

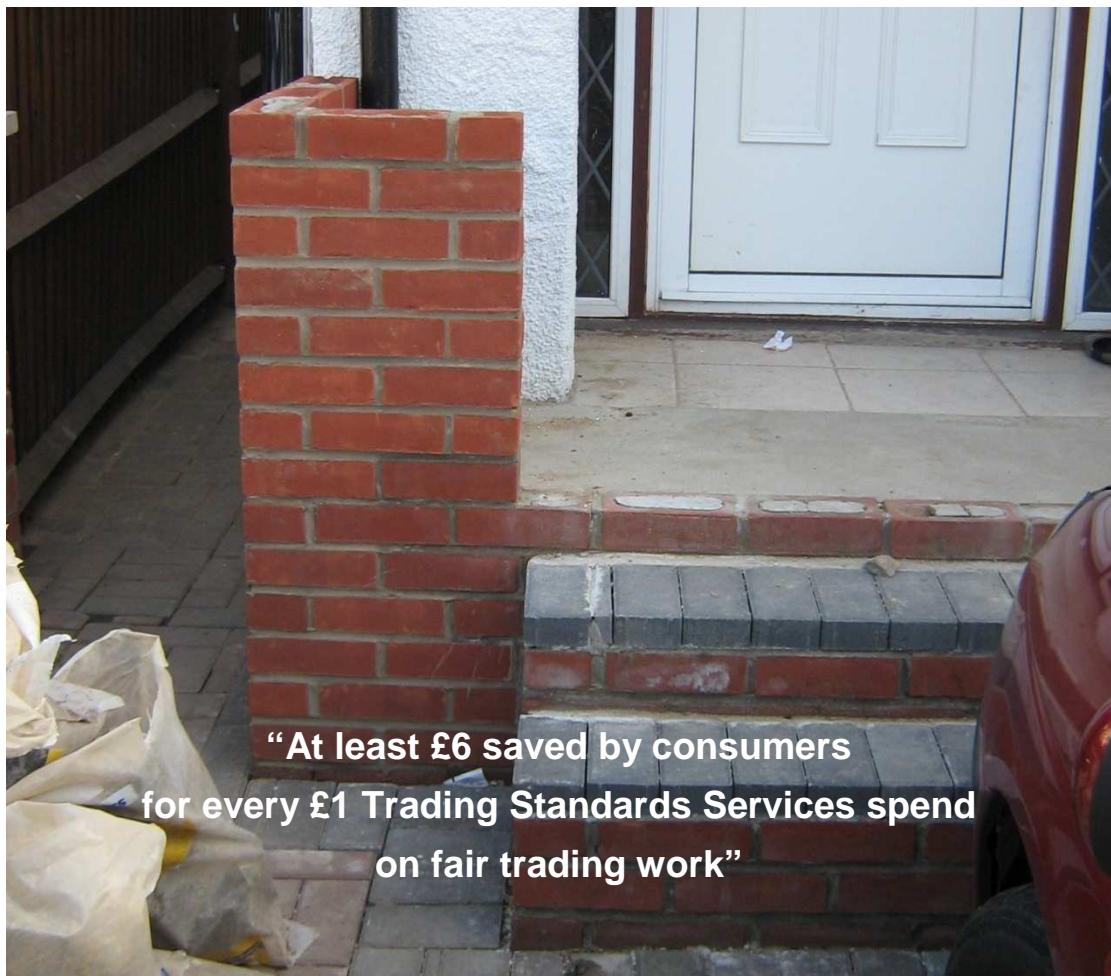


**Brent & Harrow
Trading Standards Service**

WORKING IN PARTNERSHIP



**The Consortium of the London Boroughs
of
Brent and Harrow
Trading Standards Service
Six Month Report
For the period ending 30 September 2009**



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The quote on the front cover is from an Office of Fair Trading study
on the work of Trading Standards

Introduction

This six month report highlights the work of Brent and Harrow Trading Standards Service during the first six months of the financial year up to the end of September 2009.

