

Report to: Leader and Lead Member Strategic Management and Economic Development

Date of meeting: 27 April 2026

By: Chief Executive

Title: Shared Working arrangement with Rother District Council

Purpose: To seek the Lead Member's agreement to enter into an agreement with Rother District Council to share the services of officers, including the Monitoring Officer of East Sussex County Council.

RECOMMENDATIONS:

The Leader and Lead Member is recommended to agree to:

- 1) **East Sussex County Council (ESCC) entering into an agreement pursuant to section 113 Local Government Act 1972 with Rother District Council (RDC):**
 - (i) to place at RDC's disposal the services of Philip Baker, to support RDC in discharging the statutory Monitoring Officer function and as solicitor to the Council, subject to agreement of final legal, human resources (HR), information governance and financial terms; and
 - (ii) for a wider reciprocal section 113 framework arrangement between ESCC and RDC to enable either authority to place the services of other officers at the disposal of the other authority (and vice versa), where this supports service resilience, programme delivery and Local Government Reorganisation (LGR) preparedness, with each individual placement to be approved in accordance with each authority's internal governance and HR processes.
- 2) **Delegate authority to the Chief Executive to take all actions necessary to give effect to the decision, including finalising, executing and, where necessary, varying the agreement, including provisions for cost recovery/recharge, confidentiality and data protection, governance/oversight, dispute resolution, indemnities and termination.**

1. Background and context

1.1 ESCC and RDC have a strong history of partnership working across a range of place-based priorities, including the provision by ESCC to RDC of a communications service. With LGR the authorities, together with the other East Sussex councils, are increasingly collaborating on workstreams that cut across organisational boundaries.

1.2 The Monitoring Officer role is a statutory function for relevant authorities. It is central to lawful decision-making, maintaining constitutional governance, and promoting high standards of member and officer conduct.

1.3 In the context of heightened delivery pressures and the additional demands associated with preparing for potential Local Government Reorganisation (LGR), both authorities have identified

opportunities to strengthen capacity and resilience through structured staff-sharing arrangements. A section 113 agreement provides a well-established legal mechanism to support such arrangements.

2. Proposal

2.1 Section 113 Local Government Act 1972 enables one local authority to enter into an agreement with another local authority for the placing at the disposal of the latter authority the services of officers employed by the former authority. This report proposes that ESCC enters into such an agreement with RDC.

2.2 Under the proposed arrangements, Philip Baker, Deputy Chief Executive would, in addition to his ESCC responsibilities, carry out the Monitoring Officer function for RDC and would be the Solicitor to the Council. Philip will remain an employee of ESCC. ESCC would continue to be responsible for his contract of employment, pay and pension arrangements. RDC would make the necessary decisions within its own governance framework to designate its Monitoring Officer and to confirm the local arrangements for the role (including access to resources and information). The arrangement would be underpinned by an agreement which would set out how priorities are managed where ESCC and RDC needs potentially conflict, together with escalation routes to the relevant Chief Executives. The agreement would include clear provisions on confidentiality, data protection, information governance, access to systems and records, and secure handling of documents. Financial terms would provide for an agreed recharge to reflect the costs of the arrangement, with regular review.

3. Wider reciprocal framework

3.1 In addition to the specific proposal for Monitoring Officer support, this report recommends that the Leader and Lead Member agrees a wider reciprocal framework arrangement. This would allow either authority to place other officers at the disposal of the other authority on agreed terms, to meet operational demands, address skills shortages, and support programme delivery.

3.2 The framework would not automatically create new placements. Instead, it would provide a standing mechanism under which individual placements can be agreed quickly (subject to consultation with the officer and the relevant internal approvals), with a consistent set of baseline terms covering: scope, duration, supervision arrangements, cost recovery, information governance, and liability/indemnities.

4. Benefits of the partnership arrangement

4.1 The proposal set out in this report would provide benefits to both Councils, with RDC, who currently has a vacancy in relation to the Monitoring Officer, benefitting from immediate access to experienced senior governance and legal leadership to support the statutory Monitoring Officer function and related constitutional advice. There would be greater cost efficiency for RDC compared with alternative short term market solutions and the ability to flex support as demand changes.

4.2 For ESCC, it helps facilitate shared priorities and joint programmes and will assist with improving organisational learning across both Councils in preparedness for LGR. This partnership working will build on the collaborative relationships and practical operating arrangements needed for the LGR transition activity.

4.3 The Chief Executives will keep the agreement under review and will monitor the impact to ensure there is no detriment and clear benefits.

5. Financial Implications

5.1 There will be no financial implications for ESCC, all additional costs will be borne by RDC. It is expected to lower the cost of provision in the context of the public sector across East Sussex as a whole.

6. Conclusion and Reasons for Recommendation

6.1 RDC will remain responsible for its own statutory duties, including making decisions within its governance framework to designate its Monitoring Officer and ensure that the function is adequately resourced.

6.2 RDC and ESCC have a history of working collaboratively, and the proposal will expand on this. As set out above, it will benefit both authorities and is particularly timely bearing in mind LGR.

BECKY SHAW
Chief Executive

BACKGROUND DOCUMENTS

None