



# HILLINGDON

LONDON

## RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE

2009/2010

### ILLEGAL COSMETICS AND ILLEGALLY IMPORTED FOODS

Members of the Committee:

**Councillor Michael Markham (Chairman)**  
**Kay Willmott-Denbeigh** (*Councillor until 6 May 2010*)  
**Councillor Lynne Allen**  
**Councillor Paul Buttivant**  
**Councillor Janet Duncan**  
**Councillor Judy Kelly**



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## CHAIRMAN'S FOREWARD



Because public safety is always our prime concern, the committee decided to carry out a review of Trading Standards – the first for many years.

It was agreed to focus on illegal cosmetics and illegally imported foods and to review measures the Council had in place to combat these potentially dangerous issues.

We looked at what the Council is currently doing and the areas that might be improved to better protect Hillingdon residents.

Our recommendations are designed to improve residents' awareness as to the dangers of illegal cosmetics and illegally imported food, to improve the sharing of information securely between the Council and other bodies, improve support for the Port Health IT system at Heathrow, and to raise awareness of the 'Scores on Door' restaurant scheme.

We also agreed that the issue of Khat and its legal status should be considered as a future review topic in 2010/11.

I would like to thank officers from Trading Standards, Food Health and Safety, Port Health Authority and the UK Border Agency for their support and providing us with all the information required for this review.

**Cllr Michael Markham**

**The recommendations are not the result of a comprehensive review.**

# Summary of Recommendations

The Committee's review sought to examine and improve the Council's arrangements for combating the issue of illegal cosmetics and illegally imported foods at Border Controls. Following the evidence received, we make the following recommendations to Cabinet:

- 1. The Committee recognises the efforts made by the Council and UK Border Agency (UKBA) Officers to tackle illegal goods being sold in the Borough and recommends that a public information campaign be launched to raise residents' awareness as to how to identify illegally imported cosmetics and food and of reporting procedures.**
- 2. The Committee is of the view that closer working between the Council and UKBA is essential. The Committee therefore recommends that, as a matter of urgency a clear, accountable and robust Memorandum of Understanding (MOU) or protocol be set up between the Council (Trading Standards and Port Health) and UKBA, in order to exchange information freely and securely and that a joint database of offending exporters be developed. Provision for a back up system should also be put in place to ensure IT systems at Port Health Heathrow are available 24 hours a day to maintain the continuity of the critical process of information exchange.**
- 3. The Committee recommends that Officers make efforts to identify external funding in support of more joint operations.**
- 4. The Committee recommends that information about the 'Score on Doors' scheme continues to be publicised through appropriate communications channels, to continue to raise public awareness of inspected premises and awarded star ratings.**
- 5. During its deliberations, the Committee briefly considered the problems of the use of the drug Khat and its legal status. The Committee therefore recommends this as a future review topic in 2010/11.**

## INTRODUCTION

1. This report sets out the findings by the Residents' and Environmental Services Policy Overview Committee, following their Review into Illegal Cosmetics and Illegally Imported Foods at Border Controls and Wholesale/Retail. The aim of the review was to:

Consider improvements to the Council's arrangements for combating the issue of illegally imported cosmetics and foods.

2. Given the wide remit and extent of the service area, we agreed to focus the review on the following two areas, which fall under the Imported Food Office, based at Heathrow and the Food Health and Safety Team and Trading Standards, based at the Civic Centre:
  - i) Illegal Cosmetics, in particular – Cosmetic products containing hydroquinone and mercury can permanently damage the skin and cause cancer. They also contain kojic acid, although not a banned ingredient, kojic acid can be harmful if excessive amount is supplied and are imported and sold illegally. The review therefore sought to investigate procedures in place to prevent the sale of illegal cosmetics to Hillingdon residents.
  - ii) Illegally Imported Foods, Border Controls and Wholesale/Retail - Food imported into the UK, as well as food on sale must obey safety and hygiene rules and the review sought to establish measures in place by the Council to protect Hillingdon residents from fraudulent or deceptive practices.
3. The Committee agreed that the review would look at what the Council currently did and how this could be improved to better protect Hillingdon residents.
4. This report will firstly outline the methodology for the review and we hope would be of use to the Cabinet and officers when deciding on the way forward.

