

Council report



Report of Head of Legal and Democratic

Author: Steven Corrigan, Democratic Services Manager

Tel: 07717 274704

E-mail: steven.corrigan@southandvale.gov.uk

To: COUNCIL

DATE: 18 May 2021

Appointments to committees, panels and joint committees 2021/22

Recommendations

That Council:

1. appoints the committees and panels for the 2021/22 year, allocates seats to each political group and appoints councillors and substitutes to sit on them in accordance with paragraphs 9-12 of this report and as set out in the schedule circulated at the meeting;
2. appoints chairs and vice-chairs as set out in the schedule circulated at the meeting;
3. appoints all local members representing the wards covered by the relevant area committees to those committees for the 2021/22 municipal year; in accordance with paragraph 14 of this report and as set out in the schedule circulated at the meeting;
4. appoints councillors to the Climate Emergency Advisory Committee in accordance with paragraphs 15 and 16 of this report and as set out in the schedule circulated at the meeting;
5. appoints councillors to the Licensing Acts Committee in accordance with paragraphs 17-18 of this report and as set out in the schedule circulated at the meeting;
6. appoints a representative and a substitute on the Oxfordshire Joint Health Overview and Scrutiny Committee;
7. appoints a representative and a substitute on the Thames Valley Police and Crime Panel;
8. appoints three representatives to the Oxfordshire Growth Board Scrutiny Panel;
9. authorises the head of legal and democratic to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

Purpose of report

1. This report invites Council to agree appointments to those committees required to be politically balanced together with the Climate Emergency Advisory Committee, area committees and the Licensing Acts Committee. It also invites Council to make appointments to joint bodies.

Background

2. The Council is required by the Local Government and Housing Act 1989 to appoint committees, review the political balance and to appoint councillors to the committees annually.
3. In summary the Council has a duty to ensure the following principles are adhered to:
 - (i) not all seats are allocated to the same political group
 - (ii) a majority group should get the majority of seats on each committee
 - (iii) the seats allocated to groups on a committee reflect the membership of the Council as a whole
 - (iv) the allocation of the total number of seats on all committees reflects the membership as a whole.
4. Ordinary committees are those that have decision-making powers but excluding the Licensing Acts Committee and area committees.

Strategic Objectives

5. This report supports the council's corporate plan theme of Working in an open and inclusive way. It is also in line with the council's requirement to review the political complexion of committees and other bodies, having regard to the Local Government and Housing Act 1989.

Political balance

6. Mr Ben Mabbett was elected as the councillor for the vacant Grove North Ward seat at the by-election held on 6 May 2021. He has joined the Conservative Group.
7. The number of seats held by the various political groups is currently as follows:

Conservative	7	(18.42%)
Liberal Democrat	30	(78.95%)
Non-group councillor	1	(2.63%)
8. The Local Government (Committees and Political Groups) Regulations 1990 require a constituted political group to be two or more members. As such the Green Party councillor is designated as a non-group councillor.

Composition of committees

9. The ordinary committees and panels that are required to be politically balanced both individually, and overall, are set out below.

Committee	Members	Comments
Vale Scrutiny Committee	9	
Joint Scrutiny Committee	5	10 in total with South Oxfordshire District Council
Joint Audit and Governance Committee	4	8 in total with South Oxfordshire District Council
Planning Committee	9	
General Licensing Committee	12	
Community Governance and Electoral Issues Committee	6	
Appeals Panel	3	
Joint Staff Committee	3	6 in total with South Oxfordshire District Council
Totals	51	

- The membership of the General Licensing Committee and the Licensing Acts Committee are the same, although they are two separate entities. This allows for a sufficiently large, well trained pool of councillors from which to draw the Taxi Licensing and Licensing Panels and avoids confusion as to which members are on which committee. These committees may appoint the same, or different chairs and vice chairs.
 - The co-chairs of the Joint Scrutiny committee should be the same as the chairs of the district Scrutiny committees to eliminate potential conflict around the call-in arrangements and work programmes.
10. The terms of reference of the council's committees and panels are set out in the constitution.
11. The political balance calculation and the entitlements to seats on committees are set out in the tables below. Fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. Some adjustments must be made to ensure that the overall percentage of seats is correctly apportioned.

Group members/non-group councillor	Group members	Number of committee seats
Conservative	7	9
Liberal Democrat	30	40
Green	1	0
TOTAL	38	49(+2)

Committee	Total number of seats	Conservative	Liberal Democrat
Scrutiny	9	2	7
Planning	9	2	7
General Licensing Committee	12(+1)	2	9
Appeals Panel	3	1	2
Joint Scrutiny	5	1	4
Joint Audit and Governance	4	1	3
Community Governance and Electoral Issues Committee	6	1	5
Joint Staff Committee	3	1	2
Total	51	11(-2)	39(+1)

To obtain balance across the committees and overall the Conservative Group must lose two seats and the Liberal Democrat Group must gain one seat. Council needs to decide where these adjustments should be made.

Council needs to agree the allocation of the seat on the General Licensing Committee shown in brackets so that each group has the correct number of committee seats. This will leave two seats vacant which should be allocated to the non-group councillor.

12. If the Council wishes to allocate any seats not in accordance with the political balance requirements it can only do so if no councillor votes against the proposal.

