

Annual Report 2022/23

Introduction

This Annual Report has been written to highlight some of the key outcomes delivered by the Trading Standards Service for the period of April 2022 to March 2023. The Service is managed by Anu Prashar with Samuel Abdullahi covering the Team Leader role.

The Service Manager reports to the Head of Regulatory Service, with the team working as part of the wider Regulatory Services provision within the Environment and Leisure directorate. The team works and holds regular meetings with the equivalent teams within the LB Harrow.

Trading Standards work is central to protecting residents, communities and businesses from harm and financial loss, and maintaining a confident marketplace. We aim to support businesses from the tough trading environment experienced during the pandemic and promote local economy growth. The Service fulfils the local authority's statutory role of a 'weights and measures authority' tasked with enforcing more than 250 pieces of legislation.

During this year, businesses and consumers faced challenges resulting from the significant increases in the cost of living crisis, with rising energy bills, increasing interest rates, higher food prices all making it more difficult for people to make ends meet. The Service has reprioritised duties to assist with this crisis to provide support and advice where we can.

Service Requests

The Service continues to work with our partner, Citizen's Advice Consumer Service who receive government funding to act as the first point of contact for members of the public requiring consumer advice. Any enquiries they receive which concern either a Brent or Harrow resident or business are referred to us if an alleged criminal breach is identified.

Understandably, we cannot investigate every consumer complaint, so we prioritise the most serious ones or those relating to a business generating multiple complaints, to help ensure our resources are applied proportionately to those situations where they are needed the most or will have the biggest impact.

The Service received 4,872 service requests from all partners which as well as the Citizen's Advice Consumer Service, included the Ports Teams, Police, other Trading Standards Services, trade industries, consumers and businesses.

These service requests are logged on our database and used as a source of intelligence to assist prioritising areas of work. There were specifically 704 requests that were further analysed for investigation by the Brent team and 543 within the Harrow team.

Product Safety



Our officers engaged with the Office of Product Safety and Standards to respond to, and raise, nationally significant concerns over the safety of consumer products as well as responding to alerts from our colleagues at the Ports and other EU Authorities concerning high risk products.

The team were actively involved in a London wide project to promote consumer safety involving Skin Lightening Creams. We provided educational content on the dangers of prohibited substances such as steroids, Mercury and Hydroquinone. These were circulated via social media and

the London Trading Standards website and continue to be used in presentations for schools and consumer workshops.

Marketplace surveillance activity became increasingly focused on products that residents would find more appealing and were more likely to buy in a cost-of-living crisis as inflation rose throughout the year. The Service successfully removed over 1,500 listings from auction and internet sites concerning unsafe and non-complaint goods. This included unsafe 3 pin adaptors and unsafe electrical power cords. We also investigated plug in heaters marketed as 'low energy efficiency', which presented an electric shock hazard.

Other items the team investigated included, mothballs containing Naphthalene a banned toxic and flammable substance, skin lightening cosmetics containing harmful ingredients, unlicensed medicines and even the sale of ex Police stab and ballistic vests where their protective properties may have been compromised. Each listing commonly contained up to 200 products, so thousands were removed, safeguarding local and national consumers from harm.

Following a referral from a local resident, an investigation into a potentially unsafe adapter resulted in the removal 1,100 adapters identified as non-complaint and dangerous, having insufficient markings and poor construction with access to live parts.

The team responded to an EU alert regarding a laser cutter which presented a risk of damage to eyesight. This intervention prevented the product's importation and subsequent distribution in the UK.

Cosmetics

Skin lightening products containing MERCURY are DANGEROUS

Mercury is an **extremely toxic** substance, and it shouldn't be added to cosmetics. Nonetheless it is often used in **skin-lightening products** as a bleaching agent.

Mercury is easily absorbed through the skin and can cause adverse effects. The most common are:

- rashes
- allergic reactions
- skin darkening
- kidney damage
- nervous system disorders

Mercury may pass through the placenta and **affect the neural development of your baby**. When you're breastfeeding, it can pass through your milk as well and affect your child.

Using mercury added cosmetics can also contaminate your children or your partner by skin-to-skin contact.

Ask advice and guidance to your dermatologist!

Logos at the bottom include: EEB, European Union, zero mercury, Mercury Policy Project, and others. A small disclaimer at the bottom right states: 'This document has been produced with the financial contribution of the Swedish International Development Co-operation Agency (Sida) through the Swedish Centre for Future Generations (SFG), the AFD (AN) of the French Development Co-operation (AFCV) and the AFD (AN) of the European Union. The document does not necessarily reflect the official opinion of the donors.'

