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**Trading Standards Joint Service  
Devon, Somerset, Torbay & Plymouth**

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**Full Business Case**

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## **1. Context and background**

### **1.1 Context**

The Trading Standards Joint Service, Full Business Case (FBC) sets out the case for implementing a joint trading standards service across Devon, Somerset, Torbay and Plymouth Councils. It has been developed jointly by the four councils and will be the basis of recommendations to all four councils on whether to proceed to implement a Joint Service.

The four authorities face similar challenges in ensuring that their services continue to meet customer needs at a time of significant financial pressure, regulatory change and increasing demand and expectations. Each of the four authorities is engaged in reviewing all service delivery areas under programmes of change designed to deliver new operating models.

In May 2013, Devon County Council (DCC) and Somerset County Council (SCC) formed a single service, known as the Devon and Somerset Trading Standards Service to cover the local authority areas of Devon and Somerset. This agreement enables Devon to discharge Somerset's Trading Standards functions under Section 101 of the Local Government Act 1972 and the Somerset staff transferred across to DCC under a "TUPE" agreement.

The initial agreement with SCC was for a period of 10 years and when Torbay joined to form Devon, Somerset and Torbay Trading Standards Service on 01 May 2017, the agreement was for a period which brought it into line with the termination date of the agreement with SCC (so that renewal of a tri-partite arrangement could be considered simultaneously). An umbrella agreement, between all three councils, sat above this to ensure that a full, tri-partite Joint Service was created.

Plymouth City Council are now engaged in formal discussions with the other three councils with regards to forming a four-council Joint Service, which would then cover all of the Heart of the South West Local Enterprise Partnership (HotSW) geographical area.

As all the current agreements are due to expire on 30 April 2023, it is proposed that, rather than introducing further interim agreements to incorporate Plymouth, a new, single legal agreement is negotiated between the four councils. It is proposed that this would be for an initial period of 10 years, with appropriate provisions in place to both enable the agreement to be terminated early or to be extended beyond the initial 10 years.

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## 1.2 The Current Services

### 1.2.1 Activities

A comparison of the services provided by Devon, Somerset & Torbay Trading Standards Service (DST TSS) and Plymouth Trading Standards Service (PTSS) has shown that there is a significant alignment between the priorities and activity of the two services. Priorities for trading standards activity tend to follow a national pattern with some specific local variations. In this case, the major difference between the two services is the amount of Animal Health and Agriculture work; a core activity for DST TSS but minimal in the Plymouth geographical area.

Area	DST	Plymouth	Notes
Business advice/support	25%	15%	Basic business advice, Primary Authority, Buy with Confidence
Fair Trading activity	15%	25%	Mis-description of goods/services, pricing, metrology
Animal Health, Agriculture & Food	25%	5%	Animal health, animal disease protection, animal feed, food
Community Safety	35%	55%	Doorstep crime, product safety, illegal tobacco, scams
% external income	21%	9%	2019/20 As reported to Association of Chief Trading Standards Officers <sup>1</sup>

### 1.2.2 Budgets

The budgets of the two services in 2020/21 are as follows:

	DST TSS (£'000)	PTSS (£'000)
2020/21 Total of contributions	3402	367
2020/21 Contributions excluding support services element	3204	360
2020/21 Gross Expenditure	3666	399

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The overall per capita spend for DST TSS is £2.46 and for PTSS, £1.52<sup>1</sup>. The per business spend equates to approximately £47.49 and £51.382 respectively<sup>2</sup>. However, DST TSS allocates approximately 25% of its resources to Animal Health and Agriculture related work whereas in Plymouth this is estimated at approximately 5%. In addition, Plymouth will not be transferring the regulatory responsibility for petroleum and explosives licensing nor for simple food safety work; all of which will remain with their Environmental Health teams. It is felt that for comparison of pro-rata spend an overall adjustment of -25% to the DST TSS spend would give a more reasonable like-for-like figure on spend against transferred activities.

The DST TSS spends per capita and per business, weighted to take into account these additional functions carried out in the current DST TSS area are approximately £1.85 and £35.63 respectively.

Within DST TSS approximately 21% of funding is derived from external income, whereas in PST this figure is approximately 9%.<sup>3</sup>

Apart from Food Standards Agency funded Agricultural Feed sampling, the key sources of external income for DST TSS are the Buy With Confidence Scheme, Primary Authority Partnership contracts and their metrology lab, which undertakes work for other authorities and private sector clients and is one of the top 5 most accurate labs in the country. All of these income generation sources would be capable of being scaled up through operation in the Plymouth business catchment area. Plymouth is potentially an 'untapped resource' for income generation into TS. Also, with pooled resources there is potential for more animal feed income from work at Plymouth port (100,000 tonnes is imported each year).

<sup>1</sup> Devon, Somerset & Torbay population – 1,490,500. Plymouth – 263,100

<sup>2</sup> Devon, Somerset & Torbay VAT registered businesses – 77190, Plymouth - Source: Office for National Statistics (2018) <http://www.nomisweb.co.uk/reports/lmp/la/1946157352/report.aspx#tabrespop>

<sup>3</sup> Figures and method of calculation from Association of Chief Trading Standards Officers Impacts and Outcomes Report 2019/20

## 1.2.3 Staffing

Within both services over 90% of the budget is accounted for by direct staff costs. The relative staff numbers within DCC and PCC are shown below. A revised structure will be required for a Joint Service.

Staff Numbers:

	DST TSS (FTE as is)	PTSS (FTE as is)
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Senior Management	1.5	1.0
Operational Management	9	0
<i>MANAGEMENT TOTAL</i>	<i>10.5 FTE</i>	<i>1.0</i>
Authorised Officers	53.4	7.2
Support Officers	8.47	0
<b>OVERALL TOTAL</b>	<b>72.37 FTE</b>	<b>8.29 FTE</b>

When weighted as above to account for resources allocated to Animal Health and Agriculture, etc, the staffing levels in both services are broadly in line with the customer (population and business) base of the two geographical areas.

The current service structures are shown at Appendix 1. The services are structured quite differently and there is no direct parallel in the roles undertaken at each level in the two structures

PTSS is integrated with other unitary regulatory services, Environmental Health and Licensing

DST TSS is organised into two main teams, focussing on business advice and support and intelligence and investigations, with two smaller teams offering more general operational support. There is extensive flexible working across teams.

The premises used by the two services are as follows:

- PTSS
  - Windsor House, Plymouth (offices)
- DST TSS
  - Barnstaple, Devon (offices)
  - Chelston, Wellington, Somerset (offices and metrology lab)
  - County Hall, Exeter, Devon (offices and metrology lab)
  - Kingsteignton, Devon (offices)
  - Torquay, Town Hall (offices)

### 1.3 External factors impacting on Trading Standards

There are a number of future changes (external to the service) which will potentially impact upon trading standards service delivery across Devon, Somerset, Torbay and Plymouth:

- Nationally there has been a significant reduction in the amount of resources devoted to regulatory services, to the extent that those in some authorities are assessed as failing and no longer sustainable. This trend is likely to continue.
- The general economic climate, on the other hand, is seeing an increase in regulatory crimes and consumer “scams” at the same time as it is forcing

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many consumers to look for cheaper options (which are generally of an increased risk).

- Most Trading Standards services try to operate on an intelligence led and evidence basis making the best use of scarce resources and targeting interventions to areas of greatest need. However, the collation and analysis of this intelligence also needs to be resourced appropriately.
- This new way of working leads inevitably to a focus on larger criminal operations but these require specialist investigative skills such as Financial Investigators, officers trained in dealing with vulnerable witnesses, e-crime expertise, etc.
- Trading Standards needs to retain or establish the financial and other “clout” to tackle major investigations.
- The operation of National Trading Standards (NTS), (established and largely funded through BEIS). NTS directs national and regional priorities, funds and coordinates national and regional enforcement cases (internet scams, illegal money lending and other criminal activities that go beyond local authority boundaries).
- NTS also works closely with local authority trading standards services, including directing central government grant funding for certain activities; for example, animal feeding stuffs controls.
- The Public Health agenda continues to bring new challenges and opportunities to Trading Standards services with respect to their roles in protecting the vulnerable, protecting the young from harm and influencing lifestyle choices in the areas of tobacco and alcohol usage and obesity.
- The United Kingdom’s exit from the European Union is expected to bring significant new burdens to bear on regulatory services in respect of both business support and market surveillance.

