



Trading Standards Joint Advisory Board

Wednesday 12 October 2022 at 6.00 pm

To be held as an online virtual meeting

Membership:

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

For further information contact:

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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 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 (to be appointed from amongst the London Borough of Brent representatives)	
2 Declarations of Interests	
Members are invited to declare at this stage of the meeting, any relevant personal or disclosable pecuniary interests in the items on this agenda.	
3 Deputations (if any)	
4 Minutes of previous meeting	1 - 4
To approve the minutes of the previous meeting held on Wednesday 8 June 2022.	
5 Matters arising	
6 Trading Standards response to Cost of Living crisis	5 - 8
To receive a report providing members with an update on work being undertaken across the Trading Standards function to tackle the current cost of living crisis.	
7 Update on Trading Standards work to regulate Nicotine inhaling (Vape) Products	9 - 14
To receive a report providing members with information on Trading Standards work relating to the supply of non-compliant disposable 'nicotine inhaling products') commonly referred to as "vapes" or 'e-cigarettes'.	
8 Online Marketplace Product Safety Update Report	15 - 22
To receive a report updating members on the implementation and interim results of the Trading Standards Service's participation in an online marketplace product safety project for the London Trading Standards (LTS) Region.	

9 Date of future meeting

Members are asked to note the date scheduled for the final meeting of the 2022-23 Municipal Year:

- 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 their 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 8 June 2022**

Present (in remote attendance):

Chair: Councillor Anjana Patel

London Borough of Harrow

Councillors:

Norman Stevenson

London Borough of Harrow

Krishna Suresh

London Borough of Harrow

Harbi Farah (part)

London Borough of Brent

Daniel Kennelly

London Borough of Brent

Tom Miller

London Borough of Brent

In Attendance:

Councillor Nicola Blackman

London Borough of Harrow

Simon Legg, Head of Regulatory Services

London Borough of Brent

Emma Phasey (Head of Licensing and Enforcement

London Borough of Harrow

Anu Prashar, Senior Regulatory Service Manager

London Borough of Brent

Samuel Abdullahi, Team Leader

London Borough of Brent

Apologies:

Councillor Stephen Crabb

London Borough of Brent

1. Election of Chair

RESOLVED: That Councillor Anjana Patel (London Borough of Harrow) 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 – 2 March 2022**

RESOLVED that the minutes of the meeting held on 2 March 2022 be approved and signed as a correct record.

4. **Matters arising**

The following matter was raised in relation to the minutes of the meeting held on 2 March 2022.

Minute 4 – Matters Arising - Outstanding Delegations

In response to the request for an update on progress regarding the outstanding delegations, Emma Phasey (Head of Licensing and Enforcement, Harrow Council) advised that the Legal Department at Harrow Council was working on finalising the details. A further update would 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 Report**

The Board received a report, presented by Anu Prashar (Senior Regulatory Service Manager, Brent Council) outlining the Annual Report for 2021/2022.

The Trading Standards Service operated 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.

The Service carried out the local authority's statutory duties relating to the legislation enforced by a Weights and Measures Authority. This gave the Service responsibility of enforcement and legal powers under hundreds of Acts of parliament or statutory instruments.

The Service sought 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. Duties extended to all business types including those who trade online and the growing internet marketplace, the local high streets, commercial business parks, trading estates, those who trade from their homes and door to door tradespeople.

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

- Further details were sought on the monies raised from Proceeds of Crime financial investigation confiscation. It was advised that 50% went to the Government,

- 12.5% to the courts, and 37.5% to the local authorities;
- Members queried the performance management of the Service, and whether key performance indicators (KPIs) were taken into account in areas that needed improvement. It was advised that data existed that showed performance indicators, and the previous versions of reports had sections that itemised such information. However, the current format did not contain the information. This could be highlighted in future reports if required; and
- Support was expressed for the intelligence-led visit of premises, as it was recognised that not all businesses could be visited due to changes in legislation that required pre-arranged appointments to be made. However, there were exceptions, with the most-complained businesses, which could be visited at short notice.

Having considered the report, the Board **RESOLVED** to note and endorse the Brent and Harrow Trading Standards Annual Report for 2021/22.

7. **Tackling Illegal Tobacco in 2021/22**

The Board received a report presented by Samuel Abdullahi (Senior Regulatory Officer, Brent Council) which detailed the work on tackling the supply of illicit tobacco. This work was funded by Her Majesty's Revenue and Customs (HMRC), and was named Operation CeCe (Op CeCe).

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 was for the disruption of illegal tobacco within England and Wales. HMRC provided funds to National Trading Standards (NTS) to carry out the work which were allocated to London Trading Standards on a regional level to allocate to those taking part in the project.

