

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 25 February 2009

Subject: Scottish Scambuster Team

1. Purpose

- 1.1** To inform elected members of a Scotland-wide “Scambuster” project team targeted to tackle trading malpractices across local authority boundaries and to recommend authorisation of officers employed within the team.

2. Background

- 2.1** Following the success of pilot Scambuster projects in England, the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) was given the opportunity to apply for money from Department for Business, Enterprise and Regulatory Reform (BERR) to provide a Scambuster team to operate across Scotland. The Society selected the joint application from North Lanarkshire and Dundee City Councils to host the Scottish team. The funding award was announced by BERR in June 2008 and runs until March 2011.
- 2.2** The project is made up of two teams, one of which is based in Motherwell and covers the South & West of the country. This team comprises the Project Manager and three investigators. The other team is based in Dundee and covers the north and east of Scotland, and is made up of a team leader and two investigators. It is expected there will be occasions when staff from both teams will be working together. Staff in both teams are employees of North Lanarkshire Council.
- 2.3** The major remit of the project is to target major scams and trading malpractices within Scotland that are beyond the capability of individual local authorities. The teams will be working across local authority boundaries on operations that are intelligence led. Drawing on the experience of the pilot teams, they will be expected to work closely with other agencies such as the police and HMRC. They will also work with other regional scambuster teams, the OFT scambuster team and all 32 councils in Scotland.
- 2.4** A steering group for the team has been established with officers from North Lanarkshire Council, Dundee City Council, Consumer Direct Scotland as well as representatives from SCOTSS. The steering group will meet on a quarterly basis to review the work of the team, and its current priorities. The Project Manager will provide quarterly progress reports to the steering group, and information will be provided to all local authorities and key stakeholders as appropriate.

3. Main Issues

- 3.1** As the work of the Scambuster project team is across the whole of the country, a protocol for the project has been agreed by SCOTSS covering the following issues;
- Working practices for project team officers when outside of North Lanarkshire and Dundee City Council areas.
 - The mechanisms whereby Scottish authorities are updated on the progress of the project.
 - The exchange of intelligence and information between the project team and other Trading Standards staff throughout Scotland.
- 3.2** Each local authority has designated a contact officer (and depute) with whom contact will be made before any enquiries are made in the area of that Council. No investigations into the activities of a business operating in an authority's area will be instigated without the specific agreement of the Trading Standards manager for that authority. The project manager and team leader are required to keep the contact officer updated on the progress of investigations and enquiries being carried out in their area.
- 3.3** It is recognised that officers in the project team will need authority to initiate or undertake investigations of potential offences falling entirely outwith the boundaries of North Lanarkshire and Dundee City Councils. This could be achieved by authorisation of the officers by this authority or by the involvement of one of the Council's authorised officer. In West Dunbartonshire, the decision as to which of these means of authorisation will be used in any agreed investigation will be made by the Section Head (Trading Standards). Where potential offences are discovered, these will be reported to the Procurator Fiscal by the project team.

4. Personnel Issues

- 4.1** There are no personnel issues.

5. Financial Implications

- 5.1** There are no financial implications.

6. Risk Analysis

- 6.1** There is no need for a risk analysis.

7. Conclusions

- 7.1** The Scottish Scambuster team will investigate complex cross-border trading malpractices which cannot easily be tackled by individual local authority Trading Standards teams. This new resource is entirely funded by Government and requires no financial input from the Council. For the team to be effective, the Council will need to authorise the Motherwell-based officers

employed by the Scambuster team to exercise investigatory and enforcement powers within the area of West Dunbartonshire. Any such powers will be used with appropriate safeguards and with the prior agreement of officers employed directly by West Dunbartonshire Council.

8. Recommendations

- 8.1** The Committee is asked to delegate power to the Executive Director of Corporate Services to authorise officers working for the Scottish Scambuster team and employed by North Lanarkshire Council allowing those officers to exercise statutory powers in West Dunbartonshire (including where appropriate, the right to enter land and premises and to sign and issue notices) with regard to consumer protection and the investigation of unfair trading practices.

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Date: 5 January 2009

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Appendices: None.

Background Papers: None.

Wards Affected: All.