

**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 progress to raise additional income in the Service
2. To update the Committee on the work that the Safer Nottinghamshire Board partnership is involved with.
3. To seek approval for the creation of an Intelligence Analyst Apprenticeship within the Service
4. To seek approval for the creation of an additional Team Manager-Legal and Proceeds of Crime (POCA) role within the Service.

**Information****TRADING STANDARDS**

5. **Nicotine Inhaling Products:** A question was raised at the May 2019 committee about Trading Standards activity in relation to vaping products. All e-cigarettes and nicotine liquids must be notified to the Medicines and Healthcare products Regulatory Agency (MHRA) before they can be sold and the MHRA retains a public register of these products. Members of the public and health care professionals can report any suspected side effects or safety concerns with e-cigarettes and vaping e-liquids to the MHRA via the Yellow Card Scheme. Trading Standards are responsible for enforcing provisions relating to the labelling and supply of these products.
6. In 2016 and again in 2017 and 2018 business advice information was sent to Nottinghamshire retailers of vaping products to advise them about their obligations in relation to the supply of these products, as different requirements came into force to regulate this evolving market. This advice included various developing issues including the electrical safety of the chargers, hazard labelling needed due to the harmful substance nicotine and the 18 years age restriction. In addition the Service has responded to complaints and approaches from business about these requirements.
7. In August 2018 the Chartered Trading Standards Institute published the results of a review of product compliance in relation to Nicotine Inhaling Products carried out by Trading Standards Services across England.

8. Under the Tobacco and Related Product Regulations 2016 there are provisions for nicotine inhaling products relating to the following issues: restricted size of e-cigarette tanks and refill containers, nicotine strength, child resistant packaging, information and health warnings. Compliance levels from the review were found to be 80% for E-cigarette products and 80% for refill containers. Non-compliance was generally dealt with by advice to the business to bring it into compliance. The review also noted that the MHRA had commissioned a separate report relating to the laboratory testing of a number of E-liquids.
9. The East Midlands was not one of the 5 regions that took part in the review. However, the results will inform the Service's intelligence led approach, as part of the Service's tasking and co-ordination process to target resources at the issues causing most detriment.
10. **Knife Crime** – A question was raised at the May 2019 committee about what was being done about knife sales and the display of knives to ensure that they are not stealable. Work is ongoing to support the delivery of Nottinghamshire's Knife Crime Strategy, a pan-agency agreement, led by the Nottinghamshire Police and Crime Commissioner and backed by Nottingham City Council and the Safer Nottinghamshire Board.
11. The strategy sets out a plan of action to reduce the risks of knife crime across Nottinghamshire by working in partnership with communities to build resilient neighbourhoods and tackle both the immediate and long-term impact of knife crime. An important element of this is communication and behaviour change by ensuring that clear messages are delivered which promote positive lifestyle options as well enforcing clear messages. For example officers from the Service are working in partnership with the police and the city council to design and produce a poster that can be displayed in shops/hardware stores making potential customers aware of the age restriction on knives and that if they look younger than 25 then they will be asked for proof of age.
12. The Offensive Weapons Act 2019, which is the piece of legislation that introduces new controls on the sale of knives, has now received royal ascent but much of it is subject to commencement regulations before it takes effect. There are no provisions in the Act with regards to the display of knives (in relation to theft prevention). However, many of the larger retailers are signatories to a voluntary Home Office agreement in relation to the responsible sale of knives. This agreement is currently subject to consultation in relation to several proposed amendments, including a proposal to include general guidance on the display of knives and other bladed articles, as a means of encouraging a consistent approach amongst retailers.
13. The new Act prohibits the delivery of bladed articles purchased other than in conventional shops to residential premises and also their delivery to persons under the age of 18. This in effect will cover the sale of knives over the internet and businesses that conduct such sales will need to have Due Diligence procedures in place in relation to age verification and the prevention of delivery to residential premises. This part of the Act is subject to Commencement Regulations being made before it takes effect. Although not certain, it is understood that this is likely to happen towards the Autumn. The Act also brings knives into the remit of the Primary Authority scheme for the first time and once it takes effect, Trading Standards will be able to offer advice to businesses to help them with the introduction of these Due Diligence and age verification procedures.

