

Environment Scrutiny Panel – 10 March 2009

Response to Out of Hours Informal Scrutiny Group Review Recommendations

Report of the Corporate Director (Operations)

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Purpose of the Report

The report considers the recommendations that were made to Cabinet by the Environment Scrutiny Panel following the Out of Hours Informal Scrutiny Group review and should be considered alongside Report EN78 (elsewhere on this agenda).

Links to the Corporate Strategy

The work in this area is part of the core functions of the Council and relates to the corporate target of providing efficient and effective services.

Recommendation

That the Environment Scrutiny Panel note the response to its recommendations.

Response

At its meeting on the 11th November 2008 the Environment Scrutiny Panel (ESP) received the report of the Informal Scrutiny Group's (ISG) investigation into out of hours working. This followed concern from Members regarding the effectiveness of the current arrangements. The ISG made a number of recommendations which were accepted by the ESP and forwarded to Cabinet for consideration. Cabinet received the recommendations at its meeting on the 10th December 2008 and recommended that the relevant Portfolio holders respond to them. This report summarises that response.

The ISG recognised that the current arrangements for an out of hours response in relation to some services, including building control, environmental health and planning enforcement rely upon the availability of appropriate staff and their willingness and ability to respond to issues. There are few systematic and 'paid for' arrangements.

The ISG suggested that more systematic arrangements could be introduced, combining standby allowances with the use of 'time in lieu' payments where staff respond out of hours. The panel recognised that because out of hours requirements are not included in the contracts of staff in these services, any new arrangements would have to be negotiated rather than imposed. Offering

time in lieu compensation alone is not likely to be an acceptable mechanism for developing a new out of hours function. To ensure an efficient and effective response out of hours, key employees must be required to respond to a situation – the nature of the response being determined by the nature of the incident. Rather than relying on chance, they must be obliged to be in a location and condition to respond if required. To be ‘on standby’ therefore represents a restriction on the location and activity of an individual outside of their conditioned hours for which they could reasonably expect compensation, whether or not they are actually called upon in the period of that stand-by. To offer only time off in lieu may be acceptable as a means of compensating someone who responds because they are able to, but it cannot be the sole basis for a new system for a guaranteed response.

Assuming that it was agreed by staff, to guarantee a response would require the payment of standby allowances as well as time in lieu for those actually called out. The annual cost of each standby allowance would be of the order of £6,000 to cover weekends and public holidays and substantially more to provide 24 hour 7 day a week cover. Cabinet did not consider this to be a priority for inclusion in the 2009/10 budget.

In relation to planning enforcement, in particular tree preservation orders, it is recognised that the current arrangements do not provide any guarantee that a response to a particular issue can be made outside of normal office hours. In practice, this is unlikely to have serious consequences since few planning enforcement issues need to be dealt with through the issue of a temporary stop notice (the only ‘on the spot’ mechanism for enforcement issues) and no such mechanism exists for Tree Preservation Orders. . Although delegation of the making of TPOs to parish councils is possible in law, as a district council can delegate its functions to another local authority such as a parish council, it would need to be satisfied that the parish had the necessary resources and expertise to carry out these functions. Given the need for expert assessment of trees before a TPO can only be made, it would not be practicable to delegate this function to parish councils.

An out of hours service which offered more certainty and consistency could be provided. However, as above, this would have a significant cost which could not be dealt with solely by way of time off in lieu alone. Additional stand-by payments would be required and although at present this is not considered a priority for additional expenditure but it will be kept under review.

Background Documents

Out of Hours Informal Scrutiny Group Report

Appendices

None