



GUILDFORD
B O R O U G H

PART 2

ARTICLES OF THE CONSTITUTION

GUILDFORD BOROUGH COUNCIL

ARTICLE 1 – THE CONSTITUTION

1.1 **Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 **The Constitution**

This Constitution, and all its appendices, is the Constitution of Guildford Borough Council.

1.3 **Purpose of the Constitution**

The purpose of the Constitution is to:-

- (a) enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- (b) support the active involvement of the public in the process of local decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

1.4 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

GUILDFORD BOROUGH COUNCIL

ARTICLE 2 – COUNCILLORS

2.1 **Composition and Eligibility**

(a) **Composition**

The Council comprises 48 councillors. One, two or three councillors will be elected by the voters of each of the 21 wards in the Borough in accordance with a scheme approved by the Secretary of State.

(b) **Eligibility**

The eligibility criteria for a person to be qualified to be elected and be a councillor are set out in Section 79 of the Local Government Act 1972.

2.2 **Election and Terms of Councillors**

The regular election of councillors will normally be held on the first Thursday in May every four years. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 **Roles and Functions of all Councillors**

(a) **Key Roles**

All councillors will:-

- (i) collectively elect the Leader
- (ii) collectively be the ultimate policy makers being responsible for setting the budget and approving the statutory and strategic plans within the policy framework;
- (iii) represent their communities and bring their views into the Council's decision-making process (i.e. become the advocate of and for their communities);
- (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (v) balance different interests identified within the ward and represent the ward as a whole;
- (vi) be involved in decision-making;
- (vii) be available to represent the Council on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.4 Conduct

Councillors will at all times observe the' Councillors' Code of Conduct and the Protocol on Councillor/Officer Relations set out in Part 5 of this Constitution.

2.5 Allowances

Councillors are entitled to receive allowances in accordance with the Councillors' Allowances Scheme set out in Part 6 of this Constitution.

GUILDFORD BOROUGH COUNCIL

ARTICLE 3 –THE PUBLIC AND THE COUNCIL

3.1 **The Public's Rights**

The public's rights to information and to participate in the decision-making process are explained in more detail in the Access to Information Procedure Rules and Public Speaking Procedure Rules in Part 4 of this Constitution.

(a) **Petitions**

The Council is committed to responding to petitions. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response from the Council. Details of the Council's adopted (non statutory) petition scheme are set out as an appendix to the Public Speaking Procedure Rules in Part 4 of this Constitution.

People on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution. Every year, the Council will publish details of the number of electors required to instigate such a referendum.

(b) **Information**

The public have the right to:-

- (i) attend meetings of the Council, Executive and committees except where confidential or exempt information is likely to be disclosed and the meeting is, therefore, held in private;
- (ii) find out from the Forward Plan what key decisions will be taken by the Leader, lead councillors or the Executive and when. The Forward Plan is no longer a statutory requirement but the Council has decided to retain it for effective operation of the Council's activities.
- (iii) see reports and background papers and any records of decisions made by the Council, Leader, lead councillors, Executive and committees except where confidential or exempt information is likely to be disclosed. However, in relation to the consideration in private of business containing exempt information, 28 days' advance notice is now given of the intention for any Executive meeting to consider such business in private; and
- (iv) inspect the Council's accounts and make their views known to the external auditor during the statutory period of 20 working days prior to the external auditor giving their opinion.

(c) **Participation**

The public have the right to present petitions in accordance with the petition scheme referred to above, ask questions or address meetings of the Council, Executive and committees and contribute to investigations by the Overview and Scrutiny Committee.

(d) **Complaints**

The public have the right to complain to:-

- (i) the Council itself under its complaints procedure;

PART 2 (ARTICLE 3) –THE PUBLIC AND THE COUNCIL

- (ii) the Local Government Ombudsman after using the Council's own complaints procedure; and
- (iii) the Council's Monitoring Officer about an alleged breach of the Councillors' Code of Conduct which is set out in Part 5 of this Constitution.

3.2 **The Public's Responsibilities**

Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. The public are entitled to attend public meetings of the Council, Executive and committees, but must comply with the rulings of the chairman. They may not disrupt the meeting or cause undue disturbance or they may be removed from the meeting.

GUILDFORD BOROUGH COUNCIL

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

(a) **Policy Framework**

The policy framework means the following plans and strategies:

- The Corporate Plan
- Guildford Borough Economic Strategy
- Rural Economic Strategy
- Safer Guildford Partnership Plan
- Guildford Borough Development Plan Documents
- Housing Investment Programme and Strategy
- Statement of Licensing Policy
- Gambling Act 2005: Statement of Principles

(b) **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, the setting of virement limits, prudential indicators and limits, treasury management strategy, treasury prudential indicators and investment strategy.

