

Buckinghamshire and Surrey Trading Standards Scheme of Delegation

This scheme of delegation (“the Scheme”) relates to the arrangements made by Surrey County Council (“Surrey”) and Buckinghamshire County Council (“Buckinghamshire”) to discharge their executive Trading Standards functions jointly through a joint committee as agreed by Surrey County Council Cabinet on 21 October 2014 and by Buckinghamshire County Council Cabinet 20 October 2014.

The Scheme is established by the Buckinghamshire and Surrey Trading Standards Joint Committee (“the Joint Committee”) in accordance with section 101(5) and 101(2) Local Government Act 1972, Section 9EB Local Government Act 2000 and Regulation 9 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. The officers identified in the Scheme are employed by Surrey County Council.

Part 1 General Delegation

- 1.1 The Joint Committee delegates to the Strategic Director for Customers and Communities and the Head of Trading Standards (or any successor post holder subsequent to any reorganisation) Surrey and Buckinghamshire’s executive trading standards functions and authorises them, subject to the limitations and reservations set out in Part 3 of the Scheme to exercise these functions
- 1.2 Where any of these officers is absent for any period Surrey’s Chief Executive or Strategic Director, may nominate in writing another officer to act in his or her place during any such absence and shall make a record of all such nominations.
- 1.3 The officers referred to in 1.1 above may also exercise all the specific delegations identified in Part 2 of the Scheme
- 1.4 Where any officer listed in Part 2 is absent for any period any of the officers referred to in 1.1 above may nominate in writing another officer to act in his or her place and shall make a record of all such nominations.

Part 2 Specific delegations

The specific executive functions of Surrey and Buckinghamshire (“the Councils”) set out in column 3 below are delegated to the corresponding officers listed in column 2 subject to the limitations and reservations set out in Part 3.

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
TS1	Strategic Director for Customers and Communities	To make appointments of Chief Inspectors of Weights and Measures
TS2	Head of Trading Standards	To exercise all the executive powers and functions of Page 5

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Assistant Head of Trading Standards Policy and Operations Manager Legal and Governance Manager Investigations and Enforcement Manager Business Development Manager Public Health and Compliance Manager Intelligence and Prioritisation Manager	the Councils relating to Trading Standards, weights and measures, consumer protection, public safety and other related legislation including powers of enforcement, issuing suspension notices, fixed penalty notices, penalty charge notices, penalty notices for disorder, licensing and registration, prosecution and civil action
TS3	Head of Trading Standards Assistant Head of Trading Standards Policy and Operations Manager	To appoint inspectors, enforcement, sampling and other officers
TS4	Head of Trading Standards Assistant Head of Trading Standards Policy and Operations Manager Investigations and Enforcement Manager Business Development Manager Legal and Governance Manager Public Health and Compliance Manager	A. To institute and/or appear on behalf of the County Council in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court or Tribunal. B. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 in the Crown Court C. (Head of Trading Standards only) To authorise trading standards officers to appear in any proceedings relating to trading standards, weights and measures, consumer protection, public safety and other related legislation before any Court of summary jurisdiction or in the County Court

No	TITLE OF POSTHOLDER	FUNCTIONS DELEGATED
	Intelligence and Prioritisation Manager Senior Legal Officer	
TS5	Head of Trading Standards Assistant Head of Trading Standards Policy and Operations Manager Investigations and Enforcement Manager Business Development Manager Legal and Governance Manager Public Health and Compliance Manager Intelligence and Prioritisation Manager	Signing any document authorised or required to be given, made or issued in accordance with section 49(3) Food Safety Act 1990.

Part 3 Reservations and limitations

3.1 The exercise of functions delegated to officers under the Scheme must comply with: -

- 3.1.1 any legal requirements or restrictions;
- 3.1.2 the Councils' Constitutions and the governance arrangements of the Joint Committee;
- 3.1.3 the inter-agency agreement between Surrey and Buckinghamshire relating to the joint arrangements for their trading standards functions;
- 3.1.4 the Councils' policy framework and any other relevant plans and strategies approved by the Councils or the Joint Committee;
- 3.1.5 the in-year budget;

- 3.1.6 Surrey's Human Resources (HR) policies and procedures including those relating to employment and any other relevant corporate Codes of either Council;
 - 3.1.8 the Code of Recommended Practice on Local Authority Publicity;
 - 3.1.9 the statutory Best Value requirements;
 - 3.1.10 relevant Procurement Standing Orders, Financial Regulations and Financial Instructions;
- 3.2 Officers in the exercise of functions delegated by the Scheme may not:
- 3.2.1 make "key decisions" as defined in each Council's Constitution
 - 3.2.2 change or contravene relevant policies or strategies approved by the Joint Committee or by either Council or Cabinet
 - 3.2.3 create or approve new policies and strategies;
 - 3.2.4 take decisions to withdraw public services;
 - 3.2.5 take decisions to significantly modify public services without consultation with the Joint Committee members before exercising the delegated power;
 - 3.2.6 take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Joint Committee, (except in cases of urgency and in consultation with the Joint Committee members if reasonably practicable);
 - 3.2.7 provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services (except in cases of urgency and in consultation with the Joint Committee members if reasonably practicable);
- 3.3 Consultation with Joint Committee members
- 3.3.1 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the Joint Committee members before exercising the delegated powers.
 - 3.3.2 An officer may at his/her discretion consult Joint Committee members before exercising delegated powers, or may decide not to exercise delegated powers but refer the matter to the Joint Committee for a decision.
 - 3.3.3 In exercising delegated powers, officers will keep local members informed of matters affecting their divisions in accordance with any relevant protocols.