

Meeting: Council

Date: 7 December 2023

Wards affected: All Wards

Report Title: Review of Political Balance

When does the decision need to be implemented? Immediately

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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 Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following notification that Councillors Maddison and Joyce wish to be known as members of a new group named Prosper Torbay.

2. Reason for Proposal and its benefits

- 2.1 Following notification that Councillors Maddison and Joyce wish to be known as members of the Prosper Torbay Group, the political balance for the Council needs amending.

3. Recommendation(s) / Proposed Decision

1. That Council adopts one of the options for the overall political balance of the committees as set out at Appendix 1.
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.
3. That it be noted that the political balance of the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged.

4. That the Overview and Scrutiny Board be requested to review the political balance of its Review Panels.

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Supporting Information

1. Introduction

1.1 Following notification that Councillors Maddison and Joyce wish to be known as members of the Prosper Torbay Group, this has resulted in changes to the political make-up of the Council. There are now 17 members of the Conservative Group, 15 members of the Liberal Democrat Group, 2 members of the Independent Group and 2 members of the Prosper Torbay Group. The political balance is now:

Conservative Group	17 seats	= 47.22%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	2 seats	= 5.56%
Prosper Torbay Group	2 seats	= 5.56%

1.2 The notifications have resulted in a change in the political make-up of the Council with a recalculation of seats on Committees between political groups required as a consequence. There are a number of permutations for the proportional distribution of seats on Committees and options received in advance from the Political Groups are set out at Appendix 1.

1.3 Whilst not a legislative requirement, the Council has included in its Constitution that Council appointed Working Parties will also be politically balanced. Whilst again there are a number of permutations for the proportional distribution of seats on Working Parties is set out at Appendix 2 with no alternative options put forward by the Political Groups.

2. Options under consideration

2.1 The calculations for the options set out at Appendices 1 provide political balance of Committees in accordance with the principles set out in paragraph 4.1 below. The option which is set out at Appendices 2 provides for political balance of Working Parties.

2.2 It is possible for alternative arrangements to be considered which does not apply political balance principles however in order to do this a vote needs to be taken where no councillor voted against them.

3. Financial Opportunities and Implications

3.1 There are no financial implications.

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 As a result of the change in membership of political groups, no group holds the majority of the Council's membership. Therefore, paragraph (b) no longer applies.

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, there are many permutations for distribution which would be proportional, and those set out at Appendix 1 have been requested to be included by the Political Groups on the Council.

- 4.4 The allocation of seats includes a statutory bar on members of the Cabinet sitting on the Overview and Scrutiny Board and a local decision to exclude members of the Cabinet sitting on the Audit Committee.
- 4.5 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. Any decision to dis-apply would require no councillor voting against such a decision.
- 4.6 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. An option for distribution of Working Parties which would be proportional is set out at Appendix 2.
- 4.7 The political balance of the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged (in accordance with Paragraph 15 sub section (2) and (3) of the 1989 Act – namely the application of principle (d) outlined above).
- 4.8 The Review Panels established by the Overview and Scrutiny are classed as Working Parties and the Overview and Scrutiny Board, as the appointing body, is requested to review the political balance of these following the Council's determination of this report.

5. Engagement and Consultation

- 5.1 The Group Leaders have been consulted on the political balance calculations of both committees and working parties and they have submitted the options as set out at Appendix 1 for committees for the Council to consider.

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.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.

Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.