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**Cabinet**

**31 March 2022**

**Interim Position Report – First Stage of the Business Case for the Extension of the Shared Service Arrangements**

**1 Purpose of Report**

- 1.1 To consider the case for continuing with detailed work to establish a comprehensive business case for the extension of shared services between Cannock Chase and Stafford Borough Council to include the sharing of a Senior Management Team led by a shared Chief Executive.

**2 Recommendations**

- 2.1 That subject to approval of the proposals by Stafford Borough Council, at its Council meeting on 19 April 2022, the Council approves:
- (i) To continue to explore the opportunities of further shared services with Stafford Borough Council.
  - (ii) That the Joint Chief Executive be authorised to continue to develop the second stage of the detailed business case which is to be reported to Cabinet on 13 October 2022 and Council on 16 November 2022 (“the Term”) together with an outline implementation plan.
  - (iii) During the Term, Mr Clegg will remain employed by Stafford Borough Council and seconded to Cannock Chase Council by agreement under section 113 of the Local Government Act 1972. Council agree to continue to share the full costs of the Joint Chief Executive post with Stafford Borough Council on a 50/50 basis as set out in the report to Council on 19 May 2021.

- (iv) That in order to continue to provide adequate cover arrangements and to provide a mechanism in relation to conflicts of interests, that the Joint Deputy Chief Executive arrangements remain in place during the Term to support the completion of the detailed business case in line with the report to Council on 19 May 2021.
- (v) That the non-decision-making Shared Services Board continue to consider any matters that arise in the interim. The Board will report to both Councils' Cabinets with the final proposal being put to each Council meeting for final determination.
- (vi) That the Head of Law and Administration together with the interim Deputy Chief Executive (Joint Shared Head of Human Resources), in consultation with the Leader of each Council are authorised to finalise the necessary legal and HR arrangements in relation to the above recommendations.
- (vii) Increase the budget provision for independent advice and support to the development of the second stage of the business case to £60,000. The full cost to be shared 50:50 by each Council.
- (viii) Inviting the Local Government Association to:
  - Engage with Members early in the development of the second stage of the business case to seek their views on the wider sharing of services:
  - Hold one to one sessions with all Heads of Service to obtain feedback on existing shared services and their considerations and thoughts on the proposals.
  - Review the second stage of the completed business case, prior to its submission to both Councils for consideration, to ensure that it provides sufficient and balanced information for Members to make a final decision on.

### **3 Key Issues and Reasons for Recommendation**

#### **Key Issues**

- 3.1 At its meeting on 19<sup>h</sup> May 2021, Council agreed to the secondment of the Stafford Borough Council's Chief Executive, Tim Clegg, to provide services as Joint Chief Executive and Head of Paid Service from 1 June 2021, for a period of 14 months. It was proposed that an interim report be prepared after 8 months in relation to the potential for a wider shared service between Cannock Chase District and Stafford Borough Councils.
- 3.2 It was also agreed that if after eight months either party felt that the arrangements were not working, the Joint Chief Executive would support Cannock Chase Council to consider and implement alternative arrangements.

- 3.3 The sharing of a Chief Executive, supported by a Deputy Chief Executive at each Council has proved to be effective as a concept. However, it is not sustainable in the longer term in the current form due to the flat structure of both organisations and the large number of direct reports that the Chief Executive is responsible for managing. In order to provide the resilience required and to increase the strategic capacity of both organisations, it would be essential to restructure and bring both Leadership Teams together into one senior team that would support both organisations. This will be considered further as part of the second stage of the business case.
- 3.4 The vision for a wider sharing of services is:
- each Council should retain its distinct and local identity, including decision making powers, service priorities, direction, and accountability.
  - to deliver improved outcomes for local people at the same or reduced cost than could be achieved if services continued to operate separately.
  - “One Team supporting two Councils”
  - Transformation of services and processes through process re-engineering, smarter working, and the use of improved technology,

This is set out in more detail in Appendix 1

- 3.5 To deliver the vision, the Joint Chief Executive, with the support of senior officers, would work to combine the talent, knowledge, and experience of each authority’s officers to build capacity and deploy resources to transform service quality and delivery to the residents of each Council in line with each Council’s priorities (business objectives). In doing so it is envisaged that this will bring opportunities to influence a wider audience both regionally and nationally and ultimately working more closely with key local partners to deliver for our communities.
- 3.6 Subject to an agreement by both Councils to continue to explore the wider sharing of services, the second stage of a comprehensive Business Case for sharing services will be developed and this will include the following key information:
- (i) Scope of the joint or individual Ambition, Efficiencies, Effectiveness, and breadth of Opportunities.
  - (ii) Models of sharing and preferred option(s) including financing.
  - (iii) Key Advantages and Opportunities.
  - (iv) Resilience and Capacity Considerations.
  - (v) Financial Context/Imperative, sharing of potential savings/costs, economies of scale.
  - (vi) Long-term vision, wider sharing opportunities and benefits, including best practice from each authority

- (vii) Risks and Risk Management.
  - (viii) HR, Legal and other employee relations matters.
  - (ix) Staff and Trade Union Engagement.
- 3.7 Proposals to support the second stage of the business case and the development of a wider sharing arrangements will also be prepared which will set out:
- (i) Implementation Timetable – key milestones and dependencies.
  - (ii) Joint Governance arrangements for key decisions, performance management and monitoring.
  - (iii) Joint Appointments process to senior appointments.
  - (iv) Senior Staffing Structure recommendations.
- 3.8 The second stage of the business case would consider two options:
- (i) A shared Chief Executive, Leadership Team, and services; and
  - (ii) Sharing some additional services but not a Chief Executive/Leadership Team.
- 3.9 The second stage of the business case and an implementation plan would be presented to Cabinet on 13 October 2022 and Council on 16 November 2022.
- 3.10 It is proposed to increase the budget for buying in specialist expertise to develop the next stage of the business case from £40,000 to £60,000. This additional sum is to allow for additional support given the capacity issues that have been experienced in this first stage.
- 3.11 In view of the strategic importance of the business case for wider sharing to both Councils, it is proposed to invite the LGA to engage with Members to seek their views on the wider sharing of services and to review the completed business case, prior to its submission to both Councils for consideration.
- 3.12 There remains at this stage an option for each Council to agree to do nothing and end further consideration of the wider sharing opportunity. It is considered that this could deprive each Council the opportunity, with mounting budgetary pressures, to deliver on their ambitions for their communities, through the prospect of achieving:
- economies of scale;
  - pooling skills, talent, and experience of a combined workforce;
  - development and implementation of innovative methods of service delivery across both local authority areas;
  - to trade and charge creatively to raise revenue without imposing unacceptable costs on local people; and

- better position each Council to be able to successfully bid for funding streams made available by Central and/or Regional Government and other funding bodies.
- 3.13 Having considered the context, the opportunities and risks offered by a wider sharing of services, should Members decide not to proceed further to developing the second stage of a detailed business case, each Council will need to develop other options for addressing the capacity, resilience, and financial issues it is facing. These options could include the reduction of some services currently provided and/or the ceasing of some non-statutory services. The status quo is not an option.