Substitutes

13. Each political group is entitled to the same number of preferred substitutes as the number of ordinary seats it holds on a committee or panel, and up to a maximum of three preferred substitutes where it has fewer than three members on a committee or panel. All substitutes for regulatory committees must have met the relevant training requirement, regardless of whether they are preferred or other substitutes.

Area Committees

14. In 2003, the Council established area committees with the terms of reference set out in the council's constitution. The areas were revised by Council in May 2015. In January 2011 the Executive delegated the award of community grants to the area committees. The area committees consist of councillors for the relevant area only. Council is invited to confirm the membership of the area committees for the next municipal year as those local members representing those areas. The Council is

asked to note that the area committees do not need to be politically balanced and, therefore, the area committees are not included in the calculation of seats to political groups. Council is requested to appoint councillors to the area committees as set out in the schedule circulated at the meeting.

Climate Emergency Advisory Committee

15. At its meeting on 17 July 2019, Council established a Climate Emergency Advisory Committee comprising seven members to be politically balanced. The committee is not subject to the regulations detailed in paragraph 3 of this report and, therefore, has no effect on the overall allocation of seats. For this committee to be politically balanced alone, it is suggested that six seats are allocated to the Liberal Democrat Group and one to the Conservative Group.
16. In accordance with the Council's constitution, each political group is entitled to substitutes as detailed in paragraph 13 above.

Licensing Acts Committee

17. The Licensing Acts Committee is a statutory committee and is not required to be included in the calculation of political balance. The whole committee meets rarely to deal with licensing and gambling policy matters but a membership of 12 provides a pool of councillors from which panels of three can be drawn to deal with hearings relating to premises licence applications and reviews, and gambling matters.
18. Council has previously agreed to appoint a committee in accordance with the political balance of the Council. The membership will mirror the membership of the General Licensing Committee and will, therefore, be politically balanced but will not in itself contribute to the total political balance of the council's committees.
19. As a statutory committee with a specified membership substitutes may not be appointed.

Eligibility to sit on committees and panels.

- Any member of the council may be appointed to any committee with the following exceptions and caveats:
- No member of Cabinet may sit on any Scrutiny Committee;
- No member of Cabinet may sit on the Joint Audit and Governance Committee;
- No member of Cabinet may sit on the Planning Committee;
- No member may sit on an Area Committee if they do not represent that area;
- The Chair or Vice Chair of Council may not be the Chair or Vice Chair of any committee or panel;
- No Cabinet member may be the Chair or Vice Chair of any committee or panel with the exception of the Joint Staff Committee;
- Most panels meet during the daytime, and only members who have some daytime availability should be selected for these panels. This includes General Licensing Committee and Licensing Acts Committee, which do most of their work through daytime panels.

Appointments

20. Officers have invited group leaders to submit the names of councillors they wish to sit on each of the above bodies. A table of nominations will be circulated at the meeting.

Joint Health Overview and Scrutiny Committee

21. Council is invited to appoint a representative and a named substitute to the Oxfordshire Joint Health Overview and Scrutiny Committee.

Thames Valley Police and Crime Panel

22. Council is invited to appoint a representative and a substitute to the Thames Valley Police and Crime Panel.

Oxfordshire Growth Board Scrutiny Panel

23. The terms of reference also establish a Growth Board Scrutiny Panel to enable effective and coordinated scrutiny of Growth Board functions and decisions. The Scrutiny Panel is non-statutory to enable flexibility for the constituent councils to reflect local scrutiny membership. The ability of the constituent council scrutiny committees to scrutinise the Growth Board remains. The chair will be elected by the members of the Scrutiny Panel.
24. As a non-statutory panel, the Scrutiny Panel does not need to be politically balanced. It is suggested that Council appoints two Liberal Democrat representatives and one Conservative representative to reflect the membership of the district Scrutiny Committee. There is no provision for substitutes.
25. Council is invited to appoint three representatives to the Scrutiny Panel.

Joint Local Plan Governance arrangements

26. At its meeting on 24 March 2021 Council agreed to prepare a Joint Local Plan with South Oxfordshire District Council. In doing so Council authorised the head of legal and democratic, in consultation with the head of planning and the Cabinet members for corporate services and transformation and democratic services, to agree the governance arrangements for the production of the Joint Local Plan. Officers are working on the governance arrangements, in consultation with the Cabinet members and will update all councillors once these are agreed.

Financial implications

27. There are no direct financial implications.

Legal implications

28. These are set out in the body of the report.

Conclusion

29. In deciding the committees and panels it wishes to establish for the 2021/22 year, Council is required to allocate seats to political groups in the same proportion as they hold on the council as a whole. Against that background, Council is invited to establish the committees and panels set out in the table in paragraph 9 of this report and to appoint councillors to them. Council is also invited to appoint councillors to the area committees, the Climate Emergency Advisory Committee and the Licensing Acts Committee and to appoint representatives to the Oxfordshire Joint Health Overview and Scrutiny Committee, the Thames Valley Police and Crime Panel and the Oxfordshire Growth Board Scrutiny Panel. If all committee and panel seats and substitute places are not filled at the meeting, Council is invited to delegate authority to the head of legal and democratic to make appointments in accordance with the wishes of the relevant group leader.

Background Papers: None.