



Trading Standards Joint Advisory Board

Wednesday 8 June 2022 at 6.00 pm

To be held as an online virtual meeting via MS Teams

Membership:

Members Councillors:	Representing	First alternates Councillors:	Representing
Patel	Harrow	Greek	Harrow
Stevenson	Harrow	Blackman	Harrow
Suresh	Harrow	O'Dell	Harrow
Kennelly	Brent	Fraser	Brent
Crabb	Brent	Miller	Brent
Farah	Brent	Chohan	Brent

For further information contact:

(LB Brent) Andrew Phillips, Governance Officer
Tel: 0208 937 3679 Email: Andrew.Phillips@brent.gov.uk

(LB Harrow) Mwimanji Chellah, Senior Democratic Services Officer,
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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

The press and public are welcome to attend this meeting by viewing the live webcast. The link to view the meeting is available [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 a 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
1 Election of Chair (From amongst the London Borough of Harrow representatives)	
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
3 Deputations (if any)	
4 Minutes of the previous meeting	1 - 6
To approve the minutes of the previous meeting held on Wednesday 2 March 2022.	
5 Matters arising	
6 Trading Standards Annual Report 2021-2022	7 - 14
This report presents the Trading Standards annual report for the year 2021/22.	
7 Tackling Illegal Tobacco in 2021/2022	15 - 18
The purpose of this report is to provide Members with information on our work tackling the supply of illicit tobacco. This work was funded by Her Majesty's Revenue and Customs (HMRC) and was given the name of Operation CeCe (Op CeCe).	

8 Trading Standards New Legislation

19 - 24

This report provides Members with information regarding the new pieces of legislation that the local authority has responsibility to enforce which will be undertaken by Trading Standards and horizon scans new legislation announced by government.

9 Dates of Future Meetings

Members are asked to note the confirmed dates for meetings during the 2022-23 Municipal Year. The dates are as follows:

- Wednesday 12 October 2022 at 6:00pm to be hosted by the London Borough of Brent.
- Thursday 9 March 2023 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.



Trading Standards Joint Advisory Board

Minutes

**Held as an online meeting at 6pm on
Wednesday 2 March 2022**

Present (in remote attendance):

Chair: Councillor Janice Long

London Borough of Brent

Councillors:

Keith Ferry

London Borough of Harrow

Promise Knight

London Borough of Brent

Daniel Kennelly

London Borough of Brent

Hitesh Karia

London Borough of Harrow

Angella Murphy-Strachan

London Borough of Harrow

1. **Election of Chair**

RESOLVED: That Councillor Janice Long (London Borough of Brent) be elected as Chair for the meeting.

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

No declarations of interest were made at the meeting.

3. **Minutes of the previous meeting - 9 June 2021**

RESOLVED that the minutes of the meeting held on 9 June 2021 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 9 June 2021:

Minute 4 – Matters Arising - Outstanding Delegations

In response to the request for an update on progress regarding the outstanding delegations Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) advised these were in the process of being reviewed with Emma Phasey (as the newly appointed Head of Licensing and Enforcement, Harrow Council) with a further update to be provided at the next meeting.

5. Deputations (if any)

No requests for deputations had been submitted for the meeting.

6. Brent and Harrow Trading Standards Annual Work Plan

The Board received a report, presented by Anu Prashar (Senior Regulatory Service Manager, Brent Council) outlining the proposed Annual Work Plan for Brent & Harrow Trading Standards in 2022/23.

In considering the report, the Board were advised that the Work Plan had been developed to reflect the impact of the pandemic and Trading Standards budgets for 2022/23. 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 local priorities identified with the Corporate Plans agreed by Brent and Harrow.

The proposed priorities identified for the Brent & Harrow service had been detailed within the Work Plan attached as Appendix A 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 2022-23, although it was noted these would remain subject to change given the variable nature of the work undertaken by the service.

