



## Trading Standards Joint Advisory Board

**Wednesday 9 June 2021 at 6.00 pm**

To be held as an online virtual meeting

The link to view the meeting is available by clicking [HERE](#)

### Membership:

#### Members

Councillors:

Ferry  
Kennelly  
Knight  
Long  
Mithani  
Murphy-Strachan

#### Representing

#### First alternates

Councillors:

S Choudhary  
Chohan  
Dar  
Assad  
Osborn  
Parmar

#### Second alternates

Councillors:

#### For further information contact:

(LB Brent) Andrew Phillips, Governance Officer

Tel: 0208 937 3679 Email: [Andrew.Phillips@brent.gov.uk](mailto:Andrew.Phillips@brent.gov.uk)

(LB Harrow) Mwim Challah, Senior Democratic Services Officer,

Tel: 07761 405 966 Email: [mwimanji.chellah@harrow.gov.uk](mailto:mwimanji.chellah@harrow.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: [www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)

**The press and public are welcome to attend this meeting.**  
The link to view the meeting is available by clicking  
[HERE](#)

### **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

#### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

#### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
<b>1 Election of Chair</b>	
<b>2 Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>3 Minutes of the previous meeting - 25 March 2021</b>	1 - 6
<b>4 Matters arising</b>	
<b>5 Deputations (if any)</b>	
<b>6 Trading Standards Annual Report 2020-2021</b>	7 - 12
This report presents the Trading Standards Annual Report for the year 2020/21.	
<b>7 Investigation of Unsafe Electrical Equipment</b>	13 - 18
This report provides a briefing to the Joint Advisory Board Members on an investigation and the successful prosecution carried out by Brent and Harrow Trading Standards into unsafe electrical equipment imported and sold by a Brent electrical importer/wholesaler.	
<b>8 New National Regulator For Construction Products</b>	19 - 22
This report provides Members with an update on the Government announcement on the 19 January 2021 that a new national regulator to oversee the enforcement of the legislation related to construction products is to be established. Currently, market surveillance and enforcement of construction products safety is the responsibility of local authority trading standards services. It is intended this new regulator will work alongside the trading standards service.	
<b>9 Date of Future Meetings</b>	
Members are asked to note the dates of the remaining meetings scheduled during the 2021-22 Municipal Year:	

Wednesday 13<sup>th</sup> October 2021 at 6:00pm to be hosted by the London Borough of Brent.

Wednesday 2 March 2022 at 6:00pm to be hosted by the London Borough of Harrow

## **10 Any other urgent business**

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services (London Borough of Brent) or her representative before the meeting in accordance with the constitutions of both councils.

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# Trading Standards Joint Advisory Board

## Minutes

**Held as an online meeting at 6pm  
on 25 March 2021**

**Present (in remote attendance):**

**Chair:** Councillor Daniel Kennelly

London Borough of Brent

**Councillors:**

Keith Ferry

London Borough of Harrow

Promise Knight

London Borough of Brent

Janice Long

London Borough of Brent

Vina Mithani

London Borough of Harrow

Angella Murphy-Strachan

London Borough of Harrow

1. **Election of Chair**

**RESOLVED:** That Councillor Daniel Kennelly (London Borough of Brent) be elected as Chair for the meeting.

2. **Declarations of personal and prejudicial interests**

**RESOLVED:** To note that there were no interests declared at the meeting.

3. **Minutes of the previous meeting - 20 October 2020**

**RESOLVED:** That the minutes of the meeting held on 21 October 2020 be approved and signed as a correct record.

4. **Matters arising**

The following matters were raised in relation to the minutes of the meeting held on 21 October 2020:

## **Minute 4 – Matters Arising - Outstanding Delegations**

In response to the request for an update on progress regarding the delegations being sought in relation to letting agents and environmental energy certificates Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) advised these were still awaited and a further update would therefore need to be provided for the next meeting.

**ACTION:** Simon Legg to provide a further progress update for the next meeting.

### **5. Deputations (if any)**

**RESOLVED:** To note that there were none.

### **6. Harrow Reduction to the Trading Standards Budget**

The Board received a report, presented by Simon Legg outlining the budget position for the Trading Standard service in 2021/22, which included detail on an intended budget reduction required by the London Borough of Harrow.