## **METHODOLOGY OF THE REVIEW**

### **Reason for the review**

5. The Committee considered that it had been a long time since the Trading Standards Service area had been reviewed.

### **Aim of the Review**

6. The review sought to consider improvements to the Council's arrangements for combating the issue of illegally imported cosmetics and foods.

## **TERMS OF REFERENCE OF THE REVIEW**

7. The Terms of Reference of the review was agreed as follows:
  - To review the Council's statutory duties in relation to illegal cosmetics and illegally imported food at Border Controls and at Whole Sale/Retail
  - To examine the role of the Food Health and Safety Team
  - To investigate the Food Standards Inspection process including checks for composition and labelling of all foods
  - To review the steps taken to matters relating to imported foods
  - To identify what checks are in place for discovering illegal cosmetics
  - To make recommendations to Cabinet as appropriate

## METHODOLOGY

8. Committee Members visited the Imported Food Office at Heathrow Airport on Friday 12 February 2010 and received an introduction on procedures.
9. A display and talk was given on imported products of non animal origins foods (PNOA), such as chilli powder and almonds. In addition, Members visited an Inspection Centre where a talk was given on the inspection procedures, together with a display of meat and fishery products, as well as hunting trophies.
10. The Committee examined reports from officers to explain the background around Illegal Cosmetics and Illegally Imported Foods and held one witness session on 17<sup>th</sup> February 2010 with the following witnesses:
  - Sue Pollitt, Divisional Trading Standards Manager, LBH
  - Shabeg Nagra, Port Health Manager, LBH
  - Oliver Darius, Team Leader, Food Health and Safety Team, LBH
  - Peggy Law, Consumer protection Manager, LBH
  - Viv Pullha , Officer from the UK Border Agency (Freight)
  - Joanna Kingdom, Officer from the UK Border Agency (Freight)
  - Peter Howard, Officer from the UK Border Agency (The Channels)

# EVIDENCE AND FINDINGS

## BACKGROUND

### WHERE ARE WE NOW?

#### 11. **Illegal Cosmetics**

It is an offence to supply a cosmetic product which may cause damage to human health when applied under normal conditions of use, or reasonably foreseeable conditions of use.

12. Grey imports such as toothpaste found in retailers are unlikely to contain banned ingredients but there are many substances that are either prohibited or restricted for use in cosmetic products. Skin lightening creams are the most common type of illegal cosmetics and those containing hydroquinone are banned in this country. There are also restrictions on animal testing of cosmetic products and ingredients. Certain labelling is also required such as:

- The name and address of the manufacturer/importer into the EU
- Durability
- Precautions
- Batch code
- Function
- Ingredients

13. Consumers can be assured that cosmetics which comply with the above regulations are safe to use. In the event that a problem arises, the product can be traced back to source and appropriate action taken.

#### 14. **Imported Food – Border Controls**

A recent study by the Food Standards Agency (FSA) estimated that approximately half of the food that is on sale in United Kingdom (UK) shops has been imported. Because of this, it is therefore important that effective controls are in place at points of entry across the UK such as London Heathrow Airport (LHR). Controls on imported food are carried out in all the transit sheds at Heathrow Airport and physical checks and identity checks on imported food of Product of Animal Origin (POAO) are carried out at two inspection centres which are approved by the European Union.

15. However despite effective import controls being in place, illegal imports still arrived at points of sale, as a result of smuggling activities, poor knowledge of import controls and incorrect declaration of food items by importers and their representatives.