In reviewing the priorities identified, the Board noted:

- The inclusion of priorities identified through the National Trading Standards Board in relation to doorstep crime and scams, estate agency and lettings, illicit and counterfeit tobacco products (including vapes and underage sales), energy related fraud;
- The inclusion of priorities identified through London Trading Standards in relation to illicit tobacco products, doorstep crime, product safety, fair trading and scams;
- The fluid and flexible nature of the work programme, which had also included (as a low priority) single use carrier bag recharges

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

- Further details were sought on the monitoring of single use carrier bag charges and whether it would be possible for voluntary groups and organisations such as Friends of the Earth to support the process. In response members were advised that whilst it would be possible to engage with different organisations it had been the Town Centre Managers who had taken the initial lead in terms of promoting and monitoring the impact of plastic free initiatives within high streets.
- Whilst supportive of the inclusion of energy related fraud and energy certification for letting of properties, members were keen to explore how this activity could be linked to the wider objectives in tackling the climate emergency. Members were advised of the type of activities covered under each priority area, which included inspecting energy rating certificates when visiting premises and in relation to energy fraud including sales of solar panels. Enforcement and inspection activity in relation to rental properties in the private sector was more difficult and would need to be undertaken as part of the work focussed around Estate and Letting Agents. Members were also advised on the arrangements being established to monitor and issue energy certificates for public buildings.
- Support was expressed for the focus on doorstep crime and proceeds of crime as a high priority with further details sought as to how these would be monitored and enforced. In terms of tackling doorstep crime, members were advised of the arrangement in place with Citizens Advice to respond and investigate where specific cases were reported, although cases involving cash payments were more difficult to track. The Council had also partnered with the 'Scam Hub' initiative and also participated in national days of action throughout the year designed to engage and educate residents on ways to identify and avoid doorstep crime and scams. In terms of proceeds of crime, members were advised of the proactive work being undertaken in seeking to recover funds relating to the proceeds of crime.

Having considered and commented on the report the Board **RESOLVED** to note and endorse the Brent and Harrow Trading Standards Annual Work Plan for 2022/23. and priority areas identified as detailed within Appendix 1 of the report.

7. **Brent and Harrow Trading Standards Fees and Charges Report**

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 2022/23.

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 2022 which had been 4.8%. This had resulted in a proposed increase in the hourly rate for primary authority fixed fees from £63 - £67 per hour and for pay as you go fees from £78 - £83 per hour. Members were supportive of the aim to minimise other increases in fees and charges in order to continue supporting businesses as part of the ongoing recovery from the pandemic and to reflect the impact arising from the cost of living crisis.

In terms of the Financial Investigator fees it was proposed to keep these at the same level as 2021-22 in order to remain competitive with other local authorities offering a similar service, with confirmation provided that these fees would apply in relation to referrals by Harrow.

Members noted the reduction in income across the service for 2021-22, which had reflected the reduction in overall budget received by the service although activity remained on track relating the target set for the year.

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 2022/23.

8. **Benefits of Brexit Policy Report**

The Board received a report presented by Anu Prashar, providing Members with an introduction to the Prime Minister's policy paper 'The Benefit of Brexit: How the UK is taking advantage of Leaving the EU' and its potential impacts on Trading Standards.

In considering the report, the Board were advised that this area of work would be kept under review, with relevant updates related to legislative and regulatory frameworks to be presented to the Board moving forward.

Members were advised that the proposed approach set out within the policy paper was focussed around ensuring the UK's regulatory system was set up to maximise the opportunities available as a result of legislative freedoms arising from the UK's withdrawal from the EU and to ensure those laws and regulations which had been retained were right for the UK. As a result, the policy had set out four main objectives relating to the UK's approach towards regulatory reform (as detailed within section 3.5 of the report) supported by five new regulatory objectives (as detailed within section 3.6 of the report). These included creating a sovereign approach in regards to regulation in the future whilst also recognising what worked well and the need to maintain high standards both at home and globally.

The policy included (as detailed in section 3.7 of the report) a focus on different business sectors, including a number of areas relevant to Trading Standards functions which included weights and use of imperial measures; use of the crown stamp; product safety regime, control of chemicals; Aviation consumer policy; vehicle zero emission mandates; pet imports; online safety; tobacco control; low emission industrial practices and the approach towards minimising single use items.

Specific reference was also made to the role of local authorities as being key in delivery of any changes on behalf of their residents.

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

- In relation to online safety members were keen to explore how regulation might work and be enforced on which it was advised further guidance and legislation was awaited in terms of European wide engagement.

