



Trading Standards Joint Advisory Board

Thursday 25 March 2021 at 7.00 pm

This will be held as an online virtual meeting

The link to view the meeting is available by clicking [HERE](#)

Membership:

Members Councillors:	Representing	First alternates Councillors:	Second alternates Councillors:
Knight		S.Choudhary	
Long		Chohan	
Kennelly		Dar	
Ferry		Assad	
Mithani		Osborn	
Murphy-Strachan		Parmar	

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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

The press and public are welcome to attend this meeting as an online virtual meeting. The link to attend and view the meeting is available [HERE](#).

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.

Apologies for absence and clarification of alternate members

Item	Page
1 Election of Chair	
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
3 Minutes of the previous meeting - 20 October 2020	1 - 4
4 Matters arising	
5 Deputations (if any)	
6 Harrow Reduction to the Trading Standards Budget	5 - 10
This report advises Members of an intended reduction to the Trading Standards budget, required by the London Borough of Harrow. This reduction impacts the budget available to Harrow for their activities and also the shared consortium costs. The report sets out a proposed new budget for the Service and highlights some of the risks that may arise as a result of these reductions.	
7 Trading Standards Fees and Charges 2021/22	11 - 16
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 2021/22.	
8 Trading Standards Work Plan 2021/22	17 - 26
This report provides Members with information concerning the proposed 2021/22 work plan for Brent & Harrow Trading Standards.	
9 Date of Next Meeting	
Wednesday 9 th June 2021 at 6.00pm to be hosted by the London Borough of Harrow.	

10 Any other urgent business

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.



Trading Standards Joint Advisory Board

Minutes

21 October 2020

Present:

Chair:	Councillor Keith Ferry	– London Borough of Harrow
Councillors:	Vina Mithani	– London Borough of Harrow
	Angella Murphy-Strachan	– London Borough of Harrow
	Daniel Kennelly	– London Borough of Brent
	Promise Knight	– London Borough of Brent
	Janice Long	– London Borough of Brent

1. Election of Chair

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

2. Declarations of Personal and Prejudicial Interests

RESOLVED: To note that there were none.

3. Minutes of the previous meeting - 13 November 2019

RESOLVED: That the minutes of the meeting held on 13 November 2019 be approved and signed as a correct record.

4. Matters Arising - From the Minutes

The following matters were raised in relation to the minutes of the meeting held on 13 November 2019:

Minute 3 – Outstanding Delegations

Simon Legg (Head of Regulatory Services, Brent and Harrow Trading Standards) reported that the outstanding issues regarding letting agents and environmental energy certificates remained unresolved and that there had been no further progress due to the absence of an operational lead from Harrow.

May Patel (Contract Manager - Harrow Council Regulatory Services) advised that the issue of an operational lead was being reviewed by Harrow Council through the Divisional Director and the Board would be advised in due course.

The Chair requested that Harrow Council's Corporate Director for Community be approached to appoint an operational lead.

ACTION: Simon Legg to follow up with Harrow Council's Corporate Director for Community and to inform the Board.

5. Deputations

RESOLVED: To note that there were none.

6. Trading Standards Fees and Charges 2020/21 Report

Members received the Trading Standards Fees and Charges 2020/21 Report which provided information concerning the proposed level of fees and charges to be made by the Brent and Harrow Trading Standards Service during 2020/21.

The Board considered that statutory fees were set nationally by central government. Local authorities had no discretion to change the fees although, on occasion, the legislation would permit a fee to be set locally up to a maximum value.

RESOLVED: That the report be noted.

7. Tenants Fees Act and Client Money Protection Policy Report

The Board received the Tenants Fees Act and Client Money Protection Policy Report on determining the appropriate level of financial penalties.

The report advised that the Ministry of Housing, Communities and Local Government had produced statutory guidance under both the Tenants Fees Act 2019 (TFA) and the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme) Regulations (CMPR).

The guidance required Trading Standards to develop and publish their own policy on determining the appropriate level of financial penalties to impose with regards to breaches in the legislation.

