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Date: 11th March 2015

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 18th March, 2015** at **2.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest. Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
To approve and sign the following minutes: -	
3 Special Cabinet held on 25th February 2015.	1 - 2
4 Cabinet held on 4th March 2015.	3 - 4

A greener place Man gwyrddach



To receive and consider the following reports on which executive decisions are required: -

5	Land at Hendredenny, Caerphilly.	5 - 10
6	Former Caerphilly Library, Morgan Jones Park.	11 - 16
7	Gwent Trading Standards Project.	17 - 160
8	Gwent Substance Misuse Area Planning Board - Memorandum of Understanding.	161 - 164
9	Response Repairs Policy.	165 - 186
10	Rechargeable Repairs Policy.	187 - 214

Circulation:

Councillors Mrs C. Forehead, D.T. Hardacre, K. James, Mrs B. A. Jones, G. Jones, Mrs R. Passmore, D.V. Poole, K.V. Reynolds, T.J. Williams and R. Woodyatt,

And Appropriate Officers.



CABINET

MINUTES OF THE SPECIAL MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 25TH FEBRUARY 2015 AT 2.00 P.M.

PRESENT:

Councillor K.V. Reynolds - Chair

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), G. Jones (Deputy Leader and Cabinet Member for Housing), D.T. Hardacre (Performance and Asset Management), Mrs B.A. Jones (Deputy Leader and Cabinet Member for Corporate Services), K. James (Regeneration, Planning and Sustainable Development), Mrs R. Passmore (Education and Lifelong Learning), D.V. Poole (Community and Leisure Services), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

Together with:

C. Burns (Interim Chief Executive), N. Scammell (Acting Director of Corporate Services and S.151 Officer), D. Street (Corporate Director Social Services).

Also in Attendance:

S. Harris (Acting Head of Corporate Finance), S.M. Kauczok (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

RECOMMENDATIONS TO COUNCIL

3. TREASURY MANAGEMENT ANNUAL STRATEGY, CAPITAL FINANCE PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION POLICY FOR 2015/2016

The Acting Head of Corporate Finance presented the report, which sought approval of the following:-

- The Authority's Annual Strategy for Treasury Management;
- A dataset of Prudential Indicators relevant to Treasury Management and Capital Finance.

- The Minimum Revenue Provision (MRP) policy to be adopted by the Authority for 2015/2016.
- To move away from the current risk averse investment strategy of lending to the Debt Management Office and re-establish lending to financial institutions in accordance with the report that was presented to the Policy and Resources Scrutiny Committee on 8th December 2014.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RECOMMENDED that for the reasons contained in the officer's report:-

1. The Annual Strategy for Treasury Management 2015/2016 be approved.
2. The strategy be reviewed quarterly within the Treasury Management monitoring reports presented to Policy and Resources Scrutiny Committee and any changes recommended be referred to Cabinet, in the first instance and to Council for a decision. The Council will also receive a half-yearly report on Treasury Management activities.
3. The Prudential Indicators for Treasury Management be approved as per Appendix 5.
4. The Prudential Indicators for Capital Financing be approved as per Appendices 6 and 7.
5. Members approve the use of Option 2 (for supported borrowing) and Option 3 Equal Instalment Method (for unsupported borrowing) for MRP purposes for 2015/2016.
6. The Authority adopt the recommendations as set out in the 8th December 2014 Policy and Resources Scrutiny Committee report and lend to financial institutions in accordance with the minimum credit rating criteria disclosed within the report.
7. The Authority borrow £12.3m for the General Fund to support the 2015/2016 capital programme and an indicative amount of £75.4m for the HRA to exit the Subsidy system.
8. The Authority adopt the investment grade scale as a minimum credit rating criteria as a means to assess the credit worthiness of suitable counterparties when placing investments.
9. The Authority adopt the revised monetary and investment duration limits as set out in Appendix 3 of the report.

The meeting closed at 2.05 p.m.

Approved and signed as a correct record subject to any corrections made at the meeting held on 18th March 2015.

CHAIR



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 4TH MARCH 2015 AT 2.00 P.M.

PRESENT:

Councillor K.V. Reynolds - Chair

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), G. Jones (Deputy Leader and Cabinet Member for Housing), D.T. Hardacre (Performance and Asset Management), Mrs B.A. Jones (Deputy Leader and Cabinet Member for Corporate Services), K. James (Regeneration, Planning and Sustainable Development), Mrs R. Passmore (Education and Lifelong Learning), D.V. Poole (Community and Leisure Services), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

Together with:

C. Burns (Interim Chief Executive), D. Street (Corporate Director Social Services). T. Maher (Assistant Director Planning and Strategy).

Also in Attendance:

R. Hartshorn (Head of Public Protection), S.M. Kauczok (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CABINET

RESOLVED that the minutes of the meeting held on 18th February 2015 be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. PUBLIC PROTECTION ENFORCEMENT POLICY

The report which sought approval of a revised Public Protection Enforcement Policy, was considered by the Regeneration and Environment Scrutiny Committee on 17th February 2015.

The Public Protection Division has a major regulatory role in protecting the environment and ensuring a safe, healthy and prosperous community for citizens, businesses and visitors. In order to ensure a fair and consistent approach to its enforcement responsibilities, the Division developed an Enforcement Policy which was last approved in 2011. The Policy requires updating due to changes in legislation and the range of sanctions available to the Division.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report, the revised Public Protection Enforcement Policy be approved.

RECOMMENDATIONS TO COUNCIL

5. ADOPTION OF POLICIES IN RELATION TO THE MOBILE HOMES (WALES) ACT 2013

The report outlined changes to the legislation applicable to mobile homes prior to presentation of the report to Council to amend the Council's Constitution to include The Mobile Homes (Wales) Act 2013. Officers within the Public Protection Division require additional authorisation under the Act in order to enforce the legislation and carry out their duties.

The report also sought approval for the adoption of the Fees and Fines Policy (Appendix 1), including minimum charges for the taking of enforcement action and the Fit and Proper Persons Policy (Appendix 2).

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RECOMMENDED that for the reasons contained in the officer's report: -

1. The implementation of the legislation be noted and the recommended changes to the Council's Constitution be referred to Council for determination. The Council's Monitoring Officer make the necessary amendments to the Council's Constitution.
2. The Council's Constitution and Terms of Reference be amended by adding the following:
 - The Mobile Homes (Wales) Act 2013
3. Officers within the Public Protection Division be authorised under The Mobile Homes (Wales) Act 2013 in order to enforce the legislation and carry out their duties.
4. The Fees and Fines Policy (Appendix 1) including minimum charges for the taking of enforcement action be approved.
5. The Fit and Proper Persons Policy (Appendix 2) be approved.

The meeting closed at 2.20 pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 18th March 2015.

CHAIR



CABINET – 18TH MARCH 2015

SUBJECT: LAND AT HENDREDENNY, CAERPHILLY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

1.1 To seek Cabinet's view on the sale of land at Hendredenny for access purposes.

2. SUMMARY

2.1 Mid Glamorgan County Council acquired the land shown cross-hatched on the plan in 1989 to create a turning bay for buses – this has never been constructed and the land is surplus to requirements.

2.2 Redrow has an option to purchase the site edged black on the plan. They have applied to purchase the cross-hatched land to create an access into this potential development site.

2.3 Whilst there are possible alternative access points, the Council land appears to be the most suitable.

2.4 In principle, there is no objection to the sale of the land to Redrow, subject to the site being granted planning permission.

2.5 Local members object to the disposal.

3. LINKS TO STRATEGY

3.1 The disposal of this site would contribute to the following strategic objective

Priority P2 of the Single Integrated Plan: *“Improve standards of housing and communities giving appropriate access to services across the borough”*

3.2 Under its approved Asset Management Objectives, the Authority aims to manage its land and buildings effectively, efficiently, economically, and provide a safe, sustainable and accessible living and working environment for all users.

3.3 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.

4. THE REPORT

4.1 The Council's predecessor acquired the land shown cross-hatched on the plan (“the cross-hatched land”) in 1989 to create a turning bay for buses – this has never been constructed and the land is surplus to requirements.

4.2 Redrow has an option to purchase the 27-acre site edged black on the plan.

4.3 **Planning Issues**

1. The black-edged area is outside the settlement boundary but is being promoted as an LDP 1st Review Candidate Site, and may be subject to a planning application in the near future. The site lies outside of the settlement boundary and is also designated as a green wedge and a Special Landscape Area; a Site of Importance for Nature Conservation is also located on the boundary of the development site.
2. Redrow has submitted an application to acquire the cross-hatched land to create an access to the proposed development; this land lies within the settlement boundary. Redrow has stressed that there are several potential alternative access points to the proposed development, these being via the land shown hatched on the plan ("the hatched land") or via Brigham, Dunraven, Rhuddlan or Chester Court.
3. Highways have indicated that the site could be accessed from the variety of points indicated, those being the cul-de-sacs, the CCBC land, or the hatched land but this will be dependent on the density of the development served off them (or a variety of them all). If there is to be a single point of entry, the CCBC land would be most suitable to serve circa 250 units. However, this will be dependent upon the findings of a Transport Assessment (TA), which will determine if there is sufficient capacity on the highway network for the development and at what density. It is understood that a TA is currently being prepared and therefore further comments will need to be made upon submission of this further information as part of the LDP Candidate Site process.
4. The Tree Officer has concerns, to varying degrees, regarding several of the access points, including the CCBC land, which contains a large and prominent oak tree of considerable amenity value. The suitability of the access in terms of trees and hedgerows needs to be balanced against the suitability of the access in highway safety terms and this matter will need to be considered as part of the planning application and/or candidate site process to ensure any impact is minimised.

4.4 Local members object to the sale of the cross-hatched land for access use, on the grounds that

- i. the hedgerows form an important wildlife corridor; and
- ii. any additional development will overload the traffic network.

Officers consider these objections to be planning matters, which will be dealt with at the planning application stage; the highway issue will be properly dealt with by the TA referred to at paragraph 4.3 above.

4.5 In summary, officers have no objection to the sale of the cross-hatched land to Redrow, subject to the site being granted planning permission. These comments have been made without prejudice to the outcome of any future planning application or the LDP 1st Review Candidate Site process.

5. **EQUALITIES IMPLICATIONS**

5.1 An EQIA screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or negative impact have been identified, therefore a full EQIA has not been carried out.

6. **FINANCIAL IMPLICATIONS**

6.1 The sale of the cross-hatched land will produce a capital receipt.

7. PERSONNEL IMPLICATIONS

7.1 There are none.

8. CONSULTATIONS

8.1 Local members object to the sale of the cross-hatched land for access use, on the grounds that the hedgerows form an important wildlife corridor and any additional development will overload the traffic network.

8.2 There are no other views as a result of the consultation which differ from those contained in the report. Members are asked to note that, although not formally consulted on the report, the office of Jeff Cuthbert AM has made representations on behalf of his constituents, which representations are reflected in the report.

9. RECOMMENDATION

9.1 The cross-hatched land is sold to Redrow, on terms to be negotiated, subject to planning permission being obtained for the development of the land edged black.

10. REASONS FOR THE RECOMMENDATION

10.1 The land is surplus to the Council's requirements.

10.2 The sale will produce a capital receipt.

11. STATUTORY POWER

11.1 Local Government Act 1972, Section 123. This is a Cabinet function.

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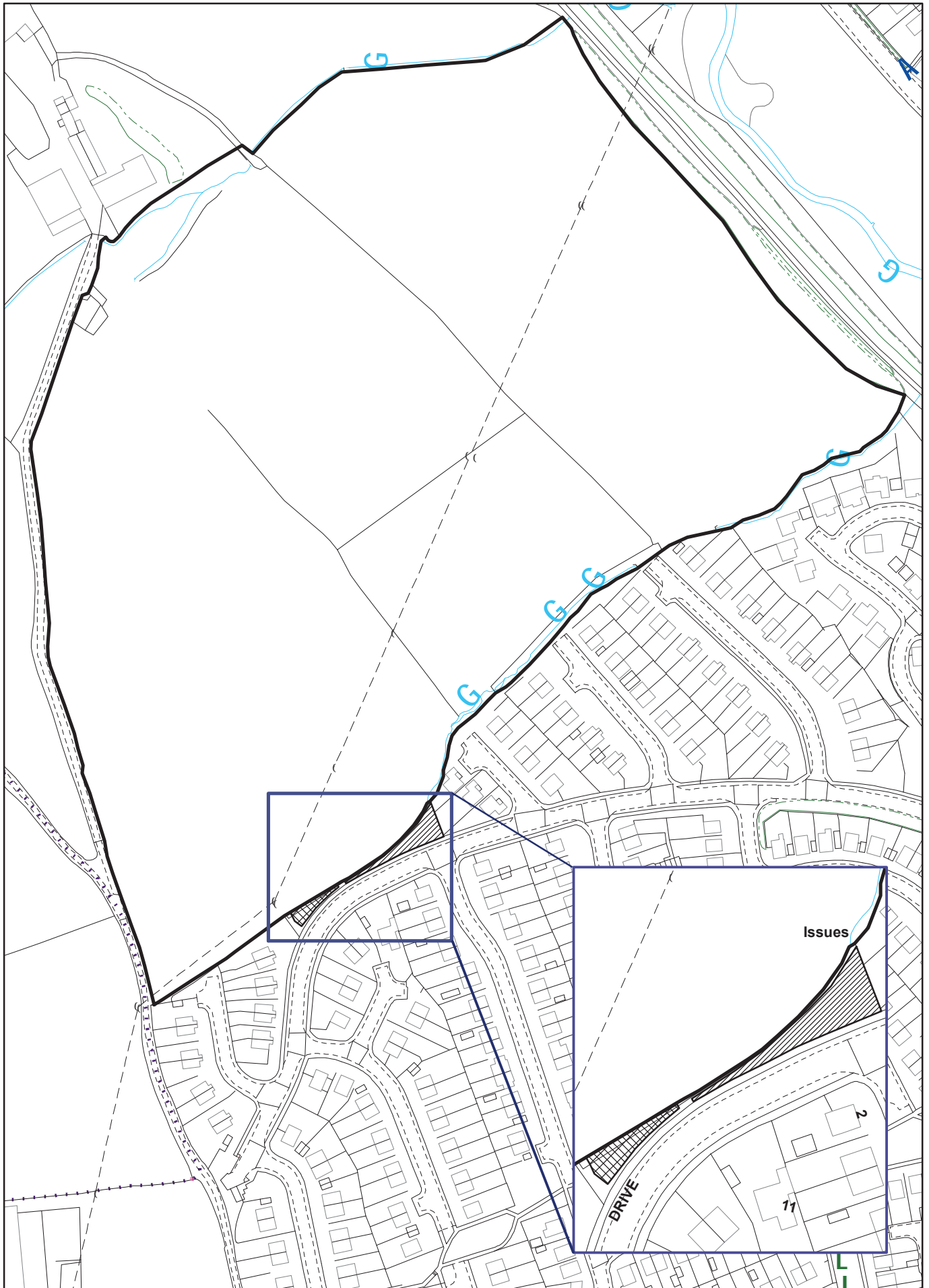
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Background Papers:

The Property file (PReMIS ID 6478) can be inspected at Tredomen House

Appendices:

Appendix 1 Plan showing the land referred to



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CABINET – 18TH MARCH 2015

SUBJECT: FORMER CAERPHILLY LIBRARY, MORGAN JONES PARK

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet's approval of Asset Management Group's (AMG) recommendation for the preferred end use, following consideration of all business proposals submitted. The recommendation is to dispose of the site via a leasehold disposal to the most favourable proposal.

2. SUMMARY

- 2.1 The former Caerphilly Library site was declared surplus to the requirements of the holding Service in December 2013, and no ongoing operational use has been identified.
- 2.2 Cabinet, on 4th June 2014, resolved to adopt Option 2 set out in the report:
- To offer, via freehold sale or leasehold disposal, the opportunity for interested parties to submit detailed proposals and supporting business cases for acquisition of the former library be approved.
 - A further report be submitted outlining AMG recommendations for the preferred end use following consideration of any business proposal submitted.
 - The decision regarding the detailed terms of the sale or lease be delegated to the Head of Performance and Property and Cabinet Member for Performance Property and Asset Management.
- 2.3 Following Cabinet's decision, a formal assessment process was established to take Option 2 forward.
- 2.4 Of the 19 initial expressions of interest, 5 full applications were submitted and these have been fully assessed.
- 2.5 The findings were presented to the AMG on Tuesday 17th February, who agreed unanimously to recommend supporting a community café proposal.
- 2.6 In line with the previous decision, Cabinet is now asked to approve the recommendation of the Asset Management Group for the preferred end use following consideration of all business proposals submitted. Following approval, to delegate the decision regarding the detailed terms of the sale or lease to the Head of Performance and Property and Cabinet Member for Performance, Property and Asset Management.

3. LINKS TO STRATEGY

- 3.1 Under its approved Asset Management Objectives, the Authority aims to manage its land and buildings effectively, efficiently, economically, and provide a safe, sustainable and accessible living and working environment for all users.
- 3.2 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.
- 3.3 Asset Transfer and community use of assets, will support the Welsh Government agenda One Wales – progressive agenda for the Governance of Wales, which emphasises the potential for Social Enterprise to meet a variety of social, economic and environmental needs.

4. THE REPORT

- 4.1 The former Caerphilly Library site was declared surplus to the requirements of the holding Service in December 2013, and no ongoing operational use has been identified.
- 4.2 At the point of building closure, there had been a large number of speculative enquiries from third party groups and organisations interested in acquiring the site. Local Members wished to see an on going community use rather than disposal on the open market and as such, Cabinet, on 4th June 2014, resolved to adopt Option 2 set out in the report;
 - To offer, via freehold sale or leasehold disposal, the opportunity for interested parties to submit detailed proposals and supporting business cases for acquisition of the former library be approved.
 - A further report be submitted outlining AMG recommendations for the preferred end use following consideration of any business proposal submitted.
 - The decision regarding the detailed terms of the sale or lease be delegated to the Head of Performance and Property and Cabinet Member for Performance Property and Asset Management.
- 4.3 A formal assessment process was established to implement Option 2 and applications were invited from all interested parties. The assessment considered the following criteria:
 - Proposals for the use and maintenance of the asset;
 - Benefits to the authority, the community based group (if applicable) and wider community, together with planned outcomes;
 - Consideration of whether there are, and will continue to be, any conflicts/overlap of other similar facilities in the locality;
 - Affordability information and evidence of financial support for future development, the detail of which to reflect the scale of the asset that is being considered;
 - Liabilities and how these will be addressed.
- 4.4 The Council provided details of the market valuation for purchase or lease, along with details of the most recent condition survey. This identified that a capital expenditure amounting to circa **£150k** would be necessary over a 5-year period. We also included a summary of the most recent running costs to assist the applicants in preparing their cash flow projections. Applicants were asked to include their bid and state their preference for either purchase or lease in their submission against these expectations.

- 4.5 Of the 19 expressions of interest, 5 full business case applications were submitted by the closing date of 28th November 2014.
- 4.6 The applications were:
- (a) A specialist day care centre for profoundly disabled young adults, with potential additional community use;
 - (b) A community café with focus on family and youth facilities and future community room;
 - (c) A community venue offering several elements including affordable child care and café facility with additional community facilities;
 - (d) A replacement hall for a uniformed youth organisation with potential additional community use; and
 - (e) A replacement venue for boxing gymnasium facility.
- 4.7 Following receipt of these applications, due to the nature of the proposals and in the interests of transparency and fairness, a consultation exercise was implemented to seek the views of various service areas; Community Education, Community Regeneration, Early Years, Flying Start, Finance, Legal Services, Planning and Engineering Services, Social Services and Youth Services. Officer feedback aided the evaluation and scoring of the various proposals.
- 4.8 The evaluation and scoring information was presented to the Asset Management Group (AMG) on 17th February. The AMG consists of the following officers; Nicole Scammell, Acting Director of Corporate Services & s 151 Officer, Councillor David Hardacre, Cabinet Member for Performance, Property & Asset Management, Colin Jones, Head of Performance and Property, Pauline Elliott, Head of Regeneration & Planning, Tim Broadhurst, Section Head - Estates and John Thomas Section Head - Asset Management.
- 4.9 **The community café proposal with family and youth focus (b above)** scored most highly and the evaluation has been supported by the AMG. The Group agreed unanimously in favour of supporting the café submission and, therefore, a recommendation is now made for Cabinet to support this proposal.
- 4.10 The facility will operate as a community café established as a Community Interest Company. The facility will be available to all, with family and youth focus e.g. free soft play area, baby change and free wifi. There is also an aim to develop further community facilities, such as a community room available for hire once the café is trading. The application includes a bid at full market rent and confirms that finances are in place to fund some basic up front building work, decoration and acquisition of equipment prior to opening. The proposal advises that there will be continued investment into the building once the café is trading with a percentage of the profits reinvested year on year. The proposal also creates employment and work placement opportunities from start up.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

6. FINANCIAL IMPLICATIONS

- 6.1 The leasehold disposal of the land will produce a revenue stream and relieve the Council of its maintenance obligations.

