
Wokingham Exit Closure Report

Committee considering report:	Joint Public Protection Committee
Date of Committee:	14 March 2022
Chair of Committee:	Councillor John Harrison
Date JMB agreed report:	28 February 2022
Report Author:	Sean Murphy

1.0 Purpose of the Report

- 1.1 To set out the final arrangements for Wokingham exiting the Public Protection Partnership and to note the governance arrangements for agreeing the exit.
- 1.2 To set out the arrangements that will be put in place with Wokingham Borough Council around Traded Services.
- 1.3 To clarify and resolve some of the remaining issues arising from the decision by Wokingham to leave the Partnership.

2.0 Recommendations

- 2.1 The Committee is asked to **NOTE** the report.
- 2.2 The Committee is asked to **APPROVE** the proposed branding set out at Section 7 below.
- 2.3 The Committee **RESOLVES** to receive a report on the implementation of PPP MK2 at its meeting in June 2022.
- 2.4 The Committee **RESOLVES** that the outstanding Wokingham food standards unrated inspection work will be concluded in Q1 of 2022/23.

3.0 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The parties have agreed a 'without prejudice' financial settlement. This will be going to meetings of the Executive at both West Berkshire and Wokingham later this month for final ratification.</p> <p>The Commissioned Services arrangement (which will be operated under Section 113 Local Government Act 1972) has been agreed with a contribution from Wokingham of £459K in year one based on cost recovery subject to Executive approval.</p> <p>It is being proposed that for the remaining services the Inter Authority Agreement (IAA) will include an annex to reflect the</p>

	revised agreed percentages of 60% for West Berkshire and 40% for Bracknell Forest.
Human Resource:	<p>Arrangements have been put in place to ensure an orderly handover of workload for those employees transferring or being to Wokingham Borough Council. A small number of staff will be transferring under the terms of TUPE and a further seven staff will be transferring to Wokingham after an 'expression of interest' selection process.</p> <p>Work is ongoing around a revised PPP structure to support the new service after the 01 April 2022. This is being undertaken in conjunction with the review of the Place Directorate at West Berkshire as the host authority.</p> <p>If the settlement agreement and the commissioned services are not agreed additional changes to the existing structure will be required.</p>
Legal:	<p>The existing Inter Authority Agreement (IAA) sets out the process for all parties to follow in the event of early termination by one party. The parties have agreed to a provisional Settlement Agreement reflecting the without prejudice offer from Wokingham. West Berkshire Council will consider the proposals at a meeting of the Executive on the 24 March 2022. Wokingham Council will consider the report at the Executive meeting of the 31st March 2022.</p> <p>A Section 113 Agreement between West Berkshire Council and Wokingham Borough Council is the proposed mechanism for dealing with the Commissioned Services going forward between the parties. This agreement would see employees continuing to be employed by West Berkshire Council under arrangements as set out in the original Inter Authority Agreement.</p> <p>The Joint Public Protection Committee will need to be re-constituted to reflect the changes in the partnership going forward. It is proposed that Wokingham Borough Council will be invited to attend the JPPC for relevant agenda items but will not be members of the JPPC.</p> <p>An annex to the IAA will be drawn up in respect of the ongoing partnership between West Berkshire Council and Bracknell Borough Council which will to reflect the 60/40 split between the two organisations.</p>
Risk Management:	<p>The project governance board and the Councils have been kept updated on risk and risk mitigation matters throughout the course of the last year.</p> <p>The risks have now been largely successfully mitigated and all but one member of staff have been found roles in the new structural arrangements in the PPP and Wokingham.</p>

	<p>The last remaining significant risk would be the failure of the parties to agree the draft settlement arrangements and / or to agree the terms of the S113 agreement for the new Commissioned Services. This is seen as unlikely.</p> <p>Officers feel that the management of risk with respect to these changes have been largely successful with costs and liabilities kept to an absolute minimum whilst maximising the job security for PPP and soon to be former PPP staff.</p>			
Property:	<p>There are property related issues that have arisen from the decision by Wokingham to leave the Partnership.</p> <p>Staff that were previously based at Shute End but who are staying with PPP have been asked to identify a new base at either Time Square, Bracknell or Theale Gateway. The vast majority have opted to be based at Time Square and contractual changes will now be made.</p> <p>Staff that are currently based at Shute End that will be providing services to Wokingham residents and businesses under the 'commissioned services' arrangements will remain at Shute End.</p>			
Policy:	<p>There are no direct policy implications arising from this report. Amendments will have to be made to a number of the PPPs existing plans, policies and strategies to reflect the change in circumstances and this will be incorporated into the annual review process.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		The settlement and future trading arrangements of the PPP enable the services to continue to be provided across the whole community. The JPPC will consider any future policy changes and they will have their own EIA.
B Will the proposed decision have an impact upon the lives of people with protected characteristics.		✓		As above.

