



CONSTITUTION

PART 3

RESPONSIBILITY FOR FUNCTIONS

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Part 3 Responsibility for functions

1. Introduction

- 1.1 The Council makes many decisions relating to matters within its area. This Part of the Council's Constitution sets which part of the Council or individual has responsibility for particular types of decisions.
- 1.2 The functions which the authority is responsible for are either executive or non-executive. Non-executive functions are those specifically required by statute or designated by the Council to be non-executive functions. These will be exercised by either the Full Council, committees appointed by the Council, or officers. Executive functions are all those functions which are not non-executive functions and will be exercised by the Leader. The Leader may delegate any or all of the executive functions.
- 1.3 The Local Authorities (Function and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the Council must be responsible for certain decisions. The Regulations specify:
 - (a) Functions which **are not** to be the responsibility of the Council's Executive ("Schedule 1 functions");
 - (b) Functions which **may be** but need not be the responsibility of the Executive ("Local Choice functions"); and
 - (c) Functions which are **to some extent** the responsibility of the Executive.

All other functions not so specified are to be the responsibility of the Executive.

2. Types of Functions

2.1 Responsibility for Council (non-Executive) Functions

- (a) Non-Executive functions ("Schedule 1 functions") are the responsibility of the Full Council or one of its committees, sub-committees, joint committees, or an officer. "Functions" include all the Council's powers and duties under legislation, that is, all the activities the Council undertakes. In accordance with legislation, certain decisions on these matters must be taken by the Full Council, while other decisions may be taken by Full Council or a committee appointed by Full Council, or officers, or jointly with other bodies under separate joint arrangements.
- (b) The functions which Council has decided should only be carried out by the Full Council are listed in Table 1, below.
- (c) The Council has determined that certain Council functions shall be carried out by the committees, as summarised in Table 2 below, and in accordance with the committees' Terms of Reference set out in Appendix 1 of Part 3 of this Constitution.

Table 1 Functions reserved to Full Council

- (i) Electing the Mayor and the Deputy Mayor;
- (ii) Electing and removing the Leader of the Council;
- (iii) Appointing to such other offices and/or positions as may be required under this Constitution or by law;
- (iv) Agreeing and/or amending the terms of reference for committees, deciding on their composition, and appointing the Chair and Vice-Chair of each Council committee, except for where the committee terms of reference provide otherwise;
- (v) Agreeing the basis on which appointments to outside bodies should be made and appointing to outside bodies except where appointment to those bodies is an executive function or has been otherwise delegated;
- (vi) Adopting the Constitution and making significant changes to the Constitution, including agreeing and/or amending the Officer Scheme of Delegation with respect to non-executive functions, Procedure Rules and Local Protocols, except where specifically delegated to the Monitoring Officer;
- (vii) In accordance with Article 15, suspending the Council's Constitution.
- (viii) Determining whether functions which are defined as "Local Choice" functions should be exercised by Full Council or the Leader/Executive.
- (ix) Making proposals and fulfilling any duties to change the Council's executive arrangements, determining whether a referendum is required and passing a resolution to make any such change.
- (x) Approving and adopting the Budget and Policy Framework.
- (xi) Approving the Council's Budget and levying Council Tax.
- (xii) Determining the borrowing limits for the authority for each financial year within the Treasury Management Strategy;
- (xiii) Making or revising a Council Tax Reduction Scheme;
- (xiv) Approving the Annual Pay Policy Statement.
- (xv) Approving, amending, revoking or replacing any plan or strategy falling within the Council's Policy Framework (including any decision required for submission to the Secretary of State).
- (xvi) Making decisions on all executive matters which are contrary to or not wholly in accordance with the Budget and Policy Framework, except in cases of urgency procedures contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (xvii) Approving the Community Infrastructure Levy Charging Schedule.
- (xviii) Determining any matter which has been referred or submitted to it for determination by a committee or sub-committee in relation to non-executive functions;
- (xix) Adopting, revising or replacing the Code of Conduct for councillors and co-opted members and arrangements for dealing with allegations of misconduct, the Code of Conduct for Officers, and the Councillor/Officer Protocol;
- (xx) Adopting and/or amending a Members' Allowances Scheme following a report from the Independent Remuneration Panel.
- (xxi) Changing the name of the area, and conferring the title of Honorary Alderman or Freedom of the Borough (as an Honorary Freeman);
- (xxii) Exercising certain functions in relation to Parishes and Parish Councils, including making Orders pursuant to Community Governance Reviews;

- (xxiii) Making payments or providing other benefits in cases of maladministration under Section 92 of the Local Government Act 2000;
- (xxiv) Appointing the Chief Executive/Head of Paid Service, designating an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer (Section 151 Officer), and non-statutory Strategic Directors; and dismissing the Head of Paid Service, Chief Finance Officer (Section 151 Officer) or Monitoring Officer.
- (xxv) Appointing the Electoral Registration Officer and Returning Officer.
- (xxvi) Approving the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of Council functions;
- (xxvii) Designating streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- (xxviii) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (xxix) Making Orders relating to car parks or other off-street parking.
- (xxx) Making Public Space Protection Orders.
- (xxxi) Approving for public consideration in accordance with Part 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012 any draft proposals relating to a development plan document.
- (xxxii) Approving an application to the Secretary of State in respect of any Housing Land Transfer pursuant to the Housing Act 1985.
- (xxxiii) Making all necessary arrangements for the discharge of non-executive functions through joint arrangements, including the establishment of joint committees, area committees, or delegation to another authority.
- (xxxiv) Discharging all licensing functions and such other matters which must be reserved to the Full Council as specified in the Licensing Act 2003 or any Regulations published pursuant to that Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- (xxxv) Discharging all functions which must be reserved to Full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replace the same, including approving and revising any Statement of Gambling Policy;
- (xxxvi) All other matters which, by law, are reserved to Full Council.

