

5 October 2017

Agenda Item: 7

## **REPORT OF THE SERVICE DIRECTOR SOUTH NOTTINGHAMSHIRE AND PUBLIC PROTECTION.**

### **APPROVAL OF THE ENFORCEMENT POLICY AND PROSECUTION POLICY FOR THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE**

#### **Purpose of the Report**

1. For Communities and Place Committee to approve a recommendation to endorse the policies and recommend their approval to Policy Committee.

#### **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. The Service enforces a wide range of business and consumer protection legislation relating to quality, quantity, safety, description and price of goods and services and carries out its duties in various ways including inspection, sampling, test purchasing, testing, investigation and legal proceedings, but also by informing, advising and educating businesses and consumers.
3. Whilst it is recognised that most businesses want to comply with the law, the effectiveness of legislation in protecting consumers and businesses depends on the compliance of those regulated.
4. The Enforcement Policy (**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 do need to be periodically reviewed and approved to ensure they are up to date and still relevant.
5. 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.
6. The Prosecution Policy (**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. Both policies are often referred to by the defence and the Courts as to the approach the Officers have taken and the decision to prosecute.
7. Both policies have been developed to ensure that the approach Nottinghamshire County

Council Trading Standards and Community Safety Service takes in carrying out its enforcement duties and how it deals with noncompliance, are done so in an equitable, proportionate and consistent manner.

8. Both policies are public documents and are published on the Nottinghamshire County Council website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

### **Other Options Considered**

9. None

### **Reasons for Recommendations**

10. The Trading Standards and Community Safety Service Enforcement and Prosecution policies have been reviewed and updated. They are both attached as appendix to this report, for the Committee to endorse and recommend their approval to Policy Committee.

### **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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**

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

### **RECOMMENDATIONS**

13. That the Committee
- 1) Approves the Enforcement Policy and the Prosecution Policy as set out in Appendix A and Appendix B to this report, and
  - 2) Recommends the policies are passed to Policy Committee for approval.

**Paul McKay, Service Director, South Nottinghamshire & Public Protection.**

**For any enquiries about this report please contact:**

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**Constitutional Comments (SLB 29/08/2017)**

14. Communities and Place Committee is the appropriate body to consider the content of this report.

**Financial Comments (CT 30/08/2017)**

15. The financial implications are contained within paragraph 11 of the 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'