



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	<b>ANNUAL COUNCIL – WEDNESDAY 22 MAY 2024</b>
Subject	<b>APPOINTMENT OF MEMBERS TO THE COUNCIL'S COMMITTEES, INCLUDING SUBSTITUTE MEMBERS</b>
Wards Affected	All
Accountable Member	Councillor Andy Graham – Leader of the Council. Email: <a href="mailto:andy.graham@westoxon.gov.uk">andy.graham@westoxon.gov.uk</a>
Accountable Officer	Andrew Brown – Business Manager, Democratic Services. Email: <a href="mailto:andrew.brown@publicagroup.uk">andrew.brown@publicagroup.uk</a>
Report Author	Max Thompson – Senior Democratic Services Officer. Email: <a href="mailto:max.thompson@westoxon.gov.uk">max.thompson@westoxon.gov.uk</a>
Purpose	<p><u>Purpose:</u> To establish the Council's committees for the 2024/25 Civic Year and appoint members to committees and working groups:</p> <ul style="list-style-type: none"><li>• To establish the Council's committees as defined in Part 3C of the Council's Constitution, for the Civic Year 2024/25;</li><li>• To establish the allocation of seats to political groups based on political proportionality;</li><li>• To appoint members to the Council's committees, working groups external committees for the Civic Year 2024/25;</li><li>• To make appointments to the positions of Chair and Vice-Chair of Council's committees and working groups for the Civic Year 2024/25.</li></ul>
Annexes	Annex A – Political Proportionalities on Committees 2024/25 Annex B – Committee Nominations 2024/25 (to follow)
Recommendations	That Council resolves to: <ol style="list-style-type: none"><li>1. Agree to establish the Council's Committees as defined in Part 3 of the Council's Constitution, for the Civic Year 2024/25;</li><li>2. Determine that, in accordance with Section 15 of the Local Government and Housing Act 1989 ("the Act"), the Council shall continue to apply the political balance provisions under the Act to committees as shown in Annex A;</li></ol>

	<ol style="list-style-type: none"> <li>3. Agree to reduce the size of the Audit and Governance Committee to 11 Councillors (from 17);</li> <li>4. Agree to include a rule in the Constitution (Part 3C) that no Members of the Executive will sit on the Audit and Governance Committee;</li> <li>5. Authorise officers to undertake a recruitment exercise for up to 2 Independent Persons to become non-elected Members of the Audit and Governance Committee;</li> <li>6. Appoint councillors to serve on the Council's committees, working groups and external committees, as set out in Annex B (to follow) for a term of office expiring at the next Annual Meeting of the Council;</li> <li>7. Note the arrangements for substitute members set out in part 5 of the report.</li> </ol>
Corporate Priorities	<ul style="list-style-type: none"> <li>• Putting Residents First</li> <li>• Working Together for West Oxfordshire</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Leaders of political groups have been consulted on allocation of seats to political groups and asked to nominate members.

## **1. EXECUTIVE SUMMARY AND BACKGROUND**

- 1.1 Part 3 of West Oxfordshire District Council's Constitution defines the structure of the Council's committees and sub-committees, including their size and responsibilities and any restrictions on membership or participation.
- 1.2 The Local Government and Housing Act 1989 ("the Act") requires the Council to allocate Committee seats to political groups, in proportion to the size of those groups on the Council. The requirement is for the representation of each group to be proportional on each Committee, and on the total number of seats on committees overall.
- 1.3 Under Section 15 of the Act, the Council must review the representation of the different political groups on committees and other relevant Council bodies at the Annual Council Meeting, or as soon as practicable after that meeting.
- 1.4 Membership of political groups of the Council is reported to the Annual Meeting via the Returning Officer's Report on Elections held on 2 May 2024 agenda item. This informs the proportionality calculation for each committee set out in Annex A.
- 1.5 It is open to the appointing body (in this case Council) to adopt other arrangements and allocate seats on a different basis, other than that prescribed by the Act. Any such decision would have to be agreed without any member voting against. This is known as a 'nem con' vote. Any abstentions from voting would not invalidate the 'nem con' vote.
- 1.6 Committee membership is for one year, with the appointments made at the Annual Meeting.

## **2. RESTRICTIONS ON COMMITTEE MEMBERSHIP**

- 2.1 Members who serve on the Executive, cannot simultaneously serve on an Overview and Scrutiny Committee.

On Tuesday 19 March 2024, the Audit and Governance Committee considered a report which provided a summary of the findings, conclusions and responses from an Audit and Governance Committee self-assessment exercise based on the Chartered Institute of Public Finance and Accountancy (CIPFA) toolkit. The report outlined how eleven Members of the Audit and Governance Committee had completed a survey, along with three non-Audit and Governance Committee Members. The key areas in the survey included organisational knowledge, Audit and Governance Committee role and functions, governance, internal audit, financial management and reporting, external audit, risk management, counter fraud, values of good governance and treasury management.

