



Trading Standards Joint Advisory Board

Thursday 9 March 2023 at 6.00 pm

To be held as an online virtual meeting

Membership:

Members Councillors:	Representing	First alternates Councillors:	Representing
Patel	Harrow	Blackman	Harrow
Stevenson	Harrow	Greek	Harrow
Suresh	Harrow	O'Dell	Harrow
Crabb	Brent	Chohan	Brent
Farah	Brent	Fraser	Brent
Kennelly	Brent	Miller	Brent

For further information contact:

(LB Brent) Abby Shinhmar, Governance Officer Tel: 0208 937 2078: Email: abby.shinhmar@brent.gov.uk

(LB Harrow) Mwim Chellah, Senior Democratic & Electoral Services Officer Tel: 07761 405966; Email: mwimanji.chellah@harrow.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

<https://www.brent.gov.uk/the-council-and-democracy/council-meetings-and-decision-making>

The press and public are welcome to attend this meeting by viewing the live webcast. The link to view the meeting is available [HERE](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Election of Chair (to be appointed from the London Borough of Harrow members for this meeting)	
2 Declarations of interests	
Members are invited to declare at this stage of the meeting, any relevant personal or disclosable pecuniary interests in the items on this agenda.	
3 Minutes of the previous meeting	1 - 8
To approve the minutes of the previous meeting held on Wednesday 12 October 2022.	
4 Matters arising	
5 Deputations (if any)	
6 Brent & Harrow Trading Standards Annual Work Plan	9 - 18
This report provides Members with information concerning the proposed 2023/24 work plan for Brent & Harrow Trading Standards.	
7 Brent & Harrow Trading Standards Fees & Charges Report	19 - 24
This report provides Members with information concerning the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2023/24.	
8 Dates of Future Meetings	
Members are asked to note the provisional dates identified for meetings during the 2023-24 Municipal Year.	
(Please note: These dates are subject to final confirmation by each respective authority as part of the approval of their 2023/24 calendar of meetings, so may be subject to further change):	
Wednesday 14 June 2023 at 6:00pm to be hosted by London Borough of Brent	

Wednesday 1 November 2023 at 6:00pm to be hosted by the London Borough of Harrow.

Wednesday 20 March 2024 at 6:00pm to be hosted by the London Borough of Brent.

9 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services (London Borough of Brent) or her representative before the meeting in accordance with the constitutions of both councils.



Trading Standards Joint Advisory Board

Minutes

**Held as an online meeting at 6pm on
Wednesday 12 October 2022**

Present (in remote attendance):

Chair: Councillor Stephen Crabb

London Borough of Brent

Councillors:

Daniel Kennelly

London Borough of Brent

Harbi Farah

London Borough of Brent

Anjana Patel

London Borough of Harrow

Krishna Suresh

London Borough of Harrow

Norman Stevenson

London Borough of Harrow

Also Present: Councillor Nicola Blackman (London Borough of Harrow)

1. **Election of Chair (to be appointed from amongst the London Borough of Brent representatives)**

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

2. **Declarations of Interests**

Councillor Crabb declared a personal interest as chair of a voluntary industry code for the energy supply industry designed to drive continuous improvements in standards for customers in vulnerable circumstances. In addition, he advised he was a non-executive director for Smart Energy GB, a campaign group designed to support vulnerable customers in relation to the provision of smart meters.

3. **Deputations (if any)**

No deputations were received.

4. **Minutes of previous meeting**

RESOLVED that the minutes of the meeting held on 8 June 2022 be approved and signed as a correct record.

5. **Matters arising**

Minute 4 – Matters Arising – Outstanding Delegations

In response to the request for a further update on progress regarding outstanding delegations, Emma Phasey (Head of Licensing & Enforcement, Harrow Council) advised that the review of delegations across the service was now almost complete, with the aim of being able to provide a final update by the next meeting.

6. **Trading Standards response to Cost-of-Living crisis**

The Board received a report, presented by Anu Prashar (Senior Regulatory Service Manager, Brent Council) outlining the work being undertaken across the Trading Standards service on tackling the current cost-of-living crisis.

