



## Trading Standards Joint Advisory Board

**Thursday 8 March 2018 at 7.00 pm**

Boardrooms 7&8 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

#### Members

Councillors:

Jones  
Long  
Perrin  
Ferry  
Mithani  
Parmar

#### Representing

Brent  
Brent  
Brent  
Harrow  
Harrow  
Harrow

#### First alternates

Councillors:

Hector  
S Choudhary  
  
Kendlker  
Mrakari  
Hall

#### For further information contact:

(LB Brent) Joe Kwateng, Governance Officer  
0208 937 1354 [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

(LB Harrow) Miriam Wearing, Senior Democratic Services Officer,  
0208 454 1542 [miriam.wearing@harrow.gov.uk](mailto:miriam.wearing@harrow.gov.uk)

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

**The press and public are welcome to attend this meeting**

## **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 of 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.

Election of Chair for the meeting (from amongst the Brent members)

Apologies for absence and clarification of alternate members

Item	Page
<b>1 Election of Chair</b>	
<b>2 Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>3 Minutes of the previous meeting</b>	1 - 6
<b>4 Matters arising</b>	
<b>5 Deputations (if any)</b>	
<b>6 Trading Standards Work Plan 2018/19</b>	7 - 18
This report provides Members with information concerning Brent & Harrow Trading Standards proposed work plan during 2018/19.	
<b>7 Trading Standards Fees and Charges 2018/19</b>	19 - 24
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 2018/19.	
<b>8 Trading Standards Scrutiny Report Update for Joint Advisory Board</b>	25 - 38
This report provides Members with information regarding the Service's appearance before the Resources & Public Realm Scrutiny Committee on 9 January 2018.	
I have attached appendices A and B to the report.	
<b>9 Any other urgent business</b>	
Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services (London Borough of Brent) or his representative before the meeting in accordance with the constitutions of both councils.	



Please remember to ***SWITCH OFF*** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.



## LONDON BOROUGH OF BRENT

### MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD Thursday 23 November 2017 at 7.00 pm

PRESENT: Councillor and Councillors Long (London Borough of Brent), Perrin, Ferry (London Borough of Harrow), Mithani (London Borough of Harrow) and Parmar (London Borough of Harrow)

Also present: Councillors

Apologies for absence were received from: Councillors Jones (London Borough of Brent)

Officers in Attendance were:

#### 1. **Election of Chair**

**RESOLVED:** That Councillor Keith Ferry be elected as Chair for the meeting.

#### 2. **Welcome to new Member**

Councillor Keith Perrin was welcomed to his first meeting of the Board.

#### 3. **Declarations of personal and prejudicial interests**

**RESOLVED:** To note that the following interests were declared:

Agenda Item 7 – Proposal for Providing a POCA/Planning Enforcement Service to Harrow

Councillor Keith Ferry declared a non-pecuniary interest in that he was Portfolio Holder for planning services and as such would be involved in the decision-making. He would remain in the room whilst the matter was considered.

#### 4. **Minutes of the previous meeting**

**RESOLVED:** *That the minutes of the meeting held on 11 May 2017, be taken as read and signed as a correct record.*

#### 5. **Matters arising**

There were none.

## **6. Deputations**

There were none.

## **7. Annual Report**

***Simon Legg, Service Manager, introduced the Annual Report, which summarised the work and outcomes achieved by Brent and Harrow Trading Standards Service (The Trading Standards Consortium) for the financial year 2016/17.***

***The officer updated the Board on work undertaken in the past year and particular attention was drawn to the following:***

- ***three members of staff had left the service and a fourth was on maternity leave. These posts had been left vacant in order to achieve financial savings for both boroughs which had affected the performance of the Service in some areas of work;***
- ***the budget of £313,170 for 2016/17 mentioned in the report was the net cost of the service to Brent after receipt of income and not the operational budget;***
- ***the service had recruited a national producer of beers and spirits to the Primary Authority scheme which provided assured advice to businesses who paid the Council for this service. A total of 248 hours of Primary Authority advice had been provided to businesses during the year;***
- ***the Trading Standards webpages had been updated and now had a link from Brent Council's business section making the pages easier to find and included electronic contact pages allowing enquiries to be submitted from the webpage;***
- ***a triage system was in place whereby the national Citizens Advice Consumer Service section filtered complaints about businesses and referred those with criminal aspects to Trading Standards who applied a risk assessment matrix to determine which ones it could assist with. 704 complaints had been dealt with during the year;***
- ***the implementation of a banking protocol hosted between the banks, Trading Standards and Police had resulted in a decrease in rogue cold callers to the Service as some of these were now being responded to directly by the Police;***
- ***there had been a Brent borough-wide crackdown on illegal shisha venues. There had been a focus on illegal tobacco sales going through the legal process which had been resourced by public health funding during the previous financial year.***

***Members asked questions about the content of the report and the officer responded as follows:***

- *he undertook to ascertain whether there had been a response from the Home Secretary to the request by the Brent Council Leader for the introduction of new legislation to provide local authorities with better powers to regulate and enforce problem shisha businesses effectively;*
- *if it was considered beneficial, Trading Standards could host further Loan Shark Awareness Events as the issue was still prevalent. In addition to Neighbourhood Watch and other community groups, Crime Reduction events had been arranged in conjunction with Age Concern, branches of banks and Weeks of Action in Harrow. In response to suggestions by Members, consideration would be given to hosting events for faith areas, including in temples, when the programme for the next twelve months was compiled;*
- *work had taken place by the City of London Police regarding cyber crime and the National Trading Standards Board eCrime team. Locally, internet based investigations were common as so many businesses now had an online market place;*
- *when the new webpages were up and running a request would be made to link Harrow trading standards queries to the Brent website.*

**RESOLVED:** That the report be noted.

#### **8. Proposal for Providing a POCA/Planning Enforcement Service to Harrow**

*The Board received a report which set out a proposal for the London Borough of Brent to provide a service investigating planning infringements committed by those who had benefited financially from their breaches, offering a planning enforcement officer, a financial investigator to carry out financial investigation under the proceeds of Crime Act (POCA) and provide advocacy services in subsequent legal proceedings on behalf of the London Borough of Harrow.*

*The meeting was advised that discussions had taken place with Brent and Harrow management as to the most appropriate way to develop this proposal.*

*The officers suggested that, if the Board was minded to support the proposals, there would be further consultation with Harrow officers and appropriate Members to ascertain whether Harrow wished to proceed.*

*The Service Manager advised the meeting that the scheme had delivered significant income to Brent and Trading Standards for a number of years and it had been successfully offering their financial investigation service to other boroughs. Although the existing Harrow planning policy stated that it would seek to use POCA where evidence suggested that the breach of planning control had given rise to significant financial gain, it was believed that only one case had been put forward and this investigation was ongoing. It was further stated that Harrow already contributed to the Financial Investigation Team resource by way of the consortium fees and would potentially receive income due to the Home Officer incentivisation scheme whereby*

*local authorities retained a percentage of all successful confiscation orders that they obtain, when they were paid. In order to assist Harrow to fund the proposal over a 12 month period, it was further proposed that approximately £40k underspend held by Brent from the last two financial years 2015-17 be used for this purpose.*

*The Service Manager described the proposed process and outlined successful orders made under POCA legislation and the money raised. He suggested that a sample of cases be taken forward in the first year, to enable the results to be monitored, a model to be set up and trialled and income would be raised in the longer term.*

