

Waverley Borough Council

Report to: Council

Date: 23 May 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

Author: Susan Sale, Executive Head of Legal and Democratic Services and Monitoring Officer

Tel: 01483 444022

Email: susan.sale@waverley.gov.uk

Report Status: Open

Establishment of Committees 2023/24 and Review of Political Proportionality

1. Recommendation to Council

That the Council RESOLVES that:

- 1.1 the committees as set out in paragraph 5.6 be established for the 2023/24 municipal year with the committee sizes shown; and
- 1.2 The changes to the terms of reference of the Overview and Scrutiny Committees and the Eastern and Western Planning Committees as shown in paragraph 5.7 be approved.

2. Reasons for Recommendation:

- 2.1 To establish the Council's committees for the 2023/24 municipal year and to agree their size, in accordance with Council Procedure Rules 1.2 and 1.3.

3. Purpose of Report

- 3.1 This report asks the Council to establish a number of committees to discharge various non-executive functions and to agree their respective size.

4. Background

- 4.1 Council Procedure Rule 1.3 requires the Council, at its Annual meeting each year to establish such committees as it shall determine are necessary to carry out non-executive functions, and to agree their respective size and terms of reference.
- 4.2 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 each committee or sub-committee will reflect the size of that Group in proportion to the Council membership.
- 4.3 The Council is required to review the allocation of seats on committees to political Groups at its Annual meeting and as soon as reasonably practicable following any change in the political constitution of the Council. Wherever such a review is required, a report will be submitted to the Council showing what allocation of seats would best meet the requirements for political balance.

Political composition of the council

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

Conservative Party	10
Farnham Residents	13
Green Party	1
Labour Party	2
Liberal Democrats	22
Independent	2

4.5 A political Group has to consist of at least two councillors and must be formally constituted in accordance with Regulations. The Monitoring Officer has been notified of the constitution of the following Groups:

Group	No. of members	Proportion of total members
Conservative Party	10	20%
Farnham Residents	13	26%
Labour/Green	3	44%
Liberal Democrats	22	6%

4.6 There are two Independent Members who are un-grouped, and who each represent 2% of the Membership of the Council.

Establishment of committees

4.7 The Council is invited to establish the following committees for the municipal year 2023/24, with size of committee and restrictions on membership as shown in the table below:

Committee	No. of voting members	No. of reserve members
Audit Committee	8 councillors [see note 1, below]	None

Standards & General Purposes Committee	9 councillors [see notes 2 and 3, below]	3 reserves in total in political balance
Licensing & Regulatory Committee	12 councillors	8 reserves in total in political balance
Overview & Scrutiny Committee - Resources	11 councillors [see note 4, below]	5 reserves in total in political balance
Overview & Scrutiny Committee - Services	11 councillors [see note 4, below]	5 reserves in total in political balance
Eastern Planning Committee	15 councillors [see note 5, below]	8 reserves in total in political balance
Western Planning Committee	15 councillors [see note 5, below]	8 reserves in total in political balance
Joint Appointments Committee (with Guildford)	3 councillors (including the Leader and the Leader of the Principal Opposition Group)	2 reserves
Joint Governance Committee (with Guildford)	6 councillors (Leader plus 5)	Unlimited

Notes:

1. Members of the Audit Committee must not be Executive members.
2. The Leader of the Council may not be a member of the Standards & General Purposes Committee, and the membership may include no more that one Executive member.
3. The Standards & General Purposes Committee will co-opt two Town/Parish councillors from within the Waverley Borough who are not also Waverley Borough Councillors and who will serve until the next Town and Parish elections. At least one Town/Parish co-optee

must be present when matters relating to Town and Parish Councils or their members are being considered. Town/Parish co-optees may not participate in matters that do not relate to Town and Parish Councils or their members.

4. Members of the Executive may not be members of the Overview and Scrutiny Committees.

5. Members of the Planning Committees are appointed on a politically proportional basis in relation to the political balance of the council wards covered by each committee.