(c) **Housing Land Transfer**

Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

The following functions must not be exercised by the Leader/Executive and, where not otherwise delegated, shall be reserved to the full Council:

- (1) to adopt, amend (apart from changes to Part 3 in relation to executive functions which will be discharged by the Leader/Executive and reported to Council) or, in accordance with the provisions of Article 17, suspend the Council's Constitution;
- (2) to make proposals and fulfil any duties to change the Council's executive arrangements, determine whether a referendum is required and pass a resolution to make any such change;
- (3) to approve the Council's budget, as defined in Article 4.1 (b) of the Constitution;
- (4) to approve, amend, revoke or replace any plan or strategy falling within the Council's policy framework (including any decision required for submission to the Secretary of State);

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- (5) to make 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 or other circumstances defined in the Constitution;
- (6) to adopt, revise or replace the code of conduct for councillors and co-opted members and arrangements for dealing with allegations of misconduct;
- (7) to approve for public consultation 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;
- (8) to approve the making of an application to the Secretary of State for the transfer of housing land;
- (9) to make 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 local authority;
- (10) to authorise the contracting out of non-executive functions to another body;
- (11) to accept any delegation of functions from another local authority (in relation to both executive and non-executive functions);
- (12) to make, amend, revoke, re-enact or enforce byelaws;
- (13) to promote or oppose local or personal bills;
- (14) to exercise the Council's functions relating to local government pensions;
- (15) to exercise the Council's functions in relation to elections and electoral registration;
- (16) to exercise the Council's functions in relation to community governance arrangements, including those relating to parishes and parish councils, and determine any matters relating to the name and status of areas;
- (17) to resolve not to issue casino premises licences;
- (18) to determine planning applications referred by the Planning Committee in accordance with Council Procedure Rule 26(c);
- (19) to elect the Mayor and appoint the Deputy Mayor;
- (20) to elect and remove the Leader of the Council;
- (21) with the exception of the Executive, to appoint and dissolve committees, determine or amend their terms of reference and alter their size;
- (22) with the exception of the Executive, to determine the allocation of seats on the Council's committees and to make appointments to them;
- (23) to authorise co-opted members to vote at meetings of the Overview and Scrutiny Committee in accordance with a scheme approved by the Council;
- (24) to appoint councillors to serve on outside organisations;

- (25) to determine matters relating to the failure of a councillor to attend meetings for a period of six months;
- (26) to confer the title of honorary freeman, honorary alderman and honorary officer;
- (27) to approve, amend, revoke or replace the Council's scheme for councillors' allowances and to determine the levels of all allowances payable to councillors;
- (28) to determine the amount of any allowance payable to the Mayor or Deputy Mayor;
- (29) to appoint and dismiss the Joint Chief Executive;
- (30) to designate officers as the Head of Paid Service, Monitoring Officer and Chief Finance Officer;
- (31) to appoint proper officers for particular purposes;
- (32) to determine the terms and conditions on which staff hold office, including procedures for their dismissal, unless otherwise delegated;
- (33) to exercise such local choice functions as may be set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than by the Leader/Executive; and
- (34) to determine policy in respect of the licensing of hackney carriages and private hire vehicles and review such policy upon the recommendation of the Licensing Committee.
- (35) to determine all other matters which, by law, must be reserved to the Council.

4.3 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting (at which the Mayor is elected);
- (b) ordinary meetings (on dates agreed annually); and
- (c) extraordinary meetings (to deal with urgent or special business).

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader/Executive.

GUILDFORD BOROUGH COUNCIL

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 **Role and Function of the Mayor**

The Mayor and Deputy Mayor will be elected by the Council annually.

The Mayor, and in his or her absence the Deputy Mayor, will have the following roles and functions:-

- (a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which councillors who are not on the Executive or do not hold committee chairmanships are able to hold the Leader/Executive and committee chairmen to account;
- (d) to promote public involvement in the Council's activities; and
- (e) to attend such civic and ceremonial functions as the Council and he or she determines appropriate.

Neither the Mayor nor the Deputy Mayor shall be members of the Executive.

GUILDFORD BOROUGH COUNCIL

ARTICLE 6 – THE LEADER OF THE COUNCIL

6.1 Role

The Leader of the Council will be a councillor elected to the position of Leader by the full Council.

The term of office of the Leader shall be four years starting on the day of their election as Leader, which will take place at the first meeting of the Council immediately following the post-election annual meeting, and ending on the day of the next post-election annual meeting unless they:

- a) are removed from office by resolution of the Council (see paragraph 6.5 below); or
- b) are disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- c) resign as Leader; or
- d) cease to be a councillor;

before that day.

During their term of office as Leader, the Leader shall continue to hold office as a councillor and accordingly any enactment which provides for earlier retirement as a councillor does not apply.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the post election annual meeting which follows his/her election, subject to (a) to (d) above.

