

AGENDA ITEM NO. 15

COUNCIL

Date **27 FEBRUARY 2014**

Title **ANGLIA REVENUE PARTNERSHIP GOVERNANCE AND DELEGATIONS**

1. PURPOSE/SUMMARY

For Council to approve the formal governance and resolutions for Fenland District Council to be included as part of Anglia Revenue Partnership (ARP).

2. KEY ISSUES

- The Council agreed on the 19th December 2013 that Fenland District Council would join Anglia Revenue Partnership for Revenues and Benefits from April 2014.
- For the Council to join, appropriate governance arrangements and delegations need to be approved in order to allow ARP to deliver these services on behalf of Fenland District Council.
- These formal delegations are covered by Section 101 (5) of the Local Government Act 1972 and regulations made under section 20 of the Local Government Act 2000.
- The formal resolutions are set out in Appendix 1 and cover the reconstitution of the Joint Committee to include Fenland District Council.
- The Joint Committee terms of reference will be updated to include Fenland District Council accordingly.
- As part of the governance arrangements, two Cabinet members are to be members of the ARP Joint Committee and will have two substitutes.
- In addition, the Corporate Director and Chief Finance Officer will be a member of the ARP Operational Improvement Board which supports the Joint Committee.
- Performance of ARP will be provided through the normal portfolio briefings and Overview and Scrutiny Annual review process.
- ARP have also agreed that Suffolk Coastal District Council and Waveney District Council will work in partnership with ARP through a shared management team, bailiff service and the development of shared support services (they will not be full members of ARP).
- Council are therefore also asked to confirm that the ARP Joint Committee request that the Operational Improvement Board (through the delegated officer) negotiate and enter into a Section 113 agreement with the Councils so that officers can be shared across all authorities.
- The Council's constitution will also need to be updated to reflect that the Council is part of ARP. The Monitoring Officer will make the appropriate amendments to the constitution following the decision.

3. RECOMMENDATIONS

Council are asked to:

- Note that the Leader has nominated himself and Cllr Michael Humphrey to be

members of the Joint ARP Committee and Cllr Chris Seaton and Cllr Mike Cornwell be named substitutes

- Note that the Corporate Director and Chief Finance Officer is the Council's officer representative on the ARP Operational Improvement Board
- Note that the Corporate Director and Chief Finance Officer, under their own delegations, will set the upper limit for write-off approvals by ARP
- Note that the constitution will be updated appropriately by the Monitoring Officer to reflect that the Council is part of ARP
- Approve (subject to final ARP partner approval):-
 - The formal resolutions set out in Appendix 1
 - Confirm that the ARP Joint Committee request that the Operational Improvement Board (through the delegated officer) negotiate and enter into a Section 113 agreement with Suffolk Coastal District Council and Waveney District Council

Wards Affected	All
Forward Plan Reference No. (if applicable)	
Portfolio Holder(s)	Cllr Alan Melton, Leader and Portfolio Holder, Policy and Resources Cllr Chris Seaton, Deputy Leader and Portfolio Holder, Open for Business Cllr Michael Humphrey, Portfolio Holder, Finance
Report Originator	Rob Bridge, Corporate Director and Chief Finance Officer Alan Pain, Corporate Director and Monitoring Officer
Contact Officer(s)	Paul Medd, Chief Executive Rob Bridge, Corporate Director and Chief Finance Officer Alan Pain, Corporate Director and Monitoring Officer Tom Lewis, Principal Solicitor Geoff Kent, Head of Customer Services
Background Paper(s)	Meeting the Challenge – Service Transformation and Efficiencies; Cabinet and Council, 19 th December 2013

1. BACKGROUND

- 1.1 The Council at its meeting on the 19th December 2013 approved that Fenland District Council would become a full partner of ARP from April 2014 with Breckland District Council, East Cambridgeshire District Council, Forest Heath District Council, St Edmundsbury District Council as well as the partnership working arrangement with Suffolk Coastal District Council and Waveney District Council.
- 1.2 The ARP Joint Committee have also agreed that Fenland District Council will become a full partner, and now partners are seeking approval from their respective Councils, for which one is outstanding and is due on their meeting on the 27th February 2014 (after Fenland's Council meeting has taken place).
- 1.3 As part of joining ARP, appropriate governance arrangements and delegations need to be approved by members to enable ARP to deliver these services on behalf of Fenland District Council

