

Executive and Council Report

Ward(s) affected: All

Report of Joint Strategic Director: Transformation and Governance

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## **Guildford Joint Committee**

### **Executive Summary**

In 2018, this Council and Surrey County Council agreed to replace the former Local Committee (Guildford) with a new Guildford Joint Committee, which would deal not only with the range of executive and non-executive County Council functions that the Local Committee discharged locally, but also a range of executive and non-executive Borough Council functions delegated to it.

Both councils also adopted a Constitution for the Guildford Joint Committee, which set out, amongst other things, the various functions delegated to it and standing orders under which it was proposed that the Joint Committee would operate. The Joint Committee Constitution currently sits in Part 3 of the Council's own Constitution under Responsibility for Functions.

The Joint Committee comprises the ten County Councillors representing the ten County Divisions within the Borough, plus ten Borough Councillors appointed on a politically proportionate basis.

The first Joint Committee meeting was held in September 2018. The last meeting of the Joint Committee was held on 26 October 2022.

The Council will be aware that Surrey County Council's Cabinet decided in February 2022 to transfer all executive highway functions (including on-street parking) from the Guildford Joint Committee, and other Joint Committees and Local Committees in Surrey, to County Officers, in consultation with relevant Divisional Members. These changes took effect from 1 April 2022 and sit alongside the development of new engagement methods and tools to enable members and officers to reach out more effectively to residents.

The County Council had also agreed at its Annual Meeting on 24 May 2022 that county councillors elected as chairmen or vice-chairmen of the Local and Joint Committees across the county shall hold those offices only until 31 October 2022. County partnership officers involved in supporting the Joint Committees and Local

Committees across the county will end those responsibilities also with effect from 31 October 2022.

On 27 September 2022, the Leader of Surrey County Council made a decision to remove the remaining executive functions and advisory functions from all the Local Committees and Joint Committees in the county with effect from 11 October 2022.

At the County Council meeting on 11 October 2022, formal approval was given to cease all the Local Committees with effect from 31 October 2022, to serve notice of the County Council's intention to withdraw from all of the Joint Committees (the notice to expire on or before 30 April 2023), and to transfer their non-executive functions relating to Public Rights of Way from all the Local and Joint Committees back to the County's own local governance arrangements.

The effect of these decisions taken by Surrey County Council means that the Guildford Joint Committee now has no County Council functions delegated to it, and its remit only comprises the very limited number of Borough Council executive and non-executive functions. On or before 30 April 2023, the Guildford Joint Committee will cease to exist, although it is arguable that the Joint Committee cannot now be considered to be a "joint committee" where one of the two parties has withdrawn all of its functions. After 31 October 2022, the Guildford Joint Committee would no longer have a chairman (which is currently Councillor Fiona White in her capacity as a county councillor), and if it were to continue until 30 April 2023, this Council would have to manage the Joint Committee.

In light of the decisions taken by Surrey County Council outlined above, the Executive is asked whether it wishes to transfer the existing executive and advisory functions currently within the remit of the Joint Committee back to this Council. If that is the case, full Council will be asked on 6 December 2022, whether it wishes to transfer our existing non-executive functions relating to public rights of way back to this Council. If the Executive and Council agree to this action, then the Joint Committee will effectively be dissolved as of 6 December (rather than next April) as it would have no functions delegated to it.

### **Recommendation to Executive**

- (1) That the transfer of all the Borough Council's executive and advisory functions from the Guildford Joint Committee's remit, as set out in the Joint Committee Constitution, be approved with immediate effect, and that those functions revert back to being delegated to the Executive.
- (2) That full Council, on 6 December 2022, be asked to approve the transfer of all of the Borough Council's non-executive functions relating to public rights of way from the Guildford Joint Committee's remit, as set out in the Joint Committee Constitution, and that those functions be delegated back to the Lead Specialist – Legal.

### Reason for Recommendation:

To enable the Council to consider its position in light of the withdrawal of all County Council functions from the Guildford Joint Committee.

