

PARTNERSHIP WORKING BETWEEN DARTFORD BOROUGH COUNCIL (DBC) AND SEVENOAKS DISTRICT COUNCIL (SDC) IN RELATION TO ENVIRONMENTAL HEALTH SERVICES

Report of the: Deputy Chief Executive & Director of Corporate Resources

Status: For Decision

Key Decision: Yes

Executive Summary: To agree the scheme of delegations in relation to the joint working arrangements between Sevenoaks District Council and Dartford Borough Council in relation to Environmental Health Services.

This report supports the Key Aim of Effective Management of Council Resources

Portfolio Holder Cllr. Mrs. Bracken

Head of Service Head of Legal and Democratic Services, Christine Nuttall
Head of Environmental and Operational Services, Richard Wilson

Recommendation to Cabinet and Council : It be RESOLVED that:

Cabinet agrees and recommends to Council:

- (a) that Cabinet (in relation to executive functions) and Council (in relation to council functions) authorises the Managing Director being the Head of Paid Service at DBC to exercise the powers and functions as set out in the Appendix to this report and the necessary amendments to the Constitution.
 - (b) that Cabinet (in relation to executive functions) and Council (in relation to council functions) amend its Scheme of Delegation so as to authorise the Chief Executive being the Head of Paid Service at SDC to exercise the powers and functions delegated by DBC as set out in the Appendix to this report and the necessary amendments to the Constitution.
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Reason for recommendation: To put in place the necessary Partnership Working delegations to protect the legal position of both Councils.

Introduction

- 1 It was agreed by Cabinet on the 13th October 2011 that the proposed operating model for the joint provision of Environmental Health Services with Dartford Borough Council be approved. Matters were also presented to Council on the 29th November 2011.

- 2 The Local Government Act 1972 (s.113) allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority, subject to consultation with the staff although staff consent is not required.
- 3 Staff who are made available under such an arrangement are then treated as officers of the other authority for the purposes of their functions, although they remain an employee of their original authority for employment and superannuation purposes.

Delegations

4. The Local Government Act 1972 s.101 provides a local authority with the power to make arrangements for the discharge of its functions by a committee, sub-committee or officer of the local authority or by another local authority. When an executive function is involved the relevant powers are in section 19 and 20 of the Local Government Act 2000.
5. It is necessary for the Councils to delegate and empower each other to discharge certain Agreed Functions via its Heads of Paid Service and these are to be set out within the Partnership Working Arrangements.
6. As the functions will involve both executive and non-executive functions the arrangements need to be approved by both Cabinet and Council, with Council approving the necessary changes to the Constitutional scheme of Delegation as set out within the Appendix to this report.
7. Such arrangements do not prevent each authority making the delegation from exercising the functions itself.

Key Implications

Financial

8. The financial implications and saving of the Environmental Health Service joint working arrangements was set out in the Report to Cabinet on the 13th October 2011 and the Report to Council on the 29th November 2011.

Community Impact and Outcomes

- 9 Achieving significant savings whilst protecting service standards will be a clear benefit to residents of Dartford and Sevenoaks.

Legal, Human Rights etc.

- 10 Delegation of functions need to be put in place in order to delegate the responsibility for the day to day operation of the shared services to the Heads of Paid Service. However, Council will still retain the responsibility for employing their own staff within the service.

Equality

- 11 There are no specific activities covered in this report that would need a Equalities Impact Assessment.

Conclusions

- 12 Amending the Scheme of Delegations will facilitate the instances of increased collaboration allowing the Head of Paid Service of each Council to undertake particular functions of the shared service and to sub delegate such functions to other officers including officers placed at the Councils' disposal, as if that officer were an officer employed directly by the Council.

Risk Assessment Statement

- 13 The risks to the delivery of the joint working arrangements were separately assessed within the Business Case presented to Cabinet on the 13th October 2011.

Appendices: Appendix A: Amendments to the Constitution

Background Papers: Reports to Cabinet 13th October 2011 and Council on the 29th November 2011.

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