The Board queried whether landlords that did not use agents were covered under the legislation, and if houses in multiple occupation (HMOs) were included. It was advised that such landlords were still covered, and if there

was a complaint against them, these would be investigated. HMOs were covered under licensing regulations.

RESOLVED: That the responsibility of the Head of Regulatory Services to agree and implement the policy be noted.

8. Trading Standards Annual Report 2019/2020 Report

Members received the Trading Standards Annual Report 2019/2020.

It was a requirement of the Trading Standards Consortium Agreement that an annual report was presented to the Board, which included details of the work undertaken by each borough team during the financial year to which it related.

RESOLVED: That the report be noted.

9. The Trading Standards Service Response to Covid-19 Report

Members received the Trading Standards Service Response to Covid-19 Report, which detailed the Trading Standards Service's response and change of duties during the Covid-19 pandemic.

Following the outbreak of Covid-19, the Trading Standards Service was required to review its service delivery to ensure it was responding to the most important tasks and at the same time, undertaking new duties placed on them.

The Trading Standards Service had continued to respond to consumer issues, prioritising those where victims were vulnerable or if the issue was high risk, such as scams and product safety. In addition, the Service had maintained the provision of business advice which had increased significantly.

Ongoing investigations had continued to progress. The Trading Standards Service had received over 700 Covid-19 related service requests since the beginning of the pandemic.

The Board considered the fast-paced nature of the pandemic and the resultant legislation, which at times appeared ambiguous.

Members raised concerns about how some parts of the legislation had been crafted. For instance, currently, the prevention of "household mixing" in hospitality venues was challenging to enforce. It was not clear whether venue owners were expected to verify if their patrons were from the same household.

RESOLVED: That the changes in duties undertaken during the Covid-19 epidemic be noted, and the contribution made by staff acknowledged.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.16 pm).

(Signed) Councillor Keith Ferry
Chair

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
25 March 2021
Report from the Head of Regulatory Services**

FOR INFORMATION

Harrow Reduction to the Trading Standards Budget

1.0 Purpose of the Report

- 1.1 This report advises Members of an intended reduction to the Trading Standards budget, required by the London Borough of Harrow. This reduction impacts the budget available to Harrow for their activities and also the shared consortium costs. The report sets out a proposed new budget for the Service and highlights some of the risks that may arise as a result of these reductions.

2.0 Recommendations

- 2.1 That Members note the budget change and risks and make any comments.

3.0 Details

- 3.1 The London Borough of Harrow has for the last five or more years, contributed a net £500K towards the provision of the Trading Standards consortium. There have been no inflationary increases added to the annual fee due to Harrow's previous need for costs not to increase and where possible, for savings to be made.
- 3.2 During the forthcoming financial year, Harrow have asked for a reduction of their annual consortium fee to £300K.
- 3.3 Continued austerity measures, combined with difficulties recruiting qualified Trading Standards staff, have meant the Service made various operational savings in recent years. This has resulted in year on year underspends which were appropriately apportioned between the two boroughs.
- 3.4 Underspend is either repaid to Harrow or held by Brent. The Harrow underspend held by Brent at the end of the last financial year was £178K and it has since been agreed that this will be used in full, to net off their 20/21 consortium fee of £500K.
- 3.5 This zeroed Harrows underspend for the 20/21 financial year. However, due to the uncertainty over Harrow's budget position, the unprecedented interruption to our usual service delivery during the Covid pandemic and a strong emphasis to keep expenditure to an absolute minimum, the Service is forecasting a new Harrow underspend to carry forward, of approximately £169K.

