

# **BROMSGROVE DISTRICT COUNCIL**

## **CABINET**

**6 JANUARY 2010**

### **Worcestershire Enhanced Two Tier**

Responsible Portfolio Holder	Councillor Roger Hollingworth
Responsible Head of Service	Kevin Dicks
Key Decision – Yes	

#### **1. SUMMARY**

- 1.1 This report seeks agreement in principle for the detailed business cases for Worcestershire Enhanced Two Tier and approval to allow the business cases to be further progressed and presented to full Council during January 2010 for a final Member decision.

#### **2. RECOMMENDATION**

- 2.1 It is recommended that Cabinet support in principle the two tier and joint working proposals for Property Services, Regulatory Services and Internal Audit presented within the Worcestershire Enhanced Two Tier (WETT) detailed business cases referenced in this report. This will allow the business cases to be progressed to Council for Members to consider these proposals for final decision in January 2010. It is therefore recommended that Cabinet support in principle:-
- 2.1.1 Subject to the agreement of the Worcestershire Councils e.g. Worcestershire County, Worcester City District, Bromsgrove District, Redditch Borough, Malvern Hills District, Wychavon District and Wyre Forest District:

A unified Regulatory Service for the Worcestershire Councils, jointly hosted by Bromsgrove and Redditch Councils (with Bromsgrove District Council as the employing authority), is established from 1<sup>st</sup>. June 2010 under the auspices of a Joint Committee; on the basis set out in the Regulatory Service Detailed Business Case V10, Part 1 & Part 2 (Rev.1) and supported by the Regulatory Services, Detailed Business Case Executive Summary V3.2 at '**Appendix A**' of this report.

- 2.1.2 This Council's functions in relation to Environmental Health and Licensing Services (other than those licensing functions which cannot be delegated) be delegated to a Joint Committee in accordance with Section 101 of the Local Government Act 1972 and Section 20 of the Local

Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) (Regulations) 2000.

- 2.1.3 That, subject to such an agreement being concluded, relevant staff from all Councils agreeing to the Regulatory Services business case are to be transferred to Bromsgrove District Council under TUPE arrangements;
- 2.1.4 That the financial arrangements for the new service as set out in the Detailed Business Case V10 be approved in principle allowing the business cases documentation to be presented to full Council in January 2010 for final ratification and recommended to each authority as the basis for Regulatory budgets.
- 2.1.5 Subject to the agreement of the participating Worcestershire Councils e.g. Worcestershire County, Worcester City, Bromsgrove District and Redditch Borough that a Shared Property Service (hosted by Worcestershire County Council) on the basis set out in the Property Services, Detailed Business Case V6 and the supporting Detailed Business Case Executive Summary V1 at 'Appendix B' of this report is established.
- 2.1.6 The transfer of staff to Worcestershire County Council as service provider on the terms proposed from the Commencement Date.
- 2.1.7 To enter into the service level agreement on the basis set out in the Property Services Detailed Business Case V6 and supporting Property Services Detailed Business Case V1 (Appendix B), as amended to reflect any final agreement made between the Partner authorities.
- 2.1.8 The proposal to authorise the Head of Legal, Equalities and Democratic Services to finalise the terms of the collaboration agreement and Service Level Agreement and to execute the agreements on behalf of the Council.
- 2.1.9 Subject to the agreement of the participating Worcestershire Councils e.g. Worcester City District, Bromsgrove District, Redditch Borough, Wychavon District and Malvern Hills District; that agreement in principle is given to the creation of a Shared Internal Audit Service on the basis set out in the Internal Audit, Detailed Business Case V10 and the supporting Detailed Business Case Executive Summary V2 at '**Appendix C**' of this report.
- 2.1.10 Supports in principle Worcester City Council to act as the service provider.
- 2.1.11 Agrees in principle to the transfer of staff to Worcester City Council as service provider on the terms proposed from the Commencement Date.
- 2.1.12 Agrees in principle to enter into the service level agreement on the basis set out in the Internal Audit Detailed Business Case V10 and

supporting Internal Audit Detailed Business Case V2 (Appendix B), as amended to reflect any final agreement made between the Partner authorities.

