

To: All Members of the STANDARDS
COMMITTEE
(Other Members for Information)

When calling please ask for:
Georgina Hall, Democratic Services Officer
Policy and Governance
E-mail: georgina.hall@waverley.gov.uk
Direct line: 01483 523224
Date: 17 September 2021

Membership of the Standards Committee

Cllr Christine Baker
Cllr Michael Goodridge (Vice Chairman)
Cllr John Gray
Cllr Robert Knowles
Cllr Penny Marriott
Cllr Peter Marriott

Cllr Peter Nicholson
Cllr John Ward (Chairman)
Cllr George Wilson
Thomas Hughes (Co-Optee)
Stefan Reynolds (Co-Optee)

Dear Councillors

A meeting of the STANDARDS COMMITTEE will be held as follows:

DATE: MONDAY, 27 SEPTEMBER 2021

TIME: 7.00 PM

PLACE: COUNCIL CHAMBER

The Agenda for the meeting is set out below.

Please note that due to current Covid restrictions, seating in the public gallery is extremely limited. This meeting will be webcast and can be viewed on [Waverley Borough Council's YouTube channel](#) or by visiting www.waverley.gov.uk/webcast.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

Agendas are available to download from Waverley's website (www.waverley.gov.uk/committees), where you can also subscribe to updates to receive information via email regarding arrangements for particular committee meetings.

Alternatively, agendas may be downloaded to a mobile device via the free Modern.Gov app, available for iPad, Android, Windows and Kindle Fire.

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523226.

NOTE FOR MEMBERS

Members are reminded that Contact Officers are shown in each report and members are welcome to raise questions, etc. in advance of the meeting with the appropriate officer.

AGENDA

1. **CONFIRMATION OF CHAIRMAN AND VICE CHAIRMAN**

To confirm the Chairman and Vice Chairman for the council year.

2. **MINUTES**

To confirm the Minutes of the meeting which took place on 1 February 2021 (to be laid on the table 30 minutes before the meeting commences).

3. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

4. **DISCLOSURES OF INTERESTS**

To receive from Members, declarations of interests in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

5. **QUESTIONS BY MEMBERS OF THE PUBLIC**

The Chairman to respond to any written questions received from Members of the public in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on 20 September 2021.

6. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

The Chairman to respond to any written questions received from Members in accordance with Procedure Rule 11.

The deadline for receipt of questions is 5pm on 20 September 2021.

MONITORING OFFICER MATTERS

7. MONITORING OFFICER'S REPORT REGARDING MISCONDUCT ALLEGATIONS (Pages 5 - 12)

Recommendation

It is recommended that the Committee notes the cases referred to in Annexe 1, and advises the Monitoring Officer of any areas of concern about which the Committee would like further information and / or further work carried out.

CONSTITUTIONAL MATTERS

8. PROPOSALS FOLLOWING COUNCIL RESOLUTIONS ON 20 APRIL 2021
(Pages 13 - 32)

Recommendation

The Standards Committee is asked to consider the proposals set out in Section 4 (below) and the annexes attached, and recommend to Council that

- 1) Two Overview and Scrutiny Committees be established with immediate effect:
Policy and Services. Each committee will comprise 11 Members and meet a minimum of 5 times a year.
- 2) Subject to recommendation 1 above, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2.
- 3) A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3.
- 4) That the terms of reference of the Standards Committee be amended as set out in Annexe 4 and that the name of the Committee be amended to the Standards and General Purposes Committee.
- 5) That the Executive Procedure Rules be amended as set out in paragraph 4.26 below and the Executive Working Group Protocol as set out in Annexe 5 be adopted.
- 6) That the Council Procedure Rules be amended as set out in paragraph 4.27 to remove the requirement to stand to address the Mayor at meetings of the Council
- 7) That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution arising from recommendations 1-6 above, and
- 8) That the Committee consider any other proposals it wishes to make, including whether the Overview and Scrutiny Co-ordinating Board will still be required

9. REVIEW OF THE CONSTITUTION - APPROACH AND TIMETABLE (Pages 33 - 38)

Recommendation

It is recommended that the Standards Committee

- (i) endorses the objectives for the Constitution review – to produce a

- Constitution for Waverley that is legally compliant and reflecting current standards of good practice; is easy to navigate and to understand who takes decisions and how; and reflects the present values of the council
- (ii) endorses the revised structure of the Constitution to improve the readability and accessibility for Members, Officers and the public, and ensure the Constitution is properly placed as a core working document in the governance structure
 - (iii) notes the aim to submit the revised Constitution to Full Council in February 2022

10. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:

Recommendation

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that 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 during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

**For further information or assistance, please telephone
Georgina Hall, Democratic Services Officer, on 01483 523224 or by
email at georgina.hall@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

27 SEPTEMBER 2021

Title:

Monitoring Officer's Report regarding Misconduct Allegations

Head of Service: Robin Taylor, Head of Policy & Governance
(Monitoring Officer)

Key decision: No

Access: Public

1. Purpose and summary

- 1.1 This report is to inform the Committee about complaints received and action taken on allegations of misconduct against Waverley borough and parish councillors during 2020 and 2021 (to date).

2. Recommendation

It is recommended that the Committee notes the cases referred to in Annexe 1, and advises the Monitoring Officer of any areas of concern about which the Committee would like further information and/or further work carried out.

3. Reason for the recommendation

To ensure the Committee is aware of the overall level and type of complaints submitted to the Monitoring Officer relating to allegations of councillor misconduct, and action taken; to consider learning points for the future; and, to seek to promote and maintain high standards of conduct amongst borough and parish councillors.

4. Background

Summary of recent complaints against Waverley Borough and Parish councillors

- 4.1 Complaints under the Member Code of Conduct are submitted to the Monitoring Officer (Head of Policy & Governance). Following consideration of the complaint the Monitoring Officer will decide the appropriate course of action in accordance with the Arrangements for dealing with Code of Conduct complaints.
- 4.2 Attached at Annexe 1 is a summary of the complaints received by the Monitoring Officer against Waverley Borough and Town/Parish councillors since January 2020. The identity of all councillors the subject of a complaint has been anonymised. It is felt that such information should remain confidential unless and until any complaint results in an open hearing before a Hearings Sub-Committee.

Number of allegations. There have been 15 cases during that period, with some cases involving more than one complainant, and/or more than one subject member. Six cases were regarding town/parish councillors, and nine were regarding borough councillors.

Action taken. Most cases have been concluded following an informal investigation by the Monitoring Officer. Where a mutually satisfactory informal resolution has been achieved it has relied upon the willingness of both parties to engage constructively with the process at the informal stage. Two cases have progressed to a formal (external) investigation following consultation with one of the Independent Persons.

