

Brent and Harrow Trading Standards Service

Working in Partnership



Annual Report

for the year ending 31st March 2011



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Foreword

Annual Report 2010-2011

This Annual Report highlights the work of Brent and Harrow Trading Standards Service for the year 2010-2011, and provides an overview of the diverse range of work that is carried out by this key front line Service.

The work that is carried out by Trading Standards professionals has a huge impact on the general public and, in some cases, consumers are not even aware that officers are working behind the scenes to ensure that their rights are being protected - that the public get the correct quantity of fuel when they fill their cars up, that the toys they buy for their children are not going to cause them harm; that the designer goods they buy are not fake; that they are not overcharged or short changed for their goods and services.

It can be said that the biggest impact that we have on the local community is through the preventative action that take with businesses so that major issues are avoided which could otherwise have an adverse effect on the local and national economy. The variety of ways that we go about doing this are covered in this report.

Informed Confident Consumers

As part of our remit, we aim for Brent and Harrow residents to be fully conversant with their consumer rights and have confidence in dealing with businesses, particularly when things go wrong. Currently, we provide consumer advice and, for the most vulnerable, our Civil Advisors take action on their behalf. A small selection of some of the cases we have dealt with this year are included in the 'Helping Consumers' section.

Informed Successful Businesses

The economic success of Brent and Harrow depends on sustainable businesses which trade legally and prosper as a consequence. Traders that deal in illicit goods and services usually have no regard for their customers as they are only there to make quick profits and frequently disappear before the aggrieved consumers have an opportunity to complain. I hope that you will see from this report that appropriate action is taken against businesses that flout the law whilst

full support is given through advice and assistance to legitimate businesses so that they are not disadvantaged by having to compete with rogue and unscrupulous traders.

In view of this, we have set up a 'Responsible Retailer Scheme for underage sales to help businesses who trade in age restricted goods. For national traders based within the Consortium we offer in-depth advice for the whole of the country on trading standards issues.

Enforcement of a Fair and Safe Trading Environment

Inevitably, some traders choose not to heed our advice, or fall foul of the law for other reasons. Therefore, we spend a great deal of our time on enforcement, as there are always those traders who will try and gain an unfair advantage over others by trading illegally. This is especially important during times of hardship when honest traders are already struggling to survive.

We have continued to see some of our biggest ever cases come before the courts and this trend looks likely to continue. We are also continuing to use our powers under the Proceeds of Crime Act to seize the assets of criminals who have benefited from their illegal activities, such as counterfeiting and car clocking.

An Efficient, Effective and Improving Trading Standards Service

We are always looking to improve the service we offer and increase our efficiency and effectiveness within our increasingly stretched budgets.

The Chartered Institute of Public Finance and Accountancy data has been used to carry out benchmarking and comparisons against other London Authorities, both in terms of finance and enforcement.

We remain in the second quartile with respect to expenditure per head of population.

Introduction

This Annual Report details the work of the Trading Standards Service from 1st April 2010 to 31st March 2011.

The Consortium

The London Boroughs of Brent and Harrow have been providing their trading standards service on a unique basis as a Consortium since 1965. In 1995, following the departure of the London Borough of Ealing, Brent and Harrow Councils signed a new agreement under Section 101(5) of the Local Government Act 1972 with the appointment of the Joint Advisory Board as the relevant body to discharge the functions of the Service.

Structure

The Service is split into three teams, each of which is led by an Assistant Head of Service (See Appendix 1, page 28).

Each of the Borough teams consists of a Fair Trading Team that deal with counterfeiting, misdescribed goods & services and carry out financial investigations, and a Metrology and Safety Team that deal with underage sales, weights & measures, product safety and pricing issues.

The DAS Team provide administrative and developmental support for the Service and is the first point of contact for most consumer and trader enquiries. It also offers individual assistance to those consumers who are either vulnerable or are dealing with complex civil issues with a trader, as well as running our metrology laboratory.

Staffing

One member of staff successfully qualified as a Weights and Measures Inspector in the summer. Following competitive interviews, the same officer was successfully appointed to the position of Team Leader for the Brent Metrology & Safety Team.

One of our other Team Leaders left to take up a management position in an Authority nearer his home. That post is currently vacant.

Following further recruitment process, two Enforcement Officer posts were both filled by internal candidates. The two resulting Assistant Enforcement Officer posts are currently vacant.

One of our Consumer Advisors is currently on maternity leave and our Senior Customer Services Officer is currently on adoption leave for a year. However, we have been fortunate to have been able to recruit a part time redeployee on a temporary basis.

Awards

In Brent Council's annual staff awards, Paul Harris for "supporting colleagues", Winston Brooks for "personal achievement" and the DAS Team for "consistently high achievement", were all highly commended and presented with certificates by the Mayor at the awards ceremony.



Winston Brooks receiving his award from the mayor

I am pleased to report that both the Service as a whole and one of our Officers, Lee Wenzel, were highly commended at this year's Anti Counterfeiting Group (ACG) Awards in May. The awards recognise exceptional achievements in anti-counterfeiting during the preceding year. Lee's award is particularly noteworthy as it was

not for anti counterfeiting work itself but rather the financial investigations that he has conducted into counterfeiters that we have prosecuted.



Our staff with the two ACG awards, flanking the ACG Chairman

Training

Four members of staff have passed exams in the Diploma in Consumer Affairs and Trading Standards (DCATS) which is the professional qualification for trading standards. Four staff are nearing completion of portfolios of work that need to be completed in addition to passing exams in order to gain the DCATS qualification.

We always need to ensure that part of our budget is put aside for training, as Officers continue to need training to help them to keep up with changes in the laws that we enforce and the procedures we must follow. Most training we need cannot be provided by the Council as it requires specialist knowledge. However, by providing some of this training in-house we make the most of the training budget we have.

The Recession

The continuing bleak financial climate brings a variety of pressures for consumers and businesses, which means that the demand on our services is greater than ever before.

It is in times like this that fraudsters tend to prosper, particularly as more and more people find themselves at risk of losing their jobs or receiving a reduced income. When members of the public are short of money, they are more likely to take a risk which they may not otherwise have taken. It is often the most vulnerable, such as the elderly or poor, that fall prey to these rogue traders as they are attracted by false

promises of 'get rich quick schemes' and part with the little money they have. We aim to raise awareness of these scams and try to prevent people becoming victims in the first place.

Counterfeiters also prey on the vulnerable in times of hardship. Not only can consumers lose out when they buy fake goods, but those businesses trading fairly and struggling financially themselves, lose out too. We have continued to target counterfeiters to stop them trading and give *bona fide* traders a better chance of survival.

Carrying out the proper safety checks on goods that are sold in the UK can be seen by some as too burdensome. When a business needs to cut costs, then essential safety checks can offer an easy cost saving with no tangible difference in the product. However, by not carrying out the right checks, unsafe goods can be sold to unsuspecting members of the public.

We continue to receive complaints about rogue home maintenance traders and the often large sums of money that residents have lost to them. Rogue builders often leave unfinished work, damaged property and are even known to pressurise their victims by escorting them to banks to withdraw large sums of money.

Because this continues to be a problem we have introduced measures in partnership with the police and banks to raise awareness and to stop vulnerable consumers from being ripped off in this manner.

The Comprehensive Spending Review

Brent began a series of 'One Council' efficiency projects in February 2010 with the aim of saving £50 million. However, that figure had to be dramatically revised in light of the Government's Comprehensive Spending Review (CSR) and the four years of austerity measures for the public sector.

As well as saving money through improved efficiencies, the projects aim to see closer working between Council services in the spirit of the 'One Council' agenda.

Part of the 'One Council' programme is a staffing and structure review. Wave One of the review saw 250 posts, consisting mainly of non front line, management and supervisory positions,

earmarked for deletion and Council departments were restructured.