In considering the report the Joint Advisory Board noted:

- The work being undertaken by the Trading Standards Service to promote and maintain a fair and equitable trading environment for consumers and businesses alike, in order to support consumer confidence and ensure business could trade confidently. These duties extended to all business types including those trading online, on local high streets, commercial business parks, trading estates, those who traded from home and door to door.
- The level of advice and support being provided for businesses as part of their recovery from the pandemic in order to ensure a level playing field, especially for smaller sized traders, particularly in terms of the increasing pressures on resources as a result of the cost-of-living crisis and the need to ensure this did not lead to unfair or non-compliant anti-competitive practices.
- The key role of the service in protecting people, especially the most vulnerable, during a cost-of-living/energy/ inflation crisis, especially in relation to any unfair practices arising from misleading prices, misdescriptions, short measures, substandard services, fraud or scams etc. Measures were also being taken to monitor potential issues experienced as a result of the proliferation of illicit goods (unsafe imports, illicit tobacco, counterfeits) and increase in scams in areas, such as short measure fuel, food and “energy efficiency” claims, with Members noting there had been a high level of counterfeit products found.
- The report also highlighted how complaints regarding weight and measures were investigated and inspections undertaken in order to test for accuracy.
- The intelligence led nature of the service continued to bring benefits, especially in tackling the increase in illicit goods including tobacco and other counterfeit items being sold. There had been a rise in the number of counterfeit products seized and concerns relating to age restricted products were

- highlighted as specific examples, with reference made to the measures in place to monitor and target traders and seize their illicit goods. The current cost-of-living crisis was expected to see a rise in counterfeit tobacco, alcohol and other products with concern also expressed about the non-compliance of age restricted products which would continue to be closely monitored.
- The work being undertaken in relation to product safety to ensure products manufactured, imported and sold were safe regardless of their cost. This included market surveillance, using intelligence to monitor and ensure safety, especially of essential and high demand goods and work with the Office of Standards and Safety (OPSS) and the Ports Authorities to ensure safe products were supplied across each Borough. Appropriate enforcement action would also be taken against those not complying with the law.
 - The work being undertaken to assist businesses and ensure they were not being put at a disadvantage for trading unfairly. This included tackling fraudulent and non-compliant businesses, the provision of high quality business advice, and publicising actions taken against non-compliant businesses and traders.
 - The work being undertaken to support consumers in making informed choices to enhance confidence in green markets. This included work to support improvements in the energy efficiency of rented accommodation, to improve the services understanding of green retro-fit issues to tackle mis-selling and addressing greenwashing and green scams, with Neighbourhood Watch being used to assist in warning residents of neighbourhood issues.
 - The work being undertaken across the service to keep residents safe from financial loss and prevent harm of their wellbeing in recognising the increase in vulnerability of consumers. This included action to raise general awareness of scams, among consumer and businesses, especially those related to cost-of-living such as offers of help towards energy bills, council tax refund scams, pension pot scams, green homes grants and home insulation scams. In addition, the service was signposting vulnerable people to experts in the Customer Contact Centre for advice and guidance on welfare and financial support whilst also providing enhanced support to vulnerable persons to help them exercise their consumer rights and not be further disadvantaged by attempts to defraud, with specific work targeted around loan-sharks working with the national illegal moneylending team.

The Joint Board was advised that the Service had fed into both Brent and Harrow's cost-of-living strategies and where necessary would continue to update its approach to priorities in order to ensure businesses and consumers were offered as much support as possible in relation to the issues and increasing challenges identified.

The following issues were then raised by Members of the Board in response to the update provided:

- Further details were sought on whether fruit stalls were checked in regard to weights and measures and it was reported that they were.
- In regard to car washes, it was confirmed that if operating illegally the owners would be issued with Planning Enforcement Notices, and enforcement action would be taken in relation to any illegal structures or unauthorised use of energy supplies and proceeds of crime. In addition, Members were advised of

- the work being undertaken by energy companies to address the unauthorised or illegal use of energy supplies.
- Concerns were identified in relation to the challenge involved in encouraging the victims of crime to come forward, particularly due to the potential embarrassment of being scammed amongst the elderly and vulnerable. As a result, further details were sought on the action being taken to address the issues with the suggestion of the use of targeted campaigns to alert residents of scams and to raise awareness. Whilst recognising the need to manage the approach within the limited resources available, Members were advised of the community engagement activity undertaken across the Service which included use of Neighbourhood Watch, Town Centre Managers, Neighbourhood Managers and local Council magazines to communicate such issues in order to raise awareness and maximise use of the limited resources available.
 - Details were also provided of the 'Friends Against Scams' programme, which the Chair (as an advocate of) advised was a National Trading Standards Board (NTSB) initiative to prevent scammers passing on details of victims to other scammers. The initiative provided an education programme, which the Chair felt it would be useful to offer to all councillors given their representational role and work undertaken in their local communities. In response, Members were advised of the work being undertaken to support the scheme and National Trading Standards scam protocols, which the Service would continue to support and share with councillors and other local community groups as a valuable source of information sharing.
 - Details were also sought on the action being taken to address concerns relating to the licensing and sale of paan. In response Members were advised that no specific licence was required by traders to sell paan and the issue of spitting (which was illegal as a littering offence) on the footway addressed through each Council's Environmental Enforcement arrangements.
 - Further details were sought on any trends identified in relation to particular scams or trading issues specifically linked or targeting consumers as a result of the cost-of-living crisis. Members were advised that national trends had identified a potential increase in issues relating to energy efficiency schemes with business behaviour also subject to ongoing monitoring in relation to the sale of illegal products, such as tobacco and the necessary action continuing to be taken in response.