6.2 There will be annual revenue savings to the Council for not holding the asset. For example, for 2012/2013, the building running costs were circa £21k, this sum includes general utilities and NNDR. Some liabilities will be ongoing whilst the building remains the responsibility of the Council.

7. PERSONNEL IMPLICATIONS

7.1 There are none.

8. CONSULTATIONS

8.1 The views of the service areas detailed above were included during the assessment process and their comments and feedback have been taken into account when evaluating each submission.

8.2 Councillors Bevan and Pritchard have advised that they support the Asset Management Group recommendation to Cabinet.

9. RECOMMENDATIONS

9.1 In line with the previous decision of Cabinet in approving Option 2, Cabinet is now asked to approve the recommendation of the Asset Management Group for the preferred end use following consideration of all business proposals submitted.

9.2 Delegate the decision regarding the detailed terms of the sale or lease to the Head of Performance and Property and Cabinet Member for Performance, Property and Asset Management.

10. REASONS FOR THE RECOMMENDATIONS

10.1 The Council has no operational requirement for the land.

10.2 The Leasehold disposal of the land will release the Council from ongoing maintenance obligations and attract a revenue saving.

11. STATUTORY POWER

11.1 Local Government Act 1972, Local Government Act 2000 and General Disposal Consent (Wales) 2003. This is a Cabinet function.

Author: Colin Jones, Head of Property and Performance
Consultees: Nicole Scammell, Acting Director of Corporate Services
Cllr D. Hardacre, Cabinet Member for Performance, Property & Asset Management
Stephen Harris, Interim Head of Corporate Finance
Pauline Elliott, Head of Regeneration and Planning
Tony Maher, Assistant Director, Planning and Strategy
Gail Williams, Monitoring Officer / Principal Solicitor
John Rogers, Principal Solicitor
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Nadeem Akhtar, Group Accountant
Simon Beacham, Senior Parks Officer

Richard Crane, Senior Solicitor
Viv Daye, Service Manager, Commissioning
Gareth Lewis, Team Leader, Planning Services
Steve Hawkins, Community Leisure Officer
Tina McMahon, Community Regeneration Manager
Sarah Mutch, Early Years Manager
Mark Noakes, Senior Engineer
Paul O'Neill, Community Education Manager
Fiona Santos, Childcare Coordinator
John Thomas, Section Head, Asset Management
CMT
Councillor R Passmore, Cabinet Member For Education and Life Long Learning
Councillor D Poole, Cabinet Member For Community and Leisure Services
Councillor P Bevan, Ward Member, Morgan Jones
Councillor M Prew, Ward Member, Morgan Jones
Councillor J Pritchard, Ward Member, Morgan Jones
Caerphilly Town Council

Background papers: Cabinet Report, Former Caerphilly Library, Morgan Jones Park, Wednesday,
4th June 2014.

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CABINET – 18TH MARCH 2015

SUBJECT: GWENT TRADING STANDARDS PROJECT

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The report, which presented a Business Case for the establishment of a Regional Trading Standards Service across the five Gwent Local Authorities, with Caerphilly as the lead authority, was considered by the Regeneration and Environment Scrutiny Committee on 17th February 2015 and sought the views of Members prior to its presentation to Cabinet.
 - 1.2 It was explained that the Business Case had been developed on the basis of a number of assumptions relating to financial and funding considerations, but that for various reasons, these had not been fulfilled. Following these developments, an analysis of the situation established three options, which were outlined to Members:-
 1. Option 1 - do nothing;
 2. Option 2 - proceed with the Business Case and establish a Gwent Trading Standards Service;
 3. Option 3 - explore other opportunities for collaboration.
 - 1.3 In view of the reasons outlined within the report, the proposal to establish a Gwent Trading Standards Service in accordance with the Business Case (Option 2) was not recommended to Members. The report recommended that an alternative option of exploring other opportunities for collaboration be explored (Option 3).
 - 1.4 Discussion of the report ensued, and Officers responded to general queries regarding the contents of the Business Case. Officers outlined the rationale behind the recommendation to support Option 3, in that should any other opportunities be identified that offer benefits to Caerphilly County Borough Council, then these should be properly considered. Members raised concerns regarding timescales and funding considerations associated with this option. Officers also confirmed that the Gwent Trading Standards Project had come to an end.
 - 1.5 It was moved and seconded that Option 2 be not pursued. By a show of hands this was unanimously agreed. It was then moved and seconded that Option 1 (do nothing) be supported rather than Option 3 (explore other opportunities for collaboration). An amendment was moved and seconded that Option 3 be endorsed. By a show of hands and a majority vote, the amendment was declared lost. By a further show of hands, and a majority vote, the motion to support Option 1 was carried.
 - 1.6 It was therefore recommended to Cabinet that for the reasons contained in the report and explained at the meeting, Options 2 and 3 be not pursued and that Option 1 be supported and, as such, the status quo in regards to the Trading Standards service be maintained.
 - 1.7 Members are asked to consider the recommendation.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Regeneration and Environment Scrutiny Committee on 17th February 2015
– Agenda Item 9



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 17TH FEBRUARY 2015

SUBJECT: GWENT TRADING STANDARDS PROJECT

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 This report presents a Business Case for the establishment of a Regional Trading Standards Service across the five Gwent Local Authorities, including governance arrangements, with Caerphilly as the lead authority. If the Business Case is agreed a Shared Services Agreement would be drawn up, to be reviewed after 3 years and all local authority trading standards staff identified as being “in scope” in Blaenau Gwent, Monmouth, Newport and Torfaen would be transferred to Caerphilly under TUPE arrangements. The proposal to establish a Gwent Trading Standards Service is not recommended to members for the reasons set out in the Report. This Report is seeking the views of Members prior to its presentation to Cabinet.

2. SUMMARY

- 2.1 Regeneration and Environment Scrutiny Committee considered a Report on 17th September 2013 regarding proposals for a Gwent Trading Standards Project. The Committee endorsed the recommendations within the report, but requested updates on the Project. Cabinet subsequently approved participation in the proposed Project on 2nd October 2013.
- 2.2 A further report was presented to Regeneration and Environment Scrutiny Committee on the 18th February 2014 updating members on the progress of the Project since its start at the beginning of November 2013.
- 2.3 This report provides Committee with the Business Case at Appendix 1, which has been prepared setting out the rationale for the creation of a Regional Trading Standards service and the recommendations which are being made to Cabinet. The Business Case identifies both the benefits for service users and the partner authorities that would be gained by the development of a regional service.
- 2.4 The Business Case and a similar report is also being presented to Cabinets/Full Council of the four partner authorities setting out a proposal for the creation of the Regional Trading Standards service, including governance arrangements, the transfer of their Trading Standards staff to Caerphilly Council and their proportional financial contribution for service provision over a 3-year period. The commencement date of any new service is dependent on the timing of any decision to proceed, but at the time of drafting this report is envisaged that this would be during 2015.
- 2.5 The Business Case has been developed on the basis of a number of assumptions as set out in 4.7 below which have not been fulfilled. Therefore the proposals to establish a Gwent Trading Standards Service in accordance with the Business Case is not recommended to Members. It is recommended that an alternative option of exploring other opportunities for collaboration is explored.

3. LINKS TO STRATEGY

- 3.1 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.
- 3.2 Enforcing Trading Standards legislation is a statutory duty and this activity also contributes to the Healthier Caerphilly, Greener Caerphilly, Prosperous Caerphilly and Safer Caerphilly priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly delivers and Objective 1 of the Council's Strategic Equality Plan 2012.

4. THE REPORT

4.1 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 take action against rogue traders, doorstep sellers and mass marketers 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 functions discharged 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.

Business Case

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 setting out a proposal for the creation of a regional service, to each of the respective Gwent Local Authorities.

4.2 The Strategic Case

4.2.1 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, the areas of work, service planning and existing business strategies.

4.2.2 The Case for Change

The case for change arises from concerns, about the future resilience and capacity of each of the five authorities, were Trading Standards to be retained within a single local authority setting.

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 horsemeat 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 enable the improvement of consumer reporting mechanisms and the flow of intelligence between partners.

The areas of Trading Standards service which have been defined as being 'in scope' for the project are set out in section 1.10 of the Business Case. The services identified as being in scope, are carried out by all five authorities, apart from those exceptions indicated.

4.3 **The Economic Case**

A wide range of options was 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 Joint Committee/Management Board
4. Sub-regional Gwent collaboration

The outcome of 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.

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.

4.4 **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 and that the service has 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 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.

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

4.5 The Financial Case

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 over 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:

- Salaries incl increments.
- 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
- Reduced income 15/16 onwards as result of the AHWG being withdrawn.
- Yr1 HR costs from RCF, Yr2 from TS account.
- 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 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 difference in estimated service costs between the two options 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
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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)

4.6 The Management Case

Governance Arrangements

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. This option allows for all 5 Local Authorities to have an equal share in the decision-making, but will require an additional resource to support and convene and incurs additional costs of approximately £5,000 per year to produce externally audited accounts.
2. Management Board – A single body that will provide governance on behalf of the five councils and comprising a management board of elected councillors and local authority officers. This would entail a contract agreement together with a Memorandum of Understanding and would not formally have any decision-making powers delegated to it, and on that basis is not recommended to Members by the Project Board.
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 Management Board (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 Management Board would have no decision making powers vested in it by any of the five authorities nor would it be a Joint Committee for the purposes of the Local Government Act 1972.

Should a decision be taken to proceed Members' views are sought on whether the preferred governance option is a Joint Committee or full delegation of powers to a Lead Authority.

4.7 Business Case Assumptions

Members should be aware that the Business Case presented has been developed on the basis of a number of assumptions:

- Trading Standards budgets of all 5 local authorities would be ring-fenced, but there are budget reductions for 2015/16 of £23k and £40k proposed by Blaenau Gwent and Newport Councils respectively.
- The Business Case has been constructed on the basis that staffing budgets would be fully resourced, however Newport Council adopt a vacancy management factor amounting to £24,000 for Trading Standards in 2014/15.
- The Business Case reflects a proposed Management Charge arising from some of the additional costs to Caerphilly Council in taking on staff from the four other Local Authorities and delivering the regional service. This charge is set out in Table 25 of the Business Case and reproduced in 4.5 above, amounts to £39,433 in Year 2 and includes IT charges, and 0.5 fte HR Officer.
- It is also assumed within the Business Case that the allocation to the Project from Welsh Government's Regional Collaboration Fund in 2015/16 will be £60,000.

4.8 Options Analysis

4.8.1 Option 1 – Do Nothing

Do nothing in this context means do not proceed with the establishment of a Gwent Trading Standards Service as detailed in the attached Business Case. In reality the Trading Standards Service in Caerphilly is subject to the Council's Medium Term Financial Plan and will experience a reduction in resources over the next few years.

4.8.2 **Option 2 - Proceed with the Business Case and establish a Gwent Trading Standards Service**

The Business Case presented cannot be delivered as it has not been possible for all Local Authorities participating in the project to agree to the assumptions set out in paragraph 4.7. In particular the Newport Trading Standards Service is not fully funded in view of the vacancy management factor and Newport and Blaenau Gwent Trading Standards budgets are subject to further reductions in 2015/16. In view of this it is recommended that this option is not pursued.

4.8.3 **Option 3 – Explore other opportunities for collaboration**

There have been a number of work streams within the Gwent Trading Standards Project that have provided the opportunity for joint review of the 5 Trading Standards Services. In particular a series of workshops reviewing business processes within the 5 services have presented opportunities for sharing best practice and knowledge. There may also be some small scale opportunity for sharing of certain resources. This Project has reflected an interest in exploring collaborative working amongst the 5 Local Authorities and it is recommended that should any other opportunities be identified that these are considered, subject to the development of a business case as appropriate.

5. EQUALITIES IMPLICATIONS

- 5.1 A full Equalities Impact Assessment has been undertaken and this formed one of the Welsh Government conditions of the grant funding for the project. It can be found in Appendix E of the Full Business Case that is attached to this report.

6. FINANCIAL IMPLICATIONS

- 6.1 Should the Business Case be approved the financial arrangements are as set out in the Business Case and summarised in 4.5 above. The total cost of the new service for the 3-year period, at 2014/15 levels, is set out in Table 25 above and shows the value of saving after 3 years shown of £229,214 (£2,433,455 14/15 baseline reduced to £2,204,241 17/18).
- 6.2 The additional HR and IT costs, that Caerphilly would incur as the lead authority for the regional service, have been identified and these have been built into the financial model.
- 6.3 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.
- 6.4 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 respectively would impact upon the level of projected efficiency savings.
- 6.5 Regional Collaboration Funding has been awarded to this Project by Welsh Government with £49,365 received in 2013/14, and a further £100,000 allocated in 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. £60,000 had been expected for 2015/16 on an indicative basis. However, recent communication from Welsh Government regarding a 50% reduction to the Regional Collaboration Fund in Wales has resulted in a proposed 100% cut to the Gwent Trading Standards Project allocation for 2015/16. The main elements of expenditure to date have been in relation to project management with the bulk of the remainder of the grant identified for IT set up costs should the proposal to proceed be agreed; alternative funding would now be necessary.

7. PERSONNEL IMPLICATIONS

- 7.1 Should the Business Case be approved the terms and conditions for all transferred staff will be within the regulations governing TUPE transfer. Each of the other 4 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 dependent on the amount of time the employee spends undertaking the duties that are to be transferred, should the Business Case be approved.
- 7.2 Should the Business Case be approved those “in scope” staff would then transfer to Caerphilly CBC on their existing terms and conditions of service. Those staff affected by the transfer but not deemed to be “in scope” would remain with their home authority and be deployed in line with their existing arrangements as appropriate. It is considered that all staff could be accommodated in the new arrangement.
- 7.3 The arrangements for addressing any employment and pension liabilities should any or all parties withdraw from the service would be set out in the Shared Services Agreement.
- 7.4 The current situation in Caerphilly is that the Licensing Enforcement function lies within the Trading Standards service and it is envisaged that this function, for Caerphilly only would transfer to the Gwent Trading Standards service if a regional service were to be created, with the commensurate staffing resource. The Caerphilly Licensing function itself would remain as existing. As the Caerphilly Trading Standards, Licensing and Registration Manager would also transfer wholly into the Gwent Trading Standards Service it would also be necessary to make alternative line management arrangements for the Licensing and Registration Services. The current post and post holder have, from the outset, been identified as being “in scope” for the purposes of this exercise.

8. CONSULTATIONS

- 8.1 The report has been sent to the consultees listed below and all comments received are reflected in this report.
- 8.2 A broad consultative program on the business case proposals has been undertaken encompassing the key stakeholders identified in section 1.11 of the Strategic Case. Consultation with consumers and businesses across the region, public bodies in the Gwent area and other professional bodies relevant to Trading Standards has been carried out via the consultation questionnaire on the Trading Standards in Gwent website and /or through letters/e-mails sent to individuals.
- 8.3 Consultation with staff and members has been through a variety of channels, including regional and local meetings and newsletters. Consultation has also taken place with the relevant Trade Unions who have been invited to attend staff meetings and have also received copies of newsletters sent to staff and members.
- 8.4 The feedback received as a result of the consultations is included in Appendix 2, together with comments where appropriate. The response from external bodies and businesses is supportive of the proposed Gwent Trading Standards Service, but some concerns have also been raised in relation to ensuring that the standard of service provision is not affected by a regional rather than local delivery. The detailed response received from Trading Standards staff employed by Caerphilly was not in favour of the proposals and a number of concerns were raised. Responses from other Trading Standards staff is mixed with some concerns raised.
- 8.5 The key points Unison made in response to the business case are included in Appendix 2 to this report. In summary, Unison have advised they are broadly in favour of the initiative, as being in line with its policy of supporting collaboration projects as a means of achieving efficiency savings, as an alternative to cutting services / jobs or outsourcing. They support the proposal for in-house provision, but have also stated unequivocally that, should a decision be

made to reconsider the other options evaluated in the Economic Case, they would wish to revisit their stance on this. Unison were strongly of the view that any arrangement should be for 5 years, not 3 as proposed and this was also a view offered in some responses from Trading Standards staff.

- 8.6 At their request, Unison have been invited to participate in the HR working group, which has been set up to provide advice and assistance with all HR related project requirements, including the TUPE arrangements. The Project Board welcomed the positive approach to the project by Unison`

9. RECOMMENDATIONS

- 9.1 Prior to presentation of this Report to Cabinet the Committee are asked for their views on the following recommendations to Cabinet:
- i) That Cabinet do not agree Options 1 and 2 and therefore do not agree to proceed with proposals set out in the Business Case to establish a Regional Trading Standards Service across the five Gwent authorities.
 - ii) That Cabinet support Option 3 in that other opportunities for collaboration are explored.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To seek Members' views.

11. STATUTORY POWER

- 11.1 The 2009 Local Government Measure.

Author: Rob Hartshorn, Head of Public Protection
Consultees: Cllr. D.T. Davies, Chair Regeneration & Environment Scrutiny
Cllr. E.M. Aldworth, Vice-Chair Regeneration & Environment Scrutiny
Cllr Dave Poole, Cabinet Member for Community & Leisure Services
Dave Street, Director of Social Services
Nicole Scammell, Acting Director of Corporate Services and S. 151 Officer
Gail Williams, Interim Head of Legal Services & Monitoring Officer
Angharad Price, Barrister
Steve Harris, Acting Head of Finance
Gareth Hardacre, Head of People Management and Development
Sian Phillips, Human Resources Manager
Mike Eedy, Finance Manager
Lynton Jones, Acting Head of ICT and Customer Services
Paul Lewis, IT Development Manager
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
David A. Thomas Senior Policy Officer (Equalities and Welsh Language)
Alison Evans, Gwent Trading Standards Project Manager
Gwent Trading Standards Project Board

Background Papers:

Regeneration & Environment Scrutiny Report, 18th February 2014 – Gwent Trading Standards
Regeneration & Environment Scrutiny Report, 17th September 2013 – “Proposed Gwent Trading
Standards Service”
Cabinet Report, 2nd October 2013 - “Proposed Gwent Trading Standards Service”

Appendices:

Appendix 1: Full Business Case Gwent Trading Standards Service
Appendix 2: Consultation responses

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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 marketers 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.

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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.

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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.

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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)

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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.

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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
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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.

