

Southampton City Council Trading Standards, Port Health & Parking Fraud Investigations Enforcement Policy



Enforcement Policy

Contents

Purpose	2
Scope	2
Legislative Context	2
Policy Commitments	2
Policy Statement.....	2
Governance	3

Enforcement Policy			
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Lead officer	Rosie Zambra – Service Lead Environment, Street Scene & Health	Review date	Click here to enter a date.
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Purpose

1. Southampton City Council has published an Enforcement Policy as a general policy which outlines the principles of enforcement that the council will follow and apply. This document supports the general policy and will be applied to enforcement actions conducted by officers within the services identified at paragraph 2

Scope

2. Trading Standards, Port Health are managed by the Service Manager-Trading Standards and Port Health; the Service area also includes the Parking Fraud Investigations function.
3. This policy is to be read as a subsidiary of the Southampton City Council Corporate Enforcement Policy as set out in paragraph 1 of that policy.
4. This policy supersedes the any previous Trading Standards Enforcement Policy.

Legislative Context

5. This policy takes into account the following;
 - Human Rights Act (1998)
 - Data Protection Act (2018)
 - Legislative and Regulatory Reform Act (2006)
 - Equality Act (2010)
 - Code for Crown Prosecutors
 - The Anti-social Behaviour, Crime and Policing Act (2014)
 - Regulators' Code (2014)
6. The Scheme of Delegation as identified at paragraph 27 of the Southampton City Council Corporate Enforcement Policy identifies legislation which is not within the scope of the Legislative & Regulatory Reform Act 2006 and Regulators Code 2014.
7. The same Scheme of Delegation further identifies common law offences which are not within the scope of the above Act and Code.

Policy Statement

8. Section 21 of the Legislative and Regulatory Reform Act 2006(1) (the "Act") imposes a duty on any person exercising a specified regulatory function to have regard to the five principles of good regulation. The principles provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
9. The code states that where non-compliance is identified, the regulator should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. The code also states that regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.
10. This policy determines that the Trading Standards and Port Health Service will apply all of the principles of the [Legislative and Regulatory Reform Act 2006](#) and its [Regulators' Code 2014](#) to matters dealt with by the Service, including those dealt with in that are not within the scope of

the Act and the Code **with the exception** of any implied duty to provide initial advice and/or guidance where the alleged offending is of a nature widely understood to be unlawful. For example any acts of fraud, dishonesty, conspiracy to defraud and the like could be considered as 'widely understood'.

11. Further that where, having considered the gravity of the offence(s) committed, the Service Lead-Environment Street Scene and Health determines that providing initial advice or dialogue would be inappropriate and/or not in the public interest the implied duty to provide initial advice and/or guidance shall be disregarded.

Governance

12. This policy will be implemented by the Service Manager-Trading Standards and Port Health
13. This policy will be updated by the Service Manager-Trading Standards and Port Health; the policy will be monitored by Service Lead- Environment, Street Scene and Health who may seek advice/assistance from the council's legal team

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