Staffing

At the beginning of the year the enforcement teams were reorganised from specialist teams into two separate borough teams to make working easier to coordinate. Individual teams and team leaders remained the same. Two Assistant Heads of Service also swapped roles to broaden their experience

Due to financial cuts in Brent, a part time Trading Standards Officer who left to work for another Authority was not replaced. However, due to the high demand for civil intervention work where assistance is given to residents in resolving their disputes with traders, we recruited a Civil Advisor who started with the Service in June. Another member of staff has started on her training to become an Accredited Financial Investigator. This should provide us with the capacity to, not only deal with our own cases, but to bid for work elsewhere within and outside the Councils. The updated structure can be seen on page 10.

Three members of staff have passed four exams in the DCATS qualification which is the professional qualification for trading standards. They now need to submit a portfolio of work-based evidence to complement their exam passes

Changes in legislation

The Weights and Measures Act has undergone a major change to reflect consumer needs and concerns. A large variety of staple foods, such as sugar, coffee and tea have previously had to be sold in prescribed quantities. That requirement has now gone and those foods can now be sold in any quantity as long as the weight is marked on the product.

As reported in the last Annual Report, the Consumer Protection from Unfair Trading Regulations 2008 came into force last May, which revoked many other statutes and consolidated them into these Regulations. I am pleased to note that our officers have been successful in not only advising businesses about them but also in using the Regulations to secure successful convictions against unscrupulous traders.

Financial Investigations

We are continuing to maximise our resources and punish the traders who flout the law by using our powers under proceeds of crime legislation. Financial investigations can take a long time to conclude, potentially long after the original trial has finished. We believe that by investing the time and resource in this process that we will achieve maximum results and provide the better value for money in the long term. By training another member of staff to carry out financial investigations we should increase the benefit further.

The Recession

The economic outlook has not changed significantly since the last Annual Report and the same pressures that existed then for consumers and businesses are still apparent.

During these challenging times, we become busier with more and more traders looking to increase their profits, sometimes through illegal means. As a result, we have certainly noticed an increase in car-clocking cases coming to our attention, where consumers are sold cars with false mileages to inflate their value. There has also been a marked increase in the number of complaints regarding car clamping, bogus builders and underage sales. The increase in volume of complaints about underage sales, I feel, is as a direct result of the campaigns that we are running to encourage the public to report their concerns to us.

Media

There has been a lot of positive publicity this year already about our work generally and specifically in topical areas such as underage sales and the sale of counterfeit goods. We have featured on a number of national television documentaries and on local and national news items, which have all shown both Councils in a positive light.

One such documentary, 'Who's Watching You?' was on the use of covert surveillance under the Regulation of Investigatory Powers Act (RIPA). This Act has inaccurately been termed by the national press as 'anti-terrorist' legislation which has adversely affected public perception of the invaluable work of local authorities. In fact, prior to RIPA, there were no checks and balances for surveillance and authorities were given a free rein. In the documentary, we were able to show that the use of surveillance was an important tool in bringing rogue traders to justice. During a recent inspection visit by the Interception of Communications Commissioners Office, the Inspector stated he was, "satisfied that the communications data was being obtained lawfully and for the correct purpose."

We regularly feature in local newspapers and the work we do continues to show both Councils in a positive light.

Improvement and Efficiency

With the construction of the Brent Civic Centre and the move towards a mobile workforce, we are beginning to reduce the amount of paper-based systems we have and the amount of documents we retain. We are also trialling the use of tablet computers which allow officers to access trading standards databases and other critical information whilst out in the field.

All staff can now remotely access their computer desktops and applications from home, providing they have a broadband connection. We will be part of the first wave of Brent Council to move to IP telephony and as part of this have already moved to using Microsoft Communicator to help us work more efficiently.

Partnerships and Projects

Ma Kelly

In September, we ran an event for over 80 elderly Brent residents, called Ma Kelly's Doorstep. With additional funding provided by the Neighbourhood Working Team, we arranged for the Attic Theatre Company to perform an engaging 45 minute play, highlighting the dangers of distraction burglary. The play was at the Tricycle Theatre in Kilburn and Brent Community Transport arranged free transport for those residents unable to make it the theatre themselves.

