

26 January 2022

Agenda Item: 7

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 and the emerging threat of Avian Influenza.
2. To provide a review of the work the Service has undertaken under the Regulation of Investigatory Powers Act 2000.
3. To also address a question previously raised by Committee regarding doorstep crime.

Information

TRADING STANDARDS

4. **Coronavirus Response** – Under the Government's plan B two new pieces of legislation have been introduced at the time of writing, The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations and The Health Protection (Coronavirus, Restrictions) (Entry to Venues and Events) (England) Regulations 2021. The first is a requirement for the police to enforce aside from the necessity for premises to display an appropriate sign about wearing a face covering, that District Environmental Health colleagues are undertaking. The second piece of legislation gives local authorities enforcement powers but, in this instance, again District colleagues from Environmental Health and Licensing will be taking up the burden as the most appropriate regulators.
5. Trading Standards Officers will support their District colleagues should the need arise in the enforcement of the above.
6. **Controlling animal disease - Avian Influenza** - Highly pathogenic avian influenza cases have been confirmed and are spreading across Great Britain and Europe. The first detected case this year in the UK was in Worcester on 15th October 2021 and as of 6th December 2021, there have been 33 confirmed cases in poultry and captive birds and 235 wild birds have also tested positive across 45 separate counties in Great Britain. Ten cases of avian influenza have been confirmed since November in our neighbouring local authority areas: Derbyshire, Leicestershire, and Lincolnshire.
7. Action is required by the local authority with its partners such as APHA (Animal and Plant Health Agency) when the disease is found in captive birds only and no action is required if found in wild birds, beyond potential communications to the public to reiterate safety messages.

8. Trading Standards is working with internal NCC colleagues, neighbouring authorities, and other partner agencies to control the disease. Confirmed cases in Leicestershire have been close to the Nottinghamshire border resulting in a government imposed 10km surveillance zone covering a small part of Rushcliffe. The Trading Standards team worked with colleagues in Highways to erect signs alerting road users of the surveillance zone and Comms to issue a joint press release with Rushcliffe Borough Council and several social media posts to raise awareness with poultry keepers and the public on avian influenza and the restrictions in place.
9. Public health advice is that the risk to human health from the virus is very low and food standards bodies advise that avian influenzas pose a very low food safety risk for UK consumers, and it does not affect the consumption of poultry products including eggs. Trading Standards are working continuously with Comms colleagues to ensure that updated social media messages have been issued to the public and bird keepers to ensure that their safety is paramount as the situation evolves.
10. Trading Standards Officers are responding to any reported incidents of birds/poultry being kept outside and are advising keepers to ensure that they are correctly following the current Government housing measures.
11. **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.
12. 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.
13. A programme of monitoring and review is set out in the Council's RIPA policy and guidance.
14. In the previous six months there have been no new directed surveillance applications.
15. There have been 2 communications data requests, one in relation to doorstep crime and the other in relation to misdescribed food products.
16. **Fraud against the vulnerable** – A question was raised at the November Committee in relation to alerting Councillors about our doorstep crime prevention work in specific areas. The Service will make sure that in future, the relevant Councillors will be made aware to help spread the message.
17. Officers have been visiting barbers and hairdressers to try and raise awareness about doorstep crime so that the message can be shared with customers. A total of 68 visits have taken place in Mansfield, Eastwood and Newark in areas that have been identified as receiving a higher level of complaints about doorstep crime. A number of these visits were conducted with support from local Police Officers.
18. As part of National Safeguarding Adults Week, Trading Standards hosted a webinar for social workers and other partner agencies about some of the tactics used and resources now available to reduce financial loss from fraud. An Officer has also given an interview on

Mansfield 103.2 Radio to raise awareness of scams and joined an Alzheimer's Society Team Meeting to raise awareness of scams and doorstep crime amongst staff who work within the community.