In presenting the report, the Board were advised that over the previous five years Harrow's net contribution to the provision of the service had been £500k. For the 21/22 financial year, however, Harrow had advised of the need to seek a reduction in their annual consortium fee to £300k. As a result of continued austerity measures, various operational savings had been made by the service over previous years, which members were advised had resulted in year on year underspends that had been proportionately apportioned between both Harrow and Brent. Harrow's proportion of the underspend at the end of 2019/20 had totalled £178k, which it had subsequently been agreed would be used in full to net off their 2020/21 fee of £500k. Given the ongoing uncertainty relating to the budget contribution, interruption to usual service delivery during the Covid pandemic and aim to keep expenditure to a minimum a further underspend of approx. £169k had been forecast for Harrow during 2020/21. In addition members noted that Brent also held a legal reserve on behalf of the Consortium of which £66k belonged to Harrow and a Proceeds of Crime reserve of which £250k belonged to Harrow.

In terms of a way forward, the Board were advised of the budget proposals developed in order to achieve the reduction in annual consortium fee to £300k requested by Harrow, as detailed within section 3.8 of the report. This outlined how the budget would need to be adjusted to reflect Harrow's reduced contribution and their contribution towards the shared costs, which included employee costs for staff working across both boroughs as well as shared assets split between Brent and Harrow.

As part of these adjustments there would be a requirement to reduce the staffing resource for Harrow, with the proposals detailed in section 3.9 – 3.13 of the report. The Board noted this would result in a reduced staffing resource of 2.5 Enforcement Officers, 0.5 Team Leader and 0.5 Senior Regulatory Service Manager posts for the Harrow team. In order to achieve these reductions it would be necessary to delete a vacant Harrow Enforcement Officer post, keep the Senior Prosecutor post vacant and fund the Financial Investigators from Brent's Proceeds of Crime reserves. It



would also require a reduction in Team Leader support with only one provided to cover both teams. In terms of prosecutions, this would also require legal cases to be conducted by the Senior Regulatory Service Manager or legal counsel in more complex matters. Although not currently making routine use of the Services Financial Investigators for proceeds of crime investigations, Members also noted that should Harrow want to use these services they would either have to pay for them or make arrangements to drawdown from their share of the Proceeds of Crime reserves.

Having presented the proposals, the Board were then advised of the risks associated with the reduced staffing capacity, as detailed within sections 3.14 – 3.29 of the report, along with the measures in place in order to assist in partially mitigating these including the careful financial management of the service undertaken to date, establishment of a revised team structure and level of shared knowledge available. It was noted, however, that there would also be a need for Harrow to increase its focus on priority areas of work and to acknowledge the change in budget position would lead to a reduction in overall service levels within their area.

The following issues were then raised by members of the Board in response to the report:

- Members, whilst recognising the reasons for the budget reductions being sought, expressed disappointment at the impact on the service given the high level of service provided. Reference was also made to section 3.17 and the findings from the Audit Scotland review regarding the number of staff if it was felt required to deliver the minimum level of standards in relation to a Trading Standards Service. In response Simon Legg advised members that the revised structure would ensure a minimal level of staff remained in place when assessed across the consortium, although there would be a need to prioritise resources on a risk management based approach to ensure capacity remained to meet the increasing demands on the service arising from the Covid pandemic and Brexit as well as the increase in statutory responsibilities.
- Details were also sought as to whether the existing budget and legal reserves available would be sufficient to cover, over a longer term basis, the costs associated with an increase in use of counsel or periods of high demand or more complex and expensive legal cases. Whilst members were advised it was anticipated that the reserves held would be sufficient to provide access to additional funds (should these be required in specific one off circumstances) there would be an associated risk under this approach and need to ensure arrangements were made for the reserve to be replenished following use.
- Support was expressed by the Board towards the proposed creation of a new statutory duty for minimum standards to be developed for Trading Standards teams supported by the provision of ring-fenced resources to ensure they could be delivered, especially linked to the increased demand on the service as a result of consumer and tariff issues related to Brexit and also the Covid pandemic. Members were also keen to ensure that the necessary signposting was established to direct residents and other stakeholders to further assistance and guidance.
- In response to a final issue raised regarding investigations required on a cross borough basis, members were advised that these would continue in the same way as present.

