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Part 1

Summary and explanation
1.0 The Council's Constitution

Waverley Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

1.1 The Constitution is divided into 16 articles that set out the basic rules governing the Council’s business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

2.0 What is in the Constitution?

Article 1 of the Constitution commits the Council to:

(a) providing efficient, transparent and accountable decision-making, whilst maximising the involvement of the community to ensure that the Council delivers excellent and effective services, maintained by a commitment to continuous improvement;

(b) providing clear, comprehensive and robust guidance on how the constitution works, to ensure that the Council’s procedures are effective and that it is clear how to challenge them; and

(c) clear criteria providing the opportunity for the review of governance arrangements should the Council wish to revise or reform its constitution in the future.

2.1 Article 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- The Executive (Article 7)
- Regulatory and Other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
3.0 How the Council operates

The Council is composed of 57 councillors (or members) elected every four years. Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole Waverley community, but they have a special duty to their constituents, including those who did not vote for them.

3.1 Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises members on the Code of Conduct.

3.2 All councillors meet together as the Council around six times a year. Meetings of the Full Council are usually open to the public but may consider certain items in exempt sessions. Here councillors decide the Council’s budget and policy framework and set the budget each year.

3.3 The role of Full Council, comprising all 57 members, is to:
- elect each year the Mayor and Deputy Mayor
- elect the Leader for a four year period
- approve each year the allocation of seats on Committees and Sub-Committees and substitute lists
- appoint each year the Council’s Regulatory Committees, Overview and Scrutiny Committees, Joint Committees, Standards Committee and Appeals Panel, etc.

3.4 The Council is empowered to hold to account the Executive and its Regulatory Committees by the receipt of regular reports and by receiving minutes, from meetings of the Executive and committees, presented in two parts, comprising:

(a) **Part I** - matters for decision by the Council, which are subject to debate and discussion concluding with a vote in accordance with the proper procedures on each matter containing a recommendation for decision. Matters for decision will include the policy framework and changes to it, Council Tax levels and budget setting, constitutional issues; rent levels, establishment matters etc.

(b) **Part II** - matters for the information of the Council, and subject to no debate. Members may, however, give proper notice of a question or a statement in relation to the matter provided that they do not introduce any new information (see Procedure Rule 14.14), to which the Chairman of the relevant committee may reply, without further debate.

3.5 The Council meeting also provides a forum for:
• formal questions from any member of the Council on a matter of local concern within the borough;
• the receipt of petitions from any member of the Council or Local Government elector for Waverley on a matter relating to an issue over which the Council has powers or duties, in accordance with the Council's Petition Scheme; and
• special debates of councillors, to address matters in a less formal manner, but comprising all members of the Council.

4.0 How decisions are made

• The largest political group, or a combination of groups, shall form the administration of the Council, known as the Executive.
• The largest political group not represented on the Executive shall be the Principal Opposition Group.
• The Executive is the part of the Council which is responsible for delegated decisions.
• The Executive is made up of the Leader and up to nine councillors appointed by the Leader (including the Deputy Leader), with the Executive’s responsibilities divided into areas of responsibility (portfolios), each member leading on a specific group of policy issues.
• When major decisions are to be discussed or made, these are published in the Executive's Forward Programme of Key Decisions in so far as they can be anticipated.
• If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open to councillors and the public to attend except where personal or confidential matters are being discussed.
• The Executive has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

5.0 Overview and Scrutiny Committees

The Council appoints four Overview and Scrutiny Committees each of 9 non-Executive Members. The role of the Committees will be to:

• review and scrutinise decisions made by, and the performance of, the Executive, Committees or Council officers
• review and scrutinise the performance of the Council in relation to its performance objectives, performance targets, or particular service areas
• review and scrutinise the performance of other public bodies
• make recommendations to the Executive, Committees or Council arising from the above

Updated: July 2019
• assist the Council and Executive in the development of its budget and policy framework
• conduct research and other consultation on policy issues and possible options, including in-depth review.

5.1 The Overview and Scrutiny Committees will have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any 3 members or substitute members of the Committee. Details are set out in the Overview and Scrutiny Procedure Rules.

5.2 The Overview and Scrutiny Committees will be able to make an annual report or recommendations to the Executive or in exceptional circumstances where a decision by the Executive is outside the Council’s budget or policy framework, to the Council.

5.3 The Chairmen of the four Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members). The Vice-Chairman of each Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

6.0 The council’s staff

The Council has people working for it as a corporate body (called ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. There is a Member/Officer Protocol governing the relationship between officers and councillors, which is set out in Part 5.

7.0 Citizens’ rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council’s own processes.

7.1 Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

7.2 Citizens have the right to:
• vote at local elections if they are registered
• contact their local councillor about any matters of concern to them
• inspect the Constitution on our website or obtain a copy on payment of a reasonable fee
• attend meetings of the Council, its Executive, Committees and Sub-Committees, except where, for example, personal or confidential matters are being discussed
• petition to request a referendum on a mayoral form of Executive
• in accordance with the Waverley Petitions Scheme, petition the Council on matters of local concern and ask questions at Overview and Scrutiny and other Committees
• contribute, by invitation, to matters being considered by the Overview and Scrutiny Committees
• speak at Area and Joint Planning Committee meetings if the public speaking scheme applies to an application
• find out, from the Executive’s Forward Programme of Key Decisions, what major decisions are to be discussed by the Executive and when
• attend all formal meetings of the Executive where key decisions are being discussed or decided (except where personal or confidential matters are being discussed)
• see public reports and background papers, and any record of decisions made by the Council and the Executive
• complain to the Council in accordance with its Customer Charter about
  ▪ a failure to do something it should have done
  ▪ something done badly
  ▪ unfair treatment
  ▪ something it should not have done.
• after using the Council’s own complaints process, to complain to the Local Government and Social Care Ombudsman or the Local Government Housing Ombudsman if they think the Council has not followed its procedures properly
• complain to the Council’s Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council’s Code of Conduct
• inspect the Council’s accounts at the annual audit and make their views known to the external auditor.

7.3 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Chief Executive, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR. Telephone: (01483) 523238.

7.4 Article 3 of this Constitution contains a statement of the rights of citizens to inspect agenda and reports and attend meetings.
Part 2

Articles of the Constitution
Part 2 Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

The Council shall exercise all of its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and its Articles, comprises the Constitution of Waverley Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of Council decision-making;
- help councillors represent their constituents effectively;
- enable decisions to be taken efficiently and effectively;
- create an effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise an Executive decision in which they were directly involved;
- ensure that those responsible for decision-making are clearly identifiable and that they explain the reasons for decisions; and
- provide a means for the Council to improve its services continually.

1.4 Interpretation and review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.
Article 2 - Members of the Council

2.1 Composition and eligibility

(a) **Composition.** The Council will comprise 57 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) **Eligibility.** Only registered voters of Waverley Borough area or those living or working in the Borough will be eligible under the law to hold the office of councillor.

2.2 Election and terms of councillors

**Election of the Council every four years**

**Election and terms.** The regular election of councillors will normally be held on the first Thursday in May every four years beginning in 2015. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. By-elections will be held for vacancies as they arise.

2.3 Roles and functions of all councillors

(a) **Key roles**

In accordance with the Waverley Code of Conduct, the Member/Officer Protocol and the Members’ Planning Code of Good Practice, and maintaining the highest standards of conduct and ethics, to:

- collectively be the ultimate policy-makers and oversee a number of strategic and corporate management functions
- represent their communities and bring their views into the Council’s decision-making process
- deal with individual casework and act if appropriate as an advocate for constituents in resolving particular concerns or grievances
- balance different interests identified within the ward and represent the ward as a whole
- contribute to various forums for decision-making
- be available to represent the Council on other bodies.
(b) **Rights and duties**

- Councillors shall have such rights of access to such documents, information, land and buildings of the Council as are necessary for them to discharge their functions properly and in accordance with the law.

- Councillors shall not make public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

- For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 **Conduct**

Councillors shall at all times observe the Waverley Code of Local Government Conduct and the Member/Officer Protocol set out at Part 5 of this Constitution.

2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.
Article 3 – Citizens and the Council

3.1 Citizens’ rights

Citizens of Waverley Borough are the people registered as electors, together with all other people living or working in the Borough. Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

(a) Voting and petitions. Citizens on the electoral roll for the borough have the right to:

i. vote at elections;
ii. petition to request a referendum for a Mayoral form of Executive
iii. petition the Council on matters of local concern.

(b) Information. Citizens have the right to:

i. attend meetings of the Council, the Executive and Committees where decisions are being discussed, except where confidential or exempt information is likely to be discussed, and the meeting is therefore held in private;

ii. find out from the Executive’s Forward Programme of Decisions, what decisions are to be discussed by the Executive and when;

iii. see public reports and background papers, and any record of decisions made by the Council, the Executive and its Committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

iv. a copy, on making a written request, of all types of recorded information held by the Council, subject to a range of exemptions under the Freedom of Information Act 2000;

v. on making a written request and upon payment of a fee, a copy of any personal data held about him or her, under the Data Protection Act 2018;

vi. inspect the Council’s accounts and make their views known to the external auditor;

vii. upon payment of a fee, obtain a paper copy of the Council’s Constitution or access it on our website free of charge; and

viii. contact their local Councillor about any matters of concern to them.

(c) Participation. Citizens have the right to ask formal questions at Council, the Executive and some Committees, subject to the correct procedures being followed as set out in the Council’s Constitution. They also have the right to contribute to matters being considered by the Overview and Scrutiny Committees. Rights to submit petitions are set out in Council Procedure Rules [number 10.8]
The Council welcomes participation by its citizens in its work. For further information about citizens’ rights, the Chief Executive can be contacted at Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR. Telephone: (01483) 523238.

(d) **Complaints.** Citizens have the right to complain to the Council about:

   i. a failure to do something the Council should have done
   
   ii. something, which the Council has done badly
   
   iii. unfair treatment from the Council
   
   iv. something which the Council should not have done.

   **Citizens also have the right to complain to:**

   v. the Council itself under its Customer Charter
   
   vi. the Local Government and Social Care Ombudsman or the Local Government Housing Ombudsman, after using the Council's own complaints procedures, if they think that the Council has not followed its procedures properly
   
   vii. the Information Commissioner, after using the Council's own complaints procedures, if they think that the Council has not properly answered a Freedom of Information request or a Data Protection Subject Access Request
   
   viii. the Council’s Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council’s Code of Conduct.

**3.2 Citizen’s responsibilities**

Citizens must not be violent, abusive or use threatening behaviour to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.
Article 4 – The Full Council

4.1 Meanings

(a) **Policy Framework.** The policy framework includes the following plans and strategies:

- Corporate Plan
- Corporate Governance Code
- Civil Emergency Plan
- Capital Strategy
- Financial Strategy
- Treasury Management Strategy
- Corporate Property and Asset Management Strategy
- ICT Strategy
- Waverley Economic Strategy
- Tenancy Strategy
- Housing Revenue Account Asset Management Strategy
- Housing Delivery Plan
- Housing Allocations Scheme
- Homelessness Strategy
- Safeguarding Children and Adults Policy
- Prevent Strategy
- Community Safety Strategy
- Local Plan Part I: Strategic Policies and Sites
- Equal Opportunities in Employment Policy
- Contaminated Land Inspection Strategy
- Surrey Joint Municipal Waste Management Strategy
- Energy Efficiency Plan
- Corporate Communications Strategy

(b) **Budget.**

The budget includes:

- the allocation of financial resources to different services and projects,
- proposed contingency funds,
- the council tax base,
- setting the council tax,
- decisions relating to the control of the Council’s borrowing requirement,
- the control of its capital expenditure,
- the setting of virement limits and deciding variations to the budget, and supplementary estimates over £100,000
- setting council house rent levels.

(c) **Housing Land Transfer.** Housing Land Transfer means:

i. the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or
ii. to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

Only the Council shall exercise the following functions:-

(a) adopting and changing the Constitution

(b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer

(c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget

(d) appointing the Leader of the Council for a four year term

(e) the election of the Mayor and Deputy Mayor

(f) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them

(g) decisions relating to Procedure Rules and Contracts Procedure Rules, and to Local Protocols

(h) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council

(i) appointing to joint bodies

(j) setting the council tax

(k) agreeing the levels of members’ allowances and adopting an allowances scheme under Article 2.5

(l) changing the name of the area, conferring the title of honorary alderman or honorary freedom of the borough;

(m) confirming the appointment of the Head of Paid Service and Strategic Directors and making a determination on whether to approve the dismissal of a statutory officer based on the recommendations of a panel

(n) adding and deleting posts from the agreed permanent staffing levels where the costs of doing so do not fall within existing controllable expenditure budgets and where the changes have financial implications in excess of the Executive’s threshold of up to £100,000
(o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills

(p) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive

(q) major new developments which involve the Council in a broader role than solely Development Control

(r) all other matters which, by law, must be reserved to Council including:
   i. Functions relating to Health and Safety at Work
   ii. Functions in relation to Town and Parish Councils
   iii. Functions relating to local government pensions
   iv. Adoption and revision of the Codes of Conduct
   v. Recommendations for delegations to Committees or Officers
   vi. Electoral matters
   vii. Decisions relating to diversions of rights of way
   viii. Decisions to make payments or provide other benefits in cases of maladministration.

4.3 Council meetings

There are four types of Council meeting:

(a) the annual meeting
(b) ordinary meetings
(c) extraordinary meetings
(d) informal meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council’s functions which are not the responsibility of the Executive.
Article 5 – Chairing the Council

5.1 Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually.

The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions:

5.2 Ceremonial Role

To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.3 Chairing the Council Meeting

The Mayor and Deputy in his/her absence will have the following responsibilities:

a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary

b) in accordance with legislation and Procedure Rules, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community

c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive or hold Committee chairs are able to hold the Executive and Committee chairmen to account

d) to promote public involvement in the Council’s activities

e) to be the conscience of the Council

f) to assume any role in resolving disputes given to the Chairman under the Executive Procedure Rules.
Article 6 – Overview and Scrutiny Committees

6.0 General comments

Since 2000 most councils have been managed by an Executive of up to ten elected councillors. These councillors are able to take most management decisions within the overall policy framework agreed by full Council which consists of all elected councillors.

Overview and Scrutiny Committees are a key element of executive arrangements. They are the means by which the Executive is held to account for its decisions on the implementation of Council policy and provide an opportunity for a methodical review of performance and the effectiveness of policies. They also act as a check and balance on the powers of the relatively small group of councillors who make up the Executive.

Effective scrutiny is essential to achieve enhanced accountability and transparency of the decision-making process. Overview and Scrutiny Committees also have a key role in the policy development process, in reviewing budgetary and general policies, making recommendations either to the full Council or the Executive on future policy options and providing the framework for accountable, transparent decisions. The Council is committed to establishing a constructive and creative relationship between the Executive and scrutiny roles in Waverley and partner organisations.

The guiding principle of the overview and scrutiny function is that the process should make a positive contribution to the work of the Council.

At Waverley, Overview and Scrutiny Committees are based on the Council’s Corporate Priorities. The membership is politically proportionate. Each Overview and Scrutiny Committee can carry out investigatory and research work as informal working groups, with appropriate officer support, to study and report back to the main Committee on a particular topic. Currently, a scheduled meeting of each Overview and Scrutiny Committee is held six times a year, with additional meetings, if necessary, subject to the agreement of the Chairman and Vice-Chairman.

6.1 Terms of Reference

Waverley has four Overview and Scrutiny Committees covering the following areas:

<table>
<thead>
<tr>
<th>Overview and Scrutiny Committee</th>
<th>Services and areas of responsibility covered</th>
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</table>
| 1. Customer Service and Value for Money | • Corporate Plan  
• Customer Services  
• Communications and Public Relations  
• Democratic Services  
• Elections  
• Complaints  
• Corporate Finance  
• Revenues and Benefits  
• Economic Development  
• Business Liaison  
• Property |

Updated: July 2018
<table>
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<tr>
<th><strong>2. Community Wellbeing</strong></th>
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<tbody>
<tr>
<td>To provide effective scrutiny of the achievement of the Council’s Corporate Priority 2</td>
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<tr>
<td><strong>· Health and Wellbeing</strong></td>
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<td><strong>· Leisure and Sport</strong></td>
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<td><strong>· Arts, Culture and Museums</strong></td>
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<td><strong>· Youth and Young People</strong></td>
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<td><strong>· Waverley Training Services</strong></td>
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<td><strong>· Community Services</strong></td>
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<td><strong>· Day Centres</strong></td>
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<td><strong>· Provision for Older People in the Community</strong></td>
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<td><strong>· Community Safety</strong></td>
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<td><strong>· Grants</strong></td>
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<td><strong>· Licensing</strong></td>
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This Committee will act as the designated Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.

<table>
<thead>
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<th><strong>3. Environment</strong></th>
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<tbody>
<tr>
<td>To provide effective scrutiny of the achievement of the Council’s Corporate Priority 3</td>
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<tr>
<td><strong>· Planning and Major Developments</strong></td>
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<td><strong>· Building Control</strong></td>
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<tr>
<td><strong>· Refuse, Recycling, Food Waste Collection</strong></td>
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<td><strong>· Car Parking</strong></td>
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<td><strong>· Street Cleaning</strong></td>
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<td><strong>· Parks, Countryside and Open Spaces</strong></td>
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<td><strong>· Rural Issues</strong></td>
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<td><strong>· Land Drainage and Flooding</strong></td>
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<tr>
<td><strong>· Sustainability</strong></td>
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<td><strong>· Environmental Health</strong></td>
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<th><strong>4. Housing</strong></th>
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<tr>
<td>To provide effective scrutiny of the Council’s housing function</td>
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<tr>
<td><strong>· HRA Business Plan</strong></td>
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<td><strong>· Housing Development</strong></td>
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<td><strong>· Provision of Housing Services</strong></td>
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<td><strong>· HRA Asset Management</strong></td>
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<td><strong>· Homelessness</strong></td>
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<td><strong>· Housing Allocation</strong></td>
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<td><strong>· Sheltered Housing</strong></td>
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<td><strong>· Tenancy and Estates</strong></td>
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</table>

The Overview and Scrutiny Committees may meet jointly, in any combination, to consider matters of mutual interest. The appointment of the Chairman and Vice-Chairman of any Joint Committee will be decided by the Co-ordinating Board.

### 6.2 General role

*Updated: July 2018*
Within their terms of reference, Overview and Scrutiny Committees will:

a) review and/or scrutinise decisions made or actions taken in connection with carrying out any of the Council’s or partner organisation’s functions

b) make reports and/or recommendations to the full Council and/or the Executive and/or any Committee in connection with any Council functions and the appropriate partner organisation body

c) consider any matter affecting the area or its inhabitants

d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees.

6.3 Specific functions

(a) Policy development and review. Overview and Scrutiny Committees may:

(i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues

(ii) conduct research, community and other consultation in the analysis of policy issues and possible options

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options

(iv) question members of the Executive and Directors about their views on issues and proposals affecting the area

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny. Overview and Scrutiny Committees may carry out their scrutiny role in a variety of modes.

Select Committee Mode

(i) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(ii) question members of the Executive and Directors about decisions or matters within their portfolio or area of responsibility, whether generally or in relation to particular decisions, initiatives or projects;

(iii) make recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;

Call-In Mode
(iv) review and scrutinise the decisions made by the Executive and council officers in relation to individual decisions

**Broader Community Role**

(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance

(vi) question and gather evidence from any person (with their consent)

(vii) exercise an oversight of the activities of partner organisations including Surrey Police and the Surrey PCT.

(c) **Community Call for Action.** Exercise the functions relating to Community Calls for Action.

(d) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

(e) **Annual report.** Overview and Scrutiny Committees shall report annually to full Council on their workings and make recommendations for future work programmes and amended working methods, if appropriate. This will be discussed at a designated meeting in the year.

(f) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers allocated to support their work.

6.4 **Proceedings of Overview and Scrutiny Committees**

The guiding principle of the overview and scrutiny function is that the process should make a positive contribution to the work of the Council. Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution. Overview and Scrutiny Committees may authorise Waverley media releases on their work, the content of which is to be jointly agreed by the appropriate Overview and Scrutiny Committee Chairman and Vice-Chairman.

6.5 **Co-ordinating Board**

A Co-ordinating Board, which consists of the Chairmen and Vice-Chairmen of the four Overview and Scrutiny Committees, will meet regularly to facilitate work programming and the allocation of in-depth reviews in accordance with the Terms of Reference attached as Annexe 1 to the Procedure Rules.
Article 7 – The Executive

Strong Leader with Cabinet model

7.1 Role

The Executive will oversee all of the local authority’s functions which are within the policy framework and budget set by the Council and are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

(a) Appointments to the Executive

The Executive will consist of the Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Leader.

(b) Appointment of Deputy Leader

The Leader will appoint the Deputy Leader, to hold office until the end of the term of his/her office as Leader.

The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place.

(c) Allocation of Portfolios

The Leader will determine the scope of portfolios and allocate them to members of the Executive.

7.3 Leader

The Leader will be a councillor elected to the position of Leader by the Council.

The term of office of Leader starts on the day of his/her election as Leader. The Leader is elected for a four (4) year period, unless his/her term of office as councillor is shorter, in which case the term of office as Leader will be the same as their term of office as councillor.

The Leader will hold office until:

(a) he/she resigns from office or is removed from office; or
(b) he/she is no longer a councillor; or
(c) is disqualified from being a councillor;

If the current Leader is re-elected, he/she will remain Leader until the date of the next Annual Council Meeting.

Waverley Borough Council shall have the power to remove the Leader by way of resolution by a simple majority.

Updated: July 2018
7.4 Other Executive members

Other Executive members shall hold office until:

(a) they resign from office; or

(b) they are no longer councillors; or

(c) the Leader removes them from their position, either temporarily by suspending them or permanently.

The Mayor and Deputy Mayor of the Council may not be members of the Executive.

7.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution. All decision taking meetings will be generally open to the public in accordance with the Access to Information Procedure Rules.
Article 8 – Regulatory and other Committees

8.1 Regulatory Committees

The Council will appoint the Committees set out in the left hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table. Currently the Regulatory Committees are:

a) Joint Planning Committee
b) Area Planning Committees (Central, Eastern, Southern and Western)
c) Licensing and Regulatory Committee.

8.2 Audit Committee

The Audit Committee is the means of bringing independent, effective assurance into the Council's corporate governance arrangements. This covers;

a) Risk management framework
b) Control environment and arrangements
c) Financial performance
d) Non-financial performance (processes and controls)
e) Financial reporting.

8.3 Audit Committee Terms of Reference

The Terms of Reference are as follows:

(a) Corporate Governance

i. To review the Council’s arrangements for corporate governance and recommend necessary actions to ensure compliance with best practice as set out in the current CIPFA/SOLACE Framework “Delivering Good Governance in Local Government” and any revision thereof.

ii. To review the Council’s compliance with its own and other published regulations, standards and controls, covering both financial and general issues and, if appropriate, make recommendations to the Council.

iii. To maintain an overview of the contract procedure rules and financial regulations and recommend their adoption to the Council.

iv. To review Council policies in “Whistleblowing” and the anti-fraud and anti-corruption strategy and the Council’s complaints-handling process and recommend any changes to the Council.

v. To monitor the effective development and operation of internal control in the Council with particular reference to all aspects of risk management, including Waverley’s Corporate Risk Registers.
vi. To review any issue referred to it by the Head of Paid Service or a Director or any other Council Committee.

vii. To approve the Council’s Annual Governance Statement.

**(b) External Audit**

i. To consider whether appropriate accounting policies have been followed in the preparation of the annual statement of accounts and to approve any changes to these policies.

ii. To receive all reports from the external auditor to the Audit Committee.

iii. To consider any concerns arising from the audit or the accounts and to agree appropriate action to be taken including bringing the matter to the attention of the Council.

iv. To consider and approve the annual statement of accounts.

v. To comment on the scope and depth of external audit work and to ensure that it gives value for money, especially with regard to reports dealing with risk management and performance matters.

vi. To make recommendations to Council regarding the appointment of the External Auditor.

**(c) Internal audit**

i. To approve the Internal Audit Charter.

ii. To approve the Annual Internal Audit (Risk-Based) Plan.

iii. To consider the Internal Audit Client Manager’s Annual Report and Internal Audit Opinion.

iv. To consider the current Internal Audit Plan and summaries of internal audit activity by Service Area and consider the level of assurance this can give concerning the effectiveness of the Council’s corporate governance arrangements.

v. To consider internal audit reports detailing recommendations not implemented within the specified timescale and to agree appropriate action, including requesting a report from any Head of Service relating to an outstanding internal audit recommendation issue.

vi. To commission work from the Internal Audit Service.

vii. To monitor the progress of any specific internal audit projects not included in the Audit Plan.

viii. To consider reports dealing with the appointment, management and performance of the providers of internal audit services.
ix. To comment on the scope and depth of internal audit work and to ensure that it gives value for money, especially with regard to reports dealing with risk management and performance matters.

8.4 Composition of Audit Committee

(a) Membership and Meetings

The Audit Committee will

i. be composed of eight councillors, with no members from the Executive

ii. meet four times per year, as set out in the Calendar of Meetings, and on an ad hoc basis when necessary.

(b) Quorum

The quorum for meetings will be three Councillors.
Article 9 – The Standards Committee

9.1 Standards Committee

The Council will determine the composition of and the role and function of the Standards Committee. The Standards Committee falls within the requirements of the Local Government and Housing Act 1989 for membership to be proportionate to the political composition of the Council.

9.2 Composition

(a) **Membership.** The Standards Committee will be composed of:

i. nine councillors [other than the Leader, and with a maximum of one member from the Executive]

ii. two members of a Town or Parish Council in the Council’s area who cannot also be a District Councillor, to be appointed until the next full Town and Parish Council elections.

(b) **Town and Parish members.** At least one Town or Parish member must be present when matters relating to Town or Parish Councils or their members are being considered, except where they have an interest. Town and Parish members will not attend meetings which are considering the Council’s constitution; and

(c) **Chairing the Committee.** The Chairman of the Committee shall be appointed by Council. A member of the Executive may not chair the Committee.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

A. To review and propose revisions to the Constitution as set out in Article 15.

B. **Ethical framework**

(a) To promote and maintain high standards of conduct by councillors and co-opted members.

(b) To assist the councillors and co-opted members to observe the Members’ Code of Conduct.

(c) To advise the Council on the adoption or revision of the Members’ Code of Conduct.

(d) To monitor the operation of the Members’ Code of Conduct.

(e) To advise on training for councillors and Independent persons on matters relating to the Members’ Code of Conduct.
(f) Where the Monitoring Officer decides a hearing is necessary, to establish a Panel to hear and determine complaints received concerning the conduct of Waverley Borough members.

(g) To exercise functions (a) to (f) above in relation to the town and parish councils in Waverley Borough and the members of those town and parish councils.

(h) In the event of a dispute arising from a breach of the Council's Local Protocols, the Standards Committee should use the same processes as breaches of the Code.

(i) To agree arrangements for the selection and interviewing of candidates for appointment as Independent Person(s) (including such joint arrangements with other councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.

(j) To agree allowances and expenses for the Independent Person(s).

(k) To implement, monitor and review the operation of the Independent Person(s) Protocol.

(l) To implement, monitor and review the operation of the code of conduct for staff.

(m) To implement, monitor and review the operation of the Monitoring Officer Protocol.

(n) To implement, monitor and review the operation of the Protocol on Member/Officer Relations.

(o) To consider any other matter referred by the Monitoring Officer.

9.4 Appointment of a Panel

The Monitoring Officer in consultation with the Chairman of the Standards Committee will appoint a Panel of no less than three members of the Committee for the purpose of hearing and determining complaints received regarding member conduct that may have breached the Waverley Code of Conduct, or that of the relevant Town or Parish Council.
Article 9A – The Appeals Panel

The Appeals Panel will consist of 12 members of the Council and will operate as a pool from which 4 members can be drawn when it is necessary to convene the Panel. The membership of the Panel of 12 will be politically proportionate.

The role of the Appeals Panel is to determine an appeal against any decision made by or on behalf of the authority. When selecting 4 members to convene the Panel, this shall exclude any member who was originally involved in the decision which is now being appealed.

Article 9B – Independent Panel (for Disciplinary Matters relating to Statutory Officers only)

In the event that a Panel needs to be convened to advise on matters relating to the dismissal of a statutory officer (namely the Head of Paid Service, Chief Finance Officer or Monitoring Officer), two of the Council’s Independent Persons will be called upon to sit on the Panel, alongside five elected members from the Council’s Appeals Panel.
Article 10 – Area Committees and forums

10.1 Area committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council has appointed four area based Planning Committees with membership proportional to political group representation within these areas to give Local Members a larger say in planning decisions for their areas.

The Council will consult with relevant Parish and Town Councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.
Article 11 – Joint arrangements

11.0 Joint arrangements

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities and delegate to other local authorities.

Waverley works in partnership with Surrey County Council for the purpose of the Waverley Local Committee to which members of this Council are appointed on an annual basis. There are regular liaison meetings with Town and Parish Councils.

Waverley has agreed to the establishment of a Joint Committee of Surrey authorities to act as the Police and Crime Panel and will appoint one representative to the Panel.
Article 12 – Officers

Terminology

12.0 Management structure

The Full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

12.1 Chief Officers. The Full Council will engage persons for the following posts:

<table>
<thead>
<tr>
<th>Post</th>
<th>Functions and areas of responsibility</th>
</tr>
</thead>
</table>
| Chief Executive (and Head of Paid Service)    | Overall corporate management and operational responsibility (including overall management responsibility for all officers)  
|                                                | Provision of professional and legal advice to all parties in the decision making process.              |
|                                                | Together with the monitoring officer, responsibility for a system of record keeping for all the Council’s decisions. |
|                                                | Representing the Council on partnership and external bodies (as required by statute or the Council).   |
|                                                | Planning, including development control, planning policy, housing enabling, regeneration, building control and land charges |
| Strategic Director (and Chief Finance Officer)| Finance and performance; revenues and benefits; human resources, customer and office services, estate services; Section 151 officer |
| Strategic Director                            | Housing functions; economic development and partnerships; environmental health and community safety; engineering and car parking; leisure and youth services, environmental services. |
12.2 Chief Executive, Monitoring Officer and Strategic Director

The Council will designate the following posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service and Returning Officer</td>
</tr>
<tr>
<td>Head of Policy and Governance</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Strategic Director</td>
<td>Chief Finance Officer</td>
</tr>
</tbody>
</table>

12.3 Such posts will have the functions described in Article 12.4–12.6 below.

(a) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.4 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.5 Functions of the Monitoring Officer

The list of functions below reflects the statutory duties and powers of monitoring officers:

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

*Updated: July 2018*
(d) **Conducting investigations.** The Monitoring Officer will conduct investigations in accordance with the Council’s adopted arrangements for dealing with Standards allegations and make initial decisions not to investigate, and if necessary, commission an investigation. The Monitoring Officer will consult on the Independent Persons at appropriate stages in the process.

(e) **Proper officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(h) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

### 12.6 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council’s external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
(f) **Audit Committee** – the Chief Finance Officer will act as Lead Officer for the Council’s Audit Committee.

12.7 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.8 **Conduct**

Officers will comply with the Member/Officer Protocol at Part 5 of this Constitution. In the event of disciplinary action being taken against a statutory officer, this will be conducted in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
Article 13 – Decision making

13.0 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.1 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

(a) proportionality (i.e. the action must be proportionate to the desired outcome)
(b) respect for human rights
(c) a presumption in favour of openness
(d) clarity of aims and desired outcomes
(e) that members are fully and effectively supported and advised by officers in exercising both executive and non-executive functions
(f) that decisions are only taken after the proper consideration of written reports which comply with the principles of the Access to Information legislation
(g) that relevant matters are fully taken into account in decision-making
(h) that nothing irrelevant is taken into account
(i) that the Council’s constitution is fully complied with including in particular:
   i. Procedure Rules
   ii. Contract Procedure Rules
   iii. Financial Regulations
   iv. Scheme of Delegation
   v. The Waverley Code of Local Government Conduct and Waverley Members’ Planning Code of Good Practice
   vi. Members and officers should make any appropriate declarations of interests
   vii. Member/Officer Protocol.
(j) that decisions are recorded by officers and published, together with the reasons and relevant background papers.
13.2 Types of decision

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2 will be made by the Full Council and not delegated.

(b) Definition of Key Decisions:

i. an executive decision which is likely to result in the local authority incurring expenditure or making savings of above £100,000.

ii. to be significant in terms of its effects on communities living or working in an area comprising two or more wards…”.

(Waverley has adopted a broader approach to including items in the forward programme, with the intention of giving the maximum information and notice to the Overview and Scrutiny arm of the Council of all significant decisions affecting the budget or policy framework.)

A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.4 Decision making by the Full Council

Subject to Article 13.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Executive

Subject to Article 13.8, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the
right to a fair trial contained in Article 6 of the European Convention on Human Rights.
Article 14 – Finance, contracts and legal matters

14.1 Financial Management

The management of the Council’s financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contract Procurement Rules set out in Part 4 of this Constitution.

14.3 Legal proceedings

(a) The Borough Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council;

(b) If time permits and there is a significant change of circumstances from when the Council took a decision, the Borough Solicitor will report to the Executive on the cost involved; and

(c) Where a case of urgency arises and the Borough Solicitor considers that such action is necessary to protect the Council’s interests, the Borough Solicitor is authorised to institute, defend or participate in any legal proceedings.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with the values set out in Contract Procurement Rules entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents that in the opinion of the Borough Solicitor should be sealed. The affixing of the Common Seal will be attested by the Borough Solicitor or the Head of Policy and Governance.
Article 15 – Review and revision of the Constitution

15.1 Duty to monitor and review the Constitution

The Standards Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The appointed Town and Parish Council representatives will not participate in any discussions at the Standards Committee relating to the Waverley Constitution.

15.2 Protocol for monitoring and review of constitution by monitoring officer

A key role for the Standards Committee is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Group may:

(a) observe meetings of different parts of the member and officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised by members, officers, the public and other relevant stakeholders; and

(d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.3 Changes to the Constitution

Changes to the constitution will be approved by the full Council after consideration of the proposal by the Standards Committee and Executive, as necessary.

The Terms of Reference for the Overview and Scrutiny Committees set out in Article 6 shall be kept under regular review by the Overview and Scrutiny Co-ordinating board, with delegated authority to revise the Terms of Reference when necessary, subject to an annual report from each Committee to the Council to endorse any changes and amend the constitution accordingly.
Article 16 – Suspension, interpretation and publication of the Constitution

16.1 Suspension of the Constitution

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1, with a maximum of the duration of that meeting.

(c) **Rules capable of suspension.** The following Council Procedure Rule may be suspended in accordance with Article 16.1:

<table>
<thead>
<tr>
<th>14.4 Content and length of speeches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Mayor, except in the case of movers of a motion or an amendment, or those having a right of reply when they may not exceed six minutes. There shall be no time limit for the Leader of the Council in moving the Budget at the Council Tax Setting meeting.</td>
</tr>
</tbody>
</table>

16.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

(a) The Head of Policy and Governance will make available a copy of this Constitution to each member of the authority upon delivery to him/her of that individual’s declaration of acceptance of office on the member first being elected to the Council.

(b) The Head of Policy and Governance will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Constitution will also be available to view on the Waverley website.

(c) The Head of Policy and Governance will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
Part 3

Responsibility for functions
Part 3 Responsibility for functions

1.0 Introduction

Responsibilities for undertaking the functions of the Council as a local authority are either reserved to the full Council (that is, the whole group of 57 members of the authority as a decision making body), or allocated to the Executive or to other Committees of the Council.

1.1 Determination of the Council’s policy framework and budget, and other constitutional and quasi-legislative functions will remain the responsibility of the full Council.

1.2 Where functions exercised involve determining an application from a person for a licence, an approval, a consent, etc., or enforcement actions associated with such functions, they will not be the responsibility of the Executive but will be carried out by Regulatory Committees. Some functions are allocated to the statutory Committees of the Council, that is, those that are required by law to fulfil particular functions, for example, the Licensing and Regulatory Committee and its Sub-Committees.

1.3 All other functions not specified as the responsibility of the Council or of particular Committees are the responsibility of the Executive.

1.4 Delegation of responsibilities to the Chief Executive, Strategic Directors, and other officers of the Council will remain as before except that where there is a need for officer consultation with members (for reasons of urgency or any other reason) on any matters the responsibility of the Area Planning or Licensing Committees, consultation will be with the Chairman and Vice-Chairman of the listed Committee and not with the Leader of the Council. In the event that urgent consultation is required and the relevant Committee Chairman or Vice-Chairman is unavailable or barred from consultation by a personal interest, consultation will be with the Mayor or Deputy Mayor.

2.0 Responsibility for local choice functions

[N.B. There are policy formulation and regulatory aspects to all functions set out in the table below which would involve consideration by the Executive or Regulatory Committees where appropriate].

