

5 November 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 the role the Service continues to play in the County Council's response to the Covid-19 emergency.

Information**TRADING STANDARDS****Response to Covid-19:**

2. **The Health Protection (Coronavirus, Restrictions) England Regulations 2020 (as amended)** - Trading Standards are still working with their Environmental Health colleagues to enforce the legislation and guidance that relates to the closure and restrictions placed on businesses during this emergency period. The emphasis is now on advising businesses to ensure they maintain health & safety conditions to keep employees and customers safe.
3. **The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020-** These new Regulations came into force on 18th July 2020 and as an upper tier local authority, Nottinghamshire County Council has been given powers under these Regulations to give a Direction which imposes prohibitions, requirements or restrictions in relation to individual premises, events and public outdoor places.
4. The Regulations are accompanied by statutory guidance which refers to the granting of '*new powers to respond to a serious and imminent threat to public health and to prevent COVID-19 ("coronavirus") transmission in a local authority's area where this is necessary and proportionate to manage spread of the coronavirus in the local authority's area.*'
5. The County Council must satisfy itself that three conditions are all met before it can give a Direction under the powers referred to above. The conditions are that:
 - (a) There must be a serious and imminent threat to public health in the local authority's area
 - (b) The Direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection
 - (c) The prohibitions, requirements or restrictions imposed are a proportionate means of achieving that purpose.

6. At the time of writing, three closure directions have been made so far in respect of 3 premises. Officers have worked with District Council and Police colleagues to collate the file of evidence for consideration, and have also been supporting the businesses subsequent to the Directions being made to bring them into compliance.
7. Trading Standards also has an enforcement role, in partnership with District and Borough Council colleagues, under the following new Regulations that came into force in September to help trace and stop the spread of coronavirus:
8. **The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020** - Specified hospitality, leisure and community premises are required to display an official NHS QR code poster at their entrance or at the point of service, which visitors can scan when they arrive. If the visitor is unable to scan the QR code, then the premises operator must also request certain details from visitors when they arrive and retain that data securely for 21 days and provide it to public health officials if requested. All designated venues must also keep a record of all staff working on the premises on a given day, the time of their shift, and their contact details.
9. **The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020** - apply to hospitality businesses, for example pubs, restaurants and cafés or any other business which provides food or drink for consumption on its premises. The Regulations make it mandatory for hospitality businesses to not accept bookings for tables for groups of more than six, to ensure that no person in one group mingles with any person in another group and that people are not admitted to the premises in a group of more than six, unless an exemption applies. The Regulations also set out specific rules for appropriate distances between tables.
10. Under the Regulations, the County Council and District and Borough Council officers can issue fixed penalty notices for non-compliance, where appropriate. The fixed penalty is £1000, reducing to £500 if paid within 14 days and increasing to £4,000 for subsequent offences.
11. **Personal Protective Equipment (PPE) Safety** - The supply chain for PPE procured for Council officers and others has now recovered to the extent that Trading Standards has not had to advise on any more recent purchases.
12. **Market Surveillance** - Stage 2 of the Service's market surveillance project is continuing with officers completing inspections on face coverings/PPE and hand sanitiser products being sold on high streets throughout the County. The results to date as at time of writing were as follows with further visits planned at other retail premises across the county:
 - Mansfield: 12 visits, over 1000 masks seized (returned for re-labelling to the shop).
 - Newark: 8 visits, over 200 masks seized that were labelled as "protective" from 1 shop and a national chain has subsequently organised a recall of mislabelled masks.
 - Ashfield: 9 visits with shops again advised about the mislabelling of masks and a small batch of hand sanitiser seized as no EU address was supplied.
 - Gedling: 1 visit, over 400 masks seized that do not comply to EU standards and are illegal to sell in their current state.
13. The project has received excellent media support with an article in the Nottingham Evening Post, a live interview on BBC Radio Nottingham and an interview on BBC East Midlands Today.

