



22 June 2017

Agenda Item: 17

**REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE 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. **Safeguarding the Vulnerable** – the Service continues to intervene to protect our more vulnerable residents:
 - the national Trading Standards Scams Team estimate that each year mass marketing scams cause between £5bn and £10bn worth of detriment to UK consumers. The criminals involved deliberately and repeatedly target vulnerable and disadvantaged residents, causing significant harm to their health, well-being and independence, which can often escalate their need for social and health care. Nottinghamshire is one of 181 Trading Standards Authorities nationally signed up to a protocol to work together with the national team to tackle the problem.
 - Current data from this work indicates that nationally the average detriment per scam victim is £2,773, and the average age of victim 74.8 years. In Nottinghamshire to date at least 3 residents have lost over £150,000 respectively to scams with many others officers have contacted having lost tens of thousands. Scam victims often hoard their mail causing a fire hazard and officers regularly recover large sacks of scam mail from properties.
 - Over the last two years Community Safety Initiatives funding has funded two six month Police Community Support Officer (PCSO) secondments to support Trading Standards scams prevention work. The PCSOs have supported officers in visiting over 500 suspected victims of mass marketing scams whose names appear on lists supplied by the National Scams Team.
 - The visits often identify significant social care and health issues, which are addressed by joint working with social workers. Scam prevention interventions aim to break the cycle of scam victimisation to alleviate the negative health effects on the individuals and to promote well-being and independence.

- Better Care Funding has funded two additional officers for a 12 month period (from October 2016) to further assist our scams prevention work. In addition to the visits, officers are working on a number of joint scams prevention initiatives with Royal Mail, banks, and other agencies who work with vulnerable residents in the county.
 - The following case study helps to illustrate the success of this intervention work. Our PCSO intervened in May 2016 to help Mrs H and support her daughter who was struggling to persuade her elderly mother to stop replying to scam mail. Two sacks (totalling 25kg in weight) were recovered from Mrs H's house and we estimated she had lost over £10,000. At a follow up visit in March 2017 Mrs H told our officer that she now collects all the mail in a laundry basket and burns it. She thanked us for our help.
 - 'Friends Against Scams' is a national campaign launched in October 2016 to raise awareness of scams and empower communities to take a stand against scams. More information is available at: www.friendsagainstscams.org.uk. As at May 2017, we have 101 Friends Against Scams registered in Nottinghamshire, and 15 Scam Champions. Scam Champions are trained up to gain a fuller understanding of scams so that they can host awareness sessions, recruit Friends and drive Friends Against Scams forward in their communities or workplace. The National Scams Team worked with Trading Standards to deliver a successful Scam Champion Event in Arnold in April, and another similar event is planned in the north of the county later in the year.
 - Doorstep crime continues to be a regular focus of the Service's work. Elderly and vulnerable residents are often targeted by criminals who set out to deceive them that work needs doing on their properties. Once engaged they are known to significantly inflate their original quotes and often carry out unnecessary and substandard work. In some instances they leave properties in worse states of repair. Some recent examples include:
 - A Mansfield couple who were tricked into having gardening work undertaken. The traders took the female to a cash machine and would not leave until she had handed over £360. Intervention by the Service and the Victim Care Charity has prevented a further £900 being paid to the trader who is under investigation by the Service.
 - Criminals posing as tree surgeons extorted £1,240 from victims in the Woodthorpe area. Intervention by the Service prevented a further £3,000 being paid out. The investigation continues.
 - Officers have intervened during a doorstep crime incident in the Ashfield area, preventing £15,000 from being handed over to traders for roofing works, which an independent surveyor has confirmed did not need doing. The investigation continues.
3. **Banking Protocol** – The 186 banks, building societies and post offices in Nottinghamshire have now been visited to raise the awareness of Trading Standards, and to request the active implementation of the local banking protocol. It was identified that work needed to be done in this area, following a number of cases within Nottinghamshire involving victims attending banks and post offices to withdraw large amounts of money to pay rogue traders, who in some cases had taken the victim to withdraw the money.
 4. In addition the Service had also had reports that victims have attended their banks and post offices to withdraw frequent amounts to send off to various types of scammers, including

internet and mail scams. When the organisations were visited by Officers, many advised that they were unaware they could report such incidents to Trading Standards.