<table>
<thead>
<tr>
<th>Function</th>
<th>Decision making body</th>
<th>Membership</th>
<th>Delegation of functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination of an appeal against any decision made by or on behalf of the authority</td>
<td>Appeals Panel</td>
<td>4 members of the Appeals Panel other than any such member who has taken part in the decision the subject of the appeal</td>
<td>No delegation</td>
</tr>
<tr>
<td><strong>Advising on matters relating to the dismissal of a statutory officer</strong> (Head of Paid Service, Chief Finance Officer or Monitoring Officer)</td>
<td>Independent Panel</td>
<td>5 elected members of the Appeals Panel and two of the Council’s Independent Persons</td>
<td>No delegation</td>
</tr>
<tr>
<td>Contaminated Land functions</td>
<td><em>Only those elements which are regulatory in nature to be identified later. Matters relating to expenditure stay with the Executive</em></td>
<td>12 Members of the “extended” Licensing and Regulatory Committee</td>
<td>Delegation to officers in accordance with the existing scheme</td>
</tr>
<tr>
<td>Control of pollution or the management of air quality</td>
<td></td>
<td>Delegation to officers in accordance with the existing scheme</td>
<td></td>
</tr>
<tr>
<td>Service of abatement notices</td>
<td></td>
<td>Delegation to officers in accordance with the existing scheme</td>
<td></td>
</tr>
<tr>
<td>Inspection, investigation of complaints, and prevention of statutory nuisances</td>
<td></td>
<td>Delegation to officers in accordance with the existing scheme</td>
<td></td>
</tr>
<tr>
<td>Requisitions for Information S.16 Local Government (Miscellaneous Provisions) Act 1976</td>
<td></td>
<td>Delegation to officers in accordance with the existing scheme</td>
<td></td>
</tr>
<tr>
<td>Requisitions for Information S.330 Town and Country Planning Act</td>
<td>Joint Planning Committee</td>
<td>Delegation to officers in accordance with the existing scheme</td>
<td></td>
</tr>
<tr>
<td>Appointments to outside bodies for members and officers</td>
<td>The Executive</td>
<td>Council Members</td>
<td></td>
</tr>
</tbody>
</table>
2.1 Responsibility for Council functions

Only the Council shall exercise the following functions:

(a) The election of the Mayor and Deputy Mayor

(b) The appointment or removal of the Leader

(c) Determination of the allocation of seats on committees and their composition and appointment, and agreeing and/or amending their terms of reference

(d) Adopting or amending the Constitution and Code of Conduct

(e) Decisions relating to Procedure Rules and to Contract Procedure Rules, and to protocols

(f) Setting the council tax

(g) Approval of the budget and final accounts

(h) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget

(i) Decisions relating to applications to the Secretary of State to join the annual disposals programmes or to transfer housing land

(j) Confirming the appointment of the Head of Paid Service and Strategic Directors

(k) Adding and deleting posts from the agreed permanent staffing levels where the costs of doing so do not fall within existing controllable expenditure budgets and where the changes have financial implications in excess of the Executive’s threshold of up to £100,000

(l) Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council

(m) Appointing to joint bodies

(n) Decisions to make payments or provide other benefits in cases of maladministration

(o) Functions relating to elections, including (for example) the duty to appoint an electoral registration officer, returning officer, or division of the Borough into polling districts
(p) Decisions in relation to parishes and parish councils (with the exception of functions referred to the Standards Panel in respect of town and parish councils)

(q) Decisions relating to the name and status of areas and individuals (e.g. the nomination of honorary freemen)

(r) Decisions to make, amend, revoke, or re-enact byelaws and relating to diversions of rights of way

(s) Decisions to promote or oppose personal bills or local legislation

(t) Functions relating to local government pensions

(u) Adopting a scheme or schemes for payment of member allowances, travel and subsistence allowances or expenses under Article 2.5

(v) Recommendations for delegation to Committees or officers

(w) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive

(x) Decisions relating to major new developments which involve the Council in a broader role than solely Development Control

(y) The Council will retain responsibility for the adoption and/or amendment of plans and strategies incorporated in the policy framework including the following:

- Corporate Plan
- Corporate Governance Code
- Civil Emergency Plan
- Capital Strategy
- Financial Strategy
- Treasury Management Strategy
- Corporate Property and Asset Management Strategy
- ICT Strategy
- Waverley Economic Strategy
- Tenancy Strategy
- Housing Revenue Account Asset Management Strategy
- Housing Delivery Plan
- Housing Allocations Scheme
- Homelessness Strategy
- Safeguarding Children Policy
- Community Safety Strategy
- Local Plan 2002
- Equal Opportunities in Employment Policy
- Contaminated Land Inspection Strategy
- Surrey Joint Municipal Waste Management Strategy
- Energy Efficiency Plan
- Corporate Communications Strategy.
<table>
<thead>
<tr>
<th>Committee</th>
<th>Membership</th>
<th>Functions</th>
<th>Delegation of functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Planning Committee</td>
<td>23 members of the authority</td>
<td>Relevant functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (Amendment No 2) (England) Regulations 2004 (the Functions Regulations)</td>
<td>Delegation to four Area Planning Committees and to officers in accordance with the delegation scheme (n.b. These will be grouped in two pairs, Eastern, comprising of Eastern and Central and Western, comprising Western and Southern. The grouped Committees will have a common Chairman and Vice Chairman and the two appointees shall be from different areas.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Power</th>
<th>Joint Planning Committee</th>
<th>Area Planning Committees (including Joint Meetings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To make decisions on the administrative and procedural issues affecting the determination of applications.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Power to determine planning applications</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to determine applications to develop land without compliance with conditions previously attached</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to grant planning permission for development already carried out</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>Power to decline to determine planning applications for planning permission</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Duties relating to the making of determinations of planning applications</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to determine applications for planning permission made by the Council</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to make determinations, give approvals and agree other matters relating to the exercise of permitted development rights, including Article 4 Directions removing such rights</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to enter into or vary or discharge agreements relating to development or use of land, including the enforcement of a restriction or requirement imposed by an agreement.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to issue certificates of lawfulness of existing or proposed use or development</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to serve a completion notice</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to grant consent for the display of advertisements</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to authorise entry onto land</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to authorise applications for warrants to enter land</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to require the discontinuance of a use of land</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to require proper maintenance of land</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Power to serve a Planning Contravention Notice, Breach of</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Condition Notice or Stop Notice (including temporary stop notice)</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Power to issue an enforcement notice and power to require proper maintenance of land</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Power to apply for an injunction restraining breach of planning control, or in relation to a listed building</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Power to determine applications for hazardous substances consent and related powers</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Power to determine applications for listed building consent and related powers and duties relating to applications for listed building consent</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Power to determine applications for Conservation Area Consents and to issue an enforcement notice in relation to demolition of an unlisted building in a Conservation Area</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Power to serve a Building Preservation Notice and related powers including the power to execute urgent works</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Powers relating to the preservation of trees and protection of important hedgerows</strong></td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The proposed role of the Joint Planning Committee as distinct from the Area Planning Committees would be to consider applications or issues referred to it for the following reasons:

a. To make decisions on the administrative and procedural matters affecting the processing of applications. E.g. report formats, information specifications etc.

b. To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted

c. To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floor space and site area of more than 1 hectare) and which, in the judgement of the Chief Executive, after consultation with the Head of Planning and the appropriate Area Planning Committee Chairman, meet the following criteria.

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*Updated: Feb 2019*
i. have a significant planning impact beyond the Area in which they are situated, and/or
ii. are of strategic importance, and/or
iii. involves new planning issues for the borough; and/or
iv. is a revised application for a parcel of land within a development with an extant planning permission previously determined by Joint Planning Committee that increases the total number of dwellings on the site; and/or
v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more, or
d. Where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in c (i) to (v) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee.
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<thead>
<tr>
<th>Committee</th>
<th>Membership</th>
<th>Functions</th>
<th>Delegation of functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing and Regulatory Committee</td>
<td>12 members of the authority</td>
<td>Taxi, private hire car, gaming, entertainment, food premises and miscellaneous licensing functions, relating to licensing and registration as set out in Schedule 1 to the Functions Regulations as amended in so far as those functions are the responsibility of a district local authority. (For fuller list, refer to Annexe 1)</td>
<td>Delegation to officers in accordance with the existing scheme</td>
</tr>
<tr>
<td>Licensing (General Purposes) Sub-Committee</td>
<td>5 members</td>
<td>Functions relating to health and safety under any &quot;relevant statutory provision&quot; within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council’s capacity as employer. (Health and Safety responsibilities of the Council as employer are to be discharged by the Executive, and are within the portfolio for Asset Management and Human Resources)</td>
<td>Delegation to officers in accordance with the existing scheme</td>
</tr>
<tr>
<td>Licensing Act 2003 Sub-Committees A, B and C</td>
<td>3 members on each</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standards Committee</td>
<td>9 Members of Waverley Borough Council and more than 1 Town and Parish Council representatives Independent Persons (for consultation purposes)</td>
<td>The promotion and maintenance of high standards of conduct within the Council To advise the council on the adoption or revision of its Code of Conduct To monitor and advise the council about the operation of its Code of Conduct in the light of best practice, and changes in the law</td>
<td>See Article 9</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>8 members of the authority</td>
<td>Risk management arrangements, the control, environment and associated anti-fraud and anti-corruption arrangements, Statement on Internal Control</td>
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<td>Action taken on risk-related issues</td>
<td></td>
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<td>Assurance Statements</td>
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<td>Internal audit strategy, plan and performance</td>
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<td>External audit plan</td>
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<td>Internal audit reports</td>
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<td>Audit Manager’s annual report</td>
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<td>Reports of external audit and other inspection agencies</td>
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<td></td>
<td>Relationships between internal and external audit, inspection agencies and other relevant bodies</td>
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<td></td>
<td></td>
<td>Financial statements, external auditor opinion and management response</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>See Article 8</td>
<td></td>
</tr>
</tbody>
</table>

**Conditions of Delegation**

Where the Licensing and Regulatory Committee or Audit Committee has reached a decision under delegated powers, three members of that Committee, present at the meeting, may immediately require that the decision shall operate as a recommendation to the Council. The recommendation will then be submitted to the next following ordinary meeting of the Council.
3.0 Responsibility for Executive functions

Policy Issues

(a) Overall co-ordination of policy in respect of the whole of the Council's activities, including the corporate strategy, and the financial effectiveness of the organisation.

(b) To consider and report to the Council on major issues affecting the Council, whether local or national, provided that, in the event of any such matter falling within the terms of reference of any standing committee, it is a matter which there is a need to expedite or is a policy matter of major importance to the Council. In such a case the Leader of the Council shall obtain the agreement of the Chairman of the relevant standing Committee concerned before the matter is considered by the Executive.

(c) To consider and advise the Council annually on the council tax base, the estimates of expenditure and the capital programme when formulated for all service issue areas, on the resources available and to determine variations to the capital programme within the overall sum approved by the Council.

(d) To advise the Council on the overall level of council tax to be levied (including Parish expenditure), including the precept of the Surrey County Council and level of rents to be set to meet the Council's needs.

(e) To monitor both capital and revenue spending against approved budgets.

(f) To advise the Council on all policy matters relating to the Council's property holdings and to determine all sales, acquisitions and other property transactions and, in the case of acquisitions, where there is provision within the approved capital programmes or revenue budget.

(g) To advise the Council on the corporate strategy and community plan.

(h) To advise the Council on all matters of policy relating to the following duties and functions:

   i. matters concerning the Local Government and Housing Ombudsman;

   ii. local government boundaries, elections and electoral registration;

   iii. calendar of meetings;

   iv. procedure rules;

   v. the financial and manpower resources of the Council;

   vi. members' training;

   vii. review of the Council's decision-making structure;

   viii. management developments and practices;
ix. public relations, marketing and market research;

x. reports submitted by the External Auditor;

xi. emergency planning; and

xii. community safety.

(i) To consider and make recommendations on any other matters not the specific responsibility of any other standing Committee of the Council.

(j) To liaise with organisations and make representations on all areas not within the terms of reference of other standing Committees.

(k) To carry out within the Council’s policy, subject to any statutory requirements and the conditions of delegation, all matters relating to the management of the matters referred to in (a) (i) to (xii) above.

(l) To make grants within the approved budgets to voluntary organisations and other outside bodies operating within the committee’s responsibility including the Matched-Funding Scheme.

(m) To advise the Council on the members’ allowance scheme and other policy issues on allowances.

(n) To be responsible, within the Council’s policy and subject to the conditions of delegation for:

   (i) the approval of requests for virements over £100,000, and supplementary estimates not exceeding £100,000

   (ii) the management of the Council’s total loan debt and investment or utilisation of all capital receipts, sinking fund, reserve funds or other accumulations

   (iii) major maintenance, improvement and development of all Council properties including energy conservation matters.

(o) To bring together and maintain information on the authority’s property holdings other than housing revenue account dwellings, shops and garages.

(p) To initiate property reviews and to analyse regularly the appropriateness and occupancy of the authority’s holdings.

(q) To monitor and account for the performance of the investment and tenanted service portfolios.

(r) To determine overall strategic maintenance priorities.

(s) To control and manage all land or property and to manage the disposal process to ensure maximum benefit for the authority as a whole.
(t) To consider the general employment policy of the Council and to promote the effective use of the Council's staffing both in the short and long term.

(u) To be responsible within the Council's policy, subject to the conditions of delegation, for all matters relating to:

i. the recruitment, selection, appointment, deployment, training, promotion, welfare, working conditions, terms and conditions and retirement of all employees

ii. the fixing and review of establishments within the approved staffing budget

iii. all powers and duties of the Council under employment related legislation

iv. employee relations including local employee consultation and negotiation processes and grievance, disciplinary, dismissal and appeal procedures

v. employment and training initiatives including those promoted by central government.

(v) To appoint the Employers' Negotiating Team whose role is to conduct negotiations with the staff through the Waverley Joint Negotiating Committee for Pay and Conditions on all matters concerning local pay and conditions of service.

(w) to act in a consultative and sounding board capacity for the Employers' Negotiating Team for all matters concerning local pay and conditions of service.

(x) To determine, on the advice of the Employers' Negotiating Team, matters relating to local pay and conditions of service.

(y) To consider policy relating to procurement of services.

(z) To deal with policy issues relating to specifications, standards of service and monitoring of contracts.

a. To overview complaints handling and Ombudsman investigations.

b. To ensure that effective actions are taken to manage Waverley's key business risks.
Performance Review Issues

(a) To review the Council’s performance management systems to ensure that they are sufficiently systematic and rigorous and adequately resourced.

(b) To receive performance management reports, including benchmarking and the monitoring of performance against national and local performance indicators.

Operations Issues

(a) To advise the Council on major policy issues relating to the following functions:

(i) engineering services

(ii) markets

(iii) cemeteries

(iv) burial of the dead

(v) information technology and office systems

(vi) data protection

(vii) the civic complex (excluding the Borough Hall)

(viii) the appointment of the Council's bankers, insurers and other financial agents

(ix) matters relating to council tax and rate collection and recovery.

(b) To carry out, within the Council’s policy and approved capital programmes and revenue budgets, subject to the conditions of delegation, the management of the above mentioned functions.

(c) Subject to the conditions of delegation, to be responsible for all matters concerning information technology and office systems within the approved Capital Programme and revenue budgets.

(d) Subject to the conditions of delegation, to:

(i) determine matters concerning rate relief and representations from council tax payers including any residual matters relating to the Community Charge and General Rates;

(ii) act as a Review Board for statutory transitional relief appeals, any appeals made against the determination, under delegated powers, of new applications for discretionary rate relief from charities, non-profit making organisations and rural businesses, any exceptional cases that do not conform with the current policy guidelines, and all hardship relief cases.
Leisure Issues

(a) To advise the Council on major policy issues relating to the following functions:

(ii) countryside, including commons, bridleways and footpaths on borough land

(iii) parks, open spaces and community areas

(iv) allotments

(v) sport and recreation (including all matters relating to sports and leisure centres) and children’s play

(vi) arts, museums, cultural and community activities and facilities

(vii) tourism

(viii) village halls matters

(ix) youth matters

(x) grants relating to all these areas.

(b) To carry out, within the Council’s policy and approved capital programmes and revenue budgets, subject to the conditions of delegation, the management of the above mentioned functions.

(c) To make grants within the approved budgets to voluntary organisations and other outside bodies.

Strategic Planning Issues

To advise the Council on all matters of policy relating to the following functions:

(i) strategic planning

(ii) preparation of the local plan

(iii) control of development

(iv) designation of conservation areas

(v) town and country planning matters generally, including co-operation with Surrey County Council

(vi) town schemes and listed buildings

(vii) highway planning and traffic management

(viii) dangerous trees
(ix) the administration of grants towards the preservation of listed buildings and buildings in conservation areas, or within the Farnham town scheme

(x) public transport services

(xi) street naming and numbering

**Other environmental Issues**

To advise the Council on all matters of policy relating to the following functions:

(a) ecological issues

(b) environmental health

(c) environmental services (including environmental cleaning, public conveniences, animal control and waste recycling)

(d) domestic and commercial refuse collection and liaison with the Waste Disposal Authority

(e) home safety

(f) car parking

(g) energy conservation including council property.

**Housing and Community Welfare Issues**

(a) To advise the Council on all matters of policy relating to the following functions:

(i) the housing needs of the Borough and the securing of affordable accommodation to meet those needs

(ii) managing and improving the Council's housing stock

(iii) elderly people’s welfare

(iv) mortgages

(v) the housing advisory service

(vi) housing standards

(vii) house renovation grants

(viii) housing benefits

(ix) providing for welfare needs generally, where those needs are not within the specific responsibility of other statutory bodies
(x) formulating the annual Housing Strategy Statement and the Housing Revenue Account Business Plan.

(b) To carry out, within the Council's policy and approved capital programmes and revenue budgets, subject to the conditions of delegation, the management of the above mentioned functions.

(c) To recommend to the Council the level of rents of properties managed by the Borough.

(d) To work with statutory and voluntary bodies and other organisations to improve housing and welfare conditions for people in the Borough.

The Executive will function as a Committee, with collective responsibility for decisions made. Individual Executive members will not be able to make decisions on behalf of the Council or of the Executive.

3.1 Portfolio Holders

Each individual member of the Executive will oversee a portfolio of corporate functions, responsibilities and interests in the business of the Executive meetings. Except in cases of urgency, in determining any matter the Executive will consult the relevant Portfolio Holder, and such other bodies or individuals (including members of the Council) proposed by the Portfolio Holder and agreed by the Executive.

The Leader will appoint the Deputy Leader and other Members of the Executive and allocate to them the scope of their portfolios.

The Executive may be required by the Council to reconsider or amend any draft plan or strategy.

The responsibilities for functions and delegations set out in the Constitution are subject to

- The rights of an Overview and Scrutiny Committee to consider a proposal within the policy framework
- The exercise by an Overview and Scrutiny Committee of the power to call in or review Executive functions

3.2 Restrictions

The Executive may not take responsibility for imposing conditions, limitations or other restrictions on any approval, consent, licence, permission or registration granted by the Joint Planning, Area Planning or Licensing and Regulatory Committees.

Where a decision is to be made which would normally relate to an Executive function relating to the budget, or borrowing or capital expenditure, and it is proposed to determine the matter contrary to the budget, or financial management plans, or where the proposed decision is contrary to policy in an adopted plan or strategy, the Executive decision-making process will not apply. The proposal must
stand as a recommendation to Council, after consultation with the relevant Overview and Scrutiny Committee.

The responsibilities for functions and delegations set out in this Constitution, in Procedure Rules and in the Scheme of Delegation may only be exercised in accordance with:

- Any statutory restrictions
- The Council’s constitution
- The Council’s policy framework and any other plans and strategies approved by the Executive
- The in-year budget
- The Waverley Code of Local Government Conduct and the Member/Officer Protocol
- The Code of Practice on Local Authority Publicity

**Adoption of the Constitution**

The Council, in adopting this Constitution, delegates the functions referred to in this constitution to be discharged by the bodies or persons and subject to the limitations referred to above at Sections 1 and 2. Any amendment to this Constitution, to the associated Procedure Rules or to the Scheme of Delegation may only be approved by Council.
Licensing and Regulatory Committee Responsibility for functions

Annexe 1 to Part 3
Annexe 1 Licensing and Regulatory Committee Responsibility for functions

1. Power to issue caravan site licences
2. Power to license the use of moveable dwellings and camping sites
3. Power to license hackney carriages and private hire vehicles, their drivers and operators
4. Power to register pool promoters
5. Power to register societies wishing to promote lotteries under the Gambling Act 2005
6. Power to issue Temporary Event Notices
7. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
8. Power to register and license premises for the preparation of food, and other regulatory powers to deal with the hygienic production and retail of meat and other food items
9. Power to license premises for the breeding of dogs, pet shops and breeding establishments, horse breeding and animal boarding establishments
10. Power to license dangerous wild animals
11. Power to license persons to collect for charitable and other causes
12. Power to grant consent for the operation of a loud speaker
13. Power to grant premises and personal licences under the Licensing Act 2003
14. Power to determine applications for new and variations of premises licences which are subject to representations (Licensing Sub-Committees only)
15. Power to license sex establishments
16. Power to grant premises licences, temporary use notices and occasional use notices under the Gambling Act 2005
17. Power to grant various permits for amusement machines in licensed premises and licensed clubs under the Gambling Act 2005.
18. Power to consider and determine street trading applications
19. Power to license scrap metal dealers.
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Part 3.1

Scheme of Delegation of Functions to Officers
WAVERLEY BOROUGH COUNCIL

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

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i. **Scheme of Delegation to Officers – Change log**

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<tr>
<th>Approved</th>
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<th>Details of changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council 24 April 2017</td>
<td>Version 1</td>
<td>Approved in new format</td>
</tr>
<tr>
<td>Council 6 June 2017</td>
<td>Version 2</td>
<td>New Appendix 1 (Paragraph 4) (sealing documents) and Head of Service delegations</td>
</tr>
<tr>
<td>Council 20 February 2018</td>
<td>Version 3</td>
<td>Moves delegations on Meetings, Members and the Constitution from CEx to Head of P&amp;G; updates CEx from Executive Director</td>
</tr>
<tr>
<td>Monitoring Officer* 29 March 2018</td>
<td>Version 4</td>
<td>Transfer of Licensing and Road Closures from Head of P&amp;G to Head of Environmental Services.</td>
</tr>
<tr>
<td>Council 19 March 2019</td>
<td>Version 5</td>
<td>Exercise of CEx functions by Strategic Directors, plus delegations to the S151 officer (fees, CIL-in-kind), Head of Customer &amp; Corp Service (grant or renewal of leases &gt;25 yrs for qualifying applications under LRA1967), Head of P&amp;G (continuing leave of absence of a councillor) and Borough Solicitor (charging a fee for certain Subject Access Requests).</td>
</tr>
<tr>
<td>Monitoring Officer* 4 April 2019</td>
<td>Version 5.1</td>
<td>Approved Delegations re-allocated to appropriate Heads of Service following changes to Senior Management Team effective 1 March 2019. <strong>Scheme of Delegation re-numbered.</strong></td>
</tr>
<tr>
<td>Council 17 July 2019</td>
<td>Version 6</td>
<td>Amendment to M4 (g) to respond to recommendation from Local Government &amp; Social Housing Ombudsman</td>
</tr>
</tbody>
</table>

*authorised by the Monitoring Officer (General Principle 6.1.1)
SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

ii. General Principles

1. Powers

1.1 This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 (and by reference to Section 100G) and the Local Government Act 2000 Section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers.

1.2 The powers in this Scheme of Delegation are only exercisable within the limitations in this Scheme and are subject to the provisions of the Council’s Constitution, including the Financial Regulations and the Contract Procedure Rules.

1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, a Portfolio Holder or this Scheme of Delegation gives authority for any action, the officer designated shall be entitled to take all necessary steps to do so.

1.4 In the event that a Strategic Director or a Head of Service’s post ceases to exist or his or her responsibilities are transferred to another officer (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.

1.5 It is in the nature of any scheme of delegation that those to whom responsibility has been delegated for a particular function, action or decision may require the delegating authority to resume responsibility for that function, action or decision.

1.6 Any Head of Service may seek permission to submit a planning application for development to be carried out by the Council (Regulation 3) and for development to be carried out by other parties on land vested in the Council (Regulation 4).

2. Exercise of Functions

2.1 All decisions by officers made under this Scheme of Delegation, may only be exercised provided they are within budgetary provision and in accordance with proper authorities, in particular the Financial Regulations.

2.2 Any Strategic Director may exercise the powers granted to The Chief Executive (including in his capacity as Head of Paid Service, Returning Officer, Electoral Registration Officer) by this scheme. This can be at the Chief Executive’s request or at the Strategic Director’s discretion in cases where the Chief Executive is absent or unavailable.

2.3 The Chief Executive or any Strategic Director reporting to the Chief Executive may exercise ANY of the delegated powers contained within this scheme except in relation to those functions allocated to the Chief Finance Officer (within the meaning of Section 151 of the Local Government Act 1972 and Section 112-114A of the Local Government Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5, 5A of the Local Government and Housing Act 1989).
3. **Sub-Delegation Scheme**

3.1 Where the Chief Executive, Strategic Directors, Heads of Service or the Borough Solicitor are authorised to take decisions, action to implement such decisions will be taken.

3.1.1 in the name of (but not necessarily personally by) the Chief Executive, Strategic Director, Head of Service or Borough Solicitor; or

3.1.2 by any other officer authorised by the Chief Executive, a Strategic Director, any Head of Service or the Borough Solicitor to take such action in their name or the sub-delegate’s own name.

3.2 The Chief Executive, Strategic Directors, each Head of Service and the Borough Solicitor must prepare and maintain a Sub-Delegation Scheme setting out which officers have been authorised to make decisions under their delegated powers and subject to which terms and conditions. Sub-delegation Schemes must be lodged with the Democratic Services Manager.

3.3 Where delegations are to be exercised after consultation with the Leader, Portfolio Holder or nominated officers, the authorised officer will carry out the consultation and ensure that a record is made.

3.4 Where delegations are to be exercised after consultation with a Portfolio Holder and that Portfolio Holder is unavailable, consultation shall take place with the Leader.

3.5 Where delegations are to be exercised after consultation with other officers, if agreement between officers cannot be reached, the matter must be referred to the Chief Executive or relevant Strategic Director for consideration.

4. **Chief Executive's Urgent Action**

4.1 The Chief Executive is authorised to determine matters of an urgent nature within the remit of the Executive and which cannot wait for the next meeting of the Executive, which are not key decisions and which do not contravene established policies or budgets, after consultation with the Leader and relevant Portfolio Holder.

4.2 Any matters determined by the Chief Executive under 4.1 above will be reported to the next meeting of the Executive.

4.3 As per paragraph 2.2, any Strategic Director may act on the Chief Executive’s behalf in respect of authorising urgent actions either at the Chief Executive’s request or if the Chief Executive is absent or unavailable.

5. **Schedule of Authorisations**

5.1 A Schedule of Authorisations is attached at Appendix 1.

6. **Amendments**

6.1 Amendments to this Scheme will be approved by the Council with the following exceptions:
6.1.1 in respect of the officers designated to exercise delegated authorities where changes in the management structure and post titles have resulted from organisational restructures – by the Monitoring Officer.

6.1.2 updates to reflect new legislation where there is no extension to the limit of the existing delegation – by the Monitoring Officer.

7. Interpretation

7.1 Any reference to a statute or statutory instrument should be taken to include any subsequent statute or statutory instrument that replaces, amends or extends it, or contains related provisions.

7.2 The terms “officer”, “staff” or “employee” include any person employed by the Council irrespective of the particular terms and conditions under which they are employed.

7.3 Where a delegation is shown as being both an Executive and Non-Executive Function, advice should be sought from the Monitoring Officer regarding the individual circumstances.
iii. Schedule of Authorisations

A.1 Legal Proceedings

A1.1 In accordance with Article 14 of the Constitution the Borough Solicitor is authorised to institute, defend or participate in legal proceedings in respect of all functions of the Council.

A.2 Representing the Council in Legal Proceedings

The Borough Solicitor is authorised to appoint any appropriate officer to appear on behalf of the Council and to conduct legal proceedings or complete formal proof in court or tribunal. A record of those officers so appointed will be kept by the Borough Solicitor in accordance with the Sub-Delegation Scheme.

A.3 Land, premises, samples, records, articles, equipment or information

A.3.1 The Chief Executive, Strategic Directors, Heads of Service, and any other officer authorised by those officers, are authorised to

3.1.1 enter, visit or inspect premises,

3.1.2 procure samples,

3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;

3.1.4 inspect, seize and detain any records, including records held in electronic form;

3.1.5 demand or require information in accordance with and as provided for by any legislation covering any Council function.

A.3.2 The Chief Executive, Strategic Directors, Heads of Service, Borough Solicitor and any other officer authorised by those officers, may apply to the Justices of the Peace to obtain warrants to enter premises as provided for by any legislation covering any Council function.

A.3.3 A record of any other officers authorised as set out above will be kept by the Chief Executive, Strategic Directors, Heads of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.4 Sealing of Documents

A.4.1 The Chief Executive, Strategic Directors, Borough Solicitor, Head of Policy and Governance and any lawyer employed by the Council are authorised to witness the sealing of Council documents.
A.5 Instruments of Appointment

A.5.1 The Chief Executive or any Strategic Director is authorised to issue Instruments of Appointment to the Head of Environmental Services as an inspector under the Health & Safety at Work Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable, having regard to that inspector’s qualifications and duties.

A.5.2 The Head of Environmental Services is authorised to issue Instruments of Appointment to an inspector under the Health & Safety at Work etc. Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable having regard to that inspector’s qualifications and duties.

A.6 Serving of Notices

A.6.1 The Chief Executive, Strategic Directors, Heads of Service, Borough Solicitor and any other authorised officer employed by the Council are authorised to serve any statutory notices as provided for by any legislation covering any Council function. A record of any other officers so authorised will be kept by the Chief Executive, Strategic Directors, Heads of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.7 Cautions

A.7.1 The Chief Executive, Strategic Directors, Heads of Service and any other officer authorised by those officers, are authorised to act as Cautioning Officer in order to issue cautions to persons making a clear and reliable admission of an offence, where it is considered that the use of a formal caution is appropriate. A record of any other officers so authorised will be kept by the Chief Executive, Strategic Director or Head of Service (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.8 Appeals

A.8.1 Unless otherwise reserved to the Council, the Executive, a Committee or Sub-Committee, as set out in their Terms of Reference, the Chief Executive, Strategic Directors, Heads of Service and any other officer authorised by those officers, are authorised to hear appeals as provided for by any legislation covering any Council function and in accordance with Council Policies. A record of any other officers so authorised will be kept by the Chief Executive, Strategic Directors or Heads of Service (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.9 Consultant in Communicable Diseases Control

A.9.1 The Consultant in Communicable Diseases Control is authorised by the Council to carry out the following actions:
9.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.

9.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient’s General Practitioner and the Head of Environmental Services.

9.1.3 To serve notices relating to infected food and control of notifiable diseases.

The Council operates an ‘Executive and Leader’ model. Therefore the majority of the Council’s functions (decision-making) lie with the Executive.

However, a range of the Council’s functions are ‘non-Executive’ meaning that those matters are determined either by full Council or by another Committee of the Council in accordance with the Council’s Constitution. Where a Function is referred to below as ‘Non-Executive’, that function cannot be determined by the Executive and would, in the absence of delegation to an officer(s), be decided by full Council or the relevant Committee.

This Scheme of Delegation to Officers must therefore be read in conjunction with the Council’s Constitution.

**STATUTORY OFFICERS**

**B. HEAD OF PAID SERVICE**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.1</td>
<td>Non-executive</td>
</tr>
<tr>
<td>To make all decisions in relation to Human Resources functions in accordance with the Council’s Policies and within budgetary provision, except (a), (b), (c), and (d), below which are reserved to Full Council:</td>
<td></td>
</tr>
<tr>
<td>(a) the appointment of the Chief Executive or Strategic Directors and the statutory posts;</td>
<td></td>
</tr>
<tr>
<td>(b) the adoption of the annual Pay Policy Statement;</td>
<td></td>
</tr>
<tr>
<td>(c) the approval of and amendments to the Pension Policy Statement;</td>
<td></td>
</tr>
<tr>
<td>(d) the settlement of any staff pay award.</td>
<td></td>
</tr>
</tbody>
</table>

**C. THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER**

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.1</td>
<td>Other local authorities in Surrey.</td>
<td>Non-executive</td>
</tr>
<tr>
<td>Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C.2 To amend the designation of a Polling Place, where within six months of an election,
   (a) a designated polling place unexpectedly becomes unavailable; and
   (b) it is impractical to report to Council.

Ward councillors, local party agents and, if applicable, official candidates

Non-executive

D. THE MONITORING OFFICER

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.1. The general delegations and authorisations for the Monitoring Officer are as set out in the Constitution at Article 12, the Members’ Code of Conduct Part 5 Section A, and the Monitoring Officer Protocol at Part 5, Section J.</td>
<td>Non-executive</td>
</tr>
<tr>
<td>D.2 To consider and determine requests for dispensations under Section 33 of the Localism Act 2011.</td>
<td>Non-executive</td>
</tr>
<tr>
<td>D.3 To appoint members to the Hearing Panel from the membership of the Standards Committee.</td>
<td>Non-executive</td>
</tr>
<tr>
<td>D.4 To amend any names and job titles within the Constitution and other constitutional documents resulting from reorganisation or changes in structure/position.</td>
<td>Non-executive</td>
</tr>
</tbody>
</table>

E. THE SECTION 151 OFFICER

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.1 The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and the Financial Regulations</td>
<td>Executive</td>
</tr>
<tr>
<td>E.2 To include properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.</td>
<td>Executive</td>
</tr>
<tr>
<td>E.3 To approve the adoption of new or increased fees and charges within the Schedule of Fees and Charges, after consultation with the Portfolio Holder for Finance, and subject to the annual approval by Council of the complete Schedule of Fees and Charges as part of the Budget-setting.</td>
<td>Non-executive</td>
</tr>
</tbody>
</table>
E.4 To determine, after consultation with the Portfolio Holder for Finance, applications from developers to meet some or all of their obligations to pay Community Infrastructure Levy (CIL) charges through ‘payment in kind’ (as defined in Waverley’s Phasing and CIL-in-kind policies) | Executive

### DELEGATIONS TO OFFICERS

#### F. CHIEF EXECUTIVE

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>F.1 To hear and determine appeals relating to applications to include properties in the List of Assets of Community Value.</td>
<td>Executive</td>
</tr>
</tbody>
</table>

#### G. HEAD OF BUSINESS TRANSFORMATION

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.1 To make all day-to-day management decisions relating to the Council’s functions as they relate to customer services.</td>
<td>Executive</td>
</tr>
</tbody>
</table>

#### H. HEAD OF COMMERCIAL SERVICES

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.1 To make all day-to-day management decisions relating to the Council’s Leisure and Green Space functions.</td>
<td>Executive</td>
</tr>
</tbody>
</table>

**Building Control**

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.2 To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service</td>
<td>The relevant Portfolio Holder</td>
<td>Executive</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.3 To exercise the Council’s powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and</td>
<td>Executive</td>
</tr>
</tbody>
</table>
service of all Notices, the making of requirements and the decision to carry out works in default.

| H. 4 | To exercise the powers and duties of the Council, including the recovery of costs, relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings | Executive |

| H. 5 | To make all decisions, take all actions and exercise all powers in respect of the Council’s Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s Building Control function:  
  i. Building Act 1984 | Non-Executive/Executive |

## I. HEAD OF ENVIRONMENTAL SERVICES

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. 1</td>
<td>The determination of applications for street collections to provide funding to meet a major local, national, or international disaster.</td>
<td>The Chairman of the Licensing and Regulatory Committee.</td>
</tr>
</tbody>
</table>
| I. 2 | On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to:  
  (a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and  
  (b) reviews undertaken of existing licences. | The appropriate ward councillors. | Non-executive |

### Licensing

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. 3</td>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s licensing functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s licensing functions:</td>
</tr>
<tr>
<td>i.</td>
<td>the Regulatory Reform Act 2001</td>
</tr>
<tr>
<td>ii.</td>
<td>Licensing Act 2003</td>
</tr>
<tr>
<td>iii.</td>
<td>Gambling Act 2005</td>
</tr>
<tr>
<td>iv.</td>
<td>the Public Health Acts 1875, 1936 and 1961 (as amended)</td>
</tr>
<tr>
<td>v.</td>
<td>Public Health (Control of Disease) Act 1984</td>
</tr>
<tr>
<td>vii.</td>
<td>Dangerous Wild Animals Act 1976</td>
</tr>
<tr>
<td>viii.</td>
<td>the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (as amended),</td>
</tr>
<tr>
<td>ix.</td>
<td>Prevention of Damage by Pests Act 1949</td>
</tr>
<tr>
<td>x.</td>
<td>the Scrap Metal Dealers Act 2013</td>
</tr>
<tr>
<td>xi.</td>
<td>Sunday Trading Act 1994</td>
</tr>
<tr>
<td>xii.</td>
<td>Town Police Clauses Act 1847 and 1889</td>
</tr>
<tr>
<td>xiii.</td>
<td>Guard Dogs Act 1975</td>
</tr>
<tr>
<td>xvi.</td>
<td>Control of Dogs Order 1992</td>
</tr>
<tr>
<td>xviii.</td>
<td>The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018</td>
</tr>
<tr>
<td>xix.</td>
<td>Zoo Licensing Act 1981</td>
</tr>
</tbody>
</table>

including but not limited to the following:

A. Personal, premises, club premises licences and Temporary Event Notices  
B. Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence)  
C. House to house and street collections  
D. Club gaming/club machine permits and small society lotteries  
E. Sexual Entertainment Venues  
F. Street trading  
G. Scrap metal dealers  
H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals  
I. Game dealers  
J. Tattooing, acupuncture, ear piercing, cosmetic piercing and electrolysis  
K. Sunday trading

**except for**

a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;  
b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing and Regulatory Committee;
c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing and Regulatory Committee;
d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee;
e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing and Regulatory Committee;
f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.