- 3.6 In addition to the underspend, Brent holds some long term reserves on behalf of the consortium. This is made up of a legal reserve of which £66K belongs to Harrow and a Proceeds of Crime reserve of which £250K belongs to Harrow.
- 3.7 The Harrow team generates a small income from fees charged such as firework registrations, the provision of primary authority advice, or the recovery of legal costs and more recently, the issuing of letting agent penalty notices. In financial year 20/21, the Harrow team income budget was £18K with an income of £12k being achieved to date.
- 3.8 In order to achieve Harrow's reduction of the annual consortium fee, the following budget has been proposed:

	Harrow Team	Harrow's Contribution to Shared Costs	Brent	Brent's Contribution to Shared Costs
Employee Expenses	138,275	109,500	267,822*	109,500
Transport Expenditure	650	1,325	1,783	1,325
Supplies and Services	17,700	25,400	18,603	25,400
Support Services	22,650	0	0	0
Total Expenditure	179,275	136,225	288,208	136,225
Income	(15,500)	0	(32,000)	(2,000)
Net Expenditure	163,775	136,225	256,208	134,225
Total		£300,000		£390,433

*Note this figure excludes intended drawdown from POCA reserves to cover Financial Investigators salaries.

Staffing

- 3.9 Previously, the Harrow staffing establishment consisted of 3.5 Enforcement Officers, 1 Team Leader, 1 Financial Investigator, 0.5 Senior Prosecutor and 0.5 Senior Regulatory Service Manager posts.
- 3.10 Based on the above revised salary budget, a staffing resource consisting of 2.5 Enforcement Officers, 0.5 Team Leader and 0.5 Senior Regulatory Service Manager posts will be provided to the Harrow team.
- 3.11 To achieve these reductions, it has been necessary to delete a Harrow Enforcement Officer post which is currently vacant, keep the Senior Prosecutor post vacant and to fund the Financial Investigators salaries from Brent's POCA reserves. Whereas previously the staff structure consisted of a Team Leader for each borough team, the revised budget would provide for one, who covers both teams.

- 3.12 The number of legal cases being prosecuted by the Service has fallen considerably, in part, caused by the reduction of enforcement staff in the team. There is therefore less need at present for the Senior Prosecutor post. This will be kept under review, but in the meantime, legal cases will either be conducted by the Senior Regulatory Service Manager or legal counsel will be instructed in more complex matters.
- 3.13 As Harrow are not routinely making use of the Service's Financial Investigators for proceeds of crime investigations, there will be no immediate impact by the decision to fund these posts from Brent's POCA reserve. What this will mean is that when Harrow do want to use these services, we will either have to charge for them in the same way as when we contract with other local authorities. Alternatively, arrangements could be made to drawdown from Harrow's share of their POCA reserves.

Risks

- 3.14 With a reduced level of staff, it is not possible for the Trading Standard Service to fully deliver on all of its statutory duties which require the team to enforce over 80 Acts of Parliament and 200 plus sets of regulations.
- 3.15 Harrow has a well-established and skilled enforcement and public protection team that will be able to support a number of the statutory functions required by the authority for Harrow. This will address an element of the risk to Harrow as part of the reduction in staff.
- 3.16 The smaller number of staff and managerial oversight, increases the risk of potential service failure as there will be less oversight and control of day to day operations. It will be difficult for staff to maintain their specialisms as with fewer officers, a more generic approach will be needed.
- 3.17 As far back as 2002, Audit Scotland reported small Trading Standards Services 'with eight or fewer staff, had insufficient flexibility and range of expertise to meet all the accepted minimum standards'. As the number of statutory responsibilities continues to increase, the need for additional staff remains.
- 3.18 The Service would employ a collective pool of six Enforcement Officers, a Team Leader and Service Manager.
- 3.19 More recently, the Chancellor commissioned the 'Power to The People – Stronger Consumer Choice and Competition' report published February 2021. The report details improving the country's approach to competition and consumer issues following the impact of Coronavirus and Brexit.
- 3.20 It highlights nationally, the number of trading standards officers has fallen steadily with almost half of all local authorities reporting their team does not have sufficient skills to cover the full range of responsibilities. It recommends creating a new statutory duty for minimum standards in local authority Trading Standards teams with ring-fenced resources so they can deliver them well.