- Members also highlighted concern regarding potential costs associated with any change in relation to the introduction of weights and imperial measures.
- Clarification was also sought in relation to Aviation Consumer Policy with members advised of the current measures in place to tackle complaints relating to package holiday providers and online sales.
- In recognising the overall focus of the policy in relation to Trading Standard activity, members were supportive of the reference to measures designed to support tackling the climate emergency, single use culture, sale of illegal tobacco and other counterfeit goods and to address puppy and pet smuggling, although concerns were identified in relation to the impact on mobile roaming charges.

Having considered the report the Board **RESOLVED** to note the update provided and intention to monitor and review the subject areas in order to respond to any proposed changes or developments and with the Board to be updated as required.

9. **Date of Future Meetings**

Members noted the following provisional dates identified for meetings during the 2022-23 Municipal Year, which would be subject to final confirmation by each respective authority as part of the approval of their 2022/23 calendar of meetings:

- Wednesday 8 June 2022 at 6:00pm to be hosted by London Borough of Harrow
- Wednesday 12 October 2022 at 6:00pm to be hosted by the London Borough of Brent.
- Thursday 9 March 2023 at 6:00pm to be hosted by the London Borough of Harrow

10. **Any other urgent business**

As this was the final meeting of the Board prior to the local council election in May 2022 the Chair took the opportunity to thank all members for their support of the service and to wish those not standing in the elections (including Councillor Ferry) all the best for the future.

There were no other matter or urgent business.

The meeting closed at 6.55 pm

COUNCILLOR J. LONG
Chair

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
8 June 2022
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS ANNUAL REPORT 2021/2022

1.0 Purpose of the Report

- 1.1 This report presents the Trading Standards annual report for the year 2021/2022.
- 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 2021/2022 is attached as an Appendix for Members' information and consideration showing some of the work conducted and our achievements during that financial year.

4.0 Financial Implications

4.1 The Trading Standards Service for 2021/2022, was provided within its agreed net budget. There are no direct financial implications arising from this report.

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

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER

Introduction

This Annual Report has been developed to outline some of the key outcomes delivered by the Trading Standards Service for the period of April 2021 to March 2022. 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, Environmental Health, Licencing and Health and Safety. This team sits within the wider Regeneration and Environment directorate.

Product Safety

The work around product safety remains a key priority for us. The team advise and where necessary, enforced safety related legislation on importers and distributors. Our investigations have resulted in thousands of products being withdrawn from the UK and EU market.

Cosmetic Products

We have removed or prevented from entering the supply chain 18,000 non-compliant cosmetic products from from importers, online sellers and local retailers.

The team advised a business on how to amend the labels on **4,800** hair products to ensure compliance. Labels were rechecked before the products could be allowed into the supply chain.



10 types of soap products were removed from an on-line seller as they did not meet the requirements for the safety of ingredients and labelling.



Officers refused entry in to the UK of **1,600** shea butter creams and **1,000** soap products as there was no safety information with the products.



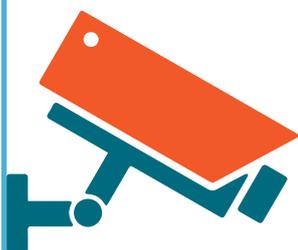
While carrying out other inspections, officers can sometime come across products they are not looking for. In one such inspection officers seized **60** Skin lightening creams which contained a prohibited substance, Mercury. Officers are currently investigating the business.



The team participated in a National led project into formaldehyde in hair care products and identified an importer of such products operating in Brent as well as an online seller decanting the product and selling it in travel bottles. In order to safeguard the welfare of consumers, approximately **2,500** hair straightening shampoos have been removed from sale.



In the most serious non compliances, officers take formal action such as prosecutions. After repeated breaches and ignoring advice of officers one such importer was prosecuted for supplying **1,800** unsafe electrical body massagers. The company pleaded guilty and was fined **£16,000** and we were awarded costs of **£4,000**. The products were forfeited and destroyed.



From our market surveillance work it was identified that a major high street name & global retailer had placed non-compliant cosmetic products on the UK market. Officers worked with the Primary Authority and retailer to identify products and risk levels, which resulted with the retailer issuing **2** separate withdrawal notices for **13** different product brands/lines (foot care, face care, hand care and hair products) for the UK, ROI, Germany, Poland and the Netherlands – at least **7,500 products** were withdrawn from sale.

