

## GUILDFORD BOROUGH COUNCIL



Contact Officer:

John Armstrong,  
Democratic Services and Elections Manager  
Tel: 01483 444102

9 May 2023

To the Councillors of Guildford Borough Council

You are hereby summoned to attend a meeting of the Council for the Borough of Guildford to be held in the **Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB** on **WEDNESDAY, 17 MAY 2023** commencing at 7.00 pm.

Tom Horwood  
Joint Chief Executive of Guildford and Waverley Borough Councils

Millmead House  
Millmead  
Guildford  
Surrey GU2 4BB  
[www.guildford.gov.uk](http://www.guildford.gov.uk)

### WEBCASTING NOTICE

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months. If you have any queries regarding webcasting of meetings, please contact Committee Services.

## THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

### **Our Vision:**

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

### **Our Mission:**

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

### **Our Values:**

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

### **Our strategic priorities:**

#### Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

#### Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

#### Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

<b>Time limits on speeches at full Council meetings:</b>	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Seconder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Seconder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

## **AGENDA**

### **1. APOLOGIES FOR ABSENCE**

### **2. DISCLOSURES OF INTEREST**

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

### **3. MINUTES**

To confirm the minutes of the Annual Meeting of the Council held on 10 May 2023 (to follow).

**4. MAYOR'S COMMUNICATIONS**

To receive any communications or announcements from the Mayor.

**5. ELECTION OF THE LEADER OF THE COUNCIL**

To receive the report of the Democratic Services and Elections Manager on nominations received in respect of the election of the Leader of the Council.

Under the Council's current executive arrangements and in accordance with Council Procedure Rule 21(a), the Council shall elect the Leader for a four-year term of office ending on the day of the next post-election annual meeting of the Council. A councillor proposing to nominate another councillor as Leader must notify the Democratic Services and Elections Manager of their nomination, and the name of the councillor seconding the nomination before the meeting at which the election is to be held. Details of nominees and their proposers and seconders will be included on the Order Paper for the meeting. If more than one councillor is nominated, the election of the Leader shall be by show of hands.

In accordance with Council Procedure Rule 21(d), the newly elected Leader of the Council may announce the appointment of the Deputy Leader and Lead Councillors on the Executive and the titles of the portfolios assigned to them.

**6. LEADER'S COMMUNICATIONS**

To receive any communications or announcements from the newly elected Leader of the Council.

**7. PUBLIC PARTICIPATION**

To receive questions or statements from the public.

**8. QUESTIONS FROM COUNCILLORS**

To hear questions from councillors of which due notice has been given.

**9. APPOINTMENTS TO COMMITTEES 2023-24 AND OTHER APPOINTMENTS (Pages 5 - 56)**

Council Report

Ward(s) affected: n/a

Report of Strategic Director: Transformation and Governance

Author: John Armstrong (Democratic Services and Elections Manager)

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Date: 17 May 2023

## **Appointment of Committees: 2023-24 and other Appointments**

### **Recommendation to Council:**

- (1) That, for the 2023-24 municipal year, the Council agrees to appoint the committees referred to in the table set out in paragraph 4.1 of this report, and agrees their respective size referred to therein and the proposed terms of reference, as indicated in **Appendix 1** to this report.
- (2) That the numerical allocation of seats on committees to each political group on the Council, as shown on the Order Paper to be submitted to the Council, be approved for the 2023-24 municipal year.
- (3) That the nominations for membership and substitute membership (where applicable) of the committees, Executive Advisory Boards, the joint committees, for the 2023-24 municipal year, as shown on the Order Paper to be submitted to the Council, be approved in accordance with the wishes of the political groups.
- (4) That the nominations for election of chairmen and vice-chairmen of committees (including Executive Advisory Boards), and relevant sub-committees for the 2023-24 municipal year, as shown on the Order Paper to be submitted to the Council, be approved.
- (5) That the Council re-appoints Murray Litvak as a co-opted independent member of the Corporate Governance and Standards Committee for the four-year period 2023-2027.
- (6) That the Council re-appoints Julia Osborn (Send Parish Council), Ian Symes (Effingham Parish Council), and Tim Wolfenden (Shalford Parish Council) as co-opted parish members on the Corporate Governance and

Standards Committee for a period up to the appointment of their successors.

- (7) That the Council appoints, having regard to the person specification attached as **Appendix 3** to this report, a councillor representative to the Surrey Police and Crime Panel for a term of office expiring in May 2027.
- (8) That the nominations for appointment of the Councillor Champions (and deputies) for the 2023-24 municipal year, as shown on the Order Paper to be submitted to the Council, be approved.
- (9) That, in accordance with Section 28 (7) of the Localism Act 2011, the Council appoints the following persons as Independent Persons for a four-year term of office expiring in May 2027:
  - Andrea Armstrong
  - Vivienne Cameron
  - Jane Clarke
  - Bill Donnelly
  - John Smith
- (10) That the Council agrees the time at which Council and Committee meetings shall normally begin.

