

Meeting: Council

Date: 11 May 2016

Wards Affected: All Wards in Torbay

Report Title: Review of Political Balance and Appointments to Committees and Other Bodies

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Executive Lead Contact Details: Councillor Mills, Deputy Mayor and Executive Lead for Health and Wellbeing and Corporate Services, derek.mills@torbay.gov.uk

Supporting Officer Contact Details: Teresa Buckley, Governance Team Leader, (01803) 207013, teresa.buckley@torbay.gov.uk

1. Proposal and Introduction

- 1.1 To appoint the Council's committees for the new municipal year. In addition to ensure the committees have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.
- 1.2 To wind up the Devon Authorities Waste Reduction and Recycling Committee Joint Committee (DAWRRC) and replace it with the Devon Authorities Strategic Waste Committee (DASWC). To be part of the DASWC, Torbay expects to pay a similar amount of funding into the Committee, as we did with DAWRRC (around £15,000 p.a.). The benefits to Torbay would be, taking advantage of the Devon-wide textile contract (administered by Devon CC)- worth approx £20,000 p.a., with the addition of the Devon-wide recycling and reuse campaigns throughout the year, joint funding bids and general joint partnership working.

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 The Council is required to approve the winding up the Devon Authorities Waste Reduction and Recycling Committee Joint Committee and the establishment of the Devon Authorities Strategic Waste (Joint) Committee.

3. Recommendation(s) / Proposed Decision

- 3.1 that the overall political balance of the committees, as set out in Appendix 1 to the submitted report, be approved;
- 3.2 that, subject to 3.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 2 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 the Mayor confirms the appointments to the Health and Wellbeing Board as set out in Appendix 2 to the submitted report;
- 3.5 that the Monitoring Officer be authorised to update the Committee Standing Orders to reflect the unanimous voting requirements by the Civic Committee for recommendation on Honorary Freeman applications; and
- 3.6 that the Council supports the establishment of a Joint Committee with Devon County Council and its District Councils called the Devon Authorities Strategic Waste (Joint) Committee which will replace the Devon Authorities Waste Reduction and Recycling Committee with membership (e.g. the Council's representative will be the Executive Lead for Planning, Transport and Housing – Councillor King) and terms of reference as set out in Appendix 3 to the submitted report. Councillor Mills will be appointed as the Deputy Committee member.

Appendices

- Appendix 1 Political balance of Committees
 - Appendix 2 Appointments to Committees
 - Appendix 3 Devon County Council Report – Winding up of the Devon Authorities Waste Reduction and Recycling Committee, and Establishment of Devon Authorities Strategic Waste (Joint) Committee
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Supporting Information

4. Position

- 4.1 The by-election held on 5 May 2016 resulted in changes to the political composition of the Council. There are now 25 members of the Conservative Group (including the elected Mayor), 8 members of the Liberal Democrat Group, 3 members of the Independent Group and 1 UK Independence Party (UKIP). The political balance is now:

Conservative Group	25 seats	= 67.57%
Liberal Democrat Group	8 seats	= 21.62%
Independent Group	3 seats	= 8.11%
UK Independence Party (UKIP)	1 seat	= 2.70%

- 4.2 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.
- 4.3 The Executive is excluded from the requirements of political balance.
- 4.4 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 (co-opted members are not included in the calculation for proportionality purposes).
- 4.5 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.
- 4.6 It has become apparent that there are discrepancies between different elements of the Constitution regarding voting on decisions and therefore this needs clarifying. The terms of reference of the Civic Committee has been amended to include 'To consider nominations for the title of Honorary Freeman and make recommendations to the Council as necessary following unanimous voting on acceptance of any nominations.' It is proposed that the Monitoring Officer be authorised to update the Committee Standing Orders to reflect this requirement in line with the Policy and Guidance on Honorary Freeman approved by Council on 27 November 2008.
- 4.7 The Council has been advised that at its meeting held on 9 February 2016 the Devon County Council Procedures Committee approved a report on the winding up of the Devon Authorities Waste Reduction and Recycling Committee, and the establishment of a new Devon Authorities Strategic Waste (Joint) Committee with Torbay Council and Devon County Council and its District Councils. As this is a joint committee the Council is required to approve the winding up of the old

committee and the establishment of the new committee. A copy of the report considered by the Procedures Committee which provides details of the proposed membership and terms of reference of the new committee is set out at Appendix 3 to this report. An extract of the Minutes from the meeting is set out below:

“57 Constitutional Matters

(a) Proposed winding-up of the Devon Authorities Waste Reduction and Recycling Committee and establishment of a new Strategic Waste Management Joint Committee

(Councillor Croad attended in accordance with Standing Order 25(2) and spoke to this item at the invitation of the Committee).

The Cabinet considered the Report of the Head of Highways, Capital Development and Waste (HCW/16/9) on the proposal to wind-up the Devon Authorities Waste Reduction and Recycling Committee and replace it with a new strategic waste management joint committee in line with arrangements previously endorsed by the Cabinet on 11 November 2015 (Minute 430 refers) and subject to all partner authorities likewise agreeing so to do.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

RESOLVED

(i) that the County Council be recommended to approve the winding-up of the Devon Authorities Waste Reduction and Recycling Committee with immediate effect and the establishment at the Council's Annual Meeting in 2016 of a new Devon Authorities Strategic Waste (Joint) Committee with the proposed membership, operating rules and terms of reference set out in Report HCW/16/9; acknowledging the assurance given by the Cabinet Member that the suggestion that the new Committee should only pursue partnerships in ways that do not undermine best practice by individual councils would be taken into account in its work;

(ii) that notwithstanding the proposed Joint Committee will operate under the County Council's Procedure Rules (Standing Orders), including the Scrutiny Procedure Rules, the Head of Highways, Capital Development and Waste be asked, in consultation with the Senior Waste Officer Group, to clarify and codify the role of all constituent authorities in scrutinising the work of this Committee.”

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.