Ports Work

A good working relationship between the ports teams and inland authorities help keep consumers safe, reduce costs and burdens on local authorities when dealing with non-compliant goods coming into the UK. We take a zero tolerance approach on any imports destined for Brent and Harrow, quarantined by the Port Authorities where safety standards are not met and may cause harm to consumers.



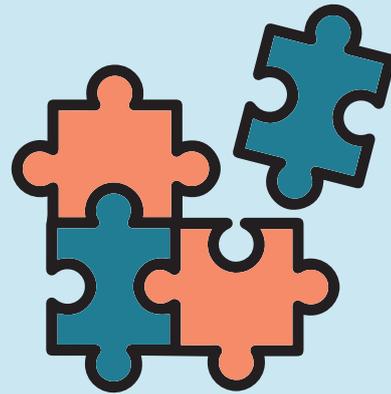
Brexit has seen an influx in local based businesses operating as a “Responsible Person” on behalf of Chinese export companies. Working alongside the Ports Authorities, we investigated a local business acting in this capacity, selling various products on well-known online sales platforms. The business model was not fit for purpose and fell short of product safety compliance requirements – since our investigations, it has ceased trading. The officers have to examine complicated compliance documents to assess whether goods can be released or must be destroyed. No goods that are quarantined for serious non-compliance will arrive in Brent or Harrow which saves officers time and reduces physical visits to business.

Where minor non-compliances are highlighted, we will agree to have goods released under our care to support businesses in resolving the issues and prevent any significant financial losses.

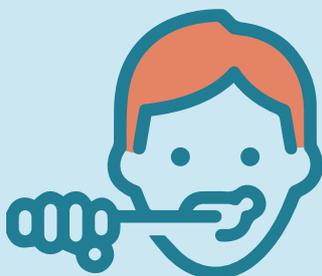
Results have included;



Almost **3,000** soft toys signed over to us by importers for destruction.



832 jigsaws stopped by officers coming into our area as they potentially harmful to children under the age of three.



Officers oversaw the importation of teeth whitening products from a local importer. Almost **10,000** non-compliant products were corrected after extensive advice by officers the products were relabelled and allowed to be placed back on the supply chain.



Officers worked with a business to relabel **600** baby cologne so they could be supplied in the UK.

Partnership Working

Throughout the year, we have continued to work closely with other teams in Regulatory Services in Brent and Harrow, often conducting joint visits with Licensing and Environmental Health to limit burdens on businesses. Home to Wembley Stadium, we support the enforcement operations around illegal sellers and brand protection on event days and deliver a clear enforcement message working in partnership with the Met Police, the FA, the NFL, UEFA and brand protection teams.

The EUROS were one of the largest sporting events post COVID restrictions and we delivered enforcement in the 7 games held at the stadium. There was close co-operation and partnership working with UEFA for brand protection and ambush marketing, Police, as well as our own Community Safety team, Environmental Enforcement and Neighbourhood Patrol Officers. Teams dealt with illegal street trading, brand protection and ticket tout disruption.

We seized or disclaimed approximately 2,000 posters, scarves, flags, whistles, T shirts, free sample goods and advertising leaflets.

We continue to support the high profile events at the stadium throughout the year, working with our partners to safeguard the fans and the integrity of the event. Fans in excess of 90,000 have attended and we continue to seize from illegal street traders and limit anti social behaviour.



Doorstep Crime



We continue to prioritise incidents of doorstep crime and have carried out 4 rapid responses following intelligence that rogue traders are operating in the boroughs.

A rogue Builder was prosecuted in March 2022 after taking **£60,000** from a Brent resident to fund a gambling habit. The resident, who has two small children stated the living conditions were horrific and it was evident the builders actions had a devastating impact on the lives of the family. The victim stated she felt incredibly fortunate to have had our support in bringing the case to trial.

One safeguarding referral was actioned to adult social services and we regularly “look in” on residents who have been the victim of this crime. We also managed to recover a **£2,000** refund for this victim.



Featuring on TV

Defenders UK on BBC 1 featured one of our rogue builder cases. The trader took **£97,000** and left the victim confined to one room, with no kitchen, running water or heating through the winter.

