

Meeting: Council

Date: 14 May 2018

Wards Affected: All Wards in Torbay

Report Title: Review of Political Balance and Appointments to Committees and Working Parties

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

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1. Proposal and Introduction

- 1.1 To appoint the Council's committees and working parties for the new municipal year. In addition to ensure the committees and working parties have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.
- 1.2 The appointments also incorporate a review of political balance following changes to the membership of Liberal Democrat Group and Independent Group.

2. Reason for Proposal

- 2.1 The Constitution requires Members at their annual Council meeting to determine which committees to establish for the forthcoming municipal year, their size and terms of reference and the allocation of seats in accordance with the political balance rules.
- 2.2 Following notifications from Councillor Stocks that she wishes to be a member of the Independent Group and from Councillor King that he wishes to be a member of the Liberal Democrat Group, the political balance for the Council needs amending.
- 2.3 The Council will establish the Licensing Committee for this municipal year and is also requested to establish the Licensing Sub-Committee in order to make effective and efficient use of resources and to ensure that the Council can continue to discharge its Licensing function.

3. Recommendation(s) / Proposed Decision

- 3.1 that the overall political balance of the committees and working parties, as set out in Appendices 1 and 2 to the submitted report, be approved;
- 3.2 that, subject to 3.1 above being approved, the committees and working parties be appointed with the terms of reference set out in Appendix 3 to the submitted report;
- 3.3 that, subject to 3.1 above being approved, nominations be received to fill the seats on the committees;
- 3.4 that, a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;
- 3.5 that the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);
- 3.6 that the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;
- 3.7 that the Governance Support Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required; and
- 3.8 that the elected Mayor confirms the appointments to the Health and Wellbeing Board as set out in Appendix 2 to the submitted report.

Appendices

- Appendix 1 Political balance of Committees
 - Appendix 2 Political balance of Working Parties
 - Appendix 3 Appointments to Committees
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Supporting Information

4. Position

- 4.1 Notification has been received from Councillor Stocks that with effect from 27 April 2018 she wishes to be a member of the Independent Group and notification has been received from Councillor King that with effect from 1 May 2018 he wishes to be a member of the Liberal Democrat Group. This has resulted in changes to the political make-up of the Council. The new political composition of the Council is 20 members of the Conservative Group, 8 members of the Liberal Democrat Group, 4 members of the Independent Group, 3 ungrouped Independent members and 1 UK Independence Party (UKIP) member. The political balance is now:

Conservative Group	20 seats	= 55.56%
Liberal Democrat Group	8 seats	= 22.22%
Independent Group	4 seats	= 11.11%
Independent (Cllr Amil)	1 seat	= 2.78%

Independent (Cllr Excell)	1 seat	= 2.78%
Independent (Cllr Mills)	1 seat	= 2.78%
UKIP (Cllr Parrott)	1 seat	= 2.78%

- 4.2 The change in the political make-up of the Council has resulted in two seats on committees and one seat on Working Parties being allocated to the Independent Group as it has increased in size by one member. Proportional distribution of seats on committees is set out in Appendix 1 and working parties at Appendix 2.
- 4.3 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:
- (a) that not all seats on the body are allocated to the same group;
 - (b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and
 - (d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.
- 4.4 The Executive and Licensing Sub-Committees are excluded from the requirements of political balance.
- 4.5 Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced. Proportional distribution of seats on Working Parties is set out at Appendix 2.
- 4.6 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups and the independent members. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the distribution of seats (attached in the table set out in Appendix 1) would be proportional (the Elected Mayor and co-opted members are not included in the calculation for proportionality purposes).
- 4.7 Members are asked to note that any decision to waive the requirements of political balance will require a resolution of the Council with no member voting against.
- 4.8 In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Licensing Sub-Committee avoiding the necessity for a full Licensing Committee that would be convened solely to make this decision.

5. Possibilities and Options

- 5.1 The allocation of seats on committees must be proportional to the political composition of the Council unless the Council resolves otherwise with no member voting against.

6. Fair Decision Making

- 6.1 The appointments have regard to equal opportunities.

7. Risks

- 7.1 There is a statutory requirement to undertake a review of political balance following a change in the political composition of the Council. This review has been completed. Therefore there are no risks unless members fail to determine the matter.