



REGULATORY SERVICES UPDATE – Regulatory Services’ Service Plan Update

CORPORATE COMMITTEE 11 th February 2020	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR Ajman Ali, Neighbourhoods and Housing	

1. INTRODUCTION

- 1.1 The Food Law Enforcement Service Plan (FLESP) 2019/20 was presented to the Corporate Committee on 3rd June 2019. The plan was approved by that Committee. The report now being presented;
- Provides an update on the performance of the Environmental Health Service against the Plan for the 2018/19.;
 - Provides an update to the end of Quarter 2 2019/20;
 - Provides and update on the work undertaken to improve the quality of food premises in Hackney to protect the health of the public, to assist businesses to comply with their legal requirements.
 - Shows the impact of the Service in managing and reducing the numbers of ‘not’ broadly compliant premises and those not yet rated, in order to improve the percentage of broadly compliant premises in the Borough;
 - Notes the greater emphasis placed on increasing compliance through advice, education, inspections of establishments considered to be flouting the law, and through undertaking the necessary interventions of those premises.

- 1.2 This report also highlights the work of Hackney Trading Standards for 2018/19 and to the end of Q2 2019/20. The plan outlines the Service's achievements and identifies areas of interest for the future.
- 1.3 In fulfilling its duties, the Service provides support to individuals, communities and businesses in the borough to enable people to buy goods and services with confidence and security, by offering advice to businesses to help them to comply with the law as well as dealing with commercial noise and nuisance complaints.
- 1.4 The Service also fulfils an important role in relation to public safety and health, for example through ensuring safe storage of dangerous items and by preventing the sale of dangerous products including the supply of age-restricted products to minors.
- 1.5 The Service also seeks to ensure there is a fair trading environment and helps businesses comply with legislation in order to protect consumers from unfair trading practices.

2. RECOMMENDATION(S)

Corporate Committee is recommended to:

- 2.1 Note the level and scope of work being carried out to meet the requirements of the plan.

3. REASONS FOR DECISION

- 3.1 The Food Standards Agency recommends that food service plans are submitted for Member approval to ensure local transparency and accountability.
- 3.2 Trading Standards have a duty to ensure consumer protection law is enforced fairly and proportionately.

4. BACKGROUND

- 4.1 The Food Law Enforcement Service Plan (FLESP) is a statutory plan which sets out how the Council will undertake enforcement of food safety legislation.
- 4.2 The Plan is prepared in accordance with the Food Standards Agency's (FSA) Framework Agreement (2000), issued 1 April 2001, and is an important part of the process to ensure that national food safety priorities and standards are addressed and delivered locally. It also focuses on key deliverables, provides an essential link with financial planning and provides objectives for the future including identifying major issues that cross service boundaries and provides a means of managing performance and making performance comparisons.
- 4.3 The performance of the Food Safety Service is measured against its fulfilment of the Plan and the percentage of broadly compliant premises within the borough.

5. FOOD LAW ENFORCEMENT SERVICE PLAN UPDATE

- 5.1 The FSA's Local Authority Enforcement Monitoring System (LAEMS) data shows that 88% of Hackney's food premises were broadly compliant as of 31st March 2019. The data recently released by the FSA provides a comparative performance data for each local authority in the country.
- 5.2 Tables 1a below show food hygiene performance data across North East (NE) London Food Sector boroughs at the start of the year 2019/20 and to the end of Q2 2019/20. Table 1b shows a comparison in the same period in 2018/19. The tables highlight that Hackney started the year well with 88% premises broadly complaint. There has been a slight decrease in compliance during the first six months of this year due mainly to the work the Team are completing to inspect all overdue inspections, some of which will be rated in a higher category than originally assigned thereby affecting the broadly compliant figure.
- 5.3 Table 1c shows the breakdown of category A-C from the submitted 2018/19 LAEMS return.
- 5.4 Table 2 & 3 demonstrates the level of enforcement action taken across the NE London Food Sector boroughs. It shows that Hackney served the fourth highest number of voluntary closure notices and the highest number of warning letters sent. Also, Hackney has the fourth highest number of food businesses and that Hackney is the only one of four NE London Food Sector boroughs to have completed 100% inspections of high risk premises for food standards.

Table 1a - Broadly Compliant at 01 April 2019

Local Authority	% Broad Compliance (inc. unrated)	% Broad Compliance (excl. unrated)	% Broad Compliance - category A	% Broad Compliance - category B	% Broad Compliance - category C	% Broad Compliance (Cat A-C)	% Unrated Premises
Barking & Dagenham	77%	88%	20%	37%	81%	67%	12%
Camden	77%	86%	2%	31%	87%	74%	10%
Enfield	NR	NR	NR	NR	NR	NR	NR
Hackney	88%	89%	0%	48%	89%	77%	1%
Havering	90%	93%	14%	69%	87%	82%	3%
Islington	82%	87%	6%	42%	83%	73%	6%
Newham	NR	NR	NR	NR	NR	NR	NR
Redbridge	84%	89%	0%	43%	69%	60%	5%
Tower Hamlets	NR	NR	NR	NR	NR	NR	NR
Waltham Forest	NR	NR	NR	NR	NR	NR	NR

