

**Meeting:** Adjourned Annual Council

**Date:** 15 May 2025

**Wards affected:** All

**Report Title:** Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice Chairmen/women for 2025/2026

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Jackie Thomas, Cabinet Member for Culture, Tourism & Events and Corporate Services, Jackie.thomas@torbay.gov.uk

**Director Contact Details:** Matthew Fairclough-Kay, Director of Corporate Services, matthew.fairclough-kay@torbay.gov.uk

## 1. Purpose of Report

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- 1.1. To appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the new municipal year, in accordance with Council Standing Order A1.2(x). 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

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- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by ensuring the Council complies with relevant statutory and Constitutional requirements thereby supporting all the priorities within the Community and Corporate Plan 2023-2043.
- 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.

## 3. Recommendation(s) / Proposed Decision

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That;

- 3.1. the overall political balance of the committees as set out at Appendix 1 be approved;
- 3.2. in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved;

- 3.3. subject to 3.1. and 3.2. above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3;
- 3.4. subject to 3.3. above being approved, nominations from Group Leaders be received to fill the seats on the committees;
- 3.5. subject to 3.3. above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4;
- 3.6. a sub-committee of both the Statutory Licensing Committee and Regulatory Committee be established both to comprise three Members of the relevant Statutory Licensing Committee or Regulatory Committee;
- 3.7. both the Statutory Licensing Sub-Committee and Regulatory Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;
- 3.8. the Head of Governance Support be authorised to empanel Members from the Statutory Licensing Committee and Regulatory Committee to serve on the Statutory Licensing Sub-Committee and Regulatory Sub-Committee as and when required.

## 4. Appendices

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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 of Chairmen/women and Vice-Chairmen/women

## 5. Background Documents

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- [Minutes of the Children and Young People Overview and Scrutiny Sub-Board 27 January 2025](#)
- [Audit Committee Assessment CIPFA Guidance - Committee Responses.pdf](#)

## Supporting Information

## 6. Introduction

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- 6.1. The political composition of the Council is 18 members of the Conservative Group, 15 members of the Liberal Democrat Group and 3 members of the Independent Group. The political balance is:

Conservative Group	18 seats	= 50.00%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	3 seats	= 8.33%

- 6.2. The proportional distribution of seats on Committees between political groups remains as agreed by Council on 5 December 2024.
- 6.3. Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced and remains as agreed by Council on 5 December 2024.
- 6.4. In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Sub-Committee's for both the Statutory Licensing Committee and Regulatory Committee, avoiding the necessity for full Committees to be convened solely to make a decision on this matter.
- 6.5. 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.
- 6.6. Appendix 3 sets out the terms of reference for Council Committees and Working Parties. At the meeting of the Children and Young People's Overview and Scrutiny Sub-Board held on 27 January 2025 Members recommended the following change to the Sub-Board's Terms of Reference.
- "that Council be recommended that the Membership of the Children and Young People's Overview and Scrutiny Sub-Board be amended to remove the Care Experienced young person and Young Person Panel Non-voting Co-opted Member representatives from the Board but request that the Democratic Services Team Leader to work with the Participation Officers to invite representatives from the Children in Care Council, SEND Youth Forum or Young Person's Panel to participate in meetings where there are specific areas of interest to them so as to hear the voice of the children and young people at the meetings".
- 6.7. The Terms of Reference attached to this report have been amended to remove these two Non-voting Co-opted Members and include reference to the Democratic Services Officer working with the Participation Officer to invite representatives from the Children in Care Council, SEND Youth Forum or Young Person's Panel to participate in meetings where there are specific areas of interest to them so as to hear the voice of the children and young people at the meetings.
- 6.8. Furthermore the Terms of Reference in respect of the Audit Committee as set out in Appendix 3 to this report have also been amended. In CIPFA's 2022 Position Statement, it stated *'CIPFA expects that all local government bodies should make their best efforts to adopt the principles, aiming for effective audit committee arrangements. This will enable those bodies to meet their statutory responsibilities for governance and internal control arrangements, financial management, financial reporting and internal audit.'*
- 6.9. The Audit Committee have, through facilitated sessions with the Devon Assurance Partnership (DAP), undertaken a self-assessment against the principles of CIPFA's 2022 Position Statement. The self-assessment identified that the Terms of Reference for the

Audit Committee did not set out and describe the purpose of the Committee in accordance with CIPFA's 2022 Position Statement. As such the Director Finance in consultation with the Chairman and Vice-Chairman of the Audit Committee have amended the Audit Committee's Terms of Reference to that as set out in Appendix 3.

## 7. Options under consideration

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- 7.1. None, the calculation of political balance of committees is a statutory requirement, the legislation ensures that nominations to the seats on committees reflects the representation of different political groups on the Council.

## 8. Financial Opportunities and Implications

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- 8.1. There are no financial implications.

## 9. Legal Implications

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- 9.1. 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.
- 9.2. 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 distribution would be proportional as set out at Appendix 1.
- 9.3. 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.

- 9.4. 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.
- 9.5. 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.

## 10. Engagement and Consultation

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- 10.1. 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 options for political balance and nominations from their respective groups.

## 11. Procurement Implications

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- 11.1. There are no procurement implications.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. No impact

## 13. Associated Risks

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- 13.1. The Constitution and legislation require 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.

## 14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	There is no differential impact.		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact.		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact.		

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.		



	5.9 per cent of the population have previously served in the UK armed forces.			
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)	There is no differential impact.			
Public Health impacts (Including impacts on the general health of the population of Torbay)	There is no differential impact.			
Human Rights impacts	There is no differential impact.			
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact.		

## 15. Cumulative Council Impact

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15.1. None

## 16. Cumulative Community Impacts

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16.1. None