

Appendix 2

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Service Level Agreement

CAMBRIDGESHIRE COUNTY COUNCIL

- and -

PETERBOROUGH CITY COUNCIL

Agreement for the provision of Trading Standards Services for Cambridgeshire County Council by Peterborough City Council

Under this Agreement, Cambridgeshire County Council (CCC) delegates the delivery of the following CCC Functions and compliance with associated legislation to Peterborough City Council (PCC).

1. Communities, Social Mobility, and Inclusion Committee - Delegated authority for exercising all functions of the Council relating to Trading Standards.
2. Service Director: Communities and Partnerships - taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts in accordance with approved policies and financial procedure rules in relation to Trading Standards.

To authorise officers for the purpose of trading standards functions:

(i) to exercise all the powers and duties conferred by and in the implementation of the Acts, Order or Regulations listed below or any Act, Order or Regulation extending or amending the same or any Order, Regulation or By-law made there under;

(ii) to exercise all the powers and duties conferred by and in the implementation of any other legislation having a broadly similar purpose to those referred to in the Schedule below relating to fair trading, consumer protection or related issues;

(iii) to exercise further powers and duties relating to the Trading Standards function as may be enacted from time to time in Acts, Orders and Regulations and to update the list to reflect these changes, following consultation with the Chair of the Communities, Social Mobility and Inclusion Committee;

(iv) to prosecute before a Magistrates' Court any information, complaint or proceedings arising under any of the said Acts, Orders or Regulations in accordance with Section 223 of the Local Government Act 1972;

(v) to initiate legal proceedings arising from any of the above legislation or from any related subordinate legislation;

(vi) to appear in the Magistrates' Court and to conduct relevant proceedings;

(vii) to prosecute cases brought under any of the relevant statutory provisions set out in Schemes 1 to the Health and Safety at Work Act 1974 and which are already enforced by the Department, in accordance with Section 39 of the Act;

(viii) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the above mentioned Acts and Regulations, or any statutory re-enactments or modification thereof, or any Orders made there under, so far as the same or any of them may permit or require;

(ix) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the above Acts, Orders or Regulations;

(x) to sign documents, notices or certificates arising from the use of any of these delegated powers.

Schedule of Acts, Regulations and Orders exercised:

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970 as amended
- Agricultural Produce (Grading and Marking) Acts 1928-1931
- Agriculture Act 1970
- Animal By Products (Enforcement)(England) Regulations 2013
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- Animal Feed (Hygiene, Sampling etc. and Enforcement)(England) Regulations 2015
- Animal Health Acts 1981 & 2002
- Animal Health and Welfare Act 1984
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003 S54 & 54A
- Avian Influenza (Preventive Measures) (England) Regulations 2006
- Avian Influenza (Vaccination) (England) Regulations 2008
- Beef and Veal Labelling Regulations 2010
- Biofuel (Labelling) Regulations 2004
- Bluetongue Regulations 2008
- Bovine Products (Restrictions on Placing on the Market) (England) (No2) Regulations 2005
- Building Regulations 2010
- Business Protection from Misleading Marketing Regulations 2008
- Cancer Act 1939
- Care Act 2014
- The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 (as amended 2009)
- Cattle Identification Regulations 2007
- Children and Young Persons Act 1933 as amended by the Protection of Children (Tobacco) Act 1986 and the Children and Young Persons (Protection from Tobacco) Act 1991
- Clean Air Act 1993
- Companies Act 1985 & 2006
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Credit Act 1974 & 2006
- Consumer Protection Act 1987
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights Act 2015
- Consumers, Estate Agents and Redress Act 2007
- Contaminants in Food (England) Regulations 2013
- Copyright, Designs and Patents Act 1988
- Cosmetic Products Enforcement Regulations 2013
- Courts and Legal Services Act 1990