*The Divisional Director – Commissioning Services stated that whilst discussions had been ongoing, the proposals had not yet been formally discussed with Harrow planning officers which would be the next step if the proposal was of interest to Harrow. The underspend referred to by the Service Manager would cover Brent's costs in providing the staffing resource to deliver this work on Harrow's behalf.*

*A Member of the Board suggested that discussions also be held with the housing team. In response to a question as to whether the proposal would impact the service Brent received from the enforcement team, the Service Manager stated that whilst there would be pressure on the Brent team, the fee charged to Harrow could be reinvested to Brent to backfill staff time. The proposal had been discussed for a number of years and it now needed to move forward to a formal footing. As the income from POCA would be reinvested back into the Services, it would be cost neutral in the long term.*

*The Operational Director informed the Board that in Brent the money raised through POCA was also shared with planning colleagues who had been able to pay the salary costs of two Enforcement Officers from this income.*

*RESOLVED: That the Harrow Divisional Director for Commissioning progress discussion with the Harrow Portfolio Holder for Business, Planning and Regeneration as well as with officers in planning and housing to determine whether Harrow wished to implement this proposal.*

## **9. Letting Agent Fee Legislation**

*The report sought any comments or recommendations from members as to the level of charge when issuing penalty notices with regard to the enforcement of the Consumer Rights Act 2015. The legislation created a legal requirement for letting agents to display details of the fees they charged on their premises and websites.*

*The Service Manager outlined the process for the issue of a penalty notice. He reported that a light touch approach had been taken whereby approximately 150 Brent and 100 Harrow based letting agents had initially been provided with advice on the legislation by Trading Standards Officers, much in writing. Despite the advice there was widespread non-compliance.*

*It was noted that the enforcement sanction for non-compliance was a monetary penalty not exceeding £5k. Whilst it was up to the local authority to*



**set the level of penalty it imposed, the DCLG guidance stipulated that the expectation was that a £5k fine would be considered the norm and that a lower fine should only be charged if the enforcement authority was satisfied that there were extenuating circumstances.**

**It was noted that a number of London boroughs had issued penalty notices and had started setting various helpful legal precedents.**

**In response to questions, it was noted that:**

- letting or property management agents fees and charges were required to be clear, unambiguous and any administrative charges defined. With regard to the websites of agents, the fees and charges had to be clearly available on the website, for example, a tab at the top of the screen;**
- the Trading Standards service had not undertaken any local publicity specifically targeted at tenants. Information was available on topical internet sites. Liaison would take place with housing colleagues.**

**RESOLVED: That**

- (1) the introduction of a penalty charge of £5k for the non-compliance of Section 83 of the Consumer Rights Act 2015 be supported;**
- (2) the delegation to the Trading Standards Senior Regulatory Service Manager be noted;**
- (3) it be noted that any monetary penalty received in connection with enforcing the Act be used to fund the costs of enforcement.**

## **10. Scams Team Update**

**As requested by the Board at its meeting on 24 October 2016, a report was submitted which provided an update on the first year of the partnership with the National Trading Standards Scam Team in respect of the sharing of information and receiving referrals from them.**

**The Service Manager outlined the process for referrals and informed the Board that the Service had received 61 referrals from the Scams Team, 32 for Brent and 29 for Harrow. Of the referrals received, £295 had been returned between nine victims, six in Brent and three in Harrow.**

The support of the Board to the continuation of the initiative was sought due to the experiences of those affected by scams. Particular mention was made of victims who were in denial of their mistakes as it was possible that they would continue to get scammed. It was noted that it was financial abuse under the Care Act 2014. The Trading Standards Service had given presentations to Age Concern and was helping that organisation with a bid for an education campaign to raise awareness in Harrow.

**RESOLVED:** That the work undertaken in partnership with the National Trading Standards Scams Team be noted and the continuation of the partnership be noted.

11. **Date of next meeting**

*Members noted that the next meeting was scheduled to take place on 8 March 2018 at Brent. Proposed dates of 28 June 2018, 14 November 2018 and 13 March 2019 for the next municipal year were suggested for consultation.*

*An officer suggested that future meetings commence at 6.30 pm. Members expressed the view that 7.00 pm was the most suitable time.*

*(Note: The meeting, having commenced at 7.00 pm, closed at 8.10 pm).*

*(Singed) Chair*

12. **Any other urgent business**

None.

The meeting closed at 8.10 pm

L. JONES  
Chair



## London Boroughs of Brent & Harrow Trading Standards Joint Advisory Board 8 March 2018

FOR INFORMATION  
**TRADING STANDARDS WORK PLAN FOR 2018/19**

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Simon Legg Senior Service Manager Simon.legg@brent.gov.uk 0208 937 5522

### 1.0 Purpose of the Report

- 1.1 This report provides Members with information concerning Brent & Harrow Trading Standards proposed work plan during 2018/19.

### 2.0 Recommendation(s)

- 2.1 That Members consider the report and the proposed priority areas, make any recommendations and comment where appropriate.

### 3.0 Detail

- 3.1 The Service produces an annual work plan which suggests the activities it is planning to undertake and priority areas of work during the coming financial year. The plan also provides a guide for the purposes of monitoring performance during this period.

- 3.2 Paragraph 23.3 of the consortium agreement stipulates a requirement for the London Borough of Brent to estimate the number and type of activities to be achieved by the Service during the financial year and to present this to the Joint Advisory Board.
- 3.3 A copy of the Work Plan for the year 2018/19 is attached as an Appendix to this report.

#### **4.0 Financial Implications**

- 4.1 There are no financial considerations arising from this report as the work plan reflects the amount of work that can be achieved within the budget provided for the Service for 2018/19.
- 4.2 At the time of writing this report, retails of the 2018/19 budget have yet to be finalised. Any reduction of budget will directly impact on work plan and the outputs achievable.

#### **5.0 Legal implications**

- 5.1 There are 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 of wards across both Boroughs.

#### **8.0 Human Resources/Property Implications**

- 8.1 There are no specific staffing implications arising from this report as the work detailed will be carried out by existing employees and will form part of their usual duties as per job descriptions.

Any person wishing to obtain more information should contact Simon Legg, Senior Regulatory Service Manager, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ.

SIMON LEGG  
SENIOR REGULATORY SERVICE MANAGER



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# Brent & Harrow Trading Standards Service

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**Team Work Plan  
2018-2019**

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## Introduction

Following a restructuring exercise, the Trading Standards Team will start 2018/19 located in Brent Council's Environmental Services directorate in a newly formed Regulatory hub. This hub will consist of the Food Safety and Environmental Health teams with the intention of better integrating regulatory duties with the work of the Community Protection team.

The move of the Service from Regeneration into Environmental Services will align us with other regulatory services that sit there currently. This change took place in February 2018 and will continue as an interim measure until all other matters arising from a larger departmental reorganisation are settled.

As per the previous structure, all three regulatory functions will now report directly to the Environment Operational Director rather than the Regeneration Operational Director.

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 by each of the Boroughs teams. The plan offers flexibility to assist meeting unexpected demands and to adapt Service delivery as required, to meet emerging threats or responded to major investigations.

The National Audit Office commented in its 2016 review of consumer protection that Trading Standards have no way of measuring what the profession is doing. In response to this, the Association of Chief Trading Standards Officers (ACTSO) have started to draft a national model for authorities to follow which it intends to collect data on the profession's outputs and outcomes.

