



Trading Standards Joint Advisory Board

Minutes

1 November 2023

Present:

Chair: Councillor Anjana Patel – London Borough of Harrow

Councillors: Norman Stevenson – London Borough of Harrow
Krishna Suresh – London Borough of Harrow
Stephen Crabb – London Borough of Brent
Harbi Farah – London Borough of Brent
Daniel Kennelly – London Borough of Brent

**Apologies
received:**

Absent:

1. Election of Chair

RESOLVED: That Councillor Anjana Patel (London Borough of Harrow) be elected as Chair for the meeting.

2. Apologies for absence and clarification of alternate members

None received.

3. Declarations of interest

No declarations of interest were made at the meeting.

4. Minutes of previous meeting

RESOLVED: That the minutes of the meeting held on Wednesday 14 June 2023 be approved and signed as a correct record.

5. Matters arising

None.

6. Deputations (if any)

No requests for deputations had been submitted for the meeting.

7. Trading Standards Mid-Year Report

Anu Prashar (Senior Regulatory Service Manager, Brent Council) presented a report detailing the Trading Standards Brent and Harrow Mid-Year Report 2023/24 which had been prepared in accordance with the requirements of the Consortium Agreement and detailed the work of the Trading Standards Service.

In considering the report the Joint Advisory Board noted:

- The Trading Standards Service operated on a joint consortium basis between the London Borough of Brent and the London Borough of Harrow, with Brent being the host authority.
- The Service conducted both local authorities' statutory duties relating to the legislation enforced by a Weights and Measures Authority. As part of the contractual agreement between the two boroughs, an annual report was presented to the Trading Standards Joint Advisory Board.
- This year the Service had produced a mid-year report to provide Members with information about what the Service had been doing without having to wait until the publication of the annual report.
- The report for the mid-way review only covered work conducted between 1 April to 30 September 2023. Any future work or pending outcome would be reported in the Annual report.
- The Service had received 2,039 service requests during this period from various sources including consumers, businesses, other local authorities, the ports, and enforcement bodies such as the Police. Of these, 539 were further analysed by the Brent Team and 352 by the Harrow team and 1,148 were notifications of action being undertaken.
- The majority of complaints related to used car dealers, and it has been high on residents list of complaints.

The Service, paid for by businesses, had delivered 65 hours of tailored advice to businesses in connection with the statutory Primary Authority

Scheme. This was related to physical and online compliance on clothing, electricals, and homeware covering trademarks, product safety, and fair trading. A Primary Authority business had also been advised on underage sales matters, with specific guidance on appropriate systems in place to ensure age restricted products were not available to children.

- Due to the cost-of-living crisis officers were working to ensure that consumers were not taken advantage of and that businesses had a fair playing field. As part of that officers had gone around the borough, testing scales, checking prices on the high streets, and tested over 70 weighing across both boroughs where 17 have so far been found to be non-compliant by being either unstamped or out of tolerance at the higher end. Of these 4 had been taken out of service, 4 had been verified and the remaining were in the process of being verified which required officers to revisit the businesses again to ensure they were compliant. Thus far, any of the scales that had been not within the permitted tolerance are in fact to the benefit of the customer in that they are weighing less than the actual weight. In relation to Weights & Measures visits 26 businesses were visited in Brent and 13 in Harrow. During visits, officers had inspected and provided advice on specific products not priced and the need to ensure that all products were priced. In addition, the team has visited 27 businesses (14 in Brent and 13 in Harrow) that are considered as High Risk or are amongst the most complained about Business within the Borough. The intended target for the year is to conduct a total of 56 of these visits (31 in Brent and 27 in Harrow).
- One of the areas of concern was the supply and sale of second-hand tyres (part-worn tyres) and over 20 businesses that supplied and sold part-worn tyres had received written advice and guidance providing practical steps to ensure compliance with the consumer protection law relevant to their business.

Results in Court:

A total of Four cases concluded in court during the reporting period.

The first case concerned a seizure of 350-unit packets of illicit tobacco not carrying the compliant health warning and not in the standardised packets.

The second case was a seizure of illicit tobacco from a coffee and nut roaster with 908-unit packs of cigarettes, 5-unit packs of hand-rolling tobacco, and 85 packs/tubs of shisha molasses tobacco (47.7 kg).

The third case was about a sole trader in Wealdstone who sold not one but two vapes to a 15- year-old girl. He even asked the volunteer's age and she responded 15!