## **2. The proposed Joint Service**

### **2.1 Services provided by Trading Standards**

The primary function of the Trading Standards service is to fulfil those statutory obligations of the local authority that form part of the national regulatory framework, to protect consumers and to maintain a fair and equitable trading environment in which local businesses can thrive.

They use a range of techniques, including educating and advising both consumers and business on their rights and obligations, where necessary they intervene directly to ensure practices are improved.

In agricultural communities such as Devon and Somerset, the enforcement of legislation designed to protect animal welfare, prevent or contain the spread of

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disease and maintain the integrity of the food chain becomes a key role for the Trading Standards Service.

Service activities are dictated by a mixture of statute, national government priorities, and the corporate priorities of local authorities and are captured in annual plans, certain aspects of which it is a statutory responsibility to produce. A detailed list of the functions within the scope of the Joint Service is contained at Appendix 2 to this report but in broad terms it will operate in the following functional areas.

- Business Advice, Support and Assistance
- Weights and Measures
- Product Safety
- Fair Trading including fraudulent business practices
- Doorstep Crime and Financial “Scams”
- Age Restricted Products
- Food Standards
- Agriculture
- Animal Health, Welfare and Disease Control
- Other Licensing and Registration e.g. storage and labelling of Explosives, Petroleum and Poisons
- Consumer Advice, Education & Assistance (in certain instances)

## 2.2 Priorities for a Joint Service

Within the parameters of its statutory responsibilities, a joint trading standards service must also take account of DCC, SCC, TC & PCC corporate priorities. Broadly speaking, the authorities share the following priority areas:

- Supporting the local economy
- Healthier communities
- Safer and stronger communities
- Protecting the environment
- Engaging with customers and communities

The Trading Standards service also has an important contribution to make to the Heart of the Service West Local Enterprise Partnership’s priority to drive productivity and enterprise, by helping to ‘create the conditions to ensure that businesses are given the best opportunity to succeed’. It works closely with the Growth Hub and the Better Business for All network to provide a joined-up easily accessible and comprehensive business support and advice framework.

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Additionally, national expectations on the service are set out by a number of central government departments and agencies, principal amongst these being the Food Standards Agency (FSA), the Department for Environment, Food and Rural Affairs (Defra) and the Department for Business, Energy & Industrial Strategy (BEIS)

Taking the statutory roles and local and national priorities together, the following draft outcomes for the Joint Service have been developed, along with indications of the way in which they will be delivered. The nature of these activities means that there are considerable over-laps in outcomes, with intelligence and risk assessment being a key driver as to operational priorities. They will often be delivered in partnership with stakeholders including the police, industry bodies and other enforcement bodies.

## **1. Economic growth is supported by ensuring a fair, responsible and competitive trading environment**

The Joint Trading Standards Service will meet this outcome through:

- Providing advice and assistance to local businesses, in particular on compliance and quality (including through the Primary Authority partnership scheme)
- Signposting businesses to wider sources of support and opportunities for funding, in particular through its ties with the regional Growth Hub and the Better Business for All initiative.
- Developing and promoting our approved trader scheme (Buy With Confidence)
- Creating a 'level playing field' for businesses, particularly through:
  - Tackling the informal economy
  - Tackling intellectual property crime (e.g. counterfeiting and piracy)
- Focusing on the specific needs of rural businesses and new business start-ups
- Maintaining emergency contingency plans and resilience (e.g. for animal disease outbreaks such as foot and mouth)

## **2. Consumers, in particular the most vulnerable, are protected and more confident, and communities are safer**

The Joint Trading Standards Service will meet this outcome through:

- Tackling doorstep crime
- Tackling mass marketing financial scams

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- Reducing the harm caused by unsafe products
- Maintaining food safety and the integrity of the supply chain, with a particular emphasis on those products designed for children, the elderly and lower socio-economic groupings.
- Developing and promoting our approved trader scheme (Buy With Confidence)
- Helping to reduce anti-social behaviour caused by the misuse of alcohol and other intoxicants, especially amongst the young, particularly through:
  - Reducing underage access
  - Working in partnership on various prevention initiatives
- Working to ensure consumers are confident and well-informed, that they know their rights and how to seek redress.

### 3. Help people to live healthier lives by preventing harm and promoting health

The Joint Trading Standards Service will meet this outcome through:

- Reducing harm caused by misuse of alcohol, especially amongst the young, particularly through:
  - Reducing underage access
  - Working in partnership on various prevention initiatives
- Reducing smoking prevalence, especially amongst the young and in deprived areas, particularly through:
  - Reducing the availability of illicit tobacco
  - Reducing underage access
  - Local Tobacco Control Alliances
- Reducing the harm caused by unsafe products
- Ensuring a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy
- Helping to tackle obesity by promoting healthy eating options and working to raise awareness of the importance of good nutrition.
- Protecting the environment, for example through:
  - Ensuring the correct storage and labelling of many products potentially damaging to the environment
  - Awareness raising, for example on packaging waste or nutritional eating

### 3. To be recognised for innovation, excellent service and as a great place to work

## 2.2 How the Joint service would work

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### **2.2.1 Legal Agreement**

- In May 2013, DCC and SCC formed a single service, known as the Devon and Somerset Trading Standards Service to cover the local authority areas of Devon and Somerset. This agreement enabled Devon to discharge Somerset's Trading Standards functions under Section 101 of the Local Government Act 1972 and the Somerset staff transferred across to DCC under a "TUPE" agreement.
- This agreement was for an initial period of 10 years, with appropriate provisions in place to enable the agreement to be terminated early. When Torbay joined to form Devon, Somerset and Torbay Trading Standards Service on 01 May 2017, the agreement was for a period which brought it into line with the termination date of the agreement with SCC (so that renewal of a tri-partite arrangement could be considered simultaneously). An umbrella agreement, between all three councils, sat above this to ensure that a full, tri-partite Joint Service was created.
- It is generally felt that the Joint Service has been successful and that current arrangements work well. Feedback from scrutiny committee reports has been consistently positive and the Joint Service has won or been nominated for a number of national awards.
- Therefore, it is proposed that is that a new legal agreement, similar to the original should be drawn up between DCC, SCC, TC and PCC.
- However, the current agreement would be reviewed for any areas of improvement, for example the introduction of more flexibility into the budget setting process allowing for a limited variation in service delivery levels across the member authorities.
- This new agreement would also run for an initial period of 10 years from its 01 April 2021.
- Current Plymouth trading standards service staff would also transfer across to DCC under TUPE arrangements. This is 9 individuals (and one vacant post), equating to 8.29 FTEs.
- Provisions for the sharing of any future redundancy costs or exceptional expenditure in the case of, for example, an animal disease outbreak or a major criminal prosecution would be included in the agreement.

### **2.2.2 Performance management**

- The Joint Service will focus on the outcomes it aims to achieve and the impact it has on local communities, though appropriate activity/output measures will also be in place.
- The Service will be intelligence led and evidence based. A Strategic Assessment will be produced annually in order to inform the service planning

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process. Monthly tactical tasking meetings will ensure that resources are continuously directed to priority activities and give the Service the flexibility to meet local demands.

- The Joint Service will appropriately engage all significant stakeholders in the planning, shaping and monitoring of services, ensuring that local partners and communities are not distanced from the new service organisation.
- The Head of Service will be responsible for producing:
  - A Strategic Plan (setting out longer term outcomes, objectives and priorities in a way that is accessible to partners and the public)
  - An annual Operational Plan showing how outcomes will be achieved and income generated. This will be signed off by all four local authorities and will align with their financial planning processes and incorporate statutory annual plans e.g. food, animal feed and underage sales

The Head of Service will provide monthly exception reports and quarterly and annual performance monitoring reports. Other reports (e.g. to Scrutiny Committees) will be provided as required.

