

Portfolio Holder for Environment and Sustainability



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30 November 2016

**NOTICE OF INTENDED PORTFOLIO HOLDER DELEGATED
DECISION**

The Portfolio Holder has received the following report for a decision to be taken under delegated authority. The decision will be taken on **6 December 2016** (i.e. 3 clear days after the date of this note). The decision will be published on the Council's website but will not be implemented until 5 clear days after the date of publication of the decision) to comply with the call-in process set out in Rule 7.37 of the Constitution.

1.	APPROVAL OF UPDATED PUBLIC PROTECTION ENFORCEMENT POLICY
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CYNGOR SIR POWYS COUNTY COUNCIL.
PORTFOLIO HOLDER DELEGATED DECISION
by
COUNTY COUNCILLOR W JOHN T POWELL
PORTFOLIO HOLDER FOR ENVIRONMENT AND SUSTAINABILITY

November 2016

REPORT AUTHOR: Professional Lead – Environmental Health - Commercial

SUBJECT: Approval of Updated Public Protection Enforcement Policy

REPORT FOR: Decision

1 Summary

1.1 Approval is sought for the approval of the updated Public Protection Enforcement Policy attached as Appendix A to this report.

1.2 Enforcement Policy

It is the responsibility of Public Protection (Trading Standards and Environmental Health Services and Community Safety) to take appropriate actions in the event of a failure by businesses to comply with the legal requirements of many of the statutes enforced by those services.

These enforcement activities can take many forms and will range from Verbal Warnings, Written Warnings, Notices, and Simple Cautions through to Prosecutions in the Magistrates Court or Crown Court. As such it is a requirement of the relevant Codes of Practice that clear policies and procedures are in place to deal with these matters in a consistent and professional manner.

Public Protection have had in place for several years, an Enforcement Policy which assists both Managers and Enforcement Officers in the processes involved in these very important aspects of our work.

The policy has been reviewed in line with the latest guidance and developments in the legal world to ensure it is up to date and able to stand up to scrutiny.

2 Proposal

- 2.1 It is a requirement that the enforcement policy is approved at the appropriate member level. This report attaches the revised enforcement policy for consideration and approval.

3 One Powys Plan

- 3.1 The service areas covered by this enforcement policy contribute in a cross cutting manner to various aspects of the One Powys Plan and these plans will serve to build on this.

4 Options Considered/Available

- 4.1 The enforcement policy has been updated to ensure we are compliant with our statutory requirements and able to stand up to legal scrutiny.

5 Preferred Choice and Reasons

- 5.1 The proposed revisions are designed to ensure enforcement is carried out in line with national guidelines and in line with current legal advice. It is therefore recommended that the revised policy be approved.

6 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

- 6.1 The proposal does not have any impact on any of the above.

7 Children and Young People's Impact Statement - Safeguarding and Wellbeing

- 7.1 The proposal does not have any impact, other than a positive one in the context of securing the safety of protection of children and young people.

8 Local Member(s)

- 8.1 The proposal will apply with equal force across the whole County.

9 Other Front Line Services

9.1 The proposal has no implication on other front line services.

10 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal - the Professional Lead –legal notes that the recommendation in this report is proposed to keep pace with the duty to regularly review our Enforcement Policy which brings it in line with the up-to date legislation governing our regulatory responsibilities as a Local Authority with statutory functions

10.2 Finance –The Finance Business Partner Place notes the contents of the report. All enforcement activity will take place within current budget levels.

11 Local Service Board/Partnerships/Stakeholders etc

11.1 This report has no implications in respect of the above.

12 Corporate Communications

12.1 Communication Comment: No proactive communications action required.

13 Statutory Officers

13.1 The Strategic Director Resources (S151 Officer) has commented as follows: The Strategic Director Resources (S151 Officer) notes the comments made by finance.

13.2 The Solicitor to the Council (Monitoring Officer) has commented as follows: “I note the legal comment and have nothing to add to the report.”