5. It became clear that Trading Standards needed to do more work with the banking sector and post offices within Nottinghamshire to make them aware of the Trading Standards role and how they can report such matters so that victims can be identified and supported quickly to try and limit the chances of them being targeted again. It will also provide Trading Standards valuable intelligence and the opportunity to conduct criminal investigations into any potential criminals identified. The banking protocol provides the banks, building societies and post offices with a protocol to follow should they identify a potential victim and a direct phone number for Trading Standards. The reception from banks and particularly post offices has been very positive. To date this work has prevented £10,900 being paid to fraudsters.
6. **Nominated Neighbour Scheme** – this recently launched scheme aims to help elderly and vulnerable residents feel safer in their homes. If an unexpected caller comes to their door they are able to display a card which requests the caller to speak to a neighbor and return with them before the resident has to talk to the caller or let them into their home.
7. **Approved Trader Scheme** – Approved trader schemes aim to protect consumers (particularly more vulnerable residents) from problem traders, and to promote local reputable businesses and help them to grow. In 2015, the Authority entered into a partnership arrangement with 'Checkatrade' to deliver a Trading Standards approved trader scheme in the County. The scheme replaced the previous Buy With Confidence scheme.
8. This increasing list of vetted traders provides a reliable alternative for our residents, which helps to drive rogue traders out of the market. There are currently 220 Nottinghamshire Checkatrade traders. The aim in the coming months is to work with Checkatrade and the County Council's Communications team, to promote the benefits of the scheme in order to increase take up by reputable Nottinghamshire traders. Membership levels in southern counties are higher where the scheme has become well established, and we hope to achieve similar levels in Nottinghamshire.
9. **Environmental Weight Restrictions (EWRs)** – Trading Standards continues to enforce the county's environmental weight restrictions, funded by NCC Highways Division funding. Heavy vehicles using these inappropriate routes can create serious safety hazards for other road users and pedestrians, particularly children. They can also cause damage to buildings, roads and bridges and harm the character, amenity and environment of an area. The programme includes enforcement exercises by Trading Standards Officers combined with responding to breach reports from members of the public. Results are encouraging indicating a significant reduction in the number of breaches in 2016/17 compared with 2015/16.
10. Records indicate that most drivers who breach the restrictions are not locally based and none have committed more than one breach during the 12 month period. All offending drivers have been encouraged to invest in a reputable satellite navigation system specifically designed for heavy goods vehicles and most have done so. This protects not only Nottinghamshire communities but also any other region that driver may visit. At our suggestion several companies have bought a stock of these devices allowing their drivers to pay for them on a weekly basis. The fact that Nottinghamshire County Council rigorously enforce these restrictions is now known throughout the haulage industry.

11. Although many vehicles which enter the restricted areas are there for a lawful purpose (i.e. having premises or carrying out deliveries in the restricted area) this does not lessen the impact on the local communities and environment. To this end officers have worked closely with vehicle operators to raise their awareness and consequently alter their working practices whenever possible. This approach, with assistance from local councillors and residents, has brought success to several areas in the county.
12. Further funding has been confirmed to continue this programme of work into 2017/18. Officers will continue to evaluate and improve working practices to continue the positive impact on the local communities and environment from this EWR enforcement work.
13. **Animal Health** – The Authority has a responsibility to enforce animal health and welfare legislation. The primary purpose of the legislation is to ensure that livestock does not suffer unnecessarily and that control measures in place to prevent and/or restrict the spread of notifiable animal diseases are adhered to.
14. **Avian Flu** – As part of the Authority’s animal health duties, Members will recall that during the autumn of 2016, outbreaks of the highly pathogenic variant of H5N8 Avian Influenza was detected in wild and farmed birds across Northern Europe. The impact of this was that in early December a Protection Zone was put in place for the whole of England.
15. This Zone had significant implications for the keepers of poultry and captive birds, who by law had to take appropriate steps to ensure that their birds were kept away from wild birds. Strict requirements around cleansing, disinfection and movement to and from premises were put in place in order to reduce the risk of spreading the disease.
16. The Service is responsible for monitoring the developing situation, and advising the County’s keepers. There have been no outbreaks within the County so far.
17. On 15th May 2017, the Avian Influenza Prevention Zone was reduced in England, and now only covers the areas of Lancashire, Cumbria and Merseyside which remain part of the Avian Influenza Prevention Zone (AIPZ). Therefore keepers of poultry and other birds in the rest of England are no longer required to keep them indoors or in fenced areas. However all keepers are being advised to maintain good bio-security measures with cleansing and disinfection of footwear, vehicles and housing. The current measures are to be reviewed again on 14th June 2017 although this may be reviewed earlier should any further outbreaks occur.
18. With regards to bird gatherings, the ban for these has been lifted in England (except for the AIPZ) although anyone wishing to arrange a gathering must still apply for a General Licence, giving the Animal And Plant Health Agency (APHA) at least 7 days’ notice prior to a gathering taking place. Further information and guidance on avian influenza can be found at <https://www.gov.uk/guidance/avian-influenza-bird-flu>
19. **Illegal Landings** – The Country remains Rabies free, and significant measures to reduce this threat include the controls on the movements of pet animals, in the main dogs. Under the Pet Passport scheme, dogs brought into the country must be inoculated against rabies. However, the dog has to be at least 12 weeks old for the vaccine to be effective.
20. The service has dealt with a number of instances in the last few years where pet dogs have been brought into the Country without the required microchips or pet passports Such