14. **Tackling Fraud against the Vulnerable** – in May managers from Nottinghamshire Trading Standards and Rushcliffe Borough Council gave a presentation at the Nottinghamshire Safeguarding Adults Board partnership event about the new Safer Nottinghamshire Board (SNB) Strategy: “Tackling Fraud against the Vulnerable”. The strategy and resulting action plan both recognise the importance of engaging a wide range of agencies working with older people to reduce the incidence and impact of fraud and scams against the vulnerable in the County.
15. **Scams Awareness 2019** (10<sup>th</sup> – 23<sup>rd</sup> June) is a yearly campaign run by Citizens Advice in close collaboration with the Consumer Protection Partnership (partners including Trading Standards services and the Department of Business, Energy and Industrial Strategy (BEIS)). The campaign aims to create a network of confident, alert consumers who know what to do when they see a scam. Locally this year’s campaign was again used primarily as an opportunity to further promote [www.friendsagainstscams.org.uk](http://www.friendsagainstscams.org.uk) via media and social media.
16. **Wine investment scam victims** – officers are supporting a number of vulnerable residents identified, as part of an investigation by another Trading Standards authority, as having potentially lost considerable sums of money to a wine investment fraud. Interventions are aimed at putting measures in place to prevent further scam victimisation.
17. **Animal Feed enforcement:** The programme for 2019/20 has been agreed. This involves a mixed menu of visits designed to ensure the safety and integrity of animal feed. As well as the more obvious visits to farms, officers will also look at surplus food which supermarkets consign to be processed into animal feed. Manufacturers and transporters are also visited to make sure that every aspect of the industry is checked. Officers take a pragmatic approach to the businesses they visit, as the regulations are complex and can be difficult to practically apply.
18. **Nominated Neighbour** – Officers from Trading Standards worked in partnership with Officers from Nottinghamshire Police and Rushcliffe Borough Council to implement a Nominated Neighbour Scheme into a supported living complex in West Bridgford. All of the residents have their own front doors and are vulnerable to unwanted doorstep callers. On 22<sup>nd</sup> May 2019, working with the Scheme Manager of the complex, all 60 residents were visited. The residents were told how to use the scheme and were given some general crime prevention advice in relation to scams and doorstep crime. This is the second supported living complex that the Nominated Neighbour Scheme has been introduced in, to help support vulnerable residents within their own homes. This took the number of residents protected by the Nominated Neighbour Scheme to 111.
19. **Doorstep Crime** - Officers attended an address in Central Nottinghamshire. A couple in their 80’s had received an unsolicited call from a company who were due to attend the address that afternoon to carry out a damp proof survey. The couple both had complex, long term health needs and were confused about what they had agreed to. A representative of the company attended that afternoon and Officers explained that the couple did not want to go ahead with the visit and the representative left. Since the visit, checks have shown that the company is known to Trading Standards. The couple were given advice and made aware of the help that maybe available to them and a number of interventions are being put in place to try and prevent them from being targeted by unsolicited callers in the future.

20. **Royal British Legion** visited Trading Standards to explain the Independent Living Service they provide for ex-military personnel and their families, helping them to live safe and well in their home. There is a huge range of support and services that they are able to provide, which include a handy person service, free advice and welfare breaks. For any enquiries regarding the scheme please telephone: 0808 802 8080. This is a free phone number open 7 days per week, 8am to 8pm.
21. **Illicit Tobacco** – Officers continue to apprehend those individuals who sell and distribute illicit tobacco products. Inspections are based on intelligence received from other agencies and Local Authorities and members of the public.
22. For 2018/19 a total of 57,217 cigarette packs and 655 hand rolling tobacco pouches were seized, with a total retail value of £579,000.
23. Officers inspected shops in the Warsop, Newark, Beeston and Mansfield areas where sales were declined by the shop owners during a test purchase. However test purchases were completed in Mansfield and Sutton in Ashfield areas and these remain the subject of ongoing investigations.
24. Shops selling illicit tobacco will often have the products concealed in order to prevent detection by Trading Standards Officers. In March 2019 Trading Standards and HMRC inspected 4 storage facilities in the Mansfield and Ashfield areas. A search dog located illicit tobacco at one of the premises and 50,000 packs of counterfeit cigarettes were seized.
25. In Worksop 415 packs of illicit cigarettes and 56 pouches of hand rolling tobacco were seized and the shop keeper was subsequently interviewed and the file has been presented to the Legal Services Manager.
26. In Stapleford a shop has been the subject of a complex investigation with a total of 427 packs of illicit cigarettes and 132 pouches of hand rolling tobacco being seized. Two individuals are currently being processed in the legal system.
27. A warrant was executed at a private home in the Sutton in Ashfield area and illicit tobacco products were recovered with a retail value of £9,000. The individual received a caution for their first time offence.
28. A complaint was received regarding a shop in the Mansfield area selling counterfeit cigars, however, following an inspection the shop owner was found to be selling legitimate tobacco products and was trading responsibly.
29. **Animal Health** – a complaint was received that a young Dachshund dog had been sold illegally having been brought into the UK from Europe and subsequently sold to an unsuspecting owner in Nottinghamshire. When the dog was examined by a Nottinghamshire vet, it was found to have an unregistered European microchip and no passport to indicate what vaccinations the dog had prior to travel to the UK. Trading Standards Officers traced the dog's journey to Shropshire and then Wales where the passport of the dog was located. It was then found that the dog was imported into the UK correctly, however, the seller had failed to re-register the dog into the UK before rehoming it. The new owner has ensured that the dog has been correctly registered and is compliant with rabies and importation requirements.

