

DRAFT

Gwent Trading Standards Project

Business Case

A programme for a Regional Trading Standards Service in Gwent

Draft Executive Summary

Collaborating Authorities



Executive Summary

1. Introduction

The nature of Trading Standards is to serve as a watchdog for legitimate business and consumers. Trading Standards officers remove counterfeit cigarettes and alcohol, dangerous toys and unsafe food products from the market. They also stop rogue traders, doorstep sellers and mass marketeers that prey on the vulnerable. These are challenging times for consumers and in the current economic climate the protection of consumers is an increasingly important issue.

The majority of services provided cannot be stopped or provided by the community because of their statutory nature and the duty that each authority has for enforcement. Trading Standards has responsibilities that impacts on all trade sectors, but primarily covers consumer and business protection, investigations and intelligence across areas including food production, farming, manufacturing, imports, retail and internet trading.

The provision of a Trading Standards service remains predominantly with Local Authorities across England and Wales. There is no commercial provision of the full range of Trading Standards services and only one English authority has outsourced this service as part of a wider contract including property services, planning, engineering and environmental health, while seconding staff who remain employed by the authority.

Where central government considers a local authority is failing in regard to its duties relating to Trading Standards, it can undertake enforcement action and recharge the authority for its costs.

The Business Case has been prepared following the HMRC Five Case Business Model. The purpose of the business case is to describe the overall vision for a regional service, evaluating the options for delivery and making a recommendation, on whether or not to proceed with the creation of a regional service, to each of the respective Gwent Local Authorities.

2. The Strategic Case

2.1 The Strategic Context

At a national level there is a commitment to collaboration, which is regarded as one of the key tools available to local authorities, for dealing with the challenges of delivering services in the face of a very significant decline in public funding.

A detailed analysis has been undertaken of the existing Trading Standard provision across the five Gwent authorities encompassing resources available, the areas of work covered by the trading standards service, service planning and existing business strategies.

2.2 The Case for Change

The case for change arises from concerns, about the future resilience and capacity of each of the five trading standard services, were they to be retained within a single local authority setting and the effects of the council boundaries on regional intelligence sharing.

As a predominantly reactive service, a significant reduction of resources will result in a reduction of preventative work and the inability to deal with any issues that may arise and require a consolidated approach, such as the foot and mouth outbreak, or the horse meat scandal.

A regional service would provide for greater resilience, in-built flexibility and a 'fit for purpose' service to consumers and businesses in Gwent. The new service model will be required to fulfil business needs incorporating:

- Increased service efficiency
- A reduction in pressure on budgets both overall and for each participating council
- Increased resilience to meet the demand placed on the service

A regional approach will provide a framework for the improvement of consumer reporting mechanisms and the flow of information between partners, enabling the development of an intelligence-led service.

3. **The Economic Case**

A wide range of options were considered as possible delivery models for a regional service and from which a short-list was drawn up and evaluated against the business objectives and critical success factors. The short-list comprised:

1. Status Quo (included as the baseline)
2. Limited company
3. Lead authority with Management Board/Joint Committee
4. Sub-regional Gwent collaboration

The outcome of the evaluation was the identification of a preferred option:

Lead Authority with Management Board/Joint Committee

This option resulted in a 'score' that was considerably higher than either the Limited Company or the Sub-regional Gwent collaboration, both of which were discounted.

A benefits appraisal was undertaken of the preferred option detailing both the financial and non-financial benefits and dis-benefits. This identified a net cost reduction achieved through a single management structure, efficiencies from a reduction in the duplication of processes and activities, and the development of standardised operating procedures that incorporate best practice across the region.

4. The Commercial Case

The Commercial case outlines the proposals in relation to the preferred model described in the Economic Case. It provides the rationale for the recommendation that Caerphilly is the lead authority for a regional service with two Trading Standard 'hubs' at Caerphilly and Newport, which will provide facilities for 'drop-in' working and meeting space. The emphasis will be on equipping the staff for agile working across the region rather than the provision of individual, fixed workstations. Hot desking facilities will also be available, within the offices of the other three authorities.

The proposed operating model for the new service is described, with a single management structure that divides the service into 3 key areas of work:

- Protection (Consumer Intervention)
- Business Support (Business Standards & Support)
- Intelligence and Investigations (Investigations)

Skilled staff will provide 'teams of expertise' within each of the areas and the size of the teams /greater concentration of staff within a regional service will enable resilience and efficiencies through economies of scale.

It is proposed that the Trading Standards staff from the other four authorities are TUPE transferred across to Caerphilly on their existing terms and conditions.

5. The Financial Case

Financial Benefits are key drivers for each of the partner authorities and these have been reflected in the business objectives defined for the project, namely the achievement of savings through service efficiencies.

The Financial Case sets out the indicative financial implications of the proposal. It provides a summary of 2013/14 Trading Standards service budgets across the 5 Local Authorities for 2013/14 (Pre-baseline) and also for 2014/15 (Baseline).

The following table (Financial Case: Table 25) is presented setting out the proposed costs of a regional service across a 3-year period. (Based on 2014/15 figures)

(Table 25) Projected Regional Service Expenditure and Income (3 year period)

Regional Service Expenditure	2014/15 Baseline	Year 1 2015/16	Year 2 2016/17	Year 3 2017/18
Direct Service Expenditure	£2,498,538	£2,524,165	£2,528,101	£2,529,348
PROJECTED ANNUAL INCOME TARGET (NET POCA)	-£65,083	-£53,038	-£53,038	-£53,038
DIRECT SERVICE EXPENDITURE (NET INCOME)	£2,433,455	£2,471,127	£2,475,063	£2,476,310
MANAGEMENT CHARGE	£0	£26,933	£39,433	£26,933
Redundancy / Severance	£0	£0	£88,000	£0
Estimated Reduction Service Expenditure	£0	-£84,242	-£199,002	-£299,002
Regional Service Expenditure (Net Income)	£2,433,455	£2,413,819	£2,403,495	£2,204,241

Notes:

- i) Salaries incl increments;.
- ii) Salaries do not incl future estimated pay award (s) and all five authorities would need to make the appropriate adjustment on an annual basis to accommodate this
- iii) Reduced income 15/16 onwards as result of the AHWG being withdrawn.
- iv) Yr1 HR costs from RCF, Yr2 from TS account.
- v) The estimated reduction in service expenditure is a cumulative reduction over years 1,2 & 3.

Initial opportunities for efficiency savings of £230k have been identified over the 3-year period from 2014/15 to 2017/18 (Table 25). The potential savings achievable however, will be dependent on a number of factors including a commitment by each authority to ring-fence their Trading Standards budget for the 3-year period. It has been acknowledged however, that some authorities may not be able to make this commitment given the volatility of local government funding in the current economic climate.

The financial model and the associated projected savings are based on the assumption that the trading standards budgets for each of the five authorities are ring-fenced for the 3 year period and are not reduced from the levels set out in Tables 24 and 25. If any of the five authorities are unable to make this commitment, it will not be possible to achieve the projected financial savings and it would be necessary to re-evaluate the viability of the model.

There are concerns however, that the required ring-fencing of the Trading Standards

account may not be possible for all five authorities. It should be noted that additional proposed budget reductions for 2015/16 of £23k and £40k by Blaenau Gwent and Newport Councils would impact upon the level of projected efficiency savings.

The figures presented in the table below (Financial Case: Table 26) summarise the costs to each authority of

- i) delivering an 'independent' service
- ii) being part of a regional service across Gwent

and provides a comparison of the estimated service costs for the two options, over the 3-year period, from the baseline year 2014/15 to year 3 2017/18.

(Table 26) Service Cost Comparison Independent v Regional Trading Standards

Operational Headings	Blaenau Gwent £	Caerphilly £	Monmouthshire £	Newport £	Torfaen £	Total £
Service Model: Each LA continues to deliver own service						
Baseline Yr 14/15	334,067	801,394	335,577	649,936	377,563	2,498,538
Year 3 17/18	340,365	804,171	336,703	655,681	348,824	2,485,744
%age increase in estimated costs from Baseline yr to yr 3	2%	0%	0%	1%	-8%	-1%
Service model: Regional Service						
Baseline Yr 14/15	334,067	801,394	335,577	649,936	377,563	2,498,538
Year 3 17/18	303,988	716,906	300,162	584,908	351,315	2,257,279
%age increase in estimated costs from Baseline yr to yr 3	-9%	-11%	-11%	-10%	-7%	-10%
Summary	£	£	£	£	£	£
Difference in Service Costs						

over 3 years: Each authority delivers its own service	6,298	2,776	1,126	5,745	-27,739	-12,794
Difference in Service Costs over 3 years: Regional Model	-30,079	-84,489	-35,415	-65,028	-28,248	-241,258

Nb Projected income not included the figures in the table above. (Table 26)

6. The Management Case

6.1 Options for Governance

Three options for governance have been identified for the service:

1. Joint Committee: A single body that will provide governance on behalf of the five councils, comprising a joint committee of elected councillors, to oversee all activity. Each authority would delegate decision-making and policy approval to the Joint Committee.
2. Management Board: A single body that will provide governance on behalf of the five councils, comprising a management board of elected councillors and local authority officers.
3. Discharge of Functions to the Lead Authority: The Lead Authority (Caerphilly) will discharge the Trading Standards service on behalf of each of the other four authorities. This would involve the other authorities giving up their decision-making powers and for Caerphilly CBC to make both the decisions and run the service.

6.1.1 Option 2: Management Board

Option 2 was discounted, as it was felt this would not create the most effective forum for service delivery, as there would be no clear distinction between the responsibility for strategic planning at member level and operational delivery at officer level.

6.2 Preferred Operating Model

The preferred operating model for the regional service, which was identified in the Economic Case, was for a Lead Authority with staff transfer under TUPE regulations.

7. Recommendation

That agreement is given, subject to the five authorities giving their commitment to the level of funding outlined in the financial model, to the creation of a Regional Trading Standard service between the five authorities in Gwent, based upon the preferred approach described in the Business Case:

Lead Authority (Caerphilly CBC) with either

- a) Joint Committee
(One member per authority with Chair for 12 months rotating in alphabetical order, with no casting vote)

or

- b) Lead Authority (Caerphilly) to discharge the Trading Standards function on behalf of the four partner authorities.

DRAFT

Gwent Trading Standards Project

Business Case

A programme for a Regional Trading Standards Service in Gwent

Collaborating Authorities



1. Strategic Case

1.1 Introduction

This Business Case has been prepared following the framework of the Five Case Model, which is the Office of Government Commerce's (OGC) recommended standard for the preparation of business cases.

This document sets out the Business Case for a proposed Gwent Trading Standards Service across the 5 Local Authorities in Gwent, namely:

Blaenau Gwent CC; Caerphilly CBC; Monmouth CC; Newport CC and Torfaen CC; who collectively make up the Gwent region.

The purpose of this business case is:

- *To describe the overall vision for a regional service, defining its scope, organisational structure, governance, service delivery benefits and future viability.*

Specifically to:

- *Evaluate the options for a regional model, identify a preferred approach and produce a financial appraisal, that indicates the cost for the implementation of the regional service based on the preferred option;*
- *Explore the benefits that a regional service would bring and any dis-benefits it may encounter, together with its ability to deliver the defined Business Objectives;*
- *Describe the Target Operating model*
- *Describe the options for the governance of a regional service and identify a preferred option;*
- *Provide an outline of and timeline for, the key tasks and resources required to implement a regional service;*
- *Make a recommendation to the respective Committees of each of the Gwent Authorities, based on the conclusions drawn from the business case and whether the business case justifies the change, together with its associated costs and upheaval.*

1.2 The Vision for a Regional service

The Vision for the Regional Trading Standard Service encompasses a service that has the potential to:

Provide enhanced efficiency:

- Provide the existing or improved service levels for citizens and local businesses at reduced cost;
- Embrace both multi-disciplinary working and the development of centres of expertise that enables a focus on specialist areas;
- Implement and expand agile working. Making maximum use of mobile technology and multi base working as appropriate.

Increase Effectiveness:

- Encourage initiative and innovation in its staff and service delivery and make service improvements to meet customer demands;
- Establish an intelligence function to help better target activities through analysis of trends and new developments in service requests, patterns of criminal or undesirable activity etc.

Offer flexibility and resilience, career development and a 'critical mass' of expertise:

- Provide greater flexibility to meet public need eg. Changes in service request patterns, legislative changes, large scale activities as required;
- Have greater resilience to respond to emergencies;
- Will have access, through its staff and managers to a wider range of specialist professional expertise than a single local authority could achieve;
- Provide opportunities for career development for professionally qualified and unqualified staff.

And as a consequence will:

- Provide a consistent approach to service delivery across the region;
- Be recognised as one of the best in the country;
- Have the potential to generate income eg through Proceeds of Crime Act 2002, the development of fee-earning Primary Authority relationships and having the capability to better bid for grants from the Welsh Government, Food Standards Agency, National Trading Standards Board;
- Be better prepared to explore funding opportunities;
- Reduce the costs of pressure on office accommodation.

1.3 Trading Standards Function

Trading Standards has three overriding objectives: to ensure consumers are protected; to ensure there is a fair trading environment where honest businesses can compete on a level playing field; and to ensure vulnerable people are not victimised by rogue trading.

When working towards these objectives Trading Standards Officers carry out many activities including:

- Tackling rogue traders who commit consumer frauds and doorstep crimes at people's expense;
- Ensuring children are not able to buy alcohol, tobacco and fireworks;
- Ensuring people are protected from traders selling counterfeit, falsely described and/or unsafe goods;
- Ensuring that the food chain is not corrupted by fraudsters;
- Checking that farmed animals are treated correctly and there is reduced risk of the spread of animal diseases;
- Making sure ordered/purchased goods are consistent with their sales description.

This is achieved through a variety of methods, including; investigation of criminal offences; consumer complaints; carrying out market surveillance through inspection, project and sampling work; and through the use of statutory powers such as seizure of goods and assets.

These are challenging times for consumers and in the current economic climate the protection of consumers is an increasingly important issue. The unfair treatment of consumers by traders costs them and the UK economy £6.6 billion every year whilst the enforcement of consumer law costs just £247 million; with £213 million of this funding local authority trading standards services.

Based on these figures, it is safe to assume that the cost of unfair treatment to consumers in the Greater Gwent area is £576 million.

Trading Standards has responsibilities that impacts on all trade sectors and covers the farming, food production, manufacturing, imports, retail, wholesale and service sectors, including internet trading.

The provision of a trading standards service remains predominantly with local authorities across England and Wales. There is no commercial provision of the full range of trading standards services and only one English local authority has outsourced this service, as part of a wider contract including property services, planning, engineering and environmental health, while seconding staff who remained employed by the authority.

The majority of services provided cannot be stopped or provided by the community because of their statutory nature and the duty on the authority to enforce. However, it is possible for Central Government to undertake enforcement work where it considers the local authority is failing and recharge the authority for its costs.

A number of shared service trading standards models have been developed eg West Berkshire and Wokingham, Devon and Somerset and a number are currently being developed eg Cardiff, Bridgend and the Vale of Glamorgan and the North Wales collaboration of six authorities. There are at least two that have been in operation for more than 25 years: West Yorkshire and the London Boroughs of Brent and Harrow.

Legislation

A definitive list of the statutory duties for trading standards is set out in *Appendix A*. This includes the Schedule of Duties imposed on weights and measures authorities, food authorities and feed authorities and other legislation likely to be enforced by trading standards departments.

Key legislative responsibilities for trading standards services include:

Fair Trading: Consumer Protection Act 1987; Weights and Measures Act 1984; Consumer Protection from Unfair Trading Regulations 2008; Consumer Credit Act 2006; Trade Marks Act 1994; Enterprise Act 2002;

Food Chain: Food Safety Act 1990; Feed (Hygiene and Enforcement) (Wales) Regulations 2005; Agricultural Act 1970;

Animal Health: Animal Health Act 1981; Animal Welfare Act 2006; Cattle Identification Regulations; Sheep and Goat Identification and Movement Order; Welfare of Animal Transport Order; Equine Identification Regulations; Pig Record and Identification and Movement Order; Animal By Products Regulations;

Age Restricted Sales: Licensing Act 2003; Children and Young Persons Act 1933.

Officers also make use of other key pieces of legislation, including the Proceeds of Crime Act 2002; Regulation of Investigatory Powers Act 2000; and the Fraud Act 2006.

Citizens Advice Consumer Service

First line basic consumer advice is dealt with by the Citizens Advice Consumer Services (CACS). Calls that require in-depth intervention due to their technicality or

legally complex nature or which require criminal investigation are referred through to officers within the trading standards service. Most calls are automatically referred at first contact if they relate to vulnerable consumers or criminal offences.

Each of the 5 authorities have a contract with CACs, that sets out an agreed protocol for dealing with and passing on the complaints and queries received, as relevant to each of the councils.

The number of referrals made by CACs to each of the Gwent authorities, during 2013/14, is recorded in Table 1.

It is perhaps worth noting that the current operating procedures within CACs ie no service advertising, may have had the effect of 'damping down' demand and if so this will be reflected in the local authorities figures.

Any change in this strategy in future years could result in a greater number of referrals to the local authority trading standards service. This is recorded as a service risk in the register.

Where a complaint / query is dealt with by CACs and no further action is required, the related information is passed across to the relevant authority as a 'Notification', which enables these to be distinguished from those referrals that require direct attention by the authority.