occurrences often come to light when new owners take their pets to the vets for the first time, and then discover that things are not what they seem. The most recent example was a dog that had come in from the Czech Republic. After intervention by the Service's officers, the dog was placed into quarantine with the owners taking responsibility for the costs until it could be returned to them.

21. **Regional Investigations Team** – The Authority continues to host the team, one of 9 operating across the Country to tackle complex and organised cross border criminality.
22. The team is grant funded by the Department of Business, Energy and Industrial Strategy (BEIS) and is tasked either by the Trading Standards East Midlands Tasking group, or by the National Trading Standards Tasking Group. The team is flexibly resourced, growing and shrinking around investigations as the grant funding allows for the employment of investigators to supplement the 5 permanently employed members of the core team.
23. The team and its investigations are subject to regular reviews, and it is the view of the National Trading Standards Board (NTSB) that this team is one of the best performing. It has dealt with, and continues to investigate, criminality of national importance.
24. Members may recall the fraudulent publishing investigation conducted by the team that had had an international impact. Following the largest investigation tasked to one of the Regional Teams, taking 4 1/2 years to complete, twelve individuals were sentenced in October 2016 at the Nottingham Crown Court for their part in an advertising fraud which at its height had a turnover of £7m per year.
25. Five individuals received 15 1/2 years imprisonment in total, with the controlling Director receiving a 6 year sentence. The remaining 7 individuals received suspended sentences. The individuals were also the subject of a Financial Investigation to ascertain the benefit derived from their criminal activities. Custodial sentences are often seen by those engaged in criminal activity as an acceptable risk but Financial Investigations drive at the heart of what those involved in these activities are in it for, the money!
26. Under the Proceeds of Crime Act (POCA) Confiscation Orders were made against 2 defendants in October for a total of £122k, which was ordered to be used to compensate victims.
27. On the 12th May 2017, Mr Rivers who was at the centre of the operation received a confiscation order amounting to £1,216,305, together with an order to pay costs of £30,000. Unless he pays the compensation he will be spending a further significant amount of time in prison.
28. On the 9th June 2017, further confiscation orders were made against Andrew Simpson and Barbara Stone. Simpson was determined to have benefitted from his crimes to the tune of £154,393, while the amount available ordered to be recovered from him was £30,168. He was ordered to pay this within 3 months, or face 18 months imprisonment.
29. Stone's criminal benefit figure, and the amount available for confiscation, were determined by the Court to both be £20,000, which has to be paid within 3 months, or she will face 12 months imprisonment. The £20,000 has to be used to compensate two victims.
30. A further listing for 29th September 2017 was set to consider Joanne Soan's situation.