Wave Two is currently underway and will see around 300 similar posts deleted with major restructuring taking place within Service units so that professions with similar roles and common skill sets will be managed by one Head of Service to increase the management spans of control. It will also take into account Harrow's reduced contribution to the Consortium budget for 2011-12.

It is inevitable that when Wave Two is finalised in June 2011, there will be an impact on Brent and Harrow Trading Standards. There will undoubtedly be a reduction in non-statutory and other areas of proactive work, however, I remain hopeful that our capacity to deal with priority areas will remain intact.

Consumer Landscape Review

The Consumer Landscape Review preceded the CSR by a week, in October and was introduced in a statement made by the Secretary of State for the Department for Business, Innovation and Skills, Vince Cable, who stated ".....in order to simplify consumer advice, education and protection, all related functions would in future be undertaken by either Citizens Advice or Trading Standards, in part due to their high public awareness and trust levels.....".

This will mean additional work for trading standards and a potential strain on our already limited resources as it is envisaged that powers will be taken away from the Office of Fair Trading and given to Local Authorities to enforce. In future it is likely that national and regional threats will be addressed through one or more dedicated, expert teams within Trading Standards with work co-ordinated nationally for this purpose.

An example of this is the national Illegal Money Lending Team, which is made up of specialists including Trading Standards Officers. It is tasked with cracking down on rogue money lenders, commonly known as loan sharks. The team brings together the previous regional teams in England under one structure, funded by a grant from central government and managed by Birmingham Trading Standards.

This model, where government grant funding is given to Trading Standards Authorities to provide a specific service, regionally or nationally, is likely to become much more common as the consumer landscape review is realised.

Part of the changes will see the national helpline and website currently hosted by Consumer Direct being provided by Citizens Advice. This is due to happen by the end of March 2012.

Currently, consumers calling us have their calls diverted to Consumer Direct who provide basic advice, record the information on a national database and refer the complaint to the relevant authority for action or information, as appropriate.

While I am confident that Citizens Advice will provide an excellent service in the future, I am fearful that in the process of change, the access that consumers have enjoyed to advice and assistance will decrease resulting in a lower quality of intelligence, a reduction in the number of investigations for my officers and ultimately less protection for our local residents and businesses.

Shared Services

As the only surviving consortium in London, Brent and Harrow Trading Standards is, I believe, a shining example of how costs and resources can be shared for the mutual benefit of all. The Consortium arrangement also puts us in a better position to be able to take advantage of any opportunities that may arise from the Consumer Landscape Review, mentioned above.

A number of London Councils are looking at shared services for Trading Standards and other regulatory services. As we already have a great business model in place, we should strive to expand the consortium thereby increasing the prospect of further reducing the contributions that both the existing boroughs make.

RIPA

As stated in my last annual report, there has been a huge amount of misinformation in the media that the Regulation of Investigatory Powers Act 2000 (RIPA) is an 'anti-terrorist' piece of legislation. In fact, the Act was brought in to regulate the activities of enforcement bodies in light of the Human Rights Act so that surveillance could be carried out with certain checks and balances in place. However, prior to RIPA, there were no such checks and balances for surveillance and authorities had a free rein.

Some very prominent figures have stated that either local authorities should not be allowed to use RIPA or that there should be some additional scrutiny before a council officer can carry out surveillance.

The Home Secretary announced last year that "a rapid review of key counter-terrorism and security powers is underway" which looked at six areas including the use of RIPA by local authorities and access to communications data more generally.

The resulting MacDonald Review recommended that a Magistrate's approval should be required for local authority applications over and above the authorisation which will already have been given by a local authority senior manager. It also recommends that directed surveillance under RIPA should be confined to investigating offences which carry a maximum custodial sentence of 6 months or more. However, the Government acknowledged the importance of using directed surveillance in investigating underage sales of alcohol and tobacco by exempting such investigations from the sentence threshold requirements, as otherwise we would no longer have been able to use surveillance in those cases.

Nevertheless, I am concerned that we will not be able to investigate other consumer protection offences, which do not carry a potential six month custodial sentence as thoroughly as we would like. Not only is the proposed system more bureaucratic but I hope it will not lead to some criminals escaping justice.

The Olympics

The 2012 Olympics will probably be the biggest and most important sporting event ever held in the United Kingdom.

In preparation, as Chair of London Trading Standards Authorities (LoTSA), I have been in dialogue with LOCOG, the ODA and other agencies to plan for the Games to ensure that Trading Standards and particularly Brent & Harrow stay at the forefront of a clean and consumer crime free Games. We need a co-ordinated effort by both central and local governments in recognising that they need to help and support Trading Standards in the run up and during the Games, especially as we will be part of the centrepieces of a worldwide media audience.

I do have concerns about the lack of resources to tackle the counterfeiters, ticket touts and other rogues who will look to seize the Olympic Games as an opportunity to rip off UK and overseas visitors. Those who will be here to enjoy the spectacle and the experience of the Games and find that they have been duped by these rogue traders will leave our boroughs with an element of disappointment. However, I am absolutely confident that the staff that we have in Trading Standards will do the best they can to ensure the Games are policed appropriately.

Priorities

Brent Council Priorities

1. Young People
2. Regeneration
3. A Safer Brent
4. A Sustainable Brent

Harrow Council Priorities

- A. Deliver cleaner and safer streets
- B. Improve support for vulnerable people
- C. Building stronger communities

Trading Standards Activity	Brent	Harrow
Investigate consumer complaints about breaches of consumer protection laws.	3	C
Advise businesses on the laws that affect them. As trading laws are largely EU-wide, this advice enables businesses to trade throughout Europe.	2	C
Take action against traders that break the law, allowing businesses that trade fairly to prosper.	2	C
Clamp down on doorstep crime and take action against rogue builders.	3	A, B
Act as 'Home Authority' for national businesses based within the Consortium.	2	C
Expand the Service's Good Trader schemes, offering tailored guidance and support to member businesses.	2, 3	C
Reduce the level of age-restricted goods sold to children	1,3	A
Advise businesses on their obligations under energy labelling and excessive packaging legislation	4	A
Assist the most vulnerable consumers in resolving disputes with traders	3	B

Budget and Finance

Consortium budget

The agreed budget for the Consortium for 2010/2011 was £1,654,000.

Brent's contribution was £826,000

Harrow's contribution was £828,000

Prosecution costs

We undertake criminal prosecutions using our own experienced staff, who issue summonses and appear as advocates in the Magistrates' Courts. In addition to saving us an estimated £175,000 in legal fees, this means that the in-house prosecutors are on-hand to advise on any issues that arise during an investigation and ensure that any cases we take have the highest possible chance of success.

