

Ward(s) Affected: All

## **Decision making by Worthing Borough Council in 2020/21**

### **Joint Report by the Acting Director for Housing and Wellbeing and the Solicitor to the Council**

#### **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 of the Council;
  - In accordance with Political Group nominations, to appoint Members to seats on Committees for 2020/21;
  - To appoint the Chairman and Vice-Chairman to each Committee 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 referenced 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 Appendix B.
- 2.4. That the Chairman and Vice-Chairman of Committees, as detailed in Appendix B, be appointed until the Annual Meeting of the Council in May 2021.
- 2.5. That the Council notes the Group Leaders and Deputy Leaders as confirmed to the Proper Officer as listed in Appendix B.
- 2.6. In accordance with Council Procedure Rule 39, the 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. 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.
- 3.2. The Council had been due to hold elections of one third of councillors on 7 May. However, due to the Covid-19 lockdown, the Government cancelled the local government elections for this year. Councillors who were due to stand for election have had their term of office extended until May 2021.
- 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. The 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 a cabinet model. Full details are in the Council's constitution (Articles and in Parts 3 and 4).
- 4.2. The Council is asked to note the Political Balance of the Council and the allocation of seats as set out in Appendix A.
- 4.3. Group Leaders have been consulted regarding their proposed nominations to the various seats in the decision making structure. Council must agree the appointments to all Non-Executive Committees and the Chairmanship of those Committees. The political group nominations are outlined in Appendix B. Nominations for Committee Chairman, from the Leading Group, are also included in Appendix B.

*\*As not all Group Meetings had been held prior to the publication of the agenda, Appendix B will be updated and circulated prior to the meeting).*

- 4.4. In accordance with the Constitution, Council Procedure Rule (CPR) 39 (appointment of the Leader of the Main Opposition), the Leader of the Labour Group on the Council should be appointed as the Leader of the Main Opposition.

#### **5. Engagement and Communication**

- 5.1. Group Leaders have been consulted regarding their proposed nominations to the various seats in the decision making structure.

#### **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  
Worthing Borough Constitution various updates

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

Matter considered and no issues identified.

#### **2.2 Equality Issues**

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.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified.

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

The Committee structure for Worthing Borough Council, including Joint Committees with Adur District Council, are set out in the Council's Constitution.

## Appendix A

### (a) Committee Structure and Number of Seats

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

#### (i) The Executive:

Executive	6 seats
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#### (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>
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#### (iv) Joint Working Arrangements:

With Adur District Council

Joint Governance Committee	<b>8 Seats</b>
Joint Overview & Scrutiny 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

**Seats in bold are subject to political balance: 60 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: (37)	Political Group	Proportion of seats (100%)
23	Conservative	62.16%
10	Labour	27.00%
3	Liberal Democrats	8.11%
1	UKIP	2.70%

In accordance with the rules on political representation, the number of seats to be taken by each political group (a political group comprises 2 or more members) on the Council's Committees and Sub-Committees, equates to:

#### Number of seats on Committees

Conservative	37
Labour	16
Liberal Democrats	5

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)

Licensing and Control Committee 'B'

<b>Committee</b>	<b>No. of Seats</b>	<b>Conservative</b>	<b>Labour</b>	<b>Lib Dem</b>	<b>UKIP</b>	<b>Over or under allocated (+ or -)</b>
Joint Governance	8	5	2	1		
Licensing	15	9	4	1		-1
Planning	8	5	2	1		
Overview and Scrutiny	15	9	4	1		-1
Joint Overview and Scrutiny	8	5	2	1		
Joint Staff	3	2	1			
Joint Senior Staff	3	2	1			
<b>TOTAL</b>	<b>60</b>	<b>37</b>	<b>16</b>	<b>5</b>	<b>0</b>	<b>-2</b>
<b>Overall rounded allocation</b>		<b>38</b>	<b>17</b>	<b>5</b>	<b>0</b>	
<b>Over or under allocated (+ or -)</b>		<b>-1</b>	<b>-1</b>			

**In summary:**

The Conservative group allocation is correct according to the political balance rules on a committee by committee basis. However, this results in the Conservative group being under allocated by 1 seat in respect of its overall rounded allocation of seats by committee.

