

**REPORT TO:** Safer Halton Policy and Performance Board

**DATE:** 20 June 2006

**REPORTING OFFICER:** Strategic Director, Health and Community

**SUBJECT:** Draft Enforcement Policy - Consumer Protection Service

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek members' support for the Consumer Protection Service Enforcement Policy following public and business consultation.

## **2.0 RECOMMENDATION: That**

- (1) the report be noted,**
- (2) comments and suggestions from Members be noted; and**
- (3) the Executive Board be requested to agree to the adoption and publication of the revised Consumer Protection enforcement policy.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 Apart from being best practice for any enforcement body to have a documented enforcement policy, the adoption, publication and adherence etc. to such a policy counts for 10% of the Council's sole Trading Standards Best Value Performance Indicator (BVPI) score.
- 3.2 The purpose of the enforcement policy, a copy of which is attached to this agenda item as Appendix 1, is to set out the Consumer Protection Service general approach to enforcement. The policy is based around the general principles of good enforcement, the Enforcement Concordat and the Code for Crown Prosecutors, and has been updated following relevant case law. The Council adopted the original policy in 2002.
- 3.3 An important part of the revision process has been consultation with business, other enforcing agencies and none users of the Service as required by BVPI. Whilst there has been a low response rate to the consultation, the Police and the Drugs and Alcohol Action Team have been positive about the policy. In addition, the revision has been informed by case law and other experience of legal arguments raised over enforcement policies in recent years.

## **4.0 POLICY IMPLICATIONS**

- 4.1 If adopted, the attached document will become Council policy for Consumer Protection enforcement activities and will provide guidance on day-to-day activities/decisions for both field officers and managers.

## **5.0 OTHER IMPLICATIONS**

- 5.1 There are no additional financial implications associated with this item. Enforcement best practise for both Environmental Health and Trading Standards Service's is measured via a best value performance indicator (BVPI 166). The Authority has to report on its performance against a checklist of enforcement best practise as it stands on 31 March every year. Revising this enforcement policy is aimed at addressing outstanding issues to ensure that the Consumer Protection Service continues to embrace best practise in service delivery.

## **6.0 RISK ANALYSIS**

- 6.1 The main risks for the Council would flow from not having such a policy or from having a policy that might jeopardise, rather than support, for example, prosecutions. These latter risks have been minimised by having regard to case law and other experience of legal arguments raised over enforcement policies in recent years, and by consulting with Legal Services over the revision of the policy.

## **7.0 EQUALITY AND DIVERSITY ISSUES**

- 7.1 The issues of equality and diversity are addressed positively via the provision of a consistent approach to enforcement as outlined in the policy document.

## **8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

- 8.1 There are no background papers under the meaning of the Act.