



Meeting: Adjourned Annual Council

Date: 1 May 2014

Wards Affected: all wards in Torbay

Report Title: Review of Political Balance and Appointments to Committees/Other Bodies for 2014/15

Is the decision a key decision? No

When does the decision need to be implemented? Immediately

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1. Purpose and Introduction

- 1.1 To appoint the Council's committees for the new municipal year. In addition to ensure the committees have appropriate terms of reference and that appointments to those bodies are made in accordance with the relevant statutory requirements.
- 1.2 To appoint the Council's representative on the Devon and Cornwall Police Authority and Devon and Somerset Fire and Rescue Authority.

2. Proposed Decision

- 2.1 That the overall political balance of the committees, as set out in Appendix 1 to this report, be approved;
- 2.2 that, subject to 2.1 above being approved, the committees be appointed with the terms of reference set out in Appendix 2 to this report;
- 2.3 that, subject to 2.1 above being approved, nominations be received to fill the seats on the committees;
- 2.4 that Councillor Excell be appointed as the Council's nominated representative on the Devon and Cornwall Police and Crime Panel; and
- 2.5 that Councillor Brooksbank and Councillor Ellery be appointed as the Council's nominated representative on the Devon and Somerset Fire and Rescue Authority.

3. Reason for Decision

- 3.1 Following notification from Councillor Bobbie Davies wishing to be known as a member of the Non-Coalition Group, the political balance for the Council needs amending.
- 3.2 The Constitution requires members at their annual Council meeting 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 political balance rules.
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Supporting Information

4. Position

- 4.1 Following notification from Councillor Bobbie Davies that with effect from 31 March 2014, she now wishes to be a member of the Non-Coalition Group this has resulted in changes to the political make-up of the Council. There are now 21 members of the Conservative Group (including the elected Mayor), 9 members of the Liberal Democrat Group, 6 members of the Non-Coalition Group and 1 Labour member. The political balance is now:

Conservative Group	21 seats	= 56.8%
Liberal Democrat Group	9 seats	= 24.3%
Non-Coalition Group	6 seats	= 16.2%
Labour	1 seat	= 2.7%

- 4.2 The change in the political make-up of the Council has resulted in two seats on committees being transferred from the Liberal Democrat Group to the Non-Coalition Group. Proportional distribution of seats on committees is set out in Appendix 1.
- 4.3 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.

- 4.4 The Executive is excluded from the requirements of political balance.
- 4.5 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).
- 4.6 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.
- 4.7 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 Council's representative on the Police Authority also sits on the Safer Communities Executive.

5. Possibilities and Options

- 5.1 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.

6. Fair Decision Making

- 6.1 The appointments have regard to equal opportunities.

7. Public Services (Social Value) Act 2012

- 7.1 The Public Services (Social Value) Act 2012 is not applicable as no procurement is being undertaken.

8. 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.

Appendices

Appendix 1 Political balance of Committees

Appendix 2 Appointments to Committees

Additional Information

None