



Trading Standards Joint Advisory Board

Wednesday 2 March 2022 at 6.00 pm

To be held as an online virtual meeting via MS Teams

Membership:

Members Councillors:	Representing	First alternates Councillors:	Representing
Ferry	Harrow	S.Choudhary	Brent
Kennelly	Brent	Chohan	Brent
Knight	Brent	Dar	Brent
Long	Brent	Assad	Harrow
Mithani	Harrow	Osborn	Harrow
Murphy-Strachan	Harrow	Parmar	Harrow

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For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: www.brent.gov.uk/committees

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

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Election of Chair (from amongst the London Borough of Brent representatives)	
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting any relevant financial or other interest in the items on this agenda.	
3 Minutes of the previous meeting	1 - 6
To approve the minutes of the previous meeting held on Wednesday 9 June 2021.	
4 Matters arising	
5 Deputations (if any)	
6 Brent & Harrow Trading Standards Annual Work Plan	7 - 16
This report provides Members with information concerning the proposed 2022/23 work plan for Brent & Harrow Trading Standards.	
7 Brent & Harrow Trading Standards Fees and Charges Report	17 - 22
This report provides Members with information concerning the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2022/23.	
8 Benefits of Brexit Policy Report	23 - 26
This report provides Members with an introduction to the Prime Minister's policy paper 'The Benefit of Brexit: How the UK is taking advantage of Leaving the EU' and its potential impacts on Trading Standards.	
9 Date of Future Meetings	
Members are asked to note the provisional dates identified for meetings during the 2022-23 Municipal Year (Please note: These dates are subject	

to final confirmation by each respective authority as part of the approval of their 2022/23 calendar of meetings):

Wednesday 8 June 2022 at 6:00pm to be hosted by London Borough of Harrow

Wednesday 12 October 2022 at 6:00pm to be hosted by the London Borough of Brent.

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

10 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

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

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
2 March 2022
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS WORK PLAN 2022/23

1.0 Purpose of the Report

1.1 This report provides Members with information concerning the proposed 2022/23 work plan for Brent & Harrow Trading Standards.

2.0 Recommendations

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

3.0 Details

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

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

3.3 A copy of the proposed work plan for the year 2022/23 is attached as an Appendix to this report.

4.0 Financial Implications

4.1 There are no financial considerations arising from this report as the work plan is drafted in a manner to be achieved within the budget provided for the Service for 2022/23.

4.2 This report is written as if the 2022/23 budget will remain unchanged from the previous year. If there are any changes to the budget after the drafting of this report, the work plan will be adjusted accordingly to reflect any changes.

5.0 Legal Implications

5.1 There is no legal implications arising from this report.

6.0 Equality Implications

6.1 The proposals in this report have been screened to assess their relevance to equality and were found to have no equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 There is no requirement to specifically consult Ward Members about this report as it affects all wards across both Boroughs.

8.0 Human Resources Implications

8.1 There are no human resource or property implications arising from this report although it should be noted that the number of staff vacancies currently within the Service may result in a reduced ability to generate income, as well as the continued restrictions during the pandemic.

Contact Officer

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

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER



**Brent & Harrow
Trading Standards**

**Team Work Plan
2022-2023**

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Introduction

Covid measures have been with us in one form or another throughout the year. This has had an impact on our work e.g. not being able to carry out age restricted test purchases. At the time of writing, most Covid measures that affected our work have ceased and we are hoping by the start of April 2022 we will be able to go back to business as usual.

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

The coronavirus pandemic has fundamentally altered our lives: from how and where we work, how we shop and buy goods and how we sell our products. The last two years has also seen changes in how criminals and rogue traders have changed their practices to take advantage of new opportunities to make financial gain at the expense of consumer and damage the reputation of law abiding traders.

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

Trading Standards work is central to maintaining a confident marketplace supporting businesses to develop and the local economy grow. The Service fulfils the local authority's statutory role of a 'weights and measures authority' tasked with enforcing more than 250 pieces of legislation.

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

Brexit has now happened and the transitional period with Europe regarding goods and services to and from the UK and Europe has now ended. A new agreement between the UK and the EU was finally struck in December 2020, containing new rules for how the UK and EU will live, work and trade together. The UK is also now free to set its own trade policy and negotiate deals with other countries. It is perhaps clearer now more than ever that market standards are vital for our economy and any potential new trade deals. Frontline Trading Standards Officers will have to unpick the uncertainties and make sure that the regulatory and legal framework operate effectively.

