

Guildford and Waverley Borough Councils

Report to: Waverley Borough Council Standards & General Purposes Committee and Guildford Borough Council Corporate Governance & Standards Committee

Date: 8 April 2024 / 11 April 2024

Ward(s) affected: All

Report of Director: Strategic Director of Legal & Democratic Services

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Report Status: Open

Guildford Borough Council and Waverley Borough Council - Proposed new Council Procedure Rules

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 Strategic Director of Legal and Democratic Services has prioritised the Council Procedure Rules as a high priority, requiring urgent attention.

- 1.3 GBC Council Procedure Rules can be found in Part 4 of Guildford's Constitution and WBC Council Procedure Rules can be found in Part 4.1 (Council and Committee Procedure Rules) of Waverley's. After reviewing both sets of Council Procedure Rules, it was apparent that there would be little benefit in amending both sets of the current rules. Officers are therefore 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 was extensive, and as such, it was decided to divide and deliver the task into two manageable parts. Part 1, sections 1-10 of the proposed Council Procedure Rules was presented to, and supported by, by the Guildford and Waverley Joint Constitutions Review Group on 18 December 2023. Part 2, sections 11-31 of the proposed Council Procedure Rules, was presented to and supported by the Guildford and Waverley Joint Constitutions Review Group on 28 March 2024.
- 1.5 Waverley Borough Council made a minor amendment to the rules for extraordinary council meetings at its Full Council meeting held on 24 January 2024.
- 1.6 This report presents the entire Council Procedure Rules and asks Waverley's Standards & General Purposes Committee and Guildford's Corporate Governance & Standards Committee to consider the proposals in this report and provide feedback on the new proposed Council Procedure Rules. The report also asks the two committees to recommend the proposed new Council Procedure Rules for formal adoption by Guildford's full Council meeting on 16 April and Waverley's full Council meeting on 23 April 2024.
- 1.7 There are some slight differences between the GBC and the WBC Council Procedure Rules to incorporate nuances, but for the most part, the rules for both councils are proposed to be aligned. Such

nuances are identified by the use of blue text for Waverley only text and green text for Guildford only text.

- 1.8 Officers have proposed a significant number of changes to the current Council Procedure Rules of both councils. A table outlining the main differences between the existing and proposed changes can be found in **Appendix 1** to this report.
- 1.9 A key theme in the proposed new Council Procedure Rules is to clearly identify who has the authority and responsibility to discharge functions at council meetings, including proper officers, and the correct procedures to be followed, including appropriate communication channels.
- 1.10 A report on the proposed new Council Procedure Rules was taken to the G&W Joint Constitutions Review Group on 28 March 2024. Members of the group welcomed the proposed new Council Procedure Rules. The group reviewed the rules in detail and suggested minor grammatical amendments and amended rule 15.5 (Rules of Debate for Council: Content and Length of Speeches) to allow the proposer of a motion 6 minutes for a speech and 4 minutes for the right of reply and all other speeches in the debate.
- 1.11 Subject to the suggested amendments, the G&W Joint Constitutions Review Group approved the recommendations to refer the new Council Procedure Rules, as set out in **Appendix 2** to this report, to Waverley's Standards & General Purposes Committee on 8 April and to Guildford's Corporate Governance & Standards Committee on 11 April with a further recommendation to refer the new Council Procedure Rules to the full council meetings of Guildford (16 April) and Waverley (23 April) for adoption into their respective Constitutions.

2. Recommendations

That Waverley's Standards & General Purposes Committee and Guildford's Corporate Governance & Standards Committee be requested:

- 2.1 To recommend the new Council Procedure Rules, as set out in **Appendix 2** to this report, to the full council meetings of Guildford (16 April) and Waverley (23 April) for adoption into their respective Constitutions.

3. Reasons for Recommendation:

- 3.1 Approval of the new Council Procedure Rules will ensure that both Guildford and Waverley Borough Councils have adequate arrangements in place to deal with the conduct of business at council meetings in an effective and efficient manner that meets statutory requirements.
- 3.2 Approval of the new Council Procedure Rules will be a significant milestone in the process of aligning the constitutions of GBC and WBC where it is 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 Waverley's Standards & General Purposes Committee, and Guildford's Corporate Governance & Standards Committee:
 - (a) To consider the proposed new Council Procedure Rules, as set in **Appendix 2** to this report.
 - (b) To recommend the adoption of the new Council Procedure Rules to the full council meetings of Guildford (16 April) and

Waverley (23 April) for adoption into their respective Constitutions.

6. Strategic Priorities

- 6.1 This report will assist in the delivery of the Council's Corporate Plan priorities and collaborative working agenda.

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 There are no equality and diversity implications arising from this report. This report has given 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 new Council Procedure Rules are in line with the requirements for 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 The two Committees are invited to consider the proposed new Council Procedure Rules attached as **Appendix 2**.

12.2 In terms of options available, the Committees may:

- (a) accept the proposed new Council Procedure Rules and agree to submit them for adoption by their respective full Council;
- (b) suggest amendments to any of the proposed new Council Procedure Rules; or
- (c) ask officers to reconsider any part(s) of the proposed new Council Procedure Rules that raise concerns.

13. Background Papers

- Waverley Borough Council Constitution
- Guildford Borough Council Constitution
- 18 December 2023, G&W Joint Constitutions Review Group Report – Review of the Council Procedure Rules: Part 1 (1-10)

- 28 March 2024, G&W Joint Constitutions Review Group Report
– Review of Council Procedure Rules: Part 2 (11-31)

14. Appendices

Appendix 1: Table outlining the main differences between the existing and proposed changes to Council Procedure Rules

Appendix 2: Draft Council Procedure Rules (1-31)