



Cabinet

8th March 2023

Report of: Councillor Alison Freer - Portfolio Holder for Climate, Access and Engagement

Service Leadership and Collaboration – Waste, Environmental Maintenance and Regulatory Services

Corporate Priority:	Excellent services positively impacting our communities
Relevant Ward Member(s):	All Wards
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No
Key Decision	No
Subject to Call In	N/A

1 Summary

- 1.1 The Council has a commitment to deliver excellent services that positively impact our communities. Further to a vacancy management review, options for the most effective, efficient and resilient delivery of the Council’s Waste and Environmental Maintenance Services function and Regulatory Services function have been considered.
- 1.2 For each of these key operational services, a service leadership and collaboration arrangement with a neighbouring authority is proposed to improve resilience, achieve better use of resources and better enable a shared approach to preparations for legislative and regulatory change.

2 Recommendation(s)

That Cabinet:

- 2.1 Approve a service leadership and collaboration arrangement between Harborough District Council and Melton Borough Council for delivery of Waste and Environmental Maintenance Services from 1st April 2023**
- 2.2 Delegate authority to the Director for Housing and Communities, in consultation with the Portfolio Holder for Climate, Access and Engagement, authority to:**
 - 2.2.1 Determine and conclude the actions required to establish arrangements for a shared leadership post**
 - 2.2.2 Review the shared leadership and collaboration arrangements for Waste and Environmental Maintenance Services within six months, to determine whether a shared approach is extended and to enter into required arrangements to enact this**
- 2.3 Approve a service leadership and collaboration arrangement between Harborough District Council and Melton Borough Council for delivery of Regulatory Services from 1st April 2023.**
- 2.4 Delegate to the Director for Growth and Regeneration, in consultation with the Portfolio Holder for Climate, Access and Engagement, authority to:**
 - 2.4.1 Determine and conclude the actions required to establish arrangements for a shared leadership post and any subsequent reviews**
 - 2.4.2 Agree the terms of a reciprocal arrangement for mutual aid with Harborough District Council and record the same in a memorandum of understanding**
 - 2.4.3 Amend the establishments as identified in section 9.10 of this report and undertake recruitment to resource the teams fully.**
 - 2.4.4 Determine and conclude the practical actions required to give lawful effect to the mutual aid arrangement**

3 Reason for Recommendations

- 3.1 Further to a vacancy management review and consideration of future delivery options, a service leadership and collaboration arrangement with a neighbouring authority is proposed for each of these key operational services.
- 3.2 This will improve resilience, achieve better use of resources, value for money and better enable preparations for legislative and regulatory change.
- 3.3 The proposed arrangements for Waste and Environmental Maintenance Services will be reviewed within six months, to ensure they are working effectively and to determine future collaboration options.
- 3.4 The proposed arrangements for Regulatory Services follow a successful period of informal collaboration.
- 3.5 The recommendations are in line with the principles of the Council's Workforce Strategy and vacancy management arrangements.

4 Background

- 4.1 Through the Council's Workforce (Way We Work) Strategy (2021-2024), approved by Full Council in December 2021, the Council has made a clear commitment to building the strongest possible in-house team with an emphasis on recruitment, retention and ensuring we are resourced to deliver the right outcomes. The strategy sets out how we will work to ensure we have the right people, with the right skills, values and behaviours, in the right place to deliver the Council's vision and priorities.
- 4.2 Having a skilled, professional and motivated team is key to delivering the best possible services for our residents, whether directly or indirectly employed by the council. The Council works hard to attract and retain the best possible talent. Every effort is made to ensure our salary rates are commensurate and competitive with the market, whilst ensuring service provision remains affordable and value for money. Wider benefits such as a modern, flexible, and agile approach enabled by technology, as well as progression opportunities and the culture and values of an organisation are equally important.
- 4.2.1 Turnover is a natural part of any organisation and at a manageable level is desirable to ensure fresh ideas and the opportunity to review resources within services. The Council takes a proactive approach to vacancy management and where a vacancy arises, before initiating recruitment, all managers are asked to consider the following:
- Is the post still required – is there an opportunity to make a saving or release resources for other needs?
 - Does the post need to be adapted or changed?
 - Is the service currently being reviewed and therefore should a fixed term post be considered?
 - Could the role be repurposed or shared with another council or team to improve resilience or make it more attractive?
- 4.2.2 Over the last two years nearly three quarters (72%) of all vacancies have been filled by a permanent appointment and of these nearly 20% were internal candidates successfully moving for development and career progression. Of the remainder, 19% were filled temporarily – with the main reasons being due to a requirement for seasonal work, the post only having temporary funding (for example additional posts were created with Covid-19 funding) or because they were apprentice or graduate positions. The remaining 9% of advertised positions were unfilled due to not attracting sufficient quality (for example, knowledge, skill, experience, demonstration of council values) of candidates to appoint through the recruitment process.
- 4.3 The Council take its commitment to deliver excellent services that positively impact our communities seriously and sometime in order to achieve these outcomes, collaboration or a shared approach to service delivery offers the most effective and efficient solution, whilst still aligning with the principles of the Council's Workforce Strategy.
- 4.4 Further to a vacancy management review, options for the most effective, efficient and resilient delivery of the Council's Waste and Environmental Maintenance Services function and Regulatory Services function have been considered. For each of these key operational services incorporating statutory functions for the council (for example, waste collection, food safety, environmental health), a service leadership and collaboration arrangement with a