Table 1: CAC Referrals from 1 April 2013 to 31 March 2014

2013/14	Blaenau Gwent	Caerphilly	Monmouth	Newport	Torfaen	Total For Gwent
No of CAC Referrals	317	919	552	746	493	3027

In addition to the cases forwarded by CACs, each of the 5 authorities also receives direct contact complaints/queries by telephone, e-mail or occasional callers to the trading standards offices.

A summary of the all complaints/queries received (outside the CACs scheme) for 2013/14 can be seen in Table 2.

Table 2 Other Service Requests Received

(eg Trader advice, Weights & Measures, Verification)

2013/14	Blaenau Gwent	Caerphilly	Monmouth	Newport	Torfaen	Regional Totals
Direct Consumer Advice	293	711	381	47	203	1635
Other Service Requests	99	294	201	942	118	1654
Total – All authorities	392	1005	582	989	321	3289

Part A. The Strategic Context**1.4 Organisational Overview**

Prior to the Welsh Government reorganisation in 1996, the trading standards service operated on a countywide basis. As a result, each of the 22 Local Authorities, which were created in Wales, have since managed their own trading standards service.

Currently, the 5 local authorities in the Gwent region, each have their own in-house trading standards Service, which deliver their respective statutory responsibilities to enforce a wide range of complex and overlapping legislation, that collectively contributes to a fair and safe trading environment, supporting both consumers and businesses.

All five authorities face similar challenges in ensuring that their services continue to meet customer needs at a time of considerable financial pressures, regulatory change and increasing expectations.

1.4.i Trading Standards Staff Resource

The staffing complement for the trading standards service in each of the authorities, is made up of teams comprising:

Managers/Team leaders; Trading Standards Officers(TSO)/ Fair Trading Officers(FTO); Animal Health Officers(AH), Technical Officers(TO) and Support Staff (Admin incl. Data Systems Admin).

These officers provide the broad range of skills required to deliver the service. Their primary function is to act on behalf of consumers/business, dealing with animal health issues, advising on and enforcing laws that govern the supply of goods and services. This includes providing advice on consumer law, investigating complaints and when appropriate, prosecuting traders who break the law.

A summary of the staffing complement for the trading standards service across the region is set out in Table 3.

Table 3 Trading Standards - Roles/Staff FTE across the Gwent Region

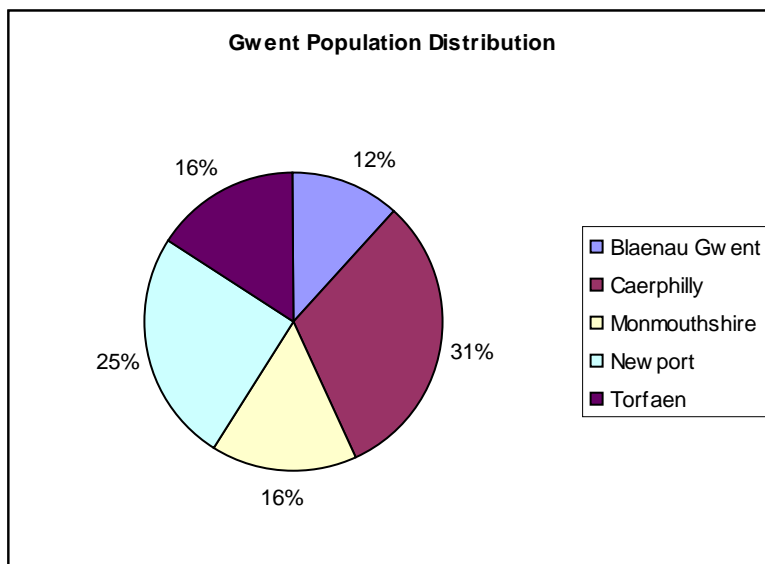
Roles	Blaenau Gwent	Caerphilly	Monmouth	Newport	Torfaen	Regional Totals
Manager/Team leader	1	3	1	4	1	10
TSO (incl AFI)	1.5	5	2	7	1	16.5
FTO	4	9	1.8	2.67	4.6	22.1
AH		*See pt ii)	1.5	1		2.5
Tech Officer	1	1				2
Admin (Incl Database Systems Admin) (See Pt i)	0.5	1.21	0.815	1.26	0.4	4.2
Total Each Authority	8	19.21	7.12	15.93	7	57.26

Nb.

- i) The admin and database provision for each authority as shown above, are made up of fractional FTE across a number of teams and are not reflective of 'whole' people. The admin requirements for the new service to be assessed based on the new service model;
- ii) Caerphilly: 1.2 FTE AH included in FTO figs

There is considerable variation in the size of the trading standards teams across the region, with some authorities sharing their administrative staff with teams in other regulatory services. The data recorded in Table 3 reflects the fractional FTE adjustment.

The distribution of population across the region is shown in the pie chart below:



The FTE per Head of Population ('000's) is shown in Table 4 below.

Table 4	Blaenau-Gwent	Caerphilly	Monmouthshire	Newport	Torfaen	Total
Population	69,789	179,247	92,100	146,558	91,407	579,101
TS FTE	8	19.85	7.12	15.76	7	57.73
FTE per Head of Popn (000's)	0.115	0.111	0.077	0.108	0.077	0.010

1.4.ii Core Areas of Trading Standards work

The Trading Standards Service encompasses a broad range of work, typically required by local businesses and the general public. The core areas of work for all authorities in the region typically cover:

- Business Standards & Support
- Community Intervention
- Investigations

The range of work that the trading standards service covers across the region is broadly similar, some variation is seen however in the work undertaken, likewise in the focus of expertise among the staff. Local differences exist however, eg. The Port Authority work undertaken by Newport and the Wales Scambuster Team, which is managed by Newport on behalf of 22 authorities

The work undertaken reinforces the various corporate objectives set across the region and the relationship with the specific areas of trading standards work is shown in Table 5.

Table 5

Corporate Objectives	Area of TS work
Improving Health & Well-being	Age restricted products eg Alcohol + Tobacco
	Illicit Tobacco
	Substance Misuse
Safer, Stronger & Sustainable Communities	Doorstep crime
	Consumer Scams
	Fireworks Control
Protecting & Supporting Businesses	TS Inspections
	Home Authority/Primary Authority Advice
	Metrology
	Product Safety
	Unfair Trading Practices
Consumer Engagement	Consumer Intervention + Education,
	Consumer Credit
Protection Animal Health and Welfare / Food Chain	Animal Health & Welfare
	Agricultural Standards + Feed Enforcement
	Food Standards, Labelling & safety
Protecting the Environment	Road Traffic Enforcement
	Lorry watch Scheme
	Energy Performance (Certification)
	Waste Enforcement (Packaging, re-cycling etc)
Regional / Local Strategic assessment	Identification of Complaint Patterns
	Consumer Detriment & Risk
	Enabling Improved Enforcement & Prevention outcome

The level of enforcement activity, including business advice and support, is directly related to the resource available, any resource reduction could potentially result in increased levels of unfair trading and unsafe goods.

Any level of resource reduction that can be achieved may have a proportional impact upon the level of business and consumer detriment.

Prosecution Work

Some of the investigations carried out across the region will result in a prosecution. Table 6 records the prosecution cases taken to court between 2010 to 2014. The preparation for a prosecution case can take a considerable time; often stretching into months or occasionally years and requiring a substantial dedicated trading standards staffing resource. In a smaller authority, the commitment of a staffing resource to a prosecution case over a long period can cause a depleted resource in other areas of trading standards work. A regional service, with a greater complement of staff, would be able to provide resilience where such situations arose.

Legal expertise is also required and is normally provided primarily through the legal services departments of each of the authorities or through a private firm of solicitors /barristers if the case requires additional/specialist expertise.

Table 6 Prosecutions

	Blaenau Gwent	Caerphilly	Monmouth	Newport	Torfaen	Regional Totals
Prosecutions 13/14	4	28	2	14	6	54
Average No of Prosecutions 2010 to 2014	4.5	31.5	1.5	14.3	6	57.8

NB. The figures in Table 6 do not include Food Standards Prosecutions for Monmouth

Indicative timescales for the commitment of a trading standards staffing resource, for work relating to prosecution cases, is set out in Table 7.

Table 7 Average Time for Each Prosecution type

Prosecution Case Type	Timescale (Hours)
Large CPR/Fraud case re: property rentals	1031
Large animal health & welfare case	335

Major weights & measures (short measure petrol cases)	288
Large car clocking case	180
Large counterfeit case	85
Medium counterfeit case	60
CPR Car sales	57
Simple doorstep crime	57
Underage alcohol test purchase	53
CPR dangerous building work	49
Simple counterfeit case	47
Building work CPRS	42
Illicit tobacco	37
GPSR unsafe vehicle (inspection)	30
Food safety Act (Out of Date Food)	27
Underage tobacco test purchase	27

Nb. The time spent on a case can be spread across many months and is not a single continuous period.

Proceeds of Crime Act 2002 (POCA)

Legislation exists which allows enforcement authorities to investigate the finances of offenders to assess the extent to which they have profited as a result of their criminality; this legislation is called the Proceeds of Crime Act 2002 (POCA). Newport Trading Standards has two Trading Standards Officers who are also trained as Accredited Financial Investigators.

During an investigation these officers have the power to examine bank accounts, seize cash, monitor the activity of a bank account and stop offenders accessing their assets.

Where it has been established that an offender has benefited from criminal conduct, following a conviction, it is possible to confiscate their assets. Once confiscated the enforcement authority is then entitled to a share of the award (up to 37%), which can be used to reinvest in financial investigation.

Trading Standards is the perfect environment in which to utilise the powers of POCA. Newport Trading Standards in recent years has successfully obtained confiscation orders into a number of offending types, including: counterfeit goods sellers; consumer credit scams; unfair landlords; food fraudsters; and doorstep criminals.

Also see Financial Case: Section 4.7

Annual Work Planning

The Trading Standards work undertaken by each of the 5 authorities is both planned and reactive in nature. An annual work-plan is prepared based on the consideration of a number of factors, including risk assessments, strategic requirements and intelligence.

Risk assessment

Each authority holds a database that records all relevant businesses (and can include businesses operating from home/the internet) within its area, which is updated regularly to ensure that it is current. Risk assessment schemes, are utilised by all five authorities in the region.

The basis of the scheme is that each business within a local authority's area, receives a 'score' to direct enforcement activity to deal with the risk posed by the business. The scheme comprises a hazard element and a likelihood of compliance element that is particular to the individual businesses and determined by local authorities. As a result of the assessment businesses are classified as high, medium or low risk.

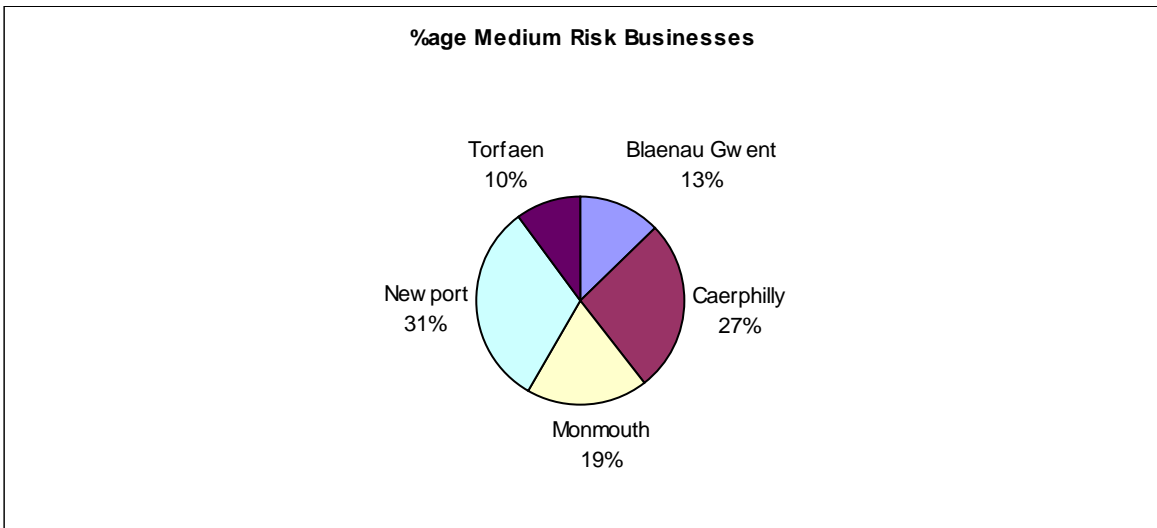
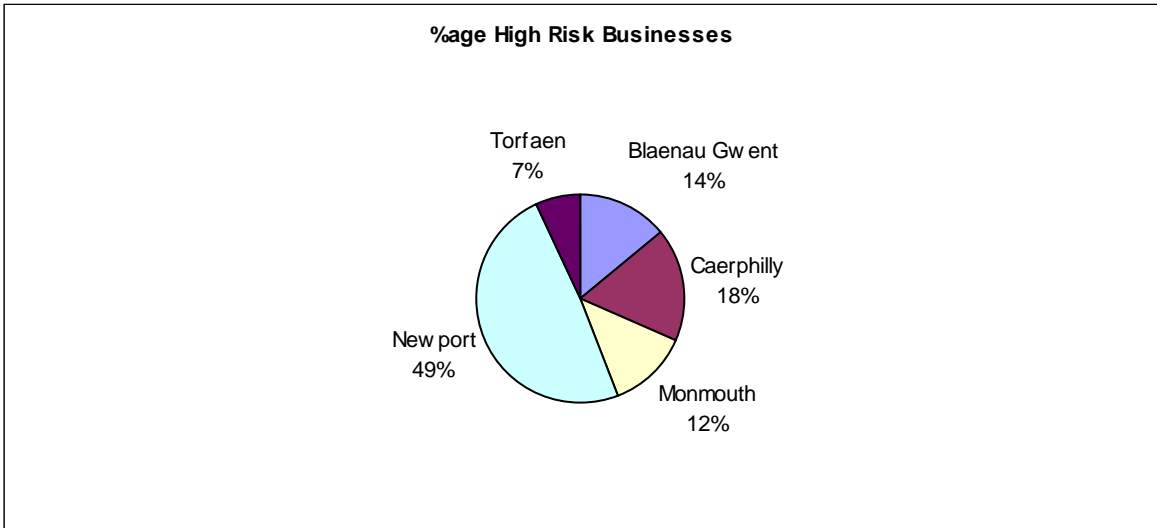
An annual inspection program is drawn up based on the results of this assessment and the figures in Table 8 show a summary of the numbers of businesses across the region, together with their risk rating.

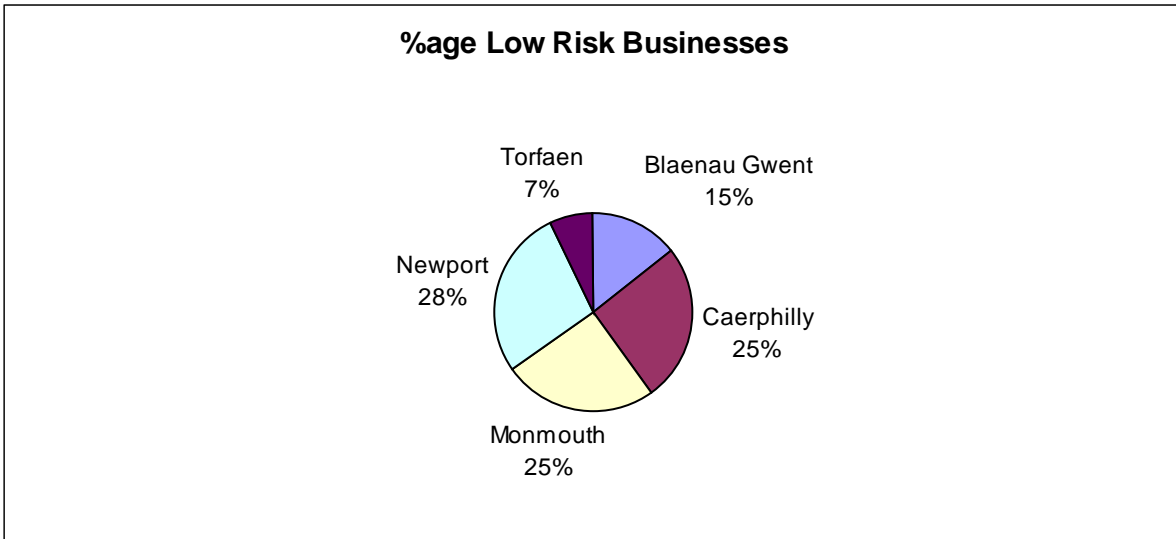
Table 8 No of Businesses across the region with associated Risk Rating

	Blaenau Gwent	Caerphilly	Monmouthshire	Newport	Torfaen	Total
No Of High	30	39	27	107	15	218
No of Med	504	1044	741	1247	396	3932
No of Low	1304	2275	2228	2523	618	8948

Unclassified	97	121	0	226	186	630
Total	1935	3479	2996	4103	1215	13728

The percentages of each category high, medium and low risk businesses across the region are shown in the graphs below.





However, the nature of trading standards work is primarily intelligence led and this type of reactive work impacts heavily upon the annual work plan, often requiring a changing emphasis to be placed on work to be undertaken and the deployment of resources to large scale investigations eg Foot and Mouth crisis, horsemeat scandal.

Consequently, where a crisis arises, such as the recent horsemeat scandal, it will be necessary to deploy considerable resources to resolve a particular situation. This can be problematic, particularly in the smaller authorities as this 'concentration of effort would be at the expense of other trading standards responsibilities. Working as a regional service with greater numbers of staff would have the advantage of a much greater resilience in such cases, with the potential ability to both cover such a crisis while also enabling business continuity in other areas of Trading Standards work.

