

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

When calling please ask for:
Ben Bix, Democratic Services Manager
Legal & Democratic Services
E-mail: committees@waverley.gov.uk
Direct line: 01483 523224
Calls may be recorded for training or monitoring
Date: 21 June 2024

Membership of the Standards and General Purposes Committee

Cllr Andy MacLeod (Chair)
Cllr John Robini (Vice Chair)
Cllr Gemma Long

Cllr Peter Nicholson
Cllr John Ward
Cllr Michael Goodridge

Town/Parish Representatives

Godalming Town Councillor Joan
Heagin (Co-Optee)

Elstead Parish Councillor Joan
Holdroyd (Co-Optee)

Dear Member

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

DATE: **MONDAY, 1 JULY 2024**
TIME: **8.00 PM** (or at the rising of the preceding meeting)
PLACE: **COUNCIL CHAMBER, MILLMEAD HOUSE, MILLMEAD,
GUILDFORD, SURREY GU2 4BB**

The Agenda for the meeting is set out below.

Yours sincerely

Susan Sale,
Joint Strategic Director Legal & Democratic Services & Monitoring Officer

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown on each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2. **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.

3. **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 11. The deadline for receipt of questions is 5pm on Tuesday 25 June 2024.

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

The Chairman to respond to any written questions received from Members in accordance with Procedure Rule 12. The deadline for receipt of questions is 5pm on Tuesday 25 June 2024.

Monitoring Officer Matters

5. **ANNUAL CODE OF CONDUCT COMPLAINTS AND REGISTER 2023/24 (PAGES 5 - 12)**

The Committee is recommended to make the resolutions set out in the report at agenda item 5.

6. REVIEW OF THE JOINT CONSTITUTION REVIEW GROUP (PAGES 13 - 28)

The Committee is recommended to make the resolutions set out in the report at agenda item 6.

7. INDICATIVE COMMITTEE WORK PROGRAMME 2024-2025

Recommendation: to note the indicative Work Programme for the Standards and General Purposes Committee.

1 July 2024 – a) Simultaneous Meeting with Guildford Corporate Governance and Standards Committee b) Ordinary Meeting i) Annual Report on Code of Conduct Matters ii) Review of Joint Constitutions Review Group

14 October 2024 – to receive any reports and recommendations from the Joint Constitutions Review Group

20 January 2025 – to receive any reports and recommendations from the Joint Constitutions Review Group

2 April 2025 – a) to receive any reports and recommendations from the Joint Constitutions Review Group; b) Annual Monitoring Officer Report on Code of Conduct Matters.

**For further information or assistance, please telephone
Ben Bix, Democratic Services Manager, on 01483 523224 or by email
at committees@waverley.gov.uk**

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Waverley Borough Council

Report to: Standards & General Purposes Committee
Date: 1 July 2024
Ward(s) affected: All
Report of: Monitoring Officer
Author: Susan Sale, Joint Strategic Director, Legal & Democratic Services
Email: susan.sale@guildford.gov.uk
Lead Councillor: Cllr Victoria Kiehl, Portfolio Holder for Organisational Development and Governance
Email: Victoria.kiehl@waverley.gov.uk
Report Status: Open
Key Decision: No

Annual Report of the Monitoring Officer Regarding Misconduct Allegations

1. Executive Summary

- 1.1 This annual report presents the Code of Conduct allegations received by Council's Monitoring Officer during 2023-24.
- 1.2 This report is presented in the interests of improving transparency and accountability. The report summarises the Code of Conduct activity over the last year and analyses the effectiveness of the Council's system.
- 1.3 The Annual Code of Conduct Register has been redacted and is attached in Appendix 1.
- 1.4 The Localism Act 2011, sets out the Council's duty to promote and maintain high standards of conduct by its councillors and any co-opted members.

- 1.5 The Local Government Association Model National Councillor Code of Conduct 2020 was launched in 2021. This is based upon the Nolan Principles, the Standards in Public Office and the expectation of the behaviour of those elected within all tiers of local government, including borough, parish and town councils.
- 1.6 The Monitoring Officer is required to review all Code of Conduct Complaints received, in respect of allegations concerning the conduct of borough, town and parish councillors.

2. Recommendation to Committee

The Standards & General Purposes Committee is asked to:

- 2.1 Review the contents of the Annual Code of Conduct report to satisfy itself that the governance arrangements are operating effectively;
- 2.2 Make any recommendations for improvement; and
- 2.3 To review Code of Conduct matters on an annual basis.