- 2.1.13 Agrees in principle to authorise the Head of Legal, Equalities and Democratic Services to finalise the terms of the service level agreement and to execute the agreement on behalf of the authority.
- 2.1.14 To support the proposed timeline at '**Appendix D**' of this report. The time line shows the order and dates for each consultation and decision point relating to the detailed business case development for Internal Audit, Property and Regulatory Services.
- 2.1.15 Agrees to the creation of and terms of reference for a Joint Appointments Committee comprising one member of each participating Council for the proposed Head of Regulatory Services.
- 2.1.16 The proposal to make any consequential changes required to the Council's constitution to reflect the shared services arrangements.

### **3. BACKGROUND**

- 3.1 The Worcestershire Enhanced Two Tier (WETT) programme was created during 2009. This followed the successful bid by the Worcestershire Councils for £350K of funding made available by the Improvement & Efficiency Partnership (IEP), West Midlands. This funding was provided specifically to support the development of two tier, shared working within the region.
- 3.2 During 2009 Officer teams representing all of the Worcestershire Councils have worked together to produce a number of proposals for two tier, joint working which include key community facing and support service areas e.g. Regulatory Services, Street Scene, Human Resources and Property Services.
- 3.3 High Level Business Cases were produced in May supporting proposals relating to ten service areas and the Worcestershire Chief Executives and Council Leader panels supported the prioritised development of three of these into detailed business cases i.e. Regulatory, Property and Internal Audit.
- 3.4 Stakeholder groups such as the County Treasurers and HR Managers have been involved at key stages in challenging and validating the detailed business cases. A Programme Management Group comprising of senior managers from all seven Worcestershire Councils has directly supported the development process.
- 3.5 The proposed detailed business cases were presented to the Worcestershire Chief Executives & Council Leaders Panel during

October 2009. Agreement was reached by the participating Partners for each of the three business cases to be taken forward for consideration by the Executive Members of each Council during December 2009.

- 3.6 The report to Council will include detail on the outcomes of the formal consultation with staff and trade unions regarding the business cases.
- 3.7 The WETT programme has been structured in such a way to enable development of the other High Level Business Cases to continue in further phases of prioritised development following the completion of necessary work on the current detailed business cases.

#### **4. BUSINESS CASE OVERVIEW**

- 4.1 The current WETT detailed business cases were circulated to all affected staff, the Trade Unions and Elected Members of the participating Worcestershire Councils on the 11th November 2009. This followed initial presentations regarding the business cases to these groups by the WETT programme team during the first two weeks of November.
- 4.2 Each of the detailed business cases for the WETT programme is supported by an Executive Summary document which has been produced to offer a concise representation of the key elements of the broader document e.g. proposed Scope, Finances, Governance, Management & Staffing, Performance, service Transformation, ICT requirements, Implementation approach and Risks.
- 4.3 The Executive Summary documents form part of the appendices of this report and are referenced throughout.
- 4.4 Attached at '**Appendix D**' of this report is the current 'time line' which provides detail on the order of key dates for the consultation and decision making process in relation to the detailed business cases for Regulatory, Property Services and Internal Audit.
- 4.5 Below is a high level overview of the proposals contained within the business case documents however; Executive Members are asked to refer to the appendices of this report when considering the recommendations contained within 'section 1'.

#### **(a) Regulatory Services:**

- 4.6 The business case proposes that a transformational two tier Regulatory Service be created in Worcestershire that will deliver significant improvement in services for Customers county-wide and benefits for the seven Partner Authorities. This would involve creating a fully integrated Regulatory Services function which will be more effectively focussed on businesses and consumers, with all partners operating within a unified Management Structure.

4.7 The proposed service will incorporate the three professional disciplines of Trading Standards, Environmental Health and Licensing, with all Partner service teams operating within a unified management structure. This will allow an integrated team to be created which has the resilience, shared expertise and economies of scale to provide a broad and effective service base for the communities of Worcestershire, while maintaining local responsiveness, choice and identity.

4.8 The business case highlights a number of key benefits which can be achieved for Partners through this new approach e.g.

