

# **County Council**

## **Tuesday, 12 December 2023**

### **Addenda**

#### **Review of Political Balance and Scrutiny ToR**

**12. Future Council Governance Group - Final Report (Pages 1 - 6)**

Proposed Terms of Reference attached

**14. Committees and Review of Political Balance (Pages 7 - 16)**

Report by Director of Law & Governance and Monitoring Officer

#### **RECOMMENDATION**

1. To note the review of political balance of committees to reflect the establishment of the new Education and Young People Overview and Scrutiny Committee, the increase in membership of the Pension Fund Committee and changes to the membership of political groups.
2. To appoint members to the committees of the Council listed at Annex 1. A fully populated list with nominations from the political groups for the vacant seats will be circulated ahead of the meeting.
3. To remove the Horton Health Overview and Scrutiny Committee from the list of Council committees as future scrutiny of Horton Hospital will be incorporated within the activities of the Oxfordshire Joint Health Overview and Scrutiny Committee.

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## Overview and Scrutiny Committees

### 1. Terms of Reference

The Council will appoint **four** ~~three~~ Overview & Scrutiny committees as set out below.

The Council's Overview & Scrutiny Committees will each meet at least 4 times a year and will have the membership indicated below. The chair of the meetings will be chosen from the Opposition Group.

### 2. General Role:

Within their specific terms, each Overview & Scrutiny committee may:

- (i) establish their own working groups in order to explore issues further;
- (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (v) conduct, as appropriate, any research, community or other consultation in the analysis of policy issues and possible options;
- (vi) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (vii) question members of the Cabinet, ordinary committees and officers about their views on issues and proposals affecting Oxfordshire or about their decisions;
- (viii) report annually to full Council on their work and make recommendations for future work programmes as appropriate;

### 3. Performance & Corporate Services Overview & Scrutiny Committee

The Performance & Corporate Services Overview & Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be:

- (i) To review and scrutinise the performance of the Council and to provide a focused review of:
  - (a) Corporate performance and directorate performance and financial reporting
  - (b) Budget scrutiny
- (ii) To monitor the performance of the Council by means of effective key performance indicators, review of key action plans and obligations and through direct access to service managers, Cabinet Members and partners;
- (iii) To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet;
- (iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.

#### **4. People Overview & Scrutiny Committee**

The People Overview & Scrutiny Committee will have a membership of 9 county councillors, ~~plus 4 co-opted members~~. The county councillor membership will be politically proportional.

~~In addition to the county councillors the People Overview & Scrutiny Committee shall include in its membership the following voting representatives:~~

- ~~(a) one Church of England representative appointed by the Oxford Diocesan Board of Education;~~
- ~~(b) one Roman Catholic representative appointed jointly by the Archbishop of Birmingham and the Bishop of Portsmouth to represent the Roman Catholic Church;~~
- ~~(c) two persons who shall be parent governors of maintained schools elected in accordance with a procedure approved by the Council.~~

~~These co-opted members are only able to exercise their vote when the Scrutiny Committee is dealing with education functions which are the responsibility of the Council or the Cabinet. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. Co-opted members shall be able to exercise their vote on questions relating to the work programme including how such work is to be conducted.~~

The terms of reference of the Committee will be:

- (i) To focus on the following key areas:

- (a) all services and preventative activities/initiatives relating to children, young people, education, families and older people **adults in potential need of social care**;
- (b) ~~enables the council to scrutinise its~~ scrutiny of the Council's statutory functions in relation to children, adult social care and safeguarding. Includes public health matters **as they relate to adults** where they are not covered by the Joint Health Overview and Scrutiny Committee;
- (c) ~~This committee will also consider matters relating to care leavers and the transition between children's and adult services.~~

## **5. Education and Young People Overview and Scrutiny Committee**

The Education and Young People Overview & Scrutiny Committee will have a membership of 9 county councillors, plus 6 co-opted members. The county councillor membership will be politically proportional.

