



B O S T O N B O R O U G H C O U N C I L

REPORT TO:	COUNCIL
DATE:	10 JUNE 2020
SUBJECT:	BOSTON BOROUGH COUNCIL AND EAST LINDSEY DISTRICT COUNCIL STRATEGIC ALLIANCE
PORTFOLIO HOLDER:	CLLR PAUL SKINNER
REPORT AUTHOR:	JOINT STRATEGIC OFFICERS
EXEMPT REPORT?	NO

SUMMARY

The purpose of this report is to set out the case for the creation of a strategic alliance between the authorities and to outline the substantial benefits that would accrue from an alliance. The report recommends the sharing of statutory officers.

RECOMMENDATIONS

- (1) To agree to enter into a Strategic Alliance for the purposes set out in Section [1.12] of this report, effective from 1st July 2020, for the purposes and under the terms described in this report and set out more particularly in the draft Memorandum of Agreement attached to it.
- (2) That the Strategic Alliance will be supported by a single merged workforce. This will be overseen and implemented by the Joint Chief Executive/Head of Paid Service.
- (3) That the savings of £15.4m (BBC £5.1M, ELDC £10.3M) identified in the Financial Business Case are built into the Medium Term Financial Plan.
- (4) That Robert Barlow becomes Joint Chief Executive/Head of Paid Service of East Lindsey District Council and Boston Borough Council. East Lindsey District Council shall formally employ Mr Barlow, who shall, for the purpose of facilitating the Strategic Alliance, be seconded to Boston Borough Council as Chief Executive and Head of Paid Service under Section 113 of the Local Government Act 1972, effective from 1st July 2020. Thereafter, East Lindsey District Council will contribute 67 per cent of the cost of Mr Barlow's remuneration and Boston Borough Council will contribute 33 per cent of the same. Consultation should commence immediately.

- (5) That Michelle Sacks becomes Joint Monitoring Officer of East Lindsey District Council and Boston Borough Council. Boston Borough Council shall formally employ Ms Sacks, who shall, for the purpose of facilitating the Strategic Alliance, be seconded to East Lindsey District Council as Monitoring Officer under Section 113 of the Local Government Act 1972, effective from 1st July 2020.
Thereafter, East Lindsey District Council will contribute 67 per cent of the cost of Ms Sack's remuneration and Boston Borough Council will contribute 33 per cent of the same. Consultation should commence immediately.
- (6) That Paul Julian becomes Joint S151 Officer of East Lindsey District Council and Boston Borough Council. Boston Borough Council shall formally employ Mr Julian, who shall, for the purpose of facilitating the Strategic Alliance, be seconded to East Lindsey District Council as S151 Officer under Section 113 of the Local Government Act 1972, effective from 1st July 2020.
Thereafter, East Lindsey District Council will contribute 67 per cent of the cost of Mr Julian's remuneration and Boston Borough Council will contribute 33 per cent of the same. Consultation should commence immediately.
- (7) That Michelle Sacks be appointed as Returning Officer and Electoral Registration Officer for Boston Borough Council.
- (8) That the exit costs are charged to the reorganisation budget shown in the financial business case. The costs of the departing Statutory Officers shall be met by both authorities. East Lindsey District Council will contribute 67 per cent of the cost. Boston Borough Council will contribute 33 per cent. These exit costs will be recovered quickly from savings achieved through the operation of the Strategic Alliance and as modelled in the Financial Business Plan. Consultation with both Officers should commence immediately to start redundancy proceedings.

REASONS FOR RECOMMENDATIONS

As set out in the body of the report.

ALTERNATIVES CONSIDERED

Not to enter into a strategic alliance.

REPORT

1. BACKGROUND TO REPORT

Why have a Strategic Alliance?