30. **Intelligence Analyst Apprentice** - This report proposes the creation of an Intelligence Analyst apprenticeship within the Service. The Service currently has a vacant 0.5FTE Grade 3 Intelligence Support Officer role. After an unsuccessful recruitment process in February 2019 the post remains vacant. The proposal is to increase that vacant 0.5FTE role into a 1FTE Intelligence Support Officer role and then to appoint an Intelligence Analyst Apprentice to the role. The successful candidate would undertake the duties of an Intelligence Support Officer and also be required to spend 20% of their time studying to achieve the new level 4 Intelligence Analyst apprenticeship within 18-24 months. The £11k cost of the training would be funding by the apprenticeship levy.
31. The new Intelligence Analyst apprenticeship aims to develop behaviours and working practices to enhance the effective use of data and intelligence. The role will support the Service's Intelligence Manager to further develop the intelligence capability needed to ensure that Trading Standards resources are targeted most effectively at the issues causing most detriment to our communities.
32. The additional cost of £12.2k would be met from the Trading Standards budget by a corresponding increase to the Service's income generation target.
33. **Team Manager - Legal & Proceeds of Crime (POCA).** The current Trading Standards management structure was established in 2011, following a restructuring which generated savings from a reduction in staff including the deletion of the Team Leader tier of management. The changes resulted in a very lean management structure with Team Managers taking on the direct operational management of staff. Over the last 8 years the Service has changed significantly resulting in an increase of work load and responsibilities for Team Managers, key changes including the following:
- Increase in the number of large complex cases that the Team Manager (Sanctions & Compliance) must manage as part of the "Legal Manager" role. This is due to a big expansion in the Regional Investigation Team (RIT), as well as an increase in the number of complex investigations taken on by the main Trading Standards Service. A charge is now made to the RIT for the "Legal Manager's" time processing the legal files. The increase in the number of large complex cases also impacts on the other Team Manager roles, including applications for warrants, submission of funding bids and the subsequent recruitment and line management of additional agency officers etc.
  - Since 2011 the Proceeds of Crime (POCA) capability within the Service has increased from 1FTE Accredited Financial Investigator (AFI) to 3FTE. Under POCA the "Legal Manager" acts as the Senior Appropriate Officer supervising the AFI's work so the management role has increased accordingly.
  - The Service now receives £91k Public Health funding for illicit tobacco. The agency officer and seconded police officer dedicated to this work undertake numerous investigations which result in an increased management role for both the "Legal Manager" processing the court cases and also their Team Manager dealing with the day to day warrant and Regulation of Investigatory Powers Act (RIPA) applications etc.
34. The Service recently failed to recruit to two vacant Band A Level 3 Trading Standards Officer roles due to a recognised national shortage of qualified Trading Standards Officers.

35. This report proposes the following change to the main Trading Standards Staffing structure (excluding the RIT, which is externally funded) to create much needed additional management capacity:
- Increase in the number of Band D Team Managers from 4FTE to 5FTE
  - Reduction in the number of Band A Level 3 Trading Standards Officers from 7FTE to 6FTE.
36. The net cost of **£14k** would be met from the Trading Standards budget from a corresponding increase to the income generation target.
37. **Income Progress 2019-20 – Appendix 1.** The attached report covers the first quarter's period for 2019-20. As the committee is aware we have now started the third year of a 3 year programme of rising income targets following engagement in the Authorities Commercial Development process. For the current financial year, the target increases by £162k which brings the overall budget for income to £729k. The £162k savings includes the original OFC (P06) of £132K and further savings of £30K agreed following the Place line by line review and for the service levy savings.
38. The Service remains confident that it will meet the additional target in that it managed to exceed last years income budget by more than £200k at the closing of the accounts. We anticipate that some of last year's sources will fall away due to the fluctuating nature of the various income streams but all the forecasts based on the current position and indications from last year's income sources indicate that the additional target is achievable.