- The preferred business model option offers a like-for-like revenue saving of £1.26 million (17.25% reduction on current direct service cost) largely achievable by year 3 however; a £440K saving is achieved in year 2 (2011/12).
- It should be possible to achieve savings in overhead costs in the medium to long term of up to 20% of current internal recharges (approximately £354k).
- It is intended that individual partner performance against the core National Indicators for these Regulatory Services will be maintained as a minimum. This will be followed by a clear focus on raising the performance of all partners to that of the best in Worcestershire.
- The new service will utilise a centralised ICT system, linking directly into the Worcestershire Hub, enabling improved access to services and for our Customers across the region, with opportunity for continuous service improvement.
- This business model will enable Councils to achieve increased resilience, while facing the challenges and changing demands placed on the services, anticipated from Central Government in the medium / long term.
- Improved delivery to Customers e.g. reducing the burden on business by avoiding duplication of inspections.
- Cost reduction through Efficiencies e.g. eliminate duplication, overlap & redundancy in processes & working
- Economies of scale e.g. reduced management/support costs & overheads, rationalisation / re-use of estate and ICT integration
- Consistent approach in service delivery e.g. Policy alignment (customer perception is the key driver – common policy framework will have flexibility to meet local needs, Improvement in compliance and uniform process for "routine" regulatory work (where possible through the Hub).
- Standardised performance, quality, policy & processes e.g. reduction in incidents of failure through efficiency, standardisation of charges and fees and consistent approach to clients
- Business transformation e.g. shared resources – people, processes & systems, minimise geographic boundaries between services to customer and minimise political boundaries between services to the customer

- 4.9 Details on the proposed costs and saving per Council Partner can be found at 'Appendix E' of this report which includes an extract from the Regulatory Services detailed business case V10, Finance Appendix F9 – Implementation Approach D proposed partner cash flow forecast.
- 4.10 In addition to the target 17.2% saving against direct expenditure, it is anticipated that a saving of £354k (20%) against indirect (internal recharge) expenditure can be achieved, via self-managed efficiencies at individual authorities.
- 4.11 Capital investment of £1.5 million is needed to achieve the proposed business model, of which £270k is to be potentially grant-funded by Improvement & Efficiency West Midlands and CLG. The business case delivers a return on investment (payback) against net capital expenditure by Year 4 (2013/14).
- 4.12 The aggregate direct gross expenditure on Regulatory Services across the seven County and District Councils in 2009/10 is £7.3 million. The largest component of this direct expenditure is employee costs (76% of aggregate direct costs), representing 165 full time equivalents (FTE).
- 4.13 The direct expenditure savings under the recommended service model i.e. 'Option 3' shown in the Regulatory Services detailed business case V10 are delivered through a reduction in headcount from 165 to 120 FTE.
- 4.14 Reductions in management are achieved through the removal of duplication in line management, policy development and inter-authority liaison, while reductions in professional, technical and support staff are achieved through structural rationalisation and fundamental service transformation.
- 4.15 Having received legal advice regarding shared service governance, the Regulatory Services Project Team opted to appoint a Joint Committee of elected members to oversee all activity, with the seven authorities having delegated decision making and policy approval to that authority from the committee and officers of the joint service. Sections 101 and 102 of the Local Government Act 1972 provide the statutory authority for this.
- 4.16 In essence, the proposal is for a central management structure, reporting to the joint committee. The functions to be undertaken by the shared service include all aspects of licensing, environmental health and trading standards. However; the important caveat to all of the above is that the Licensing Act 2003 amended the Local Government Act 1972, adding section 101(15), the impact of which is that section 101 does not apply to the exercising of any function of a licensing authority under the Licensing Act 2003.

- 4.17 The two tier Regulatory Service model described in the detailed business cases V10 therefore proposes to retain the existing licensing committees to deal with those licensing and gambling functions which cannot be delegated to another authority.
- 4.18 Recommendation (a) of this report asks Cabinet to agree in principle the business case at 'Appendix A' of this report for a two tier Regulatory Service for the six Worcestershire Districts and County Council.
- 4.19 If supported, Cabinet are asked to approve the recommendation that the business case be taken forward to the Council meeting in January 2010 for a final decision. The report to Council will include detail on the outcomes of the formal consultation with staff and trade unions regarding the business case.
- 4.20 The service would be operational by 1st June 2010, and would be hosted by Bromsgrove District Council.

