

Agenda Item

Report to: **Cabinet**

Date: **11 July 2006**

By: **Director of Policy Management and Communications**

Title of report: **Governance Arrangements - Local Area Agreement (LAA) for East Sussex**

Purpose of report: **To request Cabinet to endorse the East Sussex Strategic Partnership's Constitution and Terms of Reference.**

RECOMMENDATIONS:

The Cabinet is recommended to endorse the Constitution and Terms of Reference of the East Sussex Strategic Partnership (ESSP).

1. Financial Appraisal

1.1 There are no specific financial implications arising from this report.

2. Background

2.1 The Local Area Agreement (LAA) is a three year agreement between Central Government and local partners, led by East Sussex County Council (ESCC). It contains 23 Outcomes and 61 targets, all tackling priority areas for local residents in partnership with other bodies.

2.2 ESCC is the Accountable Body for the LAA. The role of the ESSP is to oversee the development and implementation of the LAA, on behalf of the Accountable Body, and to report to Government Office on progress.

2.3 The proposed governance arrangements for the LAA minimise, as far as possible, the need for any new groups to be created, for example, the Children's Trust Executive Group will oversee the Children and Young People Block. Each target within the LAA has an identified lead organisation and named responsible manager. That named manager will account for performance on their individual target to the relevant sub-partnership of the ESSP. East Sussex County Council leads on 20 targets, all of which are in the Council Plan and will be monitored as part of our normal processes.

2.4 Hastings LSP will also have a continuing role in overseeing, and reporting to GO-SE, those mandatory elements within the LAA that relate directly to its neighbourhood renewal programme. These are set out under Outcome 23 in the LAA. In order to minimise bureaucracy it is not proposed to add a further layer of reporting to the ESSP for those elements of the LAA.

2.5 The ESSP will receive quarterly reports on progress with the targets and, in July and November, will report to GO-SE. ESCC will also report to GO-SE in July and November on pooled funding expenditure.

3. ESSP Constitution and Terms of Reference

3.1 The agreed constitution for the ESSP is attached at Appendix 1. Councillor Tidy represents the County Council on the Partnership.

3.2 To date, the ESSP has set the strategic framework for the work of its constituent organisations. Its meetings have been relatively unstructured with room for general debate on issues of strategic interest. The emergence of the Local Area Agreement (LAA), however, will require the ESSP to have a much more business-like approach and to be closely involved in performance management and reporting. This requires a more focused body, with a stable membership, that can have well-organised debates on specific performance issues.

3.3 To meet the new requirements, it was previously agreed that the ESSP be restructured. The current ESSP has been renamed the ESSP Executive Board and its membership will be adjusted to ensure that it comprises the bodies playing a leading role in the delivery of the LAA. The Wider Partners Group will also be renamed as the East Sussex Assembly and its membership reviewed to ensure it is representative and able to lead the determination of key priorities for the development of the LAA and East Sussex Sustainable Community Strategy.

3.4 The Constitution and Terms of Reference provide a clear remit for the partnerships as well as setting out how they will operate. They were agreed at the last meeting of the ESSP and partner organisations are now being asked for their endorsement. This is to ensure that all partner organisations are aware of the role of the ESSP Executive Board and are content for their representatives to work within the proposed framework.

3.5 Key issues within the Constitution for ESCC are :

3.5.1 A reduction in the number of places held by East Sussex County Council from two to one.

To facilitate decision-making it was agreed that membership of the Executive Board should be kept as small as possible. The other organisations on the ESSP each have one representative and so, to be consistent, ESCC agreed to reduce its membership. Should it be desirable for a second representative to attend, it is possible for partners to take an advisor to the meeting.

3.5.2 The position of Vice-Chair to be permanently held by the ESCC representative.

Both the ODPM (now DCLG) consultation paper on the future role of Local Strategic Partnerships (LSPs) and the LAA guidance emphasised the role of the local authority as Accountable Body for the LAA and in leading the work of the LSP for its area. Some LSPs have responded by ensuring that the Local Authority takes the Chair of the Partnership. It was agreed by the ESSP, however, that having the capacity to have Chairs from different organisations and sectors encourages a flexible and inclusive approach. In order to provide continuity, support for the Chair and to fulfil its leadership role for the ESSP, it was, therefore, agreed that the ESCC representative takes the position of permanent Vice-Chair to the partnerships.