14 Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest he should declare, complete the relevant notification form and refer the matter to Cabinet for decision.

Recommendation:	Reason for Recommendation:
That the revised Enforcement Policy in Appendix A to the report be approved and implemented with immediate effect.	This policy sets out the way in which Public Protection enforcement work is carried out in the County of Powys by the Environmental Health and Trading Standards services of the Authority. The Policy aims to ensure that national standards are complied with and that our actions can stand up to legal scrutiny.

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All Members
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Person(s) To Implement Decision:	Professional Leads for Environmental Health Commercial , Environmental Protection and Trading Standards
Date By When Decision To Be Implemented:	Immediate

Contact Officer Name:	Tel:	Fax:	Email:
Beverley Cadwallader	01938 551222		bevcad@powys.gov.uk



**Regulatory Services
ENFORCEMENT POLICY**

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Amendment Record

ISSUE	DATE	APPROVED	SUMMARY OF CHANGE
1	2003	HoHPP	INCLUSION OF FIXED PENALTY NOTICES FOR NIGHT NOISE AND DOG FOULING OFFENCES.
2	2005	HOHPP	
3	2007	HoHPP	AMENDMENTS TO REFLECT ORGANISATIONAL CHANGES, AMENDMENT TO FSA CODE OF PRACTICE AND INTRODUCTION OF SMOKING BAN LEGISLATION.
4	2008	HoHPP	AMENDMENT TO REFLECT THE REQUIREMENTS OF THE MACRORY REVIEW, HAMPTON PRINCIPLES, STAUTORY REGULATOR'S COMPLIANCE CODE AND TO PROVIDE MORE DETAILED GUIDANCE ON THE ESCALATION APPROACH TO ENFORCEMENT.
5	2012	Portfolio Holder	INCLUSION OF ADVICE ON HEALTH AND SAFETY MATTERS/KEY ADVICE ON PROCEEDS OF CRIME/ANIMAL HEALTH DECISION MAKING PROCESS
6	2016	Portfolio Holder	UPDATE TO INCLUDE REGULATORS' CODE ADMIN CHANGES/CONSUMER RIGHTS ACT CONSIDERATIONS
Prepared by: Clive Jones		Approved by: Cllr W John T Powell	
Issue No 6			

• **Prosecution and Enforcement Policy**

This is the Prosecution and Enforcement policy of Powys County Council's Regulatory Services, which includes Trading Standards, Environmental Health and Community Safety. It provides information on:

- [the purpose of our enforcement policy](#)
- [our principles of inspection and enforcement](#)
- [our compliance with the 'home authority' and 'Primary Authority' principle](#)
- [our enforcement actions](#)
- [what you can expect of us](#)
- [our accessibility and advice details](#)
- [our commitment to you](#)
- [appeals, complaints, compliments and comments about our Service](#)

We recognise that most businesses want to comply with the law and we will seek to help them and others meet their legal obligations without unnecessary expense, but we will take firm action where appropriate. We are committed to maintaining and developing good enforcement policies and procedures, and carrying out enforcement functions in an equitable, practical and consistent manner, which helps to promote a thriving national and local economy in Powys and wider afield. We are committed to these aims and to maintaining a fair and safe trading environment.

We are committed to the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, the [Enforcement Concordat](#), the [Regulators' Code](#), and the Regulatory, Enforcement and Sanctions Act 2008.

Within the context of this Policy, '**enforcement**' includes any action taken by officers aimed at ensuring businesses or individuals comply with the law – these actions may range from offering advice, information and issuing public warnings, to cautioning and instituting legal proceedings / prosecutions.

Compliance with this Policy will ensure that we will strive to be fair, impartial, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source.

We have had regard to the Regulators' Code in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

1. The Purpose of our Enforcement Policy

Our regulatory functions involve officers carrying out our duties in various ways including: inspection, sampling, test purchasing, testing, investigation and prosecution, but also by informing, advising and educating businesses, consumers.

