

**PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

**GUILDFORD BOROUGH COUNCIL**  
**TERMS OF REFERENCE OF COUNCIL,**  
**LEADER/EXECUTIVE AND COMMITTEES**

**POWERS RESERVED TO FULL COUNCIL**

The following functions must not be exercised by the 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).
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 make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption and designating a locality as an alcohol disorder zone.

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18. To resolve not to issue casino premises licences.
19. To determine planning applications referred by the Planning Committee.
20. To elect the Mayor and appoint the Deputy Mayor.
21. To elect and remove the Leader of the Council.
22. With the exception of the Executive, to appoint and dissolve committees, determine or amend their terms of reference and alter their size.
23. With the exception of the Executive, to determine the allocation of seats on committees and to make appointments to them.
24. To authorise co-opted members to vote at meetings of the Overview and Scrutiny Committees in accordance with a scheme approved by the Council.
25. To appoint councillors to serve on outside organisations.
26. To determine matters relating to the failure of a councillor to attend meetings for a period of six months.
27. To confer the title of honorary freeman, honorary alderman and honorary officer.
28. To approve, amend, revoke or replace the Council's scheme for councillors' allowances and to determine the levels of all allowances payable to councillors.
29. To determine the amount of any allowance payable to the Mayor or Deputy Mayor.
30. To appoint and dismiss the Joint Chief Executive.
31. To designate officers as the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
32. To appoint proper officers for particular purposes.
33. To determine the terms and conditions on which staff hold office, including procedures for their dismissal, unless otherwise delegated.
34. To exercise such local choice functions as may be set out in Part 3 of this Constitution which the Council has decided should be undertaken by itself rather than the Leader/Executive.
35. 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.
36. To create a Council company, either as a sole or joint owner, where this would not be wholly in accordance with the Council's budgetary framework or existing plans, strategies and policies.
37. To receive a report on an annual basis from the Executive Shareholder & Trustee Committee on the exercise of the Council's function as shareholder.
- ~~38.~~ To determine all other matters which, by law, must be reserved to the Council.

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#### LEADER/EXECUTIVE

1. To provide leadership and direction for the Council.
2. To prepare the budget and policy framework, as defined in Article 4.1 (a) and (b) of the Constitution, for consideration by the Council.
3. To prepare the following matters for consideration by the Council:
  - (a) any proposals and duties in relation to changes to the Council's executive arrangements; and

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- (b) any proposals from the Council's Independent Remuneration Panel to amend, revoke or replace the Council's scheme for councillors' allowances and the levels of all allowances payable to councillors.
4. At the request of the Leader or a relevant, lead councillor to submit comments or recommendations on non-executive matters outside the budget and policy framework or not specified in (3) above to the full Council prior to their determination.
  5. To amend, withdraw or revoke any plan or strategy within the Council's policy framework in the following circumstances:
    - (i) if required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval;
    - (ii) if recommended by the person carrying out an independent examination of a development plan document;
    - (iii) if authorised by a determination made by the Council when approving or adopting the plan or strategy; or
    - (iv) if the decision may reasonably be regarded as urgent and the approval of the Overview and Scrutiny Committee chairman or, in his or her absence, the Mayor or Deputy Mayor, has been obtained.
  6. To make decisions on all executive matters within the approved budget and policy framework and on all other matters which are not the responsibility of any other part of the Council by virtue of the law or this Constitution.
  7. To take decisions which are contrary to or not wholly in accordance with the budget and policy framework in cases of urgency in accordance with the Council's Budget and Policy Framework Procedure Rules.
  8. To approve supplementary estimates and virements in accordance with the Council's Financial Procedure Rules.
  9. To make all necessary arrangements for the discharge of 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 executive functions to another body.
  11. To exercise the Council's powers in relation to emergencies and disasters.
  12. [To act on behalf of the Council, through the Executive Shareholder and Trustee Committee, as shareholder of all Council Companies, whether solely or jointly owned by the Council.](#)

### **EXECUTIVE SHAREHOLDER AND TRUSTEE COMMITTEE**

#### **Background**

The Executive Shareholder and Trustee Committee ("the Committee") has been established by the Executive, [in accordance with section 9E Local Government Act 2000](#), specifically to discharge the shareholder and trustee functions of the Council. The Committee will meet at least ~~once quarterly a year~~ to receive an annual [and periodic reports](#) and annual accounts from ~~the each of the~~ Companies and Charities [in which the Council has an interest](#), but otherwise meetings will be called on an "as and when required" basis to deal with company and charity business.