In addition to the county councillors the People Overview & Scrutiny Committee shall include in its membership the following voting representatives:

- (d) one Church of England representative appointed by the Oxford Diocesan Board of Education;
- (e) one Roman Catholic representative appointed jointly by the Archbishop of Birmingham and the Bishop of Portsmouth to represent the Roman Catholic Church;
- (f) two persons who shall be parent governors of maintained schools elected in accordance with a procedure approved by the Council.
- (g) two persons who, at the time of their original appointment, shall be aged 25 or under and either living in Oxfordshire or working for an organisation in Oxfordshire supporting or representing children and young people.

These co-opted members are only able to exercise their vote when the Scrutiny Committee is dealing with education functions which are the responsibility of the Council or the Cabinet. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. Co-opted members shall be able to exercise their vote on questions relating to the work programme including how such work is to be conducted.

**Co-opted Members shall normally serve for a period of 2 years. Co-opted members may serve for one further consecutive period of 2 years with the agreement of the Committee. After this, the Committee must run an open recruitment process for any further two-year extensions. No co-opted member may serve for longer than eight years in total. In the event of a co-opted member resigning before the expiry of their period of office a new Co-opted member shall be appointed who shall serve for the remaining period of office. If the member no longer represents the interest(s) for which they were appointed, it shall be open to the Committee to terminate that person's membership.**

**The terms of reference of the Committee will be:**

- (ii) To focus on the following key areas**
  - a) All services and preventative activities/initiatives relating to children, young people, education (including Home to School Transport and Special Educational Needs and Disability), and support of families;**
  - b) The Council's statutory functions in relation to children's social care and safeguarding. This includes public health as they relate to children and young people where they are not covered by the Joint Health Overview and Scrutiny Committee;**
  - c) Matters relating to care leavers and the transition between children's and adult services**
  - d) The welfare of unaccompanied young asylum seekers**
  - e) Services for Young Carers**

## **6. Place Overview & Scrutiny Committee**

The Place Overview & Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be:

Climate change, transport, highways, planning and place-based services. Including the delivery of regulatory services, fire and rescue, community safety and community services such as libraries. NB This Committee will act as the Council's 'Crime and Disorder' Committee.

## **Membership of Scrutiny Committees**

### **Education and Young People Overview and Scrutiny Committee (9)**

**Councillor membership to be confirmed**

**Voting Co-optees (6)**

***Representing the Church of England: Ruth Bennie (wef 12/01/22)***

***Representing the Roman Catholic Church: Fraser Long (wef 30/03/22)***

***Parent Governor Representatives:***

***Primary: Vacancy***

***Secondary and Special: Vacancy***

**Young People's Representatives**

**Vacancy**

**Vacancy**

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## **Divisions affected – All**

### **COUNCIL**

**12 DECEMBER 2023**

### **REVIEW OF POLITICAL BALANCE**

#### **Report of the Director of Law & Governance and Monitoring Officer**

#### **RECOMMENDATION**

1. To note the review of political balance of committees to reflect the establishment of the new Education and Young People Overview and Scrutiny Committee, the increase in membership of the Pension Fund Committee and changes to the membership of political groups.
2. To appoint members to the committees of the Council listed at Annex 1. A fully populated list with nominations from the political groups for the vacant seats will be circulated ahead of the meeting.
3. To remove the Horton Health Overview and Scrutiny Committee from the list of Council committees as future scrutiny of Horton Hospital will be incorporated within the activities of the Oxfordshire Joint Health Overview and Scrutiny Committee.

#### **Background**

4. The last review of political balance took place at the Annual Council Meeting on 16 May 2023.
5. A review now needs to be undertaken to reflect the establishment of the Education and Young People Overview and Scrutiny Committee, the appointment of two more county councillors on the Pension Fund Committee and changes in the membership of the political groups.
6. Without this review, the Liberal Democrat Green Alliance and Labour and Cooperative Party Group will be over-represented which means that there are insufficient seats for the Conservative Independent Alliance. Any seats left over are then distributed to the non-aligned Independent members who do not form a political group.
7. Seats are allocated to political groups in accordance with the groups' proportionate strength on the Council as a whole.