The Leader will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless otherwise delegated by him/her. All delegations by the Leader will be set out in Part 3 of this Constitution.

["post-election annual meeting" means the first annual meeting of the Council to be held after ordinary Borough Council elections take place]

6.2 Functions of the Leader

The Leader shall be responsible for maintaining a list (which the Democratic Services Manager will compile on the Leader's behalf) in Part 3 of this Constitution setting out who will exercise executive functions. Executive functions can be exercised by the Leader, the Executive, individual Executive members (known as lead councillors), committees of the Executive, individual local ward councillors, officers or jointly with other bodies under separate joint arrangements (see Article 12). Any changes to Part 3 of the Constitution in relation to executive functions will be reported to the next appropriate meeting of the full Council.

The Leader will be Chairman of the Executive.

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Only the Leader will exercise the following functions:

- (a) appointment of between two and nine other councillors to the Executive (the lead councillors);
- (b) appointment of the Deputy Leader from among the lead councillors on the Executive; and
- (c) allocation of areas of responsibility (portfolios) to lead councillors.

The Leader may at any time:

- remove lead councillors from the Executive, or
- change lead councillors' areas of responsibility

The Leader shall report to the next appropriate meeting of the full Council on all appointments and changes to the Executive.

6.3 **Deputy Leader**

The Leader shall appoint one of the lead councillors to be the Deputy Leader. Subject to Article 6.4 below, the Deputy Leader shall normally hold office until the end of the Leader's term of office unless that person:

- a) is removed from office by decision of the Leader; or
- b) is disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- c) resigns as Deputy Leader; or
- d) ceases to be a councillor.

before that day.

In the event of any of the above occurring, the Leader shall appoint another lead councillor as Deputy Leader at the earliest opportunity.

6.4 **Role of the Deputy Leader**

The Deputy Leader will be Vice-Chairman of the Executive and if, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place and shall be entitled to exercise all functions reserved to the Leader until such time as the Leader is able to act or until a new Leader is elected by the Council.

If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Executive must either act collectively in the Leader's place or they must arrange for a lead councillor to act in the place of the Leader.

6.5 **Removal of Leader from office**

At any meeting of the full Council, a councillor may propose that "the Council has no confidence in the Leader". The question shall, after debate, be put

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and, if carried by a simple majority of those councillors present, the Leader shall be removed from office.

If the Council passes a resolution to remove the Leader from office, a new Leader shall be elected –

- (a) at the meeting of the Council at which the Leader is removed from office, or
- (b) at a subsequent meeting of the Council.

GUILDFORD BOROUGH COUNCIL

ARTICLE 7 – THE EXECUTIVE

7.1 **Role**

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, as delegated by the Leader.

7.2 **Form and Composition**

The Executive will consist of the Leader and Deputy Leader, who shall act as chairman and vice-chairman respectively, together with up to eight other councillors appointed to the Executive by the Leader, who shall be known as lead councillors.

7.3 **Lead Councillors**

Lead councillors for specified areas of the Council's work will be councillors appointed to those positions by the Leader. Lead councillors shall hold office until the end of the term of office of the Leader unless they:

- (a) resign from office; or
- (b) are disqualified from being a councillor by order of a court under Section 34 of the Localism Act 2011; or
- (c) cease to be councillors; or
- (d) are removed from office, either individually or collectively, by decision of the Leader

before that date.

The Leader may at any time alter the responsibilities of a Lead councillor or discontinue their appointment and elect a replacement.

Lead councillors shall be entitled to be consulted by the Corporate Management Board and service leaders when exercising delegated powers requiring such consultation.

A lead councillor shall not be a member of the Overview and Scrutiny Committee.

7.4 **Deputy Lead Councillors**

Other councillors may, from time to time, be designated by the Leader as Deputy Lead Councillors. A Deputy Lead Councillor shall not be a member of the Executive and will not participate in Executive decision-making but may work closely with a Lead Councillor(s). A Deputy Lead Councillor shall not be a member of the Overview and Scrutiny Committee.

Deputy Lead Councillors will not have delegated powers and will not be entitled to vote at Executive meetings. The Leader will advise the Democratic Services and Elections Manager in writing of the appointment of designated Deputy Lead Councillors and of the Lead Councillor(s) they will assist.

The Leader may, at any time, discontinue the appointment of a designated Deputy Lead Councillor. The Leader will report all appointments and discontinued appointments to the next meeting of the Council.

