

7 November 2019**Agenda Item:7****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; and
2. Ratify the update given regarding the progress of raising additional income in the Service.
3. To seek approval for the creation of two fixed term (2 years) Regulatory Compliance Officer apprenticeship posts within the Service.

Information**TRADING STANDARDS**

4. **Animal Health - Imports of Animals** – in 2019 so far, 6 complaints have been received about dogs that have been illegally imported. This practice increases the risk of spreading exotic diseases to the UK such as Rabies and Echinococcus multilocularis (a tapeworm which can be carried by dogs and transmitted to humans).
5. The dogs, all puppies, were found to have arrived without the correct Pet Passport documentation, so were placed into quarantine at the expense of the owners. More information about the Pet Passport scheme can be found at <https://www.gov.uk/take-pet-abroad>.
6. **Tacking Fraud Against the Vulnerable - officers** continue to support the vulnerable who have been fallen victim to frauds and scams. Recent examples include:
 - a. one resident received a £1,500 refund in relation to a mis-sold property insulation contract;
 - b. another received a £800 refund for a cancelled soffits and fascia contract, where the trader had previously failed to return their money; and
 - c. an officer working collaboratively with a social worker to protect an elderly resident with dementia being targeted by bogus traders. Interventions included fitting a memo minder

to play a message when the resident walks towards the front door, and a lifeline has also been installed so that she can get advice if callers come do to the door.

7. **Young Friends Against Scams** – in September, the National Trading Standards Scams Team launched a new training session designed for children aged 9-11. More details about the new initiative can be found at www.friendsagainstscams.org.uk .
8. **Nominated Neighbour** – Officers are working Nottinghamshire Police and Local Borough Councils to implement the Scheme. This scheme helps protect residents who may be vulnerable to unwanted doorstep callers. Following the successful sign up of 27 properties in May, work is taking place to identify further areas that may benefit.
8. **Doorstep Crime** – Officers recently attended five separate doorstep crime incidents across the county. Each incident involved older and vulnerable residents targeted by criminal bogus traders offering roofing, tree surgery, and driveway services.
9. The residents have been overcharged for substandard work, and collectively lost more than £25,000. Target hardening advice and support has been provided, and direct interventions undertaken when the ‘traders’ demanded further payments and threatened to return. Ongoing enquiries are being made into these instances.
10. **Illicit Tobacco** – Officers continue to apprehend and disrupt businesses and individuals involved in the sale of illicit tobacco products.
11. In July, Police Officers were briefed about the prevalence of illicit tobacco and how to spot it when carrying out their duties. This work directly resulted in the Police seizing £1,400 of counterfeit tobacco when they attended a domestic incident in Hucknall. Enquiries are underway.
12. A multi-agency operation was also carried out between Trading Standards Teams from Nottinghamshire and Derbyshire with officers from Her Majesty’s Revenue and Customs (HMRC). The operation targeted a shop in Sandiacre, linked to one in Stapleford that had recently been forced to close due to repeated prosecutions.
13. The enforcement action was successful, with £3,000 worth of illicit tobacco products seized. A vehicle was also seized by HMRC that was being used to convey the illegal goods.
14. Inspections also recently took place at premises in Sutton and Carlton, following anonymous complaints about underage sales. Both premises cooperated with the inspections and were able to demonstrate that CCTV systems were in place, along with records to show that age is being challenged and refusals have been taking place.
15. Extensive work has taken place in relation to a long-standing investigation involving a criminal conspiracy. Four individuals are suspected to have conspired together to supply illicit tobacco from a retail premises. The case will be reported for legal consideration.
16. **Regional Investigations Team (RIT) - Operation Comfort Crown Court Sentencing.** On 30th August, 5 individuals were sentenced at the Nottingham following their involvement in a fraud that targeted small businesses nationwide. The group promised businesses the

recovery of overpayments and VAT from UK energy suppliers, but these recoveries never occurred.

