



Trading Standards Joint Advisory Board

Wednesday 20 March 2024 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	Representing	Alternate Members	Representing
Councillors:		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

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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 membership 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 - 12
To approve the minutes of the previous meeting held on Wednesday 1 November 2023.	
5 Matters Arising	
6 Deputations (if any)	
7 Joint Advisory Board Report on Fees and Charges 2024-25	13 - 18
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 2024/25.	
8 Joint Advisory Board Work Plan 2024-25	19 - 28
To provide Members with information concerning the proposed 2024/25 work plan for Brent & Harrow Trading Standards.	
9 Date of Future Meetings	
Members are asked to note the schedule of meetings agreed between Brent & Harrow for the 2024-25 Municipal Year:	
<ul style="list-style-type: none">Thursday 6 June 2024 at 6pm to be hosted (online) by the London Borough of Harrow.	

- Wednesday 6 November 2024 at 6pm to be hosted (online) by the London Borough of Brent.
- Wednesday 19 March 2025 at 6pm to be hosted (online) 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 Chief Executive and Member Services (London Borough of Brent) or their representative before the meeting in accordance with the constitutions of both councils.



Trading Standards Joint Advisory Board Minutes

1 November 2023

Present:

Chair: Councillor Anjana Patel – London Borough of Harrow

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

1. Election of Chair

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

2. Apologies for absence and clarification of alternate members

None received.

3. Declarations of interest

No declarations of interest were made at the meeting.

4. Minutes of previous meeting

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

5. Matters arising

None.

6. Deputations (if any)

No requests for deputations had been submitted for the meeting.

7. Trading Standards Mid-Year Report

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

In considering the report the Joint Advisory Board noted:

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

The Service, paid for by businesses, had delivered 65 hours of tailored advice to businesses in connection with the statutory Primary Authority Scheme. This was related to physical and online compliance on clothing, electricals, and homeware covering trademarks, product safety, and fair trading. A Primary Authority business had also been advised on underage sales matters, with specific guidance on appropriate systems in place to ensure age restricted products were not available to children.

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

Results in Court:

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

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

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

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

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

Letting Agent Compliance Work:

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

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

Age Restricted Product Sales

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

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

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

Doorstep Crime & Scams

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

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

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

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

- In terms of reports of letting agents demanding high fees and private auction officers advised that few reports had been received due to tenants not wanting to lose their accommodation. In addition, the Tenancy Fee Act did not permit letting agents to overcharge for the deposit as it was set at 1 month's rent and or overcharge for lost keys

or similar items. Only 15 cases across Brent and Harrow had been reported and investigated. There have been press releases to encourage more tenants to report these agents.

- Members questioned whether outreach work and leafleting could be conducted to address doorstep scams. Officers advised that homeowners could put up a door sticker stating that residents would not buy or sell at the door but this to be discussed after the meeting.
- With reference to Paan shops and the spitting on the ground from people buying the paans, officers advised that they could not do anything about the spitting which would be dealt with enforcement officers and the sale of paan could not be stopped unless tobacco was sold inside of them for which a licence was required. Trading Standards had no jurisdiction in terms of sales but could visit shops to check that illicit tobacco was not being sold. Simon Legg advised that it was difficult and costly to evaluate the paan to see if it contains tobacco and education was key. Harrow had introduced a new PSPO to fine people spitting.

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

Having considered the report, the Board **RESOLVED:** That the Mid-Year Report 2023-2024 be noted.