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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

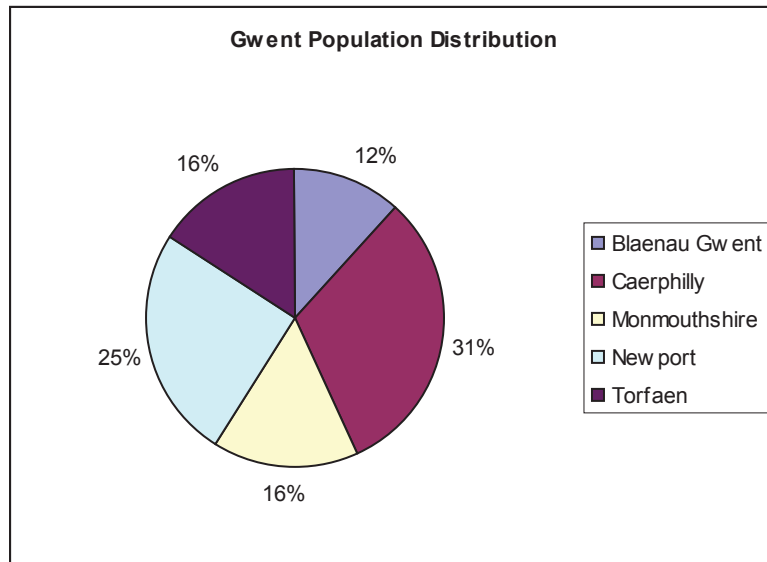
Roles	Blaenau Gwent	Caerphilly	Monmouth	Newport	Torfaen	Regional Totals
Manager/Team leader	1	3	1	4	1	10
TSO (incl AFI)	1.5	5	2	7	1	16.5
FTO	4	9	1.8	2.67	4.6	22.1
AH		*See pt ii)	1.5	1		2.5
Tech Officer	1	1				2
Admin (Incl Database Systems Admin) (See Pt i)	0.5	1.21	0.815	1.26	0.4	4.2
Total Each Authority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

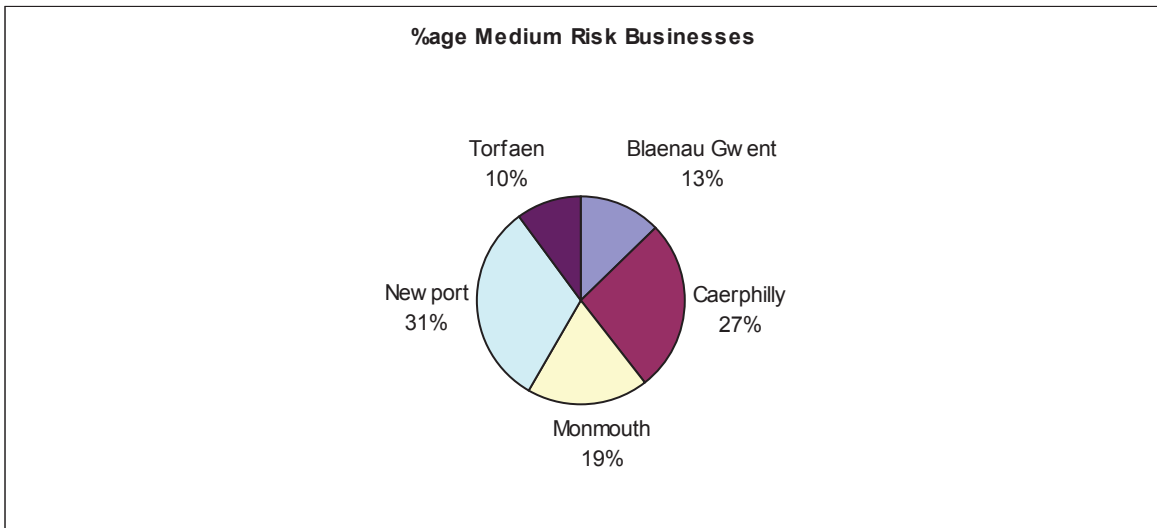
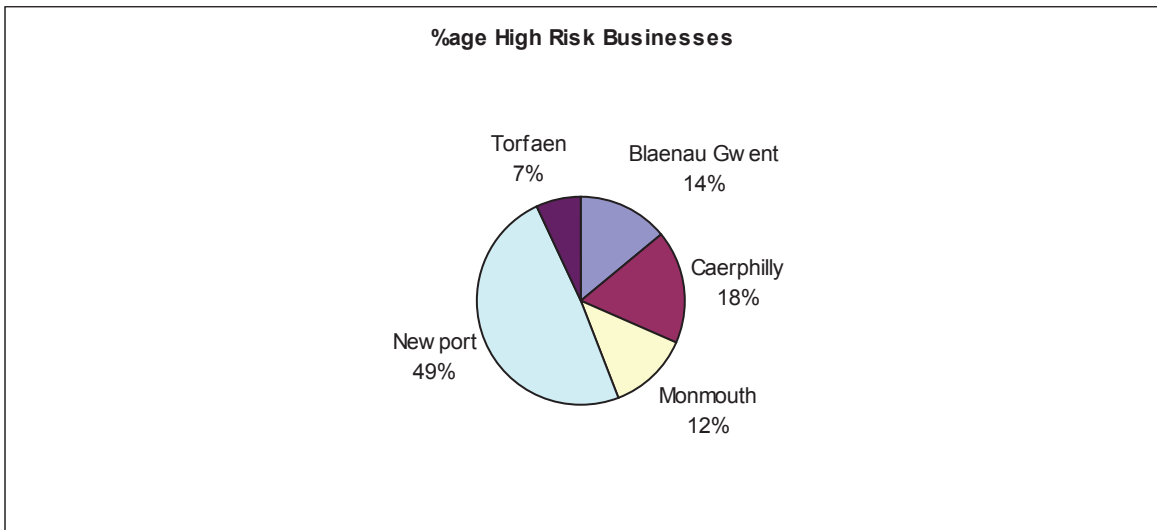
An annual inspection program is drawn up based on the results of this assessment and the figures in Table 8 show a summary of the numbers of businesses across the region, together with their risk rating.

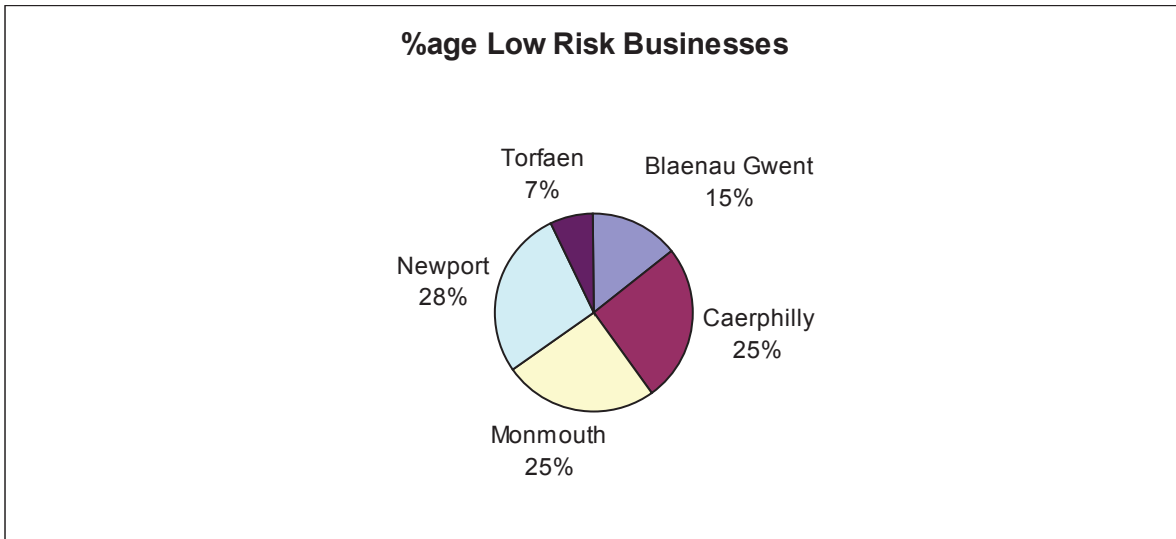
Table 8 No of Businesses across the region with associated Risk Rating

	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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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/outsourced 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 be 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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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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Business Case

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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 Budget (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.

DRAFT

Gwent Trading Standards Project

Business Case

A programme for a Regional Trading Standards Service in Gwent

Collaborating Authorities



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

For Torfaen CBC

Date:



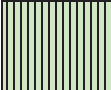








Gwent Trading Standards Project

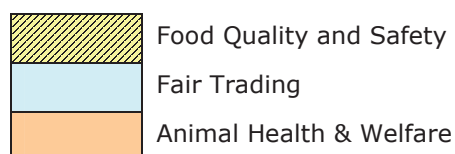
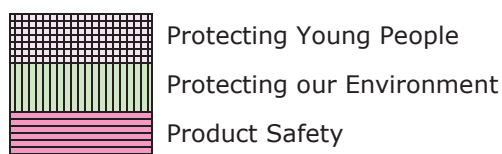
Business Case

Appendices:

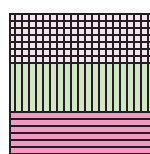
- A. Trading Standards Legislation
- B. Gwent Regional Trading Standards Guiding principles
- C. Main Benefits Criteria
- D. Service Specific Risk Appraisal
- E. Equality Impact Assessment
- F. Options for Regional Working
- G. Regional Service Staff Structure

Trading Standards Service

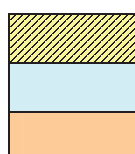
PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Advanced Television Services Regulations 2003 <ul style="list-style-type: none"> require digital TVs to meet certain standards
	Agriculture Act 1970 <ul style="list-style-type: none"> controls the quality and labelling of fertilisers 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



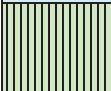

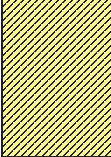



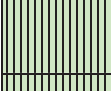

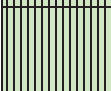
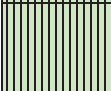
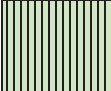


PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	<p>Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008</p> <ul style="list-style-type: none"> • give cancellation rights in respect of a contract for goods or services made during a visit by a trader 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: here the duty is to annually consider a programme of enforcement</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

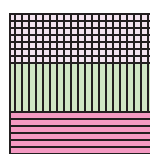


Protecting Young People
Protecting our Environment
Product Safety

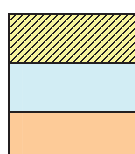


Food Quality and Safety
Fair Trading
Animal Health & Welfare


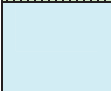
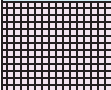


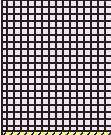
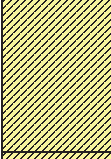

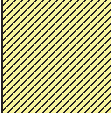
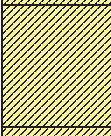




PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Copyright, Designs and Patents Act 1988 <ul style="list-style-type: none"> protects intellectual property and makes unauthorised use illegal
	Crystal Glass (Description) Regulations 1977 <ul style="list-style-type: none"> control description 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

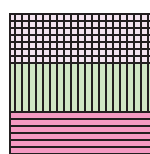


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Product Safety

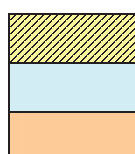


Food Quality and Safety
Fair Trading
Animal Health & Welfare






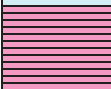







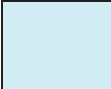
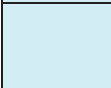
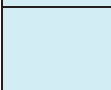
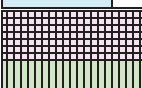


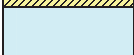


PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	<p>Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007</p> <ul style="list-style-type: none"> lay down requirements for the production of energy performance certificates when buildings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



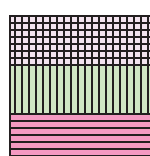
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Product Safety



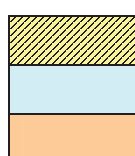
Food Quality and Safety
Fair Trading
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PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE			
	General Product Safety Regulations 2005 <ul style="list-style-type: none"> require products not controlled by other specific regulations to 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


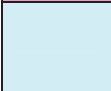











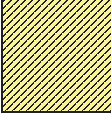
PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Measuring Instruments (EEC Requirements) Regulations 1988 <ul style="list-style-type: none"> establish a system of European approval for measuring instruments
	Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 <ul 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

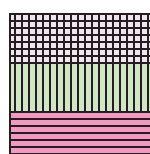


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Product Safety

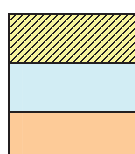


Food Quality and Safety
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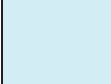
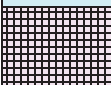
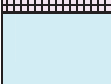
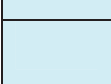
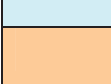



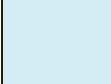
PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Pressure Equipment Regulations 1999 <ul style="list-style-type: none"> require pressure equipment to be safe
	Prices Act 1974 <ul style="list-style-type: none"> provides for the price of goods to be indicated by sellers
	Products of 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

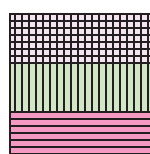


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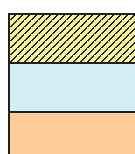


Food Quality and Safety
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PART 1: LEGISLATION WHICH THE COUNCIL HAS A <u>DUTY</u> TO ENFORCE	
	Swine Vesicular Disease Regulations 2009 <ul style="list-style-type: none"> provisions to prevent the spread of swine vesicular disease
	Supply of Machinery (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

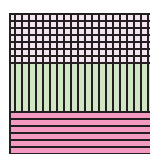


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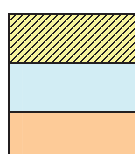


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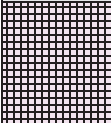
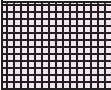



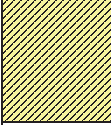
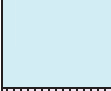
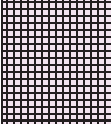


PART 2: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	Accommodation Agencies Act 1953 <ul style="list-style-type: none"> prohibits the taking of commission from people seeking rented accommodation
	Administration of Justice Act 1970 <ul style="list-style-type: 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

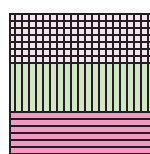


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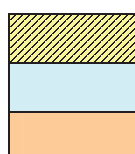


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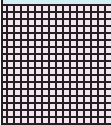

PART 3: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	<p>Criminal Justice Act 1988</p> <ul style="list-style-type: none"> prohibits sale of knives and certain articles with blade or point to persons under 18
	<p>Criminal Law Act 1977</p> <ul style="list-style-type: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

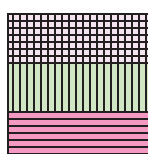


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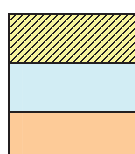


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PART 3: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	<p>Magistrates Courts Act 1980</p> <ul style="list-style-type: none"> • makes it illegal to aid, abet, counsel or procure the commission of 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

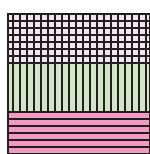


Protecting Young People
Protecting our Environment
Product Safety

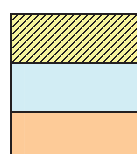


Food Quality and Safety
Fair Trading
Animal Health & Welfare

PART 3: LEGISLATION WHICH THE COUNCIL <u>MAY</u> ENFORCE UNDER SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972	
	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



Protecting Young People
Protecting our Environment
Product Safety



Food Quality and Safety
Fair Trading
Animal Health & Welfare

**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>	<p>Med</p>	<p>Med</p>	<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: Investigate and evaluate opportunities for innovative technical and agile working practices.</p>	<p>Short</p>	<p>High</p>	<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>	<p>Long/Med</p>	<p>Med</p>	<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>	<p>Med</p>	<p>Med</p>	<p>A tried and tested model that can be used for others has benefits across the stakeholder groups:-</p> <ul style="list-style-type: none"> 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

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 x 5 = 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.

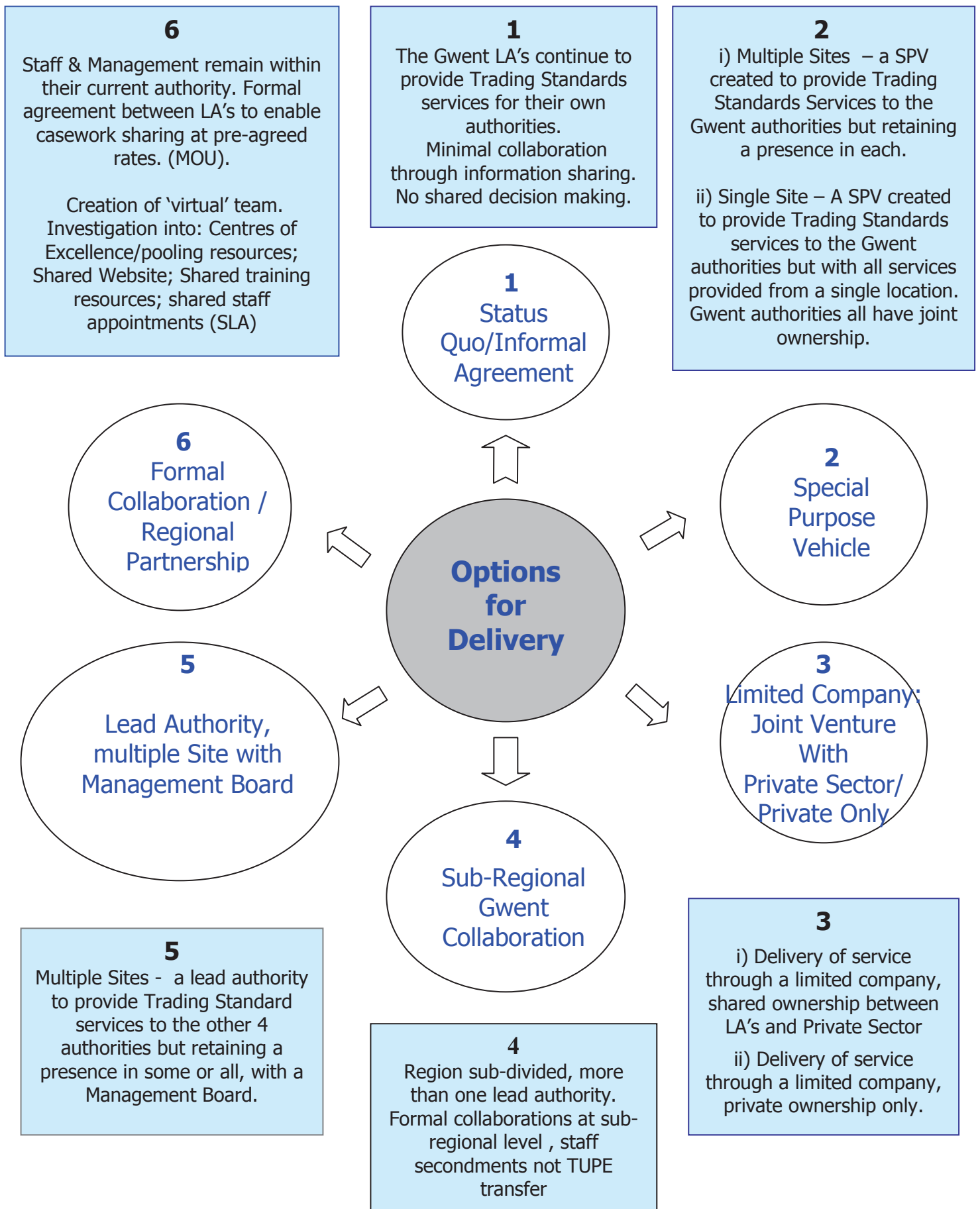
The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

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.