#### **Reasons for Recommendations**

- 3.14 In accordance with the report approved by Council on 19th May 2021, a detailed business case is to be prepared and used as the basis for determining whether to continue to share a Chief Executive and the wider sharing of services.
- 3.15 As the preparation of a detailed business case will be complex, time consuming and will incur a cost for both Councils, this report seeks to establish whether both Councils are supportive of continuing with this work and to agreeing the increase in budget to support the formulation of the business case.

### **4 Relationship to Corporate Priorities**

- 4.1 The potential to continue to share a Chief Executive and develop a business case for further shared services is considered to be a key element in supporting the Council to remain financially resilient and providing the necessary capacity and resilience for the delivery of the priorities set out in the Corporate Plan and the management of the business of the Council.

### **5 Report Detail**

#### **Shared Services to date**

- 5.1 The sharing of services and management teams continues to be a well-established and recognised strategy to address a wide range of issues relating to finances, capacity, growth, and resilience.
- 5.2 Stafford Borough and Cannock Chase District Councils have been sharing services since 2011. The first phase primarily focussed on support services commencing with the Monitoring Officer role and subsequently Finance, Internal Audit, Risk and Resilience, Legal, Information Technology and Human Resources being shared. In addition, two front facing services, Building Control and Revenues and Benefits, were also shared.
- 5.3 The first phase of shared services has been successful in:
- (i) delivering a combined total of on-going savings in the order of £1m;

- (ii) creating a critical mass by the joining of services has also:
    - allowed the delivery of further savings following the outsourcing of leisure services by both Councils and efficiency savings as part of ongoing budget savings; and
    - allowed the services to continue to be delivered in-house; had they remained separate teams, some of them would have been reduced to such a small size that they could not be sustained and would undoubtedly have been outsourced.
  - (iii) Transforming services - all services went through a transformation process to align and re-engineer processes. This was particularly successful for the Revenues & Benefits service and led to improvements in performance for turnaround times. Numerous policies, regulations and guidance notes have been aligned across the two Councils.
  - (iv) Increasing resilience - this was particularly successful for Building Control and the operation of its trading account.
  - (v) Alignment of some ICT systems - this mainly relates to the IT infrastructure and those services that have been shared. This generated financial savings, efficiency savings and resilience (in terms of business continuity) for both Councils
- 5.4 There are however a number of areas where the first phase of shared services hasn't delivered all of the benefits anticipated and this is largely due to not all services being shared. Examples include:
- (i) Technology - limited progress has been made in sharing bespoke software with duplicate systems being maintained e.g., Planning, Environmental Health, Elections, CRM;
  - (ii) Procurement - limited progress in aligning contracts and delivering savings through joint tenders;
  - (iii) Sharing of best practise - whilst progress has been made by the shared services themselves, very little has been shared outside of these services. Also, progress for the shared services has been limited in some cases where protocols are set outside by services that are not shared e.g., committee report templates.
- 5.5 Under a wider sharing of services, the existing shared services could be reviewed to deliver further savings, efficiencies, and improvements to service delivery. The issues identified in 5.4 could be addressed through the sharing of a Leadership Team and services.
- 5.6 A second phase of shared services was considered by both councils in April 2019 which looked at Environmental Service Digital/Customer services and the management of Planning Services and Systems. Both Councils agreed to review the options for further collaboration and Phase 2 of the Environmental Services

Review, including the potential for further shared services, after a period of 18-24 months.

### **Sharing a Chief Executive**

- 5.7 The two Councils have been sharing a Chief Executive on an interim basis since June 2021, pending the development of the shared services business case. As part of this interim arrangement, a Deputy Chief Executive has been established at each Council to provide support to the Chief Executive and provide cover in his absence. It is considered that this has proved to be effective as a concept. However, it is not sustainable in the longer term in the current form due to the flat structure of both organisations and the large number of direct reports that the Chief Executive is responsible for managing. In order to provide the resilience required and to increase the strategic capacity of both organisations, it would be essential to restructure and bring both Leadership Teams together into one senior team that would support both organisations. As set out in 9.6 and Appendix 3, both Leadership Teams are supportive of a shared Chief Executive and Leadership as the basis for the wider sharing of services. This will be considered further as part of the second stage of the business case.
- 5.8 There have been challenges for the Chief Executive in covering meetings for both Councils and the deputies or Heads of Service have covered those he has not been able to attend. This could be improved through:
- co-ordinated management of Council, Cabinet and Committee meetings; and
  - the restructuring of the senior management team and the creation of strategic posts.
- 5.9 The Chief Executive has offered his observations of from working across both Councils over the last 9 months:
- The Councils have more things in common to build on than differences.
  - Members and staff from both authorities are open to change that can safeguard and improve services.
  - The staff in both Councils take a great pride in their work and share the same public service ethos.
  - Our workforce is ageing and recruitment in many disciplines is difficult. Both Councils need a workforce development plan and to invest in our rising stars - we can do this better together.
  - The pandemic has “unfrozen” the way we have always worked and created an opportunity to create a more flexible work pattern that benefits staff including those with caring responsibilities and makes the Councils more attractive employers.
  - Customers increasingly expect choice and convenience in how they request services and both Councils need to offer a comprehensive digital platform and it will be cheaper and better to develop this together with integrated services.

- The existing shared services have delivered substantial savings and some service improvements. However, they can deliver far more if the front facing services are integrated and there is a single clear and consistent strategic direction driven by one Leadership Team.
- Currently there is both unnecessary duplication with both authorities doing the same things and wasteful inconsistency in how we carry out routine processes which could be early wins in the transformation of shared services.
- Both Councils need to make substantial savings in the next two years; shared services can make a substantial contribution to that. Otherwise, we will need to identify additional savings from service delivery.
- The challenges facing the Councils include: the Levelling Up agenda, fiscal and decision-making devolution, the development of a Staffordshire Leaders Board, a proposed county deal and the changing regional context. This will require increased strategic capacity to support the political leadership of the authorities to ensure that we operate effectively to secure the financial resources and Government support to achieve our ambitions.