17. Following a very challenging 15-week trial, 4 defendants were found guilty the jury. A further defendant who had been severed from the trial through ill health entered a guilty plea on the day.
18. Judge Sampson recognised that the detriment was in the region of £1.6m, he sentenced the individuals based on the known 770 complainants and their losses (in the region of £350,000):
 - Steven Ricardo (45) previously of Chorley, Lancashire - Conspiracy to Commit Fraud, 6 years imprisonment, and for Fraudulent Trading, 2 years imprisonment (to run concurrently);
 - David Michael Wilkinson (32) of Hucknall, Nottinghamshire - Conspiracy to Commit Fraud, 2 years imprisonment;
 - Ian Frances McHugh (54) of Westward Ho, Devon - Conspiracy to Commit Fraud, 2 years imprisonment;
 - Max Thomas Bancroft (27) of Burnley, Lancashire - Conspiracy to Commit Fraud, 12 months' imprisonment suspended for 18 months, plus 200 hours unpaid work; and
 - Brian Witty (76) of Hagley, West Midlands - Fraud by False Representation, Conditional discharge for 12 months.
19. Judge Sampson described Ricardo as incapable of running a business honestly because of his greed, and that he also had surrounded himself with '*dishonest sycophants*'. Of Wilkinson, he commented that he was a '*Loyal Lieutenant who created a false persona whilst aggressively pursuing fees*'. Of McHugh he said he was '*A loyal associate dishonest from the beginning, willingly joined in creating a false persona, and who had lied at interview, and to the Jury*'.
20. Investigating officers were commended by HHJ Sampson who recognised that the trial itself had been a challenge, and commented '*The conduct of the officers investigating, collating and presenting the evidence was thoroughly professional. The hard work and dedication have given the public a good service. This was a great success and they are to be commended for their individual and collective performance*'
21. Steven Ricardo, who absconded from Court before the Jury delivered its verdict, was sentenced in his absence. A warrant has been issued for his arrest.
22. A timetable has been set by the Crown Court for the subsequent Proceeds of Crime proceedings.
23. **Income Progress 2019-20** This report covers the period up to and including quarter 2 of 2019-20. The Service is currently on target to meet its target of £729k for 2019-20. The cumulative level of income attained to the end of Quarter 2 is £367k, marginally ahead of profile, £364.5k.

24. As previously reported, proposals had been together for two trade associations that represent businesses within the bathroom and kitchen sectors. The proposals were accepted by the two associations and are currently awaiting approval by the Secretary of State to register them as Primary Authority Partners.
25. It has also been previously reported about trial audits being undertaken at the members of an association involved with the flame retardancy of textiles. The outcome of those audits has led to a revised standard devised in conjunction with that association. The standard ensures that production methods and systems used by members deliver consistency, and the assurance of the independent audits gives confidence to customers.
26. This Service is also using a similar approach with a co-ordinated Primary Authority Partner in the bathroom sector to devise and agree an auditable standard for members. The aim is to promote compliance with this standard as being the item that consumers should look for when buying products in this sector. It is hoped that this will drive out businesses that do not want to provide safe products.
27. **Regulatory Compliance Officer (RCO) Apprentices** – This report proposes the creation of two new fixed term (2 years) Grade 4 Level 1 Trading Standards Officer roles in order to recruit two new officers to undertake the Regulatory Compliance Officer apprenticeship, which is an entry route into the Trading Standards profession. The authority can draw down £6k for each RCO apprentice from the Apprenticeship levy, which funds the cost of their RCO training and end point assessment
28. There is a recognised national shortage of qualified Trading Standards Officers (TSOs). As a result, many authorities are now looking to train up new officers via the RCO apprenticeship route into the new national Trading Standards Practitioner qualification.
29. In 2018, the Service recruited 3 new RCO apprentices into 3 vacant Grade 4 level 1 TSO roles. All 3 officers are progressing well in their qualification, and are on track to complete the RCO apprenticeship and Stage 1 of the Trading Standards Practitioner Certificate in Autumn 2020.
30. The two new proposed RCO apprenticeship posts will be funded by underspends from two unfilled Band A level 3 Trading Standards Officer (TSO) roles, following recent unsuccessful recruitment processes. These level 3 TSO posts will remain on the structure for the future advancement of the RCO apprentices, as they progress through stage 2 of the qualification and gain their Trading Standards Practitioner Diploma.
31. The £9.5k cost saving between an entry level Grade 4 RCO apprenticeship role and a Band A level 3 TSO role for the two years will be used to fund the training costs of the 3 current level 2 TSOs, as they advance through the Trading Standards Practitioner qualification

COMMUNITIES

32. **‘Victory in Europe’ (VE) Celebrations** - The Team are co-ordinating celebrations to mark the 75th anniversary of VE day, 8th May 1945. The celebration, VE DAY 75, is being promoted nationally, and the first May Bank holiday in 2020 will now be on Friday 8th May to enable communities to mark this milestone.

