



GUILDFORD  
B O R O U G H

**COUNCIL MEETING**

**TUESDAY 8 OCTOBER 2024**

**SUPPLEMENTARY AGENDA PACK (REVISED)**

**SUPPLEMENTARY AGENDA PACK (Pages 1 - 40)**

This page is intentionally left blank



## COUNCIL MEETING

TUESDAY 8 OCTOBER 2024

### SUPPLEMENTARY AGENDA PACK

#### WEBCASTING NOTICE

This meeting will be recorded for subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014.

The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Democratic Services.

I would like to welcome everyone to this evening's meeting of the Council.

I should be grateful if you would ensure that your mobile phones and other hand-held devices are switched to silent during the meeting. If the fire alarm sounds during the course of the meeting - we are not expecting it to go off - please leave the Council Chamber immediately and proceed calmly to the assembly point in Millmead on the paved area adjacent to the river as you exit the site.

This Supplementary Agenda Pack sets out details of those members of the public who have given advance notice of their wish to ask a question or address the Council in respect of any business on tonight's agenda. It also sets out details of any motions and amendments to be proposed by councillors in respect of the business on the agenda.

Unless a member of the public has given notice of their wish to ask a question or address the Council under Item 7 (Public Participation), they will not be permitted to speak. Those who have given notice may address the Council for a maximum of three minutes. Speakers may not engage in any further debate once they have finished their speech.

*Councillor Sallie Barker MBE  
The Mayor of Guildford*

<b>Time limits on speeches at full Council meetings:</b>	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	6 minutes
Secunder of a motion:	4 minutes
Other councillors speaking during the debate on a motion:	4 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	4 minutes
Proposer of an amendment:	4 minutes
Secunder of an amendment:	4 minutes
Other councillors speaking during the debate on an amendment:	4 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	4 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	4 minutes

### **Procedure for dealing with motions:**

The Council's attention is drawn to the relevant provisions of the new Council Procedure Rules in respect of the Rules of Debate (Council Procedure Rule 15). In particular, before a motion is proposed, the Mayor will invite any questions from councillors in respect of the motion. Such questions must relate directly to the motion being proposed and are restricted to questions relating directly to clarity of what is proposed.

Once a motion has been proposed and seconded, no questions nor answers are permitted, other than in respect of an amendment to the motion prior to such an amendment being moved. Once proposed and seconded, only speeches of debate shall be permitted.

Councillors' attention is also drawn to the revised time limit on speeches during a debate: up to 6 minutes for the proposer of a motion, and up to four minutes for all other speeches (including right of reply on the motion).

#### **1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

#### **2. DISCLOSURES OF INTEREST**

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not

participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

### **3. MINUTES (Pages 9 – 38 of the Council agenda)**

To confirm, as a correct record, the minutes of the meeting held on 23 July and the extraordinary meeting held on 13 August 2024.

### **4. MAYOR'S COMMUNICATIONS**

To receive any communications from the Mayor.

### **5. LEADER'S COMMUNICATIONS**

To receive any communications from the Leader of the Council.

### **6. ANNOUNCEMENTS FROM THE STATUTORY OFFICERS**

To receive any announcements from the Head of Paid Service, Chief Finance Officer and/or Monitoring Officer.

### **7. PUBLIC PARTICIPATION**

Statements from the public:

From: John Rigg

***“What is this council doing with Guildford?”***

*Where is the transparency for the people of Guildford to know what is happening when the following circumstances are evident?*

*The Solace report on the Housing Revenue Account scandal described an overspend with a particular contractor and over three years of around £17.5m according to the council website. Two officers were summarily suspended and two out of three senior directors in place at the time were effectively suspended. All four I understand has subsequently resigned or had their employment terminated with payoffs.*

*An investigation was commenced by the police and an economy drive announced yet there has been no public statement on where exactly is the public's £17.5 million (also reported as £18.5 million). Where has it gone and how much has been incurred terminating contracts and replacing officers. We do not know if this was appropriate or not, but it will have caused huge upset to their lives There are no legal reasons why the council cannot report on where this money is and the costs incurred to date in connection with this financial scandal presumably impacting our housing stock and some tenants.*

*By May 2023 for the first time ever the town centre at last, had a vision for the future to deliver a better town and prosperity and on brownfield land currently blighted by flooding - Shaping Guildford's Future (SGF). Prepared by internationally renowned consultants, it was a route map to deliver benefits including riverside housing, employment land, parks and riverside walk and cycleways.*

*An integrated enabling flood alleviation scheme negotiated with the Environment Agency was included in the plan which cost, up to its suspension, £2.5 million. A lot of the heavy work was already done but to progress this plan so the private sector can deliver it requires the council to endorse the vision, not in detail but as a general direction of travel.*

*There is a need to support an application from the Environment Agency for the Flood Alleviation Scheme (FAS) proposals, once agreed. This must alleviate flooding blight and the sequential test from the key and mostly council owned sites. The sites are required to deliver planning gain, contribute to the cost of the flood alleviation works and deliver essential brownfield development.*

*Unless the council shows initiative and creates momentum either nothing will happen, or development will take place piecemeal without any of the community benefits of the holistic SGF plan or FAS. Where are the statements endorsing the plan - even as 'a vision only' to provide some planning weight so SGF and sites can be included in the updated Local Plan and help save greenbelt, or rejecting it?*

*Transparency has always been inadequate at the council. Developers rightly have to publish the section 106 payments they make to the council but incredibly the council does not have to be transparent on what is happening with the money.*

*On the biggest windfall payment, the council might ever achieve, measured perhaps in tens of millions of pounds, the ransom strip payment at Blackwell farm has a developer backed by the university who has been able to conceal the transaction. There cannot be a rule applying to all developers except one. Will the agreement be made public now?*

*Cost overruns at Ash Road Bridge were last noted at 200% and hidden on Walnut Bridge at 300%. Weyside Urban Village costs escalated by c. £50m overnight due to a GBC Treasury omission to put an interest rate cap in place. Where are the statements giving transparency on a cost overrun of this magnitude and where do we stand today?*

*The council is failing to meet its obligations and commitments to be transparent on all these important issues. We do not want Guildford taking the Post Office approach to transparency but with radio silence on these issues what else can we infer?"*

Under Council Procedure Rule 11, the Mayor or Leader of the Council (or an Executive Member on their behalf), may respond to a statement from the public, if they so wish.

## **8. QUESTIONS FROM COUNCILLORS**

- (a) **Councillor Keith Witham** to ask the Leader of the Council (Councillor Julia McShane) the following question:

*"Does the Leader of the Council agree that for a Councillor to wait for more than 21 weeks to not receive an answer to a query is unacceptable?"*

*On 29<sup>th</sup> April I asked the Assistant Director, Planning, Claire Upton Brown, if the planning team could please advise me re: the Appeal decision for 21/P/00575, Foxwell Cottage, Hunts Hill Road, Normandy (appeal allowed with conditions) - How much has it cost GBC to pursue this case since inception?*

*I did have an acknowledgement from Claire on 15<sup>th</sup> July promising an answer (after 5 reminders). I also asked the Lead Councillor, Fiona White for help, and she kindly agreed to follow up my request, for which I thank her. But I've still received no actual response. The reminders were copied to yourself as Leader and the Chief Executive.*

*So, all I'm asking is that the Planning Department of GBC answers my question of 29<sup>th</sup> April. Can this please now be done via this Council Question?*

*And will the Leader discuss this example of a Councillor trying to obtain information within GBC with the Chief Executive, and consider how matters might be improved?"*

Response from the Leader of the Council:

*"Thank you for your question, in response to your enquiry regarding the Appeal decision for 21/P/00575, I can confirm that the following information has been gathered:*

<i>External Legal support</i>	<i>£10,551.60</i>
<i>Counsel</i>	<i><u>£4,000</u></i>
	<i>£14,551.60.</i>

*The Council recovered costs of £15,000 for pursuing this matter, which included all of the above-mentioned external costs. However there is no record of the amount of staff time that was spent on this matter."*

- (b) **Councillor Catherine Young** to ask the Lead Councillor for Planning (Councillor Fiona White) the following question:

