

Harborough District Council



Report to Cabinet Meeting of 6 March 2023

Title:	Report 3: Collaboration of Regulatory Services
Status:	Public
Key Decision:	No
Report Author:	Elaine Bird, Head of Regulatory Services Vicki Jessop, Director of Communities and Wellbeing
Portfolio Holder:	Cllr Jonathon Bateman, Planning & Environment, Deputy Leader Cllr Paul Dann, Corporate & Regulatory Services Cllr Simon Whelband, Wellbeing, Communities & Housing
Appendices:	

Summary

- i. In line with the council's corporate vision and the furtherance of operational mutual aid provided between the council and Melton Borough Council since July 2022, discussions have taken place in respect of formalising the operational joint working provided by the Head of Regulatory Services to Melton Borough Council.
- ii. The joint working to date has been proved to increase resilience of the regulatory teams within both councils as well as maintaining financial performance and service levels. The councils continue to share experiences and expertise for their mutual benefit, and wish to record the informal arrangements that have been in place on a more formal basis.
- iii. It is proposed that a formal arrangement will commence on 1 April 2023 and be reviewed after 12 months including a review of any wider sharing opportunities within the teams. The mechanism for this arrangement is proposed to be via an agreement under section 113 of the Local Government Act 1972. This is required to enable the Head of Regulatory Services to operate legally within the Melton Borough Council district.
- iv. A reciprocal arrangement is proposed between Regulatory Services officers to enable each team to assist the other, subject to expertise and availability.

Recommendations

Cabinet is requested to:

1. **Agree that the Regulatory Services Team may work collaboratively with Melton Borough Council for the efficient delivery of regulatory services;**
2. **Delegate to the Director of Governance and Law, in consultation with the Portfolio Holders for Planning & Environment, and Corporate & Regulatory Services and Wellbeing, Communities & Housing authority to:**
 - a. **Agree the terms of the reciprocal arrangement for mutual aid with Melton Borough Council and record the same in a memorandum of understanding;**
 - b. **Determine and conclude the practical actions required to give lawful effect to the mutual aid arrangement.**

Reasons for Recommendations

- v. The Regulatory Services team has a track record of working with counterparts at Melton Borough Council to build in capacity in both councils, and mitigate against staffing issues or specific operational pressures by sharing resources, ideas, campaigns and good working practices. This helps both councils to maximise:
 - Organisational effectiveness: opportunity to share learning and good practice through collaboration whilst increasing service resilience, stability and effectiveness;
 - Workforce: increasing opportunities for job enrichment, growth and development thereby improving recruitment and retention;
 - Financial resilience: realising efficiencies through joint working, reducing duplication, and achieving greater value for money.
- vi. The scope of this arrangement is limited to operational matters only. There will be no impact upon strategic and policy oversight of the council.

1. Purpose of Report

- 1.1 To consider the future role of, and provision for, the Head of Regulatory Services.
- 1.2 The proposal is to agree the sharing of the Head of Regulatory Services based on a 75:25 split between Harborough DC and Melton BC accordingly. There should be a degree of flexibility in the hours worked for each authority which may vary week to week based on demands on the post by the two authorities at the time to meet operational needs.

2. Background

- 2.1 Like other local authorities across the country, Harborough District Council faces significant financial pressures in the medium to long term. These pressures result in the need to financial and efficiency savings from services across the organisation.
- 2.2 Following the retirement of the long-standing service manager for Regulatory Services at Melton Borough Council in July 2022, the current Head of Service for Regulatory Services at Harborough District Council has been providing leadership and technical advice and support to colleagues at Melton. This informal approach has worked well for both councils, with no detrimental

features identified, which is why it is now considered appropriate to move to a more formal arrangement.