At the time of writing, this model is yet to be published although the Service will contribute what we can to the data collection during the coming year when the criteria is available. In the meantime, we are exploring the feasibility of collecting all the anticipated data sets

The team continues 2018/19 with several vacant posts which we have not recruited to in order to contribute towards budget savings. The 2018/19 budget has yet to be finalised but it looks unlikely that the Service will be in a position to employ further staff to fill the current empty posts.

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 is currently:

Senior Regulatory Service Manager	Simon Legg
Regulatory Team Leader	Vacant Post (covered by Anu Prashar)
Regulatory Team Leader	Vacant Post (Samuel Abdullahi Acting Up)
Principal Prosecutor	Anu Prashar

## Priorities

The Joint Advisory Board discussed the Service's priorities in 2016, where it was explained how they are determined on a national, regional and local basis.

The National Trading Standards Board (NTSB) has identified the following areas which remain as their priorities:

- Doorstep Crime – Safeguarding of vulnerable adults and consumers
- Scams - disrupting and reducing consumers exposure to scams
- Fair trading issues - reducing incidents of bad practices and their impact
- E-crime - disrupting trading crime perpetrated on-line
- Product Safety - improving intervention on unsafe products, including points of entry into England and Wales
- Illegal Money Lending – disrupting operations and reducing exposure to those most at risk
- Intellectual Property (counterfeiting) - disrupting operations and support partnership working

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

Intelligence suggests that illicit tobacco is becoming a larger problem across London as is the focus on letting agents. This following the introduction of plain packaging rules for cigarettes and the ban on selling packets of 10 cigarettes, where we have noticed an increase locally, of businesses supplying illicit tobacco. In relation to letting agents, the spotlight remains on this market particularly in London where competitive demand for housing has resulted in some businesses trading unfairly and exploiting those desperate to find accommodation in the capital:

LTS priority areas are as follows:

- Doorstep Crime and Mass Marketing Fraud
- Fair Trading – focusing on sales of second-hand cars
- Intellectual Property Crime (counterfeiting)
- Product Safety
- Illicit tobacco
- Underage Sales
- Letting agents

On a local basis, each Borough has a documented corporate plan setting out what it is to accomplish in the future and how this will be achieved. Brent has a 'Borough Plan 2015-2019' and Harrow an 'Ambition Plan 2020'. These plans highlight the broad subject areas listed below as priority areas for each Council:

Brent: <sup>1</sup>

- Better Lives
- Better Place
- Better Locally.

Harrow:<sup>2</sup>

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<sup>1</sup> <https://www.brent.gov.uk/media/14308131/brent-borough-plan-2015-2019.pdf>

<sup>2</sup> [http://www.harrow.gov.uk/download/downloads/id/8431/harrow\\_ambition\\_plan](http://www.harrow.gov.uk/download/downloads/id/8431/harrow_ambition_plan)



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

These areas of work have each been given consideration including an assessment of the intelligence available. From this, we are able to focus where our resources should be best 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 if the relevant threshold is reached
- We will continue to respond to reasonable businesses requests seeking advice and support from us up to the agreed number of hours and/or steer business towards primary authority advice
- Any commercial activities which generate an income will be prioritised to maximise revenue
- We will seek to manage demand where possible by signposting service users to other resources and encouraging greater use of on-line advice and information.
- We will publicise our work as much as possible to act as an educational resource or deterrent warning when applicable

We have categorised the following areas of work to form the basis of our 2018/19 priorities:

### High Priority

Most Complained About Traders	Underage Sales – alcohol, tobacco, knives
Doorstep Crime and Scams	Estate Agents/Letting Agents
Unsafe Goods (Manufacture /wholesale)	Provision of Advice re Credit Card Charges
Business Advice and Primary Authority	Counterfeit Goods (Large Scale Operation)
Niche and Illicit Tobacco Products	Proceeds of Crime Investigations

### Medium Priority

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

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

## Low Priority

Energy Labelling of Premises and Goods	Restrictive Notices
Misleading Descriptions (low value goods)	Underage Sales – lottery, films, spray paints DVDs / games, butane
Energy Performance Certificates	Essential Packaging
Mock Auctions	Price Marking of Goods or Services
Market Sales	Business Names
Metrication	Classification of video works
Misleading Prices/Promotions (unless high value)	Road Traffic – Overloaded Vehicles

## Work Volumes

The tables below show the projected performance of the respective Brent and Harrow teams during 2018/19. It should be noted the nature of Trading Standard's duties is variable, for example, some investigations take much longer than others or it may be necessary to carry out more inspection visits than expected in response to a particular outbreak of noncompliance.

This means that at year end, some areas of work may have generated a higher than expected volume whereas other areas might see a decrease which is necessary to respond to demands as they 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.

<b>Harrow Team 2018/19</b> Based on staff numbers: <ul style="list-style-type: none"> <li>3.5 Enforcement Officers</li> </ul>	<b>Brent Team 2018/19</b> Based on staff numbers: <ul style="list-style-type: none"> <li>4.25 Enforcement Officers</li> <li>1 Assistant Enforcement Officer</li> </ul>
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	Planned volume Brent	Planned volume Harrow
Complaints (Service Requests) Completed	470	350
Trader Enquiries / requests for advice	100	75
High Risk / Most Complained-about Trader Inspections	40	35
Other Business Inspections	85	100
Weights & Measures, Average Quantity or Verification visits	3	4
Primary Authority Hours	150	50
Underage Test Purchase Visits	110	110
Infringement reports (average 40 work units per report)	40	30
eReports (average 7 work units per report)	12	10
Prosecutions completed – Crown Court	2	2
Prosecutions completed – Magistrates' Court	10	8
Licensing Reviews Completed	1	1
Simple Cautions Signed	8	5
Letters of Warning Issued	12	14
Fixed Penalty Notices Issued	8	2
Local and Regional Projects Completed	3	3
Service Improvement Work (Hours)	125	150
Approved Trader Scheme New Recruits or Audits	25	45
Doorstep Crime Rapid Response Actions	4	7
Number of Referrals To or From Safeguarding Board	1	3
Number of Scam Victims Contacted c/o NTS Scams Hub	20	30
Partnership or Area Based Working Events / Weeks of Action	4	8
Samples, Mileage and Websites Checks	75	75
Number of Intelligence Logs Input on Regional Database	100	84
Press Releases Issued	7	5
RIPA Applications	1	1

## Departmental Service Plan Objectives

The departmental service plan sets out how individual teams will collectively contribute to the delivery of Borough's priorities during 2018/19. It includes objectives, key milestones and outcome targets against which we will be judged on our success. Trading Standards have identified the following areas of work which will feed directly into our departmental service plan objectives applicable to both boroughs.