The purpose of our enforcement policy is to provide a framework to make sure that we work in an equitable, practical and consistent manner.

We recognise that prevention is better than cure and that most businesses want to comply with the law. We will endeavour to help these businesses and others to meet their legal obligations without unnecessary expense or burden. When a business or individual does break the law, we will consider all the surrounding circumstances before deciding whether formal action is appropriate.

A prosecution will only be brought if it is in the public interest to do so.

2. Our Principles of Inspection & Enforcement

The Legislative and Regulatory Reform Act 2006, Part 2, requires us to have regard to the Principles of Good Regulation and when exercising a specified regulatory function. For local authorities, the specified functions include those carried out by Trading Standards, Environmental Health, and Community Safety.

We will exercise our regulatory activities in a way which is:

- Targeted
- Proportionate
- Accountable
- Fair
- Consistent
- Transparent
- Supportive
- Less burdensome

Targeting

We aim to prioritise and direct our regulatory effort effectively using intelligence and relevant risk assessment schemes. We will focus our resources on higher risk enterprises and activities, reflecting local need and national and regional priorities.

Such risk assessments will have regard to all available, relevant and good-quality data. We will give due consideration to the combined effect of the potential impact and likelihood of non-compliance – this approach will enable us to focus our resources on the areas that need them most and to ensure that persistent offenders are identified quickly.

Proportionality

We will ensure that enforcement action is proportionate to the risks involved, and that the sanctions applied are meaningful.

We will use a risk assessment framework to inform those who are being regulated of our approach to all our regulatory activities.

Our actions will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence bearing in mind recommendations for enforcement contained in national guidance.

Accountability

We will be accountable for the efficiency and effectiveness of our activities as outlined in the Regulators' Code.

Our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures

Fairness and Consistency

We will treat all individuals, businesses and stakeholders fairly.

We will ensure that our enforcement practices are consistent – this means that we will adopt a similar approach in similar circumstances to achieve similar ends.

We will have regard to national and regional guidelines in our decision-making processes.

We will operate robust prosecution procedures through a prosecution manual including an authorisation process for issuing surveillance as an operational tool only in cases of real need.

We will have a clear audit trail for all our decisions on prosecutions undertaken, including engagement with the prosecutor.

We will endeavour to ensure that enforcement decisions in relation to Local Authority run establishments are free from any conflict of interest. Any serious breaches will be brought to the attention of the Chief Executive without delay.

Openness and Transparency

We are committed to the open provision of information and advice in a format that is accessible, easily understood and implemented.

We will ensure that there is always a clear distinction between those actions necessary to comply with the law, and those which we recommend as best practice but which are not compulsory.

We will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.

Where businesses have acted against the law we may use publicity in order to raise awareness, to increase compliance and to improve monitoring of trade practices.

Publications of various information will be offered clearly through suitable mediums, such as websites and social media, to promote a transparent approach; which will include:

- how we communicate with those we regulate
- enforcement updates, where appropriate
- our fees and charges
- our appeals procedures
- our complaints procedures

Supporting the local economy

We recognise that a key element of our activity will be to facilitate and encourage economic progress against a background of protection. Wherever possible, we will work in partnership with businesses and with voluntary/community organisations, to assist them with meeting their legal obligations without unnecessary expense.

Reducing enforcement burdens

Where there is a shared enforcement role with other regulatory agencies, e.g. Animal Health, the Health and Safety Executive or the Police, we will co-ordinate our actions with these agencies to minimise unnecessary overlaps or time delays and to maximise our overall effectiveness.

To ensure that investigations represent the full scope of alleged wrongdoing and to prevent repeated cases on the same matter, we will collaborate with other relevant local authorities and enforcement agencies, particularly where alleged offences have consequences beyond the boundary of Powys.

