

3 September 2020**Agenda Item:6****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**

2. **The Health Protection (Coronavirus, Restrictions) England Regulations 2020 (as amended)** Trading Standards are still working with Environmental Health colleagues to enforce the continuing tranche of legislation and guidance that relates to the closure and restrictions placed on businesses during this emergency period. A co-ordinated enforcement response has ensured consistency across the County, particularly where there are anomalies within the legislation/guidance that are open to local interpretation.
3. As the restrictions eased, officers also provided advice to independent businesses offering specialist goods/services not specifically mentioned within the Regulations. This advice has ranged from businesses hiring out tepees for children's parties, children's events in the summer holidays, aesthetic clinics for cosmetic/medical procedures and horse trials.
4. The Service continues to feed daily data about what businesses have been advised and action taken into No.10, the Cabinet Office and MHCLG, alongside all other local authorities.
5. As the focus for Councils included future prevention in hotspot areas, the Service has been involved in the outbreak planning process alongside Public and Environmental Health colleagues. In particular, the planning for an outbreak in complex cases and industrial settings such as food plants, manufacturing and wholesale settings, where officers hold specialist knowledge.
6. **Personal Protective Equipment (PPE) Safety** - Officers continue to work alongside NCC Procurement and Health & Safety colleagues to ensure that PPE destined for staff to use is safe and complies with the necessary standards. In total 12 products have been advised on (with 11 failing) but as the "normal" supply chain is now recovering, this work is now lessening in terms of officer resource.

7. With the mandate for the public to wear face coverings in retail premises, public transport etc, officers conducted some market surveillance on masks and sanitiser products. Stage 1 of the project looked at online sales and found the following:
 - 27 websites were examined with 14 referrals being made to other Trading Standards authorities, the Medicines and Healthcare Products Regulatory Agency (MHRA) and the Health and Safety Executive about the claims being made about products. 6 sites have been emailed directly about the products being supplied.
 - 18 websites were selling masks described as KN95 which do not meet European Standards so are not allowed to be sold here.
8. Stage 2 of the Project will include visits to individual retail premises to see what is available for sale and whether misleading claims are being made.
9. **Nitrous Oxide** - A question was raised at the July Committee in relation to the sale and use of nitrous oxide capsules. Nitrous oxide is legitimately sold in shops and online for common usages such as in aerosol whipped cream canisters, cooking sprays and also for medicinal purposes. However, nitrous oxide is sometimes purchased by some, to be misused as a drug.
10. Nitrous Oxide is regulated under the Psychoactive Substances Act 2016 and Nottinghamshire Police take the lead on enforcing the Act in the county. As nitrous oxide can be sold for legitimate purposes, to prove an offence under the Act, it has to be shown that the person that is selling the nitrous oxide knows or is reckless about whether the nitrous oxide is likely to be used by that person, or another for its psychoactive effects.
11. The Service has received no complaints in the last 2 years about the mis-selling of nitrous oxide by retailers in the County. In the absence of intelligence about this matter no action has been taken in relation to this issue in line with our intelligence led approach to prioritise our resources. Any future complaint intelligence would be shared with partner agencies and actioned as appropriate.
12. A leaflet for our website is also being developed to educate sellers on the laws surrounding the sale of nitrous oxide and the preventive measures that shops can take to try and ensure the legitimate sale of these products.
13. **Preventing Fraud Against the Vulnerable**- Officers have worked with County Enterprise Foods to provide information on scams to vulnerable residents who may not have access to the internet. A scam awareness leaflet was produced by officers and included with every meal delivered by County Enterprise Foods in the county.
14. Officers have worked with the Client Finance team and secured a refund of £649 for a vulnerable consumer in the Bassetlaw District, following the purchase of sofa that wasn't as the consumer expected.
15. A scams and doorstep crime prevention webinar was delivered by officers to volunteers and volunteer groups registered with the Nottinghamshire Coronavirus Community Support Hub. As a result of this work, connections were made with REACH Learning Disability and scam prevention information is now being supplied for inclusion in the fortnightly packs that they provide to their clients.
16. **Support to Businesses** - The Commercial Services team continues 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.