## COMMUNITIES

39. **Great War Memorial** - An event held on Monday 13 May 2019 marked a significant phase in the build of a new memorial, sited on the Victoria Embankment. The memorial will allow the placing of the first names of nearly 14,000 Nottinghamshire soldiers, sailors, air crew and civilians. Situated on the Victoria Embankment, the memorial, first of its kind in the country will be a poignant reminder of the sacrifice of Nottinghamshire during the Great War and bring to a close our community commemorations which has seen the county come together to pay our respects.
40. The newly constructed memorial, which will be unveiled in time for Armed Forces Day, will have an elevated, circular design allowing a protected space for reflection. A 5 metre high inscribed monument will feature in the middle of the memorial, explaining the purpose of the memorial. Currently there are hundreds of individual memorials to Nottinghamshire's fallen. These are scattered across the county and further afield in parks, workplaces, churches and factories. Some have been lost or dismantled through development. There is nowhere that brings together all the names in one place so that families can pay their respects. This will now be rectified.
41. The memorial has been commissioned by all local authorities throughout Nottinghamshire, and £80,000 has been raised through public subscription and corporate donations. Contributions can be done on-line.

<http://nosf.org.uk/roll-of-honour.html#5c56be73d861f7.74493539>

42. **Dementia Friendly Communities Update** - The Communities Team worked with a range of partners to support a 'Taking Action on Dementia' event during Dementia Action Week (21st-26th May). The event, hosted by Rushcliffe Borough Council at Rushcliffe Arena on Friday 24th May 10am-2pm provided a forum for people living with dementia, their carers and families to raise awareness of how to live well with dementia. Throughout the day a range of fun dementia friendly activities, informative talks and guidance from healthcare professionals on living well with dementia were available.
43. A wide range of organisations participated in the event including; Nottinghamshire County Council, Alzheimer's Society, Nottinghamshire Police, Rushcliffe Borough Council, Gedling Borough Council, University of Nottingham, Rushcliffe CCG, Everyone Health, Radford Care Group, Right at Home, Institute of Mental Health and many more.
44. The event provided an important opportunity to capture attendee's thoughts and opinions on dementia care and provision, alongside an opportunity to network and connect with local groups and activities.
45. **The Local Improvement Scheme Talented Athletes Fund** - The Talented Athletes Fund is part of the wider Local Improvement Scheme. The aspiration of the Fund is to assist talented athletes residing in Nottinghamshire to overcome some of the financial barriers which can exist when competing for his / her country. Awards are made to successful applicants to help with costs such as travel, training, accommodation, competition fees, equipment, coaching and other specialist support deemed appropriate by the Sport's Governing Body. The Talented Athletes Fund runs on an annual basis and for the current 2018-19 round, the Communities Team received 123 applications - an increase of approximately 38% compared to the previous year. Out of the 123 applications received, 118 (96%), were eligible and approved for funding, totalling £21,000. The approved applications include representation from all Nottinghamshire districts and cover over 40 sport disciplines. All the applicants approved for Talented Athletes funding have demonstrated:
- A high level of sporting achievements locally, nationally, and internationally - and many have overcome significant adversity to succeed;
  - Positive contributions to the wider community as sports ambassadors, volunteer coaches for younger, aspiring athletes and charitable fundraising and support.
46. It is recommended the Talented Athletes round for 2019/20 be launched in September 2019
47. **Community Friendly Approach** - This year 5 Community Organising training workshops; 3 Introduction to Community Organising and 2 Listening Skills for Community Organising with an average of 14 attendees at each (a mixture of residents and front line workers). After the Listening Skills workshops participants are offered a shadowing day to support them putting their newly developed skills into action. The first of these was held on Wednesday 22nd May.
48. Below are some examples of the new groups that have been set up as a result of this training:
- The Beeston Breakers - This is a group set up by a local man who is using break dancing and other popular dancing genres to engage young teenagers to reduce knife crime and other anti-social behaviour. Working with local police, his aim is to set up groups across the county and to organise dancing battle events.

- 'Bee Friendly' - this is a group set up by 3 people who have a shared passion for saving bees. The groups aim is to educate everyone about the importance of bees in protecting the ecosystem.
49. Three Health & Wellbeing projects have either been set up or are in the process of doing so:
- Eat, Bake, Sing – This is a project that uses community baking, social eating and music to bring people together to learn new skills and improve their mental wellbeing.
  - A Trauma Support Group.
  - An Idaya group to set up a sensory garden.
50. In addition, several mini projects have emerged from some of the group activities including a walking group, a speed calming project and a railway beautification community project.
51. **Safer Nottinghamshire Board Update** – The Safer Nottinghamshire Board (SNB), chaired by the Chief Executive of Nottinghamshire County Council, is continuing its efforts to improve community safety in the County. Appendix 2 is an update on the areas of work that the partnership is involved in.