In welcoming the report and update provided the Joint Board thanked officers for the information provided and **RESOLVED** to note and endorse the Brent and Harrow Trading Standards response to the Cost-of-Living crisis and priority areas identified as detailed within the report.

7. **Update on Trading Standards work to regulate Nicotine inhaling (Vape) Products**

Samuel Abdullahi, (Senior Enforcement Officer, Brent Council) presented a report providing Members with information of Trading Standards work on the supply of non-compliant disposable 'nicotine inhaling products' commonly referred to as 'vapes' or 'e-cigarettes'.

In considering the report the Joint Board noted:

- The wide ranging supply and use of non-compliant disposable e-cigarettes across both Boroughs and also widely reported regionally across London and the United Kingdom.
- The legal requirements contained within the Tobacco and Related Products Regulations 2016 in relation to the supply and sale of e-cigarettes and refill containers, as detailed in section 3 of the report.
- To date, across the Service, a total of 199 business premises had been visited and given comprehensive advice. Inspections of stock within the premises had led to over 3,700 non-compliant e-cigarettes voluntarily removed from sale by businesses. A total of 770 e-cigarettes had been seized from businesses following re-visits, which identified voluntary undertakings had not been followed. General non-compliance covered areas such as tank size capacity, non-registration and incorrect warnings and no names of producers in the UK.
- Using a base of £5 per item, the removed products had totalled a minimum retail value of £117,350.
- The advice and guidance being provided to businesses in terms of the sourcing of supplies of e-cigarettes and e-liquid products, as detailed in sections 3.12 – 3.14 of the report.
- The programme of test purchases undertaken in relation to the sale of e-cigarette products to those under the age of 18, with the Service having undertaken 28 test purchases using child volunteers under the age of 18. Of these sales, there were 8 occasions where a child was sold to, which represented a non-compliance rate of 28.5% and each of these cases were currently under investigation.
- The increase in popularity of disposable e-cigarettes with younger people, with work still ongoing to assess the longer term impact on health given the potential for users to still become addicted to the products as a result of the nicotine contained within them, hence the supply and sale being age restricted.

The following issues were then raised by Members of the Board in response to the update provided:

- Whilst commending officers for the work undertaken to date, Members remained concerned at the level of non-compliant and illegally imported products being identified and seized. In response, the Board were advised of the work being undertaken jointly with the custom and police services to tackle the illegal importing of these products in order to identify and target the main suppliers as well as to address their sale locally.
- Further details were sought on the work being undertaken with local schools to raise awareness and assist in tackling the underage sale of products within their catchment areas. In response, Members were advised of the work being undertaken with school leaders to provide advice and guidance, particularly in areas where specific issues had been identified.
- The wide ranging nature of the issues and challenges identified in terms of addressing the illegal sale of e-cigarette products were recognised given the range of premises from which they were available, such as hairdressers, and phone accessory shops that would not commonly be associated with the sale of these types of products.

- Members support for further lobbying of Government in order to enhance the regulation for the supply and sale of e-cigarette products and to support (as a priority) the action being taken to prevent their illegal importing and supply recognising the work already being undertaken nationally, regionally and locally by Trading Standard Services and the Customs Service to disrupt the chain of import and supply.
- Members support for the action identified within the report to address the illegal supply and sale of e-cigarette products, given the potential health issues identified and way they were being marketed to attract use particularly amongst young people through the range of flavours and packaging being offered.

In welcoming the update and supporting the approach and work being undertaken to address the illegal supply and sale of e-cigarette products the Joint Board thanked officers for the report and **RESOLVED** to endorse and note the report in relation to the Brent and Harrow Trading Standards Service for 2022/23.

8. **Online Marketplace Product Safety Update Report**

The Board received a report presented by Paul Lee, (Senior Enforcement Officer, Brent Council), providing Members with a briefing on the implementation and interim results of the Trading Standards Service's participation in an online marketplace product safety project for the London Trading Standards (LTS) Region.

