

## Minutes

**Residents' and Environmental Services Policy  
Overview Committee  
Wednesday, 17 February 2010  
Meeting held at Committee Room 3a - Civic  
Centre, High Street, Uxbridge UB8 1UW**



**Published on: 1 March 2010  
Come into effect on: Immediately**

	<p><b>Members Present:</b></p> <p>Councillors Michael Markham (Chairman) Kay Willmott-Denbeigh (Vice-Chairman) Lynne Allen Paul Buttivant Janet Duncan Graham Horn (In place of Judy Kelly)</p> <p><b>Officers Present:</b></p> <p>Sue Pollitt, Divisional Trading Standards Officer, LBH Shabeg Nagra, Port Health Manager, LBH Oliver Darius, Principal Environmental Officer, LBH Peggy Law, Consumer protection Manager, LBH Viv Pullha , Officer from the UK Border Agency (Freight) Joanne Kingham, Officer from the UK Border Agency (Freight) Peter Howard, Officer from the UK Border Agency (The Channels)</p>	
1.	<p><b>Apologies for Absence</b></p> <p>Apologies for absence had been received from Councillor Judy Kelly. Councillor Graham Horn attended in her place.</p>	
2.	<p><b>Declaration of Interest in matters coming before this meeting</b></p> <p>Councillor Lynn Allen declared a personal interest as a member of the Licensing Committee and remained in the meeting during discussion of the items.</p>	
3.	<p><b>To confirm that all items marked Part 1 will be considered in Public and that any items marked Part 2 will be considered in Private</b></p> <p>It was confirmed that all items of business would be considered in public.</p>	

4.	<p><b>To agree the Minutes of the meeting held on 19 January 2010</b></p> <p>The minutes of the meeting held on 19 January 2010 were agreed as a correct record and signed by the Chairman. It was noted that a briefing note/information requested by Members in respect of the Budget Proposal Report for 2010/2011 was still outstanding (item 5).</p>	<p><b>Action By:</b>  <b>Andy Evans</b>  <b>Marcus Briginshaw</b>  <b>Gill Brice</b></p>
5.	<p><b>Final Report: Planning Enforcement - Construction and use of Detached Out-buildings (Homes in Back Gardens), to follow</b></p> <p>The Committee received the final report on Planning Enforcement – Construction and use of Detached Out-Building (Homes in Back Gardens).</p> <p>The Chairman thanked officers on behalf of the Committee, for a very informative and constructive report.</p> <p><b>Resolved</b></p> <p><b>That the Committee endorse the final report of the review and delegated authority to the Chairman of the Committee, in consultation with officers, to update the review based on any changes which may be required before its submission to Cabinet.</b></p> <p>In consultation with the Chairman recommendation 6b contained in the final report had to be amended to include the correct legislation. The wording originally agreed and as amended is set out below.</p> <p><b>RESPOC agreed Recommendation 6b as follows:-</b></p> <p><b>‘Changes to the schedule of exempt buildings schedule under Regulation 9, of Schedule 2, Class VI (small detached buildings) of the Building Regulations Act 2000 to reduce it to 20 sq. metres.’</b></p> <p><b>Building Control have amended to read</b></p> <p><b>‘Changes to Class VI ‘Small Detached Buildings’ of Part II ‘Control of Building Work’ of the Statutory Instrument 2000 No. 2531 ‘The Building Regulations 2000’ to remove the option for uncontrolled detached buildings with a floor area in excess of 15 sq. metres.’</b></p>	

