



Waverley Borough Council **Constitution**

Contents

1 DRAFT REVISED CONSTITUTION

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CONSTITUTION

PART 1

SUMMARY AND EXPLANATION

Part 1 Summary and explanation

1. The Council's Constitution

- 1.1 Waverley Borough Council has agreed this 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.
- 1.2 The Council will exercise its powers and duties in accordance with the Constitution unless the law requires the Council to do something else or the relevant provisions are waived.

2. What is in the Constitution?

- 2.1 The Constitution is set out in parts. This Part 1 is a summary and explanation and is not a substantive part of the document.
- 2.2 Part 2 comprises 15 Articles that set out the basic rules governing the Council's business.
- 2.3 Part 3 sets out who is responsible for making decisions, in particular the matters that are the responsibility of Full Council and those that are the responsibility of the Leader/Executive. It then sets out the committees to which Full Council has delegated powers and their terms of reference, and the powers that the Leader has decided the Executive should reserve for itself. All other powers are delegated to officers in accordance with the Scheme of Delegation to Officers which forms Part 3 Appendix 4 of this Constitution.
- 2.4 Part 4 contains the Procedure Rules which govern meetings of the Council, the Executive, and Committees, and the awarding of contracts. It also contains the Council's Financial Regulations.
- 2.5 Part 5 contains the Council's ethical governance framework. It sets out various codes of practice and protocols governing councillors' and officers' behaviour, some statutory and some voluntary.
- 2.6 Part 6 sets out the Members' Allowances Scheme adopted by Full Council. Councillors ('Members') are not employees but elected office holders. In recognition of their role and the time commitment they make in serving their community the law permits them to be paid allowances. In deciding the amount of the allowances, the Council must take account of the recommendations of an Independent Remuneration Panel.
- 2.7 Part 7 sets out the structure of the Joint Management Team. In 2021, Waverley and Guildford Borough Councils agreed a programme of collaboration, including sharing a Joint Management Team comprising the Chief Executive, Strategic Directors and Executive Heads of Services.

3. How the Council operates

- 3.1 The Council is composed of 57 councillors (or Members) who are 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 ward constituents, including those who did not vote for them.

- 3.2 Councillors must agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer provides training and advises members on the Code of Conduct. If a member of the public or another councillor considers a councillor has acted inappropriately and in breach of the Code of Conduct, they can make a complaint to the Monitoring Officer who will undertake an investigation. Councillors must declare certain types of financial and personal interests, and these are recorded and published on the Council's website.
- 3.3 The overall political composition of the Council together with a full list of councillors' names, contact information and the membership of political groups is available on the Council's website (www.waverley.gov.uk) along with details of the committees and other bodies on which they serve.
- 3.4 All councillors meet together as Full Council. Meetings of Full Council are open to the public unless confidential or exempt information is being discussed. At these meetings councillors decide the Council's overall policies and set the budget each year including setting the rate of Council Tax.
- 3.5 Full Council elects the Mayor and Deputy Mayor; sets up and makes appointments to the Overview and Scrutiny Committees and other committees; and appoints the Joint Chief Executive, Joint Strategic Directors, Section 151 Chief Finance Officer, and Monitoring Officer.
- 3.6 The Full Council meeting also provides a forum for questions from councillors or the public on matters of local concern within the Borough, the debate of motions submitted by councillors, and consideration of petitions in accordance with the Council's Petition Scheme.
- 3.7 The Council operates a Leader and Executive model of governance. The Full Council elects a Leader every four years; the Leader then appoints the Deputy Leader and up to eight other councillors, known as Portfolio Holders, to form the Executive. The Leader decides the areas of responsibility to be allocated to the Portfolio Holders.

How decisions are made

- 3.8 The Leader of the Council is responsible for most day-to-day decisions. These decisions can be delegated to the Executive, individual Portfolio Holders, or officers. When major decisions are to be discussed, these will be published in the Executive Forward programme in so far as they can be anticipated. This is explained further in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 3.9 The Executive meets in public except where confidential or exempt information is being discussed. The Executive must 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 Full Council to decide.

4. Overview and Scrutiny Committees

- 4.1 The Council has established two Overview and Scrutiny Committees comprising non-Executive Members. The role of Overview and Scrutiny is 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 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.
- 4.2 The Overview and Scrutiny Committees have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any five non-Executive members of the Council. Details of the Call-in arrangements are set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.
- 4.3 The Chairs of the Overview and Scrutiny Committees are elected from nominations put forward by the Principal Opposition Group of the Council (nominations 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. The Vice-Chair of each Overview and Scrutiny Committee usually will not be from the same political group as the Chair.

5. The Council's staff

- 5.1 The Council has people working for it (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 of this Constitution.

6. Citizens' rights

- 6.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 in Part 2 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes.
- 6.2 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.
- 6.3 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Executive Head of Legal and Democratic Services.



CONSTITUTION

PART 2

ARTICLES OF THE CONSTITUTION

Article 1 - The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, comprises the Constitution of Waverley Borough Council (“Waverley”, “the Council”).

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the Council’s decision-making;
- (c) help councillors represent their constituents effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create an effective way of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise an Executive decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable and that they explain the reasons for decisions; and
- (h) provide a way for the Council to improve its services continually.

1.4 Interpretation and review of the Constitution

- (a) Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- (b) The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 - Members of the Council

2.1 Composition and eligibility

- (a) **Composition.** The Council comprises 57 Members, otherwise called Councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of Waverley Borough area or those living or working in the Borough will be eligible under the law to hold the office of councillor. The eligibility criteria for a person to be qualified to be elected and be a councillor are set out in Section 79 of the Local Government Act 1972.

2.2 Election and terms of councillors

The regular election of councillors will normally be held on the first Thursday in May every four years. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. By-elections will be held for vacancies as they arise.

2.3 Roles and functions of all councillors

(a) Key roles

In accordance with the Waverley Code of Conduct, the Member/Officer Protocol, and the Members' Planning Code of Good Practice, and maintaining the highest standards of conduct and ethics, all councillors will:

- (i) collectively be the ultimate policymakers and oversee a number of strategic and corporate management functions
- (ii) represent their communities and bring their views into the Council's decision-making process
- (iii) deal with individual casework and act if appropriate as an advocate for constituents in resolving concerns or grievances
- (iv) balance different interests identified within the ward and represent the ward as a whole
- (v) be involved in decision-making
- (vi) be available to represent the Council on other bodies.

(b) Rights and duties

- (i) Councillors shall have such rights of access to such documents, information, land, and buildings of the Council as are necessary for them to discharge their functions properly and in accordance with the law.
- (ii) Councillors must not make public information which is confidential or exempt without the consent of the Council, or divulge information that is given in confidence to anyone other than another councillor or an officer entitled to know it.

- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

Councillors must always observe the Waverley Members’ Code of Conduct and the Member/Officer Protocol set out at Part 5 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.1 Citizens' rights

Citizens of Waverley Borough are the people registered as electors, together with all other people living or working in the Borough. Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

(a) Voting and petitions

Citizens on the electoral roll for the borough have the right to:

- (i) vote at elections
- (ii) petition to request a referendum for a Mayoral form of Executive
- (iii) petition the Council on matters of local concern.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council, the Executive and Committees where decisions are being discussed, except where confidential or exempt information is likely to be discussed, and the meeting is therefore held in private;
- (ii) find out from the Executive's Forward Programme of Decisions, what decisions are to be discussed by the Executive and when;
- (iii) see public reports and background papers, and any record of decisions made by the Council, Leader, Portfolio Holders, the Executive and Committees, except where confidential or exempt information is likely to be disclosed, and the report or record is therefore in private;
- (iv) a copy, on making a written request, of all types of recorded information held by the Council, subject to a range of exemptions under the Freedom of Information Act 2000;
- (v) on making a written request and upon payment of a fee, a copy of any personal data held about him or her, under the Data Protection Act 2018;
- (vi) inspect the following documents:
 - The Constitution
 - The Register of Councillors' Interests
 - The Council's accounts as part of the annual audit and to make their views known to the external auditor;
 - The pay and remuneration policies for chief and senior staff officers.
- (vii) contact their local Councillor about any matters of concern to them.

(c) Participation

Citizens have the right to participate in the Council's business by:

- (i) Signing a petition:
 - To request a referendum to replace the Council's political management model;
 - To request the establishment of a parish council or similar Community Governance Review;
 - on matters of local concern in accordance with the Council's Petition Scheme.
- (ii) Asking questions or addressing meetings of the Council, Executive and Committees, in accordance with the arrangements set out in the Procedure Rules in Part 4 of this Constitution.
- (iii) Making representations to the Licensing Committee or its Sub-Committees as applicants or objectors in respect of individual applications;
- (iv) Making representations at a Planning Committee in accordance with the Council's (non-statutory) Scheme for Public Speaking at Planning Committees;
- (v) Reporting on the proceedings at all open meetings of the Council by filming, photographing, audio-recording, using social media, and providing written commentaries during a meeting and oral commentaries outside of a meeting.
- (vi) Initiating a Community Right to Buy, Community Right to Build, Community Right to Bid, Community Right to Challenge, or participate in Neighbourhood Planning, as identified by the Localism Act 2011.
- (vii) Standing for election as a councillor if they live or work in the Council's area, in line with guidance from the Electoral Commission.

(d) Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints procedure;
- (ii) the Local Government and Social Care Ombudsman or the Local Government Housing Ombudsman, after using the Council's own complaints procedures, if they think that the Council has not followed its procedures properly
- (iii) the Information Commissioner, after using the Council's own complaints procedures, if they think that the Council has not

properly answered a Freedom of Information request or a Data Protection Subject Access Request

- (iv) the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct.

3.2 Citizen's responsibilities

Citizens must not be violent, abusive or use threatening behaviour to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. Anyone causing a disturbance at a meeting will be removed from the meeting.

Article 4 – The Full Council

4.1 Definitions

(a) Policy Framework

By law, the Council must have a Policy Framework comprising a list of plans and strategies which are relevant to the Council's functions and are required by law to be decided by the Full Council, usually on the recommendation of the Executive, supplemented by other plans and strategies that the Council wishes to add.

- (i) The Policy Framework comprises:
- (ii) The Council's Corporate Strategy
- (iii) The Waverley Community Safety Strategy (Crime and Disorder Reduction Strategy)
- (iv) Plans and strategies which together comprise the Waverley Borough Development Plan, including Local Plan Parts 1 and 2
- (v) The plans and strategies that comprise the Housing Investment Programme and Strategy
- (vi) The Statement of Licensing Policy
- (vii) The Statement of Gambling Policy
- (viii) The Climate Emergency Strategy
- (ix) Any other plan or strategy (whether statutory or non-statutory) in respect of which the Council from time to time determines that the decision on its adoption or approval should be taken by Full Council rather than the Executive.

(b) Budget

The Budget Framework includes the allocation of financial resources to different services and projects, the setting of virement limits (that is, the transfer of funds between budget headings), proposed contingency funds and other provisions and reserves, council tax setting and other local taxation matters, setting council house rent levels, and decisions relating to the Council's treasury management activities including investments, borrowing limits and the control of capital expenditure.

The Budget Framework is set out in the following:

- General Fund Budget
- Medium Term Financial Plan
- Housing Revenue Account Business Plan
- Capital Strategy, including Treasury Management Strategy, Prudential Indicators and Asset Investment Strategy

(c) Housing Land Transfer

Housing Land Transfer means to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

- (a) While most decisions can be taken by the Executive, by law the functions of budget and council tax setting, the policy framework, planning and licensing, elections, staffing, bylaws, and local legislation can only be carried out by Full Council or one of its committees, sub-committees, joint committees or an officer.
- (b) Part 3 of this Constitution sets out in:
 - Table 1 – the functions reserved to Full Council
 - Table 2 – the functions delegated to Committees
 - Appendix 4 – the functions delegated to officers

4.3 Council meetings

There are five types of Council meeting:

- (a) the annual meeting (at which the Mayor is elected)
- (b) ordinary meetings (on dates agreed annually)
- (c) budget/council tax meetings
- (c) extraordinary meetings (to deal with urgent or special business)
- (d) informal meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for Council's functions which are not the responsibility of the Leader/Executive.

Article 5 – Chairing the Council

5.1 Election of Mayor and Deputy Mayor

- (a) The Mayor and Deputy Mayor will be elected by the Council annually from amongst the councillors.
- (b) Neither they Mayor nor the Deputy Mayor may be members of the Executive.

5.2 Period of Office

- (a) The Mayor will, unless they resign or are disqualified, continue in office until a successor becomes entitled to act as Mayor.
- (b) The Deputy Mayor will, unless they resign or are disqualified, hold office until immediately after the election of a Mayor at the next Annual Meeting of the Council.
- (c) During their terms of office, the Mayor and Deputy Mayor will continue to be members of the Council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councillors.

5.3 Role and function of the Mayor

The Mayor, and in their absence the Deputy Mayor, will have the following roles and functions:

- (a) to attend such civic and ceremonial functions as the Council and they determine appropriate.
- (b) in accordance with legislation and Procedure Rules, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive or hold Committee chairs are able to hold the Executive and Committee chairmen to account
- (d) to promote public involvement in the Council's activities
- (e) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
- (f) to be the conscience of the Council
- (g) to assume any role in resolving disputes given to the Chair under the Executive Procedure Rules.

Article 6 – Overview and Scrutiny

6.1 Overview and Scrutiny

- (a) The Council will establish one or more Overview and Scrutiny committees, to discharge the Overview and Scrutiny functions conferred by Section 9F of the Local Government Act 2000 (as amended).
- (b) One of the Overview and Scrutiny Committees will be designated as the Council's Crime and Disorder Committee for the purpose of Section 19 of the Police and Justice Act 2006.
- (c) The Overview and Scrutiny Committees currently established, their areas of responsibility and terms of reference are set out in Part 3 of this Constitution.
- (d) Overview and Scrutiny Committees will decide their own work programme and working arrangements subject to any directions by the Council and/or inclusion of matters referred by the Leader/Executive/Portfolio Holders.

6.2 Proceedings of Overview and Scrutiny Committees

- (a) The guiding principle of the overview and scrutiny function is that the process should make a positive contribution to the work of the Council. The work will be informed by the following principles:
 - (i) Provides a constructive 'critical friend' challenge
 - (ii) Amplifies the voices and concerns of the public
 - (iii) Is led by independent people who take responsibility for their role, and
 - (iv) Drives improvement in public services.
- (b) Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution. Overview and Scrutiny Committees may authorise Waverley media releases on their work, the content of which is to be jointly agreed by the appropriate Overview and Scrutiny Committee Chair and Vice-Chair.

Article 7 – The Leader, the Deputy Leader and the Executive

7.1 Appointment of the Leader

- (a) The Leader will be a councillor elected to the position of Leader by the Council.
- (b) The Leader will hold office for a four-year term from the first annual meeting of the Council following the Borough Council elections, expiring on the day of the annual meeting following the next Borough Council elections, unless at an earlier date
 - (i) they resign from office; or
 - (ii) they are removed from office by way of resolution by a simple majority of the Council
 - (iii) they are no longer a councillor; or
 - (iv) they are disqualified from being a councillor under Section 34 of the Localism Act 2011.
- (c) If the current Leader is re-elected, they will remain Leader until the date of the next Annual Council Meeting.
- (d) If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the annual meeting following the next Borough Council elections, subject to (i) to (iv) above.

7.2 Role of the Leader

- (a) The Leader will carry out all the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless otherwise delegated by them. All delegations by the Leader will be set out in Part 3 of this Constitution.
- (b) The role of the Leader is to:
 - (i) provide strong political and community leadership;
 - (ii) identify and promote the Council's core values and strategic objectives, develop and implement the Council's Corporate Strategy and other plans and strategies that deliver this strategy;
 - (iii) lead the development of local, regional and national policy and strategic partnerships to drive forward the Council's strategic objectives and policies;
 - (iv) maintain effective working relationships of councillors with the Joint Chief Executive, Joint Chief Officers, and all employees of the council;
 - (v) chair the Executive and oversee the preparation of business for its consideration;
 - (vi) appoint the Deputy Leader and other members of the Executive.
- (c) Only the Leader will exercise the following functions:
 - (i) the appointment of up to nine other councillors to the Executive

- (ii) the appointment of the Deputy Leader from among the Executive members
 - (iii) the allocation or re-allocation of areas of responsibility (portfolios) to Executive members.
- (d) The Leader may at any time remove members from the Executive or change Executive members' areas of responsibility.
- (e) The Leader shall report to the next appropriate meeting of the Full Council on all appointments and changes to the Executive.

7.3 The Deputy Leader

- (a) The Leader shall appoint one of the Executive members to be the Deputy Leader. The Deputy Leader will normally hold office until the end of the Leader's term of office unless before that day that person:
- (i) is removed from office by the Leader; or
 - (ii) is disqualified from being a councillor under Section 34 of the Localism Act 2011; or
 - (iii) resigns as Deputy Leader; or
 - (iv) ceases to be a councillor.

In the event of any of the above occurring, the Leader will appoint another member of the Executive as Deputy Leader at the earliest opportunity.

- (b) The Deputy Leader will be Vice-Chair of the Executive and if, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in their place and shall be entitled to exercise all functions reserved to the Leader until such time as the Leader is able to act or until a new Leader is elected by the Council.
- (c) If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Executive must either act collectively in the Leader's place or they must arrange for a member of the Executive to act in the place of the Leader.

7.4 Other Executive members

- (a) Other Executive members will be appointed by the Leader and will be allocated specific portfolios of responsibility by the Leader. They shall hold office until the end of the term of office of the Leader unless before that day:
- (i) they are removed from office by the Leader; or
 - (ii) they are disqualified from being a councillor under Section 34 of the Localism Act 2011; or
 - (iii) they resign from office; or
 - (iv) they cease to be a councillor.
- (b) The Mayor and Deputy Mayor of the Council may not be members of the Executive.

- (c) The role of the Portfolio Holder is
 - (i) to be accountable for those services within their portfolio areas, taking the lead publicly in relation to the Executive's activities in those areas both inside and outside the Council;
 - (ii) to take the lead on discussions at Executive meetings on their portfolio areas;
 - (iii) to present any Executive recommendations on matters within their portfolio areas to Council;
 - (iv) to respond to issues raised by the Overview and Scrutiny committees on their portfolio areas.

7.5 The Executive

(a) Role

The Executive will carry out all of the Council's functions which are within the policy framework and budget set by the Council and are not the responsibility of any other part of the local authority, whether by law or under this Constitution, as delegated by the Leader.

(b) Form and composition

The Executive will consist of the Leader and Deputy Leader, who shall act as the Chair and Vice-Chair respectively, together with up to eight other councillors appointed by the Leader.

Members of the Executive may not also be members of an Overview and Scrutiny Committee.

(c) Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution. All decision taking meetings will be open to the public in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution, except when confidential or exempt information is being considered.

Article 8 – Regulatory and other Committees

8.1 Regulatory and Other Committees

- (a) The Council has established committees to discharge some of its non-executive functions. These committees are listed below, and their responsibilities and terms of reference are set out in Part 3 of this Constitution.
- (b) The Committees will follow the Council’s Procedure Rules set out in Part 4 of this Constitution, unless specified otherwise.
- (c) Regulatory and Other Committees:
 - (i) Audit Committee
 - (ii) Standards and General Purposes Committee
 - (iii) Eastern and Western Planning Committees
 - (iv) Licensing and Regulatory Committee
 - (v) Licensing (General Purposes) Sub-Committee
 - (vi) Licensing Act 2003 Sub-Committees (A, B and C)
 - (vii) Appeals Panel

Article 9– Area Committees and forums

9.1 Area committees

- (a) The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.
- (b) The Council will consult with relevant Parish and Town Councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

Article 10 – Joint arrangements

10.1 Arrangements to Promote Well-Being

The Council or the Leader/Executive, to promote the economic, social or environmental well-being of the Borough, may:

- (a) enter into arrangement or agreements with any person or body;
- (b) co-operate with, facilitate or co-ordinate the activities of any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

10.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Leader/Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities. The Leader/Executive may on appoint member of the Executive to a joint committee where the joint committee exercises executive functions.
- (c) Details of any joint arrangements which have been established, including delegations to joint committees, are set out in Part 3 of this Constitution.

10.3 Access to Information

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Leader/Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

10.5 Contracting out

The Council (for functions which are not executive functions) and the Leader/Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making

Article 11 – Officers

11.1 Management structure

(a) General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its function

b) Chief Executive

In collaboration with Guildford Borough Council, the Council will engage a Joint Chief Executive who will have the following functions and responsibilities

(i) Leadership of the Council's Service

- To be responsible to councillors for the efficient leadership and management of the Council's paid service

(ii) Financial Management and Provision of Best Value Service

- To be accountable for ensuring that the Council's services are provided and monitored in a cost-effective manner, achieving best value from expenditure.
- To exercise the Council's responsibilities to maintain and adequate and effective system of internal audit of the accounting records and control systems.
- To suspend a member of staff from the workplace for up to 48 hours to enable investigations to be undertake

(iii) Working in Partnership with Councillors

- To establish and maintain effective and enduring operational processes and relationships with councillors to ensure that the political decision-making process takes place in an informed and integrated manner.

(iv) Managing Change

- To manage the development and promotion of forward strategic process to enable the Council to deliver its aims and objectives, whilst ensuring that all opportunities are identified to modernise and improve local government within Waverley.

(c) Directors

(i) In collaboration with Guildford Borough Council, the Council will engage three Joint Strategic Directors, as follows:

- Joint Strategic Director – Community Wellbeing
- Joint Strategic Director - Place
- Joint Strategic Director – Transformation & Governance

- (ii) In addition to their roles in managing their respective services, the Joint Strategic Directors will have the following over-arching functions and responsibilities:
- To ensure the direction and operation of those services is coordinated with each other and meets the expectations of the Executive and the Joint Management Team without detracting from the ability of the Executive Head(s) of Service to manage their own service or detract from their accountability for its service delivery and performance.
 - To communicate effectively with the Leader, relevant Portfolio Holder(s), the Joint Chief Executive, other Joint Strategic Directors (within and outside Management Team meetings) and the allocated Executive Heads of Service to ensure timely and accurate knowledge and understanding across the Council of its policies, objectives, direction, and current operational and contextual issues and challenges.
 - To represent the service views of the services they have responsibility for and in turn act corporately in managing or guiding the delivery of the Council's policies and objectives.
 - To support the Head of Paid Service as necessary.
 - To liaise with the relevant Portfolio Holder(s) and work with them in the delivery of the key service area

(c) Executive Heads of Service

In collaboration with Guildford Borough Council, the Council will engage such Executive Heads of Service as identified in the Management Structure at Part 7 of this Constitution, to have the following over-arching functions and responsibilities:

- As part of the Joint Management Team of the Council, to ensure corporate working across services and to help lead the Council in delivering services to citizens living and working in the borough area.
- To promote a culture of continuous improvement and develop the capacity and ability of the organisation to develop.
- To maintain effective partnerships to assist the Council in delivering the needs and role of the community it serves.

(d) Statutory Officers

The Council will designate the following Statutory Officers

Post	Designation
Joint Chief Executive	Head of Paid Service
Executive Head of Legal and Democratic Services	Monitoring Officer

Executive Head of Finance	S151 Chief Finance Officer
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Such posts will have the functions described in Article 12.4–12.6 below.

f) Structure

The Head of Paid Service will determine and publicise a description of the overall management structure of the Council and deployment of officers. This is set out at Part 7 of this Constitution.

11.2 Functions of the Head of Paid Service

- (a) Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the way the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are a qualified accountant.

11.3 Functions of the Monitoring Officer

The list of functions below reflects the statutory duties and powers of the Monitoring Officer::

- (a) Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors , staff and the public and is available on the Council's website.
- (b) Contributing to Corporate Management.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal and ethical advice
- (c) Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Leader/Executive if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (d) Supporting the Standards and General Purposes Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and General Purposes Committee.
- (e) Conduct of Councillors.** The Monitoring Officer will ensure compliance with the Council's responsibilities and arrangements for dealing with allegations of misconduct by councillors and co-opted members as set out in Part 5 of this Constitution.

- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advise on the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Leader/Executive in relation to an executive function, and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **Calculating the Council Tax.** In connection with the calculations to set the council tax, the Chief Finance Officer will report on:
 - (i) the robustness of the estimates made for the purpose of the calculations; and
 - (ii) the adequacy of financial reserves.

11.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.6 Functions of the Electoral Registration Officer

The Electoral Registration Officer is responsible for compiling and maintaining the register of electors.

11.7 The Functions of the Returning Officer

The Returning Officer is personally responsible for the effective administration and conduct of the local government election, such that the experience of voters and those standing for election is a positive one.

11.8 Conduct

Officers will comply with the Code of Conduct for Staff and the Member/Officer Protocol set out in Part 5 of this Constitution.

11.9 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 12 – Decision making

12.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome)
- (b) respect for human rights
- (c) a presumption in favour of openness
- (d) clarity of aims and desired outcomes
- (e) that members are fully and effectively supported and advised by officers in exercising both executive and non-executive functions
- (f) that decisions are only taken after the proper consideration of written reports which comply with the principles of the Access to Information legislation
- (g) that relevant matters are fully considered in decision-making, and nothing irrelevant is taken into account
- (h) that the Council's constitution is fully complied with.
- (i) that decisions are recorded by officers and published, together with the reasons and relevant background papers.

12.3 Types of decision

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Table 1 of Part 3 of this Constitution will be made by the Full Council and not delegated.

(b) Key Decisions:

- (i) A 'key decision' means an executive decision that is likely to result in the local authority incurring expenditure or making savings of above £100,000 and/or
 - (ii) be significant in terms of its effects on communities living or working in an area comprising two or more wards.
- (c) Waverley has adopted a broader approach to including items in the Forward Programme, with the intention of giving the maximum information and notice to the Overview and Scrutiny arm of the Council of all significant decisions affecting the budget or policy framework.

- (d) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules and Access to Information Procedure Rules set out in Part 4 of this Constitution.

12.4 Decision making

All decision making must comply with the relevant Articles and Procedure Rules set out in this Constitution.

12.5 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

12.6 Mandatory Training

To facilitate good quality decision-making, councillors are encouraged to attend all relevant training sessions provided by the Council. However, the following training is deemed to be mandatory and councillors who have not undertaken the required training will not be able to take part in the decision-making process:

Type of decision	Decision	Training required
Planning	Determination of planning applications and any other related consent applications	Annually – all members of the Planning Committees
Licensing	Determination of applications for licenses under the Licensing Act 2003 and Gambling Act 2005; determination of Hackney Carriage and Private Hire licenses	All members of the Licensing and Regulatory Committee
Standards	Hearing and determination of complaints of member misconduct	All members of the Standards and General Purposes Committee
Equalities	All decisions	All councillors

Article 13 – Finance, contracts and legal matters

13.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contract Procurement Rules set out in Part 4 of this Constitution.

13.3 Legal proceedings

- (a) The Borough Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council;
- (b) If time permits and there is a significant change of circumstances from when the Council took a decision, the Borough Solicitor will report to the Executive on the cost involved; and
- (c) Where a case of urgency arises and the Borough Solicitor considers that such action is necessary to protect the Council's interests, the Borough Solicitor is authorised to institute, defend, or participate in any legal proceedings.

13.4 Authentication of documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Borough Solicitor or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- (b) Any contract with the values set out in Contract Procurement Rules entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Borough Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents that in the opinion of the Borough Solicitor should be sealed. The affixing of the Common Seal will be attested by the Borough Solicitor or the Head of Policy and Governance.

Article 14 – Review and revision of the Constitution

14.1 Duty to monitor and review the Constitution

- (a) The Monitoring Officer and the Standards and General Purposes Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- (b) The Audit Committee will monitor and review the Constitution in respect of financial procedures and contract procurement rules.