4.8 Council is also asked to approve the following changes to committee terms of reference:

1. The service areas that fall within the remit of each of the Overview and Scrutiny Committees are revised to reflect the service areas under the new Joint Management Team:

Committee	Service Areas covered
Overview & Scrutiny Committee – Resources	Communication & Customer Services Housing Services Assets & Property Finance Legal & Democratic Services Organisational Development
Overview & Scrutiny Committee - Services	Community Services Environmental Services Regulatory Services Commercial Services Regeneration & Planning Policy Planning Development

2. To take account of the ward changes that came into effect with the Borough elections on 4 May 2023, the Eastern and Western Planning Committees to cover the following borough wards:

Eastern Planning Committee	Western Planning Committee
Alfold, Dunsfold & Hascombe Bramley & Wonersh Cranleigh East & West Elstead & Peper Harow Ewhurst & Ellens Green Godalming (all Wards) Witley & Milford	Chiddingfold Farnham (all Wards) Haslemere East & West Hindhead & Beacon Hill Western Commons

Requirement for political balance and numerical allocation of seats on committees

4.9 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:

- (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) and (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.

4.10 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

Groups nominations to fill those seats are set out in the following agenda report at Item 13.

5. Consultations

- 5.1 In order that Group Leaders can appoint Group members to the Council's committees, details of the political proportionality of the council and the committees proposed to be established have been shared with Group Leaders.
- 5.2 The Leader of the Council, Cllr Follows, has proposed a number of amendments to the size and terms of reference to the Council committees that he will put forward at the Annual meeting of Council as an amendment to the recommendations set out above. The proposed amendments are as follows:

- (a) That to take account of the reduction in the size of the Council from 57 members to 50, there is a similar reduction in the size of certain committees:

Audit Committee reduces from 8 members to 7 members.

Standards & General Purposes Committee reduces from 9 members to 7 members.

Eastern and Western Planning Committees each reduce from 15 member to 11 members.

Licensing & Regulatory Committee reduces from 12 members to 11 members.

The overall effect of the above changes in committee size would be to reduce the total number of committee seats available from 90 to 78.

- (b) That the Audit Committee be renamed Audit and Risk Management Committee.

- (c) That the Eastern and Western Planning Committees are abolished and replaced by two new Planning Committees: Planning Committee A and Planning Committee B.
 - (d) That the terms of reference for Planning Committee A and B to include determination of planning applications from anywhere in the borough ie the committees are non-geographical.
 - (e) That Planning Committees A and B to each comprise 11 members, to be appointed in accordance with political balance rules.
 - (f) That any member of Planning Committee A and B may be substituted by any member of the Council who has complied with the mandatory Planning training requirements and is from the same Group as the absent committee member.
 - (g) That no Executive members be appointed nor substituted to either Planning Committee A or B.
 - (h) That Ward members not to be permitted to participate in the debate nor vote for the determination of any applications in their Ward, but may make representations to open and close the committee debate on such applications.
- 5.3 The outcome of Council's consideration of the proposed amendments, and in particular (a) which alters the total number of committee seats available, affects the allocation of committee seats to the Groups in accordance with the political balance of the Council.
- 5.4 Details of the numerical allocation of seats on the committees to the political Groups based on the two potential scenarios (90 available committee seats, or 78 available committee seats) together with each political Groups' nominations to fill those seats are set out in the following agenda report at Item 13.

6. Financial Implications

- 6.1 Councillors who are elected as Chairs and Vice-Chairs of committees are entitled to receive a Special Responsibility Allowance (SRA) in accordance with the Council's adopted scheme of allowances for councillors, all of which can be contained within existing budgets.
- 6.2 There are no other financial implications arising from consideration of the matters set out in the report.

7. Legal Implications

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 It is recognised good practice that the Leader and Executive Portfolio Holders on the Executive do not sit as members of the Planning Committees 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 that directly affect the Council's land or property holdings.

8. Human Resource Implications

8.1 There are no human resources implications arising from this report.

9. Equality and Diversity Implications

9.1 There are no equality and diversity implications arising from this report.

10. Climate Change/Sustainability Implications

10.1 There are no climate change or sustainability implications.

11. Summary of Options

11.1 Council may decide to establish the non-executive committees as set out in paragraph 4.7, above. If the proposed amendments as set out in section 5 above, are formally proposed and duly seconded at the Annual Council meeting Members will have the opportunity to debate and vote on the individual proposals and agree to some or all of them.

11.2 The proposed re-alignment of the remit of the Overview and Scrutiny committees (paragraph 4.8.1) with current service areas of the council is not affected by the proposed amendment.

11.3 The proposed re-alignment of borough wards to the Eastern and Western Planning Committees would fall away if the amendment to abolish the committees is agreed by Council.

12. Conclusion

12.1 Subject to the consideration by Council of the amendments outlined above, and any other amendments put forward, Council is recommended to establish non-executive committees for the 2023/24 municipal year as set out in paragraphs 4. 7 and 4.8 above.

13. Background Papers

13.1 None