<p>6.</p>	<p><b>Witness Session - Illegal Cosmetics and Illegally Imported Foods - Border Controls and Wholesale/Retail</b></p> <p><b>The Chairman welcomed the following witnesses:</b></p> <ul style="list-style-type: none"> <li>• Sue Pollitt, Divisional Trading Standards Officer, LBH</li> <li>• Shabeg Nagra, Port Health Manager, LBH</li> <li>• Oliver Darius, Principal Environmental Officer, LBH</li> <li>• Peggy Law, Consumer protection Manager, LBH</li> <li>• Viv Pullha , Officer from the UK Border Agency (Freight)</li> <li>• Joanne Kingham, Officer from the UK Border Agency (Freight)</li> <li>• Peter Howard, Officer from the UK Border Agency (The Channels)</li> </ul> <p>The Chairman invited officers to focus on the key issues that were faced by each department in respect of Illegal Cosmetics and Illegally Imported Foods – Border Controls and Wholesale/Retail. In general, the Committee wished officers to focus on whether the issue of illegally imported food was a growing problem, if so what could be done to negate the problem and what measure could be taken in the future.</p> <p><b>The Need to be more unpredictable</b></p> <p>Officers from the UK Border Agency (Heathrow) (UKBA) advised that it had been identified that there was a need for an element of unpredictability when checking imported goods. That there needed to be a varied approach to scheduling checks in order to prevent importers knowing when detection processes were being undertaken. Port Health Hillingdon currently had specific sheds allocated to specific importers, with working hours limited to midnight (call out cover after midnight). Port Health was therefore restricted in initiating the element of unpredictability. UKBA had a dedicated team which worked on a 24 hour basis and for this reason were in a position to be unpredictable in their checks. Consignments were sometimes put on hold to allow for rotation.</p> <p>Officers from Port Health added that there was no budget to fund a dedicated out-of-hours team and Port Health did not have the legal powers to seize goods. UKBA had the legal powers to carry out the Product of Animal Origin (POAO) function, which was why Port Health would notify UKBA to follow-up.</p> <p><b>Would the use of technology be helpful in the future?</b></p> <p>Officers responded that mobile x-ray machines were currently being trialed by Port UKBA. The x-ray machines easily detected bottled products and concealments of POAOs within boxes of food</p>	<p><b>Action By:</b></p>
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products. The use of dogs had also been recently introduced to detect POAOs within freight, under 'Operation Codex'.

**Are every flights arriving in Terminal 3 checked?**

Officers explained that it was not possible for every flight to be checked and therefore checks were risk based.

**What is the knowledge and training regime for officers?**

It was noted that officers from UKBA received legal basic training but most was gained from on-the-job training. Knowledge in respect of source commodity was intelligence led, due to limited resources.

**Port Health currently have links around Europe, does UKBA have the same?**

Officers responded that UKBA did not currently have a link with Europe.

The Committee noted that it may be helpful for UKBA to develop a link with Europe, as that operated by Port Health.

Officers advised that UKBA dealt with people who dealt with illegal goods and such importers would not therefore use the proper channels to import their goods. UKBA would seize illegal goods and report the seizures to relevant agencies.

It was explained that although information was shared with other agencies, It was difficult for UKBA to follow through issues at times, due to the lack of a secure Memorandum Of Understanding of Legal Gateway (MOU) (the legal gateway for information exchange).

Officers explained that no robust system was currently in place for information sharing and that there was a need for closer working with other agencies. That UKBA was currently looking into how the agency could practically share information with Port Health.

**Information sharing**

It was explained that intelligence officers from HM Revenue and Customs (HMRC) provided information via intelligence gateways to local authorities. In order for such information exchange to take place securely, a robust system was required.

Officers advised that there needed to be a 'legal gateway' to enable information to be shared more easily. This issue was currently being explored by UKBA, as the agency had strict

legislation and policies to abide by when using MOUs. The Committee heard that Trading Standards had recently set up a secure email system for information sharing and were looking at using the system to work more closely with other agencies.

Officers from the UKBA explained that closer working with other agencies was new to the agency. The MOUs were introduced in September 2009 to strictly monitor data in HMRC, as a result of some files going missing. It was pointed out that UKBA was in the process of addressing the issue of setting up a gateway for exchanging information.

Members were advised that there was also a need for a better maintained server system at the airport to support the critical process of exchanging information.

The Committee noted that with limited resources, a great deal of the work done by the UKBA was intelligence led and therefore, there needed to be some secure means of sharing information.

#### **How do the agencies plan to work closer?**

The Committee was informed that the idea of closer working was being taken forward as a project within operation Codex 3 in tackling the illegal importation of POAOs within freight. The project would focus on risk testing countries and the exercise would take place 4 or 5 times per month.

It was reported that 11 exercises had been planned for March 2010. That the projects would include a specialist team which dealt with skin lightening creams. Members were informed that under operation Codex 3, large quantities of skin lightening cream products were found and subsequently the consignment was referred to the specialist team to investigate further.