14.2 Changes to the Constitution

- (a) Any councillor, committee, or the Leader/Executive may submit proposals for changes to this Constitution to the Council, through the Monitoring Officer, for consideration.
- (b) Apart from the following exceptions, changes to the Constitution will only be approved by the Full Council after consideration of any recommendations or representations made by the Standards and General Purposes Committee, Audit Committee or Executive, as necessary.
 - (i) the Monitoring Officer may generally update the Constitution to correct errors, or to reflect changes in legislation, or make amendments consequential upon changes to operational arrangements, without report, subject to consultation with the Executive Portfolio Holder with responsibility for governance.
 - (ii) the Leader/Executive in respect of amendments to Part 3 relating to executive functions.

Article 15 – Suspension, interpretation and publication of the Constitution

15.1 Suspension of the Constitution

- (a) Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law.
- (b) Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1, with a maximum of the duration of that meeting.
- (c) Rules capable of suspension.** The following Council Procedure Rule may be suspended in accordance with Article 15.1:

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Mayor, except in the case of movers of a motion or an amendment, or those having a right of reply when they may not exceed six minutes. There shall be no time limit for the Leader of the Council in moving the Budget at the Council Tax Setting meeting.

15.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

- (a)** The Monitoring Officer will ensure that where a councillor so wishes a printed copy of this Constitution is delivered to them following their election to the Council.
- (b)** The Monitoring Officer will ensure that an up to date copy of the Constitution is available for viewing on the Council's website.
- (c)** The Monitoring Officer will ensure that a copy of the Constitution is available for inspection at Council Offices and can be purchased on payment of a reasonable fee.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules set out in Part 4
2. Article 7 (The Leader, Deputy Leader, and Executive) and the Executive Procedure Rules set out in Part 4
3. Article 9 (Area Committees)
4. Article 10 (Joint Arrangements)
5. Article 12 (Decision Making) and the Access to Information Procedure Rules set out in Part 4

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CONSTITUTION

PART 3

RESPONSIBILITY FOR FUNCTIONS

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Appendix 4 Scheme of Delegation to Officers

Part 3 Responsibility for functions

1. Introduction

- 1.1 The Council makes many decisions relating to matters within its area. This Part of the Council's Constitution sets which part of the Council or individual has responsibility for particular types of decisions.
- 1.2 The functions which the authority is responsible for are either executive or non-executive. Non-executive functions are those specifically required by statute or designated by the Council to be non-executive functions. These will be exercised by either the Full Council, committees appointed by the Council, or officers. Executive functions are all those functions which are not non-executive functions and will be exercised by the Leader. The Leader may delegate any or all of the executive functions.
- 1.3 The Local Authorities (Function and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the Council must be responsible for certain decisions. The Regulations specify:
- (a) Functions which **are not** to be the responsibility of the Council's Executive ("Schedule 1 functions");
 - (b) Functions which **may be** but need not be the responsibility of the Executive ("Local Choice functions"); and
 - (c) Functions which are **to some extent** the responsibility of the Executive.
- All other functions not so specified are to be the responsibility of the Executive.

2. Types of Functions

2.1 Responsibility for Council (non-Executive) Functions

- (a) Non-Executive functions ("Schedule 1 functions") are the responsibility of the Full Council or one of its committees, sub-committees, joint committees, or an officer. "Functions" include all the Council's powers and duties under legislation, that is, all the activities the Council undertakes. In accordance with legislation, certain decisions on these matters must be taken by the Full Council, while other decisions may be taken by Full Council or a committee appointed by Full Council, or officers, or jointly with other bodies under separate joint arrangements.
- (b) The functions which Council has decided should only be carried out by the Full Council are listed in Table 1, below.
- (c) The Council has determined that certain Council functions shall be carried out by the committees set out in Table 2 below, in accordance with the committees' Terms of Reference set out in Appendix 1 of Part 3 of this Constitution.

Table 1 Functions reserved to Full Council

- (i) Electing the Mayor and the Deputy Mayor;
- (ii) Electing and removing the Leader of the Council;
- (iii) Appointing to such other offices and/or positions as may be required under this Constitution or by law;
- (iv) Agreeing and/or amending the terms of reference for committees, deciding on their composition, and appointing the Chair and Vice-Chair of each Council committee, except for where the committee terms of reference provide otherwise;
- (v) Agreeing the basis on which appointments to outside bodies should be made and appointing to outside bodies except where appointment to those bodies is an executive function or has been otherwise delegated;
- (vi) Adopting the Constitution and making significant changes to the Constitution, including agreeing and/or amending the Officer Scheme of Delegation with respect to non-executive functions, Procedure Rules and Local Protocols, except where specifically delegated to the Monitoring Officer;
- (vii) In accordance with Article 15, suspending the Council's Constitution.
- (viii) Determining whether functions which are defined as "Local Choice" functions should be exercised by Full Council or the Leader/Executive.
- (ix) Making proposals and fulfilling any duties to change the Council's executive arrangements, determining whether a referendum is required and passing a resolution to make any such change.
- (x) Approving and adopting the Budget and Policy Framework.
- (xi) Approving the Council's Budget and levying Council Tax.
- (xii) Determining the borrowing limits for the authority for each financial year within the Treasury Management Strategy;
- (xiii) Making or revising a Council Tax Reduction Scheme;
- (xiv) Approving the Annual Pay Policy Statement.
- (xv) Approving, amending, revoking or replacing any plan or strategy falling within the Council's Policy Framework (including any decision required for submission to the Secretary of State).
- (xvi) Making decisions on all executive matters which are contrary to or not wholly in accordance with the Budget and Policy Framework, except in cases of urgency procedures contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (xvii) Approving the Community Infrastructure Levy Charging Schedule.
- (xviii) Determining any matter which has been referred or submitted to it for determination by a committee or sub-committee in relation to non-executive functions;
- (xix) Adopting, revising or replacing the Code of Conduct for councillors and co-opted members and arrangements for dealing with allegations of misconduct, the Code of Conduct for Officers, and the Councillor/Officer Protocol;
- (xx) Adopting and/or amending a Members' Allowances Scheme following a report from the Independent Remuneration Panel.

- (xxi) Changing the name of the area, and conferring the title of Honorary Alderman or Freedom of the Borough (as an Honorary Freeman);
- (xxii) Exercising certain functions in relation to Parishes and Parish Councils, including making Orders pursuant to Community Governance Reviews;
- (xxiii) Making payments or providing other benefits in cases of maladministration under Section 92 of the Local Government Act 2000;
- (xxiv) Appointing the Chief Executive/Head of Paid Service, designating an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer (Section 151 Officer), and non-statutory Strategic Directors; and dismissing the Head of Paid Service, Chief Finance Officer (Section 151 Officer) or Monitoring Officer.
- (xxv) Appointing the Electoral Registration Officer and Returning Officer.
- (xxvi) Approving the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of Council functions;
- (xxvii) Designating streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- (xxviii) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (xxix) Making Orders relating to car parks or other off-street parking.
- (xxx) Making Public Space Protection Orders.
- (xxxi) Approving for public consideration in accordance with Part 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012 any draft proposals relating to a development plan document.
- (xxxii) Approving an application to the Secretary of State in respect of any Housing Land Transfer pursuant to the Housing Act 1985.
- (xxxiii) Making all necessary arrangements for the discharge of non-executive functions through joint arrangements, including the establishment of joint committees, area committees, or delegation to another authority.
- (xxxiv) Discharging all licensing functions and such other matters which must be reserved to the Full Council as specified in the Licensing Act 2003 or any Regulations published pursuant to that Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- (xxxv) Discharging all functions which must be reserved to Full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replace the same, including approving and revising any Statement of Gambling Policy;
- (xxxvi) All other matters which, by law, are reserved to Full Council.

Table 2 Responsibility for Council (non-Executive) functions

Committee	Functions	Delegations
Audit Committee	Functions relating to financial governance, audit, and accounts responsibilities.	Authority to undertake some of these functions has been delegated to officers in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution.
Standards & General Purposes Committee	<p>Functions relating to ethical standards and the conduct of councillors.</p> <p>Functions relating to the maintenance of the Constitution.</p> <p>Non-executive functions not within the remit of any other committee.</p>	Authority to undertake some of these functions has been delegated to the Monitoring Officer in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution, and to the Standards Panel.
Planning Committees (Eastern and Western)	All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended).	Authority to undertake some of these functions has been delegated to officers in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution.
Licensing & Regulatory Committee	<p>Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all other functions of the licensing authority prescribed by those Acts.</p> <p>Functions relating to licensing and registration insofar as they are the responsibility of the Council, as specified in Section B of Schedule 1 to</p>	Authority to undertake some of these functions has been delegated to the Licensing (General Purposes) Sub-Committee, to the Licensing Act 2003 Sub-Committees A, B and C; and to officers in accordance with the Council's Scheme of Delegation to Officers

	the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	set out in Part 3 of this Constitution.
Appeals Panel	To determine an appeal against any decision made by or on behalf of the authority.	
Joint Appointments Committee	Functions relating to the appointment and employment of the Joint Chief Executive/Head of Paid Service, any Joint Statutory Officers, and Joint Strategic Directors, subject to the final decision being reserved to meetings of the Full Council of both Councils.	

2.2 Responsibility for Local Choice Functions

- (a) Table 3 below sets out which “local choice functions” are the responsibility of the Council and/or its committees, and which are the responsibility of the Executive.

Table 3 Local Choice Functions

	Local Choice Functions	Decision maker	Further delegation
1	Any function under a Local Act not specifically excepted.	Full Council	
2	The determination of an appeal against any decision made by or on behalf of the authority (other than staffing or licensing matters).	Full Council	4 members of the Appeals Panel (See Scheme of Delegation F1 re Assets of Community Value)
3	Determination of appeals by employees of the Council in	Full Council	4 members of the Appeals Panel

	connection with dismissal, grievances and other issues arising in the course of their employment.		
4	Any function relating to contaminated land.	Council	Licensing & Regulatory Committee Further delegated to officers in accordance with Scheme of Delegation to Officers
5	The discharge of any function relating to the control of pollution or the management of air quality.	Leader/Executive	Executive Head of Regulatory Services
6	The service of an abatement notice in respect of a statutory nuisance.	Leader/Executive	Executive Head of Regulatory Services
7	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Leader/Executive	Executive Head of Regulatory Services
8	The inspection of the Borough to detect any statutory nuisance.	Leader/Executive	Executive Head of Regulatory Services
9	The investigation of any complaint as to the existence of a statutory nuisance.	Leader/Executive	Executive Head of Regulatory Services
10	The obtaining of information under Section 330 of the	Leader/Executive	

	Town and Country Planning Act 1990 as to interests in land.		
11	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader/Executive	
12	The appointment of any individual: (a) to any office other than an office in which he is employed by the authority; (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Full Council except where appointments are Executive appointments	
13.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Leader/Executive	

2.3 Responsibility for Executive Functions

- (a) “Executive functions” are all the functions of the Borough Council except those listed or referred to in Table 1 or Table 3 as being Council functions. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, another member of the Executive (individual Portfolio Holder), a committee of the Executive, an area committee, officers, or jointly with other bodies under

separate joint arrangements, **provided that they are within the budget and policy framework approved by the full Council.**

- (b) Appendix 1 of Part 3 of this Constitution sets out the Executive functions that are the responsibility of the Leader, the Executive, individual Executive members, and any committees it establishes.

3. Overview and Scrutiny

- (a) The Council, whilst operating Executive Arrangements, must appoint at least one Overview and Scrutiny Committee to discharge the functions set out in the Local Government Act 2000, Section 9F.
- (b) The Council's Overview and Scrutiny Committee arrangements are set out in Appendix 1 of Part 3 of this Constitution.

4. Joint Responsibility for certain Council (Non-Executive) and Executive Functions

The Council has entered into the following Joint Arrangements:

- (a) collaborative working arrangements with Guildford Borough Council with a view to the creation of a single joint management team, comprised of Chief (statutory) Officers (Head of Paid Service; Chief Finance Officer; Monitoring Officer), directors and heads of service. Details of the following Joint Committees are set out in Appendix 2 of Part 3 of this Constitution.
- (b) Surrey Police and Crime Panel – Waverley has agreed to the establishment of a joint Committee of Surrey authorities to act as the Police and Crime Panel and will appoint on representative to the Panel.
- (c) Hackney Carriage and Private Hire Licensing – Joint Warranting of Licensing Officers: Waverley has entered into reciprocal arrangements whereby Hackney Carriage and Private Hire enforcement functions are delegated to the following Surrey Licensing Authorities in addition to retaining those functions within the Borough:
 - Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Guildford Borough Council
 - Spelthorne Borough Council
 - Surrey Heath Borough Council
 - Tandridge District Council
 - Woking Borough Council

Similarly, the Council has received delegated Hackney Carriage and Private Hire enforcement functions from the following Surrey Licensing Authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Woking Borough Council

5. Responsibilities of Chief Officers

The Chief (statutory) Officers – Head of Paid Service, S151 Chief Financial Officer and Monitoring Officer - have specific responsibilities that are set out in statute and regulations. These are set out in Article 11 in Part 2 of this Constitution.

6. Proper Officers

The Purpose of the Proper Officer provisions is to designate officers to carry out certain statutory functions. These functions are set out in Appendix 3 of Part 3 of this Constitution.

7. Responsibilities delegated to officers

- (a) The Council and the Leader may authorise designated officers to undertake on their behalf certain of their functions. Details of these delegations are set out in the Scheme of Delegation to Officers set out in Appendix 4 of Part 3 of this Constitution.
- (b) A number of powers delegated to officers are also contained in the Financial Regulations and Contract Procurement Rules, as set out in Part 4 of the Constitution.
- (c) Where a function is delegated under this Constitution, that does not prevent the person or body that has delegated the function from removing the delegation or exercising the function concurrently, for example in the absence of a delegate making a decision.

Part 3 - Appendix 1 - Committee Terms of Reference

1.1 Audit Committee

1. Statement of Purpose

- 1.1 The Audit Committee is a key component of Waverley's corporate governance arrangements. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 1.2 The purpose of the Audit Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Waverley's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

2. Committee Form and Structure

Composition

- 2.1 The Audit Committee will comprise 8 members in political balance.
- 2.2 Members of the Committee must not be Executive members.
- 2.3 The Chair and Vice-Chair will be appointed by Full Council annually.
- 2.4 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by Group Leaders

Meetings

- 2.5 The committee will meet at least four times a year as set out in the calendar of meetings, and on an ad hoc basis as necessary.
- 2.6 The quorum of the Audit Committee will be 3 councillors.

Competency

- 2.7 All members of the Audit Committee must:
- (a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - (b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Strategic Director or the Monitoring Officer.

3. Functions and responsibilities

3.1 Governance, Risk and Controls

- 3.1.1 The Committee has the right to access all the information it considers necessary to undertake the work of the Committee and may receive reports and refer matters to Internal and External Auditors.

- 3.1.2 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances including the Code of Corporate Governance.
- 3.1.3 To review and **approve** the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- 3.1.4 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.
- 3.1.5 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 3.1.6 To monitor the effective development and operation of risk management in the Council.
- 3.1.7 To monitor progress in addressing risk related issues reported to the Committee.
- 3.1.8 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.
- 3.1.9 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 3.1.10 To review and approve Waverley's policies relating to Whistleblowing, Anti-Fraud and Corruption.
- 3.1.11 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 3.1.12 To review and monitor the Council's compliance with public sector financial and audit standards and guidance, in accordance with the CIPFA Codes and Accounts and Audit Regulations.
- 3.1.13 To review and make recommendations to Full Council on the Finance Regulations and Contract Procedures Rules.

3.2 Internal Audit

The Audit Committee has the following functions in relation to Internal Audit:

- 3.2.1 To approve the internal audit charter.
- 3.2.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 3.2.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 3.2.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 3.2.5 To make appropriate enquiries of both management and internal audit to determine if there are any inappropriate scope or resource limitations.

- 3.2.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal audit. To approve and periodically review safeguards to limit such impairments.
- 3.2.7 To consider reports from the internal auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
 - Regular reports on the results of the Quality Assurance and Improvement Programme;
 - Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
- 3.2.8 To consider the internal auditor's annual report:
- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal
 - The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement
- 3.2.9 To consider summaries of specific internal audit reports as requested.
- 3.2.10 To receive reports outlining the action taken where internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 3.2.11 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 3.2.12 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
- 3.2.13 To provide free and unfettered access to the Audit Committee Chair for the internal auditor, including the opportunity for a private meeting with the Committee.

3.3 External Audit

The Audit Committee has the following functions in relation to External Audit:

- 3.3.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by the authority's auditor panel.

- 3.3.2 To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- 3.3.3 To consider specific reports as agreed with the external auditor.
- 3.3.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 3.3.5 To commission work from internal and external audit.
- 3.3.6 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- 3.3.7 To make recommendations to Full Council regarding the appointment of the External Auditor.

3.4 Financial Reporting

The Audit Committee has the following functions in relation to Financial Reporting:

- 3.4.1 To review and **approve** the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Full Council.
- 3.4.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

3.5 Accountability Arrangements

The Audit Committee has the following functions in relation to Accountability:

- 3.5.1 To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 3.5.2 To report to Full Council as required on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
- 3.5.3 To publish an annual report on the work of the Committee.

3.6 Related Functions

- 3.6.1 To undertake an annual review of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA), ensuring compliance with the relevant Codes of Practice.
- 3.6.2 To review any issue referred to it by the Joint Chief Executive, Joint S151 Chief Finance Officer, Joint Monitoring Officer or any Council body

4. Proceedings

- 4.1 Meetings of the Audit Committee will proceed in accordance with the Council and Committee Procedure Rules, at Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

1.2 Standards & General Purposes Committee

1. Purpose of the Committee

- 1.1 The Committee's principal roles are to promote high standards of ethical conduct within the council; to advise the Council on the adoption or revision of its Code of Conduct, and to monitor and review the Council's Constitution.
- 1.2 The Committee also undertakes council functions in relation to elections matters where these are not reserved to Full Council, and any other non-executive functions not within the remit of another committee.

2. Committee Form and Structure

Composition

- 2.1 The Standards and General Purposes Committee will comprise 9 members and 3 reserve members in political balance. The Leader of the Council must not be a member of the Committee, and the membership may include no more than one Executive member.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Committee will co-opt two Town/Parish councillors from within the Waverley Borough, who are not also Waverley Borough Councillors, and who will serve until the next Town and Parish elections.
- 2.4 At least one Town/Parish co-optee must be present when matters relating to Town and Parish Councils or their members are being considered; Town/Parish co-optees **may not** participate in matters that do not relate to Town and Parish Councils or their members.
- 2.5 The Chair and Vice-Chair will be appointed by Full Council annually. A member of the Executive may not chair the committee. If practicable, the Vice-Chair will be from a different political group from the Chair.
- 2.6 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by Group Leaders.

Meetings

- 2.7 The Standards and General Purposes Committee will normally meet four times per year.
- 2.8 The quorum of the Standards and General Purposes Committee will be 3 members.

Competency

- 2.9 All members and reserve members of the Standards Committee and General Purposes Committee must:
 - (a) undertake mandatory training in the relevant law and procedures which relate to the Committee's work; and

- (b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Joint Strategic Director or the Joint Monitoring Officer.

3. Functions and responsibilities

Ethical standards framework

- 3.1 To assist the Council in fulfilling its duty under the Localism Act 2011 c.27(1) to promote and maintain high standards of conduct by Councillors and co-opted Councillors of town and parish councils.
- 3.2 To advise the Council on the adoption or revision of its Code of Conduct for Councillors.
- 3.3 To monitor and advise the Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.
- 3.4 To advise the Council on the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the district has failed to comply with the relevant Councillors' Code of Conduct.
- 3.5 On the advice of the Joint Monitoring Officer, to convene a Standards Hearings Panel to determine whether a Councillor or town/parish Councillor has failed to comply with the relevant Code of Conduct, in accordance with the arrangements for dealing with complaints against Members as set out in Part 5 of this Constitution.
- 3.6 Where the Committee finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.
- 3.7 To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and independent persons under other secondary legislation.
- 3.8 To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer or to hear an appeal against a determination by the Monitoring Officer.
- 3.9 To advise the Council on, and review as necessary, the arrangements for dealing with complaints or any local protocols regulating the conduct of Councillors and to deal with allegations of breach of any such protocol.
- 3.10 To respond on behalf of the Council to national reviews and consultations on standards related issues.

General Purposes

- 3.11 To monitor and review the operation of the Council's Constitution and to make appropriate recommendations to Full Council in relation thereto.
- 3.12 To monitor amendments to and the operation of the Staff Code of Conduct.
- 3.13 To discharge the Council's functions in relation to elections, insofar as these are not reserved to Full Council.
- 3.14 To discharge the Council's functions in relation to staffing matters insofar as these have not been delegated to any other decision maker.

- 3.15 To receive reports on and advise the Council on the Member development programme, including training on the Members' Code of Conduct.
- 3.16 To consider any issues which, in the opinion of the Leader of the Council, the Chief Executive, or the Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.
- 3.17 Except for matters reserved by statute for consideration by Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- 3.18 To determine all other matter which are non-executive functions, and 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.

4. Proceedings

- 4.1 Meetings of the Standards and General Purposes Committee will proceed in accordance with the Council and Committee Procedure Rules at Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

1.3 Eastern and Western Planning Committees

1. Purpose of the Committees

1.1 The Council has established two Planning Committees – Eastern and Western Planning Committees – to exercise the Council’s responsibilities for all functions relating to town and country planning and development control in so far they are the responsibility of the Borough Council as specified in Section A of [Schedule 1 to the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#) (as amended), in so far as these are not delegated to the Executive Head of Planning Development.

1.2 The Eastern Planning Committee will exercise the Council’s planning powers in relation to the following borough wards:

Alfold, Cranleigh Rural and Ellens Green; Blackheath and Wonersh; Bramley, Busbridge and Hascombe; Dunsfold*; Cranleigh East; Cranleigh West; Elstead and Thursley; Ewhurst; Godalming Binscombe; Godalming Central and Ockford; Godalming Charterhouse; Godalming Farncombe and Catteshall; Godalming Holloway; Milford, Shamley Green and Cranleigh North; Witley and Hambledon

1.3 The Western Planning Committee will exercise the Council’s planning powers in relation to the following borough wards:

Chiddingfold*; Farnham Bourne; Farnham Castle; Farnham Firgrove; Farnham Hale and Heath End; Farnham Moor Park; Farnham Shorth Heath and Boundstone; Farnham Upper Hale; Farnham Weybourne and Badshot Lea; Farnham Wrecclesham and Rowledge; Frensham, Dockenfield and Tilford; Haslemere Crithmere and Shottermill; Haslemere East and Grayswood; Hindhead

*NB Dunsfold and Chiddingfold ward is split between the two committees.

2. Committee Form and Structure

Composition

2.1 The Eastern and Western Planning Committees will each comprise 15 members and 8 reserve members, in political balance and will consider planning applications from the wards as detailed above.

2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.

2.2 The Chair and Vice-Chair of each committee will be appointed by Full Council at the Annual Council meeting. In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by Group Leaders.

2.3 A member of the Executive must not be Chair of either of the Planning Committees.

Meetings

- 2.4 Each Planning Committee will meet monthly, subject to there being matters requiring the committees' consideration at the appropriate time. Extra meetings may be scheduled as required.
- 2.5 The quorum for the Planning Committees will be 4 councillors.

Competency

- 2.6 All members and reserve members of the Eastern and Western Planning Committees must:
 - (a) have undertaken mandatory training in the relevant law and procedures which relate to the committee's work;
 - (b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the Monitoring Officer;
 - (c) must observe the Councillors' Planning Code of Conduct.

3. Functions and responsibilities

- 3.1 All matters relating to the exercise of the Planning Committees' functions are delegated to the Executive Head of Planning Development except the following which are reserved to the relevant Planning Committee:
 - (a) planning applications which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted.
 - (b) planning applications defined as major (10 or more units of residential accommodation, more than 1,000 sqm of commercial floorspace and site area of more than 1 ha) and which in the judgement of the Joint Strategic Director (Place) after consultation with the Executive Head of Planning Development and the appropriate Planning Committee Chair meet the following criteria:
 - (i) have a significant planning impact beyond the Area in which they are situated, and/or
 - (ii) are of strategic importance, and/or
 - (iii) involve new planning issues for the Borough; or
 - (iv) is a revised application for parcel of land within a development with an extant planning permission previously determined by any Planning Committee that increases the total number of dwellings on the total site; and/or
 - (v) where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more.
 - (c) planning applications where within three weeks of the publication of the Weekly List of planning applications, any councillor from the relevant Planning Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Executive Head of Planning Development (or any officer(s) nominated by them), which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds,

to refer an application to the next appropriate meeting of the Planning Committee for determination.

Where the three-week call-in period has expired, but the Executive Head of Planning Development is satisfied that there is sufficient justification on planning grounds and the application has not been determined, they may, after consultation with the Chair of the relevant Committee, arrange for that application to be referred to the Committee.

- (d) any planning application where the Council is the applicant.
- (e) any planning application which is required to be referred to the Secretary of State.
- (f) planning applications, where by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both, and not from the same individual or the same household) shall only be determined under delegated powers after the Head of Planning (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.

4. Proceedings

- 4.1 Meetings of the Planning Committees will proceed in accordance with the Council and Committee Procedure Rules, Planning Committee Procedure Rules, and Public Speaking at Planning Committee Procedure Rules at Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

1.4 Licensing & Regulatory Committee

1. Purpose of the Committee

- 1.1 The Licensing and Regulatory Committee will be responsible for:
- (a) all functions of the Licensing Authority prescribed in the Licensing Act 2003 and Gambling Act 2005, except as otherwise provided for in those Acts.
 - (b) All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B (Licensing and Registration) of [Schedule 1 of the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(as amended\)](#).
 - (c) All functions relating to health and safety at work in so far they are the responsibility of the Borough Council as specified in Section C (Health and Safety) of [Schedule 1 of the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(as amended\)](#).
 - (d) Determining any changes to taxi and private hire licence fees and charges on an annual basis, and to authorise statutory publication of the fees and charges; considering objections following the statutory publication of the fees and charges, and to approve the final fees and charges.
- 1.2 The Committee will appoint such sub-committees to hold hearings on license applications or disciplinary matters, as necessary.

2. Committee Form and Structure

Composition

- 2.1 The Licensing and Regulatory Committee will comprise 12 members and 8 reserve members in political balance.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Chair and Vice-Chair of the Licensing and Regulatory Committee will be appointed by Full Council at the Annual Council each year.
- 2.4 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by the Group Leaders.

Meetings

- 2.5 The Licensing and Regulatory Committee will normally meet four times a year.
- 2.6 The quorum of the Licensing and Regulatory Committee will be 3 members.

Competency

- 2.7 Before any councillor who is a member or reserve member of the Licensing and Regulatory Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
- 2.8 All members and substitute members of the Licensing and Regulatory Committee must:
- (a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - (b) undertake further mandatory training when there are changes to procedure or relevant legislation, or as otherwise directed by the Monitoring Officer.

3. Functions and responsibilities

- 3.1 All functions relating to licensing as specified in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including:
- (a) licensing functions under the Licensing Act 2003, except for the Statement of Licensing Policy which is reserved to Full Council
 - (b) licensing functions under the Gambling Act 2005, except for the Statement of Gambling Policy which is reserved to Full Council
 - (c) hackney carriage and private hire vehicles, operators and drivers
 - (d) street trading and street markets
 - (e) caravan sites
 - (f) food hygiene and safety
 - (g) animal licensing
 - (h) sex establishments
 - (i) licensing functions under the Scrap Metal Dealers Act 2013
- 3.2 All functions relating to health, safety and welfare in connection with work and control of dangerous substances as specified in Part C of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except in relation to the Council as an employer.
- 3.3 To establish the Licensing (General Purposes) Sub-Committee and Licensing Sub-Committee A, B and C.
- 3.4 To undertake any other function, not being a licensing function, referred to it by the Licensing Authority.