8. Trading Standards Service Request Analysis

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

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

The aim of this analysis and report is to help evaluate where the Service's demands come from, to assist in identifying any trends, to better understand why/how our customers are contacting us and to assist with identifying where the Service's resources should be deployed to achieve the biggest impact relating to the types of complaints/service requests it receives. To achieve this, the analysis looks at the following:

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

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

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

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

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

Service requests are split into two categories:

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

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

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

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

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

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

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

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

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

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

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

1. Enforcement actions to be focused within the hotspot areas and most complaints about businesses to educate and encourage businesses to be responsible, fair
 - Pros: targets areas identified as having issues based on complaints, will hopefully reduce the number of complaints, and raise compliance within the sector allowing the Service to be more focused emerging trends.
 - Cons: other areas within the boroughs may suffer from a lack of enforcement/education.
2. Liaise/engage more with other partners that have an interest in such matters such Police, Licensing

- Pros: A bigger pool of officers and professionals to help tackle these issues.
 - Cons: More people to co-ordinate with and no control over what work they do as their priorities may differ from that of Trading Standards
3. Raise awareness amongst members of the public with regards to their rights when buying goods, specifically when dealing with building and renovation businesses
- Pros: educating members of the public with regards to the law may empower them to make more informed decision and this could reduce complaints around this sector.
 - Cons: reliant on members of the public to attend and will have additional cost and officer's time.
4. Compare the Hotspot Areas of Activity based on complaints received against other reports such as anti-social/ theft within the borough to identify if there might be a bigger/wider issue
- Pros: better insight as to perhaps one of the likelihoods of antisocial behaviour and tackling other crimes this may also reduce antisocial behaviour, the chance of partnership working across the Council.
 - Cons: Other mapping is not readily available to Trading Standards and will take time to compile and consult with another department within the councils and Police.

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

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

Having considered the report, the Board **RESOLVED:** To note the report.

9. Sale of Fireworks

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

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

In considering the report the Joint Advisory Board noted:

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

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

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

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

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

- 15 October to 10 November
- 26 to 31 December
- 3 days before Diwali and Chinese New Year.

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

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

Retail inspections provide assurance that fireworks are safely displayed, only sold during permitted periods and to ensure compliance with age related sales

safeguards. Inspections also ensure the type of fireworks and how they are stored in addition to point-of-sale display comply with license conditions.

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

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

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

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

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

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

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

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

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

Having considered the report, the Board **RESOLVED:** That the report be noted.

10. **Date of Future Meetings**

The date of the next meeting:

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

11. Any other urgent business

There were no other matters or urgent business.

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
20 March 2024
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS FEES AND CHARGES 2024/25

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 2024/25.

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:

- Statutory fees (set by legislation, although some offer discretion to vary the amount up to a maximum value)
- RPI linked fees (agreed previously by Brent's Executive)
- 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 as amended by the Health and Safety and Nuclear (Fees) (Amendment) Regulations 2023. These fees vary subject to the exact License required although are typically £56 to renew a short-term license rising to £670 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 enforcing authorities 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 3.4.4 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. Due to Brent Council having to agree the changes in fees and charges and the process of the agreement, the RPI was taken in October 2023 was 6.1% The January 2024 figure was 4.9%. As stated earlier in this report, it is expected that inflation will decrease throughout the year and therefore the fee has been set with a 5.6% increase based on guidance given by Brent Council's Finance Team.

3.4.8 The proposed rounded up, hourly rate increase in our primary authority fees to include this rise are shown in the table below.

Service	2023/24	2024/25
Primary Authority – fixed contract (per hour)	£71.00	£75.00
Primary Authority - pay as you go (per hour)	£88.00	£93.00

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’. The fees have risen between 8.45% and 9%.24

3.4.11 The table below shows the proposed fees:

Service Charged Per Officer Per Hour	VAT	2023/24 (Inc VAT where applicable)	2024/25	
			(excl VAT)	(incl VAT)
Verification of weights & measures equipment	20%	£76.33	£77	£92.40
Calibration of weights for business	20%	£76.33	£77	£92.40
Weights & measures testing for other local authorities (per hour)	0%	£71	£77	£77
Additional officer testing assistance (per hour)	0%	£45	£49	£45
Officer use of safety lab (per hour)	20%	£78.59	£85	£102

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 £360 and it is proposed this fee increases to £395.

