

Cherwell District Council

Council

19 December 2022

Amendments to Proportionality Calculations and Committee Membership and Outside Body Representative

Report of Chief Executive

This report is public

Purpose of report

To note the amendments to the constitution of political groups and amendments to the proportionality calculations and committee membership arising from a change to political Group membership. To appoint a new Cherwell District Council representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the amended constitution of Political Groups.
- 1.2 To note the amended allocation of seats on committees that are subject to the political balance requirements as set out in Table 1.
- 1.3 To note the amendments to committee membership, as advised by the respective Leaders of the Progressive Oxfordshire Group and Labour Group (addendum to report to follow).
- 1.4 To appoint a representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.

2.0 Introduction

- 2.1 On 9 November 2022 Councillor Banfield advised the Proper Officer she had left the Labour Group and was an Independent councillor.
- 2.2 On 8 December 2022, Councillor Banfield and the Progressive Oxfordshire Group Leader, Councillor Tyson, advised the Proper Officer that Councillor Banfield had joined the Progressive Oxfordshire Group.

- 2.3 A Member changing political group requires a review of the allocation of seats on committees and changes to committee membership to be made if required. This is reported to the next scheduled Council meeting and effective from the date of that meeting.

3.0 Report Details

Proportionality and Committee Membership

- 3.1 The current constitution of the Council (48 Members) is:

25 Conservative (52.08%)
10 Labour / Labour & Co-operative Party (18.75%)
7 Liberal Democrat (14.58%)
5 Independent (10.42%)
2 Green (4.17%)

- 3.2 As a result of Councillor Banfield leaving the Labour Group and joining the Progressive Oxfordshire Group, the current political groupings of Council for committee allocation is:

- Conservative Group – 25 members (all Conservative councillors)
 - Group Leader: Councillor Barry Wood
- Progressive Oxfordshire Group – 12 members (comprising 7 Liberal Democrat, 2 Green and 3 Independent (Cllrs Broad, Cotter and Banfield) councillors)
 - Group Leader: Councillor Katherine Tyson
- Labour Group – 9 members (comprising all Labour / Labour & Co-operative councillors)
 - Group Leader: Councillor Sean Woodcock
- Independent Group – 2 members (comprising 2 Independent councillors, Cllrs Sibley and Webster)
 - Group Leader: Councillor Les Sibley

- 3.3 The political balance of committees has been reviewed in accordance with the principles of political proportionality set out in the Local Government and Housing Act 1989:

- Where there is more than one political group, all seats must not be allocated to the same group.
- The majority of seats must be allocated to the group with the majority on the Council.
- When considering all seats available for allocation the total of those given to each group should match their representation on the Council overall.
- The number of seats on each individual committee allocated to groups should match their representation on the Council overall.

- 3.5 Applying these principles may not result in a precise mathematical allocation of seats. In these cases the allocations are rounded up at 0.5 and above. In the event that achieving political proportionality on all committees results in an overall over-allocation of seats to a particular group, the group with the over-allocation will be asked which seat(s) they wish to relinquish. Any such seats will then be reallocated to group(s) with an overall under-allocation of seats.

3.6 Under the Local Government (Committees and Political Groups) Regulations 1990 made pursuant to the Local Government and Housing Act 1989, allocations of committee seats are made to political groups and any member not in a political group is consequently not automatically entitled to seats on committees. There are no such members currently and the committee allocations take account of the Groups notified to the Chief Executive as set out below.

- Conservative Group, 25 Members (52.08%)
 - Leader: Cllr Barry Wood
- Progressive Oxfordshire Group, 12 members (25.00%)
 - Leader: Cllr Katherine Tyson
- Labour Group, 9 members (18.75%)
 - Leader: Cllr Sean Woodcock
- Independent Group, 2 members (4.17%)
 - Leader: Cllr Les Sibley

3.7 Table 1 sets out the arithmetical product of the rules for the Council's committees subject to the political balance requirements.

3.8 The proportionality calculations require the following adjustments to achieve the required balance across and within committees. The adjustments are indicated in italics in Table 1.

- Conservative Group has two additional seats. These are on Appeals Panel and Planning Committee (plus an additional named substitute on Planning Committee).
- Labour Group gives up three seats. These are on Planning Committee (including a named substitute) and Personnel Committee.
- No adjustments are required for the Independent Group.

