

Council report



Report of Head of Legal and Democratic

Author: Steven Corrigan

Tel: 07717 274704

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

To: COUNCIL

DATE: 20 May 2021

Review of political balance

Recommendations

That Council:

1. appoints the committees and panels for the 2021/22 year, 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 chairs and vice-chairs as set out in the schedule circulated at the meeting;
3. 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;
4. appoints councillors to the Climate and Ecological Emergencies Advisory Committee in accordance with paragraphs 16-17 of this report and as set out in the schedule circulated at the meeting;
5. 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;
6. appoints a representative and a substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
7. appoints a representative and a substitute on the Thames Valley Police and Crime Panel;
8. appoints three representatives to the Oxfordshire Growth Board Scrutiny Panel;
9. 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 and Ecological Emergencies Advisory Committee, Community Grants Panel and the Licensing Acts Committee and invite Council to make appointments to joint bodies.

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.

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. Tim Bearder was elected as the councillor for the vacant Forest Hill & Holton seat and Andrea Warren was elected to the vacant Didcot North East seat at the by-elections held on 6 May 2021. They have joined the Liberal Democrat Group and Conservative Group respectively.
7. 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	10	27.78	15
Green	5	13.89	8
Henley Resident	3	8.33	5
Labour	3	8.33	5
Liberal Democrat	13	36.11	20

SORT	2	5.56	3
			56(-1)

8. 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.

Composition of committees

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

Committee	Members	Comments
Appeals Panel (NNDR and Housing)	5	
Community Governance and Electoral Issues Committee	6	
General Licensing Committee	12	
Joint Audit and Governance Committee	4	8 in total with Vale of White Horse District Council
Joint Staff Committee	3	6 in total with Vale of White Horse District Council
Joint Scrutiny Committee	5	10 in total with Vale of White Horse District Council
Planning Committee	11	
South Scrutiny Committee	9	
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.
10. The terms of reference of the council's committees and panels are set out in the constitution.
 11. 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	0	7(-1)
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	3	1	1	1	3	1	10(-1)
Total	15	9(-1)	4(+1)	4(+1)	19(+1)	3	55

- To obtain balance across the committees and overall, the Liberal Democrat, Henley Residents Group, and Labour groups must each gain an additional seat. The Green Group must lose a seat. Required adjustments to the committees are shown in brackets.
- The composition of seats set out in the table in paragraph 7 shows that a political group would need to forgo its allocation to one seat under the current committee membership.
- 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.

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.

Substitutes

13. 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

14. 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 Conservatives and Liberal Democrats and 1 seat each to the Greens, Henley Residents Group and Labour.
15. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Climate and Ecological Emergencies Advisory Committee

16. At its meeting on 18 July 2019, Council established a Climate Emergency Advisory Committee (renamed the Climate and Ecological Emergencies Advisory Committee by Council at its meeting on 11 February 2021) 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 reflect the political balance calculation, it is suggested that three seats are allocated to the Conservatives four to the Liberal Democrats and one each to the Greens, Henley Residents Group, Labour and SORT.
17. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Licensing Acts Committee

18. 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.
19. 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.
20. 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

21. 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.

Joint Health Overview and Scrutiny Committee

22. Council is invited to appoint a representative and a named substitute to the Oxfordshire Joint Health Overview and Scrutiny Committee.

Thames Valley Police and Crime Panel

23. Council is invited to appoint a representative and a substitute to the Thames Valley Police and Crime Panel.

Oxfordshire Growth Board Scrutiny Panel

24. The terms of reference also establish a Growth Board Scrutiny Panel to enable effective and coordinated scrutiny of Growth Board functions and decisions. The Scrutiny Panel is non-statutory to enable flexibility for the constituent councils to reflect local scrutiny membership. The ability of the constituent council scrutiny committees to scrutinise the Growth Board remains. The chair will be elected by the members of the Scrutiny Panel.
25. As a non-statutory panel, the Scrutiny Panel does not need to be politically balanced. It is suggested that Council appoints two Liberal Democrat representatives and one Conservative representative to reflect the membership of the district Scrutiny Committee. There is no provision for substitutes.
26. Council is invited to appoint three representatives to the Scrutiny Panel.

Joint Local Plan Governance arrangements

27. At its meeting on 25 March 2021 Council agreed to prepare a Joint Local Plan with Vale of White Horse District Council. In doing so Council authorised the head of legal and democratic, in consultation with the head of planning and the Cabinet members for planning and democratic services, to agree the governance arrangements for the production of the Joint Local Plan. Officers are working on the governance arrangements, in consultation with the Cabinet members and will update all councillors once these are agreed.

Financial implications

28. There are no direct financial implications.

Legal implications

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

Conclusion

30. In deciding the committees and panels it wishes to establish for the 2021/22 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 9 of this report and to appoint councillors to them. Council is also invited to appoint councillors to the Community Grants Panel, the Climate and Ecological Emergencies Advisory Committee and the Licensing Acts Committee and to appoint representatives to the Oxfordshire Joint Health Overview and Scrutiny Committee, the Thames Valley Police and Crime Panel and the Oxfordshire Growth Board Scrutiny Panel. If all committee and panel seats and substitute places are not filled at the meeting, Council is invited to delegate authority to the head of legal and democratic to make appointments in accordance with the wishes of the relevant group leader.

Background Papers: None