Type of complainant. There has been an increase in the number of complaints by a councillor about another councillor's behaviour or conduct.

- 4.3 Complaints largely focus on allegations that the subject member(s) failed to treat others with respect, either through comments made during meetings or by comments made in social media. There are also a number of complaints related to the conduct of councillors in relation to planning matters, and potential conflicts of interests.
- 4.4 Whilst in most cases there has been insufficient evidence to conclude objectively that there has been a breach of the code of conduct, this does not take away from the fact that a complainant may be very angry or upset as a result of the words or actions of a councillor. In most cases the Monitoring Officer will offer words of advice to the subject members to emphasise the need for them to think carefully about how their actions and words are received by others.
- 4.5 The statistics above do not include cases where individuals have consulted the Monitoring Officer about complaining but decided not to complain as has happened on a number of occasions. They also do not include cases where advice has been given by the Monitoring Officer to elected members, members of staff, Town and Parish clerks and councillors, and residents, but where no complaint has been made.

Recent developments

- 4.6 In February 2021, the Council adopted the new LGA Model Code of Conduct.
- 4.7 In February 2021 the Standards Committee reviewed the Arrangements for responding to complaints about the conduct of Waverley and Town/Parish councillors. The proposed revisions have been shared with the Independent Persons and Town and Parish Clerks and feedback has been received. The revised Arrangements will be the subject of a separate report at the next meeting of the Committee.
- 4.8 A new database is being developed that will enable more reliable tracking, monitoring and reporting of live standards complaints. This database is close to being tested and should be operational by the end of September.

Next steps

4.9 The Committee is asked to note the matters contained in this report and advise the Monitoring Officer of any areas of concern, or further information or action required.

5. Relationship to the Corporate Strategy and Service Plan

5.1 This report supports the Corporate priority of open, democratic and participative governance.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct resource implications arising from this report.

6.2 Risk management

The arrangements for investigating complaints against councillors and co-opted members under the Council's code of conduct, is a key mechanism for mitigating against the risk of reputational damage, a lack of good governance and loss of public confidence.

6.3 Legal

The Localism Act gives councils an explicit duty to promote and maintain high standards of Member conduct. It requires the Council to adopt a Code of Conduct setting out the standard of conduct that is expected of Members when acting in their official capacity. Each Town or Parish Council in the borough has its own code of conduct but these use the Waverley code as a template so are either identical or similar. The Monitoring Officer continues to discharge his statutory functions in relation to ethical standards by reference to the Code of Conduct and the legislative framework.

6.4 Equality, diversity and inclusion

There is a general obligation in the Code of Conduct in which Members undertake to "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)".

6.5 Climate emergency declaration

The vast majority of correspondence related to standards matters is sent, received and stored digitally so, aside from occasional face to face visits requiring local travel, there are limited climate implications.

7. Consultation and engagement

7.1 N/A

8. Other options considered

8.1 N/A

9. Governance journey

9.1 This report is for the Standards Committee to note.

Annexes:

Annexe 1 – Code of Conduct Complaints received 1 January 2020 – 30 June 2021

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

CONTACT OFFICER:

Name: Robin Taylor
Position: Head of Policy & Governance (Monitoring Officer)
Telephone: 0148 3523108
Email: robin.taylor@waverley.gov.uk

Agreed and signed off by:
Legal Services: date
Head of Finance: date
Strategic Director: date

Annexe 1 - Code of Conduct Complaints received 1 January 2020 – 30 June 2021

Case	Date complaint received	Complainant(s)	Borough or Town/Parish Councillor(s)	Relevant parts of the Code of Conduct	Comments	Decision	Date of decision/outcome
1.	24.01.20	Member of the public	Town	Failure to treat others with respect; Intimidation/bullying	Complaint regarding comments on social media. Informal investigation by MO.	No evidence of a breach of the code.	25/02/20
2.	26.02.20	Member of the public	Borough (multiple)	Predetermination, bias in decision-making.	Complaint regarding conduct of councillors in planning committee. Informal investigation by MO.	No evidence of a breach of the code	19/11/20
3.	04.03.20, 02.03.20, 24.03.20, 06.04.20, 18.12.20	Members of the public	Town (multiple)	Non-declaration of interests impacting on objectivity of decision-making.	Informal investigation by MO followed by referral to IP (12/08/20). Referred to external investigator for formal investigation (17/12/20). Awaiting final report.		Ongoing
4.	05.05.20	Member of the public	Borough	Non-declaration of interests in relation to a planning application; inappropriate lobbying by councillor; use of planning call-in process.	Informal investigation by MO.	No breach of Code of Conduct identified.	04/11/20

5.	16.06.20, 01.07.20, 02.07.20, 20.07.20	Members of the public	Parish	Potential conflict of interest between role as councillor and use of social media.	Parish councillor resigned before conclusion of informal investigation by MO.	No further action taken.	
6.	23.07.20	Councillor	Borough	Failure to treat others with respect; Intimidation/bullying	Regarding comments made during a council meeting. Informal investigation by MO followed by referral to IP (2/10/20). Referred to external investigator for formal investigation.	No breach of Code of Conduct identified.	10/02/21
7.	23.07.20	Councillor	Borough	Failure to treat others with respect.	Regarding comments made during a council meeting. Informal investigation by MO. No breach of Code advised 29/07/20. Outcome not accepted by complainant. Referred to IP 02/10/20 for 2 nd opinion.	No breach of Code of Conduct identified	06/10/20
8.	26.08.20	Councillor (Town)	Borough	Failure to treat others with respect; lack of integrity.	Regarding comments made on social media. Informal investigation by MO.	No breach of Code of Conduct identified.	05/03/21

9.	10.09.20, 11.09.20, 14.09.20, 05.10.20, 12.10.20, 19.10.20	Members of the public	Town (multiple)	Failure to treat others with respect; lack of integrity; bias and predetermination.	Regarding comments made during a council meeting. Informal investigation by MO.	No breach of Code of Conduct identified.	Closed 27/02/21.
10.	12.10.20, 19.10.20	Members of the public	Town	Non-declaration of interests.	Informal investigation by MO. MO has written to the Councillor regarding his Register of Interests.		Ongoing.
11.	08.03.21	Member of the public	Borough	Making misleading comments, unduly influencing the planning committee, lobbying against the applicant.	Regarding comments made during a council meeting. Informal investigation by MO.	No breach of Code of Conduct identified.	14/05/21
12.	15.03.21	Member of the public	Borough	Lack of integrity.	Regarding comments made on social media. Informal investigation by MO.	Ongoing.	
13.	15.03.21	Member of the public	Parish	Failure to treat others with respect;	Regarding comments made during a council meeting. Informal investigation by MO.	Parish Councillor made a public apology to the complainant.	13/04/21
14.	21.03.21	Councillor	Borough	Failure to treat others with respect; Intimidation/bullying	Regarding comments in an email circulated to parties external to Waverley Informal investigation by MO.	No breach of Code of Conduct identified.	

