

Canterbury City Council
Thanet District Council
Dover District Council

Agenda

East Kent Services Committee

Wednesday

27 January 2021

at 9.00 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 Everitt (Chair)
Bartlett (Vice Chair)
Councillor Carnac
Councillor Fitter-Harding
Councillor Holloway
Councillor Whitehead

Quorum: 3 councillors

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 recording 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.
4. If they inform Democratic Services no later than 5pm two working days before the meeting the public may submit a pre-recorded statement to be watched by the committee. To find out more please visit [this page](#) on our website. No special equipment is required and the democratic services team can help you with the recording.
5. If a meeting passes a motion to exclude the press and public then the live stream will be stopped.
6. The information contained within this agenda is available in other formats, including Braille, large print, audio cassettes and other languages.

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Agenda

Page (s)

1 Apologies for absence

To receive any apologies for absence.

2 Substitute Members

The Chairman to report any notifications received prior to this meeting regarding the attendance of substitutes for the named Members of this committee.

3 Minutes of the previous meeting

5 - 7

To confirm as a true record.

4 Declaration of any interests

To receive any declarations of interest.

5 Provision Back Office Services to the Canterbury Environment Company

8 - 10

TO CONSIDER the report of the Head of Legal Services.

6 Any other urgent business to be dealt with in public

7 Exclusion of the press and public

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

8 Provision Back Office Services to the Canterbury Environment Company - Annexe exempt from publication

(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.)

TO CONSIDER the report of the Head of Legal.

[Annexe to follow]

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

It may be necessary to exclude the press or public for this item.

CANTERBURY CITY COUNCIL

EAST KENT SERVICES COMMITTEE

Minutes of a meeting held on Wednesday, 16th December, 2020
at 8.30 am in online only

Present:

Councillor Bartlett
Councillor Carnac
Councillor Everitt

Officers:

Madeline Homer	- Chief Executive
Nadeem Aziz	- Chief Executive
Steven Boyle	- Head of Legal Services
Charlie Greenway	- Business Change Manager
Michaela Hupe	- Principal Solicitor - Contract and Procurement
Josie Newman	- Democratic Services Manager
Maria Short	- Democratic Services Officer

410 Apologies for absence

Apologies for absence had been received from Councillors Fitter-Harding, Holloway and Whitehead.

411 Substitute Members

There were no substitute members for the meeting.

412 Appointment of Chair and Vice-chair for 2020/21

RESOLVED: That Councillor Everitt be elected Chair of the committee for the year 2020/21.

RESOLVED: That Councillor Bartlett be elected Vice-Chair of the committee for the year 2020/21.

413 Declaration of any interests

There were no declarations of interest made.

414 Minutes of the previous meeting

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

415 **East Kent Human Resources Contract with the Marlowe Theatre Trust**

Members discussed the report which sought 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.

The recommendations in the report were proposed and seconded and when put to a vote AGREED.

RESOLVED:

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.

Reason for decision: The acceptance of the proposal 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.

A record of the vote was taken as follows:

For the proposal: Councillors Bartlett, Carnac and Everitt (3)

Against the proposal: None

Abstained from voting: None

416 **East Kent Human Resources provision for the Canterbury Environment Company**

Members discussed the report which sought 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 from 1 February 2021 for a period of 14 months to 31 March 2022.

The recommendation in the report was proposed and seconded and when put to a vote AGREED.

RESOLVED: 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.

Reason for decision: The proposal would provide 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.

A record of the vote was taken as follows:

For the proposal: Councillors Bartlett, Carnac and Everitt (3)

Against the proposal: None

Abstained from voting: None

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

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

418 **Exclusion of the press and public**

419 **Information exempt from publication: East Kent Human Resources provision for the Canterbury Environment Company**

The information exempt from publication was not discussed.

420 **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 8.39 am

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EAST KENT SERVICES COMMITTEE

27 January 2021

Subject: **Provision Back Office 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 Back Office Services from East Kent Services (ICT)*

To Resolve **That Canterbury City Council enter into a legally binding side letter in order for Canterbury Environment Company Limited to receive Back Office Services to be delivered by East Kent Services (ICT)**

Next stage in process: To enter into the legally binding side letter with Canterbury Environment Company Limited for the delivery of Back Office Services.

SUPPORTING INFORMATION

1. Introduction

In 2019, Canterbury City Council agreed to establish a Council owned Trading Company. It has since created the 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 Services (ICT) provides services to support Canterbury Environment Company from 1 February 2021. This

arrangement will be in place for a period of 8-years, the same term as Canterbury City Council's contract with Canterbury Environment Company.

2. Detail

Rationale for Proposed Arrangements

It is proposed that East Kent Services (ICT) will transmit payment files to the bank for payments to CEC staff and suppliers, using existing systems. They currently provide the same service for CCC payments to suppliers, so this arrangement would allow us to use an efficient established process, without incurring extra costs in purchasing a similar system specifically for the CEC. This proposal therefore achieves the most efficient process, at the least cost.

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 ICT 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 Back Office 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 Thanet being the host for the East Kent Services (ICT) services Thanet 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 Services (ICT) 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 Services (ICT) to support Canterbury Environment Company Limited. 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 this support from a third party. For the sake of expediency and convenience 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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