

Waverley Borough Council

Report to: Standards and General Purposes Committee

Date: 7 June 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

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Report Status: Open

Proposed changes to the size, composition, and terms of reference of Waverley Borough Council Committees

1. Executive Summary

- 1.1 The Standards and General Purposes Committee has been asked to consider some proposed amendments to the Council's current constitution in respect of amendments to the size, composition, terms of reference and arrangements for their committees, and, having given due consideration to all options, and officer advice presented, make appropriate recommendations to the Council.

- 1.2 The proposals set out in the report reflect the reduction in the size of the council following the Local Government Boundary Review in 2021/22, which came into effect with the elections on 4 May 2023.
- 1.3 The Committee is also asked to consider the arrangements for the Council's Planning Committees, taking into account the significant risk of designation in respect of speed of determination of non-major applications and the need to improve efficiency and timeliness of decision making.

2. Recommendation to the Committee

- 2.1 The Committee is asked to recommend the following to Council:
 - 2.1.1 that the Council's 'Audit Committee' be re-named the 'Audit and Risk Committee' and that authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
 - 2.1.2 that the size of the 'Audit Committee' or 'Audit and Risk Committee' be reduced from 8 councillors to 7 and authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
 - 2.1.3 that the size of the Council's Standards and General Purposes Committee be reduced from 9 councillors to 7 and authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
 - 2.1.4 that the Licensing and Regulatory Committee be reduced from 12 councillors to 11 and authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
- 2.2 That the Standards and General Purposes Committee considers officer advice in respect of the Council's arrangement for the discharge of their Planning functions and makes recommendations to Council as to the number, size, composition and terms of reference of their Planning Committee(s) to be established for the municipal year 2023/24.

3. Reasons for Recommendation:

- 3.1. To ensure that the Council's structure of non-Executive decision-making Committees reflects the recently reduced size of the Council from 57 to 50 Members. To ensure that the terms of reference, size, composition, and arrangements for the structure of such non-Executive Committees facilitate agile, proportionate, robust and transparent decision making.
- 3.2 To review and establish whether the Standards and General Purposes Committee wishes to recommend to Council that they make any changes to the Council's committees established for the 2023/24 municipal year.

4. Purpose of Report

- 4.1 The purpose of this report is to request that the Standards and General Purposes Committee consider some proposed amendments to the Council's current constitution in respect of amendments to the size, composition, terms of reference and arrangements for their committees, and, having given due consideration to all options, and officer advice presented, make appropriate recommendations to the Council.

5. Strategic Priorities

- 5.1 The Council's committee arrangements directly support the corporate objective of *"open, democratic and participative governance."*
- 5.2 The arrangements for planning committees should support the corporate objective of *"effective strategic planning and development management to meet the needs of our communities."*

6. Background

- 6.1 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.
- 6.2 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 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 will reflect the size of that Group in proportion to the Council membership.
- 6.3 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.
- 6.4 The Council was invited at its Annual meeting on 23rd May 2023 to establish Committees for the municipal year 2023/24, and determine the size of committee and restrictions on membership, which it did.
- 6.5 However, the Standards and General Purposes Committee are asked to review the establishment of the Committees, their size and terms of reference and to make any recommendation for change, as appropriate, to Council.
- 6.6 The Standards and General Purposes Committee has within its purpose "to monitor and review the Council's constitution".

7. Proposals

7.1 Audit Committee

- 7.1.1 On 23rd May 2023 full Council established an Audit Committee for the 2023/24 municipal year comprising 8 Councillors, none of whom may be Executive Members.

7.1.2 It is proposed that the 'Audit Committee' is re named the 'Audit and Risk Committee' to better reflect the terms of reference of that Committee. The Waverley Borough Council constitution provides at paragraph 1 to Appendix 1 to Part 3 that the statement of purpose of this Committee includes "to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Waverley's governance, risk management and control frameworks ...". The re-naming of the Committee to the 'Audit and Risk Committee' would better reflect the remit of the Committee which includes both the audit function and risk management.

7.1.3 The alternative option would be to make no change to the name of the Committee. A further alternative option would be to re-name the Committee the 'Audit and Corporate Governance Committee'.

7.1.4 It is further proposed that to reflect the reduction in the size of the Council from 57 to 50 Members, there is a similar reduction in the size of this Committee from 8 Councillors to 7 Councillors, but that the terms of reference of the Committee otherwise remain unamended.

7.1.5 The alternative option would be not to reduce the size of the Audit Committee.

7.1.6 Seats on Committees are allocated in line with the legislation around political balance.

7.1.7 Councillors are appointed to Committee seats in accordance with nominations by Group Leaders and the Council has delegated authority to the Monitoring Officer to appoint to any vacant seats in line with the wishes of Group Leaders. However, the Constitution provides that members of the Committee may not be Executive Members.