Table 2 Responsibility for Council (non-Executive) functions

Committee	Functions	Delegations
Audit and Risk Committee	Functions relating to corporate governance, audit, and accounts responsibilities.	Authority to undertake some of these functions has been delegated to officers in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution.
Standards & General Purposes Committee	<p>Functions relating to ethical standards and the conduct of councillors.</p> <p>Functions relating to the maintenance of the Constitution.</p> <p>Non-executive functions not within the remit of any other committee.</p>	Authority to undertake some of these functions has been delegated to the Monitoring Officer in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution, and to the Standards Panel.
Planning Committee	All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended).	Authority to undertake some of these functions has been delegated to officers in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution.
Licensing & Regulatory Committee	<p>Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all other functions of the licensing authority prescribed by those Acts.</p> <p>Functions relating to licensing and registration insofar as they are the responsibility of the Council, as specified in</p>	Authority to undertake some of these functions has been delegated to the Licensing (General Purposes) Sub-Committee, to the Licensing Act 2003 Sub-Committees A, B and C; and to officers in accordance with the Council's Scheme of Delegation to Officers

	Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	set out in Part 3 of this Constitution.
Appeals Panel	To determine an appeal against any decision made by or on behalf of the authority.	
Joint Senior Staff Committee	Functions relating to the appointment and employment of the Joint Chief Executive/Head of Paid Service, any Joint Statutory Officers, and Joint Strategic Directors, subject to the final decision being reserved to meetings of the Full Council of both Councils.	
Joint Governance Committee	Functions relating to the governance arrangements for inter-authority working.	

2.2 Responsibility for Local Choice Functions

- (a) Table 3 below sets out which “local choice functions” are the responsibility of the Council and/or its committees, and which are the responsibility of the Executive.

Table 3 Local Choice Functions

	Local Choice Functions	Decision maker	Further delegation
1	Any function under a Local Act not specifically excepted.	Council	
2	The determination of an appeal against any decision made by or on behalf of the authority (other than staffing, or licensing matters).	Council	4 members of the Appeals Panel (See Scheme of Delegation F1 re Assets of Community Value)

3	Determination of appeals by employees of the Council in connection with dismissal, grievances and other issues arising in the course of their employment.	Council	4 members of the Appeals Panel
4	Any function relating to contaminated land.	Council	Licensing & Regulatory Committee Further delegated to officers in accordance with Scheme of Delegation to Officers
5	The discharge of any function relating to the control of pollution or the management of air quality.	Leader/Executive	Executive Head of Regulatory Services
6	The service of an abatement notice in respect of a statutory nuisance.	Leader/Executive	Executive Head of Regulatory Services
7	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Leader/Executive	Executive Head of Regulatory Services
8	The inspection of the Borough to detect any statutory nuisance.	Leader/Executive	Executive Head of Regulatory Services
9	The investigation of any complaint as to the existence of a statutory nuisance.	Leader/Executive	Executive Head of Regulatory Services
10	The obtaining of information under Section 330 of the Town and Country Planning Act	Leader/Executive	

	1990 as to interests in land.		
11	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader/Executive	
12	The appointment of any individual: (a) to any office other than an office in which he is employed by the authority; (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council except where appointments are Executive appointments	
13.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Leader/Executive	

2.3 Responsibility for Executive Functions

- (a) “Executive functions” are all the functions of the Borough Council except those listed or referred to in Table 1 or Table 3 as being Council functions. In accordance with the Local Government Act 2000, decisions on these matters may be taken by the Leader, the Executive collectively, another member of the Executive (individual Portfolio Holder), a committee of the Executive, an area committee, officers, or jointly with other bodies under separate joint arrangements, provided that they are within the budget and policy framework approved by the full Council.
- (b) Appendix 1 of Part 3 of this Constitution sets out the Executive functions that are the responsibility of the Leader, the Executive, individual Executive members, and any committees it establishes.

3. Overview and Scrutiny

- (a) The Council, whilst operating Executive Arrangements, must appoint at least one Overview and Scrutiny Committee to discharge the functions set out in the Local Government Act 2000, Section 9F.
- (b) The Council's Overview and Scrutiny Committee arrangements are set out in Appendix 1 of Part 3 of this Constitution.

4. Joint Responsibility for certain Council (Non-Executive) and Executive Functions

The Council has entered into the following Joint Arrangements:

- (a) collaborative working arrangements with Guildford Borough Council with a view to the creation of a single joint management team, comprised of Chief (statutory) Officers (Head of Paid Service; Chief Finance Officer; Monitoring Officer), directors and heads of service. Details of Joint Committees established with Guildford Borough Council are set out in Appendix 2 of Part 3 of this Constitution.
- (b) Surrey Police and Crime Panel – Waverley has agreed to the establishment of a joint Committee of Surrey authorities to act as the Police and Crime Panel and will appoint on representative to the Panel.
- (c) Hackney Carriage and Private Hire Licensing – Joint Warranting of Licensing Officers: Waverley has entered into reciprocal arrangements whereby Hackney Carriage and Private Hire enforcement functions are delegated to the following Surrey Licensing Authorities in addition to retaining those functions within the Borough:
 - Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Guildford Borough Council
 - Spelthorne Borough Council
 - Surrey Heath Borough Council
 - Tandridge District Council
 - Woking Borough Council

Similarly, the Council has received delegated Hackney Carriage and Private Hire enforcement functions from the following Surrey Licensing Authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council

- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Woking Borough Council

5. Responsibilities of Chief Officers

The Statutory Chief Officers – Head of Paid Service, S151 Chief Financial Officer, and Monitoring Officer - have specific responsibilities that are set out in statute and regulations. These are set out in Article 11 in Part 2 of this Constitution.

6. Proper Officers

The Purpose of the Proper Officer provisions is to designate officers to carry out certain statutory functions. These functions are set out in Appendix 3 of Part 3 of this Constitution.

7. Responsibilities delegated to officers

- (a) The Council and the Leader may authorise designated officers to undertake on their behalf certain of their functions. Details of these delegations are set out in the Scheme of Delegation to Officers set out in Appendix 4 of Part 3 of this Constitution.
- (b) A number of powers delegated to officers are also contained in the Financial Regulations and Contract Procurement Rules, as set out in Part 4 of the Constitution.
- (c) Where a function is delegated under this Constitution, that does not prevent the person or body that has delegated the function from removing the delegation or exercising the function concurrently, for example in the absence of a delegate making a decision.

Part 3 - Appendix 1 - Committee Terms of Reference

Audit and Risk Committee

1. Statement of Purpose

- 1.1 The Audit and Risk Committee is a key component of Waverley's corporate governance arrangements. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 1.2 The purpose of the Audit and Risk Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Waverley's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

2. Committee Form and Structure

Composition

- 2.1 The Audit and Risk Committee will comprise 7 members in political balance.
- 2.2 Members of the Committee must not be Executive members.
- 2.3 The Chair and Vice-Chair will be appointed by Full Council annually.
- 2.4 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by Group Leaders

Meetings

- 2.5 The committee will meet at least four times a year as set out in the calendar of meetings, and on an ad hoc basis as necessary.
- 2.6 The quorum of the Audit and Risk Committee will be 3 councillors.

