

Agenda Item No:	8	
Committee:	Council	
Date:	17 September 2015	
Report Title:	Shared Planning Partnership Democratic and Governance arrangements	

Cover sheet:

1 Purpose / Summary

- 1.1 For Council to approve the partnership democratic and governance arrangements for the Shared Planning Partnership between Fenland District Council and Peterborough City Council.

2 Key issues

- The Council agreed on the 23rd July 2015 that Fenland District Council would join a Shared Planning Service with Peterborough City Council and deliver estimated annual savings of £137k (£447k by the end of 2018/19).
- Council also agreed that a further report would be presented on the democratic and governance arrangements.
- The shared service will be based on the principles of sharing/merging management and staffing where appropriate and buying services off each other rather than a wholesale TUPE arrangement.
- Each Council will maintain its individual 'sovereignty' and will maintain individual Council Planning Committees.
- The Local Government Act 1972 enables local authorities to enter into such arrangements through a Section 113 agreement which enables local authorities to place officer/officers of one at the disposal of the other for the purposes of discharging the latter's functions. It is this arrangement the Councils will use to deliver the shared arrangement.
- A new baseline budget for each council will be set after the initial savings are delivered, which will then be monitored and reconciled as services are bought off each other and further savings and income generated.
- For democratic oversight of the partnership, the respective Portfolio Holders will meet quarterly with the two Lead Officers (for FDC, the Corporate Director responsible for planning) and the Shared Head of Planning to monitor performance and service delivery, oversight of the financial and savings delivery and directing the trading opportunities of the partnership. This group will be the Shared Planning Board.
- This board will agree performance indicators for the partnership to sit alongside the individual council performance indicators each Council has for their planning services.
- This report also sets out the governance of the partnership in relation to the length of the agreement, dispute resolution and exit arrangements.

3 Recommendations

Council are asked to:

- Note and the contents of the report, proposed governance arrangements and partnership agreement; and
- Approve:-
 - That Fenland District Council enter into a Section 113 (of the Local Government Act 1972) agreement to enable officers to be at the disposal of each authority to discharge their functions.
 - In consultation with the Portfolio Holder for Planning, delegate to the Corporate Director responsible for Planning and Monitoring Officer to finalise the agreements.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr John Clark, Leader of the Council Cllr Will Sutton, Portfolio Holder, Neighbourhood Planning Cllr Chris Seaton, Portfolio Holder, Finance
Report Originator(s)	Rob Bridge, Corporate Director and Chief Finance Officer Carol Pilson, Corporate Director and Monitoring Officer
Contact Officer(s)	Paul Medd, Chief Executive Rob Bridge, Corporate Director and Chief Finance Officer Carol Pilson, Corporate Director and Monitoring Officer Graham Nourse, Head of Planning Tom Lewis, Principal Solicitor and Deputy Monitoring Officer
Background Paper(s)	Shared Planning Proposal - Council 23rd July 2015

Report:

1 Background

- 1.1 The Council agreed on the 23rd July 2015 that Fenland District Council would join a Shared Planning Service with Peterborough City Council and deliver estimated annual savings of £137k (£447k by the end of 2018/19).
- 1.2 Council also agreed that a further report would be presented on the democratic and governance arrangements.
- 1.3 The shared service will be based on the principles of sharing/merging management and staffing where appropriate and buying services off each other rather than a wholesale TUPE arrangement.
- 1.4 Each Council will maintain its individual 'sovereignty' and will maintain individual Council Planning Committees.

2 Legislative framework

- 2.1 The legislation governing Local Government contains certain provisions/sections to facilitate such an arrangement and the sections relevant to this proposal are:
 - Sections 101 of the Local Government Act 1972, and Section 19 of the Local Government Act 2000 (Discharge of functions) outline that one or more local authorities engaging in collaboration or shared services arrangements may delegate one or more of their functions to:
 - another local authority (Section 101 (a) Local Government Act 1972);
 - the executive of another local authority (Section 19 and 20 Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000; or;
 - a joint committee (Section 101(b) Local Government Act 1972). 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.
 - 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.
- 2.2 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.”
- 2.3 For this arrangement it is recommended that both Councils enter into a Section 113 agreement.

3 Partnership agreement and governance

- 3.1 It is proposed that the following terms are incorporated into an agreed partnership agreement:
- The term of the arrangement will be open ended but will be reviewed regularly through the quarterly Shared Planning Board and yearly Overview and Scrutiny Panel review.
 - For dispute resolution, the Corporate Directors will attempt to resolve any disputes within the partnership. If unresolved, they will be referred to the Shared Planning Board and potential respective Council's Executives if required.
 - Both Councils must give 12 months' notice if they wish to dissolve the partnership.
 - A new baseline budget for each council will be set after the initial savings are delivered which will then be monitored and reconciled as services are bought off each other and further savings and income generated.
 - Future savings and costs will be shared on an equal and proportionate basis.
- 3.2 For democratic oversight of the partnership, the respective Portfolio Holders will meet quarterly with the two Lead Officers (for FDC, the Corporate Director responsible for planning) and the Shared Head of Planning to monitor performance and service delivery, oversight of the financial and savings delivery and directing the trading opportunities of the partnership. This group will be the Shared Planning Board.
- 3.3 This board will agree performance indicators for the partnership to sit alongside the individual council performance indicators each Council has for their planning services.
- 3.4 The two Corporate Directors will meet monthly with the Shared Head of Planning to support the Shared Planning Board and monitor monthly service and financial performance and develop trading business cases and options for consideration by the Board and Councils. Update will also be included where appropriate in the monthly portfolio holder reports.

4 Conclusions

- 4.1 Since the Council's decision on the 23rd July 2015, the governance and partnership arrangements have been developed for both partners.
- 4.2 The proposals in this report will enable both Councils to work in partnership to deliver the business case savings, deliver a shared service and enable the opportunity for income generation through a traded planning service.
- 4.3 This proposal is based on an equal shared service delivery model and will maintain the individual 'sovereignty' for both Councils.