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To: All Members of the Standards and
General Purposes Committee
(Other Members for Information)

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Dear Councillors

STANDARDS AND GENERAL PURPOSES COMMITTEE - 3 OCTOBER 2022

I refer to the agenda for the Standards and General Purposes Committee, on Monday, 3 October 2022 and now enclose the following item which was marked To Follow in your agenda papers:

6. REVIEW OF THE WAVERLEY CONSTITUTION (Pages 3 - 8)

Annexe 1 Schedule of proposed changes.

Yours sincerely

Louise Fleming
Democratic Services and Business Support Team Manager

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Annexe 1 - Schedule of proposed changes to the Constitution

Page no. in CURRENT Constitution	Reference (para or section) in REVISED Constitution	Proposed change	Reason
Throughout		Updated titles	To reflect ne Joint Management Team
Throughout		Gender neutral language eg Chair rather than Chairman, gender neutral pronouns	To reflect equality and inclusivity
Part 1 Summary and Explanation			
Pages 6-10		Repetition of information set out elsewhere has been reduced, with more signposting to detail set out in other Parts of the Constitution.	The Summary and Explanation provides a high-level explanation of how the council operates, and signposts to where more detail can be found for those who need it.
Page 6	Para 2	Now includes reference to Parts 3 – 7 of the Constitution; previously only refers to the Articles (Part 2)	Provides a more complete explanation of what is in the Constitution
Page 7	Para 3	Requirement to present minutes at Council in Part I and Part II format is removed.	This is administratively cumbersome and can be confusing for councillors. Recommendations for Council consideration will be presented as separate agenda items. Executive and Committee minutes will be presented for information.
Part 2 Articles			
Pages 15-16	Article 3.1(c)	Citizen Participation updated and expanded	Provides a more complete statement of ways in which citizens can participate in the work of the council.
Page 17	Article 4.1	Definition of Policy Framework updated	Reflects statutory requirements and removes references to outdated Waverley policies/strategies or those that are Executive functions.
Page 17	Article 4.1(c)	Updates for parts of the Housing Act being repealed	Reflects updated legal position.
Page 18	Article 4.2	Functions of Full Council signposts to Part 3, Responsibility for Functions	Avoids repetition of the list in two parts of the Constitution, with the risk of inconsistencies arising; keeps all Responsibilities for Functions together in Part 3.

Page no. in CURRENT Constitution	Reference (para or section) in REVISED Constitution	Proposed change	Reason
Page 19	Article 4.3	Types of Council meeting – Budget meeting added as a specific type of meeting	Suggested by Members – allows the February Council meeting to be dedicated to the business of the Budget/Council Tax.
Page 20	Article 5.2	Details the period of office of the Mayor and Deputy Mayor	Clarification
Page 21	Article 6	Terms of Reference of the Overview and Scrutiny Committees moved to Part 3.	Keeps all Responsibilities for Functions together in Part 3.
Page 24	Article 7	Expands on the roles of the Leader, Deputy Leader and Executive	Clarification of roles, not set out elsewhere in the Constitution.
Page 26	Article 8	Now lists the Regulatory and Other committees, but Audit Committee Terms of Reference moved to Part 3.	Keeps all Responsibilities for Functions together in Part 3.
Page 29		Standards and GP Committee Terms of Reference moved to Part 3. Article numbers going forward amended accordingly	Keeps all Responsibilities for Functions together in Part 3.
Page 33	Article 9	Area Committees, previously Article 10	Renumbering
Page 34	Article 10	Joint Arrangements, previously Article 11. Text updated to set out powers in relation to Joint Arrangements. Details of current joint arrangements, including the Terms of Reference of the two joint committees with Guildford, moved to Part 3.	Keeps all Responsibilities for Functions together in Part 3.
Page 40	Article 11	Officers, previously Article 12. Amended to reflect Joint Management Team. Will be updated to mirror equivalent Article in Guildford's Constitution	Provisions relating to Joint Management Team need to be the same as in Guildford's Constitution.

Page no. in CURRENT Constitution	Reference (para or section) in REVISED Constitution	Proposed change	Reason
Page 44	Article 12	Decision making, previously Article 12. Now includes at 12.5 requirement for mandatory training for members taking certain types of decisions.	It is important that members who are taking decisions undertake appropriate training before they do so.
Page 46	Article 13	Finance, contracts and legal matters, previously Article 14	Re-numbering
Page 47	Article 14	Review and revision of Constitution, previously Article 15. 14.2 clarifies how changes to the Constitution are made.	Monitoring Officer has delegated authority to make minor or editorial changes arising from changes in legislation or operational arrangements (eg management re-structure); The Leader may make changes with respect to the discharge of executive functions.
Page 48	Article 15	Suspension, Interpretation, and publication of the Constitution, previously Article 16	Re-numbering
Part 3 Responsibility for Functions			
Page 50	Para 2	Revised para 2 setting out the different types of functions, including the list of Council functions, Local Choice functions, and functions delegated to committees.	Part 3 is substantially revised to include all responsibilities for functions. Functions reserved to Council (Table 1) have been updated.
	Para 4	Sets out Joint Arrangements that exist	Clarification – not clearly set out in current constitution.
	Appendix 1	Committee Terms of Reference – brings together the TOR of all committees in one section, and in common format. TOR now make clear what training is mandatory for committee members.	For ease of navigation and accessibility.
	Appendix 1.1	Audit Committee TOR (previously Article 8) – further to discussions with	Updates Audit Committee TOR in line with discussions held previously with the committee members.

