Harrow COUNCIL
LONDON

TRADING STANDARDS JOINT ADVISORY BOARD
MINUTES
11 JUNE 2015

PRESENT:

Councillors	Keith Ferry	London Borough of Harrow
	Mrs Vina Mithani	
	Varsha Parmar	
	Dan Filson	London Borough of Brent
	Janice Long	

Apologies were received from: Councillor Abdi Aden (Brent)

Officers in Attendance were:
London Borough of Brent
Simon Legg, Senior Regulatory Service Manager
David Thrale, Head of Regulatory Services

London Borough of Harrow
Camille James, Project Manager
Miriam Wearing, Senior Democratic Services Officer

1. **Election of Chair**

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

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

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

3. **Minutes of the previous meeting**

RESOLVED: That the minutes of the meeting held on 26 March 2015, be taken as read and signed as a correct record.

4. **Matters arising**

There were none.

5. **Deputations**

RESOLVED: To note that none were received.

6. **Trading Standards Annual Accounts 2014-2015**

The Board received a report from the Head of Regulatory Services on the annual accounts for 2014/15. It was noted that there was a net surplus of £57,205, largely due to a wider management restructure in Brent Council and a resultant salaries saving. Within that net surplus, there had been a shortfall in the Proceeds of Crime (POCA) income as only £120,000 of the budgeted £250,000 had been received.

Members were advised that a report would be submitted to a future meeting on work currently being undertaken to review whether the budgetary target for proceeds of crime work was sustainable.

In response to questions, it was reported that:

- The accounts only showed three quarterly payments for POCA, as the fourth quarterly payment from the Home Office would not be received until the end of the financial year. Payments made on the last day of March were accrued to 2015/16. The payments were difficult to predict in any given period as the court could decide to spread the payments;

- Planning was a large source of cases and Trading Standards received a share of the proceeds to cover financial investigation costs. Payments were distributed, in accordance with government guidelines, to the prosecutor, financial investigator, Court Service and 50% to the Treasury;

- Due to the surplus arising from vacancies in 2014/15, the lower net POCA receipts did not present an immediate budgetary issue but there were concerns as to long term viability should net POAC receipts fall below budget again in 2015/16. The consortium had a financial reserve that was a little below its optimum level – two years of budgeted net POAC receipts. At 2014/15 levels of net POCA receipts, the reserve would not be exhausted for four years. A report would be submitted to a future meeting on the viability of POCA arrangements, together with options for strengthening the position, which might include undertaking POCA investigations for other Councils, both in trading standards and other regulatory services;

- Trading Standards had sufficient legal and court powers to obtain information from HMRC but it took time, particularly for complex. Investigations. Planning cases were sometimes more productive for POAC recovery as they usually involved a fixed asset, that is the property;

- Work undertaking financial investigations for audit and investigation for benefit fraud had stopped, since benefit had become the

responsibility of the Government's Department of Works and Pensions.

The Chair stressed that the report had not fully reported the net benefits to both councils arising from the proportion of POCA receipts recovered for council prosecuting teams. This meant that, even when only breaking even, trading standards was making money for other parts of the Councils, for example through planning cases. The POCA Strategy and publicity acted as a deterrent.

RESOLVED: That the report be noted.

7. **Trading Standards Annual Report 2014-2015**

The Board received a report which detailed the work of the Trading Standards Consortium for 2014/15. It was noted that, as previously requested by the Board, the report referenced data from previous years to enable benchmarking.

Members were advised that the service was developing a more risk based framework as a result of a reduction in powers arising from the 2012
Protection of Freedom Act. The number of inspections would reduce as officers could only enter and inspect if there were specific reasons to do so such as intelligence leads, risk assessment and businesses track record.

In response to questions, it was reported that:

- Records of website compliance checks did not enable statistics to be separately maintained for the internet component of high street businesses;

- With regard to overseas websites, if sufficient information was submitted a website could be forced to be taken down but it was usually not possible for the service to recover improper payments made by local users;

- Specific powers enabled spot checks for sale of restricted goods to children, possibly prosecuted for first instance depending on circumstances;

- It was difficult to determine the protective characteristics, such as ethnicity, age, gender etc of businesses other than sole traders, as the staff, managers, owners will almost always have a range of differing protected characteristics;

- Trading standards worked with a variety of different enforcement agencies as regards shisha establishments and doorstep crime;

- 17 Freedom of Information (FOI) requests had been received and responded to within the statutory timescale on such general items as surveillance and underage sales The service provided primary authority services for ten businesses

RESOLVED: That the report be noted.

8. **Trading Standards Joint Advisory Board - Forward Plan**

The Board received information concerning forthcoming Joint Advisory Board meetings and the planned programme of reports to the Board.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.00 pm).

(Signed) Chair

9. **Any other urgent business**

The meeting closed at 8.00 pm

L. JONES
Chair