neighbouring authority is proposed to improve resilience, achieve better use of resources and better enable preparations for legislative and regulatory change.

The rationale for the proposed leadership and collaboration arrangements for Waste and Environmental Services and for Regulatory Services are in line with the principles of the Workforce Strategy and the Council's approach to vacancy management.

5 Main Considerations

5.1 Waste and Environmental Maintenance Services Leadership and Collaboration

5.2 Following the resignation of a former manager with a wide remit in 2021, a decision was taken to review and realign roles and responsibilities within the Housing and Communities Directorate to ensure the council could deliver effectively, but also to provide growth and development opportunities for team members. A Directorate Realignment was concluded in October 2022, with permanent arrangements implemented for all services apart from the Waste and Environmental Service area, which has had an interim arrangement in place.

5.3 The Council has benefited from the leadership and expertise of an experienced head of service for Waste and Environmental services on an interim basis, which has created stability, provided support to the team and has enabled progression of key projects and service strands (for example, cemetery feasibility appraisal, vehicle replacement programme, play equipment replacement programme, health and safety) whilst also creating space for consideration of future options and models of service delivery for this specialist and complex service area with significant legislative and regulatory change on the horizon.

5.4 The current proposal seeks to enable resilience, shared expertise and collaboration to improve service effectiveness, delivery and shared learning to the benefit of both councils. It builds on the stability created by having an interim Head of Service in place and will give the Council access to the skills, knowledge and experience needed to take the next steps in preparing the Council for the future of delivering Waste and Environmental Maintenance Services in Melton.

5.5 It is proposed that through section 113 of the Local Government Act 1972, the Assistant Director for Waste and Environment for Harborough District Council be placed at the disposal of Melton Borough Council to enable legal and effective operation on behalf of both councils

5.6 Key opportunities arising from this arrangement include:

5.6.1 Having a well-established and experienced senior manager (Assistant Director, Waste and Environment) with:

- Expertise in leading and delivering waste and environmental services including through periods of change
- Experience in managing commercial waste contracts
- Experience in leading best practice in tackling fly tipping (including a national award for tackling fly tipping [Council wins national award for fly-tipping success | Harborough District Council](#))
- Experience, credibility and lead officer role within the Leicestershire Waste Partnership and real time knowledge of the emerging waste legislation and associated implications

- 5.6.2 The ability to share learning, knowledge and expertise across teams for mutual benefit including on service delivery, training and skills, health and safety, systems and processes which will enable both councils to consider and embed best practice.
- 5.6.3 The ability to explore collaboration on mutually relevant areas or service delivery opportunities such as fly tipping, alignment of relevant communications material / campaigns, preparedness for legislative change and implementation of the Leicestershire Resources and Waste Strategy
- 5.6.4 The ability to speak with one voice in relevant partnership discussions, and to ensure an informed and evidence led approach to future developments in this area of work based on the most current information and knowledge. Having a real time, informed understanding of the operating context for Waste and Environmental Maintenance Services is particularly important given the scale and pace of change anticipated through national legislation.
- 5.6.5 Opportunity to review success of interim arrangements to inform options to extend and / or business case for extended service integration in the future.

