

**25 November 2014****Agenda Item:10****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. **Safeguarding the Vulnerable – the Service** continues to undertake work to protect vulnerable residents :

- A couple with severe disabilities were assisted in filing a civil claim. The couple paid £500 for a bath lift following a cold call from a company currently under investigation by Nottinghamshire Trading Standards. The bath lift was never received. Since the order was not delivered the couple have had a bath lift installed by the council free of charge.
- A vulnerable man in Worksop has been lent £1000s by doorstep lenders despite only having a state pension to live on, being in severe arrears with utilities, unable to read and write, and having severe mental health issues. Paperwork was found with regard to some of the loans had missing details about the loan arrangements. The man is being assisted by social services into temporary accommodation.
- Trading Standard officers intervened to assist a vulnerable South Nottinghamshire resident who was being harassed by a trader for payment. She had paid a trader £3000 for roofing and internal building work. She was not given any paperwork or cancellation rights or any contact details for the trader. By the time of our intervention she had also agreed to pay a further £500 and the trader was harassing her for payment using threatening phone calls. On one day he allegedly called her 35 times. After our intervention the vulnerable resident signed a civil negotiation form meaning that our officers took over the negotiations with the trader. The harassment was also reported to the police. The repeated calls from the trader ceased as a result.
- Trading Standard officers worked with a concerned neighbour to assist an 80 year old resident who has been duped into paying £2500 for unnecessary roofing work and over-charged £800 for chopping down a few tree branches and a few other small jobs. The vulnerable resident was told by the trader that her roof was "in a disastrous state and

needed emergency repair” and was also not given any paperwork or cancellation rights and given a false address for the trader. Officers are assisting the concerned neighbour to pursue a small claims court action against the trader on behalf of his vulnerable neighbour. Investigations are ongoing.

3. **‘Together We Are Better’ Project** - At the September committee meeting a briefing took place informing Members about this innovative pilot project to tackle loneliness by using psychometrics to identify suitable pairings amongst older people living alone in the Mansfield/Ashfield area. This pilot project, which commenced on 1 October 2104, is jointly funded by NHS Mansfield and Ashfield Clinical Commissioning Group (CCG) and Nottinghamshire County Council, with the overall costs of the project equally shared:

- NHS Mansfield and Ashfield Clinical Commissioning Group £50,000
- Nottinghamshire County Council £50,000.

The premise for all these groups of patients/service users is that their behaviour is driven from extreme loneliness and a need for social interaction. The success of the project will be evaluated by:

- reduction in the number of times the participants present at Accident & Emergency without any particular clinical need
- reduction in the number of times the participants attend GP Practices without any clinical need. (in a recent survey, 85% of GPs in the East Midlands believed between 1-5 patients a day because they are lonely.)
- measuring changes in participants’ mental well-being by using the Warwick Edinburgh Mental Well-Being Scale.

Future reports will come to Committee on how well the project performs at achieving these outcomes.

4. **Rabies Controls** - All pet animals imported from the EU must have been vaccinated against rabies. The Service has dealt with two cases of illegally landed animals that were not vaccinated against rabies – one case involving two puppies and a cat, and a further case involving one puppy. All animals were removed safely into quarantine. Although illegally imported, the animals did not transpire to have the disease.
5. **Impact of the Elliott Review on the Service:** At the last meeting, analysis of the potential impact of the review was requested. The predicted impact of each of the recommendations is:
- **Consumers First:** part of this recommendation is to urgently implement an annual targeted testing programme based on horizon scanning and intelligence. Close working relationships with the Food Standards Agency (FSA) and neighbouring authorities exist, so little development is predicted. The Service also takes samples based on national and local priorities and intelligence, so the only foreseeable impact would be if there was an increased demand on sampling coming from the FSA. Any increase would inevitably have an effect on budget spends and staff resource.