I. 4 On behalf of the Council as the Responsible Authority for Environmental Health and/or the Responsible Authority for Health and Safety, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:
   a) to make a relevant representation
   b) to apply for a review of a premises licence
   c) to apply for a review of a club premises certificate

I. 5 On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:
   a) to make a relevant representation
   b) to apply for a review of a premises licence
   c) to apply for a review of a club premises certificate

Environmental Protection

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. 6</td>
<td>Executive</td>
</tr>
<tr>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s environmental protection functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s environmental protection functions:</td>
<td></td>
</tr>
<tr>
<td>i. the Control of Pollution Act 1974 (as amended)</td>
<td></td>
</tr>
<tr>
<td>ii. the Environmental Protection Act 1990</td>
<td></td>
</tr>
<tr>
<td>iii. Dangerous Dogs Act 1991</td>
<td></td>
</tr>
<tr>
<td>iv. Noise &amp; Statutory Nuisance Act 1993</td>
<td></td>
</tr>
<tr>
<td>v. the Environment Act 1995</td>
<td></td>
</tr>
<tr>
<td>vi. the Noise Act 1996</td>
<td></td>
</tr>
<tr>
<td>vii. the Dog (Fouling of Land) Act 1996</td>
<td></td>
</tr>
</tbody>
</table>
ix. Clean Neighbourhoods and Environment Act 2005
x. the Health Act 2006
xi. the Refuse Disposal (Amenity) Act 1978
xii. Zoo Licensing Act 1981
xv. Health Act 2006
xvi. Sunday Trading Act 1994
xvii. Clean Air Act 1993
xviii. Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended)
xix. Pollution Prevention and Control Act 1999
xxi. Criminal Justice and Police Act 2001

including but not limited to the following:
A. Pollution control
B. Air pollution control and clean air;
C. smoke free premises
D. Waste collection
E. Recycling
F. Controlled waste
G. Contaminated land
H. Statutory nuisance
I. Litter
J. Dangerous and Out of Control dogs
K. Dog fouling
L. Authorisations in relation to controlled processes
M. High Hedges complaint
N. Graffiti removal
O. Noise nuisance
P. Abandoned vehicles and other refuse
Q. Prevention of crime and disorder
R. Drug and alcohol abuse/misuse of substances

except for

the award of the Waste Collection and Recycling Contract which is reserved to the Executive.

Environmental Health

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 7</td>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s environmental health functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s environmental health functions:</td>
</tr>
</tbody>
</table>
i. the Local Government Act 1972  
ii. the Local Government (Miscellaneous Provisions) Act 1976  
iii. the Public Health Act 1961  
iv. the Clean Neighbourhoods and Environment Act 2005  
v. the Prevention of Damage by Pests Act 1961  
vii. Water Act 1989  

including but not limited to the following:

(a) drains, private sewers, water closets or soil pipes  
(b) a satisfactory supply of wholesome water  
(c) the control rats and mice  
(d) filthy or verminous premises, articles or persons  
(e) the prevention and suppression of nuisances  
(f) emergency situations arising outside normal working hours.

---

### Food and Health & Safety

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. 8</td>
<td>Non-executive/Executive</td>
</tr>
<tr>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s food safety and health &amp; safety functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation and any associated regulations relating to the Council’s food safety and health &amp; safety and pesticides functions:</td>
<td></td>
</tr>
</tbody>
</table>
| i. the European Communities Act 1972  
ii. the Food and Environment Protection Act 1985,  
iii. the Food Safety Act 1990,  
iv. the Health & Safety at Work etc. Act 1974,  
v. Sunday Trading Act 1994,  
vi. Public health (Control of Diseases) Act 1984 (and regulations made thereunder (with the exception of those dealt with under the health protection regulations))  
vii. Game Act 1831  
viii. Sea Fisheries (Shellfish) Act 1967  
ix. Offices Shops and Railway Premises act 1963  
x. (ix) Food and Environment Protection Act 1985 |

---

### Land Drainage

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. 9.</td>
<td>Executive</td>
</tr>
<tr>
<td>To take all actions to alleviate flooding under the Water Management Acts, Water Act 1989 and Land Drainage Act 1991</td>
<td></td>
</tr>
</tbody>
</table>

Waverley Borough Council Scheme of Delegation to Officers - Version 6 (17 July 2019)
relating to the Council’s land drainage functions, except for the following which are reserved to the Executive:

i. approval of the annual Drainage Works Programme;
ii. authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part-fund from the Drainage Reserve

Car Parks

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.10</td>
<td>Non-executive</td>
</tr>
<tr>
<td>To make all day to day management decisions relating to the management and use of the Council’s car parks, except for the following which are reserved to the Council:</td>
<td></td>
</tr>
<tr>
<td>i. The adoption of and amendments to the Council’s Car Parking Strategy;</td>
<td></td>
</tr>
<tr>
<td>ii. The setting of off-street car parking charges.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.11</td>
<td>Executive</td>
</tr>
<tr>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s parking functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s parking functions:</td>
<td></td>
</tr>
<tr>
<td>i. Highways Act 1980</td>
<td></td>
</tr>
<tr>
<td>ii. Road Traffic Regulation Act 1984</td>
<td></td>
</tr>
<tr>
<td>iii. Road Traffic Regulation Act 1991</td>
<td></td>
</tr>
<tr>
<td>iv. Traffic Management Act 2004</td>
<td></td>
</tr>
</tbody>
</table>

Emergency Planning

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.12</td>
<td>Non-executive</td>
</tr>
<tr>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s functions as a Category 1 Responder in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s emergency planning functions as a Category 1 Responder:</td>
<td></td>
</tr>
</tbody>
</table>

Closure of Streets

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
</table>
### I.13
To make and issue temporary street closures orders in connection with special events in accordance with Section 21 of the Town Police Clauses Act 1847.

### J. HEAD OF FINANCE & PROPERTY

#### Financial Management

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. 1</td>
<td>To set the Council Tax Base.</td>
<td>The relevant Portfolio Holder</td>
</tr>
<tr>
<td>J. 2</td>
<td>To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.</td>
<td>Chief Executive and the relevant Portfolio Holder.</td>
</tr>
<tr>
<td>J. 3</td>
<td>To approve spending from the Insurance Fund in individual projects or a group of related projects or a group of related items up to a maximum of £20,000.</td>
<td>Executive</td>
</tr>
<tr>
<td>J. 4</td>
<td>To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council) (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).</td>
<td>Non-executive</td>
</tr>
</tbody>
</table>

#### Council Tax and NNDR

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. 5</td>
<td>To apportion rates under Section 44A of the Local Government Finance Act 1988, and any subsequent legislation, on premises partially unoccupied for short periods.</td>
</tr>
<tr>
<td>J. 6</td>
<td>To determine applications for Discretionary Rate Relief and Discretionary Council Tax Reduction in accordance with the adopted policy criteria and with discretion to grant applications which can be funded from within the approved budget.</td>
</tr>
<tr>
<td>J. 7</td>
<td>To execute warrants of arrest for Council Tax and Non-Domestic Rate debts</td>
</tr>
</tbody>
</table>

#### Estate Management
<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. 8</td>
<td>To agree, with any supplier agreed by the Council, changes to the cost of supplying gas and electricity services at different times within the contract period in accordance with the terms of the contract.</td>
</tr>
<tr>
<td>J. 9</td>
<td>To approve expenditure from the Repairs and Maintenance Fund on individual or related items up to £20,000.</td>
</tr>
</tbody>
</table>

**K. HEAD OF HOUSING DELIVERY & COMMUNITIES**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K. 1</td>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s housing and homelessness functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s housing and homelessness functions:</td>
</tr>
<tr>
<td></td>
<td>Non-Executive/Executive</td>
</tr>
</tbody>
</table>

i. Housing Act 1985
iii. Local Government and Housing Act 1985
iv. Housing Act 1996
v. Children Act 1989
vi. Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee
vii. Housing Act 2004
ix. Clean Neighbourhoods and Environment Act 2005
x. Leasehold Reform, Housing and Urban Development Act 1993
xi. Leasehold Reform Act 1967
xii. Housing and Planning Act 2016
xiii. Homelessness Act 2002
xiv. Housing, Grants, Construction and Regeneration Act 1996
xv. Prevention of Damage by Pests Act 1949
xvi. Public Health Acts 1936 and 1961
xvii. Caravan Sites and Control of Development Act 1960
xviii. Environmental Protection Act 1990
xix. Public Health (Control of Disease) Act 1984
xx. Caravan Sites Act 1968 and Mobile Homes Act 2013
xxi. Protection from Eviction Act 1977
xxii. Criminal Law Act 1977
xxiii. Building Act 1984
xxiv. Energy Act 2013
xxv. Energy Act 2011

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authority</strong></td>
<td><strong>After Consultation with</strong></td>
</tr>
<tr>
<td>K. 2</td>
<td>To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership).</td>
</tr>
<tr>
<td>K. 3</td>
<td>To proceed to initial assessment of buy back or open market purchase if the opportunity meets the Council’s criteria/policy.</td>
</tr>
<tr>
<td>K. 4</td>
<td>To proceed to initial assessment for a land purchase if the opportunity meets the Council’s criteria/policy</td>
</tr>
</tbody>
</table>
K. 7  To proceed to negotiation stage of buy back or open market purchase if the purchase price falls within overall budget  Portfolio Holders on the Housing Delivery Board  Executive

K. 8  To negotiate on price of buy back or open market purchase  Strategic Director and Estates and Valuation Manager  Executive

K. 9  To proceed with buy back or open market purchase if within budget or purchase price and works are needed  Portfolio Holders on the Housing Delivery Board  Executive

K.10  To negotiate on land purchases  Strategic Director and Estates and Valuation Manager  Executive

K.11  To proceed with land purchase if within agreed financial limits  Portfolio Holders on the Housing Delivery Board  Executive

**Private Sector Housing**

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.12 To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.</td>
<td>The relevant Portfolio Holder</td>
<td>Executive</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.13 To undertake all actions relating to the Council’s functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following: (a) Disabled facilities grants (b) Renovation grants (c) common parts grants, (d) house in multiple occupation grants (e) major repair grants</td>
<td>Executive</td>
</tr>
<tr>
<td>K.14 To undertake all actions relating to the Council’s functions under the Regulatory Reform (Housing Assistance) (England &amp; Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.</td>
<td>Executive</td>
</tr>
</tbody>
</table>
K.15 To undertake all actions relating to the Council’s functions under the Housing Acts and any subsequent legislation regard to unfit housing and houses in multiple occupation. Executive

K.16 To administer and approve loans under the Flexible Improvement Loans Scheme. Executive

### Housing and Homelessness

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.17</td>
<td>To make decisions to depart from the Council’s Allocations Policy in special needs circumstances. Executive</td>
</tr>
<tr>
<td>K.18</td>
<td>To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999. Executive</td>
</tr>
</tbody>
</table>

### Burial or Cremation

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.19</td>
<td>To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased’s estate in liaison with the Treasury Solicitor. Executive</td>
</tr>
</tbody>
</table>

### Community Safety

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.20</td>
<td>To carry out the Council’s functions and any actions authorised by the Community Incident Action Group, relating to anti-social behaviour, in accordance with the Anti-Social Behaviour Crime and Policing Act or subsequent legislation Executive</td>
</tr>
</tbody>
</table>

### Voluntary Organisations and Community Grants

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.21</td>
<td>The relevant Portfolio Holder</td>
<td>Executive</td>
</tr>
</tbody>
</table>

L. HEAD OF HOUSING OPERATIONS
<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L. 1</strong></td>
<td>Executive/Non-Executive</td>
</tr>
<tr>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s housing and homelessness functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s housing and homelessness functions:</td>
<td></td>
</tr>
</tbody>
</table>
| i. Housing Act 1985  
ii. Local Government and Housing Act 1985  
iv. Housing Act 1996  
v. Children Act 1989  
vi. Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee  
vii. Housing Act 2004  
ix. Clean Neighbourhoods and Environment Act 2005  
x. Leasehold Reform, Housing and Urban Development Act 1993  
xi. Leasehold Reform Act 1967  
xii. Housing and Planning Act 2016  
xiii. Homelessness Act 2002  
xiv. Housing, Grants, Construction and Regeneration Act 1996  
xv. Prevention of Damage by Pests Act 1949  
xvi. Public Health Acts 1936 and 1961  
xvii. Caravan Sites and Control of Development Act 1960  
xviii. Environmental Protection Act 1990  
xix. Caravan Sites Act 1968 and Mobile Homes Act 2013  
xx. Protection from Eviction Act 1977  
xxi. Criminal Law Act 1977  
xxii. Building Act 1984  
xxiii. Energy Act 2013  
xxiv. Energy Act 2011 | |

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L. 2</strong></td>
<td>The relevant Portfolio Holder</td>
<td>Executive</td>
</tr>
<tr>
<td>To review decisions taken under the Personal Files (Housing) Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authority</td>
<td>Function</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>L.3</td>
<td>To make decisions under Access to Personal Files (Housing) Regulations 1989.</td>
<td>Executive</td>
</tr>
<tr>
<td>L.4</td>
<td>To make decisions under the Rent Deposit Guarantee Scheme.</td>
<td>Executive</td>
</tr>
</tbody>
</table>

**M. HEAD OF PLANNING & ECONOMIC DEVELOPMENT**

**Development Control and Planning Policy**

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.1</td>
<td>To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.</td>
<td>The Chairman of the Joint Planning Committee and Ward Councillors</td>
</tr>
<tr>
<td>M.2</td>
<td>To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee</td>
<td>The Chairman of the Joint Planning Committee and Ward Councillors</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.3</td>
<td>To make all decisions, take all actions and exercise all powers in respect of the Council’s Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s Development Management, Planning Policy and Planning Enforcement functions: ii. Caravan Sites and Control of Development Act 1960</td>
</tr>
</tbody>
</table>
iii. Countryside and Rights of Way Act 2000  
iv. Enterprise and Regulatory Reform Act 2013  
vi. Environmental Protection Act 1990  
vii. Growth and Infrastructure Act 2013  
viii. Housing Act 1996  
ix. Housing Act 2004  
x. Human Rights Act 1998  
xi. Infrastructure Act 2015  
xii. Local Democracy, Economic Development and Construction Act 2009  
xiii. Local Government Act 2003  
xiv. Localism Act 2011  
xv. Planning (Hazardous Substances) Act 1990  
xvii. Planning Act 2008  
xviii. Planning and Compensation Act 1991  
ix. Planning and Compulsory Purchase Act 2004  
xx. Pollution Prevention and Control Act 1999  
xxi. Town and Country Planning Act 1990  
xxii. Building Act 1984  
xxiii. Self-build and Custom Housebuilding Act 2015  
xxiv. Neighbourhood Planning Act 2017  
xxv. Anti-Social Behaviour Act 2003

| M.4 | (A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness (after consultation with the Borough Solicitor for applications of certificates of lawfulness); |
|     | (B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas; |
|     | (C) to respond to consultations and notifications from other local authorities, public bodies, etc.; |
|     | (D) to determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment; |
|     | (E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land; |
|     | (F) to serve, amend, vary, withdraw, revoke any notices, permissions, certificates (as appropriate) (including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention |

Non-executive
notices, community infrastructure stop notices, certificates of lawfulness);

(G) the making and/or adoption of any plan for the purposes of neighbourhood planning

except:

(a) planning applications that must be referred to the Joint Planning Committee in accordance with Part 3 of the Constitution and as set out below:

(a.1) To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted

(a.2) To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare) and which, in the judgement of the Chief Executive, after consultation with the Head of Planning and the appropriate Area Planning Committee Chairman, meet the following criteria

i. have a significant planning impact beyond the Area in which they are situated, and/or

ii. are of strategic importance, and/or

iii. involve new planning issues for the Borough; or

iv. is a revised application for parcel of land within a development with an extant planning permission previously determined by Joint Planning Committee that increases the total number of dwellings on the total site; and/or

v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more; or

(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in c (i) to (v) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee;

(b) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Head of Planning (or any officer(s) nominated by them),
which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination;

(For (b) above) Where the three-week call-in period has expired, but the Head of Planning is satisfied that there is sufficient justification on planning grounds and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;

(c) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;

(d) any planning application where an objection from a statutory consultee remains unresolved and the officer’s recommendation is to approve the application;

(e) any planning application where the Council is the applicant;

(f) any planning application which is required to be referred to the Secretary of State;

(g) planning applications, where by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both, and not from the same individual or the same household) shall only be determined under delegated powers after the Head of Planning (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.

| M.5 | To take action, make decisions (including determining applications for works to protected trees and prior notifications of the intention to carry out works to trees in conservation areas), serve notices and carry out works relating to trees pursuant to the Town and Country Planning Act 1990, the Hedgerow Regulations 1997 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, and any Regulations made in relation to this legislation or any amendments, except the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee. | Non-executive |
### Licensing

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
</table>
| M.7 | Under the Licensing Act 2003:  
(a) to respond to the Licensing Authority in connection with consultations on applications on behalf of the local planning authority;  
(b) to apply for a review of a premises licence or a club premises certificate. | Non-executive |

### Street Naming and Numbering

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.8</td>
<td>To determine the names of highways under the Public Health Act 1925 (including subsequently amending and replacement legislation).</td>
<td>The appropriate Portfolio Holder and appropriate ward councillors</td>
</tr>
<tr>
<td>M.9</td>
<td>To exercise the street numbering function under the Public Health Act 1925 (including subsequent amending and replacement legislation).</td>
<td>Executive</td>
</tr>
</tbody>
</table>

### N. HEAD OF POLICY AND GOVERNANCE

#### Members Meetings and the Constitution

<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. 1</td>
<td>To approve the annual timetable of meetings of the Council and Standing Committees.</td>
<td>The Leader</td>
</tr>
</tbody>
</table>
| N. 2 | To appoint members to the Independent Remuneration Panel. | Party Group Leaders.  
All decisions to be reported to all Members by email. | Non-executive |
<table>
<thead>
<tr>
<th></th>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. 3</td>
<td>In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.</td>
<td>The party group leaders. All decisions to be reported to all Members by email.</td>
</tr>
<tr>
<td>N. 4</td>
<td>To make changes to the membership of any of the Council’s Committees as necessary during the Council year, in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.</td>
<td>The party group leaders</td>
</tr>
<tr>
<td>N. 5</td>
<td>To grant a continuing leave of absence to a councillor in relation to the Local Government Act 1972 s 85, in consultation with the group leaders. All decisions to be reported to all Members.</td>
<td>The party group leaders</td>
</tr>
</tbody>
</table>

**Communications and PR**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. 6</td>
<td>To make all day to day management decisions relating to the Council’s functions as they relate to communications and public relations.</td>
</tr>
</tbody>
</table>

**BOROUGH SOLICITOR**

**Data Protection Act 1998**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>O. 1</td>
<td>To authorise the charging of a fee in respect of any manifestly unfounded or excessive Subject Access Request under the Data Protection Act 2018/General Data Protection Regulation</td>
</tr>
<tr>
<td>O. 2</td>
<td>To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership).</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Authority</th>
<th>After Consultation with</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>O. 3</td>
<td>To amend the Council’s Regulation of Investigatory Powers Act 2000 Policy and Procedure, to reflect changes to the legislation or for better performance of the Policy.</td>
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<td>O. 4</td>
<td>To add to, or delete from, the list of authorised officers in the Council’s Policy and Procedure pursuant to the Regulation of Investigatory Powers Act 2000.</td>
</tr>
</tbody>
</table>
Rules of procedure

Part 4
[ADVISORY NOTE: All of the Council Rules of Procedure apply to meetings of full Council. They shall apply, where appropriate and with any necessary modification, to the business of and conduct of meetings of the Executive, Committees, Sub-Committees and Panels, with the exception of Rule 14.5 (when a member may speak again).]
Part 4 Rules of procedure

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members of committees and sub-committees
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chairman of meeting
8. Quorum
9. Adjournment of meeting
10. Questions by the public and Presentation of Petitions
11. Questions by members
12. Notices of Motion
13. Motions without notice
14. Rules of debate
15. Informal Meetings of the Council
16. Previous decisions and motions
17. Voting
18. Minutes
19. Record of attendance
20. Exclusion of public
21. Members’ conduct
22. Disturbance by public
23. Rights of Councillors to attend Executive, Committee, Sub-Committees
24. Suspension and amendment of Council Procedure Rules
1.0 ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

Leader and Executive

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

a. elect a person to preside if the Mayor is not present;

b. elect the Mayor;

c. elect the Deputy Mayor;

d. approve the minutes of the last meeting;

e. receive any announcements from the Mayor and/or head of the paid service;

f. elect the Leader for a four year period;

g. appoint Overview and Scrutiny Committees, a Standards Panel and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);

h. agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree;

i. receive a programme of ordinary meetings of the Council for the year; and

j. consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

(i) decide which committees to establish for the municipal year;

(ii) decide the size and terms of reference for those committees;

(iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;

(iv) receive nominations of councillors to serve on each committee;
(v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

2.0 ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided by the Executive. Ordinary meetings will:

(i) elect a person, who may not be a member of the Executive, to preside if the Mayor and Deputy Mayor are not present;

(ii) approve the minutes of the last meeting;

(iii) receive any declarations of interest from members;

(iv) receive any announcements from the Mayor, Leader, members of the Executive or the Chief Executive;

(v) receive petitions and questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;

(vi) deal with any business remaining from the last Council meeting;

(vii) receive reports from the Executive and the Council’s Committees and receive questions and answers on any of those reports;

(viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(ix) consider motions; and

(x) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council’s budget and policy framework and the annual reports of the Overview and Scrutiny Committees for debate.

3.0 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:-

(i) the Council by resolution;

(ii) the Mayor;

(iii) the Monitoring Officer; and
(iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.0 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on committees, the Council will allocate seats in the same manner for substitute members.

4.2 Number

For each committee, the Council will appoint the agreed number of substitutes in respect of each political group in proportion to the number of ordinary seats as that group holds on that committee, Sub-Committee or Panel.

4.3 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

4.4 Substitution

The following procedure will apply to the appointment of substitutes when members are not able to attend a meeting of a Committee or Sub-Committee, including in the case of a vacancy:

(a) The member unable to attend a Committee or Sub-Committee meeting will submit their apologies to the Head of Policy and Governance at least four clear working days in advance of the meeting to enable a substitute to be arranged, if applicable [eg. by the end of Wednesday for a meeting the next Wednesday].

(b) The Head of Policy and Governance will then approach substitutes from the appropriate political group in the order agreed by the Council or the parent Committee.

(c) Substitute members must be from the same political group as the member giving the apology, and in the event that no substitute is available, no substitute will be made for that member.

(d) The Head of Policy and Governance will notify the Committee or Sub-Committee of any substitutions at the start of the meeting.
(e) Substitutes shall exercise the full voting rights of a member of a Committee or Sub-Committee when attending a Committee or Sub-Committee meeting.

(f) For the Joint Planning Committee, all members of the Area Planning Committees who are not already members will be listed as substitutes and a substitute will be called from the same Area Planning Committee as the member giving their apology from the Joint Planning Committee.

(g) Substitute members shall be eligible for payment of travelling and subsistence allowances.

(h) Members on substitute lists will be sent the full agenda for meetings.

There are no substitute members appointed to the Audit Committee, Executive and Area Planning Committees.

5.0 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Policy and Governance and notified in the summons.

6.0 NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available at the time of despatch.

7.0 CHAIRMAN OF MEETING

The chairman presiding at the meeting may exercise any power or duty of the Mayor.

8.0 QUORUM

The quorum of a meeting will be one quarter of the whole number of members (for the Council meeting this means 15 members). During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9.0 ADJOURNMENT OF MEETING

Meetings of the Council should normally finish by 10.00 p.m. but, at a convenient time before then, the Mayor shall put to the meeting the options of:
(i) agreeing to a half hour extension to 10.30 p.m., at which time the meeting shall stand adjourned; or

(ii) continuing the meeting until the Council has concluded its consideration of the Agenda; or

(iii) adjourning the meeting.

No business other than that set out in the Agenda shall be discussed at any adjourned meeting.

10.0 QUESTIONS BY THE PUBLIC

10.1 General

Members of the public who have a legitimate interest in the Borough, by way of work or residency, may ask a question at ordinary meetings of the Council, Executive and Committees. Questions by the public will not be included as an item on agendas for Special or Extraordinary meetings. The rules for asking a written question are set out in Procedure Rules 10.2-10.7 below.

Written questions

10.2 Notice of written questions

A written question may only be submitted if notice has been given by delivering it in writing or by electronic mail to the Head of Policy and Governance no later than close of business (5.00pm), 4 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

10.3 Order of questions

Questions will be listed in the order notice of them was received, except that the Mayor or Chairman may group together similar questions.

10.4 Number of questions

At any one meeting no person may submit more than 1 written question and no more than 1 such question may be asked on behalf of one organisation.

10.5 Scope of questions

The Chief Executive may reject a question if it:

- is not a matter in relation to which the Council has powers or duties or which affects the Borough;
- is defamatory, frivolous or offensive;
10.6 Record of written questions

The Chief Executive will immediately send a copy of the question to the Chairman of the Executive and relevant Portfolio Holder. Where the Chief Executive recommends that the question be rejected, reasons for rejection will be stated.

Copies of all questions and answers will be circulated and made available to councillors and the public attending the meeting. All written questions submitted will receive a prepared answer.

10.7 Reference of question to the Executive or Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or the appropriate named Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

10.8 Informal questions at the Executive

Members of the public may ask informal questions of the Executive before the start of each ordinary meeting of the Executive, in accordance with the arrangements at Executive Procedure Rule 2.9.

Petitions

10.9 Presentation of petitions

Members of the public can submit petitions electronically through the Waverley website or in hard copy addressed to the Chief Executive. The petition will be dealt with in accordance with the Waverley Petition Scheme, a copy of which is attached as Annexe 2.

11.0 QUESTIONS BY MEMBERS

11.1 On reports of the Executive

A member shall not speak more than once on the same motion or amendment, but the mover of any motion may reply to the debate on the motion, or any amendment thereof, and in his reply shall strictly confine himself to answering statements or arguments made in the course of debate and shall not introduce any new matter into the debate.
11.2 Questions on notice at full Council

Subject to Rule 11.4, a member of the Council may ask:

- the Mayor;
- a member of the Executive;
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

11.3 Questions on notice at Committees and Sub-Committees

Subject to Rule 11.4, any member of the Council may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that Committee or Sub-Committee.

Any question put under this rule shall be read out by the member without comment or elaboration and shall be answered without discussion or further question, but the person to whom a question has been put, if for any reason he is unable to answer at the meeting, may undertake to send a written answer to the member asking the question and to any other member on request.

11.4 Notice of questions

A member may only ask a question under Rule 11.2 or 11.3 if either:

(a) they have given at least 4 clear working days’ notice in writing of the question to the Head of Policy and Governance; or

(b) the question relates to urgent matters that are not already included on the agenda, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Head of Policy and Governance by noon on the day of the meeting.

11.5 Response

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
A record of all questions asked and answers given in accordance with this rule shall be included in the minutes of the proceedings of the Council.

12.0 NOTICES OF MOTION

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member or members of the Council giving the notice, must be delivered to the Head of Policy and Governance at least seven clear working days before the date of the meeting.

12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

(a) If the subject matter of any motion of which notice has been duly given comes within the province of any Committee or Committees or the Executive (including any relevant Sub-Committees) it shall, upon being moved and seconded, stand referred without further discussion to the Executive, or the relevant Committee or Committees for consideration and report and a statement to this effect shall be included in the summons for the meeting of the Council.

(b) The Leader of the Council may, if he/she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward and a statement to this effect shall be included in the summons for the meeting of the Council.

(c) Where a motion is referred to the Executive or a Committee or Committees (including Sub-Committees) it shall be dealt with in the business of that Committee or Sub-Committee or the Executive. The relevant Committee or the Executive shall set out the wording of the motion in its report to the next ordinary meeting of the Council after its consideration of the motion and shall include in that report its recommendation on the subject matter of the motion. For the avoidance of doubt, discussion on the item in the report of the committee or Executive dealing with the motion shall be upon the recommendation of the committee and not upon the motion or the wording of the motion itself, but the mover of the motion shall have the right to speak first when the appropriate item in the report of the committee or committees is reached. The mover shall also have the right to reply to points raised during the debate and for this purpose to speak last but one, the final
right of reply to remain with the Chairman of the Committee or Executive or other member who has moved the reception of the report.

In the event of the recommendation of the Committee or Sub-Committee not being adopted, the original motion shall become the substantive motion.

13.0 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

(a) to appoint a Chairman of the meeting at which the motion is moved;
(b) motions in relation to the accuracy of the minutes;
(c) to change the order of business in the agenda;
(d) remission of business to a Committee or the Executive;
(e) to refer a matter to an appropriate body or individual;
(f) to appoint a Committee or member where the need arises from an item on the summons for the meeting;
(g) to receive minutes or to adopt recommendations of committees or officers and any resolutions following from them;
(h) to withdraw a motion;
(i) to amend a motion;
(j) to proceed to the next business;
(k) that the question be now put;
(l) to adjourn a debate;
(m) to adjourn a meeting;
(n) that the meeting continue beyond 10.00 p.m. (if rule 9 is used);
(o) to suspend procedure rule 14.4, for which reasons must be given;
(p) to exclude the public and press in accordance with the Access to Information Rules;
(q) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
(r) to give the consent of the Council where its consent is required by this Constitution.

14.0 RULES OF DEBATE

14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor will require it to be written down and handed to him/her before it is discussed.

14.3 Seconder’s speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Mayor, except in the case of proposers of a motion or an amendment, or those having a right of reply when they may not exceed six minutes. There shall be no time limit for the Leader of the Council in moving the Budget at the Council Tax setting meeting. The Finance Portfolio Holder, the Leader of the Principal Opposition Group and the Leader of any other Opposition Group with 5 or more members should have up to 10 minutes each.

14.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.
14.6 Amendments to motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to the Executive or a Committee for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, unless in the opinion of the Mayor this would help the Council conduct its business. Where the Mayor so permits this, they may be discussed (but not voted on) together.

(c) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, other than one to refer the subject of debate to a Committee or the Executive for consideration or reconsideration, the motion or recommendation as amended shall take the place of the original motion or recommendation and shall become the motion or recommendation upon which any further amendment may be moved.

(d) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

14.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of the seconder and the Council. The meeting’s consent will be signified without
discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the amendment has the right of reply at the close of the debate on the amendment and to speak last but one for that purpose, the final right of reply to remain with the mover of the original motion.

(c) In exercising his right of reply, a Member shall strictly confine himself to answering statements or arguments made in the course of debate and shall not introduce any new material.

14.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) that the meeting continue beyond 10.00 p.m. if Rule 9 is used;

(h) to exclude the public and press in accordance with the Access to Information Rules; and

(i) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure motions

(a) A member may move, without comment, the following motions at the end of a speech of another member:

(i) to proceed to the next business;

(ii) that the question be now put;
(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) on a motion to proceed to next business

The Mayor shall first put that formal motion to the vote without discussion and if it is passed then the Council shall immediately proceed to the next item of business which shall, in the case of a report of a Committee, be the next item on that report and any motions or amendments relating to such item then before the Council shall be deemed to be lost.

(c) on a motion that the question be now put

If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) on a motion to adjourn the debate or the meeting

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final and shall not be open to discussion.

14.13 Personal explanation

A member may make a point of personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final and shall not be open to discussion.

14.14 Statements/Questions on Part II of Executive or Committee Minutes

There shall be no debate on any item contained in Part II of the minutes of the Executive or Committee, but Members may give notice in writing, e-mail or telephone message to the Head of Policy and Governance by noon on the day of the meeting, of a statement or question, and give details of any question.
When a Member or Members of the Executive give(s) notice to speak on any item of the Executive minutes, they shall be heard before any other member of the Council.

Members of the Executive may not bring forward new information under this procedure. Any information which is included in such a statement or question and which has not previously been formally presented to the Council shall be the subject of a report to the next meeting of the Executive, or where appropriate the relevant regulatory Committee.

The Chairman of the Executive or Committee, or person moving the minutes, shall have a right to make a statement or give an answer in reply.

The Leader may choose to delegate his/her response to the appropriate portfolio holder.

The Member making the statement or asking the question shall have the right to put one supplementary question directly relevant to the reply to the original question put by him. This can be responded to immediately or by a written reply but, there shall be no further debate on this matter.

15.0 INFORMAL MEETINGS OF THE COUNCIL

15.1 Calling of debate

The Leader may call a state of the Borough debate annually on a date and in a form to be agreed with the Mayor.

15.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the Borough debate.

15.3 Chairing of debate

The debate will be chaired by the Mayor.

15.4 Results of debate

The results of the debate will be:

(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and

(ii) considered by the leader in proposing the budget and policy framework to the Council for the coming year.

15.5 Other Informal Council Meetings
(i) Informal meetings of Councillors may be called at any time by the Mayor subject to compliance with Section 100B of the Local Government Act 1972 by giving each member notice thereof, such notice specifying the business to be debated thereat, not less than seven clear working days before the date of the meeting.

(ii) At a meeting called in pursuance of this Procedure Rule

(a) these Procedure Rules, with the exception of Procedure Rules 15.5 and 2(i), shall have no effect

(b) no business other than that specified in the notice of the meeting shall be discussed

(c) no formal resolutions shall be passed

(d) no speech shall exceed five minutes in duration

(e) the debate shall be limited to a duration of 1 ½ hours unless in the opinion of the Mayor this time is insufficient for the purposes of the debate and such longer time as the Mayor may decide shall be allowed.

(iii) A meeting called in pursuance of this Procedure Rule shall be an approved duty for the purposes of payment of travel and subsistence allowances.

16.0 PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months, provided that this Procedure Rule shall not apply to any matter coming before the Council as a result of a recommendation of a Committee or the Executive.

17.0 VOTING

17.1 Majority
Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

17.2 Mayor’s casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote. Where the Mayor has not used his second or casting vote to produce a majority in favour of or against the proposition, then in such case the proposition shall be deemed to be lost for want of a majority.

17.3 Show of hands

Unless a recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. The Mayor will announce the numerical result immediately the result is known.

17.4 Recorded vote

If a member, supported by five others present at the meeting, demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

A recorded vote will be taken at budget-setting Council meetings.

17.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not an absolute majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is an absolute majority of votes for one person.

17.7 Electronic Voting

Any voting referred to in PR 17 may be conducted using any electronic voting system available in the Council Chamber.

18.0 MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a
correct record. The only part of the minutes that can be discussed is their accuracy.

18.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 **Form of minutes**

The minutes of the proceedings of meetings of the Council, the Executive, Committees and Sub-Committees shall be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next following meeting of the Council by the Chairman, and any minute purporting to be so signed shall be received in evidence without further proof.

18.4 Minutes will contain all motions and amendments in the exact form and order the Mayor puts them.

18.5 The minutes of the Executive, each Committee and Sub-Committee shall be laid on the table for one half-hour before the next meeting commences and also be available for inspection after each meeting.

18.6 The Chairman shall put the question that the minutes of the meeting of the Council, committee or sub-committee held on the .... day of ............... be approved as a correct record.

19.0 **RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names in the attendance register before the conclusion of every meeting to assist with the record of attendance. A summary of the attendance by councillors at the Executive, Committees and Sub-Committees will be published on the Waverley website at the end of each Council year.

20.0 **EXCLUSION OF THE PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

21.0 **MEMBERS’ CONDUCT**
21.1 **Standing to speak**

When a member speaks at full Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 **Mayor standing**

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

21.3 **Member not to be heard further**

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

21.4 **Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

22.0 **DISTURBANCE BY PUBLIC**

22.1 **Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

22.2 **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

22.3 **Photography, video audio or recording meetings**

Members of the public may take photographs, film and audio-record meetings of the Council, Executive, Committees or Sub-Committees that are open to the public from within the public gallery, provided that it does not disturb other
members of the public in the gallery and does not detract from or delay the proper conduct of the meeting.

22.4 Reporting on Council Meetings

Members of the public are able to use social media to report on public meetings from within the public gallery, provided that it does not disturb other members of the public in the public gallery and does not detract from or delay the proper conduct of the meeting. Councillors may also use social media to report on Council meetings.

23.0 RIGHTS OF COUNCILLORS TO ATTEND EXECUTIVE, COMMITTEE AND SUB-COMMITTEE MEETINGS

Any Member of the Council who is not a Member of a Committee or Sub-Committee shall be entitled to attend any meeting of the Executive or that Committee or Sub-Committee, but not to vote, but shall be entitled to speak on any specific item for up to four minutes.

Any Member wishing to do this shall have to give notice specifying the item to the Head of Policy and Governance by noon on the day of the meeting if the meeting begins after 2pm or by 5pm on the previous working day if the meeting commences before 2pm. The Chairman may waive this rule.

Members may seek the consent of the Chairman to present documents or photographs in support of when they speak, but should give the Head of Policy and Governance forty-eight hours' notice, but where this has not been possible the Head of Policy and Governance and Chairman may waive the rule.

23.1 In the case of Area Planning or Joint Planning Committee meetings, where a Member addresses the Committee on a matter affecting their ward, they shall have a right to speak again towards the end of the debate to clarify any matters.

