

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 02 September 2019

Portfolio:	Planning and Development
Subject:	Eastern Solent Coastal Partnership Agreement 2019
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Protecting and Enhancing our Environment

Purpose:

To seek the Executive approval to refresh and update the Eastern Solent Coastal Partnership Agreement from 2012.

Executive summary:

Fareham Borough Council (FBC) formed part of a shared service with Havant Borough Council (HBC), Gosport Borough Council (GBC) and Portsmouth City Council (PCC) in April 2012 to deliver a shared Flood and Erosion Risk Management Service. The agreement was formed under Section 113 of the Local Government Act with the aim to deliver a more efficient and effective service by co-ownership of objectives and an equitable fee structure, providing:

- A robust resilient and adaptable service by sharing of resources;
- Financial savings and efficiencies;
- Increasing the ability to secure government funding for future coastal initiatives and schemes;
- The delivery of numerous outcomes to protect over 30,000 properties;
- Services delivered differently in order to adapt to change and think more commercially.

Due to changes in legislation and the need to proactively evolve, the service requires a new agreement between the Partner Authorities.

Recommendation:

It is recommended that the Executive approves entering into the Eastern Solent Coastal Partnership Agreement 2019 set out at Appendix A.

Reason:

To ensure the Agreement reflects current legislation, enables the Partnership to evolve to maximise efficiencies, deliver best practise and have the potential to sell services to the public sector in order to generate income and manage risk.

Cost of proposals:

There is no additional cost to this current proposal. The fee structure to the Council remains unchanged.

Appendices: **A: Eastern Solent Coastal Partnership Agreement 2019**

Reference papers: [Partnership Report](#)

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	02 September 2019
Subject:	Eastern Solent Coastal Partnership Agreement 2019
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. Fareham Borough Council (FBC), Havant Borough Council (HBC), Portsmouth City Council (PCC) and Gosport Borough Council (GBC) are working in partnership for the delivery of a coordinated Flood and Coastal Erosion Risk Management Service.
2. The Eastern Solent Coastal Partnership is responsible for managing the flood and erosion risk to 162 kilometres of coastline and has successfully provided numerous outcomes to protect over 30,000 homes and reduce the risk to life from flooding and erosion along our coastline. Fareham Borough Council is a Risk Management Authority with permissive powers under the Coastal Protection Act and Land Drainage Act. The Borough Council is a significant landowner along the Fareham coastline with responsibility for maintaining the Council's owned coastal assets, together with a Health and Safety duty of care to the public whilst on Council land. Many successful outcomes have been delivered to date by the Partnership such as:
 - Hill Head Seawall replacement Capital Scheme;
 - Portchester to Paulsgrove (P2P) scheme appraisal;
 - Asset inspection, investment and management including, Hill Head beach replenishment and groyne repairs and Portchester seawall repairs;
 - Proactive Coastal Surveys;
 - Developing a Beach Management Plan for Hill Head to Portsmouth Harbour entrance.
3. The Partnership has exceeded the work that each Local Authority could have achieved in isolation, delivering many multimillion-pound projects whilst making combined savings of £1.8 million to date.
4. The Coastal Partnership Agreement is a Section 113 of the Local Government Act 1972 agreement for the employment by the Councils of a shared Flood and Erosion Risk Management Service (known as the Eastern Solent Coastal Partnership "ESCP"). The original agreement was signed on 30th March 2012.

5. A review and update of the existing agreement between all Partners has been performed and all Partner Authorities, Client Managers, Legal and Finance Services have reviewed, contributed and advised on the new Coastal Partnership Agreement 2019.

RISK

6. The terms and conditions of the amended agreement are broadly the same as in the original agreement and as a result the Council's liabilities and responsibilities under the agreement will remain the same.
7. As the Partnership has been in operation for several years and no major contractual issues have arisen, the approach adopted by the service team when reviewing this agreement has been to amend only where necessary to reflect agreed changes in working practice of the Partnership, or where there have been legislative changes.
8. The amended agreement replaces all other existing agreements between the parties in connection with flooding and erosion risk management. However, any accrued liabilities and obligations will continue.
9. The agreement is for an indefinite/unspecified term and will be reviewed again two years after the date when all parties have signed it.
10. The parties can terminate the agreement by serving not less than 18 months' written notice.

PROPOSED 2019 AGREEMENT

11. The main changes made to the agreement are listed below:
 - Annual strategic planning internal audits and sharing of results;
 - Additional sections added for GDPR, Modern Slavery and Counterparts;
 - Cost and income apportionment added in that additional on-costs be reimbursed to the host employer (HBC) to meet costs for human resources, transactional services and accommodation for the wider service all of which would be tabled and agreed with Client Manager Board as part of annual budget setting;
 - Project fund is established to provide risk mitigation and flexibility for business investment and is capped at 10% of the budgeted in year salary expenditure. It includes:
 - risk to offset against future financial overspend
 - investment in new technology
 - consultancy support (for specialist advice or where service capacity is exceeded)
 - agile approach to development and transformation
 - calculated risk on shared initiatives to secure significant funding
 - risk of redundancy payments;
 - £20k limit on single expenditure unless agreed by Client Manager Board. Head of Service has authority to approve expenditure so long as within budget limit;
 - Ability to sell services to other public-sector organisations under the Local Government Act Section 101;
 - Update the governance arrangements and staffing structure;
 - Embed Financial Assurance into the Service;

- Additional clause for all assets to be added to an asset list.
12. The Eastern Solent Coastal Partnership Agreement 2019 can be read in full at Appendix A to the Executive report.

CONCLUSION

13. In order to continue to deliver efficient and effective outcomes for Fareham Borough Council today and in the future, it is important to assure that the Partnership builds on the successes to date and has an agile platform to work from.
14. The Coastal Partnership Agreement 2019 will continue to support develop, provide good governance and protect the service and benefits being delivered for Fareham Borough Council and its Partners.
15. The amended Agreement reflects current working practises and legislation and has been through a vigorous and lengthy approval process engaging with key stakeholders to assure it will continue to encourage growth, supports key strategic objectives and will continue to provide savings whilst managing risk and creating coastal resilience for coastal communities and the environment.
16. It is therefore proposed that the Council enters into the Eastern Solent Coastal Partnership Agreement 2019.

Enquiries:

For further information on this report please contact Lyall Cairns on 02392 446453.