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Date: Friday, 11 May 2012

Democratic Services
Town Hall
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Dear Member

ADJOURNED ANNUAL COUNCIL - WEDNESDAY, 16 MAY 2012

I am now able to enclose, for consideration at the Wednesday, 16 May 2012 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
7.	Composition and Constitution of the Executive and Record of Delegations of Executive Functions	(Pages 104 - 112)
9.	Appointments to Committees for 2012/13 and Other Bodies	(Pages 113 - 133)

Yours sincerely

June Gurry
Clerk

Agenda Item 7

Composition and Constitution of the Executive and Record of Delegations of Executive Functions

This Report is presented to the adjourned annual meeting of the Council on 16 May 2012 in accordance with Standing Orders A1.2 (viii) and (xiii) and C2 to C4 for inclusion in the Council's Scheme of Delegation (Schedule 6 to Part 3) of the Constitution of Torbay Council.

- The names, addresses and wards of the people appointed to the Executive by the Mayor are set out below:

Name	Address	Electoral Ward
Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor David Thomas	54 Lower Fowden Broadsands Paignton TQ4 6HS	Blatchcombe
Executive Lead for Tourism and Environment – Councillor Jeanette Richards	Montana 217 Dartmouth Road Paignton TQ4 6LG	Blatchcombe
Executive Lead for Safer Communities and Transport – Councillor Robert Excell	31 St Michael's Road Decoy Newton Abbot TQ12 1DJ	Tormohun
Executive Lead for Involved and Healthy Communities – Councillor Alison Hernandez	50 Cadewell Lane Shiphay Torquay TQ2 7ER	Shiphay with the Willows
Executive Lead for Children, Schools and Families – Councillor Chris Lewis	7 Lutyens Drive Paignton TQ3 3LA	Preston
Executive Lead for Adult Social Care and Older People – Councillor Christine Scouler	4 Merryland Close Preston Paignton TQ3 1HT	Preston
Executive Lead for Finance and Audit – Councillor Alan Tyerman	27 Broadsands Park Road Paignton TQ4 6JG	Goodrington with Roselands
Executive Lead for Business Planning and Governance – Ken Pritchard	62 Lower Fowden Elbury Cove Paignton TQ4 6HS	Churston with Galmpton
Executive Lead for Culture and the Arts – Councillor Dave Butt	90 Marldon Road Paignton TQ3 3NW	Preston

2. The Mayor is responsible for the discharge of all executive functions (except as specified in paragraph 3. below). Executive Leads will have an advisory role in relation to the areas of responsibility set out below.

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Mayor Gordon Oliver (Executive Lead for Employment and Regeneration)	Employment and Regeneration	<ul style="list-style-type: none"> • Built Environment • Employment and Skills • Business support • Regeneration • Business Relocation, Creation and Growth (inc. social enterprise/apprenticeships) • Inward Investment • Property (assets) • Estates • <i>(Torbay Economic Development Company)</i> • <i>(Local Enterprise Partnership)</i> • <i>(Events Forum)</i> 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Job-led regeneration focusing on specific sectors. ■ Create the right environment for inward investment. ■ Continue to progress with the South Devon Link Road. ■ Adhere to sympathetic regeneration. ■ Through the Torbay Strategic Partnership encourage public and private sectors to develop employment of apprentices. 	<p>Director of Place and Resources</p> <p>Chief Executive Economic Development Company</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Deputy Mayor and Executive Lead for Strategic Planning, Housing and Energy – Councillor David Thomas	Strategic Planning, Housing, Waste and Energy	<ul style="list-style-type: none"> • Spatial Planning • Housing Standards • Housing Options • Affordable housing • • Facilities management • Environmental Policy (including waste and carbon reduction) • Energy • <i>(Waste Disposal (TOR2))</i> • <i>(Torbay Strategic Partnership)</i> • <i>(Torbay Town Centre Development Forum)</i> 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Monitor the TOR2 contract for improved recycling, waste and clean streets. ■ Support the creation of Town Centres Business Improvement Districts. ■ Revitalise the retail offer in the town centres. ■ Plan for the supply and demand of energy for the Bay. <p>Health:</p> <ul style="list-style-type: none"> ■ Reduce local greenhouse gas emissions. <p>Happiness:</p> <ul style="list-style-type: none"> ■ Ensure an appropriate supply of quality housing within communities. 	<p>Director of Place and Resources</p> <p>Executive Head Spatial Planning</p>
Executive Lead for Culture and the Arts – Councillor Dave Butt	Arts, theatres libraries and museums	<ul style="list-style-type: none"> • Culture, museums, archives, theatres, libraries, arts • Libraries supporting education and health • Theatre contracts and arts development grants • Museum grants • Music for schools • <i>(Arts Council Regional Board)</i> • <i>(Creative Torbay)</i> • <i>(Archives – Devon County Council Partnership)</i> • <i>(Cultural Champion for Torbay)</i> 	<p>Happiness:</p> <p>Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors.</p>	

