

# Council report



Listening Learning Leading

Report of Head of Legal and Democratic Services

Author: Steven Corrigan

Tel: 01491 823049

E-mail: steven.corrigan@southandvale.gov.uk

To: COUNCIL

DATE: 17 May 2012

## AGENDA ITEM NO 8

## Appointments to committees, panels and joint committees 2012/13

### Recommendations

That Council:

1. agrees to establish a joint scrutiny committee with Vale of White Horse District Council with the terms of reference and administrative arrangements as set out in this report
2. appoints the committees and panels for the 2012/13 year, allocates seats to each political group and appoints councillors and substitutes to sit on them;
3. appoints chairmen and vice-chairmen as set out in the schedule to be circulated prior to the meeting;
4. appoints councillors and substitutes to the Community Investment Fund Panel in accordance with paragraphs 15, 16 and 17 of this report;
5. appoints councillors to the Licensing Acts Committee in accordance with paragraph 18 of this report;
6. appoints four councillors (to include one Cabinet member but not the Leader) to the Standards Committee;
7. appoints a representative on the Oxfordshire Joint Health Overview and Scrutiny Committee and appoints substitutes to the above appointment;
8. appoints a representative and a substitute on the Thames Valley Police and Crime Panel;
9. authorises the head of legal and democratic services to make changes to the constitution to reflect the above.

## **Purpose of report**

1. This report invites Council to agree appointments to those committees required to be politically balanced together with the Community Investment Fund Panel, the Licensing Acts Committee, the Standards Committee and joint committees.

## **Background**

2. The Council is required by the Local Government and Housing Act 1989 to appoint committees, review the political balance and to appoint councillors to the committees annually.
3. In summary the Council has a duty to ensure the following principles are adhered to:
  - (i) not all seats are allocated to the same political group
  - (ii) a majority group should get the majority of seats on each committee
  - (iii) the seats allocated to groups on a committee reflect the membership of the Council as a whole
  - (iv) the allocation of the total number of seats on all committees reflects the membership as a whole
4. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee and the Standards Committee.

## **Political balance**

5. Following the resignation of Mr Chris Quinton from the Conservative Group and the vacancy in the Chinnor ward following the resignation of Mr Geoff Andrews as a district councillor, the number of seats held by the various political groups is as follows:

Conservative – 31  
Henley Residents – 2  
Independent – 4  
Labour – 4  
Liberal Democrat - 4

2 non-group councillors

1 vacancy (to be filled at the by election held on 10 May 2012)

## **Joint Scrutiny Committee**

6. Council is invited to consider the establishment of a joint scrutiny committee to meet twice a year to review a number of standing items that affect both councils as set out below:
  - Fit for the Future annual reports
  - Board reports
  - Performance reviews of joint contracts – currently four joint contracts but will include engineering and leisure
  - Other issues that affect both councils jointly

7. The creation of a joint scrutiny committee meeting initially twice a year, with an option of increasing joint meetings as we go forward, would reduce committee servicing time, reduce the number of reports being written and the number of evening meetings staff have to attend and would enable contractors to attend just one meeting a year. Running joint meetings in addition to those already scheduled at each council would have resource implications in terms of staff capacity. Officers therefore propose a reduction in the number of South scrutiny committee meetings by two.
8. The information below sets out the proposed membership of the joint committee, arrangements for the location and regularity of meetings, the proposed chairmanship arrangements and the proposed terms of reference.

**Membership :**

- Five councillors from South Oxfordshire District Council (not Cabinet members); and
- Five councillors from Vale of White Horse District Council (not Cabinet members).
- Politically balanced in accordance with the provisions of the Local Government and Housing Act 1989.
- Substitutes from the political groups (not Cabinet members).

**Quorum :** four members, two from each council.

**Regularity of meetings :** At least two per year

**Location of meetings:** Alternating between each council area

**Chairmanship :**

- The chairman (non ruling group member) shall be elected at each meeting on an alternate basis between the two councils;
- at election the chairman must be a councillor representing the council of the area in which the meeting occurs; and
- the chairman shall then hold office until the election of the chairman at the next meeting.

**Terms of reference**

- to monitor the performance of contractors delivering joint contracts;
  - to review Fit for the Future programme updates;
  - to receive board reports;
  - to consider any matter affecting both areas or their inhabitants jointly (subject to the agreement of the chairmen of each council's scrutiny committee).
9. The establishment of a joint scrutiny committee will not impact upon the ability of each council's scrutiny committee to review specific issues covered by the above terms of reference – for example a specific issue relating to a contract.
  10. If agreed officers will make the necessary changes to the council's constitution to reflect the above.