8. Political proportionality calculations reflect the current political representation on the Council: 23 Liberal Democrat Green Alliance, 22 Conservative Independent Alliance and 14 Labour and Co-operative Party Group. Four councillors sit outside the political groups as non-aligned Independent members.
9. The following rules, in priority order, apply for political proportionality:
  - (i) Where a group has an overall majority on the Council, that group is entitled to a majority of the seats on each committee and sub-committee. For this purpose only, the calculation must include seats occupied by voting co-optees on a scrutiny committee or sub-committee concerned with education.
  - (ii) Each political group is entitled to its proportion of the total number of seats on all the committees added together, according to the ratio of the number of members of the group to the number of members of the Council.
  - (iii) Subject to (i) and (ii) above, each group is entitled to its proportion of the number of seats on each individual committee.
  - (iv) For sub-committees and some other bodies, a group is entitled to its proportion of the number of seats regardless of the total number of seats involved (but still subject to the majority rule in (i) above).
10. As the Council no longer has a majority administration, (i) is not applicable but (ii), (iii) and (iv) do need to be applied to the allocation of seats.

### **Implications of the revised proportionality**

11. The total number of committee places is 98. Of those, the Liberal Democrat Green Alliance is entitled to 36 seats, the Conservative Independent Alliance to 34 seats and the Labour and Co-operative Party to 22 seats. There are four non-aligned Independent councillors and six seats are available to them after the seats have been allocated to the political groups.
12. Compared with the committee representation agreed at the Annual Council Meeting in May 2023, the number of committee places allocated to the Liberal Democrat Green Alliance has reduced by one seat, the Conservative Independent Alliance has increased by one seat, the Labour and Cooperative Party Group has reduced by three seats and, therefore, the number of seats available for non-aligned Independent members has increased from 3 to 6.
13. The political proportionality calculations are shown at Annex 2 with notional entitlements shown alongside the number of seats allocated to each political group and the non-aligned Independent councillors.

## **Horton Health Overview and Scrutiny Committee**

14. This committee was set up to support a funding bid to the Government for a new hospital. The bid was unsuccessful and scrutiny activities relating to Horton Hospital will be taken forward by the Oxfordshire Joint Health Overview and Scrutiny Committee.

## **Legal Implications**

15. The rules on political balance are contained in Sections 15, 16 and 17 of the Local Government and Housing Act 1989 ('the Act') and the Local Government (Committees and Political Groups) Regulations 1990. The applicable rules from Section 15(5) of the Act are summarised in paragraph 9 of the report and these have been applied to the calculations in the annexes. Other legal considerations are contained in the main body of this report.

*Comments checked by: Paul Grant, Head of Legal and Deputy Monitoring Officer*

## **Financial Implications**

16. There are no financial implications arising from the recommendations in this report.

**Anita Bradley**

**Director of Law & Governance and Monitoring Officer**

Annex 1 – Committee membership

Annex 2 – Calculations

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December 2023

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## Committee membership

	Liberal Dem Green Alliance	Conservative Ind Alliance	Labour & Co- Op Party	Non-aligned Ind
Audit & Governance Committee(9)	4	3	2	
	Roz Smith	Ted Fenton	Brad Baines	
	Jenny Hannaby	Yvonne Constance	Trish Elphinstone	
	Judy Roberts	Nick Leverton		
	Ian Middleton			
BOB HOSC (7)	3	2	1	1
	Jane Hanna	Nick Leverton	Michael O'Connor	Vacancy (trans from Lab Coop)
	Jenny Hannaby	Nigel Champken- Woods	Mark Lygo	
	Freddie van Mierlo			
Charlotte Coxe Trust Committee (5)	2	2	1	
	Robin Bennett	Felix Bloomfield	Geoff Saul	
	Freddie van Mierlo	Jane Murphy		
Corporate Parenting Committee (9)	3	3	2	1
	John Howson	Ian Corkin	Liz Brighthouse	Damian Haywood
	Judy Roberts	Michael Waine	Mark Lygo	
	Bethia Thomas	Nigel Simpson		

