

WORCESTERSHIRE DISTRICT COUNCILS AND COUNTY COUNCIL

WORCESTERSHIRE REGULATORY SERVICES

MEETING OF THE WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

THURSDAY 25TH JUNE 2015 AT 4.30 P.M.

PRESENT: Councillors R. J. Laight, P. J. Whittaker, B. Behan, D. Chambers, J. Fisher, B. Clayton (during Minute No's 1/15 to 8/15), M. Johnson, A. N. Blagg, E. Stokes. M. King (substituting for R. Davis), M. Hart (substituting for S. Chambers) and J. Hart

Observers: Mr. V. Allison, Deputy Managing Director, Wychavon District Council and Mr. D. Sutton, Worcester City Council

Officers: Mr. I. Pumfrey, Ms. J. Pickering, Mrs. S. Sellers, Mr. M. Kay, Mr. S. Wilkes (during Minute No's 7/15 to 11/15) and Mrs. P. Ross

1/15 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor B. Behan, Malvern Hills District Council be elected as Chairman of the Joint Committee for the ensuing municipal year.

2/15 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor E. Stokes, Wychavon District Council be elected as Chairman of the Joint Committee for the ensuing municipal year.

3/15 **APOLOGIES**

Apologies for absence were received from Councillors A. Roberts, Worcester City Council, L. Hodgson, Worcestershire County Council and R. Davis, Wychavon District Council.

4/15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/15 **MINUTES**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 19th February 2015 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/15

FUTURE ARRANGEMENTS FOR WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE AND WORCESTERSHIRE REGULATORY SERVICES

Following on from the Worcestershire Shared Services Joint Committee meeting held on 19th February 2015, where Members approved for consultation purposes the proposals for creating and delivery a sustainable regulatory partnership for Worcestershire; the Committee considered a further report which detailed the findings of those consultation events held.

The Chairman announced that, in light of the revised recommendations and legal implications, as detailed in the amended report tabled, she was prepared to adjourn the meeting for approximately ten minutes to allow Members to read the revised document.

Accordingly the meeting stood adjourned from 4.45pm until 4.55pm.

The Acting Head of Worcestershire Regulatory Services introduced the amended report, as tabled, and in doing so provided a brief update, for the benefit of new Members to the Committee, on the proposals presented at the Worcestershire Shared Services Joint Committee meeting on 19th February 2015.

The Acting Head of WRS informed the Committee that the Worcestershire Shared Services Joint Committee had been established in 2010. The governance model at that time was based upon established arrangements for shared service delivery operating within the County and was structured to allow for the addition of other shared services. The original business case for WRS was founded on all partner authorities having closely aligned policy positions and service levels. WRS had been extremely successful and had delivered savings to all partner authorities. However in recent years there had been increasing financial pressures and challenges within the partnership arising from differences in partner authorities service requirements, driven by the individual financial pressures on each partner authority.

Members were further informed that Capita had withdrawn from the strategic partnering process as they felt that since WRS was already so efficient they would be unable to meet their own financial requirements.

The consultation events that took place did not reveal any objections to the proposals, for creating and delivery of a sustainable regulatory partnership for Worcestershire, and were broadly supportive of the proposals. WRS staff recognised the need for change and was supportive of the proposals. The main concerns highlighted during the consultation events were about the future level of trading standards service provision.

The extant partnership agreement signed on 1st June 2010 contained provisions enabling partners to leave the partnership. However, these were cumbersome and complex to invoke. Notice periods had to be given and the terms of exit determined by agreement of all partners. This included arrangements for departing partners to bear the financial consequences of

their exit. These provisions were never utilised in relation to this or other similar shared services using this basic agreement.

Legal advice was that it was more appropriate in these circumstances not to rely upon these provisions but for the partners to dissolve the current partnership by mutual agreement and immediately constitute a successor partnership of the six Worcestershire districts. A service level agreement between the new partnership and the County Council for provision of trading standards services would be entered into as the basis for continuing provision of these services recognising the significant investment made by the County Council in the original partnership and in WRS.

Dissolution and reconstitution was not a matter within the competence of the Joint Committee and required a decision from each partner authority. Taking into account the time period required for this, it was proposed that these changes take place at the beginning of the municipal year 1st April 2016. This timescale also enabled WRS management and officers of the partner authorities to make the necessary detailed administrative arrangements.

The report detailed the key changes to the partnership and partnership agreement, with Appendix 2 to the report, detailing the principal terms of the proposed new partnership agreement.

