

Guildford Borough Council

Report to: Council

Date: 13 May 2024

Ward(s) affected: All

Report of Director: Strategic Director of Legal & Democratic Services

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Report Status: Open

Appointment of Committees and Other Appointments: 2024-25

1. Executive Summary

- 1.1 The Council is required annually to establish its committees, their size and terms of reference, and to appoint councillors to them in accordance with the rules on political balance.
- 1.2 The Council also elects the chairmen and vice-chairmen of those committees.
- 1.3 Group Leaders have been asked to submit nominations from their respective groups by no later than 12 noon on Thursday 9 May 2024, so that they may be included on the Supplementary Agenda Pack (formerly known as the 'Order Paper') and circulated to all councillors.

2. Recommendations

- (1) That, for the 2024-25 municipal year, the Council agrees to appoint the committees referred to in the table set out in paragraph 6.2 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 proposed 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 2024-25 municipal year.
- (3) That the nominations for membership of the committees and the joint committees, for the 2024-25 municipal year, as shown on the Supplementary Agenda Pack to be submitted to the Council, be approved in accordance with the wishes of the political groups.
- (4) That the designated chairmen of the Licensing Sub-Committee and Licensing Regulatory Sub-Committee continue to be elected annually by the Council, in accordance with Council Procedure Rule 2.4.6.
- (5) That the nominations for election of chairmen and vice-chairmen of committees and relevant sub-committees for the 2024-25 municipal year, as shown on the Supplementary Agenda Pack to be submitted to the Council, be approved.
- (6) That the nominations for appointment of the Councillor Champions (and deputies) for the 2024-25 municipal year, as shown on the Supplementary Agenda Pack to be submitted to the Council, be approved.

3. Reasons for Recommendation:

- 3.1 To comply with Council Procedure Rule 2 of the Constitution in respect of the appointment of committees and election of chairmen and vice-chairmen.
- 3.2 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.

4. Exemption from publication

- 4.1 No part of this report is exempt from publication.

5. Purpose of Report

- 5.1 This report asks the Council in respect of the 2024-25 Municipal Year:

- (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 determine that full Council will continue to elect the designated chairmen of the Licensing Sub-Committee and Licensing Regulatory Sub-Committee, and elect those chairmen for the forthcoming municipal year, and
- (e) to agree the appointment of a number of Councillor Champions.

6. Background

Appointment of Committees

- 6.1 Council Procedure Rule 2 requires the Council, at its Annual Meeting, to appoint such committees as it shall determine and to agree their respective size and terms of reference.
- 6.2 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 co-opted (non-voting) members
Corporate Governance and Standards Committee	7 councillors ¹	Up to 3 independent & 3 parish members ²
Joint Senior Staff Committee (with Waverley)	3 councillors (Leader + 2)	None
Joint Governance Committee (with Waverley)	6 councillors (Leader + 5)	None
Licensing Committee	15 councillors	None
Overview and Scrutiny Committee (Resources)	12 councillors (non-Executive)	None

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 to the Committee for a four-year term ending May 2027

Committee	No. of voting members of Committee	No. of co-opted (non-voting) members
Overview and Scrutiny Committee (Services)	12 councillors (non-Executive)	None
Planning Committee	15 councillors	None

6.3 The Council is also invited to consider and approve the terms of reference of these committees for 2024-25, details of which are set out in **Appendix 1** to this report. The only change being proposed relates to the terms of reference of the Corporate Governance & Standards Committee. Following approval by the Council on 16 April 2024 to establish two new Overview & Scrutiny Committees, one of which will be primarily responsible for scrutiny of finance, both in terms of budget preparation and budget monitoring, it is proposed that the following activities be removed from the terms of reference of the Corporate Governance & Standards Committee and added to the Overview and Scrutiny Committees' terms of reference:

- To consider reports on the Capital and Investment Strategy prior to their referral to the Executive and Council
- To consider budget monitoring reports at least on a quarterly basis.

Political Composition of the Council

6.4 The political composition of the Council is:

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

Requirement for political balance and numerical allocation of seats on committees

6.5 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.

- 6.6 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.
- 6.7 The draft calculation of the numerical allocation of seats to political groups on committees for the 2024-25 municipal year is set out in **Appendix 2** to this report. This now includes the two new Overview and Scrutiny Committees, which the Council agreed to establish at its last meeting.
- 6.8 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 will be included on the Supplementary Agenda Pack to be circulated to all councillors prior to the Council meeting.

Substitute members on Committees

- 6.9 Council Procedure Rule 2.4.7 now provides that for each political group represented on a committee, all members of that group not appointed to that committee, shall be designated as substitute members for the member or members of that group who have been appointed to that committee. It is, therefore, no longer necessary for political groups to nominate substitute members to committees.

7. Election of chairmen and vice-chairmen of committees and sub-committees

- 7.1 Following the appointment of committees, new Council Procedure Rule 2.4.6 requires the Council to elect the chairmen and vice-chairmen of all committees for the ensuing municipal year. It also provides that unless directed otherwise by Council, Chairs and Vice-Chairs of Sub-Committees shall be appointed by those Sub-Committees. In order to ensure that licensing hearings may take place as expeditiously as possible, without having to wait for the first meeting of the Licensing Committee of the new municipal year, it is proposed that the current arrangements whereby Council elects the seven designated chairmen in respect of the Licensing Sub-Committee and Licensing Regulatory Sub-Committee should continue.
- 7.2 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 Supplementary Agenda Pack to be circulated to all councillors prior to the Council meeting.
- 7.3 Councillors will note the new requirements in respect of nominations for election of chairman and vice-chairman of the Overview & Scrutiny Committees, which are set out in the O&S terms of reference in Appendix 1 (para 2.5):

“Subject to the total number of Opposition members on the Council exceeding 10% of the overall membership, the Chair of each Overview and Scrutiny Committee shall be nominated by the Principal Opposition Group. The Vice-Chair of the Overview and Scrutiny Committees will not usually be from the same political group as the Chair. Without consent of the Council, no councillor can be Chair or Vice-Chair of more than one Overview and Scrutiny Committee”.

8. Councillor Champions

Armed Forces Champion

- 8.1 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 2023-24 was Councillor Stephen Hives (Deputy: Councillor Sallie Barker MBE).

Historic Environment and Design Champion

- 8.2 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 2023-24 was Councillor Howard Smith (Deputy: Councillor Richard Mills OBE)

Older Persons' Champion

- 8.3 The role of the Older Persons' Champion 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 2023-24 was Councillor Honor Brooker.

- 8.4 The Council is invited to appoint Councillor Champions for 2024-25, nominations for which will be set out on the Supplementary Agenda Pack 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.

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, as soon as reasonably practicable, 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.
- 9.4 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.

10. Financial Implications

- 10.1 Councillors who are elected as chairmen of committees are entitled to receive a special responsibility allowance (SRA) in accordance with the Council's adopted scheme of allowances for councillors. The current SRAs vary according to the committee, ranging from £4,174 p.a. to £6,677 p.a. In addition, the scheme of allowances provides that co-opted members of committees are entitled to a small co-optees' allowance (currently £419 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.
- 10.2 There are no other financial implications arising from consideration of this matter.

11. Equality and Diversity Implications

- 11.1 There are no equality and diversity implications arising directly from this report.

12. Human resource Implications

- 12.1 There are no human resource implications arising directly from this report.

13. Climate Change/Sustainability Implications

- 13.1 There are no specific climate change/sustainability implications as a result of this report.

14. Background Papers

None

15. Appendices

Appendix 1: Proposed terms of reference of Committees for 2024-25

Appendix 2: Numerical allocation of seats on committees to political groups