

COUNTY COUNCIL – 15 MAY 2018

COMMITTEES & REVIEW OF POLITICAL BALANCE

Report by the Director of Law & Governance and Monitoring Officer

1. The Council is required by the Local Government & Housing Act 1989 to review the political balance on its committees on an annual basis. A note is attached (**Annex 1**) which summarises how the rules operate. This note also outlines the co-opted members.
2. A schedule is attached (**Annex 2**) showing the initial arithmetical product of the rules for the Council's committees. The figures in brackets show the adjustments which are necessary to achieve the balance across and within committees to comply with the rules. These are the same as in the previous year.

In summary the changes necessary are:

- (a) To obtain balance across the scrutiny committees, the Liberal Democrats have an additional seat.
 - (b) To obtain balance across the other committees of the Council and overall the Labour Group loses a seat and the Liberal Democrat Group gets an additional seat. The 2 seats that then remain unfilled must be offered to the independent members.
3. The rules relating to political balance do not apply to the three Joint Consultative Committees but so far as is possible political balance is sought.
 4. A schedule is attached (**Annex 3**) showing the present committees and their membership. Where changes are notified prior to the Schedule of Business being published these will be included in an amended Annex 3. Also included for information are appointments to a Scrutiny Panel for the Oxfordshire Growth Board and advisory sub-groups which will be confirmed by Cabinet.

RECOMMENDATIONS

5. **The Council is RECOMMENDED:**
 - (a) **to confirm the political balance on committees shown in Annex 2 to the report;**
 - (b) **to appoint to committees the councillors and co-opted members shown in Annex 3, subject to any changes reported in any amended schedule and at the meeting; and**
 - (c) **to note the executive appointments in Annex 3 in relation to Oxfordshire Growth Board scrutiny arrangements and advisory sub groups.**

NICK GRAHAM

Director of Law & Governance and Monitoring Officer

Background Papers:

Nil

Contact Officers:

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May 2018

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Local Government & Housing Act 1989 - Political Balance

General Description of the Rules

1. For most local authority committees and sub-committees and for certain other appointments, the 1989 Act requires the Council to allocate seats to political groups in accordance with the groups' proportionate strength on the Council as a whole.
2. The political balance requirement applies only where political groups have been set up, but where it does apply the allocation to committees has to be reviewed annually. A review is also required on the formation of a new political group or if requested by a member newly joining a group.
3. A committee must review the allocation of seats on its sub-committees following any change in the committee's membership as a result of a 1989 Act review.

The Allocation

4. The allocation process depends on the proportionate strengths of the political groups and the nature of the committee, sub-committee or other body concerned. The following rules apply:
 - (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.¹
 - (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).
 - (v) The allocations of seats to political groups are rounded up or down to the nearest whole number. Where the allocations leave a seat or seats unfilled on a committee, sub-committee or other body those seats must be allocated to any independent members of the Council.
5. Except where a "no dissent" alternative (as described below) is adopted, application of these principles, "so far as reasonably practicable", is mandatory. Once the allocations have been agreed under this procedure, the appointment of individual members must then be made in accordance with the wishes of the respective groups.

Alternatives where "No Dissent"

¹ The Council has in the past sought so far as possible to apply this principle to the total seats on scrutiny committees and "other" committees also, but this is not a legal requirement

6. The requirement to allocate seats according to political groups' proportionate strengths can be overridden by some other arrangement, either in relation to all committees, sub-committees and other bodies or in relation to any individual committee, sub-committee or other body, provided that no councillor votes against the alternative arrangement when it is proposed.

Co-opted members on Committees

7. A number of Committees have co-opted members:

Audit & Governance Committee – One representative of the Business Community (nominee on Annex 3)

Pension Fund Committee – 2 voting co-opted members representing the District Councils – 2 District Councillors appointed by the District Council.

Oxfordshire Joint Health Overview & Scrutiny Committee – Under Section 8(2)(a) of the Health and Social Care Act 2001, as amended by Section 28 of the Health & Social Care Act 2012, 5 District Councillors are appointed by the District Councils. By agreement with all partners of the joint committee there are also 3 non-voting co-opted members in order to assist it in its work.