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Tourism and Environment – Councillor Jeanette Richards	Tourism and Environment	<ul style="list-style-type: none"> • Leisure, beaches, parks and open spaces • Special events • Tor Bay Harbour Authority • <i>(Torbay Coast and Countryside Trust)</i> • <i>(English Riviera Tourism Company)</i> 	Happiness: <ul style="list-style-type: none"> ■ Work towards creating a sustainable and flourishing leisure, culture and tourism sector that is open to residents and visitors. 	Director of Place and Resources Executive Head Residents and Visitor Services Executive Head Tor Bay Harbour Authority
Executive Lead for Safer Communities and Transport – Councillor Robert Excell	Safer Communities and Transport	<ul style="list-style-type: none"> • Safer Communities • Food Safety and Standards • Safety and Licensing • Trading Standards • Community Protection • Emergency Planning • Flooding and Drainage • Corporate Health and Safety • Corporate Security (CCTV, Street Lighting,) • Strategic Transport • Highways management • Parking • Public toilets • Cemeteries and Crematoria • Sport • Tree Services • <i>(Community Safety Partnership)</i> • <i>(Riviera International Conference Centre)</i> 	Prosperity: <ul style="list-style-type: none"> ■ Lobby to improve rail services. Health: <ul style="list-style-type: none"> ■ Promote sport and outdoor activity to improve health and wellbeing. Happiness: <ul style="list-style-type: none"> ■ Work towards keeping crime low by: <ul style="list-style-type: none"> ○ Maintaining focus on the night-time economy; and ○ Working with the Police Commissioner for resources to ensure crime levels remain low and people feel safe. ■ Make it easier to get around the Bay by developing integrated transport where feasible. 	Director of Public Health Executive Head Community Safety Executive Head Residents and Visitor Services

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Involved and Healthy Communities – Councillor Alison Hernandez	Involved and Healthy Communities	<ul style="list-style-type: none"> • Partnerships • Localism • Closing the Gap and Public Health (including Health Improvement and Public Health Commissioning) • Communication • Consultation • Community Development including Community Partnerships • Voluntary Sector Development • Champion for Volunteers • Local Democracy 	<p>Health:</p> <ul style="list-style-type: none"> ■ Continue to work on the Closing the Gap Strategy and roll out to other areas by involving communities. ■ Reduce the negative impact of alcohol, obesity, tobacco and drugs on our communities. ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Scouler). <p>Happiness:</p> <ul style="list-style-type: none"> ■ Jointly engage and involve communities to resolve local issues in neighbourhoods. ■ Engage with communities in rolling out locality workings and community budgets as part of localism. ■ Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance (joint with Councillor Pritchard) 	<p>Director of Public Health</p> <p>Executive Head Community Safety</p> <p>Executive Head Health Improvement</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
<p>Executive Lead for Children, Schools and Families – Councillor Chris Lewis</p>	<p>Children, Schools and Families</p>	<ul style="list-style-type: none"> • Safeguarding and wellbeing • Early Intervention • Family Intervention Project • Intensive Family Support Services • Domestic Abuse Services • School Improvement • School Leadership • Youth Offending Team • Youth, Childrens and Family Centres • Early Years Services • Integrated Locality Teams 0-19 • Children’s Commissioning • <i>(Children’s Trust)</i> • <i>(Health and Wellbeing Board)</i> 	<p>Corporate Lead for:</p> <p>Prosperity:</p> <ul style="list-style-type: none"> ■ Raise skills levels by working with schools and South Devon College to meet the standards set by the Department for Education for attainment and attendance. ■ Tackling child poverty <p>Health:</p> <ul style="list-style-type: none"> ■ Continue to improve Children safeguarding (joint with Councillor Scouler on Adults safeguarding). ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Hernandez and Scouler). ■ Reduce teenage pregnancy. 	<p>Director of Children’s Services</p> <p>Director of Public Health</p> <p>Executive Head Safeguarding and Wellbeing</p>