All the audience thought the performers were fantastic and brought the dangers of distraction burglary to life for them. Residents engaged with the actors during the performance to share their concerns about 'who was at the door of Ma Kelly'. After the play, they enjoyed a Marks and Spencer's lunch that we arranged for them and got the chance to meet the Mayor and representatives from Kilburn Safer Neighbourhoods Team and Community Safety.



A scene from Ma Kelly

Overall the residents agreed that they had a great day out and learnt how to avoid distraction burglary in a fun and informative way. Many said that they would share what they learnt on the day with friends. The day was such a success that we are now looking to run the same event in Harrow early next year.

"It was brilliantly done and really got the message across in a fun way."

International Calling Cards

International calling cards, which sometimes advertise misleading cheap rates for phoning overseas, have been a constant source of complaint over the years. As a result, we drafted a code of practice for phone card companies that aimed to make the way they advertise their charges more transparent. At the time it wasn't seen as such a problem outside of Brent and Harrow and so nothing further happened. The OFT have recently decided that the cards are an issue and have set up a focus group to look into the area. Because of our previous work on the code and in prosecuting companies when they have misled the public, we have been invited to join the focus group. Hopefully the work we started years ago will now come to fruition.

Electric Blanket Testing

This year we organised the free testing of residents' electric blankets in Harrow, working with the Fire Service and Age Concern. Our expert tested 76 blankets, of which 10 were found to be unsafe, a slightly lower failure rate than previous years. We hope to be able to continue this much valued work in the future and see the failure rate fall further.

From a Harrow resident whose blanket we tested:

"The testing service you provide is invaluable, especially to the elderly and we hope you will be able to continue it in future years"

Video Game Survey

We took part in a London-wide project, funded by the Department for Culture Media and Sport, to assess the ease with which children can buy age restricted video games. Certain video games are certificated just like DVDs and have the same restrictions on their sale. Across the eight Boroughs taking part, 104 test purchase attempts resulted in 29 sales. In Brent and Harrow 35 attempts resulted in 4 sales.

Rapid Response Results

As well as the proactive work we do with the Police in combating doorstep crime, we have a rapid response protocol so that we can react immediately to calls from residents who have been targeted by cowboy builders. So far this year, we have been called out five times to deal with issues as they happen. Some of the results are detailed below.

We were contacted by the worried nephew of an elderly Brent widow. She told us that builders had cold-called and talked her into letting them do some minor jobs but then started doing work she hadn't agreed to, while she was on holiday. The builders had not given her the cancellation notice required by law, and were now demanding £16,000 for work later estimated as worth only £2,000. They were due back the next morning so we were there, waiting with the Police. The van the builders arrived in was uninsured and so the Police impounded it with their tools still inside. As a result, the van driver, already having a number of points on his licence, is facing an automatic driving ban. The victim no longer has to worry about being bullied into giving any of her savings away.

When we responded to a call from a Harrow resident, we found that he had already paid £11,000 for fascia repair work estimated at being worth £1,500 at most. Working with the Police we were able to prevent the victim from parting with a further £20,000 which the trader was demanding for more repair work. Two men were arrested and detained for questioning.

On another occasion the call originated from Nat West bank in Harrow Weald. A member of staff there was concerned about a man with learning difficulties asking to transfer £7,000 to a company. We arrived promptly, spoke to the gentleman and got his permission to speak to the trader on his behalf. The trader turned out to be a land-banking company who had already received £8,000 from the consumer. After we spoke to them, they agreed to return that money to the consumer. By calling us, the bank helped save the

gentleman from losing £15,000 to a dubious land-banking scheme.

We are currently investigating the builders mentioned above. We are also planning more work to raise awareness among bank staff of how they can spot and stop vulnerable people being taken advantage of.

Wembley Stadium

We have worked at all of the major events taking place at Wembley Stadium through the summer including the F.A. Cup Final, the league playoff finals and music concerts. We work in partnership with the Police and Brent Licensing teams to stop and check sellers, seize their illegal goods and where appropriate, investigate the matter further.