15.	30.03.21	Councillors	Borough	Failure to treat others with respect; lack of honesty, leadership, objectivity.	Informal investigation by MO.	No breach of Code of Conduct identified.	24/06/21.
-----	----------	-------------	---------	---	-------------------------------	--	-----------

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

27 SEPTEMBER 2021

Title:

Governance Matters
Proposals following Council resolutions on 20 April 2021

Head of Service: Robin Taylor, Head of Policy & Governance

Key decision: No

Access: Public

1. Purpose and summary

1.1 On 20 April 2021, Full Council agreed a number of changes to the Council's governance structures, including:

- Moving from four to two overview and scrutiny committees;
- Establishing a new Housing Landlord Services Board;
- Expanding the remit of the Standards Committee to include a range of 'General Purposes' functions; and
- Re-establishing the capacity for Executive Working Groups to be constituted.

1.2 The Standards Committee was asked to bring forward recommendations to Council on appropriate Terms of Reference and consequential amendments to the Constitution to bring into effect the governance arrangements agreed in principle by Council.

2. Recommendation

The Standards Committee is asked to consider the proposals set out in Section 4 (below) and the annexes attached, and recommend to Council that

- 1) Two Overview and Scrutiny Committees be established with immediate effect: *Policy and Services*. Each committee will comprise 11 Members and meet a minimum of 5 times a year.
- 2) Subject to recommendation 1 above, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2.
- 3) A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3.
- 4) That the terms of reference of the Standards Committee be amended as set out in Annexe 4 and that the name of the Committee be amended to the Standards and General Purposes Committee.
- 5) That the Executive Procedure Rules be amended as set out in paragraph 4.26 below and the Executive Working Group Protocol as set out in Annexe 5 be adopted.

- 6) That the Council Procedure Rules be amended as set out in paragraph 4.27 to remove the requirement to stand to address the Mayor at meetings of the Council.
- 7) That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution arising from recommendations 1-6 above; and
- 8) That the Committee consider any other proposals it wishes to make, including whether the Overview and Scrutiny Co-ordinating Board will still be required.

3. **Reason for the recommendation**

The recommendations respond to the Council instruction to develop the necessary constitutional amendments to achieve the changes to the council's governance arrangements agreed in principle on 20 April by Full Council.

4. **Background**

- 4.1 This report contains some direct recommendations for the constitutional changes that should be proposed to Full Council. Where Officers consider that there are options on the approach to be taken, these are set out so that the Committee may consider and agree the recommendations to be put to Full Council.

Proposals regarding Overview & Scrutiny Committees

- 4.2 All local authorities operating executive arrangements are required by law to have at least one scrutiny committee. In June 2019, the Centre for Governance and Scrutiny (CfGS) published [The Good Scrutiny Guide](#), complementing new [Government statutory guidance](#) for authorities in England, published in May 2019. It contains extensive suggestions on how to conduct overview and scrutiny, covering matters such as culture, workplans, engagement with stakeholders and the public, use of external experts, gathering evidence, engaging with the executive, and making impact on policy.
- 4.3 However, neither the CfGS nor the government guidance make any recommendation on how authorities should structure their scrutiny function. In fact, paragraph 6.1 of the Good Scrutiny Guide (*Structures for Scrutiny*) says: *"There are many different models for committee structures. No one is "best" and trying to compare the committee structures of different authorities in the hope that transposing those models to your own set of circumstances will, on its own, lead to failure."*
- 4.4 The current Overview & Scrutiny structure is aligned to corporate plan (2016-2019) objectives that have now been superseded. Full Council has agreed to replace the current structure of four overview and scrutiny committees with two committees aligned to service areas of the council.
- 4.5 The proposed revised structure also recognises that the Housing O&S Committee has been used to fulfil the scrutiny function in relation to the housing service, but also to act as an internal governance board for the Housing service and a forum for tenant engagement in the operations of the housing service. The proposed Housing Landlord Services Advisory Board (see below) seeks to provide a separate forum

for tenant engagement in delivering the HRA Business Plan, improving services for tenants, and meeting requirements for co-regulation of services, whilst allowing the scrutiny function to be carried out by the *Services O&S Committee*.

4.6 The role of scrutiny needs to be clear to all stakeholders:

“Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation – i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority.” *Government Statutory guidance on overview and scrutiny in local and combined authorities, paragraph 11, p8*

4.7 In this context The Good Scrutiny Guide elaborates on the need for a clear role for scrutiny and the risks of not doing so:

“3.1.0.1 Clarifying what scrutiny “does” is difficult but necessary. It is difficult because it presents a significant cultural shift away from the approach that many councils have taken historically – that scrutiny exists to carry out a generalised oversight of the council and its partners, and that trying to do anything “less” would involve key issues falling between the gaps.”

“3.1.0.2 Resource constraints being what they are, an attempt to keep a general watching brief over everything in the local area is impossible. Not only that, adopting such vagueness for scrutiny’s role increases the risk that scrutiny will duplicate the work done by others – by audit, by contract managers, by council directors, by partners, by the press and by others.”

4.8 The Overview & Scrutiny Coordinating Board (OSCB) has been consulted on the revised committee arrangements, and the report at Annexe 1 sets out the observations and recommendations of the Board. The key constitutional details for the new overview and scrutiny function are considered below and the proposed revisions to the Constitution are set out in Annexe 2.

4.9 The number of overview and scrutiny committees and their remit (Article 6):

4.9.1 Full Council has decided that there will be two Overview & Scrutiny Committees, with remits covering Service Areas broadly split between Corporate and Support services, and those which support customer-facing services.

