



Trading Standards Joint Advisory Board

Minutes

Held as an online meeting at 6pm on

Thursday 9 March 2023

Present (in remote attendance):

Chair: Councillor Anjana Patel

London Borough of Harrow

Councillors:

Norman Stevenson

London Borough of Harrow

Krishna Suresh

London Borough of Harrow

Stephen Crabb

London Borough of Brent

Harbi Farah

London Borough of Brent

Daniel Kennelly

London Borough of Brent

In Attendance:

Simon Legg (Head of Regulatory Service)

London Borough of Brent

Emma Phasey (Head of Licensing and Enforcement)

London Borough of Harrow

Samuel Abdullahi (Team Leader – Regulatory Service)

London Borough of Brent

Mwim Chellah (Democratic & Electoral Services)

London Borough of Harrow

Chris Whyte

London Borough of Brent

Apologies:

Councillor Nicola Blackman

London Borough of Harrow

1. **Election of Chair**

RESOLVED: That Councillor Anjana Patel (London Borough of Harrow) be elected as Chair for the meeting.

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

No declarations of interest were made at the meeting.

3. **Minutes of the previous meeting – 12 October 2022**

RESOLVED: That the minutes of the meeting held on 12 October 2022 be approved and signed as a correct record.

4. **Matters arising**

RESOLVED: That there were none.

5. **Deputations (if any)**

No requests for deputations had been submitted for the meeting.

6. **Brent and Harrow Trading Standards Work Plan 2023-2024**

The Board received a report, presented by Samuel Abdullahi (Team Leader Regulatory Service, Brent Council), outlining the Work Plan for 2023/2024.

The report provided Members with information concerning the proposed 2023/2024 work plan for Brent and Harrow Trading Standards.

The Service carried out the local authorities' statutory duties relating to the legislation enforced by a Weights and Measures Authority as well as other delegated legislation. This gave the Service responsibility of enforcement and legal powers under hundreds of Acts of Parliament or statutory instruments.

In accordance with the consortium agreement, there was 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 them to the Joint Advisory Board.

A copy of the proposed work plan for the year 2023/24 was attached as an Appendix to the report.

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

- It would be imperative to consider what the trends were in each borough;
- Whether priorities for dealing with various illegal practices were identical for each borough, for example, the most complained about businesses; and
- Which particular crimes were dealt with by the Service.

In response, Officers advised as follows:

- Currently reports were condensed but could be separated to show data for each borough, and this could be included as a supplemental report in future;

- Priorities for tackling illicit trading were reviewed on a yearly basis, and the severity was categorised low to medium to high risk; and
- Door-step crimes and rogue traders continued to feature prominently. Some of these were dealt with by law enforcement and others were based on terms and conditions for the various products or services.

Having considered the report, the Board **RESOLVED** to note and endorse the Brent and Harrow Trading Standards Work Plan for 2023/2024.

7. Trading Standards Fees and Charges 2023/2024

The Board received a report presented by Simon Legg (Head of Regulatory Service, Brent Council) which detailed the proposed level of fees and charges to be made by the Service during the 2023/2024 financial year.

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.”

According to Brent Council’s Fees and Charges policy, the Strategic Director had delegated powers, in conjunction with the Chief Executive, to vary fees in certain circumstances. This was without the need to bring reports before Cabinet or other decision making bodies. When appropriate circumstances provided, the Service shall utilise the policy to maximise income opportunities.

Brent was the host authority for the Consortium. Therefore, the fee structure and charges were applied at the same level to each borough.

Trading Standards fees fell into the following categories:

- 1) Statutory fees (set by legislation, although some offered discretion to vary the amount up to a maximum value);
- 2) Retail Price Index (RPI) linked fees (agreed previously by Brent’s Executive); and
- 3) Discretionary fees (there was discretion to vary the value charged).

Statutory fees were set nationwide by the Government. Generally, local authorities had no discretion to change the fees. Although on occasions, the legislation would permit a fee to be set locally up to a maximum value. Due to the fluctuating, and high inflation rates, fees had increased by 7.5%, rather than the RPI. It is predicted that inflation will come down during this year.

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

- Who the service users were, and whether the revenue from fees and charges was deposited separately between the two boroughs;

- Whether the fees were charged on time spent by staff in dealing with cases;
- If premises selling fire-works had increased or decreased;
- Whether there were any under-age sales of fire-works reported; and
- Whether the financial investigative fee also applied to the London Borough of Harrow, and if this had changed in the recent past. How was the Service's Proceeds of Crime/Financial Investigation work being paid for, particularly in relation to Harrow?

In response, Officers advised as follows:

- Some service-users were retailers, as well as a mix of other businesses within the two boroughs and outside. There was a clear split of fees collected, and deposited, between Harrow and Brent and these were separately budgeted for between each borough team ;
- Fees and charges were calculated at an hourly rate of staff time;
- The number of premises selling fire-works was usually about the same from year to year. Some had annual licenses, whilst others could have 5 year licences. About 20 premises in Harrow had licences to sell fire-works;
- There were about 30 cases of under-age sales test purchases of fire-works, and a breakdown could be provided at the next meeting; and
- Two years ago, Harrow had requested for a significant cut to cover the cost of investigations for the Service's Proceeds of Crime/Financial Investigation work. Brent was now paying the full officer costs which is the reason for Harrow now no longer being able to access this service without agreeing to fund the work. Updates could be provided at future meetings on how this could re-arranged. A previous Board report encouraging Harrow to make better use of the Service's Financial Investigations team, would be shared with members after the meeting.

Having considered the report, the Board **RESOLVED** to note the fees and charges for 2023-2024.

8. **Date of Future Meetings**

Members are asked to note the provisional dates identified for meetings during the 2023-2024 Municipal Year.

(Please note: These dates are subject to final confirmation by each respective authority as part of the approval of their 2023/24 calendar of meetings, so may be subject to further change):

- a. Wednesday 14 June 2023 at 6:00pm to be hosted by London Borough of Brent;
- b. Wednesday 1 November 2023 at 6:00pm to be hosted by the London Borough of Harrow; and
- c. Wednesday 20 March 2024 at 6:00pm to be hosted by the London Borough of Brent.

9. **Any other urgent business**

There were no other matter or urgent business.

The meeting closed at 7.00 pm

COUNCILLOR ANJANA PATEL

Chair