



LONDON BOROUGH OF
HARROW

MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD
Wednesday 6 November 2024 at 6.00 pm

Present:

Chair: Daniel Kennelly London Borough of Brent

Councillors:	Nicola Blackman	London Borough of Harrow
	Krishna Suresh	London Borough of Harrow
	Pritesh Patel	London Borough of Harrow
	Bhagwanji Chohan	London Borough of Brent
	Steve Crabb	London Borough of Brent

1. **Election of Chair**

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

2. **Apologies for Absence and Clarification of Alternate Members**

Apologies for absence were received from Simon Legg (London Borough of Brent), Councillor Krupa Sheth (London Borough of Brent) with Councillor Bhagwanji Chohan substituting and Emma Phasey (London Borough of Harrow) with Gareth Jones attending on her behalf.

3. **Declarations of Interests**

None.

4. **Minutes of Previous Meeting**

RESOLVED: That the minutes of the meeting held on Thursday 6 June 2024 be approved and signed as a correct record.

5. **Matters Arising**

None.

6. **Deputations (if any)**

No requests for deputations had been submitted for the meeting.

7. Trading Standards Mid Year Review Report 2024-25

Samuel Abdullahi (Senior Enforcement Officer for Brent Council) presented the mid-year review report for the year 2024-2025. In presenting the report, members were advised it provided an update on the Service's performance mid-way through the year highlighting some of the key achievements and some challenges faced, with the following points noted:

- The Service received 2,163 service requests during this period from various sources, such as consumers, businesses, other local authorities and enforcement bodies.
- The Service had responded to 69 business enquiries or requests for advice. 32 of these have been for the Brent Team and 37 for the Harrow Team.
- The Service had delivered 25.5 hours of tailored advice to businesses in connection with product safety. This related to physical and online compliance on clothing and electricals items and some product recalls were also initiated.
- During the ongoing cost of living crisis, Trading Standards continued to enhance the safety of products and promote a fair trading environment within their boroughs.
- One of the areas of concern had been focussed on the supply and sale of second-hand tyres (part-worn tyres).
- The Service had continued to visit businesses to test weighing scales with 5 businesses having been inspected across both boroughs and it discovered the scales were in fact calibrated to the benefit of the customer.
- The Service visited 31 businesses (17 in Brent and 14 in Harrow) that were considered as high risk or amongst the most complained about. An Officer recently secured a refund of £1,500 from a car dealer in Harrow following a complaint received concerning the description of a vehicle.
- Referrals were received from the Office for Product Safety and Standards and colleagues at the Ports about businesses in the borough either importing or selling unsafe products and the team continuing to work to ensure companies met the necessary compliance standards. As an example, the Board were advised that officers had been working with a Harrow based company concerning a Climbing Arch product. The company had carried out a product recall and were currently working with the team to ensure that the replacement being put on the market was safe.
- The team have conducted online audits of agents actively advertising rental services as well as responding to complaints. The team had examined the websites of 15 (10 Brent and 5 Harrow) businesses and inspected 6 agents (2 Brent and 4 Harrow). 2 of the agents visited, 1 in each borough had been issued with a Notice of Intent (NOI) to issue monetary penalties as they had been found not to comply or display their fees.
- Operation CeCe (Illicit Tobacco Enforcement) began in 2021 to tackle the sale and supply of illicit tobacco products and a total of 22 businesses had been visited during this reporting period (15 in Brent and 7 in Harrow). No illicit tobacco products were found at the businesses in Harrow, with the inspection including use of a tobacco sniffer dog. In Brent officers seized illicit tobacco from 10 of the businesses visited but found nothing in the other 5. Further dates have been scheduled for additional Operation CeCe operations during