O&S Committee	Remit (Service Areas)
Policy	Business Transformation Finance and Property Policy and Governance
Services	Commercial Services Environmental and Regulatory Services Housing Operations Housing Delivery and Communities Planning and Economic Development

	This Committee will act as the designated Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.
--	---

- 4.9.2 The OSCB endorses splitting the committee remits based upon service areas but has expressed concern about the potential imbalance in the workload between the committees, given that the *Services* committee will be absorbing the remits of the current Environment, Housing and Community Wellbeing committees. This reinforces the need for those councillors involved in scrutiny at Waverley to identify the role of the scrutiny function in the new structure so that it adds value to the work of the council.
- 4.10 The committee Membership (O&S Procedure Rules):
- 4.10.1 The current Overview & Scrutiny committees each have nine members, plus up to eight substitutes. The membership of the Overview & Scrutiny Committee function taken as a whole (36 members) is politically proportional. However, the practicality of having four committees of the same size means that there is some variation in political balance between the committees.
- 4.10.2 It has also been challenging for the political groups to fill all their allocated seats (and substitutes) with some Members sitting as a full Member on one committee and as a substitute for another one (or more) committees. Having fewer, slightly larger committees should enable Groups to appoint Members who can engage with their committee, without having a responsibility to keep abreast of the work of multiple other committees and will spread the total committee workload more fairly between Members.
- 4.10.3 The Statutory Guidance (May 2019) emphasises that ‘*selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively.*’ It should not be just to make up the allocated numbers.
- 4.10.4 Officers suggest that two O&S committees of eleven members, would be appropriate. The OSCB agrees that having fewer councillors on a committee makes for a more engaged membership and allows for meetings to be more focused. Whilst the impact of one or two members being absent is lessened on a larger committee, with a committee membership of eleven members it would be reasonable to continue the practice of appointing substitutes.
- 4.10.5 No changes are proposed with regards to arrangements for co-opted members, although there would not be a need for co-opted tenants on either committee as their role will be transferred to the Landlord Services Board. It is more likely that non-Members would be co-opted to a Task & Finish Group to provide specific expertise to the subject under consideration.
- 4.11 Number of meetings per year (O&S Procedure Rules):
- 4.11.1 The current committees each have five scheduled meetings per year, with the ability to call extraordinary meetings if required (e.g. for a call-in). The OSCB emphasised

the importance of O&S meetings fitting in with the broader cycle of Council meetings and did not feel it would be practical to schedule more meetings for each committee although it was noted that this would require the committees to be more selective in the items identified for scrutiny.

- 4.11.2 The Constitution currently refers to six meetings per committee per year. In practice the committees have met a minimum of five times per year, and it is proposed to correct this anomaly.
- 4.12 The OSCB has also considered the relationship between the scrutiny function and the Executive, and recommends that the Executive portfolio holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue. An Executive/Scrutiny Protocol is recommended good practice in the Statutory Scrutiny guidance, and can be pursued as part of the ongoing work of developing the scrutiny function in the new structure.
- 4.13 There may be a requirement for a joint scrutiny committee as part of the collaboration with Guildford Borough Council and proposals will come forward for the Committee to consider if required as the collaboration progresses.

Proposals regarding the Landlord Services Advisory Board

- 4.14 The re-structuring of the Overview & Scrutiny committees provides the opportunity to strengthen the arrangements for engagement with tenants and leaseholders on matters relating to the Council's landlord functions, and to put greater emphasis on providing assurance on meeting the requirements of the Government's [Charter for Social Housing Residents for every social housing resident](#):
1. ***To be safe in your home.*** We will work with industry and landlords to ensure every home is safe and secure.
 2. ***To know how your landlord is performing,*** including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
 3. ***To have your complaints dealt with promptly and fairly,*** with access to a strong ombudsman who will give you swift and fair redress when needed.
 4. ***To be treated with respect,*** backed by a strong consumer regulator and improved consumer standards for tenants.
 5. ***To have your voice heard by your landlord,*** for example through regular meetings, scrutiny panels or being on its Board. The government will provide help, if you want it, to give you the tools to ensure your landlord listens.
 6. ***To have a good quality home and neighbourhood to live in,*** with your landlord keeping your home in good repair.
 7. ***To be supported to take your first step to ownership,*** so it is a ladder to other opportunities, should your circumstances allow.
- 4.15 The Landlord Services Advisory Board (LSAB) will be established under the Executive Working Group Protocol and will receive reports on matters relating to the Council's landlord functions. Where those reports relate to items which will be submitted to the Council's Executive, the comments and recommendations of the LSAB will be submitted to the Executive with the officer report. Meetings of the LSAB will be co-ordinated with the timetable for Overview and Scrutiny and Executive meetings.

- 4.16 Officers suggest that the LSAB has a membership comprising the Portfolio Holder with responsibility for Housing (Chairman), plus three non-Executive Members, and three tenants/leaseholders.
- 4.17 Whilst the Executive Working Group Protocol at Annexe 5 proposes that the proceedings of EWGs are normally not held in public, the LSAB may wish to consider holding some or all of its meetings in public or allowing part of the meeting for questions from tenants.
- 4.18 The proposed terms of reference of the Landlord Services Advisory Board are set out at Annexe 3.
- 4.19 Officers have considered the option of establishing an Executive Sub-Committee with co-opted (non-voting) tenant and lease-holder members, and with delegated authority from the Executive to make decisions on certain matters, and to make recommendations to the Executive on others. This model would have more direct responsibility for delivery of the HRA Business Plan, as well as tenant and lease-holder engagement, but represents a significant change in the way Waverley exercises its Executive Arrangements. Whilst this is something that the council may wish to consider as part of the comprehensive review of the Constitution, it should do so in the round, and taking into consideration the roles of other Executive Advisory Boards (Property Investment, CIL).

Proposals regarding Standards and General Purposes Committee

- 4.20 Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by the Executive of the authority **unless** those functions are specified as functions that are not to be the responsibility of the authority's Executive.
- 4.21 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [the Regulations] specify the functions that **are not** to be the responsibility of an authority's Executive or **are** to be the responsibility of such an Executive to a limited extent or only in specified circumstances.
- 4.22 It is usual practice for most functions that are not to be the responsibility of the Executive to be delegated to committees of the council, or named officers, unless these functions are reserved by law to council only. For example,
- most functions of the council as the Local Planning Authority are delegated to the planning committee(s), but approval of the Local Plan documents is reserved to Full Council and may not be delegated
 - Similarly, most functions of the council as a Licensing Authority are delegated to the licensing committee, but Full Council is required to approve the council's Statements of Licensing and Gambling Policy.
- 4.23 Part 3 of Waverley's Constitution sets out the Responsibilities for Functions within the council. There are a number of Council functions which currently are not delegated to a committee of council, and which are routed to Council via the Executive with a recommendation. This potentially puts a political slant on matters

which are not part of the Executive's remit, and which might benefit more from consideration by a cross-party committee of the council prior to Council decision.

