



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

22 MARCH 2023

Report of the Director of Legal and Democratic Services

Minor Change to the Constitution: Trading Standards – Legislation Update

1. Purpose

- 1.1 To notify Council of minor amendments made to the Constitution to update the list of legislation under which the Council's Trading Standards Service can take enforcement action.

2. Information and Analysis

- 2.1 It is a statutory requirement under section 9P of the Local Government Act 2000 for the Council to maintain and keep its Constitution up to date. For the Constitution to remain up to date the list of legislation under which the Council's Trading Standards Service can take enforcement action needs to be regularly updated.
- 2.2 On 28 November 2022, the Director of Legal and Democratic Services under delegated authority from Cabinet agreed to update the existing list of legislation for Trading Standards enforcement and under delegated authority from Council agreed to include that updated list of legislation in Appendix A to Appendix 1 of the Constitution – Responsibility for Functions.
- 2.2 A copy of the report which was approved by the Director of Legal and Democratic Services is attached at Appendix B with the updated list of legislation attached at Appendix 2 to that report.
- 2.3 The delegation to the Director of Legal Services requires any agreed amendment to be reported retrospectively to the Governance, Ethics

and Standards Committee and full Council for noting. The amendments were reported to the Governance, Ethics and Standards Committee on 19 January 2023.

3. Consultation

3.1 Not applicable.

4. Alternative Options Considered

4.1 The decision has been made by the Monitoring Officer and Director of Legal Services. Council is asked to note the decision. Therefore, there are no appropriate alternatives to consider. Alternatives were considered in the making of the decision as outlined in the report attached at Appendix B.

5. Implications

5.1 Appendix A sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix A – Implications.

7.2 Appendix B – Report to the Monitoring Officer and Director of Legal and Democratic Services.

8. Recommendations

That Council notes:

- a) the decision made by the Director of Legal Services to amend the Constitution to include the updated list of legislation to enable the Trading Standards Service to undertake necessary enforcement action; and
- b) that the amendments were reported to Governance, Ethics and Standards Committee on 19 January 2023.

9. Reasons for Recommendations

9.1 In order to comply with the requirements of Article 22 in the Constitution.

Report Author:
Helen Barrington

Contact details:
helen.barrington@derbyshire.gov.uk

Implications

Financial

- 1.1 There are no significant implications for the Council as this does not involve any expenditure or budgetary changes.

Legal

- 2.1 As outlined in the report.

Human Resources

- 3.1 This is an administrative decision and as such, there are no Human Resources implications.

Information Technology

- 4.1 This is an administrative decision and as such, there are no Information Technology implications.

Equalities Impact

- 5.1 This is an administrative decision and as such, there are no Equalities implications.

Corporate objectives and priorities for change

- 6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None