

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE GUILDFORD AND WAVERLEY JOINT CONSTITUTIONS REVIEW
GROUP - 28 MARCH 2024

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Andy MacLeod (Joint Chair)
Cllr James Jones (Joint Chair)
Cllr Paul Follows

Cllr Michael Goodridge
Cllr Gemma Long
Cllr Catherine Houston

Apologies

Cllr Joss Bigmore and Cllr Sallie Barker

9 APOLOGIES FOR ABSENCE (Agenda item 1)

Apologies were received from Councillor Sallie Barker and Councillor Joss Bigmore.

10 DISCLOSURE OF INTERESTS (Agenda item 2)

There were no disclosures of interests received.

11 MINUTES (Agenda item 3)

The minutes for the previous meeting held on 18 December 2023 were agreed.

12 GUILDFORD BOROUGH COUNCIL: REVIEW OF EXECUTIVE ADVISORY
BOARDS AND OVERVIEW & SCRUTINY (Agenda item 4)

Susan Sale, Joint Strategic Director of Legal and Democratic Services introduced the report. She thanked John Armstrong, Democratic Services & Elections Manager for his work in producing the report.

John Armstrong addressed the group and advised that the report set out the background to the establishment of the Executive Advisory Boards (EABs) and the single Overview & Scrutiny (O&S) Committee at Guildford in 2016, following a review of the Council's internal governance arrangements in 2015. He advised that the issues that the current structure raised included the dilution of the O&S policy development and particularly finance scrutiny.

John Armstrong informed the group that the EABs were created to increase backbench member involvement in significant Executive decisions, by advising the Executive at an early stage on the formulation and development of policies and major projects that would help to deliver the Council's corporate priorities. He noted that since May 2023, the EABs had met on just three occasions as most scheduled

meetings had been cancelled due to lack of business, or due to the business that had been scheduled on their work programme being postponed for several reasons.

John Armstong explained to the group that in consultation with the leader at its informal briefing on 14 February 2024, the Executive considered a briefing note on the future of the EABs and their role within the Council's democratic governance processes, particularly in the context of the O&S function. The chairs and vice-chairs of the EABs and the O&S Committee were invited to the briefing meeting to participate in the discussion and to offer their views.

John Armstrong advised the group that the discussion focused on four options, set out in paragraph 7.17 of the report. He advised that the options ranged from continuing the existing structure to disbanding the existing EABs and O&S committee as was presently constituted. He informed the group that the discussion ended with the Executive favouring option 3 to disband the existing EABs and O&S Committee and establish two new O&S committees as per the current Waverley Borough Council O&S structure.

He advised that if the group did approve the recommendations, then a further report would be taken to the Guildford Corporate Governance and Standards Committee on 11 April 2024 and then to Guildford's full Council on 16 April 2024.

The chair welcomed the Guildford members of the group to respond to the report. Councillor Catherine Houston advised the group that she supported the report and the recommendations as she believed that it would allow for a better democratic function. She advised that with more items going to O&S, there may be fewer call-ins. She queried the governance route for taking items to O&S. John Armstong advised the group that there should be more policy development and that it would be encouraged under a new model, he also noted that there would be a stronger focus on financial scrutiny.

Councillor James Jones sought further clarification of the intended remits of the O&S committees under the proposed model. John Armstong advised the group that the current Waverley O&S committee's remits were split into resources and services, and it was envisaged that the Guildford O&S committees would be similar.

Councillor Goodridge noted that the Waverley model worked well. Susan Sale, also noted that pre-decision scrutiny worked well as it allowed for scrutiny input and was an effective approach to mitigating call-ins. Councillor Follows noted that it was also important to consider which people were involved and that culture also played a part in effective scrutiny.

The chair advised the group that Waverley members of the G&W Joint Constitutions Review Group would abstain from agreeing the recommendations in the report as the matter solely impacted Guildford. Therefore, Councillor Jones and Councillor Houston were asked to respond to the recommendations in section 2 of the report. The Guildford Members agreed the recommendations.

Resolved:

The Joint Constitutions Review Group (Guildford Members only) agreed to recommend (to Guildford's Corporate Governance and Standards Committee)

That the proposal to disband the two EABs and the single O&S Committee and to replace them with two new Overview and Scrutiny Committees (Option 3 referred to in this report), be supported and commended to Guildford's Full Council for adoption and implementation with effect from the 2024-25 municipal year.

13 GUILDFORD BOROUGH COUNCIL & WAVERLEY BOROUGH COUNCIL:
COUNCIL PROCEDURE RULES (Agenda item 5)

Susan Sale, Joint Strategic Director of Legal and Democratic Services introduced the report. She advised the group that at its last meeting it reviewed rules 1-10 of the new proposed Council Procedure rules and now they had before them rules 11-31. She reminded the group that this was the introduction of a set of new Council Procedure Rules for both councils, using examples of good practice, based on the statutory framework.