During inspections, information on how to be compliant will be provided to those who are compliant and non-compliant and we will work with them to make them compliant. Compliant information will be clearly discussed so requirements are met at minimal cost and detailed feedback of the inspection will be provided to ensure non-compliances are transparent for businesses/organisations to correct any breaches

Inspections and other compliance visits

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations.

In certain circumstances we will give you notice that we intend to visit you unless we have specific reason to believe that an unannounced visit is more appropriate or where notice is not provided (Food inspections). In addition, random inspections may need to be administered.

When we visit you our officers will:

- explain the reason and purpose of the visit
- carry their identification card at all times, and present it on request when visiting your premises
- exercise discretion in front of your customers and staff
- have regard to your approach to compliance, and use this information to inform future interactions with you
- provide information, guidance and advice to support you in meeting your statutory obligations, if required
- provide a written record of the visit.

We will explain the non-compliance and provide advice on how to comply . Revisits will be exercised when necessary to ensure compliant requirements are met.

Where we can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action, that action will take place.

3. Compliance with Home Authority and Primary Authority Principle

The Home Authority Principle enables Powys based businesses, where they trade or provide services that impact beyond Powys, to get advice and support from us on matters such as legal requirements, changes to the law and so forth. This usually takes the form of a semi-formal relationship.

In Powys, we support the Home Authority Principle, which has been developed to promote good enforcement practice and reduce burdens on business. The main objective is to create a partnership, which will provide positive benefits to both parties.

We will therefore:

- provide businesses for whom we are the 'home authority' with appropriate guidance and advice
- maintain records of our contacts with 'home authority' businesses to reduce the amount of information they have to provide to us
- support efficient liaison between local authorities
- provide a system for the resolution of problems and disputes

In April 2009, the Regulatory and Enforcement Sanctions Act 2008 introduced the Primary Authority Principle – in contrast to the Home Authority Principle, this is a formal relationship.

A Primary Authority is a local authority registered by the Local Better Regulation Office (LBRO) as having responsibility for giving advice and guidance to a particular business or organisation that is subject to regulation by more than one local authority. We will give due consideration to any business, based in Powys, that wishes to enter into such an arrangement. We will comply with these requirements when we are considering taking

enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

4. Our Enforcement Actions

In deciding what enforcement action to take against an offender we will have regard to the following aims:

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

The range of enforcement options available include the following:

No action

In certain circumstances e.g. where the risk to, or detrimental impact on the community or environment is small, contravention of the law may not warrant any action.

Indirect action

This may include referral to another authority or agency for information or action.

Verbal or written warning

Where an offence has been committed but is not thought appropriate to take any further action, in which case the suggested corrective action and a timescale will be given together with access to clear guidance notes.

Health and safety legislation breaches

When circumstances find that enforcement will be undertaken under health and safety legislation, consideration will also be taken of the Health and Safety Executive's Enforcement Policy Statement - . <http://www.hse.gov.uk/pubns/hse41.pdf>

Furthermore, any enforcement decision for health and safety will have been taken through the Enforcement Management Model.

Fixed Penalty Notices

Certain offences are subject to Fixed Penalty Notices (FPN) - they are recognised as a low-level enforcement tool.

Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning. This avoids a criminal record for the defendant.

As Fixed Penalty Notices (FPN) are capped at a relatively low level, it is not intended to be used for more serious cases of non-compliance and it cannot be used in conjunction with any other sanction.

Penalty Notices for Disorder

A Penalty Notice for Disorder (PND) is the fixed penalty option for offences such as the sale of alcohol to a minor.

Discretionary Requirements

We have powers under certain legislation to impose Variable Monetary Penalties and Non-Monetary Discretionary Requirements.

Variable Monetary Penalties may be imposed up to a maximum level set out in the relevant legislation.