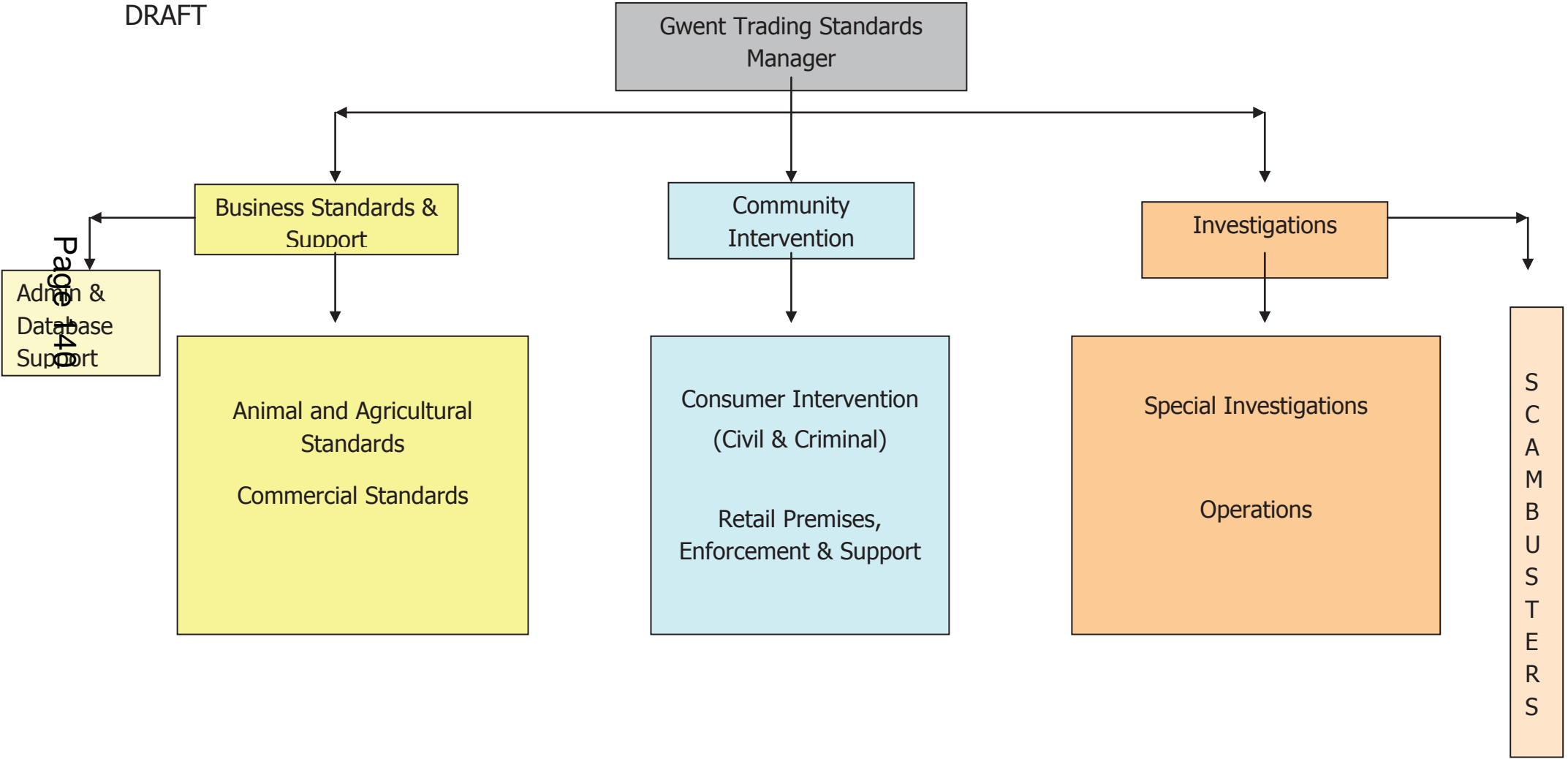
Alternatively the delegation of functions could be to the Joint Committee, which then charges a lead authority enter into contracts and hold property on its behalf.

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



GTSP Business Case Consultation

10/10/2014

ID	Comments by Team/Individuals	Response
	Caerphilly CBC Trading Standards Staff	
	Service Resilience	
1	The document as provided fails to clarify any of the major issues that will be faced by a collaborative service and makes numerous bold statements which are either factually incorrect or are not supported at all by evidence	See Below
2	Draft business case mentions throughout that a Regional Collaborative Service will provide resilience. This is not unsurprising as Welsh Government when suggesting collaboration of Trading Standards services, put resilience at the heart of any collaboration. Despite the continued use of the word throughout the document provided, there is absolutely nothing to explain how any of the 5 services involved will be more resilient.	<p>1. Part B - case For Change Para 2 and 3 Refers to resilience;</p> <p>2. Table 19 Non-Financial Benefits, Point 2 describes how a resilient service would be achieved:</p> <ul style="list-style-type: none"> i) Through economies of scale; Combining knowledge and expertise, response activities, service delivery; ii) A larger service which is better able to meet complex (and often global) challenges eg IP crime and tackle, where necessary major organisations; iii) Ensuring achievements of outcomes and statutory requirements when less funding is likely to be available <p>3. Commercial Case Page 4, "The concentration of staffing levels and skills 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</p>

3	<p>When collaboration was first mooted, insofar as Greater Gwent was concerned, it was obvious that the level of service provided by some of the constituent authorities was very low due mainly to efficiency savings and a lack of investment in the service. A collaborative service, with adequate resources would in stable economic times undoubtedly provide an enhanced service for these poorly resourced Authorities without severely affecting the service provided by those better performing Authorities.</p>	<p>Some of the authorities have reduced resources as a result of financial pressures, with the result that it has been necessary for them to consider different ways of working. All Local Authorities in Gwent are facing considerable financial pressures and are exploring reductions in service as well as find alternative methods of service delivery that can maximise the use of diminishing resources through new and innovative working practices. The work undertaken through the GTSP has concluded that the delivery of a regional TS service will provide a framework for this and the delivery of an intelligence-led service as recognised by the National Trading Standards Board as the way forward in a the current financial climate.</p>
4	<p>However we are now in an environment where all Local Authorities face severe cuts in relation to their budgets across the board. This not only puts pressure on budgets, but introduces more than a hint of financial uncertainty. Should the collaborative service go ahead, during these troubled financial times, there is every chance that one or more of the constituent Authorities would pull out. Once the collaborative service had been set up, dismantling it, with all the HR ramifications could leave all 5 services in a much weaker position and certainly no better off than they would be if collaboration had not taken place.</p>	<p>If the five authorities all agree to join and create a joint trading standards service this will signify a commitment to the resources and timescales set out in the inter-authority agreement and to making a success of the project. As standard with any collaborative agreement of this type, the legal agreement will however, set out the terms and conditions for a planned exit for 'an authority' should this be required. Even if one of the authorities were to pull out there would still be a concentration of resources that would be large enough to provide a resilient and adaptable service intelligence-led, unlikely to be matched by any service that could be provided by any of the authorities acting independently.</p>
5	<p>it would therefore appear that a collaborative service actually reduces the resilience of each Authority's Trading Standards Service, especially those that currently provide a high level of service.</p>	<p>See Previous Comments</p>
6	<p>It would appear that the setting up of a collaborative service would pose significant risks in relation to Service Provision across the 5 Authorities and severe financial risk to the host Authority, in this case Caerphilly CBC.</p>	<p>Service risks exist because of the financial cuts to council budgets. One of the key objectives of developing a regional service is to minimise the service risk, by developing resilience through a concentration of resources that will enable strategic planning across the region and thereby achieve economies of scale and financial savings to offset the challenging cuts to come, while still minimising the risk to service provision. The scrutiny role provided by Caerphilly's Head of Finance in relation to the detail provided in the GTSP Financial Case and the level of contribution to be made by each of the partner authorities is instrumental to managing this area of risk to the authority. The Business Case, Appendix D: Service Specific Risk Appraisal has already identified this as a risk and as such has been considered previously by the board who have acknowledged its importance and will continue to monitor this carefully and manage as appropriate.</p>
<p>Level of Service</p>		

7	The level of Service provided by Caerphilly CBC for its residents and businesses has been of a high standard throughout the life of the Authority, a fact which the members of the workforce are both proud and protective of.	
8	Caerphilly Trading Standards staff are more than aware of the pressures that Caerphilly CBC are under in relation to budgets, and that efficiencies will have to be made, which will put more pressure on the service.	
9	However, the biggest concern is that because some of the services in Greater Gwent are so under resourced, that a collaborative service, if it is to meet the aims of being consistent across the 5 Authorities, will mean the level of service will be far below that currently provided by some Authorities-including Caerphilly, and above that provided by others. This surely will affect adversely residents and businesses within Caerphilly, and the reputation of the Council	It is accepted that service level does vary between Local Authorities in some activities and therefore moving to a single service will result in some changes. However, it is not intended that there would be cross-subsidisation of services, as this would be illegal. It should be remembered that whilst specific services, such as Trading Standards, may experience cuts at different times, all 5 Local Authorities are facing similar budgetary pressures. ID Ref 6: + Protection of reputation has also been identified as a risk and will be managed as such.
10	The business case quotes Trading Standards collaborations that are currently working successfully. However, each of these (West Yorkshire, West Berkshire/Wokingham and Devon/Somerset) were created under totally different circumstances, are different services and did not have to contend with both the diversity in levels of service provision and the severe budgetary pressures together. The success of these collaborations therefore cannot be used as an indicator as to how a Greater Gwent collaboration will work.	The West Yorkshire collaboration was a front-runner in the provision of TS across borders and has existed for some time and was therefore created at a time when the current financial pressures did not apply. West Berkshire/Wokingham and Devon/Somerset, however are more recent collaborations. WB is a small service but still works successfully across boundaries, Devon/Somerset covers a much larger geographical area and the total number of staff are approximately 30% more than that of a regional Gwent service. Whilst no two collaborations will be identical there are similarities to draw upon.
	Working Conditions and how they affect Service delivery	
11	The business case makes great play on the introduction of so called "agile" working, introducing both cost and service delivery efficiencies. An element of flexibility undoubtedly benefits staff and service delivery, and the reduction of fixed workstations for staff will undoubtedly lead to cost savings.	Agile working undoubtedly brings benefits to both service provision, including tangible savings from a reduction in accommodation requirements, efficiencies through the rationalisation of travelling time / costs and also to staff, through the opportunities for flexible working. Agile working has been successfully implemented in many local authorities, including some of the partner authorities for the Gwent Trading Standards project..

12	<p>However, a widely dispersed workforce who cannot interact on a daily basis with managers and peers, introduces service inefficiencies and demotivation of staff, which would likely outweigh any efficiencies both perceived and demonstrable.</p>	<p>The vision for agile working will be translated into a strategy for Agile working which can encompass interaction through a variety of channels including: e-mail, telephone, skype, shared website, defined contact with managers and with further opportunities through the two dedicated trading standards bases situated at Caerphilly and Newport, where it will be possible to access meeting facilities and the administrative support as required.</p> <p>Each member of operational staff will be provided with the necessary equipment such as a tablet, mobile phone etc to maintain contact as necessary with managers and colleagues and to enable access of all systems remotely. It is envisaged that working agilely will minimise unnecessary travelling in terms of both time and cost, releasing these resources to service provision.</p> <p>Opportunities will still exist for team interaction/discussion of issues through regular team meetings.</p> <p>The move towards shared spaces and 'hot desks' represents a more dynamic approach to work, where networks of teams come together to complete specific task-based pieces of work.</p>
13	<p>The environment that Trading Standards work requires constant interaction between team members and managers to solve the regularly occurring complex problems. The concern of staff is that a move towards total "agile" working decreases the effectiveness of the service, makes management of staff far more difficult and leads to staff feeling isolated and dissatisfied .</p>	<p>Managers recognise that in addition to the advantages that mobile working brings, there will also be challenges and some staff may find the transition and the change in working practices difficult. Some of the authorities however, have already successfully introduced agile working and the strategy for the Gwent service will build on the basic principles already established. The project board have agreed to establish a working group to consider agile working and development and to define the role of the 'professional office' within the agile environment.</p>
14	<p>The business case vaguely states that there are benefits of "agile" working, without quantifying them and without considering any of the disadvantages.</p>	<p>See response ID Ref 11,12 & 13</p>

<p>15</p>	<p>Consistency of enforcement: Firstly, though not mentioned at all in the business case, it is understood that the Legal Services Sections of each of the 5 Authorities when considering how to support the collaborative Trading Standards Service, have indicated that each Authority will deal with matters in relation to their own area. This means that any collaborative service will have 5 different ways of dealing with legal breaches across the area. This is not only confusing but could easily lead to conflicting decisions, putting the Service at risk to Legal Challenge and the associated costs.</p>	<p>Consistency of enforcement has been discussed by the project board and the Heads of Legal for each of the five authorities have been consulted with regard to this issue. The Heads of Legal have proposed that each authority will continue to manage their own prosecutions. However, each of the Heads of Legal are also members of a regional shared legal collaboration which is considering ways of working together and standardising working practices. The management of prosecutions will therefore fall within this remit. It is perhaps worth noting that the West Berks/Wokingham collaboration, whilst also adopting the approach of managing their own prosecutions at the outset of the shared service, have as the service matured, reviewed and amended certain working practices. Legal work is one of these and they are now in the process of setting up an in-house legal resource dedicated to supporting trading standards work.</p>
		<p>Food Standards is not currently part of Monmouthshire's Trading Standards service. In common with a number of other Unitary Authorities in Wales, the food standards element of food law delivery is undertaken by Monmouthshire's Environmental Health service through its food safety team. Programmed interventions for Food Standards, as required by the Food Law Code of Practice (Wales) are delivered alongside programmed food hygiene inspections, as required by both the Food Law Code of Practice and the Food Hygiene Ratings (Wales) Act. The vast majority of those interventions are delivered simultaneously with the 600 food hygiene inspections each year. This delivers a model of working that has proved efficient and effective for Monmouthshire for many years. Only a small no (around 30) have risk ratings that require standards inspections at increased frequency to those required for hygiene.</p> <p>Monmouthshire's EH staff meet the competency requirements of the Code of Practice and have extensive experience in delivering the service. The ability to offer food businesses an holistic food law compliance service for both hygiene and standards (along with health and safety at work if appropriate) is an important element of its chargeable services in relation to Primary Authority services and its own ACCESS consultancy programme.</p> <p>From a purely financial perspective, as Food Standards is delivered by MCC EH staff as a small component of a number of people's roles, none would TUPE across. Therefore, if programmed Standards interventions were to be delivered in Monmouthshire by a Gwent Service, additional resource would need to be found by Monmouthshire to purchase this element of the service. That would not be a viable proposition, when competent officers are already undertaking a programmed visit, commissioning from a Gwent service, would not make sense for Monmouthshire from an economic, financial, customer service or better regulation perspective.</p>

16	Consistency of enforcement: Secondly the apparent decision of Monmouthshire to remove the Food Standards enforcement function from scope just for the Monmouthshire area appears to be flying in the face of collaborative service, and again will lead to inconsistencies and confusion for officers.	Purely taking the issue of 'consistency' there is no reason why effective liaison would not continue between Monmouthshire and a Gwent Service. (and the rest of Wales for that matter) and that would be a good thing. However, it is noted that the latest data from the FSA on standards delivery shows that the %age of interventions achieved is much higher in Monmouthshire than the average across Gwent.
	Finance-cost of the service and how it will be funded	
17	The financial case is presented in very broad terms with little or no detail.	Further detail will be provided.
18	Much is made of the savings being made of the savings to be made due to rationalisation of back office/support costs. However there is concern that any of these savings are not savings to the Authority at all, but merely savings to the Service. The amount spent by each Authority on HR, Legal etc will not decrease.	The efficiencies identified are not in relation to central support costs. Any savings made to the service will impact positively on overall savings being made by each of the authorities.
19	The apparent reliance on a sum of money being received each year from the Home Office Proceeds of Crime Incentivisation Scheme. Basing a financial case, even in part, on a sum of money that is not guaranteed at all, would appear to be foolhardy. Incentivisation money, cannot be guaranteed for any financial accounting period and therefore should not be used as part of producing budgets. The reality of the situation is that income from this source will vary between zero and thousands of pounds. There is no way to forecast what income from this source will be in 2015/16, so how can estimated figures be used, bearing in mind the huge variance in income.	The identification of the potential for POCA income in the business case has followed careful consideration by the project board of the positive results by Newport in this area of income generation and a review of the strategy implemented to achieve this, ie through a dedicated staff resource performing a financial investigative function. The level of success and consistency achieved by Newport in generating POCA income over successive years from 2010/11 to the present day led to the Project Board's conclusion that including POCA income generation targets as part of the financial plan was a reasonable assumption. It is acknowledged that the operating model will need to include an appropriately resourced financial investigative function to achieve this. The Project Board are aware however, that definitive figures are not possible for income generation, hence the modest income target which has been included initially in the ongoing calculation for service costs, but which will be closely monitored and amended as appropriate going forward.

20	<p>the proposed structure of a Trading Standards Manager with 3 Managers below managing large teams of on average 15-20 people (taking into account that numbers of people will exceed the number of FTEs) would seem to dictate-although not mentioned in the Business Case-that as these numbers are far too high to be effectively managed, each of the 5 or 6 teams would have a "supervisor" responsible for an amount of the day to day management. This would appear to make the structure top heavy, and leave the 3 identified Managerial posts surplus to requirements, and having introduced a extra tier of management, would prove to be more costly.</p>	<p>A structure has been proposed which reflects a reduction in the number of managerial positions as compared with the status quo. It is recognised that there is likely to be a need for additional leadership roles elsewhere in the structure, but the detail of this has not yet been determined.</p>
21	<p>A far more logical structure would be a leaner flatter one, with 5 or 6 team managers. Without knowing the grades assigned to (or proposed to be assigned to the posts), would, it is expected, be cheaper, although it is not possible to say with any great deal of certainty</p>	<p>A leaner, flatter structure would lack a strategic/operational level that provides 'link' between Gwent TS Manager and the operational roles, with responsibility for monitoring and managing service delivery.</p>
<p>Torfaen CBC Trading Standards Staff</p>		
22	<p>Firstly the concept of a joined up service is of benefit in terms of economies of scale. Ability to work across the whole Gwent will be useful.</p>	
23	<p>At what point will be told what you consider our jobs will be (Roles) etc and where we will be based.</p>	<p>This will be developed in consultation with staff following a decision to proceed with the establishment of a Gwent Trading Standards Service.</p>
24	<p>I am aware that there were some concerns in the past over the finances at caerphilly as a council. Will my pension be protected</p>	<p>Caerphilly Council has a sound financial base and robust financial processes. In relation to pensions all staff will still access the same regional pension scheme no changes to existing provision are proposed.</p>
25	<p>In terms of the Food Standards and Monmouthshire, the overall strengthening the merger is the ability for unity and a strengthening of service. I fail to understand why the concept is being undermined prior to commencement, by the opting out of food standards by Monmouthshire. If anything this totally undermines the whole concept. Also, how Monmouthshire can state at the meeting that " it is not up for negotiation" surely that is what we are doing negotiating a whole joined up, unified, strengthened service.</p> <p>The service should be a complete service in all areas.</p>	<p>See ID Ref 16</p>

26	<p>How will it work if we call ourselves a Gwent service when in fact we are a Gwent service but not totally for food standards. As an example if we are a Gwent service then it will follow that we will be authorised to access businesses in the Gwent area, but, if Monmouthshire have opted out of food standards then the authorisation would not encompass Monmouthshire, this makes administration of this disjointed. Will office powers be restricted to not include Monmouthshire. if we go for the LACORS rating system then possibly one visit could be made for different areas of enforcement but if Food Standards is opted out then two visits will be required to the same premise. The Gwent service paperwork will talk of a Gwent service, but with an opt out for Monmouthshire Food Standards. In all areas of the work we should have a unified position. I therefore strongly request that Monmouthshire be required to come under the one umbrella for all the services in the new service.</p>	<p>Also see ID Ref 16 Authorisations: There are countless examples of a range of agencies working in the same geographical area with different regulatory responsibilities, powers and authorisations. Examples included the HSE, NRW, Police etc. responsibility for programmed food standards interventions in Monmouthshire, along with other food-related service requests, will remain, as now, with Monmouthshire. that should not be confusing. With effective liaison there is no reason why Gwent Trading Standards officers should not be authorised to undertake Food Standards work in the County of Monmouthshire should that assist them in their Gwent-wide roles. Matters pertaining to a wider geographical nature may lend themselves to a regional approach, in relation to which cross authorisation might be useful. There is an expectation that effective liaison between authorities will continue and the establishment of a Gwent service should not undermine that.</p>
	<p>Monmouthshire CBC Trading Standards Staff</p>	
	<p>General - Intro</p>	
	<p>This initial response is to raise concerns held by members of the team, all of which have been agreed and supported.</p> <p>The aim of this response is to use our experiences in Monmouthshire to positively respond to some of the concerns, offer potential alternatives and identify further points for consideration so that any new service is designed in-line with the vision in 1.2 and that content is not placed in the report to tick a box whilst the plans reflect the same old' with different names.</p> <p>Whilst the team acknowledge the level of work required and needed to be undertaken with such a project, it is felt that the draft business case does not provide options for considering both positive and negative aspects of creating a Gwent service have been superceded by the need to make this work and hence is written in a way that emphasises only the potential (not guaranteed) positives.</p>	