- 2.3 Harborough and Melton are similar size authorities in land coverage and demographics although the population size of the two districts is different with Melton having a population figure of 51,800 and Harborough 97,600, according to 2021 census data. This difference is reflected in the size of the teams for each authority which is set out in Table 1 below.
- 2.4 Regulatory Services in both authorities provide a comprehensive Environmental Health and Licensing function. In addition, the Head of Service for Harborough DC provides the lead officer role for emergency planning and the parking partnership, which includes the parking enforcement provision for Melton Borough Council.
- 2.5 It is proposed that the arrangement be formalised for an initial period of 12 months with effect from 1 April 2023. Following this a further review would be undertaken to reflect on the success of the arrangements and to consider any further collaborative working opportunities in the teams.

3. Details

- 3.1 The purpose of the shared management approach is to enhance resilience, both through financial and staff resources, ensuring the continued expected service levels for both authorities. This approach will create a better depth of expertise, more strategic oversight and enable both teams to deliver better and it is hoped will assist with job satisfaction, recruitment and retention.
- 3.2 Each authority deals with the same or similar issues and complaints and are required to have similar statutory policies, processes and training while delivering a statutory service. By pooling resources, efficiencies can be realised by reusing and sharing of information for web sites, social media, policy development, legislative changes implementation etc. The authorities can also pool unique staff expertise. However, the current Head of Service for Regulatory Services at Harborough is also responsible for the delivery of the car parking service, including the on-street enforcement provision for Leicestershire County Council across five local authority areas and the off-street enforcement provision for Harborough district and three other local authorities, including Melton Borough Council. The post holder is also the lead officer for the council's emergency planning function.
- 3.3 A skills matrix is being developed to objectively identify the strengths and areas for improvement for both authorities and to recognise the skills and areas of expertise within both teams which can be utilised to the benefit of both authorities.
- 3.4 The current Regulatory Services staffing provision for each council is set out in the table below:

Table 1

	Harborough	Melton
No of Team Leaders	4*	2

No of staff	12.4 FTE**	8FTE
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*includes parking manager

**does not include the Parking operational staff – i.e. supervisors and Civil Enforcement Officers

3.5 The workload of each authority is set out in the table below and based on 2021-22 data. Due to some differences in the way the data is collated in both authorities some of the figures are indicative rather than actual but gives a representation of the number of cases dealt with by the teams.

Table 2

	Harborough	Melton
Licensing		
Premises license	529	248
Temporary Event Notices	400	300
Animal Welfare	72	38
Taxi drivers	105	91
Taxi Vehicles	95	59
Gambling premises	71	30
Others*	87	62
Environment		
Complaints	634	410
Private Water Supplies	19	
Permitted premises	1 A2 Premises 20 Part B Premises	15
Licensed HMOs**	9	15
Planning consultations	590	138
Other req. for service	146	56
Commercial		
Food premises	1016	585
Complaints	40	44
Other advice	Not recorded	60

*includes house to house etc., street trading, caravans and scrap metal licensed premises

**Houses in Multiple Occupation

Staffing

3.6 There are particular challenges relating to recruitment and retention of staff in the Harborough Regulatory Services team. Recent experience demonstrates that the service is particularly susceptible to disruption given the small size of the respective teams (i.e., annual leave, sickness, resignations etc.)

- 3.7 To address issues of staff retention, the opportunities to progress within either authority is important and this shared approach will allow for this across a wider area. Workforce planning for the future could also be easier as team members retire or leave the council, and staff can then gain the experience and personal development to support wider internal opportunities as they arise.
- 3.8 Both authorities currently use Idox Uniform as a case management system and working together, the system can be developed further to ensure maximum benefits and efficiencies.
- 3.9 Authorising officers employed by one authority to provide services to the other will mean that staff from either or both authorities can be deployed in the most efficient manner possible.
- 3.10 If the proposal is approved, it will be necessary for changes to be made to the employment contracts of employees, to reflect that they could provide professional services to more than one authority, across a wider geographic area. The potential for this has been discussed with employees and the recognised trade union, with the indication being that the required changes can be implemented by consent. Staff have, to date, welcomed the opportunity to expand the informal mutual aid arrangements with their counterparts at Melton Borough Council.

