

TITLE	Trading Standards, Environmental Health and Licensing
FOR CONSIDERATION BY	Council on Thursday, 18 March 2021
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Chris Traill
LEAD MEMBER	Executive Member for Environment - Parry Batth

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The purpose of this report is to authorise the services delivered by the Public Protection Partnership (PPP) to be brought back in-house to Wokingham Borough Council as from 1st April 2022 and establish the project to achieve this.

RECOMMENDATION

It is recommended that:

- 1) the Council serves formal notice on the Public Protection Partnership before 31st March 2021, which if effected would take place on 31st March 2022;
- 2) the delegation to PPP in respect to the Executive and Council functions and duties (including environmental health, licensing and trading standards) will end and will be exercised by the Council directly from 1st April 2022;
- 3) The Director of Place and Growth and Deputy Chief Executive (and Section 151 Officer), in consultation with the Lead Member for Environment and Lead Member for Finance & Housing, are authorised to commence design of the new services structure and any resulting negotiations on an Exit Plan and to address timeframe (including earlier dates than stated in recommendation 1 and 2 if agreed by the Councils), mitigation of risks and costs, key milestones, ongoing resources and staffing implications for a successful departure from the partnership;
- 4) The Deputy Chief Executive and Director of Place and Growth create and work with a task force of Officers and Members to create the new in-house service;
- 5) it be noted that a special item of £500k, spread over financial years 2021/22 and 2022/23, was included in the Medium Term Financial Plan to fund a safe and effective transition.

EXECUTIVE SUMMARY

The purpose of this report is to authorise the services delivered by the Public Protection Partnership (PPP) to be brought back in-house to Wokingham Borough Council as from 1st April 2022 and establish the project to achieve this.

BACKGROUND

The quality of life of residents in the Borough is heavily impacted by the work of Environmental Health, Licensing and Trading Standards. There are a wide range of statutory regulatory services (see appendix 1). The most visible are services relating to residential nuisance including noise, bonfires, pests, and licensing. Other important services include food chain safety, water safety, pollution, health and safety in workplaces, disease control, trading standards, animal and farm welfare, crime, and fraud (many of these functions were delivered at the County levels before the Berkshire Council's became unitary).

Prior to 2010, these services were in house as part of Wokingham, after which they were delegated to West Berkshire.

In 2017 Wokingham, West Berkshire and Bracknell established a shared service partnership (the Public Protection Partnership (PPP)). It has three basic principles, prevention, intelligence and enforcement.

The Vision of the PPP is: To protect and support residents and legitimate business through the successful use of information and intelligence, delivering safe and healthy neighbourhoods. With a fundamental motivation for each partner authority entering the shared service was to protect and, where possible, increase professional and technical resilience.

1.1 The stated priorities of the PPP are to tackle the following issues and practices:

- E-Crime
- Organised Crime Groups
- Vulnerable Adults and Children
- Modern Day Slavery
- Doorstep Crime and Mass Marketing
- Poor Housing Standards in the Private Rented Sector
- Air Pollution
- Unsafe Food
- Childhood Obesity
- Alcohol and Tobacco Consumption
- Poor Animal Welfare
- Risk to the Reputation of UK Export of Food
- Accidents in the Catering and Hospitality Industries
- Impact of Noise on Communities
- Unsafe Consumer Goods

The PPP is Governed by The Joint Public Protection Committee (JPPC) which is made up of six Members (2 from each of the 3 partner authorities) and is responsible for the key strategy and direction of the service including agreeing the business plan, strategic priorities and work plan. The JPPC recommends the budget and fees and charges to partner Councils to be set through their normal budget setting process.

1.2. Activity data with regards to Wokingham

In 2019/20 the headline activity that relates to Wokingham was as follows:

- Licensing: There are 430 alcohol licensed premises; 110 premises needing a licence for e.g. animal boarding, scrap metal etc; 349 drivers of taxis and private hire vehicles.
- Trading Standards: 750 weights and measures taken; 50 investigations on fair trading e.g. age-related sales of tobacco and alcohol, knives, fireworks etc. Food standards: quality and labelling (on demand).
- Environmental Health: 450 planning applications considered; 250 commercial pollution investigations; 672 air quality samples; 600 domestic nuisance complaints; 617 pest complaints; over 1,000 food premises to inspect; 290 infectious disease notifications.

