

LONDON BOROUGHS OF BRENT AND HARROW
TRADING STANDARDS ADVISORY BOARD 9th MARCH 2005
REPORT NO 4/05 OF THE DIRECTOR OF TRADING STANDARDS

FOR INFORMATION

**HALF YEARLY REPORT: SIX MONTHLY REPORT ON THE OPERATION OF
THE SERVICE APRIL 2004 - SEPTEMBER 2004**

1.0 SUMMARY

1.1 This report updates Members on the operation of the Service 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 CONSIDERATIONS

3.1 There are no financial implications contained within this report.

4.0 STAFFING IMPLICATIONS

4.1 The current staffing situation is contained within this report.

5.0 DETAIL

5.1 Overall Performance

5.1.1 The first six months has been very busy and productive for the Service.

For this period we have had our accreditation for our UKAS laboratory renewed and working to having our ISO 9001 accreditation renewed in the next few months. We are also preparing our Charter Mark renewal submission for early in the New Year. We have also met most of our targets for the year, despite a number of staff vacancies.

5.1.2 In order to inform the public and to raise awareness of the Service, we have issued 30 statements to the press involving local and national media interest. Officers have conducted 10 talks to local organisations ranging from schools and colleges to specific target groups. We have extended the range of venues for our mobile display unit across both boroughs.

5.1.3 Performance against our targets can be seen in the graphs together with details of the prosecutions and Formal Cautions which are attached as appendices to this report.

Once again, more prosecutions have been completed in the first 6 months than the previous two years and our reputation amongst our Trading Standards peers remains as high as ever. We do, however, need to target new areas of statutory duty as they are placed upon us, in particular the availability of age restricted items, particularly those which contribute to anti social behaviour remains a cause for concern. A snapshot survey carried out on the availability of aerosols to children produced worrying results. This is a large and expanding area of work for which the Service needs extra resources to deal with the problems that arise. Recent media attention has brought this to the forefront with regular reports of young people having access to knives, fireworks, solvents etc.

During the first half of 2004/2005 the Service agreed and delivered the following work :-

CONSORTIUM 2004/5

	Planned	½ year est.	Actual
Requests for action (criminal)	1830	915	1094
Requests for action (civil)	402	201	13
Requests for action (non criminal)	3690	1845	1941
Trader Enquiries (including HA work)	330	165	206
SNORS Investigations	12	6	2
Announced Comprehensive Primary High Risk Insp.	335	169	120
Announced Comprehensive Primary Medium Risk Insp	2482	1246	850
Announced Comprehensive Primary Low Risk Insp	595	298	371
Announced Secondary High Risk Inspections	170	85	9
Announced Secondary Medium Risk Inspections	900	450	64
Other Inspection/Test Purchase Visits	1200	600	1868
Home Authority Referrals	406	203	289
Average Quantity Visits	45	23	50
Reports of Infringement	130	65	83
Prosecutions completed	75	38	30
Formal Cautions	18	9	12
Letters of Warning	32	16	35
Projects completed	13	7	0
Verification Visits	57	29	19
Multi Agency Operations	14	7	3
Mobile Display Unit Visits	26	13	13
Electric Blanket Safety Work	3	2	3
Child Car Seat Safety Work	2	1	2
Talks to external Bodies/Organisations	36	18	11

5.2 Staffing

At the beginning of the year the Service had a complement of 35.6 staff. The Local Business Partnership Co-ordinator, whose post was funded by the DTI, resigned 3 months before the end of her contract. Similar funding was no longer available so the post was deleted. The Principal Trading Standards Officer post on the Brent team was filled internally at the end of the previous year and one enforcement officer post is filled with two members of staff on a job share basis. We successfully recruited a qualified Trading Standards Officer from a neighbouring Borough, an indication of the impact of the recruitment and retention package introduced earlier. The Service Development Officer returned from maternity leave during this period.

5.3 BRENT TEAM

5.3.1 The Service Operational Plan details the work we have programmed for the year. Our performance against that programme is as follows:

BRENT TEAM 2004/5	Planned	½ year est.	Actual
Requests for action (criminal)	930	465	599
Requests for action (civil) (Brent)	201	101	45
Requests for action (Non Criminal)	2030	1015	1068
Trader Enquiries (including HA work)	130	65	83
SNORS Investigations	4	2	2
Announced Comprehensive Primary High Risk Insp.	240	120	70
Announced Comprehensive Primary Medium Risk Insp	1499	750	504
Announced Comprehensive Primary Low Risk Insp	495	248	255
Announced Secondary High Risk Inspections	120	60	3
Announced Secondary Medium Risk Inspections	800	400	23
Other Inspection/Test Purchase Visits	600	300	1100
Home Authority Referrals	294	147	199
Average Quantity Visits	30	15	45
Criminal Reports of Infringement	70	35	25
Civil Reports and actions	12	6	2
Prosecutions completed	40	20	16
Formal Cautions	10	5	5
Letter of Warning	17	9	2
Projects completed	7	4	0
Verification Visits	40	20	13
Multi Agency Operations	8	4	4
Mobile Display Unit Visits	13	7	7
Electric Blanket Safety Work	1	1	1
Child Car Seat Safety Work	1	1	1
Talks to external Bodies/Organisations	6	3	3

5.3.2 Metrology and Safety Section

The Metrology and Safety Section is headed by a Principal Trading Standards Officer who was promoted in February 2004 following the resignation of the previous Principal. The remainder of the team consists of one Senior Trading Standards Officer, one Senior Enforcement Officer and an Enforcement Officer who joined the team from the Fair Trading team. This officer embarked on the Diploma in Trading Standards studies through the APEL (Accreditation of Prior Experience and Learning) route. A Technical Assistant also joined the team and provided support and assistance to the remainder of the team. There is a vacancy on the team for a Trading Standards Officer and despite attempts to fill this post on several occasions,

the Service has not been in a position to appoint anyone. In view of this, a self employed Trading Standards Officer has been carrying out inspection visits on a locum basis.