Susan Sale advised the group that there were some slight differences between the GBC and the WBC Council Procedure Rules, which could be identified by the use of blue text for Waverley only text and green text for Guildford only text. However, for the most part, the rules for both councils are proposed to be aligned. She informed the group that it was a critical document as the Council Procedure Rules governed how full council meetings operate and the mechanism for the ultimate democratic process. She noted that it was very important that the Council Procedure Rules embrace the local government principles around fairness and equality.

The chair suggested that the group go through the rules 11-31 together and offer comments, and feedback or suggested amendments. Councillor Goodridge sought confirmation on rule 11.1 and the new suggested rule on statements, he queried if questions were permitted by the public at extraordinary meetings. Councillor Follows and Councillor Goodridge discussed rule 11.4 on supplementary questions. The group reviewed rule 12, including the mayor seeking advice from the Monitoring Officer, supplementary questions, time limits and the number of member motions.

The group suggested that rule 14. regarding motions relating to announcements should include additional text and a few grammatical amendments. The group also suggested combining rules 15.2 and 15.3 to reduce duplications. The group discussed rule 17 regarding the mayor's and the committee chair's casting vote; and welcomed the addition of new rule 18 regarding council officers attending council meetings.

The group asked for further clarification on rule 21.1 regarding the signing of minutes. Councillor Paul Follows sought further clarification on the signing of Executive minutes and Councillor MacLeod sought further confirmation on the procedures for signing of committee meeting minutes. Susan Sale advised the group that she would check and provide an update on both queries raised. The group discussed rules 23.1 and 23.2 regarding councillors attending meetings,

Councillor Houston sought further clarification on preclusion from voting after comfort breaks.

The group reviewed 24.2 regarding removing members of the public and sought further clarification on how this would work in practice. The group also discussed 24.4 regarding members of the public filming and recording during meetings with consideration of how it may impact data protection. The group also considered the implications of filming minors and vulnerable people. Councillor Follows suggested following Guildford's example and displaying notices for members of the public regarding filming and recording of council meetings.

The group considered 25.2 and non-committee members attending meetings and sitting in the gallery or a designated area. The group discussed in detail rule 26 relating to no confidence in the chair of a committee. The group contemplated the impact, particularly at Waverley where each O&S committee was chaired by an opposition member as was presently constituted. Susan Sale agreed that this would be looked at in detail as part of the O&S review by the G&W JCRG.

The group discussed rule 27 regarding the Leader of the council, in particular, rule 27.2 removal of the leader and whether 12 members overturning a decision on a motion can continuously resubmit the same motion. Susan Sale agreed that she would seek further clarification on the matter and advise the group. The group considered rule 30.1 amendments to the Council Procedure Rules and suggested additional text to ensure that there was a reference to rule 14.

Resolved:

The Joint Constitutions Review Group agreed:

To note the report and the proposed new Part 2 (sections 11-31) Council Procedure Rules for Guildford Borough Council and Waverley Borough Council as set out respectively in Appendix 2 of this report.

That subject to the agreed amendments to recommend the new Council Procedure Rules as set out in Appendix 2 to this report to the Waverley Borough Council Standards & General Purposes Committee and the Guildford Borough Council Corporate Governance & Standards Committee, for their consideration and recommendation to their respective full Councils for adoption into their constitutions.

14 DRAFT WORK PROGRAMME (Agenda item 6)

Susan Sale, Joint Strategic Director of Legal and Democratic Services introduced the work programme. She reminded the group that the work programme was intended to be a very fluid document that the group would review and update at each meeting. She confirmed that the items shaded in grey had been completed and the next items that she wanted to bring to the group for discussion would be the Officers Scheme of Delegation and the Contract Procurement Procedure Rules.

Susan Sale noted that she welcomed feedback from members of the group on any items deemed as a priority and should be added to the work programme or any existing items that should be re-prioritised.

Members queried if the Financial Procedure rules would also be coming to the April meeting. Susan Sale advised that she hoped that she would be able to bring it as she was hoping that this would be produced by her finance colleagues. Members also queried the training that would be offered to officers after the scheme of delegation and contract and procedure rules were reviewed. Susan Sale confirmed that once the sub-schemes were reviewed officers would receive training on decision-making.

Resolve:

The G&W Joint Constitutions Review Group noted the current work programme.

15 DATE OF NEXT MEETING (Agenda item 7)

The chair confirmed the date of the next meeting would be 24 April 2024 at 17:00 and the location would be Guildford.

The meeting commenced at 5.00 pm and concluded at 7.20 pm

Chairman