

**NATIONAL TRADING STANDARDS BOARD
(NTSB)**

Regional Enforcement Team ('Scambusters')

**PROTOCOL FOR REGIONAL ENFORCEMENT TEAM
INVESTIGATIONS**

Interpretation

For the purposes of this Protocol -

"RCBC" means **Redcar and Cleveland Borough Council**

"NTC" means **North Tyneside Council**

"RET" means the **Regional Enforcement Team**

"Delegated Power" means the discharge of the statutory powers of the local weights and measures authority contained within 'specified legislation' granted to RCBC by NTC in pursuance of section 9EA of the Local Government Act 2000, and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

"Commencement Date" means the date the Delegated Power is granted.

"Term" means from the date of signing of this protocol to 31 March 2015.

"Specified Legislation" means the following legislation: Business Protection from Misleading Marketing Regulations 2008, Consumer Credit Act 1974, Consumer Protection Act 1987, Consumer Protection from Unfair Trading Regulations 2008, Copyright, Designs and Patents Act 1988, Enterprise Act 2002 (Part 8), Fair Trading Act 1973 (Part III), Hallmarking Act 1973, Trade Marks Act 1994, Video Recordings Act 1984. Plus all subordinate legislation made under the specified legislation.

"North Tyneside Council Liaison Officer (NTCLO)" means the relevant person appointed by the Head of Regeneration, Development and Regulatory Services of NTC to liaise with the Head of RET on matters relating to and in connection with the RET Project.

"Appropriate Contact Officer" means The Regional Enforcement Manager (REM) their immediate line manager or any person nominated by RCBC or authorised by them in this respect.

"NTSB" means National Trading Standards Board

1. Application

1.1 This Protocol applies to the NTSB / HM Treasury funded “Regional Enforcement Team Project’ and covers the following issues:-

- The conduct of investigations and associated working practices for the RET officers when conducting investigations or operating in North Tyneside;
- The mechanisms whereby NTC is updated on the progress of the project and any significant issue relating thereto;
- The exchange of intelligence and information between the RET and NTC; and
- The institution of legal proceedings.

2. Protocol

2.1 The purpose of this protocol is to facilitate the delegation of powers to RCBC officers employed within RCBC’s RET to enforce the provisions of ‘Specified Legislation’ within the area of NTC. The protocol encourages the exchange of information and a working partnership approach between RCBC and NTC in relation to the ‘Specified Legislation’

2.2 This Protocol will come into force on the Commencement Date and terminates at the end of the Term.

2.3 Notwithstanding the terms and conditions of this Protocol, this Protocol does not prejudice the right of NTC to withdraw the Delegated Power at any time during the Term. However NTC undertakes not to withdraw the Delegated Power unless it considers there is good reason to do so. The Delegated Power is not to be unreasonably withdrawn by NTC.

3. The RET

3.1 It is recognised that officers in the RET will need authority to initiate and/or undertake investigations falling within the scope of the Regional Enforcement Team Project’ where such potential offences fall entirely outside of the RCBC boundaries. This protocol and also the Delegated Power is deemed to provide such authority to RCBC and its officers regarding all matters, relevant to this project except for the decision to take formal action, up to and including the institution of legal proceedings which remain with NTC.

3.2 RCBC officers are appointed dependent on the level of funding and are managed on a day to day basis by the REM to be deployed dependent on regional need.

3.3 The REM will report directly to the Director of Area Management for RCBC or nominated officer as appropriate.

3.4 The Regional Enforcement Manager will, when required, provide regular

progress reports, from the Commencement Date, to the Head of Trading Standards

- 3.5 It is recognised that after Delegated Power is granted to RCBC, all decisions concerning the pursuance of relevant investigations, decisions to prosecute and the laying of charges and/or information on such relevant matters within NTC, shall be taken by NTC and in accordance NTC's Enforcement Policy.

