

# Waverley Borough Councils

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

**Date:** 8 January 2024

**Ward(s) affected:** All

**Report of Director:** Transformation and Governance

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**Report Status:** Open

## Waverley Borough Council Council Procedure Rules: Extraordinary Meetings of the Council (Rule 4)

### 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 As part of the current work programme to update the constitutions of both Guildford Borough Council (GBC) and Waverley Borough Council (WBC), the Joint Executive Head of Legal and Democratic

Services has prioritised the Council Procedure Rules as a high priority, requiring urgent attention.

- 1.3 The GBC Council Procedure Rules can be found in Part 4 (Council Procedure Rules) of its constitution. WBC Council Procedure Rules can be found in Part 4.1 (Council and Committee Procedure Rules). After reviewing both sets of Council Procedure Rules, it was apparent that there would be no benefit in amending both sets of the current rules, therefore Officers are recommending the introduction of a set of new Council Procedure Rules for both councils, using examples of good practice, based on the statutory framework.
- 1.4 The work to review the Council Procedure Rules for both GBC and WBC is extensive, and as such, it has been decided to divide and deliver the task into three manageable parts for review by the Guildford and Waverley Joint Constitutions Review Group (G&W JCRG). Part 1 (sections 1-10) of the new proposed Council Procedure Rules was taken to the G&W JCRG on 18 December, where sections 1-10 were approved.
- 1.5 Officers intend to present the entire new set of CPR (approx. 30-40 rules) to the Standards and General Purposes Committee at its next meeting, with a recommendation to that they are taken to full Council for adoption.
- 1.6 This report presents CPR no. 4: Extraordinary meetings of Council as this particular rule is especially problematic for WBC. A table outlining the main differences of the proposed changes to rule no. 4 can be found in **Table 1** of this report.

Table 1: Main Differences

	Rule	Waverley	Guildford	Proposed	Comments
4	<b>Extraordinary meetings of Council</b>	Council business is confined to a single item	To consider the business for which the extraordinary meeting has been called.	The only items of business which will be considered at extraordinary meetings of the Council will be the	Align the rules and allows WBC greater flexibility.

				items for which the meeting has been called.	
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1.7 The key change proposed is to align the procedure around calling extraordinary council meetings, allowing more than one single item to be considered; the current restrictive procedure causes operational difficulties at WBC.

1.8 This report asks the Standards and General Purposes Committee to consider the proposals in this report and provide feedback on the suggested CPR no. 4: Extraordinary meetings of Council for WBC as set out in **Appendix 1** of this report.

## 2. Recommendations

That the Standards and General Purposes Committee to:

2.1 Note the report and the proposed new Council Procedure Rules No. 4: Extraordinary Meetings of Council for Waverley Borough Council as set out in **Appendix 1** of this report.

2.2 Recommend the proposed new Council Procedure Rules No. 4 Extraordinary Meetings of Council for Waverley Borough Council as set out in **Appendix 1** to full Councils for adoption into their constitutions with immediate effect.

## 3. Reason(s) for Recommendation:

3.1 To ensure that WBC have adequate arrangements in place to deal with the conducting of council meetings and dealing with council business in an effective and efficient manner that meets statutory guidance and is lawful.

## 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 Standards and General Purposes Committee;
- (a) To discuss and consider the proposed new Council Procedure Rules No. 4: Extraordinary Meetings of Council for Waverley Borough Council.
  - (b) To make recommendations to full Council, in respect of the formal adoption of the proposed new Council Procedure Rules No. 4: Extraordinary Meetings of Council.

## **6. Strategic Priorities**

- 6.1 This work assists in the delivery of the Council's Corporate Plan priorities for good governance and transparency, it also promotes smart and efficient working practices.

## **7. Background**

### Council Procedure Rules

- 7.1 Council Procedure Rules are contained in the constitution of each council and describes the types of meetings of the Council and the procedure rules that apply to each type of Council meeting.
- 7.2 The Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989, and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders and should be interpreted accordingly.

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

8.1 The JCRG 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.

## **10. Legal Implications**

10.1 The proposed amendments are in line with the Standing Orders, as provided for by the following legislations:

- Local Government Act 1972,
- Local Government and Housing Act 1989 and;
- Local Government Act 2000

## **11. Human Resource Implications**

11.1 There are no Human Resource implications arising from this report.

## **12. Summary of Options**

12.1 The Standards and General Purposes Committee is invited to consider the proposed new Council Procedure Rules No. 4: Extraordinary Meetings of Council attached as **Appendix 1**.

12.2 In terms of options available, the Standards and General Purposes may:

- (a) accept the proposed new Council Procedure Rules No. 4: Extraordinary Meetings of Council and agree and commend it for adoption by full Council;
- (b) amend the proposed new Rule; or
- (c) ask officers to reconsider any part(s) of the new Rule that raise concerns.

**13. Background Papers**

Waverley Borough Council Constitution  
Guildford Borough Council Constitution

**14. Appendices**

Appendix 1: The proposed new Council Procedure Rules No. 4:  
Extraordinary Meetings of Council