The team has dealt with several illegal cosmetics during the year, many of which had been dominated by illegal skin lightening creams. Importers and distributors were found to be selling skin lightening creams with hydroquinone which was swiftly removed from sale following our intervention.

Hydroquinone is a banned ingredient as it can cause neuropathy (a disease of the nervous system) and damage your liver. One seller was found to use a historic Brent postcode to avoid detection whilst other cosmetics made for the African and Egyptian market were also identified. These were non-compliant with our robust safety legislation and were removed from the supply chain. Another using a registered address in Harrow with offices outside of the UK was asked to remove the infringing product from its

website.

A local based business was found to be utilising the social media site to market and sell a range of feminine hygiene products. The products were promoted with unverified claims about its benefits. Fortunately the items were removed from sale and the irresponsible business ceased trading.

We also found issues with cosmetic products which lacked the required safety documents, contained non-compliant health claims and poor labelling.

Projects

In response to the cost-of-living crisis we inspected over 120 weighing machines in local high streets to ensure scales are accurate and consumers are getting what they pay for. While we are pleased to report the majority of the scales tested were compliant, 4 scales in Brent were immediately taken out of service and 1 in Harrow. Officers levelled scales, some were found with worn data plates or with other technical defects and appropriate advice was given. Several scales were giving more to the consumer so the businesses were notified but permitted to continue to use them. This project continues as regular checking, ensures businesses keep their scales correctly calibrated so that customers get what they are paying for.



The team visited vape hotspot areas in Brent & Harrow and advised 170 businesses about product compliance. This area of work remains a priority for next year and we will continue to undertake test purchasing operations to ensure product and age restriction compliance as well as checking the legality of the devices being sold from our local businesses.

Illegal tobacco is a significant problem, with the cost-of-living crisis adding to the demand for cheap tobacco, our work in this area is increasing. As a cheap source of tobacco, often with no health warnings in English and not in plain packaging, illegal tobacco is linked to smoking in young people and those from more deprived groups for whom price affects how much they can smoke. Because smoking is so harmful, differences in smoking prevalence across the population translate to health inequalities, and differing smoking prevalence rates in different groups will be exacerbated by it being more likely that those with lower incomes will be more likely to purchase illegal tobacco because of its lower cost. The team carried out a total of 28 operations, using sniffer dogs on some occasions to help detect those retailers who try to hide their illegal tobacco to prevent its seizure.

The Service removed 3,458 packs of cigarettes, 93kg of smokeless and shisha tobacco, 53 packs of hand rolling tobacco and 849 nicotine inhaling products. The approximate value of the illegal tobacco seized was over £57,000.

	Retail Illicit Value	Legal Retail Value
Cigarettes	£22,477	£51,870
Smokeless & Shisha	£4,929	18,600
Hand Rolling Tobacco (HRT)	£1,060	1,855
Nicotine Inhaling Products (NIPs)	4,245	4,254
Total Value	£57,067	£76,579

Cigarette Packs: £6.50, (Legal £15) HRT: (50g) £20.00 (Legal £35.00), Smokeless/shisha £53 per kilo, (Legal £200 per kilo), NIPs £5.00

Intelligence

We continued to utilise all relevant risk assessment methods to target criminal activity, which directly affects businesses and consumers across London. The team generated 112 intelligence reports which were shared on the national Trading Standards database which assist in identifying emerging trends, locally, regionally and nationally and fed into the strategic and tactical assessments to help co-ordinate our future enforcement.

Intelligence reports are also reviewed by the London Trading Standards regional intelligence team who provide regular reports and updates on recent activity and trends. Our intelligence shows a continuing increase in the sale of illicit tobacco and vape products so we have planned work to tackle this problem in a 2023/24.

Business Advice

The Service has continued to contribute towards both Borough's objectives of supporting business growth by delivering effective regulation for the benefit of legitimate businesses. We have responded to 81 requests for advice from our local businesses. This is across the wide range of legislation enforced by the team from cosmetic compliance, importation of goods outside the EU, Weights and Measures, age restrictive sales, and Intellectual Property among others.

We continued throughout the year to promote the Department of Business, Energy & Industrial Strategy Primary Authority scheme to businesses offering assured, tailored advice to help businesses ensure that they comply with the law. The scheme enables businesses to form a statutory partnership with one local authority, providing robust and reliable advice for other councils to take into account when carrying out inspections or addressing non-compliance.

