



## **CONSUMER SAFETY ENFORCEMENT POLICY**

### **Introduction**

This policy statement sets out the principles that the Council will adopt for its enforcement activities.

### **General Principles**

Council officers will assist businesses and individuals to understand their legal requirements and the obligations these impose.

The Council (via its authorised officers) will endeavour to secure compliance with the law within its remit. This will entail officers using a range of enforcement actions, both formal and informal.

Enforcement actions will be informed by:

***Proportionality*** in applying the law and securing compliance. (Proportionality means relating enforcement action to the risks and costs).

***Consistency*** of approach. (Consistency means taking a similar approach in similar circumstances to achieve similar ends).

***Targeting*** of enforcement action. (Targeting means that actions are directed primarily to need - activities which give rise to the most serious risk or where hazards are least well controlled).

**Transparency** about how the Council operates and what its customers may expect. (Transparency means helping duty holders and others to understand what is expected of them and of the Council. It also means making clear why an officer intends to, or has taken enforcement action.

### **Enforcement Actions**

Enforcement actions, if any, will be determined in accordance with the above principles, from the following informal and, where statute permits, formal options:

- oral advice
- advisory or warning letter
- enforcement notice
- sampling/test purchases; seizure; rendering harmless
- formal caution
- prosecution

When considering prosecution or formal caution, the Council will also have regard to the following criteria to achieve consistency and fairness.

All the circumstances of an alleged offence will be taken into consideration when deciding whether to caution or prosecute including:

1. the seriousness of an alleged offence,
2. whether the alleged offence is fraudulent, intentional, negligent or persistent.
3. the threat posed,
4. the probable public benefit,
5. the strength of evidence,
6. the strength of any statutory defences,
7. the previous history of the part concerned,
8. the willingness of the party to prevent a recurrence of the problem, and
9. the appropriateness of alternative actions.

## **Institution of Legal Proceedings**

Prosecutions will be brought without unnecessary delay.

The decision to prosecute will take account of the criteria set down in the Code for Crown Prosecutors (Crown Prosecution Service) which relates to the weight of evidence and whether a prosecution will be in the public interest.

A prosecution will not be commenced or continued by the Council unless it is satisfied that there is sufficient admissible or reliable evidence that the offence has been committed and there is a realistic prospect of convictions. Cases not passing this evidential test will not go ahead.