4. Proceedings

- 4.1 Meetings of the Licensing and Regulatory Committee will proceed in accordance with the Council and Committee Procedure Rules.

Part 3 - Appendix 1 - Committee Terms of Reference

1.5 Licensing (General Purposes) Sub-Committee

1. Statement of Purpose

- 1.1 Responsible for determining contested licensing applications and disciplinary matters within the remit of the Licensing Committee in accordance with the Council's policies, other than those matters prescribed by the Licensing Act 2003 and Gambling Act 2005.

2. Sub-Committee Form and Structure

Composition

- 2.1 The Licensing (General Purposes) Sub-Committee will comprise 5 members and 3 reserve members in political balance drawn from the membership of the Licensing and Regulatory Committee.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Chair and Vice-Chair of the Licensing (General Purposes) Sub-Committee will be elected by the members of the Sub-Committee at their first meeting of the civic year.

Meetings

- 2.4 The Sub-Committee will meet as and when necessary to fulfil its functions and responsibilities.
- 2.5 The quorum for a meeting of the Sub-Committee will be two members.

Competency

- 2.6 See Licensing and Regulatory Committee, above.

Proceedings

- 2.7 Meetings of the Licensing (General Purposes) Sub-Committee will proceed in accordance with the Council and Committee Procedure Rules and the Licensing Hearings Procedures set out in Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

1.6 Licensing Sub-Committees A, B and C

1. Statement of Purpose

- 1.1 Responsible for determining hearings relating to licensable activities as described in the Licensing Act 2003 and Gambling Act 2005.

2. Sub-Committee Form and Structure

Composition

- 2.1 The Licensing Sub-Committees A, B and C will each comprise 3 members of the Licensing and Regulatory Committee. Membership is not politically balanced.
- 2.2 Each sub-committee will elect a Chair at the start of each meeting.

Meetings

- 2.4 The Sub-Committee will meet as and when necessary to fulfil its functions and responsibilities.
- 2.5 The quorum for a meeting of the Sub-Committee will be two members.

Competency

- 2.6 See Licensing and Regulatory Committee, above.

3. Functions and Responsibilities

- 3.1 Under the Licensing Act 2003:

- (a) To determine an application for a personal licence where a police objection has been received
- (b) To determine an application for a personal licence with unspent convictions
- (c) To determine an application for a premises licence/club premises certificate where a relevant representation has been received
- (d) To determine an application for provisional statement where a relevant representation has been received
- (e) To determine an application to vary premises licence/club premises licence where a relevant representation has been received
- (f) To determine an application to vary designated premises supervisor where a police objection has been received
- (g) To determine an application for transfer of premises licence where a police objection has been received
- (h) To determine applications for interim authorities where a police objection has been received
- (i) To determine an application to review premises licence/club premises certificate
- (j) To decide to object when the local authority is a consultee and not the relevant authority considering the application
- (k) To determine an application for a Temporary Event Notice where any objection has been received

- (l) To determine an application to vary premises licence at community premises to include alternative licence condition where a police objection has been received
- 3.2 Under the Gambling Act 2005,
- (a) To determine applications for the following where representations have been received and not withdrawn:
 - (i) premises licence
 - (ii) variation to a premises licence
 - (iii) provisional statement
 - (iv) review of a premises licence
 - (b) To determine applications for the transfer of a licence where representations have been received by the Gambling Commission.
 - (c) To determine applications for club gaming/club machine permits where objections have been made and not withdrawn.
 - (d) To cancel club gaming/club machine permits.
 - (e) To determine the issue of a counter notice to a temporary use notice.
 - (f) To consider any other matters required by the Act or Regulations.
- 3.3 Under the Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- (a) To determine applications for a Sexual Entertainment Venue Licence
- 3.4 Under the Scrap Metal Dealers Act 2013
- (a) To determine appeals relating to a decision to refuse, vary or impose conditions on a licence, or the revocation of a Scrap Metal Dealer licence.
- 4. Proceedings**
- 4.1 Matters considered by the Licensing Sub-Committees A, B, and C must also follow the Licensing Hearings Procedures set out in Part 4 of this Constitution.
- 4.2 Matters considered by the Licensing Sub-Committees A, B and C are subject to the Licensing Act 2003 (Hearings) Regulations 2005.

Part 3 - Appendix 1 - Committee Terms of Reference

1.7 Appeals Panel

1. Statement of Purpose

- 1.1 The role of the Appeals Panel is to determine an appeal against any decision made by or on behalf of the authority. When selecting 4 members to convene the Panel, this shall exclude any member who was originally involved in the decision which is now being appealed.

2. Panel Form and Structure

- 2.1 The Appeals Panel will consist of 12 members of the Council and will operate as a pool from which 4 members will be drawn when it is necessary to convene the Panel. The membership of the Panel of 12 will be politically proportionate.

3. Independent Panel (for Disciplinary Matters relating to Statutory Officers only)

- 3.1 In the event that a Panel needs to be convened to advise on matters relating to the dismissal of a statutory officer (namely the Head of Paid Service, Chief Finance Officer or Monitoring Officer), two of the Council's Independent Persons will be called upon to sit on the Panel, alongside five elected members from the Council's Appeals Panel.

Part 3 - Appendix 1 - Committee Terms of Reference

1.8 Leader/Executive

1. General Role

1.1 Other than those matters reserved to the Council as set out in Table 1 of Part 3 of this Constitution, and the ‘Local Choice’ functions which the Council has determined should be within the remit of the Council as set out in Table 3 of Part 3 of this Constitution, and those functions which as a matter of law may not be executive functions, all other remaining functions are allocated as executive functions.

1.2 Under Section 9E of the Local Government Act 2000 the Leader is responsible for deciding how and by whom executive functions should be discharged. Decisions on these matters may be taken by the Leader, the Executive collectively, another member of the Executive (individual Portfolio Holder), a committee of the Executive, an area committee, officers, or jointly with other bodies under separate joint arrangements, **provided that they are within the budget and policy framework approved by the full Council.**

2. Executive Form and Structure

Composition

2.1 The Executive comprises the Leader and Deputy Leader together with at least one, but no more than eight, councillors appointed to the Executive by the Leader.

2.2 The Leader will determine the scope of the portfolios and allocate them to members of the Executive. The Leader will report Executive appointments, and any changes to these appointments, to the Council.

Executive Portfolios 2022/23

Cllr Paul Follows	Leader, Policy and Governance, Communications, and Emergency Response
Cllr Peter Clark	Deputy Leader, Business Transformation, IT, Customer Services, Farnham Infrastructure Programme
Cllr Andy MacLeod	Enforcement, Operations and Brightwells
Cllr Penny Marriott	Equality, Diversity, Inclusion and Community Safety
Cllr Mark Merryweather	Finance, Commercial Services, and Assets
Cllr Kika Mirylees	Health, Wellbeing, Parks and Leisure
Cllr Nick Palmer	Housing (Delivery)
Cllr Paul Rivers	Housing (Operations)

Cllr Liz Townsend	Planning and Economic Development
Cllr Steve Williams	Environment and Sustainability

Meetings

2.3 The Executive will normally meet 10 times per year and may call additional extraordinary meetings as required and in accordance with the provisions of the Access to Information Procedure Rules.

2.3 The quorum for a meeting of the Executive shall be three members.

3. Functions and responsibilities

3.1 The Leader has delegated all executive functions to the Executive except as delegated to individual portfolio holders (see [4] below) and to officers as set out in the Scheme of Delegation to Officers at Appendix 4 of Part 3 of this Constitution.

3.2 Nothing in this section shall prevent the Leader exercising any executive function personally.

3.3 The functions of the Executive include but are not limited to:

- (a) Overall co-ordination of policy in respect of the whole of the Council's activities, including the Corporate Plan, and the financial effectiveness of the organisation
- (b) Considering major issues affecting the Council, including policy changes, and making appropriate recommendations to Council;
- (c) Proposing to the Council a strategic policy framework, and the individual strategies making up that framework;
- (d) Identifying priorities, and recommending them to the Council;
- (e) Proposing the Council's revenue and capital budgets, and recommending them to the Council, including the level of Council Tax and level of Housing rents;
- (f) Leading on the political direction of the Council as a whole, and relevant areas of responsibility in particular, within the guidelines and policies approved by the Council;
- (g) Implementing policies and spending in accordance with the approved budget and policy framework, and in accordance with Financial Procedures.
- (h) Monitoring the performance of Council services through the receipt of performance management reports, and reviewing the Council's performance management systems to ensure they are systematic, rigorous and adequately resourced.
- (i) Appointing the Employers' Negotiating Team, whose role is to conduct negotiation with the staff through the Waverley Joint Negotiating Committee for Pay and Conditions on all matters concerning local pay and conditions of service.
- (j) Making urgent decisions outside of the budget and policy framework in accordance with Urgency provisions set out in Part 4 Budget and Policy Framework Procedure Rules.

3.4 Limitations - The Executive may not take responsibility for imposing conditions, limitations or other restrictions on any approval, consent, licence, permission or registration granted by the Area Planning or Licensing and Regulatory Committees.

4. Delegations to Individual Executive Portfolio Holders from the Leader of the Council

4.1 The Executive Co-Portfolio Holders for Housing (Delivery) and Housing (Operations) shall have delegated authority to approve all matters falling within the Housing Landlord Service and within the agreed Budget and Policy Framework, subject to the exclusions and parameters set out below.

Exclusions:

- Matters reserved to be referred to Full Council as part of the Budget and Policy Framework.
- Matters delegated to Officers under the Scheme of Delegation to Officers.
- Matters which the Leader and/or Executive have reserved to the Executive.
- Matters delegated to another committee of the Council, i.e., approval of statutory accounts.

Exercise of delegation is subject to:

- The provisions of the Constitution, including the Financial Regulations and Contract Procurement Rules.
- Consultation with other Executive members as appropriate.
- The right of the Co-Portfolio Holder concerned to refer the matter to the Executive if they so wish.
- The matter being referred to the Executive where there is a dispute between the relevant Co-PFH and another Executive member.

[Reported to Council 26 April 2022, Minute reference CNL125/21]

Part 3 - Appendix 1 - Committee Terms of Reference

1.9 Overview and Scrutiny Committees

1. Statement of Purpose

1.1 The Council has established two Overview and Scrutiny Committees to discharge the functions under Section 9F of the Local Government Act 2000 with remits covering the following service areas:

Committee	Remit
<p>Policy Overview and Scrutiny Committee</p>	<p>Business Transformation Finance and Property Housing Operations Housing Delivery and Communities (housing related) Policy and Governance</p>
<p>Services Overview and Scrutiny Committee</p> <p>This Committee is the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.</p>	<p>Commercial Services Environmental and Regulatory Services Housing Delivery and Communities (non housing related) Planning and Economic Development</p>

1.2 The Resources Overview and Scrutiny Committee may, with the agreement of the Chair and Vice-Chair of the Services Overview and Scrutiny Committee, assume responsibility for an item which would normally fall within the remit of the Services Overview and Scrutiny Committee if it has substantial revenue or capital implications.

1.3 The Council supports the role of its Overview and Scrutiny Committees in holding public-service decision-makers and providers to account and facilitating the improvement of public services in Waverley. Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement and acts as a ‘check and balance’ on decision-makers.

- 1.4 To this end the work of the Overview and Scrutiny Committees will:
- a) provide a constructive “critical friend” challenge
 - b) amplify the voices and concerns of the public
 - c) be led by independent people who take responsibility for their role
 - d) drive improvement in public services

2. Committee Form and Structure

Composition

- 2.1 Each Overview and Scrutiny Committee will comprise 11 members and 4 reserve members in political balance.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 Executive members must not be members of the Overview and Scrutiny Committees.
- 2.4 The Chair and Vice-Chair of the Overview and Scrutiny Committees will be appointed by Full Council at the Annual Council each year.
- 2.5 Subject to the total number of Opposition members on the Council exceeding 10% of the overall membership, the Chair of each Overview and Scrutiny Committee shall be nominated by the Principal Opposition Group. The Vice-Chair of the Overview and Scrutiny Committees will not usually be from the same political group as the Chair. Without consent of the Council, no councillor can be Chair or Vice-Chair of more than one Overview and Scrutiny Committee.
- 2.6 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by the Group Leaders.
- 2.7 Each Overview and Scrutiny Committee, or any of their sub-committees or Working Groups, shall be entitled to appoint up to two non-voting co-optees. Co-optees will normally be drawn from groups, organisations, or service users with an interest in services within the Committee's remit. Co-optees may be appointed as standing co-optees or special interest co-optees appointed to assist with scrutiny of a particular matter.

Meetings

- 2.8 There will normally be at least five ordinary meetings of each Overview and Scrutiny Committee each council year. In addition, special meetings may be called if appropriate including meetings to consider matters called-in to committee.
- 2.9 A meeting of either Overview and Scrutiny Committee may be called by the Chair and Vice-Chair of the relevant committee, if they consider it necessary or appropriate.
- 2.10 The quorum for an Overview and Scrutiny Committee will be 3 voting members.

Competency

- 2.11 All members and reserve members of the Overview and Scrutiny Committees must undertake a programme of training as considered appropriate by the Monitoring Officer as soon as possible upon appointed to the Committee, and as directed thereafter.

3. Functions and responsibilities

- 3.1 With regard to the services areas within their remit, the Overview and Scrutiny Committees will have the following functions and responsibilities:

Policy development and overview:

- a) assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Executive and chief officers about their views on issues and proposals affecting the area;
- e) liaise with other organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- f) hold enquiries and investigate the available options for future direction in policy development;
- g) go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that are reasonably considered necessary to perform the deliberations;
- h) invite witnesses to attend to address it on any matter under consideration and pay any advisor, assessors and witnesses a reasonable fee and expenses for so doing.

Scrutiny:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions, ensuring they are made in accordance with the Constitution and policies laid down by the Council and within the Corporate Plan;
- j) review and scrutinise the decisions made by and performance of the Executive and council officers both in relation to individual decisions and over time;
- k) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- l) require Executive members and officers to attend and answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- m) exercise the right to call-in, for reconsideration, decisions made by the Executive or an officer but not yet implemented;
- n) make reports and/or recommendations to the Council and/or the Executive and/or joint committees in connection with the discharge of any functions;
- o) review and scrutinise the performance of other public bodies in the area by inviting reports and requesting them to address the committee and local people about their activities and performance;
- p) question and gather evidence from any person (with their consent);
- q) consider requests from any elected or co-opted member for an item relevant to the functions of the committee to be considered at the next available meeting;
- r) consider a Councillor Call for Action on matters relevant to the committee;

- s) perform scrutiny functions relating to crime and disorder and to scrutinise the Community Safety Partnership.

Annual report:

- t) The Scrutiny Committee will report annually to the Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

4. Proceedings

- 4.1 The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules at Part 4.3 of this Constitution.
- 4.2 No councillor may be involved in scrutinising a decision in which they have been directly involved.
- 4.3 The Chair and Vice-Chair will undertake the following roles in relation to their committee:
 - a) chair meetings of the Scrutiny Committee and promote the development and exercise of the scrutiny function according to the council's Constitution;
 - b) ensure that the work of the Scrutiny Committee contributes to the council's corporate objectives;
 - c) liaise with Executive members as appropriate;
 - d) contribute to the training and development of members engaged in the overview and scrutiny role;
 - e) approve any report that the committee may wish to submit to Full Council or the Executive;
 - f) be the spokesperson for the committee within the terms of the Code of Recommended Practice on Local Authority Publicity.

Part 3 - Appendix 2 – Joint Committee Terms of Reference

2.1 Guildford Borough Council and Waverley Borough Council Joint Appointments Committee – Composition and Terms of Reference

1. This Joint Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 6
 - (a) The Joint Appointments Committee shall comprise the respective Leaders of both councils plus two members appointed by Guildford Borough Council and two members appointed by Waverley Borough Council (one of whom will be the Leader of Waverley's Principal Opposition Group)
 - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990
3. QUORUM: 3 (subject to each council being represented at a meeting by at least 1 member)
4. PLACE OF MEETINGS: The venue for meetings of the Joint Appointments Committee shall normally alternate between the two councils with the host Leader chairing the meeting. The venue for the first meeting shall be at Waverley Borough Council offices
5. CHAIR: The Joint Appointments Committee shall be chaired alternately between the councils by their respective Leaders
6. GENERAL ROLE: Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council ("the councils") as can be delegated by those councils in respect of the appointment of the councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations
7. FREQUENCY OF MEETINGS: As and when required
8. SUBSTITUTES: Substitutes shall not be appointed
9. ROLE AND FUNCTION:
 - (a) Appointment of Joint Chief Executive/Head of Paid Service
 - (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post
 - (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to full meetings of both councils, and subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives

- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service
 - (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each council
 - (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period
 - (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award
- (b) Appointment of any Joint Statutory Officer posts (Section 151/Chief Finance Officer and Monitoring Officer)
- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the appointment of any Joint Statutory Officer posts
 - (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to full meetings of both councils and, where the provisions of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to any such appointment, subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives
 - (iii) To determine pension discretions relating to any Joint Statutory Officer posts
 - (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each council
 - (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts
- (c) Appointment of any Joint Directors
- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the appointment of any Joint Directors
 - (ii) The appointment of any Joint Directors shall be subject to no material or well-founded objection to the making of an offer of appointment

being received by either Leader on behalf of their respective executives

- (iii) To determine pension discretions relating to any Joint Directors
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Directors, and where necessary to make recommendations as appropriate for formal approval by each council
- (v) To be responsible for ad-hoc employment matters affecting any Joint Director posts

10. **SERVICING THE JOINT APPOINTMENTS COMMITTEE:** The Joint Appointments Committee shall be serviced by committee staff from the council hosting the relevant meeting.

11. **MEETINGS OF THE JOINT APPOINTMENTS COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:**

1. A meeting of the Joint Appointments Committee shall be summoned by the relevant officer of the Council hosting the meeting who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint Appointments Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended).
3. The Joint Appointments Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote.
4. The order of business at meetings of the Joint Appointments Committee shall include the following:
 - (a) Apologies for Absence
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chair agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.
5. Any matter will be decided by a simple majority of those members of the Joint Appointments Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting.

Part 3 - Appendix 2 – Joint Committee Terms of Reference

2.2 Guildford Borough Council and Waverley Borough Council Joint Governance Committee – Composition and Terms of Reference

1. This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council (“the councils”) in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 12
 - (a) The Joint Governance Committee shall comprise the respective Leaders of both councils, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council
 - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990
3. QUORUM: 7 (subject to each council being represented at a meeting by at least three members)
4. CHAIR: The Joint Governance Committee shall be chaired alternately between the councils by their respective Leaders.
5. PLACE OF MEETINGS: The venue for meetings of the Joint Governance Committee shall normally alternate between the two councils with the host Leader chairing the meeting. The venue for the first meeting shall be at Guildford Borough Council’s offices.
6. GENERAL ROLE: Adopting and exercising such of the functions of the councils as can be delegated by those councils in respect of the governance arrangements for inter-authority working
7. FREQUENCY OF MEETINGS: As and when required
8. SUBSTITUTES: Substitutes may be appointed. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the Council they represent.
9. ROLE AND FUNCTION:
 - (i) To undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement, ensuring it continues to be fit for purpose and recommending to both Full Councils any changes required.
 - (ii) To undertake periodically a formal review (at least once every 6 months) of the collaboration risk assessment, reviewing current and target impact and likelihood scores and making any changes to the list of risks and mitigating actions.
 - (iii) Notwithstanding (i) and (ii) above, to undertake a formal review of the inter-authority agreement or the collaboration risk assessment at such other time as may be determined by the Joint Committee.

- (iv) To discharge any other functions that relate to the governance of the inter-authority working arrangements that may from time to time be delegated to the Joint Committee.
10. SERVICING THE JOINT GOVERNANCE COMMITTEE: The servicing of the Joint Governance Committee shall be agreed between the Councils' Democratic Services Managers.
11. MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:
- (a) A meeting of the Joint Governance Committee shall be summoned by the relevant Proper Officer of the Council who shall give a minimum of five clear working days' notice (or less in the case of urgency)
 - (b) Meetings of the Joint Governance Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
 - (c) The order of business at meetings of the Joint Governance Committee shall include the following:
 - (a) Apologies for Absence and notification of substitutes
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
 - (d) Any matter will be decided by a simple majority of those members of the Joint Governance Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting.
 - (e) The Joint Governance Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote

SCHEDULE OF PROPER OFFICERS

1. Introductory Provisions

1. The legislation specified below in respect of the list of “proper officers” shall include any other enactment which may, directly or indirectly, replace it with or without amendment.

2. In the event of any officer mentioned below being, for any reason, unable to act or in the event of the relevant post being vacant, the Joint Chief Executive or a nominated deputy in his/her absence, shall be authorised in consultation with the Leader of the Council either to undertake that proper officer role themselves or nominate in writing another officer to undertake that role.

3. In the event that an officer is not otherwise identified within this Constitution as a proper officer in respect of any enactment, the proper officer for the function shall be the Joint Chief Executive. The Joint Chief Executive may nominate another officer to undertake that function in writing.

Public Health Act 1936

Section 84	Cleansing or destruction of filthy or verminous articles	Joint Strategic Director Place
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Local Government Act 1972

Section 13	To act as parish trustee	Monitoring Officer
Section 83(1) - (3)	To witness and receive declarations of acceptance of office by the Mayor, Deputy Mayor and councillors	Monitoring Officer
Section 84	To accept written notice of resignations from persons holding office as Mayor, Deputy Mayor or councillor	Monitoring Officer
Section 88(2)	To convene a meeting of the Council for the	Joint Chief Executive

	purposes of electing a Mayor following a casual vacancy in that office	
Section 89(1)(b)	To accept notice in writing from electors requiring an election to fill a casual vacancy on the Council	Returning Officer
Section 100(B)(1)	To supply copies of papers to the press	Monitoring Officer
Section 100(B)(2)	To exclude from public inspection those reports (or parts of reports) likely to be considered in the absence of the public	Monitoring Officer
Section 100(B)(7)(c)	Making available to the press other documents already supplied to councillors	Monitoring Officer
Section 100(C)(2)	To make a written summary in lieu of confidential minutes	Monitoring Officer
Section 100(D)(1)(a)	To compile a list of background papers to a report	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager
Section 100(D)(5)(a)	To identify background papers on which a report is based which have been relied on in preparing the report	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager
Section 100(F)(2)	To identify documents not open to inspection by councillors under Section 100(F)(1)	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager Monitoring Officer
Section 115(2)	To receive all monies due to the Council from every officer employed by the Council	Joint Executive Head of Finance (s.151 officer)

Health and Safety at Work etc. Act 1974

Sections 19-22	To appoint inspectors and authorise various enforcement powers	Joint Strategic Director Place or Joint Executive Head of Regulatory Services
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Local Government (Miscellaneous Provisions) Act 1976

Section 41	To certify copy resolutions, orders, reports, minutes, records of executive decisions and copy instruments appointing officers to perform certain functions	Monitoring Officer
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Representation of the People Act 1983

Section 8	To act as Registration Officer for the registration of Parliamentary and Local Government Electors	Joint Chief Executive
Section 28	To act as Returning Officer at Parliamentary Elections	Joint Chief Executive
Section 35	To act as Returning Officer for the election of Councillors of the Borough and for the election of Councillors of Parishes within the Borough	Joint Chief Executive

Building Act 1984

Section 61	To authorise access to any works being carried out to repair, reconstruct or alter a drain	Joint Strategic Director Transformation and Governance
Section 78	To take emergency action in relation to dangerous buildings and structures	Joint Strategic Director Transformation and Governance

Public Health (Control of Disease) Act 1984

All Sections	All provisions including: <ul style="list-style-type: none"> Removal of body to mortuary or for 	Joint Strategic Director Place or Joint Executive
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	immediate burial (Section 48) <ul style="list-style-type: none"> • Authentication of documents (Section 59) 	Head of Regulatory Services
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Local Government and Housing Act 1989

Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Head of Paid Service
Section 4	Head of Paid Service	Joint Chief Executive
Section 5	Monitoring Officer	Monitoring Officer
Section 15 - 17	To receive various notices relating to political groups and political balance on committees under relevant regulations	Monitoring Officer
Section 18	To implement a scheme of councillors allowances	Monitoring Officer

Food Safety Act 1990

Section 5	All functions required of an authorised officer	Joint Strategic Director Place or Joint Executive Head of Regulatory Services
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Party Wall etc. Act 1996

Section 10(8)	To select a third surveyor, if required, during a neighbour dispute about building projects	Joint Strategic Director Transformation and Governance
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Crime and Disorder Act 1998

	To ensure compliance with the provisions of the Crime and Disorder Act in relation to the prevention of crime and disorder	Joint Chief Executive
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The Local Authorities (Standing Orders) (England) Regulations 2001

Part II of Schedule 1	<p>To receive details of proposed officer appointments and dismissals</p> <p>To notify each member of the Executive of</p> <ol style="list-style-type: none"> 1. the name of the person to whom the appointor/ dismissor wishes to make an offer of appointment/ dismiss; 2. any other particulars relevant to the appointment/ dismissal which the appointor/dissmissor has notified to the proper officer; and 3. the period within which any objection to the making of the offer/dissmissal is to be made by the Leader on behalf of the Executive <p>To notify the appointor/dissmissor that no objection was received by him within that period from the Leader</p>	Monitoring Officer
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Proceeds of Crime Act 2002

	To meet the Council's obligations in relation to the Proceeds of Crime Act	Joint Executive Head of Finance (s. 151 officer)
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Local Elections (Principal Areas) Rules 2006

Rule 50	To receive the names of persons elected to the Council from the Returning Officer	Monitoring Officer
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The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

Rule 5	To receive requests for an election to fill a casual vacancy in the office of a parish councillor	Returning Officer
Rule 50	To receive the names of persons elected to parish councils from the Returning Officer	Monitoring Officer

Cremation (England and Wales) Regulations 2008

Regulation 32	Person appointed as registrar to register all cremations carried out by the cremation authority	Joint Executive Head of Environmental Services
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Localism Act 2011

Section 33	To receive written requests by a member or co-opted member of the authority, to grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.	Monitoring Officer
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The Local Authorities (Referendums) (Petitions) (England) Regulations 2011

Regulations 4, 7, 8, 11, 13 and 14	<ul style="list-style-type: none"> To establish and publish the 	Monitoring Officer
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	verification number each year <ul style="list-style-type: none"> • To deal with procedures for post-announcement petitions • To determine whether petitions should be amalgamated • To deal with procedures on receipt of petition • To comply with publicity requirements on receipt of a valid or invalid petition 	
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The Local Authorities (Conduct of Referendums) (England) Regulations 2012

Regulation 4	To publish information in connection with referendums	Monitoring Officer
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The Local Government Act Referendums Rules

Rule 41	To receive the declaration of result of referendum from the counting officer	Joint Chief Executive
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The Local Government Act Referendums (Combination of Polls) Rules

Rule 43	To receive the declaration of result of referendum from the counting officer	Joint Chief Executive
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The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Regulations 2 and 15	<ul style="list-style-type: none"> • To identify as background papers those documents which disclose any facts or matters on which a report or an important part of a report is based and were relied on to a material extent in preparing the report. • To compile a list of background papers to a report 	Any Joint Strategic Director, Joint Executive Head of Service or Service Manager
Regulation 7 (2)	To agree when it is appropriate to exclude from the copy of any report the whole, or any part, of the report which relates only to matters during which the meeting is likely to be a private meeting.	Monitoring Officer
Regulation 7 (7)	Following a request to supply copies of agendas and other documents, to agree in the case of any item, a copy of any other document supplied to members of the executive in connection with the item	Monitoring Officer
Regulation 10	<ul style="list-style-type: none"> • To give notice to the relevant overview and scrutiny committee chairman where it has been impracticable to publish intention to make a key decision under Regulation 9 • To make available at the Council offices for inspection by the public and to publish on the Council's website, a copy of the notice. 	Monitoring Officer

