

Canterbury City Council
Thanet District Council
Dover District Council

Agenda

East Kent Services Committee

Wednesday

16 December 2020

at 8.30 am

Online only

This meeting can be viewed live on the internet at the following link:

[youtube.com/c/canterburycc](https://www.youtube.com/c/canterburycc)

Membership of the East Kent Services Committee

Councillor Bartlett
Councillor Carnac
Councillor Everitt
Councillor Fitter-Harding
Cllr Holloway
Councillor Whitehead

Quorum: 3 councillors, at least one from each council

NOTES

1. In response to COVID-19, the Government has legislated to permit remote attendance by councillors at formal meetings. This is conditional on other councillors and the public having access to the meeting through remote means. Therefore, this meeting will be streamed live and can be watched via the link on the council's website and on the front of this agenda
2. Please be aware that you may be filmed or recorded when participating in a council meeting and that attendance, or submission of a pre-recorded statement, at the meeting signifies your agreement to this if it occurs.
3. You are also reminded that the laws of defamation apply and all participants whether speaking, filming or recording are reminded that respect should be shown to all those included in the democratic process.

If a meeting passes a motion to exclude the press and public then the live stream will be stopped.

The information contained within this agenda is available in other formats, including Braille, large print, audio cassettes and other languages.

Contact democratic services on, 01227 862009 or email democracy@canterbury.gov.uk

1. APOLOGIES FOR ABSENCE

Councillor Whitehead (TDC)

2. SUBSTITUTE MEMBERS

The Chair to report any notifications received prior to this meeting regarding the attendance of substitutes..

3. APPOINTMENT OF CHAIR AND VICE-CHAIR FOR 2020/21

Under the operating arrangements, the Chair for the municipal year 2020/21 will be a representative of Thanet District Council, and the Vice-Chair will be a representative of Dover District Council.

4. DECLARATION OF ANY INTERESTS

To receive any declarations of interest.

5. MINUTES OF THE PREVIOUS MEETING

5 - 6

To confirm as a true record.

6. EAST KENT HUMAN RESOURCES CONTRACT WITH THE MARLOWE THEATRE TRUST

7 - 9

TO CONSIDER the report of the Head of East Kent Human Resources.

7. EAST KENT HUMAN RESOURCES PROVISION FOR THE CANTERBURY ENVIRONMENT COMPANY

10 - 12

TO CONSIDER the report of Head Legal Services (CCC).

(Please also note the information exempt from publication contained toward the end of this agenda).

8. ANY OTHER URGENT BUSINESS TO BE DEALT WITH IN PUBLIC

9. EXCLUSION OF THE PRESS AND PUBLIC

TO RESOLVE – That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

10. INFORMATION EXEMPT FROM PUBLICATION: EAST KENT HUMAN RESOURCES PROVISION FOR THE CANTERBURY ENVIRONMENT COMPANY

To note the information contained in this annex when considering the report listed in the public part of the agenda.

The appendix will follow as an agenda supplement.

(This information is exempt from publication as it relates to the financial affairs of the council. This means paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1927 applies as does paragraph 2 of section 43 of the Freedom of Information Act 2000. The Council believes that at present the benefit of maintaining these exemptions outweighs the benefits of disclosing the information.)

11. ANY OTHER BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH

CANTERBURY CITY COUNCIL

EAST KENT SERVICES COMMITTEE

**Minutes of a meeting held on Wednesday, 6th May, 2020
at 4.00 pm in Online only**

Present: Councillor R Thomas (Chairman) – Canterbury City Council
Councillor Bartlett
Councillor Everitt
Councillor Holloway
Councillor R Thomas
Councillor Todd
Councillor Whitehead – Thanet District Council

Officers: Matthew Archer - Head of Corporate Governance
Nadeem Aziz - Chief Executive
Steven Boyle - Head of Legal Services
Colin Carmichael - Chief Executive
Mike Davis - Director of Finance (DDC)
Andrea James - Governance Officer
Madeline Homer - Chief Executive
Tim Howes - Director of Corporate Governance
(Thanet District Council)
Josie Newman - Democratic Services Manager
Maria Short - Democratic Services Officer

1 **Apologies for absence**

The Chairman explained that Councillor Holloway, not Councillor Chandler (as listed in the agenda), was the Dover District Council seconded representative.

2 **Substitute Members**

There were no substitute members for the meeting.

3 **Minutes of the previous meeting**

The minutes of the previous meeting were agreed as a true record.

4 **Declaration of any interests**

There were no declarations of interest made.

5 **Any other urgent business to be dealt with in public**

There was no other urgent business to be dealt with in public.