3. Reasons for the Recommendation

- 3.1 The Standards & General Purposes Committee is a key component of the Authority's corporate governance regime. The Committee provides an independent and high-level focus on the assurance and reporting arrangements that underpin good governance.

4. Purpose of the Report

- 4.1 The Monitoring Officer is obliged to report on an annual basis, the outcome of Code of Conduct matters to the Standards & General Purposes Committee. The purpose of this report is to satisfy such reporting requirements and appraise the Committee of the Code of Conduct allegations, the outcome of any investigations, the recommendations and the actions taken to date.

5. Strategic Priorities

- 5.1 To ensure compliance with the need to:

- demonstrate our commitment to listening to complaints;
- demonstrate commitment to transparency and accountability;
- uphold the highest standards in public office

6. Background

- 6.1 In discharging its duty to promote and maintain high standards of conduct, the Council must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the Council when they are acting in that capacity.
- 6.2 The Council is also required to have arrangements in place under which allegations of misconduct can be investigated, and decisions on those allegations can be made.
- 6.3 It is considered Good Governance to present an Annual Report on the outcome of Misconduct Allegations against Councillors and Co-Opted Members.

7. Consultations

- 7.1 Consultation has also taken place with the Council's Corporate Management Board.
- 7.2 Consultation has taken place with the Leader of the Council and the relevant Portfolio Holder.

8. Key Risks

- 8.1 The purpose of the Code of Conduct complaints process is to ensure the highest standards of behaviour whilst in public office. The progress made towards openness, transparency and Good Governance has mitigated any risks to service failure or non-compliance and should now provide confidence to the Council.

9. Financial Implications

- 9.1 There is a financial cost to the Council if complaints are passed to external consultants for investigation/report. During the period

referred to in this report, no complaints have progressed to investigation stage.

9.2 There are no other direct financial consequences arising from this report.

10. Human Resource Implications

10.1 There are no direct human resource implications arising from this report. Any action taken in respect of any employees has been taken in compliance of all Council Human Resources Policies.

11. Equality and Diversity Implications

11.1 There is a general obligation in the Councillors' Code of Conduct in which Members undertake not to do anything which may cause the Authority to breach any of the equality enactments.

11.2 There are no direct equality and diversity implications arising from this report.

12. Legal and Governance Implications

12.1 The current Policy provides that the Monitoring Officer is responsible for the operation of the policy and is obliged to receive and record any Code of Conduct complaints and appropriately investigate them.

13. Climate Change Implications

13.1 There are no direct climate change implications arising from this report.

14. Conclusions

14.1 All allegations and disclosures alleging breaches of the Code of Conduct by Borough Councillors and co-opted members or Parish Councillors are taken very seriously and dealt with in accordance with the Council's adopted arrangements. Where investigations are carried out, they are robust and thorough and involve one of the Council's appointed Independent Persons.

14.2 The Standards and General Purposes Committee should satisfy itself that the governance arrangements are operating effectively.

15. Background Papers

- 15.1 Case files referred to in Appendix 1 are exempt under paragraphs 1 and 2 Part 1 of Schedule 12A to the Local Government Act 1972.

16. Appendices

- 16.1 Appendix 1: Decisions taken in relation to Allegations of Misconduct against Borough Councillors & Parish Councillors under the Arrangements for dealing with Allegations of Misconduct 1 April 2023 to 31 March 2024.

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**Decisions taken in relation to Allegations of Misconduct against Borough Councillors & Parish Councillors
under the Arrangements for dealing with Allegations of Misconduct
1 April 2023 to 31 March 2024
Waverley Borough Council**

Item & Ref	Borough or Parish Councillor	Relevant Parts of Code of Conduct	Decision	Comments	Complainant	Date complaint received	Date of Decision/ Outcome	Date File Closed
1 SCS-053	Parish Councillor	Bringing the Council into disrepute by failure to comply with general principles of accountability and openness	Failed initial Assessment	Complaint was received too long after the alleged incident and so contrary to para 5.3 of the Council's arrangements.	Member of the Public	January 2023	April 2023	May 2023
2 SCS-105	Parish Council and 3 x Parish Councillors	Council as a body abused its power and 3 Councillors failed to declare disclosable pecuniary interests in a matter they decided.	Failed initial assessment stage	If proven, the allegation would not have amounted to a breach of the relevant code.	Member of the Public	May 2023	July 2023	July 2023

