged mis-selling of financial products sold as trusts, the plea and case management hearing has been moved back until the 15th August. Eight defendants are charged with offences under the Fraud Act 2006, for the mis-selling of the so-called trusts which are marketed to claim they prevent assets being used for care home fees. The victims in the case are mainly older and vulnerable adults. A six week trial is due to commence on the 10 November. Seven defendants have pleaded not guilty to the charges, and the eighth has not yet entered a plea.
24. On the 30 June 2014, James Grozier was due to appear in the Nottingham Magistrates court facing charges of fraud. The authority will allege that Grozier took deposits for work and then failed to carry out the work. Grozier failed to attend court, and a warrant for his arrest was issued.
25. On the 16 July 2014, Craig Boddy of Bowbridge Car Sales, Newark is due to appear in Nottingham Magistrates court charged with selling an un-roadworthy car, failure to carry out pre-sale checks, and failing to respond to a consumer complaint. The matter has been adjourned on two previous occasions.
26. On the 16 July 2014, Simey Doherty is due to appear in the Nottingham Magistrates court, to face charges under the Consumer Protection from Unfair Trading Regulations 2008. The authority will allege that Mr Doherty carried out substandard work, failed to rectify faults, and has been verbally aggressive towards consumers.
27. On the 24th July, four defendants linked to two retail premises in Ashfield are due to appear in the Mansfield magistrates' court to face charges relating to the alleged sale of illicit tobacco.
28. A trial is now listed for the 29 September 2014 for three individuals the service will allege are involved in the sale of counterfeit DVDs brought into the county from China. The service is also looking at potential money laundering offences.

Other Options Considered

29. None - this report is only for information.

Reason/s for Recommendation/s

30. To update Members on the recent developments in this area of the Committee's remit.

Statutory and Policy Implications

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.

Safeguarding of Children and Vulnerable Adults Implications

The issues raised are to ensure that vulnerable adults are safeguarded.

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

As the report is just for noting, no Constitutional Comments are required.

Financial Comments

As the report is just for noting, no Financial Comments are required.

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'.

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