

**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**

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**REPORT FOR: Decision**

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## **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.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
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.

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	<b>Y</b>
<b>Within Budget:</b>	<b>Y</b>

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

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
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