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Waverley Borough Council

Report to: Standards and General Purposes Committee

Date: 1 July 2024

Ward(s) affected: All

Report of Director: Legal & Democratic Services

Author: Ben Bix, Democratic Services Manager

Tel: 01483 523354

Email: ben.bix@waverley.gov.uk

Lead Councillor: Cllr Macleod, Chairman of Standards and General Purposes Committee

Tel: 01252 726823

Email: andy.macleod@waverley.gov.uk

Report Status: Open

Standards & General Purposes Committee - Task Group Review

1. Executive Summary

- 1.1 The purpose of this report is to review the work undertaken over the past 12 months by the Joint Constitutions Review Group that reports to this Committee, and to note the programme of work for that group over the forthcoming 12 months.
- 1.2 The Joint Constitutions Review Group was established jointly by this Committee and Guildford's Corporate Governance and Standards Committee in July 2023, and is meeting monthly.
- 1.3 This report asks the Committee to review the work carried out by the Review Group over the past twelve months, and the work to be

undertaken over the next twelve months. It is recommended that the group should continue its work.

2. Recommendations to Committee

2.1 That the work of the Joint Constitutions Review Group over the past 12 months be noted and that, further to the approval of Guildford Borough Council's Corporate Governance and Standards Committee on 6 June 2024, the Review Group continues its work in accordance with its agreed terms of reference.

2.2 There being no requirement for the Group to be formed in accordance with political balance, the allocation of the four WBC seats on the Review Group shall continue as follows:

- The Chairman of the Corporate Governance and Standards Committee (as Co-Chairman of JCRG) – Cllr Macleod
- The Leader of the Council – Cllr Follows (or a Member of the Executive as substitute)
- 1 Liberal Democrat Member – Cllr Long
- 1 Conservative Member – Cllr Goodridge

3. Reason for Recommendation:

3.1 To enable this Committee to review the continuation of the task group that reports to it.

4. Exemption from publication

4.1 No part of this report is exempt from publication.

5. Purpose of Report

5.1 This report asks the Committee:

- (a) To review the work carried out by the Joint Constitutions Review Group (JCRG) over the past twelve months and the work it is likely to undertake over the next twelve months.

(b) To agree that the group should continue with its work

6. Strategic Priorities

6.1 The work of a councillor task group should assist in the delivery of the Council's Corporate Plan priorities.

7. Background

7.1 The Committee reviews annually the work of the task group for which it is responsible.

7.2 This report sets out in **Appendix 1**:

- (a) the current composition and terms of reference of the JCRG,
and
- (b) a summary of general progress in respect of the group

7.3 The work of the JCRG carried out since its first meeting on 30 November 2023 has been very important for the purpose of bringing forward proposals for changes to both councils' Constitutions in order to align our governance processes where it is practicable to do so.

7.4 Details of the Membership is set out below.

- Leader of the Council (Cllr Follows)
- Chairman of the Standards & General Purposes Committee (Cllr Macleod)
- Liberal Democrat (Cllr Long)
- Conservative (Cllr Goodridge)

7.5 Appointments to the Group do not have to be made from the membership of the Standards and General Purposes Committee.

8. Equality and Diversity Implications

- 8.1 The Group will have due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any policy recommendations.

9. Financial Implications

- 9.1 There are no financial implications arising from this report. Any proposals, projects, or suggestions from the groups with financial implications will either be contained within approved budgets or considered as part of the Service and Financial Planning cycle.

10. Legal Implications

- 10.1 There is no legal requirement to establish working groups or task groups, but most councils use them for purposes similar to ours. There is also no legal requirement for them to be politically balanced.

11. Human Resource Implications

- 11.1 We are able to service the group from within existing staffing resources in the Democratic Services teams at Guildford and Waverley Borough Councils.

12. Summary of Options

- 12.1 To continue the work of the Joint Constitutions Review Group (Recommended)
- 12.2 To discontinue the work of the Joint Constitutions Review Group.

13. Background Papers

Waverley Borough Council Constitution

14. Appendices

Appendix 1: Table showing details of the Joint Constitutions Review Group including work undertaken over the past 12 months, and work to be carried out during the year.

