



LONDON BOROUGH OF BRENT

MINUTES OF THE TRADING STANDARDS JOINT ADVISORY BOARD Thursday 23 November 2017 at 7.00 pm

PRESENT: Councillor and Councillors Long (London Borough of Brent), Perrin, Ferry (London Borough of Harrow), Mithani (London Borough of Harrow) and Parmar (London Borough of Harrow)

Apologies for absence were received from: Councillors Jones (London Borough of Brent)

Officers in attendance were:

Aktar Choudhury (Operational Director, Regeneration (Brent))

Simon Legg (Regulatory Services Manager Brent)

Anu Prashar (Senior Prosecutor (Brent))

Venetia Reid-Baptiste (Divisional Director Commissioning (Harrow))

Miriam Wearing (Senior Democratic Services Officer (Harrow))

APOLOGY:

Richard Le-Brun (Environmental Services Manager (Harrow))

1. Election of Chair

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

2. Welcome to new Member

Councillor Keith Perrin was welcomed to his first meeting of the Board.

3. Declarations of personal and prejudicial interests

RESOLVED: To note that the following interests were declared:

Agenda Item 7 – Proposal for Providing a POCA/Planning Enforcement Service to Harrow

Councillor Keith Ferry declared a non-pecuniary interest in that he was Portfolio Holder for planning services and as such would be involved in the decision-making. He would remain in the room whilst the matter was considered.

4. **Minutes of the previous meeting**

RESOLVED:

That the minutes of the meeting held on 11 May 2017, be taken as read and signed as a correct record.

5. **Matters arising**

There were none.

6. **Deputations**

There were none.

7. **Annual Report**

Simon Legg, Service Manager, introduced the Annual Report, which summarised the work and outcomes achieved by Brent and Harrow Trading Standards Service (The Trading Standards Consortium) for the financial year 2016/17.

The officer updated the Board on work undertaken in the past year and particular attention was drawn to the following:

three members of staff had left the service and a fourth was on maternity leave. These posts had been left vacant in order to achieve financial savings for both boroughs which had affected the performance of the Service in some areas of work;

the budget of £313,170 for 2016/17 mentioned in the report was the net cost of the service to Brent after receipt of income and not the operational budget;

the service had recruited a national producer of beers and spirits to the Primary Authority scheme which provided assured advice to businesses who paid the Council for this service. A total of 248 hours of Primary Authority advice had been provided to businesses during the year;

the Trading Standards webpages had been updated and now had a link from Brent Council's business section making the pages easier to find and included electronic contact pages allowing enquiries to be submitted from the webpage;

a triage system was in place whereby the national Citizens Advice Consumer Service section filtered complaints about businesses and referred those with criminal aspects to Trading Standards who applied a risk assessment matrix to determine which ones it could assist with. 704 complaints had been dealt with during the year;

the implementation of a banking protocol hosted between the banks, Trading Standards and Police had resulted in a decrease in rogue cold callers to the Service as some of these were now being responded to directly by the Police;

there had been a Brent borough-wide crackdown on illegal shisha venues. There

had been a focus on illegal tobacco sales going through the legal process which had been resourced by public health funding during the previous financial year.

Members asked questions about the content of the report and the officer responded as follows:

he undertook to ascertain whether there had been a response from the Home Secretary to the request by the Brent Council Leader for the introduction of new legislation to provide local authorities with better powers to regulate and enforce problem shisha businesses effectively;

if it was considered beneficial, Trading Standards could host further Loan Shark Awareness Events as the issue was still prevalent. In addition to Neighbourhood Watch and other community groups, Crime Reduction events had been arranged in conjunction with Age Concern, branches of banks and Weeks of Action in Harrow. In response to suggestions by Members, consideration would be given to hosting events for faith areas, including in temples, when the programme for the next twelve months was compiled;

work had taken place by the City of London Police regarding cybercrime and the National Trading Standards Board eCrime team. Locally, internet based investigations were common as so many businesses now had an online market place;

when the new webpages were up and running a request would be made to link Harrow trading standards queries to the Brent website.

RESOLVED: That the report be noted.

8. **Proposal for Providing a POCA/Planning Enforcement Service to Harrow**

The Board received a report which set out a proposal for the London Borough of Brent to provide a service investigating planning infringements committed by those who had benefited financially from their breaches, offering a planning enforcement officer, a financial investigator to carry out financial investigation under the proceeds of Crime Act (POCA) and provide advocacy services in subsequent legal proceedings on behalf of the London Borough of Harrow.

The meeting was advised that discussions had taken place with Brent and Harrow management as to the most appropriate way to develop this proposal.

The officers suggested that, if the Board was minded to support the proposals, there would be further consultation with Harrow officers and appropriate Members to ascertain whether Harrow wished to proceed.

