

**PARTNERSHIP ARRANGEMENTS FOR THE WEST CUMBRIA PARTNERSHIP**

**EXECUTIVE MEMBER:** Deputy Leader, Cllr Allan Holliday  
**LEAD OFFICER:** Chief Executive, Liam Murphy  
**REPORT AUTHOR:** Head of Legal and Democratic Services, Martin Jepson

|                                    |                                                                                                                                                                                                                                                                 |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Summary and Recommendation:</b> | <p>Reports on revised Partnership arrangements for the West Cumbria Partnership.</p> <p>Recommended that the revised Partnership Arrangements for the West Cumbria Partnership including the Accountable Body Agreement as shown at Appendix 1 be endorsed.</p> |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**1. INTRODUCTION**

- 1.1 In March 2007, the Partnership Board of the West Cumbria Partnership set up a Review Group of members and others, facilitated by Professor John Fyfe, to consider detailed changes to the documents governing partnership arrangements following a Joint Scrutiny Review Report. That Group was also charged with considering the changes needed to take account of national developments, principally the Local Government White Paper and Bill (now Act), but also including the Treasury Review of Economic Development and the Memorandum of Agreement with West Cumbria.
- 1.2 The Review Group reported to the Partnership Board in September. The Review confirmed the continuing appropriateness of the Partnership model established in West Cumbria in 2002, and now becoming common nationally: a Stakeholder Forum alongside a Delivery Board both ultimately accountable to the "Council". The "Council" is represented in West Cumbria by a "Joint Leadership Committee", representing joint working between both main tiers of local government.

**2. THE MEMORANDUM**

- 2.1 A draft Memorandum of Roles and Responsibilities and Accountable Body Agreement is attached at Appendix 1 to this report. Some minor amendments have been made to the draft compared to that originally submitted to the Partnership. The Memorandum commits this Council, and Allerdale and Cumbria County Councils to joint working in West Cumbria. The former Memorandum is shown for comparison purposes at Appendix 2.
- 2.2 A West Cumbria Joint Leadership Committee has been recommended by the Review Group instead of a Partnership Co-ordination Steering Group. Membership of the Committee will be will be the Leaders of Allerdale and Copeland Councils and the Leader or a Cabinet member of Cumbria County Council. That group would co-ordinate the activities of the Partnership Forum and the Public Service Delivery Board.
- 2.3 Copeland Borough Council would act as the Accountable body for the organisation in respect of Partnership Co-ordination as it has done for some years.

2.4 Shown at Appendix 3 is a diagram showing the way in which the various groups are intended to work.

### 3. CONCLUSION

3.1 It is recommended that the revised Partnership arrangements for the West Cumbria Partnership including the Accountable Body Agreement as shown at Appendix 1 be endorsed.

#### List of Appendices

Appendix 1 – Draft revised Agreement

Appendix 2 – Former Partnership Agreement

Appendix 3 – Diagram showing partnership structure

List of Background Documents: Correspondence from Partnership Co-ordinator

List of Consultees: Corporate Team, Cllr Allan Holliday

#### CHECKLIST FOR DEALING WITH KEY ISSUES

|                                         |                                                                                                                            |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Impact on Crime and Disorder            | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Impact on Sustainability                | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Impact on Rural Proofing                | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Health and Safety Implications          | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Impact on Equality and Diversity Issues | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Children and Young Persons Implications | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Human Rights Act Implications           | None directly but the draft Memorandum may assist in ensuring these aspects are not overlooked or inadequately dealt with. |
| Comments of S.151 Finance Officer       | There are no financial implications as any officer time will be met from existing resources as included budgets.           |
| Comments of Monitoring Officer          | Is report Author.                                                                                                          |

## **WEST CUMBRIA PARTNERSHIP**

### **Partnership Leadership and Facilitation**

#### **Memorandum of Roles and Responsibilities and Accountable Body Agreement**

##### **Introduction**

West Cumbria Partnership is the accredited local strategic partnership through which Allerdale Borough Council, Copeland Borough Council and Cumbria County Council (the Councils) engage with partners in producing monitoring and implementing the Sustainable Community Strategy for the social, economic, and environmental well-being of West Cumbria (the districts of Allerdale and Copeland).

Through this Memorandum, the Councils agree to undertake jointly certain activities to ensure the leadership of the Partnership, and to pool certain resources and other budgets to support those activities. The Councils may also agree with other bodies the deployment of other resources in support of leadership activity.