- 3.5.3 The potential for East Sussex County Council's Scrutiny Committees to consider progress with all or part of the LAA/Sustainable Community Strategy.

It is acknowledged that there are capacity issues to be considered but the constitution acknowledges the right of the ESCC, as Accountable body, to scrutinise the work of the ESSP and partner organisations in connection with the LAA should it wish to do so. Detailed arrangements will be developed when the outcome of the ODPM's (now DCLG) consultation on the future of LSPs is known as this is likely to result in some proposals for the overview and scrutiny of LSPs.

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The East Sussex Strategic Partnership

CONSTITUTION & TERMS OF REFERENCE

This is the Constitution of the East Sussex Strategic Partnership - the Local Strategic Partnership (LSP) for the County of East Sussex.

This Constitution does not change, replace, substitute or amend in any way the statutory duties or other responsibilities of partners. It does not change, replace, substitute or amend in any way partner organisations' own management or accountability frameworks, or prevent any individual partner organisation from pursuing its own individual actions.

1. Purpose

- 1.1. To facilitate cross-sectoral strategic planning and partnership working in the county of East Sussex.

2. Structure

- 2.1. The East Sussex Strategic Partnership (ESSP) is a multi-sector partnership comprising an Assembly and an Executive Board.
- 2.2. The ESSP may commission existing partnerships to undertake work on its behalf. The arrangements for reporting and monitoring such work shall be determined by the ESSP in negotiation with the respective partnership.
- 2.3. Where no appropriate existing partnership can be identified, the ESSP may establish sub-committees and working groups, as it sees fit, to oversee the implementation of the Local Area Agreement (LAA) and, as required, to carry out any of its key tasks. It may also dissolve any such sub-committees and working groups if it determines it necessary or advisable to do so.

3. Key Tasks

- 3.1. To provide, through an East Sussex Sustainable Community Strategy, a strategic framework for improving quality of life for those living and working in East Sussex.
- 3.2. To provide strategic direction for the development and implementation of the East Sussex LAA.
- 3.3. To report to the Government Office for the South-East at six-monthly intervals on progress with the East Sussex LAA.
- 3.4. To provide a strategic lead on any county-wide issue, identified by either the East Sussex Assembly or the Executive Board, and agreed

by the Executive Board, where no other appropriate existing organisation or partnership can be identified.

4. Roles and Authority

- 4.1. The ESSP is a non-statutory, non-executive partnership structure established pursuant to the Local Government Act 2000 and subsequent Government guidance on local strategic partnerships. It does not have the legal status to contract with other bodies to achieve its objectives. It is not the accountable body for any grant or funding regime.
- 4.2. East Sussex County Council will act as the Accountable Body for financial matters on behalf of the ESSP. All accounting arrangements will be made under the supervision of the Director of Corporate Resources.

East Sussex Assembly:

- 4.3. The specific responsibilities of the East Sussex Assembly are:
 - 4.3.1. to assist the Executive Board to identify the most important shared priorities for improving quality of life in East Sussex; and
 - 4.3.2. to consider progress with the LAA and Sustainable Community Strategy and to advise on future direction.

ESSP Executive Board:

- 4.4. The specific responsibilities of the Executive Board are:
 - 4.4.1. to secure partnership commitment and action to delivering the Sustainable Community Strategy and the Local Area Agreement, promoting dialogue between partners;
 - 4.4.2. to identify the most important shared priorities for improving quality of life in East Sussex, establishing a strategic framework for action by partner organisations through a Sustainable Community Strategy;
 - 4.4.3. to oversee the development and implementation of a Local Area Agreement for East Sussex and report to GO-SE on progress; and
 - 4.4.4. to provide a strategic lead on any other county-wide issue as shall be determined by the Executive Board from time to time.

- 4.5. The Executive Board's accountability is jointly to the key sector partnerships and organisations that make up its membership and to the East Sussex Assembly.
- 4.6. The Executive Board is empowered by the partner organisations to oversee performance in connection with the LAA and Sustainable Community Strategy and to advise partner organisations on performance management issues. It is not authorised to make detailed decisions on pooled funding which more properly sit with the relevant Accountable Body.
- 4.7. While individual partner organisations cannot be held directly to account by the Partnership, and the individual public bodies will have their own scrutiny arrangements, the work and proceedings of the Executive Board shall be subject to scrutiny by the East Sussex Assembly at its annual meeting and by East Sussex County Council's Scrutiny Committee from time to time. Any recommendations for improvement will be brought to a meeting of the Board for discussion.
- 4.8. Any disputes between members of the ESSP Executive Board pertaining to any decision of that body, perceived failure to co-operate or perform on behalf of one or more partners or any other issue shall be referred, in the first instance, to the Chairperson of the ESSP. The Chairperson shall have the power to mediate between parties. If the matter cannot be resolved to the satisfaction of all parties, the Chairperson may decide to refer the issue back to a meeting of the Board.

