

**Meeting: Extraordinary Council**

**Date: 8 October 2020**

**Wards Affected: All Wards**

**Report Title: Review of Political Balance**

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## **1. Purpose of Report**

1.1 This report sets out a review of the political balance of the Council to ensure places on Council appointed Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following notification received from Councillors Kennedy and Mills that they no longer wish to be treated as members of the Conservative Group and wish to be treated as a members of the Independent Group on Torbay Council.

## **2. Reason for Proposal and its benefits**

2.1 Following Councillors Kennedy's and Mills' resignation from the Conservative Group and joining the Independent Group, the political balance for the Council needs amending.

2.2 The calculation of political balance of committees is a statutory requirement and supports the good governance of the Council.

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## **3. Recommendation(s) / Proposed Decision**

- (i) That the Community Governance Review Working Party be disbanded following the Council's determination of the review on 9 January 2020.
- (ii) That the overall political balance of the committees as set out at Appendix 1 be approved.
- (iii) 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. Introduction

- 1.1 Following the resignation of Councillors Kennedy and Mills from the Conservative Group and notification that they wish to be members of the Independent Group, this has resulted in changes to the political make-up of the Council. There are now 14 members of the Conservative Group, 12 members of the Liberal Democrat Group and 10 members of the Independent Group. The political balance is now:

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

- 1.2 The recalculated 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 The Community Governance Review Working Party has completed its work and the Council has determined the outcome of the review. Therefore, this Working Party is now dormant and it is recommended that it be disbanded and not included in the political balance calculations for working parties.

## 2. Options under consideration

- 2.1 Set out in section 4, legal implications, below.

## 3. Financial Opportunities and Implications

- 3.1 None

## 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 No group holds the majority of the Council's membership. Therefore, paragraph (b) does not currently apply.
- 4.3 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.
- 4.3 The allocation of seats includes a statutory bar on members of the Cabinet on the Overview and Scrutiny Board and a Council decision to exclude members of the Cabinet on the Audit Committee.
- 4.4 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 unanimous vote of full Council.
- 4.5 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. The option for distribution of Working Parties would be proportional as set out at Appendix 2.

## **5. Engagement and Consultation**

- 5.1 The Group Leaders have been consulted on the political balance calculations set out at Appendix 1 and Appendix 2.

## **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 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.