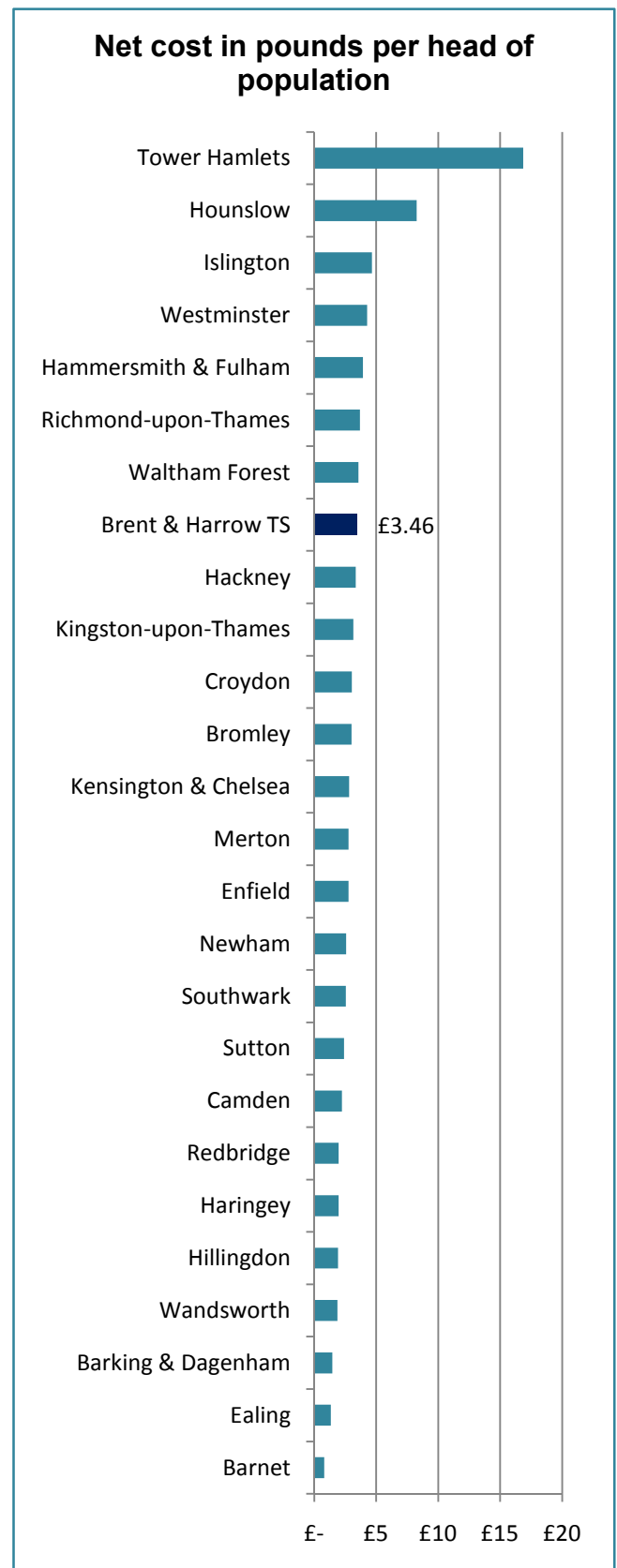
As a result of our prosecutions last year, traders were fined a total of £50,705 and ordered to pay costs of £56,391.

Although it can take time for those costs to be paid and reach us, they provide a considerable source of income for the Service.

CIPFA

The Chartered Institute of Public Finance and Accounting (CIPFA) collates and publishes information from public bodies, including Trading Standards. The information is not checked for accuracy and not all Authorities submit information, but it provides a means of comparing ourselves with others. The table to the right shows the net cost of trading standards per head of population for 2009/10.

For 2009-2010, CIPFA introduced a joint return for Environmental Health and Trading Standards. As we operate on a consortium basis, we were the only Authority in London that was required to complete a separate return just for Trading Standards. The information from the CIPFA reports which contain data from these joint returns is not very accurate especially when it comes to identifying and analysing comparative trading standards figures. In light of this it is highly likely that Brent & Harrow's running costs and performance data are even better than the adjacent table suggests.

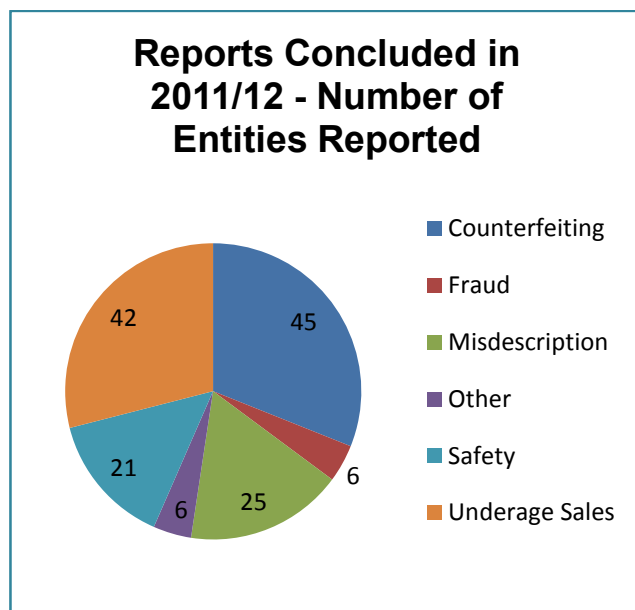
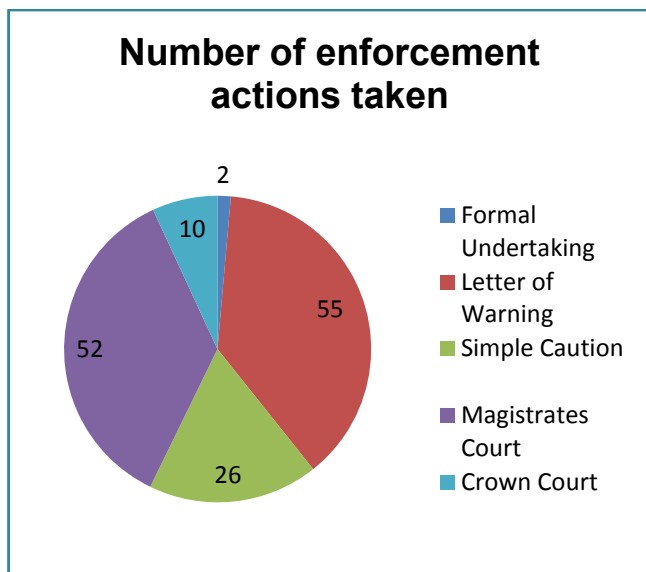


Investigations

As I have mentioned in previous reports, we have been focussing on criminals at the top of the supply chain wherever we can. Prosecuting in the Crown Court is now a matter of routine, demonstrating the size and seriousness of the cases that our officers have been investigating.

This year has seen the conclusion of a number of large cases. As a result, we saw a number of the defendants we prosecuted given sentences other than or in addition to, a financial penalty:

- 2 defendants given prison sentences totalling 20 months.
- 9 defendants given Community Service Orders totalling 1,190 hours.
- 3 defendants given suspended prison sentences totalling 44 months.
- 4 defendants given curfew orders lasting over 8 months in total.



POCA

We are continuing to increase our use of Proceeds of Crime Act (POCA) powers as an enforcement tool. Awards made under POCA are split four ways, with 18.75% going to the enforcement authority and 18.75% going to the authority conducting the financial investigation, so when we have fulfilled both functions we get 37.5% of the total award. The remainder is split so that 50% is awarded to HM Treasury and 12.5% to the HM Court Service. Any money we are awarded has to be used to fund further enforcement work.

We now have two financial investigators which means that we can increase the work that we do.

In fact, the work of our most experienced Accredited Financial Investigator (AFI) was audited by the National Police Improvement Agency who concluded that our POCA investigations featured amongst the best that the auditor had seen. He also commented that our procedures in administering the range and volume of work were of an extremely high standard.

For details of some of the POCA cases that have concluded this year, please refer to the 'Financial Investigations' section on page 20.

Doorstep Crime

Proactive Work

We continue to carry out proactive checks in conjunction with partners including the Police, Immigration and Building Control. While most traders we speak to are genuine, some flee as soon as they see us!



How work was left when rogues fled one site

How Much?

The Team received a request for assistance from Harrow CID, who were investigating a doorstep crime fraud offence. In June 2010, a Harrow resident was 'cold called' by a company who explained that they were aware that he had had a new roof fitted several years earlier. They claimed that the weight of the roof was going to make the house collapse and, as a result, the trader suggested strengthening the brickwork under the bay window with metal rods. The consumer was informed that the work would cost around £10,000. The work commenced and a few days into the job the price was inflated to £40,000.

After several more days the consumer was led to believe that drainage work was also required. Workmen were on site for 11 days and the victim ended up having to pay £116,000, which was made by three cheques. The 'repairs' were inspected by Harrow Building Control Officers who concluded that the work didn't need doing at all; what work the builders claimed to have done hadn't been done; and the price was grossly inflated by over £100,000.

