

TRADING STANDARDS JOINT ADVISORY BOARD MINUTES

9 JUNE 2021

Chair: * Councillor Keith Ferry

Councillors:

* Vina Mithani	London Borough of Harrow
* Angella Murphy-Strachan	London Borough of Harrow
* Promise Knight	London Borough of Brent
* Janice Long	London Borough of Brent

* Denotes Member present

1. Election of Chair

RESOLVED: That Councillor Keith Ferry be elected as Chair for the meeting.

2. Declarations of Personal and Prejudicial Interests

RESOLVED: To note that there were none.

3. Minutes of the previous meeting – 25 March 2021

RESOLVED: That the minutes of the meeting held on 25 March 2021 be approved and signed as a correct record.

4. Matters Arising - From the Minutes

The following matters were raised in relation to the minutes of the meeting held on 25 March 2021:

Outstanding Delegations

Raised if there was an update on the outstanding delegations, Simon Legg (Head of Regulatory Service, Brent & Harrow Trading Standards) reported that there had been communication with officers in Harrow Council and reports had been forwarded. These were still outstanding, but Harrow had confirmed they will be attended to.

ACTION: Rebecca Johnson (Head of Environment & Waste Strategy, Harrow Council) to pass this onto the new member staff when they join and to inform the board at the next meeting.

5. Deputations

RESOLVED: To note that there were none.

6. Trading Standards Annual Report 2020-2021

The Board received the Trading Standards Annual Report for 2020/21 which provided information concerning the work undertaken by each borough team during the financial year to which it relates. A brief presentation was given by an Officer who noted:

- Changes in legislation because of the pandemic was something that officers had to adapt to. This included having to interpret, train and advise businesses of the new changes in the legislation.
- Had visited 13,332 businesses and spoken to 2,985 businesses regarding the Covid business restrictions.
- Advisory work remained constant for local businesses on safety issues which included support around due diligence, compliance, risk assessments and importations of goods. They had worked with the national regulator, the Office of Product Safety and Standards (OPSS) to identify sellers of unsafe products in our area and online.
- The team intercepted the importation of 2000 fire blankets and 2300 hair clippers which were found to be unsafe, these were destroyed. These items were found on 37 national sellers which had their listings removed.
- 68 used car dealers were advised on their legal obligations. The second-hand car dealership sector had been the trade sector with the highest number of complaints.

- The Service continued to work with our partners Citizen's Advice Consumer Service and had investigated 679 complaints. Most of the complaints related to unsafe PPE, price gouging, rogue traders as well as refunds on travel and holidays.
- There were 7 rapid response visits that related to rogue traders who attempted to target vulnerable individuals with unnecessary work and inflated costs. Over £11,000 was saved by our consumers as a result of our interventions and 8 video doorbells had been installed at the most vulnerable residents' houses.
- Referrals from the Ports team had continued to be dealt with on non-compliant products stopped at the borders designated for their area. The team had dealt with over a million items of non-complaint PPE/Medical masks and thousands of litres of hand sanitiser.
- Business advice had continued to be given throughout the pandemic. A lot of advice was given to businesses that dealt with cosmetic exports going to the EU as well as advise on selling PPE products that were compliant.
- Many of the financial investigations concluded in court this had led to the Financial Investigation team securing 17 confiscation orders secured, totalling £2,065,498.10.
- Staff received over 200 hours training to enhance their knowledge and skills.
- Andy Faulkner had won the 'Judges Award' in the Fighting Fraud and Corruption Locally Awards 2020 for his hard work and professionalism in bringing a criminal gang to justice in 2019.

The Chair thanked the officer for their presentation and commented positively on the new design and format of the annual report before he opened the floor to questions from the Advisory Board to which officers answered as followed:

- A member of the advisory Board highlighted that face masks had also become a fashion item and wondered what the challenges were when regulating PPE, in particular face masks. The officer explained that PPE needed to follow a British standard and that if they had not met these criteria, they were to be called face coverings and for the type of material used to be declared. PPE that did not comply, could be repurposed as face coverings.
- It was asked what type of cosmetics had the report referred to? An officer explained that they had been removed from the retail supply chain. They were from a beauticians' parlour, products included: general purpose nail polish and face cleansing products. This was because they had not been labelled correctly and had to be destroyed because it couldn't meet compliance standards.