Table 9 shows the numbers of business across the Gwent region categorised by business type.

Table 9 Numbers /Types of Businesses

	Regional Totals
Population	579,101
Industrial	1,308
Retail	11,988
Unclassified	553
Total All Premises	13,849

1.5 Existing Business Strategies

Welsh Government

At a national level, the Welsh Government has endorsed effective collaboration between Local Authorities to develop shared services that are sustainable, efficient and integrated, delivering improved service outcomes and opportunities for savings. Welsh Ministers are committed to collaboration as one of the key tools in dealing with the challenges of variable service quality, fragmented delivery, duplication of effort and efficiency; they are also committed to collaboration as one of the solutions available to address the very significant decline in public budgets. Collaboration is therefore a major feature in the Welsh Government's Programme for Government. Trading Standards is a service identified within *A Compact for Change* between the Welsh Government and Welsh Local Government, as one that should be considered for collaborative service delivery. Welsh Government's established Collaborative Footprint for Public Services provides clarity around regional areas based on the Local Health Board and Police Authority boundaries and there is an expectation that collaborative working will be aligned to this footprint.

At a regional level, the collaborating authorities within Gwent, are considering the options available to create an innovative regional service that incorporates collaborative working to maximise service efficiency and achieve service delivery savings.

Williams Report

The Williams report, which was published in January 2014, while relevant to the project, did not constitute any formal agreement/acceptance and for the purpose of this Business Case it is anticipated that the report will be the subject of considerable debate within both Welsh Government and the individual local authorities before any decision or steer will be formalised.

Additionally, as the five Gwent authorities within the collaboration already make up the '3' and '2' grouping of authorities identified within the report for the region and also follow the 'footprint' of the Local Health Board and the Police, the decision by the Board, was that the project should continue with the preparation of the Business Case. Particularly as any preparatory collaborative work undertaken, would still be relevant should any alternative arrangements for local government in the region go ahead.

Consumer Landscape Reform

An institutional reform of the consumer protection landscape has taken place over the past 2 years. Local Authority Trading Standards Services are one of the networks

of organisations in the UK that make up the consumer protection landscape and provide advice and help to consumers and enforce consumer law.

As part of this process the National Trading Standards Board has been set up and has responsibility for national and cross-local authority enforcement in England and Wales. The NTSB provides leadership influence, support and resources to help combat consumer and business detriment locally, regionally and nationally and works with and provides strategic guidance for Local Authority Trading Standards services.

The Office of Fair Trading, which ceased to exist on 31st March 2014, also had responsibilities for the 'consumer landscape' and following its closure its functions and responsibilities have been distributed across a number of organisations. As a result of this change, from 1st April 2014, Local Authority Trading Standards services have also taken on a primary role in enforcing Consumer Protection Law at both a local and national level.

National Enforcement Priorities for Wales

The Welsh Assembly Government published national enforcement priorities for Regulatory Services in Wales in 2010. They are Welsh Government priorities for local regulatory delivery and highlight the positive contribution that local regulatory services, together with local and national partners, can make in delivering outcomes.

Trading Standards contributions to them are listed below in Table 10:

Table 10

Welsh Government Enforcement Priority	Examples of Trading Standards Work
Protecting individuals from harm and promoting health improvement	<ul style="list-style-type: none"> • Underage sales enforcement • Nutrition claims • Partnership work on local Health and Well-being strategies • Targeted product safety testing
Ensuring the safety & quality of the food chain to minimise risk to human and animal health	<ul style="list-style-type: none"> • Checking food claims • Sampling & analysis work

Promoting a fair & just trading environment for citizens and businesses	<ul style="list-style-type: none"> • Tackling unfair practices, like doorstep crime and scams • Providing accessible business advice • Focussing on targeted, risk-based delivery
Improving the local environment to positively influence quality of life and promote sustainability	<ul style="list-style-type: none"> • Tackling anti-social behaviour through underage sales enforcement • Monitoring environmental claims on products

There are a number of formal plans trading standards are required to produce by Welsh Government and the FSA.

Animal Health Framework Agreement and Priority Action Plan

The Priority Action Plan sets out the animal health and welfare activities that each local authority plans to carry out in Wales. Currently local authorities will receive a grant on submission of a satisfactory plan.

The aim of the Priority Action Plan is to ensure the effective and consistent enforcement across Wales by focusing resources on the activities that are considered a priority by Welsh Government.

Plans are considered within the context of the Animal Health and Welfare Framework, which provide comprehensive advice and is recommended as a best practice guide for local authorities. It identifies what should be considered minimum levels of service for all aspects of Animal Health service delivery. The Priority Action Plan template has been further simplified for the period 2012 – 2015, to provide additional flexibility for authorities to identify local efficiencies in light of the reducing budget that is available. It should be noted that this funding has been reducing each year and is due to end in March 2015.

National priority should be given to Critical Control Points (CCPs), which are the agreed businesses, premises or locations at which controls can be applied resulting in the reduction in risk of the introduction or spread of notifiable disease. The CCPs are:

- Markets, collection centres and assembly centres
- Slaughterhouses
- Dealers
- High Risk Farms
- Ports

The relative numbers of each across the authority are shown in Table 11 below.

Table 11

	Blaenau Gwent	Caerphilly	Monmouth	Torfaen	Newport	Regional Totals
Markets, Collection and Assembly Centres	0	2 (4 days during Sept/Oct)	3 (10 days per month)	0	0	5
Slaughterhouses	0	1	2	0	0	3
Dealers	0	1	2	0	1	4
High Risk Farms	5	5	15	1	0	26
Hauliers	0	0	5	0	1	6
Ports	0	0	0	0	1	1

Nb Need to note that the numbers alone do not indicate the level of work required to regulate these critical control points

The geographical make up of the Gwent region is such, with both an agricultural and coastal bias, that as a consequence all CCP categories are present across the region.

Food Standards Agency Framework Agreement

The Framework Agreement on Official Feed and Food Controls by Local Authorities provides the Agency with a mechanism for implementing its powers under the Food Safety Act to influence and oversee local authority enforcement activity.

The Agreement was last updated in 2009/10.

The Agreement applies to local enforcement of all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement.

The Agreement provides for:

- Publicly available local service plans to increase transparency of local enforcement services
- Agreed feed and food law enforcement standards for local authorities
- Enhanced monitoring data with greater focus on inspection outcomes and which provides more detailed information on local authority performance
- An audit scheme aimed at securing improvements and sharing good practice

The Agreement links into one of the four National Enforcement Priorities for Wales namely: -

Ensuring the safety and quality of the food chain to minimise risk to human and animal health.

Trading Standards generally have responsibility for the enforcement of Feed hygiene legislation, which controls feed safety standards throughout the animal, feed supply chain.

Feed businesses include feed importers, manufacturers, sellers, transporters of feed (for example haulage companies), businesses storing feed, and food companies selling co-products for use as feed and must be registered or approved under feed hygiene law.

Trading Standards ensure that animal feeding stuffs produced, sold or supplied and used are safe and wholesome, produced under hygienic conditions; of an acceptable quality; composition; suitably labelled and advertised; so as to protect the health of the public and animals and the rights/expectations of consumers.

Table 12 Feed Safety Premises Profile

	Blaenau Gwent	Caerphilly	Monmouthshire	Newport	Torfaen	Total
Feed Approved	0	1	0	0	0	1
LA Register	51	274	1,359	176	5	1,865
FSA Return	98	282	1,312	145	0	1,837

A series of Food and Veterinary Office (FVO) audit reports of Official Feed controls in the UK and the FSA audits of local authorities (2011 and 2012) identified a catalogue of serious and persistent failings:

- Lack of quality controls;
- Weak imported and inland feed controls;
- Poor or variable HACCP based inspections;
- Poorly targeted sampling programme;
- Poor follow-up on non-compliant businesses;
- Low or no LA priority given to feed;
- Low quality data received by FSA from LAs.

In April 2013, Wales Heads of Trading Standards (WHoTS) proposed a mechanism by which Welsh Local Authorities can contribute to rectifying the perceived failings in Wales through regional delivery of the function.

Each region within Wales, with Gwent being one of the regions, has produced a Regional Feed Plan, for submission to the Food Standards Agency. This plan outlines how the five authorities will collaborate through the year and deliver the feed function.

Part B The Case for Change

The case for change arises from concerns about future reliance and capacity of each of the five trading standards services were they to be retained within a single local authority setting and the effects of 'Local Authority boundaries' on regional intelligence sharing.

As a predominantly reactive service, a significant reduction of resources will result in a reduction of preventative work and an inability to deal with any issues that may arise and require a consolidated approach. A trading standards service requires the ability to be able to adapt and respond to an ever changing market place and the varying demands of the service from consumers and businesses, while also ensuring that the statutory duties of the Local Authorities are met.

A regional service would provide for greater resilience and in-built flexibility in order to provide a 'fit for purpose' service to consumers and businesses in Gwent.

The Gwent authorities have agreed that there are a number of 'Guiding Principles' which are fundamental to the delivery of a Regional TS service (*see Appendix B*), there however, 3 overarching principles that the new service model must follow: -

- Increase service efficiency;
- Reduce pressure on budgets both overall and for each participating council;
- Increase resilience to meet the demand placed on the service.

A regional approach will enable the improvement of consumer reporting mechanisms and the flow of intelligence between partners.

Scammers will always seek to stay one step ahead and realistically it will never be possible to eliminate mass market scams entirely, but there is a real opportunity that with a more joined up approach, a stronger prevention led focus may help to disrupt more schemes than has previously been possible.

A coherent and sufficiently resourced market monitoring and enforcement regime is critical to maintaining standards of safety and fair competition. There is no point in consumer legislation without enforcement. Local market surveillance protects consumers and law-abiding companies alike from rogue traders and scams. The trading standards service plays a vital role in safeguarding consumer rights and the efficient working of consumer markets. Not only do trading standards Officers protect consumers, they also help maintain a level playing field ensuring legitimate businesses survive in a competitive environment.

1.6 Business Objectives

The specific Business Objectives defined for the regional service are: -

- Development of a robust and sustainable Regional Trading Standards service with a 3 year Business Plan that incorporates best practice, increased service resilience, improved efficiencies and standardized service delivery;
- To investigate and evaluate knowledge sharing options, improve access to specialist knowledge/expertise and the development of centres of excellence;
- Investigate and evaluate opportunities for innovative technical and agile working practices;
- Develop a structured regional enforcement strategy that enables effective information sharing and working practices with partner agencies;
- The creation of a collaborative model that may be used as a benchmark for regional working.

1.7 Existing Arrangements

As described within Section 1.4 Organisational Overview, each of the 5 authorities currently provide their own independent, in-house trading standards service, to fulfil their statutory duties to enforce trading standards legislation.

There is some variation in the functions delivered directly by the trading standards service, but typically the core services provided are as set out in 1.4ii

The operating costs for the Trading Standards services within each authority for 2013/14 are summarized in Table 13. The figures do not include internal recharge costs and are pre-baseline (2014/15). The baseline figures are set out in Section 4, Financial Case.

Table 13 Summary of Trading Standards Expenditure 2013/14

Pre- Baseline Service Expenditure	Blaenau Gwent	Caerphilly	Monmouthshire	Newport	Torfaen	Baseline Total Expenditure
Direct Service Expenditure	£546,005	£766,639	£377,745	£610,382	£361,127	£2,661,898

Nb. The figures above do not include Internal Recharges. However, these costs form an integral part of the overall costs of each of the trading standards services and therefore have to be included for the true cost of service delivery to be calculated. The internal recharge and the management costs are addressed in the Financial Case: Section 4.

1.7.1 IT/System Software

Fundamental to the provision of a regional service is a software package that is utilised by all of the partner authorities. This is not the case currently, with one of the authorities using a different package to the other four. The cost of the Trading Standards software across the five Gwent authorities for 2013/14 was £30k.

A Welsh Purchasing Consortium project is in progress, to develop a framework agreement for an all Wales Public Protection software package. The proposed delivery date for the new framework is Autumn 2014 and the IT component of this Business Case is based on the assumption that the regional software package for Trading Standards will be procured through the framework.

The ability for staff to work on an 'Agile' basis is fundamental to the delivery of a regional trading standard service that covers such a large and diverse geographical area. Currently only 2 of the authorities have full 'remote' working capacity and this would have to be extended to enable agile working across the whole region.

The costs for the implementation of agile working together with the funding proposals are set out in the Commercial and Financial sections of the business case.

1.7.2 Accommodation

Four of the five authorities currently have dedicated office accommodation, with one of these also working on a hot desking basis. The fifth authority works solely on a hot desking basis with no permanent workstation space for the members of staff.

1.7.3 Storage

Each of the authorities has a secure store, which is required for the safekeeping of seized goods etc and the provision of this facility would remain an essential part of any regional service.

1.7.4 External Services/Laboratory Testing/Sampling

Laboratory testing and sampling are a routine part of Trading Standards work and are currently provided by a number of different laboratories. The external services include expert witnesses required to produce evidence for prosecution cases.

1.8 Business Needs

To develop and implement a sustainable model for trading standard service provision across the region, that both supports the Welsh Government objectives for collaboration and also addresses the resilience and financial issues that affect all Local Authorities.

Specifically identifying opportunities for trading standard service provision that:

- Delivers the most effective and efficient service possible with the available resources;
- Build critical mass/service resilience/improves flexibility to meet unforeseen demands and changing priorities;
- Develops a structured regional enforcement strategy and policy that addresses regional priorities, local and national guidance and provides clarity and consistency for officers, consumers and for those who are subject to enforcement action;
- Is approachable and accessible in the way it does business and provides guidance, utilising a number of communication channels.
- Enables effective information sharing and working practices with partner agencies
- Is accountable and subject to annual review and challenge.

- Develops and maintains particular expertise, especially in those areas where in isolation, individual authority trading standards would struggle.
- Encompasses officer training/professional development to ensure the service can address its priorities effectively.

1.9 Strategic Priorities

The five Gwent authorities broadly share a number of strategic priorities for the protection of consumers and businesses. The Gwent Trading Standards Service will protect our communities and support businesses through proportionate, intelligence led enforcement and the provision of clear advice.

In particular the service will promote a fair trading environment where good business can thrive and where interests and well being of residents are safeguarded and enhanced.

1.10 Business Scope

The services that have been defined as being 'in-scope' for this project are:

- Fair Trading
- Intellectual Property
- E-Commerce
- Consumer Credit
- Metrology
- Product Safety
- Under Age Sales
- Consumer Intervention
- Agricultural Standards
- Animal Health & Welfare – note BG have a 3 year SLA with Powys from 1.4.12
- Explosives & Poisons
- Food Standards – not Monmouthshire
- Feed (Hygiene)
- Animal Boarding
- Animal Breeding
- Pet Shops

- Zoos
- Dangerous Wild animals
- Performing Animals
- Horse riding establishments

The following services are out of scope:

All types of licensing are excluded except those listed above.

1.11 Key Stakeholders

The key service stakeholders are identified as: -

- Gwent authorities
- Members
- Welsh Assembly/WLGA
- Local Businesses
- Consumers
- Trading Standards/Public Protection Staff
- Other council Departments
- Other public bodies, Gwent area – Police, Fire, Health Services
- TU
- Professional Bodies, Government bodies & Government Agencies

1.12 Main Benefits Criteria

The main benefits criteria have been captured for each of the agreed Business Objectives and are set out in *Appendix C*

1.13 Main Risks

A detailed risk matrix is set out in *Appendix D*.

1.14 Constraints

A number of key constraints have been identified:-

- The number of authorities forming the regional Trading Standard collaboration together with their geographical location/spread/differences;
- The variation, in staffing complement, working practices and support systems in place across the region;
- The cultural and political differences between the authorities
- Budgetary Constraints

1.15 Dependencies

The project is subject to the following dependencies:

- Full co-operation and 'buy-in' required from Senior managers and Trading Standards staff in all 5 authorities;
- Sufficient available financial resources to fund the project
- Political Support

The dependencies will be managed and monitored through the lifespan of the project.

1.16 Equality Impact Assessment

An Equality Impact Assessment of the proposals has been undertaken and the details are set out in *Appendix E*.

Economic case

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Gwent Trading Standards Project

Business Case

A programme for a Regional Trading Standards Service in Gwent

Collaborating Authorities



2. Economic Case

2.1 Introduction

This section of the Business Case documents the wide range of options that have been considered in response to the potential scope identified within the strategic case.

2.2 Critical Success Factors

The defined Critical Success Factors (CSF's), for the project are set out below in Table 15:

Critical Success Factors

Table 14

CSF	Category	Description How well the option:
CSF1	Business Need	Maintains acceptable levels of service delivery and meets organisational needs.
CSF2	Strategic fit	Provides holistic fit and synergy with other key elements of local, regional and national strategies, programmes and projects.
CSF3	Potential Value for Money	Achieves service efficiencies, economies and effectiveness.
CSF4	Potential to match requirements with supply	Satisfies the provision of Trading Standards services required by the stakeholders
CSF5	Attractiveness to Members	Satisfies the requirements for ownership and local accountability
CSF6	Potential Affordability	Can be sustained in terms of both developmental and on-going costs.

2.3 Long-Listed Options

The Project Board members representing each of the five local authorities attended a workshop and discussed a broad range of options for a Regional Trading Standards service, utilising examples of other collaborative Trading Standards initiatives and shared services across England & Wales as points of reference.

