

April 2014**Agenda Item: 11****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. **Matters arising from the previous meeting – Residential Explosion in Newark, May '13** – Members will recall that quantities of expanding foam had been used at the property in question. Apart from discussions with Trading Standards Officers, the Police have also worked with the Health and Safety Executive (HSE) which examined the packaging, labelling and safety data sheets of the type of product that has been used. We understand no concerns in respect of these were identified.
3. **Scams – National Scams Hub: list of scam victims** – Officers have narrowed the list of victims down from 600 to 250. A sample of 25 victims were selected, 12 of whom were on the social care database Framework and sent a letter asking them if the Service could assist them. Officers have visited 6 of these individuals to discuss these matters further and offer assistance to stop the nuisance scam calls and mailings. Officers are also liaising with the Nottinghamshire Fire and Rescue Service who are currently undertaking a project on identifying vulnerable adults with a view to joint working in this area.
4. **Age Restricted Sales - Young people using someone else's identification to buy alcohol** – working with District Council Licensing Teams and the Police, 100 off-licences were recently visited to see how responsible retailers were acting when challenging young people using identification that did not belong to them. Challenge 21/25 schemes require off licences operating them to challenge anyone attempting to purchase alcohol that looks under these ages. Volunteers aged 15 and 18 were asked to buy alcohol from shops using an identification with a photograph of someone different.
5. Only 60% of premises visited asked for identity - 70% of premises sold alcohol to the volunteers. The majority of off-licences know they must challenge

young people and ask for ID, but when they do, our findings were they do not necessarily scrutinise it.

6. Traders visited were sent letters either praising their good work, or asking them to be more responsible. District Council Licensing Teams and Nottinghamshire Police have since made a special visit to each of the off-licences that sold alcohol to our volunteers to reinforce the message.
7. **E-Cigarettes Test Purchasing** – Nottinghamshire was one of a number of Trading Standards authorities nationally who assisted Public Health England with a project to assess the ease with which young people are able to buy E-cigarettes and associated products. The Government has plans to introduce age restrictions for these products, and this national exercise was designed to obtain base line data of the current scale of the problem. The Authority received £900 to conduct 20 test purchases, using a 14 year old volunteer who was able to purchase products at 4 (20%) of the premises visited.
8. **Animal Health – New movement recording system for animal movements.** On 1st April 2014 the Department of Environment Food and Rural Affairs (DEFRA) introduced a new electronic movement reporting mechanism. Up to this date, all livestock movements for sheep, goats and deer were hand recorded by farmers and the forms sent in to Trading Standards for manual input into the Defra database.
9. Now, farmers, markets, collection centres and abattoirs will all be able to report movements electronically, thereby reducing the administrative burden in the system. A target of 80% of all movements will be reported this way within the next 5 years.
10. **Animal Health - Animal by-products rules by dog rescue charity.** An unusual request for help was recently received from SARbot, a rescue charity who use dogs to find missing people. To train the dogs, the best material to use is parts of pig carcasses. For disease control reasons though, Animal By-Products Regulations set out strict rules about what can be done with dead livestock, requiring the disposal of dead livestock without undue delay by an approved route, and in a leak-proof container. Hence the dilemma for SARbot.
11. Trading Standards Officers worked with the Animal Health Veterinary Laboratories (AHVLA) to reach a lawful solution - it was agreed that SARbot could be licensed as a 'final user' of animal by-products, and our animal health officers would help advise them on how best to comply with licence conditions. SARbot are currently in the process of obtaining their final user licence, so important rescue dog training can continue.
12. **Elliott Review visit** - in March, the Scambusters team hosted a visit from Gary Copson, former Metropolitan Police Commander, and an advisor on enforcement to the Government commissioned Elliott review into the integrity and assurance of food supply network. There are growing concerns at the

increasing potential for food fraud which can be complex, widespread and organised. These incidents can have a huge negative impact on both consumer confidence about the food they eat, and on the reputation and finances of food businesses.

