

# PIONEER SOMERSET PROGRAMME GOVERNANCE PROTOCOL

## 1. Summary

- 1.1. This report recommends the principal partners in the Pioneer Somerset Programme to adopt and apply a common Programme Governance Protocol. This report is being recommended for adoption by all 6 Councils over the November / December 2008 period.
- 1.2. Members will recall that Pioneer Somerset is a programme of work, supported by government funding, designed to radically transform and enhance the system of two-tier local government across the County. Principal local authority partners are:
  - Mendip District Council
  - Sedgemoor District Council
  - Somerset County Council
  - South Somerset District Council
  - Taunton Deane Borough Council
  - West Somerset Council

## 2. Recommendations

- 2.1. To recommend the Governance Protocol attached at Annex 1 to this report for adoption by all Member Councils.

## 3. Background

- 3.1. Members will recall the approval of the Pioneer Somerset Project Initiation Document (PID) by the 6 Councils during the April / May 2008 period. Phase 1 of the project – the development phase – was detailed in the PID, with an undertaking that by the end of November 2008, a detailed action plan would be presented to the principal authority partners for approval. The action plan was to clearly establish the measures required to deliver the Programme's vision, supporting principles and outcomes as outlined in the PID.
- 3.2. The PID also outlined the Phase 1 Programme delivery arrangements including provision for a Pioneer Somerset Board comprising the Leaders and Chief Executives of each of the Councils. To date these delivery arrangements have operated very informally and as the Programme moves from 'development' to 'action' now is the time to put in place more formal governance arrangements to support this phase – hence the proposals in this paper.

- 3.3. The Governance Protocol recommended to you for approval - attached as Annex 1 - has been prepared on a cross authority basis by relevant officers and subsequently endorsed by the Leaders of the 6 Councils. The Protocol reflects the ambitious and challenging aspirations of Pioneer Somerset and seeks to ensure the protection of the future interests of the Member Councils during the delivery of the Programme.
- 3.4. Various Programme governance options were considered but the conclusion was reached that effective collaborative working could be achieved without the need for a Joint Committee structure or the creation of a separate corporate body. The Protocol alternative recommended provides for a Programme Board comprising of the Leaders of the 6 Councils. Although the intention is that the Leaders should gather together to make complementary decisions at the same time in order to progress the Pioneer Somerset Programme, this gathering will have no legal status for the purposes of Access to Information or other constitutional rules about the holding of local authority meetings. It is proposed instead that each Leader is given the delegated authority by their Council to make any necessary decisions in relation to the delivery of the Programme. Each decision by each Leader will be subject to the Access to Information rules for individual decision-making that have been adopted by their own Council.

*Important note: It must be emphasised that the delegated authority to each Leader is limited to ensuring delivery of the Pioneer Somerset Programme itself. It does not include authority to take decisions on behalf of their Council on proposals coming out of the Programme, eg, to join services together across Councils. Proposals of this nature would be the subject of a recommendation from the Board to the relevant Councils. The autonomy of the principal partners is an important principle of the Pioneer Somerset Programme and will be protected by this Protocol.*

- 3.5. The Protocol proposes that the Board be supported by officer forums at Lead Director and Chief Executive level. These will enable collective action by the Member Councils on options appraisal and recommendations to the Board. The Protocol requires that these groups can only proceed by unanimous agreement on a collective recommendation. The Lead Directors' Group (advised by the Programme Manager) will advise the Chief Executives' Group which in turn will advise the Leaders of the Member Councils.

This Member / Officer structure proposed will therefore allow the Member Councils to go forward together while respecting the individual interests of each Council. The structure is presented graphically at Annex 2 to this report.

## **4. Consultations undertaken**

- 4.1. Consultations have been undertaken internally across the 6 Councils at senior officer and lead member level. In particular the Pioneer Somerset Lawyers Group comprising the monitoring officers of the 6 Councils have been instrumental in the preparation of the Protocol and subsequent discussions have embraced relevant Directors, Chief Executives and Leaders.