The Service Manager advised the meeting that the scheme had delivered significant income to Brent and Trading Standards for a number of years and it had been successfully offering their financial investigation service to other boroughs. Although the existing Harrow planning policy stated that it would seek to use POCA where evidence suggested that the breach of planning control had given rise to significant financial gain, it was believed that only one case had been put forward and this investigation was ongoing. It was further stated that Harrow already contributed to the Financial Investigation Team resource by way of the consortium fees and would potentially receive income due to the Home Officer incentivisation scheme whereby local authorities retained a percentage of all successful

confiscation orders that they obtain, when they were paid. In order to assist Harrow to fund the proposal over a 12 month period, it was further proposed that approximately £40k underspend held by Brent from the last two financial years 2015-17 be used for this purpose.

The Service Manager described the proposed process and outlined successful orders made under POCA legislation and the money raised. He suggested that a sample of cases be taken forward in the first year, to enable the results to be monitored, a model to be set up and trialled and income would be raised in the longer term.

The Divisional Director – Commissioning Services stated that whilst discussions had been ongoing, the proposals had not yet been formally discussed with Harrow planning officers which would be the next step if the proposal was of interest to Harrow. The underspend referred to by the Service Manager would cover Brent's costs in providing the staffing resource to deliver this work on Harrow's behalf.

A Member of the Board suggested that discussions also be held with the housing team. In response to a question as to whether the proposal would impact the service Brent received from the enforcement team, the Service Manager stated that whilst there would be pressure on the Brent team, the fee charged to Harrow could be reinvested to Brent to backfill staff time. The proposal had been discussed for a number of years and it now needed to move forward to a formal footing. As the income from POCA would be reinvested back into the Services, it would be cost neutral in the long term.

The Operational Director informed the Board that in Brent the money raised through POCA was also shared with planning colleagues who had been able to pay the salary costs of two Enforcement Officers from this income.

RESOLVED: That the Harrow Divisional Director for Commissioning progress discussion with the Harrow Portfolio Holder for Business, Planning and Regeneration as well as with officers in planning and housing to determine whether Harrow wished to implement this proposal.

9. Letting Agent Fee Legislation

The report sought any comments or recommendations from members as to the level of charge when issuing penalty notices with regard to the enforcement of the Consumer Rights Act 2015. The legislation created a legal requirement for letting agents to display details of the fees they charged on their premises and websites.

The Service Manager outlined the process for the issue of a penalty notice. He reported that a light touch approach had been taken whereby approximately 150 Brent and 100 Harrow based letting agents had initially been provided with advice on the legislation by Trading Standards Officers, much in writing. Despite the advice there was widespread non-compliance.

It was noted that the enforcement sanction for non-compliance was a monetary penalty not exceeding £5k. Whilst it was up to the local authority to set the level of penalty it imposed, the DCLG guidance stipulated that the expectation was that a £5k fine would be considered the norm and that a lower fine should only be charged if the enforcement authority was satisfied that there were extenuating circumstances.

It was noted that a number of London boroughs had issued penalty notices and had started setting various helpful legal precedents.

In response to questions, it was noted that:

- letting or property management agents fees and charges were required to be clear, unambiguous and any administrative charges defined. With regard to the websites of agents, the fees and charges had to be clearly available on the website, for example, a tab at the top of the screen;
- the Trading Standards service had not undertaken any local publicity specifically targeted at tenants. Information was available on topical internet sites. Liaison would take place with housing colleagues.

RESOLVED: That

- (1) the introduction of a penalty charge of £5k for the non-compliance of Section 83 of the Consumer Rights Act 2015 be supported;
- (2) the delegation to the Trading Standards Senior Regulatory Service Manager be noted;
- (3) it be noted that any monetary penalty received in connection with enforcing the Act be used to fund the costs of enforcement.

10. **Scams Team Update**

As requested by the Board at its meeting on 24 October 2016, a report was submitted which provided an update on the first year of the partnership with the National Trading Standards Scam Team in respect of the sharing of information and receiving referrals from them.

The Service Manager outlined the process for referrals and informed the Board that the Service had received 61 referrals from the Scams Team, 32 for Brent and 29 for Harrow. Of the referrals received, £295 had been returned between nine victims, six in Brent and three in Harrow.

The support of the Board to the continuation of the initiative was sought due to the experiences of those affected by scams. Particular mention was made of victims who were in denial of their mistakes as it was possible that they would continue to get scammed. It was noted that it was financial abuse under the Care Act 2014. The Trading Standards Service had given presentations to Age Concern and was helping that organisation with a bid for an education campaign to raise awareness in Harrow.

RESOLVED: That the work undertaken in partnership with the National Trading Standards Scams Team be noted and the continuation of the partnership be noted.

11. **Date of next meeting**

Members noted that the next meeting was scheduled to take place on 8 March 2018 at Brent. Proposed dates of 28 June 2018, 14 November 2018 and 13 March 2019 for the next municipal year were suggested for consultation.

An officer suggested that future meetings commence at 6.30 pm. Members expressed the view that 7.00 pm was the most suitable time.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.10 pm).

(Signed) Chair

12. Any other urgent business

None.

The meeting closed at 8.10 pm

COUNCILLOR KEITH FERRY
Chair