The current WRS senior management structure had been in place since inception when the shared service had both a larger complement of staff and budget. Reducing senior management numbers had been progressive as the WRS budget and workforce had reduced year on year. The departure of the Head of Service in January 2015 provided an opportunity to re-examine the senior management structure in light of the proposed new partnership and the opportunity to create a leaner much more focused senior management structure aligned to a commercial approach to the delivery of the service. Appendix 4 to the report detailed the proposed future senior management structure.

Further discussion followed with several Members expressing their concerns with regard to Part 1 – 4.1, as detailed in Appendix 2 to the report, which stated:

“Amend to ‘one member’ from ‘two members’ in line 1 and delete ‘at least one of those members from’ ‘authority’ from line 3. Insert ‘The member shall be the portfolio holder responsible for regulatory matters’

Councillor M. Hart, Wyre Forest District Council proposed an amended recommendation, seconded by Councillor E. Stokes, that Part 1 – 4.1, as detailed in Appendix 2 to the report, be deleted in its entirety.

A lengthy debate followed with differing views being expressed as to the advantages and disadvantages of either reducing to one member from each partner authority on the Joint Committee as set out in the report, or retaining the current arrangements of two members per partner authority which would be the outcome under the proposed amendment.

During the debate Members made reference to a range of issues including:-

- That the Joint WRS Scrutiny Task Group had recommended a reduction to one Elected Member with arrangements for substitutes. It had been felt that this would improve strategic decision making and become a more efficient business model for WRS. The Task Group had been aware of concerns that even though two Members were nominated onto the Joint Committee some Members had little knowledge of the concept of WRS.
- That in some partner authorities it was felt that there would be a benefit to retaining two Members on the Joint Committee, to increase democratic participation in the governance of WRS. Reference was made to this being of importance to partner authorities where political control can change.
- That the report which addressed the findings of the Joint WRS Scrutiny Task Group should be adopted without any changes to enable a more coherent customer focused service going forward.
- That circumstances have changed since the involvement of the WRS Joint Scrutiny Task Group in that the direction being pursued at the time was a partner arrangement with an external organisation, whereas the current proposal was for WRS to continue without any outside partners and with a reduced number of local authority partners.

Members continued with the debate, and it was proposed by Councillor M. King, Wychavon District Council that after a period of twelve months from April 2016 the composition of the Joint Committee could be reviewed.

The Chairman sought clarification that Members felt in a position to vote on the recommendations as detailed in the report tabled and recommendation 2 as proposed by Councillor M. Hart, Wychavon District Council, as detailed in the preamble above, with the inclusion that the membership of the partnership be reviewed after a period of twelve months from April 2016.

The Chairman further informed the Committee that the decision would have to be a unanimous decision, as detailed in the Worcestershire Shared Services Partnership agreement.

RESOLVED that the outcome of the consultation with partner authorities, Worcestershire Regulatory Services staff and stakeholders be noted.

RECOMMENDED:

- (a) that the current Worcestershire Shared Services Partnership is dissolved by mutual agreement on 31st March 2016;
- (b) that a new Worcestershire Shared Services Partnership comprising the six district councils is created on 1st April 2016 in accordance with the terms set out in Appendix 2 (as amended); and that the composition of partner authority member representatives on the Joint Committee be reviewed after a period of twelve months from April 2016;

- (c) that the new Worcestershire Shared Services Partnership enters into a service level agreement with Worcestershire County Council for the provision of trading standards services in accordance with the terms to be agreed by the Acting Head of Worcestershire Regulatory Services;
- (d) that all existing contracts and service level agreements between the existing Worcestershire Shared Services Partnership and the other local authorities are novated to the new Worcestershire Shared Services Partnership;
- (e) approve the new management structure for Worcestershire Regulatory Services, as set out in Appendix 4 , for consultation with staff and recognised trades unions;
- (f) that following consultation, authority be delegated to the Acting Head of Worcestershire Regulatory Services, in consultation with the Chairman of the Joint Committee to finalise the future management structure and undertake recruitment in accordance with the terms as set out in the Worcestershire Shared Services Partnership Agreement; and
- (g) to establish an appointment sub-committee comprising three Members of the Joint Committee; an Executive Member from the Host Authority and the Chairman and Vice-Chairman supported by officers, as detailed in the legal implications contained within the amended report tabled at the meeting.