Reasons for Recommendation:

- To comply with Council Procedure Rules 23 and 29 of the Constitution in respect of the appointment of committees and election of chairmen and vice-chairmen
- To enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality on its committees.
- To enable the Council to comply with the requirements of the Police Reform and Social Responsibility Act 2011.
- To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011.

**Is this report (or part of it) exempt from publication?** Yes, part of the report

- (a) The content of Appendices 2 and 4 is to be treated as exempt from the Access to Information publication rules because they contain the personal information of the applicant for appointment as an independent member of the Corporate Governance & Standards Committee (Appendix 2) and the applicants for appointment as Independent Persons (Appendix 4). Appendices 2 and 4 are therefore exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows: "Information relating to an individual".
- (b) The content is restricted to all councillors.
- (c) The exempt information is not expected to be made public as it is personal information.
- (d) The decision to maintain the exemption may be challenged by any person at the point at which the Council is invited, if necessary, to pass a resolution to exclude the public from the meeting to consider the exempt information.

## **1. Purpose of report**

1.1 This report asks the Council:

- (a) to appoint a number of committees to discharge various non-executive functions and to agree their respective size, terms of reference, and numerical allocation of seats to political groups;
- (b) to appoint councillors to those committees in accordance with the statutory requirements for political balance;
- (c) to elect committee and sub-committee chairmen and vice-chairmen, as appropriate;
- (d) to agree the appointment of a number of Councillor Champions;
- (e) to agree various other appointments; and
- (f) to review the start time for Council and Committee meetings.

## **2. Background**

### Appointment of Committees

- 2.1 Council Procedure Rule 23 (a) requires the Council, at its Selection meeting each year, to appoint such committees as it shall determine and to agree their respective size and terms of reference.
- 2.2 Except in relation to the Licensing Committee and its sub-committees where the Council has absolute discretion as to whether they are politically balanced, the membership of each of the Council's committees and sub-committees shall be in accordance with statutory requirements for political balance. As far as possible, the number of seats allocated to a political group on committees and sub-committees will reflect the size of that group in proportion to the total Council membership.
- 2.3 Under Council Procedure Rule 23, the Council is required to review the allocation of seats on committees to political groups at its Selection meeting and as soon as reasonably practicable following any change in the political constitution of the Council or as otherwise required by statute. Wherever such a review is required, the Democratic Services and Elections Manager will submit a report to the Council showing what allocation of seats would best meet the requirements for political balance.

## **3. Political Composition of the Council**

- 3.1 Following the Borough Council elections held on 4 May 2023, the political composition of the Council is now:

Liberal Democrats:	25
Conservatives:	10
Residents for Guildford and Villages:	7
Guildford Greenbelt Group:	3
Labour:	3

### Political Groups

- 3.2 A political group has to consist of at least two councillors and must be formally constituted in accordance with Regulations. Details of the various political groups and their individual memberships will be reported on the Order Paper to be circulated to all councillors before the Council meeting.



#### 4. Appointment of Committees

4.1 Under Council Procedure Rule 23 (g), the Council is invited to appoint the following committees in the manner specified in the table below:

<b>Committee</b>	<b>No. of voting members of Committee</b>	<b>No. of substitute members of Committee</b>	<b>No. of co-opted (non-voting) members</b>
Corporate Governance and Standards Committee	7 councillors <sup>1</sup>	Up to 3 per political group	Up to 3 independent members and 3 parish members <sup>2</sup>
Employment Committee	3 councillors <sup>3</sup>	Up to 4 per political group	None
Service Delivery Executive Advisory Board	12 councillors (non-Executive)	Up to 7 per political group	None
Strategy and Resources Executive Advisory Board	12 councillors (non-Executive)	Up to 7 per political group	None
Joint Appointments Committee (with Waverley)	3 councillors (Leader + 2)	2	None
Joint Governance Committee (with Waverley)	6 councillors (Leader + 5)	Unlimited	None
Licensing Committee	15 councillors	None	None
Overview and Scrutiny Committee	12 councillors (non-Executive)	Unlimited <sup>4</sup>	None
Planning Committee	15 councillors	Up to 5 per political group	None

<sup>1</sup> who may include one member of the Executive, except the lead councillor whose portfolio includes finance and resources. Neither the Leader nor Deputy Leader may be a member or substitute member of this Committee

<sup>2</sup> The three parish members will be appointed formally, for a four-year term ending May 2027, at the Council meeting on 25 July 2023 (see paragraph 7 below)

<sup>3</sup> including at least one member of the Executive

<sup>4</sup> provided that none are Executive members

4.2 Where applicable, the committees will appoint their respective sub-committees. The Council is also invited to consider and approve the terms of reference of these committees for 2023-24, details of which are set out in **Appendix 1** to this report.