- Criminal Justice & Police Act 2001
- Criminal Justice Act 1996 as amended by the Offensive Weapons Act 1997
- Criminal Justice and Public Order Act 1994 – S. 165 – Copyright and Counterfeiting
- Dangerous Substances and Explosives Atmospheres Regulations 2002
- Diseases of Swine Regulations 2014
- Drinking Milk (England) Regulations 2008
- EC Fertilisers (England and Wales) Regulations 2006
- The Eco-design for Energy-Using Products Regulations 2007
- E-Commerce Regulations 2002
- Education Reform Act 1988
- Eggs and Chicks (England) Regulations 2009
- Electromagnetic Compatibility Regulations 2006
- Energy Act 1976
- Energy Conservation Act 1981
- The Energy Information Regulations 2011
- Energy Performance of Buildings (England & Wales) Regulations 2012
- Enterprise Act 2002
- Environmental Protection Act 1990
- Estate Agents Act 1979
- European Communities Act 1972
- Explosives Acts 1875 and 1923
- The Explosives Regulations 2014
- Farm and Garden Chemicals Act 1967
- Financial Services Act 2012
- Financial Services and Markets Act 2000
- Fire Safety and Safety of Places of Sport Act 1987
- Fireworks Act 2003
- Food and Environment Protection Act 1985
- Food Information Regulations 2014
- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013
- Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2011
- Forgery and Counterfeiting Act 1981
- Fraud Act 2006
- General Product (Safety) Regulations 2005
- Hallmarking Act 1973 (As Amended)
- Health and Safety at Work etc., Act 1974 S.19, 20, 38 and 39
- Horse Passports Regulations 2009
- Intellectual Property Act 2014
- Intoxicating Substances (Supply) Act 1985
- Licensing Act 2003
- London Olympic Games and Paralympic Games Act 2006
- Malicious Communications Act 1988
- Materials and Articles in Contact with Food (England) Regulations 2012
- Measuring Instruments (Automatic Catchweighers) Regulations 2006
- The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
- Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
- Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
- Measuring Instruments (Beltweighers) Regulations 2006
- Measuring Instruments (Capacity Serving Measures) Regulations 2006
- Measuring Instruments (Cold-water Meters) Regulations 2006
- Measuring Instruments (EEC Requirements) Regulations 1988
- Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
- Measuring Instruments (Material Measures of Length) Regulations 2006

- Measuring Instruments (Non-Prescribed Instruments) Regulations 2006
- Medical Devices Regulations 2002
- Medicines Act 1968
- Money Laundering Regulations 2007
- Motor Vehicles (Safety of Equipment for Children) Act 1991
- Motorcycle Noise Act 1987
- Non-Automatic Weighing Instruments Regulations 2000
- Official Controls (Animals, Feed and Food) (England) Regulations 2009
- Olive Oil (Marketing Standards) Regulations 2014
- Olympic Symbol etc (Protection) Act 1995
- Organic Products Regulations 2009
- Package Travel, Package Holidays etc Regulations 1992
- Packaging (Essential Requirements) Regs 2003
- Performing Animals (Regulation) Act 1925
- The Petroleum (Consolidation) Regulations 2014
- Plant Protection Products (Sustainable Use) Regulations 2012
- Plant Protection Products Regulations 2011
- Pressure Equipment Regulations 1999
- Prices Acts 1974 and 1975
- Proceeds of Crime Act 2002
- Products of Animal Origin (Disease Control) (England) Regulations 2008
- Protection from Harassment Act 1997
- The Psychoactive Substances Act 2016
- Public Health Act 1961
- Quick Frozen Foodstuffs (England) Regulations 2007
- Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- REACH Enforcement Regulations 2008
- Recreational Craft Regs 2004
- Registered Designs Act 1949
- Registration of Establishments (Laying Hens) (England) Regulations 2003
- Regulatory Reform (Fire Safety) Order 2005
- Road Traffic (Consequential Provisions) Act 1988
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Acts 1988 and 1991
- Road Traffic Offenders Act 1988
- Road Traffic Regulation Act 1984
- Safety of Sports Grounds Act 1975
- The Scotch Whisky Regulations 2009
- Simple Pressure Vessels (Safety) Regulations 1991
- Solicitors Act 1974
- Spirit Drinks Regulations 2008
- Spreadable Fats (Marketing standards) and Milk and Milk Products (Protection of designations) (England) Regulations 2008
- Supply of Machinery (Safety) Regulations 2008
- Swine Vesicular Disease Regulations 2009
- Telecommunications Act 1984 (As Amended)
- Thefts Acts 1968 and 1978 and Theft (Amendment) Act 1996
- Timeshare Act 1992
- Tobacco Advertising & Promotion Act 2002
- Trade Descriptions Act 1968
- Trade in Animals and Related Products Regulations 2011
- Trade Marks Act 1994
- Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Unsolicited Goods and Services Acts 1971 and 1975
- Vehicles (Crime) Act 2001

