

## **BOROUGH OF POOLE**

### **RECORD OF DECISION TAKEN UNDER DELEGATED POWERS BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

#### **AUTHORISATION IN RELATION TO A CROSS BORDER PROSECUTION BY SOUTHAMPTON CITY COUNCIL**

##### **1.0 PURPOSE OF REPORT**

- 1.1 To authorise Southampton City Council to commence a Trading Standards prosecution based upon evidence collected from within a number of Local Authority areas including the Borough of Poole.

##### **2.0 DECISION REQUIRED**

- 2.1 That the Head of Legal and Democratic Services enters into an Agreement under S101 of the Local Government Act 1972 with Southampton City Council in relation to enforcement action.

##### **3.0 BACKGROUND INFORMATION**

- 3.1 Southampton City Council have approached a number of Local Authorities seeking authority to commence a Trading Standards prosecution based upon evidence that has been collected not only within the City Council area, but also from within the areas of other Trading Standards Authorities. The other Authorities have not been involved in the investigatory work, however, in order for Southampton City Council to bring the prosecution they have been advised that the relevant Local Authorities should delegate their enforcement powers to the City Council in this connection only.
- 3.2 A broad precis of the case and the proposed action has been provided to both the Council's Legal Services and Trading Standards teams and has been assessed as a suitable case for prosecution by Southampton City Council.

##### **4.0 REASON FOR DECISION**

- 4.1 The evidence discloses allegations of widespread fraudulent trading which should be fully considered, investigated, and tried in the criminal courts. Without the authority granted by this decision, Southampton City Council would be unable to rely upon the greater part of the evidence which they need to adduce in order to have a reasonable prospect of obtaining a conviction.

##### **5.0 FINANCIAL AND LEGAL IMPLICATIONS**

- 5.1 The investigation, enforcement, and prosecution activity is being entirely funded by Southampton City Council. The prosecution will be in the name of Southampton City Council and no liability for costs will attach to the Borough of Poole.

5.2 The Borough of Poole is a Trading Standards Authority and has the legal power to bring such prosecutions. It is appropriate therefore in this case for us to delegate authority to Southampton City Council who have undertaken this investigation.

**6.0 RISK MANAGEMENT IMPLICATIONS**

6.1 There are no risk management implications.

**7.0 EQUALITIES IMPLICATIONS**

7.1 There are no equalities implications.

**Report Author and Decision Maker:**

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**T M Martin, Head of Legal and Democratic Services**

**21 January 2015**