Regulation 12	To produce, as soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, a written statement for every executive decision taken which includes the information specified in paragraph (2) of Regulation 12	Monitoring Officer
Regulation 13	To produce, as soon as reasonably practicable after an individual member has made an executive decision, a written statement for every executive decision taken which includes the information specified in paragraph (2) of Regulation 13.	Monitoring Officer
Regulation 14	To ensure that copies of any records and reports (or parts of reports) considered at the meeting or, as the case may be, considered by the individual member or officer which are relevant to a decision recorded in accordance with regulations 12 or 13, are made available for inspection by members of the public, as soon as is reasonably practicable, at the Council offices and on the website.	Monitoring Officer
Regulation 20	To determine whether any document or part of a document contains or may contain confidential or exempt information or the advice of a political adviser or assistant.	Monitoring Officer
Section 137A	To receive a deposited statement (or any report	Joint Executive Head of Finance (s.151 officer)

	or accounts) from voluntary organisations in receipt of financial assistance from the Council setting out the use to which that assistance has been put	
Section 146(1)	To make certain statutory declarations and give certain certificates relating to securities on the alteration of the name or area of the Council	Joint Executive Head of Finance (s.151 officer)
Section 151	To be responsible for the proper administration of the financial affairs of the Council	Joint Executive Head of Finance (s.151 officer)
Section 191	To receive notices from Ordnance Survey in relation to ascertaining or locating local authority boundaries	Joint Chief Executive
Section 210 (6)	To exercise the powers in relation to a charity when the corresponding officer in whom such powers are invested is absent and to act as charity trustee in the absence of corresponding officer	Monitoring Officer
Section 225(1)	To receive and give receipt for any document required to be formally deposited	Monitoring Officer
Section 228	To make arrangements for the inspection of Council minutes	Monitoring Officer
Section 229(5)	To certify photographic copies of documents for use in legal proceedings	Monitoring Officer
Section 234(1) - (2)	To sign formal notices, orders or other documents made or issued by the Council other than those under seal and other than those specifically delegated to another officer	Any Joint Strategic Director

Section 236(10)	To send copies of all byelaws made by the Council to the County Council	Monitoring Officer
Section 238	To certify a printed copy of Council byelaws	Monitoring Officer
Section 248	To maintain a roll of the Freemen of the Borough	Monitoring Officer
Schedule 12 (Paragraph 4(2)(b))	To issue and serve summonses to meetings of the Council	Joint Chief Executive
Schedule 12 (Paragraph 4(3))	To receive formal notification from councillors requesting that a summons be sent to an alternative address	Monitoring Officer

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Part 3.1

Scheme of Delegation of Functions to Officers

WAVERLEY BOROUGH COUNCIL

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

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i. **Scheme of Delegation to Officers – Change log**

Approved	Version	Details of changes
Council 24 April 2017	Version 1	Approved in new format
Council 6 June 2017	Version 2	New Appendix 1 (Paragraph 4) (sealing documents) and Head of Service delegations
Council 20 February 2018	Version 3	Moves delegations on Meetings, Members and the Constitution from CEx to Head of P&G; updates CEx from Executive Director
Monitoring Officer* 29 March 2018	Version 4	Transfer of Licensing and Road Closures from Head of P&G to Head of Environmental Services.
Council 19 March 2019	Version 5	Exercise of CEx functions by Strategic Directors, plus delegations to the S151 officer (fees, CIL-in-kind), Head of Customer & Corp Service (grant or renewal of leases >25 yrs for qualifying applications under LRA1967), Head of P&G (continuing leave of absence of a councillor) and Borough Solicitor (charging a fee for certain Subject Access Requests).
Monitoring Officer* 4 April 2019	Version 5.1	Approved Delegations re-allocated to appropriate Heads of Service following changes to Senior Management Team effective 1 March 2019. Scheme of Delegation re-numbered.
Council 17 July 2019	Version 6	Amendment to M4 (g) to respond to recommendation from Local Government & Social Housing Ombudsman
Council 10 December 2019	Version 6.1	E.3 deleted following revision to Financial Regulation paragraph 7.2
Council 18 February 2020	Version 6.2	I.3.1 added to reflect authorisations under Surrey Joint Warranting arrangements
Executive 12 May 2020	Version 6.3	Sections I, K, L, and M amended to add Delegations under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 Public Health (Control of Diseases) Act 1984
Council 9 June 2020	Version 6.4	Section M amended to reflect temporary changes to Planning Committees.
Monitoring Officer* 29 March 2022	Version 6.5	Approved Delegations re-allocated to appropriate Head of Service following changes to management structure (M5, M8 and M9 moved to Section H). Scheme of Delegation re-numbered.
Monitoring Officer* 14 September 2022	Version 7	All sections amended to reflect new Joint Management Structure, Joint Executive Heads of Service, Statutory Officers and associated authorities. Scheme of Delegation re-numbered.

*authorised by the Monitoring Officer (General Principle 6.1.1)

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

ii. General Principles

1. Powers

- 1.1 This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 (and by reference to Section 100G) and the Local Government Act 2000 Section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers.
- 1.2 The powers in this Scheme of Delegation are only exercisable within the limitations in this Scheme and are subject to the provisions of the Council's Constitution, including the Financial Regulations and the Contract Procedure Rules.
- 1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, a Portfolio Holder or this Scheme of Delegation gives authority for any action, the officer designated shall be entitled to take all necessary steps to do so.
- 1.4 In the event that a Joint Strategic Director or a Joint Executive Head of Service's post ceases to exist or his or her responsibilities are transferred to another officer (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.5 It is in the nature of any scheme of delegation that those to whom responsibility has been delegated for a particular function, action or decision may require the delegating authority to resume responsibility for that function, action or decision.
- 1.6 Any Joint Executive Head of Service may seek permission to submit a planning application for development to be carried out by the Council (Regulation 3) and for development to be carried out by other parties on land vested in the Council (Regulation 4).

2. Exercise of Functions

- 2.1 All decisions by officers made under this Scheme of Delegation, may only be exercised provided they are within budgetary provision and in accordance with proper authorities, in particular the Financial Regulations.
- 2.2 Any Joint Strategic Director may exercise the powers granted to The Joint Chief Executive (including in his capacity as Head of Paid Service, Returning Officer, Electoral Registration Officer) by this scheme. This can be at the Joint Chief Executive's request or at the Joint Strategic Director's discretion in cases where the Joint Chief Executive is absent or unavailable.
- 2.3 The Joint Chief Executive or any Joint Strategic Director reporting to the Joint Chief Executive may exercise ANY of the delegated powers contained within this scheme except in relation to those functions allocated to the Chief Finance Officer (within the meaning of Section 151 of the Local Government Act 1972 and Section 112-114A of

the Local Government Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5, 5A of the Local Government and Housing Act 1989).

3. Sub-Delegation Scheme

- 3.1 Where the Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service or the Borough Solicitor are authorised to take decisions, action to implement such decisions will be taken.
- 3.1.1 in the name of (but not necessarily personally by) the Joint Chief Executive, Joint Strategic Director, Joint Executive Head of Service or Borough Solicitor; or
- 3.1.2 by any other officer authorised by the Joint Chief Executive, a Joint Strategic Director, any Executive Joint Head of Service or the Borough Solicitor to take such action in their name or the sub-delegate's own name.
- 3.2 The Joint Chief Executive, Joint Strategic Directors, each Joint Executive Head of Service and the Borough Solicitor must prepare and maintain a Sub-Delegation Scheme setting out which officers have been authorised to make decisions under their delegated powers and subject to which terms and conditions. Sub-delegation Schemes must be lodged with the Democratic Services and Business Support Manager.
- 3.3 Where delegations are to be exercised after consultation with the Leader, Portfolio Holder or nominated officers, the authorised officer will carry out the consultation and ensure that a record is made.
- 3.4 Where delegations are to be exercised after consultation with a Portfolio Holder and that Portfolio Holder is unavailable, consultation shall take place with the Leader.
- 3.5 Where delegations are to be exercised after consultation with other officers, if agreement between officers cannot be reached, the matter must be referred to the Joint Chief Executive or relevant Joint Strategic Director for consideration.

4. Joint Chief Executive's Urgent Action

- 4.1 The Joint Chief Executive is authorised to determine matters of an urgent nature within the remit of the Executive, and which cannot wait for the next meeting of the Executive, which are not key decisions and which do not contravene established policies or budgets, after consultation with the Leader and relevant Portfolio Holder.
- 4.2 Any matters determined by the Joint Chief Executive under 4.1 above will be reported to the next meeting of the Executive.
- 4.3 As per paragraph 2.2, any Joint Strategic Director may act on the Joint Chief Executive's behalf in respect of authorising urgent actions either at the Joint Chief Executive's request or if the Chief Executive is absent or unavailable.

5. Schedule of Authorisations

5.1 A Schedule of Authorisations is attached at Appendix 1.

6. Amendments

6.1 Amendments to this Scheme will be approved by the Council with the following exceptions:

6.1.1 in respect of the officers designated to exercise delegated authorities where changes in the management structure and post titles have resulted from organisational restructures – by the Monitoring Officer.

6.1.2 updates to reflect new legislation where there is no extension to the limit of the existing delegation – by the Monitoring Officer.

7. Interpretation

7.1 Any reference to a statute or statutory instrument should be taken to include any subsequent statute or statutory instrument that replaces, amends or extends it, or contains related provisions.

7.2 The terms “officer”, “staff” or “employee” include any person employed by the Council irrespective of the particular terms and conditions under which they are employed.

7.3 Where a delegation is shown as being both an Executive and Non-Executive Function, advice should be sought from the Monitoring Officer regarding the individual circumstances.

iii. Schedule of Authorisations

A.1 Legal Proceedings

A.1.1 In accordance with Article 14 of the Constitution the Borough Solicitor is authorised to institute, defend or participate in legal proceedings in respect of all functions of the Council.

A.2 Representing the Council in Legal Proceedings

A.2.1 The Borough Solicitor is authorised to appoint any appropriate officer to appear on behalf of the Council and to conduct legal proceedings or complete formal proof in court or tribunal. A record of those officers so appointed will be kept by the Borough Solicitor in accordance with the Sub-Delegation Scheme.

A.3 Land, premises, samples, records, articles, equipment or information

A.3.1 The Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service, and any other officer authorised by those officers, are authorised to

3.1.1 enter, visit or inspect premises,

3.1.2 procure samples,

3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;

3.1.4 inspect, seize and detain any records, including records held in electronic form;

3.1.5 demand or require information in accordance with and as provided for by any legislation covering any Council function.

A.3.2 The Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service, Borough Solicitor and any other officer authorised by those officers, may apply to the Justices of the Peace to obtain warrants to enter premises as provided for by any legislation covering any Council function.

A.3.3 A record of any other officers authorised as set out above will be kept by the Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.4 Sealing of Documents

A.4.1 The Joint Chief Executive, Joint Strategic Directors, Borough Solicitor, Joint Executive Head of Legal and Democratic Services and any lawyer employed by the Council are authorised to witness the sealing of Council documents.

A.5 Instruments of Appointment

A.5.1 The Joint Chief Executive or any Joint Strategic Director is authorised to issue Instruments of Appointment to the Joint Executive Head of Environmental Services as an inspector under the Health & Safety at Work Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable, having regard to that inspector's qualifications and duties.

A.5.2 The Joint Executive Head of Environmental Services is authorised to issue Instruments of Appointment to an inspector under the Health & Safety at Work etc. Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable having regard to that inspector's qualifications and duties

A.6 Serving of Notices

A.6.1 The Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service, Borough Solicitor and any other authorised officer employed by the Council are authorised to serve any statutory notices as provided for by any legislation covering any Council function. A record of any other officers so authorised will be kept by the Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.7 Cautions

A.7.1 The Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service and any other officer authorised by those officers, are authorised to act as Cautioning Officer in order to issue cautions to persons making a clear and reliable admission of an offence, where it is considered that the use of a formal caution is appropriate. A record of any other officers so authorised will be kept by the Joint Chief Executive, Joint Strategic Director or Joint Executive Head of Service (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.8 Appeals

A.8.1 Unless otherwise reserved to the Council, the Executive, a Committee or Sub-Committee, as set out in their Terms of Reference, the Joint Chief Executive, Joint Strategic Directors, Joint Executive Head[s] of Service and any other officer authorised by those officers, are authorised to hear appeals as provided for by any legislation covering any Council function and in accordance with Council Policies. A record of any other officers so authorised will be kept by the Joint Chief Executive, Joint Strategic Directors or Joint Executive Head[s] of Service (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

A.9 Consultant in Communicable Diseases Control

A.9.1 The Consultant in Communicable Diseases Control is authorised by the Council to carry out the following actions:

9.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.

9.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient's General Practitioner and the Joint Executive Head of Environmental Services.

9.1.3 To serve notices relating to infected food and control of notifiable diseases.

The Council operates an 'Executive and Leader' model. Therefore the majority of the Council's functions (decision-making) lie with the Executive.

However, a range of the Council's functions are 'non-Executive' meaning that those matters are determined either by full Council or by another Committee of the Council in accordance with the Council's Constitution. Where a Function is referred to below as 'Non-Executive', that function cannot be determined by the Executive and would, in the absence of delegation to an officer(s), be decided by full Council or the relevant Committee.

This Scheme of Delegation to Officers must therefore be read in conjunction with the Council's Constitution.

STATUTORY OFFICERS

B. HEAD OF PAID SERVICE

	Authority	Function
B.1	<p>To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), and (d), below which are reserved to Full Council:</p> <p>(a) the appointment of the Joint Chief Executive or Joint Strategic Directors and statutory posts;</p> <p>(b) the adoption of the annual Pay Policy Statement;</p> <p>(c) the approval of and amendments to the Pension Policy Statement;</p> <p>(d) the settlement of any staff pay award.</p>	Non-executive

C. THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

	Authority	After Consultation with	Function
C.1	Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.	Other local authorities in Surrey.	Non-executive
C.2	<p>To amend the designation of a Polling Place, where within six months of an election(a) a designated polling place unexpectedly becomes unavailable;</p> <p>and</p> <p>(b) it is impractical to report to Council.</p>	Ward councillors, local party agents and, if applicable, official candidates	Non-executive

D. THE MONITORING OFFICER

	Authority	Function
D.1.	The general delegations and authorisations for the Monitoring Officer are as set out in the Constitution at Article 12, the Members' Code of Conduct Part 5 Section A, and the Monitoring Officer Protocol at Part 5, Section J.	Non-executive

D.2	To consider and determine requests for dispensations under Section 33 of the Localism Act 2011.	Non-executive
D.3	To appoint members to the Hearing Panel from the membership of the Standards Committee.	Non-executive
D.4	To amend any names and job titles within the Constitution and other constitutional documents resulting from reorganisation or changes in structure/position.	Non-executive

E. THE SECTION 151 OFFICER

	Authority	Function
E.1	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and the Financial Regulations	Executive
E.2	To include properties in the List of Assets of Community Value and make decisions in relation to claims for compensation.	Executive
E.3	To approve the adoption of new or increased fees and charges within the Schedule of Fees and Charges, after consultation with the Portfolio Holder for Finance, and subject to the annual approval by Council of the complete Schedule of Fees and Charges as part of the Budget-setting. See Financial Regulations paragraph 7.2 (December 2019)	Non-executive
E.4	To determine, after consultation with the Portfolio Holder for Finance, applications from developers to meet some or all of their obligations to pay Community Infrastructure Levy (CIL) charges through 'payment in kind' (as defined in Waverley's <i>Phasing and CIL-in-kind policies</i>)	Executive

DELEGATIONS TO OFFICERS

F. JOINT CHIEF EXECUTIVE

	Authority	Function
F.1	To hear and determine appeals relating to applications to include properties in the List of Assets of Community Value.	Executive

G. JOINT STRATEGIC DIRECTOR – COMMUNITY AND WELLBEING

	Authority	Function
G.1	To make strategic management decisions relating to the Council's functions as they relate to Communications and Customer Services.	Executive
G.2	To make strategic management decision relation to the Council's functions as they relate to Community Services.	Executive
G.3	To make strategic management decisions relation to Environmental Services.	Executive
G.4	To make strategic management decisions relating to the Council's functions as they relate to Housing Services.	Executive

H. JOINT STRATEGIC DIRECTOR – PLACE

	Authority	Function
H.1	To make strategic management decisions relating to the Council's functions as they relate to Assets and Property.	Executive
H.2	To make strategic management decision relation to the Council's functions as they relate to Planning Development.	Executive
H.3	To make strategic management decisions relation to Regeneration and Planning Policy.	Executive
H.4	To make strategic management decisions relating to the Council's functions as they relate to Regulatory Services.	Executive

I. JOINT STRATEGIC DIRECTOR – TRANSFORMATION AND GOVERNANCE

	Authority	Function
I.1	To make strategic management decisions relating to the Council's functions as they relate to Commercial Services.	Executive
I.2	To make strategic management decision relation to the Council's functions as they relate to Finance (including the Section151 Officer).	Executive
I.3	To make strategic management decisions relation to Legal and Democratic Services (including the Monitoring Officer).	Executive
I.4	To make strategic management decisions relating to the Council's functions as they relate to Organisational Development.	Executive

J. JOINT EXECUTIVE HEAD OF COMMUNICATIONS AND CUSTOMER SERVICES

	Authority	Function
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J.1	To make all day-to-day management decisions relating to the Council's functions as they relate to Customer Services.	Executive
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Communications and PR

	Authority	Function
J.2	To make all day-to-day management decisions relating to the Council's functions as they relate to communications and public relations.	Executive

K. JOINT EXECUTIVE HEAD OF COMMUNITY SERVICES

Community Safety

	Authority	Function
K.1	To carry out the Council's functions and any actions authorised by the Community Incident Action Group, relating to anti-social behaviour, in accordance with the Anti-Social Behaviour Crime and Policing Act or subsequent legislation	Executive

Voluntary Organisations and Community Grants

	Authority	After Consultation with	Function
K.2	To agree Service Level Agreements with voluntary organisations	The relevant Portfolio Holder	Executive

DFG's and Adaptations

	Authority	Function
K.3	To undertake all actions relating to the Council's functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following: (a) Disabled facilities grants	Executive

Public Health

	Authority	Function
K.4	Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England)	Executive

	<p>Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Joint Executive Head of Environmental Services, the Joint Executive Head of Regulatory Services, the Joint Executive Head of Housing Services, and the Joint Executive Head of Planning Development.</p>	
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L. JOINT EXECUTIVE HEAD OF ENVIRONMENTAL SERVICES

Burial or Cremation

	Authority	Function
L.1	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.	Executive

	Authority	Function
L.2	To make all day-to-day management decisions relating to the Council's Green Space functions.	Executive

Tree Management

L.3	<p>To take action, make decisions (including determining applications for works to protected trees and prior notifications of the intention to carry out works to trees in conservation areas), serve notices and carry out works relating to trees pursuant to the Town and Country Planning Act 1990, the Hedgerow Regulations 1997 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, and any Regulations made in relation to this legislation or any amendments,</p> <p>except</p> <p>the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee.</p>	Non-executive
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Environmental Protection (Street Cleaning, Waste and Recycling)

	Authority	Function
L.4	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental protection functions:</p> <ul style="list-style-type: none"> i. the Control of Pollution Act 1974 (as amended) ii. the Environmental Protection Act 1990 iii. Dangerous Dogs Act 1991 iv. Noise & Statutory Nuisance Act 1993 v. the Environment Act 1995 vi. the Noise Act 1996 vii. the Dog (Fouling of Land) Act 1996 viii. The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003 ix. Clean Neighbourhoods and Environment Act 2005 x. the Health Act 2006 xi. the Refuse Disposal (Amenity) Act 1978 xii. Zoo Licensing Act 1981 xiii. Water Industry Act 1991 xiv. Environment Act 1995 xv. Health Act 2006 xvi. Sunday Trading Act 1994 xvii. Clean Air Act 1993 xviii. Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended) xix. Pollution Prevention and Control Act 1999 xx. Criminal Justice and Public Order Act 1994 xxi. Criminal Justice and Police Act 2001 <p>including but not limited to the following:</p> <ul style="list-style-type: none"> A. <i>Pollution control</i> B. <i>Air pollution control and clean air;</i> C. <i>smoke free premises</i> D. <i>Waste collection</i> E. <i>Recycling</i> F. <i>Controlled waste</i> G. <i>Contaminated land</i> H. <i>Statutory nuisance</i> I. <i>Litter</i> J. <i>Dangerous and Out of Control dogs</i> K. <i>Dog fouling</i> L. <i>Authorisations in relation to controlled processes</i> M. <i>High Hedges complaint</i> N. <i>Graffiti removal</i> 	Executive

	<p>O. <i>Noise nuisance</i> P. <i>Abandoned vehicles and other refuse</i> Q. <i>Prevention of crime and disorder</i> R. <i>Drug and alcohol abuse/misuse of substances</i></p> <p>except for</p> <p>the award of the Waste Collection and Recycling Contract which is reserved to the Executive.</p>	
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Land Drainage

	Authority	Function
L.5.	<p>To take all actions to alleviate flooding under the Water Management Acts, Water Act 1989 and Land Drainage Act 1991 relating to the Council's land drainage functions, except for the following which are reserved to the Executive:</p> <ul style="list-style-type: none"> i. approval of the annual Drainage Works Programme; ii. authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part-fund from the Drainage Reserve 	Executive

Public Health

	Authority	Function
L.6	<p>Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Joint Executive Head of Environmental Services, the Joint Executive Head of Regulatory Services, the Joint Executive Head of Housing Services, and the Joint Executive Head of Planning Development.</p>	Executive

M. JOINT EXECUTIVE HEAD OF HOUSING SERVICES

Housing and Homelessness

	Authority	Function
M.1	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's housing and homelessness functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's housing and homelessness functions:</p> <ul style="list-style-type: none"> i. Housing Act 1985 ii. Local Government (Miscellaneous Provisions) Acts 1976 and 1982 iii. Local Government and Housing Act 1985 iv. Housing Act 1996 v. Children Act 1989 vi. Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee vii. Housing Act 2004 viii. Anti-Social Behaviour, Crime and Policing Act 2014 ix. Clean Neighbourhoods and Environment Act 2005 x. Leasehold Reform, Housing and Urban Development Act 1993 xi. Leasehold Reform Act 1967 xii. Housing and Planning Act 2016 xiii. Homelessness Act 2002 xiv. Housing, Grants, Construction and Regeneration Act 1996 xv. Prevention of Damage by Pests Act 1949 xvi. Public Health Acts 1936 and 1961 xvii. Caravan Sites and Control of Development Act 1960 xviii. Environmental Protection Act 1990 xix. Public Health (Control of Disease) Act 1984 xx. Caravan Sites Act 1968 and Mobile Homes Act 2013 xxi. Protection from Eviction Act 1977 xxii. Criminal Law Act 1977 xxiii. Building Act 1984 xxiv. Energy Act 2013 xxv. Energy Act 2011 	Non-Executive/Executive
M.2	To make decisions to depart from the Council's Allocations Policy in special needs circumstances.	Executive
M.3	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	Executive

	Authority	After Consultation with	Function
M.4	To review decisions taken under the Personal Files (Housing) Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.	The relevant Portfolio Holder	Executive

	Authority	Function
M.5	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
M.6	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

Public Health

	Authority	Function
M.7	<p>Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Joint Executive Head of Environmental Services, the Joint Executive Head of Regulatory Services, the Joint Executive Head of Housing Services, and the Joint Executive Head of Planning Development.</p>	Executive

N. JOINT EXECUTIVE HEAD OF ASSETS AND PROPERTY

Assets and Property

	Authority	Function
N.1. 2	To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership).	Executive
N.2	To proceed to initial assessment of buy back or open market purchase if the opportunity meets the Council's criteria/policy.	Executive

N.3	To proceed to initial assessment for a land purchase if the opportunity meets the Council's criteria/policy	Executive
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	Authority	After Consultation with	Function
N.4	To proceed to initial assessment of buy back or open market purchase if the opportunity does not meet the Council's criteria/policy	Portfolio Holders on the Housing Delivery Board	Executive
N.5	To proceed to initial assessment for a land purchase if the opportunity does not meet the Council's criteria/policy	Portfolio Holders on the Housing Delivery Board	Executive
N.6	To proceed to negotiation stage of buy back or open market purchase if the purchase price falls within overall budget	Portfolio Holders on the Housing Delivery Board	Executive
N.7	To negotiate on price of buy back or open market purchase	Strategic Director and Estates and Valuation Manager	Executive
N.8	To proceed with buy back or open market purchase if within budget or purchase price and works are needed	Portfolio Holders on the Housing Delivery Board	Executive
N.9	To negotiate on land purchases	Strategic Director and Estates and Valuation Manager	Executive
N.10	To proceed with land purchase if within agreed financial limits	Portfolio Holders on the Housing Delivery Board	Executive

Estate Management

	Authority	After Consultation with	Function
N.11	To agree, with any supplier agreed by the Council, changes to the cost of supplying gas and electricity services at different times within the contract period in accordance with the terms of the contract.	The relevant Portfolio Holder	Executive
N.12	To approve expenditure from the Repairs and Maintenance Fund on	The Leader or the appropriate Portfolio Holder	Non-executive, or Executive as appropriate

	individual or related items up to £20,000.		to the function being exercised
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	Authority		Function
N.13	To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its ownership of land or property, except acquisitions or disposals of land or property in excess of £250,000 which are reserved to the full Council and Executive (on the recommendation of the Investment Advisory Board).		Executive
N.14	To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its interests in land or property Except the following matters which are reserved to the Executive: (i) acquisitions or disposals of interests in land or property with a value in excess of £250,000; and (ii) the grant or renewal of all leases in excess of 25 years, other than qualifying applications made under the Leasehold Reform Act 1967 to extend the lease or acquire the freehold where the price reflects the independent valuation and all costs are met by the applicant.		Executive

O. JOINT EXECUTIVE HEAD OF PLANNING DEVELOPMENT

Development Control and Planning Policy

	Authority	After Consultation with	Function
O.1	To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.	The Chairman of the Planning Committee and Ward Councillors	Non-executive

O.2	To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee	The Chairman of the Planning Committee and Ward Councillors	Non-executive
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	Authority	Function
O.3	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Development Management, Planning Policy and Planning Enforcement functions:</p> <ul style="list-style-type: none"> i. Caravan Sites and Control of Development Act 1960 ii. Countryside and Rights of Way Act 2000 iii. Enterprise and Regulatory Reform Act 2013 iv. Environment Act 1995 v. Environmental Protection Act 1990 vi. Growth and Infrastructure Act 2013 vii. Housing Act 1996 viii. Housing Act 2004 ix. Human Rights Act 1998 x. Infrastructure Act 2015 xi. Local Democracy, Economic Development and Construction Act 2009 xii. Local Government Act 2003 xiii. Localism Act 2011 xiv. Planning (Hazardous Substances) Act 1990 xv. Planning (Listed Buildings and Conservation Areas) Act 1990 xvi. Planning Act 2008 xvii. Planning and Compensation Act 1991 xviii. Planning and Compulsory Purchase Act 2004 xix. Pollution Prevention and Control Act 1999 xx. Town and Country Planning Act 1990 xxi. Building Act 1984 xxii. Self-build and Custom Housebuilding Act 2015 xxiii. Neighbourhood Planning Act 2017 xxiv. Anti-Social Behaviour Act 2003 	Non-Executive /Executive