Enquiries revealed that the rogue builders had been active in Kingston-upon-Thames and were also under investigation by Bromley Trading Standards. The Harrow victim's cheques have since been found at a cheque cashing company in Leamington Spa by Bromley Trading Standards whilst they were executing a search warrant as part of an investigation into the same doorstep criminals. The owner of the cheque cashing company is currently facing money laundering offences while the perpetrators of the initial crime are still being sought.

Money Laundering

An elderly Harrow resident, who lived alone, was 'cold called' by a man purporting to be from a roofing company, who claimed to be working in the area and asked if he could check the property for any repairs that might need doing. The consumer agreed and was told that essential repair work was required which he could complete for a nominal fee. Once the work began the victim was told that further work was needed costing £3,500, which then rose to £14,000. The victim paid £1,500 cash and £9,500 via a bank transfer. The trader then requested a further £25,000 for more repairs which is when the lady contacted us.

We arranged an assessment of the property by an independent surveyor who confirmed that the repair work was totally unnecessary and that an extortionate price had been charged. We were unable to trace the trader but we established the whereabouts of the owner of the bank account to which the victim had transferred £9,500.

We obtained an entry warrant for that woman's address in Middlesbrough. When interviewed about her involvement in the scam, she refused to co-operate or give any explanation for the £9,500 paid into her bank account and withdrawn in cash the same day. In September, she was sentenced to 20 weeks imprisonment, suspended for 18 months, ordered to carry out 100 hours unpaid work and ordered to pay the consumer £2,000 in compensation, after being found guilty of money laundering under the Proceeds of Crime Act 2002.

A Sad End

In October 2009, an 87 year old North Harrow resident was cold-called by a trader who told him he needed work done on his roof which would cost £17,000. The trader then supposedly completed numerous works and took money from the gentleman in stages estimated to be £86,000.

Through working with the Police, a man was arrested using a fingerprint left on a receipt, while on bail regarding similar offences in Thames Valley. He was subsequently charged with offences relating to the North Harrow victim as well offences in Thames Valley and Surrey. Sadly, the North Harrow gentleman died shortly before the trial in September and the charges relating to him were dropped by the Crown Prosecution Service and the trader pleaded guilty to three offences relating to the other cases. In November, the rogue trader was sentenced to 32 months in prison for those other offences.

Driving Away the Driveway Rogues

A Harrow consumer was cold-called by a paving company and received a quote for a new driveway. He was assured that he wouldn't have to pay a deposit or any money until the work was completed. The business didn't give him the required cancellation notice and then started work the next day. After the first phase of the work was completed, the workmen demanded payment and the consumer felt threatened. When he contacted us, we responded immediately and ended up telling the trader to leave, saving the resident several thousand pounds.

Raising the (Price of a) Roof

Another Harrow resident was cold called in May 2010 and was told by a trader that he needed a new roof urgently as the one he had was dangerous and could collapse at any time. The home owner was so convinced that he went to the bank and withdrew £2,500 for the deposit to secure the work. The next day, two traders came to the house and started work on the roof.

They then demanded £19,000 for materials which the consumer paid by cheque. Another trader returned later that night stating that the work would cost a further £49,000! At this stage, the consumer requested a proper quotation and then spoke to friends and family who told him the price

for a new roof would be no more than £7,000. He then complained to us. The next morning the traders returned, started work on the roof and attempted to negotiate a new price. However, as soon as we turned up with the Police, they fled across a neighbouring garden. Police Officers made a sweep of the area but the rogue traders had vanished.



The remnants of the consumer's roof

Several days later the consumer contacted us to inform us that a man had called her husband saying he was a Police Officer and was investigating what had happened to them. This person asked the victim to transfer £25,000 to an account they said they knew belonged to the rogue traders and they would apprehend them when they attempted to withdraw the money. The victim believed the story, so went ahead and transferred the money, only to find out that the call was a con. The matter is now being investigated by the Police.

A Magnificent Job

A Brent resident complained to us about shoddy workmanship by her builder. We found that the company had failed to issue the required cancellation notice and had falsely claimed to be members of the National Inspection Council for Electrical Installation Contracting (NICEIC). We also discovered that a month before the consumer had been misled, Enfield Trading Standards had issued a 'simple caution' to the company for the same offence.

We therefore instituted proceedings against the company and its director who were fined a total of £8,630 and ordered to pay costs of £1,100. Our investigation was described as a "magnificent job" by the NICEIC.

Underage Sales

Protecting children from harm and preventing the sale of age-restricted goods to minors is one of our main priorities.

We continue to 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 340 strong.

Test purchasing remains a cornerstone of the work we do regarding underage sales as it is the only way to test how retailers act in a real-life situation. We use intelligence that we receive from consumers and the Police to help us target the premises and areas that are a cause for concern.

This year we conducted a total of 190 test purchases in Harrow resulting in 19 sales, a rate of 10%. We conducted 191 test purchases in Brent resulting in 16 sales, a rate of 8.4%.

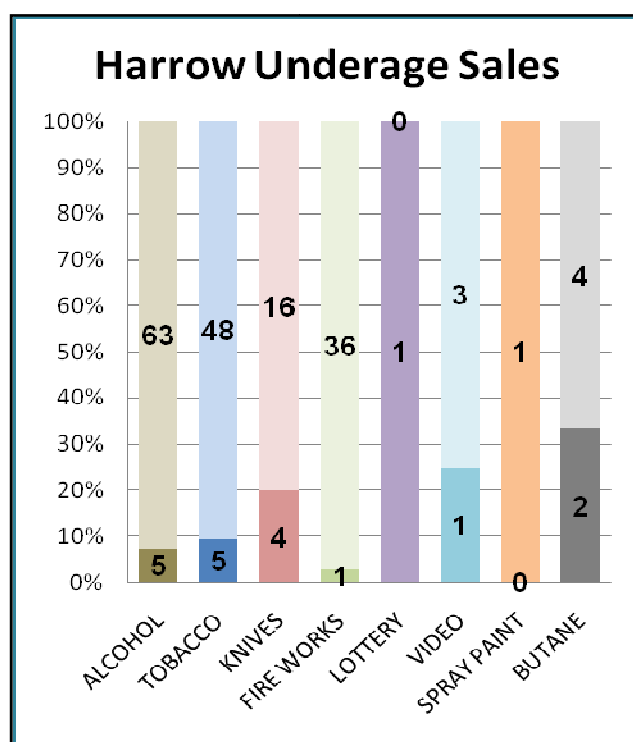
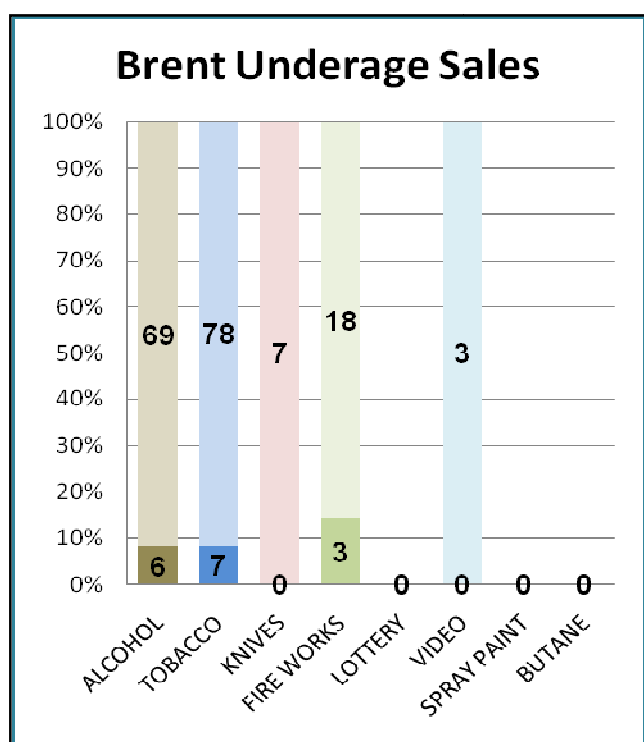
Case Highlights.

