

**ANNUAL COUNCIL  
21 MAY 2003**

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**LOCAL GOVERNMENT AND HOUSING ACT 1989: REVIEW OF ALLOCATION OF  
SEATS AND APPOINTMENTS TO COMMITTEES  
(Acting Director of Corporate Services – Democratic Services)**

**1 INTRODUCTION**

- 1.1 A review of the allocation of committee seats to party groups is conducted each year at the Annual Meeting of the Council, in accordance with the Local Government (Committees and Political Groups) Regulations 1990. The results of the Borough Council Elections have been taken into account in recalculating the proportional entitlement of Party Groups to seats on committees.
- 1.2 The nominations from Party Groups are set out in the Annexes attached to this report. The Council is required to determine the allocation of committee seats to Party Groups and then to appoint to those seats in accordance with the wishes of each Party Group on the Council. The allocations for the ordinary committees and for the overview and scrutiny committees are dealt with separately and each provides for one more seat than either group is entitled to be allocated. The Council must determine on which committee that vacancy shall fall in each case and allocate that vacant seat to the Member who is not a member of a Party Group on the Council, Councillor Earwicker. The nominations received anticipate that the Council will determine that those vacancies fall on the Appeals Committee and the Lifelong Learning Scrutiny Panel respectively.

**2 RECOMMENDATIONS**

**2.1 That:**

- (i) **the total number of seats on ordinary Committees appointed by the Council shall be 40 as set out below and that such seats shall be allocated to party groups as follows:-**

**Conservative Group – 33**

**Labour Group – 6**

**and that the vacant (40<sup>th</sup>) seat shall be on the ..... Committee.**

<b>Name of Committee</b>	<b>Number of Members</b>	<b>Allocation to Groups</b>	<b>Substitute Members</b>
<b>Planning &amp; Highways Committee</b>	<b>18</b>	<b>15 : 3 or 2</b>	<b>3 : 3</b>
<b>Employment Committee</b>	<b>8</b>	<b>7 : 1 or 0</b>	<b>3 : 3</b>
<b>Licensing &amp; Safety Committee</b>	<b>6</b>	<b>5 : 1 or 0</b>	<b>3 : 3</b>
<b>Governor Appointments Committee</b>	<b>4</b>	<b>3 : 1 or 0</b>	<b>3 : 3</b>
<b>Appeals Committee</b>	<b>4</b>	<b>3 : 1 or 0</b>	<b>3 : *</b>
<b>Total</b>		<b>33 : 6</b>	

- (ii) Councillor Earwicker be appointed to the vacant seat.
- (iii) Subject to the determination in (i) above, Members be appointed to serve on the Standards Committee and on the above ordinary Committees in accordance with nominations made by the political groups as set out in Annex A to this report.
- (iv) The following formula for the allocation of seats on Sub-Committees to be appointed by Committees be confirmed.

<b>Number of Members</b>	<b>Allocation of Seats</b>
<b>4</b>	<b>3 : 1</b>
<b>5</b>	<b>4 : 1</b>
<b>6</b>	<b>5 : 1</b>
<b>7</b>	<b>6 : 1</b>
<b>8</b>	<b>7 : 1</b>

#### ***Overview and Scrutiny Committees***

- (v) the total number of seats on the Public Scrutiny Commission and its Standing Panels shall be 39 as set out below and that such seats shall be allocated to party groups having regard to the proportion of seats held by the non-executive Members of the Council as follows:-

**Conservative Group – 31                      Labour Group – 7**

**and that the vacant (39<sup>th</sup>) seat shall fall on the .....**

Name of Committee	Number of Members	Allocation to Groups	Substitute Members
Public Scrutiny Commission	12	10 : 2 or 1#	3 : 3
Environment Scrutiny Panel	9	7 : 2 or 1	3 : 3
Lifelong Learning Scrutiny Panel	9	7 : 2 or 1#	3 : 3
Social Care and Housing Scrutiny Panel	9	7 : 2 or 1	3 : 3
<b>Total</b>	<b>39</b>	<b>31 : 7</b>	

# does not include the 2 voting representatives nominated by Oxford and Portsmouth Diocesan Councils and the 2 voting Parent Governor Representatives.

- (vi) That Councillor Earwicker be appointed to the vacant seat.
- (vii) Subject to the determination in (v) above, Members be appointed to serve on the overview and scrutiny bodies in accordance with nominations made by the political groups as set out in Annex B to this report.
- (viii) The following formula for the allocation of seats on any further Sub-Committees to be appointed by the Public Scrutiny Commission be confirmed.

Number of Members	Allocation of Seats
4	3 : 1
5	4 : 1
6	5 : 1
7	6 : 1
8	7 : 1

- (ix) Members be appointed to serve on all other groups in accordance with nominations made by the political groups as set out in the Annex C to this report.

### **3      ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

#### Borough Solicitor

- 3.1      Although the allocation of seats to overview and scrutiny committees must be politically proportionate these are not ordinary committees and should not be aggregated together with the seats of ordinary committees for the purposes of allocation of seats to party groups by the Council under section 15 (5)(c) of the Local Government and Housing Act 1989.

#### Section 151 Officer

- 3.2      There are no financial implications arising from the above recommendations.

#### Access Implications

- 3.3      Not relevant to this report.

