

TRADING STANDARDS JOINT ADVISORY BOARD MINUTES

24 OCTOBER 2016

Present:

Councillors:	* Keith Ferry	London Borough of Harrow
	* Vina Mithani	
	* Varsha Parmar	
	* Lesley Jones	London Borough of Brent
	* Janice Long	
	Sam Stopp	

* Denotes Member present

Officers in Attendance were:

London Borough of Brent

Simon Legg, Service Manager

Aktar Choudhury, Operational Director

London Borough of Harrow

Richard Le-Brun, Environmental Services Manager (Public Protection)

Miriam Wearing, Senior Democratic Services Officer

Officers in Attendance were:

1. Declarations of personal and prejudicial interests

RESOLVED: To note that there were no declarations of interests made by Members.

2. Election of Chair

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

3. Minutes of the previous meeting

RESOLVED: That the minutes of the meeting held on 21 March 2016 be taken as read and signed as a correct record.

4. **Matters arising**

None.

5. **Deputations**

RESOLVED: To note that none were received.

6. **Trading Standards Annual report 2015/16**

Simon Legg, Service Manager, introduced the Annual Report, which summarised the work and outcomes achieved by Brent & Harrow Trading Standards Service (The Trading Standards Consortium) for the financial year 2015/16.

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

- two formal complaints of dissatisfaction had been received about the Service which was a low figure in view of the high number of transactions carried out by the Service each year. One complaint was from a trader who is subject to a Court trial in January 2017;
- the officers were trying to engage more with the business community in both Councils in connection with the national Primary Authority Scheme by means of a link on the website, advertising and an article in the NWL business newsletter. Although three new businesses had been recruited to the scheme, there had been an overall reduction in the number of hours worked under the scheme compared to the previous year. This had partly been caused by existing Primary Authority customers not requiring much longer term support once an initial period of work had been completed;
- three members of staff had achieved the status of Chartered Trading Standards Practitioner, at that time an award obtained by just seven officers in London. It was reported that one of the qualified staff was due to leave the Service having accepted employment with another London Borough;
- 15 confiscation orders under the Proceeds of Crime Act totalling £1,721,773 had been secured in 2015/16 which was much higher than the previous year's total of £445,387

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

- landlord license schemes had been implemented in two wards in Harrow and an extension to the scheme was under consideration. Trading Standards officers attend the Harrow Landlord Forum but not the one in Brent which

had a different format although the officer was willing to support and attend the group's next meeting;

- training regarding the new Consumer Rights Act was provided at no cost to the consortium other than officer time as this was hosted nationally by the Trading Standards Institute.. Two successful bids had been made to London Trading Standards last year to fund a general criminal law update training course in addition to specific training in the subject area of the new cosmetic safety regulations;
- with regard to the Proceeds of Crime Act (POCA), contact had been made with Harrow's planning service to encourage an increased use of the legislation and the consortium's financial investigators and there had been a significant imbalance regarding the number of cases arising for investigation from each borough. One current Harrow investigation was continuing but difficulty had been experienced in identifying assets or where legitimate money had been mixed with illegal funds which could result in no confiscation order taking place;
- Brent had made good progress with regard to the control of shisha and illicit tobacco seizures/prosecutions, including use of a specially trained sniffer dog to search businesses hiding illegal tobacco. There was concern that prosecutions in Brent had resulted in the offenders trading in neighbouring areas as evidenced by an increase in numbers in Harrow. A joint workshop had been held with traders in Brent and Harrow to raise the awareness of the rules and how businesses must comply with the law. Traders were warned that after a suitable interval to make the required changes enforcement would take place. Work in Brent was being replicated in Harrow with regard to planning breaches for outside structures, smoking in an enclosed space, and recognition that the shisha itself was not classified as anything different to cigarettes;
- with regard to the Harrow trader who had received a third warning in three years, sanctions available included reviewing the conditions of the licence or revoking the alcohol premises licences. It was noted that traders considered sale of illegal tobacco and alcohol as low risk activity which increased profits and therefore took a chance. In order to revoke a licence, it was necessary to prove to the Licensing Panel that the terms of the licence had been breached and that the action was appropriate as it was a major step to remove a licence. Intelligence was shared with other regulatory teams to enable breaches in different areas to be followed up.

The officer was thanked for an informative and interesting report which highlighted the diverse range of duties performed by the Trading Standards team..

RESOLVED: That the report be noted.

7. Enforcement of Legislation Concerning Letting Agents Redress Scheme

The Board was informed that the Scheme which came into force on 1 October 2014 created a legal requirement for lettings agents and property management businesses to join a Government approved scheme that enabled complaints to be made to an independent person for the purposes of adjudication and/or reaching a settlement to any dispute.

The London Borough of Harrow and London Borough of Brent were 'enforcement authorities' under the Order. Harrow had delegated the enforcement of the provisions of the Order whereas Brent had yet to delegate the responsibility.

Although advisory visits to businesses following an allegation that they were not complying with an order no formal action had been taken for noncompliance. To avoid duplication of work already being undertaken by Harrow, the proposal was that whichever team, including housing teams, received a complaint would take the lead role in enforcement. Therefore where other offences may have been committed, the relevant department could conduct the investigation.