This memorandum sets out, in general terms, the relative roles and responsibilities of the Councils under this agreement.

##### **West Cumbria Joint Leadership Committee**

The West Cumbria Joint Leadership Committee (the Committee) has been delegated responsibility by the Councils for the strategic management of Partnership Co-ordination.

The composition of the Committee shall be:

The Leader of Allerdale Borough Council;  
The Leader of Copeland Borough Council;  
The Leader or a Cabinet Member of Cumbria County Council (appointed by the Council)

Where a member of the Committee is unable to attend a meeting, arrangements should be made by the relevant Council for a substitute of equivalent status (eg another executive member) to be appointed by the relevant body. In order to maintain the stature and credibility of the Committee substitution for members at meetings by officers is not permitted

The Committee may from time to time by unanimity co-opt additional members of equivalent status for general or special purposes, without voting rights, and terminate such co-option.

Meetings of the Committee are held at least quarterly, the quorum being a member of each Council. The members of the Committee have equal voting rights, but unanimity of voting members is required to commit expenditure or determine policy. By voting on such matters members are deemed to have ostensible authority to commit expenditure or determine policy on behalf of their Councils. Notwithstanding any lack of authority to do so on the part of a member the Councils undertake not to resile

from any position taken by one of its members in relation to a commitment to expenditure or determination of policy without the express approval of the other two Councils

The Chair of the Committee, and a Vice-chair if members so resolve, shall be elected annually by the Committee following the annual meetings of the Councils. The Committee may elect a non-voting co-opted member as independent Chair or Vice-chair. The Chair, and Vice-chair if one is elected, shall not have second or casting votes.

**In respect of Partnership Leadership only**, the Committee has overall responsibility for:

- Directing and evaluating the facilitation of Partnership arrangements in West Cumbria, including the convening of the Partnership Forum and Public Service Delivery Board.
- Ensuring that facilitation activities are conducted openly and transparently in accordance with the Principles of the Partnership, and that matters are reported through the appropriate partnership structures to allow proper discussion in the proper environment.
- Ensuring that facilitation activities contribute to the development of the West Cumbria Partnership
- Ensuring that facilitation activities support and complement local and regional strategies, ensuring that there is synergy between them
- Ensuring that activities comply with standards, value for money and public accountability
- Securing resources, whether of money staff or other resource, from the Councils-or others to enable effective Co-ordination of the Partnership.
- Receiving detailed progress reports
- Agreeing priorities, targets, and key indicators each year
- Approving the budget for the LSP Co-ordination Team.
- Endorsing other expenditure, where appropriate but not undertaken through the Accountable Body to the Committee, as a contribution to supporting the LSP (*levered funding*). For the avoidance of doubt, it is noted that such other levered funding may be additional funded or "in kind" contributions from partners or others and may involve accounting arrangements separate from those of the Accountable Body to the Committee as defined in this Memorandum.
- Approving specific spending proposals following appraisal and authorising contracts entered into by the Accountable Body on behalf of the Committee
- Convening Working Groups or seeking officer attendance and advice, if appropriate, to assist the Committee.
- Ensuring that Councils provide information which the Accountable Body to the Committee requires to record the value of in kind contributions and matching and levered funding. Councils will provide whatever information is required to appraise projects, monitor progress, claim grant and make payments through the Accountable Body.

In discharging these responsibilities, the Committee shall have regard to the recommendations or decisions of the Cumbria Local Authorities Strategic Board and to any reports made to the Committee by the Partnership Forum and the Public Service Delivery Board.

The Committee shall convene a joint session at least once in any Council year with the Partnership Forum and Public Service Delivery Board to consider an Annual Report on Partnership, to include Strategic Leadership, Partner Engagement, and Public Service Delivery, and to consider priorities for the following year.

The Committee shall report its proceedings to the Councils in accordance with each Council's constitution.

*Declaration of Interest*

Members will implement procedures for declaring, recording and dealing with conflicts of interest in accordance with the Codes of Conduct of the Councils

*Written Procedure*

There may be occasions where it is essential for the Committee to take a decision on a policy matter before its next scheduled meeting, but it is impractical to call a special meeting. In such cases, but not where approval of a budget or expenditure is involved, the Chair may invoke a "written procedure".

A full statement of the matter for decision, including supporting and background papers where relevant will be sent to the person who is the member of the Committee in accordance with this Memorandum as they would be for a meeting. Substitutes may not take part in written procedure.