The Committee therefore agreed the following recommendation to raise public awareness in identify illegally imported cosmetics and foods; and to increase



importers'/ representatives' knowledge of import controls and how to correctly declare food items:

**Recommendation 1 – That the Committee recognises the efforts made by Council and UK Border Agency Officers to tackle illegal goods being sold in the Borough and recommends that a public information campaign be launched to raise residents' awareness of how to identify illegally imported cosmetics and food and of reporting procedures.**

16. **Products of Animal Origin (POAO)** regularly inspected at LHR include fishery products, shellfish, dairy products etc. Customers that follow correct legal channels import a vast quantity of these goods. However, a significant number of consignments are introduced illegally. There are a number of reasons why a consignment may be considered to have been illegally introduced. These include:
- Introduced with no prior notification
  - Introduced without being presented at a Border Inspection Post (BIP)
  - Introduced from a country not permitted to export to the UK
17. Whilst it is an offence to introduce POAO from Non-EU countries into the UK except at a BIP, it should be noted that a number of exemptions apply. These include:
- Personal imports of certain products from certain countries
  - Trade samples accompanied by necessary documentation
18. The checks undertaken on POAO can be divided into 4 phases:
- Pre-notification** – The Importer/Agent must notify the Imported Food Office of the arrival of a consignment before it has been unloaded from the aircraft.
  - The Documentary Check** – Each consignment must be accompanied by a health certificate, airway bill and invoice. These documents must be presented to the Imported Food Office along with the necessary payment.
  - The Identity Check** – The majority of consignments must also undergo an identity check. An officer will inspect the consignment at a border inspection post to ensure that it corresponds with the accompanying documentation.
  - The Physical Check** – A certain percentage of consignments are subject to physical examination dependent on the origin.
  - v) That it has been transported at the correct temperature and if it is fit for use, for example human or animal consumption. This may also include sampling animal products for Histamine toxins, Heavy Metals, toxic chemicals including Malachite Green as well as antibiotics like Nitrofurans and also Sulphites found in foods; or such pollutants as Polycyclic Aromatic Hydrocarbons (PAHs).

19. Where the above checks are satisfactory, Part II of the Common Veterinary Entry Document (CVED) is completed and the consignment can continue to its onward destination. Rejected consignments are re-exported or destroyed depending on the reason for rejection.
20. **Products not of Animal Origin (PNAO)** There are currently few requirements in place that oblige an importer or their agent to notify a Border Inspection Post (BIP) of the intended arrival of most PNAO. PNAO that are considered high risk are however subject to enhanced checks and include products such as Chilli Powder, Palm Oil, Iranian Pistachios and almonds from the USA.
21. Despite this, it is important that priority is given to identifying imported foods inland because of there being no requirement to pre-notify most PNAO.
22. Checks carried out on PNAO are similar to those carried out on POAO and they are as follows:
- i) **Documentary check** - The documentary check involves inspecting invoices, health certificates and sampling results. The documentary check itself will often determine whether further checks are required.
23. Where a documentary check is deemed satisfactory, the importer is advised of this so that the goods can continue to their onward destination.
- ii) **Identity check** - During the identity check, the labels on the boxes and packages are inspected. This information is compared to the information contained in accompanying documentation for example analytical reports and invoices.
24. Where the information on the labels does not allow for full traceability, an officer may detain the consignment to undertake further sampling. In some cases, a consignment may be rejected and subsequently destroyed or re-exported.
- iii) **Physical check** - A physical check is a 'check of the product itself.' This often involves both formal and informal sampling. Products that are sampled are often done so in a targeted fashion, for example:
- Emergency control products,
  - Products with previously unsatisfactory results
25. Routine surveillance sampling is also undertaken to identify new and emerging risks. Products can be subject to sampling for toxins, lead, unpermitted colours, sulphites, microbiological contamination (ie salmonella, E.Coli), pesticides, irradiation (exposure to radiation), composition, authenticity, colour migration of packaging into the food etc.