Broadly Compliant April 2019 - September 2019

Local Authority	% Broad Compliance (inc. unrated)	% Broad Compliance (excl. unrated)	% Broad Compliance - category A	% Broad Compliance - category B	% Broad Compliance - category C	% Broad Compliance (Cat A-C)	% Unrated Premises
Barking & Dagenham	NR	NR	NR	NR	NR	NR	NR
Camden	79%	87%	2%	33%	87%	75%	10%
Enfield	NR	NR	NR	NR	NR	NR	NR
Hackney	87%	89%	0%	49%	86%	77%	3%
Havering	NR	NR	NR	NR	NR	NR	NR
Islington	NR	NR	NR	NR	NR	NR	NR
Newham	NR	NR	NR	NR	NR	NR	NR
Redbridge	85%	89%	0%	49%	72%	65%	5%
Tower Hamlets	88%	90%	3%	28%	82%	69%	2%
Waltham Forest	NR	NR	NR	NR	NR	NR	NR

Table 1b – Broadly Compliant April 2018 – September 2018*

Local Authority	% Broad Compliance (inc. unrated)	% Broad Compliance (excl. unrated)	% Broad Compliance - category A	% Broad Compliance - category B	% Broad Compliance - category C	% Broad Compliance (Cat A-C)	% Unrated Premises
Barking & Dagenham	90%	97%	20%	40%	81%	70%	8%
Camden	69%	84%	2%	28%	83%	70%	17%
Enfield	55%	58%	10%	35%	77%	63%	5%
Hackney	87%	88%	12%	50%	83%	74%	1%
Havering	87%	92%	0%	55%	87%	76%	5%
Islington	80%	88%	7%	47%	82%	75%	9%
Newham	NR	NR	NR	NR	NR	NR	NR
Redbridge	86%	90%	0%	43%	75%	61%	4%
Tower Hamlets	85%	90%	0%	19%	78%	63%	6%
Waltham Forest	NR	NR	NR	NR	NR	NR	NR

Table 1c – Breakdown of Premises*

LA Name	Total establishments (including not yet rated & outside)	Establishments not yet rated for intervention	A rated establishments	Total % of Broadly Compliant establishments - A	B rated establishments	Total % of Broadly Compliant establishments - B	C rated establishments	Total % of Broadly Compliant establishments - C
Barking and Dagenham	1300	87	4	0.00	115	36.52	256	81.64
Camden (1)	3521	376	49	2.04	278	31.65	1192	86.83
Enfield	2602	19	18	5.56	174	36.78	543	75.69
Hackney	2471	28	7	0.00	185	48.11	562	85.23
Havering	1828	32	5	20.00	105	68.57	373	87.13
Islington	2399	115	14	7.14	196	45.92	758	82.72
Newham	2131	37	11	0.00	125	34.40	428	83.18
Redbridge	1761	86	3	0.00	145	46.90	293	71.33
Tower Hamlets	2844	4	43	2.33	151	29.14	732	81.83
Waltham Forest	1916	85	42	2.38	115	41.74	535	84.49

* from 2018/19 LAEMS return

Table 2 – Enforcement*

Authority Name	Total number of actions - Voluntary closure	Total number of Seizure, detention & surrender of food	Total number of Hygiene emergency prohibition notice	Total number of Simple cautions	Total number of Hygiene improvement notices	Total number of Written warnings	Total number of Prosecutions
Barking and Dagenham	1	1	0	1	7	267	0
Camden (2)	21	2	13	0	47	862	0
Enfield	11	0	0	0	40	907	5
Hackney	8	0	0	0	14	1044	0
Havering	1	0	0	0	12	619	0
Islington	4	0	0	0	34	339	0
Newham	14	2	1	2	30	852	0
Redbridge	3	5	0	0	26	224	0
Tower Hamlets	0	3	48	0	3	1073	10
Waltham Forest	1	2	26	0	3	1102	4

*from 2018/19 LAEMS return

Table 3 - Food Standards*

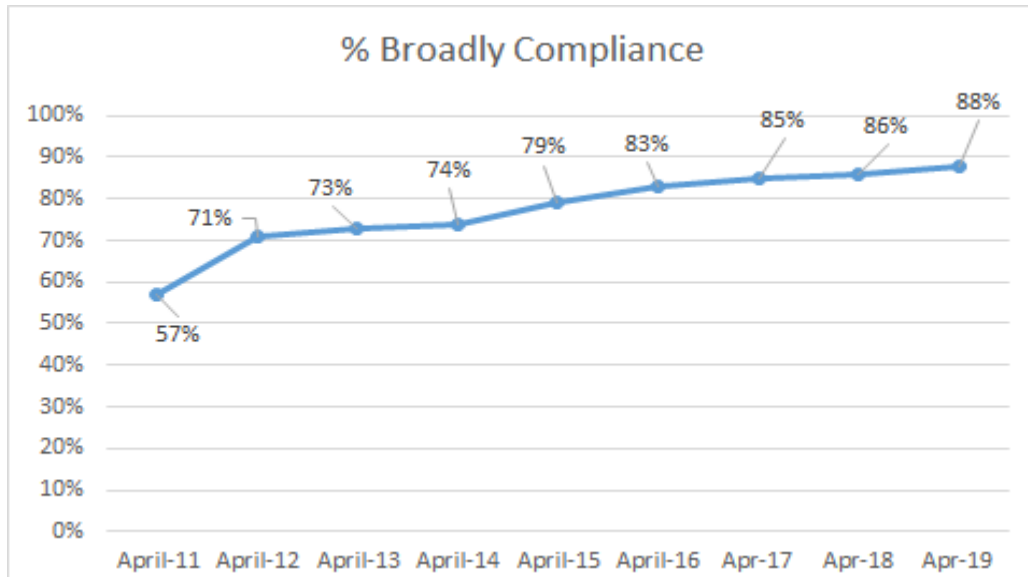
Authority Name	Total % of interventions - premises rated A	Total number of Improvement Notices	Total number of Written Warnings	Total number of Prosecutions
Barking and Dagenham	81.82	0	0	0
Camden (2)	100.00	0	0	0
Enfield	100.00	0	220	0
Hackney	100.00	0	583	0
Havering	87.50	0	510	0
Islington	70.00	5	4	0
Newham	92.86	0	173	0
Redbridge	NR	0	3	0
Tower Hamlets	100.00	0	1071	0
Waltham Forest	82.35	0	0	0