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

- How funding for the operation was disbursed. It was advised that funding was not lump-sum but on specific activities. This provided that London Trading Standards managed some of the costs for individual authorities. ,

Having considered the report, the Board **RESOLVED** to note the outcomes in 2021/22.

8. **Trading Standards New Legislation and Standards**

The Board received a report presented by Anu Prashar (Senior Regulatory Service Manager, Brent Council). Members were provided details of new pieces of legislation that the local authority had responsibility to enforce which would be undertaken by Trading Standards, as announced by the Government.

The Service had seen several new pieces of legislation and standards. These included 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.

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

- Local Authorities were being given important powers, however, that did not translate into more personnel to undertake the work. It was advised that Brent and Harrow only had 9 Trading Standards officers between them. Therefore, much of the work would be intelligence-led, with collaboration from central London sources on sharing information;
- Clarification was also sought on whether local authorities would work with the Police where required. It was advised that some illicit activities required Police involvement, whilst others could be dealt with by the Service. Data and information would be shared with the Police.

Having considered the report, the Board **RESOLVED** to note the update provided.

9. **Date of Future Meetings**

Members noted the following dates for meetings during the 2022-23 Municipal Year:

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

10. **Any other urgent business**

There were no other matter or urgent business.

The meeting closed at 7.38 pm

COUNCILLOR ANJANA PATEL
Chair

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

FOR INFORMATION

HOW TRADING STANDARDS WILL RESPOND TO THE COST OF LIVING CRISIS

1.0 Purpose of the Report

- 1.1 The purpose of the report is to provide members with information of our work on tackling the current cost of living crisis.

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 'cost of living crisis' refers to the fall in 'real' disposable incomes (that is, adjusted for inflation and after taxes and benefits) that the UK has experienced since late 2021. It is being caused predominantly by high inflation outstripping wage and benefit increases and has been further exacerbated by recent tax increases and rises in fuel costs.
- 3.2 The cost-of-living crisis is beginning to have a significant impact on both our residents and business owners in every part of Brent and Harrow. Price rises driven by energy price inflation, alongside additional taxation, are having an impact on most, with those on the lowest incomes likely to be hardest hit.
- 3.3 The Trading Standards 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 The Service is key to protecting people, especially the most vulnerable, during a cost of living/energy/ inflation crisis when they need every penny and cannot afford to lose money through rising or misleading prices, misdescriptions, short measures, substandard services, fraud or scams.

- 3.5 The crisis will likely exacerbate problems in some areas, with a potential proliferation of illicit goods (unsafe imports, illicit tobacco, counterfeits) and increase scams in areas such as short measure fuel, short weight food and “energy efficiency” claims.
- 3.6 Trading Standards, equally, ensure that there is a level playing field for businesses many of whom (especially the smaller ones) are facing unprecedented problems just as they try to recover from the pandemic. Trading Standards are key as a source of advice supporting businesses from unreasonable consumers trying to drive a hard bargain and in enforcing against law breaking businesses.
- 3.7 In addition, the Service anticipate an increase in demand when cost of living is further felt in our communities. The most vulnerable cannot afford to lose any money at all to scammers and fraudsters. Business will need advice and will want action if they see others gaining an unfair competitive advantage by failing to comply with legal standards.
- 3.8 The Service may also see some businesses that are also hit with the cost of living crisis may be tempted into more reckless trading or worse, fraudulent activity if stretched financially.
- 3.9 The Service can support our residents and businesses in a range of different ways during the cost of living crisis. Below are main areas that the Service covers and how we are intending to support our communities.
- 3.10 **Illicit goods, including tobacco, alcohol and other counterfeit goods**
The Service aim is to keep people safe from the harmful impacts of illicit products.
- We develop intelligence on places where illicit goods are being sold.
 - We work with our partners to target these traders and seize the illicit goods.
 - We take appropriate action against these traders, publicise this to deter others from getting involved and publicise how to report illicit goods to the Service.
 - We monitor and enforce online platforms.
 - We tackle underage sales of restricted products including vapes.
 - We educate and warn the public what to look out for and avoid
- 3.11 **Weights and Measures**
The Service aim is to ensure that consumers are getting what they paid for.
- We test weighing machines to ensure that they are accurate
 - We investigate weights and measures complaints and take appropriate action when necessary.
 - We check pre packed products contain the amount they claim.
 - We publicise our results to inform and reassure our consumers.
 - We check that businesses aren't weighing goods incorrectly, such as including packaging.
- 3.12 **Product Safety**

The Service aims to ensure products manufactured, imported and sold in our area are safe regardless of their cost.

