

Waverley Borough Council

Report to: Council

Date: 23 May 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

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Report Status: Part exempt

Appointments to Committees 2023/24 and other Appointments

1. Recommendation to Council

That the Council RESOLVES that:

- 1.1 committee seats be allocated to political Groups and Independent Members as set out in Appendix 1;
- 1.2 the nominations for membership and substitute membership (where applicable) of the committees and joint committees for the 2023/24 municipal year as shown in Appendix 2 be approved in accordance with the wishes of the political Groups;
- 1.3 the nominations for the election of Chairs and Vice-Chairs of the committees as shown in Appendix 2 be approved.

1.4 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

2. Reasons for Recommendation:

2.1 To enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality and the allocation of committee seats to Groups.

2.2 To comply with Council Procedure Rules in respect of the appointment of members to committees and election of Chairs and Vice-Chairs.

2.3 To enable the Council to comply with its obligations under Section 28(7) of the Localism Act.

3. Exemption from publication

3.1 The content of Appendix 3 is to be treated as exempt from the Access to Information publication rules because it contains the personal information of the applicants for appointment as Independent Persons and is 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".

3.2 The content is restricted to all councillors. The exempt information is not expected to be made public as it is personal information. 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.

4. Purpose of the report

4.1 This report asks the Council to:

- (a) agree the numerical allocation of committee seats to political Groups in line with the overall political proportionality of the Council.
- (b) appoint councillors to the committees established under the previous agenda item, in accordance with the statutory requirements for political balance;
- (c) to elect committee Chairs and Vice-Chairs; and
- (d) to agree the appointment of Independent Persons for a four-year term.

5. Background

- 5.1 Following on from agenda item 12 at which Council has agreed on the committees to be established for the 2023/24 municipal year and their sizes, the allocation of seats to the political Groups has been determined as set out in Appendix 1. NB. Allocations based on a total of 90 committee seats, and a total of 78 committee seats, are shown.
- 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 each political Groups' nominations to fill those seats are set out in Appendix 2.
- 5.3 Where adjustments to allocations of seats have been required to accommodate rounding errors in the calculations, as shown in Appendix 1, these have been agreed between the Group Leaders and Independent Members.

- 5.4 Following the appointment of committees, Council Procedure Rules require the Council to elect the Chairs and Vice-Chairs of the committees. Nominations for election of Chairs and Vice-Chairs are advised by Group Leaders and shown on Appendix 2 (to follow).

6. Appointment of Independent Persons

- 6.1 The current ethical standards framework for councillors was established in 2012 following the enactment of the Localism Act ('the Act'). The Act require the Council to appoint at least one Independent Person who 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 Waverley, the Monitoring Officer decides after consultation with the Independent Person whether a complain merits formal investigation. The Independent Person's views may be sought by the Council at any other stage in a misconduct complaint, or by a councillor against who an allegation has been made.
- 6.2 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.
- 6.3 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.
- 6.4 The term of office of those Independent Persons who were appointed jointly in 2019 by this Council, plus Epsom & Ewell, Guildford, Mole Valley, Reigate & Banstead, Spelthorne, and Surrey Heath, has now ended.

- 6.5 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.
- 6.6 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
- 6.7 Copies of the candidates' CVs in support of their applications are attached to this report as "Not for Publication" Appendix 3.

7. Financial Implications

- 7.1 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.
- 7.2 There are no other financial implications arising from consideration of the matters set out in the report.

- 7.3 The Independent Persons appointed by the 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.

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.
- 8.4 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.

9. Human Resource Implications

- 9.1 There are no human resources implications arising from this report.

10. Equality and Diversity Implications

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

11. Climate Change/Sustainability Implications

11.1 There are no climate change or sustainability implications.

12. Summary of Options

12.1 Under section 16 of the Local Government and Housing Act 1989 places a duty on the Council to allocate those seats in accordance with the wishes of the political Groups. Council may elect the Chairs and Vice-Chairs of the committees in accordance with Group Leaders' nominations, or consider other nominations submitted and duly seconded.

12.2 With regard to Independent Persons, Council may decide to appoint all or only some of the nominated candidates.

13. Conclusion

13.1 Council is recommended to appoint members to established committees in accordance with Groups Leaders' nominations, and to appoint the Independent Persons following the recruitment process carried out earlier this year.

14. Background Papers

14.1 None

15. Appendices

Appendix 1 Numerical allocation of committee seats in accordance with political balance

Appendix 2 Group Leaders' nominations for committee appointments and Chairs and Vice-Chairs (to follow)

Appendix 3 [EXEMPT] CVs submitted by Andrea Armstrong, Vivienne Cameron, Jane Clarke, Bill Donnelly, and John Smith in support of their applications for appointment as Independent Persons