

Agenda



Special Meeting of West Dunbartonshire Council

Date: Wednesday, 5 October 2016

Time: 17.00

Venue: Council Chamber,
Council Offices, Garshake Road, Dumbarton

Contact: Christine McCaffary
Tel: 01389 737186– christine.mccaffary@west-dunbarton.gov.uk

Dear Member

Please attend a special meeting of **West Dunbartonshire Council** as detailed above.
The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Provost Douglas McAllister
Councillor Denis Agnew
Councillor George Black
Councillor Jim Bollan
Councillor Jim Brown
Councillor Gail Casey
Councillor Jim Finn
Councillor William Hendrie
Councillor David McBride
Councillor Jonathan McColl
Councillor Michelle McGinty
Councillor Patrick McGlinchey
Councillor Marie McNair
Councillor John Millar
Councillor John Mooney
Councillor Ian Murray
Councillor Lawrence O'Neill
Councillor Tommy Rainey
Councillor Gail Robertson
Councillor Martin Rooney
Councillor Kath Ryall
Councillor Hazel Sorrell

Chief Executive
Strategic Director of Transformation & Public Service Reform
Strategic Director of Regeneration, Environment & Growth
Chief Officer of West Dunbartonshire Health & Social Care Partnership

Date of issue: 23 September 2016

WEST DUNBARTONSHIRE COUNCIL

WEDNESDAY, 5 OCTOBER 2016

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 DELIVERING FOR THE FUTURE – JOINT WORKING AND SHARING SERVICES 5 - 13

Submit report by the Chief Executive seeking approval of the joint committee Minute of Agreement, detailed within Appendix 1 to the report, which is required to establish the governance structure necessary for the joint committee and to allow the sharing of services among participating Councils.

4 PROPOSED JOINT CIVIL CONTINGENCIES SERVICE 15 -18

Submit report by the Strategic Lead – People and Technology seeking approval for West Dunbartonshire Council to join the Civil Contingencies Service.

WEST DUNBARTONSHIRE COUNCIL

Report by the Chief Executive

Special West Dunbartonshire Council: 5 October 2016

Subject: Delivering for the Future – Joint Working and Sharing Services

1. Purpose

- 1.1 This report seeks approval from Council of the joint committee Minute of Agreement which is required to establish the governance structure necessary for the joint committee and to allow the sharing of services among participating Councils.

2. Recommendations

- 2.1 It is recommended that Council:-

- (i) Approves the terms of the joint committee Minute of Agreement as contained at appendix 1;
- (ii) Appoints four elected members to sit on the joint committee;
- (iii) Agrees that East Dunbartonshire Council shall be the first chair authority; and
- (iv) Agrees that West Dunbartonshire Council shall be the first vice-chair authority

3. Background

- 3.1 The Council approved at its meeting of 29 June 2016, the creation of a joint committee to enable shared working among West Dunbartonshire, East Dunbartonshire and Inverclyde Councils. At the meeting, it was agreed the joint committee Minute of Agreement, be returned to Council for approval. Accordingly, attached at appendix 1 is the Minute of Agreement as agreed by the heads of legal of each of the Councils.

4. Main Issues

4.1 Joint Committee Minute of Agreement

- 4.1.1 The Agreement shall commence on 1 November 2016 and continue until a sufficient number of Councils give not less than 18 months' notice to withdraw. Detailed withdrawal provisions will be included within any service agreements.

- 4.1.2 The joint committee shall be administered by the authority from whom the chair is appointed, with meetings being held at least twice a year within the chair authority's premises.
- 4.1.3 The positions of chair and vice-chair shall be held for two years. The positions will rotate between the authorities with the chair being from the authority that previously held the vice-chair position. It was recommended by the leaders of the three Councils that East Dunbartonshire Council be the first chair authority; West Dunbartonshire Council be the first vice-chair authority; and nominations are to be agreed by each Council prior to the first joint committee meeting.
- 4.1.4 Each Authority shall be represented by four elected members with no substitutes permitted.
- 4.1.5 The quorum shall be two thirds of the total members, with a minimum of one member from each Council.
- 4.1.6 It is proposed the date and place of the first meeting of the joint committee will be at East Dunbartonshire Council Offices later this year.
- 4.1.7 A communications strategy is to be agreed among the Councils.