- 1.1 The objects of the Alliance are set out in the Memorandum of Agreement, which is attached to this report. They are compelling.
- 1.2 In essence, it is proposed that each Council should retain its distinct and special identity, decision making powers and accountability. The Joint Chief Executive's task would be to combine the talent and experience of each authority's officers to build capacity and deploy resources that are necessary to transform service quality across the board. The goal is to deliver better outcomes for local people at a significantly lower cost than could be achieved if they were to continue to operate separately. Joint working on the planning and delivery of services will also mitigate pressure on the Council's budgets, which is otherwise likely to put a brake on their ambitions. Working together should also enable them to command greater influence in the allocation of resources from Government, the LEP and others. This ought to be the case because they will represent many more people, focus on a coastal zone with a distinct identity and shared problems and opportunities and will consequently be able to scale up their proposals for local people. Obvious examples include working with the EA and LCC to advance plans for enhanced flood defence, upgrading the A16, investment in tourism and SME businesses.
- 1.3 Joint working will also give the Councils a stronger voice in any process to reshape Local Government in Lincolnshire. They would be able to promote a common agenda with a single voice. They would also have gained experience of managing strategic change quickly and effectively. There is also the longer term possibility for the strategic alliance to grow in numbers. Giving rise to promote a significant part of Lincolnshire, should the future bring consideration of alternative structures.
- 1.4 It is important to emphasise that there is no settled blueprint for change. The final shape of joint working and the pace of service transformation will be subject to agreement by both Councils. However, for the reasons that are set out in the remainder of this report, Members are invited to agree that the transformation should begin now with the establishment of a Joint Statutory Officer team to advise and assist both authorities on how to "kick start" change and merge workforces.

The purpose of appointing forming a Strategic Alliance - shared characteristics, opportunities and challenges.

- 1.5 Boston Borough Council and East Lindsey District Council have much in common. Each has a relatively small officer corps and limited revenue and capital resources to tackle the multitude of challenges each faces. Both areas are focused on historic towns with extensive rural hinterlands. Their economic base is relatively narrow, which reflects their peripheral location and generally

poor linkages to higher order regional and national centres. The recent designation of Boston, Skegness and Mablethorpe as candidates for Towns' Fund investment is evidence that both authorities harbour pockets of severe multiple deprivation. Both populations suffer from significant levels of ill-health and educational under-achievement. The prospects for young people are generally poor. Their ambition needs to be raised, the result of which is that they must be given the education, skills and other life chances to achieve that ambition.

- 1.6 However, the opportunity offered by the Towns' Fund also indicates that both areas are seen by Government to have the potential for economic transformation. The Boston Quadrant, the growth of Boston College of Further Education and the health of the town's port is evidence of the scale and quality of change that can be achieved. Similar large scale transformation is now being planned in Skegness. Each area also boasts a tremendous tourism offer based upon traditional seaside attractions, a rich built heritage, historic waterways and a stunning natural coastline. The potential for generating more economic growth and increasing the prosperity and life chances of local people is enormous. However, there are also some significant challenges. The risk of coastal and riverine flooding is a shared problem that could constrain future growth unless effective and coordinated measures are taken to plan for and secure improved flood defences. This will require effective engagement at the highest level with DEFRA, the Environment Agency and the County Council. Significant investment is also needed in roads, railways and other key infrastructure to ensure growth can continue. That highlights a key risk to the achievement of each Council's ambitions: finance and resources.

The pressure on Local Government Finance.

- 1.7 Local Government 'spending power' in England fell by over a quarter between 2010 and 2019. Moreover, while Local Government had experienced funding cuts before, the reduction since 2010–11 is without parallel in modern times. The scale, intensity and the long time period over which it has taken place are greater. This large fall in Local Authorities' resources has been primarily caused by very significant cuts in Central Government Grants. There is no realistic prospect of this trend being reversed in the foreseeable future. Grant funding is unlikely to grow significantly (or at all) in real terms. There is also only a very limited opportunity to offset this pressure by increasing council tax.
- 1.8 Councils' difficulties do not end there. While Local Authorities have had their funding reduced, they have also had to cope with increased demands for the key services that they provide. The population has been growing but, more importantly, the parts of the population that rely on the services or have demand for the services have been growing more quickly than the population as a whole. There have been significant increases in demand, notably in adult social services. Whilst care for the elderly is primarily the duty of the County Council and the NHS, Districts are playing an increased role in this and other spheres as local service delivery becomes more joined up. The bottom line is that demographic changes, the higher minimum wage and other factors (such

as changes to the benefits system) have increased demand and costs much more quickly than Councils' ability to raise council tax or business rates.