7/15

WORCESTERSHIRE REGULATORY SERVICES REVENUE
MONITORING APRIL - MARCH 2015 AND ANNUAL RETURN

The Committee considered a report which detailed the financial position for the period April 2014 to March 2015.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council introduced the report and in doing so informed the Committee that the report presented the final financial position for Worcestershire Regulatory Services for the period April 2014 to March 2015 and the formal annual return to be submitted to the External Auditors. The Annual Return was in a prescribed format as required by the accounting regulations for small bodies.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council drew Members' attention to the detailed revenue report, as detailed at Appendix 1 to the report. This showed a final outturn underspend of £227,000. The underspend was more than expected at quarter 3 and was mainly due to further vacant posts within the service together with savings resulting from maternity leave and long term sick. Part of the underspend was offset by the costs associated with additional agency staff being used to cover the vacancies and to backfill for staff seconded to support the service transformation project. Recharge for services / repairs and maintenance at Wyatt House was lower than anticipated. There was a significant underspend on IT, due to a freeze on IT spend during strategic partnering and a lower than expected expenditure on certain projects. Contracts on Nuisance Work, Contaminated Land and Stray Dogs were extended until the end of March and generated an additional income of £39,000. The Feed Grant received from Central England Trading Standards Authorities (CEntSA) had included the cost of the feed samples and generated a further £11,000 income.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council drew Members' attention to Appendix 3 to the report, the Annual Return for the financial year ended 31st March 2015.

RESOLVED:

- (a) that the financial position for the period April 2014 to March 2015, be noted;
- (b) that the ICT funding required from partner Councils for 2015/2016 as detailed at Appendix 2 to the report, be approved;
- (c) that the refund of the 2014/2015 underspend of £227,000 to the participating Councils, as set out below, be approved: and

Council	Refund of Savings £'000
Bromsgrove	25
Malvern Hills	22
Redditch	23
City of Worcester	31
Wychavon	31
Wyre Forest	17
Worcestershire County Council	78
TOTAL	227

- (d) that the Annual Return as set out at Appendix 3 to the report, including the Accounting Statements for the Joint Committee for the period 1st April 2014 – 31st March 2015 be approved.

8/15

WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT

The Committee considered a report which detailed the Worcestershire Regulatory Services Annual Report 2014 / 2015.

The Acting Head of Worcestershire Regulatory Services (WRS) informed the Committee that under the Worcestershire Shared Services Partner Agreement the Joint Committee was required to receive the annual report at its annual meeting. The report covered the performance of the service for the period 1st April 2014 to 31st March 2015.

The Acting Head of WRS informed Members that as Acting Head of WRS he felt the report highlighted the terrific of performance of WRS. Performance indicators had improved with service transformation and the report was a tribute to the team. He was proud to see what had been achieved not only against the financial restraints the service had had to face but also the outcome of the recent procurement exercise undertaken. Although procurement did not deliver a strategic partnership, it showed the strengths of WRS and that other authorities saw WRS as professional, robust and sustainable for the future.

Mr. M. Kay, Business Manager, WRS drew Members' attention to the key achievements for WRS in 2014/2015 as detailed in the report. WRS key performance measures continued to focus on customer satisfaction and the positive compliance of businesses, with all but one performance indicator going up. There was an increase in income generation with income generated from a range of sources. Over twenty staff members of the Community Environmental Health Team have undertaken Housing Health and Safety Rating Scheme training, which could provide the potential for extending the work of WRS into this sector.

Mr. S. Wilkes, Business Manager, WRS continued to inform Members on the service delivery highlights throughout the year, the year had been the busiest year for WRS on record for formal actions, with fifteen case investigations currently either in the court system or in the final stages of investigation. The Technical Pollution Team had worked in conjunction with Hitachi Zosen on managing the environmental impact of the construction phase of Severn Waste's Energy from Waste plant in Hartlebury. Following evidence from reports produced following the Rochdale and Rotherham incidents, the sexual exploitation of children was identified as something that could happen anywhere and local authorities needed to take action to reduce risks and support the detection of crime. WRS recognised they had a role to play, particularly in relation to some of the individuals and businesses licensed by partners. WRS were now at the forefront of raising awareness of these dangers and have raised awareness to over 2,500 Hackney Carriage and Private Hire drivers, by means of letters to individual taxi drivers and taxi forums to provide information. WRS officers have been made aware of signs to look out for and to pass these onto the trade.

Members agreed that it would be good practice to send a copy of the WRS Annual Report to all partner authorities Members as well as partner authorities Chief Executives and Managing Directors.

The Chairman thanked officers for an excellent report, with Members in agreement that issues raised by them throughout the year had been taken into account. The report reflected the excellent work of WRS to ensure the protection of our communities.

