

**19 July 2021****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, including the role the Service continues to play in the County Council's response to the Covid-19 emergency.

**Information****TRADING STANDARDS****The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021**

2. These Regulations replace previous Coronavirus Regulations and bring into force the roadmap out of lockdown. Trading Standards (TS) along with colleagues from district council Environmental Health (EH) Services have responsibility for ensuring that businesses comply with the relevant requirements that are contained within each of the steps. By working in partnership, a number of businesses have been supported to re-open in compliance with the requirements of Step 3 without the need for enforcement action.

**Preventing Fraud Against The Vulnerable**

3. Officers have carried out a training session to both internal and external agencies - Victim Care, The Flexible Response Service, The Maximising Independence Service and Social Workers who have recently joined the Multi Agency Safeguarding Hub and the Adult Deaf and Visual Impairment Service. This session was specifically designed to increase awareness of scams/doorstep crime for those agencies that have regular contact with vulnerable residents.
4. A resident in Mansfield has been assisted who has previously lost money to a phone scam. The resident continued to be targeted by unwanted calls following this incident, causing undue stress so successful support has been given to change the settings on their phone to block unwanted calls.
5. As part of a regional operation into doorstep crime, intelligence analysis has been completed and hotspots identified within the County. Work has been carried out in partnership with relevant members of Nottinghamshire Police to leaflet residential houses within these key areas, providing advice to residents on the prevention of doorstep crime.

6. Contact has also been made with residents who have reported a previous doorstep crime incident (December 2020 – February 2021). This work is ongoing but out of the residents that have been contacted to date, 84% of residents have fed back that the information provided to them by Trading Standards was instrumental in giving them confidence to protect themselves. Two residents in particular stated that since the original incident, they had received a further knock at the door, but they had both turned the doorstep caller away.

## **Food Safety**

7. Trading Standards officers have taken some formal samples of chocolate bars from a producer in Nottinghamshire and sent them to the Public Analyst for testing. This was following a complaint about an allergic reaction to the bars elsewhere in the country. Substantial quantities of milk were found, with the source of the contamination thought to be the “dairy free vegan chocolate” used to cover the bars. As allergic reactions can cause death, TS have been supporting the Food Standards Agency to implement a product recall. The products have now been removed from sale to the general public.

## **Product Safety**

8. Ensuring that products available on the market in Nottinghamshire are safe for residents is a priority for Trading Standards. The Service achieves this, through advising and enabling businesses to comply with relevant product safety requirements and taking enforcement action where necessary.
9. Trading Standards has now completed “Phase 4” of the market surveillance project checking the safety of face coverings and hand sanitisers offered for sale to Nottinghamshire consumers. Officers have re-visited premises in the County which were found to have offered non-compliant face coverings and hand sanitisers for sale in phase 2 and phase 3 of the project. These re-visits have shown that the level of compliance in the market for face coverings and hand sanitiser products has improved considerably. This can be seen at distributor level; where the visits for this project have been focused and also at wholesaler/ manufacturer level, indirectly as a result of Trading Standards intervention with the distributor and also from direct communication during previous phases.
10. The project has successfully raised awareness and understanding amongst businesses in Nottinghamshire and beyond, on safety requirements. Non-compliant products have been removed from the market and ineffective, mis-described products found in previous phases claiming to provide false levels of protection are no longer available, thereby reducing the spread of the virus by unknowing consumers.
11. In the last year (2020-2021) the Trading Standards service has removed 8764 unsafe products from the consumer marketplace. The majority of items/products removed from sale or prevented from entering the market were hand sanitising products and PPE/face coverings that were found to be unsafe, incorrectly labelled or non-compliant with the essential safety requirements.
12. Included within the figure above, the Service has also secured the removal from the marketplace of a number of unsafe toys, including those posing a risk of choking, strangulation and also some found to contain high levels of phthalates (chemicals that have been linked to negative health impacts):

Unsafe child bracelet – potential choking hazard                      17  
Girl Beautiful and Sweet Fashion dolls – high levels of phthalates      10

13. The Service has also supported a Nottinghamshire business who had become aware they had placed 140 potentially unsafe wheelchair wheels onto the market. On assessment of the information it was considered that there was the potential for the product to cause injury to vulnerable consumers, so following advice from TS, the business made the decision to recall the product and contact all customers to notify them of the potential safety issue. The product has subsequently been redesigned.
14. A joint operation with colleagues from the Driver and Vehicle Standards Agency (DVSA) and Nottinghamshire Police has also taken place on a garage in Mansfield. Physical safety checks were completed on the cars for sale on the forecourt and their systems of selling to consumers examined. All appeared to be in order on the day.

