

<b>TITLE</b>	<b>Bringing the Public Protection Service back in-house</b>
<b>FOR CONSIDERATION BY</b>	Community and Corporate Overview and Scrutiny Committee on 6 October 2021
<b>WARD</b>	None specific;
<b>LEAD OFFICER</b>	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 important 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 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 the priorities of Wokingham residents. In taking the service in house, the Council has an opportunity to change the management, focus and delivery model to match these priorities.

**RECOMMENDATION**

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

**SUMMARY OF REPORT**

The progress made in determining the future delivery of Wokingham regulatory services, future relationship with West Berks Council and arrangements to terminate the existing partnership and put in place a new agreement for the minority of regulatory services that are proposed to be delivered by West Berkshire Council from 1 April 2022.

## Background

Prior to 2010, these services were delivered by directly Wokingham officers, after which they were delegated to a joint committee with West Berkshire and officers being employed by West Berkshire.

In 2017 Wokingham, West Berkshire and Bracknell established a three-borough shared service partnership (the Public Protection Partnership).

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. 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 if 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 6.3.27 of the Constitution, an Overview and Scrutiny Committee has a right to call tier 1 or tier 2 officers to give account. However, this right relates only to matters or decisions that have already been made. It does not relate to matters which are subject to negotiation, in draft form or are exempt/confidential, as such as at the time of writing, in relation to the PPP services the proposal that from 1 April 2022:

1. the majority of regulatory services are brought back in house; and
2. a minority of services with more regional significance be provided by West Berkshire Council, namely: Trading Standards, Food Standards (not Food Hygiene), farm animal welfare, air quality, intelligence and case management (known as BuyBack).

In terms of Governance, the required process is (in chronological order):

1. 30 September 2021 Wokingham Executive approval of the proposed agreement for the BuyBack of a minority of services from 1 April from West Berkshire Council; and
2. Approval of the Exit Plan agreed with West Berkshire & Bracknell Councils as regards the arrangements to deliver termination of Wokingham’s participation in the Public Protection Partnership after 31 March 2022. This is a decision that has been delegated to officers, and will likely be completed after 8 October 2021.

After extensive discussions with West Berks Council. A final draft Exit Plan proposal is awaiting informal agreement by West Berkshire officers. This agreement is anticipated given the extensive joint work between partner councils to reach agreement on a draft Exit Plan.

## **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)	Nil	Yes	n/a
Next Financial Year (Year 2)	Nil	Yes	n/a
Following Financial Year (Year 3)	Nil	Yes	n/a

### **Other financial information relevant to the Recommendation/Decision**

There are no financial implications arising from this scrutiny process.

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

<b>Public Sector Equality Duty</b>
An Equalities Assessment as part of the approval that is being sought from the Executive Committee on 30 September 2021, and this has identified that the proposal has no anticipated adverse equality impacts, and in the case of race, gender, disabilities, age, pregnancy & maternity protected characteristics, will have a disproportionately positive benefit.

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

<b>List of Background Papers</b>
<ol style="list-style-type: none"> <li>1. 18 March 2021 Full Council resolution: <a href="https://wokingham.moderngov.co.uk/ieListDocuments.aspx?CId=131&amp;MId=3666&amp;Ver=4">https://wokingham.moderngov.co.uk/ieListDocuments.aspx?CId=131&amp;MId=3666&amp;Ver=4</a></li> <li>2. 2016 Inter Authority Agreement: <a href="http://decisionmaking.westberks.gov.uk/documents/s53463/Joint%20Public%20Protection%20Partnership%20Appendix%20B%20Draft%20Inter%20Authority%20Agreement.pdf">http://decisionmaking.westberks.gov.uk/documents/s53463/Joint%20Public%20Protection%20Partnership%20Appendix%20B%20Draft%20Inter%20Authority%20Agreement.pdf</a></li> <li>3. 30 September 2021 Executive Committee agenda papers: <a href="https://wokingham.moderngov.co.uk/documents/s50059/Provision%20of%20regulatory%20functions.pdf">https://wokingham.moderngov.co.uk/documents/s50059/Provision%20of%20regulatory%20functions.pdf</a></li> </ol>

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