



Trading Standards Joint Advisory Board
26 March 2015

Report from the Regulatory Services

For information

Wards Affected:

ALL

Revision of the Joint Trading Standards Consortium Agreement

1.0 SUMMARY

1.1 This report updates Members regarding the revision of the longstanding service Consortium Agreement between London Borough of Harrow and London Borough of Brent for the provision of trading standards through a shared service arrangement.

2.0 RECOMMENDATIONS

2.1 That Members consider this report and note the decision of the respective authorities' Cabinet.

3.0 DETAILS

3.1 Brent has provided a Trading Standards service for Harrow on a consortium basis since the demise of Middlesex County Council on 1 April 1965 – thus the shared service will celebrate its 50th anniversary this April. Originally, the service encompassed the Boroughs of Harrow, Brent and Ealing. However, Ealing left the consortium in early 1994.

3.2 In 1996, a formal Consortium Agreement was drawn-up between Brent and Harrow based upon the prior agreement between the three parties but with safeguards to allow each borough to establish its own preferred level of service. Brent's ability to determine the level of service and require the other boroughs to contribute proportionately to the costs of the service had been a major issue motivating Ealing to leave the Consortium.

- 3.3 In 2001, further change was required to the Consortium arrangements with the introduction of the Executive system of governance. Prior to this point the Consortium was overseen by a Joint Consortium Committee which had some limited decision making powers. With the introduction of the Executive arrangement the Committee could only retain decision making powers if the Committee became a Sub Committee of the Executive. The decision was taken to remove the decision-making powers from the committee and a Joint Advisory Board comprising three Members from each authority was established.
- 3.4 Although a working text of a new Consortium Agreement was prepared between Brent and Harrow in 2003 it is believed that it was never formally signed. Both Boroughs have operated the agreement as though it had been signed. Harrow have, in any event, made specific delegations of powers to Brent officers to enable the Brent staff to undertake their duties in Harrow and to act on Harrow's behalf. The Joint Advisory Board has met as required by the Agreement. All the financial provisions of the Agreement have been honoured by both parties.
- 3.5 The 2003 draft agreement was outdated in many respects. The agreement included references to fixed costs, activity costs and apportionable costs assuming that the Trading Standards service would continue to hold devolved budgets for elements such as accommodation, finance, HR and IT support. In Brent these have now been centralised.
- 3.6 Both authority's Cabinets have now agreed that the longstanding agreement be revised to address the following issues:
- updated definitions of overheads and fixed costs to reflect the changes in accounting for these costs within Brent Council - the host authority;
 - reflecting the changed Cabinet arrangements for both boroughs;
 - reflecting changes of officer roles at both boroughs including commissioning managers and the joint Head of Service;
 - improving communication and liaison between the two boroughs at officer level;
 - making more workable the budget setting processes for the two boroughs;
 - simplified invoicing and payment arrangements to cover the cost of the service;
 - adjusted dispute resolution arrangements to exclude the Secretary of State and instead use the Institute of Arbitration;
 - shortening the 'do nothing' period that allows for a review of whether to recruit by both boroughs, in the event of staff vacancies;
 - removed references to the demised Best Value government requirement;
 - updating performance and financial reporting and oversight arrangements; and
 - extending the notice required by either party to dissolve the arrangement from 12 months to 24 months, as the longstanding notice period is shorter than the length of many of the complex criminal cases that the service undertakes nowadays.

3.8 The arrangements for the shared service were reviewed by Harrow's Cabinet on 15 January 2014, and Harrow's Cabinet agreed to:

"Note and agree the continued joint arrangements for the Trading Standards service with Brent Council"

and

"Delegate authority to the Corporate Director Environment and Enterprise in conjunction with Brent Council's Strategic Director of Environment and Neighbourhood Services and in consultation with the Portfolio Holder for Community Safety and Environment to conclude the year on year changes to the SLA to reflect the operational needs of the Council and to execute such documents as necessary"¹

3.8 The arrangements for the shared service were reviewed by Brent's Cabinet on 15 December 2014, and Brent's Cabinet agreed to:

"continued provision of trading standards through a shared service arrangement with the London Borough of Harrow.

and

"delegate authority to the Strategic Director, Environment & Neighbourhoods in consultation with the Director of Legal & Procurement to agree revisions to the service level agreement necessary to enable shared service arrangements to continue to operate in an efficient and effective manner"

4.0 FINANCIAL IMPLICATIONS

4.1 Efficiencies of scale permit both councils to deliver trading standards services that have a far greater impact than would be achieved alone. Both councils make savings from sharing management costs and the costs of fixed resources such as laboratory and evidence stores. The scale of the service means that specialisations such as financial investigation and the recovery of assets under the Proceeds of Crime Act are possible which a smaller service could not afford.

4.2 The proposed changes to the service level agreement have no budgetary implications.

5.0 LEGAL IMPLICATIONS

5.1 Brent Council and Harrow Council are both weights and measures authorities by virtue of Section 69 Weights and Measures Act 1985.

5.2 This service level agreement is a joint arrangement under section 101(5) of the Local Government Act 1972 for the discharge of functions of a weights and measures authority.

¹ <http://www.harrow.gov.uk/www2/documents/s111953/Trading%20Standards.pdf>

6.0 DIVERSITY IMPLICATIONS

6.1 None.

7.0 STAFFING / ACCOMMODATION IMPLICATIONS

7.1 The shared service is delivered from Brent Civic Centre and the proposed revisions to the service level agreement have no current staffing or accommodation implications.

8.0 BACKGROUND PAPERS

8.1 None

BACKGROUND PAPERS

- Home Office asset recovery incentivisation scheme 2014-15: arrangements for implementation and payment.

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