

Decision No: CMM4 – 04/07/2008

Forward Plan No:

This record relates to Agenda Item 29 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER DECISION**

<b>DECISION-MAKER:</b>	COUNCILLOR GEOFFREY THEOBALD
<b>PORTFOLIO AREA:</b>	ENVIRONMENT
<b>SUBJECT:</b>	EXPANDING THE REMIT OF TRADING STANDARDS SOUTH EAST LTD
<b>AUTHOR:</b>	JOHN PEERLESS

### **THE DECISION**

1. That approval be given to allow the Trading Standards Service to continue to contribute fully to company developments and joined-up working and continue to incorporate the Business Plan objectives into the Service's own planning process.
2. That the nominated Director (currently the Head of Trading Standards) be empowered to agree to the development of the role of the company (within the terms of its Memorandum and Articles of Incorporation and the objectives set out in paragraph 3 below), subject to seeking of advice from the Head of Legal Services, and the approval of the relevant Cabinet Member in respect of any contemplated development beyond those activities referred to in paragraph 3 below.

### **REASON FOR THE DECISION**

1. To ensure representation on the regional Trading Standards partnership via the limited company, Trading Standards South East Limited.
2. To build capacity, avoid duplication of effort and enhance operational functionality of the partnership to the benefit of the Brighton & Hove City Trading Standards Service.
3. To limit the liability carried by the council.

#### **DETAILS OF ANY ALTERNATIVE OPTIONS**

1. Operating as a limited liability partnership has been explored. Independent legal advice advised against this option stating that the limited company route provided a more robust infrastructure for our purposes with proven test case material. The advice indicated that ultimately a LLP would not safeguard us from the current liabilities that we are exposed to within the partnership.

#### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

#### **CONFLICTS OF INTEREST**

The decision-maker(s) did not declare a personal or prejudicial interest in the matters set out in the report.

#### **CONFIRMED AS A TRUE RECORD:**

**We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision**

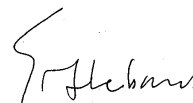
**Date:**

04 July 2008

**Decision Maker:**

Councillor Geoffrey Theobald  
Cabinet Member for Environment

**Signed:**



**Proper Officer:**

04 July 2008

Mark Wall, Head of Democratic Services

**Signed:**



#### **SCRUTINY**

**Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny 'Call-In' provisions.**

**Call-In Period**

**7-11 July 2008**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in (*if applicable*)