

# Waverley Borough Council

**Report to:** Standards & General Purposes Committee

**Date:** 3 July 2023

**Ward(s) affected:** All

**Report of Director:** Transformation and Governance

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Report Status: Open

## Review of the Waverley Borough Council Constitution

### 1. Executive Summary

- 1.1 There is a statutory obligation upon every Local Authority to have a constitution and to both maintain and publish it. It is considered good practice to keep the constitution under constant review and for councillors to consider a more formal review on an annual basis.
- 1.2 This report asks the Standards & General Purposes Committee to establish, jointly in conjunction with Guildford Borough Council's Corporate Governance & Standards Committee, a new Joint Constitutions Review Group (JCRG), with an overall objective of aligning key parts of the Councils' respective constitutions, where appropriate to do so.

## **2. Recommendations to Committee**

- 2.1 That the Committee agrees to establish, jointly in conjunction with Guildford Borough Council's Corporate Governance and Standards Committee, a new Joint Constitutions Review Group (JCRG).
- 2.2 That the draft terms of reference of the Constitutions Review Group, as set out in **Appendix 1** to this report, be approved. That the Committee note that the purpose of the Constitutions Review Group will be to review the Waverley Borough Council Constitution, alongside the Guildford Borough Council Constitution, and to report back with their recommendations to both the Corporate Governance and Standards Committee at Guildford and the Standards and General Purposes Committee at Waverley. This Committee will then have the opportunity to consider any recommendations from the Constitutions Review Group relating to the Waverley Borough Council constitution and may make appropriate recommendations to the Council.
- 2.3 That the Committee appoints four councillors to the Constitutions Review Group and notes that Guildford Borough Council will also be invited to appoint four Councillors to the Group from their Corporate Governance and Standards Committee. That the Committee, from among those councillors they appoint, appoints a co-chairman of the Constitutions Review Group.

## **3. Reason(s) for Recommendation:**

- 3.1 To commence work on the review of Waverley Borough Council's Constitution, and to do so in collaboration with partners from Guildford Borough Council, with an overall objective of aligning key parts thereof, where appropriate to do so.

## **4. Exemption from publication**

- 4.1 No part of this report is exempt from publication.

## **5. Purpose of Report**

- 5.1 This report asks the Committee
- (a) To consider establishing a new Joint Constitutions Review Group, in conjunction with Guildford Borough Council's Corporate Governance and Standards Committee, and
  - (b) To make appointments to such a Joint Constitutions Review Group.

## **6. Strategic Priorities**

- 6.1 The work of Councillor task or working groups assist in the delivery of the Council's Corporate Plan priorities.

## **7. Background**

- 7.1 Following the commitment by both Guildford and Waverley to collaborate and the establishment of a Joint Management Team, with the prospect of further collaborative proposals coming forward, the benefits of aligning the governance processes within the respective Constitutions, where appropriate to do so, is becoming increasingly apparent.
- 7.2 Accordingly, the Committee is asked to agree that a Joint Constitutions Review Group, comprising councillors nominated both by this Committee and Guildford's Corporate Governance & Standards Committee, be established to meet and consider constitutional matters jointly. The overarching role of the Joint Constitutions Review Group will be to examine, review, and report back initially to this Committee and Guildford's Corporate Governance & Standards Committee on any matter relating to the Constitutional arrangements of both councils. Each Council will then have the opportunity to debate, and decide upon, any changes to their own Constitution. It is anticipated that ultimately the two Constitutions will always differ in

some aspects to reflect the preferences of each Council, but that, in matters pertaining to officer accountabilities are likely to be the same.

- 7.3 The Committee is invited to consider and approve the draft terms of reference of the Joint Constitutions Review Group attached as **Appendix 1** to this report. The Committee is also invited to make appointment of four Waverley Borough Councillors to the Review Group; the membership does not have to be politically balanced but it may be useful to represent the primary political groups on the Review Group. Appointments do not have to be made from the membership of the Standards and General Purposes Committee, but the agreement of any Councillor should be sought prior to their appointment by this Committee.

## **8. Equality and Diversity Implications**

- 8.1 The Joint Constitution Review Group will be responsible for having due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements.

## **9. Financial Implications**

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

## **10. Legal Implications**

- 10.1 There is no legal requirement to establish working groups or task groups, but they can be useful to support and inform the work of Council Committees. There is no legal requirement for them to be politically balanced.

## **11. Human Resource Implications**

11.1 Currently, we are able to service the proposed working group from within existing staffing resources in the Democratic Services team.

## **12. Summary of Options**

12.1 The Committee is invited to consider formally establishing, in conjunction with Guildford's Corporate Governance & Standards Committee, a new Joint Constitutions Review Group in accordance with the draft terms of reference attached as **Appendix 1**.

## **13. Background Papers**

Waverley Borough Council Constitution

## **14. Appendices**

Appendix 1: Draft Terms of Reference of the proposed Joint Constitutions Review Group