

**Notice of meeting of  
Decision Session - Cabinet Member for Crime and Community  
Safety**

**To:** Councillor Fraser (Cabinet Member)

**Date:** Tuesday, 1 May 2012

**Time:** 4.00 pm

**Venue:** The Guildhall, York

**A G E N D A**

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**Notice to Members - Calling In:**

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

**10:00 am on Monday 30 April 2012** if an item is called in *before* a decision is taken, *or*

**4:00 pm on Thursday, 3 May 2012** if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

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Written representations in respect of item on this agenda should be submitted to Democratic Services by **5.00pm on Friday 27 April 2012**.

**1. Declarations of Interest**

At this point in the meeting the Cabinet Member is asked to declare any personal or prejudicial interests he might have in the business on the agenda.

- 2. Minutes** (Pages 3 - 4)  
To approve and sign the minutes of the meeting held on 3 April 2012.

- 3. Public Participation - Decision Session**  
At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5.00pm on Monday 30 April 2012**.

Members of the public may register to speak on -:

- An item on the agenda
- An issue within the Cabinet Member's remit
- An item that has been published on the Information Log since the last session. Information reports are listed at the end of the agenda.

Please note that no items have been published on the Information Log since the last Decision Session.

- 4. Proceeds of Crime** (Pages 5 - 14)  
The purpose of this report is to inform the Cabinet Member of the trading standards service's activity under the Proceeds of Crime Act 2002 ('the Act') (POCA), and seek agreement on the priorities for spending receipts under the Home Office's Asset Recovery Incentivisation Scheme (ARIS).
- 5. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- Email – [judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

## **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

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MEETING	DECISION SESSION - CABINET MEMBER FOR CRIME AND COMMUNITY SAFETY
DATE	3 APRIL 2012
PRESENT	COUNCILLOR FRASER (CABINET MEMBER)

**32. DECLARATIONS OF INTEREST**

At this point in the meeting the Cabinet Member was invited to declare any personal or prejudicial interests that he might have had in the business on the agenda.

The Cabinet Member declared no interests.

**33. MINUTES**

RESOLVED: That the minutes of the last Crime and Community Safety Decision Session held on 6 March 2012 be approved and signed by the Cabinet Member as a correct record.

**34. PUBLIC PARTICIPATION - DECISION SESSION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**35. DESIGNATED PUBLIC PLACE ORDERS**

The Cabinet Member received a report which outlined the current landscape of Designated Public Place Orders (DPPO) and put forward proposals to consult on a simplification of the structure to ease enforcement and reduce displacement of anti social drinking behaviour.

Officers informed the Cabinet Member that methods that had been used by the Police to record of anti social behaviour (ASB) made it difficult to identify what ASB could be attributed to alcohol.

They suggested that Option 4, to consult on a single DPPO covering the whole Unitary Authority, was the most appropriate approach to simplify the structure. As they felt that it was better to consult in as wide an area as possible, to include all the relevant communities affected.

The Cabinet Member felt that Option 3, to consult on a single DPPO within the boundary of the Outer Ring Road, maintain those existing outside the outer ring road and create additional orders to address problems as they arise, could be more justifiable because it would be consistent and would limit displacement.

He mentioned to Officers that the consultation should be clear about what a DPPO was not, and that all options proposed in the Officer's report should be presented. He suggested that the Council's Communications Team could also be involved in promoting the consultation, in order to achieve more public awareness.

- RESOLVED:
- (i) That the report be noted.
  - (ii) That Option 3 to consult on a single DPPO within the boundary of the Outer Ring Road, maintain those existing outside the outer ring road and create additional orders to address problems as they arise be approved.

REASON: To ensure that the Council and the police can effectively tackle the problems associated with anti-social behaviour and street drinking.

Councillor S Fraser, Cabinet Member  
[The meeting started at 4.30 pm and finished at 4.43 pm].



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**Decision Session - Cabinet Member for  
Crime & Community Safety****1 May 2012**

Report of the Assistant Director of Housing and Public Protection.

**Proceeds of Crime****Summary**

1. The purpose of this report is to inform the Cabinet Member of the trading standards service's activity under the Proceeds of Crime Act 2002 ('the Act') (POCA), and seek agreement on the priorities for spending receipts under the Home Office's Asset Recovery Incentivisation Scheme (ARIS).