## **Imported Food - Wholesale/Retail**

26. Part of the role of Food, Health and Safety Team is to carry out a series of programmed risk based food safety and food standards inspections within the London Borough of Hillingdon (outside the boundary of London Heathrow Airport). This is so as to ensure the safety of food at all stages of production. Part of these inspection activities include 'inland checks' for imported foods and are similar to those made by all other local authorities in England and Wales. There are in the region of 2,500 registered food businesses in Hillingdon and typically just under 1,000 inspections are undertaken each year. Current records show that there are 18 Importers situated in London Borough of Hillingdon (Businesses where the main activity is importing).
27. Inspections make up the majority of the all food intervention activities, the frequency of inspections are determined by individual risk rating scores determined at the time of the previous inspection.
28. Inland checks form part of the inspection process and extend to a range of food businesses including distributors, wholesalers, restaurants, manufacturers and retailers. Inspections include food hygiene and food standards checks and food sampling of all foods.
29. Food standards inspections include checks for composition and labelling of food and consideration of the advertising and marketing of the product and how it may mislead the consumer.
30. Outside the routine programme of inspections some intelligence led work takes place through the Council's Home authority leads for companies such as Coca Cola, HJ Heinz UK, and United Biscuits. In this regard complaints will often be received via other local authorities concerning the lawfulness of food labelling. Such matters often arise out of consumer complaints and subsequent sampling and analysis.
31. The Food Health and Safety Team also carries out a series of routine food samples in line with a food sampling programme. Officers will from time to time take samples by way of further checking a part of their inspection, for example that accurate labelling is being applied, or that there are no contaminants in a product.
32. The team will also react to complaints from consumers in Hillingdon; often these will be concerning hygiene practices.

## **Illegally imported food and illness**

### **Bush Meat**

33. Bush meat is the term commonly used for meat of terrestrial wild animals killed for hunting and commercial purposes. There is no evidence that sales of bush meat are taking place in Hillingdon. Such foods are certainly suspected of being imported, often in personal luggage from third countries, and are known to fetch a high value on the black market. Trade of Bush meat is understood to be popular in West and Central Africa and so it is reasonable to expect that some quantity of these foods may turn up from time to time in communities, including people from this area of the

world. Further intelligence and advice may be provided by our Imported Food Office.

### **Halal Meat**

34. Halal is an Arabic word that means “permissible”. In terms of food, it means food that is permissible according to Islamic law. Certainly many small businesses are selling meat which they claim to be Halal, and broadly speaking officers will accept the description based upon limited traceability checks - mostly checking invoices.

There is no current evidence to suggest the sale of widespread fraudulent sale of Halal Meat in Hillingdon. In any case determining whether a consumer has been or is being misled by anyone placing for sale a Halal food on the market is a matter of fact to be proven in a court of law. To the best of officers’ knowledge there is no current case law.

### **Enforcement Responsibilities at Heathrow - London Borough of Hillingdon – Imported Food Office (IFO)**

35. Officers of the IFO are responsible for carrying out food hygiene and food standards checks on imported foods arriving at LHR. This includes checks set out in European legislation under the veterinary checks regime.
36. Officers of the IFO are not responsible for detecting smuggled POAO, with the exception of that found in the BIP. If illegally introduced products are uncovered while undertaking checks in a premises other than a BIP, a detention notice will be issued and the UK Border Agency (UKBA) contacted.

### **UK Border Agency (UKBA)**

37. The UKBA is responsible for locating illegally introduced POAO and for deterring this practice. UKBA do not however have responsibility for seizing POAO in BIP’s or inland. Because of this, the IFO retains an important role in the control of illegally introduced POAO at borders.
38. UKBA have adopted a risk-based approach to enforcement and target their resources where it believes that the greatest contribution can be made to reduce the introduction of disease. The action taken by UKBA is not restricted to simply seizing goods. Additional enforcement action can be taken where there has been a deliberate attempt to evade checks, or where a repeat offender has been identified.

## LEGAL POWERS

39. The Cosmetic Products (Safety) Regulations 2008 came in to force on 18th June 2008. The Regulations consolidate earlier Regulations and implement current European Directives on restrictive substances, restrictions on animal testing and the requirement for certain labelling.
40. Imported food legislation is driven by the implementation of European Community (EU) law. Much of the legislation that is focused on controls of POAO is implemented by the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended). Third Country imports are from countries which are not members of the EU.