*"Across Guildford Borough we have seen a significant increase in planning permissions over the last five years. This includes several allocated sites that are well on the way to being completed such as those in Ash, The Horsleys, and Send. Policies in our Local Plan make it quite clear that local infrastructure should be delivered up front, and certainly in a timely manner to mitigate the effects of these developments on our local roads, public travel provision, schools, and medical services. This has not happened.*

*Key to this is the collection and spending of S106 money to enable the delivery of this much needed local infrastructure.*

*Our S106 process at GBC is broken. There is insufficient resource to manage this, lack of up-to-date reports to monitor collection and spend, and as far as we can ascertain, no clear audit trail for us to keep track of this vitally needed money to ensure that it is going to the right people and is being used for our local communities. This money is designed to benefit residents, and residents have the right to know that GBC is safeguarding, managing, and deploying these funds effectively.*

*We are aware that a report to monitor S106 spend was due to go to Corporate Governance and Standards Committee last month and has supposedly been*



*delayed until November this year. The last report seen was in November 2023. However, we are also aware that Corporate Governance and Standards Committee is due to be split to enable a clearer Audit Committee to be set up which might include monitoring S106 but that this has not yet been agreed. Apparently monitoring may move to one of the Overview & Scrutiny Committees, but again, that is not decided. All this causes further delay.*

*We cannot wait any longer to know where this money is, where it has been allocated, what has been spent, and as is clearly apparent, why it is not being spent.*

*Would the Lead Councillor for Planning, please commit to Full Council:*

- 1. That an updated S106 Monitoring report is presented to the next meeting of the Corporate Governance & Standards Committee in November this year.*
- 2. That this report includes a breakdown per ward of the following:*
  - i. The date the deed was agreed.*
  - ii. The initial contribution amounts.*
  - iii. The purpose of the contribution.*
  - iv. How much has been collected from the developer (and when).*
  - v. How much has been passed to which receiving organisation (and when).*
  - vi. What the receiving organisation spent the contribution on.*
  - vii. The deadline for money to be spent.*
- 3. That finance is found immediately to fund GBC staff resource to deliver this work and manage the process?"*

*Response from the Lead Councillor for Planning:*

*"Thank you for your question, work is ongoing to improve our Section 106 processes with some very positive steps forward, in particular our recent discussions with the County Council. I cannot agree that the process is broken, though all acknowledge that further improvements are required.*

*A report is programmed for the 14 November meeting of the Corporate Governance and Standards Committee. Information has been regularly shared in response to Councillors' requests around both the collection and spending of Section 106 monies. Work is ongoing with the County Council to ensure that the Borough has clarity over how monies that are collected for spend by the County Council is being used.*

*The report to the November Corporate Governance and Standards Committee will provide an appropriate level of detail over an appropriate period of time for the Committee's consideration. However, it will not cover the detail of every Section 106 Agreement the Council enters into.*

*The planning team are happy to deal with Ward Councillor specific enquiries as and when requested.*

*In response to the third part of the question, I can confirm that there is already a growth bid which is being considered within the current round of bids in respect of the provision of staffing resource to deliver this work and manage the process."*

## **9. MEDIUM TERM FINANCIAL PLAN UPDATE (Pages 39 - 48 of the Council agenda)**

The Council is invited to provide comment / feedback on the report and highlight any areas of the budget for further consideration.

### The motion:

The Lead Councillor for Finance and Property, Councillor Richard Lucas to propose, and the Leader of the Council Councillor Julia McShane to second, the adoption of the following motion:

"That the Council notes the progress on updating the MTFP position."

### Reasons:

- The General Fund Budget is a major decision for the Council and setting a balanced budget is a statutory requirement.
- Scrutiny of the MTFP and Budget proposals demonstrate transparency and good governance

### Comments:

None

## **10. CLIMATE CHANGE - CARBON EMISSIONS AND SUSTAINABILITY PROGRESS REPORT 2022-23 (Pages 49 - 110 of the Council agenda)**

### Update:

At its meeting on 3 October 2024, the Executive noted the report and commended it to full Council in recognition of the Council's current carbon emissions and climate change status.

**Correction:**

The reason for the recommendation on page 51 of the agenda should read as follows:

“In 2023 the Executive adopted the Climate Change Action Plan, subsequent to a motion passed by full Council, committing the council to a target date of 2030 for net zero emissions. On 23 July 2024, full Council adopted a new Corporate Strategy that included a ‘more sustainable borough’ at Priority 1 and once again reinforced this Council’s commitment to reaching net zero by 2030. The Climate Change Action Plan included a commitment to report progress annually to full Council. For this reason, this report has been referred to full Council for wider engagement and comment, and also includes an annual report of the Climate Change Board, which is constitutionally a working group of the Executive and is otherwise only required to report on its business and achievements to the Executive.”

**The motion:**

The Lead Councillor for Environment and Climate Change, Councillor George Potter to propose and Councillor Joanne Shaw to second, the adoption of the following motion:

“That the annual progress report be adopted in recognition of the Council’s current carbon emissions and climate change status.”

**Reason:**

In 2023 the Executive adopted the Climate Change Action Plan, subsequent to a motion passed by full Council, committing the council to a target date of 2030 for net zero emissions. On 23 July 2024, full Council adopted a new Corporate Strategy that included a ‘more sustainable borough’ at Priority 1 and once again reinforced this Council’s commitment to reaching net zero by 2030. The Climate Change Action Plan included a commitment to report progress annually to full Council. For this reason, this report has been referred to full Council for wider engagement and comment, and also includes an annual report of the Climate Change Board, which is constitutionally a working group of the Executive and is otherwise only required to report on its business and achievements to the Executive.

**Comments:**

None

## 11. OVERVIEW & SCRUTINY ANNUAL REPORT 2023-24 (Pages 111 - 154 of the Council agenda)

### Update:

At its meeting on 30 September 2024, Overview & Scrutiny (Services) Committee also considered this annual report, and have endorsed the recommendations to the Council therein.

### The motion

The Chairman of the Overview & Scrutiny (Services) Committee, Councillor James Walsh to propose, and the Chairman of the Overview & Scrutiny (Resources) Committee, Councillor Philip Brooker to second, the adoption of the following motion:

- “(1) That this report be commended as the Overview and Scrutiny Annual Report for 2023-24.
- (2) That the current rules relating to the Council’s call-in and urgency provisions remain unchanged, subject to the addition that whenever the general exception provisions are used to take key decisions in accordance with Access to Information Procedure Rule 15 the details of those decisions shall be reported by the Leader to the next ordinary meeting of the Council.
- (3) That the following amendment be made to Access to Information Procedure Rule 17:
 

“After paragraph 17.3, add the following paragraph:

“17.4 Reports from the Leader on the use of the General Exception Procedure  
The Leader will report to the next ordinary meeting of the Council on any executive key decisions taken in the circumstances set out in Procedure Rule 15 (general exception). The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.”
- (4) That consideration be given to the re-establishment of an Overview and Scrutiny budget of £5,000 per annum as part of the ongoing budget setting process.”

### Reasons:

- Article 8.2(d) of the Council’s Constitution requires the Council’s Overview and Scrutiny Committee to report annually to Full Council on

the work undertaken during the year, its future work programme, and amended working methods if appropriate.

- There are no changes proposed to the call-in procedure or the urgency provisions at this time, except for the proposed additional provision with Access to Information Procedure Rules to require the Leader to report to Council on the use of the General Exception procedure.

**Comments:**

None

**12. UPDATE TO PAY POLICY STATEMENT (Pages 155 - 164 of the Council agenda)**

**Update:**

At its meeting held on 3 October 2024, the Executive considered this matter and endorsed the recommendation to Council, as set out in the report.

The Executive also made the following additional recommendation to Council:

“That, until permanent arrangements have been adopted, Joint Posts be appointed by Waverley Borough Council on Waverley Terms and Conditions of employment with a 10% uplift on salary as set out in para 6.3 of the report submitted to the Executive and Appendix 1”.

Paragraph 6.3 of the Executive report is set out in full below, and Appendix 1 to that report is attached to this Supplementary Agenda Pack.

**“6.3 Salary Benchmarking Report**

6.3.1 In preparing for the Legal and Democratic Services restructure, we recognised that it was imperative that we undertook a benchmarking exercise to assess whether the proposed 20% uplift was supported by evidence. Any proposal we make on salaries needs to demonstrate value for money, deliver fairness and provide a mechanism where we are confident, we can recruit in a challenging market and reduce our dependency on high-cost interim resource (recognising that there will always be a need for limited use of specialist, external resources).

