



LONDON BOROUGH OF BRENT

MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD Thursday 25 March 2021 at 7.00 pm

PRESENT: Councillor Kennelly (London Borough of Brent) (Chair) and Councillors Knight (London Borough of Brent), Long (London Borough of Brent), Ferry (London Borough of Harrow), Mithani (London Borough of Harrow) and Murphy-Strachan (London Borough of Harrow)

Also present: Councillors

Apologies for absence were received from: Councillors

Officers in Attendance were:

1. **Election of Chair**

RESOLVED: That Councillor Daniel Kennelly (London Borough of Brent) be elected as Chair for the meeting.

2. **Declarations of personal and prejudicial interests**

RESOLVED: To note that there were no interests declared at the meeting.

3. **Minutes of the previous meeting - 20 October 2020**

RESOLVED: That the minutes of the meeting held on 21 October 2020 be approved and signed as a correct record.

4. **Matters arising**

The following matters were raised in relation to the minutes of the meeting held on 21 October 2020:

Minute 4 – Matters Arising - Outstanding Delegations

In response to the request for an update on progress regarding the delegations being sought in relation to letting agents and environmental energy certificates Simon Legg (Head of Regulatory Services, Brent & Harrow Trading Standards) advised these were still awaited and a further update would therefore need to be provided for the next meeting.

ACTION: Simon Legg to provide a further progress update for the next meeting.

5. **Deputations (if any)**

RESOLVED: To note that there were none.

6. Harrow Reduction to the Trading Standards Budget

The Board received a report, presented by Simon Legg outlining the budget position for the Trading Standard service in 2021/22, which included detail on an intended budget reduction required by the London Borough of Harrow.

In presenting the report, the Board were advised that over the previous five years Harrow's net contribution to the provision of the service had been £500k. For the 21/22 financial year, however, Harrow had advised of the need to seek a reduction in their annual consortium fee to £300k. As a result of continued austerity measures, various operational savings had been made by the service over previous years, which members were advised had resulted in year on year underspends that had been proportionately apportioned between both Harrow and Brent. Harrow's proportion of the underspend at the end of 2019/20 had totalled £178k, which it had subsequently been agreed would be used in full to net off their 2020/21 fee of £500k. Given the ongoing uncertainty relating to the budget contribution, interruption to usual service delivery during the Covid pandemic and aim to keep expenditure to a minimum a further underspend of approx. £169k had been forecast for Harrow during 2020/21. In addition members noted that Brent also held a legal reserve on behalf of the Consortium of which £66k belonged to Harrow and a Proceeds of Crime reserve of which £250k belonged to Harrow.

In terms of a way forward, the Board were advised of the budget proposals developed in order to achieve the reduction in annual consortium fee to £300k requested by Harrow, as detailed within section 3.8 of the report. This outlined how the budget would need to be adjusted to reflect Harrow's reduced contribution and their contribution towards the shared costs, which included employee costs for staff working across both boroughs as well as shared assets split between Brent and Harrow.

As part of these adjustments there would be a requirement to reduce the staffing resource for Harrow, with the proposals detailed in section 3.9 – 3.13 of the report. The Board noted this would result in a reduced staffing resource of 2.5 Enforcement Officers, 0.5 Team Leader and 0.5 Senior Regulatory Service Manager posts for the Harrow team. In order to achieve these reductions it would be necessary to delete a vacant Harrow Enforcement Officer post, keep the Senior Prosecutor post vacant and fund the Financial Investigators from Brent's Proceeds of Crime reserves. It would also require a reduction in Team Leader support with only one provided to cover both teams. In terms of prosecutions, this would also require legal cases to be conducted by the Senior Regulatory Service Manager or legal counsel in more complex matters. Although not currently making routine use of the Services Financial Investigators for proceeds of crime investigations, Members also noted that should Harrow want to use these services they would either have to pay for them or make arrangements to drawdown from their share of the Proceeds of Crime reserves.

Having presented the proposals, the Board were then advised of the risks associated with the reduced staffing capacity, as detailed within sections 3.14 – 3.29 of the report, along with the measures in place in order to assist in partially mitigating these including the careful financial management of the service

undertaken to date, establishment of a revised team structure and level of shared knowledge available. It was noted, however, that there would also be a need for Harrow to increase its focus on priority areas of work and to acknowledge the change in budget position would lead to a reduction in overall service levels within their area.