The owner and licence holder of a shop in Rayners Lane was fined £230 and ordered to pay costs of £860 for selling alcohol to a 15 year old.

An assistant in a Wembley shop who sold alcohol to two 12 year olds, after they had told him how old they were, was fined only £55 and ordered to pay the same amount in costs by Brent Magistrates. I struggle to understand the leniency of this sentence for someone who knowingly sold alcohol to these 12 year olds.

The Police had concerns that a trader in Harrow was selling alcohol to children and drunken football fans on their way to Wembley. Attempts by the police and ourselves to advise the trader fell on deaf ears; the business said that they were far too busy with other commitments to talk to the authorities. We carried out a test purchase and two children were sold cans of beer. The trader pleaded guilty, was fined £365 and ordered to pay costs of £938. The individual seller was fined £165.

Evidence obtained from one of our underage sales of shisha tobacco was used by the Police to successfully object to an application for an alcohol licence in Preston Road. This is a prime example of how we work in partnership and share intelligence with the Police and other Council departments to achieve our desired outcomes and goals.



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

The Fight Against Fakes

On the Run

In May we saw the defendant in a long running case sentenced to three years imprisonment. The large scale counterfeiter had pleaded guilty to our offences relating to a retail unit in Oriental City in July 2009 but sentencing was adjourned pending the outcome of a similar case brought by Islington Trading Standards.

After the defendant was found guilty in the Islington case he was granted bail to allow him to see his children before being sentenced. However, despite being tagged and having to report to the Police daily, he absconded and so was sentenced in his absence and an arrest warrant for him was issued.

Prior to sentencing, the Judge stated, *'That this defendant was at the top of a sophisticated structure. I know of at least one occasion where he visited China to source his goods. Successive raids on his premises by Trading Standards failed to deter him in any way. It is difficult to be precise of his level of trading but it is safe to say that it was substantial.'*

Counterfeiter Caught

A Harrow counterfeiter who manufactured and distributed counterfeit DVDs, computer games, software and music CDs was sentenced in May at Harrow Crown Court to six months imprisonment suspended for two years, and ordered to pay £5,000 in prosecution costs.



Some of the copying equipment found in the counterfeiter's loft

We conducted test purchases from his website of various items, including rare DVDs which were found to be counterfeit. Accompanied by the Police, we then executed an entry warrant at the defendant's home. There we found an 'Aladdin's cave' of over 10,000 counterfeit items along with computers, printers and copiers which were being used to manufacture the goods. The defendant's loft had been converted into a small manufacturing and storage area. During the interview the defendant stated that he knew what he was doing was wrong.

Counterfeit Clothing

In December, the owner of a Harrow high street shop, who was openly selling large quantities of counterfeit clothing and accessories was sentenced to 180 hours of unpaid community work and ordered to pay costs of £1890. In passing sentence, the court commented on the trader's unwillingness to assist us, after providing us with false details.

We had initially test purchased some items a year previously and when they were confirmed as counterfeit returned to seize other fake goods. Had the goods seized from the shop been genuine, they would have had a retail value of approximately £13,000.

Not in the Spirit of Fair Play

A Harrow resident was suspicious that the vodka she purchased locally was not genuine. When the trader would not listen and instead banned her from his shop she alerted Trading Standards. We made a test purchase and subsequently seized stock from two shops owned by the same trader, which when tested by the Public Analyst, proved to be counterfeit.

We checked stock at three wholesalers but were unable to discover the source of the counterfeit vodka. We prosecuted the trader as he could not provide an adequate explanation about where he bought the fake vodka. He was fined £515, ordered to pay £1,628 costs and forfeited the illicit stock.

A 16-month Run Comes to an End

In October 2010 a local market trader was finally sentenced to three months in prison for selling fake goods, after surrendering himself to the Authorities. He had previously been found guilty in his absence after absconding before the start of his trial in June 2009.

He was originally convicted of supplying counterfeit clothing from his market stall in Greenhill Way, Harrow and prior to that had been cautioned for similar offences in Waltham Forest. He pleaded guilty to an offence under the Bail Act for failing to appear at the original trial for which he received a 14-day concurrent prison sentence. He was ordered to pay £1,500 towards our costs.

Wembley Market

We have carried out two successful operations at Wembley Market. The first used different tactics than usual, involving Officers from the Police, HMRC's Hidden Economy Team and the Vehicle Operator Standards Agency (VOSA). Vehicles were stopped on their way to the market entrance and directed to a checkpoint operated by the different partners. There were very few individuals who made it from one end of the checkpoint to the other without there being reason for one of the agencies to investigate something further!



The multi-agency checkpoint

We seized counterfeit clothing, shoes, hair straighteners, and jewellery along with six vehicles. Two of the nine cases that we had resulting from the operation have already been to Court. The two defendants received 4 and 12 week curfew orders and were required to wear electronic tags during this period.

For the second operation we worked with Officers from the Police Territorial Support Unit and brand

holders from well known companies. We arrived later in the day, so that as well as seizing any counterfeit goods, we could also seize the cash that traders had on them from their day's trading. We targeted seven stalls and seized thousands of pounds under the Proceeds of Crime Act as well as vans full of counterfeit goods. These cases are still under investigation.

An 'Uggy' Business

A husband and wife team were convicted of selling counterfeit Ugg boots. They operated at Wembley and Portobello markets, as well as on numerous websites. The husband was sentenced to 12 months imprisonment and the wife received a six month prison sentence suspended for two years and was ordered to carry out 80 hours of unpaid community work. They were also ordered to pay £5,000 in prosecution costs.



Some of the fake boots

It comes from a Land Down Under, or does it?

At the end of the year we made a number of seizures of counterfeit Jacob's Creek wine from independent retailers. At one shop alone we seized 250 bottles!

It appears that much of London has been flooded with these fakes, but consumers can easily spot them as the rear label has "Australia" misspelt as "Austria". Some consumers have noticed the difference in taste of the counterfeit wines, but thankfully, tests have revealed that the fake Jacob's Creek wine is not harmful to health.

Investigations are underway to find out where all this bogus booze is coming from.

Product Safety

Unsafe Extension Leads

A local resident contacted us after an extension lead she had bought from a shop in Harlesden gave her an electrical shock and tripped her household electrical supply.

Our Officers responded quickly by conducting their own test purchase which identified numerous faults with the leads that could have led to overheating and, in the worst case, a fire as well as posing a serious risk of injury to users.



One of the extension leads

We traced the importation of the extension leads to a trader in Park Royal. The company had already supplied over 5,000 leads which they had to recall; we stopped a further 6,000 from being sold from the company's premises by serving a legal notice. The company and its Director were fined a total of £20,000 and ordered to pay £2,496 in costs.

The Accident for a Tourist

A routine test purchase from a shop in Harrow resulted in us seizing over 11,000 travel adaptors which were declared unsafe by the independent electrical engineer who tested them.

The test purchase led us to a business in Cambridge, which had imported the adaptors without carrying out adequate checks to ensure that they were safe. They had subsequently sold them to a wholesaler in Wembley, from where we seized them.

The importers were successfully prosecuted and received a fine of £1,765, ordered to pay £2,088 costs and forfeited all of the seized adaptors, which were taken for destruction.

Not so Hard Hats

We successfully secured funding from the government to undertake a project, in conjunction with Enfield Trading Standards, looking at whether personal protective equipment (PPE) available on the high street was up to standard.

In total we bought 24 different types of PPE. We actually bought 228 items either locally or online, because of the quantity needed for the tests to be conducted properly. Of the 24 types of goods tested, 4 failed. One of the failures is being investigated by Enfield and two of them resulted in the company who imported them being given a warning letter following a thorough investigation.

The last failure concerned a set of hard hats that were bought locally. We traced the company, a leading equipment and tool supplier to the construction industry, who had originally imported them from China. The company revealed that they had only tested the hats on one occasion, back in 2002. They had not carried out any further checks to ensure the hats were meeting the required legal safety standards since then, despite supplying over 14,000 hats in 2009/10.