Counterfeit scarves from the FA Cup Final in a seller's car boot

Week of Action

In July we spent a week of action working with regulatory partners from Harrow Council and the Police. The action started in South Harrow before moving to Harrow and finishing in Harrow Market. During the week, we visited over 50 traders offering advice on the law and signing some of them up to our Responsible Trader Scheme. We carried out underage test purchases and also dealt with a complaint about a falsely described ice cream. At Harrow Market we seized a variety of counterfeit goods from traders, who we are now investigating.

Investigations

Repeat Offender

A Harrow market trader pleaded guilty to offences of offering for sale unsafe and counterfeit goods from his market stall at Harrow Market. He was ordered to pay a fine of £300 and prosecution costs of £650. The trader had previously accepted a simple caution for selling fake goods but was again found selling counterfeit batteries and mobile phone accessories as well as travel adapters which allowed access to live parts and posed the risk of electric shock or injury to anyone using them.



Some of the counterfeit goods seized

Counterfeiter Tagged

Another stall holder at Wembley Market was ordered to be electronically tagged and required to reside at her home address, with a curfew between the hours of 9pm to 7am, after having pleaded guilty to counterfeiting charges. When we raided her stall at the market we seized 898 counterfeit items and found details of goods being delivered to a storage facility. The next day, we obtained warrants and broke open two storage units where we found another 1,276 items. The total street value of the goods was estimated at £69,000.

Rip-off Tip-off

With information and the help of private investigators, we traced the supply chain of a gang of market trader involved in the sale of counterfeit goods to a local self-storage facility and found that they had a stall at Shepherds Bush Market as well as Wembley. We

executed warrants on the same day at a home address, Wembley Market and the self-storage facility, followed by raids at Shepherds Bush Market and another lockup two days later, seizing over 7,000 items. We later searched another residential address and found a further 900 counterfeit items even though the resident knew that we were investigating him.

The main defendant admitted that the business turned over £600,000 in just over two years. He was jailed for a year and the three others were ordered to do unpaid community service. Sentencing the men, His Honour Judge Maloney QC said: "This is not a minor matter. Brand names are the valuable property of the companies that invest in them. It is as wrong to steal somebody's brand name as it is to steal their car or physical property."

Shisha Shocker

Officers observing an underage test purchase in Stanmore were stunned when they saw children wearing school uniforms openly smoking shisha at tables outside the restaurant they were visiting. They were less than surprised then, when the restaurant sold shisha to our child volunteers. The restaurant and the individual who sold the shisha were fined a total of £800 and ordered to pay costs of £870. As a result, we also gave evidence at a licensing hearing and the restaurant now employs a door supervisor. Unfortunately, shisha smoking is becoming more common as many people mistakenly believe that it is not as harmful as smoking cigarettes.

Market Troubles

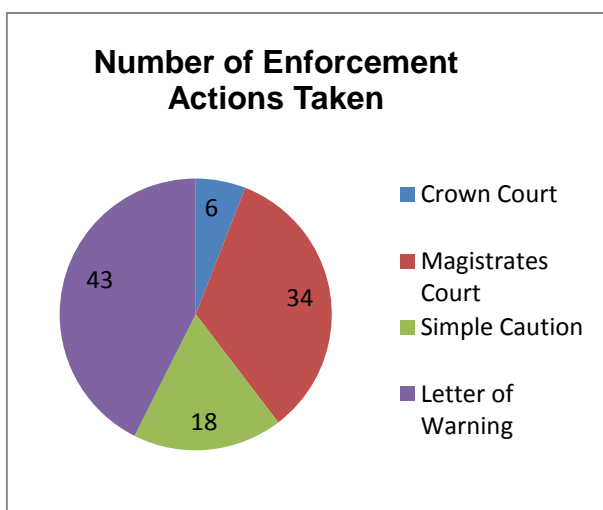
In June, a Harrow Market trader was sentenced to three months imprisonment for selling counterfeit goods. We seized over 100 items from his stall at Harrow Market when we found counterfeit clothing for sale. We later discovered that he had previously been issued a caution for selling counterfeit clothing at another market.

