

9 January 2020

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 progress to raise income in the Service; and
2. To address a question previously raised by Committee regarding Nicotine Inhaling Products.

#### **Information**

##### **TRADING STANDARDS**

3. **Workforce Strategy and Changes to the Staffing Structure** – as identified previously, the Service is struggling to recruit and retain fully qualified Officers. A separate report sets out how the Service intends to address these issues.
4. **Checktrade Approved Trader Partnership** - After 5 successful years working together, Officers and Checktrade have jointly agreed to end the Trading Standards Approved offer to Checktrade members in the County. The partnership will come to an end on 31st March 2020.
5. The Council will continue to work with Checktrade as the scheme comes to a close, meaning that some Nottinghamshire members of Checktrade will remain approved and be able to display the Trading Standards Approved logo until 31<sup>st</sup> March 2021.
6. People can check to see whether a business is still Trading Standards Approved at [www.checktrade.com](http://www.checktrade.com). We would like to thank Checktrade and the members of Checktrade in Nottinghamshire for their support and services over the past 5 years.
7. **Nicotine Inhaling Products** – A question was raised at the November meeting regarding ‘vaping’ products.
8. These products are estimated by Public Health England to be 95% safer than smoking tobacco, with a lifetime cancer risk under 0.5% that of smoking. There have been recent reports that have linked products to incidents of ill health. The Council’s Public Health Service is currently in the process of drafting the Authority’s position.
9. E-cigarettes and nicotine liquids are covered by Trading Standards legislation. Further, each product must be notified to the Medicines and Healthcare Products Regulatory Agency

(MHRA) before sale. The MHRA maintains a public register so that side effects or safety concerns about any product can be reported and monitored. For e-liquids, Trading Standards has product labelling enforcement responsibilities.

10. The Council has carried out business advice exercises between 2016 and 2018. The last one informed businesses of the changes in legislation, new product requirements and the traders' obligations, and covered age restricted sales, labelling requirements, and the electrical safety of chargers. The Service has also responded to complaints about compliance in these areas.
11. In 2018, the Chartered Trading Standards Institute undertook a compliance review. The law restricts the size of e-cigarette tanks and refill containers, nicotine strength, child resistant packaging, information and health warnings. 80% of both E-cigarette products and refill containers were complaint.
12. Non-compliance was generally dealt with by business advice. The review noted that the MHRA had commissioned a separate report relating to the laboratory testing of several E-liquids.
13. Further, there have been reports that criminal drug producers may be selling illegal drugs in the form of liquids for e-cigarettes. These include that cannabinoids and other synthetic psychoactive substances may be available.
14. Trading Standards would share any intelligence received concerning the illegal sale of drugs with the Police. Such products are covered under the Psychoactive Substances Act 2016, which give the Police powers to search, seize, test and destroy products and take criminal enforcement action.
15. The Service has not referred any intelligence to the Police recently concerning the sale of e-liquids containing Novel Psychoactive Substances (NPS) or Synthetic Cannabinoid Receptor Agonists (SCRA). This is because the Service has not received any new intelligence about this issue that Police do not have knowledge of. Trading Standards has received some intelligence from the Police in the form of Crimestoppers Reports.
16. The reports received has concerned home sellers reported to also be selling illicit tobacco along with other classified drugs.
17. Trading Standards takes an intelligence led approach to Nicotine Inhaling Products and they are considered as part of the Service's tasking and co-ordination system which considers risk, threat and harm in order to target resources at the issues causing the most detriment.
18. **Nominated Neighbour** – Officers are working with Nottinghamshire Police and Local Borough Councils officers to expand the Scheme, which helps protect residents vulnerable to unwanted doorstep callers. Dialogue is progressing with Bassetlaw District Council who are promoting the Scheme and identifying residents and neighbourhoods who may benefit.
19. A presentation has been given to the Adult Access Team on scams and the Nominated Neighbour Scheme. The Team regularly comes into contact vulnerable people over the telephone, and this information will help to identify anyone that may have been a victim of a scam or doorstep crime.
20. **Sparkler Concerns** – Officers carried out an emergency response in November after receiving reports that people had suffered burns from using Turbo Sparklers, manufactured by Klasek.

21. Officers worked with national retailers to ensure effective product recalls and carried out media and publicity work to spread warnings as widely as possible, targeted in the areas where product had been sold. Media work included, live radio, television interviews, social media, press releases and announcements at organised bonfires in the Nottinghamshire. Investigations are currently ongoing.

22. **Illicit Tobacco** – Officers continue to apprehend and disrupt businesses and individuals involved in the sale of illicit products.