The 'long' list of options, considered at the workshop:

1. Status Quo
2. i) Special Purpose Vehicle (SPV) – Multiple Site
ii) Special Purpose Vehicle - Single Site
3. i) Limited Company – Private / Public Sector
ii) Limited Company - Single Site
4. Sub-Regional Gwent Collaboration
5. Lead Authority, Multiple Site with Management Board
6. Formal Collaboration

See further details in *Appendix F*.

Additional variations on the above, were considered and discounted by the Project Board at an earlier meeting:

- Lead Authority, Multiple Site
 - Lead Authority, Single Site
 - Lead Authority, Single Site with Management Board/Joint Committee
1. The single site options were discounted, as it was concluded that these would not be acceptable to **all** partners in the collaboration.
 2. The Lead Authority – Multiple Site option was discounted as it was felt that this option **without** a Management Board/Joint Committee including representatives from all of the partners, would lack the opportunity for ownership and contribution across the region and would therefore not be acceptable to the partners.

2.4 Short-Listing Process - Conclusions

The Project Board discussed each of the options on the long-list:-

2.4.1 Status Quo/Informal Agreement

This represented the baseline service and as such *was included on the short-list*.

2.4.2 i) SPV – Multiple Site ii) SPV – Single Site

Following the legal advice provided at the workshop, the SPV option was discussed in detail and it was concluded that this model (both multiple and single site) was an unsuitable vehicle for the Gwent Trading Standards Service for a number of reasons.

ie The fundamental requirement for the creation of Directors of the SPV, could potentially create a situation where there is a conflict of interests;

There would be less control/influence of the service than with a joint committee arrangement

The consensus was that this/these option(s) should not be short-listed.

2.4.3 i) Limited Company – Private/Public sector ii) Limited Company - Private Only

Again following legal advice, the Limited Company option was discussed in detail.

It was acknowledged that this option has some advantages both in terms of its ability to employ staff directly and would also carry less liability than for example a Joint Committee option. However, the possible conflict of interest through the appointment of councillors/staff as directors would apply as would the more distant arrangement with regard to control of the service. Additionally while a Local Authority could discharge some responsibilities to a Limited Company, not all could be passed across and a residual function would still remain with the Local Authority.

Not all liabilities can be removed by the creation of a separate legal entity and any claim made by a member of staff would still be made against the home authority.

The rationale for the creation of a Limited Company would generally include the following:

- The requirement to employ staff directly (staff T&C would have less protection under this arrangement)
- Profit –making requirement
- Commercial Liability

In addition, to enable the continued enforcement of the legislation (which relies on various powers, including powers of entry) and because the exercise of their functions may lead to custodial sentences, Trading Standards officers must remain in the employment of a local authority.

Considering all of the above, the Project Board concluded that the balance of benefits versus dis-benefits with regard to the creation of a Limited Company was such that this option warranted being given further consideration.

The consensus was that this option should be short-listed.

2.4.4 Sub-Regional Gwent Collaboration

The basic premise of this option is that the Trading Standards Service across Gwent, would be delivered by two management teams, with one sub-region comprising 3

authorities (with a lead authority) and a second comprising two (with a lead authority). All staff would remain employed by their current employers but would join the organisational structure on a secondment basis.

The Board acknowledged, that while there may be advantages with this approach in relation to achieving a level of sub-regional working, through the adoption of a far less disruptive approach to organisational change, whilst enabling members to still feel close to their service and retaining ownership and influence over delivery, the key objective of establishing a Regional Trading Standards Service would not be achieved. By the same token, the new service requirements of increased service resilience, improved efficiencies and standardised service delivery could be compromised.

The Project Board concluded however, that the advantages offered by this option were sufficient to warrant closer evaluation.

The consensus was that it should therefore be included in the assessment of short-listed options.

2.4.5 Lead Authority / Multiple Site with Management Board

It was agreed that the option of a Lead Authority with a Management Board potentially creates a model that could deliver a regional service that can offer the new service requirements of increased service resilience, improved efficiencies and standardised service delivery.

The consensus was that this option should be included in the short-list.

2.4.6 Formal Collaboration

The service design to enable a formal collaboration would entail minimum disruption across the five authorities. Staff and management would remain within their current authority with the creation of a MOU to set out the terms for the sharing of staff and respective responsibilities. Each authority would retain ownership and control over their service. Opportunities for collaboration would be restricted and the key objective of establishing a Regional Trading Standards Service would not be achieved. By the same token, it would be very difficult to deliver the new service requirements of increased service resilience, improved efficiencies and standardised service delivery.

The consensus was that this option should not be short-listed

2.5 Short-List

The short-listed options identified following the workshop discussions were;

1. Status Quo
2. Limited Company
3. Lead Authority with Joint Committee/Management Board
4. Sub-regional Gwent Collaboration

A further evaluation, of the short-listed options utilising the CSF's and the Business Objectives, was undertaken at the workshop.

The evaluation was undertaken in accordance with how well each option met the business objectives and critical success factors.

Options were generated within the following key categories set out in Table 15:

Table 15

Scoping Options	What will be covered by the project?
Service Solution Options	How will it be provided?
Service Delivery Options	Who will be responsible for providing it?
Implementation Options	When will it be delivered?
Funding Options	How will changes be financed? The details are set out in Section 4 of this Business Case – The Financial Case

2.5.1 Scoping Options

The following options were considered:

Option 1: Status Quo - Benchmark

Option 2: Defined Scope + Administrative Function

The defined Scope (section 1.10) reflects the Status Quo for the Trading Standards service because it currently encompasses the work that would be undertaken by a Regional Trading Standards Service. There are a few minor differences with the service delivered across the five authorities. ie Food Standard work in Monmouth is currently undertaken by Environmental Services. Therefore the **Basecase and the**

Preferred option were considered the same in terms of Scope for this service and for the purposes of the Options Appraisal.

2.5.2 Service Solution Options

Each of the 4 short-listed options were considered as a possible Service Solution. The outcome from the evaluation was the identification of a preferred option:

- Lead Authority with Joint Committee/Management Board

This option resulted in a score that was considerably higher than either the Limited Company or the Sub-Regional Gwent Collaboration, both of which were discounted. Although it was agreed, that depending on the recommendations of the Williams report, it may be appropriate to re-consider either or both of these options.

2.5.3 Service Delivery Options

The service delivery options considered were:

1. In-house
2. Some functions in-house/outsource others
3. Out-source

It was concluded that service delivery options 2 and 3 should be discounted at this stage, as they would only apply if the preferred/possible service solution options comprised Special Purpose Vehicles and / or Limited Company. Therefore if the Limited Company were to be re-considered, (see 2.5.2) service delivery options 2 and 3 would need to re-evaluated.

2.5.4 Implementation Options

The Implementation options considered were:

1. Phased
2. Single- implementation

The transition of the service through a number of key phases will be essential to the successful implementation of a Regional Trading Standards service and to enable continuity. It was therefore concluded, that a single implementation approach was not practicable and that a phased approach would be the preferred option.

2.5.5 Summary of Evaluation

A summary of the evaluation outcomes from the short-listed option is set out in Table 16.

Table 16

Options	Finding
Scope	
1.1 Status Quo	Option 1.2 The Defined Scope, encompasses the work currently carried out by Trading Standards ie Status Quo. Therefore the preferred option 1.2 is also the same as 1.1 Status Quo
1.2 Defined Scope + Administrative Function	
Service Solutions	
2.1 Status Quo	BaseCase
2.2 Limited Company	Discounted
2.3 Lead Authority with Joint Committee/Management Board	Preferred
2.4 Sub-Regional Gwent Collaboration	Discounted
Service Delivery	
3.1 In-house	Preferred
3.2 In-house + Out-source	Discounted
3.3 Outsource	Discounted
Implementation	
4.1 Phased	Preferred
4.2 Single Implementation	Discounted

2.5.6 Summary of Preferred Option

An outline of the preferred solution ie

Lead Authority, multiple site with Joint Committee or Management Board

is set out in Table 17.

Table 17

	2.1 Base Case	Option 2.3
Scope	Current (Existing)	Defined Scope + Administrative Function (Existing)
Service Solutions	Current Model	Lead Authority, multiple Site with Joint Committee/Management Board
Delivery	In House	In House
Implementation	No Change	Phased
Summary	Base Case	Preferred

A summary of the advantages and disadvantages associated with the Status Quo/Base Case and Preferred option is tabulated below in Table 18.

Table 18

Operating Model	Advantages	Disadvantages
Status Quo	Avoids the problem building external partnerships/setting up contractual agreements	Limits the ability to share resources and experience with potential peer bodies
	None of the disruption associated with staff transfers and restructure	May not achieve economies of scale and or financial efficiencies
	Limits the degree of complexity in terms of organisational, process and technology varieties	Limits the injection of funding and expertise from specialist providers

Lead Authority	A Lead Authority basis (rather than SPV/Limited company) can minimise legal and procurement costs	May limit innovation & growth opportunities if vision only extend to a few neighbouring public bodies
	<p>Single management structure result in a reduction in costs</p> <p>Allows for resource and expertise pooling.</p> <p>Can achieve efficiencies and economies of scale</p> <p>Opportunities for the development of regional procedures and processes and a standardised approach</p>	
	Relatively simple and easy to implement as compared to other options such as Limited company or SPV	

2.6 Economic Appraisal

2.6.1 Estimating Benefits

The benefits identified have been categorised as either Non-Financial or Financial:

A. Non-financial

The key non-financial benefits of a joint service are set out in Table 19:

Table 19

Benefit	How it is achieved.
A service that can provide a better customer experience	Economies of scale making it more possible to focus resources on the agreed priorities
	A consistent approach across the region, through the adoption of common policies and procedures
	Regional intelligence sharing
A more resilient service	Through economies of scale; combining knowledge and expertise, response abilities, service delivery
	A larger service which is better able to meet complex (and often global) challenges eg IP crime and tackle, where necessary, major organisations
	Ensuring achievements of outcomes and statutory requirements when less funding is likely to be available
A more agile and flexible service	A service better positioned to respond to possible changes in role, scope or budget
	Through the development of a regional COE for intelligence analysis and financial investigation (Income from POCA activities)
A service which provides more opportunities for staff development	Opportunities for skills development and specialism leading to greater job satisfaction
	Pooling of best practice from both existing services
	Greater efficiency in training and maintenance and development of staff competence
Shared Regional Website	Consolidated single source of local and regional information relating to Trading Standards
Greater intelligence opportunities	Central source for information and advice, readily available 24/7

B. Financial

The anticipated financial benefits are:

- Savings - see Financial Case: Section 4.5 Table 25 which sets out the estimated costs of the service and projected savings over a 3 year period between 2015/16 to 2017/18
- A reduction in service delivery costs as a result of a single management structure

- Efficiencies achieved through a standardised approach and the removal of duplication within the service
- Efficiencies in spend on property through consolidation of location (2 bases rather than 5) and the consolidation of storage facilities for equipment and seized goods.
- Efficiencies through IT changes enabling agile working practices
- Efficiencies through joint procurement practices i.e. Trading Standards data management package

2.6.2 Dis-benefits

- A commitment to the service and the annual proportion of costs over the 3 year period means that all authorities will lose some flexibility in setting annual budgets
- If a Management Board were to be the chosen governance option, the elected members of the non-lead authorities will have less influence over the service decision-making at a local level.

2.6.2 Estimating Costs/Key results of the Economic Appraisal

The estimated costs of setting up a regional service, based on the 'preferred option', are set out in the Section 4: Financial Case

2.7 Risk Appraisal

The service specific risk categories identified together with their associated risk scores and mitigation are set out in *Appendix D*.

2.8 The Preferred Option

The preferred option is for the creation of a Regional Trading Standard service model comprising a lead authority, multi-site and with governance arrangements, comprising a Joint Committee. The detailed proposal and estimated costs for the new service are set out in the Commercial and Financial cases.

Maintaining a local profile is important under any shared service arrangement, along with maintaining established local networks with key stakeholders and partners.

The regional service will need to be accountable to respective members of all 5 authorities through its governance arrangements.

Key issues such as local profile and accountability through the regional service design and the ability to vary the service to meet individual authority needs and priorities are important in creating a regional trading standards service that is truly representative of all partner authorities.

Commercial Case

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Business Case

A programme for a Regional Trading Standards Service in Gwent

Collaborating Authorities



3. Commercial Case

The commercial case provides the information relating to the preferred option identified in the economic case and defines the viability and sustainability of the proposal.

3.1 Introduction

The proposed operating model for a regional trading standards service comprises a lead authority, which is multi-site and will be governed by a management board or joint committee. The details of the 3 governance options considered and the preferred option are set out in Section 5: Management Case.

Lead Authority

Caerphilly CBC has been identified as the lead authority and has the capacity to take over the management and support systems necessary to accommodate the additional staff. The details set out in the Commercial Case together with the associated costs for future delivery have been calculated on this basis

Multi-Site

The model proposes that the service be run from two sites; the existing Council Offices at Pontllanfraith House, Blackwood and the other will be based at Council offices within Newport. A two site model will provide the trading standards service with an appropriate geographical presence in the region.

Agile Working

Staff will be provided with the equipment necessary for them to work on an agile basis and access all necessary systems on a remote basis, with the ability to make/receive telephone calls.

The two base locations described above will provide facilities for 'drop-in' working and meeting space as and when required, but will not house permanent workstations for staff. Staff will also be able to utilise other council offices across the region on a drop-in basis whenever required, utilising available wifi.

This arrangement will enable the service to respond quickly to any urgent matters, to minimise travel costs and also minimise disruption to staff.

It is anticipated that agile working will enable efficiency savings to be made and these are quantified in the 3-year financial plan set out in the Financial Case. It is proposed that the capital costs associated with the provision of equipment and software is to be met through the Regional Collaboration Fund (RCF) grant. Details of these costs are also set out in the Financial Case. All associated future

maintenance/running costs will be included in the agreed financial contribution for each authority.

3.2 Required services

The trading standards service activities are determined by legislation and by government and corporate obligations.

The services that have been defined as being 'in-scope' for this project are set out in the Strategic Case section 1.10

The work undertaken will comprise both planned inspections and also reactive work based on information received/complaints from consumers and businesses. The development of a regional intelligence service and close working links with the National Trading Standards Board (NTSB) and other public bodies will be key to providing a service that is both efficient and effective.

3.3 Proposed Structure Structure and Service Description

The proposed staffing structure is set out in *Appendix G*.

A single management structure is proposed, incorporating a Head of Trading Standards overseeing a service that encompasses the following three key areas of work:-

- Business Standards & Support
- Community Intervention
- Investigations

Legal proceedings are a feature of Trading Standards work with 54 prosecutions taken across Gwent in 2013/14. Following consultation with the Heads of Legal Services it is proposed that offences will be prosecuted by the Legal Service of the authority where the offence occurred, or by agreement where there are multiple offences across the region. Effective communication will be essential and this arrangement will be kept under review to ensure that processes and decision-making are consistent.

Trading Standards Service Management staff

Each of the three areas of work will have a Team Manager who will report directly to the Head of Trading Standards. The savings achieved through the single management structure are set out in the Financial Case.

Operational Service staff

Skilled staff will provide 'teams of expertise' within each of these areas and the size of the teams and the concentrated numbers of staff within the regional service will enable service resilience and economies of scale.

Each of the Team Managers will oversee teams of staff working regionally within the following 'Hubs':

- Animal & Agricultural Standards
- Commercial Standards
- Retail premises, enforcement & support
- Consumer Intervention (Criminal & Civil)
- Operations
- Special Investigations

The total number of operational staff employed within the Hubs is 47.9FTE, which reflects the existing staffing provision regionally for operational trading standards staff.

Business Support staff

The regional service will have a centralised business support team of 5 FTE comprising administrative and database support.

Scambusters staff

The grant-funded Scambusters team (six officers) which is currently managed through the trading standards service at Newport City Council will also be attached to the regional service and managed by one of the Team Managers. Funding for this element of the service comes from central government (NTSB) and does not form part of the business case and is therefore not included in the financial case.

The concentration of staffing levels and skill sets will ensure that a regional service has the ability to be resilient, adaptable to change and also have the capability and expertise to deal with complex investigations.

A summary of the proposed staffing complement for a regional trading standards service is set out in Table 20.

Table 20 Regional Service Staffing Complement

Role	No of Staff
Gwent Trading Standards Manager	1

Managers	3
Operational Staff	47.9
Admin Support	5
Total	56.9

The 47.9FTE Operational Staff will make up the staffing complement across the 3 'hubs' described in 3.3 and will comprise a mixture of Trading Standards Officers, Fair Trading Officers, Animal Health, and Technical Officers. A level of flexibility / fluidity will be built into these teams to ensure that the service is both able to respond to changing service requirements / emergency situations eg. Horse meat scandal, while still retaining the ability to provide resilience in the core service provision.

Training and Development Strategy

A staffing skills analysis will be undertaken to ensure that the skill sets of the staffing resource are appropriate for the new regional service and identify where there are any requirements for training/up-skilling. A regional staff training and development plan will be created to both support and enable the aspirations of the new regional service and ensure that the workforce has the skills necessary to enable the flexibility and fluidity described above.

3.4 New Operating Model – Level of Service

The regional service will adopt regional priorities, moving away from the current way of working to focus on the development of an intelligence led service delivery with a regional perspective, that functions as a single entity without boundaries, rather than in separate units.

The service will align with the NTSB strategy of an Integrated Operating Model (IOM), focussing on the identification and assessment of threats, the management of prioritised threats through enforcement and other activity; and the review of the effectiveness of measures taken. Thereby providing a strategic and structured approach to decision making about the utilisation of available resources.

