

**BUCKINGHAMSHIRE COUNTY COUNCIL AND
SURREY COUNTY COUNCIL**

JOINT TRADING STANDARDS SERVICE COMMITTEE

DATE: 1 APRIL 2015

**LEAD OFFICER: STEVE RUDDY
HEAD OF TRADING STANDARDS**

**SUBJECT: TERMS OF REFERENCE AND SCHEME OF DELEGATION FOR
OFFICERS**



SUMMARY OF ISSUE:

Surrey County Council and Buckinghamshire County Council have established a Joint Committee to take responsibility for executive Trading Standards functions of both authorities. The Joint Committee takes effect from 1 April 2015. It will be necessary to ensure that the Joint Committee acts within its agreed terms of reference and that powers that are exercised by officers are properly delegated to them. Prior to the formation of the Joint Committee this was done by the respective local authorities. This report enables the Joint Committee to agree the draft terms of reference and relevant scheme of delegation that will be needed as a result of the new joint arrangements.

RECOMMENDATIONS:

It is recommended that:

1. The Scheme of Delegation attached as Annex 1 is approved by the Joint Committee
2. The draft Terms of Reference attached as Annex 2 are approved by the Joint Committee

REASON FOR RECOMMENDATIONS:

As a result of the new joint arrangements between Surrey County Council and Buckinghamshire County Council for the discharge of their executive trading standards functions through the Joint Committee, it is necessary to establish Terms of Reference for the Committee and a scheme of delegation authorising officers to exercise specific powers.

DETAILS:

1. Surrey County Council and Buckinghamshire County Council have agreed to establish joint arrangements for the provision of their executive Trading Standards functions, and have set up this Joint Committee for that purpose. Relevant decisions were made by Surrey's Cabinet on 21 October 2014 and Buckinghamshire's Cabinet on 20 October 2014.

2. Terms of Reference for the Joint Committee have been drafted to set out the remit that it will cover and this is attached as Annex 2 for approval.
3. Previously, both local authorities operated their own schemes of delegation for officers to carry out various responsibilities relating to these functions. Given that these functions are to be discharged by the new Committee from 1 April 2015 it is necessary for the Joint Committee to determine the extent to which any responsibilities should be exercised by officers. Following the establishment of these arrangements, all officers dealing with Trading Standards functions across the two Councils will be employed by Surrey County Council, but will be carrying out responsibilities relating to both Councils. The Scheme therefore delegates functions to Surrey County Council staff.
4. The attached Scheme of Delegation is based on the Scheme previously maintained by Surrey County Council and which has applied to its staff prior to 1 April 2015. It is also generally consistent with the approach adopted by Buckinghamshire County Council until 1 April 2015. It is updated to reflect new joint service structure.
5. It sets out a general delegation for the Strategic Director for Customers and Communities and the Head of Trading Standards (previously the Surrey County Council Community Protection Manager) to exercise the executive trading standards functions unless covered by the specific limitations detailed in part 3. It also then sets out details of specific delegations that apply to other officers, providing clarity of the level at which various decisions can be made.
6. Any subsequent amendments to the terms of reference and scheme of delegation will need to be determined by the Joint Committee.

CONSULTATION:

7. The new joint arrangements have been the subject of extensive consultation with relevant officers and members in both local authorities, The consultation has been overseen by the Joint Project Board including: Phil Dart, Service Director, Buckinghamshire; Yvonne Rees, Strategic Director, Surrey; Helyn Clack, Cabinet Member, Surrey; and Martin Phillips, Cabinet Member, Buckinghamshire.

RISK MANAGEMENT AND IMPLICATIONS:

8. These decisions are necessary to ensure that there is continuity of authority for officers to make decisions in relation to trading standards functions. Without this there would be a risk of challenge as a result of a lack of proper authority.

Financial and Value for Money Implications

9. There are no financial implications arising from this decision.

Legal Implications

10. This Joint Committee has been established by section 101(5) of the Local Government Act 1972- taken together with section 9EB of the Local Government Act 2000 and the relevant regulations. Section 101(5) and (2) of

the 1972 Act additionally makes provision for such a joint committee to arrange for the discharge of its functions by officers. By putting in place an appropriate scheme of delegation officers will be given the necessary powers to discharge the various regulatory functions entrusted to the Joint Committee.

Equalities and Diversity

11. There are no equalities implications arising from this decision.

WHAT HAPPENS NEXT:

- The scheme of delegation for officers will have immediate effect and will be communicated to officers in the shared trading standards service.
- Arrangements will be made for any necessary changes to each Council's Constitution as a result of this decision.

Contact Officer:

Steve Ruddy, Head of Trading Standards

Consulted:

Allan Wells – Lead Manager Legal Services, Surrey County Council

Linda Forsythe – Deputy Head of Legal Services, Buckinghamshire County Council

Annexes:

Annex 1: Scheme of Delegation of Officers

Annex 2: Terms of Reference for the Joint Committee

Sources/background papers:

None

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