The section deals primarily with the enforcement of legislation covering weights and measures, the safety of consumer goods and the pricing of goods and services. Enforcement work is carried out on a proactive and reactive basis, through routine inspections, project work and consumer and trader complaints/enquiries. Enforcement action resulting from these can result in education of consumers and traders and investigations into criminal offences where there has been a breach of consumer protection legislation. This year saw an enhancement to the Service's database and as a result, officers were allocated individual wards to carry out their inspection visits.

An area of concern that has been highlighted during recent years is the safe fitting of child car seats in cars. The team were tasked with organising and co-ordinating the testing for both Brent and Harrow. The testing, which was free, took place at a major DIY store in the Brent area on 20th August 2004 and in Harrow the day before. Over the two days, 45 vehicles were examined which resulted in 59 child car seats tested. A staggering 71% were fitted incorrectly. Of the 42 incorrectly fitted seats the expert was able to remedy 33% in situ. Interestingly, this project coincided with a national campaign on the same issue which was run by GMTV. Statistics show that of the children that do die in car collisions 90% could be avoided with the correct restraint. It is anticipated that the testing will be repeated next year with increased publicity and with other interested agencies involved.

A number of complaints have been received by the team in relation to short measure sales of meat from a butcher in the Harlesden area. As a result of one of these complaints, a series of test purchases was conducted. This showed significant deficiencies and the butcher was prosecuted. He pleaded guilty to offences in relation to selling short-weight meat, displaying his prices in imperial quantities and for continuing to use a scale despite a warning from a Weights and Measures Inspector that it was weighing to the detriment of consumers. The use of imperial quantities as the prominent indication of quantity has been illegal for some years now, but we still encounter localised pockets of resistance or ignorance. Our policy has been to advise first, followed up by a written confirmation and only as a last resort do we consider legal proceedings.

Another metrology related case that was successfully completed in the courts was that of a restaurateur who was selling spirits and wines using an incorrect measure to dispense them. In the case of the wine, this resulted in too much wine being dispensed and could have resulted in customers potentially being over the drink drive limit.

The safety of goods is a major cause of concern to the team and great efforts have been made to ensure that manufacturers, importers, wholesalers and retailers have been advised of their responsibilities when handling goods that could pose potential dangers to the public. An enforcement officer noticed a number of garments in a clothing shop in Kilburn that had a hood cord which could pose a choking hazard to young children. The interesting aspect of this case was that the clothing items were hooded tops targeted at young girls, who would not necessarily be at risk from the hazard of choking. Nevertheless the legislation is clear that any garment falling within the particular dimensions must not contain a cord around the neck so a written caution was given to the retailer, a formal caution to his supplier and the

importer was prosecuted. Another case involved an electrical item which was sold through a second hand shop in Cricklewood Broadway whose plug was electrically dangerous and unsafe. Items such as these could potentially be sold to customers who may be the most vulnerable in society and this will be an area of work that will be further investigated.

Another trader in Willesden Green under investigation was advised not to continue selling electrical goods which were unsafe. Despite the efforts of the Officer, the trader continued to sell the items, which resulted in the seizure of a number of electrical goods.

The protection of children is a major priority for the team and to this end, a number of exercises have taken place using volunteer children to test whether retailers sell items such as knives, alcohol and butane cigarette lighter refills.

A number of cases were concluded in court earlier in the year where the retailer had sold alcohol to underage children. The court heard that a fourteen year old girl had bought the bottles of Alco pops from shops in Kingsbury, Wembley, Neasden and Willesden, and that no attempt had been made by the sellers to ascertain her age. Although some of the shops are visited at random, several visits are made as a result of information passed through from the local police where concern was expressed over the issue of under age drinking.

The Anti-Social Behaviour Act 2003 created a criminal offence of selling aerosol spray paint to anyone under the age of 16. The team carried out a survey in the Wembley Central area after using information held by Brent Council's Geographic Information System, which is capable of mapping a wide range of local data, such as crime hotspots. The Wembley Central area of Brent was targeted as it has a notorious problem with graffiti and the Service's main objective was to establish what measures were currently being taken by local traders to prevent the sale of spray paints to children.

Alarming, it was found that the children were able to purchase spray paints in the 3 out of 4 attempts conducted. The purchase of spray paints using volunteer children will be incorporated into the work the team already does in this area.

5.3.3 Fair Trading Section

The section consists of a Principal Enforcement Officer, five Enforcement Officers and a technical assistant. One of the Enforcement Officer posts is filled by two officers on a job share basis, the first time the Service has had such an arrangement. I am pleased to report that the arrangement is working successfully. One officer left the team for promotion to another Authority and this post was filled as described above. The team has continued to produce an excellent variety of investigations during this period, which is a testimony to the officers' commitment.

The team has been both active and successful in continuing to remove counterfeit items from sale. The public rightly expects to be protected against unscrupulous traders whether on a market stall or in a well known high street shop. The penalties for infringing the Trade Marks Act are very severe and legitimate traders have the expectation that their intellectual property rights should be protected. The team has developed close links with other enforcement agencies such as the B.P.I, F.A.C.T, HM Immigration Service, Customs and Excise along with the Police. In fact

partnership working has become the main area of work with respect to street trading duties like market enforcement and dealing with DVD sellers on the street.

