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SCOTTISH BORDERS COMMUNITY PLANNING STRATEGIC BOARD

Date: 8th September 2016
Subject: Future Community Planning Governance
Purpose: To provide members with the outcome of the review of Community Planning Partnership governance structure and propose amendments.

1 Introduction

1.1 At its meeting held on 9 June 2016, the CPP Strategic Board did not accept the governance arrangements being proposed by the CPP Joint Delivery Team. The Joint Delivery Team was asked to revisit the proposals, taking into account what was in place in other Community Planning structures and the requirements of the Community Empowerment (Scotland) Act 2015. Two questions in particular required to be answered:

- Should the Strategic Board remain as a Council committee and if not, what should it become?
- How should the Community Planning Partnership operate: as one entity, or a Partnership and a Strategic Board?

2 Current Position

2.1 The Community Planning Partnership in the Scottish Borders currently operates as a Strategic Board. The Strategic Board is a formal Committee of Scottish Borders Council albeit, with a membership comprising the following –

Scottish Borders Council (5)
NHS Borders (2)
Scottish Enterprise (1)
Police Scotland (1)
Scottish Fire and Rescue Service (1)
Borders College (1)
Registered Social Landlords (3)
Live Borders (1)
SESTRAN (1)
Third Sector (1)

2.2 Decisions of the Strategic Board are reached on a consensual basis. Should consensus not be reached on a decision, then the matter must be raised within the appropriate governance arrangements of each individual partner organisation and then reverted back to the Strategic Board for a final decision. Any budgets being disbursed are done so by the individual partner organisation. Observers from Scottish Government and the Community Council Network attend the Strategic Board. The Strategic Board is currently supported by a Joint Delivery

Team comprising senior officers from the partner organisations along with further representation from Scottish Government. Three Themed Delivery Teams report to the Joint Delivery Team and are the main delivery groups for the Community Planning Partnership.

3 The Review

3.1 The review was undertaken by officers from the Statutory partners and reported back to the Joint Delivery Team. It took account of the 16 Scottish Government's national outcomes, and in particular the 6 outcomes that Community Planning Partnerships were required to consider in depth for the 2012 Single Outcome Agreement:

- Economic Recovery & Growth
- Employment
- Early Years
- Safer & Stronger Communities including Reducing Re-offending
- Health Inequalities & Physical Activity
- Outcomes for Older People

3.2 Account was also taken of the requirements of the Community Empowerment (Scotland) Act 2015, which names 5 statutory partners (Scottish Borders Council, NHS Borders, Police Scotland, Scottish Fire and Rescue Service, and Scottish Enterprise), along with the named partners in Schedule 1 of the Act (Scottish Borders Joint Integration Board, Borders College, Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Sports Council, Skills Development Scotland, SESTRANS, and Visit Scotland). These partners have a duty to carry out planning for the area of the local authority as a Community Planning Partnership, working together for the "improvement in the achievement of outcomes resulting from, or contributed to by, the provision of services delivered by or on behalf of the local authority or the persons (organisations) listed in Schedule 1". These 'local' outcomes must be consistent with the national outcomes, which are determined by Scottish Ministers having regard to the reduction of inequalities of outcome which result from socio-economic disadvantage.

3.3 Nine other Community Planning Partnerships structures have been considered. Most have a "lead" strategic group which has an overview of the work of the Partnership from agreement of the SOA Strategic Plan to the monitoring and evaluation of that Plan. The Partnerships have a larger number of representatives from the local authority than from the other partners and most are currently under review.

4 Key Findings

4.1 The Scottish Borders Strategic Board is currently a formal Council committee, although this is not a requirement of legislation. The status of the Board being a formal Council Committee confers no special rights on the Council at meetings, has no legal or other implications for other partners and is simply a convenient mechanism for the Council to ensure that the decisions of the Strategic Board are in fact formal decisions of the Council. Were the Board not to be a formal committee of the Council then all decisions made by the Board would require to be considered again by Executive or Full Council in order to be made formal decisions of the Council. This is clearly a laborious and time consuming process to complete, hence the existing arrangement. Other areas' Community Planning Partnerships are unincorporated bodies – by definition, this means that they have no separate legal existence, but remain as a group of people/organisations who have decided to work together to accomplish a common agreed non-commercial purpose. In reality this means that any decisions of those Partnerships need to be finally agreed within the parameters of each partner's

own formal decision making system, either by ensuring any representatives have full delegated decision making powers on behalf of their individual organisation when attending a Partnership meeting, or by representatives making recommendations for agreement to their own organisation. The Partnership has no authority – whether it operates as an unincorporated body or as a Council committee - to require organisations to comply with any decisions, although the statutory partners are required to work together as per the Community Empowerment (Scotland) Act.

- 4.2 One of the issues raised by some partners relates to the format, style and interaction at Strategic Board meetings, which they felt was contributing to a lack of engagement by members. This can be addressed within the current working of the Strategic Board and is not an issue in respect of the Board being a formal Council committee. Retaining the Partnership Board as a formal Council committee does not confer any particular privilege or influence for the Council, but simply assists administratively in managing meetings and making use of Council resources. Should the Scottish Borders Community Planning Partnership agree to move forward as an unincorporated body, it would need to agree a constitution, membership, quorum, standing orders, etc. to ensure effective future operation and co-operation of all partners. While other Community Planning Partnerships are currently operating as unincorporated bodies, most of these structures are also under review with a number likely to become formal committees of their respective Councils.
- 4.3 The aim of any Community Planning Partnership is to establish what can be done differently and better by the partners by getting together and co-ordinating existing services or joining up to provide services which will reduce inequalities and improve outcomes for communities. Not all partners will be involved in the provision of every service but by sharing information and stating what each organisation can do, duplication may be avoided and new approaches to service provision developed, alongside a multi-agency approach where appropriate.