Papers will be accompanied by a covering letter, confirming that "written procedure" is being followed with the approval of the Chair, and giving the reasons for the use of written procedure. Papers and covering letter will be copied to an officer of each Council designated for the purpose.

If any member responds in writing objecting to the use of written procedure to arrive at a decision then the matter will be withdrawn from written procedure and referred to the next scheduled or special meeting.

The papers will invite members to approve or not approve the matter proposed, in writing, by a date specified in the covering letter, to be not less than seven calendar days from the date of posting. If any member responds in writing that they oppose the proposition, then it falls; it may, of course, be re-introduced at the next meeting. If no written opposition is received by the date specified, the proposition is approved 'nem con'.

*Officer support*

Members of the Committee may be supported at meetings by officers of their organisation. In addition, the Committee may require the attendance of officers of the Accountable Body to report on its activities as Accountable Body, and invite the attendance of other persons to report on matters relevant to Partnership Co-ordination.

**Management of Co-ordination**

Management of the Partnership co-ordination team undertaken by the Director Public Service Delivery West Cumbria in order to provide effective programme to ensure the successful co-ordination and implementation of public sector service delivery throughout West Cumbria. The role will include supporting key individuals and organisations to provide leadership and direction to create and sustain a successful partnership in West Cumbria.

### **Copeland Borough Council**

In respect of Partnership Co-ordination only, as the legal entity nominated by the Councils, Copeland Borough Council ("Copeland") is the Accountable Body responsible for the overall delivery, financial control and propriety of the funding approved and disbursed by the Committee for Partnership Co-ordination.

Payment of monies by Councils and others, is made to Copeland, as Accountable Body, on behalf of the Committee.

Where activity is to be funded by grant from bodies which are not the Councils party to this Agreement, Copeland will submit grant applications, statements of expenditure, monitoring information, audited accounts or such other information as may be properly required by the funder, on behalf of the Committee. The Councils will fully co-operate with all requests for information from Copeland to enable it to submit such information, and in particular comply with any time limits imposed.

Copeland will make payments on behalf of the Committee. It will only make payments which are due, appropriate, and conform with Committee approval. Copeland Borough Council reserves the right to withhold payments where the terms of the approval have not been met.

Where other bodies undertake Co-ordination activity to be funded by the Committee, Copeland will enter into contracts with project deliverers on behalf of the Committee. The terms of such contracts must be agreed beforehand by the Committee.

Copeland may ask its staff, District Audit, or any other body, to examine any aspect of Co-ordination activity, whether directly funded by the Committee, or provided by agreement with the Committee, including relevant records maintained by the Councils, Project Managers, other funders, and delivery contractors.

Copeland will employ staff on behalf of the Committee. The appointment and duties of such staff will be determined by the Committee. Copeland Borough Council will provide other services to the Committee, including accommodation for meetings, office services and meeting secretariat services. In employing staff on behalf of the Committee the costs of recruiting and remunerating such staff shall be paid through the funds of the Committee. In giving Copeland such responsibilities as Accountable Body, the Councils accept that the Employment Policies and Procedures to be used shall be those issued by Copeland for all its staff and that the adequacy of such Policies and Procedures shall not be questioned.

All actions undertaken by Copeland Borough Council acting with Committee approval shall be undertaken as agent for the three Councils. In acting as Agent for the Councils Copeland shall act in accordance with such delegated authority as may have been given to it by the Committee. The Councils (which term for the avoidance of doubt includes Copeland for the purposes of calculating the shares) shall reimburse Copeland an equal share of any costs incurred by Copeland which are over and above those agreed in the budget for Partnership Co-ordination which arise out of Copeland's actions as Agent provided that Copeland has acted in accordance with its policies and procedures, its delegated authority, and the instructions of the Committee.

This revised Agreement dated.....supersedes all previous Memoranda and Accountable Body Agreements for Co-ordination of West Cumbria Partnership.

This Memorandum and Agreement may be terminated with effect from March 31<sup>st</sup> of any year by any Council giving written notice of termination to the other Councils before January 1<sup>st</sup> of that year. The Memorandum may be varied by the written agreement of all the Partners.

This revised Memorandum and Agreement is approved by the Councils

| <u>Signature</u> | <u>Name</u> | <u>Organisation</u>       |
|------------------|-------------|---------------------------|
| 1.               |             | Allerdale Borough Council |
| 2.               |             | Copeland Borough Council  |
| 3.               |             | Cumbria County Council    |

## **WEST CUMBRIA PARTNERSHIP**

### **Partnership Co-ordination**

#### **Memorandum of Roles and Responsibilities and Accountable Body Agreement**

##### **Introduction**

West Cumbria Partnership is the accredited local strategic partnership through which Allerdale Borough Council, Copeland Borough Council and Cumbria County Council (the Councils) engage with partners in producing monitoring and implementing the Community Strategy for the social, economic, and environmental well-being of West Cumbria (the districts of Allerdale and Copeland).

