



Ward(s) Affected: All

## Decision making by Adur District Council in 2021/22

### 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 2021/22 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 2021/22
- To appoint the various Chairperson and Vice-Chairperson to the Committees for 2021/22
- Noting the Leader of the Main Opposition for 2021/22

##### 2. Recommendations

2.1 That the Council notes the decision making structure of the Council and the political balance of the Council as 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 detailed in Annex B
- 2.4 That the Chairpersons and Vice-Chairpersons of Committees be appointed until the Annual Meeting of the Council in 2022.
- 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 procedure rules for the Annual Meeting of Council are set out in Part 4 of the Council's Constitution.
- 3.3 To streamline the business of the Annual Meeting of Council the items relating to Political Balance, decision making structure, appointments to Committees and the Chairperson and Vice-Chairperson 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 and cabinet model. Full details are in the Council's constitution (Articles and in Parts 3 and 4).

4.2 The regulations (Local Government and Housing Act 1989) require that two or more Councillors may form a group. Therefore, the calculations in relation to political balance is based upon on the following political groups:-

Number of seats on Council:		Proportion of seats
19	Conservative	65.52%
7	Labour	24.14 %
1	Ind	0%
1	Ind SBRA	0%
1	Green	0%

4.3 Conservative allocation of seats across the Council's Committees is 31 and is correct according to political balance rules.

4.4 The overall Labour allocation of seats across the Council's Committees is 12 and is correct according to political balance rules.

4.5 Once the Groups' Committee allocation has been accounted for there are 5 seats remaining to be distributed amongst members who do not belong to a group under the terms of the 1989 Local Government and Housing Act.

4.6 Council will receive the nominations to the positions of Chairpersons and Vice-Chairpersons to the Non-Executive Committees as indicated in Annex A which are the wishes of the largest group on the Council.

4.7 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 Chairs of those Committees. These nominations are contained in Annex A. As Group Meetings had not been held prior to the publication of the agenda, this Annex will be updated and circulated in due course. Nominations for Committee Chairpersons and Vice Chairpersons from the Leading Group will be included in this Annex.

4.8 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 2021/22 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

**Officer Contact Details:-**

Chris Cadman-Dando  
Democratic Services Officer  
01903 221364

[chris.cadman-dando@adur-worthing.gov.uk](mailto: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%)
19	Conservative	65.52%
7	Labour	24.14%

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 (65.52% x 48 seats)	31
Labour (24.14% x 48 seats)	12

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)

<b>Committee</b>	<b>No. of Seats</b>	<b>Conservative</b>	<b>Labour</b>	<b>Over or under allocated (+ or -)</b>
Joint Governance	8	5	2	-1
Licensing	10	7	2	-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	
Joint Senior Staff	3	2	1	
<b>TOTAL</b>	<b>48</b>	<b>31</b>	<b>12</b>	
<b>Over or under allocation on percentage split</b>		Correct allocation	Correct allocation	5 under

In summary:

The Conservative Group allocation is correct according to the political balance rules

The Labour Group allocations of seats to Committees are correct.

There is an under allocation of seats to Committees by five on 8 and 10 seat Committees, these seats are allocated to Councillors who are not in a group. Allocation of these seats will need to be negotiated between those Councillors.