7.2 Standards and General Purposes Committee

7.2.1 On 23rd May 2023 full Council established a Standards and General Purposes Committee, comprising 9 councillors and agreed that the Leader of the Council may not be a member of the Committee, and

that the membership of the Committee may include no more than one Executive member.

- 7.2.2 The Council also noted that the Standards and 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.
- 7.2.3 It is proposed that the Standards and General Purposes Committee consider recommending to Council that the membership of the Committee be reduced from 9 Councillors to 7, to reflect the reduction in the size of the Council, but that all other terms of reference of the Committee remain unamended.
- 7.2.4 The alternative option would be not to amend the size of the Standards and General Purposes Committee.
- 7.2.5 Seats on Committees are allocated in line with the legislation around political balance.
- 7.2.6 Councillors are appointed to Committee seats in accordance with nominations by Group Leaders and the Council has delegated authority to the Monitoring Officer to appoint to any vacant seats in line with the wishes of Group Leaders. However, in line with the Constitution the Monitoring Officer may not appoint the Leader of the Council to the Committee nor more than one Executive Member.

7.3 Licensing and Regulatory Committee

- 7.3.1 On 23rd May 2023 full Council established a Licensing and Regulatory Committee, comprising 12 councillors.
- 7.3.2 It is proposed that the Standards and General Purposes Committee consider recommending to Council that the membership of the Licensing and General Purposes Committee be reduced from 12 Councillors to 11, to reflect the reduction in the size of the Council,

but that all other terms of reference of the Committee remain unamended.

- 7.3.3 The alternative option would be not to amend the size of the Licensing and Regulatory Committee.
- 7.3.4 Seats on Committees are allocated in line with the legislation around political balance.
- 7.3.5 Councillors are appointed to Committee seats in accordance with nominations by Group Leaders and the Council has delegated authority to the Monitoring Officer to appoint to any vacant seats in line with the wishes of Group Leaders.

7.4 Overview and Scrutiny Committee – Resources

- 7.4.1 On 23rd May 2023 the Council established an Overview and Scrutiny Committee – Resources for the municipal year 2023/24 comprising of 11 Councillors, who may not be members of the Executive.
- 7.4.2 Council also amended the service areas that fall within the remit of the Committee to better reflect the service areas under the new Joint Management Team. The remit of the Overview and Scrutiny Committee – Resources now includes Communication & Customer Services, Housing Services, Assets & Property, Finance, Legal & Democratic Services and Organisational Development.
- 7.4.3 No further changes are proposed to the size, composition, or terms of reference for this Committee.

7.5 Overview and Scrutiny Committee - Services

- 7.5.1 On 23rd May 2023 the Council established an Overview and Scrutiny Committee – Services for the municipal year 2023/24 comprising of 11 Councillors, who may not be members of the Executive.
- 7.5.2 Council also amended the service areas that fall within the remit of the Committee to better reflect the service areas under the new Joint Management Team. The remit of the Overview and Scrutiny Committee – Services now includes Community Services,

Environmental Services, Regulatory Services, Commercial Services, Regeneration & Planning Policy and Planning Development.

7.5.3 No further changes are proposed to the size, composition, or terms of reference for this Committee.

7.6 Joint Appointments Committee (with Guildford Borough Council)

7.6.1 On 23rd May 2023 the Council established a Joint Appointments Committee with Guildford Borough Council, comprising 3 Waverley Borough Councillors to include the Leader of the Council and the Leader of the Principal Opposition Group.

7.6.2 No further changes are proposed to the size, composition, or terms of reference of this Committee.

7.7 Joint Governance Committee (with Guildford Borough Council)

7.7.1 On 23rd May 2023 the Council established a Joint Governance Committee with Guildford Borough Council, comprising 6 Waverley Borough Councillors to include the Leader of the Council.

7.7.2 No further changes are proposed to the size, composition, or terms of reference of this Committee.

7.8 Eastern Planning Committee

7.8.1 On 23rd May 2023 the Council established an Eastern Planning Committee for the municipal year 2023/24 comprising 15 Councillors to be appointed on a politically proportional basis in relation to the political balance of the Council Wards covered by the geographical area of the Committee. Council also agreed that the Chair of the Committee may not be a Member of the Executive, but that Executive Members are not prevented from being appointed to this Committee.

7.8.2 Council also agreed to change the terms of reference for the Committee to take account of ward changes that came into effect with the Borough elections on 4 May 2023. The Committee now exercises the Council's planning powers in relation to the Borough

wards of Alfold, Dunsfold & Hascombe, Bramley & Wonersh, Cranleigh East & West, Elstead & Peper Harow, Ewhurst & Ellens Green, Godalming (all Wards) and Witley & Milford, in so far as these are not delegated to the Joint Executive Head of Planning Development.

