



## AGENDA

### CABINET MEETING

Date: Wednesday, 22 February 2017

Time: 2.00 pm

Venue: Maidstone Town Hall, High Street, Maidstone, Kent ME14 1TF

Membership:

Councillors Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Alan Horton, Gerry Lewin (Vice-Chairman), Ken Pugh and David Simmons

Quorum = 3

#### RECORDING NOTICE

Please note: **the public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

At the start of the meeting the Chairman will confirm if all or part of the meeting is being webcast. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the Chamber and speaking you are consenting to being recorded and to the possible use of those sound recordings for training purposes.

If you have any queries regarding this please contact Democratic Services.

---

1. Emergency Evacuation Procedure

Pages

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency.

2. Apologies for Absence

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### **Part B Report for Decision by Cabinet**

4. Proposal to move to a Single Employing Authority for the Mid Kent Environmental Health Service

#### **Issued on Tuesday, 14 February 2017**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

# Agenda Item 4

<b>Cabinet Meeting</b>		<b>Agenda Item:</b>
Meeting Date	22 February 2017	
Report Title	Single Employing Authority for Mid Kent Environmental Health Service	
Cabinet Member	Cllr David Simmons, Cabinet Member for Environment and Rural Affairs	
SMT Lead	Mark Radford	
Head of Service	Tracey Beattie	
Lead Officer	Tracey Beattie	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	<ol style="list-style-type: none"><li>1. That staff within the Mid Kent Environmental Health Service move to a single employing authority from 1 June 2017.</li><li>2. That Tunbridge Wells BC becomes the single employing authority for Mid Kent Environmental Health.</li><li>3. That delegated authority is given to the Acting Chief Executive, in consultation with the Cabinet Member for the Environment and Rural Affairs, to finalise the arrangement and sign any documents necessary to implement the decision.</li></ol>	

## **1 Purpose of Report and Executive Summary**

- 1.1 This report proposes the introduction of a single employing authority for staff within the Mid Kent Environmental Health (MKEH) service from 1 June 2017, and recommends that Tunbridge Wells Borough Council becomes the single employing authority.
- 1.2 Since MKEH has been formed it has become clear that adopting a single employer would help to drive forward the management and development of the service. A single employer also provides equality, fairness, and consistency of terms and conditions across the service for officers.
- 1.3 Of the options available, adopting Tunbridge Wells as the single employer will see a greater proportion of existing staff opting to move to Tunbridge Wells' terms and conditions compared with the other authorities, and consequently a more consistent approach for HR and Health & Safety processes for officers within the Service.

- 1.4 Adopting Tunbridge Wells as the single employing authority for Mid Kent Environmental Health also provides the opportunity to spread employment and financial risk amongst all three authorities across the range of shared services.
- 1.5 The proposal does not change the way in which the Service is delivered through the current two-site model. Nor is the staffing structure being changed significantly, as the current arrangement has delivered the expected benefits and worked to the advantage of each authority. Hence any consolidation to a single employer would be via a TUPE transfer (Transfer of Undertakings (Protection of Employment) Regulations) arrangement.
- 1.6 This would mean that all MKEH staff will become the employees of Tunbridge Wells BC, but be given the opportunity to choose to transfer to Tunbridge Wells terms and conditions or remain with their existing terms and conditions. Going forwards, all new staff appointments will join on Tunbridge Wells' terms and conditions.
- 1.7 Through a reduction in staff costs which are already planned, the move to Tunbridge Wells BC as the single employing authority can be achieved without any net increase in cost to the three authorities.

## **2 Background**

- 2.1 The Tri-Cabinet recommendation agreed on 12 June 2013 was that “Environmental Health Services be approved for a shared service amongst Maidstone, Swale and Tunbridge Wells Borough Councils; that an Interim Shared Environmental Health Manager be appointed to develop the shared service; that a two site model be approved with the stipulation that Maidstone be treated as a single territory for the delivery of its food and commercial premises inspections; and that the final operational model of the service, be delegated to the portfolio holders for Environmental Health at each authority”.
- 2.2 The business case for the shared service centred on providing resilience, quality, and efficiencies within the current service costs. The decision to use a single authority as the employing authority was not taken at this time.
- 2.3 As a result, MKEH was established and went live in June 2014. It operates from two sites - the Sittingbourne and Tunbridge Wells' offices. The organisational arrangements of the service are detailed in Appendix I.
- 2.4 The MKEH service has provided resilience for the three organisations through its ability to deliver frontline statutory services in the face of long term sickness absence and recruitment and retention gaps, whilst dealing with a number of significant and complex legal cases. Officers have been able to work across each authority and, crucially, support each other during these periods, sharing expertise and providing cover to continue the delivery of the day-to-day service.