13. Gary is providing expert input into the review on intelligence and organised crime. The National Trading Standards Board recommended that he visit the Team to explore how the Scambusters national model is used within the Trading Standards arena to tackle cross border criminal activity. Gary's findings will form part of recommendations in the final report to Ministers.
14. **Public Health funding for illicit tobacco enforcement** – £91k of Public Health funding has been recently realigned into the Service to tackle the endemic problem of illicit tobacco in the county. The money will fund three Trading Standards Officers to focus on reducing supply and smoking prevalence.
15. Smoking is the greatest single cause of health inequalities. The supply of cheap illicit tobacco undermines national strategy to limit demand by keeping the price of tobacco high - price is the single most important determinant of demand for tobacco. Officers will work closely with Public Health Tobacco control colleagues, Her Majesty's Revenue and Customs and other agencies on targeted intelligence, prevention and enforcement initiatives to reduce the supply of cheap illicit tobacco.
16. **Safeguarding the vulnerable** – The Service recently intervened to assist a vulnerable 86 year old resident with alzheimers who had lost over £175k to a number of different connected scams. Criminals targeted the victim over a period of 18 months with a 'boiler room' scam (carbon credits), share fraud (gold mine shares) and commodity fraud (non-existent cases of wine).
17. Evidence has been submitted to the City of London police who are conducting a large scale investigation into the criminal network involved. Officers worked with the victim's relatives to put in place safeguards to ensure he won't fall victim to any future scams.
18. **The Multi Agency Safeguarding Hub (MASH)** – The Service is receiving national recognition for its innovative work within the MASH. Being an integral part of the MASH officers are able to identify victims of doorstep crime and scams and work more effectively with social care colleagues to protect them from repeat victimisation.
19. Both the national lead for doorstep crime, and the manager of the National Scams Hub have visited the Service recently to learn more about the partnership with the MASH. In early April the Service Director, Access and Public Protection and the Trading Standards Group Manager delivered a joint seminar with colleagues from Hampshire County Council at the national NTSB Doorstep Crime Conference regarding the effectiveness of a joint approach with social care colleagues to protecting the vulnerable.

20. **Rogue Trader day** – On 9th April officers took part in the annual national multi-agency event to raise awareness of the dangers of doorstep criminals who target vulnerable residents. Officers conducted high profile patrols in areas of the county identified from our data as having higher incidents of doorstep crime.
21. **Environmental Weight Restriction Enforcement** - Highways colleagues have recently agreed the support of Trading Standards to continue weight restriction enforcement work for 2014-15. Financial support will ensure that Trading Standards can continue to target enforcement activity effectively, particularly important as a number of new weight restrictions come into force.
22. During 2013-14 the Service worked more closely with local communities to explore solutions to the issues caused by heavy goods vehicles on their roads. This has included arranging improved signage, the possible amendment of current weight restriction Orders, working with other agencies and the consideration of local communities having the power to close a road off when there is severe congestion due to accidents on a nearby major highway.
23. **Environmental Weight Restriction Camera:** The implementation of the camera system is running slightly behind anticipated timescales. On a more positive note, the developer appears to have overcome the technical difficulties that were mentioned in the last report. The date for the factory test is currently awaiting confirmation from our Highways colleagues that they are satisfied with certain aspects of the design. The site tests will then follow.
24. The site tests will rigorously test the capability of the equipment, assess the aspects of pedestrian and vehicle safety, the suitability of street furniture on which to mount the camera, and the effect that varying levels of light will have on the quality of images produced.
25. **Chinese delegation Visit** – From June 2014, China will require all producers that export infant formula to it to be specifically approved. During March, a Chinese delegation visited Cropwell Bishop Creameries as part of a UK visit to assess the official control system for dairy products, from a food hygiene and food standards perspective. Officers from The Department of Environment Food and Rural Affairs (DEFRA) and the Food Standards Agency were also present.
26. During the visit, the delegation explored the roles of local authority Trading Standards and Environmental Health Services in providing assurance that strict controls over hygiene and food standards are maintained. What was thought to be a fact finding mission turned out to be a comprehensive audit of the production process. The Service has since received positive feedback from the Food Standards Agency.
27. **European Commission Food and Veterinary Office (FVO) Audit of the Food Standards Agency (FSA)** - Farming and the animal feed industry is a multi-million pound global industry, constantly evolving through scientific

developments in feed technology. When things go wrong, there are serious repercussions. In 2008, dioxins in pig feed caused a major crisis in the Irish pig industry with over 1800 jobs being lost within 2 days of the incidents and a further 6000 put at risk. It decimated the Irish pig industry, costing €100 million. The 2011 dioxin scare in Germany caused some 1000 farms to be closed and 100,000 eggs to be destroyed.