Competency

- 2.7 All members of the Audit and Risk Committee must:
 - (a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - (b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Strategic Director or the Monitoring Officer.

3. Functions and responsibilities

3.1 Governance, Risk and Controls

- 3.1.1 The Committee has the right to access all the information it considers necessary to undertake the work of the Committee and may receive reports and refer matters to Internal and External Auditors.
- 3.1.2 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances including the Code of Corporate Governance.

- 3.1.3 To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- 3.1.4 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.
- 3.1.5 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 3.1.6 To monitor the effective development and operation of risk management in the Council.
- 3.1.7 To monitor progress in addressing risk related issues reported to the Committee.
- 3.1.8 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.
- 3.1.9 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 3.1.10 To review and approve Waverley's policies relating to Whistleblowing, Anti-Fraud and Corruption.
- 3.1.11 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 3.1.12 To review and monitor the Council's compliance with public sector financial and audit standards and guidance, in accordance with the CIPFA Codes and Accounts and Audit Regulations.
- 3.1.13 To review and make recommendations to Full Council on the Finance Regulations and Contract Procedures Rules.

3.2 Internal Audit

The Audit and Risk Committee has the following functions in relation to Internal Audit:

- 3.2.1 To approve the internal audit charter.
- 3.2.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 3.2.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 3.2.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 3.2.5 To make appropriate enquiries of both management and internal audit to determine if there are any inappropriate scope or resource limitations.
- 3.2.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal audit. To approve and periodically review safeguards to limit such impairments.

- 3.2.7 To consider reports from the internal auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
 - Regular reports on the results of the Quality Assurance and Improvement Programme;
 - Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
- 3.2.8 To consider the internal auditor's annual report:
- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal
 - The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement
- 3.2.9 To consider summaries of specific internal audit reports as requested.
- 3.2.10 To receive reports outlining the action taken where internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 3.2.11 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 3.2.12 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
- 3.2.13 To provide free and unfettered access to the Audit and Risk Committee Chair for the internal auditor, including the opportunity for a private meeting with the Committee.

3.3 External Audit

The Audit and Risk Committee has the following functions in relation to External Audit:

- 3.3.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by the authority's auditor panel.
- 3.3.2 To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- 3.3.3 To consider specific reports as agreed with the external auditor.
- 3.3.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.

- 3.3.5 To commission work from internal and external audit.
- 3.3.6 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- 3.3.7 To make recommendations to Full Council regarding the appointment of the External Auditor.

3.4 Financial Reporting

The Audit and Risk Committee has the following functions in relation to Financial Reporting:

- 3.4.1 To review and approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Full Council.
- 3.4.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

3.5 Accountability Arrangements

The Audit and Risk Committee has the following functions in relation to Accountability:

- 3.5.1 To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 3.5.2 To report to Full Council as required on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
- 3.5.3 To publish an annual report on the work of the Committee.

3.6 Related Functions

- 3.6.1 To undertake an annual review of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA), ensuring compliance with the relevant Codes of Practice.
- 3.6.2 To review any issue referred to it by the Joint Chief Executive, Joint S151 Chief Finance Officer, Joint Monitoring Officer or any Council body

4. Proceedings

- 4.1 Meetings of the Audit and Risk Committee will proceed in accordance with the Council and Committee Procedure Rules, at Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

Standards & General Purposes Committee

1. Purpose of the Committee

- 1.1 The Committee's principal roles are to promote high standards of ethical conduct within the council; to advise the Council on the adoption or revision of its Code of Conduct, and to monitor and review the Council's Constitution.
- 1.2 The Committee also undertakes council functions in relation to elections matters where these are not reserved to Full Council, and any other non-executive functions not within the remit of another committee.

2. Committee Form and Structure

Composition

- 2.1 The Standards and General Purposes Committee will comprise 7 members and 3 reserve members in political balance. The Leader of the Council must not be a member of the Committee, and the membership may include no more than one Executive member.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Committee will co-opt two Town/Parish councillors from within the Waverley Borough, who are not also Waverley Borough Councillors, and who will serve until the next Town and Parish elections.
- 2.4 At least one Town/Parish co-optee must be present when matters relating to Town and Parish Councils or their members are being considered; Town/Parish co-optees may not participate in matters that do not relate to Town and Parish Councils or their members.
- 2.5 The Chair and Vice-Chair will be appointed by Full Council annually. A member of the Executive may not chair the committee. If practicable, the Vice-Chair will be from a different political group from the Chair.
- 2.6 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by Group Leaders.

Meetings

- 2.7 The Standards and General Purposes Committee will normally meet four times per year.
- 2.8 The quorum of the Standards and General Purposes Committee will be 3 members.

Competency

- 2.9 All members and reserve members of the Standards Committee and General Purposes Committee must:
 - (a) undertake mandatory training in the relevant law and procedures which relate to the Committee's work; and

- (b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Joint Strategic Director or the Joint Monitoring Officer.

3. Functions and responsibilities

Ethical standards framework

- 3.1 To assist the Council in fulfilling its duty under the Localism Act 2011 c.27(1) to promote and maintain high standards of conduct by Councillors and co-opted Councillors of town and parish councils.
- 3.2 To advise the Council on the adoption or revision of its Code of Conduct for Councillors.
- 3.3 To monitor and advise the Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.
- 3.4 To advise the Council on the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the district has failed to comply with the relevant Councillors' Code of Conduct.
- 3.5 On the advice of the Joint Monitoring Officer, to convene a Standards Hearings Panel to determine whether a Councillor or town/parish Councillor has failed to comply with the relevant Code of Conduct, in accordance with the arrangements for dealing with complaints against Members as set out in Part 5 of this Constitution.
- 3.6 Where the Committee finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.
- 3.7 To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and independent persons under other secondary legislation.
- 3.8 To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer, or to hear an appeal against a determination by the Monitoring Officer.
- 3.9 To advise the Council on, and review as necessary, the arrangements for dealing with complaints or any local protocols regulating the conduct of Councillors and to deal with allegations of breach of any such protocol.
- 3.10 To respond on behalf of the Council to national reviews and consultations on standards related issues.

