

Meeting: Full Council

Date: 19 October 2017

Wards Affected: All

Report Title: Future Operating Model : Clarification for Plymouth City Council

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

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1. Proposal and Introduction

1.1 This Report is being presented to Council following a request from Plymouth City Council to provide clarity and certainty as to the Council's future operating model. It has been produced to inform Plymouth City Council's due diligence in relation to their Full Council 'in-principle' decision taken on 25 September 2017 to develop a delivery contract with Torbay Council in respect of our Children's Services functions. As Members will be aware this follows the Statutory Direction issued to Torbay Council and the DFE Commissioner's view as to the need to identify a partner.

2. Reason for Proposal

2.1 Within the report to Council on 27 September 2017 the Chief Executive advised that rather than pursue a strategic partnering arrangement the Council should maintain its existing service delivery model; meaning for example that the Council would continue to deliver adult social care through the Integrated Care Organisation, subject to their agreement the Council will partner with Plymouth City Council in respect of our Children's Services, Trading Standards delivered with Devon County Council and we will continue to deliver all other services in the most efficient and effective way possible. The Council's operating model therefore is flexible, evolving and based upon the most appropriate fit for each service, seeking to obtain the best outcome for our residents. In accordance with the decision of Council on 27 September 2017 the model is not designed or anticipated to lead to a single strategic partnership.

2.2 Plymouth City Council have sought reassurance that the existing service delivery model will be maintained as far as possible. They seek this clarity in order to provide

certainty and stability to them, and to provide a firm foundation upon which they can assist the Council in improving our Children's Services. They also seek agreement in respect of any termination arrangements should they be necessary.

3. Recommendation(s) / Proposed Decision

- 3.1 That Full Council confirms the following so as to inform Plymouth City Council's due diligence in respect of arrangements for Children's Services;
- a) The current operating model of Torbay Council is flexible, evolving and based upon the most appropriate fit for each service. The model is not designed or anticipated to lead to a single strategic partnership,
 - b) Torbay Council will use all reasonable endeavours to commit to its current operating model for a period not less than 3 years,
 - c) If during the contract term Torbay Council determines that there is an overwhelming business case for it to enter into a single strategic partnership with another Council, Plymouth City Council reserves the right to review its position in relation to delivery of children's services and if Plymouth City Council withdraws as a result, Torbay Council will cover all costs relating to the termination of the arrangement,
 - d) Should Plymouth City Council decide to unilaterally end the contract before the end of the contract term under circumstances other than those set out in the contractual agreement then Plymouth City Council will cover all costs relating to the termination of the agreement,
 - e) Should Torbay Council and Plymouth City Council decide, with permission of the Secretary of State, to end the contract before the end of the contract term then Torbay Council and Plymouth City Council will share equally all costs relating to the termination of the agreement,
 - f) The notice period for early termination under all the above circumstances would be 6 months to allow reasonable time to disengage, unless there was agreement that it could be achieved within a shorter period.

Background Documents

Report : Options to improve the resilience of Council Services dated 27 September 2017