

EAST KENT SERVICES COMMITTEE

5 December 2018

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

Director/Head of Service: Chief Executive, Canterbury City Council

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 the Marlowe Theatre Trust for the provision of ICT and HR services from East Kent Services.*

To Resolve **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**

Next stage in process: To enter into the legally binding side letter with the Marlowe Trust for the delivery of back office services (HR and ICT).

SUPPORTING INFORMATION

1. Introduction

In 2017, Canterbury City Council agreed in principle to establish an independent Trust to manage the Marlowe Theatre. Since then detailed preparations have been undertaken to put in place appropriate governance arrangements to support the transfer. This work has now reached a satisfactory conclusion meaning that the transfer to Trust status is imminent.

The purpose of this report is to recommend that the East Kent ICT and HR services continue to support the Marlowe Trust for a two year period commencing on 1st December 2018.

2. **Detail**

The 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 changes was to delegate the HR and 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, confirmed in a report to the EKSC on 11 April 2018.

By continuing to support the Marlowe Trust, the costs associated with the management of the ICT and HR functions will remain at existing levels for the duration of the two year period of the side letter. Under the proposals, the management fee payable by Dover and Thanet will not change.

They also have the added benefit of providing the Marlowe Trust with a period of continuity, with certainty of costs, whilst it establishes itself as an Independent Trust.

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 the Marlowe Trust and Canterbury City Council for the provision of back office services 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, the three districts (Canterbury, Dover and Thanet) are 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 ICT and HR functions to deliver back office services to the Marlowe Trust.

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 provide HR and ICT support to the Marlowe Trust for a two year period. 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 ICT and HR support from a third party. 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 business continuity for the Marlowe Trust and East Kent Services.

7. **Implications**

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

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Annex containing information exempt from publication

Appendix 1 - Letter and Agreement [TO FOLLOW]