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Arun District Council
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BN17 5LF

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28 September 2022

COUNCIL MEETING

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 14 September 2022 [Adjourned to 29 September 2022]** at **6.00 pm** in the **Council Chamber, at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

James Hasset
Chief Executive

AGENDA – SUPPLEMENT PACK TWO – ITEM 8 – URGENT ITEMS

8. URGENT MATTERS (Pages 1 - 12)

To deal with business not otherwise specified in the Council summons which, in the opinion of the Chair of the Council (in consultation with the Chief Executive), is business of such urgency as to require immediate attention by the Council.

There are two urgent items for Council to consider and the reports are attached. These relate to:

- (1) Clapham Parish Council – Temporary Appointments
- (2) Review of Entitlement of Political Groups to Seats on Committees – Proportionality and Appointments to Committees

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Arun District Council

REPORT TO:	Full Council
SUBJECT:	Clapham Parish Council – Temporary Appointments
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance and Monitoring Officer
LEAD MEMBER:	N/A
WARDS:	Angmering and Findon Ward
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
This report seeks to enable a Parish Council to continue to fulfil its duties to its residents.	
DIRECTORATE POLICY CONTEXT:	
Responsibility for these matters sits within the remit of the Monitoring Officer.	
FINANCIAL SUMMARY:	
There are no financial implications associated with this report.	

Reasons for urgency: The special circumstances for non-compliance with Access to Information Procedure Rules Part 6 Section 1 Paragraph 5.1 and Section 100B(4) of the Local Government Act 1972 (items not to be considered unless open to inspection at least 5 days before the meeting) are that:-

- The situation at Clapham Parish Council means that it is currently unable to transact any formal business through meetings of the Parish Council, and an urgent solution is required in order to enable the Parish Council to declare the relevant parish council seats vacant.

1. PURPOSE OF REPORT

- 1.1 To ensure that the Clapham Parish Council is quorate and able to return to full functionality.

2. RECOMMENDATIONS

- 2.1 Full Council is asked to resolve as follows:

1. To temporarily appoint two District Councillors to Clapham Parish Council, to make it quorate and therefore fully functional, for six months; and
2. The two District Councillors to be Councillor Paul Bicknell and Councillor Andy Cooper.

3. EXECUTIVE SUMMARY

- 3.1 With the agreement of the Chair of the Council, this report is to be considered as a matter of urgency as action needs to be taken immediately.
- 3.2 Following the 2 May 2019 local elections, Clapham Parish Council had a full membership of five Parish Councillors, including one co-opted member. However, since then a number of resignations has meant the Parish Council is no longer quorate and currently has only two Parish Councillors in position. It contains less than the three councillors necessary to satisfy the quorate criteria and therefore cannot proceed with co-option nor can it carry out any other business.
- 3.3 Section 91 of the Local Government Act 1972, which is entitled 'Temporary appointment of members of parish and community councils', provides a temporary solution whereby Arun District Council is able to exercise its statutory power to make quorate Clapham Parish Council through the temporary appointment of sufficient District Councillors under Section 91 of the Local Government Act 1972 to enable the Parish Council to meet and to proceed with any co-options and other fundamental business that it needs to transact.

4. DETAIL

- 4.1 After the 2 May 2019 local elections, Clapham Parish Council had a full membership of four Councillors. However, since then a number of resignations has meant the Parish Council is no longer quorate and currently has only two Parish Councillors in position. It contains less than the three councillors necessary to satisfy the quorate criteria and therefore cannot proceed with co-option nor can it carry out any other business.
- 4.2 Section 91 of the Local Government Act 1972, which is entitled 'Temporary appointment of members of parish and community councils', provides a temporary solution.

Subsection (1) states that:

"Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council [or Welsh principal council] may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office."

- 4.3 Two copies of every order made under Section 91 shall be sent to the Secretary of State.
- 4.4 This would be a temporary provision. Clapham Parish Council would then declare the vacancies through a notice of vacancy. A by-election would then be triggered if ten electors, together or separately from the parish, requested that such an election is held within fourteen working days of the publication of the notice of vacancy. If the election were triggered, then it would have a polling day within 60

working days of the publication of the notice of vacancy. If no such election were triggered, then Clapham Parish Council would be able to fill the vacancies by co-option.

- 4.5 It is proposed that Full Council resolves to appoint, temporarily, two District Councillors to Clapham Parish Council for six months to make it quorate and ensure that it is fully functional. It is proposed that the District Councillors appointed are from the Angmering and Findon Ward which covers the parish of Clapham. Councillor Paul Bicknell and Councillor Andy Cooper have given their agreement to take on this role.

5. CONSULTATION

- 5.1 The Group Head of Law and Governance has consulted with Clapham Parish Council and with relevant District Ward Councillors.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 The Full Council could refuse the provision to temporarily appoint District Councillors to the Clapham Parish Council, although this would leave the Parish Council unable to transact any business on behalf of its parishioners and to meet its legal obligations.

