



Trading Standards Joint Advisory Board

Wednesday 14 June 2023 at 6.00 pm

To be held as an online virtual meeting

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

Membership:

Members Councillors:	Representing	First alternates Councillors:	Second alternates Councillors:
Patel	Harrow	Blackman	Harrow
Stevenson	Harrow	Greek	Harrow
Suresh	Harrow	Kalu	Harrow
Crabb	Brent	Fraser	Brent
Farah	Brent	Miller	Brent
Kennelly	Brent	Chohan	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 agendas please visit:

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

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.

Item	Page
1 Election of Chair (to be appointed from the London Borough of Brent members for this meeting)	
2 Apologies for absence and clarification of alternate members	
3 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.	
4 Minutes of the previous meeting	1 - 6
To approve the minutes of the previous meeting held on Thursday 9 March 2023.	
5 Matters arising	
6 Deputations (if any)	
7 Trading Standards Annual Report 2022-2023	7 - 18
To receive, in accordance with the requirements of the Consortium Agreement, the Trading Standards Annual Report for the year 2022/2023.	
8 Illegal Money Lending Team Update	19 - 21
To receive a report updating the Joint Advisory Board on work that has been carried out by the Illegal Money Lending Team (ILMT) within the boroughs of Brent and Harrow and advice on future plans.	
9 Proceeds of Crime Update	23 - 29
This report updates the Joint Advisory Board on work carried out by the Financial Investigation Team since its establishment in 2012 and on the future implications and concerns of Proceeds of Crime work.	
10 Dates of Future Meetings	
Members are asked to note the dates of future meetings agreed for the	

remainder of the 2023-24 Municipal Year, as follows:

- Wednesday 1 November 2023 at 6pm to be hosted (online) by the London Borough of Harrow
- Wednesday 20 March 2024 at 6pm to be hosted (online) by the London Borough of Brent

11 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

Thursday 9 March 2023

Present (in remote attendance):

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

In Attendance:

Simon Legg (Head of Regulatory Service)

London Borough of Brent

Emma Phasey (Head of Licensing and Enforcement)

London Borough of Harrow

Samuel Abdullahi (Team Leader – Regulatory Service)

London Borough of Brent

Mwim Chellah (Democratic & Electoral Services)

London Borough of Harrow

Chris Whyte

London Borough of Brent

Apologies:

Councillor Nicola Blackman

London Borough of Harrow

1. **Election of Chair**

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

2. **Declarations of personal and prejudicial interests**

No declarations of interest were made at the meeting.

3. **Minutes of the previous meeting – 12 October 2022**

RESOLVED: That the minutes of the meeting held on 12 October 2022 be approved and signed as a correct record.

4. **Matters arising**

RESOLVED: That there were none.

5. **Deputations (if any)**

No requests for deputations had been submitted for the meeting.

6. **Brent and Harrow Trading Standards Work Plan 2023-2024**

The Board received a report, presented by Samuel Abdullahi (Team Leader Regulatory Service, Brent Council), outlining the Work Plan for 2023/2024.

The report provided Members with information concerning the proposed 2023/2024 work plan for Brent and Harrow Trading Standards.

The Service carried out the local authorities' statutory duties relating to the legislation enforced by a Weights and Measures Authority as well as other delegated legislation. This gave the Service responsibility of enforcement and legal powers under hundreds of Acts of Parliament or statutory instruments.

In accordance with the consortium agreement, there was 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 them to the Joint Advisory Board.

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

The following issues were then raised by members of the Board in response to the report:

- It would be imperative to consider what the trends were in each borough;
- Whether priorities for dealing with various illegal practices were identical for each borough, for example, the most complained about businesses; and
- Which particular crimes were dealt with by the Service.

In response, Officers advised as follows:

- Currently reports were condensed but could be separated to show data for each borough, and this could be included as a supplemental report in future;

- Priorities for tackling illicit trading were reviewed on a yearly basis, and the severity was categorised low to medium to high risk; and
- Door-step crimes and rogue traders continued to feature prominently. Some of these were dealt with by law enforcement and others were based on terms and conditions for the various products or services.