## **6. The Key Drivers for Further Sharing of Services**

### **The pressure on Local Government Finance**

- 6.1 The overall long-term trend of diminution of funding for local government due to cuts in government grants is expected to continue unabated irrespective of the short-term financial support due to the pandemic. There is also only a very limited opportunity to offset this pressure by increasing Council Tax. The Government has signalled a review of Business Rates and the system of resource allocation to local authorities (previously called the Fair Funding Review), likely to be implemented next year. This creates uncertainty regarding the proportion of business rates retained by the Council, the Council's share of core funding and the distribution of whatever replaces New Homes Bonus.
- 6.2 This external uncertainty can only be mitigated by ensuring that the Council is as well-equipped as possible to deal with the unknown, by examining its costs and where possible, creating capacity (including financial capacity) to weather the challenges and thrive. Significant increases in the demand for services, notably in adult social services, has impacted on available funding for district councils but more widely demographic changes, the higher minimum wage, and other factors (such as changes to the benefits system) have increased demand for services and costs much more quickly than Councils' ability to raise council tax or business rates. The financial pressure facing both Councils is likely to become more acute in the future due to the loss of revenue as a direct result of the pandemic. Any pre-pandemic financial assumptions for the medium to long-term have quickly become out of date.
- 6.3 In addition to external financial uncertainties and pressures such as those related to Covid, the local government finance review and inflation, there are a number of potential risks that are more local for each authority. For example:



- The recruitment and retention of experienced staff is becoming harder particularly in services such as Planning. The difficulty in attracting staff and unprecedented increase in service demand have led to delays in processing applications.
- Services dependent on income such as Licensing, Bereavement Services, Building Control and Land Charges may face reduced income due to demand fluctuations and competition.
- Car parking is a significant source of income for both authorities and has reduced as a result of the pandemic, more people working from home and the rise of internet shopping.
- Recycling and waste services are operating in a marketplace that is very challenging, with multiple factors (fuel costs, driver shortages and new legislation etc.) giving rise to increased costs - this may have an impact on new contracts over the medium term.
- The success of bids for Levelling Up and Future High Streets Funding is welcome but requires the councils to borrow money to match fund the grants resulting in ongoing revenue costs to service the debt. They also create a significant demand upon staff capacity to oversee the success of the programmes, keep them on track and ensure robust control.

### **Levelling Up / Devolution**

- 6.4 The Government's Levelling Up White Paper encourages regional/ sub-regional structures with governance arrangements and strong identifiable leadership models with which Government departments will deal. To enable both authorities to continue influencing the agenda and to be effective partners with central Government, there is a need to create strategic capacity at a senior level in both authorities so that we can play a full part in this work.
- 6.5 In Staffordshire, a proposed County Deal has been developed which includes a formal structure in the form of a Leaders Board of Staffordshire County Council and the 8 district/ borough councils to drive collaboration on key issues including economic development and climate change. It is likely that future funding will be directed via this route, so it is important that both authorities continue to influence the development of the county deal and play a full part in working with partners to deliver our objectives.

## **7. Opportunities created by a wider sharing arrangement**

### **Shared characteristics**

- 7.1 Each Council is distinct in its history, traditions, geography, and community make-up and each has much in common which should be highlighted and celebrated moving forward:
- (i) Each has a relatively small officer establishment the main difference accounted for in the type of delivery of housing provision.

- (ii) Both Councils have chosen to outsource their leisure & cultural services and waste & recycling services, whilst retaining in-house streetscene services.
- (iii) Both have limited revenue and capital resources to tackle the multitude of challenges each faces irrespective of the recent success of both Council's in gaining central funding through Future High Streets and Levelling Up Fund bids,
- (iv) Both areas have historic town centres and extensive rural land areas to manage within.
- (v) Both Councils have their individual areas of deprivation with differing levels of health inequalities, crime and disorder and educational under-achievement. The prospects for young people are mixed taking account of a wide range of socially constructed issues relating to educational standards, health, and job opportunity irrespective of the impact of the pandemic on national and local economies.

### **Differences**

7.2 There are also two key differences between the two Councils:

- (i) Stafford Borough Council has all-out elections, whereas Cannock Chase District Council elects by thirds.
- (ii) Cannock Chase Council retains responsibility for its housing provision

### **Benefits and Opportunities**

7.3 There are a number of shared characteristics and opportunities identified for both councils that creates the potential for joint working on common strategic issues across our administrative boundaries and would provide the potential to deliver a number of advantages which are set out below.

#### *Economic Growth*

- 7.4 The opportunity offered by the recent funding allocations from central Government demonstrates the potential for the scale and quality of change that can be achieved. Each Council has an ambitious economic growth and regeneration agenda and has set objectives to improve the wellbeing of residents, but this level of ambition will require resources to deliver it. The sharing of key skills, experience and knowledge across both councils can only be advantageous moving forward and will enhance the potential to develop, as appropriate, joint business cases for further major investment. An opportunity also exists to continue to improve coordination and effective joint working with a range of private, public, and voluntary sector partners.
- 7.5 Working and delivering together should enable both Councils to develop a broader influence in the allocation of resources from County level, regional, and central Government on the basis that any future shared partnering arrangements will represent a greater population and general scale of required need and delivery.

- 7.6 Extending joint working will also provide both Councils with a stronger voice in any process to reshape local government in the County by enabling a common direction, agenda, and a single voice. The organisations will also gain valuable experience of managing strategic change quickly and effectively. There is also the longer-term potential for the shared arrangement to expand at a later time to the benefit of existing and future partners.

*Community Health and Wellbeing*

- 7.7 Seamless, uninterrupted planning and delivery of services to a community whose common needs are not primarily shaped or dictated by administrative boundaries would be beneficial.

The Staffordshire Commissioner has already started to commission cross boundary projects to reduce antisocial behaviour, domestic abuse and hate crime and there is an expectation for councils to explore this further in relation to mental health, drug, and alcohol use.