Four Fraudsters Foiled

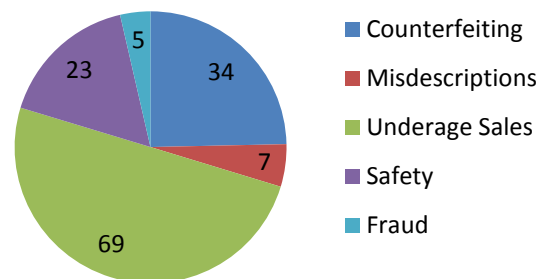
Four men were caught after an operation at Wembley Market that started with us visiting five times and buying counterfeit trainers from them. We obtained the stall holders' details and wrote warning them of the consequences of breaking the law by selling counterfeit goods. Despite this, they continued to trade in illegal goods. With the police, we raided the stalls, seizing a large quantity of counterfeit trainers with a street value of £31,475.

The main defendant, who had two previous convictions relating to counterfeit goods, tried to deny he was involved or had received any of the warning letters that we had addressed to him. He claimed that he wasn't known as 'Naz', the name we had used in addressing letters to him. However, when he was cross-examined he admitted that he had a personalised number plate which included the name 'Naz', that he was known as 'Naz' and he had actually received some of the advisory letters but had thrown them in the bin.

'Naz' was sentenced to two years after being found guilty of supplying counterfeit goods. Three other men were also sentenced after pleading guilty to the same offence during the trial. One to six months in prison, one to 200 hours and the other to 100 hours of unpaid community work.



Reports Concluded - number of entities reported



Shocking Phone Chargers

An unsafe mobile phone charger being sold in Brent led us to working with another trading standards team to take action against the supplier. We bought a mobile phone charger from the Willesden shop, had it tested and found out that it was unsafe. We returned to the shop and seized the remaining stock and asked the shop owner to give us the details of who had supplied him. We spoke to Tower Hamlets trading standards, where the supplier was based, they visited them and seized a large variety of mobile phone chargers.

To save our costs, we agreed with Tower Hamlets that they would add the offences in Brent to theirs, by the trader agreeing for them to be taken into consideration. The supplier was fined £1350 and ordered to pay costs of £3,566. All the electrical items seized were forfeited and ordered to be destroyed.

No Smoke Without Fire

A Harrow Weald shop that was the source of a large number of complaints alleging they sold cigarettes to school children was an obvious place to conduct a test purchase. The shop subsequently sold cigarettes to a fourteen year old child volunteer. The owner of the business received a two year conditional discharge and was ordered to pay £925 costs.

Underage Sales

Protecting children from harm and preventing the sale of age-restricted goods to children is one of our main priorities. There are a number of ways that we do this which are detailed in other sections of this report. Even some of the traders we take action against appreciate the value of the work we do.

From a trader we prosecuted for an underage sale – “I am glad Trading Standards are keeping us on our toes because these operations are doing good for society”

Responsible Retailer Scheme

As well as taking enforcement action we work with traders to educate them on the law and advise them on how to ensure they don't sell age-restricted goods to children. The Responsible Trader Scheme was set up to help achieve this and its membership is now over 300 and growing.

