

Recommendations of the Anglia Revenues and Benefits Partnership Joint Committee: 17 December 2019 - Review of the Anglia Revenues Partnership Constitution

Report No:	CAB/WS/20/003	
Report to and date:	Cabinet	14 January 2020
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Decisions Plan: The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.

Wards impacted: All wards

Recommendations:	<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. the revised Partnership Agreement attached as Appendix 1 to Report No: CAB/WS/20/003, be approved to have effect from 1 April 2019; and 2. subject to approval by each partner authority, the revised agreement be signed and sealed by the Council (and each other partner authority).
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1. Introduction

- 1.1 On 4 December 2018, the Anglia Revenues and Benefits Joint Committee considered an initial report to consider revisions to its Anglia Revenue Partnership (ARP) Agreement.
- 1.2 On 17 December 2019, the Joint Committee considered a report, the majority of which is reproduced below, which proposes the revision of that Agreement, as contained in Appendix 1 attached. The revision to the terms of reference have been produced by the Operational Improvement Board (OIB) as previously discussed by the Joint Committee, which were as a result of the creation of the new councils in East and West Suffolk. The Joint Committee has recommended to all the partner authorities, approval of the revised Partnership Agreement.

2. Statutory Arrangements

- 2.1 Seven councils formed a joint committee pursuant to Section 101 (5) and Section 102 of the Local Government Act 1972 and Section 20 of the Local Government Act 2000 for the purpose of jointly managing the administration and performance of their respective statutory functions. These functions are the collection of council tax and non-domestic rates and the payment of housing and other relevant benefits. The joint operational unit known as the Anglia Revenues Partnership ("ARP") operates under the control and management of the 2015 Joint Committee to provide the councils with such services. ARP operates as a single officer core providing equal service provision for all partners across these functions.
- 2.2 On 24 May 2018 the Secretary of State, in exercise of the powers conferred by sections 10, 11, 12 and 13 of the Local Government and Public Involvement in Health Act 2007(1) made The East Suffolk (Local Government Changes) Order 2018 and The West Suffolk (Local Government Changes) Order 2018. These orders took effect on 1 April 2019 to create two new non-metropolitan districts and councils for East and West Suffolk respectively and abolished Suffolk Coastal District, Waveney District, Forest Heath District and St Edmundsbury Borough Councils, four Councils who are members of the ARP.
- 2.3 In addition to the Orders referred to above, Regulations followed. The Local Government (Boundary Changes) (General) Regulations 2018 sets out the arrangements following the abolishment of the four councils and Regulation 7(3) provides that anything done by, or in relation to [any of the Four Councils] in the exercise of, or in connection with, a function that is to be exercised on and after the reorganisation date by the successor council shall have effect as if done by, or in relation to that council. Regulation 7(4) confirms that this applies in particular to any agreement or decision. This means that in terms of the ARP Reconstitution Agreement any obligations on or rights held by any one of the four councils is automatically held by the relevant successor council (i.e. East or West Suffolk Councils).



- 2.4 Whilst these provisions mean that the partnership could continue under the existing agreement, there are other issues that have been discussed during the lifetime of this agreement that mean a review is timely to ensure that the agreement is fit for purpose moving forward.

3. The Current Agreement

- 3.1 The 2015 Anglia Revenues Partnership Reconstitution Agreement, as amended by the Joint Committee, sets out the role, membership, meetings and officers of the Joint Committee and provides at clause 3.1 that each of the seven councils shall appoint one of its members (and one substitute) for the time being to be members of the Joint Committee.
- 3.2 The role of the Joint Committee (JC) is set out in clause 3.26 of the Agreement and is mainly to discharge the seven councils' statutory functions in respect of the JC services as defined in Schedule 1 to the Agreement. The JC services relate to the collection of council tax and business rates and administration of relevant benefits e.g. council tax (calculation, billing, recovery, enforcement) business rates (billing, recovery, enforcement), Benefits administration (incl. overpayments) and anti-fraud measures.
- 3.3 The Joint Committee may also approve the service delivery plan for each year to include staffing requirements; approve the annual budget; approve the annual report; monitor expenditure and income against the agreed budget; set progress and performance targets for the JC Services; recommend any amendment of the terms of reference of the Joint Committee or Reconstitution Agreement; review audits and policies and appoint sub-committees as may be required and to delegate specific functions to those committees.
- 3.4 Any decisions which fall outside the remit of the Joint Committee (as set out in clause 3.24 of the Agreement referred to above) would need to be referred back to each of the member Councils.

