

SURREY COUNTY COUNCIL**CABINET****DATE: 25 FEBRUARY 2014****REPORT OF: MRS HELYN CLACK, CABINET MEMBER FOR COMMUNITY SERVICES****LEAD OFFICER: YVONNE REES, STRATEGIC DIRECTOR FOR CUSTOMERS AND COMMUNITIES****SUBJECT: FORMATION OF WOKING JOINT COMMITTEE****SUMMARY OF ISSUE:**

It is proposed to create a Joint Committee of Surrey County Council (SCC) and Woking Borough Council (WBC) which will be the first of its kind to be established in Surrey. The objectives of the Joint Committee will be to improve outcomes and value for money for residents and businesses in Woking by strengthening local democracy and improving partnership working through joint decision making. SCC Cabinet (and Full Council) approval is sought to establish the Joint Committee, to agree to delegate recommended functions to the committee and to agree the Constitution and Standing Orders under which the committee will operate. WBC will be seeking approvals from its own Executive and Full Council through February 2014.

RECOMMENDATIONS:

It is recommended:

1. To agree and recommend that the Council agrees to establish Woking Joint Committee to deal with both executive and non-executive functions from 1 June 2014 in place of the current Local Committee in Woking which will cease to function from that date.
2. To agree (as set out in Annex A):
 - to delegate the current Local Committee executive functions to the Woking Joint Committee
 - to delegate the Surrey County Council element of the new joint SCC/WBC executive functions to the Joint Committee
 - to recommend to Council to delegate the current non-executive functions delegated to the Local Committee to the Woking Joint Committee
 - to agree the advisory functions that will come under the remit of the Woking Joint Committee.
3. To note the functions that Woking Borough Council have delegated to the Woking Joint Committee as set out in Annex A.
4. To agree the Woking Joint Committee Constitution, including the Standing Orders under which it will operate, as set out in Annex A, and delegate authority to the Head of Legal and Democratic Services to agree to any minor amendments to the Constitution which may be required
5. To recommend that Council agrees to the relevant changes to the County Council's Constitution to enable the Joint Committee to be established and become operational, as set out in Annex B.

REASON FOR RECOMMENDATIONS:

Cabinet and Full Council agreement is required to establish a Woking Joint Committee in place of the current Local Committee arrangements; to delegate recommended executive functions to the newly formed Woking Joint Committee; and to agree the new Constitution and Standing Orders under which the newly formed committee will operate.

The new Joint Committee will simplify and speed-up local decision making processes, enabling for the first time, all functions and budgets delegated to it by both authorities to be jointly decided upon.

DETAILS:

Business Case

1. The Community Partnership Public Value Review (PVR) presented to Cabinet in November 2012 took its direction from David Hodge, Leader of Surrey County Councils aim “to improve outcomes for residents by strengthening local democracy and placing much greater emphasis on partnership working.”
2. One of the PVR recommendations, agreed by Cabinet and Full Council on 26 February and 19 March 2013 respectively, was to ‘review the governance model of the Local Committees and the practice of substitutes to make voting on Local Committees equal.’ As part of this recommendation, there was an opportunity for Local Committees to consider the option of becoming a Joint Committee, permitting equal voting rights on all issues for all Councillors on the committee, including decisions on functions delegated to it by borough/district councils.
3. Woking Local Committee have reviewed their current arrangements and wish to create a Joint Committee of Surrey County Council and Woking Borough Council which will be the first of its kind to be established in Surrey. Through the expanded remit, the Joint Committee will further help deliver the aims of the PVR to:
 - i. Increase the involvement of residents, local communities, businesses and partners
 - ii. Improve decision making and speed-up processes
 - iii. Support Members in their role as community leaders and champions
 - iv. Promote greater accountability and local scrutiny.
4. The Joint Committee will aim to reduce duplication in governance arrangements within the two authorities, to simplify and speed up local decision making, and will provide a platform on which future joint arrangements can be co-ordinated. It will provide an innovative two tier response to new central government policy initiatives and a template for other parts of Surrey to consider.
5. The development of the Joint Committee builds on the strong track record of joint and collaborative working to date between both authorities in a number of areas of corporate activity planning and service delivery. Since May 2010 the County Council has invited the Borough Council to nominate a Vice Chairman of the Local Committee, and to date this post has been undertaken by Cllr John Kingsbury, the Leader of Woking Borough Council. In July 2012 Cabinet agreed to establish a Strategic Partnership Board with Woking Borough Council to formalise strategic collaborations and to improve outcomes, which again demonstrates the commitment to partnership working between the two authorities.
6. The Joint Committee will operate under its own Constitution and Standing Orders (as set out in Annex A), but the formation of the Joint Committee will require some changes to the current Constitution of the County Council, for which full Council

approval is required.

