

July 2016**Agenda Item: 8****REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE AND
PUBLIC PROTECTION.****UPDATE ON KEY TRADING STANDARDS MATTERS****Purpose of the Report**

To update the Committee on key Trading Standards matters.

Information and Advice

1. **Safeguarding the Vulnerable** – the Service continues to intervene to protect our more vulnerable residents:
 - July is national Scams Awareness Month. Citizens Advice and the Chartered Trading Standards Institute run the campaign each year working with Trading Standards authorities and other agencies around the country to raise consumer awareness about the dangers of scams. £5 billion is the estimated amount lost each year by UK consumers to mass-marketed scams via phone and post. Scams prevention activity by the Service during Scams Awareness Month will include:
 - Attending a market place event for social workers who cover the Bassetlaw and Newark & Sherwood areas of the county. This is to raise awareness of our work and also to learn more about the other services that support vulnerable residents.
 - Attending the team meeting for social workers who work with those with physical disabilities to raise awareness of scams and doorstep crime issues.
 - Giving a presentation about scams and doorstep crime to the Community Safety Team at Nottinghamshire Fire and Rescue Service. Doorstep crime and scam awareness will be something that is introduced in to a new way of working for Notts Fire Service and fire officers will be giving some leaflets out on our behalf. Following this meeting there will be further discussions about how we can raise the awareness of fire officers at stations across the county, especially as some scam victims hoard and are an increased fire risk.
 - Officers intervened to obtain a £494 refund for a vulnerable consumer who had been supplied a large quantity of nutritional supplements that she didn't need and didn't know she had. The unwanted supplements were returned to the trader within the 14 day cooling off period. The high pressure selling of nutritional supplements to vulnerable

consumers is becoming an increasing problem. The Service's press release issued as part of Scams Awareness Month focussed on this particular growing problem.

- A Trading Standards Officer attended a "Think CO" training session to raise awareness of the dangers of carbon monoxide poisoning. Information will be cascaded at staff team meetings and to vulnerable residents as part of officer's visits. Apart from being an informative session, several new contacts were made which will be useful to officers when working with vulnerable people.
 - In June the National Trading Standards Scam Team launched their "Friends Against Scams" initiative, which aims to protect and prevent people from becoming victims of scams by empowering communities to "Take a Stand Against Scams". Similar to the Dementia Friends idea, the initiative aims to recruit people to join the fight against scams. There will be:
 - "Friends": attend a short training session, commit to talking to others about scams and potentially identify victims
 - "SCAMchampions": friends who attend a further training session to enable them to recruit new Friends Against Scams and
 - SCAMBassadors: MPs, senior officials or someone who will use their influence to raise the profile of scams.
 - Nottinghamshire Trading Standards will work to actively promote and recruit to the new "Friends Against Scams" initiative in the coming months.
2. **Illicit Tobacco** - Efforts continue to stem the supply of illicit tobacco in Nottinghamshire. Two weeks ago a licence review of Biedronka Max, a shop in Worksop with a history of selling cheap cigarettes on three occasions, resulted in a revocation of the alcohol licence. An appeal against the decision has already been received and will be heard in August.
 3. Operation Vellum concerns an OCG associated with the distribution of illicit tobacco throughout the Midlands. Information and a request has now been submitted to East Midlands Special Operations Unit (EMSOU) by the Regional Co-ordinator, to provide analytic support to go through data evidence which has been gathered (i.e. mobiles and computers) which includes a huge amount of intel gathered from within Nottinghamshire by TS.
 4. A day of enforcement activities by TS on Monday 20th June culminated in the biggest single seizure of illicit tobacco the service has seen to date. 198,000 cheap/illicit cigarettes and 125kg of duty evaded hand rolling tobacco were recovered from a storage unit on a trading estate in Kirkby in Ashfield. Investigations continue into the identity of the storage unit owner. The combined value of this seizure at the lowest end of the market would be approx. £116,300 and the highest retail market value would be approx. £190,000.
 5. On the same day, a tobacco detection dog found a hide in a shop that officers were aware existed, but had been previously unable to find without the use of the dog. The hide was found by removing a windowsill in a flat above a shop in Mansfield. Underneath a wall cavity contained 3,540 illicit cigarettes and 350 grams of hand rolling tobacco. A male who had previously served an undercover officer with cheap cigarettes will now face charges for this further offence.