- 3.21 Until something like this change happens, it remains the case that the team will struggle to maintain the required intricate knowledge of all the legislation they are expected to enforce, will have limited capacity to respond to all the daily requests for assistance and as a result, will risk not being able to satisfy all the statutory duties.
- 3.22 Capacity will be further reduced when bigger, more complex investigations are undertaken which can see one or more officers solely focusing on one investigation for many months at a time. The Services Work Plan will be presented to Members as a separate report which will outline areas of work which the Service will chose to prioritise.
- 3.23 These risks have been highlighted to the London Borough of Harrow who accept the need to focus on priority areas of work and acknowledge there will be a reduction of service as a result of the change in budget position.
- 3.24 There is also risk to the Service by not filling the Senior Prosecutor post. This role provides an important function of vetting investigations prior to formal actions, advising staff on legal matters, overseeing all the legal work undertaken as well as appearing to represent the Service in court.
- 3.25 Although some of this work can be undertaken by other post holders, it will be necessary to increase the Services use of private counsel. Although the proposed budget does provide for this, it is possible the budget will not be sufficient to cover periods of high demand or expensive, complex cases.
- 3.26 This scenario is possible in the financial year 22/23, where the Service currently has a Harrow investigation listed for a three week Crown Court trial which may attract increased legal costs. If the available budget is not adequate to pay the legal fees, it is intended the Services Legal Reserves will provide access to additional funds. It would follow that suitable arrangements would be needed to replenish these reserves over a period of time afterwards.
- 3.27 Whilst this budget reduction does bring some challenges to the Trading Standards Service, it is considered that the team is in a good position to respond to them. The vacant posts held by the Service have enabled a revision of the team structure, without the need to consider any job losses.
- 3.28 The risk is further partly mitigated by the consortium model which allows increased resilience and shared knowledge and expertise across both boroughs.
- 3.29 Careful financial management has ensured the Service currently retains some of its reserves which will still provide some future assurance and possible options if required.

4.0 Financial Implications

- 4.1 Financial implications are covered in the main content of this report.

5.0 Legal Implications

5.1 The joint Trading Standards Consortium Agreement provides Harrow's Commissioner, the power to agree the services to be provided in his own Council's area.

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 We understand Harrow's Director of Environmental Services has consulted with Harrow's Lead Member on these proposals.

8.0 Human Resources Implications

8.1 There are no specific staffing implications arising from this report as none of the current employees are at risk of any change to their employment terms with the exception of the Senior Prosecutor role. The post holder for this role is currently acting up in a different position. At this stage, no final decision has been made as to what may happen with the Senior Prosecutor role which will be subject to future review.

Contact Officer

Any person wishing to obtain more information should contact Simon Legg, Head of Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 5522, simon.legg@brent.gov.uk

Simon Legg
HEAD OF REGULATORY SERVICES

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
25 March 2021
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS FEES AND CHARGES 2021/22

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 2021/22.

2.0 Recommendations

- 2.1 That Joint Advisory Board Members consider the report and make recommendations or comments where appropriate.

3.0 Details

- 3.1 In accordance with paragraph 13(f) of the Consortium Agreement between the London Borough of Brent and the London Borough of Harrow, 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 As per the council's Fees and Charges policy, our Strategic Director has delegated powers in conjunction with the Chief Executive, to vary fees in certain circumstances without the need to bring reports before Cabinet or other decision making bodies. When appropriate circumstances provide, the Service will utilise this policy to maximise income opportunities.

- 3.3 Brent is the host authority for the consortium and therefore the fee structure and charges are applied at the same level to each borough.

- 3.4 Trading Standards fees fall into the following categories:

1. Statutory fees (set by legislation, although some offer discretion to vary the amount up to a maximum value)
2. RPI linked fees (agreed previously by Brent's Executive)
3. Discretionary fees (there is discretion to vary the value charged)

- 3.4.1 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

- 3.4.2 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 2021. These fees vary subject to the exact license required although are typically £55 to renew a short term license rising to £500 for an all year round license. It remains the case that in Brent, this function is the responsibility of the Licensing Team who receive the income.

These new regulations come into force from 1 April 2021.

