



# **CONSTITUTION**

## **PART 1**

### **SUMMARY AND EXPLANATION**

## **Part 1 Summary and explanation**

### **1. The Council's Constitution**

- 1.1 Waverley Borough Council has agreed this Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Council will exercise its powers and duties in accordance with the Constitution unless the law requires the Council to do something else or the relevant provisions are waived.

### **2. What is in the Constitution?**

- 2.1 The Constitution is set out in parts. This Part 1 is a summary and explanation and is not a substantive part of the document.
- 2.2 Part 2 comprises 15 Articles that set out the basic rules governing the Council's business.
- 2.3 Part 3 sets out who is responsible for making decisions, in particular the matters that are the responsibility of Full Council and those that are the responsibility of the Leader/Executive. It then sets out the committees to which Full Council has delegated powers and their terms of reference, and the powers that the Leader has decided the Executive should reserve for itself. All other powers are delegated to officers in accordance with the Scheme of Delegation to Officers which forms Part 3 Appendix 4 of this Constitution.
- 2.4 Part 4 contains the Procedure Rules which govern meetings of the Council, the Executive, and Committees, and the awarding of contracts. It also contains the Council's Financial Regulations.
- 2.5 Part 5 contains the Council's ethical governance framework. It sets out various codes of practice and protocols governing councillors' and officers' behaviour, some statutory and some voluntary.
- 2.6 Part 6 sets out the Members' Allowances Scheme adopted by Full Council. Councillors ('Members') are not employees but elected office holders. In recognition of their role and the time commitment they make in serving their community the law permits them to be paid allowances. In deciding the amount of the allowances, the Council must take account of the recommendations of an Independent Remuneration Panel.
- 2.7 Part 7 sets out the structure of the Joint Management Team. In 2021, Waverley and Guildford Borough Councils agreed a programme of collaboration, including sharing a Joint Management Team comprising the Chief Executive, Strategic Directors, and Executive Heads of Services.

### **3. How the Council operates**

- 3.1 The Council is composed of 50 councillors (or Members) who are elected every four years. Councillors are democratically accountable to residents of their ward.

Their overriding duty is to the whole Waverley community, but they have a special duty to their ward constituents, including those who did not vote for them.

- 3.2 Councillors must agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer provides training and advises members on the Code of Conduct. If a member of the public or another councillor considers a councillor has acted inappropriately and in breach of the Code of Conduct, they can make a complaint to the Monitoring Officer who will undertake an investigation. Councillors must declare certain types of financial and personal interests, and these are recorded and published on the Council's website.
- 3.3 The overall political composition of the Council together with a full list of councillors' names, contact information and the membership of political groups is available on the Council's website ([www.waverley.gov.uk](http://www.waverley.gov.uk)) along with details of the committees and other bodies on which they serve.
- 3.4 All councillors meet together as Full Council. Meetings of Full Council are open to the public unless confidential or exempt information is being discussed. At these meetings councillors decide the Council's overall policies and set the budget each year including setting the rate of Council Tax.
- 3.5 Full Council elects the Mayor and Deputy Mayor; sets up and makes appointments to the Overview and Scrutiny Committees and other committees; and appoints the Joint Chief Executive, Joint Strategic Directors, Section 151 Chief Finance Officer, and Monitoring Officer.
- 3.6 The Full Council meeting also provides a forum for questions from councillors or the public on matters of local concern within the Borough, the debate of motions submitted by councillors, and consideration of petitions in accordance with the Council's Petition Scheme.
- 3.7 The Council operates a Leader and Executive model of governance. The Full Council elects a Leader every four years; the Leader then appoints the Deputy Leader and up to eight other councillors, known as Portfolio Holders, to form the Executive. The Leader decides the areas of responsibility to be allocated to the Portfolio Holders.

#### **How decisions are made**

- 3.8 The Leader of the Council is responsible for most day-to-day decisions. These decisions can be delegated to the Executive, individual Portfolio Holders, or officers. When major decisions are to be discussed, these will be published in the Executive Forward Plan in so far as they can be anticipated. This is explained further in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 3.9 The Executive meets in public except where confidential or exempt information is being discussed. The Executive must make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to Full Council to decide.

#### **4. Overview and Scrutiny Committees**

- 4.1 The Council has established two Overview and Scrutiny Committees comprising non-Executive Members. The role of Overview and Scrutiny is to:
  - review and scrutinise decisions made by, and the performance of, the Executive, Committees or Council officers

- review and scrutinise the performance of the Council in relation to its performance objectives, performance targets, or service areas
- review and scrutinise the performance of other public bodies
- make recommendations to the Executive, Committees or Council arising from the above
- assist the Council and Executive in the development of its budget and policy framework
- conduct research and other consultation on policy issues and possible options, including in-depth review.

4.2 The Overview and Scrutiny Committees have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any five non-Executive members of the Council. Details of the Call-in arrangements are set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.

4.3 The Chairs of the Overview and Scrutiny Committees are elected from nominations put forward by the Principal Opposition Group of the Council (nominations can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership. The Vice-Chair of each Overview and Scrutiny Committee usually will not be from the same political group as the Chair.

## **5. The Council's staff**

5.1 The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. There is a Member/Officer Protocol governing the relationship between officers and councillors, which is set out in Part 5 of this Constitution.

5.2 Some officers, known as Statutory Chief Officers, have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Statutory Chief Officers are the Head of Paid Services, the Monitoring Officer, and the S151 Chief Finance Officer. Their functions are set out in Article 11 in Part 2 of this Constitution.

## **6. Citizens' rights**

6.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 in Part 2 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes.

6.2 Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

6.3 The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Executive Head of Legal and Democratic Services.