

REPORT OF THE CHAIRMAN OF COMMUNITIES AND PLACE COMMITTEE THE ENFORCEMENT AND PROSECUTION POLICIES FOR THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE

Purpose of the Report

1. To approve the reviewed and updated Enforcement and Prosecution policies for use by the Trading Standards and Community Safety Service.

Information and Advice

2. The role of the Service is to promote and maintain a fair and safe trading environment, and to protect the interests of consumers and legitimate business.
3. The Service enforces a wide range of business and consumer protection legislation, relating to quality, quantity, safety, description and price of goods and services. It carries out its duties in various ways, including inspection, sampling, test purchasing, testing, investigation and legal proceedings. It also works to prevent issues by informing, advising and educating both businesses and consumers.
4. Most businesses and individuals want to comply with the law. The effectiveness of relevant legislation in protecting consumers and businesses depends on the compliance of those regulated.
5. The proposed Enforcement Policy (attached as Appendix A) sets out what those regulated can expect from the Service, providing guidelines on how it undertakes its duties. The Policies have always existed for the Service, but need to be periodically reviewed and approved to ensure they are up to date and relevant. The changes have included updates in legislation and making the policies easier to follow. There are no substantive changes
6. The institution of legal proceedings can have a significant impact upon those who are brought before the Courts. Incorrectly made decisions to prosecute can also impact adversely upon the County Council.
7. The proposed Prosecution Policy (attached as Appendix B) sets out the factors to be taken into consideration before the institution of any legal proceedings. It sets out a robust framework for decision making. Such policies are often referred to by the defence and the Courts when considering the approach that the Authority has taken, and also with regards to the decision to institute legal proceedings.
8. Both policies have been developed to ensure that the approach that the Service takes in carrying out its enforcement duties, and how it deals with any noncompliance, are done in an equitable, proportionate and consistent manner.

9. Both policies are public documents, and the current versions are published on the Nottinghamshire County Council website at www.nottinghamshire.gov.uk

Other Options Considered

10. None

Reasons for Recommendations

11. The Trading Standards and Community Safety Service Enforcement and Prosecution policies have been reviewed and updated. They are both attached as appendices to this report, for the Committee to approve.
12. The revised policies were endorsed by the Communities and Place Committee on 5th October, when it was agreed to put both policies to Policy Committee for approval.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. This report contains no additional financial implications for the net budget of the service, with activity reported being contained within existing service budget.

RECOMMENDATION

- 1) That approval is given to the Enforcement Policy and the Prosecution Policy as set out in Appendix A and Appendix B to this report.

Councillor John Cottee
Chairman of Communities and Place Committee

For any enquiries about this report please contact: Mark Walker 0115 977 2173

Constitutional Comments (SLB 23/10/2017)

15. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (CT 20/10/17)

16. The financial implications are contained within Paragraph 14 of this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'None'

Electoral Division(s) and Member(s) Affected

- 'All'