**Background**

2. The Act enables the police and other enforcement bodies, like trading standards, to recover the criminal assets of those people living off the proceeds of crime. The object being to help ensure that 'crime doesn't pay'.
3. Financial investigators (AFIs) undertake this work. They are accredited by the National Police Improvement Agency after receiving specialist training. They are given specific powers to conduct investigations into the origin of an offender's assets. The City of York Council's (CYC) trading standards team have three AFIs (one is seconded to the Yorkshire & the Humber Trading Standards Group Regional Scambuster Team). These officers are not solely engaged in undertaking financial investigations but carry out this work as part of their normal investigation duties.
4. AFIs' powers enhance criminal investigations in a number of ways. Firstly, they can investigate specific 'money laundering' offences contained within the Act to tackle those people who help handle and hide criminal property, usually cash. Secondly, they are authorised to seize cash (sums over £1000) from offenders and begin proceedings to forfeit that money. Thirdly, and most

significantly, as far as CYC are concerned, they are responsible for preparing 'confiscation proceedings' in certain cases. These proceedings occur in cases where offenders have made significant sums from their criminal conduct.

5. On 5 June 2008, the Executive Member for Neighbourhood Services approved a report supporting the use of proceeds of crime legislation to help deter and detect criminal activity, particularly that arising from those involved in supply of counterfeit products. Since that time, officers have secured their first convictions for money laundering, have made their first cash seizure (£3500 seized from a person suspected of supplying illicit tobacco) and obtained over £565k from criminal activity in 'confiscation proceedings' (of which £132K has been paid to CYC under ARIS). All of the 'confiscation proceedings' concluded to date have been in relation to the supply of counterfeit products. However, CYC AFIs are now being tasked to conduct confiscation proceedings into rogue trading offences taken by other local authority trading standards services, and enforcement agencies such as Veritu Limited who investigate benefit fraud in CYC, North Yorkshire County Council and Ryedale District Council. CYC entered into agreements to undertake this work on the basis that CYC receives a share of the recovered assets through the Home Office Asset Recovery Incentivisation Scheme (ARIS).
6. Under ARIS, half of any money recovered (and repaid) under the confiscation proceedings is retained by the government, the remaining half is 'shared' as follows:-
  - Investigator – 18.75%
  - Prosecutor – 18.75% and
  - Enforcement (Court) – 12.5%
7. Where the investigation and prosecution is carried out by the same agency, for example in cases brought by the CYC trading standards, both shares of the ARIS monies are paid to that agency. In cases prosecuted by other agencies CYC only receives the investigator's share. The ARIS 'rules' for cash forfeitures are different in that the agency seizing the cash receives 50% share of the forfeited amount. If the offender has the ability to pay prosecution costs after the 'confiscation proceedings' have concluded these are also recoverable.



Annex 1 contains details of the cases, the amount of the confiscation award and the amount received by CYC through costs through ARIS to date.

8. The Home Office specify that at least a portion of ARIS payments should be used to further drive up performance on asset recovery and, where appropriate, to fund local crime fighting priorities for the benefit of the community. It is a matter for each agency to determine precisely how to spend the allocation but it must be spent 'as soon as practicable'.

9. CYC have prioritised the spending of ARIS receipts as follows:-

i) Maintaining CYC's ability to undertake Proceeds of Crime work

This includes paying for officers' accreditation fees, relevant CPD training to maintain accreditation and funding specialist counsel to represent CYC in confiscation proceedings

ii) Expanding CYC's capacity to undertake Proceeds of Crime work

This includes training an additional officer to become an accredited financial investigator, the purchase of specialist software to scan and analyse bank statements and temporary additional staff to assist with the processing of large volumes of financial records.

iii) Training CYC officers in the public protection group to the required level of competence to undertake complex criminal investigations.

iv) Part funding a prosecutions solicitor in legal services to undertake criminal prosecution work to 'free up' officer time to undertake more complex investigation work.

This includes training all trading standards enforcement officers (as well other officers in environmental health and licensing services) to BTEC Level 7 in Advanced Investigative Practice

v) Local crime reduction initiatives.

This includes payments for target hardening schemes.

In addition to CYC ARIS monies, ARIS payments received by the York based Regional Trading Standards Scambuster Team have been used to sustain and enhance regional trading standards enforcement capability and improving CYC's ability to gather/interpret intelligence on rogue trading issues (on behalf of the 11 local authority trading standards services in the Yorkshire and the Humber Trading Standards Group).

10. It is important to note, that there can be considerable time between commencing an investigation and receiving ARIS money where it is awarded. If there is an award in our favour, the defendant is likely to be given time to pay. For example, one of the 2008 awards was not paid until 2011 as it involved the sale of numerous properties.