### **4      SUPPORTING INFORMATION**

- 4.1      The Council is required to determine the allocation of seats on ordinary and overview and scrutiny committees to political groups for the forthcoming municipal year and to make appointments in accordance with the wishes of the group to which each seat has been allocated. The allocation exercise for the overview and scrutiny committees has to be separated from that for the other committees as they are not ordinary committees in the sense of the Local Government and Housing Act 1989 and cannot be aggregated together in the 'basket' of seats.
- 4.2      The Local Government and Housing Act 1989 introduced Regulations in order to ensure that the political balance on Committees reflects the political complexion of the Council. In order to achieve this the Council is required to observe the following principles as far as practicable in making appointments to ordinary Committees ie:
- (a)      no Committee should comprise Members drawn from one political group only;
  - (b)      the majority of seats on each Committee should be allocated to a political group if the number of members of the group is a majority of the Authority's membership;
  - (c)      subject to satisfying (a) and (b) above, the total number of all seats allocated to each political group on ordinary Committees should reflect the political balance of the Council; and
  - (d)      subject to (a) – (c) above, the number of seats on each Committee allocated to each political group should reflect the political balance of the Council.
- 4.3      The above four principles apply to all ordinary Committees appointed by the Council and to Sub-Committees appointed by those Committees. The Council has previously agreed that political proportionality rules will not be applied to the Standards Committee.

4.4 Following the Borough Council Elections, the composition of the Council is 35 Conservative (83.3%), 6 Labour (14.3%%) and 1 Liberal Democrat (2.4%). Under the terms of the Committees and Political Groups Regulations, Councillor Earwicker (Liberal Democrat) does not constitute a Group and as such does not qualify to receive an allocation of seats under the Regulations. However the two Groups are entitled only to seats in proportion to their representation on the Council as a whole and once that allocation has been made any resulting vacant seats should be allocated to Councillor Earwicker as the only Member of the council who is not a Member of a Party Group on the Council.

4.5 If the Council retains the five ordinary committees provided in the Constitution, the following determination should be made.

- (i) That the total number of seats on ordinary committees for the forthcoming municipal year is 40
- (ii) That the available seats be allocated to groups as follows:

Conservative Group	33
Labour Group	6

The Council shall determine on which Committee the vacant (40<sup>th</sup>) seat shall fall and shall allocate that seat to Councillor Earwicker.

If this determination is agreed then the allocation would be as follows.

Name of Committee	Number of Members	Allocation to Groups
Planning & Highways Committee	18	15 : 3 or 2
Employment Committee	8	7 : 1 or 0
Licensing & Safety Committee	6	5 : 1 or 0
Governor Appointments Committee	4	3 : 1 or 0
Appeals Committee	4	3 : 1 or 0
<b>Total Allocation</b>	<b>40</b>	<b>33 : 6</b>

- 4.6 This gives a total allocation of 33 seats (82.5%%) to the Conservative Group and 6 seats (15%) to the Labour Group. In percentage terms this overall allocation is within 0.8% of the respective proportion of seats held by each group on the Council. Overall this represents an acceptable match and would comply with the principles of the Local Government and Housing Act 1989 set out above. The Council should appoint Councillor Earwicker to the vacant seat.
- 4.7 Committees are also required to observe political proportionality when setting the membership of Sub-Committees. The formula by which this should be done is set out below:

Size of Sub-Committee	Allocation of Seats	Proportion
4	3 : 1	75% : 25%
5	4 : 1	80% : 20 %
6	5 : 1	83.3% : 16.6%
8	7 : 1	87.5% : 12.5%

#### **Seats on Overview and Scrutiny Committees**

- 4.8 Prior to the Borough Council Elections, the Council discussed the option of allocating seats on overview and scrutiny committees to party groups having regard to the proportion of seats held by the non-executive Members of the Council. Such a departure from the normal rules of proportionality is permitted by the Regulations if notice is given of the proposal in the Agenda and if it is approved by the Council with no member voting against the proposal. If any Member votes against the proposal then the normal proportionality rules would be applied, resulting in the removal of one overview and scrutiny seat from the Labour Group in favour of the Conservative Group.
- 4.9 This allocation is to be carried out separately from the allocation to ordinary committees. If the Council adopts the proposed alternative approach the proportions of non-executive Members on the Council are:

Conservative 26 (78.8%), Labour 6 (18.2%), Liberal Democrat 1 (3%)

- 4.9 Accordingly, if the Council appoints members to the Public Scrutiny Commission and the Standing Scrutiny Panels provided for in the constitution, the following determination should be made.

- (i) That the total number of seats on the Public Scrutiny Commission and its Standing Panels for the forthcoming municipal year is 39
- (ii) That the available seats be allocated to groups as follows:

Conservative Group	31
Labour Group	7

The Council shall determine on which committee the vacant (39<sup>th</sup>) seat shall fall and shall allocate that seat to Councillor Earwicker.

If this determination is agreed then the allocation would be as follows.

Name of Committee	Number of Members	Allocation to Groups
Public Scrutiny Commission	12#	10 : 2 or 1
Environment Scrutiny Panel	9	7 : 2 or 1
Lifelong Learning Scrutiny Panel	9#	7 : 2 or 1
Social Care and Housing Scrutiny Panel	9	7 : 2 or 1
<b>Total Allocation</b>	<b>39</b>	<b>31 : 7</b>

# *does not include the 2 voting representatives nominated by Oxford and Portsmouth Diocesan Councils and the 2 voting Parent Governor Representatives.*

- 4.10 This gives a total allocation of 31 seats (79.5%) to the Conservative Group and 7 seats (17.9%) to the Labour Group. In percentage terms this overall allocation is within 0.7% of the respective proportion of non-executive seats held by each group on the Council. Overall this represents an acceptable match and would comply with the principles of the Local Government and Housing Act 1989 set out above. The Council should allocate Councillor Earwicker to the vacant seat.

#### Background Papers

None – Published Works only

#### Contact for further information

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