**5. Requirement for political balance and numerical allocation of seats on committees**

5.1 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political groups. The Council must give effect, *as far as reasonably practicable*, to the following four principles in constituting its committees or sub-committees:

(a) that not all of the seats on any committee are allocated to the same political group;

(b) that if a political group has a majority on the Council, it must have a majority of seats on all committees;

(c) that, subject to (a) and (b) above, the number of seats allocated to a political group across all the committees must reflect their proportion of the authority's membership; and

(d) that, subject to (a) to (c) above, the number of seats allocated to a political group on each committee is as far as possible in proportion to the group's membership of the authority.

5.2 Once the allocation of seats to the political groups has been determined, section 16 of the 1989 Act places a duty on the Council to allocate those seats in accordance with the wishes of the political groups. Details of the numerical allocation of seats on the committees to the political groups together with each political group's nominations to fill those seats (and substitutes where appropriate) will be included on the Order Paper to be circulated to all councillors prior to the Council meeting.

5.3 Whenever, during the course of the year, an appointment of a member or substitute member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated or whenever such an appointment falls to be terminated in accordance with such wishes, the Democratic Services and Elections Manager shall make or terminate such appointments in accordance with the wishes of that political group. The wishes of a political group are taken

to be those expressed to the Democratic Services and Elections Manager in writing by:

- (a) the leader of the political group, or
- (b) in a statement to the Democratic Services and Elections Manager supported in writing by a majority of the members of that group.

In the event that different wishes of a political group are notified in accordance with (a) and (b) above, the wishes notified in accordance with (b) shall prevail. No member of a committee shall be appointed so as to hold office later than the next annual meeting of the Council (i.e., May 2024).

## **6. Election of chairmen and vice-chairmen of committees and sub-committees**

6.1 At the Selection Meeting each year, and following the appointment of committees, Council Procedure Rule 29 requires the Council to elect the chairmen and vice-chairmen of all committees, including the Executive Advisory Boards, and any sub-committees of those committees for the ensuing municipal year. Nominations for election of committee and sub-committee chairmen and vice-chairmen shall be submitted to the Democratic Services and Elections Manager in advance of the Selection Meeting at the same time as nominations are submitted for appointments to committees.

6.2 Details of nominations received in respect of the election of committee and sub-committee chairmen and vice-chairmen will also be set out in the Order Paper for the meeting.

## **7. Co-opted Members of the Corporate Governance and Standards Committee**

7.1 Article 10 of the Council's [Constitution](#) provides that the membership of the Corporate Governance and Standards Committee shall include up to three co-opted (non-voting) independent members and up to three co-opted (non-voting) parish members, each of whom is appointed for a four-year term coinciding with councillors' term of office. Article 10 also prescribes a process for the appointment of the co-opted members, with serving co-optees being eligible for re-appointment.

### Independent Members

- 7.2 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.
- 7.3 The Council has invited applications from the general public via its website and social media, for the appointment of co-opted independent members of the Corporate Governance and Standards Committee. Following receipt of two applications, from the two current independent members, both were invited for interview by a panel comprising the (then) Chairman of the Corporate Governance and Standards Committee, the Monitoring Officer and Chief Finance Officer. Unfortunately, one of the applicants had to withdraw from the process due to ill health. However, the panel has unanimously recommended to the Council the re-appointment of Mr Murray Litvak. A copy of Mr Litvak's CV in support of his application for re-appointment is attached as the "Not for Publication" **Appendix 2** to this report.

### Parish Members

- 7.4 Parish councils have recently been invited to nominate parish councillors as co-opted parish members on the Committee for the next four-year term to May 2027. Where there are up to three nominations received, the Council shall consider their formal co-option to the Committee at its meeting on 25 July 2023. If there are more than three nominations, a ballot of parish councils shall be held and the results reported to Council, again on 25 July.
- 7.5 As there is a meeting of the Corporate Governance & Standards Committee scheduled for 15 June 2023, all three of our former parish members, namely Julia Osborn (Send Parish Council), Ian Symes (Effingham Parish Council), and Tim Wolfenden (Shalford Parish Council), all of whom were re-elected to their respective parish councils, have been asked whether they would be happy to continue as parish members (at least) up to 25 July, pending the appointment of their successors. All three have agreed, which means that, subject to the Council's approval, they can attend in that capacity at the Committee meeting on 15 June.