*Financial Sustainability*

- 7.8 The delivery of savings is one of the key benefits of sharing services and is achieved through economies of scale and reducing duplication. This creates the potential to eventually free up financial resources and deliver reductions in management overhead, allowing frontline resources to be protected and ensure continued delivery of excellent customer service. The headline facts are:

- A combined spend of £30.9 million based on the approved budgets for 2022/23.
- Previous shared arrangements achieved approximately 10% savings amounting to in excess of £1m for both Councils, combined with improved efficiencies and resilience. Further savings were achieved following the outsourcing of leisure services at both Councils, 10% is typical of the level of savings for back-office services, whereas 8% is the indicative saving for front line services. Our own experience and that of other Councils who have chosen to share services provides a level of confidence in the delivery of savings and a rationale to continue with a detailed business case.
- The natural level of turnover in both Councils will provide opportunities to re-engineer structures at minimum cost without necessarily impacting adversely on staff morale or the need for compulsory redundancies.

*Capacity & Resilience*

- 7.9 The creation of one senior management team to deliver services to both Councils presents an opportunity to address the capacity and resilience issues currently faced by both Leadership Teams and to succession plan for the future. Currently the Chief executive has 11 direct reports that split their time between strategic and operational responsibilities. the pandemic, together with increasing service demands has changed the focus to operational issues rather than planning and shaping the future. There is a need to re-dress this imbalance. Furthermore, in the event of an absence at Head of Service level, as has been the case at both

Councils over the last 6 months, it falls to the Chief Executive to cover for the absent Heads of Service together with support from the respective service managers. Over the last six months, the 2 Deputy Chief Executives have been able to offer some support in this regard, though this has been limited by their respective existing service remits. These capacity and resilience issues need to be addressed and the creation of a shared leadership team provides an opportunity to do this.

7.10 In addition, there are opportunities to:

- achieve economies of scale by “pooling” talent, skills, and experience in a combined skilled workforce.
- Retain and recruit staff - some Teams are experiencing high turnover and difficulties in recruiting to professional/specialist roles. Others have the potential to be combined or rationalised. The wider sharing of services will provide greater opportunity for career development and advancement for staff and a shared brand to attract future talent to a new and vibrant alliance working together.

*Organisational transformation*

7.11 There is no settled blueprint for change, organisational design, ways of working or sharing of services at this stage. The final shape of joint working and pace of change will be subject to a comprehensive business case and ultimately agreement by both Councils. Transformation and creating a unified culture focussing on continuous improvement and customer service will be key to the success of sharing services. Both councils have changed how they work as a result of the pandemic, with most office-based staff having worked from home on the advice of the government to reduce infection rates. Staff surveys have shown that there is a wish on the part of both workforces to operate a hybrid way of working in the future, allowing staff to work flexibly from home and council offices. This has “unfrozen” traditional patterns of working and will require organisational and management change to be effective. This presents an opportunity to create a shared way of working and to consider opportunities to rationalise accommodation, which would reduce costs and provide an opportunity for increasing income through the leasing of vacant office space.

7.12 There are additional opportunities to:

- Develop and implement innovative methods of service delivery
- Jointly procure and implement new technology more economically and efficiently. As referred to earlier, progress in doing this through the current shared IT service has largely been limited to those services which are shared; it has proved more challenging to achieve this where services aren’t shared. Further sharing will remove barriers and aligning technology will be key to service transformation, delivering efficiencies and improving customer satisfaction.

- 7.13 Ultimately, it will be staff that will make the wider sharing of services work well. Engagement with the workforces will be a key aspect of bringing together talent across both Councils and support the aligning of culture and values to maintain enthusiasm and interest in this exciting venture.
- 7.14 The key to realising these opportunities quickly is effective political leadership across both authorities, served by a unified leadership team led and managed by a Joint Chief Executive.

## **8. Challenges and Risks**

- 8.1 Alongside the opportunities created by the further sharing of services, there are also risks:
- (i) Changes in political control and views on sharing services;
  - (ii) Differences in political policies, which reduce the opportunity to align services and the delivery of efficiencies and savings.
  - (iii) Failure to engage with staff, leading to uncertainty impacting on service transformation and delivery.
- 8.2 These risks can be managed and mitigated, and this would be explored further as part of the development of the second stage of the detailed business case. Whilst further sharing of services provides opportunities for an ambitious transformation programme, it also presents challenges. There will be a need to commit resources and time in order to do this well and this could detract from delivering other council priorities. The transformation programme will need to be designed to minimise disruption by scheduling work around the delivery of other key projects.
- 8.3 Each Council has its own terms and conditions (T&Cs) relating to the employment of its staff. Whilst many of the Councils' HR policies have been aligned over the last 10 years through the sharing of HR services, T&Cs have not been changed. The Council's pay and grading structures are underpinned by different job evaluation structures. To change these would require a substantial piece of work, consultation with trade unions and would have significant short and long-term financial consequences. Further details of the issues relating to terms and conditions are set out in section 10.

## **9. Progress made to date**

- 9.1 A Shared Services Board comprising the Leaders and Deputy Leaders of both Councils together with the Chief Executive, the two Deputy Chief Executives, the Monitoring Officer and the Section 151 Officer has been set up. The Board has agreed the following principles:
- (i) **Sovereignty** - that both Councils must retain their sovereignty and individual identity (with local residents) whatever the outcome of the shared services review.
  - (ii) **Services in scope of the Review** - the report to each Council in May 2021 agreed in principle that both Councils recognise that the scope for sharing,

or collaboration should not be unduly restricted. At the time both Councils proposed that the Economic Development service and in particular its inward investment function should remain with each Council as it was perceived that there could be the potential for competition between the two Councils.

In light of the need to strengthen these areas in the future to the benefit of each Council the Shared Services Board agreed to include Economic Development in the review. However, it remains the case that Cannock Chase Council does manage its own housing stock and in accordance with legislation its Housing Revenue Account is a ring-fenced service and hence is outside the scope of sharing and this position remains unchanged.

