

**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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