## **Composition of committees**

11. The ordinary committees and panels that are required to be politically balanced both individually and overall are as set out below.

- Scrutiny Committee - 13 members
- Joint Scrutiny Committee with Vale of White Horse District Council – 5 members
- Audit and Corporate Governance Committee – 8 members
- Planning Committee – 14 members
- General Licensing Committee – 10 members
- NNDR Appeals Panel – 5 members
- Housing Appeals Panel – 5 members

The terms of reference of the committees and panels apart from the joint scrutiny committee are set out in the constitution.

12. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. Mr Neville Harris and Mr Chris Quinton are not members of any political group and are therefore designated as non-group councillors.

13. Until the outcome of the Chinnor by election on 10 May 2012 it is not possible to calculate the political balance and determine the allocation of seats for each political group. Tables showing the political balance calculation and the allocation of seats on the committees will be circulated after the by election. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. Once the political groups have been allocated their entitlement any remaining seats should be offered to the non-group councillors.

## **Substitutes**

14. Each political group is entitled to the same number of substitutes as the number of ordinary seats it holds on a committee or panel, and up to a maximum of three named substitutes where it has fewer than three members on a committee or panel.

## **Community Investment Fund Panel**

15. According to the Community Investment Fund Policy and Procedure Rules contained in the constitution, Council is required to apportion the twelve seats on the CIF Panel in accordance with the political balance of the Council. No member of the Cabinet is permitted to be a member of the panel. This panel is not subject to the regulations detailed in paragraphs 2 and 3 of this report and therefore has no effect on the overall allocation of seats.

16. Officers will calculate the allocation of seats following the Chinnor by election.

17. In accordance with the Council's constitution each political group is entitled to substitutes as detailed in paragraph 9 above.

## **Licensing Acts Committees**

18. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The committee meets rarely to deal with licensing and gambling policy matters but a membership of 10 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to personal licence holders and premises licence applications and reviews.
19. At its meeting in February 2005 Council agreed to appoint a committee in accordance with the political balance of the Council. Officers will calculate the allocation of seats following the Chinnor by election
20. As a statutory committee with a specified membership substitutes may not be appointed.

## **Appointments**

21. Officers will invite group leaders to submit the names of councillors they wish to sit on each of the above.

## **Standards Committee**

22. The Council is required to appoint a Standards Committee under the Local Government Act 2000. That committee need not be politically balanced and must also include independent (non-councillor) representatives, together with parish council representatives. The committee is currently made up of four councillors (including one Cabinet member but may not include the Leader of Council). Under the Standards Committee Regulations, there may be no more than one member of the Cabinet and at least 25 per cent must be independent members.
23. Mr Ian White resigned as an independent representative on 20 April 2012. Two independent representatives remain in post. As the committee is expected to cease to exist after 1 July officers do not propose making an appointment to the vacant independent representative position on the committee. Otherwise the terms of office of the independent representatives on the standards committee are ongoing so council does not need to make any appointments at this meeting.
24. Officers do not propose altering the number of district councillors on the committee ie four (including one Cabinet member). There are no substitutes on the standards committee. Council is requested to make these appointments.
25. In September 2011 Council appointed Mr David Hammond and Mr Douglas Kedge to the two vacant parish representative positions on the committee. They were appointed until May 2013 alongside Mr Martin Wright.
26. A separate report on the agenda for this meeting sets out the new standards arrangements beyond July.

## **Joint Committees**

27. Council is invited to appoint a representative and three named substitutes to the Oxfordshire Joint Health Overview and Scrutiny Committee and a representative and substitute to the Thames Valley Police and Crime Panel.

## **Financial implications**

28. None.

## **Legal implications**

29. As set out in the body of the report.

## **Conclusion**

30. In deciding the committees and panels it wishes to establish for the 2012/13 year, Council is required to allocate seats to political groups in the same proportion as they hold on the council as a whole. Against that background, Council is invited to establish the committees and panels set out in the table in paragraph 11 of this report and to appoint councillors to them. Council is also invited to appoint councillors to the Community Investment Fund Panel and the Licensing Acts Committee and to appoint councillors to the Standards Committee, the Oxfordshire Joint Health Overview and Scrutiny Committee and the Thames Valley Police and Crime Panel.

31. Officers will circulate details of the allocation of seats to each political group following the Chinnor by election

**Background Papers:** None