5.7 **Environmental Health and Licencing Team Leadership and Collaboration**

- 5.8 Further to the retirement of the former Regulatory Services Manager, a recruitment process was undertaken. This did not result in a successful appointment, and as a service with statutory and regulatory responsibilities, exploring an alternative solution was necessary. Alternative interim arrangements included the development of existing team members and a collaboration with Harborough District Council to 'buy in' head of service capacity and expertise to ensure service continuity, regulatory compliance and the continued development of the existing staff team.
- 5.9 The current proposal seeks to formalise and build on this successful informal arrangement to increase resilience of the regulatory services teams in both councils and positively impact performance.
- 5.10 It is proposed that through section 113 of the Local Government Act 1972, the Head of Regulatory Services for Harborough District Council be placed at the disposal of Melton Borough Council to enable legal and effective operation on behalf of both councils.
- 5.11 Local Authorities across the country are finding it difficult to recruit Environmental Health professionals. The Local Government Workforce Survey 2022 identified that forty-five per cent of councils which run environmental health services were having difficulties recruiting environmental health officers. Working together creates opportunity to explore creative and potentially more attractive recruitment options including through consideration of graduate roles in the future, whilst also providing meaningful professional development opportunities for existing staff members.
- 5.12 The two senior environmental health officers have since August 2022 acted up as team leaders with temporary honorarium arrangement in place and they have gained experience and confidence in supporting the teams. It is proposed to make this arrangement permanent by converting the two Senior EHO posts into two Environmental Health and Licencing Team Leader posts.
- 5.13 The Team Leaders will be supported by the creation of a graduate Environmental Health Officer role.
- 5.14 Key opportunities arising from this arrangement include:

- 5.14.1 The Environmental Health & Licencing Teams have a track record of working successfully with Harborough District 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.
- 5.14.2 Ability to develop our teams and support their growth and transition into leadership. Ability to welcome young graduates in the team and provide training to grow our own talent and future resources.
- 5.14.3 Through a memorandum of agreement, to have a lawful, effective and efficient way in which to provide mutual aid across the two Regulatory Services Teams to maintain performance, service continuity and emphasis on compliance to regulations and public health for example at times of peak or unexpected service pressure or reduced capacity.
- 5.14.4 The ability to share learning, knowledge and expertise across teams for mutual benefit including on service delivery, training and skills, health and safety, systems and processes which will enable both councils to consider and embed best practice.
- 5.14.5 The ability to explore collaboration on mutually relevant areas or service delivery opportunities such as supporting standards in food establishments, animal welfare, air quality monitoring, noise and nuisance complaints, contaminated land monitoring, licencing practices and advice on all aspects of environmental health to planning applications.
- 5.14.6 Potential opportunities for collaboration include supporting proactive enforcement activities for licencing and regulating standards in the private rented sector (housing) and preparing for anticipated changes to private rented sector housing regulation, alignment of relevant communications material / campaigns.

6 Options Considered

- 6.1 Recruit to a strategic/ senior leadership role for Waste and Environmental Maintenance Services. Not recommended due to affordability and specialism leading to anticipated recruitment difficulties. This option would enable a focus solely on Melton but would not enable the benefits set out through the recommended approach.
- 6.2 Amend existing staffing and leadership structure to embed the Waste and Environmental Maintenance Services Team and / or Regulatory Services Team. Not recommended due to need for specialism and expertise in these service areas (statutory and regulatory expertise).
- 6.3 Recruit to a strategic / senior leadership role for Regulatory Services. Not recommended due to affordability and specialism leading to anticipated recruitment difficulties. This option would enable a focus solely on Melton but would not enable the benefits set out through the recommended approach.

7 Consultation

- 7.1 Whilst formal consultation has not taken place, engagement with relevant service teams in both councils has taken place. This has helped to inform the proposals and areas of priority / focus for the service leadership and collaboration arrangement.
- 7.2 Operational management of council resources including recruitment and retention, vacancy management and use of external support in support of the Council's objectives was considered in detail at a meeting of the Scrutiny Committee in July 2022.
- 7.3 The Council's Way We Work Strategy (2021-2024) was approved by Council in December 2021. It was developed through engagement and feedback with a variety of working groups (including Joint Staff Working Group).

8 Next Steps – Implementation and Communication

- 8.1 Officers will work with relevant colleagues from Harborough District Council to ensure the arrangements are progressed and implemented lawfully and correctly. It is intended that the proposed arrangements will be implemented from 1st April 2023 or as soon as practically possible thereafter.

9 Financial Implications

9.1 Waste and Environmental Maintenance Services

- 9.2 The proposal is to share an Assistant Director for Waste and Environmental Services, initially for a six-month period. In order to ensure the Assistant Director has sufficient capacity to operate effectively across two councils, it is recognised that Harborough District will incur additional costs. It has been agreed to make a financial contribution to those additional operating costs.

- 9.3 A cost apportionment split based on council tax base is proposed (based on the 23/24 Band D equivalent properties for each council). On this basis, the costs for this arrangement would be split as follows:

9.4 Harborough District Council: 66% (38,252 properties)

9.5 Melton Borough Council: 34% (19,698 properties)

- 9.6 In 23/24 the annual cost to Melton Borough Council will be **£30,143** (£28,543 contribution to the Assistant Director post and c£1,600 contribution to operating costs incurred by Harborough District Council).

- 9.7 The costs of this arrangement will be met by existing service budget provision of £26,360 and the remainder through managed vacancy savings.

