



Ward(s) Affected: All

Changes to Decision Making following the Southlands by-election

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 To note that the election of Councillor Deborah Stainforth, representing the Labour party for Southlands Ward, has affected the political balance of the Council.
- 1.2 To note the re-calculation of the political balance on the Council.
- 1.3 The report further outlines decisions required by Council to ensure that committee appointments post Southlands by-election are determined according to relevant legislation.

2. Recommendations

- 2.1 That the Council notes the revised political balance of the Council as per paragraph 3.4.
- 2.2 That the Council appoints to the Committees in accordance with the wishes of the Political Groups on the Council detailed in Annex B.

2.3 That the Council notes the change to the Group Leader and Deputy Leader of the UKIP group as confirmed to the Proper Officer as listed in Annex B.

3. Context

- 3.1 At the meeting of Annual Council in May 2018 Council determined a number of matters related to decision making by the Council until May 2019. However, on the 4 September 2018, Councillor Paul Graysmark retired from his seat as Ward Councillor for Southlands Ward.
- 3.2 Following the resignation an election was called for and held on Thursday 11 October 2018 with Deborah Stainforth of the Labour party being duly elected to the position of Ward Councillor for Southlands Ward.
- 3.3 Decision making 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.
- 3.4 The new calculation of the political balance of the Authority is:

Number of seats on Council:		Proportion of seats
16	Conservative	55.17%
8	Labour	27.59 %
3	UKIP	10.34%
2	SBRA / Independent	6.9%

4. Issues for consideration

- 4.1 The resignation of Paul Graysmark has left a vacancy on the Joint Governance Committee.
- 4.2 The overall political balance has changed as a result of the by-election.
- 4.3 Conservative allocation of seats on Committees is correct according to the political balance rules as the majority group (Conservative) has to have a majority on all Committees.

- 4.4 The overall Labour allocation of seats across the Council's Committees has increased from 12 to 13. Based on political proportionality rules the Labour group is entitled to an additional seat on a ten seat committee but no other increases on other committees.
- 4.5 The overall UKIP allocation of seats on committees has fallen to 5
- 4.6 The overall SBRA allocation of seats on Committees remains at 3
- 4.7 As the majority party the Conservative Group must have a majority on each of the Council's relevant non-executive Committees, this means that overall there is an over allocation of seats (a detailed breakdown of this can be found in Annex A of this report). In real terms this means that, in total, opposition parties will be under allocated with regards to seats on Committees.
- 4.8 With that in mind the Council needs to appoint to the following Committees:
- 4.8.1 Former Councillor Paul Graysmark's resignation has left a vacancy on the Joint Governance Committee which can be filled by either SBRA or UKIP. Conservatives and Labour have the correct allocation on 8 seat Committees. Agreement has been reached between opposition groups and the seat will remain as a UKIP seat.
- 4.8.2 The tenth seat on the licensing Committee, this can go to Labour, UKIP or the SBRA. Agreement has been reached between these groups and UKIP has agreed to give up its seat on the Licensing Committee and this 10th seat will be taken by the Labour Party.
- 4.9 Following the resignation of the former UKIP group leader there is a need for the Council to note that the new Leader of the UKIP group is Councillor Robin Monk and Deputy Group Leader is Clive Burghard
- 4.10 Appointments to Committees according to political group wishes are listed in Annex B (Annex B will be circulated separately after publication of this agenda)

5. Engagement and Communication

- 5.1 Group Leaders were contacted upon the conclusion of the by-election in order to reapportion seats accordingly.

6. Financial Implications

6.1 There are no direct financial implications arising from this report

7 Legal Implications

7.1 s106 Local Government Act 1972 provides that Councils may make standing orders for the regulation of their proceedings and business

7.2 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.

7.3 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.

7.4 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

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
- Resignation email from Paul Graysmark
- Declaration of the Result of Poll 11 October 2018

Officer Contact Details:-

Chris Cadman-Dando
Democratic Services Officer
01903 221364
chris.cadman-dando@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- No issues identified

2. Social

2.1 Social Value

- No issues identified

2.2 Equality Issues

- No issues identified. Recruitment and selection in these matters are reserved to Political Parties

2.3 Community Safety Issues (Section 17)

- No issues identified

2.4 Human Rights Issues

No issues identified

3. Environmental

- No issues identified

4. Governance

- Issues relating to the Governance structure of the Councils are set out in the report

(a) 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%
8	Labour	27.59%
3	UKIP	10.34%
2	Independent (SBRA)	6.90%

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 (55.17% x 48 seats)	26
Labour (27.59% x 48 seats)	13
UKIP (10.34% x 48 seats)	5
SBRA (6.90% x 48 seats)	3

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	3	1	+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	
TOTAL	48	30	5	13	5	
Over or under allocation on percentage split		4 over	2 over	Correct allocation	Correct allocation	5 over

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 allocation of Conservative seats to Committees cannot therefore be amended.

The Labour Group and UKIP group allocations of seats to Committees are correct.

The SBRA is overallocated 2 seats to Committees.

Due to political balance rules relating to majorities there are not enough seats for SBRA and UKIP and Labour to all be fully allocated:

There is an over allocation of 1 seat on the four 8 seat committees and the 8th seat on each needs to be negotiated between the SBRA and UKIP, bearing in mind that UKIP (5) are entitled to 2 more seats than the SBRA (3) overall and that the SBRA have an over allocation of 2 seats, and

There is an over allocation of seats on the 10 seat committee and the 10th seat on the Licensing Committee needs to be negotiated between Labour, UKIP and the SBRA.

The details of the Group Leader's agreement will be contained on Annex B which will follow after publication of the agenda.