The fourth case was about a seizure of illicit tobacco from a butcher on Greenford Road, Harrow, which was found with 1,187-unit packs of cigarettes. The company and the director pleaded guilty to all charges.

Letting Agent Compliance Work:

The Service continued to pro-actively conduct online audits of agents actively advertising property rentals service as well as respond to complaints it had so far issued.

- a total of 15 Notice of Intent (NOI) to issue monetary penalties against agents that have been found not to comply in the past.
- 10 of the NOIs issued have resulted in monetary penalty notices officially known as Final Notice being issued to a total of £25,050.00 (£10,450 for Brent & Harrow £14,600)
- 1 had withdrawn and the agent has been issued with a letter of warning.
- 4 NOIs are still pending further decisions.

Age Restricted Product Sales

27 businesses have been visited with regards to checking its compliance with regards to the sale of age restricted products to minors. 19 of these have been Brent and 8 in Harrow. Out of the 8 businesses in Harrow tested 4 of these have sold to the child volunteers. This is a 50% failure rate so far.

These businesses are currently under investigation and the outcome will be reported in the annual report.

The failure rate in Brent currently is at 5.26% with only one sale out of 19 businesses visited to check compliance.

Doorstep Crime & Scams

Whilst the team is set to deliver a rapid response service to our local residents to prevent, disrupt and deter doorstep criminals, to date it has not received any Rapid Response request although it has received complaints about building and renovation services which it has looked into further.

Officers have supported residents by arranging for Building Control Inspectors and surveyors to visit and assess work conducted to assist with civil routes of redress. A local Brent business was issued a formal warning for falsely claiming Trustmark membership. Whilst in this case, it was a lapsed membership, rogue businesses know that accreditation can influence a resident's decision on whether to appoint a business or not, so we act on this information immediately and can, where necessary, remove a website from the internet.

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

Following prosecution for underage selling Members questioned whether shop owners were still permitted to trade. Officers advised that shop owners could trade before and after the prosecution, but they would be subject to increased scrutiny.

- In terms of reports of letting agents demanding high fees and private auction officers advised that few reports had been received due to tenants not wanting to lose their accommodation. In addition, the Tenancy Fee Act did not permit letting agents to overcharge for the deposit as it was set at 1 month's rent and or overcharge for lost keys or similar items. Only 15 cases across Brent and Harrow had been reported and investigated There have been press releases to encourage more tenants to report these agents.
- Members questioned whether outreach work and leafleting Could be conducted to address doorstep scams. Officers advised that homeowners could put up a door sticker stating that residents would not buy or sell at the door but and this be discussed after the meeting.
- With reference to Paan shops and the spitting on the ground from people buying the paans, officers advised that they could not do anything about the spitting which would be dealt with enforcement officers and the sale of paan could not be stopped unless tobacco was sold inside of them for which a licence was required. Trading Standards had no jurisdiction in in terms of sales but could visit shops to check that illicit tobacco was not being sold. Simon Legg advised that it was difficult and costly to evaluate the paan to see if it contains tobacco and educational was key. Harrow had introduced a new PSPO to fine people spitting.

The Chair sought clarification on the level of age restricted product sales. Officers advised that work with shop owners was ongoing in order to educate but more shops were selling vapes and this was increasing the number of age restricted sales.

Having considered the report, the Board

RESOLVED: That the Mid-Year Report 2023-2024 be noted.

8. Trading Standards Service Request Analysis

The Board received a report, presented by Samuel Abdullahi (Team Leader Regulatory Service Brent Council) which provided Members with an analysis of service requests received by Brent and Harrow Trading Standards Service which would assist identification of where the Service's resources should be deployed to achieve the biggest impact.

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

The aim of this analysis and report is to help evaluate where the Service's demands come from, to assist in identifying any trends, to better understand

why/how our customers are contacting us and to assist with identifying where the Service's resources should be deployed to achieve the biggest impact relating to the types of complaints/service requests it receives. To achieve this, the analysis looks at the following:

1. Identify the main source of service requests along with the types of products/services we have received complaints about and identify any pattern.
2. Identify the hotspot within the Boroughs where the Service can concentrate its enforcement actions to achieve the biggest impact.

The data used for the analysis was obtained from the services complaints/service requests database between 1 April 2022 to 30 September 2023.

Complaints and service requests received from various sources have been recorded in the database.

A total of 6,911 service requests were received between 1 April 2022 to 30 September 2023. Like most other Trading Standards authorities nationally, we collaborate with the Citizens' Advice Consumer Service who function as the public's first point of contact when they want help and advice with a consumer issue or to escalate a criminal breach to their local trading standards.