We have delivered over 70 hours of advice to our Primary Authority businesses offering support and guidance to their physical and online compliance in areas such as product safety, product testing, marketing claims and the circular economy.

One Primary Authority business has received advice on energy labelling, and we prevented thousands of household items and soft furnishings removed from the Russian market from being sent to landfill. Our officers worked alongside the importer to bring the goods into compliance so they could be sold on the GB market.

The team participated in the Brent pop up repair scheme to support the donation, repair and redistribution of second-hand items which would otherwise have been thrown away. We advised on product safety, recalls and labelling of furniture items, clothing and electrical goods.

Most-complained-about traders

Each month, we analyse who our most complained about businesses are in our boroughs. We seek to engage with problem traders to reduce complaint levels and resolve consumer detriment.

We had 57 complaints generated against 12 used car dealers and 32 complaints relating to 5 holiday companies. Used car dealers feature regularly on this list, consistent with the picture throughout the national and London region. Holiday complaints were from the fallout of flight and holiday delays due to the pandemic and one business going into liquidation.

Each complaint is individually assessed and intervention is carried out where appropriate. Officers had a formal meeting with the owners representing three holiday companies and subsequent to this no further complaints were received.

Most of the complaints received regarding the purchase of used cars are classified as civil disputes limiting the enforcement options available to us, however we are often able to negotiate resolutions for consumers. We engage with businesses to advise on consumer statutory rights, price marking and warranties and where there is a breach of Trading Standards legislation, investigations are carried out.

We successfully, secured the refund of £4,000 for one consumer and had another vehicle independently assessed for roadworthiness to assist with the consumer's claim.

Doorstep Crime and Rogue Traders

The team delivered a rapid response service to our local residents intended to prevent, disrupt and deter doorstep criminals and rogue traders.

In one intervention alone, we secured the return of a massive £120,000 to a Brent resident who was the victim of a doorstep crime incident which escalated from a gutter repair to roof renovation and chimney removal. Our close working relationship with the local Metropolitan Police seen a successful referral which resulted in the arrest of three individuals associated with this crime and this matter is headed for court.

We have fitted a call blocker fitted to an elderly resident being harassed daily, by calls from several vitamin/health companies. The resident has been the victim of sales scams for several years, but no new reports have been made since the device was fitted.

The team have conducted visits to local residents known to be victims of mail order scams. Money has been successfully returned to 3 victims and our officers engage with family relatives, and victims to prevent further scams taking place.

Underage Sales



Approximately 100 underage test purchases were carried out this year. Two businesses were successfully prosecuted for selling vapes to children under 18 years old and received stern fines. Another was successfully prosecuted for selling 23cm chef knife to our child volunteers aged 15 and 16 years old. The magistrates stated this was a serious crime and fined the company £1,500.

In addition, a total of 8 Simple Cautions were signed and a further 11 letters of warning issued in relation to sale of age restricted products to children. The simple cautions included 5 for the sale of nicotine inhaling products, 1 for an alcohol sale, 1 for a knife sale and 1 for the sale of a firework.

Traders have also been made aware of new legislation around the postal sales of knives, bladed items and hazardous material.



Improving Lettings Compliance

The Service has conducted 33 online audits of agents actively advertising rental services. We found issues relating to:

- Not having energy performance certificates (EPCs).
- Not stating fees that are legally required to be stated.
- Agents stating they will charge prohibited fees.
- Not having client money protection membership or redress membership when legally required to do so.
- Not displaying the correct information on third-party sites.

Investigations remain ongoing for serious breaches where officers have the powers to issue penalty notices.

Vapes

Officers have advised 3 large Brent businesses, 2 of which we act as Primary Authority for, about the recent Elfbar withdrawal heavily publicised in the media. The officers successfully

instigated the removal of £1million worth of stock from one business, preventing a massive financial loss to them.

As a result of this investigation, the team have identified further non-compliance with these products which have been raised with the national regulator.

A local business trading online was found to have imported 25,000 non-compliant vapes. The items bore adequate warnings, some exceeded the maximum liquid volume and nicotine concentration and the importer was not able to provide the necessary documentation. Following our intervention and advice, 19,000 units were successfully recalled and no further imports were made.