Community Engagement

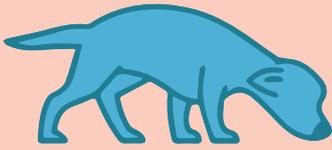
The team continues to work across the community to give advice and information. The service's website was recently updated as part of the council's upgrade.

The team met **24 local businesses** in the “Meet the Boroughs” event offering businesses the opportunity to get advice and guidance on products.



Projects

The team has continued to deliver Operation CeCe to tackle the sale of illicit tobacco.



Working closely with tobacco detection dog teams and test purchasers we have carried out **9 operations** and successfully targeted local businesses who supply these illegal products.

Almost 90,000 cigarettes, 4 kg of hand rolling tobacco and 45kg of shisha and smokeless tobacco have been removed in this operation.



We have just launched the first phase of a vape enforcement project to tackle the sale of nicotine inhaling devices that exceed permitted tank sizes, and fail to comply with the rules around labelling and product notification. The project emphasis is focused on underage sales over **75 businesses** have received advice.

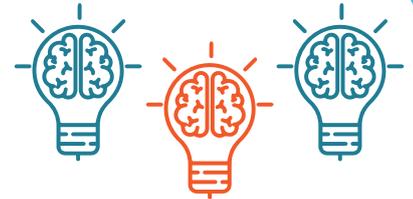
Approximately **3,000** non-compliant vapes have been removed from sale from retailers and wholesalers. This work will continue into **2022-2023** with planned test purchase operations and enforcement visits to seize non-compliant vapes.



Continuing from last year's project on second hand car dealers **4 were visited**. A withdrawal notice was issued against one vehicle found to have an insecure exhaust. This notice prohibited the vehicle from being sold until adequate repairs had been carried out, so the safety of any prospective purchasers was not compromised.

Intelligence

We have produced **111 intelligence reports** this year. These are uploaded on to our National Intelligence database and disseminated by our two Local Intelligence Liaison Officers. This assists us in prioritising our own work identifying the emerging trends and current issues of concern so we can targeted resources where they are needed the most.



Business Advice

Since the ending of the pandemic restrictions affecting businesses it has been paramount that we assist businesses and traders to help grow and thrive in Brent and Harrow. We have seen an increase in the number of small and micro importers selling online who have contacted us regarding advice.



We have responded to **112** requests for advice. Many have been from businesses which have changed from being distributors to imports due to leaving the EU.



Our officers have given over **84 hours** of advice to our Primary Authority businesses. We have continued to support these partnerships and have dealt with requests around Sunday trading restrictions, the use of child models, migration of harmful chemicals, and product recalls to name a few.

Apprentice

We have employed our first Apprentice, Rhea, in Regulatory Services. Her duties are to assist the Regulatory Service teams. Rhea is on course to successfully complete the Regulatory Compliance Officer Apprenticeship.



Complaints

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.

485
complaints
investigated
by the team

Financial Investigations



- **5 confiscation orders totalling - £469,131.19**
- **1 restraint order**
- **12 new case referrals**
- **14 production orders**

Due to the pandemic, officers could not undertake visits, and the number of prosecutions were reduced. There was a backlog in the court system which has meant delays in many trials.

Case 1

Confiscation order totalled £211,382.62

On 18th June 2021, a confiscation order was made under the Proceeds of Crime Act 2002 against a landlord, which totalled £211,382.62. He was ordered to pay up in six months or face 18 months in prison. This order was made following a conviction that Harrow Council secured in relation to an enforcement notice breach at a property in Harrow. This property had been converted from a single dwelling into four self-contained dwellings, without the required planning permission, so Harrow Council prosecuted the landlord for a breach of section 179(2) of the Town & Country Planning Act 1990. Following the conviction, Harrow Council used Financial Investigators employed by Brent Council to assist them with the confiscation proceedings, which resulted in the above mentioned confiscation order being made.