6,054 of our service requests were received via Citizens Advice Consumer Service (CACS).

Service requests are split into two categories:

- 4,155 were classified as NOTIFICATIONS (this is used to indicate the transfer of cases from CACS for information purposes only where there is no commitment for Trading Standards to contact the enquirer as the help and advice has been provided by CACS) Some Trading Standards Service have requested that they do not wish to receive notifications from CACS but in Brent and Harrow, we have these sent to us to help with our monitoring of businesses and wider intelligence gathering purposes.
- 1,899 were classified as REFERRAL (this is used to indicate transfer of cases for further consideration by Trading Standards). We will individually consider, and risk assess all referrals received from CACS. CACS gives the service no obligation to contact the complainant in the first instant unless we need further evidence, as while the matter may concern an alleged criminal breach, the matter could be determined to be a minor issue or something which has been determined as a low priority.

The remaining requests were received directly to the service's own email address (559), via the national Intelligence Database (102), by letter (19), telephone (14) and the remaining 162 were received via other methods such as an officer generated complaint.

The top main source of complaints received are from consumers either directly to the Service or via the Citizens Advice Consumer Service (CACS) 6136 were received which includes 6054 notifications and referrals from CACS.

The second highest is 'Enquiry from other Local Authority / Statutory Body' with 147, closely followed by 'Officer Generated Complaint' with 140 (Officer-generated complaint is when an officer finds a breach whilst carrying out market surveillance, or inspection and creates a service request to either deal with the request personally or for another officer to deal with.

The service had received complaints about 400 different types of individual products. However, these have been grouped together to consolidate the number to 58 as detailed in the table.

Used Vehicles have the highest number of reported complaints with 849 in total since April 2022.

- 546 of these were about businesses based within Brent and Harrow or neighbouring boroughs.
- 316 came via CACS as a Notification because the business was based within Brent & Harrow.
- The second highest reported complaints are with regard to Building and Renovation Services with 771.
- 340 of these complaints were about businesses based within Brent and Harrow or neighbouring boroughs.

The main type of breach reported within both boroughs was Defective Goods and Substandard Services which is often related to Used Vehicles or Building and Renovation Services.

From the analysis of the report the following assessment has been reached.

1. It is almost certain that the Service will continue to receive complaints from general members of the public mainly via Citizens Advice Consumer Service 2. It is highly likely that used vehicles, building and renovation services will continue to be the main goods and/or services that will be complaints about. This also fits in with these typically being high value transactions increasing the need for the public to complain if something goes wrong.
2. It is highly likely that Defective Goods and Substandard Services will remain the top two types of breaches which is consistent with the two highest types of complaints.

Complaints and service requests received are spread out across different areas within the boroughs.

1. Enforcement actions to be focused within the hotspot areas and most complaints about businesses to educate and encourage businesses to be responsible, fair
 - Pros: targets areas identified as having issues based on complaints, will hopefully reduce the number of complaints, and raise compliance within the sector allowing the Service to be more focused emerging trends.
 - Cons: other areas within the boroughs may suffer from a lack of enforcement/education.

2. Liaise/engage more with other partners that have an interest in such matters such Police, Licensing
 - Pros: A bigger pool of officers and professionals to help tackle these issues.
 - Cons: More people to co-ordinate with and no control over what work they do as their priorities may differ from that of Trading Standards

3. Raise awareness amongst members of the public with regards to their rights when buying goods, specifically when dealing with building and renovation businesses
 - Pros: educating members of the public with regards to the law may empower them to make more informed decision and this could reduce complaints around this sector.
 - Cons: reliant on members of the public to attend and will have additional cost and officer's time.

4. Compare the Hotspot Areas of Activity based on complaints received against other reports such as anti-social/ theft within the borough to identify if there might be a bigger/wider issue
 - Pros: better insight as to perhaps one of the likelihoods of antisocial behaviour and tackling other crimes this may also reduce antisocial behaviour, the chance of partnership working across the Council.
 - Cons: Other mapping is not readily available to Trading Standards and will take time to compile and consult with another department within the councils and Police.

Referring to the table on page 28 of the report, Members sought clarification as to who determined the categories or codes The person writing it down at Citizens' Advice or whatever decides which breach it is because what's difference between the top one, a brand which is safety goods, and the third one, which is effective goods, both of which appear pretty high in Harrow are they making a subjective decision as to which way which one it comes into. officers advised that it was subjective depending on the person who received it, but the codes were changed once Trading Standards had considered it. The forms were basic, but product safety is a product that is going to harm you and required immediate attention and a defective issue was if an element/part was missing from the product.