2. FORMAL DELEGATIONS AND RESOLUTIONS

- 2.1 ARP operates a Joint Committee and other partners have delegated the delivery of the Revenues and Benefits service through Section 101 (5) of the Local Government Act 1972 and regulations made under section 20 of the Local Government Act 2000.
- 2.2 Appendix 1 sets out the formal delegation and resolution that must be approved by Fenland District Council to enable it to become a full partner of ARP.
- 2.3 These delegations are not time limited, however all partners are able to give 12 months' notice if they wish to leave the partnership.
- 2.4 The Council's current constitution sets out the delegations of the Revenues and Benefits functions. These are under Section 3 (Responsibility for Functions), Table 4 (Functions Delegated to Officers).
- 2.5 These functions are delegated to the Chief Finance Officer and the applicable delegations are set out in Appendix 2. As such, the Council resolution will allow ARP to deliver these functions on behalf of the Council and Chief Finance Officer, who has statutory responsibility to deliver these services as part of their role as Chief Finance Officer/Section 151 Officer.
- 2.6 As set out in delegation 20 in appendix 2, the Chief Finance Officer has authority to write-off debts (in consultation with the Finance Portfolio Holder). To enable an efficient process with ARP, the Chief Finance Officer will agree an upper limit for write-off approvals by ARP.
- 2.7 The current ARP Joint Committee will be dissolved and replaced with the new Joint Committee including Fenland District Council from one minute past midnight on the 1st April 2014.
- 2.8 The ARP Joint Committee terms of reference will also be updated accordingly to include Fenland District Council. Fenland's Joint Committee members and substitutes will be briefed on these.

3. ARP GOVERNANCE ARRANGEMENTS

- 3.1 For the Council and its Cabinet, the governance arrangements of ARP are important to ensure that the functions are being delivered, performance management of the partnership

is robust, savings are identified and delivered and the partnership is being managed effectively.

- 3.2 The Joint Committee meet on a quarterly basis and two Fenland District Council Cabinet members will be members of this Committee to carry out these duties. The Cabinet and Council (and Staff Committee where appropriate) will continue to receive appropriate reports and recommendations from the Joint Committee for any key decisions or changes to how the partnership will operate.
- 3.3 Performance management information and updates on ARP will also be provided through the Portfolio Holder Briefing reports which are presented to Cabinet members monthly and also to each Council meeting. In addition, as part of the current Overview and Scrutiny work programme this area will be reviewed as part of the Annual Review/Quality Organisation meeting. If required, Overview and Scrutiny may also wish to invite ARP to a meeting as part of their future work programme.
- 3.4 To support the Joint Committee and members, a monthly Operational Improvement Board is in place. This board will support the Joint Committee, monitor the performance of ARP, review the budget and efficiencies being delivered and further develop ARP going forward.
- 3.5 It has been agreed that the Corporate Director and Chief Finance Officer will be Fenland District Council's representative on the ARP Operational Improvement Board.

4. SECTION 113 AGREEMENT

- 4.1 Prior to the ARP Joint Committee agreeing that Fenland District Council is to become a full partner, the Joint Committee agreed that Suffolk Coastal District Council and Waveney District Council would work in partnership with ARP with a shared management team, bailiff service and the development of shared support services. However, these two Councils would not be full partners.
- 4.2 In order to be consistent with the other full partners of ARP, Fenland District Council are asked to confirm that the ARP Joint Committee request that the Operational Improvement Board (through the delegated officer) negotiate and enter into a Section 113 agreement with the Councils so that officers can be shared across all authorities.
- 4.3 Section 113 of the Local Government Act 1972 enables Local Authorities to enter into an agreement as follows:

“a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.”

- 4.4 This delegation will bring Fenland District Council in line with the other main partners of ARP and should lead to further efficiencies being delivered for which all partners will benefit.

