


**DERBYSHIRE COUNTY COUNCIL  
OFFICER DECISION AND DECISION REVIEW RECORD**

|   |   |                                      |
|---|---|--------------------------------------|
| Officer: Helen Barrington<br><i>*For emergency powers, this would be the Executive Director</i>   |   | Service: Legal & Democratic Services |
| Delegated Power Being Exercised: Director of Legal and Democratic Services - delegated Power<br><i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>  |   |                                      |
| Subject of Decision:<br>(i.e. services affected)  | Minor change to the Constitution: Trading Standards – Legislation Update  |                                      |
| Is this a review of a decision? If so, what was the date of the original decision?  | No  |                                      |
| Key decision? If so have Democratic Services been notified?   | This is not a key decision  |                                      |
| Decision Taken (specify precise details, including the period over which the decision will be in place and <b>when it will be (further) reviewed</b> ):   | That the Monitoring Officer and Director of Legal and Democratic Services agrees to:<br>a) update the existing list of legislation within the Council’s Constitution as set out in Appendix 2 to the report;<br>b) include this updated list of legislation in Appendix A to Appendix 1 of the Constitution – Responsibility for Functions;<br>c) report the amendment to the Governance, Ethics and Standards Committee and full Council for noting.   |                                      |
| Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration. | To ensure that the relevant part of the Council’s Constitution remains accurate and current.<br><br>To enable the County Council to meet its statutory duties and to enable the Council’s Trading Standards Service to protect residents and businesses under various pieces of criminal and/or civil legislation.  |                                      |
| Alternative Options Considered (if appropriate) and reasons for rejection of other options  | Not to approve the updated list and include it within the Constitution. If the updated list of legislation is not included within the Constitution, then the Council’s Trading Standards Service would not have the authorisation to undertake its statutory duties in relation to the whole range of consumer protection legislation. This would create a situation where the trading Standards Service was unable to exercise powers under the legislation, could not undertake enquiries or investigation into non-compliance and fail to take formal action, including prosecution against rogue businesses. Such a situation would create unacceptable risks to Derbyshire consumers and legitimate Derbyshire businesses. |                                      |

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| Has a risk assessment been conducted ?- if so what are the potential adverse impacts identified and how will these be mitigated?   | No.   |
| Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision | No, this is an administrative decision.   |
| Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?  | This is an administrative decision and as such, there are no equalities implications                          |
| Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))  | As set out in the report to the Director of Legal & Democratic Services dated 25 <sup>th</sup> November 2022. |
| Consultation with relevant Cabinet Member (s) – please note this is obligatory.  | This was discussed with Cllr Hart by email on 24 <sup>th</sup> November 2022 and agreement confirmed.         |
| Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please note this is obligatory in those circumstances   | Not applicable.   |
| Decision:  | Approved by Helen Barrington, Director of Legal & Democratic Services   |
| Signature and Date:<br><br>28/11/2022   |   |