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| To: | | Annual Council |
| Date: | | 15 May 2018 |
| Report of: | | Head of Law and Governance |
| Title of Report: | | Appointment of Committees for the Council Year 2018-19 |
| Summary and recommendations | | |
| Purpose of report: | | For Council to appoint non-executive and regulatory committees and the members serving on those committees for the Council year 2018-19 |
| Key decision: | | No |
| Legislation: | | Local Government and Housing Act 1989 (Section 15) |
| Recommendation(s): Council is recommended to: | | |
| 1. | Approve the committee structure for non-executive and regulatory decision making and the Scrutiny function, as defined within the Council’s constitution and set out in Appendix 1: Committee structure; | |
| 2.  3.  4. | **Approve** the methods, calculations and conventions used in determining political representation on committees as outlined in the report and set out in Appendix 2: Political proportionalities on all non-executive and regulatory committees (other than those to be appointed on an ad hoc basis) 2018-19;  **Approve** the appointment of nominated members to non-executive and regulatory committees in accordance with the requirements of political proportionality and the nominations made by political groups, as set out in Appendix 3: Committee nominations 2018-19;  **Agree** that all members of Council will form the pool of members able to observe on appeals and some grievances panels; | |
| 5. | Appoint the Chair of the Scrutiny Committee and two other non-executive member representatives to the Oxfordshire Growth Board Scrutiny Panel; | |
| 6. | Appoint one non-executive member to the Joint Oxfordshire Health Overview and Scrutiny Committee (the nominated member is included in Appendix 3: Committee nominations 2018-19); | |
| 7. | Authorise the Head of Law and Governance to make any changes to the constitution as a consequence of these decisions. | |

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| Appendices | |
| Appendix 1  Appendix 2 | Committee structure  Political proportionalities on all non-executive and regulatory committees (other than those to be appointed on an ad hoc basis) 2018-19 |
| Appendix 3 | Committee nominations 2018-19 (to be circulated separately in the Council Briefing Note) |

# Introduction and background

1. This report invites Annual Council to appoint non-executive and regulatory committees for the 2018-19 Council year in accordance with the Full Council Procedures set out in section 11.1 (g) and (h) of the Council’s constitution.
2. The allocation of committee seats to political groups and nominations to those seats will be circulated separately in the Council Briefing Note, following a review of the Council’s political balance.
3. The Local Government and Housing Act 1989 (Section 15) (“The Act”) provides a statutory basis for the allocation of seats to political groups based on principles of political proportionality. To enable this the Council has to provide for:
   1. Political Groups to be formed and Group Leaders elected.
   2. Seats on committees to be allocated to political groups in accordance with the requirements of the Act.

# Formation of Political Groups

Individual members are required to indicate a wish to be a member of a particular political group (or cease to be a member of a political group). Political groups comprise two or more members who have indicated that they wish to be a member of that group by signing a notice to the proper officer, the Head of Law and Governance. The Group Secretaries of established groups will normally hold and co-ordinate these notices (commonly known as political group forms). The notice must include the name of the Group Leader and can also include the name of the Deputy Group Leader.

Once political groups have been formed, changes to the membership and leadership of groups can be made by notice to the Head of Law and Governance. A change of group leader must be notified by a majority of group members.

Any changes to the membership of political groups following Annual Council would affect the political balance of the Council and trigger a review of the allocation of committee seats.

**Political balance calculations**

1. Council has a duty to appoint to most committees using the principles of political proportionality set out in the Local Government and Housing Act 1989. These principles should be read hierarchically:

* 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.

1. Applying these principles may not result in a precise mathematical allocation of seats. In these cases officers will round up at 0.5 and above.
2. 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. This process may involve some discussion between political groups.
3. Non-grouped independent members are not treated as political groups in political balance calculations but do affect overall proportionality and should ordinarily be offered any seats left over once all groups have received their full proportional allocation of seats. The Council’s independent member has confirmed that he does not wish to be allocated any committee seats and has therefore not been included in the political balance calculations.
4. The requirements of political proportionality do not apply to the City Executive Board or Licensing and Gambling Acts Committee, although the convention is that Council does apply the principles of political proportionality in the case of the Licensing and Gambling Acts Committee.
5. Tables 2 and 3 in Appendix 2 (to be circulated in the Briefing Note) show the numbers of non-executive and regulatory committee seats allocated to political groups for the 2018-19 Council year on the basis of the methods, calculations and conventions described in paragraphs 7-11.