### **2.2.3 Governance**

- A Joint Service Review Panel has already been established and will be extended to include PCC. It acts as a forum for consultation, discussion, resolution of strategic risks and other issues and makes recommendations back to all parties on all aspects of delivery and strategy for the service. It will have no decision-making powers.
- The Joint Service Review Panel will be constituted from an elected member and a senior officer (Authorised Representative) from each authority.
- The Panel will meet at agreed dates throughout the financial year or by exception.
- The scheme of delegation set out in the DCC Constitution will apply to the new Joint Service.
- SCC, TC & PCC will delegate all relevant statutory roles to DCC (but will retain sign-off of operational plans, including statutory plans).
- DCC will be responsible for all operational, day to day decisions - overseen through performance management and regular reporting.

The Head of Service will represent the service to Committees as required under the constitutions of both County Councils (e.g. scrutiny).

### **2.2.4 Structure and organisation**

- PCC staff will TUPE transfer across to DCC who already host the Joint Service on behalf of SCC and TC.

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- The Joint Service will have a single management structure and shared operational support.
- Staffing levels and skills will ensure that the Joint Service is more resilient, adaptable to change and has the necessary “clout” and expertise to deal with major organisations and complex investigations. This will be supported by a single training and development plan.
- Staff will be fully integrated and act as “one team” and will all be treated fairly and equally. Any restructuring or recruitment will be informed by service need and the skills and expertise required.
- The Joint Service will maintain offices in Devon, Somerset, Torbay and Plymouth in order to be close to its customers, to ensure it can respond quickly to any urgent matter, to minimise travel costs and to minimise disruption to staff.

## **2.2.5 Process/operations**

- The culture of the new Service will be firmly rooted in the principles developed by Philip Hampton in his report to Government, “Reducing administrative burdens: effective enforcement and inspection” (March 2005). It will support the aim of central government to deliver a simple and clear regulatory environment.
- There will be an integrated and uniform level of service across the four authorities. This will mean that common processes are adopted, leading to efficiency savings.
- Intelligence led tasking, however, will mean that at times there will be different levels of activity in different areas to ensure that the Service responds to local need and political priorities.
- The Joint Service will aim to be a regional Centre of Excellence for Business Support engaging closely with the Heart of the South West Local Enterprise Partnership, in particular the Growth Hub and the Better Business for All initiative.
- As well as dedicated intelligence capability the Joint Service will maintain a financial investigation resource which can be used, in serious cases, for the recovery of criminal assets under the Proceeds of Crime Act 2002 (POCA). POCA was introduced by the government as it recognised that leaving illicitly obtained assets in the hands of criminals was damaging to society.
- The Joint Service will use recovered criminal assets (under the Proceeds of Crime Act 2002) to improve enforcement and for the development of consumer and business education as well as community wider initiatives as approved by the Joint Service Review Panel.
- The Joint Service will seek to increase its income generation through;
  - a) further development of the Buy With Confidence scheme,
  - b) increased use of its Metrology Laboratory; and
  - c) extension of its Primary Authority scheme.

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d) development of further specialisms and expertise as likely improve successful accessibility to central government grant funding  
Equipment, contracts and storage facilities will be rationalised.

## 2.2.6 Technology/Information

- The aim is that following a transitional period:
  - All staff will use the same DCC ICT systems enabling access to common information sources.
  - The current APP (operational) databases will be migrated into a single system. This will allow for rationalisation of ICT licences and support.
  - The Joint Service will use the [Devonandsomersettradingstandards.gov.uk](http://Devonandsomersettradingstandards.gov.uk) website.
  - The My Devon, Somerset Direct, Torbay Connections and Plymouth contact centres will be fully linked to the Joint Service allowing callers of either local authority to have direct access to the Service where appropriate.
  - Robust Information Governance arrangements will be in place, including data sharing and protection agreements, with protocols agreed to ensure smooth delivery of complaints about service investigations and Data Protection Act and Freedom of Information Act requests.

## 3. Expected Benefits and Disbenefits

### 3.1 Non-Financial Benefits

The key non-financial benefits of a Joint Service are:

What?	How?
A service that can provide a better customer experience	Economies of scale making it possible to focus more resources on direct operational delivery. In addition, it would eliminate duplication of processes e.g. Enforcement Policies, Enforcement Concordat, regulation of Investigatory Powers Act oversight, Funding Bids, etc.

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	<p>Ability to better maintain locally based front-line staff and a dedicated intelligence capability (to support strategic and day to day activity) by combining management structures</p>
	<p>Ability to maintain a wide range of functional specialists supporting both business and consumer interests.</p>
	<p>Providing a consistent approach across Devon, Somerset, Torbay and Plymouth, in particular for businesses that span the four local authority areas The potential footprint of a Joint Service would mirror the Heart of the Southwest Local Enterprise Partnership and enable joint working with the Growth Hub and other LEP initiatives. Regulation, in particular regulatory business support, and the impact it can have on the local economy has been widely recognised and is part of the final detailed submission to MHCLG for ERDF funding for an enhanced Growth Support Programme.</p>
	<p>Through aiming to be a regional Centre of Excellence for Business Support</p>
	<p>Better alignment with our economic geography, in particular the Local Enterprise Partnership</p>
A more resilient service	<p>Combining knowledge and expertise, response abilities, and service delivery. The range and complexity of Trading Standards legislation requires a high level of professional and knowledge, competencies need to be maintained regardless of the size of the service. Smaller services struggle to maintain this.</p>
	<p>A larger service which is better able to meet complex (and often national) challenges and tackle, where necessary, major organisations</p>
	<p>Greater capacity to deal with emergency situations such as an animal disease outbreak, product safety emergencies (e.g. petroleum or explosives), or loss of key officers and their specialist technical knowledge.</p>
	<p>Ensuring achievement of outcomes and statutory requirements when less funding is likely to be available</p>
	<p>A service better positioned to respond to possible changes in role, scope or budget</p>

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A more agile and flexible service	Better able respond to exceptional demand such as in the case of major economic shock (e.g. Brexit and the current Coid-19 pandemic). These create new demands on the service in terms of business advice & support and increased market surveillance.
	Exploring opportunities to generate income by charging other organisations for certain activities
A service which provides more opportunities for staff to develop	Further enhance the national and regional profile and impact of the Trading Standards service, increasing the influence the Service and individual officers can have on policy making.
	Greater oppourtunities for specialism leading to greater job satisfaction
	Greater efficiency in training and maintenance and development of staff competencies.
	Pooling of best practice from all four local authority services
A more outcome focussed service	A Service which has the capacity to monitor and measure outcomes, demonstrating the value of its activities.
	An operating model which better reflects corporate delivery policies and contributes more readily to corporate priorities.
	Unlike environmental health and licensing, which generally deal with problems on a local premises by premises basis, trading standards is much more focussed on organised criminal activity or, for more regulatory matters, on the business supply chain. Hence working across a larger geographical area has some natural advantages to achieving desired outcomes.

## 3.2 Financial Benefits

The extension of the Joint Service is not predicated on a reduction in costs but rather on the provision of a more efficient, effective and resilient service raising standards of service delivery across both geographical areas

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However, there are non-direct financial benefits:

- The potential for increased income generation through a greater ability to deliver Primary Authority Partnership and Buy With Confidence schemes, increased capacity for metrology laboratory work
- The potential for increased income generation through the use of specialist knowledge and experience to draw down central government grant funding and through developing regional centre of excellence functions which can be commissioned out to other authorities.
- A greater capacity to deliver financial savings whilst still retaining a viable service over the remainder of the contract life.
- Scope for the service to further expand by broadening the range of functions within its remit.
- Allocation of a greater proportion of spend on front-line services due to a single management structure, greater specialisation, and process redesign
- Efficiencies in back-office spend; for example, by sharing licences and equipment.

