



**Brent**



## **Trading Standards Joint Advisory Board**

**Thursday 26 March 2015 at 7.00 pm**

Board Room 7&8 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

**Members**  
Councillors:

**Representing**

**First alternates**  
Councillors:

**Second alternates**  
Councillors:

Aden

LB Brent

Filson

Chohan

LB Brent

Hector

Khan

LB Brent

Hossain

Ferry

LB Harrow

Hall

Mithani

LB Harrow

Parmar

LB Harrow

### **Membership:**

**For further information contact:**

(LB Brent) Joe Kwateng, Democratic Services Officer

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(LB Harrow) Miriam Wearing, Senior Democratic Services Officer,

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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](http://www.brent.gov.uk/committees)

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Election of Chair for the meeting (from amongst the Brent members)

Apologies for absence and clarification of alternate members

Item	Page
<b>1 Election of Chair</b>	
<b>2 Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>3 Minutes of the previous meeting</b>	1 - 6
<b>4 Matters arising</b>	
<b>5 Deputations (if any)</b>	
<b>6 Revision of the Joint Trading Standards Consortium Agreement</b>	7 - 10
This report updates Members regarding the revision of the longstanding service Consortium Agreement between London Borough of Harrow and London Borough of Brent for the provision of trading standards through a shared service arrangement.	
<b>7 Joint Trading Standards reserves</b>	11 - 16
The joint trading standards services of the London Boroughs of Brent and Harrow have reserves associated with proceeds of crime, legal costs and the Consumer Support Network. This report updates Members regarding the monies held in reserve, and the approach to the addition or removal of funds from the reserves.	
<b>8 Trading Standards Joint Advisory Board meeting forward plan</b>	17 - 18
This report provides Members with information concerning forthcoming Joint Advisory Board meetings and the planned programme of reports to the Board.	
<b>9 Trading Standards work plan 2015/2016</b>	19 - 32

This report provides Members with information concerning the Trading Standards Work Plan for 2015/2016.

## 10 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager (London Borough of Brent) or his representative before the meeting in accordance with the constitutions of both councils.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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# TRADING STANDARDS JOINT ADVISORY BOARD MINUTES

## 27 NOVEMBER 2014

**Chairman:** \* Councillor Keith Ferry

**Councillors:** \* Varsha Parmar London Borough of Harrow  
\* Mrs Vina Mithani

\* Abdi Aden London Borough of Brent  
\* Bhagwanji Chohan  
† Sabina Khan

\* Denotes Member present

† Denotes Apologies

### Officers Present:

#### London Borough of Harrow

Camille James

Venetia Reid Baptiste

Daksha Ghelani, Democratic & Electoral Services

#### London Borough of Brent

Simon Legg, Service Manager

David Thrale, Head of Regulatory Services

Michael Read, Operational Director (Environment & Protection)

### 1. Appointment of Chair

**RESOLVED:** That Councillor Ferry be appointed as Chairman for this meeting.

## **2. Declarations of Personal and Prejudicial Interest**

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

## **3. Minutes of the Previous**

**RESOLVED:** That the minutes of the meeting held on 25 March 2013, be taken as read and signed as a correct record.

## **4. Matters arising**

None.

## **5. Deputations**

None.

## **6. Annual Report of the Head of Trading Standards for the Year 2013/14**

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 2013/14. He explained that the work undertaken was linked to each boroughs' Corporate Priorities and how most of the consumer complaints investigated by the Service are received through the the national Citizens' Advice Bureau 'Consumer Service', which was responsible for logging all the complaints received and provided the initial advice. Some 8,000 complaints had been received in 2013 and these were prioritised by the Consortium in line with available resources.

Simon Legg added that the Consortium also worked directly with local businesses and sought compliance before taking enforcement action. Prosecutions were undertaken as a last resort, and businesses were supported through workshops, such as the 'do's and don'ts of selling shisha', 'landlord forums' and 'responsible trader scheme' which helped businesses to use best practice to prevent the sale of age restricted goods to children as part of the health agenda.

Members were briefed on the prosecutions undertaken, including financial investigations, and how the later had contributed to the income received by the service as legislation allowed a proportion of money to be clawed back.

Members asked questions about the supporting business programme, how services were marketed and online activity was targeted, including the carrying out of risk assessments. Simon Legg responded as follows:

- the national Primary Authority Scheme allowed businesses that traded in multiple locations the right to form a statutory partnership with one local authority for the purposes of receiving regulatory advice. Currently 10 businesses, such as IKEA, had joined with the Consortium to form a Primary Authority relationship. Sadly, Wickes had moved to a different authority as a consequence of their buy-out by another company that already had a Primary Authority arrangement with another Council when they closed the Harrow based Head Quarters.

Businesses could form a statutory partnership with any authority and did not necessarily have to have its Head Offices in that particular authority. Councils were not allowed to make a profit but to cover costs only whilst being competitive with other authorities. The Consortium operated a contract and pay as you go Primary Authority scheme;

- the Consortium actively marketed its services, for example by holding seminars to attract new businesses. There was expectancy amongst the business community and the public that as they paid rates and taxes, any advice given should be free. Whilst free advice was provided it had had to be capped to 7 hours per year to prohibit some businesses from abusing the Service taking a disproportionate amount of officers' time seeking complex legal advice;
- in relation to business inspections, there was a national risk assessment scheme which allowed authorities to build-in local variants, such as that operated by the Consortium in relation to shisha bars. Other work carried out was in relation to imported goods, particularly electrical items and second hand goods. Other areas of high risks related to car dealers of which there were 80 in Harrow and 100 in Brent;
- online purchases made by those living in Brent and Harrow would be investigated but the Consortium did not have the remit to investigate overseas scams which would usually be passed onto Action Fraud for investigation. Online purchases were often fraught with issues and complaints were numerous.

