

**Meeting:** Council      **Date:** 5 December 2024

**Wards affected:** All wards in Torbay

**Report Title:** Review of Political Balance

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

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## 1. Purpose of Report

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- 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 wishes to be known as a member of the Independent Group.

## 2. Reason for Proposal and its benefits

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- 2.1 Following notification that Councillors Maddison wishes to be known as a member of the Independent Group, the political balance for the Council needs amending.

## 3. Recommendation(s) / Proposed Decision

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1. That Council adopts one of the options for the overall political balance of the committees as set out at Appendix 1.
2. That it be noted the overall political balance of Council appointed working parties remains the same (as set out in Appendix 2).
3. That it be noted that the political balance of the Adult Social Care & Health and Children & 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.

## **Appendices**

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

# Supporting Information

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## 1. Introduction

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- 1.1 Following notification that Councillor Maddison wishes to be known as a member of the Independent Group, this has resulted in changes to the political make-up of the Council. There are now 18 members of the Conservative Group, 15 members of the Liberal Democrat Group, and 3 members of the Independent Group. The political balance is now:

Conservative Group	18 seats	= 50%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	3 seats	= 8.33%

- 1.2 The notification has 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, the change has not resulted in a change to the current political balance (as set out at Appendix 2), with no alternative options put forward by the Political Groups.

## 2. Options under consideration

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- 2.1 The calculations for the options set out at Appendix 1 provide political balance of Committees in accordance with the principles set out in paragraph 4.1 below.
- 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

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3.1 There are no financial implications.

### 4. Legal Implications

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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) does not apply.

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 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 continue to be the same. Therefore, maintaining political balance whilst remaining within the requirement of 10 to 15 Members.
- 4.6 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.
- 4.7 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 change to political balance does not change the distribution of seats on Working Parties and, as such, Council is requested to note the current balance as set out at Appendix 2.
- 4.8 The political balance of the Adult Social Care & Health and Children & 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).
- 4.9 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

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- 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. Procurement Implications

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6.1 Not applicable.

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

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7.1 No impact.

## 8. Associated Risks

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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 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	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	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 a physical or mental health condition or illness.	There is no differential impact.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community	There is no differential impact.		

	<p>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.</p>			
<p>Marriage and civil partnership</p>	<p>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.</p>	<p>There is no differential impact.</p>		
<p>Pregnancy and maternity</p>	<p>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.</p>	<p>There is no differential impact.</p>		
<p>Race</p>	<p>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.</p>	<p>There is no differential impact.</p>		



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, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact.		
<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	There is no differential impact.			

the population of Torbay)				
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.		

## 10. Cumulative Council Impact

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10.1 None.

## 11. Cumulative Community Impacts

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11.1 None.