



MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD
Thursday 8 March 2018 at 7.00 pm

PRESENT: Councillors Jones MBE (London Borough of Brent), Long (London Borough of Brent), Mithani (London Borough of Harrow), Parmar (London Borough of Harrow) and Marikar ((substitute for Councillor Ferry, London Borough of Harrow)

Apologies for absence were received from: Councillors Perrin (London Borough of Brent) and Ferry (London Borough of Harrow)

Officers in Attendance were: Mr. Chris Whyte, Operational Director of Environment Service and Mr. Simon Legg (Senior Regulatory Service Manger)

1. Election of Chair

RESOLVED:-

That Councillor Long be elected as Chair for the meeting.

2. Declarations of personal and prejudicial interests

None.

3. Welcome

The Board welcomed Chris Whyte, Operational Director of Environment Service, to the meeting.

4. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 23 November 2017 be approved as an accurate record of the meeting.

5. Matters arising

Harrow's Use of Website

Mr. Simon Legg (Senior Regulatory Service Manger) reported that that it was still the intention to see if Harrow's website can be linked to the Trading Standards section of the Brent website. Work was being done to update the website to bring it in line with the new Data Protection Rules.

Proposal for Providing a POCA/Planning Enforcement Service to Harrow

Mr. Simon Legg reported that he had had a meeting with the relevant service Director in Harrow to progress the proposal for providing a POCA Planning Enforcement Service to Harrow and although a lot of work was being done nothing concrete had resulted thus far. He undertook to circulate by email to all members and officers of the Board about further details of the meeting to enable Harrow members to find out what was happening with the proposal.

6. Deputations

None.

7. Trading Standards Work Plan 2018/19

Members considered a report that provided information concerning Brent & Harrow Trading Standards proposed work plan for 2018/19. The Work Plan aimed to set out some of the priority areas for the coming year and provided a guide to the expected levels of performance by each of the Borough's teams. The plan also offered flexibility to assist meeting unexpected demands and to adapt Service delivery as required, to meet emerging threats or respond to major investigations.

Mr. Simon Legg (Senior Regulatory Service Manager) drew members' attention to how the priority areas were determined on a national, regional and local basis. He continued that local boroughs were not bound by the priority areas set by National Trading Standards Board (NTSB) or the London Trading Standards (LTS) who represent the 33 local authority Trading Standards Services across London but we would support these themes insofar as possible. The priority areas were 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

He continued that intelligence suggested that illicit tobacco and the focus on letting agents were becoming a larger problem across London. He explained that the rise in the number of businesses supplying illicit tobacco had resulted from the introduction of plain packaging rules for cigarettes and the ban on selling packets of 10 cigarettes. In relation to letting agents, the spotlight remained on this market particularly in London where competitive demand for housing had resulted in some businesses trading unfairly and exploiting clients who were desperate to find housing and accommodation in the capital.

Mr Simon Legg clarified that on a local basis, each Borough had a documented corporate plan setting out what it aimed to accomplish in the future and how this would be achieved. Brent has a 'Borough Plan 2015-2019' and Harrow an 'Ambition Plan 2020'. These plans highlighted the broad subject areas listed as priority areas for each Council which included the following; Better Lives, Better Place, Better Locally, Build a Better Harrow, Be More Business-like and Business Friendly and Protect the Most Vulnerable and Support Families. Each area of work had each

been given consideration including an assessment of the intelligence available and from that, officers were able to focus where resources should be best deployed to achieve the biggest impact. This approach was in line with the IOM (National Trading Standards Intelligence Operating Model) as well as contributing to the relevant Borough objectives. In reference to the assumptions set out within the report, he drew attention to the areas of work identified as high, medium and low priorities. These included advice on credit card charges, consumer credit and illegal lending and misleading description for vehicles which were not roadworthy.

He indicated that work volumes would be kept under continuous review and reported quarterly, to ensure that they were being implemented effectively and progress was being made. He highlighted the lack of resources in both Boroughs (3.5 and 4.25 Enforcement Officers in Harrow and Brent respectively) which made the service more reactive instead of proactive.