Regulation 5 (3) of these Regulations states the following:

*'In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product that he considers may have been brought in breach of regulation 16, he must notify an officer of Revenue and Customs and detain the consignment or product until an officer of Revenue and Customs takes charge of it.'*

Regulation 16 states:

*'No product may be brought into England from a third country except at a border inspection post designated and approved for veterinary checks on that product.'*

41. Additional enforcement options that can be used by officers of the IFO to combat illegally introduced POAO include:
- Regulation 8 – Notices may be served requiring consignments of POAO be stored under the supervision of the IFO employees until such time that it is decided that correct import procedures have been followed. Such a Notice may be served when it is unclear if a product is indeed a POAO.
  - Regulation 24 – Notices are served on the importer or his representative when illegally introduced POAO are discovered / identified in the BIP.
42. Much of the legislation that is focused on controls of PNAO is implemented by the Official Feed and Food Controls (England) Regulations 2007 (as amended). Regulation 882/ 2004, as well as Council regulation, provides the main controls for PNAO imported in the UK from non-EU countries. Regulation 882/2004 establishes a harmonised framework of general rules for the organisation of controls at community level, which includes official controls on the introduction of food and feed from third countries (countries outside the EU).
- It also provides for a list to be drawn up of feed and food of non-animal origin that is on the basis of known or emerging risks to be subject to increased level of official controls at the point of entry into the EU.
43. The legislation provides powers to inspect PNAO products and allows for them to be

detained pending the results of any examination that is undertaken as part of the controls. Products that are subsequently found to have been introduced in contravention of the above legislation are detained with the following options given to the importer or his representative:

- Destruction
- Re-export
- Re-processing or alternative use for food

44. In addition to the above controls, the European Commission (EC) may at any time introduce emergency controls when it is decided that a certain product is implicated in a certain risk.

## **ENFORCEMENT AND LEGAL ACTION**

45. When food is imported from other European Countries they have free movement, this is known as intra community trade. So as to ensure free movement of safe and wholesome food a series of EC Regulations are applied to each member state. Any food from third countries should comply with similar requirements unless a specific agreement exists between the Community and the exporting country.

46. The general principles and requirements of food law for member states are set out in EC regulation, which deal with protecting consumer interests with its aim of preventing fraudulent or deceptive practices. This includes the preventions of the adulteration of food and other practices, which may mislead the consumer and preventing unsafe food being placed on the market. Another key aim is to ensure good traceability of food and general hygiene requirements for all food business operators with specific hygiene requirements for foods of animal origin.

47. All food businesses in Hillingdon are required to be registered, so as to enable inspections and inland checks to take place.

48. Enforcement powers are provided by the Food Safety Act 1990, General Food Regulations 2004, Food Hygiene (England) Regulation 2006 and the Food Labelling Regulations 1996.

49. During the course of food inspections where imported foods are suspected the traceability of the product will be investigated and mostly dealt with according to a hierarchy of enforcement, normally beginning with a warning. Liaison with other enforcing authorities will take place as necessary and the involvement and advice of the Food Standards Agency will be sought.

50. If food is considered unsafe detention and seizure powers enable consignments to be removed from sale. Moreover where unsafe food is suspected, food businesses will be made aware that it is an offence to place on the market any food which it has processed, produced, manufactured distributed or imported where it does not comply with food safety requirements. Moreover they are required to cooperate with the council to ensure an effective product withdrawal failure to do so is also an offence.

51. The assessment of the legitimacy of describing or presenting food is a matter of judgement. Guidance exists from the Food Standards Agency on terms such as

Fresh, Pure, Natural, Home Made etc. European Community (EC) Regulations deal with things such as nutrition and health claims. Notwithstanding this, the market is fast moving and evolving with companies seeking to add value to their products all the while. The meaning of terms and descriptions are often open to interpretation.

This also extends to the interpretation of Halal meat and although there are a number of certification bodies in existence, there is no accredited list. A number of non-government organisations exist that monitor and approve Halal Slaughter, which include The Halal Food Authority and the UK Halal Corporation. Other interest groups such as the Muslim Council of Great Britain may be able to give advice on Halal food.

