

26th February 2013**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR PROMOTING INDEPENDENCE AND
PUBLIC PROTECTION****UPDATE ON KEY TRADING STANDARDS MATTERS****Purpose of the Report**

1. To update the Committee on key Trading Standards matters.

Information and Advice

2. **Matters arising from the previous meeting** – a report covering the Service's work regarding e-crime is the subject of a separate report on today's agenda.
3. Safe storage of explosives – the work undertaken to ensure safe storage is reported to the Planning and Licensing Committee. The 2012/13 report is being presented in June. This report sets out how a risk based approach is taken to the work, to ensure that safety standards are maintained whilst making the most effective use of resources.
4. **National Trading Standards Board (NTSB)** – the Board has been operational since last April, and has representatives from all regions across the Country. It was created following the Government's Consumer Law Landscape Review. The Board's function is to coordinate Trading Standards activity, through provide funding for national Trading Standards projects such as the Scambuster Teams, the Illegal Money Teams, the Safety at Ports workstreams, and the creation of a national and regional intelligence capability etc.
5. Further, from April, many of the consumer law enforcement roles currently performed by the Office of Fair Trading (and associated central government funding) will pass to the Board to deliver. As of April 2013, the Group Manager for Trading Standards will take over representing the East Midlands Trading Standards authorities on the Board.
6. **Scambusters** – Following the recent review conducted, the NTSB has decided to recommend to Government that all regional teams for 2013/14 are provided with £300,000 of funding. This will represent an increase of just over £50,000 for the East Midlands team the authority hosts. Further, the Board intends to provide an additional £35,000 to the region to provide a regional intelligence function.
7. **Electric Blanket Exchange Campaign** – A good response has been received to the call to persuade vulnerable residents to surrender unsafe blankets. After only two weeks of the

campaign, over 380 eligible blankets had been identified, exceeding the total number of blankets replaced (272) as a result of the 9 test days previously carried out.

8. By offering to deliver the blankets, more success has been achieved in replacing blankets for those less able to get to testing days. 72% of recipients are over 70 years old, with 41% over 80 years old, and 6% over 90 years old. A number of callers have described how their blanket helps them to manage chronic conditions including arthritis and cancer.
9. The campaign has confirmed previous suspicions regarding the use of very old blankets by older residents. Experts advise that all blankets over 10 years old should be replaced due to wear and tear, and key changes in safety standards. 60% of the blankets were estimated by the owner to be over 10 years old, 33% over 15 years old, 19% over 20 years old and 7% over 30 years old - one was identified as a 1968 wedding present. The service will confirm the actual age of the blankets from the serial numbers.
10. Officers are working with a social enterprise in Mansfield called Untapped Resources CIC who are able to recycle the blankets. They support long-term unemployed people back into work through work-based training in recycling.
11. **Illegal Money Lending - Month of Action** - Prior to the campaign, only 3 reports from Nottinghamshire residents had been made to the national loan shark reporting hotline over the previous couple of years. In comparison to other areas with similar demographics, this appeared to represent under-reporting of the true picture in the County. It is early days, but by early January 2013 the hotline had already received two further reports. Trading Standards will continue to monitor the reports received to evaluate the effectiveness of the campaign and to help target efforts in the coming months.
12. As part of the campaign, 164 questionnaires were completed by members of the public to assess knowledge of the level of illegal money lending activity, and to identify areas of the County which may benefit from targeted activity.
13. 83% of respondents understood the meaning of "loan shark", while 9% knew someone who had been offered a loan without receiving any paperwork, an indication of a potential loan shark. 20% of those loans were identified in Sutton-in-Ashfield and a further 20% in Mansfield, backing up studies of demographic data which indicated Ashfield and Mansfield as the areas likely to have the highest prevalence.
14. **Illicit Alcohol** – The pre-Christmas visits to 50 off-licences found such alcohol in two premises. The visits also identified other significant problems.
15. 15 shops were found to be displaying food past its use-by-date. The worse cases were a mouldy samosa 14 days past its use-by-date, and a pack of sliced chicken 10 days past its use-by-date. Because of the potential health issues, items discovered with mould growth have been submitted to the public analyst for testing. Investigations are ongoing, the service consider a targeted campaign to ensure small retailers are fully aware of their obligations to ensure that food they sell is safe.
16. At one shop, over 80 different foreign labelled prescription medicines were being sold from the premises, which wasn't a registered pharmacy. Medicines discovered included amphetamines and triple strength ibuprofen, with many of them in blister packs without the

proper packaging and instructions. The trader acted responsibly to take the products off sale until the Medicines and Healthcare Products Regulatory Agency (MHRA) could visit and advise.

