



Ward(s) Affected: All

## Decision making by Adur District Council in 2020/21

### Report by the Director for Communities

#### Executive Summary

##### 1. Purpose

1.1 The report outlines a number of decisions required by Council to ensure that the decision making structure for 2020/21 is determined according to the Council's Constitution, this includes:

- Noting the Political balance on the Council
- In accordance with Political Group nominations to appoint Members to seats on Committees for 2020/21
- To appoint the various Chairman and Vice-chairman to the Committees for 2020/21
- Noting the Leader of the Main Opposition for 2020/21

##### 2. Recommendations

2.1 That the Council notes the decision making structure of the Council and the political balance of the Council as set out in paragraphs 4.1 and 4.2

2.2 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.

2.3 That the Council appoints to the Committees in accordance with the wishes of the Political Groups on the Council, as detailed in Annex B.

2.4 That the Chairman and Vice-Chairman of Committees be appointed until the Annual Meeting of the Council in May 2021.

2.5 Under Council Procedure Rule 39, Council notes the appointment of the Leader of the Labour Group on the Council as the Leader of the Main Opposition.

### **3. Context**

3.1 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.

3.2 The Council had been due to hold elections of one half of councillors on 7 May but due to the Covid-19 lockdown the Government has cancelled the local government elections for this year. Councillors who were due to be up for election this year, have had their term of office extended until May 2021. There will remain for a time, therefore, a vacancy in the Eastbrook Ward following the passing of Les Alden who was the Councillor representative of that Ward.

3.3 The procedure rules for the Annual Meeting of Council are set out in Part 4 of the Council's Constitution.

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

### **4. Issues for consideration**

4.1 Council is asked to note 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 (Articles and in Parts 3 and 4).

4.2 The calculation of the political balance has not changed since the last by-election. The Political balance of the Authority is:

Number of seats on Council:		Proportion of seats
16	Conservative	55.17%
7	Labour	24.14 %
3	Independent alliance	10.34%
1	Independent	0%
1	UKIP	0%

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 is 12.

4.5 The overall Independent Alliance allocation of seats on committees is 5

4.6 The two councillors on the Council that do not belong to a group (a group must have a minimum of 2 councillors) are not entitled to any seats.

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 Council will receive the nominations to the positions of Chairman and Vice-chairman to the non-executive committees as indicated on Annex A which are the wishes of the largest group on the Council.

4.9 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 Committees and the Chairmanship of those Committees. These nominations are contained in Annex A. Nominations for Committee Chairman from the Leading Group will be included in this Annex.

- 4.10 In accordance with the Constitution, CPR 39, the Council must note the appointment of the Leader of the Labour Group on the Council as the Leader of the Main Opposition

## **5. Engagement and Communication**

- 5.1 Group Leaders were contacted in advance of the report publication.

## **6. Financial Implications**

- 6.1 The financial implications arising from this report, any Special Responsibility Allowances that may be payable, have been taken into account in the 2020/21 budget.

## **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

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## **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%
7	Labour	24.14%
3	Independent Alliance	10.34%
1	Independent	0%
1	UKIP	0%
1	Vacant Seat	0%

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)	12
Independent Alliance (10.34% x 48 seats)	5
Independent (0% x 48 seats)	3
UKIP (0% x 48 seats)	0
	0

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

<b>Committee</b>	<b>No. of Seats</b>	<b>Conservative</b>	<b>Labour</b>	<b>Ind Alliance</b>	<b>Over or under allocated (+ or -)</b>
Joint Governance	8	5	2	1	
Licensing	10	6	3	1	
Planning	8	5	2	1	
Overview and Scrutiny	8	5	2	1	
Joint Overview and Scrutiny	8	5	2	1	
Joint Staff	3	2	1	0	
Joint Senior Staff	3	2	1	0	
<b>TOTAL</b>	<b>48</b>	<b>30</b>	<b>13</b>	<b>5</b>	
<b>Over or under allocation on percentage split</b>		4 over	1 over	Correct allocation	1 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 allocation of Conservative seats to Committees cannot therefore be amended.

The Labour Group's allocation of seats to Committees is one over.

The Independent alliance has the correct allocation.

Seats on committees may be filled by the two councillors not in political groups where a group is not able to fill a position. This will be determined by the groups prior to publication of this agenda, the results of which are set out in Annex B attached