- Veterinary Medicines Regulations 2013
- Video Recordings Acts 1984, 1993 and 2010
- Weights and Measures (Packaged Goods) Regulations 2006
- Weights and Measures Acts 1976 and 1985
- Welfare of Farmed Animals (England) Regulations 2007
- The Wine Regulations 2011
- Zoonoses (Monitoring) (England) Regulations 2007

To incur expenditure under Section 137 of the Local Government Act 1972 for the purpose of test purchases, testing fees, production of information and other necessary expenses in affording the provision of advice, information and assistance

To authorise, subject to no complaints or objections being received, exemption orders under the Sporting Events (Control of Alcohol) Act 1985

Schedule 1: Governance

- 1.1 PCC will present an annual report to the Communities, Social Mobility and Inclusion Committee for scrutiny, and provide regular updates to be included in the Service Director's reports to the committee. PCC shall also provide such other reports as requested by the Committee Chair and Vice Chair.
- 1.2 Regular service updates will be provided to PCC's Cabinet Member for Housing, Culture and Communities, and reports to Scrutiny as appropriate.
- 1.3 Operationally, the Trading Standards service will be managed from within PCC Communities and Partnerships Service Directorate and be led by the Head of Operations, Trading Standards.
- 1.4 The Head of Operations - Trading Standards will be responsible for:
 - Setting the schedule of fees and charges payable by third parties in relation to the Services for each Contract Year
 - Monitoring of financial expenditure, projected and actual
 - Monitoring of service delivery as detailed within the Service Plan
 - Service budget
 - Exception reporting on emergent issues that may impact on Service Delivery, pose a risk to CCC businesses or residents, or reputational risk to CCC
- 1.5 The Assistant Director – Regulatory Services will act in a direct line management capacity to the Head of Operations – Trading Standards.

Schedule 2: Financial arrangements

Cost of Services

- 2.1 The Trading Standards service budget will be formed from financial contributions from each authority, this being 70% for CCC, and 30% for PCC.
- 2.2 CCC shall pay the agreed amount in four equal instalments annually to PCC for the provision of Trading Standards service delivery across Cambridgeshire.
- The Annual Service payment will be paid quarterly in advance in four equal instalments and PCC will invoice CCC on the following dates each Contract Year:
- 1st April
 - 1st July
 - 1st October
 - 1st January
- The Due Date for payment by CCC is within 28 days from date of the invoice.
- 2.3 PCC will spend 70% of the Shared Budget in the delivery of the Services to CCC.
- 2.4 The Head of Operations – Trading Standards will have overall responsibility for monthly budget monitoring and reporting. CCC will be advised monthly of the current predicted end of year financial outturn.
- 2.5 Preparation of the Budget will be undertaken by the Head of Operations – Trading Standards. The budget for the next Contract Year will be based upon a review of the current Contract Year budget, Actual Costs for the previous Contract Year, and known future pressures.