14. **Fireworks** - the Service has responsibility for issuing explosives licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass'.
15. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored, 5kg to 250kg, and 251kg to 2000kg.
16. A total of 28 explosives licences have been issued this financial year, with 7 being new applications. In addition to these, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside restricted periods. None of these licences have been issued this financial year yet.
17. In 2019, Officers undertook a programme of inspections in the run up to bonfire night regarding the storage and sale of fireworks. A total of 55 inspections, took place across the County, targeting 'high risk', 'medium risk' and new premises. A similar fireworks inspection programme will take place this year and will be undertaken with Covid safety restrictions in place.
18. Inspections look at different aspects of firework storage and sales, including ensuring safe storage, and measures to prevent sales to those under 18, and advice is given to support compliance. A common issue identified is that fireworks are stored adjacent to easily combustible materials. If found, these issues are usually rectified in the Officer's presence.
19. **Animal Health** - Essential work continues to keep the county free from animal disease. Officers accompanied colleagues from the Animal and Plant Health Agency (APHA) on a high risk visit to an animal by products facility. Advice has been given by the APHA vet to improve storage facilities and ensure paperwork is correct.
20. In two separate incidents, 3 dogs have been taken into quarantine since July because their passports did not correctly indicate that their rabies jabs were completed at the correct age. All have been imported from abroad incorrectly and their owners are now having to pay for their quarantine period. There are plans to publicise a warning to the public on purchasing dogs from abroad via social media sources.
21. **Environmental Weight Restrictions (EWRs)** - Work continues to enforce the County's EWRs, on behalf of Highways colleagues, to tackle the problems caused by heavy goods vehicles using inappropriate routes in the county. 20 operations have taken place so far and 214 Community Lorry Watch reports have been processed since 1st April 2020.
22. **Support to Businesses** - The Commercial Services team continue to provide support to Primary Authority businesses to meet the continually evolving challenges that Covid-19 brings to the trading environment. The Service is also keeping abreast of relevant legislative changes resulting from the Brexit situation as it develops, in order to be best placed to support businesses to be prepared for 1st January 2021. In September/October 2020 some managers and officers attended "EU exit Training the TS profession" briefings organised by the Trading Standards professional body CTSI on behalf of BEIS.
23. **Income Update** - Trading Standards has an income generation target of £729k for 2020/21. At the time of writing the current cumulative level of income is £323k. During this financial year to date the Service's commercial services activities have been heavily impacted by the impact of Covid-19 and lockdown on the UK business sector. As a result, at the time of writing, the Service is currently forecasting a year end income achievement of £541k against the £729k target.

24. This is an improvement on the situation reported in the July 2020 committee report and officers will continue to explore all opportunities to generate further income from supporting existing and new Primary Authority businesses through the challenging months ahead. The Service has been negotiating the sign up of two new Primary Authority companies, one a food manufacturer and another a furniture supplier.
25. **Approved Trader Scheme: Buy With Confidence** – the County Council has signed up to a newly available “associate” relationship with the Buy With Confidence Partnership to provide the option of a “Trading Standards” approved trader scheme for Nottinghamshire traders and residents. www.buywithconfidence.gov.uk .
26. Under this arrangement, the Buy With Confidence Partnership, led by Devon Trading Standards, manages the scheme, and carries out vetting checks using national Trading Standards complaints and intelligence databases. There is no cost implication for the County Council other than minimal officer time to briefly check applicants against the Service’s local database.
27. In return, the County Council will be able to promote the scheme to Nottinghamshire traders and residents, and will make details available via the Council’s website and the Notts Help Yourself website (www.nottshelpyourself.org.uk) .
28. **Safeguarding the Vulnerable** – work continues to protect vulnerable Nottinghamshire residents from scams and doorstep crime:
- A vulnerable, partially-sighted consumer in Ashfield paid over £700 for gardening work. The trader failed to carry out what was agreed and refused to remove several large bags of rubbish left on the consumer’s property. Following intervention, the trader removed the rubbish and agreed to refund all monies.
 - Officers assisted a consumer in Broxtowe who has paid a trader over £12,000 for building work. The consumer reported that little work had been completed and that she was feeling intimidated by the trader. Officers have intervened to help the resident feel safer in her home.
 - Officers assisted an elderly consumer in Broxtowe who was targeted by doorstep callers, providing advice and equipment to fit at her home to deter future incidents.
 - Officers have worked with County Enterprise Foods to reach those most vulnerable in Nottinghamshire. A scams awareness leaflet was included with each home meal delivery. The scams awareness leaflet highlighted coronavirus scams as well as a reminder for residents to check with friends and family if something just doesn’t seem right.
29. **East Midlands Regional Investigation Team** – the team was recently tasked a new investigation relating to the activities of a criminal gang targeting the public and offering substandard roof repairs. Complaints have been received throughout the East Midlands with some victims reporting losses in excess of £50,000. The case is at an early stage and will now be progressed through to conclusion. The Team currently has eight major investigations underway, and further updates will be provided at appropriate stages.
30. **The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020** introduced from October 2020 provisions to restrict the use of single use

plastics to prevent environmental pollution and harm to animals. Trading Standards will enforce the Regulations through civil sanctions.