Non-Monetary Discretionary Requirements are requirements to take steps to ensure that a breach does not continue or recur. If we choose to impose Non-Monetary Discretionary Requirements it will be clearly set out what those steps should be and the time period within which they must be completed. A failure to comply with the requirements is likely to result in a financial penalty.

We may use Variable Monetary Penalties and Non-Monetary Discretionary Requirements in combination.

Statutory Notice

In respect of many breaches Powys County Council has powers to issue statutory notices. These include things like: suspension, improvement/prohibition, seizure, forfeiture or voluntary surrender of goods/documents or improvement notices. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

Seizure

Some legislation permits our Officers to seize goods and documents that may be required as evidence. When we seize goods, we will give an appropriate receipt to the person from who they are taken. On some occasions, we may ask the person to voluntarily surrender the goods and a suitable receipt will be provided.

Forfeiture

Some legislation allows us to apply to the court to seek forfeiture of goods, either in conjunction with a prosecution, or separately.

Injunctive action under the Enterprise Act 2002

This Act allows specified enforcers, acting in the collective interests of consumers, to apply to the courts for an order to stop a trader from breaching certain specified consumer protection legislation.

In this case we will attempt to consult with you and Trading Standards may request information and documents about your business. This could be done via a 'Section 225 Notice' under the Act. Any request is enforceable under the Act. Once the Regulator(s), especially Trading Standards, have identified the problem areas, these will be explained to you, together with an action that you may need to take. You will be given a reasonable time period within which to comply. You will normally be asked to give a written acknowledgement/assurance at this stage. However, if the matter is considered to be more serious you may be asked to give an 'Undertaking'.

By signing an Undertaking you are agreeing to correct any identified problem areas and avoid future breaches of the specific legislation. Any Undertaking given under the Act is recognised by the Court. The Undertaking does not have a time limit and it should not be an unreasonable burden on you, as it only requires you to trade within the law and accepted best practice.

If, however, you do not give an Undertaking or do not take the necessary corrective steps (within the set time period), you may be taken to Court. If you give an Undertaking to Trading Standards, which you later breach, you may be taken to Court. If you are taken to court, an 'Order' may be granted against you. This will take the form of an Injunction against you or the individuals who run your business. You may also be liable for costs. Should you subsequently breach a Court Order, you may be held in contempt of court, which could lead to imprisonment or unlimited fines.

The range of actions under this legislation include the following:

- formal undertakings
- interim orders
- court orders
- contempt proceedings

Review of Licences

Where there is a requirement for a business to be licensed by a local authority e.g. Licensing Act, or other body then a review of the licence or permit may be sought where the activities or fitness of the license holder is in question, in which case may result in its revocation or amendment.

When considering future licence applications, we may take previous breaches and enforcement action into account.

Taking animals into possession (Trading Standards)

Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, we will consider taking them into possession and applying for Orders for re-imbusement of expenses incurred and subsequent disposal.

Anti-Social Behaviour Orders (ASBO) and Criminal Anti-Social Behaviour Orders (CRASBO)

Where the non-compliance under investigation amounts to anti-social behaviour. An Anti-Social Behaviour Order (ASBO) or a Criminal Anti-Social Behaviour Order (CRASBO) may be sought to stop the activity.

Caution

Simple Cautioning

To deal quickly and simply with less serious offences and to avoid unnecessary appearances in criminal courts, a formal or simple caution is administered. Where a simple caution is offered and declined, we are likely to consider prosecution.

A formal or simple caution is an admission of guilt but it is not a form of sentence, nor is it a criminal conviction but will appear on the offender's criminal record. It is likely to influence how we deal with any similar breaches in the future, and may be cited in court if the offender is subsequent prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks types of employment.

Simple cautions will be used in accordance with the current [Home Office circular 016/2008](#) and other relevant guidance.

Conditional Cautioning

A Conditional Caution will be issued if the offender admits the offence and accepts conditions which the service area deem appropriate in the case. If the conditions are complied with or completed within the timescales determined, the case is finalised and there is no prosecution.