Having considered and commented on the report the Board **RESOLVED:** To note the impact of the reduced budget for the consortium as detailed within the report and associated risks identified.

## 7. **Trading Standards Fees and Charges 2021/22**

The Board received a report presented by Anu Prashar (Senior Regulatory Services Manager) which detailed the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2021/22.

Members noted the three categories of Trading Standards fees which related to statutory fees, Retail Price Index (RPI) linked fees and discretionary fees with the proposed changes detailed in section 3.4 of the report. In terms of RPI linked fees it was noted that these had been based on the figure provided for December 2021 which had been 1.2%. This had resulted in a proposed increase in the hourly rate for primary authority fees of £1.

In terms of issues highlighted by the Board, it was noted that the fees to process explosive (firework) licenses charged by the Harrow team had been amended to reflect the recent change in fees introduced by the Health & Safety Executive, which were due to come into effect from 1 April 2021. Members were also advised that there had been no change in the latest RPI figure available for January 2021 when compared to December 2020.

Having noted the report, the Board **RESOLVED:** To endorse the proposed level of fees and charges for recommendation and adoption in relation to the Brent and Harrow Trading Standards Service for 2021/22.

## 8. **Trading Standards Work Plan 2021/22**

The Board received a report presented by Anu Prashar detailing the proposed 2021/22 work plan for Brent & Harrow Trading Standards.

In considering the report, the Board were advised that the Work Plan had been developed to reflect the impact of the Covid pandemic and roadmap out of lockdown along with the impact of Brexit and the revised Trading Standards budget for 2021/22. The Plan set out the main priority areas for the service along with expected levels of performance whilst also retaining some flexibility to adapt service delivery to meet any emerging or unexpected demand or respond to major investigations.

In terms of development of the service priorities it was noted that these had also been designed to reflect the priority areas of work identified by the National Trading Standards Board, London Trading Standards, Office of Product Safety and Standards Control Strategy and national priorities identified by the Ministry of Housing, Communities & Local Government in terms of regulatory service activities.

The proposed priorities identified for the Brent & Harrow service had been detailed within the Work Plan attached as Appendix 2 of the report, which had been categorised as high, medium and low priority areas. In addition the work plan included projected work volumes for each team during 2021-22, although it was noted these would remain subject to change given the variable nature of the work

undertaken by the service and as work transitioned to a more routine nature exiting the pandemic.

In reviewing the priorities identified, the Board made the following comments:

- Further details were sought on the work being undertaken with local business in order to support them in encouraging trade moving out of the Covid lockdown arrangements. In responding, Anu Prashar recognised the unprecedented impact which the pandemic had created on the local business community and need for the service to be able to adapt its approach in terms of supporting the economic recovery process where appropriate. Significant communication continued to be undertaken with local businesses in order to maintain the positive relationship already developed and signpost them to the relevant advice and guidance. Inspection visits were also now recommencing, although the Board were advised that as the number of premises starting to open increased these would become more reactive rather than proactive in nature. It was noted that the approach adopted by Harrow during the pandemic had been different to Brent with an outside agency being used to support as Covid marshals.
- Support was expressed by the Board for the inclusion of work to tackle underage sales of alcohol, tobacco and knives as an ongoing high priority for the service alongside the work being undertaken to tackle issues regarding the renting of property in the private sector by Estate and Letting Agents. In terms of the capacity to enforce new regulations affecting the rental sector, Members were advised that the issuing of Electrical Installation Safety certificates would fall outside the remit of the service.
- Whilst supportive of the work identified to tackle package travel holiday complaints, members queried this being classified as a medium rather than high priority. In response Anu Prashar advised that this related to the fact a majority of complaints were civil in nature and were currently subject to investigation by the Competition & Markets Authority (CMA). It was noted, however, that the service had been one of the first to instigate legal proceedings against a travel company.