including employees and service users?				
Environmental Impact:		✓		
Health Impact:		✓		
ICT or Digital Services Impact:		✓		Branding on a range of documents and references to Wokingham BC will need to be amended on the PPP website and templates. Plans have been put in place to mitigate disruption from data migration projects and operational requirements for case management systems.
PPP Priorities :		✓		Due to careful planning and mitigation measures the PPP will be able to continue delivering a sustainable service.
Data Impact:		✓		Plans have been put in place to mitigate disruption from data migration projects and operational requirements for case management systems.
Consultation and Engagement:	Consultation has been ongoing between Legal Services in both authorities as well as Senior Managers and relevant Portfolio Holders.			
Other Options Considered:	N/a			

4.0 Executive Summary

- 4.1 After nineteen meetings since 2017 this will be the final meeting of the three authority Joint Public Protection Committee (JPPC) ahead of the withdrawal of Wokingham Borough Council (Wokingham BC) from the Inter Authority Agreement on the 31st March 2022. This report will therefore set out the final decision making path associated with the dissolution of the partnership and the proposals for the management of the Commissioned Services Arrangement. The report will also clarify some of the outstanding issues previously raised at JPPC meetings.
- 4.2 Since the notification from Wokingham BC of their decision to terminate the partnership, there have been detailed negotiations to minimise cost and disruption for all parties. The Management Team have also undertaken and completed a re-organisation process, due to take effect from April 1st 2022, and adapted the budget to manage the 34% reduction as a result of Wokingham BC leaving the Public Protection Partnership (PPP).
- 4.3 The negotiations around Wokingham BC's withdrawal have now concluded and an outline settlement has been reached which means all costs have been covered and a settlement which enables the retention of the existing management structure for just over 12 months has been achieved. A further sum is being allocated by Wokingham BC from existing Public Protection Partnership (PPP) funds to pay for a further year of the database required for the new Commissioned Services Agreement.

- 4.4 In parallel to this, a discussion about specific functions that the PPP could continue to provide Wokingham BC developed and a deal to run 'Commissioned Services' has also been completed. This reduces financial risks for all parties and requires final approval to enter into an amended legal agreement. The services that will be covered by this agreement include: Trading Standards, Food Standards, Animal Health, Intelligence, Case Management and Air Quality Monitoring.

5.0 Decision Making

- 5.1 A report setting out the future working arrangement for the Public Protection Partnership (PPP) will be discussed at the West Berkshire Council (as the host authority) Executive on the [24 March 2022](#). In addition to requesting Members' authority to conclude negotiations with Wokingham Borough Council the report will also summarise the financial status for the remaining authorities and how they impact on the future operational delivery of the Public Protection Partnership.
- 5.2 The report will also provide an update on the progress of the Traded/ Commissioned Services negotiations with Wokingham Borough Council and will seek authority to delegate the decision to enter into a Traded Services agreement (S113 Agreement) with Wokingham Borough Council to Officers.
- 5.3 The final element of the report will be to set out the proposals and means for agreeing an amended Inter Authority Agreement (IAA) between West Berkshire Council and Bracknell Forest Council.
- 5.4 Wokingham Borough Council will be considering these matters at its Executive meeting on the [31 March 2022](#) noting the progress of the repatriation of the Environmental Health and Licensing Services as well as considering the settlement arrangements.

6.0 Future Governance Arrangements

Joint Management Board (JMB)

- 6.1 The JMB is formed under the requirements of the Inter-Authority Agreement (IAA). Future requirements for the two authority partnership will be set out in the amended IAA. All Public Protection Partnership risks have and will continue to be managed through the JMB who meet every two weeks. After the 31st March 2022 it will comprise of the following officers:
- Assistant Director – Contract Services (Bracknell Forest)
 - Service Director – Development and Regulation (West Berkshire)
 - Head of Enforcement and Safety (Wokingham Borough)
 - Public Protection Manager
 - All PPP Strategic Managers
 - Principal Officer Governance and Policy
- 6.2 From April 2022 all JMB meetings will have a two part agenda, separating the PPP management and the Commissioned Services management arrangements. The Wokingham Client Officer or their representative will attend the Commissioned Services element of the agenda which will oversee performance and risk. Officers

must continue to have an open and positive dialogue between all members of the JMB and the Wokingham Client Officer and the Public Protection Manager will remain a Member of the Wokingham Place Services Management Team. This will ensure the robust accountability is in place for the Commissioned Services and provide a clear link to Wokingham BC at corporate level.

Joint Public Protection Committee (JPPC)

6.3 The Joint Public Protection Committee (JPPC) has been established to oversee the strategic leadership of the Joint Public Protection Partnership. The purpose of the JPPC is to set the strategic direction of the shared service and to monitor the delivery of the shared service and to review the following:

- Standards of service delivery and performance;
- Fee income and costs (on a true cost delivery basis);
- Treatment of trading surpluses or deficits;
- The action plan for business growth and development.

6.4 As of the 1st April 2022 the JPPC will comprise of four Members, two from each partner authority. Members will usually be appointed at the Annual Council meeting of their authority. Membership of the JPPC will be as follows:

- Executive/Cabinet Member with responsibility for Public Protection Services from each Council;
- One additional Member appointed by each Council.

