

## **Divisions / Wards Affected - All**

### **COUNTY COUNCIL**

**19 July 2022**

## **Governance arrangements relating to termination of the Oxfordshire County Council – Cherwell District Council s.113 Agreement.**

### **Report of the Director of Law and Governance**

#### **RECOMMENDATION**

**1. Council is RECOMMENDED to:**

- a) Approve that the Joint Shared Services and Personnel Committee (JSSP) should be disbanded with effect from 31 August 2022
- b) Delegate to the Chief Executive powers to, operate, terminate, extend, or vary the new arrangements with Cherwell District Council
- c) Delegate to the Director of Law and Governance to make any resultant changes to the Council's Constitution to reflect the recommendations in this report

#### **Executive Summary**

2. In February 2022, Oxfordshire County Council and Cherwell District Council agreed to give notice to terminate the current s.113 partnership between the two Councils. In-line with this decision and associated delegations, subsequent detailed decisions have been made on the future of individual services by the Joint Shared Services and Personnel Committee (JSSP). As a result, the JSSP is no longer required.
3. This report recommends that the JSSP be disbanded with effect from 31 August 2022 and seeks delegation to the Chief Executive to terminate, extend or vary the new arrangements where these relate to Council as opposed to executive functions.

## Matters for consideration

4. In February 2022, Cherwell District Council and Oxfordshire County Council agreed to the required six months' notice for the termination of the s.113 agreement dated 31 August 2018 which governs joint working between the two councils.
5. In the decision to terminate the agreement, both councils agreed an ongoing role of the Joint Shared Services and Personnel Committee (JSSP) with revised terms of reference, to provide suitable oversight and decision-making concerning the termination of the agreement. A Joint Officer Transition Working Group (JOTWG) was established and a three-phase programme of due diligence and service reviews was undertaken, with the aim of keeping the best interests of residents at the centre of decision making.
6. This process has now concluded with the final JSSP held on 4 July 2022. The JSSP has decided for all affected services whether partnership arrangements should be decoupled or, where future partnership would be beneficial to both Councils, what the form of future partnership should be. Termination arrangements and the agreements of new forms of partnership were delegated to officers where relevant. A report on the transition arrangements is due for approval at Cabinet 22 July 2022.
7. In all but one case, future joint working proposals resulting in the termination of the current s113 agreement will be governed through provider / supplier relationships developed and established within the legal powers available to Local Authorities. For one service (Regulatory Services and Community Services) a new s113 agreement will be developed.
8. As future partnership arrangements are of significantly narrower scope and impact to the previous arrangements, the JSSP recommends to each Council that the JSSP should be disbanded with the future management of ongoing partnerships reverting to the respective Chief Executives.
9. This report therefore recommends that the Monitoring Officer makes the relevant amendments to the Constitution to reflect the JSSP being disbanded and the delegation of any necessary powers to the Interim Chief Executive.
10. While the confirmation of new provider / supplier relationships is an executive function, delegated according to value, variation of shared staffing arrangements is a non-executive function. A specific delegation to the Chief Executive is set out to at recommendation b) to establish the new arrangements and to operate them where they involve non-executive functions.

## Financial Implications

11. There are no direct financial implications of this report.

Comments checked by:

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## Legal Implications

12. To the extent that services are delivered under the revised partnership arrangements the Council has the relevant statutory powers to do so under either section 1 of the Local Authorities (Goods and Services) Act 1970 or section 9EA of the Local Government Act 2000. In each instance the public procurement regime will need consideration. The most likely route to being able to provide the Services between Oxfordshire County Council and Cherwell District Council without triggering the Public Contract Regulations 2015 (PCR 2015) is a shared service collaboration/co-operation arrangement under the Hamburg Waste exemption as codified in Regulation 12(7) of the PCR 2015.
13. This report seeks to establish and operate the new arrangements through delegation of powers to the Chief Executive rather than through the operation of a Joint Committee. This reflects the reduced scale of the ongoing arrangements and was considered by the JSSP to be a proportionate approach.

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