

Guildford & Waverley Borough Councils

Report to: Guildford Borough Council and Waverley Borough Council Joint Constitutions Review Group

Date: 30 November 2023

Ward(s) affected: All

Report of Director: Transformation and Governance

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Report Status: Open

Amendments to the Guildford Borough Council and Waverley Borough Council Joint Governance Committee Terms of Reference

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 Council’s Constitution, Part 3 – (Terms of Reference of the Council) of the Guildford Borough Council Constitution and in **Appendix 1** of this report.

1.2 At the request of the 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 The amendments mainly focus on the inclusion of the Temporary Shared Staffing Inter Authority Agreement (IAA), periodic review periods, frequency of meetings, quorum, and procedures for electing a chairperson (in the absence of a Co-Chair) and voting. The amendments also include the rephrasing of text for clarity and correcting some minor typos.
- 1.4 A report was taken to the G&W Joint Governance Committee on 1 November 2023, where members of the committee reviewed, noted, and supported the proposed amendments. The JGC made an additional recommendation, for a further amendment to the use of substitutes under clause 8; requesting that the respective Group Leaders nominate an ongoing main substitute.
- 1.5 This report asks that the Joint Constitutions Review Group (JCRG) to consider the amendments to the TOR and to recommend the amendments to WBC Standards & GP Committee and GBC Corporate Governance & Standards Committee, with a recommendation that each committee recommends the amended TOR to their full Council for adoption.

2. Recommendations

That the Joint Constitutions Review Group resolves to:

- 2.1 approve the proposed amended terms of reference for the Joint Governance Committee;
- 2.2 recommend the amended Joint Governance Committee terms of reference to the Waverley Borough Council Standards & General Purposes Committee and the Guildford Borough Council Corporate Governance & Standards Committee, with a recommendation that

each of those Committees recommends the amended terms of reference to their full Council for adoption.

3. Reason(s) for Recommendation:

- 3.1 To ensure both councils continue 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 Constitutions Review Group:

- (a) To note the report and provide comments and feedback on the proposed amendments (**Appendix 2**) as outlined in the recommendations in section 2 of this report.

6. Strategic Priorities

- 6.1 The work of Councillor task or working groups assist in the delivery of the Councils' 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 Council's Constitution, Part 3 – (Terms of Reference of the Council) of the Guildford Borough Council Constitution and **Appendix 1** of this report.
- 7.2 **Appendix 2** of this report shows the proposed amendments to the current TOR with tracked changes, this includes the recommendation made by the Joint Governance Committee. The amendments mainly focus on the inclusion of the Temporary Shared Staffing IAA, periodic review periods, frequency of meetings, quorum, and procedures for

electing a chairperson (in the absence of a Co-Chair) and voting. The amendments also include arrangements for working groups, sub-committees, the rephrasing of text for clarity and correcting some minor typos.

- 7.3 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 **as and when required but as least biannually**, in line with the Committee's responsibilities to review inter-authority working arrangements and risk assessments.
- 7.4 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.'
- 7.5 The Joint Executive Head of Legal & Democratic Services has suggested that the wording be amended to include the Temporary Shared Staff IAA '(i) To undertake periodically a formal review (*at least once every 12 months*) of the inter-authority agreement(s), ensuring **they** continue to be fit for purpose and recommends to both Full Councils any changes required.'
- 7.6 At the meetings of the Guildford and Waverley Executives held on 20 July and 5 September 2023 respectively, the Executives 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 Constitutions Review Group 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's 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 Guildford Borough Council Constitution
- 12.2 Waverley Borough Council Constitution
- 12.3 20 July 2023: Report to GBC Executive on Temporary Shared Staffing
- 12.4 5 September 2023: Report to WBC Executive on Temporary Shared Staffing

13. Appendices

Appendix 1: Current JGC TOR (as of July 2023)

Appendix 2: Proposed amended TOR (with tracked changes and comments from the Joint Governance Committee November 2023)

Appendix 3: Proposed amended TOR (without tracked changes November 2023)