General Purposes

- 3.11 To monitor and review the operation of the Council's Constitution and to make appropriate recommendations to Full Council in relation thereto.
- 3.12 To monitor amendments to and the operation of the Staff Code of Conduct.
- 3.13 To discharge the Council's functions in relation to elections, in so far as these are not reserved to Full Council.
- 3.14 To discharge the Council's functions in relation to staffing matters in so far as these have not been delegated to any other decision maker.
- 3.15 To receive reports on and advise the Council on the Member development programme, including training on the Members' Code of Conduct.

- 3.16 To consider any issues which, in the opinion of the Leader of the Council, the Chief Executive, or the Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.
- 3.17 Except for matters reserved by statute for consideration by Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- 3.18 To determine all other matters which are non-executive functions, and which are not otherwise reserved to Council and are not within the terms of reference of any other committee and which are not delegated to an officer.

4. Proceedings

- 4.1 Meetings of the Standards and General Purposes Committee will proceed in accordance with the Council and Committee Procedure Rules at Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

Planning Committee

1. Purpose of the Committee

- 1.1 The Council has established one Planning Committee to exercise the Council's responsibilities for all functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of [Schedule 1 to the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#) (as amended), in so far as these are not delegated to the Executive Head of Planning Development.

2. Committee Form and Structure

Composition

- 2.1 The Planning Committee will comprise 15 members.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology, and must have completed relevant mandatory training. If no substitute is available, no substitution will be made for that member.
- 2.3 The Chair and Vice-Chair of the committee will be appointed by Full Council at the Annual Council meeting. In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by Group Leaders.
- 2.4 A member of the Executive must not be Chair of either of the Planning Committees.

Meetings

- 2.5 The Planning Committee will meet monthly, subject to there being matters requiring the committee's consideration at the appropriate time. Extra meetings may be scheduled as required.
- 2.6 The quorum for the Planning Committee will be 4 councillors.

Competency

- 2.7 All members and reserve members of the Planning Committee must:
- (a) have undertaken mandatory training in the relevant law and procedures which relate to the committee's work;
 - (b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the Monitoring Officer;
 - (c) must observe the Councillors' Planning Code of Good Practice.

3. Functions and responsibilities

- 3.1 All matters relating to the exercise of the Planning Committee's functions are delegated to the Executive Head of Planning Development except the following which are reserved to the Planning Committee:

1. Planning applications defined as 'major' by the Government (i.e. 10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare) and which in the judgement of the Joint Executive Head of Planning Development have major strategic implications for the authority.
2. Planning applications where a Waverley Borough Councillor asks that the application be determined by the Planning Committee and puts forward relevant planning grounds to the Joint Executive Head of Planning Development in consultation with the Chair of the Planning Committee.
3. A householder application with 10 or more valid letters of representation with a view contrary to the officer recommendation.
4. A major or minor application (non-householder) with 20 or more valid letters of representation with a view contrary to the officer recommendation.
5. Any planning application where the Council is the applicant.
6. Any planning application where the applicant is a Waverley Borough Councillor or employee, including Joint Officer, or their relative.
7. Any planning application which is required to be referred to the Secretary of State.

4. Proceedings

- 4.1 Meetings of the Planning Committee will proceed in accordance with the Council and Committee Procedure Rules, Planning Committee Procedure Rules, and Public Speaking at Planning Committee Procedure Rules at Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

Licensing & Regulatory Committee

1. Purpose of the Committee

- 1.1 The Licensing and Regulatory Committee will be responsible for:
- (a) all functions of the Licensing Authority prescribed in the Licensing Act 2003 and Gambling Act 2005, except as otherwise provided for in those Acts.
 - (b) All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B (Licensing and Registration) of [Schedule 1 of the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(as amended\)](#).
 - (c) All functions relating to health and safety at work in so far they are the responsibility of the Borough Council as specified in Section C (Health and Safety) of [Schedule 1 of the Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(as amended\)](#).
 - (d) Determining any changes to taxi and private hire licence fees and charges on an annual basis, and to authorise statutory publication of the fees and charges; considering objections following the statutory publication of the fees and charges, and to approve the final fees and charges.
- 1.2 The Committee will appoint such sub-committees to hold hearings on license applications or disciplinary matters, as necessary.

2. Committee Form and Structure

Composition

- 2.1 The Licensing and Regulatory Committee will comprise 11 members and 8 reserve members in political balance.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Chair and Vice-Chair of the Licensing and Regulatory Committee will be appointed by Full Council at the Annual Council each year.
- 2.4 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by the Group Leaders.

Meetings

- 2.5 The Licensing and Regulatory Committee will normally meet four times a year.
- 2.6 The quorum of the Licensing and Regulatory Committee will be 3 members.

Competency

- 2.7 Before any councillor who is a member or reserve member of the Licensing and Regulatory Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that councillor must have

attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

- 2.8 All members and substitute members of the Licensing and Regulatory Committee must:
- (a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - (b) undertake further mandatory training when there are changes to procedure or relevant legislation, or as otherwise directed by the Monitoring Officer.

3. Functions and responsibilities

- 3.1 All functions relating to licensing as specified in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including:
- (a) licensing functions under the Licensing Act 2003, except for the Statement of Licensing Policy which is reserved to Full Council
 - (b) licensing functions under the Gambling Act 2005, except for the Statement of Gambling Policy which is reserved to Full Council
 - (c) hackney carriage and private hire vehicles, operators and drivers
 - (d) street trading and street markets
 - (e) caravan sites
 - (f) food hygiene and safety
 - (g) animal licensing
 - (h) sex establishments
 - (i) licensing functions under the Scrap Metal Dealers Act 2013
- 3.2 All functions relating to health, safety and welfare in connection with work and control of dangerous substances as specified in Part C of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except in relation to the Council as an employer.
- 3.3 Establishment of the Licensing (General Purposes) Sub-Committee and Licensing Sub-Committee A, B and C.
- 3.4 Any other function, not being a licensing function, referred to it by the Licensing Authority.
- ### **4. Proceedings**
- 4.1 Meetings of the Licensing and Regulatory Committee will proceed in accordance with the Council and Committee Procedure Rules.

Part 3 - Appendix 1 - Committee Terms of Reference

Licensing (General Purposes) Sub-Committee

1. Statement of Purpose

- 1.1 Responsible for determining contested licensing applications and disciplinary matters within the remit of the Licensing Committee in accordance with the Council's policies, other than those matters prescribed by the Licensing Act 2003 and Gambling Act 2005.