6.3.2 Although the primary focus at the time of the benchmarking was the timely implementation of the Legal and Democratic Services restructure in line with recommendations in the Solace Independent Review of Governance at GBC, the reality is that the findings of the review were expected to be relevant to other proposed restructures/creation of new

joint posts that may be agreed by CLB and requested by services across GBC and WBC.

6.3.3 The benchmarking exercise was designed to address 6 questions that were agreed up front. The full benchmarking report is included in Appendix 1 (the questions are included on page 3 of the report). The methodology used was tested with two external public service organisations (Local Government Association and South East Employers) and entailed the following:

- Assess the extent to which the WBC salary structure is comparable to other Councils
- Identify the extent to which benchmarking software provided evidence that would allow us to draw a conclusion about an appropriate salary factor for joint posts
- Compare any dataset that may exist nationally for Joint posts with our proposals (we used the Infinistat software to support this element of the exercise).

6.3.4 The dataset that we were able to test against was limited by virtue of the fact that the use of joint posts in local authorities is limited. On this basis, we could not recommend to CLB that there was sufficient evidence to justify applying a 20% uplift to the WBC salary for new joint posts.

6.3.5 However, there is current practice which is based on the Interim Process for Staff to Work at Alternate Councils (Interim Process) which was implemented in April 2023. This process provides for a 5 – 10% uplift on salary. CLB agreed that it was appropriate to agree to a 10% uplift on salary for new joint posts given this precedent.

6.3.6 CLB also agreed that, given these new joint posts are being created below the level of the current JLT, we should follow the existing approach to salary structure – i.e., new joint posts will follow the WBC grading structure which has 4 pay points within each grade. A 10% uplift for new joint posts would therefore be applied to all pay points.

6.3.7 The findings of the salary benchmarking exercise have reduced the ongoing increase in Legal and Democratic Services staffing budget by a total of £36,297 which represents a reduction of £18,149 to GBC and WBC.”

The Motion:

The Lead Councillor for Community and Organisational Development, Councillor Carla Morson to propose, and the Leader of the Council Councillor Julia McShane to second, the adoption of the following motion:

- “(1) That, until permanent arrangements have been adopted, Joint Posts be appointed by Waverley Borough Council on Waverley Terms and Conditions of employment with a 10% uplift on salary as set out in para 6.3 of the report submitted to the Executive and in Appendix 1 to that report.
- (2) That the revised Pay Policy Statement, as set out in Appendix 1 to the report submitted to the Council, be adopted”.

Reasons:

- The salary benchmarking exercise undertaken concludes the outstanding action from the Officer Resource: Legal & Democratic Services paper presented to GBC Executive on 16 May 2024 and WBC Executive on 7 May 2024.
- The salary benchmarking paper sets out findings which reduces the costs of the new Legal and Democratic Services structure.
- To ensure that the GBC Pay Policy statement reflects arrangements for Joint Posts.

Comments:

None

### **13. PROPOSED CHANGES TO LOCAL CHOICE FUNCTIONS** (Pages 165 – 174 of the Council agenda)

The Chair of the Corporate Governance & Standards Committee, Councillor Phil Bellamy to propose, and the Vice-Chair of that Committee, Councillor Bob Hughes to second, the adoption of the following motion:

“That the Local Choice functions, as set out in the Appendix 1 to the report submitted to the Council, be adopted into the Constitution”.

Reason:

Both Guildford and Waverley currently have chosen different decision makers for their local choice functions. This means that functions exercised by an officer in one council could be executive functions, and the same functions in the other council could be Council functions. This can lead to confusion and a lack of clear governance processes.

**Comments:**

None

**14. REVIEW OF GOVERNANCE ARRANGEMENTS RELATING TO COMPANIES**

(Pages 175 - 240 of the Council agenda)

The Chair of the Corporate Governance & Standards Committee, Councillor Phil Bellamy to propose, and the Vice-Chair of that Committee, Councillor Bob Hughes to second, the adoption of the following motion:

- “(1) That the revised Parts 3(1) and 3(2), as set out in Appendices 2 and 4 to the report submitted to the Council, be adopted into the Constitution.
- (2) That internal audits of the Council’s companies be included within the terms of reference of any proposed Audit & Risk Committee”.

**Reasons:**

- It is considered that improvements can be made to the governance framework to ensure that GBC, as shareholder, has greater oversight of the Council’s interests in companies.
- Good practice would be for the Council’s senior officers to monitor the performance of the Council’s interests in companies, and to bring forward reports to the shareholder in a regular, timely and transparent way with appropriate recommendations.
- Whilst the shareholder function is exercised by the Leader as an Executive function, there is currently no mechanism in place for scrutiny of such executive decisions and good practice would be for the Council’s overview and scrutiny committees to provide effective scrutiny of the shareholder role.

**Comments:**

None

**15. NOTICE OF MOTION DATED 26 SEPTEMBER 2024: WINTER FUEL PAYMENTS AND THE SINGLE PERSON COUNCIL TAX DISCOUNT** (Pages 5 – 7 of the Council agenda)

In accordance with Council Procedure Rule 13, the Lead Councillor for Regulatory and Democratic Services, Councillor Merel Rehorst-Smith to propose and the Lead Councillor for Environment & Climate Change, Councillor George Potter to second, the adoption of the following motion:



“Council notes the decision by the Labour Government to end universal winter fuel payments and restrict eligibility to only those in receipt of Pension Credits and other benefits.

Though Council agrees that universal winter fuel payments are not necessary, Council is deeply concerned that many pensioners on low incomes will no longer be eligible to receive the benefit as winter approaches. In Guildford borough fewer than 1,500 pensioners will remain eligible to receive winter fuel payments, with 93.7% of pensioners losing their eligibility. The maximum income limit for receiving Pension Credit is £218.15 a week (or £332.95 a week for couples), which is significantly lower than the rate of the living wage, and only 63% of those eligible for Pension Credit actually receive it.

Council believes that, while some pensioners currently in receipt of the Winter Fuel Payment may not require it, the decision to means-test Winter Fuel Payments in this way, especially with such short notice and without adequate compensatory measures, is deeply unfair and will disproportionately affect the health and well-being of our poorest older resident, especially noting that the Energy Price Cap is due to rise by 10% in October.

Council also notes reports in the media that the Labour Government is additionally intending to abolish the Single Person Council Tax Discount in the autumn budget statement, which currently gives a 25% discount on council tax to households where only a single adult is liable for council tax, which is worth £506 a year for a typical Band C property in Guildford borough.

Council is deeply concerned that any withdrawal, or reduction, in the rate of the single person council tax discount would result in a large and punitive tax rise for many of those least able to afford it, including groups such as young adults, single and widowed parents, lone pensioners, and carers of disabled people, many of whom are already struggling with the cost-of-living crisis.

Council resolves to:

- (1) Instruct the Chief Executive to write to the Chancellor of the Exchequer calling for the policy on linking Winter Fuel Payments to Pension Credit receipt to be immediately paused and asking her to rule out any change to the Single Person Council Tax Discount in the autumn budget statement.
- (2) Call upon all MPs covering Guildford borough to give their formal support to halting the changes to the Winter Fuel Payment eligibility and resisting any reduction in the Single Person Council Tax Discount.

- (3) Commit the Council to signing the ‘Save the Winter Fuel Payment for Struggling Pensioners’ petition being run by Age UK and write to all members offering them the opportunity to sign the petition themselves.
- (4) Encourage local efforts to promote the uptake of Pension Credit (and other frequently under-claimed benefits) through council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in Guildford borough are supported in claiming their entitlement.”

### **Amendment**

Councillor James Walsh to propose, and The Deputy Mayor, Councillor Howard Smith to second, the following amendment:

- (1) Omit the second, third, fourth, and fifth paragraph of the preamble to the motion.
- (2) Omit paragraphs (1), (2), and (3) of the resolution within the motion.
- (3) In paragraph (4) of the resolution within the motion,
  - (a) omit “Encourage local efforts”, and
  - (b) insert after “(and other frequently under-claimed benefits) through...”  
*“the proactive work of its community services and communications departments, other...”*

If the amendment is carried, the substantive motion would read as follows:

“Council notes the decision by the Labour Government to end universal winter fuel payments and restrict eligibility to only those in receipt of Pension Credits and other benefits.