Having considered the report the Board **RESOLVED:** To note and endorse the Trading Standards Work Plan for 2021-22 and priority areas identified as detailed within Appendix 2 of the report.

#### 9. **Date of Next Meeting**

**RESOLVED:** That the date of the next meeting be agreed as 6.00pm on Wednesday 9<sup>th</sup> June 2021 to be hosted by the London Borough of Harrow.

#### 10. **Any other urgent business**

None.

The meeting closed at 8.05 pm

COUNCILLOR D.KENNELLY  
Chair

**London Boroughs of Brent & Harrow  
Trading Standards Joint Advisory Board  
9 June 2021  
Report from the Senior Service Manager**

**FOR INFORMATION**

**TRADING STANDARDS ANNUAL REPORT 2020/2021**

**1.0 Purpose of the Report**

- 1.1 This report presents the Trading Standards annual report for the year 2020/2021.
- 1.2 It is a requirement of the Trading Standards Consortium Agreement that an annual report is presented to the Joint Advisory Board which includes details of the work undertaken by each borough team during the financial year to which it relates.

**2.0 Recommendations**

- 2.1 That Joint Advisory Board Members take note of the report and provide comment where appropriate.

**3.0 Details**

- 3.1 The Trading Standards Service operates on a joint consortium basis between the London Borough of Brent and the London Borough of Harrow, with Brent being the host authority. In accordance with the contractual terms between the two boroughs, an annual report must be presented to the Trading Standards Joint Advisory Board.
- 3.2 The Service carries out the local authority's statutory duties relating to the legislation enforced by a Weights and Measures Authority. This gives the Service responsibility of enforcement and legal powers under, hundreds of Acts of parliament or statutory instruments.
- 3.3 The Service seeks to promote and maintain a fair and equitable trading environment for consumers and businesses alike, creating a level and equal marketplace in which consumers can spend in confidence and business can confidently trade. Our duties extend to all business types including those who trade online and the growing internet marketplace, our local high streets, commercial business parks, trading estates, those who trade from their homes and door to door tradespeople.
- 3.4 A copy of the report for the year 2020/2021 is attached as an Appendix for Members' information and consideration showing some of the work conducted and our achievements during that financial year.

- 3.5 Members will note that the outputs of the Service during the last 12 months, have primarily focused on supporting and regulating businesses throughout the Covid 19 pandemic, educating and ensuring compliance with all the evolving Covid secure requirements.

#### **4.0 Financial Implications**

- 4.1 At The Trading Standards Service for 2020/2021, was provided within its agreed net budget.

#### **5.0 Legal Implications**

- 5.1 There are no legal implications arising from this report.

#### **6.0 Equality Implications**

- 6.1 The proposals in this report have been screened to assess their relevance to equality and were found to have no equality implications.

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 There is no requirement to specifically consult Ward Members about this report as it affects all wards across both Boroughs.

#### **8.0 Human Resources Implications**

- 8.1 There are no staffing or property implications arising from this report.

#### **Contact Officer**

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, [anu.prashar@brent.gov.uk](mailto:anu.prashar@brent.gov.uk)

ANU PRASHAR  
SENIOR REGULATORY SERVICE MANAGER

# Brent and Harrow

## Trading Standards

Annual Report  
2020/2021



Regulatory Covid team including Trading Standards staff before visiting businesses.

### Introduction

This Annual Report highlights some of the key work outcomes delivered by the Trading Standards Service for the period of the April 2020 to March 2021. The service is managed by Anu Prashar with Samuel Abdullahi covering a Team Leader role. The Service

Manager reports to the Head of Regulatory Service, Simon Legg, who has overall responsibility for Food Safety, Air Quality, Licencing and Health and Safety. This team sits within the wider Regeneration and Environment directorate.