- 2.5 However, the future of local government in the medium and long term pose considerable challenges, with central government reviewing how regulatory services are delivered, including a thirst to reduce 'red tape' and the impact of regulatory services on the business sector. MKEH therefore needs to be in a strong position to address these changes, and moving to a single employing authority for officers will provide a robust platform from which to meet them, as well as the flexibility to enhance the service and deliver further efficiencies.
- 2.6 All other MKS shared services were either been established as a single employer or migrated to one within two to three years of being established; Audit, ICT, Planning Support and HR to Maidstone BC, and Legal to Swale BC. Revenues and Benefits have a strategy to move employment to Maidstone BC through a mechanism that whenever there are leavers in the service they are recruited on Maidstone BC terms and conditions, irrespective of which site they are based at. It should also be noted that the rationale for MKS shared service single employer arrangements has not always been or only been financial savings – they have often also been for operational purposes.
- 2.7 Within MKS, the spread of shared services lean heavily towards Maidstone BC, which has to date taken most of the responsibility for the MKS employee liabilities, financial risk, and HR burden.
- 2.8 Whichever authority is selected as a single employer, there will be an initial increase in cost due to changes in terms and conditions, and the protection that TUPE provides for officers moving to another employer. Any increase in costs would be apportioned using the formula for splitting the cost of the service based on service delivery and demands set out in the MKEH Collaboration Agreement.
- 2.9 The changes in costs are summarised in the following table, and represent the total additional cost to the Partnership over present costs for three years:

**Table 1: Summary of Comparative Costs Changes for MKEH based on each authority acting as Single Employer over the period 2016/17 to 2018/19**

<b>Single Employer Authority</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>Total across Partnership</b>
<b>TWBC</b>	23,140	17,850	18,490	<b>59,480</b>
<b>MBC</b>	-1,180	-430	400	<b>-1,210</b>
<b>SBC</b>	6,440	13,250	26,240	<b>45,930</b>

- 2.10 The figures above for Maidstone BC becoming the single employer reflect a situation where there is no movement of staff from Swale BC and Tunbridge Wells BC to Maidstone terms and conditions.

- 2.11 If Swale were to become the single employer, the costs are lower overall than for Tunbridge Wells due to fewer employees likely to transfer to Swale BC under TUPE.
- 2.12 However, neither option achieves the important aim of spreading the MKS employee liabilities, financial risk and HR burden as evenly across all three authorities as the option for Tunbridge Wells to become the single employer does.
- 2.13 In this scenario, the average annual increase in budget for all three councils as a result of moving to Tunbridge Wells as the single employer is £19,800 allocated as; Maidstone BC: £6,300, Swale BC £5,800, Tunbridge Wells BC: £7,700.
- 2.14 In the proposals set out below, this increase will be offset through the reduction in establishment (deletion of a composite of nearly 1 FTE) that results in annual savings of £22,000. As such, there will be no increase in cost for any of the authorities as a result of the move.

### **3 Proposals**

- 3.1 That the officers within Mid Kent Environmental Health move to a single employing authority from 1 June 2017; that Tunbridge Wells BC be the single employing authority; and that the Swale and Maidstone Environmental Health staff will be given the opportunity under TUPE to choose whether to move to the Tunbridge Wells BC terms and conditions, subject to consultation and agreement. The proposed date for transfer will allow for TUPE, financial and HR processes to be undertaken.
- 3.2 Given that TUPE applies to the transfer of officers to any single employer, Tunbridge Wells BC presents the option that many officers will find preferable, and therefore the option which is likely to see more officers choosing to transfer from their current employer under TUPE agreement. This will enable management to have a greater level of consistency across the service, and progress the service aims identified in the Collaboration Agreement for MKEH.
- 3.3 Although not the lowest cost option, the proposal does provide the best risk management benefits to the MKS Partnership by spreading the employee liabilities, financial risk, and HR burden across the three authorities. Plans are already in place for any increase in cost to be met through a reduction in staffing establishment.