Council resolves to:

Promote the uptake of the pension credit (and other frequently under-claimed benefits) through the proactive work of its community services and communications departments, other council services and partnerships with local charities and community organisations, to ensure that all eligible pensioners in Guildford borough are supported in claiming their entitlement.”

**REPORT TO:** CORPORATE LEADERSHIP BOARD  
**DATE:** 4<sup>th</sup> September 2024  
**AUTHOR:** ROBIN TAYLOR, ASSISTANT DIRECTOR OF STRATGY AND CORPORATE SERVICES

**SALARY BENCHMARKING FOR LEGAL AND DEMOCRATIC SERVICES  
RESTRUCTURE**

## **1.0 SUMMARY**

Proposals for a restructure of Legal and Democratic Services were put forward and agreed with both Council's Executives on 7th May (WBC) and 16<sup>th</sup> May (GBC) respectively. This restructure includes the creation of new joint posts below the level of the Joint Leadership team. And it also included a proposed uplift in salary to reflect the joint nature of the post and that the new posts will support both Councils.

The papers set out that we were proposing a joint salary structure for LDS posts solely because of the urgency in addressing the findings of the SOLACE Independent Review of Governance and subsequent Improvement Plan<sup>1</sup>. In the main this is reflective of the clear organisational priority that we address capacity and capability issues around corporate governance at pace.

Contingent in the papers was that a benchmarking exercise would be undertaken to assess whether a proposed salary uplift was appropriate (para 10.5 refers). In addition to the timescales set out in the SOLACE Improvement Plan, an additional time pressure relates to the fact that a proposed restructure of Legal and Democratic Services has recently concluded, and it is critical that we provide clarity to staff. The findings of this salary benchmarking exercise will also be reported to Executives of both councils, and recommendations will be incorporated in both Councils Pay Policy as required.

Although the primary focus in terms of time pressures is on the LDS restructure, the reality is that the findings of this review are also relevant to other proposed restructures/creation of new joint posts that may be agreed by CLB.

Whilst this paper concentrates specifically on the salary benchmarking exercise, it is important to note that related work on the broader issue of a comprehensive terms and conditions of employment programme is underway and is further referenced in Section 2 below.

---

<sup>1</sup> A number of recommendations in the Solace report directly refer to the work undertaken in LDS on recent restructures. Specifically paras 6.7, 8.17, 8.18, 8.19, 8.20, 9.13, 9.14, 10.13, 10.14 refer.

## **2.0 RELATED WORK**

For the purposes of this paper, it is relevant to note that:

- CLB reviewed papers on the current status of the Transformation and Collaboration Terms and Conditions workstream on June 24<sup>th</sup> 2024;
- A two-stage approach was agreed to encompass progressing 6 – 8 projects in Stage 1, and Stage 2 would entail development of a Joint Operating model and a more comprehensive review of terms and conditions of employment;
- Therefore, an additional piece of work was agreed that a short exercise be undertaken to assess what a longer-term review of the workstream would entail;
- A scoping statement has been prepared and discussed with the Joint Strategic Director of Legal and Democratic Services and Assistant Director of Strategy and Corporate Services. This work will be reviewed with other stakeholders once this benchmarking review is concluded in order that the work can be properly scoped and resourced. It was anticipated that a growth bid will be brought back to CLB at the earliest opportunity, however WBC Finance has requested that as part of the 2025/26 budget setting process we develop a Transformation Budget.<sup>2</sup> The initial scoping statement prepared following CLB on 24<sup>th</sup> June is included in Appendix 1 for completeness;<sup>3</sup>
- Subsequent discussions have resulted in CLB agreeing that we should accelerate work on Stage 2 and;
- In the meantime, it is critical that we develop/further develop interim approaches that will enable the creation of any new joint posts that may be agreed by CLB. Related pieces of work, key dates and progress update are included in Appendix 2.

## **3.0 SALARY BENCHMARKING – BACKGROUND AND METHODOLOGY**

### **Background - CLB decisions**

At CLB on 22<sup>nd</sup> July, the following decisions were taken which underpin this exercise:

- CLB agreed that all future joint posts should be created using Waverley terms and conditions of employment. This updates previous papers and decisions and aligns with the structure of JLT posts.
- CLB also agreed that there should be updated interim policies and processes that will underpin the creation of new joint posts and they will remain valid only until the conclusion of the broader terms and conditions of employment programme (see Appendix 1 and 2 for further information).
- CLB wish to call the additional payment made a ‘Special Responsibility Payment’. This definition will only be used in the context of joint posts as under normal circumstances an honorarium payment is made for special responsibilities for an agreed period of time.

A further comprehensive and council wide benchmarking exercise will also be a key component of the broader terms and conditions of employment programme. For clarity, this will be underpinned by a review of job evaluation methodology, pay structure and relevant

---

<sup>2</sup> Note, a meeting was held with CLB on 22<sup>nd</sup> July and the Joint Operating Model/Terms and Conditions work scope is being further accelerated. Work is underway on Stage 2 scoping but has dependencies on other, related work (e.g. Business Case development with Local Partnerships).

policy and processes and will encompass posts that are joint as well as posts that are not joint posts across both councils.

### **Key questions**

In order to assess whether there is a sufficient evidence base for the proposed uplift of 20% in salary a number of questions have been identified. These questions are set out as follows<sup>4</sup>

1. How do the GBC and WBC salary structures compare to other Surrey Districts and Boroughs?
2. Is there any evidential basis for paying a different uplift for different posts – e.g. we have proposed a 20% uplift for LDS posts. Current arrangements propose a 5 – 10% uplift<sup>5</sup>?
3. Does a proposed uplift of 20% undermine any principle that may have existed at the time that part of the rationale for appointing joint posts on WBC terms was to reduce paybill costs?
4. Does a proposed uplift (of 20%) better able us to be competitive in recruiting staff?
5. If we determined that there is no basis for a different uplift on LDS posts and we continued with a proposed 20% uplift on salary for new posts – what would the cost be to uplift people currently being paid a lower uplift?

An additional question is relevant as well (but not included in Appendix 2) and that is:

6. Is it appropriate that new joint posts below the JLT structure should also be spot salaries?

### **Methodology**

Typically, salary benchmarking uses software that uses key features about a job and compares it to datasets enabling us to assess a broad range of parameters including broader market conditions and specific information about jobs. For example, some of the factors considered include basic salary, additional benefits that may be applied to a role, whether there are difficulties in recruiting to posts being benchmarked etc.

The extent to which benchmarking is reliable depends on a range of factors including the recency of data and the size of the dataset in question. Because the structure of jobs, including grades and titles differ across organisation, some manipulation is required to ensure that we can draw broad benchmarking conclusions.

Ensuring that we can be confident in our benchmarking, it was important to establish a methodological approach. This approach was tested in conversation with LGA Workforce Development colleagues who have the most extensive understanding of Local Government

---

<sup>4</sup> These are questions 11, 12, 13, 14 and 19 in Appendix 1.

<sup>5</sup> This is set out in the Interim Process for Staff to Work at Alternate Councils document agreed by CMB in April 2023

job design, evaluation and salary structures.<sup>6</sup> The following approach was adopted for this exercise:

1. Assess the extent to which the WBC salary structure is comparable to other Councils
2. Identify the extent to which benchmarking software provided evidence that would allow us to draw a conclusion about an appropriate salary factor for joint posts
3. Compare any national dataset that may exist nationally for Joint posts with our proposals.

All of the data used in this approach is based on Local Government organisations.

Before we review the evidence gathered, a reminder of the original proposal to uplift Joint Post salaries by 20% is included in Section 4.0.

## **4.0 PROPOSED SALARY STRUCTURE (20% uplift)**

### **Underlying assumptions**

In preparing a baseline proposal for a Joint Post salary structure for testing and development, a number of factors were considered:

- The differences in pay and grading structures between GBC and WBC
- Joint post terms and conditions should be attractive enough to encourage staff at GBC to apply
- Whether the salaries would be sufficient to attract employees in the context of a challenging recruitment marketplace; and recognising that some posts in particular, i.e. Lawyers and Senior Lawyers are recognised as hard to recruit nationally in Local Government
- Alignment with JLT structures, namely use of a spot salary rather than a salary range.