17. **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 £260.3k. During the first few months of this financial year 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 £458K against the £729k target. The situation is predicted to be an improving picture and officers will explore all opportunities to generate further income from supporting existing and new Primary Authority businesses through the challenging months ahead.
18. **Assured Regulatory Business Advice (ARBA)**: Work continues on a joint initiative with Rushcliffe Borough Council to provide a comprehensive Trading Standards, Environmental Health and Health and Safety regulatory support offer to Primary Authority businesses. It is anticipated that this new comprehensive support package now available (www.arba.org.uk) will prove an attractive proposition to attract more Primary Authority businesses to the scheme and to expand the regulatory support offer available to our existing Primary Authority business partners.
19. **Environmental Weight Restrictions (EWR)**- Officers continue to enforce the county's environmental weight restrictions on behalf of Highways colleagues. After some initial disruption and delay to the programme due to the Covid-19 lockdown, operations continue on a weekly basis with 15 having taken place so far. Community Lorry Watch reports continue to be processed.
20. **Animal Health**- Essential visits continue during the Covid-19 restrictions. One farm was visited in relation to animals being moved without ear tags and a second farm visited to support Environmental Health colleagues in the investigation of illegal slaughtering of animals.
21. **Illicit Tobacco** – A letter has been sent to the Nottinghamshire Farmers Union to alert their members to the possibility that criminals dealing in the illicit tobacco trade may try and rent any storage facilities that they may make available for commercial purposes. The letter asks farmers to ensure that they are aware of what their facilities are being used to store. This follows the national success of joint operations involving Police, HMRC and Trading Standards at storage facilities. It is believed that alternative storage facilities such as those provided by farmers are being targeted.
22. Officers are currently approaching a number of landlords following numerous successful operations discovering the sale of illicit tobacco at premises that they rent out. Landlords are being reminded of their own responsibilities and that if they continue to allow their shops to be used for illegal purposes then they too will face prosecution and financial penalties for making a financial gain from allowing their premises to be used for illegal activities.
23. The increased joint working and co-operation with District Authorities due to Covid activities has strengthened the already good working relationship that Service had with them. This in turn has led to an improvement in the understanding of what their officers can look out for with regards to potential illegal activities when they are out and about.
24. **Investigations & Legal Update** – The courts are still running at a reduced capacity and with a massive backlog of cases to progress. The Nottingham Magistrates court have put many cases back to a holding date of the 6th December 2020, where further hearing dates will then

be arranged. It is not anticipated that any current Trading Standards cases in the Nottingham Magistrates court or any new cases will be heard before the start of the new year.

25. Officers have continued to effectively conduct investigations during the Covid-19 restrictions with working methods being successfully adapted to liaise with traders, consumers, witnesses and partner agencies via remote communication methods.
26. As lockdown measures have eased more face to face enforcement activity has resumed where necessary, assessing each case in line with Covid-19 amended risk assessments. The Service's PACE interview room facilities have been adapted to enable safe face to face interviews with defendants and their legal representatives in line with appropriate Covid-19 social distancing and hygiene measures.
27. Doorstep Crime – A builder was due to go to trial in June 20 charged with fraud offences for making false representations to customers about building work he was carrying out on their properties. He appeared in Crown Court in November 2018 and pleaded not guilty to 8 counts and since this date further offences have come to our attention and the court dates moved to accommodate this. With the current situation this trial has been moved until 2021.
28. Dangerous electrical work - A defendant charged with offences for carrying out dangerous and substandard electrical work in consumer's homes, pleaded guilty to the charges in the Nottingham Crown Court and was sentenced in June to 12 months custody suspended for 12 months, with a compensation order of £10,000
29. Animal Health – a man has been charged with the illegal landing of a puppy. He was due to appear in the magistrate's court on the 18th January 2019, failed to attend, and an arrest warrant has been issued. He is charged with offences under the Rabies Act and fraud.
30. A Lincolnshire farmer has been charged with theft of sheep, animal by product breaches, and failure to maintain records of animal movements. He has pleaded not guilty to the offences and his trial had been put back until March 2020, his case has now been adjourned until the 26th October 2020.
31. Illicit Tobacco - There are 3 illicit cigarettes cases waiting for trial in the Crown Court, one is listed for September 2020, one October 2020 and a further case listed for April 2021. The cases involved 3 different retail shops, Kubus at Worksop, Kubus at Mansfield and Supernews at Stapleford.
32. A fourth illicit tobacco case is pending in the Nottingham Magistrates Court. Two defendants are charged with the possession of illicit tobacco. This case was due to be heard on the 4th August 20 but has been adjourned to holding date of the 6th December 20 with a possible hearing date early 2021.