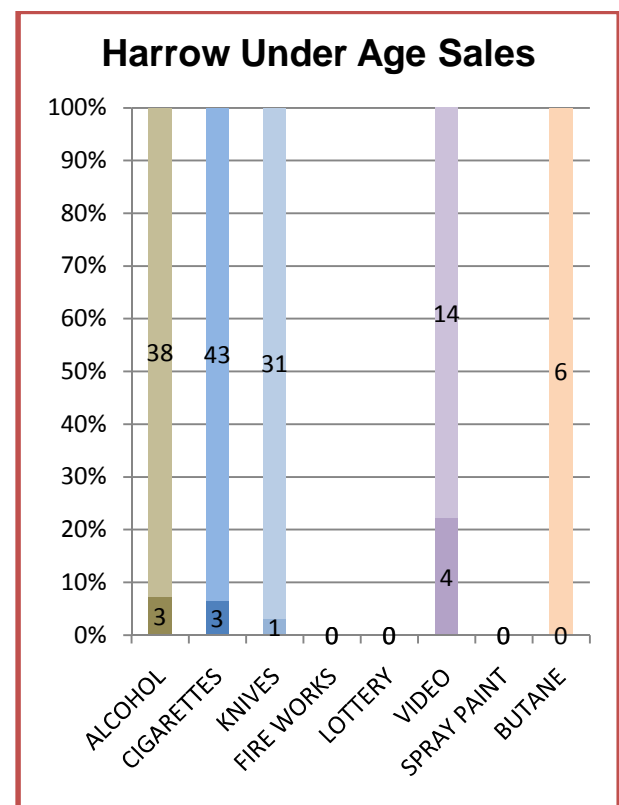
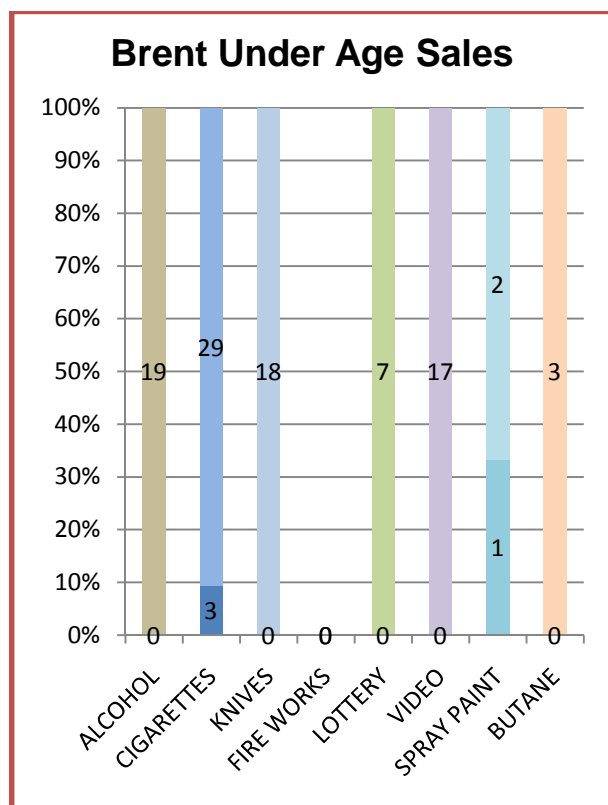
Test Purchasing

We are over half way to meeting our target for test purchase visits. So far we have had 4 sales from 99 visits in Brent, a rate of 4.0%, and 11 sales from 143 visits in Harrow, a rate of 7.7%. Promisingly, these rates are lower than for 2008/9 and we hope they will be continued or improved on during the rest of the year. This reduction is directly attributable to the continued proactive work we do .

The Video Recordings Act

In August this year it came to light that the Home Office had failed to notify Europe when the Video Recordings Act 1984 came into force. Because of this the Act is unenforceable and is currently going through Parliament to be re-enacted. In the meantime, we have had to drop all our cases under the Act. This not only affects underage sales of DVDs and games but also the classification of movies; at the moment, unclassified material such as pornography can, unless it is caught by some other law, be sold perfectly legally.

Tables of Underage Test Purchasing Refusals (top figure) and Sales (bottom figure)



Helping Consumers

Course Fee Refunds

A Brent resident decided to change their career and enrol on a training course. He clearly specified with the college that he could only attend on certain dates, which they verbally confirmed. As a result, he entered into a credit agreement for nearly £5000 to pay for the course. However, a week later the college told the consumer that he couldn't have the agreed dates and offered him different dates, which he couldn't make. He tried to cancel the agreement but the college refused. When the consumer contacted us, we got in touch with the college and provided evidence that they had breached the terms and conditions of the contract with the consumer. The company agreed to cancel the course and the associated credit agreement.

A consumer in Harrow, who had a child suffering from dyslexia, paid a trader to provide sessions which would cure the dyslexia by doing various exercises. She took out a credit agreement in order to pay for the course. The company moved from one of their premises close to the consumer and expected her to travel outside London for the classes, which was incredibly inconvenient. The consumer complained to the company, who told her that she could access the course online but she found there was no online support to go with the course. The credit provider refused to cancel the contract until we got involved and managed to get the consumer her £1550 back.