ESSP Sub-Partnerships:

- 4.9. The specific responsibilities of the sub-partnerships established, or commissioned, to oversee the development and implementation of the LAA Blocks are:
 - 4.9.1. to monitor performance of the targets within the respective LAA Block;
 - 4.9.2. to liaise with partners to manage performance, as appropriate; and
 - 4.9.3. to produce Block reports for the ESSP Executive Board meetings and meetings of the Assembly.
- 4.10. The ESSP Executive Board may decide at any time to establish a new sub-partnership, or to commission an existing partnership, to undertake work in connection with the development and implementation of the LAA or Sustainable Community Strategy for East Sussex.

- 4.11. The composition, remit, powers and authority of any sub-committees and working groups shall be determined by the ESSP and may include co-opted members.

5. Operating Values

- 5.1. The ESSP will adopt the following operating values in all its business and transactions:
- 5.1.1. maintain a focus on the county of East Sussex as a whole and the needs of its citizens;
 - 5.1.2. work positively and collaboratively to improve economic, social and environmental well-being, thereby improving quality of life;
 - 5.1.3. strive to eliminate discrimination, deprivation and to value diversity;
 - 5.1.4. value and respect the contribution of all partners and provide mutual support, irrespective of sector or organisation; and
 - 5.1.5. communicate positively the work of the ESSP and its partners.

6. Membership

East Sussex Assembly

- 6.1. The East Sussex Assembly will consist of representatives of organisations and groups involved or interested in the development and delivery of the East Sussex Sustainable Community Strategy and LAA. A list of partners will be maintained by the Community Partnerships Team at East Sussex County Council.
- 6.2. Any organisation may put itself forward for membership of the East Sussex Assembly, in writing, to the Community Partnerships Team at East Sussex County Council. Decisions on membership shall be made by the ESSP Executive Board.

ESSP Executive Board

- 6.3. The ESSP Executive Board will consist of senior representatives from those organisations playing a key delivery role in the LAA and/or East Sussex Sustainable Community Strategy, as follows:

Public Sector

- East Sussex County Council (1)
- Eastbourne Borough Council (1)
- Hastings Borough Council (1)
- Lewes District Council (1)

Rother District Council (1)
Wealden District Council (1)
East Sussex Association of Local Councils (1)
Sussex Police (1)
East Sussex Fire and Rescue (1)
Environment Agency (1)
Learning and Skills Council (Sussex) (1)
National Probation Service (Sussex) (1)
Primary Care Trusts (2)

Private Sector

East Sussex Economic Partnership (1)
Hastings and Bexhill Economic Alliance (1)
Federation of Small Businesses (1)

Voluntary and Community Sector

Action in Rural Sussex (1)
VOICES (3)

- 6.4. In addition, there will be 'critical friend/observer' places (non-voting) nominated from the following agencies:

Government Office South East (1)
South East England Development Agency (1)

- 6.5. Any member of the Executive Board may resign by giving not less than one month's notice, in writing, to the Community Partnerships Team at East Sussex County Council and to the key sector partnership and/or organisation that they represent. The key sector partnership and/or organisation concerned will put in place arrangements for determining a new representative as quickly as practically possible.
- 6.6. If a member of the ESSP changes to a different employer (Public and Statutory Organisations) or loses his or her honorary position (Key Sector Partnerships), then their membership of the ESSP will automatically cease with immediate effect. If a member of the ESSP is facing adverse proceedings, declared bankrupt or is convicted of *violence, dishonesty or deception*¹, then the matter will be referred back to the Executive Board to consider whether their membership of the ESSP should cease. It is the responsibility of each partner to notify the Chairperson immediately if any of the above situations arise. Any vacancy will be referred to the relevant organisation to be filled as soon as it is reasonably practical.
- 6.7. Should the ESSP consider the need to terminate the membership of an individual for good and sufficient cause they may resolve to expel

¹ NB Sussex Police are providing the definitions of the types of crime to be included here. The amended paragraph will be forwarded as soon as possible.

that member from membership. The member shall have the right to be heard. The reason for the expulsion and the vote cast will be recorded in the minutes. Any vacancy arising from termination will be referred to the relevant organisation to be filled as soon as it is reasonably practical.