## 8. Surrey Police and Crime Panel

- 8.1 The Police Reform and Social Responsibility Act 2011 underpins the governance and accountability arrangements for policing in Surrey, which include the formation of a police and crime panel. The Surrey Police and Crime Panel is a committee of Surrey County Council and consists of one elected councillor from each of Surrey's twelve local authorities and two co-opted independent members.
- 8.2 The role of the Surrey Police and Crime Panel is to provide a check and balance against the performance of Surrey's Police and Crime Commissioner by scrutinising their actions and decisions in the exercise of their functions. and to make sure information is available for the public so that they can hold their Commissioner to account. The Panel supports and challenges the Commissioner, acting as a critical friend. The [Constitution of the Surrey Police and Crime Panel](#) is available online.
- 8.3 The Panel's main functions are as follows:
- Review the draft police and crime plan, or draft variation, given to the panel by the Commissioner and make a report or recommendations on the draft plan or variation to the Commissioner, who must have regard to them
  - Review the Commissioner's annual report and make a report or recommendations on the report to the Commissioner at a public meeting to which the Commissioner must attend
  - Review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions.
  - Publish any report or recommendations made to the Commissioner
  - Require the Commissioner and members of their staff to attend the Police & Crime Panel to answer questions
  - Review certain senior appointments made by the Commissioner
  - Review chief constable appointments, with the power to veto the appointment with a two thirds majority vote.
  - Review and report on the Commissioner's proposals to remove a chief constable.
  - Review the Commissioner level of precept, with the power to veto the precept with a two thirds majority vote
  - Suspend the Commissioner on their being charged with certain criminal offences.
  - Appoint an acting Commissioner if necessary.

- Initial handling and informal resolution of complaints about the conduct of the Commissioner/Deputy Commissioner
- 8.4 The next meeting of the Panel (the AGM) is on Thursday 29 June 2023 at 10.30 am at Woodhatch Place, Reigate. Subsequent meetings are scheduled for the following dates:
- 28 September 2023
  - 24 October 2023 (informal meeting)
  - 24 November 2023
  - 2 February 2024
- 8.5 It is important that, in making appointments, councils consider the skills, knowledge and experience required to discharge the functions of the Panel. A person specification, outlining the key competencies and skills required is attached at **Appendix 3** and should be taken into account when the Council makes an appointment to the Panel for a four-year period of office ending May 2027. No substitutes are permitted.

## **9. Appointments to External Organisations 2023-2027**

- 9.1 The Council appoints councillors to over thirty external organisations, which include local charities, community groups and joint local authority advisory bodies, for which they undertake a range of governance or advisory roles. Some of these appointments are for the Executive to make, and others are full Council decisions – where they are contested. Appointments are normally for a period of four years.
- 9.2 Details of these organisations and the nominations process will be circulated to all councillors in due course. Any contested appointments will be referred to full Council on 25 July, or to the Executive, as appropriate.

## **10. Councillor Champions**

### Armed Forces Champion

- 10.1 Borough and district councils across Surrey have been invited to appoint a member of the Executive, or Chairman of an appropriate Scrutiny Committee, or a Member with an interest in the Armed Forces community, as the Council's Armed Forces Champion. The role involves raising the profile and needs of the Armed Forces community (serving personnel, both

regular and reserve, their families, and veterans), within the Council and the Borough. Close liaison with the Council's Armed Forces Covenant Officer, with particular reference to the Council's obligations undertaken through the Armed Forces Covenant and the Community Covenant, will be essential.

The Armed Forces Champion for 2022-23 was Councillor Tom Hunt.

#### Historic Environment and Design Champion

- 10.2 Since 2004, the Council has appointed an Historic Environment and Design Champion whose role has been to promote and support best practice in the built and historic environment by ensuring that the Council provides a vision for how the quality of the built environment will improve. This will require an overview of the host of responsibilities the Council has, for example via planning, conservation, procurement of new buildings and the management of streets and green spaces.

The Historic Environment and Design Champion for 2022-23 was Councillor Bob McShee.

#### Older Persons' Champion

- 10.3 When the Executive adopted the Later Life Strategy in October 2010, the appointment of an independent Older Persons' Champion was approved in principle, and it was agreed that future appointments should be made annually by the Council at its Selection meeting. The Champion's role is to promote services for older people within the Borough. The role requires a willingness to challenge existing structures and cultures; and an ability to work across organisational boundaries and motivate key partners.

The Older Persons' Champion for 2022-23 was Councillor Maddy Redpath.

- 10.4 The Council is invited to appoint Councillor Champions for 2023-24, nominations for which will be set out on the Order Paper to be circulated prior to this Council meeting. By way of information the current Councillor Champions have been invited to provide a summary of their activities over the past municipal year, details of which will be included in the Order Paper.

### **11. Appointment of Independent Persons**

- 11.1 The current ethical standards framework for councillors was established in 2012 following the enactment of the Localism Act 2011 ("the Act").

Amongst other things, the Act requires the Council to appoint at least one Independent Person whose views must be sought and taken into account before a decision is made on an allegation of misconduct by a councillor (or a parish councillor) which the Council has decided to investigate. At Guildford, the Monitoring Officer decides, after consultation with the Independent Person, whether a complaint merits a formal investigation. The Independent Person's views may also be sought by the Council at any other stage in a misconduct complaint, or by a councillor against whom an allegation has been made.