4. Working Arrangements in the North Tyneside Council Area

- 4.1 NTC will designate and appoint a North Tyneside Council Liaison Officer (NTCLO).
- 4.2 The Regional Enforcement Manager will at any time he considers necessary and prudent, or at the request of the NTCLO, brief the NTCLO on any intelligence gathered, any progress made on investigations, relating to or affecting North Tyneside Council and/or its residents.
- 4.3 Further to Clause 4.2 above, all reasonable steps will be taken by the REM to keep the NTCLO updated on the progress of investigations and enquiries being carried out in North Tyneside and any changes made or introduced by NTSB concerning the 'Regional Enforcement Team Project'. It is incumbent on the REM to maintain regular dialogue/communication with the NTCLO.
- 4.4 The RET will have regular contact with the Police and other Government agencies. The REM will consult the NTCLO to identify any local arrangements, investigations and protocols before any investigation is commenced in pursuance of the 'Regional Enforcement Team Project' 'Wherever possible, the REM will actively involve the NTCLO and seek to develop close links between those agencies and RCBC.
- 4.5 The Head of RET will as soon as reasonably practicably inform the NTCLO of the outcome of any concluded investigations conducted within North Tyneside.
- 4.6 The NTCLO will soon as reasonably possible inform the Regional Enforcement Manager of the outcome of any concluded investigations and prosecutions conducted within North Tyneside.
- 4.7 The exercise by RCBC of these arrangements shall be at no cost to NTC.
- 4.8 In the absence of the REM, their role, duties, and responsibilities shall be discharged and carried out by other Appropriate Contact Officers as nominated at that time.

5. Referral of Information/Intelligence to the Project Team

- 5.1 It is recognised that the RET will rely on receiving information about infringements of specified legislation whilst working on behalf of NTC
- 5.2 NTC will endeavour to provide as much relevant information and intelligence

as reasonably and practicably possible to the RET concerning any investigation being carried out within NTC having regard to any statutory limitations/restrictions, the time likely to be expended, resources available and costs likely to be incurred by NTC in providing the same.

- 5.3 Information and intelligence will be provided by the NTCLO to the REM or a person designated by him/her.
- 5.4 The RET will not, as a matter of routine, investigate individual complaints received concerning alleged breaches of specified legislation. However, such complaints may be used by the RET as a source of intelligence.
- 5.5 RCBC, RET and NTC agree to process personal data only in accordance with the requirements of the Data Protection Act 1998 and to disclose information only in accordance with the requirements of the Enterprise Act 2002.

6. Conduct and Control of Investigations

- 6.1 The conduct and control of all investigations undertaken by the RET in NTC will be the responsibility of NTC. Investigations will be undertaken in line with NTC's published Enforcement Policy
- 6.2 NTC will take the lead responsibility for all aspects of the investigations and responsibilities under the Criminal Procedure and Investigations Act 1996, Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Enterprise Act 2002.
- 6.3 RCBC will be solely responsible for the Health and Safety of RET officers and any other officer or person within the direct management of the RET providing support and assistance in any investigation undertaken by the RET.
- 6.4 Where breaches of 'specified legislation' are identified, action will be taken in accordance with the enforcement policy and procedures adopted by NTC

7. Responsibilities and Actions of the Authorities

- 7.1 RCBC shall be liable for the actions and competence of the persons employed within the RET and shall ensure that the RET shall comply with all legislative requirements and take all reasonable steps to ensure any actions taken are lawful and within the spirit of the protocol.
- 7.2 NTC shall be liable for the actions and competence of persons within its employ and shall take all reasonable steps to ensure the competence of those persons in carrying out their functions and that they comply with legislative requirements and the spirit of this protocol.
- 7.3 Information / intelligence provided between RCBC and NTC shall be used for the purpose intended and shall not be divulged to third parties unless to do

so would be lawful and in pursuant of an investigation / enquiry subject to this protocol.

- 7.4 RCBC and NTC endorse a joined up working approach to the enforcement of the 'Specified Legislation'. The partners will attempt to promote consistency in enforcement. However, this protocol does not attempt to restrict the powers of authorised officers of the RET or RCBC from discharging their duties, as appropriate.

Commencement date: xxxxx

Signed:

North Tyneside Council

Signed:

Redcar and Cleveland Borough Council