It is extremely unlikely that these financial benefits could be achieved by the four services individually without impacting significantly on front-line service delivery and the ability to continue to meet statutory requirements and customer needs.

Budget savings will be shared between the four authorities broadly in line with their annual contributions (adjusted for one-off items and support service costs to ensure a like for like comparison). Using the 2020/21 budget figures as an example, savings would be shared in the following proportions:

55.3% for Devon County Council

27.9% for Somerset County Council

6.8% for Torbay Council

10.0% for Plymouth City Council

Any exceptional costs will also be shared between the four authorities.

It is recognised that all four authorities have increasing cost pressures in other service areas and this agreement does not preclude one of the authorities opening discussions with the Joint Service for further savings. However, any request will need to be carefully considered with a view to the sustainability of the service and the continuation of the shared service arrangements. In general, the four partner authorities will try to set budgets contributions to the Joint Service on a three-year cycle.

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The initial 2021/22 efficiency benefits found from a Joint Service which can be redirected to front line delivery are expected to be as follows (with savings provisionally allocated in line with relative budgets):

<i>Area</i>	<i>Description</i>	<i>Total saving</i>	<i>Confidence (in estimate)</i>
Employees and Process redesign	A single unified structure including efficiencies and synergies from joint working/learning from each other's good practice.	£50,000	<b>High:</b> an initial estimate based on an indicative structure. Previous experience has demonstrated confidence in Joint Service delivering savings
Premises	No significant savings expected	Nil	N/A
Transport	Minor savings expected	£1,500	<b>Medium:</b> estimate based on optimisation of officers working to and from home and homeworking
Supplies & services	Savings from IT licences, shared equipment	£10,000	<b>Medium:</b> estimate based on group managers reviewing budgets
Sampling and Analytical services	Savings from joint working and avoidance of duplication.	£10,000	<b>High:</b> based on experience of other authorities and expected future demand.
Income	E.g. from primary authority partnerships, Buy With Confidence and joint initiatives	£10,000	<b>Medium:</b> an indicative figure
<b>TOTAL</b>		<b>£81, 500</b>	<b>High:</b> previous experience has demonstrated confidence in Joint Service delivering savings

The assumptions underlying the savings, the basis for these assumptions and key sensitivities, are set out below:

**Employees:** Plymouth staff will slot into the existing DST TSS structure which will make some savings on management costs. Should the need arise, the larger, more resilient service will create the scope for some future staff savings without significantly impacting on service delivery. At this stage, it is anticipated that these savings can be found through natural staff turnover and that no redundancies will be required.

**Process redesign:** These savings will be realised through efficiencies, synergies and adoption of good practice across both services and does not include any additional staff savings. For example, across the Joint Service only a single approach will be required for the recording of animal movements, the gathering and analysis of intelligence and sourcing of legal expertise.

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**Supplies, Analytical Services and Other Services:** This reflects the duplication in licences, subscriptions, memberships and equipment over the two services. It also reflects the fact that some efficiency can be realised in coordinating sampling (eliminating duplication and increased use of intelligence) and commissioning Analytical Services. Detailed decisions on the future sampling plan have yet to be taken - the actual level of sampling will be taken through the service planning process and regular intelligence-led reviews to respond to increased risks or threats. The Joint Service will also seek to maximise opportunities for funding from external agencies, such as the Food Standards Agency, but only where this accords with identified local need.

**Income:** Increased income will come from a number of sources, the increase in income is likely to be gradual, with very little realised in the first year of a Joint Service and a conservative estimate has been made. An income generation strategy will form part of the Joint Service's strategic planning process.

### 3.3 Financial and Non-Financial Disbenefits

All authorities will lose some flexibility in setting annual budgets, in that similar levels of future budgetary changes will need to be agreed in order to ensure a consistent Joint Service continues to be delivered. This is one area which will be subject to review in the new contract negotiations, in an attempt to build greater flexibility into the budget setting process by allowing for a limited variation in delivery levels across the four local authorities.

SCC, PCC and TC will lose some day to day control over the operation of the service. However, this will be mitigated through the joint panel oversight, performance and contract management, partner authority sign-off of annual service plans and arrangements to ensure that their members and scrutiny committee can carry out their role as effectively as if the services were still separate. A communications protocol will be agreed ensuring that partner authorities' members and communities are kept fully up to date on high profile service activities. In addition, the ability to react to local issues and demands is embedded in the Joint Service's operational procedures.

Both serving Heads of Trading Standards (for Devon, Somerset & Torbay and for Plymouth) are of the opinion that the current Services are relatively well matched in terms of pro-rata resources and believe that the financial and non-financial benefits of extending overall capacity and of mirroring the geographical footprint of the Heart of the South West Local Enterprise Partnership significantly outweigh any dis-benefits and set-up costs.

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## 4. Costs

The maximum, one-off financial costs in creating the Joint Service are profiled below. Staff time has not been accounted for. Unless otherwise stated these will be incurred during 2020/21.

<i>Area</i>	<i>Description</i>	<i>Total cost</i>	<i>Confidence (in estimate)</i>
Redundancy and other HR costs	Creating a unified future structure, harmonisation of salaries and delivering required long-term savings	nil	<b>Medium:</b> no redundancies are likely to be required. Previous history gives confidence that targets can be achieved
Legal costs	S101 agreement drafted by DCC and TC legal teams	nil	<b>High:</b> Internal cost borne by each party
ICT costs	Migrate onto a single database and establish a secure link between offices	£20,000	<b>Medium:</b> cost of migration of database and securing general access do DCC systems through WiFi
Staff training and development costs		nil	<b>High: Can be delivered in-house and budget can be managed accordingly</b>
Contingency	For other currently unquantifiable costs	£10,000	<b>Medium:</b> estimate based on group managers reviewing budgets
Total		£30,000	

It is anticipated however, that all the set-up costs can be financed by early delivery of savings within DST TSS and PTSS. Consequently, there should be no call on corporate reserves in relation to set-up costs.

There are minor internal resources required in servicing the oversight mechanism, including the Joint Service Review Panel, but these are borne individually by parties.

The assumptions underlying the set-up costs, the basis for these assumptions and key sensitivities, are set out below.

- No redundancies are anticipated as a direct result of the merger of the services.
- Legal costs to be borne by each party.

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- ICT costs reflect the service and data migration costs associated with joining up the two services databases, the cost of buying into DCC's desktop replacement programme.

Other costs in relation to the Joint Service (those which are not being shared between the two authorities) are as follows:

- Devon County Council will have marginally increased back-office costs in relation to the larger Joint Service (for example, increased HR, Legal, etc. costs). This has been mitigated by agreeing an appropriate annual sum for PCC to contribute towards these costs.
- PCC will require officer time in order to undertake commissioning of the Joint Service, in particular performance management and relationship management.
- The two authorities will both incur some internally charged set-up costs. Both authorities agreed that they would bear these costs individually. These costs will be covered from within available Trading Standards Service Budgets.
- When Plymouth staff TUPE to DCC, they will join the Devon LGPS. As Plymouth and Devon are in the same LGPS fund, their pension records and notional assets will also transfer across to Devon, so there will be no impact on the pension funding arrangements of Plymouth or Devon. However, as part of the Devon scheme, the shared service will pay the employer rate applicable to Devon staff.

## **5. Implementation and appraisal**

### **5.1 Benefits Realisation**

The following measures are proposed to ensure that the expected benefits of the Joint Service are delivered. They will be reported through the regular performance reporting arrangements of the Service, and the oversight by the joint panel will act as a control to ensure they are realised.