- 11.2 The Council is also required to use an appointed Independent Person in respect of dismissal or disciplinary procedures against the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 11.3 It has often been challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to recruitment of Independent Persons by entering into joint arrangements with six other Surrey councils. These joint arrangements have been in place since 2012.
- 11.4 The term of office of those Independent Persons who were appointed jointly in 2019 by this Council, plus Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, Surrey Heath, and Waverley has now ended.
- 11.5 An advertisement including a person profile for the appointment of Independent Persons was placed on the websites of the seven participating councils in January 2023, with a deadline date of 24 February 2023 for receipt of applications. In addition, the details of the appointments were publicised via those councils' social media channels.
- 11.6 The current Independent Persons were each asked if they would be happy to continue in the role until 2027 and, if so, were invited to apply for re-appointment. Following the advertisement, applications were received from ten candidates, three of whom were existing Independent Persons (namely Vivienne Cameron, Bill Donnelly, and John Smith). The monitoring officers of the participating councils undertook a shortlisting process and following interviews by a small panel of monitoring officers in early March, the following candidates have been recommended to each of the participating councils for appointment as Independent Persons for those councils for a four-year term ending in May 2027:



- Andrea Armstrong
- Vivienne Cameron
- Jane Clarke
- Bill Donnelly
- John Smith

11.7 Copies of the candidates’ CVs in support of their applications are attached to this report as “Not for Publication” **Appendix 4.**

**12. Start time for Council and Committee Meetings**

12.1 The Council’s Constitution currently provides that the start time for the Annual Meeting (held at the Guildhall) shall be 12 noon, whilst the start time for ordinary meetings and extraordinary meetings of the Council shall be 7pm.

12.2 In respect of ordinary meetings of the Executive, Committees, and Sub-Committees the Constitution states that these shall be held at such times as the Council, or the Executive, committee, or sub-committee concerned may fix. In practice, meetings of the Executive and Committees have also generally begun at 7pm. Joint committee meetings with Waverley Borough Council are arranged at such times as are convenient for the members concerned. Meetings of the Licensing Sub-Committee and Licensing Regulatory Sub-Committee are normally held in the daytime. Other sub-committee meetings are also held at such times as are convenient for the members concerned.

12.3 The Council is requested to consider the appropriate normal start time for full Council, Executive, and Committee meetings.

12.4 The table below shows the current normal start times for full Council and Committee meetings for the other Surrey Borough and District Councils:

<b>Council</b>	<b>Full Council meeting start time</b>	<b>Committee meeting start time</b>
Elmbridge	7pm	7pm
Epsom & Ewell	7.30pm	7.30pm
Mole Valley	7pm	7pm
Reigate & Banstead	7.30pm	7.30pm

<b>Council</b>	<b>Full Council meeting start time</b>	<b>Committee meeting start time</b>
Runnymede	7.30pm	7.30pm
Spelthorne	7pm	7pm
Surrey Heath	7pm	7pm (6pm for Exec)
Tandridge	7.30pm	7.30pm
Waverley	6pm	6pm: Executive, Planning 7pm: O&S, Audit
Woking	7pm	7pm

### **13. Legal implications**

- 13.1 As the Council's membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations, to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided. There is also a duty to review annually the allocation of seats on committees to political groups or following any change in the political constitution of the Council.
- 13.2 The Council has wide powers in the Local Government Act 1972 to appoint committees and delegate (non-executive) functions to them. As the Council operates executive arrangements, it is required under the Local Government Act 2000, to establish at least one overview and scrutiny committee.
- 13.3 The Council should ensure the separation of roles between the Council as developer and the Council as Local Planning Authority so as to ensure there is no conflict of interests or perception of pre-determination or bias.
- 13.4 It is recognised good practice to ensure that the Leader and Lead Councillors on the Executive do not sit as members of the Planning Committee given the potential conflict of interest that is likely to exist in respect of planning applications in respect of the Council's own

developments or developments which directly affect the Council's land or property holding.

- 13.5 Although the appointment of co-opted independent members and parish members to the Corporate Governance and Standards Committee is not a statutory requirement, the Council has chosen to appoint such members as a means of ensuring that we are able to bring an independent, objective perspective to the audit and governance work of this Committee.

#### **14. Financial Implications**

- 14.1 Councillors who are elected as chairmen of committees (and EABs) are entitled to receive a special responsibility allowance (SRA) in accordance with the Council's adopted scheme of allowances for councillors, which is due for review this year. The SRAs vary according to the committee/EAB, ranging from £3,919 p.a. to £6,269 p.a. In addition, the scheme of allowances provides that co-opted members of committees are entitled to a small co-optees' allowance (currently £393 p.a.) and claim travel and subsistence allowance at the same rate as councillors to cover the cost of attending meetings. All of this can be contained within existing budgets.

- 14.2 The Independent Persons appointed by this Council shall not be entitled to receive any remuneration other than travelling expenses which will be paid at the same rate as currently provided for councillors under the adopted scheme of allowances.