- We will continue with market surveillance, using intelligence, to monitor and ensure safety, especially of essential and high demand goods.
- We work with the Office of Standards and Safety and the Ports Authorities to ensure only safe products are supplied in our areas.
- We take appropriate enforcement action against those not complying with the law.
- We support business with advice about proportionate and effective due diligence checks they need to carry out and where possible, identify how expensive testing procedures can be minimised.
- We can help businesses with access to free fast and accurate product safety advice and our charges are favourable compared to private industry where assured primary authority advice is needed.

3.13 Fairness of the Trading Environment

We help honest businesses and make sure that they are not put at any disadvantage for trading fairly.

- We tackle fraudulent and non-compliant businesses, making sure we use proceeds of crime laws to ensure crime doesn't pay.
- We provide high quality business advice, up to seven hours free and then 'at cost'. This enables businesses and traders to get compliance right first time, and assist in making it cheaper than non-compliance.
- We publicise actions taken against non-compliant businesses and traders to deter other businesses from considering non-complying.

3.14 Greener Future

We help consumers make informed choices to enhance confidence in green markets.

- We will support work to improve the energy efficiency of rented accommodation.
- We will improve our understanding of green retro-fit issues to tackle mis-selling.
- We tackle greenwashing and green scams.

3.15 Increased Vulnerability of Consumers

We aim to keep our residents safe from financial loss and harm to their wellbeing.

- We raise general awareness of scams, among consumer and businesses, especially those related to cost of living, offers of help towards energy bills, council tax refund scams, pension pot scams, green homes grants and home insulation scams.
- We signpost vulnerable people to experts in the Customer Contact centre who know what welfare and financial support is likely to be available.
- We provide enhanced support to vulnerable persons to help them exercise their consumer rights and not be further disadvantaged by attempts to defraud them.
- We help tackle the harm from loan-sharks, raising awareness and working with the national illegal moneylending team.

- 3.16 At the time of writing, the Service is feeding into both councils cost of living strategies. Where necessary, we will update our approach to our priorities ensuring we offer businesses and consumers, as much support as possible while the crisis continues.

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 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

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

FOR INFORMATION

TRADING STANDARDS WORK REGULATING NICOTINE INHALING PRODUCTS

1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members with information of Trading Standards work on the supply of non-compliant disposable 'nicotine inhaling products' (a device used to inhale nicotine through a mouth piece) commonly referred to as 'vapes' or 'e-cigarettes'. For the purpose of this report, these products will be referred to as 'e-cigarettes'.

2.0 Recommendations

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

3.0 Details

- 3.1 It was brought to the attention of Brent and Harrow Trading Standards (the Service) that retailers were being supplied and supplying non-compliant disposable e-cigarettes within both Boroughs. This is also an issue that has been widely reported regionally across London and the United Kingdom.
- 3.2 Regulation 31 of the Tobacco and Related Products Regulations 2016 (TRPR) and the Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 makes The Medicines and Healthcare Products Regulatory Agency (MHRA) the competent authority for a notification scheme for e-cigarettes and refill containers in Great Britain and each district council in Northern Ireland.
- 3.3 Regulation 53 of the Tobacco and Related Products Regulations 2016 (TRPR) makes it the duty of each Weights and Measures authority in Great Britain and each district council in Northern Ireland to enforce the supply of e-cigarettes in accordance to the provisions of TRPR. 'Weights and Measures' authorities are the legal title used to refer to Trading Standards teams.
- 3.4 The TRPR sets out the following requirements in relation to e-cigarettes or refill container presented for retail sale;
- the tank not to exceed 2 millilitres for disposable or a single use e-cigarette, 10 millilitres for a refill container
 - must not contain nicotine in excess of 20 milligrams per millilitre

- the packaging must be child resistant and tamper evident as well as protected against breakage and leakage
- must not contain additives such as vitamins, colouring or prohibited additives in tobacco products
- must not contain substances other than the ingredients notified under regulation 31
- must include instructions for use, storage, list of ingredients, contact details of the producer/importer, warnings of risks, adverse effects, addictiveness and toxicity
- all e-cigarettes and e-liquids be notified to the MHRA before they can be sold

3.5 Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 also sets out the requirement as of 1 January 2021 for new products to be notified to MHRA by the producer.

3.6 A producer is anyone who manufactures, imports or re-brands these products.

3.7 Whilst many legal and compliance duties must in the first instance be fulfilled by the producer, in many cases, there is a prohibition that '*no person*' may supply e-cigarettes where the physical product, the products labelling or its presentation requirements as set out in the relevant legislation have not been met. It is therefore the retailer's responsibility to ensure that these requirements are fully met, before they are exposed for sale, offered for sale or supplied to consumers.