### **4 Alternative Options**

- 4.1 Option 2: That the MKEH officers move to Maidstone BC as the single employing authority. Whilst this option provides the lowest financial cost to the shared service, this option is not recommended as it reinforces the position of Maidstone BC taking virtually all the financial and employment responsibility and risks within MKS.

- 4.2 Option 3: That the MKEH officers move to Swale BC as the single employing authority. Whilst this option provides some further spread of financial and employment responsibility and risks within MKS than Option 2, this option is not recommended as it also does not spread that responsibility and risk to include Tunbridge Wells BC and it does so at a higher cost than for Maidstone BC alone.
- 4.3 Option 4: Establish one council, Tunbridge Wells BC, as the single employing authority for all new staff recruited to MKEH, making no changes to the employing authority arrangements for existing staff. This option is not recommended as this would be a slow process of movement to the new authority, and likely to take considerable time to achieve the aim of a single employer for the service.
- 4.4 Based on experience during 2016/17, the Service has seen two vacant posts occur and current employee posts across the service stands at 38. This will not therefore provide level of simplification of the management and financial processes desired as quickly as the preferred option or options 2 or 3.
- 4.5 Option 5: Make no change to the employing authority of officers and continue the service as it is. This option is not recommended as it fails to address the issue of overall employment and financial risk within MKS, provide any management efficiencies, or address inequalities of salary between officers carrying out the same work within the one service.

## **5 Consultation Undertaken or Proposed**

- 5.1 MKEH employees are aware that consideration is being given to move to a single employing authority, and are also aware that a formal consultation process on the implications will be held following a decision at the co-located meeting.
- 5.2 The MKEH Manager has met with senior management at each of the three authorities to discuss the underlying organisational, management and risk mitigation reasons for the proposed single employing authority. This report reflects the useful advice and feedback provided in those meetings.
- 5.3 Subject to the agreement of recommendations through the three Councils' decision making bodies, staff will be informed of the latest position, and the proposals will be formally presented to them through the well-established consultation policies and processes in each authority, with a view to the new arrangements being in place on 1 June 2017.

## 6 Implications

Issue	Implications
Corporate Plan	<p><b>A borough to be proud of</b> – by providing a wide ranging and highly skilled professional workforce to provide business with advice, guidance and appropriate enforcement proportionate to risk</p> <p><b>A council to be proud of</b> – ensuring high standards of professional, competent officers to deliver services</p>
Financial, Resource and Property	<p>The average annual increase in budget for all three councils as a result of moving to Tunbridge Wells as a single employer is £19,800 allocated as: SBC £5,800; MBC: £6,300; TWBC: £7,700.</p> <p>This will be offset by a planned reduction in staffing establishment.</p>
Legal and Statutory	<p>There is an existing Collaboration Agreement covering the Service which can be varied, subject to sign-off by the Shared Service Board.</p> <p>The Head of Service will work with Legal Services to finalise the variation to that Collaboration Agreement to reflect the decisions in this report.</p>
Crime and Disorder	None identified.
Sustainability	None Identified.
Health and Wellbeing	None identified.
Risk Management and Health and Safety	<p>The proposal improves the risk management for MKEH.</p> <p>No health and safety implications have been identified at this stage.</p>
Equality and Diversity	Across the Service the proposal provides the opportunity for officers carrying out the same work to be on equal terms and conditions.

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Supplementary information for Single Employing Authority Proposal for Mid Kent Environmental Health

## 8 Background Papers



Mid Kent Improvement Partnership (MKIP) - Environmental Health Shared Services report, 12 June 2013, available at:

<http://services.swale.gov.uk/meetings/CeListDocuments.aspx?MID=313&RD=Minutes&DF=12%2f06%2f2013&A=1&R=0>

This page is intentionally left blank

## Supplementary information for Single Employing Authority Proposal for Mid Kent Environmental Health

### 1. Aim

- 1.1 The purpose of this appendix is to provide additional information to support the report on the adoption of a single employing authority for the Mid Kent Environmental Health Service (MKEH). A single employer for the service will assist in providing an effective platform for future service development. There is no intention to change the current two-site model. The information below summarises the range of benefits of moving to a single employer, and considers how this contributes to the priorities of Mid Kent Improvement Partnership.