3.5 Staff Transfer

It is proposed that the Trading Standards staff from Blaenau Gwent, Monmouth, Newport and Torfaen will TUPE across to Caerphilly. The staff will be fully integrated and act as 'one' team and all will be treated fairly and equally. Any future restructuring will be informed by service need and the skills and expertise required.

Consultation has been taking place with staff and their representatives, with meetings held both within the individual local teams and further meetings planned for all staff to come together and meet jointly with the project board to discuss the business case proposals.

3.6 Regional Working

- There will be an integrated and uniform level of service across the five authorities. This will mean that common processes are adopted, leading to efficiency savings. Work has already begun to develop regional processes and documentation
- Intelligence tasking, however, will mean that at times there will be different levels of activity in different areas to ensure that the service responds to local need and political priorities.
- As well as dedicated intelligence capability the regional service will maintain a financial investigation resource, which can be used, in serious cases for the recovery of criminal assets under the Proceeds of Crime Act 2002 (POCA). POCA was introduced by the government, as it recognised that leaving illicitly obtained assets in the hands of the criminals was damaging to society.
- The regional service will aim to be a Centre of Excellence for intelligence analysis and financial investigation by offering specialist expertise particularly relevant to trading standards and striving to increase capacity and efficiency.
- The regional service will use recovered criminal assets (Under POCA) to improve enforcement and for the development of consumer and business education as well as community wider initiatives agreed by the Joint Committee/Management Board.
- Equipment, contracts and storage facilities will be rationalised

3.7 Proposed Charging Mechanisms

The total estimated costs of the provision of a regional service for the 3 years from 2015/16 are set out in the Financial Case.

The proportional contributions for each of the partner authorities has been calculated based on budgets for 2014/15 and the respective charges have been built into the financial model. See Section 4: Financial case, Table 24

3.8 Proposed Contract Length

It is proposed that a Shared Services Agreement is drawn up and will be reviewed after 3 years.

Proposed key contractual clauses

- Commitment to contribution;
- Clear apportionment of employment liabilities both historic and future;
- Commitment to redeployment across all partners in the event of a reduction in staff;
- Clear termination and withdrawal clauses permitting termination with sufficient notice and clear terms apportioning costs upon termination;
- Breach clauses apportioning costs between parties;
- Clear financial clauses relating to contributions and when payment will be made;
- Clauses relating to freedom of information and data protection;
- Indemnities protecting partners in relation to actions of the other partners;

3.9 Personnel Implications (including TUPE)

The terms and conditions for all transferred staff will be within the regulations governing TUPE transfer.

Each of the Home Councils will need to finalise a piece of work in order to identify which of their employees they believe to be "in scope". This exercise will be largely but not exclusively dependant on the amount of time the employee spends undertaking the duties that are to be transferred, should the BC be approved.

Those "in scope" staff will then transfer to CCBC on their existing terms and conditions of service.

Those staff affected by the transfer but not deemed to be "in scope" will remain with their home authority and be deployed in line with their existing arrangements as appropriate.

3.11 Procurement Strategy and Implementation Timescales

The proposals for the procurement of a software package for trading standards are set out in Section 4: Financial Case, 4.6.1.

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4. Financial Case

4.1 Introduction

The purpose of this section is to set out the indicative financial implications of the preferred option and the associated working arrangements.

4.2 Affordability

Financial benefits are key drivers for each of the partner authorities and these have been reflected in the business objectives defined for the project, namely the achievement of savings through service efficiencies.

The financial case sets out the actual expenditure of the service in 2013/14 (Pre-baseline): Table 22; the estimated expenditure on Trading Standards for each of the authorities for 2014/15 (Project Baseline): Table 23; the potential future budgets/estimated running costs of a regional trading standards service: Tables 24, 25, 26; Regional Service Implementation Costs: Table 27 and the opportunity for the generation of income through the Proceeds of Crime Act 2002 (POCA) activities: Table 28 (See 4.7 POCA Income).

4.3 Possible Future Funding Opportunities

A regional service may also benefit by attracting funding that a single authority may have difficulty accessing, when not in a partnership. A consolidated bid representing the interests of a larger area may be more attractive, as it offers potential opportunities to develop resilient services that provide centres of expertise, while still retaining the capability to be reactive when required, responding to any crises such as the recent horse meat scandal.

4.4 Detailed Financial Analysis

4.4.1 Pre Regional Service Baseline

Table 22 Summary: Trading Standards Service Actual Expenditure 2013/14

Pre- Baseline Service Expenditure	Blaenau Gwent	Caerphilly	Monmouthshire	Newport	Torfaen	Baseline Total Expenditure
Direct Service Expenditure	£546,005	£766,639	£377,745	£610,382	£361,127	£2,661,898

- Nb. i) The salary figure recorded for Blaenau Gwent also includes the costs of 4 FTE, representing staff who left the service during 2013/14.
- ii) The internal recharge figures (indirect costs) are not included in Table 22.
- iii) The salary figures for Newport, Blaenau Gwent and Torfaen do not include any Admin/support FTE costs.
- iv) Unlike the other four authorities, the salary figure for Monmouthshire does not include those staff who carry out Food Safety Standards work, as they are not part of the Trading Standards service in Monmouthshire and that function is being retained at Monmouthshire. (see Strategic Case, Section 1.10: Scope)

4.4.2 Trading Standards Budgets 2014/15 (Regional Service Baseline)

Table 23 Estimated Expenditure: Trading Standards Service 2014/15

Direct Service Expenditure	Blaenau Gwent	Caerphilly	Monmouthshire	Newport	Torfaen	Total Expenditure
Salaries	£302,721	£704,736	£302,936	£565,565	£323,140	£2,199,099
Salary Vacancy Deficit	£-	£-	£-	£23,969	£-	£23,969
Other (incl Premises, Transport, Supplies & Services)	£31,346	£96,658	£32,641	£60,402	£54,423	£275,471
Total Direct Service Expenditure	£334,067	£801,394	£335,578	£649,936	£377,563	£2,498,538
Income	£0	-£17,513	-£5,679	-£36,791	-£5,100	-£65,083
Direct Service Expenditure Net Income	£334,067	£783,881	£329,898	£613,145	£372,463	£2,433,455
POCA Income	£0	£0	£0	-£28,000	£0	-£28,000

- Nb. i) The internal recharge figures (indirect costs) are not included in Table 23.
- ii) Newport has a Proceeds of Crime Act 2002 (POCA) income target of £27K.
- iii) Newport Council is currently undergoing a Single Status and Job Evaluation process. This is expected to be concluded during 2015 and any implications will be addressed at that time.
- iv) Unlike the other four authorities, the salary figure for Monmouthshire does not include those staff who carry out Food Safety Standards work, as they are not part of the Trading Standards service in Monmouthshire and that function is being retained at Monmouthshire. (Strategic Case, Scope: Section 1.10).
- v) Animal Health work in Blaenau Gwent is currently being undertaken through a contract arrangement with Powys Council. (See details Page 6)

4.4.3 Potential Trading Standards Service Costs 2015/16 (adjusted based on Caerphilly Internal Recharge figs)

In addition to the direct 'running cost' expenditure on the trading standards service (Table 23), the calculation of the 'total cost of a regional trading standards service' also needs to include a management charge to cover the additional annual IT costs which will be incurred and additional HR costs in years 1 and 2 (only) resulting from the HR work associated with a move to a regional model.

Table 24 Estimated Budgets: Trading Standards Service 2015/16

Operational Headings	Blaenau Gwent £	Caerphilly £	Monmouthshire £	Newport £	Torfaen £	Total £
Salaries	285,514	707,513	302,960	529,892	335,848	2,161,726
Salary Vacancy Deficit				23,969		23,969
Projected Underfund	23,000			40,000		63,000
Other (incl. Premises, Transport, Supplies & Services)	31,346	96,658	32,641	60,402	54,423	272,270
Total Direct Services Budget	339,860	804,171	335,601	654,263	390,271	2,524,165
Income excl POCA	0	-10,305	-5,679	-31,954	-5,100	-53,038
Direct Service Budgetd (Income adjusted)	339,860	793,866	329,922	622,309	385,171	2,471,127
Management Charge	3,601	8,639	3,617	7,006	4,070	26,933
Salary savings	-11,264	-27,020	-11,314	-21,914	-12,730	-84,242
Total Direct Service Budgets	332,197	775,484	322,225	607,401	376,511	2,413,819

It has been proposed that the management charge, is apportioned across all five authorities, based on the gross direct service costs for each Authority (as set out in Table 24 above) and that the charge is built into the regional financial model.

4.5 Projected service costs 3-year programme.

The 2014/15 figure represents the regional service baseline and 2015/16 the transitory period of change to a regional service. The staffing structure proposed for a regional service (Appendix E) shows a reduction in the number of managers from 5 FTE to 4 FTE.

It is anticipated that the regional service would come into operation during 2015/16.

Initial opportunities for efficiency savings of £230k have been identified over the 3-year period from 2014/15 to 2017/18 (Table 25). The potential savings achievable however, will be dependent on a number of factors including a commitment by each authority to ring-fence their Trading Standards budget for the 3-year period. It has been acknowledged however, that some authorities may not be able to make this commitment given the volatility of local government funding in the current economic climate.

It is felt however, that £230k is the minimum target for savings achievable from the implementation of a regional trading standards service. It is anticipated that the implementation of regional working would deliver additional efficiencies through joint procurement, agile working procedures and the rationalisation of operating processes, accommodation and storage costs.

It is proposed that any savings achieved would be shared on a proportional basis, through the SLA, across all five authorities.

Table 25 Projected Regional Service Expenditure and Income (3 year period)

Regional Trading Standards Service Expenditure	2014/15 Baseline	Year 1 2015/16	Year 2 2016/17	Year 3 2017/18
Direct Service Expenditure	£2,498,538	£2,524,165	£2,528,101	£2,529,348
Projected Annual Income Target (Net POCA)	-£65,083	-£53,038	-£53,038	-£53,038
Direct Service Expenditure (Net income)	£2,433,455	£2,471,127	£2,475,063	£2,476,310
Management Charge	£0	£26,933	£39,433	£26,933
Redundancy / Severance	£0	£0	£88,000	£0
Estimated Reduction Service Expenditure	£0	-£84,242	-£199,002	-£299,002
Regional Service Expenditure (Net Income)	£2,433,455	£2,413,819	£2,403,495	£2,204,241

Notes:

- i) Salaries incl increments;
- ii) Salaries do not incl future estimated pay award (s) and all five authorities would need to make the appropriate adjustment on an annual basis to accommodate this
- iii) Reduced income 15/16 onwards as result of the AHWG being withdrawn;
- iv) Yr1 HR costs from RCF, Yr2 from TS account.
- v) The estimated reduction in service expenditure is a cumulative reduction over years 1,2 & 3.

Animal Health work in Blaenau Gwent is currently being undertaken through a contract arrangement with Powys Council. The basic cost of this work is £17,000 per annum and equates to approximately 0.5 FTE. The contract began in 2012/13 and is in place until April 2015. It is envisaged that when the contract comes to an end, this work will then be undertaken as part of the regional trading standards service.

A financial contribution for this service has not been included in the figures in Table 25.

The figures presented in Table 26 summarise the costs to each authority of

- i) delivering an 'independent' service
- ii) being part of a regional service across Gwent

and provides a comparison of the estimated service costs for the two options, over the 3-year period, from the baseline year 2014/15 to year 3 2017/18.

Table 26 Service Cost Comparison Independent v Regional Trading Standards

Operational Headings	Blaenau Gwent £	Caerphilly £	Monmouthshire £	Newport £	Torfaen £	Total £
Service Model: Each LA continues to deliver own service						
Baseline Yr 14/15	334,067	801,394	335,577	649,936	377,563	2,498,538
Year 3 17/18	340,365	804,171	336,703	655,681	348,824	2,485,744
%age increase in estimated costs from Baseline yr to yr 3	2%	0%	0%	1%	-8%	-1%
Service model: Regional Service						
Baseline Yr 14/15	334,067	801,394	335,577	649,936	377,563	2,498,538

Year 3 17/18	303,988	716,906	300,162	584,908	351,315	2,257,279
%age increase in estimated costs from Baseline yr to yr 3	-9%	-11%	-11%	-10%	-7%	-10%

Summary	£	£	£	£	£	£
Difference in Service Costs over 3 years: Each authority delivers its own service	6,298	2,776	1,126	5,745	-27,739	-12,794
Difference in Service Costs over 3 years: Regional Model	-30,079	-84,489	-35,415	-65,028	-28,248	-241,258

Nb Projected income not included in the figures in Table 26

Joint Committee

If the chosen option for governance is a Joint Committee, there will be associated running costs in the region of £5k to cover the requirement for the external audit of the Trading Standards accounts. It is anticipated that if the Joint Committee were to be held bi-annually and the responsibility for chairing and managing the committee was rotated annually and shared by all five authorities, the administrative resource could be met within existing resources.

4.6 Regional Service Implementation Costs

Regional Collaboration Funding (RCF) funding is available for the project for 2014/15 and 2015/16 as set out below in Table 27.

Table 27 Regional Service Implementation Costs

Capital Costs (RCF)	2014/15	2015/16	Total Funding
IT Agile working/ Software Costs	£64,300	£47,500	£111,800
HR		12,500	£12,500
Project Management	£35,700	£0	£35,700
Total Costs	£100,000	£60,000	£160,000

Nb. £60,000 had been expected for 2015/16 , however, recent communication from Welsh Government regarding a 50% reduction to the Regional Collaboration fund in Wales has put that in doubt.

4.6.1 ICT Costs

The Regional Collaboration Funding (RCF) will be used to cover the costs of the implementation of agile working and the further development of a Regional Gwent Trading Standards website.

The equipment required for agile working will largely be determined by the software package identified as the preferred product. This element of the project is aligned to the Welsh Purchasing Consortium Project (WPC) project to develop a framework agreement for the majority of authorities in Wales for the purchase of a Public Protection Package. The timescales for conclusion of the WPC project are February 2015, with a preferred supplier to be identified in January 2015 and a framework contract in place from February 2015.

It had been anticipated that the RCF would provide financial support for the implementation costs associated with IT requirements during 2014/15. It is clear now however, that implementation will not be possible before the end of 2014/15 and that therefore it will not be possible to utilise this funding as originally planned. A further £60,000 had been expected for 2015/16, however, recent communication from Welsh Government regarding a 50% reduction to the RCF in Wales has put this in doubt.

There will be a future requirement for incorporating the costs of an IT refresh programme from year 4 onwards, to cover the costs of replacing any obsolete IT equipment. The funding required will need to be built into the future financial model for the regional service.

4.7 Proceeds of Crime Act 2002 (POCA) Income

Opportunity to generate income through POCA activities has been identified. However, as the basis of this income stream is derived from proceeds recouped following convictions for criminal activity, it is not possible to accurately predict a specific annual figure but rather, based on experience over a period of years, estimate an income value. It is also to be noted that the POCA returns may be subject to a time delay and will not necessarily be received the same year as a conviction.

The Proceeds of Crime Act 2002 (POCA) provides a framework for enforcement agencies to increase their effectiveness by removing the financial benefits from persistent criminals convicted of offences designated as acquisitive crime. Acquisitive crime in a Trading Standards context includes fraud, car clocking, rogue trading and counterfeiting. In addition to prosecuting for the original offence local authorities can also apply for a confiscation order and if successful are entitled to a share of the recovered assets from an incentivisation fund. However there are restrictions and any funds received should be used to improve asset recovery and fund local crime fighting priorities for the benefit of the community.

The actual POCA income generated by Newport council over the past few years is set out in Table 28.

Table 28 POCA Income

Year	Newport
2010/11	£34,600
2011/12	£46,300
2012/13	£156,150
Total	£237,086

The success that Newport has had with this to date would appear to support the assumption that this may be an achievable source of income for the future regional service.

4.8 Potential Financial Benefits

The potential financial benefits achievable, through the delivery of trading standards as a regional service across the Gwent are:-

- £230,000 savings on gross service expenditure over the 3 years from 2015/16 to 2017/18. These savings are projected providing resilience while still delivering a service that ensures that Trading Standards service outcomes and statutory responsibilities are delivered. Thereby contributing to the achievement of the 3 overarching principles that it was felt at the outset of the project, were fundamental to the delivery of a Regional Trading Standards service (Strategic Case, Part B, Page 22)
- This includes a reduction in staffing salary expenditure in 2015/16;

- Greater proportion of spend on front-line services due to a single management structure, agile working and efficiencies achieved through process redesign;
- Efficiencies through rationalisation of office space, storage facilities and equipment;
- Efficiencies through regional procurement

It is unlikely that either this level of saving or indeed the potential for future savings could be achieved by the five services individually, without impacting significantly on both front-line service delivery and the ability to continue to meet both statutory requirements and consumer/business needs.

The potential for income generated by POCA is demonstrated by Newport's success in this area (Table 28). A regional income target has been included in Table 25 and appears to present a significant opportunity to fund relevant service priorities subject to the restrictions set out in 4.7 above.

Further savings may be realisable, once a regional service is established and achievable through process re-design /service efficiencies.

4.9 Assumptions

The financial model and the associated projected savings are based on the assumption that the trading standards budgets for each of the five authorities are ring-fenced for the 3 year period and are not reduced from the levels set out in Tables 24 and 25. If any of the five authorities are unable to make this commitment, it will not be possible to achieve the projected financial savings and it would be necessary to re-evaluate the viability of the model.