6. Shakhawan SALAH, the owner of Andrews News and Booze in Sutton in Ashfield and is currently being held on remand since April for a number of illicit tobacco offences, made an application for bail which was submitted on Friday afternoon, 10th June. The full trial is scheduled for September the application was contested at the hearing on the following Monday morning. The application was refused, and Mr SALAH remains in prison, pending his trial.
7. **Animal Health – Newark Livestock Market** – Trading Standards Officers are mid-way through a 6 week plan of action conducting unannounced adhoc inspections following complaints and intelligence that the market operator was breaching their licence provisions and putting livestock and traders at risk from disease. TS have shared the evidence with APHA (Animal & Plant Health Agency) and have raised serious concerns on what appears to be a lack of support from the Agency. APHA licence the market to operate including implementation plans and disease control, and whilst TS can take offences, there needs to be strong partnership working in order to put pressure on the market operator to comply.
8. APHA have now written to the market operator (23.6.16) to ask for detailed information for their licence renewal and have agreed to work closely with TS on the plans before being signed off with the market operator. We will then draw up a MOU between the agencies on how to address non-compliance and with APHA making it clear to the market operator that the licence can be revoked or suspended should non-compliances continue. APHA have also agreed to provide additional support for inspections days when TS are not attending.
9. **Illegal Landings** - under the 'Pet Passport' scheme, dogs brought into the country must be inoculated against rabies, however the dog has to be at least 12 weeks old for the rabies vaccine to be effective. A puppy was recently imported from Southern Ireland and sold via Facebook to a family in the Worksop area, and was discovered by a private vet to be too young for the required rabies vaccination to have taken effect. TS Officers ensured that the puppy was placed into quarantine as per the legal requirement. Other puppies from the litter were traced through Facebook transactions and following notification by this Service, officers in two areas of Scotland (Bannockburn & Falkirk) and Manchester have acted in their areas to seize and quarantine a further 3 puppies. The intelligence has been put on MEMEX but TS are unable to trace the actual person(s) who imported the puppies. HMRC have now requested more information on illegal dog trading from regional partners and have put this as a priority for emerging issues.
10. **Approval of Feed Business** - We have received a request from a Nottinghamshire animal feed manufacturer to be approved under the Animal Feed (Composition, Marketing and Use)(England) Regulations 2015 and the Animal Feed (Hygiene, Sampling, etc. and Enforcement (England) Regulations 2015. The majority of feed manufacturers only need to register with us, however this company is intending to manufacture high risk products including manufacturing
- nutritional additives
 - zootechnical additives
 - antioxidant additives
 - proteins obtained from micro-organisms
 - premixtures containing vitamins A and D
 - premixtures containing copper and selenium

11. The company is currently registered with us for the manufacture of animal feed and is well known to us. We will be auditing them next week in advance of the approval.
12. **Regional “Scambusters” Team – Operation Summit.** On 16th June Gareth Bryan and Martin Jacks were sentenced for their part in fraudulent roofing and general building activities that preyed upon the most elderly and vulnerable across the East Midlands.
13. You will recall that earlier in the year the original trial was halted after 4 weeks when Gareth Bryan was involved in a motor vehicle accident.
14. At a hearing before the retrial both Bryan and Jacks entered guilty pleas.
15. At the sentencing hearing as part of his summing up Judge Sampson commented on their systematic shoddy work, systematic high pressure selling, demands for quick payment, shoddy work, non-existent work, their lies about the products used and insurance backing.
16. He went on to say that this was a significant and serious case of dishonesty that Bryan was the controller and that although Jacks was his right hand man he was just as involved.
17. In mitigation he recognised their guilty pleas, that the victims would not have to be brought back before the Court, that there was a saving of public money in not going to retrial, that some work had been done and that there were some satisfied customers.
18. Bryan and Jacks were then sentenced to 2 years suspended for 2 years.
19. The Judge left them in no doubt that should they commit any offence, however minor they would be back in front of the Court.
20. The sentencing of the 10 individuals involved in the fraudulent publishing investigation Operation Spinnaker has been now set for the 27th and 28th October 2016.
21. **Legal Action Update** - Eight defendants pleaded guilty in the Nottingham Crown Court to a number of different charges under the Fraud Act 2006, the Companies Act 2006 and the Legal Service Act 2007. The eight were found to be mis selling trust documents to older and vulnerable adults, alleging that the documents would ring fence their properties against having to pay for care home fees. Sentencing of the eight was on the 13th and 15th Of May 2015. The three main defendants were given prison sentences, one to four and a half years and two to four years. The so called legal consultant and four salespeople were given suspended prison sentences, they were ordered to complete unpaid work all of 200 hours and one individual was given a curfew order for six months. A Proceeds of Crime hearing was listed for the 6th and 7th October 2016.
22. At a Hearing of Ashfield District Council’s Licensing Sub-committee on the 12th August, a decision was made to revoke the alcohol licence for Biedronka, 8-10 Outram Street, Sutton in Ashfield. The review was brought by Nottinghamshire County Council Trading Standards Service following a seizure of counterfeit tobacco and a previous licence review relating to illicit tobacco where conditions were imposed on the licence by Ashfield District Council including that no illicit, counterfeit or illegal goods should be present or stored at the

