

NORTH LANARKSHIRE COUNCIL

REPORT

To: ENVIRONMENTAL SERVICES COMMITTEE	Subject: TRANSFER OF SCAMBUSTERS AND E-CRIME STAFF FROM NORTH LANARKSHIRE COUNCIL TO COSLA	
From: HEAD OF PROTECTIVE SERVICES		
Date: 12 AUGUST 2014	Ref: CM/PB	

1. Purpose of Report

- 1.1 To inform members of the decision to transfer the 4 Council staff comprising the Scambusters and E-Crime national enforcement team for Trading Standards, to the employment of the Convention of Scottish Local Authorities (COSLA), and to seek homologation of same.

2. Background

- 2.1 North Lanarkshire Council began a joint venture with Dundee City Council in 2008, whereby the two authorities jointly housed a newly created Scambusters team, with an enforcement responsibility for investigating Trading Standards matters which impacted across local authority areas and had a national detriment to consumers. The Scambusters team has latterly been located in its entirety in North Lanarkshire Council, and we have continued to be the employers of the staff.
- 2.2 Following the UK government's Consumer Landscape Review in 2011, a number of changes have been made to the UK delivery of consumer advice, education, advocacy and enforcement, and the bodies responsible for each of these functions. The original proposals were reported to the Environmental Services Committee on 24 January 2012.
- 2.3 Many of the enforcement functions previously undertaken by the Office of Fair Trading have now been devolved to the responsibility of local authority Trading Standards services. In view of this, COSLA established a shared national Trading Standards team to take on the elements of the enforcement work which required coordination at a national level, and this team took over operational management responsibility of the Scambusters and E-Crime team activities in April 2013.
- 2.4 In light of the recommendations arising from the 'Audit Scotland – Protecting Consumers' report, North Lanarkshire Council has been represented at both officer and member level on COSLA's Consumer Protection Partnership task group, developing the intention to create an amalgamated national enforcement team. These matters were included in a report to the Environmental Services Committee on 23 April 2013.
- 2.5 Whilst the intention was to amalgamate the functions of the Scambusters team with those of the Scottish Illegal Money Lending Unit to create a single enforcement team under the ownership of COSLA by 1 April 2014, there was a slippage in time frames and the transfer of staff and responsibilities could not take place until 1 July 2014. These matters were reported to the Environmental Services Committee on 22 April 2014.

3. Update

- 3.1 On 25 April 2014, the decision to proceed with the transfer of Scambusters and E-Crime staff and Scottish Illegal Money Lending Unit staff to COSLA's Trading Standards Scotland team was approved at the COSLA Leaders meeting.
- 3.2 As a consequence, the Executive Director of Regeneration & Environmental Services and the Convenor of the Environmental Services Committee jointly approved the transfer of North Lanarkshire Council staff affected by this decision. By taking direct ownership and operational control of the whole team, COSLA will be able to direct both the strategic approach to tactical tasking and the enforcement work of the team across Scotland, whilst presenting a greater level of stability, including opportunities for development, for the staff employed.
- 3.3 Protective Services management and HR representatives consulted with COSLA's HR representative to ensure that the staff transfer took place in accordance with the requirements of the Transfer of Undertakings (Protection of Employment) Regulations 1987 (TUPE). This was to ensure that the terms and conditions of employment of the staff concerned were protected during the course of their transfer.
- 3.4 Whilst ownership for the Scambusters and E-Crime staff officially transferred on 1 July 2014, North Lanarkshire Council has agreed to continue to host them whilst works are ongoing to complete the necessary fitments to the new accommodation for the amalgamated team, which will be hosted on a landlord / tenant basis by East Renfrewshire Council. We will continue to be refunded for all associated costs relating to our short term extension to hosting of staff, in line with agreed recharge procedures.

4. Financial Implications

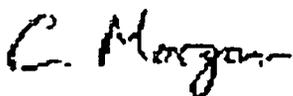
- 4.1 There are no financial implications contained within this report.

5. Corporate Considerations

- 5.1 There are no corporate considerations contained within this report.

6. Recommendation

- 6.1 The Committee is invited to:
- (a) note the content of this report;
 - (b) agree to homologate the decision to transfer the staff as agreed by the Executive Director of Regeneration & Environmental Services and the Convenor of the Environmental Services Committee; and
 - (c) refer the content of this report to the Policy & Resources (HR) Sub-Committee for subsequent homologation on 9 September 2014.



**CRAWFORD MORGAN
HEAD OF PROTECTIVE SERVICES**