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5. Management Case

It is necessary for each Council to consider governance arrangements in accordance with advice from their respective legal services teams.

Consideration was given, to possible governance models as part of the options analysis (See Economic Case) and as a result of this two were identified as 'preferred' in relation to a Regional Trading Standards service. Further discussions that have taken place since the options analysis workshop, have resulted in the identification and inclusion of a 3rd option, as set out below.

5.1 Regional Governance Arrangements

5.1.1 Legal Powers

Under the terms of the Local Government Act 1972:

- i) S101 is a power to create a joint committee to oversee a joint function
- ii) S113 is a power that allows each local authority to delegate its functions to either a joint committee or to the head of the proposed service.

5.1.2 Options for Governance

A number of Governance Options were considered:

Option 1: Joint Committee

A single body that will provide governance on behalf of the five councils, comprising a joint committee of elected councillors, to oversee all activity. The service operating under this arrangement would need to submit a separate set of audited accounts. Each authority would delegate decision-making and policy approval to the Joint Committee.

Option 2: Management Board

A single body that will provide governance on behalf of the five councils, comprising a management board of elected councillors and local authority officers.

This would comprise a contract agreement together with a Memorandum of Understanding and would not formally have any decision-making delegated to it.

Option 3: Discharge of Functions to a Lead Authority

The Lead Authority (Caerphilly) will discharge the Trading Standards service on behalf of each of the other four authorities. This would involve the other authorities

giving up their decision-making and for Caerphilly CBC to make decisions and run the service. There would also be a legal agreement underpinning this arrangement. A Joint Service Panel (or similar) would then be set up with the overall purpose of monitoring and advising on the effective performance and delivery of the service. The Joint Service Panel would have no decision making powers vested in it by any of the five authorities and it is not a Joint Committee for the purposes of the Local Government Act 1972.

5.2 Option 2: Management Board

Option 2 was discounted, as it was felt this would not create the most effective forum for service delivery, as there would be no clear distinction between the responsibility for strategic planning at member level and operational delivery at officer level.

5.3 Implementation Options for a Regional Service

Ongoing discussions are taking place between each of the councils and their relevant departments ie HR, IT, facilities etc, to develop the implementation approach to be adopted.

5.3.1 Preferred Operating model

The preferred operating model for the regional service, which was identified in the Economic Case, was for a Lead Authority with Staff Transfer under TUPE regulations.

The remit for the lead authority will encompass:

- Hosting function for the employment and management of staff;
- Delivery of the operational service in line with strategic objectives and priorities;
- Management and monitoring of service;
- Management and monitoring of budgets;
- Planned reporting of service delivery in line with the chosen governance option
- Guidance, advice and information to the chosen governance body
- Reporting to the governance body in regard to service issues, problems with delivery, required changes to service priorities.
- Scrutiny function to the governance body to be provided by the individual Scrutiny Committees in each of the five authorities.

Detailed proposals for the implementation of a regional service would be developed following any decision, to create a regional trading standards service, being taken by the partner authorities in Gwent.

However, the broad route map that would be followed to create a regional service, would be to transfer the work and all staff identified as 'in scope' for the trading standards service, under TUPE regulations, to the Lead authority ie Caerphilly CBC.

A recruitment exercise would then be undertaken to fill the 4 senior posts identified in the structure *Appendix G*. The new senior team would then assist both with the planning for and implementation of the new service and also with the process for establishing staff within the operational teams.

5.3.2 Legal Agreement

A legal contract under which services will be delivered, including governance agreements with each council detailing the service levels, costs, sharing arrangements and exit arrangements etc. to be drawn up and agreed by all partner authorities.

5.4 Business Case Timetable

The timescales for the Business Case to be considered by the respective committees/councils of each of the partner authorities are:-

Activity	Timescales
Completion of draft Business Case	December 2014
Business Case Consultation	(Up to) January 2015
Finalised Business Case	January 2015
Business Case to LA's for Decision-making	
Blaenau Gwent	Executive: Council:
Caerphilly	Scrutiny: 17 th February 15 Council: 10 th March 15

Monmouthshire	Cabinet: Council:
Newport	Cabinet: 9 th February 15 or 16 th March 15
Torfaen	Cabinet: Council:

5.5 Post Approval Implementation Plan.

If approval is given for the creation of a Regional Trading Standards Service, a detailed implementation plan will be drawn up and work-streams and timescales for delivery will be developed under the headings:-

- HR
- Finance
- Legal
- ICT & Agile working
- Accommodation
- Management
- Regional Working
- Communication

The Project Board and Advisory Board will continue to oversee and direct the project, project co-ordination will be provided by the Senior Responsible Officer.

5.6 Performance Management & Reporting

Arrangements will be put in place for quality assurance and performance measurement and management of the new service and a set of Performance Indicators will be agreed as part of the implementation process.

The chosen governance body will receive regular reports on service performance and delivery to enable monitoring against strategic objectives, priorities and service budgets.

In addition, periodic peer reviews of the new service will be undertaken by project board members of other Trading Standards collaborations to review performance of the regional service against the business objectives and project deliverables.

5.7 Recommendations

5.7.1 That agreement is given, subject to each of the five authorities giving their commitment to the level of funding outlined in the financial model, to the creation of a Regional Trading Standard service between the five authorities in Gwent, based upon the preferred approach described in the Business Case:

Lead Authority (Caerphilly CBC) with (Each authority to indicate their preference a) or b)

a) Joint Committee
(One member per authority with Chair for 12 months rotating in alphabetical order, with no casting vote)

or

b) Lead Authority (Caerphilly) to discharge the Trading Standards function on behalf of the four partner authorities.

Business Case Agreed by:

Date:	For Blaenau Gwent CBC
Date:	For Caerphilly CBC
Date:	For Monmouthshire CC
Date:	For Newport CC
Date:	For Torfaen CBC

Date:


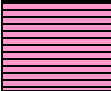
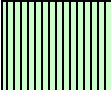

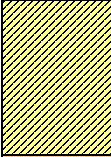


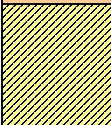
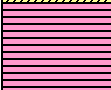
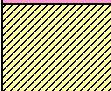

Gwent Trading Standards Project

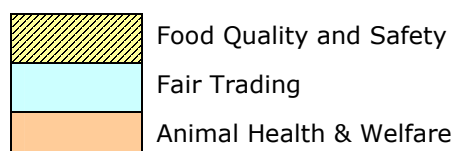
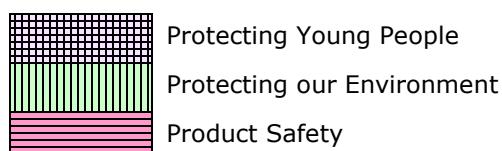
Business Case


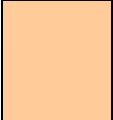

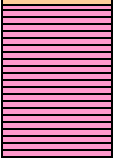
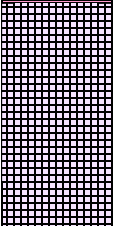
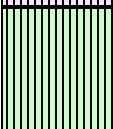
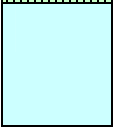
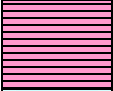
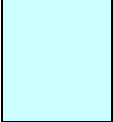
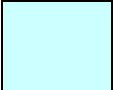
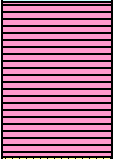

Appendices:

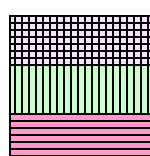
- A. Trading Standards Legislation
- B. Gwent Regional Trading Standards Guiding principles
- C. Main Benefits Criteria
- D. Service Specific Risk Appraisal
- E. Equality Impact Assessment
- F. Options for Regional Working
- G. Regional Service Staff Structure

Trading Standards Service

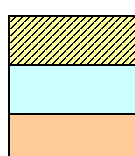
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	Advanced Television Services Regulations 2003 <ul style="list-style-type: none"> require digital TVs to meet certain standards
	Agriculture Act 1970 <ul style="list-style-type: none"> controls the quality and labelling of fertilisers and animal feeding stuffs
	Animal By-Products Regulations 2005 <ul style="list-style-type: none"> specify methods of disposal for animal carcasses and other by-products
	Animal Health Act 1981 <ul style="list-style-type: none"> provides for the control of animal diseases and the welfare of farm animals
	Animals & Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 <ul style="list-style-type: none"> ensure that animal-derived foods do not contain excessive amounts of medicinal and other residues
	Animals and Animal Products (Import and Export) (England) Regulations 2006 <ul style="list-style-type: none"> control the import and export of animals and animal products
	Avian Influenza (Preventive Measures) (England) Regulations 2006 <ul style="list-style-type: none"> establish measures to prevent the spread of bird flu
	Beef and Veal Labelling Regulations 2008 <ul style="list-style-type: none"> establish a system for the labelling and marketing of beef and beef products, including veal
	Biocidal Products Regulations 2001 <ul style="list-style-type: none"> control the placing on the market of biocidal products
	Bluetongue Regulations 2008 <ul style="list-style-type: none"> lay down provisions for the control and eradication of bluetongue
	Business Protection from Misleading Marketing Regulations 2008 <ul style="list-style-type: none"> prohibit misleading trade-to-trade advertising, and control comparative advertising



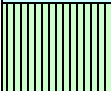
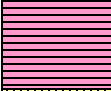
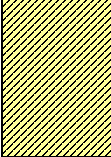
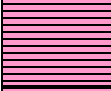
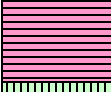
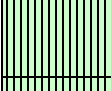
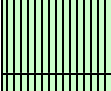
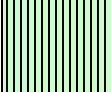
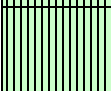
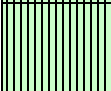
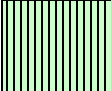
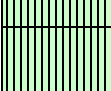
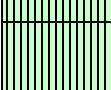
PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	<p>Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008</p> <ul style="list-style-type: none"> • give cancellation rights in respect of a contract for goods or services made during a visit by a trader to a consumer's home or place of work or on an excursion organised by the trader
	<p>Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008</p> <ul style="list-style-type: none"> • prohibit the import, export and placing on the market of cat and dog fur
	<p>Cattle Identification Regulations 2007</p> <ul style="list-style-type: none"> • establish requirements for tagging cattle and for cattle passports
	<p>Chemical (Hazard Information and Packaging for Supply) Regulations 2009</p> <ul style="list-style-type: none"> • control classification, packaging & labelling of dangerous substances and preparations
	<p>Children & Young Persons Act 1933</p> <ul style="list-style-type: none"> • prohibits sale of tobacco products to under 18s <p>Children & Young Persons (Protection from Tobacco) Act 1991</p> <ul style="list-style-type: none"> • requires warning notices and an enforcement programme <p>Note: <i>here the duty is to annually consider a programme of enforcement</i></p>
	<p>Clean Air Act 1993</p> <ul style="list-style-type: none"> • aims to limit or reduce air pollution by setting compositional standards for fuel
	<p>Community Trade Mark Regulations 2006</p> <ul style="list-style-type: none"> • applies the protective measures in the Trade Marks Act 1994 to Community trade marks
	<p>Construction Products Regulations 1991</p> <ul style="list-style-type: none"> • control safety of construction products
	<p>Consumer Credit Act 1974</p> <ul style="list-style-type: none"> • controls consumer credit and hire, including the form and content of advertisements and agreements
	<p>Consumer Protection Act 1987</p> <ul style="list-style-type: none"> • provisions in respect of product safety for a variety of consumer goods
	<p>Consumer Protection from Unfair Trading Regulations 2008</p> <ul style="list-style-type: none"> • prohibit unfair business-to-consumer commercial practices, including misleading actions, misleading omissions, aggressive commercial practices and certain commercial practices specified in Schedule 1
	<p>Contaminants in Food (England) Regulations 2007</p> <ul style="list-style-type: none"> • sets maximum limits for certain contaminants in foodstuffs

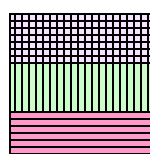


Protecting Young People
Protecting our Environment
Product Safety

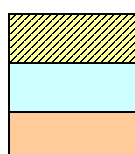


Food Quality and Safety
Fair Trading
Animal Health & Welfare

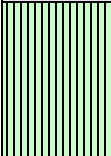
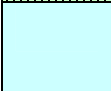
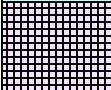

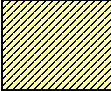
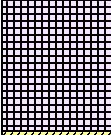
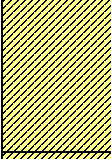
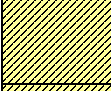
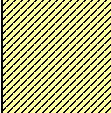
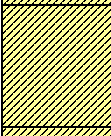




PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Copyright, Designs and Patents Act 1988 <ul style="list-style-type: none"> protects intellectual property and makes unauthorised use illegal
	Crystal Glass (Description) Regulations 1977 <ul style="list-style-type: none"> control description of crystal glass products
	Education Reform Act 1988 <ul style="list-style-type: none"> prohibits granting of degrees by unrecognised institutions
	Ecodesign for Energy-Using Products Regulations 2007 <ul style="list-style-type: none"> establish standards of ecodesign for energy-using products
	EC Fertilisers (England and Wales) Regulations 2006 <ul style="list-style-type: none"> establish composition and labelling requirements for fertilisers
	Eggs and Chicks (England) Regulations 2009 <ul style="list-style-type: none"> control the labelling of eggs and time limits within which they may be sold set down standards for marketing eggs as 'free-range'
	Electromagnetic Compatibility Regulations 2006 <ul style="list-style-type: none"> ensure that equipment does not emit electromagnetic interference
	Electro-medical Equipment (EEC Requirements) Regulations 1988 <ul style="list-style-type: none"> control marking of electro-medical equipment
	Energy Information (Combined Washer Driers) Regulations 1997 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Dishwashers) Regulations 1999 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Household Air Conditioners) (No 2) Regulations 2005 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Household Electric Ovens) Regulations 2003 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Lamps) Regulations 1999 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Household Refrigerators and Freezers) Regulations 2004 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Tumble Driers) Regulations 1996 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances
	Energy Information (Washing Machines) Regulations 1996 <ul style="list-style-type: none"> require energy efficiency information to be marked on appliances

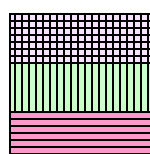


Protecting Young People
Protecting our Environment
Product Safety

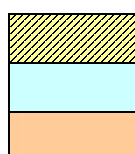


Food Quality and Safety
Fair Trading
Animal Health & Welfare

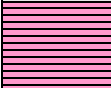




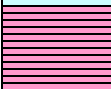


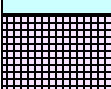




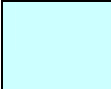
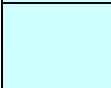
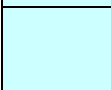
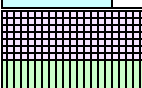

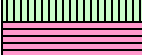
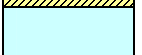

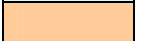
PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 <ul style="list-style-type: none"> lay down requirements for the production of energy performance certificates when buildings are constructed, sold or rented out
	Estate Agents Act 1979 <ul style="list-style-type: none"> controls activities of estate agents
	Explosives Act 1875 <ul style="list-style-type: none"> prohibits sale of gunpowder to under 16s
	Fair Trading Act 1973 <ul style="list-style-type: none"> promotes fair trading via the Business Advertisements (Disclosure) Order 1977 and the Consumer Transactions (Restrictions on Statements) Order 1976 (now available for historic offences only)
	Feed (Hygiene and Enforcement) (England) Regulations 2005 <ul style="list-style-type: none"> ensure verification of compliance with feed and food law
	Fireworks Act 2003 <ul style="list-style-type: none"> controls the sale and supply of fireworks and other explosives prohibits persons under 18 from possessing a firework in a public place
	Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005 <ul style="list-style-type: none"> set out requirements that the named products must meet if they are to be used for human consumption
	Food (Control of Irradiation) Regulations 1990 <ul style="list-style-type: none"> ensure that irradiated food is described as such and safe
	Food Hygiene (England) Regulations 2006 <ul style="list-style-type: none"> implement European measures to ensure food is fit for human consumption
	Food (Jelly Mini Cups) (Emergency Control) (England) Regulations 2009 <ul style="list-style-type: none"> suspend the placing on the market and import of jelly confectionery containing the food additive E425: Konjac
	Food Safety Act 1990 <ul style="list-style-type: none"> controls the description, composition and labelling of food
	Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006 <ul style="list-style-type: none"> make provision for a programme of vaccination against foot-and-mouth disease if necessary
	Footwear (Indication of Composition) Labelling Regulations 1995 <ul style="list-style-type: none"> ensure that footwear is marked with an indication of composition
	General Food Regulations 2004 <ul style="list-style-type: none"> lay down the general principles and requirements of European food law



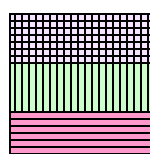
Protecting Young People
Protecting our Environment
Product Safety



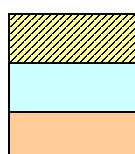
Food Quality and Safety
Fair Trading
Animal Health & Welfare

PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE			
	General Product Safety Regulations 2005 <ul style="list-style-type: none"> require products not controlled by other specific regulations to be safe 		
	Genetically Modified Animal Feed (England) Regulations 2004 <ul style="list-style-type: none"> control sale etc. of GM animal feed 		
	Genetically Modified Food (England) Regulations 2004		
	Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004 <ul style="list-style-type: none"> ensure the traceability and accurate labelling of GMOs 		
	Hallmarking Act 1973 <ul style="list-style-type: none"> controls the description and marking of goods as silver, gold and platinum 		
	Health and Safety at Work etc Act 1974 <ul style="list-style-type: none"> allows local authorities to enforce safety provisions 		
	Horse Passports (England) Regulations 2009 <ul style="list-style-type: none"> establish the horse passports scheme 		
	Housing Act 2004 <ul style="list-style-type: none"> establishes the requirement for Home Information Packs 		
	Licensing Act 2003 <ul style="list-style-type: none"> prohibits supply of alcohol to under 18s 		
	Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for weighing equipment that calculates the mass of bulk loads by subdividing it into discrete quantities 		
	Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for equipment for weighing railway vehicles 		
	Measuring Instruments (Automatic Catchweighers) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for weighing equipment for catchweight prepacks 		
	Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for weighing equipment that fills containers with a predetermined, constant mass from bulk 		
	Measuring Instruments (Beltweighers) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for beltweighers for bulk materials 		
	Measuring Instruments (Capacity Serving Measures) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for beer and wine glasses 		
	Measuring Instruments (Cold-water Meters) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for water meters 		
	Protecting Young People		Food Quality and Safety
	Protecting our Environment		Fair Trading
	Product Safety		Animal Health & Welfare

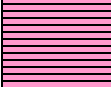




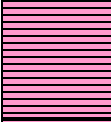


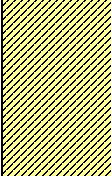
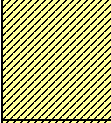
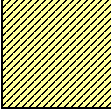
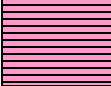
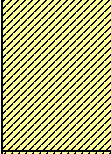

PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Measuring Instruments (EEC Requirements) Regulations 1988 <ul style="list-style-type: none"> establish a system of European approval for measuring instruments
	Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for petrol pumps
	Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for fuel tankers
	Measuring Instruments (Material Measures of Length) Regulations 2006 <ul style="list-style-type: none"> set out legal requirements for length measures
	Medical Devices Regulations 2002 <ul style="list-style-type: none"> control the marketing and labelling of medical devices
	Medicines Act 1968 <ul style="list-style-type: none"> controls labelling and advertising of medicated animal feed
	Non-automatic Weighing Instruments Regulations 2000 <ul style="list-style-type: none"> nnnnn
	Non Commercial Movement of Pet Animals (England) Regulations 2004 <ul style="list-style-type: none"> implement European rules on the non-commercial movement of pet animals
	Official Controls (Animals, Feed and Food) (England) Regulations 2006 <ul style="list-style-type: none"> implement various European rules about animal health, animal feed, and food safety that are not covered in existing UK regulations
	Official Feed and Food Controls (England) Regulations 2007 <ul style="list-style-type: none"> establish a system for verification of compliance with feed and food law
	Organic Products Regulations 2004 <ul style="list-style-type: none"> control the use of the term 'organic' to describe produce
	Package Travel, Package Holidays and Package Tours Regulations 1992 <ul style="list-style-type: none"> protect consumers who purchase package holidays
	Packaging (Essential Requirements) Regulations 2003 <ul style="list-style-type: none"> ensure that packaging is safe e.g. does not contain heavy metals
	Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001 <ul style="list-style-type: none"> require suppliers & dealers to provide information for consumers
	Personal Protective Equipment (EC Directive) Regulations 2002 <ul style="list-style-type: none"> require PPE to be safe
	Poisons Act 1972 <ul style="list-style-type: none"> controls the sale and labelling of certain listed poisons

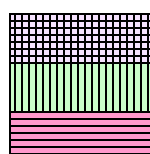


Protecting Young People
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Product Safety

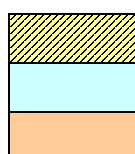


Food Quality and Safety
Fair Trading
Animal Health & Welfare


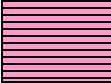


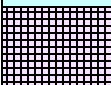

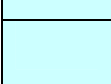
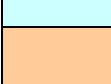




PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Pressure Equipment Regulations 1999 <ul style="list-style-type: none"> require pressure equipment to be safe
	Prices Act 1974 <ul style="list-style-type: none"> provides for the price of goods to be indicated by sellers
	Products of Animal Origin (Import and Export) Regulations 1996 <ul style="list-style-type: none"> regulate import & export of animal products
	Products of Animal Origin (Third Countries Import) (England) Regulations 2006 <ul style="list-style-type: none"> regulate import & export of animal products
	Property Misdescriptions Act 1991 <ul style="list-style-type: none"> controls the description of property by estate agents and developers
	Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 <ul style="list-style-type: none"> require RTTE equipment to satisfy certain essential requirements
	Recreational Craft Regulations 2004 <ul style="list-style-type: none"> require recreational craft to be safe
	Registration of Establishments (Laying Hens) (England) Regulations 2003 <ul style="list-style-type: none"> require egg producers to register
	Rice Products from the United States of America (Restriction on First Placing on the Market) (England) Regulations 2008 <ul style="list-style-type: none"> implement emergency measures regarding the non-authorised genetically modified organism "LL RICE 601" in rice products from the USA
	Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 <ul style="list-style-type: none"> establish salmonella prevention measures
	Scotch Whisky Regulations 2009 <ul style="list-style-type: none"> implement national rules on the manufacture, marketing, movement and presentation of Scotch Whisky
	Simple Pressure Vessels (Safety) Regulations 1991 <ul style="list-style-type: none"> require simple pressure vessels to be safe
	Specified Products from China (Restriction on First Placing on the Market) (England) Regulations 2008 <ul style="list-style-type: none"> implement emergency measures regarding the unauthorised genetically modified organism "Bt 63" in rice products from China
	Spirit Drinks Regulations 2008 <ul style="list-style-type: none"> implement European rules on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

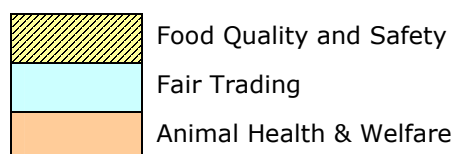
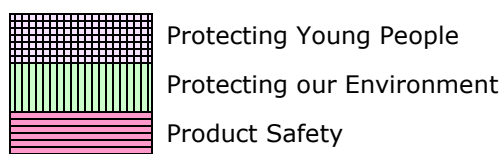


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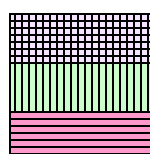


Food Quality and Safety
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Animal Health & Welfare

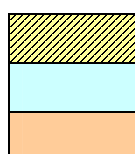
PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Swine Vesicular Disease Regulations 2009 <ul style="list-style-type: none"> provisions to prevent the spread of swine vesicular disease
	Supply of Machinery (Safety) Regulations 1992 <ul style="list-style-type: none"> require machinery to be safe
	Textile Products (Indication of Fibre Content) Regulations 1986 <ul style="list-style-type: none"> require that textile products are marked with an indication of composition
	Timeshare Act 1992 <ul style="list-style-type: none"> regulates the sale of timeshare properties and gives a cooling off period
	Tobacco Advertising & Promotion Act 2002 <ul style="list-style-type: none"> prohibits advertising and other means of promoting tobacco products
	Trade Descriptions Act 1968 <ul style="list-style-type: none"> prohibits false claims about Royal approval of goods and services
	Trade Marks Act 1994 <ul style="list-style-type: none"> prohibits unauthorised use of trade marks
	Transmissible Spongiform Encephalopathies (England) Regulations 2008 <ul style="list-style-type: none"> provisions to prevent the spread of transmissible spongiform encephalopathies (diseases such as BSE and Scrapie)
	Tryptophan in Food (England) Regulations 2005 <ul style="list-style-type: none"> prohibit the addition of tryptophan (an amino acid) to food, and the sale, offer for sale and exposure for sale of food containing tryptophan
	Weights and Measures Act 1985 <ul style="list-style-type: none"> regulates weights and measures equipment used for trade protects consumers against short weight or measure
	Weights and Measures (Packaged Goods) Regulations 2006 <ul style="list-style-type: none"> establish legal requirements for goods packed under the average quantity system
	Wine Regulations 2009 <ul style="list-style-type: none"> control descriptions and marketing of wine



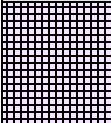
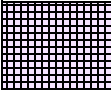



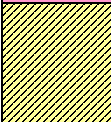
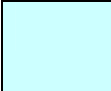
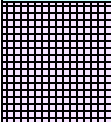
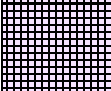

PART 2: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	Accommodation Agencies Act 1953 <ul style="list-style-type: none"> prohibits the taking of commission from people seeking rented accommodation
	Administration of Justice Act 1970 <ul style="list-style-type: none"> creates an offence of harassment of debtors or alleged debtors
	Aerosol Dispensers (EEC Requirements) Regulations 1977 <ul style="list-style-type: none"> controls quantity of goods sold in aerosols
	Animal Welfare Act 2006 <ul style="list-style-type: none"> prohibits the causing of unnecessary suffering to animals establishes a duty of care for persons responsible for an animal establishes means of disqualifying persons convicted of offences from being further involved with animals establishes a mechanism for taking possession of animals at risk
	Anti-social Behaviour Act 2003 <ul style="list-style-type: none"> prohibits sale of aerosol paint to under 16s
	Architects Act 1997 <ul style="list-style-type: none"> prohibits use of name "architect" by unregistered person
	Cancer Act 1939 <ul style="list-style-type: none"> prohibits claims concerning cures for cancer
	Charities Act 1992 <ul style="list-style-type: none"> controls activities of professional fundraisers
	Charities Act 2006 <ul style="list-style-type: none"> prohibits use of badges and certificates by unauthorised persons
	Companies Act 2006 <ul style="list-style-type: none"> requires sole traders and partnerships to state their trading details on their premises, stationery and websites prohibits fraudulent trading
	Companies (Trading Disclosures) Regulations 2008 <ul style="list-style-type: none"> requires limited companies to state their trading details on their premises, stationery and websites
	Consumer Protection (Distance Selling) Regulations 2000 <ul style="list-style-type: none"> prohibit demands for payment for unsolicited goods
	Crime and Disorder Act 1998 <ul style="list-style-type: none"> permits a local authority to obtain an anti-social behaviour order
	Criminal Attempts Act 1981 <ul style="list-style-type: none"> makes it unlawful to attempt to commit offences

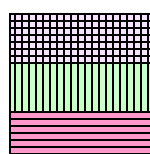


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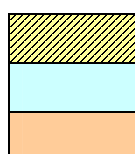


Food Quality and Safety
Fair Trading
Animal Health & Welfare

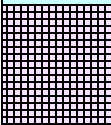

PART 3: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	Criminal Justice Act 1988 <ul style="list-style-type: none"> prohibits sale of knives and certain articles with blade or point to persons under 18
	Criminal Law Act 1977 <ul style="list-style-type: none"> creates the offence of conspiracy to commit other offences
	Crossbows Act 1987 <ul style="list-style-type: none"> prohibits supply of certain crossbows to persons under 17
	Customs & Excise Management Act 1979 <ul style="list-style-type: none"> prohibits the sale of tobacco that is not UK Duty Paid
	Enterprise Act 2002 <ul style="list-style-type: none"> prohibits traders from engaging in business practices that harm the collective interests of consumers establishes a mechanism for obtaining injunctions to stop such practices
	Farm and Garden Chemicals Act 1967 <ul style="list-style-type: none"> controls labelling of certain chemicals
	Food and Environment Protection Act 1985 <ul style="list-style-type: none"> aims to protect the public from food made unsafe through environmental factors such as radiation and use of pesticides
	Forgery and Counterfeiting Act 1981 <ul style="list-style-type: none"> prohibits forgery and counterfeiting of documents
	Fraud Act 2006 <ul style="list-style-type: none"> prohibits fraud by the making of false representations, by failing to disclose information, or by abuse of position
	Gambling Act 2005 <ul style="list-style-type: none"> outlaws chain gift schemes
	Intoxicating Substances (Supply) Act 1985 <ul style="list-style-type: none"> prohibits supply of solvents to under 18s if seller has reason to believe they will be abused
	Knives Act 1997 <ul style="list-style-type: none"> prevents the marketing and sale of combat knives
	Legal Services Act 2006 <ul style="list-style-type: none"> prohibits carrying on of certain reserved legal activities by a person who is not so entitled

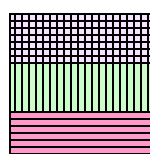


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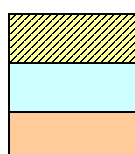


Food Quality and Safety
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Animal Health & Welfare

PART 3: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	<p>Magistrates Courts Act 1980</p> <ul style="list-style-type: none"> • makes it illegal to aid, abet, counsel or procure the commission of an offence
	<p>Malicious Communications Act 1988</p> <ul style="list-style-type: none"> • prohibits the sending or delivering of communications for the purpose of causing distress or anxiety • can be used to protect staff from harassment
	<p>Measuring Container Bottles (EEC Requirements) Regulations 1977</p> <ul style="list-style-type: none"> • requires manufacturers of measuring container bottles to conform to certain standards and keep records to demonstrate this
	<p>Merchant Shipping (Weighing of Goods Vehicles & Other Cargo) Regulations 1988</p> <ul style="list-style-type: none"> • requires weighbridges at ports to be accurate
	<p>Money Laundering Regulations 2007</p> <ul style="list-style-type: none"> • prohibits the use of the financial system for laundering the proceeds of crime
	<p>National Lottery etc Act 1993</p> <ul style="list-style-type: none"> • makes it unlawful to sell lottery tickets to under 16s or for someone aged under 16 to sell a lottery ticket
	<p>Olympic Symbol etc. (Protection) Act 1995</p> <ul style="list-style-type: none"> • prevents unauthorised use of the Olympic Games symbol and motto
	<p>Performing Animals (Regulation) Act 1925</p> <ul style="list-style-type: none"> • allows only registered persons to exhibit or train performing animals
	<p>Protection from Harassment Act 1997</p> <ul style="list-style-type: none"> • protects persons from harassment and similar conduct • can be used to protect staff
	<p>Road Traffic Act 1988</p> <ul style="list-style-type: none"> • sets out requirements for protective equipment for motorcyclists • prohibits use of overloaded goods vehicles on the road • prohibits supply of unroadworthy vehicles or parts
	<p>Road Traffic (Foreign Vehicles) Act 1972</p> <ul style="list-style-type: none"> • prohibits overloading by foreign goods vehicles

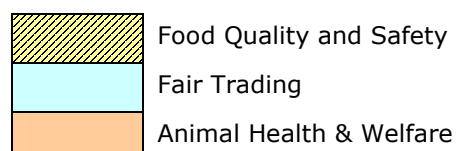
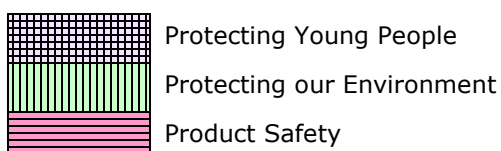


Protecting Young People
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Food Quality and Safety
Fair Trading
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PART 3: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	Solicitors Act 1974 <ul style="list-style-type: none"> • unlicensed person not to prepare certain instruments (conveyances)
	Theft Act 1968 <ul style="list-style-type: none"> • prohibits false accounting and going equipped to cheat
	Unfair Terms in Consumer Contracts Regulations 1999 <ul style="list-style-type: none"> • prohibit use of unfair terms in business-consumer contracts
	Unsolicited Goods and Services Acts 1971 <ul style="list-style-type: none"> • prevents demands for payment for unsolicited goods or unsolicited directory entries
	Veterinary Surgeons Act 1966 <ul style="list-style-type: none"> • prevents use of the term "vet" by unqualified persons



**Part 4:
Licensing Legislation**

	Animal Boarding Establishments 1963
	Breeding of Dogs Acts 1973 - 1991
	Dangerous Wild Animals Act 1976
	Explosives Act 1875
	Fireworks Acts 1951 & 2003
	Performance of Animals (Regs) Acts 1925
	Pet Animals Act 1951
	Riding Establishments Act 1964 to 1970
	Control of Horses Act 2014

Appendix B

Gwent Regional Trading Standards Guiding Principles

To establish a regional service that

- Improves levels of service to consumers and businesses through the sharing of staff, best practice methods and expertise;
- Is focussed on identifying and tackling the most significant risk to consumers, business and the community;
- Maximises resilience in a climate of reducing budgets and resources and is capable of tackling large scale or specialist crime;
- Is accountable to local members and with robust governance structure, underpinned by service level agreements;
- Maintains a local profile and presence within each local authority and with established networks, partners and key stakeholders;
- Operates within a wider context and streamlines contacts with regional services such as Gwent Police and Local Health Boards;
- Takes advantage of new opportunities to re-define a service that embraces new technologies and agile working;
- Adopts a variety of access methods to facilitate ease of contact;
- Maximises the potential to standardise performance and raise the profile of the service;
- Increases specialisation and expertise and has the flexibility to respond to changing levels of demand;
- Provides for development, improvement and innovation and optimises opportunities for re-investment in the service; (POCA; Primary Authority etc)
- Reduces duplication in cost and effort and achieves efficiencies through joint procurement and efficiencies of scale;
- Anticipates future challenges by embedding routine horizon-scanning.

