



**7 September 2017**

**Agenda Item: 9**

**REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE AND  
PUBLIC PROTECTION.**

**UPDATE ON KEY TRADING STANDARDS MATTERS**

**Purpose of the Report**

1. To update the Committee on key Trading Standards matters, to agree the reporting frequency for future such update reports, and the frequency that progress reports regarding certain key threats are provided to Members.

**Information and Advice**

2. **Animal Health** - Since June 2017, all Avian Influenza (bird flu) restrictions previously imposed were removed for the whole of the United Kingdom. Trading Standards continue to monitor any reports from DEFRA (Department of Environment, Food and Rural Affairs) of outbreaks.
3. A dead swan recently found in North Norfolk was confirmed to have Avian Influenza on 4<sup>th</sup> August 2017. Because the bird was wild, at the present time, no further restrictions have been put in place. All keepers of poultry are still being reminded to follow strict bio-security practices, which included the cleansing and disinfecting of all footwear, vehicles and equipment.
4. In July 2017, a farmer received and accepted a formal caution regarding the movement of a bovine from his holding in Oldham to Newark Livestock Market. The animal did not have the correct identity or cattle passport and should not have been allowed to leaving its holding address. This matter has also been referred to the Local Authorities in Oldham for them to monitor the keeper.
5. Newark Livestock Market had a temporary suspension of their Animal Gatherings Licence in June 2017, following concerns raised by Trading Standards Officers and Animal & Plant Health Agency (APHA) regarding appropriate cleansing and disinfecting, which is part of the market's licence requirement for disease control. Whilst the suspension was lifted, it is vital that the Market Operator ensures compliance, and Trading Standards Officers are currently working with the market and APHA to ensure that improvements continue.
6. **Illicit Tobacco** - Nottinghamshire Trading Standards Officers continue to apprehend individuals and businesses that sell and distribute illicit tobacco. This work is primarily funded by Public Health monies, but also supported by Nottinghamshire Police by means of seconded Police Officer resource.

7. Since April to June 2017, 14 individuals have been arrested and charged with offences relating to illicit and unsafe cigarettes and hand rolling tobacco in the Mansfield, Ashfield, Worksop and Beeston areas. Between April and June 2017 a total of 44,090 individual cigarettes and 17kg of hand rolling tobacco were seized, which has a total street value of £28,411.
8. The Legal Update section of this report details recent legal action against those involved in this trade.
9. Given the importance of this work, and the funding provided to the Service, it is proposed that regular progress updates, at least once every fourth Committee meeting are provided to Members.
10. **Mass Marketing Scams** – Scams are also a key threat to the people of Nottinghamshire. Better Care Funding has funded two additional officers in the Service for a 12 month period (October 2016-17), to deliver scams prevention work. In addition to the visits to victims, officers are working on a number of prevention initiatives with Royal Mail, banks, and other agencies who work with vulnerable residents in the county.
11. A report is going to the Adult Social Care and Public Health Committee on 11 September 2017 to request a further £49k Better Care Funding to fund the two additional officers for a further 6 months from October 2017 to March 2018.
12. Nottinghamshire is set to receive an additional 800 victim details between October 2017 and April 2018 from the National Scams Team. These details come from lists seized when Police and Trading Standards authorities carry out raids on scam businesses around the country.
13. This additional funding, if approved, will allow the Service to continue this important scams prevention work to:
  - Work with partner agencies to visit and intervene to protect the additional victims identified by the national team.
  - Respond to the increasing scams referrals coming into the Service via the Multi-Agency Safeguarding Hub (MASH), and social care colleagues.
  - Promote and develop the 'Friends Against Scams' initiative (as at July 2017, 123 Friends Against Scams and 17 Scams Champions registered in Nottinghamshire. Nationally there are now over 25,000 Friends Against Scams signed up since the campaign's launch in October 2016. The aim is to achieve one million friends by 2020 and to help achieve this the National Scams Team launched their Friends Against Scams Facebook page in July 2017).
  - Work with Nottingham Trent University Year 3 media students to develop video material to promote awareness of mass marketing scams (£1,500 Community Safety initiatives funding requested to support this initiative).
  - Further promote and embed the national banking protocol.