### 2. Background

- 2.1 The full background to the decision is set out in the body of the main report.
- 2.2 In terms of delivering resilience and efficiencies the service has numerous examples where each local authority has benefited from pooling their professional resource to ensure statutory responsibilities have been delivered. The two site base for MKEH has worked well, with Maidstone providing an important central location for officers to work from when required to support service delivery at Maidstone and provide flexible and efficient use of officer time. During the two years since its establishment a strong network relationships have been developed between EH staff, members and key officers within other Maidstone services.
- 2.3 The MKEH service has undergone two cycles of financial and appraisal processes which has provided the EH Manager the opportunity to consider rationalising management issues to realise more efficiencies, improve service resilience, and look for opportunities for additional income streams.

### 3. MKS Priorities and Corporate Objectives

- 3.1 In 2015 the then Mid Kent Improvement Partnership (now Mid-Kent Services) Board reviewed the objectives and priorities for the partnership. The Board agreed the underpinning objectives of the partnership were; **resilience, savings and service quality**.
- 3.2 The priorities for the partnership were identified as;
- income opportunities;
  - cross-organisational working; and
  - digital transformation.

- 3.3 MKEH has already demonstrated resilience, savings and improved service quality since being established. The completion of Maidstone's private water quality risk assessments and return to the Department of Water Inspectorate during year 1, completion of over 99% of food inspections across all three local authorities in year 2, and bringing in house the food inspection programme completely during the same year. We have also maintained a planning consultation response rate of over 90%, within the target time in all authorities despite some long term absences, time consuming prosecutions and other reactive demands on the service.
- 3.4 Since June 2014 the service has saved between £20,000 and £40,000 for each authority. In December 2015 Swale's Food & Safety Team achieved successful sign off from the Food Standards Agency audit which lends support to the quality of the work delivered by officers and the management of the service, by virtue that the same systems are in place across each team. The initial FSA audit in 2012 identified a staffing under-capacity within the Swale Food & Safety Team which has been alleviated through the partnership. Tunbridge Wells has relied on the expertise of officers from Maidstone and Swale for the delivery of the Pollution Prevention Control work from April 2016.
- 3.5 The service is continually looking at ways to streamline frontline processes to achieve efficiencies, and we have engaged in a number of digital transformation projects which will be completed in 2017. Efficiencies within the Administration Team have meant that the workload of a 0.6 FTE post has been absorbed into the existing team. This will provide some capability to finance the proposed move to a single employer releasing £15,000 per annum to offset any additional costs, together with further efficiency savings.
- 3.6 Moving to a single employing authority will assist MKEH in its efforts to develop a single service culture, with a clear brand and a marketable product. This will be based on a reputation for delivering high quality professional standards. Possible income streams include providing specialist advice and expertise to other authorities, establishing primary authority arrangements with businesses, and maximising income generation for services that attract fees and charges.
- 3.7 MKEH support the priorities of the three authorities through a range of core functions. This includes consulting on planning and licensing applications, monitoring air quality, private water quality and development of potentially contaminated land (MBC Priority 1: Keeping Maidstone an attractive place for all, SBC Priority Theme1: A Borough to be Proud of, TWBC Priority 3 A Green Borough). By regulating in a consistent and transparent way we create a level playing field for businesses under food hygiene and health and safety legislation (MBC Priority 2: Securing a Successful Economy, SBC Priority Theme 2:A Community to be Proud of, TWBC Priority 1: A Prosperous Borough). Moving

to a single employing authority will support good governance and efficiencies reflected in SBC Priority Theme 3: A Council to be proud of, MBC STRIVE Values and the Medium Term Financial Strategy, and the TW Strategic Compass through managing public finance effectively.

