



Council  
14 December 2021

WORTHING BOROUGH  
COUNCIL

Ward(s) Affected: All

**Decision making following a by-election and changes to membership of Conservative, Labour and Liberal Democrat Groups**

**Report by the Interim Director for Communities**

**Executive Summary**

**1. Purpose**

- 1.1 To inform the Council of changes to the membership of the Conservative, Labour and Liberal Democrat Groups and consequently, a change to the political balance of the Council.
- 1.2 To advise the Council in regards to the re-calculation of political balance.
- 1.3 The report further outlines decisions required by Council to ensure that committee appointments are determined according to the relevant legislation.

**2. Recommendations**

- 2.1. That the Council notes the revised political balance of the Council as set out in paragraph 3.4.
- 2.2. That the Council notes the political groups, the number and proportion of seats as set out in Appendix A to this report.

- 2.3. That Council notes that the Labour seat allocation on 8 seat committees has increased from 3 to 4 seats and that the Liberal Democrats no longer have a seat allocation on 8 seat committees.
- 2.4. That Council appoints to the Planning, Joint Governance and Joint Overview & Scrutiny Committees in accordance with the wishes of the Political Groups, as detailed in Appendix B (to follow).
- 2.5. That the Council appoints to the Worthing Overview & Scrutiny Committee and the Licensing and Control Committee 'A' and 'B' in accordance with the wishes of the Political Groups, as detailed in Appendix B (to follow).
- 2.6. That the Council appoints to the 3rd seat on the Joint Staff Committee and Joint Senior Staff Committee, as detailed in Appendix B (to follow).
- 2.7. That the Council appoints the Vice-chairperson to the Joint Governance Committee.

### **3. Context**

- 3.1 At the meeting of the Annual Council in May 2021, Council determined a number of matters in relation to decision making, including the political balance of the Council. Further matters were determined at the October 2021 meeting of Full Council following a change to the Conservative Group.
- 3.2 Following the by-election held in Marine Ward on the 2nd December 2021 and further changes to the membership of the political groups, the political balance of the Council has been recalculated.
- 3.3 Decision making is governed by the Local Government Act 1972, the Local Government and Housing Act 1989, 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 as follows:

Number of seats on Council:	Proportion of seats
17	Conservative 45.95%
17	Labour 45.95%

2	Liberal Democrat	5.41%
1	Independent	

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

- 4.1 To note the change to the overall political balance of the Council resulting from changes in membership to all of the political groups.
- 4.2 To note that none of the groups are entitled to a majority of seats on each of the committees in accordance with provisions under the Local Government & Housing Act 1989. This is due to the fact that no group holds an overall majority on the Council.
- 4.3 To note the overall Conservative allocation of seats across the Council's Committees has reduced from 29 to 28 seats; the overall Labour allocation of seats across the Council's Committees has increased from 24 to 28 seats and the overall Liberal Democrat allocation of seats across the Council's Committees has reduced from 5 to 3 seats
- 4.4 Group Leaders have been consulted regarding their proposed nominations to the various seats in the decision making structure. The Council is asked to agree the non-executive committee memberships, as outlined in Appendix B (*to follow*) with nominations highlighted in yellow.
- 4.5 The Council is asked to appoint the 3rd seat on both the Joint Staff Committee and Joint Senior Staff Committee.
- 4.7 A political group must be made up of 2 or more Members. Therefore, the Independent Councillor is not entitled to an allocation of seats under the rules of political balance.

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

- 5.1 Group Leaders have been consulted following a change to the membership of all of the political groups, the resulting changes to political balance and the reapportionment of seats.

#### **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

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## **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%)
17	Conservative	45.95%
17	Labour	45.95%
2	Liberal Democrats	5.41%
1	Independent	

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

Number of seats on Committees

Conservative	28
Labour	28
Liberal Democrats	3
UKIP	

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'

Committee	No. of Seats	Conservative	Labour	Lib Dem	Over or under allocated (+ or -)
Joint Governance	8	4	4	0	
Licensing	15	7	7	1	
Planning	8	4	4	0	
Overview and Scrutiny	15	7	7	1	
Joint Overview and Scrutiny	8	4	4	0	
Joint Staff	3	1	1	0	-1
Joint Senior Staff	3	1	1	0	-1
<b>TOTAL</b>	<b>60</b>	28	28	2	
<b>Over or under allocated (+ or -)</b>				-1	

Changes to Committee Memberships required are as follows:-

**Joint Governance Committee** - The Labour seat allocation increases from 3 to 4. The Liberal Democrats no longer have a seat allocation on this Committee. The Vice-Chairman must be appointed.

**Joint Overview & Scrutiny Committee** - The Labour seat allocation increases from 3 to 4. The Liberal Democrats no longer have a seat allocation on this Committee. A Conservative vacancy needs to be appointed to this Committee.

**Worthing Planning Committee** - The Labour seat allocation increases from 3 to 4. The Liberal Democrats no longer have a seat allocation on this Committee.

**Worthing Overview & Scrutiny Committee** - The Labour seat allocation increases from 6 to 7. As a result, the Labour group is asked to put forward a nomination to fill the current vacancy.

**Worthing Licensing and Control Committee 'A' and 'B'** - All groups have the correct allocation of seats as calculated under political balance. A Conservative vacancy needs to be appointed to this Committee..

**Joint Staff Committee** - All groups have the correct allocation of seats as calculated under political balance. However, this results in the committee being underallocated by 1 seat.

**Joint Senior Staff Committee** - All groups have the correct allocation of seats as calculated under political balance. However, this results in the committee being underallocated by 1 seat.