

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
21 January 2020**

REPORT AUTHOR: County Councillor James Evans
Portfolio Holder for Corporate Governance, Housing and
Public Protection

REPORT TITLE: Approval of Enforcement Policy

REPORT FOR: Decision

1. Purpose

1.1 Approval is sought for the adoption of an Enforcement Policy covering Trading Standards, Environmental Health and Licensing (**Appendices A and B**).

2. Background

2.1 The attached policy (**Appendix A**) has been produced in line with current guidance on a fair and proportionate enforcement policy in line with existing evidential and criminal procedures and guidance including the 'Code for Crown Prosecutors'.

2.2 A separate guidance note covering proceeds of crime (**Appendix B**) supplements the enforcement policy in **Appendix A**. This guidance reflects new areas such as Proceeds of Crime investigations and decision making for financial investigations.

3. Advice

3.1 An Enforcement Policy defines how the authority deals with alleged breaches of legislation and is an essential part of the enforcement regime.

3.2 The policy has been subject to consultation with a range of enforcement partners including a regulatory barrister.

3.3 We need an updated policy to be current to meet challenges with litigation.

4. Resource Implications

4.1 No additional resources implications have been identified.

- 4.2 Finance – The Finance Business Partner notes the contents of the report and confirms that the proposal does not have any direct budgetary implications and may be reviewed accordingly. The comments of the Section 151 Officer will be reported at the meeting.

5. Legal implications

- 5.1 Legal - The Principal Solicitor (Shire) has contributed to the products of the policy.
- 5.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “I note the legal comment and have nothing to add to the report”.

6. Comment from local member(s)

- 6.1 This report has no particular significance to any one electoral division.

7. Integrated Impact Assessment

- 7.1 The recommendation does not have a significant impact on other services run by the Council or on behalf of the Council.

8. Recommendation

- 8.1 The policy defines how Trading Standards, Environmental Health and Licensing deal with alleged breaches of legislation in a fair and proportionate way.
- 8.2 It is recommended that the policies in Appendix **A** and **B** are approved.

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