O.4	<p>(A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness <u>(after consultation with the Borough Solicitor for applications of certificates of lawfulness)</u>;</p> <p>(B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas;</p> <p>(C) to respond to consultations and notifications from other local authorities, public bodies, etc.;</p> <p>(D) to determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment;</p> <p>(E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land;</p> <p>(F) to serve, amend, vary, withdraw, revoke any notices, permissions, certificates (as appropriate) (including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, community infrastructure stop notices, certificates of lawfulness);</p> <p>(G) the making and/or adoption of any plan for the purposes of neighbourhood planning</p> <p>(H) in consultation with the relevant Planning Committee Chairman and Vice-Chairman, and relevant Ward Member(s), to determine planning applications with a connection to a Member or Officer, which satisfy all other requirements of a decision under delegation. <i>(temporary delegation to end on 7 May 2021, or on the expiry of the temporary WESTERN and EASTERN Planning Committees 2020/21, if sooner.)</i></p> <p>except:</p> <p>(a) planning applications that must be referred to the Planning Committee in accordance with Part 3 of the Constitution and as set out below:</p> <p>(a.1) To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted</p>	Non-executive
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<p>(a.2) To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare) and which, in the judgement of the Joint Chief Executive, after consultation with the Joint Executive Head of Planning Development and the appropriate Planning Committee Chairman, meet the following criteria</p> <ul style="list-style-type: none"> i. have a significant planning impact beyond the Area in which they are situated, and/or ii. are of strategic importance, and/or iii. involve new planning issues for the Borough; or iv. is a revised application for parcel of land within a development with an extant planning permission previously determined by Joint Planning Committee that increases the total number of dwellings on the total site; and/or v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more; or <p>(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in c (i) to (v) above, the Chief Executive and Head of Planning will normally submit the application to the Planning Committee;</p> <p>(b) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Head of Planning (or any officer(s) nominated by them), which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Planning Committee for determination;</p> <p><i>(For (b) above) Where the three-week call-in period has expired, but the Joint Executive Head of Planning Development is satisfied that there is sufficient justification on planning grounds and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;</i></p>	
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	<p>(c) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;</p> <p>(d) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;</p> <p>(e) any planning application where the Council is the applicant;</p> <p>(f) any planning application which is required to be referred to the Secretary of State;</p> <p>(g) planning applications, where by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both, and not from the same individual or the same household) shall only be determined under delegated powers after the Development (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.</p>	
O.5	To agree the terms of, and variations to, Section 106 Legal Agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission under delegated powers and Section 106 agreements following a refusal on appeal.	Non-executive

Licensing

	Authority	Function
O.6	<p>Under the Licensing Act 2003:</p> <p>(a) to respond to the Licensing Authority in connection with consultations on applications on behalf of the local planning authority;</p> <p>(b) to apply for a review of a premises licence or a club premises certificate.</p>	Non-executive

Public Health

	Authority	Function
O.7	<p>Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England)</p>	Executive

	<p>Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Joint Executive Head of Environmental Services, the Joint Executive Head of Regulatory Services, the Joint Executive Head of Housing Services, and the Joint Executive Head of Planning Development.</p>	
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P. JOINT EXECUTIVE HEAD OF REGENERATION AND PLANNING POLICY

	Authority	Function
P.1	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's Planning functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Planning Policy functions:</p> <ol style="list-style-type: none"> i. Caravan Sites and Control of Development Act 1960 ii. Countryside and Rights of Way Act 2000 iii. Enterprise and Regulatory Reform Act 2013 iv. Environment Act 1995 v. Environmental Protection Act 1990 vi. Growth and Infrastructure Act 2013 vii. Housing Act 1996 viii. Housing Act 2004 ix. Human Rights Act 1998 x. Infrastructure Act 2015 xi. Local Democracy, Economic Development and Construction Act 2009 xii. Local Government Act 2003 xiii. Localism Act 2011 xiv. Planning (Hazardous Substances) Act 1990 xv. Planning (Listed Buildings and Conservation Areas) Act 1990 xvi. Planning Act 2008 xvii. Planning and Compensation Act 1991 xviii. Planning and Compulsory Purchase Act 2004 xix. Pollution Prevention and Control Act 1999 xx. Town and Country Planning Act 1990 xxi. Building Act 1984 xxii. Self-build and Custom Housebuilding Act 2015 xxiii. Neighbourhood Planning Act 2017 xxiv. Anti-Social Behaviour Act 2003 	Non-Executive /Executive

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Street Naming and Numbering

	Authority	After Consultation with	Function
P.2	To determine the names of highways under the Public Health Act 1925 (including subsequently amending and replacement legislation).	The appropriate Portfolio Holder and appropriate ward councillors	Executive

	Authority	Function
P.3	To exercise the street numbering function under the Public Health Act 1925 (including subsequent amending and replacement legislation).	Executive

Q. JOINT EXECUTIVE HEAD OF REGULATORY SERVICES

Environmental Protection

	Authority	Function
Q.1	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental protection functions:</p> <ul style="list-style-type: none"> xxii. the Control of Pollution Act 1974 (as amended) xxiii. the Environmental Protection Act 1990 xxiv. Dangerous Dogs Act 1991 xxv. Noise & Statutory Nuisance Act 1993 xxvi. the Environment Act 1995 xxvii. the Noise Act 1996 xxviii. the Dog (Fouling of Land) Act 1996 xxix. The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003 xxx. Clean Neighbourhoods and Environment Act 2005 xxxi. the Health Act 2006 xxxii. the Refuse Disposal (Amenity) Act 1978 xxxiii. Zoo Licensing Act 1981 xxxiv. Water Industry Act 1991 xxxv. Environment Act 1995 xxxvi. Health Act 2006 xxxvii. Sunday Trading Act 1994 xxxviii. Clean Air Act 1993 	Executive

	<ul style="list-style-type: none"> xxix. Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended) xl. Pollution Prevention and Control Act 1999 xli. Criminal Justice and Public Order Act 1994 xlii. Criminal Justice and Police Act 2001 <p>including but not limited to the following:</p> <ul style="list-style-type: none"> A. <i>Pollution control</i> B. <i>Air pollution control and clean air;</i> C. <i>smoke free premises</i> D. <i>Waste collection</i> E. <i>Recycling</i> F. <i>Controlled waste</i> G. <i>Contaminated land</i> H. <i>Statutory nuisance</i> I. <i>Litter</i> J. <i>Dangerous and Out of Control dogs</i> K. <i>Dog fouling</i> L. <i>Authorisations in relation to controlled processes</i> M. <i>High Hedges complaint</i> N. <i>Graffiti removal</i> O. <i>Noise nuisance</i> P. <i>Abandoned vehicles and other refuse</i> Q. <i>Prevention of crime and disorder</i> R. <i>Drug and alcohol abuse/misuse of substances</i> <p>except for</p> <p>the award of the Waste Collection and Recycling Contract which is reserved to the Executive.</p>	
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Environmental Health

	Authority	Function
Q.2	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental health functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental health functions:</p> <ul style="list-style-type: none"> i. the Local Government Act 1972 ii. the Local Government (Miscellaneous Provisions) Act 1976 iii. the Public Health Act 1961 iv. the Clean Neighbourhoods and Environment Act 2005 v. the Prevention of Damage by Pests Act 1961 vi. National Assistance Acts 1948 and 1951 	Executive

	<p>vii. Water Act 1989 viii. Disability Discrimination Act 1995</p> <p>including but not limited to the following:</p> <p><i>(a) drains, private sewers, water closets or soil pipes</i> <i>(b) a satisfactory supply of wholesome water</i> <i>(c) the control rats and mice</i> <i>(d) filthy or verminous premises, articles or persons</i> <i>(e) the prevention and suppression of nuisances</i> <i>(f) emergency situations arising outside normal working hours.</i></p>	
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Food and Health & Safety

	Authority	Function
Q.3	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's food safety and health & safety functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation and any associated regulations relating to the Council's food safety and health & safety and pesticides functions:</p> <p>i. the European Communities Act 1972 ii. the Food and Environment Protection Act 1985, iii. the Food Safety Act 1990, iv. the Health & Safety at Work etc. Act 1974, v. Sunday Trading Act 1994, vi. Public health (Control of Diseases) Act 1984 (and regulations made thereunder (with the exception of those dealt with under the health protection regulations)) vii. Game Act 1831 viii. Sea Fisheries (Shellfish) Act 1967 ix. Offices Shops and Railway Premises act 1963 x. (ix) Food and Environment Protection Act 1985</p>	Non-executive/ Executive

Emergency Planning

	Authority	Function
Q.4	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's functions as a Category 1 Responder in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's emergency planning functions as a Category 1 Responder:</p>	Non-executive

	i. Civil Contingencies Act 2004.	
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Closure of Streets

	Authority	Function
Q.5	To make and issue temporary street closures orders in connection with special events in accordance with Section 21 of the Town Police Clauses Act 1847.	Executive

	Authority	After Consultation with	Function
Q.6	The determination of applications for street collections to provide funding to meet a major local, national, or international disaster.	The Chairman of the Licensing and Regulatory Committee.	Non-executive
Q.7	On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to: (a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and (b) reviews undertaken of existing licences.	The appropriate ward councillors.	Non-executive

Licensing

	Authority	Function
Q.8	To make all decisions, take all actions and exercise all powers in respect of the Council's licensing functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's licensing functions: <ul style="list-style-type: none"> i. the Regulatory Reform Act 2001 ii. Licensing Act 2003 iii. Gambling Act 2005 iv. the Public Health Acts 1875, 1936 and 1961 (as amended) v. Public Health (Control of Disease) Act 1984 vi. Riding Establishments Acts 1964 and 1970 vii. Dangerous Wild Animals Act 1976 viii. the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (as amended), 	Non-executive

	<ul style="list-style-type: none"> ix. Prevention of Damage by Pests Act 1949 x. the Scrap Metal Dealers Act 2013 xi. Sunday Trading Act 1994 xii. Town Police Clauses Act 1847 and 1889 xiii. Guard Dogs Act 1975 xiv. Animal Health Act 1981 xv. Animal Health and Welfare Act 1984 xvi. Control of Dogs Order 1992 xvii. Animal Welfare Act 2006 xviii. The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 xix. Zoo Licensing Act 1981 <p>including but not limited to the following:</p> <ul style="list-style-type: none"> A. <i>Personal, premises, club premises licences and Temporary Event Notices</i> B. <i>Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence)</i> C. <i>House to house and street collections</i> D. <i>Club gaming/club machine permits and small society lotteries</i> E. <i>Sexual Entertainment Venues</i> F. <i>Street trading</i> G. <i>Scrap metal dealers</i> H. <i>Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals</i> I. <i>Game dealers</i> J. <i>Tattooing, acupuncture, ear piercing, cosmetic piercing and electrolysis</i> K. <i>Sunday trading</i> <p>except for</p> <ul style="list-style-type: none"> a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council; b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing and Regulatory Committee; c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing and Regulatory Committee; d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee; 	
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	<p>e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing and Regulatory Committee;</p> <p>f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.</p>	
Q.9	To authorise officers of other Surrey Licensing Authorities participating in a Joint Warranting Scheme to enforce all relevant Hackney Carriage and Private Hire licensing legislation. [Council 18 February 2020].	Non-executive
Q.10	On behalf of the Council as the Responsible Authority for Environmental Health and/or the Responsible Authority for Health and Safety, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: <ul style="list-style-type: none"> a) to make a relevant representation b) to apply for a review of a premises licence c) to apply for a review of a club premises certificate 	Non-executive
Q.11	On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: <ul style="list-style-type: none"> a) to make a relevant representation b) to apply for a review of a premises licence c) to apply for a review of a club premises certificate 	Non-executive

Private Sector Housing

	Authority	After Consultation with	Function
Q12	To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.	The relevant Portfolio Holder	Executive

	Authority	Function
Q.13	To undertake all actions relating to the Council's functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following: <ul style="list-style-type: none"> (b) Renovation grants (c) common parts grants, 	Executive

	(d) house in multiple occupation grants (e) major repair grants	
Q.14	To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.	Executive
Q.15	To undertake all actions relating to the Council's functions under the Housing Acts and any subsequent legislation regard to unfit housing and houses in multiple occupation.	Executive
Q.16	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

Public Health

	Authority	Function
Q.17	<p>Authorised under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (the Business Closure Regulations) and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restriction Regulations) and any updating and/or amending legislation.</p> <p>This delegation is also extended to the Joint Executive Head of Environmental Services, the Joint Executive Head of Regulatory Services, the Joint Executive Head of Housing Services, and the Joint Executive Head of Planning Development.</p>	Executive

R. JOINT EXECUTIVE HEAD OF COMMERCIAL SERVICES

Building Control

	Authority	After Consultation with	Function
R.1	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	The relevant Portfolio Holder	Executive

	Authority	Function
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R.2	To exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default.	Executive
R.3	To exercise the powers and duties of the Council, including the recovery of costs, relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Executive
R.4	To make all decisions, take all actions and exercise all powers in respect of the Council's Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Building Control function: i. Building Act 1984	Non-Executive /Executive

Leisure

	Authority	Function
R.5	To make all day-to-day management decisions relating to the Council's Leisure functions.	Executive

Car Parks

	Authority	Function
R.6	To make all day to day management decisions relating to the management and use of the Council's car parks, except for the following which are reserved to the Council: i. The adoption of and amendments to the Council's Car Parking Strategy; ii. The setting of off-street car parking charges.	Non-executive
R.7	To make all decisions, take all actions and exercise all powers in respect of the Council's parking functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's parking functions: i. Highways Act 1980	Executive

	ii. Road Traffic Regulation Act 1984 iii. Road Traffic Regulation Act 1991 iv. Traffic Management Act 2004	
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S. JOINT EXECUTIVE HEAD OF FINANCE (S1510)

Financial Management

	Authority	After Consultation with	Function
S.1	To set the Council Tax Base.	The relevant Portfolio Holder	Executive
S.2	To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.	Chief Executive and the relevant Portfolio Holder.	Executive
	Authority		Function
S.3	To approve spending from the Insurance Fund in individual projects or a group of related projects or a group of related items up to a maximum of £20,000.		Executive
S.4	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council) (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).		Non-executive

Council Tax and NNDR

	Authority	Function
S.5	To apportion rates under Section 44A of the Local Government Finance Act 1988, and any subsequent legislation, on premises partially unoccupied for short periods.	Executive
S.6	To determine applications for Discretionary Rate Relief and Discretionary Council Tax Reduction in accordance with the adopted policy criteria and with discretion to grant applications which can be funded from within the approved budget.	Executive
S.7	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts	Executive

**T. JOINT EXECUTIVE HEAD OF LEGAL AND DEMOCRATIC SERVICES
(MONITORING OFFICER)**

Members Meetings and the Constitution

	Authority	After Consultation with	Function
T.1	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-executive
T.2	To appoint members to the Independent Remuneration Panel.	Party Group Leaders. All decisions to be reported to all Members by email.	Non-executive
T.3	In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.	The party group leaders. All decisions to be reported to all Members by email.	Non-executive
T.4	To make changes to the membership of any of the Council's Committees as necessary during the Council year, in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.	The party group leaders	Non-executive
T.5	To grant a continuing leave of absence to a councillor in relation to the Local Government Act 1972 s 85, in consultation with the group leaders. All decisions to be reported to all Members.	The party group leaders	Non-executive

BOROUGH SOLICITOR

Data Protection Act 1998

	Authority	Function

T.6	To authorise the charging of a fee in respect of any manifestly unfounded or excessive Subject Access Request under the Data Protection Act 2018/General Data Protection Regulation	Executive
T.7	To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership).	Executive

Regulation of Investigatory Powers Act 2000

	Authority	After Consultation with	Function
T.8	To amend the Council's Regulation of Investigatory Powers Act 2000 Policy and Procedure, to reflect changes to the legislation or for better performance of the Policy.	The relevant Portfolio Holder and the Leader	Executive
T.9	To add to, or delete from, the list of authorised officers in the Council's Policy and Procedure pursuant to the Regulation of Investigatory Powers Act 2000.	The relevant Portfolio Holder and the Leader	Executive

U. JOINT EXECUTIVE HEAD OF ORGANISATIONAL DEVELOPMENT

	Authority	After Consultation with	Function
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CONSTITUTION

PART 4

PROCEDURE RULES

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Part 4.1 Council and Committee Procedure Rules

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4. Appointment of reserve members of committees and sub-committees
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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May at a place and time as set out in the Notice and Summons of the meeting.

1.2 The annual meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive apologies for absence
- (f) receive any announcements from the Mayor and/or Head of the Paid Service;
- (g) in a year when there is an ordinary election of councillors (or at any other time when the office of Leader becomes vacant) elect the Leader of the Council and note, if known, the appointment by the Leader of the Deputy Leader and other appointments to the Executive including their portfolios;
- (h) appoint at least one Overview and Scrutiny Committee, and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution), and make the appropriate appointments in accordance with section 1.3 below;
- (k) consider any other business set out in the notice convening the meeting.

1.3 Selection of Councillors on Committees

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules set out in the Local Government and Housing Act 1989
- (d) receive nominations of councillors to serve on each committee, including substitutes

- (e) appoint to those committees on the nomination of Party Group Leaders except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader;
- (f) appoint chairs and vice-chairs of the committees.

2. Ordinary meetings

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Executive, and at a place and time set out in the Notice and Summons to the meetings

2.2 Ordinary meetings will:

- (a) elect a person, who may not be a member of the Executive, to preside if the Mayor and Deputy Mayor are not present;
- (b) receive apologies for absence;
- (c) approve the minutes of the last meeting;
- (d) receive any declarations of interest from members;
- (e) receive any announcements from the Mayor, Leader, members of the Executive or the Joint Chief Executive;
- (f) receive and respond to questions from members of the public in accordance with the Procedure Rules for Public Participation at Meetings set out at Part 4.7 of this Constitution;
- (g) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4.7.1 of this Constitution;
- (h) deal with any business remaining from the last Council meeting;
- (i) receive and respond to questions from Members, in accordance with Rule 11.
- (j) receive reports and consider recommendations from the Executive in relation to the Council's budget and policy framework, and from the Council's Committees, including the annual reports of the Overview and Scrutiny Committee(s) and receive questions and answers on any of those reports;
- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (l) consider motions in accordance with Rule 12; and
- (m) consider any other business specified in the summons to the meeting.
- (n) receive for information the approved minutes of the Executive and committees.

2.3 Other than items (a) to (d) above, the order of business may be varied by the Mayor or by Council resolution.

2.4 Budget/Council Tax Meetings

The business at a Budget/Council Tax meeting shall include the following:

- (a) elect a person, who may not be a member of the Executive, to preside if the Mayor and Deputy Mayor are not present;
- (b) receive apologies for absence;
- (c) approve the minutes of the last meeting;
- (d) receive any declarations of interest from members;
- (e) receive statement from the Leader of the Council on the budget and council tax proposals
- (f) receive a presentation from the Finance Portfolio Holder on the budget and council tax proposals
- (g) received a response from the Leader of the Principal Opposition Group on the budget and council tax proposals
- (h) debate on the budget and council tax proposals and consideration of motions and amendments
- (i) consider any other business specified in the summons to the meeting, including the Capital Strategy and HRA Business Plan.

2.5 No non-budget matters will be considered at the Budget/Council Tax Council meeting unless time constraints do not allow for a decision to wait for the next Ordinary meeting.

2.6 All decisions relating to either the substantive budget motion/proposal or any amendments to it, will be to be taken via a recorded vote (Roll Call).

3. Extraordinary meetings

3.1 Calling extraordinary meetings

Those listed below may request the Joint Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or

have failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

In order to preserve the use of extraordinary meetings for debates concerning one-off, major matters the business which can be conducted at extraordinary meetings will be confined to a single item with no consideration of previous minutes, or reports from committees etc.

4. Appointment of Reserve Committee Members

4.1 Powers and duties

Reserve members will have all the powers and duties of any ordinary member of the body but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.2 Reserve members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the designated substitute for that meeting;
- (b) where the ordinary member will be absent for the whole of the meeting;
- (c) after notifying the Democratic Services Officer by 4pm on the day of the meeting of the intended substitution (or at least 2 hours before the meeting if the meeting is earlier than 6.00pm).

4.3 If the ordinary member is not absent for the whole of the meeting, the reserve member may not attend as a substitute. This does not take away that councillor's right to attend in any other capacity.

5. Time and place of meetings

5.1 The time and place of meetings will be determined by the Executive Head of Legal and Democratic Services and notified in the summons.

5.2 Council and Committee meetings normally will be held at the Council Offices, The Burys, Godalming. However, the Executive Head of Legal and Democratic Services may vary the time and place of meetings, or cancel meetings in exceptional circumstances, to ensure the efficient operation of the Council. This may only be done with the agreement of the Chair of the relevant meeting. All councillors and interested parties will be advised.

6. Notice of and summons to meetings

6.1 The Executive Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Local Government Act 1972 and the Access to Information Rules.

6.2 At least five clear working days before a meeting, the Executive Head of Legal and Democratic Services will send a summons to every member of the Council, unless urgency requires that a meeting be convened at shorter notice and this requirement cannot be met.

6.3 The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7. Chair of the meeting

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings references to the Mayor also include the Chair of committees and sub-committees.

7.2 The powers of the Chair include:

- (a) to decide all matters of order, competence, relevancy, interpretation of procedure rules relating to the conduct of the meeting and the appropriateness of Council questions.
- (b) to direct a councillor to discontinue speaking if the Chair considers the councillor is being repetitive or irrelevant, uses unbecoming language or is in some other way breaching the order of the meeting;
- (c) to move that a councillor not be heard further under Procedure Rule 21.3 and if necessary, to move that a councillor leave the meeting or that the meeting be adjourned in accordance with Procedure Rule 21.4.
- (d) to order the removal of a member of the public who is disruptive or the clearing of public areas in the event of a general disturbance. Readmission shall be at the discretion of the Chair;
- (e) in the case of an equality of votes, the Chair of the meeting shall have a second or casting vote;
- (f) the decision of the Chair shall be final. Councillors shall address the Chair when speaking and not dispute the decisions of the Chair during the course of the meeting.

7.3 References in this Constitution to “the Chair” do not prevent the Chair from being addressed in person as chairman, chairperson, chairwoman, or otherwise as they prefer.

8. Quorum

8.1 The quorum of a meeting will be one quarter of the whole number of members (for the Council meeting this means 15 members).

8.2 During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will stand adjourned for 10 minutes. If after recommencing there is still no quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Duration of the meeting

- 9.1 Meetings of the Council should normally finish by 10.00 pm but, at a convenient time before then, the Chair shall put to the meeting the options of:
- (a) agreeing to a half hour extension to 10.30 pm, at which time the meeting shall stand adjourned; or
 - (b) continuing the meeting until the Council or committee has concluded its consideration of the agenda; or
 - (c) adjourning the meeting.
- 9.2 No business other than that set out in the agenda shall be discussed at any adjourned meeting.

10. Public participation and petitions

- 10.1 Members of the public who have a legitimate interest in the Borough, by way of work or residency, may ask a question at ordinary meetings of the Council, Executive and Committees in accordance with the Council's Public Speaking Procedure Rules, set out at Part 4.7 of this Constitution. Questions by the public will not be included as an item on agendas for Extraordinary meetings.
- 10.2 Petitions at submitted to the Council will be received, debated, and responded to in accordance with the Petitions Scheme set out at Part 4.7.1 of this Constitution.

11. Questions by councillors

11.1 Questions on notice at full Council

Subject to Rule 11.3, a councillor may ask:

- the Mayor;
- the Leader or a member of the Executive; or
- the Chair of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Waverley

11.2 Questions on notice at the Executive, Committees and Sub-Committees

Subject to Rule 11.3, any councillor may ask the Leader/Executive or Chair of a Committee or Sub-committee a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that Committee or Sub-Committee.

11.3 Notice of questions

A councillor may only ask a question under Rule 11.1 or 11.2 if either:

- (a) they have given at least 4 clear working days' notice in writing of the question to the Executive Head of Legal and Democratic Services; or

- (b) the question relates to urgent matters that are not already included on the agenda, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Executive Head of Legal and Democratic Services by noon on the day of the meeting.

11.4 Any question submitted under Rule 11.1 or 11.2 shall be read out by the councillor without comment or elaboration and shall be answered without discussion or further question.

11.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 A record of all questions asked and answers given in accordance with this Rule shall be included in the minutes of the proceedings of the Council, Committee or Sub-Committee.

11.7 On reports of the Executive or Committees at Council

A councillor may ask the Leader, a member of the Executive, or the Chair of a Committee any question without notice upon an item of the report of the Executive or Committee when that item is being received or under consideration by the Council.

11.8 Statements/Questions on Executive or Committee Minutes

- (a) There shall be no debate on any item contained in the minutes of the Executive or a Committee, but councillors may give notice in writing, e-mail or telephone message to the Executive Head of Legal and Democratic Services by noon on the day of the meeting, of a statement or question, and give details of any question.
- (b) When a member (or members) of the Executive give(s) notice to speak on any item of the Executive minutes, they shall be heard before any other councillor.
- (c) Members of the Executive may not bring forward new information under this procedure. Any information which is included in such a statement or question and which has not previously been formally presented to the Council shall be the subject of a report to the next meeting of the Executive, or where appropriate the relevant regulatory Committee.
- (d) The Chair of the Executive or Committee shall have a right to make a statement or give a reply. The Leader may choose to delegate their response to the appropriate portfolio holder.

12. Motions on notice

12.1 Notice

- (a) Except for motions which can be moved without notice under Rule 13, written notice of every motion must be delivered to the Executive Head of Legal and Democratic Services at least seven clear working days before the date of the meeting.

[Note: seven clear working days does not include the day of the meeting ie. if the Council meeting is on a Tuesday the motion must be received by 5pm on the Thursday two weeks before the meeting providing there are no Bank Holidays in this period.]

- (b) Written notice of motions must be endorsed by at least three councillors except:
- A single Independent councillor may submit a motion without any further signatories.
 - A Group with two councillors may submit a motion if both members of the Group have endorsed it.

12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Scope

Motions must be about matters for which the Council has a responsibility, or which affect the Borough of Waverley, as determined by the Executive Head of Legal and Democratic Services (in consultation with the Joint Chief Executive and the Mayor).

12.4 Motions not Moved at the Meeting

The Council will treat as withdrawn any motion not Moved, either by the councillor who gave notice or by some other councillor on their behalf, at the meeting at which it appears on the agenda, unless postponement is agreed. A Motion must be seconded before any debate can take place.

12.5 Referral or dealing with Motions

- (a) If the subject matter of any motion of which notice has been duly given comes within the province of any Committee or Committees or the Executive (including any relevant Sub-Committees) it shall, upon being moved and seconded, stand referred without further discussion to the Executive, or the relevant Committee or Committees for consideration and report and a statement to this effect shall be included in the summons for the meeting of the Council.
- (b) The Leader of the Council may, if they consider it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward and a statement to

this effect shall be included in the summons for the meeting of the Council.

- (c) Where a motion is referred to the Executive or a Committee or Committees (including Sub-Committees) it shall be dealt with in the business of that Committee or Sub-Committee or the Executive. The relevant Committee or the Executive shall set out the wording of the motion in its report to the next ordinary meeting of the Council after its consideration of the motion and shall include in that report its recommendation on the subject matter of the motion.
- (d) For the avoidance of doubt, discussion on the item in the report of the committee or Executive dealing with the motion shall be upon the recommendation of the committee and not upon the motion or the wording of the motion itself, but the mover of the motion shall have the right to speak first when the appropriate item in the report of the committee or committees is reached. The mover shall also have the right to reply to points raised during the debate and for this purpose to speak last but one, the final right of reply to remain with the Chair of the Committee or Executive or other member who has moved the reception of the report. In the event of the recommendation of the Committee or Sub-Committee not being adopted, the original motion shall become the substantive motion.

