

**MINUTES OF THE TRADING STANDARDS
JOINT ADVISORY BOARD
Wednesday, 18th March 2009 at 7:30pm**

PRESENT: Councillor Jones (Chair, London Borough of Brent), Councillor Patel (alternate for Hashmi, London Borough of Brent) and Councillors Ferry (London Borough of Harrow), Mithani (alternate for Weiss, London Borough of Harrow), and Hall (London Borough of Harrow).

Apologies for absence were received from Councillor Weiss and Hashmi.

Officers in Attendance were: Bill Bilon (Director of Trading Standards, London Boroughs of Brent and Harrow), Simon Legg, Ash Shah, Simon Martin (Assistant Heads of Service, Trading Standards, London Boroughs of Brent and Harrow), Michael Read (Assistant Director, Policy and Regulation, London Borough of Brent), and Finlay Flett (Head of Community Safety, London Borough of Harrow).

1. Appointment of Chair (from amongst Brent Members)

Councillor Jones was appointed to Chair the meeting

2. Minutes of Previous Meeting- 1st December 2008

RESOLVED:

that the Minutes of the previous meeting held on 1st December 2008 be approved as an accurate record subject to the following:-

that Councillor Jones be recorded as having been present at the meeting, and Councillor Baker recorded as absent.

3. Matters Arising

None.

4. Trading Standards Budget for 2009/10

Bill Bilon (Director of Trading Standards, London Boroughs of Brent & Harrow) introduced the report which provided information on the Trading Standards budget for 2009/10. He outlined that the proposed budget was crucial to enabling Trading Standards to achieve upper quartile performance in the three relevant National Indicators:-

- (i) Business satisfaction (NI 182)
- (ii) Impact on fair trading (NI 183)
- (iii) Number of customer contacts before a complaint is resolved (NI 14)

He stressed that the impact on fair trading was the indicator requiring most budgetary resources, and most likely to affect a CPA rating.

The Board pointed out that although Harrow Council's budget had not yet been finalised, it has been proposed that its contribution to Trading Standards be similar to the amount contributed for 2008/09 due to stringent budgetary constraints.

RESOLVED:

that the report be noted.

5. Trading Standards Work Plan for 2009/10

The report from Ash Shah (Assistant Head of Service, Trading Standards) set out Trading Standard's work plan for the forthcoming financial year. He outlined that the plan was of what could be achieved with the proposed budget. The Board sought clarity with respect to items 4.1 of the Trading Standards Work Plan which outlined that there were no staffing implications arising from the report, but which appeared contradictory to item 5.2 of the Budget Report which envisioned staff cuts in the Trading Standards Service. In response, it was explained that the work plan took into account what could be achieved with existing staff within the proposed budget, and, as such, there was no contradiction if the budget was approved.

In relating the work plan to the proposed budget, the Board felt there was a need for a value for money audit particularly given the current financial climate. Owing to Brent and Harrow's Scrutiny and Overview Committees currently being loaded with agenda items, it was decided that the Trading Standards Board would undertake the review.

RESOLVED:-

- (i) that the Trading Standards Joint Advisory Board conduct a value for money audit of the Trading Standards Service;
- (ii) that the Trading Standards Joint Advisory Board review team comprise two Members from each Council including Councillor Jones (London Borough of Brent) and Councillor Hall (London Borough of Harrow), and Officers including Michael Read (Assistant Director, Policy and Regulation, London Borough of Brent), and Finlay Flett (Head of Community Safety, London Borough of Harrow).

6. Update on the Provisions of Section 75 of the London Local Authorities Act 2007

Simon Martin (Assistant Head of Service, Trading Standards) introduced this report which proposed the establishment of a registration scheme for mail forwarding businesses based in Brent and Harrow. He informed the Board that there were at least 10 of these businesses known to be operating in the

Consortium area, and the proposed registration fee of £80 was sufficient having been derived from an average of registration fees existing in other London Boroughs.

Following the report the Board, expressed concerns as to the resource capacity of the Trading Standards Service to undertake this activity, and enquired if someone would be employed to take on this proposed additional activity. Members also sought clarity as to whether other activities would resultantly drop off Trading Standard's agenda. Simon Martin explained that the registration of mail forwarding businesses could be done with existing personnel. He stressed that these businesses were possibly hiding businesses that Trading Standards should be examining and through intelligence and complaint data they would all be identified. For these reasons the registration scheme was stated as a cost effective exercise which would bring long term benefits.

The Board decided that the registration scheme should be further considered and would be presented to the Council Executives of Brent and Harrow for approval. A request was made for a verbal report of progress in identifying businesses to be presented at the next meeting of the Board.

RESOLVED:-

- (i) that a report by the Director of Trading Standards proposing a Registration Scheme for Mail Forwarding Businesses based in the Consortium Area as contained in Section 75 of the London Local Authorities Act 2007 be presented to the Executives of Brent and Harrow Council for approval;
- (ii) that progress in identifying mail forwarding businesses in the Consortium Area be reported to the next Board meeting.

7. Update on Plans to Provide Proceeds of Crime Investigation Services

Simon Legg (Assistant Head of Service, Trading Standards) presented this report which informed Members of the need and resources required by the Trading Standards Service to undertake proceeds of crime investigations as prescribed by the Proceeds of Crime Act 2002. He reported that it was the intention of the Trading Standards Service to create a team for this purpose and to apply for the funding of additional officers. It was explained that set up costs could be met from existing resources and by building on past successes, operations would be self financing in the long term. The example was given of a past proceeds of crime case which had yielded £133,000 for the Trading Standards Service.

In discussion, the Board made reference to a recent Panorama programme which had exposed weaknesses in application of the Proceeds of Crime Act. It voiced concerns that the cost of recovering assets may be substantial if assets are tied up in court cases. Bill Bilon explained that assets could be recovered through civil or criminal proceedings. He added that the referenced Panorama

programme had focussed on civil proceedings which could be a lengthy process, whereas criminal proceedings could range from less than 6 months to approximately 14 months. Proceeds of crime investigation it was stated was still relatively new territory for the Trading Standards Service and criminal proceedings would be the route used to recover assets.

The Chair voiced agreement with the Trading Standards Service's plans outlined in the report, and expressed the view that the public would also support proceed of crime investigations. The Board expressed confidence that Brent and Harrow's reputation as a high performing Trading Standards Service meant the Councils were well positioned to sell the proceeds of crime investigation service to other Councils. It acknowledged that as there was a high and growing demand for this service, both Councils would miss a good opportunity if they failed to capitalise on this demand. The Board however also stressed that the Councils would find it difficult to commit £50,000 each in support of investigation services as requested by the Trading Standards Officers due to budget constraints. The Board discussed the option of gradually increasing the provision of the existing service by reprioritising or diverting the current financial investigator from his other duties to focus on proceeds of crime investigation, and exploring if resources could be borrowed from other service areas for investment in the Trading Standards Service.

Following discussion, the Board decided that the Trading Standards Service would develop a business case for proceeds of crime investigation, and both Brent and Harrow would investigate possible funding sources. However, it was emphasised by Harrow Members that Harrow could commit no funds to this activity at the moment. This business model is to be presented to the Board by early autumn.

RESOLVED:-

- (i) that Trading Standards develop a business case for proceeds of crime investigations;
- (ii) that the business case be presented to the Board by autumn.

The meeting ended at 8:28pm.

Lesley Jones
Chair