

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

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

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