

**REPORT TO:** Executive Board

**DATE:** 9 January 2014

**REPORTING OFFICER:** Strategic Director Policy and Resources

**PORTFOLIO:** Community Safety

**SUBJECT:** Amendment of Council Constitution – Trading Standards Service

**WARD(S)** Borough-wide

## 1.0 PURPOSE OF THE REPORT

1.1 To Seek approval for changes to the scheme of delegation in the council's Constitution to facilitate the transfer of the Trading Standards Service from Warrington Borough Council.

**2.0 RECOMMENDATION: That the Board approve the amendments to the Council's Constitution as set out in Appendix 1 and recommend the proposed amendments to Council for approval.**

## 3.0 SUPPORTING INFORMATION

3.1 On the 19<sup>th</sup> September 2013 the Executive Board resolved to return the Trading Standards Service to Halton. The service is currently carried out under a contract with Warrington Borough Council. The new arrangement will take effect from 1<sup>st</sup> April 2014.

3.2 The Council's Constitution delegates powers and duties relating to the Trading Standards Service to Warrington Borough Council. The Constitution therefore needs to be changed to facilitate the return of the service to Halton.

3.3 The proposed changes are set out at Appendix 1 to this report.

3.4 The proposed changes do not extend the nature or the subject matter of the current delegations but the opportunity has been taken to simplify the current wording where appropriate and to avoid duplication.

## 4.0 POLICY IMPLICATIONS

4.1 These amendments are required to ensure Halton can legally discharge the functions of a Trading Standards service from 1<sup>st</sup> April 2014 or sooner if required. They will also permit Warrington Borough Council to continue to provide this service on behalf of the authority until the

current contract ends on 31<sup>st</sup> March 2014.

## **5.0 OTHER/FINANCIAL IMPLICATIONS**

5.1 There are no significant further implications. Bringing the service back will bring savings to the Council

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children & Young People in Halton**

The trading standards service protects the health and safety of children and young people in the borough through the enforcement of age restricted products such as tobacco and alcohol.

### **6.2 Employment, Learning & Skills in Halton**

The trading standards service seeks to provide a level economic playing field and ensure legitimate law abiding businesses are not undermined by the criminal activity of rogue traders.

### **6.3 A Healthy Halton**

The work of trading standards contributes to Halton's health objectives particularly in relation to tobacco and alcohol control. Integration of the service with the public health team would ensure regulatory activity is directed at the borough's health concerns.

### **6.4 A Safer Halton**

The work of the trading standards service contributes to community safety particularly in relation to alcohol and tobacco enforcement, the night time economy, doorstep crime and illegal money lending.

### **6.5 Halton's Urban Renewal**

There is no significant implication for this priority

## **7.0 RISK ANALYSIS**

7.1 The proposed amendments are required to ensure Halton can lawfully discharge its functions in relation to Trading Standards and Consumer Protection. The amendments are also required to ensure Warrington can discharge the functions of a Trading Standards Service on Halton's behalf until 31<sup>st</sup> March 2014. If these amendments are not implemented either authority may be unable to discharge its functions or may be open to a challenge that it has acted unlawfully.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no significant equality and diversity issues associated with this decision.

## **9.0 REASON(S) FOR DECISION**

The Constitution must be changed to ensure Halton can lawfully discharge the functions of a Trading Standards Service from 1<sup>st</sup> April 2014.

## **10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

All options considered and rejected are detailed within this report.

## **11.0 IMPLEMENTATION DATE**

From April 1<sup>st</sup> 2014.

## **12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

There are no papers within the meaning of the Act.

## APPENDIX 1

### Delegated Powers to be Amended

<b>Delegated Power</b>	<b>Details</b>	<b>Exercised by</b>
171	To appoint a Chief Inspector of weights and measures, a deputy Chief Inspector of Weights and Measures and Inspectors of Weights and Measures in accordance with Section 72 of the Weights and Measures Act 1985	DoPH and until 31st March 2014 Warrington Borough Council and Officers appointed by Warrington Borough Council
172	To authorise officers to exercise the powers conferred on the authority by the Consumer Protection From Unfair Trading Regulations 2008	DoPH and until 31st March 2014 Warrington Borough Council and Officers appointed by Warrington Borough Council
174	To exercise the statutory powers of enforcement, inspection or associated action or granting, amending, refusing, suspending and transferring any licences pursuant to the provisions of the legislation referred to in Appendix A and B to these Standing Orders.	DoPH and until 31st March 2014 Warrington Borough Council and Officers appointed by Warrington Borough Council
178	To issue simple cautions on behalf of the Council under the Acts of Parliament and Regulations made thereunder, set out in Appendices A and B to these Standing Orders	DoPH and until 31st March 2014 Warrington Borough Council and Officers appointed by Warrington Borough Council
179	To appoint one or more Public Analysts under the Food Safety Act 1990 and an Agricultural Analyst/Deputy Analyst under the Agriculture Act 1970.	DoPH

### **Delegated Powers to be deleted**

Delegated Power 172a

Delegated Power 173

Delegated Power 175

Delegated Power 177