

## Se Divisions / Wards Affected - All

### JOINT SHARED SERVICES & PERSONNEL COMMITTEE

23 May 2022

### Joint Officer Transition Working Group (JOTWG) Update and Recommendations

### Report by the Chief Executive (Cherwell District Council) and the Interim Chief Executive (Oxfordshire County Council)

## RECOMMENDATION

1. **The Joint Shared Services and Personnel Committee is RECOMMENDED to:**
  - a) Note the programme update set out in Annex A.
  - b) Support the decoupling of the partnership working arrangements managed through the current s.113 agreement and establish a revised partnership working arrangement for the following services, as set out in Annex B, subject to the conclusion of suitable agreements between the Councils:
    - Strategic Marketing
    - Consultation and Engagement
  - c) Delegate the completion of such agreements and any actions necessary to establish the revised partnership arrangements to the Assistant Director Law and Governance (CDC) and the Director of Law and Governance (OCC), in consultation with the Leaders of each Council.
  - d) Support the decoupling of partnership working arrangements managed through the current s.113 agreement in the following services, as set out in Annex B:
    - Legal Services
    - Democratic Services
    - Information Governance
    - FOI's
    - Performance and Insight
    - Corporate Programmes
    - Communications

- e) Delegate the final arrangements and actions necessary for transition in these services to the Chief Executive (CDC) and Interim Chief Executive (OCC) working through the Joint Officer Transition Working Group (JOTWG).
- f) Approve the revised direction of travel for Customer Services, Continuous Improvement, and Land Charges and for Property, Investment and Facilities Management.

## **Executive Summary**

- 2. In February 2022, both Councils agreed to give notice to terminate the current s.113 partnerships between the Councils. In-line with this decision and the subsequent direction of travel for future working endorsed by the JSS&P Committee on 14 March, this report sets out recommendations for future working arrangements for the nine services now within Phase 2 of the transition programme approved by the Committee.

## **Exempt Information**

- 3. Due to the small number of roles within each of the six service areas within Phase 1, Annex B, while not naming individuals, clearly identifies specific posts. Annex B is therefore exempt from publication.

## **Matters for consideration**

- 4. In February 2022, Cherwell District Council and Oxfordshire County Council agreed to the required six months' notice for the termination of the s113 agreement dated 31 August 2018 which governs joint working between the two councils.
- 5. In order to ensure appropriate separation of decision making and to fully serve the interests of each council through the termination process, the Councils also agreed to separate the statutory roles of Head of Paid Service (Chief Executive), Monitoring Officer and s151 Officer, with immediate effect. The Councils also agreed to separate Housing Services with immediate effect.
- 6. In the decision agreeing to terminate the agreement, both councils agreed an ongoing role of the Joint Shared Services and Personnel Committee (JSS&P Committee) with revised terms of reference, to provide suitable oversight and decision-making concerning the termination of the agreement. A Joint Officer Transition Working Group (JOTWG) has been established and a programme of due diligence and service reviews is underway, with the aim of keeping the best interests of residents at the centre of decision making.
- 7. A set of recommendations on the future model for Phase 1 services was agreed by JSS&P Committee on 25 April 2022.

8. Subsequent to the agreement of Phase 1, as the part of the continuing review of the corporate director/director/assistant director level, the joint role of the Head of Legal was ceased from 1 May 2022. This role was the only substantive joint post remaining in the legal team and therefore the service decoupling has effectively been implemented from that date.
9. An internal appointment to the new CDC post of Interim Assistant Director for Customer Focus, meant that as a consequence, the joint management of the Performance and Insight team ceased from 1 May.
10. Where appropriate for each council, revised partnership arrangements will remain in-place supported by new agreements as per paragraph 1 c) to commence from a date agreed between the two Councils.
11. An update to the work programme is attached to this report as Annex A. The JOTWG has agreed to maintain flexibility within the ordering of each phase of decoupling to adhere to the principles set out in the joint approach to termination and bring forward new arrangements as soon as possible, while ensuring that all appropriate due diligence and planning is in place to ensure a smooth transition, in the interests of residents.
12. Included as part of Annex A is a revised CDC intention and consequent revised CDC proposed direction of travel for Customer Services, Continuous Improvement, and Land Charges and for Property, Investment and Facilities Management.. The original direction of travel, as previously reported to the JSS&P Committee, was a further review of these service areas was needed (Amber) in order to reach a direction of travel conclusion. Since this time, and following the decisions related to Phase 1 service areas, a clearer understanding of emerging priorities and further refinement of CDC's target operating model has been achieved and therefore the conclusion of CDC is to decouple these services from the strategic partnership
13. Exempt Annex B sets out a summary of the proposal for the future of each services area brought forward by the JOTWG following the due diligence and service review process.

## **Financial Implications**

14. A summary of the financial implications of each service review are set out within Annex B. Detailed implications of the transition will need to be factored into 2022/23 budget management and incorporated within the detailed 2023/24 budget and business planning process of each Council.

Comments checked by:

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## Legal Implications

15. To the extent that services are delivered under the revised partnership arrangements both Oxfordshire County Council (OCC) and Cherwell District Council (CDC) have the relevant statutory powers to do so under either s1 of the Local Authorities (Good and Services) Act 1970 or section 9EA of the Local Government Act 2000. In addition, the application of the public procurement regime will have to be considered in each case. The most likely route to being able to provide the Services between OCC and CDC without triggering the Public Contracts Regulations 2015 (PCR 2015) is a shared service collaboration/cooperation arrangement under the Hamburg Waste exemption as codified in Regulation 12(7) of the PCR 2015.
16. In order to rely upon Regulation 12(7), an arrangement needs to satisfy the following criteria:
  - (a) it must be implementing or establishing a co-operation between contracting authorities (Co-operation);
  - (b) the Co-operation must have the aim of “ensuring that public services they have to perform are provided with a view to achieving objectives they have in common”;
  - (c) the implementation of the Co-operation is governed solely by considerations relating to the public interest; and
  - (d) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the Co-operation.

Comments checked by:

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## Staff Implications

17. The staffing implications of each Service Review are set out within Annex B. No specific posts are put at direct risks through these recommendations. However, both Council’s will wish to review their future structure and establishment subsequent to the termination of the partnership to ensure that their operating models are fit for purpose and affordable.

## Equality & Inclusion Implications

18. There are no direct equality implications of the recommendations of this report. Any future changes to staffing, policy and operations subsequent to the termination of the partnership, will need to undergo review in the normal way.

## Risk Management

19. Risks for the Councils are considered at a high level within Annex A and B. More detailed programme management documentation is monitoring and where necessary escalating the risks of transition within the risk management arrangements of each Council.

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Annex A: Decoupling Update  
Annex B: Service reviews: summaries and proposals (exempt)

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May 2020