28. Appropriate regulation of the feed chain by Trading Standards protects livestock, the food chain and ultimately consumers from harmful or poor animal feed. The four biggest Nottinghamshire animal feed producers produce over 630,000 tonnes per year, including 18,000 tonnes of additives made by a world market leader.
29. Members will recall that the FVO were due to carry out an audit in January of the FSA who act as the UK's Central Competent Authority responsible for the animal feed control measures. The audit team were in the country for two weeks and spent two days in the East Midlands.
30. Nottinghamshire Trading Standards is at the forefront of designing a new regional delivery model, so the FVO were keen to discuss our work. Officers from the Service were questioned over the two days, which included a site visit to one of our main feed producers. The initial feedback from the FVO was very positive, and the final report is due imminently.
31. **Nottinghamshire Financial Inclusion Forum** – the Nottinghamshire Advice Network (NAN) is a partnership between advice providers in the County, across the public, private and voluntary sectors. Given the issues caused by indebtedness, the Network is currently seeking national funding to set-up a countywide Financial Inclusion Forum. The purpose of the forum will be to coordinate and deliver initiatives across the County to reduce the problem of debt, particularly to the most vulnerable. Discussions are underway with the NAN regarding possible endorsement of the bid and support for the forum going forward.
32. **Legal Update** - On the 24th February, seven defendants appeared in Crown court for a preliminary hearing, charged with offences under the Fraud Act 2006. The Authority alleges that they were involved in mis-selling financial products described as trusts, which were marketed as preventing assets being used to pay for care home fees. The 'victims' in this case are mainly older and vulnerable adults. An eighth defendant was also sent to the Crown Court on the 12th March to join the case. A plea and case management hearing is set for the 22nd April, with a six week trial commencing in November. Seven defendants have pleaded not guilty, whilst the eighth is yet to enter a plea.
33. On the 10th March, IRG Europe Ltd and Donal Sharkey from the West Midlands appeared in Magistrates court and pleaded guilty to charges of supplying dangerous products. The company sold a tread mill to a consumer whom on setting up the equipment the arms sprung out and severed his middle finger. The company were not able to show that they had a sufficient

due diligence system in place to ensure the products they supplied were safe. The matter was deemed too serious for the magistrate's court to deal with and they were sent to the Crown Court for sentencing. They were sentenced on the 8th April 2014. The Company was fined £30,000 and ordered to pay £3600 costs. Mr Sharkey was fined £6000. We received excellent media coverage including articles on both BBC and ITV local television stations.

34. Three people appeared in Crown Court on the 14th March charged with the supply of counterfeit dvd's through media such as Ebay and Amazon. We allege that not only have they acquired criminal property, but they have converted some of the proceeds. One of the defendants has pleaded guilty to 9 counts, while two further defendants have pleaded not guilty to all charges. A trial is currently set for the week commencing the 22 September.
35. Harjit Talwar was sentenced on the 21st March for the supply of counterfeit goods at Thoresby market. Talwar was found with 176 items of counterfeit clothing in his possession. The action followed the launch of the Real Deal Campaign between the Authority and the market. Mr Talwar was sentenced to 80 hours unpaid work, and ordered to pay £240 towards prosecution costs.
36. On the 31st March 2014 a Kirk Denton was due to appear in the Nottingham Magistrates court for alleged breaches of an environmental weight restriction. Mr Denton is alleged to have breached both the Papplewick/Linby and Blidworth restrictions. He did not attend, and the Service is now trying to locate him.
37. A licence review hearing for Kubus mini market, Gateford Road, Worksop was held on 10th April 2014. A number of counterfeit cigarettes were seized from the shop late in 2013. The owner of the business and the seller of the cigarettes were prosecuted and sentenced on the 17 January 2014, both were ordered to pay fines in this matter. The licence review application was made around concerns that the owner of the shop who is also the licence holder was rarely in the shop and was unaware of the illegal activities being carried on. Bassetlaw District Council Licensing Committee imposed conditions on the licensee's licence, namely that he has to be present 20 hours per week in the shop and for 48 weeks a year. The District Council's licensing officers will monitor his compliance with the licensing conditions and he will be back in front of the licensing committee if he breaches them.
38. Mr John Cooney of Simplify Leicester is due to be sentenced in the Nottingham Crown Court on the 22nd April 2014. Cooney has pleaded guilty to 10 counts of fraud all relating to the mis-selling of mobility aids to older and vulnerable adults. Mr Cooney worked with other defendants that have previously been prosecuted following investigations by the Scambuster team, namely Carl Mould, Darren Sharpe and Christopher Simpson.
39. Following the investigation of a roof coating company, Scambuster Team officers arrested and interviewed two individuals. Following the interviews, an application to Nottingham Magistrates court resulted in both being sent to the Crown Court regarding a variety of fraud charges. Martin Jacks was remanded

into custody, and will appear at a hearing on the 23 May 2014, while David Moth was given bail, and is due to appear on the 8th July.

40. On 3rd April, following arrests and interview on the previous day, four more men were remanded in custody at Mansfield Magistrates Court. Tyrone Beard, Marcus Reading, Simon Davis and Michael Sumner are due to appear before Nottingham Crown Court on 17th April charged with a variety of fraud offences.

Other Options Considered

41. None

Reason/s for Recommendations

42. This report is a regular update to the Committee to keep them abreast of developments in the Trading Standards Service.

Statutory and Policy Implications

43. 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

44. There are no financial implications contained in this report.

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

45. Constitutional Comments are not required as the report is for noting only.

Financial Comments (KAS 14/04/14)

46. There are no financial implications contained within this report.

Background Papers

None

Electoral Division(s) and Member(s) Affected

All