27	It must be made clear though that this is just the perception of the team and combined with some of the issues to follow it is strongly felt that this is not the way to begin a service that will 'be recognised as one of the best in the country!'.	
28	<p>Any proposal going to the respective cabinets should also include either as part of the business case or in addition to:</p> <p>i) A list of issues that staff have raised and any response, ii) A list of considerations not covered by the business case that should be reflected in a new service <i>Clarification sought with regard to ii) - advised 3 parts to this:</i></p> <p>1. <i>There is not enough detail provided or rather available yet in order to determine some key facts mainly around the financial, HR and structure</i> 2. <i>5 year initial agreement rather than 3.</i> 3. <i>If there is any clause that allows an authority to withdraw then this should ensure that there is some form of staff protection ie staff transfer back</i></p>	<p>1. A summary of the comments generated by the consultation on the business case, together with the replies received, to be attached as an appendix to the Scrutiny reports to be presented to the committees of the 5 authorities. 2. The Project Board acknowledges that a 5 year program would be preferable to a 3 year program, however, it was also recognised that the current financial situation means that this may be impractical. 3. TUPE conditions will apply to any staff transferred.</p>
	Timeframe	
29	One of the biggest concerns is that there is a distinct lack of detail in the report not only from a staff point of view but of more concern for those who do not fully understand the service and will ultimately be making the decision. That is a concern whether supporting the proposal or not.	The service delivered by TS is described in detail in the Strategic Case.
30	Reference to a 3 year arrangement if withdrawal is allowed under 3.9 during this period by any of the 5 LA's, this would also go against one of the main aims of providing a more resilient service and would make it potentially less resilient!	<p>1) See comments in ID Ref 28 ; 2) A withdrawal clause is standard for a this type of arrangement.</p>
31	It is felt that the period agree should be 5 years and if there are any circumstances allowing a LA to withdraw there should be some form of clause with regards to staff transferring back or a penalty charge as it is unlikely that the remaining LA's would be able to cover the cost of retaining that level of workforce	See ID Ref 28
	Reference to Reduced Cost	

32	1.2 refers to reduced cost - whilst it will be provided more efficiently the use of this phrase surely creates the wrong impression, there will be less duplication therefore allowing resource to be focussed elsewhere including areas currently under resourced	It is proposed that the overall cost of the service will reduce over the 3 year period.
Proceeds of Crime Act		
33	POCA is referred to constantly as being an income generation opportunity and used as a key element to the future affordability of the service with no clarity provided as to the restrictions placed on its use.	
34	POCA should only be referred to in the strategic case with full information as to how it can be used and that it cannot be used to fund a service or replace funding from another source but does allow for limited service development.	<p>Noted. Business Case amended to clarify. Use of POCA income:</p> <ol style="list-style-type: none"> 1. Expanding capacity to undertake POCA work can include: <ol style="list-style-type: none"> a) Training for staff to become accredited FI's b) purchase of specialist software to scan and analyse bank statements c) Temporary additional staff to assist with processing large volumes of research 2. Training officers to undertake complex criminal investigations 3. Maintaining ability to undertake POCA work: <ol style="list-style-type: none"> a) paying for officer accreditation fees b) relevant CPD training to maintain accreditation c) funding specialist counsel to represent confiscation proceedings 4. Part-funding a Prosecutions solicitor in Legal Services to undertake criminal prosecution work to free up officer time 5. Local crime reduction initiatives. This includes payments for target laundering schemes
Operating Model:		
	Whilst there are some questions as to the most appropriate model, there is general support for the lead authority option. It is felt especially with the missing financial data	The evaluation of the options summarised in the economic case, identified both the positive and negative points associated with each of the models. It was concluded after careful consideration, that the lead authority model with a joint committee, offered the greatest potential overall to deliver a regional service, that could produce the required outputs of service resilience, improved efficiencies etc, whilst remaining an acceptable option for the councils and members. As a local authority run service, local government procurement rules will obviously apply. However, the project board are aware of the importance of both IT and legal provision for the service going forward.

35	<p>that determination of the host authority has not yet shown to be the most appropriate or more importantly whilst a host authority is required for employment purposes this should not limit or inhibit the new services ability to select the most beneficial supplier for the various business needs ie IT and legal services provision. if this is not an option then surely the consequences of this have to be highlighted especially when considering some of the claims being stated in the business case.</p>	<p>An IT project working group is being set up, the remit for which will be to review both the existing IT provision and to scope future requirements and to develop an appropriate IT strategy for implementation. Arrangements for legal services provision has been considered with the Heads of Legal Services of the 5 Authourities.</p>
	Local Needs:	
36	<p>During the all staff meeting on the 22nd July there were a number of good, important questions raised most of which were unable to be answered satisfactorily but the reasons for this are understood and it is hoped that they will be answered in good time. One of the concerns was from a Caerphilly perspective and the potential loss of service to Caerphilly taxpayers, equally though that is felt in other areas including ourselves especially as Monmouthshire is clearly perceived as being affluent in comparison to the other areas and resources would be diverted away from needs here. Over time we are sure the position of the professional staff that we have would be that they serve the people of Gwent rather than the current LA they work for now but the important point is that any service delivery models/priorities acknowledge all needs and not necessarily those that the better resourced services deliver now.</p>	
	Structure:	
37	<p>The detail around structure is considerably deficient for anyone making a decision on such a proposal. Explanations around the proposal do not address concerns regarding future service provision or how and where staff may 'fit' in. It is very much a historic, old fashioned, traditional hierachical structure that doesn't acknowledge changes in service delivery through the intelligence operating model or that of a modern agile service which does not fit in with the statements made in 3.4</p>	<p>The options for a staffing structure are generally either hierachical or flat. The avoidance of unnecessary managerial layers within the structure has been aa consideration for teh Project Board. It has been concluded that the proposed approach addresses the desire to deliver an intelligence-led service, including for example, a layer of staff who provide the link between strategic policy-making and operational delivery, ensuring co-ordination and cohesion of an 'agilely' delivered service across a broad geographical region. (Also see ID Ref 21)</p>

38	<p>More meaningful engagement is carried out with all staff so that suggestions can be put forward and considered. Golden opportunity to create something new and surely examples from other organisations (not just other TS collaborations but across the world) should be sought as part of this process</p>	<p>Engagement with staff will be an ongoing element of the development of the service both pre and post implementation.</p>
39	<p>Once a proposed structure has been agreed, staff should be given very opportunity to apply/state their preference and that no slotting in should take place unless there is a lack of particular skills, knowledge or experience. Where there is more interest than posts then all staff interested should be given the opportunity to apply and state their case through a fair and equal process</p>	<p>The recruitment process will be agreed by all five authorities and staff will be advised of this process in due course. It is intended that the agreed process will be transparent and will be carried out equitably and fairly and that no member of staff will be disadvantaged as a result. Primarily it is likely that the roles will be ring-fenced and staff identified who it is felt, are regarded as a potential match based on pre-agreed criteria.</p>
	<p>Food Standards:</p>	
40	<p>is concern around the food standards position, as this is the only aspect within the proposed scope that is restricted and certainly does not align with many of the claims and statements made about the reasons for the proposed new service including consistency and resilience. This is a decision that needs to be made by the authority at the appropriate level to do so and should form part of the report put to members. At this moment this skew's the figures in a number of the tables and for comparative purposes those tables should separate food standards information from that of the wider service.</p>	<p>See Ref ID 16</p>
	<p>Blaenau Gwent CBC Trading Standards Staff</p>	
41	<p>Why two bases - wouldn't one make more sense with people working agilely anyway. Two bases could get confusing as to what is the base/address etc. of the service</p>	<p>As will be noted, accommodation proposals reflect the 2 main existing concentrations of staff. Accessing new accommodation is likely to result in additional cost.</p>
42	<p>Why Newport for a base - it seems very skewed geographically and has little in the way of free parking for staff. Wouldn't it make more sense to have a more central single base in the County where parking is free and available? (Cwmbran was suggested) This would keep costs and travelling time down for any times that officers had to attend the base rather than be dragging some officers the entire length of the County to get to the Newport base.</p>	<p>As above. It is envisaged that hot desking will be available across the region as part of the agile working strategy.</p>

Unison

ID	Comments Received 13th Aug 14	Response
1	Unison is broadly in favour of the initiative as being in line with its policy of supporting collaboration projects as a means of achieving efficiency savings as an alternative to cutting services / jobs or outsourcing	
2	Unison fully supports the preferred option set out in para 2.8 of the Economic Case. It should be noted that Unison would wish to revisit its stance should the council propose to support other of the initial shortlisted options.	
3	Unison fully supports the conclusion in para 2.5.3 of the Economic Case which commits to in house provision. It should be noted that Unison would wish to revisit its stance should the Councils propose to support other than the short-listed options.	
4	If Unison needs to revisit its stance in respect of the above 2 bullet points it would wish to challenge some of the statement in para 2.4.3 of the economic case which it believes to be inaccurate in the context of TUPE and the Welsh Assembly code in relation to the two tier workforce.	
5	Para 3.5 Commercial Case It is recognised that the consultation has taken place with Unison however we have recorded our concerns that there appears insufficient impetus to:	
	i) Identify all staff in scope for any TUPE transfer, particularly in respect of support staff	Completed
	ii) Undertake an audit of existing pay and grading and terms and conditions of service.	Ongoing
	iii) Detail a view in respect of the ongoing Total Rewards review in Newport Council	Newport 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) Establish a HR work-stream group, with Unison representation, to oversee the process of negotiation/consultation including around the issues detailed above.	Agreed. 1st meeting took place Sept 14.
6	Para 3.8 Commercial Case: Unison is strongly of the view that any initial contract period should be for 5 years to provide the appropriate degree of certainty for both the service and staff	
7	Para 3.10 Commercial Case: This para fails to reflect or address the concerns expressed by Unison about how the existing councils or the new host council will address the TUPE implications surrounding staff who currently only spend a limited amount of their time engaged in activities relating to the Trading Standards functions - primarily support staff	
8	Para 5.2.1 Management Case: Unison is strongly of the view that there should be a TU representative on any management board to be established. If the preferred option of a joint committee is adopted then there should be provision built in for a trade union representative to attend and make submissions to any Joint Committee	It is proposed that there will be a single member representative from each LA on the Joint Committee. The request for TU attendance will be considered when drafting the Terms of Reference.
9	Para 5.2.1 Management Case: There would need to be consultation with Unison/TU's over any process to fill the 4 senior posts and there would need to be agreement with the recognised Tu's over any recruitment procedures for staff within the operational teams	Consultation with staff and their relevant representatives will be part of the process.
10	Para 5.4 Management Case: Unison notes the timetable set out for approval by the respective councils and accepts that it is clearly appropriate for them to do so in line with their respective established procedures. Equally, however, it wishes to restate its concern that leaving the establishment of the proposed work-streams, specifically the HR work-stream is short sighted and has the potential ultimately delay implementation, as there is likely to be insufficient time to conclude negotiations around a number of the areas referred to in this submission.	See Pt 5 ii) & Pt 5 iv)
11	Appendix E: Although alluded to earlier in this submission, and stated unequivocally in previous discussions/correspondence, Unison would be vigorously opposed to any proposal to establish an SPV or Limited Company and would, under such circumstances, wish to review its stance in support of the initiative.	

Businesses & Residents (Website Consultation)

ID	Business (If applicable)	Authority of Residence	Comments on Proposal	Response
1	Get Connected	Monmouthshire	I think it is a great idea and would be easier than dealing with different offices.	
2	International Greetings	Caerphilly	I am concerned that the TSD will become 'too big' and the service in particular the relationship will be affected. The current smaller set up has local knowledge and a strong business relationship built and maintained. I feel that this enable focus of the business and this excels where changes or issues arise.	
3	Blaengwaeny Farm, Halletts Real Cider	Caerphilly	We have a good relationship with our Caerphilly Trading Standards Officer and would hope we would continue to do so in a unified service.	
4	A G Barr	Blaenau Gwent	<p>i) I think this will dilute the relationships we have as a business with the TSO. It will mean a variety of people visiting with no previous knowledge of the site leading to longer sessions and repeating of data and explanations that have already been made.</p> <p>ii) When trying to make contact it will result in being unable to talk to the staff we know. This will not only take us extra time to explain the situation but also waste the TSO's time as they will have to research us before being able to answer our queries.</p>	

iii) With people covering a larger geographical area travel time will increase for the TSO's I believe and active work time will reduce negating some of the benefits of sharing the load.

iv) If we look at the NHS if you are in hospital you will have a named nurse as first point of contact - will this be the case with the TSO or will it be the next one on the rank who picks up a problem, I value the relationship I have with the current incumbent there is a level of trust on both sides which would be hard to replicate.

5	Monmouthshire	<p>i) Clearly potential benefits but similarly potential for loss of service in some areas. Future service should be created on a modern needs basis and be fully transparent in its reasoning.</p> <p>ii) Consultation needs to be more meaningful questionnaire should have more detailed answers and access to relevant information in order to make an informed response.</p> <p>iii) Wider variety of consultation including roadshows and events that can be attended by both consumers and business alike.</p>
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6	Tudor Brewery Blaenau Gwent	<p>I can understand why the streamlining of services will be beneficial in the reduction of costs but I do have my concerns over the logistical viability of this proposal.</p> <p>If I am correct in my assumptions all services relating to Trading Standards will be amalgamated into one unit based at a specific location. The main issues I with this:</p>
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a) At present we have a strong working relationship with our Trading Standards officers. How will this be maintained going forward? Having someone who is aware of the local area and the business we do has been very helpful over the past two years of trading and advice given has been invaluable. What reassurances can be given to ensure that this level of contact continuity and commitment will be maintained?

b) Will this 'super cell' have the staffing capacity to effectively manage an area as large as the one proposed?

c) Will jobs be lost through this restructure?

d) What benefits will be seen through the merging of service areas and how will this be effectively measured going forward?

7

Newport

I can't see how I or anyone else can answer this question without seeing the proposals.

I worked in Trading Standards for over 40 years before retirement working for authorities across South Wales as well as participating in governance of consumer affairs across the uk. It is fair therefore to point out therefore that my views and responses may be more than the average consumer.

I have only read about the broad simple proposal of combining the current five council TS services in Gwent into one Regional one covering the same area. I have seen no detail of staffing or resources or of organisational managerial or reporting structures. It is therefore very difficult if not impossible for anyone to give an informed view on the idea.

I can only therefore give broad views on the assumption that resources and staffing levels are provided at a level that make a regional service efficient and effective and capable of investigating and bringing to task both local scams and rogue traders as well as large and international companies and organisations.

I fear that is not currently the case which has led to a gradual but regretful fall in standards in many of our High Street retail establishments and in corporate service standards across the financial and commercial services sector. Not least on the internet.

Any proposals should not just be about saving money or sustaining or safeguarding existing services for in many areas these appear to be failing as national standards drop. No they should be about organisational and service delivery changes that efficiently utilise existing resources into a service that can swiftly and effectively deal with the everyday concerns of the public (consumers) of Gwent.

On the general principle of 'is bigger better' I worked for both Gwent County Council when the Trading Standards service were at that County level. Both were successful Trading Standards authorities that could hold their own with large Corporates and had national recognition. Both were well resourced and supported elected members who recognise the invaluable work carried out by the service in protecting their constituents. both were well managed and organised constantly seeking and embracing new methodologies and ideas.

On the break-up of the two County Councils in many local authorities the Trading Standards were absorbed by larger Departments and allowed to wither. To the credit of Caerphilly CBC this never happened and they continued to be a first class example of a small but effective service. So if a lead authority is required for this service in Gwent it can only really be CCBC.

I would very much like to see the detailed plans for an all Gwent service and have the opportunity to comment on resources and organisational issues if that is possible.

Public Bodies

Public Body	Contact	Address	Letter Sent	Replied Rec'd	Comments
BRDO	Graham Russell	Lowere ground floor, Victoria Square House, Victoria Square, Birmingham. B2 4AJ	23/05/2014	25/06/2014	BRDO\BRDO Response.doc
FSA Wales	Nina Purcell	11th Floor, Southgate House, Wood Street, Cardiff. CF10 1EW	23/05/2014		
Aneurin Bevan HB	Gillian Richardson	Victoria House, 2nd Floor, 136-140 Corporation Rd, Newport, NP10 0BH	23/05/2014	25/06/2014	Full support of the proposal confirmed
Gwent Police	Jeff Farah	Gwent Police Headquarters, Croesycyceillog, Cwmbran. NP44 2XJ	23/05/2014		
H&S Exec	Jane Layssey	Government Buildings, Phase 1, Ty Glas, Llanishen, Cardiff. Cf14 5SH	23/05/2014		
HMRC					
AHVLA (Animal Health Vets in WG)	Martin Sharples, Wales Operations Director	South Wales Animal Health Regional Office, Ty Melin, Heol Glasdwr, Parc Pensarn, Carmarthen, SA13 2NF	03/06/2014	30/05/14	Holding reply only received
FACT (Federation against copyright theft)	Eddy Leviten, Director of Communications)	Regal House, 70 London Rd, Twickenham, Middlesex. TW1 3QS	03/06/2014		
CAB/CACs					
NTSB		1 Sylvan Court, Sylvan Way, Southfields Business park, Basildon, Essex. SS15 6TH			
ACTSO		1 Sylvan Court, Sylvan Way, Southfields Business park, Basildon, Essex. SS15 6TH	23/05/2014	03/06/2014	ACTSO does not comment on specific proposals relating to the arrangements which Local Authorities choose to deliver their services.
BPI (British Phonographic Society)		Riverside Building, County hall, Westminster Bridge Rd, London SE1 7JA	03/06/2014		
IPO (Intellectual Property Office)		Concept House, Cardiff Road, Newport, S. Wales. NP10 8QQ	03/06/2014		
ACG (Anti-counterfeiting Group)		PO Box 578, High Wycombe, Buckinghamshire, HP11 1YD	03/06/2014		
South Wales Fire & Rescue	Hugh Jakeway	Forest View Business park, Llantrisant, CF72 8LX	23/05/2014		
TSI	Leon Livermoor	1 Sylvan Court, Sylvan Way, Southfields Business park, Basildon, Essex. SS15 6TH	23/05/2014		
LA Home Authority and Primary Authority Companies	See separate List				

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CABINET – 18TH MARCH 2015

**SUBJECT: GWENT SUBSTANCE MISUSE AREA PLANNING BOARD -
MEMORANDUM OF UNDERSTANDING**

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of the need for the local authority to enter into a Memorandum of Understanding on the planning, commissioning and delivery of Welsh Government funded substance misuse services as a member of the Gwent Area Planning Board.

2. SUMMARY

- 2.1 Welsh Government's Substance Misuse Action Fund (SMAF) supports substance misuse bases, service provider contracts and programmes across the authority. Changes were initiated in August 2012 following guidance, that pre-existing Area Planning Boards would deliver SMAF services on a regional basis.
- 2.2 The Area Planning Board discharge the statutory duty placed on Community Safety Partnership members to formulate a strategy for combatting substance misuse in the area. The constituent members of the Area Planning Board comprise the statutory community safety partners plus invited/advisory members.
- 2.3 2013/14 was a transition year with local SMAF funding retained by Caerphilly CCBC (£1.192 million) on behalf of the Community Safety Partnership. Over 2014/15 administration of the fund, and the fund itself, transferred to Newport City Council, who act as the regional banker for the Area Planning Board. Funding is now allocated for the Gwent area (£4.380 million for 15/16) and held by Newport City Council on behalf of the Area Planning Board. The Gwent area also has access to a capital allocation of £983K.

3. LINKS TO STRATEGY

- 3.1 The single integrated plan replaces the statutory community safety partnership plan and encompasses the strategic aims of the partnership through the 'Safer Caerphilly' strand. Substance misuse as it affects communities and individuals, with the performance indicators to track progress, and the actions to combat substance misuse are included in 'Safer Caerphilly'. Under Welsh Government guidance the Area Planning Board must have regard to local strategies and plans in commissioning services.

4. THE REPORT

- 4.1 The Area Planning Board has been in existence for a number of years and progress towards a Memorandum of Understanding accepted by the five Gwent area local authorities, Gwent Police, Aneurin Bevan University Health Board and the National Probation Service has been slow. The work has been in the hands of Newport City Council Legal Services and delays have been beyond the control of CCBC.