2. Sub-Committee Form and Structure

Composition

- 2.1 The Licensing (General Purposes) Sub-Committee will comprise 5 members and 3 reserve members in political balance drawn from the membership of the Licensing and Regulatory Committee.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 The Chair and Vice-Chair of the Licensing (General Purposes) Sub-Committee will be elected by the members of the Sub-Committee at their first meeting of the civic year.

Meetings

- 2.4 The Sub-Committee will meet as and when necessary to fulfil its functions and responsibilities.
- 2.5 The quorum for a meeting of the Sub-Committee will be two members.

Competency

- 2.6 See Licensing and Regulatory Committee, above.

Proceedings

- 2.7 Meetings of the Licensing (General Purposes) Sub-Committee will proceed in accordance with the Council and Committee Procedure Rules and the Licensing Hearings Procedures set out in Part 4 of this Constitution.

Part 3 - Appendix 1 - Committee Terms of Reference

Licensing Sub-Committees A, B and C

1. Statement of Purpose

- 1.1 Responsible for determining hearings relating to licensable activities as described in the Licensing Act 2003 and Gambling Act 2005.

2. Sub-Committee Form and Structure

Composition

- 2.1 The Licensing Sub-Committees A, B and C will each comprise 3 members of the Licensing and Regulatory Committee. Membership is not politically balanced.
- 2.2 Each sub-committee will elect a Chair at the start of each meeting.

Meetings

- 2.4 The Sub-Committee will meet as and when necessary to fulfil its functions and responsibilities.
- 2.5 The quorum for a meeting of the Sub-Committee will be two members.

Competency

- 2.6 See Licensing and Regulatory Committee, above.

3. Functions and Responsibilities

- 3.1 Under the Licensing Act 2003:

- (a) To determine an application for a personal licence where a police objection has been received
- (b) To determine an application for a personal licence with unspent convictions
- (c) To determine an application for a premises licence/club premises certificate where a relevant representation has been received
- (d) To determine an application for provisional statement where a relevant representation has been received
- (e) To determine an application to vary premises licence/club premises licence where a relevant representation has been received
- (f) To determine an application to vary designated premises supervisor where a police objection has been received
- (g) To determine an application for transfer of premises licence where a police objection has been received
- (h) To determine applications for interim authorities where a police objection has been received
- (i) To determine an application to review premises licence/club premises certificate
- (j) To decide to object when the local authority is a consultee and not the relevant authority considering the application

- (k) To determine an application for a Temporary Event Notice where any objection has been received
- (l) To determine an application to vary premises licence at community premises to include alternative licence condition where a police objection has been received

3.2 Under the Gambling Act 2005,

- (a) To determine applications for the following where representations have been received and not withdrawn:
 - (i) premises licence
 - (ii) variation to a premises licence
 - (iii) provisional statement
 - (iv) review of a premises licence
- (b) To determine applications for the transfer of a licence where representations have been received by the Gambling Commission.
- (c) To determine applications for club gaming/club machine permits where objections have been made and not withdrawn.
- (d) To cancel club gaming/club machine permits.
- (e) To determine the issue of a counter notice to a temporary use notice.
- (f) To consider any other matters required by the Act or Regulations.

3.3 Under the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

- (a) To determine applications for a Sexual Entertainment Venue Licence

3.4 Under the Scrap Metal Dealers Act 2013

- (a) To determine appeals relating to a decision to refuse, vary or impose conditions on a licence, or the revocation of a Scrap Metal Dealer licence.

4. Proceedings

4.1 Matters considered by the Licensing Sub-Committees A, B, and C must also follow the Licensing Hearings Guidelines set out in Part 4 of this Constitution.

4.2 Matters considered by the Licensing Sub-Committees A, B and C are subject to the Licensing Act 2003 (Hearings) Regulations 2005.

Part 3 - Appendix 1 - Committee Terms of Reference

Appeals Panel

1. Statement of Purpose

- 1.1 The role of the Appeals Panel is to determine an appeal against any decision made by or on behalf of the authority. When selecting 4 members to convene the Panel, this shall exclude any member who was originally involved in the decision which is now being appealed.

2. Panel Form and Structure

- 2.1 The Appeals Panel will consist of 12 members of the Council and will operate as a pool from which 4 members will be drawn when it is necessary to convene the Panel. The membership of the Panel of 12 will be politically proportionate.

3. Independent Panel (for Disciplinary Matters relating to Statutory Officers only)

- 3.1 In the event that a Panel needs to be convened to advise on matters relating to the dismissal of a statutory officer (namely the Head of Paid Service, Chief Finance Officer or Monitoring Officer), two of the Council's Independent Persons will be called upon to sit on the Panel, alongside five elected members from the Council's Appeals Panel.

Part 3 - Appendix 1 - Committee Terms of Reference

The Leader/Executive

1. General Role

- 1.1 Other than those matters reserved to the Council as set out in Table 1 of Part 3 of this Constitution, and the 'Local Choice' functions which the Council has determined should be within the remit of the Council as set out in Table 3 of Part 3 of this Constitution, and those functions which as a matter of law may not be executive functions, all other remaining functions are allocated as executive functions.
- 1.2 Under Section 9E of the Local Government Act 2000 the Leader is responsible for deciding how and by whom executive functions should be discharged. Decisions on these matters may be taken by the Leader, the Executive collectively, another member of the Executive (individual Portfolio Holder), a committee of the Executive, an area committee, officers, or jointly with other bodies under separate joint arrangements, provided they are within the budget and policy framework approved by the full Council.

2. Executive Form and Structure

Composition

- 2.1 The Executive comprises the Leader and Deputy Leader together with at least one, but no more than eight, councillors appointed to the Executive by the Leader.
- 2.2 The Leader will determine the scope of the portfolios and allocate them to members of the Executive. The Leader will report Executive appointments, and any changes to these appointments, to the Council.