Members welcomed the style in which the information was presented in the Annual Report.

**RESOLVED:** That the Annual Report 2013/14 be received.

## **7. Trading Standards Work Programme 2014/15**

Members Board received the report of the Head of Regulatory Services, which set out the plans for the forthcoming financial year and noted that it was closely linked to the budget and reflected the outputs achievable within the budget provided.

The Chairman considered the Brent and Harrow Trading Standard Service to be the best in London and praised the work done by officers with reduced budgets year on year and additional duties imposed by the government.

Simon Legg introduced the report and outlined the performance management requirements of the various officers in terms of the work unit contribution expected, which were checked on a quarterly basis to ensure delivery and adjustments made, when appropriate. He added that much of the work programme was underway and that future reports would be submitted to the Board in March.

In response to questions from Members, the officer stated that:

- shortfall in vacancies would have an impact on the units produced but it was dependant on the type of vacancy and when it arose. In such instances, the Commissioning Officers would be contacted and they would decide if the vacant post should be filled on a temporary basis or they would seek a reduction in the yearly consortium fee;
- the Brent & Harrow Trading Standard Service had lost managerial staff and a recent restructure had led to team being merged into an all encompassing Regulatory Service.

**RESOLVED:** That the report be noted and it be also noted that the next report would be submitted to the Board in March 2015.

#### **8. Trading Standards Budget Options 2015/16**

The Board received a report of Michael Read, Operational Director, Environment and Protection, which set out budget options for the Consortium's 2015/16 budget. He added that whilst both Councils were in the process of finalising their budgets, the following options required consideration:

- a no change to standard units of work undertaken would require an inflationary increase to meet salary costs of 2.2% and would amount to an increase in costs of £22,000, split between the two authorities;
- a no change in the cash limit would mean a real term decrease in resources due to increasing cost of salaries and supplies. This option would require a post to be held vacant for part of the year.

Members were asked that their views and that these be sent to the officers.

The Chairman stated that Harrow would make its representations to the Portfolio Holder, who was also a member of the Board.

**RESOLVED:** That the report be noted and that Members submit their views to officers.

#### **9. Trading Standard Fees and Charges 2015/16**

The Board received a report of the Head of Regulatory Services, David Thrall, which proposed the level of fees and charges to be made by the Brent and Harrow Trading Standards Service in 2015/16. He informed Members that statutory fees were set nationwide by the government and Councils had no discretion to vary these. However, Councils had options to set fees in other areas but that the fee income of £23,500 was a small contributor to the Trading Standard Service. Any decision to leave fees unchanged would potentially result in a budgetary shortfall for 2015/16, albeit a small one.

In response to a question about licence fees, the officer stated that this did not fall within the remit of the Board and was specific to Brent Council.

**RESOLVED:** That the report be noted.

## **10. Trading Standards Joint Advisory Board Forward Plan**

The Board received a report of the Head of Regulatory Services, which set out the role of the Board, its meetings and the planned programme of reports. The intention of this style of reporting was to ensure that both the Board and the officers worked with an agreed forward looking Plan which would be presented to all future meetings of the Board, as required under the Service Level Agreement (SLA) between Brent and Harrow Councils. It was noted that the next meeting of the Board was scheduled to be held on 26 March 2015.

The Head of Regulatory Services invited Members to make suggestions that could be built into the Plan.

### **RESOLVED:**

(1) That the report be noted and that meetings for the Municipal Year 2015/16 be included in the Programmed Calendar of Meetings in order to allow Members to diarise the meetings in advance and to ensure that other meetings were not booked for the same evenings;

(2) That meeting for Municipal Year 2015/16 be discussed further as the proposed meeting for July was not suitable.

## **11. Any Other Urgent Business**

### **(a) Message from Brent Councillors/Social Media:**

Councillors from Brent Council, who were new to the work of the Board, thanked officers for the excellent work and hoped that Brent and Harrow Councils would continue to work together and bring in revenue which would allow the work of the Trading Standards Service to continue to flourish.

The Chairman stated that, as a former resident of Brent, he used to attend meetings of this body and it was suggested that Brent Council would use both Harrow and Brent Councils Communications Teams as a vehicle to encourage attendance from businesses and local residents to meetings of the Board.

### **(b) Press Releases:**

The Chairman requested that copies of press releases be distributed to Board Members and noted that these were released through the respective Communications Teams of both Councils.

The Chairman stated that it was important that Members of the Board were informed in advance of the work carried out by the Service, including its successes, before these appeared in the local press. He suggested that such briefings be sent by email so that Members were aware of the matters, particularly when these impacted on the Wards. Officers undertook to ensure that such briefings were provided.

(Note: The meeting, having commenced at 7.00 pm, closed at 7.52 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chairman



## Trading Standards Joint Advisory Board 26 March 2015

### Report from the Regulatory Services

For information

Wards Affected:

ALL

## Revision of the Joint Trading Standards Consortium Agreement

### 1.0 SUMMARY

- 1.1 This report updates Members regarding the revision of the longstanding service Consortium Agreement between London Borough of Harrow and London Borough of Brent for the provision of trading standards through a shared service arrangement.