Our role is also one of supporting local businesses and encouraging trade back to our local high streets following the pandemic. Covid restrictions had an unprecedented impact on our business community and we will tailor our approach to accommodate economic recovery wherever it is appropriate for us to do so.

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

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

Priorities

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

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

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

The National Trading Standards Board (NTSB) has identified the following areas in its Interim Strategic Assessment dated September 2021, which it considers to be priority areas of work:

- Doorstep Crime and Cold Calling – safeguarding of vulnerable adults and consumers
- Mass Marketing Scams - disrupting and reducing consumers' exposure to scams
- Estate agency and Lettings work- protecting tenants and landlords from letting agents who aren't complying with the law
- Energy related fraud
- Intellectual property (counterfeiting) – focusing on the rise in social media as a market place, illegal streaming devices, electrical appliances and toys.
- Other Fair Trading issues – including misdescriptions arising from advertising, pricing, descriptions of goods and services, terms and conditions, holidays, and house improvements.
- Used cars - fake service history, misdescription of vehicles for sale (particularly numbers of previous owners, description/condition of vehicles), sales of unsafe/unroadworthy vehicles, hidden administration fees etc
- Tobacco products - illicit and counterfeit tobacco products

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

Intelligence suggests that illicit tobacco is still a large problem across London. Letting agents are also a major threat to consumers within the London region and will continue to be a focus for us over the coming 12 months as the demand for rented accommodation increases.

LTS priority areas are as follows:

- Doorstep crime
- Product Safety
- Intellectual property crime (counterfeiting)
- Fair trading and scams
- Lettings

- Product safety
- Illicit tobacco and cigarettes
- Underage sales

At the time of writing the Office of Product Safety and Standards (OPSS) had not produced a current Product Safety Strategic Intelligence assessment report. The previous report dated December 2020 for the 2021/22 details the key product safety risks and threats ahead with specific reference to those arising from the pandemic. The Control Strategy outlines the priorities for 2021/22 are as follows:

- Routes to the UK Consumer Products Market
- Peer to Peer Sales
- Substitution
- Online Wholesalers
- COVID-19, Supply Chains and New Products
- Chemicals in Consumer Products
- Homemade Cosmetics

Within the London Boroughs of Brent and Harrow each local authority has a corporate plan setting out what it is to accomplish in the future and how this will be achieved. Brent has a 'Borough Plan 2019-2023' and Harrow an 'Ambition Plan 2020'. These plans highlight the broad subject areas listed below as priority areas for each Council:

Brent:¹

- Every opportunity to succeed
- A future built for everyone, an economy for all
- A cleaner, more considerate Brent
- A borough where we can all feel safe, secure, happy and healthy
- Strong foundations

Harrow:²

- Build a Better Harrow
- Be More Business-like and Business Friendly
- Protect the Most Vulnerable and Support Families

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

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

¹ <https://www.brent.gov.uk/boroughplan>

² http://www.harrow.gov.uk/download/downloads/id/8431/harrow_ambition_plan

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

We have categorised the following areas of work to form the basis of our 2022/23 priorities:

High Priority

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

Medium Priority

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

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

Low Priority

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

Work Volumes

The tables below show the projected performance of the respective Brent and Harrow teams during 2022/23. It should be noted the nature of Trading Standard's duties is variable and therefore these figures are subject to change.

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

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

Harrow Team 2022/23 Based on staff numbers:	Brent Team 2022/23 Based on staff numbers:
<ul style="list-style-type: none"> 2.5 Enforcement Officers 	<ul style="list-style-type: none"> 3.5 Enforcement Officers

	Planned volume Brent	Planned volume Harrow
Complaints (Service Requests) Completed	366	250
Trader Enquiries / requests for advice	78	54
High Risk / Most Complained-about Trader Inspections	31	25
Port Referrals	5	1
Other Business Inspections	66	71
Weights & Measures, Average Quantity or Verification visits	4	3
Primary Authority Hours	117	36
Underage Test Purchase Visits	62	57
Infringement reports (average 40 work units per report)	31	21
eReports (average 7 work units per report)	9	7
Prosecutions completed – Crown Court	2	1
Prosecutions completed – Magistrates' Court	8	6
Licensing Reviews Completed	1	1

Simple Cautions Signed	6	4
Letters of Warning Issued	9	10
Fixed Penalty Notices Issued	8	7
Local and Regional Projects Completed	2	2
Service Improvement Work (Hours)	97	107
Approved Trader Scheme New Recruits or Audits	12	21
Doorstep Crime Rapid Response Actions	3	5
Number of Scam Victims Contacted c/o NTS Scams Hub	40	43
Partnership or Area Based Working Events / Weeks of Action	8	6
Samples, Mileage and Websites Checks	58	54
Number of Intelligence Logs Input on Regional Database	64	60
Press Releases Issued	6	4

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
2 March 2022
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS FEES AND CHARGES 2022/23

1.0 Purpose of the Report

- 1.1 This report provides Members with information concerning the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2022/23.