1.9 The financial pressure facing both Councils is likely to become more acute in the short term as a result of the loss of revenue and additional unplanned spending caused by the need to tackle the Covid19 Pandemic. Whilst it is not possible to ascertain the implications of this emergency with certainty, it is clear that:-

- (1) The rate of collection of Council Tax and Business Rates is likely to fall dramatically in the coming months. Government grant support is seemingly inadequate to cover all losses.
- (2) The demand for Council Tax Support is likely to increase significantly.
- (3) Both Councils are duty bound to pay IDB Levies and demands to other precepting bodies.
- (4) Fee earning services experience a marked fall in income over at least the next 3 months, or for as long as social distancing measures are in place.
- (5) In short, the financial impact on both Councils will be of the scale neither have had to contemplate before. All pre-Covid19 projections have been rendered out of date. Both Councils face an urgent imperative to take bold action to maintain their financial sustainability.

1.10 Against that background, the Councils that will deliver on their ambitions for local people will be those that join forces to:-

- 1) Achieve economies of scale and thereby liberate the skills, talent and pooled experience of their combined workforce.
- 2) Develop and implement innovative methods of service delivery.
- 3) Trade and charge creatively to raise revenue without imposing unacceptable cost penalties on the public.
- 4) Bid successfully for bespoke funding streams made available by Central Government and funding bodies such as Homes England and the LEP.

1.11 One of the consequences of the financial strictures imposed on Councils is the pressure Government is placing on Local Authorities to scale-up by adopting county-wide unitary and mayoral structures. Past experience in Lincolnshire suggests this will be difficult to achieve. In the interim, a better approach is to build alliances from the "bottom up". That will allow resources to be shared quickly and effectively, reducing pressure on budgets, and giving those partners a stronger voice in the allocation of scarce resources from Central Government and bodies such as the LEP, and the shaping of new unitary structures. On that basis, Members are invited to conclude that the case for a Strategic Alliance is compelling.

The immediate potential for joint working between Boston Borough Council and East Lindsey District Council

- 1.12 The Authorities' shared characteristics, opportunities and challenges are reflected by their shared priorities. That creates great potential for joint working on common strategic issues across their administrative boundaries. This would have several advantages:-
- (1) Seamless, uninterrupted planning and delivery of services to a community whose common needs are not primarily shaped or dictated by administrative boundaries.
 - (2) Economies of scale with the potential to dramatically free up financial resources and deliver significant reductions in the management overhead, liberating more resources to be directed to frontline staff delivering excellent customer service. The headline facts are:-
 - a) An existing combined spend of £23.5 million on staff (665 FTE posts).
 - b) Duplicate management structures.
 - c) Some teams short staffed. Others have the potential to be combined or rationalised.
 - d) *By way of illustration only*, other Council workforce mergers evidence a minimum 5% reduction in staffing costs. This provides a level of confidence and a rationale to target the annual savings of £1.2 million (33 posts) to offset future funding reductions or provide capacity to do things which would be unaffordable. This figure allows for a natural level of turnover and thus the potential to re-engineer each organisation without impacting adversely on the existing workforce. The actual level of savings that will be delivered by the operation of this Alliance will be a matter for the Members of each Authority, to be determined as a priority after its inception). The sharing of financial savings/costs would be based on respective populations which is the more normal basis for such arrangements.
 - (3) Sharing of existing best practice to improve both Councils' services. Boston has an enviable track record of delivering urban regeneration. East Lindsey is piloting a national initiative to promote better aging and has a strong reputation for delivering a high quality tourism offer through the development of a Coastal BID and its marketing of the Heritage Coast and Lincolnshire Wolds.
 - (4) Sharing of existing innovative ways of working which provide opportunity for career development and advancement for staff. It is staff that will make the strategic alliance work well and quickly and the high level of engagement and awareness, to date, with our workforce will remain a fundamental and important part of aligning culture to bring enthusiasm and interest to this exciting venture.