3.4.13 It is very rare to get applications for this purpose with none received during 2023/24.

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 £66 per hour per Enforcement officer and £85 for Senior/Supervisory Staff. Officers are expected to work during matches and events held at Wembley.

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 increase this fee from £42 to £45. This is to ensure we remain competitive with other local authorities offering a similar service. 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 Below is the list of the previous income budgets.

- 2019/20 - £45,500
- 2020/21 - £45,500
- 2021/22 - £40,200
- 2022/23 - £42,000
- 2023/24 - £50.500

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

There is an increase in the income budget to reflect the work going back to normal.

4.2 At the time of drafting this report, income of £34k for 2023/24 had already been achieved via its fees and charges against a fees and charges income figure

of £42k.

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

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
20 March 2024
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS WORK PLAN 2024/25

1.0 Purpose of the Report

- 1.1 This report provides Members with information concerning the proposed 2024/25 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 2024/25 is attached as an Appendix to this report.

4.0 Financial Considerations

- 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 2024/25.
- 4.2 This report is written as if the 2024/25 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 Considerations

5.1 There is no legal implications arising from this report.

6.0 Equality, Diversity and Inclusion Considerations

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 Considerations

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.

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ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER



**Brent & Harrow
Trading Standards**

**Team Work Plan
2024-2025**

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Introduction

Brent and Harrow Trading Standards is responsible for the enforcement of a wide range of legislation controlling the advertising, marketing, distribution and supply of goods and services throughout the manufacturing, importation, distribution, and service delivery chain. Its remit covers criminal and contract law and includes product safety, fraud, weights and measures, trademark protection, e-commerce and unfair trading practices.

The role of the Trading Standards is to promote a fair, healthy and safe trading environment in Brent and Harrow by ensuring compliance with regulatory legislation, protecting consumers and supporting local businesses. Trading Standards has a statutory responsibility to enforce regulatory legislation aimed at protecting consumers, particularly the most vulnerable and preventing businesses from engaging in unfair, illegal or unsafe practices.

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 or assist our Primary Authority businesses on complex and legal matters.

Online shopping for items such as electrical household appliances and toys remain at a significant high, presenting challenges for the Service in terms of product compliance and safety. We will continue to explore the most effective ways to tackle consumer issues within these markets and take appropriate action to safeguard consumers.

The cost-of-living crisis is also putting strain on the consumers and business pockets. The challenging economic situation for most households is causing an increase in vulnerability, including temporary vulnerabilities, amongst residents. We will continue our work with our cost of living project including raising awareness of new frauds as they emerge and protect the most vulnerable in our communities who are often deliberately targeted and exploited by frauds, illicit, unsafe and counterfeit goods. We will identify products and marketplaces most likely to be susceptible to cost of living pressures. We will support people to help themselves.

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 Strategic Assessment dated October 2023, which it considers to be priority areas of work:

- Doorstep crime and cold calling (including energy fraud).
- Lettings (England only).
- Mass marketing fraud/scams.
- Illicit and underage sale of vapes (England only).
- Illicit tobacco.
- Used cars.
- Intellectual property.
- Other fair trading issues.
- Estate agency.
- Animal feed work

NTSB also has the following as cross cutting themes and enablers, as they impact on each of their priority areas:

- e-Crime and the use of social media/online platforms.
- Serious and organised crime.
- The cost-of-living crisis.

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

LTS thematic priority areas are as follows:

- Lettings – focus on intelligence gathering/sharing and identifying non-compliant traders.
- Doorstep crime – assists protection and safeguarding; to include Scams issues.
- Fair trading – assists protection, advice for consumers and safeguarding business; this includes other Scams issues.
- Intellectual property crime – Assists in Safeguarding legitimate business (which has a cross over into)-
- Product safety – assists in Safeguarding from unsafe products available to consumers and IP Crime.
- Illicit Tobacco and Alcohol – Assists in Safeguarding, IP Crime and can include Product Safety – focus on intelligence gathering, identifying traders and lawful sharing with partners.

