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| <b>CONTINUATION OF THE SHARED TRADING STANDARDS SERVICE</b>                        |
| <b>Councillor Steve Allen, Cabinet Member for Housing, Culture and Communities</b> |
| <b>JUNE 2022</b>   |
| <b>Deadline date: N/A</b>  |

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| Cabinet portfolio holder:  | Councillor Steve Allen, Cabinet Member for Housing, Culture and Communities  |
| Responsible Director:  | Cecilie Booth, Interim Corporate Director Resources  |
| Is this a Key Decision?  | YES<br>If yes has it been included on the Forward Plan: YES<br>Unique Key decision Reference from Forward Plan: KEY/28FEB22/03 |
| Is this decision eligible for call-in?                                   | YES  |
| Does this Public report have any annex that contains exempt information? | NO   |
| Is this a project and if so has it been registered on Verto?             | NO   |

**RECOMMENDATIONS**

The Cabinet Member is recommended to authorise:

1. The continuation of the agreement for the delivery of a shared Trading Standards Service by Peterborough City Council (PCC) on behalf of Cambridgeshire County Council (CCC) until terminated as set out in the Delegation and Collaboration Agreement;
2. The Agreement be varied to incorporate changes as required by the authorities;
3. That Peterborough City Council continues to accept the delegation of functions from Cambridgeshire County Council as agreed and listed in the Delegation and Collaboration Agreement;
4. The Corporate Director of Resources to make any future amendments to the Agreement in consultation with the Director of Law and Governance or delegated officers;
5. Authorise the Director of Law and Governance or delegated officers to enter into any legal documentation in relation to this matter.

## 1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Housing, Culture and Communities to consider exercising delegated authority under paragraph 3.4.3 and 3.4.8 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (f).

## 2. TIMESCALES

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| Is this a Major Policy Item/Statutory Plan? | <b>NO</b> | If yes, date for Cabinet meeting | N/A |
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## 3. BACKGROUND AND KEY ISSUES

- 3.1 Both PCC and CCC Trading Standards teams had staffing reductions of approximately 40% prior to the commencement of the shared service due to successive budget reductions brought on by cuts in local authority funding which left them both operating at a statutory minimum level. The creation of the shared service was deemed necessary in order for both services to remain viable. It has provided resilience to cope with peaks in demand for services and large scale pressures such as major investigations and animal disease outbreaks, enabling the sharing of expertise, and for statutory responsibilities to be met.

The case remains stronger than ever today with a sustained increase in service demand across many service areas including product safety, criminal investigations and food compliance.

Previously the Council received authorisation to enter into a shared service for a term of 7 years up until 31 March 2024. CCC however only approved the shared service arrangement until March 2022. In December, the Communities, Social Mobility & Inclusion Committee at Cambridgeshire County Council granted approval for the continuation of the shared service on a rolling basis with the option for either party to terminate as set out in the Agreement, providing more flexibility than a fixed term agreement. Furthermore, the agreement is required to be varied to enable further changes to be incorporated within the Agreement.

The purpose of this decision is to bring both PCC and CCC's decision making into line with one another, and are therefore seeking approval to continue the Shared Service arrangement on a rolling basis with a termination option for either party.

## 4. CONSULTATION

- 4.1 This is a key decision, with Director support for delivery of the shared service to continue. Approval has already been sought from CCC Members at Committee on 2<sup>nd</sup> December 2021. All Members were in support of the continuation of delivery on behalf of CCC.

All staff affected by the shared service agreement underwent a full consultation in 2016 before the service level agreement was implemented. There is no requirement for further consultation for continuation of the agreement as all staff have now transferred to PCC Terms and Conditions.

## 5. ANTICIPATED OUTCOMES OR IMPACT

- 5.1 It is anticipated that approval will enable the shared service to continue to provide resilience for both PCC and CCC, allowing both to continue to meet their statutory obligations, whilst benefitting from economies of scale and pooled expertise.

## 6. REASON FOR THE RECOMMENDATION

## 6.1 **Resilience & Succession Planning**

Without the shared service arrangement both PCC and CCC would be unable to meet their minimum statutory responsibilities. The resourcing pressure is growing as Government continue to increase the regulatory burdens on Trading Standards; construction products, food reforms, animal welfare and environmental legislation are all on the horizon.

The shared service builds resilience for both PCC and CCC enabling the team to respond to peaks in demand and take on major cases whilst maintaining service continuity across the rest of the service.

With the service expecting to lose operational officers through retirement and qualified officers in short supply nationally it is difficult and often impossible to recruit; training to replace these officers is resource intensive. The collaboration between the councils allows the training burden to be spread across a wider service, lessening the impact on officers and increasing the breadth of experience. The collaboration also enables a 'training lead' to take a holistic view of skills and future skills gaps and organise the necessary training and development to meet service needs.

## 6.2 **Staffing**

The breadth of the Trading Standards regulatory remit is much wider than other local authority regulatory services. The shared service provides a level of knowledge and expertise among officers that would be lost should the shared service not continue.

If the shared service arrangements were to come to an end a proportion of staff would need to TUPE transfer back to CCC. This would be complicated due to the level of integration of the service and the fact that Trading Standards is also a shared service agreement with Rutland County Council. Both PCC and CCC would face resourcing pressures as additional staffing would be required to ensure both councils could meet minimum requirements.

