

# COUNCIL

20 May 2025

## APPOINTMENTS - CLARIFICATION OF 'OPPOSITION GROUP' ARRANGEMENTS

Report by Director of Law and Governance and Monitoring Officer

### RECOMMENDATION

1. The Council is **RECOMMENDED** to note this report.

### Executive Summary

2. This report clarifies the arrangements for the Council's 'Opposition' considering the current political composition of the Council and the provisions of the Constitution.

### Rules around 'the opposition group'

#### Background

3. The election to Oxfordshire County Council on 1 May 2025 returned a Liberal Democrat majority, with 36 of the 69 available seats. The remaining seats were returned as follows:

Conservative	10
Green	7
Henley Residents Group	1
Independent	1
Independent Oxford Alliance	1
Labour and Labour & Co-operative	12
Reform UK	1

4. Any two or more councillors may inform the Proper Officer of their intention to form a political group on the Council and be recognised as such. These political groupings form the basis of decisions such as political proportionality on committees but are also used to determine under the Council's Constitution which group becomes 'the Opposition' and assumes the rights associated with that status.

5. The Proper Officer has received notice that 12 elected members intend to operate as a political group, the Labour & Co-operative Group. The Proper Officer has received notice that the Conservative, Independent and Independent Oxford Alliance members have agreed to form a political group, the Oxfordshire Alliance. As a result there are two political groups of equal size (being 12) which are not the group from which the cabinet is drawn thereby qualifying equally to be 'the Opposition'.

### **Formal recognition of 'the opposition' group**

6. Under Part 9.2 of the Council's Constitution, the Protocol on Councillors' Rights and Responsibilities, the Council is required to recognise a formal Opposition group.
7. Part 9.2 (2) outlines the requirements as follows: 'The largest political group on the Council which is not the Group(s) from which the Cabinet is drawn will be officially recognised by the Council as the Opposition.'
8. The Constitution does not specify how the Council should manage a situation in which two (or more) groups have equal claim to recognition as 'the Opposition' and there is no legal mechanism or established protocol in the Constitution to decide how any responsibilities may be shared. In light of this neither of the groups felt it appropriate to rotate and share the official opposition designation. Bearing in mind the Constitution does not specify a protocol for dealing with exactly the same number of elected members in opposition groups and no pragmatic solution could be reached, the only viable option is to establish two official oppositions.
9. It is recommended that the Constitution is reviewed in light of this, so provision can be agreed if this situation of having two equal sized opposition groups both entitled to be recognised as the Opposition arises in the future.

### **The Constitutional rights and privileges of 'the Opposition' group**

10. Formal recognition by the Council as 'the Opposition' confers a number of rights and privileges on a political group. Part 9.2 (2) of the Constitution outlines a number of these: 'The Opposition may appoint a Leader, Deputy Leader and other Councillors (not being more than the number of Councillors in the Council's Cabinet) to shadow the responsibilities of the Leader and Deputy Leader of the Council and the other Cabinet members as set out in the relevant part of this Constitution. Collectively these Opposition Councillors will be termed the Shadow Cabinet.' These roles confer the right to enhanced communication with senior officers, as well as Special Responsibility Allowances.
11. A further right of the Opposition relates to the position of Chairs of Overview and Scrutiny Committees. Under the Scrutiny Procedure Rules, Part 6.2 (9) it states that 'The positions of Chairs and Deputy Chairs of the Scrutiny Committees will be drawn from among the councillor members sitting on the respective committees. A Committee will normally appoint to these positions on an annual

basis. A Chair will be from the Opposition Group. It should be noted that this stipulation does not relate to the Oxfordshire Joint Health Overview and Scrutiny Committee, which operates under different constitutional arrangements.

## **Consequences of proposed course of action**

### Recognising two Opposition Groups

12. It is the advice of the Monitoring Officer that in the absence of any agreement or protocol to do otherwise that under the Council's Constitution both the Labour & Co-Operative Group and the Oxfordshire Alliance are recognised by the Council as the Opposition, with each having the full rights of that status.
13. This would lead to the existence of two Leader of the Opposition roles each with the right to appoint Shadow Cabinets, with their full rights.
14. The Members' Allowances Scheme outlines the Special Responsibility Allowances (SRAs) payable to the Leader of the Opposition and Shadow Cabinet members, which are presently:

(a)	Leader of the Opposition	£13,824.00
(b)	Shadow Cabinet Member	£ 3,456.00
15. Recognising two Opposition Groups leads to an increase in SRAs payable. The precise cost depends on the size of the Cabinet appointed by the Leader of the Council and whether the Opposition groups appoint Shadow Cabinets of the same size or smaller. The maximum increased cost of SRAs for two opposition Leaders with nine Shadow Cabinet Members each would be £44,928.

## **Corporate Policies and Priorities**

16. The equitable resolution whereby two groups of equal size and equal right under the Council's Constitution are to be recognised as 'the Opposition' corresponds with the Council's democratic responsibilities.

## **Financial Implications**

17. The cost arising from additional special responsibility allowances, as set out in paragraph 15, will need to be met from the existing budget during 2025/26. The ongoing additional cost will need to be considered as part of the Budget & Business Planning process for 2026/27.

Comments checked by:

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## Legal Implications

18. Political groups are constituted and notified to the Proper Officer in accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990/1553.
19. Council is responsible for appointing to Committees under s102 of the Local Government Act 1972. Under section 15 Local Government and Housing Act 1989 the Council has a duty to allocate committee seats to achieve political proportionality. This applies to all committees of the Council where at least three seats have to be filled by the members of the Council.
20. The responsibility for determining the Members' Scheme of Allowances under Section 18 of the Local Government and Housing Act 1989 is a matter reserved to Council and should there be a wish to amend the Scheme of Allowances the Council would have to have due regard to a report from an Independent Remuneration Panel before amending the Scheme. The current Scheme by virtue of the maximum period of four years allowed for Indexation to apply under Regulation 10 (5) Local Authorities (Members' Allowances) (England) Regulations 2003/1021 comes to an end on 31 March 2026. The Scheme will need to be reviewed in 2025/2026 and a new Scheme put in place effective from 1 April 2026 in any event.
21. Under Section 37 of the Local Government Act 2000 the Council has a responsibility to have and keep up to date a Constitution.

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Annex: None

Background papers: None

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May 2025