

# Council report



Report of Head of Legal and Democratic Services

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To: COUNCIL

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## Review of political balance following Didcot South and Didcot West by elections

### Recommendations

That Council:

1. allocates seats to each political group as set out in the report in accordance with paragraphs 10-14 of this report and as set out in the schedule attached to this report;
2. allocates the vacant seat on the Joint Scrutiny Committee and the Community Governance and Electoral Issues committee to the Opposition Forum Group;
3. allocates the vacant seat on the Appeals Panel to Paul Harrison;
4. appoints councillors and substitutes to sit on the committees and panels as set out in the schedule attached to this report;
5. appoints councillors to the Community Grants Panel in accordance with paragraphs 15 and 16 of this report and as set out in the schedule attached to this report;
6. appoints councillors to the Licensing Acts Committee in accordance with paragraphs 17 and 18 of this report and as set out in the schedule attached to this report;
7. authorises the head of legal and democratic services to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

### Purpose of report

1. Council is required at, or as soon as practicable after, each Annual Meeting of Council, or following any change in the overall balance of the Council to review the allocation of seats to political groups.

2. This report invites Council to review the political balance and consider proposed changes to the make-up and membership of committees following the Didcot South and Didcot West by elections.

## Background

3. 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, which it did at its annual meeting in May.
4. 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.
5. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee.

## Strategic Objectives

6. This report supports the council's corporate plan in that it ensures the council manages its business effectively. It is also in line with the council's requirement to review the political complexion of committees and other bodies, having regard to the Local Government and Housing Act 1989.

## Political balance following the Didcot South and Didcot West by Elections

7. At the by elections held on Thursday 13 July Mr Mokbul Khan was elected as a councillor for Didcot South and Mr Ian Snowdon was elected as a councillor for Didcot West. Mr Khan has joined the Opposition Forum Group and Mr Snowdon has joined the Conservative Group.
8. Following the by elections the number of seats held by the various political groups is as follows:

Conservative	32	(88.89%)
Opposition Forum Group	3	(8.33%)
Non-group councillor	1	(2.78%)

9. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. Paul Harrison is not a member of any political group and is, therefore, designated as a non-group councillor.

## Composition of committees

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

Committee	Members	Comments
South Scrutiny Committee	9	
Joint Scrutiny Committee	5	10 in total with Vale of White Horse District Council
Joint Audit and Governance Committee	4	8 in total with Vale of White Horse District Council
Planning Committee	11	
General Licensing Committee	12	
Community Governance and Electoral Issues Committee	6	
Appeals Panel (NNDR and Housing)	5	
Joint Staff Committee	3	6 in total with Vale of White Horse District Council
Corporate Services Joint Scrutiny Committee	2	10 in total with Hart, Mendip and Vale of White Horse district councils and Havant Borough Council
<b>Totals</b>	<b>57</b>	

- The membership of the General Licensing Committee and the Licensing Acts Committee are the same, although they are two separate entities. This allows for a sufficiently large, well trained pool of councillors from which to draw the Taxi Licensing and Licensing Panels, and avoids confusion as to which members are on which committee. These committees may appoint the same, or different chairmen and vice chairmen.
- The co-chairs of the Joint Scrutiny committee should be the same as the chairs of the district Scrutiny committees to eliminate potential conflict around the call in arrangements and work programmes.

11. The revised political balance calculation and the entitlements to seats on committees are set out in the tables below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. Some adjustments must be made to ensure that the overall percentage of seats is correctly apportioned.

