

Our approach to Enforcement

Our Trading Standards service adheres to The Regulators' Code and the Code for Crown Prosecutors. Hertfordshire County Council is also a signatory to the Hertfordshire Better Business for All Charter which sets out how we will support compliant business growth and where possible reduce unnecessary regulatory burden.

The following explains how our services will apply business rules and regulations in a fair, consistent and balanced manner.

Business Support

We will support business by:

- Offering a business support helpline, giving advice on all areas of Trading Standards legislation
- Providing advice to encourage compliance with the law through various communication channels
- Making best use of resources by targeting market sectors or businesses where our help is most needed
- Listening to business concerns and complaints to ensure enforcement is targeted and proportionate
- Offering Primary Authority Partnerships, providing advice and facilitating consistency of regulation
- Targeting rogue traders who exploit non-compliance undermining legitimate businesses to gain an unfair market advantage
- Working with businesses groups such as the Growth Hub, Federation of Small Businesses, Chambers of Commerce and the Local Enterprise Partnership to promote the support available to businesses

Promise

When dealing with businesses and individuals we will;

- Carry out our duties in a considerate and courteous manner
- Avoid undue delay in progressing investigations
- Explain any appeal route against our actions
- Encourage feedback on our services
- Liaise with other enforcement agencies to promote consistency

In addition, where appropriate, we will;

- Explain the purpose of any visit or inspection carried out by our staff
- Ensure you know who you are dealing with
- Provide advice on legislation, including guidance on best practice

- Provide a written explanation of our visit
- Avoid unnecessary inconvenience (e.g. by ensuring that we visit at a reasonable time)

Occasionally it will be necessary for us to undertake unannounced or covert visits as part of our enforcement work; you should still however expect to be treated fairly and courteously by our officers.

In certain instances we may conclude that a provision in the Regulator's Code is either not relevant, or is outweighed by another provision. In such instances we will ensure the reasons for departing from the Code are based on material evidence and recorded.

Formal Actions Policy

Where we identify breaches we will address the majority of these by working with business and individuals to resolve issues. This will generally be done via advice, discussion or consultation and where necessary be supplemented by the use of other provisions such as statutory notices, fixed penalty notices, and departmental advisory or warning letters.

In some instances where breaches are identified further enforcement action will be taken. This may include use of criminal and civil proceedings, penalty charge notices (and other form of financial penalty), or simple caution. This will be considered in circumstances relating to any or all of the following:

- There is a significant risk to public safety
- Fraudulent practice is involved
- Reckless breaches of legislation including a course of conduct which indicates a disregard for the law and undermines fair and safe markets
- Failure to heed advice or the failure to comply with a statutory notice issued
- Obstruction of an officer carrying out duties including providing false information, or;
- It is in the wider public interest to take such action

Financial Investigations

We will consider where appropriate utilising powers under the Proceeds of Crime Act 2002 (POCA), to ensure the recovery of criminal benefit or financial gain. Where investigations identify money laundering offences, we will consider prosecuting for those offences.