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Adult Social Care and Older People – Councillor Christine Scouler	Adult Social Care and Older People	<ul style="list-style-type: none"> • Adult Services • Older People • Supporting People • (<i>Torbay Care Trust</i>) 	Health: <ul style="list-style-type: none"> ■ Continue to improve Adults safeguarding (joint with Councillor Lewis on Children safeguarding). ■ With partners, use the principles of Early Intervention and Early Prevention in supporting communities (joint with Councillors Lewis and Hernandez) 	Director of Adult Services and Resources
Executive Lead for Finance and Audit – Councillor Alan Tyerman	Finance and Audit	<ul style="list-style-type: none"> • Financial (including Capital and Revenue Budget and Budget Monitoring) • Corporate debt and creditor payments • Revenue and Benefits • Business Rates • (<i>Devon Audit Partnership</i>) 	Prosperity: <ul style="list-style-type: none"> ■ Continued to provide value for money for our communities by: <ul style="list-style-type: none"> ○ Reducing costs/increasing income/improving productivity so increases in council tax are kept low. 	Director of Place and Resources Executive Head Finance

	Portfolio	Cross Cutting Issues (Services/Outcomes)	Corporate Lead for:	Main Director/ Executive Head
Executive Lead for Business Planning and Governance – Ken Pritchard	Business Planning, Governance and Member Development	<ul style="list-style-type: none"> • Performance • Human Resources and Organisational Development (including Payroll) • Business Change and Programme Support • Risk Management • Information Services • Commercial Services • Governance • <i>(Local Enterprise Partnership)</i> 	<p>Prosperity:</p> <ul style="list-style-type: none"> ■ Continued to provide value for money for our communities by: <ul style="list-style-type: none"> ○ Reviewing the structures of the Council so they are still fit for purpose. <p>Happiness:</p> <ul style="list-style-type: none"> ■ Promote democracy, transparency and civic engagement, and when able to, re-look at the Mayoral System of Governance (joint with Councillor Hernandez) 	<p>Director of Adult Services and Resources</p> <p>Director of Place and Resources</p> <p>Executive Head Information Services</p> <p>Executive Head Commercial Services</p> <p>Executive Head Business Services</p>

3.
 - (i) The Deputy Mayor will be responsible for the discharge of all executive functions relating to the regeneration of the Castle Circus area of Torquay as the Mayor owns properties in this area and has a personal and prejudicial interest;
 - (ii) the Deputy Mayor will be responsible for the discharge of executive functions if the Mayor:
 - (a) is absent (e.g. on holiday) for a period of time or in cases of urgency where the Chief Executive is satisfied that the Mayor cannot be reasonably contacted;
 - (b) is incapacitated through illness; or
 - (c) has a person prejudicial interest in any matter requiring determination.
 - (iii) If the Mayor or the Deputy Mayor (Councillor David Thomas) are unable to act on a matter requiring a decision then the Chief Executive shall have the power to determine any matter requiring a decision.
4. No executive committees have been appointed at the present time.
5. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
6. The Mayor has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council's Standing Orders in relation to the Executive.
7. So far as the Constitution requires officers to consult with "the relevant member", the areas of responsibility of the Executive Leads are as set out paragraph 2 above.



Public Agenda Item: **Yes**

Title: **Appointments to Committees and Other Bodies for 2012/2013**

Wards Affected: **All Wards in Torbay**

To: **Adjourned Annual Council** On: **16 May 2012**

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. In addition, to ensure the committees have appropriate terms of reference and that appointments to those bodies are made in accordance with the political balance requirements.
- 1.2 To appoint the Council's representative on the Devon and Cornwall Police Authority and appoint the 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 Mayor be reappointed as the Councils nominated representative on the Devon and Cornwall Police Authority.**
- 2.4 **That the Mayor be recommended to appoint the Shadow Health and Wellbeing Board with membership and terms of reference set out in Appendix 3 to this report.**

3. Key points and reasons for recommendations

3.1 The political composition of the Council 22 Members of the Conservative Group (including the Elected Mayor), 10 Members of the Liberal Democrat Group and 4 Members of the Non-Coalition Group and 1 Labour Member. The political balance is now:

Conservative Group	22 seats	= 59.5%
Liberal Democrat Group	10 seats	= 27%
Non-Coalition Group	4 seats	= 10.8%
Labour	1 seat	= 2.7%

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.