- 4.24 For example, to ensure full cross-party input on the Boundary Commission proposals on council size and warding patterns, a cross-party working group was established to inform the Executive's recommendations. These considerations, relating to the council's electoral arrangements and therefore a council function, could have been within the remit of a politically balanced committee of council.
- 4.25 Annexe 4 proposes adding to the remit of the Standards Committee a broad remit for 'General Purposes' not otherwise delegated to another committee. This will enable a thorough review of the responsibility for functions to be undertaken as part of the Constitution Review, and these to be allocated to the correct and most appropriate committee. There is no change proposed to the terms of reference of the Audit Committee as part of this report, however, these can be reviewed as part of the wider review of the Constitution.

Proposals regarding Executive Working Groups

- 4.26 It is proposed that the Executive Procedure Rules are amended to add, at paragraph 1.12:

"1.12 The Executive may at the suggestion of the relevant Portfolio Holder establish an Executive Working Group to assist with the development of policy, in-depth examination of specific service proposals, or to progress major projects. Executive Working Groups have an advisory role only and cannot themselves take decisions. Executive Working Groups will be established and operate in accordance with the Executive Working Groups Protocol at Annexe 1 to the Executive Procedure Rules."

The proposed Executive Working Groups Protocol is attached to this report at Annexe 5.

Proposals regarding the Council Procedure Rules

- 4.27 It is proposed that Council Procedure Rule 21.1 is amended to remove the requirement for Members to stand when speaking at meetings of the Council, but to retain the requirement to address the meeting through the Mayor:

"21.1 ~~Standing to speak~~ Speaking at the meeting

When a member speaks at full Council they must ~~stand and~~ address the meeting through the Mayor, but may stand or remain seated, as they prefer. If more than one member ~~stands~~ *indicates they wish to speak*, the Mayor will ask one to speak and the others must *sit wait for the Mayor to invite them to speak*. Other members must ~~remain seated whilst~~ *not speak when* a member is speaking unless they wish to make a point of order or a point of personal explanation."

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 The Corporate Strategy 2020-2025 sets out the Council's commitment to promoting open, democratic and participative local government. The recommendations set out in the report contribute the strategic priority of local, open

and participative government by encouraging participation in local democracy by everyone in the community including local forums to consider current issues.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no budget or resource implications of the proposals, which will be implemented with the existing budget and staffing.

6.2 Risk management

N/a

6.3 Legal

The Local Government Act 2000 requires all local authorities to establish arrangements for effective scrutiny with sufficient power:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive
- to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area

This report supports the discharge of this function in accordance with the legislative requirements.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The proposed reduction in the number of formal committees will have a positive impact on the climate emergency actions through a reduction in paper agendas being produced and less car journeys to the Council offices for in-person meetings.

7. Consultation and engagement

7.1 Proposals for revised arrangements for the Overview and Scrutiny Committees have been discussed by the Overview & Scrutiny Coordinating Board and the Board's comments are included in the report (above).

7.2 The Housing Portfolio Holder, Head of Housing Operations, and Head of Housing Delivery and Communities, and Tenants Panel have been consulted on proposals for the Landlord Services Advisory Board.

8. Other options considered

8.1 Set out above where relevant.

9. Governance journey

9.1 The Standards Committee has been directed by Council to consider and bring forward recommendations to put into effect the changes to the council's governance arrangements agreed in principle at the Full Council meeting on 20 April 2021. Recommendations from the Standards Committee will be submitted to Full Council on 19 October 2021.

Annexes:

Annexe 1 – Recommendations from the Overview and Scrutiny Coordinating Board.

Annexe 2 - Constitutional amendments re Overview & Scrutiny Committees

Annexe 3 – Landlord Services Advisory Board Terms of Reference

Annexe 4 – Standards and General Purposes Committee Terms of Reference

Annexe 5 – Executive Working Group Protocol

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

CONTACT OFFICER:

Name: Louise Fleming

Position: Democratic Services and Business Support Team Manager (Deputy Monitoring Officer)

Telephone: 01483 523517

Email: louise.fleming@waverley.gov.uk

Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

RECOMMENDATIONS ON GOVERNANCE MATTERS FROM THE OVERVIEW AND SCRUTINY COORDINATING BOARD FOLLOWING COUNCIL RESOLUTIONS ON 20 APRIL 2021

Introduction

The Overview and Scrutiny Coordinating Board consists of the Chairman and Vice-Chairman of each of the four Overview and Scrutiny Committees. Amongst other functions, it exists to co-ordinate the work of the different committees and review their terms of reference and constitutional basis. In this latter capacity, the Board made the following recommendations to Standards Committee regarding the implementation of the resolutions by council:

1. Early on in the process, the Standards Committee should outline what objectives it sees these changes delivering and what evidence might indicate whether they have been achieved.
2. The remit of the Overview and Scrutiny Committees should be based on service areas.
3. The Board preferred the names “Places and People” and “Resources and Performance” to “Corporate” and “Community” which existed before.
4. Avoid significantly expanding the membership of the Overview & Scrutiny committees.
5. Retain substitutes.
6. Establish a practice of co-opting onto task & finish groups when an outside perspective or expertise is required rather than onto either of the main committees. Notwithstanding this general principle, the Board is concerned that unless the practice of co-opting a Tenants Panel representative onto the committee with responsibility for scrutinising housing operations is retained, then there would be a lack of relevant lived experience.
7. a) Maintain the number of committee cycles per annum and b) given the reduced number of committee meetings, the overriding aim of the committees’ work programming should be for more targeted scrutiny considering fewer but better chosen and more thoroughly considered items.
8. Commission the maximum number of Task & Finish groups which resources permit.
9. The Executive Portfolio Holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue.

The details of these recommendations and the rationale for them are discussed below.

What should the function of Overview & Scrutiny be?

The Centre for Governance & Scrutiny’s [Good Scrutiny Guide](#) has a short section on structures which argues that: *“Form should follow function, and it is only when members and officers have a clear sense of the role of scrutiny, its approach to work programming and impact, that the structure to support that work can be properly evaluated.”*

This would include a sense of how much emphasis should be placed on the different role O&S plays. These include:

- Pre-scrutiny of upcoming Executive decisions
- Planned scrutiny of particular themes

- Performance Monitoring
- Policy development
- Scrutiny of other statutory organisations which affect the welfare of Waverley's residents
- Commissioning and directing task & finish groups

More broadly, it should also include a vision for what good scrutiny will look like. The Local Government Association's *Councillor's Workbook on Scrutiny* suggests it means O&S:

- tackles issues of direct relevance to local people
- tackles issues where, through the unique perspective of elected councillors, it can add the most value
- is about talking to a wide range of people, drawing them together and building consensus
- is about challenging the accepted ways of doing things and acting as a champion for developing a culture of improvement in the local area

O&S co-ordinating board recommendation #1: Early on in the process, the Standards Committee should outline what objectives it sees these changes delivering and what evidence might indicate whether they have been achieved. Clarity about the objectives of these reforms will enable the decisions Standards Committee takes to be better orientated towards them.