Case 2

Confiscation order totalled £111,582.57

On 1st September 2021, a landlord was ordered to pay £111,582.57 for the income received from illegally renting the properties to tenants for a profit. In addition to this, she was fined £18,000 in council legal costs and £15,000 for the breach of the notices. The owner built a number of extensions and converted them into seven flats and two bedsits all without planning permission. During the proceedings it was revealed that she was also in breach of another enforcement notice issued to another property in Wembley. The property had similarly been illegally converted into two homes, with rooms being rented out to multiple students on a short term basis without permission. This property was also formed a part of the confiscation proceedings.

Contacts:

www.brent.gov.uk/business/trading-standards
www.harrow.gov.uk/business/trading-standards

For consumers: **0808 2231133**
For businesses: **020 8937 5555**

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
8 JUNE 2022
Report from the Senior Service Manager**

FOR INFORMATION

TACKLING ILLEGAL TOBACCO IN 2021/2022

1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members with information of our work on tackling the supply of illicit tobacco. This work was funded by Her Majesty's Revenue & Customs (HMRC) and was given the name of Operation CeCe (Op CeCe).

2.0 Recommendations

- 2.1 That Joint Advisory Board Members consider the report and make recommendations or comments where appropriate.

3.0 Details

- 3.1 Op CeCe commenced in January 2021 with the aim of tackling the sale and supply of illicit tobacco products such as cigarettes, hand rolling tobacco and shisha. The objective behind this is for the disruption of illegal tobacco within England and Wales. HMRC provided funds to National Trading Standards (NTS) to carry out this work which were allocated to London Trading Standards on a regional level to allocate to those taking part in the project.
- 3.2 The Standardised Packaging of Tobacco Products Regulations 2015 state that certain tobacco products such as cigarettes packs and hand-rolling tobacco are required to be in a standardised packaging such as the shape, colour (specifically a non-shiny drab pantone colour) and prohibits the use logos and promotional graphics.
- 3.3 The Tobacco and Related Products Regulations 2016 lays down the requirements of 'the health warnings' needing to be in a prescribed format and in English.
- 3.4 The selling or the intention of selling tobacco products that do not comply with these regulations is a criminal offence and not only are the goods subject to seizure but the supplier may face prosecution. If found guilty, a maximum imprisonment of up to two years and/or an unlimited fine per offence could be imposed. If illegal

tobacco is found on a licensed premises it could also lead to a representation to review the license being made.

- 3.5 Furthermore, Trade Marks Act 1994 makes it illegal to have in possession for supply tobacco packs that have not been produced with the permission of the owner of the relevant trademarks displayed on the packs. If the trader is found guilty a maximum imprisonment of up to ten years and/or an unlimited fine per offence could be imposed
- 3.6 The main focus of Op CeCe is for the national disruption of the illegal tobacco trade. Funding was available for disruption work involving test purchasing of illicit tobacco and tobacco enforcement days with specially trained sniffer dogs that can hunt out illicit tobacco. The funding did not cover the cost of investigations or prosecutions or under age test purchase operations.
- 3.7 Within the period commencing April 2021 and March 2022, we applied to LTS for such funding to help tackle this issue within our boroughs. The majority of work undertaken by this Service was in relation to test purchasing and sniffer dog enforcement days.
- 3.8 Acting on intelligence and complaints* received from members of the public, business owners, the police and/or other sources, a total of 91 targeted visits were made to businesses to check compliance. The checks consisted of 43 test purchasing attempts, from which 15 sales were made. 48 businesses were visited with sniffer dogs and illicit tobacco was seized from 28 of these *Within the last three years, on average the Service receives 87 reports per year (80 in 2019, 89 in 2020 and 93 in 2021)



- 3.9 Almost 90,000 sticks (4,500 unit packs) of illegal cigarettes, 4kg of hand rolling tobacco, 45.10kg of smokeless tobacco and 0.95kg of shisha products have been seized. Amongst these 2,520 sticks (126 unit packs) of cigarettes and 0.7kg of

hand rolling tobacco were suspected to be being trade mark infringing. At the time of writing three letters of warning have been issued and a legal proceedings have commenced against a business. Further investigations are ongoing.



3.10 The benefit to the Service is that LTS has contracted with a test purchasing company to undertake the test purchasing on our behalf. LTS has also contracted with sniffer dogs companies to help assist with enforcement visits. The use of sniffer dogs during visits to businesses has been worthwhile as the dogs have been able to locate illegal tobacco products that are hidden within the business such as compartments located under the floor or concealed shelving underneath the counter.