*from 2018/19 LAEMS return

5.5 The graph below shows Hackney's broad compliance percentage performance data direction of travel since 2011. It can be seen that there has been a year-on-year improvement with the percentage of broadly compliant businesses increasing by 31% since 2011. This is a direct reflection of the efforts Officers have made to raise the compliance of the food businesses in Hackney using a range of interventions. These include providing food hygiene training through the Environmental Health Training Centre; undertaking inspections of unrated premises in a timely manner; and taking enforcement action where appropriate thereby ensuring the public are protected.

5.6 The broadly compliant figure is a key performance measurement for food establishments in the Borough. A broadly compliant business is one that

achieves a food hygiene rating score of 3, 4 or 5. The number of unrated premises also has an adverse effect on the broadly compliant score as such businesses are deemed to be non-compliant until they have been inspected. Unfortunately, the Service has no control of the number of new business registrations that it receives.



5.7 Food Hygiene Inspection Programme – This concentrates on the handling, preparation, and storage of food in ways that prevent foodborne illness. Members will be aware from the FLESP that premises are categorised and the frequency of inspection depends primarily on their category as specified in the Food Law Code of Practice. The table below shows the progress with inspections to the end of Q2 2019/20. The eight category A premises are a mix of cafe/restaurants (4) and one each of pub, caterer, retailer and food packaging/manufacturer.

Inspection Rating	Number of food hygiene inspections due	Number of inspections completed	RAG
A	8 x 2 = 16	8	Green
B	188	177	Green
C	374	347	Green
D	797	722	Green
E	101	96	Green

The frequency of inspection is for each category:

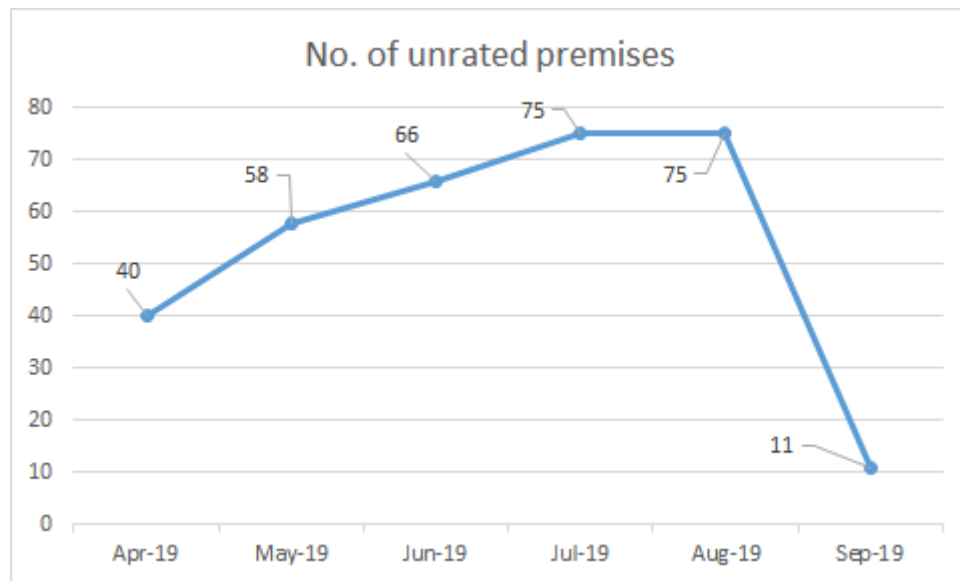
- A: every 6 months (2 inspections/year)
- B: every 12 months
- C: every 18 months
- D: every 2 years
- E: every 3 years

- 5.8 Category E premises are subject to the alternative enforcement strategy (AES) and are therefore subject to interventions other than inspections. Every Competent Authority must devise an Alternative Enforcement Strategy to determine how they will conduct official control duties at premises rated as low risk i.e. those rated category E. This can include sending a self-assessment questionnaire for example.
- 5.9 In January 2019 it was reported to Corporate Committee that there was a considerable inspection backlog from the previously uninspected premises compounded over the years in the category C, D and E as these types of risk category are not considered a priority by this Service as resources are directed to the highest risk premises. However, in response to the FSA audit in October 2017, additional resources were provided to commence reducing the number of overdue inspections. The table below shows the progress to reduce these overdue inspection.

Overdue food hygiene inspections

Category rating	Number overdue as of 1/4/2019	Number of inspections completed (date?)	RA G
C	0	0	
D	590	306	
E	0	0	

- 5.10 Considerable effort has taken place since 2018 to reduce the number of overdue inspections. As the table above illustrates the Service has inspected all overdue category C & E premises and has been set an ambitious target to reduce the number of category D overdue premises inspections to 0 by the 31st March 2020.
- 5.11 Inspection rates are acceptable; and the numbers of unrated premises i.e. those premises not yet risk rated because they have not been inspected are being maintained at a low level.
- 5.12 The graph below shows the variation in numbers of unrated premises. There is an anomaly of the September figure due to issues with the Civica database.



