

**Structure of the Council, confirmation of Delegations and Terms of Reference,
Political Balance**

Report by the Director of Communities

1.0 Summary

- 1.1 To agree the Structure of the Council and confirm the Scheme of Delegations to Officers and Terms of Reference.

2.0 Background

- 2.1 The business conducted at the Annual Meeting of Council is governed by the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000 and Local Government and Public Involvement in Health Act where this relates to executive arrangements.
- 2.2 The procedure rules for the Annual Meeting of Council are set out in Part 4 of the Council's Constitution which follows the Department of the Environment, Transport and the Regions (DETR) model constitutions guidance of 2000.
- 2.3 To streamline the business of the Annual Meeting of Council the items relating to structure will be taken as one item and are set out in Annex A to this report.

3.0 Proposals

- 3.1 That the Council confirm the items relating to the Structure of the Council as set out in Annex A to this report
- 3.2 That Council also notes that there is an ongoing Review of the Constitution with a report due to be submitted to Joint Governance and Audit Committee in June with a number of recommendations.

4.0 Legal

- 4.1 s106 Local Government Act 1972 provides that Councils may make standing orders for the regulation of their proceedings and business
- 4.2 s111 Local Government Act 1972 provides that the Council shall have the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of their functions.

4.3 s15, 16 and 17 of the Local Government and Housing Act 1989 set out powers and duties in relation to political balance on Committees and the exceptions and exemptions therein.

4.4 Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 sets out regulations regarding appointments to Cabinet and Committees in Councils that have adopted Executive arrangements.

5.0 Financial implications

5.1 There are no direct financial implications arising from this report

6.0 Recommendation

6.1 That the Council confirm the Committee structure and numbers of seats applicable to each, in accordance with the Constitution as set out in paragraph (a) of Annex A to this report;

6.2 That the Council confirm the Terms of Reference of the Council, Cabinet, Committees and Sub Committees as outlined in the Constitution;

6.3 That the Council confirm the political groups and the number and proportion of seats held as set out in paragraph (b) of Annex A to this report;

Local Government Act 1972

Background Papers:

Local Government Act 1972

Local Government and Housing Act 1989

Local Government Act 2000

Local government and Public Involvement in Health Act 2007

Annual council Agendas 2008, 2009, 2010

Knowles on Local Authority Meetings – A manual of Law and Practice

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Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered and no issues identified

2.0 Specific Action Plans

2.1 (A) Matter considered and no issues identified
(B) Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Committees must take proper account of the Council's duties to promote compliance with the convention rights scheduled in the Human Rights Act 1988, to reduce crime and disorder and to promote equalities

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 Matter considered and no issues identified

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 The Committee structure of Adur District Council contains a number of Joint Committees with Worthing, Horsham and Mid-Sussex Councils

(a) Committee Structure and Number of Seats

To confirm the committee structure and numbers of seats applicable to each, in accordance with the Constitution:

(i) The Executive:

Cabinet	6 seats
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(ii) Regulatory Committees and Sub-Committees:

Planning Committee	8 seats
Licensing Committee	10 seats
Licensing Regulatory Sub-Committee	3 seats plus 1 reserve

(iii) Overview and Scrutiny:

Overview and Scrutiny Committee	8 seats
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(vi) Joint Working Arrangements:

With Worthing Borough Council

Joint Governance and Audit Committee	6 seats
Joint Members Appointments Committee	3 seats
Joint Overview and Scrutiny Committee	8 seats
Joint Planning Committee	8 seats
Joint Senior Staff Committee	3 seats
Joint Staff Committee	3 seats
Joint Strategic Committee	6 seats
Joint Standards Committee	3 seats

With Horsham and Mid Sussex Councils

CenSus Joint Committee	2 seats
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Seats in bold are subject to political balance: 60 Seats

Miscellaneous:**(v) Joint Remuneration Panel:**

With Worthing Borough Council

A Panel comprising four independent persons in accordance with the Local Authorities (Members Allowances) (England) Regulations 2001, this membership is appointed via the Joint Members Appointment Committee.

(b) Representation of Political Groups on the Council

To confirm the political groups and the number and proportion of seats held.

Representation on the Council and the number and proportion of seats held are as follows;

Number of seats on Council:		Proportion of seats
20	Conservative	68.97%
2	SBRA / Independent	6.90%
6	UKIP	20.69%
1	Liberal Democrat	3.45%
1	Labour	3.45%

In accordance with the rules on political representation the number of seats to be taken by each political group on the Council's Committees and Sub-Committees equates to:

	Number of seats on Committees:
Conservative	41
SBRA / Independent	4
UKIP	12

A political group comprises 2 or more members. 3 seats are unallocated.

Please note that the following are not included in the above figures because the political balance requirements do not apply:

Cabinet (6 seats)
Joint Strategic Committee (6 seats)
Census Committee (2 seats)

Committee	No. of Seats	Conservative	SBRA	Labour	UKIP	Over or under allocated
Joint Governance and Audit	6	4	0	**	1	-1
Licensing	10	7	1*		2	
Joint Planning	8	6	1*		2	+1
Planning	8	6	1*		2	+1
Overview and Scrutiny	8	6	1*		2	+1
Joint Overview and Scrutiny	8	6	1*		2	+1
Joint Staff	3	2	0		1	
Joint Senior Staff	3	2	0		1	
Joint Members appointments	3	2	0		1	
Joint Standards	3	2	0		1	
TOTAL	60	43	5	0	15	
Over or under allocation		-2~	-1		^3	

Therefore, there is a need to negotiate:

- ~Conservative Group to surrender 2 seats to make 41 seats
- ^ UKIP Group to surrender 3 seats to make 13 seats
- *SBRA – are entitled to one seat on the Licencing Committee/ Joint Planning Committee/ Planning Committee/O and S and Joint O and S to a total of 4 seats, Labour could be offered the remaining seat but are not entitled to any seats
- **Labour – can be allocated the seat on the Joint Governance and Audit Committee and could be offered one of the other allocated SBRA seats but are not entitled to any seats