Together with the Community Empowerment Network (CEN), representing community and voluntary groups in the area, they agree to undertake jointly certain activities to ensure the co-ordination of the Partnership, and to pool certain resources and other budgets to support those activities. The Councils and CEN collectively ("the Co-ordination Partners") may also agree with other bodies the deployment of other resources in support of Co-ordination activity.

This memorandum sets out, in general terms, the relative roles and responsibilities of the Co-ordination Partners.

##### **West Cumbria Partnership Co-ordination Steering Group**

The West Cumbria Partnership Co-ordination Steering Group (the Board) has been delegated responsibility by the Councils for the strategic management of Partnership Co-ordination.

The composition of the Board shall be :

The Chair of the Strategic Co-ordination Group;

The Leader of Allerdale Borough Council;

The Leader of Copeland Borough Council;

A member of Cumbria County Council (appointed by the Council)

The Chair of the West Cumbria Community Empowerment Network

Where a member of the Board is unable to attend a meeting, a substitute of equivalent status (eg another elected member or CEN Steering Group member) may be appointed by the relevant body. In order to maintain the stature and credibility of the Board substitution for members at meetings by officers is not permitted

The Board may from time to time co-opt additional members of equivalent status for general or special purposes, with or without voting rights, subject to a maximum of four (so that core members are not outnumbered).

Meetings of the Board are held at least quarterly, the quorum being three members. The members of the Board have equal voting rights..

**In respect of Partnership Co-ordination only**, the Board has overall responsibility for:



- Directing and evaluating the Co-ordination of the Partnership
- Ensuring that co-ordination activities are conducted openly and transparently in accordance with the Principles of the Partnership, and that matters are reported through the appropriate partnership structures to allow proper discussion in the proper environment.
- Ensuring that Co-ordination activities contribute to the development of the West Cumbria Partnership
- Ensuring that Co-ordination activities support and complement local and regional strategies, ensuring that there is synergy between them
- Ensuring that Co-ordination activities comply with standards, value for money and public accountability
- Securing resources, whether of money staff or other resource, from Co-ordination Partners or by agreement by the Board with others to enable effective Co-ordination of the Partnership.
- Receiving detailed progress reports
- Agreeing priorities, targets, and key indicators each year
- Approving the budget for Co-ordination.
- Endorsing other expenditure, where appropriate but not undertaken through the Accountable Body to the Board, as a contribution to Co-ordination (*levered funding*). For the avoidance of doubt, it is noted that such other levered funding may be additional funded or "in kind" contributions from partners or others and may involve accounting arrangements separate from those of the Accountable Body to the Board as defined in this Memorandum.
- Approving specific spending proposals following appraisal and authorising contracts entered into by the Accountable Body on behalf of the Board
- Convening Working Groups or seeking officer attendance and advice, if appropriate, to assist the Board.
- Ensuring that Co-ordination Partners provide information which the Accountable Body to the Board requires to record the value of in kind contributions and matching and levered funding. Co-ordination Partners will provide whatever information is required to appraise projects, monitor progress, claim grant and make payments through the Accountable Body.

*Declaration of Interest*

The Board will implement procedures for declaring, recording and dealing with conflicts of interest.

*Written Procedure*

There may be occasions where it is essential for the Board to take a decision on a matter before its next scheduled meeting, but it is impractical to call a special meeting. In such cases, the Chairman may invoke a "written procedure".

A full statement of the matter for decision, including supporting and background papers where relevant will be sent to each member as they would be for a meeting.

Papers will be accompanied by a covering letter, confirming that "written procedure" is being followed with the approval of the Chairman, and giving the reasons for the use of written procedure.

If any member responds in writing objecting to the use of written procedure to arrive at a decision then the matter will be withdrawn from written procedure and referred to the next scheduled or special meeting.

The papers will invite members to approve or not approve the matter proposed, in writing, by a date specified in the covering letter. If any member responds in writing that they oppose the proposition, then it falls; it may, of course, be re-introduced at the next meeting. If no written opposition is received by the date specified, the proposition is approved 'nem con'.