4. Review of the Partnership

- 4.1 Clause 11 of the Reconstitution Agreement provides that at any time any one or more of the seven councils may seek a review of the Agreement and the operation of the ARP and its performance of the JC services by giving notice to that effect ("Review Notice") to the other or others of the seven councils.
- 4.2 In accordance with this process, Ian Gallin, Chief Executive of the former Forest Heath District Council and St Edmundsbury Borough Council, served a review notice to the other partner authorities on 18 October 2018. All Chief Executives agreed to the review, tasking their members of the Operational Improvement Board to make recommendations in respect of proposed changes to the terms of reference.
- 4.3 On 4 December 2018, the Joint Committee agreed to the following scope for the review of the agreement:



Key issues

- **Membership and representation:** ensure the agreement reflects the membership from 1 April 2019, with each authority having one member and one vote. Review notice required for withdrawal. Update quoracy and proxy arrangements as agreed by the Joint Committee in September 2017, reflecting too, the fact that there will now be five partners. (also see point 4.4 below)
- **Powers of JC and delegations to OIB:** ensure that the agreement reflects the delegations that have been agreed by Joint Committee.
- **Decision making:** no change to be made to the decision making provisions that are by majority vote with Chair holding casting vote.

Administrative issues

- **Review process:** update the review process to remove need for all Chief Executives to agree to review;
- **Financial provisions and budget shares:** ensure that the agreement reflects current accounting practice and new partnership arrangements;
- **Audit:** be clear on provisions for audit and the roles of the Joint Committee and OIB in the audit process;
- **Anglia Revenues Partnership Trading (ARPT):** review all references and ensure that it is up to date
- **Data Sharing:** update to incorporate any changes in line with recent legislation (GDPR/Data Protection Act 2018)
- **Variation:** how the partnership approaches variation on minor changes and what constitutes a minor change
- **List of legislation forming JC services:** ensure up to date
- **ARP Enforcement Agency:** ensure agreement reflects provision of this service

4.4 A further update to the agreement was requested at the 17 September 2019 Joint Committee meeting in relation to the quoracy of the Joint Committee to four members unless the Chair in consultation with the Joint Committee felt it would be appropriate for all five Joint Committee Members (or their substitute) to be present and in that case the item shall be deferred until the next meeting – 3.10 of the agreement attached refers.

4.5 The revised agreement has been considered by each partner's legal, financial and Audit teams in the light of the scope agreed above and all partners' teams are satisfied that it be recommended for approval.

5. Alternative options

5.1 The Council could choose not to approve the revised agreement; however, should it not be agreed by all partner authorities the partnership agreement will not be up to date. This therefore would mean that the requirements of all partner councils would not have created a new equitable partnership.

6. Risks

6.1 If there is not agreement between all partners as to the proposed course of action, this could undermine the wider performance and decision making of



the partnership. Ultimately, any partner could terminate its membership of the partnership.

7. Other implications arising from the proposal

7.1 Financial:

The new agreement ensures that the share of cost remains equitable after the merger of the new Councils.

7.2 Legal:

A revised Partnership agreement clarifies the continuation of arrangements now that the new Councils mergers are complete.

8. Appendices

8.1 Appendix 1 – Agreement for the Reconstitution of the Anglia Revenues Partnership.

9. Background documents

9.1 Anglia Revenues and Benefits Partnership Joint Committee Reports:

Breckland Council's Website:

[4 December 2018: Appendix 1:](#) Review of the Anglia Revenues Partnership Constitution

[17 December 2019:](#) Review of the Anglia Revenues Partnership Constitution