5.13 Food Hygiene Rating Scheme (FHRS)

5.14 The FHRS is key to the Food Standards Agency's strategic objective: safer food for the nation. Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets in the Borough, as well as other businesses where consumers can eat or buy food, are given a hygiene rating as part of the scheme.

5.15 Table 4 below shows the number of 0 - 5 rated business in April 2019 to date.

5.16 The number of zero rated premises is at the London average of 0.4%

5.17 Currently, businesses that are rated 0-2 are encouraged to request a re-rating once the improvements highlighted during the initial inspection have been completed.

5.18 The number of premises in Hackney with a FHRS of 3 remains high when compared to London and nationally (see graph below) and work continues with them into improving hygiene and to achieve a higher rating.

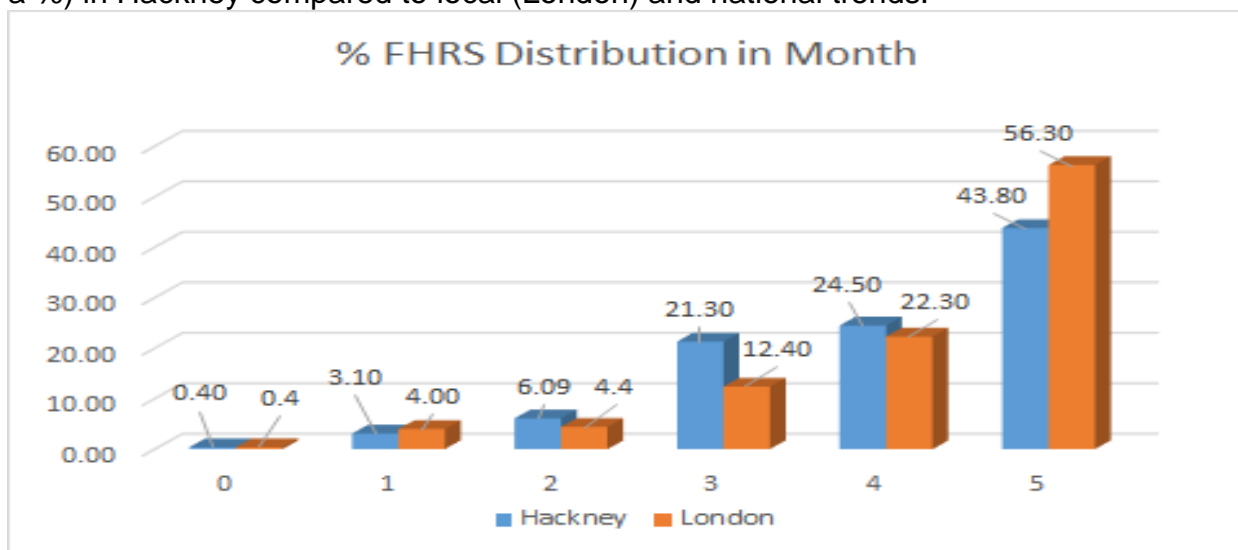
5.19 The Service also offers a paid for re inspection for those businesses who actively want to achieve a better rating to encourage new or retain customers. A business can apply at any time and more than once.

5.20 Business rated 4 and 5 are those businesses that are compliant across a range of food hygiene parameters in terms of hygiene in the business, the structure of the business and the confidence in management demonstrated at the time of the inspection.

Table 4

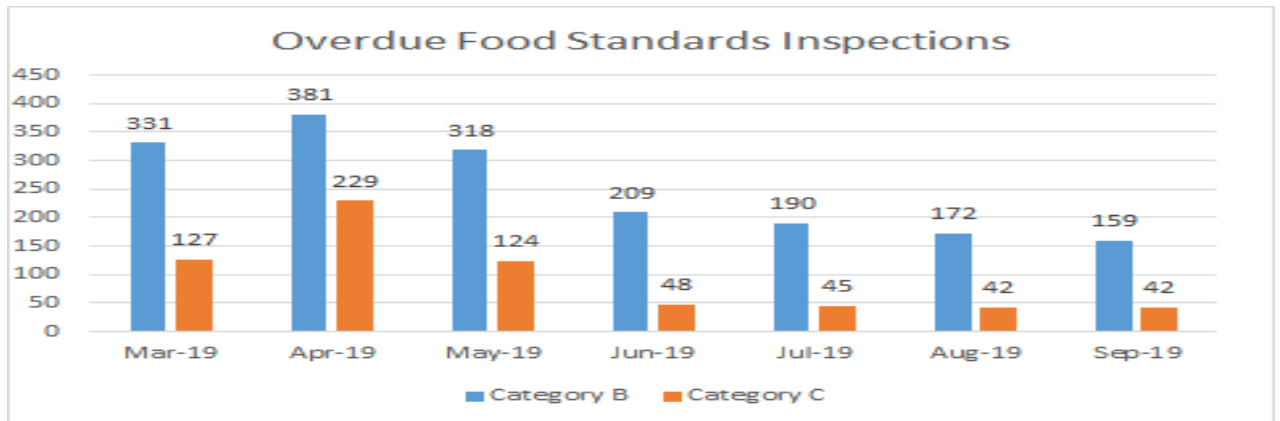
	0	1	2	3	4	5
April 2019	8	79	158	507	551	920
May	7	76	155	507	551	920
June	5	71	159	503	545	931
July	8	68	157	489	545	942
August	9	67	155	481	549	956
September	8	69	153	471	542	970

The graph below shows the distribution of premises in September 2019 (as a %) in Hackney compared to local (London) and national trends.