Executive Portfolios from April 2024

Cllr Paul Follows	Leader of the Council, Portfolio Holder for Policy and Governance and Communications
Cllr Tony Fairclough	Deputy Leader and Portfolio Holder for Enforcement and Regulatory Services
Cllr Victoria Kiehl	Portfolio Holder for Organisational Development and Governance
Cllr Mark Merryweather	Portfolio Holder for Finance, Assets and Property
Cllr Kika Mirylees	Portfolio Holder for Community Services, Leisure and EDI
Cllr George Murray	Portfolio Holder for Customer Services and IT
Cllr Janet Crowe	Co-Portfolio Holder for Housing (Delivery)
Cllr Paul Rivers	Co-Portfolio Holder for Housing (Operations and Services)

Cllr Liz Townsend	Portfolio Holder for Planning and Regeneration and Economic Development
Cllr Steve Williams	Portfolio Holder for Environment and Sustainability

Meetings

2.3 The Executive will normally meet 10 times per year and may call additional extraordinary meetings as required and in accordance with the provisions of the Access to Information Procedure Rules.

2.3 The quorum for a meeting of the Executive shall be three members.

3. Functions and responsibilities

3.1 The Leader has delegated all executive functions to the Executive except as delegated to individual portfolio holders (see [4] below) and to officers as set out in the Scheme of Delegation to Officers at Appendix 4 of Part 3 of this Constitution.

3.2 Nothing in this section shall prevent the Leader exercising any executive function personally.

3.3 The functions of the Executive include but are not limited to:

- (a) Overall co-ordination of policy in respect of the whole of the Council's activities, including the Corporate Plan, and the financial effectiveness of the organisation
- (b) Considering major issues affecting the Council, including policy changes, and making appropriate recommendations to Council;
- (c) Proposing to the Council a strategic policy framework, and the individual strategies making up that framework;
- (d) Identifying priorities, and recommending them to the Council;
- (e) Proposing the Council's revenue and capital budgets, and recommending them to the Council, including the level of Council Tax and level of Housing rents;
- (f) Leading on the political direction of the Council as a whole, and relevant areas of responsibility in particular, within the guidelines and policies approved by the Council;
- (g) Implementing policies and spending in accordance with the approved budget and policy framework, and in accordance with Financial Procedures.
- (h) Monitoring the performance of Council services through the receipt of performance management reports, and reviewing the Council's performance management systems to ensure they are systematic, rigorous and adequately resourced.
- (i) Appointing the Employers' Negotiating Team, whose role is to conduct negotiation with the staff through the Waverley Joint Negotiating Committee for Pay and Conditions on all matters concerning local pay and conditions of service.
- (j) Making urgent decisions outside of the budget and policy framework in accordance with Urgency provisions set out in Part 4 Budget and Policy Framework Procedure Rules.

3.4 Limitations - The Executive may not take responsibility for imposing conditions, limitations or other restrictions on any approval, consent, licence, permission or registration granted by the Planning or Licensing and Regulatory Committees.

4. Delegations to Individual Executive Portfolio Holders from the Leader of the Council

4.1 The Executive Co-Portfolio Holders for Housing (Delivery) and Housing (Operations and Services) shall have delegated authority to approve all matters falling within the Housing Landlord Service and within the agreed Budget and Policy Framework, subject to the exclusions and parameters set out below.

Exclusions:

- Matters reserved to be referred to Full Council as part of the Budget and Policy Framework.
- Matters delegated to Officers under the Scheme of Delegation to Officers.
- Matters which the Leader and/or Executive have reserved to the Executive.
- Matters delegated to another committee of the Council, i.e., approval of statutory accounts.

Exercise of delegation is subject to:

- The provisions of the Constitution, including the Financial Regulations and Contract Procurement Rules.
- Consultation with other Executive members as appropriate.
- The right of the Co-Portfolio Holder concerned to refer the matter to the Executive if they so wish.
- The matter being referred to the Executive where there is a dispute between the relevant Co-Portfolio Holder and another Executive member.

[Reported to Council 26 April 2022, Minute reference CNL125/21]

Part 3 - Appendix 1 - Committee Terms of Reference

Overview and Scrutiny Committees

1. Statement of Purpose

- 1.1 The Council has established two Overview and Scrutiny Committees to discharge the functions under Section 9F of the Local Government Act 2000 with remits covering the following service areas:

Committee	Remit
Overview and Scrutiny Committee - Resources	Communications & Customer Services Housing Services Assets & Property Finance Legal & Democratic Services Organisational Development
Overview and Scrutiny Committee - Services This Committee is the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.	Community Services Environmental Services Regulatory Services Commercial Services Regeneration and Planning Policy Planning Development

- 1.2 The Overview and Scrutiny Committee - Resources may, with the agreement of the Chair and Vice-Chair of the Overview and Scrutiny Committee - Services, assume responsibility for an item which would normally fall within the remit of the Services Overview and Scrutiny Committee if it has substantial revenue or capital implications.
- 1.3 The Council supports the role of its Overview and Scrutiny Committees in holding public-service decision-makers and providers to account and facilitating the improvement of public services in Waverley. Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement and acts as a 'check and balance' on decision-makers.
- 1.4 To this end the work of the Overview and Scrutiny Committees will:
- provide a constructive "critical friend" challenge
 - amplify the voices and concerns of the public
 - be led by independent people who take responsibility for their role
 - drive improvement in public services

2. Committee Form and Structure

Composition

- 2.1 Each Overview and Scrutiny Committee will comprise 11 members and 5 reserve members in political balance.
- 2.2 Reserve members attending committee as a substitute must be from the same political group as the member giving the apology. If no substitute is available, no substitution will be made for that member.
- 2.3 Executive members must not be members of the Overview and Scrutiny Committees.
- 2.4 The Chair and Vice-Chair of the Overview and Scrutiny Committees will be appointed by Full Council at the Annual Council each year.
- 2.5 Subject to the total number of Opposition members on the Council exceeding 10% of the overall membership, the Chair of each Overview and Scrutiny Committee shall be nominated by the Principal Opposition Group. The Vice-Chair of the Overview and Scrutiny Committees will not usually be from the same political group as the Chair. Without consent of the Council, no councillor can be Chair or Vice-Chair of more than one Overview and Scrutiny Committee.
- 2.6 In the event of a vacancy in the position of Chair or Vice-Chair occurring during the year, the Committee may elect a replacement from nominations put forward by the Group Leaders.
- 2.7 Each Overview and Scrutiny Committee, or any of their sub-committees or Working Groups, shall be entitled to appoint up to two non-voting co-optees. Co-optees will normally be drawn from groups, organisations, or service users with an interest in services within the Committee's remit. Co-optees may be appointed as standing co-optees or special interest co-optees appointed to assist with scrutiny of a particular matter.

