

Divisions / Wards Affected - All

JOINT SHARED SERVICES & PERSONNEL COMMITTEE

04 July 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) Agree to the establishment of revised partnership working arrangements for Regulatory Services & Community Safety (through a joint management arrangement) and Emergency Planning (through the provision of a service) as set out in the exempt Annex B, subject to the conclusion of suitable agreements between the Councils.
 - c) Support the decoupling of the partnership working arrangements managed through the current s.113 agreement for Digital & IT Services and establish a revised partnership working arrangement as set out in Annex B, subject to the conclusion of suitable agreements between the Councils:
 - d) 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.
 - e) Support the decoupling of partnership working arrangements managed through the current s.113 agreement in the following services, as set out in Annex B:
 - Procurement and Contracts
 - Customer Services
 - Continuous Improvement
 - Land Charges

- Property, Investment and Facilities Management
- f) 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).
 - g) Recommend to each respective council that the JSSP Committee is disbanded as from 31 August 2022.

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 eight services now within Phase 3 of the transition programme approved by the Committee.

Exempt Information

3. Due to the small number of roles within each of the eight service areas within Phase 3, 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 2 services was agreed by JSS&P Committee on 23 May 2022.
8. 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.
9. This report outlines recommendations for services within Phase 3. Where appropriate for each council, revised partnership arrangements will be put in place, supported by new agreements as per the recommendations above, to commence from a date agreed between the two Councils. Any ongoing service provision until new agreements are in place, and until 31 August 2022 at the latest, will be delivered through the current s113 agreement.
10. 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.
11. Included as part of Annex A is a revised OCC intention and consequent revised OCC proposed direction of travel for Digital & IT Services. The original direction of travel, as previously reported to the JSS&P Committee, was an on-going partnership opportunity (Green). Since this time, OCC is of the view that a joint management team is no longer in the Council's interests and therefore the conclusion of OCC is to decouple these services from the strategic partnership whilst offering on-going support to CDC on specific services as shown in Annex B.
12. Both Councils' initial preferred option for Procurement and Contracts was to deliver a new form of partnership in a similar manner to the proposal for Digital and IT Services. However, the Councils were not able to agree a mutually acceptable price as OCC's officers' assessment of the costs incurred to deliver a procurement service is above the level CDC's officers could recommend as value for money. Therefore, the recommended option is to fully decouple from the current partnership arrangements.
13. All other recommendations are in-line with the previously reported direction of travel.
14. This Committee was charged with oversight of the joint shared arrangements between the two councils. Whilst Regulatory Services and Community Safety will continue to be shared under a new s113 arrangement, other forms of partnership and collaboration agreements are being put in place for other areas where there is ongoing provision of services between councils. The service areas therefore that will be shared under new s113 arrangements are of much less limited scope and impact across both Councils. No statutory officers will be shared under the new arrangements. In these circumstances, it is recommended that this Committee can be disbanded, with operational oversight

of the new arrangements to be undertaken by each respective Chief Executive, with each Chief Executive being given delegated powers to terminate, extend or vary the new arrangements.

Financial Implications

15. 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.

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Legal Implications

16. 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.
17. Each council will need to make constitutional changes in the event the Joint Committee is disbanded.

Comments checked by:

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Staff Implications

18. 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 Councils 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

19. 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

20. Risks for the Councils are considered at a high level with Annex 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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Stephen Chandler, Interim Chief Executive, Oxfordshire County Council

Annex A: Decoupling Update

Annex B: Service reviews: summaries and proposals (exempt)

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