



Public Agenda Item: **Yes**

Title: **Appointments to Committees and Other Bodies for 2011/2012**

Wards Affected: **All Wards in Torbay**

To: **Adjourned Annual Council** On: **24 May 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve**

- 1.1 To appoint the Council's committees for the new municipal year, ensure the committees have appropriate terms of reference and that the appointments are made in accordance with the political balance requirements.
- 1.2 To appoint the Mayor and Councillors to outside bodies and establish a Shadow Health and Wellbeing Board.

## **2. Recommendation(s) for decision**

- 2.1 **That the committees be appointed with the terms of reference set out in Appendix 2 to this report in accordance with the political balance requirements.**
- 2.2 **That nominations be received to fill the seats on the committees.**
- 2.3 **That the proposed appointments to the outside bodies and other groups set out in Appendix 3 be approved for a four year term, unless otherwise stated, subject to confirmation on the allocation of places on the Devon and Cornwall Police Authority.**
- 2.4 **That a Shadow Health and Wellbeing Board be established with membership and terms of reference as set out in Appendix 4 to this report.**

### **3. Key points and reasons for recommendations**

- 3.1 The election held on 5 May 2011 resulted in changes to the political composition of the Council. There are now 22 Members of the Conservative Group (including the Elected Mayor), 9 Members of the Liberal Democrat Group and 4 Members of the Non-Coalition Group and 1 Labour Member plus a vacancy. The political balance is now:

Conservative Group	22 seats	= 61.1%
Liberal Democrat Group	9 seats	= 25%
Non-Coalition Group	4 seats	= 11.1%
Labour	1 seat	= 2.8%

- 3.2 At the annual Council meeting, the Constitution requires members to determine which committees to establish for the forthcoming Municipal Year, their size and terms and reference and the allocation of seats in accordance with the political balance rules. In light of the changes to national standards arrangements which are due to come into force in April 2012 and following the resignation of one of the Independent Members of the Standards Committee it is proposed to reduce the number of Independent Members from six to five.
- 3.3 It is proposed to establish a Shadow Health and Wellbeing Board to operate on an informal basis over the course of 2011/2012 which will enable ongoing discussions to be held between partner agencies about how other existing and emerging partnerships/bodies relate to the Health and Wellbeing Board, the Torbay Strategic Partnership and each other. Full details of the proposals are set out in Appendix 4 to this report.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Caroline Taylor**  
**Deputy Chief Executive and Corporate Support Commissioner**

## Supporting information

### A1. Introduction and history

- A1.1 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.
- A1.2 The Cabinet and the Standards Committee are excluded from the requirements of political balance.
- A1.3 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). It is proposed that an Employment Committee is created which will take over the responsibilities of the Appointments Committee and Appeals (Employment) Committee and will also deal with senior officer remuneration.
- A1.4 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.
- A1.5 The Council has carried out an extensive review of its appointments to outside organisations and other groups which has informed the appointments process for 2011. It was previously determined that appointments to outside bodies should be made every four years (where possible) following the whole Council elections. However, the Council is required to appoint its representative on the Police Authority each year. The elected member representation on the Devon and Cornwall Police Authority is determined having regard to the political composition of the five authorities which have seats on the Police Authority. The political balance calculations reveal that Torbay is entitled to one conservative

place. However, the final allocation of the places is subject to the agreement of the five authorities concerned following local government elections in the region.

A1.6 The Police Authority (Community Engagement and Membership) Regulations 2010, which came into force on 17 March 2010, amends Regulation 8 of the Police Authority Regulations (appointment of members by relevant councils) and gives provision for Elected Mayor's to be appointed as the authority's Police Authority Representative if that person and the Council indicate that they wish them to be appointed as their representative. The Mayor has confirmed that he does wish to take up this appointment. The Council's representative on the Police Authority also sits on the Safer Communities Executive.

## **A2. Risk assessment of preferred option**

A2.1 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.

## **A3. Other Options**

A3.1 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.

## **A4. Summary of resource implications**

A4.1 There are no resource implications associated with the political balance allocations or the appointment of committees and working parties.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The appointments have regard to all of these issues.

## **A6. Consultation and Customer Focus**

A6.1 The Group Leaders have been consulted on the political balance calculations.

## **A7. Are there any implications for other Business Units?**

A7.1 No

## **Appendices**

Appendix 1 Political Balance on Committees

Appendix 2 Appointments to Committees, Working Parties and other bodies

Appendix 3 Appointments to Outside Bodies and Other Groups

Appendix 4 Shadow Health and Wellbeing Board

## **Background Papers:**

The following documents/files were used to compile this report:

None