The work carried out by the team resulted in the team leader receiving an award from the Anti-counterfeiting Group for his initiative in leading an operation at Wembley Market for a ten week period and work in this field throughout the year. The team has also been nominated for a staff award in the 'achievement in adversity' category.

The supply of videos and DVDs are regulated by the Video Recordings Act 1984 and this has proven to be one of the most regularly flouted pieces of legislation. It is estimated that the Team will seize in excess of 20,000 unclassified videos/DVDs for the year. Almost all of these will be pirate copies of films that have only just been released at cinema, and would not legally be available on the retail market. One Wembley Market trader was fined £1100 and ordered to pay costs of £1661 for selling such pirate copies.

A video retailer from the Ealing Road area was fined £750 and ordered to pay £500 in costs for supplying unclassified videos whilst a neighbour of his received a fine of £1900 and had to pay costs of £679 for a similar offence

I reported last year on the case of two car traders from the Wembley area who were selling clocked cars. This investigation was started as a result of a complaint in May 2002. Undercover operations revealed that several clocked cars were being offered for sale from a residential address. A warrant was executed on 21st March 2003. A large quantity of evidence was found which demonstrated that high mileage cars were purchased at auctions using a false name and address. These cars were then clocked and sold for a profit. In one case a Nissan Serena which had travelled over 200,000 miles was purchased from auction. The car was then clocked by 150,000 miles and sold to a consumer. The consumer later experienced severe problems with the car and was unable to seek any redress from the seller. A three week trial is due to start later this year in relation to offences under the Trade Descriptions Act. There are 76 witnesses involved with the case, 37 of which have been called to give evidence. Over 1 million miles have been deleted from the true mileage readings of 15 cars. Both defendants deny knowledge of the clocked cars and acting in the course of a trade or business.

Another major clocked car case from the Kingsbury area arose from a consumer complaint. In the course of the investigation 38 cars were observed offered for sale from various locations by the roadside over approximately a one year period. Investigations revealed that 24 were clocked. A warrant was executed at the defendant's flat and revealed a quantity of evidence to prove trade activity. Computer equipment was also seized for forensic examination. The defendant declined to be interviewed. Of the 24 cars, we had strong evidence to show that 16 cars had had their mileage reduced by over one and a quarter million miles. Proceedings have been instituted and these will be reported on later.

Action has been taken under the Enterprise Act in relation to breaches of the Distance Selling Regulations and Unfair Terms in Consumer Contract Regulations. This trader, a Wembley based electrical appliance retailer, had terms which imposed handling charges on returned goods which were purchased over the internet and unfair terms which imposed restriction in relation to time limits and seeking redress for faulty goods. The trader agreed to amend these offending terms and signed an informal undertaking to reflect this. The number of complaints

concerning this particular trader has dramatically fallen and is an example of working with the trader to identify shortcomings and rectifying them to a mutual benefit.

Another local based trader in Wembley with national retail outlets was approached with similar problems identified over the content of their website and 'returns' policy. Despite the Service seeking only an informal undertaking, this has not been forthcoming although some improvements have been made to their terms and conditions. We shall be seeking a formal undertaking from them in the future and will be in a position to report on this later. The low level of consumer complaints has made this a fairly low priority for the team.

A complaint was received from a consumer who stated that a 'no refund' sign was displayed within a shop in Harlesden. When officers inspected the shop there was a notice stating 'no refunds' but the officers also observed a quantity of suspected counterfeit handbags and clothing items with trade marks such as Burberry, Louis Vuitton and Chanel. The trader will be interviewed and a report submitted.

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A check of the Yellow Pages revealed a local builder using the Federation of Master Builders trade association logo in an advertisement. Investigation has revealed that this trader is not a member and therefore not authorised to use the logo. A report is currently being compiled for submission.

A Kingsbury based travel agent was the subject of a number of queries and complaints from colleagues around the country, some of which related to matters such as a claim of a resort having a "Greek village ambience" when in fact it was a purpose built concrete jungle, excessive building works in progress on a resort not notified to consumers and overbooking on flights leaving a number of consumers unable to fly on their expected days. A meeting was arranged with the Company and attended by two Directors and their Customer Services Manager. The directors discussed a new system they had put in place for checking resort descriptions and claimed a new position of overseas manager had been created. Unfortunately there was no chance to see if these measures had any effect, as within two months of that meeting the company was dissolved. This followed an appearance on 'Watchdog' as they had also received a string of complaints.

5.4 HARROW TEAM

This Team consists of eleven members of staff who are directly responsible for all the Trading Standards enforcement functions within the London Borough of Harrow. During the first half of this year we were fortunate to recruit a Trading Standards Officer from a neighbouring Authority. A Technical Assistant left the Service during the Summer and a replacement will be recruited in the new Year. Despite this, there remains a high level of motivation and commitment amongst the Harrow Team members, with the result that once again the overall targets have been exceeded. The staff continue to produce innovative work by highlighting breaches of consumer protection legislation through investigations and projects, whilst maintaining a very high level of inspections of trade premises, thus, ensuring that we remain one of the best performing Authorities in London.