Business Objective	Relative Timescale	Relative Value	Benefit by Stakeholder group
<p>BO1:</p> <p>Development of a robust and sustainable Regional Trading Standards service with a 3 year Business Plan that incorporates best practice, increased service resilience, improved efficiencies and standardized service delivery.</p>	<p>Med</p>	<p>High</p>	<p>Gwent Authorities – Synchronised working practices, increased resilience, Continuous improvement, economies of scale enabling focus of resources on consumer intervention and education</p> <p>Members – resilient service, regional intelligence and working, an operating model which better reflects regional delivery policies and contributes more readily to regional service with defined local priorities</p> <p>Welsh Assembly/WLGA – regional shared working, shared intelligence</p> <p>Local Businesses & Consumers – ‘joined up’ service, resilience, specialist knowledge, a larger service which is better able to meet complex challenges eg IP crime</p> <p>Trading Standards/Public Protection Staff – Improved career opportunities, greater concentration of colleagues, service resilience, responsive to change</p> <p>Other Council Departments</p> <p>Other public bodies, Gwent area – Police, Fire, Health Services – Consistent regional approach & shared intelligence, single point of contact</p> <p>TU - Improved career opportunities, greater concentration of colleagues, service resilience</p> <p>Professional Bodies, Government bodies & Government Agencies – professional development, more service resilience, capacity to deliver on statutory duties and legislation</p>

Business Objective	Relative Timescale	Relative Value	Benefit by Stakeholder group
<p>BO2:</p> <p>To investigate and evaluate knowledge sharing options, improve access to specialist knowledge/expertise and the development of centres of excellence.</p>	Med	Med	<p>Gwent Authorities & Members - Opportunities to share good practice, efficient working practices</p> <p>Welsh Assembly/WLGA – supporting the shared service ambition</p> <p>Local Businesses & Consumers – development of a streamlined/standardised/consistent regional service with access to specialist knowledge</p> <p>Trading Standards/Public Protection Staff - Opportunities to share good practice/processes & procedures</p> <p>Other Council Departments</p> <p>Other public bodies, Gwent area – Police, Fire, Health Services – access to centralised centres of expertise and knowledge</p> <p>TU – ‘Specialist’ development opportunities for TU members</p> <p>Professional Bodies, Government bodies & Government Agencies – Development of regional ‘specialists/centres of excellence</p>

Business Objective	Relative Timescale	Relative Value	Benefit by Stakeholder group
<p>BO3:</p> <p>Investigate and evaluate opportunities for innovative technical and agile working practices.</p>	Short	High	<p>Gwent Authorities & Members – Lower running costs, more efficient ways of working, maximising staff time, more resources</p> <p>Welsh Assembly/WLGA – streamline service, increased efficiencies in use of available resources</p> <p>Local Businesses & Consumers – opportunities for a more responsive and ‘interactive’ service</p> <p>Trading Standards/Public Protection Staff - More resilient efficient service,</p> <p>Other Council Departments – Opportunities to share principles/knowledge from the development of innovative/agile working practices</p> <p>Other public bodies, Gwent area – Police, Fire, Health Services – effective and ‘timely’ opportunities for regional information/knowledge sharing</p> <p>TU – streamline service, increased efficiencies in use of available resources</p> <p>Professional Bodies, Government bodies & Government Agencies – Opportunities to share principles/knowledge from the development of innovative/agile working practices</p>

Business Objective	Relative Timescale	Relative Value	Benefit by Stakeholder group
<p>BO4:</p> <p>Develop a structured regional enforcement strategy that enables effective information sharing and working practices with partner agencies.</p>	Long/Med	Med	<p>Development of a Regional Intelligence & Enforcement strategy– more effective in fighting and preventing consumer crime, beneficial to all stakeholders:-</p> <p>Gwent Authorities Members</p> <p>Welsh Assembly/WLGA</p> <p>Local Businesses</p> <p>Consumers</p> <p>Trading Standards/Public Protection Staff</p> <p>Other Council Departments</p> <p>Other public bodies, Gwent area – Police, Fire, Health Services</p> <p>TU</p> <p>Professional Bodies, Government bodies & Government Agencies</p>

Business Objective	Relative Timescale	Relative Value	Benefit by Stakeholder group
<p>BO5:</p> <p>The creation of a collaborative model that may be used as a benchmark for regional working.</p>	Med	Med	<p>A tried and tested model that can be used for others has benefits across the stakeholder groups:-</p> <p>Gwent Authorities</p> <p>Members</p> <p>Welsh Assembly/WLGA</p> <p>Local Businesses</p> <p>Consumers</p> <p>Trading Standards/Public Protection Staff</p> <p>Other Council Departments</p> <p>Other public bodies, Gwent area – Police, Fire, Health Services</p> <p>TU</p> <p>Professional Bodies, Government bodies & Government Agencies</p>

Gwent Trading Standards Project

Appendix D

Service Specific Risk Appraisal

Risk Categories	Description of Risk	Score (L X I)	Mitigation
Business/ Financial	Failure to agree the method for calculating proportional contribution	4 x5 = 20	Effective dialogue as part of Business case preparation
	Inability to achieve cashable savings	2 x 4 = 8	Efficiencies will be identified through the project
	Inaccurate estimation of costs and savings in the Business Case could lead to the level of costs and savings not being as forecast resulting in the unexpected costs for the partner authorities	1 x 4 = 4	Application of robust financial preparation and management will form key part of Business Case preparation
	Failure of the regional service, leads to the partner authorities to re-establish separate services resulting in increased costs	1 x 4 = 4	Effective management and governance arrangements
Legal	Legal challenge to transfer or unfair dismissal claims results in increased costs or delays	2 x 3 = 6	Use of HR and legal advice and open and consultative approach with staff
	Future prosecutions brought by the joint service are challenged on the basis of the legality of the joint service	1 x 3 = 3	Use of legal teams to advise on process
	Insufficient legal resource to support the service	3 x 4 = 12	Discussions and agreement of a way forward with legal service
	If each of the five authorities undertakes those prosecutions where the offence arises within their area, the potential for an inconsistency of approach across the region will exist.	3 X 3 = 9	The five authorities to work together to determine and agree a consistent approach to prosecution work, that will be adopted across the region.
Reputational	Local Members feel disengaged with the regional service	2 X 3 = 6	Governance arrangements and effective engagement strategy
	Failure of regional service leads to damage the reputations of all partner authorities	1 x 2 = 2	Effective governance and management of service

Stakeholder	Stakeholders do not support the proposal for a regional service leading to legal challenge	1 x 2 = 2	Effective consultation & communication
	Consumers and businesses perceive that the regional service does not effectively meet their needs resulting in stakeholder dissatisfaction	1 x 2 = 2	Effective consultation & communication
	Increased no of referrals from CACs, as a result of a possible change in strategy relating to publicity of service (External) and leading to an increased volume of service referrals.	1 x 2 = 2	Review of service priorities
Human Resources	Staff dissatisfaction as a result of changes/the levels of savings across the public sector result in a negative impact on front-line work	2 x 3 = 6	Full engagement with staff and TU and close working with HR
	Teething problems in establishing a fully integrated regional team leads to a distraction from the day job (managers and staff) resulting in a negative impact on the quality of service provided.	3 x 2 = 6	Good planning, effective consultation and good management
	TUPE transfer issues incl. salary differences between staff undertaking the same roles	2 x 2 = 4	Full engagement with staff and TU and close working with HR
	Problems liaising across the five authorities	2 x 2 = 4	Effective communication governance arrangements
IT	Technological issues prevent agile working	4 x 5 = 20	Engage fully with IT services
	Set up costs for agile working prohibitive	3 x 4 = 12	RCF funding has been allocated
	WPC package delivery date delayed	4 x 2 = 8	Interim arrangement would be put in place

Appendix E

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Gwent Trading Standards Project To review the options for the development of a Trading Standards service across Gwent, developing a Business Case to enable a regional service.
Name of official:	Rob Hartshorn
Department:	Caerphilly CBC, Public Protection
Date:	Aug 14
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

The overall objective of the project is the development of a Regional Trading Standards Service for Gwent.

Intended key beneficiaries encompass Consumers and Businesses across the region, together with intelligence sharing with other public bodies such as the Police, Fire and Health services.

This will be achieved through the creation of a single service, multi-site, with a lead authority, that employs all Trading Standards staff and provides an efficient, effective and robust regional service.

The Business Case will be presented to each of the collaborating councils for approval in Sept/Oct 14. If approved, implementation will take place early 2015.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

One of the key project documents developed has been a Communication Strategy, which identifies the stakeholders together with both their communication needs and appropriate methods of communication/engagement.

The Communication strategy to be amended, as appropriate, during the course of the project. Internally stakeholders are being communicated/engaged with through a variety of means including newsletters, workshops, team meetings, e-mails and reports.

Externally communication/engagement will be through a combination of website updates, press releases and a consumer questionnaire.

Each of the 5 local authorities in the region has in place a Strategic Equality Plan (as required by the *Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011*) that includes local guidance on Consultation and Monitoring of people with protected characteristics (e.g. Caerphilly CBCs *Strategic Equality Objective 5 - Engagement and Participation* and the associated guidance document) and these contacts can also be used to ensure compliance with the legal duty.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The business case will be developed utilising information from a variety of sources, including: service data for existing provision, budgetary information, corporate and strategic priorities, business intelligence reports and related policy/strategy proposed by relevant institutions ie TSI, other public bodies, government agencies etc.

In terms of protected characteristics, the data from the 2011 Census will help provide a regional picture of the population both as customers and employees.

The evidence will provide a very comprehensive body of information on which to develop a business case.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young people, up to 18)	✓			Through the positive effects of the work undertaken by TS to prevent underage sales of alcohol, fireworks and age-inappropriate publications.
People 18-50			✓	Covered by the general work already undertaken by TS.
Older people (50+)	✓			Through various consumer protection schemes such as the prevention of doorstep crime etc

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	✓			Through targeted work undertaken by TS that would be a greater possibility through regional working.
Hearing impairment	✓			As above.
Physically disabled	✓			As above.
Learning disability	✓			As above.
Mental health problem	✓			As above.
Other impairments issues	✓			As above.

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			✓	Covered by the general work already undertaken by TS.
Female			✓	As above.

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
	✓			Through targeted work undertaken by TS that would be a greater possibility through regional working.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage	✓			Through targeted work undertaken by TS that would be a greater possibility through regional working.
Civil Partnership	✓			As above.

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			✓	Covered by the general work already undertaken by TS.
Maternity (the period after birth)			✓	As above

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,	✓			Through targeted work undertaken by TS that would be a greater possibility through regional working.
National Origin (e.g. Welsh, English)	✓			As above.
Asylum Seeker and Refugees	✓			As above.
Gypsies and Travellers	✓			As above.
Migrants	✓			As above.
Others	✓			As above.

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)	✓			Through targeted work undertaken by TS that would be a greater possibility through regional working.
Belief e.g. Humanists	✓			As above.
Non-belief	✓			As above.

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men	✓			Through targeted work undertaken by TS that would be a greater possibility through regional working.
Lesbians	✓			As above.
Bi-sexual	✓			As above.

4.10 Do you think that this policy will have a positive or negative impact on people’s human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions			✓	Covered by the general work already undertaken by TS.

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.



Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

A regional service will enable cross-boundary intelligence and provide both consumers and businesses with service consistency, protection and advice that is not inhibited by local authority boundaries.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

A regional service will provide a centralised information base and standardised operational procedures.

The overall Trading Standards function is of particular value to individuals covered by the Equality Act 2010 as they can be at greater risk of fraudulent and/or criminal behaviour when purchasing goods and services (eg older people, people with physical or learning disabilities etc), or at greater risk of being denied goods or services (e.g. due to their race, or real or assumed sexual orientation).

It would also help in pooling existing Equalities and Welsh language provision between the 5 councils across the region, to work with a regional Trading Standards provision that would be able to far better target and reach the harder-to-reach groups in the community.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

A regional service will provide a single point of contact for information gathering and dispersal, providing a consolidated regional link with other public bodies/community groups etc.

Trading Standards work with traders from all backgrounds to ensure compliance with current legislation and for example has provided specific and targeted guidance in a range of languages, where required.

By working regionally, TS can access the support of the 5 councils' Equalities and Welsh language staff, as well as the regional community cohesion coordinators and the Hate Crime staff of Heddlu Gwent etc to ensure that any disputes that may arise between a customer and trader that has elements of discrimination or cohesion issues is properly signposted and dealt with at the right level of intervention.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

Through the post-implementation service review, on-going performance monitoring and consultation with stakeholders.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

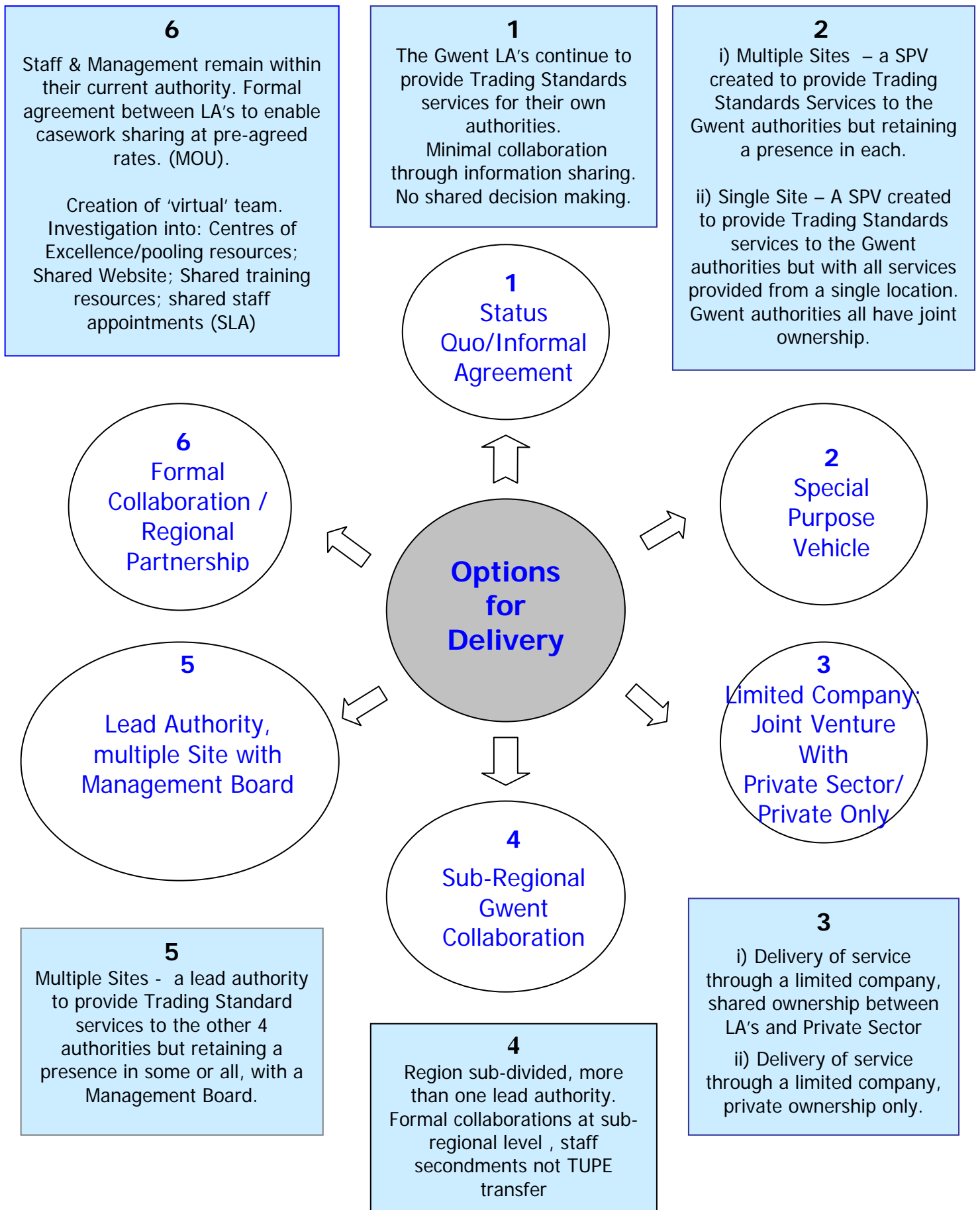
4. Declaration

***Please delete as appropriate:**

The policy *does / does not have a significant impact upon equality issues

Official completing the EIA
Name:
Alison Evans
Department:
Trading Standards Service, Caerphilly CBC
Date:
26/02/14
Signature:
Head of Division (Sign-off)
Name:
Robert Hartshorn
Job title and department:
Head of Public Protection, Caerphilly CBC
Date:
26/02/14
Signature:
Review Date:





Option 4 – Further Information

- The act of Delegation should not create a contract and therefore EU procurement would not apply to any delegatory arrangements
- A Lead Authority is a legal entity and can therefore enter into contracts when fulfilling its delegatory duty
- A Joint Committee is not a legal entity and therefore can make decisions but not enter into contracts

Where the collaborative purpose is to share delivery of a service then the delegation of the function to the lead authority could achieve this purpose. This could then be complemented by a Joint Committee to provide oversight of the lead authority.

Alternatively the delegation of functions could be to the Joint Committee, which then charges a lead authority enter into contracts and hold property on its behalf.

Long Listed Options:

1. Status Quo / Informal Agreement
2.
 - i) Special Purpose Vehicle – Multiple Sites
 - ii) Special Purpose Vehicle – Single Site
3.
 - i) Limited Company – Private/Public Sector
 - ii) Limited company – Totally Private
4. Sub-Regional Gwent Collaboration
5. Lead Authority / Multiple Site with Management Board
6. Formal Collaboration

Gwent Trading Standards Project

DRAFT