On what basis should the business of the two committees be divided up?

There are a variety of approaches used by other authorities: thematic (perhaps tied to the corporate priorities), by service areas, or by the nature of the Council function being scrutinised.

Basing the remits around service areas, is likely to be more efficient. It would in most cases prevent situations where reports go to both committees and negate the need for officers to present them twice.

Conversely, an explicit connection between the Committees' remits and the corporate priorities would have the advantage of recognising that certain issues will cut across service boundaries and require co-ordination between them. In addition, it focuses O&S's considerations on the ultimate ends of the Council's activities.

As a reminder, the Corporate Strategy priorities are as follows:

- Financial Sustainability
- Local, open, participative government
- Supporting a strong local economy
- Taking action on Climate Emergency and protecting the environment
- Good quality housing for all income levels and age groups
- Effective strategic planning and development management to meet the needs of our communities
- Improving the health and wellbeing of our residents and communities

O&S co-ordinating board recommendation #2: The remit of the Overview and Scrutiny Committees should be based on service areas.

Which work areas should be allocated to which committee?

Some possible considerations when making this decision:

- Keeping the workload of the committees balanced
- Minimising the number of times the same report goes to both committees

- Allowing members to develop expertise and skills
- Putting related areas together

O&S co-ordinating board recommendation #3: The Board preferred the names “Places and People” and “Resources and Performance” to “Corporate” and “Community” which existed before. This would give the new committees a fresh identity.

The chairs and vice-chairs endorsed the following split:

Places and People	Resources and Performance
Community Services	Business Transformation
Careline	ICT
Community Safety – Safer Waverley Partnership	Customer Service
Housing delivery and strategy	General Fund MTFP Budget
Homelessness/Housing Options	Property Investment Advisory Board Report
Private Sector Housing	Asset Management
Leisure activity, sports and recreation	Income generation projects
Culture and arts, including museums	Recovery Plans
Parks & Countryside	Commercial Strategy
Health partnership and strategy	Waverley Training Services
Climate and sustainability	Building Control
Refuse, recycling, street cleaning	Corporate Strategy
Enforcement	Workforce
Car Parking	Complaints
Planning Policy – LPP1 and LPP2, SPDs etc	Economic Development Strategy
Housing Operations	CIL
	Joint Working
	Performance

Particular thought must be given when drawing up remits to ensure that there is sufficient capacity to deal with the large workload arising from Housing. Though the Council decision means a Landlord Services Board will be founded, if this takes on decision-making functions, it will still be necessary for Overview and Scrutiny to retain a role in scrutinising Waverley’s housing operations. Given the scale of the retrofitting and house building programmes likely to be necessary in the next few years, this is likely to require significant capacity. It is worth noting that when the Council last had two Overview and Scrutiny committees this capacity was provided by a housing specific sub-committee.

Despite the existence of this sub-committee, in the municipal year preceding the move from two committees to four, the average Community O&S committee meeting was twenty minutes longer than the average CWB O&S meeting in the following year. Therefore, the drawing up of remits must take into account the committees having the capacity to effectively scrutinise the corresponding areas in future.

How many councillors will sit on each committee?

The present committees have nine members and four substitutes. There is an argument that if there are fewer committees, then the new committees ought to have more members to share the workload and keep a range of perspectives. On the other hand, a meeting with fewer participants is likely to be more focused and easier to chair. It would also mean there is more time for questions from each councillor on the committee and, therefore, there is more chance for follow-up. It is suggested that an odd number of 11 or 13 would be appropriate.

O&S co-ordinating board recommendation #4: Avoid significantly expanding the membership of the Overview & Scrutiny committees. The chairs and vice-chairs felt that having fewer councillors on a committee makes for a more engaged membership and allows for meetings to be more focused.

Should there still be substitutes?

Arguably, this partially depends on the number of members on the committee as if there is a larger committee then the impact of a member being absent is lessened.

O&S co-ordinating board recommendation #5: As a corollary of the recommendation above on committee size, it would be sensible to retain substitutes.

Will anyone be co-opted onto the new O&S committees?

At present, the only co-opted members of O&S are the two Tenant's Panel Representatives. The assumption is that under the new arrangements tenant representation will be on the Landlord Services committee. The Centre for Governance & Scrutiny advises that there are two reasons to co-opt:

- ***“Expertise.*** *A co-optee may possess particular technical skill or knowledge – often by virtue of being a representative of a particular organisation. Co-optees brought onto committees for their expertise will naturally have a large role to play when the committee considers items that relate to that issue specifically – but where a committee has especially broad terms of reference, this may not be the case;*
- ***“Personal characteristics.*** *A co-optee may, by virtue of their background, have perspectives or insights that others on the committee may lack. Using co-optees to provide more diverse representation on a committee should be encouraged and welcomed.”*

It is also possible to co-opt non-councillors onto a Working Group and that this *“tends to be more effective than their appointment to sit on a committee, because a task group is not open-ended and has a defined purpose, enabling individuals to be chosen for a specific purpose.”*

O&S co-ordinating board recommendation #6: Given the CfGS's advice, establish a practice of co-opting onto task & finish groups when an outside perspective or expertise is required rather than onto either of the main committees. Notwithstanding this general principle, the Board is concerned that unless the practice of co-opting a Tenants Panel representative onto the committee with responsibility for scrutinising housing operations is retained, then there would be a lack of relevant lived experience.

How many meeting cycles should there be a year?

The present four committees meet five times a year (i.e. there are twenty O&S meetings per annum).

If the same number of cycles is maintained then there would be 10 meetings a year rather than 20. Therefore, it will be necessary to be more selective about which items are taken to Committee. However, it may be possible to modestly increase the number of meeting cycles per year.

O&S co-ordinating board recommendation #7: The chairs and vice-chairs emphasises the importance of Overview and Scrutiny meetings fitting within the broader cycle of Council meetings. Therefore, they are sceptical of the practical possibility of increasing the number of meeting cycles per year.

Maintaining the same number of cycles but for half the number of committees, would mean that the total number of Overview and Scrutiny meetings per annum would be reduced from 10 to 20. Therefore, it will be necessary to be more selective about which items are taken to Committee. There is currently an agreed criterion for selecting O&S agenda items which is set out at Annexe 1 to this paper. It is suggested that if this is followed then agendas should be manageable.