Establishment of Woking Joint Committee

RECOMMENDATION 1: To agree and recommend that the Council agrees to establish Woking Joint Committee to deal with both executive and non-executive functions from 1 June 2014 in place of the current Local Committee in Woking which will cease to function from that date.

7. The Woking Joint Committee will be a Joint Committee of both Surrey County Council and Woking Borough Council, set up under the provisions of Section 102 of the Local Government Act 1972. As such it allows functions from both authorities to be delegated to it and affords full voting rights to all members. The Joint Committee will also be able to oversee projects jointly funded by both authorities. This is an advantage over the current Local Committee, which is a Surrey County Council constituted committee, and as such, can only make decisions on SCC delegated functions, and some of these functions can only be voted on by County Councillors. This is because under legislation district and borough councillors are co-optees of the Local Committee and are therefore unable to vote e.g. on education and youth matters. This can restrict the ambition to increase our partnership working.
8. The Joint Committee will operate under its own standing orders, although it will be bound by approved policies, budgets and financial regulations of the council delegating the functions. Although decision making in relation to delegated matters will be dealt with by the joint committee, the day-to-day operational arrangements relating to those functions will be continue to be managed within the respective authority responsible for the function. The County Council's Constitution makes reference to Joint Arrangements under Article 10.

Membership and attendance of Members at Meetings

9. The Joint Committee will be made up of all county councillors with an electoral division in Woking, one Surrey County Cabinet Member (who may also be a county councillor with an electoral division in Woking) and an equivalent number of borough councillors, who should be politically proportionate to the borough council. At least one borough councillor must be a member of that council's Executive. No substitutes will be permitted for the members of the Joint Committee. It is recommended that Members would be appointed to the committee by the respective authorities at the first Council business meeting at the start of each municipal year.
10. The wider public engagement remit that was agreed for Local Committees in March 2013 has been further strengthened for the Joint Committee, to enable, with the Chairman's consent, the relevant portfolio holder from either authority to speak on a matter being considered by the committee.
11. The Councils may at some point in the future decide to co-opt representatives from the voluntary sector, public agencies or businesses in Woking onto the Joint Committee. These representatives would be able to take part in discussion on agenda items, but would not be able to vote on any item for decision. It is recommended that no additional representatives are co-opted onto the Joint Committee at this stage.
12. The Joint Committee may appoint Sub-Committees with power to act to discharge any of its functions, as agreed by the Joint Committee. Additional representatives may be co-opted onto a Sub-Committee, which may be considered appropriate if, for example, the Sub-Committee is responsible for Health and Wellbeing or the Community Safety Partnership. The Joint Committee may also appoint Task Groups, which cannot make decisions, but may consider specific matters and report

back to a future meeting of the committee. The terms of reference for any Sub-Committees or Task Groups will be agreed by the Joint Committee, usually at the first meeting of each municipal year.

Chairmanship

13. The Chairman of the Joint Committee will be a County Councillor, and the Vice Chairman will be a member of the borough council's Executive. The Chairman and Vice Chairman will be elected at the first Council business meeting of the County Council/ Borough Council each municipal year.

Management of the Committee

14. The County Council's Community Partnership Team (based at Woking Borough Council) will service the Joint Committee in the same way as it currently services the Local Committee. Due to the increased remit of the committee, it is envisaged that there may be an increase in frequency of formal meetings of the Joint Committee compared to the current Local Committee, up to a maximum of eight per year. The venue for holding meetings, and associated costs, will normally be provided by Woking Borough Council.
15. Formal meetings of the Committee will be held in public, enabling local people to have their say and contribute directly to the decision making process and, as is the current practice of the Woking Local Committee, will be webcast. In addition to the formal meetings, as is the current practice with the Local Committee, private meetings will continue to be held.
16. The Joint Committee will determine priorities for collaborative work. The respective Councils and the Committee will keep under review those functions delegated to it, or that could be delegated to it, and it is proposed that the work and function of the Joint Committee will be reviewed after 18 months.