#### **Who is responsible for tackling the issue at source?**

Officers advised that it was up to the airlines to inform passengers that they were not permitted to bring meat products into the country. The Department for Environment Food and Rural Affairs (Defra) tackled the issue through publicity, whilst the UKBA carried out enforcement.

It was explained that as offences occurred at the point of importation, UKBA did not have the legal powers to go to countries of export.

The Committee heard that the only way illegal imports could be stopped, would be by sending dedicated teams to exporting countries to monitor the items being put in freights.

Members agreed that this course of action would have huge resource implications.

**What can you do to improve things?**

Officers advised that:

- The commodity of drugs was under control
- The concept of joint working was fairly new, although the process had already begun. Joint working with as many agencies would continue with special projects
- Dealing with animal products would be a huge target for UKBA
- The fact that Port Health was not able to vary their attendance was an issue. In the short term, more joint working was foreseen in respect of risk assessment
- Greater sharing of information would be welcomed
- Heathrow was the only airport where closer working and sharing of information was happening due to the issue of restricted funding.

**Are charges placed on offenders?**

Offices advised that stricter requirements had been placed on importers in respect of labelling and mis-description. With regard to goods smuggled through freight airlines, agents would not do checks and if the person receiving the goods was approached, they would deny that the goods were meant for them.

However, it was explained that in respect of imported food controls of POAOs, all costs incurred were recovered from charges collected from importers, as there was no revenue budget provision.

Members requested officers to provide further details about charges made to importers and report back to the meeting on 17 March 2010.

**The issue of communication between agencies**

Officers commented that:

- The issue of MOUs would be resolved following the initial set up of the system
- Staff needed to be certain and know that they had the legal rights to pass on and exchange information

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- As agencies had not worked closely in the past, there needed to be an agreement between agencies of how information should be shared (set up a protocol)
- Closer working with agencies started in September 2009 and currently, joint working in the detection of animal product was a priority
- Telephone contact was currently not permitted between UKBA and Border Controls

Officers from Trading Standards advised that the Local Authority Co-ordinator of Regulatory Services (LACORS) had been instrumental in setting up MOUs between boroughs, and Hillingdon now had a secure email system.

Members asked officers to provide a briefing paper about setting up MOUs, to be reported back to the next meeting on 17 March 2010.

### **Resources**

The Committee heard that there was a legal requirement in respect of Regulation 669 (High risk products) which required importers to notify UKBA of high risk products. It was noted that this area took up a large amount of resources, and no external sources had been identified to apply for external funding.

In respect of Imported Food – Wholesale/Retail, officers advised that a joint bid had been made by the West London Sector Food Liaison Group to the FSA, for funding to carry out sampling and surveillance of imported food. A further bid had been placed by The London Co-ordination Group for sampling and detection to uncover risky foods.

### **Is there a blacklist of wholesalers and retailers?**

Officers advised that there was no blacklist as such, as the 'Scores on Doors' scheme provided a measure of compliance. Zero and 1 star premises would receive more attention, retailers and wholesalers do not opt out. Within the retail environment, members of the public may pick up issues and report their concerns to the Food Health and Safety Team.

Therefore, the focus in this area was more intelligence gathering of health and hygiene indicators.

Members were informed that the issue of hygiene practices would not necessarily be picked up by the members of the public, as the





7.	<p><b>Forward Plan February 2010 to April 2010</b></p> <p>The Committee considered extracts of items in the Forward Plan for the period of February 2010 to April 2010. Members requested officers to circulate copies of the following Cabinet Member Decisions reports for information:</p> <ul style="list-style-type: none"> <li>• CCTV Strategy</li> <li>• Winter Service Plan</li> <li>• Rights of Way Improvement Plan</li> </ul> <p><b>Resolved – That items on the Forward Plan be noted.</b></p>	
8.	<p><b>Work Programme 2010</b></p> <p>The Committee considered the Work Programme and decided to cancel the meeting on 13<sup>th</sup> April 2010, as no items were likely to be reported to the meeting on this date.</p> <p><b>Resolved – That the Work Programme be revised to reflect the Committee meeting on 13<sup>th</sup> April will not now be required.</b></p>	
	<p>The meeting closed at 7.28 pm.</p>	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 277 655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.