#### **4. Current and Future Governance Arrangements**

- 4.1 The Mid Kent EH Manager reports directly to the Client senior managers appointed by the three authorities. The governance arrangements for the service are through the EH Shared Service Board, which meets quarterly and reports to the MKS Board.
- 4.2 The EH Manager has monthly 1-2-1 meetings with each Client manager; John Littlemore (MBC), Mark Radford (SBC), and Gary Stevenson (TWBC). This arrangement will continue.
- 4.3 Under this proposal the EH Manager would be line managed by the senior manager of the single employing authority, and will remain accountable to the client managers at each authority for delivery of the service level agreement EH Shared Service Board arrangements.

#### **5. Single Employing Employer Benefits**

- 5.1 The most significant benefit to the MSK partnership of establishing a single employer for the environmental health service is the prospect of spreading the overall employment risk across the three local authorities. This point is expanded in section 6.
- 5.2 For the service itself, providing a single employer will mean management are given a more effective platform to meet future changes in service demand, legislative and statutory transformations. It will enable us to maximise opportunities to act as specialist service providers for other local authorities and develop business primary authority arrangements.
- 5.3 Any changes can be effected with more efficiency by reducing duplication of process. This includes reducing management and accountancy time for pooled budgets, and help with quarterly and end-of-year budget closure recharges for all the financial teams.
- 5.4 Although the MKEH has made significant cultural changes in the last two year, by individual officers working across authority boundaries the cultural development of the service will be more effective if a single employer is established. This has been demonstrated by the MK Legal 'One Team' approach where the cultural changes and sense of 'one team' the Head of Service was anticipating have now been realised.

- 5.5 MKEH is in a different position to other MKS services that have moved to a single employer, as it has already been operating as a shared service but unusually one where the teams were employed under the terms and conditions of their original employer. In this proposal the service will essentially keep its current structure following the proposed change to a single employer.
- 5.6 This difference means that as we are retaining the structure the significant reasons for applying economic, technical and operational changes do not apply under TUPE although all other TUPE conditions will apply. The transfer of staff from the other two authorities to the new “single employing” authority will mean that individuals may choose to remain or opt to transfer employer, probably for the most advantageous terms and conditions. All new staff will be appointed under the new single employer contract.
- 5.7 The benefits of moving to a single employer for MKEH include:
- (i) providing staff with the chance to have consistent pay scales for equivalent roles across the service to eliminate the current disparity in pay for the same role and responsibilities;
  - (ii) ensure that new staff are appointed to the single employer
  - (iii) migrate the majority of officers to consistent terms and conditions of service, such as essential user allowance and annual leave arrangements
  - (iv) move towards consistent HR and H&S policies and procedures;
  - (v) Create a pooled salaries budget to simplify recruitment and internal promotion processes.
  - (vi) establish one appraisal and objective setting process for consistency for managers, officers and teams within the MKEH Service

## **6. Risk Management**

- 6.1 Within MKS, the spread of shared services lean towards Maidstone, which has to date taken most of the burden for the Mid Kent Improvement Partnership, creating an increase in employee liabilities, financial risk, and HR burden for MBC. Currently, Mid Kent HR, Audit, Planning Support and ICT are all hosted by Maidstone.
- 6.2 The S151 Officers review the triannual pension report, and recommend revisions of pension contributions made by the MKS host authority should liability be distorted due to partnership working. A mechanism is in place to counterbalance any distortion should one authority take a greater weight of staffing. However, the move to SBC for the Legal Services staff has contributed

additional mitigation, and it is only right that TWBC also takes its share of the risk too.

- 6.3 It is therefore proposed that the employment of all Environmental Health Service staff should transfer to Tunbridge Wells Borough Council from 1 June 2017 to further spread the financial and associated employment risks and responsibilities across the partnership and to assist in the delivery of future savings.
- 6.4 As a consequence the original collaboration agreement will be reviewed to take account of this process.
- 6.5 The professional pool of environmental health staff is limited; with fewer officers qualifying and gaining professional registration each year we have a competitive setting in which to consider succession planning, particularly given the influence London has on working in the south east. Adopting a single employer will simplify future recruitment and rationalise the MKEH brand.

**7. Financial Implications of transferring staff to a Single employing authority**

- 7.1 The total full time equivalent for each band of officers is provided in Table 1, together with the number of officers employed at each authority.

