

Council Report

Ward(s) affected: n/a

Report of Strategic Director: Transformation and Governance

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## **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)