[The Executive Shareholder & Trustee Committee will report on an annual basis to the Council on the exercise of the shareholder function.](#)

#### **Membership**

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All members of the Executive shall be appointed by the Leader to the Executive Shareholder and Trustee Committee. To be determined by the Leader of the Council from time to time.  
Only members of the Executive may be members of the Executive Shareholder and Trustee sit and vote on the Committee, other than t-he Leader has the authority to appoint up to two co-opted non-elected non-voting members to the Committee from time to time to act as advisors and critical friends to the Committee.

A quorum of three and a maximum number of five Executive Mmembers of the Committee will be required. appointed to the Committee. No substitute members will be permitted. Substitutes, who must also be Executive Members, may be permitted at the discretion of the Leader. The Leader and Deputy Leader of the Council shall be the Chairman and Vice-Chairman respectively of the Committee. Meetings will be chaired by the Leader of the Council or in their absence another member nominated by the Leader of the Council and notified to the Monitoring Officer prior to the meeting.

Meetings will be scheduled to take place on dates and at times as agreed with the Leader of the Council.

The Overview & Scrutiny Resources Committee has the ability to scrutinise the business and decisions of the Executive Shareholder and Trustee Committee and to make recommendations to them. Decisions of the Executive Shareholder and Trustee Committee shall be subject to call in in the usual way in accordance with the Overview & Scrutiny Procedure Rules. All member of the Overview & Scrutiny Resources Committee will be invited to attend and contribute to meetings of the Executive Shareholder and Trustee Committee.

Decisions of the Executive Shareholder and Trustee Committee will be taken by a consensus of members present unless any member of the Committee requests a vote, in which case a majority decision will be taken with each member present having a single vote. In the event of a tie, the Chair shall have a casting vote.

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Company Directors and Company Secretaries may be invited to attend Executive Shareholder and Trustee Committee meetings for business relating to the relevant Company.

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#### **Purpose**

The Executive Shareholder and Trustee Committee is responsible for exercising To exercise the function of the Council as shareholder and trustee as stipulated by relevant legislation including the Companies Act 2006 and Charities Act 2011 and associated statutory guidance and any guidance issued by relevant regulators. It is responsible for acting as owner of the Council's Companies and for safeguarding and furthering the Council's interests and investments in its Companies. The Executive Shareholder and Trustee Committee will take decisions on any matters that are reserved to the Council as shareholder in the Company's Articles' of Association or Shareholder Agreement.

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#### **Remit**

To undertake all functions of the Council as a shareholder and trustee under the Companies Act 2006 and the Charities Act 2011 which may include without limitation:

#### Shareholder duties

- To determine the Shareholder Agreements between the Council and the Companies
- To determine a guidance note for duties of directors (including conflicts of interests)
- To approve and adopt a conflict of interest policy for the Committee

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- To make decisions that only the Council as shareholder can make by law e.g. altering a company's Articles of Association and using, where applicable the written resolution procedure to do so, as prescribed by the Companies Act 2006.
- For non-Companies Act 2006 decisions, a process will be followed without using the formal written resolution procedure. In these circumstances, the Chairman of the Committee will sign a document to record the fact that they have approved the decision.
- To consult with the Companies to determine a set of key operating principles the Companies will seek to adapt. These principles will ultimately be agreed by the Companies and the Committee.
- To appoint and dismiss directors of the Companies (where power to do so is reserved to the shareholder)
- To appoint and remove a Company Secretary and Auditor
- To agree any loan agreements or draw-down of Council financing (subject to funds being made available by the Council and any previous authorised delegations)
- To agree any reserved matter required by the Articles of Association or Shareholder Agreements
- To agree the Articles of Association or any amendment thereof
- To approve the Companies Delegation Matrix
- To agree and approve the allotment of shares (equity investments)