17. In January, the Service received a complaint that some Smirnoff vodka, the complainant had purchased from a Mansfield shop, was counterfeit. Officers visited and seized 18 bottles of vodka that have been confirmed as counterfeit. Investigations are ongoing. A press release was issued to warn residents.
18. **Changes to Tuberculosis (TB) testing in Nottinghamshire** - Bovine TB is one of the biggest challenges facing the cattle industry. To improve the controls to stop the spread of the disease, the Department for Environment, Food and Rural Affairs (DEFRA) have introduced further requirements on regions which border higher risk areas.
19. The majority of Nottinghamshire farmers have, until recently, been required to undertake TB testing once every 4 years on those animals remaining on their farms. Since 1st January though, this changed to an annual testing interval for all, and further, unless leaving the farm to go for slaughter, farmers can now only move beast where a pre-movement test has been undertaken within the previous 60 days.
20. This new requirement has significant implications both practically and financially for farmers, and the Service is currently working to help them comply.
21. This regime is also likely to affect Newark Livestock Market, with a potential reduction in the number of animals going into non-slaughter markets, where the test within a 60 day period will now be required for all Nottinghamshire cattle. The market has now decided to conduct slaughter markets every Wednesday, whilst 'store' markets will now take place every other Saturday.
22. **Illegal Landing** - The Service received a call from a distressed cat owner in Egypt who informed officers that her cat had appeared at her sister's house having stowed away in the sister's suitcase and survived the flight from Egypt. Having confirmed the cat had had appropriate rabies vaccinations and micro-chipping, officers made interim quarantine arrangements, and that it was returned to the owner who duly paid the quarantine and shipping fees.
23. **Food Allergen Recall** - on a recent inspection of a food business based in the County, our officers identified a range of 20 products where the labels on the products did not identify allergens contained in the products. This posed a possible health risk to anyone consuming the products with an allergy to or intolerance of milk, or with sensitivity to sulphites. The Service helped the company to recall the products in question, to investigate how the problem occurred, and to introduce safeguards to ensure it never happens again.
24. **Counterfeit DVD operation** - During December, assisted by Trading Standards and Police officers from Leicestershire, the Service intercepted two Nottinghamshire individuals at East Midlands airport collecting quantities of counterfeit DVD box sets. Subsequent entry warrants were executed at two properties in Nottinghamshire where further counterfeit product was seized, as well as documentation and computer equipment.

25. The high quality copied discs were being sold for approaching normal retail price, causing significant detriment to local businesses and losses to the Exchequer in tax revenue. The investigation into this significant criminal enterprise continues.

26. **Counterfeit clothing operation** - Officers recently executed warrants at the home addresses of two individuals selling counterfeit goods via social media accounts. Products being supplied included clothing, boots, headphones and perfume. The sale of counterfeit and unsafe products via social networking sites is a growing problem which Trading Standards authorities face nationally.

27. **Safeguarding the vulnerable** - the Service continues to focus on helping more vulnerable residents. Two recent examples include:

- Officers are investigating the purchase of a stair lift from a local mobility company who cold called our consumer. The stair lift became faulty within a few days of installation. It became clear that the lift was not as brand new as had been contracted for – further investigations revealed the lift to be second hand; possibly unsafe, and not worth the £3000 paid. Officers have now ensured the lift is safe and suitable for the consumer in the interim, while investigations continue into the trader who supplied the product.
- An elderly vulnerable consumer was sold a powered wheelchair for her disabled husband in her home. The £650 chair delivered was unsuitable. A complaint was made, and a second made to measure chair was ordered, at the discounted price of £950. Following extensive delays the order was cancelled and a full refund on the second chair made. Despite repeated attempts, the company refused to take back the original chair despite it being unsuitable and unused. On the intervention of a Trading Standards Officer a full refund was given, and the business reviewed its policies.