Activity	Milestone	Outcome	Corporate Alignment
Responding to doorstep crime incidents with a 'rapid response' service where required, to safeguard vulnerable consumers from financial harm	All required callouts are responded to within 24hrs with an onsite visit if necessary. Trader and consumer advice given as necessary and where appropriate, settlement of financial agreement.	Prompt support for vulnerable consumers, financial savings for consumers and crime reduction. Inputting into Council's statutory responsibilities under Care Act 2014 and supporting Safeguarding Board	Better Lives Better Place Protect the Most Vulnerable and Support Families
Take appropriate action to reduce the number of complaints being received against the Borough's most complained about businesses	Quarterly reporting to identify most complained about traders within our jurisdiction. Appropriate action identified to achieve compliance	Better educated and compliant businesses. Reduced consumer detriment and complaints about these businesses.	Better Lives Better Place Demand Management Be More Business Friendly
Reduce the availability of illicit tobacco products including cigarettes, chewing tobacco, eCigarettes and shisha and ensure compliance with the new plain packaging requirements for cigarettes.	Pre-planned inspections of premises believed to be involved with the illicit sales of tobacco including shisha. Trader advice and awareness training regarding new tobacco legislation.	Seizure of illicit products. Better educated and compliant businesses. Reduced availability of illicit tobacco products. Increased Government revenue.	Better Lives Better Place Be More Business Friendly Protect the Most Vulnerable and Support Families
Intervention of unsafe consumer goods from the supply chain, specifically from businesses at the manufacturing, importation or wholesale supply process.	Pre-planned inspections and responding to Port Authority notifications of premises involved with the supply of unsafe goods.	Trader advice given. Seizure or suspension of unsafe goods. Better educated and compliant businesses. Reduced availability of unsafe products from the supply chain.	Better Lives Be More Business Friendly
Pursue effective day to day enforcement action (in partnership with other Service areas when required), to ensure serious infringements and underage sales offences are dealt with expediently,	Identify criminality and take effective and appropriate enforcement action.	Reduced illegal and/or fraudulent trading in the borough. Creating level and fair competition for legitimate businesses. Greater consumer confidence in the local	Better Place Be More Business Friendly Protect the Most Vulnerable and Support

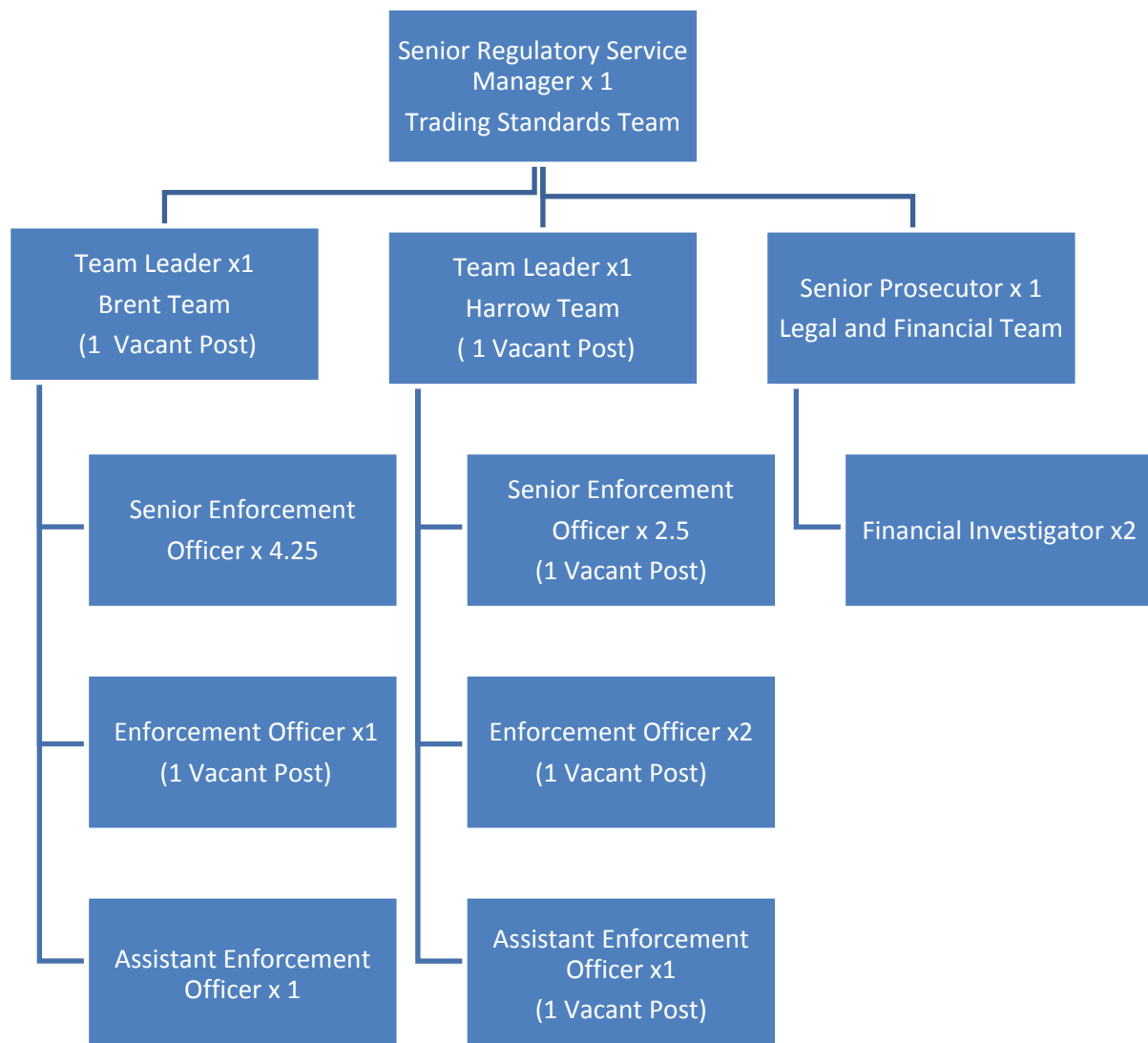
reducing criminal benefit from crime.		economy.	Families
Take appropriate action to ensure compliance with the recent and proposed changes in legislation regulating letting agents.	Identifying and responding to complaints about non complaint businesses. Take effective and appropriate enforcement action.	Better educated and compliant businesses. Improvements to landlords and tenants rights. Reducing the cost of rentals and greater transparency in the marketplace.	Better Lives Raising Income
Contribute towards business and enterprise growth ensuring traders operate within the law and benefit from advice and support when required.	Responding to requests for advice in accordance with customer service standards. Recruitment of Primary Authority or Responsible Trade Scheme Members	Better educated and compliant businesses Higher number of compliant premises. More Primary Authority or Responsible Trader Scheme Members	Better Lives Be More Business Friendly Raising Income

## Key Performance Indicator

The Service will report quarterly on the following KPI:

Activity	Success Criteria
% of high-risk or most complained about businesses inspected	We shall visit 100% of the high risk traders identified at the beginning of the year and/or including the most complained about traders as necessary identified in quarterly reporting

## Service Structure as of March 2018





## London Boroughs of Brent & Harrow Trading Standards Joint Advisory Board 8 March 2018

FOR INFORMATION  
**TRADING STANDARDS FEES AND CHARGES 2018/19**

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Simon Legg Senior Service Manager Simon.legg@brent.gov.uk 0208 937 5522

### 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 2018/19.

### 2.0 Recommendation(s)

- 2.1 That Members consider the report and make any recommendations where appropriate.