### Covid 19 Pandemic

The Trading Standards Service work has been dominated by the national response to the Covid 19 Pandemic and our need to respond to issues that have arisen during this time. There has been rapid changes and issuing of new legislation, some of which, with relatively short notice. Officers had to get to grips with interpreting this legislation, enforcing it and training up colleagues in other Services. The Trading Standards team continues to be at the fore front in providing rapid and very responsive solutions to the interpretation and implementation of the various legislative changes imposed on the nation and the regional tiers, as we have progressed through dealing with the pandemic.



### COVID ENFORCEMENT ACTION

43 Prohibition Notices were issued to non compliant traders and  
15 Fixed Penalty Notices issued  
resulting in a total of  
**£14,500**  
in penalties.



**13,332**  
businesses visited and  
checked and  
**2,985**  
businesses advised  
verbally and in writing.

The team  
have had almost

**40**  
pieces of  
new legislation  
on Covid to enforce.



## Product Safety

Advisory work remains a constant for local businesses on safety issues including support around due diligence, compliance, risk assessments and importation of goods. We have worked with our national regulator, the Office of Product Safety and Standards (OPSS) to identify sellers of unsafe products in our area and online.

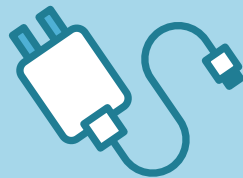


The team intercepted the importation of **2000 fire blankets** and **2300 hair clippers**.

These were found to be unsafe, and destroyed. The same items were found on the sites of 37 other national sellers which had their listings removed.

**100 unsafe**

mobile phone adapters seized from a trader



**100**

non compliant cosmetics removed from sale preventing any risk or harm to consumers



The sites of online sellers have been suspended following intervention by the team

**1,000 expanding decorative balls** which failed to comply with General Product Safety Regulations were removed from its selling platform.



**68**

used car dealers advised on their legal obligations. The Service consistently receives high numbers of complaints including unroadworthy and unsafe cars.



## Consumer Advice

The Service continues to work with our partners Citizen's Advice Consumer Service. Any enquiries they receive which concern either a Brent or Harrow resident or business are referred to us if an alleged criminal breach is identified. Unfortunately, we cannot investigate every complaint so we continue to operate a system of risk assessing each enquiry and prioritise the most serious ones to ensure our resources are applied to those situations where they are needed the most.

**679**

complaints investigated by the team



## Doorstep Crime



**7 rapid response visits**

to our most vulnerable residents who were targeted by rogue traders for unnecessary work and inflated costs. These crimes include aggressive business practices. Over £11,000 saved by our consumers as a result of our interventions.

We have supported those residents by overseeing the appointment of new, legitimate builders to resolve damage caused by rogue traders.

We have

**8 video doorbells**

which are in the homes of our most vulnerable residents, including those who have been victim of doorstep crime.





## Ports work

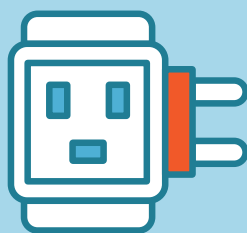
We continue to deal with referrals from the Ports team of non-compliant products stopped at the borders designated for our area. Following Brexit in order to avoid delays at the borders, the team supervised importations from our businesses to check compliance at a local level. This includes cosmetics, personal protective equipment (PPE) and electrical goods. We have dealt with over a million items of non-complaint PPE/Medical masks and thousands of litres of hand sanitiser. Visits have been carried out to large scale importers supplying PPE nationally to small cottage enterprises with little or no knowledge on the legal requirements of these items. We have worked with Medicines and Healthcare Products Regulatory Agency (MHRA) and OPSS to ensure non compliant items do not enter the UK, are removed from the market, or repurposed where possible.



**1,000,000** counterfeit filtering face masks removed from the UK Market.

**303,000** face masks removed and destroyed from the supply chain.

**500,000** medical face masks quarantined/or repurpose as face coverings with labelling and instruction changes.



**30,000** units of a Travel Adapter posing a risk of fire or overheating as a result of poor electrical connections. We worked with the business to take appropriate corrective action and a formal product recall was issued.



We intervened in the importation of over **150,000** hand sanitisers for incomplete labelling, or misleading anti-bacterial claims. These items were either refused entry and re-exported out of the UK, or are due to be destroyed.