31. **Illicit Tobacco** – The sale of duty evaded and counterfeit tobacco products undermines the health objectives of high taxation and labelling rules and steals business away from legitimate traders. There are also fire safety implications as illicit cigarettes do not comply with legal requirements designed to reduce the chances of un-attended lit cigarettes starting a fire.
32. Although levels of smoking and smoking related diseases continue to fall cheap and readily available illegal tobacco will still keep a significant proportion of the population smoking.
33. Trading Standards Officers continue to apprehend those involved in the sale and distribution of illicit tobacco and work with Police and Public Health colleagues. The Service's Tobacco Task Force is currently resourced from Public Health Funding and comprises of a seconded Nottinghamshire Police Officer and an agency investigator.
34. During 2016/17 25,000 packs of illicit cigarettes were seized with a retail value of £223,479 and 4,174 pouches of duty evaded and illicit hand rolling tobacco were seized with a retail value of £83,480. Once any ongoing Court matters have been dealt with, the illicit goods are destroyed through an official source.
35. Recently 13,720 cigarette sticks with a retail value of £6,174 and 3.4kg hand rolling tobacco with a retail value of £3,980 were seized from a shop in the Ashfield area, which is currently closed. 3 individuals from this shop are due to appear in Court, one of whom is the shop owner.
36. Another significant seizure was recently made in the Beeston area with over 10,000 cigarettes (£4,941) and 2.7kg of Tobacco (£1,100) recovered.
37. The tactics for concealment of illicit tobacco have become more sophisticated with hides being constructed in door panels, false walls and beneath floors to name a few. Sellers are also known to store their products away from the retail premises and replenish stock throughout the day rather than store large quantities on site.
38. **Legal Update** – On the 22nd April 2016 Mr Hassan, Mr Salah and Mr Kadir were arrested for the supply and possession of counterfeit and dangerous cigarettes. The supply is connected to the retail store Andrews News and Booze at Sutton in Ashfield. All three were sent to the Crown Court, and appeared on the 23rd May 2016.
39. Mr Khadir pleaded guilty to the charges, whilst Hassan and Salah pleaded not guilty, although both have pleaded since this hearing. A fourth person Mr Rekant Azizi was joined into the case, he has also pleaded guilty. All four were sentenced on the 24th February 2017. Mr Salah was sentenced to 30 months in prison, Mr Hassan to 27 months in prison, Mr Aziz to 14 months in prison and Mr Kadir to 6 months prison suspended for 18 months and 100 hours community punishment.
40. The Proceeds of Crime matters were resolved on the 18th May, when Mr Salah and Mr Hassan were determined to have benefitted from their crimes in excess of £100,000 each, but that the available amounts for recovery were £600 and £214 respectively. Mr Aziz was declared to have benefitted from his criminality by £29,401, but due to lack of available assets he was given a £1 order. There have been 3 separate prosecutions relating to this shop in the previous 2 years for the supply and possession of counterfeit cigarettes.