The Service Operational Plan details the work we have programmed for the year. Our performance against that programme is as follows:

	Planned	½ year est.	Actual
Requests for action (criminal)	900	450	473
Requests for action (civil) (Harrow)	300	150	39
Requests for action (Non Criminal)	1500	750	1188
Trader Enquiries (including HA work)	124	62	123
Enterprise Act Investigations	8	4	1
Announced Comprehensive Primary High Risk Insp.	95	48	50
Announced Comprehensive Primary Medium Risk Insp	983	492	346
Announced Comprehensive Primary Low Risk Insp	100	50	116
Announced Secondary High Risk Inspections	50	25	6
Announced Secondary Medium Risk Inspections	100	50	41
Other Inspection/Test Purchase Visits	600	300	768
Home Authority Referrals	112	56	66
Average Quantity Visits	15	8	5
Criminal Reports of Infringement	60	30	58
Civil Reports and Action	12	6	
Prosecutions completed	35	18	14
Formal Cautions	8	4	7
Letter of Warning	15	8	5
Projects completed	7	4	0
Verification Visits	25	13	6
Mobile Display Unit Visits	13	7	7
Electric Blanket Safety Work	2	1	2
Child Car Seat Safety Work	1	1	1
Talks to external Bodies/Organisations	6	3	5

5.4.1 Harrow Metrology/Safety

Primarily the Team is responsible along with the Brent Metrology Team for responding to requests from traders to test and verify as correct any metrology equipment which is being used for trade. This could be carried out under UK or EU legislation and is an important source of income for the Service. The Service holds Notified Body Status, which enables our officers to carry out such work outside the consortium area under EU legislation.

Unfortunately during this period the team has not been fully staffed with there being a vacant post for a Technical Assistant. However, we were able to recruit a Trading Standards Officer, who started during April.

In terms of enforcement work during this period, there has been a regular supply of consumer complaints and trader enquiries that have been investigated and responded to, together with pro-active visits to traders across the Borough. Some of this pro-active work has resulted in warnings being issued to traders, whilst in other cases legal proceedings have been instituted against the offenders. Some interesting cases that have been concluded during this period are as follows.

A trader in Rayners Lane was fined £750 and ordered to pay costs of £780 for selling fireworks to a thirteen year old child. The trader did not ask the child his age, and the court took into account that every trader selling fireworks in Harrow is advised in writing and with a visit from an Officer. The team enforces other legislation relating to under age sales and uses children to attempt to make test purchases. There have been many attempts to buy knives, alcohol, fireworks and butane and in the vast majority of cases the traders refuse to sell to the child.

However, during this period warnings have been issued to traders for selling fireworks and knives to our child volunteer.

During this period two projects have also been completed. The first was completed in conjunction with other Trading Standards Departments in North West London, and concerned the safety of sunglasses. Each authority purchased a number and submitted them for testing at our safety lab to make sure that there was sufficient ultra violet light protection. I am pleased to report that all the pairs purchased in Harrow passed the screen test. However, some other pairs bought by other Authorities were considered to be unsafe. Enforcement action is being considered by these authorities.

In conjunction with the Brent Metrology and Safety Team, the Service held a very successful child car seat testing day at Waitrose in South Harrow. Working in partnership with an expert provided by Quickfit Safety Belt Services, the fitting and appropriateness of the seat to the passenger was assessed, with corrections being made on the spot where possible. The driver of the car was also given an exact breakdown of any faults discovered and the remedy required.

The results were alarming in that of a total of 59 seats checked, 42 were found to be fitted incorrectly.

5.4.2 Harrow Fair Trading

The team consists of one Principal Enforcement Officer, three Enforcement Officers, one Special Projects Officer and one Technical Assistant. The team is responsible for enforcing an extremely diverse range of legislation and deals with the majority of the criminal complaints made by Harrow residents, as well as powers under the Enterprise Act.

Between April 2004 and September 2004, the team dealt with 256 complaints and carried out 253 visits to trade premises. Wherever possible, the team's visits are prioritised on high and medium risk premises. So far this year, the team has produced 41 infringement reports in cases where serious breaches of consumer protection legislation has been found.

A major problem which continues to escalate in the Harrow area is the proliferation of street traders selling counterfeit and pornographic DVDs'. These traders often have language difficulties and no permanent address, which make dealing with them effectively a major problem.

So far this year the team have embarked on approximately seventy investigations of incidents relating to the sale of these DVDs'. The problem has been tackled on a multi-agency basis, with the team's limited resources being supplemented by assistance from the Police and the Council's own CCTV operations. The traders generally congregate in the St Ann's area of central Harrow, but are also known to frequent Burnt Oak Broadway, Pinner and Wealdstone. Traders are also known to

visit the industrial areas close to Honeypt Lane and go door to door selling their wares. The DVDs themselves are usually Hollywood blockbuster movies which are currently being exhibited at the cinema. The films on the discs, however, are usually made by cinema goers with camcorders and often the discs exhibit technical defects which can result in viewers missing the end of the film.

More worryingly, however, recent seizures have also included DVDs with pornographic content which are being sold openly on the streets without any statutory age controls. The team have, therefore, given their highest priority to combating this problem and devoted considerable resources to prevent the sale of these goods. A number of successful operations have gone a long way to ensure that the residents of Harrow are not sold these inferior products and legitimate businesses disadvantaged financially. So far there have been a number of successful prosecutions, including one fine of £1,200 for breaches of the Trade Marks Act 1994 and several offenders being given conditional discharges by Harrow Magistrates. In addition, the Service has also used its powers under the Enterprise Act to gain assurances from persistent offenders that they will cease to trade in these products.

Despite regular patrols of the Harrow area, including regular weekend work, the problem has not gone away. Although many individual traders have themselves stopped selling these products many more have taken their place. I can see no likelihood of this problem being completely eradicated in the short term until the Courts send a stronger message to offenders.

In another counterfeiting case, a Wealdstone trader operating a video and DVD hire business was fined £1,200 and ordered to pay costs of £1,405 after Trading Standard Officers discovered hidden rooms in the back of his shop which were disguised as shelving units. DVDs were seized and the trader pleaded guilty at the first opportunity. This case shows the lengths to which some traders will go to avoid detection by the team.

