

Meeting: Annual Council

Date: 17 May 2022

Wards Affected: All Wards

Report Title: Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2022/2023

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1. Purpose of Report

- 1.1 In accordance with annual appointing and the start of the new Municipal Year, to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women 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.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver the ambition set out in the One Torbay: Working for all Torbay Community and Corporate Plan 2019-2023, by ensuring the Council complies with relevant statutory and Constitutional requirements thereby supporting the Council to be a Council fit for the future.
 - 2.2 The Constitution requires Members at the Annual Meeting of the Council 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 rules of political balance.
 - 2.3 The Council will establish the Licensing Committee for this municipal year and is also requested to establish the Licensing Sub-Committee at this stage in order to make effective and efficient use of resources and to ensure that the Council can continue to discharge its Licensing function prior to a full meeting of the Licensing Committee.
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3. Recommendation(s) / Proposed Decision

- 1) That the overall political balance of the committees as set out at Appendix 1 be approved;
- 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;

- 3) That, subject to 1) and 2) above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3
- 4) That, subject to 3) above being approved, nominations from Group Leaders be received to fill the seats on the committees;
- 5) That, subject to 3) above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4;
- 6) That, a sub-committee of the Licensing Sub-Committee be established to comprise three Members of the Licensing Committee;
- 7) 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);
- 8) 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; and
- 9) That the Head of Governance Support be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required.

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Appendix 3: Committee Terms of Reference and Membership of Committees and Working Parties

Appendix 4: Nominations for Chairmen/women and Vice-Chairmen/women

Background Documents: None

Supporting Information

1. Introduction

1.1 The political composition of the Council is 14 members of the Conservative Group, 12 members of the Liberal Democrat Group and 10 members of the Independent Group. The political balance is:

Conservative Group	14 seats	= 38.89%
Liberal Democrat Group	12 seats	= 33.33%
Independent Group	10 seats	= 27.78%

1.2 The proportional distribution of seats on Committees between political groups is set out at Appendix 1.

1.3 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.

1.4 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.

1.5 In accordance with, Committee and Sub-Committee Meetings Standing Order B1, the Council will also appoint the Chairmen/women and Vice-Chairmen/women for Committees, except for those Committees that meet on an ad hoc basis.

1.6 Appendix 3 reflects the recommendation from the Overview and Scrutiny Board to remove "8. to consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012" from its Terms of Reference as this now forms part of the Terms of Reference for the new Adult Social Care and Health Overview and Scrutiny Sub-Board.

1.7 Appendix 3 sets out the terms of reference for Council Committees and Working Parties.

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

2.1 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?

3.1 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?

5.1 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.

5.2 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.

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

5.4 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. Any decision to dis-apply would require a resolution of the Council with no member voting against.

5.5 In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance.

6. What are the risks?

6.1 The Constitution and legislation requires the Council to undertake the annual appointments of committees, working parties and chairmen/women and vice-chairmen/women. There are no risks unless members fail to determine the matter.

7. Public Services Value (Social Value) Act 2012

7.1 Not applicable.

8. Tackling Climate Change

8.1 No impact.

9. What consultation have you carried out?

9.1 The Group Leaders have received the proposed allocations to Council committees and working parties, along with the appointments to Chairmen/women and Vice-Chairmen/women and have been requested to provide nominations from their respective groups.