Group	Group members	Total of council	Total number of committee seats
Conservative	32	88.89%	51
Opposition Forum Group	3	8.33%	5
Non group councillor	1	2.78%	0*
<b>TOTAL</b>	<b>36</b>	<b>100%</b>	<b>56(+1)</b>

\*no automatic right to a seat

<b>Committee</b>	<b>Total number of seats</b>	<b>Conservative</b>	<b>Opposition Forum Group</b>
Scrutiny	9	8	1
Planning	11	10	1
General Licensing Committee	12	11	1
Appeals Panel	5	4	0
Joint Scrutiny	5	4	0
Joint Audit and Governance	4	4	0
Community Governance and Electoral Issues Committee	6	5	0
Joint Staff Committee	3	3	0
Corporate Services Joint Scrutiny Committee	2	2	0
<b>Total</b>	<b>57</b>	<b>51</b>	<b>3**</b>

\*\* Three seats remain vacant – one each on the Appeals Panel, the Joint Scrutiny Committee and the Community Governance and Electoral Issues Committee. To obtain balance across the committees and overall, the Opposition Forum Group must gain two seats. Council needs to allocate these seats. One further seat will remain to be allocated.

12. If the Council wishes to allocate any seats not in accordance with the political balance requirements it can only do so if no councillor votes against the proposal.
13. In May 2017 the allocation of seats left four seats unallocated to any particular political group. The Opposition Forum Group was allocated a seat on the Scrutiny committee to achieve political balance overall. Council also allocated the Opposition Forum Group a seat on both the Joint Scrutiny Committee and the Community Governance and Electoral Issues Committee and Paul Harrison a seat on the Appeals Panel. The current review of the allocation of seats results in three unallocated seats on the Joint Scrutiny Committee, Community Governance and Electoral Issues Committee and Appeals Panel – two of which should be allocated to the Opposition Forum Group to achieve political balance overall.

## Substitutes

14. Each political group is entitled to the same number of preferred substitutes as the number of ordinary seats it holds on a committee or panel, and up to a maximum of three preferred substitutes where it has fewer than three members on a committee or panel. All substitutes for regulatory committees must have met the relevant training requirement, regardless of whether they are preferred or other substitutes.

## **Community Grants Panel**

15. There are a maximum of nine seats (balanced politically) on the Community Grants Panel. This panel is not subject to the regulations detailed in paragraph 4 of this report and, therefore, has no effect on the overall allocation of seats. For this panel to be politically balanced alone, 8 seats are allocated to the Conservatives and 1 seat to the Opposition Forum Group.
16. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 14 above.

## **Licensing Acts Committees**

17. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The whole committee meets rarely to deal with licensing and gambling policy matters but a membership of 12 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to premises licence applications and reviews, and gambling matters.
18. Council has previously agreed to appoint a committee in accordance with the political balance of the Council. The membership will mirror the membership of the General Licensing Committee and will, therefore, be politically balanced but will not in itself contribute to the total political balance of the council's committees.
19. As a statutory committee with a specified membership substitutes may not be appointed.

## **Eligibility to Sit on Committees and Panels.**

- Any member of the council may be appointed to any committee with the following exceptions and caveats:
- No member of Cabinet may sit on any Scrutiny Committee;
- No member of Cabinet may sit on the Joint Audit and Governance Committee;
- No member of Cabinet may sit on the Planning Committee;
- No member of Cabinet may sit on the Community Grants Panel;
- The Chairman or Vice Chairman of Council may not be the Chairman or Vice Chairman of any committee or panel;
- No Cabinet member may be the Chairman or Vice Chairman of any committee or panel;
- Most panels meet during the daytime, and only members who have some daytime availability should be selected for these panels. This includes General Licensing Committee and Licensing Acts Committee, which do most of their work through daytime panels.

## **Appointments**

20. Officers have invited group leaders to submit the names of councillors they wish to sit on each of the above bodies. A schedule of nominations based on appointments made by Council on 18 May 2017 and the recommendations set out in this report is attached to this report.

**Financial implications**

21. There are no direct financial implications.

**Legal implications**

22. These are set out in the body of the report.

**Conclusion**

23. Following the by elections in Didcot South and Didcot West, a review of the allocation of the seats available to each of the political groups represented on the council has been undertaken.

**Background Papers:**

None