

## EXECUTIVE BOARD SUB COMMITTEE

*At a meeting of the Executive Board Sub Committee on Thursday, 21 December 2006  
in the Municipal Building, Widnes*

Present: Councillors Wharton (Chairman), Harris and Nelson

Apologies for Absence: (none)

Absence declared on Council business: (none)

Officers present: J. Downes, L. Derbyshire, L. Capper and P Baragwanath

Also in attendance: (none)

### ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE SUB-COMMITTEE

		<i>Action</i>
ES61	MINUTES	
	<p>The minutes of the meeting held on 7<sup>th</sup> December 2006 were taken as read and signed as a correct record.</p>	
ES62	THE USE OF THE PROCEEDS OF CRIME ACT 2002 BY THE CONSUMER PROTECTION SERVICE	
	<p>The Sub-Committee considered a report on the use of the Proceeds of Crime Act 2002 by the Consumer Protection Service. The Act was introduced by the Government because it recognised that leaving illicitly obtained assets in the hands of criminals was damaging to society.</p> <p>In recent years, there had been concern with the Trading Standards profession that courts often imposed low financial penalties on defendants in Trading Standards prosecutions. To address this concern, some Consumer Protection/Trading Standards Services had worked in partnership with the Asset Recovery Agency to pursue asset recovery in appropriate cases.</p> <p>The Local Authority Co-ordinators of Regulatory Services (LACORS) had recognised that this was a powerful enforcement tool that supported the normal prosecution</p>	

process, but was aware that the Asset Recovery Agency, the Regional Asset Recovery Teams and Police Forces could not provide all the support that Trading Standards would need. It had therefore secured funding from the Home Office for the training of a number of Trading Standards Officers in each region as accredited financial investigators under Parts 2 and 8 of Proceeds of Crime Act 2002.

Halton's Consumer Protection Service had an officer fully trained and accredited under the above provisions of the POCA, one of only 27 officers in Local Government trained to undertake this work. The officer was capable of using the provisions of the Act in certain criminal investigations where the person under investigation had benefited by over £5,000 from their criminal conduct.

An analysis of criminal investigations undertaken by the Consumer Protection Service had revealed that since the introduction of this legislation, 13 local cases could have utilised the confiscation regime under the Act. Currently, there were four cases under investigation that would merit financial investigation, one of which represented potential criminally acquired assets in excess of £200,000. However, LACoRS always intended that those local authority financial investigators trained in this way would offer their services within the region, and that requirement could be delivered via the Council permitting this officer to act for other local authority services on a chargeable, consultancy basis.

It was reported that the Home Office had developed a Recovered Asset Incentivisation Fund (RAIF) which allowed a percentage of confiscated assets to be returned to the Agency undertaking the criminal investigation and/or confiscation work. However, the Home Office had ring-fenced the use of what it called Incentive Monies and had advised that it would monitor the use of such monies to assess issues of propriety and regularity.

RESOLVED: That

- (1) the use of the full 'confiscation regime' and 'offences' under the Proceeds of Crime Act 2002 by the Consumer Protection Service, be agreed; and
- (2) Council be requested to agree the necessary Scheme of Delegation changes:
  - (i) the Borough Solicitor should be the delegated person for instituting proceeds for the Council,

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whilst Trading Standard Officers/Consumer Protection Officers should be delegated as investigating officers;

(ii) in agreeing to the above, the Council would be committing to undertake confiscation cases at Crown Court in Consumer Protection Prosecutions where it can be shown that assets are available for confiscation; and

(iii) a financial investigator to act on a chargeable consultative basis for other local authority services requiring the use of an accredited financial investigator in appropriate cases be permitted.

## **COMMUNITY PORTFOLIO**

### **PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO**

#### **ES63 PROVISION OF OPEN SPACE SUPPLEMENTARY PLANNING DOCUMENT - 2ND REVISED DRAFT PUBLIC CONSULTATION**

The Sub-Committee considered a report which sought approval for the publication of paragraphs 5.8 and 5.9 of revised draft Supplementary Planning Document (SPD); Provision of Open Space, for the purposes of an additional four-week public consultation to accommodate material changes to the document in light of responses received at the previous consultation stage.

Paragraphs 5.8 and 5.9 in the draft version of the SPD related to a very specific set of development circumstances for the repayment of commuted sums. This was not an issue that was highlighted during the first internal partnerships consultation period by any of those consulted. As a result of the comments made at the public consultation stage this policy had been simplified and may be perceived as a material change to the text.

Following consultation with the Government Office and the Council's Legal Services Division it was agreed to take forward the proposed changes by undertaking an additional four-week public consultation on the two paragraphs.

**RESOLVED:** That

- (1) the relevant section of draft Supplementary Planning Document (SPD); Provision of Open Space be

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approved for the purposes of Statutory Public Consultation for a period of four weeks;

- (2) the comments received at the public consultation stage, as set out in the statement of consultation and responses to them are noted; and
- (3) the results of the public consultation exercise and consequent recommended modifications to the draft SPD be reported back to the Executive Board for resolution to adopt as a Supplementary Planning Document.

**MINUTES ISSUED: 5<sup>th</sup> January 2007**

**CALL IN: 11<sup>th</sup> January 2007**

**Any matter decided by the Executive Board Sub Committee may be called in no later than 11<sup>th</sup> January 2007.**

*Meeting ended at 10.15 a.m.*