

LONDON BOROUGH OF BRENT AND HARROW

TRADING STANDARDS ADVISORY BOARD – 28th NOVEMBER 2011

**REPORT NO. 02/11 FROM THE HEAD OF CONSUMER AND BUSINESS
PROTECTION**

FOR INFORMATION

**TITLE OF REPORT: Six Monthly Report on the Operation of the Service: April –
September 2011**

1.0 SUMMARY

1.1 This report updates Members on the restructuring of the Service and its performance over the first six months of the current financial year.

2.0 RECOMMENDATIONS

2.1 That Members consider the content of the report and comment as appropriate.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications contained within this report.

4.0 STAFFING IMPLICATIONS

4.1 The current staffing situation is contained within the report.

5.0 DETAIL

5.1 The report is attached as Appendix 1.

NAGENDAR BILON
Head of Consumer and Business Protection

Appendix 1

Six Monthly Report on the Work of the Trading Standards Service

1.0 Introduction

1.1 The last six months has seen the biggest ever restructure of the Trading Standards Service and the move to Wembley from the purpose built accommodation in Willesden Green which had been the base for the for the former Middlesex County Weights & Measures Department and then the Consortium since 1936. This report contains details of the above mentioned restructuring exercise and the operation of the Service for the first six months of 2011/12.

2.0 Restructure

2.1 As Members will be aware the Trading Standards Service has recently undergone a major restructuring exercise resulting in the deletion of seven front line posts from the previous establishment of twenty-nine and the transfer of three administrative staff to a central Business Support Team.

2.2 The restructuring followed as a result of financial pressures on both Brent & Harrow Councils to make significant savings in response to the Government's reduction in funding for public services. In view of this, both Brent and Harrow Councils reduced their budget for Trading Standards by £200,000 each which resulted in an overall contribution of £1,291,000 for this financial year, i.e. £676K and £625K for Brent and Harrow respectively.

2.3 Following consultation with the staff, the new Trading Standards structure was finalised in May 2011 and the Service was incorporated into the new Consumer and Business Protection Unit based within the Environment and Neighbourhoods Department. The table below shows the outcome of the interviews for the various Trading Standards posts that were affected by the restructuring exercise:-

<u>Previous Team</u>	<u>Post</u>	<u>New Team</u>	<u>Post</u>
Trading Standards	Head of Service	Consumer & Business Protection	Head of Service
Development & Support	Assistant Head of Service	Harrow Trading Standards	Service Manager
Brent Trading Standards	Assistant Head of Service	Brent Trading Standards	Service Manager
Harrow Trading Standards	Assistant Head of Service	Consumer & Business Protection	Senior Prosecutor
Harrow Trading Standards	Team Leader	Deleted	N/A
Brent Trading	Team Leader	Brent	Principal Officer –

Standards			Regulation
Harrow Trading Standards	Team Leader	Harrow	Principal Officer – Regulation
Brent Trading Standards	Team Leader	Brent	Principal Officer – Regulation
Brent Trading Standards	Senior Enforcement Officer	Deleted	Redundant
Brent Trading Standards	Assistant Enforcement Officer	Deleted	N/A
Harrow Trading Standards	Assistant Enforcement Officer	Deleted	N/A
Development & Support	Service Development Officer	Deleted	Redundant
Development & Support	Senior Customer Services Officer	Safer Streets	Service Improvement Officer
Harrow Trading Standards	Civil Advisor	Deleted	Redundant
Brent Trading Standards	Civil Advisor	Deleted	Redeployed
Development & Support	Customer Services Officer	Safer Streets	Business Support Officer
Development & Support	Customer Services Officer	Safer Streets	Business Support Officer

2.4 The new structure was implemented in August 2011 at the same time when the move from Willesden Green to Wembley took place. I am pleased to say that the preparation for the relocation was extremely well organised by the officers which meant that there was very little disruption for our customers and the Service was up and running within 36 hours of the move.

2.5 However, the consequences of the reduction in the Trading Standards budget and the deletion of key posts has invariably had an impact on our ability to provide certain services to our users. As a result of the deletion of the Civil Advisor posts, we can no longer provide help and assistance to consumers regarding their disputes concerning defective goods and services, which, in the main, will affect the more vulnerable members of our local public.

2.6 There has also been an overall reduction in the units of work and certain activities have had to be halted or curtailed. For example, we can no longer carry out proactive inspections of medium and low risk business premises and, in the case of high risk premises, our previous commitment of conducting 100% visits will now not be achievable. Other enforcement activities that will be affected include, projects, investigation of consumer complaints, underage test purchasing operations, responsible trader scheme and talks and presentations. However, every effort will be made to continue to provide essential Trading Standards services through greater prioritisation and more collaborative working.

3.0 Service Finances & Performance

3.1 The table below shows the contribution made by both Councils towards the Trading Standards budget and the expenditure for salary and non-salary costs for the first six months of the year. As can be seen, the vast majority of the

expenditure is in relation to staff salaries (86%), which is in the main invested in the provision of front line services. As Members will be aware, the Trading Standards Service operates a unique and robust performance management system, which measures the performance of individual members of staff as well as providing a value for money assessment of how the joint Trading Standards Service is performing for both Councils.

3.2 For the first six months of the year, the Brent and Harrow teams have achieved 47.5% and 43.1% of their respective annual units of work. The slight shortfall in the outputs is mainly due to the consequences of the long restructuring process where staff were affected by the uncertainty and the ensuing relocation to Wembley. I am hopeful that the second half of the year will see a return to a more stable working environment which will invariably result in a return to our normal level of performance.