2.0 Recommendations

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

3.0 Details

- 3.1 In accordance with paragraph 13(f) of the Consortium Agreement between the London Borough of Brent and the London Borough of Harrow, the Joint Advisory Board 'should consider and make recommendations on the level of fees and charges to be made to the public in respect of any part of the service, for consideration by whoever is authorised to make fees and charges decisions by each respective council's constitution'.

- 3.2 As per the council's Fees and Charges policy, our Strategic Director has delegated powers in conjunction with the Chief Executive, to vary fees in certain circumstances without the need to bring reports before Cabinet or other decision making bodies. When appropriate circumstances provide, the Service will utilise this policy to maximise income opportunities.

- 3.3 Brent is the host authority for the Consortium and therefore the fee structure and charges are applied at the same level to each borough.

- 3.4 Trading Standards fees fall into the following categories:

1. Statutory fees (set by legislation, although some offer discretion to vary the amount up to a maximum value)
2. RPI linked fees (agreed previously by Brent's Executive)
3. Discretionary fees (there is discretion to vary the value charged)

- 3.4.1 Statutory fees are set nationwide by government. Generally, local authorities have no discretion to change these fees although on occasions, the legislation will permit a fee to be set locally up to a maximum value.

Explosive License Fees

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

Letting and/or Property Management Penalty Fees

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

Primary Authority Fees

- 3.4.6 A RPI escalator (Retail Price Index) applies to our Primary Authority partnerships which is a scheme enabling us under Section 31 Regulatory Enforcement and Sanctions Act 2008, to charge businesses on a 'cost recovery' basis, for primary authority services.
- 3.4.7 Brent's Executive agreed a report titled "*Introduction of a Charge Based Regulatory Advice Service for Businesses*" in June 2013, which stipulates that an increase is applied to the rates charged for primary authority advice, on an annual basis on 1st April each year by the annual change in the RPI for January of the year concerned. The figures given in this report have been taken for December 2020 as January's figure had not been published at the time of writing this report.

3.4.8 The Office of National Statistics have provided an RPI figure for December 2022 as 4.8%. The proposed rounded up, hourly rate increase in our primary authority fees to include this rise are shown in the table below.

Service	2021/22	2022/23
Primary Authority – fixed contract (per hour)	£63.00	£67.00
Primary Authority - pay as you go (per hour)	£78.00	£83.00

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

Weights and Measures Fees

3.4.10 By virtue of S11(5) and S49(4) of the Weights and Measures Act 1985, the local authority can charge ‘such reasonable fees as we determine’ for carrying out our duties under the Act. The Association of Chief Trading Standards Officers (ACTSO) used to publish annual guidance for weights and measures fees to local authorities so they could remain competitive. ACTSO took the decision in April 2019 not to give this guidance as the ‘actual costs of each local authority vary widely for many reasons and local authorities must follow their own corporate rules in relation to assessing costs and charging’. In the absence of the ACTSO guidance, we have decided to keep the charges the same as in 21/22 to assist with business recovery due to the pandemic.

3.4.11 The table below shows the proposed fees:

Service Charged Per Officer Per Hour	VAT	2021/22 (Inc VAT where applicable)	2022/23	
			(excl VAT)	(incl VAT)
Verification of weights & measures equipment	20%	78.00	66.00	79.20
Calibration of weights for business	20%	78.00	66.00	79.20
Weights & measures testing for other local authorities (per item)	0%	65.00	66.00	No VAT
Additional officer testing assistance (per hour)	0%	49.20	42.00	50.40
Officer use of safety lab (per hour)	20%	86.40	73.00	87.60

Registration of Premises for Auction Fee

3.4.12 By virtue of S26(2) Greater London Council (General Powers) Act 1984, we apply a ‘reasonable fee’ for the registration of a premises to host an auction. The legislation states this fee has to cover ‘administration and inspection costs’. The

current fee is £356 and it is proposed this fee increases to £357.