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

June Gurry
Governance Support Manager

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 Executive 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).
- 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 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 annual appointment. The Council's representative on the Police Authority also sits on the Safer Communities Executive.
- A1.6 The Council established a Shadow Health and Wellbeing Board on 24 May 2011, as an early implementer, and it has met three times during 2011/12 to start to develop an understanding of the work of the different agencies involved

in the partnership. It has considered issues such as the Pharmaceutical Needs Assessment, draft Health and Wellbeing Strategy and undertook a workshop session around the emerging Joint Strategic Needs Assessment. It also took on responsibility for overseeing children's outcomes following the disbanding of the Children's Trust Commissioning Board in December 2011.

A1.7 All Councils are required to formally establish a Shadow Health and Wellbeing Board by April 2012 with the formal Board being operational from April 2013 when the new changes to the NHS come into force. Further background information on Health and Wellbeing Boards and the proposed membership and terms of reference for the Shadow Health and Wellbeing Board is set out at Appendix 3 to this report.

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 Schedule 4 – Terms of Reference - Overview and Scrutiny Board and Sub-committees, Regulatory and Other Committees, Area Committees and Other Bodies

Appendix 3 Shadow Health and Wellbeing Board

Background Papers:

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

None

Political Balance of Committees

Committee	Conservative Group	Liberal Democrat Group	Non-Coalition Group	Labour Member	Total
Overview and Scrutiny Board	5	3	1		9
Audit Committee	4	2			6
Development Management Committee	6	2	1		9
Licensing Committee	8	4	2	1	15
Harbour Committee	6	2	1		9
Employment Committee	3	1		1	5
Appeals Committee	4	2	1		7
Civic Committee	4	2	1		7
	40	18	7	2	67

Schedule 4 – Terms of Reference

**Overview and Scrutiny Board and Sub-committees, Regulatory and Other Committees,
Area Committees and Other Bodies**

Name of Committee and Terms of Reference	Membership	Members
<p>Overview and Scrutiny Board:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny). 3. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Executive. 4. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are the responsibility of the Executive. 5. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Executive. 	<p>9 members of the Council (including the Overview and Scrutiny Co-ordinator and Scrutiny Lead Members) excluding the Mayor, other members of the Executive and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> <p>Conservative (5):</p> <p>Liberal Democrat (3):</p> <p>Non-Coalition Group (1):</p> <p>Co-opted Members (4):</p>	<p>Councillors Barnby, bent, butt, James, Kingscote and Thomas (J)</p> <p>Councillors Darling, Pentney and Pountney</p> <p>Councillor Stockman</p> <p>Penny Burnside (Church of England)</p>

**Torbay Council – Constitution
Reference**

Schedule 4 – Terms of

Name of Committee and Terms of Reference	Membership	Members
<p>6. To make reports or recommendations to the Authority or the Executive with respect to the discharge of functions which are not the responsibility of the Executive.</p> <p>7. To make reports or recommendations to the Authority or the Executive or the Council's partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority's area or the inhabitants of that area.</p> <p>8. To consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001.</p> <p>9. To consider all matters and issues arising from the Council's power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p> <p>10. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>		<p>Representative), plus 1 Roman Catholic Diocesan Representative vacancy and 2 Parent Governor Representative vacancy</p>

