



MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD
Wednesday 13 November 2019 at 6.30 pm

PRESENT: Councillors Miller (London Borough of Brent), Long (London Borough of Brent), Choudhary (London Borough of Brent), Murphy-Strachan (London Borough of Harrow), Ferry (London Borough of Harrow) and Councillor Mithani (London Borough of Harrow).

Apologies were received from: Councillor Kennelly (London Borough of Brent). Councillor Choudhary acted as a substitute.

For the purpose of the minutes, it was requested that apologies for Richard Le-Brun (Harrow Head of Community and Public Protection) were noted.

1. Election of Chair

RESOLVED:

That Councillor Miller be elected as Chair for the meeting.

2. Declarations of personal and prejudicial interests

None.

4. Minutes of the meeting held on 13 March 2019

RESOLVED:

That the minutes of the meeting held on 26 June 2019 be approved as an accurate record.

5. Matters arising

The following matters were raised under the notes of the meeting held on 26 June 2019:

Minute 5 – Matters Arising – Outstanding Delegations

Board members asked whether the previous matter regarding outstanding issues had been resolved, as Councillor Parmar (London Borough of Harrow) was to request details of issues and follow up with Officers.

Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) reported that the outstanding issues remained unresolved and nothing had

progressed. He suggested that the actions had not progressed due to the absence of Harrow's Commissioning Officer. However, a meeting had been scheduled with a new representative at Harrow and these outstanding matters would be raised with them. Councillor Miller (London Borough of Brent) requested that a Harrow Councillor contacted Councillor Parmar.

6. Deputations (if any)

None.

7. Proposed Product Safety Incident Management Plan

Members received the report Product Safety Incident Management Plan.

Anu Prashar (Senior Service Manager, Brent & Harrow Trading Standards) outlined the content of the report and explained that the management plan aimed to enable effective communication between Trading Standards acting as a regulator and manufacturers who needed assistance with product safety issues. The Plan helped them to deal with problems proactively rather than reactively.

Anu Prashar explained the plan satisfied the Council's compliance with the Office of Product Safety and Standards and the British Standards Institution's Code of Practice which made sure businesses understood what needed to be done if product safety issues arose, and was split into guidance for manufacturers, importers and distributors and guidance for regulators, such as Trading Standards.

It was explained there was no legal requirement to have the plan, but it was felt necessary considering the number of importers/wholesalers in the Councils jurisdiction and the growing number of primary authority businesses, in Brent and Harrow.

Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) spoke of the issues surrounding the product safety of Whirlpool washing machines. He told the board that investigations had found the working relationship and communication between the Local Authority and Whirlpool were not as good as they could have been, which had led to dangerous products remaining in people's homes. Simon Legg felt that by following a Code of Practice, guidance was provided in a uniform way that allowed manufacturers to be familiar with processes and responsibilities.

As the Code of Practice was voluntary, board members queried whether there would be sanctions for businesses who did not follow the Code. Simon Legg informed the board that legislatively, businesses were required to have a system in place to ensure they did not put faulty / dangerous products on the market. The code intended to assist the process of corrective actions when unsafe goods made it to the marketplace and then needed to be removed.

Councillor Miller (London Borough of Brent) noted that the London Borough of Brent had been contacted recently by Whirlpool Customer Relations in response to assisting them with their recall. Simon Legg confirmed that all local authorities should have been written to by Whirlpool.

ACTION: Councillor Miller to inform the board of any follow up with Whirlpool.

Further information was sought regarding whether the Code of Practice had guidance for customer warranties, which would allow easier tracing of users if a product was faulty or dangerous. Simon Legg informed the board that the Code did not include guidance on customer warranties as it focused on how to deal with an incident.

Members of the board queried how the management plan focused on imported goods such as food and make-up, and whether the responsible party for ensuring product safety in those instances was the importer or the manufacturer. Anu Prashar confirmed that in those instances, the importer would be responsible, but if the products were manufactured in the UK, it would be the manufacturer's responsibility. She informed the board that the plan did not cover food items. Anu Prashar also responded to queries about responsibilities for online sellers who sold both direct and third party, such as Amazon, explaining that the responsibility for product safety would lie with the Trader.

Simon Legg told the board that the Code of Practice would not apply to second sellers and second hand items, as different parts of the law applied to second hand products.

Anu Prashar explained that there was a Code of Practice for risk assessment and that Officers had been trained to undertake risk assessments. Simon Legg explained that Officers assessed manufacturer identified risks, which would identify what the problems were, how many of the products had been sold, and what the likelihood and severity of the risk was. He affirmed that it was not necessary in particular circumstances to speak to every customer to determine risk, but it was helpful to talk to some where evidence was required.

Responding to queries regarding how much of the management plan would duplicate work already undertaken and how much extra burden it would place on the business and local authorities, Simon Legg agreed that there might be some additional work. For example, the plan required local authorities to have an out of hour's service businesses could contact for emergencies. Simon Legg believed that in reality, it would be unlikely businesses would use the service on weekends.