**(b) Property Services:**

- 4.21 The proposed business case supports the development of an integrated Property Services function with all participating Council partners operating within a single management structure. This will allow a central team to be created which has the resilience, shared expertise and economies of scale to provide a broad and effective property service base for the communities of Worcestershire.
- 4.22 The business case highlights a number of key benefits which can be achieved for Partners through this new approach e.g.
- **Economies of scale:** Rationalisation of estate, combined procurement through combined purchasing power and reduced support costs & overheads
  - **Resilience:** Improved capacity – sharing of resources and skills, improve career structure, personal development and ergonomics & improved partnership working.
  - **Best Services for Local People:** Better position to meet local service user
  - **Savings:** Accumulative savings of 15% revenue against existing revenue budgets over 3 years for District Partners. Opportunities for additional savings for the County Council through increasing efficiency over the initial 3 years of the Partnership.
  - **Increased flexibility and opportunities to optimise resources & staff:** No geographic boundaries between services to customers, no political boundaries between services to customers, shared resources – people, processes, systems & shared allegiance

- **Future proof services:** Protection of Political Sovereignty within 2 Tier (Governance – process 'all decisions will be signed by all relevant authorities')
- **Value for Money / Performance:** Partner performance will be sustained during economically challenging Local Government environment, at a reduced cost.
- **Continuous improvement at a reduced cost:** Eliminate duplication, overlap & redundancy in processes & working practices, standardised services and quality.
- **Consistent approach in service delivery for common problems (asbestos, carbon, energy management):** Uniform processes for common problems (asbestos, carbon & energy management), policy alignment (customer perception is the key driver – common policy framework needs to have flexibility to meet local needs) & improvement in compliance

4.23 The business case proposes that the County Council would provide the entire range of Property Services under 'service level agreement (SLA)' to participating District Council Partners.

4.24 Section 101 Local Government Act 1972 enables an authority to make arrangements for the discharge of its functions by a committee, sub-committee or officer of the authority or by another authority. Sections 19 and 20 Local Government Act 2000 contain similar powers regarding executive functions.

4.25 It is important to stress that the proposed arrangements have been structured as collaboration between the four authorities, with the ability of other Partners e.g. Malvern Hills District Council to join at a later date.

4.26 Advice has been sought on the procurement rules which govern these proposals. This has confirmed that, given the fact that each participating authority is proposing to operate this service through the provision of a Service Level Agreement, any adverse procurement risk is minimal. The fact that the County Council currently provides part of these services under a Service Level Agreement further minimises any risk.

4.27 In practice this means that the County Council's Head of Property Services is carrying out the property functions contained within the detailed business case on behalf of the other participating authorities and the collaboration agreement records the terms upon which costs will be shared and the other practical issues which have been documented within the detailed business case V6 for the arrangements.

4.28 It is anticipated that efficiencies through economies of scale will be achieved, benefitting all participating partners and providing a viable



response to impending further budget pressures expected over the coming years.

4.29 The combined Property Service will contribute to other local government services such as planning, highways, education and the wider sustainability agenda will be enhanced.

4.30 The business model will include a core of Property Service functions which would form the initial service portfolio, with opportunities for a broader portfolio as the service is developed and embedded.

4.31 Under the Service Level Agreement, each District Council will receive a service to at least the same level as is currently delivered in-house; each District Council will also receive a cumulative saving of 5% against total employee, supplies & services and repairs & maintenance expenditure for each of the first three years of operation of the shared service (15% cumulative saving after three years).

4.32 'Table 1' below shows the Indicative savings delivered to District Councils through the proposed shared service:

<b>Table 1 – Indicative savings delivered to District Councils</b>		<b>Current Budget £</b>	<b>Year 1 £</b>	<b>Year 2 £</b>	<b>Year 3 £</b>
<b>Target saving (cumulative):</b>		<b>N/a</b>	<b>5%</b>	<b>10%</b>	<b>15%</b>
Bromsgrove DC	Savings (cumulative)	N/a	(14,000)	(27,000)	(40,000)
	Total expenditure (excl facilities)	269,000	255,000	242,000	229,000
Malvern Hills DC	Savings (cumulative)	N/a	(8,000)	(17,000)	(25,000)
	Total expenditure (excl facilities)	169,000	161,000	152,000	144,000
Redditch BC	Savings (cumulative)	N/a	(62,000)	(124,000)	(187,000)
	Total expenditure (excl facilities)	1,244,000	1,182,000	1,120,000	1,057,000
Worcester City	Savings (cumulative)	N/a	(67,000)	(133,000)	(200,000)
	Total expenditure (excl facilities)	1,331,000	1,264,000	1,198,000	1,131,000
<b>All District Councils</b>	<b>Savings (cumulative)</b>	<b>N/a</b>	<b>(151,000)</b>	<b>(301,000)</b>	<b>(452,000)</b>
	<b>Total expenditure (excl facilities)</b>	<b>3,013,000</b>	<b>2,862,000</b>	<b>2,712,000</b>	<b>2,561,000</b>

