

Council Report

Ward(s) affected: All

Report of Director of Finance

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

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Proposed establishment of a Guildford Joint Committee

Executive Summary

This report asks the Council to consider the relative merits of replacing the current Local Committee (Guildford) with a new Guildford Joint Committee, which would deal not only with the range of County Council functions that the Local Committee currently discharges locally, but also a range of Borough Council functions delegated to it.

At its meeting on 19 June 2018, the Executive also considered a report on this matter and approved the proposal in terms of the principle of establishing a Guildford Joint Committee in place of the current Local Committee arrangements and the various executive functions to be delegated to it. The Executive also agreed that the Draft Constitution of the Joint Committee should include a mix of executive and (subject to full Council approval) non-executive functions, as this would enable the Borough Council membership on the Joint Committee to be politically balanced and comprise a mix of executive and non-executive councillors.

Recommendation to Council

The Council is asked to consider the Draft Constitution of the proposed Guildford Joint Committee, as set out in Appendix 1 to this report, including the standing orders under which it is proposed that the Joint Committee will operate, and if so minded to agree:

- (1) That the Council agrees to establish, with Surrey County Council, a Guildford Joint Committee, to replace the current Local Committee arrangements, to take effect, subject to formal County Council approval, from 19 September 2018.
- (2) That, subject to paragraph (3) below, the Draft Constitution, as set out in Appendix 1 to this report, including the proposed non executive functions of the Council to be delegated to the Joint Committee, and the standing orders under which the Joint Committee will operate, be approved.

- (3) That the Managing Director be authorised, in consultation with the Leader of the Council and the Lead Councillor for Infrastructure and Governance, to agree any necessary minor changes to the Draft Constitution of the Joint Committee.
- (4) That the numerical allocation of Borough Council seats on the Joint Committee to political groups, as shown in Appendix 2 to this report, be approved.
- (5) That the nominations for appointment of Borough Council members to the Guildford Joint Committee, for the remainder of the 2018-19 municipal year, as shown on a schedule to be submitted to the Council, be approved in accordance with the wishes of the relevant political groups.
- (6) That the Council appoints a Vice-Chairman of the Joint Committee for the 2018-19 Municipal Year.
- (7) That the Council Solicitor and Monitoring Officer be authorised, in consultation with the Lead Councillor for Infrastructure and Governance, to make all necessary consequential amendments to the Council's Constitution.
- (8) That the Council's Independent Remuneration Panel be requested to consider as part of the full review of councillors' allowances scheduled for 2019, whether any Special Responsibility Allowance should be payable to the chairman (or vice-chairman) of the Joint Committee whenever that role is undertaken by a borough councillor.
- (9) That the Joint Committee arrangements be reviewed after 12 months' operation.

Reason for Recommendation:

To establish a true partnership between Guildford Borough Council and Surrey County Council, with shared decision making and joined-up working.

1. Purpose of Report

- 1.1 To consider whether the Council should enter into a Joint Committee arrangement with Surrey County Council, which would replace the existing Local Committee (Guildford).

2. Background

- 2.1 Joint committees have been established between local authorities for various purposes, including:
 - To provide a forum for local authorities to collaborate on and co-ordinate plans affecting a particular area/region
 - To direct shared services arrangements, whether for front line functions, such as waste collection and disposal, or back office services, such as finance, HR and IT services, including joint procurement
 - To manage parks extending across local authority boundaries, crematoria, and museums and other cultural or recreational attractions
- 2.2 Since local government reorganisation in 1974, at which point Surrey County Council (SCC) assumed responsibility as the highway authority for local roads and traffic management, and up until 2002, there have been a number of

SCC led member-level forums in the Guildford area for consideration of matters such as local highway maintenance and improvement programmes, transportation plans and traffic management schemes.