premises, either for sale, personal use or held for other persons. The company were appealing the decision but have withdrawn their application.

23. Paul and Peter Dye appeared in the Nottingham Crown court on the 25th August 2015. They pleaded guilty to the sale of illicit tobacco in shops at Stapleford and Netherfield on two separate occasions. Peter Dye was sentenced to 12 months in prison and Paul Dye to 2 years in prison. On 22nd December 2015 a Confiscation Order was granted in relation to Mr Paul Dye. It was declared that Paul Dye had benefited from his criminality amounting to £42,942.75 and he was ordered to pay £11,000.10 within 28 days or face a default prison sentence of 8 months. Peter Dyes POCA case will be heard on the 21st July 2016
24. Murwan Muhamed of the Famous Shop, Eastwood pleaded not guilty to charges at the Nottingham Magistrates Court on the 5th November 2015, he was due for trial on the 8th June 2016 at the Nottingham Magistrates Court. He was charged with the possession of illicit and dangerous cigarettes. He changed his plea on the morning of trial and was sentenced to 120 hours unpaid work and £500 costs.
25. This is currently the third person to have been prosecuted for these types of offences operating from this shop. This is the first time Mr Muhammed has been dealt with by Nottinghamshire Trading Standards Service, previous defendants are Baba Mirza, he was fined £240 with £333 costs, Azad Abdulla who fined £1030 with £333 costs and Mr Amir Ahmadi who has been prosecuted by the service on two occasions, on the first occasion he was fined £360 with £333 costs and on the second occasion he was given 120 hours unpaid work with £350 costs and he was required to undertake a rehabilitation activity.
26. On the 16th June 2016 a further defendant Mr Rekan Osman, found in possession of dangerous cigarettes at the same premise appeared in the Nottingham Magistrates Court and pleaded not guilty to the charges his trial is listed for the 15th September 2016.
27. On the 5th December 2015 Afsana Ahmed of Sutton Mini Market, Sutton in Ashfield was in the Nottingham Crown Court, following charges of supply of illicit and dangerous cigarettes. He pleaded guilty to the charges, he was sentenced to 10.5 months in prison. A POCA hearing was listed for the 17th June 2016, at which he was given a confiscation figure of £3975.52 which has since been paid in full.
28. There have currently been three other defendants prosecuted for similar offences from the same shop, these being Omid Khoshaab, he was caught twice in the shop and was given £100 fine and £120 costs, Mr Bilind Ahmed who again was caught twice was given £240 fine and £100 costs.
29. Mr Osmany also of the Sutton Mini market, pleaded not guilty to charges at the Mansfield Magistrates Court on the 23 February 2016 he was due for trial on the 3rd June 2016 at which he was found guilty, he has been sentenced to 200 hours unpaid work and a curfew order. He was charged with the possession of illicit and dangerous cigarettes.
30. Mr Hosmand Zada and Mr Edris Zadeh from Biedronka at Sutton in Ashfield appeared in the Mansfield Magistrates court initially on the 21st August 15. They were charged with sale and possession of illicit cigarettes and tobacco. Mr Zada pleaded guilty on the 8th September

2015 and was given 60 hours unpaid work. Mr Zadeh was sent to the Crown Court and appeared on the 25th January 2016, he pleaded guilty to the charges and was sentenced to 9 months in prison, a POCA hearing is listed for September 2016. Mr Hosmand Zada was further prosecuted for similar offences on the 23rd February 2016, he received a custodial sentence of 8 weeks suspended for 12 months, he was also ordered to complete a further 60 hours unpaid work and costs of £600.