The sub- thematic priorities are:

- Doorstep Crime – focus on Services, Construction, and all Home Maintenance traders.
- Fair Trading – particularly all Investments; Enablers i.e. - Virtual Offices / Boiler rooms etc., identifying rogue traders, (Cost-Of-Living Crisis); and Fake / Copycat websites.
- Intellectual Property – focus on intelligence gathering / sharing and identifying traders including the supply and *more so*, the storage of illicit goods.
- Product Safety – focus on MOT’s Servicing and Repairs; Beauty treatments and cosmetics; Electrical Services and Installations; and identifying traders and importers.
- Underage sales – focus on intelligence gathering / sharing and identifying traders.
- Lettings – Money and Tenancy protection schemes, Redress schemes and Tenants Fees Act 2019

The Office of Product Safety and Standards (OPSS) fund some of our product testing. OPSS inform us when there are product safety issues and recalls. OPSS no longer produces a Product Safety Strategic Intelligence assessment report but publish a Product Safety Database (PSD) report 2022 to 2023 dated October 2023.

The PSD is a core dataset for OPSS, providing insight into the market surveillance activity of regulatory officers across the UK and highlighting where the greatest levels of activity are taking place in terms of product sectors, as well as providing an oversight of the most reported hazards and corrective actions taken. Our officers monitor the PSD which provide an opportunity to identify emerging safety issues, including those arising from new and novel products. This can feed into and drive our regulatory activity and decision making to target specific markets or conduct market surveillance.

Our officers upload Product Safety Recalls to alert OPSS and other enforcement agencies of products presenting a high or serious risk. This is key to protecting our consumers locally, nationally and cross border.

The report sets out high level findings from the PSD incorporating product safety and non-compliance notifications from local authorities and national regulators.

The most frequently notified product category on the PSD was electrical appliances and equipment (32.7% of products notified) followed by toys (24.1%) and cosmetics (15.6%).

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 2023-2027’ and Harrow a plan entitled ‘Restoring pride in Harrow. These plans highlight the broad subject areas listed below as priority areas for each Council:

Brent:¹

- Prosperity and Stability in Brent

¹ [Brent Borough Plan 2023-27.pdf](#)

- A Cleaner, Greener Future
- Thriving Communities
- The Best Start in Life
- A Healthier Brent foundations

Harrow:²

- A council that puts residents first
- A borough that is clean and safe
- A place where those in need are supported.

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:

- 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 as soon as the relevant threshold is reached
- We will continue to focus on steering business towards primary authority advice to assist business and ensure full legislative compliance in all TS related matters
- 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, encouraging greater use of on-line advice and information, and working in partnership with our Services and agencies when the opportunity presents itself
- 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 2024/25 priorities:

High Priority

Most Complained About Businesses	Estate Agents/Letting Agents including partnership working
Doorstep Crime and Scams	Counterfeit Goods (Large Scale Operation)
Unsafe Goods (Manufacture /wholesale) including Port referrals	Underage Sales – nicotine inhaling products, knives, alcohol, tobacco, fireworks

² [Restoring Pride in Harrow 2023 - 26](#)

Primary Authority Partnerships	Energy related fraud investigations and enforcement
Illicit Tobacco Products and nicotine inhaling products (vape products) enforcement activity	Second hand car dealers
Cost of living including consumer complaints regarding Weights and Measures and Prices and Promotions.	

Medium Priority

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

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

Low Priority

Single use carrier bag charges	Restrictive Notices
Misleading Descriptions (low value goods)	Underage Sales – lottery, spray paints, games, butane
Mock Auctions	Essential Packaging
Market Sales	Provision of Advice re Credit Card Charges
	Business Names

Work Volumes

The tables below show the projected performance of the respective Brent and Harrow teams during 2024/25. 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 2024/25 Based on staff numbers:	Brent Team 2024/25 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