5. CONCLUSION

- 5.1 Since the Council's decision on 19th December 2013, the governance and delegation arrangements have been developed for all partners. On approving these, Fenland District Council will become a full partner of ARP from the 1st April 2014.

Appendix 1

Formal Resolutions of Fenland District Council with regard to the Council joining Anglia Revenues Partnership as a Full Partner

- (a) Together with Breckland District Council, Forest Heath District Council, St Edmundsbury Borough Council and East Cambridgeshire District Council it shall, pursuant to Section 101(5) of the Local Government Act 1972 and regulations made under Section 20 of the Local Government Act 2000 establish a Joint Committee to be called the Anglia Revenues Partnership 2014 Joint Committee with effect from one minute past midnight on 1st April 2014.
- (b) Pursuant to Section 101(5) of the Local Government Act 1972 to arrange for this Council's statutory functions in respect of the collection of Council Tax and non-domestic rates and the administration of housing and council tax benefits (associated and/or replacement benefits) to be discharged by the Anglia Revenues Partnership 2014 Joint Committee formed pursuant to resolution (a) above with effect from one minute past midnight on 1st April 2014.
- (c) It shall enter into an agreement with Breckland District Council, Forest Heath District Council, St Edmundsbury Borough Council and East Cambridgeshire District Council that give effect to these arrangements and that the Joint Committee terms of reference shall be updated accordingly.
- (d) In consultation with the Council's members of the ARP Joint Committee to authorise the Corporate Director and Chief Finance Officer to implement any consequential action which may arise in connection with this item.

Fenland District Council - Constitution

TABLE 4

**FUNCTIONS DELEGATED TO OFFICERS
(Chief Finance Officer delegations (Page F. 16 to F. 19) – delegations appropriate to
ARP, non-relevant have been removed from the list**

CHIEF FINANCE OFFICER

In relation to Council Tax, Non-Domestic Rates, Benefit Overpayment, Housing Benefit and Council Tax Support

13. To collect and recover Council Tax including determining the liability for the tax, benefits and discounts available. To enter into agreements regarding payment, to make any necessary adjustments to charges, to impose penalties, to request information and institute legal proceedings in the case of non-disclosure of information.
14. To administer the Housing Benefit and Council Tax Benefit scheme on behalf of the Council and to determine whether benefit payments should be made to a landlord.
15. To determine and administer applications under the Discretionary Housing Payment Scheme.
16. To authorise the prosecution for fraudulent claims for Housing and Council Tax Benefit and issue formal cautions and administrative penalties.
17. To appoint and authorised officers with powers to enter on to land and premises to secure the payment of sums due to the Council.
18. To recover debts due to the Council by civil action.
19. To institute, appear or authorise appropriate officers to appear on behalf of the Council in civil or criminal proceedings.
20. To write down debts in cases of bankruptcy/liquidation and to write off debts that are irrecoverable or uneconomic to recover up to the figures contained in the Financial Rules and Scheme of Financial Delegation in consultation with the Finance Portfolio Holder.
21. To appoint Bailiffs or refer debts to bailiff or debt collection agencies.
22. To determine whether benefit overpayments are recoverable.
25. To attend Valuation Tribunal hearings or to nominate an appropriate officer to present the Council's case.

In relation to Non-Domestic Rates.

29. To conduct the annual review of the Rural Settlement List.
30. To determine claims for relief

In relation to the billing, collection, recovery of the other income

33. To appoint debt recovery agents.

In relation to the administration of Housing and Council Tax Support

34. To determine claims, conduct reviews, administer discretionary housing payments, review decisions, issue formal cautions in administrative, initiate prosecutions and respond to appeals. To appear at Appeal Tribunal Hearings, to serve any relevant notices, to issue requests for rent or such determination and re-determinations.
35. To appoint authorised officers with powers to enter business premises, make enquiries and interview persons.
36. To determine whether benefit overpayments are recoverable and, if so, from whom.
37. To determine if benefit payments should be made to landlords.
39. To agree Service Level Agreements with benefit agency, rent officer and other external agencies.
40. To appoint and train officers to verify documents comply with the document verification framework and to represent the Council at liaison meetings and to enter into joint working arrangements with the benefit agency.