The following issues were then raised by members of the Board in response to the report:

- Members, whilst recognising the reasons for the budget reductions being sought, expressed disappointment at the impact on the service given the high level of service provided. Reference was also made to section 3.17 and the findings from the Audit Scotland review regarding the number of staff if it was felt required to deliver the minimum level of standards in relation to a Trading Standards Service. In response Simon Legg advised members that the revised structure would ensure a minimal level of staff remained in place when assessed across the consortium, although there would be a need to prioritise resources on a risk management based approach to ensure capacity remained to meet the increasing demands on the service arising from the Covid pandemic and Brexit as well as the increase in statutory responsibilities.
- Details were also sought as to whether the existing budget and legal reserves available would be sufficient to cover, over a longer term basis, the costs associated with an increase in use of counsel or periods of high demand or more complex and expensive legal cases. Whilst members were advised it was anticipated that the reserves held would be sufficient to provide access to additional funds (should these be required in specific one off circumstances) there would be an associated risk under this approach and need to ensure arrangements were made for the reserve to be replenished following use.
- Support was expressed by the Board towards the proposed creation of a new statutory duty for minimum standards to be developed for Trading Standards teams supported by the provision of ring-fenced resources to ensure they could be delivered, especially linked to the increased demand on the service as a result of consumer and tariff issues related to Brexit and also the Covid pandemic. Members were also keen to ensure that the necessary signposting was established to direct residents and other stakeholders to further assistance and guidance.
- In response to a final issue raised regarding investigations required on a cross borough basis, members were advised that these would continue in the same way as present.

Having considered and commented on the report the Board **RESOLVED:** To note the impact of the reduced budget for the consortium as detailed within the report and associated risks identified.

7. Trading Standards Fees and Charges 2021/22

The Board received a report presented by Anu Prashar (Senior Regulatory Services Manager) which detailed the proposed level of fees and charges to be made by the Brent & Harrow Trading Standards Service during 2021/22.

Members noted the three categories of Trading Standards fees which related to statutory fees, Retail Price Index (RPI) linked fees and discretionary fees with the proposed changes detailed in section 3.4 of the report. In terms of RPI linked fees it was noted that these had been based on the figure provided for December 2021 which had been 1.2%. This had resulted in a proposed increase in the hourly rate for primary authority fees of £1.

In terms of issues highlighted by the Board, it was noted that the fees to process explosive (firework) licenses charged by the Harrow team had been amended to reflect the recent change in fees introduced by the Health & Safety Executive, which were due to come into effect from 1 April 2021. Members were also advised that there had been no change in the latest RPI figure available for January 2021 when compared to December 2020.

Having noted the report, the Board **RESOLVED**: To endorse the proposed level of fees and charges for recommendation and adoption in relation to the Brent and Harrow Trading Standards Service for 2021/22.

8. **Trading Standards Work Plan 2021/22**

The Board received a report presented by Anu Prashar detailing the proposed 2021/22 work plan for Brent & Harrow Trading Standards.

In considering the report, the Board were advised that the Work Plan had been developed to reflect the impact of the Covid pandemic and roadmap out of lockdown along with the impact of Brexit and the revised Trading Standards budget for 2021/22. The Plan set out the main priority areas for the service along with expected levels of performance whilst also retaining some flexibility to adapt service delivery to meet any emerging or unexpected demand or respond to major investigations.

In terms of development of the service priorities it was noted that these had also been designed to reflect the priority areas of work identified by the National Trading Standards Board, London Trading Standards, Office of Product Safety and Standards Control Strategy and national priorities identified by the Ministry of Housing, Communities & Local Government in terms of regulatory service activities.

The proposed priorities identified for the Brent & Harrow service had been detailed within the Work Plan attached as Appendix 2 of the report, which had been categorised as high, medium and low priority areas. In addition the work plan included projected work volumes for each team during 2021-22, although it was noted these would remain subject to change given the variable nature of the work undertaken by the service and as work transitioned to a more routine nature exiting the pandemic.

In reviewing the priorities identified, the Board made the following comments:

- Further details were sought on the work being undertaken with local business in order to support them in encouraging trade moving out of the Covid lockdown arrangements. In responding, Anu Prashar recognised the

unprecedented impact which the pandemic had created on the local business community and need for the service to be able to adapt its approach in terms of supporting the economic recovery process where appropriate. Significant communication continued to be undertaken with local businesses in order to maintain the positive relationship already developed and signpost them to the relevant advice and guidance. Inspection visits were also now recommencing, although the Board were advised that as the number of premises starting to open increased these would become more reactive rather than proactive in nature. It was noted that the approach adopted by Harrow during the pandemic had been different to Brent with an outside agency being used to support as Covid marshals.

- Support was expressed by the Board for the inclusion of work to tackle underage sales of alcohol, tobacco and knives as an ongoing high priority for the service alongside the work being undertaken to tackle issues regarding the renting of property in the private sector by Estate and Letting Agents. In terms of the capacity to enforce new regulations affecting the rental sector, Members were advised that the issuing of Electrical Installation Safety certificates would fall outside the remit of the service.
- Whilst supportive of the work identified to tackle package travel holiday complaints, members queried this being classified as a medium rather than high priority. In response Anu Prashar advised that this related to the fact a majority of complaints were civil in nature and were currently subject to investigation by the Competition & Markets Authority (CMA). It was noted, however, that the service had been one of the first to instigate legal proceedings against a travel company.

Having considered the report the Board **RESOLVED:** To note and endorse the Trading Standards Work Plan for 2021-22 and priority areas identified as detailed within Appendix 2 of the report.

9. **Date of Next Meeting**

RESOLVED: That the date of the next meeting be agreed as 6.00pm on Wednesday 9th June 2021 to be hosted by the London Borough of Harrow.

10. **Any other urgent business**

None.

The meeting closed at 8.05 pm

L. JONES
Chair