

WAVERLEY BOROUGH COUNCIL

COUNCIL

18 OCTOBER 2022

Title:

Review of the Waverley Constitution

Portfolio Holder: Cllr Paul Follows, Leader of the Council

Head of Service: Robin Taylor, Monitoring Officer

Key decision: No

Access: Public

1. Purpose and summary

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

2. Recommendation

That the revised Waverley Constitution (Parts 1 to 4) is approved and adopted.

3. Reason for the recommendation

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

4. Background

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

- 4.3 Waverley's Constitution has been amended on a piecemeal basis over the years and some internal inconsistencies have crept into the document due to the level of duplication of information between the different Parts. It is difficult to find information within the document, and therefore it is not as useful a document as it should be.
- 4.4 The structure of the revised Constitution has been retained, and whilst there are relatively few substantive changes, there has been a considerable re-drafting of the text. Where substantive changes are proposed, these are summarised in Annexe 1.
- 4.5 The focus of this revision has been on Parts 1 to 4. There has been no change to Parts 5 or 6 at this time. Part 7, the Management Structure has been updated to reflect the new Joint Management Team.
- 4.6 The Standards and General Purposes Committee was pleased to see the improvements to the Constitution and agreed that the extent of the textual and formatting changes made it impractical to circulate a 'tracked-changes' version.
- 4.7 With regards to the more substantive changes proposed, the Committee discussed the proposed change to the membership of the Eastern and Western Planning Committees, so that the political proportionality would be based on the political proportionality of the council as a whole rather than that of the wards covered by each of the committees. The Committee discussed the importance of local members determining planning applications, using their local knowledge, versus the benefits of having some more objective or neutral members contributing to the consideration of planning applications. A vote on an amendment to retain the current arrangements was lost on the Chair's casting vote.
- 4.8 For information, based on the current political proportionality of the council the allocation of seats on the Planning Committees would be as follows:

	Eastern Planning		Western Planning	
	Current	Proposed	Current	Proposed
Conservative	7	5	4	5
Farnham Residents	0	4	8	4
Liberal Democrat	5	3	3	3
Green	1	1	0	1
Labour	1	1	0	1
Independent	1	1	0	1
Total seats	15	15	15	15

- 4.9 During the Committee meeting a further amendment to the Procedure Rules was proposed and agreed, to change the deadline in PR 11.8(a) for councillors registering to speak at Council on 'Part II' items in the minutes of the Executive or committees, from noon on the day of the meeting to noon on the working day prior to the meeting. For consistency, the same change to deadlines is proposed for PR 23.1(b), which relates to councillors speaking at meetings of the Executive or other committees.

5. Relationship to the Corporate Strategy and Service Plan

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

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct financial implications arising from this report.

6.2 Risk management

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

6.3 Legal

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

6.4 Equality, diversity and inclusion

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

6.5 Climate emergency declaration

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

7. Consultation and engagement

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

8. Other options considered

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

Options:

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

significant differences in the structure between Waverley's and Guildford's constitutions.

9. Governance journey

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

Annexes:

Annexe 1 – Schedule of proposed changes to the Constitution

Annexe 2 – Revised Constitution Parts 1 to 4

Background Papers

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

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