- 2.3 These forums have generally been sub-committees of a parent SCC committee to which GBC nominated councillors for co-option. GBC councillors on these sub-committees had full voting rights, although SCC had an overall majority of councillors on them. Arrangements similar to these were adopted in a number of other, but not all, Surrey districts.
- 2.4 Following the mandatory adoption of executive arrangements, SCC disbanded what was then known as the Guildford Partnership Area Transportation Sub-Committee (and similar sub-committees across the county) and, in 2002, established eleven Local Committees in the district areas, including Guildford. Each of the Local Committees comprised the county councillors representing electoral divisions within the district plus the same number of district/borough councillors who were co-optees.
- 2.5 The purpose of the Local Committees was to bring SCC decision-making and its services closer to the communities it served. They discuss issues such as education, social care, parking, young people, as well as highways and transportation.
- 2.6 The Local Committees exercise a number of specific executive functions delegated to them by SCC's Cabinet and limited non-executive functions delegated to them by the full Council of SCC. District/borough councillors on the Local Committees are currently allowed to vote on all matters, with the exception of Education and Youth (where there is a statutory restriction on joint voting).
- 2.7 In recent years, there have been initiatives, notably in Woking and Spelthorne, to transform the Local Committees into joint committees. The distinction between a Local Committee and a joint committee is that a joint committee has delegated to it responsibility for the discharge of specific county council *and district council* functions within the district area, including budgets.
- 2.8 The Leader of the Council, together with the Chairman of the Local Committee (Guildford), Councillor Keith Taylor, have expressed an interest in exploring the possible establishment of a joint committee of both councils for the Guildford area. The Leader of SCC has also indicated strong support for the establishment of Joint Committees in the district areas.

3. Other Joint Committees in Surrey

- 3.1 The Woking Joint Committee was established in June 2014, and the Spelthorne Joint Committee, more recently, in January 2017. Both committees meet on a quarterly basis and make decisions in their respective areas about:
 - activities for young people
 - how certain funding will be spent
 - roads and road maintenance including road safety, speed limits and parking restrictions
 - library opening hours
 - public rights of way, including footpaths and bridle paths
 - local concerns about Council services under the remit of the respective Committee

- 3.2 They also monitor how well public services like social care are benefitting local people and have a special role in making sure that local schools are performing well or taking the necessary steps to improve.
- 3.3 The joint committees also look at Borough and County partnership initiatives as well as investigating joint approaches to services locally. The Woking Joint Committee acts as the Woking Community Safety Partnership and the local Health and Wellbeing Board.
- 3.4 The joint committees actively encourage local people to interact with them to make sure that their voices and opinions are heard. They can do this by:
- asking a question at an informal public question time session held in the 30 minutes before the meeting officially starts
 - submitting written questions, or
 - signing a petition
- 3.5 Copies of the respective Constitutions of the Woking Joint Committee and Spelthorne Joint Committee, which include the range of functions that have been delegated to them by SCC and the two borough councils, may be viewed via the following links:
- <https://mycouncil.surreycc.gov.uk/documents/s18031/Woking%20Joint%20Committee%20Constitution.pdf>
 - <https://mycouncil.surreycc.gov.uk/documents/s42425/Spelthorne%20Joint%20Committee%20Constitution.pdf>
- 3.6 In addition to specific functions delegated by each authority, the Constitutions of both existing Joint Committees include a “General Remit”, as follows:
1. To identify and agree opportunities for the closer alignment of County and Borough services.
 2. To make decisions on local services and budgets delegated to it by either Surrey County Council or the Borough Council.
 3. To make comments on policy, strategy, services, priority community work, or other matters specifically referred to it by the County Council or the Borough Council
 4. To provide political oversight of key County and Borough partnership initiatives and strategies.
 5. To discuss opportunities for a closer alignment of County and Borough services.¹
 6. To seek solutions to local concerns relating to Council services under the remit of the Joint Committee.
 7. To identify and set local priorities through an annual priority setting meeting.
 8. To build community leadership and local engagement, and encourage local community resilience plans.
 9. To ensure that local authority services within the borough are carried out in accordance with both Surrey County Council’s and the Borough Council’s core values, policies, strategies and within approved budgets.
- 3.7 It is also worth pointing out that both Constitutions make it clear that whilst the Joint Committee is responsible for making decisions relating to the various functions delegated to it by SCC and the borough council, the day-to-day

¹ Woking Joint Committee only

operational arrangements relating to any particular function continue to be managed by the local authority having responsibility for that function.

- 3.8 It is also worth noting that a Runnymede Joint Committee has recently been established, and is expected to have its first meeting in July 2018.