The overriding aim should be for more targeted scrutiny considering fewer but better chosen and more thoroughly considered items.

How should working groups support Overview and Scrutiny?

Full Council's decision was that O&S will retain their existing constitutional ability to form Working Groups. Assuming that the same resources are devoted to these groups as at present, it would make sense for each committee to run one group within its remit at a given moment and one to two groups per year.

O&S co-ordinating board recommendation #8: The Co-ordinating Board felt that it was very difficult to carry out effective policy development within a meeting where multiple items are considered in the space of approximately two hours. There was, therefore, enthusiasm for the contribution of Task & Finish groups, though this was combined with a recognition of the strain they can place upon officer resource. Given this, the chairs and vice-chairs would like to see the maximum number of Task & Finish groups which resources permit.

How should O&S relate to the Executive?

As the Executive and the O&S play complementary functions within the governance of the Council, it is desirable that they have a constructive working relationship. Scrutiny works best when this is the case. The Coordinating Board are asked to consider how improvements could be made to ensure there is constructive dialogue between the Executive and O&S.

- **What form should dialogue with the Executive take?**
- **Are there more impactful ways to present the output from O&S?**
- **Should the channels of communication between the Executive and O&S be formalised?**
- **Should there be an executive-scrutiny?**

It is worth noting the advice of the CfGS that successful scrutiny is dependent not just on the committees themselves but also "*hinges on the commitment of those in leadership positions*". Therefore, delivering improvements would need to be a two-way process.

O&S co-ordinating board recommendation #9: The Executive portfolio holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue.

OVERVIEW AND SCRUTINY COMMITTEES

Part 1, Summary & Explanation

“5.0 The Council appoints ~~four~~ **TWO** Overview and Scrutiny Committees each of ~~9~~ **11** non-Executive Members.”

“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~~ **5 non-Executive** members ~~or substitute members of the Committee~~ **Council**. Details are set out in the Overview and Scrutiny Procedure Rules.”

“5.3 The Chairmen of the ~~four~~ **TWO** 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.”

Part 2, Articles – Article 6

“6.0 General Comments (4th paragraph)

~~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~~ **FIVE** 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~~ **TWO** Overview and Scrutiny Committees which will carry out the functions of Overview and Scrutiny in relation to the following Service areas:

O&S Committee	Remit (Service Areas)
Policy	Business Transformation Finance and Property Policy and Governance
Services	Commercial Services Environmental and Regulatory Services Housing Operations Housing Delivery and Communities Planning and Economic Development

	This Committee will act as the designated Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.
--	---

Part 4, Overview & 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~~ will consist of ~~nine~~ **ELEVEN** 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.

4.0 Meetings of the Overview and Scrutiny Committees

There shall be at least ~~six~~ **FIVE** 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 Coordinating Board if they consider it necessary or appropriate.

16.0 (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~~ **five non-Executive** members (~~including Substitute Members~~) of the ~~Committee~~ **Council** 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.

HOUSING LANDLORD SERVICES ADVISORY BOARD

The Council has established a Landlord Services Advisory Board under the Executive Working Group protocol to promote tenant and leaseholder engagement in decisions relating to the Council's housing stock and to provide assurance of the Council's commitment to the Charter for Social Housing Residents.

The Board will consist of:

- The Executive Portfolio Holder with responsibility for Housing (Chairman)
- Three non-Executive members (politically balanced)
- Three co-opted members, two of which will be Waverley tenants, and one which will be a Waverley lease-holder

Co-opted members of the Board will be selected from the Tenants Panel (via application and interview process) during year 1, with arrangements for elections of co-optees to be developed and agreed by the Board by the first anniversary of its constitution.

Substitutes are not permitted.

The Board will normally **meet 5 times a year**, co-ordinated with meetings of the Overview and Scrutiny Committees and Executive, but the Chairman may call ad hoc meetings as required.

Meetings of the Board will normally meet in the absence of the press and public unless the Board agrees alternative more flexible arrangements for part or all of its meetings.

Specific terms of reference

The Landlord Services Advisory Board will receive reports on matters relating to the Council's landlord functions. These will include:

- The HRA Business Plan and budget, the Housing Delivery Programme, and the Housing Service Plan
- Other matters relating to the delivery of the housing landlord function, with an emphasis on meeting the requirements of the Charter for Social Housing Residents
- Reviews of existing policies or the introduction of new policies relating to or affecting Council's tenancies
- Matters relating to tenant scrutiny and challenge as part of delivering co-regulation of the housing landlord service
- Performance of the housing landlord function

Where those reports relate to items which will be submitted to the Council's Executive, the comments and recommendations of the Landlord Services Advisory Board will be submitted to the Executive with the officer report.

The Landlord Services Advisory Board has an advisory role only and cannot itself take decisions.

STANDARDS AND GENERAL PURPOSES COMMITTEE

REMIT

In addition to existing responsibilities for oversight of the Council's Constitution and Ethical Standards, add:

General Purposes

Authority to oversee the Council's arrangements, and make recommendations to Council as appropriate, with regard to non-Executive functions (as defined in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)) which are not otherwise reserved to Council and are not within the terms of reference of any other committee and which are not delegated to an officer.

To consider any issues, which in the professional opinion of the Chief Executive or Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.

EXECUTIVE WORKING GROUP PROTOCOL

1. Executive Working Groups are intended to assist the Executive, through the appropriate Portfolio Holder, to:
 - (a) develop policy;
 - (b) examine specific service proposals in depth; and
 - (c) progress major projects.
2. Executive Working Groups have an advisory role only and cannot themselves take decisions.
3. Any Executive member can propose to the Executive that an Executive Working Group should be established, and when making a proposal should:
 - (a) propose terms of reference and the scope of the task; and
 - (b) set out a timescale for the duration of the SIG.
4. The decision to establish an Executive Working Group is for the Executive. All Executive Working Groups must be reviewed by the Executive to confirm that they are still needed before being reappointed at the start of a Council year.
5. Membership of Executive Working Groups will be based on enabling those with the best skills and knowledge of the matter to contribute and will be appointed by the Executive based on recommendations by the appropriate Portfolio Holder. The appropriate Portfolio Holder will convene and chair an Executive Working Group unless they choose to delegate the chairmanship. Substitutes are not permitted.
6. Executive Working Groups may include non-councillors or members from other Councils as non-voting members.
7. Within the overall framework of Waverley's Procedure Rules, Executive Working Groups will be able to develop flexible working arrangements best suited to their task.
8. Executive Working Groups will normally meet in the absence of the press and public.
9. Executive Working Groups will be serviced by officers and Democratic Services will record their meetings in report form and these reports will form background papers to the eventual reports to the Executive on matters they have discussed.
10. Reports to Executive Working Group meetings will not normally be published, and both reports and discussion at meetings will be treated as exempt. They can, however, be requested by Overview and Scrutiny Committees as part of their work, at which time the Monitoring Officer will decide whether any of the reports should be defined as exempt under access to information legislation.
11. Other members of the Council may attend as observers.
12. If a member has taken part in policy development as part of an Executive Working Group, and subsequently is involved in an Overview and Scrutiny Committee review of this policy, they may have a conflict of interest. In this case they should seek the advice of the Monitoring Officer.