1.3. Operating Model

The PPP is financed primarily through partner authority contributions from cooperate budgets, however, it also generates income through grants, fees and charges and through work supplied to other bodies such as Oxfordshire Fire Service. The cost to each partner is calculated based on the level of activity attributed to each authority and this is monitored annually.

The cost to Wokingham is projected to be £1,326,470 in 21/22, this contribution is 34% of the total PPP budget and an increase of £63k to Wokingham from 20/21.

It is a cornerstone of the Council's strategy to materially improve the delivery of customer services. The services falling under the auspices of the PPP are considered to be of significant importance to the residents of Wokingham Borough; it is considered that these services can be more effectively and responsibly discharged through a directly employed in-house service. It will enable greater focus on what is termed 'low level ASB' incidents and will enable a greater integration with our directly employed localites team. Furthermore, it will help overcome some of the inevitable confusions to the public arising from a front-line service which is run cross authority as opposed to one run solely by WBC.

It should however be recognised that this is not a criticism of the PPP service whose work on COVID in terms of enforcement and test and trace has been invaluable to support the Council's COVID response. This proposed in-house approach is about recognising the particular needs of Wokingham residents and embracing the opportunities of integration within the council. Particularly our Localities team, to enhance the effectiveness of the service and its impact on the community. This is set out in more detail below.

2.Wokingham In-house Approach

The recommendation is to repatriate the responsibility for PPP management in house and to review the service delivery mechanisms for several reasons:

- Integrated service delivery: where pragmatic Wokingham will align and integrate services that transfer back with existing Council services on a local level. The benefits of that being the service can operate within conditions to better understand local issues and are then more effective and responsive (in a joined up approach) to address local issues. (The service will be able to work with organisations on a local level such as the voluntary and community sectors and Town and Parish Councils.) The principal aim is to integrate Wokingham's services so that it is a single and simplified response to residents' concerns and issues.
- Control and influence: It promotes Councillors, Officers and service users to have more democratic control over service provision. There will be greater flexibility on how services are delivered and how we respond to priorities. We want to encourage innovation in responding to local issues.
- Improved service delivery: The Council will ensure that we continue to deliver our statutory responsibilities for public protection, and to exceed residents' expectations. Aligning our public protection to what matters most to Wokingham residents and to address the quality of life issues that are key to our Strategic Aims.

In summary, the Council wants to deliver service excellence to its residents, some of which is statutory, but tailoring it to Wokingham residents' dynamic priorities. In taking the service in house, the Council has an opportunity to change the management, focus and delivery model.

2.1. Benefits and business case for an in-house service for Wokingham

As part of Wokingham Borough's place shaping approach, the Council aims to tailor service delivery at a locality level. This will deliver a clearer cohesive response to issues that confront our communities (such as anti-social behaviour, fly tipping, unauthorised encampments, noise abatement, bonfires, neighbourhood disputes).

The delivery will be integrated into other Council services, such as Localities, Community Safety, Legal, and Children's and Adults. In so doing, this will make better use of the capacity of existing locality officers offering earlier incisive intervention and prevention.

It is also anticipated that this will engender effective joined up professional responses across the Council's service specialisms (safety, enforcement, environmental health), with swift responses, resulting in increased customer satisfaction, and potentially efficiencies.

The benefits and advantages to the Council and the residents of Wokingham Borough, in bringing the control of this service in-house include:

- Greater control, in one organisation with direct influence over policy, implementation, and accountability
- More visible ownership and flexibility to focus on residents' priorities.
- An integrated single Council approach to delivery in localities, which crosses specialisms, with the efficiencies, in respect to time and outcomes, by tackling issues holistically that this approach brings. That is, "do it once' with joined up and combined

responses to issues that consider the range of enforcement powers that the Council possesses. For example, consideration of anti-social behaviour alongside neighbour disputes, planning enforcement, noise and bonfires.

