

# **Guildford and Waverley Borough Councils**

**Report to:** Full Council Meetings of Guildford Borough Council and Waverley Borough Council

**Date:** 16 April 2024 / 23 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 GBC's Constitution and WBC Council Procedure Rules can be found in Part 4.1 (Council and Committee Procedure Rules) of WBC'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 Officers have proposed a significant number of changes to the 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.
- 1.6 WBC made a minor amendment to the rules for extraordinary council meetings at its Full Council meeting held on 24 January 2024.
- 1.7 This report presents the entire Council Procedure Rules for adoption, following formal consideration by WBC's Standards & General Purposes Committee (on 8 April 2024) and GBC's Corporate Governance & Standards Committee (on 11 April 2024).
- 1.8 WBC's Standards and General Purposes Committee resolved at their meeting on 8 April 2024 that the rules be recommended for approval subject to the Monitoring Officer consulting GBC's Corporate Governance and Standards Committee on three amendments:

- rule 2.3 – adding words from rule 8 to ensure a non-executive Councillor will preside at the election of the Mayor (and may use a casting vote)
- rule 4.2 – adding words to vi to dispose of any remaining business from the last Council meeting
- rule 25.4 – adding the word ‘once’ where the Leader speaks at a Committee in accordance with that rule.

- 1.9 GBC’s Corporate Governance and Standards Committee resolved to agree the amendments proposed by WBC’s Standards and General Purposes Committee for recommendation to GBC’s Council meeting on 16 April 2024.
- 1.10 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 in the proposed new Council Procedure Rules, as set out in **Appendix 2** to this report, by the use of blue text for Waverley only text and green text for Guildford only text.
- 1.11 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.
- 1.12 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.
- 1.13 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 WBC's Standards & General Purposes Committee on 8 April and to GBC'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**

- 2.1 To adopt the new Council Procedure Rules, as set out in **Appendix 2** to this report into the Constitution.

## **3. Reasons for Recommendation:**

- 3.1 Adoption 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 Adoption 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 Guildford and Waverley's full Council meetings:
  - (a) To consider the proposed new Council Procedure Rules, as set in **Appendix 2** to this report, taking into account any recommendations, as appropriate, from Guildford's Corporate Governance & Standards Committee and Waverley's Standards & General Purposes Committee.

- (b) Subject to (a) above, to adopt the new Council Procedure Rules into their respective Constitutions.

## **6. Strategic Priorities**

- 6.1 This report will assist in the delivery of the Councils' Corporate Plan/Strategy 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 Councils' 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 Councils are invited to consider the proposed new Council Procedure Rules attached as **Appendix 2**.

12.2 In terms of options available, each Council may:

- (a) adopt the proposed new Council Procedure Rules into their Constitution, with or without any amendments, or
- (b) defer consideration of their adoption to enable officers to reconsider any part(s) or aspect(s) of them 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 new Council Procedure Rules (1-31)