- 4.2 The Area Planning Board has been functioning in the intervening period and meeting the requirements of Welsh Government in relation to the delivery of services on behalf of the local authority area. Caerphilly County Borough Council is represented on the board by the Community Safety Manager. Existing substance misuse support staff across Gwent have combined into a regional team with HR arrangements in place to support this transition.
- 4.3 Regional planning and commissioning has aligned all existing Gwent contracts to allow the procurement of 'Gwent wide' contracts for the delivery of adult and young people's services. Caerphilly CBC's existing contracts were novated to Newport City Council in May last year following a report to CMT (8/5/2014). Contract end dates were aligned across the area and a Gwent wide adult drug and alcohol contract has recently been awarded, following procurement processes run through Newport City Council. The contract implementation date is the 1st of May 2015. This has caused a renewed push for the Memorandum of Understanding to be completed.
- 4.4 A mature draft document was received in December 2014 and further revisions have been suggested by Caerphilly Legal Services notably in relation to:
- Defining that SMAF monies will be spent according to assessed need across the Gwent area with particular reference to periodic Needs Assessment and Performance Monitoring.
 - Clarification of member's responsibilities and risk sharing. The memorandum is not able to be terminated since Welsh Government's decision to award the funding regionally defines that CCBC must be a member of the Area Planning Board.
 - That the memorandum of understanding is a formal legal agreement.
 - Clarification of the decision-making mechanisms of the Area Planning Board.
 - The inclusion of a secondment agreement acceptable to Caerphilly CBC for the single CCBC employee seconded into a newly created regional substance misuse team.
- 4.5 The document has been reviewed by the Head of Procurement and the Environment Directorate Finance Manager during its development. Newport Legal Services have confirmed that all these comments have been accepted. The final agreement is awaited and will be finalised before 1 May 2015. The final document will ensure that the Council's officer has decision making power in relation to the SMAF fund, that the Council is protected from liability in relation to the actions of Newport County Council (as banker and procurer of services) and that the Council can comply with its statutory obligations.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications in this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 As the local authority no longer receives the Substance Misuse Action Fund from Welsh Government, on behalf of the Community Safety Partnership, the financial implications are indirect. The existing seconded staff member's salary will be met by invoices to Newport City Council on a six monthly basis.
- 6.2 The Community Safety Manager attends the Area Planning Board meetings and its Strategic Commissioning Group. Both meetings are quarterly. The Community Safety Manager is also a member of the Area Planning Boards Capital Sub-group that sits to consider capital bids to Welsh Government across the Gwent area. The links are therefore made with the intentions of the Safer Caerphilly strand of the single plan in respect of commissioning and delivery of substance misuse services.

7. PERSONNEL IMPLICATIONS

- 7.1 The seconded staff member is a Project Support Officer at Grade 5. The post has been working towards the regional agenda with a temporary HR agreement in place. The post sits within the regional substance misuse team structure. The intention is to second the staff member into the regional team as part of the Memorandum of Understanding.

8. CONSULTATIONS

- 8.1 The report has been sent to the Consultees listed below, and there are no consultation responses, which have not been reflected in the body of the report.

9. RECOMMENDATIONS

- 9.1 That Cabinet agree that the authority enters into the Gwent Area Planning Board Memorandum of Understanding, subject to the Interim Head of Legal Services approving the final terms of the document.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to ensure the proper and effective use of SMAF monies for the local authority area.

11. STATUTORY POWER

- 11.1 Crime and Disorder Act 1998.
The Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007 (as amended).

Author: Kathryn Peters, Community Safety Manager
Consultees: Councillor David Poole, Cabinet Member for Community and Leisure Services
David Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services
Angharad Price, Barrister, Legal Services
Elizabeth Lucas, Head of Procurement
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, Human Resources Manager
Mike Eedy, Finance Manager

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CABINET – 18TH MARCH 2015

SUBJECT: RESPONSE REPAIRS POLICY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report was presented to the Policy and Resources Scrutiny Committee on 3rd March 2015 and considered and endorsed by the Caerphilly Homes Task Group on the 11th December 2014. It detailed the proposed implementation of a Response Repairs Policy for all Council properties. Response repairs are defined in the policy as repairs that are required by tenants to existing elements of their property and tenants need to be aware of the arrangements the Council has in place for providing this service.
 - 1.2 It is intended that the revised policy will be published on the Housing website and will be supported by detailed internal procedures and practices applied uniformly across the housing service. It will be revised every three years, unless there is an earlier change in legislation.
 - 1.3 Having fully considered the report and the recommendation contained therein, and in taking into account the proposals within the rechargeable repair policy, it was moved and seconded that it be recommended to Cabinet that the introduction of a Response Repairs Policy be supported.

RECOMMENDED to Cabinet that the recommendation of the Caerphilly Homes Task Group to support the introduction of a Response Repairs Policy be endorsed.

- 1.4 Members are asked to consider the recommendations.

Author: Helen Morgan, Senior Committee Services Officer

Appendix - Policy and Resources Scrutiny Committee Report (8) dated 3rd March 2015.

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POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: RESPONSE REPAIRS POLICY

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
 OFFICER**

-
- 1.1 The report was considered by the Caerphilly Homes Task Group on the 11th December 2014.
 - 1.2 The report informed the Task Group on the implementation of a Response Repairs Policy for all Council Properties.
 - 1.3 The former 2004 policy was more of a staff training and procedure manual, which included a policy statement and was not intended to provide information for tenants and as such was not made available on the Council's Internet site. Response repairs are defined in the policy as: repairs that are required by tenants to existing elements of their property and tenants need to be aware of the arrangements the Council has in place for providing this service.
 - 1.4 The Response Repairs Policy highlights the activities and responsibilities involved in delivering a response repairs service to all Council properties by the in-house Housing Repair Operations team. The report also highlights its commitment to providing an effective and responsive housing repairs and maintenance service in order to ensure high levels of tenant satisfaction along with protecting the value of its housing stock.
 - 1.5 Having fully considered the report and the recommendation contained therein, the Caerphilly Homes Task Group recommend that the Policy and Resources Scrutiny Committee support the introduction of a Response Repairs Policy, prior to consideration by Cabinet.
 - 1.6 Members are invited to consider the report and the above recommendation.

Author: C. Evans, Committee Services Officer, Ext 4210

Appendices:

Appendix 1 Caerphilly Homes Task Group Report – 11th December 2014

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CAERPHILLY HOMES TASK GROUP – 11TH DECEMBER 2014

SUBJECT: RESPONSE REPAIR POLICY

REPORT BY: INTERIM CHIEF EXECUTIVE

1. **PURPOSE OF REPORT**

- 1.1 The purpose of this report is to provide information on the implementation of a Response Repairs Policy for all Council properties.
- 1.2 Following consultation by the Caerphilly Homes Task Group, this report will be submitted to Policy & Resources Scrutiny Committee for recommendations and thereafter to Cabinet for decision/approval.

2. **SUMMARY**

- 2.1 The report proposes to introduce a Response Repairs policy document to replace the former 2004 policy statement.
- 2.2 The former 2004 policy was more of a staff training and procedure manual which included a policy statement (copy attached Appendix 1). This was not intended to provide information for tenants and as such was not made available on the Council's internet website.
- 2.3 Response repairs are defined in the attached policy as repairs which are required by tenants to existing elements of their property and tenants need to be aware of the arrangements the Council has in place for providing this service.
- 2.4 The Response Repairs Policy (copy attached Appendix 2) describes the activities and responsibilities involved in delivering a response repairs service to all Council properties by the in-house Housing Repair Operations team. The report also highlights its commitment to providing an effective and responsive housing repairs and maintenance service in order to ensure high levels of tenant satisfaction along with protecting the value of its housing stock.

3. **LINKS TO STRATEGY**

- 3.1 The Response Repair Policy will assist the Council in meeting the aims and priorities detailed in the following strategies:
- 3.2 **National Housing Strategy:** The Welsh Assembly Government's National Housing Strategy 'Better Homes for People in Wales' (2001) has key themes of quality and choice. The WAG vision for housing "*wants everyone in Wales to have the opportunity to live in good quality, affordable housing*".
- 3.3 **The Single Integrated Plan 2013-2017:** has a priority to: "Improve standards of housing and communities giving appropriate access to services across the county borough".

- 3.4 **Local Housing Strategy:** Property Theme: *“Providing the opportunity for everyone to live in affordable, sustainable, good quality housing, regardless of tenure.”*
- 3.5 And links specifically to Strategic Aim 6: Housing Management, *“To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.”*

4. THE REPORT

4.1 The Council as Landlord has an obligation to keep its housing stock in a good state of repair therefore the following principles have been included within the policy document in order to promote the understanding of the Council’s legal responsibilities and mutual obligations in relation to response repairs.

- Responsibilities of the tenant
- Responsibilities of the Council
- Damp and Condensation
- Landlord Lighting
- Rechargeable Repairs
- Repairs to Empty Properties
- Joint Liability Repairs
- The Right To Repair
- Review Process
- Compensation Payments
- Relevant legislation on regulatory compliance
- Repairs and Maintenance Processes.
- Equality Implications.
- Welsh Language
- Tenant Participation.
- Policy Monitoring
- Links to other relevant policies/documents.

4.2 The overall aim of the Response Repair Policy is to contribute to the efficient and effective maintenance of the Council’s housing stock.

4.3 The policy will be accessible on the Housing website and is supported by detailed internal procedures and agreed practices applied uniformly across the housing service.

4.4 Due to the length of time since the previous document had been reviewed, it has been agreed that this policy will be reviewed every three years unless there is an earlier change in legislation.

5. EQUALITIES IMPLICATIONS

5.1 The policy has been updated in terms of Equalities and Welsh language issues following consultation with the Senior Policy Officer (Equalities and Welsh Language).

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications associated directly with the Response Repairs Policy.

7. PERSONNEL IMPLICATIONS

7.1 There are no direct personnel implications.

8. CONSULTATIONS

- 8.1 Consultation has taken place with relevant officers, Cabinet Member for Housing, the Repairs and Improvement Group, all views and opinions have been included in the report.

9. RECOMMENDATIONS

- 9.1 This report is to seek support for the introduction of a Response Repairs Policy, prior to consideration by Policy and Resources Scrutiny Committee and thereafter, Cabinet.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To provide an up-to-date Response Repair Policy which contributes towards the efficient and effective maintenance of the Council's housing stock.

11. STATUTORY POWER

- 11.1 Housing Acts 1985, 1996 and 2004.

Author: Paul Smythe – Housing Repair Operations Manager
(Tel: 01443 864019 smythp@caerphilly.gov.uk)

Consultees: Shaun Couzens – Chief Housing Officer
Graham North - Public Sector Housing Manager
Paul Smythe – Housing Repairs Operations Manager
Phil Davy – Head of Programmes
Chris Burns – Interim Chief Executive
Councillor Gerald Jones - Deputy Leader and Cabinet Member (Housing)
Cllr Hefin David – Chair of Policy & Resources Scrutiny Committee
Cllr Sean Morgan – Vice-Chair of Policy & Resources Scrutiny Committee
Lesley Allen – Principal Accountant
Area/Neighbourhood Managers
Mandy Betts - Tenancy and Community Involvement Manager
Repairs and Improvement Group Tenant Representatives
David A. Thomas - Senior Policy Officer (Equalities and Welsh Language)
Gail Williams, Interim Head of Legal Services & Monitoring Officer

Appendices:

- Appendix 1 Response Repairs Policy Statement
Appendix 2 Response Repairs Policy – May 2014

Response Repairs Manual - INDEX

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A	Page 1	1.0 Maintenance Policy Statement
B	2-4	1.0 Repairs reporting - General Guidelines and Customer Care Requirements.
	5-8	2.0 Guidance on Repairs Prioritisation.
C	9	1.0 Academy Housing System - Features.
	10-15	2.0 Requirements for Repair Reporting. (inc. priorities/ workforce/ work types/ trades)
	16-19	4.0 Emergency 'Out of Hours' Procedure.
D	20-21	1.0 Inspection Procedure.
E	22-25	1.0 Response Maintenance Process and Computer Interface for DLO Jobs.
	26	2.0 Procedure in the Event of Computer Failure.
	27-30	3.0 Job Tickets Disputes and Queries Procedure.
	31-32	4.0 Contractor 'No Access' Procedure.
F	33	1.0 Procedure for Administering Non-DLO Jobs.
	34	2.0 Solid Fuel Appliances Repairs Procedure. Gas Appliances/Systems Repairs Procedure.
	35	3.0 Stair lifts.
	36	4.0 Graffiti removal.
G	37	1.0 Empty Property Management Procedures.
H	38-45	1.0 Rechargeable Repairs Policy. 2.0 Procedure. 3.0 Mutual exchanges. 4.0 End of Tenancies.
J	46-47	1.0 Tenants' Maintenance Responsibilities. 2.0 Appeals Process.

L	50-54	1.0	Tenants' Right to Repair
M	55-56	1.0	Joint Liability Repairs
N	57	1.0	Co-ordination with Planned Maintenance.
O	58-62	1.0	Decoration Allowance and Compensation.
		2.0	Compensation for loss of Heating.
P	66-69	1.0	Damp and Condensation Procedure.
Q	70-71	1.0	Electrical Inspection and Testing
		2.0	Landlord Lighting
R	72	1.0	Porches
S	73-74		Contractor Customer Care Charter.
	75		REPMAN INDEX

SECTION A

1.0 POLICY STATEMENT

1.1 General Policy

1.1.1 A repairs policy with clear definitions of responsibility and expectations can result in the best use of resources both financial and human. A detailed repairs policy forms the basis of an effective repairs service.

1.1.2 Tenants have the right to expect their homes to be properly maintained and to have their repair request dealt with in a professional and customer orientated manner. Customer care therefore plays an essential role in the delivery of this service.

1.1.3 The Councils aim is a 3-pronged approach to maintaining and improving the physical condition of its dwellings:

- 1) Housing Stock requiring unforeseen repairs will be tackled through **Response Maintenance**
- 2) Housing stock in good or adequate condition will be tackled through **Planned maintenance**
- 3) Housing stock in poor condition and requiring major work will be tackled by a range of alternative strategies as part of the **Major Works Policy**

1.1.4 By evaluating and implementing a range of alternative approaches to restore its stock to good condition, the Council will be focusing on a strategy which is in the best interests of tenants and residents.

1.2 RESPONSE MAINTENANCE POLICY

1.2.1 The majority of repairs dealt with by the Council are known as response repairs, i.e. those repairs arising as a result of a personal request by a tenant (or someone representing them) or those relating to empty dwellings. Because of the large volume of such repairs, it is important to prioritise them in some way to ensure that those, which are most urgent, are attended to first. The Authority does this by categorising response repairs into a number of different priority groups, each with specific target times.(see page 5)

1.2.2 It is anticipated that, subject to satisfactory resource levels and the introduction of Planned Maintenance in the Caerphilly County Borough area, expenditure on response repairs will decrease in real terms over the next few years.

SECTION B

1.0 REPAIRS REPORTING GENERAL GUIDELINES AND CUSTOMER CARE REQUIREMENTS

- 1.1 The accurate reporting of a request for a repair is an essential task, but one to which many organisations fail to give sufficient priority, either in ensuring that proper procedures are in place or in training their staff. This section will provide an essential reference point for staff involved in repairs reporting.
- 1.2 The name and address of the tenant (which may be different to that of the caller) will be identified. All repair requests will be logged within the computerised repair system or the alternative manual system in the event of computer failure. (see Section E 2.0.)
- 1.3 A little extra care at this stage of the repairs process can help to reduce the level of secondary enquiries from tenants. Staff receiving repair complaints must ensure that tenants are clearly informed of the priority of the repair, the likely response time and the job number. Staff must also ensure that they take sufficient details of the repair complaint and use the job fax system of logging where possible **to ensure that each job is correctly prioritised.**

Where Clerical Assistants are unable to specify using the job fax manual, adequate and accurate information will need to be passed to the Repairs Inspector, via an inspection note.

1.4 REPAIRS REPORTED BY TELEPHONE

- 1.4.1 When a repair is reported by telephone, the person receiving the call should identify themselves by giving their name and section. The identity of the caller should be established. The address of the property where the repair is needed should be confirmed and the name of the Council tenant. Where possible the telephone number of the caller should be obtained in case any further information is required, or to arrange an appointment.
- 1.4.2 The caller should be asked for full details relating to the repair by asking relevant questions to enable the job to be correctly specified- see para.1.9 below.

A check should then be made on the computerised Repairs History Screen to see if the repair has been reported previously. If it has, it should be explained to the caller that the job has been recorded. The caller must be informed of the priority allocated to the job and the estimated time in which the repair will be completed.

- 1.4.3 If the repair has not been previously recorded, it should be logged on the Repairs Computer system, either by
 - a) the Clerical Officer raising a works order directly by using job fax.

CAERPHILLY COUNTY
BOROUGH COUNCIL

HOUSING SERVICES
RESPONSE REPAIRS POLICY

MAY 2014

Contents

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1.0 Introduction

- 1.1 Caerphilly County Borough Council (the Council) is committed to providing a responsive and effective housing repairs and maintenance service in order to ensure high levels of tenant satisfaction and to protect the value of its housing stock.
- 1.2 This policy details the arrangements for the repairs and maintenance of properties owned by the Council.
- 1.3 Tenant Representatives were consulted in the development of this policy.

2.0 Policy statement

- 2.1 The council will keep its housing stock in good condition by providing an efficient and effective repairs and maintenance service to tenants.
- 2.2 The council will ensure that its repairs and maintenance service reflects the following overall principles:
 - 2.2.1 To repair and maintain the housing stock to a good standard, in compliance with statutory legislation and where relevant in accordance with the requirements of the Welsh Housing Quality Standard.
 - 2.2.2 To provide a flexible, convenient and customer oriented repairs service that gives priority to the safety, comfort and needs of tenants.
 - 2.2.3 To measure and monitor customer satisfaction and make use of the information to continuously improve services.
 - 2.2.4 To meet the Council's legal and contractual obligations
 - 2.2.5 To ensure the repairs service meets the performance and quality standards set out by the Council in the "Reporting a Repair" leaflet and the "Charter for Trust".
 - 2.2.6 To ensure the services provided are outcome and quality focused, cost effective and obtain the best value for tenants from available financial resources.
 - 2.2.7 To ensure the principles of Health and Safety and Equal Opportunities are central to working procedures and practices.

3.0 Principles of the policy

Maintenance of the tenant's home in partnership with the Council and the tenant. As with any partnership there are responsibilities and these are set out below:

- 3.1 Responsibilities of the Tenant
 - 3.1.1 The tenant is responsible for reporting repairs to the council and must allow access to their home in order for the repair to be carried out.

In addition the tenant must also allow access for planned/improvement works to be carried out by the Council providing 10 working days prior notification, or by agreement.

- 3.1.2 If a tenant is unable to fulfil an appointment for any reason, they have a responsibility to notify the Central Repairs Team (CRT) in order that alternative arrangements can be made. Should the tenant fail to keep an appointment or notify the CRT, charges may be levied in accordance with the No-Access Procedure.
- 3.1.3 Tenants also have a duty to allow access for the council to undertake an annual service of the heating system and smoke alarms.
- 3.1.4 The tenant is responsible for the maintenance, repair and replacement of minor items within the home, as described in the Tenants Maintenance Responsibility Procedure.
- 3.1.5 The tenant is responsible for any repairs required to the property as a result of wilful damage, neglect or negligence by them or person residing in or visiting the property and for the removal and any necessary reinstatement work of any unauthorized alterations or improvements. This is explained more fully in the Rechargeable Repairs Policy.

3.2 Responsibilities of the Council

- 3.2.1 The Council is responsible for the maintenance, repair and replacement of the structure and common parts of its properties, as set out in the tenancy agreement and the Tenants Handbook.
- 3.2.2 The Council fulfils its repairing responsibilities through a combination of an improvement, responsive and planned maintenance approach.
- 3.2.3 Responsive maintenance
 - 3.2.3.1 Responsive maintenance is work carried out, usually at the request of the tenant, to repair damage to an item or part of structure of the building. This may also include replacement of the item if required.
 - 3.2.3.2 An appointment system is available so that tenants can arrange for repairs to be carried out at a time and date to suit themselves
 - 3.2.3.3 An emergency service is provided to tenants for any response repair required outside the Council's normal working hours.
- 3.2.4 Planned/Improvement works WHQS (This type of work is not covered under this policy)

Planned/Improvement work is work organized and carried out on a planned programme in line with the council's 30-year business plan. This includes all major repairs and improvements needed to bring homes up to the Welsh Housing Quality Standard.

Planned maintenance also includes cyclical and preventative works, which are repeated at regular intervals, such as external painting, boiler servicing, electrical testing, smoke alarms servicing, water treatment, lift servicing, fire alarm servicing.

3.2.5 Damp and Condensation

The Council will investigate all reports of dampness however caused offering advice and solutions to tenants concerning the management of condensation and remedial works in the case of rising or penetrating dampness. Independent advice can be obtained where necessary.

