



## **Decision making by Adur District Council in 2018/19**

### **Joint Report by the Director for Communities and the Solicitor to the Council**

#### **1.0 Summary**

- 1.1 The report outlines a number of decisions required by Council to ensure that the decision making structure for 2018/19 is determined according to the Council's Constitution, this includes to:

Note the Political Balance on the Council;

Agree the allocation of seats based on the Political Balance of the Authority following the results of the District election of 3 May 2018;

In accordance with Political Group nominations to appoint Members to seats on Committees for 2018/19;

To appoint the various Chairman and Vice-Chairman to the Committees for 2018/19;

To appoint the Leader of the Main Opposition for 2018/19.

#### **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 2007 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.
- 2.3 To streamline the business of the Annual Meeting of Council, the items relating to Political Balance, decision making structure, appointments to Committees and the Chairman and Vice-Chairman roles are included within this single report.

#### **3.0 Proposals**

- 3.1 That the Council notes the decision making structure of the Council as set out in the Constitution and the Joint Committee agreement; the Council's

decision making structure is the strong leader with cabinet model. Full details are in the Council's constitution in the Articles and in Parts 3 and 4.

- 3.2 The Council notes the Political Balance on the Council following the results of the District Election held on 3 May 2018, as detailed in Annex A (a), and confirms the allocation of seats set out in Annex B (b).
- 3.3 Group Leaders have been consulted regarding their proposed nominations to the various seats in the decision making structure. Council must agree the appointments to the non-executive committee memberships. These are contained in Annex B. As Group Meetings had not been held prior to the publication of the agenda, this Annex will be updated and circulated prior to the meeting.
- 3.4 Council will receive the nominations to the positions of Chairman and Vice-chairman to the non-executive committees as indicated on Annex B which are the wishes of the majority group on the Council.
- 3.5 In accordance with the Constitution, Council Procedure Rule (CPR) 39, the criteria has been met therefore the Council appoints the Leader of the Labour Group on the Council as the Leader of the Main Opposition.
- 3.6 The Proper Officer will confirm the Leader and Deputy Leader for the Groups on the Council as notified to her.

#### **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 Executive and Committees in Councils that have adopted Executive arrangements.

#### **5.0 Financial implications**

- 5.1 The financial implications arising from this report, any Special Responsibility Allowances that may be payable, have been taken into account in the 2018/19 budget.

## **6.0 Recommendation**

- 6.1 That the Council notes the decision making structure of the Council and the political balance of the Council as per paragraphs 3.1 and 3.2 above.
- 6.2 That the Council confirms the Terms of Reference of the Council, Executive, Committees and Sub-Committees as outlined in Part 3 of the Constitution including those relating to Joint Committee Agreements.
- 6.3 That the Council confirms the political groups, the number and proportion of seats as set out in Annex A (a) to this report.
- 6.4 That the Council appoints to the Committees in accordance with the wishes of the Political Groups on the Council detailed in Annex B.
- 6.5 That the Chairman and Vice-Chairman of Committees indicated on Annex B be appointed until the Annual Meeting of the Council in 2019.
- 6.6 That the Council notes the Group Leaders and Deputy Leaders as confirmed to the Proper Officer as listed on Annex B.
- 6.7 Under Council Procedure Rule 39, Council appoints the Leader of the Labour Group on the Council as the Leader of the Main Opposition.

## **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

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

Adur District Constitution various updates

Result of Poll(s) Elections held on 3 May 2018

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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 Group Leaders have been consulted regarding their nominations for membership of non-executive committees

### **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 Joint Committees with Worthing Borough Council

**(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:**

Executive 6 seats

**(ii) Regulatory Committees and Sub-Committees:**

Planning Committee **8 seats\***  
Licensing Committee **10 seats\***  
Licensing Regulatory Sub-Committee 3 seats

**(iii) Overview and Scrutiny:**

Overview and Scrutiny Committee **8 seats\***

**(vi) Joint Working Arrangements:**

With Worthing Borough Council  
Joint Governance Committee **8 Seats\***  
Joint Overview and Scrutiny Committee **8 Seats\***  
Joint Senior Staff Committee **3 Seats\***  
Joint Staff Committee **3 Seats\***  
Joint Strategic Committee 6 Seats

**Seats in bold are subject to political balance: 48 Seats\***

**(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
(29)		(100%)
16	Conservative	55.17%
2	Independent (SBRA)	6.90%
7	Labour	24.14%
4	UKIP	13.79%

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	26
SBRA / Independent	3
Labour	12
UKIP	7

A political group comprises 2 or more members. Please note that the following are not included in the above figures because the political balance requirements do not apply:

Executive (6 seats)  
 Joint Strategic Committee (6 seats)

The Majority Group on the Council is entitled to the majority of seats on committees

Committee	No. of Seats	Conservative	SBRA	Labour	UKIP	Over or under allocated (+ or -)
Joint Governance	8	5	1*	2	1*	-1
Licensing	10	6	1	2	1	
Planning	8	5	1*	2	1*	-1
Overview and Scrutiny	8	5	1*	2	1*	-1
Joint Overview and Scrutiny	8	5	1*	2	1*	-1
Joint Staff	3	2	0	1	0	
Joint Senior Staff	3	2	0	1	0	
<b>TOTAL</b>	<b>48</b>	<b>30</b>	<b>5</b>	<b>12</b>	<b>5</b>	
<b>Over or under allocation on percentage split</b>			2 over		2 under	

In summary

Conservative allocation is correct according to the political balance rules as the majority group (Conservative) has to have a majority on all committees.

The Labour Group allocation is correct.