5.21 Food Standards Inspection Programme – This concentrates on compliance with composition, presentation, labelling requirements and management controls. Food standards inspections are also carried out on a risk based programme. Only category A inspections are considered a priority and are inspected on their due date. The Code of Practice specifies the frequency of inspection. Premises that fall under a category C rating may be dealt with via the alternative enforcement strategy. The table below shows progress for food standards inspections tagged at the start of the year as inspections due. Similarly the graph below shows the considerable work taking place this year to reduce the overdue category B & C inspections.

Inspection Rating	Number of food standards inspections due 01.04.2019	Number of inspections completed by end Q2 2019/20	RAG
A	25	22	
B	585	290	
C	211	20	



The frequency of inspection for Category:

- A: every 12 months
- B: every 2 years
- C: every 5 years

5.22 There has been an overall decrease in enforcement activities mainly due to improved engagement with businesses and the positive effects of face-to-face contact and support by ward Officers out on the district. The table below shows a comparison of enforcement activities undertaken to the end of Q2 2019/20 against previous years.

Enforcement action	2015/16 (end of yr)	2016/17 (end of yr)	2017/18 (end of yr)	2018/19 (end of yr)	2019/20 (to 30.09.19)
Total number of Food Hygiene Written warnings issued	973	580	619	742	287
Hygiene Emergency Prohibition notices (formal closure)	0	4	0	0	0
Voluntary Closures due to Food Hygiene imminent risk	4	3	17	8	1
Premises receiving a Hygiene Improvement notice	43	39	63	18	8
Seizure/detention of food	7	0	0	0	0
Prosecution of food premises	3	0	0	0	0
Total	1030	626	699	768	296

- 5.23 The level of other activities undertaken by the team, until to the end of Q2 2019/20, is shown in the table below:

Type of Service Request (to 30.09.19)	Total
Alleged Food Poisoning	58
Food pest related complaints	21
Drainage related	4
Business Requests for Advice/Info	72
Certification	3
Smoking related	2
Foreign body complaint	11
Food hazard warnings	10
Food hygiene complaints	72
FHRS related	67
Food labelling related	43
Food premises complaints	24
Food Registration Forms	9
Events	7
H&S related	28
Blanks (not coded)	16
Misc	6
Total	453

6. TRADING STANDARDS SERVICE PLAN UPDATE

- 6.1 The Trading Standards Team delivers on both statutory and Mayoral priorities as well as delivering targeted project work of National and local importance. These projects are determined by the Chartered Trading Standards Institute, by monitoring trends and fulfilling local priorities.
- 6.2 **Inspections**
- 6.3 The data in table 5 below, compares the enforcement visits figures for the last two years. Visits are categorised as High, Upper Medium, Lower Medium or low. The basis of the scheme is that each business within a local authority's area receives a score to direct enforcement activity to deal with the risk posed by the business, as opposed to a scheme which is based purely on inspection as a means of determining the risks.
- 6.4 This means that businesses not previously risk rated (e.g. builders working from home) because they were not due for inspection will now be risk rated as they can present a Trading Standards risk which can be dealt with via other mechanisms (e.g. surveys, test purchases or internet examinations, etc.)
- 6.5 The scheme comprises a hazard element (previously known as the national element) that is scored on the basis of business category and a likelihood of compliance element (previously known as the local element) that is particular to the individual business and determined by local authorities. An example of a high risk premises could be a premises selling

products subject to safety legislation such as knives. An example of an Upper Medium Inspection could be a car dealer or premises selling high value goods. A Lower Medium example would be a trader which is a newsagent who is inspected in relation to pricing compliance. Finally a Low risk premises could be one inspected just to confirm ownership details.

Table 5 – Inspection comparison to end Q2 2017/18 & 2018/19

Risk Category	High 2018	High 2019	Upper Med 2018	Upper Med 2019	Lower Med 2018	Lower Med 2019
Total Number of Visits	103	109	82	177	63	174
Percentage % of visits carried out in each risk category April- Sept 2019	82% (103 out of 125)	73% (109 out of 149)	48% (82 out of 172)	93% (177 out of 190)	37% (63 out of 170)	65% (174 out of 267)

6.6 The Service has re-focused on risk based inspections as well as carrying out intelligence led projects. The Consumer Rights Act 2015 amends Officers' powers of entry and has led to a reduction in the overall number of visits conducted. However the visits are more targeted at the higher risk visits.

6.7 Consumer Complaints investigated

6.8 Between April and September 2019 the Team received 1668 consumer complaints from members of the public. This is up from 1491 for the same period for the previous year, which is an increase of 11.9%.

Notifications	Referrals	Other	Total
1296	308	98	1668

6.9 Notifications are received from the Consumer Advice Bureau (CAB). These are generally sent for intelligence purposes only. They are reviewed by Officers and may lead to follow up work if there are any trends or serious breaches found. Referrals are sent to the Service for action if necessary. They may also be used for intelligence.

The rise in the number of complaints received does not reflect a national reduction in the number of complaints received by the Consumer Advice Bureau who receive the majority of complaints on behalf of trading standards.