<p>Audit Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the External Auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the Audit Commission over the appointment of the Council's external auditor. 9. To commission work from Internal and External Audit within approved resources. 	<p>6 members of the Council excluding members of the Executive, in accordance with the political balance requirements</p> <p>Conservative (4)</p> <p>Liberal Democratic (2)</p>	<p>Councillors Addis, Bent, Brooksbank and Hill</p> <p>Councillors Pountney and Stocks</p>
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	<p>Regulatory Framework</p> <p>10. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p> <p>11. To review any issue referred to it by the Chief Executive, a Commissioner, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p> <p>12. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>13. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>14. To oversee the production of the authority’s Statement on Internal Control and to recommend its adoption.</p> <p>15. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p> <p>16. To review the Code of Corporate Governance.</p> <p>17. To monitor the Council’s compliance with its own and other published standards and controls.</p>	
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<p>Accounts</p> <p>18. On behalf of the Council, to approve the annual statement of accounts.</p> <p>19. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p>		
<p>Development Management Committee:</p> <p>Terms of Reference:</p> <p>1. At all times to have regard to the Torbay Local Plan 1995-2011 (“the Torbay Local Plan”).</p> <p>2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to:</p> <p>Town and Country Planning Conservation Areas Listed Buildings Scheduled Ancient Monuments The display of advertisements Tree Preservation Orders Complaints about high hedges Public Rights of Way Minerals Highways matters Waste</p> <p>so far as they are set out in Schedule 2 of this Part 3 of the</p>	<p>9 members of the Council with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative (6):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition Group (1):</p>	<p>Councillors Addis, Barnby, Brooksbank, Hill, Kingscote and McPhail</p> <p>Councillors Baldrey and Pentney</p> <p>Councillor Morey</p>

	<p>Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of either the Executive Head Spatial Planning) not be in accordance with the Torbay Local Plan unless both those Officers recommend such determination and the determination is in entire accordance with their recommendation. If the Committee consider that an application (or other matter) shall be determined not in accordance with the Torbay Local Plan then (unless their determination is in accordance with the recommendation of the Executive Head Spatial Planning) the item shall be referred to Council for determination.</p> <p>4. The Committee shall not determine any application (or other matter) that relates to land owned, controlled or occupied by the Council in a manner that is not in accordance with the recommendation of the Executive Head Spatial Planning. If the Committee consider that an application (or other matter) that relates to land owned, controlled or occupied by the Council shall be deferred or determined not in accordance with the recommendation of the Executive Head Spatial Planning the Executive Head may refer that matter to Council for consideration or determination.</p>
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<p>Licensing Committee:</p> <p>Terms of Reference:</p> <p>To carry out the Licensing functions of the Council.</p>	<p>15 members of the Council (politically balanced)</p> <p>Conservative (8):</p> <p>Liberal Democrat (4):</p> <p>Non-Coalition Group (2):</p> <p>Labour (1):</p>	<p>Councillors Addis, Amil, Barnby, Bent, Brooksbank, Butt, Hytche and James</p> <p>Councillors Doggett, Faulkner (A), Pentney and Stocks</p> <p>Councillors Ellery and Parrott</p> <p>Councillor Cowell</p>
<p>Harbour Committee:</p> <p>Terms of Reference:</p> <p>To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour and Maritime Strategy, the Council's Policy Framework. Specifically the Committee will:-</p> <ol style="list-style-type: none"> 1. manage all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Harbour and maritime 	<p>9 members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term and one non-voting advisor who is a private sector representative of the Board of the Torbay Economic Development Company</p>	

Torbay Council – Constitution Reference

Schedule 4 – Terms of

<p>strategy and including (but not limited to):</p> <ol style="list-style-type: none"> (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums; (b) approving the annual revenue budgets within the ring-fenced harbour accounts; (c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and (d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing; <p>providing that no decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.</p> <ol style="list-style-type: none"> 2. to act as Duty Holder for the purposes of the Port Marine Safety Code; 3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council's policy framework, and address any issues relating to performance; 4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions; 5. review annually the powers delegated to the Executive Head Tor Bay Harbour Authority – Tor Bay Harbour Master and refer any 	<p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (6):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition Group (1)</p>	<p>Councillors Amil, Hytche, James, McPhail, Richards and Mayor Oliver</p> <p>Councillors Faulkner (J) and Baldrey</p> <p>Councillor Ellery</p>
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**Torbay Council – Constitution
Reference**

