

Annex E – Proposed Enforcement Policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams



National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team Enforcement Policy

This document is the enforcement policy for the National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team (NTS RIT and eCrime) hosted by City of York Council on behalf of the National Trading Standards Board (NTSB)

The purpose of NTS RIT and eCrime is to tackle the scams and complex cases of fraud perpetrated on a regional and national basis in an effective way that is not readily achievable by individual local authorities. NTS RIT and eCrime investigate individual cases and practices referred to them by local authority trading standards services and through the tasking arrangements of NTSB.

The purpose of NTS RIT and eCrime is not to provide advice, information or carry out inspections of regulated businesses. NTS RIT and eCrime are charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using both criminal and civil sanctions.

NTS RIT and eCrime will have regard to The Code for Crown Prosecutors issued by the Director of Public Prosecutions, the Regulators' Code and other relevant codes including those concerned with the investigation of offences.

NTS RIT and eCrime will take appropriate formal enforcement action in cases concerning fraud, significant unlawful consumer detriment, unlawful exploitation of vulnerable consumers groups, intellectual property crime and any other matter that the head of regional investigations considers necessary within the scope of the purpose of NTS RIT and eCrime. For the purposes of this policy formal enforcement action includes prosecution, civil action, confiscation proceedings or the issue of a simple caution.

Formal enforcement action under this policy will be in the public interest and will:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from crime/non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by the crime/regulatory non-compliance, where appropriate;
- and
- aim to deter future offending/non-compliance.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and Equalities Act 2010.

Signed:

Neil Ferris
Corporate Director – Economy and Place
On behalf of City of York Council

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