#### Trustee duties

- To ensure compliance with and further each of the Charities' charitable objects, trust deeds and associated public benefit; including an annual review
- To ensure the completion and submission of Charity Annual Account returns and the Charity Annual Trustee Report to the Charity Commission
- To arrange a Trustee meeting to agree the accounts and Trustee's Annual Report within two months of the financial year ending
- To comply with best practice (Statement of Recommended Practice, SORP) to produce annual accounts and a report that includes an explanation of what the charity has done for the public benefit during the year
- To make strategic decisions including approving annual business plans, management agreements and leases
- To annually review the purposes of the Charities and make any required applications to amend the Charities' governing documents to support effective management of the Charities
- To approve and adopt a conflict of interest policy
- To approve disposals (leases, licences) in accordance with S117 of the 2011 Charities Act 2011 including:
  - To consult the public on the disposal of charity property where required to do so
  - Issue public notices regarding proposed disposal of charity property where required to do so.
- To approve the formation of management companies where considered to be a suitable mechanism for managing a charity. This could include the charity becoming a member of a management company where suitable to do so.

### **CORPORATE GOVERNANCE AND STANDARDS COMMITTEE**

#### **Statement of purpose**

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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.

#### **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 ensure 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 agree the internal audit plan with the Council's wholly or jointly owned Companies and receive such audits for consideration and review.](#)

#### **Corporate Governance Activity**

98. 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.
109. 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, a Director, the Leader/Executive or any other committee of the Council.
110. To monitor the effective development and operation of risk management undertaken throughout the Council including the review of the Corporate Risk Register.

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- 124. To consider and approve the Council's Annual Governance Statement in advance of the formal approval of the Council's Statement of Accounts.
- 132. To consider an annual report of the operation of the whistle-blowing policy, including incidents reported
- 143. To monitor and audit the Council's equality and diversity policies and approve the Equality Scheme and associated action plan.
- 154. To monitor bi-annually the Council's performance in dealing with Freedom of Information and Environmental Information Regulations requests.
- 165. To monitor the Council's progress on various data protection and information security initiatives.
- 176. 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
- 187. To consider bi-annually Planning Appeals Monitoring Reports and S106 Monitoring Reports
- 198. To consider an annual report on the exercise of powers under the Regulation of Investigatory Powers Act 2000
- 20 [To receive an annual report from the Executive Shareholder & Trustee Committee on the exercise of the Council's shareholder function and make recommendations on the activity to the Council at least annually.](#)

#### **Ethical Standards Activity**

- 1921. To promote and maintain high standards of conduct by councillors and co-opted members<sup>1</sup>
- 229. To advise the Council on the adoption or revision of the Councillors' code of conduct.
- 234. To advise, train or arrange to train councillors and co-opted members on matters relating to the code of conduct.
- 242. 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.
- 253. To agree allowances and expenses for the Independent Person and any Reserve Independent Persons
- 264. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
- 275. To 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.
- 286. To consider the Monitoring Officer's Annual Report on misconduct complaints against councillors, and any other matter referred by the Monitoring Officer.

#### **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

<sup>1</sup> A "co-opted member" for this purpose is, defined in the Localism Act section 27 (4) as "a person who is not a member of the authority but who

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Reference to councillors or co-opted members in paragraphs 30 and 31 includes councillors or co-opted members of parish councils in the Council's area.

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management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

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.

#### **GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL JOINT GOVERNANCE COMMITTEE**

##### **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:



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- (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

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- (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.

#### **GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL JOINT SENIOR STAFF COMMITTEE 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).

##### **1.0 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.

##### **2.0 APPOINTMENT**

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

##### **3.0 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).

##### **4.0 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.

##### **5.0 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.

##### **6.0 VOTING**

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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.