### 2.0 RECOMMENDATIONS

- 2.1 That Members consider this report and note the decision of the respective authorities' Cabinet.

### 3.0 DETAILS

- 3.1 Brent has provided a Trading Standards service for Harrow on a consortium basis since the demise of Middlesex County Council on 1 April 1965 – thus the shared service will celebrate its 50th anniversary this April. Originally, the service encompassed the Boroughs of Harrow, Brent and Ealing. However, Ealing left the consortium in early 1994.
- 3.2 In 1996, a formal Consortium Agreement was drawn-up between Brent and Harrow based upon the prior agreement between the three parties but with safeguards to allow each borough to establish its own preferred level of service. Brent's ability to determine the level of service and require the other boroughs to contribute proportionately to the costs of the service had been a major issue motivating Ealing to leave the Consortium.

- 3.3 In 2001, further change was required to the Consortium arrangements with the introduction of the Executive system of governance. Prior to this point the Consortium was overseen by a Joint Consortium Committee which had some limited decision making powers. With the introduction of the Executive arrangement the Committee could only retain decision making powers if the Committee became a Sub Committee of the Executive. The decision was taken to remove the decision-making powers from the committee and a Joint Advisory Board comprising three Members from each authority was established.
- 3.4 Although a working text of a new Consortium Agreement was prepared between Brent and Harrow in 2003 it is believed that it was never formally signed. Both Boroughs have operated the agreement as though it had been signed. Harrow have, in any event, made specific delegations of powers to Brent officers to enable the Brent staff to undertake their duties in Harrow and to act on Harrow's behalf. The Joint Advisory Board has met as required by the Agreement. All the financial provisions of the Agreement have been honoured by both parties.
- 3.5 The 2003 draft agreement was outdated in many respects. The agreement included references to fixed costs, activity costs and apportionable costs assuming that the Trading Standards service would continue to hold devolved budgets for elements such as accommodation, finance, HR and IT support. In Brent these have now been centralised.
- 3.6 Both authority's Cabinets have now agreed that the longstanding agreement be revised to address the following issues:
- updated definitions of overheads and fixed costs to reflect the changes in accounting for these costs within Brent Council - the host authority;
  - reflecting the changed Cabinet arrangements for both boroughs;
  - reflecting changes of officer roles at both boroughs including commissioning managers and the joint Head of Service;
  - improving communication and liaison between the two boroughs at officer level;
  - making more workable the budget setting processes for the two boroughs;
  - simplified invoicing and payment arrangements to cover the cost of the service;
  - adjusted dispute resolution arrangements to exclude the Secretary of State and instead use the Institute of Arbitration;
  - shortening the 'do nothing' period that allows for a review of whether to recruit by both boroughs, in the event of staff vacancies;
  - removed references to the demised Best Value government requirement;
  - updating performance and financial reporting and oversight arrangements; and
  - extending the notice required by either party to dissolve the arrangement from 12 months to 24 months, as the longstanding notice period is shorter than the length of many of the complex criminal cases that the service undertakes nowadays.

3.8 The arrangements for the shared service were reviewed by Harrow's Cabinet on 15 January 2014, and Harrow's Cabinet agreed to:

"Note and agree the continued joint arrangements for the Trading Standards service with Brent Council"

and

"Delegate authority to the Corporate Director Environment and Enterprise in conjunction with Brent Council's Strategic Director of Environment and Neighbourhood Services and in consultation with the Portfolio Holder for Community Safety and Environment to conclude the year on year changes to the SLA to reflect the operational needs of the Council and to execute such documents as necessary"<sup>1</sup>

3.8 The arrangements for the shared service were reviewed by Brent's Cabinet on 15 December 2014, and Brent's Cabinet agreed to:

"continued provision of trading standards through a shared service arrangement with the London Borough of Harrow.

and

"delegate authority to the Strategic Director, Environment & Neighbourhoods in consultation with the Director of Legal & Procurement to agree revisions to the service level agreement necessary to enable shared service arrangements to continue to operate in an efficient and effective manner"

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 Efficiencies of scale permit both councils to deliver trading standards services that have a far greater impact than would be achieved alone. Both councils make savings from sharing management costs and the costs of fixed resources such as laboratory and evidence stores. The scale of the service means that specialisations such as financial investigation and the recovery of assets under the Proceeds of Crime Act are possible which a smaller service could not afford.

4.2 The proposed changes to the service level agreement have no budgetary implications.

#### **5.0 LEGAL IMPLICATIONS**

5.1 Brent Council and Harrow Council are both weights and measures authorities by virtue of Section 69 Weights and Measures Act 1985.

5.2 This service level agreement is a joint arrangement under section 101(5) of the Local Government Act 1972 for the discharge of functions of a weights and measures authority.

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<sup>1</sup> <http://www.harrow.gov.uk/www2/documents/s111953/Trading%20Standards.pdf>

## **6.0 DIVERSITY IMPLICATIONS**

6.1 None.

## **7.0 STAFFING / ACCOMMODATION IMPLICATIONS**

7.1 The shared service is delivered from Brent Civic Centre and the proposed revisions to the service level agreement have no current staffing or accommodation implications.

## **8.0 BACKGROUND PAPERS**

8.1 None

### **BACKGROUND PAPERS**

- Home Office asset recovery incentivisation scheme 2014-15: arrangements for implementation and payment.