4. Proposed new Joint Committee for Guildford: Governance

- 4.1 Section 101(5) of the Local Government Act 1972 enables a local authority to enter into arrangements for the discharge of its functions jointly with, or by one or more other authority. Under Section 102 of the 1972 Act, local authorities are empowered to appoint joint committees.
- 4.2 Under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (“the 2012 Regulations”), if SCC and GBC proposed to establish a joint committee and the arrangements involved the discharge by the joint committee of:
- (a) one or more of the Borough Council’s non-executive functions, then only full Council can give approval to the proposal (including the number of members and their term of office)²; or
 - (b) one or more of the Borough Council’s executive functions, then only the Executive can give approval to the proposal (including the number of members and their term of office) and all borough councillors on the joint committee must be executive councillors³; or
 - (c) one or more of the Borough Council’s executive functions and one or more non-executive functions, then the appointment of borough councillors to the joint committee (including the number of members and their term of office) shall be made by full council with the agreement of the Executive⁴, provided that at least one member of the joint committee is an executive councillor⁵.
- 4.3 Subject to approval of the principle of establishing joint arrangements, we would need to agree the extent of executive and/or non-executive functions to be delegated to the Joint Committee, and SCC would need to do the same. Both authorities would also need to agree a Constitution for the Joint Committee, which sets out matters such as:
- (a) terms of reference and standing orders/procedure rules; and
 - (b) the practicalities such as where meetings will be held and which council administers the joint committee (SCC administers both Woking and Spelthorne Joint Committees); and

It will also be necessary for GBC and SCC to make consequential amendments to our respective Constitutions.

- 4.4 A copy of the Draft Constitution for the proposed Guildford Joint Committee is attached as **Appendix 1**. The Draft Constitution includes possible executive and non-executive Borough Council functions, to be delegated to the Joint Committee.

² Regulation 11 (5) of the 2012 Regulations

³ Regulation 11 (6) of the 2012 Regulations

⁴ Regulation 11 (7) of the 2012 Regulations

⁵ Regulation 12 (4) of the 2012 Regulations

- 4.5 At its meeting on 19 June 2018, the Executive also considered a report on this matter and approved the proposal in terms of the principle of establishing a Joint Committee in place of the current Local Committee arrangements and the various executive functions to be delegated to it. The Executive also agreed that the Draft Constitution should include a mix of executive and (subject to full Council approval) non-executive functions, as this would enable the Borough Council membership on the Joint Committee to be politically balanced and comprise a mix of executive and non-executive councillors, as per paragraph 4.2 (c) above.

Appointment of Borough Councillors to the Joint Committee

- 4.6 The Draft Constitution provides that membership of the Joint Committee shall comprise all ten county councillors with electoral divisions in Guildford, plus one SCC Cabinet Member⁶ (which is a statutory provision), and an equivalent number of borough councillors (i.e. eleven) who should be politically proportionate to the Borough Council. At least one borough councillor must be an Executive member (again, this is a statutory requirement).
- 4.7 The numerical allocation of Borough Council seats on the Joint Committee to political groups is shown in **Appendix 2** to this report. Relevant group leaders have been asked to submit nominations for appointment of Borough Councillors to the Joint Committee, for the remainder of the 2018-19 municipal year, in accordance with the numerical allocation. Details of the nominations received will be set out in the Order Paper for this meeting.

Chairman and Vice-Chairman of the Joint Committee

- 4.8 The Draft Constitution also deals with arrangements for election of chairman and vice-chairman of the Joint Committee. It is proposed that, for the remainder of the current municipal year, the chairman should be a SCC member and the vice-chairman a GBC member. In subsequent years, the roles will alternate between GBC and SCC.
- 4.9 Details of the nominations received for election of Vice-Chairman for 2018-19 will also be set out in the Order Paper.

First meeting of the Guildford Joint Committee

- 4.10 Subject to the formal approval of the proposal by both councils, it is proposed that the first meeting of the Guildford Joint Committee be held on 19 September 2018, which was the date scheduled for the next meeting of the Local Committee.

5. Timetable for approval of proposals

- 5.1 A timetable for approval and implementation of the proposed Guildford Joint Committee is set out below:

⁶ SCC has appointed Mike Goodman (Cabinet member for Environment and Transport)