### **Illegal Tobacco Controls**

15. The Service continues to tackle the problem of the supply of illegal tobacco products within the County and has recently started to take part in a nationally funded operation that will continue at least until the end of the 2021-22 financial year. The project is aimed at reducing the availability of illegal tobacco products on the streets via disruption activities.
16. From 1 January 2021 to 31 March 2021 the Service seized nearly 5000 products with a retail value of nearly £43,500 and has a number of ongoing investigations and pending prosecutions. However, since March 2021, 19 inspections have been undertaken with only £950 of illegal products seized. The lack of availability of product at present is believed to be due to HMRC making significant progress in disrupting the supply chain at entry into the UK.

### **Environmental Weight Restrictions (EWRs)**

17. Further enforcement work has been conducted across the County where a weight restriction is in force on a particular road. This is on behalf of Highways colleagues, to prevent heavy goods vehicles using roads which are considered unsuitable and dangerous for them to use.
18. 45 operations took place in the year 2020/2021, with a further 10 completed since 1<sup>st</sup> April 2021. 728 Lorry Watch reports have been processed (2020-2021) with a further 209 this financial year.

### **Petroleum Enforcement Authority**

19. Trading Standards are responsible for making sure that petrol sites do not cause a risk to the public or the environment. The Service has carried out inspections of plans and onsite visits for new petrol stations and the modernisation of existing petrol stations. Work will be ongoing to ensure that petroleum is stored and dispensed safely.
20. The Service has also carried out 3 Environmental Search Requests this year for building developers to check if there has ever been petroleum or fuel stored on the site. This is important work to prevent harm to the public and the environment.

### **Investigations & Legal Update**

21. On 24<sup>th</sup> May 2021, legal proceeding began in Nottingham Crown Court in relation to a criminal investigation being conducted by the Trading Standards Regional Investigation Team, which is hosted by Nottinghamshire County Council.

22. The case relates to a series of businesses and individuals alleged to be involved in a large scale scam whereby false claims were made about an exterior wall coating product. Victims allege to have been targeted by the business and told lies about the energy saving benefits that can be achieved by having the wall coating applied to their homes. The business operated across the East Midlands and beyond. A large number of victims have been identified and the detriment levels uncovered are suspected to run into hundreds of thousands of pounds.
23. Eight suspects now face criminal charges for their involvement in counts of fraud and financial crimes covered by the Proceeds of Crime Act 2002.
24. A Crown Court trial was due to commence on the 7<sup>th</sup> June 2021, involving a trader who made false representations to customers about building work he carried out on their properties. The case has been moved due to the listing commitments at Court and their reduced capacity during the Covid 19 situation.
25. A Nottinghamshire builder has pleaded guilty to charges in relation to unsatisfactory building work he has carried out on customers properties. He is due to be sentenced at the Nottingham Crown Court on the 29<sup>th</sup> July 2021.
26. A further case was listed for an initial hearing in the Nottingham Crown Court on the 21<sup>st</sup> June 2021, where four traders are being charged with fraudulent trading, including targeting vulnerable consumers, making false representations about building work and over charging customers. One trader pleaded guilty whilst the other 3 pleaded not guilty and trial is set for March 22
27. A man has been charged with the illegal landing of a puppy. He was due to appear in the magistrate's court on the 18<sup>th</sup> January 2019, failed to attend, and an arrest warrant has been issued. This is still outstanding. He is charged with offences under the Rabies Act and fraud.
28. A Lincolnshire farmer has been charged with theft of sheep, animal by product breaches, and failure to maintain records of animal movements. He has pleaded not guilty to the offences. Further offences have also come to light. The 2 cases have been joined together and he should have been due for trial on the 28<sup>th</sup> June 2021, unfortunately the back log in the court system has meant that the case has been put back until October 2021.
29. One illegal tobacco case was listed for trial in June but unfortunately the back log in the court system has meant that the case has been put back until October 2021. Another case is listed for trial in August 2021. One case involves the sale of cigarettes and hand rolling sold from retail premises and the 2<sup>nd</sup> is in relation to a home seller. The products do not meet the packaging and safety requirement for cigarettes and hand rolling tobacco sold in the UK.
30. Two car traders are currently in the court system. A trial is listed on the 1<sup>st</sup> November 2021, in the Nottingham Magistrates Court for a car dealer who has sold an unroadworthy car and has made false claims about another vehicle. The 2<sup>nd</sup> case is in relation to vehicles with altered mileages and the sale of unroadworthy vehicles. This is due for trial in February 2022.

## **Regulation of Investigatory Powers Act Update**

31. The Regulation of Investigatory Powers Act 2000 (RIPA) gives the Council the power to undertake covert surveillance in relation to certain investigations. There is a strict authorisation process set out in the legislation; applications are considered by senior officers before final approval is given by the Magistrates Court. The Council is required to submit an

annual statistical return to the Investigatory Powers Commissioner's Office (IPCO) on the number of authorisations made.