The Liberal Democrats group allocation is correct according to the political balance rules on a committee by committee basis. Council to note that this results in the Liberal Democrats group being fully allocated.

The Labour group allocation is correct according to the political balance rules on a committee by committee basis. However, this results in the Labour group being under allocated by 1 seat in respect of its overall rounded allocation of seats by committee.

The under allocated seats for the Conservative and Labour Groups are currently allocated as follows:-

- Licensing & Control Committee - Conservative
- Overview & Scrutiny Committee - Labour



**ADUR & WORTHING  
COUNCILS**

**Appendix B**

**JOINT COMMITTEE MEMBERSHIP /  
APPOINTMENTS  
2020-21**

<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		
<b>1</b>	<b>Chair: Daniel Humphreys</b>	Conservative
<b>2</b>	<b>Vice-Chair: Kevin Jenkins</b>	Conservative
<b>3</b>	Edward Crouch	Conservative
<b>4</b>	Heather Mercer	Conservative
<b>5</b>	Elizabeth Sparkes	Conservative
<b>6</b>	Val Turner	Conservative
Adur District Council		
<b>1</b>	<b>Chair:</b>	Conservative
<b>2</b>	<b>Vice-Chair:</b>	Conservative
<b>3</b>		Conservative
<b>4</b>		Conservative
<b>5</b>		Conservative
<b>6</b>		Conservative

<b>Joint Governance Committee</b> <i>(requirement for political balance)</i>		
<b>No</b>	<b>Councillor</b>	<b>Political Group</b>
Worthing Borough Council		
<b>1</b>	<b>Chair:</b>	Conservative
<b>2</b>	<b>Vice-Chair:</b>	Conservative
<b>3</b>		Conservative
<b>4</b>		Conservative
<b>5</b>		Conservative
<b>6</b>	Mike Barrett	Labour
<b>7</b>	Beccy Cooper	Labour
<b>8</b>	Hazel Thorpe	Liberal Democrats
Adur District Council		
<b>1</b>	<b>Chair:</b>	Conservative
<b>2</b>	<b>Vice-Chair:</b>	Conservative
<b>3</b>		Conservative
<b>4</b>		Conservative
<b>5</b>		Conservative
<b>6</b>		Labour
<b>7</b>		Labour
<b>8</b>		UKIP

**Note:** *Not more than one member to be an Executive Member*

**For Standards matters:**

Independent persons: Simon Norris-Jones and Susan Clark (1 vacancy)

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

<b>Joint Staff Committee</b> <i>(requirement for political balance)</i>		
No	Councillor	Political Group
Worthing Borough Council		
1	Chair:	Conservative
2	Vice-Chair:	Conservative
3	Carl Walker	Labour
Adur District Council		
1	Chair:	Conservative
2	Vice-Chair:	Conservative
3		Labour

<b>Joint Senior Staff Committee</b> <i>(requirement for political balance)</i>		
No	Councillor	Political Group
Worthing Borough Council		
1	Chair:	Conservative
2	Vice-Chair:	Conservative
3	Beccy Cooper	Labour
Adur District Council		
1	Chair:	Conservative
2	Vice-Chair:	Conservative
3		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	Chair:	Conservative
2	Vice-Chair:	Conservative
3		Conservative
4		Conservative
5		Conservative
6	Maragret Howard	Labour
7	Carl Walker	Labour
8	Bob Smytherman	Liberal Democrats
Adur District Council		
1	Chair:	Conservative
2	Vice-Chair:	Conservative
3		Conservative
4		Conservative
5		Conservative
6		Labour
7		Labour
8		SBRA