19. Support has been given to a resident who resides in Gedling who has been a previous victim of a scam and was receiving unwanted phone calls. Officers have supported her by changing her phone settings thus reducing the risk of her becoming a further victim.
20. Officers also attended a doorstep crime incident in Gedling, where an unsolicited trader had advised an elderly consumer that they needed work doing to their roof, at a cost of thousands of pounds. The resident's family prevented any money being paid and Trading Standards Officers worked with the Police to support the resident and put measures in place to prevent financial loss.
21. **Food Safety** – Following a varied communications campaign in September specialist food officers have been visiting appropriate premises to promote the new requirements about food labelling of products that are Pre-packed For Direct Sale (PPDS), commonly known as Natasha's Law. The visits have indicated that non-compliance is visible, but this is mainly due to a lack of knowledge on how to comply as opposed to unwillingness. Advice is being offered and businesses are being supported with this major legislative challenge.
22. As a result of the communications campaign 16 businesses voluntarily approached the Service for further support on how they could comply with the requirements and are being helped.
23. **The Environment - New Green Claims Code** - The Competition and Markets Authority has published a detailed 'Green Claims Code' and put business on notice that it will enforce its provisions under consumer law from 1 January 2022 for any on and offline misleading green claims.
24. The code sets out the principles that apply to making claims; claims must be truthful and accurate, clear, and unambiguous, must not omit or hide important relevant information, comparisons must be fair and meaningful, consider the full life cycle of the product or service and must be substantiated. More information is available at: [Green Claims Code](#)
25. Trading Standards has a key enforcement role working with the CMA and other regulators, such as the Advertising Standards Authority (ASA), to tackle misleading environmental claims.
26. If in doubt about what is needed to ensure any claims are compliant with consumer protection legislation Nottinghamshire businesses can contact the NCC Trading Standards Commercial Services team for further guidance and support. [TS Commercial Services](#)
27. **Support to Primary Authority Businesses** - Many businesses find themselves looking for guidance and other support to help them navigate Trading Standards legislation which can often be complex and very technical in its nature, especially currently with the changes that the new post EU Exit trading environment brings. Forming a relationship with a local authority who know and understand such legislation and are experienced in applying it in a commercial context can reduce costs and drive brand reputation. The Commercial Services team within the Service continue to provide support to several Primary Authority businesses with a proactive drive and ambition to recruit further PA businesses in the coming months.
28. **Community Renewal Funding (CRF) – East Midlands Accelerator** - Trading Standards is one of several business support delivery partners involved in this East Midlands Chamber led project to help create jobs, support digital adoption, and accelerate low-carbon transition. The

CRF funded project runs from November 21 to 30 June 2022 with £1.7m funding awarded for the Nottinghamshire bid. The CRF is the forerunner to the UK Shared Prosperity Fund which will eventually replace EU structural funds that help to deliver local business support and skills development programmes.

29. The Service will contribute to the Start-Up to Scale-Up Accelerator and the Race to Zero-Carbon Accelerator supporting businesses in the 3 Nottinghamshire priority districts of Mansfield, Bassetlaw, and Newark & Sherwood. The funded project will aim to increase the reach of the Service's regulatory support services within those priority areas. Regulatory support provided to businesses at an early stage will help enhance the likelihood of successful start-up and scale-up and reduce the risk of future regulatory intervention and risk to brand reputation due to non-compliance.
30. The overall project aims to enhance and improve access to existing support to businesses, particularly those most affected by Covid, bringing together key stakeholders. It provides a fantastic opportunity to forge closer collaboration between the Service, business support services and the East Midlands Chamber and other partners such as the D2N2 Growth Hub and the Food and Drink Forum.
31. **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 £705k up from £650k reported in the 3rd November 2021 committee report.
32. Commercial income from services to businesses remains significantly below that of pre-pandemic levels in 2019. As the economy continues its post Covid recovery it is predicted there will be new opportunities to grow the commercial offer to businesses. However, in the interim managers are maximising all opportunities to identify and secure additional external funding to support the work done by the Service. One example is additional Government New Burdens funding this year to support additional enforcement responsibilities for "Natasha's Law".
33. **Product Safety - Three Unsafe Product Recalls** - Trading Standards Officers are responding to three unsafe toys requiring removal from the market as they present a high risk to children. The first product is an unsafe baby sensory ring which presented a high risk due to a possible choking hazard from shattered small parts. This investigation has involved considerable work with the business and the Office for Product Safety and Standards (OPSS) and as a result, a thorough product recall is in progress to ensure that the unsafe toy is removed from the market and prevented from causing harm to babies. The second product is a child's flashing fancy dress face mask which allows easy access to small button batteries, meaning that children could swallow them and suffer damage to internal organs. The third product is flashing string lights which present an electrocution hazard. All three products are subject to a product recall because of Trading Standards intervention, with the former products posing serious risks.
34. A new Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 came into force on 1st October 2021 and now makes it a criminal offence to make arrangements for or administer botulinum toxin aka "Botox®" and cosmetic fillers to persons under the age of 18 years old. Trading Standards and the Police are now responsible for enforcing this new legislation.
35. Trading Standards has also conducted two projects to check that covid test kits and private sector covid testing are safe and are provided fairly.

