

# EXECUTIVE DECISION

made by a Cabinet Member



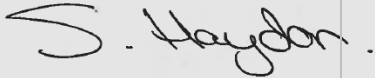
## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – CFCS05 20/21

Decision	
1	<b>Title of decision:</b> Heart of the South West Trading Standards Service” – Governance Arrangements
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)
3	<b>Report author and contact details:</b> Alex Fry alex.fry@plymouth.gov.uk
4	<p><b>Decision to be taken:</b></p> <p>To approve recommendation as set out in the attached briefing note and as shown below:</p> <ol style="list-style-type: none"> <li>1) To approve the governance arrangements in relation to the trading standards joint service in line with the recommendation from cabinet dated 15 September 2020 and as a consequence request the Leader to -</li> <li>2) Amend the Leader’s Scheme of Delegation to delegate to Devon County Council the ability to undertake Trading Standards functions on behalf of Plymouth City Council as part of the “Heart of the South West Trading Standards Service”, effective from 1 April 2021 and remaining in place for the duration of the legal agreement.</li> <li>3) Amend the Leader’s Scheme of Delegation to delete the delegation to the Executive of Birmingham City Council, as this is no longer required.</li> </ol>
5	<p><b>Reasons for decision:</b></p> <p>1 - On 15<sup>th</sup> September 2020 Cabinet agreed the following:</p> <p><i>“For Plymouth to enter into a joint Trading Standards Service with Devon, Somerset and Torbay subject to; the satisfactory conclusion of negotiations in relation to the legal agreement on the principles contained in the business case/cabinet report.</i></p> <p><i>a report authorising the detailed governance arrangements and any necessary proposed amendments to the constitution.</i></p> <p><i>The Director for Public Health is authorised to conclude the terms of the legal agreement.”</i></p> <p>2 - The necessary legal work in relation to the governance arrangements has now taken place and a draft legal agreement based on the principles contained in the cabinet report has been concluded. In order for the Joint Service to operate an amendment to the Leaders Scheme of Delegation is required to authorise the Joint Service to take enforcement activity in respect of cases arising in the Plymouth City Council administrative area. .</p> <p>3 - Part 3 of the Consumer Credit Act 1974 has been repealed therefore the existing delegation to Birmingham City Council is no longer applicable</p>

<b>6</b>	<b>Alternative options considered and rejected:</b> Not to amend the Scheme of Delegation. This would mean that Plymouth could not become part of the Joint Service and would have to continue to provide a Trading Standards Service			
<b>7</b>	<b>Financial implications:</b> Not to amend the Scheme of Delegation. This would mean that Plymouth could not become part of the Joint Service and would have to continue to provide a Trading Standards Service			
<b>8</b>	<b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>
			x	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			x	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
			x	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	<b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b>			
<b>9</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	An effective Trading Standards Service contributes to all the key city priorities but especially, growing (supporting business and them from illegal and unfair competition) and caring (contributing to community safety and protecting scam victims and the vulnerable). Likewise, the service contributes to the aims of the Plymouth Plan particularly by ensuring safe communities, reducing inequalities and ensuring economic growth.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	No direct implications.		
<b>Urgent decisions</b>				
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section 13a)</b>

<b>12a</b>	<b>Reason for urgency:</b>		
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>
	<b>Scrutiny Committee name:</b>		
	<b>Print Name:</b>		
<b>Consultation</b>			
<b>13a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>	
		<b>No</b>	x (If no go to section 14)
<b>13b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>		
<b>13c</b>	<b>Date Cabinet member consulted</b>		
<b>14</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>	If yes, please discuss with the Monitoring Officer
		<b>No</b>	x
<b>15</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Ruth Harrell
		<b>Job title</b>	<b>Director of Public Health</b>
		<b>Date consulted</b>	<b>10/03/2020</b>
<b>Sign-off</b>			
<b>16</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS109 20/21
		<b>Finance (mandatory)</b>	djn.20.21.259
		<b>Legal (mandatory)</b>	35799/ag/3.3.2021
		<b>Human Resources (if applicable)</b>	
		<b>Corporate property (if applicable)</b>	
		<b>Procurement (if applicable)</b>	
<b>Appendices</b>			
<b>17</b>	<b>Ref.</b>	<b>Title of appendix</b>	
	A	Briefing report for publication	

<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	x					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
<b>Signature</b>					<b>Date of decision</b>		10.3.21	
<b>Print Name</b>		Councillor Sally Haydon						