23.2 A protocol for attendance by Executive Portfolio Holders at Overview and Scrutiny Committees and for attendance by Chairmen of Overview and Scrutiny Committees at Executive meetings is attached at Annexe 3.

24.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

Council Procedure Rule 14.4 (content and length of speeches) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

24.2 Amendment
Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
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Access to information procedure rules
Access to information procedure rules

1.0 SCOPE

These rules apply to all meetings of the Council, its Standing Committees, including the Executive, Joint Committees, Sub-Committees and Panels.

2.0 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law, including the developing position on Freedom of Information. In addition, there may also be implications arising from Data Protection and Human Rights legislation, which is still evolving.

3.0 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4.0 NOTICES OF MEETING

The Council will give at least five clear days’ notice of any meeting by posting details of the meeting at

The Council Offices
The Burys, Godalming

Farnham Locality Office
South Street, Farnham

and also on the Waverley website.

5.0 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the offices listed above, at least five clear days before the meeting, and also on the Waverley website unless a meeting is called as a matter of urgency (Procedure Rule 15 refers) and papers will be made available as soon as possible on the Council’s website.

Where reports referred to in the agenda are prepared after the summons for members to attend the meeting has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.
6.0 SUPPLY OF COPIES

The Council will publish on its website and supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any summary agenda pages indicating the nature of the items in the agenda; and

(c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7.0 ACCESS TO MINUTES AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which would disclose information which remains exempt or confidential;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8.0 BACKGROUND PAPERS

8.1 List of background papers

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).
8.2 **Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9.0 **SUMMARY OF PUBLIC'S RIGHTS**

These rules comprise a summary of the public’s rights to attend meetings and to inspect and copy documents kept at and available to the public at:

The Council Offices, The Burys, Godalming, Surrey.

10.0 **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

10.1 **Confidential information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 **Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of Schedule 1 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 **Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 **Meaning of exempt information**

Exempt information means information falling within the following categories (subject to any condition), and where the Council has resolved that the discretion should be exercised:
<table>
<thead>
<tr>
<th>Category</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Information relating to any individual</td>
<td>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description</td>
</tr>
<tr>
<td>2. Information which is likely to reveal the</td>
<td>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description</td>
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<tr>
<td>identity of an individual</td>
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<tr>
<td>3. Information relating to the financial or</td>
<td>Information falling within paragraph 3 is not exempt if it is information that is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.</td>
</tr>
<tr>
<td>business affairs of any particular person</td>
<td></td>
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<td>(including the authority holding that</td>
<td></td>
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<tr>
<td>information)</td>
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<tr>
<td>4. Information relating to any consultations</td>
<td>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority</td>
</tr>
<tr>
<td>or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority</td>
<td></td>
</tr>
<tr>
<td>5. Information in respect of which a claim</td>
<td>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</td>
</tr>
<tr>
<td>to legal professional privilege could be</td>
<td></td>
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<tr>
<td>maintained in legal proceedings.</td>
<td></td>
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<tr>
<td>6. Information which reveals that the</td>
<td>Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made</td>
</tr>
<tr>
<td>authority proposes:—</td>
<td></td>
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<tr>
<td>(a) to give under any enactment a notice</td>
<td></td>
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<td>under or by virtue of which requirements are</td>
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<tr>
<td>imposed on a person; or</td>
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<td>---</td>
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<tr>
<td>(b)</td>
<td>to make an order or direction under any enactment</td>
</tr>
</tbody>
</table>

| 7. | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime * |

* For the Standards Panel, the additional paragraphs are to be read as if inserted following Paragraph 7:-

| 7A. | Information which is subject to any obligation of confidentiality. |
| 7B. | Information which relates in any way to matters concerning national security. |
| 7C. | The deliberations of a Standards Panel in reaching any finding on a matter referred to that Panel |

Information which is otherwise exempt by virtue of paragraphs 1 to 7 above, may be exempt “if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.

Information is not exempt information if it relates to proposed development for which the Council, as local planning authority, may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

**11.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive/Head of Policy and Governance/Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.
12.0 APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the Executive. If the Executive meets to discuss and take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (Urgent Decisions) apply. A key decision is defined in Article 13 of the Constitution.

This requirement does not include meetings, whose sole purpose is for officers to brief members.

13.0 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (Urgent Decisions), a key decision may not be taken unless:

(a) a notice (called here a Forward Programme) has been published in connection with the matter in question;

(b) at least 5 clear days have elapsed since the publication of the Forward Programme; and

(c) where the decision is to be taken at a meeting of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meetings); or

(d) it results from central government guidance of which the Council has been notified in insufficient time.

14.0 THE FORWARD PLAN

14.1 Forward Programme

The Council’s Forward Plan of Key Decisions, to be known as the Forward Programme will be adopted by the Executive. Forward plans and proposals to deal with decisions will be adopted by each meeting of the Executive to cover a period of at least four months, beginning with the day of the Executive meeting.

14.2 Contents of Forward Programme

The Forward Programme will contain matters which the Executive has reason to believe will be subject of a key decision to be taken by the Executive during the period covered by the plan. It will detail the matter in respect of which a decision is to be made and the earliest anticipated date of the decision-making meeting. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(b) the means by which any such consultation is proposed to be undertaken;
(c) the steps any person might take who wishes to make representations to
the executive or decision taker about the matter in respect of which the
decision is to be made, and the date by which those steps must be taken;
and

Variations to the Forward Programme will be published with the papers of the
Executive. The Constitution of the Council does not provide for decisions to be
taken by single members of the Council.

The Council’s Scheme of Delegation may allow for decisions to be made by
single officers in consultation with specified members. The responsibility for
such decisions rests with the officer concerned.

The Head of Policy and Governance will publish once a year a notice on the
website, stating:-

(a) that key decisions are to be taken on behalf of the Council;

(b) that a forward plan containing particulars of the matters on which
decisions are to be taken will be prepared on a monthly basis;

(c) that the plan will contain details of the key decisions to be made for the
four month period following its publication;

(d) that each plan will be available for inspection at reasonable hours free
of charge at the Council’s offices;

(e) that each plan will contain a list of the documents submitted to the
decision takers for consideration in relation to the key decisions on the
plan;

(f) the address from which, subject to any prohibition or restriction on their
disclosure, copies of, or extracts from, any document listed in the forward
plan is available;

(g) that other documents may be submitted to decision takers;

(h) the procedure for requesting details of documents (if any) as they
become available; and

(i) the dates on each month in the following year on which each forward
plan will be published and available to the public at the Council’s offices.

Exempt information need not be included in a Forward Programme and
confidential information cannot be included although a reference should be
included to state which category of exempt information might apply to any
particular reports.

15.0 URGENT DECISIONS
If a matter which is likely to be a key decision has not been included in the Forward Programme, then the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Programme;

(b) the Head of Policy and Governance has informed the Chairman of a relevant Overview and Scrutiny Committee, or if there is no such person available, each member of that Committee by notice in writing, of the matter in respect of which the decision is to be made;

(c) as soon as reasonably practicable, the Head of Policy and Governance shall make available at the Council Offices for inspection by the public, and publish on the Council’s website, a notice setting out the reasons why it was impracticable to include the item in a forward plan; and

(d) at least three clear days have elapsed since the Head of Policy and Governance has complied with (b) and (c) above.

In the event that 3 clear days are not available, the decision may only be made if agreement has been obtained from:

(a) the Chairman of the relevant Overview and Scrutiny Committee; or

(b) if there is no such person, or the appropriate Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or

(c) where there is no Chairman of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

16.0 REPORT TO COUNCIL

16.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

(a) included in the Forward Programme; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chairman, or the Mayor or Deputy Mayor, under Rule 15;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the relevant Overview and Scrutiny Chairman or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting.
of the relevant Overview and Scrutiny Committee or by the Co-ordinating Board.

16.2 Executive’s report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

16.3 Quarterly reports on Urgent decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 15 (urgent decisions) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17.0 RECORD OF DECISIONS

After any meeting of the Executive, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

18.0 MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

All meetings of the Council, the Executive, or of Committees and Sub-Committees of the Council will be held in public, except in so far as confidential or exempt information is the subject matter of debate.

19.0 NOTICE OF MEETING OF THE EXECUTIVE

Members of the Executive will be entitled to receive five clear working days’ notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

The Chief Executive, the Monitoring Officer, the Borough Solicitor, and their nominees, are entitled to attend any meeting of the Executive.

20.0 DECISIONS BY THE EXECUTIVE

20.1 Reports intended to be taken into account

Where the Executive receives a report which it intends to take into account in making any key decision, then the decision will not be made until at least 5 clear days after receipt of that report.
20.2 **Provision of copies of reports to Overview and Scrutiny Committees**

On giving of such a report to the Executive, the person who prepared the report will give a copy of it to the Chairman of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 **Record of decision**

As soon as reasonably practicable after an Executive decision has been taken, the Head of Policy and Governance will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by the Executive. This does not require the disclosure of exempt or confidential information or advice.

21.0 **OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

21.1 **Rights to copies**

Subject to Rule 21.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a meeting of the Executive.

21.2 **Limit on rights**

An Overview and Scrutiny Committee, or its members, will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

22.0 **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

22.1 **Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive unless it contains exempt information upon which the Monitoring Officer will determine whether the document can be made available.

22.2 **Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive.
22.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have.
Executive Procedure Rules
Executive Procedure Rules

LEADER AND EXECUTIVE

1.0 HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

(i) the Executive as a whole;

(ii) an officer with identified delegated powers to act on the Council’s behalf;

(iii) nominated members of the Executive acting under joint arrangements with another local authority.

1.2 The Leader will determine the scope of the portfolios and allocate them to members of the Executive.

1.3 Delegation of Executive Functions

(a) Where the Executive is responsible for an Executive function, it may delegate further to joint arrangements with another local authority or to an officer of the Council.

(b) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the Executive, should the occasion arise.

1.4 The Council’s Scheme of Delegation and Executive Functions

The Council’s Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.5 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.

(b) If any member of the Executive has a conflict of interest this should be dealt with as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.

(c) If the exercise of an Executive function has been delegated and should a conflict of interest arise, the function will be exercised in the first instance by the Executive and otherwise as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.
1.6 Executive Meetings – When and Where?

The Executive will meet for decision making at least 10 times per year and meetings shall commence at 6.45 p.m., or in special circumstances at such hours as the Executive may fix from time to time. Meetings of the Executive should normally finish by 10.00 p.m. but at a convenient time before then, the Chairman may put to the meeting the options of extending the meeting until 10.30 p.m., continuing until its conclusion or adjourning the meeting. The Executive shall meet at the Council’s main offices or another location to be agreed by the Leader. Special meetings may be convened to consider specific matters and will be called by the Head of Policy and Governance.

1.7 Public or Private meetings of the Executive?

The Executive will conduct all its decision-making business in compliance with the Local Government Acts and Access to Information legislation and all decisions will be taken by the Executive at meetings open to the public. This means, amongst other things, that the requirements of the Access to Information legislation will apply to its decision-making meetings. Public notice of meetings will be given and the agenda and reports will be on deposit for public inspection at least five clear working days before each meeting. Meetings will be open to the public and press, but they may be excluded when confidential or exempt business, as defined in the legislation, is to be transacted. All decisions will be recorded and published, together with the reasons and relevant background papers.

All meetings of the Executive that take any decisions will be held in public, except for those parts of the agenda which are exempt. The Access to Information Rules set out in Part 4 will be followed. Any members of the Council may receive briefings from officers which will not be open to the public and press.

1.8 Quorum

The quorum for a meeting of the Executive shall be three members.

1.9 How are decisions to be taken by the Executive?

(a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution and Council Procedure Rules in Part 4.

(b) (i) Voting at a meeting of the Executive shall be by vocal consent provided that if one or more members shall indicate dissent then the vote shall be retaken on a show of hands.

(ii) In the case of an equality of votes at a meeting of the Executive, the Chairman presiding shall have a second or casting vote.
(iii) If three members of the Executive request it, the names of those voting for, against and abstaining will be recorded.

(iv) If any member so desires he may request that it be recorded as to how his vote has been given.

1.10 Principles of Decision-Making

The following conditions should apply to decisions taken by or on the Council’s behalf, both in the general public interest and in the interests of ensuring that the Council is able to defend its actions against legal challenge:-

(a) That members are fully and effectively supported and advised by officers in exercising both executive and non-executive functions;

(b) That decisions are only taken after the proper consideration of written reports which comply with the principles of the Access to Information legislation;

(c) That relevant matters are fully taken into account in decision making;

(d) That nothing irrelevant is taken into account;

(e) That the Council’s constitution is fully complied with including in particular:

- Procedure Rules
- Contract Procedure Rules
- Financial Procedure Rules
- Scheme of Delegation
- Waverley Local Code of Conduct and the Members’ Planning Code of Good Practice
- Members should make any appropriate declarations of interests
- Member/Officer Protocol

(f) That decisions are recorded by officers and published, together with the reasons and relevant background papers.

This means that a clear audit trail of decision-making must be maintained and kept available for future reference. This applies not only to decisions taken by the full Council, the Executive and Committees or Sub-Committees, but also to those taken by officers acting under delegated powers. The Monitoring Officer will be responsible for ensuring that the Council’s decision-making processes
meet the requirements of the law and comply with principles of good governance. The Council recognises the need to have an inclusive approach to member decision-making. Accordingly, reports relating to the budget or policy framework will normally be considered by an appropriate Overview and Scrutiny Committee before they are submitted to the Executive. In addition, the Overview and Scrutiny Committee may identify any item from the Forward Programme for overview. The comments of the Overview and Scrutiny Committee will be included in the report to the Executive.

1.11 Information before taking decisions

Before taking decisions or making recommendations to the Council, the Executive will receive a written report. This will include:

(a) whether the report contains information which is confidential or may be exempt information;

(b) the issue to be decided together with analysis/relevant data, any relevant national or regional guidance etc.;

(c) the justification for the recommendation and any other options;

(d) whether the matter complies with the Council’s policy framework and budget, or any subordinate strategies previously approved by the Executive; or whether the decision recommended would amount to a material departure from any of these policies, budgets or strategies;

(e) any consultations undertaken with other public, private, voluntary and community sector agencies;

(f) any resource, value for money, equality and diversity, climate change, legal or other implications;

(g) any collective advice from the Management Board;

(h) any comments and advice received from Overview and Scrutiny Committees;

(i) the ward(s) affected;

(j) a list of the background papers.

The majority of reports will be commissioned by the Leader and/or the Portfolio Holder, and the responsibility for the content of reports will rest collectively with the Management Board. In some cases, the Management Board will initiate a report. In all cases, the Portfolio Holder will be briefed and kept fully informed of the progress of reports at all stages.
The Executive will meet according to a published calendar and the Leader of the Council will be responsible for the overall management and conduct of its business. Together with a Forward Programme covering at least a four month period for the forthcoming business of the Executive, there will be an agenda for meetings of the Executive. This will help to inform the scrutiny process and enable all other members of the Council to be kept up to date on current issues.

Minutes will be kept of each meeting of the Executive. They will be published and made available on the Waverley website and to all members of the Council.

As with decisions taken by the Executive, any decisions taken by officers must be properly documented and should generally follow the principles set out in these procedure rules.

2.0 HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In the absence of both, a person appointed to do so by those present shall preside.

2.2 Who may attend?

Details are set out in the Access to Information Rules in Part 4 of this Constitution. All meetings of the Executive shall be open to the press and public although they may be excluded from a meeting of the Executive, according to law, whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present, exempt information would be disclosed to them. In the case of the limited category of confidential information, the public must be excluded from the meeting.

2.3 What business?

At each meeting of the Executive the following business will be conducted:

(i) consideration of the minutes of the last meeting;

(ii) declarations of interest, if any;

(iii) matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(iv) consideration of reports from Overview and Scrutiny Committees; and
(v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

Special meetings convened to consider specific matters will not include public questions or the minutes of the last meeting.

2.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Executive agenda?

1. The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive or any officer in respect of that matter. The Chief Executive will comply with the Leader’s requests in this respect.

2. The Monitoring Officer and/or the Head of Policy and Governance may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where the Chief Executive and Head of Policy and Governance/Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Who can attend and speak at Executive Meetings?

Any member of the Council who is not a member of the Executive shall be entitled to attend any meeting of the Executive but not to vote, but he shall be entitled to speak on any specific item for up to four minutes. Any member wishing to do this shall give notice to the Head of Policy and Governance by noon on the day of the meeting.

2.7 Dispute Resolution

Any dispute about the jurisdiction of the Executive, for example whether or not a matter is delegated to the Executive or contrary to the policy framework or
budget, will be referred to the Monitoring Officer and/or the Head of Policy and Governance for advice as appropriate. If it is resolved not to accept such advice, the final decision as to whether the Executive can take a decision is for the Council to decide.

2.8 Urgent Decisions

Any urgent Executive or Non-Executive decisions may be taken by the Chief Executive after consultation with the Leader, Deputy Leader and appropriate portfolio holder under the existing provisions in the Scheme of Delegation. Any such decisions will be reported to the next appropriate Committee or Executive meeting.

2.9 Questions by the Public

Written questions

2.9.1 Members of the public may ask written questions at ordinary meetings of the Executive in accordance with the provisions in Council Procedure Rules 10.2 – 10.7. The Leader and/or the Deputy Leader or appropriate portfolio holder should be invited to respond to the question.

Informal questions

2.9.2 Informal questions may be asked of the Leader, Deputy Leader or an appropriate Portfolio Holder before the start of each ordinary meeting of the Executive for up to 15 minutes, including replies. No prior notice needs to be given. Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.
Overview and Scrutiny Procedure rules
Overview and Scrutiny Procedure rules

1.0 What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will establish the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time.

Currently Waverley has four Committees which take the functions of both Overview and Scrutiny.

The Committee membership is politically proportional and each Committee can consist of nine members. In addition, substitute members are also nominated and a list of substitute members to be called will be lodged with the Democratic Services Team.

The Chairmen and Vice-Chairmen will be nominated annually at the Council's Annual Meeting or at the Council meeting setting them up. The Chairmen of the four Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to six members). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

2.0 Who may sit on Overview and Scrutiny Committees?

All councillors except for members of the Executive may be members of an Overview and Scrutiny Committee. The appropriate portfolio holder(s) can attend an Overview and Scrutiny Committee where matters relating to their area are included in the agenda, and shall have a right to address the Committee. A protocol setting out the rights of attendance is attached as Annexe 3.

3.0 Co-optees

External representatives may be co-opted by the Council as non-voting members onto Overview and Scrutiny Committees on an ad hoc basis, up to a maximum of two per committee. Although they have no voting rights, they can request that matters of concern to them be placed on the agenda and discussed at the relevant Committee. There will be two Tenants' Panel representatives appointed to the Overview and Scrutiny Committee with Housing within its remit.

4.0 Meetings of the Overview and Scrutiny Committees
There shall be at least six ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman and Vice-Chairman together of the relevant Overview and Scrutiny Committee or by the Co-ordinating Board if they consider it necessary or appropriate.

4.1 In addition, meetings to consider called-in items will be held as and when is appropriate, to coincide with the timescale for scrutiny.

4.2 All meetings will be held in open session with the press and public able to attend, except for the consideration of exempt or confidential information. Minutes will be taken by officers at each meeting of the Committees and published. Procedure Rules will apply to the procedures at meetings and the existing scheme for substitutes will continue.

4.3 Any member who has a personal or prejudicial interest in any matter on the agenda must disclose the interest and may be required to withdraw from the meeting when appropriate, in accordance with the Waverley Local Code of Conduct.

5.0 Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

6.0 Who chairs Overview and Scrutiny Committee meetings?

The Chairmen of the four Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to six members). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

7.0 Work programme

The Overview and Scrutiny Committees will be responsible for setting their own work programme within the overall framework set by the Council and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council. The Co-ordinating Board will play a proactive role in deciding what policy reviews or key issues should be of priority for a Committee in the coming year.

8.0 Agenda items
The Chairman or any member of the relevant Overview and Scrutiny Committee shall be entitled to give notice to the Head of Policy and Governance that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. This does not, however, give any rights to an individual member to commission reports.

8.1 If a Chairman, or any other member of an Overview and Scrutiny Committee asks for an item to be included on an agenda, the item will be included as a heading only, and the Committee then has to agree that they would like to see the item added to the work programme. Officers can then proceed with producing a detailed report on the issue for the next appropriate meeting of the Committee or the request can be considered by the Co-ordinating Board.

8.2 Any Councillor shall be entitled to give notice to the Head of Policy and Governance of a Councillor Call for Action. The detailed procedures for this are set out in Annex 4 to the Overview and Scrutiny Procedure rules. The member raising the call for action will have the right to attend the meeting to explain their reasons for the call for action. That item will be the subject of an initial report, if accepted by the Chairman and Vice-Chairman

8.3 The Overview and Scrutiny Committees shall also respond, at the earliest occasion consistent with due notice, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee at the earliest opportunity.

8.4 It is intended that Overview and Scrutiny Committees will be involved from an early stage in the decision-making process, examining issues before decisions are taken by the Executive, rather than only after a decision is taken by operating the call-in procedure. Accordingly, matters relating to the budget or policy framework will normally be considered by the appropriate Overview and Scrutiny Committee before they are submitted to the Executive. In addition, the Overview and Scrutiny Committees may identify any item from the rolling programme for overview. The comments of the appropriate Committee will be reported to the Executive.

The Chairmen and Vice-Chairmen will hold a briefing meeting with the appropriate officers to finalise the committee agenda.

Overview and Scrutiny Committees will be serviced by the Democratic Services Team. In-depth review, research and work programming of the Committees will be carried out by the Scrutiny Officer.

9.0 Policy review and development
(a) The role of the Overview and Scrutiny Committees in relation to the development of the Council’s budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

(c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10.0 Working Groups

Overview and Scrutiny Committees are able to appoint small informal working groups from within their own membership to research subject areas and report back to the main Committee. These working groups will be supported by a member of the Democratic Services Team and officers from the relevant service area will also be involved to provide information and professional advice/expertise. These groups will operate in accordance with the protocol attached as Annexe 5 to the constitution.

11.0 Reports from Overview and Scrutiny Committee

(a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework) and to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

(b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Executive, and if one third of the members present request it, then one minority report may be prepared and submitted for consideration by the Executive with the majority report.

(c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee as quickly as the rules permit.

12.0 Making sure that Overview and Scrutiny reports are considered by the Executive
All Overview and Scrutiny reports shall be considered by the Executive as expeditiously as possible and at the very maximum, within two months of the work being completed.

13.0 Rights of Overview and Scrutiny Committee members to documents

(a) In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

(c) Overview and Scrutiny Committees shall have access to all relevant background papers and documents. In the case of any dispute, the Monitoring Officer will adjudicate and if the documents are of a confidential nature, members must respect their confidentiality and use them only in relation to the work of that Committee.

(d) Co-opted members can have access to papers relevant to the work of their Committee, but excluding any matter relating to an individual, either client or tenant or member of staff.

14.0 Members and officers giving account – “Select Committee” mode

(a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Chairman and Vice-Chairman acting jointly may require any member of the Executive, the Chief Executive and/or any senior officer to appear before it to explain in relation to matters within their remit:

(i) any particular decision or series of decisions;

(ii) the extent to which the actions taken implement Council policy; and/or

(iii) their performance

and it is the duty of those persons to attend if so required.

(b) Attendance by a member of the Executive is set out in the attached protocol at Annexe 3.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee
shall in consultation with the member or officer, arrange an alternative date for attendance as soon as possible.
15.0 Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is optional.

16.0 Call-in

Call-in should only be used as a last resort. This can be where members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

(a) When a decision is made by the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including by electronic means, and shall be available at the main offices of the Council normally within 1 day of being made. Copies of the decision bulletin will be sent to all members of the Council within the same timescale, by the Head of Policy and Governance.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless three members (including Substitute Members) of an Overview and Scrutiny Committee object to it and call it in.

(c) During that period, the Head of Policy and Governance shall call-in a decision for scrutiny by the committee if so requested by any three members (including Substitute Members) of the Committee where reasons as stated in the call-in form attached at Annexe 6, are valid in the context of Article 13 of the Constitution. Should any Substitute Member be one of those proposing a call-in, he shall have a right to attend the Committee and speak, but not to vote unless he is substituting at that meeting for another Member. The Head of Policy and Governance shall call a meeting of the relevant Overview and Scrutiny Committee on such date as he/she may determine or as reserved in the calendar of meetings, where possible after consultation with the chair of the committee, and in any case within 5 working days of the decision to call-in.

A call-in can only be withdrawn unanimously by those members who requested it.

(d) As well as reviewing the report submitted to the Executive in fulfilling the scrutiny role, the Chairman and Vice-Chairman acting jointly may require any member of the Executive, the head of paid service and/or any senior officer to appear before it to explain the particular decision or series of decisions, and it is the duty of those persons to attend if so required.
The Chairman will notify the people required to attend immediately after the expiry of the call-in deadline.

(e) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Executive for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council if outside the policy framework. If referred to the decision maker they shall then amend the decision or not, before adopting a final decision.

(f) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the Executive, the decision shall take effect on the date of the Overview and Scrutiny meeting.

(g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the Executive, together with the Council's views on the decision. The Executive shall choose whether to amend the decision or not before reaching a final decision and implementing it and a meeting will be convened to reconsider the Council request.

16.1 “Call-In” Process

The process is proposed as follows:

Step 1  A list of Executive decisions will be published and notice given that the decisions will be implemented after five working days from date of publication unless called-in under this procedure.

Step 2  Within the period of five working days, three members of the appropriate Overview and Scrutiny Committee (including Substitute Members) may call a meeting of the Committee to review a decision, by notifying the Head of Policy and Governance by telephone, fax, e-mail or letter. The call-in form attached at Annexe 6 must be completed setting out the reason for the Call-in, Members involved and witnesses to be called and sent to the Head of Policy and Governance.

Step 3  The Overview and Scrutiny Committee will then meet and may resolve by majority vote to:

(a) propose an alternative course of action, or

(b) request that it be considered and debated by the full Council if the Committee is advised by the Monitoring Officer that the decision is contrary to the Council's policy framework or is unlawful.

Step 4  If the matter is referred back to the Executive, it must reconsider the decision in the light of the reference from the Overview and Scrutiny
Committee’s decision and would decide whether to change it before adopting a final decision. The Chairman (or Vice-Chairman in their absence) of the Overview and Scrutiny Committee is able to attend and address the Executive meeting during discussion of the matter.

16.2 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

(a) that three elected members (including substitute members) of an Overview and Scrutiny Committee are needed for a decision to be called in and the protocol and form attached at Annexe 6 must be followed and completed; and

(b) an Executive decision may only be called-in by an Overview and Scrutiny Committee once.

16.3 Call-in and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council’s or the publics’ interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Executive, the decision is an urgent one, and therefore not subject to call-in. The Mayor, in conjunction with the Monitoring Officer, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor’s consent shall be required, in conjunction with the Monitoring Officer. In the absence of both, the head of paid service or his/her nominee’s consent shall be required, again in conjunction with the Monitoring Officer. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16.4 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17.0 Procedure at Overview and Scrutiny Committee meetings

(a) Overview and Scrutiny Committees shall consider the following business:

(i) minutes of the last meeting

(ii) declarations of interest
(iii) responses of the Executive to reports of the Overview and Scrutiny Committee

(iv) the business otherwise set out on the agenda for the meeting, with overview items identified and taken first, then select committee mode matters

(v) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision

(vi) questions by the public.

(b) Where the Overview and Scrutiny Committee conducts investigations in select committee mode (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak

(ii) that those assisting the Committee by giving evidence be treated with respect and courtesy

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and shall make its report and findings public.

18.0 Questions by the public

Unless a special meeting of the Overview and Scrutiny Committee is called, Members of the public can ask formal questions at Overview and Scrutiny Committees in accordance with the provisions in the Procedure Rules. The Chairman and/or the Vice-Chairman should be invited to respond to the question.

19.0 Matters within the remit of more than one Overview and Scrutiny Committee

Where an Overview and Scrutiny Committee wishes to conduct a review or scrutinise a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Co-ordinating Board will agree the arrangements in advance of the matter being reviewed.
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Annexes to the Procedure Rules
Annexe 1

O&S Coordinating Board Terms of Reference
Annexe 1 – O&S Coordinating Board Terms of Reference

1. To co-ordinate the overall Overview and Scrutiny work plan to avoid duplication and ensure joint working, or other suitable arrangements where overlaps occur.

2. To consider the overall workload of the Overview and Scrutiny committees and to agree the allocation of resources to each committee according to need on a fair and equal basis.

3. To agree the appointment of a Chairman and Vice Chairman when more than one Overview and Scrutiny Committee meet together as a Joint Committee.

4. To meet on a regular basis with the Executive and Directors to further the development of a productive working relationship.

5. To review arrangements for involving councillors or external parties in the Overview and Scrutiny process, such as by co-option, or setting up Task and Finish groups which include outside representatives and be responsible for agreeing appointments of external parties to relevant groups.

6. To review the training needs of Overview and Scrutiny committee members, as well as councillors and officers generally, in relation to the Overview and Scrutiny process; and to consider the development of operational styles and techniques to aid the usefulness and effectiveness of the Overview and Scrutiny process.

7. To keep the Terms of Reference of the Overview and Scrutiny Committees under regular review, with delegated authority to revise them when necessary, subject to submitting an annual report to Council to endorse any changes and to amend the Constitution accordingly.

Membership

The regular membership of the Board will consist of the Chairman and Vice-Chairman of each of the four Overview and Scrutiny Committees (maximum of 8 in total).

The Board will appoint a Chairman at the first meeting of each Council year, and subject to the total number of opposition members on the Council reaching 10%, the Chairman of the Board will be nominated by the Leader of the Principal Opposition Group.

The Board may also meet on a regular basis with the Leader, Deputy Leader or relevant Portfolio Holder and members of the Management Board.

The Chairman and Vice-Chairman of the Audit Committee may, with the agreement of the Chairman of the Board, attend meetings when the subject matter is such that their contribution would assist with the allocation or addition of items to the future work programme.
Waverley’s petition scheme

Annexe 2
Annexe 2 – Waverley’s petition scheme

This is Waverley Borough Council’s Petitions Scheme, which explains how petitions on matters of local importance can be sent to the Council, how we will deal with them and how we will respond to you. The Scheme has been created under Section 11 (1) of the Local Democracy, Economic Development and Construction Act, 2009.

The Council welcomes petitions as one way in which local people can express their needs and concerns. Before submitting a petition to the Council, the public should be advised that there may be a simpler way to influence decision-making in Waverley (to see the many ways you can influence decision-making, please go to www.waverley.gov.uk/consultation).

You can submit petitions by email at committees@waverley.gov.uk or you can send them to us by post at:

Waverley Petitions
Democratic Services
Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

Criteria for submitting a petition

Petitions to Waverley must relate to one of its functions (click here for a list of the services we provide to the community, or contact Democratic Services on 01483 523351). To sign a petition submitted to Waverley, you must either live, work or study in the borough.

Surrey County Council will consider petitions that relate to improvements in the social or economic well-being of the area, which they, or the Primary Care Trust, Police Authority or Fire and Rescue Authority can contribute to. You can use the e-petitions facility to send one of these public bodies a petition or you can send it to Surrey County Council.
Number of signatures required to submit a petition to Waverley

For a petition to have the desired response (see the table below) it must have the required number of signatures on it.

<table>
<thead>
<tr>
<th>How many signatures are needed?</th>
<th>How will Waverley respond?</th>
<th>What happens next?</th>
</tr>
</thead>
</table>
| Up to 500. (not treated as a petition) | An officer will respond to you  
You will receive a response from the appropriate responding officer, who is identified by Democratic Services when your petition is received. The petition will be treated as a **Stage One complaint**. | |
| 500-999. | A member of the Executive will respond to you  
You will receive a response from the appropriate portfolio-holder (this is a councillor who is a member of the cabinet and who has special responsibility for certain areas of Waverley’s work). | |
| 1,000-1,999. | The Executive will consider your petition at a meeting  
If you wish to present the petition yourself, you will need to give ten working days’ notice to Democratic Services. You will be given a maximum of four minutes to present your petition. | The Executive will decide whether to refer the matter to an appropriate Overview and Scrutiny Committee for further consideration, or whether to make a decision on your demands at the meeting.  
Once the Overview and Scrutiny Committee have considered the matter, they will make a recommendation back to the Executive who will make a final decision. |
| 2,000-4,999. | A relevant senior officer will be called to a meeting of an Overview and Scrutiny Committee to give evidence (if you have requested this in your petition)  
You must explain, when you submit your petition, what | The Overview and Scrutiny Committee will make a recommendation based on the evidence given to Executive, who will then make a decision on your petition. |
information you want from the officer. If you want to ask the officer questions yourself, you will need to give ten working days’ notice to Democratic Services. You will be given a maximum of four minutes to introduce your petition. Only the Chief Executive, Strategic Directors and Heads of Service can be called to account.

<table>
<thead>
<tr>
<th>5,000 or more.</th>
<th>Your petition will be debated at a meeting of the full Council. If you wish to present your petition to the Council, you must give 10 working days’ notice to Democratic Services. You will be given a maximum of four minutes to introduce your petition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The full Council will make a decision on your petition. They could refer it to an appropriate Overview and Scrutiny Committee for further investigation, but this would be unusual.</td>
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</table>

Waverley may also choose to take additional action where it is considered appropriate. Such action could include:

- Holding a meeting with petitioners.
- Conducting an internal inquiry.
- Holding a public consultation.

Rejection of petitions

Waverley will not accept petitions which:

- Are considered to be vexatious, abusive or otherwise inappropriate. The Chief Executive will take the decision on whether a petition is any of the above things and will explain this to you in writing.
- Relate to planning or licensing applications (as there are already procedures on how to object to these) or other areas on which there are existing rights of appeal, such as council tax banding and/or business tax rates.
- Are on the same or a similar topic to one that the Council has received in the last twelve months.

Checklist for submitting a petition to Waverley

Below is a checklist for submitting a petition to Waverley, which may be helpful to ensure you have met all the requirements of the scheme:

- A clear, concise statement at the top of the petition which explains a) the subject of the petition and b) what action you want the council to take
- Identification of the petition organiser using name, address and contact details
- Names and addresses of all signatories. All signatories must live, work or study in the borough and provide the relevant address. Addresses will be checked by
Waverley Borough Council and where they cannot be verified, the signatures will be rejected.

☐ For the petition to be treated as a petition (rather than a complaint), at least 500 signatures.

☐ If the petition has 2,000 to 4,999 signatures– an indication of whether you want to call a senior officer to account, which senior officer you want to call to account and what you want them to tell you.

☐ Ensure your petition is not concerning a planning or licensing application

☐ Ensure your petition does not relate to an issue on which there is already a right of appeal (Housing Benefit decisions, Licensing decisions and Planning decisions)

☐ Ensure your petition doesn’t relate to an issue or is on a similar subject to one that the Council has received in the last twelve months.

What we will do when we receive your petition

- We will acknowledge your petition within 5 days if it is submitted electronically (link to Surrey E-Petitions site), and within 10 days from the date of receipt if it is submitted by post.
- The acknowledgement will say what we propose to do with the petition (see trigger thresholds) and tell you the date of the meeting it will go to (if it is to go to a meeting). If appropriate, we will outline what we may be able to do in response to the petition.
- We will publish the petition, acknowledgement and all stages of correspondence relating to it on our website www.waverley.gov.uk unless it would be inappropriate to do this.

What to do if you feel your petition has not been dealt with properly

- You should submit a complaint in writing (letter or email) to Waverley (if we have dealt with your petition) or Surrey (if they have). The complaint should be submitted no later than 28 working days from receiving the authority’s response to your petition. It would be helpful if you would explain in what way you feel the petition has not been dealt with properly, and whether this relates to the decision taken or the process.
- A reviewing officer will be identified by Democratic Services, to consider the way in which the petition was handled. They will normally refer the matter to the appropriate Overview and Scrutiny Committee, which will consider the adequacy of the response.
- The Chief Executive will respond via letter to the petition organiser within 28 days of receipt of the request for review.
Protocol for attendance by Executive members at Overview and Scrutiny

Annexe 3
Annexe 3 – Protocol for attendance by Executive members at Overview and Scrutiny

An Executive Portfolio Holder can attend a meeting of an Overview and Scrutiny Committee to observe, and may speak if the required notice has been given in accordance with the Council’s Constitution.

If an Executive Portfolio Holder is invited to attend an Overview and Scrutiny Committee, either to provide an update on their portfolio, to assist with work programming or to be questioned on matters within their remit, the Chairman of the Committee will specify in advance how the meeting will be managed and what their level of involvement will be.

The Head of Policy and Governance will notify the Executive Portfolio Holder at least 10 working days in advance of the meeting at which he/she is required to attend.
Protocol for attendance by Overview and Scrutiny Committee Chairmen at the Executive

Annexe 3a
Annexe 3a – Protocol for attendance by Overview and Scrutiny Committee Chairman at the Executive

A Chairman of an Overview and Scrutiny Committee can attend a meeting of the Executive to **observe**, and may **speak** if the required notice has been given in accordance with the Council’s Constitution.

If the Chairman (or in his or her absence the Vice-Chairman) is **invited** to attend an Executive meeting, perhaps to present the findings of the Committee following an in-depth review, or to explain the observations of the Committee made on a particular report, the Leader of the Council will specify in advance how the meeting will be managed and what their level of involvement will be.
Annexe 6

Call in protocol for Overview and Scrutiny Committees
Annexe 6 – Call in protocol for overview and scrutiny committees

1. That the instigator of the call-in, consult with officers about the criteria and consult and inform the relevant Chairman on the Committee prior to proceeding with the call-in.