- (iii) **A review of the Memorandum of Understanding** - the Board acknowledged that the existing Memorandum of Understanding (MoU) had served its purpose some decade ago and needed a refresh to acknowledge new requirements, demands, needs and ambition of each Council. A revised draft MoU is presented for agreement. Although it is accepted that this document will need to be regularly reviewed to ensure it remains fit for purpose. See Appendix 2.
  - (iv) **Issues to be considered** - that the review should include consideration of: terms and conditions of staff, future models of sharing and structures, the medium-term financial position of both councils and the potential for aligning contract renewal dates for significant outsourced services, including refuse collection.
  - (v) **Communications, Consultation and Engagement** - that communication and consultation would be needed with staff, trade unions and Members. A communications and consultation plan is being developed and this will be a key element of the work to be undertaken at the next stage. Such change as that contemplated by the wider shared service agenda will only be successful if we take the workforces with us on the journey. All staff, the trade unions and Members will be kept informed of progress and key decisions throughout. As with the first phase of shared services, engagement in the development of a detailed business case will largely be with Leadership Team and managers. Consultation will also take place with the Trade Unions. Wider engagement with staff would take place if the business case is agreed. This would inform the proposals for bringing services together, restructuring and transforming them. Engagement has commenced with both Leadership Teams as set out in 9.6 and Appendix 3.
- 9.2 Research work has been undertaken on previous, recent, and current planning for wider partnerships and sharing arrangements between local authorities at District and Borough Councils. Examples of business cases are readily available in the public domain and most demonstrate the detail that is required in order to support the key decision to progress to implementation.
- 9.3 The final decision on whether to share further services and a Chief Executive and officer Leadership Team is a major one and the issues are complex. A well-developed business case is important to inform the considerations of both

councils, however, the decision will still require strategic and political judgement. Ultimately the successful transformation of both councils will require the total commitment and leadership of both cabinets and the members of the leadership teams.

- 9.4 Should either council decide not to progress with the further sharing services there will be a need to identify an alternative means of addressing the financial and capacity issues facing both councils. Given the financial challenges facing both Councils, preparatory work on this has commenced.
- 9.5 The development of the business case has been hampered by capacity issues resulting from a number of key members of both Leadership Teams being absent on long term sick leave and the additional work caused by the emergence of the Omicron variant of Covid. This has highlighted some of the capacity and management structure issues that need to be addressed by both organisations. It has also highlighted the need for additional resources to support the development of the business case; this is covered in more detail in Section 11 - Next Steps.
- 9.6 The Leadership Teams of both councils have met and are positive in their support to take the shared services agenda forward, in particular, having a shared leadership team. The outcome of the meeting is contained in Appendix 3.
- 9.7 An indication of the potential savings which could be achieved has been calculated, based on an average of 8% for front line services and 10% for the admin/support functions to frontline services and corporate/back-office services not currently shared. In total, it is estimated that a combined total saving for both Councils of £1,064,010 could be achieved. However, this would be reduced by any costs associated with creating additional strategic capacity as part of the creation of a shared Leadership Team.

## **10. Legal provisions and potential models of delivering Shared Services**

- 10.1 There are a range of legal provisions to enable the sharing of services between Councils:
  - (i) Section 101 of the Local Government Act 1972 allows local authorities to delegate functions to other local authorities (subject to provisions contained in other legislation). Although the delegating authority remains ultimately responsible for the execution of the functions, Section 101 makes it possible for councils to perform functions on behalf of other councils.
  - (ii) Section 102 of the Local Government Act 1972 makes a provision for councils to establish joint committees with other local authorities to discharge their functions. Joint committees are invariably established through a legal agreement signed by the participating local authorities. There are many joint committees in operation, delivering specific services such as revenues and benefits, building control, museums, highway functions and waste.
  - (iii) Section 113 of the Local Government Act 1972 allows 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.

- (iv) Councils also have powers to set up companies for the purpose of performing any of their ordinary functions. They will, however, need to be mindful of competition law and state aid issues. In their dealings with companies they own, wholly or in part, they must also observe the restrictions imposed by the Public Contracts Regulations 2006. There will be a number of other considerations in setting up a company and councils will need to seek specific advice before doing so.

10.2 When considering models for sharing there are 2 aspects to consider - financial and employment.

### **Financial**

10.3 Under the current model of shared services, the financial agreement provides for savings arising from sharing services to be shared on a 50:50 basis. However, this does not mean that all costs and income associated with the running of the service are shared 50:50. The initial budgets differed and reflected the respective levels of service provided pre-sharing. Over the last 10 years, budgets have become more closely aligned as teams have been restructured and savings delivered from the outsourcing of leisure at both Councils. However, when a service generates income for one of the Councils, all of that income goes to that Council; the same applies to grants. Given the use of public money, it was essential to consider the financial implications for taxpayers of both Councils and the financial model was agreed with the Councils' external auditors.

10.4 In essence, we can model savings on the basis that they will be shared 50:50. However, in reality it depends how much each Council's service costs before sharing; and whether or not the cost apportionment methodology for the new shared service is bespoke, or simply 50:50. Therefore actual savings may well differ between the two Councils.

10.5 There are other options for sharing costs etc and one example of this would be to share costs on the basis of Office for National Statistics population data for each Council. Further work will be needed to consider the most suitable financial model under a wider sharing arrangement.

### **Employment**

10.6 There are 3 main models used to manage the employment of staff under shared services:

- (i) The 'host authority' model in which one or other of the two partner Councils becomes the employer in law for the employees of both Councils. This would require a transfer of staff to one or other of the partner Councils which could trigger the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE'). The host model would be underpinned with a joint agreement for the other shared partner to cover the employment and associated costs involved on an agreed reimbursement model. This model does provide for an opportunity to



equalise terms and conditions of service over a period of time subject to TUPE regulations, consultation with the workforce and trade unions etc.

- (ii) The ‘current employer’ model. This would see employees remain with their existing local authority employer but would be allowed to work for the partner authority under powers set out in section 113 of the Local Government Act 1972 as part of a merged officer structure. This model would maintain the existing terms and conditions for each Council.
- (iii) The third option is a hybrid model, whereby there is a “Host Employer” for a particular service, and these are split/paired between the two Councils.