Schedule 4 – Terms of

<p>proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</p> <p>6. consider any other matters referred to the Committee by the Executive Head Tor Bay Harbour Authority;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Executive Head Tor Bay Harbour Authority and the Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of Torbay Economic Development Company Ltd. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>		
<p>Employment Committee:</p> <p>Terms of Reference:</p> <p>1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</p>	<p>5 members of the Council</p> <p>Conservative (3):</p> <p>Liberal Democrat (1):</p>	<p>Councillors McPhail, Pritchard and Thomas (D)</p> <p>Councillor Darling</p>

**Torbay Council – Constitution
Reference**

Schedule 4 – Terms of

<p>2. To determine appointments to post of Commissioner or equivalent positions of the Council, including the terms and conditions of contracts, appointment procedures and arrangements.</p> <p>3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.</p> <p>4. To exercise the Council's powers of appointment (and removal) of Directors and Chief Executives for all companies in respect of which the Council has such powers.</p> <p>5. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.</p> <p>6. Draw up and recommend to Council a policy framework on pay for executive remuneration and severance as a whole.</p> <p>7. Working within the approved policy framework, agree the remuneration package for relevant senior executives, ensuring individuals are fairly but responsibly rewarded for their individual contribution.</p> <p>8. Report to taxpayers and the Council their decisions on behalf of the council through a report for publication by Council.</p> <p>9. Ensure that the relationship between senior executive pay and for employees below this level remains consistent and sensible.</p> <p>10. The Employment Committee will apply the necessary internal controls to allow it to comply with any audit enquiry.</p>	<p>Labour (1):</p>	<p>Councillor Cowell</p>
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<p>Appeals Panel (School Transport, Student Awards, Licensing and Discretionary Housing Payments):</p> <p>Terms of Reference:</p> <p>To determine appeals in respect of school transport, student awards, discretionary housing payments and licensing.</p>	<p>7 members of the Council</p> <p>Conservative (4):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition (1)</p>	<p>Councillors Addis, Pritchard, Thomas (D) and Tyerman</p> <p>Councillors Stocks and Faulkner (J)</p> <p>Councillor Morey</p>
<p>Civic Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To consider nominations for the title of Honorary Freeman and make recommendations to the Council as necessary. 2. To consider and promote nominations for national and local awards. 3. To identify events to attract Royal visits 4. To keep updated on major national civic events. 	<p>7 members of the Council in accordance with the political balance requirements</p> <p>Conservative (4):</p> <p>Liberal Democrat (2):</p> <p>Non-Coalition (1):</p>	<p>Councillors Amil, Brooksbank, Kingscote and McPhail</p> <p>Councillors Doggett and Faulkner (A)</p> <p>Councillor Stockman</p>
<p>Standards Committee:</p> <p>Terms of Reference:</p> <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by the Mayor, 	<p>4 members of Torbay Council (2 Conservative and 2 Liberal Democrat), plus 4 named substitutes (2 Conservative and 2</p>	

Torbay Council – Constitution Reference

Schedule 4 – Terms of

<p>councillors, co-opted members and church and parent governor representatives.</p> <p>2. To assist the Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.</p> <p>3. To advise the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>4. To monitor the operation of the Members' Code of Conduct.</p> <p>5. To advise, train or arrange to train the Mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.</p> <p>6. To grant dispensations where permitted by law to the Mayor, councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.</p> <p>7. To review the Council's local protocols.</p> <p>8. To consider reports in relation to Ombudsman investigations.</p> <p>9. To review the Constitution in relation to ethics and probity issues.</p> <p>10. To advise others on probity and ethics.</p> <p>11. To appoint sub-committees to deal with appointments of independent members, local assessment, investigation and determination of allegations of breaches of the Code of Conduct for</p>	<p>Liberal Democrat), 3 Brixham Town Council Councillors plus 1 named substitute from Brixham Town Council and 5 independent members.</p> <p>Conservative (2):</p> <p>Liberal Democrat (2)</p> <p>Brixham Town Council (3):</p>	<p>Councillors Addis and McPhail (Councillor Thomas (D) plus one vacancy substitute)</p> <p>Councillors Doggett and Stocks (plus two vacancy substitutes)</p> <p>Councillors Boote, Henderson and Lomas (Councillor Hodge substitute)</p>
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<p>Members.</p> <p>12. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>		
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Shadow Health and Wellbeing Board

Background

1. What are health and wellbeing boards?

Subject to parliamentary passage, health and wellbeing boards will be a forum for key leaders from the health and care system to work together to improve the health and wellbeing of their local population and reduce health inequalities.

