

# North Tyneside Council Report to Head of Environment, Housing and Leisure

**Date: 28 February 2019**

**Officer Delegated Decision  
Report**

**Title: Authorisation of  
Regional Trading Standards  
Team - Scambusters**

**Portfolio: Community Safety and  
Engagement**

**Cabinet Member: Councillor Carol Burdis**

**Report from Service Area: Environment, Housing & Leisure**

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**Wards affected: All**

## **PART 1**

### **1.1 Executive Summary:**

Across the country various Regional Trading Standards Enforcement Teams (often referred to as "Scambusters" teams) were set up by local authority Trading Standards services working together on a regional basis using national government funding. The teams were set up to tackle cross border/regional criminal activity.

This initiative has previously been considered and noted by Cabinet. This report seeks the Head of Environment, Housing and Leisure to authorise the entering into a Protocol with Redcar and Cleveland Borough Council (RCBC) so that officers from that Authority are placed at the disposal of North Tyneside Council. The Protocol sets out the working arrangements under which the Authority and the Regional Trading Standards Enforcement Team will operate.

The Protocol will also provide a mechanism for delegated authority to be given to the officers of RCBC to enable them to operate as Trading Standards Officers for and on behalf of the Authority for the duration of a cross border investigation in which the Regional Trading Standards Enforcement Team is involved.

### **1.2 Recommendations:**

It is recommended that the Head of Environment, Housing & Leisure:

- Enter into a Protocol/Arrangement with Redcar and Cleveland Borough Council (RCBC) and for the Head of Environment, Housing and Leisure to thereafter give delegated authority to officers of Redcar and Cleveland Borough Council as appropriate so that such officers may act on behalf of the Authority.

### **1.3 Forward Plan**

This item has been listed on the Forward Plan and was published on the 1 February 2019.

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

The Regional Trading Standards Enforcement (“Scambusters”) 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 2018 - 21 ‘Our North Tyneside Plan’:

#### Our People:

- Our People will be cared for, protected and supported

### **1.5 Information**

#### **1.5.1 Background**

On the 14 December 2015, Cabinet considered the existence of the Regional Trading Standards Enforcement Project (‘Scambusters’) funded by Government through the National Trading Standards Board. It was noted that this supports cross border enforcement and, in the North East of England, RCBC act as the lead authority.

Cabinet agreed to authorise the Head of Environment Housing and Leisure, in consultation with the Head of Law and Governance, to enter into a Protocol or agreement setting out the working arrangements under which the Authority and the Regional Trading Standards Enforcement Team will operate.

In doing so Cabinet noted that the Head of Service would delegate authority to officers employed by RCBC to act on behalf of the Authority to undertake cross border investigations in which the Regional Trading Standards Enforcement Team was involved.

A Protocol has now been developed and agreed between the Authority and Redcar and RCBC and is included at Appendix 1 to this report.

The Head of Law and Governance has been consulted and agrees with the drafting of the Protocol as set out in Appendix 1.

Cabinet accepted that the proposal to make use of the Regional Trading Standards Enforcement Team as it would add to the Authority’s existing resources to assist with the enforcement of fraudulent and malicious trading practices within the Authority’s boundaries, but which had a cross-border impact on other Authorities.

If Trading Standards Officers from the Regional Trading Standards Enforcement Team

are placed at the disposal of the Authority to operate within North Tyneside alongside its own officers, this will greatly assist in relation to an on-going relevant investigation.

In August 2018, the Authority's Trading Standards team began an investigation which has a cross border impact. The Regional Trading Standards Team has agreed to assist with the investigation and now require appropriate delegations.

In an effort to clarify the working arrangements between the Regional Trading Standards Enforcement officers and the Authority's officers, the Protocol at Appendix 1 will be entered into to set out the working arrangements to be followed by the officers involved in the investigation referred to above.

## **1.6 Decision Options**

The following decision options are available for consideration by the Head of Service for Environment, Housing and Leisure:

### Option 1

To enter into a Protocol/Arrangement with Redcar and Cleveland Borough Council (RCBC) and for the Head of Environment, Housing and Leisure thereafter to give delegated authority to its officers to act on behalf of the Authority.

### Option 2

Not to enter into a Protocol/Arrangement with Redcar and Cleveland Borough Council (RCBC).

Option 1 is recommended for the following reasons:

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

With the Protocol in place it will add to the Authority's existing Trading Standards resources to assist with the enforcement of fraudulent and malicious trading practices within the Authority's boundaries, but which had a cross-border impact on other Authorities. The protocol sets out the working arrangements to be followed by the officers involved in the investigation referred to above

## **1.8 Appendices:**

Appendix 1 – Protocol/Agreement to be entered into by the Authority and the Scambusters Team

## **1.9 Contact Officers:**

Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620

Alan Burnett, Trading Standards & Licensing Group Leader, Tel: 0191 643 6621

## **1.10 Background Information:**

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

1. [The Local Government Act 1972](#)
2. [Regional Trading Standards Enforcement Team – ‘Scambusters’, Report to Cabinet, 14 December 2015](#)

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

### **2.1 Finance and Other Resources:**

There are direct financial implications arising for the Authority as a result of this proposal. If the investigation results in a prosecution the Authority would be responsible for any prosecution costs but, some or all of these costs may be awarded to the Authority on a successful prosecution. If the Authority incurs prosecution costs but the case is unsuccessful, these costs will be met from existing budgets.

### **2.2 Legal**

It is the duty of each Local Authority (in some instances acting as the Local Weights and Measures Authority) to enforce the provisions of specified legislation within their local authority area.

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. It is proposed that officers of RCBC who work within the Regional Trading Standards Enforcement Team will be placed at the disposal of the Authority for the duration of a particular investigation and will for the duration of that investigation be treated as if they are North Tyneside officers and will in turn be given the delegated authority to act as such.

Cabinet noted that delegations would be given to officers of RCBC and gave authority for the Head of Environment Housing and Leisure to enter into a Protocol and/or Agreement as part of the delegation process.

### **2.3 Consultation/Community Engagement:**

Internal Consultation has taken place with the Head of Environment, Housing and Leisure and the Head of Law and Governance.

### **2.4 Human Rights:**

Investigations undertaken with the assistance of RCBC's 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 the Authority's Enforcement Policy and the statutory principles of good regulation in accordance with the Legislative and Regulatory Reform Act 2006 and the Code for Regulators published under that Act, 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 Regional Trading Standards Enforcement 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. The Authority also has provision of foreign language translation and interpretation services and British Sign Language and specialist communication support.

## **2.6 Risk Management:**

There are no significant risk management implications to the Authority arising directly from this report.

## **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 environment and sustainability implications arising from this report.

### **PART 3 – SIGN OFF**

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|------------------------------|--|
| • Chief Executive            | <input checked="checked" type="checkbox"/> |
| • Head of Service            | <input checked="checked" type="checkbox"/> |
| • Mayor/Cabinet Member       | <input checked="checked" type="checkbox"/> |
| • Chief Finance Officer      | <input checked="checked" type="checkbox"/> |
| • Monitoring Officer         | <input checked="checked" type="checkbox"/> |
| • Head of Corporate Strategy | <input checked="checked" type="checkbox"/> |