Letting and/or Property Management Penalty Fees

- 3.4.3 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, we can impose monetary penalties of up to £5,000 where breaches of the legislation have taken place.
- 3.4.4 Under the Tenant's Fees Act 2019 and Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019, we can impose monetary penalties of up to £30,000 where breaches of the legislation have taken place.
- 3.4.5 However, the legislation requires us to take into consideration any representations received from the recipients of such penalties. Accordingly, the value of each penalty is considered on a case by case basis to determine what is appropriate in the given circumstances. It is proposed that the penalties range from £1,000 (low harm) to £5,000 (high harm) for first offences. For subsequent offences, we will either prosecute or levy a penalty of £5,000 (low harm) to £30,000 (high harm). These penalties only relate to the legislation quoted in 3.4.5 above.

Primary Authority Fees

- 3.4.6 A RPI escalator (Retail Price Index) applies to our Primary Authority partnerships which is a scheme enabling us under Section 31 Regulatory Enforcement and Sanctions Act 2008, to charge businesses on a 'cost recovery' basis, for primary authority services.
- 3.4.7 Brent's Executive agreed a report titled "*Introduction of a Charge Based Regulatory Advice Service for Businesses*" in June 2013, which stipulates that an increase is applied to 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. The figures given in this report have been taken for December 2020 as January's figure had not been published at the time of writing this report.

3.4.8 The Office of National Statistics have provided an RPI figure for December 2021 as 1.2%. The proposed rounded up, hourly rate increase in our primary authority fees to include this rise are shown in the table below.

Service	2020/21	2021/22
Primary Authority – fixed contract (per hour)	£62.00	£63.00
Primary Authority - pay as you go (per hour)	£77.00	£78.00

3.4.9 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 determining the level to fix these fees, care is required to ensure we remain competitive amongst other local authorities who offer similar services so as to ensure we do not lose custom.

Weights and Measures Fees

3.4.10 By virtue of S11(5) and S49(4) of the Weights and Measures Act 1985, the local authority can charge ‘such reasonable fees as we determine’ for carrying out our duties under the Act. The Association of Chief Trading Standards Officers (ACTSO) used to publish annual guidance for weights and measures fees to local authorities so they could remain competitive. ACTSO took the decision in April 2019 not to give this guidance as the ‘actual costs of each local authority vary widely for many reasons and local authorities must follow their own corporate rules in relation to assessing costs and charging’. In the absence of the ACTSO guidance, we have applied a 1.2% inflationary increase to each of these fees this year and round this up to the nearest pound.

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

Service Charged Per Officer Per Hour	VAT	2020/21 (Inc VAT where applicab le)	2021/22	
			(excl VAT)	(incl VAT)
Verification of weights & measures equipment	20%	78.00	66.00	79.20
Calibration of weights for business	20%	78.00	66.00	79.20
Weights & measures testing for other local authorities (per item)	0%	65.00	66.00	No VAT
Additional officer testing assistance (per hour)	0%	49.20	42.00	50.40
Officer use of safety lab (per hour)	20%	86.40	73.00	87.60

Registration of Premises for Auction Fee

3.4.12 By virtue of S26(2) Greater London Council (General Powers) Act 1984, we apply 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 £354 and it is proposed this fee increases to £356.

3.4.13 It is very rare to get applications for this purpose with none received during 2020/21.

Fee for Officers Carrying Out Duties at Wembley Events

3.4.14 A charge is made for officers conducting their duties at Wembley events on behalf of brand holders or other merchandisers. The rate for this work £61 per hour per Enforcement officer and between £81 to £91 for Senior/Supervisory Staff. Officers are expected to work during the UEFA Euro 2021 matches at Wembley, if these matches go ahead. This fee is negotiated and managed by Brent Council's Licensing team so is beyond the scope of this report.

Financial Investigator's Fee

3.4.15 Our Financial Investigators continue to offer their services to other local authorities. In addition to agreements with these local authorities, which ensures a share of any money raised via the Home Office Proceeds of Crime incentivisation scheme, we charge an hourly fee for our time spent conducting the investigation. This covers our costs in the event that no order is made or if an order is made by the Court and it is not paid for any reason resulting in no incentivisation scheme payment being received.