33. Communities across Great Britain are being encouraged to actively celebrate. In Nottinghamshire, the celebrations will cover the weekend of 8 -10 May 2020. The ambition is to deliver a county celebration of peace, a time to remember, reflect and pay tribute to the 'Golden Generation', people over 90 years old, who played such a vital part in achieving peace.
34. The Golden Generation who will be recognised include:
- Armed Forces personnel from the many countries who gave their lives, and those who returned home injured in body and mind;
 - the hard-working women and men who kept the factories, mines and farms operating throughout the years of turmoil; and
 - the police officers, doctors, nurses, firemen, local defence volunteers, ARP wardens and many others who put their lives on hold to safeguard the home front.
35. In-line with the Council's Armed Forces Covenant commitment, and working in partnership with The Nottinghamshire Lieutenancy, Southwell Minster, 7 Infantry Brigade, and all local authorities, Rufford Country Park and organisations across the county the following plans are being explored. They include:
- Exhibitions, static displays, re-enactors;
 - Golden Generation VIP area;
 - Military displays and exhibitions;
 - Appropriate Film Show(s), Bridge too Far, Dunkirk (2017), The Imitation Game, The Longest Day, Pianist or Great Escape;
 - Concerts & Fireworks Display: Military band, Big Band sound, Vera Lynn, Gracie Fields or George Formby...sing along; and
 - Southwell Minster Service of Reflection (Sunday)
36. National activities will include:
- The playing of Battle O'er & VE 75 Years;
 - The Nations Toast to the Heroes of WW2;
 - The Cry for Peace, around the world;
 - Churches & Cathedrals ringing out for peace;
 - Street parties, and parties in pubs, clubs, hotels, halls and on town and village greens; and
 - Services commemorating and celebration in churches, including the reading of the Tribute to the Millions, and the playing of the Last Post.
37. At the national level, all proceeds raised by the nation will go to SSAFA - the Armed Forces Charity, formally known as Soldiers, Sailors, Airmen and Families Association. The funds will help support care for all members of the Armed Forces Community, and their dependents.
38. In a Report of the Leader of the County Council to Policy Committee on 16th October 2019, Members approved a proposal to provide £65,000 to support these important Celebrations.

Other Options Considered

39. An alternative option to the Regulatory Compliance Officer (RCO) apprenticeship would be to train officers solely via the Trading Standards Practitioner qualification. However, that option is more expensive as £6k apprenticeship levy is available for the RCO apprenticeship and the successful RCO apprenticeships gain exemptions to all but one exam in the Trading Standards Practitioner Certificate qualification.
40. The Service will also consider what other steps it can take to attract qualified Trading Standards Officers and further develop existing officers. The Management Team are working on a Workforce Strategy and Plan for the Service to further develop a flexible and highly skilled workforce to meet future Service needs.

Reason/s for Recommendation/s

41. To ensure appropriate political oversight of key Trading Standards and Communities matters.
42. Due to the current national recruitment and retention problem within the Trading Standards profession many authorities are now opting to “grow their own” Trading Standards Officers for the future needs of their Service. The Regulatory Compliance Officer (RCO) apprenticeship route provides the most cost-effective option.

Statutory and Policy Implications

43. 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

44. **Income Progress 2019-20** - The Service is currently on target to meet its target of £729k for 2019-20. The cumulative level of income attained to the end of Quarter 2 is £367k, marginally ahead of profile.
45. **Regulatory Compliance Officer Apprenticeships** - The proposed staffing changes can be met from within the Trading Standards staffing budget. Funding from unfilled higher-level Trading Standards Officers roles will be used to fund the apprentice roles and their associated training costs within the Trading Standards Practitioner qualification, as they advance through the career structure.
46. **VE Day Celebrations** – Policy Committee approved the provision of £65k of contingency to support the proposed celebrations. A report is due to be taken to Finance and Major Contracts Committee on 18/11/19.

RECOMMENDATION/S

That the committee:

- 1) Ratifies the updates given regarding Trading Standards and Communities matters; and
- 2) Ratifies the update given regarding the progress of raising additional income in the Service.
- 3) Approves the creation of two fixed term (2 years) Grade 4 level 1 TSO/Regulatory Compliance Officer apprenticeship posts within the Service.

Derek Higton
Service Director, Place and Communities

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

Constitutional Comments (KK - 23/09/2019)

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

Financial Comments (SES 08/10/2019)

48. The financial implications are set out in paragraphs 44 to 46 of the report. Trading Standards is forecast to meet the income budget of £729,000.
49. The funding of the two fixed term Regulatory Compliance Officer Apprenticeships can be contained within the Trading Standards revenue budget as is currently underspent following unsuccessful recruitment of 2 Trading Standards Officer posts. The staffing structure is to be refreshed to take account of the change in recruitment.
50. A request for £65,000 contingency (£20,000 for 2019/20 and £45,000 for 2020/21) is being submitted to the F&MCM Committee for approval.

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