5. People Implications

- 5.1 The approval of the joint committee governance structure will have no direct workforce implications at this time, other than an administrative workload for the chair authority. The shared service model may have future workforce implications going forward.

6. Financial and Procurement Implications

- 6.1 There are no financial and procurement implications in approving the governance structure. As stated above in section 5, the model of shared services chosen may have future financial and procurement implications.

7. Risk Analysis

- 7.1 There is a risk that any delay would extend the previously agreed timetable for implementation. There is a risk that if the governance structure is not approved the shared services plan will no longer be feasible and deliver the efficiencies and savings.

8. Equalities Impact Assessment (EIA)

- 8.1 There are no significant issues identified in relation to equality impact at this time.

9. Consultation

- 9.1 The Strategic Lead – Resources, has been consulted on the terms of this report.

10. Strategic Assessment

- 10.1 The approval of the governance structure for the joint committee will help:-
- Improve economic growth and employability; and
 - Improve local housing and environmental sustainable infrastructure.

Author: Peter Hessel,
Strategic Lead - Regulatory

Date: 21 September 2016

Person to Contact: Peter Hessel
Strategic Lead – Regulatory
West Dunbartonshire Council
Garshake Road
Dumbarton
G82 3PU
E-mail: peter.hessel@west-dunbarton.gov.uk

Appendix: Joint Committee Minute of Agreement.

Background Papers: None.

Wards Affected: All

MINUTE OF AGREEMENT

among

(One) **EAST DUNBARTONSHIRE COUNCIL** constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Southbank Marina, 12 Strathkelvin Place, Kirkintilloch, Glasgow G66 1TJ;

(Two) **INVERCLYDE COUNCIL** constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Municipal Buildings, Clyde Square, Greenock, PA15 1LY; and,

(Three) **WEST DUNBARTONSHIRE COUNCIL**, constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Garshake Road, Dumbarton, G82 3PU.

(hereinafter referred to as “the parties”)

WHEREAS the purpose of this Agreement is to make arrangements for the joint discharge of statutory functions in terms of the Local Government (Scotland) Act 1973 (“the 1973 Act”) and of the Local Government in Scotland Act 2003 (“the 2003 Act”) and the establishing of a Joint Committee to oversee the delivery of Local Authority Services to the communities of East Dunbartonshire, Inverclyde and West Dunbartonshire Councils, AND WHEREAS the parties hereto have agreed to delegate the discharge of various functions jointly, in terms of section 57 (1) (b) of the 1973 Act NOW THEREFORE the parties agree as follows:

Definitions

In this Agreement unless the context otherwise requires the following expressions shall have the following meanings:-

“Administrative Support” means committee and legal advice and support;

“Agreement” means this Minute of Agreement;

“Authority” means each of the parties to the Agreement;

“Clerk” means the Head of Legal, or other nominated officer, of the Secretariat Authority;

“Secretariat Authority” means the Authority which chairs the Joint Committee and provides administrative services in support of the Joint Committee’s operation and decision making;

“Service Agreement” means the deed(s) which govern and regulate the specific services and functions to be delegated to the Joint Committee;

“Service Lead” means the principal Authority (if any) for a particular Shared Service, as defined in the relevant Service Agreement;

“Shared Service” means the specific services and functions to be delegated to the Joint Committee.

1. Commencement and Duration

This Agreement shall commence with effect from 1 November 2016 and shall thereafter subsist for such period as the parties (or at least two of them) shall continue to participate in a Shared Service, subject to the provisions of Clause 12 (Withdrawal from Agreement). Each Service Agreement shall make provision for the disaggregation of the Shared Service to which it relates in the event of withdrawal by any of the parties from the Shared Service, including provision for liability of the withdrawing party for the costs associated with such withdrawal.