7. Role of the ESSP Executive Board Members

- 7.1. The ESSP Executive Board Members must be able and willing to:
 - 7.1.1. focus on the needs of the whole county with an inclusive concern for all citizens, especially the marginalised and disadvantaged;
 - 7.1.2. exert influence within their own partnership or organisation in order to shape decisions, commit resources, adjust priorities and deliver any necessary changes;
 - 7.1.3. champion and communicate the work of the ESSP throughout their sector;
 - 7.1.4. work in collaborative partnership with a range of partners from different sectors and organisations, including the District and Borough Local Strategic Partnerships; and
 - 7.1.5. attend Partnership meetings and training events, and participate in them.
- 7.2. All members should seek to act co-operatively, in an open and honest manner, value others' contributions and be prepared to learn from each other in seeking to achieve the objectives of the ESSP.
- 7.3. All members are responsible for taking reasonable steps to ensure that their contribution is genuinely representative of their sector and/or organisation. Members must engage in two-way communications with their sector and/or organisation on key issues being considered by the ESSP so that they can express the views and interests of their sector and/or organisation. Members must report back to their sector and/or organisation on key decisions taken by the ESSP. This approach will ensure that all the key sector partnerships, other partnerships, organisations, forums and groups are engaged in the business of the ESSP.
- 7.4. ESSP members undertake not to criticise publicly the functioning of the ESSP Executive Board and/or East Sussex Assembly meetings without first discussing any criticisms or concerns with the co-ordinating team at East Sussex County Council and allowing an opportunity to address them.

8. Chairperson and Vice Chairperson

- 8.1. The ESSP will have a Chairperson whose role is to drive forward the Partnership's work programme. The Chairperson will act in all matters with impartiality and neutrality, and provide a strong sense of purpose and direction for the ESSP. He/She will chair the meetings of the Executive Board and East Sussex Assembly.
- 8.2. The Chairperson, once appointed, shall serve for two years, at which time the appointment shall be reviewed.
- 8.3. Nominations for Chairperson shall be invited prior to the appropriate meeting of the ESSP. Such nominations should be made in writing to the Community Partnerships Team at East Sussex County Council.
- 8.4. Decisions on the appointment of the Chairperson shall be made by a quorate meeting of the ESSP Executive Board, in accordance with the rules on decision-making set out in paragraph 10.
- 8.5. The position of Vice-Chairperson will be permanently held by the East Sussex County Council representative to the ESSP in recognition of the fact that that Council has the duty to prepare the East Sussex Sustainable Community Strategy and is the Accountable Body for the LAA. The Vice-Chairperson will not take the Chair of the ESSP when the Chairperson stands down.

9. Meetings

East Sussex Assembly

- 9.1. The Assembly will meet at least annually.

ESSP Executive Board

- 9.2. The Executive Board will meet a minimum of four times per year.
- 9.3. The Chair and/or Vice Chair may convene an 'extraordinary' meeting of the ESSP Executive Board provided that not less than five working days shall elapse between the date the notice calling the meeting was dispatched and the date of the meeting.
- 9.4. No business shall be transacted at a meeting of the Executive Board unless a quorum of members is present. A quorum shall be 11 out of the 21 voting members of the ESSP Executive Board. If a quorum is not present within thirty minutes of the scheduled start time, the meeting shall be adjourned to such a date, time and place as may be determined. Notice of the date, time and place of the resumed meeting shall be sent to members as soon as practicable.

- 9.5. Meetings of the ESSP Executive Board shall ordinarily be open to members of the public to attend as observers. Observers shall be requested to sit at the back of the meeting room. In order to facilitate confidential debate, protect commercial confidentiality or encourage openness and the sharing of information, however, the Chairperson may decide to:
- a) exclude the public for all or part of the meeting where information is to be discussed that falls within one of the following categories:
 - i. Information relating to any individual.
 - ii. Information which is likely to reveal the identity of an individual.
 - iii. Information relating to the financial or business affairs of any particular person, including the organisation holding that information.
 - iv. Information relating to any consultations or negotiations being undertaken by a partner organisation, or contemplated consultations or negotiations, in connection with any labour relations matter arising between that organisation or a Minister of the Crown and employees of, or office holders under, that organisation.
 - v. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - vi. Information which reveals that any partner organisation proposes to (a) give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) make an order or direction under any enactment.
 - vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and
 - b) at a speakers request, invoke the Chatham House Rule² which states that, "when a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed; nor may it be mentioned that the information was received at the meeting".
- 9.6. Members can bring in specialist advisors to support them when discussing specific agenda items at Executive Board meetings.

² Chatham House is officially known as The Royal Institute of International Affairs. The Chatham House Rule was first devised in 1927 with the aim of providing anonymity to speakers and thus encouraging free discussion. It is now used throughout the world.

Advisors will be requested to sit at the back of the meeting room until the Partnership is ready to discuss the item, and to leave the table once discussion on the item is concluded.

- 9.7. Any member of the Executive Board who is unable to attend a meeting may nominate a named deputy to represent the key sector partnership and/or organisation which selected, elected or nominated him or her. The deputy may speak and vote on behalf of that member of the ESSP. If a deputy is used more than 3 times in a year, the member sending the deputy shall automatically cease to be a member. If any member is so removed, the key sector partnership and/or organisation selecting, electing or nominating that member shall appoint a new member to the ESSP who shall hold membership until the next review period.
- 9.8. The Executive Board may resolve to remove any member of the ESSP who fails to attend for three consecutive meetings. If any member is so removed, the key sector partnership and/or organisation selecting, electing or nominating that member shall appoint a new member to the ESSP who shall hold membership until the next review period.

10. Decision Making

- 10.1. Decisions of the ESSP Executive Board should be reached by consensus. Where consensus cannot be reached, then a vote may be requested. Should the need for a vote be agreed, it should be resolved by a majority of those present and voting at the meeting.
- 10.2. At meetings of the ESSP Executive Board, only the 21 nominated members, or their deputies, are entitled to vote. Representatives from GO-SE and SEEDA are excluded from the voting process.

11. Declarations of Interest

- 11.1. Where a member or attendee at a meeting of the ESSP Executive Board has a vested personal interest or organisational interest in a matter being brought before the Board, they will declare the same to either the meeting or, if a confidential matter, to the Chair. It will be at the discretion of the Chair as to whether the member or attendee is allowed to participate in the debate and/or, if a voting member, is allowed vote on the issue falling for consideration.

12. Support to the ESSP

- 12.1. East Sussex County Council will provide the time of a suitably qualified and experienced manager (currently known as the Strategic Partnership Manager) to provide direction and co-ordination to the ESSP in order to progress its work programme. He/She will

undertake day-to-day management of any resources, financial or in-kind, which may be provided by partners from time to time and will develop and implement a performance management framework on behalf of the Partnership.

12.2. The Strategic Partnership Manager will be accountable to the Head of Community Partnerships and the Director of Policy Management and Communications at East Sussex County Council. He/She will work in co-operation with the Chair and Vice Chair of the ESSP.

12.3. Members of the ESSP do not have line-management rights over members of the co-ordinating team. Members can, though, request support, in writing, to the Director of Policy Management and Communications at East Sussex County Council, where they feel such core support will help realise the ESSP's objectives. Each request will be considered on its merits.

13. Financial Year

13.1. For accounting purposes, the ESSP financial year will correspond to that of East Sussex County Council and will, therefore, commence on 1 April each year and end on 31 March the following year.

14. Changes to the Constitution

14.1. This constitution may be changed by a resolution passed by a two-thirds majority of members present and voting at a meeting of the ESSP Executive Board. This power can only be utilised to facilitate the better working of the ESSP. Any proposed amendments must appear as a separate item on the agenda setting out the terms of the changes proposed and must be formally put out for consultation amongst the members of the ESSP Executive Board before a decision is taken on the matter.

14.2. Any member(s) proposing a change in structure and/or membership levels of any part of the ESSP structure must do so in writing, so that the proposed change can be incorporated into the Executive Board's agenda and the implications fully discussed. Notwithstanding, the ESSP Executive Board shall review the appropriateness and balance of the structure and membership of the ESSP a minimum of once in every three years. Proposed changes to the structure and/or membership levels can only be approved by a two-thirds voting majority of the ESSP Executive Board.