A Conditional Caution differs from a Simple Caution as there are certain conditions that must be complied with in order to avoid prosecution for the offence committed. These are statutory disposals introduced by the Criminal Justice Act 2003 and for youths by the Crime and Disorder Act 1998 and are operated under Statutory Codes of Practice.

Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 have further implemented some changes in relation to conditional cautioning which gives more authority for us to issue conditional cautions and we will set out when we will use these.

Prosecution

Prosecution will normally only be considered where all other relevant enforcement actions have been considered. However, depending on the seriousness of the offence, prosecution may be an appropriate initial response.

We will have regard to the [Crown Prosecution Service Code of Practice](#) as issued by the [Director of Public Prosecutions](#) particularly considering the 'public interest test'.

When deciding whether there is enough evidence to prosecute, we will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a “realistic prospect of conviction” against each alleged offender.

We will balance factors for and against prosecution carefully and fairly, considering each case on its merits and document our reasons.

Where it is necessary to carry out a full investigation, the case will be progressed without undue delay and, unless the case is very complex, within 6 months of the commission of the alleged offence(s). All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers and all other relevant legislation (and relevant Codes of Practice), including the requirements of:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Criminal Justice and Police Act 2003 (CJPA)
- Human Rights Act 1998 (HRA).

As part of the investigation process, persons suspected of breaching legal requirements will, wherever possible,

- be formally interviewed in accordance with PACE
- be given the opportunity to demonstrate that a statutory defence is available
- have the opportunity to give an explanation or make any additional comments about the alleged breach.

Before a decision to prosecute is taken, the alleged offence(s) will be fully investigated, a Report compiled by the nominated Investigating Officer and the file reviewed by a Manager.

We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, including potential harm and loss and its significance in making the decision, via victim statements where relevant.

Proceeds of Crime Actions

Proceeds of crime cases involve the recovery of the financial benefit that the offender has obtained from criminal conduct.

Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in serious cases. Proceedings are conducted according to the civil standard of proof and are made after a conviction has been secured and will be made by service areas based upon legal advice and advice from an accredited financial advisor. A decision on whether to institute proceedings in any particular investigation will not be influenced by the objective of securing monies via confiscation proceedings. We will publish annually how money obtained back to the authority from Proceeds of crime actions is reinvested back into the community and publish this work each year.

5. What You Can Expect of Us

We will use clear service standards for our stakeholders including ones on customer care and publicise our performance to those standards.

You are entitled to expect our staff to:

- be courteous and helpful
- identify themselves by name and produce identification if requested
- provide a contact point for any further dealings
- give clear and simple advice
- confirm advice in writing on request, explaining why action is required and over what time-scale
- clearly distinguish between what you must do to comply with the law and what is recommended as best practice
- minimise the cost of compliance by requiring proportionate action
- give you reasonable time to comply (unless immediate action is necessary in the interest of health, safety or to prevent evidence being lost)
- notify you if the matter is to be reported for legal proceedings
- advise you of the procedure for making a complaint or representations in cases of dispute
- maintain confidentiality (subject to exchange of information with our enforcement partners through statutory information gateways)
- have the necessary knowledge and skills when exercising inspections

We are not able to investigate all complaints reported to us; however, if we are able to investigate your complaint we will contact you for further information within 5 days of receiving your complaint.(Trading Standards only)

We will respond to requests for business advice. If your enquiry requires a detailed response this can take longer. If we are not able to resolve this can take longer. If we are not able to resolve your enquiry we will contact you to advise of the date by which you can reasonably expect a response.(Trading Standards only)

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with you to ensure that you receive the best service.

Before any legal action is taken there will be an opportunity to discuss the case, although if we are considering a prosecution it will be a formal interview.

Where a right of appeal against a formal action exists other than through the courts, advice on the appeal mechanism will be clearly set out in writing at the time the action was taken.

