

## Governance Working Group

Portfolio	Leader
Ward(s) Affected:	n/a

### Purpose

To consider the report from the Governance Working Group in relation to

- (a) the Licensing Committee; and
- (b) the Electoral Review of Council Size.

### Introduction

1. The Working Group met on 22 April 2016. The notes of these meetings are available on the Intranet.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

### The Licensing Committee

3. At a previous meeting, the Working Group had discussed ongoing concerns about Licensing Sub-committees and the fact that only a small number of members are participating in them.
4. Members were reminded that Section 6(1) of the Licensing Act 2003 restricted the size of the Licensing Committee to between 10 and 15 councillors and that the membership of any Sub-committees established by the Licensing Committee had to be drawn from the main Committee.
5. Furthermore, Sub-committee hearings had to be held within a very short timescale. Consequently Sub Committee hearings, which could take several hours, were usually held during business hours; a factor that limits Sub Committee members to those who are available during the day.
6. Members were advised a recent court case had found that:
  - (a) If licensing authorities were able to substitute non-members as and when they wished it would remove the requirement to establish a licensing committee of at least 10 but not more than 15 members of the authority;
  - (b) The nature of the work required of licensing committee members meant that they must be trained for the role;
  - (c) Section 6(1) of the Act stated that the licensing committee must have not more than 15 members and, if there are already 15 members, to add another would exceed the statutory maximum and could not be done; and
  - (d) Standing orders could not override the legislative provisions.

7. Consequently it was clear that substitute members were not allowed. The Council's Procedure rules did provide that there should be no substitutions for licensing when dealing with Licensing Act 2003 matters and the licensing sub-committees of the Licensing Committee; a factor which would need to be considered when appointing members to sit on the Licensing Committee.
8. It was noted that Sub-Committee hearings were scheduled to start at either 10am or 2pm and usually lasted between two and four hours. Starting a hearing later than this could incur unnecessary expense for an applicant particularly when an applicant had engaged professional legal advice. Where it was considered that a hearing might last significantly longer than this, members were made aware of this fact in advance.
9. It was considered that these restrictions placed unnecessary constraints on who could be appointed to Licensing Committees and the Leader agreed to make representations to the Department of Culture, Media and Sport.

### **Electoral Review**

10. The Working Group was reminded that the Local Government Boundary Commission for England was conducting an intervention review of the Borough because the electorate data from 2013 shows that Surrey Heath met the criteria with 4 out of 16 wards having a variance outside 10%.
11. The Review will decide
  - (a) the total number of councillors (council size)
  - (b) the pattern of wards for the entire borough
  - (c) the number of wards
  - (d) the names of wards
  - (e) the boundaries of wards
12. The first stage of the review will be to decide the Council size. The council size decision will be taken by the Commission on 19 July 2016 with information supplied to it from the Council and/or political parties if there is not a consensus.
13. The Commission would take into account a number of factors such as:
  - (a) the demands of time on elected members and whether the Council could operate more effectively with a different number;
  - (b) the current political management and governance;
  - (c) the representative role of members; and
  - (d) the effective representation of constituents.
14. Following the "minded to" decision on council size the Commission will conduct a public consultation, between 26 July and 28 September, when the Commission will invite suggested warding patterns from the Council, parish councils, local organisations and interested members of the public.

15. The Working Group noted that both the Conservative Group and the Others Group had considered proposals for future council size taking into account the above factors. It was reported that the Others Group had proposed a council size of 39 and the Conservative Group, a council size of 34.
16. The Working Group, by a majority, agreed that a council size of 34 members should be recommended to the Council.

### **Recommendation**

17. The Council is advised to RESOLVE that the Chief Executive, after consultation with the Leader of the Council, be authorised to submit, to the Local Government Boundary Commission for England, the Council's proposal on a reduction of council size from 40 members to 34 members, based on the following factors:
  - (i) the Strong Leader and Executive arrangements introduced since the last review;
  - (ii) the extensive Scheme of Delegation of Functions to Officers extended since the last review;
  - (iii) the technological advancements in communications and the changing way in which residents accessed information and services;
  - (iv) reduction in the committee structure and frequencies of meetings including the way in which the Council fulfils its scrutiny responsibilities; and
  - (v) the financial position of the Council, and the Country as a whole.

Annexes                      None

Background  
Papers:                      None

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