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29 OCTOBER 2020

ENVIRONMENTAL HEALTH PARTNERSHIP AND PROPOSED DISENGAGEMENT BY SEVENOAKS DISTRICT COUNCIL

1. SUMMARY

This report informs Members of the decision of Sevenoaks District Council to disengage from the Environmental Health Partnership, the implications for the [Borough] Council and the steps to be taken to safeguard services to the Borough's residents and businesses.

2. RECOMMENDATIONS

- 2.1 That the proposal by Sevenoaks District Council to disengage from the Environmental Health Partnership, be noted.
- 2.2 That the actions proposed by Dartford Council, as set out in paras. 3.6 and 3.7 of the report, to mitigate the impact of the disengagement, be noted.

3. Background and Discussion

- 3.1 The Council's Environmental Health service has been delivered in partnership with Sevenoaks District Council since April 2012 with the Environmental Health Manager having managed the two services since 2008. The service has been (is) extremely effective, delivering responsive, high quality services to residents and businesses across both districts. It has benefited both authorities by providing access to a wider pool of expertise and to greater resilience while delivering savings of approximately £1.5M to each authority, over a period of nine years. The joint service is fully integrated and funded 50/50. Its main operational base is Dartford Civic Centre.
- 3.2 Members will be aware that environmental health is a key regulatory service with a wide remit aimed at protecting residents, visitors, business and the environment. It encompasses food safety, health and safety, business compliance with various regulations (including those relating to coronavirus), statutory nuisance arising from e.g. noise, bonfires etc., pollution control, air quality, contaminated land, pests and animal welfare. Its prime functions are proscribed in statute.
- 3.3 Sevenoaks District Council has given formal notice that it wishes to disengage from the partnership. Whilst the end-date and ancillary matters have not yet been agreed, the partnership agreement stipulates that 18 months' notice be given. Sevenoaks' stated ambition is for dis-engagement to be complete by 31 March 2021. Given that it originally took around 18 months to merge the two separate services, this is an extremely challenging timeframe for both authorities but it is especially so for Dartford having had no prior notice of the decision.
- 3.4 This Council recognises Sevenoaks District Council's absolute discretion to determine how it delivers its services. However, it should be noted that the timing of this decision, coming as it does in the midst of an on-going public health emergency when environmental health officers are critical to local government's response to the coronavirus pandemic, creates further pressure on the team by requiring them to prepare for fundamental organisational and operational change while maintaining essential services.

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- 3.5 Over the past couple of years, Officers have been approached by, or approached, other neighbouring authorities to discuss the potential for expanding the partnership. None of these approaches has borne fruit and it is considered neither practical nor desirable to seek a new partnership at this time. Senior Officers in Environmental Health will need to work closely with colleagues in HR, IT and Finance at both Councils over the coming months to facilitate a smooth transition from the joint service to two separate services. No redundancies are expected, indeed, it is anticipated that both Councils will need to recruit additional staff if services are to be maintained at current levels.
- 3.6 Dartford has commenced preparatory work to determine the resource (people, skills, budget etc.) needed to operate a standalone environmental health service. Once this has been established steps will be taken to recruit to vacant and newly established posts as soon as possible. In parallel, plans will be developed and implemented to effect the de-coupling of IT systems and migration of data to the 'home' Council.
- 3.7 The partnership agreement provides a mechanism for withdrawal which includes any loss of funding which may arise from such withdrawal and any other loss, liability, damage, claim or expense incurred by Dartford as a result of Sevenoaks' disengagement. Losses (if any) are being assessed by Dartford, including the consideration of legal remedies available to it.

4. Relationship to the Corporate Plan

None.

5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	Returning the service to its pre-merger state is likely to require an increase in budget of approximately £180,000. This is a significant sum. This amount will need addressing in the 2021/22 revenue budget and factoring in to the medium term financial plan which is likely to result in the need for compensating efficiency savings to be sought from across the Council in future years.
Legal Implications	The partnership arrangements, including the mechanism for withdrawal, are detailed in the partnership agreement. The parties showed an intention to create legal relations. The courts will usually determine acceptance of terms based on the individual's conduct (i.e. consent by conduct) - Reveille Independent LLC and Anotech International (UK) Ltd).
Staffing Implications	As set out in the body of the report.
Admin Implications	As set out in the body of the report.
Risk Assessment	There is a risk that change at this time will destabilise the service and performance levels will drop. There is a risk that Dartford will be unable to recruit staff with appropriate skills and experience. These risks can be mitigated to an extent by good communications with staff, careful planning and proactive recruitment.

6. Appendices

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N/A

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date</u>	<u>File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
			Sheri Green	Strategic Director (External Services)	N/A