Having considered the report, the Board **RESOLVED** to note and endorse the Brent and Harrow Trading Standards Work Plan for 2023/2024.

7. **Trading Standards Fees and Charges 2023/2024**

The Board received a report presented by Simon Legg (Head of Regulatory Service, Brent Council) which detailed the proposed level of fees and charges to be made by the Service during the 2023/2024 financial year.

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.”

According to Brent Council’s Fees and Charges policy, the Strategic Director had delegated powers, in conjunction with the Chief Executive, to vary fees in certain circumstances. This was without the need to bring reports before Cabinet or other decision making bodies. When appropriate circumstances provided, the Service shall utilise the policy to maximise income opportunities.

Brent was the host authority for the Consortium. Therefore, the fee structure and charges were applied at the same level to each borough.

Trading Standards fees fell into the following categories:

- 1) Statutory fees (set by legislation, although some offered discretion to vary the amount up to a maximum value);
- 2) Retail Price Index (RPI) linked fees (agreed previously by Brent’s Executive); and
- 3) Discretionary fees (there was discretion to vary the value charged).

Statutory fees were set nationwide by the Government. Generally, local authorities had no discretion to change the fees. Although on occasions, the legislation would permit a fee to be set locally up to a maximum value. Due to the fluctuating, and high inflation rates, fees had increased by 7.5%, rather than the RPI. It is predicted that inflation will come down during this year.

The following issues were then raised by members of the Board in response to the report:

- Who the service users were, and whether the revenue from fees and charges was deposited separately between the two boroughs;

- Whether the fees were charged on time spent by staff in dealing with cases;
- If premises selling fire-works had increased or decreased;
- Whether there were any under-age sales of fire-works reported; and
- Whether the financial investigative fee also applied to the London Borough of Harrow, and if this had changed in the recent past. How was the Service's Proceeds of Crime/Financial Investigation work being paid for, particularly in relation to Harrow?

In response, Officers advised as follows:

- Some service-users were retailers, as well as a mix of other businesses within the two boroughs and outside. There was a clear split of fees collected, and deposited, between Harrow and Brent and these were separately budgeted for between each borough team ;
- Fees and charges were calculated at an hourly rate of staff time;
- The number of premises selling fire-works was usually about the same from year to year. Some had annual licenses, whilst others could have 5 year licences. About 20 premises in Harrow had licences to sell fire-works;
- There were about 30 cases of under-age sales test purchases of fire-works, and a breakdown could be provided at the next meeting; and
- Two years ago, Harrow had requested for a significant cut to cover the cost of investigations for the Service's Proceeds of Crime/Financial Investigation work. Brent was now paying the full officer costs which is the reason for Harrow now no longer being able to access this service without agreeing to fund the work. Updates could be provided at future meetings on how this could re-arranged. A previous Board report encouraging Harrow to make better use of the Service's Financial Investigations team, would be shared with members after the meeting.

Having considered the report, the Board **RESOLVED** to note the fees and charges for 2023-2024.

8. **Date of Future Meetings**

Members are asked to note the provisional dates identified for meetings during the 2023-2024 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):

- a. Wednesday 14 June 2023 at 6:00pm to be hosted by London Borough of Brent;
- b. Wednesday 1 November 2023 at 6:00pm to be hosted by the London Borough of Harrow; and
- c. Wednesday 20 March 2024 at 6:00pm to be hosted by the London Borough of Brent.

9. **Any other urgent business**

There were no other matter or urgent business.

The meeting closed at 7.00 pm

COUNCILLOR ANJANA PATEL

Chair

This page is intentionally left blank

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

FOR INFORMATION

TRADING STANDARDS ANNUAL REPORT 2022/2023

1.0 Purpose of the Report

- 1.1 This report presents the Trading Standards annual report for the year 2022/2023.
- 1.2 It is a requirement of the Trading Standards Consortium Agreement that an annual report is presented to the Joint Advisory Board which includes details of the work undertaken during the financial year to which it relates.

2.0 Recommendations

- 2.1 That Joint Advisory Board Members take note of the report and provide comment where appropriate.

