

Waverley Borough Council

Report to: Guildford Borough Council and Waverley Borough Council Joint Governance Committee

Date: 9 October 2023

Ward(s) affected: All

Report of Director: Transformation and Governance

Author: Susan Sale, Joint Executive Head of Legal & Democratic Services

Tel: 01483 444022

Email: susan.sale@guildford.gov.uk

Report Status: Open

Amendments to the Guildford Borough Council and Waverley Borough Council Joint Governance Committee's Terms of Reference (TOR)

1. Executive Summary

1.1 The Joint Governance Committee was created in April 2022 and its Terms of Reference (TOR) can be found in Part 3 – Appendix 2 of the Waverley Borough Councils Constitution.

1.2 At the request of the new Joint Executive Head of Legal & Democratic Services, the TOR for the Joint Governance Committee were

reviewed to ensure they remained, relevant, fit for purpose and included any collaboration arrangement updates.

- 1.3 This report asks the Joint Governance Committee to amend the TOR of the Committee to confirm the frequency of meetings and the annual review of the IAA. It also asks the Committee to amend the TOR to reflect the impending Temporary Shared Staffing Inter-Authority Agreement, which will fall under the remit of the Joint Governance Committee and be subject to annual review in line with the JMT IAA.

2. Recommendations to Committee

- 2.1 That the Joint Governance Committee resolves to recommend to both Guildford Borough Council and Waverley Borough Council that the Committee's Terms of Reference are amended as follows:

- (a) The frequency of meetings to Biannually.

- (b) The periodic formal review to (at least annually).

- (c) To include the Temporary Shared Staffing Inter-Authority Agreement within its remit and periodically review at least annually in line with the JMT IAA.

- (d) And that the Executive Head of Legal and Democratic Services be delegated authority to amend both the Guildford Borough Council and Waverley Borough Council Constitutions accordingly.

3. Reason(s) for Recommendation:

- 3.1 To ensure Guildford Borough Council and Waverley Borough Council continues to adopt and exercise strong governance arrangements for inter-authority working.

4. Exemption from publication

4.1 No part of this report is exempt from publication.

5. Purpose of Report

5.1 This report asks the Joint Governance Committee:

- (a) To consider amendments to the Committee's TOR as outlined in the recommendations in section 2 of this report (**Appendix 1**).

6. Strategic Priorities

6.1 The work of Councillor task or working groups assist in the delivery of the Council's Corporate Plan priorities.

7. Background

7.1 The Joint Governance Committee was created in April 2022 and its Terms of Reference (TOR) can be found in Part 3 – Appendix 2 of the Waverley Borough Councils Constitution.

7.2 The TOR state (7) that the Joint Governance Committee frequency of meeting should be as and when required. The Joint Executive Head of Legal & Democratic Services has suggested that the frequency of the meeting should be a formal arrangement and the meetings should take place Biannually, in line with the Committees responsibilities to review inter-authority working arrangements and risk assessments.

7.3 The TOR state (9) that the Joint Governance Committee include: '(i) To undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement, ensuring it continues to be fit for purpose and recommending to both Full Councils any changes required.' This report asks the committee for formally review the inter-authority agreement.

- 7.4 The Joint Executive Head of Legal & Democratic Services has suggested that the wording be amended to state that '(i) To undertake periodically a formal review (***at least annually***) of the inter-authority agreements, ensuring it continues to be fit for purpose and recommends to both Full Councils any changes required.'
- 7.5 At the meeting of the Executive on 5 September 2023, the Executive unanimously approved:
- i. The principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme.
 - ii. Delegating authority to the Joint Chief Executive, to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme.
 - iii. Delegating authority to the Joint Executive Head of Legal and Democratic Services to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

8. Equality and Diversity Implications

- 8.1 The Joint Governance Committee will be responsible for having due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning governance arrangements.

9. Financial Implications

- 9.1 There are no financial implications arising from this report. Any proposals, projects, or suggestions from the groups with financial

implications will either be contained within approved budgets or considered as part of the Service and Financial Planning cycle.

10. Legal Implications

10.1 Section 101(5) Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly. The Joint Governance Committee is established by both Guildford Borough Council and Waverley Borough Council jointly to discharge their functions in accordance with the Committee terms of reference.

11. Human Resource Implications

11.1 There are no direct human resource implications arising from this report.

12. Background Papers

12.1 Waverley Borough Council Constitution

12.2 5 September 2023: Report to Executive on Temporary Shared Staffing

13. Appendices

Appendix 1: Draft Amended Terms of Reference of the Guildford and Waverley Joint Governance Committee