### 3.0 Detail

- 3.1 Paragraph 13(f) of the Consortium Agreement between the London Borough of Brent and the London Borough of Harrow states that 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 Brent's Cabinet agreed a new 'Fees and Charges Policy' in February 2018 which provides delegated power permitting Strategic Directors to vary fees within set parameters. Where appropriate circumstances provide, the Service has utilised this policy to maximise income and to create an efficient mechanism for agreeing fees without the need to bring reports before Cabinet or other decision making bodies.
- 3.3 During 2018, Brent Council's Civic Enterprise Board has suggested a raise of 10% across all fees which are not statutory, unless justification can be given as to why this shouldn't happen.
- 3.4 A The Service's fee structure is applied at the same level for each borough.
- 3.5 Trading Standards fees fall into one of three categories, as follows:
1. Statutory fees (Set by statute, although some offer discretion to vary the amount up to a maximum value)
  2. RPI linked fee (Agreed previously by Brent's Executive)
  3. Discretionary fees (Discretion to increase or decrease them)

- 3.5.1 **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*

- 3.5.2 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 2016. These fees vary subject to the exact License required although are typically £54 to renew a short term license rising to £500 for an all year round license. In Brent, this function is carried out by the Licensing Team who receive the income, it is not a Trading Standards responsibility.
- 3.5.3 There have been no change to the fees for explosive licenses in the last 12 months from the figures reported to the Board last year on 11 May 2017.

#### *Letting and/or Property Management Penalty Fees*

- 3.5.4 Other forms of statutory fee charged by the Service are found 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.
- 3.5.5 Both these pieces of legislation were subject to reports presented to the Joint Advisory Board in October 2016 and 23 November 2017 respectively. This legislation states that monetary penalties of up to £5,000 can be imposed where breaches of the legislation have taken place, but gives the local authority the option to determine what level they wish to set the fee.



- 3.5.6 To bring Brent's fees in line with those charged by Harrow, it was agreed the penalty notice charge for breaches of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 was set at the maximum of £5,000, reduced by 50% for an early payment made within 14 days.
- 3.5.7 This decision conflicts with the charges imposed under the Consumer Rights Act 2015 where the penalty charge is set at £5,000 with no discount for early payment.
- 3.5.8 It is suggested that the discount for early payment is removed for breaches of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 to bring the two charges in line with each other.
- 3.5.9 It should be noted that both pieces of legislation permit representations to be made by a recipient of a penalty notice detailing any mitigating factors that may apply and the Service can vary the value of the penalty if it is considered appropriate.
- 3.5.10 The Board should be aware that to date, the Trading Standards have not yet been delegated permission by Harrow to enforce the provisions of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.

#### *Primary Authority Fees*

- 3.5.11 A **RPI escalator** (Retail Price Index) applies to our Primary Authority partnerships where we have created statutory partnerships with businesses who work across the country, who wish to receive assured advice from one regulatory service as opposed to multiple authorities wherever they trade.
- 3.5.12 Section 31 Regulatory Enforcement and Sanctions Act 2008 provides that a local authority is entitled to charge a business on a 'cost recovery' basis, for primary authority services supplied through the partnership. Brent's Executive agreed a report titled "*Introduction of a Charge Based Regulatory Advice Service for Businesses*" in June 2013, to increase 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.
- 3.5.13 The Office of National Statistics no longer use the RPI as it did not comply with international statistical standards. However, they still provide it as a statistic, which as of January 2018, was 4.0%. In view of this, the table below shows the proposed increase to the hourly rates charged for our primary authority service.

Service	2017/18	2018/19
Primary Authority – fixed contract (per hour)	£55.89	£58.12
Primary Authority - pay as you go (per hour)	£69.91	£72.67

3.5.14 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 considering the level in which to fix these fees, it should be noted of the need to remain complete amongst other local authorities who offer similar services to ensure we do not price ourselves excessively higher than neighbouring authorities which could result in customers choosing to use a cheaper local authority.

#### *Weights and Measures Fees*

3.5.15 S11(5) and S49(4) of the Weights and Measures Act 1985 states the local authority can charge 'such reasonable fees as we determine' for carrying out our duties under the Act. To assist us determine the fees for our weights and measures work, we suggest following annual guidance issued by the Association of Chief Trading Standards Officers (ACTSO).

3.5.16 The table below shows the proposed increase to these fees:

Service	VAT	2017/18 (Inc VAT where applicable)	2018/19	
			(excl VAT)	(incl VAT)
Verification of weights & measures equipment	20%	72.00	61.32	73.58
Calibration of weights for business	20%	72.00	61.32	73.58
Weights & measures testing for other local authorities (per item)	0%	60.00	61.32	No VAT
Additional officer testing assistance (per hour)	0%	36.12	36.74	No VAT
Use of safety lab (per hour)	20%	75.98	64.00	76.80

#### *Registration of Premises for Auction Fee*

3.5.17 By virtue of S26(2) Greater London Council (General Powers) Act 1984, we can charge 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 £327 and it is proposed this fee increases to £332.

3.5.18 It is very rare to get applications for this purpose with none received during 2017/18.

#### *Fee for Officers Carrying Out Duties at Wembley Events*

3.5.19 We make a charge for officers who are requested to conduct duties at Wembley events on behalf of brand holders or other merchandisers. The rate for this work is currently set at £40 per hour per officer. This fee is managed by Brent Council's Licensing team who take the lead in negotiating any change to the fee so there are no proposals to change this fee contained within this report. .

## *Financial Investigator's Fee*

- 3.5.20 Our Financial Investigators continue to offer their services to other local authorities. We enter into agreements whereby we share a split of any money raised via the Home Office Proceeds of Crime incentivisation scheme and charge an hourly fee for our time spent conducting the investigation. The latter fee is to cover our costs in the event that no order is made or if an order is made by the Courts and it is not paid for any reason resulting in no incentivisation scheme payment.
- 3.5.21 It is proposed to increase this fee from £36.09 to £37.00 per hour. Whilst this may appear a low rate compared to other officer fees, the main financial benefit from this service is obtained from any subsequent incentivisation scheme payment.
- 3.5.22 There is a risk that we will not continue to attract work from other local authorities, if we increase our hourly rate more than what has been suggested. As it is, we are already having to compete for instructions in a very small marketplace and there are other agencies who will conduct financial investigations without the hourly charge for Investigator's time.
- 3.5.23 The hourly fee quoted above for our financial investigation services, does not apply to any internal London Borough of Brent or 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 Whilst the importance of generating income for the Service is fully recognised, there is limited scope within the Service's statutory functions to generate income opportunities. In 2017/18, the budgeted fee income was £31,500, up from £27,500 for 2016/17 (excluding Court costs awarded or proceeds of crime recovery).
- 4.2 At the time of writing, the Service has received an income of approximately £26,000 with a further £4,500 forecast to be achieved before year end which will leave us just short of the budgeted figure.
- 4.3 Any rise in fees for 2018/19, will generate negligible increase in income as the proposals are only small and the amount of fee based work undertaken is limited.

## **5.0 Legal Implications**

- 5.1 There are 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 of wards across both Boroughs. The Brent Council Lead Member for Trading Standards has been consulted and Harrow Council's Divisional Director for Commissioning Services.

## **8.0 Human Resources/Property 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.

Any person wishing to obtain more information should contact Simon Legg, Senior Regulatory Service Manager, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ.

SIMON LEGG  
SENIOR REGULATORY SERVICE MANAGER



## London Boroughs of Brent & Harrow Trading Standards Joint Advisory Board 8 March 2018

FOR INFORMATION

### TRADING STANDARDS SCRUTINY REPORT UPDATE FOR JOINT ADVISORY BOARD

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Simon Legg Senior Service Manager Simon.legg@brent.gov.uk 0208 937 5522

#### 1.0 Purpose of the Report

- 1.1 This report provides Members with information regarding the Service's appearance before the Resources & Public Realm Scrutiny Committee on 9 January 2018.

#### 2.0 Recommendation(s)

- 2.1 That Members note the contents of the report and make any suggestions as appropriate.