Although covered in other papers, it is important to be clear that whilst job evaluation and design and pay scales are related, job evaluation itself is underpinned by evidence-based job evaluation methodologies and based on the **size** of a job. Furthermore, the size of a job is tested against all roles within an organisation to ensure that evaluation is applied consistently and the risks of equal pay claims is actively managed.<sup>7</sup>

Councils have some degree of choice about the actual salary and benefits they are able to pay. This reminder is important given the differences in the job evaluation methodologies in use at GBC and WBC. Reviewing job evaluation schemes will be a key component of the broader terms and conditions of employment programme.

Notwithstanding the fact that job evaluation reflects the size of a role, we needed to reflect any existing precedents applied in the creation of previous joint posts. Currently JLT and the Executive Support team are joint posts. Joint posts for the Executive Support team were

---

<sup>6</sup> A conversation was held between KG and the LGA key advisor on pay and grading on 30<sup>th</sup> July. And in addition, a conversation was held with SE Employers on the same day.

<sup>7</sup> Some current Local Authority Equal Pay claims have arisen where organisations have not applied their job evaluation methodology consistently across the organisation.

increased in grade, however this did not include an additional salary uplift. Work has been commissioned by the Strategic Director for Legal and Governance to address these matters.

Therefore, to ensure consistency as far as reasonably possible with this current practice and precedent, the job descriptions for LDS Joint Posts were proposed at a grade higher than a post that is applicable to WBC only. This is a principle that has been applied to another pending restructure.

We remain mindful that it is important that in all of our work on joint posts and salary scales, we must be aware of all of the factors that may impact equal pay claims and ensure that we are mitigating any risk.

### **Baseline proposal**

The following proposals were created to support the LDS restructure and are contingent on benchmarking. They were included in the Executive papers outlined in Section 1 and both Council Executives have approved the additional monies requested.

An uplift of 20% differs from existing interim staffing arrangements set out in the Interim Process for Staff Requests to Undertake Work at Alternate Councils (recognising that this current policy is being updated as part of work described in Section 2), which state that an increase in salary between 5% and 10% should be considered.

WBC Finance colleagues undertook costing of Joint Post salaries by adding an additional 20% to the base salary at pay point B within each WBC grade – this constituting the ‘special responsibility payment’ CLB previously agreed.

In terms of the LDS structure, Joint Posts are being added at Assistant Director level and at WBC grades 3, 4, 6 and 7 (items in red in the following table).

### **Table 1. Draft baseline joint post salary structure for benchmarking**

<b>JMT Grading Structure</b>									
		<b>Spot salary</b>							
Joint Chief Executive		£165,000							
Joint Strategic Director		£127,850							
Joint Head of Service		£94,850							

**Proposed salary structure for Joint Posts below JMT grades**

NB. The proposed structure below **does not** include any reference to additional benefits.

Waverley Grade	Waverley Spinal column points	Salary range	Guildford Grade	Guildford Spinal column points	Salary range	Joint Post Grade (Waverley structure)	Joint Post Spinal column points (Waverley Structure)	Costing (point b of scale and 20% uplift on Waverley salary)	Additional commentary
2	4	£68,860 - £74,344	10	7	£71,373 - £81,809	2	4	<b>£87,018</b>	Equates to Guildford grade 10
3	4	£57,800 - £62,338	9	8	£59,417 - £66,811	3	4	<b>£72,989</b>	Equates to Guildford grade 10
4	4	£51,410 - £55,400	8	7	£53,976 - £59,147	4	4	<b>£64,885</b>	Equates to Guildford grade 9
5	4	£45,573 - £48,836	7	7	£48,519 - £53,976	5	4	<b>£57,216</b>	Equates to Guildford grade 8
6	4	£41,267 - £44,387	6	7	£41,110 - £48,519	6	4	<b>£52,015</b>	Equates to Guildford grade 7
7	4	£37,039 - £39,794	5	6	£35,593 - £41,110	7	4	<b>£46,652</b>	Equates to Guildford grade 6
8	4	£32,832 - £35,199	4	5	£31,724 - £35,593	8	4	<b>£41,133</b>	Equates to Guildford grade 6
9	4	£29,951 - £32,033	3	5	£28,724 - £31,724	9	4	<b>£37,606</b>	Equates to Guildford grade 5
10	4	£26,787 - £28,862	2	5	£26,633 - £28,724	10	4	<b>£33,808</b>	Equates to Guildford grade 4
11	4	£24,512 - £26,102	1	7	£23,695 - £26,633	11	4	<b>£30,688</b>	Equates to Guildford grade 3
12	4	£23,950				12	4	<b>£28,740</b>	Equates to Guildford grade 2



## 5.0 BENCHMARKING FINDINGS AND ANALYSIS

Findings and analysis are discussed below according to the key questions set out in Section 3. Associated recommendations are included in Section 9.0.

### (Question 11 in the attachment) How do the GBC and WBC salary structures compare to other Surrey Districts and Boroughs?

We have obtained a list of the pay and grading structures from a number of other Surrey Districts and Boroughs. Some councils have had local pay agreements for a period of time which gives a degree of flexibility in determining salary scales and benefits.

It is not unusual for there to be differences in pay scales across Local Councils and there are some differences in the data we have compiled. For example, the following table shows the variance across WBC, GBC, Tandridge and Surrey Heath, recognising that these mask differences in how many pay points there are within grades etc. Nevertheless, it is not unreasonable to do a straightforward read across.

In terms of drawing conclusions, we need to be careful about direct comparison, given the differences in job evaluation methodologies, salary points etc. However, it is interesting to note that WBC grades 2 and 3 have a lower salary start and end range than Guildford and Surrey Heath, but they are higher compared to Tandridge Council.

Another difference is the spread within grades. So for example, WBC grades are smaller, WBC grade 2 has a spread of roughly £6k, whereas for Guildford it is £10.5k, and for Surrey Heath it is £9.5k. For Tandridge the spread is £8k.

Given that this benchmarking is narrower than will be the case in the Stage 2 work alluded to earlier, it is difficult to argue that WBC salary structures are so different compared to neighbouring authorities now that it undermines the CLB decision to appoint joint posts on WBC terms and conditions of employment.

**Table 2. Surrey Pay and Grading comparator snapshot**

Waverley Borough Council		Guildford Borough Council		Tandridge Council		Surrey Heath Borough Council	
Pay grade	Salary range	Pay grade	Salary range	Pay grade	Salary range	Pay grade	Salary range
Below JLT structures							
2	£68,860 - £74,344	10	£71,373 - £81,809	HOS2	£64,208 - £72,195	SH10	£70,211 - £79,747
3	£57,800 - £62,338	9	£59,417 - £66,811	HOS1	£55,853 - £62,611	SH9	£60,790 - £67,295
4	£51,410 - £55,400	8	£53,976 - £59,147	M4	£49,161 - £55,083	SH8	£53,117 - £59,381
5	£45,573 - £48,836	7	£48,519 - £53,976	M3	£42,575 - £48,432	SH7	£46,246 - £51,667
6	£41,267 - £44,387	6	£41,110 - £48,519	M2	£36,949 - £41,804	SH6	£39,514 - £44,366
7	£37,039 - £39,794	5	£35,593 - £41,110	M1	£31,504 - £36,317	SH5	£33,872 - £38,723
8	£32,832 - £35,199	4	£31,724 - £35,593	TA2	£27,067 - £30,929	SH4	£28,247 - £33,085
9	£29,951 - £32,033	3	£28,724 - £31,724			SH3	£24,318 - £27,759
10	£26,787 - £28,862	2	£26,633 - £28,724	TA1	£22,711 - £26,539	SH2	£19,803 - £23,995
11	£24,512 - £26,102	1	£23,695 - £26,633	TC2	£21,029 - £22,149	SH1	£15,660 - £19,139
12	£23,950						

It should be noted however that there are significant discrepancies at Management Team level and in that context WBC JLT salaries do not compare well. This should be further explored in the Stage 2 review.