In March, they were fined £2,500, and ordered to pay our costs of £1821.



The not so hard hats after testing

Other Actions

College Conviction

In April, a college Principal was jailed for eight months at Southwark Crown Court following a joint prosecution we took with the Office of the Immigration Services Commissioner. She was found guilty of providing immigration services when not qualified to do so and of making false statements in relation to the provision of NVQ qualifications.

The trial had taken a long time to reach its conclusion. The Principal had initially admitted the charges in 2008 but then frustrated the legal process by trying to change her guilty pleas to not guilty on the eve of the sentencing.

Students intent on improving themselves and providing a better life for their families had been drawn to her courses from abroad,. She had encouraged these students to come to her college, pay substantial fees and then provided them with what turned out to be completely worthless certificates.

In passing sentence, Recorder Catherine Newman QC said that the defendant had *“offered the students the earth, but had provided very little”*. Recorder Newman made it clear that a custodial sentence was the only option in what was a very serious case and she also ordered her to pay compensation to students amounting to £3,550.

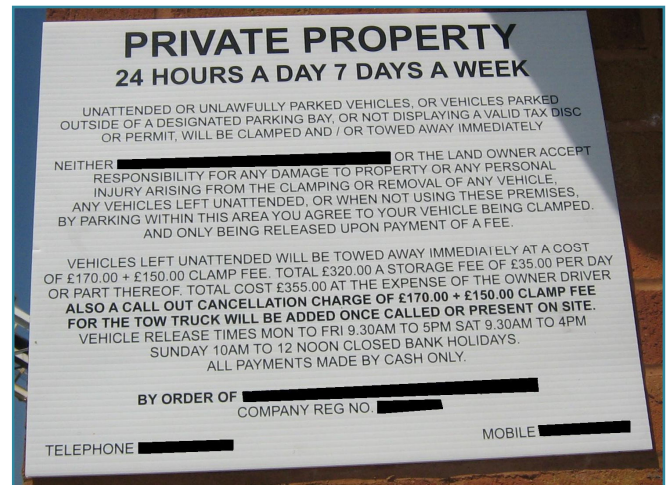
Car Clamper ‘Clobbered’

In November, the director of the clamping company was sentenced to 16 weeks imprisonment (suspended for 18 months), fined £500, ordered to carry out 120 hours unpaid work, pay £2,575.50 costs and pay £1,051 in compensation to his victims.

He pleaded guilty to offences under The Fraud Act 2006 for allowing his company to continue trading despite the fact it had been wound up by the Official Receiver, and an offence of aggressive trading.

The frauds were perpetrated through the use of signs and penalty notices issued from various sites in Wembley and Harrow. Two victims were asked to pay £385 and £333 respectively for the removal of wheel clamps from their vehicles. One

of them had his car blocked in by a tow truck and was threatened with having his vehicle towed away if he didn't pay up.



One of the car clamping signs

The Service worked in partnership with the Department of Business, Innovation and Skills (BIS), who added two further offences after proceedings had been instituted against the director. He was charged with continuing to act in the management of another clamping company when he was disqualified from holding such office and also for the fact that he was using a company name which was similar to the one which had previously been wound up. He was given a further 10 weeks consecutive prison sentence suspended for 18 months and ordered to pay £858.50 to BIS as a contribution towards their prosecution costs.

Weeks of Action

We have taken part in a number of weeks of action across Harrow, working with Officers from the Police, Licensing, Food Safety, Anti Social Behaviour and London Fire Brigade.

We found a number of counterfeit items in shops and those items were seized. A pawnbroker who we found using a scale that had not been passed as fit for use for trade, was advised and warned about his future trading practices.

The World Cup

In June one of our officers carried out a research project into intellectual property enforcement at the FIFA World Cup 2010 in South Africa. The study was funded by the Trading Standards Institute and the Joint Local Authority Regulatory Services. The purpose of the trip was to learn from South Africa's enforcement approach so that the UK could be better equipped to combat 'ambush marketing' and counterfeiting at future sporting events such as the 2012 Olympic Games.



Our Officer assisting South African police with a seizure

The officer shadowed Police, Customs, brand representatives and local law firms over a two week period observing how they implemented the legislation they had available to them in their fight against intellectual property crime. As a result of the project, the officer is now working with The London Organising Committee of the Olympic and Paralympic Games (LOCOG) and The Olympic Delivery Authority (ODA) in preparation for the 2012 Olympics.

Parking Penalty Charge

In February this year, seven people were arrested and charged with offences under the Fraud Act 2006 after offering unauthorised parking on private land in and around Wembley Stadium. It was the culmination of a yearlong operation where we worked in partnership with the Police and other agencies which involved us covertly recording the suspects offering car parking spaces on event days on land which they did not have any permission to use.

In co-operation with Police officers from Stonebridge Safer Neighborhood Team, arrests were made in February 2010. The Crown Prosecution Service took the legal cases and all the defendants pleaded guilty. Their sentences ranged from a suspended two month prison sentence to 150 hours community service. As a result of this operation, these illegal activities around Wembley have now ceased.

Enterprising Order

In July, we secured our first civil enforcement order under the Enterprise Act against the former directors of a Brent based internet mail order company who were the cause of hundreds of consumer complaints from across the UK and as far afield as Russia and Australia.

We sought the order after numerous attempts to contact the pair to address the level of complaints had failed. The Court ordered the father and son to comply with their legal responsibilities and to pay our full costs of £3,575. Breaching the Order in any future business activity could now see them found in contempt of Court.

Unlicensed Music

We carried out some innovative work, in what is believed to be the first prosecution of its kind in the country. A company and its director were fined £600 and ordered to pay £1,000 in costs after pleading guilty to offences under the Copyright, Designs & Patents Act 1988 and the Companies (Trading Disclosures) Regulations 2008.

The Performing Rights Society for Music (PRS) had carried out spot checks in Brent to establish whether businesses that were playing music on their premises were licensed to do so. They complained to us, alleging that two Wembley based restaurants which were owned by the same defendant at which music was being played illegally.

Three advisory visits were made to each of the premises, yet they continued to play music without applying for a licence. They also failed to display a legally required notice in their premises, giving details of who owned the business.

Travel Trickery

A Wembley travel agent and its director were fined £7,000 for making false claims that they were approved by trade bodies such as the Air Travel Operators Licence' (ATOL), European Tour Operators Association (EOTA) and UKinbound.

A tourist from Australia visiting his family had booked a European tour with the company for his relatives and himself only to be told the day before departure that the trip was cancelled. He was promised a refund but the cheque the company gave him bounced.

When we investigated the complaint we found that the company was falsely claiming a variety of memberships that consumers rely on for peace of mind when booking holidays. As a result of our involvement the consumer did eventually get his full refund.

A Few Slices Short of a Loaf



During a routine weights and measures inspection, we found some serious problems at a bakery based in Burnt Oak. A batch of 48 loaves that should have had an average weight of 800g, actually weighed 670g which, on average, represented a short weight of 16%.

The loaves were priced at £1.20 each but customers were effectively getting only £1.00 worth of bread each time they bought one. Given the number of loaves the shop was selling, this short weight could have led to the shop short-changing customers by thousands of pounds had we not discovered it.

In February, the Director pleaded guilty and was fined £2000 and ordered to pay £952 in costs.

Hospital Overcharge

A young consumer with bone cancer was seen by a leading surgeon at a local hospital over several years. It was eventually decided that she needed a major operation to have a prosthesis fitted.

The family paid £20,000 for the operation, but unknown to the patient a more advanced prosthesis was used and, while it had long term benefits for the patient, it massively increased the cost. The family later learned that there was another £18,000 to pay, mainly for the advanced prosthesis.

The family agreed to pay an extra £5,000 but the hospital sought to recover the full amount. The girl's family appealed to the Department of Health, the NHS ombudsman and the then Leader of the Opposition, David Cameron, but no one was able to help.