3.2.6 Landlord Lighting

Lighting to communal areas will be checked weekly and replacements made. All landlord lighting will be subject to an annual electrical safety test.

3.2.7 Re-chargeable Repairs

Any damage, which is deemed to be the tenant's responsibility, will be identified and dealt with in an appropriate manner. Where the statutory responsibility for the repair lies with the council, or there is a health and safety risk, the damage will be repaired and where necessary the costs charged to the tenant in line with the Rechargeable Repairs procedure.

Details of rechargeable repairs are provided within the Tenants Handbook and can also be accessed via the council's housing website.

Tenants are also charged for any repairs found in a property after their tenancy has ended which also includes the condition of the property in line with the Rechargeable Repairs procedure, Empty Property Management Procedure and Termination of Tenancy Procedure. Photographic evidence, before and after the repair/s has been undertaken, should be provided in such circumstances.

3.2.8 Repairs to Empty Properties

The Council will repair all empty properties to its Letting Standard, in line with the Empty Property Management Procedure.

3.2.9 Joint Liability Repairs

Often repairs are reported by the tenant that affects a component of the property that is shared by the adjoining property, e.g. chimney stack, fencing. If this adjoining property has been sold there is a joint responsibility for the cost of the works. Full consultation needs to be undertaken and agreement reached with the Owner before the work is completed.

3.3 The Right to Repair

3.3.1 Tenants have a right to expect repairs to be completed within set timescales. These timescales are defined in the “Reporting a Repair” leaflet and in the Tenants Handbook.

3.3.2 Under the Right to Repair legislation, tenants may be entitled to claim compensation where a qualifying repair has not been completed within agreed timescales.

3.3.3 The Council will provide tenants with information on the Right to Repair where relevant.

3.4 Permission for a tenant to carry out an improvement will not be unreasonably withheld, but permission may be withheld if the requested improvement:

3.4.1 Will make the property more expensive to maintain.

3.4.2 Will make the property less safe

3.4.3 Will reduce the value of the property

Compensation for improvements may be payable in line with the provisions of the Compensation Schemes for Council Tenants leaflet.

4.0 Review Process

4.1 Tenants have a right to ask for a review of a decision in both the Recharge Procedure and the Tenants Maintenance Responsibilities Procedure. However tenants can also refer a complaint through the Corporate Complaints Procedure for any decision to be reviewed.

5.0 Compensation Payments

5.1 A decoration allowance may be paid for consequential damage following a Landlord repair in certain circumstances.

5.2 Compensation may be payable to tenants who suffer total or partial loss of heating. The criteria for winter payments and summer payments differ as do the level of compensation payable.

5.3 Compensation will be payable to tenants if their energy supply is utilised in the undertaking of any repairs in line with the Charter for Trust.

6.0 Relevant legislation and regulatory compliance

6.1 Caerphilly Council will ensure that properties are repaired and maintained in accordance with best practice and relevant policy and legislation, including the following:

- 6.1.1 Tenancy agreement and Tenant's handbook
- 6.1.2 Housing Acts 1988,1996,1998,2004
- 6.1.3 Landlord and Tenant Act 1985
- 6.1.4 Defective Premises Act 1972
- 6.1.5 Building Regulations
- 6.1.6 Leasehold Reform Act
- 6.1.7 Equality Act 2010
- 6.1.8 Disability Discrimination Act 2005
- 6.1.9 Gas Regulations (Gas Safe)
- 6.1.10 Electrical Regulations (NICEIC)

7.0 Repairs and Maintenance Process

- 7.1 Responsive repairs can be reported by tenants or their representatives in the following ways and will normally be dealt with by the Centralised Repairs Team.

By telephone

By letter

By email

In person at local housing/council offices

In person during estate inspections

By telephone to the 'out of hours' call-out service for emergency repairs only. Misuse of this service may result in a recharge.

- 7.2 The Council is continuously improving the methods of reporting repairs and will seek to develop more modern methods through the use of new technology.

- 7.3 The Council has set the following categories of responsive repairs with target timescales for responding to and completing repairs. In exceptional circumstances, for instance where the tenant is in poor health, the Council may consider a faster response time than the published targets.

7.3.1 Emergency repairs

Emergency repairs are those that need to be carried out to avoid serious danger to health and safety or where a failure to carry out the repair could cause extensive damage to buildings and property.

Priority 01 out of hours emergency repairs should be completed or made safe within 2 hours.

Priority 02 working hours emergency repairs should be completed or made safe the same day as they are reported.

7.3.2 Response Repair Appointments

For the convenience of its tenants, the Council offers an appointment system for carrying out responsive repairs during normal working hours.

Appointments are arranged with the individual tenant, with morning, afternoon, School run or all day appointments offered. They should be completed to the tenant's convenience which should be within 25 days of the repair being reported.

7.3.3 Planned Response Works

Planned response works are larger type repairs, which generally take more than one day to complete that are not urgent, although they may cause inconvenience to tenants.

Planned works should be completed within 50 days of being reported.

7.3.4 Pre-inspections

Certain repairs may need to be inspected in order to assess the nature of the work and its priority. Where possible, all inspections will be carried out within 3 working days.

7.4 Quality Control

7.4.1 The Council believes that the quality of its maintenance service is extremely important, not only to ensure the health, safety, comfort and satisfaction of its tenants, but also to protect the fabric and value of its housing stock.

7.4.2 The Council requires all staff and contractors working in tenants' homes to comply with the 'Charter for Trust' developed by the council.

7.4.3 Tenants who report a response repair may be contacted by telephone after the repair has been completed, to help assess the performance and quality of the repairs service by completing a satisfaction survey.

7.4.4 Every 3 months the Council will send out pre-paid questionnaires to a random selection of tenants who have recently had a repair completed to obtain feedback on the standard of our service delivery

7.4.5 The Council will ensure a minimum of 20% of all repairs works are inspected following completion. Any issues arising from these post-inspections will be referred to the Foreman responsible for investigation who will ensure that any necessary remedial works are carried out, or the response repairs procedure may require reviewing.

7.4.6 The Council's complaints policy is also available to any tenant who is dissatisfied with the responsive repairs service provided. Details are available on the council's website, at local housing offices or at any of the council's main offices.

8. Equalities and Welsh Language Implications

- 8.1 The Council is committed to giving an equal service to all. Any action taken under this policy will comply with current Equalities and Welsh language legislation.
- 8.2 The Council's staff will operate within the requirements of the current corporate Strategic Equality Plan and Welsh Language Scheme, and meet any specific needs which may arise in respect of tenants' requirements regardless of their individual circumstances and backgrounds.
- 8.3 The Repairs and Maintenance procedure will be tailored to meet the needs of individuals, for example the priority of a repair may be increased for vulnerable tenants. All cases will be considered on an individual basis.
- 8.4 All contractors will be asked to provide their Equality and Diversity policy prior to allocating any works.
- 8.5 The Council will make information available in a variety of information formats on request, including:
 - 8.5.1 Large print
 - 8.5.2 Audio tape
 - 8.5.3 Other languages

9. Tenant Participation

- 9.1 The Council will provide performance information to tenants through the various Tenants Groups, Caerphilly Homes Task Group, Housing website and the 'Housing' newsletter so tenants can measure and evaluate the quality and effectiveness of the services delivered.
- 9.2 The Council will listen to tenants' views at every opportunity to enable continuous improvements to services, in line with the Local Tenant Participation Strategy.
- 9.3 The Council will:
 - 9.3.1 Involve our Tenants in decisions regarding response repairs
 - 9.3.2 Involve our Tenants in developing repairs policies
 - 9.3.3 Involve our Tenants in the selection and drawing up of specifications for contractors and key components.

- 9.4 The Council will ensure that wherever possible tenants are able to exercise a choice on repairs, for example through our appointment system or on colour schemes.
- 9.5 The Council will undertake all building repair work in line with the provisions of the Charter for Trust for building maintenance work.

10. Policy Monitoring

- 10.1 To help achieve our aim of being a continuously improving organization and to ensure that we meet all statutory obligations, the Council has systems and processes in place which allow us to monitor and evaluate our performance.
- 10.2 The Council will constantly monitor repair standards and the performance of its contractors. Appropriate action will be taken if the repairs are not performed to the required standard.
- 10.3 The Council will continually review its standards by measurement against performance benchmarks set by the Welsh Government in comparison with other social housing providers.
- 10.4 The Council will benchmark its performance against other similar housing organizations with the aim of achieving continuous improvement and to ensure compliance with best practice and promote through newsletters.
- 10.5 Reports on the Response Repairs Service will be considered by the Caerphilly Homes Task Group, which consists of seven Councillors and seven elected Tenant Representatives.
- 10.6 The Repairs and Improvement Group will meet on a regular basis to review the service and identify any areas for improvement. This group will also act as the council's main consulting body for the Response Repairs Service

11. Links to other relevant policies/documents

- 11.1 This policy links closely with the following policies and documents:
 - 11.1.1 Tenancy agreement
 - 11.1.2 Tenants' Handbook
 - 11.1.3 Local Tenant Participation Strategy
 - 11.1.4 Re-chargeable Repairs Policy
 - 11.1.5 Planned and Cyclical Maintenance Policy
 - 11.1.6 Empty Property Management Policy
 - 11.1.7 Charter for Trust

Response Repairs Policy

- 11.1.8 Complaints Policy
- 11.1.9 Health & Safety Policy
- 11.1.10 Reporting a Repair Leaflet
- 11.1.11 No Access Procedure
- 11.1.12 Compensation Procedure
- 11.1.13 Tenants Maintenance Responsibilities
- 11.1.14 Response Repair Joint Responsibility Procedure
- 11.1.15 Landlords Consent Procedure
- 11.1.16 Annual Service No Access Procedure
- 11.1.17 Termination of Tenancy Procedure

12. Review

- 12.1 This policy will be reviewed every three years unless there is an earlier change in legislation.

13. Approvals

Date approved by the Caerphilly Homes Task Group

Date for review of the policy: _____

Responsible post: _____



CABINET – 18TH MARCH 2015

SUBJECT: RECHARGEABLE REPAIRS POLICY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report, which detailed proposals to implement a Housing Services Rechargeable Repairs Policy for Council tenants, former Council tenants, owner-occupiers and leaseholders, was considered by the Policy and Resources Scrutiny Committee on 3rd March 2015. This covering report details the views of the Members and their subsequent recommendations in order that Cabinet can make an informed decision.
 - 1.2 Members considered the report and noted that the Policy is intended to complement the Recharge Procedure which has been in place for many years and provide guidance to staff when recharging for repairs.
 - 1.3 It was accepted that the vast majority of Council tenants have not or are unlikely to be recharged for undertaking repairs. However such a policy needs to be in place to deal with the situations where tenants fail to act responsibly and maintain their homes to a satisfactory standard and condition. The reason behind a discount is to try to incentivise tenants to pay the charge in full earlier and for more tenants to pay. It is proposed that a review is undertaken after 6-12 months, as this will enable Officers to assess how successful or otherwise the discount has been to generate higher levels of income and recovery overall.
 - 1.4 With regards to paragraph 7.4 'Where the tenant uses the Council's out of hours emergency service due to accidental or criminal damage (not fair wear and tear), the callout charge will be recharged to the tenant, in addition to the cost of any repair undertaken', clarification was sought as to how it is determined whether the damage is accidental or criminal. It was confirmed that there is a requirement to complete a 'Declaration of Truth' form. It was suggested that this paragraph be amended to reflect that the cost of the repair will depend on the damage that has been undertaken as reflected in the 'Declaration of Truth' form.
 - 1.5 With regards to paragraph 7.6 of the Policy which advised that 'Where a prior appointment has been made with the tenant to carry out a repair and access is not available the tenant will be recharged for the cost of the no access call at the standard rate (no minimum charge applies)' a query was raised as to whether this applies when the Council fail to attend at the appointed time. The Chief Housing Officer advised that the Council operate an appointment system for the majority of response repairs and when a tenant fails to give access at the agreed time a recharge is made. In order to ensure fairness the policy has introduced an agreement that if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered, providing loss of income can be evidenced. It was requested that paragraph 7.6 be amended to reflect that compensation to the tenant will be considered.
 - 1.6 With regards to the role of the Review and Appeals Panel, and the procedure for tenants to follow if they wish to have their recharge reviewed, it was proposed that a Member be included in the representation. In noting the content the policy (as appended to the report) which detailed the circumstances when a recharge will be made, the cost and how a tenant

can ask for a review if they disagree with the recharge being made, it was requested that it be clarified within the Policy that the need to issue a recharge will depend on the damage that has been undertaken and receipt of a 'Declaration of Truth' form.

- 1.7 It was noted that consideration had been given to offering only current tenants a discount of 25% if payment is made within 28 days from the date of the invoice. The Repairs and Improvement Group proposed that this be increased to 50% where payment is made within 35 days from the date of the invoice. It was proposed by the Chief Housing Officer that this should be 25%. This would need to be monitored to determine whether a discount increases the level of income received from these invoices in respect of rechargeable repairs.
- 1.8 Following consideration of the report, and taking account of the views expressed by Members on the content of the document, it was moved and seconded that subject to the amendments proposed during the course of the meeting (and detailed within the recommendation), the following be referred to Cabinet for consideration. By a show of hands (and in noting that there was one abstention in relation to recommendations (iii) and (iv)) these were agreed by the majority present.

RECOMMENDED to Cabinet that:-

- (i) subject to an amendment to paragraph 7.4 to reflect that the cost of the repair undertaken will be depend on the damage that has been undertaken and receipt of a 'Declaration of Truth' form and paragraph 7.6 being amended to reflect that if the Council fail to attend an appointment at the agreed time compensation to the tenant will be considered, the Rechargeable Repairs Policy be adopted;
- (ii) subject to the addition of a Member in its Membership, the establishment of a Review and Appeals Panel be supported;
- (iii) a discount of 25% be introduced when current tenants make payment within 35 days from the date of the invoice for both rechargeable repairs and end of tenancy repairs;
- (iv) the introduction of a discount be the subject of a review within 6-12 months (or at the earliest opportunity) in order to establish its success in respect of improving the amount of income received for the HRA.

- 1.10 Members are asked to consider the recommendations.

Author: Helen Morgan, Senior Committee Services Officer

Appendix - Policy and Resources Scrutiny Committee Report (9) dated 3rd March 2015.



POLICY AND RESOURCES SCRUTINY COMMITTEE – 3RD MARCH 2015

SUBJECT: RECHARGEABLE REPAIRS POLICY

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide information on the implementation of a Housing Services Rechargeable Repairs Policy for Council tenants, former Council tenants, owner-occupiers and Leaseholders.
- 1.2 This report will be submitted to Policy and Resources Scrutiny Committee for recommendations and thereafter submitted to Cabinet for consideration/approval.

2. SUMMARY

- 2.1 The report proposes to introduce a Rechargeable Repairs Policy to complement the Recharge Procedure which has been in place for many years and which provides guidance to staff when recharging for repairs.
- 2.2 The policy (copy attached Appendix 1) gives information on the circumstances when a recharge will be made, the cost and how a tenant can ask for a review if they disagree with the recharge being made.

3. LINKS TO STRATEGY

- 3.1 The Rechargeable Repairs Policy will assist the Council in meeting the aims and priorities detailed in the following strategies:
- 3.2 **National Housing Strategy:** The Welsh Assembly Government's National Housing Strategy 'Better Homes for People in Wales' (2001) has key themes of quality and choice. The WAG vision for housing "*wants everyone in Wales to have the opportunity to live in good quality, affordable housing*".
- 3.3 **The Single Integrated Plan 2013-2017:** has a priority to: "Improve standards of housing and communities giving appropriate access to services across the county borough".
- 3.4 **Local Housing Strategy:** Property Theme: "*Providing the opportunity for everyone to live in affordable, sustainable, good quality housing, regardless of tenure.*" And links specifically to Strategic Aim 6: Housing Management, "*To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.*"

4. THE REPORT

- 4.1 The Council as Landlord has an obligation to keep its housing stock in a good state of repair and we will do this when repairs are reported, with no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair wear and tear. This normally means where the fixture or fitting has worn out or has come to the end of its natural life. Tenants have a responsibility to act responsibly and maintain their homes to a satisfactory standard and condition, but when a repair has been identified as not being caused through fair wear and tear, the council may recharge the cost to the tenant.
- 4.2 The Policy gives information on the following:-
- Objectives of the Policy
 - Policy Statement
 - Principles of the Policy
 - Rechargeable Repairs Definition
 - Rechargeable Repairs Criteria
 - Cost of Repairs
 - Monitoring
 - Review Process
 - Links to other Policies and Documents
- 4.3 The overall aim of the Rechargeable Repairs Policy is to contribute to the efficient and effective maintenance of the Council's housing stock.
- 4.4 The Rechargeable Repairs Policy refers to Section 21 of the Tenancy Agreement which states:-
21. You will pay the Council on demand any costs it incurs:
- 21.1 for repairs to the property or to common parts of flats as a result of wilful damage, neglect or negligence by you or any person residing in or visiting the property; or
- 21.2 for the removal of any unauthorised alterations or improvements to the property and any necessary reinstatement work or where any alterations, improvements or repairs have been carried out by you or on your behalf in an unworkmanlike manner or
- 21.3 as a result of you having failed to carry out within a reasonable time repairs to the property which are your responsibility
- 4.5 It is accepted that the vast majority of Council tenants have not or are unlikely to be recharged for undertaking repairs. However such a policy needs to be in place to deal with the situations where tenants fail to act responsibly and maintain their homes to a satisfactory standard and condition.
- 4.6 The policy will be accessible on the Housing website and is supported by detailed internal procedures and agreed practices to be applied uniformly across the housing service.
- 4.7 The Council operate an appointment system for the majority of response repairs and when a tenant fails to give access at the agreed time a recharge is made. This charge is associated with time taken for the call by the operative, cost of the vehicle etc and is a standard one off charge. In order to ensure fairness the policy has introduced an agreement that if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered providing loss of income is evidenced.

- 4.8 Full consultation has been undertaken with the Repairs and Improvement Group and their views have been reflected in the policy. However poverty remains a major concern for this group which has been addressed in section 4.4 of the policy which states “to negotiate sustainable and affordable repayment plans with tenants/former tenants for rechargeable repairs”.
- 4.9 Consideration has been given to offering only current tenants a discount of 25% if payment is made within 28 days from the date of the invoice. The Repairs and Improvement Group proposed that this be increased to 50% where payment is made within 35 days from the date of the invoice.
- 4.10 The purpose of applying a discount was to reduce the costs that are applied to our tenants for rechargeable repairs and to also incentivise tenants to pay the charge within an acceptable timescale. Any discount applied however, would result in an under recovery of the costs involved in undertaking the works and it is not possible to predict if any discount would result in more tenants paying a recharge without the Council having to pursue the amount due via our sundry debtors, i.e. if only the same historical percentage of tenants continued to pay for recharges, this would result in reduced income to the Housing Revenue Account, as those payers would receive a 25% or 50% discount if current proposals were accepted.
- 4.11 A further suggestion from the Repairs and Improvements Group was to introduce a Reviews and Appeals Procedure/Panel (see Appendix 2). A draft Terms of Reference for the panel is attached as Appendix 3.

5. EQUALITIES IMPLICATIONS

- 5.1 The policy has been updated in terms of Equalities and Welsh language issues following consultation with the Senior Policy Officer (Equalities and Welsh Language).

6. FINANCIAL IMPLICATIONS

- 6.1 The purpose of the Recharge Policy is to reduce expenditure on the repairs service by recovering the costs of repairs, which are not incurred as a result of fair wear and tear and to encourage tenants to maintain the property to an acceptable standard. Rental income from responsible tenants should not be utilised for funding repair recharges which may be caused by wilful damage or neglect. Furthermore, this reduces the financial resource to provide an efficient repair service for all our tenants if costs for wilful damage or neglect from the minority of tenants are not recovered.
- 6.2 As consideration has been given to offer discounts for tenants who settle their invoice early, this in effect is a cost to the service, but this should be outweighed against the likely ongoing cost increase in bad debts and arrears if this option is not offered.
- 6.3 Recharges for 2013/14 in relation to repairs to tenanted properties amounted to £89k which relates to 2% of the total expenditure for response repairs. Recharges for void properties equated to £174k which relates to 6% of the total expenditure for void properties.
- 6.4 Rechargeable repairs are invoiced within the financial year of the costs incurred, and under our sundry debtor policy, this is credited to the HRA immediately. However, if the invoice is not paid by the tenant within the required timescale then it is likely to be written off, but this may not occur until the following financial year. Therefore it is not possible to establish how much of the amount invoiced is actually paid within a financial year. Reviewing the bad debt amount over the last three years, shows on average that at least 60% of all recharges are written off.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications. However, Housing staff will take direct action in the recovery process which will include home visits and providing money advice.