**(Question 12 in the attachment) Is there any evidential basis for paying a different uplift for different posts – e.g. we have proposed a 20% uplift for LDS posts. Current arrangements propose a 5 – 10% uplift?**

To help us answer this question and build on the assessment made of the underlying WBC salary structure, we have undertaken some work using the InfiniStats software. This software focuses on Local Government and a number of regions contribute to keeping the software updated enabling a robust dataset to be used for range of benchmarking purposes and exercises (e.g. pay reviews).

Specially, East of England, West Midlands, South East England Regions and London Councils contribute to this dataset. Data is updated on an annual basis. The process of updating for 2024 is underway so the dataset is not complete for this year and a more reasonable comparator is 2023 data.

Benchmarking can be challenging in terms of the risk of comparing apples and pears. The software has a structure and we needed to undertake some manipulation in terms of describing the levels of jobs so that we can then compare with other Local Authorities. The software uses 4 levels in describing roles. Additionally, it is important to note that jobs in the software are attached to job families

To assist in our benchmarking work we have added in all of the WBC roles in Legal Services. Unfortunately, there isn't yet a Job Family for Democratic Services roles and we are investigating the extent to which we are able to add in Joint Posts. Our comparison is the best that it can be given the limitations of the comparator dataset overall.

For clarity the 4 levels are as follows (albeit there is an 'other' category):

**Table 3. InfiniStats reporting levels**

Tier	Description
1	Chief Executive
2	Reports to Chief Executive
3	Reports to 2 <sup>nd</sup> Tier
4	Reports to 3 <sup>rd</sup> Tier
Other	Other

To date, we do not have all of our WBC roles in the InfiniStats datasets but we will continue to add to what we have. What we are able to show in benchmarking terms is how Legal Services posts compare to other Local Authorities. This is particularly helpful in the context of a commitment in the LDS restructure to update staff on our benchmarking activity for a proposed 20% salary uplift.

The specific dataset that has been used includes 6 Councils from the East of England, 15 London Councils, 7 South East Councils and 2 from the West Midlands. We are able to show the average of the minimum salary for Legal Services posts and the average of the maximum salary.

**Table 4. InfiniStats benchmarking – legal roles**

Infinistats Level	Average Minimum Salary	Average Maximum Salary	Job Role	WBC Pay Band	2023/24 Payscale	
Level I	34,999.00	38,940.00				
Level II	44,348.00	50,108.00	Lawyer	5	43,223.00	46,846.00
			Senior Lawyer	4	49,060.00	53,050.00
Level III	53,810.00	61,900.00	Deputy Borough Solicitor	3	55,450.00	59,988.00
Level IV	72,555.00	85,287.00	Borough Solicitor	2	66,510.00	71,994.00

To emphasise, this data does not relate to Joint Posts, but we can conclude that we are within the average minimum and maximum salary bands for Levels 1 – 3 posts. We can see that we do not compare well at Level 4 and as this is a longer-term issue, this should be addressed in Stage 2.

Because of the limitations of the dataset, initial discussions with LGA and SE Employers have taken place to identify whether any other councils in collaboration arrangements have Joint Post salary structures. We know from LGA data that as at 2018, there were at least 555 shared arrangements that Councils across the Country have entered into. These take a range of forms including sharing a management team to joint ventures.

An example of shared arrangements includes:

- Brentwood and Rochford
- Bromsgrove and Redditch: shared service and management
- East Lindsey and South Holland Councils: merged back office functions
- East Kent Services model
- Huntingdonshire and Cambridgeshire shared call centre
- Procurement Alliance North and North East Lincolnshire (PANNEL), shared procurement services
- Richmond and Wandsworth
- South Hams and West Devon shared service and management
- South London Waste Partnership
- South Oxfordshire and Vale of White Horse shared service and management
- Westminster and Kensington and Chelsea (relating to Children's Services and Public Health)<sup>8</sup>
- Weymouth and Portland, West Dorset and Purbeck councils: The Revenues and Benefits Partnership.

The number of Joint Post salary structures across Local Government is incredibly limited. During Transformation and Collaboration we have embarked on discussions with other Local Authorities embarked on similar programmes. Specifically, we have talked to Bromsgrove and Redditch and Brentwood and Rochford to learn from their valuable experiences.

---

<sup>8</sup> Westminster and Kensington and Chelsea were originally part of the Tri-borough agreement which was an initiative launched in June 2011, involving the Westminster City Council, Hammersmith and Fulham London Borough Council, and the Kensington and Chelsea London Borough Council.

In terms of their arrangements:

- Bromsgrove and Redditch determined that they would keep staff on existing terms and conditions of employment. Additionally, they decided to split services across Councils. So for example planning stayed in one council and Environmental health Services in the other. Staff transferred across depending on which council was providing the services. Incidentally both councils shared the critical importance to progress of collaboration arrangements in developing, implementing and maintaining a shared culture and values
- Brentwood and Rochford have implemented a joint post salary structure in the hopes that staff would migrate to that. However this did not happen and therefore challenges have arisen. For example there are now multiple job evaluations schemes to administer which results in additional cost. In addition, multiple schemes increase the risks of pay claims, potential grievances and actual/perceived unfairness.
- Richmond and Wandsworth arguably have one of the most mature shared staffing arrangements (SSA) with staff jointly appointed to both councils. Although recognised as being a positive arrangement by an LGA Peer Review in 2023, it is not without its challenges. Both councils remain sovereign but sharing the delivery of both councils' objectives is key. Whilst not challenge free (e.g. employees still describe themselves them as employees of one council rather than both) it is an example of what can be achieved<sup>9</sup>.

Taking all of this into account, the recent CLB decision to bring forward a comprehensive review of terms and conditions in the content of developing a joint operating model is a reasonable decision to have taken.

**(Question 13 in the attachment) Does a proposed uplift of 20% undermine any principle that may have existed at the time that part of the rationale for appointing joint posts on WBC terms was to reduce paybill costs?**

During the development of the LDS work, there was some question as to the rationale for WBC being the employing authority. Further analysis has confirmed during pre-collaboration discussions which led to reports being referred to GBC Full Council on 28 July 2021 and WBC Full Council on 3 August 2021, both councils approved a range of recommendations including that the draft job description in respect of the appointment of a Joint Chief Executive, which stated that "*the employing authority should be the existing employer if an internal candidate is appointed*". On that basis, the previous Chief Executive was appointed as JCEX on WBC Terms and Conditions of employment and continued as a WBC employee.

In 2022, further papers were submitted to GBC Full Council on 5 April 2022 and WBC Full Council on 26 April 2022 which sought approval of the Heads of Terms for the Inter-Authority Agreement setting out the formal governance arrangements for joint working between Guildford and Waverley. It was determined at para 10.1 that "*The Joint Management Team shall be employed by one host authority, that being Waverley Borough Council, on new shared terms and conditions.*"

---

<sup>9</sup> A timeline of achievements is set out in this public document: [EL Copy of SSA Timeline Infographic \(richmondandwandsworth.gov.uk\)](https://richmondandwandsworth.gov.uk)

Additionally however, para 10.6 made clear that *“For the avoidance of doubt, while the Joint Management Team shall be employed by Waverley Borough Council as the host authority, that principle shall not necessarily apply to any future shared services.”*

Section 3 sets out that CLB has agreed that there should be consistency in terms of who the employer is and that the employer for Joint Posts is WBC. This therefore confirms that there was no previous documented decision to appoint to WBC on the basis that this was cheaper for both councils.

**(Question 14 in the attachment) Does a proposed uplift (of 20%) better able us to be competitive in recruiting staff?**

Given that we have not attempted to appoint to a Joint Post using the proposed salary band with 20% uplift, we don't have any basis at all for assessing whether we think 20% is a better uplift compared to the current 5 – 10% set out in the Interim Process for Staff Requests to Undertake Work at Alternate Councils.

The basis for testing this is actual recruitment itself at the proposed salary. If we are unable to recruit then that would lead us to a conclusion that the salaries are not sufficient. At this stage we therefore cannot answer this question and it may be that we need to revisit this later in terms of the broader Stage 2 terms and conditions review.

In relation to LDS roles specifically, we are mindful that Lawyer roles are hard to recruit to and that is a national issue. We are only proposing one Joint Senior Lawyer post and we will need to review how that process goes when it is appropriate to start recruiting. This post will carry a market supplement.