9.8 Regulatory Services

- 9.9 The cost of shared post with HDC is estimated at £24,000 pa. This represents 25% of total cost of the shared post.

- 9.10 The total cost of upgrading two Senior EHO roles (currently Grade 11) into two EH&L Team Leader (Grade 12) is additional £2,820 pa.

- 9.11 The cost of creating a new Graduate EHO role (Grade 8, career graded) is £37,170 pa.

- 9.12 The above changes in para 9.9, 9.10 and 9.11 will be funded from the saving of the vacant Regulatory Service Manager post and results in a minor saving as outlined in the table below:

Role	Grade	Cost (pa)	Action
2 X Senior Environmental Health Officer	11	-£108,100	Delete
2 X Environmental Health Team Leader	12	£105,280	Create
1 X Graduate Environmental Health Officer	8	£37,170	Create
1 X Environmental Health and Licencing Service Manager	13	-£64,140	Delete
0.25 X Regulatory Service Manager		£23,460	Share with HDC
Total saving		£690	

- 9.13 Financial Implications reviewed by: Assistant Director for Resources

10 Legal and Governance Implications

- 10.1 The Council is under a duty pursuant to s.3(1) of the Local Government Act 1999, to: “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.
- 10.2 Section 113 of the Local Government Act 1972 enables a local authority to enter into an agreement with another local authority to place an officer of one at the disposal of the other for the purposes of discharging the latter’s functions. Any officer placed at the disposal of a Council other than his/her employer must first be consulted on the proposal. Once placed at the disposal of the non-employing authority, the officer is classed in law as an officer of that authority and is able to exercise powers delegated to them.

Legal Implications reviewed by: Senior Lawyer

11 Equality and Safeguarding Implications

There are no direct equality and safeguarding issues arising from this report

12 Community Safety Implications

Ensuring robust and resilient arrangements for Environmental Health and Licensing will positively impact on safer communities.

13 Environmental and Climate Change Implications

- 13.1 Ensuring robust and resilient arrangements for Waste and Environmental Maintenance Services will positively impact on the Council's ability to deliver high quality services and to implement the ambitions contained within the Leicestershire Waste and Resources Strategy (2022-2050) to work towards a circular economy and contribute to achieving net zero carbon by 2050 in Leicestershire. Collaboration will enable resilience and shared learning in exploring and progressing related projects, programmes and service development needs.

14 Other Implications

- 14.1 Human Resources Implications: Section 113 of the Local Government Act 1972 enables a local authority to enter into an agreement with another local authority to place an officer of one at the disposal of the other for the purposes of discharging the latter's functions. Any officer placed at the disposal of a Council other than his/her employer must first be consulted on the proposal. Once placed at the disposal of the non-employing authority, the officer is classed in law as an officer of that authority and is able to exercise powers delegated to them.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to identify clear shared objectives, goals, and focus which lead to ineffective working, misunderstandings, and disagreements	Low	Marginal	Low Risk
2	Perceived imbalance or unfairness from one party about what they get or will get from any collaboration / shared role. Perception that one council's priorities, size or influence are dominating	Low	Marginal	Low Risk
3	Lack of existing knowledge of the Council or local area	Low	Marginal	Low
4	Commercial risk through lead officer for the two councils having oversight of two separate commercial waste contracts	Low	Marginal	Low
5	Lack of clarity of / tension created through shared leadership, direction and tasking	Low	Critical	Medium

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low		1, 2, 3,4	5	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	A clear scope for collaboration will be agreed between the two councils and monitored closely. Period of review embedded to enable both councils to assess success of the arrangements and longer-term options.
2	A clear scope for collaboration will be agreed between the two councils and monitored closely. Cost apportionment arrangements reflect the proposed allocation of work across council areas, whilst also ensuring that mutual benefit is gained through collaboration for example on key initiatives, or alignment of processes or system developments.
3	Informal collaboration already in place in both service areas and through active engagement and participation in countywide / partnership settings. Induction process will be tailored to the needs of each proposed arrangement.
4	Officer code of conduct and associated confidentiality requirements. Discussion with each contractor to ensure any concerns are addressed and resolved from the outset.
5	Collaboration requires clear expectations, positive relationships and monitoring arrangements. Joint meetings between respective service Directors (MNC and HDC) with lead offices. Engagement with teams. Review built into proposed arrangement.

16 Background Papers

- 16.1 Scrutiny Report, Consultancy and Agency Use (July 2022) [Committee \(melton.gov.uk\)](https://www.melton.gov.uk)
- 16.2 Scrutiny Feedback to Cabinet on Consultancy and Agency Use
- 16.3 Leicestershire Resources and Waste Strategy

17 Appendices

17.1 None

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