

# 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

**Senior Officer:** Susan Sale, Joint Executive Head of Legal & Democratic Services

**Author:** Kisi Smith-Charlemagne, Senior Governance Officer

**Tel:** 01483 523027

**Email:** kisi.smith-charlemagne@waverley.gov.uk

**Report Status:** Open

## Update: On the Inter-Authority Agreement(s)

### 1. Executive Summary

1.1 The Joint Governance Committee's terms of reference includes a requirement to undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement (IAA) in respect of the Joint Management Team (JMT), ensuring it continues to be fit for purpose and recommending to both Full Councils any changes required.

1.2 At the Joint Governance Committee's last meeting on 17 March 2023, a report was presented by the previous Executive Head of Legal and Democratic Services (Interim) on the matters arising from the formal review of the Joint Management Team Inter-Authority Agreement

(December 2022). The Committee recommended to both Councils that clause 21.1 of the Inter-Authority Agreement be amended as detailed in the minutes of the meeting.

- 1.3 As part of the amendments, the JMT IAA was subject to review and the next formal review will take place early next year and be brought to the Committees next meeting in April.
- 1.4 On the 5 September 2023 the Executive agreed the principles of Temporary Shared Staffing (TSS) arrangements and delegated authority to the Joint Chief Executive, to approve, subject to a business case; and Joint Executive Head of Legal and Democratic Services to enter into an agreement a copy of the report can be found in the published agenda).
- 1.5 The TSS IAA will also be subject to a formal review at least every 12 months which will fall under the remit of the Joint Governance Committee in line with the JMT IAA.
- 1.6 There are now two IAAs between Guildford Borough Council and Waverley Borough Council that fall within the remit of the Joint Governance Committee to keep under review. The Terms of reference for the Committee have been updated to reflect this change.

## **2. Recommendations to Committee**

- 2.1 That the Committee notes the report and the updates on both IAA's between Guildford Borough Council and Waverley Borough Council.

## **3. Reason(s) for Recommendation:**

- 3.1 To ensure that any change to the inter-authority agreement(s) following a review is reported to the full Council meetings of both authorities.

3.2 To ensure that the Committee is informed of the new TSS IAA and is kept informed of any changes to both IAAs, recommended or otherwise.

#### **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 Committee:

(a) To note the amendments to the JMT IAA.

(b) To note the creation of the TSS IAA.

(c) To note the schedule for the next formal review of the IAA(s)

#### **6. Strategic Priorities**

6.1 The work of the Joint Governance Committee is to ensure both Guildford and Waverley Borough Councils adopt and exercise robust governance arrangements for inter-authority working. And as such assist in the delivery of both Guildford and Waverley Council's Corporate Plan priorities.

#### **7. Background**

7.1 The Joint Governance Committee was created in April 2022 by resolutions of both Council's following the Inter Authority Agreement Joint Working Group's consideration of and approval of the IAA Heads of Terms. The agreement was formally executed and sealed by both Councils in September 2022 under the delegated authority of Guildford's Lead Legal Specialist and Waverley's Borough Solicitor.

7.2 The first IAA is in respect of the joint management team (JMT). The JMT structure was implemented on 1st October 2022 and comprises

the Joint Chief Executive, three Joint Strategic Directors and twelve Joint Executive Heads of Service including the statutory roles of s.151 officer and Monitoring Officer.

- 7.3 The Joint Governance Committee have formally met on two occasions since it was established. On the 9 December 2022 where the Committee suggested an amendment to clause 21 of the JMT IAA; and on the 17 March 2023 where a formal recommendation was agreed to change clause 21. At both meetings it was the view of Officers' that the JMT IAA remained fit for purpose at the stage of the collaboration.

## **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 113 of the Local Government Act 1972 provides that a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officer employed by the former. Both the JMT IAA and the Temporary Staff Sharing IAA between GBC and WBC are made in accordance with this provision.

## **11. Human Resource Implications**

11.1 Section 113 Local Government Act 1972 provides that no staff shall be shared with another local authority without having first been consulted. Any such temporary staff sharing arrangements between GBC and WBC will follow such consultation, will be approved by the Head of Paid Service, and will be formalised by a secondment agreement between the employing Council and the employee.

## **12. Background Papers**

Waverley Borough Council Constitution: Joint Governance Committee TOR.

17 March 2023: Report of the Executive Head of Legal and Democratic Services (Interim) on the matters arising from the formal review of the Joint Management Team Inter-Authority Agreement (9 December 2022).

9 December 2022 Report of the Executive Head of Legal and Democratic Services (Interim) Formal review of the Joint Management Team Inter-Authority Agreement.

## **13. Appendices**

There are no appendices to this report.