## **PROSECUTIONS**

52. The Food Health and Safety Team have not completed any prosecutions that are directly related to Imported Foods. Many of the matters dealt with by the team including complaints from members of the public relate to poor hygiene practices often resulting from third country immigrants setting up small food businesses. It has been long argued that part of the failing in the legislation is that there is no requirement to hold a permit or licence before opening a food business, which in effect means anyone without any prior knowledge or experience can open a food business. There is currently no evidence to suggest a particular problem with illegal imported foods.

## **PARTNERSHIP WORKING**

53. Imported foods by their nature do not respect boundaries so addressing any matters relating to imported food clearly requires an approach encompassing national and regional initiatives which will draw on intelligence gathered from across the UK. For this reason food sampling work will sometimes target imported foods as part of regional and national surveys. Surveys are agreed by the Food Standards Agency in conjunction with the Local Authority Co-ordinator of Regulatory Services (LACORS), further studies are discussed and agreed between Environmental Health Officers, the Health Protection Agency and Public Analyst.
54. Liaison Groups across London provide a suitable forum for officers from the team to discuss such matters as well as particular enforcement issues and or intelligence, which may include imported food checks.
55. Officers will routinely attend the North West London Sector Group Meetings. Otherwise any more urgent matters may be notified through the Food Standards Agency Incidents Alert System. This notifies all local authorities on food related matters for information or for action, dependant upon the level of risk involved. In response, the team may divert its resources into site-specific inspection, correspondence or other communication in ensure product withdrawals from the market place.

56. The London Borough of Hillingdon is a member of the Association of Port Health Authorities (APHA). Members actively work with the Association in sharing their expertise and best practice to deliver consistent and effective port health services.
57. The Association plays an important role in protecting public health through liaison with Government departments and agencies, local authorities and internationally through the EU, the World Health Organisation and trade bodies. It contributes significantly to national and international policy development and keeps its members up to date with changes in legislation and guidance.

## **KHAT AND THE LAW**

58. During its deliberation, the Committee briefly considered the problems of the use of the drug Khat and its legal status.

### **What is khat?**

59. Khat is a green-leaved shrub that has been chewed for centuries by people who live in the Horn of Africa and the Arabian peninsula. It turned up in Europe, including the UK, a few years ago and is used particularly among emigrants and refugees from countries such as Somalia, Ethiopia and the Yemen.

It remains potent for only a few days after picked. It is strongest when the fresh leaves are chewed but can also be made into a tea or chewable paste.

60. The khat plant itself is not controlled under the Misuse of Drugs Act, although the active ingredients, cathinone and cathine, are Class C drugs. Cathinone may not be lawfully possessed or supplied except under a licence for research, though cathine may be prescribed. It is controlled by law in countries such as America, Canada, Norway and Sweden.

### **Legality of Khat**

61. Khat can be legally bought in Britain with no restriction of the age of the purchaser. About seven tones of it are estimated to pass through Heathrow Airport alone each week.
62. Currently there is no legal requirement for importers to notify the Imported Food Office of Khat imports arriving at Heathrow Airport. Irrespective of this, on the 26 September 2009, the Imported Food Team conducted surveillance checks within several transit sheds surrounding Heathrow. During the surveillance checks, six consignments of Khat were physically inspected and subject to analysis.
63. The laboratory reports likened Khat to tobacco rather than food, because the product is chewed to extract the juices and the residue spat out.
64. The matter was raised with the Food Standards Agency who adopted the same line as the laboratory report. As a result, there is currently no enforcement action that can



be taken until status of the product is clarified.

This was considered to be an issue that would require further investigation and the Committee makes the following recommendation to take this into account:

***Recommendation 5 - During its deliberations, the Committee briefly considered the problems of the use of the drug Khat and its legal status. The Committee therefore recommends this as a future review topic in 2010/11.***

## WHAT KEY ISSUES ARE WE FACED WITH?

### Illegal Cosmetics

65. Cosmetics which do not comply with the Regulations may:
- Contain banned ingredients such as hydroquinone or mercury  
May contain permitted ingredients but in concentrations above that are allowed
  - May not have an ingredients list – thus causing problems for persons with allergies
  - May not declare a shelf life – some cosmetics deteriorate with age
  - Are difficult to trace and remove from the market if identified as unsafe and need to be destroyed.

