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Dear Member

COUNCIL - THURSDAY, 9 JANUARY 2020

I am now able to enclose, for consideration at the Thursday, 9 January 2020 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
12.	Review of Political Balance	(Pages 106 - 111)

Yours sincerely

June Gurry
Clerk



Meeting: Council

Date: 9 January 2020

Wards Affected: All Wards

Report Title: Review of Political Balance

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

Supporting Officer Contact Details: June Gurry, Head of Governance Support, telephone 01803 207012 and email june.gurry@torbay.gov.uk

1. Proposal and Introduction

1.1 This report sets out a review of the political balance of the Council to ensure places on Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following the Goodrington with Roselands by election.

2. Reason for Proposal

2.1 Following the Goodrington with Roselands by election, the political balance for the Council needs amending.

3. Recommendation(s) / Proposed Decision

3.1 That the overall political balance of the committees as set out at Appendix 1 be approved.

3.2 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.

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Background Documents: None

Supporting Information

1.	<p>Position and Background Information</p> <p>Following the election of Councillor Barnby at the Goodrington with Roselands by-election and notification that she wishes to be a member of the Conservative Group, this has resulted in changes to the political make-up of the Council. There are now 16 members of the Conservative Group, 12 members of the Liberal Democrat Group and 8 members of the Independent Group. The political balance is now:</p> <table data-bbox="414 627 1276 739"><tr><td>Conservative Group</td><td>16 seats</td><td>= 44.44%</td></tr><tr><td>Liberal Democrat Group</td><td>12 seats</td><td>= 33.33%</td></tr><tr><td>Independent Group</td><td>8 seats</td><td>= 22.22%</td></tr></table> <p>The result of the by election has resulted in a change in the political make-up of the Council with a recalculation of seats on Committees between political groups. Proportional distribution of seats on Committees is set out at Appendix 1.</p> <p>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.</p>	Conservative Group	16 seats	= 44.44%	Liberal Democrat Group	12 seats	= 33.33%	Independent Group	8 seats	= 22.22%
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2.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>The calculation of political balance of committees is a statutory requirement and supports the good governance of the Council.</p>									
3.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>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.</p>									
4.	<p>How does this proposal tackle deprivation?</p> <p>As section 3 above.</p>									
5.	<p>What are the financial and legal implications?</p> <p>Legal:</p>									

	<p>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:</p> <p>(a) that not all seats on the body are allocated to the same group;</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>The by election has resulted in no group holding the majority of the Council's membership. Therefore, paragraph (b) does not currently apply.</p> <p>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.</p> <p>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.</p> <p>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 and/or the ungrouped UKIP member and/or the Independent Councillor. Any decision to dis-apply would require a unanimous vote of full Council.</p> <p>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.</p> <p>Finance: None.</p>
6.	What are the risks?

	<p>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.</p>
7.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable.</p>
8.	<p>What consultation you have carried out?</p> <p>The Group Leaders have been consulted on the political balance calculations set out at Appendix 1 and Appendix 2.</p>

Political Balance of Committees

Conservative Group	16 seats	= 44.44%
Liberal Democrat Group	12 seats	= 33.33%
Independent Group	8 seats	= 22.22%

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Appeals Committee (School Transport)	3	3	1	7
Audit Committee (excluding Cabinet Members)	3	3 2	4 2	7
Civic Committee	3	3	1	7
Employment Committee (to include a Cabinet member)	2	2	1	5
Harbour Committee	3 4	3 2	2	8
Licensing Committee (excluding Cabinet Member with responsibility for Licensing)	6 7	5	4 3	15
Overview and Scrutiny Board (excluding Cabinet Members)	4	3	2	9
Planning Committee (excluding Cabinet Member with responsibility for Planning)	4	3	2	9
Standards Committee	3	2	2	7

Political Balance of Non-Executive Working Parties

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Total
Airshow Working Party	2 3	2 1	1	5
Community Asset Transfer Panel (including appropriate Cabinet Member)	2	1	1	4
Community Governance Review Working Party	3 4	3 2	2	8
Corporate Parenting Board	2	2	1	5
Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Oldway Mansion and Estate Working Party	2	2	1	5