6.10 Table of Weights & Measures Inspections

Total Number of weights and measures inspections	42
Percentage of visits compared to annual target (42 out of 72)	58%

6.11 Weights and Measures Project Work to Prevent Short Measure and General Compliance

6.12 The Trading Standards Team conducted test purchases of draught beer from licensed premises to check whether patrons are being served correct measures. Trading Standards visited establishments in the Shoreditch area who served severely short-measured 'pints' of beer to the Officers.

6.12.1 The Service's weights and measures officers have conducted 42 weights and measures inspections. 28 of these were at pubs or wine bars. Contraventions included using unstamped measures, not having a notice stating Gin, Rum, Whiskey and Vodka is sold in 25ml measures or multiples. Other infringements included not displaying adequate pricing, Tobacco display not properly covered and ownership details not being displayed.

Outcome;-All premises were issued with a notice and revisits have been undertaken to ensure premises are now compliant.

6.13 Counterfeit Goods

6.14 The Service has been involved in a number of enforcement operations to combat the supply of counterfeit goods in the borough. This has resulted in the seizure of a variety of goods such as laptop chargers, phone accessories, tobacco, perfume, jewellery, DVDs, clothing and other fashion accessories. The street value of these items is approximately £145,000. There has been an increase in the number of itinerant sellers of counterfeit tobacco, perfume and DVDs operating in Hackney Central area. The Service has worked in collaboration with the Enforcement Team to target these individuals. This has resulted in the seizure of numerous goods and Fixed Penalty Notices being issued to the perpetrators for illegal street trading. There are a number of ongoing investigations which may result in legal proceedings being instigated against the traders.

Outcome;-These investigations are ongoing and some are also subject to money laundering offences under the Proceeds of Crime Act 2002.

6.15 Operation Ceres (Liberal)

6.16 This is an annual National Operation Liberal working to target and disrupt the activities of rogue traders carrying out doorstep crime in the Borough.

Rogue traders are tradespeople who use dubious work practices which often lead to complaints against them from their customers.

- 6.17 To combat this problem the Police and Trading Standards have devised a multi-agency project which has been in operation since 2006. This action day is part of a nationwide weeklong of activities with the theme of preventing doorstep crime, including lines of enquiry investigations into ongoing cases, social media activity, contact with scaffolding companies and consumer education. The action day took place on Wednesday 11th September 2019 and in Hackney, it involved Officers conducting intelligence lead visits to residential areas within the borough which had been identified as doorstep crime hotspots.

Outcome:-No infringements were identified.

6.18 **Operation Osbourne**

- 6.19 This operation is part of a local initiative involving a multi-agency approach to tackle the sale of counterfeit and unsafe laptop adaptors being supplied in Hackney and also through online selling platforms.

- 6.20 This operation followed the receipt of a referral from Underwriters Laboratories (UL), a safety certification company, concerning the supply of counterfeit laptop chargers, officers visited three premises in the Dalston/Stoke Newington area. A joint partnership operation involving officers from the Team, representatives of UL and Officers from the Metropolitan Police attached to the numerous electrical chargers and phone accessories with a street value of approximately £70,000 were seized from the three premises. A sample of the seized laptop chargers have been submitted for electrical safety testing. This work has been funded by the Office for Product Safety and Standards as part of a project. Current investigations are ongoing in respect of the alleged offences.

Outcome: - It is likely that enforcement action will be taken against these traders.

6.21 **Work Experience Student**

- 6.22 As part of its commitment to the Hackney community as a whole, the service supports student placements into the department. These placements are short term but give invaluable experience to local schoolchildren. In July 2019 Trading Standards hosted a student from the Petchey Academy in Hackney on a two week work experience placement ending with a signed certificate from the Head of Service acknowledging the work completed during the two weeks.

6.23 **Advertising Boards**

- 6.24 Trading Standards Officers are monitoring street advertising boards which promote charitable events such as school fetes, alongside their work on rogue letting agents. Officers have looked at the estate agents boards being used to advertise themselves as a commercial business and the school charitable event and consider that they do not comply. The board

should be 1/3 for the estate agents advert 2/3 charitable event which would not be exempt from the requirements for commercial advertising boards.

Outcome: Three Estate Agents advised of the advertising constraints on their boards

6.25 **Illegal Tobacco Enforcement Project**

6.26 Traders in the borough have been visited as part of an inspection program and detection dog visit program. This has included trader education and ensuring that they are complying with the legislation in regards to tobacco products, tobacco displays and advertising as well as ensuring the businesses are displaying the statutory tobacco notice and no smoking notices.

Outcomes:(see Impact and Outcomes Table Section 6.56) Traders have been given warnings and advice where minor offences are discovered, illegal tobacco products have been seized, this has included Illegal cigarettes, Hand rolling tobacco, tobacco blunts, Oral tobacco, Tobacco and non-tobacco shisha.

6.27 This work has included a number of interventions due to alleged or witnessed breaches of the smoke free legislation on business premises. Work has also been carried out to tackle the illegal sales which are carried out by itinerant sellers visiting the borough.

6.28 The service have also taken initial stage enforcement action against two members of the tobacco industry for breaches of the Tobacco products Directive, with regard to the production of packaging which does not comply with the minimum size for the general health warnings In excess of £35,000 of tobacco products have been removed from the Hackney market place

6.29 **Illegal Alcohol enforcement**

6.30 Work has been carried out to tackle and identify the supply of illegal alcohol in the borough, the source of some of the illegal spirits has been identified and has led to Hackney Trading Standards passing information to HMRC which has led to two separate investigations into importers supplying spirits illegally in the borough, one of whom is a business based in Newham and the other a business based in Germany illegally using a consumer loophole to supply spirits to businesses in the borough via Amazon.

