

Guildford & Waverley Borough Councils

Report to: Council

Date: 16 July 2024

Ward(s) affected: All

Report of Strategic Director: Legal & Democratic Services

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Report Status: Open

Key Decision: No

Proposed Changes to the Inter Authority Agreement

1.1 Executive Summary

The Joint Governance Committee terms of reference include a requirement to undertake a formal review (at least annually) of the Inter-Authority Agreement (IAA) to ensure it continues to be fit for purpose and recommend to both Councils any changes required.

1.2 There are now three IAAs and the proposal is to move to one IAA which better meets the needs of the Councils.

1.3 The Joint Governance Committee considered this matter at its meeting on 3 June 2024.

2. Recommendation to Council

The Joint Governance Committee recommends to Council that:

1. The Monitoring Officer be authorised to enter into a new Inter-Authority Agreement to include the revisions set out in Appendix One.
2. The Monitoring Officer be authorised to terminate all previous Inter-Authority Agreements.
3. The Monitoring Officer be given delegated authority to agree a revised data sharing protocol for insertion in the new IAA.

3. Reason(s) for Recommendation:

- 3.1 An Inter-Authority Agreement which clearly sets out the parameters within which the Councils are working in partnership will help to ensure good governance of shared arrangements.
- 3.2 The revisions to the IAA will ensure that the Councils are able to progress with sharing of staff and that this is more agile, helping to support the Councils' collaborative transformation programme.
- 3.3 The revised Agreement also has improved cost sharing and termination provisions, allowing the parties to withdraw from the Agreement in a managed way to ensure that there is no detriment to service provision.
- 3.4 A data sharing protocol is necessary to ensure that the Councils comply with their data protection responsibilities. Providing delegated authority to the Monitoring Officer will ensure that the Councils can enter into the Agreement as the earliest point.

4. Purpose of Report

- 4.1 This report is presenting proposals for a new Inter Authority Agreement to replace the existing three, with revisions as set out at Appendix One, for members to consider.

5. Strategic Priorities

- 5.1 This report will assist in the delivery of the Council's Corporate Plan priorities and collaborative working agenda.

6. Background

- 6.1 The Councils have entered into the following IAAs:-
- (a) IAA dated 16 November 2021 in relation to a Joint Chief Executive
 - (b) IAA dated 13 September 2022 in relation to a Joint Management Team
 - (c) IAA dated 20 October 2023 in relation to Temporary Staff sharing arrangements
- 6.2 One of the roles of the Joint Governance Committee is to review the IAAs and recommend any changes to the Councils. It must carry this out at least annually, and this is the review meeting for 2024.
- 6.3 This is an opportunity to rationalise the three existing Agreements into one, new Inter-Authority Agreement and in doing so, to ensure that it reflects the Councils' current positions regarding shared staffing, costs, termination, data sharing and other important areas. It also provides the ability to learn from our collaboration and to ensure that we can 'future-proof' the new Inter-Authority Agreement.
- 6.4 The Monitoring Officer commissioned external specialist Solicitors, Bevan Brittan, to provide a revised Agreement and their suggested changes are set out at Appendix One.
- 6.5 The review has also highlighted that further work is needed on the data sharing agreement between the Councils. We are starting a data audit to understand what data is currently shared, and how, and what it is proposed to share for the future. This will inform a new data sharing schedule to be agreed to ensure both Councils

comply with their data protection obligations, and it is proposed that the Monitoring Officer be given delegated authority to enter into this once it is finalised, to ensure that there is no delay.

- 6.6 In addition, now that we have been operating the collaborative working arrangements for some time, we have recognised that further work is needed on the Conflicts of Interest Policy for those officers who work across the two Councils. A revised policy will be drafted and consultation undertaken with staff and the union, before bringing it before this Committee for approval.

7. Consultations

- 7.1 The proposed revisions to the Inter-Authority Agreement have no effect on staff and therefore there has been no consultation.

8. Key Risks

- 8.1 There is a risk that, by having three overlapping Agreements, there is a lack of clarity as to what provisions should be operated and by whom. Having just one Agreement which covers all areas will result in improved governance and a clear line of sight over the areas which are covered and the responsibilities of the various officers.

9. Financial Implications

- 9.1 There are no direct financial implications resulting from this report.

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.
- 10.2 The terms of reference of the Joint Governance Committee (9(i)) provide that it should ensure the IAAs remain fit for purpose and recommend any changes required to both full Councils.

11. Human Resource Implications

- 11.1 There are no direct HR implications at this stage as there are no staffing changes proposed.

12. Equality and Diversity Implications

- 12.1 There are no equality and diversity implications arising from this report. This report has given due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements.

13. Climate Change/Sustainability Implications

- 13.1 There are no climate change or sustainability implications.

14. Summary of Options

- 14.1 The Committee is asked to consider the proposed revisions to the Inter-Authority Agreements attached as Appendix 1, in order that one revised Inter-Authority Agreement be entered into for the future. The Committee may:

- (a) accept the revisions to the Inter-Authority Agreement and agree to recommend them to each full Council;

- (b) suggest amendments to any of the proposed revisions; or

- (c) choose not to recommend that a revised Inter-Authority Agreement is entered into.

15. Background Papers

- (a) IAA dated 16 November 2021 in relation to a Joint Chief Executive

- (b) IAA dated 13 September 2022 in relation to a Joint Management Team
- (c) IAA dated 20 October 2023 in relation to Temporary Staff sharing arrangements

16. Appendices

Appendix 1: Proposed changes to the Inter-Authority Agreement