

21st February 2017

Agenda Item: 7

REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE AND PUBLIC PROTECTION.

UPDATE ON KEY TRADING STANDARDS MATTERS

Purpose of the Report

1. The purpose is to update the Committee on key Trading Standards matters.

Information and Advice

2. **Animal Disease Outbreak – Avian Flu** - On 6th December 2016, an Avian Influenza Protection Zone was put in place for the whole of England, which has been extended to run until 28th February 2017. It was implemented following outbreaks of the highly pathogenic H5N8 Avian Influenza variant that had been in wild and farmed birds across Northern Europe in the autumn.
3. The protection zone introduced required the following:
 - All keepers of poultry and captive birds are required to take appropriate and practicable steps to ensure that their birds are kept away from wild birds, which includes appropriate housing.
 - All feed and water is not accessible to wild birds.
 - Any person who comes into contact with poultry and other captive birds must take all reasonable precautions to avoid the transfer of contamination between premises, including cleansing and disinfection of equipment, vehicles, and footwear.
 - Steps are taken to reduce the movement of people, vehicles and equipment from areas where poultry or captive birds are kept to minimise contamination
 - Housing and equipment is thoroughly cleaned and disinfected and vermin control is in place.
4. The H5N8 strain of the disease has been confirmed at three linked premises on a commercial game farm in Lancashire, at three separate poultry farms in Lincolnshire and in backyard flocks in North Yorkshire and Carmarthenshire. The same strain has also been found in wild birds in England, Scotland and Wales.

5. Trading Standards are monitoring the situation as outbreaks occur throughout England. Concerns were raised in early January regarding dead swans which were found at Clumber Park in Nottinghamshire but the test results have come back as negative for avian influenza.
6. There are no concerns at present regarding avian influenza affecting the food chain or the health of humans. Representatives from the Association of Chief Trading Standards Officers attend all National Disease Control Centre meetings and provide information and assistance to Trading Standards colleagues nationally in relation to this issue.
7. **Safeguarding the Vulnerable** – the Service continues to intervene to protect our more vulnerable residents:

- Officers have responded to a doorstep crime incident involving a disabled couple who were approached by traders offering gardening services and who claimed the garden was 'rat infested'. A total of £380 was handed over after the traders took the female resident to the cash machine.

The whole incident has caused great anxiety to the couple. Officers have been working with the Police to trace the traders. Officers have also been working with Victim Support and Social Services for support to the couple. The couples' bank has also been contacted to make them aware of the incident and to prevent this from happening again. The neighbours have also been supporting the couple and a wireless door alarm has been installed in their home.

- An elderly Mansfield resident has received support from Officers following a doorstep crime incident where she was conned out of £500 for window replacements. After she handed the cash over, they failed to return to complete the work. Officers have been taking action to ensure that the lady does not fall victim again, and her family and neighbours have also been supporting her.

8. **Doorstep Crime Incidents** - Between the beginning of October 2016 to the end of December 2016 Trading Standards have received 50 notifications of doorstep crime incidents/information. Out of these 11 victims have been supported (either by phone, letter or visit), and two were stopped from making further payments to the value of £1,259. 7 referrals were from the Police and 14 were from Social Services.

9. **Safeguarding the Vulnerable - mass marketing scams** - the Service continues to intervene to protect our more vulnerable residents:

- Officers are seeking to recruit the County's first mail marshal to the National Scams Team Project. The aim of the mail marshal scheme is to encourage people to independently send scam mail to the national team for intelligence purposes. The scheme also has the added benefit of helping scam victims to recognise scam mail letters and to discourage them from responding to them.
- The vulnerable resident concerned has unfortunately already lost considerable sums of money to scams over several years. Officers were recently able to persuade them to allow the removal of 10kg of mail from his property, assistance which had been

previously refused. The mail marshal scheme provides officers with another useful tactic to help change scam victims' behaviour.

- Officers received a MASH referral asking for assistance with a resident suspected of being a scam victim. When our Community Care Officer arrived at the premises the woman appeared to be in a panic because she had lost her key and couldn't exit her property. Due to her dementia she wasn't able to tell officers how long she had been locked in. Our officer worked with social care colleagues to resolve the issue.
- This case illustrates the extreme vulnerability of many of the scam victims and also the variety of issues encountered by our officers in their scam prevention work. We are now working with family to help with the unwanted post. More detailed information has been given to their family around lasting power of attorney, private care packages and other available support.

10. **Regional Investigation Team – Trading Standards East Midlands** - as reported to the last Committee Meeting, there have been some concerns raised by the Courts in other parts by the Courts that the use of the name 'Scambusters' could be prejudicial to some extent in legal proceedings.
11. As such, the National Trading Standards Board, the body that provides the funding and governance for the national network of teams agreed at its January Board Meeting to change the name of all the teams in the network to "Regional Investigation Teams".
12. **Operation Spinnaker** – The final two defendants of the twelve that the Authority instigated legal proceedings against in this investigation both pleaded guilty to charges under the Fraud Act in January. They will now be sentenced on 9th February 2017. The individuals involved are currently the subject of ongoing Proceeds of Crime investigations.
13. **Operation Strutt** – is an investigation into second hand motor traders who the Authority alleges sold vehicles that we believe have been mis-described, are in an unroadworthy condition or have had the mileage indications deliberately reduced. The case recently had its first hearing in the crown court, when the 4 defendants all entered not guilty pleas to fraud charges. A 6 week trial has now been scheduled to commence on 2nd October 2017.
14. **Commercialisation** – following positive feedback from soft market testing with some business customers the name for the commercial team within the Trading Standards Service will be the "Commercial Services" team.
15. The Commercial Services team have been working on developing the procedures that set out clearly how the Service will ensure that there is no conflict of interest; how matters will be transferred between the commercial side of the service and the enforcement side; and the terms of engagement with businesses so that they understand how the contractual relationship will work and the links with enforcement. A draft pricing structure has also been developed to help officers when they are discussing potential income generating work.
16. The Service is also working with the Authority's Communications Department in developing the Marketing and Communications plan for the Commercial Services team. This covers areas such as the development of dedicated web pages to promote the commercial services available, promotional material that can be handed out by officers when they have