3.0 Details

- 3.1 The Trading Standards Service operates on a joint consortium basis between the London Borough of Brent and the London Borough of Harrow, with Brent being the host authority. In accordance with the contractual terms between the two boroughs, an annual report must be presented to the Trading Standards Joint Advisory Board.
- 3.2 The Service carries out the local authority's statutory duties relating to the legislation enforced by a Weights and Measures Authority. This gives the Service responsibility of enforcement and legal powers to enforce, hundreds of Acts of parliament or statutory instruments. The 2022/2023 annual report is attached for Members' information and consideration showing some of the work carried out in that financial year.
- 3.3 The Service seeks to promote and maintain a fair and equitable trading environment for consumers and businesses alike, creating a level and equal marketplace in which consumers can spend in confidence, business can confidently trade and our local economy can grow. Our duties extend to all business types including those who trade online and the growing internet marketplace, our local high streets, commercial business parks, trading estates, those who trade from their homes and door to door tradespeople.

3.4 A copy of the report for the year 2022/2023 is attached as an Appendix for Members' information and consideration showing some of the work conducted and our achievements during that financial year.

4.0 Financial Implications

4.1 The Trading Standards Service for 2022/2023, was provided within its agreed net budget.

5.0 Legal Implications

5.1 There are 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 staffing or property implications arising from this report.

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

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-complainant 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.

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.

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

FOR INFORMATION

Illegal Money Lending Team

1.0 Purpose of the Report

- 1.1 The Brent and Harrow Trading Standards has been in partnership with the National Illegal Money Lending Team (IMLT) since 2013. IMLT provide a service where residents who have borrowed from illegal money lenders can report these lenders and receive advice and support.
- 1.2 The purpose of this report is to update members on work that has been carried out by the IMLT within the boroughs of Brent and Harrow over the years and advice on future plans.

2.0 Recommendations

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

3.0 Details

- 3.1 The Illegal Money Lending team's function is to provide enforcement against illegal money lenders, therefore policing the unregulated market and protecting the very often vulnerable victims from abuse. The team works across the country and provides enforcement for all local authorities in England.
- 3.2 Illegal moneylenders are people who conduct a consumer credit business without authorisation from the Financial Conduct Authority (FCA) and often charge very high interest rates. These lenders are commonly known as 'Loan Sharks'.
- 3.3 In its 2022 report, the Centre for Social Justice, a government think tank, commissioned by IMLT completed in-depth research into hidden debt and loan sharks and their investigations concluded that in England alone, 1.08 million people are estimated to be using a loan shark.
- 3.4 Hard pressed families who are struggling with the rise in the cost of living are likely to be preyed upon by loan sharks and illegal money lenders due to the scale of household debt rising as financial pressures on households leaves many struggling to afford their monthly bills.

- 3.5 Loan sharks pose a dangerous threat to all communities. They charge exorbitant interest rates and target the most vulnerable with aggressive and exploitative practices. The impact of illegal money lending is severe and far-reaching, with devastating consequences for the mental health and wellbeing of those affected.
- 3.6 Loan Sharks often seem friendly at first, but many will later become intimidating, threatening or violent if payments are missed, not to mention the excessive add-on fees and pressure put on which could leave those desperate for help in a worse position than where they started. Loan sharks often target those who are struggling to get credit through legitimate sources. It is estimated that it takes an average of 2.5 years for a victim to reach out for support.
- 3.7 The IMLT works hard to combat the growth in illegal lending by focusing on prevention, awareness and enforcement activities.
- 3.8 Recently in April 2023, a woman was arrested on suspicion of illegal money lending, assault and money laundering offences following an operation in the London Borough of Brent.
- 3.9 Previously, in 2021 a Brent man who ran an illegal money lending business for 7 years, issuing 124 loans amounting to £128,935 was sentenced to 17 months in prison, suspended for 18 months and ordered to do 200 hours of unpaid work. He was given the payback order at a Proceeds of Crime hearing at Harrow Crown Court.
- 3.10 Additionally, a Harrow Doctor who was a hospital consultant acted as a loan shark to lend £1 Million to colleagues working at Central Middlesex and Northwick Park Hospitals by lending them the cash at interest rates more than 600 times based to make a huge profit. He was given a 10 months prison sentence, suspended for 2 years back in October 2016 he was then subsequently ordered to pay back £525,000 in proceeds of crime for his financial gains.
- 3.11 London Boroughs of Brent and Harrow Trading Standards has worked closely with the IMLT consisting of the following:
- IMLT representative holding a workshop at Harrow Council's Adult and Children Safeguarding Teams joint conference in February 2022
 - Prior to the pandemic, taking part in Harrow Day of Action as a rolling programme and loan shark awareness at event days in Harrow alongside Trading Standards outside of St Ann's Shopping Centre
 - Illegal Money Lending Awareness raising inclusion in Harrow CVS Bulletin
 - Loan Shark Awareness raising event held at Brent Civic Centre which included the attendance of the local community and Credit Unions
 - Event work with previous Financial Inclusion Officer running an IML Proceeds of Crime Grant funding opportunity
- 3.12 The Service is notified of ongoing investigations and sometimes assists on raids if required to be carried out on loan sharks.
- 3.13 Brent and Harrow Trading Standards is committed to continue working with IMLT to ensure that victims that have engaged with loan sharks are able to get support and loan sharks are reported, investigated and prosecuted.

