

trading standards departments to pool resources for greater operating efficiencies.

As trading standards departments are included in the Proceeds of Crime Incentivisation scheme we can, along with other bodies involved in the investigation seek to recoup some of the costs of a prosecution by being awarded a percentage of any eventual confiscation order. All investigations involving the Scambusters Team will therefore also have the support of an Accredited Financial Investigator from a neighbouring trading standards office to carry out this role. There will be no additional cost to the local authority for this service.

(b) Risk Management

Low level risk

(c) Human Rights Act and other Legal Implications

There are no Human Rights Act or other Legal Implications to this award. The Council has the power under Section 101 of the Local Government Act 1972 to arrange for the discharge of any of its functions by any other local authority.

(d) Workforce

There are no workforce implications. The proposal, if agreed, will enable our Trading Standards service to have investigative support from a team of highly trained experts based in the Scambusters Team at Surrey County Council.

5. Supporting Information

- 5.1 The Council has a statutory obligation to enforce a wide range of legislation aimed at protecting the interests of consumers, businesses, the environment and the wider community. This ranges from food safety, health and safety and environmental safeguards to consumer protection law, anti-counterfeiting measures and under age sales etc. In addition the Council has also resolved to enforce legislation for which it has no statutory responsibility, but which is conducive and consistent with the overall aims of the service ie, to tackle fraud and theft.
- 5.2 In 2006 the then Department of Trade and Industry provided additional resources to help local authorities investigate fraudulent practices operated across local authority boundaries. The resultant 'Scambuster' Team, based at Surrey County Council was subsequently set up to provide that investigative. Although this may mean that officers of Surrey County Council will undertake investigations in Slough the final decision on the appropriateness of any criminal legal proceedings will continue to be exercised by Slough Borough Council.

5.3 This initiative was initially the subject of a Cabinet report on 10th July 2006 when the Scambusters Team was initially authorised to investigate and produce enforcement reports for consideration by the authority. This authority was time limited until 2008 and now needs renewing.

5.4 The aim of the project is to target major scams and malpractices within the South East that are beyond the capability of individual local authorities. The Team will be working across local authority boundaries on operations that are intelligence led. They will also work closely with other Agencies such as the Police and Her Majesty's Revenue & Customs (HMRC). They will also work with other regional Scambuster Teams and the Office of Fair Trading (OFT)

5.5 The proposed arrangements are permitted under section 101 of the Local Government Act 1972. It is critical that the power is explicitly delegated in accordance with the legislation so that any due process challenge can be defended

5.6 The current Scambusters Team supports 62 local authorities and protects 21 million consumers

5.7 Using intelligence and information provided by the general public through Trading Standards and Consumer Direct as well as information and co-operation from other agencies especially Police forces to target criminals trading other than at fixed trade premises, who work across local authority borders, with an element of fraud, high pressure selling or other deceptive practice to the detriment of the consumer.

5.8 Priority areas include:

- Deceptive Selling Techniques, targeting the vulnerable
- Doorstep Crime
- Cold calling rogue traders
- High Pressure Sales
- Home-working and other 'get rich quick' schemes
- Car clocking scams

5.9 It is therefore recognised that Officers in the Scambusters Team will need authority to initiate or undertake investigations in relation to potential offences falling entirely outside the boundaries of their own authority.

5.10 Members may wish to know that the Scambusters team has commenced working with our Trading Standards Service on two major investigations which appear to be complex and lengthy, involving rogue traders based in Slough, but operating and trading nationally.

6. Comments of Other Committees

None.

7. **Conclusion**

The Scambusters Regional project itself is a proven way of working: involving co-operation, targeting common issues, transferring knowledge and expertise, etc across a very wide area and across local authority and Regional boundaries.

In supporting this initiative there will be added consumer protection benefits to the consumers of Slough and a more cost effective ways in tackling crime.

8. **Appendices Attached**

Appendix 1 - Draft Authorisation - Scambuster Project Team

9. **Background Papers**

None

Draft Authorisation - Scambuster Project Team

In accordance with the decision of Slough Borough Council on 22nd September 2009 to authorise appropriate Officers of the Scambuster Project Team employed by Surrey County Council to exercise statutory powers, including where appropriate the right to enter land and premises and to sign and issue notices, in the discharge of their duties in the Slough Borough Council area with regard to Consumer Protection and the Investigation of Unfair Trading Practices in connection with the BERR Scambuster Project,

I hereby authorise: Scambusters Project Manager, and officers of his team from Surrey County Council, Mid Surrey Office, Bay Tree Avenue, Kingston Road, Leatherhead, Surrey KT22 7SY to exercise the statutory powers conferred upon a duly authorised officer of an enforcement authority by virtue of the provisions of the legislation listed below (as amended) and any order, rule, regulation or statutory instrument made there under.

Consumer Protection Act 1987

Consumers, Estate Agents and Redress Act 2007

Copyright, Designs & Patents Act 1988

Enterprise Act 2002

European Communities Act 1972

- Consumer Protection from Unfair Trading Regulations 2008

- Business Protection from Misleading Marketing Regulations 2008

- Cancellation of Contracts Made in A Consumer's Home or Place of Work etc Regulations 2008

Trade Marks Act 1994

Video Recordings Act 1984

In conjunction with the above, I also authorise Kevin Thompson, Accredited Financial Investigator, from West Berkshire Trading Standards Dept to carry out investigations on behalf of the Borough Council under the provisions of the Proceeds of Crime Act 2002.

Signed

Date

Mr.Patrick Kelleher
Assistant Director – Public Protection