

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 133

Brighton & Hove City Council

**Subject:** Trading Standards Enforcement Policy  
**Date of Meeting:** 26 March 2009  
**Report of:** Director of Environment  
**Contact Officer:** Name: John Peerless Tel: 292486  
E-mail: John.peerless@brighton-hove.gov.uk  
**Key Decision:** Yes Forward Plan No. ENV8292  
**Wards Affected:** All

### FOR GENERAL RELEASE.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to seek approval for the implementation and publication of the Trading Standards Enforcement Policy..

#### 2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment approves the Trading Standards Service Enforcement Policy and agree to its implementation by all members of the team.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS.

- 3.1 Trading Standards prides itself on its record for taking a fair and consistent approach in any enforcement action taken. The Head of Trading Standards led on the implementation of the Cabinet Office Enforcement Concordat in 1998 and has developed an 'Enforcement champion' role in the Council.
- 3.2 Section 22 of the Legislative and Regulatory Reform Act 2006 sets out that specified regulators (Trading Standards and Environmental Health) should have regard to a Regulators Compliance Code. This Code came into force on 6 April 2008.
- 3.3 The Code asks regulators to perform their duties in a business-friendly way, by planning regulatory activity in a way that allows or rather encourages economic progress. It follows the principles of better regulation established by the 'Hampton Review'.
- 3.4 Trading Standards follow these principles and those set out in the Enforcement Concordat and have already had an Enforcement Policy that was not dissimilar to the Policy proposed.
- 3.5 A Corporate Enforcement Policy was approved by Cabinet on the 16 October 2008 and the Trading Standards Policy follows the Corporate Framework.

#### **4. CONSULTATION**

- 4.1 Stakeholders were consulted on the Corporate Policy and the amendments suggested were considered appropriate and incorporated into the final Policy document. The Trading Standards Policy follows the framework and principles set out in the Corporate Policy. For completeness the Service Policy has been sent to representatives of the business community and minority groups. As yet no comment has been received but any received will be considered and incorporated in the Final document if applicable.
- 4.2 The Regulators Compliance Code indicates that Enforcement Policies should be published. If subsequent information demonstrates that changes may be required then that information will be acted on as part of the monitoring and review process.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no financial implications from approving the Trading Standards policy.

*Finance Officer Consulted: Patrick Rice Date: 20/02/09*

##### Legal Implications:

- 5.2 If implemented, the Enforcement Policy will assist the Council in meeting its duty under section 6 of the Human Rights Act 1988 not to act in a way which is incompatible with a Convention Right.

*Lawyer Consulted: Liz Woodley Date: 20/02/09*

##### Equalities Implications:

- 5.3 A Rapid Impact Check has been carried out. The RIC indicates a need to consider and reflect on the perception of certain communities that enforcement activity is disproportionately targeted at them. Enforcement actions and decisions will be monitored to demonstrate that there is no indirect or direct discrimination in its application.

##### Sustainability Implications:

- 5.4 There are no sustainability implications.

##### Crime & Disorder Implications:

- 5.5 The Policy directs regulators to consider targeted and proportionate action against those that persistently breach the legislation so should assist in the prevention of crime and disorder. The sharing of information with other regulators will also assist in tackling crime and disorder in the city.

Risk & Opportunity Management Implications:

- 5.6 The Policy can be used as a tool to assist in risk assessments.

Corporate / Citywide Implications:

- 5.7 Regulators that actively promote economic progress and prosperity through a light touch approach will enhance the reputation of the city.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Consideration was given to adopting the Corporate Policy in its entirety. However the document is an over arching framework document that reflects the breadth of the regulatory activity that is the responsibility of the Council and the sanctions available to it.
- 6.2 The production of a service policy that specifically links back to the overarching framework document is considered essential to reflect the different sanctions available and the types of activity performed.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The proper implementation of the Policy will help ensure that Trading Standards assist in the achievement of the fair law enforcement across all regulatory services.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Trading Standards Enforcement Policy

**Documents in Members' Rooms**

None

**Background Documents**

1. The Regulators Compliance Code
2. Cabinet Office Enforcement Concordat
3. Hampton Review
4. Macrory Report (Penalties & Sanctions)