When it came to our attention, we spoke to the hospital but they were adamant that they wanted the full amount and had debt collectors threatening action through the Japanese courts, where the family now lived.

As the debt was disputed, colleagues in Gwynedd managed to get the debt collectors to suspend their activity. We had a number of further meetings with the Trust and explained that they had potentially given a misleading price indication, a criminal offence. In the end they agreed not to pursue the debt and after discussions with the consumer's family, we decided not to institute legal proceedings for the misleading price indication.

Financial Investigations

Charger Confiscation

In November at Harrow Crown Court, we secured a confiscation order for £110,113 against a trader who we had previously prosecuted for supplying counterfeit and unsafe laptop chargers. The trader had been sentenced to eight months in prison in November 2009 for the offences.

At the confiscation hearing, HHJ Mole stated that he was in no doubt that the defendant had intended to run his business so that all the profits were removed as quickly as possible to hide them from the authorities and the Court concluded that he had hidden assets.

The trader was ordered to pay the money within four months or face a further two years in prison. Even if he serves the default prison sentence for not paying the order, he will still owe the full amount with interest added to the outstanding balance.

Running Won't Help

Following the conviction of the counterfeiter featured in "On the Run" section on page 14, an order was made in March for £269,815 at the Inner London Crown Court in the defendant's absence and he was given six months to pay with a default sentence of three years for non payment.

Paid in Full

In May, two car dealers who had been found guilty of the UK's largest car clocking fraud were ordered to pay back over £120,000 in ill-gotten gains or face a further 20 months in prison. In the criminal investigation, which was reported in the last annual report, we uncovered a £1.5million scam involving 320 cars and an illegal profit estimated at £280,000. The award has now been paid in full.

A Quarter of a Million Reasons

In August, we secured a confiscation order for £254,000.00 following a three week trial in relation to the sale of counterfeit goods.

The financial investigation revealed that he owned three houses, a business premise, a BMW, and that he had thousands of pounds in various bank accounts. These assets were all subject to restraint orders imposed by the Service so as to prevent them from being dissipated. Most of this award has now been paid.



The Defendant's prized possession

Cash Seizures

Since November 2009, Local Authority Accredited Financial Investigators have had the powers to seize cash under POCA. Over £5,000 in cash that we had previously seized last year was ordered by the Courts to be forfeited.

The Future

We are currently conducting a number of financial investigations on behalf of other Council departments including some relating to planning infringements. This involves recovering income obtained by landlords in relation to residential properties that have been illegally converted and then rented out.

Helping Consumers

Our Consumer Advice Officers deal with the vulnerable, more complex, high value civil complaints regarding defective goods and services. Here are a summary of some of the cases they have dealt with during the year.

Scoot!

An elderly Willesden resident traded in her mobility scooter for a new one over the phone and agreed to pay £1,500. The trader brought the scooter to her property, but when she tried it she realised that it did not suit her needs and asked to cancel. Despite taking back the new scooter the trader refused to refund the consumer and insisted she bought something else.

We advised the trader that the Distance Selling Regulations applied, so the consumer had the right to cancel the purchase. After much negotiation and being threatened with court action, the trader finally refunded the consumer her money in full.

Crocked Cooker

A South Harrow consumer bought a £1,000 cooker but it was damaged when the fitters installed it. The trader only offered to repair rather than replace it. The consumer was not happy with this and contacted us. We pointed out to the trader that the consumer was entitled to a replacement and the trader duly provided one.

That Tile is Extra

An elderly Stanmore consumer entered into an agreement with a trader to supply and fit a kitchen for £10,000 and paid a £3,000 deposit. Part of the agreement was that the consumer was to be supplied with a particular type of tile, although this was not mentioned in the contract.

After the deposit was paid, the trader told the consumer that the tiles would cost extra. The consumer decided not to proceed with the contract but the trader refused to refund the deposit. The consumer contacted us and we intervened on her behalf, which led to her receiving a full refund of £3,000.

Phone Debt Called Off

A pensioner from Kenton was being pursued by a debt collection agency on behalf on a large telecommunications company for a debt he believed he did not owe. The consumer had made numerous attempts to contact the company to ask for evidence of the debt, which he was told was two years old, but the business could not provide him with any evidence to substantiate their claims. Despite this, letters from the debt collection agency became more frequent, causing him great distress.

He sought our assistance and we contacted the company on his behalf, asking them to prove he owed the debt. They could not find sufficient evidence of the debt and so had no alternative but to write off the entire £600 and apologise to the consumer for the stress that they had caused.

'Sofa' so Good

A Willesden resident whose first language was not English had difficulty having bought a sofa over the telephone. When it was delivered there was only one delivery person and the sofa was damaged while being carried into her flat.

We spoke to the trader but couldn't get the matter resolved so assisted the consumer in completing the small claims court forms. When the case was heard we attended with the consumer and the judge found in her favour awarding her the full cost of the sofa.

Distance Selling Refund

A Harlesden resident paid £1,500 for a course to an online training provider. The consumer changed his mind about the course and cancelled within a week as he was legally entitled to under the Distance Selling Regulations. The Regulations afford additional rights to consumers buying most goods and services without having face to face contact with the trader.

Despite many attempts by the consumer, the trader refused to return his money. After we explained their legal obligations, the trader refunded the consumer in full.

Car Trouble

Having bought a second hand car, a Harrow resident noticed that there were several things wrong including a faulty fuel gauge, vibration from the engine and being given a spare key for another vehicle. The consumer contacted the car dealer and arranged to take it back to have the faults rectified, however, on the way there the dealer called to cancel the appointment.

When the car was eventually repaired it took much longer than it should and they refused to accept liability for some of the faults. We contacted the trader and eventually got them to rectify all of the faults and pay the consumer £200 in compensation for the cost of the consumer's transport due to their delays.

Van for Sale

A disabled Brent consumer bought a van from a trader but when he took it to a main dealer, they gave him a long list of items they thought were wrong with the vehicle. The consumer contacted the trader to rectify the faults but they disputed the main dealer's findings.

We spoke to the trader, who agreed instead to try and sell the van on the consumer's behalf. We helped negotiate a resale contract to which both the consumer and the trader agreed. This led to the van being sold for £4800 and the money returned to the consumer.

Wembley Window Wonder

A Wembley pensioner had paid an £800 deposit to a window company for them to do some work. She then changed her mind but not within the cancellation period. The trader said they would keep her deposit for a year in case she wanted them to do any other work. The consumer then got them to quote for some other work but was shocked at the price quoted.

We advised her to get two other quotes for the same work and forward them to the trader, which she did. As the other quotes were for about a third of the price the trader wanted, we requested that the trader refund the deposit as a gesture of goodwill as the lady could not afford their prices. The trader agreed and sent the lady a cheque for the £800.

From April 2010 to March 2011 our Consumer Advice Officers have saved Brent and Harrow residents **£84,000**.

Kitchen Woes

A Wealdstone consumer purchased a kitchen but when it was installed, the units were different from those that she had ordered. The trader initially insisted that was how the kitchen was manufactured. However, after our intervention the trader agreed to replace the units worth £8,000.

'Oil's' Well That Ends Well

A consumer bought a car from a local dealer but soon noticed faults when driving it. The consumer was horrified to learn from his mechanic that the cause was a major oil leak which would cost £1,500 to rectify.

The consumer complained to the trader who unhelpfully gave him the phone number of his own mechanic. This mechanic said he would call the consumer back but never did, resulting in him having to go back to the trader and ask for a refund again. The trader refused to give any form of recompense.

We advised the consumer of his rights under the Sale of Goods Act and how to correspond with the trader. The consumer subsequently wrote to the trader, informing him that if he was not prepared to refund him that he would take the matter further. The trader reluctantly gave the consumer his refund.

