



ADUR & WORTHING
COUNCILS

Joint Governance Committee
24 September 2019
Agenda Item 8

Ward(s) Affected: All

Appointment of Chairmen and Vice Chairmen to Committees

Report by the Solicitor to the Council and Monitoring Officer

Executive Summary

1. Purpose

- 1.1. Members of the Joint Governance Committee requested that a report be brought to them at this meeting addressing the way in which the Chairmen of Committees, other than the Executive, are currently appointed and any future options.

2. Recommendations

- 2.1. The Joint Governance Committee is asked to consider the content of this report and to make any recommendations to Adur District Council and Worthing Borough Council that they may consider appropriate.

3. Context

3.1. Appointments of Members to Committees, other than the Executive

- 3.1.1. Both Adur District Council and Worthing Borough Council operate Executive Arrangements and therefore the appointment of Councillors to Committees is governed by s101 of the Local Government Act 1972 as amended by the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- 3.1.2. Section 102 of the Local Government Act 1972, as amended, provides that for the purposes of discharging their functions a Local Authority may appoint a Committee of the Authority, or two or more Authorities may appoint a Joint Committee of those Authorities, or any such Committee appointed may appoint one or more sub Committees.
- 3.1.3. The Local Government and Housing Act 1989 provides that political groups must be represented on Committees and Sub Committees in the same proportion to the proportion of seats they have on the full Council, subject to certain conditions.
- 3.1.4. Regulation 8 of the Local Government Act 2000 provides that in respect of non Executive Committees the appointment of Members to Committees shall not be the responsibility of the Executive.
- 3.1.5. At both Adur and Worthing Councils procedure rules have been adopted in accordance with section 106 of the Local Government Act 1972 which provides that Councils may make standing orders for the regulation of their proceedings and business. Procedures adopted in both Councils constitutions at Council Procedure Rule 2.3 provide that appointment of Members to Committees, other than the Executive, are made by full Council at the Annual Meeting of the Council.
- 3.1.6. Each Annual Council meeting therefore establishes Committees to discharge the functions of the Council for the municipal year, decides upon each Committees terms of reference and decides upon the allocation of the number of seats to each political group within the Council. The annual Council meeting then

receives nominations of Councillors to serve on each Committee and makes appointments of Members to seats on each non-Executive Committee.

3.2. Appointment of the Executive

3.2.1. Section 62 Local Government and Public Involvement in Health Act 2007 provides that the Executive Leader of the Council is appointed by the full Council. And that other Councillors are appointed to the Executive by the Leader. Such Leader appointments are noted by the Council at the Annual Council meeting.

3.3. Appointment of Chairmen and Vice Chairmen of non-Executive Committees

3.3.1. Both Adur and Worthing Councils have made arrangements through the adoption of their Constitutions for the appointment of the role of Chairman and Vice Chairman of each non-Executive Committee to also be full Council appointments and such appointments are dealt with at the Annual Council meeting in accordance with Council Procedure Rule 2.3.

3.4. Membership of the Joint Governance Committee

3.4.1. The Joint Governance Committee is governed by the Joint Committee Agreement between Adur District Council and Worthing Borough Council.

3.4.2. This provides that the Committee will have no more than one Executive Member from each Council amongst its Membership. There are currently no Executive Members from either Council on the Joint Governance Committee.

3.4.3. It further provides that the Chairmen and Vice-Chairmen of the Joint Governance Committee will be appointed by each Council at its Annual Council Meeting. And that for any particular meeting of the Joint Governance Committee the Chairman and Vice Chairman shall be the Chairman and Vice Chairman of the Council in whose area a meeting should take place.

3.4.4. In the absence of the Chairman and Vice-Chairman of the Joint Governance Committee for the Council in whose area the meeting should take place, the Chairman of Joint Governance Committee from the other Council will act as Chairman for that meeting.

3.4.5. The Chairman does not have a casting vote.

3.5. Membership of the Joint Overview and Scrutiny Committee

3.5.1. The Joint Overview and Scrutiny Committee is governed by the Joint Committee Agreement between Adur District Council and Worthing Borough Council.

3.5.2. This provides that the Committee shall not comprise any Members of the Executive within its membership.

3.5.3. It further provides that the Chairmen and Vice-Chairmen of the Joint Overview and Scrutiny Committee will be appointed by each Council at its Annual Council Meeting. And that for any particular meeting of the Joint Overview and Scrutiny Committee the Chairman and Vice Chairman shall be the Chairman and Vice Chairman of the Council in whose area a meeting should take place.

3.5.4. In the absence of the Chairman and Vice-Chairman of the Joint Overview and Scrutiny Committee for the Council in whose area the meeting should take place, the Chairman of the Joint Overview and Scrutiny Committee from the other Council will act as Chairman for that meeting.

3.5.5. The Chairman does not have a casting vote.

4. Issues for consideration

4.1. Whilst it is a statutory requirement that Councillors are appointed to non-Executive Committees by the Council in accordance with the political balance rules, it is the Council's own adopted constitutional arrangements that govern the appointment of Chairmen and Vice Chairmen.

- 4.2. Any change to the adopted procedures surrounding the appointment of Chairmen and Vice Chairmen on non-Executive Committee would require a change to each Council's constitution, as well as to the Joint Committee Agreement between Adur District Council and Worthing Borough Council.

5. Financial Implications

- 5.1. There are no financial implications arising from this report.

6. Legal Implications

- 6.1. S106 Local Government Act 1972 provides that Councils may make standing orders for the regulation of their proceedings and business.
- 6.2. 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.
- 6.3. S15,16 and 17 Local Government and Housing Act 1989 sets out powers and duties in relation to political balance on Committees and the exceptions and exemptions therein.
- 6.4. Local Government Act 2000 as amended sets out regulations regarding appointment to Executives and Committees in Councils that have adopted Executive arrangements.

Background Papers

- Adur District Council Constitution
- Worthing Borough Council Constitution

Officer Contact Details:-

Susan Sale

Solicitor to the Council and Monitoring Officer

01903 221119

susan.sale@adur-worthing.gov.uk

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

Matter considered and no issues identified

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

Governance issues are at the heart of the issue and are addressed within the body of the report.