

**ANNUAL COUNCIL  
28 APRIL 2004**

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**LOCAL GOVERNMENT AND HOUSING ACT 1989: REVIEW OF ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES  
(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. Since the last review the proportions of the party groups have altered slightly since Councillor Grayson left the Conservative Group and became independent.
- 1.2 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 nominations from Party Groups will be circulated at the meeting. The allocations for the ordinary committees and for the overview and scrutiny committees are dealt with separately and each provides for two more seats than either group is entitled to be allocated. The Council must determine on which committees those vacancies shall fall and in each case allocate those vacant seat to those Members who are not a member of a party group on the Council.

**2 RECOMMENDATIONS**

**2.1 That:**

***Ordinary Committees***

- (i) the total number of seats on ordinary Committees appointed by the Council shall be 41 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 two vacant seats shall be on the ..... Committee and 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>10</b>	<b>9: 1 or 0</b>	<b>3 : 3</b>
<b>Employment Committee</b>	<b>8</b>	<b>6 : 2 or 1</b>	<b>3 : 3</b>
<b>Licensing &amp; Safety Committee</b>	<b>15</b>	<b>12 : 3 or 2</b>	<b>none</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 : 3</b>
<b>Total</b>	<b>41</b>	<b>33 : 6</b>	

- (ii) The non-group Councillors be appointed to the two vacant seats.
- (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 per Annex 1 (nominations to follow).
- (iv) The following formula for the allocation of seats on Sub-Committees to be appointed by Committees be confirmed.

Number of Members	Allocation of Seats
3	2 : 1
4	3 : 1
5	4 : 1
6	5 : 1
7	6 : 1
8	7 : 1

***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 – 30**

**Labour Group – 7**

and that the two vacant seats shall fall on the .....  
and the .....

Name of Committee	Number of Members	Allocation to Groups	Substitute Members
Public Scrutiny Commission	12	9 or 10 : 2 or 1#	3 : 3
Environment Scrutiny Panel	9	6 or 7 : 2 or 1	3 : 3
Lifelong Learning Scrutiny Panel	9	6 or 7 : 2 or 1#	3 : 3
Health, Social Care and Housing Scrutiny Panel	9	6 or 7 : 2 or 1	3 : 3
<b>Total</b>	<b>39</b>	<b>30 : 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 the non-group Councillors be appointed to the two vacant seats.
- (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 per Annex 2 (nominations to follow).
- (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) A Final Accounts Committee (7:1); an Appointments Committee: Assistant Director of Social Services and Housing, Sustainable Communities (3:1); and an Appointments Committee: Borough IT Services Manager (3:1) be appointed with terms of reference as set out in Annex 3 in accordance with nominations made by the political groups as per Annex 3 (nominations to follow).
- (x) Members be appointed to serve on all other sub groups listed in Annexe 4 in accordance with nominations made by the political groups (nominations to follow).

### **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 additional revenue 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 The composition of the Council is 34 Conservative (81%), 6 Labour (14.3%), 1 Liberal Democrat (2.4%) and 1 Independent (2.4%). The two members who are not part of a party group do 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 the resulting vacant seats should be allocated to the non-group councillors.
- 4.5 The proposals in Section 2 above assume that the Council will retain the five ordinary committees provided in the Constitution and that the size of the Licensing and Safety Committee shall increase to 15 members. This increase has been proposed by the current Chairman and Vice-Chairman of the Committee, in consultation with the Leader of the Council and the Director of Environment and Leisure. It is anticipated that for the first year of operation, the workload of the licensing panels will be such that it would be advisable to have a Licensing Committee of the maximum size permitted by the Regulations (15). If this is acceptable then the following determination should be made.
- (i) That the total number of seats on ordinary committees for the forthcoming municipal year is 41

(ii) That the available seats be allocated to groups as follows:

Conservative Group	33
Labour Group	6

The Council shall determine on which Committees the 2 vacant seats shall fall and shall allocate those seats to the remaining two councillors. (Those seats currently fall on the Employment Committee and the Appeals Committee.)