28. **Horse DNA Found in Burgers** – the Food Standards Agencies of Ireland and the UK are investigating how horse and pig meat was found in 27 beef burger products. The nature of the results obtained identified two distinct types of cases, meaning the focus of investigations needed to be different. A four point plan has now been developed to be implemented in conjunction with Government departments, local authorities, and the food industry. Key points are:

- To continue the urgent review of the traceability of the products identified;
- To explore further the methodology used for the survey to understand more clearly the factors that may have led to the low level cases;
- To consider what legal action is appropriate following the investigation; and
- To work on a UK wide study of food authenticity in processed meat products.

No Nottinghamshire businesses, as yet, have been specifically identified by the investigations. The Food Standards Agency will contact the Service directly if this changes. The Service will be called upon to participate in the UK wide study of food authenticity.

29. **Food Standards Agency (FSA) Review of Official Food & Feed Controls** – As reported previously, a fundamental review into official (human) food and animal feed controls is taking place. Whilst the review into food controls continues, the findings of the review of animal feed controls have recently been announced.

30. The feed review acknowledges that there has been some improvement nationally in terms of the approach of local authorities and the standard of interventions recently, but still raises concerns regarding resources and consistent application of controls. The review identified a number of steps to improve the situation including:
- Better provision of data between local Authorities and the FSA to improve intervention targeting;
 - Improve the shared information on feed matters between Government departments to effectively prioritise interventions;
 - Improve the coordination of the national surveillance and sampling programme; and
 - Enabling neighbouring local authorities to support each other in undertaking feed controls.
31. The FSA have also agreed to undertake a consultation exercise with local authorities and other parties to determine what other options are available for addressing the issues found.
32. **Food Standards Agency Audit revisit** - the Agency will be revisiting Trading Standards on 27th February 2013 to follow up the feeding stuffs audit it conducted in 2012.
33. **Legal Action Update** - as reported orally to the last Committee Meeting, Darren Sharpe and Christopher Simpson pleaded guilty to several counts of fraud at Crown Court on 4th January. Darren Sharpe was sentenced to 5 years in prison and Christopher Simpson to 18 months in prison. Both were convicted of fraud charges relating to the mis-selling of mobility aids.
34. Carl Mould who was recently sent to prison following action for breaches of the Enterprise Act by mis-selling mobility aids was due to be back in court on the 4th January 2013. Mould did not attend court, but later handed himself into police custody. Mould is being charged with fraud offences, and was sent to the crown court for the case to be dealt with. Mr Mould was remanded into custody until his hearing at the crown court on the 29th January 2013. He was subsequently remanded in custody at this hearing until a further hearing 15th March.
35. On the 10th January, a man who was selling counterfeit DVDs and pornographic DVDs on Hucknall market was sentenced to 120 hours unpaid work and to pay full prosecution costs. The judge also ordered the forfeiture and destruction of all items seized.
36. Mr Rajendran Thurairajah and Mrs Karunathevi Shanmuganathan who pleaded guilty to selling counterfeit Jacobs Creek wine at their shop in Mansfield. They were sentenced at Mansfield Magistrates court on the 24th January 2013. They were both given a £400 fine and ordered to pay prosecution costs of £543 each.
37. A farmer from Misterton and a neighbouring friend are due in court on the 15th of February 2013 for welfare issues around his pig holding. They also face charges of animal by product offences as dead pigs were left on the holding that were accessible to live pigs, birds and vermin risking the spread of disease.
38. Lee James and Nicholas Densham are now due to appear in the Crown Court for an initial hearing on the 22nd February 2013. Trading Standards is alleging that James had been changing customer's orders and sending out different specification steel beams to those

ordered, for financial gain, assisted by Densham. It is still unknown at this time how the two defendants will plead.

Statutory and Policy Implications

39. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that:

- 1) the Committee notes the contents of this report.

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Background Papers

None.

Electoral Division(s) and Member(s) Affected

All.

CS24