contact with businesses; and the development of a new logo for the team that will help to promote the commercial activities as a premium service for businesses to use. A meeting has also been held with the managers of the Authority's Commercial Development Unit to update them on progress of the team following completion of their program last year.

17. **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 is listed for the 24th February 2017.
18. 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 was 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 2016. Mr Kadir pleaded guilty to the charges, whilst Hassan and Salah pleaded not guilty, although both have pleaded since this hearing. Sentencing was put back until the conclusion of the POCA investigation as is now listed for the 23rd February 2017.
19. A third person Mr Rekant Azizi has been joined into the case, he has also pleaded guilty and is due for sentence on the same day. 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. Another defendant previously dealt with from this shop was Ms Rudminate and she was given a conditional discharge and costs of £190.
20. Sherzad Mohammad of Annesley Road Stores and Hucknall Mini Market, 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 was sent to the Crown court, he pleaded guilty and he was due to be sentenced in October 16. Further offences have since been identified and Mr Mohammed's case has now been listed for trial in June of 2017 where he will be sentenced for the old matters following the trial for his new matters.
21. 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.
22. James Grozier of National Trade Windows was due for trial in the Northern Derbyshire Magistrates court on the 12th July 2016 charged with Fraud offences and offences under the Consumer Protection from Unfair Trading Regulations. He had been taking deposits for work, namely replacement double glazed windows and then not completing the work or refunding the deposits. He pleaded guilty before the trial and was sent to the Crown Court, and he is be sentenced on the 24th February 2017. Mr Grozier has been prosecuted by this

Service on two previous occasions for the same type of offences. He has previously been given a total of 392 hours unpaid work and ordered to pay compensation of £6935.

23. On 22nd September 2016 Tyrone Beard, following a comprehensive investigation, was given a Confiscation Order by Nottingham Crown Court. He was ordered to pay £60,081 (available assets), and had a benefit figure declared at £613,163. The £60,081 was awarded to be paid to the 65 victims. Mr Beard paid the £60,081 in full by the deadline of 23rd December 2016. If he had failed to pay he would have faced a default sentence of 4 months imprisonment.
24. Four individuals have been charged with conspiracy to possess criminal property namely illicit cigarettes. These are Hersh Mohammed, Alan Ali, Bakir Khalidi and Syrwan Mohammed-Ali. This is a joint investigation with Nottingham City as two of the premises involved are within the City area. The premise in Nottinghamshire is Outram General Stores at Sutton in Ashfield. A hearing was listed for the 21st October 2016, where all defendants pleaded not guilty, a trial date has been set for the 26th June 2017.
25. In the previous 12 months Trading Standards have prosecuted seven other defendants connected with Outram General Stores all for the possession of illicit cigarettes. Mr Alizadeh was given 80 hours unpaid work with £470 costs. Mr Saidi was given 100 hours unpaid work. 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.
26. Mr William Smith, Mr Andrew Smith and Mrs Christine Smith of Barn Bacon appeared in the Nottingham Crown Court on the 20th October 2016, they were charged with fraud by misrepresentation, in that they made claims that their meat products were free range and from their own farm when the Trading Standards case is that they were not. They all pleaded guilty to the charges and are listed for trial week commencing the 24th April of 2017.
27. Mr Hew Abdullah and Mr Abdullah Mohammed are both facing charges in the Crown Court for the possession and supply of illicit cigarettes. They are both from the retail premise Zabcia, Mansfield. They have pleaded not guilty to the charges and are due for trial on the 17th July 2017.
28. On the 3rd January 2017 Sarbest Abdullah of Zam Zam, Eastwood, appeared in the Nottingham Magistrates court charged with the supply of dangerous and illicit tobacco. He pleaded not guilty to the charges and is due for trial on the 20th March 2017. This is the first occasion that anybody from this premise has been in court.
29. Andrew Ostolski of QMC Ltd a motor dealership in Mansfield pleaded guilty to offences under the Consumer Protection from Unfair Trading Regulations and the Road Traffic Act at Mansfield Magistrates court on the 19 January 2017. Mr Ostolski sold one unroadworthy car, refused to refund deposits on two vehicles, refused to deal with consumer complaints and in some cases was verbally aggressive to customers. Mr Ostolski was fined £700 and ordered to pay compensation to the consumers involved. The company was also fined £750.

Other Options Considered

30. None

Reason/s for Recommendation/s

31. This is an information report.

Statutory and Policy Implications

32. 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

33. 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.

Paul McKay, Service Director, South Nottinghamshire & Public Protection.

For any enquiries about this report please contact:

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Constitutional Comments

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

Financial Comments (KAS 07/02/2017)

The financial implications are contained within paragraph 33 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.

Electoral Division(s) and Member(s) Affected

- 'All'