4.33 Facilities-related expenditure will also be included in the scope of the Shared Service, but will be treated as a separate expenditure budget line. While savings are likely to accrue to District Councils from premises-related items, for example through the negotiation of joint contracts for utilities procurement, these savings are not quantified in this business case, but will be allocated to Shared Service partners as they arise. The detailed methodology for savings distribution will be set out in the Service Level Agreement.

4.34 It should be noted that there are no fixed savings planned against the County Council's direct expenditure budget as, since 2006/07, total savings of £423,000 have already been delivered by the County

Council's Property Services department against staffing budgets. However, under the current model, the County Council will benefit from any savings which are delivered in addition to the agreed levels in Table 1 above.

- 4.35 The business case proposes that Worcestershire County Council will be the host employer under this proposed Property Service. Staff would therefore transfer to the employment of the County Council with effect from 1 April 2010.
- 4.36 **'Recommendation 2.1.5'** of this report asks Cabinet Members to agree in principle the business case for Property Services at **'Appendix B'** for a two tier Property Service for the Councils of Worcestershire County, Worcester City District, Redditch Borough and Bromsgrove District.
- 4.37 If supported, Cabinet are asked to approve the recommendation that the business case be taken forward to the Council meeting in January 2010 for a final decision. The report to Council will include detail on the outcomes with staff and trade unions regarding the business case.
- 4.38 The service would be operational by 1<sup>st</sup> June 2010, and would be hosted by the County Council.

**(c) Internal Audit**

- 4.39 This business case supports the development of an integrated Internal Audit function with all participating District Council Partners (scalable for other councils to join at a later date) operating within a single management structure. This will allow a central team to be created which has the resilience, shared expertise and economies of scale to provide a broad and effective service base for the District Councils, hosted by Worcester City Council.
- 4.40 Once the proposed District Partnership has been implemented there will be scope for the County Council and the Districts to review the potential for increased Partnership working.
- 4.41 The Project Team established that Worcester City Council has a substantial Internal Audit team in comparison to the other Districts and is already carrying out work on behalf of Partners e.g. Malvern Hills District Council. The City Council generates 50% of its Internal Audit costs from completing work for other Authorities and this is built into the agreed budget for the Council. It is an organisation which is looking to expand its Internal Audit work or at least maintain its current volume to protect budget commitments.
- **Resilience** – combining the Internal Audit teams will provide the participating authorities with a larger pool of Internal Auditors with a greater breadth of expertise. Availability of staff and skills, developing expertise & Developing new areas of auditing.

- **Savings** – the financial business case delivers ongoing revenue savings of £144,000 per annum (20.1% of direct expenditure) by Year 3 (2012/13).
- **Staff retention & development** – an improved career structure for staff, with increased variety of work and professional development opportunities. Achieve consistent high standards and increased morale and motivation.
- **Improved support to other Shared Services** – streamlined and uniform assurances will be provided to existing and future Shared Services
- **Increased Quality:** Sharing organisational best practice, Increased influence in negotiation – 3<sup>rd</sup> parties & External Audit, Opportunities for growth (%age of audit plan), Researching best practices, Uniformity of product delivery with robust methodology, Single point of contact for External Audit.
- **Economies of Scale & Transformational Changes:** Overall cost saving.
- **Consistency of standards and quality:** Standardise services and quality, consistency of audit approach to ensure best practice is applied at all sites: Eliminate duplication and overlap in processes & working practices, best practice audit methodologies, elimination of barriers when working with other 'shared services'.