23. Recent operations include:

- Following complaints against a Daybrook shop, two test purchases were made, and officers were sold counterfeit cigarettes. £2,200 worth of illicit tobacco products were subsequently seized, and two persons have been interviewed and cautioned.
- A Workshop shop with history of selling illicit tobacco was recently inspected, and £1,700 of product seized. A suspect has been interviewed and reported for prosecution.
- A warrant was executed at a Mansfield residence resulted in a seizure of £19,000 worth of products, and £4,700 in cash. Two persons are to be interviewed and investigations continue.
- A joint operation with Nottinghamshire Police, Derbyshire Trading Standards and HMRC looked at storage facilities holding illicit tobacco in the Nottinghamshire and Derbyshire area. Five were visited in Nottinghamshire, and advice provided regarding their responsibilities and legal requirements to prevent illicit products being stored.

24. **Intelligence Apprentice** - a new apprentice, the fourth for Trading Standards, has now been appointed. She will help support the Intelligence Manager and continue to develop our intelligence function.

25. **Preventing Fraud Against the Vulnerable – call blockers.** Six additional call blockers have been obtained from National Trading Standards and will help to protect some of our most vulnerable consumers who have lost money to telephone scams.

26. For example, one blocker will be installed in the home of a Rushcliffe consumer that Trading Standards and Social Workers have been supporting. The person has lost money to telephone scams and financial abuse previously. The blocker will stop unwanted and scams telephone calls.

27. **Safeguarding the Vulnerable** – recent interventions include:

- A disabled, vulnerable Mansfield person had paid for work which had not been completed. Following intervention, the trader agreed to refund all monies. Officers are monitoring.
- Trading Standards and Social Workers in Gedling have been supporting a scams victim, putting practical steps in place to prevent the consumer from becoming a victim again.
- An older Newark consumer has been supported following a doorstep crime incident where she paid £2000 for work not completed. Again, advice and practical measures were put in place to prevent further incidents. A witness statement was also taken to support a criminal investigation by another Trading Standards service.

- Another Newark consumer, in her 70's has been supported following a bogus caller incident. She was given advice and equipment at her home, to deter further incidents.
28. **Income Progress 2019-20** The current level of income at the time of writing this report is £426k which is marginally ahead of where it needs to be to meet the annual target of £729k for 2019/20. The Service remains confident it will meet or exceed this target by year end.
  29. **Knife sales** – all Primary Authority companies affected by the proposed changes regarding the sale of knives were recently contacted to make them aware of the possible outcomes of recent consultations. The Service has subsequently been approached by 3 of those companies requesting detailed support to help preparations.
  30. **County Enterprise Foods** - recently won the National Association of Care Catering on Meals on Wheels award. The nomination focused on the work that they had undertaken with Trading Standards to embed changes in food legislation and address scams.
  31. **Railweight tests** - the Service has been carrying out a programme of tests at Power Stations, testing the on-line weighing equipment used to weigh coal trains. As a consequence, the customer recently asked us to carry out tests at Immingham Docks.
  32. **Regulation of Investigatory Powers Act 2000 (RIPA)** - the Council has power to undertake covert surveillance in relation to certain investigations. There is a strict authorisation process set out in the legislation.
  33. Since 2017, the Investigatory Powers Commissioner's Office (IPCO) has been responsible for the oversight of the use of RIPA, and the Council is required to submit an annual statistical return to the IPCO.
  34. 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.
  35. A programme of monitoring and review is set out in the Council's RIPA policy and guidance. Since 2017, annual reports are made to the Governance and Ethics Committee.
  36. Throughout 2019, the Council overall has used RIPA sparingly, and at the end of the year, the Council successfully completed an IPCO inspection. The next IPCO inspection will be in 2022, and it is anticipated that this will consist of a physical inspection.
  37. Throughout 2019 two new Trading Standards authorisations for directed surveillance have been made in relation to the same investigation of illicit and counterfeit cigarettes and tobacco.
    - The first authorisation was cancelled once the conditions no longer applied.
    - The second authorisation yielded evidence which is currently being assessed for future criminal proceedings.
  38. There have been 5 new Trading Standards applications for communication data access so far in 2019. One relates to an ongoing investigation, whilst the others relate to the same doorstep crime case. Due to problems identifying those behind the crime, unless further evidence comes to light, we are currently unable to progress.

39. Throughout January and February 2019, 44 staff, including managers, undertook refresher training. In June 2019, Trading Standards Group Manager and an Enforcement Team Manager attended a National Anti-Fraud Network roadshow.

40. **Regional Investigations Team (RIT) - National Trading Standards Board (NTSB) Case Reviews** – in 19/20, the Team has been awarded £320k for its core budget, and £649k of additional funding for three investigations of national importance, a total of £969k.

41. Annual reviews are carried out to ensure that:

- investigations are managed and undertaken in accordance with appropriate legal frameworks and practice;
- funding is being used effectively;
- there is appropriate Local and Regional governance, and
- identify best practice.