# Appointments toCouncil Committees

1. Table 1 in Appendix 1 shows the Council’s current committee structure, which Annual Council is recommended to approve. There are a total of 72 committee seats to be included in political balance calculations.
2. The committee structure will be subject to a review as part of an annual review of the Council’s constitution. This will be considered at a future meeting of Full Council, with any agreed changes to the committee structure to be implemented from the start of the 2019-20 Council year. Council is therefore invited to appoint to the current committee structure for the whole of the 2018-19 Council year.
3. Table 4 in Appendix 3 (to be circulated separately in the Briefing Note) shows the nominations to committee seats made by political groups, in accordance with the seat allocations shown in Appendix 2. Council is recommended to approve the appointment of the nominated members to committees as set out in Appendix 3.
4. There will be a standing item on Full Council agendas to enable political groups to propose any changes to their committee appointments, should they wish to do so.
5. The Scrutiny Committee may establish sub-committees (known as standing panels) or review groups (otherwise known as ‘task and finish’ groups). Membership of these bodies can be drawn from all non-executive members and the principles of political proportionality do not apply. Nominations to these bodies will be handled separately, once they have been established.

**Appeals and grievances**

1. The Council’s HR policies require that should an appeal be received against a decision to dismiss an employee, then a hearing should be observed by an elected member. The same applies to certain appeals within the Council’s grievance procedure. A pool of members is required and Council is recommended to agree, as in previous years, that this pool consists of all members of Council.

# Oxfordshire Growth Board appointments

1. The Oxfordshire Growth Board is now responsible for delivery of the Oxfordshire Housing and Growth Deal which was agreed by all Oxfordshire authorities and Government in February 2018. The Growth Board Terms of Reference have been updated to reflect these new responsibilities and new programmes of work required to deliver the commitment in the Deal.
2. The Terms of Reference establish advisory sub-groups to the Growth Board to oversee programmes of work on Infrastructure, Housing and the Joint Statutory Spatial Plan. The purpose of the sub-groups is to oversee the programmes of work to deliver the commitments in the deal, to monitor progress against the key milestones and make recommendations to the Growth Board on decisions required. It is expected that the sub-groups will normally meet on a quarterly basis.
3. The advisory sub-groups will be made up of elected member representatives from each of the constituent councils appointed by the Leader of that council and other representatives as agreed by members of the Growth Board Joint Committee. The Chair of the sub-groups will be appointed by the Growth Board and will normally be drawn from the voting membership of the Growth Board, acting as an independent Chair.
4. The Leader of the Council will appoint to the Council’s seats on the Oxfordshire Growth Board and its three sub-groups (see agenda item 8).
5. The Terms of Reference also establish a new Growth Board Scrutiny Panel to enable effective and coordinated scrutiny of Growth Board functions and decisions. The Scrutiny Panel will be 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 will remain. The Terms of Reference and working arrangements for the Scrutiny Panel will be developed with input from the Scrutiny Committee Chairs of the individual councils. The Chair will be elected by the members of the Scrutiny Panel.
6. Council is invited and recommended to appoint three non-executive members to the Growth Board Scrutiny Panel. These members can be from any political group. To provide a clear link to the Council’s own scrutiny function, it is recommended that one of these members is the Chair of the Scrutiny Committee, who will be elected at the Scrutiny Committee meeting on 17 May 2018.

# Appointment to the Joint Oxfordshire Health Overview and Scrutiny Committee

1. Oxfordshire County Council invites the Council to appoint one member to sit on the Joint Oxfordshire Health Overview and Scrutiny Committee, which delivers the health scrutiny function for Oxfordshire. This should be a non-executive member and will be a member of the controlling Political Group, unless they decide to allocate this seat to another group.
2. Council is recommended to appoint one non-executive member to the Joint Oxfordshire Health Overview and Scrutiny Committee.

# Financial issues

1. There are no financial issues to consider.

**Legal issues**

1. The legal issues including the Council’s duty to appoint to committees in accordance with the provisions of S15 of the Local Government and Housing Act 1989 are contained within the report.

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| Background Papers: None |