## **5. Implications**

- 5.1. Legal:** The legal issues in relation to the operation of the Protocol have been outlined above. The Protocol itself adds to this by setting out clear terms of reference for the respective groups as well as modus operandi.
- 5.2.** In due course and as part of the delivery phase, particular actions and proposals may require a bi-lateral or multi-lateral contractual agreement between authorities in relation to transfer of powers, funding, staffing, joint decision-making or co-option. The Pioneer Somerset Lawyers Group propose to provide an agreed “toolkit” of those arrangements in anticipation of such agreements. This will, it is hoped, reduce the amount of negotiation which will be required between Councils in settling the agreements that the Pioneer Somerset Programme will promote.
- 5.3. Risk:** The Pioneer Somerset Lawyers Group considers that the acceptability of the proposals made under the Programme will depend on the perceptions of the decision-makers and those who influence them. The benefits must be able to be clearly stated and be measurable by those parties. Any disbenefits must be identified and mitigation measures proposed which allay any fear of change. Effective communication to Councils, Councillors, Staff, their Representatives, Stakeholders and Service users and recipients will be a key determinant of success of the Pioneer Somerset project.

## **6. Background papers**

- 6.1.** Pioneer Somerset PID

**Note** For sight of individual background papers please contact the report author

**Pioneer Somerset**

**Governance Protocol (Draft)**

**Member Councils will:**

**1. Take Ownership of the Pioneer Somerset Programme by:**

**Establishing Performance Measures:**

Every Council to commission Pioneer Somerset Board to produce Baseline data on qualitative measures and make proposals for publishing tracking and progress data against the PID targets.

**Agreeing the Collective Revenue Savings Target:**

Every Council to contribute to preparation for and negotiation with GOSW on setting of the collective target for savings and to adopt the principle that their consequent contribution to savings will be included as part of their Medium Term Financial Plan.

**2. Enable the Delivery of the Pioneer Somerset Programme by:**

**Enabling Joint Decision making:**

Each Council to delegate sufficient executive and other powers to their Leader to agree and implement Pioneer Somerset Programme Action Plans that deliver the PID and contribute to achievement of savings in Medium Term Financial Plans.

**Resourcing the Delivery of the Pioneer Somerset Programme:**

Each Council to select a first tier officer to be their Pioneer Somerset Lead Director and provide facilities for that officer to contribute to achievement of the PID.

Each Council will provide adequate resources for them to deliver their contribution to delivering Pioneer Somerset Programme Action Plans.

**3. Ensure Transparent and Evidence Based Decision-Making by:**

**Making effective Scrutiny arrangements:**

1. Each Council to instruct their Scrutiny Committee to consider and advise upon the implications of delivering the PID for their own communities (jointly where possible).
2. Each Council to require their Scrutiny Committee to appoint two Councillors (and two named reserve Councillors), that shall not be current Executive Members of any participating Council, to serve on a Joint Scrutiny Panel to review the work of the Pioneer Somerset Project Board.

**4. Ensure Common Control of Pioneer Somerset Resources:**

**Finance:**

Mendip DC to be Accountable Body for holding and administration of grant and employer of Pioneer Somerset staff. Funding authorisation to be held by Pioneer Somerset Board.

### **Staffing and Other Resources:**

Authorisation and prioritisation of use of staffing and other resources on Pioneer Somerset Programme to be held by Pioneer Somerset Board.

#### **5. Respect Other Member Councils by:**

##### **Maintaining Commitment to the Pioneer Somerset Programme until 2012/13.**

EXCEPT when they give not less than 12 months notice expiring on 31 March in any year while undertaking to bear the direct costs of their own withdrawal

AND EXCEPT when 3 or more of the member authorities resolve to bring the Pioneer Somerset Programme to an end when the direct costs of terminating the programme will be borne equally.

## **The Pioneer Somerset Board will:**

### **1. Be the Principal Decision-Making Forum of Pioneer Somerset:**

#### **Its Membership is:**

The Leaders of each Member Council (or their Alternates)

#### **Its Role is to act jointly:**

Ensuring Delivery of Pioneer Somerset Programme.

Recommending PID/PID Variations to Member Councils.

Approving Programme Action Plans (PAPs).

Monitoring Delivery of PAPs.

Recommending actions to Member Councils including making appropriate entries in their Medium Term Financial Plans.

