

Committee: Full Council
Title: Political Balance and Committee Appointments following the by-election on 5 January 2023
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Summary

1. This report anticipates the need to review the political composition of the Council following the by-election in the ward of Great Dunmow South and Barnston scheduled for 5 January 2023.
2. In order to negate the need for an Extraordinary Council meeting, it is proposed that the Monitoring Officer, in consultation with Group Leaders, agree committee appointments in accordance with the Political Balance calculation following the by-election on 5 January 2023.
3. A report for information will be taken to the next Full Council meeting in February detailing Political Balance and committee appointments. This will be shared with all councillors in advance of said meeting, once agreement is achieved with Group Leaders as soon as practicable after the result of the by-election is announced.

Recommendations

4. That the Monitoring Officer, in consultation with Group Leaders, agrees committee appointments in accordance with the Political Balance calculation following the by-election on 5 January 2023, as necessary.

Financial Implications

5. Costs associated with an Extraordinary Council meeting will be resourced from existing budgets.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None.

Impact

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Communication/Consultation	None.
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Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The political balance calculation is in accordance with Local Government Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

8. A by-election has been scheduled for 5 January 2023 in the ward of Great Dunmow South and Barnston, following the resignation of Councillor Day on 7 November 2022.
9. Nominations for candidates standing in the election will close on 6 December 2022. At the time of writing, it is not possible to anticipate the permutations of the calculation as candidates, and their political affiliations, have not yet been confirmed.
10. The Local Government Housing Act 1989 requires local authorities to review the representation of the different political groups at the Annual Meeting or as soon as practicable thereafter. It further requires them to allocate the seats on their committees to political groups represented in accordance, so far as reasonably practicable, with the following four principles of proportionality:-
 - a) that not all seats on the body concerned are allocated to the same political group;
 - b) that the majority of the seats on the body are 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 an 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;
 - 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 seats on that body as is borne by the number of members of that group to the membership of the authority.

11. In addition to the Annual Meeting, the Local Government (Committees and Political Groups) Regulations 1990 (Regulation 17) specifies when political balance must be reviewed by a local authority. This includes formal notice from a member wishing to join a political group after the filling of a casual vacancy.
12. Officers anticipate that the result of the by-election will be announced late on 5 January 2023. In the event that the successful candidate wishes to formally join an existing political group within Council, the Council will be mandated to review political balance and make changes to committee appointments accordingly as soon as practicable.
13. The next scheduled meeting of Full Council is on 21 February 2023. Therefore, an Extraordinary Council Meeting would be required in January in order to review political balance and make any changes to committee appointments, as necessary.
14. Although the exact permutations of the political balance calculation cannot be known at this stage, as the list of candidates standing for election has not been confirmed, it can be said that if the successful candidate joins an existing Political Group other than the majority group, there will be at most two committee seats changing between Groups. In the event the successful candidate joins the majority group, the political balance calculation agreed at the previous Annual Meeting will be retained, although the Group Leader will still be required to appoint the newly elected member to an applicable committee.
15. In order to negate the need for a decision at an Extraordinary Meeting in January, which, in effect, will be bound by the legislative requirements of the Local Government Housing Act 1989 cited in paragraph 10, and in accordance with the committee appointments put forward by Group Leaders, it is proposed to authorise the Monitoring Officer, in consultation with Group Leaders, to agree committee appointments in accordance with the Political Balance calculation following the by-election on 5 January 2023, as necessary. In the event agreement cannot be reached, the Monitoring Officer will call an Extraordinary Meeting
16. If Council is minded to approve this recommendation, a Political Balance and Committee Appointments report will be circulated to all members as soon as agreement between Group Leaders is attained. The same report will be presented at Full Council in February for information.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
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<p>The Local Government (Committees and Political Groups) Regulations 1990 (Regulation 17) stipulates that Council must review political balance following formal notice from a member wishing to join a political group after the filling of a casual vacancy.</p>	<p>2</p>	<p>3</p>	<p>To review political balance in accordance with the principles of proportionality as set out in the Local Government Housing Act 1989. It is proposed to authorise the Monitoring Officer, in consultation with Group Leaders, to review political balance and approve committee appointments in accordance with said balance, following the by-election on 5 January 2023.</p>
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.