

Council Report

Ward(s) affected: n/a

Report of Strategic Services Director

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Appointment of Committees: 2022-23 and other Appointments

Recommendation to Council:

- (1) That, for the 2022-23 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 in Appendix 2 to this report, be approved for the 2022-23 municipal year.
- (3) That the nominations for membership and substitute membership (where applicable) of the committees, Executive Advisory Boards, and the joint committees, for the 2022-23 municipal year, as shown in Appendix 3 to this report, 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 2022-23 municipal year, as shown in Appendix 3 to this report, be approved.
- (5) That the nominations for appointment of Councillor Champions (and deputies) for the 2022-23 municipal year, as shown in Appendix 3 to this report, be approved.
- (6) That the Council approves the following appointments:
 - (a) Dawn Hudd, Strategic Services Director, to the Board of Elevate Guildford Ltd (trading as 'Experience Guildford').
 - (b) Ian Doyle, Service Delivery Director, as Director to the Board of Guildford Borough Council Holdings Limited with effect from 4 January 2022
 - (c) Councillor Guida Esteves as Director to the Board of North Downs Housing Limited with effect from 11 February 2022
 - (d) Councillor Tim Anderson as Director to the Board of North Downs Housing Limited with effect from 30 April 2022
 - (e) Councillor Cait Taylor as Director to the Board of North Downs Housing Limited with effect from 30 April 2022
 - (f) Dawn Hudd, Strategic Services Director, as Director to the Board of North Downs Housing Limited with effect from 30 April 2022

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 comply with the Constitutional requirement for full Council to approve appointments of individuals to any office other than an office in which he or she is employed by the authority.

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
- (e) to consider the appointment of Dawn Hudd, Strategic Services Director, to the Board of Elevate Guildford Ltd.

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 The political composition of the Council is:

Guildford Liberal Democrats:	16
Residents for Guildford and Villages:	16
Conservatives:	10
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 (with Surrey CC)	10 councillors ⁴	None	None
Joint Appointments Committee (with Waverley)	3 councillors	None	None
Joint Governance Committee (with Waverley)	6 councillors	Unlimited	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 2022-23, details of which are set out in **Appendix 1** to this report.

4.3 It is worth pointing out that the terms of reference of the Corporate Governance and Standards Committee are currently being reviewed and the outcome of that review will be reported to that Committee in June and the Council will be asked to approve any changes at its meeting on 26 July 2022.

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 Guildford 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

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 7 December 2021. The draft calculation of the numerical allocation of seats to political groups on committees for the 2022-23 municipal year is set out in **Appendix 2** to this report. This now includes the Joint Governance Committee, which the Council agreed to establish (with Waverley Borough Council) at its last meeting.

5.3 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 each group's nominations to fill those seats (and substitutes where appropriate) are set out in **Appendix 3** to this report.

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 Joint Chief Executive 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 Joint Chief Executive in writing by (a) the leader of the political group or (b) in a statement to the Joint Chief Executive 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 2023).

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 are also set out in **Appendix 3**.

Contested Elections of Committee Chairmen 2022-23

The contested elections for committee chairmen are shown in the table below.

Committee	Nominees for Chairman
Corporate Governance & Standards Committee	Cllr Nigel Manning Cllr George Potter
Planning Committee	Cllr Marsha Moseley Cllr Fiona White

Voting on contested elections:

Under Council Procedure Rule 29 (a), where two candidates are nominated for election as committee chairman, the Council may take the vote by show of hands or, subject to a specific request by a councillor, supported by four other councillors, a recorded vote. If a recorded vote is required, a random roll call of councillors will be taken.

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 2021-22 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 2021-22 was Councillor Bob McShee (deputy: Councillor Fiona White).

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 2021-22 was Councillor Maddy Redpath (deputy: Councillor Ted Mayne).

- 7.4 The Council is invited to appoint Councillor Champions for 2022-23, nominations for which are also set out in **Appendix 3**. 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 for the meeting.

8. Proposed Officer and Councillor appointments to the Boards of Elevate Guildford Limited, Guildford Borough Council Holdings Limited and North Downs Housing Limited.

- 8.1 Under Part 3 of the Council's Constitution (Responsibility for Functions), various functions are listed as functions which are not to be the responsibility of the Council's Executive; and other functions which may, but need not be, the responsibility of the Executive ("local choice functions"). Appendix II to Part 3 of the Constitution, lists the various local choice functions and specifies whether they are to be discharged by the Leader/Executive or full Council. The following function is reserved to the Council for decision:

"The appointment of any individual:

- (a) to any office other than an office in which he is employed by the authority;
- (b) to any body other than:
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
- (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.

- 8.2 The Council's Strategic Services Director, Dawn Hudd, has been invited by Elevate Guildford Ltd (trading as 'Experience Guildford') to join the Board of Directors of that company.

- 8.3 The objects for which the company was established are as follows:

"for all businesses apart from those exempted in the Elevate Guildford BID Business Plan, within a defined area identified in the Elevate Guildford BID Business Plan (the Area of Benefit):

- (i) to initiate, develop and promote the business improvement district ("BID") in accordance with Part 4 of the Local Government Act 2003 (as the same may be consolidated, amended, modified or re-enacted from time to time) ("the Legislation") for the purpose of financing, constructing, managing and operating improvements to the Area of Benefit and
- (ii) to act as a BID body for the purposes of the Legislation and for the purposes of being the body responsible for the implementation of the BID proposals, any alteration proposals and any renewal proposals for the business improvement district".

- 8.4 The Council is asked to approve the appointment of Dawn Hudd to the Board of Directors of Elevate Guildford Ltd (trading as 'Experience Guildford').

- 8.5 The Council's Service Delivery Director, Ian Doyle, has been appointed to the Board of Guildford Borough Council Holdings with effect from 4 January 2022 and the Council is asked to approve the appointment. Guildford Borough Council Holdings is a private company limited by shares whose beneficial owner is the Council. The company's objects are unrestricted.
- 8.6 Councillor Guida Esteves has been appointed to the Board of North Downs Housing Limited with effect from 11 February 2022. The Council's Strategic Services Director, Dawn Hudd, and Councillors Tim Anderson and Cait Taylor have been appointed to the Board of North Downs Housing Limited with effect from 30 April 2022. The Council is asked to approve these appointments. North Downs Housing Limited is a private company limited by shares whose ultimate beneficial owner is the Council. The objects for which the Company is established are:

“to meet in such manner as the Company thinks fit identified housing need and increase the provision of new housing in the Guildford borough and surrounding areas;

to generate returns for the council's general fund;

to accelerate development of brownfield land in Guildford borough; and

to carry on any other business or do such other things which may seem to the Company capable of being conveniently carried on in connection with any of the above specified objects, or calculated to enhance the value of the Company's services, assets, property or rights.”

9. Legal implications

- 9.1 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.
- 9.2 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.
- 9.3 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:
- Project board member who is also a member of the Planning Committee; and
 - Executive member who is also a member of the Planning Committee
- 9.4 In these circumstances it is advisable that the following safeguards should be in place:
- 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.

10 Financial Implications

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

11 Human resource Implications

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

12 Background Papers

None

13 Appendices

Appendix 1: Proposed terms of reference of the Council's Committees for 2022-23

Appendix 2: Draft Calculation of the Numerical Allocation of Seats to Political Groups on Committees for the 2022-23 Municipal Year

Appendix 3: Schedule of nominations for appointment of councillors to Committees, election of Committee Chairmen and Vice-Chairmen, and appointment of Councillor Champions