

9 March 2022

Agenda Item: 5

## **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 Avian Influenza and the Armed Forces Bill 2021.
2. To seek approval for the Food and Feed Enforcement Plan for 2022-23 and the Pricing Structure for Services 2022-23.

#### **Information**

##### **TRADING STANDARDS**

3. **Controlling Animal Disease – Avian Influenza** - Highly pathogenic avian influenza cases continue to be reported across Great Britain and Europe. As of 24<sup>th</sup> January 2022, there have been 79 confirmed cases in poultry and captive birds and 537 wild birds have also tested positive for avian flu. At the time of writing, there were no confirmed cases in captive birds within Nottinghamshire.
4. Trading Standards continue to respond by way of an urgent visit to any reports of birds or poultry being kept outside and exposed to the risk of catching avian influenza within the flock.
5. **Fraud Against the Vulnerable** - Officers have supported an elderly couple in Rushcliffe who have been receiving scam phone calls. Advice has been given to the residents on how to prevent further phone calls and a call blocker has been offered.
6. Work is continuing on the development of a Yammer page, to share information with colleagues across the Council in relation to Trading Standards matters. A sharepoint site is being developed which will include information on scams and doorstep crime prevention which will be a helpful resource for colleagues and partnership agencies.
7. **Food & Feed Law Enforcement Service Plan 2022-23** - Section 6 of the Food Safety Act 1990, and section 76 of the Agriculture Act, places a duty on the Authority to enforce certain provisions of those Acts regarding food for human consumption and feeding stuffs for animals.
8. The Food Standards Agency (FSA) is the central competent authority for overseeing official feed and food controls. It works closely with authorities to set and monitor standards, coordinate activity, and audit authorities' delivery of official controls, to ensure enforcement is effective, risk based, proportionate and consistent.

9. The Trading Standards Service delivers food and animal feed standards work, which includes labelling and quality controls. Responsibility for food hygiene controls (for human food) falls to the District Council's Environmental Health Services.
10. The FSA requires the completion of annual Service Plans and sees them as an important tool to ensure that national priorities and standards are delivered. It requires the Authority's key decision makers to be fully engaged in official food and feed controls work, and as such, the proposed plan for 2022-23 is attached as Appendix 1 for the Committee to consider and approve.
11. **Pricing Structure for Services for 2022-23** – the Service continues to provide a range of paid for services to businesses, other local authorities and government agencies and the Authority has the discretion to set charges for these services.
12. At the 10<sup>th</sup> January 2017 Community Safety Committee approval was given to adopt a flexible and market-based charging approach to act in a more commercial and flexible manner. The Committee approved moving away from an hourly charge model to a more customer focused pricing structure. The approval allowed product specific flexible pricing and the scope to make attractive price offers to businesses based on relevant market conditions. Given its continuing success it is proposed that the same model as the last two years is used for all fees and charges from 1 April 2022, again applying the following principles:
- The maximum average hourly charge should never exceed the Full Cost Recovery rate.
  - Pricing models can include but are not restricted to hourly rate; day rate; project cost or specific activity cost.
  - Charges for one-off projects for other external enforcement bodies should continue to be agreed by the Group Manager Trading Standards & Communities on a case-by-case basis.
  - Any fee agreed should not be below a rate equivalent to full cost recovery of the direct staff time spent delivering the activity.
13. **Support to Primary Authority Businesses** – There have been some recent successes in signing up a few new Primary Authority businesses for 22/23. The businesses cover a range of trading areas including a soft drinks manufacturer, a discount retailer, and a provider of intelligent energy efficient home heating systems.
14. **Income Update** - The income generation target remains at £729k for the 2021/22 financial year. At the time of writing the current cumulative level of income is forecast to be £717k up from £705k reported in the 26 January 2022 committee report.
15. **Product Safety** - Ensuring that products available on the market in Nottinghamshire are safe for residents is a priority for Trading Standards. The Service achieves this, through advising and enabling businesses to comply with relevant product safety requirements and taking enforcement action where necessary.
16. Trading Standards continue to respond to potentially unsafe products, with Officers currently investigating detergents, electrical items and toys which may result in product recalls.
17. Trading Standards is commencing a project on behalf of the national regulator, OPSS (Office for Product Safety and Standards) to gain an understanding of the local market for manufacturing and distribution of construction products in Nottinghamshire. This is part of a national drive to build regulatory capacity in relation to the safety of construction products.