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Appendix 1 (Terms of Reference)

Joint Constitutions Review Group Terms of Reference

Composition of the Joint Constitutions Review Group (“the Group”)

The Group is to be established jointly by Guildford Borough Council’s Corporate Governance & Standards Committee and Waverley Borough Council’s Standards & General Purposes Committee. Each committee shall appoint four members to the Group. The appointed members do not have to be members of the committee appointing them. Political balance rules do not need to apply.

Quorum: 4 (subject to each council being represented at a meeting of the Group by at least two members)

Substitutes: Substitutes may be appointed. Any appointed member of the Group may be substituted by any other member of their political group on the Council they represent.

Chairman: Each committee referred above shall appoint a co-chairman of the Group from among their four appointed members. Meetings of the Group shall be chaired alternately between the respective co-chairmen.

Place of Meetings: Meetings of the Group may be held remotely or in person. If the Group opts to meet in person, the venue for meetings shall normally alternate between the two councils with the host co-chairman chairing the meeting.

Frequency of Meetings: As and when required.

Servicing the Group: The servicing of the Group shall be agreed between the Councils’ Democratic Services Managers.

Role and Function

To examine, review, and report back initially to the Corporate Governance & Standards Committee and the Standards & General Purposes Committee on any matter relating to the Constitutional arrangements of both councils, or either, council.

Decision making

It is expected that the Group shall reach its recommendations through consensus. If consensus cannot be reached, a vote shall be held and the matter determined by a majority, provided that, where a matter relates to the Constitution of only one authority, the majority of those representatives of the relevant Council shall be part of that majority. If the overall majority of those present and voting does not include the majority of the relevant Council, then the decision shall stand referred to the Corporate Governance and Standards Committee at Guildford Borough Council or the Standards and General Purposes Committee at Waverley Borough Council, as appropriate, for determination. Where a majority decision on any recommendation cannot be made, the chairman or person presiding shall have no second or casting vote.

G&W Joint Constitutions Review Group 2023/24 & 2024/25 - Work Programme

(Updated May 2024)

Ref	Title	Purpose of item	Lead Member/Officer	Date for consideration	Governance route & Dates
1	Revised terms of reference for the Joint Governance Committee	For the group to note the report and consider the recommendations: The TOR for the Joint Governance Committee were reviewed to ensure they remained, relevant, fit for purpose and included any collaboration arrangement updates.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	30 Nov 23	S&GP: 8 Jan 24 CGSC: 18 Jan 24 Full Council: Jan 24
2	New Officer Employment Procedure Rules and consequential revisions as per items 3, 4, 5 and 6	For the group to note the report and consider the recommendations: Officers are recommending that the Officer Employment Procedure Rules are revised using examples of good practice.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	30 Nov 23	S&GP: 8 Jan 24 CGSC: 18 Jan 24 Full Council: Jan 24
3	Revised terms of reference of the Joint Appointments Committee (to be called the Joint Senior Staff Committee)	In conjunction with item 2 the New Officer Employment Procedure Rules: For the group to consider the revised TOR for the JAC and the change of name for the committees extended remit.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	30 Nov 23	S&GP: 8 Jan 24 CGSC: 18 Jan 24 Full Council: Jan 24

Ref	Title	Purpose of item	Lead Member/Officer	Date for consideration	Governance route & Dates
4	To authorise the Head of Paid Service to approve where necessary any human resource policies specific to Guildford	In conjunction with item 2 the New Officer Employment Procedure Rules: For the group to consider the revision to the HOPS responsibilities under the scheme of delegation relating to human resources polices for GBC.	Councillor Merel Rehorst-Smith/Susan Sale	30 Nov 23	CGSC: 18 Jan 24 Full Council: Jan 24
5	Revised delegation to the Monitoring Officer to convene an Independent Panel	In conjunction with item 2 the New Officer Employment Procedure Rules: For the group to consider the revised delegation for the Monitoring Officer to convene an independent panel.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	30 Nov 23	S&GP: 8 Jan 24 CGSC: 18 Jan 24 Full Council: Jan 24
6	Proposed dissolution of the GBC Employment Committee	In conjunction with item 2 the New Officer Employment Procedure Rules: For the group to consider the dissolution of the GBC Employment Committee.	Councillor Merel Rehorst-Smith/Susan Sale	30 Nov 23	CGSC: 18 Jan 24 Full Council: Jan 24
7	WBC Key Decision Threshold Review	For the group to note the report and consider the recommendations: To enable the Council to embrace more agile and timely decision making.	Councillor Victoria Kiehl/Susan Sale	30 Nov 23	S&GP: 8 Jan 24 Full Council: Jan 24
8	Revised Council Procedure Rules: *CPR 4: Extraordinary Meetings only (as urgent)	To rectify inconsistencies and consequently enable more effective and efficient discharge of business.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	18 Dec 23	S&GP: 8 Jan 24 CGSC: 18 Jan 24 Full Council: Jan 24
9	Monitoring Officer Protocol	A Protocol to clarify the role and duties of the Council's Monitoring Officer appointed as a Statutory Officer under s 5 Local Government and Housing Act 1989.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	18 Dec 23	S&GP: 8 Jan 24 CGSC: 18 Jan 24 Full Council: Jan 24