- 2.2 Overall the majority of Members on the Audit and Governance Committee, that responded to the survey, have some or a good familiarity and knowledge of the role / functions of the Audit and Governance Committee and how it fits into the governance of the Council. Although there are some specific areas e.g. The Seven Principles of Public Life, role of External Audit, Fraud, Risk Management and Treasury Management where training would be beneficial to the whole Committee.
- 2.3 Following on from the Self-Assessment Exercise, it was agreed that the Audit and Governance Committee would recommend to Council that the size of the Committee is

reduced to 11 Councillors, up to 2 Independent Members (not Councillors) are recruited to the Audit and Governance Committee, and that Members of the Executive are excluded from sitting on the Committee.

- 2.4 Under the Council's Constitution, Members cannot serve on the Development Control Committee (or its Uplands and Lowlands Area Planning Sub-Committees) to determine planning applications, including as a substitute member, unless they have received the required planning training.
- 2.5 Similarly, Members cannot participate in meetings of the Licensing Committee (or its Miscellaneous Licensing Sub-Committee or Licensing Panel Sub-Committee) without having undertaken the required licensing training.

### **3. COMMITTEE CHAIRS AND VICE-CHAIRS**

- 3.1 Council may appoint the Chairs and Vice-Chairs of each committee or if Council does not do so, the Chair and Vice-Chair are to be elected at the first scheduled meeting of each Committee. The suggested approach this year is for a Chair and Vice-Chair to be appointed at the first meeting of each Committee.

### **4. APPOINTMENT OF SUB-COMMITTEES**

- 4.1 Committees (rather than Council) are responsible for appointing members to Sub-Committees, under Section 102 of the Local Government Act 1972.
- 4.2 Meetings of the committees that are to appoint sub-committees will take place immediately after the Annual Meeting of Council.

### **5. SUBSTITUTIONS**

- 5.1 Where a member is unable to attend a meeting of a committee of which they are a member, they may arrange for a substitute member from their political group to attend in their place. The rules on substitutions for each Committee are set out in Part 3 and Part 5 of the Council's Constitution. Generally, any member of Council may be a substitute member on a committee subject to the restrictions set out above.
- 5.2 Notification of a substitute member must be made to Democratic Services by the Member who is unable to attend a meeting, in advance of the commencement of that meeting.

### **6. EXTERNAL COMMITTEES**

- 6.1 In addition to the Council's own committees, full Council is invited to appoint members to non-executive Oxfordshire-wide bodies.
- 6.2 Council is asked to appoint three members to the Future Oxfordshire Partnership Scrutiny Panel. The purpose of the Future Oxfordshire Partnership Scrutiny Panel is to review and scrutinise plans, proposals, recommendations, decisions to be taken and actions taken in connection with the discharge of the Future Oxfordshire Partnership's functions in support of the Oxfordshire Strategic Vision for Long Term Sustainable Development and the delivery of the remaining elements of the Oxfordshire Housing and Growth Deal. The Scrutiny Panel will perform a 'check and balance' and 'critical friend' function to the Future

Oxfordshire Partnership through the review of key policies, decisions and strategic objectives.

- 6.3 The Scrutiny Panel will comprise 18 councillors, three appointed annually by each constituent Council of the Future Oxfordshire Partnership. Executive members of the constituent councils shall not be members of the Scrutiny Panel. Each constituent council will appoint its members having regard to its own political balance. For West Oxfordshire District Council one seat is allocated to each of the three largest political groups.
- 6.4 The Council is also invited to appoint one member, who can be any member of the Council, to the Oxfordshire Joint Health Overview and Scrutiny Committee. The Joint Committee is made up of 15 members. Twelve of them are Councillors, seven from Oxfordshire County Council, and one from each of the district councils in Oxfordshire. Three people can be coopted to the Joint Committee to bring a community perspective. Unlike other local authority Scrutiny Committees, the work of the Health Scrutiny Committee involves looking 'outwards' and across agencies. Its focus is on health, and while its main interest is likely to be the NHS, it may also look at services provided by local councils which have an impact on health.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications arising directly from this report.

## **8. LEGAL IMPLICATIONS**

- 8.1 The Legal issues including the Council's duty to appoint Members to Committees in accordance with the provisions of Section 15 of the Local Government and Housing Act 1989 are contained within the report.

## **9. RISK ASSESSMENT**

- 9.1 There is a risk that if committees and sub-committee are not properly appointed this could result in a delay in decision making for the Council or increase the risk of decisions being successfully challenged.

## **10. EQUALITIES IMPACT**

- 10.1 Council is advised to have due regard to the need to promote equality when appointing committees.

## **11. ALTERNATIVE OPTIONS**

- 11.1 If Council wishes to change the size or remit of any committees it could pass a resolution requesting that officers bring a report to a future meeting with alternative proposals, following consideration by the Constitution Working Group.

## **12. BACKGROUND PAPERS**

None.

(END)