14. July 2017 was national Citizens Advice Scams Awareness Month, which was supported by the Trading Standards National Scams team and Trading Standards authorities throughout the country. In Nottinghamshire, a press release was issued to promote the Friends Against Scams initiative and officers did local radio interviews.
15. Colleagues from Inspire are also working with Trading Standards to promote scams awareness, and they hosted an event at Arnold library on 19<sup>th</sup> July to explain how to spot a scam, and avoid becoming a victim.
16. Officers recently supported a resident who was regularly responding to prize draw scams. She had been replying, because she felt she had nothing better to do with her time. As she appeared to be socially isolated, the officer referred her to the Connect Service. On a follow up visit, her health appeared to have deteriorated, so the matter was then referred for social worker involvement. The County Council's Short Term Reablement Team (START) will now work with her to help maintain her independence and improve her general wellbeing.
17. Given the importance of the work to tackle Mass Marketing Scams, and the funding provided to the Service, it is proposed that regular progress updates, at least once every fourth Committee meeting, are provided to Members.
18. **Doorstep Crime** – Represents another key threat to the people of Nottinghamshire. The warmer weather coincides with a seasonal increase in the amount of doorstep crime reports that are received by Trading Standards. In particular, organised criminals target vulnerable residents who live in their own homes, offering services such as garden and roofing maintenance.
19. Recent examples include:
  - A refund of £2500 was obtained in August by Trading Standards Officers for a victim of a rogue trader in the Keyworth area. The victim paid the money for roofing works, which were sub-standard, and had to pay for the works to be re-done.
  - In June, a builder was given a written warning regarding works he had done in the Bassetlaw area. Officers also ensured that the trader was fully aware of his responsibilities to consumers and their rights under the Consumer Rights Act, to prevent further instances occurring.
20. From 1<sup>st</sup> April to 31<sup>st</sup> July 2017, Trading Standards received 47 reports of doorstep crime; 9 of those were received from the Police, 1 from a bank, and 1 from the Multi Agency Safeguarding Hub. All others were reported to the Service by individuals.
21. We have supported 19 vulnerable consumers during this time and stopped a further £3,000 from being paid. In comparison, for 1<sup>st</sup> January 2017 – 31<sup>st</sup> March 2017, we received 41 doorstep crime reports and in one case our intervention stopped a payment of £15,000 from being given to criminals.
22. Given the importance of the work to tackle Doorstep Crime, it is proposed that regular progress updates, at least once every fourth Committee meeting, are provided to Members.

23. **Food Enforcement** - Officers continue to monitor food alerts and respond to complaints and intelligence received regarding food safety. Officers have been working closely with Environmental Health Officers in sharing intelligence and conducting joint inspections with regards to food safety and business compliance. Particular issues found involve food labelling, allergens, and health claims problems.
24. A flour confectioner, importing goods into England for national retail through small independent shops, has received advice regarding the requirements of imported food labels. The food business operator worked with Trading Standards to ensure that all of his food labels were fully compliant, so that the products were fit to be offered for sale in England.
25. In June 2017, Officers had a visit from the International Federation of Spirit Producers who gave training to officers on key facts regarding counterfeit alcohol, and new tactics that criminals have taken to avoid being detected. This intelligence sharing is key for officers when conducting food inspections, as counterfeit alcohol is often made in unhygienic conditions with added chemicals which not only are harmful to human health, but may also be combustible.
26. **Regional Investigation Team** – Operation Spinnaker – the financial investigations relating to all those who benefitted from this advertising fraud have now been concluded. This follows the successful conviction of those key decision makers involved in the Wyvern Media Group, a network of companies that targeted businesses and consumers. The business sold advertising that was either non-existent, misleading, or of such poor quality it could not possibly generate any legitimate interest.
27. The criminal proceedings were concluded in January 2017, and resulted in 12 individuals being convicted for their involvement. Over 12 1/2 years of custodial sentences were handed down, as well as suspended sentences and directorship bans.
28. The financial investigations were concluded against those who had benefited from their crimes in August, with Joanne Soen receiving an order to repay £114,494 within three months, or face a term of imprisonment.
29. The table overleaf sets out the criminal benefit and confiscation amounts in respect of all the financial investigations concluded.

	<b>Benefit from Crime Evidenced</b>	<b>Available for Confiscation</b>
Thomas Chamberlain	£150,249	<b>£121,669</b>
Dennis Draper	£98,971	<b>£1,251</b>
Jonathan Rivers	£1,216,305	<b>£1,216,305</b>
Keira Byrne	£97,865	<b>£93,912</b>
Jagjeet Basra	£146,932	<b>£9,047</b>
Matthew Walker	£79,572	<b>£305</b>
Barbara Stone	£20,000	<b>£20,000</b>
Andrew Simpson	£154,393	<b>£30,168</b>
Joanne Soen	£330,655	<b>£114,494</b>
<b>TOTAL</b>	<b>£2,294,943</b>	<b>£1,607,150</b>

30. All of the victims of the offenders who featured in the case have had their money returned as a result of the financial investigations. This investigation is the largest Trading Standards case the region has ever taken on, and the successful result has generated much media attention. The latest instalment for the Fake Britain Programme has now been recorded and is due to air in September.
31. Vehicle Fraud – A group of Leicestershire based motor traders are due to face trial at Leicester Crown Court on 4<sup>th</sup> October for their involvement in a criminal ring that the Authority will allege sold unroadworthy, misdescribed and clocked vehicles to unsuspecting consumers. 5 individuals have entered not guilty pleas in relation to their alleged involvement.
32. **Legal Update** - Sherzad Mohammad of Annesley Road Stores and Hucknall Mini Market, Hucknall appeared in the Nottingham Magistrate's Court on the 10<sup>th</sup> May 2016, charged with the supply and possession of counterfeit and dangerous cigarettes. His case was sent to the Crown Court, where he entered guilty pleas. He will be sentenced in October. Further offences though have now since been identified, and Mr Mohammad's case has been listed for trial for

October of 2017, where he will be sentenced for the old matters following the trial for the new and additional matters.

