

Division(s): N/A

COUNTY COUNCIL – 14 MAY 2013

POLITICAL BALANCE ON COMMITTEES

Report by the County Solicitor & 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 will be circulated separately (**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.
3. A further schedule (**Annex 3**) will be circulated separately showing the group nominations which have been received, together with the names of co-opted members where relevant. These nominations will be put forward on the basis of the adjusted memberships of the respective bodies as referred to in paragraph 2 above.

RECOMMENDATIONS

4. **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 at the meeting.**

PETER CLARK

County Solicitor & Monitoring Officer

Background Papers: Nil

Contact Officers: Sue Whitehead, Committee Services Manger
Tel: 01865 810262

May 2013

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.

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

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”

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 5 District Councillors are appointed by the District Councils. By agreement with all partners of the joint committee there are 3 non-voting co-opted members in order to assist it in its work.

Education Scrutiny Committee – Under the Localism Act 2000 there must be 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