6 **Exclusion of the press and public**

7 **Appointment relating to East Kent Services - Interim Head of Shared Services**

The Director of Corporate Governance from Thanet District Council introduced the report detailing the need to appoint an interim Head of Shared Services and Head of Collaborative Services.

The Committee requested that if the permanent position hadn't been appointed within 12 months, the matter should be referred back to the East Kent Services Committee. Officers agreed to the amendment and the proposal was made and seconded.

RESOLVED – That Estelle Culligan be appointed as the interim Head of Shared Services and Interim Head of Collaborative Services until a permanent appointment to the role has been made and that if the permanent appointment has not been made within 12 months that the matter be referred back to the East Kent Services Committee.

A record of the vote was taken as follows:

For the proposal: Councillors Bartlett, Everitt, Holloway, R Thomas, Todd and Whitehead (6)

Against the proposal: None

Abstained from voting: None

8 **Any other business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both**

There was no other business which fell under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both.

There being no other business the meeting closed at 4.13 pm

EAST KENT SERVICES COMMITTEE

16 December 2020

Subject: **Provision of HR services to the Marlowe Theatre Trust**

Director/Head of Service: Julia Crawford (Head of EKHR)

Decision Issues: These matters are within the authority of the committee

Classification: This report is open to the public

Summary: *The report seeks authority from the Committee for Dover District Council (DDC) to enter into a contract for the provision of HR services by EKHR to the Marlowe Theatre Trust.*

To Resolve

- 1 That DDC (employing Authority for EKHR) enters into a contract with the Marlowe Trust to provide HR services via EKHR.**
- 2 That the terms are approved by the Interim Head of Shared Services in consultation with the Head of EKHR and DDC**
- 3 That the Solicitor to the Council at DDC, on behalf of DDC, is authorised to sign the contract.**

Next stage in process: To enter into the legally binding contract with the Marlowe Theatre Trust for the delivery of HR services.

SUPPORTING INFORMATION

1. Introduction

Since Canterbury City Council established the Marlowe Theatre as an independent Trust in 2018 EKHR have been providing HR services to the Trust.

The current arrangement, a Side Letter between the Marlowe Trust and Canterbury City Council for the provision of back office services expires on 30 November 2020.

The purpose of this report is to recommend that DDC enters into a contract for services with the Marlowe Theatre Trust for a one year period (with a provision for extension) commencing on 1st December 2020.

2. Detail

Agenda Item 6

The current governance structure for the delivery of the East Kent Services arrangements was agreed by the East Kent Services Committee (EKSC) on 11 February 2015.

The effect of these arrangements is to delegate the HR functions of the three councils to the East Kent Services Committee.

Consequent upon the transfer of the Marlowe Theatre undertaking from Canterbury City Council to the Marlowe Theatre Trust, on 5 December 2018 the EKSC resolved that Canterbury City Council enter into a legally binding side letter in order for the Marlowe Trust to receive HR and ICT services, such services to be delivered by East Kent Services and East Kent Human Resources respectively.

The Marlowe Trust have requested EKHR to continue to provide HR services and would like to enter into a contract of one year duration. It is hoped that this arrangement will be extended after one year.

Continuing to provide HR services to the Marlowe Trust will enable continuity of service to the Trust, provide revenue to contribute to the costs of maintaining the HR service and prevent EKHR from making redundancies resultant from the loss of this work.

Legal gateway

Section 1 Localism Act 2011 confers upon local authorities the power to do anything that individuals general may do (the so called 'general power of competence') Section 93 of the Local Government Act 2003 provides power for authorities to charge for discretionary services, on a cost recovery basis, which the authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. Taken together these provisions provide the legal basis for entering into the proposed arrangements.

Decision making

The East Kent Services Committee is being asked to approve the principle of continuing to provide services to the Marlowe Theatre Trust. The final detail of the contractual arrangements is still being finalised. Authority is therefore sought for the Head of Collaborative Services to approve the terms of the contract under which the services will be provided.

3. Relevant Council Policy/Strategies/Budgetary Documents

None

4. Consultation planned or undertaken

None

5. Options available with reasons for suitability

Option 1 - To agree that EKHR provide HR services to the Marlowe Trust for a one year period with the option to extend for a further period after that year. This is recommended for the reasons set out in the report.

Option 2 - To reject the proposal, which would mean that the Marlowe Trust would have to source HR services from an alternative provider with a consequent impact on the revenue available to run the joint HR services for the councils. This is not recommended.

6. Reasons for supporting option recommended, with risk assessment

Option 1 is recommended because it provides business continuity for the Marlowe Trust. It also provides a revenue contribution to the costs of maintaining the HR service and prevents redundancies from EKHR.