**Is the report (or part of it) exempt from publication? No**

## **1. Purpose of Report**

- 1.1 To consider the Council's position in light of the decisions taken by Surrey County Council (SCC) to withdraw all of its functions from the Guildford Joint Committee, and to give six months' notice of intention to withdraw their involvement from the Joint Committee.

## **2. Background**

- 2.1 Since local government reorganisation in 1974, at which point 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.
- 2.2 These forums have generally been sub-committees of a parent SCC committee to which Guildford Borough Council (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.
- 2.3 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.
- 2.4 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.
- 2.5 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 were allowed to vote on all matters, with the exception of Education and Youth (where there is a statutory restriction on joint voting).
- 2.6 In recent years, there have been initiatives, 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.
- 2.7 In 2018, this Council and SCC agreed to replace the former Local Committee (Guildford) with a new Guildford Joint Committee, which would deal not only with the range of executive and non-executive SCC

functions that the Local Committee discharged locally, but also a range of executive and non-executive GBC functions delegated to it.

- 2.8 Both councils also adopted a Constitution for the Guildford Joint Committee, which set out, amongst other things, the various functions delegated to it and standing orders under which it was proposed that the Joint Committee would operate. The Joint Committee Constitution currently sits in Part 3 of the Council's own Constitution under Responsibility for Functions.
- 2.9 The Joint Committee comprises the ten County Councillors representing the ten County Divisions within the Borough, plus ten Borough Councillors appointed on a politically proportionate basis.
- 2.10 The first Joint Committee meeting was held in September 2018. Since then, there have been 14 meetings of the Guildford Joint Committee. It is worth noting that 75% of the business transacted at those meetings dealt with highways, infrastructure, and parking matters. The main GBC function dealt with by the Joint Committee has been Air Quality (approximately 17% of all business transacted).

### **3. Withdrawal of functions by SCC**

- 3.1 The Council will be aware that SCC's Cabinet decided in February 2022 to transfer all executive highway functions (including on-street parking) from the Guildford Joint Committee, and other Joint Committees and Local Committees in Surrey, to County Officers, in consultation with relevant Divisional Members. These changes took effect from 1 April 2022 and sit alongside the development of new engagement methods and tools to enable members and officers to reach out more effectively to residents.
- 3.2 At its Annual Meeting on 24 May 2022, SCC noted a number of consequential changes to the Guildford Joint Committee Constitution to omit from its terms of reference all executive highway functions (including on-street parking) and agreed that county councillors elected as chairmen or vice-chairmen of the Local and Joint Committees across the county shall hold those offices only until 31 October 2022.
- 3.3 On 27 September 2022, the Leader of SCC made a decision to remove the remaining executive functions and advisory functions from all the Local Committees and Joint Committees in the county with effect from 11 October 2022.
- 3.4 At the SCC meeting on 11 October 2022, formal approval was given to cease all the Local Committees with effect from 31 October 2022, to serve notice of SCC's intention to withdraw from all of the Joint Committees (the notice to expire on or before 30 April 2023), and to transfer their non-executive functions relating to Public Rights of Way from all the Local and Joint Committees back to the County's own local governance arrangements. That notice has been received.

3.5 This report asks the Council to consider its position in light of these changes.

#### **4. Comments from GBC Officers in response to the initial withdrawal of parking and highways executive functions**

##### Head of Operational and Technical Services (now Executive Head of Environmental Services)

4.1 The changes to decision making in relation to on-street parking matters affects significant parts of Guildford. Primarily this is in relation to the Controlled Parking Zone (CPZ) but also changes the decision-making process for traffic regulation orders (mainly yellow line restrictions) across the whole of the Borough. Under the new approach, there is now no longer any formal decision-making role for Borough councillors in these matters and decisions on the location and nature of the controls are now to be undertaken under delegation by SCC officers with primary input from SCC divisional councillors, although there is an intention and expectation for borough ward councillors to be part of the consultation process for future reviews that are undertaken in their respective wards.

4.2 We are currently mid-way through an existing review which has progressed under the old system, so the new approach has not been used yet. The finer details of the new process are being fine-tuned before being brought into use for the next on-street review. Reviews of on-street controls and associated activity, such as Park & Ride were a significant part of the work of the Joint Committee.