Monitoring Achievement of Outcomes.

Receiving reports from Scrutiny Committees.

#### **Its Decision-making will be by:**

Unanimous assent at events at which all Councils are represented.

The representative of each authority attending the event having unconditional delegated powers to agree recommendations of the Chief Executives' Group in accordance with their own Council's individual decision-making arrangements. So that, joint decisions will bind all authorities to PAPs.

#### **Its Meetings will be chaired:**

By the Leader of each Council in turn for terms of six months.

### **2. Be Open and Transparent by:**

Each decision of each Council representative being subject to:

- (a) and recorded in accordance with their own Council's access to information arrangements for individual decision-making.
- (b) collective scrutiny by a Joint Scrutiny Panel
- (c) each Council's scrutiny arrangements for individual and other decision-making.

## **The Pioneer Somerset Chief Executives' Group will:**

### **1. Be the Principal Advisor to the Pioneer Somerset Board:**

#### **Its Membership is:**

The Heads of Paid Service of each Member Council (or their nominees).

#### **Its Role is to produce collective advice to the Board:**

Enabling Delivery of Pioneer Somerset Programme

Recommending PID Variations to Pioneer Somerset Board

Recommending Programme Action Plans (PAPs)

Ensuring Monitoring Delivery of PAPs

Recommending actions to Pioneer Somerset Board

Ensuring Monitoring Achievement of Outcomes & Risks

#### **Its Decision-making requires:**

Finding a collective recommendation that is supported by each Council's Head of Paid Service.

Being satisfied that all blockages to delivery of the PAPs have been minimised.

Collective attention in advance of meetings in order to identify concerns, find options for solution and negotiation between Councils.

#### **At meetings:**

The Group will be chaired by the Head of Paid Service whose Council Leader is the then current Chair of the Pioneer Somerset Board.

### **2. Be able to have free and frank discussions so as to enable the effective conduct of the Pioneer Somerset Programme by:**

- a. Sharing advice between the Member Councils;
- b. Exchanging views for the purpose of establishing a collective recommendation to the Pioneer Somerset Board;
- c. Holding meetings in private, and
- d. Being able to keep the content of its discussions exempt from disclosure under Section 36 of the Freedom of Information Act 2000.

### **3. Each Chief Executive shall take a sponsoring role in respect of at least one PID workstream.**

## **The Pioneer Somerset Directors' Group will:**

### **1. Be the Principal Advisor to the Pioneer Somerset Chief Executives' Group:**

#### **Its Membership is:**

The Lead Directors for Pioneer Somerset of each Member Council (or their nominees).  
The Pioneer Somerset Programme Manager (as advisor)

#### **Its Role is**

##### **(a) to produce collective advice to the Chief Executives' Group:**

Recommending PID Variations  
Recommending Programme Action Plans (PAPs)  
Reporting Achievement of Outcomes

##### **(b) to enable and co-ordinate the delivery of the PAPs by:**

Monitoring Delivery of PAPs  
Monitoring Risks  
Commissioning advice on governance, legal, financial, staffing and other infrastructural issues to enable the delivery of PAPs.

#### **Its Decision-making requires:**

Finding a collective recommendation that is supported by each Council's Lead Director for Pioneer Somerset.

Finding a collective recommendation that delivers the PID.

#### **At meetings:**

The Group will be chaired by the Lead Director for Pioneer Somerset whose Council Leader is the then current Chair of the Pioneer Somerset Board.

The Group will be advised and facilitated by the Pioneer Somerset Programme Manager who shall also be responsible for recording decisions of the Group.

### **2. Be able to have free and frank discussions so as to enable the effective conduct of the Pioneer Somerset Programme by:**

- (a) Sharing advice between the Member Councils;
- (b) Exchanging views for the purpose of establishing a collective recommendation to the Pioneer Somerset Chief Executives' Group;
- (c) Holding meetings in private, and
- (d) Being able to keep the content of its discussions exempt from disclosure under Section 36 of the Freedom of Information Act 2000.

### **3. Each Lead Director shall be Programme Director for at least one PID workstream.**



# Pioneer Somerset Governance

ANNEX 2