12.6 Limit on number of Motions

No councillor may have more than one motion on notice on the same agenda.

13. Motions without notice

13.1 The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting, or the remainder of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) remission of business to a Committee or the Executive;
- (e) to refer a matter to an appropriate body or individual;
- (f) to appoint a Committee or member where the need arises from an item on the summons for the meeting;
- (g) to receive minutes or to adopt recommendations of committees or officers and any resolutions following from them;
- (h) to withdraw a motion;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;

- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continue beyond 10.00 p.m. (if Rule 9 is used);
- (o) to suspend procedure rule 14.4, for which reasons must be given;
- (p) to exclude the public and press in accordance with the Access to Information Rules;
- (q) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (r) to give the consent of the Council where its consent is required by this Constitution.

14. Rules of debate

14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor will require it to be written down and handed to them before it is discussed.

14.3 Secunder's speech

When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

14.4 Content of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

14.5 Length of speeches

- (a) No speech may exceed four minutes without the consent of the Mayor, except in the case of proposers of a motion or an amendment, or those having a right of reply when they may not exceed six minutes.
- (b) There shall be no time limit for the Leader of the Council in moving the Budget at the Council Tax setting meeting. The Finance Portfolio Holder, the Leader of the Principal Opposition Group and the Leader of any other Opposition Group with 5 or more members should have up to 10 minutes each.

14.6 When a member may speak again

A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since they last spoke;

- (c) if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply (Rule 14.10);
- (e) on a point of order (Rule 14.12); and
- (f) by way of personal explanation (Rule 14.13)

14.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to the Executive or a Committee for consideration or re-consideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, unless in the opinion of the Mayor this would help the Council conduct its business. Where the Mayor so permits this, they may be discussed (but not voted on) together.
- (c) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, other than one to refer the subject of debate to a Committee or the Executive for consideration or reconsideration, the motion or recommendation as amended shall take the place of the original motion or recommendation and shall become the motion or recommendation upon which any further amendment may be moved.
- (d) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.8 Alteration of motion

- (a) A councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

14.9 Withdrawal of motion

A councillor may withdraw a motion which they have moved with the consent of the seconder and the Council. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the amendment has the right of reply at the close of the debate on the amendment and to speak last but one for that purpose, the final right of reply to remain with the mover of the original motion.
- (c) In exercising his right of reply, a councillor shall strictly confine themselves to answering statements or arguments made during debate and shall not introduce any new material.

14.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) by the mover, to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to take an immediate vote;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 10.00 p.m. if Rule 9 is used;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.12 Closure motions

- (a) A councillor may move, without comment, the following motions at the end of a speech of another councillor:
 - (i) to proceed to the next business;
 - (ii) to take an immediate vote;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.

(b) On the seconding of any of the above procedural motions, the Mayor will proceed as follows:

(i) on a motion to proceed to next business

If the Mayor considers the item has been sufficiently discussed, they shall put that formal motion to the vote without further discussion and if it is passed then the Council shall immediately proceed to the next item of business.

(ii) on a motion to take an immediate vote

If the Mayor considers the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, the Mayor will give the mover of the original motion a right of reply before putting their motion to the vote.

(iii) on a motion to adjourn the debate or the meeting

If the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

(c) A councillor moving the adjournment of the debate or the meeting must confine their observations to that question and no amendment can be proposed to that motion unless it relates to the time of adjournment.

(d) Adjourned debate

On resuming an adjourned debate, the councillor who moved the adjournment is entitled to speak first. Thereafter the normal rules of debate will apply.

14.13 Point of order

A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final and shall not be open to discussion.

14.14 Personal explanation

A councillor may make a point of personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final and shall not be open to discussion.

15. Informal meetings of the Council

15.1 State of the borough debate

(a) Calling of debate

The Leader may call a state of the Borough debate annually on a date and in a form to be agreed with the Mayor.

(b) Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the Borough debate.

(c) Chairing of debate

The debate will be chaired by the Mayor.

(d) Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

15.2 Other Informal Council Meetings

- (a) Informal meetings of councillors may be called at any time by the Mayor subject to compliance with Section 100B of the Local Government Act 1972 by giving each member notice thereof, such notice specifying the business to be debated thereat, not less than seven clear working days before the date of the meeting.
- (b) At a meeting called in pursuance of this Procedure Rule
 - (i) these Procedure Rules, with the exception of Procedure Rules 2(i) and 15.2, shall have no effect
 - (ii) no business other than that specified in the notice of the meeting shall be discussed
 - (iii) no formal resolutions shall be passed
 - (iv) no speech shall exceed five minutes in duration
 - (v) the debate shall be limited to a duration of 1 ½ hours unless in the opinion of the Mayor this time is insufficient for the purposes of the debate and such longer time as the Mayor may decide shall be allowed.
- (c) A meeting called in pursuance of this Procedure Rule shall be an approved duty for the purposes of payment of travel and subsistence allowances.

16. Previous decisions and motions

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 councillors.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months, provided that this Procedure Rule shall not apply to any matter coming before the Council as a result of a recommendation of a Committee or the Executive.

17. Voting

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the vote was taken.

17.2 Mayor's casting vote

- (a) If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. The Mayor's casting vote may be used whether or not the Mayor has already voted.
- (b) There will be no restriction on how the Mayor chooses to exercise a casting vote.
- (c) Where the Mayor has not used his second or casting vote to produce a majority in favour of or against the proposition, then in such case the proposition shall be deemed to be lost for want of a majority.

17.3 Show of hands

Unless a recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. The Mayor will announce the numerical result immediately the result is known.

17.4 Recorded vote

- (a) If, before the mayor begins to take a vote, a councillor supported by five others present at the meeting, demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- (b) By law, a recorded vote must be taken on any vote on the budget at budget-setting Council meetings.

- (c) Each councillor present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment, or abstaining from voting.

17.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not an absolute majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is an absolute majority of votes for one person.

17.7 Electronic Voting

Any voting referred to in PR 17 may be conducted using any electronic voting system available in the Council Chamber.

18. Minutes

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Form of minutes

- 18.3 Minutes will contain all motions and amendments in the exact form and order the Mayor puts them.

- 18.4 The minutes of the Executive, each committee and sub-committee shall be laid on the table for one half-hour before the next meeting commences and also be available for inspection after the meeting.

- 18.5 The Chair shall put the question that the minutes of the meeting of the Council, committee or sub-committee held on the ...day of be approved as a correct record.

19. Record of attendance

- (a) The attendance of those councillors present during the whole or part of a meeting will be recorded by the Democratic Services Officer supporting the meeting.
- (b) The record shall indicate whether the councillor has attended in person or remotely in accordance with Procedure Rule 25 (Remote attendance).

20. Exclusion of the public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

21. Councillors' conduct

21.1 Speaking at the meeting

- (a) When a councillor speaks at full Council they must address the meeting through the Mayor, but may stand or remain seated, as they prefer.
- (b) If more than one councillor indicates they wish to speak, the Mayor will ask one to speak and the others must wait for the Mayor to invite them to speak.
- (c) Other councillors must not speak whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 Mayor standing

When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

21.3 Councillor not to be heard further

If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Councillor to leave the meeting

If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

22. Disturbance by the public

22.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

23. Rights of councillors to attend Executive, committee and sub-committee meetings

23.1 (a) Any councillor who is not a member of a committee or sub-committee shall be entitled to attend any meeting of the Executive or that committee or sub-committee, but not to vote, but shall be entitled to speak on any specific item for up to four minutes.

(b) Any councillor wishing to do this shall have to give notice specifying the item to the Executive Head of Legal and Democratic Services by noon on the day of the meeting if the meeting begins after 2pm or by 5pm on the previous working day if the meeting commences before 2pm. The Chair may waive this rule.

(c) Councillors may seek the consent of the Chair to present documents or photographs in support of when they speak, but should give the Executive Head of Legal and Democratic Services forty-eight hours' notice, but where this has not been possible the Executive Head of Legal and Democratic Services and Chair may waive the rule.

23.1 In the case of Planning Committee meetings, where a councillor addresses the Committee on a matter affecting their ward, they shall have a right to speak again towards the end of the debate to clarify any matters.

23.2 A protocol for attendance by Executive Portfolio Holders at Overview and Scrutiny Committees and for attendance by Chairmen of Overview and Scrutiny Committees at Executive meetings is attached at Part 4.3.1 of this Constitution (Overview and Scrutiny Procedure Rules).

24. Suspension and amendment of Council Procedure Rules

24.1 Suspension

Council Procedure Rule 14.4 and 14.5 (Content and Length of speeches) may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25. Remote attendance at meetings

25.1 The Council has the ability to allow remote participation in its meetings via Zoom or other similar technology and in respect of such attendance the following provisions apply:

- (a) Members of the public wishing to speak or ask a question at any meeting will be offered the opportunity of doing so remotely.
- (b) Representatives of partner bodies, including those giving evidence at the Overview and Scrutiny Committees or any of their Working Groups may do so remotely.
- (c) A councillor who has been appointed as a member of a committee or sub-committee, or the Executive and who is unable to attend a meeting in person is not able to attend and participate in that meeting remotely as an alternative.
- (d) A councillor who is entitled to attend a meeting of a committee, sub-committee or the Executive but who is not a member of that body, may attend remotely.
- (e) Remote attendance by a Member at a meeting under paragraph 25.1 (d) above shall not count as attendance for the purposes of s.85 of the Local Government Act 1972 (the 'six month' attendance rule).

26. Application to Committees and Sub-Committees

- (a) All of the Council Procedure Rules apply to meetings of the Full Council.
- (b) None of the rules apply to meetings of the Executive, which are governed by the Executive Procedure Rules in Part 4 of this Constitution.
- (c) Only Rules 4 to 11, 13, 14 and 17 to 25 apply to meetings of Committees and Sub-Committees.
- (d) Additional procedures apply to meetings of the Planning Committees and Licensing Sub-Committees, as set out in Parts 4.1.1 and 4.1.2 of this Constitution.

Part 4.1.1 Planning Committee Procedure Rules

1. Introduction

- 1.1 Unless otherwise specified, the council procedure rules apply to all meetings of the Planning Committee in addition to the specific procedures set out below.

2. Procedure at the meeting

- 2.1 The order of planning applications on the agenda will be arranged to ensure that applications with public speakers are heard first.
- 2.2 The Chair will announce each application in turn.
- 2.3 If a member of the Planning Committee has disclosed a Pecuniary Interest or other non-pecuniary but prejudicial interest in a planning application, they will be asked to leave the meeting room until that application has been determined.
- 2.3 The planning officer will make a presentation of the application to the Planning Committee, setting out the material planning considerations and policy framework under-pinning the officer recommendation, and reporting any late updates.
- 2.4 Where an application has triggered the public speaking scheme, registered speakers will have the opportunity to address the meeting for a maximum of four minutes: the objector will go first, then the supporter (usually the applicant or their agent), followed by the town/parish council representative and finally the Ward Councillor.
- 2.5 Each speaker will have up to 4 minutes to make a statement unless they have chosen to share their time with another speaker in the same category in which case the clock will run continuously for both speakers.
- 2.6 At the conclusion of public speaking, any councillors who are not members of the Planning Committee but who have given notice to the Democratic Services Officer by noon on the day of the meeting that they wish to make a statement, will be invited to speak for up to 4 minutes each. Where the ward councillor addresses the committee in this way, they shall have the right speak again towards the end of the committee's debate to clarify any matters raised.
- 2.7 The committee members will then consider the planning application and ask any questions of the officers.
- 2.8 The planning officer and/or solicitor will be allowed to make any concluding points.
- 2.9 The committee will vote on any proposition or amendment which has been moved and seconded, for example to amend, add or remove conditions, or to defer consideration.

- 2.10 The Chair will move the officer's recommendation as set out in the report as amended by the committee (if applicable), and the committee will vote on that recommendation.
- 2.11 If a motion to approve the officer's recommendation fails, the Chair will invite the committee to propose an alternative recommendation, with planning reasons. The Planning Officer and/or solicitor will be given the opportunity to explain the possible implications of a contrary decision prior to a vote being taken.

3. Public speaking at Planning Committee

- 3.1 The arrangements for public speaking at Planning Committees are set out in the Council's Public Speaking Procedure Rules at Part 4.7 of this Constitution.

Part 4.1.2 Licensing hearing Procedure Rules

1. Licensing (General Purposes) Sub-Committee

- 1.1 The Licensing (General Purposes) Sub-Committee normally meets to conduct hearings in relation to Hackney Carriage or Private Hire Vehicle drivers and/or operators.

Meeting procedure

- 1.2 Prior to the start of the meeting, the sub-committee may meet briefly with officers to ensure that all sub-committee members are aware of the details of the case/application and to identify matters to be explored in the hearing.
- 1.3 The order of business shall be at the discretion of the Sub-Committee but will normally proceed in accordance with the following paragraphs.
- 1.4 After the Chair has opened the meeting, received apologies for absence and any disclosures of interest, the meeting will normally resolve to move into exempt session to hear each case or application due to the likelihood otherwise of disclosure to the public of information relating to an individual (as specified in Paragraph 1 of the revised Part 1 of Schedule 12A to the Local Government Act 1972).
- 1.5 The Chair introduces the Sub-Committee members and officers present.
- 1.6 The Licensing Officer introduces the report and the Licensee/Applicant (and any companion or supporter).
- 1.7 The Chair asks the Licensee/Applicant to confirm they have received a copy of the report and understand the content.
- 1.8 The Chair will advise those present that the hearing will be formal, but as relaxed as possible. The questions put to the Licensee/Applicant by the Sub-Committee must be proportionate and relevant to the matter(s) under consideration and should not be unnecessarily intrusive (Human Rights Act 2000 applies). The Council's solicitor may intervene if the questioning exceeds reasonable limits.
- 1.9 The Chair will ask the Licensee/Applicant if they have any questions about the procedure.
- 1.10 The Chair will invite the Licensee/Applicant to make a statement.
- 1.11 The Sub-Committee members may ask the Licensee/Applicant questions about the report. They may also ask questions of officers, if needed. If appropriate, the officers may also ask the Licensee/Applicant questions, and the Licensee/Applicant may ask questions of the Sub-Committee and/or officers.
- 1.12 When questioning is concluding, the Chair will ask the Licensee/Applicant if there are any further comments they wish to make to the Sub-Committee.

- 1.13 The Sub-Committee will withdraw with the Committee Secretary to consider their findings and to come to a decision. They may ask for advice from one of the other officers, usually the Council's solicitor.
- 1.14 When the Sub-Committee has reached a decision, the meeting will resume, and the decision will be read out by the Chair.
- 1.15 Following the meeting the Licensee/Applicant will receive a formal written confirmation of the committee decision within five days, together with information on how to appeal against the decision.

2. Licensing Act 2003 Sub-Committees

- 2.1 The Licensing Act 2003 Sub-Committees meet to conduct hearings in relation to matters under the Licensing Act 2003. The arrangements for hearings are subject to the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 (the Regulations)
- 2.2 The hearing will be undertaken by one of three Licensing Act 2003 Sub-Committees (A, B, or C) each comprising 3 members of the Licensing and Regulatory Committee. The quorum shall be three.
- 2.3 Arrangements for giving notice of the hearing and the rights of attendance, assistance and representation will be in accordance with the provisions of the Regulations.
- 2.4 Hearings will take place in public except that the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 2.5 Prior to the hearing a report prepared by the Licensing Manager will be issued to the Sub-Committee. The Democratic Services Officer will send a copy of the report to the relevant parties in advance of the hearing.

Meeting procedure

- 2.6 Prior to the start of the meeting, the sub-committee may meet briefly with officers to ensure that all sub-committee members are aware of the details of the case/application and to identify matters to be explored in the hearing.
- 2.7 The order of business shall be at the discretion of the Sub-Committee but will normally proceed in accordance with the following paragraphs.
- 2.8 The hearing will commence with the election of the Chair of the Sub-Committee. The Chair will then ask for disclosures of any interests.
- 2.9 The Chair introduces the Sub-Committee members and officers present, and also any other councillors attending as observers.
- 2.10 The Chair introduces the title of the application under consideration, and the purpose of the hearing: to enable the Sub-Committee to reach a judgement which, as far as possible, is acceptable to all parties within the rules and guidelines imposed by the Licensing Act 2003 and having regard to the Council's Statement of Licensing Policy.

- 2.11 The Chair asks the Licensee/Applicant to introduce themselves and confirm they have received a copy of the report and understand the content and confirm who will be presenting their case.
- 2.12 The Chair will ask the Licensing Officer if there are any Responsible Authorities present and invite them to introduce themselves.
- 2.13 The Chair will invite the any others making representations to introduce themselves.
- 2.14 The Chair will invite the Licensing Officer to introduce the report and outline the matter that the Sub-Committee is being asked to decide. The Sub-Committee members may ask the Licensing Officer questions about the report.
- 2.15 The Chair will invite the Licensee/Applicant to outline their application. The Sub-Committee may ask questions of the Licensee/Applicant.
- 2.16 The Chair will invite the Responsible Authorities present to make their representations. The Sub-Committee may ask questions of the Responsible Authorities.
- 2.17 The Chair will invite the Licensee/Applicant to respond.
- 2.18 The Chair will invite objectors/supporters to make their representations. The Sub-Committee may ask questions of the objectors/supporters.
- 2.19 The Chair will invite the Licensee/Applicant to respond.
- 2.20 When all parties have been heard, the Chair will invite closing submissions from:
 - The Responsible Authorities
 - Objectors/Supporters
 - The Licensee/Applicant
- 2.21 The Chair to invite any final questions from the Sub-Committee (no new matters to be introduced at this stage).
- 2.22 The Chair will adjourn the meeting to allow the Sub-Committee to withdraw to consider their findings and make a decision. The Sub-Committee may call on officers to provide advice and the parties will be advised of the details of this, if appropriate.
- 2.23 When the Sub-Committee has reached a decision, the meeting will resume, and the decision will be read out by the Chair.
- 2.24 Following the meeting the Licensee/Applicant will receive a formal written confirmation of the committee decision within five days, together with information on how to appeal against the decision.

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Part 4.2 Executive Procedure Rules

1. The Executive

- 1.1 The Executive comprises the Leader and Deputy Leader together with at least one, but no more than eight, councillors appointed to the Executive by the Leader.
- 1.2 The Leader will determine the scope of the portfolios and allocate them to members of the Executive. The Leader will report Executive appointments, and any changes to these appointments, to the Council.

2. Executive decisions

- 2.1 The arrangements for the discharge of executive functions will be set out by the Leader. The Leader has responsibility for the discharge of all executive functions. The Leader can delegate any or all of these functions (except those reserved functions) to:
 - (a) the Executive as a whole;
 - (b) a committee of the Executive;
 - (c) individual members of the Executive;
 - (d) an officer with identified delegated powers to act on the Council's behalf;
 - (e) nominated members of the Executive acting under joint arrangements with another local authority.

2.2 Delegation of Executive Functions

- (a) Where the Executive is responsible for an executive function, it may delegate further to a committee of the Executive, joint arrangements with another local authority, a nominated member of the Executive, or to an officer of the Council.
- (b) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the Executive, should the occasion arise.

2.3 The Leader's Scheme of Delegation and Executive Functions

The Leader's Scheme of Delegation of Executive Functions will be determined and/or amended by the Leader. The Leader will report the Scheme as determined, and any amendments to it, to the Council.

2.4 Conflicts of Interest

- (a) Executive members shall act in accordance with the Waverley Code of Conduct for Members in Part 5 of this Constitution.
- (b) If the exercise of an Executive function has been delegated and should a conflict of interest arise, the function will be exercised in the first

instance by the Executive and otherwise as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.

3. Executive Meetings

- 3.1 (a) Meetings of the Executive will be set by the Leader and included in the calendar of meetings. As Chair of the Executive, the Leader may convene additional meetings, cancel or reschedule meetings, as necessary to enable the efficient and smooth operation of Executive business.
- (b) The Executive will normally meet at the Council's main offices unless another location is agreed by the Leader with the Joint Chief Executive.
- (c) Notice of Executive meetings will be given and the agenda papers for each meeting will be available in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (c) Meetings of the Executive will normally begin at 6.00pm and should normally finish by 10.00pm but at a convenient time before then, the Chair may put to the meeting the options of extending the meeting until 10.30 p.m., continuing until its conclusion or adjourning the meeting.

3.2 Public or Private meetings of the Executive

- (a) All meetings of the Executive at which decisions are taken, whether or not they are key decisions within the meaning of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012, will take place in public except where the Executive is considering confidential or exempt business.
- (b) If some or all of the business under consideration is exempt or confidential as determined under the Access to Information Rules set out in Part 4 of this Constitution, then the that part of the meeting will not be open to the media or the public.
- (c) Any members of the Executive may receive briefings from officers which will not be open to the public and press.

3.3 Quorum

The quorum for a meeting of the Executive shall be three members.

4. How decisions are taken by the Executive

- 4.1 (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this Constitution.
- (b) The Executive will deal with proposals relating to the Policy framework or budget in accordance with the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (c) The Executive recognises the need to have an inclusive approach to member decision-making. Accordingly, reports relating to the budget or

policy framework will normally be considered by an appropriate Overview and Scrutiny Committee before they are submitted to the Executive. In addition, the Overview and Scrutiny Committee may identify any item from the Forward Programme for overview. The comments of the Overview and Scrutiny Committee will be included in the report to the Executive.

- (d) (i) Voting at a meeting of the Executive shall be by general assent provided that if one or more members shall indicate dissent then the vote shall be retaken on a show of hands.
- (ii) In the case of an equality of votes at a meeting of the Executive, the Chair presiding shall have a second or casting vote.
- (iii) If three members of the Executive request it, the names of those voting for, against and abstaining will be recorded.
- (iv) Any member may request that it be recorded as to how their vote has been given.

4.2 Information before taking decisions

- (a) Before taking decisions or making recommendations to the Council, the Executive will receive a written report. This will include:
 - (i) whether the report contains information which is confidential or may be exempt information;
 - (ii) the issue to be decided together with analysis/relevant data, any relevant national or regional guidance etc.;
 - (iii) the justification for the recommendation and any other options;
 - (iv) whether the matter complies with the Council's policy framework and budget, or any subordinate strategies previously approved by the Executive; or whether the decision recommended would amount to a material departure from any of these policies, budgets or strategies;
 - (v) any consultations undertaken with other public, private, voluntary and community sector agencies;
 - (vi) any resource, value for money, equality and diversity, climate change, legal or other implications;
 - (vii) any collective advice from the Corporate Management Board;
 - (viii) any comments and advice received from Overview and Scrutiny Committees;
 - (ix) the ward(s) affected;
 - (x) a list of the background papers.
- (b) Most reports will be commissioned by the Leader and/or the Portfolio Holder, and the responsibility for the content of reports will rest collectively with the Corporate Management Board. In some cases, the Corporate Management Board will initiate a report. In all cases, the Portfolio Holder will be briefed and kept fully informed of the progress of reports at all stages.

4.3 Date when Executive decisions take effect

- (a) When decisions have been taken by the Executive, the Monitoring Officer will issue to all members of the Council a summary of the decisions (the decision bulletin) as soon as reasonably practical, normally by noon on the following working day.
- (b) Decisions taken by the Executive can be called in for scrutiny by an Overview and Scrutiny Committee. The protocol for call-ins is set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution. Decisions of the Executive will take effect or be actioned five working days after the issue of the decision bulletin unless the call-in process has been triggered.
- (c) Where a decision of the Executive is considered by the Mayor in conjunction with Monitoring Officer to be urgent, and any delay caused by the call-in process would seriously prejudice the Council's and the public's interest, it can take effect immediately the decision bulletin is published.

4.4 Decisions by the Leader and Individual Portfolio Holders

- (a) Where the Leader or an individual Member of the Executive receives a report which they intend to take into account in making an Executive decision, then they will not make the decision until at least 5 clear days after receipt of that report.
- (b) The officer who prepared the report will, at the same time as giving the report to the Leader or an individual Member of the Executive, give a copy of it to all Members of the Council and make the report publicly available, unless the report is exempt.
- (c) As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual member of the Executive, the Monitoring Officer will prepare a record of the decision, a statement of the reasons for it, any advice sought or received from officers, and the options considered.
- (d) The Access to Information Procedure Rules provisions apply to the making of decisions by the Leader or individual members of the Executive, and decisions will be taken at a meeting convened in accordance with those Rules.

5. Conduct of Executive meetings

5.1 If the Leader is present they will preside. In their absence, then the Deputy Leader will preside. In the absence of both, a person appointed to do so by those present shall preside.

5.2 Who may attend?

- (a) Members of the press and public may attend any meeting where decisions are being taken by the Leader, an individual Portfolio Holder

or the Executive, except where exempt or confidential information may be considered.

- (b) Any councillor may attend a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive which is open to the public but shall sit separately from the decision makers so that it is clear to any members of the public who are decision makers. Attendance by any councillor at these meetings will be recorded in the minutes of the meeting.
- (c) A councillor who attends a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive may, when invited to do so by the Leader (or person presiding, as appropriate), speak at the meeting on an item the decision maker is considering before the decision is made, provided they have registered to speak in accordance with Council Procedure Rule 23.1
- (d) A protocol for the attendance by the Chairs of the Overview and Scrutiny Committees at Executive meetings is set out in Part 4 of this Constitution.

5.3 Business at Executive meetings

- (a) At each ordinary meeting of the Executive the following business will be conducted:
 - (i) apologies for absence;
 - (ii) consideration of the minutes of the last meeting;
 - (iii) declarations of interest, if any;
 - (iv) questions from members of the public under Rule 5.9 below;
 - (v) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
 - (v) questions from members of the Council under Rule 5.6 below;
 - (vi) matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
 - (vii) consideration of reports and recommendations from Overview and Scrutiny Committees; and
 - (viii) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (b) Special meetings convened to consider specific matters will not include public questions or the minutes of the last meeting.

5.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.5 Who can put items on the Executive agenda?

- (a) The Leader may put on the agenda of any Executive meeting any matter they wish, whether or not authority has been delegated to the Executive or any officer in respect of that matter. The Joint Chief Executive will comply with the Leader's requests in this respect.
- (b) The Monitoring Officer and/or the Executive Head of Legal and Democratic Services may include an item for consideration on the agenda of an Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.
- (c) In other circumstances, where the Joint Chief Executive and Executive Head of Legal and Democratic Services /Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

5.6 Who can attend and speak at Executive Meetings?

- (a) Any member of the Council who is not a member of the Executive shall be entitled to attend any meeting of the Executive but not to vote, but they shall be entitled to speak on any specific item for up to four minutes. Any member wishing to do this shall give notice to the Executive Head of Legal and Democratic Services by noon on the day of the meeting.
- (b) A member of the Council may ask the Leader or a member of the Executive a question on any matter in relation to which the Council has powers or duties or which affects the Borough which relates to an Executive function if either
 - (i) they have given at least four clear working days' notice in writing of the question to the Executive Head of Legal and Democratic Services; or
 - (ii) the question relates to urgent matters that are not already included on the agenda, they have the consent of the Leader and the content of the question is given to the Executive Head of Legal and Democratic Services by noon on the day of the meeting.

- (c) The question will be put and answered without debate. An answer may be given orally, by reference to published material of the Council or that which is readily available to councillors, or in writing.

5.7 Dispute Resolution

Any dispute about the jurisdiction of the Executive, for example whether or not a matter is delegated to the Executive or contrary to the policy framework or budget, will be referred to the Monitoring Officer and/or the Executive Head of Legal and Democratic Services for advice as appropriate. If it is resolved not to accept such advice, the final decision as to whether the Executive can take a decision is for the Council to decide.