This project will expand local knowledge and contribute to the national information and intelligence picture.

18. The Service is also undertaking some construction product informal sampling on behalf of OPSS from manufacturers and distributors within Nottinghamshire, to check that products are compliant with associated standards.
19. **Environmental Weight Restrictions (EWRs)** - Further enforcement work has been conducted across the County where a weight restriction is in force on a particular road. This is on behalf of Highways colleagues, to prevent heavy goods vehicles using roads which are considered unsuitable and dangerous for them to use.
20. Since April 2021, 38 operations have taken place, with further activity planned throughout the rest of the financial year.
21. **Petroleum Enforcement Authority** - Trading Standards are responsible for making sure that petrol sites do not cause a risk to the public or the environment. The Service has carried out inspections of plans and onsite visits for new petrol stations and the modernisation of existing petrol stations. Work will be ongoing to ensure that petroleum is stored and dispensed safely.
22. The Service has also carried out 8 Environmental Search Requests this year for building developers to check if there has ever been petroleum or fuel stored on the site. This is important work to prevent harm to the public and the environment.
23. **Investigations Update** - Two retailers from the Mansfield and Sutton in Ashfield areas, are facing court proceedings for the sale of illicit cigarettes and hand rolling tobacco. Both traders are listed in the Mansfield Magistrates court on the 4<sup>th</sup> March 2022.
24. A trial is due to be heard in mid-February 2022 of a car trader who is charged with selling vehicles with altered mileages and the sale of unroadworthy cars.
25. A further case is currently in the court system involving 3 individuals charged with conspiracy for the false representation of vehicles they had for sale. Examples being vehicles sold with warranties that did not exist, mis representing the condition of the vehicles for sale and false representations that RAC breakdown cover would be sold with the vehicles which also did not exist.
26. One of the defendants has already appeared in Nottingham Magistrates Court and his case has been sent to the Crown Court to be dealt with. A further 2 defendants are due to attend the Nottingham Magistrates court in late January 2022.

## COMMUNITIES

27. **The Armed Forces Bill 2021** - New legislation which will ensure Armed Forces personnel, veterans and their families are better supported when accessing key public services has been passed in Parliament on 15<sup>th</sup> December 2021.
28. The Armed Forces Bill places the Armed Forces Covenant in law for the first time to help prevent service personnel and veterans being disadvantaged when accessing essential services like healthcare, education, and housing. It will ensure Councils pay regard to the sacrifice made by our Armed Forces Community.