- 3.11 Being very much intelligence led, Op CeCe has been worthwhile due to the Service concentrating its efforts and resources on businesses it has received reports about. Carrying out test purchases before a visit indicate whether the business was selling avoiding possible arguments that business owners claimed the illegal tobacco was for personal use. Furthermore, where a sale took place, this was subsequently followed by an enforcement visit with a sniffer dog, thereby increasing the chances of finding more illicit tobacco products.
- 3.12 OP CeCe started in January 2021 and it was originally set to run for a period of 15 months ending on 31 March 2022. This has now been extended further. LTS has put in a bid for more funding to continue Op CeCe and we are expecting it is highly likely that the funding will be granted. Therefore, as a Service we will put in further applications so that we continue on this area of work and utilise the resources made available by the project.

4.0 Financial Implications

- 4.1 The staffing resource to implement this will be met from within the Trading Standards base budget.

5.0 Legal Implications

- 5.1 There is 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

- 8.0 There are no significant staffing implications arising from this report.

Contact Officer

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ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
8 June 2022
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS NEW LEGISLATION AND STANDARDS

1.0 Purpose of the Report

- 1.1 This report provides Members with information regarding the new pieces of legislation that the local authority has responsibility to enforce which will be undertaken by Trading Standards and horizon scans new legislation announced by government.

2.0 Recommendations

- 2.1 That Joint Advisory Board Members note the additional duties.

3.0 Details

- 3.1 The Service has seen several new pieces of legislation and standards. These include a new standard for battery safety; restrictions on the sale of certain solid fuels; changes to energy labelling requirements; new rules on single use plastics; new age legislation regarding botox, cosmetic fillers, knives and corrosive substances.

New standard for button battery safety

- 3.2 These batteries are incredibly dangerous if they are swallowed. They are found in toys, medical devices and electrical devices such as key fobs and remote controls. The standard gives guidance about what warnings are needed, securing the batteries and displaying products in shops.
- 3.3 The British Standards Institute (BSI) has published the first standard to address the safety issues posed by button (non-lithium) and coin (lithium) batteries. The new Publicly Available Specification (PAS) standard 'PAS 7055:2021 Button and Coin Batteries - Safety Requirements - Specification' - is aligned with The General Product Safety Regulations 2005 (GPSR), which requires that new and used consumer products placed on the market are safe.
- 3.4 The PAS specifies safety requirements for button and coin batteries up to 32mm in diameter to mitigate the risk of ingestion. It also defines the safety requirements for manufacturers and producers of button and coin batteries, including the consumer products that use them, and the retailers and distributors of these products.

- 3.5 The requirements cover:
- Labelling, instructions and packaging
 - Alignment of safety and health warnings
 - Merchandising
 - Safe disposal
 - Product safety of typical consumer products using button and coin batteries.

- 3.6 The Service has advised local businesses of these requirements including removing some products from being supplied to consumers.

Restrictions on the sale of certain solid fuels

- 3.7 The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 have been made under the Environment Act 1995 and place controls on sale of solid fuels (mineral fuels and wood fuels) for domestic use in England. The Regulations are intended to assist air quality pollution, by ensuring any fuel being offered for sale, is the least polluting. Local Authorities are responsible for enforcement of the regulations which took effect from 1 May 2021.

- 3.8 Retailers are required to:
- Check the fuel they supply is authorised and displays the 'Ready to Burn' mark
 - Store seasoned wood in such a way as to keep it dry.

- 3.9 Breaches of the legislation can be dealt with a £300 fixed penalty notice (FPN) issued by the local authority or a more substantial fine issued by the courts.

- 3.10 At the time of writing it is expected that Brent Trading Standards will undertake this duty. London Borough of Harrow will need to consider whether they wish for this responsibility to be retained within the authority or added to the remit of Trading Standards.

New rules on single use plastics

- 3.11 The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 place restrictions of the supply of single use plastic. In October 2020, restrictions were placed on straws, stirrers and plastic-stemmed cotton buds to the end user came into effect.

- 3.12 In April 2021, there was the extension of the carrier bag charge to all retailers, and the increase of the minimum charge from 5p to 10p, and in July 2021 there was the ban on small straws attached to beverage cartons intended to reduce the country's reliance on single use plastics.