Key Duties and Responsibilities of Deputy Lead Councillors:

- (a) To assist, support, and advise the relevant Lead Councillor in carrying out their responsibilities.
- (b) To lead on specific policy areas at the request of the relevant Lead Councillor and/or Leader.
- (c) To carry out tasks as agreed on behalf of the relevant Lead Councillor.
- (d) To deputise for the relevant Lead Councillor at meetings, briefings, or external events as appropriate, including attendance at EAB meetings and, with the agreement of the chairman, Overview and Scrutiny Committee meetings as required, to answer questions or to speak on behalf of the Lead Councillor on matters relating to the relevant portfolio responsibilities.
- (e) To maintain awareness of policy developments, and advise the Lead Councillor of key developments.
- (f) To bring to the attention of the Lead Councillor issues of concern to non-Executive councillors.
- (g) To undertake research and any other tasks under the direction of the Lead Councillor.
- (h) To liaise with relevant officers to be up to date with service developments and ensure the Lead Councillor is informed of key issues, and to be consulted in the absence of the Lead Councillor where this is required under the Scheme of Delegation to Officers.

7.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

GUILDFORD BOROUGH COUNCIL

ARTICLE 8 – THE OVERVIEW AND SCRUTINY COMMITTEE

8.1 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Sections 21 and 21A of the Local Government Act 2000 or regulations made under Section 32 of the Local Government Act 2000. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

The work of the Overview and Scrutiny Committee should focus on the Council's principles, practice, procedures and performance (rather than politics and personalities); the work will be informed by the following principles:

- (i) Constructive "critical friend" challenge
- (ii) Amplifies the voices and concerns of the Public
- (iii) Led by independent people who take responsibility for their role; and
- (iv) Drives improvement in public services

The provisions of this Constitution are subject always, and without prejudice, to Section 9F of the Local Government 2000.

The general terms of reference of the Overview and Scrutiny Committee are set out below:

- (a) to perform all overview and scrutiny functions on behalf of the Council;
- (b) to appoint such formal sub-committees and informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions;
- (c) to approve the overview and scrutiny work programme so as to ensure that the Committee's time is effectively and efficiently utilised;
- (d) to undertake investigations into such matters relating to the Council's functions and powers as:
 - (i) may be referred by the Leader/Executive; or
 - (ii) the Committee may consider appropriate; or
 - (iii) have been referred to the Committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution;

(In respect of (iii) above, the Committee may review the decision or, if it so wishes, refer the matter to the full Council for review.)

- (e) to review and advise on all existing policies of the Council, including

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making recommendations for future options to the Leader/Executive;

- (f) to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (g) to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- (h) to consider any matter affecting the area or its inhabitants;
- (i) to discuss initiatives put forward for consideration by individual members of the Committee
- (j) to deal with any relevant councillor call-for-action in accordance with the protocol attached as Appendix 1 to the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- (k) to consider petitions received under the adopted Petition Scheme that fall into the following categories:
 - petitions requiring a senior officer to give evidence to the Committee; and
 - a request from a petition organiser, who is not satisfied with the Council's response to a petition, for a review of the adequacy of the steps taken or proposed to be taken in response to the petition.

8.2 Specific Functions

(a) Policy Development and Review

The Overview and Scrutiny Committee may:

- (i) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues; and the Overview and Scrutiny Committee may obtain evidence from members of the public or expert witnesses to inform its response
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) question the Leader, lead councillors, Joint Chief Executive and Joint Strategic Directors about their views on issues and proposals affecting the area; and
- (iv) liaise with, and scrutinise, other external organisations operating in the area, whether national, regional, or local, to ensure that the interests of local people are enhanced by collaborative working; any such organisation that is working in partnership with the Council will be expected to have regard to the reports and recommendations of the Committee

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(b) **Scrutiny**

The Overview and Scrutiny Committee may:

- (i) review and scrutinise the performance of and the decisions made by the Leader, lead councillors individually or the Executive collectively and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question the Leader, lead councillors, Joint Chief Executive and Joint Strategic Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time; in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the Leader or of Lead Councillors (or any parts thereof). As part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public;
- (iv) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- (vi) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- (vii) use innovative ways to scrutinise matters of concern such as select committees, public hearings, mystery shopping and workshops; the issue being investigated should be matched to the most appropriate process.

(c) **Finance**

- (i) The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.
- (ii) The Committee may request that a budget be made available to it for the purposes of research, the costs of expert witnesses, site visits, non-meeting based activities and matters similar thereto.

(d) **Annual Report**

The Overview and Scrutiny Committee must report annually to the full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

8.3 **Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

GUILDFORD BOROUGH COUNCIL

ARTICLE 9 – REGULATORY AND OTHER COMMITTEES

9.1 **Regulatory and Other Committees**

The Council will appoint the committees set out in Part 3 of this Constitution (Responsibility for Council Functions) to discharge the functions described.

GUILDFORD BOROUGH COUNCIL

ARTICLE 10 – THE CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

10.1 Composition

(a) **Membership**

The Corporate Governance and Standards Committee will be composed of:

- seven councillors who may include one lead councillor except the lead councillor whose portfolio includes finance and resources. Neither the Leader nor Deputy Leader may be a member or substitute member of the Committee
- up to three co-opted persons who are not councillors or officers of the Council (independent members)
- up to three co-opted members of any parish council in the Council's area (parish members).