#### **7.0 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.

#### **8.0 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.

#### **9.0 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.

#### **10.0 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.

#### **11.0 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.

#### **12.0 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.

#### **13.0 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**

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- (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<sup>2</sup> 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.

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<sup>2</sup> Section 151/Chief Finance Officer and Monitoring Officer

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- (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.

#### **15.0 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.

#### **16.0 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).

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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.

#### **LICENSING COMMITTEE**

1. Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts.
2. 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 of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
3. All functions relating to health and safety at work in so far as they are the responsibility of the Borough Council as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
4. To determine 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.
5. To consider objections following the statutory publication of the fees and charges referred to in 4. above and to approve the final fees and charges.

#### **LICENSING REGULATORY SUB-COMMITTEE**

Other than those matters prescribed by the Licensing Act 2003 and Gambling Act 2005, to determine contested licensing applications and disciplinary matters within the purview of the Licensing Committee in accordance with the Council's policies.

#### **LICENSING SUB-COMMITTEE**

All relevant functions relating to licensable activities, as described in the Licensing Act 2003 and the Gambling Act 2005.

## PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES

### 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 <a href="#">Council owned Companies</a>
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 Guildford borough. 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

#### 1.5 General terms of reference

Each Overview and Scrutiny Committee may:

- appoint such formal sub-committees and informal task and finish groups as they consider appropriate to fulfil the Council's overview and scrutiny functions,
- approve an overview and scrutiny work programme so as to ensure that each Committee's time is effectively and efficiently utilised,

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- (c) 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.
- (d) 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.

### **2. Committee Form and Structure**

#### **Composition**

- 2.1 Each Overview and Scrutiny Committee will comprise 12 members and shall be politically balanced.
- 2.2 Any non-Executive member who has not been appointed to an Overview and Scrutiny Committee may substitute for any member of an Overview and Scrutiny Committee, provided that they are from the same political group as the member for whom they are substituting.
- 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 Selection Council meeting 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 Task and Finish 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.



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### **Meetings**

2.8 There will normally be at least seven ordinary meetings of each Overview and Scrutiny Committee each municipal year. In addition, special meetings may be called if appropriate including meetings to consider matters called-in to committee.

[2.9 In addition, members of the Overview & Scrutiny Resources Committee will be invited to attend and speak at every meeting of the Executive Shareholder and Trustee 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 4 voting members.

### **Competency**

2.11 All 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 appointment to the Committee, and as directed thereafter.

### **3. Functions and responsibilities**

With regard to the service 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 officers from the Joint Management Team 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.

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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 decisions made by and the performance of the Executive Shareholder and Trustee Committee in respect of the Council's Companies and Charities.](#)

3.2.34 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

3.2.45 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.

3.2.5-6 Exercise the right to call-in, for reconsideration, decisions made by the Executive or key decisions taken by an officer but not yet implemented.

3.2.6-7 Make reports and/or recommendations to the Council and/or the Executive and/or joint committees in connection with the discharge of any functions.

3.2.7-8 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.

3.2.8-9 Question and gather evidence from any person (with their consent).

3.2.9-10 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.

3.2.110 Consider any Councillor Call for Action on matters relevant to the Committee.

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

3.2.123 To consider reports on the Capital and Investment Strategy prior to their referral to the Executive and Council.

3.2.134 To consider budget monitoring reports at least on a quarterly basis.

#### **3.3 Annual report:**

### **PART 3 – TERMS OF REFERENCE OF COUNCIL, THE LEADER/EXECUTIVE AND COMMITTEES**

3.3.1 Each Overview & 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 of the 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 Committee and promote the development and exercise of the overview and scrutiny function according to the Council's Constitution;
- (b) ensure that the work of the Committee contributes to the Council's corporate objectives;
- (c) liaise with Executive members as appropriate; and
- (d) contribute to the training and development of members engaged in the overview and scrutiny role.

#### **PLANNING COMMITTEE**

1. 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).

2. All functions relating to:

- (a) the stopping up or diversion of footpaths, bridleways or restricted byways affected by development;
- (b) the extinguishment of public rights of way over land held for planning purposes; and
- (c) trees and hedgerows

as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).