The Consumer Credit Act 1974 requires all traders who offer credit or act as brokers to introduce consumers to credit to be licensed by the Office of Fair Trading. The Service received a complaint from a resident who had purchased a car for £1,600 from a Pinner car dealer on hire purchase. The consumer alleged that the dealer was not licensed. Investigations revealed that the trader indeed did not have a licence and legal proceedings were instituted. The trader pleaded guilty and was given a conditional discharge and ordered to pay costs of £700. The defendant's sentence was perhaps more lenient as his mitigation included the statement that he had been visited by the complainant's boyfriend and punched in the face.

Under the Greater London Council (General Powers) Act 1984 and the Mock Auctions Act 1961, certain types of auction sales are outlawed as they are in fact little more than confidence tricks played on unwary consumers. Following a telephone call received one evening informing us that a gang of traders had begun to conduct Mock Auctions at a central Harrow shop, the team reacted quickly and by 12.30pm the following day undercover officers were in attendance at the first sale of the day gathering the necessary evidence to bring a prosecution. The case resulted in a three day trial at Harrow Crown Court.

During the above trial the Court heard that when the officers arrived, a crowd of 40 - 50 unsuspecting members of the public were packed into the shop. The auctioneer was standing on a raised platform and spoke to the crowd through a PA system. The shoppers became increasingly excited as audio cassette tapes, video tapes

and batteries were handed free of charge. Gradually the gang persuaded them to part with larger and larger amounts of money as higher value items, including lap top computers and camcorders, were demonstrated. The auctioneer indicated that these items would be offered for a fraction of their true value. As the excitement mounted, other gang members moved through the crowd and collected larger amounts of cash from many of the expectant customers. One Harrow resident who gave evidence at the trial told the Court that after paying £65 in the expectation of receiving high value goods, he actually received a Goodmans Discman, a pen and a watch which did not work.

Once the team had gathered sufficient evidence of an offence under the Mock Auctions Act, a decision was made to intervene in order to prevent further offences being committed. Trading Standards Officers, who had now been

joined by the Police, then identified themselves and brought the auction to an end.

Officers then inspected the stock in the shop and discovered a batch of hair clippers which had 13amp plugs attached. The plugs themselves were subsequently discovered to contain counterfeit fuses which bore false trade marks of Bussmann, McGraw-Edison and ASTA Certification Services.

5.5 **DEVELOPMENT AND SUPPORT TEAM**

5.5.1 The Service Operational Plan details the work we have programmed for the year. Our performance against that programme is as follows:

	Annual	Actual
	Target	
Requests for action (non criminal)	3650	2263
Mobile Display Unit visits	26	19
Talks to external Bodies/Organisations (general)	24	4
Work Experience students	Max 4 p.a.	3

The Development and Support section (DAS) consists of one Principal Officer, one Service Development Officer, an IT/Laboratory Manager, 3 full-time and 1 part-time Customer Service Officers. Following on from the introduction of a Consumer Advice Officer for the Harrow area last year, we were able to replicate the arrangement for the Brent area.

We were pleased to welcome the return from maternity leave of the Service Development Officer but a Customer Services Officer resigned during this period.

The section has overall responsibility for ensuring that the Service continually improves through initiatives such as the Chartermark, Investor in People, EFQM Excellence Model, ISO 9001, ISO14001 and UKAS accreditation. This ensures that the above initiatives are fully integrated for the benefit of the Service as well as for all our customers. Work during this period has particularly focused on the Community Legal Services (CLS) "Quality Mark", the DTI required "Community Support Network" (CSN) status, and the new ISO9001 Quality Management Systems standard. Both the CLS and CSN initiatives are designed to join up ground level advice providers in the community. Through this work we have forged better links with other

legal advice providers in the boroughs, but of particular note we are working closer with the Citizens Advice Bureaux than ever before.

Officers in the DAS section are primarily responsible for promoting the Service within the community by conducting talks and exhibitions throughout the consortium area. On a day to day basis the main task of the team is to deal with all requests for action which are of a non-criminal nature by giving 'next step' civil law advice on consumer related matters. This releases field officers within the enforcement teams to investigate matters of a criminal nature that may require formal enforcement action and to engage in a programme of pro-active inspection work.

During the course of this period officers have been extremely busy in dealing with 1941 requests for action from both traders and consumers. This represents 50% of all the complaints received by the Service during this period. The vast majority of these complaints are either civil, or requests for advice from local traders. The section also handles the initial contacts by phone and personal visits from members of the public/traders seeking help and assistance.

As part of its responsibility the DAS team conducts regular surveys to assess the satisfaction levels of our customers. Monthly, a sample of premises inspected receive a survey form to report back on how the officer handled the inspection visit to their business.

The Principal Service Development Officer acts as Quality Manager for the Service and, along with the Quality Team, has direct responsibility for reviewing and maintaining our quality system. During this period the Service successfully maintained its ISO 9001 registration following an assessment visit in August. This is felt to be a great achievement because it is now to the tougher ISO9001:2000 management standard, and is underpinned by regular internal audits from our staff. The Service also maintained its UKAS accreditation for its Mass Laboratory following an inspection visit in May.

During this period, the section continued to develop the web-site for the Trading Standards Service, which contains a vast amount of information on consumer law for both the public and businesses. The web-site also contains information about the work of the Service, performance indicators, budgets, press releases, survey results and details of how we can be contacted. Having the website with its wealth of information maintains our Charter Mark by demonstrating our 'openness' with information on how the Service is managed and run.

