

# Waverley Borough Council

Report to: Council

Date: 21 May 2024

Ward(s) affected: All

Report of Director: Legal and Democratic Services

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Report Status: Open

## Establishment of Committees 2024/25

### **1. Recommendation to Council**

That the Council RESOLVES that:

- 1.1 the committees as set out in paragraph 4.7 be established for the 2024/25 municipal year with the committee sizes shown

### **2. Reasons for Recommendation:**

- 2.1 To establish the Council's committees for the 2024/25 municipal year and to agree their size, in accordance with Council Procedure Rules.

### **3. Purpose of Report**

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

### **4. Background**

- 4.1 Council Procedure Rule 2.2 requires the Council, at its Annual meeting 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 by-election on 18 April, Cllr Alan Earwaker was elected to represent Farnham Castle Ward; and following the Borough by-election on 2 May 2024, Cllr Laura Cavaliere was elected to the Witley and Milford Ward. The political composition of the Council remains unchanged from the Annual meeting in 2023:

Conservative Party	10
Farnham Residents	13
Green Party	1

Labour Party	2
Liberal Democrats	22
Independent	2

- 4.5 A political Group must 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:

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

- 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 2024/25, with size of committee and restrictions on membership as shown in the table below:

<b>Committee</b>	<b>No. of voting members</b>
Audit & Risk Committee	7 councillors
Standards & General Purposes Committee	7 councillors
Licensing & Regulatory Committee	11 councillors
Overview & Scrutiny Committee - Resources	11 councillors

Overview & Scrutiny Committee - Services	11 councillors
Planning Committee	15 councillors
Joint Senior Staff Committee (with Guildford)	3 councillors (including the Leader and the Leader of the Principal Opposition Group)
Joint Governance Committee (with Guildford)	6 councillors (Leader plus 5)

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 than 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.
- 4.8 There are no changes to committee terms of reference, as set out in the Constitution.

## **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 xx.

## **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.

- 5.4 Details of the numerical allocation of seats on the committees to the political Groups based on 71 available committee seats together with each political Groups' nominations to fill those seats are set out in the following agenda report at Item 9.

## **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.

## **12. Conclusion**

12.1 Council is recommended to establish non-executive committees for the 2024/25 municipal year as set out in paragraph 4.7 above.

## **13. Background Papers**

13.1 None