Education Scrutiny Committee – Under the Localism Act 2000 there are 4 voting co-optees who vote only on matters relating to education functions representing:

The Church of England – nominated by the relevant Diocesan Board of Education;
The Roman Catholic Church – nominated by the Bishop of the relevant Diocese;
Primary Schools Parent Governors – by advert and election process
Secondary and Special Schools Parent Governors – by advert and election process.

ANNEX 2**Political Proportionality : Product of Local Government & Housing Act Formula****Committees subject to Proportionality Rules**

	Seats	Cons & Inds	Lab	Lib Dem	Ind	Total	Balance	Further Adjustment required
Performance Scrutiny Committee	10 (11)	5(6)	2	2	0	9	-1	Additional 1 seat allocated to Conservative Independent Alliance Group to preserve majority on 11 person committee *
Education Scrutiny Committee	7	4	2	1	0	7	0	Previously 1 additional seat allocated to Conservative Independent Alliance to preserve majority (when voting co-optees counted.) Currently no co-opted members in place so no adjustment made.
Sub-Total	17	9	4	3(4)	0(1)	16(18)	1	
Notional Entitlement	17	9	4	4	1	18	1	
Balance		0	0	-1	-1	-1		

Planning & Regulation Committee	12(13)	6(7)	3	2	0	11	-1	Additional 1 seat allocated to Conservative Independent Alliance Group to preserve majority on 13 person committee
Pension Fund Committee	7(9)	4(6)	2	1	0	7	0	Additional 2 seats allocated to Conservative Independent Alliance Group to preserve majority on 11 person committee (when voting co-optees counted)
Audit & Governance Committee	9	5	2	2	0	9	0	
Remuneration Committee	6 (7)	3 (4)	1	1	0	5	-1	Additional 1 seat allocated to Conservative Independent Alliance Group to preserve majority on 7 person committee
Sub-Total	34	18	8	6(7)	0(1)	32(34)	0	

Notional Entitlement	34	18	8	7	1	34	0	
Balance		0	0	-1	-1	-2		

Overall Total	51	27	12	9	0	48	-3	
Legal Entitlement	51	27	11	11	2	51	0	
Balance		0	1	-2	-2	-3		

Nominations to Joint Committees and Other Bodies

	Seats	Cons & Ind	Lab	Lib Dem	Ind	Total	Balance
Health Overview & Scrutiny Joint Committee	7	4	2	1	0	7	0
Oxfordshire Growth Board Scrutiny Panel	3	1 + 1 named sub	1 + 1 named sub	1 + 1 named sub		3	0
Infrastructure Sub-Group	1						
Housing Sub-Group	1						
JSSP Sub-Group	1						

Informal Joint Consultative Bodies

Proportionality is not mandatory for the following, but may be applied to the councillor appointees if desired

	Seats	Cons plus Inds	Lab	Lib Dem	Ind	Total	Balance
OCC & Teachers Joint Committee	5	3	1	1	0	5	0
OCC & Employees Joint Consultative Committee	7	4	2	1	0	7	0
OCC & Uniformed Fire Service Consultative Committee	7	4	2	1	0	7	0

Membership of Committees and Sub-Committees

Audit & Governance Committee (10)

Conservative Independent Alliance (5)	Ind (0)	Labour (2)	Liberal Democrat (2)
Carter		Evans	Buckley
Corkin		McIlveen	Roz Smith
Ilott			
Mathew			
Sibley			

Non-Voting Co-opted Members (3)

Representative of the Business Community:

Dr Geoff Jones

Independent Members (Complaints handling) (2)

Dr Sadie Reynolds

1 vacancy

Appeals & Tribunals Sub-Committee* (3)

Three Councillors one of whom must be a Member of the Audit & Governance Committee

(*when hearing home to school transport appeals, the Sub-Committee consists of an elected member, an officer and an independent person.)

