

# Waverley Borough Council

**Report to:** Council

**Date:** 24 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 3.2)

### 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 WBC Council Procedure Rules can be found in Part 4.1 (Council and Committee Procedure Rules). The GBC Council Procedure Rules can be found in Part 4 (Council Procedure Rules) of its constitution. 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 will be 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). Proposed new Council Procedure Rules 1-10 were considered by the G&W JCRG on 18 December. Existing procedure rule 3.2 was recommended by the G&W JCRG for consideration by the Waverley Standards and General Purposes Committee on 8 January 2024.
- 1.5 This report singularly presents CPR no. 3.2: Extraordinary meetings of Council, as this particular rule is inefficient for the discharge of business at WBC. A table outlining the proposed changes to rule no. 3.2 can be found in **Table 1** below.

Table 1: Proposed change

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

- 1.6 The 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.

- 1.7 Council is asked to consider the proposal in this report and to approve the amendment to the Extraordinary Meetings of Council rule No. 3.2.

## **2. Recommendation to Council:**

The Standards and General Purposes Committee recommends that Full Council approves:

- 2.1 **That existing procedure rule 3.2 be replaced by new Council Procedure Rule 3.2 – *‘The only items of business which will be considered at extraordinary meetings of the Council will be the items for which the meeting has been called’* for adoption into the constitution 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 Full Council:
  - (a) To consider the proposed new Council Procedure Rule 3.2: Extraordinary Meetings of Council for Waverley Borough Council.
  - (b) To approve new Council Procedure Rule No. 3.2: Extraordinary Meetings of Council for formal adoption into the constitution.

## **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 had due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making its 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 legislation:

- 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 Council is invited to consider the proposed new Council Procedure Rule No. 3.2: Extraordinary Meetings of Council.

12.2 In terms of options available, Council may:

- (a) accept the proposed new Council Procedure Rule 3.2: Extraordinary Meetings of Council for adoption;
- (b) amend the proposed new rule; or
- (c) ask officers to reconsider any part(s) of the new rule

## **13. Background Papers**

Waverley Borough Council Constitution  
Guildford Borough Council Constitution

## **14. Appendices**

None