**Current Shared Services Arrangements**

10.7 Our current shared service arrangements are based on the hybrid model using a “paired” arrangement to determine the “host employer” so that as far as possible the number of shared services led by each Council is equal. This model has ensured a balance between the two Councils and minimised the perception of a “takeover” by one or other Council. The paired model was based at Head of Service level, though there is a need to try to achieve a balance between employee numbers as well due to implications for pension fund contributions. This is not a perfect science and there were differences in the number of staff involved in each of the support services that were shared from 2010. The breakdown of existing shared arrangements is as follows:

<b>Cannock Chase Council led</b>	<b>Stafford Borough Council led</b>
Building Control	Human Resources
Finance and Revenues & Benefits	Legal Services
Audit, Insurance & Risk, Civil Contingencies and Procurement	Technology & Reprographics

- 10.8 Under the paired model, staff were transferred under the Transfer of Undertakings (Protection of Employment) (TUPE) arrangements to whichever Council led the service provision. This meant that the staff’s terms and conditions were protected under the provisions, so they didn’t suffer any financial loss. Over time, where restructures have taken place, teams have aligned their terms and conditions, with staff having the option to change or remain as they were depending on the personal impact.
- 10.9 Continuing the current model hybrid/paired model may not be the most appropriate going forwards with a wider sharing of services. If a new model, were to be deemed to be more appropriate, consideration would need to be given to the position of the services that are already shared and whether they would remain as they are or aligned with the rest of the services to be shared.
- 10.10 Under any new model, the terms and conditions for staff would be “protected.” A conscious decision could be taken to equalise terms & conditions across the two Councils. As referred to in 8.3, this would require a substantial piece of work potentially for either Council, and would have significant financial consequences. Alternatively, terms and conditions could be equalised on a gradual basis, subject

to a successful business case, and the integration of teams linked to an agreed implementation and transformation timetable.

- 10.11 Other contractual arrangements will be determined by the decision as to what model of sharing the two Councils agree upon.
- 10.12 Whatever the agreed model, both Leadership Teams are supportive of developing a culture with a “One Team Supporting Two Councils” ethos.

## **11. Next Steps**

- 11.1 A common political understanding and vision for the wider sharing will be required to ensure the business case fulfils the requirements of each Council so engagement with Members will be paramount in the process. This may be best achieved by utilising an independent and knowledgeable external resource such as the Local Government Association (LGA) to ensure transparency in the process. This work needs to be undertaken early in the second stage of development of the business case.
- 11.2 In view of the strategic importance of the business case for wider sharing to both Councils, it is also proposed to invite the LGA to review the completed business case, prior to its submission to both Councils for consideration, to ensure that it provides sufficient and balanced information for Members to make a final decision.
- 11.3 The second stage of the detailed business case would develop the issues related to the wider sharing of services as set out above. This will include options/proposals for:
- Financial sharing;
  - Employment sharing;
  - Structures;
  - Costs and Savings;
  - Governance;
  - Delivery Timetable;
  - Transformation Process
- 11.4 Governance arrangements to support the wider sharing of services will also need to be developed. Consideration will need to be given to the effective use of for example:
- **A Joint Strategy Board – Members**
- To support the joint management structure and joint working of the Councils, to consider matters of interest, opportunities for shared working and/or other joint working opportunities in accordance with the Memorandum of Understanding.

- **Programme Overview Board – Council Leaders, Cabinet Leads**

To be responsible for strategic assurance and monitoring of the implementation programme across each organisation, ensuring the programme delivers to agreed strategic objectives and timescales. To report on an agreed basis and attended by the Chief Executive (or a nominated Deputy in their absence). To be chaired alternatively by each Leader.

- **Programme Implementation Board – Officers**

To provide overall management, direction, guidance, and control to the implementation plan ensuring key deliverables are achieved. Responsible for the direction approval and decision-making of the programme. Reporting timescales to match above bodies for reporting purposes. Chaired by the Joint Chief Executive & Head of Paid Service.

- **Delivery Teams – Lead Officers**

To be responsible for day-to-day delivery and support of the implementation plans. To be supported by Legal, HR, Transformation and Communications.

### **Independent Support and Advice**

- 11.5 The previous report to each Council acknowledged the need for external and independent support is likely to be required to undertake the necessary high level analytical review of service levels/ performance and costs for the detailed business case and would also include specialised guidance relevant to consider potential sharing models and to determine a potential timeline for implementation based upon improvements to service delivery and savings available. Project management support in addition to independent HR and Legal advice will also remain a requirement.
- 11.6 An initial sum of £40,000 was identified split equally by both Councils was agreed for the above work. However, it is considered that this needs to be increased to provide additional capacity. The Chief Executive and the two Deputies have not been able spend as much time on the development of the business case as had been anticipated due to workload demands and the need to cover for absent colleagues. It is therefore recommended that the sum available is increased to £60,000 to allow for additional support to be brought in.

## **6 Implications**

### **6.1 Financial**

The Financial Implications are referred to throughout the report and are to be contained within the existing approved budget. Savings will accrue to both Councils as a result of the implementation of wider sharing of services.

Provision also exists at both Councils in relation to a Shared Services Transformation Reserve. This will be increased to reflect the additional £20,000 requirement proposed in the report.

The cost of the interim management arrangements are to be shared equally by Stafford Borough Council and Cannock Chase Council.

## **6.2 Legal**

In accordance with Section 113 of the Local Government Act 1972 a local authority can enter into an agreement with another local authority to place its officers at the disposal of the other authority. Officers subject to sharing arrangements are able to take binding decisions on behalf of the body at whose disposal they are placed, although they remain an employee of their original authority for employment and superannuation purposes.

Section 112 of the Local Government Act 1972 local authorities have a duty to appoint such officers as they think necessary to enable them to discharge their own functions and any functions which they carry out for another local authority.

Section 4 of the Local Government and Housing Act 1989 places a duty on each Council to designate one of their officers as the Head of Paid Service and to provide that officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow his/her duties under this section to be performed.

Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

## **6.3 Human Resources**

The HR implications are referred to throughout the report

## **6.4 Risk Management**

There are a number of risks associated with the proposal to share a Chief Executive role, and potential shared management team. The benefit of an initial interim arrangement is the opportunity to maintain a lead for service delivery whilst assessing the pros and cons of such an arrangement at first hand. A full risk register would be established as part of the project.

Although the sharing of services to date has provided an infrastructure to mitigate such risks, the sharing of senior management either in part or full, will involve short term resilience and capacity issues as well as issues of culture and change. In order to mitigate this risk, it is proposed additional external capacity and impartial advice, analytical and project management skills together with legal and HR advice, is provided to take this forward in the short term and to support transformation of services in the medium term.

The initial risk is the creation of uncertainty in both organisations and the potential loss of focus on key priorities in the short term.