29. Work is continuing to develop the statutory guidance that will accompany the duty and it is expected that this will be published in mid-2022.
30. **Community Friendly Nottinghamshire project (CFN)** - The Communities Team is responsible for the delivery of the Community Friendly Nottinghamshire (CFN) project. The CFN project continues to engage with and listen to communities across mid-Nottinghamshire, stimulating new resident-led community projects in Ollerton, Newark and Mansfield to build resilience and tackle loneliness and isolation.
31. The CFN project also has a key role in the development of the Community Support Hub. For example, recently there was a request for volunteers to help with low-level support and care for some of our most vulnerable residents resulting in thirteen residents offering their time. The project also involves monitoring requests to the Community Support Hub for support to ensure no one goes without the help they need in our communities.
32. Work also continues to drive the delivery of the County Council's Dementia Action Plan, working closely with Public Health colleagues and Dementia Action partnerships across the County, delivering Dementia Friends awareness sessions and building dementia-friendly communities.
33. **Safer Nottinghamshire Board (SNB)** - Nottinghamshire County Council continues to lead and co-ordinate the delivery of the Nottinghamshire Community Safety Agreement 2020-2023 (CSA), through the Safer Nottinghamshire Board (SNB). This agreement sets out the eleven priorities of the Board which include Domestic Abuse, Substance Misuse, Reducing Reoffending, Antisocial Behaviour, Serious Acquisitive Crime and Serious Violence.
34. The CSA includes voluntary and community sector representation in the membership of the Board. This role is now being fulfilled by the Chief Executive Officer of the Bassetlaw Community and Voluntary Service representing the Nottinghamshire Together Partnership. Nottinghamshire Together is a partnership that brings together Nottinghamshire County Council and the voluntary and community sector infrastructure organisations from across the County and now also includes the Nottingham Community and Voluntary Service which covers the City. At a recent meeting the Nottinghamshire Together Partnership agreed that they could provide voluntary and community sector representation on the Board as a 'front door' into the sector.
35. **New Police and Crime Plan** - The Police and Reform Social Responsibility Act 2011 requires that the SNB have regard to the priorities in the Police and Crime Plan issued by the Police and Crime Commissioner.
36. At the end of January 2022, the Nottinghamshire Police and Crime Commissioner launched the 'Make Notts Safe Plan' setting out policing and crime priorities for the next three years. The plan is shaped around the three core objectives of preventing, responding, and supporting. Work is now taking place to identify opportunities for increased alignment with the Nottinghamshire Community Safety Agreement thereby providing even more impetus across the partnership landscape to solve problems together.
37. **Tackling Hate Crime: Difficult Conversations training** - The SNB Hate Crime Partnership have utilised £5,000 of a Police and Crime Commissioner funding allocation to procure from the Peace Foundation training for frontline agency, organisation and community sector staff and volunteers.

38. Difficult Conversations training seeks to provide participants with the skills and tools to engage with individuals and groups on often emotive and challenging issues and concerns linked to hate crimes falling under the description of protected characteristics including race, religion, and disability. The training aims to increase the skills and tools and increase knowledge within local communities in holding difficult conversations to bring about positive engagement, solution finding to tackle hate crimes at a local level.

### **Other options considered**

39. Food and Feed Plan – There is no other option, as the plan is a requirement of the Food Standards Agency.

40. Pricing Structure for Services 2022-23 - all costing models were appraised as part of developing the commercial plan for the Service as part of the Authority's Commercial Development Unit process. All have been reviewed and appraised during 2021-22.

### **Reason for Recommendations**

41. Food and Feed Plan 2022-23 – There are no other options. The FSA places a great deal of importance on ensuring that the Authority's key decision makers are fully engaged in official food and feed controls work. As such, the Trading Standards Service proposed plan for 2022-23 is attached as Appendix 1 to this report for the Committee to consider and approve.

42. Pricing Structure for Services 2022-23 - All costing options and models were appraised as part of developing the commercial plan for the Service as part of the Commercial Development Unit process. The proposal passed the scrutiny test of the Chief Executive panel, and was subsequently approved by Policy Committee on 16th November 2016

### **Statutory and Policy Implications**

43. 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**

44. Food and Feed Plan – the proposed plan requires the investment of approximately £120k into delivery of the plan, this will be made from existing budgetary provision.

45. Pricing Structure for Services 2022 -23 - All costing models were appraised for the commercial plan developed as part of the Commercial Development Unit process. A flexible, market-based approach is key to achieving Services income target

## **RECOMMENDATIONS**

That the Committee:

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

- 2) That Members approve the proposed Food and Feed Plan
- 3) That Members approve the pricing structure for services for the coming financial year.

**Derek Higton**  
**Service Director, Place and Communities**

**For any enquiries about this report please contact:** Mark Walker, Group Manager for Trading Standards and Communities (0115 9772173) or Fiona Needham, Acting Head of Trading Standards (0115 9773046)

#### **Constitutional Comments (KK 09/02/2022)**

46. The proposals in this report are within the remit of the Communities Committee.

#### **Financial Comments (SES 11/02/2022)**

47. The financial implications are set out in paragraph 44 and 45 of the report.

48. Food and Feed Plan – the proposed plan requires the investment of approximately £120k into delivery of the plan, this will be made from existing budgetary provision.

49. Pricing Structure for Services 2022 -23 - All costing models were appraised for the commercial plan developed as part of the Commercial Development Unit process. A flexible, market-based approach is key to achieving Services income target.

#### **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.