### Imported Food – Border Controls

66. The issues faced in respect of Imported Food/Border Controls include:
- Products being illegally imported outside normal office hours such as the evening and weekends.
  - The potential for inconsistency of enforcement between agencies
  - The lack of knowledge by UKBA staff of current imported food legislation, due to other priorities and legislative responsibilities
  - Agents and importers lack of knowledge on imported food control requirements
  - Limited resources for the imported food office

### Imported Food - Wholesale/Retail

67. There is no data currently available to the Food Health and Safety Team, which would allow the council to draw any conclusions concerning the scale of the illegal imported foods in Hillingdon and the implications for public safety.
68. It is widely understood that over half of foods in the UK are imported, and it would be reasonable to assume that the same is true of foods within Hillingdon.
69. There is a sizeable immigrant population carrying on small food businesses in the Hayes area and general compliance with Food legislation is poor, although no wider imported food issues have been identified.

70. The Scores on Doors Scheme was piloted by a group of London Local Authorities including Hillingdon as part of a FSA pilot and was launched in 2007. It encourages and recognises the many food businesses that achieve full legal compliance and allows the public to find out about food hygiene standards within businesses and make informed decisions about where they eat in London.

Ratings are awarded once structural conditions of the premises are checked, as well as the practices, procedures, and confidence in the management to handle food safely.

71. Star ratings (and scores) apply to the time of the last inspection only and may not represent current conditions.

72. We suggest that the 'Scores on Doors' Scheme be publicised to raise residents awareness of the scheme and encourage them to report any concerns they may have about food premises visited.

***Recommendation 4 - The Committee recommends that information about the 'Score on Doors' scheme continues to be publicised through appropriate communications channels, to continue to raise public awareness of inspected premises and awarded star ratings.***

# THE WAY FORWARD

## CURRENT MEASURES IN PLACE AND WHERE WE WANT TO BE:

### Raising Awareness

73. While illegally imported cosmetics are not commonly found in retail outlets in Hillingdon, non-compliant grey imports may be discovered in shops and in markets. Retailers are given advice regarding the law, and are told to ensure that they buy from reputable wholesalers and importers and to check dates and labelling.

Consumers assume that every cosmetic product is safe to buy and use; consumer education therefore is key as refusal to buy this type of illegal product would further reduce their availability.

74. The Imported Food Office has taken the following steps to raise awareness:
- Guidance packs and guidance notes on imported food controls are available to importers and agents.
  - Agents and importers are regularly emailed imported food updates via email and advisory letters.
  - During 2008, an advisory campaign was conducted by the imported food office and an imported food control information pack issued to agents regarding official controls on imported food matters.

### Co-ordinated Working Approach

75. Port Health and the UKBA recognise that they can only successfully tackle illegal imports with a combined effort across both agencies; as a result they have a co-ordinated approach to illegal imports and undertook a joint working project (Operation Codex 3) during 2009 to improve consistency and detection of illegally imported food controls.
76. Meetings have also been arranged with HMRC Tariff Team to discuss increased joint operations between Port Health and UKBA within the Transit Sheds surrounding Heathrow Airport. These operations would take place during the late evenings and weekends the times when importers and agents would least expect inspections to take place.

We recognise that the level of joint operations would be dependent on the limited resources available and suggest the following recommendation to secure funding from external sources:

***RECOMMENDATION 3 – The Committee recommends that Officers make efforts to identify external funding in support of more joint operations: Due to limited funding, the number of joint operations can not be increased.***

77. **Training** – Port Health is currently devising a training programme for D4 Outdoor Co-ordinated Team and compliance Team. Training days have also been planned for agents and importers to better increase awareness of import controls and declaration of food items.
78. **IT System** – The HMRC CHIEF system is the main computer system used by Customs for clearance of imported goods. Commodity codes tagged on this System alerts customs to products that require official checks by Port Health.