<b>Expected Benefit</b>	<b>How measured</b>	<b>Timescale</b>
A service that can provide a better customer experience	Customer satisfaction, complaints and feedback Stakeholder surveys	Ongoing over life of Joint Service

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A more resilient service	Annual Performance Report narrative	Ongoing over life of Joint Service
A more agile and flexible service	Annual Performance Report narrative Staff training and qualifications	Ongoing over life of Joint Service Five years
A service which provides more opportunities for staff to develop	Staff surveys and feedback Staff training and qualifications	Ongoing over life of Joint Service Five years
A more outcome focussed service	Annual Performance Report narrative Development of an outcome/impact measurement toolkit	Ongoing over life of Joint Service Two years
Financial benefits (as defined in 3.2)	Contract management & performance reporting	Ongoing over life of Joint Service

## 5.2 Implementation Plan

Subject to agreement by Devon County Council Cabinet of the FBC, Full Council approval will be required as there are some aspects of the Trading Standards enforcement and licensing functions which relate to functions reserved to Full Council. Somerset, Torbay and Plymouth Councils will need to go through the equivalent approval process as required by their constitutional arrangements.

It is planned that the legal agreement will be signed and the new Joint Service will commence on 01 April 2021. However, the first financial year will be a transitional year. Key elements of the transition are:

- The aim is to TUPE the Plymouth staff to Devon's employment on the above commencement date.
- The service will operate as a Joint Service but may still be subject to separate operational plans (which have been developed in conjunction so as to maximise alignment).
- In the above scenario, the first Strategic Plan for the wider Joint Service will be submitted to the Joint Service Review Panel in April 2022.

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- Annual financial payments for Year 1 will be adjusted pro-rata if the implementation date is different.
- ICT (including support, the operation of 2 separate databases and the use of PCC's network) will remain as is until a detailed transition plan has been agreed.
- If necessary, performance management during 2020/21 will be against the individual annual plans of DST TSS and PTSS, although this will be integrated over the course of the year.
- Joint Service Review Panel meetings will be undertaken during 2020/21 and the Panel will oversee this transition in addition to their normal role of acting as a forum for consultation, discussion and resolution of issues.

By April 2022 it is envisaged that the Joint Service will be fully integrated and future joint strategic and operational plans will be recommended to all four Councils for approval.

Any savings delivered will be utilised as follows, as agreed by the Joint Service Review Panel:

- One-off 'invest to save' projects focussed on reducing future costs or increasing income generation.
- Providing staff development opportunities which have a clear link to delivering a more effective or cost-efficient service in the future.
- Return of any underspend or excess income to partner councils in accordance with the agreed budget ratios

### 5.3 Options and Investment appraisal

The option to continue with separate services was considered and it was felt that the net benefits of a Joint Service significantly outweighed those of separate services.

Staff, elected member, partner and key stakeholder engagement has been undertaken in developing the Full Business Case (see below) and this supports the above view.

At the formation of the initial Joint Service between DCC and SCC, one of the core objectives was the provision of a framework which would allow for further expanding the scope of the service either geographically and/or by broadening the range of functions within its remit. This would potentially allow for a sustainable model of service delivery at a time of significant financial pressure on regulatory services. The opportunity for expansion through working with Plymouth would help develop and promote that objective. It would also create a joint regulatory service with the same geographical footprint as the Heart of the South West, Local Enterprise Partnership, facilitating a comprehensive business support service closely linked to the Growth Hub and other linked programmes.

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It is also felt that there might be further opportunities to provide managed services or commissioned services for a number of other authorities in the South West region.

The governance approach (for DCC to discharge the functions of PCC under s101 and of the Local Government Act agreement) was chosen for the following reasons:

- A proven model widely viewed as successful.
- Low implementation cost.
- Effectively meets the objectives of the Joint Service.
- Legally robust (not least because of the nature of the prosecutions undertaken by Trading Standards which often carry custodial sentences).
- Ensured an appropriate level of governance without risking either a lack of local control or an unnecessary burden of cost and time.

Consideration was given to the length of time over which budgets for the Joint Service should be set. The Joint Service Review Panel agreed that 3 years was an appropriate length of time. This balances the need for a degree of operational stability whilst ensuring that the Service can still effectively respond to uncertain funding pressures in the future. This funding set-up is not unique and longer-term budgets have been set for other "arms-length" local authority delivery models.

Whilst uncertainty still remains on some costs, for example in relation to ICT and some other apportionments, the payback period for establishing a Joint Service (excluding pension costs) is expected to be less than one year.

### 5.4 Consultation

Extensive consultation has been undertaken in developing the FBC. Including DST TSS and PCC TSS staff, who have been involved from the very outset. A formal TUPE consultation will be undertaken with PCC staff commencing as soon as PCC Cabinet has agreed in principle to the Joint Service. Recognised Trade Unions have been appropriately involved. Staff views across both current services have helped inform the development of this proposal, and no significant issues have arisen from the staff consultation.

Members have been consulted through appropriate governance processes, including JSRP review of both the OBC and the FBC. In addition, members in each of the councils will be involved in the formal agreement process.

The Duty to Consult under the Best Value Statutory Guidance has been fully met. A wide consultation was undertaken with those who use or are likely to use the services provided by the authority, those who have an interest in the area

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within which the functions are carried out (including local voluntary and community organisations and small business organisations). This closed on 26 June 2020. Over 50 such local, regional and national bodies were written to, including local business associations, national government agencies, the Police, non-governmental consumer groups and advice agencies (e.g. CABx). All responses received were positive.

## 6. Risks

The key risks in relation to the Joint Service (and its intended benefits are set out below). These risks primarily apply to the Joint Service as a whole, though risks that relate solely to DCC, SCC, TC or PCC have been highlighted in the description of the risks. The costs of mitigation are reflected in the set-up costs and forward budget of the Joint Service. These risks align with the Impact Assessment. The likelihood (L) and impact (I) of risks are identified with the colour shown below reflecting the pre-mitigation score based on DCC's Risk Matrix - low risks are indicated by yellow, medium risks by amber and high risks by red. **Following mitigation all risks are assessed to be low.**

Description of Risk	Score (LxI)	Mitigation
<b>Financial</b>		
Ensuring a sustainable funding mechanism to accommodate budget sharing and potential future reductions.  Differences between DCC, SCC, TC and PCC in respect of level/pace of financial savings leads to an inability to deliver a uniform service	3*4=12 (AMBER)	Savings requirements set out in legal agreement to remove uncertainty. Review Legal Agreement to make budget setting process more flexible. Setting indicative 3-year budgets. Ongoing governance
Inaccurate estimation of costs and savings in the Full Business Case could lead to the level of costs and savings not	2*4=8 (YELLOW)	Transitional approach, Early contact with key technical experts,

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being as forecast resulting in unexpected financial demands for the councils		Learning from previous Joint Service experience, Oversight by Joint Panel
Failure to implement a Joint Service effectively leads to the required levels of savings not being delivered resulting in the Council's failure to meet corporate financial targets	2*4=8 (YELLOW)	Performance Management and establishment of joint governance structures. Learning from previous Joint Service experience
Failure of Joint Service leads to the Councils needing to establish separate services resulting in increased costs	1*4=4 (YELLOW)	The risk of this occurring is mitigated by governance structures, performance management and previous Joint Service experience
<b>Legal</b>		
Legal challenge to transfer or unfair dismissal claims results in increased costs or delays	2*3=6 (YELLOW)	Use of HR and legal advice and open and consultative approach with staff
Future prosecutions brought by the Joint Service are challenged on the basis of the legality of the Joint Service	2*3=6 (YELLOW)	Use of governance and legal advice in planning approach
<b>Reputational</b>		
Non-DCC elected members feel distant from Joint Service resulting in democratic deficit	3*3=9 (YELLOW)	Governance structures and retention of locally based officers Robust engagement with Scrutiny committees Communications Protocol
Failure of Joint Service leads to damage to the reputations of the Councils	2*3=6 (YELLOW)	Robust project planning in creation of Joint Service. Governance structures, performance management and previous Joint Service experience once operational.
<b>Stakeholder</b>		
Key local, national and regional bodies do not support the proposed Joint Service leading to legal challenge	2*3=6 (YELLOW)	Formal notification of proposal to a wide range of stakeholders (including representatives of taxpayers, businesses and bodies such as the police, CAB, national government agencies and departments). All responses received from stakeholders have been positive.