3.14 One of the recommendations within the 2022 report by the Centre for Social Justice is that councils should be equipped to uncover illegal lending. This can be achieved through raising awareness within the council and that non-Trading Standards teams are trained to recognise and stamp out illegal lending.

3.15 Trading Standards plans to work with ILMT to provide training and workshops to staff within both Brent and Harrow councils such as social services, housing benefits and safeguarding teams to enable them to identify victims and direct them to where they can receive support. This would include updating websites to have current and up to date information writing to schools and encouraging them to sign up with ILMT to have access to materials that could assist in educating children to have a better understanding of where the money comes from, budgeting and have a general understanding of handling money, avoiding debts in a hope to stop them getting into financial difficulties in the future.

4.0 Financial Implications

4.1 The staffing resource to implement this will be met from within the Trading Standards base budget.

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

8.0 There are no significant staffing implications arising from this report.

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

**London Boroughs of Brent and Harrow
Trading Standards Joint Advisory Board
14 June 2023
Report from the Service Manager**

Brent & Harrow Trading Standards Proceeds of Crime Update

1.0 SUMMARY

- 1.1 This report updates the Joint Advisory Board on work carried out by the Financial Investigation Team since its establishment in 2012 and on the future implications and concerns of Proceeds of Crime work.

2.0 RECOMMENDATIONS

- 2.1 For Members to consider the report and make recommendations where appropriate.

3.0 DETAILS

PROCEEDS OF CRIME ACT

- 3.1 The Proceeds of Crime Act 2002 (POCA) is a powerful piece of legislation especially in relation to confiscating money that has been acquired as a result of crime. The Act also provides Accredited Financial Investigators (AFI) with a robust set of powers for investigating, restraining and confiscating assets. Recovering the proceeds of crime is one of the government's top priorities for law enforcement.
- 3.2 In 2012 Brent and Harrow Trading Standards Service established a dedicated Financial Investigation Team to take advantage of the opportunities offered by the Proceeds of Crime Act in terms of ensuring criminals do not financially benefit from wrongdoing and that confiscated proceeds of crime could be used towards the cost of carrying out investigations.

PERFORMANCE

- 3.3 The Brent & Harrow Financial Investigation Team is well respected within Local Authority networks. In 2016 our Financial Investigation team were nominated and shortlisted for the prestigious LGA Awards. The team were nominated in the innovation category for applying POCA to planning cases successfully.. Previously, one of our officers won 'Best Individual' award in the 'Keith Hughes Award Scheme', which recognises excellence in the field of financial investigation. The NCA operates this annual award scheme which is based on applications received nationally.
- 3.4 From April 2017 to December 2023 the team received 190 referrals. Although some of these referrals are still under investigation, many will have led to

successful confiscation orders. Following each referral, a financial investigation is commenced in order to establish the benefit made from crime and where appropriate cases are then progressed through the Court system using the confiscation regimes set in place by POCA.