Outcomes: (see Impact and Outcomes Table Section 6.56) Over £300 of illegal spirits have been seized and the supply of considerably more prevented.

6.31 **Nicotine Products**

6.32 The service has been carrying out inspections across the borough on businesses which sell e-cigarettes, e-liquids and nicotine pods. Businesses have been given advice regarding labelling underage sales, advertising and the more problematic issue of CBD or Cannabidiol which is an extract from the Cannabis Sativa plant and is legal in the UK in this form. CBD is currently of national interest and UK consumer demand for this compound

is growing largely due to its alleged potential health benefits and overall good safety profile. There are currently no CBD regulations or manufacturing standards in the United Kingdom(UK). There are no strict laws that place a burden on UK manufacturers to have accurate CBD label content or to verify the CBD content of a CBD oil. In fact, if looking at other international markets, with the exception of the US who have some basic regulation, a regulatory framework for CBD-containing products is largely absent. So given the lack of regulation and standards in the UK and abroad it would be reasonable to assume that CBD mislabelling is likely to be a UK problem. A significant quantity of non-compliant stock has been found, somewhere there is a traceability issue and others where the required safety warnings both written and tactile are missing, these products have been seized and removed from the marketplace as they pose a danger to residents. The Team has also been able to identify the importer of a large amount of the incorrectly labelled product from Malaysia, this importer now has a UK office and has withdrawn the products from across the EU and relabelled and boxed them with compliant details, this has come at some considerable cost to the company as their products were throughout the UK and EU market place

Outcomes :(see Impact and Outcomes Table Section 6.56) Over £2000 of illegal these products have been seized

6.33 **National Modelling Agents**

6.34 Hackney have received several complaints about companies seeking to cash in on the aspirations of would-be models and are investigating several complaints. They are located at Third Floor, Equity House", 209-211 City Road, Hackney, London EC1V 1JN.Upon attending the photoshoot at Lepel Studios, complainants go through high pressure selling sales pitch. The Team has received fifteen similar complaints. Hackney Trading Standards have visited the studio and spoken to the company directors, Trading Standards have written to known consumers to obtain "Victim Statements".

Outcome:-The investigation is ongoing but no new complaints have been received following our visit. The company now appears to have left the borough.

6.35 **Operation Tybo**

6.36 Operation Tybo is a Police and Council partnership utilising resources from each partner focussing on licensed premises operating in the night time economy concentrating particularly but not exclusively in Shoreditch.

6.37 As part of Operation Tybo, Trading Standards uncovered a trader offering goods for sale on unregulated credit. This means allowing people to buy goods on credit without using a credit agreement. A credit agreement is a legal requirement under the Consumer Credit Act 1974. Credit in this form is usually provided in small shops where the traders know their customers personally. One such shop was Wing Express, 88 Hoxton Street, London N1 6LP. Trading Standards witnessed the trader providing goods to a customer without payment and recording this in a book which contained details of other transactions. Trading Standards were also involved in

undercover test purchases in August 2019 as part of Operation Tybo. The service worked in partnership with the Police and Police cadets.

Outcome: - Eight premises were visited to attempt purchases of knives or corrosive substances. No sales occurred and a special message of thanks was received from the Police for continuing this proactive work. It should be noted that from the 16th May 2019 sales of corrosive products to minors under 18 became illegal.

6.38 Hackney Markets

6.39 Officers from the Trading Standards Team have visited Hoxton Street Market to conduct routine inspections of the stalls, some of which were selling goods as part of the annual Summer Fair.

6.40 Although the majority of the stalls were found to be compliant, Officers encountered issues with a few, most notably a stall selling cosmetic products which did not comply with labelling requirements. Cosmetic products are required to be labelled with certain information such as the name and address of the manufacturer or the importer, the durability of the product, the precautions of use, the batch number for traceability requirements and an ingredients list. Most of this information was not stated on the products. Prior to placing cosmetic products on the market, manufacturers must also submit certain information about the product to the European Commission which the stall holder had failed to do.

6.41 The trader was advised and remedial action was set out for the trader. In addition, there were a number of stalls selling jewellery items which were advised to ensure that they did not contain excess levels of nickel, lead or cadmium, and also to display a Hallmarking notice. Following an inspection of the stallholder's website, Officers became aware that he was manufacturing and selling eczema creams described as containing 'eczema beating ingredients'. There are strict controls on medical claims which have to be substantiated and such products are required to be licensed through the Medicine and Healthcare products Regulatory Agency.

Outcome: Contact was made with the stall holder who was advised of the legislative requirements as was his local Trading Standards Service at Redbridge Council.

6.42 Following a consumer complaint made to the Markets Team concerning a lack of pricing and visibility of the weighing scales, two stalls at Ridley Road Market selling fruit and vegetables were inspected by Officers. As part of the inspection, weighing scales were tested using calibrated weights. Although both of the scales tested were accurate, one of them was not approved for trade use. Weighing machines for legal use have to be constructed to a particular Government or European Union specification and must bear particular markings to show that the equipment complies with Weights and Measures Regulations.

Outcome: - All non-compliant traders were advised. A re-visit to this trader will be made to ensure that they are using an approved weighing scale.