6.5 Each partner authority will nominate at least one named substitute Executive Member who may act as substitute for both the Executive and non- Executive member of the JPPC. The substitute Member(s) is entitled to attend all meetings of the JPPC but will only be classed as a member of the Joint Committee and vote when acting as a substitute. In addition at least one officer representing each partner local authority will attend the JPPC to advise Members.

6.6 The Chairmanship of the JPPC rotates between the two Councils on an annual cycle. The Chairmanship of the 2022/23 cycle will reside with West Berkshire Council. The quorum of a meeting of the JPPC will be three. At least one Executive Member from each Council must be present for the meeting to be quorate with respect to Executive Decisions. The Committee will continue to operate in accordance with West Berkshire Council's Constitution.

6.7 The amended IAA will outline all the governance arrangements and JPPC will be kept informed of all strategic and finance matters in the same way that other PPP Services are reported now e.g. Case Management. It will also be necessary for the JPPC to review and update a number of its key plans, strategies and policies in line with Wokingham's departure. These issues have been set out in the Forward Plan which has been brought to this meeting.

6.8 It is proposed that Wokingham Borough Council Members and Officers will be invited to attend the JPPC for relevant agenda items but will not be members of the JPPC and will therefore not be able to vote on any of the items.

7.0 Branding

- 7.1 Discussions have taken place to consider options for rebranding the service whilst still meeting the requirements of corporate standards in terms of sizing, clarity, colour blends etc. of the two authorities. Practical considerations in terms of the templates and what the logo would be used on (business cards, clothing, letterheads, forms, website, social media posts etc.) were also factored in to the discussions.
- 7.2 In addition to all of the technical elements of the logo, there is also quite a strong feeling that keeping close to the original branding has advantages online because of the increased publicity the PPP has been able to generate over the last two years.
- 7.3 It is therefore proposed that the following logos will be used going forward:



A shared service provided by
Bracknell Forest Council and
West Berkshire Council



- 7.4 It is proposed that the Trading Standards Service that will operate across the three local authority areas will retain the branding that is in the current Inter-Authority Agreement. This will avoid the need for duplication of forms, paperwork etc. The branding is as follows and will be accompanied by the three local authority logos:



8.0 IT

- 8.1 While the PPP will be moving to a new integrated IT system to manage its cases early in the new financial year Wokingham BC Commissioned Services will be hosted on the existing system for a further twelve months during which time the data will be transferred to the PPP single system.

- 8.2 The PPP will work with Wokingham BC ICT to determine the best approach to data, record keeping and processing between 1st April 2022, the commencement date for Commissioned Services and 30th September 2022.

9.0 Food Standards and Food Hygiene inspections

- 9.1 As part of the negotiations the PPP is proposing that they will meet all the Food Standards Agency requirements in terms of the Covid Recovery Plan (High Risk and Unrated) but that this would need to be balanced against other trading standards services pressures. It is therefore proposed that the final food standards unrated work will be finalised in Q1 of 2022/23.
- 9.2 Food Safety work which will be returning to Wokingham will be brought in line with the Food Standards Agency recovery plan at the point of transfer.

10.0`Concluding Observations

- 10.1 The decisions taken by Wokingham to leave the Partnership on the 31st March 2022 have naturally required a great deal to be delivered in a relatively short period of time. This has all taken place whilst the service has had to manage the impact of Covid and maintain vacancies to mitigate some elements of risk associated with staffing. It has also meant a number of staff being put at risk of redundancy as we worked together with Wokingham colleagues to balance our services with our budgets. Ultimately we were able to complete this process with one agreed redundancy.
- 10.2 At the time of writing some final steps to transition are being taken which include:
- Re-allocation of Wokingham work to staff transferring to Wokingham;
 - Finalising TUPE transfers;
 - Transferring equipment and other assets;
 - Re-branding of PPP Mk2; and
 - Finalising all relevant legal agreements.
- 10.3 In line with the previously expressed sentiment of this Committee there has been a significant level of cooperation between all the parties to achieve the outcome that has been achieved, an outcome considerably better than that which might have been. The decision by the parties to work together to deliver the Commissioned Services will mean a further five year commitment to work together for the common good of our residents and businesses. These services will be delivered in the spirit of co-operation that has existed since the first shared service in 2010 and the last five years of the PPP.
- 10.4 Looking forward for PPP there is work to be done to re-balance the service following key departures to Wokingham but the service retains many key positives including a wealth of technical and operational expertise. The new service will be focussed on delivering against the priorities of the Councils and this Committee as a new two authority service working with our Wokingham partners on areas of common interest.

- 10.5 Finally the Joint Management Board and I would like to thank all our colleagues in PPP for all their hard work and commitment since 2017 and wish those colleagues joining Wokingham our best wishes.

11.0 Background Papers:

1.1 None

Subject to Call-In:

Yes: ☐ No: ☒

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Wards affected: All Wards

Officer details:

Name:	Sean Murphy
Job Title:	Public Protection Manager
Tel No:	01635 519840
E-mail:	sean.murphy@westberks.gov.uk