3.8 In March 2022, the Service started to engage with businesses to make them aware of the issues of non-compliance identified with e-cigarettes already being supplied in the U.K. Verbal and a specifically prepared guidance document was given to each business that was visited.

3.9 To date a total of 199 business premises have been visited and have been given a comprehensive advice. Inspections of stock within the premises has led to over 3,700 non-compliant e-cigarettes voluntarily removed from sale by businesses. A total of 770 e-cigarettes have been seized from businesses following re-visits which identified voluntary undertakings had not been followed. General none compliance covered areas such as tank size capacity, non-registration and incorrect warnings.

3.10 The visits were made to retail premises with the exception of one visit which was to a wholesaler and following a referral from another local authority, a local business trading on-line which had imported 25,000 e-cigarettes, following intervention and advice from the Service, the business successfully recalled 19,000 units. The issues were, the e-cigarette not having the adequate warnings, some of the vapes exceeded the maximum liquid volume and nicotine concentration and the importer was not able to provide adequate documentation for products imported in. The products had not also been registered.

3.11 Using a base of £5 per item, the removed products total a minimum retail value of £117,350 worth of noncompliant e-cigarettes have been removed from the supply chain within Brent and Harrow, thus far.

Examples of e-cigarettes containing nicotine that are non-compliant and not legal to be sold in the UK



3.12 All businesses that were visited were advised when sourcing new supplies of any e-cigarettes or e-liquid products to;

- Check that a compliant notification has been published in one of the Notified Product list and if the product cannot be found on the MHRA's website <https://cms.mhra.gov.uk/ecig>, to ask the supplier to confirm that it has been published and provide details to enable the retailer to confirm the products status.
- Check the 'Puffs' numbers that may be indicated on the products packaging. Any indicated 'puff' capacity above 650 is a good indicator that the liquid tank has a greater maximum capacity than the law allows.
- Check the indicated capacity of the tank is not greater than 2ml, if so then the products are not legal.
- Check if the products have the manufacturers/producers, importers or UK Responsible Persons contact details applied to them or on their packaging. One of these addresses must be in the U.K.
- Check the front and rear surfaces of the products packaging have the following health warning: "This Product contains nicotine which is a highly addictive substance"

This product
contains
nicotine,
which is
a highly
addictive
substance.



CORRECT

WARNING:
This product
contains
nicotine.
Nicotine is
an addictive
chemical.



INCORRECT

- 3.13 The businesses were advised to ensure that they acquire and retain documents such as receipts and invoices for the products they have purchased. This is not only good for tax and accounting purposes but it will also provide evidence as to who supplied the business should the products be found to be non-compliant, unsafe or counterfeit. Therefore, any documentary evidence that is to be relied upon for such purposes must indicate the full business name and address of the supplier and a description of the products. An invoice with a generic address and description of the products would not be acceptable.
- 3.14 Each business was also given advice not to sell e-cigarettes that contain nicotine to a person under the age of 18.
- 3.15 The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 prevents general retail sale of electronic cigarettes to people under 18 years old. The offence is derived from the Children and Families Act 2014 and is limited to a "person". The offence is therefore, restricted to the seller and a limited company rather than the owners of a business. The penalty is a maximum of £2,500.
- 3.16 The Regulations also makes it an offence for an adult who buys or attempts to nicotine inhaling product on behalf of someone under 18. This is intended to prohibit proxy sales, where a young person asks somebody over the age of 18, to buy the items for them.
- 3.17 The Service has carried out a total of 28 test purchases using child volunteers under the age of 18 purchase e-cigarettes. Sales were made on 8 occasions, this represents a noncompliance rate of 28.5%. The sales are currently under investigation.
- 3.18 Disposable e-cigarettes have increasingly becoming popular with younger people. They are cheaper than cigarettes and due to the variant sweet flavours hence the popularity and are very much being sold in business premises such as hair

dressers, phone accessories that one would commonly not associate with these types of products.

- 3.19 E-cigarettes are an age-restricted product because there is potential for users to become addicted to nicotine-containing e-cigarettes, and we do not yet know the long-term effects of these on health.

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

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

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

FOR INFORMATION

ONLINE MARKETPLACE PRODUCT SAFETY UPDATE

1.0 Purpose of the Report

- 1.1 To provide a briefing to the Joint Advisory Board Members on the implementation and interim results of the Trading Standards Service's participation in an online marketplace product safety project for the London Trading Standards (LTS) Region.

