

# **Guildford & Waverley Borough Councils**

**Report to:** Joint Constitutions Review Group

**Date:** 29 May 2024

**Ward(s) affected:** All

**Report of Director:** Legal & Democratic Services

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**Report Status:** Open

## **Proposed Minor Amendments to Officer Employment Procedure Rules and Terms of Reference of the Joint Governance Committee and Joint Senior Staff Committee**

### **1. Executive Summary**

- 1.1 As part of the current work programme to update the constitutions of both Guildford Borough Council (GBC) and Waverley Borough Council (WBC), a review of Officer Employment Procedure Rules (OEPRs) was undertaken as a matter of priority at the end of last year, which resulted in new OEPRs being adopted by both Councils in January 2024.
- 1.2 On 1 March 2024, the Joint Chief Executive announced some minor alterations to the Joint Management Team, which brought the Monitoring Officer and the Section 151 Officer onto the Corporate Management Board as Joint Strategic Directors, reporting directly to the Joint Chief Executive. In addition, on 25 April 2024 the Joint Chief

Executive made a formal decision to amend the job titles of our Executive Heads of Service to “Assistant Directors”.

- 1.3 On 18 April 2024, Guildford’s Executive approved a budget for the creation of a new role of Head of Business Improvement, which whilst reporting directly to the Joint Chief Executive, was on a seniority level below that of Assistant Director. However, because the new role reports directly to the Joint Chief Executive it technically became a “Non-Statutory Chief Officer” post to which the OEPRs apply. The inclusion of this post into Guildford’s establishment will require specific reference in the OEPRs.
- 1.4 It is therefore necessary to amend the OEPRs to reflect the above minor changes. However, where it is necessary to update the Constitution to correct errors, or to reflect changes in legislation, or make amendments consequential upon changes to operational arrangements, the Monitoring Officer is authorised to make the necessary changes without report, subject to consultation with the lead councillor with responsibility for governance. However, notwithstanding this, it was still felt appropriate to report this to the JCRG. The proposed minor changes to the OEPRs are set out in **Appendix 1** to this report.
- 1.5 Alongside the review of OEPRs the JCRG also considered proposals to expand the terms of reference of the former Joint Appointments Committee to create a new Joint Senior Staff Committee and at the same time it was decided to update the terms of reference of the Joint Governance Committee. Those proposals were subsequently adopted by both councils and included in both councils’ Constitutions.
- 1.6 It has since come to light, however, the reference in both joint committees’ terms of reference to their respective memberships require a minor amendment to reflect the need for the Leader of Waverley’s principal opposition group to be a member of both joint committees, subject to political balance requirements. The suggested wording to be added to the terms of reference of both joint committees in respect of membership is set out in **red** below:

Joint Governance Committee:

2. MEMBERS: 12

“(a) The Joint Governance Committee shall comprise the respective Leader of each council, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council (one of whom, subject to political balance rules, shall be the Leader of Waverley’s principal Opposition Group).”

Joint Senior Staff Committee:

“1.0 MEMBERSHIP

The Joint Senior Staff Committee shall comprise 6 Councillors, being the respective Leader of each Council plus two Councillors appointed by Guildford Borough Council (one of whom shall be the Leader of the principal Opposition Group) and two Councillors appointed by Waverley Borough Council (one of whom, subject to political balance rules, shall be the Leader of Waverley’s principal Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.”

1.7 As mentioned in paragraph 1.4 above, the Monitoring Officer is authorised to make amendments to the Constitution, without report, to correct errors. The omission from the two joint committees’ terms of reference was clearly an error. Again, however, it was felt that we should be drawing this to the attention of the JCRG for information.

**2. Recommendation to JCRG**

2.1 That the JCRG notes the Monitoring Officer’s intention to make minor amendments to:

(a) Officer Employment Procedure Rules, as set out in **Appendix 1** to this report, and

- (b) the terms of reference of the Joint Governance Committee and the Joint Senior Staff Committee, as set out in paragraph 1.6 above.

**3. Reason for Recommendation:**

- 3.1 To ensure that Officer Employment Procedure Rules reflect the most recent updates to the senior staffing structure.
- 3.2 To ensure harmonisation of the wording of the terms of reference of the two joint committees to reflect the need for the Leader of Waverley's principal opposition group to be a member of both joint committees, subject to the political balance rules.

**4. Appendices**

Appendix 1: Draft Officer Employment Procedure Rules showing minor amendments to reflect recent updates in the senior staffing structure