36. The project for market surveillance of Covid test kits is now complete. Fifty inspections have been made by Trading Standards Officers across all seven Nottinghamshire districts and varying retail sectors with no compliance issues found, which is a positive result for the County. Over 20 hours of online market surveillance has been conducted to check covid test kits available to Nottinghamshire consumers online are compliant with legal requirements. In conclusion, having reviewed the market in Nottinghamshire, covid test kits have not been found to present a threat to Nottinghamshire consumers.
37. The project for market surveillance of private sector testing facilities is also complete with Trading Standards having now communicated with 1539 employers during this project to advise on how to find legitimate private sector testing providers, how to report illegal activity and enquire as to whether they have employed the service of a testing provider. Work was also carried out in this project to check the compliance of local private sector testing providers and also further analyse data gathered during the project to report on the findings and learning gained. Ultimately, the level of compliance in Nottinghamshire was found to be high. There were five complaints received about private sector testing locally, which, following Trading Standards intervention were resolved satisfactorily.
38. **Illegal Tobacco Control** - From April until the compilation of this report in mid-December, the Service has undertaken 46 operations on commercial premises, which have resulted in £54.8k worth of illegal tobacco products being seized from the marketplace.
39. Officers continue to work with the Police, Environmental Health, and the Fire Service across the County. In a recent operation it was discovered that staff that were working in the premise were illegally sleeping in the rooms above the shop. The Fire Service had already served a warning notice to the premise and so following the recent discovery they will be looking to get a closure order. This and previous operations with the above-mentioned agencies clearly demonstrate the benefit of taking a multi-agency approach to tackling the problem where appropriate.
40. **Investigations & Legal Update** - A Crown Court trial was due to commence in 2021, involving a trader who made false representations to customers about building work he carried out on their properties. The trial was removed from the listing due to the backlog of cases following the recent pandemic. He also failed to appear at the last court hearing and a warrant has been issued for his arrest.
41. A further case is listed for trial in the Nottingham Crown Court in March 22, involving four traders that have been charged with fraudulent trading, including targeting vulnerable consumers, making false representations about building work and overcharging customers.
42. 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, which is still outstanding. He is charged with offences under the Rabies Act and fraud.
43. 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. Further offences have also come to light. The 2 cases have been joined together. Due to the court back log this trial have been moved until July 22.
44. Two illegal tobacco cases that were listed for trial in June and August 2021 have been moved to 2022. One case involves the sale of cigarettes and hand rolling tobacco sold from retail premises and the 2nd is in relation to a home seller. The products do not meet the packaging and safety requirement for cigarettes and hand rolling tobacco sold in the UK.

45. The trial of a car trader who is charged with selling vehicles with altered mileages and the sale of unroadworthy cars, is due to be heard in February 2022.
46. On the 1st November 2021 the Director of a car company was sentenced to a £6,000 fine, £1,080 costs, and £190 victim surcharge for the sale of an unroadworthy vehicle to a consumer.
47. On 19th November 2021 in the Mansfield Magistrates Court a trader from a retail premises has pleaded guilty to the charges of possession of illicit cigarettes and hand rolling tobacco. He was fined £350, and ordered to pay prosecution costs of £550.
48. In the Nottingham Magistrates Court on the 6th December 2021 a trader pleaded guilty for the sale of misdescribed hand sanitiser. The sanitiser was described as having 68% alcohol content when in fact it had around 1%. They were being sold at the height of the Covid pandemic and with 68% alcohol content the public would have believed that this product would help protect them. He received a £300 fine and £1145 costs.

COMMUNITIES

49. **Queen's Platinum Jubilee** - To mark the Queen's Platinum Jubilee, there will be year-long Platinum Jubilee celebrations throughout the United Kingdom, the Commonwealth and around the world as communities come together to celebrate the Queen's historic reign of 70 years.
50. Working in partnership with the Lord Lieutenancy, the Council is contributing to supporting a programme of events and activities throughout 2022. This includes a veteran's breakfast club at Thoresby Courtyard whilst watching the Trooping of the Colour on the big screen and supporting Big Lunch events and street parties by skilling up organisers.
51. A steering group of key partners are developing plans to celebrate Jubilee weekend, contributing to the Queen's Green Canopy, and supporting major events such as the County Show and County Day on 27th August 2022.
52. **Armed Forces Work** - On the 15th December Cllr Girling hosted a veteran's breakfast club for employees of the County Council who are members of the armed forces family at the County Hall campus, West Bridgford. Breakfast clubs provide an opportunity for armed forces veterans and their families to network and share information in a secure setting. 3 breakfast clubs are planned for 2022 in June, to mark Armed Forces week; November to mark Remembrance Day and the Christmas period.

Other options considered

53. None

Reason for Recommendations

54. 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

55. 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

56. None

RECOMMENDATIONS

That the Committee:

- 1) Considers the updates and highlights any actions required, specifically in respect of income generation.
- 2) That Members consider the actions undertaken by Trading Standards under the Regulatory and Investigatory Powers Act are appropriate.

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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 23/12/2021)

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

Financial Comments (KRP 20/12/2021)

58. There are no financial implications arising from the contents of 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.