

Guildford Borough Council

Report to: Council

Date: 10 October 2023

Ward(s) affected: All

Report of Director: Transformation and Governance

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Report Status: Open

Amendments to the Guildford Borough Council and Waverley Borough Council Joint Governance Committee's Terms of Reference

1. Executive Summary

- 1.1 The Joint Governance Committee was created in April 2022 and its Terms of Reference (TOR) can be found in Part 3 of the Council's Constitution.
- 1.2 At the request of the new Joint Executive Head of Legal & Democratic Services, the TOR for the Joint Governance Committee were reviewed to ensure they remained, relevant, fit for purpose and included any collaboration arrangement updates.

- 1.3 At its meeting to be held on 9 October 2023, the Joint Governance Committee will be asked to consider amendments to the Committee's TOR to confirm the frequency of meetings and the annual review of the IAA. The Joint Governance Committee will also consider amending its TOR to reflect the impending Temporary Shared Staffing Inter-Authority Agreement, which will fall under the remit of the Joint Governance Committee and be subject to annual review in line with the JMT IAA.
- 1.4 The Joint Governance Committee's recommendations in this regard will be referred to the full Council meetings of both Guildford and Waverley for adoption.

2. Recommendations to Council

- 2.1 That the Joint Governance Committee's Terms of Reference be amended as follows:
 - (a) The frequency of meetings to be biannually.
 - (b) The periodic formal review to be "at least annually".
 - (c) The inclusion of the Temporary Shared Staffing Inter-Authority Agreement within its remit and to review periodically that Agreement at least annually in line with the JMT IAA.
- 2.2 That the Executive Head of Legal and Democratic Services be authorised to amend the Council's Constitution accordingly.

3. Reason for Recommendation:

- 3.1 To ensure Guildford Borough Council and Waverley Borough Council continues to adopt and exercise strong governance arrangements for inter-authority working.

4. Exemption from publication

4.1 No part of this report is exempt from publication.

5. Purpose of Report

5.1 This report asks the Council to approve amendments to the Joint Governance Committee's TOR as outlined in the recommendations in paragraph 2.1 of this report (and set out in full in **Appendix 1**).

6. Strategic Priorities

6.1 The work of Joint Governance Committee assists in the delivery of the Council's Corporate Plan priorities.

7. Background

7.1 The Joint Governance Committee was created in April 2022 and its TOR can be found in Part 3 of the Council's Constitution.

7.2 The TOR currently state (in paragraph 7) that the Joint Governance Committee's frequency of meeting should be as and when required. The Joint Executive Head of Legal & Democratic Services has suggested that the frequency of the meeting should be a formal arrangement and the meetings should take place biannually, in line with the Committee's responsibilities to review inter-authority working arrangements and risk assessments.

7.3 Paragraph 9 of the TOR (Role and Function) currently include:

'(i) To undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement, ensuring it continues to be fit for purpose and recommending to both Full Councils any changes required.'

7.4 The Joint Executive Head of Legal & Democratic Services has suggested that the wording be amended to state the following:

- ‘(i) To undertake periodically a formal review (at least annually) of the all the inter-authority agreements:
- Joint Management Team
 - Temporary Shared Staffing
- ensuring that they continue to be fit for purpose and recommending to both Full Councils any changes required.’

7.5 At the meeting of the Executive on 20 July 2023, the Executive unanimously approved:

- i. The principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme.
- ii. Delegated authority to the Joint Chief Executive, to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme.
- iii. Delegated authority to the Joint Executive Head of Legal and Democratic Services to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

8. Equality and Diversity Implications

8.1 The Joint Governance Committee will be responsible for having due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning governance arrangements.

9. Financial Implications

9.1 There are no financial implications arising from this report. Any proposals, projects, or suggestions from the Joint Governance Committee with financial implications will either be contained within

approved budgets or considered as part of the Service and Financial Planning cycle.

10. Legal Implications

10.1 Section 101(5) Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly. The Joint Governance Committee is established by both Guildford Borough Council and Waverley Borough Council jointly to discharge their functions in accordance with the Committee's TOR.

11. Human Resource Implications

11.1 There are no direct human resource implications arising from this report.

12. Background Papers

Guildford Borough Council Constitution

20 July 2023: Report to Executive on Temporary Shared Staffing

13. Appendices

Appendix 1: Draft Amended Terms of Reference of the Guildford and Waverley Joint Governance Committee