Ref	Title	Purpose of item	Lead Member/Officer	Date for consideration	Governance route & Dates
10	New Council Procedure Rules	To rectify inconsistencies and consequently enable more effective and efficient discharge of business	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	28 th March 24	S&GP (W): 9 April 24 CG&S (G): TBC April 24 Full Council W: 23 April 24 Full Council GL TBC April 24
11	Joint Scheme of Officer Delegations	To ensure that Officers have the correct powers to make decisions and carry out the responsibilities of their roles. To ensure the alignment of delegations for joint senior officers when making joint officer decisions.	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	25 April JCRG meeting 29 May JCRG meeting	17 June 24 WBC Audit Committee 18 June 24 WBC Exec briefing
12	Joint Financial Procedure Rules	To ensure clear, robust and aligned financial governance procedures are in place	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	29 May JCRG meeting	19 June 24 GBC Exec briefing
13	Joint Contract Procedure Rules	To ensure clear, robust and aligned governance procedures relating to contracts and procurement are in place	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	29 May JCRG meeting	1 July 24 Sim WBC Standards & GBC Corp Gov Committee
14	Joint Scheme of Proper Officer Functions			29 May JCRG meeting	2 July 24 WBC Exec

Ref	Title	Purpose of item	Lead Member/Officer	Date for consideration	Governance route & Dates
					11 July GBC Exec 16 July WBC Council 23 July 24 GBC Council
15	Revisions to Joint Officer Employment Procedure Rules			29 May JCRG	To be amended under MO delegated authority to make minor amendments
16	Officer Decision Making Protocol	To provide guidance and support and embed the new officer delegations and decision making process	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	TBC JCRG Meeting	TBC: Standards Committees July / Aug Full Council September
17	Individual Executive Member Delegations	To enable more agile executive decision making and provide clarity around accountable and robust governance of executive decision making	Councillor Victoria Kiehl/Councillor Merel Rehorst-Smith/Susan Sale	TBC JCRG Meeting	TBC: Standards Committees July / Aug Executive September
18	Executive Decision Making Protocol	To provide guidance and support and embed the new individual executive	Councillor Victoria Kiehl/Councillor	TBC JCRG Meeting	TBC: Standards Committees July / Aug

Ref	Title	Purpose of item	Lead Member/Officer	Date for consideration	Governance route & Dates
		member delegations and decision making process	Merel Rehorst-Smith/Susan Sale		Executive September
19	Review of the terms of reference of all Committees and Joint Committees, including the Overview and Scrutiny Functions	To ensure clarity of responsibilities, effective scrutiny, and accountability by Committees.	Councillor Victoria Kiehl/ Susan Sale	TBC July JCRG meeting	TBC: Standards Committees September Full Council October / November
20	Overview & Scrutiny Procedure Rules	TBC	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC July JCRG meeting	TBC: Standards Committees September Full Council October / November
21	Review of code of conduct and arrangements for dealing with complaints and Hearing Committee Procedure Rules	To align codes if possible, to ensure clarity around arrangements re assessment, informal resolution, investigation and agreed procedures for any determination hearings.	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC
22	Review of the Access to Information Rules	TBC	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC
23	Review of the Local Choice Functions	To align, review and update	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC

Ref	Title	Purpose of item	Lead Member/Officer	Date for consideration	Governance route & Dates
24	Review of the Articles	TBC	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC
25	Public Speaking Procedure Rules	To align with the new Council Procedure Rules and to align between G&W	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC
26	Petition Schemes	To align with the new Council Procedure Rules and to align between G&W	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC
27	Budget Council Procedure Rules	TBC	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC But before February 2025
28	Social Media Policy	TBC	Councillor Victoria Kiehl/ Councillor Merel Rehorst-Smith/ Susan Sale	TBC	TBC

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