

## COUNTY COUNCIL – 21 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 the Liberal Democrat Group gets an additional seat. The 2 seats that then remain unfilled must be offered to the independent members.
3. Last year the Liberal Democrat Group took the unfilled seat on Performance Scrutiny ((a)above). The Labour Group gave up a seat on Planning and Regulation Committee ((b) above) meaning there were two unfilled seats on it. Of the three unfilled seats, two on Planning and Regulation Cttee and one on Remuneration Committee the Liberal Democrat Group chose to take the other additional seat on Planning and Regulation. This gave the Independent Group places on Planning & Regulation Committee and Remuneration Committee.
4. 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.
5. A schedule is attached (**Annex 3**) showing the present committees and their membership together with any notified changes. 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
6. Appointments to the Joint Partnership Working Group will be made by Cabinet through the delegation to Nick Graham as Director of Law & Governance, and the parent Committees of the Audit & Governance and Performance Scrutiny

(Transformation) Sub Committee will make appointments to that Sub-Committee.

## **RECOMMENDATIONS**

7. **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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**ANNEX 1****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.<sup>1</sup>
  - (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

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<sup>1</sup> 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

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, as amended by 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	
<b>Sub-Total</b>	<b>17</b>	<b>9</b>	<b>4</b>	<b>3(4)</b>	<b>0(1)</b>	<b>16(18)</b>	<b>1</b>	
<b>Notional Entitlement</b>	<b>17</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>18</b>	<b>1</b>	
<b>Balance</b>		<b>0</b>	<b>0</b>	<b>-1</b>	<b>-1</b>	<b>-1</b>		

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
<b>Sub-Total</b>	<b>34</b>	<b>18</b>	<b>8</b>	<b>6(7)</b>	<b>0(1)</b>	<b>32(34)</b>	<b>0</b>	
<b>Notional Entitlement</b>	<b>34</b>	<b>18</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>34</b>	<b>0</b>	
<b>Balance</b>		<b>0</b>	<b>0</b>	<b>-1</b>	<b>-1</b>	<b>-2</b>		

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

#### 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	1			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