31. The Regulations make it an offence to supply/offer to supply single use plastic straws, stirrers and plastic stemmed cotton buds to end users. There are some exemptions including supply by retail pharmacies and catering establishments in response to a specific request from a customer and for medical purposes.
32. The Regulations also extend the plastic carrier bag charge to all retailers and increase the minimum charge to 10p. From July 2021 it will also be an offence to supply/offer to supply drink products with an attached plastic straw to end users. The Regulations have a 6 months' transitional provision to allow for the supply of existing stock.
33. **Doorstep Crime** - a trial scheduled to commence in June 2020 has moved due to the Covid-19 situation been moved to 2021. In November 2018 the builder pleaded not guilty at Crown Court to 8 counts relating to fraudulent representations to customers about building work. Since that date, further alleged offences came to our attention and the court dates were moved to accommodate this.
34. **Animal Health** - A Lincolnshire farmer has been charged with theft of sheep, animal by product breaches, and failure to maintain animal movements records. He pleaded not guilty to the offences and his trial was put back until March 2020, and then adjourned until the 26th October 2020. This farmer has also been charged with further offences of a similar nature by North Yorkshire Police with the first hearing listed for the 13th October 2020.
35. **Illicit Tobacco** - There are 3 illicit cigarettes cases waiting for trial in the Crown Court, which have been put back to 2021 due to the Covid-19 situation. The cases involve 3 different retail shops, Kubus at Worksop, Kubus at Mansfield and Supernews at Stapleford.
36. In a fourth case pending in the Nottingham Magistrates Court, 2 defendants are charged with the possession of illicit tobacco. This case was due to be heard on the 4th August 2020 but has been adjourned to holding date of the 6th December 2020.
37. **RIPA update** - The Regulation of Investigatory Powers Act 2000 (RIPA) gives the Council the power to undertake covert surveillance in relation to certain investigations. There is a strict authorisation process set out in the legislation; applications are considered by senior officers before final approval is given by the Magistrates Court. The Council is required to submit an annual statistical return to the Investigatory Powers Commissioner's Office (IPCO) on the number of authorisations made.
38. 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. The next IPCO inspection will be in 2022.
39. A programme of monitoring and review is set out in the Council's RIPA policy and guidance.
40. Throughout 2020, there has been one new directed surveillance application. The low number is this in part is due to the impacts of Covid 19, and the welfare of staff. There have been three communications data requests regarding multiple telephone numbers.

41. Specific details regarding the applications and requests cannot be given at this stage as they relate to live investigations. They relate to allegations of doorstep crime, unroadworthy cars and supply of illicit tobacco.
42. **Apprenticeship Success** – in March 2019, the Service appointed 3 Regulatory Compliance Officer (RCO) apprentices, a new national apprenticeship designed for personnel wishing to undertake a role in a regulatory service. The 3 RCOs undertook several standardised modules and were supported with on the job training from officers within the Service. We are very pleased to report that following their end point assessments all three have passed their RCO apprenticeship with distinction. They are now continuing in the Service and are currently studying to complete stage 1 of the Trading Standards Professional Qualification.
43. The Service has a second phase of 2 further officers undertaking their RCO apprenticeship and it is hoped that they will complete this in summer 2021. The Service has also taken on an officer to undertake a level 4 Intelligence Analyst apprenticeship, which is also a newly developed apprenticeship. They are due to complete this in Spring 2021.

COMMUNITIES

44. **Nottinghamshire COVID-19 Community Fund** - The fund launched on 31 March 2020, to provide emergency financial support for projects helping the most vulnerable residents affected by the pandemic and played a key part of the Council's early response. It closed on the 17 September 2020, with the Council having awarded £695k to 260 organisations as detailed in the table below. A list of projects that were awarded funding and examples of how the funding has helped is available on the [COVID-19 Community Fund webpage](#).