4.42 The model proposed focuses on service excellence and service resilience through building on existing good practice. Delivery of Internal Audit functions through a centralised hosted service provision is considered by the project team members to be well placed to provide a much improved service to each participating partner.

4.43 The model also provides opportunities for consistency of standards, quality and audit approach which will feed into Use of Resources Assessments, External Audit opinions and CIPFA Code of Practice compliance.

4.44 The Project Team believe that there is potential for savings to be achieved as a result of this shared service relationship. The City Council highlighted the fact that existing savings / income created from current Partnership working would have to be maintained by the City Council as part of agreed Council budget commitments. All additional savings could be shared with Partners as part of the new shared service model, subject to confirmation.

4.45 Table 2 below shows the proposed costs (excluding Support Costs) and savings for each Partner which can be achieved through the new service

**Table 2: Proposed Costs of Service by District (excluding Support Costs)**

	Cost 2009/10	Cost 2010/11	Cost 2011/12	Cost 2012/13
Bromsgrove DC	£92,510	£102,312	£92,125	£81,488
Malvern Hills DC	£92,950	£76,553	£66,450	£58,884
Redditch BC	£160,854	£164,004	£146,421	£128,410
Worcester City	£88,047	£89,956	£77,735	£66,668
Wychavon DC	£127,549	£131,472	£118,051	£104,694
Wyre Forest DC	£29,800	£28,372	£26,758	£25,156
<b>Subtotal</b>	<b>£591,710</b>	<b>£592,670</b>	<b>£527,540</b>	<b>£465,299</b>
<b>Saving p.a.</b>		<b>£960</b>	<b>(£65,130)</b>	<b>(£62,242)</b>
<b>Saving recurring p.a.</b>		<b>£960</b>	<b>(£64,170)</b>	<b>(£126,411)</b>

4.46 The proposed service would operate through a service level agreement (SLA) approach. Thereby each authority buys the service from the host under an SLA arrangement.

4.47 Section 101 Local Government Act 1972 enables an authority to make arrangements for the discharge of its functions by a committee, sub-committee or officer of the authority or by another authority (sections 19 and 20 Local Government Act 2000 deal with executive functions). Internal Audit Services are classified as non-Executive functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 SI 2000/2853 as amended (Paragraph 1 39 of Schedule 1), as are staffing matters under Section 112 Local Government Act 1972 and for the supply of professional and technical services from other authorities under s1 of the Local Authorities (Goods and Services) Act 1970. As a result, any decision about the future provision of the service would need to be made by a non-Executive body, such as full Council.

4.48 It is important to stress that the proposed arrangements have been structured as collaboration between the five authorities, with the ability of other Partners to join at a later date.

4.49 Advice has been sought on the procurement rules which govern these proposals. This has confirmed that, given the fact that each participating authority is proposing to operate this service through the provision of a Service Level Agreement, any adverse procurement risk is minimal.

4.50 In practice this means that the City Councils 'Head of Internal Audit' (to be appointed) is carrying out the Internal Audit functions contained within the detailed business case on behalf of the other participating authorities and the collaboration agreement records the terms upon which costs will be shared and the other practical issues which have been documented within the detailed business case V10 for the arrangements.

4.51 Recommendation 2.1.15 of this report asks Cabinet to agree in principle the business case at 'Appendix C' of this report for a shared Internal Audit Service for the Councils of Worcester City District, Redditch

Borough, Bromsgrove District, Wychavon District and Malvern Hills District.

- 4.52 If supported, Cabinet are asked to approve the recommendation that the business case be taken forward to the Council meeting in January 2010 for a final decision. The report to Council will include detail on the outcomes with staff and trade unions regarding the business case.
- 4.53 The service would be operational by 1st June 2010, and would be hosted by Worcester City Council.