*Officer support*

Members of the Board may be supported at meetings by officers of their organisation. In addition, the Board may require the attendance of officers of the Accountable Body to report on its activities as Accountable Body, and invite the attendance of other persons to report on matters relevant to Partnership Co-ordination.

**Management of Co-ordination**

Day to day management of Co-ordination is undertaken by a Partnership Co-ordinator who is employed by the Accountable Body on behalf of the Board and reports directly to the Accountable Body and through the Accountable Body to the Chair of the Board.

**Copeland Borough Council**

In respect of Partnership Co-ordination only, as the legal entity nominated by the Councils and CEN, Copeland Borough Council ("Copeland") is the Accountable Body responsible for the overall delivery, financial control and propriety of the funding approved and disbursed by the Board for Partnership Co-ordination.

Payment of monies by Co-ordination Partners and others, is made to Copeland, as Accountable Body, on behalf of the Board.

Where activity is to be funded by grant from bodies which are not Co-ordination Partners, Copeland will submit grant applications, statements of expenditure, monitoring information, audited accounts or such other information as may be properly required by the funder, on behalf of the Board. The Partners will fully co-operate with all requests for information from Copeland to enable it to submit such information, and in particular comply with any time limits imposed.

Copeland will make payments on behalf of the Board. It will only make payments which are due, appropriate, and conform with Board approval. Copeland Borough Council reserves the right to withhold payments where the terms of the approval have not been met.

Where other bodies undertake Co-ordination activity to be funded by the Board, Copeland will enter into contracts with project deliverers on behalf of the Board. The terms of such contracts must be agreed beforehand by the Board.

Copeland may ask its staff, District Audit, or any other body, to examine any aspect of Co-ordination activity, whether directly funded by the Board, or provided by agreement with the Board, including relevant records maintained by Co-ordination Partners, Project Managers, other funders, and delivery contractors.

Copeland will employ staff on behalf of the Board. The appointment and duties of such staff will be determined by the Board. Copeland Borough Council will provide other services to the Board, including accommodation for meetings, office services and meeting secretariat services. In employing staff on behalf of the Board the costs of recruiting and remunerating such staff shall be paid through the funds of the Board. In giving Copeland such responsibilities as Accountable Body, the Partners accept that the Employment Policies and Procedures to be used shall be those issued by Copeland for all its staff and that the adequacy of such Policies and Procedures shall not be questioned.

All actions undertaken by Copeland Borough Council acting with Board approval shall be undertaken as agent for the Co-ordination Partners. In acting as Agent for the Partners Copeland shall act in accordance with such delegated authority as may have been given to it by the Board. Co-ordination Partners (which for the avoidance of doubt includes Copeland for the purposes of calculating the shares) shall reimburse Copeland an equal share of any costs incurred by Copeland which are over and above those agreed in the budget for Partnership Co-ordination which arise out of Copeland's actions as Agent provided that Copeland has acted in accordance with its policies and procedures, its delegated authority, and the instructions of the Board.

In entering into this Memorandum West Cumbria Council for Voluntary Service confirms that it is authorised to do so by the Steering Committee of the West Cumbria Community Empowerment Network.

The Co-ordination Partners having replaced the Lead Officer Group as the Board with responsibility for Partnership Co-ordination, and Copeland Borough Council having replaced West Cumbria Development Fund as Accountable Body, this agreement supercedes all previous Memoranda and Accountable Body Agreements for Co-ordination of West Cumbria Partnership.

This Memorandum and Agreement may be terminated with effect from March 31<sup>st</sup> of any year by giving written notice of termination to all Partners before January 1<sup>st</sup> of that year. The Memorandum may be varied by the written agreement of all the Partners.

This Memorandum and Agreement is approved by the Co-ordination Partners

| <u>Signature</u> | <u>Name</u> | <u>Organisation</u>                                                                                                          |
|------------------|-------------|------------------------------------------------------------------------------------------------------------------------------|
| 1.               |             | Allerdale Borough Council                                                                                                    |
| 2.               |             | Copeland Borough Council                                                                                                     |
| 3.               |             | Cumbria County Council                                                                                                       |
| 4                |             | West Cumbria Council for<br>Voluntary Service<br><i>(as Accountable Body for West Cumbria Community Empowerment Network)</i> |

Appendix 3: Diagram Showing Partnership Structure

WEST CUMBRIA STRATEGIC PARTNERSHIP STRUCTURES - MAY 2005

Sheet 1 - Top-level structure - Community & Political Leadership

