

TITLE	Bringing regulatory services back in-house from the Public Protection Partnership
FOR CONSIDERATION BY	Community and Corporate Overview and Scrutiny Committee on 21 July 2021
WARD	None specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

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 Public Protection Partnership are considered to be of significant importance to the residents of Wokingham. Full Council determined that these services can be more effectively and responsibly discharged through a directly employed in-house service. This included greater focus on what is termed 'low level ASB' incidents and will enable a greater integration with our directly employed Localities 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 Wokingham Borough Council. The 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.

Full Council's recommendation to repatriate the services delivered by the Public Protection Partnership cited the following reasons:

1. **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.
2. **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.
3. **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.

RECOMMENDATION

That the Committee note the report, verbally explore the process and progress, and determine their recommendations.

SUMMARY OF REPORT

A summary of the constraints that limit the extent to which officers and Executive Members may respond to the Committee's scrutiny request.

Background

Community & Corporate O&S have asked to look at . . .

“the plan for the creation of in-house services encompassing the services formally offered by the PPP and Building Control Solutions, prior to any formal decision being taken on the Exit Plan as identified in a previous Executive report”.

Building Control Solutions

On 30 June 2020 the Royal Borough of Windsor & Maidenhead (RBWM) left the shared Building Control service, hosted by Wokingham. Our joint work to assist RBWM with their transition was successful. West Berkshire Council, who had previously also given notice to terminate the shared service, have since advised that they will not be ready to leave until 1 January or 1 April 2022.

Public Protection Partnership

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 three borough shared service partnership (the Public Protection Partnership (PPP)). It has three basic principles, prevention, intelligence and enforcement.

On 18 March 2021, Executive & Full Council decided that the regulatory services currently provided by the three borough Public Protection Partnership – hosted by West Berkshire Council – should be brought back in-house.

The partnership operates under a contractually binding Inter Authority Agreement to which Wokingham is a signatory. This requires that a partner may leave under a no-fault basis, provided it gives 12-months written notice of their intention to terminate their participation in the partnership.

The Inter Authority Agreement further requires that in the event that any local authority exercises its right to leave, that all partner authorities must use all reasonable endeavours to agree an Exit Plan, no later than 6-months after the date of any termination notice.

The Inter Authority Agreement requires that any Exit Plan should:

- ensure that continuation and quality of service delivery are paramount;
- minimise the costs to the Councils of exiting or terminating this agreement;
- identify critical timescales and issues as appropriate with proposals to address them;
- explore the option of transferring the entire workforce to a new host before deciding to split the partnership;
- include recommendations for the staffing structures to be considered by the Councils according to previous usage and future perceived need and where any staff cannot be placed with any Council then all Councils shall consider redeployment;

- include a pension scheme Exit Valuation to consider the pension implications of transferring staff;
- share liabilities relating to the services, in the absence of specific agreed alternatives or provision in the agreement, in accordance with the Agreed Percentages;
- deal with jointly-owned partnership assets.

The full Council meeting on 18 March 2021 resolution included the requirement that ...

“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”.

Analysis of Issues

Under rule 6.3.24, an Overview and Scrutiny Committee has a right to further information in respect to any meeting of the Council, Committees or its Boards but this right only relates to decisions already made.

Under rule 6.3.25, information can only be backwards looking in respect to decisions made. This excludes future decisions not yet made, and draft documents not yet completed. Furthermore, the Key Decision in this matter was the decision to terminate the partnership, and not the development or agreement of an Exit Plan.

Thus, the Committee’s request to scrutinise the Exit Plan before it is agreed, isn’t appropriate. Likewise, any recommendation from an Overview and Scrutiny Committee relating to the content or direction of the Exit Plan is not appropriate, as matters relating to future decisions and direction have already been decided and ratified by full Council.

Under rule 6.3.27, an Overview and Scrutiny Committee does have a right to call Executive Members and tier 1 or tier 2 officers to account. However, this is subject to similar restrictions including that an officer cannot discuss matters which are subject to negotiation, in draft form or are exempt/confidential.

At the time of writing negotiations about the form of the Exit Plan was still underway between all three authorities.

Given the Exit Plan is incomplete and subject to current active negotiation between partners, it is allowable for officers to attend an Overview and Scrutiny Committee meeting to give a verbal update, encompassing:

- the process;
- the timetable;
- actions completed;
- agreements already reached with partner local authorities.

However, officers and Executive members being scrutinised will need to be careful not to disclose any matter - including exempt information - that relates to ongoing planning, negotiations etc if disclosure to scrutiny may prejudice the Council's ongoing negotiations with third parties or the success of the future in-house service.

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	N/A
Next Financial Year (Year 2)	£0	Yes	N/A
Following Financial Year (Year 3)	£0	Yes	N/A

Other financial information relevant to the Recommendation/Decision
There are no financial implications arising from this scrutiny process.

Cross-Council Implications
There are no cross-council implications arising from this scrutiny process.

Public Sector Equality Duty
There are no equality implications arising from this scrutiny process.

Reasons for considering the report in Part 2
There are no Part 2 issues arising from this scrutiny process.

List of Background Papers
<ol style="list-style-type: none"> 18 March 2021 Full Council resolution: https://wokingham.moderngov.co.uk/ieListDocuments.aspx?CId=131&MId=3666&Ver=4 2016 Inter Authority Agreement http://decisionmaking.westberks.gov.uk/documents/s53463/Joint%20Public%20Protection%20Partnership%20Appendix%20B%20Draft%20Inter%20Authority%20Agreement.pdf

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