Meetings

- 2.8 There will normally be at least five ordinary meetings of each Overview and Scrutiny Committee each council year. In addition, special meetings may be called if appropriate including meetings to consider matters called-in to committee.
- 2.9 A meeting of either Overview and Scrutiny Committee may be called by the Chair and Vice-Chair of the relevant committee if they consider it necessary or appropriate.
- 2.10 The quorum for an Overview and Scrutiny Committee will be 3 voting members.

Competency

- 2.11 All members and reserve members of the Overview and Scrutiny Committees must undertake a programme of training as considered appropriate by the Monitoring Officer as soon as possible upon appointed to the Committee, and as directed thereafter.

3. Functions and responsibilities

With regard to the services areas within their remit, the Overview and Scrutiny Committees will have the following functions and responsibilities:

3.1 Policy development and overview:

- 3.1.1 Assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues.
- 3.1.2 Conduct research, community and other consultation in the analysis of policy issues and possible options.
- 3.1.3 Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- 3.1.4 Question members of the Executive and chief officers about their views on issues and proposals affecting the area.
- 3.1.5 Liaise with other organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- 3.1.6 Hold enquiries and investigate the available options for future direction in policy development.
- 3.1.7 Go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that are reasonably considered necessary to perform the deliberations.
- 3.1.8 Invite witnesses to attend to address it on any matter under consideration and pay any advisor, assessors and witnesses a reasonable fee and expenses for so doing.

3.2 Scrutiny:

- 3.2.1 Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions, ensuring they are made in accordance with the Constitution and policies laid down by the Council and within the Corporate Plan.
- 3.2.2 Review and scrutinise the decisions made by and performance of the Executive and council officers both in relation to individual decisions and over time.
- 3.2.3 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- 3.2.4 Require Executive members and officers to attend and answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- 3.2.5 Exercise the right to call-in, for reconsideration, decisions made by the Executive or an officer but not yet implemented.
- 3.2.6 Make reports and/or recommendations to the Council and/or the Executive and/or joint committees in connection with the discharge of any functions.
- 3.2.7 Review and scrutinise the performance of other public bodies in the area by inviting reports and requesting them to address the committee and local people about their activities and performance.
- 3.2.8 Question and gather evidence from any person (with their consent).
- 3.2.9 Consider requests from any elected or co-opted member for an item relevant to the functions of the committee to be considered at the next available meeting.

3.2.10 Consider a Councillor Call for Action on matters relevant to the committee.

3.2.11 Perform scrutiny functions relating to crime and disorder and to scrutinise the Community Safety Partnership.

3.3 Annual report:

3.3.1 The Scrutiny Committee will report annually to the Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

4. Proceedings

4.1 The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules at Part 4.3 of this Constitution.

4.2 No councillor may be involved in scrutinising a decision in which they have been directly involved.

4.3 The Chair and Vice-Chair will undertake the following roles in relation to their committee:

- (a) chair meetings of the Scrutiny Committee and promote the development and exercise of the scrutiny function according to the council's Constitution;
- (b) ensure that the work of the Scrutiny Committee contributes to the council's corporate objectives;
- (c) liaise with Executive members as appropriate;
- (d) contribute to the training and development of members engaged in the overview and scrutiny role;
- (e) approve any report that the committee may wish to submit to Full Council or the Executive;
- (f) be the spokesperson for the committee within the terms of the Code of Recommended Practice on Local Authority Publicity.

Part 3 - Appendix 2 – Joint Committee Terms of Reference

Guildford Borough Council and Waverley Borough Council Joint Senior Staff Committee – Composition and Terms of Reference

The Joint Senior Staff Committee is to be established in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees).

1. Membership

The Joint Senior Staff Committee shall comprise 6 Councillors, being the respective Leader of each Council plus two Councillors appointed by Guildford Borough Council (one of whom shall be the Leader of the principal Opposition Group) and two Councillors appointed by Waverley Borough Council (one of whom shall be the Leader of the principal Opposition Group). The Committee shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989.

2. Appointment

Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

3. Quorum

The quorum for a meeting of the Joint Senior Staff Committee shall be 3 members (subject to each Council being represented at any meeting by at least 1 member).

4. Time & location of meetings

The venue and commencement time for meetings of the Joint Senior Staff Committee shall be determined by the Joint Monitoring Officer in consultation with the Leader of each Council, and shall normally alternate between the Civic Office of each Council.

5. Chairman

The Joint Senior Staff Committee shall be chaired by the Leader of the Council at whose civic office the meeting is held. In their absence the meeting will be chaired by the Leader of the Council not hosting the meeting. In the absence of both Leaders, the chair will be elected by the meeting on the basis of a majority vote.

6. Voting

Decisions of the Joint Senior Staff Committee shall be made by a majority vote of those members present and voting. A vote will be taken either by way of a show of hands or by electronic means. The Chairman shall have no second or casting vote. In circumstances where a majority decision cannot be made by the Joint Senior Staff Committee, the delegation of powers and function to the Committee, relating to

that decision, will immediately cease. Any such decision will be referred to each Council for determination.

7. Role

Adopting and exercising such of the functions of Guildford Borough Council and Waverley Borough Council (“the Councils”) as can be delegated by those Councils in respect of the appointment and disciplinary action relating to the Councils’ Joint Chief Executive, Joint Chief Officers and Joint Deputy Chief Officers as provided for by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations.

8. Frequency of meetings

Meetings will be arranged by the Joint Monitoring Officer in consultation with the Leader of each Council, on such occasions as is necessary to determine any business within its terms of reference.

9. Substitute members

In the event of an appointed Councillor being unable to attend any meeting of the Joint Senior Staff Committee, the relevant Political Group Leader may appoint a Substitute Member, from the same Council, provided that prior written notice of such substitution is given to the Monitoring Officer by 5pm the working day prior to the meeting.

10. Delegation

The Joint Senior Staff Committee may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.

11. Working Groups

The Joint Senior Staff Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.

12. Sub-Committees

The Joint Senior Staff Committee may establish sub-committees consisting solely of the Members of one Council, to consider matters relating only to that Council.

13. Officer Employment Procedure Rules

The Joint Senior Staff Committee shall operate in compliance with the Officer Employment Procedure Rules adopted by each Council into their Constitution.