- the final half of the year, with 2 having been completed and another 2 to complete before the end of December 2024.
- 23 businesses have so far been visited to check compliance with regard to the sale of age restricted products to minors. 12 of these have been Brent and 11 in Harrow. Out of the 11 businesses in Harrow, 2 of these had sold to the child volunteers.
 - 13 advisory (5 Brent and 8 Harrow) visits were made to businesses within both boroughs that were identified as selling knives. The purpose of these visits was to advise and ensure that the businesses were storing and displaying knives safely and securely.
 - A total of two cases were concluded in court during the reporting period both cases were concerning the sale of an age restricted product to a minor. In May, at Willesden Magistrates court a business in Brent had been convicted for the sale of a Nicotine inhaling product (vape) to a person under the age of 18. The judge fined the company £600 and ordered a victim surcharge of £240 and costs of £800 to be paid. In June, Willesden Magistrates court had fined a business in Harrow £300 with them ordered to pay £300 costs and a victim surcharge of £120 for the sale of alcoholic beverage to a person under the age of 18.
 - The team had generated/inputted 59 intelligence reports on the National Intelligence Database (IDB) to help assist in identifying any local, regional, or national emerging trends.
 - The team was set to deliver a rapid response service to residents to prevent, disrupt, and deter doorstep criminals. To date, the team had received a total of 3 callouts (2 in Brent and 1 in Harrow), which had led to total savings of £9,000 in Brent.
 - In April, a Harrow resident saved a total of £28,000 after being cold called by a rogue builder posing as a surveyor who falsely identified some work that they claimed needed to be carried out. The resident was quoted £30,000 for the job and paid a deposit of £2,000 before the team's involvement.
 - In regards to work volumes, work areas were constantly reviewed with the teams having regular meetings to assess where they are and then put in place action plans to ensure that they achieve the maximum output of work by the end of the year, which will be reported in the Annual Report for 2024/25.

The Chair thanked Samuel Abdullahi for his report and welcomed questions from Board, with the following noted:

- Concern was raised about paan spitting and the impact of this on residents. Samuel Abdullahi said that paan spitting did not fall under the remit of Trading Standards, however following a recent meeting it was agreed to assess how to tackle this issue collectively. Gareth Jones informed the Board of the work specifically addressing paan spitting supported by Chris Whyte who advised of the deployment of Environment Enforcement Officers to areas where paan spitting was common like Wembley, involving the issuing of Fixed Penalty Notices if someone is caught spitting. Recognising the issue as a public health concern work was also ongoing with the community, its leaders, GP's and medical centres to promote the message around the harm caused by chewing paan. Samuel Abdullahi stated that if any of the paan contained tobacco then Trading Standards could take action.

- Councillor Patel highlighted that chewing paan often did contain tobacco and also highlighted that a lot of tobacco looked like sweets and came packaged as such so may not be easily seen by the team. Samuel Abdullahi stated that the team were aware of the different types of paans and the paan that looked like sweets was considered smokeless tobacco and would be seized.
- In regards to product safety, there was a concern in regards to fake medicines being sold. There was a demand for medicines, such as Diazepam and Xanax and some of them contained synthetic opioids, which is classed as Class A drugs. Anu Prashar stated that the team do come across fake medicines at times, usually alongside illicit tobacco. Any fake medicines are referred to the Medicine Agency and removed from the shop. Some of these medicines may not be fake but have been illegally imported.
- Regarding the sale of gas canisters, which young people were using to get high, concern was raised about this also being a fly tipping issue. It was clarified that this was a Police matter. Recent changes in legislation meant that the large gas cannisters could not be sold in small shops. Gas canisters were meant for catering and it was suspicious that small shops were selling them.
- Alcohol being sold under the counter and spices being mixed without the manufacturer's consent was raised. Anu Prashar explained that the Enforcement Code prevented the Service visiting every shop on the high street instead the team were intelligence led. In regards to the concerns highlighted, again the team would need to be informed of the specific business involved. This would involve the Environment Health team but regardless of that the team would still like to receive information regarding this.
- The Chair noted the improvement in Harrow on the age restricted testing and queried the cost of the fine for underage purchasing i.e. £600 plus costs. Anu Prashar explained that fines were means tested regardless of them being a first offence or not.
- Clarity was sought around the use of fireworks for festivals. Anu Prashar confirmed that fireworks for Chinese New Year and Diwali and New Years Eve were allowed to be used until 1am and there should be no fireworks being used past 11pm at any other time. In regards to fireworks being used for anti-social activities, the Nuisance Team would need to be approached. Councillor Blackman provided the following information on fireworks legislation and controls:

The Fireworks Regulations 2004 were introduced with the aim to reduce noise, nuisance and injuries by the misuse of fireworks. The main regulations prohibit the use of fireworks between the hours of 23:00 and 07:00 except on specific dates and festivals. Bonfire night it is allowed until 12am, New Year's Day until 01:00 the next day, the day of Diwali until 01:00 the next day, and Chinese New Year until 01:00 the next day. Enforcement for this falls to the Police.