- (5) Opportunities for better coordinated and more effective joint working with other sectors, such as the NHS and FE providers. Significant efficiencies could also be secured by joint emergency planning.
- (6) The potential to develop and promote joint business cases for major investment that will assist both Councils, such as the delivery of improvements to the A16 and coastal flood defence.
- (7) Greater potential to procure and take advantage of new technology more economically and efficiently.
- (8) The formation of a strategic alliance would also respond positively and consistently to each Council's Peer Review, which highlighted the imperative to transform services through effective partnership working in the face of increasing demands on services, financial strictures, and the legitimate expectation of councillors and the public that service delivery should continue to be of the highest quality.

The key to realising these opportunities quickly is effective political leadership across both authorities, served by a unified officer corps, led and made fit for purpose by a Joint Chief Executive.

Taking the proposal forward: the mechanics and a draft timescale.

1.13 The formation of a Strategic Alliance giving strong political leadership, advanced and served by a Joint Chief Executive and a unified officer structure, is a proven concept that works well. It can be implemented with pace and minimum risk where there is a joint political will to do so. With that in mind, the process would unfold as follows:-

- 1) Mr Robert Barlow, the current Chief Executive of East Lindsey District Council, will be appointed Joint Chief Executive and Head of Paid Service of East Lindsey District Council and Boston Borough Council, effective from 1st July 2020. The mechanics of this arrangement are that Mr Barlow will continue to be employed by East Lindsey District Council and will be seconded to Boston Borough Council, under Section 113 of the Local Government Act 1972. Therefore, a bespoke process is required. Simultaneously with Mr Barlow's appointment, Mr Phil Drury, the existing Chief Executive and Head of Paid Service of Boston Borough Council, will leave his post. The future cost of employing Mr Barlow as Joint Chief Executive and Head of Paid Service and the cost of Mr Drury's exit will be met in the proportions, 67 percent paid by East Lindsey District Council and 33 per cent by Boston Borough Council. (ONS population data).
- 2) In order to effect the rapid and effective implementation of joint working, the Joint Chief Executive would have the power to appoint to all Management posts (Management review) following the agreement of a new Management Structure supported by both Leaders. It's anticipated this would be a 3 month process with the aspiration of minimising

disruption to the employers and employees. Those appointments would be made from the existing pool of Officers of both authorities. The cost of making redundant or retirement (if any and as last resort) of any Officer arising from this process would be met in the proportions, 67 percent paid by East Lindsey District Council and 33 per cent by Boston Borough Council. It is proposed any such costs should be paid back in the same proportions to each authority within the first 8 months of the Alliance. (future appointments of any Chief Officer would be made by a Joint Chief Officer Employment Committee, as provided in the First Schedule to the Memorandum of Agreement.

- 3) In order to ensure that there is effective and coordinated governance of both Councils from “day one”, it is further proposed that a Joint Monitoring Officer and a Joint Section 151 Officer should be appointed alongside Mr Barlow. It is recommended that Michelle Sacks, Corporate Director and Deputy Chief Executive of Boston Borough Council (and an experienced Solicitor and Monitoring Officer), and Mr Paul Julian, Chief Financial Officer of Boston Borough Council and an experienced Section 151 Officer, should be appointed to these roles. John Armstrong and Adrian Sibley (External Secondment), who currently perform the duties of Monitoring Officer and Section 151 Officer, respectively, for East Lindsey District Council have agreed to stand down from these roles.
- 4) For the avoidance of doubt, Mr Barlow, Ms Sacks and Mr Julian would continue to receive their existing salary as a result of becoming joint statutory officers. Terms of employment should only be considered once the wider management restructure has been put in place.
- 5) For clarity the Chief Executive (supported by S151/MO) would be authorised to carry out an immediate management restructure of all management positions. Further re-structuring would be carried out over a longer period, in consultation with and subject to the approval of each authority within a new performance framework and on a service by service basis that would be agreed with Members. The period of service review is likely to cover 24 months indicating a slow integration for the majority of employees.
- 6) It is considered that a prudent target should be to reduce the combined budget of the two Councils by £1.2m over the first 12 months. The Joint Chief Executive will be charged with delivering this saving without there being a reduction in performance or service quality. It is also suggested that a provisional target delivering a further saving across the partnership from all budgets should be set in the sum of £600k, to be achieved from month 13 to 24 of the strategic alliance. Savings would allow reinvestment in services.
- 7) A strategic alliance is acknowledged by both Authorities. This could operate in a variety of ways and would not affect the continuing political autonomy and decision making of the separate Councils.