### **CONTACT OFFICERS**

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**David Thrale**  
**Head of Service**



**Trading Standards Joint Advisory Board**  
26 March 2015

**Report from the Head of Regulatory Services**

For information

Wards Affected:  
ALL

**Joint Trading Standards reserves**

**1. SUMMARY**

- 1.1. The joint trading standards services of the London Boroughs of Brent and Harrow have reserves associated with proceeds of crime, legal costs and the Consumer Support Network. This report updates Members regarding the monies held in reserve, and the approach to the addition or removal of funds from the reserves.

**2. RECOMMENDATIONS**

- 2.1. That Members note the current standing of reserves, the intend purpose of reserves and considers the intended future approach to managing and using reserves and comment where appropriate.

**3. DETAILS**

- 3.1. The joint service has three financial reserves, as follows:
- a) Proceeds of crime receipts;
  - b) Legal costs; and
  - c) Consumer Support Network.

3.2. The reserves all have different purposes and arrangements as set out below.

### **Proceeds of crime reserve**

3.3. The Proceeds of Crime Act 2002 (POCA) provides powers for investigating, restraining and confiscating assets that have been acquired as a result of criminal activities. POCA can lead to large confiscation orders as the investigations relate to serious criminal offences and involve large scale commercial activities by defendants who usually have available assets which can readily be identified and seized by the courts.

3.4. When a confiscation order is paid, the money is divided in accordance with the Home Office's asset recovery incentivisation scheme, which provides that 50% of receipts will be apportioned to the Government. The remaining 50% is divided between the prosecuting authority (18.75%), the investigating authority (18.75%) and the HM Court Service (12.5%). Therefore, where we conduct our own investigations and are also the prosecuting authority, then our share under the incentivisation scheme would be 37.5%. It is understood that the Home Office are considering a review of the incentivisation scheme arrangements.

3.5. The existing arrangements were put in place in 2011 and reported to the Trading Standards Joint Advisory Board on 28 November 2011. This arrangement provided a guaranteed level of re-investment of proceeds of crime to fund the joint Brent & Harrow asset recovery team and to a lesser extent to supplement enforcement operations in both boroughs, as the latter is a pre-requisite for POCA investigations.

3.6. The re-investment was initially guaranteed at £25k per annum for Brent and £25k per annum for Harrow in 2011-12, rising year-on-year until it reached £125k per annum for Brent and £125k per annum for Harrow in 2014/15. It would be prudent for this re-investment to remain at £125k p.a. per borough for 2015/16.

3.7. In order to provide a guaranteed level of subsidy each year, the service has created a reserve fund, into which are placed any proceeds of crime receipts greater than the guaranteed reinvestment in the service. The reserve is a safety net if there is a shortfall of POCA receipts below the budgeted re-investment.

3.8. Joint receipts for recent full years have been:

2011/12	£69k
2012/13	£281k
2013/14	£290k

3.9. As of 1 February 2015 the proceeds of crime reserve fund stood at £420k.

3.10. The preferred level of reserves is £500k, which equates to 24 months of guaranteed subsidy for enforcement work. 24 months is also the notice period that either authority must give if it wishes to dissolve the consortium agreement.

- 3.11. However, unlike other reserves, in the event that POCA receipts in future years are greater than budgeted for in that year, and the POCA reserve is at or greater than the preferred level of reserves in paragraph 3.10, it is not allowable to return the surplus to general reserves due to the rules on how receipts may be used.
- 3.12. The Home Office annually monitors the use of incentive monies to assess issues of propriety and regularity. They ask at the end of the financial year that we account for our use of incentive payments.
- 3.13. This national monitoring shows that over 90% of POCA receipts are re-invested in asset recovery work such as recruitment of financial investigators with the balance being spent on enforcement operations and community projects.
- 3.14. In response to the likelihood that we will reach the preferred level of POCA reserves in the next 12 months, the service could:
- continue the status-quo, which is likely to see the reserve increasing in the short term, but then decreasing as enforcement capacity is diminished as funding for all local government services decreases;
  - increase the proportion of routine enforcement that is funded through POCA receipts; or
  - fund new enforcement work streams aimed at criminality with the best possible POCA outcomes, which means offences for which perpetrators are more likely to have tangible high-value assets.
- 3.15. The status-quo is expected to result in a longer-term decline in POCA recovery, in line with an expected reduction in investigation and enforcement capacity. Furthermore, smaller enforcement teams are less likely to sustain the greater demands and risks that come with the sort of challenging criminality-based enforcement that leads to proceeds of crime recovery.
- 3.16. An increase in the annual budget POCA contribution to mainstream enforcement services, is likely to have the same outcome as the status-quo, save that using POCA receipts as a replacement for general fund revenue for enforcement teams will likely delay and slow the expected decline.
- 3.17. The preferred approach is to identify criminality for which proceeds of crime could fund enforcement work streams aimed at criminality with the best possible POCA outcomes, namely issues that lead to offences for which perpetrators are more likely to have tangible high-value assets. Work to explore the scope for using future receipts to facilitate such an expansion of the POCA programme, and to plan a potential pilot project, will take place during 2015/16. If successful, any additional receipts could perhaps provide a more sustainable revenue stream which could potentially support a wider range of enforcement services that tackle criminality.