7.9 Western Planning Committee

7.9.1 On 23rd May 2023 the Council established a Western Planning Committee for the municipal year 2023/24 comprising 15 Councillors to be appointed on a politically proportional basis in relation to the political balance of the Council Wards covered by the geographical area of the Committee. Council also agreed that the Chair of the Committee may not be a Member of the Executive, but that Executive Members are not prevented from being appointed to this Committee.

7.9.2 Council also agreed to change the terms of reference for the Committee to take account of ward changes that came into effect with the Borough elections on 4 May 2023. The Committee now exercises the Council's planning powers in relation to the Borough wards of Chiddingfold, Farnham (all Wards), Haslemere East & West, Hindhead & Beacon Hill, and Western Commons, in so far as these are not delegated to the Joint Executive Head of Planning Development.

7.10 Officer Comments

7.10.1 Waverley District Council has been at significant risk of designation in respect of speed of determination of non-major applications. Performance for the period January 2020-December 2021 was 63.5% against a minimum required level of 70%. This was identified as an issue and the Council taken up the offer of Local Government Association Planning Advisory Service (PAS) support to improve performance against this target.

7.10.2 A review was undertaken by an experienced Peer officer, and a report was shared with Council officers in June 2022. The report [attached at Appendix 1] identified a number of areas that the

Council might want to look at to ensure that it works more efficiently and deals with applications in a timely manner. Paragraph 7.1 of the report set out the following:

'Councillors should have the opportunity to scrutinise the most important and contentious proposals. However, referring applications to Planning Committee adds both resource and time to the determination process. It is quite unusual for a Council of Waverley's size to have more than one Planning Committee and servicing two Area Planning Committees is undoubtedly stretching the limited officer resource considerably. Moreover, in recent times additional meetings have been scheduled leading to three or four meetings being held each month. This is not considered to be sustainable if improving performance is to be given the priority it needs. Planning Committees should focus upon the scrutiny of the most controversial and/or strategic proposals. Therefore, the number of meetings, as well as the number of applications referred to each meeting should be reviewed accordingly. It may be beneficial to review the criteria for referral and exclude more minor applications such as householder development altogether. This would expedite these cases and reduce officer time spent on preparing for and attending Committee meetings. At the same time, it would focus Committee time on undertaking its important role of scrutinising the most significant developments being proposed.'

7.10.3 Guidance and advice from both the PAS and the Planning Officer Society (POS) encourages, as a matter of good practice, smaller Planning Committees (smaller usually being seen as between 5-9 members). Both cite that smaller Planning Committees tend to result in fewer overturned recommendations, better quality debate, shorter meetings and the ability to deliver better briefings and training for Committee members.

7.10.4 The Council continues to receive a high level of applications within the Service despite other authorities reporting a drop in application numbers. In line with national trend, the Council is struggling to recruit and retain staff. There has been a relatively high turnover of staff and officers continue to carry high caseloads.

7.10.5 Whilst considerable work has been done to streamline the way the service is delivered running at least 2 Planning Committee per month generates a significant amount of additional work for both the planning staff, the technical support team and Democratic Services. Moving to a single Committee would free up limited resources within these teams to enable focus to be on delivering a more responsive service to our residents and businesses.

7.10.6 There has been a difference in the performance between the Eastern and Western Committees in terms of the percentage of recommendations that have been overturned by each Committee. It seems slightly unreasonable and unjust if it is more likely to have their planning application refused if it is considered by one Committee rather than another. Going to a single Committee would provide a more equitable situation for applicants.

7.10.7 It is proposed that the Eastern and Western Planning Committees be abolished, and that the Council be recommended to:

- Establish one Planning Committee;
- Comprising 15 members appointed in accordance with political balance, who have completed mandatory training requirements, not to include any member of the Executive;
- With terms of reference to include determination of Planning Applications from anywhere in the Borough, that are not delegated to the Joint Executive Head of Planning Development;
- With members being able to be substituted by any member of the Council from the same political group as the absent member, who has undertaken the mandatory training requirements, other than any Executive Member.

7.10.8 Alternatively if the proposal to change to a single Committee is not supported, it is proposed that the Eastern and Western Planning Committee be abolished and that the Council be recommended to:

- Establish two new Planning Committees named 'Planning Committee A' and 'Planning Committee B';

- Each Committee comprise 11 councillors appointed in accordance with political balance, who have completed mandatory training requirements, not to include any member of the Executive;
- With terms of reference to include determination of Planning Applications from anywhere in the Borough, that are not delegated to the Joint Executive Head of Planning Development;
- With members being able to be substituted by any member of the Council from the same political group as the absent member, who has undertaken the mandatory training requirements, other than a member of the other Planning Committee or any Executive Member.