**(Question 19 in the attachment) If we determined that there is no basis for a different uplift on LDS posts and we continued with a proposed 20% uplift on salary for new posts – what would the cost be to uplift people in Joint Posts on the current uplift?**

In part, this question was designed to assess whether the nature of joint LDS roles could attract a different uplift compared to other WBC posts. It also closely relates to question 12.

There are two key considerations:

- Existing arrangements that WBC has made for legal posts
- The availability of a Joint Post dataset to test for differences.

With respect to existing arrangements, WBC has already agreed that market supplements will apply to Lawyer and Senior Lawyer posts. However, there are no other market supplements applied to any other role within Legal and Democratic Services and no evidence to suggest that this should be considered and that we could argue it would represent value for money. On that basis, it is difficult to recommend that in addition to the fact that Joint Posts are evaluated at one grade higher, any additional payments should be made. Having said that the comprehensive review of terms and conditions will consider the appropriateness of any additional payments for statutory roles. For example, the two new Legal and Democratic Services will be expected to undertake statutory Monitoring Officer powers in the absence of the Joint Strategic Director for Legal and Democratic Services. (Similarly, Assistant S151 officers are also expected to undertake statutory powers on behalf of the S151 in their absence)

The findings in relation to question 12 also supplement this finding. As indicated earlier, the Infinistats benchmarking data does not yet allow for comparison of Joint Salary structures.

And in the absence of any data there, and the absence of any additional information that LGA or SEE could provide to suggest there should be a blanket difference in Joint LDS Posts compared to other Joint Posts in different services across both councils, there is no evidence to support a recommendation that there should be a disparity in any proposed salary uplift for Joint LDS posts.

Therefore, there is no additional cost to be incurred by increasing a salary uplift for staff currently working in across both councils.

The financial, HR and legal implications of these findings are included in the Sections 6, 7 and 8 respectively.

## 6.0 FINANCIAL IMPLICATIONS

Based on the recommendations in Section 7, the funding requests made to GBC and WBC for the Legal and Democratic Services (LDS) restructure will change.

It was proposed that to support the creation of 8 new LDS posts the ongoing costs to both councils would be as follows:

- GBC: Ongoing staffing costs of £357,318
- WBC: Ongoing staffing costs of £179,329.

The recommendation to implement a salary uplift of 10% will reduce that budget pressure.

The following table shows the proposed Joint Salary Structure for new joint posts.

**Table 5. Revised LDS Joint Post salary structure – 10% uplift**

<b>JMT Grading Structure</b>		
	<b>Spot salary</b>	
Joint Chief Executive	£165,000	
Joint Strategic Director	£127,850	
Joint Assistant Director	£94,850	

### Proposed salary structure with 10% uplift for Joint Posts below JMT grades

NB. The proposed structure below **does not** include any reference to additional benefits.

Waverley Grade	Waverley Spinal column points	Salary 2024/25	Joint Post Salary Ranges (10% uplift on all pay points within a grade)			
			Pay Point A	Pay Point B	Pay Point C	Pay Point D
2	4	£68,860 - £74,344	81,778	79,767	77,758	75,746
3	4	£57,800 - £62,338	68,572	66,906	65,244	63,580
4	4	£51,410 - £55,400	60,940	59,478	58,015	56,551
5	4	£45,573 - £48,836	53,720	52,448	51,174	50,130
6	4	£41,267 - £44,387	48,826	47,681	46,537	45,394
7	4	£37,039 - £39,794	43,773	42,765	41,752	40,743
8	4	£32,832 - £35,199	38,719	37,706	36,714	36,115
9	4	£29,951 - £32,033	35,236	34,473	33,711	32,946
10	4	£26,787 - £28,862	31,748	30,991	30,217	29,466
11	4	£24,512 - £26,102	28,712	28,130	27,550	26,963
12	4	£23,950	<b>26,015</b>			

This reduces the cost of LDS additional posts requested in the papers approved by GBC and WBC Executives as follows.

	Original funding request (May 2024)	Funding required post salary benchmarking	Variance
GBC	£357,318	£339,170	<b>-£18,149</b>



WBC	£179,329	£161,181	-£18,149
		<b>Overall reduction in growth budget</b>	<b>-£36,297</b>

**Table 6. Interim Joint Post pay and grading structure**

<b>JMT Grading Structure</b>		
		<b>Spot salary</b>
Joint Chief Executive		£165,000
Joint Strategic Director		£127,850
Joint Assistant Director		£94,850

**Proposed salary structure for Joint Posts below JMT grades**

NB. The proposed structure below **does not** include any reference to additional benefits.

Waverley Grade	Waverley Spinal column points	Salary 2024/25	Joint Post Salary Ranges (10% uplift on all pay points within a grade)			
			Pay Point A	Pay Point B	Pay Point C	Pay Point D
2	4	£68,860 - £74,344	81,778	79,767	70,687	68,860

3	4	£57,800 - £62,338	68,572	66,906	59,313	57,800
4	4	£51,410 - £55,400	60,940	54,071	52,741	51,410
5	4	£45,573 - £48,836	53,720	47,680	46,522	45,573
6	4	£41,267 - £44,387	48,826	43,346	42,306	41,267
7	4	£37,039 - £39,794	43,773	38,877	37,956	37,039
8	4	£32,832 - £35,199	38,719	34,278	33,376	32,832
9	4	£29,951 - £32,033	35,236	31,339	30,646	29,951
10	4	£26,787 - £28,862	31,748	28,174	27,480	26,787
11	4	£24,512 - £26,102	28,712	25,573	25,045	24,512
12	4	£23,950				23,950

## **7.0 HR IMPLICATIONS**

A number of implications arise depending on the recommendations that CLB choose to adopt. These are set out as follows.

In the event that CLB decide that a spot salary approach should be taken to new joint posts below the JLT structure, and that a flat uplift of 10% on WBC salary should be applied for joint posts then consideration will need to be given to how annual increments should apply. Post holders would be appointed on pay point B and this will only allow for one annual increment before the post holder reaches the top of the grade salary band. This may act as a disincentive for staff.

In the event that CLB decides that it is more appropriate that a salary range should be applied and that an uplift of 10% should be applied to each of the pay points within a grade, this approach will ensure that the current salary structure where each grade has 4 pay points, will be maintained.

It will also mean that new starters could be appointed on the lowest pay point within a grade (pay point D) which also aligns with current policy). However, it also means that there is flexibility to start new starters on a higher pay point within the grade if experience and other circumstances mean this is necessary (e.g. in the event that a new starter is already on a higher salary than the bottom of the relevant grade salary point and the council wishes to match that to avoid losing excellent candidates.

Further, the risk that any of the small number of staff working across both councils could challenge these proposals.

## **8.0 LEGAL IMPLICATIONS**

The Council's approach to pay and remuneration should be set out in HR policy and procedures. The Joint Chief Executive is Head of Paid Services and has delegated authority to approve all HR Policies should revisions be necessary. There is a commitment within this paper to report the findings of this salary benchmarking exercise to the Executives of both councils, and for the recommendations to be incorporated in both Council's Pay Policies. Given these are joint roles, aligned approvals at GBC is expected. Such approval should take place prior to decision making on pay and remuneration to mitigate any risk of challenge.

The Pay Policy Statement as approved by the Full Council of WBC should also be factored in, where relevant in relation to decisions on pay and remuneration.

## **9.0 RECOMMENDATIONS AND NEXT STEPS**

CLB are asked to:

1. Note the additional related work that is underway on terms and conditions of employment and delivery dates;

2. Note the findings of this report and agree that the evidence provided via benchmarking supports the decision to appoint joint posts on Waverley terms and conditions of employment, which also aligns with a previous CLB commitment from the CLB discussion held on 22<sup>nd</sup> July 2024;
3. Note the findings of this report and agree that there is insufficient evidence to justify applying a 20% uplift to the WBC salary for new joint posts;
4. Note that given there is existing precedent and practice relating to a salary uplift for staff undertaking additional work across GBC and WBC that we adopt that current practice, and the uplift for new joint posts should be 10%;
5. Note the findings of this report and agree that for joint posts below JLT a spot salary should not apply and that the 10% uplift should apply to each pay point within a grade;
6. Agree that all of these outcomes are incorporated into the related work set out in Appendix 2 of this document;
7. CLB note that this benchmarking is to be shared with TU colleagues; and
8. Note that a full scope for the accelerated comprehensive review of terms and conditions of employment is brought to a future CLB.