- **Zero Tolerance:** Part of this recommendation was the Government should work with the food industry to ensure that opportunities for food fraud, food crime and active mitigation are identified by the businesses. Trading Standards already works with industry through inspections, business advice and Primary Authority partnerships to advise and educate business on sampling, testing and supervision of food supplies at all stages of the supply chain. One area of focus is traceability of products/raw materials. If higher volumes of work are required, the impact of this would again be more staffing resource and budgets to conduct inspections and audits.
  - **Intelligence Gathering:** Trading Standards already works very closely with the FSA but an increase in the level of intelligence may include raising questions and queries about issues identified during inspections, through complaints or sampling.
  - **Laboratory Services:** This will probably be more of an impact on the FSA rather than Trading Standards, as the Service has effective working relationships with laboratory services.
  - **Audit:** This may have an impact on staff resources if we are required to do more inspections and audits.
  - **Government Support:** This recommendation relates mainly to the FSA, and so it is not envisaged that it will greatly impact on Trading Standards
  - **Leadership:** This recommendation relates mainly to the FSA but it could impact Trading Standards if we are brought in to assist the FSA on any incidents. If this was the case then it would impact on the Service's staffing resource and potential budgetary implications if sampling and testing are involved.
  - **Crisis Management:** The impact of this recommendation is the same as that for the Leadership.
6. **Regulation of Investigatory Powers Act** – in the last six months, Trading Standards Officers have made no applications under the Act in respect of requests to undertake directed surveillance. One application for the acquisition of communications data was commenced but was withdrawn before reaching the Magistrates Court when other investigative avenues provided the outcome required.
7. **D2N2 Local Enterprise Partnership's 'Better business for All' (BBfA) Programme** - The programme is a partnership with representatives from both the business community and regulators spanning Derbyshire and Nottinghamshire and the two cities contained within.
8. The businesses involved range from sole proprietors, through small and medium enterprises, to businesses employing large numbers of employees. The regulatory sectors involved include Trading Standards, Environmental Health, Food Standards Agency, Environment Agency, Health & Safety and Fire Service. In addition there are the LEP's Sector Leads, from their eight key sectors of economic focus. The eight sectors are Food & Drink Manufacturing; Construction; Transport & Logistics; Low-carbon Goods & Services; Life Sciences; Visitor Economy; Creative Industries; and Transport Equipment Manufacturing.
9. The programme has several strands delivered by separate subgroups, including Support and Advice for Business Start Ups, The Growth Hub and Business Advice, Engagement with Ethnic Minority Groups, and the Communications Strategy.

10. The work on the Business Start-up Strand is initially being focused on the food sector, and there is much cross over in this area with the Growth Hub strand. One pilot already running is the Health & Safety pilot; the purpose is to break down any perceived barriers that business may have in approaching a regulator. The service is provided by a seconded officer from the regulatory sector, who gives impartial advice to businesses on health & safety matters.
11. **Licence Reviews** - Trading Standards is one of the statutory bodies able to trigger a review of an alcohol licence issued by a District Council. The Service has been implementing reviews against premises where there are continued issues with illicit tobacco (counterfeit, duty evaded and fake cigarettes and hand rolling tobacco).
12. The licensing act has 4 objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Two licensing reviews were initiated in September when businesses were found selling illicit tobacco. One premise licence was transferred to a new owner and the other premise elected to voluntarily surrender their alcohol licence before the hearing.
13. **Mass marketing scams:** In September, the Royal Mail and the National Trading Standards Scams Team launched a new joint initiative to tackle scam mail in the postal system. The initiative will include:
- New improved processes for cancelling the contracts of companies that send fraudulent mail.
  - Trading Standards delivering dedicated training sessions at Royal Mail delivery offices across the UK to improve awareness of scam mail among postmen and women so that they can report suspect items.
  - Joint Trading Standards/Royal Mail awareness raising campaign to encourage the public to report potentially fraudulent mail. This can be done by contacting the Citizens Advice Consumer Service (08454 04 05 06) or by contacting Royal Mail (Write: Royal Mail at Freepost Scam Mail; Tel: 03456 113 413; Email: [scam.mail@royalmail.com](mailto:scam.mail@royalmail.com))
14. **Regional “Scambusters” Team- National Trading Standards Board (NTSB) Liaison visit.** During August 2013 the team were visited by the NTSB Programme Office. Part of this meeting was to review the team’s progress in adopting the recently introduced Scambuster’s Operating Model. On this occasion a number of areas were assessed including financial and performance monitoring, team structure, governance, use of intelligence, tasking and legal proceedings. The team received a positive report from the NTSB highlighting good practice with a few areas for improvement.
15. On 14 November the team will host a further review by the Programme Office. On this occasion they will concentrate on the following areas:
- Assessing how identified risks are being managed
  - Reviewing value for money
  - Effectiveness of Regional Tasking
  - Recovery of Proceeds of Crime and Legal costs.

