

Council Report

Ward(s) affected: n/a

Report of Director of Strategic Services

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Appointment of Committees: 2021-22

Recommendation to Council:

- (1) That, for the municipal year 2021-22, 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 in Appendix 2 to this report, be approved for the 2021-22 municipal year.
- (3) That the nominations for membership and substitute membership (where applicable) of the committees, Executive Advisory Boards, and the Guildford Joint Committee, for the 2021-22 municipal year, as shown on a schedule 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 2021-22 municipal year, as shown on a schedule to be submitted to the Council, be approved.
- (5) That the Council appoints the following councillor Champions for 2021-22:
 - Armed Forces Champion
 - Historic Environment and Design Champion
 - Older Persons' Champion

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.

Is this report (or part of it) exempt from publication? No

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; and
- (d) to agree the appointment of a number of Councillor Champions.

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 three by-elections in the Friary & St Nicolas, Pirbright, and Send wards on 6 May 2021, the three new borough councillors have indicated their wish to be regarded as members of the following political groups on the Council:

	Political Group
Councillor Guida Esteves	Guildford Greenbelt Group
Councillor Cait Taylor	Guildford Liberal Democrats
Councillor Keith Witham	Conservative Group

3.2 The political composition of the Council is therefore:

Guildford Liberal Democrats:	17
Residents for Guildford and Villages:	16
Conservatives:	9
Guildford Greenbelt Group:	4
Labour:	2

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:

Committee	No. of voting members of Committee	No. of substitute members of Committee	No. of co-opted (non-voting) members
Corporate Governance and Standards Committee	7 councillors ¹	Up to 3 councillors per political group	3 independent members and 3 parish members ²
Employment Committee	3 councillors ³	Up to 4 councillors per political group	None
Service Delivery Executive Advisory Board	12 councillors (non-Executive)	Up to 7 councillors per political group	None
Strategy and Resources Executive Advisory Board	12 councillors (non-Executive)	Up to 7 councillors per political group	None
Guildford Joint Committee	10 councillors ⁴	None	None
Licensing Committee	15 councillors	None	None
Overview and Scrutiny Committee	12 councillors (non-Executive)	Unlimited ⁵	None
Planning Committee	15 councillors	Up to 5 councillors per political group	None

- 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 2021-22, 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 The current numerical allocation of seats on the committees to the political groups was agreed by the Council on 13 April 2021. As there has been a change to the political balance on the Council since then following the by-elections, the Council is asked to

¹ 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

² These co-optees have been appointed for a four-year term ending May 2023

³ including at least one member of the Executive

⁴ The Joint Committee comprises 10 Surrey County Councillors (representing each of the 10 county divisions within the borough) and 10 Borough Councillors (at least one of whom must be a member of the Executive)

⁵ provided that none are Executive members (or Deputy Lead Councillors)

review the numerical allocation of seats on committees for the 2021-22 municipal year. The draft revised calculation of the numerical allocation of seats to political groups on committees for the 2021-22 municipal year is set out in **Appendix 2** to this report.

- 5.3 Once the allocation of seats to different 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 each group's nominations to fill those seats (and substitutes where appropriate) will be set out in the Order Paper for the meeting.
- 5.4 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 Managing Director 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 Managing Director in writing by (a) the leader of the political group or (b) in a statement to the Managing Director 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 2022).

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 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. Councillor Champions

Armed Forces Champion

- 7.1 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 2020-21 was Councillor Tom Hunt (deputy: Councillor Dennis Booth).

Historic Environment and Design Champion

- 7.2 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 2020-21 was Councillor Caroline Reeves (deputy: Councillor Bob McShee).

Older Persons' Champion

- 7.3 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 2020-21 was Councillor Maddy Redpath (deputy: Councillor Ted Mayne).

- 7.4 The Council is invited to appoint Councillor Champions for 2021-22, nominations for which will also be set out in the Order Paper for the meeting.

8. Legal implications

- 8.1 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.
- 8.2 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.
- 8.3 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. Members should take particular care in the following circumstances:
- Ward member for where the development is located who is also a member of the Planning Committee;
 - Project board member who is also a member of the Planning Committee; and
 - Executive member who is also a member of the Planning Committee
- 8.4 In these circumstances it is advisable that the following safeguards should be in place:
- The ward member should be substituted on the Planning Committee determining the relevant planning application;

- Members of the Planning Committee either should not sit on project boards for projects where the Council will be applying to itself for planning permission (or the Council has significant involvement in the project) or should be prepared to be substituted on Planning Committee when the relevant planning application is being considered; and
- Executive members should either not sit on Planning Committee or should be prepared to be substituted when a planning application related to a decision taken by the Executive is being considered.

9 Financial Implications

9.1 There are no significant financial implications arising from this report.

10 Human resource Implications

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

11 Background Papers

None

12 Appendices

Appendix 1: Proposed terms of reference of the Council's Committees for 2021-22

Appendix 2: Draft Calculation of the Numerical Allocation of Seats to Political Groups on Committees for the 2021-22 Municipal Year