33. There have been a number of seizures and resulting prosecutions with regards to 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.
34. Four individuals were charged with conspiracy to possess criminal property, namely illicit cigarettes. These are Mr Hersh Mohammed, Mr Alan Ali, Bakir Khalidi and Syrwan Mohammed-Ali. This was a joint investigation with Nottingham City Council as two of the premises involved are within the City area. The premises in Nottinghamshire is Outram General Stores at Sutton in Ashfield. A hearing was listed for the 21<sup>st</sup> October 2016, where all defendants pleaded not guilty, a trial date was then set for the 26<sup>th</sup> June 2017.
35. Before the trial, Mr Al Khaldi, and Mr Alain Ali, both pleaded guilty to the charges. Mr Hersh Mohammed and Mr Mohammed Ali were both found guilty after the trial. Mr Hersh Mohammed was sentenced to 2 ½ years in prison. Mr Alain Ali was given a 12 months suspended prison sentence with 120 hours unpaid work. Mr Khalidi and Mr Mohammed Ali are still waiting sentence. A proceeds of crime investigation is ongoing for all four.
36. In the previous 12 months, Trading Standards have prosecuted seven other defendants also connected with this shop, 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.
37. Mr Hew Abdullah and Mr Abdullah Mohammed, from the retail premise Zabcia, Mansfield both pleaded guilty to charges of possession of counterfeit cigarettes in the Nottingham Crown Court. Both had initially pleaded not guilty, but subsequently changed their pleas before court. They are due to be sentenced on the 1st September 2017, and again a proceeds of crime investigation is ongoing.
38. On the 3<sup>rd</sup> January 2017, Mr 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 the trial date is listed for the 19<sup>th</sup> September. This is the first occasion that anybody from this particular premise has been in court.
39. On the 29<sup>th</sup> March 2017, four men appeared in the Mansfield Magistrates Court charged with conspiracy to supply dangerous and counterfeit cigarettes, they are connected to the retail shop Kubus in Mansfield. The matter was sent to the Crown Court and a trial date of the 20<sup>th</sup> November has been listed. Those involved are Fakher Fathulah, Marwan Shaban, Nabaz Ahmadi and Amin Amin.

40. On the 11<sup>th</sup> May 2017, Mr John Paul Allen appeared in the Mansfield Magistrates court charged with offences of fraud to the value of £26,400. There is one victim in this case, who the Authority alleges has been defrauded by representations that she needed certain work carrying out on her property. Mr Allen pleaded not guilty, and his case is listed for trial on the 2<sup>nd</sup> January 2018.
41. On the 6<sup>th</sup> July 2017, Mr Fazil Ghafor of Aro's, Worksop pleaded guilty a charge of selling counterfeit cigarettes. He was fined £350.
42. On the 6<sup>th</sup> July 2017, a Mr Karwan Dewari of the retail premises Andrews News and Booze pleaded guilty to 9 charges relating to the possession and supply of counterfeit and dangerous cigarettes. He was sentenced to 18 weeks custody, suspended for 12 months.

### **Other Options Considered**

43. None

### **Reasons for Recommendations**

44. To provide appropriate progress reports and establish the reporting frequency to enable Members to appropriately scrutinise and help steer the work of the Service.

### **Statutory and Policy Implications**

45. 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**

46. This report contains no additional financial implications for the net budget of the service, with activity reported or that proposed being contained within existing service budget.
47. Additional funding of £49k is to be sought (Adult Social Care and Public Health Committee on 11<sup>th</sup> September 2017) from the Better Care Fund to support the Service with the continuation of important scams prevention work from October 2017, to March 2018.

### **RECOMMENDATIONS**

48. That Members agree to:

- 1) Receive a follow up report at every second Committee meeting on key Trading Standards Matters, in the same format as the report considered by Committee at this meeting, and that this is included in the work programme; and
- 2) Receive updates on progress regarding the specific key threats of Illicit Tobacco, Mass Marketing Scams, and Doorstep Crime as part of these follow up reports, at a frequency of not less than once every fourth Committee meeting.

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### **Constitutional Comments (SLB 24/08/2017)**

Communities and Place Committee is the appropriate body to consider the content of this report.

### **Financial Comments (CT25/08/17)**

The financial implications are contained within paragraphs 46 and 47 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'