Date	Decision maker	Decisions to be taken
10 May 2018	Informal Local Committee (Guildford)	To inform the Local Committee of the proposals
13 June 2018	Local Committee (Guildford)	To comment on and note the proposal to establish the Joint Committee in place of the current Local Committee arrangements
19 June 2018	Executive	(a) To agree to establish a Joint Committee (b) To consider draft Constitution (c) To agree GBC executive functions to be discharged by the Joint Committee (d) To recommend to full Council approval to move to a Joint Committee arrangement with SCC to replace the Local Committee (Guildford)
26 June 2018	SCC Cabinet	(a) To agree to establish a Joint Committee (b) To consider draft Constitution (c) To agree SCC executive functions to be discharged by the Joint Committee (d) To recommend to SCC full Council approval to move to a Joint Committee arrangement with GBC to replace the Local Committee (Guildford)
10 July 2018	SCC full Council	(a) To agree to establish a Joint Committee to replace the Local Committee (Guildford) (b) To approve draft Constitution (c) To agree SCC non-executive functions to be discharged by the Joint Committee; (d) To elect a Chairman of the Joint Committee for 2018-19 (e) To confirm appointment of a SCC Cabinet Member to the Joint Committee
24 July 2018	Council	(a) To agree to establish a Joint Committee to replace the Local Committee (Guildford) (b) To approve draft Constitution (c) To agree GBC non-executive functions to be discharged by the Joint Committee; (d) To appoint GBC councillors to the Joint Committee for 2018-19 (e) To elect a Vice-Chairman of the Joint Committee for 2018-19
19 September 2018	Proposed date of first meeting of the Joint Committee	

6. Consideration of proposals by Surrey County Council

- 6.1 The Local Committee (Guildford), at its meeting on 13 June 2018, gave its support for the proposals.
- 6.2 SCC's Cabinet and full Council formally approved the proposals at their respective meetings held on 26 June and 10 July 2018. SCC's Cabinet Member on the Joint Committee will be Councillor Mike Goodman (Bagshot, Windlesham and Chobham electoral division).

7. Legal implications

- 7.1 These are set out in the body of this report.

8. Financial implications

- 8.1 It is not anticipated that a move to a Joint Committee to replace the existing Local Committee will have any significant financial implications for the Council. Servicing the Joint Committee by way of preparation of reports and attendance at meetings can be undertaken within existing budgets.
- 8.2 The Joint Committee will operate within the Council's established budget setting and financial planning processes. The Council will agree each year the amount of funding allocated to the Joint Committee to carry out its delegated functions.
- 8.3 All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations/procedures and policies.

Councillors' Allowances

- 8.4 The Council's current scheme of allowances makes no provision for any Special Responsibility Allowance (SRA) in respect of Guildford Borough councillors' involvement in the Local Committee (Guildford), although attendance at any meeting may entitle councillors to make a claim for mileage, or dependants' carers' allowance. If the Council feels that an SRA should be paid to the councillor who, for any given year is elected chairman (or vice-chairman) of the Joint Committee, it will be necessary to consider the recommendation of the Council's Independent Remuneration Panel (IRP) prior to any decision being taken in respect of the introduction of any such SRA, or the level of allowance allocated to that role(s).
- 8.5 Given that the next full review of allowances is due to take place in the summer of 2019, following the Borough Council elections, it is suggested that the IRP be requested to consider as part of the full review whether any such SRA should be payable.

9. Human Resource implications

- 9.1 There are no significant human resource implications arising from this proposal.

10. Risk Management Implications

- 10.1 There are no significant risk management implications arising from this report.

- 10.2 A more unified approach through the establishment of the Joint Committee should reduce the risks of fragmented service delivery and duplication or omission. The Joint Committee will operate under its own constitution, which will provide effective governance and oversight of the issues being considered. A Joint Committee would be bound by the approved policies, budgets and financial regulations/procedure rules of both Councils.

11. Summary of Options

- 11.1 The Council could decide not to enter into a joint committee arrangement with SCC, which would mean that we would continue with the current Local Committee arrangements.

12. Conclusion

- 12.1 The new joint arrangement, with a more integrated approach to service delivery, will enable closer working and provide the ability to respond jointly to local issues for the benefit of residents, thereby strengthening democratic accountability.
- 12.2 Subject to formal approval by both councils, it is anticipated that the Guildford Joint Committee would be formally constituted, with effect from 19 September 2018, when it would hold its first meeting.
- 12.3 The Constitution of the Guildford Joint Committee will be reviewed after 12 months' operation, and any recommended changes reported back through each council's appropriate governance processes.

13. Background Papers

None

14. Appendices

Appendix 1: Draft Constitution of proposed Guildford Joint Committee

Appendix 2: Numerical allocation of Borough Council seats on the proposed Guildford Joint Committee