- 3.5 Over the years Brent Council has secured a number of successes using POCA. Examples where the team have been successful are outlined in **Appendix 1**. One of the largest confiscation orders of £1,483,440.00 for a single house converted into flats.

FINANCIAL BENEFITS

- 3.6 When a confiscation order is paid, the money is divided in accordance with the Home Office incentivisation scheme, which means that 50% will be apportioned to the Government. The remaining 50% is divided between the prosecuting authority (18.75%), the investigating authority (18.75%) and the HM Court Service (12.5%). Therefore, where we conduct our own investigations and are also the prosecuting authority, our share under the incentivisation scheme is 37.5%. The Home Office is currently also taking a top slice from the 37.5% ranging from 0% to 3% each quarter to fund their crime initiatives.
- 3.7 Since April 2017 the team has secured 60 confiscation orders. The value of the orders totalled **£8,030,845**. This has resulted in a total £2,679,924 payment from the Home Office under the incentivisation scheme. This money has then been distributed to the Local Authorities as follows:

Year	Total incentivisation Received	Brent & Harrow TS	Other Brent Services	Harrow Services
2017/18	£256K	£57K	£139K	£870K
2018/19	£826K	£184K	£377K	£106K
2019/20	£585K	£117K	£315K	£86
2020/21	£493K	£98K	£195K	£24K
2021/22	£318K	£63K	£135K	£103K

2022/23 (up to Dec 2022)	£198K	£39K	£142K	£7K
Totals	£2.679M	£561K	£1.306M	£241K

This figure makes Brent Council one of the highest performing councils in the whole of the UK in terms of asset recovery.

FINANCIAL INVESTIGATION TEAM

- 3.8 The team consists of two fully trained Accredited Financial Investigators (AFI) who carry out all the financial investigations, market the work of the team and assist colleagues with guidance as to investigations with potential for POCA work.
- 3.9 POCA invests the National Crime agency (NCA) Proceeds of Crime Centre (PoCC) with a statutory responsibility for the training, accreditation and monitoring of financial investigators.
- 3.10 To become an AFI, officers must complete the Financial Investigation Training Programme which comprises three skill-based courses, including Financial Intelligence Officer course, Financial Investigation course and Confiscation course. All three courses require officers to undertake a test before they can start the course as well as successful completion and assessment of a Personal Development Portfolio. Once qualified, the NCA PoCC will set a number of Continuous Professional Development tasks that AFIs must complete to maintain their accreditation and officers must also update them with a summary of POCA work done.
- 3.11 The AFIs now use high level electronic tools to carry out the mundane recording of bank account statements, of ingoing's and outgoing's. These tools are expensive though very useful, as they do not only collate most of the information contained in the statements of the defendants but also present these in a spreadsheet to aid further analysis. Most bank statements supplied for court purposes can be used in this way, and therefore substantially cut the amount of officer's time in manually inputting the information. Also, large complex cases involve many different bank accounts. These systems are not cheap to buy or maintain but reduce the amount of time needed by the officers' to around an eighth, thereby freeing them up to carry out more investigations and generate more revenue. Also, the format of the information analysed makes it easier to present complex information and analysis at court, increasing the chances of achieving the confiscation order. The AFI's have access to these systems which has led to an increase in the number of cases they are able to investigate.

OPPORTUNITIES

- 3.12 AFIs have a wide potential to work in many areas of council's work. They usually sit in the Trading Standards Service as they have been trained in highly skilled

investigative techniques as required in this field, have the ability to investigate a range of cases, and have obtained courtroom experience.

- 3.13 Increasingly, local authorities have realised that using AFIs can maximise the amount of money that can be reinvested into enforcement and investigations as well as other areas within the remit of the incentivisation scheme. A number have used incentivisation money from POCA investigations to train up their own AFIs. Therefore, there are limited opportunities for the team to increase our work with other authorities other than being their backup AFIs.
- 3.14 The greatest potential for growth is therefore internal to Brent and Harrow councils, including increasing the areas of work within the boroughs to services such as Planning and Waste.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications for each borough as this is an update on the work carried out by the Financial Investigation team. However, Members may wish to consider whether the business case for investing in a financial investigation toolkit to increase capacity and therefore income revenue should be investigated further by officers.