   **Rationale**
   To attain clarity of intention in the working and for inclusion purposes.

2. That the Chair shall give consideration to relinquishing the Chair for an item of call-in where to do otherwise might lead to an impression of partiality.

   **Rationale**
   To demonstrate the impartiality of the Chair, particularly where an individual Chair had strong interests in relation to the debate.

3. Ideally, reports should not be circulated on the night (unless in extremely urgent circumstances) but in advance of the meeting at the same time as the agenda.

   **Rationale**
   In order to allow Members sufficient time to assimilate information and for its integrity to be checked by the officers if necessary.

4. Order of Debate

   (a) Lead Officer to be called to introduce the report.

   (b) Chairman of the relevant Overview and Scrutiny Committee or a spokesperson for the 3 Members who have signed the call-in form to have the opportunity to introduce the subject and explain their reasons for call-in, within a time limit of 10 minutes.

   (c) Portfolio Holder (if present) to present decision of Executive and to call any witnesses in support of that decision.

   (d) General debate by Members of the Committee.

   (e) Committee makes decision regarding the call-in.
5. Rights of Portfolio Holders

Any Portfolio Holder who is called as a witness shall have the right to be accompanied by an officer or other person of their choosing to assist them at the meeting.

6. Schedule of Meetings

(a) Following the announcement of the date of the meeting within six working days of the call-in, where possible at least three to five working days expire between the call-in meeting and the reconsideration of the decision at Cabinet.

(b) Rationale:

To promote the smooth running of the debate and for clarification purposes.
CALL-IN FORM

TO: Head of Policy and Governance

FROM: ……………………………………………………………………………………………………………………………………………………

1. What decision is being called-in?

2. Why is the decision being called-in?
The Constitution states that call-in should only be used as a last resort when the principles set out under Article 13 of the constitution have not been adhered to. These principles are also set out at the bottom of this form.

I / We call-in this decision because:

3. Who is calling-in the decision? (Please note: Each member noted below must have written/emailed/phoned the Head of Policy and Governance to confirm that they support the call-in)

Councillor (Main contact)
Councillor
Councillor

4. What information do you want to be available at the call-in meeting? (Please underline any of the following options that you would like to see being provided at this meeting)

Portfolio Holder to be present at the meeting

Portfolio Holder to make a presentation at the meeting

Relevant Officer to make a presentation

Expert witness or interested party to be present

Site visit

Comparative research

Additional written information

The Constitution states that call-in should only be used as a last resort when the principles set out under Article 13 of the constitution have not been adhered to. These principles are also set out at the bottom of this form.
Other - please specify

**Date of Call in Request:**

Date received (Office use only)

……………………………………………………………………………………..

Received by

……………………………………………………………………………………..

**NOTES**

The constitution suggests that call-in should only be used in exceptional circumstances. Call-in may occur if Members believe that a decision has not been made in accordance with the following principles:

- Proportionality – i.e. the decision must be proportionate to the desired outcome
- Due consultation with the relevant parties and Officers
- Human rights have been respected
- There has been a presumption in favour of opennes
- Clear aims and desirable outcomes have been identified
- An explanation has not been given for what options were considered in arriving at a
decision and the reason for that decision.

If Members are uncertain whether any of the above criteria would apply to a decision that they are concerned about, they may wish to contact the Head of Policy and Governance for advice.
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Informal working group protocol

Annexe 5
Annexe 5 – Informal working group protocol

Overview and Scrutiny Committees may appoint smaller Informal Working Groups (up to a maximum of 6 members) where they feel a smaller group of members is better suited to carry out a particular task, to assist with:

a. policy development;
   b. examining specific service proposals in depth;
   c. progressing major projects.

1.1 Meetings

Informal Working Groups will meet in the absence of press and public. Reports to Informal Working Groups will not normally be published, and both reports and discussion at meetings will be treated as exempt.

Overview and Scrutiny Committees, and Informal Working Groups will be serviced by the Democratic Services Team and supported by the Scrutiny Officer. Minutes will be taken by the Democratic Services Officer present at each meeting.

1.2 Membership of the Informal Working Group

The membership of an Informal Working Group will be selected from the members and substitute members of the main Committee, selecting those with the best skills and knowledge of the subject matter to contribute. An Informal Working Group can consist of members from any of the Overview and Scrutiny Committees and the Audit Committee when the subject matter would benefit from cross-Committee representation. Any other member may be invited by the Chairman to attend a meeting of the Informal Working Group and their level of involvement in the meeting will be agreed in advance. There is no provision for substitutes of Informal Working Groups.

The Chairman will be appointed at the first meeting from amongst the membership of the Informal Working Group.

External Representatives may be co-opted by the Council as non-voting members onto O and S Committees and invited to attend Informal Working Groups.

1.3 Business of the Meeting

Where the Overview and Scrutiny Committee (or Informal Working Group) conducts investigations in Select Committee mode (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

i. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and

iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

1.4 Outcome of a Review

Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and shall make its report and findings public. This report will be drafted by the impartial Democratic Services/Scrutiny Officer who has been supporting the review. The Chairman of the Informal Working Group will be invited to prepare a foreword which will preface the final concluding report of the work of the Committee.
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Annexe 6

Call in protocol for Overview and Scrutiny Committees
Annexe 6 – Call in protocol for overview and scrutiny committees

1. That the instigator of the call-in, consult with officers about the criteria and consult and inform the relevant Chairman on the Committee prior to proceeding with the call-in.

   **Rationale**
   
   To attain clarity of intention in the working and for inclusion purposes.

2. That the Chair shall give consideration to relinquishing the Chair for an item of call-in where to do otherwise might lead to an impression of partiality.

   **Rationale**
   
   To demonstrate the impartiality of the Chair, particularly where an individual Chair had strong interests in relation to the debate.

3. Ideally, reports should not be circulated on the night (unless in extremely urgent circumstances) but in advance of the meeting at the same time as the agenda.

   **Rationale**
   
   In order to allow Members sufficient time to assimilate information and for its integrity to be checked by the officers if necessary.

4. Order of Debate

   (a) Lead Officer to be called to introduce the report.

   (b) Chairman of the relevant Overview and Scrutiny Committee or a spokesperson for the 3 Members who have signed the call-in form to have the opportunity to introduce the subject and explain their reasons for call-in, within a time limit of 10 minutes.

   (c) Portfolio Holder (if present) to present decision of Executive and to call any witnesses in support of that decision.

   (d) General debate by Members of the Committee.

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5. Rights of Portfolio Holders

Any Portfolio Holder who is called as a witness shall have the right to be accompanied by an officer or other person of their choosing to assist them at the meeting.

6. Schedule of Meetings

(a) Following the announcement of the date of the meeting within six working days of the call-in, where possible at least three to five working days expire between the call-in meeting and the reconsideration of the decision at Cabinet.

(b) Rationale:

(c) To allow proper reconsideration of the decision.
CALL-IN FORM

TO: Head of Policy and Governance

FROM: ………………………………………………………………………………………………………………………………………………………………

1. What decision is being called-in?

2. Why is the decision being called-in?
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Councillor (Main contact)
Councillor
Councillor

4. What information do you want to be available at the call-in meeting? (Please underline any of the following options that you would like to see being provided at this meeting)

Portfolio Holder to be present at the meeting

Portfolio Holder to make a presentation at the meeting

Relevant Officer to make a presentation

Expert witness or interested party to be present

Site visit

Comparative research

Additional written information

The Constitution states that call-in should only be used as a last resort when the principles set out under Article 13 of the constitution have not been adhered to. These principles are also set out at the bottom of this form.

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3. Who is calling-in the decision? (Please note: Each member noted below must have written/emailed/phoned the Head of Policy and Governance to confirm that they support the call-in)

Councillor (Main contact)
Councillor
Councillor

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Relevant Officer to make a presentation

Expert witness or interested party to be present

Site visit

Comparative research

Additional written information

Page 182
Other - please specify

Date of Call in Request:

Date received (Office use only)
......................................................................................

Received by
......................................................................................

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- Human rights have been respected
- There has been a presumption in favour of openness
- Clear aims and desirable outcomes have been identified
- An explanation has not been given for what options were considered in arriving at a
  decision and the reason for that decision.

If Members are uncertain whether any of the above criteria would apply to a decision that they are concerned about, they may wish to contact the Head of Policy and Governance for advice.
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Waverley Borough Council

Financial Regulations

Approved by Council on 19 March 2019

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1. **Purpose**

These Financial Regulations set out the financial policies and a framework of financial management and accountability for the proper administration of Waverley Borough Council’s (the Council’s) financial affairs. Each of the financial regulations sets out the overarching financial responsibilities of officers. They link with other internal regulatory documents forming part of the Council’s Constitution, for example the Scheme of Delegation and Contract Procurement Rules. They also ensure robust procedures are in place to provide the necessary assurance to the Council about the adequacy of the finance and governance arrangements underpinning the Annual Governance Statement. Financial Regulations apply to everyone involved in financial transactions and managing resources for the Council and any organisation over which the Council performs a role of stewardship.

2. **Key principles**

- The Financial Regulations are approved by Full Council.
- The Financial Regulations comply with all extant laws and statutes.
- All financial business conducted is lawful within the powers of a local authority.
- Rules and procedures should be proportionate and not unnecessarily bureaucratic.
- Due diligence is exercised in all financial transactions.
- Financial Regulations enable the Council to conduct business efficiently.
- Financial governance is always considered.
- All expenditure shall be within an identified budget, there is no authority to spend without or beyond an approved budget.
- Value for Money is considered in all transactions undertaken.
- Only goods, works and services legitimately required by the Council are purchased.
- All income due shall be collected, recorded, held securely and banked promptly.
- All expenditure is properly recorded and accounted for correctly.
- Economical, efficient and effective use of resources.
- Assets are safeguarded.
- Authorisation processes protect against self-certification.
- Officers shall not enter into any credit arrangements, such as leasing agreements, without the prior approval of the Section 151 officer.
- Officers cannot commit the Council to on-going contracts without budget approval.
- Investment/divestment is appropriately scrutinised and supported by a business case.
- Financial records will be kept in accordance with the Council’s prevailing documents retention policy.
- Risk management procedures and controls are in place.
3. **Statutory Requirements, Compliance and Responsibilities**

**Statutory Requirements**

**Section 151 Local Government Act 1972**

3.1 Section 151 of the Local Government Act 1972 requires that the Council makes arrangements for the proper administration of its financial affairs. Financial regulations are the means by which the Council meets this requirement by setting out a clear regulatory and accountability framework for the use of its resources.

**Section 114 Local Government Act 1988**

3.2 Section 114 Local Government Finance Act 1988 requires the Section 151 Officer to report to Full Council and external audit if the Council or one of its officers:
- has made or is about to make a decision which involves the Council incurring expenditure which is unlawful;
- has taken or is about to take unlawful action which has resulted or would result in a loss or deficiency to the Council; or
- is about to make an unlawful entry in the Council’s accounts.

3.3 Section 114 of the 1988 Act also requires:
- the Section 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally; and
- the authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

**Compliance**

3.4 Financial Regulations apply to everyone involved in financial transactions and managing resources for the Council and any organisation over which the Council performs a role of stewardship. The purpose of these Financial Regulations is to ensure transparency and protection of the Council’s resources and individual officers.

3.5 Where the regulations are not specific, officers shall refer to the Section 151 Officer for guidance.

3.6 Failure to comply with the Financial Regulations, or the instructions issued under them, may constitute gross misconduct. Breaches of Financial Regulations shall be reported to the Council’s Internal Audit Client Manager who will make arrangements for investigation and recommendations for action to be taken.
Responsibilities

3.7 The Financial Regulations identify the financial responsibilities of all officers, or anyone acting on their behalf, and Members of the Council. Officers and Members shall comply with the financial regulation relevant to the transaction they are undertaking and have a responsibility for taking reasonable action to provide for the security of the resource or assets under their control.

3.8 The responsibilities are sub-delegated out to officers through the Scheme of Delegation. Without delegated authority no officer of the Council shall commit the Council to expenditure.

3.9 All officers have a duty to ensure all actions and decisions taken represent value for money.

The Full Council

3.10 The responsibilities of the Full Council are set out in the Constitution. In terms of the Financial Regulations the Full Council is responsible for approving and monitoring compliance with the Council’s overall framework of accountability and control as set out in the Constitution. The Full Council is also responsible for approving the annual budget and any subsequent changes subject to section 4.

The Executive

3.11 The Executive is responsible for proposing the policy framework and budget to the Full Council. In doing so it shall take account of legal and financial implications and risk management issues that may arise from decisions.

Audit Committee

3.12 The Audit Committee reports to the Full Council. It brings independent and effective assurance into the Council’s corporate governance arrangements. The Audit Committee is responsible for overview of the Financial Regulations and proposing amendment to Full Council.

Section 151 Officer

3.13 The Council shall approve an officer post to be the statutory Section 151 Officer. The Strategic Director – Finance and Resources is the statutory Section 151 Officer and is ultimately responsible for the proper administration of the Council’s financial affairs. The Section 151 Officer shall ensure the responsibilities, as set out within these Financial Regulations, are met through formal delegation to appropriate officers in accordance with the Scheme of Delegation.
3.14 Section 151 Officer General Accountabilities:
- Set appropriate financial management processes for the Council which comply with the Council’s policies and proper accounting practices and monitor compliance with those processes.
- Advise on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Provide financial information.
- Determine the accounting records, procedures and the retention of financial documents requirements for the Council.
- Ensure proper professional practices are adhered to through communication and training for all officers involved in financial transactions.
- Act as head of profession in relation to the standards, performance and development of finance staff.
- Report, where appropriate, breaches of the Financial Regulations to the Audit Committee.
- Protect against Money Laundering.
- Ensure controls are in place to deter and detect fraud and error.
- Ensure that adequate accounting systems exist and recommend subsequent changes.
- Ensure that adequate systems exist for holding/organising personal data.
- Receive Government circulars, orders, sanctions, approvals and regulations affecting the finances of the Council.
- Maintain an overview of the Financial Regulations and recommend revision as required having regard to the Annual Governance Statement.
- Maintain and promote the Corporate Risk Strategy and Risk Register.

Directors and Heads of Service

3.15 Directors and Heads of Service have delegated responsibility for the management of the financial transactions and use of resources in their service areas. This responsibility can be formally delegated to specific officers under the Scheme of Delegation devised for each Head of Service. They are also responsible for ensuring all their staff are aware of, and comply with, the Financial Regulations and other internal regulatory documents.

3.16 General responsibilities:
- Complying with appropriate budget management and delegation arrangements to maintain budgetary control.
- Effective use of resources, safeguarding of assets and the operation of a system of appropriate internal controls in their service areas.
- Advising members of the Council and the Section 151 Officer of the financial implications of all proposals.
- Complying with the delegated authorised signatory list for signing contracts on behalf of the Council (see also Contract Procurement Rules).
- Seeking approval, in conjunction with the Section 151 Officer, on new proposals.
or on any matter liable to have an effect on Waverley’s finances, before any commitments are incurred for proposals, that:
  o create financial commitments in future years;
  o change existing policies, initiate new policies or cease existing policies; and
  o materially extend or reduce the Council’s services.

- Preparing budgets in accordance with the guidance issued by the Section 151 Officer.
- Maintaining budgetary control in their service area and ensuring all income and expenditure is properly accounted for and recorded.
- Ensuring spending remains within budget and that individual budget heads are not overspent by monitoring the budget and taking corrective action.
- Reviewing performance of services in conjunction with budgets to determine if they are operating effectively.
- Obtaining approval from the Section 151 Officer before making any changes to financial records and procedures.
- Promoting excellent financial management standards in their service area and to monitor adherence to the standards, ensuring that relevant training is provided to those staff with financial management responsibilities.
- Contributing to the development of corporate and service targets and objectives and performance information.
- Ensuring value for money is achieved in every transaction undertaken.
- Ensuring compliance with the Council’s Contract Procurement Rules.

4. Financial Management

4.1 Objective – to ensure that the Council’s budgets and accounting are accurate, timely and meet all statutory and corporate requirements.

4.2 Key Controls
- Review and development of a Medium Term Financial Plan.
- Instructions for the development of forward budgets will be issued each year in line with the Medium Term Financial Plan.
- Budget process is planned and communicated.
- Specific budget approval for all income and expenditure – expenditure can only be committed against an approved budget.
- Accurate financial management and forward projections of income and expenditure.
- Corrective action is taken at the earliest opportunity to address deviation from budget.
- A single Budget Manager accountable for each budget and the level of service to be delivered.
- Expenditure is allocated to the correct cost centre and account code and authorised within the scheme of delegation and authorised signatory list.
Authorisation and Delegation

4.3 The Section 151 Officer shall make provision for the maintenance of an Authorised Signatory List.

4.4 Heads of Service shall approve the inclusion and addition of officers to the Authorised Signatories List in writing, clearly specifying the scope of their delegated authorities and ensure the Authorised Signatory List is up to date. Officers who are given specific financial responsibilities must familiarise themselves and comply with these Financial Regulations.

4.5 Heads of Service shall approve appropriate officer access to the finance and information systems.

4.6 Authorised officers shall ensure another appropriately authorised officer, within the service at an appropriate level of seniority, can act as a substitute for carrying out financial management and administration duties in the event of absence or a vacancy.

Financial Planning Framework

Medium Term Financial Plan

4.7 The Medium Term Financial Plan (MTFP) is the Council's key financial planning document which takes into account various factors and influences that may impact on the Council over a period of years. It shall cover the forecast financial prospects and requirements for a period considered adequate to understand the Council's future financial position and include strategic action plans to ensure the finances remain robust.

Budgets

4.8 It is a legal requirement that the Council ring-fence and separately manage the following financial resources and expenditure:

- Housing Revenue Account income and expenditure
- Capital expenditure and financing
- The Collection Fund
- Trusts being managed on behalf of their trustees
- Any other ring-fenced budget coming into effect after the publication of these rules

4.9 Revenue budgets cover the day-to-day running costs (expenditure and income) of the Council. Budget Holders shall be responsible for ensuring that they do not exceed the budget approved.
4.10 Capital budgets are for the acquisition or enhancement of assets which have a long term value to the Council and are usually of a one-off nature. Capital expenditure shall be accounted for in accordance with the relevant statutory definition. The Finance Team can provide advice on whether an item can be treated as expenditure for capital purposes.

4.11 On-going revenue implications of capital projects shall be identified within the capital bid process.

4.12 Budgets shall be consistent with the Council’s Corporate Strategy and MTFP and integrated into Service Plans.

4.13 The Section 151 Officer shall issue guidance for the preparation of budgets which will detail the form and methods to be adopted.

4.14 The guidance shall support the best use of resources and value for money by asking service managers to identify opportunities to improve economy, efficiency and effectiveness, propose savings options and consider financial aspects of service planning.

4.15 The detail behind the budgets for income and expenditure shall be adequately documented to enable a clear understanding of the purpose and nature of the budget.

4.16 Budget Managers preparing budgets shall have regard to:
- Spending patterns and pressures revealed through the budget monitoring process (see 4.22) and the MTFP.
- Legal requirements.
- Policy requirements as defined by the Full Council in the approved policy framework.
- Initiatives already underway.
- Capacity to deliver service and projects.
- Lead-in times for delivery.

4.17 The Annual Council Budget shall be taken through the Committee process to be approved at Full Council in the February meeting, before the statutory deadline for council tax setting, for the following financial year.

**Budget Management**

4.18 The Section 151 Officer shall ensure financial monitoring and governance arrangements are in place that are commensurate with the size, risk, complexity and volatility associated with particular revenue budgets and capital schemes.

4.19 Budget Holders shall be accountable for revenue and capital programme
management within the budget totals allocated to them.

4.20 Revenue and capital budget transfers shall comply with the Virement and Budget Realignment Rules set out below.

4.21 Any report prepared by officers for consideration by the Executive which has financial implications should be prepared in consultation with the Section 151 Officer.

4.22 Budget Management shall consist of:
- Use of the designated Finance System to track and forecast spend against budget.
- Periodic review of budgets, as determined by the Section 151 Officer, to include income and expenditure forecasting to the financial year end and impact on future years.
- A Budget Management report submitted to the Management Board and the Executive in a format to be determined by the Section 151 Officer which shows the impact of changes in service spend and the associated risks, mitigations and resolutions.
- A monitoring process that reviews service delivery and capital projects against budget and, if necessary, reports measures for corrective action.
- Investigation and reporting by budget managers of significant variances from approved budgets as soon as they become known.
- Production of a recovery plan for inclusion in the Budget Management report where a service is forecast to overspend.
- Requests for virements in accordance with the Scheme of Virement.

**Scheme of Virement**

4.23 All expenditure, including expenditure covered by external funding, shall be funded by a budget before an expenditure commitment can be made. A virement is the movement of an uncommitted budget from its intended purpose to another purpose to fund expenditure.

4.24 A virement shall not increase the Council’s overall budget.

4.25 Virements shall not cross a ring-fenced account such as the General Fund, Housing Revenue Account or a Trust.

4.26 The rules and authorities for Virement are listed in the **Scheme of Virement** in **Annexe 1** to these Financial Regulations.
**Supplementary Estimates**

4.27 A Supplementary Estimate is a request for additional unfunded budget that will increase the Council's overall budget and be funded from reserves. Supplementary Estimates up to £100,000 shall be approved by the Executive and, if over £100,000, Full Council.

4.28 When the Executive or Full Council are asked to consider agreeing a Supplementary Estimate, they need to:

(i) Consider why the need for funds, that were not identified or provided for within the Annual Budget and which cannot be found within existing budgets, has arisen;

(ii) Understand how much money is being requested and how it is proposed to be spent;

(iii) Assess whether or not the proposed supplementary estimate represents value for money, which will include noting and considering:

   a. Any other options available to the Council that have been considered, including the control option of not taking any action;

   b. The expected benefits of agreeing the supplementary estimate; and

   c. The expected risks, if any, of agreeing or refusing supplementary estimate;

4.29 The Council’s Section 151 Officer’s view on the supplementary estimate, including the above matters, will be set out, either within a stand alone report or as part of another budget report.

4.30 Any manager wishing to propose a Supplementary Estimate, in the first instance, needs to complete the proforma set out at Annexe 2 and submit this to the Council’s Section 151 Officer, or designate.

**Carry forwards of Budget**

4.31 The policy for the carry forward of budgets shall be determined by the Section 151 Officer.

4.32 Carry forwards shall not be allowed unless there is a robust case for non delivery in the financial year with a firm expectation for delivery in the following financial year and in exceptional circumstance.

4.33 Budget carry forward shall be approved by the Executive.

4.34 Where a budget or one-off surplus is carried forward, it shall not be used to commit
the Council to new or additional expenditure that is ongoing and requires continued funding in future years.

**Accounting Procedures**

4.35 Maintaining proper accounting records, systems and procedures are essential to an effective framework of accountability and control for stewardship of public resources.

4.36 The Council has a statutory responsibility to prepare and publish its Annual Financial Report, which includes the Statement of Accounts and Annual Governance Statement, in accordance with statutory deadlines and to present fairly its operations during the year.

4.37 The Statement of Accounts shall be subject to external audit which provides assurance that the accounts are free from material mis-statement and presents fairly the financial position of the Council.

4.38 The Audit Committee shall be responsible for approving the Statement of Accounts.

4.39 The following requirements shall be followed in preparation of the Statement of Accounts:

- The Council's Statement of Accounts shall be prepared and published in accordance the Code of Practice on Local Authority Accounting in the United Kingdom issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) supported by International Financial Reporting Standards in accordance with the statutory timetable.
- Accounting policies shall be selected by the Section 151 Officer and applied consistently and appropriately and be subject to annual review by External Audit.
- Judgements and estimates shall be made that are reasonable and prudent.
- Year end guidance shall be issued to Heads of Service and officers, informing them of timescales and guidelines for the supply of information.
- Year end guidance shall be complied with.
- A detailed project plan for the completion of the Statement of Accounts shall be agreed with the officers involved in the Statement of Accounts process.
- Proper arrangements shall be made for the audit of the Statement of Accounts in accordance with the Accounts and Audit Regulations.
- Material changes to the Statement of Accounts shall be discussed with External Audit in advance of the year end.

4.40 Reserves

- Reserves shall be maintained in accordance with the CIPFA Code of Practice on Local Authority Accounting and as agreed in the MTFP.
- Reserves shall only be used for the purpose for which they are intended.
Revenue and capital reserves shall be maintained separately.

4.41 Grants (Revenue or Capital)
- Grants shall be accounted for in compliance with the CIPFA Code of Practice on Local Authority Accounting.
- Grants received towards expenditure shall be applied in the year the expenditure is incurred.
- Any grant funding received but not applied shall be carried forward to the financial year in which the expenditure will take place.
- Grants shall be accounted for in accordance with the terms of the agreement with regard to any conditions, restrictions or stipulations attached.
- Budget Holders shall ensure that "exit strategies" are in place to support the winding up of any service provision that is financed from time limited specific grants or third party contributions.

4.42 Reconciliations
- A Reconciliations Checklist shall be maintained for all control accounts within the Finance system that represent activity in other systems.
- Reconciliations shall be completed at least monthly and signed off by the officer completing the reconciliation.
- All reconciliations shall be reviewed and countersigned by the Financial Services Manager or delegated officer.
- All unreconciled items shall be resolved as soon as practically possible and fully investigated and explained.
- Reconciliation of income between the Finance system and external information, Terriers, charging schedules or other databases shall be undertaken monthly by the officers responsible for service delivery.
- All reconciliations shall be undertaken at the latest by the end of the month following the reconciliation period.

4.43 Government Returns
- All Government returns for grant claims, consultations, statistical information and financial information shall be submitted by the relevant deadline.
- All returns relating to grants and financial statistics shall be completed in consultation with the Section 151 Officer or delegated officer.
- The Section 151 Officer or delegated officer shall be satisfied as to their correctness before they are submitted to any Government Department.
- The Section 151 Officer or delegated officer shall be notified and receive copies of all Government or other circulars, orders, sanctions, approvals and regulations affecting finance which are received by the Council.
5. **Purchase orders, goods receipting and payment of invoices**

5.1 **Key Controls**

- All commitments to expenditure undertaken by officers shall comply with the Contract Procurement Rules.
- Financial checks shall be undertaken of prospective suppliers in accordance with the Contract Procurement Rules.
- All Council commitments to expenditure should be made using a purchase order unless they fall into the Exemptions Schedule.
- A purchase order shall not be raised without sufficient budget. If necessary the virement process should be used in accordance with Annexe 1 or a Supplementary Estimate approval should be obtained in advance of creating a commitment to expenditure.
- Only authorised officers on the Authorised Signatory List shall approve purchase orders.
- Officers shall not approve their own purchase orders (no self-certification).
- No officer alone shall be responsible for all stages of the “purchase to pay” process, ie ordering, receipting, payment authorisation, including the BACS payment set up and release.
- The authorising of a purchase order signifies:
  - the goods/services are necessary for discharging the functions of the Council; and
  - in all respects the Financial Regulations have been complied with.
- Purchase orders shall be ‘goods receipted’ to verify that goods or services have been received at the correct price, quantity and quality standards before payment of invoice.
- All invoices shall be submitted as soon as possible to the Finance Team for inclusion on the accounts ledger.
- Prior to settlement, checks shall be undertaken to safeguard against duplicate payment of invoices.
- New suppliers and changes of details to an existing supplier shall be validated by a positively verified contact for the supplier.
- Officers shall document supporting proof of verification and obtain approval from the Head of Finance or delegated officer.

5.2 Every officer of the Council involved in engaging, supervising or having any other official relationship with contractors or potential contractors shall declare all relationships of a private or domestic capacity with those contractors to their line manager in accordance with Code of Conduct.

5.3 Members shall declare such relationships on the Members Register of Interests.

5.4 Records shall be kept to evidence compliance with the Contract Procurement Rules for all purchase orders raised.
5.5 Records shall not be disposed of other than in accordance with arrangements approved by the Section 151 Officer.

5.6 Payment process:
- Payment of invoices shall be against an original invoice or certified copy invoice only.
- Payment requisition forms shall be accompanied by supporting information.
- Payment shall be made in accordance with the agreed payment terms and in compliance with the invoice payment performance indicators.
- Payment should normally be by BACS but in exceptional circumstances cheque or CHAPS.
- New suppliers and changes of details to an existing supplier shall be validated by a verified contact for the supplier.
- Officers shall document supporting proof of verification and obtain approval from the Head of Finance or delegated officer.
- Payments to contractors shall be on the certificate of the appropriate Head of Service, and include details of the value of work, retention money, amounts previously certified and amounts now certified.
- Any outstanding expenditure for work completed but not yet invoiced by the end of the financial year shall be reported to the relevant service accountant to be accrued into the correct financial year in accordance with the year end closedown instructions.

5.7 Payment without an invoice, (including the transfer of funds to bank imprest accounts, online shopping accounts and prepaid or top-up cards) shall be made using systems and protocols determined by the Section 151 Officer.

5.8 Set up and use of online shopping accounts shall be approved by the Section 151 Officer. Normal purchasing procedures are still required with the exception of raising a purchase order in the Finance System.

5.9 Large contracts

For contracts that fall into threshold 4 in the CPR’s (>£100,000) and where stage payments are made due to the length or type of the contract (ie construction), officers shall ensure that:

Contracts involving stage payments:
- The contract documentation is prepared with the agreement of the Borough Solicitor.
- The contract is recorded in the Contract Register.
- A final account is prepared.

Final Payments:
- Supporting documentation is checked to ensure that all the items invoiced have
been used on the project and that the figures are correctly calculated throughout each stage of the project payment process.

- Where a retention is held, the retention value and retention period is recorded so that it can be released when the defect liability period has ended.
- The project manager is responsible for collating and checking the final account before the final payment is made.
- The final payment is signed off by the relevant Head of Service to confirm the accuracy and integrity of the final payment.
- The Head of Service approval is emailed to AccountancyTeam@Waverley.gov.uk to be put with the invoice in the Finance system.

5.10 Value Added Tax (VAT):
- VAT returns shall be made to HMRC with the appropriate payments or claims in accordance with HMRC regulations.
- The Council’s partial exemption position shall be regularly assessed.
- The effect on the partial exemption position for all new transactions shall be considered.
- Officers shall ensure that the correct VAT liability is attached to all expenditure paid and income due and that all VAT shown as recoverable on purchases complies with HMRC regulations.
- The Section 151 Officer shall be consulted for VAT advice prior to implementing changes to service provision, new capital schemes and purchase of any assets.

5.11 Construction Industry Scheme (CIS):
- CIS tax returns shall be made to HMRC with the appropriate payments in compliance with HMRC regulations.
- Spending officers shall be aware of CIS rules and ensure they have sufficient knowledge to collect the relevant information from suppliers.
- Where construction and maintenance works are undertaken, Officers shall request the necessary CIS tax deduction information from the supplier.

5.12 Off-payroll working through an intermediary (HMRC IR35):
- All procurement of agency staffing and consultancy work of any kind shall be tested against the HMRC IR35 rules for off-payroll working by the appointing service officer prior to engagement.
- The Employee Services team shall be informed of all appointments.

5.13 Petty Cash:
Petty cash covers the use of ‘cash’ from the petty cash imprest to purchase minor items of expenditure not exceeding such sums as determined by the Section 151 Officer.

- Set up of any petty cash imprest account shall be approved by the Section 151 Officer.
- A log of officers responsible for petty cash floats shall be maintained by exchequer services.
- Responsible officers shall comply with petty cash imprest administration guidance notes.
- Officers requesting reimbursement of expense incurred on behalf of the Council, including travelling expenses shall put a request through the payroll system.
- No cheques shall be cashed from money held in petty cash imprests.
- The petty cash imprest holder shall obtain a signature and supporting documentation, including a VAT invoice for all purchases.
- The petty cash imprest holder shall reconcile the imprest and, when requested by the Section 151 Officer, present the imprest account for audit.
- The petty cash imprest account shall be reconciled if the holder leaves or changes.
- If the petty cash imprest account is no longer required it shall be relinquished to the Section 151 Officer.

6. Payment of salaries, wages, pensions, travelling and subsistence allowances and Members Allowances

6.1 Key Controls
- An annual staffing budget shall be prepared.
- An annual Members Allowances budget shall be prepared.
- Monthly monitoring of staff activity and spend shall be reconciled to payroll.
- Staffing budget shall not be exceeded.
- Employee Services team shall be notified of all matters affecting payment of employees and former employees including appointments, resignations, dismissals, suspensions, secondments, transfers and other absences apart from approved leave.
- Appointments shall be made in accordance with the Council’s recruitment policy.
- The Job Evaluation process shall be used for determining the remuneration of a job.

Payments to Staff and Members

6.2 Payment of salaries, pensions, compensation and other emoluments to staff or former employees shall be through the Council’s payroll system.

6.3 All adjustments to the payroll shall be supported by documentary evidence and approved by an authorised signatory.

6.4 Payments through payroll shall only be made to:
- bona fide employees;
- with a valid entitlement; and
- who have a contract of employment.
6.5 Income tax, national insurance, pensions and other deductions shall be accurately recorded and accounted for in line with statutory legislation.

6.6 All Inland Revenue returns regarding PAYE shall be completed in accordance with HMRC published guidance.

6.7 Staff records and pay documents shall be maintained in the payroll system.

6.8 Payments of Members’ Allowances shall be made in accordance with the Members’ Allowances scheme.

**Travel and Subsistence Claims**

6.9 Travel and Subsistence Claims shall only be paid for authorised journeys and expenses incurred in the course of Council business.

6.10 Employees claims shall be made in accordance with the Employee Handbook and Contracts of Employment.

6.11 Members claims shall be made in accordance with the Members Allowance Scheme.

6.12 Claims (with receipts attached) shall be submitted, verified and authorised through the payroll system.

7. **Collection of income including External Funding and writing off of debts**

7.1 **Key Controls**
   - All income due to the Council shall be identified and charged correctly in accordance with the approved fees and charges.
   - The collection and recording of all money due to the Council follows approved procedures for collection and money received by an officer on behalf of the Council shall be passed to the Finance team without delay.
   - All income shall be recorded through the Council’s income system.
   - Fees and charges income shall be reconciled at all times to customer records by the service provider.
   - Cash holdings on premises shall be kept to a minimum and securely in accordance with insurance requirements.
   - A security firm shall be used to collect money from the Council offices as a minimum once a week to be paid into the Council’s general bank account.
   - Action shall be taken to pursue non-payment in accordance with the recovery
process.
- Debt considered for write-off shall only be that which is uneconomic to collect or recovery is legally restricted.
- Formal approval for debt write-off shall be obtained in line with the debt write-off procedures.
- New electronic methods of income collection shall be agreed with the Section 151 Officer.
- Credit notes, for full or partial debt cancellation, shall be adequately documented and approved by an authorised signatory.

7.2 The fees and charges shall be:
- reviewed as part of the budget process or, where appropriate, more frequently.
- approved by Full Council unless covered by a delegated authority.

- Budget Holders shall ensure that up-to-date fees and charges are published.

7.3 Income shall only be collected using methods and channels approved by the Section 151 Officer.

7.4 Income shall be collected at the point of service wherever possible, by the most cost effective approved means.

7.5 Value Added Tax (VAT) shall be added to charges where statutorily required and be itemised separately on the receipt in line with HMRC requirements. It is the budget holder's responsibility to ensure that the correct VAT is applied.

7.6 Officers who process card transactions shall comply with the Council’s Payment Card Security Policy and Procedures.

7.7 Refunds of debit/credit card payments shall be processed back to the card used to make the payment.

7.8 Refunds shall not be made by the officer taking the original payment, unless supervised and checked by an officer independent of the transaction.

7.9 Income due for the financial year should be collected or invoiced in advance of year end. Where income is still due but not received or invoiced the income shall be accrued in accordance with the year end closedown guidance.

7.10 Budget Holders shall be responsible for collection of all income due to their service area, inclusive of grants, contributions, commuted sums, sales, fees, charges and rents, in cash or credit form.

7.11 Debts originated by the service are the responsibility of that service and shall be pursued in accordance with the Council’s debt recovery procedure.
Debts Write-off

7.12 Where debt is uneconomic to collect or there is no prospect of collection or is legally restricted the debt will be written off by the Section 151 Officer.

External Funding

7.13 External funding shall only be applied for or accepted if it meets the corporate priorities and the Financial Regulations.

7.14 The costs, risks and obligations associated with preparing a bid shall be fully identified and not outweigh the benefits of receiving additional funding.

7.15 Matched-funding requirements going into future years shall be considered prior to entering into the agreement to ensure funds are available to meet future obligations.

7.16 The Section 151 Officer shall be notified of all external bids and confirmation of funding.

7.17 Copies of original documentation confirming funding allocations shall be forwarded to the Section 151 Officer.

7.18 In securing external funding officers shall ensure that:
   - All costs associated with bidding are financed from the relevant service budget unless the Executive has specifically approved alternative funding arrangements.
   - The matched funding or sponsoring organisation scheme requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
   - The external funder’s audit requirements are fully understood and are achievable to ensure conditions of funding and any statutory requirements are complied with.
   - Funds are received from only appropriate sources and that their purpose is clearly documented.
   - The project to be sponsored by the funding is properly project planned and progress reported in accordance with the project plan.
   - Expenditure is properly incurred in accordance with the funding documentation.
   - Organisations making donations or providing sponsorship are registered with the Head of Policy and Governance for transparency.
   - All claims for funds are made by the due date.
   - All funding notified by external bodies is received and properly recorded in the Council’s accounts.
   - The funding is applied in accordance with the agreed criteria and that all expenditure is properly incurred and recorded.
• Internal Audit Client Manager is consulted before accepting external funds.