Oxfordshire Joint HOSC (7)	3	2	2	
	Jane Hanna	Nick Leverton	Mark Lygo	
	Jenny Hannaby	Nigel Champken-Woods	Michael O'Connor	
	Freddie van Mierlo			
Pension Fund Committee (now 7)	3	2	2	
	Bob Johnston	Nick Field-Johnson	Imade Edosomwan	
	John Howson	Kevin Bulmer	Vacancy	
	Vacancy			
People Overview & Scrutiny Committee (9)	3	4	2	0
	Andy Graham	Ian Corkin	Trish Elphinstone	
	Jenny Hannaby	Michael Waine	Imade Edosomwan	
	Vacancy	Nigel Simpson		
		Nick Leverton		
Performance & Corporate Services Overview & Scrutiny Committee (9)	3	3	2	1
	Ian Middleton	Eddie Reeves	Liz Brighthouse	Vacancy (trans from Lab Coop)
	Calum Miller	Kieron Mallon	Brad Baines	
	Bob Johnston	Donna Ford	Glynis Phillips	

Place Overview & Scrutiny Committee (9)	4	3	2	
	Alison Rooke	Yvonne Constance	Charlie Hicks	
	Richard Webber	Ted Fenton	Duncan Enright	
	Freddie van Mierlo	Kieron Mallon		
	Robin Bennett	Vacancy (trans from LDG)		
Planning & Regulation Committee (12)	4	4	3	1
	Richard Webber	Les Sibley	Geoff Saul	Stefan Gawrysiak
	Judy Roberts	Ted Fenton	Mohamed Fadlalla	
	David Rouane	Ian Snowdon	Imade Edosomwan	
	Robin Bennett	Yvonne Constance		
Remuneration Committee (6)	2	2	1	1
	Liz Leffman	Eddie Reeves	Liz Brighthouse/Glynis Phillips	Vacancy (trans from Lab Coop)
	John Howson	Yvonne Constance		
Education and Young People Overview and Scrutiny Committee (9) NEW	3	3	2	1

	Vacancy	Vacancy	Vacancy	Vacancy
	Vacancy	Vacancy	Vacancy	
	Vacancy	Vacancy		



### Political proportionately calculations

The political groups' notional entitlements to membership of committees is shown in red below. The proposed number of seats is in black.

The total number of committee places is 106. Of those, the Liberal Democrat Green Alliance is entitled to 39 seats, the Conservative Independent Alliance is entitled to 37 seats and the Labour and Co-operative Party is entitled to 24 seats. There are four non-aligned councillors and six seats are available to them after the seats have been allocated to the political groups.

<b>Committees</b>	<b>Liberal Democrat Green Alliance</b>	<b>Conservative Independent Alliance</b>	<b>Labour and Co-operative Party</b>	<b>Non-aligned Independent</b>
Audit & Governance Committee (7 County Councillors)	3.29 4	3.14 3	2.00 2	
BOB HOSC (7)	2.56 3	2.44 2	1.56 2	
Charlotte Coxe Trust Committee (5)	1.83 2	1.75 2	1.11 1	
Corporate Parenting Committee (9)	3.29 3	3.14 3	2.00 2	0.57 1
OJHOSC (7)	2.56 3	2.44 2	1.56 2	
People Scrutiny (9)	3.29 3	3.14 4	2.1 2	

<b>Committees</b>	<b>Liberal Democrat Green Alliance</b>	<b>Conservative Independent Alliance</b>	<b>Labour and Co-operative Party</b>	<b>Non-aligned Independent</b>
Pension Fund Committee (7)	2.56 3	2.44 2	1.56 2	
Performance & Corporate Services Scrutiny (9) *	3.29 3	3.14 3	2.00 2	0.57 1
Place Scrutiny (9) *	3.29 3	3.14 4	2.00 2	
Education and Young People Scrutiny (9)	3.29 3	3.14 3	2.00 2	0.57 1
Planning & Regulation Committee (12)	4.38 4	4.19 4	2.67 3	0.76 1
Remuneration Committee (6) *	2.19 2	2.10 2	1.33 1	0.38 1
<b>Overall current number of seats (106)</b>	36	34	22	6
<b>Overall entitlement</b>	35.78 36	34.22 34	21.78 22	6.22 6