

Meeting of the Council – 26th February, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Composition and Membership of Committees

Purpose of Report

1. To receive a report on the revised composition and membership of Committees for the remainder of the 2023/24 municipal year.

Recommendation

2. That the revised composition and membership of Committees for the remainder of the 2023/24 municipal year be determined in accordance with the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989, as set out in the Appendix.

Background

Appointment and Membership of Committees

3. On 16th October, 2023, the Council determined the composition and membership of Committees for the 2023/24 municipal year. This was based on the political composition of the Council at that time (Conservative 42; Labour 27; Liberal Democrat 1; Independents 2).
4. Since that time, there has been a change in the political composition of the Council, which necessitates a review of the composition and membership of Committees in accordance with the political balance requirements of the Local Government and Housing Act 1989. On 5th January, 2024, notice was received of the formation of an Independent Group comprising Councillor M Westwood (Group Leader) and Councillor S Keasey (Group Deputy Leader).

5. There are currently 3 political groups represented on the Council:

Conservative Group (42 seats)

Labour Group (26 seats)

Independent Group (2 seats)

There is one Liberal Democrat Member and one other independent Member. The proportionality Regulations provide that a political group is constituted where two or more Members of the Council give notice that they wish to be treated as a group.

6. Under Sections 15 and 16 of the Local Government and Housing Act 1989, the Council is required to provide for political balance on Committees. The revised composition of Committees, in accordance with political balance, is set out in the lists attached as an Appendix to this report.
7. The political balance 'rules' provide that political groups are entitled to be allocated seats on Committees in accordance with the proportion of seats they hold on the Council.
8. Section 17 of the Local Government and Housing Act 1989 authorises the Council to approve different arrangements (eg: not reflecting political balance) provided that no Member of the Council votes against them.
9. Cabinet Procedure Rules provide that each of the other political groups on the Council may nominate members from their group to attend meetings of the Cabinet. Such members may speak at the meeting but may not vote.
10. Regulations made under the Local Government and Housing Act 1989 require the Council's Committees to reflect the overall political balance of the Council and take account of the wishes of political groups when allocating Members to Committees. From time to time during the municipal year, it is necessary for changes to be made in the allocation of Committee Memberships to reflect the wishes of the political groups. Under Article 4.02 of the Constitution, the Monitoring Officer is authorised to make any necessary changes that arise from time to time in accordance with the requirements of the Leaders of political groups.

Finance

11. The financial implications of operating the Council's governance arrangements are being met from existing resources during the 2023/24 financial year.

Law

12. The relevant statutory provisions regarding the Constitution and arrangements with respect to executive functions are contained in Part II of the Local Government Act, 2000, as amended, and the Localism Act 2011, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
13. The power to appoint Committees and to delegate functions to Committees and Officers is set out in Sections 101 and 102 of the Local Government Act 1972.
14. Seats on Committees must be allocated to political groups on a proportional basis in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
15. If it so wishes, the Council may resolve not to apply the proportionality rules in respect of one or more Committees, but such a resolution must be passed with no Member of the Council voting against it (Section 17 of the 1989 Act).
16. The rules on proportionality do not apply to the Your Home Your Forums because the Forums are not Committees of the Council and they comprise all the Ward Councillors for the areas concerned.
17. The implications of the Localism Act 2011 have been reflected in this report, including the freedoms to consider governance structures.
18. The duty to allocate seats on a politically proportional basis does not apply to a Licensing Committee or to Sub-Committees established under the statutory requirements of the Licensing Act 2003. However, the proportionality duty does apply to the Licensing and Safety Committee in discharging other licensing functions not covered by the 2003 Act (eg functions under the Gambling Act 2005). The Council has previously agreed that the proportionality requirements of Section 15 of the Local Government and Housing Act 1989 should not apply to the Licensing Sub-Committees established by the Licensing and Safety Committee, to enable them to deal with all licensing business requiring Member determination. This is also applied to any Sub-Committee established by the Audit and Standards Committee to consider complaints against Members under the Council's standards arrangements.

Risk Management

19. This report deals with the Council's governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Risk Management Framework.

Equality Impact

20. The requirements to consider the Council's policies on equality and diversity, along with duties under the Equality Act 2010, are fully reflected in the Council's governance structures and decision-making processes. Decisions taken by the Council, the Cabinet and Committees during the year on policy issues and the implementation of the Council Plan framework will involve actions to promote equality and diversity and in relation to children and young people.

Human Resources/Organisational Development

21. The Council's governance arrangements are being administered from existing resources during the 2023/24 financial year.

Commercial/Procurement

22. Decisions taken by the Council, the Cabinet and Committees will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.

Environment/Climate Change

23. Within our governance arrangements, the Council requires that all reports should include an assessment of the impact on the environment. The Council has declared a Climate Emergency and reports on individual proposals should address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2041. In addition, individual reports should consider how the proposals support the [United Nations sustainable development goals](#)
24. To reinforce the Council's commitment, the Leader has established a specific Cabinet portfolio for Climate Change. The Council has also established the Climate Change Select Committee for the 2023/24 municipal year.

Council Priorities and Projects

25. This report deals with the Council's governance arrangements to underpin the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme. Reports to meetings and decision takers will include details of how proposals impact on or contribute to Council priorities.



Mohammed Farooq
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(Monitoring Officer)