## **5. STAKEHOLDER INVOLVEMENT**

- 5.1 A number of key Stakeholder groups have been involved in the development of the WETT programme, the high level & detailed business cases.
- 5.2 The Worcestershire Chief Executives & Council Leaders have been established as the WETT Programme Board, providing strategic direction since the initiation of the programme. The programme board have supported the WETT Team throughout the development stages of the business cases and their leadership and decision to support these during October 2009 has allowed proposals to be taken forward to Executive Members for further consideration prior to Council.
- 5.3 The County Treasures and HR Managers groups have played a key role in developing, challenging and validating the detailed business cases to ensure that Members are presented with proposals which are robust and 'fit for purpose', offering the best options for the participating Council Partners.
- 5.4 A Programme Management Group (PMG), comprising of senior managers representing all seven Worcestershire Councils has provided key leadership and support to the programme and project teams involved in producing the WETT proposals. PMG have ensured that appropriate resources have been sourced and made available to the WETT programme to enable the progress to date to have been made.
- 5.5 Project Teams of Officers representing all Worcestershire Councils have worked hard to develop and produce the detailed business case proposals. What they have undoubtedly achieved is the production of new and innovative service option proposals which offer increased resilience, efficiency, improvement and savings to Partners at a time where Local Government is starting to really feel the negative pressures of the recession.
- 5.6 The detailed business cases highlight how Customers will be involved in the design of the services for implementation and this approach will become the standard for implementing continuous improvement once the services become established.

## **6. NEXT STEPS**

- 6.1 The consultation and decision stages involved in taking the detailed business cases forward for Internal Audit, Property and Regulatory Services are illustrated in the time line at '**Appendix D**' of this report.
- 6.2 If the business case proposals are supported by both the Cabinet and Councils of all participating Council Partners, further consultation will take place with staff and Trade Unions in line with the schedule illustrated in Appendix D.
- 6.3 Detailed implementation plans will be produced prior to launching the proposed new services.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Contained in the report and the detailed business cases.

## **8. LEGAL IMPLICATIONS**

### Legal Implications of the Regulatory Services Proposal

- 8.1 Section 101 of the Local Government Act 1972 as amended permits two or more local authorities to arrange for the discharge of any of their functions by a joint committee of theirs, or by an officer of one of the authorities, either of which may in turn arrange for the discharge of any of those functions by an officer of the authority. This section enables the joint committee to be set up. The following would be required to enable the joint committee to discharge the functions of the participating authorities:
  - An identical resolution by the Council of each participating authority would be required to establish the joint committee and its terms of reference and to agree other matters such as the sharing of the expenses of the joint committee;
  - consideration would need to be given to whether the terms of reference would need to include powers for the joint committee to deal with the appointment, dismissal and disciplinary matters relating to the Head of Services engaged by the host authority, or at least to make recommendations to the host authority's Council;
  - each participating authority would need to amend its scheme of delegation/discharge of functions schedule in its Constitution to reflect the discharge of the regulatory functions by the joint committee;
  - the joint committee will need to prepare its own scheme of delegations in relation to the functions delegated to it;
  - each participating authority would need to appoint members to the joint committee in such a way as to reflect the political balance of the participating authority;

- the joint committee would be responsible for selecting its chairman, subject to any provisos on chairmanship included in the terms of reference.

8.2 The terms of reference for the joint committee would need to make it clear whether the joint committee was exercising executive functions, non-executive functions or a combination of both.

8.3 The Licensing Act 2003 amended the Local Government Act 1972, adding section 101(15), the impact of which is that section 101 does not apply to the exercising of any function of a licensing authority under the Licensing Act 2003 which includes certain functions relating to premises licences under the Gambling Act 2005. Each participating authority will retain a Licensing Committee and Sub-Committees to deal with those functions.

The legal implications of the Property Services and Internal Audit Proposals

8.4 The service provider will provide services to the participating authorities by way of a Service Level Agreement under Section 101 Local Government Act 1972 as amended and s1 of the Local Authorities (Goods and Services) Act 1970.

**9. COUNCIL OBJECTIVES**

9.1 The proposals support the overall objective of Improvement and Value for Money.

**10. RISK MANAGEMENT**

10.1 Separate risk registers exist for each business case.

**11. CUSTOMER IMPLICATIONS**

11.1 The Customer is at the heart of the proposals

**12. EQUALITIES AND DIVERSITY IMPLICATIONS**

12.1 Contained in the report

**13. VALUE FOR MONEY IMPLICATIONS**

13.1 Value for money is key to these proposals.

**14. OTHER IMPLICATIONS**

<b>Procurement Issues</b>
These are set out in the report
<b>Personnel Implications</b>

Formal consultation with affected staff and Trade Unions regarding the WETT detailed business cases commenced on the 10<sup>th</sup> November 2009 and is scheduled to conclude on the 21st December 2009.