COMMUNITIES

33. **NCC Covid-19 Community Fund** -The £1m Nottinghamshire COVID-19 Community Fund, opened in March 2020 as part of the Council's response to support communities impacted by Covid-19. The Fund has helped to support over 216 projects or activities provided by established local charities and voluntary groups, including faith-based organisations, as well as parish or town councils taking an active role in responding to urgent needs for vulnerable people in the county.

34. These fast-tracked grants have helped with the additional costs of delivering essential local support to those most affected by this public health emergency, such as collecting and delivering food and medicines for people who are self-isolating and people who can't leave their homes. Many organisations have been awarded funding to provide a service in two or more districts across the county which include providing help and support to county BAME residents, those with specific physical disabilities and learning disabilities. These have also included those groups providing support to victims of domestic violence and survivors of sexual abuse.
35. It is recommended that this fund is closed on 17th September 2020 as the Local Authority Emergency Assistance Fund for Food and Essential Supplies has now provided funding across Nottinghamshire to help residents struggling to afford food and other essentials due to Covid-19.
36. **Local Authority Emergency Assistance Grant for Food and Essential Supplies** – On 10 July the Authority was allocated £858,285 to use to support people struggling to afford food and other essentials due to Covid-19. The funding has been allocated based on population weighted by a proxy measure of need, the Index of Multiple Deprivation (IMD) for the authority area.
37. The Communities Team have managed the delivery of the funds through a robust process which encourages voluntary and community groups, Parish Borough and District Councils and Public Health to access the funds to meet immediate need and help those who are struggling to afford food and essentials due to COVID-19. The fund has supported a range of projects including food banks, food clubs, cooking clubs, advice groups and food shopping and delivery. To date 247 projects have received £668,181.
38. **The Local Improvement Scheme Talented Athletes Fund** - The fund is part of the wider Local Improvement Scheme. The aspiration of the Fund is to assist talented athletes residing in Nottinghamshire to overcome some of the financial barriers which can exist when competing for his / her country. Awards are made to successful applicants to help with costs such as travel, training, accommodation, competition fees, equipment, coaching and other specialist support deemed appropriate by the Sport's Governing Body. It is recommended the Talented Athletes round for 2020/21 be launched in November 2020.
39. **Armed Forces Employer Recognition Scheme Gold Award** – The County Council has been successful and can boast that it is an Employer Recognition Scheme Gold Award winner. This is a fantastic achievement which shows the Council's commitment to supporting veterans and their families. The County Council has won this award because it has:
- Signed the Armed Forces Covenant
 - Demonstrated forces-friendly credentials as part of recruiting and selection processes
 - Actively ensured that the workforce is aware of its positive policies towards defence people issues for example the Council's HR policy on Reserves.

Other Options Considered

40. None.

Reason/s for Recommendation/s

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

Statutory and Policy Implications

42. 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

43. None

RECOMMENDATION/S

That the Committee:

- 1) Considers the updates and highlights any actions required.
- 2) Approves the recommended closure of the Covid-19 Community fund on 17th September 2020, as the Local Authority Emergency Assistance Fund for Food and Essential Supplies has now provided funding across Nottinghamshire to help residents struggling to afford food and other essentials due to Covid-19.
- 3) Approves the launch of the Talented Athletes round for 2020/21 in November 2020.

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Constitutional Comments (KK 03/08/2020)

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

Financial Comments (RWK 06/08/2020)

45. The net budget for the Trading Standards Service for 2020/21 is £957,000, and the service is forecasting an overspend of £249,000. The main reason for this forecast overspend is a reduction in income from commercial services activities, see paragraph 17, which have been heavily impacted by the impact of Covid-19 and lockdown on the UK business sector. The service is currently forecasting a year end income achievement of £458,000 against a budget of £729,000.

46. The committee's 2020/21 revenue budget includes a sum of £21,000 for the Talented Athletes Fund as part of the Local Improvement Scheme.

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