

**London Boroughs of Brent and Harrow  
Trading Standards Joint Advisory Board  
21 October 2020**

FOR INFORMATION

**THE TRADING STANDARDS SERVICE RESPONSE TO COVID 19**

**1.0 Summary**

- 1.1 This report provides Members with details of Trading Standards response and change of duties during the COVID 19 pandemic.

**2.0 Recommendations**

- 2.1 That Joint Advisory Board Members note the changes in duties undertaken and acknowledge the contribution made by staff.

**3.0 Details**

- 3.1 Following the outbreak of Coronavirus, the Trading Standards Service was required to review its service delivery to ensure we were responding to the most important tasks and at the same time, undertaking new duties placed upon us.
- 3.2 We have continued to respond to consumer issues, prioritising those where victims are vulnerable or if the issue is high risk such as scams and product safety. In addition, we have maintained the provision of business advice which has increased significantly. Ongoing investigations have continued to progress. We have received over 700 Covid related service requests since the beginning of the pandemic.
- 3.3 It has been necessary for us to stop some aspects of our work, such as non-essential activities where face-to-face contact is required for example, our letting agent project work, routine business inspections, under age test purchasing activities and attending meetings or training events in person.
- 3.4 All our staff have been primarily working from home with laptops from which they can access the same applications as when they are office based and mobile telephones. Software has been upgraded providing various ways for online meetings and communication. Virtual staff meetings have taken place regularly to ensure everybody was able to keep in touch with colleagues within the team. Staff were familiar with working from home before the pandemic so adapting to fulltime working from home has been relatively straight forward during the lockdown period.

- 3.5 The Courts initially adjourned our current live cases that were listed for hearings, but more recently, we have used video technology to make a legal application for a proceeds of crime investigation and remote hearings to be used more frequently.
- 3.6 As Members will be aware, emergency legislation has continued to be introduced during COVID 19 requiring many new statutory requirements for businesses to follow and observe. Government's guidance has indicated in some instances, local authority Environmental Health and Trading Standards teams should enforce this legislation.
- 3.7 Over the last six months, this legalisation has become a daily part of our officer's work responding to numerous complaints about businesses trading when they should not be, concerns over social distancing, businesses increasing their prices and scams or not following Covid Secure guidelines.
- 3.8 Furthermore, at the time, officers were receiving many requests from business owners keen to know when they can reopen their doors to trade and seeking advice on ways to diversify their trading in order to be able to operate legally.
- 3.9 Whilst most businesses are receptive to the advice given and were willing to do the right thing, in Brent, it was necessary to issue 27 warning/compliance notices and 26 formal Prohibition Notices to the minority of those who did not comply. Prohibition Notices ordered a premise to close with immediate effect. The majority of these businesses have been barbers although there were two pubs issued with a notice. In Harrow, Trading Standards issued one Prohibition Notice, as colleagues in the Environmental Health team were the primary enforcers.
- 3.10 The local authority does not have specific powers to enforce against business not observing social distancing guidance or requiring customers to wear facemasks. Nevertheless, officers are taking proactive steps to reinforce these messages.
- 3.11 The situation regarding Coronavirus continues to move quickly. The Service receives regular updates from the Office of Product Safety and Standards and we submit weekly data to them detailing actions we have undertaken locally.
- 3.12 During April and May, two members of Trading Standards staff volunteered to work on a full time basis alongside technicians in Brent Council's temporary mortuary. We have one member of the team who is currently on standby to assist with Public Health to respond to 'track and trace' requests.
- 3.13 More recently, with Brent being so hard hit during the first wave of the pandemic, staff have spent most of September and the early part of October, ensuring businesses comply with new legislation.
- 3.14 Working with regulatory teams from across the department, Trading Standards teams completed over 2,000 business visits to check compliance with the new rules. Currently, over 80 businesses are subject to warning letters, which are still being followed, with four fixed penalty notices having been issued for persistent non-compliance.
- 3.15 All 'close contact' businesses have been inspected and are now much more

compliant. Our attention now focuses on evening and late night teams who have reported quiet high streets in terms of customers, but this has provided a good opportunity to engage with business owners. Generally, social distancing is now being well observed in all pubs / bars visited.

- 3.16 Many takeaways are still not following new rules prohibiting collections after 10pm and this is a significant area of advisory work with 77 businesses now on our watch list.
- 3.17 The Trading Standards leadership team would like to specifically show their appreciation for the officers, all of whom have adapted to significant changes in their working environment, shown willingness and flexibility in challenging circumstances and have continued to show the highest levels of professionalism during the pandemic.

#### **4.0 Financial Implications**

- 4.1 Staff salary costs providing the Service's response to the COVID 19 pandemic is the largest expense although this is all being met from existing budgets with other workloads being reprioritised accordingly as detailed in this report.
- 4.2 It is expected that COVID 19 will have an impact on the income the Service generates throughout the year. This is mainly through a reduction of businesses activity caused by the lockdown restrictions.
- 4.3 It is currently forecast that Primary Authority income will fall by approximately £14k, letting agent penalty charges by £6k, legal costs by £12k and firework license application fees £4k. It is difficult to accurately predict these figures as they are subject to variables, such as how quickly businesses return to work and how the rules about social distancing may be applied in the future.
- 4.4 Legal costs are not usually paid in one go, so we may not see an immediate drop of income as currently, we have legacy cases making payments. The impact of COVID 19 may not be seen in our budget until next year's income is received.
- 4.5 We are regularly assessing our income and in the short term, have some salary savings as a results of vacant posts, which can be used to offset shortfalls.

#### **5.0 Legal Implications**

- 5.1 The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI 2020 No.350) came into force on Saturday 21 March 2020. It became a legal requirement for specific types of non-essential businesses to close from 1pm that day for set periods.
- 5.2 The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020 contain the most significant powers available to local authorities to use in emergency situations to prevent the spread of the virus.

5.3 There are now numerous other laws for local authorities to enforce and a range of sanctions for non compliance. To detail them all, goes beyond the intended scope of this report.

## **6.0 Equality Implications**

6.1 The work detailed in this report has 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/Property Implications**

8.1 The Service has not suffered any notable staff sickness arising from COVID 19 and there are no significant staffing implications arising from this report.

Any person wishing to obtain more information should contact Simon Legg, Head of Regulatory Services, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ.

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**Report sign off:**

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