WORTHING BOROUGH  
COUNCIL

COMMITTEE MEMBERSHIP /  
APPOINTMENTS  
2020-21

Executive, appointed by the Leader		
	Councillor	Title
1	Daniel Humphreys	Leader
2	Kevin Jenkins	Deputy Leader Executive Member for Regeneration
3	Edward Crouch	Executive Member for Digital and Environment
4	Heather Mercer	Executive Member for Customer Services
5	Elizabeth Sparkes	Executive Member for Resources
6	Val Turner	Executive Member for Health and Wellbeing
<b>Policy Advisors to Executive Members</b> These are not Council appointments; they are made by the individual Executive Member and advised to the Director of Communities.		
1		Leader
2		Executive Member for Regeneration
3		Executive Member for Digital and Environment
4		Executive Member for Customer Services
5		Executive Member for Resources
6		Executive Member for Health and Wellbeing

<b>Worthing Planning Committee</b> (requirement for political balance)		
<b>No</b>	<b>Councillor</b>	<b>Political Group</b>
<b>1</b>	<b>Chair:</b>	Conservative
<b>2</b>	<b>Vice-Chair:</b>	Conservative
<b>3</b>		Conservative
<b>4</b>		Conservative
<b>5</b>		Conservative
<b>6</b>	Jim Deen	Labour
<b>7</b>	Helen Silman	Labour
<b>8</b>	Martin McCabe	Lib Dem
<b><i>Substitute Member Nomination</i></b>		<b>Political Group</b>
	Councillors with relevant training as listed on the website	Conservative
	Councillors with relevant training as listed on the website	Labour
	Hazel Thorpe	Lib Dem

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

<b>Overview and Scrutiny Committee</b> (requirement for political balance)		
<b>No</b>	<b>Councillor</b>	<b>Political Group</b>
<b>1</b>	<b>Chair:</b>	Conservative
<b>2</b>	<b>Vice-Chair:</b>	Conservative
<b>3</b>		Conservative
<b>4</b>		Conservative
<b>5</b>		Conservative
<b>6</b>		Conservative
<b>7</b>		Conservative
<b>8</b>		Conservative
<b>9</b>		Conservative
<b>10</b>	Henna Chowdhury	Labour
<b>11</b>	Margaret Howard	Labour
<b>12</b>	Dawn Smith	Labour
<b>13</b>	Sally Smith	Labour
<b>14</b>	Carl Walker	Labour
<b>15</b>	Bob Smytherman	Lib Dem

<b>Worthing representative on the West Sussex Adult and Social Care Select Committee</b> (membership is from the Scrutiny Committee)	
<b>Councillor .....</b>	<b>Conservative</b>

Licensing and Control Committees 'A' and 'B' (requirement for political balance)		
No	Councillor	Political Group
1	Chair:	Conservative
2	Vice-Chair:	Conservative
3		Conservative
4		Conservative
5		Conservative
6		Conservative
7		Conservative
8		Conservative
9		Conservative
10		Conservative
11	Mike Barrett	Labour
12	Henna Chowdhury	Labour
13	Richard Mulholland	Labour
14	Dawn Smith	Labour
15	Bob Smytherman	Lib Dem
<b>Substitute Member Nomination</b>		<b>Political Group</b>
	Martin McCabe	Lib Dem

**Note:**

*Although two separate Committees operating under different rules, it is suggested that Membership/Chairman/Vice-Chairman are the same for both.*

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

*Substitutes are not permitted for 'B' Committee.*

*Requirement for Political balance is dependent on which Committee is meeting. Officers will ensure this is correct in each case.*

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

**Conservative Group - Cllr Daniel Humphreys (Leader) Cllr Kevin Jenkins (Deputy)**

**Labour Group - Cllr Beccy Cooper (Leader) Cllr Jim Deen (Deputy)**

**Lib Dem Group - Cllr Bob Smytherman (Leader) Cllr Martin McCabe (Deputy)**