

## BABERGH DISTRICT COUNCIL

<b>TO:</b> Cabinet	<b>REPORT NUMBER:</b> <b>BCa/20/18</b>
<b>FROM:</b> Leader of the Council	<b>DATE OF MEETING:</b> 7 January 2021
<b>OFFICER:</b> Emily Yule – Monitoring Officer	<b>KEY DECISION REF NO.</b> CAB247

### **INTER AUTHORITY AGREEMENT BETWEEN BABERGH DISTRICT COUNCIL AND MID SUFFOLK DISTRICT COUNCIL**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to gain the Cabinets' approval of the revised Inter Authority Agreement at Appendix A.

#### **2. OPTIONS CONSIDERED**

- 2.1 Option 1 – do nothing

This option is not appropriate as the Inter Authority Agreement needs to be updated to reflect the changes that have occurred since the first agreement was signed in 2012.

- 2.2 Option 2 – Update the Inter Authority Agreement

This is the preferred option as the current agreement is fit for purpose and has operated effectively but needs some updating to reflect the current situation. This option provides continuity while bringing the agreement up to date.

- 2.3 Option 3 – Implement an alternative form of agreement

The form of Inter Authority Agreement the authorities already have in place, coupled with the s.113 agreement for the sharing of staff is the most appropriate vehicle for their shared working arrangements. An alternative form of agreement is not necessary.

#### **3. RECOMMENDATIONS**

- 3.1 That the revised Inter Authority Agreement be approved and that the Leader be authorised to sign the agreement on behalf of the Council.

#### **REASON FOR DECISION**

To ensure that appropriate and accurate governance is in place to facilitate the ongoing joint working between Babergh District Council and Mid Suffolk District Council.

## 4. KEY INFORMATION

- 4.1 In January 2012 Babergh District Council and Mid Suffolk District Council entered into an Inter Authority Agreement (hereafter “the first agreement”) to create a shared working partnership between the two authorities and a single joint workforce, under s.113 of the Local Government Act 1972. The first agreement was principally concerned with creating a framework for the integration of the councils and putting in place arrangements for managing and monitoring the transition.
- 4.2 Nine years on, the first agreement requires revision to reflect the current form of the Councils and to change the emphasis from transition to the ongoing joint working of the authorities. Since 2012, the Councils have changed their governance model – adopting the Leader-Cabinet form of governance in 2017 – and have undergone an Electoral Review which resulted in a reduction in the number of Councillors at both Councils. Furthermore, since 2012 the Councils have endeavoured to achieve alignment in all major policies, strategic plans and in the Constitutions. A few areas of difference remain reflecting each Council’s sovereignty.
- 4.3 The revised Inter Authority Agreement contains the following key amendments:
- Removal of references to the Joint Member Integration Board and replace with Cabinet,
  - Insertion of General Data Protection Regulation / Data Protection Act 2018 provisions,
  - Updated preamble,
  - Provision for the 1st agreement to terminate at the commencement of the revised agreement,
  - Requirement for annual review to be undertaken by the statutory officers (Head of Paid Service, s.151 Officer and Monitoring Officer) and any amendments to be agreed by the Cabinets,
  - Requirement for the share of costs between the Councils to be reviewed and agreed by the s.151 Officer in consultation with Cabinet Members for Finance and the Leaders,
  - Replacement of provisions for integration of staff and transition arrangements with details of the s.113 agreement for single workforce,
  - Insertion of provisions for aligned and simultaneous Cabinet meetings,
  - Removal of transition costs and premises clauses,
  - Insertion of clause on enquiries, hearings, proceedings and investigations.
- 4.4 This revised Inter Authority Agreement, therefore, makes no fundamental change to the principles of shared working agreed by the Councils in 2012. However, this revised version makes important adjustments to bring the agreement up to date in terms of new legislation, the revised governance of the Councils and to reflect the ongoing successful joint working of the authorities.

## **5. LINKS TO CORPORATE PLAN**

5.1 The ongoing shared working between the authorities supports the delivery of the Joint Strategic Plan and the Corporate Priorities.

## **6. FINANCIAL IMPLICATIONS**

6.1 The Inter Authority Agreement is design to ensure that each Council only bears the financial burden relevant to work delivered in its district; so that, as required by law, there is no cross subsidy of services from Babergh to Mid Suffolk or vice versa.

6.2 The reconciliation of such costs of services will be carried out each year in accordance with Clause 6 of the Agreement. There are therefore no direct financial implications of adopting the updated Inter Authority Agreement.

## **7. LEGAL IMPLICATIONS**

7.1 The Councils have a formal agreement under s.113 Local Government Act 1972 to make their workforces available to one another and to adopt harmonised terms and conditions. This Inter Authority Agreement further reinforces the shared operating arrangements between the two Councils and updates the provisions to address current legislation.

## **8. RISK MANAGEMENT**

8.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
That either Council is subject to legal challenge due to not having appropriate shared working arrangements in place.	1 – Unlikely	3 – Bad	Revise the Inter Authority Agreement and review annually thereafter.  Any recommended changes to the terms of the Agreement shall only be made by both Local Authority Cabinets and shall be recorded in writing and signed by both Leaders of the Local Authorities.

## **9. CONSULTATIONS**

9.1 No formal consultation is required for the purposes of this report.

## **10. EQUALITY ANALYSIS**

10.1 An equality impact assessment is not required for the purposes of this report.

**11. ENVIRONMENTAL IMPLICATIONS**

11.1 There are no environmental implications arising from this report.

**12. APPENDICES**

Title	Location
(a) Revised Inter Authority Agreement	Attached
(b) First Inter Authority Agreement	Attached

**13. BACKGROUND DOCUMENTS**

13.1 None