2. Constitution and Remit

There is hereby constituted a Joint Committee to be known as the East Dunbartonshire, Inverclyde and West Dunbartonshire Councils’ Shared Service Joint Committee, (to be hereinafter referred to as “the Joint Committee”). The administration of the Joint Committee shall be carried out by the Secretariat Authority. The Shared Services shall be determined by the parties from time to time and set out in Service Agreements to follow hereon. The Joint Committee is empowered by each of the parties hereto:

- 2.1 To manage and monitor spend within the budget approved by the parties hereto in relation to each Shared Service subject always to the terms of the relative Service Agreement;
- 2.2 To develop and implement a strategic policy framework for the operation of each Shared Service to receive, scrutinise and approve service plans for implementation of the policies and priorities for service delivery relative to each Shared Service;
- 2.3 To co-ordinate, guide, monitor and review the performance and discharge of Shared Services by officers of the relevant Authorities or Service Lead as the case may be;
- 2.4 To take decisions on a service by service basis in accordance with the terms of the relevant Service Agreements, provided that any associated spend must be offset by additional income or savings from elsewhere within the budget for that Shared Service;
- 2.5 To consider and approve an annual Service Plan in respect of each Shared Service including the Budget as provided for in Clause 9.2 hereof for submission to each Authority for agreement.

3. Membership

- 3.1 Each Authority shall be represented by four Elected Members on the Joint Committee.
- 3.2 Each of the Elected Members so appointed shall, subject as hereinafter provided, continue in office until they are re-appointed or replaced by the appointing Authority, subject always to s57(5) and s59 of the 1973 Act. No substitutes shall be permitted.
- 3.3 A member of the Joint Committee shall cease to be a member when he or she ceases to be an Elected Member of the appointing Authority or on the appointment by that Authority of another Elected Member in his or her place, whichever shall first occur.

4. Quorum

- 4.1 The quorum of the Joint Committee shall be two thirds of the total members with at least one Elected Member representing each Authority. If the two thirds figure does not represent a whole number, the two thirds figure shall be rounded up to the nearest whole number.
- 4.2 Provision shall be made in the Standing Orders whereby Elected Members may only vote in relation to the specific Shared Services relative to their Authority.

5. Standing Orders

The Joint Committee shall adopt its own Standing Orders. In the event of any inconsistency between the Standing Orders and this Agreement the provisions of this Agreement shall prevail.

6. Meetings

- 6.1 The Joint Committee shall meet at least twice in each financial year or more often as is required to conduct its business. The meetings of the Joint Committee shall be convened by the Secretariat Authority and meetings will be similarly located within the Secretariat Authority in ordinary course.
- 6.2 A meeting of the Joint Committee shall be open to the public except to the extent the public are excluded (whether during the whole or part of the proceedings) under Section 50A of the Local Government (Scotland) Act 1973.

7. Chair and Vice Chair

- 7.1 The positions of Chair and Vice Chair shall be elected at the first meeting of the Joint Committee.
- 7.2 The position of Chair shall be held for a period of two years by an Elected Member from each Authority in turn, with each subsequent Chair being the previous Vice Chair and taking up his or her position on the second anniversary of the first meeting. The appointment of the Chair of the Joint Committee shall be undertaken by the Authority from whose Elected Members the Chair shall be selected.

- 7.3 The position of Vice Chair shall be held for a period of two years by an Elected Member of the next sitting Secretariat Authority, with each subsequent Vice Chair taking up his or her position on the second anniversary of the first meeting. The appointment of the Vice Chair of the Joint Committee shall be undertaken by the Authority from whose Elected Members the Vice Chair shall be selected.
- 7.4 In the event of the Chair being absent from a meeting, the Vice Chair shall assume the Chair for that meeting.

8. Administration

The Administrative Support to the Joint Committee in any year shall be undertaken by the Secretariat Authority. The cost of providing such Administrative Support shall be borne by the Secretariat Authority providing such Administrative Support in that year.

