

Council report



Report of Head of Legal and Democratic

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To: COUNCIL

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Review of political balance

Recommendations

That Council:

1. allocates seats to each political group in accordance with paragraph 11 of this report and appoints councillors and substitutes in accordance with the schedule circulated at the meeting;
2. appoints councillors and substitutes to the Community Grants Panel, in accordance with paragraphs 14-15 of this report and as set out in the schedule circulated at the meeting;
3. appoints councillors to the Climate Emergency Advisory Committee in accordance with paragraphs 16-17 of this report and as set out in the schedule circulated at the meeting;
4. appoints councillors to the Licensing Acts Committee in accordance with paragraphs 18-20 of this report and as set out in the schedule circulated at the meeting;
5. appoints a representative to the Oxfordshire Growth Board Scrutiny Panel;
6. authorises the head of legal and democratic 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. To approve the revised political balance calculations, to agree appointments to those committees required to be politically balanced together with the Climate

Emergency Advisory Committee, Community Grants Panel and the Licensing Acts Committee and invite Council to make appointments to joint bodies.

Background

2. The head of legal and democratic received the resignation of Councillor Simon Hewerdine as a councillor on 23 November 2020. She also received notification of the resignation of Councillor Sarah Gray from the Liberal Democrat Group on 11 December 2020 and Councillor Roberts from The Green Group on 13 December 2020. On 17 December 2020 Councillors Elizabeth Gillespie, Sarah Gray and Sue Roberts formed a new political group, South Oxfordshire Residents Team – SORT. In accordance with section 15 of the Local Government and Housing Act 1989 the council is under a duty to review the allocation to political groups as soon as practicable following a change to the membership of those groups.
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 Cabinet and the Licensing Acts Committee.

Strategic Objectives

5. This report supports the council's corporate plan theme of Openness and accountability. 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

6. The revised composition of the Council number of seats held by the various political groups is currently as follows:

Group name	Number of councillors in group	Percentage across the Council	Allocation of seats over the 55 seats on committees
Conservative	9	25.00	14
Green	5	13.89	8
Henley Resident	3	8.33	5
Labour	3	8.33	5
Liberal Democrat	12	33.33	18
SORT	3	8.33	5
Vacancy	1	0.00	0

7. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. Only those councillors who form a properly constituted political group are included within political balance calculations. This includes any vacancy of which there is currently one following the resignation of Councillor Simon Hewerdine as a district councillor.

Composition of committees

8. 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
Totals	55	

- 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 chairs and vice chairs.
9. The terms of reference of the council's committees and panels are set out in the constitution.
10. The 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.

	Conservative	Green	HRG	Labour	Liberal Democrat	SORT	Total
Appeals Panel 5 seats	1	1	0	0	2	0	4(+1)
Community Governance and Electoral Issues Committee 6 seats	2	1	1	1	2	1	8(-2)
General Licensing Committee 12 seats	3	2	1	1	4	1	12
Joint Audit and Governance 4 seats	1	1	0	0	1	0	3(+1)
Joint Scrutiny 5 seats	1	1	0	0	2	0	4(+1)
JSC 3 seats	1	0	0	0	1	0	2(+1)
Planning 11 seats	3	2	1	1	4	1	12(-1)
Scrutiny 9 seats	2	1	1	1	3	1	9
Total	14	9(-1)	4(+1)	4(+1)	19(-1)	4(+1)	55

** To obtain balance across the committees and overall, the Henley Residents Group, Labour and SORT must each gain an additional seat. The Greens and Liberal Democrats must lose a seat each. Required adjustments to the committees are shown in brackets.

Officers will consult with group leaders in respect of this report to ensure all groups receive their entitlement and to achieve consistency with the current committee entitlements and membership. There will be the need to review the political balance following the by election on 6 May for the vacancy in the Didcot North East ward.

11. 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.

Substitutes

12. 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

13. There is a maximum of nine seats (balanced politically) on the Community Grants Panel. This panel is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this panel to be politically balanced alone, three seats are allocated to the Liberal Democrats, two to the Conservatives and 1 seat each to the Greens, Henley Residents Group, Labour and SORT.
14. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 12 above.

Climate Emergency Advisory Committee

15. At its meeting on 18 July 2019, Council established a Climate Emergency Advisory Committee comprising 11 members to be politically balanced. The committee is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this committee to be politically balanced alone, it is suggested that three seats are allocated to the Conservatives and Liberal Democrats, two to the Greens and one each to the Henley Residents Group, Labour and SORT.
16. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 12 above.

Licensing Acts Committee

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 with the exception of the Joint Staff Committee;
- 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 will invite group leaders to submit the names of councillors they wish to sit on each of the above bodies. A table of nominations will be circulated at the meeting.

Oxfordshire Growth Board Scrutiny Panel

21. Councillor Sarah Gray has resigned as a member of the Oxfordshire Growth Board Scrutiny Panel. As a non-statutory panel, the Scrutiny Panel does not need to be politically balanced.

22. Council is invited to appoint a non-executive representative to the Scrutiny Panel.

Financial implications

23. There are no direct financial implications.

Legal implications

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

Conclusion

25. Following the resignation of Councillor Simon Hewardine as a councillor and the resignation of councillors from the Green and Liberal Democrat Groups and the formation of the South Oxfordshire Residents Team political group, 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