3.4.13 It is very rare to get applications for this purpose with none received during 2021/22.

Fee for Officers Carrying Out Duties at Wembley Events

3.4.14 A charge is made for officers conducting their duties at Wembley events on behalf of brand holders or other merchandisers. The rate for this work £62 per hour per Enforcement officer and between £82 to £92 for Senior/Supervisory Staff. Officers are expected to work during matches and events held at Wembley. This fee is negotiated and managed by Brent Council's Licensing team so is beyond the scope of this report.

Financial Investigator's Fee

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

3.4.16 It is proposed to keep this fee the same as the previous year at £41.00 hour. This is to ensure we remain competitive with other local authorities offering a similar service and make allowances due to the pandemic. This fee is charged in addition to a share of any subsequent incentivisation scheme payment.

3.4.17 The hourly fee quoted above for our financial investigation services, does not apply to any internal London Borough of Brent but will apply to London Borough of Harrow referrals. The hourly rate to be applied is the rate on the date that any contract is made with an external authority as opposed to the applicable fee on the date a financial investigation may conclude.

4.0 Financial Implications

4.1 At the time of writing this report, the Service had spent nearly two years under Covid-19 restrictions, which has affected our income generation. This is also likely to continue to affect us until there is easing of the restrictions.

4.2 Below is the list of the previous income budgets.

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

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

There was a slight reduction in the income budget to reflect the reduction in the overall budget the Service received.

- 4.3 At the time of drafting this report, income of £30k for 2021/22 had already been achieved via its fees and charges against a fees and charges income figure of £40k. It is expected that we will reach our income target.

5.0 Legal Implications

- 5.1 There is no legal implications arising from this report.

6.0 Equality Implications

- 6.1 The proposals in this report have been screened to assess their relevance to equality and were found to have no equality implications.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 There is no requirement to specifically consult Ward Members about this report as it affects all wards across both Boroughs.

8.0 Human Resources Implications

- 8.1 There are no human resource or property implications arising from this report although it should be noted that the number of staff vacancies currently within the Service may result in a reduced ability to generate income, as well as the continued restrictions during the pandemic.

Contact Officer

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

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SENIOR REGULATORY SERVICE MANAGER

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
2 March 2022
Report from the Senior Service Manager**

FOR INFORMATION

PRIME MINISTER'S POLICY PAPER AND ITS IMPACT ON TRADING STANDARDS

1.0 Purpose of the Report

- 1.1 This report provides Members with an introduction to the Prime Minister's policy paper 'The Benefit of Brexit: How the UK is taking advantage of Leaving the EU' and its potential impacts on Trading Standards.

2.0 Recommendations

- 2.1 That Joint Advisory Board Members consider the report and note how this may impact on our work priorities.

3.0 Details

- 3.1 The Prime Minister's policy paper 'The Benefit of Brexit: How the UK is taking advantage of Leaving the EU ¹' was published on 31 January 2022.
- 3.2 The policy explains how government intends to capitalise on the benefits of Brexit and how the intended new freedoms will transform the UK into the best regulated economy in the world.
- 3.3 This report will provide members with a simple overview of the 105 page policy highlighting some of the potential impacts on Brent & Harrow Trading Standards Service and how this may influence our priorities. Members wishing to obtain more detail of the policy paper, can view its full contents via the link found at the footnote below.
- 3.4 The policy details government's intention for the UK to be 'The Best Regulated Economy in the World' and to hold a global reputation. Government wants to make sure that the UK regulatory system is set up in the right way for future changes so that it can take full advantage of new freedoms and to comprehensively review and assess the EU laws that have been retained to ensure they are right for the UK.
- 3.5 Government's 'Plan for Growth' sets out four objectives for the UK's approach to regulatory reform which includes:
- Unlocking cutting-edge technologies

¹ [The Benefits of Brexit: How the UK is taking advantage of leaving the EU \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- Modernising our approach
- Cutting red tape
- Minimising burdens; and boosting competition

3.6 In support of these objectives, government has detailed five new regulatory principles:

- A sovereign approach. We will use our new freedoms to follow a distinctive approach based on UK law, protected by independent UK regulators and designed to strengthen UK markets.
- Leading from the front. Focus on the future, shaping and supporting the development of new technologies and creating new markets.
- Proportionality. Where markets achieve the best outcomes, we will let them move freely and dynamically. We will pursue non-regulatory options where we can. When strong rules are required to achieve the best outcomes, we will act decisively to put them in place and enforce them vigorously.
- Recognising what works. We will thoroughly analyse our interventions based on the outcomes they produce in the real world and where regulation does not achieve its objectives or does so at unacceptable cost, we will ensure it is revised or removed.
- Setting high standards at home and globally. We will set high standards at home and engage in robust regulatory diplomacy across the world, leading in multilateral settings, influencing the decisions of others and helping to solve problems that require a global approach.