- 14.3** There are no other financial implications arising from consideration of this matter.

#### **15 Human resource Implications**

- 15.1 There are no significant human resource implications arising from this report.

#### **16 Background Papers**

None

#### **17 Appendices**

Appendix 1: Proposed terms of reference of the Council's Committees for 2023-24

Appendix 2: Mr Murray Litvak's CV in support of his application for re-appointment as a co-opted independent member of the Corporate Governance & Standards Committee (EXEMPT)

Appendix 3: Person Specification for Surrey Police & Crime Panel Member

Appendix 4: CVs submitted by Andrea Armstrong, Vivienne Cameron, Jane Clarke, Bill Donnelly, and John Smith in support of their applications for appointment as Independent Persons (EXEMPT)

## **GUILDFORD BOROUGH COUNCIL**

### **TERMS OF REFERENCE OF COMMITTEES 2023-24**

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

##### **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.

##### **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 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, a 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
15. To monitor and audit the Council's equality 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<sup>1</sup>
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 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 Person and any Reserve Independent Persons
26. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
27. 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.

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<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.

28. 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 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.

## **EXECUTIVE ADVISORY BOARDS**

Each Executive Advisory Board will consider reports on matters relating to the functions of the Executive that fall within its remit. The remits of each Executive Advisory Board are shown below and are aligned to themes in the Corporate Plan; they will be reviewed and approved at the Council's Selection meeting each year. The Executive Advisory Boards will meet in public, be webcast, and be subject to Part C of the Council Procedure Rules, Public Speaking Procedure Rules and Access to Information Procedure Rules in Part 4 of the Constitution.

### **Membership:**

- (a) Each Executive Advisory Board shall comprise 12 non-executive councillors, one of whom shall be appointed by the Council as chairman, with normal voting rights.
- (b) The Council shall appoint a vice-chairman for each Executive Advisory Board.
- (c) Proportionality rules will apply.
- (d) Substitutes will be allowed in accordance with the rules and procedures of this Constitution, and in respect of each Executive Advisory Board, the Council may appoint up to seven substitute members for each political group.



### **Meetings:**

- (a) Each Executive Advisory Board shall normally meet on alternate months with the flexibility to have a balanced inter-changeable remit as appropriate to the agenda items, without the risk of losing topic continuity and expertise, and possibly ahead of Executive meetings to offer a pre-decision opportunity to make recommendations.
- (b) The relevant Lead Councillor (or other Executive members in the absence of the relevant Lead Councillor) will be expected to proactively attend Executive Advisory Board meetings and should normally present matters (with officer support) for discussion at meetings and engage actively in a dialogue with the Executive Advisory Boards regarding those matters.
- (c) The quorum of each Executive Advisory Board will be 4.

### **Responsibilities:**

Each Executive Advisory Board will have free range to select their own review topics on which to advise the Executive in addition to the following general responsibilities within its remit:

- (a) To consider and (where necessary) make recommendations on all Key (or other significant) Decisions, prior to the formal consideration of all such decisions by the Executive.
- (b) To assist and advise the Executive in the development of Policy Framework issues.
- (c) To undertake research and reviews for the purpose of advising the Executive on the delivery of Corporate Plan Priorities.
- (d) To advise the Executive at an early stage in respect of the formulation and development of policies and projects that will help to deliver Corporate Plan Priorities
- (e) To assist in the development of Executive Decisions
- (f) To assist and advise the Executive as regards budget preparation.
- (g) To develop and maintain a work programme ensuring that there is efficient use of its time

**Powers:**

Each Executive Advisory Board will have the power:

- (a) To require the Leader and/or lead councillors and officers to attend before it to answer questions
- (b) To question and gather evidence from any person (with their consent)
- (c) To co-opt expert individuals on a non-voting basis to assist their work.
- (d) To set up, subject to available resources, panels, task groups or breakout groups to look at specific issues relating to the delivery of the Corporate Plan (or other significant priorities) in order to inform decision making by the Executive. For the avoidance of doubt, the membership of such panels and groups shall be open to all councillors.

**Remits:**

The remits of the Executive Advisory Boards will be aligned to reflect the Executive portfolios and Directorates of the Council, as follows:

- (a) The Strategy and Resources Executive Advisory Board.
- (b) The Service Delivery Executive Advisory Board

**Protocol for their operation:**

- (1) EABS are advisory in nature and do not have any substantive decision-making powers delegated to them. EABS are to act as a source of advice to the Executive.
- (2) EABS will enable greater involvement and engagement of councillors and the public in significant Executive decisions.
- (3) EABS will advise the Executive at an early stage about the formulation and development of policies and projects that will help deliver Corporate Plan priorities. The EABS are intended to enable backbench councillors to be more closely involved with issues of greatest importance to the Council.
- (4) The chairmen and vice-chairmen of the EABS will meet regularly to identify priorities and prepare draft work programmes for consideration and approval by the EABS and, as part of this process, will take into

account the forthcoming key or significant Executive decisions set out in the Forward Plan. Subject to paragraph (5) below, those matters identified in the agreed work programmes will be considered by the EABs in detail.

