

## **Structure of the Council, Confirmation of Delegations and Terms of Reference**

### **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 Standing Orders 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 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

### **Contact Officer:**

Julia Smith

Democratic Services Manager

Town Hall, Worthing

01903 221150

Julia.smith@adur-worthing.gov.uk

## **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 Worthing Borough Council contains a number of Joint Committees with Adur, 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
---------	---------

**(ii) Regulatory Committees**

Planning Committee	<b>8 seats</b>
Licensing and Control Committee A	<b>15 seats</b>
Licensing and Control Committee B	15 seats

**(iii) Overview and Scrutiny:**

Overview and Scrutiny Committee	<b>15 seats</b>
---------------------------------	-----------------

**(iv) Joint Working Arrangements:**

With Worthing Borough Council

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

With Horsham and Mid Sussex Councils

CenSus Joint Committee	2 seats
------------------------	---------

**Seats in bold are subject to political balance: 72 Seats**

**(v) Joint Remuneration Panel:**

With Adur District 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
27	Conservative	72.97%
7	Liberal Democratic	13.62%
1	Independent	2.70%
	Conservative	
1	Green	2.70%
1	UKIP	2.70%

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	53
Liberal Democrat	14

A political group comprises 2 or more members. 5 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)
- Licensing and Control Committee 'B'

<b>Committee</b>	<b>No. of Seats</b>	<b>Conservative</b>	<b>Indep Conserv.</b>	<b>Liberal Democratic</b>	<b>UKIP</b>	<b>Green</b>	<b>Unallocated</b>
Joint Governance and Audit Committee	6	4	*	1**	*	*	1
Licensing Committee	15	11#	*	3**	*	*	1#
Joint Planning Committee	8	6		2**			
Planning Committee	8	6		2**			
Overview and Scrutiny Committee	15	11	*	3**	*	*	1
Joint Overview and Scrutiny Committee	8	6		2**			
Joint Staff Committee	3	2		1**			
Joint Senior Staff Committee	3	2		1**			
Joint Members appointments Committee	3	2		1**			
Joint Standards Committee	3	2		1**			
<b>TOTAL</b>	<b>72</b>	<b>52</b>	<b>0*</b>	<b>17</b>	<b>0*</b>	<b>0*</b>	
		+1~#		-3^			

Therefore, there is a need to negotiate:

- ~ #Conservative Group are entitled to one seat more seat, this can be on the 15 seat committees where there is under-allocation (Licensing or O and S) or JGAC
- \*Independent Conservative, Green and UKIP could be offered the un allocated seat on the Licensing or O and S but are not entitled to any seats
- ^Lib Democrats are over allocated by 3 seats should give these seats to ensure that seats are allocated to their limit of **14** seats these can only give these up to the Independent Conservative, Green and UKIP to ensure that (a) the Conservatives have no more than 53 seats, and (b) no committee is single party
- \*\* the over allocation of seats to the Lib Dems to be released as the note above to the Independent Conservative, Green and UKIP in any combination to match the above bullet point information.

(The Conservatives have indicated that they will take the additional seat on Licensing)