The Service was notified about the importation of

**1400** toys inadequately labelled. We worked with the importer on relabelling to bring the goods into compliance and Christmas orders could be met.

## Business Advice

We continue to provide advice to businesses and traders to help enable and support economic growth during these difficult times. Our experience is that the majority of businesses and traders in Brent and Harrow seek to trade fairly and ensure they maintain necessary standards. Our support, increases business confidence, helps to streamline processes, reduce costs and maximise compliance with a wide ranging spectrum of legislation. We have publicised advice and guidance around the EU exit and the end of transition period to offer guidance to businesses whose economic role will alter thereafter. We have highlighted the new requirements of the UK based Cosmetic Product Notification (SCPN) to support our cosmetic importers and ensure they are up to speed with the new rules.

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**114**

Traders and businesses given advice of over 100 hours on other areas not including Covid 19.



**83 Hours**

supporting our Primary Authority businesses with advice, assistance and dealing with their requests as a priority



## Financial Investigations

The Financial Investigation team secured 17  
confiscation orders secured totalling

**£2,065,498.10**

**38**

production orders were granted at Crown Court for  
access to defendant's financial records, e.g. bank  
accounts etc.

**1**

restraint order secured.

The service received

**£431,017.34**

from the Home Office as part of the Asset Recovery  
Incentivisation Scheme

## Intelligence

We fed

**107 intelligence  
reports**



into the National Intelligence  
database which has assisted in  
prioritising our own work,  
sharing information on a national  
basis and identifying common  
trends and threats to our  
consumers and businesses.



## Case details for the POCA order totalling £739k

On 12th February 2021 a Crown Court Judge ordered a landlord to pay back £739,263.58 in illicit earnings made from overcrowded properties in Willesden. It is believed to be the largest order for a planning breach made anywhere in the country this financial year (2020/2021). The enormous order was made following a prosecution brought by the London Borough of Brent. The Judge sitting at Harrow Crown Court, made the order against the defendant and told him that he would face a prison term of 5 years and 9 months if he did not pay the order in full within three months. The defendant was found guilty of failing to comply with planning enforcement notices in April 2018 at Willesden Magistrates Court, as a result of investigations by Brent Councils Planning Enforcement Team. The case was then referred to Harrow Crown Court for confiscation proceedings under the Proceeds of Crime Act 2002. Detailed investigations carried out by a Financial Investigator revealed the extent of the illicit earnings made by illegally renting out the properties, which were owned by the defendant and his father. The properties were used as houses in multiple occupation providing undersized and substandard accommodation. The defendant was also ordered to pay Brent council £30,000.00 to cover its legal costs in the long-running case.

## Fireworks



**29**

firework licences  
were issued by  
the service.

## Training

Staff received over

**200 hours**

training to enhance their  
knowledge and skills.



## Award



**Andy  
Faulkner**

won the

**'Judges Award'**

in the Fighting Fraud and  
Corruption Locally Awards 2020  
for his hard work and  
professionalism in bringing a  
criminal gang to justice in 2019.

**London Boroughs of Brent & Harrow  
Trading Standards Joint Advisory Board  
9 June 2021  
Report from the Senior Service Manager**

**FOR INFORMATION**

**INVESTIGATION OF UNSAFE ELECTRICAL EQUIPMENT**

**1.0 Purpose of the Report**

- 1.1 To provide a briefing to the Joint Advisory Board Members on an investigation and the successful prosecution carried out by Brent and Harrow Trading Standards into unsafe electrical equipment imported and sold by a Brent electrical importer/wholesaler. .

**2.0 Recommendation(s)**

- 2.1 That Joint Advisory Board Members consider the report and note the outcome of the investigation.