## 6.3 **Countywide Intelligence**

Much of the criminal activity that both PCC and CCC encounter is not limited to Peterborough and Cambridgeshire, but is cross border, regional and national. A shared service allows for better Intelligence gathering across the county in order to tackle such criminal activity.

Capacity to respond to matters causing greatest harm and detriment to the public will be lost if the service no longer operates jointly.

Last year during the pandemic the service also handled multiple animal welfare cases, an avian flu outbreak, and assisted many businesses through EU exit changes. This was only possible due to the flexibility and expertise created by the shared service arrangements.

## 6.4 **Efficiencies**

As well as building resilience, there are several efficiencies seen as a result of the agreement.

The single management team manages a single budget, develops a single service plan, issues a single set of policies, oversees a single database, and manages risk and business continuity.

Further efficiencies have also been generated through the reduction in meeting representation, for instance at national meetings and regional subject matter groups, with a representative now attending for both Cambridgeshire and Peterborough.

## 6.5 Income generation

In terms of income generation, because of the close links with Peterborough Environmental Health and Licensing, the Service has been able to create a holistic advice service for business clients, branded 'Regulatory Companion', and this combined offering has enabled the Service to secure major clients, enabling the collaboration to compete with competitors in the national Primary Authority Scheme business advice market. The team have since been recognised as one of the top ten providers of Primary Authority in the country by the Office for Product Safety and Standards (OPSS).

In addition to Primary Authority chargeable work, the Service has continued to pursue the proceeds of crime from those convicted where there are powers to do so and have also continued to provide chargeable financial investigation services to other Authorities – South Cambridgeshire District Council, Huntingdonshire District Council and Thurrock Council.

The Service has also continued to maximise other income streams, applying each year for national feed inspection funding, public health funding, charging for weighbridge and other weights and measures verification work, and more recently claiming the cost of product safety testing from the OPSS.

Financial savings were not the driver of the collaboration, though Peterborough has seen savings as a result of the arrangement.

## 7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Council could decide not to continue the shared service arrangements with CCC. These would then cease on 31<sup>st</sup> March 2024. This would result in a loss of resilience for both PCC and CCC, as well as an increase in service costs for further staffing in order to meet minimum statutory requirements, increased management costs, purchasing of equipment currently shared across both authorities, membership fees to regional and national groups, and ICT systems. Furthermore there would be a loss of commercial opportunities as the current levels could not be sustained should the two councils operate their own Trading Standards Services, nor could further opportunities be explored.

## 8. IMPLICATIONS

### 8.1 Financial Implications

- 8.1.2 All contributions, costs, savings, additional income, budget risks and variations are split proportionately between Cambridgeshire and Peterborough 70:30, mirroring the proportions that each contributed to the shared service at the outset.
- 8.1.3 National and regional funding is paid per authority, and pooling these funds gives greater flexibility and resources.
- 8.1.4 Savings are derived from single subscriptions, having a single set of technical equipment, a single ICT system, software and support, as well as savings on procurement contracts.
- 8.1.5 A shared service has allowed for more commercial opportunities through paid-for business advice and Primary Authority Partnerships, as well as financial investigations and proceeds of crime awards, supporting income generation which in turn reduces budget pressures within the service
- 8.1.6 The shared service budget will be subject to normal monthly budget monitoring processes at the council, and reviewed annually.

### 8.2 Legal Implications

- 8.2.1 Under section 101 of the Local Government Act 1972 and section 9EA of the Local Government Act 2000 a local authority may delegate any of its functions to the executive (cabinet) of another authority. The local authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 set out the manner in which this must be done.

- 8.2.2 Under the Local Government Act 2000 the Leader has delegated authority to the Cabinet Member for Housing, Culture and Communities to undertake decisions relating to policy and budget planning for the service listed in this report.
- 8.2.3 Under the constitution the Cabinet Member is authorised to accept the responsibility to act on behalf of CCC in relation to the trading standards function.
- 8.2.4 All matters which are delegated to the cabinet member and officers under PCC's constitution will continue to be dealt with by those persons following the transfer of functions.
- 8.2.5 Due diligence was undertaken by PCC during shared service discussions to ensure there are no significant risks associated with this proposal.

**8.3 Community Implications**

- 8.3.1 There are no new community implications resulting from the proposal, the agreement helps provide greater resilience to service delivery for both PCC and CCC. This resilience is beneficial with regards to the delivery of statutory functions which address crime, protect public safety, welfare and economic prosperity, as well as supporting economic growth.
- 8.3.2 The proposal covers all PCC and CCC wards.

**8.4 Equalities Implications**

- 8.4.1 There are no equalities implications arising from the decision.

**8.5 Carbon Impact Assessment**

- 8.5.1 The authorisation for the current shared Trading Standards Service arrangement to continue will have an overall neutral impact on the council's and city's carbon emissions and environmental impact.

**9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

- 9.1 None

**10. BACKGROUND DOCUMENTS**

- 10.1 Cambridge County Council Communities, Social Mobility and Inclusion Committee annual report.