In considering the report the Joint Board noted:

- The LTS region was comprised of 32 London member Boroughs with many of these having individual officers who were involved in specialised groups that reflected the main areas of Trading Standards work. The LTS product safety group had been involved in many projects in recent years including the following, part worn tyres, skin lightening cosmetics, after market phone chargers and toy safety projects.
- The project undertaken in 2022 had been focussed (in order to make the best use of available resources) on identifying non-compliant and unsafe products sold via the two large online marketplaces, AMAZON and eBay, with both of these suppliers having Primary Authority Agreements with two local authorities, which helped to facilitate the removal of any unsafe goods in an efficient manner and in many cases, immediately. Members were advised the Service had already worked with eBay prior to the project, so had also been able to utilise pre-existing relationships.
- As further background on the project, Members were advised that the brief had prioritised certain products based on intelligence and previous complaints received. These had indicated high levels of concern over products such as skin lightening cosmetics and unlicensed products purporting to be cosmetics, phone chargers, mothballs and electrical adapters with the project aimed as providing a simplified route for the removal of unsafe goods from supply chains and protection of online consumers. Details of the range of unsafe products which it had been identified and removed from sale as a result had been included within Appendix A of the report, with a number of products having been shipped from outside the UK.

- As a result of the project, the Service to date, had requested the removal of over 1,300 listings relating to over 2,000 individual products with it due to end in March 2023. As result of the type of issues being identified, a number of products and practices had also been reported to the Office of Product Safety and Standards who as a result were currently undertaking their own supply chain investigations and sampling project.
- The use of feedback supplied through the project by both website suppliers to identify potential issues with their compliance procedures and enhance their systems designed to automatically identify illegal items being listed by sellers and to remove seller accounts where continued non-compliance had been identified. Whilst recognising the difficulties in tackling personal rather than business seller accounts, work continued with both websites to ensure the necessary action was taken to ensure only safe products were being listed with the final results of the project to be publicised once it had ended.

In reviewing the priorities identified, the Board made the following comments:

- Members thanked officers for the work undertaken to date through the project to remove unsafe and dangerous items out of the public domain and were keen to explore the potential for a more local focus in addition to the regionally basis of the project. In response, Members were advised that whilst the businesses being targeted were not based in Brent or Harrow the majority of products removed were available and being sold to consumers in both Boroughs, hence the support being provided for the project particularly given the unsafe nature of many of the products.

Once again the Joint Board welcomed the report and in expressing support for the project thanked officers for the report and **RESOLVED** to note and endorse the update provided in relation to the Brent and Harrow Trading Standards Service.

9. **Date of future meeting**

Members noted the date scheduled for the final meeting of the 2022-23 Municipal Year:

- Thursday 9 March 2023 at 6:00pm to be hosted by the London Borough of Harrow.

10. **Any other urgent business**

10.1 **Future Work Programme for the Joint Board**

Members were advised of the way in which the work programme for the Joint Board was developed. Whilst focussed around key requirements in the Shared Service Consortium Agreement, Members were advised that it would be possible to suggest items for consideration at future meetings, which could be fed through the relevant lead officers within each Borough.

10.2 **Publicity of Enforcement and Prosecution Activity**

Reference was made to a recent prosecution case involving a building company based in Harrow, which had attracted some much welcomed

publicity as a means of raising awareness of potential scams and rogue builders. As a result, Members were keen to explore how residents could be further encouraged to report such issues for investigation. In response, Members were advised of the standard referral routes including Consumer Direct through the Citizens Advice Bureau. Whilst keen to ensure as wide a range of investigations were undertaken as possible the need to manage expectations was also highlighted given the limited resources available and need to therefore prioritise the work undertaken based on an intelligence led approach designed to maximise impact.

The meeting closed at 7:52pm

COUNCILLOR S.CRABB
Chair

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
9 March 2023
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS WORK PLAN 2023/24

1.0 Purpose of the Report

1.1 This report provides Members with information concerning the proposed 2023/24 work plan for Brent & Harrow Trading Standards.

2.0 Recommendations

2.1 That Joint Advisory Board Members consider the report and make any recommendations or comments where appropriate including suggesting alternative priority areas of work that the Trading Standards Service may wish to consider.

3.0 Details

3.1 The Service drafts an annual work plan, which proposes the activities to be undertaken and the priority areas of work for the coming financial year. The plan also acts as a guide for the purposes of monitoring performance during this period.

3.2 In accordance with the consortium agreement, there is a requirement for the London Borough of Brent to estimate the number and type of activities that will be undertaken by the Service during the financial year and to present this to the Joint Advisory Board.

3.3 A copy of the proposed work plan for the year 2023/24 is attached as an Appendix to this report.

4.0 Financial Implications

4.1 There are no financial considerations arising from this report as the work plan is drafted in a manner to be achieved within the budget provided for the Service for 2023/24.

4.2 This report is written as if the 2023/24 budget will remain unchanged from the previous year. If there are any changes to the budget after the drafting of this report, the work plan will be adjusted accordingly to reflect any changes.