## Other Options Considered

52. **Intelligence Analyst Apprentice** - Consideration has been given to re-advertising the vacant 0.5FTE Intelligence Support Officer role. However there was a very poor response to the previous advert, possibly due to the part-time nature of the role. The proposed full time role with the associated apprentice qualification is likely to be far more attractive to prospective candidates.
53. **Team Manager - Legal & Proceeds of Crime (POCA)** – consideration has been given to funding the whole of the cost of the additional Team Manager role from a corresponding **£54k** increase in income generation, to avoid the reduction in Trading Standards Officer capacity. The current national shortage of permanent or agency qualified Trading Standards Officers means this is not currently a realistic viable option.

## Reason/s for Recommendation/s

54. **Intelligence Analyst Apprentice** - The current vacant 0.5FTE Intelligence Support Officer role leaves the Service short of intelligence capability to enable the efficient collection and analysis of intelligence to inform the Service's vital tasking and co-ordination process. The creation of the new national Intelligence Analyst Apprenticeship recognises the increasing importance of intelligence analysis to inform effective decision making across regulatory agencies, such as Trading Standards and Environmental Health, to ensure the most efficient and effective use of resources.
55. **Team Manager - Legal & Proceeds of Crime (POCA)** – The "Legal Manager" duties have now grown and changed to the extent that they require a full-time manager. Additional management capacity is needed to ensure that the risk from legal challenge in relation to high risk complex investigation is effectively managed. As this role and the Accredited Financial Investigators, it line manages, generate income through the charging of their time to the RIT and other bodies, it is appropriate to use additional income to part-fund the role. Whilst the



structure change will result in the loss of a vacant Trading Standards Officer role it will provide much needed additional management capacity to improve the functioning of the Service's vital intelligence, tasking and co-ordinating process. This will ensure the Service can focus its limited resources on the issues causing the most detriment to our communities.

## **Statutory and Policy Implications**

56. 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**

57. **Intelligence Analyst Apprentice** - The additional £12.2k cost of increasing the Grade 3 0.5FTE Intelligence Support Officer role to a 1FTE Intelligence Support Officer role would be met from within the Trading Standards budget by a corresponding increase the the Service's income generation target.

58. **Team Manager - Legal & Proceeds of Crime (POCA)** – The additional £14k cost of converting one of the vacant 1FTE Band A Level 3 Trading Standards officer posts to a 1FTE Team Manager role would be met from within the Trading Standards budget by a corresponding increase the the Service's income generation target.

## **Human Resources Implications**

59. **Intelligence Analyst Apprentice** - To increase a vacant 0.5FTE Intelligence Support Officer role into a 1FTE Intelligence Support Officer role apprentice role in order to recruit an Intelligence Analyst Apprentice. On successful completion of the apprenticeship the candidate would then continue in the 1FTE Intelligence Support Officer role on a permanent basis.

60. **Team Manager - Legal & Proceeds of Crime (POCA)** – To convert a vacant 1FTE Level 3 Trading Standards Officer role into a 1FTE Team Manager role.

## **RECOMMENDATION/S**

That the committee:

- 1) Ratifies the updates given regarding Trading Standards and Communities matters;
- 2) Ratifies the update given regarding the progress of raising additional income in the Service;
- 3) Ratifies the update given on the work of the Safer Nottinghamshire Board
- 4) Approves the proposed change to the Trading Standards staffing structure as summarised in paragraph 30 and
- 5) Approves the proposed change to the Trading Standards staffing structure as summarised in paragraph 33
- 6) Approves the launch for the 2019/20 round for Tallented Athletes to be in September 2019

**Derek Higton**  
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**For any enquiries about this report please contact:** Mark Walker, Group Manager Trading Standards & Communities, Tel: 0115 977 2173

#### **Constitutional Comments (KK 29/05/2019)**

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

#### **Financial Comments (CSB 31/05/2019)**

62. The additional £12.2K cost of increasing the Grade 3 0.5FTE Intelligence Support Officer post to a 1FTE Intelligence Support Officer post will be met by an increase in the the Service's income generation target, which is currently £729K in 2019/20.

63. The cost of the 118 approved Talented Athlete applications of £21,000 will be funded from the Local Improvement Scheme 2019/20 revenue budget of £1,190K which has been fully committed in this financial year.

#### **HR Comments (JP 04/06/2019)**

64. Appointment to the Apprenticeship post will be in line with the Authority's apprenticeship scheme.

#### **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