

**EAST SUSSEX COUNTY COUNCIL AND  
SURREY COUNTY COUNCIL**

**ORBIS JOINT COMMITTEE**



**DATE: 19 FEBRUARY 2016**

**LEAD OFFICER: KEVIN FOSTER (CHIEF OPERATING OFFICER) AND JOHN STEBBINGS (CHIEF PROPERTY OFFICER)**

**SUBJECT: FORMALISING AND EXPANDING THE ORBIS PARTNERSHIP**

**PURPOSE OF REPORT:**

To provide an update to the Joint Committee on the development of the Inter Authority Agreement (IAA) between East Sussex County Council (ESCC) and Surrey County Council (SCC) and the due diligence process for Brighton and Hove City Council to join the Orbis Partnership.

**INTRODUCTION**

1. The Inter Authority Agreement will form the legal basis for the Orbis partnership. The terms of the IAA are now agreed and should be noted by the Joint Committee before being sealed by ESCC and SCC.

A copy of the draft IAA document has been provided under item 9 in part 2 of the agenda.

2. To provide an update to the Joint Committee on the work currently being undertaken in respect of Brighton and Hove City Council (BHCC) joining the Orbis partnership.

**RECOMMENDATIONS:**

It is recommended that:

3. The Joint Committee is asked to consider and note the content of the IAA between ESCC and SCC before the document is sealed by the Councils.
4. The Committee recognises that a process of due diligence is currently being undertaken for BHCC to join the partnership.

**REASON FOR RECOMMENDATIONS:**

5. The IAA provides the legal framework for the partnership and safeguards the interests and sovereignty of each Council. Proceeding without this contract increases the risk to each Council should there be any contentious issues or if one party decides they no longer wish to continue to work within the Orbis partnership.
  6. To provide an update to the Joint Committee around the process for due diligence and an overview of the activities being undertaken in conjunction with BHCC.
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<b><u>DETAILS:</u></b>
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## **Inter-Authority Agreement**

7. The IAA sets out the context and forms the legal basis for the partnership.

8. The key sections of the IAA are:

- General principles
- Governance
- Financial contributions/benefits
- Objectives of the partnership
- Disputes and complaints
- Termination of the agreement
- Indemnities and liabilities
- Confidentiality and data protection
- Staff Management

The full context and detail of these sections can be found in the IAA itself included under agenda item 9.

9. The IAA sets out in Schedule 1 – Governance the legal basis upon which the Joint Committee has been established as follows:

“ESCC has resolved through a resolution of its Cabinet dated 10 March 2015 and SCC has resolved through a resolution of its Cabinet dated 24 February 2015 that the Joint Committee should discharge the function of overseeing the Services under the provisions of Sections 101(5) and 102 of the Local Government Act 1972, Section 9E of the Local Government Act 2000 and the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2012.”

10. The IAA sets out the terms on which those functions will be discharged and puts in place a framework for the delivery of the Services within Orbis.

## **Brighton and Hove City Council**

11. The Policy and Resources Committee on 3 December 2015 recommended that BHCC join the Orbis partnership, this decision was ratified at full Council on 17 December 2015 and Lead Member, Cllr Les Hamilton was appointed.

12. Officers are currently working on a joint timeline of activities for the due diligence process together with plan for engagement of colleagues and stakeholders in Brighton and Hove.

13. Work has begun on looking at the scope of the Services that will be included within the partnership and an initial review of financial baseline data will commence shortly.

14. Governance arrangements for Orbis will need to be reviewed to determine the changes required for an additional partner.

15. A joint communication approach is being developed to ensure a consistent timely release of information, both internally to staff / stakeholders and externally as appropriate.

#### **CONSULTATION:**

16. The IAA has been developed through close collaboration of key colleagues within ESCC and SCC:

- Ann Charlton – Monitoring Officer, SCC
- Philip Baker – Monitoring Officer, ESCC
- Marion Kelly – Chief Finance Officer, ESCC
- Sheila Little – Director of Finance, SCC
- Diane Owens – Principal Lawyer, Legal and Democratic Services, SCC
- Susan Smyth – Strategic Finance Manager, SCC
- Marie Nickalls - Head of Finance (CET & GCE), ESCC
- Phil Packham – Orbis Finance lead
- Adrian Stockbridge – Orbis Programme Manager
- Sarah Mainwaring - Interim Assistant Director, Personnel and Training, ESCC
- Carmel Millar - Director of People & Development, SCC

#### **RISK MANAGEMENT AND IMPLICATIONS:**

17. A review of the Business Plan will be required to in order to elucidate the implications of BHCC joining Orbis as there will be an impact on the investment and savings profiles.

#### **Legal Implications**

18. The IAA is a legally binding contract upon ESCC and SCC. The terms of the Agreement formalise the arrangements between the Councils for the Orbis partnership and provides the legal framework for its operation. The terms of the IAA have been drafted and agreed by Officers from both Councils.

#### **Equalities and Diversity**

19. An initial EIA was completed as part of the Business Plan. Additional EIAs will be undertaken for each individual service as appropriate.

#### **WHAT HAPPENS NEXT:**

20. The IAA is sealed by both Councils to make the IAA legally binding upon them.
21. Next Joint Committee date – 22 April 2016.

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#### **Contact Officer:**

Adrian Stockbridge, Orbis Programme Manager (07837 170418)

#### **Consulted:**

Kevin Foster – Chief Operating Officer

John Stebbings – Chief Property Officer  
Leatham Green – Programme Director for People and Change  
Diane Owens - Principal Lawyer, Legal and Democratic Services

**Annexes:**

None.

**Sources/background papers:**

- Orbis business Plan
  - ESCC and SCC Cabinet reports - February 2015/March 2015 & October 2015
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