Councillor J. Fisher reiterated this and expressed his thanks to the WRS Management Team and staff on their continued hard work. He felt that the Joint Committee depended on the professionalism and hard work of WRS.

RESOLVED:

- (a) that the Worcestershire Regulatory Services Annual Report 2014/2015 be noted; and
- (b) that a copy of the Worcestershire Regulatory Services Annual Report 2014/2015 be forwarded to the Chief Executive, Managing Director and Members of each partner authority.

9/15 **ACTIVITY AND PERFORMANCE DATA - QUARTERS 1, 2, 3 AND 4, 2014/2015**

The Committee considered a report which detailed Worcestershire Regulatory Services Activity Data for Quarters 1, 2, 3 and 4, 2014/2015.

Mr. S. Wilkes, Business Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that the activity report, as detailed at Appendix A to the report, was a summary report as requested by Members. The full report had been distributed to all Members for information and provided Members with wide ranging information across a number of parameters. The summary report was an extract from the full report and covered all of the key county-wide data, with each Team Manager providing a written commentary on each of their areas of work in order to provide Members with information on what was happening and to explain some of the wider activity of work undertaken.

In response Councillor M. King commented that as a new Member to the Committee he had found the information very useful.

RESOLVED:

- a) that the Activity Data for Quarters 1, 2, 3 and 4, 2014/2015 be noted; and
- b) that Members use relevant forums within their respective authorities to share this information with all elected Members.

10/15 **ACCOMMODATION AND ICT HOSTING RELOCATION UPDATE**

The Committee was asked to note a report which provided an update on the recent WRS accommodation and ICT hosting relocation.

Mr. M. Kay, Business Manager, Worcestershire Regulatory Services (WRS) informed the Committee that WRS had successfully moved on 20th March 2015 from Wyatt House, Worcester to Wyre Forest House, there had been a small number of email glitches. WRS now occupied 58 work stations at the new location. The project board consisting of representatives from the current hosts, the proposed hosts and WRS officers had ensured the smooth transition and he expressed his thanks to Alison Braithwaite and her team for their hard work.

The Chairman requested that further thanks from the Joint Committee were given to all those involved in ensuring the move was successful.

RESOLVED that the Accommodation and ICT Hosting Relocation Update report be noted.

11/15 **HOME OFFICE - CODE OF PRACTICE ON THE EXERCISE POWERS OF ENTRY**

The Committee considered a report which detailed the Home Office Code of Practice on the Exercise of Powers of entry. On 6th April 2015, a code of

practice issued by the Home Office under section 48 of the Protection of Freedoms Act 2012 came into force.

Mr. S. Wilkes, Business Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that exercising powers of entry was at the heart of all enforcement work and therefore vital to the functioning of the regulatory service. The report proposed the adoption of a policy document, as detailed at Appendix 1 to the report, of a framework policy for the exercise of WRS officers of power of entry and associated statutory powers, not subject to other codes. The code also applied where legislation was silent on particular matters or where relevant legislation provided fewer safeguards than those provided in it.

On 6 April 2015, a code of practice issued by the Home Office under section 48 of the Protection of Freedoms Act 2012 came into force. The code provided guidance and set out considerations that apply before, during and after powers of entry and associated powers were exercised by a range of bodies including local authorities. The purpose of the Code was to ensure “greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.”

The Code did not override already existing statutory codes e.g. PACE codes, Food Standards Agency codes, but it did have an effect where no existing code covering the exercise of powers existed.

Mr. S. Wilkes, Business Manager responded to Members’ questions and clarified that there was no financial impact on WRS, but if the proposed code was not followed it could leave WRS open to legal challenge

Members were further informed that much of legislation enforced by WRS was silent as to the approval of the use of powers of entry. Given that the code indicated that not every individual visit needed to be approved, it was suggested that approval of service plans and team plans by managers, could fulfil the requirements of the code. The detailed team plans that sit below the service plan outlined all of the proposed activities for the year and it was therefore possible for managers to give consideration to the use of powers at this stage and record the decisions that were made.

RESOLVED that the policy document, as detailed at Appendix 1 to report, which provided an operating framework for the use of statutory powers of entry and related powers by Worcestershire Regulatory Services officers, acting on behalf of all partner authorities, be approved.

RECOMMENDED that consideration be given by partner authorities to adopt a similar approach for their retained regulatory service elements to ensure consistency of operation in all regulatory fields across the authorities in Worcestershire and to support joint operational working.

The meeting closed at 6.29 p.m.

Chairman

This page is intentionally left blank