##### Head of Environment and Regulatory Services

4.3 In relation to Air Quality, the Joint Committee has approved an overarching Air Quality Policy/Strategy and individual Air Quality Management/Action Plans relating to parts of the borough. This has been really helpful over recent years as so many of the air quality decisions were connected to roads and transport matters in which SCC have been directly involved. Whilst the air quality legal duties are all with Districts and Boroughs, any dissolution of the Joint Committee would necessitate agreement with SCC of a formal decision-making route on future air quality measures in the borough.

#### **5. Possible response from GBC**

5.1 The effect of the decisions taken by SCC means that the Guildford Joint Committee now has no SCC functions delegated to it, and its remit only comprises the very limited number of GBC executive and non-executive functions. On or before 30 April 2023, the Guildford Joint Committee will cease to exist, although it is arguable that the Joint Committee cannot now be considered to be a "joint committee" where one of the two parties has withdrawn all of its functions. After 31 October 2022, the Guildford Joint Committee would no longer have a chairman (which is currently Councillor Fiona White in her capacity as a

county councillor), and if it were to continue until 30 April 2023, this Council would have to manage the Joint Committee.

- 5.2 In light of the decisions taken by SCC outlined above, the Executive is asked whether it wishes to transfer the existing executive and advisory functions currently within the remit of the Joint Committee back to this Council. If that is the case, full Council will be asked on 6 December 2022, whether it wishes to transfer our existing non-executive functions relating to public rights of way back to this Council. If the Executive and Council agree to this action, then the Joint Committee will effectively be dissolved as of 6 December (rather than next April) as it would have no functions delegated to it.

## **6. Possible Alternative Arrangements moving forward**

- 6.1 On the assumption that councillors would wish, in the event of the dissolution of the Guildford Joint Committee, to proactively seek to replace it with an alternative collaborative decision-making body with a wider public service remit, the Joint Chief Executive will explore options with the County Council to achieve this.
- 6.2 It is envisaged that possible priority areas for better collaborative working, including measurable objectives, could focus on:
- climate change and air quality
  - interventions for the economically vulnerable,
  - improving employability
  - reducing health inequality
- 6.3 It is also understood that the Leader of the County Council wishes to discuss with boroughs and districts the concept of local partnership boards, involving other key partners/agencies, within each borough/district.

## **7. Legal implications**

- 7.1 Under arrangements for any joint committee between two local authorities, it is implicit that any executive or non-executive functions delegated to a joint committee by one authority can be unilaterally withdrawn by that authority. SCC has exercised its right to withdraw all of its functions from all Joint Committees and Local Committees in the county and has agreed to give six months' notice under the terms of the Joint Committee's Constitution of its wish to withdraw from the Joint Committee.
- 7.2 If the Executive and full Council agree to withdraw GBC's executive and non-executive functions, the Joint Committee will effectively be dissolved at that point, without the need to wait for the expiry of the six months' notice referred to above.

## **8. Financial implications**

- 8.1 It is not anticipated that continuing with a Joint Committee or withdrawal from it will have any significant financial implications for the Council. If the operation of the Joint Committee was terminated, there would be a small saving on a special responsibility allowance in respect of the Vice-Chairman of the Joint Committee (as set out in the current scheme of allowances for councillors).

## **9. Human Resource implications**

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

## **10. Summary of Options**

### **10.1 Option 1:**

Subject to the agreement of both the Executive and full Council, the Council could decide not to withdraw GBC functions and to continue with the Joint Committee arrangement with SCC until the expiry of the six months' notice given by SCC (not beyond 30 April 2023).

### **Option 2:**

Again, subject to the agreement of both the Executive and full Council, the Council could decide to withdraw all GBC functions from the Joint Committee, which would have the effect of immediately dissolving the Joint Committee.

## **11. Conclusion**

- 11.1 SCC has decided to withdraw all of its functions from the Guildford Joint Committee, and has decided to give notice of its intention to withdraw fully from the Joint Committee by the end of the current municipal year. It is now for this Council to determine how it wishes to proceed.

## **12. Background Papers**

None

## **13. Appendices**

None