The Regulations also control sales to those over 18, licensing of sellers of fireworks and impose a maximum decibel level (120 decibels) for fireworks intended for public sale. These can all be investigated by trading standards.

The Environmental Protection Act 1990 places a duty on the local authority to investigate for statutory nuisance. A statutory nuisance is assessed using a number of factors including the frequency of occurrence, duration, timing and nature of such events and an average person's sensitivity to noise. Whilst firework events are inherently noisy, they are short-lived and unlikely to meet the threshold for statutory nuisance.

The Boroughwide PSPO prohibits the lighting of fires in a public place not designated for such use or as part of an organised event approved through the responsible authority. It also prohibits the use of fireworks in the street.

The Licensing Act 2003 regulates the sale of alcohol and other licensable activities. However, a firework display is not a licensable activity and it therefore cannot be used to regulate or prohibit displays at events. It is therefore not regulated under a premises license or a temporary event notice.

The Animal Welfare Act 2006 contains no specific offences relating to setting off fireworks.

As part of the licensing inspection, the Service would assess the storage of fireworks ensuring that they were in a locked capacity and not accessible by customers as well as the category of fireworks ensuring that they were category 3 or below, as category 4 and above were only permitted for firework displays. A second inspection then took place to ensure that sellers are complying with legislation.

- Clarity was sought around residential lettings and the clamp down on the client money protection scheme and whether more focus would be put on these. Anu Prashar explained that the Service looked at complaints through the Council's reporting tool and worked closely with the private sector housing teams across both boroughs. Private sector housing had an enforcement duty and the Service would ensure that they remained compliant. Under the Tenants Fee Act, there must be a complainant in order for an investigation from the Service to take place.
- The health and safety around private funeral director businesses was discussed and Anu Prashar agreed to check when the last inspection was carried out. The Environmental Safety Team was in charge of the health and safety regulations for funeral directors and Gareth Jones advised that he would also check the position regarding the inspection of those businesses operating in Harrow.

With no further issues raised the Board thanked officers for the update provided and RESOLVED to note the report.

8. Consumer Bills and New Law Report

Anu Prashar (Senior Regulatory Service Manager for Brent Council) presented a report regarding current Parliamentary Bills and new pieces of legislation that the local authority had a responsibility to enforce which would be undertaken by Trading Standards. The following points were noted:

- On the 5 July 2024, the country saw a change in government and the King's Speech on 17 July 2024 set out upcoming legislation and policy, which it was hoped would improve protections for consumers and legitimate businesses.
- The Product Safety and Metrology Bill was introduced to Parliament in September 2024, with the objective of maintaining the UK's global leadership in product regulation. It was intended to ensure product development, including safety, environmental standards and information for consumers remained up to date and, where appropriate, aligned with EU legislation. It was also hoped that this will result in clearer responsibilities for online sellers, providing stability and certainty for UK businesses around things like CE marking and international safety standards and this was crucial for better consumer protection against fire risks for example. The Bill also updated the legal metrology framework, crucial for ensuring accuracy in weights and measures for purchased goods.

The Bill, which would cover almost all manufactured goods and affect an estimated 220,000 UK businesses also included mechanisms to identify new and emerging issues in the supply chain and would enable more effective sharing of data between regulators and market surveillance authorities, a function carried out by Trading Standards. In addition, the Bill sets out powers that would be provided to the Secretary of State to introduce secondary legislation to cover these issues. It was the detailed, secondary legislation which would impact on retail operations and supply chains. It was expected the Bill would be enacted during Spring 2025, followed by secondary legislation by Summer 2025 and would also provide local authorities with extra power to investigate and act against businesses that sell unsafe or mislabelled products.