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		the Audit Committee, functions and responsibilities have been updated to reflect CIPFA model TOR.	
	Appendix 1.2	Standards and General Purposes Committee TOR (previously Article 9) – General Purposes expanded to include delegation of council functions previously in the remit of the Executive, including elections functions, staffing matters, member development.	Expands the role of S&GP committee and gives cross party oversight of miscellaneous council functions.
Page 62	Appendix 1.8	Leader/Executive functions and responsibilities – includes current portfolios; defines Executive functions as those which are not Council functions, rather than trying to define them all; includes delegation to co-PFHs for Housing (reported to Council 26 April 2022)	Provides clarity on functions of the Executive and mirrors the way in which it is described in legislation.
	Appendix 2	Joint Committee TOR – previously in Article 11.	Moves all committee TOR to Part 3.
	Appendix 3	List of Proper Officers – new addition	For clarification, previously omitted.
Page 71	Appendix 4	Scheme of Delegation to Officers	No change to delegations; titles of officers have been updated to reflect new Joint Management Team structure.
Part 4 Procedure Rules			
Page 107	New Para 2.4	Defines Budget/Council Tax meeting of Council as a separate type	To streamline the Budget/Council Tax meeting to the essential business.
Page 109	Para 7.2	Sets out the powers of the Mayor/Chair	Clarification of role
Page 110	Para 10	Detail of questions from the public and petitions moved to Public Speaking PRs	Public Speaking PRs includes public speaking arrangements for Planning Committees.

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Page 113	Para 12.1(b)	Requires Motions on Notice to be endorsed by three councillors (with exceptions for those proposed by Independent councillors or Groups with only two members)	Ensures that Motions of Notice will be seconded and reflect a real issue for debate.
Page 124	New Para 25	Remote attendance at meetings	Reflects that we now have hybrid meetings with members of the public and some councillors attending remotely. Clarifies that for councillors remote attendance does not count in relation to the six month rule.
	New para 26	Application of PRs to meetings of the Executive and Committees	Clarification.
Page 127	Waverley Petition Scheme	Moved to Part 4.7.1 following Public Speaking PRs	Moves arrangements for public participation in meetings to one place.
	New Part 4.1.1	Planning Committee PRs describe typical running order for Planning Committee meetings.	For information.
	New Part 4.1.2	Licensing Hearing PRs describe typical running order for a Licensing hearing.	For information.
Page 131	Now Part 4.4	Procedure Rules re-ordered	PRs now in order – Council, Executive, O&S, Access to Information, Budget & Policy Framework PRs; Officer Employment PRs; Public speaking PRs
Page 143	Part 4.2	Executive PRs – text streamlined, Principles of Decision-making (repeated from Articles) removed, paras 4.3 and 4.4 added.	PRs streamlined to better reflect how things operate in practice, including individual PFH decision-making.
Page 153	Part 4.3	Overview and Scrutiny PRs – text streamlined to avoid duplication with TOR in Part 3	No substantive changes to procedures

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Page 131	Part 4.4	Access to Information PRs updated to reflect all requirements (eg addition of Para 16)	Revised to reflect regulatory requirements.
	New Part 4.5	Budget and Policy Framework PRs – process for developing the budget and policy framework reflects normal practice of involvement of O&S committees, often at an early stage and then at pre-decision stage. There is a requirement to have a process for conflict resolution that includes mandatory features as set out in regulations.	Inclusion of Budget and Policy Framework PRs clarifies procedure for conflict resolution in development of budget and policies for Council approval.
	New Part 4.6	Officer Employment PRs relates to the procedures for appointment of statutory and chief officers, and arrangements for taking disciplinary action; reflects regulations.	Provides clarification of arrangements under Joint Appointments Committee. Ensures compliance with Regulations. These draft PRs are being cross-checked with Guildford's equivalent to ensure consistency of approach for the JMT, and there may be further drafting changes before the Council meeting.
	New Part 4.7	Public Speaking PRs sets out arrangements for public questions at Council, Executive and Committees, including Planning Committees.	Provides clarity on arrangements, and differences between public questions and public speaking at Planning Committees.