In welcoming the Annual report, members asked questions about staffing levels, the link between tobacco and alcohol licensing and control of shisha places in both boroughs. Mr Legg explained that a review was required of the Trading Standards restructure and it was necessary to appoint staff to posts where the position was currently filled by somebody on a temporary basis. In respect of the link between illicit tobacco and licensing, he stated that specific guidance existed that provided for robust review of premises licence. He added that as shisha bars were a threat to both boroughs, officers had placed it on their radar and in Brent, officers had maintained intense focus on shisha bars. In conclusion, members were united in expressing the strengthening of efforts to curb the emergence of shisha bars.

RESOLVED:

That the proposed priority areas as set out within the work plan 2018-2019 report be noted.

8. Trading Standards Fees and Charges 2018/19

Members received a report that provided them with information concerning the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2018/19. Mr Simon Legg (Senior Regulatory Service Manager) explained that in accordance with Paragraph 13(f) of the Consortium Agreement between the London Borough of Brent and the London Borough of Harrow, Brent's Cabinet agreed a new 'Fees and Charges Policy' in February 2018 which provided delegated authority to permit Strategic Directors to vary fees within set parameters. Where appropriate circumstances provided, the Service had 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.

During 2018, Brent Council's Civic Enterprise Board suggested a raise of 10% across all fees which were not statutory (which most of the Service fees are).

Trading Standards fees fall into one of three categories, as follows:

Statutory fees

This was set by statute and its application is nationwide, although some offer discretion to vary the amount up to a maximum value. 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. The following fees fall under this heading:

Explosive License Fees

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 they were 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 was not a responsibility for Trading Standards. 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

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. To bring Brent's fees in line with those charged by Harrow, it was agreed that 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 be set at the maximum of £5,000, reduced by 50% for an early payment made within 14 days. 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. It was suggested that the discount for early payment be 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 in order to bring the two charges in line with each other.

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 considered appropriate.

RPI linked fee (Agreed previously by Brent's Executive)

A **RPI escalator** (Retail Price Index) applies to our Primary Authority partnerships where the Service had created statutory partnerships with businesses who work across the country and who wish to receive assured advice from one regulatory service as opposed to multiple authorities wherever they trade. The proposed increases are as follows:

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

Discretionary fees (Discretion to increase or decrease them)

He drew members' attention to the proposed increases for weights and measures as set out within the report. In respect of *Registration of Premises for Auction*, the current fee of £327 was proposed to be increased to £332, adding that it was rare to get applications for this purpose with none received during 2017/18. The *Fee for Officers Carrying Out Duties at Wembley Events* was 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 fees

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.

In conclusion, Mr Legg stated that 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.

RESOLVED:

That the proposed increases set out within the report be agreed.

9. Trading Standards Scrutiny Report Update for Joint Advisory Board

The Board received a report that provided information regarding the Trading Standards Service's appearance before the Resources & Public Realm Scrutiny Committee on 9 January 2018.

Mr Simon Legg (Senior Regulatory Services Manager) informed members that officers' presentation to the Resources & Public Realm Scrutiny Committee on the following three subject areas were well received; analysis on the role of Trading Standards in 2017, the areas being targeted by the Service and what the public expected of the Trading Standards Service. He added that the Committee members appeared engaged and interested to learn about the wide ranging duties carried out by Trading Standards Staff. The meeting also gave staff an opportunity to highlight some of the Service's achievements on a 1-1 basis with members after which the Resources & Public Realm Scrutiny made the following two recommendations:

The first recommendation was to ensure that the Service's priorities were underpinned by an invest-to-save basis with the view to protecting the borough's most vulnerable residents. The second was to report back with an analysis of these findings. Mr. Legg added that this process was now underway with a document of existing and new areas for income generation presented to Cllr Miller (Lead Member for Stronger Communities) for consideration.

RESOLVED:

That the report be noted.

10. **Any other urgent business**

None.

The meeting closed at 7.55 pm

COUNCILLOR J. LONG
Chair