**3.0 Detail**

- 3.1 In August 2019, the Service made an online test purchase of an electric body massager costing £19.99(see appendix 1, photograph 1). The item was chosen because the importer based in Brent, had received numerous advice on importing and supplying safe products especially electrical items, which can lead to electrocution and/or fires and are a serious risk to the safety of consumers. Despite receiving this advice, officers were concerned that it was not being followed and the business trading activities were deemed to be of a high risk.
- 3.2 When the massager was delivered to the Service's covert address, officers observed it was not marked with the required information under the Electrical Equipment (Safety) Regulations 2016. This included important contact details which allow traceability of the product by market surveillance authorities and economic operators, the local authority in this case.
- 3.3. The importer was found to be Vivo Technologies Limited (VTL), who had the responsibility as part of its safety sampling of the product prior to placing it on the market, to carry out checks on the products it was importing into the UK. This missing tractability details on the product should have been something a simple visual check would have showed that this information was missing and as such, the product should not have been made available for sale
- 3.4 Evidence showed VTL had failed to comply with his legal duties as an importer of electrical goods from the marking of the product, making sure the item had the

correct documentation, ensuring the item was safe to be placed on the supply market and ultimately to consumers to buy and use.

- 3.5 Tests carried out by electrical safety engineers on the item, showed labelling faults and failures that posed a risk of electric shock when it was used.
- 3.6 A risk assessment on the product found that the equipment posed a serious risk which in the very worst case scenario, could have resulted in death. The investigation found that the company had no supporting documentation for the equipment showing it was compliant. As such, the company on advice from trading standards, instigated a recall of all items sold to consumers.
- 3.7 Officers issued a suspension notice for 339 massagers found at the company's warehouse, (Appendix 1, photograph 2 for an example of the equipment packaging in the warehouse). This notice required the company not to supply or move the suspended items. If they did not comply with the notice, there are further criminal sanctions.
- 3.8 Further tests were undertaken by the electrical safety engineers on the on samples of the massager taken from the warehouse, which showed several electrical failures including overheating or arcing which can cause fires in the sockets.
- 3.9 Our risk assessment on the results of the testing report for the sample taken from the warehouse, found the equipment posed a serious risk for electrocution and burning both of which could produce high risk scenarios.
- 3.10 The company had imported 1,800 of the massagers from China into the UK.
- 3.11 On the 25 March 2021 at Willesden Magistrates Court, Vivo Technologies Limited pleaded guilty to five charges under the Electrical Equipment (Safety) Regulations 2016.
- 3.12 The magistrates noted that previous warnings had been given to the company by Trading Standards officers and that the company had not changed any of their procedures and were still not compliant.
- 3.13 The company was fined £16,000 and awarded the Service costs of £4,000. The magistrates ordered forfeiture and destruction of all the massagers (up to 1800 units) in the possession of either the service or the defendant company. This is the highest fine received by a company regarding safety issues in Brent and Harrow Trading Standards.

#### **4.0 Financial Implications**

- 4.1 The funding for the test purchase and subsequent technical examinations was provided via the Office for Product Safety and Standards (OPSS) to allow market surveillance of products by Trading Standards Services. The Service's incurred costs including the destruction and disposal of the items are covered by the court costs awarded to BHTS.

#### **5.0 Legal Implications**

- 5.1 All the offences were taken under the regulation 50 of the Electrical Equipment (Safety) Regulations 2016. The maximum penalty for a person guilty of an offence under this regulation in the Magistrates Court is an unlimited fine or imprisonment for a term not exceeding three months, or to both.

## **6.0 Equality Implications**

- 6.1 There are no equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 There is no requirement to consult Ward Members about this report.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 There are no human resources/property implications.

## **Contact Officer**

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, [anu.prashar@brent.gov.uk](mailto:anu.prashar@brent.gov.uk)

ANU PRASHAR  
SENIOR REGULATORY SERVICE MANAGER

## APPENDIX 1

Photograph 1 of the massager.



Photograph 2



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**London Boroughs of Brent & Harrow  
Trading Standards Joint Advisory Board  
9 June 2021  
Report from the Senior Service Manager**

**FOR INFORMATION**

**NEW NATIONAL REGULATOR FOR CONSTRUCTION  
PRODUCTS**

**1.0 Purpose of the Report**

- 1.1 This report provides Members with an update on the Government announcement on the 19 January 2021 that a new national regulator to oversee the enforcement of the legislation related to construction products is to be established. Currently, market surveillance and enforcement of construction products safety is the responsibility of local authority trading standards services. It is intended this new regulator will work alongside the trading standards service.

