

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS AND GENERAL PURPOSES COMMITTEE -
3 OCTOBER 2022

SUBMITTED TO THE COUNCIL MEETING – 18 OCTOBER 2022

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr John Robini (Chairman)	Cllr Robert Knowles
Cllr Michael Goodridge (Vice Chairman)	Cllr Peter Marriott
Cllr Christine Baker	Cllr Peter Nicholson
Cllr Maxine Gale	Cllr John Ward

Apologies

Cllr Steve Cosser, Thomas Hughes and Stefan Reynolds

Also Present

Councillor Jerry Hyman

STD 1/22 MINUTES (Agenda item 2.)

The minutes of the meeting held on 25 April 2022 were confirmed as a correct record of the meeting.

STD 2/22 DISCLOSURES OF INTERESTS (Agenda item 3.)

There were no disclosures of interest in relation to items on the agenda.

STD 3/22 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions from members of the public.

STD 4/22 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5.)

There were no questions on notice from councillors.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

STD 5/22 REVIEW OF THE WAVERLEY CONSTITUTION (Agenda item 6.)

The Monitoring Officer, Robin Taylor, introduced the report proposing revisions to Parts 1 to 4 of Waverley's Constitution.

The requirement for local councils to have a constitution was introduced in the Local Government Act 2000. Waverley adopted its first constitution in 2001, and like most councils this had been based on a 'model constitution' and set out in a number of Parts. The current review focused on Parts 1 to 4, the Explanation and Summary, Articles, Responsibility for Functions, and Procedure Rules. The structure of the model constitution lent itself to some duplication between the different Parts, and piecemeal amendments over the years had led to some internal inconsistencies, and errors and omissions reflecting changes in law and regulations over the last 20 years. Overall the document had become difficult to navigate, and therefore not as useful as it should be.

Officers had carried out a thorough review of the Constitution including a cross-check against all elements required to be included under statute and regulations. The aim of the review and proposed revisions had been to:

- update the constitution for errors and omissions, internal inconsistencies, and outdated references.
- reduce repetition between the different Parts.
- improve navigation and usability for all audiences.
- improve accessibility and inclusion, including updated formatting to meet Web Content Accessibility Guidelines and gender neutral language.

Most of the revisions were relatively minor in that they did not change the substance of the constitution but improved readability and the level of information included. Among the more substantial changes proposed, and set out in Annexe 1 to the report, were:

- removal of the requirement to present committee minutes to Council as Part I and Part II. Recommendations to Full Council would be included on the Council agenda as standalone items.
- the Policy Framework had been streamlined to define the legal requirements, with Council able to add any other policy document to it.
- Article 12 (Decision-making) introduced the requirement for mandatory training for councillors sitting on certain committees (planning, licensing, standards, audit).
- committee terms of reference had been moved to Part 3 (Responsibility for Functions) rather than spread across Parts 2 and 3. Terms of reference for Audit Committee had been updated in line with discussions held previously with the Audit Committee. The "general purposes" functions of the Standards and General Purposes Committee had been expanded. Executive responsibilities had been set out in line with legislation as being everything not defined as being a Council function.
- Defining the Budget Council meeting as a separate type, to reflect the importance of this meeting.
- Budget & Policy Framework and Officer Employment Procedure Rules previously omitted were now included. The Officer Employment Procedure Rules related to the arrangements for employment of the council's chief officers. These were now joint posts with Guildford Borough Council the arrangements would be aligned with equivalent arrangements set out in the Guildford Constitution.

Cllr Hyman had registered to speak on this item: whilst he welcomed the comprehensive review of the constitution, he felt that it was important that councillors were provided with the 'tracked changes' in order to assure themselves of the revisions being proposed. Cllr Hyman also objected to the proposed change to Council Procedure Rule 12.1, that introduced a requirement for Motions on Notice to Council to be endorsed by at least three councillors in order to be accepted for inclusion on the Council agenda. He felt that this was disempowering residents by adding extra burdens on councillors raising matters at Council. He was also concerned at what he felt were the removal of councillor call-in powers.

Officers advised that the extent of the revisions made the tracked version of the document very difficult to read, and councillors were encouraged to read the revised Constitution as a fresh document rather than attempting to track every change. Requiring motions on notice to be endorsed would ensure that there would be a seconder, and potentially some debate, at the Council meeting; there were exceptions proposed for motions submitted by Independent councillors, or those part of a two-person group. There were no proposals to remove call-in powers of councillors.

Cllr Baker observed that the quorum for some committees was very small, only three or four councillors, and asked whether this might give the impression that decisions were being made without the benefit of a wider discussion. Officers explained that the quorum for Council was set out in statute as one-quarter of the whole number of members, and the quorum for other committee followed the same approach. It was up to Council to decide if some or all committees should have a higher quorum. Officers suggested that this might be considered early next year when the Committee would be asked to consider the size of all the committees in readiness for the reduction in the size of the Council from 57 to 50 members.

In response to a request for clarification, Mr Taylor confirmed that the new Joint Management Team had come into effect from 1 October 2022. He would be continuing as Monitoring Officer until Council formally appointed a replacement. Using his delegated authority as Monitoring Officer, Mr Taylor had updated the Constitution, including the Scheme of Delegation to Officers, with the new post titles of the Joint Management Team. However, the revised Constitution being considered by the Committee would only come into effect once Council had agreed to adopt it.