7.10.9 Whichever arrangement the Committee agrees to recommend to Council, the Committee is asked to consider whether include in their recommendation:

- that Ward Members not to be permitted to participate in the debate nor vote for the determination of any applications in their Ward but be enabled to make representations to open and close the committee debate on such applications.

8. Consultations

- 8.1 Currently, on the committees that have been established by Council for 2023/24 municipal year, there are 90 seats available.
- 8.2 Should Council decide to reduce the size of Committees in line with recommendations 2.1.1 – 2.1.4, there would be 78 seats available on non-executive Council Committees.
- 8.3 Any change would result in a need to recalculate the number of seats on each Committee to be allocated to each Political Group and/or independent member. Further discussion would be needed with Group leaders to ensure that the number of seats each political Group is allocated to Committees equals the number of Committee seats available.

8.4 Thereafter, appointments would need to be made to any vacant seats, in line with Group Leaders nominations and the Council has delegated authority to the Monitoring Officer to make such appointments.

9. Key Risks

9.1 There are no risk management implications arising other than any referenced in the body of the report.

10. Financial Implications

10.1 There are no financial implications arising from consideration of the matters set out in the report. However, there are efficiencies that could be released by moving to a single Planning Committee that could result in savings in future years.

11. Legal Implications

11.1 Paragraph 3.11 of the terms of reference of the Standards and General Purposes Committee set out in appendix 1 to Part 3 of the Waverley Borough Council constitution provides that within the terms of reference of the Committee is *“to monitor and review the operation of the Council’s Constitution and to make appropriate recommendations to Full Council in relation thereto”*.

11.2 Article 4 of the Waverley Borough Council constitution provides that *“The Monitoring Officer and the Standards and General Purposes Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect”* and apart from certain changes that the Monitoring Officer may make to the constitution in limited circumstances, and changes to the executive functions *“changes to the Constitution will only be approved by the Full Council after consideration of any recommendations or representations made by the Standards and General Purposes Committee, Audit Committee or Executive, as necessary”*.

- 11.3 Paragraph 2.1 of the terms of reference of the Audit Committee set out in appendix 1 to Part 3 of the Waverley Borough Council constitution provides that Members of the Audit Committee shall be politically balanced and paragraph 2.2 that Members of the Committee must not be Executive Members.
- 11.4 Paragraph 2.1 of the terms of reference of the Standards and General Purposes Committee set out in appendix 1 to Part 3 of the Waverley Borough Council constitution provides that the Leader of the Council must not be a member of the Committee, and the membership may include no more than one Executive Member.
- 11.5 Paragraph T.4 of Appendix 4 to Part 3 of the Waverley Borough Council Constitution provides delegated authority to the Joint Executive Head of Legal and Democratic Services, in consultation with Group Leaders, *“to make any changes to the membership of any of the Council’s Committees as necessary during the Council year, in accordance with the wishes of the respective Group Leaders”*.
- 11.5 Paragraph T.4 of Appendix 4 to Part 3 of the Waverley Borough Council Constitution provides delegated authority to the Joint Executive Head of Legal and Democratic Services, in consultation with Group Leaders, *“to make any changes to the membership of any of the Council’s Committees as necessary during the Council year, in accordance with the wishes of the respective Group Leaders”*.

12. Human Resource Implications

- 12.1. There are no Human Resources implications arising from this report.

13. Equality and Diversity Implications

- 13.1. There are no equality, diversity or inclusion issues arising from this report.

14. Climate Change/Sustainability Implications

14.1. There are no climate emergency declaration implications arising from this report.

15. Summary of Options

15.1 With regard to recommendations 2.1.1 – 2.1.4, the options are set out in paragraphs 7.1, 7.2 and 7.3.

15.2 With regard to the Planning Committees, officers have suggested two alternatives to the currently established Eastern and Western Planning Committees in paragraphs 7.10.7 and 7.10.8. The Committee may also consider other options addressing the number, size and composition of planning committee(s).

16. Conclusion

16.1 The Standards and General Purposes Committee has been asked to review the size, composition, and arrangements for the Council's non-executive committees, giving consideration to the reduction in the size of the Council and the contribution of the planning committees in the Council's planning performance.

16.2 The Committee is asked to make recommendations to Full Council on changes to the current committee arrangements.

17. Background Papers

- Agenda, report and minutes of Council meeting 23 May 2023
- Waverley Borough Council Constitution

18. Appendices

20.1. Appendix 1 - Planning Advisory Service Report, June 2022