

Governance Committee

6 July 2020

Part I

Joint leadership arrangement with East Sussex County Council

Report by Director of Law and Assurance

Summary

The Council in December 2019 entered into an arrangement with East Sussex County Council for the joint appointment of a chief executive and for the provision of mutual support to address a range of corporate challenges.

The report provides an opportunity for the Committee to review the arrangement by reference to its original aims and in light of experience.

Recommendations

- (1) That the Committee notes the report and confirms the continuation of the arrangement with East Sussex County Council; and
- (2) That the Committee identifies any additional sources of assurance or evidence of benefits which may support a further review of the arrangement and when such a review may be planned.

Proposal

1. Background and Context

- 1.1 In December 2019 the County Council approved the appointment of the Chief Executive of East Sussex County Council to be also Chief Executive of West Sussex County Council as part of a broader proposal for support and assistance for corporate improvement in response to the recommendations of the Department for Education's Children's Commissioner's Report and in particular its recommendation for a deep and wide ranging review of leadership governance and culture.
- 1.2 The agreement started on 6 January 2019 and the aim was for a first review after around three months. There is also provision for both Councils to review the arrangement following the County Council elections in May 2021. Either Council will be able at any point to terminate the arrangement by providing notice of six months. The three month review has been delayed by the current public health emergency.
- 1.3 The arrangement met the County Council's need to secure stable and effective executive leadership within a reasonable time scale and to show that the County Council was acting quickly and responsibly to address identified challenges and the expectations of those government departments and external agencies engaged with the Council on its improvement journey

– both in relation to critical service delivery priorities and the corporate improvements identified.

- 1.4 The broader arrangement with East Sussex County Council to provide support and capacity to improve was supported through an agreement between the two Councils using s.113 Local Government Act 1972. This allows one council to enter into an agreement with another for the placing of officers at each other's disposal. The officers made available remain employed by the providing council but must act in the interests of the receiving council.
- 1.5 The agreement sets out the aims of the proposal in tackling the County Council's corporate challenges to become more effective and efficient and describes how mutual support and assistance will be available for shared improvement activity. These arrangements have been deployed in a number of ways during the six months of the agreement.
- 1.6 The arrangement was also proposed so as to make best use of areas of common challenge and shared areas of responsibility and partnership working which already existed between the two Sussex County Councils and the benefits of closer working in such areas as NHS joint working, transport planning, economic development, climate change and response to government initiatives.

2. Proposal – review of the arrangement

- 2.1 The Committee is asked to consider whether the arrangement remains valuable and that it meets the needs of the County Council.
- 2.2 The Committee may be assisted by consideration of the effectiveness of the arrangement by reference to the original aims and objectives:
 - To achieve early and real stability in the Council's executive leadership
 - To provide the means of direct mutual support for areas of corporate challenge
 - To enable the Council to address broader governance challenges promptly and effectively
 - To provide assurance to Government and external agencies that the Council has the capability and capacity to improve
- 2.3 It is for members to consider whether that stability has been achieved and maintained. The joint appointment of chief executive has certainly been received positively by the executive leadership. The executive leadership team has held joint management events with colleagues in East Sussex and there has been valuable and continuing use of advice, support and the sharing of best practice in most areas of the Council's strategic service operations and support services. These have made use of the areas of common challenge referred to in 1.6 above.
- 2.4 The good governance review was commenced promptly in January but was diverted by the current public health emergency. The project is however back on track and is identifying a number of valuable work streams to bring real improvements to all areas of the Council's governance, culture and strategic

working. The current emergency has also reinforced the value of such close working in partnership. The Committee has a separate report on the work of the good governance review.

- 2.5 The current emergency activity has provided a real test both of the value and the effectiveness of the joint arrangement and the benefits of closer joint working. Part of the learning from the current events will further enable members to evaluate the overall benefits of the arrangement when the opportunity arises for members to take stock of the impact and of the Council's response to the emergency and the joint working which has been a feature of the activity.

3. Resources

- 3.1 The arrangement for the joint appointment meant a saving on the previous costs associated with the post of chief executive. No additional costs arise from the operation of the mutual support agreement -all support and cross council working being undertaken without charging.

Factors taken into account

4. Consultation

- 4.1 The arrangement was considered by the Cabinet and by the appointing committee at the time of the appointment of the joint chief executive and was presented to full Council for approval.

5. Risk Implications and Mitigations

Risk	Mitigating Action
Conflict of interest in relation to policy and strategic operations	The agreement contains conflict provisions
Failure to deliver the desired outcomes	The agreement provides for mutual and unilateral termination and review.
Shift of political priorities or aims	The agreement will be reviewed after the next Council elections in May 2021.

6. Other Options Considered

- 6.1 Other options were addressed in the report considered by full Council in December 2019.

7. Equality Duty

- 7.1 The report does not engage the public sector equality duty as it relates only to the internal governance of the Council.

8. Social Value, Crime and Disorder Act and Human Rights Implications

None.

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Appendices

None

Background Papers

None