9. Finance

- 9.1 Prior to the commencement of any Service Agreement the Joint Committee shall receive from each Authority, confirmation of resources to be allocated by that Authority for the provision of the functions identified as being the Shared Service as defined in the relevant Service Agreement.
- 9.2 In each subsequent year and in respect of each Shared Service, the relevant Authorities or Service Lead, as the case may be, shall prepare a Service Plan for the following three financial years setting out the level of service to be provided to the participating Authorities, in accordance with the Service Agreement for that Shared Service, and the budget required to fulfil that plan. Such Service Plan shall be submitted for approval to the Joint Committee not later than First November in each year. The Joint Committee shall thereafter make recommendation to each of the parties hereto for formal approval of the Service Plan including the relevant budget.
- 9.3 The proportion of the cost of delivery of any Shared Service to be met by each Authority in respect of the Shared Service shall be as set out in the Service Agreement relating to that Shared Service.
- 9.4 Each participating Authority using best endeavours agrees to approve and confirm to the Joint Committee the level of funding to be allocated by that Authority for the following financial year for each Shared Service by no later than 28 February in each year.
- 9.5 Annual accounts for each of the Shared Services shall be prepared by the respective Authorities or Service Lead, as the case may be, and submitted to the Joint Committee.
- 9.6 Appropriate arrangements for external audit shall be put in place.

10. Scrutiny

Scrutiny in respect of the Joint Committee will be undertaken by each Authority in accordance with its own scrutiny processes, as set out within the respective Corporate Governance arrangements.

11. Variation of Agreement

Any alteration of the terms of this Agreement shall be by way of a further Minute of Agreement signed by all the parties hereto.

12. Withdrawal from Agreement/Disaggregation

12.1 If any Authority wishes to withdraw from this Agreement it may do so with effect from the end of the Joint Committee's next financial year subject to giving to the Clerk not less than 18 months' notice in writing to that effect.

12.2 An Authority may withdraw from a Shared Service subject to complying with the provisions in the relevant Service Agreement relating thereto, including meeting any costs, including severance costs, associated with such withdrawal.

13. Publicity

A communications strategy shall be agreed among the parties and no press release or public intimation shall be made by an Authority unless it is in accordance with the agreed communications strategy, or otherwise agreed in advance by all of the parties.

14. New Parties

Where a local authority which is not a party to this Agreement requests to become a member of the Joint Committee and utilise some or all of the Shared Services, then the consent of each Authority, acting reasonably, is required. Where each Authority consents to such a request then in accordance with Clause 11, the parties shall vary the terms of this Agreement and any relevant Service Agreement amending that which has to be amended to include the new Authority: IN WITNESS WHEREOF

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – People and Technology

Special Council: 5 October 2016

Subject: Proposed Joint Civil Contingencies Service

1. Purpose

- 1.1** This report seeks approval for West Dunbartonshire Council to join the Civil Contingencies Service (CCS), a joint committee operated by Renfrewshire Council. Similar reports are being considered by Inverclyde, East Renfrewshire and Renfrewshire Councils.

2. Recommendations

- 2.1** It is recommended that the Council:
- i. approves the proposal to join the Civil Contingencies Service; and
 - ii. authorises the Chief Executive, in conjunction with the Strategic Lead - Regulatory to progress to agreement in respect of the “Minute of Agreement” and “detailed specification of service” for the Joint Civil Contingencies service to reflect the expansion of the service to include West Dunbartonshire Council.

3. Background

- 3.1** In November 2008, Renfrewshire Council approved the establishment of a Joint Civil Contingencies Service (CCS). The team is based in Paisley and covers East Renfrewshire, Inverclyde and Renfrewshire Council areas. The service has been in operation since April 2009 and has supported significant improvements in the resilience of each Council area and the ability to respond to civil contingencies incidents and events.
- 3.2** The service is governed by a Joint Management Board comprising of the Chief Executives of each of the member Councils, supported by their respective Head of Service/Strategic Lead and the CCS Senior Officer.
- 3.3** Each of the member Councils signs up to a Minute of Agreement which defines the roles and responsibilities in relation to the CCS with Renfrewshire as the Lead Authority. The service brings a number of benefits:
- Better use of available staff resources across the member Councils;
 - Increased resilience and service development, particularly in training and exercising (facilitating a sharing of expertise and conjoining exercises where similar sites exist, for example, Chivas and Glasgow Airport both have flammable liquids in storage and the respective Authorities must have joint plans to respond to an incident);

- Increased efficiency from reduced duplication of effort;
- Improved relationships, training and information sharing arrangements with Category 1 Responders (i.e. the emergency services, local authorities, NHS bodies) and other national agencies;
- Performance improvements in resilience, contingency planning and emergency response;
- Improved capacity and expertise to be able to respond to changing and emerging risks and threats – counter terrorism, and Control of Major Accident Hazards (COMAH) Regulations in particular; and
- Improved capacity to support organisational resilience, build community capacity and resilience and support local businesses and voluntary organisations with their business continuity management and plans.