7. Implications

- (a) Financial Implications – the arrangement will provide a revenue contribution to the costs of maintaining the HR service.
- (b) Legal Implications - as described
- (c) Equalities - none

Contact Officer: Charlie Greenway
Job Title HR Manager
Telephone: 07528 360 990

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EAST KENT SERVICES COMMITTEE

16 December 2020

Subject: **Provision HR services to the Canterbury Environment Company**

Director/Head of Service: Head of Legal Services

Decision Issues: These matters are within the authority of the committee

Classification: This report includes an annex containing information exempt from publication and may be discussed without the press and public present.

Reason: Local Government Act 1972, schedule 12a, part 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

Summary: *The report seeks authority from the committee to enter into an agreement with Canterbury Environment Company Limited for the provision of HR services from East Kent Human Resources.*

To Resolve **That Canterbury City Council enter into a legally binding side letter in order for Canterbury Environment Company Limited to receive Human Resources, payroll and Occupational Health services to be delivered by East Kent Human Resources**

Next stage in process: To enter into the legally binding side letter with Canterbury Environment Company Limited for the delivery of Human Resources, payroll and Occupational Health services.

SUPPORTING INFORMATION

1. Introduction

In 2019, Canterbury City Council agreed to establish a Council owned Trading Company, Canterbury Environment Company Limited (the 'Company') to manage its waste collection and street cleansing services from 1 February 2021 when the current contract with Serco expires. The Company is wholly owned by Canterbury City Council.

Since the decision, detailed preparations have been undertaken to put in place appropriate governance arrangements to support the transfer.

The purpose of this report is to recommend that the East Kent Human Resources provides services to support Canterbury Environment Company from 1 February 2021 for a period of 14 months to 31 March 2022.

2. Detail

Rationale for Proposed Arrangements

The transfer of the management of waste collection and street cleansing services from Serco to the Canterbury Environment Company Limited will see local managers, crews, supervisors and administrative staff TUPE to the new organisation. However, back office arrangements which would normally be provided centrally by Serco will need separate arrangements to be put in place. In some cases, such as for Finance and Health and Safety, new posts are being created for day one of the operation. For HR services such as advice, administrative support (with recruitment, contracts, changes to employment, maternity, paternity leave, etc) and the Payroll service separate arrangements need to be put in place.

Following discussions with East Kent HR a schedule of support and associate costs to be paid by Canterbury Environment Company Limited has been agreed for a period of 14 months commencing 1 February. This period will minimise any disruption to HR services during the transfer period and allow the Director of Canterbury Environment Company to consider the most appropriate arrangements for HR support longer term.

The schedule of support is appended to the side letter in **Appendix 1**.

East Kent Service Committee Role

The governance structure provides for the delivery of the East Kent Services arrangements by the East Kent Services Committee (EKSC) with effect from 11 February 2015.

The effect of these changes was to delegate the HR functions to the East Kent Services Committee and for the districts to surrender their sovereignty of those functions.

The report described the nature of the functions to be delivered to the three authorities. Delegation for the management of the function is currently assigned to the Head of Shared Services and Head of Collaborative Services, confirmed in a report to the EKSC on 11 April 2018. The role is currently held by Estelle Culligan, who was appointed to both roles on an interim basis by the EKSC on 26 May 2020 for a period of 12 months.

Legal

gateway

Section 93 of the Local Government Act 2003 provides power for authorities to charge for discretionary services, on a cost recovery basis, which the authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision.

Decision

making

The Side Letter between Canterbury Environment Company Limited and Canterbury City Council for the provision of HR support is described in the letter appended to this

report. It also describes the data protection and information governance arrangements and the responsibilities placed upon both parties. Because of the nature of the shared service relationship and with Dover being the host for the HR services Dover is referred to within the Side Letter, hence the need for committee approval.

On the basis of the Side Letter set out in Appendix 1, approval is sought to permit East Kent HR functions to deliver back office services to Canterbury Environment Company Limited.

3. Relevant Council Policy/Strategies/Budgetary Documents

None

4. Consultation planned or undertaken

None

5. Options available with reasons for suitability

Option 1 - To agree that East Kent HR to support Canterbury Environment Company Limited for a 14 month period. This is recommended for the reasons set out in the report.

Option 2 - To reject the proposal, which would mean that Canterbury Environment Company Limited would have to source HR support from a third party or recruit to a newly created post. This is not recommended.

6. Reasons for supporting option recommended, with risk assessment

Option 1 is recommended because it provides a cost effective solution for the district partners and allows Canterbury Environment Company Limited to deliver the services from day one without having to procure a new back office service at the same time.

7. Implications

- (a) Financial Implications - none
- (b) Legal Implications - as described
- (c) Equalities - none

Contact Officer: Steven Boyle
Job Title Head of Legal Services

Annex containing information exempt from publication

Appendix 1 - Letter and agreement [TO FOLLOW]

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