14.0 Functions and Responsibilities

14.1 Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post.
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to each Council, and subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to the Joint Chief Executive/ Head of Paid Service.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of the Joint Chief Executive/Head of Paid Service, and to make recommendations as appropriate for formal approval by each Council.
- (v) To confirm into post, or otherwise, the successful candidate following any probationary or trial period.
- (vi) To be responsible for ad-hoc employment matters affecting the Joint Chief Executive/Head of Paid Service post, including consideration and determination of any 'cost of living' pay award.
- (vii) To be responsible, subject to (viii) below for any disciplinary action regarding the Joint Chief Executive / Head of Paid Service.
- (viii) The final decision to dismiss the Joint Chief Executive / Head of Paid Service shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

14.2 Joint Statutory Officer posts

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process of recruitment and selection of any Joint Statutory Officer post.

- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to each Council and, subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives
- (iii) To determine pension discretions relating to any Joint Statutory Officer posts.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection of any Joint Statutory Officer posts, and where necessary to make recommendations as appropriate for formal approval by each Council.
- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts.
- (vi) To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Statutory Officer.
- (vii) The final decision to dismiss any Joint Statutory Officer shall be reserved to each Council and shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

14.3 Joint Strategic Directors

- (i) Subject to (ii) below, to undertake and determine on behalf of the Councils all aspects of the process for the appointment of any Joint Strategic Director.
- (ii) The appointment of any Joint Strategic Director shall be subject to no material or well-founded objection to the making of an offer of appointment being received by the Leader of either Council on behalf of their respective Executives.
- (iii) To determine pension discretions relating to any Joint Strategic Director.
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Strategic Director, and where necessary to make recommendations as appropriate for formal approval by each Council.
- v) To be responsible for ad-hoc employment matters affecting any Joint Strategic Director post.

- vi) To be responsible, subject to vii) below, for any disciplinary action regarding any Joint Strategic Director.
- vii) The dismissal of any Joint Strategic Director shall be subject to no material or well-founded objection to the proposed dismissal being received by the Leader of either Council on behalf of their respective Executives.

15. Servicing the Joint Senior Staff Committee

The Joint Senior Staff Committee shall be serviced by staff as agreed between the Democratic Services Managers of each Council.

The Joint Senior Staff Committee will be supported by professional advisors including legal advisors or human resources advisors as appropriate. The views of such advisors must be taken into account.

16. Meetings of the joint senior staff committee shall be conducted in accordance with the following procedure:

1. A meeting of the Joint Senior Staff Committee shall be summoned by the Joint Monitoring Officer who shall give a minimum of five clear working days' notice (or less in the case of urgency).
2. Meetings of the Joint Senior Staff Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended) and the Committee resolve to exclude the public.
3. The order of business at meetings of the Joint Senior Staff Committee shall include the following:
 - (a) Apologies for Absence and Substitute Members;
 - (b) Declarations of Interests;
 - (c) Agreement and adoption of the Minutes of the previous meeting;
 - (d) Matters set out in the agenda for the meeting;
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency.

Part 3 - Appendix 2 – Joint Committee Terms of Reference

Guildford Borough Council and Waverley Borough Council Joint Governance Committee – Composition and Terms of Reference

1. This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council (“the councils”) in accordance with Section 101 (5) of the Local Government Act 1972 (Appointment of committees)
2. MEMBERS: 12
 - (a) The Joint Governance Committee shall comprise the respective Leader of each council, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council
 - (b) Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1990 in respect of each council.
3. QUORUM: 4 members in total, subject to each council being represented at a meeting by at least two of their members.
4. CHAIR: The Joint Governance Committee shall be chaired alternately between the councils by the Leader of the Council, hosting the meeting, or in their absence, the Leader of the Council not hosting the meeting, or in both Leaders absence, the Chair shall be appointed by a majority vote of those members present and voting.
5. PLACE OF MEETINGS: The venue for meetings of the Joint Governance Committee shall normally alternate between the two councils with the host Leader chairing the meeting, but the venue may be varied by the Joint Monitoring Officer following consultation with the Leader of each Council. .
6. GENERAL ROLE: Adopting and exercising such of the functions of the councils as may be delegated by those councils in respect of the governance arrangements for inter-authority working between Guildford Borough Council and Waverley Borough Council.
7. FREQUENCY OF MEETINGS: As and when required, but at least bi-annually.
8. SUBSTITUTES: Substitutes may be appointed. The respective Group Leaders shall nominate an ongoing main substitute. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the council they represent.
9. ROLE AND FUNCTION:
 - (i) To undertake periodically a formal review (at least once every 12 months) of all inter-authority agreements, between Guildford Borough Council and Waverley Borough Council, ensuring they continue to be fit for purpose and recommending to both Full Councils any changes required.
 - (ii) To undertake periodically a formal review (at least once every 6 months) of the collaboration risk assessment, reviewing current and target impact and likelihood scores and making any changes to the list of risks and mitigating actions.

- (iii) Notwithstanding (i) and (ii) above, to undertake a formal review of the inter-authority agreements or the collaboration risk assessment at such other time as may be determined by the Joint Committee.
 - (iv) To discharge any other functions that relate to the governance of the inter-authority working arrangements that may from time to time be delegated to the Joint Committee.
 - (v) The Joint Governance Committee may arrange for the discharge of its functions by an Officer, of either Waverley Borough Council or Guildford Borough Council, and in doing so will set out clearly any limits upon such delegation.
 - (vi) The Joint Governance Committee may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
 - (vii) The Joint Governance Committee may establish a Sub-Committee consisting solely of Members of one Council to consider matters solely relating to that Council.
10. **SERVICING THE JOINT GOVERNANCE COMMITTEE:** The servicing of the Joint Governance Committee shall be agreed between the councils' Democratic Services Managers.
11. **MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:**
- (a) A meeting of the Joint Governance Committee shall be summoned by the relevant Proper Officer of the Council who shall give a minimum of five clear working days' notice (or less in the case of urgency)
 - (b) Meetings of the Joint Governance Committee shall be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with Section 100A (4) and (5) of the Local Government Act 1972 (as amended)
 - (c) The order of business at meetings of the Joint Governance Committee shall include the following:
 - (a) Apologies for Absence and notification of substitutes
 - (b) Disclosures of Interest
 - (c) Adoption of the Minutes of the previous meeting
 - (d) Matters set out in the agenda for the meeting
 - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
 - (d) Any matter will be decided by a simple majority of those members of the Joint Governance Committee present and voting at the time the question was put. A vote shall be taken either by show of hands or, if there is no dissent, by the affirmation of the meeting. The chairman or person presiding shall have the casting vote.