Proposal

- 3.11 It is proposed that the councils agree to a joint Head of Regulatory Services on a basis which reflects the respective responsibilities within each authority. This has identified a requirement for Melton to receive, on average, 0.25 FTE / maximum 1.5 days (11.25 hours) per week. The post holder will therefore discharge responsibilities for Harborough for, on average, 0.75 FTE, or a maximum of 3.5 days per week.
- 3.12 The proposal will reduce costs for Harborough District Council by securing an income from Melton BC and give the teams access to a wider pool of resources, skills, knowledge and solutions that can support the service. The scope of the proposal relates solely to operational management and does not alter the discharge of statutory obligations by either council.
- 3.13 The Head of Regulatory Services will provide the following services to Melton Borough Council in respect of the workload identified at Table 2:
 - 3.13.1 Day to day line management of the two team leaders and attendance at Senior Leadership Team meetings as required;
 - 3.13.2 Approval of technical reports, licences etc;
 - 3.13.3 Attendance at committee and cabinet meetings as and when required;
 - 3.13.4 Liaison with members and stakeholders on technical issues;
 - 3.13.5 Leadership, technical advice and guidance to the team and the council including preparation of reports and attendance at meetings;

Outcomes

- 3.14 Implementation of the proposal is expected to deliver the following benefits to the council:
- 3.14.1 flexibility to deploy suitably qualified staff in response to service requests across both authority areas;
 - 3.14.2 efficiency of response to national and regional legislative and policy changes;
 - 3.14.3 improvements to internal processes and standards;
 - 3.14.4 enhanced use of IT solutions;
 - 3.14.5 potential annual savings of £22k;
 - 3.14.6 mitigation of the risk posed by single points of failure;
 - 3.14.7 enhance opportunities for staff which will improve job satisfaction and therefore retention;
 - 3.14.8 increased resilience in the regulatory services team.
- 3.15 The risks of implementing the proposal are that the anticipated benefits are not realised. The proposal has been informally tested since July 2022 with no adverse impact upon the delivery of services.
- 3.16 During the first year of the formal arrangement, it is proposed that consideration be given to widening the joint management arrangement and identification of further improvements that can be achieved through wider collaboration. These proposals will then be considered when the review of the joint arrangement is undertaken.

Outline Project Plan

- 3.17 An outline plan for implementation has been developed and is set out in **Table 3 below**.

Table 3

	Start	End
Draft agreement with MBC	March 23	April 23
HR changes to HDC roles	March 23	April 23
Go live	--	1/4/23
Develop improvement plans	April 23	March 24
Review period	--	March 24
Implementation of improvement plans	April 23	Onwards

4. Implications

Corporate Priorities

- 4.1 The work of the Regulatory Services Team supports the delivery of all of the council's priorities in the corporate plan, for example through nuisance complaint investigation, ensuring safe and compliant private rented accommodation, monitoring and managing air

quality and contaminated land, and support to businesses through an effective licensing service and food hygiene and health and safety.

Financial

- 4.2 The baseline cost of the Head of Regulatory services role that is to be considered as part of the recharge to Melton Borough Council is c.£86K for 2023/24 (based on top of the grade) The proposal is to share 75:25 of the baseline cost for the Head of Service between Harborough and Melton. This would produce an overall saving to the council of £22K in 2023/24 through income from MBC for the shared arrangement. It should be noted that the proposal will not include the amount for past service (deficit) pension costs (9.1%). This represents a saving of 23% on the management cost for Regulatory Services and meets the savings requirement for the service as set out in the council's Medium Term Financial Strategy ("MTFS").