6.43 Work to combat knife crime

6.44 As part of the Government's Serious Violence Strategy, the Home Office is supporting the Team by providing funding for a knife crime project which is aimed to enhance enforcement of under-age sale of knives legislation.

6.45 The Team has benefitted from a grant of £20,000 for test purchasing of knives by the Home Office. Hackney Trading Standards has been selected to take part in a project to combat knife crime as part of its Violent Crime Strategy. This funding is to be used to enhance enforcement of under-age sales of knives legislation. The Home Office grant specifies that the funding can only be used for test purchase related activities and to support any follow up enforcement action and not for training or business education. The intelligence for the purchases has been provided by the Integrated Gangs Unit. Test purchases are being targeted in locations with the highest incidences of knife crime. The project will run between September and December 2019.

6.46 The Team has started a programme of advisory visits to all retailers of knives and other bladed articles in the borough.

6.47 The advice includes a reminder to retailers of their obligations not to sell knives to under 18s and to only accept passports, driving licences and Proof of Age Standards Scheme (PASS) cards as proof of age. Traders are also being advised to have theft prevention measures in place in relation to knives.

6.48 Table of Age Restricted Operations

6.49 Officers have conducted 10 age restricted operations with 114 visits were conducted for a range of products including knives, alcohol, cigarettes and e-cigarettes.

Product	No of Sales	Outcome Prosecution/Training
Alcohol	5	Training
Knives	2	1 Prosecution 1 Training
E Cigarettes	6	Training

6.50 Licence Review

6.51 Trading Standards has a role as a responsible authority under the Licencing Act 2003, Officers have been consulted on fifty applications for a new Licence or Variation of a Licence and Officers have also used the Licencing mechanism as part of the graduated alternative enforcement regime,

6.52 Three traders who have been found committing offences have been offered a voluntary variation of their alcohol licence as an alternative to other forms of formal action. This has strengthened the conditions attached to these licences not only with the intention of preventing further breaches but

update older licences, allowing the licensee to use the conditions to ensure their business works in accordance with the licensing objectives and protects young people and other residents of the borough from the harm caused by excessive alcohol consumption and Anti-Social Behaviour.

Animal Feed checks

6.53 As of 30th September 2019 Officers have undertaken 21 animal feed visits out of 29 registered premises. This represents 72% of premises due for inspection in the current financial year.

Financial Investigations

6.54 Proceeds of Crime Act (POCA) update. One case is a Planning case and relates to a property where there are now two Enforcement Notices in place:

- The first notice relates to an issue Planning has prosecuted twice before regarding the illegal extension works to a property.
- The second notice relates to the change of use that was discovered in the course of investigating the above; namely changing the property from two residential units to four residential units and a shop.

This case was due in court in September but the defendant requested further time to prepare their defence. The benefit figure is likely to be around £250,000. This equates to about £80k under the incentivisation scheme coming to Hackney and the case is now likely to be heard in March. This is the scheme where local authorities can claim part of the Proceeds of Crime following a successful prosecution and confiscation.

A second case is another Planning one, which is currently in the POCA process and a s16 statement has been served on the defendant. This is a statement which outlines the financial benefit made by the defendant and outlines their known assets. This case also involves an illegal development with a rental income. The benefit figure is £37k. This equates to about £11k under the incentivisation scheme. This is the scheme where local authorities can claim part of the Proceeds of Crime following a successful prosecution and confiscation.

Impacts Outputs Framework

6.55 Consumer protection services nationally have introduced a new framework to better illustrate the way Trading Standards work contributes both locally and nationally to local and national priorities and benefits the local population. The framework helps to benchmark services and test the efficiency and effectiveness of trading standards services across England, Scotland and Wales.

6.56 **Table of Outcomes April - September 2019**

Impact	Description	Outcome
No of scam victims supported	Total no victims identified in the month by the NTS National Scams team	15

Businesses tested for compliance with the law using underage volunteers OR for compliance with mandatory Challenge 21/25 conditions using older individuals.	Number of individual premises tested for Alcohol (Only include data for premises for which test purchases have been attempted.)	114 test purchase attempts.
Tackling the availability of illicit tobacco	Number of premises from which products were seized Volume of tobacco seized (l) Value (£)	14 5860 sticks 1.85kg hand rolling tobacco 112 blunts 7kg Shisha. 25 other tobacco products £10180
Tackling the availability of illicit alcohol	Number of premises from which products were seized. Volume of alcohol seized Value (£)	8 19.2 litres £389

7.0 PERFORMANCE AGAINST PRIORITIES - APPENDIX 1 AND 2

7.1 The report provides an update against the priorities for the Regulatory Services Performance plan for 2018/19 and for the period April 2019 to September 2019.

8.0 COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

8.1 This report and appendices notes the performance, level and scope of work being carried out to meet the requirements of service plans within Business Regulation.

8.2 The aims and objectives of the programmes described in this report will be delivered within the constraints of the existing Business Regulation service budgets.

8.3 The report notes (Paragraphs 6.54) the financial investigations under the Proceeds of Crime Act (POCA). Income received from compensation orders awarded in favour of the Council contributes to the cost of staff involved in POCA investigations and enforcement action.

9.0 COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL

9.1 There are no immediate implications arising from this report.

10.0 APPENDICES

Appendix 1 – Annual update against the priorities in the Regulatory Services Performance plan 2018/19

Appendix 2 – Update against the priorities in the Regulatory Services Performance plan April –September 2019.

11.0 BACKGROUND PAPERS

Not Applicable

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