

Cherwell District Council

Council

19 October 2015

Result of Banbury Grimsbury and Castle By-Election

Report of Chief Executive

This report is public

Purpose of report

To advise Council of the result of the Banbury Grimsbury and Castle by-election held on 1 October 2015 and to note changes to political balance and membership of Committees.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the results of the Banbury Grimsbury and Castle by-election held on 1 October 2015.
- 1.2 To note the constitution of the Council following the by-election.
- 1.3 To agree the allocation of seats on committees that are subject to the political balance requirements as set out in Table 1 following the by-election.
- 1.4 To agree the amendments to committee membership as requested by the Conservative Group and Labour Group as necessitated by the changes to the proportional allocations following the by-election as set out in Table 2 and the addendum to this report (to follow).
- 1.5 To note the amendment to the membership of the Joint Councils and Employee Engagement Committee as requested by the Conservative Group Leader set out in the addendum to the report (to follow).

2.0 Introduction

- 2.1 A by-election for the recently vacated seat in the Banbury Grimsbury and Castle ward of Cherwell District Council was held on 1 October 2015.

- 2.2 Following a district by-election the result is reported to Council for information. As a result of the by-election, adjustments to the allocation of seats and membership of Committees is required.

3.0 Report Details

- 3.1 The overall turnout for the Banbury Grimsbury and Castle by-election held on 1 October 2015 was 21.79%

- 3.2 The number of votes cast for the candidates was:

Kenneth William Ashworth (Liberal Democrats) - 73 votes

Shaida Hussain (Labour Party) - 781 votes

Christopher John Manley (The Green Party) - 72 votes

Tony Mephram (The Conservative Party Candidate) - 661 votes

Linda Michelle Wren (UK Independent Party (UKIP)) - 150 votes

- 3.3 Shaida Hussain (Labour Party) was duly elected.

- 3.4 Following the by-election, the constitution of the Council and political groups is 39 (78%) Conservatives, 9 (18%) Labour, 1 (2%) Liberal Democrats and 1 (2%) Independent.

- 3.5 Under the political balance regulations in the Local Government and Housing Act 1989, allocations are made to political groups, any member not in a political group is consequently not automatically entitled to seats on committees. Therefore in Table 1 below, all group percentage allocations have been rounded up. The figures marked by an asterisk take account of this adjustment.

- 3.6 The proportionality calculations require the Labour Group to release one seat to the Conservative Group. The Labour Group has advised that the relevant seat is on the Appeals Panel. This is indicated in the table in brackets.

- 3.7 Proposed changes to the membership of the Joint Commissioning Committee are the subject of a separate report on this agenda and will be addressed under that item.

Table 1: Allocation of Seats of Proportional Committees

	TOTAL	CON	LAB
Accounts, Audit & Risk Committee	8	6	2
Appeals Panel	10	9 (+1)	1 (-1)
Budget Planning Committee	12	10	2
Joint Appeals Panel	3	2	1
Joint Commissioning Committee	4	3	1
Joint Scrutiny Committee	5	4	1
Licensing Committee	12	10	2
Overview & Scrutiny	12	10	2
Personnel Committee	12	10	2
Planning Committee	18	14	4
Standards Committee	8	6	2
Proportional Total by Committee	104	83	21
Aggregate Entitlement	104	84*	20*
Adjustment Required	-	+1	-1

3.7 Notes:

Overview and Scrutiny Committee must not include any members of the Executive.

Personnel Committee must include at least one member of the Executive and may not include members of the Appeals Panel

Appeals Panel members may not serve as members or substitute members of the Personnel Committee.

Joint Commissioning Committee members may not serve as members or substitute members of the Joint Appeals Committee

Joint Appeals Committee members may not serve as members or substitute members of the Joint Personnel Committee.

- 3.8 As a result of the revised allocation of seats to proportional committees, the following adjustments set out in Table 2 below are required.
- 3.9 Where advised by the Leader of the Conservative Group and the Leader of the Labour Group, the names of the councillors to be removed / added are included below. Other changes will be advised via an addendum to this report when available:

Table 2: Adjustments to Membership of Proportional Committees 2015/16

Committee	Remove	Add
Accounts, Audit & Risk Committee	1 Conservative member <i>TBA</i>	1 Labour member <i>TBA</i>
Appeals Panel	1 Conservative member <i>TBA</i>	1 Labour member <i>TBA</i>
Licensing Committee	1 Conservative member <i>TBA</i>	1 Labour member <i>Cllr Shaida Hussain</i>
Planning Committee	2 Conservative members <i>TBA x 2</i>	2 Labour members <i>Cllr Andrew Beere</i> <i>TBA x 1</i>
Standards Committee	1 Conservative member <i>TBA</i>	1 Labour member <i>TBA</i>

NB. At the Annual Council meeting in May 2015, the Labour Group was required to give 3 seats to the Conservative Group. These were on the Appeals Panel, Licensing Committee and Planning Committee. The adjustments above take account of this as well as the revised proportional allocations.

- 3.10 Table 3 sets out the allocation to seats of non-proportional committees. No adjustments to the allocation are required, however, the Conservative Group Leader has advised he is reviewing the Conservative Group membership of the Joint Councils Employee Engagement Committee. This change will be advised via an addendum to this report when available:

Table 3: Allocation of Seats of Non-Proportional Committees

	TOTAL	CON	LAB
Joint Councils Employee Engagement Committee	3	2	1

4 Conclusion and Reasons for Recommendations

- 4.1 The result of the Banbury Grimsbury and Council by-election is submitted to Council for information. Council is required to agree appointments to Committees in accordance with nominations made by political groups.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To amend the appointments to Committees. However Council is obliged to appoint members to Committees in accordance with the wishes of the relevant political group.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 0030106,
paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 It is a legal requirement for Council to agree proportionality and appoint committees.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,
kevin.lane@cherwellandsouthnorthants.gov.uk

Risk Implications

- 7.3 In ensuring the legal requirements are met, risk to the authority is mitigated.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,
kevin.lane@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

All

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Natasha Clark, Team Leader Democratic & Elections
Contact Information	01295 221589 natasha.clark@cherwellandsouthnorthants.gov.uk