#### 3.0 Detail

- 3.1 The Trading Standards Service was asked to report to Brent Council's Resources & Public Realm Scrutiny Committee on 9 January 2018 regarding the following three subject areas:

1. Analysis on the role of Trading Standards in 2017
  2. Are we targeting the correct areas?
  3. What do the public want Trading Standards to do?
- 3.2 The Committee had an opportunity to meet members of staff the evening before their meeting where they were able to hear firsthand of the work being delivered by our frontline officers.
- 3.3 It was felt that the pre meeting was well received with Committee members appearing engaged and interested to learn about the wide ranging duties carried out by Trading Standards Staff. The meeting gave staff an opportunity to highlight some of their achievements on a 1-1 basis with members and appreciated the recognition of their work shown by the Committee members.
- 3.4 Attached, labelled as Appendix A, is a copy of the report which was presented by Cllr Miller, Cabinet Lead for Stronger Communities at Brent Council titled 'A Review of Trading Standard's Role and Priority Areas'.
- 3.5 Attached, labelled as Appendix B, is an extract of the relevant section taken from the published minutes of the meeting.
- 3.6 The Committee made two recommendations for further consideration and to report back in due course. The first consideration was to ensure that the Service's priorities are underpinned by an invest-to-save basis with the view to protecting the borough's most vulnerable residents.
- 3.7 The second was to report back with an analysis of these findings. This process is now underway with a document of existing and new areas for income generation presented to Cllr Miller for consideration.

#### **4.0 Financial Implications**

- 4.1 There are no financial implication arising directly from this Joint Advisory Board report although the suggested 'spend-to-save' policy recommended by the Scrutiny Committee is likely to result in some budgetary changes depending on the options considered, proposals made and any decisions taken by Cabinet in due course.

#### **5.0 Legal Implications**

- 5.1 There are 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 of wards across both Boroughs. Subject to the final recommendations being made, it shall be up to Harrow Council's Divisional

Director for Commissioning Services and/or any other democratic process if appropriate, for the London Borough of Harrow to agree if it wishes to adopt and of the proposals made within their respective borough.

## **8.0 Human Resources/Property Implications**


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

Any person wishing to obtain more information should contact Simon Legg, Senior Regulatory Service Manager, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ.

SIMON LEGG  
SENIOR REGULATORY SERVICE MANAGER

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 <b>Brent</b>	<b>Resources &amp; Public Realm Scrutiny Committee</b> <b>9 January 2018</b>
	<b>Report from the Strategic Director of Regeneration &amp; Environment,</b>
<b>REVIEW OF TRADING STANDARD'S ROLE AND PRIORITY AREAS</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Not applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	3
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Simon Legg Senior Service Manager <a href="mailto:Simon.legg@brent.gov.uk">Simon.legg@brent.gov.uk</a> 0208 937 5522

## 1.0 Purpose of the Report

1.1 The Resources & Public Realm Scrutiny Committee (the Committee) have requested a report to assist their understanding of the three following areas regarding the Council's Trading Standards Service:

1. Analysis on the role of Trading Standards in 2017
2. Are we targeting the correct areas?
3. What do the public want trading standards to do?

1.2 To further assist this process, Committee Members will meet a selection of frontline Trading Standards staff on 8 January 2018 ahead of their committee meeting, to provide some background to their work and give examples of current investigations and/or assignments. Members can ask questions and hear first-hand what sort of service is being delivered and how this seeks to benefit our local resident and business communities.

## 2.0 Recommendation(s)

2.1 Members of the Resources & Public Realm Scrutiny Committee are asked to note the contents of this report.

### **3.0 Detail**

#### **Introducing the Service**

- 3.1 The Trading Standards Service (TS) has operated on a joint consortium basis between the London Borough of Brent and the London Borough of Harrow for over 50 years, with Brent being the host authority.
- 3.2 TS perform the statutory role of a 'weights and measures authority' with the responsibility of enforcing more than 250 pieces of legislation which cover a wide ranging remit. The legislation we have a duty to enforce continues to rise with law to ensure lettings and property management agents are transparent with their fees and the rules controlling standardised packaging for tobacco products being examples of the most recent additions.

#### **Joint Advisory Board**

- 3.3 The consortium agreement between the two boroughs requires the Councils to operate a 'Joint Advisory Board' whose role is to advise the Service on the discharge of its duties, provide oversight and to consider papers reporting on the level of fees charged, budget options, the annual report and any other managerial reports concerning the provision of the Service.
- 3.4 The Joint Advisory board comprises of three elected members from each Council. The current Brent members include Cllr Jones, Cllr Long and Cllr Perrin and for Harrow Cllr Ferry, Cllr Mithani and Cllr Parmar.
- 3.5 The board is required to meet a minimum of three times per year, with the last meeting held on 23 November 2017.

#### **Staffing**

- 3.6 The Service has a structure of 19 members of staff divided between the two boroughs. At present, the team has six vacant posts and one further officer absent on maternity leave making a current total of 12 staff.
- 3.7 Of these twelve staff, 3.5 work in the Harrow team, 4.5 work in the Brent team and the remaining 4 are two Financial Investigators, the Prosecutor and Service Manager. Whilst officers are allocated to specific Borough teams, they support each other with a flexible approach when demand requires larger staff numbers or if specific expertise is needed.
- 3.8 Our two Financial Investigators are engaged solely with financial investigations under the Proceeds of Crime Act 2002 and whilst qualified to carry out Trading Standards duties, do not do this routinely. The Service Prosecutor is responsible for all the team's legal proceedings which we conduct ourselves. The Prosecutor is currently also covering a vacant Team Leader position whilst a Senior Enforcement Officer is acting up in the role of the second, vacant Team Leader position. These arrangements mean there is currently a total of seven frontline staff between the two Boroughs. The Service is managed by Simon Legg, who reports

to Regeneration Operational Director, Aktar Choudhury.

- 3.9 The current levels of staff represent a significant decline over the last 10 years, demonstrated by comparison of staff numbers in 2007 where the Service employed a total of 34.
- 3.10 All enforcement staff, have either attained, or are studying a recognised formal Trading Standards qualification. Three members of staff hold a statutory weights and measures qualification and two have achieved Chartered Practitioner status demonstrating we have a qualified and highly competent workforce.

### **Annual Report**

- 3.11 The Consortium Agreement between the two Boroughs, requires the Service to produce an annual report to be presented to the Joint Advisory Board. A copy of the Service's last annual report is attached, referenced as Appendix A. This document will provide the Committee with an accurate summary of the range of work undertaken last financial year and some of our key achievements.
- 3.12 The Service delivered a mixed variety of work during the last financial year. This included completing over 80 written investigation reports, undertaking 14 prosecutions, issuing approximately 100 warning letters, providing more than 250 hours of primary authority advice (a service whereby businesses pay for our advice), responding to over 370 trader enquiries, conducting 260 underage test purchase visits and providing a financial investigation service not just internally, but also to other local authorities.

