

**Report of Chief Executive Officer
to
Annual Council
on
23 May 2023**

COMPOSITION OF COMMITTEES 2023/24

1. SUMMARY

This report sets out the proposed political balance of the Council's Committees and seeks the Council's agreement to these, along with the membership and Chairs (where appropriate) of those Committees.

2. RECOMMENDATIONS:-

That Council resolves that:

- (i) The political balance of the Committees of the Council be agreed as set out in Appendix 1;

- (ii) The appointment of Chairs and membership of the Council's Committees be approved as set out in Appendix 2.

3. BACKGROUND

3.1 Following the local election held on 4 May 2023 the political balance of the Council is as follows :-

Labour	25
Conservative	5
Mansfield Independent	4
Independent	2
Total	36

3.2 The Local Government and Housing Act 1989 ("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(5) 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 Account must also be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and 1991 the Act.

3.4 In essence, legislation requires that seats on committees and sub-committees are allocated to political groups in a way that reflects the overall political balance of the Council.

3.5 For political balance, a group is required to have at least two members in order to be formally constituted as a political group. Therefore, in accordance with section 15 of the Act, unaligned independent Members do not automatically receive an allocation of seats on committees.

3.6 Under section 17(1) of the Act, the Council can decide to allocate seats to unaligned independent Members, although any such proposal would need to be approved with no Members voting against the resolution. The political group leaders have been consulted regarding the distribution of seats on committees and there is a consensus that the two unaligned independent Members should be represented on committees.

3.7 There are a total of 88 seats to be allocated for the 2023/24 municipal year. The chart at Appendix 1 shows the proposed allocation of seats. This has been done first to political groups and then the unallocated seats have been allocated to Independent Members.

3.8 Council should note that the Health and Safety Committee and the Joint Consultative Committee are not ordinary committees of the Council for the purposes of the Local Government Act 1972. However it is proposed that appointments to those Committees reflect the membership balance of the Council.

3.9 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).

3.10 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.

3.11 It is proposed that Council approve the political balance of the Committees of the Council as set out in Appendix 1 and approves the membership of those Committees and appointment of the Chairs of those Committees as set out in Appendix 2. Nominations to the Committees were sought and received from group leaders and Independent Members.

4. OPTIONS AVAILABLE

To agree or otherwise to appoint representatives to serve on the Committees.

5. RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS

Risk	Risk Assessment	Risk Level	Risk Management
Reputation	If the Council's Committees 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

The proposals give effect to statutory requirements on proportionality on committees. Those committees have been created to enable elected members to participate in the democratic process and in so doing to help develop, deliver or scrutinise the Council's corporate plan and strategies.

7. IMPLICATIONS

- (a) Legal - The requirements of political balance are set out in legislation and have been addressed in the body of the report. The Council can only depart from the rules on political balance by passing a resolution with no members voting against the resolution. An abstention does not count as a vote against for these purposes.
- (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

Elected Mayor, Councillor Coxhead, Councillor Camilleri, Councillor Barton, Councillor Garner and Councillor Stendall

10. BACKGROUND PAPERS

None

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