

BABERGH DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: BCa/23/16
FROM: Councillor John Ward, Cabinet Member for Finance	DATE OF MEETING: 3 October 2023
OFFICER: Melissa Evans, Director Corporate Resources	KEY DECISION REF NO. CAB446

VARIATION OF AGREEMENT OF THE SHARED REVENUE PARTNERSHIP

1. PURPOSE OF REPORT

- 1.1 For Cabinet to authorise the Director of Corporate Resources to enter into a Deed of Variation to vary the existing terms of the Shared Revenues Partnership Agreement dated 7 January 2011 with Ipswich Borough Council and Mid Suffolk District Council.

2. OPTIONS CONSIDERED

- 2.1 The recommended option is set out in the Recommendations. There are no other available options.

3. RECOMMENDATIONS

- 3.1 That Cabinet authorises the Director of Corporate Resources in consultation with the Cabinet Member for Finance to enter into the Deed of Variation at Appendix A to the report.

REASON FOR DECISION

To enable changes to be made to the Partnership Agreement dated 7 January 2011 to ensure the continued effective operation of the Joint Committee

4. KEY INFORMATION

- 4.1 A review of the Partnership Agreement has been carried out and at Appendix A is a proposed Deed of Variation to vary the Partnership Agreement. The proposed Deed was considered by the Joint Committee at its meeting on 6 September 2023 and it agreed to recommend to the Executive and Cabinet committees of the respective partner councils that the proposed Deed of Variation was entered into by the Partners.

5. BACKGROUND

- 5.1 The Partner Councils formed a Joint Committee known as the Shared Revenues Partnership by an Agreement dated 7 January 2011. The Joint Committee commenced on the 1 April 2011 and has been in place since this date.
- 5.2 The Partnership Agreement allows for variation of the agreement by way of Deed of Variation.
- 5.3 A Deed of Variation was entered into by the Partner Councils on 5 March 2015 which varied the original agreement to provide that the office of Chair was to be held by an appointee of

one of the Partner Councils and removed the requirement for this to be in rotation and restricted to two years.

5.4 The proposed amendments can be summarised as:

- General housekeeping and updating of the Agreement to reflect changes that have taken place.
- Inclusion of call-in procedures
- Inclusion of Scheme of Delegations

5.5 To assist Cabinet, attached at Appendix B is a copy of the Partnership Agreement showing the proposed amendments.

6. LINKS TO CORPORATE PLAN

6.1 Ensuring that the Council makes best use of its resources is what underpins the ability to achieve the priorities set out in the Corporate Plan. The Partnership arrangement with Ipswich Borough Council delivers an efficient and effective service to our residents and Businesses.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications in relation to the Joint Committee arising from this report.

8. LEGAL IMPLICATIONS

8.1 Under Section 101 of the Local Government Act 1972 Local Authorities may arrange for the discharge of their functions by a Joint Committee comprising Members of their Authorities.

8.2 The Partner Councils agreed to establish a Joint Committee known as the Shared Revenues Partnership Committee and entered into an Agreement dated 7 January 2011 (the Agreement). The Joint Committee commenced on 1 April 2011.

8.3 By a Deed of Variation dated 5 March 2015 the Partner Councils agreed to vary the Agreement so that it provided for the office of Chair (otherwise than to fill a casual vacancy) be held by an appointee of one of the Partner Councils together with the removal of the requirement for this to be in rotation and the period of office be restricted to two years.

8.4 The Joint Committee was established pursuant to section 102 of the Local Government Act 1972 and made pursuant to sections 101, 102, 103 and 111 of the Local Government Act 1972, section 20 of the Local Government Act 2000 and regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

8.5 By paragraph 18 of the Agreement the Partner Councils agreed to review the operation of the Agreement from time to time and for the Joint Committee to make proposals to the Partner Councils for any changes.

8.6 Paragraph 18 of the Agreement further provides that where changes are agreed a Deed of Variation shall be entered into by the Partner Councils.

8.7 The Joint Committee has recommended that the Deed of Variation at Appendix A is entered into by the Council.

9. RISK MANAGEMENT

9.1 There are no risks linked to the significant risk register or operational risk register.

10. CONSULTATIONS

10.1 The Joint Committee was consulted on the proposed Deed of Variation at its meeting on 6 September 2023 and recommended the adoption of the Deed of Variation.

11. EQUALITY ANALYSIS

11.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

11.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

11.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the keyways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.

11.4 There are no implications arising from this report.

12. ENVIRONMENTAL IMPLICATIONS

12.1 The Council has declared a climate change emergency and **is committed to be** carbon neutral by 2030. All Council decisions should take into account and respond to the potential impact that they will have on the climate and wider environment.

12.2 There are no environmental or climate change implications arising from this report.

13. APPENDICES

Title	Location
Draft Deed of Variation	Appendix A
Existing Partnership Agreement dated 7 January 2011 showing proposed variations	Appendix B
New Schedule 4 Delegations to Officers by the Joint Committee	Appendix C