Stair Lift Climb-down

An elderly Harrow consumer, who was housebound and reliant on her stair lift, contacted us when her stair lift stopped working and the company refused to repair it, as it had run out of warranty. We contacted the company and told them that as well as the warranty, the consumer has rights under sale of goods laws. The company immediately repaired the stair lift, saving the consumer £500 in repair fees.

Never Too Late

A Willesden resident bought a washer-dryer from a large company 6 years ago. The appliance never worked properly from the start but, despite complaining to the shop, he was not provided with a replacement at the time. In the last three years it has needed to be repaired about 17 times and the consumer was extremely frustrated at having to pull wet, heavy clothes from his machine every time it broke down. We contacted the Head Office of the company on behalf of the consumer and advised them that we believed that his legal rights had never been effectively honoured from the start of the contract, six years ago, and requested a replacement machine for the consumer. The company wrote back within a week to say that the consumer could visit the store and select a new washer/dryer at no extra cost.

So far this year, our civil advisors have saved Brent and Harrow residents a total of £34,417.27

How About an English Course?

A student from India applied to a Brent college and got a student visa for a health and social care course. The course cost £3550 which was paid using his mother's life savings. When he arrived in the UK, the college told him that they couldn't provide the course for him and tried to persuade him to take an English course instead. The student refused as he specifically wanted the course he paid for. When he asked for his money back the college refused. The student contacted us, following his aunt's suggestion, and we finally managed to get his money back from the college in September. The student is now registered for the course he wants at another college.

Conclusion

Once again, I am extremely pleased with the variety and complexity of the work that Trading Standards staff have produced. The demands on the Trading Standards team remain as strong as ever and I hope that the sample of criminal and civil cases contained in this report demonstrate the benefit that the Service provides to the local community.

The Olympics

This demand is likely to increase dramatically with the impending Olympics and the influx of spectators, tourists and traders. The allure of profits from this event will undoubtedly draw in rogue traders as well and I am pleased to report that in my role as Chair of the London Trading Standards Authority (LoTSA), I am co-ordinating the strategic activities of Trading Standards throughout London.

Prevention Better Than Cure

Like other regulators, we have a twin role to play in enforcing consumer protection laws. On the one hand we will take appropriate enforcement action when we discover serious breaches of the laws we enforce. But we also put a lot of effort in to trying to prevent problems occurring in the first place. It is impossible to quantify the impact of the prevention activities that my officers undertake but its importance cannot be underestimated. Lives will have been saved as a direct result of the toy and electrical equipment safety projects that we undertake and as a result of our removal from sale of unsafe counterfeit products. Most consumers cannot always distinguish between a safe and unsafe product until it causes injury, by which time it is too late.

With resources constantly shrinking, some of these 'intangible' projects are becoming difficult to justify. For example, we have not been able to participate in events such as 'Under One Sky' and the 'Respect Festival' this year, which would provide information to residents regarding our work and raise the profile of this Service.

As with any service, I have prioritised our resources where they will have maximum impact and benefit residents and bona fide traders. However, I am mindful of the terrible situation that befell our financial institutions through relaxation and self regulation and I am keen to see that this does not happen insofar as consumer protection is concerned.

Through the Looking Glass

The next six months look like being just as busy as the last six. As well as our planned work, we have successfully secured funding from the Electrical Safety Council to carry out work checking the safety of second hand electrical appliances for sale in Brent. We have also secured funding to carry out work checking the safety of personal protective equipment.

The perennial issues at Wembley Market and the sale of counterfeit clothing will be very resource hungry in the run up to Christmas and we will look to repeat the success of 'Ma Kelly' in Harrow.

We have worked with a local reporter who has had an in depth look at what we do and will be publishing a series of features on our work in the coming months. This should help raise the profile of the Service and both Councils with residents.