5.0 Legal Implications

5.1 There is no legal implications arising from 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 although it should be noted that the number of staff vacancies currently within the Service may result in a reduced ability to generate income, as well as the continued restrictions during the pandemic.

Contact Officer

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, anu.prashar@brent.gov.uk

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER



**Brent & Harrow
Trading Standards**

**Team Work Plan
2023-2024**

Contents

Introduction.....	3
Priorities	4
Work Volumes	7

Introduction

This year started with no Covid measures though other factors such as the cost-of-living crisis and high inflation rates has meant we have carried out projects with this in mind.

In 2021/2022 the London Borough of Harrow reduced its funding to the consortium. It is expected that funding will be maintained at this level in relation to the Trading Standards budget and this is reflected in the work plan.

Brent and Harrow Trading Standards is responsible for the enforcement of a wide range of legislation controlling the advertising, marketing, distribution and supply of goods and services throughout the manufacturing, importation, distribution, and service delivery chain. Its remit covers criminal and contract law and includes product safety, fraud, weights and measures, trademark protection, e-commerce and unfair trading practices.

The role of the Trading Standards is to promote a fair, healthy and safe trading environment in Brent and Harrow by ensuring compliance with regulatory legislation, protecting consumers and supporting local businesses. Trading Standards has a statutory responsibility to enforce regulatory legislation aimed at protecting consumers, particularly the most vulnerable and preventing businesses from engaging in unfair, illegal or unsafe practices.

In the UK, consumers take a lot for granted. The products we buy are safe, we do not expect to be victims of fraud, the weights quoted on goods are correct and the businesses will trade with us fairly are just some examples.

Trading Standards work is central to maintaining a confident marketplace supporting the development of business 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.

This work plan aims to set out some of our priority areas for the coming year and provides a guide to the expected levels of performance for each of the boroughs' teams. The plan offers flexibility to assist in meeting unexpected demands and to adapt service delivery as required, to meet emerging threats or respond to major investigations.

Parliament is now debating the Retained EU Law (Revocation and Reform) Bill. This Bill is currently in the House of Lords. The Bill would involve the "sunsetting" of retained EU law by the end of this year if the laws are not amended or changed. This would cover over 2400 pieces of legislation across 21 Government Departments and could involve the rewrite of many of our domestic laws.

A significant number of areas of Trading Standards work is underpinned by such legislation including:

- Consumer Protection from Unfair Trading Regulations – which provide a cornerstone of huge protections to consumers from misleading claims, scams and rogue traders
- Weights and Measures regulations
- Product Safety
- Intellectual Property

- Business Protection from misleading marketing

Due to the changes that may come with the implementation of this Bill to an Act of Parliament we will need to ensure that staff are trained to advise our businesses and consumers of any changes that will affect them.

The cost-of-living crisis is also putting strain on the consumers and business pockets. Research carried out by ACTSO (the Association of Chief Trading Standards Officers) highlights that the risks associated with the cost-of-living crisis is apparent across all work areas and is placing increasing demands on the Trading Standards Service.

Highlights from the report include:

- Over half a billion pounds of consumer detriment (£548 million) was prevented by Trading Standards across England and Wales
- A major increase in counterfeit goods with Trading Standards seizing over 4 million counterfeit products with a market value of £111M - three times more than the previous year
- The removal of over 4.2M unsafe/non-compliant products including dangerous toys, lights and phone chargers
- A significant increase in the amount of illicit tobacco, with 14.9M illicit cigarettes seized
- Concerns that consumers are more at risk of being scammed, with 17,600 scam victims supported and approximately £47M of money saved by Local Authority Trading Standards in 2021/22.

The Service continues to employ two Financial Investigators who conduct investigations generated not only from within our own Councils, but also on behalf on various other external agencies. Their duties and outputs are measured differently and are outside the scope of this work plan.

The Service's leadership team currently includes Anu Prashar and Samuel Abdullahi.

Priorities

The Trading Standards Service aim is for a safe, fair and legal marketplace, that supports and benefits local businesses and which helps the local economy grow.

The Service fulfils the local authority's statutory role of a 'weights and measures authority' and is tasked with enforcing more than 250 pieces of legislation.

Our Service priorities for the year are influenced by the following:

The National Trading Standards Board (NTSB) has identified the following areas in its Strategic Assessment dated September 2022, which it considers to be priority areas of work:

- Tier 1: Doorstep Crime, energy related fraud, mass marketing fraud/scams and lettings.

- Tier 2: Illicit tobacco, intellectual property crime, used cars, other fair trading and estate agents.
- Tier 3: Animal feed with dedicated FSA funding.
- Cross cutting issues: eCrime and the use of on-line and social media; serious and organised crime; and the cost-of-living crisis.