16. We are confident that the team managed on behalf of the East Midlands Region by Nottinghamshire Trading Standards will meet these requirements. The grants for the work of the team are subject not only to the scrutiny of the NTSB but also fall within our own budgetary process so the review of progress and value for money are closely managed.
17. Improvements have been made to the way that investigations are tasked to the team. Locally Trading Standards Services hold their own tasking meetings to discuss priorities and workloads. A number of neighbouring authorities have modelled their meetings on those used within Nottinghamshire. These individual meetings feed into the Regional Tasking Group which then links into the National Tasking Group.
18. We are confident that the team will meet the requirements of the review and will update the Committee with NTSB's accordingly.
19. **Legal Action Update** – On the 2 September 2014 Mr Mohammed of Outram Street Stores was fined £110 and ordered to pay costs of £110 for the supply of illicit and counterfeit tobacco. Mr Hussaini of the same premises was also ordered to pay £360 and £220 towards costs.
20. On the 2 September 2014 Mr Rafiei of Hucknall Mini Market was given a six month conditional discharge and £100 towards prosecution costs for the sale of illicit and tobacco.
21. On the 18 September 2014, Mr Salah of Andrews News and Booze Sutton in Ashfield was given a four month suspended prison sentence, 130 hours unpaid work and £190 towards prosecution costs for supplying illicit and counterfeit tobacco. Ms Rudminaitė an employee was given a conditional discharge and ordered to pay £190 towards prosecution costs.
22. On the 18 September 2014 Mohammed Bilal of 7 til 10 retail premises in Sutton in Ashfield was given 130 hours unpaid work and costs of £385 for the supply of illicit tobacco.
23. On the 22 October 2014 one heavy goods driver appeared in the Nottingham Magistrates court for breaching environmental weight restrictions he was fined £75. A further two are due to appear in the Nottingham Magistrates court on the 19<sup>th</sup> December 2014.
24. On the 24 October 2014 a Simey Doherty is due to appear in the Nottingham Magistrates court, he faces charges under the Consumer Protection from Unfair Trading Regulations 2008. Mr Doherty has carried out substandard work, failed to rectify faults and has been verbally aggressive towards consumers. Mr Doherty's case has previously adjourned.
25. The case of alleged mis-selling of financial products sold as trusts, the plea and case management hearing has been moved back until the 24th October 2014. Eight defendants are charged with offences under the Fraud Act, 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 four week trial is due to commence on the 10th November 2014. Seven defendants have pleaded not guilty to the charges, and the eighth has not yet entered a plea.
26. A trial listed that was listed for the 29 September 2014 for three individuals involved in the sale of counterfeit dvd's brought into the county from China, resulted in all three defendants pleading guilty. They are due to be sentenced on the 27<sup>th</sup> October 2014.

27. On the 30 October 2014, three sellers of illicit tobacco are due to appear in the Mansfield Magistrates court along with two sellers of clocked vehicles.
28. On the 7 November 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 due to application of legal aid funding.
29. James Grozier is due to appear in the Nottingham Magistrates court on 12<sup>th</sup> November 2014 facing charges under the Fraud Act and the Consumer Protection from Unfair Trading Regulations. The Authority will allege that Grozier took deposits for work and then failed to carry out the work. Grozier has pleaded not guilty to the charges and the case is going to trial.
30. Fredrick Newbury is now due to appear in the Nottingham Crown Court on the 21 November 2014. Newbury had been carrying out substandard work and being aggressive towards some customers. He is also claiming on his paperwork to be approved by Trading Standards for which he is facing fraud charges. He has pleaded guilty to the charges and is awaiting sentencing.
31. On the 24 September 2014, Mr David Savage of Rhodesia Worksop was fined £400 and ordered to pay £200 towards prosecution costs for selling illicit and counterfeit tobacco from his home address.

### **Other Options Considered**

32. This is an information report.

### **Reason/s for Recommendation/s**

33. This is an information report.

### **Statutory and Policy Implications**

34. 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.

## **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.

**PAUL MCKAY**

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**For any enquiries about this report please contact:**

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### **Constitutional Comments**

35.As this report is for noting only, no constitutional comments are required.

### **Financial Comments**

36.There are no financial implications attached with this 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'.