

## **WAVERLEY BOROUGH COUNCIL**

### **STANDARDS & GENERAL PURPOSES COMMITTEE**

**3 OCTOBER 2022**

---

**Title:**

**Review of the Waverley Constitution**

---

**Portfolio Holder:** Cllr Paul Follows, Leader of the Council

**Head of Service:** Robin Taylor, Monitoring Officer

**Key decision:** No

**Access:** Public

---

**1. Purpose and summary**

- 1.1 This report proposes a revised Waverley's Constitution (Parts 1 to 4) which the Standards & General Purposes Committee is asked to consider and recommend to Full Council for approval.

**2. Recommendation**

That the Standards & General Purposes Committee recommends to Council that the revised Waverley Constitution (Parts 1 to 4) are approved.

**3. Reason for the recommendation**

The current version of the Constitution is in need of revision due to repetition of information within the document, difficulty in finding information within in it, correction of errors and omissions, and the need for it to be more accessible and useful for a wide variety of audiences.

**4. Background**

- 4.1 A Local Authority is under a duty to prepare and keep up to date its constitution. When changes are required, these are presented to Council for approval.
- 4.2 The constitution must contain certain elements set out in law and regulations, plus any other information that is considered appropriate. Waverley's Constitution follows the structure of the 'model constitution' introduced following the Local Government Act 2000:
- Part 1 – Summary and Explanation
  - Part 2 – Articles
  - Part 3 – Responsibility for Functions
  - Part 4 – Procedure Rules
  - Part 5 – Codes and Protocols, including the Members' Code of Conduct
  - Part 6 – Members' Scheme of Allowances
  - Part 7 – Management Structure

- 4.3 Waverley's Constitution has been amended on a piecemeal basis over the years and some internal inconsistencies have crept into the document due to the level of duplication of information between the different Parts. It is difficult to find information within the document, and therefore it is not as useful a document as it should be.
- 4.4 The structure of the revised Constitution has been retained, and whilst there are relatively few substantive changes, there has been a considerable re-drafting of the text. Where substantive changes are proposed, these are summarised in the attached annexe (to follow).
- 4.5 The focus of this revision has been on Parts 1 to 4. There has been no change to Parts 5 or 6 at this time. Part 7, the Management Structure has been updated to reflect the new Joint Management Team.
- 4.6 Time constraints have prevented completion of the formatting of all of the sections with Part 4 (Procedure Rules) but this will be completed before the revised Constitution is published on the Waverley website to ensure it meets Web Accessibility standards. Further amendments to the Constitution will be required to reflect the changes to the Council size and wards which come into effect in May 2023, and any consequential changes that may be needed, for example to the size of committees.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 The proposed revisions to Waverley's Constitution support the Corporate Strategy priority for open, transparent and participative governance, as the Constitution will be more accessible and user-friendly for all audiences, both within and outside of the Council.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no direct financial implications arising from this report.

### **6.2 Risk management**

Failure to maintain an up-to-date constitution may result in possible breaches of legislation. A lack of awareness of provisions of the constitution and decision making procedures may arise if the constitution is difficult to navigate and understand. The latest revision aims to address both these issues.

### **6.3 Legal**

The Local Government Act 2000 requires the Council to have (and to maintain) a constitution. The Monitoring Officer has a statutory duty to maintain the Constitution and to ensure that it is available to councillors, officers and the public, and on the website.

### **6.4 Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. The proposed revisions to the Constitution include using gender neutral language throughout (Chair, rather than Chairman; gender neutral pronouns).

## **6.5 Climate emergency declaration**

The Council's Constitution is published on the Waverley website. Printed copies are only provided on request.

## **7. Consultation and engagement**

7.1 The Standards & General Purposes Committee has been briefed informally on the proposed changes, and their feedback has been addressed in the final draft herewith.

## **8. Other options considered**

8.1 The Monitoring Officer has a legal duty to keep the Council's Constitution under review and to propose revisions where this is considered appropriate.

Options:

- (a) Do nothing – the Constitution would remain in its current form with identified issues not being addressed.
- (b) Complete re-write and re-format – this option has been considered but it was felt that moving away from the model layout (including Articles) would not be helpful for the new Joint management Team, as this would lead to there being significant differences in the structure between Waverley's and Guildford's constitutions.

## **9. Governance journey**

9.1 Changes to the Constitution must be adopted by resolution of Full Council, other than minor amendments arising from changes to organisational structure.

### **Annexes:**

Annexe 1 – Schedule of proposed changes to the Constitution (To follow)

Annexe 2 – Revised Constitution Parts 1 to 4

---

### **Background Papers**

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

---

### **CONTACT OFFICER:**

Name: Fiona Cameron  
Position: Senior Governance Officer  
Telephone: 0148 3523226  
Email: [fiona.cameron@waverley.gov.uk](mailto:fiona.cameron@waverley.gov.uk)