

REPORT TO: Cabinet Member - Environmental
Licensing and Regulatory Committee
DATE: 13 January 2010
22 February 2010
SUBJECT: **PUBLISHING SENTENCING OUTCOMES**
WARDS AFFECTED: All
REPORT OF: Peter Moore
Environmental Protection Director
CONTACT OFFICER: David Packard
0151 934 4016
**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

For the Cabinet Member - Environmental and the Licensing and Regulatory Committee to endorse the publication of sentencing outcomes for Council initiated prosecutions.

REASON WHY DECISION REQUIRED:

The Government has issued guidance advising Councils of their expectation of the publication of sentencing outcomes for cases brought to court by Local Authority regulatory services.

RECOMMENDATION(S):

That the Cabinet Member - Environmental and the Regulatory and Licensing Committee endorse the publication of sentencing outcomes from cases brought to court by the Council in line with national guidance.

KEY DECISION: No
FORWARD PLAN: Not appropriate
IMPLEMENTATION DATE: Not appropriate

ALTERNATIVE OPTIONS:

Not to follow the Government guidance.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None

Risk Assessment: None

Asset Management: Not relevant

CONSULTATION UNDERTAKEN/VIEWS

Legal Department
Corporate Communications

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Publishing Sentencing Outcomes

Background.

1. The Local Authority regulatory services of Environmental Health, Trading Standards and Licensing carry out legal enforcement activities to protect the public and the environment from harm.
2. Our services seek compliance through education and support but where the advice is ignored or there is blatant disregard for the law that results in harm or risk to the public, prosecution procedures are brought in line with the councils agreed enforcement policy.
3. The Government has recently made it clear that it expects enforcing authorities to publicize the results of prosecutions undertaken in the public interest and has issued guidance (attached) as to how this should be done.
4. To date Sefton Council has not publicised the results of prosecutions and has relied on the local press attending court to pick up the story. The press is notified informally of the dates of hearings when the council is bringing cases to court. However, with the reduction in the number of local reporters this mechanism is becoming less reliable and cases of interest to the general public regarding the work of the council to protect their interest can go unreported.
5. The Government has stated that it believes the publication of sentencing outcomes is of public benefit in that it would act to reassure the local population that they are being protected. Certainly bringing unscrupulous traders that sell counterfeit poor quality or dangerous goods sometimes badged as premium products or owners of food establishments that put their consumers at risk to court is in the interest of public protection.
6. Publication of sentencing outcomes should reassure the public that they and their interests are being protected by the work of local authority regulatory services and also act as a reminder and deterrent to traders and business operators that there is a sanction if minimum legal standards are not observed.
7. In light of the clear government guidance it is proposed that the Legal Department publish the results of sentencing outcomes from regulatory cases to the councils internet as soon as possible after the court hearing.
8. In line with the guidance the personal information published would be limited to the information referred to in the case summing up including the sanction. The press would be able to seek comment on the detail of the case from the councils press office if they were not themselves present in court.
9. The information would be removed from the Internet after one month.