

BRECKLAND DISTRICT COUNCIL

Report of: Councillor Philip Cowen, Executive Member for Finance, Revenues & Benefits

To: Cabinet, 6 February 2023
General Purposes, 9 February 2023

Author: Matthew Waite-Wright, Head of NNDR, Recovery & Enforcement ARP

Subject: Partnership working through a Section 113 agreement

Purpose: To consider ARP entering into a Section 113 agreement with Lincolnshire County Council (to include Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council and South Holland Council) for ARP to provide Single Person Discount Fraud services

Recommendation(s):

- 1) That Cabinet approve entering into a Section 113 agreement with Lincolnshire County Council (to include Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council and South Holland Council) for ARP to provide Single Person Discount Fraud services
- 2) That Cabinet instruct the Head of ARP and the ARP Operational Improvement Board to negotiate a Section 113 agreement, between the ARP partners and Lincolnshire County Council, to enable ARP officers to provide Single Person Discount Fraud services to Lincolnshire County Council and the seven District Councils

Recommend to General Purposes Committee

- 3) That the Breckland staffing establishment is increased by 3 permanent FTE and 2 temporary FTE for the fully funded posts required to deliver the services included in the Section 113 agreement.

1.0 BACKGROUND

- 1.1 The ARP partnership consists of 5 partners and is not actively looking at new, full partners following a review by the Joint Committee and Members on 7th December 2021, instead focusing on the existing partners performance and customer journey.
- 1.2 The ARP Joint Committee did, however, agree that where it will benefit the five ARP partners, then ARP will enter into separate arrangements to provide services to other Councils regarding specific elements of their Revenues & Benefits function. Such benefits will include creating greater resilience and will generate further efficiencies to meet ARP's Medium Term Financial Strategy.
- 1.3 Section 113 of the Local Government Act 1972 enables Local Authorities to enter into an agreement as follows:
"a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be

provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.”

Matters to Consider

- 1.4 Lincolnshire County Council have asked ARP to provide, and will fund, single person discount fraud services for the seven Lincolnshire District Councils, namely, Boston Borough Council, City of Lincoln Council, East Lindsey District Council, West Lindsey District Council, South Kesteven District Council, North Kesteven District Council and South Holland District Council.
- 1.5 This agreement will require an additional resource of five FTE's. By the end of the second year and subject to volumes, it might be possible to reduce the resource requirement. The proposal is to recruit three new posts on a permanent basis and two temporary posts on a fixed term basis, with the option to make permanent, subject to funding after two years.
- 1.6 ARP Joint Committee has approved entering into this Section 113 agreement and to increase the establishment to initially create five new posts. 3 posts will be permanent with 2 on fixed term temporary contracts. This will provide flexibility as it is anticipated that the first 2 years of the agreement will generate the greater level of work. A decision in year 2 can be made regarding the 2 temporary positions, dependant on workloads and funding.
- 1.7 Although agreed by the ARP Joint Committee, a Section 113 agreement and increase to establishment is subject to further authorisation from each partner council within ARP within their own constitutional requirements; hence Breckland Council's authorisation is sought here.

The Proposal

- 1.8 The funding agreed with Lincolnshire County Council and the resource to be allocated to this work is considered sufficient to provide single person discount fraud services to Lincolnshire County Council and the seven District Councils, and to contribute to overheads across the ARP partnership.
- 1.9 A negotiated Section 113 agreement to provide single person discount fraud services will enable partnership working without the need for any of the Lincolnshire authorities to become members of the Joint Committee, and in the future may lead to other partnership opportunities.
- 1.10 Arrangements to share staff and access to systems will be coordinated as necessary. Further, providing a single person discount fraud service to Lincolnshire will add social value to the work of the ARP; that, in turn, might lead to other, similar approaches and opportunities.

2.0 OPTIONS

- 2.1 To agree the recommendations above.
- 2.2 Do nothing.

3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 Entering into a Section 113 agreement will add social value to the work of the ARP; that, in turn, might lead to other, similar approaches and opportunities.

4.0 **EXPECTED BENEFITS**

- 4.1 Lincolnshire County Council will provide funding in respect of ARP providing Single Person Discount Fraud services. An inflationary uplift will be considered annually for staffing costs.
- 4.2 The additional resource and staffing will provide greater resilience in the existing fraud team.
- 4.3 There is potential for the provision of similar services with others.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.2 **Constitution & Legal**

- 5.2.1 The Section 113 agreement will be negotiated by the Head of the ARP in agreement with the ARP Operational Improvement Board and will be agreed by the Councils' legal teams.

5.5 **Financial**

- 5.2.1 The costs of staffing, administration and overheads will be covered in full by the funding from Lincolnshire County Council.

5.6 **Risk Management**

- 5.3.1 Whilst either party can terminate the agreement with notice, it is considered the nature of the appointments and turnover of staff within ARP is such that staff can be redeployed into the Compliance Team or other areas within ARP if required, mitigating the likelihood of redundancies.

5.7 **Staffing**

- 5.7.1 It is proposed that the additional staffing establishment is employed by Breckland Council and the recommendations in this report include a recommendation to General Purposes Committee regarding the increase to establishment.
- 5.7.2 Although the staff would be employed by Breckland, the costs will be shared throughout the ARP as with all other ARP staff.

5.8 **Stakeholders / Consultation / Timescales**

- 5.8.1 ARP Joint Committee have approved entering into the S113 agreement and increasing the establishment at their December 2022 meeting.
- 5.8.2 If approved it is proposed that the S113 agreement will take effect from 1 April 2023.

6.0 **WARDS/COMMUNITIES AFFECTED**

- 6.1 N/A

7.0 **ACRONYMS**

7.1 ARP – Anglia Revenues Partnership

Background papers:-

Lead Contact Officer

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Key Decision: No

Exempt Decision: No

This report refers to a Discretionary Service