- An improved customer perception and experience due to a less complex customer journey, with a greater emphasis upon prevention and proactivity than reactivity
- A service that delivers valued and visible interventions with timely support at the time when residents most need it.
- Potential efficiencies and economies of scale (within a wider locality team) can increase accessible hours and reduce response times.
- Greater influence and control over preferred suppliers and associated costs.
- It will allow, if the PPP is willing, to retain the services of the PPP when appropriate.

3.Current Resource

It is estimated that the resource within PPP currently deployed to serve Wokingham Borough Council is approximately 32.04 FTE. With staff employed in Licensing; Nuisance and residential, commercial, trading standards, environmental quality, CDO.

Current cost of PPP to WBC

WBC direct payment to PPP 2021/22	£1,326k
WBC Licensing Income to PPP	£300k
Total income PPP from WBC	£1,626k

The initial hypothesis would be that the cost of a modified service would be no more than the current cost for the same service. This will be the strategic focus. However, this cannot be confirmed until exit negotiations are concluded which will include negotiations in respect to one off costs associated with the termination of the service (if any) and any services that will continue to be delivered from the PPP. This will be agreed in the Exit Plan and will address timeframe, mitigation of risks and costs, key milestones, ongoing resources and staffing implications.

Much of the preparation work will occur in financial year 2021/22. This will be a transition year for Wokingham to depart the PPP partnership, and there may be costs to be mitigated during that year (staffing, legal; compensatory costs to partners), there will also be costs to establish the in-house service that will arise in 2022/23.

It is anticipated that the above one-off expenditure will be incurred over two financial years and will be identified both during negotiations with partners and after the formal date of transition. Should there be any further revenue and project costs be identified, these will be included separately in future Executive approvals as the service integration within the Council unfolds.

4. Inter-Authority Agreement (IAA) and Timescales

The IAA governs the responsibilities of the partnership and of each of the partner councils. The current partnership runs until 2028 and should any partner wish to exit the partnership, the following conditions apply: -

- A minimum twelve-month notice period to terminate the agreement is required
- The notice must therefore be given before the 31st March 2021 to exit the partnership on 31st March 2022 which is the next opportunity for termination
- Within 6 months, the Council's sign off an exit plan and the Joint Management Team shall cooperate in good faith to agree this
- In terminating the contract, the Council will indemnify the other partners against all direct losses (which the other parties must take reasonable steps to mitigate)

If Wokingham elects to serve notice to fully exit the partnership, we can still potentially negotiate that some services remain within PPP as part of the Exit Plan and continue negotiations during the notice period. This again means that all the partner councils must agree to the new proposal as effectively this would be a new contractual arrangement in respect to any services that remain with PPP. Negotiations can begin now in advance of any notice to terminate and continue into the notice period.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	
Next Financial Year (Year 2)	£250k	Yes	Revenue
Following Financial Year (Year 3)	£250k	Yes	Revenue

Other Financial Information

Given that 2021/22 will be a transition year for Wokingham to depart the PPP partnership, there may be costs to be mitigated during that year (e.g. staffing and legal costs), there will also be costs to establish the in-house service (e.g. licences, IT) that will arise in 2022/23. The above special items are identified to fund these potential costs, whilst negotiations are ongoing with partners. Should there be any further revenue and project costs, these will be dealt with separately in future Executive approvals as the service integration within the Council unfolds.

Stakeholder Considerations and Consultation

Benchmarking of other authority models has taken place, and engagement with PPP partner authorities which will continue during the exit process.

Public Sector Equality Duty
A detailed Equality Impact Assessment (EIA) will be completed once the Exit Plan is agreed and the detail known. This will be shared with Councillors.

Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i>
PPP deliver specialist support for areas of the Council’s Climate Emergency Action Plan and an in-house service will enable greater integration and focus to deliver the plan

List of Background Papers
Appendix 1 - Trading Standards, Environmental Health and Licensing functions

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