

Meeting: Council

Date: 18 October 2018

Wards Affected: All Wards

Report Title: Review of Political Balance

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 This report sets out a review of the political balance of the Council to ensure places on Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following notification that: Councillors Amil, Excell, Manning and Mills wish to be known as members of the Torbay Community Independents group; and Councillor King wishes to be known as an Independent councillor.

2. Reason for Proposal

2.1 Following notification that Councillors Amil, Excell, Manning and Mills wish to be known as members of the Torbay Community Independents group and Councillor King as an Independent councillor, the political balance for the Council needs amending.

3. Recommendation(s) / Proposed Decision

3.1 That the overall political balance of the committees as set out at Appendix 1 be approved.

3.2 That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved.

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Background Documents: None

Supporting Information

1. Position and Background Information

Following notification that Councillors Amil, Excell, Manning and Mills wish to be known as members of the Torbay Community Independents group, this has resulted in changes to the political make-up of the Council. There are now 19 members of the Conservative Group, 7 members of the Liberal Democrat Group, 4 members of the Independent Group, 4 members of the Torbay Community Independents group, 1 UKIP member and 1 Independent councillor. The political balance is now:

Conservative Group	19 seats	= 52.78%
Liberal Democrat Group	7 seats	= 19.44%
Independent Group	4 seats	= 11.11%
Torbay Community Independents	4 seats	= 11.11%
UKIP (Cllr Parrott)	1 seat	= 2.78%
Independent (Cllr King)	1 seat	= 2.78%

The notifications have resulted in a change in the political make-up of the Council with a recalculation of seats on Committees between political groups. Proportional distribution of seats on Committees is set out at Appendix 1.

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.

2. How does this proposal support the ambitions, principles and delivery of the Corporate Plan?

The calculation of political balance of committees is a statutory requirement and supports all aspects of the Corporate Plan through the good governance of the Council.

3. How does this proposal contribute towards the Council's responsibilities as corporate parents?

There is no direct contribution towards the Council's responsibilities as corporate parents. The legislation ensures that nominations to the seats on committees reflects the representation of different political groups on the Council.

4. How does this proposal tackle deprivation?

As section 3 above.

5.

What are the financial and legal implications?

Legal:

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.

The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the option for distribution would be proportional as set out at Appendix 1 (the Elected Mayor is not included in the calculation for proportionality purposes).

Once the Political Groups have been allocated the seats that they are due under the calculation and in line with the four principles above then any seats remaining are allocated the ungrouped members e.g. the UKIP member and Independent councillor. The allocations are proposed in Appendices 1 and 2.

The allocation of seats includes a statutory bar on members of the Executive on the Overview and Scrutiny Board and a Council decision to exclude the Executive on the Audit Committee.

Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. This would allow the relevant seats to be allocated to another group and/or the ungrouped UKIP member and/or the Independent Councillor. Any decision to dis-apply would require a unanimous vote of full Council.

In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance

	<p>with the principles of political balance.</p> <p>Finance: None.</p>
6.	<p>What are the risks?</p> <p>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.</p>
7.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
8.	<p>What consultation you have carried out?</p> <p>The Group Leaders have been consulted on the political balance calculations set out at Appendix 1 and Appendix 2.</p>