32. The Council is also able to obtain communications data through the National Anti-Fraud Network (NAFN), an expert provider accredited by the IPCO and the Home Office. NAFN submits the annual statistical return to the IPCO on the number of submissions made by the Council. The next IPCO inspection will be in 2022 .
33. These powers given to officers are extensive and there is an expectation that the Committee will be engaged in scrutinising their use. A programme of monitoring and review is set out in the Council's RIPA policy and guidance. Since January 2021 there has been two new directed surveillance applications, in relation to the sales of illegal tobacco and are part of ongoing investigations. There have been no communications data requests.

### **Support to Businesses**

34. The Commercial Services team within the Service continue to provide support to Primary Authority businesses to meet the continually evolving challenges that Covid-19 brings to the trading environment. The team is also providing advice and support to businesses in relation to legislative changes resulting from the impact of the EU Exit.
35. The team are continually looking at ways to reinvigorate and strengthen connections with Economic Development colleagues and with the D2N2 Growth Hub to increase business awareness of the support the Service can offer.

### **New Food Business Support**

36. The Service is anticipating that a significant proportion of the Country's recovery and growth following the pandemic will be driven by small businesses. Various enquiries over recent months have been received from businesses looking to grow and expand, including a number from people looking to start up small food businesses preparing a variety of food products. The Service has been able to give them general advice on food labelling, compositional requirements, allergens controls and the use of appropriate food contact materials. All the businesses are advised that should they need more tailored advice that the Service's commercial offering is available.

### **Income Update**

37. Trading Standards had an income generation target of £729k for 2020/21. During the last financial year the Service's commercial services activities were heavily impacted by Covid-19 and the lockdown on the UK business sector. Other areas of income generation across the Service were also impacted by the constraints that the Covid-19 restrictions brought on our regulatory activities. As a result, the year-end achievement against the income target was lower than in the two previous years when the target had been exceeded. At the financial year end the Service had achieved £550k income against the £729k target, but this was offset by funding of £177k from the Central Covid grant.
38. The income generation target remains at £729k for the 2021/22 financial year. The aspiration is that as the economy recovers from the economic impact of Covid-19 lockdowns there will be new opportunities to grow our commercial offer to businesses. Managers also continue to explore all opportunities to secure additional external funding to support the work done by the Service.

## **COMMUNITIES**

39. The Communities Team is a specialist and flexible resource that supports the delivery of the Local Improvement Scheme (LIS) and other community grant funding streams. It has responsibility for co-ordinating the Council's approach to providing community safety.
40. This includes the facilitation of the Safer Nottinghamshire Board, acting as the accountable body for the Office of the Police and Crime Commissioner and delivering the outcomes required by the Council for supporting communities.
41. The Team has a significant role to play in tackling the challenges facing our communities. This requires innovative ways of thinking, new approaches to problem solving, and more effective ways of partnership working and influencing stakeholders to maximise total resource available to achieve better outcomes. Outlined below are some of the work areas the Team are currently delivering.

### **Safer Streets Fund, Newark**

42. In November the Committee was informed about the Safer Street Funding for Newark. This is £550k of Home Office funding that was awarded, through the Nottinghamshire Police and Crime Commissioner, for preventative work in two areas of Newark to tackle crimes such as burglary and bike theft.
43. The funded phase of this work, which delivered interventions in the target areas of Chatham Court and Northgate such as home security improvements, bike marking and CCTV, has now ended. Partners will continue to work together in the area to sustain the impact of the programme which residents reported made them feel safer. One factor contributing to these increased feelings of safety was the improved streetlighting that was delivered by Via.
44. The Communities Team will continue to take an active role in community capacity building and engagement efforts in the area. This includes providing Community Organising training for residents in the target areas and helping to sustain Residents and Neighbourhood Watch groups.

### **Safer Nottinghamshire Board**

45. The Safer Nottinghamshire Board continues to bring together Chief Officers from across the partnership landscape to enable a Countywide focus on crime and community safety. Chaired by the Nottinghamshire County Council Chief Executive, the priorities for the Board include Reducing Reoffending, Youth Crime Reduction, Domestic and Sexual Abuse, Hate Crime, Modern Slavery and Serious Acquisitive Crime. The Board also provides a platform for Covid-19 recovery specific community safety issues to be discussed.
46. Over the last year the Board has taken steps to further improve its effectiveness, including agreeing a revised performance management approach. Ensuring that the right information is available at all levels of the partnership to inform decisions, drive actions and enable strategic intent to be tracked through to operational delivery are the key aims of the new process.
47. Central to these efforts is the work with Community Safety Partnerships to ensure a clear 'golden thread' between the discussions and decisions of the Board and operational delivery in the communities where crime issues are most prevalent.

