

# North Tyneside Council Report to Cabinet 14 December 2015

## ITEM 7(d)

Regional Trading  
Standards Enforcement  
Team – ‘Scambusters’

Portfolio(s): Housing and Transport

Cabinet Member(s): Cllr J Harrison

Report from Service Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott (Tel: 643 7295)  
Head of Environment, Housing and Leisure

Wards affected: All

### PART 1

#### 1.1 Executive Summary:

This report asks Cabinet to note that officers from Redcar and Cleveland Borough Council who are part of the Regional Trading Standards Enforcement Team (known as the ‘Scambusters Team’) will be given delegated authority to operate within North Tyneside for the duration of any regional, cross border Trading Standards investigation that has a North Tyneside dimension to it. As part of that delegation, officers both within the Authority and Redcar and Cleveland Borough Council will be expected to operate in accordance with a Protocol that may be entered into between the respective Authorities.

#### 1.2 Recommendation(s):

It is recommended that Cabinet:-

- (1) note the existence of the Regional Trading Standards Enforcement Project (‘Scambusters’) funded by the Department of Business, Innovation and Skills (BIS) through the National Trading Standards Board (NTSB) that supports cross border enforcement and that in the North East of England the project is led by Redcar and Cleveland Borough Council;
- (2) note that the Head of Environment, Housing and Leisure will give delegated authority to officers of Redcar and Cleveland Borough Council to operate as Trading Standards Officers for and on behalf of the Authority for the duration of any particular cross-border investigation in which the Scambusters Team is involved; and
- (3) authorise the Head of Environment, Housing and Leisure in consultation with the Head of Law and Governance, to enter into any Protocol or Agreement that may be developed setting out the working arrangements officers from both the Authority and the Scambusters Team will operate under.

### **1.3 Forward plan:**

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 5 October 2015.

### **1.4 Council Plan and Policy Framework**

The Regional Trading Standards Enforcement project aims to target cross border fraudulent and malicious trading practices often involving the most vulnerable members of communities within the region. The Team seeks to marginalise and drive out rogue traders and support and encourage legitimate business within the region.

The project therefore relates to the following priority in the Authority's 2014/18 'Our North Tyneside Plan'.

#### Our People:

Our People will be cared for and kept safe if they become vulnerable working with partners to identify the most vulnerable and protect them from becoming victims of crime.

### **1.5 Information:**

#### **1.5.1 Background**

Across the country various Scambusters Teams were set up by local authority Trading Standards services working together on a regional basis with national government funding. The teams were set up to tackle cross border/regional criminal activity in the broad "fair trading" arena. This was to add to (not replace or substitute) activity already being carried out by local Trading Standards services.

In this region, the Scambusters Team is hosted by Redcar and Cleveland Borough Council on behalf of the 12 Trading Standards services in the North East, including North Tyneside. Governance, direction and tasking is provided within the region via Heads of Service and Senior Managers. The regional team work closely with the 12 individual Trading Standards services. The Regional Enforcement Team will enhance further this Authority's ability to protect residents of North Tyneside.

Trading Standards Officers (or Weights and Measures Officers) within an Authority are required to have the delegated authority to act on behalf of the Authority in relation to numerous pieces of legislation and where necessary to produce proof of such authority to members of the public. If Trading Standards Officers from the Scambusters Team are placed at the disposal of North Tyneside to operate within the Borough alongside the Authority's own Trading Standards Officers, those officers will be required to have the delegated authority to do so.

In an effort to clarify the working arrangements between the Scambusters officers and North Tyneside officers, it may be necessary on occasion for a Protocol or Agreement to be developed and entered into setting out the working arrangements to be followed by each of the officers involved in an investigation in which Scambusters officers are deployed.

## **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:-

### Option 1

note the existence of the additional enforcement resources provided through the Regional Enforcement Team and note the delegated authority that will be given to Scambusters officers on occasion by the Head of Environment, Housing and Leisure and authorise the Head of Environment, Housing and Leisure to enter into any Protocol or Agreement as considered appropriate in consultation with the Head of Law and Governance.

### Option 2

note the existence of the additional enforcement resources provided through the Regional Enforcement Team but prohibit delegated authority being given to Scambusters Officers by the Head of Environment Housing and Leisure.

