



City of Westminster

Executive Summary and Recommendations

Formatted: Different first page header

	Committee Report
Date:	26 February 2008
Subject:	Fraud Act 2006 Delegations
Summary This report sets out a proposal to delegate authority to the Director of Community Protection to enforce the Fraud Act 2006 in order to combat fraudulent trading practices.	
Recommendation That the Director of Community Protection be delegated authority to enforce the Fraud Act 2006.	



City of Westminster

General Purposes Committee Report

Date: **26 February 2008**

Classification: **For General Release**

Title of Report: **Fraud Act 2006 Delegations**

Report of: **Sue Jones/Jim Barr - Trading Standards**

Wards involved: **All**

Wards involved: **All**

Policy context: **To enforce new powers relating to criminal liability for fraud and obtaining services dishonestly.**

Financial summary: **Met within current budget**

Report Author: **Jim Barr, Principal Trading Standards Officer**

Contact details
Tel: 0207641 2579: Fax 0207641 1702
Email: jbarr@westminster.gov.uk

Formatted: Font: 8 pt

Formatted: Right: 0.63 cm

1. Background Information

- 1.1 The Fraud Act 2006 modernises criminal sanctions for fraud and repeals the majority of the Theft Acts 1968 and 1978 which formerly dealt with offences of deception. The Act creates a new general offence of fraud which can be committed in three ways:

- § fraud by false representation;
- § fraud by failing to disclose information and
- § fraud by abuse of position.

- 1.2 The Act will enhance the ability of officers to deal with the more serious fraudulent trading practices including doorstep crime, and scams.
- 1.3 The Act applies to offences committed wholly after the date of its implementation on 15th January 2007. The existing Theft Act laws remain applicable to any offence committed wholly or partly before that date.
- 1.4 The Fraud Act is sought as an addition to current delegations.

2. Detail

The new Act simplifies the offences of fraud and comprises just 16 sections, a number of which are procedural in context, in that they deal with matters such as, definitions, liability of company officers, consequential amendments and commencement.

Examples of the types of activities which the Fraud Act could be utilised for would include:

- rogue traders who prey on the elderly and vulnerable, claiming that building work is necessary when it isn't, claiming to have carried out work that wasn't done and charging extortionate sums of money, inferring a certain price and then charging more.
- scams such as bogus charity collections, lotteries
- car clocking
- counterfeiting
- possessing a false motor dealer's stamp for falsifying service histories

The offences carry a penalty on indictment of 10 years imprisonment or an unlimited fine or both.

3. Financial Implications

- 3.1 Funding will be met from existing budget.

Formatted: Font: 8 pt

Formatted: Right: 0.63 cm

4. Legal Implications

- 4.1 Contravention of the Act is a criminal offence.
- 4.2 There are no legal implications over and above enforcing the provisions in line with the City Council's Enforcement policy and the Enforcement Concordat.

~~4.3 Gary Blackwell and Peter Large of Legal Services have been consulted.~~

5. Staffing Implications

- ~~5.1~~ 5.1 Enforcement of these provisions will be met within current staffing levels.

6. Business Plan Implications

- 6.1 There are no implications over and above those activities which form part of the business plans in respect of scams/doorstep crime.

7. Outstanding Issues

- 7.1 None.

8. Consultation

- 8.1 This is not ward specific.

9. Crime and Disorder Act 1998

9.1 Under Section 17 of the Act a Local Authority has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area".

9.2 The implications of crime and disorder have been considered and this report has been drafted in pursuance of the City Council's S17 Duty.

10. Health and Safety Issues

10.1 Health and safety is covered by existing departmental procedures.

11. Human Rights Act 1998

11.1 Existing procedures and codes of practice cover enforcement action. These procedures address Human Rights and other legal issues.

12. Reason(s) for Decision(s)

12.1 The Fraud Act will be an essential tool with which to combat fraudsters who prey on the more vulnerable members of the community.

Formatted: Tab stops: 1.25 cm, Left

Formatted: Font: 12 pt

Formatted: Bullets and Numbering

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Tab stops: 1.25 cm, Left

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Bullets and Numbering

Formatted: Font: 12 pt

Formatted: Indent: Hanging: 3.81 cm, Tab stops: 1.25 cm, Left + Not at 2.54 cm

Formatted: Indent: Left: 0 cm, Tab stops: 1.25 cm, List tab + Not at 2.2 cm

Formatted: Bullets and Numbering

Formatted: Indent: Hanging: 3.81 cm

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, Tab stops: 1.25 cm, Left + Not at 2.22 cm

Formatted: Indent: Hanging: 3.81 cm

Formatted: Tab stops: 1.25 cm, Left + Not at 1.67 cm + 2.22 cm

Formatted: Bullets and Numbering

Formatted: Indent: Hanging: 3.81 cm, Tab stops: 1.25 cm, Left

Formatted: Tab stops: 1.25 cm, Left

Formatted: Font: 12 pt

Formatted: Indent: Hanging: 2.22 cm, Tab stops: 1.25 cm, Left + Not at 2.22 cm

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, Tab stops: 1.25 cm, List tab + Not at 2.22 cm + 2.69 cm

Formatted: Bullets and Numbering

Formatted: Font: 8 pt

Formatted: Right: 0.63 cm

9. Crime and Disorder Act 1998

9.1 Under Section 17 of the Act a Local Authority has a duty “to exercise its functions with due regard to the likely effect of the exercise of these functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area”.

Formatted: Bullets and Numbering

9.2 The implications of crime and disorder have been considered and this report has been drafted in pursuance of the City Council's S17 Duty.

Formatted: Bullets and Numbering

10. Health and Safety Issues

10.1 Health and safety is covered by existing departmental procedures.

Formatted: Bullets and Numbering

11. Human Rights Act 1998

11.1 Existing procedures and codes of practice cover enforcement action. These procedures address Human Rights and other legal issues.

Formatted: Bullets and Numbering

12. Reason(s) for Decision(s)

12.1 The Fraud Act will be an essential tool with which to combat fraudsters who prey on the more vulnerable members of the community.

Formatted: Bullets and Numbering

If you have any queries about this report or wish to inspect one of the background papers please contact Jim Barr on 020 7641 2579, fax 020 7641 1702, e-mail jbarr@westminster.gov.uk.

Background Papers

None

Formatted: Font: 8 pt

Formatted: Right: 0.63 cm

If you have any queries about this report or wish to inspect one of the background papers please contact Jim Barr on 020 7641 2579, fax 020 7641 1702, e-mail jbarr@westminster.gov.uk.

Background Papers

None