## **Legal reserve**

- 3.18. The service takes on many high profile cases each year, and as some of these cases place the liberty and assets of defendants at risk, there is a significant financial risk that a lost case, could result in sizeable defence costs being awarded against either authority.
- 3.19. To minimise this risk, in years of financial year-end surplus, the service has contributed some of the surplus towards a reserve specifically in place to contain any financial pressures from a costly lost case within the service.
- 3.20. As of 1 February 2015 the legal costs reserve fund stood at £162k.
- 3.21. The preferred level of reserves is £200k. Whilst this cannot assuredly all potential losses arising from defence costs, or from incurring more modest costs connected with more than one case in quick succession, it is a sufficiently substantial reserve that is larger than the greatest defence costs that have ever been awarded against the service. That case involved defence costs of £150k, although these costs were fortunately underwritten by a private organisation that was the rights owner in the case concerned. It should however be noted that despite the adverse costs award, a successful prosecution and cash-seizure were obtained.

## **4. FINANCIAL IMPLICATIONS**

- 4.1. The use of reserves is a prudent approach to managing these two volatile areas of income and expenditure. The levels of reserve are healthy, and this report sets out the approach that will be taken in the event that reserves to maintaining, increasing or using the reserves in the future.

## **5. LEGAL IMPLICATIONS**

- 5.1. None.

## **6. DIVERSITY IMPLICATIONS**

- 6.1. None.

## **7. STAFFING / ACCOMMODATION IMPLICATIONS**

- 7.1. The service employs two Accredited Financial Investigators and a Senior Prosecutor that undertake work solely on enforcement cases that lead to proceeds of crime investigations, and the undertake those financial investigations, and pursue confiscation orders. The receipts from proceeds of crime fund these posts in their entirety.

## **BACKGROUND PAPERS**

- Home Office asset recovery incentivisation scheme 2014-15: arrangements for implementation and payment.

## **CONTACT OFFICERS**

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**David Thrale**  
**Head of Service**

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## Trading Standards Joint Advisory Board 26 March 2015

### Report from the Head of Regulatory Services

For information

Wards Affected:  
ALL

## Trading Standards Joint Advisory Board meeting forward plan

### 1 SUMMARY

- 1.1 This report provides Members with information concerning forthcoming Joint Advisory Board meetings and the planned programme of reports to the Board.

### 2 RECOMMENDATIONS

- 2.1 That Members consider the report and comment where appropriate.

### 3 DETAILS

- 3.1 The Joint Advisory Board (JAB) is established through the Agreement establishing and governing the Consortium. The powers and responsibilities given to the JAB by that Agreement are:

“In order to oversee and review the arrangements set out in this agreement the *Joint Advisory Board* will:

- (a) consider the operation, extent and management of the Trading Standards service;
- (b) consider the annual report of the Head of Service, subject to prior discussion and agreement by Commissioning Officers for Brent and Harrow;
- (c) consider the report on budget options for the following year mentioned in Sub-Clause 23.3 and make any recommendations relating to that report for consideration by whoever is authorised to make budget decisions by each respective council's constitution

- (d) consider management reports concerning complaints from customers about the service;
- (e) receive reports and representations submitted to it by the relevant commissioning officers in Brent and Harrow Council on matters relating to the service; and
- (f) 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 The Board is required to have a minimum of two meetings a year, with an option to have more if necessary.

3.3 Forthcoming Board meetings and planned reports are set out below:

<b>Board meeting</b>	<b>Planned reports</b>
26 March 2015 (at Brent)	<ul style="list-style-type: none"> <li>• 2015/16 work plan</li> <li>• Revised SLA</li> <li>• Reserves approach</li> <li>• Forward plan report</li> </ul>
11 June 2015 (at Harrow)	<ul style="list-style-type: none"> <li>• 2014/15 annual report</li> <li>• Forward plan report</li> </ul>
14 January 2016 (at Brent)	<ul style="list-style-type: none"> <li>• 2016/17 fees and charges</li> <li>• 2016/17 budget options</li> <li>• 2017/17 work plan</li> <li>• Forward plan report</li> </ul>
Winter 2016 (at Harrow)	<ul style="list-style-type: none"> <li>• 2015/16 annual report</li> <li>• Forward plan report</li> </ul>

#### **4 FINANCIAL IMPLICATIONS**

4.1 There are no financial considerations arising from this report.

#### **5 STAFF IMPLICATIONS**

5.1 None.

#### **6 BACKGROUND INFORMATION**

6.1 Any person wishing to obtain more information should contact David Thrale, Head of Service, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 5454.

DAVID THRALE  
HEAD OF REGULATORY SERVICES



## Trading Standards Joint Advisory Board 26 March 2015

### Report from the Head of Regulatory Services

For information

Wards Affected:  
ALL

## TRADING STANDARDS WORK PLAN 2015/2016

### 1 SUMMARY

- 1.1 This report provides Members with information concerning the Trading Standards Work Plan for 2015/2016.

### 2 RECOMMENDATIONS

- 2.1 That Members consider the report and comment where appropriate.

### 3 DETAILS

- 3.1 Each year, the Service produces a work plan, which details the work the joint trading standards service is planning to deliver for the coming municipal year. The plan is reflects the outputs achievable with the budget provided.
- 3.2 We are now one year after the establishment of a new Regulatory Service which encompasses that joint trading standards service and resulted in changes to the leadership of the service and trading standards, together with borough-wide changes to arrangements for administrative support for the host borough.
- 3.3 This year's work plan has been adjusted to increase the managerial capacity of the two Team Leaders who in the pervious year's plan retained some front line duties thereby seeking to reduce the current managerial bottleneck.
- 3.4 Further changes apply to the Brent team to reflect provision of public health funding for 2015-16 and 2016-17 to work on illicit tobacco, shisha and alcohol projects in Brent. This funding provides for additional staffing providing scope for work in these areas to be carried out by a separate officers.
- 3.5 The work plan for 2015/2016 is attached.