This is the first of three stages of formal consultation relating to the Property, Internal Audit and Regulatory Services proposals. The time line at '**Appendix D**' of this report shows the agreed schedule for the consultation and decision making leading up to the implementation stages for the proposed services.

During the period of consultation, local events will take place at the County & District Councils which will include staff, Member and Trade Union briefings and further consultation.

It is proposed that any comments or views regarding the detailed business case received thus far from staff and Trade Unions will be tabled at each of the Cabinets /Executive Boards, and the full outcomes of formal consultation will also be included along with the report to Council during January 2010.

It should also be noted that whilst the majority of HR implications are detailed within the respective business cases it is important to highlight a number of additional points specifically relating to the Worcestershire Regulatory Service given that Bromsgrove District Council is the recommended employing authority, notably:

- If the business case for implementing a shared Worcestershire Regulatory Service is approved by the 7 partner Councils, Bromsgrove District Council will be responsible for transferring approximately 148 additional staff into the employment of the Council in June 2010. Whilst this number will clearly increase the Council's employee establishment significantly, it may be offset slightly by the number of employees who would be transferring out of the Council's employment in the event that the business cases for Audit and Property Services are approved.
- A bid to secure an additional HR Advisor to support the new Worcestershire Regulatory Service was made as part of the bid submitted by Bromsgrove and Redditch Councils to host the proposed service. This additional resource will be essential to not only support the transfer process but also the ongoing day to day management of such an increased workforce.
- Notwithstanding the fact that the Worcestershire Regulatory Service would be hosted by Bromsgrove and Redditch Councils, and that Bromsgrove would be the employing authority (if the business case is approved), it is



<p>recommended that in order to secure the confidence and buy in of each of the 7 Councils to the new Service and its hosting arrangements, that responsibility for the appointment of the Head of the Worcestershire Regulatory Service be delegated to a Joint Appointments Committee comprising 1 councillor from each of the participating councils.</p> <ul style="list-style-type: none"> <li>• It should be noted that the business case recommends that an appointment to the Head of the Worcestershire Regulatory Service be made ahead of the transfer date in order to ensure as smooth a transition as possible.</li> </ul>
<p><b>Governance/Performance Management</b></p> <p>Contained in the business cases</p>
<p><b>Community Safety including Section 17 of Crime and Disorder Act 1998</b></p> <p>None</p>
<p><b>Policy</b></p> <p>None</p>
<p><b>Environmental</b></p> <p>None</p>

**15. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>Yes</b>
Chief Executive	<b>Yes</b>
Executive Director - Partnerships and Projects	<b>Yes</b>
Executive Director - Services	<b>Yes</b>
Assistant Chief Executive	<b>Yes</b>
Head of Service	<b>Yes</b>
Head of Financial Services	<b>Yes</b>
Head of Legal, Equalities & Democratic Services	<b>Yes</b>

Head of Organisational Development & HR	<b>Yes</b>
Corporate Procurement Team	<b>Yes</b>

## **16. WARDS AFFECTED**

All wards

## **17. APPENDICES**

- Appendix A: Regulatory Services, Detailed Business Case Executive Summary V3.2 - Supports Detailed Business Case V10 Part 1 (Business Case) & Part 2 Rev.1 (Appendices)
- Appendix B: Property Services, Detailed Business Case Executive Summary V1 - Supports Detailed Business Case V6
- Appendix C: Internal Audit, Detailed Business Case Executive Summary V2 - Supports Detailed Business Case V10
- Appendix D: WETT Programme Business Case Time Line V4
- Appendix E: Regulatory Services, Proposed partner cash flow forecast - Extract from the Regulatory Services detailed business case V10, Finance Appendix F9 – Implementation Approach D proposed partner cash flow forecast.

## **18. BACKGROUND PAPERS**

1. Property Services, Detailed Business Case V6.
2. Internal Audit, Detailed Business Case V10.
3. Regulatory Services, Detailed Business Case V10, Part 1 (Business Case)
4. Regulatory Services, Detailed Business Case V10, Part 2 Rev. 1 (Appendices)

## **CONTACT OFFICER**

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