Funding

17. With regards to budget setting and planning, the County Council and Woking Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated decisions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.

Withdrawal from the Joint Committee

18. At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist the functions delegated to it would each revert back to the relevant delegating authority.

Functions Delegated to Woking Joint Committee

RECOMMENDATION 2: To agree (as set out in Annex A):

- to delegate the current Local Committee executive functions to the Woking Joint Committee
- to delegate the Surrey County Council element of the new joint SCC/WBC executive functions to the Joint Committee
- to recommend to Council to delegate the current non-executive functions delegated to the Local Committee to the Woking Joint Committee
- to agree the advisory functions that will come under the remit of the Woking Joint Committee.

RECOMMENDATION 3: To note the functions that Woking Borough Council have proposed to delegate to the Woking Joint Committee as set out in Annex A. (subject to final agreement at Woking Full Council on the evening of 13 February)

Functions Delegated by Surrey County Council

19. It is recommended that the functions currently delegated to the Local Committee in Woking by the County Council are delegated to the Woking Joint Committee. In discharging these delegated powers, the Woking Joint Committee will have to have due regard at all times to the approved policies, budgets and financial regulations of the County Council. The executive and non-executive functions which are recommended to be delegated to the Joint Committee are set out on pages 3-5 of Annex A. These functions are currently delegated to the Local Committee as agreed at Council on 19 March 2013.
20. As with the current Local Committee, it is recommended that the Joint Committee has an advisory role in service monitoring and looking at issues of local concern. These are set out in bullet points on pages 5 and 6 of Annex A.
21. The Woking Joint Committee will formally adopt the advisory function that the Leader outlined in relation to supporting local schools in the Joint Committee Constitution, as set out on page 5 of Annex A, and below:
 - i. Support Surrey Schools, strengthening links with Headteachers and Governing Bodies to promote the outcomes of increased investment for safer, better schools focussed on raising the standards of education for all children.

Functions Jointly Delegated by Surrey County Council and Woking Borough Council

22. The adoption of a joint committee enables joint decision making and consideration of joint advisory functions as well as budgets delegated to it by both authorities. It can extend the current Local Committee remit to encompass additional joint functions. The recommended extended joint functions are highlighted below and set out in Annex A:

Executive Functions:

- 1) In relation to services for young people, with the aim of achieving an integrated approach from Surrey County Council and Woking Borough Council: (*SCC/WBC*)
 - a) To agree joint priorities for commissioning by the County Council and the Borough Council in Woking for the provision of:
 - i) Youth work and
 - ii) Other preventative work with young people who are at risk of becoming not in education, training or employment (NEET).
 - b) To apportion delegated funding for young people, specifically the distribution between Local Prevention Framework Grants and Individual Prevention Grants categories of funding, in accordance with the allocated

budget and small grants (youth) as allocated by the Borough Council.

- c) Approve the award of the Local Prevention Framework for the provision of local prevention services for Woking Borough in accordance with the allocated budget and to qualified providers. This power to be exercised by the County Council Portfolio Holder in the event that the Joint Committee is unable to award grant(s) (due to the presence of conflicts of interest which result in the body being inquorate).
 - d) Approve the award of youth service related commission(s) as delegated to the Joint Committee by Woking Borough Council.
 - e) Oversee and determine priorities for the Full Participation Programme and make appropriate linkages into the work of the Services for Young People and Woking Borough Council.
- 2) Oversee and influence priorities for the Family Support Programme in Woking and monitor its performance. (SCC/WBC)
 - 3) Determine priorities for collaborative work undertaken within the committee's area by the Councils and other partners. (SCC/WBC)

Service Monitoring, Scrutiny and Issues of Local Concern – Advisory Functions:

- 1) Be advised of the Joint Youth Estates Strategy for Woking Borough (SCC/WBC)
- 2) To provide political oversight and advice on the Community Safety functions of the Borough. (SCC/WBC)
- 3) To act as the local Health and Wellbeing Board for Woking and oversee and set priorities for general health and wellbeing matters within the framework of Surrey's Joint Health and Wellbeing Strategy. (SCC/WBC)
- 4) Be consulted on any issues referred to it by either Council and produce responses as appropriate. (SCC/WBC)

Functions Delegated by Woking Borough Council

23. The Borough Council proposes that the joint functions identified in paragraph 22 above, many of which are funded by the Borough Council, should come under the remit of the Joint Committee. In addition the following functions have been delegated to the Joint Committee by Woking Borough Council:
 - i) Oversee and determine priorities for the Woking Town Centre Management Agreement.
 - ii) Consider how Community Infrastructure Levy (CIL) receipts will be expended in Woking, taking into account the approved Infrastructure Capacity Study and Delivery Plan (IDP) for Woking.
 - iii) Oversee and determine priorities for the Borough based community strategy and related local plans within Woking.
 - iv) Oversee and determine priorities for the implementation of the Infrastructure Capacity Study and Delivery Plan (IDP).

Woking Joint Committee Constitution

RECOMMENDATION 4: To agree the Woking Joint Committee Constitution, including the Standing Orders under which it will operate, as set out in Annex A, and delegate authority to the Head of Legal and Democratic Services to agree to any minor amendments to the Constitution which may be required.

24. The Woking Joint Committee will operate under its own Constitution and Standing Orders, which need to be agreed by both Surrey County Council and Woking Borough Council. The Constitution sets out the context and purpose of the Joint Committee, the functions and powers of the Joint Committee, and the Standing Orders under which it will operate. The Constitution is set out in full in Annex A.
25. The context, purpose and functions of the Joint Committee have been outlined in the above sections of the report. The Standing Orders are based on the updated County Council Standing Orders which were agreed by Council on 19 March 2013. They have been checked against Woking Borough Council's Constitution, and Legal and Democratic Services from both authorities have approved them.

Changes to the County Council's Constitution

RECOMMENDATION 5: To recommend that the Council agrees to the relevant changes to the County Council's Constitution to enable the Joint Committee to be established and become operational, as set out in Annex B.

26. The formation of the Joint Committee will require some changes to the current Constitution of the County Council, for which full Council approval is required. These are summarised below and set out in full in Annex B:
 - i. Under Article 9 paragraph 9.01, the definition of a Local Committee, including its form, composition and function has been amended to include reference to a Joint Committee, meaning that all references to 'local committee' within the Surrey County Council constitution will also include any formally constituted 'joint committees'.
 - ii. An amendment has been made under paragraph 9.02, which sets out the requirement for a cabinet member to be represented on the Joint Committee to enable it to discharge Surrey County Council Executive functions.
 - iii. A new scheme of delegation is required for the Woking Joint Committee. This sets out the membership of the Committee and reflects the functions delegated to it by both Surrey County Council and Woking Borough Council.
 - iv. A change to the officer scheme of delegation is required to enable an appropriate borough councillor on the Joint Committee to be consulted by relevant officers when determining objections to Traffic Regulation Orders.

CONSULTATION:

27. The Community Partnership PVR, which ran from January 2012 to November 2012, involved a range of stakeholders as set out in the Cabinet report taken on 26 February 2013.
28. The Local Committee have been fully involved in the development of the Woking Joint Committee through a number of their private meetings held over the last two years. At the most recent discussion on 13 December 2013 there was unanimous

support for the formation of a Joint Committee.

29. The Leader, portfolio holder for Communities and the Chairman of the Local Committee Chairmen have also been involved in the development of the Joint Committee.
30. Detailed discussions during the development of the Constitution of the Woking Joint Committee have been held with officers from Legal and Democratic Services from both Surrey County Council and Woking Borough Council. Officers from relevant SCC service functions have also been fully involved in the development.
31. The Communities Select Committee was consulted informally during January\February 2014.
32. The Corporate Leadership Team was consulted on the 20 January 2014.