31. We have previously prosecuted Adam Barzani from the same shop he was fined £900 with £460 costs.
32. Luqman Ahmed and Nicheer Taha of Kubus Mini Market, Worksop, appeared in the Mansfield Magistrates court on the 1st October 2015 charged with the possession of counterfeit cigarettes. They were found with over 1000 packets of illicit cigarettes. Three brands of which have found to be unsafe in that they will not self-extinguish if left unattended. Their case was sent to the Crown Court and a plea and case management hearing was heard on the 5th December 2015. Mr Taha has pleaded not guilty to the charges and Mr Ahmed has pleaded to some offences but is due to go to trial in August of 2016 for the remaining charges.
33. Mr Luqman Ahmed has been prosecuted by Trading Standards in the past along with his brother Sam Ahmed, Luqman Ahmed was fined £100 and £60 costs and Sam Ahmed £200 fine with £260 costs.
34. On the 13th April 2016, Mr Alizadeh and Mr Saidi of Outram General Stores Sutton in Ashfield appeared in the Mansfield Magistrates court, they were charged with the possession of dangerous and counterfeit cigarettes. Mr Alizadeh pleaded guilty to the charges and was given 80 hours unpaid work with £470 costs. Mr Saidi pleaded not guilty and the trial was set for the 27th June 2016, Mr Saidi pleaded guilty on the morning of trial and was given 100 hours unpaid work.
35. In the previous 12 months Trading Standards have prosecuted five other defendants connected with this shop. Mr Rassul who has been dealt with twice had a combined sentence of 180 hours unpaid work and £300 costs, Mr Kumal £165 fine and £50 costs, Mr Hussaini who has been caught twice was given 150 hours unpaid work and £800 costs, Mr Kheder 60 hours unpaid work and £200 costs and Mr Mohamed £360 fine and £220 costs.
36. On the 22nd April 2016 Mr Hassan, Mr Salah and Mr Kadir were arrested for the supply and possession of counterfeit and dangerous cigarettes. The supply is connected to the retail store Andrews News and Booze at Sutton in Ashfield. All three were sent to the Crown Court and appeared on the 23rd May. Mr Khadir pleaded guilty to the charges, whilst Hassan and Salah pleaded not guilty. A trial date has been set for the 26th September 2016. Mr Salah had been previously dealt with by Trading Standards, selling dangerous cigarettes in the same shop he was given a 4 month suspended prison sentence with 130 hours unpaid work.
37. Another defendant previously dealt with was Ms Rudminate and she was given a conditional discharge and costs of £190.

38. James Grozier of National Trade Windows is due for trial in the Northern Derbyshire Magistrates court on the 12th July 2016. Mr Grozier has been charged with Fraud offences and offences under the Consumer Protection from Unfair Trading Regulations. He has been taking deposits for work, namely replacement double glazed windows and then not completing the work or refunding the deposits. Mr Grozier has been prosecuted by this Service on two previous occasions for the same type of offences, he has been given a total of 392 hours unpaid work and ordered to pay compensation of £6935.
39. Sherzad Mohammad of Annesley Road Stores, Hucknall appeared in the Nottingham magistrate's court on the 10th May 16 charged with the supply and possession of counterfeit and dangerous cigarettes. His case has been sent to the Crown court he appeared on the 7th June 16 and pleaded guilty to the offence he is due to be sentenced on the 30th June 16. Annesley Road Stores is a new premise but Mr Mohammad is also charged with his involvement in Hucknall Mini Market.
40. There have been a number of seizures and resulting prosecutions for Hucknall Mini Market including Aziz Hussain who was given 70 hours unpaid work and costs of £150, Soren Khder who was given £150 fine and £800 costs and Dana Mira who was given 100 hours unpaid work and £750 costs.

Other Options Considered

41. None

Reason/s for Recommendation/s

42. This is an information report

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. This report contains no additional financial implications, with activity reported or that proposed being contained within existing service budget.

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

As this report is for noting only, Constitutional Comments are not required

Financial Comments (CT 01.07.16)

The financial implications are contained within paragraph 44 of 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'