42. Three officers from the NTSB National Tasking Group recently reviewed the investigations and made the following findings:

- investigations are well managed from the outset;
- funding is used effectively;
- significant results have been achieved at the Crown Court during 2019/20;
- the flexible model resourcing model used is an effective use of funding;
- there is good support both locally, regionally and nationally;
- the Team Manager plays an active role in the Regional Tasking Group;
- the Team links well with external enforcement agencies through the Government Agency Intelligence Network (GAIN); and
- Best practice was identified regarding a comprehensive risk management process for conducting complex criminal investigations.

43. Best practice will be shared across the 9 RIT teams, Trading Standards regional colleagues, and our own main Service.

## COMMUNITIES

44. **Armed Forces Work** - On Remembrance Sunday, Poppies projected on the Victoria Embankment war memorial provided a fitting tribute to the fallen servicemen and women of Nottinghamshire. Working with local groups and partners including the City Council, the cascade of falling poppies was projected onto the memorial between 4pm and 8pm. The event formed part of wider commemorative services and parades across the county and city which saw record numbers of attendance.

45. **Victory in Europe Day 75 - A Civic Reception** has now been planned for the Assembly Room at County Hall on Tuesday 6th May 2020, to honour those of the WW2 generation. High Tea will be served from 3.30pm to an invited guest list, as well as Nottinghamshire residents born on or before 8th May 1945. Numbers are limited to 128. Wartime 1940's Vintage Harmony Trio, a group of female singers, will provide entertainment.

46. On Friday 8<sup>th</sup> May 2020, 75 years to the day itself, the Council will host a special concert for peace and commemoration to mark 'Victory in Europe' Day. A swing band, vintage singers,

the band of the South Notts Hussars (local regiment), and Nottinghamshire's Army Cadet Force band will entertain residents of the county at Rufford Abbey Country park.

47. The concert will last approximately 5 hours and will be repeated on Saturday 9<sup>th</sup> May. Throughout the day current servicemen and women from all three services will be showcasing modern equipment and vehicles.
48. Historical societies, local museums and community groups will also highlight Nottinghamshire and commonwealth life during the period. Re-enactors will provide historical elements including a M10 (British Variant) Tank buster, and a Flying Flea.
49. The day will settle in the evening with a showing of clips from the 8<sup>th</sup> May 1945 Pathe news, followed by the film 'Brief Encounter', before ending with a spectacular fireworks display.
50. The Lord Lieutenant and the Dean of Southwell will lead a county-wide multi-faith Commemoration Service at Southwell Minster on Sunday 10<sup>th</sup> May. Civic and Military representatives will be joined by Nottinghamshire residents in respecting the memory of those who lived through the war and particularly remembering those who gave their lives in order to give the many freedoms enjoyed today.
51. **Victory in Japan (VJ) Day 75** - otherwise known as 'Victory in the Pacific' Day, it falls on Saturday 15<sup>th</sup> August 2020.
52. Working with the City Council, a Commemorative Service and exhibition will be held at St Mary's Church, Nottingham. Elements of the Armed Forces Community including the South Notts Hussars, The Sherwood Rangers, The Sherwood Foresters Association, and current military units of 7 Infantry Brigade will take part in a march past on the way to a Civic Reception at the Council House in Nottingham.
53. **Community Friendly Nottinghamshire - Community Organising Training workshops.** 10 workshops have been delivered in 2019, with a further 2 planned before year end. A further 10 more workshops have been scheduled between January and July 2020. The workshops provide residents and stakeholders with the skills required to inspire and instigate new resident-led community activities/projects.
54. Active Notts have commissioned a Listening Skills for community organising workshop, due to be delivered 16<sup>th</sup> January 2020.
55. Since January 2019, the following outcomes have been achieved:
  - 141 people have attended Community Organising workshops;
  - 16 New activities / projects are up and running with 5 in development;
  - 46 additional businesses are now supporting the Take a Seat scheme (324 total);
  - 229 new Dementia Friends have been recruited (including 91 in the Council); and
  - 2 new Dementia Champions have been recruited.

### **Other Options Considered**

56. None.

### **Reason/s for Recommendation/s**

57. To ensure appropriate political oversight of key Trading Standards and Communities matters.

## **Statutory and Policy Implications**

58. 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**

59. The Service has achieved £426k in income so far, which means it is on target to meet the annual target set of £729k for 2019/20 by year end.

## **RECOMMENDATION/S**

That the Committee:

- 1) Considers the updates and highlights any actions required, specifically in respect of income generation and nicotine inhaling products.

**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 22/11/2019)**

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

## **Financial Comments (RWK 04/12/2019)**

61. The financial implications are set out in paragraph 59 and indicate income of £426,000 has been received to date against a budget of £729,000. The net budget for the Trading Standards Service for 2019/20 is £926,000, and the service is forecasting a net underspend of £12,000.

## **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