## **Community Support Hub Volunteers: Test Kit Drop off and Collection Task (Backpack Model)**

48. The Team, with the support of staff from the Red Cross and REACT, have trained 36 volunteers to drop off and collect test kits and ensure they had the all the information needed if called to assist. So far, through this co-ordination of volunteers, 6 residents have been supported. The test kit drop-off and collection service has been expanded to support surge testing across the County, 10 households have been supported. The Communities Team have been working closely with the Public Health Team to support these requests.

## **Tackling Loneliness & Digital Exclusion**

49. The team are supporting the expansion of Age UK Nottingham & Nottinghamshire's 'One Step at a Time' (OSAAT) initiative, developed in response to an identified need to help people that have become anxious, frail and/or afraid to leave their house due to the COVID pandemic. The team have continued to listen to and support several residents to set up groups and initiatives aimed at supporting those affected by loneliness.

50. Age UK Nottingham & Nottinghamshire, following some initial work by the Communities Team, have also agreed to expand its ClickSilver referral pathway to now include all vulnerable Nottinghamshire residents aged 18 and over (previously 49 and over). This is a hugely beneficial because it now means that younger people who are also affected by loneliness and need digital support can be included.

51. ClickSilver, (run by Business in the Community), provides a mentor to provide 4 weeks of ICT support, training and friendship to help people access online medical appointments, shopping, information and general help with technology.

## **Community Friendly Nottinghamshire**

52. A core area of the work of the Communities Team is the delivery of the Community Friendly Nottinghamshire (CFN) strand, which continues to connect with residents and stakeholders across the County. The aim of this work is empowering, training and inspiring resident-led community activity. This include being a central point of contact for the Coronavirus Community Support Hub.

53. The team have delivered 20 Community Friendly Nottinghamshire (CFN), workshops, with 122 residents and 154 stakeholders trained to utilise the Community Organising approach to get community led outcomes. During the Coronavirus lockdown these workshops have been adapted to the virtual 'MS Teams' format utilising breakout rooms for group activities. Officers has now also established a growing peer support Network who meet every 6 weeks online.

## **Health and Wellbeing – Countywide and Corporate**

54. The Team continues to work with NCC Communication colleagues to promote community spirit across the county by encouraging residents and NCC staff to get involved with and organise Big Lunches and the Great Get Together events. These events are aimed at tackling loneliness and isolation, celebrating community connections, and helping neighbours get to know one another a little better.

55. The team led on the **NCC Corporate Wellbeing Challenge** which aimed to increase the fitness, mental health and general wellbeing of Nottinghamshire County Council employees whilst raising money for the Chairman's charity 'My Sight'. This year the challenge was to

collectively run or walk the distance from Lands' end to John O'Groats (874 miles) in April. However, due to the overwhelming interest, over 100 participants completed this distance within the first week. The challenge was extended to cover the distance to the Egyptian Pyramids (5000 miles), which was then completed in the fourth week. Eventually the participants reached Casablanca (8639 miles) and over £2000 has so far been raised for My Sight.

56. Many of the participants stated how the challenge helped motivate them to be more mindful of their wellbeing, (especially important as most people have been working from home) and enjoyed the cross department sharing of photos, walking routes and positive comments. From this cross departmental collaboration, many new ideas for maintaining good health and wellbeing are being discussed and explored.

### **Armed Forces Work**

57. The new administration has made a commitment to developing this area of work over the next four years with the appointment of an Armed Forces Champion; Councillor Girling and an Armed Forces Advocate; Councillor Lee. A detailed work programme will be presented to this Committee in September to take this commitment forward.

### **Victoria Embankment World War One Memorial**

58. Following the recent vandalism of the War Memorial the memorial contractors, a local contractor has been able to polish out the scratching and return the memorial to its original condition.

### **Other options considered**

59. None

### **Reason for Recommendations**

60. To ensure appropriate political oversight of key Trading Standards and Communities matters, particularly with regards to covert techniques covered by the Regulation of Investigatory Powers Act.

### **Statutory and Policy Implications**

61. 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**

62. There are no financial implications arising from this report apart from the income target mentioned in paragraphs 37-38.



## **RECOMMENDATIONS**

- 1) That Members consider the updates and highlight any actions required.
- 2) That Members consider the actions undertaken by Trading Standards under the Regulatory and Investigatory Powers Act.

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

**For any enquiries about this report please contact:** Mark Walker, Group Manager for Trading Standards and Communities (0115 9772173) or Fiona Needham, Acting Head of Trading Standards (0115 9773046)

### **Constitutional Comments (KK 30/06/2021)**

63. The proposals in this report are within the remit of the Communities Committee.

### **Financial Comments [RWK 01/07/2021]**

64. There are no specific financial implications arising directly from the 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.