
COMMUNITY PLANNING GOVERNANCE ARRANGEMENTS

Report by Chief Executive

Scottish Borders Council

29 September 2016

1 PURPOSE AND SUMMARY

- 1.1 This report proposes changes to the Community Planning governance arrangements in the Scottish Borders, and in particular an amendment to the membership and remit of the Community Planning Strategic Board.**
- 1.2 At its meeting on 8 September 2016, the Community Planning Strategic Board agreed to changes to its current governance structure. These changes require Council approval as the Community Planning Strategic Board is a formal committee of Council. 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.
- 1.3 A review of the governance structure of the Community Planning Partnerships was carried out by officers of the statutory community planning partners, who 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 for community planning and a smaller decision making group that ensures the strategic direction is being followed. The Community Planning Consultative Partnership will comprise representatives from each of the Statutory Partners and those partners listed in Schedule 1 of the Community Empowerment (Scotland) Act 2015. A revised smaller Scottish Borders Community Planning Strategic Board will be retained as the decision making group for the Community Planning Partnership, and will comprise representatives from the 5 Statutory Partners along with 3 other community planning partners.

2 RECOMMENDATIONS

- 2.1 **I recommend that Council approves:**
- (a) the governance arrangements for the Community Planning Partnership in the Scottish Borders; and**

- (b) the amendment of the Scheme of Administration to take account of the new Community Planning Strategic Board membership and remit, as detailed in Appendix 1.**

3 BACKGROUND

- 3.1 At its meeting on 8 September 2016, the Community Planning Strategic Board agreed to changes to its current governance structure. These changes require Council approval as the Community Planning Strategic Board is a formal committee of Council.
- 3.2 The governance arrangements of the Community Planning Partnership have been reviewed in response to an Improvement Plan which addressed the findings of an early audit of Community Planning in the Scottish Borders by the Accounts Commission/ Auditor General in 2013. In 2014, the Director of Strategy and Policy and the Communities and Partnership Manager met with each of the Community Planning Partners to discuss the governance arrangements and a number of issues were raised. The review was undertaken by officers from the Statutory Partners named in the Community Empowerment (Scotland) Act 2015 which also made a number of changes to legislation governing community planning, and these were taken into account in the proposals considered by the Community Planning Strategic Board.
- 3.3 The 5 Statutory partners (SBC, 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) 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.
- 3.4 Nine other Community Planning Partnerships structures were also considered as part of the review. 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 FINDINGS OF THE REVIEW

- 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 related 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. While other Community Planning Partnerships are currently operating as unincorporated bodies, most of these structures are 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 COMMUNITY PLANNING PARTNERSHIP GOVERNANCE

- 5.1 In light of the structures of other Community Planning Partnerships, officers 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 ensures the strategic direction is being followed. A number of changes are therefore proposed for Community Planning Partnership governance to both implement the two groups mentioned above and address the recent changes required by Scottish Government legislation.
- 5.2 A Community Planning Consultative Partnership 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)
- Scottish Government Location Director (1)

5.3 It is intended that this Consultative Partnership 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 Partnership 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 Partnership 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, the membership and remit of which is detailed in Appendix 1. 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
- Monitor the work of the Joint Delivery Team and Themed Delivery Groups
- 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 Consultative Partnership 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 Partnership be required then these will be arranged. The Joint Delivery Team will continue to provide support to both the Community Planning Consultative Partnership 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 a formal meeting of the Community Planning Strategic Board held on 2 September 2016.

5.10 The established process for all significant matters to be discussed by the Strategic Board will continue. That is that either Executive and or Council will have considered the matter prior to the Strategic Board meeting. This ensures proper consideration of significant matters by the widest group of appropriate Members.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

The proposed changes to the governance structure are being brought forward in response to the issues raised by partners and also the requirements of the Community Empowerment (Scotland) Act 2015. The proposals have been accepted by all the partners participating in the existing Community Planning Partnership. There is a risk if the proposals are not accepted that the Council will significantly delay or fail to meet its statutory duty to work with partners 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".

6.3 Equalities

None of the recommendations in this report discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief. The aim of the 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.

6.4 Acting Sustainably

There is no economic, social or environmental detriment attached to the proposals in this report.

6.5 Carbon Management

The proposals in this report do not impact on the Council's carbon emissions.

6.6 Rural Proofing

The Community Planning Partnership covers all areas of the Scottish Borders.

6.7 Changes to Scheme of Administration or Scheme of Delegation

Changes are required to the Scheme of Administration and these are detailed in Appendix 1.

7 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Chief Officer HR are being consulted and any comments received will be incorporated into the final report.

Approved by

Rob Dickson
Corporate Transformation and

Signature

Services Director

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 20 November 2014

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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**SCHEME OF ADMINISTRATION
SECTION XV**

COMMUNITY PLANNING STRATEGIC BOARD

General

The Community Planning Strategic Board shall comprise Scottish Borders Council Elected Members meeting together with Statutory and other Community Planning Partner representatives.

Constitution

(a) Any three from the following Elected Members of Scottish Borders Council:-

- (i) Leader
- (ii) Executive Member for Community Planning
- (iii) Executive Member for Economic Development
- (iv) Executive Member for HR and Corporate Performance
- (v) Executive Member for Health Service

(b) Representatives from each of the other Statutory Community Planning Partners:-

- (i) NHS Borders – 2 representatives
- (ii) Scottish Enterprise – 1 representative
- (iii) Police Scotland – 1 representative
- (iv) Scottish Fire and Rescue Service – 1 representative

(c) Representatives from the following Community Planning Partners:-

- (i) Registered Social Landlords – 1 representative
- (ii) Borders College – 1 representative
- (iii) Third Sector – 1 representative

Chairman

The Board must be chaired by an Elected Member of the Council.

Quorum

Two Elected Members of the Council and one representative from each of 2 other Statutory Partners shall constitute a quorum.

Functions Referred

The following functions of Council, within policy, budget and legislative requirements (including those in the Community Empowerment (Scotland) Act 2015 governing community planning) and in compliance with any statute or regulations governing the other Community Planning partners involved, shall stand referred to the Board –

1. Approve, monitor and evaluate progress on the Local Outcomes Improvement Plan and the individual Locality Plans.
2. Monitor the work of the Joint Delivery Team and Themed Delivery Groups.
3. Find consensus in reaching decisions on those issues that involve competing interests or are controversial or contentious.

- *4. Identify the ideal level of resources necessary to achieve the outcomes of the Plans and advise partners of these.
5. Work together to resolve any problems arising from significant issues.
- *6. Consider and make recommendations to the Community Planning Consultative Partnership and/or partner organisations on any aspects of community planning in terms of issues or improvements.
7. Provide the Community Planning Consultative Partnership with an annual assessment of community planning in the Scottish Borders.
8. Sign off the Annual Report on Community Planning, after consultation with the wider Community Planning Consultative Partnership.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of the Council and other relevant Community Planning partner organisations.