

Meeting: Adjourned Annual Council

Date: 25 May 2023

Wards Affected: All Wards

Report Title: Appointments to Council Committees, Working Parties and Other Bodies and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2023/2024

Officer Contact Details: June Gurry, Head of Governance Support, email june.gurry@torbay.gov.uk

Responsible Director: Anne-Marie Bond, Chief Executive, email anne-marie.bond@torbay.gov.uk

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, sub-committees, working parties, Chairmen/women and Vice-Chairmen/women. 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 In respect of appointments to outside organisation and other groups, a review has been undertaken to inform the appointments process for 2023. Appointments to outside bodies are made every four years (where possible) following the whole Council elections.

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, along with the appointment of Chairmen/women and Vice-Chairmen/women.
- 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.

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, Sub-Committees 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 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;
- 7) 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;
- 8) That, the outcome of the review and proposed appointments to the outside bodies and other groups for 2023 to 2027 set out in Appendix 5 to the submitted report be approved.

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

Appendix 5: Outside Bodies and Other Groups

Background Documents: None

Supporting Information

1. Introduction

- 1.1 The political composition of the Council is 19 members of the Conservative Group, 15 members of the Liberal Democrat Group and 2 members of the Independent Group. The political balance is:

Conservative Group	19 seats	= 57.78%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	2 seats	= 5.56%

- 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 Council Working Parties to also be politically balanced. Proportional distribution of seats on Working Parties is set out at Appendix 2.
- 1.4 In accordance with, Council Standing Order A1.2.9(e) and 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.
- 1.5 Appendix 3 sets out the recommended terms of reference for Council Committees, Sub-Committees and Working Parties. Amendments have been made to the Terms of Reference for the Civic Committee to include the identification of individuals to nominate for the King's Birthday Honours and New Years' Honours list. The Harbour Committee Terms of Reference has also been reviewed by the Harbour Master to ensure compliance with The Port Good Governance Guidance and Council Financial Regulations resulting in amendments clarifying the role of the Harbour Committee during the budget setting process. Lastly, the Membership of the Health and Wellbeing Board has been amended to reflect the Health and Wellbeing Boards request for all previous Non-Voting Co-opted Members to become full board Members.
- 1.6 In respect of appointments to outside organisation and other groups, a review has been undertaken to inform the appointments process for 2023. Appointments to outside bodies are made every four years (where possible) following the whole Council elections. There is no specified definition of an outside body within the Constitution. However, the Council undertook a detailed wholesale review several years ago and the following categories were defined:
- Outside body = external organisation;
 - Partnership body = involves multiple organisations in a partnership meeting arrangement;
 - Member/officer internal group = informal internal working groups whose membership includes both officers and members; and
 - Company Established by the Council = wholly owned companies (these appointments may be made by the Chief Executive under Delegated Powers or by the Council as part of the four year appointment of outside bodies).

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 excludes 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.