### **Proposed Prioritisation for Spending Future ARIS Receipts**

11. The first priority for spending POCA receipts will be to maintain and, where practical expand, CYC's capacity to undertake POCA investigation and related prosecution work. This will include meeting the costs of undertaking legal proceedings, training relevant officers and maintaining their statutory accreditation, funding specialist legal and technical support to progress investigations and part funding the appointment of a prosecutions solicitor to free up trading standards senior manager time to supervise these increasingly complex investigations.

The second priority will be to use for local crime reduction initiatives to target priorities set out in the York Community Safety Plan. Monies will be made available to the relevant Crime or Anti Social Behaviour delivery group, based upon the reasons for the asset confiscation. The relevant delivery group, through use of the National Intelligence Model and other evidence based techniques will identify the local scheme / project that will have greatest impact on crime reduction within the City of York. The allocation of any monies will be managed through the Safer York Partnership Board. Feedback on which schemes have been taken forward will be passed back to the trading standards service.

Spending priorities for POCA receipts in cases taken on behalf Yorkshire & the Humber Trading Standards Group Regional Scambuster Team will be determined by the executive of that group. The investigation and prosecution of these cases is

undertaken using grant monies to fund regional and national trading standards enforcement.

### **Consultation**

12. There is no consultation associated with this report.

### **Options**

13. The Cabinet Member is asked to consider the following options:-
  - a) To note the report and approve the spending of ARIS receipts in accordance with the priorities detailed in paragraph 11 above.
  - b) To note the report and recommend a different list of spending priorities.

### **Analysis**

14. Option 1 will increase CYC's ability to recover assets obtained from crime, develop the relevant skills of officers and provide a source of funding for appropriate community projects. It enhances CYC's ability to provide an effective cross boundary regional trading standards service enforcement function. It also ensures that the CYC meets the Home Office guidelines for spending ARIS payments.
15. Option 2 may limit CYC's ability to undertake POCA investigation work and put at risk the outcome of future confiscation legal action.

### **Council Plan**

16. Effective use of proceeds of crime legislation supports the council priorities to "Protect jobs and grow the economy" and "Protect vulnerable people".

### **Implications**

17. **Financial** The 'day to day' cost of financial investigations is met from existing budgets. Where CYC conduct investigations on behalf of other agencies those agencies agree to meet the cost of bringing proceedings.

18. **Human Resources (HR)** There are no human resource implications associated with this report.
19. **Equalities** There are no equalities implications associated with this report
20. **Legal** There are no legal implications associated with this report.
21. **Crime and Disorder** The purpose of POCA is to take the profit out of crime.
22. **Information Technology** There are no IT implications associated with this report.
23. **Property** There are no property implications associated with this report.
24. **Other** There are no other implications associated with this report.

### **Risk Management**

25. There are no known risks associated with this report.

### **Recommendations**

26. The Cabinet Member is asked to note the report and approve Option 1.

Reason: To maintain and enhance CYC's ability to undertake proceeds of crime investigation and asset recovery work and to comply with the Home Office guidance on spending Asset Recovery Incentivisation Scheme payments.

### **Contact Details**

#### **Authors:**

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#### **Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director (Housing & Public Protection)

**Report Approved**



**Date** Tuesday  
17 April 2012

**Specialist Implications Officer(s)**

None

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Background Papers:**

Home Office Asset Recovery Incentivisation Scheme Guidance

**Annexes**

Annex A. CYC Confiscation Awards and ARIS receipts

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**Annex A: CYC Confiscation Awards and ARIS receipts**

<b>Date of Confiscation Award</b>	<b>Confiscation Amount</b>	<b>Costs awarded to CYC</b>	<b>ARIS payment to CYC as at 01/03/2012</b>
08/05/2008	£40,000.00	£23,493.92	£15,000
12/08/2008	£7,988.62		£2,995.73
29/10/2008	£273,015.81	£23,190.39	£70,825.20
16/02/2009	£20,000.00		£7,500
16/11/2009	£1.00		£0.37
25/03/2010	£14,143.50		£530.38
25/03/2010	£11,999.98		£4,499.99
29/06/2010	£70,000.00	£16,121.88	£26,250
17/02/2011	£8,000.00		£3,000
31/08/2011	£120,000.00	£20,000.00	£2,300.83
<b>Total</b>	<b>£565,148.91</b>	<b>£82,806.19</b>	<b>£132,903</b>

\*Proceedings on behalf of the Yorkshire and the Humber Trading Standards Group Scambuster Team.

\*\* Investigation on behalf of East Riding of Yorkshire Council.

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