5.8 Urgent Decisions

Any urgent Executive or Non-Executive decisions may be taken by the Joint Chief Executive after consultation with the Leader, Deputy Leader and appropriate portfolio holder under the existing provisions in the Scheme of Delegation. Any such decisions will be reported to the next appropriate Committee or Executive meeting.

5.9 Questions by the Public

(a) Informal questions

Informal questions may be asked of the Leader, Deputy Leader or an appropriate Portfolio Holder before the start of each ordinary meeting of the Executive for up to 15 minutes, including replies. No prior notice needs to be given. Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.

(b) Formal questions

Members of the public may ask formal questions at ordinary meetings of the Executive in accordance with the provisions in Council Procedure Rule 10. The Leader and/or the Deputy Leader or appropriate portfolio holder should be invited to respond to the question.

6. Executive Working Groups

- (a) 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.
- (b) 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 Group Protocol at Annexe 1 to these Executive Procedure Rules.

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Part 4.2.1 Executive Working Group Protocol

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 Executive Working Group.
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.

Part 4.3 Overview and Scrutiny Procedure rules

1. Arrangements for Overview and Scrutiny Committees

- 1.1 The Council will establish the Overview and Scrutiny Committees set out in Article 6 and with Terms of Reference as set out in Appendix 1.9 of Part 3 (Responsibility for functions) of this Constitution.
- 1.2 The Terms of Reference include the number of Overview and Scrutiny Committees, their remit, membership, chairing arrangements, and meeting arrangements.
- 1.3 Meetings of Overview and Scrutiny Committees will accord with the Council and Committee Procedure Rules, as set out in Part 4.1 of this Constitution (paragraph 26 refers)

2. Work programme

The Overview and Scrutiny Committees will be responsible for setting their own work programme within the overall framework set by the Council and the inclusion of matters referred by the Leader/Executive/Portfolio Holders. In doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

3. Agenda items

- 3.1 The Chair or any member of the relevant Overview and Scrutiny Committee shall be entitled to give notice to the Executive Head of Legal and Democratic Services that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. This does not, however, give any rights to an individual member to commission reports.
- 3.2 If a Chair or any other member of an Overview and Scrutiny Committee asks for an item to be included on an agenda, the item will be included as a heading only, and the Committee then has to agree that they would like to see the item added to the work programme. Officers can then proceed with producing a detailed report on the issue for the next appropriate meeting of the Committee.
- 3.3 Any councillor shall be entitled to give notice to the Head of Legal and Democratic Services of a Councillor Call for Action. The detailed procedures for this are set out in Part 4.3.4 of this Constitution. The member raising the call for action will have the right to attend the meeting to explain their reasons for the call for action. That item will be the subject of an initial report, if accepted by the Chair and Vice-Chair.

- 3.4 The Overview and Scrutiny Committees shall also respond, at the earliest occasion consistent with due notice, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee at the earliest opportunity.
- 3.5 It is intended that Overview and Scrutiny Committees will be involved from an early stage in the decision-making process, examining issues before decisions are taken by the Executive, rather than only after a decision is taken by operating the call-in procedure. Accordingly, matters relating to the budget or policy framework will normally be considered by the appropriate Overview and Scrutiny Committee before they are submitted to the Executive. In addition, the Overview and Scrutiny Committees may identify any item from the Forward Programme for scrutiny. The comments of the appropriate Committee will be reported to the Executive.
- 3.6 The Chair and Vice-Chair will hold a briefing meeting with the appropriate officers to finalise the committee agenda.
- 3.7 Overview and Scrutiny Committees will be serviced by the Democratic Services Team. In-depth review, research and work programming of the Committees will be carried out by the Scrutiny Officer.

4.0 Policy review and development

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

5. Working Groups

- 5.1 Overview and Scrutiny Committees are able to appoint small informal working groups from within their own membership to research subject areas and

report back to the main Committee. These working groups will be supported by a member of the Democratic Services Team and officers from the relevant service area will also be involved to provide information and professional advice/expertise. These groups will operate in accordance with the protocol at Part 4.3.2 of this Constitution..

6. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework) and to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Executive, and if one third of the members present request it, then one minority report may be prepared and submitted for consideration by the Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee as quickly as the rules permit.

7. Making sure that Overview and Scrutiny reports are considered by the Executive

All Overview and Scrutiny reports shall be considered by the Executive as expeditiously as possible and at the very maximum, within two months of the work being completed.

8. Rights of Overview and Scrutiny Committee members to documents

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4.4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.
- (c) Overview and Scrutiny Committees shall have access to all relevant background papers and documents. In the case of any dispute, the Monitoring Officer will adjudicate and if the documents are of a confidential nature, members must respect their confidentiality and use them only in relation to the work of that Committee.

- (d) Co-opted members can have access to papers relevant to the work of their Committee, but excluding any matter relating to an individual, either client or tenant or member of staff.

9. Members and officers giving account – “Select Committee” mode

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Chair and Vice-Chair acting jointly may require any member of the Executive, the Joint Chief Executive and/or any senior officer to appear before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Attendance by a member of the Executive is set out in the attached protocol at Part 4.3.1 of this Constitution.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer, arrange an alternative date for attendance as soon as possible.

10.0 Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 10 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is optional.

11.0 Call-in

- 12.1 Call-in should only be used as a last resort. This can be where members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in **Article 12 (Decision Making)**.

- (a) When a decision is made by the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including by electronic means, and shall be available at the main offices of the Council normally within 1 day of

being made. Copies of the decision bulletin will be sent to all members of the Council within the same timescale, by the Executive Head of Legal and Democratic Services.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless five non-Executive members of the council object to it and call it in.
- (c) During that period, the Executive Head of Legal and Democratic Services shall call-in a decision for scrutiny by the committee if so requested by any five non-Executive members of the Council, where reasons as stated in the call-in form attached at Part 4.3.3 of this Constitution are valid in the context of **Article 12 of the Constitution**. Should any reserve member be one of those proposing a call-in, they shall have a right to attend the Committee and speak, but not to vote unless they are substituting at that meeting for another committee member. The Executive Head of Legal and Democratic Services shall call a meeting of the relevant Overview and Scrutiny Committee on such date as they 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.
- (d) A call-in can only be withdrawn unanimously by those members who requested it.
- (e) As well as reviewing the report submitted to the Executive in fulfilling the scrutiny role, the Chair and Vice-Chair acting jointly may require any member of the Executive, the Head of Paid Service and/or any senior officer to appear before it to explain the particular decision or series of decisions, and it is the duty of those persons to attend if so required. The Chair will notify the people required to attend immediately after the expiry of the call-in deadline.
- (f) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Executive for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council if outside the policy framework. If referred to the decision maker they shall then amend the decision or not, before adopting a final decision.
- (g) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the Executive, the decision shall take effect on the date of the Overview and Scrutiny meeting.
- (h) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the

provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the Executive, together with the Council's views on the decision. The Executive shall choose whether to amend the decision or not before reaching a final decision and implementing it and a meeting will be convened to reconsider the Council request.

11.2. "Call-In" Process

The process is proposed as follows:

Step 1 A list of Executive decisions will be published, and notice given that the decisions will be implemented after five working days from date of publication unless called-in under this procedure.

Step 2 Within the period of five working days, five non-Executive members of Council may call a meeting of the Committee to review a decision, by notifying the Executive Head of Legal and Democratic Services by telephone, e-mail or letter. The call-in form attached at Annexe 4 of the Overview and Scrutiny Procedure Rules must be completed setting out the reason for the Call-in, Members involved and witnesses to be called and sent to the Executive Head of Legal and Democratic Services.

Step 3 The Overview and Scrutiny Committee will then meet and may resolve by majority vote to:

(a) propose an alternative course of action, or

(b) request that it be considered and debated by the full Council if the Committee is advised by the Monitoring Officer that the decision is contrary to the Council's policy framework or is unlawful.

Step 4 If the matter is referred back to the Executive, it must reconsider the decision in the light of the reference from the Overview and Scrutiny Committee's decision and would decide whether to change it before adopting a final decision. The Chair (or Vice-Chair in their absence) of the Overview and Scrutiny Committee is able to attend and address the Executive meeting during discussion of the matter.

11.3 Exceptions

To ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

(a) that five non-Executive members of Council are needed for a decision to be called in and the protocol and form attached at Annexe 3 of the Overview and Scrutiny Procedure Rules must be followed and completed; and

- (b) an Executive decision may only be called-in by an Overview and Scrutiny Committee once.

11.4 Call-in and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Executive, the decision is an urgent one, and therefore not subject to call-in. The Mayor, in conjunction with the Monitoring Officer, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required, in conjunction with the Monitoring Officer. In the absence of both, the Head of Paid Service or their nominee's consent shall be required, again in conjunction with the Monitoring Officer. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 11.5 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

12. Procedure at Overview and Scrutiny Committee meetings

- (a) Overview and Scrutiny Committees shall consider the following business:
 - (i) apologies for absence
 - (ii) minutes of the last meeting
 - (iii) declarations of interest
 - (iv) responses of the Executive to reports of the Overview and Scrutiny Committee
 - (v) the business otherwise set out on the agenda for the meeting, with overview items identified and taken first, then select committee mode matters
 - (vi) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision
 - (vii) questions by the public.
- (b) Where the Overview and Scrutiny Committee conducts investigations in select committee mode (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at

Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and shall make its report and findings public.

13.0 Questions by the public

Unless a special meeting of the Overview and Scrutiny Committee is called, Members of the public can ask formal questions at Overview and Scrutiny Committees in accordance with the provisions in the Procedure Rules. The Chair and/or the Vice-Chair should be invited to respond to the question.

14.0 Matters within the remit of more than one Overview and Scrutiny Committee

Where an Overview and Scrutiny Committee wishes to conduct a review or scrutinise a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Committee Chairs and Vice-Chairs will agree the arrangements in advance of the matter being reviewed.

Overview and Scrutiny Procedure Rules – Annexe 1a

Protocol for attendance by Executive members at Overview and Scrutiny

An Executive Portfolio Holder can attend a meeting of an Overview and Scrutiny Committee to **observe**, and may **speak** if the required notice has been given in accordance with the Council's Constitution.

If an Executive Portfolio Holder is **invited** to attend an Overview and Scrutiny Committee, either to provide an update on their portfolio, to assist with work programming or to be questioned on matters within their remit, the Chairman of the Committee will specify in advance how the meeting will be managed and what their level of involvement will be.

The Head of Policy and Governance will notify the Executive Portfolio Holder at least 10 working days in advance of the meeting at which he/she is required to attend.

Overview and Scrutiny Procedure Rules – Annexe 1b

Protocol for attendance by Overview and Scrutiny Chairman at the Executive

A Chairman of an Overview and Scrutiny Committee can attend a meeting of the Executive to **observe**, and may **speak** if the required notice has been given in accordance with the Council's Constitution.

If the Chairman (or in his or her absence the Vice-Chairman) is **invited** to attend an Executive meeting, perhaps to present the findings of the Committee following an in-depth review, or to explain the observations of the Committee made on a particular report, the Leader of the Council will specify in advance how the meeting will be managed and what their level of involvement will be.

Overview and Scrutiny Procedure Rules – Annexe 3

Informal Working Group Protocol

Overview and Scrutiny Committees may appoint smaller Informal Working Groups (up to a maximum of 6 members) where they feel a smaller group of members is better suited to carry out a particular task, to assist with:

- a. policy development;
- b. examining specific service proposals in depth;
- c. progressing major projects.

1.1 Meetings

Informal Working Groups will meet in the absence of press and public. Reports to Informal Working Groups will not normally be published, and both reports and discussion at meetings will be treated as exempt.

Overview and Scrutiny Committees, and Informal Working Groups will be serviced by the **Democratic Services Team** and supported by the Scrutiny Officer. **Minutes** will be taken by the Democratic Services Officer present at each meeting.

1.2 Membership of the Informal Working Group

The membership of an Informal Working Group will be selected from the members and substitute members of the main Committee, selecting those with the best skills and knowledge of the subject matter to contribute. An Informal Working Group can consist of members from any of the Overview and Scrutiny Committees and the Audit Committee when the subject matter would benefit from cross-Committee representation. Any other member may be invited by the Chairman to attend a meeting of the Informal Working Group and their level of involvement in the meeting will be agreed in advance. There is no provision for substitutes of Informal Working Groups.

The **Chairman** will be appointed at the first meeting from amongst the membership of the Informal Working Group.

External Representatives may be **co-opted** by the Council as non-voting members onto O and S Committees and invited to attend Informal Working Groups.

1.3 Business of the Meeting

Where the Overview and Scrutiny Committee (or Informal Working Group) conducts investigations in Select Committee mode (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- i. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

- ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and
- iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

1.4 Outcome of a Review

Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and shall make its report and findings public. This report will be drafted by the impartial Democratic Services/Scrutiny Officer who has been supporting the review. The Chairman of the Informal Working Group will be invited to prepare a foreword which will preface the final concluding report of the work of the Committee.

Overview and Scrutiny Procedure Rules – Annexe 4

O&S Call-in Procedure

1. That the instigator of the call-in, consult with officers about the criteria and consult and inform the relevant Chairman on the Committee prior to proceeding with the call-in.

Rationale

To attain clarity of intention in the working and for inclusion purposes.

2. That the Chair shall give consideration to relinquishing the Chair for an item of call-in where to do otherwise might lead to an impression of partiality.

Rationale

To demonstrate the impartiality of the Chair, particularly where an individual Chair had strong interests in relation to the debate.

3. Ideally, reports should not be circulated on the night (unless in extremely urgent circumstances) but in advance of the meeting at the same time as the agenda.

Rationale

In order to allow Members sufficient time to assimilate information and for its integrity to be checked by the officers if necessary.

4. Order of Debate

- (a) Lead Officer to be called to introduce the report.
- (b) Chairman of the relevant Overview and Scrutiny Committee or a spokesperson for the 5 Members who have signed the call-in form to have the opportunity to introduce the subject and explain their reasons for call-in, within a time limit of 10 minutes.
- (c) Portfolio Holder (if present) to present decision of Executive and to call any witnesses in support of that decision.
- (d) General debate by Members of the Committee.
- (e) Committee makes decision regarding the call-in.

Rationale

To promote the smooth running of the debate and for clarification purposes.

5. Rights of Portfolio Holders

Any Portfolio Holder who is called as a witness shall have the right to be accompanied by an officer or other person of their choosing to assist them at the meeting.

6. Schedule of Meetings

- (a) Following the announcement of the date of the meeting within six working days of the call-in, where possible at least three to five working days expire between the call-in meeting and the reconsideration of the decision at Cabinet.
- (b) Rationale:
- (c) To allow proper reconsideration of the decision.

CALL-IN FORM

TO: Head of Policy and Governance

FROM:

1. What decision is being called-in?

2. Why is the decision being called-in?

The Constitution states that call-in should only be used as a last resort when the principles set out under Article 13 of the constitution have not been adhered to. These principles are also set out at the bottom of this form.

I / We call-in this decision because:

3. Who is calling-in the decision? (Please note: Each member noted below must have written/emailed/phoned the Head of Policy and Governance to confirm that they support the call-in)

- Councillor (Main contact)
- Councillor
- Councillor
- Councillor
- Councillor

4. What information do you want to be available at the call-in meeting?
(Please underline any of the following options that you would like to see being provided at this meeting)

Portfolio Holder to be present at the meeting

Portfolio Holder to make a presentation at the meeting

Relevant Officer to make a presentation

Expert witness or interested party to be present

Site visit

Comparative research

Additional written information

Other - please specify

Date of Call in Request:

Date received (Office use only)

.....

Received by

.....

NOTES

The constitution suggests that call-in should only be used in exceptional circumstances. Call-in may occur if Members believe that a decision has not been made in accordance with the following principles:

- Proportionality – i.e. the decision must be proportionate to the desired outcome
- Due consultation with the relevant parties and Officers
- Human rights have been respected
- There has been a presumption in favour of openness
- Clear aims and desirable outcomes have been identified
- An explanation has not been given for what options were considered in arriving at a
- decision and the reason for that decision.

If Members are uncertain whether any of the above criteria would apply to a decision that they are concerned about, they may wish to contact the Head of Policy and Governance for advice.

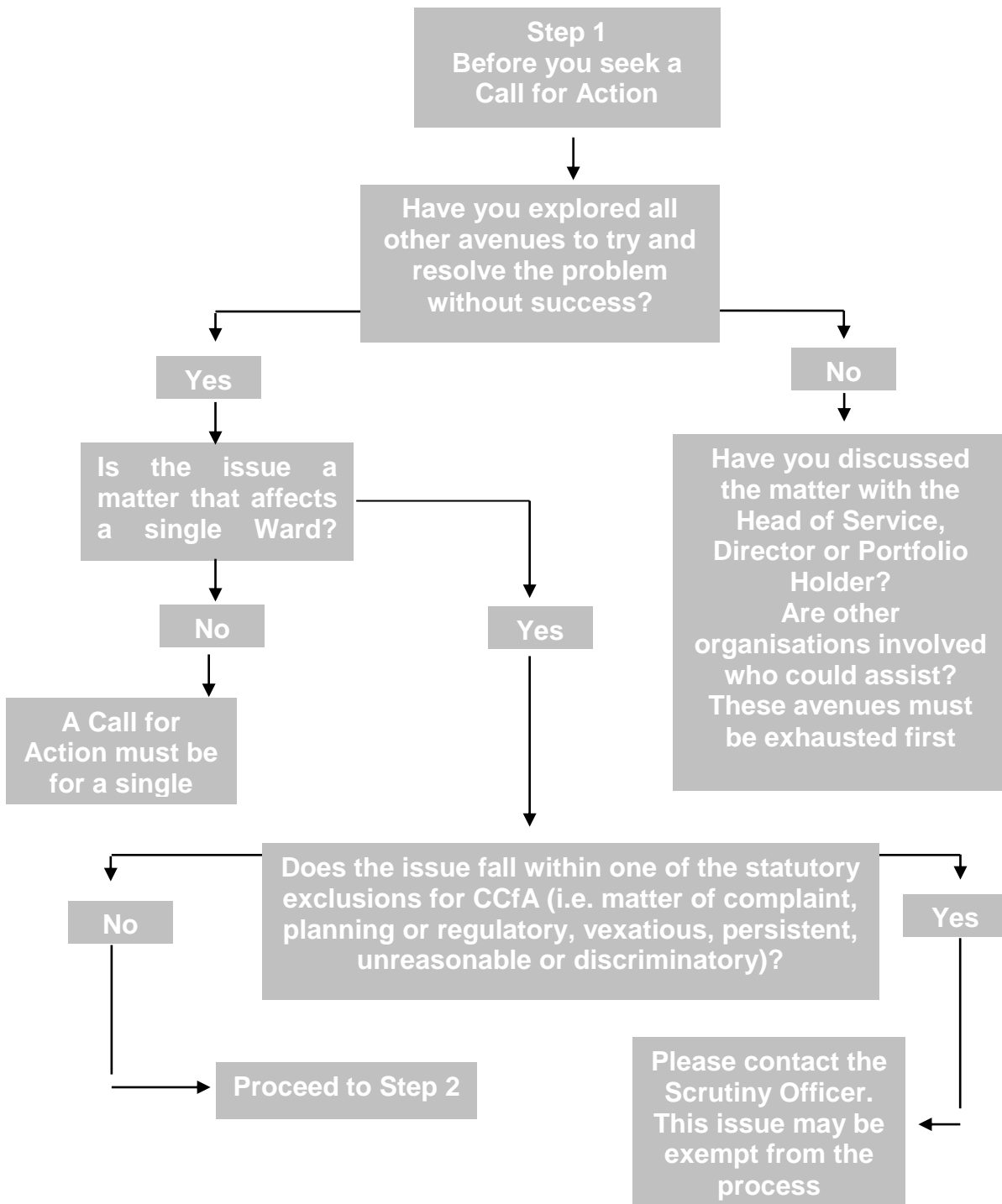
Overview and Scrutiny Procedure Rules - Annexe 2

Councillor Call for Action procedure

The following is a seven step process for operating a Councillor Call for Action.

NB: A Councillor Call for Action is a 'last resort' option for Councillors to request that a matter be reviewed by the appropriate Overview and Scrutiny Committee. It is a process to assist in tackling Ward based community problems on behalf of constituents.

Step 1 Preparing a CCFA



** If the same issue has arisen in another ward, then the ward councillor for that other ward can also make a Councillor Call for Action, preferably at the same time.

<p>Step 2 Call for action form</p>	<p>In completing the form you should:</p> <ul style="list-style-type: none"> • State what the issue is; • State what action has been taken to resolve the issue; • Include an outline of the resolution being sought • Indicate any other organisations that are involved in the CCfA • Send your completed form to the Scrutiny Policy Officer
<p>Step 3 Chairman’s consideration of the Call for Action form</p>	<p>The Chairman and Vice-Chairman of the Overview and Scrutiny Committee determine whether or not to accept the CCfA for consideration.</p> <ul style="list-style-type: none"> • In doing so he/she will ask if: • all existing options to resolve the problem have been explored without success; • there are potential resource implications in the Committee’s work programme to accommodate the CCfA; and • the statutory exclusions have been considered eg subject of a complaint, vexatious, persistent, unreasonable or discriminatory.
<p>Step 4 Overview and Scrutiny Committee</p>	<p>The initial report allows the committee to determine the appropriate priority to be given to the CCfA in its work programme. It will include information on:</p> <ul style="list-style-type: none"> • what the Councillor is requesting as the proposed outcome (with an opportunity to speak to the item); • action taken prior to the Call for Action being made; • any other known information; • which organisations/service managers would be affected; • potential resource implications; and • whether and when to include the CCfA in the work programme.
<p>Step 5 Overview and Scrutiny Committee</p>	<p>Once the CCfA is in the Committee’s work programme it will receive:</p> <ul style="list-style-type: none"> • A report including the background to the CCfA • Comments from partner organisations • Other information submitted for consideration by the Committee; and • Evidence from appropriate experts. <p>The Committee will seek to recommend a ‘resolution’ to the CCfA.</p>

<p>Step 6 Seeking a resolution</p>	<ul style="list-style-type: none"> • The appropriate Overview and Scrutiny Committee makes recommendations to the Executive if it is a Council matter, or to other partners. (CCfAs may be about matters that cut across the remit of partner organisations) • The Committee will send its recommendations direct to the organisation concerned. • The Committee might say that there is no action to be taken.
<p>Step 7 Monitoring the recommendations</p>	<ul style="list-style-type: none"> • The Overview and Scrutiny Committee will monitor the implementation of its recommendations.

COUNCILLOR CALL FOR ACTION REQUEST FORM

1. Subject of CCfA

.....
NB. A request for a CCfA must be about your ward.

2. Background

(i) What is your CCfA about?

.....
.....
.....
.....

(ii) What action have you taken to resolve the issue?

.....
.....
.....
.....

(iii) Which organisations are involved?

.....
.....
.....
.....

(iv) Does the matter relate to a planning or regulatory application? (Please state details)

.....
.....
.....

3. Last resort: Have you exhausted all avenues to resolve the issue?

Please indicate whether the issue has been considered by the following together with the response received:

(i) The Service Manager and/or the appropriate Director at Waverley BC: **Y/N**

Please indicate the officer you contacted and the response received:

.....
.....
.....

(ii) The appropriate Portfolio Holder at Waverley BC: **Y/N**

Please indicate which Portfolio Holder you contacted and the response received:

.....
.....
.....
.....

(iii) Other organisations external to Waverley BC: **Y/N**
Please indicated which organisations you contacted the response received:

.....
.....
.....
.....

(iv) Please list and enclose copies of any letters, emails, reports etc relating to the responses received that you would like to be considered as evidence for the CCfA.

.....
.....
.....
.....

4. Evidence and witnesses

(i) Please give the names of any Member or Officer or representatives from other organisations to be called to give evidence for the consideration of the CCfA:

.....
.....
.....
.....

(ii) Please list any additional documents that should be considered as part of the CCfA:

.....
.....
.....

5. Resolution

What outcome would you like to see?

.....
.....
.....

Signed: Councillor..... Date:.....

Note: A request for a CCfA must be made by a Councillor from the Ward which is affected by the particular issue and sent to the Scrutiny Policy Officer, Policy and Governance, Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR

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Part 4.4 Access to information procedure rules

1.0 SCOPE

These rules apply to all meetings of the Council, the Overview and Scrutiny Committees, and all other Committees and Sub-Committees, including the Executive, Joint Committees, and Panels.

2.0 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3.0 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4.0 NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at The Council Offices, The Burys, Godalming (the designated office) and on the Council's website.

5.0 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- (a) The Council will make copies of the agenda and reports open to the public available for inspection on the Council's website and at the designated officested above, at least five clear days before the meeting. s
- (b) If a meeting is called as a matter of urgency (Procedure Rule 15 refers), papers will be made available as soon as possible on the Council's website.
- (c) Where reports referred to in the agenda are prepared after the summons for members to attend the meeting has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6.0 SUPPLY OF COPIES

The Council will publish on its website and supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any summary agenda pages indicating the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, copies of any background papers identified in the report and other documents supplied to councillors in connection with an item

to any person on payment of a charge for copying, postage and any other necessary costs.

7.0 ACCESS TO MINUTES AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records or decisions taken, together with reasons, for all meetings of the Council or Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which would disclose information which remains exempt or confidential;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8.0 BACKGROUND PAPERS

8.1 List of background papers

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9.0 SUMMARY OF PUBLIC'S RIGHTS

These Access to Information Procedure Rules, as part of the Constitution, comprise a summary of the public's rights to attend meetings and to inspect and copy documents. These Rules and the entire Constitution are available at The Council Offices, The Burys, Godalming Surrey, and on the Council's website.

10.0 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that **confidential** information would be disclosed.

10.2 Exempt information – discretion to exclude public

- (a) The public **may** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that **exempt** information would be disclosed.
- (b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of Schedule 1 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

- (a) Exempt information means information falling within the following categories (subject to any condition), and where the Council has resolved that the discretion should be exercised:

Category	Condition
1. Information relating to any individual	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description
2. Information which is likely to reveal the identity of an individual	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within paragraph 3 is not exempt if it is information that is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or	Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made

(b) to make an order or direction under any enactment	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime *	
<p>* For the Standards Panel, the additional paragraphs are to be read as if inserted following Paragraph 7:</p> <p>7A. Information which is subject to any obligation of confidentiality.</p> <p>7B. Information which relates in any way to matters concerning national security.</p> <p>7C. The deliberations of a Standards Panel in reaching any finding on a matter referred to that Panel</p>	

(b) Information which is otherwise exempt by virtue of paragraphs 1 to 7 above, may be exempt “if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.

(c) Information is not exempt information if it relates to proposed development for which the Council, as local planning authority, may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

11.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Joint Chief Executive/Executive Head of Legal and Democratic Services /(Monitoring Officer) thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12.0 APPLICATION OF RULES TO THE EXECUTIVE

- (a) General application. Rules 13 – 24 apply to the Executive.
- (b) Meetings to take Key Decisions. If the Executive meets to discuss and take a Key Decision then it must also comply with Rules 1 – 11 unless Rule 14 (Urgent Decisions) applies. A key decision is defined in Article 12 of the Constitution.

This requirement does not include meetings, whose sole purpose is for officers to brief members.

13.0 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 14 (Urgent Decisions), a Key Decision may not be taken unless:

- (a) a notice has been published in connection with the matter in question setting out the matters required by Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; and,
- (b) at least 28 clear days have elapsed since the publication of the notice ; and
- (c) where the decision is to be taken at a meeting of the Executive or by the Leader or by an individual Portfolio Holder, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).
- (d)

14.0 URGENT DECISIONS

14.1 General exception. If notice of a matter which is likely to be a key decision has not been published in accordance with Rule 13, then the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until the proper notice period can be given;;
- (b) the Monitoring Officer has informed the Chairman of the relevant Overview and Scrutiny Committee, or if there is no such person available, each member of that Committee by notice in writing, of the matter in respect of which the decision is to be made;
- (c) the Monitoring Officer has made copies of that notification available at the Council Offices for inspection by the public, and on the Council's website; and
- (d) at least five clear days have elapsed since the Monitoring Officer has complied with (b) and (c) above.