The section has responsibility for the production of our advisory leaflets in plain English for both consumers and businesses. The Consumer Advice Officer has written advisory leaflets to help explain the Small Claim process in the County Court. Advisory leaflets are been printed in house, at minimum cost, for distribution via customer access points throughout the consortium area as a means of providing information to both business and consumers on their legal obligations/rights. During this period over 2000 leaflets have been provided to local libraries.

I reported last year that the appointment of a Consumer Advice Officer for the Harrow area had proven successful and we were fortunate to be able to introduce a

similar post for the Brent Team. They have both shown that their skills and expertise are vital in assisting consumers who experience difficulties resolving differences with traders. We have had to prioritise the demand for their assistance and ensure that vulnerable consumers, including the elderly, disabled and those whose main language is not English, are dealt with first. The current figures show that they were involved in assisting in the following cases:

	<u>Total Number of cases</u>	<u>Elderly</u>	<u>Disabled</u>	<u>Language Difficulties</u>
<u>Brent</u>	<u>122</u>	<u>24</u>	<u>9</u>	<u>3</u>
<u>Harrow</u>	<u>93</u>	<u>26</u>	<u>7</u>	<u>12</u>

6.0 **BACKGROUND INFORMATION**

6.1 Performance Statistics File

Any person wishing to inspect the above should contact J Taylor, Director of Trading Standards, First Floor, 249 Willesden Lane, NW2 5JH, telephone 020 8937 5500.

J TAYLOR

DIRECTOR OF TRADING STANDARDS

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

TRADE DESCRIPTIONS ACT 1968

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
07A/03/B	4	Builder	Made a false statement as to the provision of a service	14		
07B/03/B	4	Builder	Made a false statement as to the provision of a service	14		
49/03/H	3	Street Trader	Offered to supply goods to which a false trade description was applied	1		
55/03/B	5	Market Trader	Offered to supply goods to which a false trade description was applied	1		
58/03/H	2	Kitchen Retailer	Offered to supply goods to which a false trade description was applied	1		
100/03/B	6	Electrician	Made a false statement as to the provision of a service	14		
114A/03/H	4	Video Trader	Offered to supply goods to which a false trade description was applied	1		
114B/03/H	4	Video Trader	Offered to supply goods to which a false trade description was applied	1		
137A/03/B	2	Wholesaler	Offered to supply goods to which a false trade description was applied	1		
137B/03B	8	Wholesaler	Offered to supply goods to which a false trade description was applied	1		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

TRADE DESCRIPTIONS ACT 1968 (cont)

Reference	No of Inform-ations	Trade	Nature of Offence	Sec		
20A/04/H	18	Car Trader	Offered to supply goods to which a false trade description was applied	1		
20B/04/H	18	Director of above	Offered to supply goods to which a false trade description was applied	1		
28A/04/B	6	Mobile phone accessories	Offered to supply goods to which a false trade description was applied	1		
28B/04/B	6	Director of above	Offered to supply goods to which a false trade description was applied	1		
8B/04B	6	Director of above	Offered to supply goods to which a false trade description was applied	1		
69A/04/B	5	Fashion Accessories	Offered to supply goods to which a false trade description was applied	1		
69B/04/B	5	Director of above	Offered to supply goods to which a false trade description was applied	1		
80/04/B	2	Leisure Company	Made a false statement as to the provision of a facility	14		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

TRADE MARKS ACT 1994

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
49/03/H	7	Street Trader	Offered to supply goods bearing an infringing trade mark	92		
55/03/B	6	Market Trader	Offered to supply goods bearing an infringing trade mark	92		
89/03/H	5	Street Trader	Offered to supply goods bearing an infringing trade mark	92		
114A/03/H	6	Video Trader	Offered to supply goods bearing an infringing trade mark	92		
114B/03/H	6	Video Trader	Offered to supply goods bearing an infringing trade mark	92		
137B/03B	8	Wholesaler	Offered to supply goods bearing an infringing trade mark	92		
28A/04/B	5	Mobile phone accessories	Offered to supply goods bearing an infringing trade mark	92		
28B/04/B	5	Director of above	Offered to supply goods bearing an infringing trade mark	92		
43/04/H	5	Street Trader	Offered to supply goods bearing an infringing trade mark	92		
69A/04/B	5	Fashion Accessories	Offered to supply goods bearing an infringing trade mark	92		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

TRADE MARKS ACT 1994 (cont)

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
69B/04/B	5	Director of above	Offered to supply goods bearing an infringing trade mark	92		

PROPERTY MISDESCRIPTIONS ACT 1991

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
96/03/B	2	Estate Agent	Made a false statement in relation to a property	1		

LICENSING ACT 1964

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
76/03/B	1	Off Licence	Supplied intoxicating liquor to a person under 18	169		
110/03/B	1	Employee	Supplied intoxicating liquor to a person under 18	169		
129/03/B	1	Off Licence	Supplied intoxicating liquor to a person under 18	169		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

LICENSING ACT 1964 (cont)

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec n</u>		
133A/03/B	1	Grocers	Supplied intoxicating liquor to a person under 18	169		
133B/03/B	1	Director of above	Supplied intoxicating liquor to a person under 18	169		
136A/03/B	1	Licensee	Supplied intoxicating liquor to a person under 18	169		
136B/03/B	1	Employee of above	Supplied intoxicating liquor to a person under 18	169		

CRIMINAL JUSTICE ACT 1988

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec n</u>		
49/04/B		Retailer	Supplied bladed utensils to a person under the age of 16	141		
59A/04/B	1	Retailer	Supplied a Knife to a person under the age of 16.	141		
59B/04/B	1	Retailer	Supplied a Knife to a person under the age of 16.	141		
65/04/B	1	Retailer	Supplied a knife to a person under the age of 16	141		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

