

Meeting: Cabinet

Date: 22nd September 2020

Wards Affected: All

Report Title: Proposed Extension of Shared Services Arrangement for Trading Standards

Is the decision a key decision? Yes

When does the decision need to be implemented? 1st April 2021

Cabinet Member Contact Details: Christine Carter, Cabinet Member for Community and Customer Services, Christine.Carter@torbay.gov.uk

Supporting Officer Contact Details: Steve Cox, Environmental Health Manager, 01803 208029, Steve.Cox@torbay.gov.k

1. Proposal and Introduction

- 1.1 This report summarises a proposal for a renewal of the Legal Agreement to the joint Devon County Council, Somerset County Council & Torbay Council Shared Trading Standards Service for 10 years from 01 April 2021. It also proposes an extension of the Joint Service to include Plymouth City Council. The Full Business Case is attached in Appendix 1.
- 1.2 The report asks for approval in principle of the renewal and extension of the Joint Service Legal Agreement, subject to oversight of the final Legal Agreement by the Joint Service Review Panel.

2. Reason for Proposal and associated financial commitments

- 2.1 The existing Partnership will be dissolved and replaced with the new arrangements from the 1st April 2021, so the proposal is seeking support in principle.
- 2.2 The proposals contained in this report will commit the Council financially in respect of:
£251,100, which is existing money already allocated as Torbay Council's contribution to the partnership, which predominantly pays for the 4.4 FTE staff that transferred under TUPE arrangement's, plus the annual inflation pay rises, which remain Torbay Council's responsibility.

3. Recommendation(s) / Proposed Decision

- (i) **that approval be given to the proposed renewal of the current shared Trading Standards Service arrangement with Somerset County Council and Torbay Council for a ten-year period starting from 01 April 2021,**
- (ii) **that approval be given to the proposed extension of the current shared service arrangement with Somerset County Council and Torbay Council**

for delivery of the Trading Standards Service to also include Plymouth City Council;

Appendices

Appendix 1: Full Business Case

Background Documents

Report Clearance

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Steve Parrock	17 th August 20
Monitoring Officer	Anne-Marie Bond	17 th August 20
Chief Finance Officer	Martin Phillips	17 th August 20
Relevant Director/Assistant Director	Tara Harris	17 th August 20

Section 1: Background Information

1. What is the proposal / issue?

The proposal is to extend the current and existing joint service partnership arrangements but to extend this to include Plymouth City Council. The current joint service had another two years to run on the current contract, but it made financial and business sense to start a new four way agreement than to merge Plymouth into the existing agreement, which would then need to be reviewed in two years' time.

2. What is the current situation?

On 1 May 2013, Devon County Council formally entered into a shared service agreement with Somerset County Council for the provision of a joint Trading Standards Service. Devon County Council agreed to host the Joint Service and the ex-Somerset staff transferred across under TUPE arrangements. On 1 May 2017, the shared service agreement was extended to include Torbay Council and the Torbay staff also transferred across under TUPE arrangements.

The Joint Service has widely been held to be a success with regular reports to the Joint Service Review Panel (created as a cross-council governance group).

The four authorities involved in the proposals presented in this report, like many others nationally, face similar challenges in ensuring that their regulatory services continue to meet customer needs at a time of significant financial pressure, regulatory change and increasing demand and expectations. One of the objectives of the Joint Service was to develop the capability to respond to possible changes in role, scope or budget by expanding the scope of the service either geographically and/or by broadening the range of functions within its remit.

During the financial year 2019/2020, discussions were initiated between the Devon, Somerset, Torbay and Plymouth Councils and an initial report was submitted to relevant Members of each Authority via the Joint Service Review Panel.

It was agreed that the project should proceed to the completion of a Full Business Case in respect of the proposal and project governance has been through the Joint Service Review Panel.

3. What options have been considered?

The only other option would be to bring this back under the management of Torbay Council, though this would entail greater costs, as well as require new additional management capacity. The consequences would also be a less resilient and arguably less effective service.

<p>4.</p>	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>The existing arrangements and therefore the new arrangements, support three of the four of the Council’s priorities. This is by supporting our residents, businesses and visitors so they are protected against fraud, doorstep crime and to protect food safety. There is a significant element of business support included within the partnership work, which also aligns the Growth Hub, Better Business for All and Buy with Confidence with regulatory services. The latter also supports vulnerable residents, by providing a list of trusted trade’s people. The delivery mechanism, through the partnership, is aligned to the priority of a Council fit for the future.</p> <p>The principles are achieved through a shared service and include:</p> <ul style="list-style-type: none"> • greater resilience in the combined service in respect of service delivery, professional expertise and knowledge and the ability to respond to major incidents • “greater clout” in tackling major investigations • improved intelligence sharing • economies of scale from shared expertise and an opportunity to develop greater specialisms; to more effectively service the communities of Devon, Somerset, Torbay and Plymouth whilst still maintaining local responsiveness, choice and identity • maintaining achievement of key outcomes in the face of any reduced budget over the next three years • maintaining the ability of all four councils to fulfil statutory obligations • an easily accessible and consistent approach for those businesses that cover the Heart of the South West Local Enterprise Partnership area • greater efficiency in training and maintenance of staff competencies.
<p>5.</p>	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>The Partnership is dedicated to providing business support, which helps achieve a thriving economy and the benefits that brings to disadvantaged families. Its regulatory protection, notably the protection against unsafe products and preventing underage sales support our role as Corporate Parents.</p>
<p>6.</p>	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>The answer above also demonstrates how the Partnership helps to tackle poverty, deprivation and vulnerability, which is also supported by the Buy with Confidence scheme, which wouldn’t be possible in Torbay without the support of the Partnership. This allows people to choose from a list of traders who are Trading Standards Approved.</p>

7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>The proposal has no positive or negative impact on these matters.</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>As this is a renewal of an existing service, there are no plans to consult with the public or existing stakeholders.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? There are no financial implications, as this is a renewal of an existing arrangement. Legal will be consulted on the final legal agreement, all be it will be very similar to the current agreed agreement.
10.	What are the risks? There are no new risks, unless Torbay Council withdrew from the Partnership and by doing so, the service provided to our businesses and residents would be of a poorer quality.
11.	Public Services Value (Social Value) Act 2012 This is not applicable as all parties are Local Authorities.
12.	What evidence / data / research have you gathered in relation to this proposal? See Full Business case, appendix 1.
13.	What are key findings from the consultation you have carried out? None undertaken as this is not a new proposal but a renewal of an existing arrangement.
14.	Amendments to Proposal / Mitigating Actions None as this is not a new proposal but a renewal of an existing arrangement.

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	X		
	People with caring Responsibilities			X
	People with a disability			X
	Women or men			X
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			X

Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X
Women who are pregnant / on maternity leave			X
Socio-economic impacts (Including impact on child poverty issues and deprivation)	X		
Public Health impacts (How will your proposal impact on the general	X		

	health of the population of Torbay)			
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None		