	Projects	Awarded
Ashfield	28	£75,255
Bassetlaw	31	£81,580
Broxtowe	20	£51,574
Gedling	18	£37,020
Mansfield	17	£43,500
Newark and Sherwood	37	£96,686
Rushcliffe	25	£64,960
Countywide	84	£244,626
Total	260	£695,201

45. **The Local Authority Emergency Assistance Fund for Food and Essential Supplies** - Earlier this summer, the Government allocated a £858k grant from the £63m Local Authority Emergency Assistance Fund to Nottinghamshire County Council. The Fund builds on the COVID-19 Community Fund and aims to support Nottinghamshire residents who are struggling to afford food and other essentials due to the impact of COVID-19. Information about the fund can be found at:

46. Officers are working closely with partners to ensure that the funding is used in ways that best support local communities and reduce the risk of duplication and over-dependency. All applications are put through a robust assessment process and the County Council has to date administered £246,178 from the Local Authority Emergency Assistance Fund to 22 groups that are providing essential help and support to local people as shown below.

District based in	Awarded	
	Projects	Amount
Ashfield	1	£15,750
Bassetlaw	2	£11,000
Broxtowe	8	£108,229
Gedling	1	£10,955
Mansfield	6	£80,316
Newark and Sherwood	2	£12,000
Rushcliffe	2	£7,928
Outside Nottinghamshire	-	-
Total	22	£246,178

47. **Safer Streets Funding for Newark** - In October 2019 the Home Office announced that £25m Safer Streets Funding would be provided to residential areas in England and Wales disproportionately affected by crimes like burglary and theft, to invest in evidence-based preventative interventions such as home security and street lighting. The fund was open to bids from Police and Crime Commissioners for projects that aim to make communities safer, while freeing up the time of police to focus on more complex crimes.
48. Working with partners, including the County Council, the Nottinghamshire Police and Crime Commissioner secured the maximum allocation available of £550k. The announcement of this award was delayed due to the pandemic, but work has now started in the two target areas of Chatham Court and Northgate areas in Newark. These two areas were selected through a data analysis process utilising criterion prescribed through the fund prospectus.
49. Among a package of measures being funded by the grant is increased use of ANPR cameras to tackle vehicle related crime, upgrading of security on doors and windows in the Chatham Court area, CCTV installation, improved bicycle storage and robust enforcement measures. £150k has also been made available for work relating to street lighting.
50. The grant also funds a Burglary Reduction Officer to work with the local community undertaking assessments of properties at risk of burglary, organising improvements to security including new door and window locks, security lighting and/or CCTV.
51. The Home Office was impressed with the detailed case made in the Nottinghamshire bid which not only identified the driving forces behind the problems in these two areas but presented workable solutions which aim to build resilience among the communities.

52. Some of the analysis undertaken in preparation for the bid revealed a lack of crime reporting in these areas and this is something the project is keen to change by increasing trust and creating an environment where people are encouraged to play an active role in public safety. The Communities Team are leading on the 'Community Engagement to Build Capacity and Resilience' strand, and a budget of £39k has been allocated in support.
53. This will be aided with the launch of a new Community Hub at Chatham Court housing providing on-site contact for residents and partners and enabling problems to be identified quickly. Evaluation and establishing 'what works' are key parts of the Safer Streets Programme so that lessons can be learnt and implemented in other areas.
54. **Nitrous Oxide** - There has recently been raised awareness of the use of nitrous oxide across the County. This has led to warnings being issued by partners about the dangers of inhaling this substance. These warnings come after officers and local authorities reported finding empty small silver canisters while patrolling in areas especially where young people are known to meet including parks, car parks and other public areas.
55. Inhaling nitrous oxide can be dangerous and can lead to loss of blood pressure, heart attack, unconsciousness and can ultimately lead to death. The health risks are likely to be exacerbated if the exposure to the gas is combined with alcohol or other drugs. There is a call for parents to be vigilant for signs that their children may be purchasing the substance online. As the substance is also used for cooking it is widely available. Supplying nitrous oxide for recreational purposes is illegal under a section of the 2016 Psychoactive Substances Act and can result in a prison sentence of up to seven years, an unlimited fine or both for selling it. Someone driving after they have inhaled nitrous oxide could also be found guilty of drug driving offence.
56. The Council is working closely with Nottinghamshire Police and other local partners to minimise the harm caused by substance misuse to individuals and communities. This is done through partnership activity focused on restricting supply, reducing demand and providing appropriate advice, support and treatment when needed through the Public Health commissioned drug and alcohol service for young people, adults and families, Change Grow Live. Police have made arrests in Worksop connected with the supply of nitrous oxide and in parts of Mansfield and Ashfield following increased usage.
57. Change Grow Live have launched a campaign called #helpyourmate specifically to promote harm reduction advice amongst young people at this time when the easing of lockdown restrictions has seen the service observing an increase in young people coming together to spend time with their friends. It is recognised that some young people could be putting themselves at risk of the harmful effects of substance use.
58. **Community Support Hub** – Work is ongoing to support volunteers who contacted the Support Hub offering to volunteer in their communities. 2 separate email communications have been sent to all hub volunteers to keep them engaged, feel supported and the second one particularly, sought to warm them up for potential demand on the way. In addition, officers from the Communities Team have been making direct contact with volunteers on the Hub. Of the 64 of those who had been verified by Trading Standards 28 volunteers have been contacted and have been supported in either being signposted to existing community projects looking for additional volunteers or developing new projects in their local community to support vulnerable residents for example befriending to tackle loneliness and socially distanced litter picks.