- The Renters' Rights Bill was introduced in the House of Commons on 11 September 2024 and would abolish Section 21 'no fault evictions' and strengthen tenants' protections in the private sector. Landlords will have to join a new Ombudsman service and should they fail to do this, they could face enforcement action from local Councils, ranging from civil penalties of up to £7,000 to criminal prosecution or fines of as much as £40,000 for repeated breaches.
- The Government announced in the 2024 King's Speech that it would bring forward a Tobacco and Vapes Bill to restrict the sale and marketing of e-cigarettes to children. The Bill would also prevent people born on or after 1 January 2009 from ever being sold tobacco cigarettes. This bill had now been introduced into Parliament and there were provisions for licensing for retail and sales of tobacco and vapes. The sale of vape with flavours that were child appealing, would also be reformed to reduce their appeal with potential restrictions on the display and packaging of products, similar to that of tobacco. A Fixed Penalty Notice or a fine could be issued if legislation was not adhered to.
- The Digital Markets, Competition and Consumers Act 2024 (DMCC Act) was introduced to the UK parliament on 25 April 2023. Although the DMCC Act

revoked the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) which was currently one of Trading Standards key pieces of legislation, it had largely reinstated the powers with some changes. The new legislation included commercial practices, misleading admissions and prohibited banned practices. These changes aligned with the broader regulatory movement to crackdown on “Online Choice Architecture” or “Dark Patterns”. Important changes to the list of banned practices were also made during the legislative process. The government consulted on, and agreed to create new banned practices, such as giving fake reviews. These additions bring the UK position closer to that of the EU where the Enforcement and Modernisation Directive (also known as the “Omnibus Directive”) brought in similar prohibitions on fake reviews and endorsements. Although most of the existing banned practices constitute criminal offences, the new banned practices on fake reviews would not, so the main risks for businesses will be civil liability, including potentially large fines.

The Act also deals with so-called “drip pricing” practices. Drip pricing is where only part of an item’s price is shown during the early part of the consumer journey, for example tickets for air travel and the total amount to be paid is revealed at or near the end of the buying process, by which time the consumer may feel committed to the purchase. The Act also covers so-called subscription traps which it had been estimated cost consumers over £1.6 billion a year. The also Act included new rules for subscription contracts with consumers and the main consumer law provisions of the DMCC Act were expected to come into force in April 2025 with the new subscription contracts regime following about a year later in Spring 2026.

- Trading Standards officers would get an extension of powers enabling them to apply through the courts for Online Interface Orders (OIOs) against traders that mislead consumers. An online interface can be defined as ‘any software, including a website, part of a website or an application, that is operated by or on behalf of a trader, and which serves to give consumers access to the trader’s goods and services. OIOs were important to Trading Standards because they make it easier to carry out investigative and enforcement action online. Up until now, only the Competitions & Market Authority (CMA) had the ability to apply for an OIO.

The Chair thanked Anu Prashar for her report and welcomed questions from the Board, with the following noted:

- Clarity was sought regarding the Renters’ Rights Bill and how this would be implemented consistently across other boroughs, as landlords in some other boroughs did not need to get a licence. In response Gareth Jones advised that he would seek to obtain further clarification and feedback.
- The Chair recognised the positive change in eliminating vape flavours that would otherwise be appealing to children and asked how receptive businesses were to this change. Anu Prashar explained that there would be a phasing out period designed to focus the sale of vapes at tobacconists given the huge range of outlets, such as card shops, phone shops etc where they were currently available.

- The Chair asked how the Service could take down websites that are hosted abroad. Anu Prashar stated that the Service had contacts with international bodies that would assist in taking the websites down.

With no further issues raised, the Chair thanked the team for their hard work in compiling the reports and the Board **RESOLVED** to note the report.

9. **Date of Future Meeting**

NOTED the date for the next meeting is:

Wednesday 19 March 2025 at 6pm to be hosted (online) by the London Borough of Harrow

10. **Any Other Urgent Business**

None.

COUNCILLOR DANIEL KENNELLY
Chair