There is an over allocation of seats on the four 8 seat committees (the 8th seat). The 8th seat on each of the 8 seat committees needs to be negotiated between UKIP and SBRA bearing in mind UKIP are entitled to 2 more seats and the SBRA should give up 2 seats. Therefore the 8th seat on each of the 4 seat committees should be either UKIP or SBRA

No group (except the majority group) can have an over allocation of seats according to the political balance rules. The details of the Group Leader's agreement will be contained on the amended Annex B to item 12, circulated prior to the Council meeting.







ADUR & WORTHING  
COUNCILS

JOINT COMMITTEE MEMBERSHIP /  
APPOINTMENTS  
2018-2019

<b>Joint Strategic Committee</b> <b>Membership is the Leader and their Executive</b> <i>(no requirement for political balance)</i>		
<b>No</b>	<b>Councillor</b>	<b>Political Group</b>
Worthing Borough Council		
1	<b>Chair: Dan Humphreys</b>	Conservative
2	<b>Vice-Chair: Kevin Jenkins</b>	Conservative
3		Conservative
4	Val Turner	Conservative
5	Ed Crouch	Conservative
6	Heather Mercer	Conservative
Adur District Council		
1	<b>Chair:</b>	Conservative
2	<b>Vice-Chair:</b>	Conservative
3		Conservative
4		Conservative
5		Conservative
6		Conservative

<b>Joint Governance Committee</b> <i>(requirement for political balance)</i>		
No	Councillor	Political Group
Worthing Borough Council		
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Conservative
7		Labour
8		(to be advised)
Adur District Council		
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Labour
7		Labour
8		(to be advised)

**Note:** *Not more than one member to be an Executive Member  
Council to appoint a Chair and Vice-Chair for this Committee*

**For Standards matters:**

Independent Person: Simon Norris-Jones and Susan Clark

Parish representatives: Lancing Parish Council (1) – Sompting Parish Council (1)

<b>Joint Staff Committee</b> <i>(requirement for political balance)</i>		
<b>No</b>	<b>Councillor</b>	<b>Political Group</b>
Worthing Borough Council		
1		Conservative
2		Conservative
3		Lib Dem
Adur District Council		
1		Conservative
2		Conservative
3		Labour

**Note:** Council to appoint a Chair and Vice-Chair for this Committee

<b>Joint Senior Staff Committee</b> <i>(requirement for political balance)</i>		
<b>No</b>	<b>Councillor</b>	<b>Political Group</b>
Worthing Borough Council		
1	<b>Chair:</b> <i>usually the Leader</i>	Conservative
2	<b>Vice-Chair:</b> <i>usually the Deputy Leader</i>	Conservative
3	<i>usually the Leader of the Opposition</i>	Labour
Adur District Council		
1	<b>Chair:</b> <i>usually the Leader</i>	Conservative
2	<b>Vice-Chair:</b> <i>usually the Deputy Leader</i>	Conservative
3	<i>usually the Leader of the Opposition</i>	Labour

**Note:** Each Council must have one Executive member

<b>Joint Overview &amp; Scrutiny Committee</b> <i>(requirement for political balance)</i>		
No	Councillor	Political Group
Worthing Borough Council		
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Conservative
7		Labour
8		(to be advised)
Adur District Council		
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Labour
7		Labour
8		(to be advised)

**Note:** Council to appoint a Chair and Vice-Chair for this Committee



**ADUR DISTRICT  
COUNCIL**

**EXECUTIVE / NON-EXECUTIVE COMMITTEE  
MEMBERSHIPS  
2018-2019**

<b>Executive, appointed by the Leader</b>		
<b>No</b>	<b>Councillor</b>	<b>Title</b>
1		
2		
3		
4		
5		
6		
<b>Policy Advisors to Executive Members</b> These are not Council appointments; these are made by the individual Executive Member, advised to the Director of Communities.		
1		To Leader
2		To Executive Member for Resources
3		To Executive Member for Regeneration
4		To Executive Member for Customer Services
5		Executive Member for Health & Wellbeing
6		Executive Member for Environment

<b>Adur Planning Committee</b> (requirement for political balance)		
No	Councillor	Political Group
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Labour
7		Labour
8		(to be advised)
	<b><i>Substitute Members List</i></b>	
1	All Members who have had the necessary training by the end of June 2017	Conservative
5		UKIP
6		UKIP
7		Labour
8		Labour
9		Labour

**Note:** Council to appoint a Chair and Vice-Chair for this Committee

*It is a requirement that Members and Substitute members of this Committee must receive appropriate training.*

Licensing Committee (requirement for political balance)		
No	Councillor	Political Group
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Conservative
7		Labour
8		Labour
9		UKIP
10		SBRA

**Note:** Council to appoint a Chair and Vice-Chair for this Committee

*It is a requirement that Members of this Committee must receive appropriate training.*

Overview and Scrutiny Committee (requirement for political balance)		
No	Councillor	Political Group
1		Conservative
2		Conservative
3		Conservative
4		Conservative
5		Conservative
6		Labour
7		Labour
8		(to be advised)

**Note:** Council to appoint a Chair and Vice-Chair for this Committee

This membership becomes the Adur membership on the Joint Overview and Scrutiny Committee

Adur representative on the West Sussex Adult and Social Care Select Committee (membership is from the Scrutiny Committee)	
	Conservative

**Notified Group Leaders (Regulation 8(3))**

<b>Conservative Group</b>	- Cllr _____ (Leader)	Cllr _____ (Deputy)
<b>SBRA</b>	- Cllr _____ (Leader)	Cllr _____ (Deputy)
<b>Labour</b>	- Cllr _____ (Leader)	Cllr _____ (Deputy)
<b>UKIP</b>	- Cllr _____ (Leader)	Cllr _____ (Deputy)