59. **Community Organising Approach and Live Streaming workshops** –five Community Organising workshops scheduled between March and July have had to be postponed. A new and interactive ‘Live Streaming’ morning workshop has now been developed, the first of which was delivered on Tuesday 13th October. This session was been prioritised for those who had previously booked onto the Newark workshops in order to maintain and build the established networks. The demand for these new workshops is building and the team hope to deliver to a range of partners including Nottinghamshire Social Prescribing link workers and The Carers Trust support workers along with community spirited volunteers/residents.
60. **Dementia Friendly Communities** - As a response to Covid-19 the Team’s Community Friendly Neighbourhood Coordinators retrained to deliver adapted information session as an online workshop. Since lockdown took effect, 6 sessions have been delivered to 51 NCC staff from Health & Social Care and Business Support with a further 11 from Nottinghamshire Police. 347 people have now become Dementia Friends of which 181 are NCC staff. A further 3 NCC sessions have been scheduled between now and Christmas for which bookings have already been made via the Learning Portal. Ashfield and Mansfield Dementia Action Alliance are also now being supported to deliver their own Livestreaming Sessions within their networks.
61. **Defence Employer Recognition Scheme – Gold Award.** On 2 September 2020 an official notification was received by the Council from The RT Hon Ben Wallace MP – Secretary of State for Defence of the United Kingdom, congratulating it on achieving Gold status, one of 127 organisations nationally.
62. The scheme encourages employers to support defence and inspire others to do the same. The scheme encompasses bronze, silver and gold awards for employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community.
63. Gold award holders:
- must have signed the [Armed Forces Covenant](#)
 - must have an existing relationship with their National Account Manager/REED/appropriate defence representative
 - should already be demonstrating support by receiving an ERS Silver Award
 - must proactively demonstrate their forces-friendly credentials as part of their recruiting and selection processes.
 - must employ at least one individual from the armed forces community category that the nomination emphasises.
 - must actively ensure that their workforce is aware of their positive policies towards defence people issues.
 - must be an exemplar within their market sector, advocating support to defence people issues to partner organizations, suppliers and customers
 - within the context of Reserves the employer must have demonstrated support to mobilisations or have a framework in place. They must provide at least 10 days’ additional leave for training, fully paid, to the Reservist employee
 - must not have been the subject of any negative public relations or media activity
64. The Council will be working with the Defence Relationship Management (DRM) communications campaign that celebrates Gold Winners. Regional case studies and video interviews featuring a sample of winners will be created. If the Council is not featured on this occasion, there will be subsequent opportunities throughout the year to feature the work; in newsletters, social media campaigns, on their/our website and in their/our Annual Report.

Other Options Considered

65. None.

Reason/s for Recommendation/s

66. To ensure appropriate political oversight of key Trading Standards and Communities matters, particularly with regards to covert techniques covered by the Regulation of Investigatory Powers Act.

Statutory and Policy Implications

67. 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

68. No additional implications.

RECOMMENDATION/S

That the Committee:

- 1) Considers the updates given and highlights any actions required.

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

Constitutional Comments (KK 25/09/2020)

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

Financial Comments (RWK 28/09/2020)

70. There are no specific financial implications arising directly from 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