6.5 **Equality & Diversity**

None

6.6 **Climate Change**

None

**7 Appendices to the Report**

Appendix 1 - Vision for Shared Services

Appendix 2 - Memorandum of Understanding

Appendix 3 - Notes of discussion with Leadership Teams

Appendix 4 - Examples of Structure Models

**Previous Consideration**

Report to Council 19 May 2021

**Background Papers**

None

**Vision for the Wider Sharing of Services  
From the perspective of both Leadership Teams**

- A shared Leadership Team - “One Team” working in collaboration
- Employees feel part of “one team” supporting both Councils
- Members are confident in the shared Leadership Team to deliver each Council’s priorities and policies
- Ambitious Council - Financially Stable
- Customer Focussed
- Flexible Working Place - Employer of Choice
- Shared agenda and clarity of purpose
- All moving in the same direction - see bigger picture
- Aligned culture, values, and behaviours
- Confident, trust and empower staff to not be afraid to make mistakes
- Able to deal better with cross cutting issues
- Knowledge and understanding of both Councils
- Flexible and agile at spotting opportunities for both Councils
- Proactive not reactive; more forward thinking and strategic. Able to plan ahead and less firefighting of issues
- More outcome focussed and less process driven - solution orientated
- Smart and Lean working
- Digital Transformation
- All IT systems are shared; one system for services rather than two
- Procurement and contracts are aligned



## **Sharing of Services**

### **Memorandum of Understanding**

#### **Purpose:**

To determine a basis for implementing an agreed model of Joint Chief Executive and Head of Paid Service led Senior Management Team and develop further sharing opportunities based upon the following principles:

- To strengthen each Council's management and workforce capacity to provide additional resilience and flexibility to ensure each Council can continue to adapt to changing priorities and challenges and remain sustainable into the future.
- Provide a forward-looking environment and workforce to enhance career opportunities within each Council and provide each Council with the ability to recruit and retain a high calibre workforce sourced from local and regional populations.
- Provide increased service resilience and capacity to manage peaks, troughs and/or volatility in demand for services.
- Share existing strengths to continue to develop best practice service delivery across each Council.
- Continued development of joint approaches to digital infrastructure and customer related transformation.
- Minimise corporate overheads and related costs whilst retaining agreed levels of service quality with the long-term aim to improve quality of service provision as determined by each Council and secure cost benefits for citizens.
- To build upon existing shared service arrangements and explore opportunities for further sharing and collaboration in order to:-
  - realign contracts to provide potential savings from procurement and contractor overheads
  - alignment and integration of service specific ICT systems
  - generation of new external income from trading opportunities etc.

- The overriding principle of any joint management arrangements, further sharing or collaboration is to maintain the identity, independence, and integrity of each Council.
- The future funding of local government is uncertain and therefore both Councils need to identify further potential efficiencies and savings from a revised sharing and collaboration model to safeguard each Council's long-term financial sustainability.

**We will do this by:**

- Determining that each Council and its Cabinet retain control over delivery of each Council's services, including the level of budgetary provision for individual services and policy.
- Agreement that due to the pandemic, the initial focus of sharing is seen to be the provision of resilience and capacity throughout both organisations to undertake on-going response and recovery priorities and strategically reshape service provision reflecting the opportunities and flexible working benefits and efficiencies the pandemic has created.
- Identifying common areas of service delivery and exploring how we can be more efficient by working together.
- Making implementation decisions based on robust business cases which are supported by evidence as required.
- Ensuring that the implementation of identified shared service areas is actioned jointly and equitably.
- Acknowledging that an improved service may be best delivered from a single service point and/or location.
- Continuous and consistent engagement and messaging with each Council's workforce and trade unions to ensure equity and transparency throughout the change process.
- Consistent communication to be shared with each Council's community and suppliers to ensure understanding of future models of service provision.

Signed:.....

**Leader of Cannock Chase Council**

Signed:.....

**Leader of Stafford Borough Council**

Dated:.....



### **Feedback from the joint Leadership Team meeting**

Early exploratory discussions have taken place regarding possible future senior management structures that would be required in order to form an effective joint shared senior management team.

The discussions:

- explored the desire to strengthen strategic capacity to advantage each Council together with robust operational capacity and delivery considering the current known budgetary position.
- challenged whether a shared leadership team is essential to the success of further sharing or whether other models should be considered. There was unanimous support for a shared leadership team.

The discussions focused on the creation of strategic capacity at a senior level, starting with the consideration of the role of the Chief Executive.

The shared view was that the Chief Executive should:

- have an ambassador type role, championing the priorities and ambitions of the Council, regionally and nationally, seeking funding;
- work closely with Members, developing the vision and ensuring this is delivered;
- but should also “keep a finger on the pulse” of the operation of the Councils and key organisational issue.

Possible senior management structures have been shared and discussed in principle in order to engage thinking on this matter and are contained in Appendix 4. These are illustrative only. Consideration was given to the creation of a new tier of directors, looking at models with 2, 3 or 4 posts. Both Leadership Teams expressed a preference for having Deputy Chief Executives rather than Directors. It was thought that two such posts was most likely to be the realistic and affordable option, with one outward facing (front-line services) and one inward facing (corporate / back-office services). The Deputies would be responsible for overseeing day to day delivery of priorities and services.

As part of the discussion on structures, both Leadership Teams felt that additional resources would be critical to the success for transformation and implementation, as it was with the initial shared arrangements.

A multitude of differing models exist across local authorities and ultimately what may be agreed at commencement of any possible shared approach will need to be capable of change to reflect priorities going forward.