3.7 The policy paper looks at different business sectors and explains how government intends to achieve its vision within them. For the purposes of this report, we have identified the subject areas most relevant to Trading Standards functions and those which are likely to impact on our Service:

3.7.1 Reviewing the EU ban on imperial markings and sales. To give businesses and consumers more choice over the measurements they use. Imperial units like pounds and ounces are widely valued in the UK and are a core part of many people's British identity.

3.7.2 Enabling businesses to use a crown stamp symbol on pint glasses. The Crown Stamp is a proud emblem of our heritage that people remain fond of. Government have begun the process of allowing it to be used once again, a fitting tribute to Her Majesty's Platinum Jubilee.

3.7.3 Reviewing our Product Safety Regime. Government will consult this year on changes to the EU derived framework for product safety.

3.7.4 A robust regulatory system for the control of chemicals. In December 2021, government announced they will explore alternative arrangements for UK REACH transitional registrations, alongside extending registration deadlines. These provisions require businesses to register chemicals that they manufacture or supply to the market in Great Britain.

3.7.5 Reviewing Aviation Consumer Policy to improve the consumer rights

of air passengers. This is an area of particular interest to us following the two recent tour operator prosecutions that we have conducted as well as currently taking our first prosecution under the Package Travel and Linked Arrangements Regulations 2018. Government wishes to improve consumer confidence and developing trust in booking travel.

3.7.6 Setting a Zero Emissions Vehicle mandate. The end of the sale of new diesel and petrol cars and vans by 2030 and all new cars and vans sold in the UK zero emission by 2035.

3.7.8 Ending the abhorrent, cruel practice of puppy smuggling and low - welfare pet imports. Government are reducing the number of pet dogs and cats that can be moved under the pet travel rules and bringing in powers to enable us to go even further to protect the welfare of our pets by introducing new import restrictions.

3.7.9 Online Safety. Through the Online Safety Bill, government will ensure a holistic solution to tackling online harms by addressing both illegal and legal but harmful material online.

3.7.10 Helping people to quit smoking. Government has launched a rapid independent review to identify which policies and regulatory reforms will be most impactful. They intend to set out proposals for regulatory reforms in a new Tobacco Control Plan due to be published later this year.

3.7.11 Helping consumers make green choices. Government is collecting views from UK industry and others towards a market for low emissions industrial products.

3.7.12 Ending the throw-away culture. Government says it will restrict the most damaging types of single-use items. This applies already to the restricted supply of plastic straws, cotton buds and drinks stirrers and government is consulting on banning single-use plastic plates, cutlery, balloon sticks and certain types of polystyrene food and drink containers.

- 3.8 The policy paper contains a 'Local Authority' section recognising 'local government can effectively deliver priority services and empower communities'. Local authorities are identified as being key to delivering these changes.
- 3.9 The paper describes how Brexit has allowed the UK to better tailor laws, policies and regulations to support the interests of local people and local businesses and acknowledged local authorities are key to delivering those changes on behalf of their residents.
- 3.10 The Service shall continue to monitor these subject areas and will respond accordingly to any changes that are required. As well as communication received directly from government, we also maintain our memberships with the Association of Chief Trading Standards Officer (ACTSO) and the London Trading Standards (LTS) who provide a further source of resource as well as share examples of best practice.

3.11 Although the number of Brexit related enquires from businesses has dropped, our officers will keep abreast of future developments so as to ensure they continue to offer current and correct advice.

4.0 Financial Implications

4.1 There are no specific financial implications arising from this report. It is possible that longer term changes deriving from this policy may have wider financial impacts to Trading Standards duties. These will be on a national basis and are not something that requires any local response at this time.

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 this is a governmental policy that applies nationally.

8.0 Human Resources Implications

8.1 There are no human resource or property implications arising from this report.

Contact Officer

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