

CYNGOR SIR POWYS COUNTY COUNCIL

CABINET MEMBER DELEGATED DECISION

by

COUNTY COUNCILLOR RICHARD CHURCH

CABINET MEMBER FOR A SAFER POWYS

May 2024

**REPORT AUTHOR: Professional Lead – Environmental Health
(Commercial) & Trading Standards**

**REPORT TITLE: Approval of Updated Regulatory Services Compliance
and Enforcement Policy**

REPORT FOR: Decision

1. Purpose

- 1.1 Approval is sought for the updated Regulatory Services Compliance and Enforcement Policy attached as Appendix A to this report.

2. Background

- 2.1 It is the responsibility of Regulatory Services (Trading Standards and Environmental Health Services) to take appropriate actions in the event of a failure by businesses or individuals 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, Fixed Penalty Notices and Simple Cautions through to Prosecutions in the Magistrates Court or Crown Court. As such it is a requirement that clear policies and procedures are in place to deal with these matters in a consistent and professional manner.

Regulatory Services have had in place for many years, an Enforcement Policy which assists both Managers and Enforcement Officers in the processes involved in these very important aspects of our work. The existing Policy was approved by Cabinet in 2020 and subsequently reviewed in 2021.

The policy has been subjected to a further review to ensure it is up to date and able to stand up to scrutiny. Part of this review has included an additional Annex to include Food Safety Enforcement on the advice of the Food Standards Agency. A summary of the amendments is included in the document review section of the policy.

3. Advice

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

4. Resource Implications

- 4.1 The requirements of the policy can be delivered within the resources available to the services as approved in the budget for 2024/25.
- 4.2 The Director of Corporate Services (Section 151 Officer) notes the report and can support the recommendation.

5. Legal implications

- 5.1 Professional Lead – Legal Services – policy has been reviewed as required and taken into account advice from the Food Standards Agency (FSA) on food safety enforcement. Legal Services support regular reviews of the policy in line with changes in legislation and its impact on enforcement by the Authority.
- 5.2 The Head of Legal Services and the Monitoring Officer has commented: “ I note the legal comment and support the recommendation “

6. Climate Change & Nature Implications

- 6.1 There are no implications.

7. Data Protection

- 7.1 The policy itself does not involve the processing of personal data.

8. Comment from local member(s)

- 8.1 No views have been sought from local members; the policy is not particular to specific areas of Powys.

9. Impact Assessment

9.1 An online impact assessment has been completed and noted.

10. Recommendation

10.1 It is recommended that the Compliance and enforcement policy in Appendix A to the Report is approved and implemented with immediate effect.

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