Appointment Sub-Committee (Variable) (6)

Six Councillors at least one of whom must be a member of the Cabinet

Fire Service Discipline Sub-Committee (3)

Three Councillors at least one of whom must be a member of the Cabinet

Oxfordshire Health & Wellbeing Board

Comprising*:

Leader of the County Council – chair

Clinical Chair of Oxfordshire Clinical Commissioning Group - vice-chair

2 District and City Council representatives as per the current arrangements

A Cabinet Member of the County Council

Accountable Officer Oxfordshire Clinical Commissioning Group

C/E Oxford University Hospitals NHS Foundation Trust

C/E Oxford Health NHS Foundation Trust

C/E Oxfordshire County Council

A Healthwatch representative

The Director for Children’s services

The Director for Adult Social Care

The Director of Public Health

An NHS England representative

1 Clinical General Practitioner provider representative from Oxfordshire’s General Practice Federations.

* Subject to confirmation following the Health & Wellbeing Board meeting on 10 May 2018

Pension Fund Committee (11)

**Conservative
Independent
Alliance (6)**

Ind (0)

**Labour
(2)**

**Liberal
Democrat
(1)**

Bulmer

Lygo

Howson

Corkin
Field-Johnson

John
Sanders

Mathew
Thompson
Stratford

Voting Co-opted Members (2) *District Council Representatives*

Planning & Regulation Committee (13)

Conservative Independent Alliance (7)	Ind (1)	Labour (2)	Liberal Democrat (3)
Fitzgerald- O'Connor	Gawrysiak	Phillips	Johnston
Fox Davies		Lygo	Roberts
Handley			Webber
Matelot			
Reynolds			
Thompson			
Sibley			

Remuneration Committee (7)

Conservative Independent Alliance (4)	Ind (1)	Labour (1)	Liberal Democrat (1)
Bulmer	Atkins	Brighouse	Webber
Heathcoat			
Hudspeth			
Mathew			

Pension Benefits Sub-Committee ()

**Three Councillors at least one of whom must be a member of the
Remuneration Committee**

Membership of Scrutiny Committees

Education Scrutiny Committee (9 (now 7))

Conservative Independent Alliance (5(now 4))	Ind (0)	Labour (2)	Liberal Democrat (1)
Bartington Fitzgerald- O'Connor Matelot Thompson Waine		Gill Sanders Afridi	Howson

Voting Co-optees (4 vacancies)

Representing the Church of England: Vacancy

Representing the Roman Catholic Church: Vacancy

Parent Governor Representatives:

Primary: Vacancy

Secondary and Special: Vacancy

Performance Scrutiny Committee (11)

Conservative Independent Alliance (6)	Ind (0)	Labour (2)	Liberal Democrat (3)
Carter Fox-Davies Ilott Mathew Waine Walker		Brighthouse Phillips	Hannaby Leffman Emily Smith

Joint Committees

Oxfordshire Joint Health Overview & Scrutiny Committee (15)

Conservative Independent Alliance (4)	Ind(0)	Labour (2)	Liberal Democrat (1)
Bulmer		Cherry	Rooke
Clarke		Price	
Fatemian			
Fox-Davies			

District Council Representatives (5)

Co-optees Members (3)

- Moria Logie
- Dr Keith Ruddle
- Mrs A. Wilkinson

Other Bodies

Oxfordshire Growth Board (OGB) Scrutiny Panel* (3)

Conservative Independent Alliance (1 + 1 named sub)	Ind(0)	Labour (1 + 1 named sub)	Liberal Democrat (1 + 1 named sub)
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OGB JSSP Sub Group (1)

OGB Infrastructure Sub-Group (1)

OGB Housing Sub-Group (1)

***these appointments are to be confirmed at Cabinet.**

Thames Valley Police & Crime Panel (1)

**Conservative
Independent
Alliance (1)**
Mallon

**Green
(0)**

**Labour
(0)**

**Liberal
Democrat
(0)**

County Council Representatives on Staff Consultative Bodies

Oxfordshire County Council Joint Consultative Committee

for Uniformed Members of the Fire Service (7)

Conservative Independent Alliance (4)	Ind(0)	Labour (2)	Liberal Democrat (1)
Bartington		Cherry	Patrick
Griffiths		Pressel	
Handley			
Heathcoat			

Oxfordshire County Council & Teachers' Joint Committee (5)

Conservative Independent Alliance(3)	Ind (0)	Labour (1)	Liberal Democrat (1)
Fenton		Turnbull	Emily Smith
Thompson			
Waine			

Oxfordshire County Council &

Employees Joint Consultative Committee (7)

Conservative Independent Alliance (4)	Ind (0)	Labour (2)	Liberal Democrat (1)
Bartholomew		Banfield	Webber
Handley		Price	
Heathcoat			
Reeves			