- 8) A formal review of the strategic alliance and merged workforce would be carried out by a Joint Scrutiny Committee in January 2021 and January 2022.
- 9) The savings that are achieved from the first phase of restructuring should be secured as far as is possible by savings from long term vacancies, churn and the reduction of the management overhead. As a matter of principle, the focus of restructuring will be to protect frontline, customer facing staff; maintaining the capacity to serve the public and delivering services of the highest quality will be the touchstone of this initiative.
- 10) Any adjustments to baseline costs or savings would be shared according to population numbers (33% BBC, 67% ELDC).
- 11) Subject to a positive review of the partnership, and adopting the logic that has driven this proposal, consideration could be given to introducing a further partner.
- 12) Quarterly joint Cabinet/Executive Meetings (Strategic Boards) would be timetabled for developing partnership structures, processes and priorities, and oversight of the success and delivery of financial and performance targets.
- 13) The single Joint Chief Executive/Head of Paid Service would prepare a Branding and associated Engagement Plan for Staff and Partners which would celebrate and identify the "One Team" approach.

2. FINANCIAL CONSIDERATIONS/IMPLICATIONS

- 2.1 The Leaders and Deputy Leaders of Boston Borough Council and East Lindsey District Council have met to discuss the way in which a seamless transition could be achieved to the creation of a Strategic Alliance. That will involve the appointment of the Joint Statutory Officer Team, coupled with the departure of other colleagues, who have recorded long and distinguished service in their roles.
- 2.2 The financial implications of exit costs are significant yet quickly recovered through the long term savings arising from the change. Costs have been obtained from the Local Government Pension Fund. In the interim, provision is made for a total costs of circa £750k split 67 per cent East Lindsey District Council and 33 per cent Boston Borough Council.
- 2.3 It is not anticipated that there will be many other significant costs associated with the formation of the Alliance as a result of redundancy or retirement of other Management posts. However, prudent provision has been made to cover such costs against year 1 savings.
- 2.4 Employed Officers will largely remain with unchanged terms and conditions and the integration of teams will be on a gradual basis and with a weather eye on keeping employment contracts numbers balanced across both

organisations. This can be done alongside a very positive cultural divergence of a “One Team” ethos.

- 2.5 The Strategic Alliance is built on a prudent business case, similar to those achieved by other partnerships. In order to allow both Councils S151 Officers to remain independent from this report, Broadland and South Norfolk Councils have supported in the provision of independent financial advice. Their Finance Director has experience of delivering a strategic alliance between two Councils and is therefore well placed to offer advice based on experience. The advice suggests the costs and savings projected are realistic and deliverable.

3. LEGAL CONSIDERATIONS/IMPLICATIONS

- 3.1 In view of the potential conflict of interest of the Councils’ statutory officers, Eversheds-Sutherland (International) LLP, Solicitors with very substantial experience of Local Government and Employment Law, have been engaged to review this Report and the Memorandum of Agreement and have confirmed that the approach indicated is lawful. Advice received has been adopted into the MOA.
- 3.2 However, as the process unfolds, care will need to be exercised to ensure the process for appointing officers to posts within the joint officer corps is both lawful and accords with good practice. Attention will also need to be paid to HR considerations more generally. For this reason, and subject to the receipt of a satisfactory fee proposal, it is proposed to retain Eversheds as advisers to the authorities on the creation of the new Shared Management Team and other posts that will be appointed to under the power delegated to Mr Barlow. For the purpose of clarity independent external advice has been made available to Members to ensure the Statutory Officers personally impacted by the formation of this strategic alliance are not conflicted by the provision of advice relating to their own employment.
- 3.3 A further consideration is the need to develop a service by service business cases to drive the Alliance forward once the initial restructuring of the Senior Management Team has been completed. There can be no doubt about the great potential to deliver more economy, efficiency and higher performance across both organisations. However, Councillors will rightly expect the new Management Team to set out clearly the outcomes that they intend to achieve and the key milestones that must be passed along the way. That will ensure change is measured and seen to occur at a satisfactory pace. This will be an Alliance that delivers results.