41. Sherzad Mohammad of Annesley Road Stores and Hucknall Mini Market, Hucknall appeared in the Nottingham Magistrate's Court on the 10th May 2016, charged with the supply and possession of counterfeit and dangerous cigarettes. His case was sent to the Crown Court, where entered guilty pleas. He will be sentenced in October. Further offences though have now since been identified, and Mr Mohammad's case has been listed for trial for October of 2017, where he will be sentenced for the old matters following the trial for the new and additional matters.
42. There have been a number of seizures and resulting prosecutions for Hucknall Mini Market including Aziz Hussain who was given 70 hours unpaid work and costs of £150, Soren Khder who was given £150 fine and £800 costs and Dana Mira who was given 100 hours unpaid work and £750 costs.
43. Four individuals have been charged with conspiracy to possess criminal property, namely illicit cigarettes. These are Mr Hersh Mohammed, Mr Alan Ali, Bakir Khalidi and Syrwan Mohammed-Ali. This is a joint investigation with Nottingham City as two of the premises involved are within the City area, the premise in Nottinghamshire is Outram General Stores at Sutton in Ashfield. A hearing was listed for the 21st October 2016, where all defendants pleaded not guilty, a trial date has been set for the 26th June 2017.
44. In the previous 12 months Trading Standards have prosecuted seven other defendants connected with this shop all for the possession of illicit cigarettes. Mr Alizadeh was given 80 hours unpaid work with £470 costs. Mr Saidi was given 100 hours unpaid work. Mr Rassul who has been dealt with twice had a combined sentence of 180 hours unpaid work and £300 costs, Mr Kumal £165 fine and £50 costs, Mr Hussaini who has been caught twice was given 150 hours unpaid work and £800 costs, Mr Kheder 60 hours unpaid work and £200 costs and Mr Mohamed £360 fine and £220 costs.
45. Mr Hew Abdullah and Mr Abdullah Mohammed are both facing charges in the Crown Court for the possession and supply of illicit cigarettes. They are both from the retail premise Zabcia, Mansfield. They have pleaded not guilty to the charges and are due for trial on the 17th July 2017.
46. On the 3rd January 2017 Mr Sarbest Abdullah of Zam Zam, Eastwood, appeared in the Nottingham Magistrates court charged with the supply of dangerous and illicit tobacco. He pleaded not guilty to the charges we are currently waiting for a court date for trial. This is the first occasion that anybody from this particular premise has been in court.
47. Mr Alan Hassan was charged to appear in Mansfield Magistrates court on the 9th March 2017 for the supply and possession of counterfeit cigarettes from the retail premise Alans Barbers, Gateford Road, Worksop. He pleaded not guilty to the charges but was found guilty of the offences on the 22nd May 17. He was given a fine and court costs.
48. On the 17th March 2017 Alan Tofik and Siamand Bawajani from Alans Newsagents at Beeston appeared in the Nottingham Magistrates Court charges with the possession and supply of dangerous and counterfeit cigarettes. They pleaded not guilty to the charges and are due for trial on the 1st June 17. Rebwar Mustafa from the same premises pleaded guilty to the charges and was fined £80.

49. On the 29th March 2017, four men appeared in the Mansfield Magistrates Court charged with conspiracy to supply dangerous and counterfeit cigarettes, they are connected to the retail shop Kubus in Mansfield. The matter was sent to the Crown Court, the next hearing is listed for the 19th June 2017. Those involved are Fakher Fathulah, Marwan Shaban, Nabaz Ahmadi and Amin Amin.
50. Investigations continue with all illicit tobacco outlets to trace the source of the cigarettes and those behind the wider distribution network.
51. Mr William Smith, Mr Andrew Smith and Mrs Christine Smith of Barn Bacon appeared in the Nottingham Crown Court on the 24th April 2017, they were charged with fraud by misrepresentation, in that they made claims that their meat products were free range and from their own farm when the Trading Standards case is that they were not. They were due to start trial on the 24th April but pleaded before the trial started. Mr William Smith was sentenced to 19 months in prison, suspended for 2 years and was given 180 hours unpaid work. Mr Andrew Smith was sentenced to 2 years in prison, suspended for 2 years and ordered to undertake 200 hours unpaid work. The case against Mrs Smith was dropped as it was not in the public interest to pursue her case.
52. On the 26th April 2017 Germany Farms Ltd appeared before the Nottingham Magistrates, they faced offences regarding contravention of Animal By-Product Regulations. Approximately 10,000 chickens had died in one batch and instead of transporting and disposing of them in a correct lawful manner they were buried them in a nearby field. Disposal in this way causes a potential risk to public health by transmission of disease through insects and wild animals. The company pleaded guilty at the first opportunity and were fined £2000.
53. On the 11th May 2017, Mr John Paul Allen appeared in the Mansfield Magistrates court, he was charged with offences of fraud to the value of £26,400. There is one victim in this case who has been defrauded by representations that she needed certain work carrying out on her property. Mr Allen pleaded not guilty and his case has been sent to the Crown Court to be dealt with.

Other Options Considered

54. None

Reason/s for Recommendation/s

55. This is an information report

Statutory and Policy Implications

56. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

57. This report contains no additional financial implications, with activity reported or that proposed being contained within existing service budget.

RECOMMENDATION/S

1) It is recommended that the Communities and Place Committee notes the updates from the previous meeting and the various developments in the areas of work contained in the report.

Paul McKay, Service Director, South Nottinghamshire & Public Protection.

For any enquiries about this report please contact:

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Constitutional Comments

As this report is for noting only, Constitutional Comments are not required

Financial Comments

As this report contains no additional financial implications, no financial comments have been sought.

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'