London Trading Standards (LTS), who represent the 33 local authority Trading Standards Services across London, have identified their priority areas of work for members.

LTS priority areas are as follows:

- Doorstep crime
- Product Safety
- Fair trading and scams
- Lettings
- Product safety
- Illicit tobacco and cigarettes
- Underage sales

The cost-of-living crisis is the overarching theme to these priorities

At the time of writing the Office of Product Safety and Standards (OPSS) had produced a Product Safety Strategic Intelligence assessment report 2022/2023. The report details the key product safety risks and threats ahead with specific reference to those arising from the pandemic. The report outlines the priorities for 2022/23 are as follows:

- UK Supply Chains
- Asian Imports
- Impact of COVID-19, Supply Chains and New Products
- Substitution
- Chemicals in Consumer Products
- Net Zero and Consumer Products

Within the London Boroughs of Brent and Harrow each local authority has a corporate plan setting out what it is to accomplish in the future and how this will be achieved. Brent has a 'Borough Plan 2023-2027' and Harrow a 'Corporate Plan 2023 -2026'. These plans highlight the broad subject areas listed below as priority areas for each Council:

Brent:¹

- Prosperity and Stability in Brent
- A Cleaner, Greener Future
- Thriving Communities
- The Best Start in Life
- A Healthier Brent foundations

¹ [Brent Borough Plan 2023-27.pdf](#)

Harrow:²

- A council that puts residents first
- A borough that is clean and safe
- A place where those in need are supported

These areas of work have each been given consideration including an assessment of the intelligence available. From this, we are able to focus where our resources should be deployed to achieve the biggest impact. This approach is in line with the IOM (National Trading Standards Intelligence Operating Model) as well as contributing to the relevant Borough objectives.

Whilst setting our work plan, the following assumptions have been made:

- Work will be reactive (complaint-driven) focusing on statutory responsibilities rather than proactive except for the purposes of supporting specific borough priorities or initiatives
- All complaints (service requests) received for investigation will be risk-assessed via our matrix and will only be investigated if the relevant threshold is reached
- We will continue to focus on steering business towards primary authority advice
- Any commercial activities which generate an income will be prioritised to maximise revenue
- We will seek to manage demand where possible by signposting service users to other resources and encouraging greater use of on-line advice and information
- We will publicise our work as much as possible to act as an educational resource or deterrent warning when applicable.

We have categorised the following areas of work to form the basis of our 2023/24 priorities:

High Priority

Most Complained About Businesses	Estate Agents/Letting Agents
Doorstep Crime and Scams	Counterfeit Goods (Large Scale Operation)
Unsafe Goods (Manufacture /wholesale) including Port referrals and Cosmetic Products	Referrals for Proceeds of Crime Investigations
Primary Authority Partnerships	Underage Sales – nicotine inhaling products, knives, alcohol, tobacco
Niche and Illicit Tobacco Products including nicotine inhaling products (vape products)	Energy related fraud investigations and enforcement
Second hand car dealers	Inaccurate Weights and Measures
Unsafe Goods (Retail Level)	

² [\(Public Pack\)Agenda Document for Cabinet, 16/02/2023 18:30 \(harrow.gov.uk\)](#)

Medium Priority

Misleading Descriptions (higher value goods)	Incorrectly Labelled Goods (safety)
Consumer Credit/illegal lending*	Counterfeiting and Copyright (low level)
Underage Sales – fireworks (seasonal)	Energy Labelling of Premises and Goods
Online Terms and Conditions	Hallmarking
Package Travel holiday complaints	Storage of Fireworks (unless critical safety implication)

*High priority cases are also referred to Illegal Money Lending Team

Low Priority

Restrictive Notices	Underage Sales – lottery, spray paints, games, butane
Misleading Descriptions (low value goods)	Essential Packaging
Mock Auctions	Price Marking of Goods or Services
Market Sales	Business Names
Single use carrier bag charges	Provision of Advice re Credit Card Charges
Misleading Prices/Promotions (unless high value)	

Work Volumes

The tables below show the projected performance of the respective Brent and Harrow teams during 2023/24. It should be noted the nature of Trading Standard's duties is variable and therefore these figures are subject to change.

As a result, at year end some areas of work may have generated a higher than expected volume whereas other areas might see a decrease as a result of the need to respond to demands in other areas that arise during the year. Our work volumes will be kept under continuous review and reported quarterly to ensure that they are being implemented effectively and progress is being made.

The work volumes are based on a Harrow's number of enforcement staff of 2.5 and Brent's number of enforcement staff of 3.5.

