

31 July 2014

**Name of Cabinet Member:**

Cabinet Member (Policing and Equalities) – Councillor Townshend

**Director Approving Submission of the report:**

Assistant Director Communities & Health

**Ward(s) affected:**

All City Wards

**Title:**

Proposed Continued Authorisation of the West Midlands Scambusters Team

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**Is this a key decision?**

No

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**Executive Summary:**

This report seeks authorisation for officers employed by Birmingham City Council, in a regional Trading Standards team known as CEnTSA Scambusters, to investigate rogue traders operating across the West Midlands regarding matters that arise in Coventry.

Previous authorisation was given by the Cabinet Member (City Services) in 2008 to Solihull Metropolitan Borough Council who managed CEnTSA Scambusters prior to Birmingham City Council.

**Recommendations:**

The Cabinet Member (Policing and Equalities) is asked to:

1. approve the delegation of authority to Birmingham City Council to enforce ( save for the prosecution of certain offences) the legislation specified in the Appendix to this report by virtue of Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and/or Sections 9D to 9EB of the Local Government Act 2000;
2. authorise officers to negotiate and sign the terms of any protocol and ancillary legal agreements with Birmingham City Council to facilitate the arrangements in accordance with the Council's Constitution.

**List of Appendices included:**

1. List of specified legislation.

**Other useful background papers:**

<b>Papers open to Public Inspection</b>	<b>Location</b>
Protocol for CEnTSA Regional Trading Standards Scambuster Investigations, 2014	Trading Standards

**Has it been or will it be considered by Scrutiny?**

*No*

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

*No*

**Will this report go to Council?**

*No*

**Report title:**

Proposed Continuation Authorisation of the West Midlands Scambusters Team

**1. Context (or background)**

- 1.1 Through the National Trading Standards Board (NTSB), Birmingham City Council receives funding from the Department for Business, Innovations & Skills (BIS) for a project aimed at targeting rogue trading and scams that operate across the 14 Local Authorities of the Central England Region (CEnTSA). A regional Trading Standards team known as CEnTSA Scambusters is set up to tackle these issues. Similar teams operate in other regions.
- 1.2 CEnTSA Scambusters target dishonest traders who operate across local authority boundaries in the West Midlands using fraud, dishonesty, high pressure selling and other deceptive practices to the detriment of both consumers and honest businesses.
- 1.3 Potential cases for investigation by CEnTSA Scambusters are referred by local authorities to the CEnTSA Tactical Action Group who assess the risk and determine appropriate allocation. The NTSB monitors the areas and outcomes of work undertaken by CEnTSA Scambusters.
- 1.4 Two recent cases referred from Coventry to CEnTSA Scambusters include a misleading advertising scam aimed at small businesses from all over the country, which operates from offices in Coventry and Warwickshire. The second involves a company advertising computer repairs in the West Midlands which scammed a number of Coventry consumers by failing to complete work or return their computers, despite taking money. Both are ongoing CEnTSA Scambusters investigations.
- 1.5 It is necessary to delegate enforcement powers need to officers from Birmingham City Council to allow CEnTSA Scambusters to investigate any offences that were committed in Coventry. This is the purpose of the present report. Officers from Coventry already have these powers.
- 1.6 There may be occasion where officers authorised by Coventry are asked to assist, by providing supporting officers where a warrant is being executed or where evidence is to be secured.
- 1.7 CEnTSA Scambusters was transferred from Solihull Metropolitan Borough Council to Birmingham City Council and a new protocol for the delegation of powers must be agreed.

**2. Options considered and recommended proposal**

- 2.1 There are two courses of action available in relation to the proposal:
  - (1) Approve the delegation of authority to Birmingham City Council, through CEnTSA Scambusters, to enforce legislation specified in the Appendix to this report. This is the option recommended by officers.
  - (2) Not approve the delegation of authority which would mean that Coventry Trading Standards would investigate its case impacting on Coventry and other local authorities subject to existing priorities and resources without additional support.

**3. Results of consultation undertaken**

- 3.1 None required. The decision relates to delegation of existing powers to additional officers to boost the resources available to Coventry. There is no change in policy.

#### **4. Timetable for implementing this decision**

- 4.1 The recommendations if approved would be implemented immediately after the 2014 protocol with Birmingham City Council has been signed.

#### **5. Comments from Executive Director, Resources**

##### **5.1 Financial implications**

There are no additional financial implications or liabilities imposed upon Coventry City Council as a result of this arrangement as all costs will be borne entirely by the Birmingham City Council.

An indirect administrative cost will be incurred if the Licensing and Regulatory Committee is called upon to make a decision on whether or not to authorise the institution of legal proceedings against an alleged offender.

##### **5.2 Legal implications**

Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, and/or Sections 9D to 9EB of the Local Government Act 2000 would allow officers of the CEnTSA Scambusters Team, employed by Birmingham City Council, to exercise powers given to enforcement officers of Coventry City Council.

Birmingham City Council will be responsible for all aspects of investigations and responsibilities under the Criminal Proceedings and Investigations Act 1996, Regulation of Investigatory Powers Act 2000, Data Protection Act 1998, Freedom of Information Act 2000 and the Enterprise Act.

When carrying out the investigation and the potential prosecution of offences, Birmingham will have regard to their Enforcement Policy as well as the Code for Crown Prosecutors and the Regulators Compliance Code.

Information and intelligence provided between authorities will be used for the purpose of preventing and detecting crime and subject to the disclosure provisions of Part 9 of the Enterprise Act 2002

The delegation of the enforcement will be the subject of an agreement to be entered into between Coventry City Council and Birmingham City Council which will also be approved by Legal Services.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Trading Standards help promote growth and provide a fair and safe trading environment. Those businesses that take an unfair advantage, distort the trading environment and put consumers at a disadvantage.

##### **6.2 How is risk being managed?**

There are no significant risks for Coventry City Council. All financial and legal risks will be carried by Birmingham City Council.

**6.3 What is the impact on the organisation?**

If cases with a regional impact are investigated and enforcement action taken by Birmingham City Council through CEnTSA Scambusters, then harm to Coventry consumers and businesses will stop or reduce and officer resources in Coventry can be used to investigate other local priorities.

**6.4 Equalities / EIA**

There are no specific groups that this decision will have an impact on. This decision will not affect the service provision and therefore details of the Equalities Impact Assessment are not relevant on this case.

**6.5 Implications for (or impact on) the environment**

None

**6.6 Implications for partner organisations?**

None

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## **Appendices**

### 1. List of Specified Legislation

Companies Act 2006,  
Consumer Protection Act 1987,  
Copyright Designs & Patents Act 1988,  
Criminal Attempts Act 1981,  
Enterprise Act 2002  
European Communities Act 1972,  
Fair Trading Act 1973,  
Forgery & Counterfeiting Act 1981,  
Fraud Act 2006,  
Proceeds of Crime Act 2002,  
Theft Acts 1968 and 1978,  
Trade Marks Act 1994,  
Video Recordings Acts 1984 and 1993,  
Weights & Measures Act 1985,

and all secondary legislation made under any of the specified legislation