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

<u>Name of Committee</u>	<u>Number of Members</u>	<u>Allocation to Groups</u>
Planning & Highways Committee	10	9 : 1 or 0
Employment Committee	8	6 : 2 or 1
Licensing & Safety Committee	15	12 : 3 or 2
Governor Appointments Committee	4	3 : 1 or 0
Appeals Committee	4	3 : 1 or 0
Total Allocation	41	33 : 6

4.6 This gives a total allocation of 33 seats (80.49%) to the Conservative Group and 6 seats (14.63%) to the Labour Group. In percentage terms this overall allocation is within 0.6% 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 the non-group councillors to the two vacant seats.

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:

<u>Size of Sub-Committee</u>	<u>Allocation of Seats</u>	<u>Proportion</u>
3	2 : 1	66.7% : 33.3%
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 The Council agreed in May 2003 to allocate 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 seats will be allocated according to the proportions of non-executive Members on the Council, which are:

Conservative 25 (75.8%), Labour 6 (18.2%), non-group councillors 2 (3% each)

4.10 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	30
Labour Group	7

The Council shall determine on which committee the vacant seats shall fall and shall allocate those seats to the non-group councillors.

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#	9 or 10 : 2 or 1
Environment Scrutiny Panel	9	6 or 7 : 2 or 1
Lifelong Learning Scrutiny Panel	9#	6 or 7 : 2 or 1
Health, Social Care and Housing Scrutiny Panel	9	6 or 7 : 2 or 1
<b>Total Allocation</b>	<b>39</b>	<b>30 : 7</b>

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

- 4.11 This gives a total allocation of 30 seats (76.9%) to the Conservative Group and 7 seats (17.9%) to the Labour Group. In percentage terms this overall allocation is within 1.1% 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 the vacant seats to the non-group councillors.
- 4.12 In addition, the Council is invited to appoint three other committees. The Account and Audit Regulations 2003 require that the Council's Draft Statement of Accounts for 2003/2004 is approved by 31 August 2004. For this year, it is proposed that a committee is established to undertake the necessary arrangements on behalf of the Council and this committee would be required to meet on 31 August 2003. Also, there are two current vacancies for deputy chief officer posts, where an external appointment is proposed and thus a committee of four members is required to be established in each case. The proposed terms of reference of these committees is set out in Annex 3 to this report. There is also a requirement for the Council to appoint to four other bodies, as detailed in Annex 3.

#### Background Papers

None – Published Works only

#### Contact for further information

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## NOMINATIONS FOR APPOINTMENT TO OVERVIEW AND SCRUTINY BODIES

*Recommendations (v), (vi) and (vii) and Paragraphs 4.8 – 4.10 refer.*

<b>PUBLIC SCRUTINY COMMISSION</b>		
<p><b>Councillors 12 (9 or 10: 2 or 1)    Substitute Members 6 (3: 3)    Church Representatives (2)</b></p> <p>Mr G S Anderson (<i>voting</i>) Mr M Gibbons (<i>voting</i>)</p> <p><b>Parent Governor Representatives (2)</b> Mrs D Whitbread (<i>voting</i>) One vacancy (<i>voting</i>)</p>		
<p><b>ENVIRONMENT SCRUTINY PANEL</b></p> <p><b>Councillors 9 (6 or 7: 2 or 1)</b></p> <p><b>Substitute Members 6 (3:3)</b></p>	<p><b>LIFELONG LEARNING SCRUTINY PANEL</b></p> <p><b>Councillors 9 (6 or 7: 2 or 1)</b></p> <p><b>Substitute Members 6 (3: 3)</b></p> <p><b>Church Representatives (2)</b> Mr G S Anderson (<i>voting</i>) Mr M Gibbons (<i>voting</i>) <b>Parent Governor Representatives (2)</b> Mrs D Whitbread (<i>voting</i>) One vacancy (<i>voting</i>) <b>Teachers Associations Representatives (3)</b> Mrs A Griffiths (<i>non-voting</i>) Mrs S Jales (<i>non-voting</i>) Miss V Richardson (<i>non-voting</i>)</p>	<p><b>HEALTH, SOCIAL CARE AND HOUSING SCRUTINY PANEL</b></p> <p><b>Councillors 9 (6 or 7 : 2 or 1)</b></p> <p><b>Substitute Members 6 (3: 3)</b></p> <p><b>Tenants Panel Representative (1)</b> Mr R Gristwood</p>