7.19 Community Infrastructure Levy (CIL)/Section 106 receipts
• All receipts received shall be held and accounted for in accordance to the stipulations, conditions and restrictions in each individual agreement.
• The collecting service shall notify the Section 151 Officer of the receipt of money and forward the individual agreements to the Finance Team.
• Receipts shall only be used for the permitted purpose.
• CIL/Section 106 agreements shall be recorded on a register and regularly reviewed for action.
• CIL/Section 106 receipts shall only be transferred to a third party for qualifying expenditure and with a Terms of Application Agreement signed by the third party and the Council.

8 Security of assets

8.12 Key Controls
• The Estates and Valuation Manager shall maintain a property database for all land and buildings owned or leased by the Council.
• Officers shall be responsible for the care and custody of all buildings, vehicles, equipment, furniture, stock, inventories, cash and information under their control.
• Officers shall record a description and location in an inventory in the form required by the Section 151 Officer.
• Officers shall be responsible for the proper security of all assets and ensuring they are appropriately marked as Council property and included in the Council’s insurance schedule.
• Officers shall complete a check and reconciliation of their stock and inventories at year end and, as requested by Section 151 Officer, verify location, condition and reasonableness levels.
• Surpluses or deficiencies shall be dealt with in consultation with the Section 151 Officer.
• No Council owned asset shall be available for personal use by an officer without authority of the Section 151 Officer.

Land and Buildings

8.13 Land and Buildings shall be included in the Council’s Asset Register where the assets have a value in excess of the Council's de-minimis levels as set out in the Accounting Policies, otherwise registered on the de-minimis register.

8.14 Land and Buildings shall be valued in accordance the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom.

8.15 Land and Buildings assets shall be valued by a Royal Institute of Chartered
Surveyors (RICS) qualified valuer.

**Leases**

8.16 Lessees and other prospective occupiers of Council land and buildings shall not be given possession or gain entry without a lease agreement.

8.17 A Lease Register shall be maintained and updated on a regular basis and at least annually.

8.18 The Lease Register shall identify whether the lease is an operating lease or a finance lease.

8.19 Lease terms shall be renegotiated and/or terminated prior to expiry.

8.20 Lease income shall be reconciled to the Lease Register at all times.

8.21 Contracts entered into shall be reviewed for lease implications.

8.22 Any leases within a contract shall be reported to the Finance Team.

**Acquisitions and Disposals**

8.23 Acquisitions and Disposals of Land and Buildings shall be made in accordance with the Section 151 Officer determination with supporting evidence of best value consideration being documented.

**9 Risk Management and Insurance**

9.1 All officers have a role in the identification of risks in the planning and delivery of services.

9.2 **Key Controls**

- Procedures and controls are in place to identify, assess, prevent or contain material known risks and these procedures are operating effectively throughout the Council.
- A monitoring process is in place to regularly review the effectiveness of risk procedures and controls.
- Managers are responsible for managing relevant risks in accordance with the risk policy.
- Acceptable levels of risk are determined and insured against where appropriate.
- Provision is made where appropriate for losses that might result from unmitigated risks.
- Procedures are in place to investigate claims within required timescales.
9.3 Officers Responsibilities:

- To consult the Section 151 Officer and the Borough Solicitor on the terms of any indemnity that the authority is requested to give.
- Not to admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- To ensure that all contractors or consultants employed have adequate insurance in place, as defined by the Section 151 Officer and the Borough Solicitor, to cover the risks associated with the contract.
- To take responsibility for risk management within their service area, having regard to advice from the Section 151 Officer and other specialist officers and ensure there are regular reviews of risk.
- To notify the Section 151 Officer of all:
  - new risks, properties or vehicles that require insurance
  - any alterations affecting existing insurances
  - loss, liability or damage that may lead to a claim against the Council.
- To identify, evaluate and report on key risks associated with policy decisions and service developments, and in the preparation of service plans, in accordance with the Council's agreed risk framework within the Risk Management Policy.
- To identify and evaluate risks before entering any form of partnership with organisations or individuals.

**Insurance**

9.4 Insurance cover shall be through the Council appointed external insurance provider.

9.5 An annual review and assessment shall be done to ascertain the amount of insurance cover to be maintained, taking specialist advice as necessary.

9.6 Heads of Service shall keep suitable records to ensure that inspections of engineering plant under their control are carried out by the Insurance Company within the periods prescribed and shall take any necessary action arising there from.

9.7 Any failure by the Council’s insurers to carry out such inspections shall be notified to the Section 151 Officer.

9.8 Heads of Service shall ensure that employees or anyone covered by the Council’s insurance, are aware that they should not admit liability or make an offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
10 Banking arrangements

10.1 Key Controls

- Electronic banking systems administration access shall be independent from system users.
- Access to passwords and controlled stationery shall be secured.
- An approved list shall be maintained of officers authorised to undertake bank transactions and release money by other methods of payment (including BACS runs).
- An authorised list of nominated officers fulfilling the role of bank signatory shall be maintained.
- Bank accounts shall not be opened or closed without the authorisation of the Section 151 Officer.
- Bank accounts shall be in the name ‘Waverley Borough Council’.
- An audit log of bank authorisations shall be reviewed regularly by the Head of Finance.

10.2 The Section 151 Officer shall:

- Maintain an overview of the banking arrangements and services;
- Approve the opening of all bank accounts;
- Approve signatories and authorisers for all Council operated bank accounts;
- Approve corporate credit cards together with instructions for their use;
- Approve the use of payment cards and online shopping accounts;
- Approve new merchants for cash collection;
- Approve the use of new ways of cash-less transacting; and
- Approve arrangements for the secure transit of cash and cheques.

10.3 Credit Cards:

- The corporate credit cards shall only be used in exceptional circumstances and only up to the limit on the account.
- Supporting documentation, including a VAT invoice where possible, shall be provided to the Section 151 Officer.
- Normal purchasing procedures still apply with the exception of raising a purchase order in the Finance System.

11 Treasury Management (Investments, borrowing and trust funds)

11.1 Key Controls

- Treasury Management Strategy documenting the policies, objectives and approach to risk management of the Council’s treasury management activities.
- All treasury management decisions taken in accordance with the Treasury Management Strategy, CIPFA’s Standard of Professional Practice on Treasury Management and the Prudential Code.
- Approval of transactions limited to bank authority list.
• Regular treasury management investment reviews.
• Audit log of treasury management investments reviewed regularly by the Head of Finance.

**Investments and Borrowing**

11.2 The Section 151 Officer shall be responsible for:
- all external financing arrangement for borrowing and leasing.
- maintaining a record of all the Council’s borrowing.
- making arrangements for the registration of any stocks, bonds and mortgages.

11.3 Loans to and from third parties as part of treasury management shall comply with the Treasury Management Strategy and Prudential Code.

11.4 Loans to third parties shall have the approval of the Executive, after consultation with the Section 151 Officer.

11.5 Loans to third parties shall be based on a statement of conditions, if applicable, attaching to the assistance.

11.6 Officers shall satisfy themselves that the recipient has received appropriate advice about their obligations.

11.7 Officers shall have regard to the ability of the applicant to meet the loan repayments or conditions.

11.8 Loans for capital assistance shall comply with ‘Local Authorities (Capital Finance and Accounting)(England) Regulations 2003’.

11.9 The interest rate, if applicable, shall be determined by the Section 151 Officer.

11.10 The Council shall not offer any type of consumer credit which would require specific registration with the Financial Conduct Authority.

11.11 Acquisitions in companies, joint ventures, shares or other enterprises shall be in accordance with the approval of Executive and Section 151 Officer.

**Trust funds and funds held for third parties**

11.12 Trust funds, where possible, shall be held in the Council’s name.

11.13 All Officers acting as trustees by virtue of their official position shall deposit securities etc. relating to the Trust with the Solicitor to the Council, unless the deed otherwise provides.
11.14 Funds held on behalf of third parties shall be securely administered as approved by the Section 151 Officer, with records of all transactions maintained.

11.15 Trust funds shall be operated within any relevant legislation and the specific requirements for each trust according to their intended purpose and as set out in the trust deed.

11.16 Where applicable Charity Commission guidance shall be followed in the preparation of Annual Financial Reports and deadlines for the submission of information to the Commission.

12 Partnerships

12.1 Key Controls

- Partnership agreements and arrangements shall support the corporate objectives, provide value for money and not impact adversely on the services provided by the Council.
- Approval of the Section 151 Officer shall be obtained before entering into a partnership working arrangement.
- All agreements and arrangements entered into with external bodies shall be fully documented and entered on the Council's Register of Partnerships maintained by Democratic Services.
- Review and monitoring arrangements shall be in place.

12.2 Prior to the Council committing to enter a service, contractual or financial partnership, the risks involved in the following items shall be considered:

- the responsibilities and commitment of the Council;
- any financial obligations entered into;
- the governance arrangements; and
- any liabilities or insurance requirements.

12.3 The Financial Regulations shall take precedence over any financial regulations of the external body unless specifically sub-ordinated by any explicit regulations in the partnership agreement and the agreement of Full Council.

12.4 The Section 151 Officer shall be consulted on the key elements of funding a partnership project including:

- a scheme appraisal for financial viability in both the current and future years;
- risk appraisal and management;
- resourcing, including taxation issues (especially VAT);
- audit, security and control requirements;
- balance carry-forward arrangements;
- ensuring accounting arrangements are satisfactory; and
- exit strategy and financial implications.
13 Work for Third Parties

13.12 Key Controls

- Proposals shall be costed properly and approved by the Section 151 Officer.
- No work shall be entered into without seeking the advice of the Borough Solicitor to check it is within the Council’s legal powers and that there is a clear economic case for doing the work.
- The contract shall be prepared by the Borough Solicitor or, if the other party insists on preparing the contract, the advice of the Borough Solicitor is sought.
- Appropriate insurance cover shall be arranged for any potential liabilities as a result of the agreement.

13.2 The Section 151 Officer shall issue guidance with regard to the financial aspects of third party contracts.

13.3 Any work done under the third party’s contractual terms of engagement rather than the Council’s shall be agreed by the Section 151 Officer.

13.4 No contract entered into shall be subsidised by the Council.

14 The powers and duties of Internal Audit

Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

14.12 Key Controls

- Internal Audit Charter.
- Annual Audit Plan.
- Set of internal controls for systems and processes that are agreed by Internal Audit and reviewed regularly for effectiveness.
- Process for investigating, reporting and subsequent action regarding any suspected irregularity.
- An effective internal audit function that is properly resourced.

14.13 Internal Audit Client Manager shall:

- Prepare the annual Internal Audit Plan which takes account of the characteristics and relative risks of the activities involved.
- Report to Audit Committee on the progress against the annual Internal Audit Plan.
- Review, appraise and report on the extent of compliance with, and effectiveness of, relevant policies, plans and procedures (internal controls).
- Review the adequacy and application of financial and other related management
controls.

- Make arrangements for investigation, reporting and subsequent action regarding any suspected irregularity.
- Ensure that all internal audits are documented in a written report.
- Require officers to implement all agreed actions in a timely and efficient manner.
- Report non compliance with agreed audit recommendations to the Audit Committee.

14.14 Internal Audit has authority to:

- Access all Council premises, records, documents, and correspondence and control systems.
- Require any officer or Member to supply information and explanation considered necessary concerning any matter under consideration in the course of undertaking internal audit investigations.
- Require any officer to account for cash, stores or any other authority asset under their control.
- Access records belonging to third parties, such as contractors, when required.
- Request and receive explanations as necessary concerning any matters under consideration.

14.15 Officer’s responsibility:

- All officers have a personal responsibility with regard to the protection and confidentiality of information.
- To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- To notify the Section 151 Officer immediately of any suspected fraud, theft, bribery, irregularity, improper use or misappropriation of Waverley Borough Council’s property or resources. Pending investigation and reporting, the Director and Service Head shall take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- To ensure that new or changes in the form of systems for maintaining financial or personal records, or records of assets are agreed by the Internal Audit Client Manager and Section 151 Officer prior to implementation.
- To ensure they have a clear understanding of the benefits of sound controls and their responsibilities in compliance.

15 Fraud and Corruption

15.12 Key Controls

- Anti-fraud, Bribery and Corruption Policy.
- Process for investigating, reporting and subsequent action regarding any suspected fraud and corruption.

15.13 The Section 151 Officer shall be responsible for maintaining an Anti-fraud, Bribery
and Corruption Policy.

15.14 Heads of Service shall ensure their staff are aware of, and comply with, the Anti-fraud, Bribery and Corruption Policy.

15.15 Officers shall notify the Section 151 Officer immediately of any suspected fraud, theft, bribery, irregularity, improper use or misappropriation of Waverley Borough Council’s property or resources.

15.16 Pending investigation and reporting, the Director and Service Head shall take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

15.17 The Section 151 Officer shall notify the Audit Committee chair immediately of any suspected fraud, theft, bribery, irregularity, improper use or misappropriation of Waverley Borough Council’s property or resources.

16. Declarations of Interest, Gifts and Hospitality

16.1 Key Controls

- Full requirements and guidance for Members and officers are set out in the relevant Codes of Conduct.
- Registers of interests are maintained for Members and officers.
- Registers of gifts and hospitality are maintained for Members and officers.
- Registers are inspected at least annually by audit.

16.2 Members and officers shall report financial or other inducements, offered or received from an individual or organisation trying to influence the business of the Council to the Section 151 Officer and Internal Audit Client Manager.

16.3 Member and officers shall record any interests or gifts and hospitality received or declined in the Gift register maintained by Democratic Services.

16.4 The Section 151 Officer and Heads of Service shall ensure staff are aware of the requirement and the guidance for registering interests, gifts and hospitality.

16.5 Investigations that indicate improper behavior may result in disciplinary action.

17. Anti Money Laundering

17.1 Key Controls

- Full requirements and guidance for Members and officers are set out in the Anti Money Laundering Policy.
- Head of Finance is the designated Money Laundering Reporting Officer (“MLRO”) to receive disclosures from employees of money laundering activity
There is a procedure in place to enable the reporting of suspicions of money laundering.

17.2 The Council and its employees shall establish internal procedures to prevent the use of their services for money laundering as set out in the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 came into force on the 26 June 2017.

Glossary

<table>
<thead>
<tr>
<th>Accounting record</th>
<th>Accounting records are key sources of information and evidence used to prepare, verify and/or audit the financial statements. They also include documentation to prove asset ownership for creation of liabilities and proof of monetary and non monetary transactions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Financial Report</td>
<td>A comprehensive report on the Council’s activities for the preceding financial year including the Section 151 Officer’s commentary, Statement of Accounts, Annual Governance Statement and Audit opinion.</td>
</tr>
<tr>
<td>Annual Governance Statement</td>
<td>A statement describing how the Council’s corporate governance arrangements have been working over the financial year.</td>
</tr>
<tr>
<td>Asset</td>
<td>Any object, tangible or intangible, that is of value to its owner. Tangible assets include land and buildings, plant and machinery, fixtures and fittings &amp; stock. Intangible assets include goodwill, patents, licences, copyrights and trademarks.</td>
</tr>
<tr>
<td>Asset Register</td>
<td>A schedule of all Council assets including asset information and values.</td>
</tr>
<tr>
<td>Authorised limit</td>
<td>A limit that sets the level up to which an officer has authority to undertake the activity.</td>
</tr>
<tr>
<td>Authorised Signatory List</td>
<td>List of officers authorised to make financial transactions. Head of Service approval is required before an officer may be included in the List.</td>
</tr>
<tr>
<td>BACS</td>
<td>Bank Automated Credit Service, electronic funds transfer process.</td>
</tr>
<tr>
<td>Budget</td>
<td>A sum of money allocated for a particular purpose or an expectation of income for a defined period of time.</td>
</tr>
<tr>
<td>Budget monitoring</td>
<td>Periodic review of the budget to ensure that total income and expenditure planned at the budget stage is adhered to as far as possible during the budget period.</td>
</tr>
<tr>
<td>Carry forward</td>
<td>The approved transfer of an unspent budget into a future financial year.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>CHAPS</td>
<td>Clearing House Automated Payment System (CHAPS) is a method of transferring money between bank accounts electronically.</td>
</tr>
<tr>
<td>CIPFA</td>
<td>The Chartered Institute of Public Finance and Accountancy</td>
</tr>
<tr>
<td>Contract</td>
<td>This term is used to refer to any procurement transaction or planned procurement transaction.</td>
</tr>
<tr>
<td>Contractor</td>
<td>A provider or potential provider of goods, works or services. Once a Contract has been placed with a supplier, that supplier may be more precisely referred to as a Contractor.</td>
</tr>
<tr>
<td>Contract Procurement Rules (CPRs)</td>
<td>A set of rules that set out the minimum requirements the Council must follow when procuring and/or entering into Contracts for the supply of goods, works and services including consultants.</td>
</tr>
<tr>
<td>Customer</td>
<td>The recipient of a Council service.</td>
</tr>
<tr>
<td>Exceptions Schedule</td>
<td>A list of spend for which a purchase order is not required or is not appropriate.</td>
</tr>
<tr>
<td>Financial obligation</td>
<td>Money that a person or organisation owes and must pay at a particular time.</td>
</tr>
<tr>
<td>Financial Regulations</td>
<td>This refers to the set of rules that govern the way the Council’s finances are administered and controlled. They are maintained by the Section 151 Officer.</td>
</tr>
<tr>
<td>Financial year</td>
<td>The Council’s financial year runs from 1 April to 31 March</td>
</tr>
<tr>
<td>Financial viability</td>
<td>The ability to generate sufficient income to meet operating payments, debt commitments and, where applicable, allow for growth.</td>
</tr>
<tr>
<td>HMRC</td>
<td>Her Majesties Revenue and Customs, government taxation department.</td>
</tr>
<tr>
<td>Governance</td>
<td>The processes by which organisations are directed, controlled, led and held to account.</td>
</tr>
<tr>
<td>Job evaluation</td>
<td>A systematic way of determining the value/worth of a job in relation to other jobs in the Council.</td>
</tr>
<tr>
<td>Lease</td>
<td>A contractual arrangement calling for the lessee (user) to pay the lessor (owner) for use of an asset.</td>
</tr>
<tr>
<td>Material/Materiality</td>
<td>Materiality relates to the significance of transactions, balances and errors. Financial information is material if its omission or misstatement could influence the users of the accounts.</td>
</tr>
<tr>
<td>Medium Term Financial Plan (MTFP)</td>
<td>The bringing together of all known factors affecting the Council into one plan covering a period of a few years into the future.</td>
</tr>
<tr>
<td>Member</td>
<td>An elected Councillor</td>
</tr>
<tr>
<td>Officer</td>
<td>A member of staff</td>
</tr>
<tr>
<td>Other systems</td>
<td>In addition to the Finance system there are other systems used by the Council that contain financial information, these include systems for:</td>
</tr>
<tr>
<td></td>
<td>- Housing - to collect tenants rent and manage the</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Partnership</td>
<td>An arrangement in which the Council enters into with an external individual or organisation to share the benefits and liabilities of the venture.</td>
</tr>
<tr>
<td>Prudential Code</td>
<td>CIPFA Code of Compliance for treasury management</td>
</tr>
<tr>
<td>Purchase Order</td>
<td>An official order issued by a purchaser to a seller indicating types, quantities and prices for products or services. It is used to control the purchasing from external suppliers.</td>
</tr>
<tr>
<td>Reserve</td>
<td>An amount of money kept for a particular purpose or future use.</td>
</tr>
<tr>
<td>Scheme of Delegation</td>
<td>This term refers to the council’s Scheme of Delegation, which specifies the extent to which the conduct of the council’s affairs is delegated to council officers.</td>
</tr>
<tr>
<td>Section 151 Officer</td>
<td>The officer ultimately responsible for the proper administration of the Council financial affairs.</td>
</tr>
<tr>
<td>Supplier</td>
<td>A provider or potential provider of goods, works or services. Once a Contract has been placed with a supplier, that supplier may be more precisely referred to as a Contractor.</td>
</tr>
<tr>
<td>Terms of Application</td>
<td>Rules, conditions or stipulations by which the parties involved must abide by to receive funds.</td>
</tr>
<tr>
<td>Agreement</td>
<td></td>
</tr>
<tr>
<td>Terrier</td>
<td>Register of properties.</td>
</tr>
<tr>
<td>Virement</td>
<td>A virement is the movement of existing uncommitted budget to aid in the management of budgets where there is insufficient available in another area.</td>
</tr>
<tr>
<td>Write Off</td>
<td>A cancellation of a debt or worth of an asset.</td>
</tr>
</tbody>
</table>
# Scheme of Virement

Virements must be:

- Proactive (agreed before spending takes place)
- double-sided
- in year
- with commentary

<table>
<thead>
<tr>
<th>Budget description</th>
<th>Approval levels</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Centrally controllable budgets:</strong></td>
<td>Virements can only be done between cost centres within the budget (account code) heading.</td>
</tr>
<tr>
<td>• Recharges</td>
<td>Virement restricted to Accountants</td>
</tr>
<tr>
<td>• Depreciation</td>
<td>• Up to £5,000 - Accountant</td>
</tr>
<tr>
<td>• Insurance</td>
<td>• Over £5,000 – Accountant with approval of Financial Services Manager</td>
</tr>
<tr>
<td>• Business Rates Income</td>
<td>• Not between revenue and capital</td>
</tr>
<tr>
<td>• Council Tax Income</td>
<td>• Not between HRA and General Fund revenue</td>
</tr>
<tr>
<td>• Utilities</td>
<td></td>
</tr>
<tr>
<td>• Housing Benefits subsidy</td>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td>Up to £5,000 - Budget Holder</td>
</tr>
<tr>
<td>Non centrally controlled budgets <strong>within</strong> a Budget Holders remit</td>
<td>£5,001 to £100,000 – Head of Service and Section 151 Officer</td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td>Over £100,000 – Executive</td>
</tr>
<tr>
<td>Non centrally controlled budgets <strong>between</strong> Budget Holder remits</td>
<td>Up to £5,000 – agreement of Budget Holders</td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td>£5,001 to £100,000 – agreement of affected Heads of Service and Section 151 Officer</td>
</tr>
<tr>
<td>Salaries</td>
<td>Over £100,000 – Executive</td>
</tr>
<tr>
<td>Establishment Authorisation process must be followed and Revenue virement rules apply</td>
<td>All budget movements to go through the Finance Team</td>
</tr>
<tr>
<td><strong>Income</strong></td>
<td>Up to £5,000 – Head of Finance</td>
</tr>
<tr>
<td>An increase in an expenditure budget can only be met from additional income subject to approval.</td>
<td>Over £5,000 - Section 151 Officer</td>
</tr>
<tr>
<td><strong>Capital</strong></td>
<td>Up to £100,000 – agreement of Head of Service</td>
</tr>
<tr>
<td>Within project</td>
<td>Over £100,000 Executive</td>
</tr>
<tr>
<td><strong>Capital</strong></td>
<td>Up to £100,000 – agreement of Section 151 Officer</td>
</tr>
<tr>
<td>Across projects</td>
<td>Over £100,000 Executive</td>
</tr>
</tbody>
</table>
### Supplementary Estimate proposal proforma

<table>
<thead>
<tr>
<th>Your name / team</th>
<th>Date of request</th>
</tr>
</thead>
</table>

#### Why has the need for additional funds which cannot be met from existing budgets arisen?

#### How much money is being requested and what will it be spent on?

#### When will the money be spent by?

---

### Value for Money Assessment

#### What other options have been considered (including doing nothing)?

#### What are the expected benefits the planned expenditure will bring?

#### What are the risks, if any, of agreeing or refusing the supplementary estimate? (Link to Risk Appetite Statement)

Please complete this form and send it to the Head of Finance and s.151 Officer.
CONTRACT PROCUREMENT RULES
(CPRS – OCTOBER 2018)

Owned by: Procurement Advisory Board
Created date: 30/05/2017
MB approval date: 05/07/2017
Audit Committee approval date: 24/07/2017
Date of latest revision: 25/09/2018
Date for review: 01/04/2019
Version 2.4
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<td>26. DISPOSAL OF COUNCIL ASSETS</td>
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</table>

## GLOSSARY OF TERMS

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<th>Section</th>
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<tbody>
<tr>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>
These Contract Procurement Rules (CPRs) should be read in conjunction with the council’s Financial Regulations, Scheme of Delegation and Authorised Signatory List.

**GENERAL**

1. **INTRODUCTION**

1.1 These CPRs set out the minimum requirements the council must follow when procuring and/or entering into Contracts for the supply of goods, works and services including consultants.

1.2 The CPRs are put in place to ensure that the council gets value for money for residents, complies with all legal requirements, minimises the risk of challenge / undue criticism, supports social value and sustainability and provides transparency as to how it spends public money.

1.3 All purchasing and resulting Contracts made by or on behalf of the council must also comply with:

   1.3.1 all applicable statutory provisions;
   1.3.2 the Public Contracts Regulations 2015 and separate EU Directives which govern the award of higher value Contracts; and
   1.3.3 the council’s constitution, including the Financial Regulations and the Scheme of Delegation to Officers.

   If there is any conflict between the above, the EU law takes precedence, followed by UK legislation, the council’s constitution and these CPR’s, in that order.

1.4 Further information and guidelines on best practice are set out in the council’s internal Purchasing Guide.

1.5 The Thresholds referred to in these CPRs and the appropriate process to follow is set out in the table on page 11.

1.6 The Procurement Officer is responsible for ensuring the CPRs are up to date and reflect current legislation.

1.7 The Section 151 Officer (referred to as the S151 Officer) is ultimately responsible for the content of the CPRs.
2. SCOPE

2.1 These CPRs do not apply to the following types of Contract:

<table>
<thead>
<tr>
<th>Type of Contract</th>
<th>Policy/ Law which covers Contracts out of scope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts of employment for permanent / fixed term employees / agency staff</td>
<td>HR / Recruitment policies</td>
</tr>
<tr>
<td>Land transactions;</td>
<td>In accordance with the Local Government act 1972/ Housing act 1985 or any related acts or authorities</td>
</tr>
<tr>
<td>Where the Contract relates to a financing transaction;</td>
<td>Not subject to competition due to their nature</td>
</tr>
<tr>
<td>Works orders placed with statutory undertakers;</td>
<td>Not subject to competition due to their nature</td>
</tr>
<tr>
<td>Grants being given by the council;</td>
<td>Governed by Grant Funding -Service Level Agreements 2017-18</td>
</tr>
<tr>
<td>Contracts for goods and services estimated to be below Threshold 4 which have been dealt with or jointly procured by another local authority, public sector consortium or collaboration of which the council is a party but where the council is not the lead authority and the Contract is to be procured in accordance with the applicable Contract standing orders of that public authority; and</td>
<td>The procurement of Contracts of this nature will be governed by the Constitution of the Contracting authority</td>
</tr>
<tr>
<td>Orders for goods and services estimated to be below Threshold 4 placed against a call-off Contract or Framework Agreement where the call-off Contract or Framework Agreement has been awarded in accordance with these CPRs.</td>
<td>The establishment of the call-off Contract or Framework Agreement will be governed by the CPRs in the first instance, as such any call offs / mini competitions ran under such agreement will have already complied with these CPRS.</td>
</tr>
<tr>
<td>Where good, services or works are awarded as a result of a declared emergency as authorised by the Emergency Planning and Resilience Officer, where any Contracts awarded are not to exceed the estimated period of recovery</td>
<td>Business continuity management policy March 2016 Version 2</td>
</tr>
<tr>
<td>Where the Chief Executive has activated the council’s ‘Emergency Plan’ or a business recovery plan (as outlined in the business continuity management strategy) in response to a Major Incident being declared by resilience partners</td>
<td>Business continuity management policy March 2016 Version 2</td>
</tr>
</tbody>
</table>

2.2 All other Contracts made by or on behalf of the council must comply with these CPRs unless there is an Exception, Waiver or Joint Commissioning (CPR 9).
3. **COMPLIANCE**

3.1 Any members of staff purchasing on behalf of the council is expected to comply with these CPRs.
3.2 Where there is evidence of deliberate non compliance with the CPRs disciplinary action may be taken.
3.3 Staff must not deliberately break down a Contract with the intention of disaggregating spend for the purpose of avoiding the appropriate governance.

4. **GENERAL PRINCIPLES APPLYING TO CONTRACTS**

4.1 There are four financial value thresholds:
   - Threshold 1: £0 - £4,999
   - Threshold 2: £5,000 - £24,999
   - Threshold 3: £25,000 - £99,000
   - Threshold 4: £100,000 +
4.2 All Contracts must be in writing (which can include emails for Contracts valued within Threshold 1).
4.3 The value of any Contract must be determined by its aggregate or total spend forecast.
4.4 For every Contract estimated to be within Threshold 1, quotations and tenders may be sought using the council’s electronic tendering portal, the South East Shared Services e-sourcing Portal provided by “In-Tend”, otherwise quotes can be solicited via email.
4.5 For every Contract estimated to be within Threshold 2 or above, all quotations and tenders must be sought using the council’s electronic tendering portal, the South East Shared Services e-sourcing Portal provided by “In-Tend”.
4.6 In the case of recurring procurements for the same goods and services, prior written approval from the S151 Officer must be obtained in order to request quotations from the same suppliers on more than three consecutive occasions.
4.7 Details of all Contracts awarded valued at £5,000 and above more must be added to the council’s Contract Register on the E-tendering portal together with all supporting documentation.
4.8 With regards to non-OJEU Tenders, no supplier may be awarded a Contract if this would result in 50% or more of that supplier’s turnover being generated from the Council’s Contracts, unless the prior written approval of the S151 Officer has been obtained.
4.9 Prior to any invoices being received a purchase/ official order must be raised on the council’s official order system or Orchard.
4.10 Prior to any procurement a contract manager should be identified who will be responsible for ensuring the delivery of the contract.

5. **SOCIAL VALUE**

5.1 The Public Services (Social Value) Act came into force on 31 January 2013. It places a requirement on people who commission, or buy, public services to consider securing added economic, social or environmental benefits for their local area.
5.2 The Act currently applies only to service Contracts over the EU threshold but should be considered in all procurements where applicable.
6. TRANSPARENCY

6.1 Publication of spend, Contract opportunities and awards – in accordance with government requirements we publish all council expenditure with suppliers that exceeds £500 and post all Contracts valued at £5,000 and above on our publicly accessible Contracts register, this can be found on the council’s public website. Any advertised opportunity valued over £25,000 must be advertised on Contracts finder, for Contracts over £25,000 a Contract award notice must also be published.

6.2 Freedom of Information – in accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, we have an obligation to publish specific information and to provide information to members of the public upon request. By exception confidential or commercially sensitive information may be withheld. Suppliers should be given the opportunity to identify areas of their tender submission they do not wish to be disclosed.

PREPARING FOR THE PROCUREMENT

7. PRE-CONTRACT CONSIDERATIONS / SIGN OFF

7.1 Before commencing a procurement process, officers must ensure:
7.1.1 They have conducted an options appraisal and that a procurement is required
7.1.2 that there is adequate budgetary provision for the goods, services or works that they are procuring
7.1.3 that they have the appropriate level of (delegated) authority to procure the goods or services on behalf of the council
7.1.4 that there is no existing Contract or framework that is appropriate and that
7.1.5 where appropriate they have engaged with the procurement officer
7.1.6 that each tender package / request for quotation be accompanied by a comprehensive specification
7.1.7 an assessment, appropriate to the scale and scope of the Contract, of associated risks shall be undertaken by competent officers or consultants to include, but not limited to, technical, commercial, health and safety and reputational risks posed to the council.
7.1.8 that the chosen route to market has been signed off by the appropriate authority (see table page 11)

8. DECLARATION OF INTERESTS

During the procurement process, if an officer becomes aware that he has a direct or indirect pecuniary interest in a Contract which the council has entered into, or proposes to enter into, their interest must be recorded on the register maintained by the council’s Committees team for this purpose.
9. **EXCEPTIONS, WAIVERS AND JOINT COMMISSIONING**

9.1 The CPRs will not apply in the circumstances set out in CPRs 9.2 (Exceptions) 9.3 (Waivers), or 9.4 (Joint Commissioning) provided that the S151 Officer has given his prior approval to the exception, waiver or joint commissioning before the Contract is entered into.

9.2 **Exceptions** - there may be an exception to the CPRs where:

9.2.1 there is an extension to the duration and/or value of an existing Contract that does not contain a provision for extension provided that the extension is (i) on the same terms as the original Contract and (ii) adequate budgetary provision has been made. Where an extension concerns an OJEU contract or where an extension would lead to a contract falling within the relevant OJEU threshold the prior written approval of the Executive is required to award the proposed extension;

9.2.2 there is insufficient credible competition and the S151 Officer has agreed the competition assessment;

9.2.3 there is a variation (additional work) to an existing Contract where the variation is outside the scope of the Contract but it would be inappropriate to offer the additional work to competition; or

9.2.4 the S151 Officer is satisfied that it is appropriate for a single tender or quotation and that

9.2.4.1 it does not breach the council’s statutory obligations,

9.2.4.2 the request considers the requirements of CPR 4, GENERAL PRINCIPLES APPLYING TO CONTRACTS

9.2.4.3 there is adequate and appropriate reason for awarding a Contract without competition,

9.2.4.4 the award of a Contract would provide good value for money and shall specify the evidence to be supplied to evidence this,

9.2.4.5 the necessary checks regarding the proposed Contractor have been undertaken in accordance with CPR 10 ASSESSMENT OF SUPPLIERS (as appropriate) and that the results do not indicate that a Contract award presents an undue risk to the council, and

9.2.4.6 an assessment of any associated risks has been undertaken.

9.3 **Waivers** –the CPRs may be waived only in exceptional circumstances where:

9.3.1 there is a demonstrable and justifiable need to waive or vary one or more of the CPRs on the grounds of urgency; and

9.3.2 if the estimated value of the Contract falls below the EU threshold the prior written approval of the S151 Officer has been obtained; or

9.3.3 if the estimated value of the Contract falls within the relevant EU threshold the S151 Officer has obtained the prior written approval of the Executive.

9.4 **Joint Commissioning** –the CPRs may be waived for Contracts where the council:

9.4.1 wishes to become party to a Contract with a consortium, which has undertaken the task of obtaining competitive prices;

9.4.2 seeks to jointly commission a Contract with other local authorities or organisations; or

9.4.3 seeks to jointly deliver services in partnership with other local authorities or organisations.
10. ASSESSMENT OF SUPPLIERS

10.1 No assessment of a suppliers financial standing is needed for Contracts estimated to be within Thresholds 1 or 2 unless the goods being purchased are a proprietary item, in which case a financial assessment must be conducted.

10.2 A financial assessment of potential suppliers must be undertaken for all Contracts estimated to be within or above Threshold 3.

10.3 If a Contractor has expressed an interest in being included in a Standing List of Suppliers an assessment will be made of a Contractor's:

10.3.1 financial stability and resources;
10.3.2 insurances;
10.3.3 technical and other relevant references;
10.3.4 business continuity plans;
10.3.5 qualifications and experience;
10.3.6 environmental, ethical and employment policies;
10.3.7 previous experiences of dealing with the Contractor;
10.3.8 responsible purchasing policies;
10.3.9 details of other Contracts already, or proposed to be, awarded to the Contractor; and
10.3.10 any other issues that may be considered by the relevant Head of Service as being relevant to the Contract.

10.4 A Contractor that does not meet the council’s minimum requirements shall not be admitted to a Standing List of Suppliers.

10.5 Suppliers that are sole traders can be awarded an individual Contract with a value within Threshold 1 or 2 but the approval of the relevant Head of Service must be obtained to approve such an award with a value within Threshold 3 or above.

11. STANDING LIST OF SUPPLIERS

11.1 The relevant Head of Service may maintain a standing list of suppliers for Contracts up to and including Threshold 3 in value.

11.2 The council’s e-tendering portal must be used to obtain expressions of interest from suppliers to join the standing list.

11.3 Potential candidates for inclusion on the standing list of suppliers will be assessed in accordance with CPR 10.

11.4 The standing list must be reviewed at least every 1 year and the assessments set out in CPR 10 repeated.

12. FRAMEWORK AGREEMENT

12.1 Prior to entering into a Framework Agreement, approval from the S151 officer must be sought.

12.2 A Framework Agreement may be procured using either the Open or Restricted Procedure.

12.3 The term of a Framework Agreement must not exceed 4 years.

12.4 Contracts based on existing Framework Agreements may be awarded by either:
12.4.1 Applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call off) without reopening competition; or
12.4.2 Where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition.

13. DYNAMIC PURCHASING AGREEMENT (DPS AGREEMENT)

13.1 Prior to entering into a DPS Agreement, approval from the S151 officer must be sought.
13.2 A DPS Agreement may be procured using either the Open or Restricted Procedure.
13.3 The term of a DPS Agreement must not exceed 7 years.
13.4 Contracts based on existing DPS Agreements may be awarded by either:
   13.4.1 Applying the terms laid down in the DPS Agreement (where such terms are sufficiently precise to cover the particular call off) without reopening competition; or
   13.4.2 Where the terms laid down in the DPS Agreement are not precise enough or complete for the particular call-off, by holding a mini competition.