Schedule 3: The Services

General

- 3.1 PCC will provide adequate staffing to ensure that cover is maintained Monday to Friday each week, in addition to out of hours work as necessary to ensure compliance with all statutory duties and included Functions.
- 3.2 PCC will undertake liaison with relevant external bodies and agencies.
- 3.3 PCC will prepare and present reports as required for Council, the Communities, Social Mobility and Inclusion Committee, Cabinet, Scrutiny Panel(s), and Licensing Committee.
- 3.4 PCC will attend relevant corporate and service working groups as required, to provide professional/expert input.
- 3.5 PCC will prepare, collate and return all statutory returns as determined by CCC. Annex 1 lists the current required returns. Annex 1 will be reviewed and updated at least annually as part of the Annual Service Plan.
- 3.6 PCC will attend the meetings of various local, regional and national groups, including inter-authority groups and professional bodies, whilst each is deemed to add value to the delivery and management of the Services.
- 3.7 PCC will provide relevant staff training to ensure the effective delivery of the Functions and in relation to new legislation.
- 3.8 PCC will ensure that all enforcement action is necessary and proportionate in compliance with the Councils published Enforcement Policy.
- 3.9 PCC will provide, relevant advice and press releases to the CCC Communications Team in response to media enquiries and to promote awareness of consumer issues.

Trading standards

- 3.10 PCC will undertake a full range of Trading Standards functions including but not limited to:
 - a. animal health and welfare
 - b. fair trading
 - c. feeding stuffs and agriculture
 - d. food standards
 - e. product safety
 - f. under age sales
 - g. weights and measures
 - h. Licensing (Petroleum & Explosives)
 - i. Rogue Trading
 - j. Safety at Sports Grounds
- 3.11 PCC will produce an Annual Service Plan to CCC setting out objectives, actions and outcomes.
- 3.12 PCC will collate strategic plans that support the service planning process such as Food Standards Agency Food/Feed plans.
- 3.13 PCC will undertake an intelligence-based inspection or intervention programme in relation to the above areas as deemed appropriate. Priority will be given to high risk premises/practices, where

public safety is at risk, or where there is a high level of financial consumer detriment.

- 3.14 PCC will use interventions where it is appropriate to do so and in accordance with relevant guidance or codes of practice. Interventions may include, though is not limited to, focussed inspections, project based activities and self assessment questionnaires.
- 3.15 PCC will respond to and investigate criminal complaints from members of the public and businesses about businesses or trading practices. Criminal matters will be investigated in accordance with the Enforcement Policy, statutory guidance and codes of practice.
- 3.16 PCC will provide advice to residents in relation to criminal investigations following referrals by the Citizens Advice Bureau.
- 3.17 PCC will provide advice and guidance to businesses on the trading standards functions outlined.
- 3.18 In relation to trading standards, PCC will take samples for testing and analysis in response to a complaint, as part of a local, regional or national project, as part of an investigation or on an Officer's initiative. PCC will take follow up action as required.
- 3.19 PCC will act as primary authority for businesses in accordance with national trading standards scheme.
- 3.20 PCC will undertake inspections and respond to complaints and enquiries in relation to animal health and welfare. PCC will respond to animal disease notifications in an appropriate manner and support the contingency planning process in preparation for such an occurrence.
- 3.21 PCC will maintain or have access to necessary working standards weighing and measuring equipment to test or pass as fit for use for trade weighing and measuring equipment.
- 3.22 PCC will appoint a suitably qualified and experienced person as Chief Inspector of Weights and Measures for CCC.

Schedule 4: Statutory returns completed by PCC on behalf of CCC

	Return	Purpose	To whom	Frequency	Deadlines
4.1	LAEMS (Food)	Reporting of food work undertaken to food regulator	Food Standards Agency (FSA)	Annual	May
4.2	Feed Return	Reporting of feed work undertaken to feed regulator	FSA	Annual	Sept/Oct
4.3	Safety return	Market surveillance purposes	Office of Product Safety and Standards (OPSS)	Annual	April
4.4	Welfare in Transport	Welfare in Transport	Department for Environment Food, and Rural Affairs (DEFRA)	Annual	April
4.5	Return of Convictions	Animal Health convictions	DEFRA	Bi Annual	Dec & June
4.6	Local Authority Self-Assessment	To evidence our discharge of safety at sports ground functions	Sports Grounds Safety Authority	Annual	September
4.7	Section 70	Weights and measures inspectors, equipment and activities	OPSS	Annual	June

