

**Part 1**

# **Summary and explanation**

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### **1.0 The Council's Constitution**

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

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

### **2.0 What is in the Constitution?**

Article 1 of the [Constitution](#) commits the Council to:

- (a) providing efficient, transparent and accountable decision-making, whilst maximising the involvement of the community to ensure that the Council delivers excellent and effective services, maintained by a commitment to continuous improvement;
- (b) providing clear, comprehensive and robust guidance on how the constitution works, to ensure that the Council's procedures are effective and that it is clear how to challenge them; and
- (c) clear criteria providing the opportunity for the review of governance arrangements should the Council wish to revise or reform its constitution in the future.

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

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

- Decision-making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16).

### **3.0 How the Council operates**

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

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

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

**3.3** The role of Full Council, comprising all 57 members, is to:

- elect each year the Mayor and Deputy Mayor
- elect the Leader for a four year period
- approve each year the allocation of seats on Committees and Sub-Committees and substitute lists
- appoint each year the Council's Regulatory Committees, Overview and Scrutiny Committees, Joint Committees, Standards and General Purposes Committee and Appeals Panel, etc.

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

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

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

**3.5** The Council meeting also provides a forum for:

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

#### **4.0 How decisions are made**

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

#### **5.0 Overview and Scrutiny Committees**

The Council appoints two Overview and Scrutiny Committees each of 11 non-Executive Members. The role of the Committees will be to:

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

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

**5.1** The Overview and Scrutiny Committees will have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any 5 non-Executive members of the Council. Details are set out in the Overview and Scrutiny Procedure Rules.

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

**5.3** The Chairmen of the 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.

## **6.0 The council's staff**

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

## **7.0 Citizens' rights**

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

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

**7.2** Citizens have the right to:

- vote at local elections if they are registered
- contact their local councillor about any matters of concern to them
- inspect the Constitution on our website or obtain a copy on payment of a reasonable fee

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

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

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