Cllr Marriott questioned whether there should be a more explicit ability for the Audit Committee to liaise with the Executive over matters of interest or concern. The Committee noted that the proposed Audit Committee Terms of Reference reflected the model audit committee terms of reference set out by CIPFA, which gave the Committee wide ranging responsibility in relation to governance, risk and controls including a right to access information necessary to undertake its work. In the absence of a specific issue, there did not appear to be a need to add any specific provisions to the Terms of Reference.

Cllr Knowles noted that procedures rules for Licensing sub-committee hearings had been added, and suggested that these would be better described as 'guidelines': the relevant Chair followed the outline described, but typically there were few

parties present and in practice the procedure was more relaxed than the procedures suggested would be the case.

In response to questions from Cllr Ward, Officers explained that the calendar of Council meetings followed a similar pattern each year, which was based around the Annual Meeting (usually in May) and the Budget-setting meeting (usually in February). The other Ordinary meetings were then scheduled 2-3 months apart to enable a flow of business from the Executive and committees to Full Council. The agenda for Full Council meetings was structured around the items as listed in the Council Procedure Rules (2.2), which provided sufficient scope for any additional items to be added. In practice, this would only happen following discussion between the Mayor, the Leader, the Chief Executive, and the Monitoring Officer.

Cllr Ward had a specific amendment for the Committee's consideration, that councillors registering to speak under Council Procedure Rule 11.8 (b) should be required to give notice by noon on the day prior to the meeting, rather than on the day of the meeting.

The amendment was seconded by Cllr Marriott.

The Committee noted that some Group meetings were held on the night before Council meetings, so moving the deadline could cause practical difficulties. However, Cllr Ward observed that bringing the deadline forward would allow more time for a response to councillors' questions to be prepared.

The Committee voted on the amendment, which was carried with 5 votes for and 3 votes against.

Cllr Ward welcomed the proposal that the membership of the Eastern and Western Planning Committees should accord with the political proportionality of the council as a whole, rather than political proportionality of the wards covered by each committee. He felt that there would be some benefit to councillors from the western wards sitting on the Eastern Planning Committee, and vice versa, which would provide a level of objectivity in the planning committee's considerations that might otherwise be missing. Cllrs Nicholson, Marriott and Robini were generally supportive of the proposal. However, Cllrs Knowles, Goodridge, Gale and Baker felt strongly that the point of having area-based planning committees was to enable local decision-making, and for residents to see this happening.

Cllr Knowles proposed an amendment, that the membership of the planning committees should remain as currently described, based on the political proportionality of the wards covered by each of the planning committees.

The amendment was seconded by Cllr Goodridge.

Following further discussion, the Committee voted on the amendment, with 4 votes for and 4 votes against. The Chairman used his casting vote against the amendment, which therefore was lost.

Overall, the Committee agreed that the revised Constitution was an improvement on the existing document, but noted that there was still further work needed on formatting and proof-reading and that the Constitution should be a high quality document. Officers agreed and confirmed that formatting was still in progress.

The Committee agreed unanimously to recommend the revised Constitution, as amended and with necessary corrections and formatting, to Full Council for approval.

RESOLVED to recommend to Council that the revised Constitution (Parts 1 – 4) is approved and adopted.

STD 6/22 AMENDMENTS TO THE SCHEME OF DELEGATION (Agenda item 7.)

The Monitoring Officer, Robin Taylor, introduced the report proposing some revisions to the Scheme of Delegation to Officers.

The Scheme of Delegation to Officers allowed the Council to operate on a day to day basis without recourse to the Council and its Committees for decision-making. As set out in the covering report, the Monitoring Officer had used his delegated authority to amend the Scheme of Delegation to reflect the new post titles in the new Joint Management Team.

In addition to those amendments, Officers had requested a number of substantive changes to the Scheme of Delegation to the Joint Executive Head of Planning Development which would streamline and speed up decision-making in relation to planning applications, and tidy-up the Scheme of Delegation.

Cllr Hyman had registered to speak on this item in accordance with Procedure Rule 23.1. In relation to the delegated authority reference O.1 to the Joint Executive Head of Planning Development, he queried who determined that the SPA reasons referred to had been resolved, and referred to his concerns regarding the council's approach to the Habitats Regulations.

With regard to the proposed change in the arrangements for calling an application into one of the Planning Committees, Cllr Knowles opposed the suggestion that the threshold for officers referring the application to the ward councillors be raised from 5 letters of objection to 10 letters. Other councillors agreed and felt the higher threshold would unfairly impact the rural areas rather than more urban settlements. Officers advised that ward councillors would still have the opportunity to call-in any application appearing on the weekly list, and the proposed amendment related to the 'safety-net' provision. However, councillors felt that the trigger for officers to alert the ward members should remain at 5 letters.

Cllr Knowles proposed that this revision be rejected, and this was seconded by Cllr Goodridge, and the Committee RESOLVED to reject the proposed revision with 7 votes in favour, none against, and 1 abstention.

Cllr Knowles noted that in O.5 (a3) the reference should be to the Chairman OR the Vice-Chairman, rather than AND.

With regard to the proposed revision to O.5(H) regarding applications with a connection to a councillor or officer, councillors noted that there was a balance to be struck between efficiency and transparency in determining these applications, and generally they did not generate a lot of discussion at the Planning Committees.

The Committee RESOLVED to recommend the revised Scheme of Delegation to Officers, as amended by the Committee, to Council for approval.

PART II - MATTERS OF REPORT

There are no matters for report.

The meeting commenced at 6.00 pm and concluded at 7.45 pm.

Chairman