VIDEO RECORDINGS ACT 1984

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
55/03/B	4	Market Trader	Had in possession for supply unclassified videos	10		
137B/03/B	2	Wholesaler	Had in possession for supply unclassified videos	10		
43/04/H	1	Street Trader	Had in possession for supply unclassified videos	10		

CHILDREN AND YOUNG PERSONS ACT 1933

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
129/03/B	1	Off Licence	Failed to display statutory notice	7		
26A/04/H	2	Newsagent	Sold cigarettes to a person under the age of sixteen and failed to display statutory notice	4 &		
26B/04/H	1	Newsagent	Sold cigarettes to a person under the age of sixteen	7		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

CONSUMER PROTECTION ACT 1987

Reference	No of Inform-ations	Trade	Nature of Offence	Sec		
95/03/H	1	Fancy Goods	Supplied unsafe electrical equipment	12		
121/03/B	11	Market Trader	Supplied unsafe electrical appliances	12		
134/03/B	1	Fireworks Retailer	Sold fireworks to a person under the age of 18	12		
10A/04/H	1	Fireworks Retailer	Sold fireworks to a person under the age of 18	12		
10B/04/H	1	Fireworks Retailer	Sold fireworks to a person under the age of 18	12		
15/04/H	2	Street Trader	Supplied unsafe toys	12		
22/04/H	1	Fancy Goods	Supplied unsafe electrical equipment	12		
28A/04/B	8	Mobile phone accessories	Had in possession for supply unsafe electrical equipment	12		
28A/04/B	4	Director of above	Had in possession for supply unsafe electrical equipment	12		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

CONSUMER PROTECTION ACT 1987 (Cont)

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
29A/04/H	2	Antique Retailer	Supplied unsafe electrical equipment	12		
29B/04/H	2	Antique Retailer	Supplied unsafe electrical equipment	12		
33/04/H	2	Retailer	Gave misleading price indication.	20		
44A/04/B	3	Clothing Retailer	Supplied unsafe clothing	12		
50/04/B	3	Retailer	Supplied unsafe electrical equipment and obstruction of officer	12		

GENERAL PRODUCT SAFETY REGULATIONS 1994

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
44/04/B	3	Clothing Retailer	Supplied unsafe clothing which failed to comply to GPSR 1994	13		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

PLUGS AND SOCKETS (SAFETY) REGULATIONS 1994

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
29/04/1/H	4	Antique Retailer	Supplied unsafe electrical appliances which failed to comply with BS 1363	12		
29/04/2/H	4	Antique Retailer	Supplied unsafe electrical appliances which failed to comply with BS 1363	12		

WEIGHTS AND MEASURES ACT 1985

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
01/04/B	4	Greengrocer	Delivered to the purchase a lesser quantity than corresponded to the price charged	28		
02/04/B	4	Butcher	Delivered to the purchase a lesser quantity than corresponded to the price charged	28		
51/04/B	2	Restaurant	Used for trade an item that was not prescribed	11		

PRICES ACT 1974

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
01/04/B	1	Greengrocer	Fail to indicate price by reference to the kilogram	7		
02/04/B	1	Butcher	Fail to indicate price by reference to the kilogram	7		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

PRICE MARKING ORDER 1999

Reference	No of Inform-ations	Trade	Nature of Offence	Sec		
01/04/B	3	Greengrocer	Failed to indicate the selling price of goods	5		
02/04/B	1	Butcher	Failed to indicate the selling price of goods	5		

BUSINESS NAMES ACT 1985

Reference	No of Inform-ations	Trade	Nature of Offence	Sec		
129/03/B	1	Off Licence	Failed to indicate details of ownership of the business	4		
01/04/B	2	Greengrocer	Failed to indicate details of ownership of the business	4		
02/04/B	2	Butcher	Failed to indicate details of ownership of the business	4		
51/04/B	2	Restaurant	Failed to indicate details of ownership of the business	4		
65/04/B	1	Retailer	Failed to indicate details of ownership of the business	4		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

CONSUMER CREDIT ACT 1974

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
19A/04/H	1	Director	Engaged in a credit activity without a licence	39 169		
19B/04/H	1	Motor Trader	Engaged in a credit activity without a licence	39		

NATIONAL LOTTERY ACT 1993

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
130A/03/B	1	Super-market	Sold lottery tickets to a person under the age of sixteen	13		
130B/03/B	1	Super-market	Sold lottery tickets to a person under the age of sixteen	13		
130C/03/B	1	Super-market	Sold lottery tickets to a person under the age of sixteen	13		

**TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04**

PACKAGE TRAVEL, PACKAGE HOLIDAYS AND PACKAGE TOURS REGULATIONS 1992

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Sec</u>		
60A/04	2	Travel Agent	Supply of brochure which had inaccurate and inadequate information			
60B/04	2	Travel Agent	Supply of brochure which had inaccurate and inadequate information			
60C/04	2	Travel Agent	Supply of brochure which had inaccurate and inadequate information			
60D/04	2	Travel Agent	Supply of brochure which had inaccurate and inadequate information			

TRADING STANDARDS SERVICE
PROSECUTION 01/04/04 - 30/09/04

- Note 1 ~ Compensation awarded £1500
- Note 2 ~ Compensation awarded £566.50
- Note 3 ~ 18 month conditional discharge
- Note 4 ~ 6 month conditional discharge
- Note 5 ~ Disqualified from acting as a Director of a Limited Company for 2 years
- Note 6 ~ 12 month conditional discharge

