

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Member for Policy and Resources
Date:	2011
Title:	Trading Standards Service – Authority to Institute and appear in legal proceedings
Reference:	2924
Report From:	Director of Culture, Communities and Business Services

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1. The decision:

- a) That the Director of Culture, Communities and Business Services, and such officers within the Trading Standards Service as she shall appoint for the purpose, be authorised to prosecute, defend and appear on the County Council's behalf in legal proceedings before a magistrates' court relating to matters concerning both the Trading Standards and Community Safety Services, and to sign any relevant legal document in connection therewith.

2. Reason(s) for the decision:

- 2.1. To confirm the arrangements for institution of, and appearance in legal proceedings in trading standards and community safety cases managed by the Trading Standards Service.

3. Other options considered and rejected:

- 3.1. Under Paragraph 14.3 of the Council's Constitution, the Head of Legal Services is authorised generally to commence, defend or participate in, any legal proceedings in any case, where necessary, to give effect to decisions of the Council, or in any case where the Head of Legal Services considers it necessary to protect the Council's interests. However, the Trading Standards and Community Safety Services are responsible for the enforcement of a wide range of specialist legislation in respect of trading standards, consumer protection and community safety matters. It is felt appropriate that specific authorisation resides with the group of professional officers who are highly trained and experienced in this particular field.

4. Conflicts of interest:

4.1. Conflicts of interest declared by the decision-maker: None

4.2. Conflicts of interest declared by other Executive Members consulted: None

5. Dispensation granted by the Standards Committee: None

6. Reason(s) for the matter being dealt with if urgent: Not applicable

7. Statement from the Decision Maker:

Approved by:

Date:

9 June 2011

**Executive Member for Policy and Resources
Councillor T.K. Thornber, CBE**