- 3.13 Breaches of this legislation are dealt with in the Magistrates Court. At the time of writing it is expected that Brent Trading Standards will undertake this duty. London Borough of Harrow will need to consider whether they wish for this responsibility to

be retained within the authority or added to the remit of Trading Standards.

New age legislation regarding botox, cosmetic fillers

- 3.14 Botulinum Toxin and Cosmetic Fillers (Children) Act 2021, came into effect from 1 October 2021. It made it a criminal offence to administer Botulinum Toxin (commonly known as 'Botox'), or a filler by way of injection for a cosmetic purpose to a person under 18 in England, even if they have the permission of someone over 18. It is also an offence to make arrangements or book an appointment to provide these treatments to anyone under the age of 18 in England.
- 3.15 The purpose of the new law is to safeguard children from the potential health risks of Botulinum Toxin and cosmetic fillers. The age restriction has been set at 18 years as it aligns with age restrictions in England on other comparable body modifications which carry health risks, such as tattooing, sunbed use and teeth whitening.
- 3.16 The Act makes it the duty of the local Weights and Measures authority, (the legal name for Trading Standards) to enforce and any breaches can be dealt with at the Magistrates Court.

Age legislation regarding knives and corrosive substances.

- 3.17 From the 6 April 2022 the Offensive Weapons Act 2019 came fully enacted. The Act creates a new criminal offence of selling a corrosive product to a person under the age of 18. It also introduces new controls regarding the remote selling of knives to those under the age of 18 which includes online sales, mail-order or over the phone sales.
- 3.18 Section 64 of the Act confers a power on local Trading Standards to enforce within their area the new offences under the Offensive Weapons Act 2019 and existing offences relating to the sale, delivery etc of knives, corrosives products and other offensive weapons. Government have issued statutory guidance which should be taken into account when we are considering whether and how to proceed with individual cases.

Emerging issues

- 3.19 On the 10 May 2022, the Government revealed more than 30 pieces of intended legislation, some of which may have an impact on the Trading Standards as they relate to emerging subject areas relevant to the Service. These include Brexit Freedoms Bill; Energy Security Bill; Digital Markets, Competition and Consumer Bill; Product Security and Telecommunications Infrastructure Bill; Online Safety Bill.

Brexit Freedoms Bill

- 3.20 This will allow the government to amend, repeal or replace the large amounts of retained European Union (EU) law without having to propose new primary legislation each time. It will also remove the supremacy of retained EU law over UK law in the legal system.

Energy Security Bill

- 3.20 This will focus on paving the way for new, low-carbon technologies and growing the consumer market for electric heat pumps. It will also appoint Ofgem as the new regulator for heat networks and extend the energy price cap. This is area where we are of the opinion that new schemes are potential fertile ground for scammers.

Digital Markets, Competition and Consumer Bill

- 3.21 This is the vehicle for the planned crackdowns on “subscription traps”, fake reviews, and Christmas savings clubs as well as the administrative powers for the Competitions and Marketing Authority.

Product Security and Telecommunications Infrastructure Bill

- 3.22 The legislation will require manufacturers, importers and distributors of smart devices to comply with minimum security standards. Trading Standards is likely to have a role in relation to the labelling on consumer products.

Online Safety Bill

- 3.23 The legislation includes measures aimed at forcing online giants to take responsibility for protecting users and removing illegal content.

4.0 Financial Implications

- 4.1 Last year both authorities received ‘New Burdens Funding for Cosmetic Fillers and Offensive Weapons’ grant for 21/22 payments (part-year covering 1 Oct-31 March). Brent received £5,080 and Harrow £2,581 to carry out work within these areas. It is expected that we will received a further amount for 2022/23 but this has not yet been confirmed at the time of writing. Once it is confirmed, the Service will approach both council’s for the money to be placed in the appropriate budget.
- 4.2 In relation to the other duties, there is no specific funding provided. The duties will be prioritised on an individual basis and undertaken as required, within the existing budget.

5.0 Legal Implications

- 5.1 The legal implications arising from these duties have been summarised within the content of 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 human resource or property implications arising from this report.

Contact Officer

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