**2.0 Recommendations**

- 2.1 That Joint Advisory Board Members are asked to note the information as contained within the report and make comments where appropriate.

**3.0 Details**

- 3.1 On the 19 January 2021 the Government announced the establishment of a national regulator, responsible for ensuring that materials used to build homes will be made safer.
- 3.2 The new regulator for construction products will have the power to remove any product from the market that presents a significant safety risk and take formal action, including prosecution, against any companies who flout the rules on product safety.
- 3.3 This follows recent testimony to the Grenfell Inquiry that shone a light on the alleged dishonest practice by some manufacturers of construction products, including deliberate attempts to avoid the legislative requirements by allegedly not carrying out the requisite safety tests in the prescribed manner.
- 3.4 Regulated construction products are defined legally as *“any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works”*. Examples include doors, windows, gates, membranes, and insulation products.
- 3.5 The regulator is expected to hold strong enforcement powers including the ability

to conduct its own product-testing when investigating concerns. Businesses must ensure that their products are safe before being sold in addition to testing products against safety standards.

- 3.6 This announcement is seen as marking the next major step in the government's overhaul of regulatory systems affecting construction. Regulatory reform includes the publication of a Building Safety Bill, representing the biggest improvements to the regulations in 40 years, and a new Building Safety Regulator that is already up and running in shadow form.
- 3.7 Currently, Trading Standards are required to undertake market surveillance and enforcement of construction products. Although general product safety is a priority for the Service, construction products are a specialised area of law and items are usually expensive to test purchase and submit for testing thereby making it difficult for small local authority Trading Standards teams to carry out enforcement work.
- 3.8 Trading Standards carry out the enforcement of the Construction Products Regulations 2013 and have powers to issue notices or take formal action against economic operators (manufacturer, importer, distributor or authorised representative) who contravene the requirements of the regulations and supply non-compliant products. Officers are in a position to influence manufacturers and importers with regards to ensuring that products meet specifications and are tested and marked accordingly, but they are not best placed to be undertaking the role of assessing and enforcing what the building trade actually use in construction.
- 3.9 There is still little information about the regulator, but it is expected to operate within the Office for Product Safety and Standards (OPSS) which will be expanded and given up to £10m in funding to establish the new function. It will work with the Building Safety Regulator and local authority Trading Standards services to encourage and enforce compliance.
- 3.10 The new Building Products Regulator will establish a new regulatory system for building safety based on the findings of the government commissioned independent review. They will have the power to examine weaknesses in previous testing regimes for construction products and to recommend how abuse of the testing system can be prevented. It is expected that the new regulator will work with Trading Standards who will continue to conduct testing, inspections and of enforcement of the revised legislation.
- 3.11 The new regulator will be able to contribute to the government's pledge that a Grenfell type disaster should never happen again.

## **4.0 Financial Implications**

- 4.1 At the time of writing this report, no details have been provided as to whether there will be any specific funding made available to local authorities to assist with any enforcement duties that may arise. There are no financial implications, but this will be reviewed once the independent review has made its recommendations.

## **5.0 Legal Implications**

- 5.1 It is not yet clear whether there will be any statutory requirement for local authority Trading Standards to work with the new regulatory or whether this obligation will be discretionary. Nor are there any details provided on the level of commitment that might be required to any joint working arrangement.

## **6.0 Equality Implications**

- 6.1 The proposals in this report have been screened to assess their relevance to equality and were found to have no equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 There is no requirement to specifically consult Ward Members about this report as it affects all wards across both Boroughs.

## **8.0 Human Resources Implications**

- 8.1 There are no human resource or property implications arising from this report although it should be noted that the number of staff vacancies currently within the Service may result in a reduced ability to generate income, as well as the continued restrictions during the pandemic.

### **Contact Officer**

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ANU PRASHAR  
SENIOR REGULATORY SERVICE MANAGER

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