#### **4 FINANCIAL IMPLICATIONS**

4.1 There are no financial considerations arising from this report. The work plan reflects the agreed joint budget for 2015/2016.

#### **5 STAFF IMPLICATIONS**

5.1 None.

#### **6 BACKGROUND INFORMATION**

6.1 Any person wishing to obtain more information should contact Simon Legg, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 5522.

DAVID THRALE  
HEAD OF REGULATORY SERVICES



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# Brent & Harrow Trading Standards Service

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**Work Plan  
2015-2016**

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The Service begins 2015/2016 one year into a restructure which saw a number of Brent Council regulatory functions being brought together in a new Regulatory Service Unit. The past twelve months saw the departure of the previous Head of Service an Assistant Heads of Service and the Senior Prosecutor.

The positive reputation of the service is such that we have since successfully recruited all key posts.

The service's leadership team is now:

Head of Regulatory Services	David Thrale
Senior Regulatory Service Manager	Simon Legg
Regulatory Team Leader	Winston Brooks
Regulatory Team Leader	Sanjay Thakrar.
Principal Prosecutor	Anu Prashar

For 2015/2016, the service has equally sized borough teams, meaning that each borough will benefit from 7,606 units of output. The joint service has 19 FTE permanent staff, which will shortly be supplemented by two additional temporary staff that will deliver public health projects in Brent.

The leadership team, two Financial Investigators and both temporary public health project workers are not included in the unit work calculation as their functions are either managerial or their performance is measured differently and outside this work plan.

Each work unit equates to 1 hours work and each day equates to 7 units. Based on 52 five day weeks, less:

- 9 days bank holidays
- 31 days annual leave
- 12 days administration
- 12 days technical and case planning meetings, supervision sessions
- 7 days learning and personal development

This gives a total of 189 days. Based on a 7 hour day, this gives 1,323 hours per FTE per annum for enforcement work.

Since 2011/12, each Assistant Enforcement Officer (AEO) has been expected to contribute approximately 25% of a warranted officers value to their respective team's target. This reflects their role has no statutory powers and largely consists of supporting Enforcement Officers with their duties. This equates to a total contribution of 330 units each.

Last year, the work plan provided an expectation that the two new Team Leader roles would contribute 350 units each. This has been removed to reflect that these roles are now solely managerial to coincide with the reduction in number of managers within the joint service.

During 2015/16 we intend to start using a consumer complaints matrix to more consistently determine those complaints that are likely to have a strong public benefit arising from formal investigation and those should better be logged for future intelligence purposes but not formally investigated. The matrix should ensure that consumer complainants which are investigated are meaningful and should lead to a positive outcome so Officers are not tied up investigating scenarios such as those where there was a one-off error by a trader. This approach will better balance the proportion of available enforcement resource that is used on individual consumer complaints and that spent on cases of consumer concern or prejudice that have a greater potential benefit for the community more widely.

Using data from the first three quarters of 2014/15, the Brent team received an average of 93 complaints to investigate per month and the Harrow team received an average of 65 whereas the work plan for both boroughs allocates resources to investigate a maximum of 60 complaints a month.

It is expected that this change will allow the service to give greater focus to tackling the most complained about traders. This should be a more virtuous approach, as if these businesses can be brought into compliance, then the number of complaints received should drop.

We will identify our 20 most complained-about businesses and add these to our 2015/16 inspection plan for high risk businesses. This will ensure that our most complained-about traders will start receiving regular programmed inspection visits and non-compliances will be systematically tackled.

## Allocation of units for different activities

Activity	Number of units
Complaints completed	3.5
Trader enquiries (including HA work)	5.25
Average quantity visits	5.25
Announced high risk inspections	3
Other inspections	1.5
Underage test purchase visits	3 for Harrow, 2 for Brent
Home Authority referrals	1.75
Primary Authority hours	1 p/h
Criminal reports of infringement	≥ 7 (depending on complexity)
eReports	≤ 7 (subject to other unit allocation)
Prosecutions completed (Magistrates' Court)	35
Prosecutions completed (Crown Court)	70
Simple Cautions	7
Letters of warning	2
Projects completed	≥ 20 (depending on complexity)
Approved Trader Scheme audits	2.5
Verification visits	3.5
Doorstep crime multi-agency operations	21
Doorstep crime rapid response actions	14
Local partnership working and weeks of action	≥ 7 (depending on work involved)
Samples, mileage, written publications and website checks	2
Samples other (test purchases, seizures etc)	2
5x5x5 submitted	1
Press releases issued	3
RIPA applications	7
Service improvement	≥ 7 (depending on size of initiative)

## Financial investigations

The financial investigation team consists of two full time officers and is managed by the Service's Senior Prosecutor. They carry out financial investigations using powers under the Proceeds of Crime Act. Their work is referred to them by officers of the service, from others such as from within Brent and Harrow Councils and increasingly other local authorities.

Following a financial investigation, if a Court makes a confiscation order which is then paid by the defendant, part of the money is divided in accordance with the Home Office incentivisation scheme.