The Board was informed that the legislative requirements could be absorbed within current resources and any action required prioritised against other demands on the basis that the service provided a reactive, rather than proactive approach.

In response to a question, it was stated that the three Government approved schemes of Ombudsman Services Property, Property Redress Scheme and The Property Ombudsman all had good websites. Other organisations could join if they could satisfy the criteria.

The report did not require action by the Board. It expressed its support for:

1. the Trading Standards Service, being authorised by the London Borough of Brent's Cabinet, to take full or part responsibility for the Council's statutory duty of enforcing the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
2. the Trading Standards Service, being authorised by the London London Borough of Harrow's Cabinet (subject to consultation with the Portfolio Holder and Divisional Director), to take part responsibility for the Council's statutory duty of enforcing the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
3. Any monetary penalties received in connection with the Order be used to fund the costs of enforcing the Order.

8. Service Level Agreement with National Trading Standards Scams Team

The views of the Board were sought on the proposal that the Trading Standards Service work in partnership with the National Trading Standards (NTS) Scams

Team in respect of the sharing of information and receipt of referrals from the NTS Scams Team.

It was noted that there was a choice of two agreements, a regular 'service level agreement' which provided for an agreed number of referrals on a monthly basis or a 'priority service level agreement' where priority only referrals were sent through. The proposal was to participate in the latter agreement initially with up to 5 referrals per month per borough with a review in 6 to 9 months dependent on the number of referrals received. Either party could terminate the agreement with 30 days written notice.

Members were advised that paragraph 3.19 should read that 175 local authorities had agreed the Scams Team Service Level Agreement. It was not known which of the two agreements the 175 had signed up to.

In response to questions, the Board was informed that:

- as the best intervention was a personal call, the possibility of a large number of referrals in a short time would have workload implications;
- the national team's role was to coordinate activity. For large scams the national team worked with the trading standards team for the area concerned with the latter taking the lead on the matter;
- evidence that the perpetrator was based in the borough would usually be required to commence an investigation as the 'lead authority'.

RESOLVED: That

1. the report be noted and the Board support the Trading Standards Team participation in a priority service level agreement with the National Trading Standards Scams Team on a trial basis;
2. that a report reviewing the scheme, and including case studies, be submitted to the June 2017 meeting of the Board

9. Trading Standards Priorities 2016/2017

The Board received a report that outlined areas of work for consideration of priorities for the second half of 2016/17 and into the coming year which would be used to form the annual work plan. Information matching duties to corporate plans was noted. It was noted that the National Trading Standards Board identified priorities for the current year and whilst there was no remit to require the same focus in local activities it was intended that where possible, work carried out on a local basis would feed into that being done regionally and nationally. Priorities were identified by London Trading Standards through an intelligence based task as those causing the highest amount of consumer detriment across London.

Members expressed the view that priority should be given to the protection of the old and young who were the most vulnerable. In response to queries regarding doorstep crime and scams, the officers provided the following responses:

- scams could have a large financial impact, even the loss of life savings, and the protection of the elderly and vulnerable was a priority. Scams were dealt with on a case by case basis and efforts made to avoid vulnerable residents having their names added to lists to be targeted again if there had been previous dealings with a rogue company;
- with regard to underage sales for cigarette, knives and alcohol, this must remain a priority to protect children from harm;
- in Brent a task force partnership based approach was being developed with other regulatory council services and key partners to deal with the Boroughs' top issues such as shisha bars. This was achieving some success and was in accordance with the aspiration that should all work together for seamless public protection. There was no clear divide between licensing or trading standards and intelligence was improving. An example of multiagency support was planning enforcement and members encouraged this approach in both boroughs;
- Members expressed concern that Council 'week of action' campaigns see the situation revert back within a week and stressed the need for task forces to have a strategy to ensure sustainability. The Joint agreement between Brent and Harrow helped prevent the spread across the border but task forces operated within a borough boundary whilst perpetrators did not so there was a spread to other areas. The officer reported on a much improved pooling of information;
- it was not possible with current levels of resource, to investigate every complaint made to the Service by members of the public. Therefore, each complaint was risk assessed against a set criteria so officers could then determine which complaints would receive further investigation.

The Board expressed satisfaction with the priorities set out in the report and noted that these would be further considered at the March meeting of the Board when the budget for the forthcoming municipal year was known and the annual service plan was presented. In response to a question, the Chair indicated that he was unaware of any proposals for reductions in funding for trading standards in the Harrow budget. With regard to Brent an officer reported that an exercise was underway for all services to look at funding reductions plus innovative means of generating income.

RESOLVED: That the report be noted.

10. **Any other urgent business**

None.

11. Date of next meeting

It was noted that the next meeting was scheduled for 8 March 2017. Proposed agenda items for the meeting included the budget, priorities and an update on the Proceeds of Crime Team. The Chair stated that the update should include how income from the Proceeds of Crime Team was able to benefit the service during lean years and that it was ring fenced for this purpose.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.50 pm).

The meeting closed at 8.50 pm

K. FERRY
(Signed)
Chair