Brent Team 2023/24 Based on staff numbers: <ul style="list-style-type: none"> • 3.5 Enforcement Officers 	Harrow Team 2023/24 Based on staff numbers: <ul style="list-style-type: none"> • 2.5 Enforcement Officers
--	---

	Planned volume Brent	Planned volume Harrow
Complaints (Service Requests) Completed	300	230
Trader Enquiries / requests for advice	78	54
High Risk / Most Complained-about Trader Inspections	31	25
Port Referrals	5	1
Other Business Inspections	66	69
Weights & Measures, Average Quantity or Verification visits	10	10
Primary Authority Hours	117	20
Underage Test Purchase Visits	62	57
Infringement reports (average 50 work units per report)	30	15
eReports (average 7 work units per report)	15	9
Prosecutions completed – Crown Court	1	1
Prosecutions completed – Magistrates’ Court	8	6
Licensing Condition Reviews	1	1
Simple Cautions Signed	6	4
Letters of Warning Issued	9	10
Fixed Penalty Notices Issued	8	7
Local and Regional Projects	2	2
Service Improvement Work (Hours)	97	53
Approved Trader Scheme New Recruits or Audits	10	10
Doorstep Crime Rapid Response Actions	3	4
Number of Scam Victims Contacted c/o NTS Scams Hub	40	43
Partnership or Area Based Working Events / Weeks of Action	8	6
Samples, Mileage and Websites Checks	58	54
Number of Intelligence Logs Input on Regional Database	64	58
Press Releases Issued	6	4

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
9 March 2023
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS FEES AND CHARGES 2023/24

1.0 Purpose of the Report

- 1.1 This report provides Members with information concerning the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2023/24.

2.0 Recommendations

- 2.1 That Joint Advisory Board Members consider the report and make recommendations or comments where appropriate.

3.0 Details

- 3.1 In accordance with paragraph 13(f) of the Consortium Agreement between the London Borough of Brent and the London Borough of Harrow, the Joint Advisory Board 'should consider and make recommendations on the level of fees and charges to be made to the public in respect of any part of the service, for consideration by whoever is authorised to make fees and charges decisions by each respective council's constitution'.
- 3.2 As per the council's Fees and Charges policy, our Strategic Director has delegated powers in conjunction with the Chief Executive, to vary fees in certain circumstances without the need to bring reports before Cabinet or other decision making bodies. When appropriate circumstances provide, the Service will utilise this policy to maximise income opportunities.
- 3.3 Brent is the host authority for the Consortium and therefore the fee structure and charges are applied at the same level to each borough.
- 3.4 Trading Standards fees fall into the following categories:
1. Statutory fees (set by legislation, although some offer discretion to vary the amount up to a maximum value)
 2. RPI linked fees (agreed previously by Brent's Executive)
 3. Discretionary fees (there is discretion to vary the value charged)
- 3.4.1 Statutory fees are set nationwide by government. Generally, local authorities have no discretion to change these fees although on occasions, the legislation

will permit a fee to be set locally up to a maximum value.

- 3.4.2 Due to the fluctuating and high inflation rates, fees have been increased by 7.5% rather than the RPI, as it is predicted that inflation will come down during this year.

Explosive License Fees

- 3.4.3 The fees to process explosive (firework) licenses, charged by the Harrow team are set by the Health and Safety Executive by virtue of the Health and Safety and Nuclear (Fees) Regulations 2021. These fees vary subject to the exact License required although are typically £54 to renew a short term license rising to £500 for an all year round license. It remains the case that in Brent, this function is the responsibility of the Licensing Team who receive the income.

Letting and/or Property Management Penalty Fees

- 3.4.4 Under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 and the Consumer Rights Act 2015, we can impose monetary penalties of up to £5,000 where breaches of the legislation have taken place.
- 3.4.5 Under the Tenant's Fees Act 2019 and Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019, we can impose monetary penalties of up to £30,000 where breaches of the legislation have taken place.
- 3.4.6 However, the legislation requires us to take into consideration any representations received from the recipients of such penalties. Accordingly, the value of each penalty is considered on a case by case basis to determine what is appropriate in the given circumstances. It is proposed that the penalties range from £1,000 (low harm) to £5,000 (high harm) for first offences. For subsequent offences, we will either prosecute or levy a penalty of £5,000 (low harm) to £30,000 (high harm). These penalties only relate to the legislation quoted in 3.4.5 above.

Primary Authority Fees

- 3.4.7 A RPI escalator (Retail Price Index) applies to our Primary Authority partnerships which is a scheme enabling us under Section 31 Regulatory Enforcement and Sanctions Act 2008, to charge businesses on a 'cost recovery' basis, for primary authority services.
- 3.4.8 Brent's Executive agreed a report titled "*Introduction of a Charge Based Regulatory Advice Service for Businesses*" in June 2013, which stipulates that an increase is applied to the rates charged for primary authority advice, on an annual basis on 1 April each year by the annual change in the RPI for January of the year concerned. The RPI for December 2022 was 13.4%. The January 2023 figure was not published at the time of writing this the report. As stated earlier in this report, it is expected that inflation will decrease throughout

the year and therefore the fee has been set with a 7.5% increase based on guidance given by Brent Council's Finance Team.