## **APPENDICES**

### **Appendix 1 – Scoping statement for a comprehensive review of Terms and Conditions of Employment**

Following CLB on 24th June an additional piece of work was agreed that would essentially scope out the next stage of the Terms and Conditions review. That included salary benchmarking. The following scope will need to be updated once the salary benchmarking and related work set out in Appendix 2 is concluded.

#### **Context**

Two interrelated papers were presented to CMB on 24<sup>th</sup> June<sup>10</sup>. CMB agreed that in relation to the paper on a review of the Terms and Conditions workstream in the Transformation and Collaboration programme, that Option 3 should be undertaken.

A further short piece of work is necessary to provide CMB with relevant background information, options and recommendations to enable the councils to continue with the creation of joint posts, if in fact the evidence suggests that it is safe to do so.

This review will therefore also need to test the proposed interim approaches to creating joint posts, identify and mitigate any further risks that are identified.

Fundamentally, there are a number of lenses through which this work needs to be viewed:

- The actual or perceived unfairness of the current differences in terms and conditions of employment across both councils – and whether that is sustainable. And the moral impact of that.
- The decision making that led to the creation of Joint Posts on WBC terms and conditions and subsequent related decisions.
- The extent to which there is actual or perceived risk relating to equal pay or other challenges as the organisations move to create additional joint posts.
- The extent to which the proposed 20% uplift ensures that we are able to be competitive in a continued challenging Local Government recruitment marketplace.

A series of question arise and these are set out below.

#### **Scope**

This work needs to address the lenses set out above and capture information, undertake analysis in order to answer the following questions and make appropriate recommendations:

1. Are we confident that the basis for the original decision to create joint posts on Waverley Terms and Conditions is sound?
2. If we are not, what is the HR and legal implications for current joint post holders – and what are the remedial actions that need to be taken?
3. Have we properly considered the implications of a future move away from the Collaboration Partnership?

---

<sup>10</sup> These papers also relate to the Transformation and Collaboration Programme refresh paper discussed at CMB on 10<sup>th</sup> June 2024.

4. Have we properly considered the difference between JE methodologies in use at GBC and WBC and any risk arising in the creation of joint posts?
5. Is there any risk that WBC may be seen as an associated employer in the context of equal pay legislation?
6. What is the total paybill cost for GBC and WBC staff?
7. What percentage of each Council's budget is spent on paybill costs?
8. What is the cost of benefits paid to staff in GBC and WBC?
9. What is the percentage of paybill costs spent on benefits?
10. How do the benefits costs compare across each council?
11. How do the GBC and WBC salary structures compare to other Surrey Districts and Boroughs?<sup>11</sup>
12. Is there any evidential basis for paying a different uplift for different posts – e.g. we have proposed a 20% uplift for LDS posts. Current arrangements propose a 5 – 10% uplift?
13. Does a proposed uplift of 20% undermine any principle that may have existed at the time that part of the rationale for appointing joint posts on WBC terms was to reduce paybill costs?
14. Does a proposed uplift better able us to be competitive in recruiting staff?
15. Can we identify any equal pay risks?
16. Can we quantify our equal pay risks?
17. Are there any other risks, e.g., discrimination claims?
18. What options do we have for risk mitigation?
19. If we determined that there is no basis for a differently uplift on LDS posts and we continued with a proposed 20% uplift on salary for new posts – what would the cost be to uplift people in Joint Posts on the current uplift?
20. Can we quantify the demand for new joint posts over the next 12 – 18 months?
21. What is the total agency bill for GBC and WBC?
22. Is there any evidence that the agency bill in WBC is because salaries are lower compared to GBC salaries?
23. If so, can we quantify the agency bill that we could reduce by virtue of introducing a new salary structure for joint posts only?
24. Are we confident that current managers understand the risks of employees within their teams undertaking work for a council other than the one they are employed by?
25. Are we confident that the necessary governance arrangements are in place to support options proposed?

### **Owner**

Senior Responsible Officer – Robin Taylor, AD Strategy and Corporate Services

Sponsor – Susan Sale, Joint Strategic Director Legal and Democratic Services

Review lead – Karen Grave, Interim Business Transformation Lead

### **Key stakeholders**

---

<sup>11</sup> This is relevant in the context of WBC terms and conditions being the basis for applying the 20% uplift.

CMB members

Joint Strategic Director of Finance (S151)

Joint Strategic Director of Legal and Democratic Services (MO)

GBC and WBC Finance Colleagues

GBC and WBC HR Colleagues

GBC and WBC Legal Colleagues.

**Key data to be captured:**

**GBC paybill costs**

- Total cost of paybill broken down by salary, employer NI, and Pension Contribution
- Total salary costs by grade
- Total salary costs by grade by length of service
- Total benefits costs
- Total benefits costs broken down by benefits type
- Total benefits costs broken down by grade
- Number of posts that are grant funded and costs of those posts

**WBC paybill costs**

- Total cost of paybill broken down by salary, employer NI, and Pension Contribution
- Total salary costs by grade
- Total salary costs by grade by length of service
- Total benefits costs
- Total benefits costs broken down by benefits type
- Total benefits costs broken down by grade
- Number of posts that are grant funded and costs of those posts

**Staff on joint post interim arrangements with a salary uplift on current policy (5 – 10%)**

- Number of staff in joint posts
- Confirmation that all relevant staff are included in the S113
- Breakdown for staff including:
  - o Total salary costs
  - o Total benefits costs
  - o Total benefits costs broken down by type – and identified by whether they are GBC benefits that WBC is picking up
  - o Whether salary uplift is 5% or 10%
  - o Length of the joint arrangement

**Staff in arrangements where they are not being paid a salary uplift**

(It may be that the data shows we don't have any staff under this category)

- Number of staff covering posts in both councils with no salary uplift
- Length of the joint arrangement

### **Requests for joint posts**

- Total number of requests for new joint posts
- Request for joint posts broken down by: Service, Grade
- Anticipated salary costs for joint posts

Additional data may be required as the work commences.

### **Key assumptions:**

Monitoring Officer will sign off the scope of this work prior to it starting.

CEX and S151 will sign off the scope of this work prior to it starting.

No further joint posts will be created across both Councils until this review is completed and considered by CMB.

### **Key risks:**

1. If we do not properly address the original decision making around creation of joint posts (i.e. on WBC terms and conditions) we could inadvertently be creeping into unconstitutional decision making.
2. If we do not properly understand the full scope of current arrangements and/or future demands relating to creation of joint posts, we could be inadvertently increasing risk to the organisation of equal pay claims or grievances.
3. If we do not properly manage arrangements relationships with our recognised Trade Unions may be negatively impacted.
4. Current HR arrangements may not be properly implemented and JLT members (and their line reports) may not fully understand the risk of asking staff in their teams to undertake work for a council other than the one who employs them.
5. We have an unquantified equal pay risk that we are not properly managing.
6. If we do not address outstanding questions, and staff perception that we are not treating people well in relation to salary and benefits, this may mean that we continue to be unable to recruit to key posts.



## Appendix 2 – Related work

The following additional work is under development. As the work will need Executive and Full Council approval key dates for completion are also included.

<b>Deliverable</b>	<b>GBC Key Date</b>	<b>WBC Key Date</b>
Interim Policy for creating joint posts	3 <sup>rd</sup> October Executive Meeting	11 <sup>th</sup> September Executive Briefing  15 <sup>th</sup> October Executive Meeting
Interim joint posts job evaluation competency framework	3 <sup>rd</sup> October Executive Meeting	15 <sup>th</sup> October Executive Meeting
Interim Joint Post Salary Grades and Scales Structure	3 <sup>rd</sup> October Executive Meeting	15 <sup>th</sup> October Executive Meeting
Interim Joint Restructure Policy	3 <sup>rd</sup> October Executive Meeting	15 <sup>th</sup> October Executive Meeting
Proposed changes to the Pay Policy	3 <sup>rd</sup> October Executive Meeting	15 <sup>th</sup> October Executive Meeting
	8 <sup>th</sup> October Full Council Meeting	22 <sup>nd</sup> October Full Council Meeting

Current activity is underway to consult with TU colleagues in order that we are able to meet key deadlines.

This page is intentionally left blank