- (5) When considering an Executive decision, the EABs will aim to do so at a time when it is still open to influence, that is to say, when there is an expectation that advice from the EAB or any recommendation or suggestion for improvement could realistically lead to change. EAB agendas will list all forthcoming key or significant Executive decisions set out in the Forward Plan, except those that are urgent.
- (6) EABs will determine their final recommendations to the Executive by consensus if at all possible.
- (7) The advice of EABs to the Executive, including explanation for any recommendations, will be contained within a report considered by the Executive. The justification for not accepting advice from an EAB is to be made clear in the options considered by the Executive.
- (8) EAB Chairmen and / or Vice-Chairmen shall attend Executive meetings to elaborate on advice given by their respective EABs, and shall receive feedback from the Executive.
- (9) Membership of both an EAB and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly; yet, EABs are advisory and it remains the responsibility of the Executive to formally take and implement the decision.

#### **EMPLOYMENT COMMITTEE**

1. To approve the Council's human resources policies.
2. Following the relevant procedures set out in Officer Employment Procedure Rules in Part 4 of the Constitution:
  - (a) To make recommendations to full Council in respect of the appointment or dismissal of Relevant Officers

- (b) To determine disciplinary action short of dismissal of Relevant Officers.
  - (c) To determine the appointment, dismissal or disciplinary action short of dismissal of the Deputy Managing Director or Directors, provided that they are not Relevant Officers.
  - (d) To constitute the Appeals Panel provided that such Panel shall comprise only those members or substitute members of the Employment Committee who were not involved in the original Hearing.
3. To determine remuneration and pension discretions relating to the Managing Director and Directors in accordance with the Council's approved human resources policies and Pay Policy Statement.
  4. To approve or make a recommendation to Council for any financial settlement with any Director in connection with the termination of his or her employment, subject to the requirements of the Pay Policy Statement.
  5. To make recommendations to Council in relation to any financial settlement with the Managing Director in connection with the termination of his or her employment.
  6. To conduct a hearing into any unresolved grievance brought by the Managing Director.
  7. Any employment decision relating to an employee affected by the Guildford/Waverley collaboration will be determined in accordance with the terms of reference of the Guildford Borough Council and Waverley Borough Council Joint Appointments Committee (see below).

## **GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL**

### **JOINT APPOINTMENTS COMMITTEE**

#### **COMPOSITION AND TERMS OF REFERENCE**

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

MEMBERS: 6

The Joint Appointments Committee shall comprise the respective Leaders of both councils plus two members appointed by Guildford Borough Council and

two members appointed by Waverley Borough Council (one of whom will be the Leader of Waverley's Principal Opposition Group)

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

QUORUM: 3 (subject to each council being represented at a meeting by at least 1 member)

PLACE OF MEETINGS: The venue for meetings of the Joint Appointments Committee shall normally alternate between the two councils with the host Leader chairing the meeting. The venue for the first meeting shall be at Waverley Borough Council offices

CHAIRMAN: The Joint Appointments Committee shall be chaired alternately between the councils by their respective Leaders

GENERAL 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 of the councils' Joint Chief Executive/Head of Paid Service and any Joint Statutory Officer and Director posts as are covered by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) or any successor regulations

FREQUENCY OF MEETINGS: As and when required

SUBSTITUTES: Substitutes may be appointed. Guildford Borough Council may appoint two substitute members. Waverley Borough Council may appoint two substitute members, with one being nominated by the Leader of the council, and one nominated by the Leader of Waverley's Principal Opposition Group.

ROLE AND FUNCTION:

Appointment of Joint Chief Executive/Head of Paid Service

- (i) Subject to (ii) below, to undertake and determine on behalf of the councils all aspects of the process for the recruitment and selection of the Joint Chief Executive/Head of Paid Service, including final approval of the terms and conditions of employment (based on current provisions) for that post
- (ii) The final decision as to the appointment of the joint Chief Executive/Head of Paid Service shall be reserved to full meetings of both

councils, and subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader 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

#### Appointment of any 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 for the appointment of any Joint Statutory Officer posts
- (ii) The final decision as to the appointment of any Joint Statutory Officer posts shall be reserved to full meetings of both councils and, where the provisions of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to any such appointment, subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader 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

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

posts, and where necessary to make recommendations as appropriate for formal approval by each council

- (v) To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer posts

#### Appointment of any Joint 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 Directors
- (ii) The appointment of any Joint Directors shall be subject to no material or well-founded objection to the making of an offer of appointment being received by either Leader on behalf of their respective executives
- (iii) To determine pension discretions relating to any Joint Directors
- (iv) To consider any financial settlement of an affected employee who is unsuccessful in respect of the selection and appointment of any Joint Directors, 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 Director posts

SERVICING THE JOINT APPOINTMENTS COMMITTEE: The Joint Appointments Committee shall be serviced by committee staff from the council hosting the relevant meeting.