14. TUPE IMPLICATIONS

14.1 When an employee of the authority or of a supplier providing a service that may be affected by any staff transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal advice from the Borough Solicitor before proceeding with the Tender / Request for Quotation.

15. FINANCIAL VALUES

15.1 Prior to commencing a procurement exercise officers must estimate the aggregate value; this will determine which threshold the procurement falls under.
15.2 The financial values will be reviewed bi-annually.
15.3 If the cheapest tender received is above the upper limit of the estimated CPR financial value as set out in the Threshold Table and/or any approved budget for the procurement of the goods, works or services, the prior written approval of the S151 Officer must be obtained to accept the tender or quotation. Where the OJEU thresholds are crossed a tender must be re-run e.g. if the budget for a services tender is £170k but the received bids all exceed the OJEU limit of £181k then the exercise but be repeated with a more appropriate procedure.
15.4 The Threshold Table (page 11) sets out the general rules applying to the choice of purchasing procedure for Contracts at the stated threshold financial values, it states,
15.5 **For purchases valued below £5,000**

a) A minimum of one quote must be sought, this is only a required minimum and best practices dictates you seek multiple quotes to prove you are obtaining true value for money.

b) The quotes can be sourced via In-tend or email.

c) Local suppliers should be asked to quote where appropriate.

d) An official order will constitute the Contract

e) The purchase and written approval / signing of the Contract can be conducted by any authorised officer

15.6 **For purchases valued from £5,000 - £24,999**

a) A minimum of three quotes must be sought; fewer than three is required if written approval is given by the relevant head of service.

b) All quotes must be obtained via In-tend.

c) All quotes must be sealed

d) The relevant Head of Service must approve the route to market

e) The approval / signing of the Contract can be conducted by the relevant Head of Service or above

f) An official order will constitute the Contract and must be recorded on In-tend

15.7 **For purchases valued from £25,000 - £99,999**

a) A minimum of three quotes must be sought.

b) All quotes must be obtained via In-tend.

c) All quotes must be sealed

d) The S151 Officer or Deputy S151 Officer must sign off on the chosen route to market

e) Where the opportunity is advertised it must also be advertised via Contracts Finder, as must be the Contract award.

f) The Contract must be Signed by the relevant Head of Service or above

15.8 **For purchases valued over £100,000**

a) All tenders must be run via In-tend.

b) A minimum of 4 bidders must be invited to submit a response

c) All tenders must be sealed

d) Management Board must sign off on the chosen route to market

e) Legal Services to advise if a Seal is required. If Seal is required it must be witnessed in accordance with Schedule of Authorisations to the Scheme of Delegation.

f) Signed by S151 Officer or Deputy S151 Officer where Seal is not required.

15.8.1 Where the Contract is estimated to be above the relevant OJEU threshold, an OJEU compliant procedure must be used (see CPR section 14, TENDERING PROCEDURES. Current OJEU Limits as of 1st January 2018 are £181,302 for services and £4,551,413 for works.
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Threshold 1</td>
<td>£0 - £4,999</td>
<td>None required</td>
<td>No</td>
<td>Minimum of one quote sought (local suppliers should be used where appropriate)</td>
<td>Via email</td>
<td>No</td>
<td>Official Order</td>
<td>Authorised Officer</td>
</tr>
<tr>
<td>Threshold 2</td>
<td>£5,000 - £24,999</td>
<td>In-Tend</td>
<td>No</td>
<td>Minimum of three quotes sought (HoS can agree to fewer)</td>
<td>In-tend</td>
<td>No</td>
<td>Official Order &amp; record on In-tend</td>
<td>HoS or above</td>
</tr>
<tr>
<td>Threshold 3</td>
<td>£25,000 - £99,999</td>
<td>In-tend &amp; Contracts Finder</td>
<td>Yes</td>
<td>Minimum of three quotes sought</td>
<td>In-tend</td>
<td>Yes</td>
<td>Written, copy to be stored on the council's electronic procurement portal</td>
<td>HoS or above</td>
</tr>
<tr>
<td>Threshold 4</td>
<td>Over £100,000</td>
<td>In-tend, Contracts Finder &amp; OJEU if applicable</td>
<td>Yes</td>
<td>Minimum of four tenderers sought, OJEU Procedure where limit exceeded: <strong>Goods/Services:</strong> £181,302* <strong>Works:</strong> £4,551,413*</td>
<td>In-tend</td>
<td>Yes</td>
<td>Written - agreed by Legal Services &amp; under seal if required, copy to be stored on the council's electronic procurement portal</td>
<td>Legal Services to advise if a Seal is required. If Seal is required it must be witnessed in accordance with Schedule of Authorisations to the Scheme of Delegation. Signed by S151 Officer or Deputy S151 Officer where Seal is not required.</td>
</tr>
</tbody>
</table>

*OJEU thresholds are subject to change, any change in threshold levels will be reflected in an update to these CPRs.
PROCEDURAL STEPS OF THE PROCUREMENT

16. TENDERING PROCEDURES

16.1 General:

16.1.1 The council may apply any procedure that conforms to the Public Contracts Regulations 2015 in its procurement process.

16.1.2 Subject to CPR 9 the appropriate process set out in the Threshold Table must be followed for each procurement determined by the estimated value of that procurement.

16.1.3 Invitations to tender or requests for quotations must be issued electronically (via email for Threshold 1 and via the council’s e-tendering portal for procurement within or exceeding Threshold 2).

16.1.4 All tenders or quotations must be returned to the council electronically (via email for Threshold 1 and via the council’s e-tendering portal for and procurement within or exceeding Threshold 2).

16.1.5 A Contract Procurement Report must be completed and stored on E-tendering portal for each tender or quotation within or exceeding Threshold 2.

16.1.6 For all quotes/tenders the award criteria must be stipulated before request/tender is published, this includes:

- The assessment criteria
- The scoring system and weighting to be applied
- The minimum scores to be achieved (where appropriate)

16.2 Existing arrangements

16.2.1 In the first instance anyone purchasing on behalf of the council must check to see if there is an existing arrangement already in place which covers the purchase.

16.2.2 Where a framework/dynamic purchasing system/select list has been established to deliver the need, these will be considered alongside other routes in an options analysis.

16.3 Request for Quotation (RFQ)

16.3.1 This approach only applies for purchases below £100k where suppliers are requested to submit a quote for the requirements. Like a tender you can apply a price/quality split when evaluating the responses but the award criteria must be stated upfront in the RFQ documentation.

16.4 Open Procedure (One Stage)

The open procedure is where a bidder progresses straight to invitation to tender (ITT), there is no pre-qualification stage involved. This procedure shall apply where:

- the value of the Contract award will be below the EU threshold;
b) the value of the Contract award will be above the EU threshold and the council has decided that a single stage tender is appropriate.

16.5 **Restricted Procedure (Two Stage)**

16.5.1 This procedure can only apply where the value of the Contract award will be above the EU threshold

16.5.2 The required advertising and tendering periods must be observed.

16.5.3 The advertisement must state that a restricted tendering procedure will be used.

16.5.4 Once the closing date for receipt of expressions of interest has been reached a Standard Selection Questionnaire (“SSQ”) must be sent to all suppliers that have expressed an interest in tendering.

16.5.5 Upon receipt of the completed SSQ the information will be analysed.

16.5.6 Invitation to Tender documents shall be dispatched to a sufficient number of suppliers that have been assessed as meeting the minimum technical and financial requirements.

16.5.7 If fewer than the required minimum number of suppliers either meet the minimum qualification requirements or express an interest, the relevant director must be consulted to agree whether to seek additional tenderers or to obtain prior written approval from the Management Board to seek fewer than the minimum number of tenders.

16.6 **Competitive with negotiation procedure**

16.6.1 Prior to undertaking a negotiated procedure approval from the S151 officer and Borough Solicitor must be sought.

16.6.2 This procedure can only apply where the value of the Contract award will be above the EU Threshold

16.6.3 The competitive with negotiation procedure allows award following the initial ITT stage before negotiations have commenced providing this is stipulated in the tender documentation.

17. **OPENING OF QUOTATIONS AND TENDERS**

17.1 Any quotation or tender received after the specified date and time or at a location other than the one specified will be rejected unless the S151 Officer considers that there are exceptional circumstances that warrant it and this will only be done up to the time when the other tenders are opened.

18. **EVALUATION OF QUOTATIONS AND TENDERS**

18.1 Offers will be evaluated against the award criteria stipulated at the point of publishing a RFQ / Tender. The available options are

18.1.1 **Price only** - accept the offer from the Contractor who, having satisfied the council’s minimum requirements, has offered the lowest price.
18.1.2 **Price / Quality** – where a price quality split is stipulated, the supplier who ranks highest over all shall be awarded the Contract, this is otherwise known as the Most Economically Advantageous Tender (M.E.A.T).

18.1.3 Where the most economically advantageous tender is to be sought, an assessment criteria and associated weightings will be specified in the invitation to tender.

### 19. **CONTRACT SIGN OFF / SCHEME OF DELEGATION**

19.1 A Contract can only be signed / authorised by an officer for which they have authority / delegated authority under the scheme of delegation. The authority levels are:

- £0–£4,999 – Authorised Officer
- £5,000 - £24,999 – Relevant Head of Service or above
- £25,000 - £99,999 – Relevant Head of Service or above
- Over £100,000 – Legal Services to advise if a Seal is required. If Seal is required it must be witnessed in accordance with Schedule of Authorisations to the Scheme of Delegation. Signed by S151 Officer or Deputy S151 Officer where Seal is not required.

### CONTENT OF CONTRACTS

### 20. **FORM OF CONTRACT**

20.1 No indication of acceptance shall be made to any Contractor except by an officer authorised to do so.

20.2 Contracts valued up to and including Threshold 2 in value shall be the subject of a purchase order unless otherwise stated, in which case a formal Contract shall be prepared in accordance with the requirements of the Borough Solicitor.

20.3 All Contracts within Threshold 4 and above in value shall be the subject of a formal Written Contract - agreed by Legal Services & under seal if required, copy to be stored on the council's electronic procurement portal.

20.4 All Contracts shall:

20.4.1 specify the goods, materials or services to be supplied and/or works to be undertaken, price to be paid, payment terms and conditions, details of any discounts or penalties, the period of the Contract and any other terms and conditions that may be agreed;

20.4.2 provide for the payment of liquidated damages where they are appropriate;

20.4.3 contain details of any security that is required by the council; and

20.4.4 prohibit the Contractor from sub-Contracting or assigning all or any part of the Contract without the express consent of the council.

20.5 Except in exceptional circumstances with the prior written approval of the Chief Executive, all Contracts must be signed or sealed before their commencement.

20.6 Every Contract in excess of £100,000 must contain a comprehensive Business Continuity plan.

20.7 Every Contract shall require compliance with current legislation with respect to health and safety at work and sexual and racial equality.
20.8 Every officer who conducts a procurement in excess of £5,000 is responsible for ensuring the details are updated on the council's Contract register.

21. **SUB CONTRACTORS**

21.1 In Contracts where the council wishes to nominate a sub-contractor, the Contract shall specify whether or not the council will be undertaking the tendering process to select the nominated sub-contractor.

21.2 The council will apply these CPRs to the tender process to select and assess the nominated sub-contractor.

22. **CONTRACTS INVOLVING STAGE PAYMENTS**

Where any contract that falls into Threshold 4 (£100,000+) will involve stage payments a final account shall be prepared and presented for examination by the relevant Head of Service before final payment is made. The Financial Regulations should be consulted for more details on Final Payments and Retention monies.

23. **FINANCIAL SECURITY**

23.1 Adequate financial security and/or a performance bond must be required for all Contracts within Threshold 4 and above in value.

23.2 Adequate financial security and/or a performance bond may be required if considered necessary by the S151 Officer Procuring Officer.

23.3 A retention to the Contract sum must be made in respect of all Contracts within Threshold 4 and above unless otherwise agreed by the S151 Officer (HoS can agree if the Contract is for works).

23.4 A retention to the Contract sum may be made if the relevant Head of Service determines this to be necessary.

**CONTRACT MANAGEMENT**

24. **MANAGEMENT OF CONTRACTS**

24.1 Any extensions or variations to a Contract may only be made in accordance with CPR 9.2.1 Exceptions.

24.2 Any proposed amendments to a partnership Contract shall only be agreed with the prior written approval of the Management Board.

24.3 If a Contract is proposed to be terminated for whatever reason, the advice of the Borough Solicitor must be sought in the first instance.

24.4 It shall be a condition of engagement by the council of any person (not being an officer or member of the council) to supervise a Contract that he shall act in full accordance with these CPRs when supervising the Contract as if he were an officer of the council.

24.5 It is the procuring officers responsibility to ensure that there is a robust Contract management plan in place that is proportionate to the scale and scope of the Contract, this should include, but is not limited to:
25. NOVATION & ASSIGNMENT

The council may agree to the novation or assignment of a Contract if an assessment of the Contractor has been carried out under CPR 10, ASSESSMENT OF CONTRACTORS, and the prior written approval of the Head of Service and S151 Officer has been obtained.

26. DISPOSAL OF COUNCIL ASSETS

Land and buildings

26.1 This section refers to disposals that are subject to market conditions.

26.2 Disposal (including sales, leases, easements and wayleaves) of land and buildings owned and funded by the General Fund shall first be valued by a qualified valuer. The Director of Finance and Resources shall report to the Corporate Management Team to determine whether, in the light of the valuation and location, there are strategic issues, risks or conditions of disposal relative to the Asset Management Plan (or equivalent) and Corporate Plan. If such considerations exist, the disposal shall be referred to the Asset Advisory Group, which will report its views and recommendations to the Corporate Management Team.

26.3 Disposal (including sales, leases, easements and wayleaves) of land and buildings owned and funded by the Housing Revenue Account, with the exception of sales under the Right to Buy Scheme, shall first be referred to the Head of Strategic Housing who shall consult the relevant director (or otherwise as may be specified in the Scheme of Delegation) to consider any risks associated with the disposal and the strategic and long-term issues in the light of the Asset Management Plan (or equivalent). The Head of Strategic Housing shall obtain a current valuation of the land and/or buildings and report his views and recommendations to the council’s Corporate Management Team.

26.4 Any resultant proposal to dispose of the land and/or buildings shall then be discussed by the chairman of the Asset Management Team (or equivalent) or the Head of Strategic Housing (as appropriate) with the S151 Officer and the relevant portfolio holders responsible for the services in question and the management of the council’s assets. A report outlining the reasons why disposal is recommended, and showing how it would be in accordance with the Asset Management Plan (or equivalent) and the proposed method of disposal of the land and/or buildings shall be presented to the Executive for approval.

Other council assets

26.5 Proposed disposals of other council-owned assets, including surplus or obsolete furniture or equipment, shall be discussed with the relevant Head of Service to obtain agreement that there is no further need for the items. Items shall first be offered for transfer to other sections or departments of the council.

26.6 The Asset Advisory Group will be consulted on the disposal of assets where deemed appropriate by the relevant head of service.

26.7 Any items that remain for disposal shall be sold at the highest price possible. An estimated sale value shall be agreed by the relevant Head of Service and the S151 Officer or Deputy S151 Officer, taking note of any value included in the council’s
accounts and any professional valuations as may be deemed appropriate by the S151 Officer. A note shall be made and retained on file as evidence to support the adopted approach and the valuation. The method of disposal shall be agreed with the S151 Officer.

26.8 If deemed appropriate by the relevant Head of Service and the S151 Officer, items may either be

26.8.1.1 sold to a member of staff at an agreed price (where the item is of little or no intrinsic value); or

26.8.1.2 offered for sale to all members of staff at the price agreed; or

26.8.1.3 advertised for sale in local papers or relevant trade magazines, as appropriate, at the price agreed; or

26.8.1.4 sold via an open electronic auction, run on the council’s E-tendering portal where appropriate providing its use is approved by Legal and the S151 officer. The relevant Head of Service and the S151 Officer may set a reserve price below which an item may not be sold without the approval of the relevant portfolio holder responsible for the management of the council’s assets.

26.9 If it is considered that there is a ready market for the item(s) in question, then sealed bids shall be invited from Contractors or organisations that are identified as having a potential interest. The minimum number of bids sought shall be determined in accordance with the thresholds contained in CPR 15.5, 15.6, 15.7 and 15.8.

26.10 All sealed bids shall be treated as being tenders and their opening evaluation and acceptance shall be in accordance with CPRs 17, 18 and 19.

26.11 Where there is the option of trading an old piece of equipment in part-exchange for a new piece, this option shall be expressly mentioned in any invitation to tender or request for quotation.

26.12 Disposal of any stocks and stores that are recorded in the council’s accounts shall be disposed of after obtaining the agreement in writing of the relevant director and the S151 Officer and shall be undertaken in accordance with the provisions of the council’s Financial Regulations.
### GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Authorised Signatory List</td>
<td>This is the list of officers authorised to make financial transactions. Head of Service approval is required before an officer may be included in the List.</td>
</tr>
<tr>
<td>Call-off Contracts</td>
<td>This term is used to describe a Contract that is entered into for a specified period but where the total value and quantity of items ordered cannot be quantified at the outset. An example might be a Contract for the supply of office stationery. Prices are specified for the duration of the Contract, subject as necessary to fluctuation according to agreed formulae.</td>
</tr>
<tr>
<td>Contract</td>
<td>This term is used to refer to any procurement transaction or planned procurement transaction.</td>
</tr>
<tr>
<td>Contract</td>
<td>All references to Contract values refer to the estimated value unless otherwise specified. The estimated value is calculated over the entire period of the Contract, including the period of any possible extensions to the term of the Contract. Where the term of the Contract is not known, a term of 4 years must be assumed and applied when calculating the Contract value. The calculation of the value must be assessed exclusive of Value Added Tax.</td>
</tr>
<tr>
<td>Corporate Management Team</td>
<td>The Corporate Management Team is the meeting of the Chief Executive and Directors, which is advised by Heads of Service and other Officers as appropriate.</td>
</tr>
<tr>
<td>EU Directives on procurement</td>
<td>These are rules that override these CPRs for large value Contracts. EU Directives must be applied once the value of the Contract reaches or exceeds the relevant financial threshold. Their application and link to CPRs is outlined above in the introduction. The Directives are implemented into UK law as the Public Contracts Regulations 2015 (“the Regulations”), and reference to those Regulations in these CPRs includes any subsequent amendments to those Regulations and any replacement Regulations (and amendments thereto). The value of Contracts that are subject to these Directives is revised annually and it will be necessary to seek confirmation of current values from the Borough Solicitor.</td>
</tr>
<tr>
<td>Financial Regulations</td>
<td>This refers to the set of rules that govern the way the council’s finances are administered and controlled. They are maintained by the Section 151 Officer.</td>
</tr>
<tr>
<td>Framework Agreement</td>
<td>A Framework Agreement is an arrangement of one or more Contracting authorities with one or more suppliers in order to establish the terms governing the Contracts awarded and includes both Public Sector Framework Agreements and council Procured Framework Agreements.</td>
</tr>
<tr>
<td>Goods/Works/Services</td>
<td>A Contract will be in connection with the acquisition of one or more of these categories of purchases. The use of one of these terms should be taken to mean all the terms unless expressly stated to the contrary.</td>
</tr>
<tr>
<td>Highest/lowest price</td>
<td>The term “lowest price” (where payment is to be made by the council) shall also be taken to mean the highest price (where payment is to be made to the council).</td>
</tr>
<tr>
<td>Land and buildings</td>
<td>Disposal of land and buildings refers to outright sale and long-term leases. It does not include short-term leases of three years or less. The disposal of small parcels of land, such as to private residents for extension of gardens, may be the subject of standard procedures that</td>
</tr>
<tr>
<td><strong>Lists prepared by third parties</strong></td>
<td>May be agreed between the relevant director and the Section 151 Officer in accordance with CPR 24.</td>
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</tr>
<tr>
<td><strong>Official order</strong></td>
<td>This refers to such lists as &quot;Constructionline&quot; and similar lists of Contractors that have been assessed by other organisations.</td>
</tr>
<tr>
<td><strong>Open tendering</strong></td>
<td>This term is interchangeable with the term purchase order. An official order must be raised prior to receiving an invoice either via the council's official order system or the Orchard system.</td>
</tr>
<tr>
<td><strong>Open tendering</strong></td>
<td>This term refers to a situation where all Contractors that have expressed an interest in a Contract are sent an invitation to tender. It is distinct from selective/restrictive tendering in that assessment of the Contractors will take place once the tenders/quotations are received using a questionnaire and an assessment of their financial stability, references and insurances.</td>
</tr>
<tr>
<td><strong>Partnership Contracts</strong></td>
<td>Partnership Contracts are designed to enhance cooperation between the council and a Contractor/other parties to the Contract. The purpose is to enable services to be reviewed and delivery arrangements amended at various times within the life of the Contract. Whilst terms and conditions may require amendment as a consequence, it is not intended that this should impede smooth working and transition to new arrangements should be facilitated. Therefore different arrangements will apply to allow amendment to terms and conditions in a planned and controlled manner.</td>
</tr>
<tr>
<td><strong>Professional services (“consultants”)</strong></td>
<td>Consultants are used for a wide variety of purposes. Generally the term is therefore used to relate to the providers of professional skills and expertise which, for whatever reason, cannot be provided by the council's own staff. Regardless of the role to be played, for the purposes of these CPRs Contracts for the provision of professional expertise will be regarded in the same manner as other Contracts for the supply of goods, works and services. Appointment of a person through an employment agency or an appropriate professional body to fulfil duties that otherwise would be performed by a member of staff will not be subject to CPRs. A separate procedure is available from Employee Services concerning this. Engaging a person to undertake a specific piece of work with specific terms of reference is deemed to be consultancy and must be procured in accordance with the CPRs.</td>
</tr>
<tr>
<td><strong>Quotation</strong></td>
<td>A price given by a supplier for a specified piece of work, goods or service based largely on the supplier's terms and conditions but with relevant conditions as determined by the council.</td>
</tr>
<tr>
<td><strong>Quotations and tenders</strong></td>
<td>The terms “quotation” and “tender” are used throughout these CPRs. For the purposes of the application of these CPRs the following definitions should be used:</td>
</tr>
<tr>
<td><strong>Relevant Director</strong></td>
<td>This term is used to denote the Chief Executive, Director of Finance and Resources (Section 151 Officer) or the Director of Operations in person. Where an officer from one service is working in circumstances where they are responsible to another service for the purposes of a procurement exercise, then it is that other director who is the responsible director. In some CPRs the Chief Executive and the Section 151 Officer are mentioned by title; where this is done, they are not acting as the relevant director.</td>
</tr>
<tr>
<td><strong>Relevant Head of Service</strong></td>
<td>This term is used to denote the head of the service responsible for procuring a Contract.</td>
</tr>
</tbody>
</table>
| **Relevant Portfolio**            | This refers to the elected Member of the council who at the time the
## Contract Procurement Rules

### holder
procurement exercise is being undertaken is the relevant member of the council’s Executive responsible for the service in question.

### Responsible Purchasing
The council’s overarching approach to the acquisition of goods and services, ensuring that purchasing decisions are made with the best long-term interest of the environment in mind, particularly having regard to sustainability issues.

### Section 151 Officer
This refers to the council’s Chief Finance Officer, being the officer responsible for the council’s financial administration as defined by the Local Government Act 1972.

### Scheme of Delegation
This term refers to the council’s Scheme of Delegation, which specifies the extent to which the conduct of the council’s affairs is delegated to council officers. If at any time there appears to be a conflict between the Scheme of Delegation and Contract Procurement Rules, the former shall take precedence.

### Selective/restricted tendering
Selective or restricted tendering refers to a situation where Contractors expressing an interest in tendering/supplying a quotation are asked to complete a pre-qualification questionnaire. The completed questionnaire is assessed, and an assessment of the Contractors’ financial stability, references and insurances is undertaken in order to produce a short-list of Contractors that will be invited to tender/provide a quotation.

### Specification
The use of the word ‘specification’ refers to a statement of the council’s minimum purchase requirements. For illustrative purposes, it includes as appropriate such matters as:
- a) Technical drawings
- b) Recognised international standards
- c) Method of delivery
- d) Terms and conditions of supply and delivery
- e) Responsible purchasing requirements.

### Standard Selection Questionnaire
This is the questionnaire which has been developed to simplify the supplier selection process for businesses using the Restricted Procedure to procure goods or services. It has replaced the Pre Qualification Questionnaire.

### Supplier/Contractor
Both these terms are used to refer to a provider or potential provider of goods, works or services. Once a Contract has been placed with a supplier, that supplier may be more precisely referred to as a Contractor.

### Tender
A price given by a supplier in response to a full specification of the goods, works or services required and based upon terms and conditions specified by the council. These terms and conditions may be as laid out in a commonly used standard form of Contract. The processes for seeking and receiving quotations and tenders are set out within these CPRs. The precise requirements in respect to any specific Contract will have to be assessed according to the nature and complexity of the Contract as well as its value.
Part 5

Members’ Code of Conduct
Part 5 Waverley Members’ Code of Conduct


Introduction and Interpretation

1. (1) This Code applies to you as a Member of Waverley Borough Council (“the Council”) when you act in your role as a Member, including the use of email or social media platforms.

(2) You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.

(3) Waverley is under a duty to promote and maintain high standards of conduct by Members. This Code is based on and is consistent with the seven “Nolan principles” of public life set out in Section 28 of the Localism Act 2011 which Waverley endorses:

(a) **Selflessness.** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

(b) **Integrity.** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

(c) **Objectivity.** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

(d) **Accountability.** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

(e) **Openness.** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(f) **Honesty.** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(g) **Leadership** Holders of public office should promote and support these principles by leadership and example.

(4) It is your responsibility to comply with the provisions of this Code when acting in your capacity as a Member.
(5) In this Code:

(i) “Member” includes elected councillors, and co-opted or appointed members.

(ii) A “Disclosable Pecuniary Interest” is an interest within the prescribed descriptions set out in Annexe 1 that you have personally, or that is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if your were civil partners, and you are aware that that person has the interest.

(ii) “meeting” means any meeting of
(a) the Council
(b) the Executive
(c) any of the Council’s committees, sub-committees, joint committees, joint sub-committees, area committees, working groups, panels or Boards.

(6) If you are unsure about whether or not the code of conduct applies to a particular situation, you should consult the Monitoring Officer or Deputy Monitoring Officer.

(7) A failure of a Member to comply with this Code of Conduct will be dealt with in accordance with the Arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations be made.

(8) Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may also result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to five years.

General Obligations

2. (1) You must always treat others (including member colleagues, officers, other organisations and members of the public) with respect.

(2) You must not do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010).

(3) You must not conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct by Members.

(4) You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;
(ii) you are required by law to do so;
(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:
   (aa) reasonable and in the public interest;
   (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
   (cc) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.

This particularly includes Waverley Borough Council reports which are exempt, which remain confidential until released by a resolution of the Executive or Committee of the Council.

(5) **You must not** prevent another person from gaining access to information to which that person is entitled by law.

(6) **You must not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

(7) **You must not** undertake any action that could be regarded as harassment, intimidation and/or bullying of member colleagues, officers, or members of the public.

(8) In addition to compliance with this Member Code of Conduct, you are expected to comply with the following codes:
   (i) Planning Code of Best Practice
   (ii) Member/Officer Protocol

3. When using or authorising the use by others of the resources of the Council:

   (1) **Do** act in accordance with the Council’s reasonable requirements and policies;

   (2) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and

   (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**Gifts and Hospitality**

4. (1) **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

   (2) **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who
may apply to the Council for any permission, licence or other significant advantage.

(3) **Do** register with the Monitoring Officer any gift with an estimated value of at least £50 or hospitality with an estimated value of at least £100 within 28 days of its receipt.

Registration of Interests

5. (1) As a Member of the Council **you must** avoid participating in any decision where you could reasonably be seen as having an interest which compromises your honesty or objectivity. Equally, you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council’s offices and publicly accessible on the Council’s website.

(2) **You must** notify the Monitoring Officer of your Disclosable Pecuniary Interests, or other interests which the Council has decided are appropriate for registration (those listed in paragraph 5(4)). On election, you must do this within 28 days of being elected or appointed to office. Details of disclosable pecuniary interests are set out in the Annexe to this Code. You should give sufficient detail of the interests for a member of the public to understand where there might be a conflict of interest.

(3) **Do** similarly notify the Monitoring Officer of any Disclosable Pecuniary Interest or other interests not already registered within 28 days of your re-election or re-appointment to office. If any of these change you should update your Register of Interests entry promptly.

(4) **Do** be aware that Disclosable Pecuniary Interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person. They also apply to any past and reasonably expected future occupational pension, office, trade, profession or vocation as well as present ones.

(5) **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of or your occupation of a position of general control or management in the following bodies –

   (i) bodies to which you have been appointed or nominated by the Council;
   (ii) bodies exercising functions of a public nature;
   (iii) bodies directed to charitable purposes;
(iv) bodies one of whose principal purposes include the influence of public opinion or policy.

(6) **Sensitive Information** Where a Member of the council has an interest (whether or not a Disclosable Pecuniary Interest) and the nature of the interest is such that they, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Member (or a person connected to them) being subject to violence or intimidation, then:

(a) if the interest is entered in the Register of Interests, copies of the register that are made available for inspection or published on the Council’s website, must not include details of the interest (but may state that the Member has an interest the details of which are withheld under this provision of the Code).

(b) where a disclosable pecuniary interest is not entered on the Register of Interests and would otherwise require disclosure at a meeting, the Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

(7) **Removal of entries in the register** An entry in the register of interests will be removed once the person concerned no longer has the interest or is neither a councillor nor a co-opted Member of the council (other than transitorily on re-election or re-appointment).

**Disclosure of Interests and Participation**

6. (1) Do disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (see paragraph 5(4) above) as soon as you become aware of it.

(2) Do notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.

(3) Do not participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. Do withdraw from the meeting during the consideration of the matter.

(4) Do declare any other non-pecuniary interest(s) that you consider to have sufficient weight so as to undermine your ability to make an open-minded and objective decision. Where this is the case, do exclude yourself from consideration of the item by withdrawing from the chamber for the duration of it being discussed.

In making a judgement about whether a non-pecuniary interest is of sufficient weight as to undermine your objectivity, you should consider what an ordinary member of the public, with knowledge of the relevant facts, would think.
7. Notwithstanding the provisions of Paragraph 5 (1), you may participate in any business of the Council where that business relates to the Council’s functions in respect of:
   (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
   (b) agreeing an allowance, payment or indemnity given to councillors or co-opted members; and
   (c) setting council tax or a precept under the Local Government Finance Act 1992.

Decision-making and Predetermination

8. (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.

   (2) However, do not place yourself under any financial or other obligation to outside individuals or organizations that might seek to influence you in the performance of your official duties.

   (3) When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be made, listening to the advice of relevant parties, including advice from officers, and taking all relevant information into consideration, remaining objective and making decisions on merit. Whilst this is particularly relevant for Planning and Licensing Committees, it also applies to other decision-making.

Dispensations

9. (1) A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant to a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.

   (2) The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation allowing that councillor or co-opted member only if they consider that without the dispensation:
       (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
       (b) each member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
       (c) the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
(d) granting the dispensation is in the interests of persons living in the borough, or
(e) it is otherwise appropriate to grant the dispensation.

(3) Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.
ANNEXE 1 – DISCLOSABLE PECUNIARY INTERESTS

1. Employment, office, trade, profession or vocation
   Any employment, occupational pension, office, trade, profession or vocation carried on for profit or gain. If your employments relates to any Waverley service or function you should give full details, including any details of past, present of future contracts with an organisation seeking any permission or licence for Waverley.

2. Sponsorship
   Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7) of the Localism Act 2011 in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Contracts
   Any contract which is made between you (or a body in which you have a beneficial interest) and the Council-
   (a) under which goods or services are to be provided or works are to be executed; and
   (b) which has not been fully discharged.

4. Land and property
   Any beneficial interest in land or property which is within the area of the Council. This includes your own home if you own it.

5. Licences or Tenancies
   Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

6. Corporate Tenancies
   Any tenancy where (to your knowledge)-
   (a) the landlord is the Council; and
   (b) the tenant is a body in which you have a beneficial interest.

7. Securities and Shares
   Any beneficial interest in securities of a body where-
   (a) that body (to your knowledge) has a place of business or land in the area of the Council; and
   (b) either-
      (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
      (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
-END-
Officer / Member Protocol
Developing the way that Waverley officers and members work together for the good of the local community

This document is intended to provide guidance and direction in the way that members and officers work together in carrying out the Council’s business.

It seeks to build on the clear benefits of ensuring that, from their different roles, members and officers develop effective and efficient internal working relationships that best serve the collective goal of improving the quality of life in the local community.

Whilst it gives guidance and direction, the document, should not be seen as being prescriptive. Rather it should be regarded as a tool that helps ensure that the Codes of conduct and policies that prescribe activities and behaviours are not compromised or breached.

Those relevant codes and policies are:

- the Waverley Member Code of Conduct
- the Waverley Borough Council Constitution
- the Officer Code of Conduct including the Addendum to the Code on the Use of IT Facilities;
- the Council’s ‘Dignity and Respect at Work’ policy and procedures for dealing with Bullying and Harassment at work
- the Council’s ‘Disciplinary and Grievance Procedures’ including the special arrangements that apply to the Chief Executive, the Section 151 Officer (Strategic Director) and the Monitoring Officer
- the Council’s ‘Public Interest Disclosure (Whistleblowing)’ policy and procedures
- the Council’s Equal Opportunities in Employment policy statement

A copy of the Member Code of Conduct and the Constitution is made available to all Members. Copies of all the other documents are issued to employees of the Council. Members who wish to see copies of those documents should ask the HR Manager.

This guidance will not cover every specific eventuality but the broad principles included in the document set standards for acceptable behaviour that should fit every eventuality.

For the avoidance of doubt, where there is a conflict between the guidance in these Protocols and any of the Codes/Policies defined above, compliance with the latter is obligatory. In cases of doubt, the Monitoring Officer will refer to the Waverley Code of Conduct for Members and give advice in accordance with the standards prescribed.
1. General Principles Underlying Member/Officer Relations

Waverley has a long tradition of constructive relationships between Councillors and Officers. These have developed into a strong partnership based on mutual respect and understanding of each others roles.

Both members and officers should aspire to conduct their relations, at all times, on a professional basis.

Relations must be based on mutual trust, respect and courtesy and neither members nor officers should seek to take unfair advantage of their position.

Close personal relationships between members and officers can damage professional relationships and can prove embarrassing to other members and officers. They could also give rise to suspicions and/or the appearance of improper conduct or behaviour. Close personal relationships should, therefore, be avoided.

Officers must, at all times, display political impartiality and members must, at all times, accept the political impartiality of officers.

Members and officers must have mutual respect for confidentiality where that is important to the relationship and where that does not compromise the duty of officers to serve the public (see Section 3). Officers must make that clear before entering into any confidential discussions with members.

Members should understand that officers have a contract of employment with the Council as a corporate body and not, as such, with individual members of the Council or the Executive.

2. Role of Members

In accordance with the Waverley Code of Conduct, the Member/Officer protocol and the Members’ Planning Code of Good Practice, and maintaining the highest standards of conduct and ethics, members’ roles are to:-

(i) collectively be the ultimate policy-makers and oversee a number of strategic and corporate management functions;

(ii) represent their communities and bring their views into Waverley’s decision-making process;

(iii) deal with individual casework and act if appropriate as an advocate for constituents in resolving particular concerns or grievances;

(iv) balance different interests identified within their ward and represent the ward as a whole;
(v) contribute to various forums for decision-making;
(vi) be available to represent the Council on other bodies.

(as set out in the Constitution).

3. Role of Officers

➢ Advising the Council on policy matters and implementing Council decisions
➢ Taking day-to-day managerial and operational decisions
➢ Providing support/advice to members on matters of Council business
➢ Acting within their sphere of responsibility/accountability (see the Scheme of Delegation)
➢ Ensuring that the Council functions within the legislative framework
➢ Above all else, officers of the Council have a duty to serve the public in good faith and without fear or favour of anyone.

4. Relationship between the Leader of the Council and Officers

When functioning as the Leader of the Council, the Leader will work in close cooperation with the Chief Executive, Strategic Directors and Heads of Service in matters related to the corporate direction and functioning of the Council.

In this role, the Leader would not normally deal direct with other members of staff except when dealing with any other specific portfolio responsibilities that the Leader of the Council may hold.

This also applies to the Deputy Leader of the Council when acting in place of the Leader.

5. Relationships between the Leader and Members of the Executive and officers

The Leader works through Portfolio Holders who work with the Chief Executive, Strategic Directors and Heads of Service in respect of matters within the portfolio holder’s brief.

6. Relationship between Chief Executive and Members

Any member may make an appointment to see the Chief Executive.

7. Relationship between Portfolio Holders and Officers
Portfolio Holders work closely with and discuss and consult, as they see necessary, with the Chief Executive, Strategic Directors and/or Heads of Service and specialist officers as agreed by the Head of Service.

8. Relationships between Chairmen and Vice-Chairmen of Overview and Scrutiny Committees and officers

Chairmen and Vice-Chairmen of Overview and Scrutiny Committees may seek advice from the Chief Executive, Strategic Directors (and/or Heads of Service) and any designated support officers.

9. Relationship between Chairman and Members of other Committees and Officers

Chairmen of Regulatory Committees may seek advice from the Chief Executive, Strategic Directors (and/or Heads of Service).