### **Other Successes**

- 3.13 We have seen a number of notable investigations conclude during 2017 with the Courts awarding custodial sentences demonstrating the seriousness and complexity of some of the cases we investigate.
- 3.14 Examples include an event day street trader who employed over 30 staff to sell illegal football programmes, was sentenced in April to 14 months in prison, suspended for two years. In June, the Director of a travel agency who conned thousands of pounds out of unsuspecting holiday makers selling non-existent flights was sentenced to 12 months in prison although he has since been released on appeal. In August a man operating online from a storage base in Alperton was given a six months suspended sentence and ordered to complete 180 hours of unpaid work, pay costs of £12,500 and a confiscation order of £19,674 for selling thousands of pounds worth of counterfeit toners, memory cards and mobile phone accessories. Another trader was fined £5,000 and given an 18 month suspended sentence after he was caught with more than 30,000 counterfeit souvenir sewn on patches.
- 3.15 Other achievements during the year have included organising various community events aimed at raising awareness of scams and doorstep crime. The last event in October, was delivered with Age UK where TS presented along with Cllr Butt and Cllr Hirani. Our role supporting vulnerable residents was quoted throughout

the event by other partner agencies who addressed the audience.

- 3.16 The Service continues with its partnership agreements supporting the work of the National Trading Standards Illegal Money Lending and the Scam Teams. Both these areas of work support the Council's statutory duty to prevent financial abuse under the Care Act 2014 and we are members of each Borough's Local Safeguarding Adults Board.
- 3.17 The Service's Financial Investigators remain well respected securing over 70 confiscation orders since the teams creation which has resulted in over £2.3m being paid back to local authorities via the Home Office incentivisation scheme. This has placed Brent Council as one of the highest performing local authorities in the whole of the UK for asset recovery.

### **Publicity and Public Relations**

- 3.18 The Service's successes are regularly featured in local and national press resulting in positive news stories for the Borough which frequently rank as the most read on the Council's website. We work closely with the Council's Communications Team issuing 16 TS press releases during 2017 and responding to numerous media enquiries. Three of our investigations have featured on BBC television this year during prime time viewing.
- 3.19 In September 2017, we took part in a London wide campaign organised via London Trading Standards (LTS) aimed at increasing awareness of TS work across the capital. The following themes were covered; underage sales of knives, letting agents, scams/doorstep crime, supporting business and product safety.
- 3.20 We scheduled daily activities relevant to these themes and publicised our actions locally on an individual basis, whilst LTS produced media coverage on a collective basis from all London authorities who took part. This campaign resulted in an impressive 17,000 views of the 13 Tweets posted on the Council's Twitter pages as well as additional coverage in a range of media outlets.
- 3.21 The Service engaged in other public relations events such as the London Illicit Tobacco Week and Scams Awareness Week. We have publicised awareness of illegal money lending, debt advice and designed publicity materials to alert business owners of the dangers of selling acid or other harmful chemicals in response to the rise in acid attacks across London.

### **Determining our Priorities**

- 3.22 The Service has to determine how best to undertake its duties within the allocated level of resources. We continually consider the balance between 'preventative' measures that reduce long term demands on the Service and avoid problems escalating into something bigger and 'reactive' measures, such as responding to service requests from consumers and businesses. These are often received from members of the public who have exhausted all avenues of redress and are in desperate need for help, support, advice and if necessary rely on TS to take formal actions to bring about a resolution to their disputes.

- 3.23 In recent years, the Service has increased its offering to businesses to align itself with corporate priorities of each Council. We seek to ensure we offer effective regulatory advice so traders can operate their business understanding their legal responsibilities and providing them with confidence in the way they trade.
- 3.24 When determining the sort of work we should undertake, we strive to satisfy local, regional and national priorities as well as ensuring we meet as many statutory obligations as possible.

### **Local Priorities**

- 3.25 On a local basis, each Borough has a documented corporate plan setting out what wants to achieve. Brent has a 'Borough Plan 2015-2019' and Harrow an 'Ambition Plan 2020'. These plans highlight the broad subject areas listed below as priority areas for each Council:

Brent: <sup>1</sup>

- Better Lives
- Better Place
- Better Locally

Harrow:<sup>2</sup>

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

### **National Priorities**

- 3.26 In a wider setting, the National Trading Standards (NTS) funded by the Department for Business, Energy, & Industrial Strategy, identifies priorities that apply to the Trading Standards profession across the country. These are researched by the national intelligence team who have expertise to identify and analyse country wide trends and emerging threats enabling targeted enforcement of problem areas.
- 3.27 Whilst there is no legal compulsion for us to have any regard to these priorities, being intelligence lead allows a specific focus on real time problems. Many of the subject areas they identify will be things that apply to our local communities so there is benefit aligning our work with their current priorities, which are summarised below.

- Doorstep Crime – Safeguarding of vulnerable adults and consumers
- Scams - disrupting and reducing consumers exposure to scams
- Fair trading issues - reducing incidents of bad practices and their impact
- E-crime - disrupting trading crime perpetrated on-line
- Product Safety - improving intervention on unsafe products, including points of entry into England and Wales
- Illegal Money Lending – disrupting operations and reducing exposure to those most at risk

<sup>1</sup> <https://www.brent.gov.uk/media/14308131/brent-borough-plan-2015-2019.pdf>

<sup>2</sup> [http://www.harrow.gov.uk/download/downloads/id/8431/harrow\\_ambition\\_plan](http://www.harrow.gov.uk/download/downloads/id/8431/harrow_ambition_plan)

- Intellectual Property (counterfeiting) - disrupting operations and support partnership working

## **Regional Priorities**

- 3.28 A similar exercise is carried out regionally by London Trading Standards (LTS) who represent the 33 local authority Trading Standards Services across London. A regional intelligence officer looks at areas or business sectors causing a high amount of consumer detriment across London and produces quarterly reports of this information in a document called a 'Tactical Assessment'.
- 3.29 This document also features 'horizon scanning' to help predict what people might be complaining about before it happens, so preventative work could be scheduled. LTS has highlighted the following priority areas of work for its members:
- Doorstep Crime and Mass Marketing Fraud
  - Fair Trading – focusing on sales of second-hand cars
  - Intellectual Property Crime (counterfeiting)
  - Product Safety
  - Sales of age-restricted goods in the informal economy
- 3.30 It should also be noted that work identified nationally or regionally as a priority, can also provide sources of external funding or resource on occasions. For example, the NTS Regional Investigation Team seconded an officer for the majority of 2017 to assist us investigating a cross border scam involving a rogue kitchen fitting company and we are currently bidding for funding to assist with the investigation of a second hand car trader who we have received complaints about.

## **Annual Work Plan**

- 3.31 Each year, in accordance the consortium agreement, the Service produces an annual work plan which provides an estimated number and type of activities to be achieved during the financial year. The Lead Member, Senior Management and Harrow's Commissioning Officer and Head of Service are given the opportunity to contribute and are consulted over the report's contents before it is presented to the Joint Advisory Board.
- 3.32 This can be very challenging with current levels of resource, especially with the need to carry out statutory functions which may not fit into the above local, regional or national priorities. A report was presented in October 2016 to the Joint Advisory Board for discussion titled 'Trading Standards Priorities' to engage with members to see what areas of our work they wanted the Service focus on.
- 3.33 Appendix B, shows our current, high, medium and low priority areas of work, taken from our annual work plan.
- 3.34 In addition to our annual work plan, we have some specific responsibilities detailed in our departmental service plan which sets out how Regeneration and Environment will contribute to the delivery of Borough's priorities. These objectives are detailed in Appendix C.