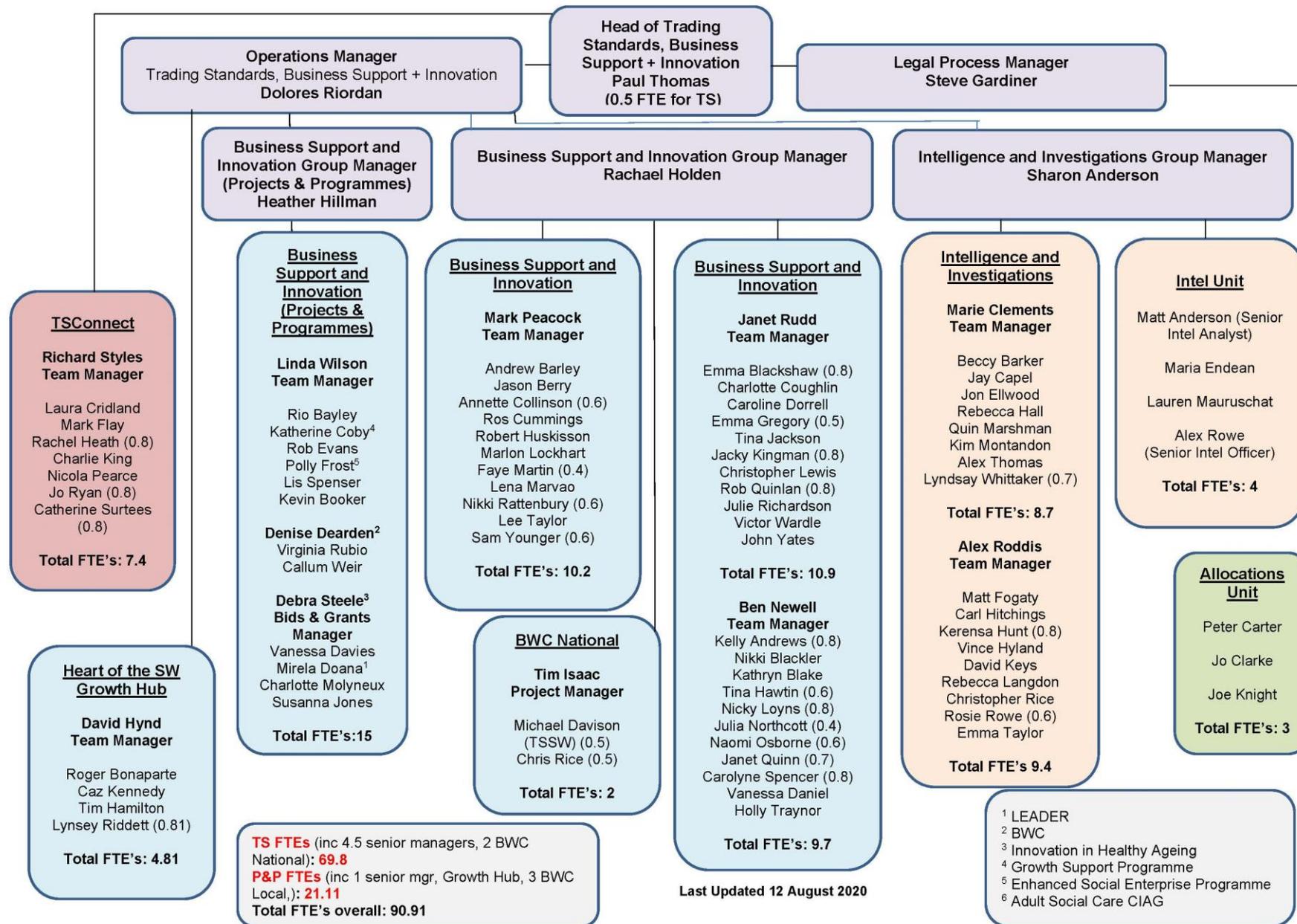
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Customers and businesses perceive that the Joint Service does not effectively meet their needs resulting in customer dissatisfaction	2*3=6 (YELLOW)	Monitoring of customer satisfaction as part of contract management and engagement with key stakeholders during project planning and implementation
<b>Human Resources</b>		
Staff dissatisfaction as a result of changes/the level of savings required across the public sector result in a negative impact on front-line work	3*4=12 (AMBER)	Regular open communication with staff and unions throughout the process
Teething problems in establishing a fully integrated joint team leads to a distraction from the 'day job' (for managers and staff) resulting in a negative impact on the quality of service provided	3*4=12 (AMBER)	Robust project management during the 'transitional year' including effective performance management
<b>Technological</b>		
Difficulties/unforeseen costs in aligning ICT (e.g. integrating databases or moving to DCC systems) leads to increased costs resulting in reduced financial benefits	3*4=12 (AMBER)	Development of a robust Full Business Case and phased transition in relation to ICT



## **Appendix 1a: Devon and Somerset Trading Standards Service Structure**





## **Appendix 1b: Current Plymouth Organisation Structure**

**For the purposes of the Shared Service, the Senior Officer post has not been budgeted for.**





## **APPENDIX 2 – Legislation enforced by Trading Standards**

**\* denotes functions to be retained by PCC**

**\*\*denotes functions to be retained by PCC and TC**

**N.B. Enforcement of Food Safety legislation will be shared in line with the current Food Law Code of Practice (England) (see <https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>) with the Trading Standards Service acting as if a “County Council Competent Authority” in a two-tier local Authority area, with the exception that in Plymouth City Councils’ area the conduct of routine risk based inspections under Food Safety law will be retained by PCC. This does not include targeted sampling programmes.**

**Accommodation Agencies Act 1953**

**Administration of Justice Acts 1970 and 1985**

**Agriculture Act 1970**

**Agriculture (Misc. Provisions) Act 1968**

**Animal Health Acts 1981 and 2002**

**Animal Health & Welfare Act 1984**

**Animal Welfare Act 2006**

**Animals Act 1971**

**Anti-Social Behaviour Act 2003**

**Architects Act 1997**

**Business Protection from Misleading Marketing Regulations 2008**

**Cancer Act 1939**

**Charities Acts 1992 & 2006**

**Children and Young Persons Act 1933**

**Children & Young Persons (Protection from Tobacco) Act 1991**

**Clean Air Act 1993**

**Companies Acts 1985 and 2006**

**Companies Directors Disqualification Act 1986**

**Companies (Trading Disclosures) Regulations 2008**

**Consumer Contracts (Information, Cancellation & Additional Charges) Regulations 2013**

**Consumer Credit Acts 1974 and 2006**

**Consumer Protection Act 1987**  
**Consumer Protection from Unfair Trading Regulations 2008**  
**Consumer Rights Act 2015**  
**Consumers, Estate Agents & Redress Act 2007**  
**Control of Pollution Act 1974**  
**Copyright, Designs and Patents Act 1988**  
**Courts and Legal Services Act 1990**  
**Crime & Disorder Act 1988**  
**Criminal Attempts Act 1981**  
**Criminal Justice Act 1988**  
**Criminal Justice & Police Act 2001**  
**Criminal Law Act 1977**  
**Crossbows Act 1987**  
**Customs and Excise Management Act 1979**  
**Development of Tourism Act 1969**  
**Dogs Act 1906**  
**Dogs (Amendment) Act 1928**  
**Education Reform Act 1988**  
**Employment Agencies Act 1973**  
**Energy Act 1976**  
**Energy Conservation Acts 1981 and 1996**  
**Energy Efficiency (Private rented Property) (England and Wales) Regulations 2015**  
**Energy Performance of Buildings (England and Wales) Regulations 2012**  
**Enterprise Act 2002**  
**Environmental Protection Act 1990**  
**Estate Agents Act 1979**  
**\*\*Explosives Acts 1875 and 1923**  
**Explosives (Age of Purchase) Act 1976**  
**Fair Trading Act 1973**  
**Farm and Garden Chemicals Act 1967**  
**\*\*Fire & Safety and Places of Sport Act 1987**  
**\*\*Fireworks Acts 1951, 1964 and 2003**  
**Food & Environment Protection Act 1985**  
**Food Safety Act 1990**