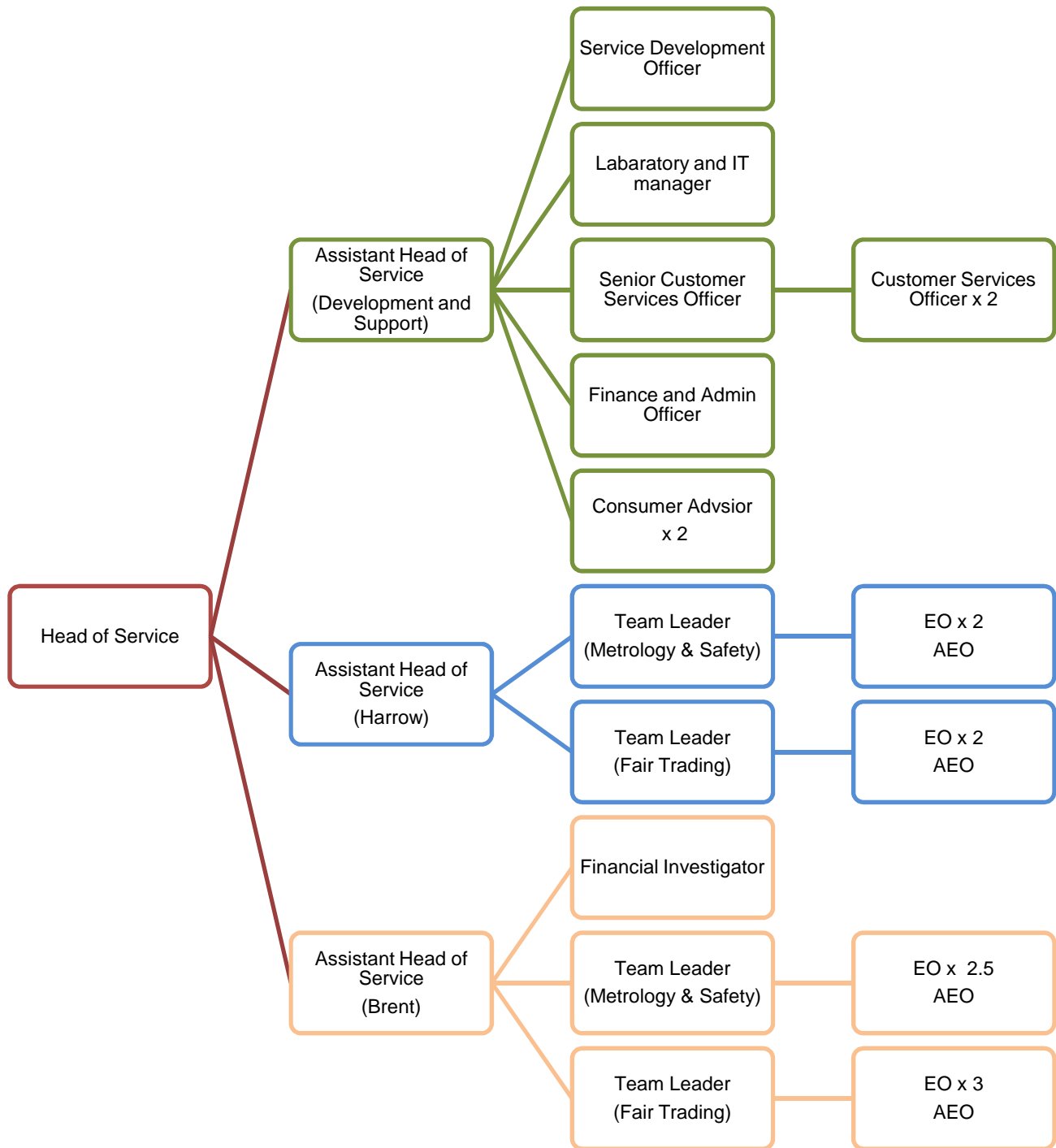
We have a number of high profile cases which have been committed to Crown Court and should be concluded within the next six months. We also have many POCA cases that will hopefully be resolved by the end of the financial year.

I will update you on all of these issues at the end of the year.

Nagendar Singh Bilon
Head of Brent and Harrow Trading Standards Service

Trading Standards Structure

Structure as at 30 September 2009, 30.5 posts



EO = (Senior) Enforcement Officer

AEO = (Senior) Assistant Enforcement Officer