Legal

- 4.3 To enable officers to work across both council areas, appropriate delegations of authority will need to be made by each council.
- 4.4 The Local Government Act 1972 provides at section 113 that the council can place its staff at disposal of other local authorities and utilise the staff of other authorities where appropriate. The terms upon which this is effected is usually recorded in a suitable agreement between the councils.
- 4.5 The Chief Executive is required to "*act on behalf of the council on all matters relating to the discharge of the Council's functions*" (Part 3, Section C(1) of the constitution) while Cabinet is responsible for approving agreements to place staff at the disposal of another authority (see Part 3, Section A.1.13 of the constitution).

Policy

- 4.6 Each authority has policies and procedures to support the delivery of the services. Whilst the policies of each authority will need to be respected, collaborative working will offer an opportunity to align the policies and procedures to reduce confusion for staff and avoid duplication of effort in maintaining the documents. This will deliver efficiencies in officer time across both services.

Environment

- 4.7 The ability to share officer resource and deploy officers in the most efficient manner possible is expected to help minimise the extent of travel by officers, but it is recognised that the services provided by the regulatory team necessarily requires travel around the area. Consideration of environment issues such as climate change and carbon emissions will be taken into account as the joint arrangements are implemented and developed however at this stage it is unknown what impact the proposal will have on the commitment to deliver a net zero council by 2030.

Risk Assessment

- 4.8 Whilst the informal arrangement which has been in operation since July 2022 has worked well, there is a risk that a formal arrangement will raise the expectations and demands on

the Head of Service beyond the agreed 75:25 split. The impact of this will be carefully monitored and recorded to inform future reviews of the arrangement. Further, it is recognised by both councils that the demands on the Head of Service will vary throughout the year, and that a pragmatic approach will need to be taken as to the depending on circumstances. Any review of the arrangement will enable both authorities to reflect on the true impact of sharing the post, as well as identifying future opportunities.

- 4.9 In respect of staff, the risk is that the desired benefits do not materialise. That would leave the council with a statutory service with known single points of failure and concerns over retention and recruitment. The implementation of the collaborative delivery of services has been identified as the best mitigation that can be adopted by the council in the current circumstances. In the longer term, the joint arrangement will allow the service to take a more focused and strategic approach to career development, which will hopefully enable the council to strengthen resilience and succession arrangements by growing its own future officers and retaining them when they qualify.

Equalities Impact

- 4.10 An equalities impact screening assessment has been undertaken which confirms that there are no equality impacts from the proposed joint arrangement.

Data Protection

- 4.11 This report contains no personal data. However, implementation of the arrangement will mean that both councils will need to provide officers with access to their IT systems so that data can be accessed and recorded about the services provided. Each council has relevant policies and procedures in place which comply with the requirements of the Data Protection Act 2018.

Consultation

- 4.12 Formal consultation has already taken place with staff, including the Head of Regulatory Services and the recognised trade union to recognise the changes to the role during the informal joint arrangement. Further consultation may be required should there be any fundamental changes to job descriptions and terms and conditions of employment as a result of the formal joint arrangement in the future. This process will be supported by the HR team.
- 4.13 The relevant portfolio holders have been consulted throughout the operation of the informal arrangements for sharing the Head of Service, and in respect of the proposal to formalise the arrangement.
- 4.14 It is not considered necessary to consult with the wider public or members as the proposal is concerned with operational delivery of the statutory service and no reduction in service is anticipated.

5. Alternative Options

- 5.1 The council has not at this stage undertaken a formal options appraisal for the delivery of regulatory services because it is satisfied that the current informal arrangements are working well, and will be enhanced by the formalisation and development of the arrangement. Since July 2022 the sharing of the Head of Service post has worked on an operational level and withdrawing from the arrangements would introduce greater risk to the council and no discernible benefit.
- 5.2 Cabinet could limit the scope of the arrangement to the Head of Service role only, however this would constrain the realisation of the operational flexibilities anticipated from the arrangement and limit the organisational and operational benefits.

6. Background papers

- 6.1 There are no background papers to this report.