**Forgery & Counterfeiting Act 1981**

**Fraud Act 2006**

**Gambling Act 2005**

**Hallmarking Act 1973**

**Health and Safety at Work Etc., Act 1974**

**Housing Act 2004**

**Health Protection (Coronavirus, Restrictions) (No2) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (No3) (England) Regulations 2020**

**Housing Act 2004**

**Housing and Planning Act 2016**

**Insolvency Act 1986**

**Intellectual Property Act 2014**

**Intoxicating Substances (Supply) Act 1985**

**Knives Act 1997**

**Legal Services Act 2007**

**Licensing Act 2003**

**Magistrates Courts Act 1980**

**Malicious Communications Act 1988**

**Medicines Act 1968**

**Motor Cycle Noise Act 1987**

**Motor Vehicles (Safety Equipment for Children) Act 1991**

**Offshore Safety Act 1992**

**Olympic Symbol etc., (Protection) Act 1995**

**Package Travel, Package Holidays and Package Tours Regulations 1992**

**Pesticides (Fees & Enforcement) Act 1989**

**\*Petroleum (Consolidation) Regulations 2014**

**Poisons Act 1972**

**Prices Acts 1974**

**Proceeds of Crime Act 2002**

**Protection from Harassment Act 1997**

**Protection of Animals Act 1911**

**Psychoactive Substances Act 2016**

**\*Public Health Act 1961 (S73)**

**Registered Designs Act 1949**

**Regulatory Enforcement & Sanctions Act 2008**

**Road Traffic Acts 1988 and 1991**

**Road Traffic (Consequential Provisions) Act 1988**

**Road Traffic (Foreign Vehicles) Act 1972**

**Road Traffic Offenders Act 1988**

**\*\*Safety of Sports Ground Act 1975**

**Scotch Whisky Act 1988**

**Solicitors Act 1974**

**Telecommunications Act 1984**

**Tenant Fees Act 2019**

**Theft Acts 1968 & 1978**

**Theft (Amendment) Act 1996**

**Timeshare, Holiday Products, Resale and Exchange Contracts  
Regulations 2010**

**Tobacco Advertising & Promotion Act 2002**

**Tobacco Products Duty Act 1979**

**Trade Descriptions Act 1968**

**Trade Marks Act 1994**

**Trading Representations (Disabled Persons) Acts 1958 & 1972**

**Trading Schemes Act 1996**

**Unsolicited Goods and Services Act 1971**

**Unsolicited Goods and Services (Amendment) Act 1975**

**Video Recordings Acts 1984 & 2010**

**Weights and Measures etc., Act 1976**

**Weights and Measures Act 1985**

**Welfare of Animals at Slaughter Act 1991**

**And all relevant legislation made under the European Communities  
Act 1972 and Reenabled by the European Union (Withdrawal  
Agreement) Act 2020 including (inter alia):**

**Animal By-Products (Enforcement) (England) Regulations 2013**

**Animal Feed (Composition, Marketing and Use) (England)  
Regulations 2015**

**Animal Feed (Hygiene, Sampling etc. and Enforcement) (England)  
Regulations 2015**

**Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013**

**Condensed Milk and Dried Milk (England) Regulations 2015**

**Contaminants in Food (England) Regulations 2013**

**Electromagnetic Compatibility Regulations 2006**

**Fish Labelling Regulations 2013**

**Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2009**

**Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Compositional Requirements) (Amendment etc.) (England) Regulations 2020**

**Food Information Regulations 2014**

**Food Safety and Hygiene (England) Regulations 2013**

**Fruit Juices and Fruit Nectars Regulations 2013**

**Materials and Articles in Contact with Food (England) regulations 2012**

**Organic Products Regulations 2009**

**Personal Protective Equipment (Enforcement) Regulations 2018**

**Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011**

**Pressure Equipment Regulations 1999**

**Pyrotechnic Articles (Safety) Regulations 2015**

**Radio Equipment and Telecommunications Terminal Equipment Regulations 2000**

**Recreational Craft Regulations 2004**

**Simple Pressure Vessels (Safety) Regulations 1991**

**Spirit Drinks Regulations 2008**

**Supply of Machinery (Safety) Regulations 2008**

**Transmissible Spongiform Encephalopathies (England) Regulations 2018**

**And any legislation made amending or re-enacting or extending the same or any other legislation relating to Trading Standards and/or weights and measures functions of local authorities**

Impact Assessment Form and Action Table **APPENDIX 4**

**Please note that this is a generic impact assessment which each local authority partner will use this as a foundation for completing their own assessment.**

Why are you completing the Impact Assessment?

Proposed New Policy or Service  X	Change to Policy or Service	MTFP or Paper	Service Review or DCC Change Programme
---	-----------------------------	---------------	--

Title you are completing the Impact Assessment on (which policy, service, MTFP reference, cluster etc)?	Trading Standards Joint Service –Devon, Somerset and Torbay Trading Standards and Plymouth Trading Standards (D&S TSS)
---	--

Risk Rating	Low
-------------	-----

Section 1 – Description of what is being impact assessed

The primary function of the Trading Standards service is to fulfil those statutory obligations of the local authority that form part of the national regulatory framework, to protect consumers and to maintain a fair and equitable trading environment in which local businesses can thrive. Consumers and businesses are primarily affected by the activity of Trading Standards in the following areas:

Area	Covers
Business Advice	Basic business advice, Primary Authority, Buy With Confidence
Fair Trading	Misdescription of goods and mis-selling of services, pricing, creating a level playing field for local businesses
Animal Health and Agriculture	Animal health & welfare, animal disease protection, food standards & feed hygiene
Community Safety	Doorstep crime, product safety, age restricted products, petroleum and explosives

The Full Business case for a Trading Standards Joint Service arrangement, whereby Devon County Council (DCC) delivers the Trading Standards functions for Somerset (SCC), Torbay (TC) and Plymouth Councils (PCC), subject to the agreement and signing by the parties, of a detailed legally binding formal agreement, pursuant to Section 101 of the Local Government Act 1972. The key objectives of the proposed Joint Service are to:

- Provide a single, standardised, outcome focussed Trading Standards Service across all the Authorities,

- To provide a more flexible and resilient service which is able to accommodate future changes more readily (in role, legislation, scope or budget) and provide improved career development opportunities for staff;
- To effectively meet statutory requirements and potentially enhance elements of the service (for example through greater specialisation);
- To deliver a better customer experience;
- To deliver an initial and ongoing financial saving for the parties.

The work of the Joint Service will be discharged by DCC but jointly commissioned by DCC, SCC, TC & PCC Councils, ensuring that the objectives of all partner authorities are met. The new agreement will be for 10 years. If the proposal is implemented PCC staff will TUPE across to DCC, which already hosts a Joint Service for DCC, SCC and TC. A Joint Service Review Panel will be established as the forum for consultation, discussion, resolution of issues and recommendations back to all parties on all aspects of delivery and strategy for the service. It will have no decision-making powers.

The Joint Service will have a single management structure and shared business support, delivering financial savings. Staff will be fully integrated and act as “one team” and will all be given equal access and opportunity. Any restructuring or recruitment will be informed by service need and the skills and expertise required. Unless specifically agreed otherwise as part of the budget setting process, there will be an integrated and uniform level of service across the authorities. This will mean that common processes are adopted, leading to efficiency savings.

The expanded Joint Service will maintain offices in Devon, Somerset, Torbay and Plymouth. All call centres and switchboards will be fully linked to the Joint Service allowing callers to either local authority to have direct access to the Service. The Service will be intelligence led and evidence based. A Strategic Assessment will be produced annually in order to inform the service planning process and monthly tactical tasking meetings will ensure that resources are continuously directed to priority activities.