Partnership Working

The Service continues to work closely with other teams in Regulatory Services and have good relationships with the Anti-social behaviour (ASB) team, licensing and Environmental Health. Recent collaboration with licensing, the ASB team, and the local Police resulted in a community protection warning being put in place for a local business engaging in antisocial behaviour.

The business is known to the Service following several complaints regarding the sale of Nicotine Inhaling Products to pupils attending an adjacent school, with allegations of free vape giveaways.

Working with the Police, officers attended a local bank in Harrow and set up a stall to engage with the local community. They delivered advice on crime prevention and answered questions on doorstep crime, phishing emails, and scam text messages to promote scam awareness and safeguard the public.

Other Successes

A Heavy Goods Vehicle training provider that was based in Harrow was found guilty of having misled consumers under the Consumer Protection from Unfair Trading Regulations Act. The director of the company was disqualified from being a company director for five years, he was sentenced to 12 months imprisonment, suspended for 24 months. He was also ordered to pay a total of £17,500 in compensation to the victims that came forward and provided a statement for the case and pay £10,500 costs.



After pleading guilty at Harrow Crown Court, a builder who was paid almost £100,000 for a major building project and left the job unfinished and poorly executed was ordered to pay £27,000 in compensation. He was also disqualified from being a director of a company for 10 years, given a 6-month suspended prison sentence, and ordered to do 150 hours of unpaid work.

A former company director for a Travel Agent signed an undertaking under the Enterprise Act 2002. This is a legally binding assurance that he would comply with the requirements of Package Travel legislation. If he is found to breach the undertaking, severe consequences including an unlimited fine or and imprisonment can be imposed.

Wembley Event Day Working

Our officers worked with other enforcement teams at 28 different Wembley events during the year forming part of the council's wider response to deter anti-social behaviour and illegal trading at event days.

Numerous seizures of flags, scarves and other souvenir items took place although we are pleased to report seeing the gradual decline of illegal street trading and as we left the end of the last financial year, the number of traders being stopped at each event, had become negligible with no offending on some occasions.

Financial Investigations

- 6 confiscation orders totalling - £587,184.00
- 3 restraint orders
- 14 new case referrals
- 57 production orders

Case 1

Confiscation order totalled £207,624

Two confiscation orders were made under the Proceeds of Crime Act 2002 against the landlord and the owner of the property, which totalled £207,624. The case concerned a property which has been converted into several self-contained flats without the required planning permission. The defendants plead guilty to a breach of section 179(2) of the Town & Country Planning Act 1990 but failed to engage in the confiscation process. They did not attend any of the hearings at Harrow Crown Court and failed to respond to their instructed Solicitors. The confiscation

trial which lasted two days, was conducted in the defendants' absence as the Court concluded the defendants had absconded. The confiscation orders which were made will be attached to them for life and can only be discharged once they have paid them. After 3 months, if the confiscation order is not paid, daily interest is added to the confiscation order.

Case 2

Confiscation order totalled £165,000

A confiscation order was made against a landlord for £165,000 for breach of a planning enforcement notice on a property. Planning officers found 18 people including 7 children living in the overcrowded home. The landlord breached housing rules when she changed the use of her property to accommodate multiple people and completed a rear conversion without permission. Legal proceedings were issued against her, and we obtained a Restraint Order under the Proceeds of Crime Act when it was suspected that she may be selling her property.

Level 4 Intelligence Analyst Standard

Two officers successfully completed and passed the Level 4 Intelligence Analyst Apprenticeship Standard. The officers completed the apprenticeship alongside their usual enforcement work and the skills acquired are being utilised to assist and analyse any future work such as identifying emerging trends, hotspot areas and future demands.

The London Trading Standards Awards

The first London Trading Standards awards took place in December 2022 and 2 officers from Brent and Harrow Trading Standards received awards for Intelligence Apprentice of the year and Investigator of the year.

The officer who won the award for Intelligence Apprentice of the year carried out a project analysing the intelligence gathered to progress local issue of the spread of illicit tobacco throughout Brent and Harrow. The officer identified the hotspots of the prevalence of illicit tobacco and this pinpointed where our resources should be targeted, which resulted in more illicit tobacco seizures.

The award for Investigator of the year was given to a Harrow Officer for his diligent work in a rogue builder case where the victim was confined to one room, with no kitchen, running water or heating. The builder was sentenced to 9 months imprisonment, suspended for 12 months, ordered to undertake 200 hours of unpaid work and his company fined £500. The builder was also ordered to pay £5,000 compensation to the victim.