	Brent	Harrow	Overall
Full Year Contribution	£676,000	£625,000	£1,291,000
Other Income (Sept 2011)	£58,166	£36,575	£94,741
Salary Costs (Sept 2011)	£265,659	£288,429	£554,088
Non-Staff Expenses (Sept 2011)	£60,495	£60,495	£120,990
Units of Work (Full Year)	11,175	10,475	21,650
Actual Unit Achieved (Sept 2011)	5,310 (47.5%)	4,510 (43.1%)	9,820 (45.4%)
Value for Money (Sept 2011)	£321,213	£269,093	£585,571

4.0 Investigations & Prosecutions

4.1 Both borough teams have continued to find opportunities to work with partner agencies such as the police, HMRC and UK Border Agency when appropriate. This type of cross agency work is very useful in ensuring that a wider range of offences are considered when dealing with possible offenders. For example, during the Harrow 'Days of Action', where particular geographical areas are targeted for compliance, two traders were found to be in possession of fake and unsafe mobile telephone accessories. Both traders appeared at Harrow Magistrates Court where they pleaded guilty and were fined £2000 and £1250 respectively and ordered to pay a contribution of £2530 towards the cost of the investigation. The Service also operates a 'Rapid Response' scheme in reaction to certain types of tradesmen who target the more vulnerable members of the public and con them out of their hard earned savings. Officers aim to visit the residents as soon as possible with the assistance of the police. In one such case, a local resident was coaxed into agreeing to pay £7,000 for

a repair to a wall. Once a victim had been identified then another rogue builder turned up and demanded £3,000 for repairs to another wall and the scam only came to a halt after our officers had intervened and persuaded the consumer to not to make any further payments.

- 4.2** Another example of excellent partnership working arose following a tip off from HM Revenue & Customs concerning the importation of counterfeit labels used to manufacture fake clothing. Investigations showed that the trader was operating from residential addresses in Brent and Harrow and when Trading Standards Officers searched the properties they found over 2,000 counterfeit labels and buttons. In addition, over 25,000 tablets and sachets of erectile dysfunction medicines worth up to £50,000 on the black market were also discovered. Officers then worked with the Medicines and Healthcare Products Regulatory Agency to bring legal proceedings against the defendant who was sentenced to a four month custodial sentence following his conviction at Harrow Crown Court and will be deported after he is freed from prison as he has been in the UK on a student visa which has since expired.
- 4.3** Enforcement of underage sales remains a high priority for the Service and, to this end, we have created a free toolkit for businesses to use to help them to comply with the relevant legislation. Despite this, some traders continue to sell age restricted products to children and, where this happens, the Trading Standards Service usually prosecutes the businesses unless they can prove a statutory defence. An example of a recent case involved the prosecution of a business that had sold a canister of cigarette lighter refill containing butane to an underage child during one of our test purchasing exercises. Butane is known to have killed a number of children in the United Kingdom who sniffed the gas to get a 'high'. The owner of the business was fined £800 and ordered to pay the Service £840 towards the cost of the investigation.
- 4.4** Fireworks are sold primarily during certain times of the year by businesses who have obtained the appropriate registration. In order to be registered, they have to be able to store their fireworks in a suitable manner and to minimise the risk of accidents. However, in one case bought before the courts this year, a Harrow business was found to be woefully irresponsible by allowing fireworks to be strewn across the floor and on top of magazine racks where they were freely accessible to members of the public. The business was fined £3,000 and ordered to pay costs of £995.
- 4.5** Acting on another top off, this time from our colleagues working at Felixstowe Port, Officers suspended 15,000 unsafe adaptors used to charge iPod accessories from a warehouse in Wembley. Subsequent investigations revealed that the company had already supplied a further 18,000 unsafe adaptors to two national high street retailers. Following our intervention, the importer instigated a full product recall which fortunately led to the majority of the unsafe chargers being taken off the market. The company was fined £1,500 and ordered to pay £1,460 in costs. All the faulty adaptors have now been destroyed.

- 4.6** Counterfeit goods continue to be a problem across the consortium area and the latest trend is in the sale of fake alcohol by local off licences who in turn are supplied by the proverbial 'white van man' which makes it very difficult to trace the source of these illicit goods. During the first half of the year, the Service has seized a large quantity of counterfeit Jacob's Creek wine and Smirnoff Vodka from numerous local traders. Five investigations relating to counterfeit goods being sold from Wembley Market have been concluded which resulted in the defendants being sentenced to a total of 420 hours of community service, including one who was ordered to be electronically tagged, and combined costs of £4,300 being awarded to the Service.
- 4.7** As Members are aware, Brent and Harrow Trading Standards was one of the first Council Services in the country to use the Proceeds of Crime Act 2002 to deprive criminals of their ill gotten gains. In one such case, an on-line trader who sold unsafe and counterfeit laptop chargers was convicted in 2009 and sentenced to eight months imprisonment. Our Accredited Financial Investigator launched an investigation which culminated in a confiscation order being made in November 2010 for £110,113. The presiding Judge made it clear at the time of making the order that the defendant would have to pay the full amount within four months or face a default sentence of a further two years imprisonment. True to his word, the Judge sentenced him to the two years imprisonment in May 2011 for failure to comply with the order. Even when the defendant has served his additional custodial sentence, he will still owe the entire amount with interest which will accrue from the date of the order until full payment is made.