3.4 Since the service was created it has undertaken, a range of initiatives including the development of Council Incident Officer roles, training and exercising programmes and a range of Policies and procedures that are widely considered best practice and adopted within other Council areas across Scotland. West Dunbartonshire's former Resilience Officer worked closely with colleagues within CCS to ensure synergy across the regional area.

4. Main Issues

4.1 In April 2016, the Council's Resilience Officer left the organisation. As a stand-alone role, this left the Council without a much needed resource and also thoughtful of the presented opportunity to build resilience into future service delivery in this area. Consequently, an approach was made to the Joint Management Board of the CCS to consider expansion of the Joint Civil Contingencies Service to include the West Dunbartonshire Council area.

4.2 In contemplation of the Council's request, officers worked jointly to review current resilience arrangements, policies and plans within West Dunbartonshire, the nature of relevant and specific risks, response arrangements and the data relating to historic incident response requirements over the period from 2013 to 2016. The analysis concluded that, as arrangements within West Dunbartonshire were robust, the service could be provided to the joining Council at the same cost as for existing member councils.

4.3 Subject to formal approval by each Council, the full year budget contribution from West Dunbartonshire Council would match the contributions from East Renfrewshire and Inverclyde. Renfrewshire's contribution is above that of the other members. The contribution of £55,645 is jointly reviewed and agreed annually by the Joint Management Board. In addition, an administrative resource will be provided by West Dunbartonshire Council for the transitional period, working directly to the Senior Civil Contingencies Officer in the Civil Contingencies Service to support the alignment and integration of existing systems and processes.

- 4.4** In order to ensure a smooth transition, the Council's would nominate a liaison officer, in this case the Strategic Lead People and Technology, to jointly develop an indicative workplan with CCS colleagues. This would ensure that priority areas are appropriately recognised, plans refreshed as required and resource allocated. In the course of discussions to date, such priorities have been highlighted and are both known and could be accommodated in the timeframe available.
- 4.5** An additional sum of £5,000 per annum will be provided by West Dunbartonshire Council for the first 2 years of the service to support specific refresher training to the Council Incident Officers. This training was previously delivered in January 2015 and was due to be refreshed in the current year. Arrangements for area risk familiarisation for existing CCS officers will also be supported.
- 5. People Implications**
- 5.1** The proposed arrangement will require the recruitment of a dedicated officer to support West Dunbartonshire Council. Given the recent loss of the Council's Resilience Officer, there is no direct impact on any present incumbent. The administrative support will be provided from existing resources.
- 5.2** The officers currently providing the emergency standby cover will cease to do so subject to approval of this arrangement. Cover would thereafter be provided by the CCS.
- 6. Financial and Procurement Implications**
- 6.1** The annual payment of £55,645 plus £5,000 for training and incident response is fully budgeted. A part year payment would be made on commencement of the new service provision arrangements.
- 6.2** There are no procurement implications.
- 7. Risk Analysis**
- 7.1** This proposed service provision protects the Council in the event of an incident or emergency and removes the reliance on a stand-alone role.
- 8. Equalities Impact Assessment (EIA)**
- 8.1** An equalities screening has been undertaken and indicates that there is no equalities impact.
- 9. Consultation**
- 9.1** Discussions on the proposed joint arrangement have taken place with the Trades Unions as part of the monthly ELG discussions. They were made aware of the intention to submit a report to Council for approval to proceed.

10. Strategic Assessment

- 10.1** The proposals outlined within the report support the Council's strategic priorities as stated above. The extent to which the proposals 'fit' with the strategic priorities will help guide the Committee as to the priority to be placed on the report.

Vicki Rogers
Strategic Lead People and Technology
20 September 2016

Person to Contact: Vicki Rogers, Strategic Lead - People and Technology;
01389 737584; vicki.rogers@west-dunbarton.gov.uk

Appendices N/A.

Background Papers: N/A.

Wards Affected: N/A.