Table 1

Committee	TOTAL	Conservative	Progressive Oxfordshire	Labour	Independent
Accounts, Audit & Risk Committee	8	4	2	2	0
Appeals Panel	10	6 (+1)	2	2	0
Budget Planning Committee	12	6	3	2	1
Licensing Committee	12	6	3	2	1
Overview & Scrutiny	12	6	3	3 (+1)	0 (-1)
Personnel Committee	12	6	3	2	1
Planning Committee	18	10 (+1)	5	2 (-1)	1
Standards Committee	8	4	2	2	0
Proportional Total by Committee	92	46	23	17	5
Aggregate Entitlement	92	48	23	17	4
Adjustment Required	N/A	Plus 2	0	0	Minus 1

3.8 The Constitution sets out that the Planning Committee has 12 named substitutes. These appointments are not included in the main committee proportionality calculations above but the number of substitutes per Group should reflect the political makeup of the Committee with the adjustment to ensure each Group has a named substitute. Groups should appoint the number of named substitutes as set out below:

- Conservative Group - 6
- Progressive Oxfordshire - 4
- Labour - 1
- Independent – 1

3.9 Political Groups must have regard to the following when nominating Committee members:

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

3.9 As a result of the revised proportionality calculations:

- No further adjustments are required by the Conservative Group or Independent Group to those agreed at the 18 July 2022 Council meeting when proportionality was last considered. Therefore there are no changes to committee membership for either Group.
- The Labour Group loses a seat on Planning Committee (and a named substitute) to Progressive Oxfordshire. The Labour Group is entitled to two seats on all other Committees. The adjustments required result in the Labour Group continuing to have 3 seats on Overview and Scrutiny Committee.
- The Progressive Oxfordshire Group gains a seat on Licensing Committee, a seat on Planning Committee and an additional named substitute on Planning Committee.

Amendments to Committee appointments

3.10 Councillor Banfield was previously nominated by the Labour Group to be a member of Appeals, Panel, Licensing Committee and Standards Committee. As Councillor Banfield has left the Labour Group, she no longer sits on these committees in this capacity.

Appeals Panel

Remove – Councillor Banfield

Licensing Committee

Remove – Councillor Banfield

Standards Committee

Remove – Councillor Banfield

- 3.11 In light of the revised proportionality calculations, the Progressive Oxfordshire Group Leader has advised the following amendments (to follow):

Licensing Committee

Add – TBC

Planning Committee

Add permanent member – TBC

Add named substitute – TBC

- 3.12 In light of Councillor Banfield leaving the Labour Group and the revised proportionality calculations, the Labour Group Leader has advised the following amendments (to follow):

Appeals Panel*

Add – TBC

Planning Committee

Remove permanent member – TBC

Remove named substitute – TBC

Standards Committee*

Add - TBC

*The appointments to Appeals Panel and Standards Committee are to appoint a replacement Labour Group member

Representative to Oxfordshire Joint Health Overview and Scrutiny Committee

- 3.13 At the 18 May 2022 Annual Council meeting, Councillor Slaymaker was appointed as the council's representative to the Oxfordshire Joint Health Overview and Scrutiny Committee.
- 3.14 Due to other commitments, Councillor Slaymaker has requested that he be replaced as the Cherwell District Council representative on the Oxfordshire Joint Health Overview and Scrutiny Committee.
- 3.15 Council is therefore asked to appoint a representative to the Oxfordshire County Council Health Overview and Scrutiny Committee. The representative cannot be a member of the Executive.

4.0 Conclusion and Reasons for Recommendations

- 4.1 A change in political group membership has resulted in a review of the allocation of seats on committees that are both subject to and not subject to the political balance requirements with amendments to committee membership. The Constitution requires Council to agree each of these aspects.
- 4.2 Council is responsible for appointing a representative to the Joint Oxfordshire Overview and Scrutiny Committee.

5.0 Consultation

Group Leaders

Amended appointments will be circulated as an addendum to the report

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: Option 1: Not to amend appointments to committees. This is rejected as the change of political group membership has resulted in amended entitlement to seats on committees for the Progressive Oxfordshire Group and Labour Group .

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from the report.

Comments checked by:

Joanne Kaye, Strategic Business Partner, joanne.kaye@cherwell-dc.gov.uk

Legal Implications

7.2 It is a legal requirement for Council to agree proportionality and appoint members to Committee based on the nominations of Group Leaders

Comments checked by:

Shiraz Sheikh, Assistant Director Law and Governance & Monitoring Officer, shiraz.sheikh@cherwell-dc.gov.uk

Risk Implications

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

Comments checked by:

Shona Ware, Assistant Director Customer Focus, Shona.Ware@cherwell-dc.gov.uk

Equalities and Inclusion Implications

7.4 Appointments are made using the principles of proportionality as set out in the Local Government and Housing Act 1989 (Section 15). Each Group appoints whomever it wishes to serve on a committee to fulfil its proportional entitlement.

Comments checked by:

Shona Ware, Assistant Director Customer Focus, Shona.Ware@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

N/A

Links to Corporate Plan and Policy Framework

None, this report is pursuant to a statutory requirement

Lead Councillor

N/A

Document Information

Appendix number and title

- None

Background papers

None

Report Author and contact details

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