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**SCOTTISH BORDERS COUNCIL
THURSDAY, 26 SEPTEMBER, 2019**

The following item of additional business will be considered at the MEETING of the SCOTTISH BORDERS COUNCIL to be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 26 SEPTEMBER 2019 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

19 September 2019

ADDITIONAL BUSINESS		
14.	Partnership Arrangement for Trading Standards between Midlothian Council and Scottish Borders Council (Pages 3 - 6) Consider report by Service Director Regulatory Services. (Copy attached.)	10 mins

NOTES

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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PARTNERSHIP ARRANGEMENT FOR TRADING STANDARDS BETWEEN MIDLOTHIAN COUNCIL AND SCOTTISH BORDERS COUNCIL

Report by Service Director Regulatory Services

SCOTTISH BORDERS COUNCIL

26 September 2019

1 PURPOSE AND SUMMARY

- 1.1 This report proposes a partnership arrangement between Midlothian and Scottish Borders Councils to oversee the management of Midlothian Council's Trading Standards service until 31 March 2020 and to consider opportunities for a wider exploration of joint working activities and benefits.**
- 1.2 The opportunity has arisen to develop a partnership agreement to sustain and deliver the Trading Standards Service between Midlothian Council and Scottish Borders Council.
- 1.3 Initially this would involve Scottish Borders Council's Protective Manager leading both the Midlothian and Scottish Borders Trading Standards teams on a strategic level, supported operationally and on a day to day basis by Principal Officers in each Council. It is proposed that this arrangement is for an initial period until March 31 2020 providing an opportunity to allow for the wider exploration of joint working activities and benefits.
- 1.4 This partnership arrangement will provide a platform for continuous improvement, leadership and direction to both teams.

2 RECOMMENDATIONS

- 2.1 I recommend that Council agrees to:**
 - (a) proceed with a partnership arrangement between Midlothian and Scottish Borders Council Trading Standards Services with immediate effect until 31 March 2020;**
 - (b) a wider exploration of joint working activities and benefits; and**
 - (c) receive a further report from the Service Director Regulatory Services prior to 31 March 2020.**

3 BACKGROUND

- 3.1 Councils continue to face significant challenges as a result of constrained funding combined with demographic and other cost pressures associated with current and projected growth. In addition, managing the impact of a number of government policy and legislative changes places additional demands and reinforces the urgent need to change the way Councils operate.
- 3.2 This continues to present an ever growing need to respond in ways that provide the opportunity to 'future proof' services and to create resilience and sustainability within the context of reducing resources.
- 3.3 Following the successful joint working arrangement between Midlothian Council and Scottish Borders Council for the Internal Audit function across both Councils, Midlothian Council approached Scottish Borders Council to support the management function of the Trading Standards Service due to the retirement of their current Trading Standards Manager.
- 3.4 Trading Standards is responsible for enforcing the statutory duties of consumer protection legislation, including, animal health and welfare, weights and measures, fair trading, internet selling, consumer product safety, petroleum storage, fireworks safety, age restricted sales and counterfeit goods.

The team in Midlothian was a small team of three and has been further reduced to two. This increases the inherent risk of single points of failure and over reliance on individuals.
- 3.5
- 3.6 Within this context Officers in Midlothian and Scottish Borders Council identified that potential benefits could be realised by setting up a partnership arrangement across both Councils to support the management function in Midlothian until the conclusion of Midlothian Council's management review. This also creates the opportunity for wider exploration of joint working activities. This could offer longer term benefits of the combined skills and capabilities offered by a joint working arrangement.

4 PROPOSAL

- 4.1 It is proposed that a joint working approach is taken forward initially until March 2020. The basis of the partnership would be:
 - 4.2 Scottish Borders Council's Protective Services Manager to provide management support 2 days per week to Midlothian Council Trading Standards Service and explore wider opportunities presented by a partnership arrangement.
 - 4.3 Principal Regulatory Services Officers to provide support to the Protective Services Manager and continued operational management of the local team.
 - 4.4 It is proposed that the time and cost of the shared post will be on a pro rata basis which would result in a cost to Midlothian Council of circa £18300 until March 2020.

5 IMPLICATIONS

5.1 Financial

This intervention is expected to have a positive impact on the resourcing of both Councils, assisting to align demand for resource and supply of resource more closely within both authorities thereby improving both capacity building and sustainability

5.2 Risk and Mitigations

While there is a risk that Protective services will suffer as a result of reduced time input from the Protective Services Manager, that risk is mitigated by the fact that she has a fully staffed team of managers reporting to her. It is considered that the benefits of the proposal outweigh that risk.

5.3 Equalities

- (a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.
- (b) It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

5.4 Acting Sustainably

There are no significant adverse impacts on the economy, community or environment arising from the proposals contained in this report. There are potential benefits in that the proposal could result in more flexible and sustainable Trading Standards service for both Midlothian and Scottish Borders Councils.

5.5 Carbon Management

There are no significant effects on carbon emissions arising from the proposals contained in this report.

5.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Tricia Scott	Protective Services Manager

Background Papers: Nil

Previous Minute Reference: Nil

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Trisha Scott can also give information on other language translations as well as providing additional copies.

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