4. CONCLUSION

- 4.1 There are different ways of effecting organisational change. Some organisations prefer to proceed by designing an elaborate blueprint, endeavouring to anticipate every significant issue and risk and then designing in “solutions” in advance. That tends to be slow, resource intensive and is prone to failure simply because the kind of transformational change that is

now contemplated throws up unexpected challenges that simply cannot be foreseen fully or planned for effectively before it is initiated.

- 4.2 Therefore, the approach that is contemplated in this instance relies on a process known as “mixed scanning”. Mr Barlow and his Chief Officer Team will work closely with Councillors of both authorities to identify the outcomes that are required to be delivered at the end of the process (what does an effective, efficient and economical joint establishment look like?), and the procedures that are to be put in place to bring them about. Those matters having been established and jointly agreed, the establishment will be created in stages, it being explicitly understood the process will throw up problems and challenges, which Management and Councillors will identify and solve (“scan”), to arrive at new working arrangements swiftly and pragmatically (it being possible and desirable to continue to keep these under review as the Alliance matures).

FINANCIAL IMPLICATIONS

As set out in the body of the report.

LEGAL IMPLICATIONS

As set out in the body of the report.

CLIMATE CHANGE IMPLICATIONS

None.

EQUALITY AND SAFEGUARDING IMPLICATIONS

None.

OTHER IMPLICATIONS

As set out in the body of the report.

CONSULTATION

The Chief Officer Employment Panel met on Wednesday 20 May to consider the recommendations within this report relating to the appointment of a Joint Chief Executive and sharing arrangements for the Monitoring Officer and Section 151 Officer.

After due debate the Panel made the following recommendation to Full Council:

That it be recommended to Full Council that the proposed appointment of Robert Barlow as Joint Chief Executive/Head of Paid Service of East Lindsey District Council and Boston Borough Council, and the proposed arrangements for the sharing of Boston Borough Council's Statutory Officers, i.e. the Section 151 Officer and the Monitoring Officer with East Lindsey District Council be not progressed at this time for the reasons set out below:-

This Council agrees that a Strategic Alliance needs to be the best fit for Boston, therefore, at this time we propose that we do not proceed with the options before us.

This council currently has sufficient resources to maintain adequate levels of service delivery and to balance the budget in 2021/22 and given those facts, we propose the following to Cabinet and Full Council:

- That exploratory discussions are held with elected members and officers of other local authorities who are potential partners in such an alliance**
- That Scrutiny committees are kept fully involved and appraised of all such discussions**
- That any future decisions are made after full consultation with elected members, along with the residents of the Borough of Boston.**

The minutes of the meeting of the Chief Officer Employment Panel are attached at Appendix F.

The Cabinet considered the report at its reconvened meeting held on Wednesday 27 May and unanimously agreed to refer the recommendations to Full Council for approval.

The Corporate and Community Committee is scheduled to meet to consider the report on Thursday 4 June. The recommendations from the meeting will be circulated to Members in advance of the Council meeting.

A list of Frequently Asked Questions from Members and staff of both authorities is set out at Appendix G.

Leaders, and Deputy Leaders of both Boston Borough Council and East Lindsey District Council have been consulted on the report.

Independent legal and financial advice has been sought and is appended to the report.

APPENDICES

Appendices are listed below and attached to the back of the report: -

<i>APPENDIX A</i>	Memorandum of Agreement
<i>APPENDIX B</i>	Financial Business Case
<i>APPENDIX C</i>	Legal Advice
<i>APPENDIX D</i>	Financial Advice
<i>APPENDIX E</i>	BBC/ELDC One Team Logo
<i>APPENDIX F</i>	Chief Officer Employment Panel Minutes – 20 May
<i>APPENDIX G</i>	FAQs

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

<i>Name of body</i>	<i>Date</i>
Chief Officer Employment Panel (For shared Statutory Officers element only)	20 May 2020
Cabinet	27 May 2020
Corporate and Community Committee	4 June