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

27 SEPTEMBER 2021

Title:

Review of the Constitution – Approach and timetable

Head of Service: Robin Taylor, Head of Policy & Governance & Monitoring Officer

Key decision: No

Access: Public

1. Purpose and summary

- 1.1 In April 2021, Full Council instructed the Standards Committee to carry out a comprehensive review of the Constitution. The Constitution of Waverley has been revised on a piecemeal basis over the years and as a result a number of inconsistencies and anomalies have appeared. The Constitution can sometimes be difficult to navigate and understand, so a revision will ensure it is a useful document for councillors, officers, and residents.
- 1.2 This report sets out the proposed approach and timetable for the review of the Constitution, including establishment of a cross-party Member Working Group representing key governance stakeholders to work with officers in developing the revised Constitution and bring forward recommendations to the Standards Committee, and Council.

2. Recommendation

- 2.1 It is recommended that the Standards Committee:
- (i) endorses the objectives for the Constitution review – to produce a Constitution for Waverley that is legally compliant and reflecting current standards of good practice; is easy to navigate and to understand who takes decisions and how; and reflects the present values of the council.
 - (ii) endorses the revised structure of the Constitution to improve the readability and accessibility for Members, Officers and the public, and ensure the Constitution is properly placed as a core working document in the governance structure.
 - (iii) notes the aim to submit the revised Constitution to Full Council in February 2022.

3. Reason for the recommendation

The Council has a legal duty to keep its Constitution under review. The current Constitution is based on the original model constitution issued following the Local Government Act 2000 and is structured in such a way that embeds repetition and makes it hard to read and understand. The proposed approach aims to address

these issues whilst engaging with key stakeholders, to produce an up to date, accessible and useful document.

4. Background

- 4.1 The constitution sets out how the council operates, how decisions are made and the procedures that are followed to ensure that it is efficient, transparent and accountable to residents. Under ss.9P and 37 of the Local Government Act 2000, the council is under a legal duty to prepare and keep its constitution up to date. One of the principal duties of the Monitoring Officer is to review the constitution to ensure that it complies with legislation and best practice.
- 4.2 The council's current constitution is based on the original model constitution and has been revised and supplemented in a piecemeal fashion over the years. Consequently, the document can be difficult to navigate and has become unwieldy; it is not a useful working document for Members or Officers, and it is not easily understandable to the public.
- 4.3 Over the last few years a number of councils have restructured their constitutions to make them more accessible and streamlined. The most significant feature of the new style of constitution is the absence of Articles (Part 2 of the current constitution), with the information traditionally set out in the Articles moving into the Summary and Explanation or into the Responsibility for Functions sections. There is no legal requirement to have Articles in the constitution and removing them immediately reduces a great deal of the duplication in the document as a whole. An example of the content of the constitution in the new structure is set out in Annexe 1. The Standards Committee is asked to endorse this new structure for Waverley's revised constitution.
- 4.4 The aim of the review of the constitution is to ensure that it is legally compliant, and more accessible and a useful working document. It is also an opportunity to look at the arrangements and procedures set out in the constitution and to consider whether those reflect the way the council works and wants to work going forward. To ensure that all key stakeholders are engaged with this process before recommendations come forward to Full Council the Standards Committee will consult with key governance stakeholders from across the council as proposals are developed and considered by the Committee.
- 4.5 The intention is to submit the revised constitution in its restructured format to Full Council in February 2022. It is not the intention that all the component Protocols and Codes will have been reviewed and updated at that time, but where further work is needed this will have been identified and the work scheduled.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 The Council's Constitution is the core governance document and underpins all the Council's work.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no resource implications. The work will be carried out by the Monitoring Officer team.

6.2 Risk management

The Constitution is the Council's core governance document. Ensuring that the constitution is fully legally compliant, accessible and useful will reduce the risk of governance arrangements being inadvertently compromised.

6.3 Legal

Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

There are no direct climate emergency impacts from this work.

7. Consultation and engagement

7.1 N/A

8. Other options considered

8.1 The options are to:

(1) simply update the Constitution in its current form. However, this would retain many of the issues the current Constitution has, including duplication of information, lack of readability and accessibility, and it would continue to be resource intensive to maintain.

(2) significantly restructure the Constitution to reduce duplication, and make it more readable, accessible, understandable, and useful.

9. Governance journey

9.1 This report makes recommendations to the Standards Committee on the approach for the Constitution Review. Ultimately, the Standards Committee will make recommendations to the Council for approval.

Annexes:

Annexe 1 – Example title page for the revised Constitution

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

CONTACT OFFICER:

Name: Robin Taylor
Position: Head of Policy & Governance (Monitoring Officer)
Telephone: 0148 3523108
Email: robin.taylor@waverley.gov.uk

Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Example title page for the revised Constitution: Contents

Part 1 Summary and Explanation

This section describes how the Council operates, the key parts of the Constitution, and what rights members of the public/residents have.

This section will incorporate some detail currently set out in the Articles.

Part 2 Responsibility for Functions

Decision-making structure chart

Council functions

Local Choice Functions

Executive Functions

Committees - Terms of Reference

Joint Arrangements

Officer delegations (& Management Structure Chart)

This section will incorporate some detail currently set out in the Articles.

Part 3 Procedure Rules

Council Procedure Rules

Committee Procedure Rules (where these vary from Council PRs)

Executive Procedure Rules

Overview and Scrutiny Procedure Rules (including Call-in arrangements and Councillor Call for Action)

Access to Information Procedure Rules

Budget and Policy Framework Procedure Rules

Financial Procedure Rules

Contract Procurement Rules

Officer Employment Procedure Rules

Part 4 Codes and Protocols

Members' Code of Conduct (and Arrangements for dealing with complaints regarding breach of the Code)

Officers' Code of Conduct

Protocol on Member/Officer Relations

Petition Scheme

Executive Working Group Protocol

Executive/Scrutiny Protocol

Part 5 Members' Allowances Scheme

Part 6 Glossary of Terms

This page is intentionally left blank