Members requested further clarification on the report mechanism and the ages of complainant and were advised that this was not captured, unless it was a doorstep scam. Members suggested that the best way to raise awareness was by providing more information to schools and young people by holding talks, leafleting and outreach work. Officers welcomed the suggestions and undertook to look into them. The majority of complaints received related to the types of consumer goods, at the higher price end such as, building works, cars purchase, and less likely to be coming from a younger person.

Having considered the report, the Board

RESOLVED: To note the report.

9. Sale of Fireworks

The Board received a report which provided an update on work conducted by Brent and Harrow Trading Standards Service and the Brent Licensing team on market surveillance and enforcement activities in relation to the storage and sale of fireworks.

The Board received a report, presented by Anu Prashar (Senior Regulatory Service Manager, Brent Council)

In considering the report the Joint Advisory Board noted:

In Brent it is the licensing team and in Harrow, it is the Trading Standards team that has been delegated the authority to conduct market surveillance and enforcement activities in relation to the storage and sale of fireworks.

Fireworks sold at retail level are classified as HT (hazard type) 4, the lowest hazard classification. HT4 fireworks must be stored in a fire-resistant cabinet or container, in a dry area away from the risk of ignition.

Each year around 20 in Brent and 35 in Harrow premises are licensed to store fireworks and are able to sell them for limited periods around Bonfire Night and the New Year. A small number of premises have an additional license to sell fireworks all year round. Three premises in Brent and four in Harrow are licensed for year-round sale of fireworks. Enforced the legal provisions requiring that fireworks sold in the boroughs are manufactured to the relevant standard and that they are not sold to minors (under 18s).

Eight premises in Brent have a five-year licence and one has a two-year licence. In Harrow seven have a five-year licence and two have a two-year licence.

Premises that obtain a licence permits them to sell fireworks only during prescribed periods between:

- 15 October to 10 November
- 26 to 31 December

- 3 days before Diwali and Chinese New Year.

Licensing permits name individuals who can store explosives in the form of fireworks. Pre-Licence checks ensure the named individual is a fit and proper person to store fireworks and that areas for storage are clearly defined and fit for purpose.

Officers conduct inspections of all our licenced premises on all new applicants and high-risk premises. Retail outlets are inspected during the period immediately before 5 November, traditionally the busiest period of sales. In addition, officers will respond to intelligence received regarding sales during any of the other permitted sales periods.

Retail inspections provide assurance that fireworks are safely displayed, only sold during permitted periods and to ensure compliance with age related sales safeguards. Inspections also ensure the type of fireworks and how they are stored in addition to point-of-sale display comply with license conditions.

Currently Brent officers have rejected two applicants wishing to store and sell fireworks due to insufficient knowledge of the storage requirements.

Officers also monitor social media channels for any evidence of unlicensed storage or sale of fireworks.

The register of licenced premises is a public document and can be supplied on demand.

Under the Pyrotechnic Articles (Safety) Regulations 2015, there are restrictions on the sale of fireworks as follows:

- Christmas crackers cannot be sold to anyone under the age of 12 years.
- category F1 fireworks (including party poppers, serpents and novelty matches) cannot be sold to anyone under the age of 16.
- F2 and F3 category fireworks (including sparklers) must not be sold to anyone under 18.
- The most powerful F4 category fireworks (display fireworks) must not be sold to members of the public; they can only be supplied to a person with specialist knowledge.

However, exemptions apply where person is operating as a volunteer undertaking a test purchase on behalf of a local authority.

In response to a question in relation to warehouses that sold display fireworks, officers advised that Trading Standards only dealt with retail shops and Environmental Health dealt with warehouses. officers advised that there were no warehouses in either borough but if there were they be subject to the same checks as shops.

Members asked questions about firework standards and were advised that there were numerous standards that fireworks go through, and that Trading Standards worked closely with the ports.

In response to a question the licencing fees, the Board was advised about several types and years of licence and that fees were set by the Government.

Having considered the report, the Board

RESOLVED: That the report be noted.

10. Date of Future Meetings

The date of the next meeting:

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

11. Any other urgent business

There were no other matters or urgent business.

(Note: The meeting, having commenced at 6.00 pm, closed at 7.22 pm).

(Signed) Councillor Anjana Patel
Chair