5. STAFF IMPLICATIONS

- 5.1 There are no current staff implications.

6.0 BACKGROUND INFORMATION

- 6.1 Any person wishing to obtain more information should contact Anu Prashar, Senior Prosecutor, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ.

ANU PRASHAR
SENIOR PROSECUTOR
020 8937 5515
anu.prashar@brent.gov.uk

APPENDIX 1

EXAMPLES OF SUCCESSFUL ORDERS UNDER POCA LEGISLATION

1. On 30 November 2018 a confiscation order was secured at Harrow Crown Court against for £1,483,440 whereby the subject was given 3 months to pay up for face a lengthy prison sentence. This order related to a planning enforcement breach and a property in Brent whereby a single dwelling house had been converted into 8 self contained dwellings. As the investigation progressed, further planning enforcement notice breaches were discovered in Harrow, which meant the money that had been made from all the planning breaches was included in the order for £1.4m
2. On 18 December 2020 a case was concluded on behalf of Harrow Council whereby a confiscation order was made for £373,413 Harrow Council had issued a planning enforcement notice against a property which had been converted into 7 self contained dwellings. The value of the order represented the rental income made from letting the seven dwellings over a period of time. The subject was ordered to pay the sum within three months or face a default prison sentence
4. On 4 January 2021 two confiscation orders were made for £54,983 and £15,000 against two men who were each sentenced to serve prison sentences following a lengthy and complex investigation that Brent Trading Standards conducted, which saw elderly victims being charged extortionate amount of money for roof repairs.
5. On 12 February 2021 another confiscation order was made for £739,263 which represented rental income made from more than one planning breach, whereby properties in Brent had been converted into houses in multiple occupation, thus being in breach of enforcement notices issued by the Council
6. Another case Brent did for Harrow Council resulted in an order being made on 18 June 2021 for £211,382. Yet another landlord converting a property to maximise income, ignoring an enforcement notice that Harrow Council had issued.
7. On 24 February 2023 Harrow Crown Court imposed a confiscation order for £152,500 and ordered payment within three months. This too related to a prosecution the Council had secured under the Town & Country Planning Act 1990 and the confiscation order relating to income that was being made from 3 self contained dwellings which were in breach of planning enforcement notice

This page is intentionally left blank

APPENDIX 1

EXAMPLES OF SUCCESSFUL ORDERS UNDER POCA LEGISLATION

1. On 30 November 2018 a confiscation order was secured at Harrow Crown Court against for £1,483,440 whereby the subject was given 3 months to pay up for face a lengthy prison sentence. This order related to a planning enforcement breach and a property in Brent whereby a single dwelling house had been converted into 8 self contained dwellings. As the investigation progressed, further planning enforcement notice breaches were discovered in Harrow, which meant the money that had been made from all the planning breaches was included in the order for £1.4m
2. On 18 December 2020 a case was concluded on behalf of Harrow Council whereby a confiscation order was made for £373,413 Harrow Council had issued a planning enforcement notice against a property which had been converted into 7 self contained dwellings. The value of the order represented the rental income made from letting the seven dwellings over a period of time. The subject was ordered to pay the sum within three months or face a default prison sentence
4. On 4 January 2021 two confiscation orders were made for £54,983 and £15,000 against two men who were each sentenced to serve prison sentences following a lengthy and complex investigation that Brent Trading Standards conducted, which saw elderly victims being charged extortionate amount of money for roof repairs.
5. On 12 February 2021 another confiscation order was made for £739,263 which represented rental income made from more than one planning breach, whereby properties in Brent had been converted into houses in multiple occupation, thus being in breach of enforcement notices issued by the Council
6. Another case Brent did for Harrow Council resulted in an order being made on 18 June 2021 for £211,382. Yet another landlord converting a property to maximise income, ignoring an enforcement notice that Harrow Council had issued.
7. On 24 February 2023 Harrow Crown Court imposed a confiscation order for £152,500 and ordered payment within three months. This too related to a prosecution the Council had secured under the Town & Country Planning Act 1990 and the confiscation order relating to income that was being made from 3 self contained dwellings which were in breach of planning enforcement notice

This page is intentionally left blank