Report of Chief Executive Officer

to Council

on 13 September 2022

**COMPOSITION OF COMMITTEES**

**1. SUMMARY**

This report sets out the proposed political balance of the Council’s Committees and seeks the Council’s agreement to these. The balance has changed following the death of a member of the Mansfield Independent Group.

**2. RECOMMENDATIONS:-**

 That Council resolves that:

1. The political balance of the Committees of the Council be agreed as set out in paragraph 3.4 and Appendix 1;
2. In accordance with s17 of the Local Government and Housing Act 1989, appointments to committees shall not be in accordance with s15 and s16 of that act but in accordance with paragraph 3.4 and Appendix 1 of this report.

**3. BACKGROUND**

3.1 Following the death of a member of the Mansfield independent Group the political balance of the Council is:-

|  |  |
| --- | --- |
| Labour | 13 |
| Mansfield Independent Forum | 13 |
| Independent |  7 |
| Conservative |  2 |
| Vacant | 1 |
| **Total** |  **36** |

As a result of the death of a councillor aligned to a political group it is necessary in accordance with s15 of the Local Government and Housing Act 1989 (the Act), to recalculate the allocation of seats to Members on the Council’s committees.

3.2 The Act makes it a statutory requirement that where a local authority has membership divided into political groups, unless there is a decision to the contrary as may be prescribed by regulations made by the Secretary of State and taken with no members voting against, it must ensure that the allocation of seats on Committees is in accordance with the criteria outlined in Section 15 of the Act. These criteria are:-

(a) that not all the seats on the body are allocated to the same political group;

(b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority’s membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and

(d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

3.3 In addition a modification to the Act has provided that, following the allocation of seats in accordance with political balance, the Council shall then, in respect of any seats that remain unallocated, appoint to those seats Members who are not part of a political group. The table at Appendix 1 shows the allocation of seats. This has been done first to political groups and then the unallocated seats have been allocated to Independent Members. As this has been done in accordance with s 16 of the Local Government and Housing Act 1989 there is no requirement for the Council to approve the allocation, with no Member voting against.

3.4 The proposed allocation of seats on committees is set out in Appendix 1.The principal changes resulting from the death of the Mansfield Independent Group Member is a reduction of seats on the Overview and Scrutiny Committee (Place) by 1 seat to 3 and a reduction in seats on the Appeals Panel of 1 seat to 3. These 2 seats will remain vacant pending the by-election of the Oaktree Ward to be held on the 15 September. A full review of the composition of committees will be undertaken following the result of the by-election.

3.5 Council should note that the Health and Safety Committee and the Joint Consultative Committee are not formal committees of the Council for the purposes of the Local Government Act 1972. However appointments to those Committees will reflect the membership balance of the Council.

3.6 Directly Elected Mayors were introduced by the Local Government Act 2000 as amended by the Localism Act 2011. Section 9 of the Local Government Act 2000 provides:

1. In this Part “elected mayor”, in relation to a local authority, means an individual elected as mayor of the authority by the local government electors for the authority's area in accordance with the provisions made by or under this Part.
2. An elected mayor is to be entitled to the style of “mayor”.

(3) A reference in any enactment (whenever passed or made) to—.

(a) a member of a local authority, or

(b) a councillor of a local authority,

 does not include a reference to an elected mayor of the authority.

(4) But subsection (3) is subject to—.

(a) regulations made by the Secretary of State under this paragraph which provide that an elected mayor is to be treated as a member or councillor of a local authority for the purposes of an enactment (whenever passed or made), and

(b) any other contrary intention that appears in any enactment (whenever passed or made).

3.7 There have been no regulations affecting the status of the Elected Mayor under any of the above provisions. Therefore in calculating the proportions of seats to be allocated to a political group, the affiliation (if any) of the directly elected mayor should not be taken into account. However, once that calculation has been determined, any seat on a committee that is taken by the Elected Mayor, will count towards the allocation of seats to the relevant political group.

**4. OPTIONS AVAILABLE**

To agree or otherwise to appoint representatives to serve on the Committee

**5. RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS**

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk**  | **Risk Assessment**  | **Risk Level**  | **Risk Management**  |
| Reputation | If the Council’sCommittees are not legally constituted any subsequent decisions could be challenged by judicial review. | High | The Committees are appointed in accordance legislative requirements. |

**6. ALIGNMENT TO COUNCIL PRIORITIES**

It is important that all appointments to Committees are made in accordance with the relevant legislation and regulations.

**7. IMPLICATIONS**

(a) Relevant Legislation - The requirements of political balance are set out in the following Acts:-

The Local Government Act 1972

The Local Government and Housing Act, 1989, Section 15;

 Local Government Act, 2000 – Section 53(1).

(b) Human Rights – no implications

(c) Equality and Diversity – the political balance and process of selection of the Committees within the relevant legislation ensures that there is equality of representation on all Committees.

(d) Climate change and environmental sustainability – no implications

(e) Crime and Disorder - no implications

(f) Budget /Resource - no implications

**8. COMMENTS OF STATUTORY OFFICERS**

(a) Head of Paid Service – own report

(b) Monitoring Officer – The legal position regarding the calculation of political balance and the position of the Elected Mayor is outlined in the report.

(c) Section 151 Officer – no comments

**9. CONSULTATION**

None

**10. BACKGROUND PAPERS**

None

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