

Meeting: Overview and Scrutiny Board

Date: 13 December 2023

Wards affected: All Wards

Report Title: Review of Political Balance of Overview and Scrutiny Review Panels

When does the decision need to be implemented? Immediately

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1. Purpose of Report

- 1.1 The Council, at its meeting held on 7 December 2023, considered a report on a review of the political balance of the Council to ensure places on Committees and Working Parties were allocated in accordance with the relevant statutory and Constitutional requirements. The report was presented following notification that Councillors Maddison and Joyce wish to be known as members of a new group named Prosper Torbay.
- 1.2 As a result, the Overview and Scrutiny Board now needs to review the political balance of its Review Panels, which are task and finish groups set up on an ad-hoc basis to review a specific topic and then disbanded once their work is complete.

2. Reason for Proposal and its benefits

- 2.1 Following notification that Councillors Maddison and Joyce wish to be known as members of the Prosper Torbay Group, the political balance for the Council was amended at the Council meeting on 7 December 2023. The political balance of Review Panels now needs to be reviewed by the Overview and Scrutiny Board to reflect these changes.

3. Recommendation(s) / Proposed Decision

1. That, in accordance with the Local Protocol for Working Parties, the political balance of the three Overview and Scrutiny Review Panels as set out in Appendix 1 to the submitted report be approved.

Appendices

Appendix 1: Political Balance of Overview and Scrutiny Review Panels

Supporting Information

1. Introduction

- 1.1 Following notification that Councillors Maddison and Joyce wish to be known as members of the Prosper Torbay Group, this has resulted in changes to the political make-up of the Council. There are now 17 members of the Conservative Group, 15 members of the Liberal Democrat Group, 2 members of the Independent Group and 2 members of the Prosper Torbay Group. The political balance is now:

Conservative Group	17 seats	= 47.22%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	2 seats	= 5.56%
Prosper Torbay Group	2 seats	= 5.56%

- 1.2 Whilst not a legislative requirement, the Council has included in its Constitution that Council appointed Working Parties will also be politically balanced. The Overview and Scrutiny Review Panels are classed as 'Working Parties' and as they are established as ad-hoc task and finish groups with new groups potentially being established throughout the year, political balance is applied to each individual Review Panel. The proportional distribution of seats on Review Panels is set out at Appendix 1 with no alternative options put forward by the Political Groups.

2. Options under consideration

- 2.1 The option which is set out at Appendix 1 provides for political balance for each of the Overview and Scrutiny Review Panels.
- 2.2 It is possible for alternative arrangements to be considered which does not apply political balance principles however in order to do this a vote needs to be taken where no councillor voted against them.

3. Financial Opportunities and Implications

- 3.1 There are no financial implications.

4. Legal Implications

- 4.1 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.
- 4.2 As a result of the change in membership of political groups, no group holds the majority of the Council's membership. Therefore, paragraph (b) no longer applies.
- 4.3 In respect of Review Panels, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance. Due to their ad-hoc nature only the principle (d) above can be applied. An option for distribution of Working Parties which would be proportional is set out at Appendix 1.

5. Engagement and Consultation

- 5.1 The Group Leaders have been consulted on the political balance calculations of Review Panels and have not submitted any alternative proposals.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 No impact.

8. Associated Risks

- 8.1 There is a statutory requirement to undertake a review of political balance of committees following a change in the political composition of the Council, and the local requirement for the review to include working parties. This review has been completed. Therefore, there are no risks unless members fail to determine the matter.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic			There is no differential impact.

background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.