

Waverley Borough Council

Report to: Council

Date: 24 January 2024

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

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

1. Executive Summary

- 1.1 The Guildford & Waverley Joint Governance Committee (JGC) 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** to this report.
- 1.2 At the request of the Joint Executive Head of Legal & Democratic Services, the TOR for the JGC 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 JGC on 1 November 2023, where members of the committee reviewed, noted, and supported the proposed amendments. The G&W 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 At its meeting on 30 November 2023, this report was considered by the Joint Constitutions Review Group (JCRG). The JCRG agreed to recommend approval of the amendments to the JGC's TOR to both the Guildford Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their respective meetings in January, with a further recommendation that each committee recommends the adoption of the amended TOR to their respective full Council meetings¹.
- 1.6 At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee endorsed the recommendation in this report, without amendment.

2. Recommendation to Council

- 2.1 Subject to the decision of Guildford Borough Council, the proposed amended terms of reference for the Guildford & Waverley Joint Governance Committee, as set out in Appendix 3 to this report, be adopted into the Constitution, with immediate effect.**

¹ Extraordinary council meetings scheduled for 23 January (Guildford), and 24 January (Waverley)

3. Reasons 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 Council to adopt the amendments to the JGC's terms of reference, as proposed by the JCRG.

6. Strategic Priorities

- 6.1 The collaboration between Guildford and Waverley assists in the delivery of both councils' corporate priorities.

7. Background

- 7.1 The JGC 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** to this report.
- 7.2 **Appendix 2** shows the proposed amendments to the current TOR with tracked changes, as recommended by both the JGC at its meeting on 1 November and the JCRG at its meeting on 30 November. 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 current TOR state (in paragraph 7) that the JGC 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 at least biannually**, in line with the JGC's responsibilities to review inter-authority working arrangements and risk assessments.
- 7.4 The current TOR of the JGC include (in para (9) Role & Function): '(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 Council must have due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any decisions concerning governance arrangements. There are no equality and diversity implications arising from this report.

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 JGC was established by both Guildford Borough Council and Waverley Borough Council jointly to discharge their functions in accordance with the JGC's terms of reference.

11. Human Resource Implications

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

12. Background Papers

- Guildford Borough Council Constitution
- Waverley Borough Council Constitution
- 20 July 2023: Report to GBC Executive on Temporary Shared Staffing
- 5 September 2023: Report to WBC Executive on Temporary Shared Staffing
- 1 November 2023: Report to G&W Joint Governance Committee
- 30 November 2023: Report to G&W Joint Constitutions Review Group
- 8 January 2024: Report to Waverley's Standards & General Purposes Committee
- 18 January 2024: Report to Corporate Governance & Standards Committee

13. Appendices

Appendix 1: Current Joint Governance Committee Terms of Reference (July 2023)

Appendix 2: Proposed amended Terms of Reference (with tracked changes and comments from the JGC November 2023)

Appendix 3: Proposed amended Terms of Reference (without tracked changes November 2023)