(b) **Chairman and Vice-Chairman**

The chairman and vice-chairman of the Committee shall be councillors. Where a lead councillor is appointed as a member of the Committee, they shall not be elected chairman or vice-chairman.

(c) **Voting Rights**

The co-opted independent members and parish members will not be entitled to vote at meetings of the Corporate Governance and Standards Committee or any of its Sub-Committees.

(d) **Independent Members**

Independent members shall be appointed by the Council for an initial term of office expiring in May 2015 and for a four-year term thereafter with serving independent members being eligible for re-appointment each time.

At the end of the term of office, the Council will invite applications from the general public via its website for appointment as co-opted independent members of the Corporate Governance and Standards Committee.

To be eligible for appointment candidates must not be engaged in party political activity, or have been at any time in the preceding five years, a councillor or officer of Guildford Borough Council or be a relative or close friend of a councillor or officer of the Council. Ideally candidates will have significant experience of working at a senior level in a large, complex organisation and have a very good understanding of strategic or financial management or have sat previously on an Audit Committee.

The Monitoring Officer shall short-list candidates and invite them for interview by a panel comprising the Chairman of the Corporate Governance and Standards Committee, the Monitoring Officer and Chief Finance Officer. The panel's recommendations as to appointment of co-opted independent members will be referred to full Council for approval.

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(e) Parish Members

Parish members shall be appointed by the Council for an initial term of office expiring in May 2015 and for a four-year term thereafter with serving parish members being eligible for re-appointment each time.

At the end of the term of office, all parish councils shall be invited to nominate parish councillors as co-opted parish members on the Corporate Governance and Standards Committee. Where there are up to three nominations received, the Council shall consider their formal co-option as parish members on the Committee

Where there are more than three nominations received:

- (i) each of the candidates shall be invited to submit further information in support of their nomination, details of which will be sent to all parish councils in the Borough; and
- (ii) a ballot of parish councils shall be held and the results will be referred to the Council.

The results of the ballot shall inform the Council's decision as to the co-option of parish members.

At least one parish member must be present when misconduct complaints regarding members or co-opted members of parish councils are being considered.

10.2 Statement of Purpose

The Committee has a dual purpose both as an audit committee and a standards committee.

The Committee is a key component of the authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority'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.

With regard to standards, the Committee promotes high standards of conduct by councillors and co-opted members and oversees the arrangements for dealing with allegations of misconduct.

10.3 Role and Function

The Corporate Governance and Standards Committee will have the following roles and functions:

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Audit and Accounts Activity

- (1) To consider reports on the summary of internal audit activity (actual and proposed) and the level of assurance that it can give over the Council's corporate governance arrangements and monitor the progress of high priority actions arising from audit recommendations.
- (2) To consider reports dealing with the management and performance of the providers of the internal and external audit functions.
- (3) To approve the Internal and External Audit Plans, and significant interim changes.
- (4) To consider the external auditor's annual letter (including their audit fee), relevant reports (both financial and strategic) and the report to those charged with governance.
- (5) To consider specific reports submitted by the internal or external auditors.
- (6) To comment on the scope and depth of internal and external audit work and ensuring that it gives value for money.
- (7) To review and approve the annual statement of accounts and Audit Findings Report with specific emphasis on 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 Council.
- (8) To consider reports on the Capital and Investment Strategy prior to their referral to the Executive and Council.
- (9) To consider budget monitoring reports at least on a quarterly basis.

Corporate Governance Activity

- (10) To monitor and review the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines and make recommendations, as appropriate, in respect of any proposed amendments to the Executive and Council.
- (11) To consider the Council's arrangements for corporate governance and to recommend such actions necessary to ensure compliance with best practice, together with any relevant corporate governance related issues referred to the Committee by the Joint Chief Executive, any Joint Strategic Director, the Leader/Executive or any other committee of the Council.
- (12) To monitor the effective development and operation of risk management undertaken throughout the Council including the review of the Corporate Risk Register.
- (13) To consider and approve the Council's Annual Governance Statement in advance of the formal approval of the Council's Statement of Accounts.
- (14) To consider an annual report of the operation of the whistle-blowing policy, including incidents reported.

