

Meeting: [Adjourned Annual Council](#) **Date:** [16 May 2024](#)

Wards affected: [All Wards](#)

Report Title: : [Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2024/2025](#)

When does the decision need to be implemented? [Immediately](#)

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1. Purpose of Report

- 1.1 In accordance with annual appointing and the start of the new Municipal Year, to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the new municipal year. 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

- 2.1 The proposals in this report help us to deliver the ambition set out in the Community and Corporate Plan 2023-2043, by ensuring the Council complies with relevant statutory and Constitutional requirements thereby supporting all the priorities with the plan.
- 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. The political balance of the Council has changed following the passing of Councillor Joyce.
- 2.3 The Council is also requested to establish a Statutory Licensing Committee and a Regulatory Committee for this municipal year and is also requested to establish the Statutory Licensing and Regulatory Sub-Committees at this stage in order to make effective and efficient use of resources and to ensure that the Council can continue to discharge its Licensing function prior to a full meeting of the Licensing Committee.
- 2.4 Furthermore, the Council is also requested to appoint an Independent Member to the Audit Committee to ensure the Council follows best practice as recognised by CIPFA and the recommendations of the Redmond Review.

3. Recommendation(s) / Proposed Decision

- 1) That the overall political balance of the committees as set out at Appendix 1 be approved;
- 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, subject to 1) and 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
- 4) That, subject to 3) above being approved, nominations from Group Leaders be received to fill the seats on the committees;
- 5) That, subject to 3) above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4;
- 6) That, 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;
- 7) That 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;
- 8) That Members' Allowance Scheme be updated to reflect the changes to the Licensing Committee with the SRA being the same for both Committees and Sub-Committees.
- 9) That 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.
- 10) That Mr Kristian Hawkes be appointed as the Independent Member to the Audit Committee effective from 27 March 2024, that the effectiveness of the Independent Member be kept under review by the Director of Finance in consultation with the Chairman of the Audit Committee and Head of Devon Audit Partnership.

Appendices

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 for Chairmen/women and Vice-Chairmen/women

Background Documents: None

Supporting Information

1. Introduction

1.1 Following the passing of Councillor Joyce, the political composition of the Council is now 17 members of the Conservative Group, 15 members of the Liberal Democrat Group, 2 members of the Independent Group and 1 independent member. The political balance is:

Conservative Group	17 seats	= 48.57%
Liberal Democrat Group	15 seats	= 42.86%
Independent Group	2 seats	= 5.71%
Councillor Maddison	1 seat	= 2.86%

1.2 The Group Leaders have been consulted on the proportional distribution of seats on Committees between political groups and the joint Liberal Democrat and Independent Groups proposal 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. Similarly to Committees, the Group Leaders have been consulted on the proportional distribution of seats on Working Parties and the Liberal Democrat and Independent Groups proposal is set out at Appendix 2.

1.4 Recent legal guidance has indicated the need to separate out the functions of the former Licensing Committee, creating a Statutory Licensing Committee that discharges all functions relating to the Licensing Act 2003 and the Gambling Act 2005 and a Regulatory Committee to discharge all functions contained in schedule 101 and 102 of the Local Government Act 1972. Whilst the Regulatory Committee is required to be politically balanced, the Statutory Licensing Committee is not, but must be made up of 10 to 15 Members. The Members on both these Committees' can be the same. Given that Members must be trained before presiding, it is proposed that the Membership for both Licensing Committee's be the same. Therefore, maintaining political balance whilst remaining within the requirement of 10 to 15 Members.

1.5 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.

1.5 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.

1.6 Appendix 3 sets out the terms of reference for Council Committees and Working Parties.

1.7 For a number of years the Audit Committee have been seeking an Independent Person in order to comply with CIPFA's recommended best practice and recommendations set out in the Redmond Review. The Independent Member is a

non-political role whose purpose is to bring specialist, technical knowledge to support the elected committee members.

- 1.8 Recognising that the Council along with many other local authorities within Devon and Cornwall had been unsuccessful in recruiting Independent Members for Audit Committees, the Devon Audit Partnership sought to establish a pool of Independent Members which would be assigned to local authorities, as such Kristian Hawkes was successfully recruited and assigned to Torbay. Mr Hawkes has an extensive professional background as a chartered and certified internal audit manager with a diverse level of experience in local authorities, third party suppliers, joint ventures, and blue light authorities within the public sector.

2. How does this proposal support the ambitions, principles and delivery of the Community and Corporate Plan?

- 2.1 The calculation of political balance of committees is a statutory requirement and supports all aspects of the Community and Corporate Plan through the good governance of the Council.

3. How does this proposal contribute towards the Council's responsibilities as corporate parents?

- 3.1 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.

4 How does this proposal tackle deprivation?

As section 3 above.

5. What are the financial and legal implications?

- 5.1 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.

- 5.2 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 option for distribution would be proportional as set out at Appendix 1.
- 5.3 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.
- 5.4 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.
- 5.5 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.

6. What are the risks?

- 6.1 The Constitution and legislation requires 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.

7. Public Services Value (Social Value) Act 2012

- 7.1 Not applicable.

8. Tackling Climate Change

- 8.1 No impact.

9. What consultation have you carried out?

- 9.1 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.