Officers' Powers

Our Officers have a wide variety of powers which include the power to enter premises and inspect goods, to require the production of books, documents or records and, when necessary, the power to seize and detain such goods, books and documents that they believe may be required as evidence.

Officers may also take with them such other persons and equipment as may be necessary when exercising powers of entry.

In certain cases, they may exercise an entry warrant issued by a Magistrate in order to gain access to premises, and will comply with all information requirements set and by the appropriate court in the application process.

If individuals obstruct Officers, they may be liable to prosecution.

Information Sharing

Usage of resources, execution of activities and duplication are kept to a minimal by sharing any information gathered with other regulators where the law permits. This will be practised, as far as possible, on numerous occasions.

Where there is a need to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1988, and the Crime and Disorder Act 1998 as amended and we will ensure that our officers comply with requirements approved by Powys County Council

6. Advice and Accessibility

We will constantly look to improve service delivery through examination of our delivery processes including contact points. The majority of the compliance and comprehensive advice can be found online through our advertised website but telephone or face-to-face contacts (where provided) will still offer a same level of advice. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquires where we judge it appropriate to do so, dependant on each service area.

All details of our offices and services contact points, in all sections of Regulatory services, are available by contacting via the details below.

General council -<http://www.powys.gov.uk/en/contact-the-council/>

Email : trading.standards@powys.gov.uk

environmental.health@powys.gov.uk

The services above are provided at the following offices:

Trading Standards / Environmental Health	Environmental Health	Trading Standards	Trading Standards / Environmental Health
Council Offices	Council Offices	Council Offices	Council Offices
Neuadd Brycheiniog	Neuadd Maldwyn	The Park	Y Gwalia
Cambrian Way	Severn Road	Park Road	Ithon Road
Brecon	Welshpool	Newtown	Llandrindod Wells
Powys	Powys	Powys	Powys
LD3 7HR	SY21 7AS	SY16 2NZ	LD1 6AA

For consumer advice:- Contact our partner agency Citizens Advice Consumer Service on:- Tel: 08454 04 05 06 or 08454 04 05 05 (Welsh language) - Monday to Friday, 9am to 5pm - <https://www.gov.uk/consumer-protection-rights>

The Head of Service is Susan Bolter: sue.bolter@powys.gov.uk and 01597 826517

Our Commitment to You

Powys County Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:

- Right to a fair trial
- Right to respect for private and family life, home and correspondence

We are committed to providing open, equal and timely access to our services. If you are unhappy with the service you have received, or we have failed to live up to our promises. Our Managers are always willing to discuss with you the cause of your dissatisfaction, and will try to find a solution.

Appeals, Complaints, Compliments and Comments

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time.

Any feedback that we receive will be acknowledged, considered and responded to

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way.

We manage feedback about our services through the Councils 'have your say' system. If you wish to make a complaint or send us a compliment or comment about our service then please

- please contact the Head of Service at the address above, or
- 'haveyoursay' website <http://www.powys.gov.uk/en/customer-services/comments-compliments-complaints/> which has a step-by-step guide to disputes, or
- you can talk directly to your councillor or
- contact your member of parliament

If you are still not satisfied, and feel you have been caused injustice, we will tell you how to complain to the Local Government Ombudsman. The relevant ombudsman for Wales is available at <http://www.ombudsman-wales.org.uk>.

We will review all appeals, complaints, compliments, and comments on a yearly basis and publish outcomes from them including:-

- appeals – whether they were upheld or not and any other outcomes
- complaints – whether they were upheld or not and any other outcomes
- compliments – the basis of the satisfaction and any impact on services
- comments – any impact on service delivery

Review

We will continually review our position regarding the use of enforcement options and additional sanctions under the Regulatory Enforcement and Sanctions Act 2008.

Furthermore, as we are continually seeking to improve our standards. This policy is subject to regular review and the next review will be in November 2017

November 2016

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