6 month period	TOTAL NUMBER OF CASES	TOTAL NUMBER OF INFORMATIONS	TOTAL FINES	
2004/5	83	283	£30025	
2003/4	72	243	£36390	
2002/3	54	215	£42800	

TRADING STANDARDS SERVICE
FORMAL CAUTIONS 01/04/04 - 30/09/04

VIDEO RECORDINGS ACT 1984

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
72/02/H	Video Retailer	Had in possession for supply unclassified videos cassettes
124/02/H	Video Retailer	Had in possession for supply unclassified videos cassettes
37/03/B	Video Retailer	Had in possession for supply unclassified videos cassettes
51A/03/H	Video Retailer	Had in possession for supply unclassified videos cassettes
51B/03/H	Video Retailer	Had in possession for supply unclassified videos cassettes
37/03/B	Video Retailer	Had in possession for supply unclassified videos cassettes

CHILDREN AND YOUNG PERSONS (PROTECTION FROM TOBACCO) ACT 1991

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
81B/02/H	Newsagent	Sold cigarettes to a person under the age of 16

TRADE DESCRIPTIONS ACT 1968

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
100/03/B	Electrician	Falsely claimed membership of a trade association
117/02/B	Newsagent	Offered to supply goods to which a false trade description was

PERFORMANCE MONITORING

TRADE MARKS ACT 1994

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
108/03/H	Fly pitcher	Selling goods which infringed the registered trade mark
04/04/H	Fly pitcher	Selling goods which infringed the registered trade mark
12/04/H	Fly pitcher	Selling goods which infringed the registered trade mark
16/04/H	Fly pitcher	Selling goods which infringed the registered trade mark
17/04/H	Fly pitcher	Selling goods which infringed the registered trade mark
32/04/H	Newsagent	Selling goods which infringed the registered trade mark
43/04/H	Fly Pitcher	Selling goods which infringed the registered trade mark
45/04/H	Fly Pitcher	Selling goods which infringed the registered trade mark
46/04/H	Fly Pitcher	Selling goods which infringed the registered trade mark
47/04/H	Fly Pitcher	Selling goods which infringed the registered trade mark

CRIMINAL JUSTICE ACT 1988

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
18/04/H	Sales Assistant	Supplied a knife to a person under the age of 16

TRADING STANDARDS SERVICE
FORMAL CAUTIONS 01/04/04 - 30/09/04

CONSUMER PROTECTION ACT 1987

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
101/03/B	Cosmetic Retailer	Possessed for supply a cosmetic product that did not have a li:
134/03/B	Retailer	Supplied fireworks to a person under the age of 18
44B/04/B	Clothing wholesaler	Supplied a clothing product with hood cords
52/04/B	Charity Shop	Possessed for supply unsafe electrical equipment
63/04/B	Retailer	Possessed for supply unsafe electrical equipment

ANTI SOCIAL BEHAVIOUR ACT 2003

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
38A/04/B	Retailer	Supplied spray paint to a person under the age of 16
38B/04/B	Sales Assistant	Supplied spray paint to a person under the age of 16

TOTAL	27
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PERFORMANCE MONITORING



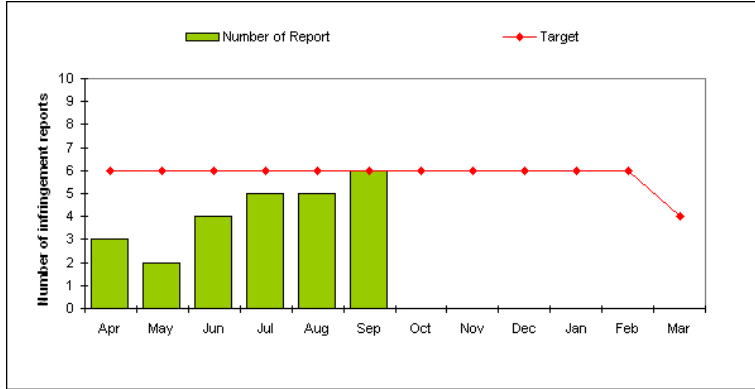
PERFORMANCE
MONITORING

2004 - 2005



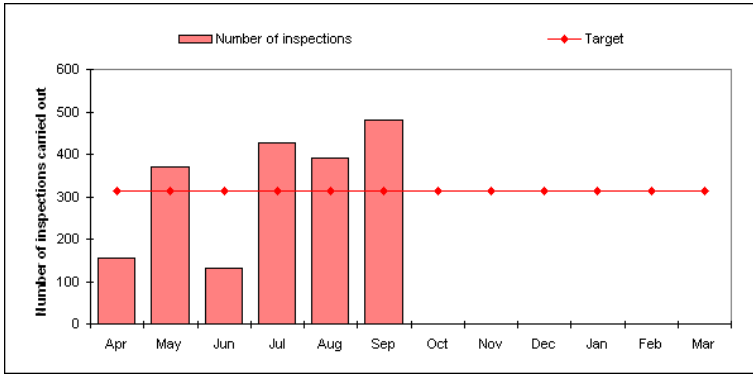
Reports of Infringement

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
3	2	4	5	5	6						



PERFORMANCE MONITORING

Total Number of Inspections											
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
154	371	131	426	392	481						



PERFORMANCE MONITORING



TRADING STANDARDS
BRENT and HARROW

PERFORMANCE MONITORING 2004 - 2005

Request for Action - Criminal and Non Criminal

	Apr	May	Jun	Jul	Aug	Sep	Oct			
Criminal complaints completed	77	95	75	113	116	123				
Non Criminal complaints completed	128	137	183	165	124	157				
Total Complaints completed	77	232	258	278	240	280				
% responses within 3 working days										