**Table 1: The spread of FTE by function and posts across MKEH**

<b>Job Title</b>	<b>FTE</b>	<b>Maidstone (Posts)</b>	<b>Swale (Posts)</b>	<b>Tunbridge Wells (Posts)</b>
<b>Environmental Health Manager</b>	1			1
<b>Team Leaders</b>	5	1	2	2
<b>Administration Officer</b>	4.58	1	2	2
<b>Senior Scientific Officer</b>	2	1	1	0
<b>Scientific Officer</b>	4.85	2	2	2
<b>Food &amp; Safety Officer</b>	4.5	4	0	2
<b>EHO</b>	4	1	1	2
<b>Senior EHO</b>	9.21	2	5	4
<b>Total</b>	<b>35.14</b>	<b>11</b>	<b>13</b>	<b>14</b>

- 7.2 The financial implications of moving to a single employer have been calculated using the 2016/17 budgets for each authority and estimating the base budgets for the following two years; allowing a 1% cost of living increase, incremental or contributory pay increases where applicable. The costs include NI and pensions were opted, and the application of essential car user allowance for posts where this applies.
- 7.3 As mentioned in paragraph 5.5 the proposal will be for officers to transfer under TUPE terms and conditions. It has been assumed that were advantageous to the individual they will opt either to remain with their current employer (where the salary is higher) or transfer to a better salary band and package.
- 7.4 The difference between the existing budget base for 2016/17 and subsequent years has been summarised below in Table 2. The table shows a comparison of costs should each of the authorities act as the single employer. The figures provided are the increase/decrease from the base budget actual for 2016/17 and predicted for to 2019.

**Table 2 Summary of Comparative Costs for MKEH based on each authority acting as Single Employer.**

<b>Single Employer Authority</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>Total across partnership</b>
<b>TWBC</b>	23,140	11,770	18,490	<b>53,400</b>
<b>MBC</b>	-1,180	-6,510	400	<b>-7,290</b>
<b>SBC</b>	6,440	7,170	26,240	<b>39,850</b>

- 7.5 The table shows that change to a single employer will generate an increase in cost for the shared service due to TUPE conditions relating to the transfer of staff with the exception of Maidstone as the single employer.
- 7.6 Maidstone BC would provide the lowest single employer cost in the unlikely event that all staff TUPE transferred to MBC terms and conditions. Over three years the additional cost to each authority, based on the agreed proportional split of costs in the collaboration agreement would be.....TWBC £7,667, MBC£6,455 SBC£6,068zz
- 7.7 Balanced against the financial consideration is the need to enable the MKEH service to act as one team and it is unlikely that given TUPE protection we would see officers transferring from their current employer to Maidstone’s terms and conditions to the same degree anticipated if Tunbridge Wells becomes the single employer. This would support a more equitable and consistent staffing basis for the service and the aim of fairness and equitability between officers



working within the same service. It would also support the objective of spreading the risk across the three partners within MKS more evenly.

- 7.8 The increase in cost will be absorbed predominantly through current vacancies and service efficiencies (£15,000 and other efficiency savings).

## **8 Conclusion**

- 8.1 MKEH has delivered on its initial business case. It has provided resilience to each of the three authorities during the last two years in a number of different ways. It has demonstrated improved consistency in processes and delivered efficiencies utilising the professionalism of specialist officers. The service has brought back in-house the food inspection service for Swale and the Pollution Prevention Control function for Tunbridge Wells and Swale to improve the quality of the service provided to businesses across the district. The service has also met the expectations of the Service Level Agreement within the EH Collaboration Agreement since the start of the service.
- 8.2 MKEH needs to be able to effectively respond in the coming years to changes in the external regulatory environment that it operates in, and the financial position of the three councils.
- 8.3 Moving to a single employing authority and retaining the two office location model will help the way in which the service can respond to these challenges through consistent management and further development of the one team culture. A single employer provides a platform for future changes and service development.
- 8.4 Overall Tunbridge Wells BC as the single employing authority will provide the best option under TUPE to achieve the aim of providing a consistent terms and conditions and also meets the aim of spreading the employment and financial risk across the MKS partnership.

This page is intentionally left blank