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**DELEGATION OF AUTHORITY FOR REGIONAL SCAMBUSTER AND ILLEGAL  
MONEY LENDING TEAMS**

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**Responsible Cabinet Member - Councillor Steve Harker, Health and Leisure Portfolio**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek Members' approval for the delegation of the Council's function relating to the enforcement of the legislation specified in **Appendix A**, to Redcar & Cleveland Borough Council, and to authorise officers employed within the Regional Scambuster and Illegal Money Lending Teams.

**Summary**

2. The Government's 'Modernising Agenda' for Trading Standards Services has introduced various centrally funded projects to increase the capacity of services to protect consumers and reputable businesses. As part of this, the North East Trading Standards Authorities (NETSA) regional group for Trading Standards Services is operating, through Redcar & Cleveland Borough Council, a Department for Business Innovation & Skills (BIS) funded Scambuster and Illegal Money Lending Team. The teams will seek to co-ordinate and deliver more effective and cohesive enforcement action against problem traders who are operating across the region. This will require its officers being authorised under Trading Standards legislation (see Appendix A) by each of NETSA's constituent authorities.

**Recommendation**

3. It is recommended that:
  - (a) Members give approval to the delegation of the Council's function relating to the enforcement of the legislation specified in Appendix A, to Redcar & Cleveland Borough Council and to authorise officers employed within the Regional Scambuster and Illegal Money Lending Teams, in accordance with Section 101 of the Local Government Act 1972, and Section 13(7) of the Local Government Act 2000.
  - (b) the Director of Corporate Services be authorised to undertake any necessary legal procedures to bring the proposal referred to in 3(a) above into effect.

## **Reasons**

4. The recommendations are supported by the following reasons:
  - (a) Delegation of the Council's function relating to the enforcement of the legislation specified in Appendix A, to Redcar & Cleveland Borough Council would enable officers employed by them, in the Regional Scambuster and Illegal Money Lending Teams, to be authorised to enforce the legislation within the Borough of Darlington.
  - (b) This would enable the Regional Scambuster and Illegal Money Lending Teams to enforce the specified legislation within the Borough of Darlington and deliver more effective enforcement action against traders who are operating across the region.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

- 1 Local Government Act 1972
- 2 Local Government Act 2000
- 3 The Local Authorities (Functions and Responsibilities)(England) Regulations 2000
- 4 The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000

## **Appendix**

- A Specified Legislation to be Delegated

Nigel Green : Extension 2989

S17 Crime and Disorder	The contents of this report will have an effect on preventing and detecting offences under the relevant legislation.
Health and Well Being	The Illegal Money Lending Team in targeting illegal money lenders will affect the lifestyle choices of their victims.
Sustainability	There is no specific sustainability impact.
Diversity	There is no specific diversity impact.
Wards Affected	The proposals affect all wards equally.
Groups Affected	No specific groups identified apart from the victims of any crimes committed and those who commit them.
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	This is not a Key Decision
Urgent Decision	This is not an Urgent Decision
One Darlington: Perfectly Placed	Safer theme: reducing crime and the fear of crime.
Efficiency	This increases the number of officers authorised to enforce Trading Standards legislation within the Borough of Darlington.

## MAIN REPORT

### Information and Analysis

5. The Regional Scambuster and Illegal Money Lending Teams for the North East are employed by Redcar & Cleveland Borough Council and are funded as part of a national project by the Department of Business Innovation & Skills.
6. The aim of the project is to increase the capacity of the Trading Standards Services in the North East and to deliver more effective and cohesive enforcement action against problem traders who trade across the region. This will require officers from the teams being authorised under Trading Standards legislation (see Appendix A) by each Authority.
7. There is a duty imposed upon local weights and measures authorities to enforce all of the provisions and regulations made under the legislation for which authorisation is sought, within their Local Authority boundary. However, under the provisions of Section 101 of the Local Government Act 1972 and Section 13(7) of the Local Government Act 2000, it is possible to delegate functions to another Local Authority.
8. The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 give effect to Section 13 of the Local Government Act 2000 by specifying those functions which are not to be the responsibility of the executive; those which may, but need not, be the responsibility of the executive (“Local Choice Functions”); those which are to some extent the responsibility of the executive. All of the functions not specified are deemed to be the responsibility of the executive. As delegating an enforcement function to another Authority has not been listed, it is, by default, considered to be an executive function. Pursuant to Section 222(1) of the Local Government Act 1972, the enforcement is expedient for the promotion or protection of the interests of the inhabitants of the Council delegating the authority. Further, the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000, Regulation 7 provides for the discharge of executive functions to another Authority.
9. If the officers of the Regional Scambuster and Illegal Money Lending Teams are authorised to enforce the legislation specified, they would only act within an Authority’s area with its prior consent.
10. In the event of any alleged offences being discovered within the Borough of Darlington by the authorised officers, a report would be submitted to Darlington Borough Council’s Trading Standards and Legal Services for consideration. Any legal proceedings would only be authorised by Darlington Borough Council.

### Outcome of Consultation

11. The Trading Standards Heads of Service in the North East supports the authorisation of the officers from the Regional Scambuster and Illegal Money Lending Teams in each Authority.

**Specified Legislation to be Delegated**

1. Children and Young Persons Act 1933
2. Children and Young Persons (Protection from Tobacco) Act 1991
3. Consumer Credit Act 1974
4. Consumer Protection Act 1987
5. Copyright Designs and Patents Act 1988
6. Enterprise Act 2002
7. European Communities Act 1972
8. Property Misdescriptions Act 1991
9. Trade Descriptions Acts 1968 and 1972
10. Trade Marks Act 1994
11. Video Recordings Acts 1984 and 2010
12. Weights and Measures Act 1985 (only for statutory qualified officers)

and all secondary legislation made under any of the specified legislation.