## **Service Requests**

- 3.35 During 2017, the Service received approximately 5,500 service requests from members of the public or local businesses. As is typical with most Trading Standards authorities across the country, we work in partnership with the Government funded Citizens Advice Consumer Service (CACS) who act as our first point of contact with member of the public.
- 3.36 CACS provide specialist first tier advice which includes civil law, (a task highly valued by members of the public that there is no legal requirement for Trading Standards to provide).
- 3.37 CACS record all the relevant contact details and take case notes which is then electronically distributed to the relevant Trading Standards authorities and download daily. Information is passed to us as a 'referral' which usually means there is a breach of criminal Trading Standards enforced legislation, or as a 'notification' which is where the data is for our information only.
- 3.38 Whilst there is no requirement for us to do anything with these notifications, they are reviewed so that we know which businesses are a source of complaint and why, or to double check information as we have access and may know more about a business or subject areas and hold local intelligence that suggests our intervention is necessary.
- 3.39 The first tier advice provided by CACS ensures all members of the public receive reliable guidance and access to help from the CACS website which contains template letters etc. Where a member of the public needs help from a different source such as an energy regulator, the police or a financial authority for example, CACS can make sure they are correctly directed.
- 3.40 There are occasions where members of the public misunderstand the role or remit of Trading Standards or have unrealistic expectations. We can't act in civil disputes or 'close businesses down' as is sometimes incorrectly implied. Unfortunately on occasions, businesses provide goods or services that fall below customer expectations yet still meet legal requirements or the circumstances do not fall foul of any criminal laws which would allow us to investigate.
- 3.41 Whilst we do investigate some 'fraudulent' businesses, there are no powers available to us under the Fraud Act or any statutory responsibility to enforce this legislation so in cases where there is fraudulent activity, but no breach of other Trading Standards legislation which might otherwise give us some enforcement powers, there is often little that we can do to investigate.
- 3.42 In other circumstances, we might not be able to assist a consumer based on their evidence alone, especially if they have only limited reliable evidence. However, if their experience is added to that of others who we may know about to evidence a regular pattern of wrong doing for example, this may give grounds for Trading Standards to then act.
- 3.43 It is important to note that with our current levels of resource, it would be impossible for us to individually investigate each and every allegation reported to us. Instead,

TS need to apply some form of filtering to its incoming service requests to manage and prioritise this demand.

- 3.44 Accordingly, the Service operates a matrix system where service requests sent to us by CACS as referrals, are assessed by an experienced officer and given a risk rating. This takes into account the available evidence, the seriousness of the matter, the impact and risk of the allegation, a business's previous trading history, the alleged financial gain and any publicity that may arise from the case.
- 3.45 All high priority cases will be assigned to an officer for further investigation, medium risk cases may or may not be assigned for investigation and generally, low risk cases will not receive any investigation time. This matrix system does not apply to service requests received from businesses. They all get responded to no matter what the content to assist the Council's objective of supporting the local business economy.
- 3.46 At the time of writing this report, approximately 850 service requests received during 2017, have been investigated by our Officers.

#### **4.0 Financial Implications**

- 4.1 The gross cost of the TS Service is £1,362,710 although with a total income projection of £1,049,000, the net cost of is £313,710. The London Borough of Harrow pays £625,000 p/a for their proportion of the budget.
- 4.2 The Service is currently forecasting a year end underspend which is largely attributed to the savings achieved from vacant posts.

#### **5.0 Legal Implications**

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

#### **6.0 Equality Implications**

- 6.1 The contents of 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 Individual Ward Members do not need to be consulted about this report.

#### **8.0 Human Resources/Property Implications**

- 8.1 There are no staffing or property implications arising from this report.

Any person wishing to obtain more information should contact Simon Legg, Senior Service Manager, Standards and Enforcement, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ or [simon.legg@brent.gov.uk](mailto:simon.legg@brent.gov.uk).

SIMON LEGG  
SENIOR SERVICE MANAGER



## Appendix B

### **EXTRACT TAKEN FROM MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE**

**Tuesday 9 January 2018 at 7.00 pm**

PRESENT: Councillor Kelcher (Chair) and Councillors Colacicco, Crane, Ezeajughi, Mashari, S Choudhary and Kabir

Also Present: Councillors McLennan, Miller and Southwood

#### **9. Review of Trading Standards' Role and Priority Areas**

The Chair advised that the committee had visited the Trading Standards team in preparation for this item and welcomed Councillor Miller (Lead Member for Stronger Communities), Amar Dave (Strategic Director, Regeneration and Environment), Simon Legg (Senior Regulatory Service Manager), Samuel Abdullahi (Acting Team Leader) and Anu Prashar (Senior Prosecutor).

At the invitation of the Chair, Councillor Miller introduced the report reviewing the role and priorities of the Trading Standards Service (TS). It was noted that many of the outputs of the service had a direct impact on Brent residents, helping people often in extremely vulnerable circumstances. The TS had operated on a joint consortium basis between the London Borough of Brent and the London Borough of Harrow for over 50 years, with Brent acting as the host authority. The committee heard that TS performed the statutory role of a 'weights and measures authority' with the responsibility of enforcing more than 250 pieces of legislation covering a wide ranging remit. Councillor Miller advised that the budget for TS had reduced significantly in recent years, whilst demand had continued to increase and welcomed the committee's views regarding priorities for the service going forward.

During members' discussion, the committee sought further detail on spend-to-save opportunities for the service, referencing the Proceeds of Crime (PoC) Act 2002 and the Home Office incentivisation scheme as a potential source of income. A query was raised regarding the TS's scope to take enforcement action against ticket touts. Members queried whether the TS worked with the voluntary sector, particularly in relation to raising awareness around fraud and scams and supporting victims of such acts. A member noted the proliferation of online scams and questioned how the TS had evolved to respond to this trend. Clarification was sought regarding the powers of the TS to prosecute in cases of fraud. Discussing the rising number of acid attack incidents across the country, members questioned how the TS worked with Brent traders regarding the sale of chemicals used in such assaults.

In response to the queries raised, Councillor Miller agreed to explore spend-to-save opportunities but cautioned that there were Home Office controls regarding the way in which income generated through the PoC Act 2002 could be applied in this regard. Simon Legg advised that the most appropriate powers to address ticket touting were those belonging to the Licensing Team (in relation to illegally trading without the appropriate street trading license) and the Police's powers under the Criminal Justice and Public Order Act 1994 (prevents the reselling of tickets to avoid opposing fans creating matters of public order). The TS did work with the voluntary sector including Age UK and Citizens Advice but noted that much of the work undertaken by the TS was done so in line with its statutory responsibilities. Online scams were reported via Action Fraud, a national fraud and cyber crime reporting centre. The TS also had a dedicated standalone computer to allow officers to go through the details of online scams without leaving a cyber footprint of their investigation. It was emphasised that scams still took place in person, face to face and not just online. Anu Prashar clarified that whilst the TS had no powers under the Fraud Act, in many cases could pursue prosecution using powers available due to breaches of other Trading Standards legislation. Councillor Miller advised that much of the work with Brent's traders regarding the sale of chemicals used in acid attacks was about building relationships with those business and providing educational material to increase understanding of the types of materials used.

The Chair thanked the Lead Member and officers for their responses.

RESOLVED:

- i) That the Strategic Director, Regeneration and Environment and Lead Member for Stronger Communities be asked to take into consideration the committee's view that the priorities for the Trading Standards Service be underpinned by an invest-to-save rationale and a commitment to protecting Brent's vulnerable residents..
- ii) That the Strategic Director, Regeneration and Environment and Lead Member for Stronger Communities ensure that an analysis is undertaken of the potential invest-to-save opportunities for the Trading Standards Services and report the findings to the committee in due course.