10. Officer relationships with party groups (Note: Local Government and Housing Act 1989 introduced politically restricted appointments)

Officers will do work on behalf of all political party groups fairly and consistently.

It is critical that officers respect confidentiality between political party groups.

11. Officer relationships with other individuals who are members of Council bodies

This protocol will apply also to lay or co-opted Members of Committees or Working Groups etc.

12. Members in their ward role and officers

Members may seek advice from relevant officer(s) on ward matters and, if they wish to do so, may first inform the relevant Head of Service.

Those relevant officer(s) will advise the Chief Executive or their Head of Service as appropriate.

Officers should keep ward Councillors informed of relevant matters affecting their ward.

13. Publicity, Press Releases and other contact with the Media

NOTE: The specific rules governing such activities of members are set out in Section 2 of the Local Government Act 1986 and the Code of Practice on Local Authority Publicity.
Contact with the media on issues related to Council business is handled through the Communications and Engagement Manager who provides support and guidance and training as necessary to members and officers.

Press releases from officers should not relate to the political views of any group of officers or members.

Officers, in communicating with the media, should restrict their comments to matters of fact and should avoid expressing personal opinions on Council policy or political decisions and/or views expressed by members.

No member or officer may be quoted in media/press releases without their specific consent.

For service specific media issues – these will be discussed with the relevant Portfolio Holder.

Wider ‘corporate’ media issues – these will be discussed with the Leader (or Deputy Leader in absence of the Leader) unless this cannot be achieved by the Press deadline. Where it is not possible, the Communications and Engagement Manager will advise.

Members may issue their own media releases. However, they must not: -

- use Council resources for that purpose where the media issue is to publicise an individual Councillor or the views of a political party; and
- impute or ascribe particular views to officers or otherwise refer to officers without that being agreed with the Chief Executive or Strategic Directors in advance.

Overview and Scrutiny Committees may authorise Waverley media releases on their work, the content of which is to be jointly agreed by the appropriate Overview and Scrutiny Committee Chairman and Vice-Chairman.

14. Councillor access to documents and information

Members are entitled to have such access to information as they reasonably need to carry out their role as members of the Council. However, Members cannot have access to personal information about residents or members of staff, such as council tax, rent or benefit records, unless they have written consent from the individual.

The legal right of members to have access to information is covered partly by common law but also by different pieces of legislation. Members requiring advice on such rights should contact the Monitoring Officer.

15. Officer attendance/participation at formal meetings of the Council

Executive
Meetings of the Executive will be attended by the Chief Executive, Strategic Directors and, as necessary, Heads of Service and specialist staff.

Portfolio Holders will normally present reports to the Executive.

The Leader of the Council and/or Portfolio Holders may call on officers in attendance to speak. Officers may ask to speak if factual information is being reported incorrectly, for a point of clarification or if relevant data could be overlooked.

**Regulatory Committees**

The Chairman of the Committee will require officers, as designated by the relevant Head of Service, to present a report and recommendations on each matter.

**Overview and Scrutiny Committees**

Meetings of Overview and Scrutiny Committees may be attended by the Chief Executive and relevant Director and/or Heads of Service as necessary.

The Chairman of the Committee will ask the relevant Director or Head of Service to present the report.

16. **Access to Officers by Members**

On any new specific service issue and to ensure consistency, it should only be necessary for members to contact either the Chief Executive, Strategic Directors and/or Heads of Service, or in the case of media issues the Communications and Engagement Manager. If members are unsure of who to contact, they should contact Democratic Services.

These officers should recognise that members will have needs for information that are not always predictable and will try to respond quickly.

However, to help manage workloads and to help the smooth working of the Council's departments, the following guidelines should, so far as is practicable, be observed.

- An uninvolved/uncomplicated enquiry may be made by telephone.
- Otherwise, members should send their enquiry by e-mail.
If members do not have access to e-mail or if a personal visit is considered more appropriate, an appointment should be made with the relevant officer ideally giving a minimum of 24 hours’ notice.

Where there is a need for immediate action, ideally, the member should telephone the officer to ensure that a meeting on the same day is practicable.

Portfolio Holders should arrange times for their meetings with their Strategic Directors and/or Heads of Service as appropriate, and should not make demands on time which could affect officers’ ability to carry out their jobs.

Both members and officers should aim to keep meetings short and focused.

17. Officers Dealing with Member Enquiries: Response Times

Heads of Service will support their staff in achieving the following broad performance targets in responding to Member’s enquiries:

- within 2 working days - straightforward enquiries
- within 5 working days - more complicated enquiries
- within 15 working days - enquiries involving research

18. Officers Dealing with Member Correspondence

Letters from the Council that create obligations or give instructions on behalf of the Council must always be sent out in the name of an officer.

Officers who are requested to prepare correspondence on behalf of members will work to the response times above.

19. Effective Working Relationships between Members and Officers

This is best achieved by working together in partnership.

Members should:

- avoid putting officers under undue pressure to the extent that it could be regarded as harassment and/or bullying. Members should be particularly sensitive when dealing with less senior officers in the absence of the relevant senior officer.

- not require officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the officer’s normal duties.

- avoid criticising officers, particularly at meetings open to the public or in the media;
avoid actions or words that may appear to others to be attaching blame to an officer(s) particularly when the officer(s) is not present

avoid words or actions that may serve to undermine the professionalism and integrity of officers.

Officers should:

➢ Treat members with courtesy and respect at all times;

➢ Not use undue influence over a member or put a member(s) under undue pressure

➢ Avoid words or actions that may undermine respect for members

20. Scheme of Delegation

Members should not challenge, publicly, a decision made in good faith by an officer under the Scheme of Delegation, whether or not that decision requires consultation with nominated members.

Members who require information on why a particular decision has been made may ask the relevant officer to explain the basis on which the decision has been made including the use of any pre-prepared guidelines to help decision-making.

21. Dealing with Breaches of this Protocol

By Members

An officer who feels that they have been treated by a member in a way that is contrary to the principles and ideals set out in this document should follow the steps in the Council’s Dignity and Respect at Work policy and procedures. The employee, under those procedures, may follow whatever initial approach they prefer. However, the matter must also be raised with the Chief Executive and the relevant Head of Service.

Members who are in breach of this protocol will be dealt with using, as appropriate, one or more of the approaches set out below:-

- Leader of the relevant political group
- Monitoring Officer
- If necessary, by a meeting of the Standards Panel.

By Officers

A Member who has a complaint that an employee has acted contrary to the principles and ideals set out in this document should raise the matter with the Chief Executive or Strategic Directors.
Officers who are in breach of this protocol will be dealt with under one or both of the following procedures:-

Dignity and Respect at Work policy and procedures
Disciplinary Procedures.

22. Conclusions

Members and Officers, in following the guidelines in this Protocol, help maintain that the constructive officer/member relations that have existed in Waverley for years.

Having a written Protocol will enable members and officers to build on and improve the Member-Officer partnership by identifying practices and approaches that work best to ensure effective working relationships. The Protocol will be kept under review and amended to reflect identified best practice.

[Amended January 2018 to reflect job title and structural changes only]
Councillors’ Planning Code of Good Practice

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October 2016
INTRODUCTION

The aim of this code of good practice: Is to help Members maintain high standards of conduct and ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well-founded in any way.

The key purpose of Planning: to control development in the public interest, and in accordance with national and local policies unless material considerations indicate otherwise.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. This includes, where applicable, when they attend as an observer, participant or are part of decision-making meetings of the Council in exercising the functions of the Local Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications and pre-application discussions. It also covers site visits by planning committee members.

If you have any doubts about the application of this Planning Code of Good Practice to your own circumstances you should preferably seek advice early from the Monitoring Officer or Deputy Monitoring Officer well before any meeting takes place or you become involved in the application process.

1. Relationship to the Waverley Members’ Code of Conduct

Do apply the rules in Waverley Members’ Code of Conduct first when involved with planning issues and discussions. Failure to comply could put you at risk of a complaint being made to the Monitoring Officer.

Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Waverley Members’ Code of Conduct in relation to planning. If you do not abide by this Code of Good Practice, you may put the Council at risk of a challenge to its decisions.

2. Development Proposals and Interests under the Waverley Code of Conduct for Members

Your interest could relate to a proposal’s effect, either adverse or beneficial, on you, your employer or employee or a friend’s or relative’s property.

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. You should disclose your interest, preferably at the beginning of the meeting under the agenda item ‘Declaration of Interests’. Wherever possible, you should advise Democratic Services in advance of the meeting if you plan to declare an interest.

If you only become aware of an interest during the meeting, you must declare it as soon as you can.
Do then act accordingly. **Where your interest is a Disclosable Pecuniary Interest:**

Don't try to represent your Ward views or call-in an application. Get another ward councillor or member of the Council, if appropriate, to do so instead. Under the new Code you can no longer speak if it is a public speaking item and you have a Disclosable Pecuniary Interest.

Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a Disclosable Pecuniary interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a Disclosable Pecuniary interest to an appropriate officer, in person or in writing, the Waverley Code of Conduct for Members places greater limitations on you in representing that proposal than would apply to a normal member of the public.

Do notify the Monitoring Officer in writing of your interest and note that: in the case of a personal application,

- notification should be made no later than submission of the application;
- any proposed approval will always be reported to the appropriate decision-making Committee for determination and not dealt with by officers under delegated powers; and
- it is advisable that you employ an agent to act on your behalf on the proposal when dealing with officers

Do ensure that when contacting an officer about your own proposals, or those of a person so closely connected to you could be seen as influencing your judgement, you must make clear that you are contacting the officer purely in a private capacity and not in your role as a councillor (e.g. Mr Brown not Councillor Brown)

Do if any doubts about proximity of your own property to an application site, contact the Monitoring Officer for clarification.

3. **Fettering Discretion in the Planning Process.**

Planning matters must be determined on their own individual merits, against the formal planning policy background. These considerations will be set out in the officers’ reports, supplemented at the meeting. Accordingly, Members’ should not decide how he/she will vote on a particular matter before it is considered at the meeting, but base their decision on the officer reports, additional information presented to the meeting and the debate.
**Predetermination:** The Localism Act provision on pre-determination gives greater leeway for a decision-maker to directly, or indirectly, indicate a view on a matter prior to a meeting. The decision-maker must still be seen to have an open mind, but the legislation does give greater scope for councillors to represent the views of residents and vote on certain issues. You can have a very strong predisposition for or against a particular application, but you must not have predetermined the matter. This means that you must not have made your mind up prior to the meeting.

**Don't** fetter your discretion and, therefore, your ability to participate in planning decision-making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an applicant or an external interest of lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning committee and before hearing the officer’s presentation, and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision could still put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

**Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. This would particularly apply to Portfolio Holders in relation to schemes within their Portfolio area. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

**Do** also be aware that, whilst the Waverley Code of Conduct for Members provides for a presumption that you may regard yourself as not having a Disclosable Pecuniary interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where -

- you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of another local or public authority of which you are a member; or a body to which you have been appointed or nominated by the Council as its representative;

  or

- you are a trustee or company director of the body submitting the proposal and were appointed by the Council

In such cases you should always disclose a Disclosable Pecuniary Interest as well as Non-Pecuniary Interests and withdraw from the meeting at the appropriate time.

**Do** consider yourself able to take part in the debate on a proposal when acting on the part of a consultee body (where you are also a member of the Town/Parish
Council, for example, or both a District/Borough and County Councillor), provided that:

- the proposal does not substantially affect the well-being or financial standing of the consultee body;
- your views are expressed on the limited information before you only;
- you reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning Committee and you hear all the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee; and
- you disclose the Non-Pecuniary Interest regarding your membership or role when the Planning Committee comes to consider the proposals.

**Don't** speak and vote on a proposal where you appear to have fettered your discretion. You should withdraw.

**Do** leave the room if there is a risk of an appearance of bias to a member of the public. You can not stay in the room and just not vote.

**Do** explain that you do not intend to speak or vote and will be leaving the room because if you do participate, you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere. This will be recorded in the minutes.

### 4. Call-in Process

**Do** ensure that you comply with the rules for asking for an item to be presented to committee – within three weeks following the notification of the Waverley weekly list of planning applications, as a ward councillor (for the ward including all or part of the planning application site) you can request by email to the Head of Planning that an item be referred to a Planning Committee on relevant planning grounds. **Don't** ask for an item to be referred if you have a Disclosable Pecuniary Interest or there is a risk of you being seen as biased, for example if you have a very strong connection through a non-pecuniary interest.

With Town and Parish Council support in writing, you can also, as a ward councillor, request that an application be placed on the agenda for the next Area Planning Committee. You should not do this if you have a disclosable pecuniary interest or are at risk of being seen as biased.

### 5. Contact with Applicants, Developers and Objectors and the Pre-Application process.

**Do** refer those who approach you for planning, procedural or technical advice to the officers in the Planning Service.
Don't agree to any formal meeting with applicants, developers or groups of objectors unless an Officer can attend with you. If a meeting does take place, those present at the meeting should be advised from the start that the discussions will not bind you or the Council to any particular course of action. The meeting should be properly recorded on the application file.

Do remember that when attending planning presentations or exhibitions, these are for information gathering and clarification of issues, not for expressing views or opinions.

Do otherwise:

- ensure that you do not involve yourself in lobbying
- and
- report to the Head of Planning any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

6. Lobbying of Councillors

Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, doing so may lead to the perception that you are unable to act impartially and therefore it may affect your ability to participate in the Committee’s decision making. To express an intention to vote one way or another or to express too firm a point of view on a particular matter amounts to the same thing and could lead to legal challenge.

Do remember that your overriding duty is to the whole community of Waverley and not just to the people in your Ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

Do remember the need for consistency in determining planning applications made for any location in the Borough

Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared to the Monitoring Officer on the electronic form as soon as possible and remember to register the gift or hospitality where the gift value is over £50 and the hospitality is over £100.

Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Monitoring Officer will in turn advise the appropriate officers to follow up the matter.

Do copy or pass on any lobbying correspondence you receive to the Head of Planning at the earliest opportunity so that it may be placed on file for consideration by other members or the public.

Waverley Members’ Planning Code of Good Conduct – October 2016
Do promptly refer to the Head of Planning any offers made to you of planning gain or constraint of development through a proposed s.106 Planning Obligation or otherwise. Do not attempt any informal negotiation or discussion.

Do note that, unless you have a Disclosable Pecuniary interest, you will not normally be considered to have fettered your discretion or breached this Planning Code of Good Practice through

- listening to or receiving viewpoints from residents or other interested parties (though all parties should be given equal opportunities for access);

- making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;

- seeking information through appropriate channels; or

- being a vehicle for the expression of opinion as a Ward Member, provided you explain your actions and make it clear that having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate at the decision-making meeting.

Do remember that anyone who is not present from the start of the consideration of a planning application, or leaves during one being considered, must not take part in debate or vote on the application as this could lead to a legal challenge that a member is closed to the merits of the arguments for or against the application and has made a decision without taking all of the relevant considerations into account.

7. Lobbying by Councillors

Don’t become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and placed yourself in a position where you have a perceived bias and have to withdraw. Involvement in such activity before you were elected as a member could also be perceived by the public as a relevant consideration and you need to consider such a possibility before taking part in a planning determination.

Do feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal. Simple membership of such organisations is less likely to give rise to a non-pecuniary interest than if you were actively involved in drafting any representation or held an office such as Chairman or Vice-Chairman.
Don't excessively lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

Don't lobby or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political group meetings should never dictate how Members should vote on a planning issue.

8. Site Visits

Do try to request a site visit prior to the Committee taking place in accordance with the site visit protocol.

Do try to attend site visits organised by the Council where possible, but do not attend if you have a disclosable pecuniary interest or there is a risk of the appearance of bias.

Don't request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

Do ensure that any information that you gained from the site visit is reported back to the Committee, so that all Members have the same information.

Do ensure that you treat the site visit only as an opportunity to seek information and to familiarise yourself with the site.

Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

Don't hear representations from any other party but factual information can be sought for clarification.

Do, where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the officer present.

Don't express opinions or views to anyone.

Don't enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias. This does not mean that you can not simply observe the property or site from the roadside, but should you do so, don't be drawn into any discussion about the proposal with any party.
Don't allow members of the public to communicate with you during the Committee’s proceedings (orally or in writing) as this may give the appearance of bias, and undermines the transparency of the decision-making process.

9. Officers

Don't put pressure on officers to put forward particular recommendations. (This does not prevent you from asking questions or submitting views to the Head of Planning which may or may not be incorporated into any committee report.) This could be regarded as a Breach of the Code.

Do involve yourself in pre-application discussions with the case officer but recognise that officers are part of a management structure and Members should only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level - in accordance with the Officer/Member Protocol.

Do recognise and respect the requirement that officers involved in the processing and determination of planning matters must act in accordance with the Council’s Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute’s Code of Professional Conduct. As a result, planning officers’ views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Pre-Application discussions

Councillors have an important role to play in pre-application discussions. The Localism Act has given Councillors much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that Councillors might have fettered their discretion, such discussions should take place within clear published guidelines.

Do ensure Officers are present with you in pre-application meetings. If you do speak to applicants do ensure clarity that the discussions will not bind the Council to making a particular decision and you should avoid giving separate advice on the development plan or material considerations without officers in attendance. In any case, a written note should be made of all meetings.

Do note that the Council has other mechanisms to involve you in pre-application discussions such as developer presentations to Committees (e.g. technical briefings and Development Control Consultative Forums) which have the advantage of being held in public for transparency.

11. Decision-Making

Do come to meetings and participate only if you are familiar with the written report on each item.

Do come to meetings with an open mind and demonstrate that you are open-minded.
Do comply with Section 38(6) of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan “unless material considerations indicate otherwise”.

Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. Remember that planning law requires determination to be based on planning consideration and not political or Council priorities. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request the further information you seek. If necessary, defer or refuse.

Don't vote or take part in the meeting’s discussions on an item unless you have been present to hear the entire debate, including the officer’s introduction to the matter.

Do have recorded the reasons for a proposal that the Planning Committee defers any proposal for a site visit.

Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that the resulting decision may have to be justified by evidence at a planning appeal in the event of any challenge.

12. Training

Don't participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

Do attend any training and other specialised sessions provided, to ensure that members’ judgements have been based on proper planning considerations. These will be designed to extend your knowledge of planning law, regulations, procedures, Code of Good Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively. This will be provided as part of the Induction process together with refresher courses.
Arrangements for dealing with Standards Allegations against Councillors and co-opted Members under the Localism Act 2011

1. Context

Waverley Borough Council is committed to high standards of conduct by its councillors and co-opted members.

This procedure should be used to deal with complaints submitted under the Members’ Code of Conduct adopted by Waverley Borough Council and the Codes of Conduct adopted by Parish and Town Councils in the Waverley area.

2. The Code of Conduct

Waverley Borough Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and is available on Waverley Borough Council’s website at www.waverley.gov.uk and on request from Reception at the Council Offices.

The Code of Conducts of Town and Parish Councils are available for inspection on either Waverley Borough Council’s website or the relevant Town or Parish website (if the Parish Council has one) and may also be viewed by arrangement with the Town or Parish Clerk.

3. Making a complaint

If you wish to make a complaint, please write or email to:

The Monitoring Officer
Waverley Borough Council
Council Offices
The Burys
Godalming
Surrey
GU7 1HR

monitoring.officer@waverley.gov.uk

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for dealing with complaints about member misconduct.

Please provide us with your name and a contact address or email address so that we can acknowledge receipt of your complaint and keep you informed of its progress. Requests not to disclose your name and address to the member against
whom you make the complaint without your prior consent will only be agreed by the Monitoring Officer in exceptional circumstances. If the Monitoring Officer determines that your complaint is to be formally investigated, requests for your name and address to be kept confidential would only be considered for safeguarding reasons or if disclosure could reasonably be expected to prejudice the investigation. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it and will keep you informed of the progress of your complaint.

4. **Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and apply the following criteria make a decision as to whether it will be treated as a ‘valid complaint’ about a councillor. The following types of complaint will not be considered as ‘valid complaints’ under this procedure:

a) Complaints which are submitted anonymously, unless there is a clear public interest in doing so;
b) Complaints which do not identify a subject Member;
c) Complaints which relate only to a Member’s personal or private life;
d) Complaints concerning a failure to respond to a request from a constituent or other individual;
e) Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees which are subject to a different code and the corporate complaints process;
f) Complaints which relate to a decision of an employee or a Committee;
g) Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
h) Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
i) Complaints containing trivial allegations, or which appear to be simply vexatious, malicious, politically motivated or tit-for-tat;
j) Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action;
k) Complaints which do not relate to the Members’ Code of Conduct.

In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint. If the Monitoring Officer decides that the complaint is ‘invalid’, this notification is made for information only.

If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly. The complainant will be informed about the corporate complaints process.
In any case where the Monitoring Officer decides that the complaint is ‘invalid’, they will write to the complainant explaining why their complaint cannot be dealt with under this procedure. There is no appeal process for decisions taken by the Monitoring Officer at this stage.

If the complaint is judged to be valid, the Monitoring Officer will consider whether an investigation is appropriate or whether it merits formal investigation. The Monitoring Officer will not commence any formal investigation without consulting the Independent Person.

The Monitoring Officer will inform the subject member or co-opted member of receipt of the allegation and its details and of their right to consult the Monitoring Officer and Independent Person. This decision will normally be taken within 30 days of receiving your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you, the member and the Independent Person of his/her decision in writing and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information and may request information from the member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint alleges criminal conduct or breach of other regulation by any person, including the alleged non-disclosure of disclosable pecuniary interests, the Monitoring Officer has the power to call in the Police and other regulatory agencies and may determine that it is not possible to commence his own investigation until the Police or other regulatory agencies have concluded their own investigations of the matter. At this stage, any media enquiries will be advised that a review of a complaint is in process and that it would not be appropriate to comment.

5. **How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer who may be an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.
The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint and an explanation of the arrangements for the investigation and ask the member to provide his/her explanation of events and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration. The report will include details of the allegation, the evidence considered and the investigation's findings.

Having received and taken account of any comments that you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer which will include his/her findings as to whether there may have been a breach of the Code of Conduct.

6. **What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer’s report and, if he/she is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he/she is satisfied that no further action is required and give you both a copy of the Investigating Officer’s final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report. The Monitoring Officer will ask the Independent Person to comment on the investigation report.

7. **What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer’s report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 **Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology and/or other remedial action by the authority. If the member
complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Panel Lead Member.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer’s report to the Hearings Panel of three Members drawn from the Group appointed by the Council, which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. In the case of a complaint involving a Town or Parish Member, as well as the three Members, there will be a Town or Parish Councillor attending as a non-voting Member.

Essentially, the Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give his/her response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any prior advice in writing from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations in writing to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

Meetings of the Hearings Panel will be held in public unless the Monitoring Officer agrees there are exceptional circumstances that prevent this. The agenda for the meeting will be publicised in advance. Meeting papers that do not contain exempt information will be shared with all members of the panel, the Independent Person, the Investigating Officer and any witnesses. Meeting papers will not be shared in advance with the press and public but will be made available at the commencement of the hearing.
8. What action can the Hearings Panel take where it finds that a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Waverley members as necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:

8.1 publish its findings in respect of the member’s conduct;

8.2 report its findings to Council or to the Town or Parish Council for information;

8.3 recommend to the member’s Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

8.4 recommend to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;

8.5 instruct the Monitoring Officer to arrange training for the member;

8.6 remove the Member from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;

8.7 withdraw, facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or

8.8 exclude, the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members’ allowances or special responsibility allowances.

In the case of Town or Parish complaints, the conclusion will be referred to that Town or Parish Council for such action they consider appropriate.

9. What happens at the end of the hearing?

At the end of the hearing, the Chairman will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you, to the member and the Independent Person and make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council. The decision will also be placed on the Waverley Borough Council website, unless no breach is found and the member requests it should not be publicised.
10. Who is on the Hearings Panel?

The Hearings Panel is drawn from the members appointed by the Council. The Independent Person’s views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member’s conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. Who is the ‘Independent Person’?

Waverley Borough Council has appointed three Independent Persons. These are members of the Community who have applied for the post following advertisement of a vacancy for the post and have been appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she:

11.1 is, or has been within the past five years, a member, co-opted member or officer of the Council; or

11.2 is, or has been within the past five years, a member, co-opted member or officer of a parish council of which the authority is the principal authority; or

11.3 is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means:

11.3.1 spouse or civil partner;

11.3.2 living with the other person as husband and wife or as if they were civil partners;

11.3.3 grandparent of the other person;

11.3.4 a lineal descendent of a grandparent of the other person;

11.3.5 a parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;

11.3.6 a spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or

11.3.7 living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

The role of the independent person is set out in Section 28 of the Localism Act 2011. As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The views of an Independent Person must be sought by the Council before it takes a decision on whether an allegation may be investigated, and may be sought by the Council at any other stage (e.g. before a final hearing is arranged or where a local
resolution may be appropriate). Where the authority voluntarily chooses to seek the independent person's views on an allegation that it has not decided to investigate, there is no requirement for the authority to take the views of the Independent Person into account.

A member against whom an allegation has been made has the right to consult the Independent Person should they wish to do so.

12. Review of these arrangements

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter. The Council will keep these arrangements under review and identify any improvements to the processes and ensure that they are helping the Council maintain high standards of conduct.

13. Appeals

(a) There is no right of appeal for you as complainant against a decision of the Monitoring Officer or of the Hearings Panel.

(b) If the Member or co-opted member wishes to appeal against the decision of the Hearings Panel, the Member will have a right to have the decision reviewed by another three members of the Standards Panel who have not been involved. This will either involve a full rehearing of the case or be dealt with by way of written representation from the member.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.
Part 6

Members’ Allowances Scheme
This Scheme of Members’ Allowances was approved by the full Council on 20 February 2018 and is made in accordance with the provisions of the Local Authorities (Members’ Allowances) (England) Regulations 2003 as amended.

The Waverley Borough Council, in exercise of the powers conferred by the Local Authorities (Members’ Allowances)(England) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Waverley Borough Council Members’ Allowances Scheme, and shall have effect from 1st April 2018.

2. In this scheme, “councillor” means a member of the Waverley Borough Council who is a councillor.

Flat-rate Allowance

3. Subject to paragraphs 7 and 8, for each year a flat-rate allowance of £4,867.43 shall be paid to each councillor. This payment is subject to income tax deduction.

Special Responsibility Allowance

4. (1) For each year, a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

(2) Subject to paragraphs 6 and 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

5. Carer’s and Childcare Allowances

(1) Carer’s and childcare costs can be claimed, provided that they are fair and reasonable, to support the expenses of those Members who may care for dependants, whether children, elderly persons or people with disabilities, whilst the Member is on Council business which attracts travelling & subsistence allowances as listed in Schedule 3.

(2) The allowance is not payable for the employment of a member of the claimant’s own household.

Renunciation

6. A councillor may by notice in writing given to the Chief Executive elect to forego any part of his or her entitlement to an allowance under this scheme.

Part-year Entitlements

7. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to the flat-rate allowance and a special responsibility allowance where, in the course of a year, this scheme is amended or that councillor
becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

(2) If an amendment to this scheme changes the amount to which a councillor is entitled by way of the flat-rate allowance or a special responsibility allowance, then in relation to each of the periods

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such allowances shall be to the payment of such part of the amount of the allowances under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

(3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to the flat-rate allowance shall be to the payment to such part of the flat-rate allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such councillor to the flat-rate allowance shall be to the payment of such part of the flat-rate allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.

(5) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor’s entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.

(6) Where this scheme is amended as mentioned in sub-paragraph (2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor’s entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

8. (1) A claim for carer’s and childcare allowance under this scheme shall be made in writing within three months of the date of the meeting in respect of which the entitlement to the allowance arises.
(2) A claim for carer’s and childcare allowance shall include, or be accompanied by, a statement by the councillor claiming the allowance that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the Council’s scheme.

(3) All claims for mileage and subsistence must be made on the official form and submitted within 3 months of the end of the period claimed. All claim forms must be signed and must contain full details of meetings and start and destination points. Payments for travel to official meetings can only be made where the Members has signed the formal attendance register for that meeting.

9. (1) Payments shall be made

(a) in respect of the flat-rate allowance and special responsibility allowance, subject to sub-paragraph (2), in instalments one-twelfth of the amount specified in this scheme on the 15th day of each month;

(b) in respect of the carer’s & childcare allowance, on the 15th day of each month in respect of claims received up to the day 14 days before that date.

(2) Where a payment of one-twelfth of the amount specified in this scheme in respect of the flat-rate allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraphs 7 and 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Suspension of Allowances

10. Where a councillor is suspended or partially suspended from their responsibilities or duties as a member of the authority, any travelling and subsistence allowance payable to the councillor in respect of the responsibilities or duties from which they are suspended or partially suspended may be withheld by the authority.

Annual review of allowance rates

11. The rates of allowance for:

(a) the annual flat-rate allowance;
(b) the allowance for co-opted and appointed members of the Standards Committee;
(c) the allowance for special responsibility allowances;

shall be increased with effect from 1st April each year in line with the annual pay award for staff for the same year.

Pension Scheme

12. No allowances will be eligible for pensions.

Travel and Subsistence Allowances

13. The current motor mileage rates and subsistence rates are specified at Schedule 2 and the approved duties for the purpose of travelling and subsistence allowances are specified at Schedule 3. Payments will only be made when supported by a receipt.
14. **Travelling Allowances:** Travelling allowances may be claimed in respect of each occasion on which a Councillor carries out a duty as described in Schedule 3.

If a claimant uses their own motor car or one belonging to a member of her/his family, or otherwise provided for their use and subject to the claimant having the appropriate insurance, the rate for travel shall be as stated in Schedule 2.

The distance claimed for mileage should be the shortest most reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

When claiming mileage for using a motor vehicle fuel VAT receipts must be provided; the receipt(s) should show that sufficient fuel to undertake the journey(s) was purchased.

Other travel expenses: Parking fees, public transport fares will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

15. **Subsistence Allowances:** Subsistence allowances may be claimed in respect of each occasion on which a Councillor carries out a duty as specified in Schedule 3.

Where a meal is provided or paid for by the Council during the course of an approved duty the claimant will not be entitled to claim subsistence allowance.

Where absence from normal place of residence is greater than 4 hours, but only in respect of activities outside of the Council's boundaries, subsistence claims will be met on the basis of actual expenditure subject to the following:

- The expenditure is considered reasonable.
- Receipts are submitted with the claim.
- Claimant must be prepared to justify expenditure if asked to do so.

**Provision of Valid Receipts**

Failure to supply receipts and appropriate detail for any expense will result in non-payment of claims.

No other allowances are payable.
The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

### Special Responsibility Allowances

<table>
<thead>
<tr>
<th></th>
<th>Chairmen etc</th>
<th>Vice-Chairmen</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leaders/Executive:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leader of the Council</td>
<td>14,298.47</td>
<td>-</td>
</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td>9,898.55</td>
<td>-</td>
</tr>
<tr>
<td>Leader of the Principal Opposition Group</td>
<td>3,299.18</td>
<td>-</td>
</tr>
<tr>
<td>Members of the Executive</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>(up to 8 Portfolio Holders at £6,599.37 each)</td>
<td>52,794.98</td>
<td>-</td>
</tr>
<tr>
<td><strong>Council</strong></td>
<td>576.97</td>
<td></td>
</tr>
<tr>
<td><strong>Chairmen/Vice-Chairmen:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Overview and Scrutiny Committees:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customer Service and VfM</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Environment</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Community wellbeing</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Housing</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td><strong>Regulatory Committees:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standards Panel</td>
<td>1,936.54</td>
<td>Nil</td>
</tr>
<tr>
<td>Licensing and Regulatory Committee</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Joint Planning Committee</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Eastern and Central Area Planning Committee</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td>Western and Southern Area Planning Committee</td>
<td>3,299.18</td>
<td>1,651.12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£112,497.26</td>
<td>£14,860.08</td>
</tr>
</tbody>
</table>

Note – Members will only be entitled to the basic allowance plus one special responsibility allowance.

### SUMMARY OF SPECIAL RESPONSIBILITY ALLOWANCES:

<table>
<thead>
<tr>
<th></th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leaders/Executive/Chairmen</td>
<td>112,497.26</td>
</tr>
<tr>
<td>Vice-Chairmen</td>
<td>14,860.08</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£127,357.36</strong></td>
</tr>
</tbody>
</table>

The payment of Special Responsibility Allowances is subject to the deduction of income tax.
SCHEDULE 2

RATES FOR TRAVELLING AND SUBSISTENCE ALLOWANCE

Members may only claim travelling and subsistence allowance in respect of the ‘approved’ duties listed in Schedule 3.

TRAVEL

Motor Mileage Allowance

<table>
<thead>
<tr>
<th>Engine Capacity</th>
<th>Rate per mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>45.0 pence</td>
</tr>
</tbody>
</table>

When long journeys are undertaken as approved duties, the most economic method of travel should always be sought. Members should consider car-sharing wherever possible.

Public Transport – Rail/Bus Second class or any available cheap rate
Cycle mileage allowance 22.3 pence per mile

SUBSISTENCE RATES

Day Subsistence Allowance

<table>
<thead>
<tr>
<th>Duration</th>
<th>Allowance Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 hours before 11.00am</td>
<td>Breakfast</td>
<td>£6.88</td>
</tr>
<tr>
<td>4 hours including 12noon to 2pm</td>
<td>Lunch</td>
<td>£9.50</td>
</tr>
<tr>
<td>4 hours including 3pm to 6pm</td>
<td>Tea</td>
<td>£3.76</td>
</tr>
<tr>
<td>4 hours ending after 7pm</td>
<td>Evening meal</td>
<td>£11.76</td>
</tr>
</tbody>
</table>

Overnight Subsistence Allowance including accommodation (when claiming reimbursement)

(i) In London £102.00
(ii) Otherwise £89.00

Members should book accommodation through Waverley officers wherever possible.

TRAVEL OUTSIDE OF THE BOROUGH

The following list determines the payment of travelling allowances to members who either work or reside outside the Borough and who travel long distances to attend Waverley ‘approved’ duties:

<table>
<thead>
<tr>
<th>Nature of Absence</th>
<th>Travelling allowance to be paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday</td>
<td>None</td>
</tr>
<tr>
<td>Change of residence</td>
<td>Up to a maximum of 27 miles per return journey, being the distance between Godalming and the furthest Borough boundary.</td>
</tr>
<tr>
<td>Employment*</td>
<td></td>
</tr>
</tbody>
</table>

* In respect of employment, each Political group can spend up to £500 above this (based on normal allowances for actual travel) in any one year for exceptional circumstances, subject to the approval of the group leader

Contact for Members’ Allowances Scheme

committees@waverley.gov.uk 01483 523351
SCHEDULE 3

SCHEDULE OF APPROVED DUTIES FOR THE PURPOSES OF CARER’S, CHILDCARE, TRAVELLING AND SUBSISTENCE ALLOWANCES

The following meetings are approved for the payment of carer’s, childcare, travelling and subsistence allowances:

1. A meeting of the Council and, where councillors are members, a meeting of the Executive or any other Committee or Sub-Committee of the Council, or of the following:
   - Working Groups
   - Chairman’s agenda meetings
   - Opening of tenders (Executive Portfolio Holder, Chairman or Vice-Chairman)
   - Attendance at site meetings of the relevant Planning Committees (such site meetings being identified by the Head of Planning and approved at the meeting of the relevant Sub-Committee)
   - Employers’ Negotiating Team (including Joint Negotiating Committee for Pay and Conditions)
   - Housing Benefits Review Panel - meetings
     - initial training courses only
   - Computer appreciation and computer training courses approved by the Council
   - Seminars, training courses, presentations or visits for Members of the Council as identified by the Executive or other Committee or a Sub-Committee, unless formally extended to others with the agreement of the Executive
   - Meetings convened by the Chief Executive
   - Pre-arranged meetings between Portfolio Holders and officers which are necessary for the business of the portfolio
     - Meeting with All Parishes ) Waverley members attending as representatives of Waverley only
     - SCC Waverley Local Committee
   - Meetings with the Council’s external auditors
   - Staff appointments (including staff appraisals)
   - Overview and Scrutiny Committee meeting attendances by portfolio holders and Executive meeting attendances by Chairman and Vice Chairman of Overview and Scrutiny Committees.
   - Attendance by Councillors at Waverley meetings of which they are not members when exercising their rights under Council Procedure Rule 24.

2. A meeting of any of the associations of authorities of which the Council is a member, eg Local Government Association

3. A meeting of a body where the appointment thereto is made by the Local Government Association
4. Attendances by all Member representatives appointed by Waverley at meetings of outside bodies

5. Attendance by appropriate Executive Members at meetings of Outside Organisations where this is necessary to protect Waverley's interests, as approved by the Chief Executive, after consultation with the Leader.
Waverley Borough Council organisational chart
Organisational chart showing Chief Executive and Senior Management Team (updated May 2019)

Tom Horwood
Chief Executive and Electoral Registration and Returning Officer

Annie Righton
Strategic Director

David Allum
Head of Business Transformation

Hugh Wagstaff
Head of Housing Operations

Andrew Smith
Head of Housing Delivery & Communities

Richard Homewood
Head of Environmental & Regulatory Services

Peter Vickers
Head of Finance & Property

Kelvin Mills
Head of Commercial Services

Paul McKim
Head of Planning & Economic Development

Robin Taylor
Head of Policy & Governance & Monitoring Officer

Graeme Clark
Strategic Director & Section 151 Officer