5 Future CPP Governance Proposals

- 5.1 In light of the structures of other Community Planning Partnerships, officers have concluded that the Scottish Borders Community Planning Partnership would be best served by having two groups – a large consultative group that sets the strategic direction and a smaller decision making group that ensure the strategic direction is being followed. A number of changes are therefore proposed for Community Planning Partnership governance to both implement the two groups outlined above and address the recent changes required by Scottish Government legislation.
- 5.2 A Community Planning Partnership Consultative Group will be formed with the following members (and will not be a formal Council committee) -

Scottish Borders Council (5)
NHS Borders (2)
Scottish Enterprise (1)
Police Scotland (1)
Scottish Fire and Rescue Service (1)
Borders College (1)
Health & Social Care Integration Joint Board (1)
Registered Social Landlords (4)
Scottish Borders Community Council Network (1)
Scottish Environment Protection Agency (1)
Scottish Natural Heritage (1)
Scottish Sports Council (1) – represented by Live Borders

Skills Development Scotland (1)
SESTRAN (1)
Third Sector (1)
Visit Scotland (1)

5.3 It is intended that this Consultative Group will meet a minimum of once per annum for a planning workshop exploring -

- the content/development of the Locality Improvement Plan and the individual Locality Plans, thus preparing the foundation for the work of a smaller Strategic Board
- effective commitment and agreement between partners on setting the strategic direction for community planning
- mutual understanding of need by sharing key organisational information
- input to community planning from stakeholder groups

5.4 The Group will also receive an annual report from the Strategic Board on progress with community planning in the Scottish Borders. The workshop sessions of the Consultative Group will be chaired by one of the 5 Statutory Partners. Representatives from other stakeholder/community groups may also be invited to attend and input to the planning workshop. The quorum for the planning workshop and any other meetings is 1 representative from each of the 5 Statutory Partners and 1 representative from each of 3 partners in Schedule 1 of the Community Empowerment (Scotland) Act 2015.

5.5 A revised smaller Scottish Borders Community Planning Strategic Board will be retained as the decision making group for the Community Planning Partnership. Membership of this Strategic Board* will be the 5 Statutory Partners in the Community Empowerment (Scotland) Act, plus representatives from 3 other sectors -

Scottish Borders Council (3)
NHS Borders (2)
Scottish Enterprise (1)
Police Scotland (1)
Scottish Fire and Rescue Service (1)
Borders College (1)
Registered Social Landlords representative (1)
Third Sector (1)

* named substitutes may attend in place of nominated representatives

5.6 While the Strategic Board will remain a formal Council committee, it should be noted that this will not confer any Council responsibilities on any non-Council members of the Board other than the section in the Councillors' Code of Conduct which refers to conduct at meetings - *You must respect the chair, your colleagues, employees and any members of the public presenting during meetings. You must comply with rulings from the chair in the conduct of business at these meetings.* The style and format of meetings will change to reflect a more open discussion on community planning matters taking account of the outcomes of the Community Planning Partnership Consultative Group planning workshop(s). After any formal business is concluded or at separate additional meetings, the Strategic Board can move to more informal discussion/debate on community planning.

5.7 The remit of the Strategic Board will be to -

- Approve, monitor and evaluate progress on the Local Outcomes Improvement Plan and the individual Locality Plans
- Find consensus in reaching decisions on those issues that involve competing interests or are controversial or contentious
- Identify the ideal level of resources necessary to achieve the outcomes of the Plans and advise partners of these
- Work together to resolve any problems arising from significant issues
- Consider and make recommendations to the Community Planning Partnership Consultative Group and/or partner organisations on any aspects of community planning in terms of issues or improvements
- Provide the Community Planning Partnership Consultative Group with an annual assessment of community planning in the Scottish Borders
- Sign off the Annual Report on Community Planning, after consultation with the wider Community Planning Partnership Consultative Group

5.8 The Strategic Board will be chaired by one of the Elected Members and the quorum will be 2 Elected Members and a representative from 2 other Statutory Partners. Agendas and papers for Strategic Board meetings will be issued to all Community Planning Partnership Consultative Group members and Board meetings will be open for other partners and any members of the public to attend.

5.9 Should further meetings of the Strategic Board and/or the Consultative Group be required then these will be arranged. The Joint Delivery Team will continue to provide support to both the Community Planning Partnership Consultative Group and the Strategic Board and is in the process of reviewing its current operational framework to ensure best outcomes are delivered. It is further proposed that Community Planning Partnership governance arrangements be reviewed after 18 months to assess their effectiveness. These proposals were considered and accepted at an informal meeting of the Joint Delivery Team held on 2 September 2016.

6 RECOMMENDATIONS

6.1 Members of the Community Planning Strategic Board are asked to consider and agree:-

- (a) the new governance arrangements for the Community Planning Partnership in the Scottish Borders as detailed in Section 5 of this report; and
- (b) that all partners approve the new governance arrangements within their own organisational decision making structure as appropriate; and
- (c) the governance arrangements be reviewed in 18 months time to assess their effectiveness.

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Date: 5 September 2016