Where work is referred from an external agency, an agreement is entered into which provides for a fee to be charged to cover the costs of their investigatory work and/or a share of any funds obtained resulting from the Home Office incentivisation scheme are obtained.

These arrangements were put in place in 2011 and reported to the Trading Standards Joint Advisory Board on 28 November 2011. This arrangement provided a guaranteed level of re-investment of proceeds of crime to fund the joint Brent & Harrow asset recovery team and to a lesser extent to supplement enforcement operations in both boroughs, as the latter is a pre-requisite for POCA investigations. The service now budgets to reinvest £125,000 per annum for each borough, and achievement of this outcome is the work plan for this team, rather than the system of work units used elsewhere within the joint service.

## Harrow Enforcement Team 2015/2016

Staff:

- 1 Team Leader
- 5½ Enforcement Officers
- 1 Assistant Enforcement Officer

	Planned volume	Work units
Complaints completed	720	2,520
Trader enquiries (including PA work)	20	105
Average quantity visits	3	16
High risk / 20 most complained-about trader inspections	40	120
Other inspections	125	188
Verification visits	2	7
Primary Authority hours	50	50
Underage test purchase visits	135	405
Infringement reports (average 55 units per report)	44	2,420
eReports (average 3.5 units per report)	11	38
Prosecutions completed – Crown Court	2	140
Prosecutions completed – Magistrates' Court	12	420
Simple cautions	12	84
Letters of warning	15	30
Projects completed (average 40 units each)	3	120
Service improvement	200	200
Approved Trader Scheme audits	50	125
Doorstep crime multi-agency operations	4	84
Doorstep crime rapid response actions	4	48
Local Partnership working and Weeks of Action events	10	140
Samples, mileage and websites checks	100	200
5x5x5 submitted	101	101
Press releases issued	8	24
RIPA applications	3	21
	<b>Total</b>	<b>7,606</b>

## Brent Enforcement Team 2015/2016

Staff:

- 1 Regulatory Team Leader
- 5½ Enforcement Officers
- 1 Assistant Enforcement Officer

**Planned volumes    Work units**

Complaints completed	720	2,520
Trader enquiries (including PA work)	40	210
Average quantity visits	2	11
High risk / 20 most complained-about trader inspections	40	120
Other inspections	100	150
Verification visits	2	7
Primary Authority hours	150	150
Underage test purchase visits	125	250
Infringement reports (average 55 units per report)	43	2,365
eReports (average 3.5 units per report)	30	105
Prosecutions completed – Crown Court	4	280
Prosecutions completed – Magistrates' Court	16	560
Simple cautions	13	91
Letters of warning	20	40
Projects completed (average 40 units each)	2	80
Service improvement	0	0
Approved Trader Scheme audits	2	42
Doorstep crime multi-agency operations	2	28
Doorstep crime rapid response actions	8	112
Local Partnership working and Weeks of Action events	75	150
Samples, mileage and websites checks	100	100
5x5x5 submitted	7	21
Press releases issued	2	14
RIPA applications	200	200

**Total                    7,606**

## Infringement reports

The units allocated for infringement reports are based on the complexity of the investigation, both in terms of legislation being enforced and length of time taken to fully investigate/report each individual case (as shown below).

Category	Investigation days	Minimum number of units
eReports	>1	< 7
0	1	7
1	2.5	17½
2	5	35
3	7.5	52½
4	10	70
5	15	105
6	> 16	@ 7 units per day

The method for assessing each category is:

### **eReports**

Simple seizures and or basic investigation of small quantities of goods, likely to be disclaimed at time with no interview and minimum background checks. Reported using template submitted in an electronic format.

### **Category 0**

Very brief report, likely to involve a short interview. No other witnesses and resulting in no further action or a letter of warning.

### **Category 1**

Very few background enquiries required small amounts of correspondence (largely standard letters), few difficulties encountered, straight-forward and routine, investigation usually completed the same day. Investigation does not normally involve outside witnesses. Straight-forward interview.

### **Category 2**

Usually one or two non-Trading Standards witnesses. Some research and correspondence may be required. May involve seized or purchased evidence. Evidence straightforward to catalogue and analyse. Minor difficulties may be encountered during investigation. A simple supply chain may be documented and records usually one step back from the retailer. Usually one taped interview. Does not require substantial resources of officer time.

### **Category 3**

Will contain the elements of a category 2 report plus one element from the criteria listed under category 4.

#### **Category 4**

- a) This level of investigation will contain the elements of a category 2 report plus at least two of the following elements:-
- b) large teams of officers necessary over a shorter time scale or smaller teams of officers spending significant amounts of time on background enquiries or observations.
- c) Interviews - multiple interviews requiring preparation or single interview of an extremely complex and demanding nature.
- d) Statements - several witness statements from non Trading Standards Officers required.
- e) Evidence - large quantities of evidence involved or smaller quantities of evidence of a diverse nature requiring considerable analysis.
- f) Report - large and complicated report required to fully explain the investigation and the nature of the offences.
- g) Other enquiries - significant problems encountered during investigation, large amount of non standard correspondence required (for example solicitor's letters). High profile investigation attracting media attention during the investigative process. Major financial impact (e.g. goods seized of high value, suspension notice especially of high value items).

#### **Category 5**

This level of investigation will contain the elements of a category 2 report plus at least three elements from the list under category 4.

#### **Category 6**

Will contain the elements of a category 2 report plus at least four elements from the list under category 4 including criterion (a).