MEETINGS OF THE JOINT APPOINTMENTS COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. A meeting of the Joint Appointments Committee shall be summoned by the relevant officer of the Council hosting the meeting who shall give a minimum of five clear working days' notice (or less in the case of urgency)

2. Meetings of the Joint Appointments 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)
3. The Joint Appointments Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote
4. The order of business at meetings of the Joint Appointments Committee shall include the following:
  - (a) Apologies for Absence and Notification of Substitutes
  - (b) Disclosures of Interest
  - (c) Adoption of the Minutes of the previous meeting
  - (d) Matters set out in the agenda for the meeting
  - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
5. Any matter will be decided by a simple majority of those members of the Joint Appointments 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.

## **GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL**

### **JOINT GOVERNANCE COMMITTEE**

#### **COMPOSITION AND TERMS OF REFERENCE**

This Joint Committee is to be established by Guildford Borough Council and Waverley Borough Council (“the councils”) in accordance with Section 102 (1) (b) of the Local Government Act 1972 (Appointment of committees)

MEMBERS: 12



The Joint Governance Committee shall comprise the respective Leaders of both councils, plus five members appointed by Guildford Borough Council and five members appointed by Waverley Borough Council

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

QUORUM: 7 (subject to each council being represented at a meeting by at least three members)

CHAIRMAN: The Joint Governance Committee shall be chaired alternately between the councils by their respective Leaders.

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. The venue for the first meeting shall be at Guildford Borough Council's offices.

GENERAL ROLE: Adopting and exercising such of the functions of the councils as can be delegated by those councils in respect of the governance arrangements for inter-authority working

FREQUENCY OF MEETINGS: As and when required

SUBSTITUTES: Substitutes may be appointed. Any appointed member of the Joint Governance Committee may be substituted by any other member of their political group on the Council they represent.

ROLE AND FUNCTION:

- (i) To undertake periodically a formal review (at least once every 12 months) of the inter-authority agreement, ensuring it continues 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 agreement 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.

SERVICING THE JOINT GOVERNANCE COMMITTEE: The servicing of the Joint Governance Committee shall be agreed between the Councils' Democratic Services Managers.

MEETINGS OF THE JOINT GOVERNANCE COMMITTEE SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. 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)
2. 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)
3. The order of business at meetings of the Joint Governance Committee shall include the following:
  - (a) Apologies for Absence and notification of substitutes
  - (b) Disclosures of Interest
  - (c) Adoption of the Minutes of the previous meeting
  - (d) Matters set out in the agenda for the meeting
  - (e) Matters not set out in the agenda for the meeting but which the chairman agrees pursuant to Section 100B (4) (b) of the Local Government Act 1972 (as amended) should be considered at the meeting as a matter of urgency
4. 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.

5. The Joint Governance Committee shall have no function or power delegated to it in any circumstance where a majority decision cannot be made without the need for the chairman or person presiding having to exercise their second or casting vote.

### **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.

## **OVERVIEW AND SCRUTINY COMMITTEE**

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.

### General Terms of Reference

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 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.

### 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

**(b) Scrutiny**

The Overview and Scrutiny Committee may:

- (v) 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;
- (vi) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (vii) 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;
- (viii) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;

- (ix) 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;
- (x) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- (xi) 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.

### **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).

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## Person Specification for Police & Crime Panel Member

### Competencies

- *Strategic thinking*: the ability to rise above detail and see problems from a wider, forward-looking perspective.
- *Scrutiny and challenge*: the ability to rigorously scrutinise and challenge constructively, using appropriate data and evidence.
- *Openness to change*: challenging accepted views in a constructive way
- *Analytical ability*: interpreting and questioning complex material including financial, statistical and performance information.
- *Communication*: explaining situations clearly, together with a willingness to listen to and represent the views of all sections of the community on policing issues.
- *Effective time management*: identifying priorities and making the most productive use of one's own and others' time.

### Personal Skills & Qualities

- *Respect for others*: capacity to treat all people fairly, with respect and valuing diversity.
- *Integrity*: embracing high standards of conduct and ethics.
- *Enthusiasm and drive*: willingness to learn and develop to enhance one's knowledge and understanding.
- *Team Working*: playing an effective role through listening, persuading and showing respect for the views of others.
- *Self-confidence*: seek out and listen to the views of others and play an active part in discussions and debates.

All Panel Members, both appointed and co-opted, are expected to carry out their responsibilities in accordance with the Nolan Principles of standards of conduct in public life.

Panel Members will be expected to attend all meetings of the Panel (approx. 4-6 a year) and any sub-committees or groups to which they are appointed, as well as any relevant learning and development activities.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda item number: 9  
Appendix 4

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