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- (15) To monitor and audit the Council's equalities and diversity policies and approve the Equality Scheme and associated action plan.
- (16) To monitor bi-annually the Council's performance in dealing with Freedom of Information and Environmental Information Regulations requests.
- (17) To monitor the Council's progress on various data protection and information security initiatives.
- (18) To consider annual reports on the work of task groups appointed by the Committee, together with other matters submitted to the Committee periodically by those task groups
- (19) To consider bi-annually Planning Appeals Monitoring Reports and S106 Monitoring Reports.
- (20) To consider an annual report on the exercise of powers under the Regulation of Investigatory Powers Act 2000

Ethical Standards Activity

- (21) To promote and maintain high standards of conduct by councillors and co-opted members.
- (22) To advise the Council on the adoption or revision of the Councillors' code of conduct.
- (23) To advise, train or arrange to train councillors and co-opted members on matters relating to the Councillors' code of conduct.
- (24) To agree arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.
- (25) To agree allowances and expenses for the Independent Persons.
- (26) To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
- (27) To implement, monitor and review the operation of the code of conduct for staff and the Protocol on Councillor/ Officer Relations and to make recommendations as appropriate to Council in respect of any necessary amendments.
- (28) To consider the Monitoring Officer's Annual Report on misconduct complaints against councillors, and any other matter referred by the Monitoring Officer.

10.4 Accountability arrangements

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.

PART 2 (ARTICLE 10) – THE CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

To report annually to full Council on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

10.5 Assessment Sub-Committee

- (a) The Monitoring Officer may refer any ethical standards complaint to the Assessment Sub-Committee for assessment in accordance with the Arrangements for dealing with allegations of misconduct by councillors and co-opted members as set out in Part 5 of this Constitution. The Sub-Committee has all the powers of the Monitoring Officer in this regard, including determining whether to investigate allegations of misconduct by councillors or co-opted members in circumstances where such determination by the Monitoring Officer is considered by him/her to be inappropriate.
- (b) The Assessment Sub-Committee shall be politically balanced and comprise of five voting members of the Corporate Governance and Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation with the Chairman of the Corporate Governance and Standards Committee. A chairman shall be elected from among the voting members.

10.6 Hearings Sub-Committee

- (a) The Hearings Sub-Committee shall conduct local hearings in accordance with arrangements adopted by the Council under which decisions on misconduct allegations against councillors and co-opted members (including members and co-opted members of parish councils in the Council's area) can be made.
- (b) The Hearings Sub-Committee shall be politically balanced and comprise of five voting members of the Corporate Governance and Standards Committee. The composition of the Sub-Committee shall be determined by the Monitoring Officer after consultation with the Chairman of the Corporate Governance and Standards Committee. A chairman shall be elected from among the voting members.
- (c) The Independent Person must be present when misconduct complaints against councillors and co-opted members are being considered by the Hearings Sub-Committee.
- (d) At least one co-opted parish member of the Committee and the Independent Person must be present when misconduct complaints against members or co-opted members of parish councils are being considered by the Hearings Sub-Committee.
- (e) The Hearings Sub-Committee shall determine, by way of a hearing, those allegations of misconduct by councillors or co-opted members where a formal investigation has found evidence of failure to comply with the Councillors' code of conduct and where a local resolution has not been agreed.
- (f) The Hearings Sub-Committee shall determine, following a hearing and a finding that a councillor or co-opted member has failed to comply with the Councillors' code of conduct, such action as may be deemed appropriate and proportionate.
- (g) The Hearings Sub-Committee shall make recommendations, following a hearing, to any parish council in the Council's area on action to be taken against

PART 2 (ARTICLE 10) – THE CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

any councillor or co-opted member of that parish council found to have failed to comply with that council's code of conduct.

10.7 Arrangements for investigation and determination of misconduct allegations

The arrangements adopted by the Council for the investigation and determination of misconduct allegations, including the procedure for the conduct of local hearings by the Hearings Sub-Committee are set out in Part 5 of this Constitution.

GUILDFORD BOROUGH COUNCIL

ARTICLE 11 – AREA COMMITTEES

11.1 **Area Committees**

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery and more efficient, transparent and accountable decision-making.

The Council will consult relevant parish councils, community and residents' associations and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

GUILDFORD BOROUGH COUNCIL

ARTICLE 12 – JOINT ARRANGEMENTS

12.1 Arrangements to Promote Well-Being

The Council or the Leader/Executive, in order to promote the economic, social or environmental well-being of the area, may:-

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

12.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions (which are not executive functions) in any of the participating authorities or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Leader/Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) Except as set out below, the Leader/Executive may only appoint executive councillors to a joint committee and those councillors need not reflect the political composition of the Council as a whole.
- (d) The Leader/Executive may appoint councillors to a joint committee from outside the Executive in the following circumstances:-

The joint committee has functions for only part of the area of the authority and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader/Executive may appoint to the joint committee any councillor who is a councillor for a ward which is wholly or partly contained within the area.

In this case, the political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements, including any delegations to a joint committee, will be found in the Council's Scheme of Delegation in Part 3 of this Constitution.

12.3 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.

PART 2 (ARTICLE 12) – JOINT ARRANGEMENTS

- (b) If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains councillors who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

12.4 Delegation to and from other Local Authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Leader/Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the full Council.