3.4.9 The proposed rounded up, hourly rate increase in our primary authority fees to include this rise are shown in the table below.

Service	2022/23	2023/24
Primary Authority – fixed contract (per hour)	£67.00	£71.00
Primary Authority - pay as you go (per hour)	£83.00	£88.00

3.4.10 The remaining fees the Council has discretion to determine annually, with any change in the fee being set each year according to prevailing circumstances. When determining the level to fix these fees, care is required to ensure we remain competitive amongst other local authorities who offer similar services so as to ensure we do not lose custom.

Weights and Measures Fees

3.4.11 By virtue of S11(5) and S49(4) of the Weights and Measures Act 1985, the local authority can charge 'such reasonable fees as we determine' for carrying out our duties under the Act. The Association of Chief Trading Standards Officers (ACTSO) used to publish annual guidance for weights and measures fees to local authorities so they could remain competitive. ACTSO took the decision in April 2019 not to give this guidance as the 'actual costs of each local authority vary widely for many reasons and local authorities must follow their own corporate rules in relation to assessing costs and charging'. In 22/23 to assist with business recovery due to the pandemic the fees were not increased. The fees have risen for 23/24 by 7.5%

3.4.12 The table below shows the proposed fees:

Service Charged Per Officer Per Hour	VAT	2022/23 (Inc VAT where applicable)	2023/24	
			(excl VAT)	(incl VAT)
Verification of weights & measures equipment	20%	£79.20	£71.00	£85.20
Calibration of weights for business	20%	£79.20	£71.00	£85.20
Weights & measures testing for other local authorities (per hour ⁷¹)	0%	£66.00	£71.00	£85.20
Additional officer testing assistance (per hour)	0%	£50.40	£45.00	N/A
Officer use of safety lab (per hour)	20%	£87.60	£78.00	£93.60

Registration of Premises for Auction Fee

3.4.13 By virtue of S26(2) Greater London Council (General Powers) Act 1984, we apply a 'reasonable fee' for the registration of a premises to host an auction.

The legislation states this fee has to cover 'administration and inspection costs'. The current fee is £357 and it is proposed this fee increases to £360.

3.4.14 It is very rare to get applications for this purpose with none received during 2022/23.

Fee for Officers Carrying Out Duties at Wembley Events

3.4.15 Where a charge is made for officers conducting their duties, such as at Wembley events or work undertaken on behalf of brand holders for example, we will recharge our costs. The rate for this work is increasing from £62 to £66 per hour per Enforcement officer and from £81 to £85 for Senior/Supervisory Staff.

Financial Investigator's Fee

3.4.16 Our Financial Investigators continue to offer their services to other local authorities. In addition to agreements with these local authorities, which ensures a share of any money raised via the Home Office Proceeds of Crime incentivisation scheme, we charge an hourly fee for our time spent conducting the investigation. This covers our costs in the event that no order is made or if an order is made by the Court and it is not paid for any reason resulting in no incentivisation scheme payment being received.

3.4.17 It is proposed to increase this fee from £42 to £45. This is to ensure we remain competitive with other local authorities offering a similar service. This fee is charged in addition to a share of any subsequent incentivisation scheme payment.

3.4.18 The hourly fee quoted above for our financial investigation services, does not apply to internal London Borough of Brent referrals but will apply to London Borough of Harrow who no longer share the costs of this team. The hourly rate to be applied is the rate on the date that any contract is made with an external authority as opposed to the applicable fee on the date a financial investigation may conclude.

4.0 Financial Implications

4.1 Below lists previous income budgets.

- 2016/17 - £27,500
- 2017/18 - £31,500
- 2018/19 - £33,500
- 2019/20 - £45,500
- 2020/21 - £45,500
- 2021/22 - £40,200
- 2022/23 - £47,000

(These figures exclude income received from court costs awarded or proceeds of crime recovery).

4.2 At the time of drafting this report, income of £54k for 2022/23 had already been achieved via its fees and charges against a fees and charges income figure of £47k. The increase of income for this period is attributable to the recharge of event day working staff costs.

5.0 Legal Implications

5.1 There is no legal implications arising from 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 although it should be noted that the number of staff vacancies currently within the Service may result in a reduced ability to generate income, as well as the continued restrictions during the pandemic.

Contact Officer

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, anu.prashar@brent.gov.uk

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER

This page is intentionally left blank