8. CONSULTATIONS

- 8.1 Consultation has taken place with relevant officers, Cabinet Member for Housing, the Repairs and Improvement Group, and relevant officers. All views and opinions have been included in the report.
- 8.2 Some members of the Repairs and Improvements Group raised concern over the impact this policy may have on those tenants who may be in poverty and whilst this is obviously a concern, it is considered that such tenants cannot be dealt with differently if they fail to act responsibly and maintain their homes to a satisfactory standard. This issue has therefore been covered under item 4.4 of the policy.
- 8.3 Additionally, comments were received in relation to those tenants who may suffer Domestic Violence/Abuse and this has been incorporated under Appendix 1 of the policy, where consideration may be given to waiving such charges in exceptional circumstances.

9. RECOMMENDATIONS

- 9.1 This report is to seek members' views on the introduction of a Rechargeable Repairs Policy, prior to the report being submitted to Cabinet for approval.
- 9.2 To seek members support for the establishment of a Reviews and Appeals Panel
- 9.3 To consider the introduction of a discount when current tenants make payment within 35 days from the date of the invoice for both rechargeable repairs and end of tenancy repairs, and make recommendations to Cabinet.
- 9.4 The introduction of a discount will be the subject of a review within 6-12 months to establish its success.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To provide a Rechargeable Repairs Policy which contributes towards the efficient and effective maintenance of the Council's housing stock.

11 STATUTORY POWER

- 11.1 Housing Acts 1985, 1996 and 2004.

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Consultees: Shaun Couzens – Chief Housing Officer
Graham North - Public Sector Housing Manager
Paul Smythe – Housing Repairs Operations Manager
Phil Davy – Head of Programmes
Chris Burns – Interim Chief Executive
Cllr Gerald Jones - Deputy Leader and Cabinet Member (Housing)
Cllr Hefin David – Chair – Policy & Resources Scrutiny Committee
Cllr Sean Morgan – Vice-Chair – Policy & Resources Scrutiny Committee

Gail Williams - Interim Head of Legal Services/Monitoring Officer
Lesley Allen – Principal Accountant
Area/Neighbourhood Managers
Mandy Betts - Tenancy and Community Involvement Manager
Repairs and Improvement Group Tenant Representatives
David A. Thomas - Senior Policy Officer (Equalities and Welsh Language)

Appendices:

- Appendix 1 Rechargeable Repairs Policy – September 2014
- Appendix 2 Review and Appeals Procedure/Panel
- Appendix 3 Terms of Reference for Reviews and Appeals Panel

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CAERPHILLY HOMES
HOUSING SERVICES
RECHARGEABLE REPAIRS POLICY

SEPTEMBER 2014

Rechargeable Repairs Policy

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1. Introduction

Caerphilly Homes is committed to providing a responsive and effective housing repairs and maintenance service. This is to ensure high levels of tenant satisfaction and to protect the value of its housing stock.

The council as Landlord has an obligation to keep its housing stock in good repair. We will do this when repairs are reported, with no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair, wear and tear. This normally means where the fixture or fitting has worn out or has come to the end of its natural life.

The majority of tenants keep their homes in good condition but there are some who do cause damage deliberately or through neglect. Where such jobs are required, we call these rechargeable repairs. We do not want the tenants who look after their homes to share the costs of repairs for those who do not.

Caerphilly Homes will ensure that no individual is discriminated against on grounds of their ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

Caerphilly Homes will ensure the promotion of equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille as required. An Equality Impact Assessment was undertaken on this Policy prior to its implementation

Where a repair is found to be the tenant's responsibility, the tenant does have the option to undertake the repair themselves. However, in order to ensure the repair is completed to the required standard this will be monitored. Wherever possible the tenant will be advised prior to the work being undertaken.

The council offers all tenants an insurance policy which will cover certain repairs for which the council is not responsible. Tenants also have the option of paying an additional premium to cover accidental damage.

A Recharge Procedure is in place for staff guidance to ensure consistency is applied across the borough. The Policy and Procedure will be reviewed annually unless legislative changes require that it be reviewed earlier.

Tenants Representatives have been consulted and contributed to the development of this policy.

2. Objectives of the Policy

- To give guidance on the circumstances where repairs will be recharged
- To give guidance on the circumstances where discretion will be exercised – see Appendix 1 for Exceptional Circumstances
- To outline the recharge process for repairs
- To inform tenants how to appeal or dispute the recharge – see Appendix 3
- To show how rechargeable repairs will be monitored in order to maintain equality and to seek continuous improvement.

3. Policy Statement

The Tenancy Agreement states that the tenant is responsible for paying the Council on demand any costs it incurs as a result of:

- wilful damage
- neglect or negligence by the tenant or any person residing in or visiting the property
- the removal of any unauthorised alterations or improvements to the property and any necessary reinstatement work
- failure by the tenant to carry out, within a reasonable time, any repair to the property which is their responsibility.

4. Principles of the Policy

The overall aim of the Recharge Policy is to contribute to the efficient maintenance of the Council's housing stock and to ensure that properties and expenditure are managed effectively. The principles which inform this aim are as follows:-

- 4.1 To efficiently and cost effectively manage tenancies by emphasising both the rights and responsibilities of tenants. Not raising rechargeable bills would deprive the Council of much needed income and increase the costs of the service and rental levels to all of our tenants.
- 4.2 To promote the provision of homes at affordable rents and in return expect our tenants to act responsibly and look after their homes.

- 4.3 To always consider the needs of vulnerable tenants. Exceptional circumstances will be taken into consideration and criteria will be used to assess exceptional circumstances. See Appendix 1.
- 4.4 To negotiate sustainable and affordable repayment plans with tenants/former tenants for rechargeable repairs.
- 4.5 To provide a repairs and maintenance service which is fair to all tenants, open, transparent and with recharges being consistently applied.

5. Rechargeable Repairs Definitions

Repairs that have been completed by the Council which are the tenants/former tenants responsibility are as follows:

- Neglect – preventable damage caused by the tenant failing to take the appropriate action or through carelessness.
- Property Clearance – During a tenancy or when a tenant ends their tenancy they will be recharged for works identified as a tenant's responsibility. This includes clearance of any rubbish and personal belongings that have been left in the attic, garden, garage, out buildings and communal areas.
- Damage – caused by actions of the tenant, former tenant, tenants family, invited guests or a contractor employed by the tenant.
- Accidental Damage – where damage has occurred unexpectedly and without malice
- Criminal Damage – Where the tenant has reported that the damage to the property occurred as a result of either criminal or anti-social behaviour. A 'Declaration of Truth' form is sent to the tenant which should be returned within 14 days. If the Declaration of Truth form is not returned or the incident is not reported to the Police a recharge will normally be applied.
- Domestic Abuse – Damage to the property where the tenant has reported an incident to the Police, which is subject to a Domestic Abuse Conference Call (DACC). If the perpetrator remains living at the property or the tenant remains in the relationship and does not take action against that person the damage will normally be recharged.
- No Access – The tenant is recharged for the cost of a failed appointment when prior arrangements have been made to

carryout a repair and no access is available at the agreed time. However if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered, providing loss of income is evidenced.

- Abuse of the Emergency Service – Tenants are recharged for misuse of the Out of Hours Emergency Service when it is clear that the repair could have waited until the following working day. Callers are advised of this on the emergency service recorded message and are then reminded when questioned by the Standby Operators who follow a standard script.
- Tenant Responsibility – Tenants who use the Repairs Service including the Out Of Hours Emergency Service for reporting a repair that is later found to be the tenant's responsibility will be recharged for all costs incurred by the authority.
- Tenants Alterations – If a tenant has undertaken unauthorised alterations to the property, which are not to the Councils required standards and the tenant fails or refuses to undertake the remedial works, then the Council will undertake the works in default, and the tenant recharged the full cost.
- Owner Occupiers – shared maintenance responsibility. This involves any part of the structure or a fixture that is shared with an adjoining council property such as chimneystacks, paths and fences. The private owner will be liable for costs incurred by the Council on their behalf.
- Leaseholders – these are costs for repairs undertaken to the structure of the building and are charged annually. The leaseholder would not be recharged for the full cost of the work; they would pay a share, in accordance with the terms of their lease, which depends on the number of flats in the block.

6. Rechargeable Repairs Criteria (the list is not exhaustive)

6.1 End of Tenancy Works

- Any work carried out after a property is vacated to repair damage caused to the property or to replace missing or broken fixtures and fittings which were not attributable to fair wear and tear. This may also include cleaning and decoration.
- Broken floor tiles revealed following the removal of unauthorised floor coverings fitted by the tenant.
- Forced entry and associated damage where no keys were returned for the house, garage, shed.

- Clearance of property, garden and outbuildings
- Disinfestation costs
- Removal or making good tenants alterations and improvements, which were not maintained to an acceptable standard.

6.2 Response Repairs

- Replacement of all door locks including those for garages and sheds, which are not due to fair, wear and tear i.e. tenant has lost keys.
- Council forced entry and associated damage due to loss of keys, Police forced entry and emergency service forced entry.
- Damaged internal and external glazing including boarding up
- Broken or damaged sanitary fittings
- Electrical works where the loss of power supply has been caused by the tenant's own appliance such as the cooker.
- Electrical safety checks following a tenants own alterations including light fittings.
- Cost of Contractors visit for inspection/repair of gas or electrical fittings due to lack of power supply caused by the tenant not crediting their card/key such as no heating.
- Blocked sinks, wash hand basins, baths, showers, toilets and gullies unless caused by a structural defect such as a cracked drain or a blockage in the main sewer line.
- Removal and making safe a tenants unauthorised or substandard alteration
- Make safe or any work carried out to fixtures, fittings or appliances installed by or belonging to the tenant, or to alterations the tenant may have carried out during the tenancy.
- Damage caused to another property through tenant misuse or neglect such as bath overflowing into ground floor flat.
- Refixing radiators following redecoration
- Owner/Occupier joint responsibility for example chimney stacks, fencing

- Leaseholders where repairs have been identified as their responsibility for example a water leak into flat below.

7. Cost of Repairs

- 7.1 The cost of the repair will be recharged as shown in Appendix 2.
- 7.2 No charge will be made for any additional administration or 'handling' fees.
- 7.3 A minimum job cost will apply on all repairs carried out and this will be forwarded onto the tenant/former tenant. There is no set maximum price limit.
- 7.4 Where the tenant uses the Council's out of hours emergency service due to accidental or criminal damage (not fair wear and tear), the callout charge will be recharged to the tenant, in addition to the cost of any repair undertaken.
- 7.5 Where a tenant uses the Council's emergency service for non-emergency repairs such as calls which could wait until the next working day, the tenant will be recharged for the cost of the call-out but not for the cost of the repair.
- 7.6 Where a prior appointment has been made with the tenant to carry out a repair and access is not available the tenant will be recharged for the cost of the no access call at the standard rate. (no minimum charge applies).
- 7.7 A 50% discount will be applied following implementation of this policy to all recharges where payment is made within 35 days from the date of the invoice. See Reviews and Appeals process.

8. Monitoring

- 8.1 The Policy will be reviewed in consultation with Tenants Representatives, staff and other stakeholders.
- 8.2 The Policy will be reviewed annually unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.
- 8.3 In order to comply with its service commitments, it is important that we monitor the effects of the rechargeable repairs procedure. Areas to be monitored are as follows:
 - Amount recharged and income collected

- Number of rechargeable repairs raised at each housing office divided between void and response recharges
- Consistency in relation to the reason for recharging and the type of repairs recharged
- Target times for recharges being raised

9. Review Process

See Appendix 3 for the Reviews and Appeal Procedure

9.1 The Council Housing Repairs System allows tenants to appeal against their recharge if they have good reason to disagree with a decision. This could be because: -

- The reason for the recharge is incorrect
- You think the cost is incorrect
- You think you have special circumstances which have not been properly assessed or taken into consideration

9.2 Current and former tenants have the right to a review by initially writing to their local housing office.

9.3 Throughout this process tenants may wish to take advice from an independent source such as the Citizens Advice Bureau, Law Centre or Solicitor.

10. Links to other relevant Policies/Documents

- Tenancy Agreement
- Tenants Handbook
- Rechargeable Repairs Policy
- Empty Property Management Procedure
- Complaints Policy
- No Access Procedure
- Rechargeable Repairs Leaflet

- Tenants Maintenance Responsibilities
- Response Repairs Joint Responsibility Procedure

- Landlords Consents Procedure

- Termination of Tenancy Procedure

- Leaseholders Handbook

EXCEPTIONAL CIRCUMSTANCES

Each case must be assessed and discretion not to recharge may be exercised by Council staff, depending on the circumstances affecting the individual case. In considering when discretion should be exercised and a recharge waived in full or in part, account will be taken of:-

- Tenants Age
- Tenants Health
- Disability issues (physical, mental or learning)
- Domestic Abuse
- Harassment or victimisation (including issues of hate crime against any of the protected characteristics listed on page 3 of the policy)
- Reasons for the repair
- Tenants ability to carry out repair
- History of previous rechargeable repairs and
- Legal (criminal) action being taken. Confirmation must be provided by either the Police, a Legal Representative or directly from the Court. A crime incident number or log/reference number alone is not normally sufficient.

RECHARGEABLE REPAIR RATES

The following rechargeable rates will apply when staff raise the following works orders:-

Rates will be revised annually from the 1st April.

No Access = £26.23

A no access charge is payable for failed appointments, this charge is based on covering a percentage of the operatives time, transport and administration for processing the work.

Out of Hour calls (Stand-by) = £86.88

A call out charge is payable for reports of accidental or criminal damage (not fair wear and tear). This charge is based on covering the costs for employing the operative for this service, plus transport and administration for processing the work. Material costs are not included in the call out charge and will be calculated separately.

Small Repairs = £40.71

Examples of a small repair include the replacing of door locks or the repairing of a leaking tap or leaking toilet.

The cost will include travel to the property, all materials and labour costs and up to 1 hour of the operative's time to complete the job.

Medium Repairs = £81.41

Examples of a medium repair include the replacing of toilet pans or one internal door

The cost will include travel to the property, all materials and labour costs and up to 2 hours of the operative's time to complete the job.

Large Repairs = £162.80

Examples of a large repair include the replacing of a wash hand basin or kitchen unit.

The cost will include travel to the property, all materials and labour costs and up to 4 hours of the operative's time to complete the job.

The following repairs will attract additional material costs due to them being high value items:

Small Repair - electric showers and gas or electric meter doors

Medium Repair - kitchen and bathroom extractor fans

Larger type repair works over 4 hours will be calculated either using the authorities agreed Schedule of Rates which are used for the specification and pricing of repair works including materials and labour, or by means of a quotation if the work is required to be completed by an external contractor

With the exception of No Access calls, all repair costs will be subject to VAT.

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DIRECTORATE OF CORPORATE SERVICES**PUBLIC SECTOR HOUSING****RECHARGEABLE WORKS****REVIEWS AND APPEALS PROCEDURE**

This leaflet provides information on the procedure for tenants to follow if they wish to have their recharge reviewed.

Non-Statutory Review

The Council Housing Repairs Policy allows tenants to appeal against their recharge if they have good reason to disagree with a decision. This could be because: -

- The reason for the recharge is incorrect
- You think the cost is incorrect
- You think you have special circumstances, which have not been properly assessed or taken into consideration

THE PROCEDURE

We will do our best to help you without you having to use this procedure but if it does become necessary then this is what will happen: -

1. There are three stages to this procedure as follows:

- Informal Review

You will be written to as soon as it has been identified that a recharge will be made giving an estimated cost. If the recharge is disputed for any of the reasons listed above, this must be made in writing within 21 days of the Council's notification, to your local housing office giving reasons. If this review is unsuccessful and the work is completed, you will be written to again with an actual cost.

If you have already requested a review against the reason for the recharge we can only consider a further request at this informal stage if you disagree with any additional cost or where there may be special circumstances to be considered.

If you disagree with the recharge you must write to the housing office within 21 days giving your reasons.

The Officer responsible for the original decision will carry out the review and will write to you to inform you of their decision.

- First Stage Formal Review

If you are not satisfied with the decision of the informal review then a first stage formal review can be undertaken. You must write to the housing office within 21 days of the date of the informal review decision letter, providing clear reasons as to why you consider that the decision is unfair or unreasonable.

A Housing Manager will carry out this review who will inform you of their decision.

It is essential that you provide clear reasons or additional information that you believe were not taken into account on the informal review to allow this review to be undertaken. No formal review can be undertaken if you fail to do this. You will be advised if this is the case.

- Second Stage Formal Review

If you remain dissatisfied following receipt of the first stage formal review decision then a second stage formal review can be undertaken. You should again write to the housing office within 21 days of the date of the first stage formal review letter providing clear reasons as to why you consider that the decision was unfair or unreasonable.

At this stage your appeal will be considered by the Reviews and Appeals Panel whose decision is final and no further appeal can be made. The Chair of the panel will write to you to inform you of their decision.

However this does not deny you the opportunity to seek your own legal advice or request an enquiry by the Public Services Ombudsman

2. The review procedure does not cover complaints about staff. Such cases will be forwarded to the officer's line manager for their investigation and response.

Contact Details

Upper Rhymney Valley Area Housing Office,
Gilfach House, William Street, Gilfach, Bargoed, CF81 8ND
Tel: 01443 873535
Email: urvaho@caerphilly.gov.uk

Eastern Valleys Area Housing Office,
Pontllanfraith House, Pontllanfraith, Blackwood, NP12 2YW
Tel: 01495 235229
Email: eastvalleyaho@caerphilly.gov.uk

Lansbury Park Neighbourhood Housing Office,
45 Atlee Court, Lansbury Park, Caerphilly, CF83 1QU
Tel: 02920 860917
Email: lansburyparknho@caerphilly.gov.uk

Graig Y Rhacca Neighbourhood Housing Office,
Grays Gardens, Graig Y Rhacca, Machen, CF83 8TW
Tel: 02920 853050
Email: Graigyrhaccanho@caerphilly.gov.uk

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CAERPHILLY COUNTY BOROUGH COUNCIL
RECHARGEABLE REPAIRS REVIEWS AND APPEALS PANEL
TERMS OF REFERENCE

1. MEMBERSHIP

The panel shall consist of the following individuals:-

- The Public Sector Housing Manager or Deputy (who will be chair)
- Area Housing Managers
- The Tenant and Community Involvement Manager
- Senior Housing Officer (Complaints)
- One tenant representative (optional)

2. MEETINGS

- 2.1 The Panel will meet monthly and at such other times as the Chair determines.
- 2.2 Reports will be presented by the appropriate Area Housing Manager or Deputy for rechargeable repairs appeal cases.
- 2.3 Minutes will be produced to record the discussions and recommendations taken by the Panel.

3. TERMS OF REFERENCE

- 3.1 The panel will monitor the number of cases in order to identify any particular trends and review previous decisions. This will enable outcomes of the policy to be measured for consistency.
- 3.2 Up to 3 informal appeals received will be randomly selected for audit and reported back to the following panel meeting.
- 3.3 All first stage appeal cases will be assessed to:-
- ensure consistency and fairness
 - ensure the recharge has fully complied with the recharge policy
 - to recommend changes to the policy/procedure

First stage appeals will be made anonymous, name and address will not be included however the following information will be provided:-

- copy of job note
- cost of job on Total
- copy of Out of Hours Report
- copies of all letters sent
- copies of all letters received

The Panel would determine if any further action is required.

- 3.4 All second stage appeals will replace this stage of the Corporate Complaints Procedure with regards to recharges.
- 3.5 The decision of the Panel, whether the recharge is upheld, reduced or cancelled, will be final and no further appeals can be considered. However tenants can take their own legal advice or can request an enquiry by the Public Services Ombudsman.
- 3.6 The decisions and outcomes of the Panel will be reviewed annually and reported, if necessary, to the Caerphilly Homes Task Group.