Each top tier and unitary authority will have its own health and wellbeing board. Board members will collaborate to understand their local community's needs, agree priorities and encourage commissioners to work in a more joined up way. As a result, patients and the public should experience more joined-up services from the NHS and local councils in the future.

Health and wellbeing boards are a key part of broader plans to modernise the NHS to:

- ensure stronger democratic legitimacy and involvement
- strengthen working relationships between health and social care, and,
- encourage the development of more integrated commissioning of services.

The boards will help give communities a greater say in understanding and addressing their local health and social care needs.

2. What will they do?

- Health and wellbeing boards will have strategic influence over commissioning decisions across health, public health and social care.
- Boards will strengthen democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning decisions alongside commissioners across health and social care. The boards will also provide a forum for challenge, discussion, and the involvement of local people.
- Boards will bring together clinical commissioning groups and councils to develop a shared understanding of the health and wellbeing needs of the community. They will undertake the Joint Strategic Needs Assessment (JSNA) and develop a joint strategy for how these needs can be best addressed. This will include recommendations for joint commissioning and integrating services across health and care.
- Through undertaking the JSNA, the board will drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system. Other services that impact on health and wellbeing such as housing and education provision will also be addressed.

3. When will the boards be established?

By April 2012, health and wellbeing boards will need to be able to operate effectively in shadow form during 2012-13. Boards will take on their statutory functions from April 2013.

4. **Who will sit on the boards?**

- The Health and Social Care Bill mandates a minimum membership of:
 - one local elected representative
 - a representative of local Healthwatch organisation
 - a representative of each local clinical commissioning group
 - the local authority director for adult social services
 - the local authority director for children’s services
 - the director of public health for the local authority
- Local boards will be free to expand their membership to include a wide range of perspectives and expertise, such as representatives from the charity or voluntary sectors.
- Membership is not the only way to engage with the work of the boards, all boards regardless of their political or geographic make-up will be expected to ensure that the needs of local people as a whole are taken into account.

5. **How will local communities be able to get involved?**

- Boards will be under a statutory duty to involve local people in the preparation of Joint Strategic Needs Assessments and the development of joint health and wellbeing strategies.
- Each health and wellbeing board will have a local Healthwatch representative member. Local Healthwatch will have a formal role of involving the public in major decision making around health and social care and its work is expected to feed into that of the health and wellbeing boards. To find out more about Healthwatch.
- All health and wellbeing boards will be accountable to local people through having local councillors as members of the board.

6. **Membership of Shadow Health and Wellbeing Board**

It is proposed that the **Shadow Health and Wellbeing Board will be comprised of:**

- **Four councillors (politically balanced but nominated by the Mayor and reflecting the geographical spread of Torbay as far as possible) (including the Mayor if he/she wishes)**
- **Director of Adult Social Services**
- **Director of Children’s Services**
- **Director of Public Health**
- **Chair (or representative) of Torbay Local Involvement Network (LINK) (pending the establishment of the Local HealthWatch Organisation)**
- **Chair (or representative) of Baywide GP Commissioning Consortium**
- **Representative of Devon Local Pharmaceutical Committee**

7. Meetings of the Shadow Health and Wellbeing Board will be held bi-monthly in public.

8. The terms of reference for the Shadow Health and Wellbeing Board are:

- **To develop the Joint Strategic Needs Assessment, draft Health and Wellbeing Strategy and Pharmaceutical Needs Assessment.**
- **To provide a statement on the integration of health-related services and the provision of health and social care services in Torbay.**
- **To participate in the early implementer network for Health and Wellbeing Boards.**
- **To be accountable for children's outcomes including:**
 - **Improving outcomes for troubled families; and**
 - **Children's substance misuse commissioning.**
- **To be accountable for adult social care commissioning.**

9. The Shadow Health and Wellbeing Board will report to the decision makers from each of the member organisations, where appropriate, during 2012/13 and this will be kept under review pending emerging legislation, regulations and guidance.

10. In terms of accountability, the Overview and Scrutiny Board will continue to be able to hold the Shadow Health and Wellbeing Board to account. In practice, this will mean members of the Board having sight of agendas and minutes from both partnerships and being able to review or scrutinise any issues of concern.