14.2 Special urgency. If by virtue of the date by which a decision must be taken, Rule 14.1 (General exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body make the decision obtains the agreement of:

- (a) the Chairman of the relevant Overview and Scrutiny Committee; or
- (b) if there is no such person, or the appropriate Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- (c) where there is no Chairman of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

14.3 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 14.2, that the decision is urgent and cannot be reasonably deferred, the decision maker must make available a notice setting out the reasons that the meeting is urgent and cannot be reasonably deferred at the office of the Council and on the Council's website.

15.0 REPORT TO COUNCIL

15.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) in compliance with Rule 13; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chairman, or the Mayor or Deputy Mayor, under Rule 14.2;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the relevant Overview and Scrutiny Chairman or any 5 members of the relevant scrutiny committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee..

15.2 Leader/Executive's report to Council

The Leader/Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

15.3 Quarterly reports on Urgent decisions

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 14 (urgent decisions) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

16. PRIVATE MEETINGS OF THE EXECUTIVE (EXEMPT PROCEDURE)

16.1 Any meeting of the Executive or any Executive committee which is proposed to be held wholly or partially in private session in order to deal with exempt or confidential business may only proceed in respect of those items of business in accordance with the following rules:

- (a) A notice of the intent to hold a private meeting must be published at least 28 clear days prior to the meeting and that notice must indicate the reasons for the meeting to be held in private.
- (b) A further notice must be published at least 5 clear days prior to the meeting and that notice must include:
 - (i) the reasons for the meeting to be held in private
 - (ii) any representations received about why the meeting should be open to the public; and
 - (iii) a statement of responses to such representations.

16.2 Where the date of the meeting at which it is proposed to consider exempt or confidential information makes compliance with Rule 16.1 (above) impracticable the meeting may only be held in private where:

- (a) the Chairman of the relevant Overview and Scrutiny Committee, or in their absence The Mayor (or in their absence the Deputy Mayor), has agreed that the meeting is urgent and cannot reasonably be deferred, and
- (b) a notice of that agreement is published as soon as reasonably practicable.

17.0 RECORD OF DECISIONS

After any meeting of the Executive, the Monitoring Officer will produce a record of every decision taken as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

18.0 MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

All meetings of the Council, the Executive, or of Committees and Sub-Committees of the Council will be held in public, except in so far as confidential or exempt information is the subject matter of debate.

19.0 NOTICE OF MEETING OF THE EXECUTIVE

Members of the Executive will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

The Joint Chief Executive, the Monitoring Officer, the Borough Solicitor, and their nominees, are entitled to attend any meeting of the Executive.

20.0 TAKING EXECUTIVE DECISIONS BY INDIVIDUALS

20.1 Reports intended to be taken into account

Where the Leader or an individual Portfolio Holder receives a report which they intend to take into account in making any key decision, then the decision will not be made until at least 5 clear days after receipt of that report.

20.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving of such a report to the Leader or an individual Portfolio Holder, the person who prepared the report will give a copy of it to the Chairman of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of decision

As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual Portfolio Holder, the Monitoring Officer will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by the Executive. This does not require the disclosure of exempt or confidential information or advice.

21.0 OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

21.1 Rights to copies

Subject to Rule 21.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a public or private meeting of the Executive or any decision taken by the Leader or an individual Portfolio Holder.

21.2 Limit on rights

An Overview and Scrutiny Committee, or its members, will not be entitled to:

- (a) any document that is in draft form;

- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

22.0 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

22.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Executive unless it contains exempt information upon which the Monitoring Officer will determine whether the document can be made available.

22.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any key decision

22.3 Material in which a Member has an interest

A Member shall not knowingly inspect and shall call for a copy of any document relating to a matter in which they have a professional interest or in which they have a Disclosable Pecuniary Interest.

22.4 Nature of rights

These rights of a member are additional to any other right they may have.

Part 4.5 Budget and Policy Framework Procedure Rules

1.0 The Framework for Executive Decisions

- 1.1 The Council is responsible for the adoption of its budget and policy framework as set out in Part 2, Article 4 of this Constitution. Once a budget or a policy framework is in place it is the responsibility of the Leader/Executive to implement it. The Executive will be responsible for adopting all other policies.
- 1.2 The Overview and Scrutiny Committees will assist and advise the Leader/Executive (including doing so at an early stage) as regards budget preparation and in the formulation, development and delivery of the Policy Framework and of policies that will help to deliver the Corporate Plan priorities.

2.0 Process for developing the budget and policy framework

The process by which the budget and policy framework will be developed is as follows:

- (a) Proposals will be publicised by including in the Executive Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and the arrangements for consultation after publication of those initial proposals.
- (b) At the end of the consultation period, the Leader/Executive will draw up firm proposals having regard to the responses to the consultation. If the Overview and Scrutiny Committees wish to respond to the Leader/Executive in that consultation process, they may do so. As the Overview and Scrutiny Committees have responsibility for setting their own work programmes it is open to each Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period, having particular regard not to duplicate any consultation carried out by the Executive. The Overview and Scrutiny Committees shall report to the Executive on the outcome of their deliberations. The Leader/Executive will take any response from consultees (including the Overview and Scrutiny Committees) into account in drawing up firm proposals for submission to the Council. The Leader/Executive's report to the Council will reflect the comments made by consultees and the Leader's/Executive's response.
- (c) Once the Leader/Executive has approved the firm proposals the Democratic Services and Business Support Team Manager will refer them at the earliest opportunity to the Council for decision.

3.0 Procedures for conflict resolution: plans and strategies

This procedure applies in relation to those plans and strategies forming the policy framework of the Council as set out in Part 2, Article 4 of this

Constitution and to any plan of strategy for the control of the Council's borrowing and capital expenditure.

- (a) Where the Leader/Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy the Council has any objections to it, the Council must take the action set out in paragraph (b) below.
- (b) Before the Council:
- (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (iii) adopts (with or without modifications) the plan or strategy,
- it must inform the Leader of any objections which it has to the draft plan or strategy and must give to them instructions requiring the Leader/Executive to reconsider in the light of those objections the draft plan or strategy.
- (c) When the Council gives instructions in accordance with paragraph (b) above it must specify a period of at least five working days beginning on the day after the date on which the Leader received the instructions within which the Leader may:
- (i) submit to the Council for consideration a revision of the draft plan or strategy as amended by the Leader/Executive (the "revised plan or strategy"), with the Leader's/Executive's reasons for any amendments; or
 - (ii) inform the Council of any disagreement that the Leader/Executive has with any of the Council's objections, together with its reasons.
- (d) When the period specified by the Council, referred to in paragraph (c), has expired, the Council must take into account any amendments, representations, or observations made by the Leader/Executive within the period specified, together with reasons, when
- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (iii) adopting (with or without modification) the plan or strategy.

4.0 Procedures for conflict resolution: the revenue budget

This procedure applies to estimates and calculations relating to the revenue budget and council tax. Paragraphs (a) to (e) below do not apply to estimates and calculations submitted by the Leader/Executive to the Council where the estimates and calculations were drawn up by the Leader/Executive on or after 8 February in any financial year.

(a) Subject to paragraph (e), where before 8 February in any financial year the Leader/Executive submits to the Council for its consideration in relation to the following year:

- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
- (ii) estimates of other amounts to be used for the purposes of such a calculation;
- (iii) estimates of such a calculation; or
- (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (b) below.

(b) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (a)(i) above, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections it has to the Leader's/Executive's estimates or amounts and must give to them instructions requiring the Leader/Executive to reconsider in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

(c) Where the Council gives instructions in accordance with paragraph (b) above it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may:

- (i) submit to the Council for consideration a revision of the estimates or amounts as amended by the Leader/Executive ("revised estimates or amounts") which have been reconsidered in accordance with the Council's requirements, with the Leader's/Executive's reasons for any amendments made to the estimates or amounts; or
- (ii) inform the Council of any disagreement that the Leader/Executive has with any of the Council's objections, together with its reasons.

(d) When the period specified by the Council, referred to in paragraph (c) above has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred

to in paragraph (a)(i) above, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (ii) the Leader's/Executive's reasons for those amendments;
- (iii) any disagreements that the Leader/Executive has with any of the Council's objections, and
- (iv) the Leader's/Executive's reasons for that disagreement,

which the Leader submitted to the Council or informed the Council of within the period specified.

- (e) Paragraphs (a) to (d) above shall not apply in relation to substitute calculations which the Council is required to make in accordance with Section 52ZF of the Local Government Finance Act 1992.
- (f) Where estimates and calculations are drawn up by the Leader/Executive on or after 8 February in any financial year and are submitted to the Council for their consideration, the procedure in paragraphs (a) to (e) will not apply.
- (g) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Leader/Executive in accordance with paragraphs 7 and 8 of these Procedure Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

5.0 Decision outside the budget or policy framework

- (a) Subject to the provisions of Procedure Rule 7 (Virement), the Leader/Executive, individual Portfolio Holders and any officers discharging executive functions may only take decisions which are in line with the budget and policy framework. If the Leader/Executive, individual lead councillor or any officer wishes to make a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to Procedure Rule 6 below.
- (b) If the Leader/Executive or any individual Portfolio Holder or officer discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision unless the decision is a matter of urgency, in which case the provisions in Procedure

Rule 6 (Urgent Decisions Outside the Budget and Policy Framework) shall apply.

6.0 Urgent decisions outside the budget or policy framework

(a) The Leader/Executive, individual Portfolio Holders or officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (i) if it is not practical to convene a quorate meeting of the full Council; and
- (ii) if the chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the Overview and Scrutiny Committee, the consent of the Mayor, and in the absence of both, the Deputy Mayor, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7.0 Virement

Steps taken by the Executive, individual Portfolio Holders or officers discharging executive functions shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Part 4 of this Constitution.

8.0 In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council and decisions by the Leader/Executive, individual Portfolio Holders or officers discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but

- where the existing policy document is silent on the matter under consideration; or
- (d) for which provision is made within the relevant budget or policy

9.0 Call-in of decisions outside the budget or policy framework

- (a) Where an Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Leader/Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader/Executive with a copy to all councillors. Regardless of whether the decision is delegated or not, the Leader/Executive must meet to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to the Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made or has been made but not yet implemented and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. Following a request by the Overview and Scrutiny Committee, the matter will be referred to the next ordinary meeting of the Council. At the meeting, it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse a decision or proposal of the executive decision-taker as falling within the existing budget and policy framework. In this case, no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - (ii) amend the Council's Financial Procedure Rules, budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does not amend the existing framework to accommodate it, require the Leader/Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

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Part 4.6 Officer Employment Procedure Rules

1.0 General

1.1 References to Chief Officers and Deputy Chief Officers in these Rules shall be construed in accordance with the provisions of section 2 of the Local Government and Housing Act 1989 and shall include both statutory and non-statutory chief officers as defined by that section, ie

- The Head of Paid Service
- Joint Strategic Directors (non-statutory Chief Officers, directly accountable to the HOPS)
- Monitoring Officer (statutory Chief Officer)
- Section 151/Chief Finance Officer (statutory Chief Officer)
- Joint Executive Heads of Service (Deputy Chief Officers)

1.2 The following provisions do not apply to the appointment of officers on an interim basis.

2.0 Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or **senior officer** of the Council; or of the partner of such persons.
- (ii) A candidate who fails to disclose such a relationship may be disqualified for appointment and, if appointed, may be liable to dismissal without notice.
- (iii) No candidate so related to a councillor or a senior officer will be appointed without the authority of **the relevant Chief Officer**, or an officer nominated by them.
- (iv) Every councillor and **senior officer** of the Council shall disclose to the relevant Chief Officer any relationship known to exist between themselves and any person who they know to be a candidate for an appointment to the Council.
- (v) The relevant Chief Officer will report to the Monitoring Officer on any such required disclosures made to them.
- (vi) For the purpose of this rule, 'senior officer' means any officer of the Council graded at **Band 4** and above.

(b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. **The content of this paragraph will be included in any recruitment information.**

- (ii) No councillor will seek support for any person for any appointment with the Council.

3.0 Recruitment of Joint Chief Executive and Joint Strategic Directors

3.1 Where the Council proposes to appoint a Joint Chief Executive or Joint Strategic Director and it is not proposed that the appointment will be made exclusively from among its existing officers, the Council will:

- (a) Draw up a statement specifying:
 - (i) The duties of the officer concerned; and
 - (ii) Any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (d) Where a post has been advertised in accordance with (b) above, the Council will:
 - (i) Interview all qualified candidates for the post; or
 - (ii) Select a short-list of qualified applicants and interview those included on the short-list.
- (e) Where no qualified person has applied, the Council will make further arrangements for advertisement in accordance with (b) above.

3.2 The Council has designated the Joint Chief Executive to be the Head of Paid Service.

4.0 Appointment of Joint Chief Executive

- (a) The full Council will approve the appointment of the **Joint** Chief Executive following the recommendation of such an appointment by **a committee** or sub-committee of the Council (before an offer of appointment is made to that person). That committee or sub-committee must include at least one member of the Executive.
- (b) The full Council may only make or approve the appointment of the Joint Chief Executive where no well-founded objection has been made by the Leader on behalf of the Executive following the Monitoring Officer giving notice of the proposed appointment to all members of the Executive in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (the 2001 Regulations).

5.0 Appointment of Joint Strategic Directors and designation of the Monitoring Officer and S151/Chief Finance Officer

- (a) The appointment of the Joint Strategic Directors shall be undertaken by a committee or sub-committee of the Council. The designation of the Monitoring Officer and a S151/Chief Finance Officer will be undertaken by full Council following a recommendation from such committee or sub-committee. Any such committee or sub-committee must include at least one member of the Executive.
- (b) An offer of employment as a Joint Strategic Director, Monitoring Officer or S151/Chief Finance Officer shall only be made where not well-founded objection from the Leader on behalf of the Executive has been received following giving notice of the proposal as set out in Rule 3(b) above.

6.0 Other appointments

- (a) Subject to the provisions of the Local Government Acts 1972 and 2000, the Council shall appoint such officers as it considers necessary for the proper discharge of its functions or of another Council's functions which fall to be discharged by it and the carrying out of any obligations incurred in connection with an agreement made in pursuance of Section 113 of the Local Government Act 1972.
- (b) An officer appointed under paragraph (a) above shall hold office on such reasonable terms and conditions as the Council thinks fit.
- (c) Appointment of officers below Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by councillors.
- (d) Appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group. No appointment of an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made until the Council has allocated such a post to each of the political groups that qualify for one. Determination of qualification for posts under section 9 of the Local Government and Housing Act 1989 shall be the responsibility of the Monitoring Officer.

7.0 Disciplinary action

7.1 Suspension

The Joint Chief Executive, the Monitoring Officer and the s151/Chief Finance Officer may be suspended by the Council, the **Joint Appointments Committee / Standards and General Purposes Committee** (?) or **(who in an emergency?)** whilst an investigation takes place into alleged misconduct. **Terms? Full pay; time period?**

7.2 Disciplinary process

- (a)** Any disciplinary action taken in respect of a Statutory Officer (Head of Paid Service, Monitoring Officer and S151/Chief Finance Officer) will be conducted in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”).
- (b)** Any disciplinary action taken in respect of directors who are not Statutory Officers will be conducted in accordance with ...?
- (c)** Councillors will not be involved in the disciplinary action against any officer at or below Joint Executive Head of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council’s disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

Part 4.7 Public Speaking Procedure Rules

1. Introduction

- 1.1 The Council allows members of the public to ask questions or make statements at meetings, to present petitions, and to make representations at meetings of the Planning Committees. Public speaking at meetings will only be permitted in accordance with these Procedure Rules.
- 1.2 Public speakers will be expected to conduct themselves in an orderly manner and should be mindful of the need to avoid making public statements that could be construed to be defamatory, frivolous, or offensive and should refrain from making allegations regarding the conduct of individual councillors or officers.

2. Questions by the public at Council meetings

2.1 General

Members of the public who have a legitimate interest in the Borough, by way of work or residency, may ask a question at ordinary meetings of the Council. Questions by the public will not be included as an item on agendas for the Annual Meeting or Extraordinary meetings. Questions may be informal or formal.

2.2 Informal questions

- (a) Informal questions may be asked of the Executive before the start of ordinary meetings of Full Council for up to 15 minutes, including replies. No notice needs to be given.
- (b) Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.

2.3 Formal questions

Members of the public may ask questions of the Mayor, the Leader, an Executive Portfolio Holder, or a Committee Chair provided:

- (a) it is relevant to some matter over which the Council has powers or duties, or which specifically affects the Borough or part of it, or its residents; and
- (b) it does not relate to planning or licensing applications, or personal, exempt or confidential matters.

2.4 Notice of formal questions

A formal question may only be submitted if notice has been given by delivering it in writing or by electronic mail to the Executive Head of Legal and Democratic Services no later than close of business (5.00pm), 4 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

2.5 Order of questions

Questions will be listed in the order notice of them was received, except that the Mayor or Chairman may group together similar questions.

2.6 Number of questions

At any meeting no person may submit more than 1 written question and no more than 1 such question may be asked on behalf of one organisation.

2.7 Scope of questions

The Joint Chief Executive may reject a question if it:

- is not a matter in relation to which the Council has powers or duties or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information; or
- is not substantially in the form of a question, or the length of the preamble is disproportionate to the question.

2.8 Record of formal questions

The Joint Chief Executive will immediately send a copy of the question to the Leader and relevant Portfolio Holder. Where the Joint Chief Executive recommends that the question be rejected, reasons for rejection will be stated.

Copies of all questions and answers will be circulated and made available to councillors and the public attending the meeting. All formal questions submitted will receive a prepared answer.

2.9 Reference of question to the Executive or Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Executive or the appropriate named Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

3. Public questions at the Executive and other committees

3.1 Members of the public who have a legitimate interest in the Borough, by way of work or residency, may ask a question at ordinary meetings of the Executive and other committees. Questions by the public will not be included

as an item on agendas for Extraordinary meetings. Questions may be informal or formal.

3.2 Informal questions

- (a) Informal questions may be asked of the Leader and/or Executive members at ordinary meetings of the Executive before the start of ordinary meetings for up to 15 minutes, including replies. No notice needs to be given.
- (b) Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.

3.3 Formal questions

Members of the public may ask questions of the Leader, an Executive Portfolio Holder, or a Committee Chair provided:

- (a) it is relevant to some matter over which the Council has powers or duties, or which specifically affects the Borough or part of it, or its residents; and
- (b) it does not relate to planning or licensing applications, or personal, exempt or confidential matters.

3.4 Notice of formal questions

A formal question may only be submitted if notice has been given by delivering it in writing or by electronic mail to the Executive Head of Legal and Democratic Services no later than close of business (5.00pm), 4 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

3.5 Order of questions

Questions will be listed in the order notice of them was received, except that the Mayor or Chairman may group together similar questions.

3.6 Number of questions

At any meeting no person may submit more than 1 written question and no more than 1 such question may be asked on behalf of one organisation.

3.7 Scope of questions

The Joint Chief Executive may reject a question if it:

- is not a matter in relation to which the Council has powers or duties or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;

- requires the disclosure of confidential or exempt information; or
- is not substantially in the form of a question, or the length of the preamble is disproportionate to the question.

2.8 Record of formal questions

The Joint Chief Executive will immediately send a copy of the question to the Leader and relevant Portfolio Holder and/or relevant Committee Chair. Where the Joint Chief Executive recommends that the question be rejected, reasons for rejection will be stated.

Copies of all questions and answers will be circulated and made available to councillors and the public attending the meeting. All formal questions submitted will receive a prepared answer.

4. **Public Speaking at Planning Committees on planning and related applications**

Criteria to trigger the public speaking scheme

- 4.1 Public speaking at the Planning Committee meetings will be permitted in respect of a planning application and any other related consent applications to be determined by the Committee, where an application due to be considered by one of Waverley's planning committees receives 5 or more letters of support, OR 5 or more letters of objection by the deadline specified for representations.
- 4.2 In order to be counted in relation to the public speaking scheme, the representations must be from separate households.
- 4.3 Where an application triggers the public speaking scheme all those who have submitted written representations in compliance with paragraph 4.2 above will be notified and invited to register to speak at the relevant committee meeting.

Allocation of speaking

- 4.4 A maximum of 3 persons will be permitted to speak on each application, as follows:
- 1 person speaking in objection to the application
 - 1 person speaking on behalf of the relevant town or parish council
 - 1 person speaking in support of the application (usually the applicant or their agent)
- 4.5 Subject to the above, the spaces will be allocated on a first come, first served basis. All applications to speak must have been registered no later than noon on the Friday preceding the planning committee meeting (usually on a Wednesday).
- 4.6 The registered speaker may appoint another person to speak on their behalf, or to share their time with other speakers.

Speaking at the meeting

- 4.7 A maximum of 4 minutes will be allowed for each speaker.
- 4.8 If the speaker has chosen to share their allocated time with another speaker the time allocation will run continuously.
- 4.9 Public speaking will follow the presentation of the planning application by the Planning Officer and precede the Committee's debate on the application. Members of the public speaking in opposition to an application will speak before those speaking in support of an application.
- 4.10 Speakers must confine their statement to relevant material planning issues. There is no opportunity to display maps, photographs, circulate documents or ask questions of others at the meeting.
- 4.11 If a decision on an application is deferred, any objectors or supporters registered to speak on that item will have the opportunity to speak again when the item is brought back to a future committee. If they do not wish to speak, the opportunity for other to register in line with the normal procedure will be afforded.
- 4.12 Applications will not be deferred because of the absence of an objector or supporter, or other person who has registered to speak.

5. Presentation of petitions

Members of the public can submit petitions to Waverley by email or in hard copy addressed to the Joint Chief Executive. The petition will be dealt with in accordance with the Waverley Petition Scheme, a copy of which is attached as Part 4.7.1 to this Constitution.

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Council Procedure Rules – Annexe 1

Waverley's Petition Scheme

This is Waverley Borough Council's Petitions Scheme, which explains how petitions on matters of local importance can be sent to the Council, how we will deal with them and how we will respond to you. The Scheme has been created under Section 11 (1) of the Local Democracy, Economic Development and Construction Act, 2009.

The Council welcomes petitions as one way in which local people can express their needs and concerns. Before submitting a petition to the Council, the public should be advised that there may be a simpler way to influence decision-making in Waverley (to see the many ways you can influence decision-making, please go to **www.waverley.gov.uk/consultation**).

You can submit petitions by email at **committees@waverley.gov.uk** or you can send them to us by post at:

Waverley Petitions
Democratic Services
Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

Criteria for submitting a petition

Petitions to Waverley must relate to one of its functions. To sign a petition submitted to Waverley, you must either live, work or study in the borough.

Surrey County Council will consider petitions that relate to improvements in the social or economic well-being of the area, which they, or the relevant Integrated Care System, Police Authority or Fire and Rescue Authority can contribute to. You can use the e-petitions facility to send one of these public bodies a petition or you can send it to Surrey County Council.

Number of signatures required to submit a petition to Waverley

For a petition to have the desired response (see the table below) it must have the required number of signatures on it.

How many signatures are needed?	How will Waverley respond?	What happens next?
Up to 500. (not treated as a petition)	An officer will respond to you You will receive a response from the appropriate responding officer, who is identified by Democratic Services when your petition is received. The petition will be treated as a Stage One complaint .	
500-999.	A member of the Executive will respond to you You will receive a response from the appropriate portfolio-holder (this is a councillor who is a member of the cabinet and who has special responsibility for certain areas of Waverley's work).	
1,000-1,999.	The Executive will consider your petition at a meeting If you wish to present the petition yourself, you will need to give ten working days' notice to Democratic Services. You will be given a maximum of four minutes to present your petition.	The Executive will decide whether to refer the matter to an appropriate Overview and Scrutiny Committee for further consideration, or whether to make a decision on your demands at the meeting. Once the Overview and Scrutiny Committee have considered the matter, they will make a recommendation back to the Executive who will make a final decision.
2,000-4,999.	A relevant senior officer will be called to a meeting of an Overview and Scrutiny Committee to give evidence (if you have requested this in your petition) You must explain, when you submit your petition, what	The Overview and Scrutiny Committee will make a recommendation based on the evidence given to Executive, who will then make a decision on your petition.

	information you want from the officer. If you want to ask the officer questions yourself, you will need to give ten working days' notice to Democratic Services. You will be given a maximum of four minutes to introduce your petition. Only the Joint Chief Executive, Joint Strategic Directors and Heads of Service can be called to account.	
5,000 or more.	Your petition will be debated at a meeting of the full Council. If you wish to present your petition to the Council, you must give 10 working days' notice to Democratic Services. You will be given a maximum of four minutes to introduce your petition.	The full Council will make a decision on your petition. They could refer it to an appropriate Overview and Scrutiny Committee for further investigation, but this would be unusual.

Waverley may also choose to take additional action where it is considered appropriate. Such action could include:

- Holding a meeting with petitioners.
- Conducting an internal inquiry.
- Holding a public consultation.

Rejection of petitions

Waverley will not accept petitions which:

- Are considered to be vexatious, abusive or otherwise inappropriate. The Joint Chief Executive will take the decision on whether a petition is any of the above things and will explain this to you in writing.
- Relate to planning or licensing applications (as there are already procedures on how to object to these) or other areas on which there are existing rights of appeal, such as council tax banding and/or business tax rates.
- Are on the same or a similar topic to one that the Council has received in the last twelve months.

Checklist for submitting a petition to Waverley

Below is a checklist for submitting a petition to Waverley, which may be helpful to ensure you have met all the requirements of the scheme:

- A clear, concise statement at the top of the petition which explains a) the subject of the petition and b) what action you want the council to take
- Identification of the petition organiser using name, address and contact details
- Names and addresses of all signatories. All signatories must live, work or study in the borough and provide the relevant address. Addresses will be checked by

Waverley Borough Council and where they cannot be verified, the signatures will be rejected.

For the petition to be treated as a petition (rather than a complaint), at least 500 signatures.

If the petition has 2,000 to 4,999 signatures– an indication of whether you want to call a senior officer to account, which senior officer you want to call to account and what you want them to tell you.

Ensure your petition is not concerning a planning or licensing application

Ensure your petition does not relate to an issue on which there is already a right of appeal (Housing Benefit decisions, Licensing decisions and Planning decisions)

Ensure your petition doesn't relate to an issue or is on a similar subject to one that the Council has received in the last twelve months.

What we will do when we receive your petition

- We will acknowledge your petition within 5 days if it is submitted electronically (link to Surrey E-Petitions site), and within 10 days from the date of receipt if it is submitted by post.
- The acknowledgement will say what we propose to do with the petition (see trigger thresholds) and tell you the date of the meeting it will go to (if it is to go to a meeting). If appropriate, we will outline what we may be able to do in response to the petition.
- We will publish the petition, acknowledgement and all stages of correspondence relating to it on our website www.waverley.gov.uk unless it would be inappropriate to do this.

What to do if you feel your petition has not been dealt with properly

- You should submit a complaint in writing (letter or email) to Waverley (if we have dealt with your petition) or Surrey (if they have). The complaint should be submitted no later than 28 working days from receiving the authority's response to your petition. It would be helpful if you would explain in what way you feel the petition has not been dealt with properly, and whether this relates to the decision taken or the process.
- A reviewing officer will be identified by Democratic Services, to consider the way in which the petition was handled. They will normally refer the matter to the appropriate Overview and Scrutiny Committee, which will consider the adequacy of the response.
- The Joint Chief Executive will respond via letter to the petition organiser within 28 days of receipt of the request for review.