
**Decision Session – Executive Member for
Culture, Leisure and Tourism, the Executive
Member for Housing & Safer
Neighbourhoods, and the Executive Member
for the Environment**

22 July 2016

Report of the Assistant Director for Housing and Community Safety

Legal Actions – 1 October 2015 to 31 March 2016

Summary

1. The purpose of this report is to enable the Executive Members to review the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by:-
 - Public Protection (Environmental Health, Trading Standards and licensing)
 - Regional Scambuster Team and National Trading Standards eCrime Centre,
 - Housing Services

Recommendations

2. That the Executive Members approve this report.

Reason: To review formal enforcement activity undertaken by the aforementioned services.

Background

3. The Cabinet Member for Crime and Stronger Communities approved an updated enforcement policy for Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services in February 2012. The Cabinet Member also approved an enforcement policy for the Scambusters and National eCrime team in June 2013.
4. This report details the results of legal action taken in the period specified. Each case is considered on its merits before legal proceedings are instituted.

5. Annex A summarises the action taken. Please note that a Simple Caution is a Home Office approved procedure which is an alternative to prosecution. It involves a written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue.

Consultation

6. Not applicable.

Options

7. Not applicable as the Executive Members are being asked to note the content of the report.

Analysis

8. The main purpose of the environmental health, trading standards, licensing services are to maintain a fair and safe trading environment for consumers and businesses, to help reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York and to improve and protect public health and improve the environment.

We ensure legal compliance by:

- Helping and encouraging businesses and individuals to understand and comply with the law.
 - Responding proportionately to breaches of the law.
9. We consider the impact that our regulatory activities may have on businesses, including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the benefits justify the costs and in doing so will endeavour to try to keep any perceived burdens to a minimum.
 10. Formal enforcement action will only be considered and taken in the first instance in cases involving unfair commercial practices against consumers or businesses, commercial fraud, sales of age restricted products, supply of counterfeit goods, intellectual property crime, occupational health and safety, public safety, risk to public health (including food safety), statutory nuisances, animal health and welfare, the compositions of safety or animal feeding stuffs, damage to the environment, overloaded goods vehicles, dog fouling, trading standards offences committed by doorstep sellers, breaches of licence conditions, operation of unlicensed taxis, unauthorised street trading activities and charitable collections, or in any other case in which a head of service considers formal enforcement action is necessary.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

11. The purpose of the Scambuster and National eCrime teams is to tackle the scams and complex cases of fraud perpetrated on a regional and national basis in an effective way that isn't readily achievable by individual local authorities. It is not to provide advice, information or carry out inspections of regulated businesses. The Scambusters Team will take appropriate formal enforcement action in cases concerning fraud, significant unlawful consumer detriment, unlawful exploitation of vulnerable consumers groups, intellectual property crime and any other matter that the assistant director (housing and community safety) considers necessary within the scope of the purpose of the teams.
12. Action against council tenants is only taken once all other options have been explored. In most cases of rent arrears and anti social behaviour the council request suspended orders to allow the tenant to address the debt or behaviour.

Council Plan

13. The legal actions support the Council's priorities in respect of the following:
 - A prosperous city for all – enabling legitimate businesses to thrive by tackling competition based on unfair and unsafe practices and ensuring residents having good quality housing.
 - A focus on frontline services – many of the actions are taken in response to complaints from members of the public some of whom are the most disadvantaged in the City.
 - This action is taken as part of our statutory duties.

Implications

14. **Financial:** There are no financial implications associated with this report.
15. **Human Resources:** There are no Human Resources implications associated with this report.
16. **Equalities:** There are no equalities implications associated with this report.
17. **Legal:** There are no legal implications associated with this report

18. **Crime and Disorder:** Formal enforcement action contributes to reducing anti social behaviour and dishonest trading.
19. **Information Technology (IT):** There are no IT implications associated with this report.
20. **Other:** There are no other implications associated with this report.

Risk Management

21. There are no known risks associated with this report.

Contact Details

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Steve Waddington
Assistant Director (Housing and
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**Report
Approved**



Date 25/05/16

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy (February 2012)

Trading Standards Scambuster Team and National Trading Standards eCrime Centre Enforcement Policy Statement (June 2013)

Annexes

Annex A: Environmental Health, Trading Standards, Licensing & Housing Formal Enforcement Action 1st October 2015 to 31st March 2016