3.4.16 It is proposed to increase this fee from £41.00 to £42.00 per hour. This may appear a low rate compared to other officer fees but in most cases, but this fee is charged in addition to a share of any subsequent incentivisation scheme payment.

3.4.17 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 At the time of writing this report, the Service had spent nearly 9 months under Covid-19 restrictions, which has affected our income generation. This is also likely to continue to affect us until there is easing of the restrictions.

4.2 Below is the list of the previous income budgets.

- 2016/17 - £27,500
- 2017/18 - £31,500
- 2018/19 - £33,500
- 2019/20 - £45,500
- 2020/21 - £45,500

(These figures exclude income received from court costs awarded or proceeds of crime recovery).

4.3 At the time of drafting this report, income of £28k for 2020/21 had been achieved via fees and charges against a budgeted income figure of £45.5k. The Covid pandemic meant officers were not able to conduct as many letting agent inspections as intended and there have been fewer primary authority enquires which has contributed to this shortfall of income. In addition, we are still experiencing year on year decline in other local authorities and well as private businesses, requiring out services for weights and measures work.

5.0 Legal Implications

5.1 There is 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 wards across both Boroughs.

8.0 Human Resources 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, as well as the continued restrictions during the pandemic.

Contact Officer

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, anu.prashar@brent.gov.uk

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER

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**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
25 March 2021
Report from the Senior Service Manager**

FOR INFORMATION

TRADING STANDARDS WORK PLAN 2021/22

1.0 Purpose of the Report

1.1 This report provides Members with information concerning the proposed 2021/22 work plan for Brent & Harrow Trading Standards.

2.0 Recommendations

2.1 That Joint Advisory Board Members consider the report and make any recommendations or comments where appropriate including suggesting alternative priority areas of work that the Trading Standards Service may wish to consider.

3.0 Details

3.1 The Service drafts an annual work plan, which proposes the activities to be undertaken and the priority areas of work for the coming financial year. The plan also acts as a guide for the purposes of monitoring performance during this period.

3.2 In accordance with the consortium agreement, there is a requirement for the London Borough of Brent to estimate the number and type of activities that will be undertaken by the Service during the financial year and to present this to the Joint Advisory Board.

3.3 A copy of the proposed work plan for the year 2021/22 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 is drafted in a manner to be achieved within the budget provided for the Service for 2021/22.

4.2 This report is written for the purposes of the Joint Advisory Board consideration with the proposed changes to the Harrow budget which will be presented to Members as a separate report.

5.0 Legal Implications

5.1 There is 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 wards across both Boroughs.

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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, as well as the continued restrictions during the pandemic.

Contact Officer

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ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER



**Brent & Harrow
Trading Standards**

**Team Work Plan
2021-2022**

Introduction

The Covid pandemic will have been with us for over 12 months and has refocused the work of the Trading Standards Service over the previous year. At the time of writing, we are unable to say when the current measures will cease and what further controls will be put in place. With this in mind the work plan is written on the basis that assuming governments Covid roadmap stays on schedule, we will be running the Service in a more routine manner as we exit out of the pandemic. The Service will make the appropriate adjustments if this is not the case and if further measures are imposed by the government throughout the year.

This work plan has been drafted to accommodate the revised Trading Standards budget, which has been reduced for 2021-2022 to accommodate Harrows reduced funding of the consortium.

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 for each of the boroughs' teams. The plan offers flexibility to assist in meeting unexpected demands and to adapt service delivery as required, to meet emerging threats or respond to major investigations.

Brexit has now happened and the transitional period with Europe regarding goods and services to and from the UK and Europe has now ended. During this year, it is expected there will be changes in legislation that will have an effect on our businesses. This will put extra burden on our Service to keep up to date with any changes and to disseminate new information and ways of working to our local businesses. We cannot gauge, what the burden on the Service delivery and on businesses will be, but we will be keeping a close eye on any developments in this area.