12.5 Contracting Out

The Council (for functions which are not executive functions) and the Leader/Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

GUILDFORD BOROUGH COUNCIL

ARTICLE 13 – OFFICERS

13.1 Management Structure

(a) **General**

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Executive**

In collaboration with Waverley Borough Council, the Council will engage a Joint Chief Executive, who will have the following functions and responsibilities:

- Leadership of the Council's Service:

To be responsible to councillors for the efficient leadership and management of the Council's paid service.

- Financial Management and Provision of Best Value Services:

To be accountable for ensuring that the Council's services are provided and monitored in a cost-effective manner, achieving best value from expenditure.

To exercise the Council's responsibilities to maintain an adequate and effective system of internal audit of the accounting records and control systems.

To suspend a member of staff from the workplace for up to 48 hours to enable investigations to be undertaken.

- Working in Partnership with Councillors:

To establish and maintain effective and enduring operational processes and relationships with councillors to ensure that the political decision-making process takes place in an informed and integrated manner.

- Managing Change:

To manage the development and promotion of forward strategic process to enable the Council to deliver its aims and objectives, whilst ensuring that all opportunities are identified to modernise and improve local government within Guildford.

The Joint Chief Executive, together with the Joint Strategic Directors, shall comprise the Council's Joint Corporate Management Board.

(c) **Joint Strategic Directors**

In collaboration with Waverley Borough Council, the Council will engage three Joint Directors as follows:

- Joint Strategic Director (Community Wellbeing)
- Joint Strategic Director (Place)
- Joint Strategic Director (Transformation and Governance)

In addition to their roles in managing their respective services, the Joint Strategic Directors will have the following over-arching functions and responsibilities:

- To ensure the direction and operation of those services is co-ordinated with each other and meets the expectations of the Executive and the Management Board without detracting from the ability of the Joint Executive Heads of Service to manage their own service or detract from their accountability for its service delivery and performance.
- To communicate effectively with the Leader, relevant Lead Councillor(s), the Joint Chief Executive, other Joint Strategic Directors (within and outside Management Board meetings) and the allocated Joint Executive Heads of Service to ensure timely and accurate knowledge and understanding across the Council of its policies, objectives, direction, and current operational and contextual issues and challenges.
- To represent the service views of the services they have responsibility for and in turn act corporately in managing or guiding the delivery of the Council's policies and objectives.
- To support the Head of Paid Service as necessary.
- To liaise with the relevant lead councillor(s) and work with them in the delivery of the key service areas.

(d) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following Officers as shown:

Officer	Designation
Annie Righton, Interim Joint Chief Executive	Head of Paid Service
Susan Sale, Joint Executive Head of Legal and Democratic Services	Monitoring Officer
Richard Bates, Interim Joint Executive Head of Finance	Chief Finance Officer

Such posts will have the functions described in Articles 13.2 - 13.4 below.

(e) **Structure**

The Head of Paid Service will determine and publicise a description of the management structure of the Council and the deployment of officers. This is set out in Part 7 of this Constitution.

13.2 Functions of the Head of Paid Service

(a) **Discharge of Functions by the Council**

The Head of Paid Service will report to the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

13.3 **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution**
The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available to councillors, staff and the public and available on the Council's website.
- (b) **Contributing to Corporate Management**
The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal and ethical advice.
- (c) **Ensuring Lawfulness and Fairness of Decision-Making**
After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Leader/Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (d) **Supporting the Corporate Governance and Standards Committee**
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Corporate Governance and Standards Committee.
- (e) **Conduct of Councillors**
The Monitoring Officer will ensure compliance with the Council's responsibilities and arrangements for dealing with allegations of misconduct by councillors and co-opted members as set out in Part 5 of this Constitution.
- (f) **Advice on Budget and Policy Framework**
The Monitoring Officer will advise whether executive decisions are in accordance with the budget and policy framework.
- (g) **Providing Advice**
The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (h) **Restrictions on Posts**
The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

13.4 **Functions of the Chief Finance Officer**

- (a) **Ensuring Lawfulness and Financial Prudence of Decision-Making**
After consulting with the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Leader/Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to Corporate Management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing Advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give Financial Information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

(f) **Determining Accounting Records and Control Systems**

The Chief Finance Officer will determine the Council's accounting records (including the form of accounts and supporting accounting records) and the accounting control systems.

(g) **Calculating the Council Tax**

In connection with the calculations to set the council tax, the Chief Finance Officer will report on:

- (i) the robustness of the estimates made for the purpose of the calculations; and
- (ii) the adequacy of financial reserves.

13.5 **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

13.6 **Conduct**

Officers will comply with the Code of Conduct for Staff and the Protocol on Councillor/Officer Relations set out in Part 5 of this Constitution.

13.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

GUILDFORD BOROUGH COUNCIL

ARTICLE 14 – DECISION-MAKING

14.1 **Responsibility for Decision-Making**

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

14.2 **Principles of Decision-Making**

All decisions taken by or on behalf of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) providing information on the options considered and giving reasons for the decision taken.