### **Information Sharing**

79. Regular meetings between Port Health, UKBA and Trading Standards have been proposed to ensure updates, consistency and sharing of information to enable improved service delivery.

During the witness session, we were encouraged to hear that regular meetings had been arranged to share information and updates between the different agencies. The Committee therefore made the following recommendation to further enhance closer working and to support the critical exchange of information:

**The Committee is of the view that closer working between our partner agencies (e.g. Trading Standards, UKBA and Port Health) is essential. The Committee therefore recommends that, as a matter of urgency a clear, accountable and robust Memorandum of Understanding (MOU) or protocol be set up between the agencies in order to exchange information freely and securely and that a joint database of offending exporters be developed. Provision for a back up system should also be put in place to ensure IT systems at Port Health Heathrow are available 24 hours a day to maintain the continuity of the critical process of information exchange.**

## CONCLUSIONS

80. The Residents' and Environmental Services Policy Overview Committee appreciated the tremendous work being done by Trading Standards in combating illegal cosmetics and illegally imported foods at Heathrow Border Controls wholesale retail.
81. That although there were effective measures in place in dealing with imported illegal consignments, there needed to be more joined-up working and operations between the UK Border Agency (Heathrow) and Port Health to increase detections.
82. That information sharing between agencies could be better improved by setting up a secure Memorandum Of Understanding, the legal gateway for exchanging information between all the agencies.
83. That UKBA had a dedicated team which worked on a 24 hour basis, and although the Imported Food Team operated between the hours of 8am to midnight 7 days a week, it also had a call-out cover after 12 midnight. Any consignments requiring seizure of goods would be notified to UKBA, who had the legal powers of seizure.
84. That Skin lightening Cream, the most common type of illegal cosmetics was not prevalent in Hillingdon due to the ethnic make up, but was included in the regular routine inspections carried out in wholes/retails shops.
85. That the problems of the use of Khat and its legal status briefly discussed during the review be considered as a future review topic in 2010/11.

# APPENDIX 1

## Glossary

<b>UKBA</b>	United Kingdom Border Agency
<b>BIP</b>	Border Inspection Post
<b>MOU</b>	Memorandum of Understanding
<b>HMRC</b>	Her Majesty's Revenue and Customs
<b>POAO</b>	Products of Animal Origin
<b>PNAO</b>	Products not of Animal Origin
<b>OCT</b>	Outdoor co-ordination Team
<b>FSA</b>	Food Standards Agency
<b>EU</b>	European Union
<b>EC</b>	European Commission
<b>LHR</b>	London Heathrow Airport
<b>PAHs</b>	Polycyclic Aromatic Hydrocarbons
<b>IFO</b>	Imported Food Office
<b>CVED</b>	Common Veterinary Entry Document

## APPENDIX 2

### London Food Hygiene Scores on the Doors Ratings

The London scheme retains a consistent rating of food businesses across London using a consistency framework rolled out to all the participating authorities. This was based upon the Food Law Code of Practice

Inspected premises are awarded one of the following star ratings:



**Excellent:** Very high standards of food safety management. Fully compliant with food safety legislation.



**Very good:** Good food safety management. High standard of compliance with food safety legislation.



**Good:** Good level of legal compliance. Some more effort might be required.



**Broadly compliant:** Broadly compliant with food safety legislation. More effort required to meet all legal requirements.



**Poor:** Poor level of compliance with food safety legislation – much more effort required.

**Very poor:** A general failure to comply with legal requirements. Little or no appreciation of food safety. Major effort required

Since the start of the scheme some limited publicity has been achieved through the Local newspaper as well as advertising on JC Decaux Bill boards. Funding for publicity is however limited.

The scheme has been accepted by small businesses, and has often acted as an incentive for them to improve. Star ratings are can be accessed via the following websites:

[www.yourlondon.gov.uk](http://www.yourlondon.gov.uk)

[www.scoresonthedoors.org.uk](http://www.scoresonthedoors.org.uk)