- Clarity was sought regarding the 2300 hair clippers that were destroyed and if this was part of a normal trend or had been a result of the pandemic and the closure of barbers and hairdressers. It was explained by an officer that though there was an increase in hair clipper sales this could not be linked as a direct result of the pandemic.
- Asked by the Advisory Board, what proportion of the 679 investigated complaints were holiday related, an Officer outlined that a high percentage were related to holidays.
- A member asked for more information on the licensing of fireworks, to which an officer clarified that Harrow Trading standards issue fireworks licenses for Harrow and for Brent it was the Licensing team who issue fireworks licenses.
- A Member asked if contact details for the trading standards team would be included in the public version of the report, to which an officer confirmed that this would be the case.

RESOLVED: That the report be noted.

7. Investigation of Unsafe Electrical Equipment

The Board received the Investigation of Unsafe Electrical Equipment report, which outlined an investigation and the successful prosecution carried out by Brent and Harrow Trading Standards into unsafe electrical equipment imported and sold by a Brent electrical importer/wholesaler. A brief presentation was given by an Officer who noted:

- The item was chosen because the importer based in Brent, had been advised on importing and supplying safe products especially electrical items following previous problems. The item, which could lead to electrocution and/or fires were a serious risk to the safety of consumers. Despite receiving this advice, officers were concerned that it was not being followed and the business trading activities were deemed to be of a high risk.
- The product was tested, and it was found that there were labelling faults and failures that posed a risk of electric shock when it was used.
- The investigation found that the company had no supporting documentation for the equipment for the product to be classed as compliant. Therefore, a recall was instigated of items sold to consumers.
- The company was fined £16,000 and the court awarded the Service costs of £4,000. The magistrates ordered forfeiture and destruction of all the massagers (up to 1800 units). This was the highest fine received by a company regarding safety issues in Brent and Harrow Trading Standards.

The Chair thanked the officer for their presentation and opened the floor to questions from the Advisory Board to which officers answered as followed:

- It was asked by the Panel if the disposal costs were covered and what else did the company trade in. An officer confirmed that the costs were covered, and other items that the company sold included general-purpose household goods and electrical items.
- Asked by the board if there was a designated place for a company to check if a product meets the required standards to be compliant. An officer explained documentation from a manufacturer that detailed that the product was safe and in line with compliance assessments, should have been received before obtaining the product. The product might then be tested physically. Trading Standards could be the Primary Authority for a company offering specific advice on testing facilities.

RESOLVED: That the report be noted.

8. New National Regulator for Construction Products

The Board received the New National Regulator for Construction Products report, which gave an update on the announcement from Government that a new national regulator was to oversee the enforcement of the legislation related to construction products, to ensure safer materials would be used to build homes. A brief presentation was given by an Officer who noted:

- That the new regulator for construction products would have the power to remove any product from the market that presented a significant safety risk and could take formal action, including prosecution, against any companies who break the rules on product safety.
- Trading Standards were required to undertake market surveillance and enforcement of construction products. Although general product safety was a priority for the Service, construction products were a specialised area of law and items were usually expensive to be test purchased and submitted for testing which thereby made it difficult for small local authority Trading Standards teams to carry out enforcement work.
- Though officers have been in a position to influence manufacturers and importers with regards to ensure that products met specifications and were tested and marked accordingly, they were not best placed to undertake the role of assessing and enforcing what the building trade actually used in construction.
- The new regulator was expected to operate within the Office for Product Safety and Standards (OPSS) which would be expanded and given up to £10m in funding for this new function to be established. It would work with the Building Safety Regulator and local authority Trading Standards services for compliance to be encouraged and enforced.

- The new Building Products Regulator would establish a new regulatory system for building safety based on the findings of the government commissioned independent review.
- The new regulator would have the power to examine weaknesses in previous testing regimes for construction products and to recommend how abuse of the testing system could be prevented. It was expected that the new regulator would work with Trading Standards for testing, inspections and enforcement.

The Chair thanked the officer for their presentation and opened the floor to questions from the Advisory Board to which officers answered as followed:

- It was asked what working alongside the new regulator would look like in practice. To which an officer explained that though there had not been an indication as to what this dynamic might look like it could be compared to how Trading Standards worked alongside the Office for Product Safety and Standards (OPSS).
- Asked by a member if there was information regarding a timeline for when this new body would be set up, the officer explained that there was no timeline at this stage because the bill was still being processed.
- A member of the Board queried if there would be collaboration between boroughs in order to save costs on materials being tested and used across multiple boroughs or from the same developer. It was explained by an officer that Trading Standards along with the Office for Product Safety and Standards (OPSS) could liaise with other authorities in order to ensure that there would not be a duplication of product testing.
- In addition, it was noted that the new testing regulator would cover anyone who manufactured construction products, regardless of company size although the exact remit of the new regulator was yet to be finalised.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 6:04pm, closed at 7:01pm).

(Signed) COUNCILLOR KEITH FERRY
Chair