Board members queried the impact Brexit could have on the management plan. Simon Legg explained that subject to what happened with Brexit, the laws were expected to remain much the same although there would be implications for UK based businesses who may find themselves meeting the legal definition of being an 'importer' and who would face additional responsibilities, checks and controls if the UK was no longer part of the EU.

As no further questions were raised, the Chair thanked Anu Prashar and Simon Legg for their work on the product safety incident management plan.

RESOLVED

That the Product Safety Incident Management Plan be approved.

8. London Responsible Retailers Agreement on the Safe Storage, Sale of Knives and Other Age Restricted Products

Samuel Abdullahi (Regulatory Team Leader, Brent Trading Standards) introduced the report providing members with information concerning a new online initiative to help retailers who sell knives comply with the law. It was explained that the initiative, an online training package, had been developed in partnership with MOPAC, the Metropolitan Police and London Trading Standards as a response to reducing London knife crime.

It was a criminal offense for anyone to sell knives and other bladed items to a person under 18, and as of the Offensive Weapons Act 2019 age verification needed to take place when a knife was delivered. The new toolkit was launched in September during the London Trading Standards Week of action. Samuel Abdullahi informed the board that the toolkit gave access to materials for businesses that sold knives, and provided an online training package with videos related to the safe sale and storage of knives, how to ask and challenge a customer for ID and when to call the police. The board were shown some of the videos.

The package also included a voluntary best practice agreement businesses were encouraged to follow that showed their commitment to complying with the rules. The initiative was intended to run alongside the Service's existing Responsible Trader Scheme, which had been in use for ten years and covered more products such as alcohol and fireworks.

Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) told the board that they intended to introduce the scheme to businesses while Officers were carrying out their daily duties.

Members were concerned about the use of identification apps and how Trading Standards could ensure they worked. Samuel Abdullahi responded that they would only encourage the use of apps if they were satisfied they were reliable and the business was confident in using them.

Responding to queries regarding what percentage of businesses had signed up to the Responsible Traders scheme, Samuel Abdullahi informed members that in Brent 108 had signed up and in Harrow 93.

Samuel Abdullahi answered queries regarding HR implications from the scheme, confirming that he was of the opinion they needed more Officers but that the work would be accommodated when staff were out doing 'Days of Action' for example.

Members asked whether the Trading Standards Team had scope to lobby for a change in knife design that may make them safer. Samuel Abdullahi explained that it would not be within the remit of the work, but that some knives had been outlawed such as the 'Zombie Knife'.

In relation to knife crime, members asked whether Trading Standards planned to do a piece of work educationally to tackle the carrying and harmful use of knives. Simon

Legg responded that the Service had a duty to prevent underage sales of knives and that was where they would focus their resource.

No further questions were raised, and the Chair thanked Samuel Abdullahi for presenting the work being done regarding responsible retailers and the sale of knives.

RESOLVED:

To note the report.

8. Operation Snowball: The Prosecution of a Rogue Roofing Gang

Andrew Faulkner (Enforcement Officer, Brent Trading Standards) introduced the report, explaining that it detailed a case that he had investigated. The matter had just concluded and resulted in the largest custodial sentences obtained by the Service.

The case involved 2 Harrow residents who had been cold called with the advice that their roof tiles needed changing, which escalated further through false claims of rotten roof beams and risk of serious damage. This encouraged the residents to keep paying more instalments. Andrew Faulkner expressed that the perpetrators used many different tactics to get money as soon as possible. In the first instance, a Harrow resident had paid over £300,000, which happened over a 6-week period, beginning with payments of £20,000 and gradually increasing.

It was brought to the team's attention as it was linked to another roofing incident in Harrow around the same time, and intelligence flagged other incidents which they were also able to investigate.

The case resulted in convictions after a 6-week trial at Harrow Crown Court in September, with custodial sentences for 4 defendants. Andrew Faulkner had obtained 82 witness statements with over 2,000 pages of exhibits, conducted 7 entry warrants, and obtained communication data using his powers.

The case had been mentioned in the Express, who were calling on the government to make crimes of this nature a hate crime against older people. Andrew Falkner confirmed that all 6 victims in the case had been over the age of 70. Trading Standards were now working with the BBC on a programme called Defenders UK.

In response to whether the victims had recovered any money, Anu Prashar (Senior Service Manager, Brent & Harrow Trading Standards) explained that the process was ongoing as the matter was now subject to financial investigation under the Proceeds of Crime Act 2002.

The board heard some personal stories about fraud of this type, and Andrew Falkner showed the board a video from a new case they had received, where the homeowner had a 'ring' doorbell camera. The video depicted a man entering the house while covering his face.

Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) told the board that the Council had a statutory duty under the Care Act 2014 to protect the

community from financial abuse, and endorsed the hard work that had been put into this case by Andrew Faulkner.

The Chair thanked Andrew Faulkner for their work on the case.

RESOLVED:

To note the report and thank the Trading Standards Team for conducting the investigations for this case.

10. **Date of next meeting**

RESOLVED:

That the date of the next meeting be held on **18 March 2020** at Harrow Civic Centre.

11. **Any other urgent business**

None.

The meeting closed at 19.50pm.

COUNCILLOR Tom Miller
Chair