There will no doubt also be a role of supporting local businesses and encouraging trade back to our local high streets following the lockdown period. Covid restrictions had an unprecedented impact on our business community and we have yet to fully understand how businesses will recover and the longer term impact of the pandemic. We will tailor our approach to accommodate economic recovery wherever it is appropriate for us to do so.

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 currently includes Anu Prashar and Samuel Abdullahi.

Priorities

The pandemic and Brexit has highlighted the role of Trading Standards in maintaining a confident marketplace, supporting businesses to develop and help the local economy grow.

The Service fulfils the local authority's statutory role of a 'weights and measures authority' and is tasked with enforcing more than 250 pieces of legislation.

Our Service priorities for the year are influenced by the following:

The National Trading Standards Board (NTSB) has identified the following areas in its Strategic Assessment dated October 2020, which it considers to be priority areas of work:

- Mass Marketing Scams - disrupting and reducing consumers' exposure to scams
- Energy related fraud
- Estate agency and Lettings work- protecting tenants and landlords from letting agents who aren't complying with the law
- Doorstep Crime and Cold Calling – safeguarding of vulnerable adults and consumers
- Other Fair Trading issues - specific threats include used cars, housing, travel, distance selling, traders acting as private sellers and complaints about businesses who claim to be in approved trader schemes
- Age Restricted Sales – preventing the sales of knives to children.
- Intellectual property (counterfeiting) – focusing on the rise in social media as a market place, illegal streaming devices, electrical appliances and toys.

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

Intelligence suggests that illicit tobacco is still a large problem across London. Letting agents are also a major threat to consumers within the London region and will continue to be a focus for us over the coming 12 months as the demand for rented accommodation increases.

LTS priority areas are as follows:

- Doorstep crime
- Product Safety
- Intellectual property crime (counterfeiting)
- Fair trading and scams
- Lettings
- Product safety
- Illicit tobacco and cigarettes
- Underage sales

The Office of Product Safety and Standards (OPSS) Product Safety Strategic Intelligence assessment report dated December 2020 for the 2021/22 details the key product safety risks and threats ahead with specific reference to those arising from the pandemic. The Control Strategy outlines the priorities for 2021/22 are as follows:

- Routes to the UK Consumer Products Market
- Peer to Peer Sales
- Substitution
- Online Wholesalers
- COVID-19, Supply Chains and New Products
- Chemicals in Consumer Products
- Homemade Cosmetics

On 26 January 2021, the Ministry of Housing, Communities & Local Government (MHCLG) wrote to all Local Government Chief Executives with its 'Delivering Local Authority Regulatory Services over Winter 2021' plan, which gave a steer on what it considers to be national priorities to help inform local approaches and management of resources across all regulatory areas including licensing, trading standards and environmental health. The MHCLG felt this was necessary as it fully recognised the contribution these teams made to the local Covid response on top of their usual duties.

MHCLG developed a table of board regulatory services activities, categorised in order of priority, to help support local authority decision-making to assist in supporting our local priorities.

Areas of priority work identified by MHCLG included-

- Business confidence, supporting businesses through Brexit and Covid 19
- Trade in goods - product safety: Risk-based checks of consumer products
- Tobacco and related products enforcement activity
- Consumer protection/scams – vulnerable consumers
- Enforcement of consumer law and business regulation
- Legal metrology reactive work
- Illegal and/ or unsafe storage of petroleum or explosives

Within the London Boroughs of Brent and Harrow each local authority has a corporate plan setting out what it is to accomplish in the future and how this will be achieved. Brent has a 'Borough Plan 2019-2023' and Harrow has its new Borough plan which sets out five priorities where there are significant challenges to deliver the desired outcomes. These plans highlight the broad subject areas listed below as priority areas for each Council:

Brent:¹

- Every opportunity to succeed
- A future built for everyone, an economy for all
- A cleaner, more considerate Brent
- A borough where we can all feel safe, secure, happy and healthy
- Strong foundations

¹ <https://www.brent.gov.uk/boroughplan>

Harrow:²

- Improving the environment and addressing climate change
- Tackling poverty and inequality
- Building homes and infrastructure
- Addressing health and social care inequality
- Thriving economy

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 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 focus on steering 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.