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 There are no financial implications associated with this report.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 The risk to the Parish Council is that it is unable to transact any business on behalf of its parishioners and to meet its legal obligations.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 The legal and governance position is set out within the body of this report.

10. HUMAN RESOURCES IMPACT

- 10.1 None associated with this report.

11. HEALTH & SAFETY IMPACT

- 11.1 None associated with this report.

12. PROPERTY & ESTATES IMPACT

- 12.1 None associated with this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None associated with this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None associated with this report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None associated with this report.

16. HUMAN RIGHTS IMPACT

16.1 None associated with this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None associated with this report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance

Contact Number: 01903 737607

BACKGROUND DOCUMENTS:

None.

Arun District Council

REPORT TO:	Full Council
SUBJECT:	Review of Entitlement of Political Groups to Seats on Committees – Proportionality and Appointments to Committees
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance (Monitoring Officer)
LEAD MEMBER:	N/A
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: This report seeks to address changes in proportionality and to agree revised committee allocations following the result of the Barnham Ward By-Election held on 8 September 2022.	
DIRECTORATE POLICY CONTEXT: Responsibility for these matters sits within the remit of the Monitoring Officer.	
FINANCIAL SUMMARY: There are no financial implications associated with this report.	

Reasons for urgency: The special circumstances for non-compliance with Access to Information Procedure Rules Part 6 Section 1 Paragraph 5.1 and Section 100B(4) of the Local Government Act 1972 (items not to be considered unless open to inspection at least 5 days before the meeting) are that:-

- Following the result of the by-election in the Barnham Ward on 8 September 2022, there is an urgent need for Full Council to agree revised committee allocations that reflect the updated political proportionality of the Council.

1. PURPOSE OF REPORT

- 1.1. To seek approval for the allocation of seats to political groups and the appointments to Committee for the remainder of the municipal year.

2. RECOMMENDATIONS

Full Council is asked to:

- 1.2. Note the outcome of the review of entitlement of political groups and non-aligned councillors to seats on committees, based upon proportionality rules, as set out in Appendix 1;
- 1.3. Approve the allocation of seats to political groups; and

- 1.4. Subject to 2.2 above, to approve the appointments to Committees for the remainder of the municipal year, as confirmed in Paragraph 4.11 of this report.

2. EXECUTIVE SUMMARY

- 2.1. Following the by-election in the Barnham Ward on 8 September 2021, Full Council is asked to review the representation of political groups and non-aligned Councillors to seats on Committees, in accordance with statutory proportionality rules.

3. DETAIL

- 3.1. It is the duty of the Council to review from time to time the entitlement of political groups to seats on Committees in accordance with the proportionality rules set out in the Local Government & Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (the Regulations), together hereinafter referred to as “the rules”. The rules allow adjustments to be made to fractions in order to make whole numbers of seats and, once the Council has determined how adjustments should be made, appointments are made to Committees on that basis.

- 4.2 The Act sets out four proportionality rules and requires authorities to apply them in descending order of priority:

- a) The first rule is that no political group (“group”) can have all the places on a Committee.
- b) The second rule is that a group having an overall majority on the Council is entitled to a majority of seats on each Committee.
- c) The third rule provides that, without being inconsistent with the first two rules, the gross number of seats on all Committees is allocated as near as possible in accordance with each group’s proportionate entitlement.
- d) The fourth rule provides that, so far as is consistent with Rules (a) to (c), the number of seats on each Committee is allocated in accordance with each Group’s entitlement

- 4.3 Legislation defines a political grouping for these purposes and in accordance with that legislation Arun has six “political groups” and two Councillors who are not grouped. The application of these rules to Arun Council indicates that:

- a) Paragraph 1.2(a) above **does** apply to Arun and therefore no Committee or can be made up of Councillors from only one political group;
- b) Paragraph 1.2(b) above **does not** apply to Arun as no political group has an overall majority of seats on the Council;
- c) Paragraph 1.2(c) above **does** apply to Arun so that when the Council considers the total number of seats on Committees, the proportion allocated to any one political group is the same as that group’s proportion of seats on the Council; and
- d) Paragraph 1.2(d) above **does** apply to Arun to allow for the total number of seats on each individual Committee allocated to a political group to be the same proportion as they have on the Council

- 4.4 Under the rules above, if there are Councillors who do not belong to a political group then, once the division of seats between the political groups has been made, any remaining seats are allocated to these Members by the Council.
- 4.5 The Council can only depart from these rules by passing a resolution with no Member voting against the resolution.
- 4.6 The current distribution of elected Members on Arun District Council following the 8 September 2022 by-election is as follows:

Conservatives	23
Liberal Democrats	16
Independent Group	6
Arun Independent Group	4
Green	3
Independent (non-group)	1
Labour (non-group)	1

- 4.7 The Council has the following relevant Committees:

Committee	Seats
Policy & Finance Committee	9
Corporate Support Committee	11
Planning Policy Committee	11
Housing & Wellbeing Committee	11
Environment Committee	11
Economy Committee	11
Audit & Governance Committee	11
Planning Committee	11
Licensing Committee	11
Standards Committee	11
CEO Remuneration Committee	5
Statutory Officers Investigatory and Disciplinary Committee	5
Total	118

- 4.8 The table below sets out the percentage of the 54 Councillors belonging to each grouping and the number of committee seats that each grouping is entitled to based upon the percentage of Councillors:

Number of Councillors (54)						
Con	Lib Dem	Ind Group	AIG	Green	Labour	Ind
23	16	6	4	3	1	1
42.59%	29.63%	11.11%	7.41%	5.56%	1.85%	1.85%
Number of Committee Seats (118)						
50	35	13	9	7	2	2

- 4.9 Appendix 1 to this report sets out the allocation of seats prepared by officers to each political group based on the proportionality rules.
- 4.10 Group Leaders have been provided with the officer calculation of seats to be allocated to political groups and have been able to supply a list of their groups' membership of each committee for confirmation at this meeting.
- 4.11 The changes highlighted earlier in this report mean a change to committee memberships as set out below, which Council is asked to note:

Policy & Finance Committee – No change

Corporate Support – One Conservative seat given to the Green Group. Councillor Alison Cooper removed from the Committee. One Green Seat to remain vacant.

Planning Policy – No change

Housing & Wellbeing – No change

Environment - Councillor Wallsgrove will replace Councillor Thurston

Economy – No change

Audit & Governance – One Conservative seat given to the Green Group. Councillor Staniforth to be replaced by Councillor Wallsgrove

Planning Committee – One Arun Independent Group seat given to the Independent Group. Councillor Goodheart to be replaced by Councillor Hamilton. Councillor Wallsgrove to become a named substitute of the Committee.

Licensing Committee – No change

Standards – One Conservative seat given to the Green Group. Councillor Bicknell to be replaced by Councillor Wallsgrove.

5 CONSULTATION

- 5.1 Consultation has taken place with all Group Leaders as required by the Council Procedure Rules.

6 OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 At the time of writing this report, no alternative proposals to the statutory allocations have been made. To not agree updated allocations would put the Council at risk as set out below. No alternative allocations have been put forward by Group Leaders, with Appendix 1 having been agreed by all Group Leaders ahead of this meeting.

7 COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 There are no financial implications associated with this report.

8 RISK ASSESSMENT CONSIDERATIONS

- 8.1 This report provides the Full Council with the earliest opportunity to update the memberships.

9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 The legal and governance positions are set out within the body of this report. The question arises about the legality of decisions taken by full Council and Council committees following allocation of seats lawfully or unlawfully. Section 16(3) of the Act states that the proceedings of a body to which the duty to allocate seats applies shall not be invalidated by any defect by virtue of section 15 or 16 in the appointment of any person to that body

10 HUMAN RESOURCES IMPACT

10.1 None associated with this report.

11 HEALTH & SAFETY IMPACT

11.1 None associated with this report.

12 PROPERTY & ESTATES IMPACT

12.1 None associated with this report.

13 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None associated with this report.

14 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None associated with this report.

15 CRIME AND DISORDER REDUCTION IMPACT

15.1 None associated with this report.

16 HUMAN RIGHTS IMPACT

16.1 None associated with this report.

17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None associated with this report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance (and Monitoring Officer)

Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None.

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Percentage of seats held by each (Post-by-election)

Number of Councillors (54)						
Conservative	Liberal Democrat	Independent Group	AIG	Green	Labour	Independent
23	16	6	4	3	1	1
42.59%	29.63%	11.11%	7.41%	5.56%	1.85%	1.85%
Number of Seats (118) not rounded						
50.26	34.96	13.11	8.74	6.56	2.18	2.18
Number of Seats (118) rounded						
50	35	13	9	7	2	2

Proposed Committee seat allocations

	Conservative	Liberal Democrat	Independent Group	AIG	Green	Labour	Independent
Policy & Finance (9 seats)	4	3	1	1	0	0	0
Corporate Support (11 seats)	4	3	1	1	1	0	1
Planning Policy (11 seats)	5	3	1	1	1	0	0
Housing & Wellbeing (11 seats)	5	3	1	1	1	0	0
Environment (11 seats)	5	3	1	1	1	0	0
Economy (11 seats)	5	3	1	1	0	1	0
Audit & Governance (11 seats) <i>(Note – one short as a Cllr has chosen not to sit)</i>	4	3	1	1	1	0	0
Planning Committee (11 seats)	5	3	2	0	1	0	0
Licensing (11 seats)	5	3	1	1	0	1	0
Standards (11 seats)	4	3	1	1	1	0	1
CEO Remuneration Committee (5 seats)	2	2	1	0	0	0	0
Statutory Officers' Investigatory and Disciplinary Committee (5 seats)	2	2	1	0	0	0	0
TOTAL (117 plus one seat not taken on Audit & Governance = 118)	50	34	13	9	7	2	2

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