Dispute Resolved

A Harrow consumer had a contract with a builder to carry out some work for them. There was a dispute about payment as the consumer felt there had been alterations to the agreed work, some parts were not supplied and some work had not been done well. The two sides could not agree. We communicated with the trader on the consumer's behalf and the trader agreed to refund the consumer £200.

Conclusion

I hope that the diverse nature as well as the quality and quantity of the work carried out by the Trading Standards Service is reflected in this report. Despite the fact that we are a relatively small council service, we are regarded by our peers and others as 'punching above our weight'. For example, we are not averse to taking on large and powerful businesses, where their illegal trading activity dictates that we do so.

It is evident from the vast array of cases across a spectrum of legislation that our officers do not shy away from enforcement. Equally, with our smaller traders we try to assist and advise them to comply. However, if despite our best endeavours they continue to flout the law, then we are more than prepared to take the necessary legal action to bring them into compliance.

Apart from the highly publicised activities of trading standards, much of the work that we do is carried out in the background through advice, projects and inspections of trade premises. The pro-active and non statutory work that we do enables our local residents to shop in confidence with the full knowledge that they are not being ripped off with unsafe, fake or short weight goods. However, I am fearful that the impending budgetary cuts and the reduction in our capacity will not only lead to an increase in illicit trading, but will effect consumer confidence and impact on the economic interests of local bona fide businesses.

The Olympics

In just over one year's time, the Olympics and Paralympics come to London, and Brent will be hosting a number of sporting events. The level of counterfeiting then will far exceed anything we have previously dealt with both in Brent and Harrow, and across London. To meet this challenge, preparations are already at an advanced stage with discussions taking place at both local and London-wide levels to develop a strategic approach to issues such as resources, capacity, staff leave and the specific duties that Local Authorities will have to perform to deliver a trouble free and memorable Games.

In my role as chair of LoTSA, I have been fortunate enough to meet with a number of

representatives from local Councils, other enforcement agencies, senior civil servants, Olympic authorities such as LOCOG and the ODA and have been impressed with the attention to detail that is shown in meticulously organising a range of issues, including legislative changes, security, transport, ticket sales, venues and accommodation for delivering a successful Olympic Games. For our part, we are regarded as an essential service and will have a major role to play in combating the inevitable threat of rogue traders cashing in on the opportunities presented by the influx of spectators and tourists.

Changing Times

As I have mentioned earlier in this report, there are some significant proposals relating to the future provision of consumer protection services. The changes in the Government's White Paper suggest that the enforcement powers for almost all consumer protection legislation should be transferred from the Office of Fair Trading to local Trading Standards Officers. I am both proud and delighted to see that the reason for the Government's proposals is that they consider that our profession has a proven track record for protecting consumer interests as well as an ability to conduct large scale investigations.

However, as previously stated, the Comprehensive Spending Review will result in much leaner Council services with fewer staff and greater prioritisation of service delivery. As such, I am fearful that the Government's expectations may not be met unless they provide sufficient resources to recruit and retain professional staff with the appropriate skills and knowledge to carry out these additional functions.

A positive outcome of the CSR is that Councils are now seriously considering working in partnership with other local authorities to reduce costs and increase efficiency by providing shared services. As we have over 45 years experience of providing our Trading Standards service on a shared basis, we now have the opportunity to increase the membership of our consortium by inviting other neighbouring Councils to join our consortium, which will be a benefit to them as well as both Brent and Harrow.

And finally.....

I would like to express my appreciation and gratitude to all the staff for yet another successful year despite the ever increasing demands that are placed on them and thank them for their invaluable contribution. None of the work that is contained in this report would have been possible without their professionalism and unwavering dedication to their work, particularly during what has been an extremely unsettling year for them all.

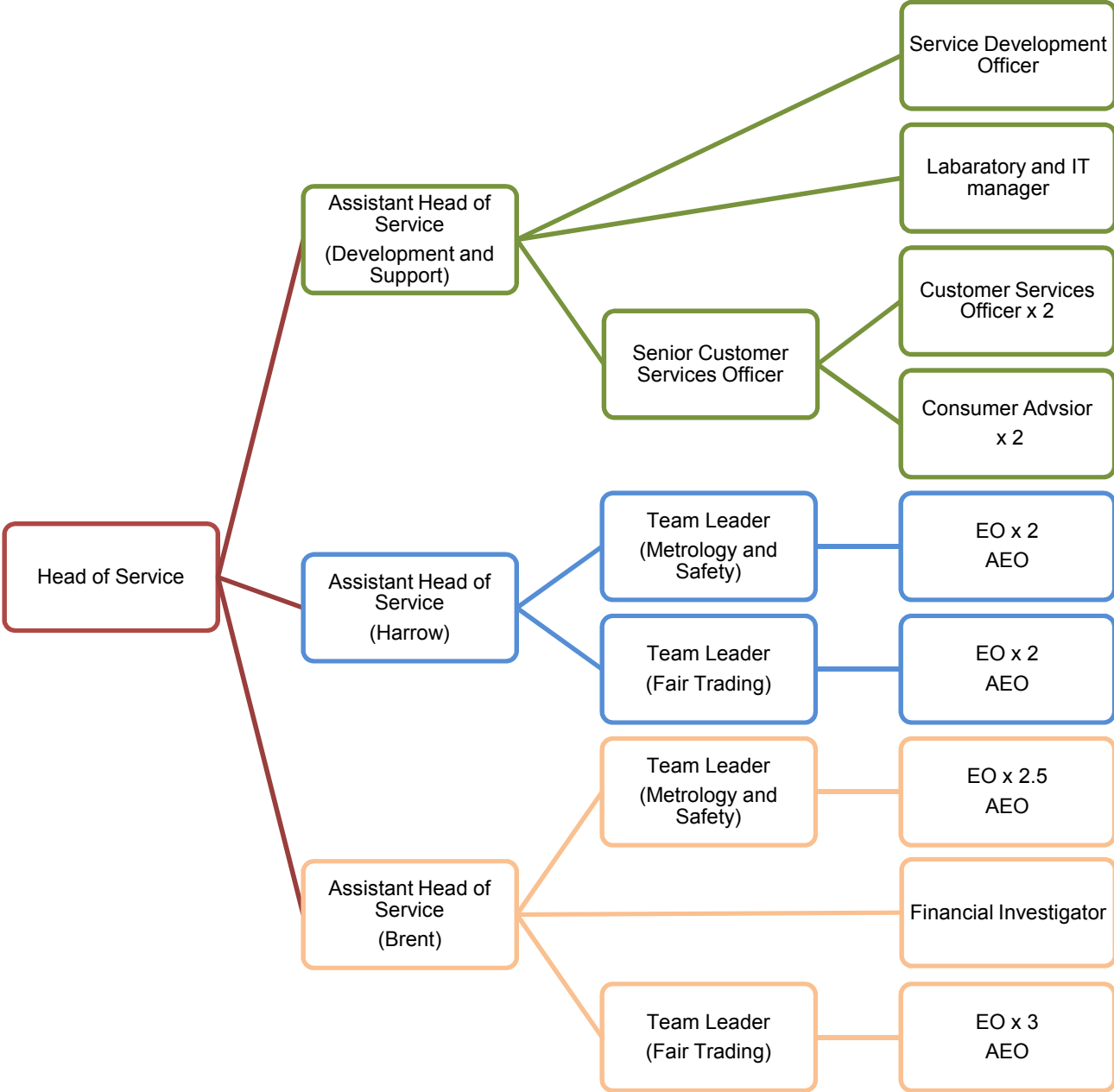
The staff and I are equally grateful to Members from both Councils, particularly those who sit on the Joint Advisory Board, for the enthusiasm and support that they give to the work of the Trading Standards Service.



Nagendar Singh Bilon
Head of Trading Standards

Appendix 1: Trading Standards Structure

Structure as at 31st March 2011
(29.5 FTE)



EO = (Senior) Enforcement Officer
AEO = (Senior) Assistant Enforcement Officer