Reviewing of priorities

As the impact of the situation with Covid 19 develops and changes, it will be necessary for the service to adapt accordingly and to review its priorities regularly. We will also need to happen once the final financial settlement with the London Borough of Harrow has been agreed.

²

[https://www2.harrow.gov.uk/\(S\(az3xe3bmnmz4pajig1ciuj55\)\)/ielIssueDetails.aspx?IId=99941&PlanId=0&Opt=3#A1120927](https://www2.harrow.gov.uk/(S(az3xe3bmnmz4pajig1ciuj55))/ielIssueDetails.aspx?IId=99941&PlanId=0&Opt=3#A1120927)

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We have categorised the following areas of work to form the basis of our 2021/22 priorities:

High Priority

Most Complained About Businesses	Provision of advice to business on the application of Covid19 regulations,
Doorstep Crime and Scams	Estate Agents/Letting Agents
Unsafe Goods (Manufacture /wholesale)	Counterfeit Goods (Large Scale Operation)
Primary Authority Partnerships	Proceeds of Crime Investigations
Niche and Illicit Tobacco Products	Brexit related advice and training
Investigation and action following complaint, and enforcement of Covid 19 provisions	Underage Sales – alcohol, tobacco, knives
Energy related fraud investigations and enforcement	

Medium Priority

Misleading Descriptions (higher value goods)	Incorrectly Labelled Goods (safety)
Consumer Credit/illegal lending*	Counterfeiting and Copyright (low level)
Underage Sales – fireworks (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	Energy Labelling of Premises and Goods

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

Low Priority

Classification of video works	Restrictive Notices
Misleading Descriptions (low value goods)	Underage Sales – lottery, films, spray paints DVDs / games, butane
Mock Auctions	Essential Packaging
Market Sales	Price Marking of Goods or Services
Metrication	Business Names
Misleading Prices/Promotions (unless high value)	Provision of Advice re Credit Card Charges

Work Volumes

The tables below show the projected performance of the respective Brent and Harrow teams during 2021/22. It should be noted the nature of Trading Standard's duties is variable especially during the Covid 19 restrictions and Brexit and therefore these figures are subject to change.

As a result, at year end some areas of work may have generated a higher than expected volume whereas other areas might see a decrease as a result of the need to respond to demands in other areas that 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.

The work volumes are based on a Harrow's proposed number of enforcement staff of 2.5. At the time of writing the financial settlement regarding the Harrow Team had not been finalised and therefore may change.

Harrow Team 2021/22 Based on staff numbers:	Brent Team 2021/22 Based on staff numbers:
<ul style="list-style-type: none"> 2.5 Enforcement Officers 	<ul style="list-style-type: none"> 3.5 Enforcement Officers

	Planned volume Brent	Planned volume Harrow
Complaints (Service Requests) Completed	366	250
Trader Enquiries / requests for advice	78	54
High Risk / Most Complained-about Trader Inspections	31	25
Other Business Inspections	66	71
Weights & Measures, Average Quantity or Verification visits	4	3
Primary Authority Hours	117	36
Underage Test Purchase Visits	62	57
Infringement reports (average 40 work units per report)	31	21
eReports (average 7 work units per report)	9	7
Prosecutions completed – Crown Court	2	1
Prosecutions completed – Magistrates' Court	8	6
Licensing Reviews Completed	1	1
Simple Cautions Signed	6	4
Letters of Warning Issued	9	10
Fixed Penalty Notices Issued	8	7
Local and Regional Projects Completed	2	2
Service Improvement Work (Hours)	97	107
Approved Trader Scheme New Recruits or Audits	12	21
Doorstep Crime Rapid Response Actions	3	5
Number of Scam Victims Contacted c/o NTS Scams Hub	47	43
Partnership or Area Based Working Events / Weeks of Action	8	6
Samples, Mileage and Websites Checks	58	54
Number of Intelligence Logs Input on Regional Database	78	60
Press Releases Issued	6	4
RIPA/Warrant Applications	1	1

