

ANGUS COUNCIL
INFRASTRUCTURE SERVICES COMMITTEE – 20 JANUARY 2009
AUTHORISATION FOR ENFORCEMENT OF ADDITIONAL TRADING STANDARDS
LEGISLATION
REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT: This report seeks the authorisation of the Council as local weights and measures authority for the enforcement of The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008

1. RECOMMENDATIONS

- 1.1 It is recommended that the Committee grant authority to all Trading Standards Officers, Senior Enforcement Officers, Trading Standards Advisers, Trading Standards Technicians, and Consumer Adviser within the Environmental and Consumer Protection Division of the Infrastructure Services Department, to enforce The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008.

2. BACKGROUND

- 2.1 The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 (the "UK Regulations") implement in the United Kingdom, Regulation (EC) No 1523/2007 of the European Parliament and of the Council of 11 December 2007 (the "EC Regulation") which prohibits the import, export and placing on the market of cat and dog fur. The provisions come into force on 31st December 2008.
- 2.2 Article 3 of the EC Regulation prohibits the import, export and placing on the market of cat and dog fur. Article 8 of the EC Regulation states that Member States shall lay down the rules on penalties applicable to infringements of Article 3 of the EC Regulation and that the penalties provided for shall be "effective, proportionate and dissuasive."
- 2.3 Regulation 2 of the UK Regulations, implements Article 8 of the EC Regulation by making contravention of Article 3 of the EC Regulation a criminal offence, punishable on indictment with a maximum penalty of £75,000 and on summary conviction with a fine not exceeding the statutory maximum (currently £5,000).
- 2.4 Regulation 3(1) imposes a duty on local weights and measures authorities (in Great Britain) and district councils (in Northern Ireland) to enforce regulation 2 but regulation 3(2) excludes from this duty the enforcement of the Regulations within areas where the goods are under the supervision of Her Majesty's Revenue and Customs, in which areas enforcement will be the responsibility of Her Majesty's Revenue and Customs.
- 2.5 Angus Council is a local weights and measures authority and it is therefore necessary for its enforcement officers to be duly authorised by the Council to enforce the regulations.
- 2.6 The regulations also specifically include provisions relating to inspection and seizure of goods, applications for forfeiture orders, and obstruction of an authorised officer.

- 2.7 Data (including personal data) which needs to be transferred between enforcement authorities and Her Majesty's Revenue and Customs for the purposes of enforcing these Regulations will be transferred through existing powers conferred by section 19 of the Anti-Terrorism Crime and Security Act 2001.
- 2.8 It is anticipated that this enforcement function can be exercised by all of the authorised enforcement officers of the trading standards service in Angus.
- 2.9 The Committee is therefore asked to grant authority to all Trading Standards Officers, Senior Enforcement Officers, Trading Standards Advisers, Trading Standards Technicians, and Consumer Adviser within the Environmental and Consumer Protection Division of the Infrastructure Services Department to enforce The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008.

3. FINANCIAL IMPLICATIONS

- 3.1 No new resources are being made available for this additional duty. Additional costs in enforcing this legislation cannot be ascertained at present, but it is anticipated that enforcement activities will be prioritised to enable costs to be contained within the Environmental and Consumer Protection Division revenue budget.
- 3.2 There are therefore no financial implications arising directly as a result of the recommendation contained in this report at this time.

4. HUMAN RIGHTS

- 4.1 There are no human rights implications arising from this report.

5. EQUALITIES IMPLICATIONS

- 5.1 The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

6. SINGLE OUTCOME AGREEMENT

- 6.1 This report contributes to the following local outcome(s) contained within the Single Outcome Agreement for Angus.
- Communities in Angus are safe, secure and vibrant.

7. CONSULTATION

- 7.1 The Chief Executive, Head of Law and Administration, and Head of Finance have been consulted on the contents of this report.

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Director of Infrastructure Services

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

E&CP/DS/GK

09/12/2008