## Enforcement priorities

The priorities below are based on the hazard that a particular type of trading activity poses to the local community, the impact that the activity will have on local consumers and the likelihood of the activity occurring. The greater the hazard, impact and likelihood of an activity, the more resource the service will put into combating this type of crime. Lower priority is given to those activities that are less likely to occur and have little hazard or impact.

### High priority

Most Complained About Traders	Underage Sales – alcohol & tobacco
Doorstep Crime	Letting Agents
Unsafe Goods	Clocked & Insurance 'write off' Cars
Misleading Claims	Counterfeit Goods
Niche Tobacco Products	Proceeds of Crime
Market Sales	Primary Authority

### Medium Priority

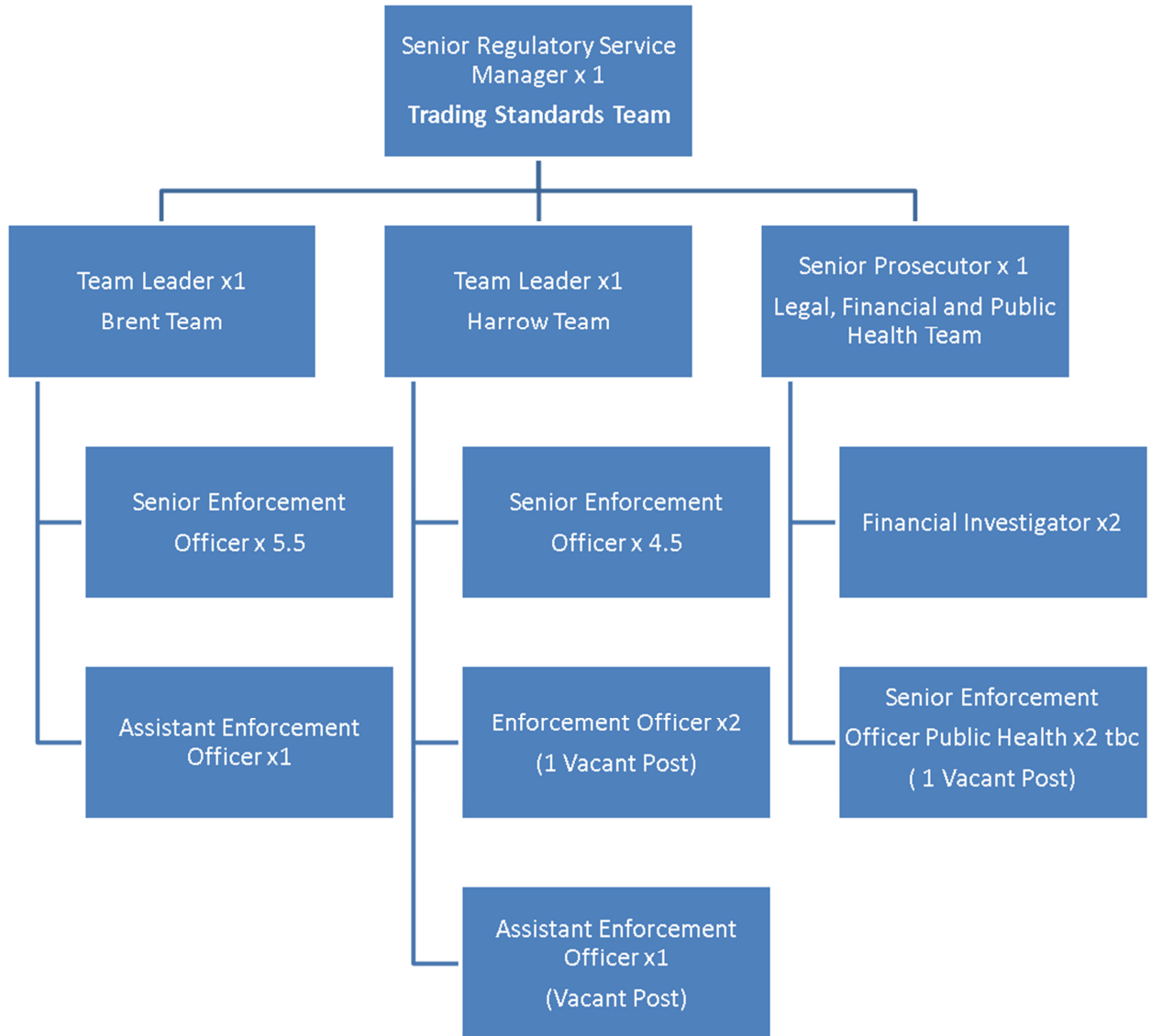
Misleading Prices/Price Marking	Incorrectly Labelled Goods (safety)
Consumer Credit/illegal lending*	Copyright
Furniture and Furnishings	Un-roadworthy Cars
Underage Sales – spray paints	Harassment of Debtors
Package Travel	Bogus Colleges
Inaccurate Weights and Measures	Hallmarking
Underage Sales – fireworks (as seasonal)	Underage Sales – knives

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

### Low Priority

Energy Labelling of Goods	Restrictive Notices
Misleading Descriptions (low value goods)	Underage Sales – lottery
Energy Performance Certificates	Estate Agents/Letting Agents
Mock Auctions	Essential Packaging
Road Traffic – Overloaded Vehicles	Motorcycle Exhaust Silencers
Metrication	Business Names
Storage of Fireworks (unless critical safety implication)	Underage Sales – butane
Underage Sales – DVDs / games	Video Recordings – Unclassified DVDs

# Service structure



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