RISK MANAGEMENT AND IMPLICATIONS:

33. There are no significant risk management implications arising from this report.
34. 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 Standing Orders, which will provide effective governance and oversight of the issues being considered.
35. The Joint Committee will enable the County Council and Woking Borough Council to make joint decisions. County Council and Borough Council services are not being merged and separate budgets for the functions will be maintained by each authority. The normal call in protocols apply.
36. At any time either Council may give 6 months' notice in writing to the other Council of its intention to withdraw from the Joint Committee. Once the Joint Committee ceases to exist the functions delegated to it would each revert back to the relevant delegating authority.

Financial and Value for Money Implications

37. There are no direct financial implications of establishing a Joint Committee in place of the current local committee arrangements, however, due to the increased remit of the committee, there may be an increase in administrative time required by the Community Partnerships Team in servicing the needs of the committee. This will be managed within existing staff resources. It is anticipated that this may be offset in part by improved partnership working between the two authorities and reduced duplication in governance arrangements, with this in turn leading to increased value for money.
38. The County Council and Woking Borough Council will agree each year the amount of funding available to the Joint Committee to carry out its delegated functions. All funds will be held and administered by the originating authorities and spent in accordance with their respective financial regulations and policies.

Section 151 Officer Commentary

39. The Section 151 Officer confirms that all material, financial and business issues and risks have been considered/addressed. The formation of a joint committee changes the process of decision making, but all expenditure will remain within and be
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administered by the originating authorities.

Legal Implications – Monitoring Officer

40. Sections 101(5) and 102 of the Local Government Act 1972 empowers local authorities to agree to discharge functions jointly, and to establish joint committees to enable these arrangements. Under the Local Authorities (Arrangements for Discharge of Functions) England Regulations 2012 the Cabinet is responsible for agreeing to the establishment of any joint arrangements in relation to any executive functions. Most of the County Council's functions that will be dealt with by the new Committee will be executive functions as outlined in the report. However, as there will also be some non-executive functions, the arrangements for the joint committee also need to be agreed by the full Council. The regulations require representation on the Committee of at least one cabinet member given that it will be dealing with executive functions.

Equalities and Diversity

41. An Equality Impact Assessment was completed covering the options for change regarding Local Committees as part of the November 2012 Cabinet Report on the Public Value Review of the Community Partnership Team. A summary of the key impacts and actions was provided at this time and has been reviewed.
42. By delivering against the recommendations of the original Cabinet Report, the formation of the Woking Joint Committee will effectively deliver some of the positive impacts identified through the Equality Impact Assessment, such as enabling better partnership working with improved shared outcomes for local residents and communities. There are no negative equalities implications identified.
43. Equalities issues, particularly in relation to any disabilities, will be given consideration in the arrangements for public participation the Woking Joint Committee to ensure that anyone with a protected characteristic is not disadvantaged.
44. There are no further impacts arising from this report.

Public Health implications

45. The inclusion of Health and Wellbeing onto the Woking Joint Committee responds to the request to setup local arrangements, which in turn both set local priorities and influence the local delivery according to need within the framework of the Surrey Health and Wellbeing Board. It is expected that this joint approach to local health needs will improve delivery of service and outcomes for residents.

WHAT HAPPENS NEXT

46. Following Cabinet agreement (and endorsement where the decision is within the remit of the Council) of the recommendations, full Council approval will be sought for the establishment of Woking Joint Committee, agreement of the Woking Joint Committee Constitution and agreement to the proposed changes to the County Council's Constitution. Woking Borough Council, at its meeting on 6 February, has considered the proposals for the Woking Joint Committee and the relevant borough council delegations and will seek final approval at its Full Council meeting on the evening of 13 February 2014.

47. The Woking Joint Committee will be formally constituted from the 1 June 2014 with the first meeting due to be held on 25 June 2014.
 48. The Constitution of the Woking Joint Committee will be reviewed after 18 months, and any recommended changes reported back through appropriate processes at Surrey County Council and Woking Borough Council.
 49. Cabinet will receive a progress report back in due course.
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Contact Officer:

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Annexes:

- A. Woking Joint Committee Constitution
- B. Changes Required to Surrey County Council's Constitution

Sources/background papers:

- Implementation of the Public Value Review of Community Partnership – Constitutional Changes 26 February 2013
- The Public Value Review of Community Partnership 27 November 2012
- Community Partnerships Team Cabinet Report November 2012
- Public Value Reviews – Year Two Report, Cabinet 27 September 2011