All staff will use the same IT systems enabling access to common information sources (following a transitional period when current IT systems will be retained). The current APP (operational) databases will be migrated into a single system and PCC will make use of the current trading standards joint website. Data sharing agreements will be in place and protocols agreed to ensure smooth delivery of complaints about service investigations and Data Protection Act and Freedom of Information Act requests.

Section 2A – People or communities that are targeted or could be affected (for Equalities - taking particular note of the Protected Characteristic listed in action table)

Trading Standards staff (within both DCC and PCC) will be affected. PCC staff will TUPE across to DCC. The Joint Service will maintain offices in Devon, Somerset, Torbay and Plymouth.

The Trading Standards Service serves both consumers and businesses, with its key role being to protect consumers and to maintain a fair and equitable trading environment in which local businesses can thrive.

**Section 2B – People who are delivering the policy or service**

In the Trading Standards service, PCC currently employ 8.29 FTEs (including one vacant post) and Devon employ 70.8 FTEs. Plymouth’s service is part of the Public Protection Service along with Environmental Health & Licensing. DST TSS is organised into a Business Support & Innovation Group, an Intelligence & Investigations Group and two smaller support teams (TSconnect and an Allocations Unit).

**Section 3 – Evidence and data used for the assessment (Attach documents where appropriate)**

The draft Full Business Case sets out full details of the proposed Joint Service, and the evidence and data on which the recommendation to establish a Joint Service is based. Consultation has been undertaken with both sets of staff throughout the process (including written briefings and face to face meetings). There is no expectation of significant changes to the services provided to either consumers or businesses. Staff, unions, key partners (e.g. police services) and stakeholders (e.g. Chambers of Commerce and the National Farmers Union) have been consulted during the development of the proposal. All responses received from this consultation have been positive.

**Section 4 – Conclusions drawn about the impact of the proposed change or new service/policy (Please use prompt sheet for help with what to consider):**  
Key issues to be fed into relevant Action Table

**Equality**

No equality issues as no groups are disproportionately affected (as no significant changes to service are anticipated as a direct result of this proposal).

**Health and Safety**

DCC would assume responsibility, as employer, for the health and safety of staff that transfer from PCC. As part of their induction to DCC the health and safety arrangements will be set out. The day to day work, and hence health and safety risks, will be largely unchanged.

A number of aspects of Trading Standards relate to health and safety, primarily:

- the control the storage of petroleum products
- ensuring that consumer goods are safe – General Product Safety Regulations 2005, and other specific safety legislation)
- ensure food quality and safety (e.g. the description, composition and labelling of food – Food Safety Act 1990 – and food hygiene at primary producers)

The responsibilities of the two services are both largely dictated by statute and through national frameworks. The approach of the two services is broadly similar in these areas, so no significant changes are expected.

#### Sustainability

A number of aspects of Trading Standards relate to sustainability, as set out below. The responsibilities of the two services are both largely dictated by statute and through national frameworks. The approach of the two services is broadly similar in these areas, so no significant changes are expected:

- Trading Standards have responsibility for legislation relating to the correct storage and labelling of petroleum, pesticides, poisons and other products potentially damaging to the environment. Their work within the petroleum retail sector also includes the responsibility for the removal of old or derelict storage tanks.
- Trading Standards also advise local businesses on minimising packaging waste and try to raise awareness amongst consumers about excessive packaging and the enforcement role we play in this area.
- Trading Standards help enable consumers to make an informed choice (e.g. by producing guidance) on energy matters; including a knowledge of legislative requirements to label new cars with fuel efficiency information and domestic “white goods” (such as washing machines and refrigerators) with energy ratings.

#### Community Safety

No changes to the service provided and hence no significant impact on community safety is expected. A Joint Service is expected to be more resilient and enable greater specialisation, potentially leading to an improvement in those services which contribute to community safety (e.g. targeting age restricted products - under-age enforcement on and off licensed premises).

#### Privacy

Trading Standards deals with OFFICIAL (personal / sensitive) and OFFICIAL SENSITIVE data on a regular basis. It also deals with FOI, EIR and Data Subject Access requests and occasionally uses RIPA powers. A robust data sharing agreement will need to be in place between the authorities and data subjects would need to be aware of the new partnership by way of a Privacy Notice and consents for data sharing obtained where necessary. It is expected that DCC will be both the data controller (jointly with SCC, TC & PCC) and the data processor (solely). This will be confirmed in the contractual agreements and the contract management process will ensure compliance with the Data Protection Act. The Business Continuity Plan will explicitly provide for the protection of personal data in the event of termination of the contract. All staff will be made aware, through their induction, of the information governance policies which apply.

#### Risk

The risks (economic, legal, financial, reputational, social and technological) in relation to a Joint Service are set out in the Full Business Case. The ongoing risks are mainly of an 'operational' rather than 'strategic' nature. A Service Plan will be produced annually and signed off by all authorities.

A Joint Service Review Panel will be established, and part of its role will be to act as the forum for consultation, discussion and resolution of strategic risks, making recommendations back to both Councils. It will be constituted from an elected member and a senior representative officer from each authority

Section 5 – After consideration please state your final recommendations based on the findings from the impact assessment. Also include any examples of good practice and positive steps taken.

No unmanageable impacts/impacts which cannot be mitigated have been identified at this stage

Section 6 - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment

This assessment will part of the Full Business Case which will be published as part of papers to scrutiny and cabinet.

Completed by:	Richard Styles
Date	11/8/2020
Signed off by:	Dolores Riordan
Date	11/8/2020
Compliance sign off Date	
To be reviewed by: (officer name)	Dolores Riordan
Review date:	3 months after commencement of the Joint Service
Version	V1
Date	11/08/2020

**Equality Impact Assessment Issues and Action Table**

Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions?	When will the action be completed?	How will it be monitored?	What is the expected outcome from the action?
<b>Age</b>					
None					
<b>Disability</b>					
None					
<b>Gender Reassignment</b>					
None					
<b>Marriage and Civil Partnership</b>					
None					
<b>Pregnancy and Maternity</b>					
None					
<b>Race</b> (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)					
None					
<b>Religion and Belief</b>					
None					
<b>Sex</b>					
None					
<b>Sexual Orientation</b>					
None					

<b>Other</b> (including caring responsibilities, rurality, low income, Military Status etc)					
None					

<b>Health and Safety, Sustainability, Community Safety Impact Assessment Issues and Action Table</b>					
<b>Areas of increased risk drawn from your conclusions</b>	<b>Actions needed – can you mitigate the impacts/risk? If you can, how will you mitigate the impacts?</b>	<b>Who is responsible for the actions?</b>	<b>When will the action be completed?</b>	<b>How will it be monitored?</b>	<b>What is the expected outcome from the action?</b>
<b>Health and Safety Issues and Action Table</b>					
<b>All aspects of service that contribute to health and safety e.g. product safety.</b>	Detailed review of the authorities approaches in enforcing legislation to identify and changes	DCC Service manager	During implementation	Joint Service Review Panel (JSRP)	No detriment as a result of the changes
<b>Health and safety of staff</b>	Consider as TUPE to lead authority and during induction	DCC Service manager	During implementation	JSRP	Unchanged risk
<b>Sustainability Issues and Action Table</b>					
<b>All aspects of service that contribute to sustainability</b>	Detailed review of the authorities approaches in enforcing legislation to identify any changes	DCC Service manager	During implementation	JSRP	No detriment as a result of the changes
<b>Community Safety Issues and Action Table</b>					
<b>All aspects of service that contribute to a safer community, e.g. rogue traders</b>	Detailed review of the authorities approaches in enforcing legislation to identify any changes	DCC Service manager	During implementation	JSRP	No detriment as a result of the changes
<b>Privacy Issues and Action Table</b>					

<b>Data control, FOI and data sharing</b>	Define as part of legal arrangements and processes and through staff induction	DCC Service manager	During implementation	JSRP	Risks mitigated
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