### Option 3

refer any of the matters arising in this report back to officers for further consideration.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

The proposal seeks to add to the Authority's existing resources by enabling the Trading Standards function within this Authority to have access to members of a team of suitably skilled officers based within the Regional Enforcement Team to assist with the enforcement of fraudulent and malicious trading practices within the Authority's boundaries but which a cross-border impact on other Authorities.

The enforcement resource of the officers from the Regional Enforcement Team will enhance further the Authority's capacity and provides a resource it would not otherwise have ready and available access to.

## **1.8 Appendices:**

None

## **1.9 Contact officers:**

Phil Scott – Head of Environment, Housing and Leisure (Tel: 6437295)  
Colin MacDonald – Senior Manager, Technical and Regulatory Services (Tel: 6436620)  
Alan Burnett – Trading Standards and Licensing Officer (Tel: 643 6621)  
Joanne Lee – Public Protection Manager (Tel: 6436901)  
John Barton – Lawyer (Tel: 6435354)  
Catherine Lyons, Regulatory Services Manager, Tel: (0191) 643 7780  
Alison Campbell, Senior Business Partner, Tel: (0191) 643 7038

## **1.10 Background information:**

The following background papers have been considered in the preparation of this Report and are available for inspection at the offices of the authors.

- (1) [Cabinet Report 14 January 2013](#)
- (2) [North Tyneside Enforcement Policy](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no direct financial implications arising for the Authority as a result of this proposal. The National Trading Standards Board (NTSB) has provided £0.261m to fund the initiative in the North East during 2015/16 and is currently proposing to sustain budget provision to support the initiative for the immediate future. The initiative is co-ordinated regionally by Redcar and Cleveland Borough Council and investigating officers are employed by them.

### **2.2 Legal**

It is the duty of each local weights and measures authority to enforce the provisions of specified legislation within their local authority area. These are executive functions for the purposes of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

By virtue of section 113 of the Local Government Act 1972 a Local Authority may enter into an agreement with another Local Authority for the placing at the disposal of the latter Authority officers, who for all intents and purposes will be treated as officers of that latter Authority. Therefore Scambusters officers placed at the disposal of North Tyneside for the duration of a particular investigation will be treated as if they are North Tyneside officers and will in turn be given the delegated authority to act as such.

### **2.3 Consultation/community engagement**

The initiative is a nationally funded scheme that assists local authorities to enforce their legislative functions in the field of cross border Trading Standards related criminality. The strategic management of the initiative is managed by the National Trading Standards Board and is beyond the control of the Authority. Consultation has taken place with the Senior Leadership Teams in the respective Authorities who both see the benefits of the sort of arrangement that is now being presented to Cabinet.

### **2.4 Human rights**

Investigations undertaken with the assistance of Scambusters officers will be undertaken within the scope of the specified legislation and the Regulation of Investigatory Powers Act 2000, having full regard to the rights of the individual balanced against the interests of the wider general public. In reaching any decision or taking subsequent action due regard will be given to North Tyneside Council's Statement of Enforcement Policy and the statutory principles of good regulation in accordance with the Legislative and Regulatory Reform Act 2006 and the guidance issued by the better Regulation Delivery office, thus ensuring that enforcement activity takes place in a proportionate manner and only where it is considered necessary and in the public interest.

### **2.5 Equalities and diversity**

It is recognised that it is often the poorer and more vulnerable members of society who become victims of rogue trading and find it difficult to access appropriate support and help. Participation in the Scambusters initiative overall has a positive impact in the enforcement and prevention of incidents of rogue trading occurring in the Borough. An extensive range of guidance literature is available to assist consumers and this is available in different formats that reflect this diversity, for example in larger font and different languages. Where language difficulties occur, the service has access to an interpretation service

## 2.6 Risk management

Risks associated with the service are managed via the Operational Risk Management Group.

## 2.7 Crime and disorder

Consumer crime that has a cross border impact invariably harms low-income households and the most vulnerable members of society. This can mean that their activities have disproportionate implications for the more deprived areas and action taken against them therefore supports the policy priorities associated with reducing crime and disorder and protecting the more vulnerable members of the community.

Marginalising rogue traders creates an environment which supports and encourages legitimate business and reduces the fear of crime.

Instances of unfair trading are investigated in accordance with specific legislation and in accordance with the Regulation of Investigatory Powers Act 2000.

## 2.8 Environment and sustainability

There are no direct implications for environment and sustainability arising from this report.

## PART 3 - SIGN OFF

- Deputy Chief Executive
- Head of Service
- Mayor/Cabinet Member(s)
- Monitoring Officer
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy