

CITY COUNCIL – 12 SEPTEMBER 2011

REPORT OF THE LEADER

EAST MIDLANDS SHARED SERVICES (EMSS) ESTABLISHMENT OF EMSS JOINT COMMITTEE DELEGATION OF FUNCTIONS TO EMSS JOINT COMMITTEE APPOINTMENTS TO EMSS JOINT COMMITTEE FIRST MEETING OF EMSS JOINT COMMITTEE

1 SUMMARY

- 1.1 This report sets out the background to EMSS, the establishment, delegation and operation of the EMSS Joint Committee together with details of appointments to the EMSS Joint Committee and its first meeting.
- 1.2 Appendix 1 sets out the functions delegated to the EMSS Joint Committee and the draft terms of reference and first meeting date of the EMSS Joint Committee. Appendix 1 also sets out arrangements for substitutions and chairing (where applicable).

2 RECOMMENDATIONS

It is recommended that:

- (a) the EMSS Joint Committee be established in accordance with sections 101(5) and 102 of the Local Government Act 1972 and sections 19 and 20 of the Local Government Act 2000 (which facilitate two or more Councils establishing a joint committee for the purpose of discharging any of their functions) and all other applicable legislation:
- (b) the functions of providing support services to the Council and Leicestershire County Council (LCC), and other external clients and partners as outlined more specifically in Appendix 1 be delegated to the EMSS Joint Committee until Council resolves otherwise; and
- (c) the membership, substitution arrangements, chairing, draft terms of reference and first meeting date for the EMSS Joint Committee, as set out in Appendix 1, be agreed.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations listed above are considered necessary to deliver a robust partnership and governance structure within which the EMSS partnership can operate.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Alternate governance and partnership structures were considered for EMSS in detail by the EMSS Programme Board. Specifically a limited company structure was considered but was agreed by members of the EMSS Programme Board to be unnecessary and unwieldy at this stage in the development of EMSS.

5 BACKGROUND

- 5.1 On 21 September 2010, Executive Board approved proposals for the Council to develop a programme of shared transactional services with LCC. This included Human Resources, Payroll and Finance transactional services, supported by a single Oracle Enterprise Resource Planning application. Since then, further work has been undertaken to ensure that a robust business plan, governance structure and implementation plan are in place, with a clearly defined and expanded scope to ensure that financial and other significant benefits identified are realised.
- 5.2 On 21 June 2011, Executive Board received a report updating it on the key benefits to be delivered and confirming the decision to accept the revised outline business case presented by the EMSS Programme Board (version 5.6). The outline business case details the support services that comprise EMSS. The services being governed by the proposed EMSS Joint Committee will therefore be determined by decisions taken by the Executives of the Council and LCC. This Executive Board meeting also noted and endorsed a Memorandum of Understanding between the Council and LCC covering partnership and governance arrangements, and agreed to recommend that the Council approve the establishment of an EMSS Joint Committee with the following remit:
- oversee and give strategic direction for support services provided by EMSS;
 - agree governance arrangements for all new services joining

EMSS;

- set the strategic direction of EMSS, to be delivered through an Operational Board;
- approve a medium term strategic business plan for EMSS which will include longer term plans for each service;
- agree the annual budget and operational plan, with relevant targets;
- agree a performance management framework;
- receive regular reports on service performance; and
- receive regular finance and performance monitoring reports, including at the year end.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 The governance costs for EMSS are included within v5.6 of the EMSS Outline Business Case. There are no other direct financial implications or value for money issues arising from this report.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 7.1 The Council has the power to enter into these arrangements, derived from the legislation described in section 2 above.
- 7.2 Legal services will ensure that the proposed Joint Committee and governance structure for EMSS meets the Council's needs as set out in this report in a compliant fashion.
- 7.3 There are not considered to be any direct Crime and Disorder Act nor Equality and Diversity implications arising from the recommendations in this report.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An Equality Impact Assessment (EIA) is being undertaken to identify the impact of the EMSS project itself on employees from both the Council and LCC. Results from the EIA will be reported

to a future meeting of the Council's Executive Board and all decisions relating the EMSS project will be revised accordingly to ensure equality issues are mainstreamed throughout the project at all times.

- 8.2 A specific and additional EIA in respect of the recommendations set out in this report is not considered necessary.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 9.1 Outline East Midlands Shared Services Business case, version 4.3.

- 9.2 Outline final East Midlands Shared Services Business case, version 5.6

- 9.3 Memorandum of Understanding between the Council and LCC.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Minutes of Executive Board – 21 September 2010

- 10.2 Minutes of Executive Board – 21 June 2011

- 10.3 Minutes of Executive Board – 19 July 2011

- 10.4 Portfolio Holder Decision 857

- 10.5 Minutes of Leicestershire County Council – 7 September 2010

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

FUNCTIONS TO BE DELEGATED TO EMSS JOINT COMMITTEE

The functions to be delegated to the EMSS Joint Committee are those set out in v5.6 of the EMSS Outline Business Case. Functions to be delegated in respect of HR, ICT and Finance are summarised below. Further functions regarding Property and Asset Management and Corporate Reporting are set out in v5.6 of the EMSS Outline Business Case.

The Shared Services relating to human resources are:

- Employee life cycle
- Employee self service
- Manager self service
- Recruitment
- Absence management
- Payroll variable entry
- Payroll processing
- Timesheet loading
- Establishment control
- Electronic Staff records
- Management information

The Shared Services relating to human resources do not include any matter not stated within the most recently agreed outline business case as falling within EMSS and specifically the following matters, all of which are Reserved to the Council.

- Appointment of Tier 1 officers (i.e. Chief Executive and Corporate Directors)
- Management of disciplinary, grievance and dismissal relating to officers with statutory protection

The Shared Services relating to ICT are:

- Maintenance of ICT equipment required for EMSS
- Security of ICT equipment required for EMSS
- Obtaining of any necessary licences for use of ICT systems and programmes and contracts with external providers required for EMSS
- Training of staff working on ICT matters required for EMSS

The Shared Services relating to ICT do not include any matter not stated within the most recently agreed outline business case as falling within EMSS and specifically the following matters, all of which are Reserved to the Council.

- Approval of policies relating to use of ICT equipment and systems.

The Shared Services relating to finance are:

- General ledger
- Financial reporting
- Accounts payable
- Accounts receivable
- Billing
- Debt administration
- Cashiers
- Purchasing and online procurement

The Shared Services relating to finance do not include any matter not stated within the most recently agreed outline business case as falling within EMSS and specifically the following matters, all of which are Reserved to the Council.

- Approving and adopting the Budget and policy framework and changes to this
- Approval of the Councils' corporate plan
- Approving schemes for the use of earmarked reserves or contingency provision
- Approval of virements for non Joint Committee budgets
- Any matters which amount to the statutory duties of the Councils' Chief Finance Officers
- Approval of the Councils' annual statement of accounts
- Approval of renewal terms for insurances for the Councils

APPOINTMENTS TO EMSS JOINT COMMITTEE

Membership

Cllr Graham Chapman (Chair Elect)
Cllr Alan Clark

It has been proposed that the Council nominates the first Chair of the proposed EMSS Joint Committee.

Substitution and Chairing Arrangements

See 2.2 below regarding Substitution
See 3 and 4 below regarding Chairing

Draft terms of reference

N.B. These draft terms of reference are intended to form an agenda item for the first meeting of the EMSS Joint Committee and may therefore be subject to changes of a minor or technical nature as agreed between the members of the EMSS Joint Committee.

Subject to the terms of the East Midlands Shared Services Partnership Agreement to:

- (i) Oversee and provide strategic direction for the development, implementation and on-going operation of EMSS;
- (ii) Ensure the effective delivery of the shared service functions in accordance with the terms of the agreement;
- (iii) Monitor the effectiveness of those arrangements and make recommendations to the Member Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities;
- (iv) On an annual basis, agree a three year business plan for EMSS including:
 - Service delivery, service development & financial objectives
 - Performance improvement & efficiency targets
 - Staffing
 - Business continuity planning

- Risk management
- (v) Set annual capital, revenue and staffing budgets for EMSS and no later than 1st December in each year submit these to the Member Authorities for approval as part of the business plan
- (vi) Monitor the operational performance of EMSS on a quarterly basis
- (vii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities
- (viii) Ensure effective action is taken to remedy any under-performance in the delivery of services
- (ix) Monitor the financial performance of EMSS – quarterly report and monthly updates
- (x) Determine the arrangements for support services in agreement with the Host Authority and in consultation with the Head of Shared Service
- (xi) Produce an annual report to the member Authorities by no later than 30th June in each year covering the performance of EMSS in the 12 month period ending on the preceding 31st March
- (xii) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities into the activities of EMSS
- (xiii) Review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate

RULES FOR CONDUCT OF MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Preamble: The Joint Committee shall follow the normal arrangements which apply to the proceedings of local government committees with the following additional provisions applying:

1. Annual Meeting

1.1 The Joint Committee shall in every year hold an Annual Meeting

- 1.2 The first meeting held after the Annual Meeting of all the Member Authorities in any year shall be the Annual Meeting
- 1.3 The Joint Committee may in every year hold in addition to the Annual Meeting such other meetings as they may determine
2. Membership
 - 2.1 The membership of the Joint Committee to comprise four elected members, two being drawn from each Council's Executive
 - 2.2 Each Authority will have the right to appoint a substitute elected member drawn from their Executive to attend any meeting of the Joint Committee in place of an appointed elected member provided that the Secretary shall be given at least 24 hours notice of any such appointment
3. Appointment of Chairman, Vice Chairman, Secretary and Treasurer
 - 3.1 The Joint Committee shall appoint one of its Members to be Chairman of the Joint Committee who shall subject to paragraph 3.2 and unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act
 - 3.2 The first Chairman of the Joint Committee shall be a person nominated by Nottingham City and shall hold office for the period up to 31st May 2013
 - 3.3 The Chairmanship of the Joint Committee following the initial appointment by Nottingham City shall rotate between Leicestershire and Nottingham City on a two year cycle
 - 3.4 The Joint Committee shall appoint one of its Members to be Vice Chairman of the Joint Committee who shall subject to paragraph 3.5 and unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act

- 3.5 The first Vice Chairman of the Joint Committee shall be a person nominated by Leicestershire and shall hold office for the period up to 31st May 2013.
- 3.6 The Vice Chairmanship of the Joint Committee following the initial appointment by Leicestershire shall rotate between Nottingham City and Leicestershire on a two year cycle
- 3.7 The role of Secretary and Treasurer to the Joint Committee will be provided by Nottingham City Council

4. Casual Vacancies

- 4.1 On a casual vacancy occurring in the office of Chairman or Vice Chairman of the Joint Committee the vacancy shall be filled by the appointment by the Joint Committee of one of their members at the next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired

5. Calling of Meetings

- 5.1 The Secretary of the Joint Committee shall summon the members to such meetings as may:
 - 5.1.1 have been agreed in accordance with paragraph 1.3;
 - 5.1.2 be called by the Chairman of the Joint Committee or, if the office of Chairman is vacant, the Vice Chairman of the Joint Committee at any time;
 - 5.1.3 be requisitioned by any two members of the Joint Committee giving notice in writing signed by them to the Secretary of the Joint Committee specifying the nature of the business to be transacted; or
 - 5.1.4 be requisitioned by any Member Authority giving notice in writing to the Secretary of the Joint Committee specifying the nature of the business to be transacted and signed by the Chief Executive or proper officer of the Member Authority
- 5.2 Unless the persons giving notice requisitioning a meeting in accordance with paragraph 5.1.3 or paragraph 5.1.4 agree otherwise any meeting consequent upon such a requisition shall so

far as practicable be held within 10 working days of the date of the receipt of the requisition by the Secretary to the Joint Committee

5.3 At least five clear working days before a meeting of the Joint Committee

5.3.1 notice of the time and place of the intended meeting shall be published at the offices of both Leicestershire and Nottingham City: and

5.3.2 a summons to attend the meeting, specifying the agenda for that meeting and signed by the Secretary to the Joint Committee shall be sent to:

5.3.2.1 every member of the Joint Committee; and

5.3.2.2 the proper officer of every Member Authority by sending by first class mail to the principal office address of the Member Authority or by sending an electronic copy by e-mail to any e-mail address notified to the Secretary of the Joint Committee for that purpose

5.4 The Secretary will draw up the agenda in consultation with both the Chairman and Vice Chairman.

5.5 No business shall be transacted at a meeting requisitioned by the members of the Joint Committee other than that specified in the agenda

6. Nominated Officers To Attend

6.1 The Head of Paid Service the Monitoring Officer and the s151 Officer of each Member Authority or their respective nominees shall be entitled to attend every meeting of the Joint Committee in the capacity of observer.

7. Quorum

7.1 The number of Members constituting a quorum shall be one quarter of the membership of the Joint Committee. Provided that in no case shall a quorum be less than three members and further provided that no item of business shall be transacted at a meeting of the Joint Committee unless at least one member from each Founding Member Authority ** is present and entitled to vote thereon.

8. Standing Orders

8.1 Subject to anything expressly provided herein the Standing Orders (Meeting Procedure Rules) of the Authority providing the Secretariat will apply to the Joint Committee

9. Voting

Given the composition of the Joint Committee, decisions shall normally be taken on the basis of consensus

10. Sub-Committees

The provisions of these Terms of Reference shall apply mutatis mutandis to meetings of subcommittees as they do to meetings of the Joint Committee

** Nottingham City Council and Leicestershire County Council

Date of first meeting

23 September at 11:00 am