14.3 **Types of Decision**

(a) Decisions Reserved to Full Council

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

(b) Key Decisions

- (i) A 'key decision' means an executive decision which is likely to:
 - result in expenditure or savings of at least £200,000; or
 - have a significant impact on two or more wards within the Borough.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

14.4 **Decision-Making**

All decision making shall comply with the relevant Articles of, and Procedure Rules set out in, this Constitution

14.5 **Decision-Making by Council Bodies Acting as Tribunals**

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

GUILDFORD BOROUGH COUNCIL

ARTICLE 15 – FINANCE, CONTRACTS AND LEGAL MATTERS

15.1 **Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

15.2 **Contracts**

Every contract (excluding contracts for property disposals and acquisitions) made by the Council will comply with the Procurement Procedure Rules set out in Part 4 of this Constitution.

15.3 **Legal Proceedings**

The Lead Specialist - Legal is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Lead Specialist - Legal considers that such action is necessary to protect the Council's interests.

15.4 **Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Lead Specialist - Legal or other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract (excluding contracts for property disposals and acquisitions) which amounts to or exceeds £100,000 in value must, unless the Lead Specialist - Legal determines otherwise, be sealed with the common seal of the Council. In exceptional cases where the Lead Specialist - Legal decides that a contract which amounts to or exceeds £100,000 in value does not require the common seal, it must be signed, subject to compliance with the Council's Financial Procedure Rules, by two Joint Strategic Directors or the Lead Specialist - Legal. Contracts less than £100,000 in value must be signed by the relevant Joint Strategic Director, the Lead Specialist - Legal, or service leader or, subject to compliance with the Council's Financial Procedure Rules, their nominee.

15.5 **Common Seal of the Council**

The common seal of the Council will be kept in a safe place in the custody of the Lead Specialist - Legal. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the Lead Specialist - Legal should be sealed.

The affixing of the common seal will be attested by the Joint Chief Executive, or the Lead Specialist - Legal or some other persons authorised by them.

An entry of every sealing of a document will be made and consecutively numbered in a book kept by the Lead Specialist - Legal for the purpose and shall be signed by the persons who have attested the seal.

GUILDFORD BOROUGH COUNCIL

ARTICLE 16 – REVIEW AND REVISION OF CONSTITUTION

16.1 **Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) observe meetings of different parts of the councillor and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised by councillors, officers, the public and other relevant stakeholders; and
- (d) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

16.2 **Corporate Governance and Standards Committee.**

The Corporate Governance and Standards Committee will monitor and review the operation of the Constitution particularly in respect of financial procedures and protocols, procurement procedures and guidelines, as set out in Article 10.

16.3 **Changes to the Constitution**

Minor Changes

- (a) The Monitoring Officer may generally update the Constitution to correct errors, or to reflect changes in legislation, or make amendments consequential upon changes to operational arrangements, without report, subject to consultation with the lead councillor with responsibility for governance.

Other Changes

- (b) Apart from changes to Part 3 in relation to executive functions which will be discharged by the Leader/Executive, changes to the Constitution other than minor changes will be approved by the full Council.

Proposals

- (c) The Monitoring Officer shall, before making any proposals for change to the Council, carry out consultation appropriate to the scale, scope and extent of the change proposed. The persons and bodies consulted may, without limitation, include the Management Team, the Leader and Executive, the Overview and Scrutiny Committee (if relevant) and the Corporate Governance and Standards Committee.

GUILDFORD BOROUGH COUNCIL

ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

17.1 Suspension of the Constitution

(a) **Limit to Suspension**

The Articles of this Constitution may not be suspended. The Procedure Rules contained in Part 4 of this Constitution may be suspended as regards any business at the meeting where their suspension is moved to the extent permitted within those Rules and the law.

(b) **Procedure to Suspend**

The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

17.2 Interpretation

The ruling of the Mayor, the Leader or the chairman of any committee or sub-committee, as appropriate, as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council, the Executive or any committee or sub-committee as the case may be. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

17.3 Publication

(a) The Monitoring Officer will ensure that where a councillor so wishes a printed copy of this Constitution is delivered to him or her following their election to the Council.

(b) The Monitoring Officer will ensure that an up to date copy of the Constitution is available for viewing on the Council's website.

(c) The Monitoring Officer will ensure that a copy of this Constitution is available for inspection at the Council Offices and can be purchased on payment of a reasonable fee.

GUILDFORD BOROUGH COUNCIL

SCHEDULE 1: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (The Leader of the Council)
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 8 (The Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
4. Article 11 (Area Committees)
5. Article 12 (Joint Arrangements)
6. Article 14 (Decision-Making) and the Access to Information Procedure Rules; and
7. Part 3 (Responsibility for Functions)