

Council

South Northamptonshire Council and Cherwell District Council Joint Working – Variation to Section 113 Agreement

26 July 2011

Report of Interim Head of Legal and Democratic Services

PURPOSE OF REPORT

For Council to consider and approve the recommendation of the Joint Arrangements Steering Group that the section 113 agreement between this Council and South Northamptonshire District Council (SNC) relating to the shared senior management team be varied so that its core provisions can be applied to any other shared working arrangements that have been, or may in future be, agreed between the two Councils.

This report is public

Recommendations

Council is recommended:

- (1) To approve the completion of the appended Deed of Variation.

Executive Summary

- 1.1 In December 2010 Council approved the establishment of a shared senior management team with South Northamptonshire Council and the completion of the necessary agreement under section 113 of the Local Government Act 1972 to formalise the legal, financial and operational details to facilitate this process. A copy of the agreement was included as an appendix to the business case that was considered by Council at that meeting.
- 1.2 At the same meeting Council approved the establishment of a shared Building Control team with South Northamptonshire Council and a separate section 113 agreement was subsequently completed to formalise this arrangement.
- 1.3 While any further shared working with South Northamptonshire Council of a permanent nature would be subject to approval of an appropriate business case and the decision making processes of each Council it has to be acknowledged that such further working is likely to be considered in the future not least because the Council has made savings assumptions in its Medium Term Financial Plan that are dependent on this.

- 1.4 Accordingly the Joint Arrangements Steering Group (JASG) has recommended to both Councils that the section 113 agreement for the shared senior management team be varied so that its core provisions can be applied to any further instances shared working that may be approved. This avoids the need to complete a separate agreement, substantially repeating the provisions of the main agreement, in each case.
- 1.5 The proposed deed of variation is at Appendix 1. A similar report is being considered by South Northamptonshire Council at its full Council meeting on 27 July 2011 and Council will be updated of the outcome of this verbally.
- 1.6 The provisions of the main agreement referred to in sub-clause 2.4 of the deed of variation relate to:
- the relevant officer being able to operate under the constitution of the non employing Council's constitution for matters such as delegated powers;
 - the relevant officer being treated as being in the superannuable service of the employing Council throughout for pension purposes;
 - the rights in any intellectual property created by an officer while engaged on shared services being owned by the Councils jointly;
 - the imposition of mutual obligations on both Councils to keep and share relevant information in relation to the shared service;
 - mutual observance of each Council's health and safety requirements by officers engaged on shared services.
- 1.7 The provision referred to in sub clause 2.5 of the deed of variation relates to the obligation of the relevant officers to apportion their time equally between the two Councils. This will not always be appropriate depending on the subject service area so provision is made to enable the Councils to agree a different arrangement on a case by case basis.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendation is believed to be the best way forward

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| Option One | To agree the deed of variation |
| Option Two | Not to agree the deed of variation, this would have serious implications for joint working beyond the senior management team. |
| Option Three | To amend the deed of variation. This would require the Joint Arrangements Steering Group to reconsider any amendments prior to consideration by both councils. |

Consultations

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| Joint Arrangements Steering Group | The Joint Arrangements Steering Group considered and approved the variation at its meeting in May 2011. |
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Implications

- Financial:** There are no financial implications
Comments checked by Karen Curtin, Head of Finance 01295 221551, karen.curtin@cherwell-dc.gov.uk and Martin Henry, Head of Finance, Martin.Henry@SouthNorthants.gov.uk
- Legal:** There is a legal risk of challenge if the legal framework is not in place.
Comments checked by Nigel Bell, Monitoring Officer, 01295 221689, nigel.bell@cherwell-dc.gov.uk and Kevin Lane, Head of Corporate Services, 01327 322127, Kevin.Lane@SouthNorthants.gov.uk

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Section 113 Agreement dated 9 December 2010
Background Papers	
None	
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