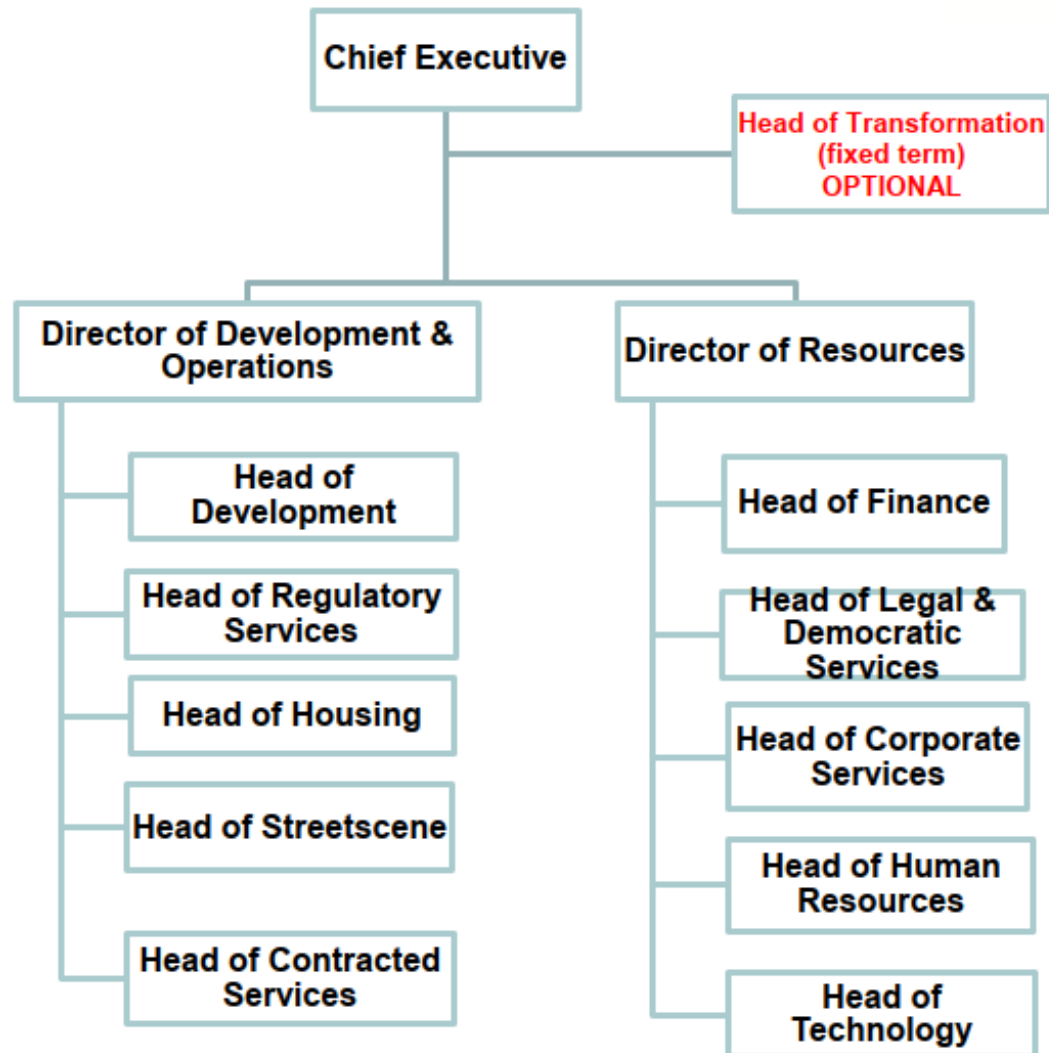
The senior management structure proposals will be developed further as part of the detailed business case. The decision on the structure for a shared Leadership Team will require a balance to be reached between the need for savings against creating capacity and resilience for the effective delivery of services.



# **Shared Services Workshop – Structure Models**

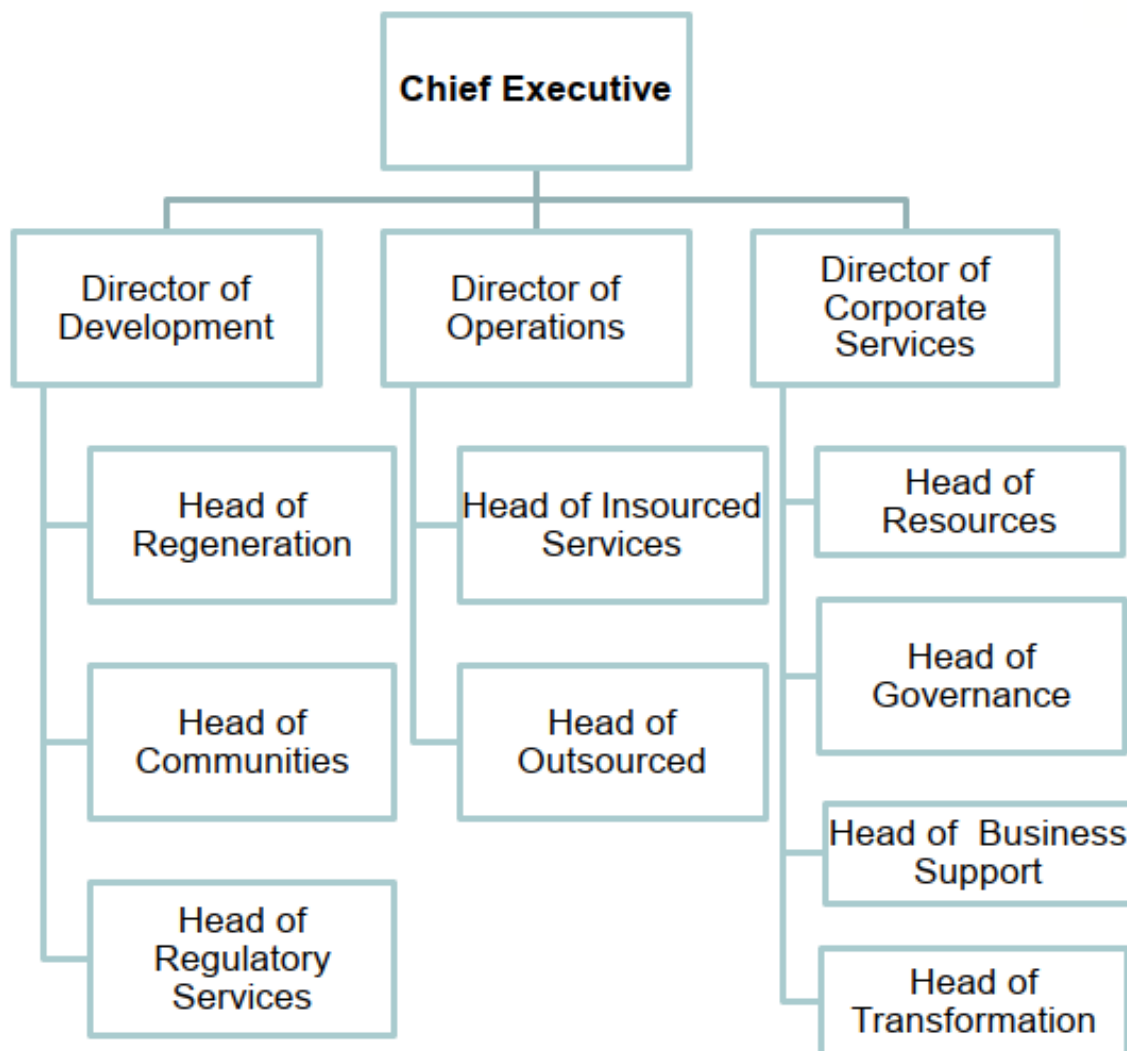


# 2 Director Model





# 3 Director Model





# 4 Director Model

