



Trading Standards Joint Advisory Board

Minutes

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

Present (in remote attendance):

Chair: Councillor Stephen Crabb

London Borough of Brent

Councillors:

Daniel Kennelly

London Borough of Brent

Harbi Farah

London Borough of Brent

Anjana Patel

London Borough of Harrow

Krishna Suresh

London Borough of Harrow

Norman Stevenson

London Borough of Harrow

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

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

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

2. **Declarations of Interests**

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

3. **Deputations (if any)**

No deputations were received.

4. **Minutes of previous meeting**

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

5. **Matters arising**

Minute 4 – Matters Arising – Outstanding Delegations

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

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

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

In considering the report the Joint Advisory Board noted:

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

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

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

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

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

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

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

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

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

In considering the report the Joint Board noted:

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

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

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

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

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

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

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

In considering the report the Joint Board noted:

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

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

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

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

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

9. **Date of future meeting**

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

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

10. **Any other urgent business**

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

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

10.2 **Publicity of Enforcement and Prosecution Activity**

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

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

The meeting closed at 7:52pm

COUNCILLOR S.CRABB
Chair