Schedule 5: Service Levels

Performance measures

- 5.1 The day-to-day management of service delivery will be the responsibility of PCC Head of Operations – Trading Standards and will be based on the following performance and reporting measures.
- 5.2 PCC will focus on the outcomes it aims to achieve and the impact it has on local communities, and appropriate activity/output measures will be detailed within the Annual Service Plan.
- 5.3 PCC will be intelligence led and evidence based utilising tactical tasking meetings to ensure resources are continuously directed to priority activities.
- 5.4 Where appropriate and relevant, PCC will engage with significant stakeholders in the planning, shaping and monitoring of services, ensuring that local partners and communities ensuring the Service remains in touch with local needs.
- 5.5 PCC will provide updates as part of the regular Service Director reports to the Communities, Social Mobility and Inclusion Committee, and an annual report on service delivery. Other reports will be provided as required.
- 5.6 Targets

	Function	Details	Target/Response	Outcome
a)	General	FOI	20 business days	Legal Requirements met
b)	General	Business Advice Service Requests	First response within 5 business days	Advice and support provided, supporting economic growth, and legislative compliance.
c)	General	General complaints about goods or services	First response within 5 business days	Enhanced intelligence picture formed, and interventions actioned to address non-compliance in priority areas.
d)	General	Safety complaints involving serious injury or damage	First response within 24hrs	Dangerous products made safe or removed from sale.
e)	General	Ongoing Doorstep crime	First response within 24hrs	Criminal activity stopped, support provided to help victim.
f)	General	Livestock welfare issue	First response within 24hrs	Action taken prevents continued suffering to livestock.
g)	General	Illegal landing	First response within 24hrs	Improved welfare, disease prevention, illegal importer investigated for criminal breaches.
h)	General	Statutory returns	All statutory returns to meet statutory time	Legal Requirements Met

			periods or arrangements as agreed	
i)	Food standards	Food standards inspections/interventions	Completion of 100% of high risk inspections detailed for a planned inspection within the Food Standards Delivery Plan	Risk to the public from low legislative compliance of high risk foods reduced.
j)	Feed	Feed inspections/interventions	Completion of 100% of high risk inspections detailed for a planned inspection within the FSA Feed Plan	Risk to the public from low legislative compliance of high risk foods reduced.
k)	Food, Feed, Animal Health	Funded inspections or sample programmes	Complete 100% of inspections / samples in line with funding requirements	Council able to claim 100% of external funding available, offsetting core costs.
l)	Product Safety	Product safety alerts	Response timescales in line with national Product Safety Guidance	Information and advice provided to Cambridgeshire business, and their response monitored, helping to protect public safety.
m)	Licensing	Processing of applications and renewals of petroleum and explosives	All actions to be undertaken in compliance with the time periods set out in the relevant legislation.	Safety risk to the public reduced following service intervention, ensuring businesses are licenced and complainant with legal requirements.
n)	Safety at Sports Grounds	Issuing safety certificates and assessing legislative compliance	Annual inspection of each venue	All regulated venues and stands have an up to date safety certificate in place, enabling the public to attend events safely.

Schedule 6: Termination

- 6.1 Either Authority may terminate this Agreement by giving not less than twelve months written notice to the other Authority of its intention to do so, and such notice shall specify the date on which the Agreement shall terminate.
- 6.2 Either Authority wishing to terminate this Agreement undertakes to make, within 60 days of the date of termination, such reasonable payment or payments to the other which fairly reflect the actual losses caused by the termination.
- 6.3 In the event that either party commits a Default, the non-defaulting party may serve on the other party a Default Notice.
- 6.4 Either party may terminate this Agreement in whole or part by giving six (6) months written notice to the other party if the other party commits a Default:
 - 6.4.1 which is capable of remedy and the other party has failed to remedy such a breach within thirty (30) Business Days of receipt of a Default Notice, or such longer period as may be specified by the non-defaulting party; or
 - 6.4.2 which is not, in the reasonable opinion of the non-defaulting party, capable of remedy.