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 LTS is comprised of 32 London member boroughs with many of these having individual officers who are involved in specialised groups that reflect the main areas of Trading Standards work. The LTS product safety group have been involved in many projects in recent years including the following, part worn tyres, skin lightening cosmetics, after market phone chargers and toy safety projects.
- 3.2 This year's project commenced in June 2022. It was agreed to make the best use of our resources, this product safety project would focus on identifying non-compliant and unsafe products sold via the two large online marketplaces, AMAZON and eBay. Both of these websites have Primary Authority agreements with two local authorities, which helped to facilitate the removal of any unsafe goods in an efficient manner and in many cases, immediately.
- 3.3 The Service had already worked with eBay prior to this project so we were able to utilise our pre-existing relationship which also assisted us.
- 3.4 Most products purchased online by Brent or Harrow based consumers, will be supplied from businesses that are outside of our areas or indeed sourced from overseas sellers. This can create issues identifying which local authority has jurisdiction over the seller and exactly where the goods and/or the trader is based. In this project, the removal of listings for non-complaint and unsafe products and potential sanctions imposed against sellers by the hosting website such as suspension of seller's accounts, enables a simplified route to remove unsafe goods from supply chains and I protect online consumers.

- 3.5 The project brief prioritised certain products based on intelligence and previous complaints received. These indicated a high level of concerns regarding items such as skin lightening cosmetics, products purporting to be cosmetics but are in fact unlicensed medicines, phone chargers, mothballs and electrical adapters.
- 3.6 Appendix A contains examples of unsafe products the Service was able to identify which were subsequently removed from sale.
- 3.7 The sample products shown in this report are just a small representative sample of the varied products that we have identified and had removed. A number of the unsafe products were listed and shipped from countries outside of the U.K. where these products are not subject to the same in-depth safety legislation. These countries include China, Jamaica, India and Sri Lanka.
- 3.8 To date, the Service has requested the removal of over 1,300 listings, relating to over 2000 individual products. The project is continuing until March of 2023 and therefore it is expected that these figures will increase significantly.
- 3.9 A number of previously undiscovered issues for example the decanting of larger cosmetics containers into smaller ones, where traceability and the safety of the product cannot be verified, a manufacturer of cosmetics outside of the UK placing their products on the market without evidence that the products are safe. These have been reported to the Office of Product Safety and Standards (OPSS) who are currently undertaking their own supply chain investigation and sampling project.
- 3.10 The websites have also used our feedback to identify possible issues with their compliance procedures and have also improved their 'algorithm' system that automatically identifies illegal items listed by sellers. They have also suspended or removed seller accounts where continued non-compliance has been identified.
- 3.11 As the project continues, our work will feed into the wider LTS project. The Service will expect that both AMAZON and eBay to take the necessary steps to make sure that only safe products are listed and those that are not are removed. We will publicise the final results at the end of this project.

4.0 Financial Implications

- 4.1 The up-front costs of test purchasing and testing are met by OPSS.

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

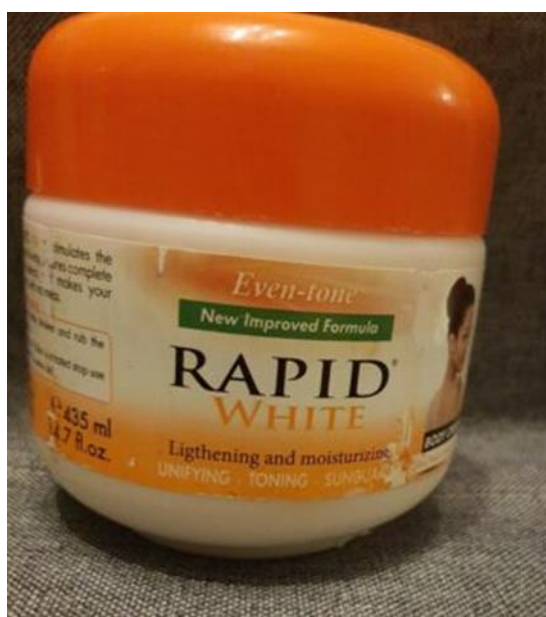
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EXAMPLES OF UNSAFE PRODUCTS REMOVED FROM SALE

3 pin plug adapter with unsafe pins and access to live parts (risk of electric shock)



Skin lightening cream containing a prohibited and unsafe ingredient (Hydroquinone).



Cosmetic product making unsubstantiated curative claims that also contains creosote and Turpentine.



Neoprosone cream, marketed as a cosmetic product but contains a powerful corticosteroids only permitted in prescription medicines.



Mothballs containing a prohibited carcinogenic substance (Naphthalene)



Skin bleaching cream containing 3% Ammoniated Mercury (a prohibited substance)



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